



# AGENDA

**Lucas City Council Regular Meeting  
March 19, 2015  
6:00 PM  
City Hall  
665 Country Club Road – Lucas, Texas**

Notice is hereby given that a City of Lucas Regular City Council Meeting will be held on Thursday, March 19, 2015 at 6:00 pm at the Lucas City Hall, 665 Country Club Road, Lucas, Texas, 75002-7651 at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

## Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

## Citizens' Input

The Citizens' Input portion of the agenda is an opportunity for the public to address the City Council on any subject. By completing a "Request to Speak" form and submitting it to the City Secretary, citizens have an opportunity to speak at the City Council meeting. However, in accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions at this time but may refer items to City Staff for research and possible inclusion on a future agenda.

### 1. Citizens' Input.

## Community Interest

Pursuant to Section 551.0415 of the Texas Government Code, the City Council may report on the following items 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.

2. Discussion and update regarding the drought contingency plan, conservation efforts and watering restrictions as it pertains to the City of Lucas.  
[Councilmember Debbie Fisher and Public Works Director/City Engineer Stanton Foerster, PE]
3. Discussion and provide guidance to the City Attorney and City Staff regarding pending legislation that is being considered by the 84th Legislature. [City Manager Joni Clarke]

### **Consent Agenda**

All items listed under the consent agenda are considered routine and are recommend to the City Council for a single vote approval. If discussion is desired, an item may be removed from the consent agenda for a separate vote.

4. Consider approval of the minutes from the February 5, 2015 City Council meeting. [Administrative Assistant, Jennifer Clark]
5. Consider approval of the minutes from the February 19, 2015 City Council meeting. [City Secretary, Stacy Henderson]
6. Consider approval of the minutes from the February 24, 2015 City Council special meeting. [City Secretary, Stacy Henderson]
7. Consider approval of Resolution 2015-02-00424 of the City of Lucas, Collin County Texas in opposition to a revenue cap and legislative interference with local services. [City Manager, Joni Clarke]
8. Consider requesting the Collin County Local Health District Medical Director be assigned as the City of Lucas' Local Health Authority. [Chief, Jim Kitchens]

### **Public Hearings**

No public hearings are scheduled for this meeting.

### **Regular Agenda**

9. Consider the acceptance and approval of the City of Lucas' Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2013-2014 presented by Conway Company CPAs PC. [Finance Director, Liz Exum]
10. Discuss and consider amending the Code Of Ordinances by amending Chapter 2 titled "Animal Control" by amending Article 2.01 titled "General Provisions" by amending Section 2.01.001 titled "Definitions" and amending Section 2.01.002 titled "Violations; Penalty" to set forth specific violations; by renaming Article 2.02 to read "Caring For Animals" to set forth specific regulations and requirements for the care of animals; by amending and re-numbering Article 2.02 titled "Rabies Control". [Development Services Director, Joe Hillbourn]

11. Discuss and consider amending the Code of Ordinances by amending Chapter 3 titled "Building Regulations" by adding a new Article 3.19 titled "Fencing Requirements" to set forth fencing requirements. [Development Services Director, Joe Hillbourn]
12. A. Consider prioritizing safety enhancements to Collector Street Projects.  
B. Authorize staff to work with SAMCO Financial Advisors on the Notice of Intention Resolution to issue Certificates of Obligation. [Public Works Director, Stanton Foerster, Finance Director, Liz Exum]
13. Consider approving an Interlocal Agreement for Emergency Services between the City of Lucas and Collin County effective upon execution by both parties through September 30, 2016 to clarify the City of Lucas service area for Fire and Emergency Medical Services and authorize the Mayor to execute said agreement. [City Manager, Joni Clarke]
14. Discuss and consider the revised Outdoor Burning Rule, Title 30, Texas Administrative Code, Sections 111.201-221, and requirements under Texas State law as it relates to the authority of the City to issue permits for outdoor burning. [Development Services Director, Joe Hillbourn, Fire Chief, Jim Kitchens]
15. Consider the Center for Public Safety Management's (CPSM) Fire and Emergency Medical Services Operational Analysis of the Lucas Fire Department and provide guidance to staff. [City Manager, Joni Clarke, Fire Chief Jim Kitchens]

### **Executive Session**

The City Council may convene in a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code.

An Executive Session is not scheduled for this meeting.

16. Adjournment.

### **Certification**

I hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002-7651 and on the City's website at [www.lucastexas.us](http://www.lucastexas.us) by 5:00 p.m. on Friday, March 13, 2015.



Stacy Henderson  
City Secretary

*In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Stacy Henderson at 972.912.1211 or by email at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) at least 48 hours prior to the meeting.*

# LUCAS CITY COUNCIL

Meeting Date March 19, 2015

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## AGENDA ITEM:

- Call to Order
  - Roll Call

	Present	Absent
Mayor Rebecca Mark	<input type="checkbox"/>	<input type="checkbox"/>
Seat 1 CM Wayne Millsap	<input type="checkbox"/>	<input type="checkbox"/>
Seat 2 CM Jim Olk	<input type="checkbox"/>	<input type="checkbox"/>
Seat 3 CM Steve Duke	<input type="checkbox"/>	<input type="checkbox"/>
Seat 4 CM Philip Lawrence	<input type="checkbox"/>	<input type="checkbox"/>
Seat 5 CM Debbie Fisher	<input type="checkbox"/>	<input type="checkbox"/>
Seat 6 MPT Kathleen Peele	<input type="checkbox"/>	<input type="checkbox"/>
  - Determination of Quorum
  - Reminder to silence cell phones
  - Pledge of Allegiance
- 

## Informational Purposes

- |  |                          |
|--|--------------------------|
| City Manager Joni Clarke                   | <input type="checkbox"/> |
| City Secretary Stacy Henderson             | <input type="checkbox"/> |
| Public Works Director Stanton Foerster     | <input type="checkbox"/> |
| Finance Director Liz Exum                  | <input type="checkbox"/> |
| HR Director Cheryl Meehan                  | <input type="checkbox"/> |
| Fire Chief Jim Kitchens                    | <input type="checkbox"/> |
| Development Services Director Joe Hilbourn | <input type="checkbox"/> |
| City Attorney Joe Gorfida, Jr.             | <input type="checkbox"/> |



**City of Lucas  
City Council Regular Meeting  
March 19, 2015**

**Name of Requestor:** City Secretary, Stacy Henderson

**Agenda Item:**

Citizen's Input.

**Background Information:**

N/A

**Attachments/Supporting Documentation:**

N/A

**Budget/Financial Impact:**

N/A

**Recommendation:**

N/A



**City of Lucas  
City Council Regular Meeting  
March 19, 2015**

**Name of Requestor:** Councilmember, Debbie Fisher  
Public Works Director, Stanton Foerster  
City Manager, Joni Clarke

**Agenda Item:**

Items of Community Interest:

2. Discussion and update regarding the drought contingency plan, conservation efforts and watering restrictions as it pertains to the City of Lucas.
3. Discussion and provide guidance to the City Attorney and City Staff regarding pending legislation that is being considered by the 84th Legislature.

**Background Information:**

N/A

**Attachments/Supporting Documentation:**

1. Senate Bill 343
2. Email from City Attorney

**Budget/Financial Impact:**

N/A

**Recommendation:**

N/A

By: Huffines

S.B. No. 343

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the conformity of local law with state law.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 1, Local Government Code, is amended by  
5 adding Section 1.006 to read as follows:

6 Sec. 1.006. CONFORMITY WITH STATE LAW. (a) Where the  
7 state has passed a general statute or rule regulating a subject, a  
8 local government shall restrict its jurisdiction and the passage of  
9 its ordinances, rules, and regulations to and in conformity with  
10 the state statute or rule on the same subject, unless the local  
11 government is otherwise expressly authorized by statute.

12 (b) Unless expressly authorized by state statute, a local  
13 government shall not implement an ordinance, rule, or regulation  
14 that conflicts with or is more stringent than a state statute or  
15 rule regardless of when the state statute or rule takes effect.

16 SECTION 2. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2015.



## Joni Clarke

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**From:** Joe Gorfida <Jgorfida@njdhs.com>  
**Sent:** Friday, February 27, 2015 9:02 AM  
**To:** Joni Clarke  
**Subject:** Fwd: Murphy fighting Bill 343

Fyi. See below.

Sent from my iPad

Begin forwarded message:

**From:** Frank M <[fgmce@yahoo.com](mailto:fgmce@yahoo.com)>  
**Date:** February 27, 2015 at 8:45:28 AM CST  
**To:** Debra Walthall <[Debra.Walthall@cityofcorinth.com](mailto:Debra.Walthall@cityofcorinth.com)>, Joe Gorfida <[Jgorfida@njdhs.com](mailto:Jgorfida@njdhs.com)>  
**Subject: Murphy fighting Bill 343**

F Y I

In an effort to oppose Senate Bill 343, presented by Sen. Don Huffines, R-Dist. 16, the Murphy City Council passed a resolution in opposition to the bill at its Feb. 17 meeting.

This bill absolutely erodes the powers of a home rule municipality to adopt ordinances affecting the city's ability to govern its citizens," said City Manager James Fisher. "Under the bill, city voters and locally elected officials would have to get the state legislature's permission to enact any local ordinance, rule, or regulation."

The Texas Constitution (Article XI, Section 5) authorizes cities with a population over 5,000 to adopt by election a home rule charter, said Shanna Igo, deputy executive director of the Texas Municipal League in a letter to Sen. Huffines. The home rule charter grants the citizens of that city the power of self-government, she said. General law cities with populations under 5,000, can only do what the state legislature expressly authorizes them to do, she said.

"These 'home rule' cities can regulate however they choose, so long as not preempted by state or federal law from doing so," Igo said. "By approving the home rule amendment to the Constitution in 1912, the voters of Texas approved the idea that larger cities don't need the state's 'permission' to act."

Murphy voted on a home rule charter in 2004, Fisher said. Andy Messer, city attorney, said if the bill is enacted into law, it would affect a number of city ordinances.

"I would have to go through the city's ordinances with a fine-tooth comb," Messer said. "Any ordinance that is found to be more stringent than state law requires would be wiped out. There are probably many instances where we are more stringent than the state."

The city council voted unanimously to adopt the resolution in opposition of SB 343. Mayor Eric Barna was not present for the meeting. A copy of the resolution will be sent

to Rep. Jodie Laubenberg, R-Dist. 89; Sen. Van Taylor, R-Dist. 8; and Sen. Huffines, Fisher said

For more local news, pick up a copy of this week's Murphy Monitor or access the e-edition via this website: [MurphyMonitor.com](http://MurphyMonitor.com)



**City of Lucas  
City Council Regular Meeting  
March 19, 2015**

**Name of Requestor:** City Secretary, Stacy Henderson

**Agenda Item:**

**Consent and approve:**

4. Consider approval of the minutes of the February 5, 2015 City Council meeting.
5. Consider approval of the minutes of the February 19, 2015 City Council meeting.
6. Consider approval of the minutes of the February 24, 2015 City Council special meeting.
7. Consider approval of Resolution 2015-02-00424 of the City of Lucas, Collin County, Texas in opposition to a revenue cap and legislative interference with local services.
8. Consider requesting the Collin County Local Health District Medical Director be assigned as the City Of Lucas' Local Heath Authority.

**Background Information:**

**Resolution 2015-02-0424:**

Bills have been introduced into the Texas Legislature to cap the amount of property tax revenue cities can collect each year replacing the eight percent “rollback rate” with a hard cap of four percent and require mandatory elections on an increase over four percent. Imposing a revenue cap on cities does not provide meaningful tax relief and inhibits the City’s ability to meet local needs.

**Local Health Authority:**

A health authority is a physician appointed under the provisions of the Local Public Health Reorganization Act, Health and Safety Code, Chapter 121 to

administer state and local laws relating to public health within the appointing body's jurisdiction. The main advantage to the City of Lucas having a Local Health Authority is that it provides a rapid response to locally occurring conditions, crisis situations and disease outbreaks. No monetary contribution is required by a county to sustain a local health authority.

**Attachments/Supporting Documentation:**

1. Minutes from the February 5, 2015 City Council meeting.
2. Minutes from the February 19, 2015 City Council meeting.
3. Minutes from the February 24, 2015 City Council special meeting.
4. Resolution 2015-02-00424.
5. Local Health Authority Contact Information” and “Local Health Authority Required Documents.

**Budget/Financial Impact:**

N/A

**Recommendation:**

Recommend approval.

**Motion:**

I make a Motion to **approve/deny** the Consent Agenda as presented.



**City Council Meeting**  
**February 5, 2015, 7:00 PM**  
**City Hall - 665 Country Club Road**  
**Minutes**

**Call to Order**

Mayor Rebecca Mark called the meeting to order at 7:00 p.m.

**Present:**

Mayor Rebecca Mark	Mayor Pro Tem Kathleen Peele
Councilmember Wayne Millsap	Councilmember Jim Olk
Councilmember Steve Duke	Councilmember Debbie Fisher Councilmember
Philip Lawrence (absent)	

**Staff:**

City Attorney Joe Gorfida	Fire Chief Jim Kitchens
City Manager Joni Clarke	Finance Director Liz Exum
Public Works Dir. Stanton Foerster	Admin Assistant Jennifer Clark
Development Svc. Dir. Joe Hilbourn	HR Manager Cheryl Meehan

It was determined that a quorum was present.

Everyone was reminded to turn off or silence cell phones.

Councilmember Jim Olk led everyone in saying the Pledge of Allegiance.

**Citizens' Input**

1. Citizens' Input.

Hyun Ballatti, 220 Rising Sun, has been a resident of Lucas for 12 years and has enjoyed raising chickens. I do not use any pesticides on my property, and I enjoy the fresh air away from the City. I moved to Lucas to enjoy my own property however, newcomers to the City are complaining about the county lifestyles. It is my strong opinion that existing regulations of the City of Lucas should not be changed or modified.

Mike Ballatti, 220 Rising Sun, basically what my wife is saying is please keep Lucas country. There are plenty of other towns and cities within the DFW metroplex to live if people do not want animals. If you do not want the country lifestyle move pack to Plano.

John Dunaway, 120 McMillen, came forward to speak regarding water usage and conservation efforts. A couple things I have noticed on our ordinances that need to be updated such as sprinkler systems. This ordinance has not been updated since 2005. I think

we should have more regulations placed on the builders and developers. I would urge the City Council to take a long hard look at what's on the books right now.

Mayor Rebecca Mark recognized Boy Scout Nathaniel Williams, 1 Orchard Road, from Troop 1234, Mr. Williams is currently working toward his Life Badge.

Tristen Murphy from Troop 1234 was also in attendance for tonight's meeting. Mr. Murphy resides in Allen and is currently working on his Eagle Scout.

### Community Interest

2. Discussion and update regarding the drought contingency plan, conservation efforts and watering restrictions as it pertains to the City of Lucas.

Councilmember Fisher commented that Ms. Clarke, Mr. Foerster, Mayor Mark, and myself attended a water conference in Austin and have some ideas that you will see in the future.

3. Discussion and provide guidance to the City Attorney and City Staff regarding pending legislation that is being considered by the 84th Legislature.

City Manager Joni Clarke commented this will be a standing item on the agenda as we proceed with this legislative session. If there are any bills that come the attention of the City Council please forward those bills to the City Manager Joni Clarke.

### Consent Agenda

The Consent Agenda was presented for consideration and action.

4. Consider the minutes from the January 15, 2015 City Council meeting.
5. Budget adjustment not to exceed \$62,900 for the BW2 design of the Parker Road 12" waterline. Approved at the January 15, 2015 City Council meeting. Water fund reserves will be used to fund this project.

**MOTION:** Councilmember Jim Olk made a Motion to approve the Consent Agenda as presented. Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 6-0.

### Public Hearings

- No public hearings are scheduled for this meeting

### Regular Agenda

6. Consider the City of Lucas compensation market analysis and benefit survey including:

- a. Presentation by Wendi Delgado regarding the results of the comprehensive market salary analysis and benefit survey with discussion related to benefit levels and compensation strategies.
- b. Consider implementation of compensation strategies, benefits enhancements, and funding plan and provide guidance to staff.

Councilmember Wayne Millsap asked that we have three Councilmembers sit down and review the information presented.

Mayor Rebecca Mark commented that we do not delay this, our employees have not had raises and we do not need to delay this any longer than absolutely necessary.

Councilmember Wayne Millsap withdrew his recommendation for a workshop meeting to discuss the compensation and benefits analysis presented. Councilmember Wayne Millsap went on to say design a policy manual to present the City Council along with what the budget impact will be.

City Manager Joni Clarke is hoping to bring the policy manual to the City Council for approval in April.

**MOTION:** Councilmember Wayne Millsap made a Motion to approve the compensation market analysis and benefit survey as presented. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 6-0

7. Consider Ordinance #2015-01-00806 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 6 titled "Health and Sanitation" by amending Article 6.02 titled "Dumping or Depositing Garbage, Junk or Refuse"; by amending Section 6.02.001 titled "Definitions"; by amending section 6.02.002 titled "Prohibited Acts" to include erosion of soil or stagnant water; by amending Article 6.03 titled "High Grass and Weeds"; titled "Duty to Cut and Mow"; and any adding Article 6.06 titled "Rodent Harborage" to provide regulations to prevent rodent harborage or infestation; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of fine not to exceed two thousand dollars (\$2,000.00); and providing for an effective date.

Presentation given by Development Services Director Joe Hilbourn.

Mike Ballatti, 220 Rising Sun, my main concern is mulch, leaves and compost are not considered garbage or refuse. As an organic gardener I use compost, mulch, and leaves, in my garden to produce health organic fruits and vegetables. Some may consider organic matter as garbage or refuse but is actually a valuable natural resource. I want to ensure that vegetable gardens are not considered weeds. Article 6.06 Rodent Harborage

should be deleted the article is written to vague. I would ask the City Council to reject Article 6.06 completely.

Councilmember Jim Olk asked that under Section 6.02.002 subsection (a) please remove “properly maintained landfill operator or licensed by the city” we do not have a landfill.

City Attorney Joe Gorfida reviewed the changes requested by the City Council under Section 6.02.002 bring subsection (f) down in Section 6.03.001 section remains the same just remove section (b), and removing Section 6.02.002 subsection (a) please remove “properly maintained landfill operator or licensed by the city” we do not have a landfill.

**MOTION:** Councilmember Jim Olk made a Motion to approve Ordinance #2015-01-00806 with the corrections as address by City Attorney Joe Gorfida of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 6 titled “Health and Sanitation” by amending Article 6.02 titled “Dumping or Depositing Garbage, Junk or Refuse”; by amending Section 6.02.001 titled “Definitions”; by amending section 6.02.002 titled “Prohibited Acts” to include erosion of soil or stagnant water; by amending Article 6.03 titled “High Grass and Weeds”; titled “Duty to Cut and Mow”; and any adding Article 6.06 titled “Rodent Harborage” to provide regulations to prevent rodent harborage or infestation; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of fine not to exceed two thousand dollars (\$2,000.00); and providing for an effective date. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote 6 -0.

8. Consider Ordinance #2015-02-00810 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 4 “Business Regulations” by repealing Article 4.02 “Peddlers” by providing a new Article 4.02 titled “Solicitors and Canvassers”; establishing regulations governing solicitation; providing definitions; establishing a permit requirement; establishing a permit fee; prohibiting solicitation in the roadway and from public property adjacent to the roadway; prohibiting specific activities and conduct related to solicitation; and regulating the hours for solicitation.

Presentation given by Development Services Director Joe Hilbourn.

Councilmember Wayne Millsap would like to exempt charitable organizations from the requirements of a permit.

Collin County Sheriff’s Office Deputy Gary Gilchrist came forward to address the City Council. I have been your Deputy for three years and have never had a call on a Boy Scout or Girl Scout. It’s the shady characters and having an ordinance in place would allow me to have a conversation with that individuals.



**MOTION:** Councilmember Wayne a Motion to approve Ordinance #2015-02-00810 with the modification that under Section 4.02.004 Permit Required that charitable organizations be exempted from obtaining a permit; and under the same Section subsection (f) under fee required strike a fee is not required for charitable solicitation or soliciting for charitable purposes. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 6-0.

9. Consider approval of preliminary plat for the Pennington Addition creating Lot 1 Block A. Being a 5.928 tract of land situated in the William Snider Survey, Abstract number 821. This tract of land is located just to the west of the Fox Glen Subdivision.

Presentation given by Development Services Director Joe Hilbourn.

**MOTION:** Councilmember Debbie Fisher made a Motion to approve preliminary plat for the Pennington Addition creating Lot 1 Block A. Being a 5.928 tract of land situated in the William Snider Survey, Abstract number 821. This tract of land is located just to the west of the Fox Glen Subdivision. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 6-0.

10. Consider accepting the resignation of Jim Olk, Councilmember for the City of Lucas Seat 2, with a term expiring in May of 2017.

**MOTION:** Councilmember Wayne Millsap made a Motion to accept the resignation of Jim Olk, Councilmember for the City of Lucas Seat 2, with a term expiring in May of 2017. Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 6-0.

11. Consider the approval of Ordinance # 2015-02-00809 of the City Council of the City of Lucas, Collin County, Texas, ordering a general election to be held on May 9, 2015, for the purpose of electing the Mayor and two (2) City Councilmember's for Seat no. 3 and for Seat no. 4; and ordering a special election for the City of Lucas, to be held on May 9, 2015, for the purpose of electing a City Councilmember to fill a vacancy for the unexpired term for Seat no. 2; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement.

**MOTION:** Councilmember Jim Olk made a Motion to approve Ordinance # 2015-02-00809 of the City Council of the City of Lucas, Collin County, Texas, ordering a general election to be held on May 9, 2015, for the purpose of electing the Mayor and two (2) City Councilmember's for Seat no. 3 and for Seat no. 4; and ordering a special election for the City of Lucas, to be held on May 9, 2015, for the purpose of electing a City Councilmember to

fill a vacancy for the unexpired term for Seat no. 2; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 6-0.

12. Consider Ordinance No. 2014-12-00805 Amending Chapter 1, Article 1.06, Code of Conduct of the City of Lucas Code of Ordinances regarding the General Standards of Conduct pertaining to Elected Officials and appointed Members of Boards and Commissions and establishing a complaint procedure.

Mayor Rebecca Mark asked that section 6.06.10 be deleted.

**MOTION:** Councilmember Wayne made Motion to approve Ordinance No. 2014-12-00805 Amending Chapter 1, Article 1.06, Code of Conduct with the deletion of Section 6.06.010 of the City of Lucas Code of Ordinances regarding the General Standards of Conduct pertaining to Elected Officials and appointed Members of Boards and Commissions and establishing a complaint procedure. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 6-0.

13. Consider appointing Stacy Henderson as City Secretary for the City of Lucas.

**MOTION:** Councilmember Jim Olk made a Motion to appoint Stacy Henderson as City Secretary for the City of Lucas. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-0

### **Executive Session**

The City Council may convene in a closed Executive Session pursuant to Chapter 551, Subchapter D of the Texas Government Code.

- An Executive Session is not scheduled for this meeting.

### **Reconvene into Regular Session**

14. Adjournment.

**MOTION:** Councilmember Wayne Millsap a Motion to adjourn the meeting at 9:00 p.m. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 6-0.

These minutes were approved by a majority vote of the City Council on March 5, 2015.

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Rebecca Mark  
Mayor

ATTEST:

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Jennifer Clark, TRMC  
Administrative Assistant



## City Council Meeting

February 19, 2015

7:00 PM

City Hall - 665 Country Club Road

## Minutes

### Call to Order

Mayor Mark called the meeting to order at 7:00p.m.

#### Present:

Mayor Rebecca Mark  
Mayor Pro Tem Kathleen Peele  
Councilmember Debbie Fisher  
Councilmember Jim Olk  
Councilmember Steve Duke  
Councilmember Wayne Millsap  
Councilmember Philip Lawrence

#### Staff:

City Manager Joni Clarke  
City Attorney Joe Gorfida  
Public Works Director Stanton Foerster  
Development Services Director Joe Hillbourn  
Fire Chief Jim Kitchens  
City Secretary Stacy Henderson

It was determined that a quorum was present.  
Everyone was reminded to turn off or silence cell phones.  
Fire Chief, Jim Kitchens led the Pledge of Allegiance.

### Citizen Input

1. There was no citizen input.

### Community Interest

2. **Discuss and update regarding the drought contingency plan, conservation efforts and watering restrictions as it pertains to the City of Lucas.**

Councilmember Fisher stated that it would be determined on April 1<sup>st</sup> if the City will remain in Stage 3 conditions.

3. **Discuss and provide guidance to the City Attorney and City Staff regarding pending litigation that is being considered by the 84<sup>th</sup> Legislature.**

City Manager, Joni Clarke informed the Council that Senate Bill 182 being considered before the 84<sup>th</sup> Legislature, relating to the calculation of ad valorem rollback tax rates, would reduce the City's rollback and create a revenue cap for the City. City Manager Clarke suggested the Council pass a resolution that could be placed on their March 5 agenda.

The City Council recommended having a Resolution opposing the cap placed on the March 5<sup>th</sup> agenda.

City Manager Clarke informed the Council that a meeting will be held on February 24, 2015 at 6:00pm regarding the Lake Lavon Master Plan. The meeting will be held at the Wyle Recreation Center, located at 300 Country Club Road, Building 200.

City Manager Clarke also noted that the draft Animal Control and Fence Ordinances were on the City's website for public viewing

### Consent Agenda

The Consent Agenda was presented for consideration and action.

4. **Consider approval of the minutes from the January 29, 2015 City Council meeting.**
5. **Consider the approval of amended Ordinance #2015-02-00809 of the City Council of the City of Lucas, Collin County, Texas, ordering a general election to be held on May 9, 2015 for the purpose of electing the Mayor and two (2) City Councilmembers for Seat No. 3 and Seat No. 4; and ordering a special election for the City of Lucas, to be held on May 9, 2015, for the purpose of electing a City Councilmember to fill a vacancy for the unexpired term for Seat No. 2; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement.**

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Millsap to approve the Consent Agenda as presented. The motion passed with a 7-0 vote.

### Public Hearings

No public hearings are scheduled for this meeting

### Regular Agenda

6. **Consider accepting the resignation of Lisa O'Leary, Parks and Open Space Board member effective March 1, 2015 and to fill the unexpired term effective June 2015 and fill any vacant position.**

**MOTION:** A motion was made by Councilmember Duke, seconded by Councilmember Fisher to accept the resignation of Lisa O'Leary and appoint Parks and Open Space Alternate Board Member, Kenneth Patterson as a regular voting member and appoint Amber Patteson to the vacant Alternate Board Member position. The motion passed with a 7-0 vote.

- 7. Consider allowing Andrea Hanley, a certified Personal Trainer, to hold boot camp classes in the Community Park beginning March 15, 2015 from the hours of 5:30am to 6:30am, Monday through Friday.**

Ms. Andrea Hanley gave a presentation regarding her proposal.

The Council discussed concerns relating to various ways in which the park should be used and having a permitting process in place for future activities.

The Council directed the Parks and Open Space Board to create a facility use policy ordinance and fee schedule for commercial uses of the park.

Ms. Hanley withdrew her request before Council.

- 8. Consider allowing the City Manager to enter into a professional service agreement with Metropolitan Infrastructure, PLLC for the design of a roadway and two bridges on Blondy Jhune Road in the amount not to exceed \$260,300 and to amend the description of the Capital Improvement Fund line item 21-8210-491-116 to include the Blondy Jhune Project Design.**

Public Works Director, Stanton Foerster gave a presentation.

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Olk to authorize the City Manager to enter into a professional service agreement with Metropolitan Infrastructure, PLLC for the design of a roadway and two bridges on Blondy Jhune Road in the amount not to exceed \$260,300 and to amend the description of the Capital Improvement Fund line item 21-8210-491-116 to include the Blondy Jhune Project Design. The motion passed with a 7-0 vote.

- 9. Discuss and consider an application by Bob Roeder on behalf of Lovejoy ISD for an offsite parking agreement for Lovejoy High School.**

Development Services Director, Joe Hillbourn gave a presentation

Dennis Womack, representing Lovejoy ISD, came forward and addressed Council's questions.

**MOTION:** A motion was made by Councilmember Fisher, seconded by Councilmember Duke to approve an offsite parking agreement with Lovejoy ISD. The motion passed by a 6-1 vote with Mayor Pro Tem Peele voting in opposition.

- 10. Discuss and consider assistance from the Firefighter SAFER Grant for the Lucas Fire Department.**

Fire Chief, Jim Kitchens gave a presentation.

**MOTION:** A motion was made by Councilmember Olk, seconded by Councilmember Duke to authorize the Fire Chief to apply for the Firefighter SAFER Grant for the Lucas Fire Department. The motion passed by a 7-0 vote.

**11. Discuss and consider the boundaries of the Lucas Fire District and the Interlocal Agreement with Collin County regarding fire and EMS service in the Lucas Fire District.**

Mayor Pro Tem Peele suggested the Council convene into Executive Session to discuss this agenda item.

Mayor Mark announced that the Council would be convening into Executive Session at 8:28p.m. relating to Agenda items 11 and 12 pursuant to Section 551.071 of the Texas Government Code.

**Executive Session**

**12. Discuss pending litigation pursuant to Section 551.071 of the Texas Government Code with the City of Lucas, Texas v. Seis Lagos Utility District (Cause No. 416-05095-1014).**

**Regular Agenda**

The City Council reconvened into Regular Session at 9:13p.m.

**13. Take any action necessary as a result of the Executive Session.**

**MOTION:** A motion was made by Councilmember Fisher, seconded by Councilmember Duke to direct the City Attorney to draft a letter to the Collin County Commissioners Court to cancel the Fire Interlocal Agreement. The motion passed by a 7-0 vote.

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Olk to dismiss the lawsuit upon verification that all amounts owed have been paid in full. The motion passed by a 7-0 vote.

**14. Adjournment.**

**MOTION:** A motion was made by Councilmember Duke, seconded by Mayor Mark to adjourn the meeting at 9:23 p.m. The motion passed by a 7-0 vote.

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Rebecca Mark, Mayor

ATTEST:

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Stacy Henderson, City Secretary





**City Council Special Meeting  
February 24, 2015  
7:00 PM  
City Hall - 665 Country Club Road  
Minutes**

**Call to Order**

Mayor Mark called the meeting to order at 7:00p.m.

**Present:**

Mayor Rebecca Mark  
Mayor Pro Tem Kathleen Peele  
Councilmember Debbie Fisher  
Councilmember Jim Olk  
Councilmember Steve Duke  
Councilmember Wayne Millsap  
Councilmember Philip Lawrence

**Staff:**

City Manager Joni Clarke  
City Attorney Joe Gorfida  
Public Works Director Stanton Foerster  
Fire Chief Jim Kitchens  
City Secretary Stacy Henderson

It was determined that a quorum was present.  
Everyone was reminded to turn off or silence cell phones.  
Councilmember Olk led the Pledge of Allegiance.

**Regular Agenda**

**1. Discuss and consider request by Seis Lagos to contractually provide Fire and EMS to Seis Lagos.**

Mayor Mark announced that she would allow public comment for anyone who wishes to speak regarding this request and also requested that if there was a large group wanting to speak, that one person represent the group's interests.

Mr. Brett Faucett, 800 Riva Ridge, Wylie, Texas representing the Seis Lagos Board of Directors, discussed how citizen involvement has grown allowing the Board to make better decisions and also implementing a Citizen Group to assist with communication efforts. Mr. Faucett also discussed budgetary decisions made previously by the Board.

Mr. David Stevens, 17 Los Cruces Circle, Lucas, Texas spoke in favor of the agreement being passed.

Ms. Janean McLaughlin, 3 Skyview Drive, Lucas, Texas spoke in favor of the agreement being passed.

Ms. April Schreurs, 502 Seis Lagos Trail, Wylie, Texas spoke in favor of the agreement being passed.

Mr. Tom Siewert, 404 Barranca Trail, Wylie, Texas spoke in favor of the agreement being passed.

Mr. Brian Holmes, 86 Seis Lagos Trail, Wylie, Texas spoke in favor of the agreement being passed.

Mr. Bud Beets, 1 Castillo Trail, Lucas, Texas spoke in favor of the agreement being passed.

Mr. Gary Johnson, 299 Connor Lane, Lucas, Texas spoke in favor of the agreement being passed.

Mr. Adam Krolnite, 4 Chula Vista, Lucas, Texas spoke in favor of the agreement being passed.

The City Council discussed prior issues and concerns related to dealings with the Seis Lagos Board of Directors. The Council also discussed the Fire Departments current status and capacity, and if adding the residents of Seis Lagos could be managed.

The City Council discussed entering into a contract with Seis Lagos until September 30, 2015 with the condition that payment be received up front and contract negotiations with the City of Wylie for EMS would be terminated. This would allow the Seis Lagos Board adequate time to make changes the residents deemed necessary and discuss future plans for the area.

City Manager Clarke discussed the need for additional staffing levels currently at the Fire Department and how the need could increase when adding the Seis Lagos area.

Chief Kitchens discussed Mutual Aid Agreements in place currently with other cities to assist during busier times.

The City Council and City Manager discussed contract calculations that included ambulance service, but did not include any funds related to the new fire station. The Council also discussed potentially including costs related to capital, City Staff time spent working with the Seis Lagos Board as well as attorney costs.

The City Council believed that the amount in the contract would cover the additional costs related to capital, attorney's fees and staff time through September 30, 2015.

City Attorney, Joe Gorfida discussed the changes in the proposed contract passed out before the City Council meeting, compared to the contract that was included as part of the City Council packet. Those changes included: 1) Article 1, Seis Lagos provides written assurance that any previous agreement for EMS service with Wylie would be terminated; thereby, removing dual coverage for EMS; 2) The agreement does not automatically renew, for a set time period. The contract expires on September 30, 2015; and 3) the cost of services shall be paid up front rather than installments.

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Olk to approve the Interlocal Agreement between the City of Lucas and Seis Lagos Utility District in the amount of \$150,000 that also included the following content as part of the Agreement: 1) Article 1, Seis Lagos provide written assurance that any previous agreement for EMS service with the City of Wylie has been terminated; thereby, removing dual coverage for EMS service; 2) The Agreement will not automatically renew, and expires on September 30, 2015; and 3) the cost of services shall be paid up front rather than installments. The motion passed with the following vote: 6 – 1 with Councilmember Fisher voting in opposition.

**2. Adjournment.**

**MOTION:** A motion was made by Councilmember Duke, seconded by Councilmember Millsap to adjourn the meeting at 8:43 p.m. The motion passed by a 7-0 vote.

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Rebecca Mark, Mayor

ATTEST:

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Stacy Henderson, City Secretary

## RESOLUTION NO. 2015-02-00424

### **A RESOLUTION OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, IN OPPOSITION TO A REVENUE CAP AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES.**

WHEREAS, bills have been introduced to cap the amount of property tax revenue cities can collect each year in a misguided effort to reduce the property tax burden on homeowners and businesses; and

WHEREAS, currently, if a Texas city increases property tax collections by more than eight percent over the previous year, voters can petition for an election to rollback the increase; and

WHEREAS, bills have been introduced to replace that eight percent “rollback rate” with a hard cap of four percent and require mandatory elections on an increase over four percent – all with the false claim that this would provide property tax relief; and

WHEREAS, according to the state comptroller’s latest survey of property tax rates in 1,002 cities in Texas, 67 percent of cities raised their property taxes by less than four percent from 2012 to 2013 and 37 percent of cities actually reduced their property taxes; and

WHEREAS, that means property owners in at least 669 Texas cities would have seen no reduction in their city property taxes if the four percent cap had been in effect; and

WHEREAS, while the savings to individual taxpayers are very small or even non-existent, a four percent cap could represent a loss in vital city services; and

WHEREAS, cities collect just 16 percent of the property taxes levied in Texas, and most of the property taxes paid by Texans (55 percent) go to school districts; and

WHEREAS, according to the comptroller’s report, the total amount of property taxes collected by cities rose by 3.61 percent between 2012 and 2013, while school district tax collections rose by more than twice that rate or 7.72 percent; and

WHEREAS, school property taxes have been rising because the legislature continues to reduce the state’s share of funding for schools, which forces districts to get more revenue from property taxes.

