



City Council Meeting
April 4, 2013, at 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 (absent)	Councilmember Jim Olk
Councilmember Steve Duke	Councilmember Philip Lawrence (absent)
Councilmember Debbie Fisher	City Manager Jeff Jenkins
City Secretary Kathy Wingo	Development Services Director Joe Hilbourn
City Attorney Joe Gorfida	Fire Chief Jim Kitchens

It was determined that a Quorum was present.

Everyone was reminded to turn off or silence cell phones.

Mayor Pro Tem Kathleen Peele led everyone in saying the Pledge of Allegiance.

Citizens' Input

1) Citizens' Input.

Greg Hough, 2470 W. Lucas Road, came forward to address the Council. Mr. Hough is concerned with the water runoff from the Walmart parking lot, it is flooding his property. This situation needs to be addressed by the City and Walmart as soon as possible.

Doug Mazey, 2500 W. Lucas Road, is also concerned with the water runoff from the Walmart parking lot. There should have been some engineering flood control when the building of Walmart occurred. The ditches need to be made larger to handle the water runoff. Mr. Mazey is opposed to any further development of the area until this problem is fixed.

Paul Kirkland, 2320 W. Lucas Road, came forward to express his concerns with the water runoff. Mr. Kirkland stated that he owns a rent house in this area which is greatly affected by the drainage. The water is running underneath his culvert causing the wash out of dirt.

Milton Frie, 2520 W. Lucas Road, came forward to speak. Mr. Frie shared a few pictures of the damage that the water drainage has caused. There is no way the residents in the area can mow their yards due to the standing water. Mr. Frie said that it rained on Sunday and Walmart had their sprinklers on adding to the situation.

Community Interest

2) Items of Community Interest.

There were no Items of Community Interest.

Public Hearings

3) Public Hearing/Discuss and Consider the approval of **Ordinance # 2013-04-00753** regarding an application request by Murphy Oil for a Specific Use Permit (SUP) for the operation of a refueling station. The property to be considered is located in Collin County, Texas, and described as follows: ABS A0821 William Snider Survey, Tract 32, 6.47 Acres, more commonly known as the Sterling property adjacent to Angel Parkway just north of the existing Walmart. **[This is the 2nd Public Hearing, the 1st Public Hearing was held by the Planning & Zoning Commission on March 14, 2013] [Hilbourn]**

Yezenia Ortiz has submitted an application on behalf of Bassam Ziada, Project Manager for Murphy Oil, for a SUP for a refueling station in the Commercial Business (CB) district adjacent to Angel Parkway and just to the north of the existing Walmart. The property is more formally known as ABS A0821 William Snider Survey, Tract 32, 6.47± acres.

A refueling station requires a SUP. The proposed site is 51,183 square feet ±, minimum permitted in CB zoning is 30,000 square feet. The district does not permit outside sales or storage; the proposed plan shows outside storage in the form of an ice box and a propane case. The minimum parking requirement is six (6) spaces, twelve (12) are shown.

The Planning & Zoning Commission recommends approval with the following conditions:

- Right deceleration lane into the northern most entrance to the 6.7 acre site holding the 1.175 acre parcel containing the Murphy Oil.
- A monument sign, if applicable, similar in design to the existing Wal-Mart with a frame in the shape of an L, made of Austin stone with horses and a depiction of Texas with a star showing where Lucas is within the state.
- Sidewalk designed in the same manner as the existing side walk to the south of the property.
- Replace the proposed Honey Locus Thornless with trees similar to the trees planted on the existing site to the south.
- No refueling of propane tanks on site.

- Place outside storage inside an enclosure made of the same material as the building similar to a dumpster enclosure with side walls and a decorative gate.
- A minimum of 75% Austin stone all elevations.

The Public Hearing was opened at 7:20 p.m.

Anand Daulat, 425 Pennington Drive, Lucas, did not want to speak but is AGAINST this item.

Alissa Daulat, 425 Pennington Drive, Lucas, came forward to speak AGAINST this item. Ms. Daulat stated that having the additional traffic and foot traffic, brought by a gas station, brings concern for her family.