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

1. That all of the above recitals are true and correct;
2. That the City Council of the City of Lucas, Texas, is OPPOSED to the legislative imposition of a revenue cap and legislative interference with local services; and

3. That imposing a revenue cap on cities: (a) does not provide meaningful tax relief; (b) robs cities of the ability to meet local needs; and (c) diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the problem of school funding.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS ON THIS THE 19th DAY OF MARCH, 2015.**

APPROVED:

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Rebecca Mark, Mayor

ATTEST:

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Stacy Henderson  
City Secretary



## TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.  
COMMISSIONER

P.O. Box 149347  
Austin, Texas 78714-9347  
1-888-963-7111  
TTY: 1-800-735-2989  
[www.dshs.state.tx.us](http://www.dshs.state.tx.us)

### Local Health Authority Contact Information

Name: Muriel Marshall Date: February 9, 2015

County/City: Collin/Lucas

Home Phone: (\_\_\_\_)\_\_\_\_-\_\_\_\_ Home Fax: (\_\_\_\_)\_\_\_\_-\_\_\_\_

Work Phone: (972) 548-5511 Work Fax: (972) 548-4396

Cell Phone: (214) 686-2994 Pager: (\_\_\_\_)\_\_\_\_-\_\_\_\_

E-Mail Address: MMARSHALL@CO.COLLIN.TX.US

These numbers will be kept confidential and only those with authority will be contacting you. It is very important that we contact you in case of an event. If you should have to change your contact information please contact Rosylyn Morris at 817-264-4502, [rosylyn.morris@dshs.state.tx.us](mailto:rosylyn.morris@dshs.state.tx.us).

Thank you for your cooperation,

Rosylyn Morris  
Texas Department of State Health Services  
Health Service Region 2/3  
1301 South Bowen Road, Suite 200  
Arlington, TX 76013  
817-264-4502



## THE STATE OF TEXAS

### Statement of Elected/Appointed Officer

(Please type or print legibly)

I Muriel Marshall do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

\_\_\_\_\_  
Affianced Signature

Muriel Marshall  
Printed Name

Local Health Authority  
Position to Which Elected/Appointed

Lucas, Texas  
City and/or County

SWORN TO and subscribed before me by affiant on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signature of Person Authorized to Administer  
Oaths/Affidavits

(Seal)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title



# OATH OF OFFICE

## For Local Health Authorities in the State of Texas

I, Muriel Marshall, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Health Authority of the State of Texas and will to the best of my ability, preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

\_\_\_\_\_  
Affiant

825 North McDonald St., McKinney, TX 75069

Mailing Address ZIP

214-686-2994

(Area Code) Phone Number (day and evening)

MMARSHALL@CO.COLLIN.TX.US

Email Address

SWORN TO and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Person Administering Oath

(Seal)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title





# Certificate of Appointment

For a

## Local Health Authority

I, Rebecca Mark, acting in the capacity as a (*Check the appropriate designation below*)

Non-physician and the Local Health Department Director

Mayor or Designee

County Judge or Designee

Chairperson of the Public Health District

do hereby certify the physician, Muriel Marshall, who is licensed by the Texas Board of Medical Examiners, was duly appointed as the Local Health Authority for Lucas, Texas.

Date term of office begins \_\_\_\_\_, 20\_\_

Date term of office ends \_\_\_\_\_, 20\_\_, unless removed by law.

The Local Health Authority has been appointed and approved by the:

(*Check the appropriate designation below*)

Director, \_\_\_\_\_

City Council for the City of Lucas, Texas \_\_\_\_\_

Commissioners Court for \_\_\_\_\_ County

Board of Health for the \_\_\_\_\_ Public Health District

I certify to the above information on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of appointing official



**City of Lucas  
Council Agenda Request  
March 19, 2015**

**Name of Requestor:** Finance Director, Liz Exum

**Agenda Item:**

Consider the acceptance and approval of the City of Lucas Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2013-2014 presented by Conway Company CPAs PC.

**Background Information:**

NA

**Attachments/Supporting Documentation:**

1. A hard copy of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2013-2014 will be distributed before the City Council meeting.

**Budget/Financial Impact:**

N/A

**Recommendation:**

Approve as presented.

**Motion:**

I move to approve/deny the City of Lucas Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2013-2014.



**City of Lucas  
Council Agenda Request  
March 19, 2015**

**Name & Title:** Development Services Director, Joe Hillbourn

**Agenda Item:**

Discuss and Consider amending the Code Of Ordinances by amending Chapter 2 titled "Animal Control" by amending Article 2.01 titled "General Provisions" by amending Section 2.01.001 titled "Definitions" and amending Section 2.01.002 titled "Violations; Penalty" to set forth specific violations; by renaming Article 2.02 to read "Caring For Animals" to set forth specific regulations and requirements for the care of animals; by amending and re-numbering Article 2.02 titled "Rabies Control".

**Background Information:**

This item is was brought forward to the City Council and feedback was given regarding changes. Staff has incorporated the requested changes. The ordinance was also posted on the City's website to solicit citizen feedback.

**Attachments/Supporting Documentation:**

1. Proposed Ordinance 2015-02-00811.

**Budget/Financial Impact:**

None.

**Recommendation:**

Approve as presented.

**Motion:**

I make a motion to approve/deny a request amending the Code of Ordinances by amending Chapter 2 titled "Animal Control" by amending Article 2.01 titled "General Provisions" by amending Section 2.01.001 titled "Definitions" and amending Section 2.01.002 titled "Violations Penalty" to set forth specific violations; by re-naming Article 2.02 to read "Caring for Animals" to set forth specific regulations and requirements for the care of animals; by amending and re-numbering Article 2.02 titled "Rabies Control".

**ORDINANCE # 2015-02-00811**  
**[AMENDING CHAPTER 2, ANIMAL CONTROL OF**  
**CODE OF ORDINANCES]**

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2 TITLED "ANIMAL CONTROL" BY AMENDING ARTICLE 2.01 TITLED "GENERAL PROVISIONS" BY AMENDING SECTION 2.01.001 TITLED "DEFINITIONS" AND AMENDING SECTION 2.01.002 TITLED "VIOLATIONS; PENALTY" TO SET FORTH SPECIFIC VIOLATIONS; BY RE-NAMING ARTICLE 2.02 TO READ "CARING FOR ANIMALS" TO SET FORTH SPECIFIC REGULATIONS AND REQUIREMENTS FOR THE CARE OF ANIMALS; BY AMENDING AND RE-NUMBERING ARTICLE 2.02 TITLED "RABIES CONTROL" TO ARTICLE 2.03; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**Section 1.** That the Code of Ordinances of the City of Lucas, Texas be, and the same is, hereby amended by amending Chapter 2, titled "Animal Control" by amending Article 2.01 titled "General Provisions"; by re-naming Article 2.02 to read "Caring for Animals"; and by amending and re-numbering Article 2.02 titled "Rabies Control" to Article 2.03, to read as follows:

**"CHAPTER 2**

**ANIMAL CONTROL**

**ARTICLE 2.01 GENERAL PROVISIONS**

**Sec. 2.01.001            Definitions**

When used in this chapter, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal.* Any living creature, including but not limited to dogs, cats, horses, birds, fish, mammals, reptiles, insects, fowl, and livestock.

*Animal control.* The animal control function of the city.

Animal control officer. Any person or agency designated by the city to act on behalf of the city in the enforcement of the provisions of this chapter or provision under state law.

At large. Means that an animal is off the premises of the owner and is not on a leash under the immediate control of a person physically capable of restraining the animal or is not restrained securely within an enclosure capable of fully and totally securing the animal.

Cat. A domesticated member of the feline family (*felis domesticus*) other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited feline, or any hybrid thereof.

Cruelty. Any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care, or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as in medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

Dog. Any member of the canine family, other than a wolf, jackal, fox, dingo, coyote or any hybrid thereof.

Exotic or wild animal. Unless certified for medical, biological, herpetological, or other scientific research or study, any poisonous or dangerous reptile or any other species of animal that commonly exists in a natural, unconfined state and is usually not domesticated, including, but not limited to skunks, foxes, lions, tigers, panthers, alligators, opossums, raccoons, and squirrels. This definition shall apply regardless of state or duration of captivity.

Harboring. The act of keeping or caring for an animal or of providing premises to which the animal returns for food, shelter, or care for a period of three (3) consecutive days.

Local health authority or Local rabies control authority. A person or agency designated by the City Council to receive reports of animal bites, investigate bite reports, insure quarantine of possible rabid animals, and otherwise carry out provisions of the state law pertaining to control and eradication of rabies.

Owner. Any person, partnership, association, corporation or legal entity having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to any animal covered by this chapter. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. If a person under the age of seventeen (17) years owns an animal the parent, legal guardian, or the head of the household shall be the owner for purposes of this chapter. There may be more than one (1) person responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to, pet sitters and trainers.

*Sanitary.* A condition of good order and cleanliness to minimize the possibility of disease transmission.

*Stray animal.* Any animal for which there is no identifiable owner or harborer.

*Vaccinated.* Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state.

**Sec. 2.01.002            Violations; penalty**

- (a) It shall be a violation of this chapter to:
  - (1) Fail to comply with any provision of this chapter; or
  - (2) Fail to comply with any lawful order of animal control, an animal control officer, or a law enforcement officer unless such order is lawfully stayed or reversed.
- (b) Any person who violates any provision of this chapter, if convicted in municipal court, shall be fined as provided in section 1.01.009 of this code, and each and every day the provisions of this chapter are violated shall constitute a separate offense.

**Sec. 2.01.003            Enforcement**

- (a) Enforcement of this chapter shall be the responsibility of the local health authority or animal control officer as appointed by the city council.
- (b) The local health authority or animal control officer shall have the authority to issue citations for any violation of this chapter.
- (c) For the purpose of proving violations of this chapter the requirement of a culpable mental state is expressly waived.

**ARTICLE 2.02    CARING FOR ANIMALS**

**Sec. 2.02.001            Basic care**

It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient food, water, veterinary care when needed to prevent suffering, and humane care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.

**Sec. 2.02.002            Animals in parked vehicles**

(a) It shall be unlawful to leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety.

(b) It shall be unlawful to leave any animal in any standing or parked vehicle unless the animal is safely enclosed within the vehicle, and if the animal is in a standing or parked unenclosed vehicle (including but not limited to convertibles, pickup trucks, jeeps, and flatbed trucks) the animal shall be confined by a vented container or cage, or by a chain, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

**Sec. 2.02.003 Abandonment of animals**

It shall be unlawful for any owner or custodian of any animal to abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

**Sec. 2.02.004 Cages, pens and enclosures**

Cages, pens and enclosures used to confine animals shall be of sufficient size to maintain all of the animals within such enclosure comfortably and in good health. Said cages, pens and enclosures shall be of a proper material to securely contain all of the animals within such enclosures at all times.

**Sec. 2.02.005 Humane treatment**

A person commits an offense if, either through his actions or omissions, the person:

- (1) Beats, cruelly ill-treats, torments, overloads, overworks, or otherwise abuses an animal, or causes, instigates, or permits any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans;
- (2) As the operator of a motor vehicle, strikes a domestic animal, and fails to stop at once and render such assistance as may be possible. Additionally, the person shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency; or
- (3) Permits the use of steel jaw traps.

**Sec. 2.02.006 Poisonous substances**

It shall be unlawful for any person, except a licensed veterinarian for humanitarian purposes, to administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are



not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

**Sec. 2.02.007 Sanitation requirements**

(a) The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity or to breed or attract flies, mosquitoes, or other noxious insects, or in any manner to endanger the public health or safety, or to create a public nuisance.

(b) All persons keeping such animals shall comply with the following regulations:

- (1) Manure and droppings shall be removed from pens, stables, yards, cages, and other enclosures as necessary to maintain sanitary conditions and handled or disposed of in such manner as to keep the premises free of any nuisances;
- (2) Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae (maggots) into the surrounding soil;
- (3) Watering troughs or tanks shall be provided that are equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, and other insects; and
- (4) No putrescible material shall be allowed to accumulate on the premises, and all such material used to feed that is unconsumed shall be removed and disposed of by burial or other sanitary means.

**Sec. 2.02.008 Tying or staking**

(a) It shall be unlawful for any animal to be tied or staked upon any open or unfenced lot or land in a manner which allows the animal to come within ten (10) feet of any street, park or other public land or within ten (10) feet of any sidewalk, public passageway or building. An animal tied or staked in violation of this subsection shall be considered at large in violation of section 2.02.009.

(b) If an animal is tied or staked, regardless of location, it shall be unlawful for the tie, tether or chain securing the animal to be less than ten (10) feet in length. If a chain is used, it shall be unlawful for the chain to weigh more than one-quarter the weight of the animal.

(c) It shall be unlawful to tie, tether, chain, stake or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food or water. The owner of the animal or the person actually tying or staking the animal shall be responsible for the offense.

**Sec. 2.02.009                    Animals running at large or disturbing the peace**

It shall be unlawful for any person to do the following in the corporate limits of the city:

- (1) Permit any dog or other animal possesses, kept, or harbored, other than a cat, to run at large as defined in section 2.01.001 of this chapter.
- (2) Harbor a dog(s) which, by loud, frequent, or habitual barking, howling, yelping, or other noise or action, disturbs any person of ordinary sensibility.

**Sec. 2.02.010                    Restraint of dogs**

(a) Any dog in the corporate limits of the city while not in a city park, shall be restrained by at least one of the following means:

- (1) Completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal;
- (2) Tied or staked per the requirements of Section 2.02.008;
- (3) On a leash that is held in the hands of the owner or keeper. Said leash shall be of sufficient strength to restrain the particular dog and shall not be longer than twenty-five (25) feet;
- (4) Held in the hands of the owner or keeper;
- (5) Within a distance of 25 feet from the owner and under direct supervision of the owner to the extent that the animal does not damage public or private property and does not attack, charge or otherwise disrupt the lawful use of private or public property by third parties; or
- (6) Trained to remain within the confines or an electronic fence and is within the confines of an activated electronic fence.

(b) Any dog that is not restrained in compliance with this section shall be considered at large in violation of section 2.02.009.

**ARTICLE 2.03 RABIES CONTROL**

**Sec. 2.03.001                    Vaccinations; disposition of animals exposed to rabies**

(a) Vaccination of dogs and cats is required. Every owner of a dog or cat 16 weeks of age or older shall have such animal vaccinated against rabies. The attending veterinarian has the

discretion as to when the subsequent vaccination will be scheduled as long as the revaccination due date does not exceed the recommended interval for booster vaccination as established by the manufacturer. Any person moving into the city from a location outside of the city shall comply with this subsection within thirty (30) days after having moved into the city.

(b) Certificate of vaccination. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat, as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:

- (1) The name, address, and telephone number of the owner of the vaccinated dog or cat;
- (2) The date of vaccination;
- (3) The type of rabies vaccine used;
- (4) The year and number of the rabies tag; and
- (5) The breed, age, color, and sex of the vaccinated dog or cat.

(c) Proof of vaccination. It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter.

(d) Harboring unvaccinated animal. It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

(e) Animals exposed to rabies. Any person having knowledge of the existence of any animal known to have been or suspected of being exposed to rabies must immediately report such knowledge to the local health authority, giving any information that may be required by law.

### **Sec. 2.03.002            Reporting of bite incidents**

The following procedures shall apply to reporting cases of humans bitten by animals susceptible to rabies:

- (1) Any person having knowledge of an animal bite to a human will report the incident to the law enforcement or local health authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
- (2) The owner of the biting animal will place that animal in quarantine under the supervision of the local health authority as prescribed in section 2.03.003.

- (3) Utilizing standardized reporting forms provided by the department of state health services, the local health authority will investigate each bite incident.
- (4) Human bites from rodents, rabbits, birds, and all cold-blooded animals are excluded from the reporting requirements of this section.

**Sec. 2.03.003                    Confinement of animal that has bitten human**

(a) When an animal that has bitten a human is identified, the owner is required to produce the animal for confinement at the owner's expense as provided in Texas Administrative Code section 169.27. Refusal to produce the animal constitutes a violation of this article, and each day of such refusal constitutes a separate and individual violation. The observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities specified for this purpose, if available. However, the owner of a domestic dog or cat may request permission from the local health authority for home quarantine if the following criteria can be met:

- (1) Secure facilities must be available at the home of the animal's owner and must be approved by the local health authority;
- (2) The animal is currently vaccinated against rabies;
- (3) The animal control officer, local health authority, or licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the local health authority must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing;
- (4) The animal was not in violation of any laws at the time of the bite; and
- (5) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a department of state health services certified laboratory for rabies diagnosis.

(b) It shall be unlawful for any person to interrupt the observation period.

(c) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a department of state health services certified laboratory for rabies diagnosis."

**Section 2.** That all provisions of the Ordinances of the City of Lucas, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and that 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 3.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**Section 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**Section 5.** That any person violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Lucas as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

**Section 6.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 19<sup>th</sup> DAY OF MARCH, 2015.**

APPROVED:

\_\_\_\_\_  
Rebecca Mark, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph J. Gorfida, Jr., City Attorney  
(03-05-15/70036)

\_\_\_\_\_  
Stacy Henderson, City Secretary



**City of Lucas  
City Council Regular Meeting  
March 19, 2015**

**Name & Title:     Development Services Director Joe Hilbourn**

**Agenda Item:**

Discuss and consider amending the Code of Ordinances by amending Chapter 3 titled "Building Regulations" by adding a new Article 3.19 titled "Fencing Requirements" to set forth fencing requirements.

**Background Information:**

This item was originally asked to be brought forward by the Planning Chairperson in response to privacy fences in front yards. Staff brought this item forward to the Planning and Zoning Commission for their recommendations, and then to the City Council. Staff has incorporated all the requested changes. The proposed ordinance was also posted on the City's website to solicit citizen feedback.

**Attachments/Supporting Documentation:**

1. Proposed Ordinance 2015-01-00808.

**Budget/Financial Impact:**

N/A

**Recommendation:**

Approve as presented.

**Motion**

I make a motion to approve/deny a request amending the Code of Ordinances by amending Chapter 3 titled "Building Regulations" by adding a new Article 3.19 titled "Fencing Requirements" to set forth fencing requirements.

**ORDINANCE # 2015-01-00808**  
**[AMENDING CODE OF ORDINANCE CHAPTER 3,**  
**BUILDING REGULATIONS]**

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3 TITLED "BUILDING REGULATIONS" BY ADDING A NEW ARTICLE 3.19 TITLED "FENCING REQUIREMENTS" TO SET FORTH FENCING REQUIREMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED THAT THE CITY COUNCIL OF THE CITY OF LUCAS:**

**Section 1.** That the Code of Ordinances of the City of Lucas, Texas be, and the same is, hereby amended by amending Chapter 3 titled "Building Regulations", by adding a new article Article 3.19 titled "Fencing Requirements", to read as follows:

**"CHAPTER 3**  
**BUILDING REGULATIONS**

...

**ARTICLE 3.19 FENCING REQUIREMENTS**

**Sec. 3.19.001 Residential, agricultural and estate districts**

(a) Height.

- (1) Maximum height of 6 feet (6') for front yards.
- (2) Maximum height of 8 feet (8') for side and rear yards.

(b) Fencing located within the required front, side and rear yard setbacks shall be a minimum of 50% see through.

(c) If property is used to pasture or control livestock, for farming or other similar agricultural uses, and such uses are permitted, the fencing requirements in section 3.19.003 are permitted.

(d) Fencing located outside of the required, rear and side yard setbacks may be privacy-style.

**Sec. 3.19.002 Fence materials for residential or estate districts**

(a) Fences within the residential or estate districts shall be constructed from wood, concrete, masonry, wrought iron, metal tubing, vinyl, fiberglass composite, decorative concrete, or other materials approved by the design review committee which shall be determined on a case by case basis. The Development Review Committee ("DRC") in making a determining shall consider such factors including whether the fencing materials proposed would be detrimental to land or property values and whether the proposed materials and appearance are harmonious with the district in which the fence will be constructed.

(b) Razor ribbon, plywood or other similar materials manufactured for other uses shall not be permitted.

**Sec. 3.19.003 Fencing requirements for agricultural uses**

(a) Fences within the agricultural districts shall be constructed from wood, masonry, wrought iron, metal tubing, vinyl, fiberglass composite, decorative concrete, galvanized or aluminum wire mesh, barbed wire, chain link or other materials approved by the Development Review Committee for exterior use.

(b) Electrically charged fences are permitted but cannot be charged in such a manner as to be dangerous to humans.

(c) Fences containing razor ribbon, plywood or other similar materials that are not manufactured as fencing materials shall not be permitted.

**Sec. 3.19.004 General fencing requirements**

(a) No fences are permitted to be constructed upon or caused to protrude over any city property, including easements, except by written approval of the city engineer, or right-of-way without prior written permission from the city council.

(b) All fences must be maintained in good repair and appearance so as not to become a nuisance or hazard and shall not be out of vertical alignment greater than 20% measured from the top of the fence.

(c) Any and all broken, loose, damaged, removed or missing portions of fencing must be replaced or repaired with comparable materials of a comparable color to the remaining portions of the fence.

(d) Privacy fencing must be built with the finished side(s) facing the street.

(e) Fences shall not obstruct proper visual clearance for vehicular traffic.

(f) Each fence must contain at least one gate not less than three feet (3') wide along the common path of travel for emergency ingress and egress.



(g) Fences over eight feet (8') in height shall be approved by the board of adjustments. The board of adjustment shall not require a hardship and there is no application fee or public notice requirement.

**Sec. 3.19.005 Permit required**

(a) A permit shall be required prior to the construction for all new fencing. A Permit fee shall be set by Ordinance and is contained in the Master Fee Schedule.

(b) A permit shall be required for all fence repair and/or replacement when such repair or replacement will exceed 60% of the area of the fence over a twelve month period.

(c) Any permit issued by the city does not allow for any construction of fencing in violation of any deed restrictions for the property.

**Sec. 3.19.006 Requirements for commercial business district**

All proposed fencing within the commercial business district shall be required to be approved as part of the landscape plan approval process.

**Sec. 3.19.007 Requirements for light industrial district**

All proposed fencing within the light industrial district shall be required to be approved as part of the landscape plan approval process.

**Sec. 3.19.008 Self and mini-storage units**

Fencing for self and mini-storage unit facilities shall require a minimum eight foot (8') masonry screen wall on all sides with wrought iron gate(s) for ingress, egress and pedestrian gates.

**Sec. 3.19.009 Penalty**

Any person, firm or corporation violating any provision of this Article shall be punishable by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense."

**Section 2.** All ordinances of the City of Lucas in conflict with the provisions of this Ordinance shall be, and same are hereby, repealed, provided, however, that all other provisions of said Ordinances are not in conflict herewith shall remain in full force and effect.

**Section 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or of the City of Lucas Code of Ordinances, as amended hereby, be adjudged or held to be voided or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinances or the City of Lucas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**Section 4.** An offense committed before the effective date of the Ordinance is governed by prior law and the provisions of the City of Lucas Code of Ordinances in effect when the offense was committed and the former law is continued in effect for this purpose.

**Section 5.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the City of Lucas Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**Section 6.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 19th DAY OF MARCH, 2015.**

APPROVED:

\_\_\_\_\_  
Rebecca Mark, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph J. Gorfida, Jr., City Attorney  
(2-18-15/69625)

\_\_\_\_\_  
Stacy Henderson, City Secretary



**City of Lucas  
Council Agenda Request  
March 19, 2015**

**Name of Requestor:**     **Finance Director Liz Exum  
Public Works Director, Stanton Foerster**

**Agenda Item:**

- A. Consider prioritizing safety enhancements to Collector Street Projects.
- B. Authorize staff to work with SAMCO Financial Advisors on the Notice of Intention Resolution to issue Certificates of Obligation.

**Background Information:**

During the January 29, 2015, Lucas City Council Meeting, staff was asked to bring a list of safety enhancement projects forward to the City Council for consideration and prioritization. These project are related to safety improvements along Blondy Jhune Road, Winningkoff Road, Forest Grove Road, Snider Lane, and Stinson Road.

**Attachments/Supporting Documentation:**

- 1. Collector Street Information with Schematic Cost Estimates
- 2. Certificates of Obligation Timeline.

**Budget/Financial Impact:**

These projects are not funded in the FY 2014-2015 budget. The cost estimates are schematic in nature and are subject to revision as engineering design progresses.

**Recommendation:**

Staff is recommending using Certificates of Obligation to fund the safety enhancement projects.

**Motion:**

I move to approve/deny the identified safety enhancements to the Collector Street Projects and authorize staff to work with SAMCO Financial Advisors on the Notice of Intention Resolution to issue Certificates of Obligation in an amount not to exceed \$ \_\_\_\_\_.

Collector Street	Element	Quantity	Unit	Unit Cost	Cost	Ranking					
						High Five	>>> Four	Medium Three	>>> Two	Low One	
<b>Blondy Jhune Road</b>	Guardrail	2500	LF	\$ 35	\$ 87,500		\$ 52,500		\$ 35,000		
	Culvert	4	EA	\$ 5,000	\$ 20,000					\$ 20,000	
	Headwall	6	EA	\$ 2,000	\$ 12,000					\$ 12,000	
	West Bridge	1	EA	\$ 400,000	\$ 400,000	\$ 400,000					
	East Bridge	1	EA	\$ 400,000	\$ 400,000	\$ 400,000					
	Subtotal					\$ 919,500					
<b>Winningkoff Road</b>	Guardrail	1100	LF	\$ 35	\$ 38,500		\$ 38,500				
	Culvert	6	EA	\$ 5,000	\$ 30,000				\$ 30,000		
	Headwall	6	EA	\$ 2,000	\$ 12,000				\$ 12,000		
	Reverse Curve	1	EA	\$ 400,000	\$ 400,000	\$ 400,000		\$ 300,000			
	Subtotal					\$ 480,500					
	<b>Forest Grove Road</b>	Guardrail	1200	LF	\$ 35	\$ 42,000				\$ 42,000	
Culvert		4	EA	\$ 5,000	\$ 20,000				\$ 20,000		
Headwall		4	EA	\$ 2,000	\$ 8,000				\$ 8,000		
Subtotal						\$ 70,000					
Guardrail		1500	LF	\$ 35	\$ 52,500				\$ 52,500		
Culvert		5	EA	\$ 5,000	\$ 25,000				\$ 25,000		
<b>Snider Lane</b>	Headwall	7	EA	\$ 2,000	\$ 14,000				\$ 14,000		
	Subtotal					\$ 91,500					
	Guardrail	1000	LF	\$ 35	\$ 35,000				\$ 35,000		
	Culvert	4	EA	\$ 5,000	\$ 20,000				\$ 20,000		
	Headwall	4	EA	\$ 2,000	\$ 8,000				\$ 8,000		
	Subtotal					\$ 63,000			\$ 226,000	\$ 300,000	
<b>Stinson Road</b>	Ten Percent Contingency				\$ 162,450				\$ 226,000	\$ 300,000	
	Total By Ranking								\$ 226,000	\$ 30,000	
	Cumulative Total By Ranking								\$ 248,600	\$ 330,000	
	Total					\$ 1,786,950			\$ 1,458,600	\$ 1,751,750	
										\$ 26,650	\$ 3,200
										\$ 293,150	\$ 35,200

CITY OF LUCAS, TEXAS (THE "CITY")

§ \_\_\_\_\_

COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION,  
SERIES 2015 (THE "OBLIGATIONS")

March							April							May							June						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2	1	2	3	4	5	6	
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
29	30	31	26	27	28	29	30	24	25	26	27	28	29	30	28	29	30										

Tuesday, January 20, 2015	SAMCO Capital Markets, Inc. ("SAMCO") begins work on the Notice of Sale ("NOS") and the Preliminary Official Statement ("POS")
<b>Thursday, January 29, 2015</b>	<b>City Council meets in a workshop to discuss the issuance of Certificates of Obligations and General Obligation Bonds</b>
Friday, March 6, 2015	SAMCO sends the City the Request for Information ("RFI")
<b>Thursday, March 19, 2015</b>	<b>City Council meets to determine project list and maximum borrowing amount for Certificates of Obligation.</b>
Friday, March 20, 2015	City returns the RFI to SAMCO
Wednesday, March 25, 2015	First draft of the NOS/POS sent to Bond Counsel
Wednesday, April 1, 2015	Comments due on first draft of NOS/POS
<b>Thursday, April 2, 2015</b>	<b>City Council meets to authorize the Notice of Intention Resolution ("NOI") to issue the Obligations</b>
Friday, April 3, 2015	Second draft of NOS/POS sent to Issuer, Bond Counsel and Rating Agency
<b>Wednesday, April 8, 2015</b>	<b>First publication of the NOI in City's paper of record</b>
Friday, April 10, 2015	Comments due on the second draft of the NOS/POS
Week of April 13 <sup>th</sup>	Hold Rating Call with the City and Rating Agency
<b>Wednesday, April 15, 2015</b>	<b>Second publication of the NOI in City's paper of record</b>
Wednesday, April 22, 2015	Rating due back; Post NOS/POS to the Municipal Advisory Council
Wednesday, April 29, 2015	Post the NOS/POS to PostOS and email link to working group
Wednesday, May 6, 2015	Bids received
<b>Thursday, May 7, 2015</b>	<b>City Council authorizes the issuance of the Obligations at a competitive sale.</b>
Thursday, June 4, 2015	Obligations Closing; Funds wired to the City's depository bank



## City of Lucas Council Agenda Request March 19, 2015

**Name of Requestor:** City Manager, Joni Clarke

### **Agenda Item:**

Consider approving an Interlocal Agreement for Emergency Services between the City of Lucas and Collin County effective upon execution by both parties through September 30, 2016 to clarify the City of Lucas service area for Fire and Emergency Medical Services and authorize the Mayor to execute said agreement.

### **Background Information:**

Staff is seeking clarification from the Lucas City Council regarding the cancellation of the interlocal agreement for the provision of firefighting and fire protection services with Collin County. In light of the recent Special Meeting held on February 24, 2015, where the Lucas City Council authorized a short-term contract to provide EMS and Fire Suppression Services to Seis Lagos Utility District, staff is seeking direction as to whether it would be prudent to address the provision of "emergency services" consisting of both Fire and Emergency Medical Services in what is referred to the "Lucas Fire District" by providing Collin County with a revised interlocal that addresses both Fire and Emergency Medical Services in one comprehensive interlocal and to further clarify that the Lucas Fire District does not include Seis Lagos Utility District, Brockdale Park Estates and Inspiration Point.

The Council's position is that the City should provide both Fire and Emergency Medical Services to eliminate the confusion of who should be providing services in the unincorporated areas of the Lucas Fire District and to ensure the highest possible standard for patient care. Collin County has contracted with the City to provide Fire and Emergency Medical Services in these areas but the existing agreement for the provision of firefighting and fire protection services with Collin County does not exclude Seis Lagos Utility District, Brockdale Park Estates and Inspiration Point.

**Attachments/Supporting Documentation:**

1. Proposed Interlocal Agreement for Emergency Services between the City of Lucas and Collin County effective upon execution by both parties through September 30, 2016.
2. Copy of February 19, 2015 agenda packet item no. 11 discussing the boundaries of the Lucas Fire District including 1) the agreement for the provision of firefighting and fire protection services with Collin County effective October 2013 and 2) the agreement for emergency ambulance service approved by Collin County on September 30, 2014.

**Budget/Financial Impact:**

The Fire Department has been providing fire and emergency medical services to the Lucas Fire District and has the ability to continue to bill and collect revenue for emergency medical services.

**Recommendation:**

Staff is seeking additional guidance to see if any additional action is required to clarify our service area as it pertains to the provision of fire and emergency medical services by creating one comprehensive interlocal between the City of Lucas and Collin County to explain that the Lucas Fire District excludes Seis Lagos Utility District, Brockdale Park Estates and Inspiration Point.

**Motion:**

I make a motion to approve/deny an Interlocal Agreement for Emergency Services between the City of Lucas and Collin County effective upon execution by both parties through September 30, 2016 and authorize the Mayor to execute the agreement.



**STATE OF TEXAS**                               §  
  §       **INTERLOCAL AGREEMENT FOR**  
**COUNTY OF COLLIN**                       §       **EMERGENCY SERVICES**

This Interlocal Agreement ("Agreement") is made by and between the City of Lucas, Texas ("City") and Collin County, Texas ("County"), (each a "Party" and collectively the "Parties"), acting by and through their duly authorized representatives.

**RECITALS**

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code authorizes units of local government to contract with one or more units of local government to perform government functions and services; and

**WHEREAS**, this Agreement is entered into pursuant to the authority, under the provisions of, and in accordance with, Chapter 791 of the Texas Government Code, for the performance of governmental functions and services; specifically, emergency services; and

**WHEREAS**, the City and County have agreed to the boundaries of the Lucas Fire District which specifically excludes the Seis Lagos Utility District, Brockdale Park Estates and Inspiration Point (the "Lucas Fire District") ; and

**WHEREAS**, the City currently provides firefighting, fire protection and ambulance service (collectively referred to as "Emergency Services") to the citizens of the City and has the capacity to service those areas that are located outside the corporate limits of the City but within the Lucas Fire District; and

**WHEREAS**, the City and County have previously entered into Interlocal Agreement for the purpose of providing both fire and emergency ambulance services to the areas within the Lucas Fire District; and

**WHEREAS**, it is in the best interest of the City and the County to enter into one Agreement for the purposes of the City providing both Emergency Fire and Ambulances Services to the areas within the Lucas Fire District; and

**WHEREAS**, County has investigated and determined that it would be advantageous and beneficial to the County and its inhabitants to provide Emergency Services to the County and its inhabitants; and

**WHEREAS**, County desires to engage the City, and the City desires to be engaged by the County, to provide Emergency Services within the Lucas Fire District as set forth herein; and

**WHEREAS**, the governing bodies of the City and County desire to foster good-will and cooperation between the two entities; and

**WHEREAS**, City and County, deem it to be in the best interest of both entities to enter into this Agreement relative to Emergency Services;

**NOW, THEREFORE**, in consideration of the mutual promises and benefits contained herein, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

**Article I  
Services to be Performed**

County agrees to engage the City to furnish Emergency Services to the certain identified unincorporated areas of the County known as the Lucas Fire District, and to answer all emergency calls within the unincorporated areas of the Lucas Fire District as shown on the map attached hereto as Exhibit "A" and incorporated herein.

The level of emergency ambulance services required under this Agreement shall include Advanced Life Support ("ALS") or Basic Life Support (BLS") based on unit availability and includes patient transport.

**Article II  
Effective Date, Term and Termination**

2.1 The effective date of this Agreement shall be the 19 day of March, 2015. ("Effective Date"), regardless of when this Agreement is executed by the Parties' authorized representatives.

2.2 The term of this Agreement shall begin on the Effective Date and shall continue through September 30, 2016. This Agreement shall automatically renew for successive one year terms unless the Agreement is terminated by wither Party as provided herein.

2.3 Either Party may terminate this Agreement, with or without cause, before the end of the then current term by providing the other Party with thirty (30) days written notice of termination. In the event of termination under this Article, County and City agree to pay for or reimburse the other Party for overpayment of under payment to the termination date.

**Article III  
Compensation**

3.1 Firefighting and Fire Protection Services. County shall pay a yearly fee to the City according to the following formulas: (1) \$750,000 divided by the total number of persons living in the County's unincorporated areas, as computed by the County's GIS Department, multiplied by the specific population of the unincorporated area of the Lucas Fire District as assigned by Collin County and defined herein; and (2) \$200,000 divided by the total square miles of County's unincorporated area multiplied by the total square miles of the unincorporated area of the Lucas Fire District. For purposes of this Article, the total number of persons living in the

county's unincorporated areas shall not include the population of Seis Lagos Utility District, Brockdale Park Estates and Inspiration Point.

County shall pay the yearly fee calculated under the formula stated in paragraph 3.1 in semi-annual installments to City. The first payment to be paid within a reasonable time after County has approved said fees in County's yearly budget adopted in September of each year, and the second installment to be paid six months after the first payment to City. In accordance with the Texas Local Government Code Chapter 352, such payment will be made from County's general fund.

County will recalculate the payment formula stated in paragraph 3.1 each year during the term of this Agreement, including each renewal term. The formula stated in paragraph 3.1 is not a guarantee of any specific payment and City acknowledges that any payments are subject to budget appropriations approved by the County's government board.

3.2 Emergency Ambulance Services. The emergency ambulance services described in Article I shall be provided to the County at no charge.

#### **Article IV Relationship of Parties**

The Parties intend that the City, in performing the Emergency Services specified in this agreement, shall act as an independent contractor and shall have control of its work and the manner in which it is performed. Neither the City, its agents, employees, volunteer help nor any other person operating under this Agreement shall be considered an agent or employee of the County and shall not be entitled to participate in any pension or other benefits that the County provides its employees.

#### **Article V Notice to Parties**

Any notice required or permitted to be delivered hereunder shall be deemed received (i) three (3) days after deposit into the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the Party at the address set forth below or (ii) on the day actually received if sent by courier or otherwise hand delivered.

If intended for City, to:

City of Lucas, Texas  
Attn: Joni Clarke, City Manager  
665 Country Club Road  
Lucas, Texas 75002

With a copy to:

Joseph J. Gorfida, Jr.  
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.  
1800 Ross Tower  
500 N. Akard  
Dallas, Texas 75201

If intended for County, to:

Collin County  
Attn: Purchasing Agent  
2300 Bloomdale, Suite 3160  
McKinney, Texas 75071

With copy:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Article VI**  
**Requirements for Insurance**

6.1 Before commencing work, the City shall be required, at its own expense, to furnish the Collin County Purchasing Agent with certified copied of all insurance certificates indicating the coverage to remain in force throughout the term of this contract.

6.1.1 Commercial General Liability Insurance at minimum combined single limits of \$1,000,000.00 per-occurrence and \$2,000,000.00 general aggregate for bodily injury and property damage, which coverage shall include products/completed operations, independent contractors, and contractual liability each at \$1,000,000.00 per occurrence. Coverage must be written on an occurrence form.

6.1.2 Workers Compensation insurance at statutory limits, including employers' liability coverage at minimum limits.

6.1.3 Commercial Automobile Liability insurance shall be no less than \$1,000,000.00 combined single limits per accident for bodily injury and property damage, including owned, non-owned, and hired vehicle coverage.

6.1.4 Medical Professional Liability Insurance at minimum limits of \$1,000,000.00. This policy must have a two (2) year extended period of coverage, (i.e. tail coverage).

6.2 The required limits may be satisfied by any combination of primary, excess or umbrellas liability insurances, provided the primary policy complies with the above requirements and the excess umbrella is following form. The City may maintain reasonable and customary deductibles, subject to approval by the County.

6.3 With reference to the foregoing insurance requirement, the City shall endorse applicable insurance policies as follows:

6.3.1 The City's insurance policies shall be endorsed to the effect that the County will receive at least thirty (30) days notice prior to cancellation, non-renewal or termination of the policy.

6.3.2 All copies of Certificates of Insurance shall reference the project/contract number.

6.3.3 All insurance shall be purchased from an insurance company that meets the following requirements:

6.3.3.1 A financial rating of B+VI or better as assigned by the Best Rating Company or equivalent

6.3.3.2 Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain provisions representing and warranting the following:

6.3.3.2.1 Sets forth all endorsements and insurance coverage according to requirements and instructions contained herein.

6.3.3.2.2 Sets forth the notice of cancellation or termination to the County.

## **Article VII Funding Sources and Nonappropriation**

7.1 Each of the Parties hereto paying for the performance of the governmental services provided are making those payments from current revenues available to each of the respective Parties.

7.2 Notwithstanding Section 2.3, if sufficient funds are not appropriated by the County to fund this Agreement in any fiscal year an event of nonappropriation shall be deemed to have occurred and the Agreement shall automatically terminate upon the last date of the term of the Agreement for which funds budget for this Agreement have been appropriated. In no event shall County be obligated to make any payments under this Agreement beyond the then current fiscal year of county for which funds have been appropriated to satisfy its payment obligations under this Agreement.

## **Article VIII Miscellaneous Provisions**

8.1 Entire Agreement; Severability. This Agreement contains the entire agreement between the Parties and this Agreement supersedes any prior oral or written understandings and agreements. This Agreement shall not be modified or amended except in writing signed by the Parties. The invalidity, in whole or in part, of any paragraph of this Agreement shall not affect the validity of the remainder of the Agreement or paragraph.

8.2 Government Law. This Agreement shall be governed by the laws of Texas. Any litigation in any way relating to this Agreement shall be brought in State court in Collin County, Texas.

8.3 Non Waiver. Any failure by a Party to insist upon strict performance by another Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes

for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

8.4 Counterparts. This Agreement may be executed in a number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

8.5 Authority. The undersigned officers of the Parties by executing said document acknowledge that they and/or their respective government bodies have reviewed and approved this Agreement in full compliance with their respective bylaws, policies and the laws of the State of Texas. The persons executing this Agreement represent and warrant they possess the requisite authority to do so on behalf of the persons and entities set forth below.

8.6 Indemnification. To the extent allowed by law, each Party agrees to release, defend, indemnify, and hold harmless the other (and its offices, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this Agreement.

8.7 Amendment. This Agreement shall not be amended or modified other than by written agreement signed by the Parties.

8.8 Incorporation of Recitals. The recitals contained herein, having been found by the Parties to be true and correct in all respects are incorporated into this Agreement by reference.

EXECUTED on this \_\_\_\_ day of \_\_\_\_\_, 2015.

**City of Lucas, Texas**

By: \_\_\_\_\_  
Rebecca Mark, Mayor

**Attest:**

By: \_\_\_\_\_  
Stacy Henderson, City Secretary

**Approved as to Form:**

By: \_\_\_\_\_  
Joseph J. Gorfida, Jr., City Attorney  
(11-25-14/69289)

EXECUTED on this \_\_\_\_ day of \_\_\_\_\_, 2015.

**Collin County**

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

**Attest:**

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

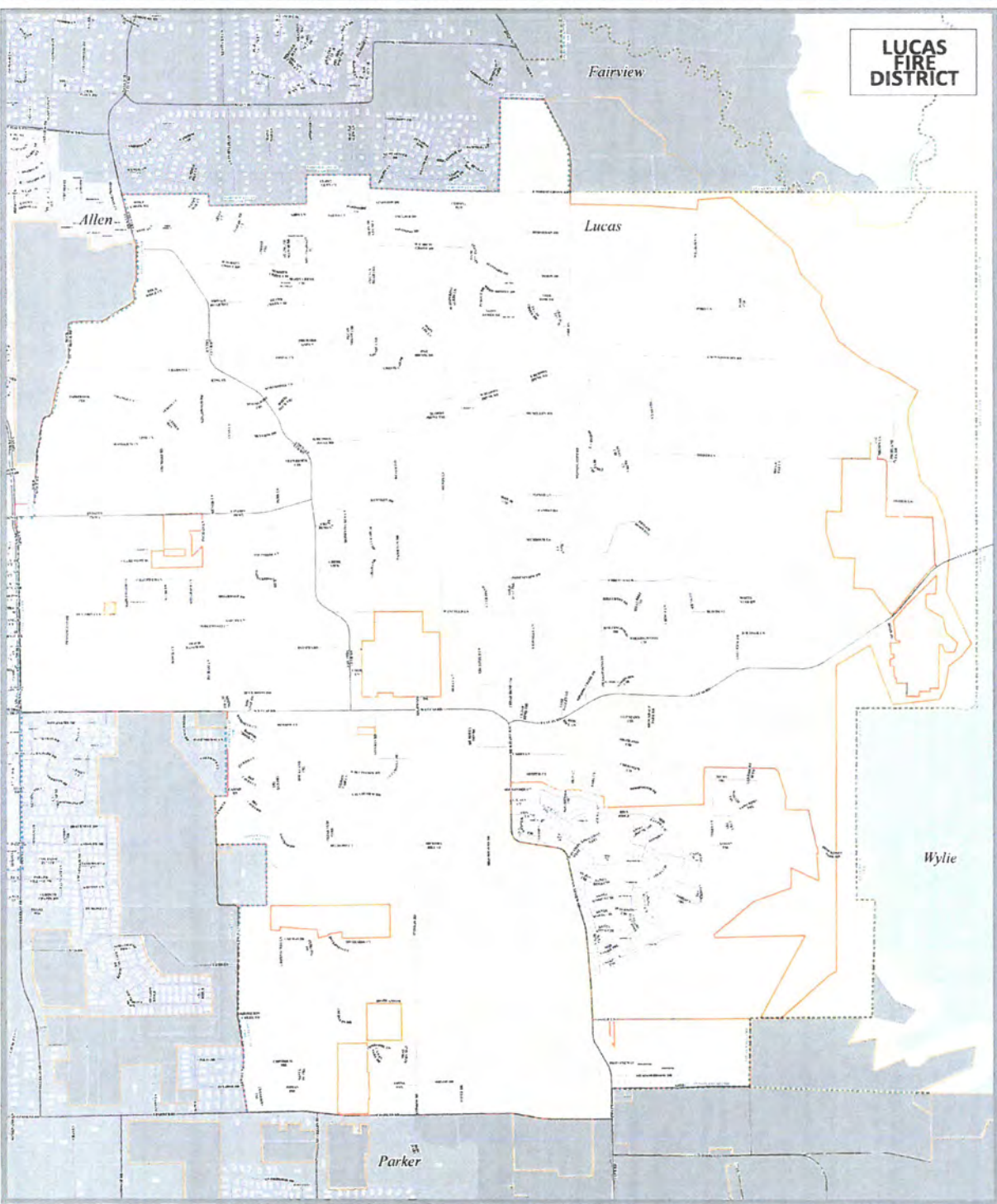
**Approved as to Form:**

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

**EXHIBIT "A"**  
**Lucas Fire District**



**LUCAS  
FIRE  
DISTRICT**



**LEGEND**

- LUCAS FIRE DISTRICT
- MUNICIPAL UTILITY DISTRICT
- AGREED ULTIMATE MUTUAL BOUNDARIES

- Roads**
- Paved
  - Rock
  - Dirt
  - Urban
  - Private



Source data compiled from Calfee County GIS databases, aerial photography (2009), digital data from census, and various maps throughout Calfee County.

This map is a graphic representation of Calfee County and should not be used for alternative purposes. In no way should this map be used to define any boundaries, degree, or historical practices.

December 11, 2014



## City of Lucas Council Agenda Request February 19, 2015

**Name & Title:** City Manager Joni Clarke

### **Agenda Item:**

Discuss and consider the boundaries of the Lucas Fire District and the Interlocal Agreement with Collin County regarding fire and EMS service in Lucas Fire District.

### **Background Information:**

In negotiations with the Collin County Fire Marshal, the City of Lucas agreed to provide both Fire and EMS in its Fire District (which is not much different than the City's ETJ) excluding Seis Lagos Utility District, Brockdale Park Estates and Inspiration Point. The City did not request an additional subsidy from Collin County as the City would be in a position to be able to bill for EMS and was of the understanding that this would benefit Collin County as it would save them money from having to contract with the coalition ambulance to provide the services.

Since an interlocal was already in place for fire related services, the Collin County Fire Marshal suggested that the City of Lucas draft a second interlocal to address the provision of EMS to unincorporated areas within its Fire District. Currently, we have two interlocal agreements in place to provide Fire and EMS in the Lucas Fire District which include:

- The agreement for the provision of firefighting and fire protection services with Collin County effective October 2013 with automatic renewal for successive one year terms with a budgeted revenue of \$36,000 for fiscal year 13/14; and
- the agreement for emergency ambulance service approved by Collin County on September 30, 2014.

Both agreements call for the provision of service in the Lucas Fire District.

Currently, the Interlocal Agreement for Emergency Ambulance Services between the City of Lucas and Collin County authorizes the Lucas Fire Department to respond to fire and emergency medical calls within the unincorporated areas of the Lucas Fire District. The Interlocal specifically excludes from the Lucas Fire District the Seis Lagos Utility District, Brockdale Park Estates and Inspiration Point. The current contract expires September 30, 2015.

When the City was unable to reach an agreement with Seis, the City notified the City of Plano's Communications Department who provides dispatching services for the City of Lucas that we would no longer be providing fire services to Seis. However, Collin County Communications continues to dispatch fire calls to the City of Lucas Fire Department.

We also notified Mr. Eric J. DeArmitt, Community Hazard Mitigation Analyst at the Insurance Services Office that as of Thursday, October 16, 2014, the City of Lucas, Texas is no longer under contract to provide services to the area within the Seis Lago Utility District. Accordingly, the City will no longer receive or respond to dispatch calls.

Our City Manager contacted the Collin County Fire Marshal to seek clarification as to why Collin County Communications would continue to dispatch fire calls to the City of Lucas Fire Department. We were surprised to learn that the Fire Marshal's position was that the interlocal pertaining to fire services has the Lucas Fire District defined as including the utility district and the interlocal pertaining to EMS specifically excluded the utility district.

The Mayor and City Manager met with Commissioner Chris Hill to determine why Collin County took the position that they were going to continue to dispatch the City of Lucas Fire Department to an area that is not in its jurisdiction. Collin County's remedy to the SLUD's lack of fire protection would be to continue to dispatch fire departments on the basis of proximity to the municipal utility district.

**Attachments/Supporting Documentation:**

1. Interlocal Agreement for Emergency Ambulance Services
2. Interlocal Agreement for the Provision of Firefighting and Fire Protection Services

**Budget/Financial Impact:**

NA

**Recommendation:**

Staff is seeking legal guidance to see if any additional action needs to be taken to clarify our service area as it pertains to the provision of fire and emergency medical services.

**Motion:**

N/A

STATE OF TEXAS

§

COUNTY OF COLLIN

§

**INTERLOCAL AGREEMENT FOR  
EMERGENCY AMBULANCE SERVICES**

This Interlocal Agreement ("Agreement") is made by and between the City of Lucas, Texas ("City") and Collin County, Texas ("County"), (each a "Party" and collectively the "Parties"), acting by and through their duly authorized representatives.

**RECITALS**

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code authorizes units of local government to contract with one or more units of local government to perform government functions and services; and

**WHEREAS**, this Agreement is entered into pursuant to the authority, under the provisions of, and in accordance with, Chapter 791 of the Texas Government Code, for the performance of governmental functions and services; specifically, emergency ambulance services; and

**WHEREAS**, City provides these emergency ambulance services to the citizens of the City and has the capacity to service other municipalities; and

**WHEREAS**, County has investigated and determined that it would be advantageous and beneficial to the County and its inhabitants to provide emergency ambulance services to the County and its inhabitants; and

**WHEREAS**, County desires to engage the City, and the City desires to be engaged by the County, to provide emergency ambulance services as set forth herein; and

**WHEREAS**, the governing bodies of the City and County desire to foster good-will and cooperation between the two entities; and

**WHEREAS**, City and County, deem it to be in the best interest of both entities to enter into this Agreement relative to emergency ambulance services;

**NOW, THEREFORE**, in consideration of the mutual promises and benefits contained herein, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

**Article I  
Services to be Performed**

County agrees to engage the City to furnish emergency ambulance services to the certain identified unincorporated areas of the County known as the Lucas Fire District, and to answer all emergency ambulance calls within the unincorporated areas of the Lucas Fire District as shown

on the map attached hereto as Exhibit "A" and incorporated herein. The Lucas Fire District specifically excludes the following areas currently known as: The Seis Lagos Utility District; Brockdale Park Estates and Inspiration Point and as further identified on Exhibit "B".

The level of emergency ambulance services required under this Agreement shall include Advanced Life Support ("ALS").

## **Article II Duration of Agreement**

Unless mutually initiated, cancelled, or terminated earlier with thirty (30) days written notice, this Agreement shall commence on the 1st day of October, 2014. This contract expires at midnight on September 30, 2015. This contract may be extended for additional time with the fees and payments being negotiated at that time.

## **Article III Compensation**

The emergency ambulance services described in Paragraph I shall be provided to the County at no charge.

## **Article IV Relationship of Parties**

The Parties intend that the City, in performing the emergency ambulance services specified in this agreement, shall act as an independent contractor and shall have control of its work and the manner in which it is performed. Neither the City, its agents, employees, volunteer help nor any other person operating under this Agreement shall be considered an agent or employee of the County and shall not be entitled to participate in any pension or other benefits that the County provides its employees.

## **Article V Notice to Parties**

Any notice required or permitted to be delivered hereunder shall be deemed received (i) three (3) days after deposit into the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the Party at the address set forth below or (ii) on the day actually received if sent by courier or otherwise hand delivered.

If intended for City, to:

City of Lucas, Texas  
Attn: Joni Clarke, City Manager  
665 Country Club Road  
Lucas, Texas 75002

With a copy to:

Joseph J. Gorfida, Jr.  
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.  
1800 Ross Tower  
500 N. Akard  
Dallas, Texas 75201

If intended for County, to:

Collin County  
Attn: Purchasing Agent  
2300 Bloomdale, Suite 3160  
McKinney, Texas 75071

With copy:

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### Article VI Requirements for Insurance

6.1 Before commencing work, the City shall be required, at its own expense, to furnish the Collin County Purchasing Agent with certified copied of all insurance certificates indicating the coverage to remain in force throughout the term of this contract.

6.1.1 Commercial General Liability Insurance at minimum combined single limits of \$1,000,000.00 per-occurrence and \$2,000,000.00 general aggregate for bodily injury and property damage, which coverage shall include products/completed operations, independent contractors, and contractual liability each at \$1,000,000.00 per occurrence. Coverage must be written on an occurrence form.

6.1.2 Workers Compensation insurance at statutory limits, including employers' liability coverage at minimum limits.

6.1.3 Commercial Automobile Liability insurance shall be no less than \$1,000,000.00 combined single limits per accident for bodily injury and property damage, including owned, non-owned, and hired vehicle coverage.

6.1.4 Medical Professional Liability Insurance at minimum limits of \$1,000,000.00. This policy must have a two (2) year extended period of coverage, (i.e. tail coverage).

6.2 The required limits may be satisfied by any combination of primary, excess or umbrellas liability insurances, provided the primary policy complies with the above requirements and the excess umbrella is following form. The City may maintain reasonable and customary deductibles, subject to approval by the County.

6.3 With reference to the foregoing insurance requirement, the City shall endorse applicable insurance policies as follows:

6.3.1 The City's insurance policies shall be endorsed to the effect that the County will receive at least thirty (30) days notice prior to cancellation, non-renewal or termination of the policy.

6.3.2 All copies of Certificates of Insurance shall reference the project/contract number.

6.3.3 All insurance shall be purchased from an insurance company that meets the following requirements:

6.3.3.1 A financial rating of B+VI or better as assigned by the Best Rating Company or equivalent

6.3.3.2 Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain provisions representing and warranting the following:

6.3.3.2.1 Sets forth all endorsements and insurance coverage according to requirements and instructions contained herein.

6.3.3.2.2 Sets forth the notice of cancellation or termination to the County.

#### **Article VII Funding Sources**

Each of the Parties hereto paying for the performance of the governmental services provided are making those payments from current revenues available to each of the respective Parties.

#### **Article VIII Miscellaneous Provisions**

8.1 Entire Agreement; Severability. This Agreement contains the entire agreement between the Parties and this Agreement supersedes any prior oral or written understandings and agreements. This Agreement shall not be modified or amended except in writing signed by the Parties. The invalidity, in whole or in part, of any paragraph of this Agreement shall not affect the validity of the remainder of the Agreement or paragraph.

8.2 Government Law. This Agreement shall be governed by the laws of Texas. Any litigation in any way relating to this Agreement shall be brought in State court in Collin County, Texas.

8.3 Non Waiver. Any failure by a Party to insist upon strict performance by another Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.



8.4 Counterparts. This Agreement may be executed in a number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

8.5 Authority. The undersigned officers of the Parties by executing said document acknowledge that they and/or their respective government bodies have reviewed and approved this Agreement in full compliance with their respective bylaws, policies and the laws of the State of Texas. The persons executing this Agreement represent and warrant they possess the requisite authority to do so on behalf of the persons and entities set forth below.

8.6 Indemnification. To the extent allowed by law, each Party agrees to release, defend, indemnify, and hold harmless the other (and its offices, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this Agreement.

8.7 Amendment. This Agreement shall not be amended or modified other than by written agreement signed by the Parties.

EXECUTED on this 21<sup>st</sup> day of August, 2014.

City of Lucas, Texas



By: [Signature]  
Rebecca Mark, Mayor

Attest:

By: [Signature]  
Kathy Wingo, TRMC, MMC, City Secretary

Approved as to Form:

By: [Signature]  
Joseph J. Gorfida, Jr., City Attorney  
(08-08-14/67490)

EXECUTED on this 20<sup>th</sup> day of September, 2014.

Collin County

By: [Signature]  
Name: Keith Self  
Title: County Judge

Attest:

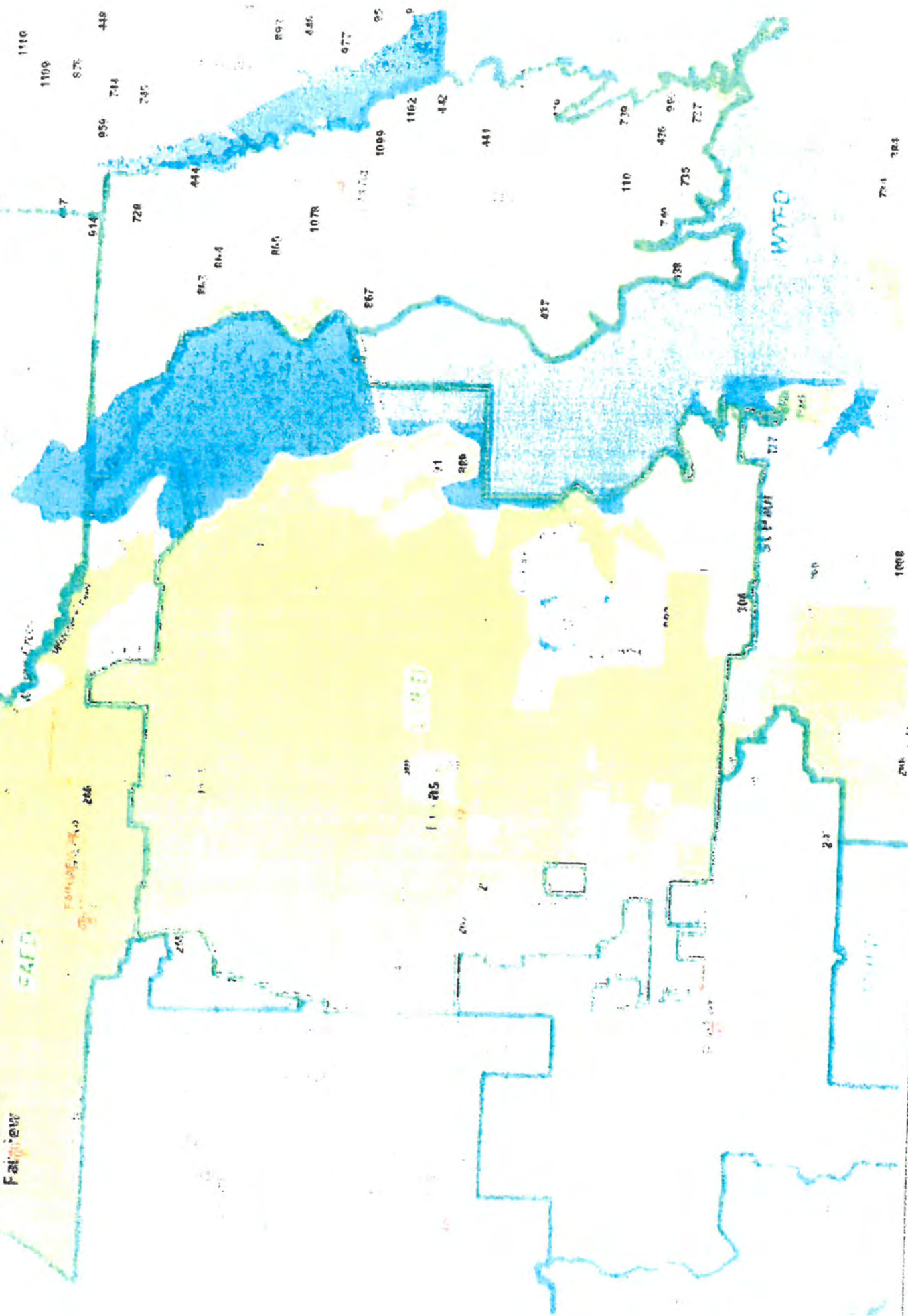
By: [Signature]  
Name: Georgia Shepherd  
Title: Administrative Secretary

Approved as to Form:

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

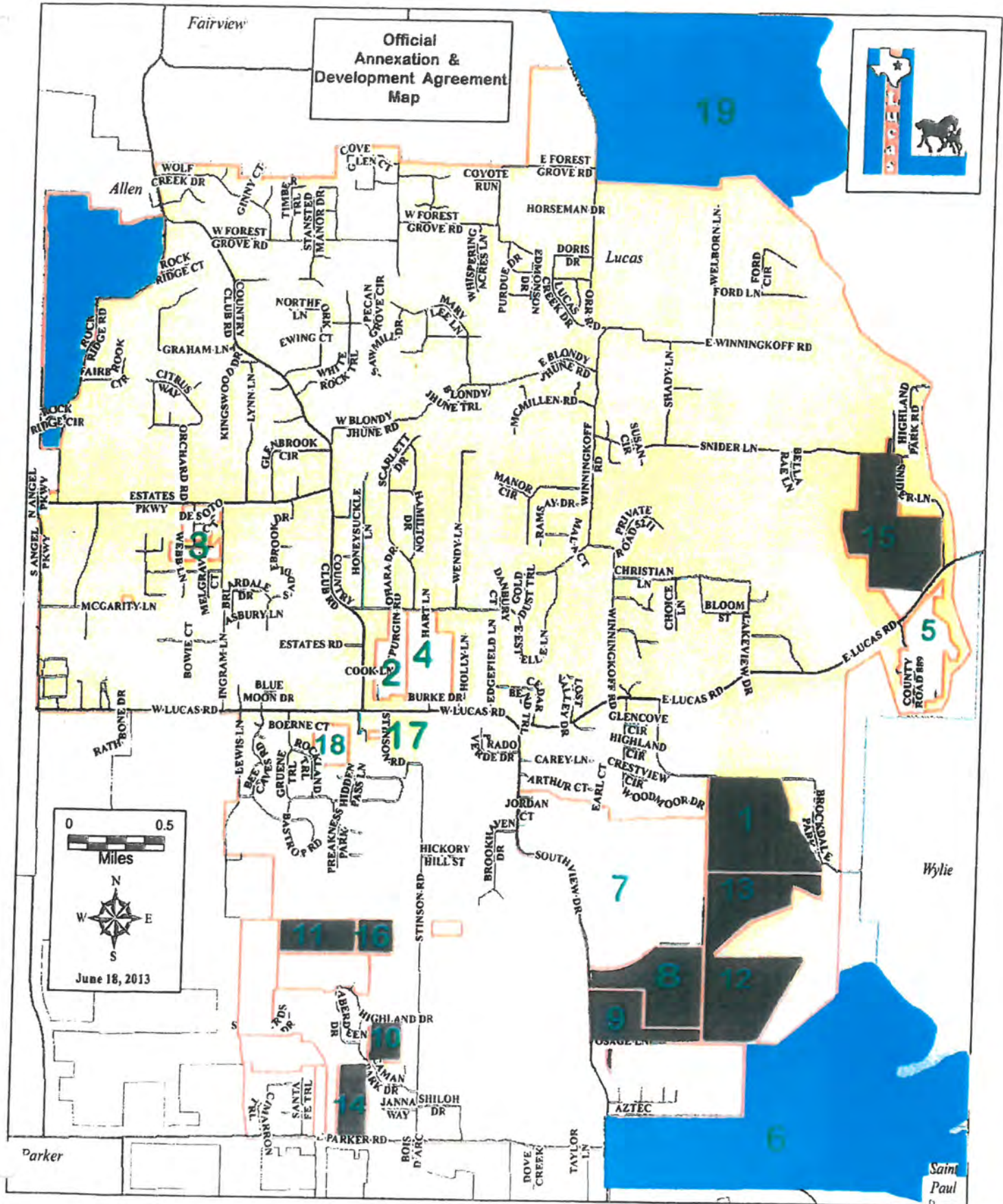
**EXHIBIT "A"**

Lukas Fire Department



**EXHIBIT "B"**

Official  
Annexation &  
Development Agreement  
Map



Lucas Sub-Divisions/P is outside City Limits

#	Sub-Division	Street	Amex Date	In ETZ	In EFD
1	<b>BROCKDALE ESTATES</b> 205 homes	Coil Trail Hicks Trail Lakeshore Blvd. Maggie Trail Samantha Trail Logan Trail Terry Court	4/17/2028 4/17/2028 4/17/2028 4/17/2028 4/17/2028	X X X X X	X X X X X
2	<b>CIMARRON</b> 25 homes	Strain Ln Stratton Mills Dr Cook Ln Red Store Court Rutledge Lane Spurgin Road	Available Available Available Available Available	X X X X X	X X X X X
3	<b>CLAREMONT SPRINGS I</b> 23 homes	Amblerwood Drive Desoto Ct Marchmont Dr Melgrave Ct Webb Ln Chaffield Ln	Available Available Available Available Available	X X X X X	X X X X X
4	<b>EDGEWOOD ESTATES</b> 45 homes	Burke Drive Connell Ln Darton Dr Denton Dr Edgewood Dr Hart Ln Hayden Hunt Dr Lee Drive Pool Ln Walker Ln	Available Available Available Available Available Available Available Available Available Available	X X X X X X X X X X	X X X X X X X X X X
5	<b>Trinity Park</b> 48 homes	E. Fork CR 881 Miami CR 880 Daytona CR 381 Trout CR 887 Orlando CR 889	Available Available Available Available Available	X X X X X	X X X X X
6	<b>Southview Area/Parker Rd Area</b> 24 homes/10 Commercial	Private Rd 5237 Pecan Drive Wright Lane	Not In City Not In City Not In City		X X X

#	Sub-Division	Street	Amex Date	In ETZ	In EFD
7	<b>SEIS LAGOS I</b> 406 homes	Alameda Circle Avenida Bella Vista Circle Brissas Camino Real East Carranero Circle Cartage Trail Chula Vista Circle Del Mar Circle Lago Vista East Lago Vista West Laguna Circle Las Brissas Circle Las Cruces Circle Las Alamitos Circle Riva Ridge San Juan Circle Santa Anita Circle Santa Maria Circle Santa Monica Circle Santa Rosa Circle Seis Lagos Trail Ventura Circle	3 yrs from Dev/annex Plan 3 yrs from Dev/annex Plan	X X	X X
8	<b>McKenna Property (1 home)</b>	Southview	8/1/2027		X
9	<b>North Texas Equestrian Center</b>	Southview	2028		X
10	<b>Donihoo/McCreary</b>	Stinson Rd	Final Plat or 2018		X
11	<b>Stinson Highlands III</b>	Stinson Rd	Upon Final Plat		X
12	<b>Inspiration I (600 lots)</b>	Brockdale	9/17/2024		X
13	<b>Inspiration II (800 lots)</b>	Brockdale	9/17/2024		X
14	<b>McCreary Watson</b>	Parker Rd.	2027		X
15	<b>Lakeview Downs (106 lots)</b>	E. Lucas Rd	2021		X
16	<b>Oakbrook (44 lots)</b>	Stinson Rd	Upon Final Plat		X
17	<b>190 Stinson Rd. (Commercial)</b>	Available			X
18	<b>Willow Springs Middle School</b>	Available			X
19	<b>North Texas Municiple Water District</b>	Not Available			X



## COLLIN COUNTY

Fire Marshal's Office  
825 N. McDonald Street  
Suite 140  
McKinney, Texas 75069  
972-548-5576  
975-548-5574 fax  
[www.collincountytx.gov](http://www.collincountytx.gov)

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TO: Commissioners' Court  
FROM: Jason Browning, Fire Marshal  
RE: Contract for Fire Protection in Unincorporated Collin County

Honorable Court,

I respectfully request the Court to consider and approve the enclosed contract for providing fire protection in the unincorporated fire district of Collin County. The funding for the contract has been approved in the FY14 budget. This contract is with the individual Fire Department that has unincorporated areas within their fire district and will take the place of the annual subsidy the county has been providing to the Firefighters Association in years past.



COUNTY OF COLLIN

§  
§  
§

**AGREEMENT FOR THE PROVISION OF FIREFIGHTING AND FIRE PROTECTION SERVICES**

Pursuant to the authority granted by Texas Local Government Code, Chapter 352, Collin County, Texas, a political subdivision of the State of Texas (hereinafter referred to as "COUNTY") and Lucas Fire Department (hereinafter referred to as "AGENCY"), (and jointly referred to as "Parties") in consideration of the premises and mutual promises contained herein, agree as follows:

**RECITALS**

**WHEREAS**, the COUNTY is a duly organized political subdivision of the State of Texas engaged in the administration of county government and related services for the benefit of the residents of Collin County, Texas; and

**WHEREAS**, AGENCY is a municipal corporation or nonprofit corporation, duly organized and operating under the laws of the State of Texas and engaged in the provision of fire protection and firefighting services and related services; and

**WHEREAS**, AGENCY is the owner and operator of certain fire protection vehicles, fire suppression equipment and other equipment designed for the extinguishing of fire and prevention of damage to property and injury to persons from fire and works with or employs trained personnel whose duties are related to the use of such vehicles and equipment; and

**WHEREAS**, COUNTY desires to obtain firefighting and fire protection services from AGENCY for the benefit of an area of the county that is located outside the municipalities in the County; and

**WHEREAS**, COUNTY and AGENCY mutually desire that AGENCY should continue to provide firefighting and fire protection services to the citizens of AGENCY'S assigned fire district that is located outside the municipalities in the County; and

**NOW, THEREFORE**, in consideration of the above recitals, the mutual promises that follow and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

- I. **Incorporation of Recitals.** The above recitals, having been found by the Parties to be true and correct in all respects are incorporated into this Agreement by reference.
- II. **Obligations and Responsibilities of AGENCY**

2.1 AGENCY shall provide firefighting services, fire protection services, and related services within its fire district as assigned by Collin County. A map of the fire district assigned to AGENCY by Collin County is appended hereto as "Exhibit A" and is incorporated with this Agreement for all purposes.