Janak Daulat, 9011 Webb Kay, Dallas, came forward to speak AGAINST this item. Mr. Daulat stated that when he purchased his lot and then learned that a Walmart was coming, he learned to live with that. But now that a gas station is being proposed, he is even more concerned. There are two gas stations on Bethany and Allen Heights. Mr. Daulat strongly opposes this gas station.

The Public Hearing was closed at 7:23 p.m.

The gas station will not abut the residential area, there is a 3 acre parcel between the station and residential area.

Mayor Pro Tem Kathleen Peele is concerned with the amount of traffic that will be brought to the area. Fire Chief Jim Kitchens was asked if the fire department was equipped to deal with issues caused by a gas station, such as an oil spill. Chief Kitchens stated that the department could contain the situation until help arrived.

Mayor Rebecca Mark stated with the new gas pumps and safety features the possibility of a spill is lessened.

Chief Jim Kitchens says as the City continues to grow the department will need a ladder truck to be able to deal with the commercial areas.

Councilmember Debbie Fisher questioned the drainage and the direction of flow. It will flow toward Pennington, then east, turning south at the creek line toward W. Lucas Road.

Councilmember Jim Olk asked about the signage, will it be the same as the other businesses in the area. If the awning were painted a more muted color, other than the bright red, perhaps that would make it a bit more eye appealing,

Mayor Pro Tem Kathleen Peele is not sure that this type business is the best for Lucas. It will bring lots of traffic, noise, and lighting issues to this area.

Councilmember Debbie Fisher questioned who would be responsible for the shielding of the lighting in the area. The property behind this development would be responsible for the shielding of the light pollution to the residential area.

Mayor Rebecca Mark said from a crime standpoint, being open twenty-four (24) hours would be a deterrent.

It was pointed out in the discussion that Angel Parkway was a two-lane highway and would become even more congested with the additional traffic. It will be some time until Angel Parkway is upgraded to more than a two-lane road.

Councilmember Steve Duke says he is sensitive to the neighbors. This is not an attractive building and if this is allowed, then the City needs to require some more appealing aspects.

Yezenia Ortiz, representative of Murphy Oil, said that Murphy Oil is more than happy to use a brown and tan color scheme. The monument sign will match those in the area. And there are options to shield the lighting to the rear of the property. There has not been a traffic analysis done but one could certainly be prepared. The applicant is willing to work with Staff on making sure that drainage is done properly.

Water drainage should be the same after development of the property as it was prior to any development.

There was a discussion on the options for this item. The options included in discussion were that the applicant can withdraw the application, continuation of the hearing at the next meeting, if there is enough council who felt it was warranted; or the item could be denied without prejudice. In denying the item the applicant could again submit an application with changes discussed tonight.

MOTION: Councilmember Jim Olk made a Motion to deny the application request by Murphy Oil for a Specific Use Permit (SUP) for the operation of a refueling station without prejudice. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 5-0.

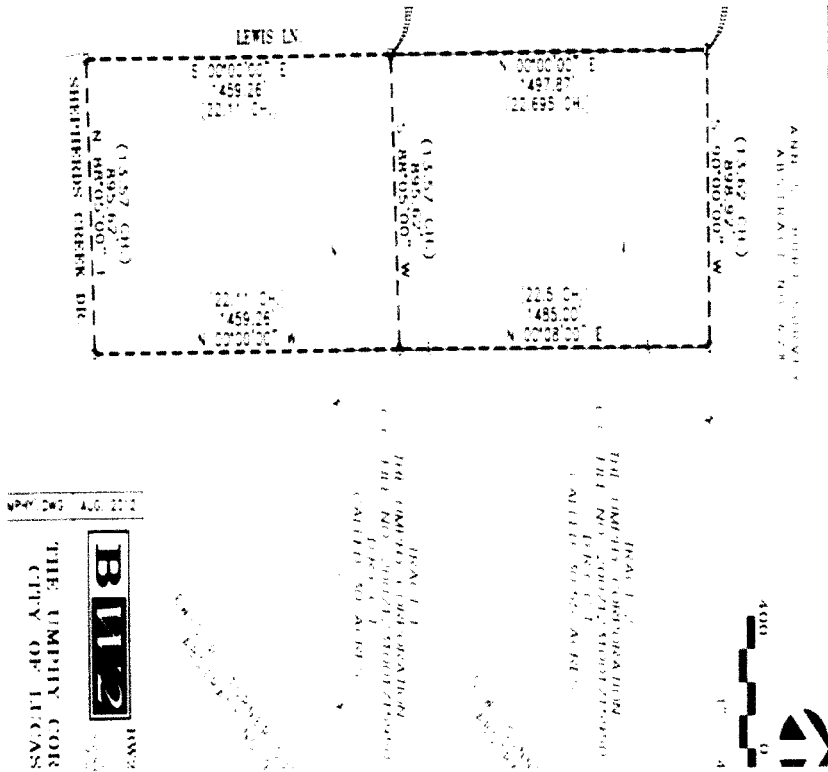
The Ordinance # 2013-04-00753 would be cancelled and used for a future item.