2.2 AGENCY shall maintain records of response to emergency calls, including but not limited to date, time, location of emergency, type of emergency, time to respond, and results. AGENCY shall provide up-to-date response data to COUNTY within 30 days of request by COUNTY.

2.3 AGENCY agrees to respond to the Collin County Fire Marshall requests for information and will use best efforts to work with the Collin County Fire Marshall to cooperate and coordinate firefighting and fire protection activities.

2.4 If AGENCY is a nonprofit corporation, AGENCY agrees to maintain its corporate status in good standing with all federal, state, and local rules and regulations applicable to a non-profit corporation. AGENCY shall notify COUNTY if its corporate authority is canceled, terminated, or otherwise lapses.

2.5 AGENCY warrants and promises that it will respond to emergency calls with appropriate equipment and sufficient trained personnel as needed to appropriately address the emergency situation. AGENCY further warrants and promises that it will mandate appropriate training of all personnel and ensure proper certification of all firefighter staff.

2.6 AGENCY warrants and promises that it shall maintain general liability insurance in amounts as are reasonable and customary for firefighting agencies similar to AGENCY. AGENCY shall add Collin County as an additional insured to AGENCY's liability insurance. AGENCY shall provide proof of liability insurance to COUNTY at the beginning of each term of this Agreement and upon request by Collin County.

### **III. Obligations and Responsibilities of COUNTY.**

3.1 COUNTY shall pay a yearly fee to AGENCY according to the following formulas: (1) \$750,000 divided by the total number of persons living in COUNTY's unincorporated areas, as computed by the COUNTY's GIS Department, multiplied by the specific population of the unincorporated area of the AGENCY's fire district as assigned by Collin County; and (2) \$200,000 divided by the total square miles of COUNTY's unincorporated area multiplied by the total square miles of the unincorporated area of the AGENCY's fire district as assigned by Collin County.

3.2 COUNTY shall pay the yearly fee calculated under the formula stated in paragraph 3.1 in semi-annual installments to AGENCY. The first payment to be paid within a reasonable time after COUNTY has approved said fees in COUNTY's yearly budget adopted in September of each year, and the second installment to be paid six months after the first payment to AGENCY. In accordance with Texas Local

Government Code chapter 352, such payments will be made from COUNTY's general fund.

3.3 COUNTY will recalculate the payment formula stated in paragraph 3.1 each year during the term of this Agreement, including each renewal term. The formula stated in paragraph 3.1 is not a guarantee of any specific payment and AGENCY acknowledges that any payments are subject to budgeted appropriations approved by COUNTY's governing board.

#### **IV. Effective Date, Term and Termination.**

4.1 The effective date of this Agreement shall be the 1st day of October, 2013, ("Effective Date"), regardless of when this Agreement is executed by the Parties' authorized representatives.

4.2 The term of this Agreement shall begin on the Effective Date, and shall continue for an initial term of one year. This Agreement shall automatically renew for successive one year terms unless the Agreement is terminated or cancelled by either Party as provided by this Agreement.

4.3 Either Party may terminate this Agreement, with or without cause, before the end of the then current term by providing the other Party with thirty (30) days written notice of termination. In the event of termination under this section, COUNTY and AGENCY agree to pay for or reimburse the other Party for overpayment or under payment to the termination date.

4.4 **Nonappropriation.** Notwithstanding paragraph 4.3, if sufficient funds are not appropriated by COUNTY to fund this Agreement in any fiscal year an event of nonappropriation shall be deemed to have occurred and the Agreement shall automatically terminate upon the last date of the term of the Agreement for which funds budgeted for this Agreement have been appropriated. In no event shall COUNTY be obligated to make any payments under this Agreement beyond the then current fiscal year of COUNTY for which funds have been appropriated to satisfy its payment obligations under this Agreement.

#### **V. Miscellaneous**

5.1 **Notices.** Any notice required under this Agreement shall be sent to the following:

To COUNTY:  
Collin County, Texas  
Attn: County Judge, Keith Self  
2300 Bloomdale Rd.  
McKinney, TX 75071

To AGENCY:  
Lucas Fire Department  
Attn: Fire Chief, Jim Kitchens  
165 Country Club Rd  
Lucas, TX 75002

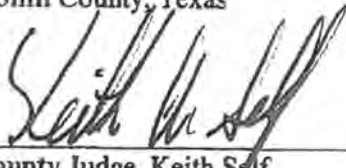
- 5.2 **Authority and Enforceability.** The Parties represent and warrant that this Agreement has been approved and or adopted by the Parties' authorized representatives and that the individual executing this Agreement on behalf of each Party has been duly authorized to do so. Each Party acknowledges and agrees that this Agreement is binding upon such Party and enforceable against such Party in accordance with its terms and conditions.
- 5.3 **Entire Agreement; Severability.** This Agreement contains the entire agreement between the Parties and this Agreement supersedes any prior oral or written understandings and agreements. This Agreement shall not be modified or amended except in writing signed by the Parties. The invalidity, in whole or in part, of any paragraph of this Agreement shall not affect the validity of the remainder of the Agreement or paragraph.
- 5.4 **Governing Law.** This Agreement shall be governed by the laws of Texas. Any litigation in any way relating to this Agreement shall be brought in State court in Collin County, Texas.
- 5.5 **Non Waiver.** Any failure by a Party to insist upon strict performance by another Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.
- 5.6 **No Third Party Beneficiaries.** This Agreement only inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.
- 5.7 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
- 5.8 **Further Documents.** Each Party shall, upon request of the other Party, execute and deliver such further documents and perform such further acts as may reasonably be requested to effectuate the terms of this Agreement and achieve the intent of the Parties.
- 5.9 **Dispute Resolution.** The Parties agree to use alternative dispute resolution, including mediation to resolve any conflicts which may arise under this Agreement.
- 5.10 **Authority.** The undersigned officers of the Parties by executing said document, acknowledge that they and/or their respective governing bodies have reviewed and approved this Agreement in full compliance with their respective bylaws, policies and the

laws of the State of Texas. The persons executing this Agreement represent and warrant they possess the requisite authority to do so on behalf of the persons and entities set forth below.

In WITNESS WHEREOF; the parties hereto have executed this Agreement in multiple counterparts, each of which shall be deemed an original on the dates reflected below.

COUNTY

Collin County, Texas



County Judge, Keith Self  
Acting on behalf and by Authority  
Of the Collin County Commissioners

11/5/13  
Date

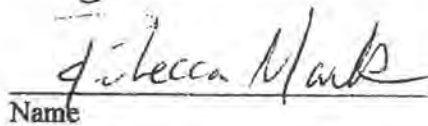
ATTEST:



Stacey Kemp, County Clerk

AGENCY

City of Lucas



Name

Mayor  
Title

Aug. 15, 2013  
Date

ATTEST:



Kathy Wingo, City Secretary

EXHIBIT A

MAP OF AGENCY FIRE DISTRICT

Lucas Fire Department

722

Fire Tower

204

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**City of Lucas  
Council Agenda Request  
March 19, 2015**

**Name of Requestor:**     **Development Services Director, Joe Hillbourn  
Fire Chief, Jim Kitchen**

**Agenda Item:**

Discuss and consider the revised Outdoor Burning Rule, Title 30, Texas Administrative Code, Sections 111.201-221, and requirements under Texas State law as it relates to the authority of the City to issue permits for outdoor burning.

**Background Information:**

The Texas Administrative Code (Title 30, TAC Sections 111.201-221) generally prohibits outdoor burning. The Code further explains the exceptions to the general rule that outdoor burning is prohibited. Generally, outdoor burning is prohibited in Lucas with only a few exceptions. Because the City of Lucas is identified as a city that is within a county that is designated as a nonattainment area, and the City provides waste collection services to the residents of the City, the burning of "Domestic Waste" is prohibited. Domestic Waste is defined as waste that normally results from the function of life within a residence. This waste includes grass, leaves and branch trimmings as well as kitchen garbage, untreated lumber, cardboard boxes and packaging provided such waste is generated on the property. In addition, the burning of plant growth is also prohibited. Plant growth consisting of trees, brush, grass, leaves, branch trimmings, or other plant growth is prohibited unless it is part of right-of-way maintenance, land clearing, or maintenance along water canals.

The City has discontinued issuing permits for the outdoor burning of Domestic Waste because such permit would not be valid because the City's authority is superseded by State law. Residents that hold a valid permit and paid a permit fee to the City could be cited for outdoor burning by the TCEQ. There are a few



exceptions to the general rule that outdoor burning is prohibited, however none of the exceptions include the burning of Domestic Waste.

**Attachments/Supporting Documentation:**

1. Outdoor Burning in Texas Field Operations by the Texas Commission on Environmental Quality (TCEQ)

**Budget/Financial Impact:**

The City of Lucas charges \$10 for each burn permit issued so the impact on revenue will not be significant.

**Recommendation:**

The City will comply with Title 30, Texas Administrative Code, Sections 111.201 – 221 and discontinue the issuance of outdoor burning permits for Domestic Waste.

**Motion:**

No motion is required.



# Outdoor Burning in Texas

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*Field Operations*

Texas Commission on Environmental Quality

RG-049  
Revised August 2008



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## Introduction

This guide helps interpret the revised Outdoor Burning Rule, Title 30, Texas Administrative Code, Sections 111.201–221,<sup>1</sup> for the general public, the regulated community, and responsible state and local officials.

This document covers all aspects of the outdoor burning rule, including:

- exceptions for allowable outdoor burning,
- general requirements for allowing outdoor burning, and
- notification requirements for allowable outdoor burning.

At the end of various sections, common questions relating to the material in the section are answered.

State and local officials may find Appendixes C and D—a copy of the rule itself and background information for each section of the rule—to be particularly useful.

**This guide is not a substitute for the actual rule.** A current copy of the rule can be obtained from the TCEQ by calling 512-239-0028, or online at <[www.tceq.state.tx.us/rules/](http://www.tceq.state.tx.us/rules/)>.

## The Outdoor Burning Rule Explained

The current version of the Outdoor Burning Rule is the result of a concerted effort to produce a streamlined, unambiguous rule that can be applied consistently and fairly throughout Texas. Its purpose is to protect the environment, promote public health and safety, and avoid nuisance conditions through the sensible regulation of outdoor burning.

### Summary of the Rule

The Outdoor Burning Rule first prohibits outdoor burning anywhere in Texas, and then allows exceptions for specific situations in which burning is necessary or does not pose a threat to the environment. The rule also prescribes conditions that must be met to protect the environment and avoid other adverse impacts when burning is allowed. If burning seems necessary, but the situation does not fit an exception stated in the rule, then it is possible to request from the TCEQ a special authorization to conduct burning.

<sup>1</sup> In this document, “30 TAC 111” is short for “Title 30, Texas Administrative Code, Section 111.”



### *How do I obtain a burning permit from the TCEQ?*

You don't. The TCEQ does not issue burning permits. Outdoor burning in general is prohibited in Texas, although the Outdoor Burning Rule (Appendix C) does allow certain exceptions. If your situation fits all requirements for one of the exceptions described in the rule, you may conduct outdoor burning, as long as you comply with all the conditions. Depending on the circumstances, you may also need approval from the appropriate regional office before you burn. Remember also to check local ordinances or other regulations about burning.

*It looks like I can get the TCEQ's approval to burn, but my neighbors may complain. Do I have to worry about what they think?*

Yes. In addition to common courtesy, the Outdoor Burning Rule requires that certain kinds of burning be conducted downwind of, or at least 300 feet from, any structure containing sensitive receptors (for example, a residence, business, barn, or greenhouse; see box, page 6) located on adjacent properties unless written approval is obtained beforehand from the owner or occupant—the one who will suffer adverse effects—of the adjacent or downwind property. Also, the burning must not cause a nuisance or traffic hazard.

*The rule authorizes (or the TCEQ has authorized) my outdoor burning. Before I actually set the fire, do I have to notify the TCEQ?*

It depends. For certain types of burning, the rule requires you to notify the appropriate TCEQ regional office. For others, you are not required to notify the TCEQ. But, before you strike that match, remember that you may also have to contact other agencies—or even your neighbors—as well as the TCEQ. See Appendix A for the notification requirements for the various kinds of burning covered under the rule. Even if the rule doesn't require you to notify the TCEQ, you will find that the local regional office has up-to-date information about weather conditions and other factors you should consider before conducting any outdoor

burning—for example, which way (and how fast) the wind is blowing, whether winds are expected to shift, whether your area is under a temperature inversion, and whether high ozone levels are forecast.

*How do I report somebody who is conducting illegal outdoor burning?*

Report the burning to the local air pollution control office, or the nearest TCEQ regional office. The TCEQ's Environmental Complaint Hotline is 888-777-3186. Complaints can also be submitted by e-mail at <complaint@tceq.state.tx.us> or on the agency web site using the online form.

**Exceptions to the Prohibition**

The standard exceptions, explained below, cover the most common situations in which burning is an acceptable practice. In most of these instances, the burning must follow the general requirements outlined later in this document. It may be necessary to notify the TCEQ, local governmental agencies, and neighbors before conducting burning under one of these exceptions. See Appendix A for details on notification requirements in specific situations. There may be local ordinances or county burn bans that regulate burning; if so, the requirements and restrictions of those ordinances must also be met.

**Firefighter Training**

Organizations that train firefighters may obtain authorization to conduct outdoor burning for such training, including training in the operation of fire extinguishers. To obtain an authorization, the organization responsible for the training must send a written request to the local air pollution control agency under contract with the TCEQ or, if there is no such agency, the appropriate TCEQ regional office. For a list of regional offices, see Appendix B.

If training occurs regularly at a dedicated facility, it may be possible to inform the regional office of all such training events with one annual written notification. If a dedicated training facility conducts training regularly but less often than once a week, a telephone or fax notification will be necessary 24 hours in advance of each event.

Burning conducted to train firefighters does not have to conform to the general requirements for other forms of allowable outdoor burning, but it must not cause a nuisance or traffic hazard. The TCEQ may revoke its authorization if it is used in an attempt to avoid complying with other portions of the Outdoor Burning Rule.

*We want to conduct fire training for our volunteer fire department. Can we burn this abandoned house?*

The training of firefighters may be authorized as an exception to the prohibition on outdoor burning. Submit a written request on behalf of the VFD to the local air pollution control agency, or, if there is no local agency, the TCEQ office for your region. The TCEQ may authorize such training orally or in writing; if it denies the request, your VFD will receive a notice of denial within 10 working days after the postmark date or the date of personal delivery of the request to the regional office. To ensure that the fire will not form or disperse toxic substances, the local air pollution control agency or the reviewing TCEQ regional office may require that the building be stripped of many common construction materials—including electrical wiring, lead flashing, carpet, asbestos, and many others—before the fire is ignited.

Note that the burning of abandoned buildings by a fire department is not automatically considered fire training. There must be a specific benefit to the fire department. Simply preventing the spread of fire from an abandoned building to neighboring property is not considered training. Such burns constitute an attempt to circumvent the prohibitions in the Outdoor Burning Rule and are prohibited.

**Fires for Recreation, Ceremonies, Cooking, or Warmth**

Outdoor burning is allowed when used solely for recreational or ceremonial purposes, in the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather. In other words, campfires, bonfires, and cooking fires are allowed. Fires built under this exception may not contain electrical insulation, treated lumber, plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber. The other general requirements on allowable outdoor burning do not apply to fires covered by this exception, but the burning must not cause a nuisance or traffic hazard.

*May I cook food on my charcoal grill in my backyard?*

Yes. Fires used in the noncommercial preparation of food are allowed.

*May I build a fire in my fireplace?*

Yes. Indoor fires are not regulated by the Outdoor Burning Rule. Domestic-use fireplaces are authorized under the TCEQ's *de minimis* rules in 30 TAC 116.119.

*Are campfires allowed inside the city limits?*

Sometimes. Fires used solely for recreation or ceremony are allowed by state law; however, local ordinance may prohibit this kind of burning. Make sure no oils, asphalt, synthetic rubber, or other materials that produce heavy smoke are in the fire: they could release toxic gases or cause a nuisance or traffic hazard.

**Fires for Disposal or Land Clearing**

A broad exception for fires to dispose of waste or clear land covers seven more specific categories, described below. Residents of Montgomery County are subject to special restrictions (see below); these restrictions could be extended to other areas of the state should growth in neighboring counties render them subject to the provisions of Local Government Code 352.082.

**1. Domestic waste.** Domestic waste—in other words, household trash or rubbish—may be burned when the local governmental organization with jurisdiction over such matters does not collect trash and does not authorize a business or other service to do so. To qualify for this exception, the waste must come from a property that is (1) designed to be a private residence and (2) used exclusively as a private residence for no more than three families. The waste must also be burned on the property where it was produced. According to TCEQ rules [30 TAC 101.1(26)], *domestic wastes* include wastes that normally result from the function of life within a residence—for example, kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. Such things as tires, construction debris, furniture, carpet, electrical wire, and appliances are not considered to be domestic waste and cannot be burned. Other conditions of the general requirements for outdoor burning do not apply to the burning of domestic waste, but the outdoor burn must not cause a nuisance or traffic hazard.

**2. Diseased animal carcasses.** These may be burned when burning is the most effective means of controlling the spread of disease. The general requirements for outdoor burning do not apply to this exception, but burning under this exception must not cause a nuisance or traffic hazard.

**3. Burning of animal remains by a veterinarian.** A veterinarian may burn animal remains and medical waste—not including sharps (e.g., needles)—associated with animals in his or her care on his or her property if the property is located outside the corporate boundaries of a municipality (or within the corporate boundaries of a municipality if annexed on or after September 1, 2003). This section prevails over any other law that authorizes a governmental entity to abate a public nuisance. (Occupations Code 801.361.)

**4. On-site burning of waste plant growth.** Trees, brush, grass, leaves, branch trimmings, or other plant growth may be burned on the property on which the material grew. The plant growth must be burned by the property owner or any other person authorized by the owner. Additional requirements and restrictions apply depending on the attainment status of the county where the burning takes place.

*All designated nonattainment counties and some attainment counties.* Burning of waste plant growth is allowed only if the material was generated as a result of right-of-way maintenance, land clearing, or maintenance along water canals. Burning in these areas is allowed only when no practical alternative exists. Burning carried out under this exception must conform to all the general requirements for outdoor burning.

*Most attainment counties.* Burning of waste plant growth is allowed regardless of the activity that generated the material. Practical alternatives need not be considered. Burning carried out under this exception must conform to some of the general requirements for outdoor burning, specifically the burning must conform to the requirements in 30 TAC 111.219(3, 4, 6, 7) (see Appendix C). Such burning is also subject to local ordinances which prohibit burning in the corporate limits of a city or town. **Some attainment counties are treated as nonattainment counties for the purposes of this exception.** Specifically, any attainment county that contains any part of a municipality that extends into a bordering nonattainment county is treated as a nonattainment county for the purposes of this exception.

To determine if your county is an attainment or a nonattainment county for the purposes of this exception, call your regional TCEQ office. TCEQ regional office phone numbers appear in Appendix B.

**5. Designated burn sites.** This exception allows rural homeowners to transport their yard waste to a designated site for consolidated burning, rather than having numerous smaller fires in the yards of rural neighborhoods. All burning at a designated site must be directly supervised by a fire-department employee. Designated burn sites must be located outside the corporate limits of a municipality and within a county that has a population of less than 50,000. The site must be designated by its owner; designation does not require registration with the agency. A site is designated by:

- posting all entrances to the site with a placard measuring at least 2 feet wide by 4 feet high bearing specific information as provided in 30 TAC 111.209(5)(A) (see Appendix C)—each placard must be clearly visible and legible at all times; and

- specifying residential properties for which the site has been designated, and maintaining a record of those specific residential properties. The record must contain a description of a platted subdivision, a list of all specific residential addresses, or both. This record must be made available within 48 hours of any request by any authority having jurisdiction.

Furthermore, the owner of the site is required to ensure that all activities at the site comply with this exception. The owner must:

- ensure that all waste burned at the site consists of trees, brush, grass, leaves, branch trimmings, or other plant growth, and was generated at one of the specific residential properties for which the site is designated; and
- ensure that all burning at the site is directly supervised by a paid, on-duty fire department employee who is part of the fire protection personnel and is acting in the scope of his or her employment. The fire-department employee must notify the appropriate TCEQ regional office by phone or fax 24 hours in advance of each burn. The TCEQ will supply the employee with information on practical alternatives to burning.

**6. Crop residues.** When there is no practical alternative, crop residues may be burned as part of agricultural management. Burning carried out under this exception must conform to the general requirements for outdoor burning, and structures containing “sensitive receptors” (see box) must not be negatively affected by the burn. This exception does not apply to crop-residue burning covered by an administrative order.

“Sensitive receptors” include humans and livestock, as well as “sensitive live vegetation” such as nursery plants, mushrooms under cultivation, and plants raised for pharmaceutical production or used in lab experiments. For a complete definition, see 30 TAC 111.203(7).

**7. Brush, trees, etc., off-site.** A county or municipal government may request *site and burn approval* from the appropriate TCEQ regional office to burn accumulations of brush, trees, and other plant growth that cause a condition detrimental to public health and safety. The burn must occur at a site owned by the local government and will be authorized only if the TCEQ determines that there is no practical alternative. The frequency of such burns may not exceed once every two months, and they cannot be used in place of other sound brush-management practices. Burning conducted under this exception must conform to the general

requirements for allowable outdoor burning. The burning may not occur at a municipal landfill without advance permission from the TCEQ.

**Special restrictions in Montgomery County.** Regardless of the seven exceptions given above, in unincorporated areas of Montgomery County it is a criminal offense, as well as a violation of agency rules, to burn household refuse on a lot smaller than five acres or located in a “neighborhood.” The terms “neighborhood” and “refuse” are defined in 30 TAC 111.203 (see Appendix C). Under Local Government Code 352.082, this restriction could in the future also apply to certain planned communities if a county adjacent to the one where such a community is located grows to 3.3 million or more in population.

*I live in a small rural town where most people have their trash picked up by a commercial trash collection service. I can't afford to pay that money each month. May I burn my trash in a 55-gallon drum in my backyard?*

If the local city ordinance does not make it mandatory that trash be picked up, and there is no governmentally authorized trash-collection service available to you, you may burn domestic waste on the property where it is produced, as long as outdoor burning is not prohibited by local rule or ordinance and does not create a nuisance or a traffic hazard.

*May I burn my old oil filters in a metal barrel on my property?*

No. Take oil filters to an authorized recycling site, along with your used oil. You may call 800-CLEAN-UP for more information on recycling.

*I want to burn boxes from my business. The TCEQ rules say that I may burn waste from my residence, but what about waste from my business?*

According to the Outdoor Burning Rule, you can't burn business waste. The exception that allows the burning of domestic waste applies only if the property is used exclusively as a private residence and the local governmental authority does not provide or authorize the collection of waste at the premises where the waste is generated. There is no such exception for businesses. You should look into the possibility of recycling your boxes or find ways that you or others could reuse them.

*We have a hard time disposing of scrap tires. Will the TCEQ let us burn them?*

No, for at least two good reasons. First, the rule specifically prohibits the outdoor burning of tires—and any other items that contain natural or synthetic rubber—because of the air pollution that would result. Second, Texas is at least as innovative as anywhere else in the world in finding good uses for waste tires. The TCEQ's Scrap Tire Program (Field Operations, 512-239-0400, <[www.tceq.state.tx.us/goto/scrap\\_tires](http://www.tceq.state.tx.us/goto/scrap_tires)>) can give you more earth-friendly methods for disposing of those old tires.

*What may be burned at municipal landfills?*

Routine burning is not allowed at municipal landfills, unless otherwise authorized by the TCEQ in writing.

*I am a licensed veterinarian. Do I need authorization to burn animals that died while in my care?*

Not if you are located outside the corporate boundaries of a municipality (or within the corporate boundaries of a municipality if annexed on or after September 1, 2003) and you burn the animal remains on property owned by you. You can also burn medical waste associated with the animal, with the exception of sharps (e.g., needles). For details, see section 801.361 of the Texas Occupations Code.

*May I burn trees that I have cut down in my backyard?*

That depends on several factors.

First, grass, leaves, and hedge and branch trimmings from residences are all considered "domestic waste." If your local government does not collect domestic waste and does not authorize a private collector to do so, this type of material may be burned. If such waste collection is available, then it cannot be burned under the domestic-waste exception.

Second, if you are in an attainment county which does not contain any part of a city that extends into a nonattainment county, plant waste (not all domestic waste) may be burned on the property on which it was generated.

Finally, if your residential property has been identified and listed at a designated burn site, plant waste generated on your property may be transported to the designated burn site for consolidated burning.

However, under all of these exceptions, the burning must not create a nuisance or traffic hazard, and you must comply with all applicable local rules or ordinances.

*I have some uncleared property inside the city limits that I would like to develop. Hauling the trees and brush off would not be practical because it is too expensive. May I dispose of the trees and brush by burning?*

It depends on the attainment status of the county in which you wish to burn. In designated nonattainment counties, and attainment counties that border nonattainment counties and contain any part of a city that extends into the nonattainment county, this type of burning does not meet the exception unless the municipal government has enacted ordinances that permit burning consistent with state law. You must consider alternatives such as chipping or trench burning. If there is no practical alternative, and the city has not enacted ordinances that permit burning, you may request written permission from the TCEQ for authorization to burn, and you cannot commence with the burning until you receive such authorization. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office for guidance.

In all other counties this burning meets the agency exception unless the municipal government has enacted ordinances that prohibit burning.

Contact the appropriate TCEQ regional office for information on the attainment status of the applicable county.

*I am in the business of trimming people's trees and shrubs in town. I realize that the tree limbs and trimmings can't be burned in town, but I own some land outside of town. May I take it out there and burn it?*

No. The Outdoor Burning Rule allows the burning of land clearing materials only at the site where the land clearing is done. In order to burn under state law, that site must be outside of municipal corporate limits, unless the city or town has an ordinance, consistent with state law, that permits burning.

*Why are sugar growers allowed to burn their cane fields?*

There are no technically or economically feasible alternatives. Years ago, the Rio Grande Valley Sugar Growers, Inc., requested the authorization to burn the cane fields in association with each harvest. The TCEQ, after extended air monitoring studies, concluded that no practical alternative existed for this industry. The agency then adopted an agreed order that outlines conditions under which the sugarcane industry can conduct burning.



*The burning of corn stubble produces a great amount of smoke. Is this type of burning authorized?*

Burning for crop management is allowed if there is no practical alternative, if it is conducted under appropriate weather conditions and at appropriate times, and if it does not cause a nuisance or traffic hazard.

*There are tree limbs in an area of our community that pose a public-safety risk. What are our options for solving this problem?*

Brush, trees, and other forms of plant growth that present a detriment to public health and safety may be burned by a county or municipal government at a site it owns upon receiving site and burn approval from the TCEQ. Such burning can only be authorized when there is no practical alternative, and it may be done no more than once every two months. The local government has the burden of proving that there is no practical alternative and that the growth poses a detriment to public health or safety. Burning to augment normal brush disposal cannot be a continual or a standard operating procedure and cannot be conducted at municipal landfills unless authorized in writing by the TCEQ.

*Is hay that has been used as bedding material for animals considered crop residue?*

No. Hay used for this purpose will need to be properly disposed of by a method other than burning. Check with your local county officials or agricultural organizations. They may need this material for erosion control or other purposes.

### **Prescribed Burns**

This exception covers the use of fire to manage forests, rangeland, wildland and wildlife, and, in 14 counties, coastal salt marsh. All of these forms of burning are subject to the general requirements for allowable outdoor burning. Coastal salt-marsh burning also entails more specific notification requirements, which are stated in 30 TAC 111.211(2)(A) and (B).

*Who can I contact for technical information relating to prescribed burning?*

A good source is the Prescribed Burning Board of the Texas Department of Agriculture, which sets standards for prescribed burning; develops a comprehensive training cur-

riculum for prescribed-burn managers and sets standards for their certification, recertification and training; establishes minimum education and professional requirements for instructors for the approved curriculum; and sets minimum insurance requirements for prescribed-burn managers.

For safety reasons, a prescribed-burn plan may call for burning at night. Such a plan requires special authorization and must consider the effects of a temperature inversion on smoke dispersal in order to protect public health.

### **Pipeline Breaks and Oil Spills**

An oil (or other hydrocarbon) spill or pipeline break may trigger a requirement to notify the appropriate TCEQ regional office. Once notified of the spill, the regional office staff will decide whether burning is necessary to protect the public welfare. If the TCEQ gives the company or person responsible for the spill permission to burn, the TCEQ may also require that company or person to take samples and monitor the site to determine and evaluate environmental impacts.

### **Other Situations**

If a situation seems to require outdoor burning, but it is not covered by the previously described exceptions, you may request permission to burn from the TCEQ regional office. Its staff, acting on behalf of the executive director, will consider whether there is a practical alternative, whether the burning will cause or contribute to a nuisance or traffic hazard, and whether the practice will violate any federal or state primary or secondary standard for ambient air quality. Such an authorization may require you to follow certain procedures to control or abate emissions. The authorization may be revoked at any time if the TCEQ determines that the outdoor burning is creating a nuisance, violating any provision of an applicable permit, causing a violation of any air quality standard, or not conforming to the conditions specified in the authorization.

*A bad storm knocked a lot of trees down in our community. May we burn the debris? May we haul it to the landfill and burn it?*

Regardless of whether the brush is to be burned on-site or at the landfill, this type of burning is not specifically authorized in the exceptions to the prohibition on outdoor burning. However, the TCEQ may authorize the disposal of storm debris if there are no practical alternatives. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office for guidance.

*Why are housing subdivisions allowed to dig pits and burn their land-clearing materials within city limits?*

They are using a process called *air-curtain incineration* (trench burning), which is authorized under a permit by rule or standard permit. Companies that specialize in that business must obtain prior TCEQ approval, obtain a federal operating permit, and follow specific written operating procedures.

**General Requirements for Burning**

The Outdoor Burning Rule sets the following general requirements for allowable outdoor burning. These requirements apply to the specific situations for which they are mentioned above. They are designed to reduce the likelihood that burning will create a nuisance, cause a hazard, or harm the environment. The party responsible for the burn remains liable for damages, injuries, or other consequences that may result from burning, even when it is carried out in compliance with these regulations.

Notify the Texas Forest Service before carrying out any prescribed or controlled burns that are intended for forest management.

Burn only outside the corporate limits of a city or town, unless the incorporated city or town has an ordinance, consistent with the Texas Clean Air Act, Subchapter E, that permits burning.

Commence or continue burning only when the wind direction and other weather conditions are such that the smoke and other pollutants will not present a hazard to any public road, landing strip, or navigable water (e.g., lake, river, stream, or bay) or have an adverse effect on any off-site structure containing "sensitive receptors" (e.g., a residence, business, farm building, or greenhouse; see box, page 6).

Post someone to flag traffic if at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway.

Keep fires downwind of, or at least 300 feet away from, any neighboring structure that contains sensitive receptors. This requirement may be waived only with the prior written approval of whoever owns or rents the adjacent property and either resides or conducts business there.

Begin burning no earlier than one hour after sunrise, end it the same day and no later than one hour before sunset, and make sure that a responsible party is present while the burn is active and the fire is progressing. At the end of the burn, extinguish isolated residual fires or smoldering objects if the smoke they produce can be a nuisance or a traffic hazard. Don't start

burning unless weather conditions are such that the smoke will dissipate (winds of at least 6 miles per hour; no temperature inversions) while still allowing the fire to be contained and controlled (winds no faster than 23 miles per hour).

Don't burn any electrical insulation, treated lumber, plastics, non-wooden construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items that contain natural or synthetic rubber.

*My situation doesn't fit any of the exceptions given in the rule, but I still think that burning is the only practical alternative. What can I do?*

Submit a written request to the TCEQ regional office that serves the county where you wish to conduct outdoor burning. Acting on behalf of the executive director, the regional staff will review your request and determine whether no practical alternative is available. If they agree that none can be found, they will issue you a written authorization to burn that outlines specific conditions you must follow to control the emissions.

*We are burning in compliance with TCEQ regulations, but the local fire marshal objects. Is our compliance with state rules not enough?*

Your compliance with TCEQ regulations does not mean that other, stricter laws, regulations, or ordinances cannot be enforced by cities, counties, or other jurisdictions. You must comply with all such regulations (e.g., county burn bans) as well as the TCEQ rules.

**Practical Alternatives to Burning**

The Outdoor Burning Rule defines a *practical alternative* as "an economically, technologically, ecologically, and logistically viable option." The following methods can sometimes serve as practical alternatives to burning as a means to dispose of waste. With creative thinking and the help of the local TCEQ regional office, you may be able to develop ways to dispose of your waste other than burning it.

*Recycling.* Manually or mechanically separate salvageable metals from other material, and sell them at a salvage yard.

*Composting.* Wastes from landscape maintenance can often be composted on-site easily and cleanly. Similar wastes—even paper, in some instances—can be composted under the right conditions.

*Mechanical chipping or mulching.* The mulch that is produced could be put to use for soil enrichment and moisture retention, or used to create compost. In some cases, the

mulch could become a marketable product, be put to use where it is produced, or be given to individuals or nurseries. If the material cannot be used as a landscape mulch, chipping can still be useful to reduce the volume of waste that must be disposed of by some other means.

*Logging.* Timber sometimes can be converted to a marketable product—lumber, pulp, or firewood—as one way to reduce the costs of disposal. The remaining small limbs and brush are then much easier to dispose of through one of the other alternatives.

*Landfills.* Some landfills have recycling centers, with chippers for wood waste and collection bins for paper, plastic, and glass. Type IV landfills accept brush. Contact your local landfills for details.

*Air-curtain incineration (trench burning).* Many land clearing contractors have portable devices, known as *trench burners* or *air-curtain incinerators*, that can be used to dispose of brush or untreated lumber with minimal emissions. These facilities must be authorized by the TCEQ prior to their

construction at a burn site and must have obtained a federal operating permit. Many contractors and distributors lease out these devices.

## Related TCEQ Publications

The TCEQ has a variety of publications available on issues related to outdoor burning. Several of them provide detailed explanations of specific alternatives to outdoor burning, for example:

RG-325: *Used Oil Recycling Handbook: Guidance for Used Oil Handlers*

GI-036: *Composting and Mulching*

RG-419: *Disposal of Domestic or Exotic Livestock Carcasses*

To order single copies of these or other TCEQ publications, call TCEQ Publications Distribution at 512-239-0028 or write:

TCEQ Publications, MC-195  
P.O. Box 13087  
Austin, TX 78711-3087

## Appendix A Outdoor Burning—When Should You Notify the TCEQ?

Purpose of Burning	Notify the TCEQ	Who Else to Notify	Rule Section
<b>Fire Training</b>			
Statewide	In writing, 10 working days prior	1	111.205(a)
Dedicated facility, used at least once per week	Every year	1	111.205(b)
Dedicated facility, used less frequently	Every year	1	111.205(c)
<b>Disposal</b>			
Domestic waste	Not required	2	111.209(1)
Diseased animal carcasses	Not required	2	111.209(2)
Animal remains and associated medical waste	Not required	2	111.209(3)
Plant growth on-site	Not required	2, 4	111.209(4)
Plant growth at designated burn site	Orally or in writing, by fire department employee; must be 24 hours before event	2, 4	111.209(5)
Crop residue	Orally or in writing, when possible	2, 4	111.209(6)
Brush, off-site, by county or city	In writing; also notify orally when possible	2, 4	111.209(7)
<b>Prescribed burns</b>			
Other than coastal salt marsh	Orally or in writing, when possible	2, 3, 4	111.211(1)
Coastal salt marsh	15 working days prior, in writing; oral notification also required	4	111.211(2)(A)
<b>Other</b>			
Oil spills	Spill notification and prior approval, in writing; oral notification also required	2	111.213
Ceremonial fires	Not required	2	111.207

Note: This table shows notification requirements only. See also the general requirements for allowable burning given later in this document.

1. If there is a local air pollution control agency, notify that agency.
2. Check local ordinances, and notify any other government having jurisdiction over the area—for example, the county fire marshal, local fire department, or local law enforcement officials.
3. Notify the Texas Forest Service before conducting prescribed burns for forest management.
4. Before conducting the burn, determine whether any "structures containing sensitive receptors" (for example, residences, greenhouses, stables, etc.) are within 300 feet of and in the general direction downwind from the site of the burn. If so, obtain written permission from the occupants or operators of those structures before you begin the burn.

## Appendix B TCEQ Areas and Regional Offices

### Area and Regional Office Contacts

#### TCEQ AREA OFFICES

##### BORDER AND SOUTH CENTRAL TEXAS

*Region 6, El Paso*  
*Region 11, Austin*  
*Region 13, San Antonio*  
*Region 15, Harlingen*  
*Region 16, Laredo*

Area Director: Ramiro Garcia, MC 174  
P.O. Box 13087  
Austin, TX 78711-3087  
512-239-2953 • FAX: 512-239-0404

##### COASTAL AND EAST TEXAS

*Region 5, Tyler*  
*Region 10, Beaumont*  
*Region 12, Houston*  
*Region 14, Corpus Christi*

Area Director: David Bower, MC 174  
P.O. Box 13087  
Austin, TX 78711-3087  
512-239-2953 • FAX: 512-239-0404

##### NORTH CENTRAL AND WEST TEXAS

*Region 1, Amarillo*  
*Region 2, Lubbock*  
*Region 3, Abilene*  
*Region 4, Dallas/Fort Worth*  
*Region 7, Midland*  
*Region 8, San Angelo*  
*Region 9, Waco*

Area Director: Brent Wade, MC 174  
P.O. Box 13087  
Austin, TX 78711-3087  
512-239-6566 • FAX: 512-239-0404

#### TCEQ REGIONAL OFFICES

##### 1 – AMARILLO

Regional Director: Brad Jones  
3918 Canyon Dr.  
Amarillo, TX 79109-4933  
806-353-9251 • FAX: 806-358-9545

##### Perryton Office

511 South Main  
Perryton, TX 79070  
806-435-8059 • FAX: 806-434-8443

##### 2 – LUBBOCK

Regional Director: Randy Ammons  
5012 50th St., Ste. 100  
Lubbock, TX 79414-3426  
806-796-7092 • FAX: 806-796-7107

##### 3 – ABILENE

Regional Director: Winona Henry  
1977 Industrial Blvd.  
Abilene, TX 79602-7833  
325-698-9674 • FAX: 325-692-5869

##### 4 – DALLAS/FORT WORTH

Regional Director: Tony Walker  
2309 Gravel Dr.  
Fort Worth, TX 76118-6951  
817-588-5800 • FAX: 817-588-5700

##### Stephenville Office

(Confined Animal Feeding Operations)  
580-D W. Lingleville Rd.  
Stephenville, TX 76401  
254-965-9200 or 1-800-687-7078

##### 5 – TYLER

Regional Director: Leroy Biggers  
2916 Teague Dr.  
Tyler, TX 75701-3734  
903-535-5100 • FAX: 903-595-1562

##### 6 – EL PASO

Regional Director: Lorinda Gardner  
401 E. Franklin Ave., Ste. 560  
El Paso, TX 79901-1212  
915-834-4949 • FAX: 915-834-4940

##### 7 – MIDLAND

Regional Director: Jed Barker  
3300 N. A St., Bldg. 4-107  
Midland, TX 79705-5406  
432-570-1359 • FAX: 432-570-4795

##### 8 – SAN ANGELO

Regional Director: Ricky Anderson  
622 S. Oakes, Ste. K  
San Angelo, TX 76903-7035  
325-655-8479 • FAX: 325-658-5431

##### Concho Watermaster Office

325-481-8069 or 1-866-314-4894  
FAX: 325-658-5431

##### 9 – WACO

Regional Director: Anna Dunbar  
6801 Sanger Ave., Ste. 2500  
Waco, TX 76710-7826  
254-751-0335 • FAX: 254-772-9241

##### 10 – BEAUMONT

Regional Director: Georgie Volz  
3870 Eastex Fwy.  
Beaumont, TX 77703-1830  
409-898-3838 • FAX: 409-892-2119

##### 11 – AUSTIN

Regional Director: Patty Reeh  
2800 S. IH 35, Ste. 100  
Austin, TX 78704-5700  
512-339-2929 • FAX: 512-339-3795

##### 12 – HOUSTON

Regional Director: Donna Phillips  
5425 Polk St., Ste. H  
Houston, TX 77023-1452  
713-767-3500 • FAX: 713-767-3520

##### 13 – SAN ANTONIO

Regional Director: Richard Garcia  
14250 Judson Rd.  
San Antonio, TX 78233-4480  
210-490-3096 • FAX: 210-545-4329

##### South Texas Watermaster Office

210-490-3096 • FAX: 210-545-4329  
1-800-733-2733

##### 14 – CORPUS CHRISTI

Regional Director: Susan Clewis  
NRC Bldg., Ste. 1200  
6300 Ocean Dr., Unit 5839  
Corpus Christi, TX 78412-5839  
361-825-3100 • FAX: 361-825-3101

##### 15 – HARLINGEN

Regional Director: David A. Ramirez  
1804 W. Jefferson Ave.  
Harlingen, TX 78550-5247  
956-425-6010 • FAX: 956-412-5059

##### Rio Grande Watermaster Office

956-430-6056 or 1-800-609-1219  
FAX: 956-430-6052

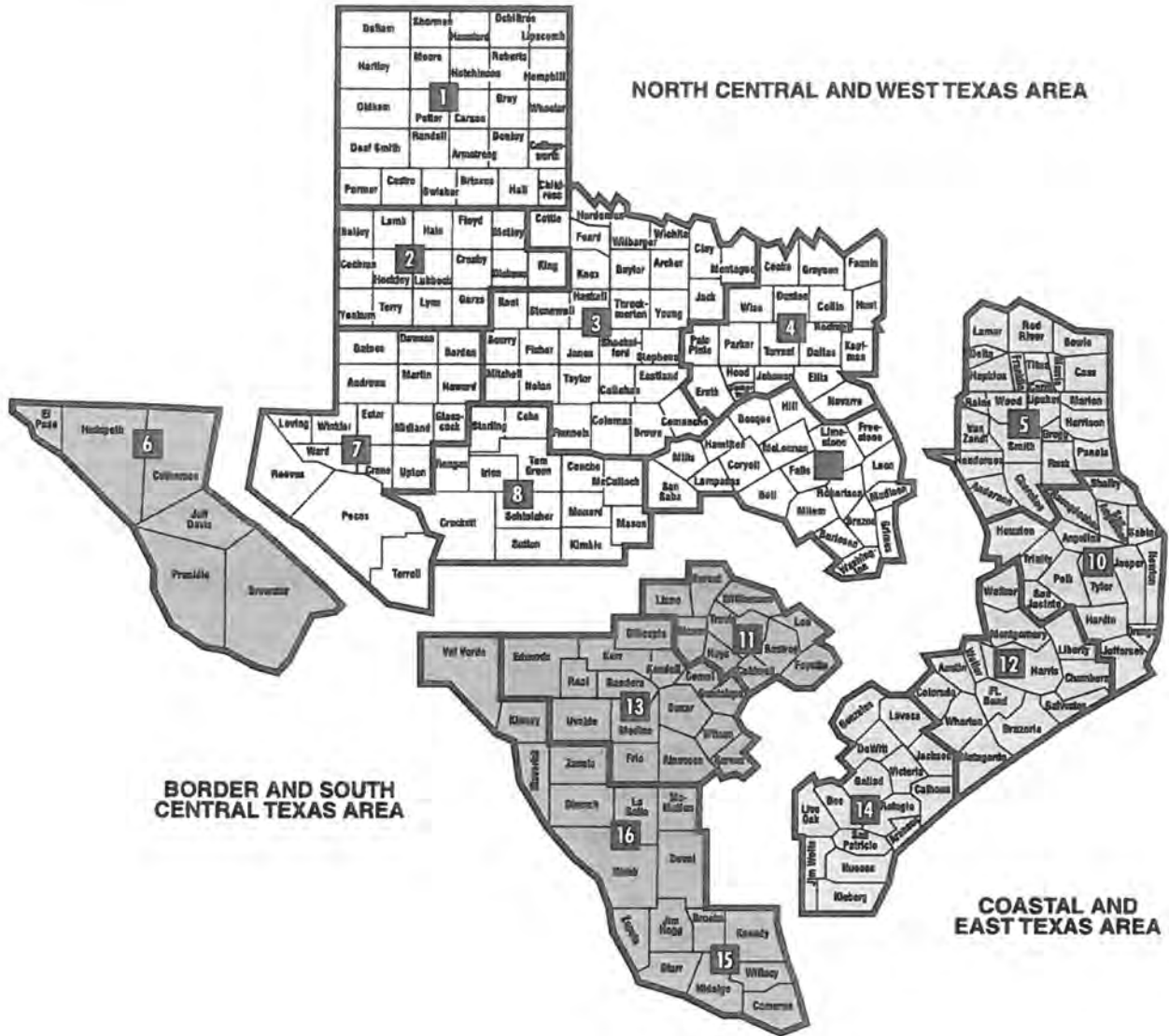
##### Eagle Pass Office

1152 Ferry St., Ste. H  
Eagle Pass, TX 78852-4367  
830-773-5059 • FAX: 830-773-4103

##### 16 – LAREDO

Regional Director: David A. Ramirez  
707 E. Calton Rd., Ste. 304  
Laredo, TX 78041-3887  
956-791-6611 • FAX: 956-791-6716

TCEQ Areas and Regional Offices (continued)



TCEQ REGIONS			
1	AMARILLO	5	TYLER
2	LUBBOCK	6	EL PASO
3	ABILENE	7	MIDLAND
4	DALLAS/FORT WORTH	8	SAN ANGELO
9	WACO	10	BEAUMONT
11	AUSTIN	13	SAN ANTONIO
12	HOUSTON	14	CORPUS CHRISTI
15	HARLINGEN	16	LAREDO

## Appendix C

### Outdoor Burning Rule

The Outdoor Burning Rule is reproduced below from 30 TAC 111.201–221. A current copy of the rule can be obtained from the TCEQ by calling 512-239-0028, or at <www.tceq.state.tx.us/rules/>.

#### §111.201. General Prohibition.

No person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by this subchapter or by orders or permits of the commission. Outdoor disposal or deposition of any material capable of igniting spontaneously, with the exception of the storage of solid fossil fuels, shall not be allowed without written permission of the executive director. The term "executive director," as defined in Chapter 3 of this title (relating to Definitions), includes authorized staff representatives.

#### §111.203. Definitions.

Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Texas Commission on Environmental Quality (commission), the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the TCAA, the following terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) **Extinguished**—The absence of any visible flames, glowing coals, or smoke.
- (2) **Landclearing operation**—The uprooting, cutting, or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access, or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.
- (3) **Neighborhood**—A platted subdivision or property contiguous to and within 300 feet of a platted subdivision.
- (4) **Practical alternative**—An economically, technologically, ecologically, and logistically viable option.

(5) **Prescribed burn**—The controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions and confined to a predetermined area, following appropriate planning and precautionary measures.

(6) **Refuse**—Garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.

(7) **Structure containing sensitive receptor(s)**—A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "man-made structure" does not include such things as range fences, roads, bridges, hunting blinds, or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation that has potential to be damaged by smoke and heat, examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

(8) **Sunrise/Sunset**—Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

(9) **Wildland**—Uncultivated land other than fallow, land minimally influenced by human activity, and land maintained for biodiversity, wildlife forage production, protective plant cover, or wildlife habitat.

#### §111.205. Exception for Fire Training.

(a) Outdoor burning shall be authorized for training firefighting personnel when requested in writing and when authorized either verbally or in writing by the local air pollution control agency. In the absence of such local entities, the appropriate commission regional office shall be notified. The burning shall be authorized if notice of denial from the local air pollution control agency, or commission regional office is not received within 10 working days after the date of postmark or the date of personal delivery of the request.

(b) Facilities dedicated solely for firefighting training, at which training routinely will be conducted on a frequency

of at least once per week, shall submit an annual written notification of intent to continue such training to the appropriate commission regional office and any local air pollution control agency.

(c) Facilities dedicated solely for firefighting training, at which training is conducted less than weekly, shall provide an annual written notification of intent, with a telephone or electronic facsimile notice 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial telephone/facsimile notice includes all such sessions. Both the written and telephone notifications shall be submitted to the appropriate commission regional office and any local air pollution control agency.

(d) Authorization to conduct outdoor burning under this provision may be revoked by the executive director if the authorization is used to circumvent other prohibitions of this subchapter.

**§111.207. Exception for Fires Used for Recreation, Ceremony, Cooking, and Warmth.**

Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of §111.219(7) of this title (relating to General Requirements for Allowable Outdoor Burning).

**§111.209. Exception for Disposal Fires.**

Except as provided in Local Government Code, §352.082, outdoor burning is authorized for the following:

(1) domestic waste burning at a property designed for and used exclusively as a private residence, housing not more than three families, when collection of domestic waste is not provided or authorized by the local governmental entity having jurisdiction, and when the waste is generated only from that property. Provision of waste collection refers to collection at the premises where the waste is generated. The term "domestic waste" is defined in §101.1 of this title (relating to Definitions). Wastes normally resulting from the function of life within a residence that can be burned include such things as kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics and rubber), clothing, grass, leaves, and branch trimmings. Examples of wastes not considered domestic waste that cannot be burned, include such

things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances;

(2) diseased animal carcass burning when burning is the most effective means of controlling the spread of disease;

(3) veterinarians in accordance with Texas Occupations Code, §801.361, Disposal of Animal Remains;

(4) on-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, and when the material is generated only from that property:

(A) in a county that is part of a designated nonattainment area or that contains any part of a municipality that extends into a designated nonattainment area; if the plant growth was generated as a result of right-of-way maintenance, landclearing operations, and maintenance along water canals when no practical alternative to burning exists. Such burning is subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning). Commission notification or approval is not required; or

(B) in a county that is not part of a designated nonattainment area and that does not contain any part of a municipality that extends into a designated nonattainment area; this provision includes, but is not limited to, the burning of plant growth generated as a result of right-of-way maintenance, landclearing operations, and maintenance along water canals. Such burning is subject to local ordinances that prohibit burning inside the corporate limits of a city or town and that are consistent with the Texas Clean Air Act, Chapter 382, Subchapter E, Authority of Local Governments, and the requirements of §111.219(3), (4), (6), and (7) of this title. Commission notification or approval is not required.

(5) at a site designated for consolidated burning of waste generated from specific residential properties. A designated site must be located outside of a municipality and within a county with a population of less than 50,000. The owner of the designated site or the owner's authorized agent shall:

(A) post at all entrances to the site a placard measuring a minimum of 48 inches in width and 24 inches in height and containing, at a minimum, the words "DESIGNATED BURN SITE - No burning of any material is allowed except for trees,



brush, grass, leaves, branch trimmings, or other plant growth generated from specific residential properties for which this site is designated. All burning must be supervised by a fire department employee. For more information call {PHONE NUMBER OF OWNER OR AUTHORIZED AGENT}." The placard(s) must be clearly visible and legible at all times;

(B) designate specific residential properties for consolidated burning at the designated site;

(C) maintain a record of the designated residential properties. The record must contain the description of a platted subdivision and/or a list of each property address. The description must be made available to commission or local air pollution control agency staff within 48 hours, if requested;

(D) ensure that all waste burned at the designated site consists of trees, brush, grass, leaves, branch trimmings, or other plant growth;

(E) ensure that all such waste was generated at specific residential properties for which the site is designated; and

(F) ensure that all burning at the designated site is directly supervised by an employee of a fire department who is part of the fire protection personnel, as defined by Texas Government Code, §419.021, and is acting in the scope of the person's employment. The fire department employee shall notify the appropriate commission regional office with a telephone or electronic facsimile notice 24 hours in advance of any scheduled supervised burn.

The commission shall provide the employee with information on practical alternatives to burning. Commission approval is not required;

(6) crop residue burning for agricultural management purposes when no practical alternative exists. Such burning shall be subject to the requirements of §111.219 of this title and structures containing sensitive receptors must not be negatively affected by the burn. When possible, notification of the intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required. This section is not applicable to crop residue burning covered by an administrative order; and

(7) brush, trees, and other plant growth causing a detrimental public health and safety condition burned by a county or municipal government at a site it owns upon

receiving site and burn approval from the executive director. Such a burn can only be authorized when there is no practical alternative, and it may be done no more frequently than once every two months. Such burns cannot be conducted at municipal landfills unless authorized under §111.215 of this title (relating to Executive Director Approval of Otherwise Prohibited Outdoor Burning), and shall be subject to the requirements of §111.219 of this title.

**§111.211. Exception for Prescribed Burn.**

Outdoor burning shall be authorized for:

(1) Prescribed burning for forest, range and wildland/wildlife management purposes, with the exception of coastal salt-marsh management burning. Such burning shall be subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning), and structures containing sensitive receptors must not be negatively affected by the burn. When possible, notification of intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required.

(2) Coastal salt-marsh management burning conducted in Aransas, Brazoria, Calhoun, Chambers, Galveston, Harris, Jackson, Jefferson, Kleberg, Matagorda, Nueces, Orange, Refugio, and San Patricio Counties. Coastal salt-marsh burning in these counties shall be subject to the following requirements:

(A) All land on which burning is to be conducted shall be registered with the appropriate commission regional office using a United States Geological Survey map or equivalent upon which are identified significant points such as roads, canals, lakes, and streams, and the method by which access is made to the site. For large acreage, the map should be divided into manageable blocks with identification for each defined block. The information must be received for review at least 15 working days before the burning takes place.

(B) Prior to any burning, notification, either verbal or written, must be made to, and authorization must be received from the appropriate commission regional office. Notification must identify the specific area and/or block to be burned, approximate start and end time, and a responsible party who can be contacted during the burn period.

(C) Such burning shall be subject to the requirements of §111.219 of this title.

**§111.213. Exception for Hydrocarbon Burning.**

Outdoor burning shall be authorized for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification as set forth in §101.6 of this title (relating to Notification Requirements for Major Upset), and if the executive director has determined that the burning is necessary to protect the public welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.

**§111.215. Executive Director Approval of Otherwise Prohibited Outdoor Burning.**

If not otherwise authorized by this chapter, outdoor burning may be authorized by written permission from the executive director if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard or to a violation of any federal or state primary or secondary ambient air standard. The executive director may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this rule. Authorization to burn may be revoked by the executive director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

**§111.219. General Requirements for Allowable Outdoor Burning.**

Outdoor burning which is otherwise authorized shall also be subject to the following requirements when specified in any section of this subchapter.

- (1) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.
- (2) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.
- (3) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

(4) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

(5) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(6) Burning shall be conducted in compliance with the following meteorological and timing considerations:

(A) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

(B) Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.

(C) Burning shall not be conducted during periods of actual or predicted persistent low level atmospheric temperature inversions.

(7) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

**§111.221. Responsibility for Consequences of Outdoor Burning.**

The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

## Appendix D Background

30 TAC 111.201 prohibits outdoor burning in Texas, except as stated in Sections 111.205–15. It also prohibits storing spontaneously combustible materials other than “solid fossil fuel” (i.e., coal) outside. The exception for coal was made to be consistent with the intent expressed in the preamble to the 1989 revisions to the rule.

*Land-clearing operation.* The last sentence of this definition indicates two different kinds of exclusions. The first, for on-site property waste burns, is covered in Section 111.209(4); the second, for burns for ecological restoration, is covered in Section 111.211(1). In practice, prescribed burns and land-clearing burns may have similarities: occasionally it is necessary in a prescribed burn to bulldoze trees or brush into piles to obtain the appropriate effect. The key difference is the concept of “conversion.” The goal of land clearing is a major change in land use, i.e. the conversion of the land from one use to another; the goal of a prescribed burn is to restore, maintain, or renew the ecosystem.

*Practical alternative.* This definition contains four criteria, each of which must be considered to determine whether an alternative is practical. The standard of judgment should be that of a *reasonable person*. For example, an option that is technologically available but neither economically affordable nor logistically possible is not practical. A method other than burning may not be practical if it cannot achieve the desired ecological outcome. An alternative that is technologically, economically, and logistically feasible is not practical if it causes a greater ecological harm than burning.

In Section 111.205(b), the wording “at which training routinely will be conducted” is used to eliminate potential confusion. For example, if training is conducted weekly except during holidays and when meteorological conditions are unfavorable, the facility still would qualify under this section of the rule. Other similar situations may also qualify.

Section 111.209(1) specifies that collection of domestic waste by the local governmental agency or authorized agent must occur on the premises where the waste is generated. The governmental provision of a transfer or convenience station to which residents may bring waste does not constitute collection of domestic waste; therefore, burning may take place in that instance. Any authorization of collection services by a government or other jurisdiction must be specific and well-defined. For a government merely to say it

is OK for anybody to collect garbage commercially within its jurisdiction does not constitute authorized collection for the purposes of this rule.

Section 111.209(6) is a recognition of an agricultural practice that continues in many parts of the state. The key factor is whether a practical alternative exists. Determining whether there is a practical alternative requires evaluating such things as the type of crop, soil moisture level, soil nutrient benefits, cropping sequence, and cost of alternative disposal methods.

Section 111.209(7) was added to deal with situations in which accumulated vegetation has the potential to do such things as obstruct the flow of water and cause flooding or provide habitat for vermin, but where it is not feasible to burn on-site because doing so would create a nuisance or traffic hazard. Each such burn requires prior approval from the regional office. A site cannot be designated by the municipality or county for continual use, as a standard operating procedure, to augment normal brush disposal. The intent is that the government (or other organization) will not conduct such a burn more frequently than once every two months, no matter how many sites it may have available. For example, it is not permissible for it to conduct a burn at one site and then have another burn at another site a few days later, circumventing the intent of the rule.

Section 111.211 is a recognition of fire as a necessary management tool for particular situations for which there is no practical alternative. All such burns are subject to the General Requirements for Allowable Outdoor Burning (111.219).

Section 111.213 provides a mechanism for remediation to avoid additional environmental degradation in an emergency, such as preventing a petroleum substance from entering a waterway. Once the emergency is under control, it is not permissible to burn the material used to absorb the hydrocarbon or other wastes associated with emergency control. This section should not be used to sanction disposal. Note that the Outdoor Burning Rule refers to Section 101.6 (Notification Requirements for Major Upsets). However, that section has been repealed and replaced by Section 101.201 (Emissions Events Reporting and Recordkeeping Requirements).

Section 111.219(6)(A) allows flexible burn opportunities with consideration for meteorological conditions conducive to dispersion. The requirement for having a respon-

## OUTDOOR BURNING IN TEXAS

sible party in attendance during the active burn phase does not mean someone has to be in attendance once the fire is virtually complete and is not advancing—once it principally consists of glowing coals with possibly some patchy residual fires. The extent of the burn may not be allowed to increase after one hour before sunset. A fire that has burned down to glowing coals has consumed most of the volatile substances and will not progress as a flame. It is understood that items such as stumps may burn for several days. Residual fires and smoldering objects without the potential to create a nuisance or traffic hazard need not be quenched.

For example, if you wish to burn 100 acres with a road on one side and no sensitive structures in other directions from the burn area, you would be prudent to extinguish residual fires and smoldering objects within a swath along the boundary with the road where the potential for nuisance or traffic hazard exists, but allow the remaining portion of the burn site to subside at a natural rate.

Section 111.219(7) specifically prohibits the burning of insulated wire without prohibiting the burning of piles created by fence demolition that contain wire and untreated-wood wastes.



## **Texas Commission on Environmental Quality**

**Buddy Garcia, *Chairman***  
**Larry R. Soward, *Commissioner***  
**Bryan W. Shaw, Ph.D., *Commissioner***  
**Mark R. Vickery, P.G., *Executive Director***

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## City of Lucas Council Agenda Request March 19, 2015

**Name of Requestor:** City Manager, Joni Clarke  
Fire Chief, Jim Kitchen

### **Agenda Item:**

Discuss and consider the Center for Public Safety Management's (CPSM) Fire and Emergency Medical Services Operational Analysis of the Lucas Fire Department and provide guidance to staff.

### **Background Information:**

The City of Lucas Fire Department has operated as a volunteer department until recently. With the City becoming the provider of emergency medical services, the Fire Department was transformed into a hybrid organization consisting of staff that are classified as full-time and volunteer.

Combination departments use both volunteer and paid full-time firefighters to respond to fires, medical emergencies, rescue and other calls. The mix of paid and volunteer firefighters depends on the size, type and risk of the community protected, the number of calls for service, the availability of volunteers and amount of time volunteers can contribute to emergency calls and training.

In general, as communities grow larger and the number of emergency calls increase, larger numbers of full-time firefighters are added.

The volunteer firefighter system today is far different than it was just 10 years ago. In the past, volunteers lived and worked in the communities they served and they often served as a volunteer until they retired. Due to many changes in society and the economy in general, this traditional respond-from-home volunteer has declined.

Today the majority of our volunteers can only devote specific periods of time to on-duty coverage and many do not live in Lucas. Many of our volunteers today

view their volunteer service as a stepping stone to a paid position in the future. This is typical of volunteer fire service in the rest of the country and here in the City of Lucas.

In addition to full-time paid firefighters and volunteers a new category of paid part-time firefighter is emerging. Some of our comparison fire departments already use these types of firefighters in addition to their full-time staff and volunteers.

We need transform our current methodologies into a system that would embrace best practices and provide effective and efficient public safety services. It is essential to bring in experts to help us assess what is the best approach for Lucas when it comes to Fire and EMS.

The acquisition of public safety consulting services would give us an opportunity to take an unbiased look at how we should be providing these services based on best practices, facilitate the development of a plan and then the City would have the framework in place to move forward with implementation. The public safety consulting services would provide the following services:

- Examine the department's organizational structure and culture
- Perform gap analysis, comparing the "as is" state of the department to the best practices of industry standards
- Recommend a management framework to ensure accountability, increased efficient and improved performance
- Conduct a data-driven forensic analysis to identify actual workload
- Identify and recommend appropriate staffing and deployment levels for every discrete operational and support function in the department

Completing the assessment was in the best interest of the City to facilitate long-term planning and to create a structure for future success.

**Attachments/Supporting Documentation:**

1. CPSM's Fire and Emergency Medical Services Operational Analysis

**Budget/Financial Impact:**

The City of Lucas budgeted \$22,000 plus travel in the amount of \$5,000 for a total of \$27,000. The projected total expenditures for the Operational Analysis is estimated to be \$24,032.29.

**Recommendation:**

The following recommendations are in priority order and are contained in the Operational Analysis:

1. It is strongly recommended the LFD complete a fire and community risk assessment as a component of future department and city planning. This assessment should be done in conjunction with the fire and EMS calls for service demand as generated and reviewed by the department on an annual basis (page 24).
2. CPSM recommends the LFD revisit the 2012 long-range plan and develop a more formal strategic plan that includes short-term (1 to 5 years) and long-term (5 to 10 years) strategic planning goals and objectives and which also puts in place the processes for continuous improvement (page 20).
3. CPSM recommends the LFD continue to foster a recruitment and retention program that focuses on: membership flexibility; marketing the volunteer program to millennials; and continuous retention efforts focused on increasing the retention rate of volunteer members through recognition of efforts, a friendly and diverse work environment, mentoring for advancement in the organization, sustaining current incentives, and researching and implementing new incentives as funds are made available (page 12).
4. CPSM recognizes the need to upgrade the acting career lieutenants (firefighter rank) to the level of captain, and further recommends a career captain official position description be developed so as to align with the actual duties and responsibilities assigned. As there are no official positions of rank among the six current career firefighters, CPSM recommends a promotional process be developed and conducted that will ensure the most qualified three members are elevated to the captain position (page 6).
5. CPSM recommends the city and the LFD consider a more innovative approach to equipment deployment. An alternative is the deployment of a combination EMS transport and fire suppression vehicle. Over the short term, as additional staffing may be added one at a time per shift over a number of years, this type of unit provides fire and EMS capacity with minimal staffing (two to four) in a system that has limited daytime staffing, and in which EMS calls create the highest demand and fire calls for service occur infrequently (page 34).



6. Adding career staff on 24-hour shifts, while coming with a cost, should be considered at this time. The volunteer service and the surge capacity these members provide is inconsistent during weekday and weekend daytime periods, and call volume is increasing with the recent introduction of EMS. While how many career staff to add and when the positions are added is a policy decision, in the long term, and if funding is available, adding one career member per shift over the next three fiscal year periods would enhance staffing levels to a total of five career staff per 24-hour shift period. This would allow the deployment of one ambulance with a staffing of two and one engine with a staffing of three 24-hours a day. When augmented with a volunteer duty crew at night, this deployment model would be further enhanced during this time period (page 33).

7. CPSM recommends that in the short-term and as funding allows, a part-time administrative assistant be hired for the fire department to assist with the day-to-day administrative support tasks. In the long term and as the department grows, this position should expand into a full-time position to support the fire chief and senior fire staff with day-to-day administrative and supportive responsibilities (page 5).

8. CPSM recommends continuing the department's basic foundational Community Emergency Response team (CERT) program components; CERT member participation in incident rehabilitation; and a review of other expanded program components while ensuring costs do not outweigh benefits (page 13).

9. CPSM recommends the current prefire planning process continue and include regular enhancements in the final product, and that regular building and occupancy familiarization continue, as these are basic foundational practices of the fire service. CPSM further recommends that as fire companies are conducting prefire planning activities they work with the Development Services Department and communicate in a timely manner and report obvious and potential fire prevention, loss, and life safety issues (page 27).

10. CPSM recommends continuing—and establishing if necessary—response protocols with automatic aid jurisdictions so that incident critical tasks are carried out in a systematic manner for maximum effectiveness. Continual planning, training, and exercising with surrounding automatic/mutual aid agencies is a critical element to successful outcomes (page 38).

**Motion:**

I move to accept the Operational Analysis for the Lucas Fire and Emergency Medical Services provided by the Center for Public Safety Management.

# Fire and Emergency Medical Services Operations Analysis

Lucas, Texas

February 2015



**FIRE**

**Operational Analysis**

**EMS**

**Center for Public Safety Management**

# CPSM

Center for Public Safety Management, LLC

**474 K Street, NW, Suite 702**

**Washington, DC 20001**

**[www.cpsm.us](http://www.cpsm.us)**

**716-969-1360**

*Exclusive Provider of Public Safety Technical Assistance for the  
International City/County Management Association*

# ICMA

*Leaders at the Core of Better Communities*

## General Information

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### About ICMA

The International City/County Management Association (ICMA) is a 100-year-old nonprofit professional association of local government administrators and managers, with approximately 9,000 members located in 28 countries.

Since its inception in 1914, ICMA has been dedicated to assisting local governments in providing services to their citizens in an efficient and effective manner. Our work spans all of the activities of local government: parks, libraries, recreation, public works, economic development, code enforcement, brownfields, public safety, and a host of other critical areas.

ICMA advances the knowledge of local government best practices across a wide range of platforms, including publications, research, training, and technical assistance. Our work includes both domestic and international activities in partnership with local, state, and federal governments, as well as private foundations. For example, we are involved in a major library research project funded by the Bill & Melinda Gates Foundation and are providing community policing training in El Salvador, Mexico, and Panama with funding from the United States Agency for International Development. We have personnel in Afghanistan helping to build wastewater treatment plants and have teams working with the United States Southern Command (SOUTHCOM) in Central America on conducting assessments and developing training programs for disaster preparedness.

### Center for Public Safety Management

The **ICMA Center for Public Safety Management (ICMA/CPSM)** is one of four Centers within the Information and Assistance Division of ICMA providing support to local governments in the areas of police, fire, EMS, emergency management, and homeland security. In addition to providing technical assistance in these areas we also represent local governments at the federal level and are involved in numerous projects with the Department of Justice and the Department of Homeland Security. In each of these Centers, ICMA has selected to partner with nationally recognized individuals or companies to provide services that ICMA has previously provided directly. Doing so will provide a higher level of services, greater flexibility and reduced costs in meeting members' needs as we will be expanding the services that ICMA can offer to local government. For example, the Center for Productivity Management (CPM) is now working exclusively with SAS, one of the world's leaders in data management and analysis. And the Center for Strategic Management (CSM) is now partnering with nationally recognized experts and academics in local government management and finance.

The Center for Public Safety Management, LLC (CPSM) is the exclusive provider of public safety technical assistance for ICMA and continues to provide training and research for the association's members and represents ICMA in its transactions with the federal government and other public safety professional associations.

CPSM's local government technical assistance experience includes workload and deployment analysis, using our unique methodology and subject matter experts to examine department organizational structure and culture, identify workload and staffing needs, and advance industry best practices. We have conducted more than 175 such studies in 35 states and 135 communities ranging in size from 8,000 population (Boone, Iowa) to 800,000 population (Indianapolis, Ind.).

Thomas Wieczorek is the Director of the Center for Public Safety Management. Leonard Matarese serves as the Director of Research & Program Development. Dr. Dov Chelst is the Director of Quantitative Analysis. Joseph Pozzo is the Senior Manager for Fire/EMS.

## Methodology

The ICMA Center for Public Safety Management team follows a standardized approach to conducting analyses of fire, police, and other departments involved in providing services to the public. We have developed this approach by combining the experience sets of dozens of subject matter experts in the areas of police, fire, and EMS. Our collective team has several hundred years of experience leading and managing public safety agencies, and conducting research in these areas for cities in and beyond the United States.

The reports generated by the operations and data analysis team are based upon key performance indicators that have been identified in standards and safety regulations and by special interest groups such as the International Association of Fire Chiefs (IAFC), the International Association of Fire Fighters (IAFF), and the Association of Public-Safety Communication Officials International, and through ICMA's Center for Performance Measurement. These performance measures have been developed following decades of research and are applicable in all communities. For this reason, the data yield similar reporting formats, but each community's data are analyzed on an individual basis by the CPSM specialists and represent the unique information for that community.

The CPSM team begins most projects by extracting calls for service and raw data from a public safety agency's computer-aided dispatch system. The data are sorted and analyzed for comparison with nationally developed performance indicators. These performance indicators (e.g., response times, workload by time, multiple-unit dispatching) are valuable measures of agency performance regardless of departmental size. The findings are shown in tables and graphs organized in a logical format. Despite the size and complexity of the documents, a consistent approach to structuring the findings allows for simple, clean reporting. The categories for the performance indicators and the overall structure of the data and documents follow a standard format, but the data and recommendations are unique to the organization under scrutiny.

The team conducts an operational review in conjunction with the data analysis. The performance indicators serve as the basis for the operational review. The review process follows a standardized approach comparable to that of national accreditation agencies. Before the arrival of an on-site team, agencies are asked to provide the team with key operational documents (policies and procedures, asset lists, etc.). The team visits each jurisdiction to interview agency management and supervisory personnel, rank-and-file officers, and local government staff.

The information collected during the site visits and through data analysis results in a set of observations and recommendations that highlight the strengths, weaknesses, and opportunities of—and threats to—the organization and operations under review. To generate recommendations, the team reviews operational documents; interviews key stakeholders; observes physical facilities; and reviews relevant literature, statutes and regulations, industry standards, and other information and/or materials specifically included in a project’s scope of work.

The standardized approach ensures that the Center for Public Safety Management measures and observes all of the critical components of an agency, which in turn provides substance to benchmark against localities with similar profiles. Although agencies may vary in size, priorities, and challenges, there are basic commonalities that enable comparison. The approach also enables the team to identify best practices and innovative approaches.

In general, the standardized approach adopts the principles of the scientific method: We ask questions and request documentation upon project start-up; confirm accuracy of information received; deploy operations and data analysis teams to research each unique environment; perform data modeling; share preliminary findings with the jurisdiction; assess inconsistencies reported by client jurisdictions; follow up on areas of concern; and communicate our results in a formal written report.

## **ICMA/CPSM Project Contributors**

Thomas J. Wiczorek, Director

Leonard A. Matarese, Director of Research and Program Development

Joseph E. Pozzo, Senior Manager for Fire and EMS

Dennis Kouba, Editor

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## City of Lucas

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The city of Lucas, Texas, is located in Collin County, approximately thirty miles northeast of Dallas.



Lucas is part of the Dallas-Fort Worth metroplex and is near North Dallas communities such as Allen, Plano, Richardson, Wylie, and Frisco. The municipal boundaries of Lucas encompass 11.73 square miles. The city has a population density of approximately 457 people per square mile.<sup>1</sup> Lucas is close to Dallas-Fort Worth International Airport and has easy access to numerous highway/road systems such as the Central Expressway (Hwy. 75), President George Bush Freeway (SH 190), and SH 121. Lucas is quite attractive to families, retirees, and those seeking a desirable place to live in a country setting. In Lucas,

one can enjoy fishing on Lake Lavon, equestrian activities, and life in small-town Texas. Lucas is served primarily by the Lovejoy Independent School District (ISD) but is also served by the Allen, McKinney, Plano, Princeton, and Wylie ISDs.

The city of Lucas operates under a home rule, council-manager form of government. The city council is comprised of six council members and a mayor; all are elected at-large for three-year terms.<sup>2</sup> Under a council-manager form of government, the day-to-day operations of the city are directed by the city manager, who is appointed by the city council.

## Population, Demographics, and Growth

According to the U.S. Census Bureau,<sup>3</sup> the city of Lucas had an estimated population in 2013 of 6,180. The official 2010 U.S. Census population was 5,221. Demographically, the city is 91.9 percent white, 1.3 percent African-American, 0.9 percent American Indian and Alaskan native, 2.2 percent Asian, and 6.0 percent Hispanic or Latino. As of the 2010 Census there were 1,641 total housing units in the city. Housing units in multi-unit structures in the period 2008-2012 made up 0.0 percent of the total housing units, meaning there were no multifamily-type housing units in the city. The average number of people per household was 3.12 people. The median household income (2008-2012) was reported as \$130,380, with 5.4 percent of the population reported to be under the federal poverty level during the same period.

The greatest share of existing land use in the city is for residential lots and structures. The residential planning model is low density, with many residential structures situated on 1.0, 1.5, and 2-plus acre lots. There are some mobile/manufactured homes in Lucas; their siting uses less than

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<sup>1</sup> <http://www.lucastexas.us/index.aspx?NID=240>

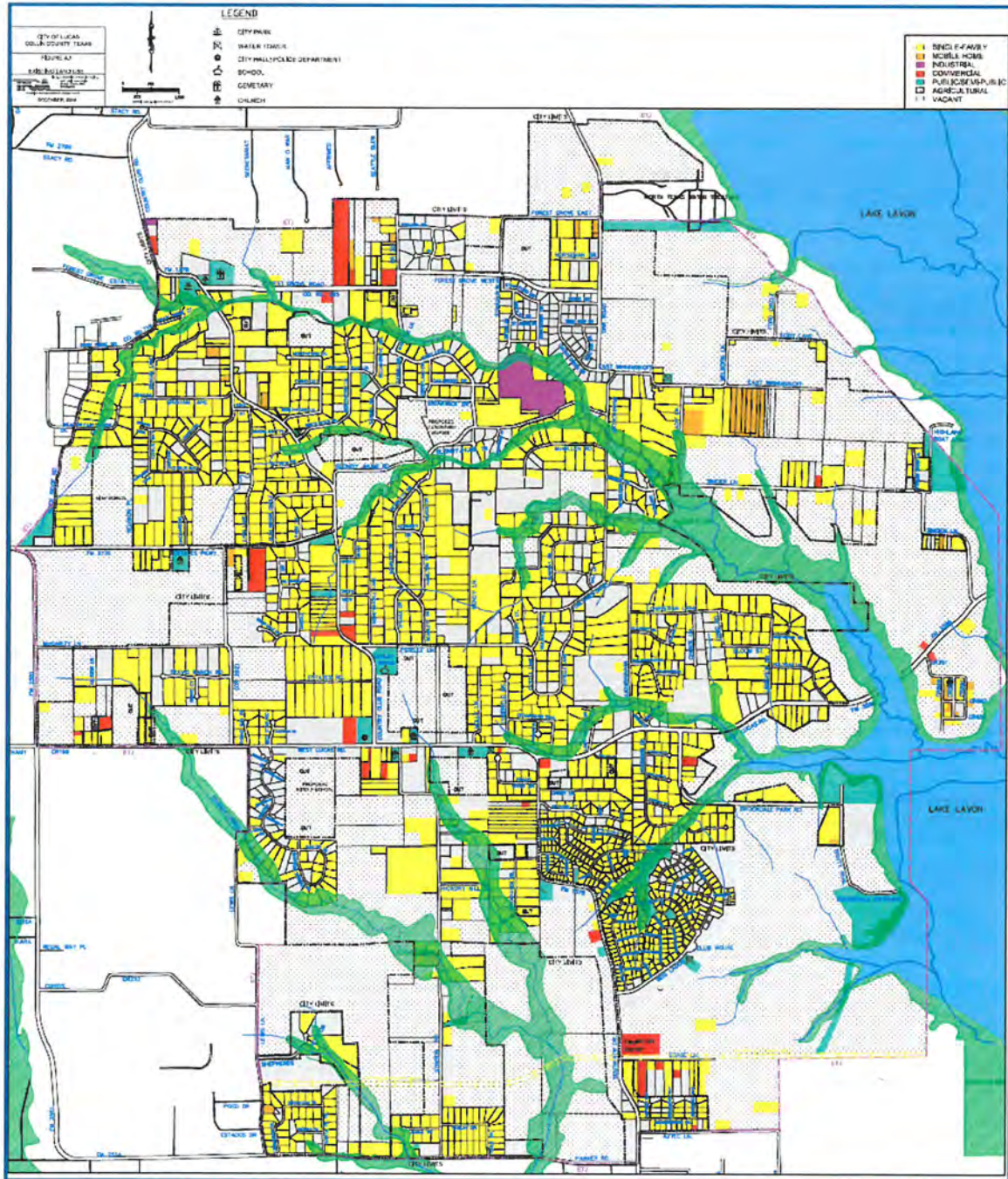
<sup>2</sup> <http://www.lucastexas.us/index.aspx?nid=99>

<sup>3</sup> <http://quickfacts.census.gov/qfd/states/48/4845012.html>



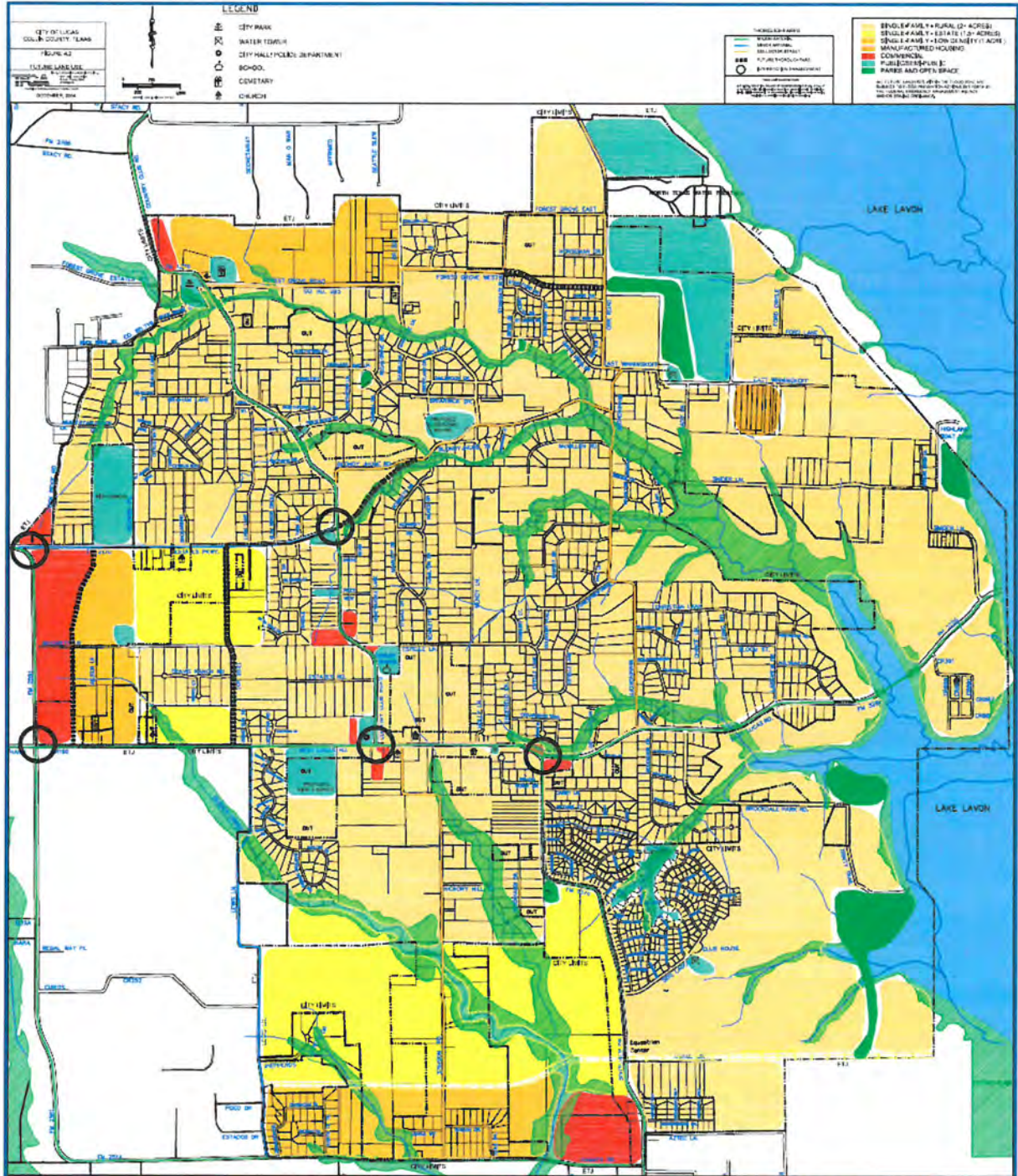
75 acres of land area. After residential, the remaining existing land use is made up of light commercial, open space/parks, and public land use (schools, municipal, etc.). Figure 1 illustrates the existing land use model.

**Figure 1: City of Lucas Existing Land Use Model**



Future growth plans include expansion of light commercial land use, with the greatest expansion of this type of land use in the western and southeastern portions of the city. Residential expansion in the northwest and southern portions of the city is included as well, along with additional open/green space. Figure 2 illustrates planned land use and growth.

**Figure 2: City of Lucas Future Land Use**



## Introduction

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The Center for Public Safety Management LLC (CPSM) was retained by the city of Lucas to complete a comprehensive analysis of the city's fire department. This analysis is designed to provide the city with a thorough and unbiased review of services provided by the Lucas Fire Department (LFD). Also included in this report is the use of geographic information systems (GIS) data mapping to support the operational discussion and recommendations.

During the study, CPSM collected and presented performance data provided by the LFD and also examined firsthand the department's operations. Fire departments tend to deploy resources utilizing traditional approaches, which are rarely reviewed. To begin the review, project staff asked the city for certain documents, data, and information. The project staff used this information/data to familiarize themselves with the department's structure, assets, and operations. The provided data were also used in conjunction with the information collected to determine the existing performance of the department and to compare that information to national benchmarks. These benchmarks have been developed by organizations such as the National Fire Protection Association (NFPA), Center for Public Safety Excellence, Inc. (CPSE), and the ICMA Center for Performance Measurement. LFD staff was also provided an electronic shared information folder to upload information for analysis and use by the CPSM project management staff.

Project staff conducted a site visit on October 22- 23, 2014, for the purposes of observing fire department and agency-connected supportive operations, interviewing key department staff, and reviewing preliminary data and operations. Telephone conference calls were conducted, as were e-mail exchanges between CPSM project management staff, the city, and the LFD, so that CPSM staff could affirm the project scope, and elicit further discussion regarding this operational analysis.

Recommendations and considerations for continuous improvement of services are presented in the conclusion of this report. CPSM ranks the recommendations and considerations in priority order beginning with what CPSM considers the highest.

## Organizational Analysis

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The LFD is a combination fire and emergency medical services (EMS) department, meaning the agency is staffed by both volunteer and career personnel. Based on incident data discussed later in this report, the LFD is a fire department that provides EMS as its primary base of services while also handling fire-related responses. The bulk of the career staff resources are focused on the support of and service delivery of emergency medical services.

Article 1.02, Section 1.02.31 -1.02.33 of the *City of Lucas Code of Ordinances* (city code) creates the position of the fire chief, the appointment thereof by the city manager, and how the duties and responsibilities of the position are prescribed. Chapter 5 of the city code provides for the general provision of fire investigation and fire prevention and established the office of the fire marshal.

The LFD began as a volunteer agency; it started integrating career personnel into the organization in 2005 with a part-time fire chief. The organization has since added additional career personnel and in 2012 the fire chief became a full-time employee.

In addition to providing fire suppression and EMS, the LFD is an all-hazards agency and thus provides for wildland fire intervention and suppression, hazardous materials response and identification, vehicle extrication/rescue, and emergency management coordination for the city.

## Organization

The LFD has a traditional organizational structure, as illustrated in Figure 3. This traditional structure includes a fire chief who directs the overall operations of the department and is directly assisted by an operations chief who is a volunteer member. Also assisting the fire chief is an EMS officer who is responsible for the day-to-day operations of EMS, including training, quality assurance, report analysis, and transport billing. The department operational medical director is included as a part of the organization as well.

At present, the LFD has no civilian administrative/clerical assistance. Due to this void, the fire chief, EMS officer, and to some extent senior volunteer officers perform administrative, records management and reporting, payroll, ambulance billing, and other such duties. This does, to some degree, take time away from the management and leadership functions of these positions. ***CPSM recommends that in the short term and as funding allows, a part-time administrative assistant be hired for the fire department to assist with the day-to-day administrative support tasks. In the long term and as the department grows, this position should expand into a full-time position to support the fire chief and senior fire staff with day-to-day administrative and supportive responsibilities.***

The department deploys three operational shifts. Each shift is assigned a battalion chief who is a volunteer member and who is typically available in the evening hours, but may be available as well

during the day. This position responds to incidents so as to provide overall command and control, and coordinates shift staffing for volunteer members.

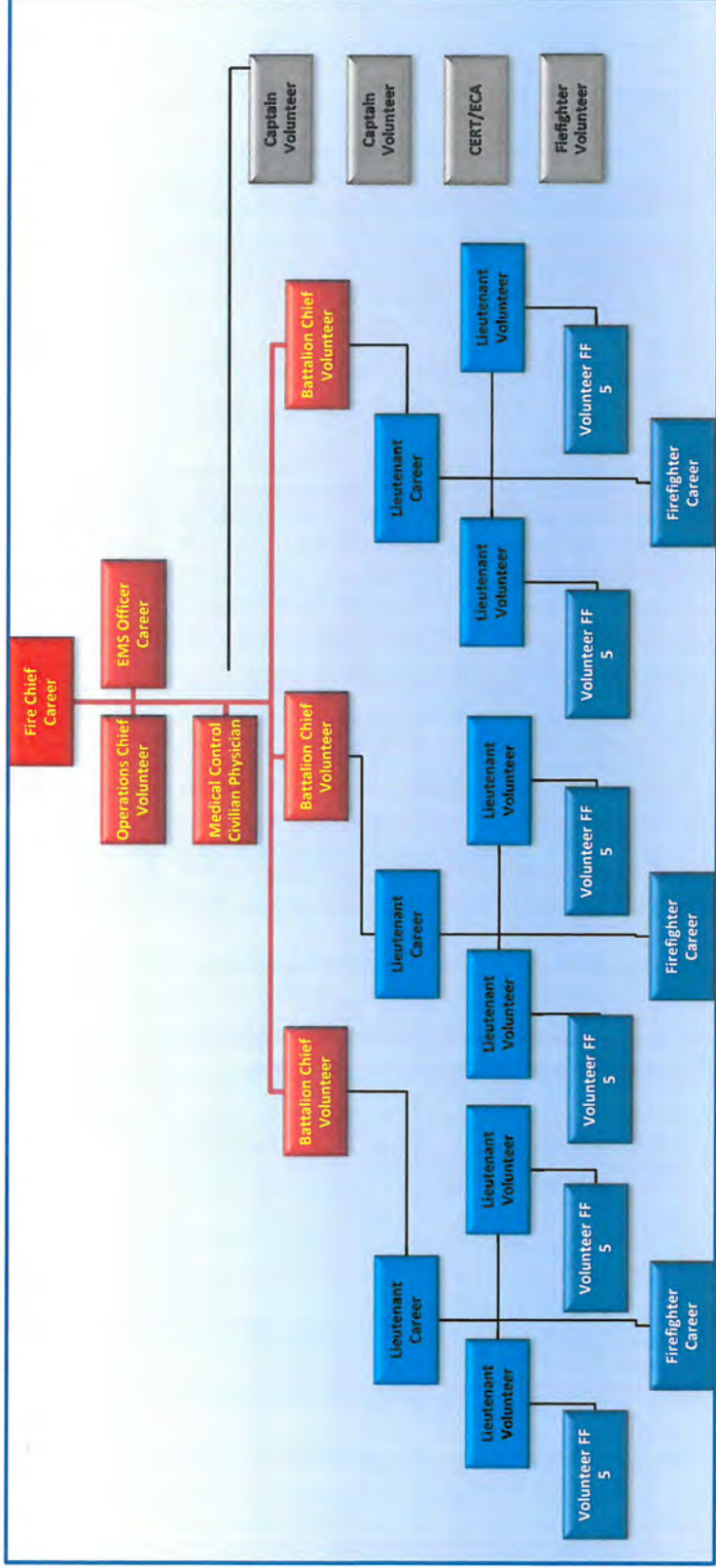
There is one career firefighter assigned to each shift who acts in the capacity of a lieutenant and who is assigned to a 24/48 schedule, meaning he/she will work 24 hours on and have 48 hours off. This position manages the day-to-day operations of the station, and as well serves as the first-line supervisor to the one career firefighter/paramedic who also works a 24/48 schedule. The career staff works from 7:00 a.m. to 7:00 a.m. CPSM notes here the acting career lieutenants are actually functioning at the captain level, or above that of the volunteer lieutenants, as they are charged with the day-to-day operational responsibility to manage the station, equipment, and crews (career and volunteer). ***CPSM recognizes the need to upgrade the acting career lieutenants (firefighter rank) to the level of captain, and further recommends the career captain official position description be developed so as to align with the actual duties and responsibilities assigned.*** As there are no official positions of rank among the six current career firefighters, ***CPSM recommends a promotional process be developed and conducted and which will ensure the most qualified three members are elevated to the captain position.***

There are also two volunteer lieutenants assigned to each shift; each supervises a group of volunteer firefighters. These lieutenants rotate a duty night every six days and assist in the frontline supervision of the volunteer crew assigned to the duty night. There is only one volunteer lieutenant on duty at a time (others may respond from home to the station for calls for service). There is a proven need for crew leaders to direct response on incidents so as to reduce "freelancing," which can cause safety concerns; this is what the lieutenant position is designed to accommodate. On paper, it appears as though the organization is heavy with volunteer lieutenant positions; in reality it is not, as these positions rotate every six days with their assigned crews. As stated, there is only one lieutenant scheduled per night. This rotation is not germane to Lucas. CPSM has seen and experienced a similar rotation practiced across the country; therefore we do not recommend any change. It should be stressed that preparation and training for this volunteer position is critical, and currently the LFD experiences a loss of seasoned volunteers who may eventually qualify to fill the lieutenant role. It remains important to continually work to sustain membership and build a path of succession into these positions.

There are two volunteer groups assigned to each shift, each with five firefighters (some of whom are also emergency medical technicians and paramedics). The firefighters rotate a duty night every six days and are assigned accordingly to apparatus for response (other volunteers may respond from home to the station for calls for service). The volunteer members fill riding positions and roles as assigned by the acting career lieutenant. The goal is to have the ability to staff an ambulance and one or two fire apparatus during the evening hours (7:00 p.m. to 7:00 a.m.) when many of the volunteer members are available. This is typical in volunteer and combination departments across the country, and is a best practice. Meeting this goal is challenging, according the LFD fire chief, as typically there are an average of three (3.21 actual average) volunteer members per night standing duty. As well, on some nights there are no volunteer members standing duty.

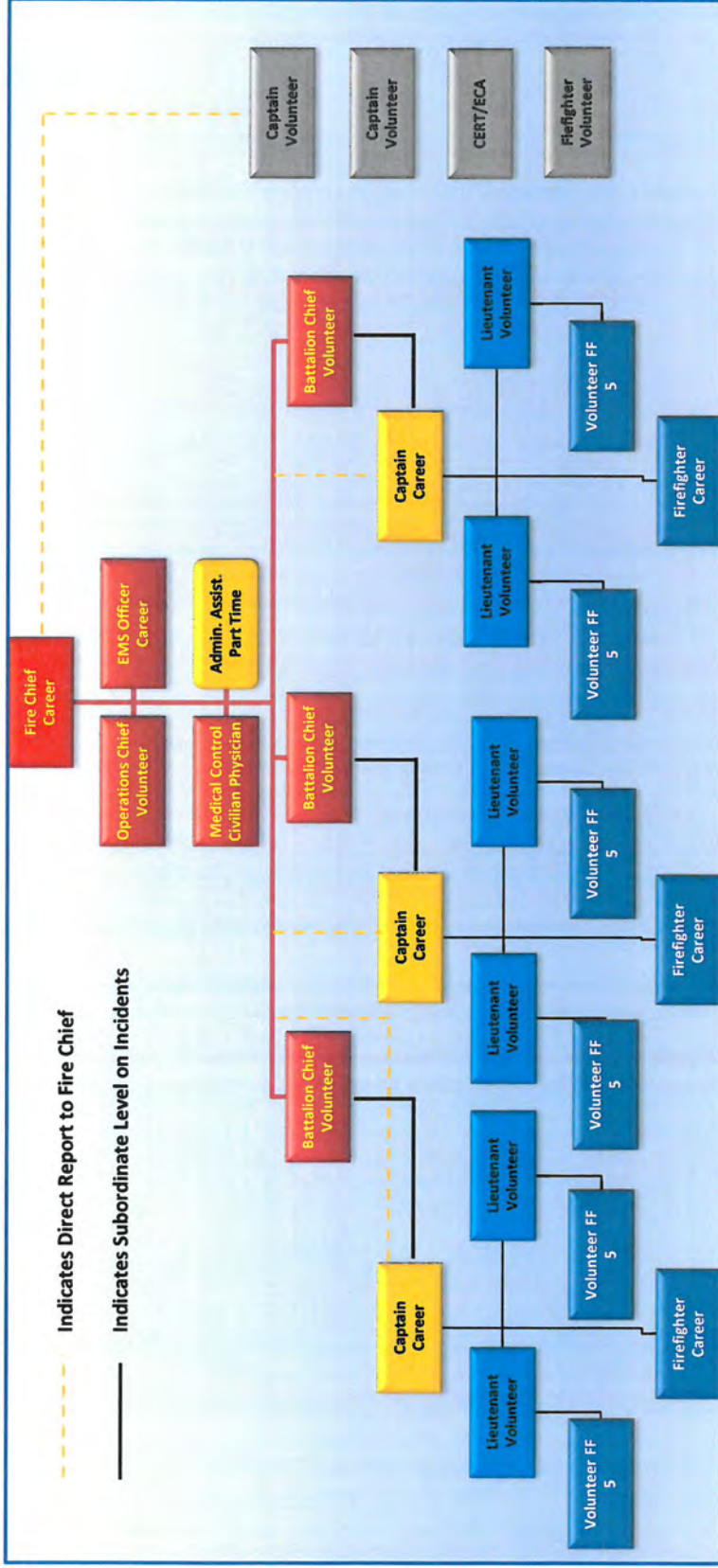
In addition to the operational volunteer staff there are also four volunteer members who assist with other organizational and operational components, such as fleet maintenance and equipment and the citizen emergency response team (CERT). Overall in the LFD, there are eight career staff and forty-four volunteer positions, as shown in the organizational chart in Figure 3.

Figure 3: LFD Table of Organization



As discussed above, CPSM recognizes the need to add administrative support to the LFD, and as well, to elevate the career lieutenant position to captain level due to the assignments and responsibilities of this position. Discussed also is the need to sustain crew leadership through the volunteer lieutenants during incident response and service delivery. Additionally, CPSM recommends a formal understanding be established within the LFD that emphasizes that volunteer officers have authority over career subordinate levels in the organization during incident response and service delivery; this will maintain command and control integrity. This should not be the case regarding city, personnel, and/or other employer/employee relationship matters, as in these instances the fire chief is vested with this authority. Figure 4 illustrates a proposed organizational chart that indicates these changes (indicated in amber).

Figure 4: Proposed LFD Table of Organization





## Volunteer Services

As illustrated in the LFD organizational chart there are forty-four potential volunteer positions in the organization, with the bulk of the volunteer staff assigned to line operations. *Volunteers in the LFD are relied on heavily for service, whenever they are available, and particularly on nights and weekends. The volunteer program is highly regarded in the community and adds significant value to the overall LFD organization, and as well provides significant savings to the overall city budget.* The volunteer staff is trained to the State Firefighters' & Fire Marshals' Association of Texas (SFFMA) fire certification and many, as noted above, have emergency medical technician and/or paramedic certification. Many on the volunteer staff can drive and operate both fire and EMS apparatus and can perform interior-combat firefighting.

According to the fire chief, one issue facing the LFD is the retention of volunteer staff. As communicated to CPSM by the fire chief, during the past five years the average tenure of a volunteer member for the LFD is three years, eleven months. A consistent reason for leaving is for a full-time position with a career fire or EMS agency. One significant challenge faced by many volunteer fire and EMS agencies across the country is developing successful recruitment programs and then retaining these human resources once they become members of the organization. According the National Volunteer Fire Council (NVFC) 2014 statistics:<sup>4</sup>

- There are 783,300 volunteer firefighters in the U.S., comprising 69 percent of the nation's fire service (NFPA, *U.S. Fire Department Profile Through 2012*).
- The majority of fire departments in the United States are volunteer.
- Of the total 30,100 fire departments in the country, 20,050 are all-volunteer; 5,445 are mostly volunteer; 1,995 are mostly career; and 2,610 are all-career (NFPA, *U.S. Fire Department Profile Through 2012*).
- Donated time from volunteer firefighters saves localities across the country an estimated \$139.8 billion per year (NFPA, *The Total Cost of Fire in the United States, 2014*).
- Small- and mid-sized communities rely heavily on volunteer firefighters. Communities with a population of under 2,500 rely almost entirely on volunteer departments.
- The number of volunteer firefighters in the U.S. has declined by 13 percent since 1984. Major factors contributing to the decline include:
  - Increased time demands to be a firefighter due to increased training requirements, increasing call volumes, and a wider variety of services expected of fire departments.
  - Less time available for individuals to volunteer due to factors such as the proliferation of two-income families and longer commuting distances to work.
  - Change in attitudes among the public, such as less focus on volunteering, loss of community pride or feeling that one should give back, employers less willing to let

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<sup>4</sup> <http://www.nvfc.org/hot-topics/key-fire-service-facts>

employees off to run calls, etc. (NVFC, *Retention & Recruitment in the Volunteer Emergency Services: Challenges and Solutions*).

- While the number of volunteer firefighters is declining, the age of volunteer firefighters is increasing.
- Fire department call volume has nearly tripled in the last twenty-five years, mainly due to a sharp increase in the number of EMS calls and false alarms (NFPA, *Fire Loss in the United States 2012*).

The LFD does a very good job on both the city's fire department website and the Lucas volunteer fire department website of communicating the expectations of a volunteer firefighter. As noted above, leading recruitment and retention issues center on time demands of the person who seeks to volunteer as a firefighter. The LFD does seek to minimize this demand by arranging for two volunteer duty groups per career work shift. This means a volunteer must commit to one duty night every six nights. The goal of this program is to ensure that a minimum of four volunteers are posted at the station between the hours of 7:00 p.m. and 7:00 a.m. This ensures a second medical call can be quickly answered or one or two fire apparatus can immediately respond on a fire call for service, thus significantly enhancing the firefighting force. There are additional time requirements for volunteers as well, predominantly in the area of training.

To maintain a successful once-every-six-nights volunteer duty crew of four members, it would take a minimum of twenty-four volunteer members. Realistically, however, each shift should be upstaffed by two members to maintain the minimum four-person duty crew, as there should be allowance for scheduled absences. Thus, to maintain the minimum staffing of four volunteer members per night over six duty crews, the LFD should strive to maintain thirty-six volunteer members trained and released to engage in both fire and EMS service delivery.

The LFD estimates the cost for the volunteer fire and EMS program to be \$209,136 annually.<sup>5</sup> This is 16.5 percent of the overall departmental budget. This cost includes benefits/incentives such as accidental injury insurance and workers' compensation; training reimbursement for EMS certifications; pay-per-run reimbursement, which represents the greatest budgeted amount at \$125,000; and water bill discounts. Other costs include personal protective equipment, uniforms, and training.

It is imperative that the LFD continue to aggressively recruit and retain combat (ability to engage in interior firefighting) volunteer firefighters and develop programs that increase the retention of these members so that any additional increase in career staff can be transitioned over a planned and measured period. The NVFC has guides and resources to assist in this endeavor, as does the Virginia Office of Emergency Medical Services and the Federal Emergency Management Agency, among others. One consideration is recruiting both disciplines (EMS and fire) separately, meaning there may be community members interested in serving on the ambulance as a volunteer but not as a combat firefighter, and vice versa. There also may be community members who can only

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<sup>5</sup> Budget information provided by Chief Kitchens and verified by the Finance Director.

volunteer on the weekends or during the day, which currently is a challenge for the LFD as there is not a large turnout of volunteer members during these time frames. Flexibility in recruitment and retention should be a goal, with a focus on balancing the needs of the organizational staffing, meaning the LFD cannot recruit a large percentage of volunteers who can only volunteer on the weekends, or during weekdays, or on weeknights. Additional incentives may be considered. In Rockwall, Texas, for instance, incentives include additional incentives for certain state certifications and attendance in certain week-long classes; incentives for attaining and performing in officer ranks; various association membership dues; and State Firemen Pension & Retirement S.B.411. The city contributes \$125 per month per volunteer firefighter. ***CPSM recommends the LFD continue to foster a recruitment and retention program that focuses on: membership flexibility; marketing the volunteer program to millennials; and continuous retention efforts focused on increasing the retention rate of volunteer members through recognition of efforts, a friendly and diverse work environment, mentoring for advancement in the organization, sustaining current incentives, and researching and implementing new incentives as funds are made available.***

## CERT

The Community Emergency Response Team (CERT) is one of five federal programs promoted under the umbrella organization Citizen Corps, which is a program under the Department of Homeland Security which provides training for the population of the United States to assist in the recovery after a disaster or terrorist attack.<sup>6</sup> Many of the current programs today across the United States began with grants through state emergency management programs or directly from the Federal Emergency Management Agency (FEMA). The city of Lucas is a CERT grant recipient.

The LFD has an active CERT program that includes thirty-eight active members. Fifteen of these members have earned their amateur (Ham) radio license and participate in the storm-spotter program. Another seventeen members have advanced their traditional CERT role and are disaster response citizens in their neighborhood. Additionally, the LFD has members (both career and volunteer) who have attended the required training to become instructors in the CERT program to sustain the program's educational requirements in-house. Since the program has started, the LFD has accepted and trained sixty-one community members in the CERT program.

While the CERT initiative is designed to increase the CERT members' ability to safely help themselves, their families, and their neighbors during a disaster, the LFD has expanded the program to include fire rehabilitation response, where the CERT members respond to incidents that are deemed to be long-term incidents. CERT members provide medical monitoring, fluid replacement, and a location near the incident where crew members working the incident can rehabilitate from inclement or temperature challenging environments. This is a standard fire department incident function. Other expanded duties for all or some CERT members include participation in the Firewise program; assisting from a support position with large animal rescue; and special events such as the city of Lucas Founders Day and National Night Out.

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<sup>6</sup> <https://www.fema.gov/community-emergency-response-teams/about-community-emergency-response-team>

The annual operational cost for the CERT program is \$7,200.<sup>7</sup> This includes educational materials, some training costs, special events, and a small amount for member shirts. About one-quarter of the expenses (\$2,000) are for incident rehabilitation supplies. Minus this expense, the CERT budget would be \$5,200. Without the CERT program, the incident rehabilitation expenses would remain and would simply be allocated to another program, as this incident component would still need to be carried out. As already discussed, CERT program training is conducted in-house by department instructors. This substantially reduces training costs. Finally, new members are outfitted with equipment from the initial CERT grant the city received.

As this program is one that is initiated and supported federally, and is about community readiness, people helping people, rescuer safety, and doing the greatest good for the greatest number, CPSM supports the basic foundation program components as discussed. The expansion of the program to include mainly incident rehabilitation involves policy decisions, as there likely may be associated costs. One consideration is that incident rehabilitation is a component of the overall incident command system and a basic tenet of an extended incident; someone has to do this, and given the current LFD staffing levels (career and volunteer), utilizing the CERT is an appropriate use of available noncombat volunteer members. Therefore, ***CPSM recommends: continuing the basic foundational CERT program components; CERT member participation in incident rehabilitation; and a review of other expanded program components while ensuring costs do not outweigh benefits.***

## Fire Services

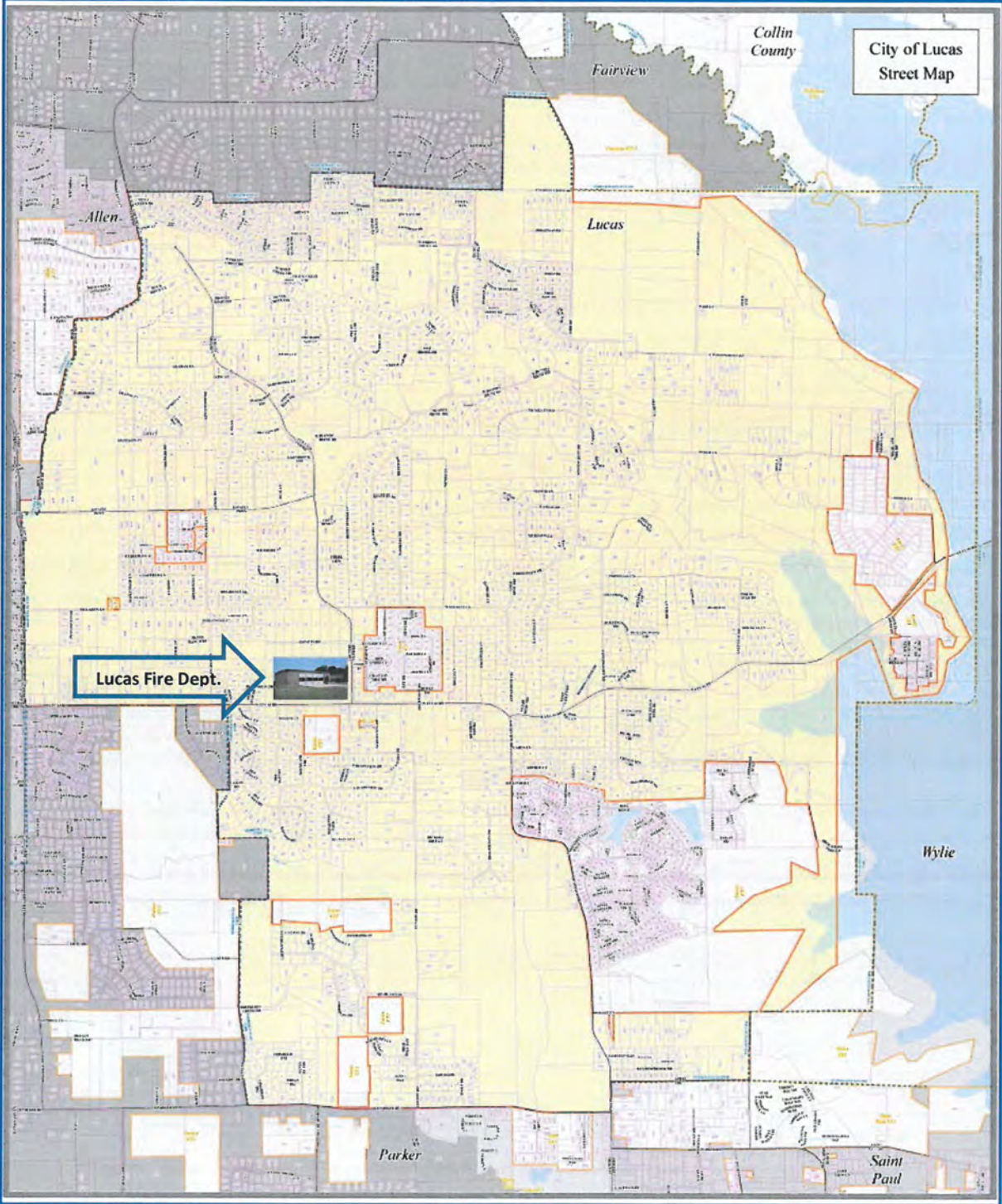
Fire services are provided from one central fire station, as illustrated in Figure 5. This station and location serves as the central fire station housing both fire suppression/EMS units and crews, as well as fire administration, which is currently located in a building next door to the main fire station. While on site, CPSM observed a major construction project/addition to the central fire station and which will create office space for fire administration and enhance other living and working space.

Out of the central fire station, the LFD currently deploys two engine companies (pumper apparatus), two brush trucks for wildland firefighting, two utility vehicles equipped with EMS equipment and utilized as personnel transport and EMS quick response, and associated command and other specialty small utility vehicles.

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<sup>7</sup> City of Lucas Fire Department Budget Account 448, 2014-2015.

Figure 5: LFD Station Location



**Table 1: Fire Calls by Call Type**

Call Type	Number of Calls	Average	
		Calls per Day	Call Percentage
Structure fire	7	0.02	2.7
Outside fire	52	0.14	20.1
Hazard	14	0.04	5.4
False alarm/Fire alarm	40	0.11	15.5
Good intent	84	0.23	32.4
Public service*	62	0.17	23.9
<b>Fire Total**</b>	<b>259</b>	<b>0.71</b>	<b>100</b>

\* Includes severe weather and special incident calls.

\*\* There were 267 rescue and emergency medical services incidents handled by fire units, creating a separate data source from EMS incidents, which are reported in Tables 2, 3, 4, and 5. The EMS data reporting time frame is 4/1/2014 to 11/30/2014 and includes ambulance response data only.

Table 1 shows that the single largest type of call for fire service are those classified as good intent, which are calls for service that include those dispatched and canceled en route, steam or other gas mistaken for smoke, controlled burn, and wrong location, to name a few examples. This is not the norm in almost all fire studies conducted by CPSM. False alarm/fire alarms normally are the leading category of all fire calls. Commercial properties with fire alarm systems typically drive this number up, but Lucas has a relatively low number of such properties. Overall, the LFD responds to .71, or less than 1.0, fire-related call per day.

The second largest category of fire call for service in Lucas involves those classified as public service calls. These calls for service include lock-outs, public service assistance, fill-in for other jurisdictions, and the like. Outside fires, which include grass, brush, rubbish, dumpster, and vehicle fires, to name the most common, is the third largest category of call. Structure fire calls represent the lowest percentage of fire-related calls for service at 2.7 percent, or on average, one structure fire every fifty-two days. Combined, actual fire calls (structure and outside) represent 22.8 percent of the overall fire calls to which the LFD responded, or one actual fire call every 6.2 days (just under one per week).

Total loss as estimated and recorded in incident response reports by the LFD for the one-year study period was \$839,449. Of this total, \$819,449 in loss is estimated and reported in the structural fire category, with the remaining \$20,000 estimated and reported in the lightning strike category.

## Emergency Medical Services

The LFD began emergency medical services transport on April 1, 2014. Prior to this EMS transport was provided by the East Texas Medical Center transport coalition, stationed primarily in the city of

Wylie. EMS transport was implemented by the city and the LFD in order to reduce response times of EMS transport. To provide timely service, the city council approved funding for the hiring of six full-time employees (firefighter/EMS), who were hired and placed into service on October 1, 2013. Prior to this and to begin preparations for EMS transport, a full-time EMS officer was reclassified from firefighter/EMT to this position title on July 29, 2013. EMS transport in Lucas is provided at both the basic life support (BLS) and advanced life support (ALS) levels. Both career and volunteer staff members deploy the ambulances.

The LFD deploys two ambulances from the central fire station. One is a new vehicle and serves as the primary EMS transport response unit (placed in service May 1, 2014). The second is a reconditioned vehicle and is used as a backup to the primary unit and is fully equipped and ready to respond should the primary unit be deployed on another call for service. Tables 2 through 5 present EMS incident and call data for the period April 1, 2014, to November 30, 2014. This data set, provided by the LFD, represents a different time period than fire call data as EMS transport did not begin until April 1, 2014.

**Table 2: EMS Incident by Patient Count**

Disposition	Number
Deceased on Scene, No Transport	1
Disregarded en route	4
False Alarm (No Incident Occurred)	1
No Patient Found	4
No treatment, No Transport	43
Patient Care Transferred	19
Transported Lights/Siren	12
Transported No Lights/Siren	106
Transported No Lights/Siren, Upgraded	1
Treated, Transported by Law Enforcement	1
Treated, Transported by Private Vehicle	1
Treatment, No Transport	27
<b>Total Patient Count</b>	<b>220</b>

Table 2 tells us that more than half of EMS calls for service (54 percent) involved a transport to the hospital.

**Table 3: BLS-ALS Incident Breakdown**

Incident Type	Number	Percent
Advanced Life Support	155	70.5
Basic Life Support	48	21.8
Not Applicable	17	7.7
<b>Total Incidents</b>	<b>220</b>	<b>100.0</b>

Table 3 shows us that the largest percentage of dispatched calls were for advanced life support, which means that as the calls were processed and categorized in the emergency communications center (based on caller information), the call was dispatched as advanced life support. This is a higher priority-type call for service. Table 4 shows that the calls were processed and categorized on par with the actual call disposition, based on the high percentage of ALS transports (91 percent). The reader should keep in mind that there are different levels of ALS transport based on the level of care a patient receives during an emergency transport; these levels run the gamut of the provision of an ALS assessment by ALS personnel or the provision of at least one advanced intervention to the provision of three or more intravenous medications or at least one advanced ALS procedure such as endotracheal intubation or manual defibrillation. Lastly, Table 5 shows that the largest percentage of EMS transports (69 percent) are delivered to Medical Center of McKinney.

**Table 4: BLS-ALS Transport Breakdown**

Type of Transport	Number
Advanced Life Support	<b>126</b>
Basic Life Support	<b>12</b>
<b>Total</b>	<b>138</b>

**Table 5: EMS Transport Destination**

Transport Destination	Number
990	3
Baylor University Medical Center Dallas	1
Children's Medical Center Legacy	3
Medical Center of McKinney	95
Medical Center of Plano	10
Medical City Dallas	1
Methodist Richardson Medical Center	1
Not Documented	1
Texas Health Presbyterian Hospital: Allen	23
<b>Total Transports</b>	<b>138</b>



An important aspect regarding EMS calls for service is the time of day during which EMS calls are occurring and the “peak-load” period or periods of EMS calls. Figure 6 illustrates the time of day EMS incidents occurred in Lucas for the time period April 1, 2014, to November 30, 2014. While this information does not provide a full-year period to analyze, it provides some indication of when EMS incidents and peak-load periods occur. This information will assist in the discussion of future staffing and deployment of resources.

**Figure 6: EMS Calls for Service by Time of Day**

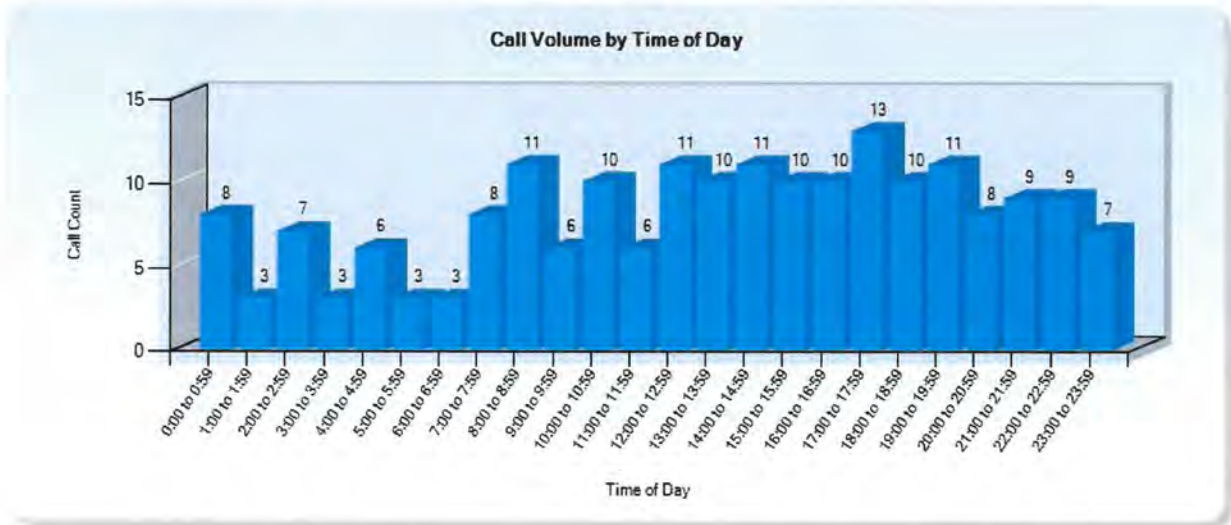


Figure 6 shows that there are two peak-load periods. The first is between 7:00 a.m. and 11:00 a.m. The second and more consistent peak-load period is between noon and midnight, with the highest peak load between noon and 8:00 p.m.

The LFD has an EMS quality assurance (QA) program in place, which is a best practice. The QA process involves an in-house review of each call by the EMS officer and the operational medical director. As well, fifteen calls per month are selected at random for QA by the third-party transport billing provider. Patient care protocols (approved by the medical director) and department standard operating procedures are in place and serve as benchmarks from which to measure the QA process. As well, the patient care protocols and standard operating procedures that are linked to EMS serve as the operational and administrative standard from which the agency operates, also a best practice.

EMS skills are regularly evaluated by the operational medical director. Monthly continuing education is led by the medical director, and as well the Medical Center of McKinney is contracted for advanced EMS training.

## Internal Planning

Organizing and managing a contemporary fire and emergency medical services agency requires results-oriented and well-thought-out and achievable goals and objectives. In addition, to determine how well an organization or program is doing requires that these goals be measurable and that they be measured against desired results. Included in a fire organization's key internal planning components should be a formal strategic plan, community risk and vulnerability assessment and plan, performance measures, and a succession plan.

The LFD developed a long-range plan in 2012. Contemplated in this plan for discussion with the city council was: future growth of the community and the agency; fleet replacement; a potential new fire station; emergency medical service (which did transition to a city function in 2014); early warning systems for the community; and sustaining and growing the *FireWise Community* program.

The LFD also completed a *FireWise Community Wildfire Plan* in 2012. This plan addressed wildland fuels germane to Lucas; structure ignitability and defensible space (a key element to a *FireWise* community program); fire protection and access; utilities; and recommended mitigation actions for the community. This plan was recently updated in October 2014. The updating of a plan such as this is a national best practice and the LFD is commended for remaining proactive in this critical area of fire protection.

Another report completed for the city and the LFD by the Texas A&M Forest Service was a *Wildfire Risk Assessment Summary Report*. This report "provides a consistent, comparable set of scientific results to be used as a foundation for wildfire mitigation planning in Texas. Results of the assessment can be used to help prioritize areas in the state where tactical analyses, community interaction and education, or mitigation treatments might be necessary to reduce risk from wildfires."<sup>8</sup> This report compiles this information specifically for Lucas, and provides information to support the following key priorities:

- Identify areas that are most prone to wildfire.
- Identify areas that may require additional tactical planning, specifically related to mitigation projects and Community Wildfire Protection Planning.
- Provide the information necessary to justify resource, budget, and funding requests.
- Allow agencies to work together to better define priorities and improve emergency response, particularly across jurisdictional boundaries.
- Increase communication with local residents and the public to address community priorities and needs.
- Plan for response and suppression resource needs.
- Plan and prioritize hazardous fuel treatment programs.

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<sup>8</sup> Texas Wildfire Risk Assessment Summary Report, Lucas Texas, 2012.

Defining clear goals and objectives for any organization through a formal strategic planning document establishes a resource that any member of the organization, or those external to the organization, can view and determine in what direction the organization is heading, and as well how the organization is planning to get there. Ultimately, the strategic plan defines the systems thinking the organization is conducting to serve its core mission. As discussed, the LFD constructed a long-range plan in 2012. As the department is transitioning its service delivery and growing both career and volunteer staff and the fleet, it is essential a more formal planning process occur. To ensure success, ***CPSM recommends the LFD revisit the 2012 long-range plan and develop a more formal strategic plan that includes short-term (1 to 5 years) and long-term (5 to 10 years) strategic planning goals and objectives and which also puts in place the processes for continuous improvement.***

One area of internal planning that is a critical component in determining the proper staffing and deployment model for a fire department is the completion of a *Community Fire Risk Assessment*. What's involved in a fire risk analysis? A fire department collects and organizes risk evaluation information about individual properties, and on the basis of the rated factors then derives a "fire risk score" for each property. This is done by assessing the needed fire flow, probability, consequences, and occupancy risk, and then establishing fire management zones. The score is then used to categorize the property as one of low-, moderate-, or high/maximum-risk. Included in this assessment for Lucas is the Texas A&M *Wildfire Risk Assessment Summary Report*. All of this information is blended and utilized in the *Community Fire Risk Assessment*.

Plotting the rated properties on a map provides a better understanding of how fire stations, response run cards, and staffing patterns can be used to provide a higher concentration of resources for worse-case scenarios or, conversely, fewer resources for lower levels of risk.<sup>9</sup> The community fire risk assessment may also include determining and defining the differences in fire risk between a detached single-family dwelling, an industrial/light commercial building, and a wild land urban interface by placing each in a separate category. Further, an overall community risk profile can be linked to historical response time data and demand. This analysis can then be used to informatively establish response time baselines and benchmarks.

Community risk and vulnerability assessment are essential elements in a fire department's planning process. The LFD has not completed a full comprehensive community risk and vulnerability assessment that includes structural and all nonstructural components. Included in this assessment should be both structural (as described in the material below from the NFPA on community vulnerability) and nonstructural (weather, wild land urban interface, transportation routes, etc.) elements. It should be noted that some of this planning is included in the September 2014 Insurance Services Organization (ISO) report.

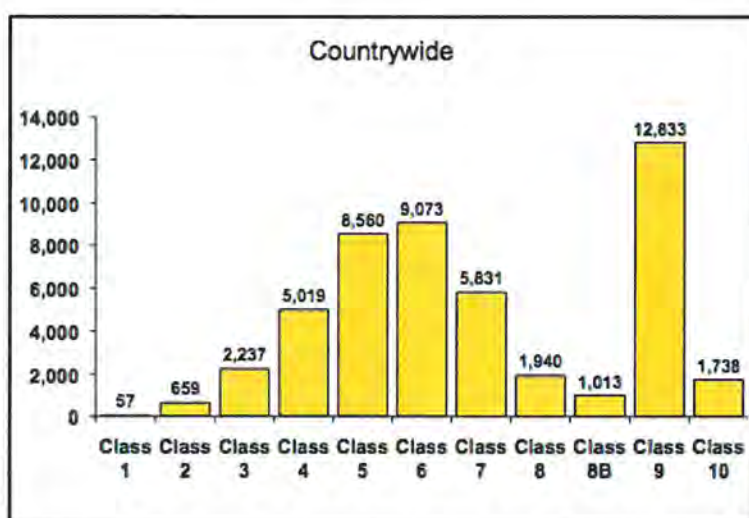
The ISO's Public Protection Classification rating for the city is 3. ISO is a for-profit subsidiary of Verisk Analytics Company. ISO provides services relating to risk analysis by gathering information

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<sup>9</sup> *Fire and Emergency Service Self-Assessment Manual, Eighth Edition*, (Chantilly, VA: Center for Public Safety Excellence, 2009), 49.

through community assessments and providing the information to the insurance industry. The data have historically been used to develop insurance premiums for both residential and commercial policies. The ISO's Fire Suppression Rating Schedule (FSRS) is analyzed to assign the Public Protection Classification (PPC).<sup>10</sup> The FSRS is a manual of the criteria that measure the tools (assets and practices) in a community's arsenal to fight fires. The schedule contains a point system from 0 to 100. Every ten points is a "Class." The grade is presented as a class from 1 to 10: Class 1 is the highest class; a rating of Class 9 is considered the "lowest recognized protection." A Class 10 does not meet the minimum criteria established by the ISO. The national distribution of PPC classifications is illustrated in Figure 7.

**Figure 7: National PPC Distribution<sup>11</sup>**



According to ISO, the FSRS evaluates three areas when considering a locality's fire protection: fire alarms, water supply, and the agency itself.<sup>12</sup> Ten percent of the community's score is based on the manner in which a fire department receives and dispatches calls for fire alarms. Included in the observations is a detailed analysis of the communications center (personnel and number of lines coming into the center). Forty percent of the

FSRS score is based on the sufficiency of the community's water supply system and its ability to provide water in excess of the daily maximum consumption.

Lastly, the fire agency itself is evaluated and this assessment contributes to 50 percent of the overall score. Within this module, ISO reviews the distribution of stations and companies throughout the area, all components of personnel training, and equipment inventory to include review of maintenance and testing. There are three important areas included within the fire department analysis. Fifteen percent of this module is attributed to company personnel available to respond to first alarms; however, ISO does apply an upper limit for staffing as there is a finite number of personnel who can effectively operate a piece of apparatus at any given time. Ten percent of this module is given for the comparison of in-service pumpers and equipment carried, with the number of necessary pumpers and equipment as determined by "Basic Fire Flow, the size of the area served, and the method of operation." The third-highest weighted score (9 percent) in this module is the rating of the department's training. ISO evaluates the training programs and

<sup>10</sup> ISO Mitigation Online, *About ISO* (2012), <http://www.isomitigation.com/docs/about0001.html> (accessed on October 31, 2012).

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

available training facilities. This review includes the training of officers, drivers, and recruits, along with ensuring familiarization with buildings and prefire planning.

According to a National Fire Protection Association (NFPA) paper on assessing community vulnerability, fire department operational performance is a function of three considerations: resource availability/reliability, department capability, and operational effectiveness.<sup>13</sup> These elements can be further defined as:

**Resource availability/reliability:** The degree to which the resources are ready and available to respond.

**Department capability:** The ability of the resources deployed to manage an incident.

**Operational effectiveness:** The product of availability and capability. It is the outcome achieved by the deployed resources or a measure of the ability to match resources deployed to the risk level to which they are responding.<sup>14</sup>

The community risk and vulnerability assessment evaluates the community as a whole, and with regard to property, measures all property and the risk associated with that property and then segregates the property as either a high-, medium-, or low-hazard depending on factors such as the life and building content hazard, and the potential fire flow and staffing required to mitigate an emergency in the specific property. According to the NFPA *Fire Protection Handbook*, these hazards are defined as:

**High-hazard occupancies:** Schools, hospitals, nursing homes, explosives plants, refineries, high-rise buildings, and other high life-hazard or large fire-potential occupancies.

**Medium-hazard occupancies:** Apartments, offices, and mercantile and industrial occupancies not normally requiring extensive rescue by firefighting forces.

**Low-hazard occupancies:** One-, two-, or three-family dwellings and scattered small business and industrial occupancies.<sup>15</sup>

Lucas is unique in that the city is largely made up of residential properties with some light commercial properties. However, there are potentially residential properties that are in excess of 5,000 square feet and built with light-truss construction, which represent a greater hazard than, for example, one of 1,800 square feet and built with traditional frame/long-board construction. In this case, and dependent on other factors such as a wildland urban interface and exposure to other structures, some residential properties may in fact be classified to a higher risk. When completing the community risk and vulnerability assessment, the LFD should make this adjustment.

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<sup>13</sup> Fire Service Deployment, Assessing Community Vulnerability: From <http://www.nfpa.org/assets/files/pdf/urbanfirevulnerability.pdf>.

<sup>14</sup> National Fire Service Data Summit Proceedings, U.S. Department of Commerce, NIST Tech Note 1698, May 2011.

<sup>15</sup> Cote, Grant, Hall & Solomon, eds., *Fire Protection Handbook* (Quincy, MA: National Fire Protection Association, 2008), 12.

Figures 8 and 9 illustrate the critical tasks and resource deployment required for certain categories of structural risk, which traditionally in the fire service are determined by the size of the building, fire flow required, life hazard, and corresponding tasks required to mitigate the emergency. Other risks such as hazardous materials, the likelihood of a high-angle rescue, and wildland/urban interface represent fire department response risk as well.

The examples illustrated here include low-risk incidents (small, detached unoccupied building) and moderate-risk incidents such as dwelling fires, which represent the most common risks in the community. Moderate and high risk/high hazard incidents require resources and critical tasking that either stretch or exceed the capacity of departments the size of the LFD. A community such as Lucas typically depends on mutual aid to assist in mitigating these emergencies.

**Figure 8: Low-Risk Fire Response**

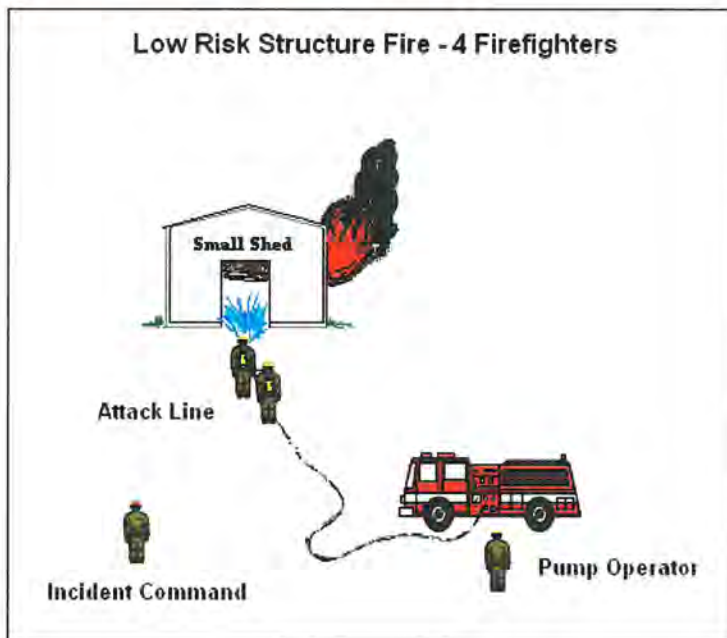
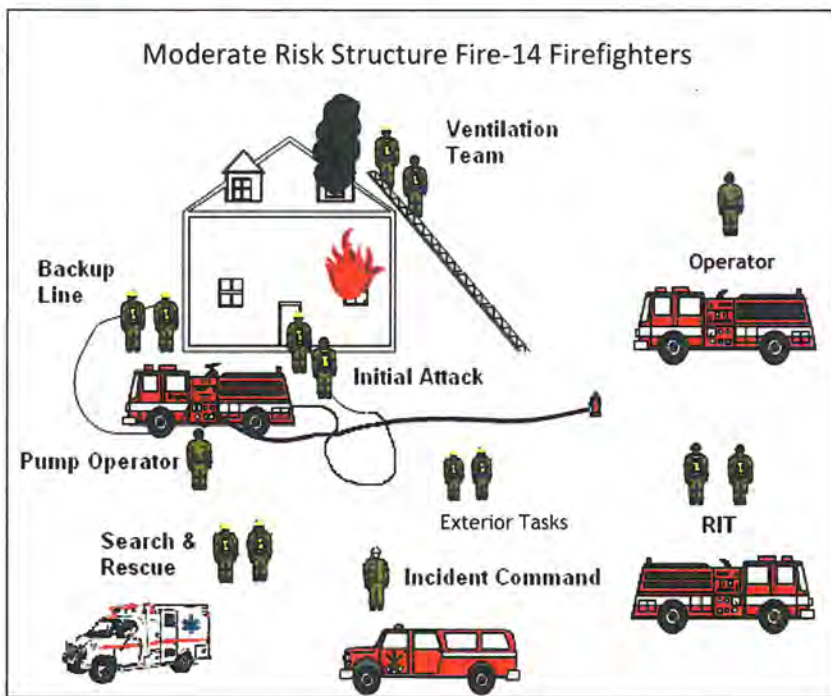


Figure 9 represents critical task elements for a moderate-risk structure fire. Some jurisdictions add additional response resources to meet and in some cases exceed the specifics of national benchmarking, such as National Fire Protection Association (NFPA) 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*, 2010 Edition, and NFPA 1720, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments*, 2014 Edition.

**Figure 9: Moderate-Risk Fire Response**



Note: RIT is an acronym for Rapid Intervention Team, which is an uncommitted team of firefighters available and ready to enter a hazardous environment should an operating crew need immediate assistance such as in a May-Day situation.

Included in a working incident such as described in Figure 9 is incident rehabilitation sector staffed with either a firefighting or EMS crew, or special response crew deployed by the LFD.

***It is strongly recommended the LFD complete a fire and community risk assessment as a component of future department and city planning. This assessment should be done in conjunction with the fire and EMS calls for service demand as generated and reviewed by the department on an annual basis.***

## Training and Education

Training for the LFD is ably managed by a volunteer battalion chief (BC Leonard) and the EMS officer (Stephens). Under this training model, Battalion Chief Leonard manages the fire training while EMS Officer Stephens manages the EMS training.

As with most Texas jurisdictions, the LFD's career firefighters are required to be certified as a Structural Firefighter through the Texas Commission on Fire Protection (TCFP), while volunteer firefighters are required to have completed modules I&II (Firefighter I) through the State Firefighters' & Fire Marshals' Association of Texas (SFFMA). EMS certifications (EMT-Basic and Paramedic) are legislated through the Texas Department of State Health Services. After this basic, required training, members can and do advance their knowledge and skills by attending additional

training courses and receiving additional certifications in fire officer, driver pump operator, wildland, hazardous materials, and technical rescue disciplines, to name a few.

The LFD has a fire training schedule that is designed to meet the needs of both career and volunteer members. This training is scheduled on the second Tuesday of each month and includes not only fire training, but also computer-based training and walk-throughs/familiarization of certain buildings and occupancies in the city. The walk-throughs are designed to familiarize members with building ingress and egress, certain fire suppression protection systems, hazards, and to discuss apparatus placement and deployment of hose lines in the event a fire or other emergency occurs in these structures. This is a best practice. Additionally, a basic firefighter class (through the SFFMA) for new volunteer firefighters is conducted in an adjacent county.

The LFD has available to it the facilities and training rooms needed to conduct training, and which includes: live burn building in Wylie and Garland (for which there is a cost associated with use); live burn building in Richardson and Lewisville (no cost associated); and a training room at Collin College and the Parker Fire Department (no cost associated). Any use of these facilities does draw resources away from Lucas, however. The LFD also has a small training area in the fire administration building and will have additional training space once the new addition to the central fire station is completed.

EMS training is conducted in much the same manner as fire training. EMS continuing education (required hours for EMS certifications) is conducted once each month. The advanced components of this training are currently led by the medical director, with some classes contracted out to a private vendor (Quest). There are plans to bring emergency medical technician and paramedic basic training in-house with a continuing partnership with the medical director. Basic-level EMS continuing education training is currently conducted in-house. For those members seeking to enhance their EMS training to EMT-Basic or Paramedic, there are programs offered at Collin College for a cost. In addition, paramedic training is also offered through University of Texas-Southwest at Parkland Hospital.

## Fire Prevention

Article 5.03 of the city of Lucas Code of Ordinances (Code) adopts the 2009 edition of the International Fire Code including appendices B, D, E, and F, and adopted amendments as listed in 5.03.02 of the Code.

Fire prevention activities are conducted primarily through the city's Development Services Department. The DSD conducts plans review, including review of fire protection systems in accordance with the applicable building and fire codes. Fire inspections linked to plans review of fire protection systems are also conducted by inspectors certified to the appropriate fire inspector level. Additionally, all commercial occupancies within the city boundaries are inspected annually by the inspection staff. Two current volunteer firefighters work in the Development Services Department and conduct these plans reviews and inspections. Both are certified in fire inspection



and fire code enforcement. Should the city require additional assistance and/or technical support with plans review and fire code enforcement, the county fire marshal is available and willing to assist. No issues or concerns with this arrangement of fire prevention responsibilities was reported to CPSM.

Of significance is Ordinance 2008-11-00633, sec. 1, and adopted in November 2008 as Article 5.03.02, Section 903.2, and which requires automatic sprinkler installation in all occupancy use groups, to include residential structures of more than zero (0) square feet in accordance with section 903 of the 2003 International Fire Code. This is a best practice and the city is commended for including residential properties in this requirement.

Whether fire prevention inspections and plans review are located in the fire department or in the Development Services Department, it is important to understand that fire suppression and response, although necessary to protect property, have little impact on preventing fire deaths. Rather, public fire education, fire prevention, and built-in fire protection systems are essential elements in protecting citizens from death and injury due to fire, smoke inhalation, and carbon monoxide poisoning. To this end it is important that contemporary fire prevention practices (strategies developed to prevent loss from a variety of emergencies) be carried out and measured. This is vital and a priority for those occupancies of public assembly where the risk of death or property/business loss is great even though the risk of fire is small or infrequent, and properties that have a statistical history of fire problems and/or where fires or fire code issues and concerns are frequent. Regular fire inspections for these classes of property must continue.

Included in this is prefire planning and identifying certain structures and occupancies as target hazards (locally defined occupancies that pose specific risks to occupants and fire service responders). Prefire planning is the process of gathering and recording information to be used by decision makers (incident commanders) during a fire or other incident at a given property. Property and lives may be saved as the incident commander and decision makers have immediate access to critical information about the building, its contents, and any life safety concerns.

It is important that, while conducting prefire planning, fire personnel identify the property as a target hazard, and that they gather and post the specific information that classifies the property as such. Additionally, any peculiarities or obvious fire prevention issues that are identified while conducting prefire planning activities should be communicated to the Development Services Department. This will ensure the potential fire code issue or issues will be properly addressed. Prefire planning is also beneficial to responding fire companies in that they become familiar with buildings and occupancies, identifying potential hazards, routes of ingress and egress, water supply and fire protection connections, apparatus positioning, and occupant life safety issues to name a few. In Lucas this prefire planning is performed, and as noted above, during regular fire training sessions certain preplanned buildings are visited, again a best practice. Each prefire plan is also included in a computer-based training program and each member (career and volunteer) is required to review the plans and then visit each building for additional familiarization.

CPSM cannot stress enough the importance of the prefire planning process, identifying and classifying target hazards, and building and occupancy familiarization by fire companies.

***As such, CPSM recommends the current prefire planning process continue and include regular enhancements in the final product, and that regular building and occupancy familiarization continue, as these are basic foundational practices of the fire service. CPSM further recommends that as fire companies are conducting prefire planning activities they work with the Development Services Department and communicate in a timely manner and report obvious and potential fire prevention, loss, and life safety issues.***

## Operational Analysis

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### Operational Staffing and Deployment

#### Current Staffing and Deployment

Staffing and deploying of fire and EMS apparatus in Lucas is accomplished through a combined system of career and volunteer members. As discussed on the previous page, the career staff works a consistent shift of 24 hours on duty and 48 hours off duty. There are two career staff on duty each day. The primary role of the career staff with regard to deployment and response to calls for service is the staffing and deployment of the first-out ambulance. This remains consistent even when a fire call for service is dispatched; the career staff deploys the ambulance and provides initial size-up, and on arrival of the initial fire suppression apparatus, they engage in a fire suppression role. This deployment model is consistent with Texas Administrative Code, Title 25, Part 1, Chapter 157, Subchapter B, Rule §157.11(f), which requires certain minimum staffing of ambulances, a staffing plan, and continuous coverage in the declared service area, in this case the city of Lucas. If continuous coverage cannot be met there are certain public notice and other notification requirements. The department has a total of six operational career staff members.

Also discussed above is the deployment of volunteer members. These volunteer service combat members staff and deploy fire and EMS apparatus predominantly in the evening/overnight hours, and between the hours of 7:00 p.m. and 7:00 a.m. There are generally four volunteer personnel on duty each night of the week. Other volunteer service members who are available at night but not on duty respond to the station for the deployment of additional apparatus if needed. Additionally, the volunteer service members who are available during the day either respond to the station from home when a call is dispatched or spend time at the station during the day or are available for deployment. The number of volunteers fluctuates for various reasons as previously discussed. Generally, there are thirty-forty active combat volunteer members who may be available at a given incident time. This does not mean however they are all active and available to respond to an incident. This remains a challenge for the LFD.

Deployment of resources for incidents is flexible and is dependent on the type of alarm received. EMS calls (medical) deploy the primary ambulance. In the daytime this is handled by the career staff. At night when the volunteer crew is on duty the ambulance is staffed with a combination of career and volunteer staff, and at times an all-volunteer staff. If the incident requires an engine response as well, such as for a motor vehicle accident, an engine is dispatched; in the daytime this response is largely dependent on volunteer staffing. At night when the volunteer duty crew is at the station the response is more automatic, as one engine is generally staffed.

For building and structure fire calls for service, the LFD deploys one engine, one ambulance, and one battalion chief. Mutual aid partner jurisdictions respond the additional equipment to fill the assignment card (additional engines, aerial apparatus, etc.). Engine and battalion chief response in the daytime are largely dependent on volunteer staffing. The fire chief and EMS officer also fill the command and control response in the daytime as well. The career staff responds the ambulance as

discussed above. At night when the volunteer duty crew is at the station the response is more automatic, as one engine is generally staffed along with the ambulance and the battalion chief position.

Outside fire (brush, vehicle, dumpster, etc.) and hazard calls for service receive a one engine or a one to two brush unit response and are handled much like any other single engine call for service. In the daytime the engine response is largely dependent on volunteer staffing. The career staff will respond the ambulance as discussed above. At night when the volunteer duty crew is at the station the response is more automatic, as one engine is generally staffed. The same holds true for public service-type calls that receive one squad unit on the response. The response of the squad in the daytime is largely dependent on volunteer response. The career staff will respond with the ambulance in the daytime to size up the situation and sometimes are able to mitigate the emergency, and if not, will radio for the appropriate resources to assist in the mitigation of the emergency.

In all engine response scenarios, the goal is to respond with the engine and a minimum of three to a maximum of five combat personnel. For this reason, volunteer members are required to respond to the station and staff available apparatus.

## Fleet

Providing an operationally ready and strategically located fleet of mission-essential fire-rescue vehicles is fundamental to the ability of a fire-rescue department to deliver reliable and efficient public safety within a community.

The procurement, maintenance, and eventual replacement of aging response vehicles is one of the largest expenses incurred in sustaining a community's fire-rescue department. While it is the personnel of the LFD who provide emergency services within the community, the department's fleet of response vehicles is essential to operational success, delivering responders and the equipment/materials they employ to the scene of dispatched emergencies.

The LFD operates and deploys an array of fire apparatus and equipment from the central fire station. This includes: two pumper apparatus; two brush units; two EMS transport units (ambulances); three pickup trucks utilized for various response components such as rehab, EMS, and to transport crew members to the scene of an incident; a Polaris 6x6 Ranger for off-road EMS incidents and special events (capable of transporting patients from off-road to the EMS transport unit); and two command vehicles.

NFPA 1901, *Standard for Automotive Fire Apparatus*, serves as a guide to the manufacturers that build fire apparatus and the fire departments that purchase them. The document is updated every five years, using input from the public/stakeholders through a formal review process. The standards committee membership is made up of representatives from the fire service, manufacturers, consultants, and special interest groups. The committee monitors various issues and problems that occur with fire apparatus and attempts to develop standards that address those

issues. A primary interest of the committee over the past years has been improving firefighter safety and reducing fire apparatus crashes.

The Annex Material in NFPA 1901 contains recommendations and work sheets to assist in decision making in vehicle purchasing. With respect to recommended vehicle service life, the following excerpt is noteworthy:

*"It is recommended that apparatus greater than 15 years old that have been properly maintained and that are still in serviceable condition be placed in reserve status and upgraded in accordance with NFPA 1912, Standard for Fire Apparatus Refurbishing, to incorporate as many features as possible of the current fire apparatus standard. This will ensure that, while the apparatus might not totally comply with the current edition of the automotive fire apparatus standards, many improvements and upgrades required by the recent versions of the standards are available to the firefighters who use the apparatus."*

*"Apparatus that were not manufactured to the applicable apparatus standards or that are over 25 years old should be replaced."*

The impetus for these recommended service life thresholds is continual advances in occupant safety. Despite good stewardship and maintenance of emergency vehicles in sound operating condition, older vehicles simply do not incorporate the many advances in occupant safety such as fully enclosed cabs, enhanced rollover protection and air bags, three-point restraints, antilock brakes, higher visibility, cab noise abatement/hearing protection, and a host of other improvements as reflected in each revision of NFPA 1901. These improvements provide safer response vehicles for those providing emergency services within the community, as well those "sharing the road" with these responders.

There are no published standards for ambulance replacement. NFPA 1917, *Standard for Automotive Ambulances*, serves the same principles as NFPA 1901 but only for new ambulances contracted to be built on or after January 1, 2013; the standard is not retroactive. M861 aligns with this standard. In departments that CPSM has reviewed and has knowledge of, the general rule of thumb for ambulance replacement is a service life of five to eight years, depending on chassis demand, with replacement generally decided in terms of miles driven and maintenance costs. When replaced, the replaced ambulance usually serves as a reserve for another two to five years, depending on the year replaced and serviceability at the time of replacement.

The LFD's current fleet size and deployment does not raise concerns, as they align with communities the size of Lucas. One consideration may be to consolidate the pickup/utility units from three to two when the next unit is due for replacement. CPSM found all fire and EMS apparatus to be clean and well maintained, properly equipped, and in a ready state to respond. This is indicative of the culture of pride the department has with regards to the infrastructure and the service it provides.

Replacing heavy fire apparatus and EMS transport units can be costly. It is estimated the cost today of a pumper apparatus can range from \$250,000 to \$625,000, depending on the manufacturer,

chassis type, pump and water tank size, and individual customization. Aerial apparatus can cost from \$625,000 to \$950,000 or more, considering the factors already discussed for pumper apparatus. It is estimated the cost today of EMS transports units can range from \$130,000 to \$225,000, depending on chassis type, patient compartment size, and individual customization. Any planning for replacement or consideration of additional apparatus should be identified, discussed, and planned for as soon as possible, so that funding can be identified and the apparatus can be designed to meet the needs of the department and the community.

## Staffing and Deployment Components

The staffing and deployment of fire services is ultimately based on management decisions. The decision-making process includes many factors which contribute to the overall staffing and deployment of fire and EMS departments. Staffing is one component, and the type of apparatus on which the staff is deployed and from where (station locations) are the other two components that determine how fire and EMS services are delivered. Linked to these components of staffing and deployment are ten critical factors that drive various levels and models from which fire and EMS departments staff and deploy. These factors are:

**Fire risk and vulnerability of the community:** A fire department collects and organizes risk evaluation information about individual properties, and on the basis of the rated factors then derives a “fire risk score” for each property. The community risk and vulnerability assessment evaluates the community as a whole, and with regard to property, measures all property and the risk associated with that property and then segregates the property as either a high-, medium-, or low-hazard property depending on factors such as the life and building content hazard, and the potential fire flow, staffing, and apparatus types required to mitigate an emergency in the specific property. Factors such as fire protection systems are considered in each building evaluation. *Included in this assessment should be both a structural and nonstructural (weather, wildland-urban interface, transportation routes, etc.) analysis.*

**Call demand:** Types of calls to which units are responding and where the calls are occurring. This drives workload and station siting considerations.

**Workload of units:** Types of calls to which units are responding and the workload of each unit in the deployment model.

**Travel times from fire stations:** Ability to cover the response area in a reasonable and acceptable travel time when measured against national benchmarks. This links to demand and risk assessment.

**NFPA standards, ISO, national technical studies:** National benchmarking.

**EMS demand:** Community demand; demand on available units and crews; demand on non-EMS units responding to calls for service (fire units); availability of crews in departments that utilize cross-trained EMS staff to perform fire suppression.

**Critical tasking:** The ability of a fire and EMS department to comprise an effective response force when confronted with the need to perform required tasks on a fire or EMS incident scene and its ability to provide adequate resources to mitigate each event. This is department-developed and measured against national benchmarks; links to risk and vulnerability analysis.

**Innovations in staffing and deployable apparatus:** The fire department's ability and willingness to develop and deploy innovative apparatus (combining two apparatus functions into one to maximize available staffing, as an example). Deploying quick response vehicles (light vehicles equipped with medical equipment and some light fire suppression capabilities) on those calls (typically the largest percentage of calls) that do not require heavy fire apparatus.

**Community Expectations:** Measuring, understanding, and meeting community expectations.

**Ability to fund:** The community's ability and willingness to fund all local government services, and understanding how the revenues are divided up to meet the community's expectations.

**Figure 10: Staffing and Deploying Fire and EMS Departments**



While each component presents its own metrics of data, consensus opinion, and/or discussion points, aggregately they form the foundation for informed decision making geared toward the implementation of sustainable, data- and theory-supported, effective fire and EMS staffing and deployment models that fit the community's profile, risk, and expectations.

## Staffing and Deployment Considerations

As discussed above, there are many factors local government must consider when staffing and deploying a fire and EMS department. Over the initial eight-month period of EMS service by the LFD, EMS calls for service are becoming the primary driver of overall calls for service in Lucas. Thus, the LFD is becoming an EMS department that also handles fire-related calls for service. Travel times from the Lucas central fire station are reasonable, as will be discussed later in this report. Peak demand for EMS calls, now the primary demand for LFD services, runs between noon and midnight, with the highest peak load between the hours of noon and 8:00 p.m. Lastly and as discussed, volunteer service membership is relied upon to a great extent for both primary and secondary deployment of apparatus. One concern with this is the availability of volunteer members in the daytime (weekday and weekend), which is more limited than during evening and overnight hours.

The fire chief discussed with us the need to add operational career staff, particularly because volunteer service is limited during certain hours of the day and days of the week. Further, with the addition of EMS service delivery, calls have dramatically increased within the past year. The current deployment methodology and the requirement to staff and deploy the ambulance first limits the flexibility of career staff deployment during daytime hours. Ideally, if a fire call is dispatched, the career staff would respond the engine or brush truck, and if an EMS call is dispatched, the career staff would respond the ambulance. As discussed, this is not the case.

Adding career staff on 24-hour shifts, while coming with a cost, should be considered at this time. The volunteer service and the surge capacity these members provide is inconsistent during weekday and weekend daytime periods, and call volume is increasing with the recent introduction of EMS. While how many career staff to add and when the positions are added is a policy decision, in the **long term**, and if funding is available, adding one career member per shift over the next three fiscal year periods would enhance staffing levels to a total of five career staff per 24-hour shift period. This would allow simultaneous deployment of one ambulance with a staffing of two and one engine with a staffing of three 24-hours a day. When augmented with a volunteer duty crew at night, this deployment model would be further enhanced during this time period. At present, the department's total cost (salary and benefits) for a career employee currently is:<sup>16</sup>

- Firefighter/EMT: \$61,795.00 annually.
- Firefighter/Paramedic: \$71,428.00 annually.

Adding three career staff per year using current individual costs would then amount to:

- \$185,385.00 in year one (three positions), \$370,770.00 in year two (six positions), and \$556,155.00 in year three and every year thereafter for nine positions at the firefighter/EMT level.

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<sup>16</sup> Salary information provided by Finance Department.



- \$214,284.00 in year one (three positions), \$428,568.00 in year two (six positions), and \$614,852.00 in year three and every year thereafter for nine positions at the firefighter/paramedic level.

In addition to adding career staffing, another consideration for the LFD revolves around what type of apparatus to deploy regardless of whether the current staffing model is continued (two career staff in the daytime) or career staff is added over a one-year, three-year, or longer period. Deploying an ambulance on all calls as the initial piece of equipment during daytime hours, while consistent with state administrative code, may not always be the most effective use of staff and equipment, particularly if there are fire conditions upon arrival. ***CPSM recommends the city and the LFD consider a more innovative approach to equipment deployment. An alternative is the deployment of a combination EMS transport/fire suppression vehicle.*** Such a vehicle has the capability to provide both services, albeit the fire suppression service is at a reduced equipment and component level. This multifunctional unit is designed to serve response areas that may not have a high demand for either fire or EMS service, but where service is needed and full staffing of both fire and EMS units is not cost effective. This combination unit deploys staff efficiently; is equipped with a compressed air foam system (CAFS) that extends the reach and effectiveness of fire extinguishing agent;<sup>17</sup> provides a full EMS transport compartment where both basic and advanced life support prehospital care can be delivered; and reduces the cost of capital equipment, as two units are combined into one.

For example, this type of unit has a 500 gallon-per-minute pump, 300 gallon water tank, and CAFS. The unit has initial attack hose lines, typical firefighting hand tools, electric rescue tools for vehicle extrication, and supply hose. Additional engineering can allow several hundred feet of 3-inch supply hose to be deployed from the rear. The unit also has a full EMS transport component. Over the **short term**, for example, as additional career staffing may be added one at a time per shift over a number of years, this type of unit provides fire and EMS capacity with minimal staffing (two to four personnel) in a system that has limited daytime staffing, and in which EMS calls create the highest demand and fire calls occur infrequently. The cost of this vehicle varies with manufacturer and is estimated to be between \$325,000 and 425,000. Cost can be influenced by cab and chassis specifications, firefighting capabilities such as the addition of CAFS, and other department customization.

Figures 11 to 13 illustrate the functionality of this type of apparatus.

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<sup>17</sup> CAFS reduces the amount of water needed to suppress the vast majority of fires, so primary water tanks and fire engines can become smaller, as CAFS offers a 7:1 ratio when utilized. Thus, fewer firefighters may be needed, and attacks on a fire can be made from a safer distance.

Figure 11: Combination Fire/EMS Transport Vehicle



Figure 12: Fire Suppression Component of Combination Fire/EMS Transport Vehicle



**Figure 13: EMS Transport Component of Combination Fire/EMS Transport Vehicle**



### **Public Safety Officer Model**

The city asked CPSM to provide information on the public safety officer model for deploying police and fire resources. An alternative to the traditional deployment of police and fire resources is the public safety officer (PSO) form of public safety service delivery. A fully consolidated public safety department design is one in which all members of the single public safety department are trained in both law enforcement and fire suppression duties. This service delivery model, if deployed properly, is considered an efficient and effective method to staff and deploy police and fire services. Deployment of hard equipment (police cruisers and fire suppression units) can in some instances be combined as illustrated in Figure 14. The success of a fully consolidated agency depends on having individuals work together as a team, and, as well, being supervised by an individual who is trained in and has the supervisory knowledge, skills, and abilities of both disciplines. Thus, teams should be comprised of public safety officers under the supervision of a cross-trained supervisor. Ideally, this also occurs with all team members working the same shift rotations.

In any transition from a traditional public safety structure (police and fire as separate agencies), there is concern by rank-and-file members who are not cross-trained that managers do not understand their work. To avoid this pitfall, managers need to establish open and positive communication addressing all concerns and issues. Having managers come from both sides of the equation—police and fire—and be cross-trained in both components of service delivery helps to

ensure that an open and comprehensive communication process occurs. Further, it is essential that individuals responsible for incident command duties be cross-trained. The more exposure the command staff has to all aspects of the public safety mission, the better the decision making will be both administratively and operationally

In a fully staffed PSO service delivery model, the agency would be comprised totally of public safety officers. This, of course, can take considerable time if the city chooses to retain individuals who are unwilling to be cross-trained or who may be “grandfathered” and not have to undertake the cross-training. (In Kalamazoo, Mich., for example, the transition to the full public safety model took almost thirty years). Further, in a fully integrated public safety department, the public safety director should hold the title of police and fire chief to clarify that this individual is responsible for all public safety activities.

The value and efficiency in having all personnel meet the same training requirements and share the same public safety philosophy are realized through consistent pay structuring, job tasking, merged programs, and organizing available personnel efficiently to meet the public safety requests for service in a community. Additional efficiencies are realized through combining all administrative functions into one agency as well as by combining the consolidated public safety model with other recommendations in this report, such as using quick response vehicles for public safety service delivery.

**Figure 14: Combined Public Safety Unit**



## External System Relationships

Local governments use many types of intergovernmental agreements to enhance local fire protection, with mutual aid and automatic aid agreements among the most common types of these shared-service agreements. In the case of a service delivery system such as the LFD's, where staffing is maximized through the cross-staffing of units, it is critical that automatic and mutual aid agreements and an understanding of shared services be in place. Communities such as Lucas and those contiguous to Lucas rely on surrounding jurisdictions to augment resources to moderate- and high-risk incident responses.

It is also important that fire departments be able to quickly access extra and/or specialized resources in the aftermath of a disaster or other large-scale event. In addition, because these types of incidents do not respect jurisdictional boundaries, they often require coordinated response. Sharing specialized capabilities, such as aerial ladder apparatus and technical rescue team response personnel and units, also helps departments reduce costs without impacting service delivery. These circumstances point to the critical need for good working relationships with other fire and EMS organizations.

The LFD has automatic and mutual aid agreements in place with contiguous jurisdictions. Automatic aid is an agreement between jurisdictions whereby resources are automatically dispatched to assist another as a part of the dispatch run card. In the case of Lucas, the jurisdictions of Fairview and Parker will automatically send their closest resources, particularly to multiple unit incidents such as structural fires, to ensure an effective response force can be assembled to mitigate the emergency. In return, the LFD will send resources automatically to Fairview and Parker when the dispatch run cards call for it.

Mutual aid differs from automatic aid in that the aid is delivered only when requested. Generally, the request has to be approved by an on-duty command officer, and the resource requested has to be available and/or the response does not leave the responding jurisdiction deficient of resources. The LFD has mutual aid agreements with the cities of Murphy, Allen, Wylie, Plano, McKinney, Branch Fire District, Princeton, Lowery Crossing VFD, and Collin County.

To further ensure that integrated jurisdictional response is carried out in a systematic manner for maximum effectiveness, it is important that response protocols and guidelines be developed, trained on, and continually practiced across jurisdictional lines for various operational responses such as residential and commercial fires as well as technical rescue incidents. Incident command and incident accountability should be included as well on other high-risk, low-frequency responses that include more than one jurisdiction. While these are the more common examples of response protocols in place where automatic aid routinely occurs, jurisdictional chiefs and their staff may include others germane to their circumstances and should expand past these more routine responses and responsibilities. Practitioners who train together and operate together often typically perform seamlessly at emergency incidents. Other opportunities to interact include social activities, focus group meetings to discuss issues, and collaboration on post-incident analysis, all of which help break down barriers and facilitate better relationships. **Therefore, CPSM recommends**

*continuing—and establishing if necessary—response protocols with automatic aid jurisdictions so that incident critical tasks are carried out in a systematic manner for maximum effectiveness. Continual planning, training, and exercising with surrounding automatic/mutual aid agencies is a critical element to successful outcomes.*

To examine the effectiveness of the LFD's external system relationships, CPSM mapped travel-time bleeds from the LFD central station and each of the automatic aid stations that are closest to Lucas and which will respond into Lucas when called upon. These include automatic aid stations in Parker and Fairview and mutual aid stations in Allen. Figure 15 illustrates the four-minute travel time benchmark (red) while Figure 16 illustrates the four-minute travel time benchmark overlaid on the six-minute travel time benchmarks. This is done to illustrate how, through automatic aid, certain travel time gaps are closed in Lucas. Figure 17 illustrates this in terms of four-, six-, and eight-minute travel time benchmarking from each station. All travel time bleeds are made with ArcView GIS utilizing the existing road network from each fire station. It should be noted that this analysis is for travel time only. As with any LFD response, there is call processing time and turn-out time added to automatic aid unit total response time.

Figure 17 shows that Lucas is almost entirely covered within the six-minute travel time benchmark from the central fire station, with only one area in the northeast portion of the city within the eight-minute travel time benchmark. There is a small portion of the northeast section of the city outside of the eight-minute travel time benchmark, but this may be due to insufficient road network the mapping program requires to complete this analysis. According to Figure 1, this area of the city is lightly built upon now. Thus, travel times from the central fire station should be considered when considering future development in this area.

**Figure 15: Automatic Aid Response: Lucas, Parker, and Fairview (four-minute travel time)**

Red = four-minute travel time

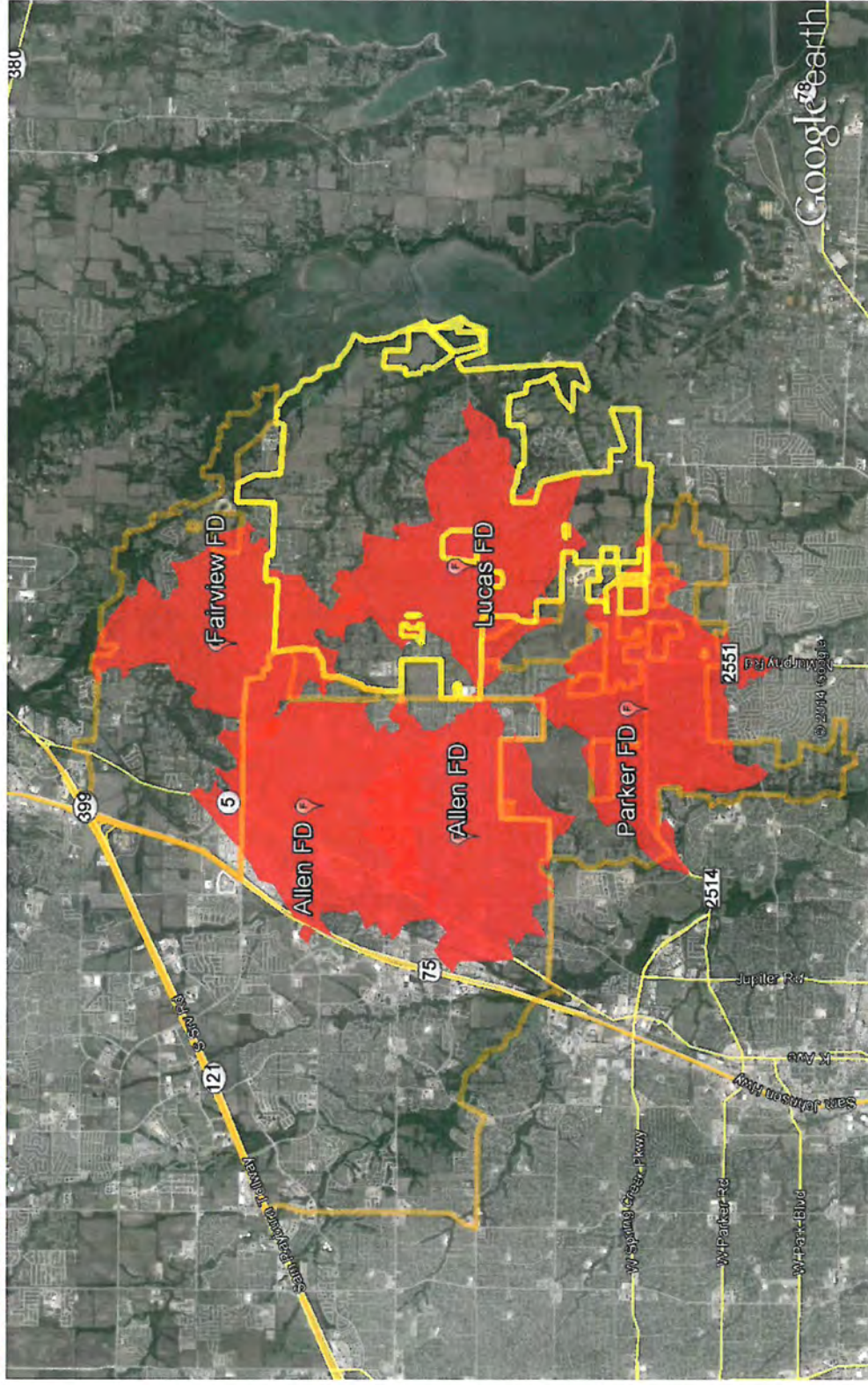


Figure 16: Automatic Aid Response: Lucas, Parker, and Fairview (four- and six-minute travel time)

Red = four-minute travel time

Green = six-minute travel time

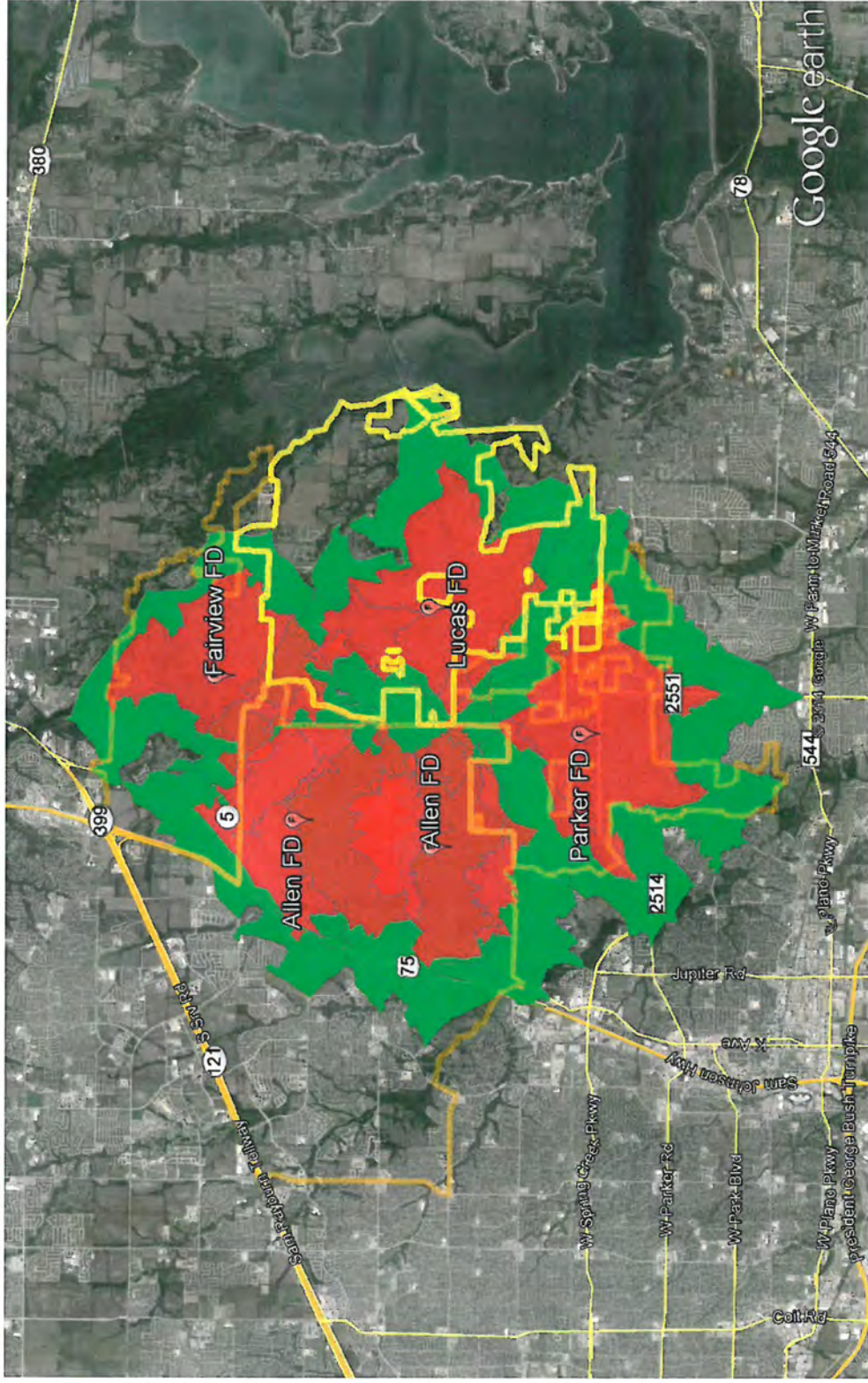
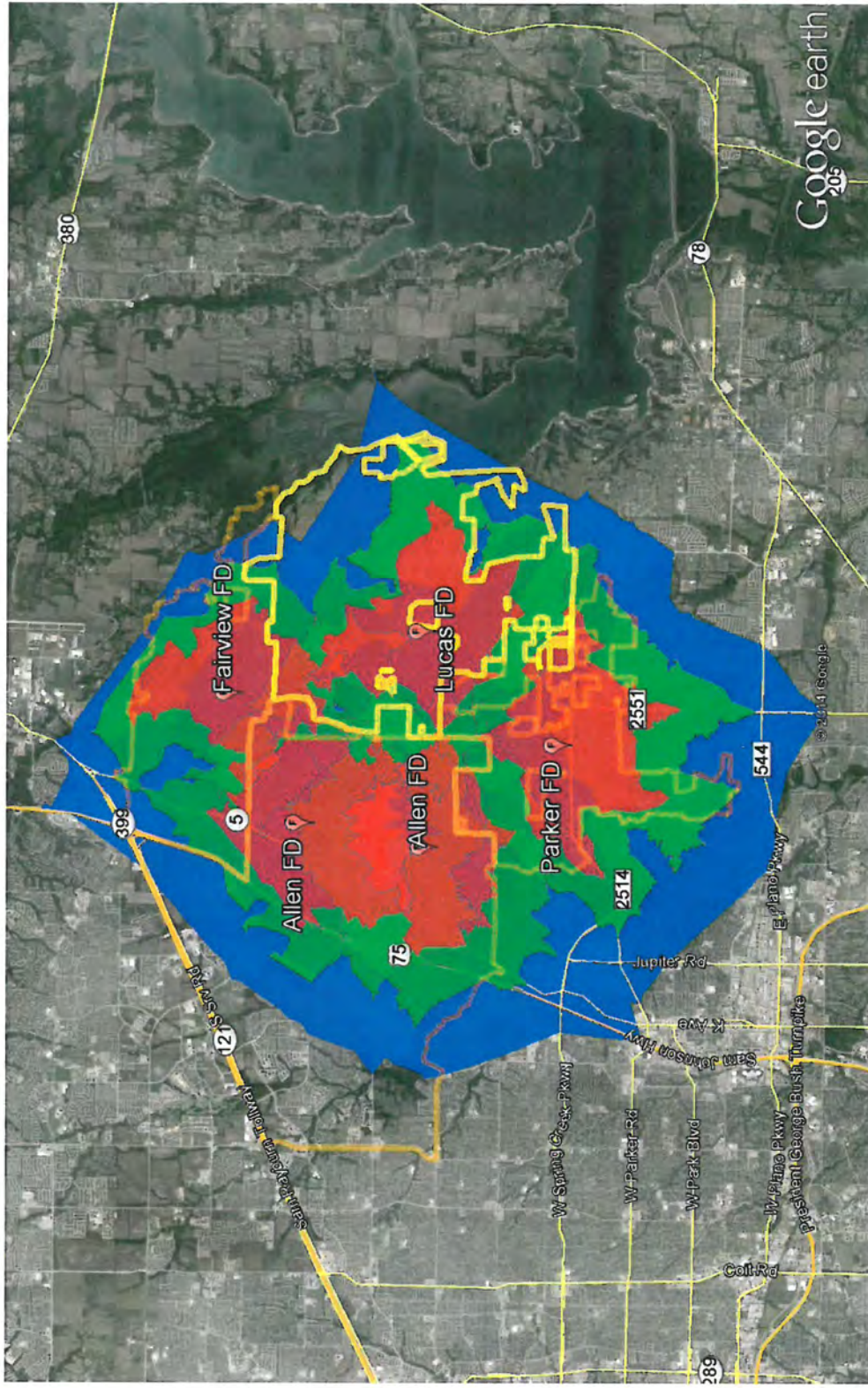




Figure 17: Automatic Aid Response: Lucas, Parker, and Fairview (four-, six-, and eight-minute travel time)

Red = four-minute travel time  
Green = six-minute travel time  
Blue = eight-minute travel time



## Conclusion

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The Lucas Fire Department provides emergency medical and fire services to the citizens and visitors of the city of Lucas, and to neighboring jurisdictions when requested, through a combination (career and volunteer) fire and EMS department. CPSM found the service provided by the LFD is respected in the community and within the region. Services provided beyond the typical fire and EMS service delivery include national programs such as *Community Emergency Response Team (CERT)* and the *Firewise* defensible community wildland preparedness program. In an effort to enhance EMS service to the community, the LFD successfully began EMS transport services on April 1, 2014. CPSM noted several best practices as well which the LFD has implemented or currently follows.

CPSM found that staffing and deploying of available volunteer resources under the current staffing model is a challenge during the daytime hours and certain days of the week. Currently, there are two career staff on duty 24-hours a day to handle primarily EMS calls for service. These staffing challenges and their potential solutions are discussed in the report. Also discussed is the need to add administrative support capacity and to enhance the operational supervisory and management capacity through current resources.

CPSM also found some LFD internal planning elements that either need to be revisited and updated or should be developed and implemented, as they will enhance the department's and the city's ability to properly staff and deploy resources. These findings do not represent a negative finding regarding the department, but rather present opportunities for continuous improvement. Those programs and/or organizational elements in place that are working and need only minor adjustments or review were discussed as well.

Recommendations for consideration are listed below in order of priority as determined by CPSM. CPSM recognizes there may be recommendations and considerations offered that have to be budgeted for, and/or for which processes must be developed prior to implementation. These recommendations are based on best practices derived from the National Fire Protection Association, Center for Public Safety Excellence, CPSM, U.S. Fire Administration, International Association of Emergency Managers, and the Federal Emergency Management Agency (FEMA) to name a few, as well as the knowledge of CPSM reviewers. Supporting information for these recommendations is detailed within the report and is noted by the corresponding page number.

## Recommendations

1. It is strongly recommended the LFD complete a fire and community risk assessment as a component of future department and city planning. This assessment should be done in conjunction with the fire and EMS calls for service demand as generated and reviewed by the department on an annual basis (page 24).
2. CPSM recommends the LFD revisit the 2012 long-range plan and develop a more formal strategic plan that includes short-term (1 to 5 years) and long-term (5 to 10 years) strategic

planning goals and objectives and which also puts in place the processes for continuous improvement (page 20).

3. CPSM recommends the LFD continue to foster a recruitment and retention program that focuses on: membership flexibility; marketing the volunteer program to millennials; and continuous retention efforts focused on increasing the retention rate of volunteer members through recognition of efforts, a friendly and diverse work environment, mentoring for advancement in the organization, sustaining current incentives, and researching and implementing new incentives as funds are made available (page 12).
4. CPSM recognizes the need to upgrade the acting career lieutenants (firefighter rank) to the level of captain, and further recommends a career captain official position description be developed so as to align with the actual duties and responsibilities assigned. As there are no official positions of rank among the six current career firefighters, CPSM recommends a promotional process be developed and conducted that will ensure the most qualified three members are elevated to the captain position (page 6).
5. CPSM recommends the city and the LFD consider a more innovative approach to equipment deployment. An alternative is the deployment of a combination EMS transport and fire suppression vehicle. Over the short term, as additional staffing may be added one at a time per shift over a number of years, this type of unit provides fire and EMS capacity with minimal staffing (two to four) in a system that has limited daytime staffing, and in which EMS calls create the highest demand and fire calls for service occur infrequently (page 34).
6. Adding career staff on 24-hour shifts, while coming with a cost, should be considered at this time. The volunteer service and the surge capacity these members provide is inconsistent during weekday and weekend daytime periods, and call volume is increasing with the recent introduction of EMS. While how many career staff to add and when the positions are added is a policy decision, in the long term, and if funding is available, adding one career member per shift over the next three fiscal year periods would enhance staffing levels to a total of five career staff per 24-hour shift period. This would allow the deployment of one ambulance with a staffing of two and one engine with a staffing of three 24-hours a day. When augmented with a volunteer duty crew at night, this deployment model would be further enhanced during this time period (page 33).
7. CPSM recommends that in the short-term and as funding allows, a part-time administrative assistant be hired for the fire department to assist with the day-to-day administrative support tasks. In the long term and as the department grows, this position should expand into a full-time position to support the fire chief and senior fire staff with day-to-day administrative and supportive responsibilities (page 5).
8. CPSM recommends continuing the department's basic foundational Community Emergency Response team (CERT) program components; CERT member participation in incident rehabilitation; and a review of other expanded program components while ensuring costs do not outweigh benefits (page 13).

9. CPSM recommends the current prefire planning process continue and include regular enhancements in the final product, and that regular building and occupancy familiarization continue, as these are basic foundational practices of the fire service. CPSM further recommends that as fire companies are conducting prefire planning activities they work with the Development Services Department and communicate in a timely manner and report obvious and potential fire prevention, loss, and life safety issues (page 27).
10. CPSM recommends continuing—and establishing if necessary—response protocols with automatic aid jurisdictions so that incident critical tasks are carried out in a systematic manner for maximum effectiveness. Continual planning, training, and exercising with surrounding automatic/mutual aid agencies is a critical element to successful outcomes (page 38).