- 4) Public Hearing/Discuss and Consider an application request by M. Christopher Homes on behalf of Marion Strain Faust, for a Specific Use Permit (SUP) for the operation of a refueling station on the property being more fully described as being a part of James Lovelady Survey abstract number 538, and James Anderson Survey, abstract number 17, and being 2.199 acres of land; more commonly known as 120

West Lucas Road, Texas, 75002. **[This item was removed from consideration on the March 14, 2013 Planning & Zoning Commission meeting agenda at the request of the applicant]**

- 5) Public Hearing/Discuss and Consider an application request by M. Christopher Homes on behalf of Marion Strain Faust for a Specific Use Permit (SUP) for the operation of a drive-thru restaurant. The property to be considered is located in Collin County, Texas, and described as follows being a part of James Lovelady Survey abstract number 538, and James Anderson Survey, abstract number 17, and being 2.199 acres of land; more commonly known as 120 West Lucas Road, Texas 75002. **[This item was removed from consideration on the March 14, 2013 Planning & Zoning Commission meeting agenda at the request of the applicant]**

- 6) Public Hearing/Discuss and Consider the unilateral annexation of the property located in Collin County, Texas and further described as All that certain lot, tract or parcel of land, situated in Collin County, Texas, a part of the L.P. Turner Survey, Abstract No. 901 and being off the South end of a 60 acre tract conveyed by J.F. Ray and wife to Watson McCreary dated August 12th, 1941, and recorded in Volume 330, Page 423, Collin County Deed Records: Beginning at a stake in middle of dirt road, in the West line of said 60 acre tract, 22.695 chains South of the Northwest corner of said Turner Survey; Thence South 22.11 chains a stake in middle of road; Thence North 88°5' East 13.57 chains following established fence line to a stake at fence corner; Thence North 22.11 chains following established fence along the East edge of lane and with old fence and hedge row to a stake under fence; Thence South 88°5' West 13.57 chains to the place of beginning containing 30 acres of land. TRACT 2: All that lot, tract, or parcel of land, described as follows; Situated in Collin County, Texas, a part of the L.P. Turner Survey, Abstract Number 901, and being off the North end of a tract supposed to contain 60 acres of land that was conveyed by J.F. Ray et ux, to Watson McCreary dated August 12th, 1941, and recorded in Volume 330, Page 423, Collin County deed Records. Beginning at the Northwest corner of said 60 acres, which is the northwest corner of said L.P. Turner Survey; Thence South 22.695 chains to a stake in center of dirt road at the Northwest corner of 30 acres conveyed by Watson McCreary et ux, to J.S. Morrison; Thence North 88°5' East 13.57 chains with the north line of said 30 acres to a stake under fence; Thence North 0°8' East 22.5 chains following established old fence and hedge to a stake at fence corner; Thence West 13.62 chains to the place of beginning, containing 30.55 acres of land. **[Umphy, the is the 2nd Public Hearing, the 1st Public Hearing was held at the City Council meeting on March 21, 2013]**
[Hilbourn]



The Public Hearing was opened at 7:57 p.m.

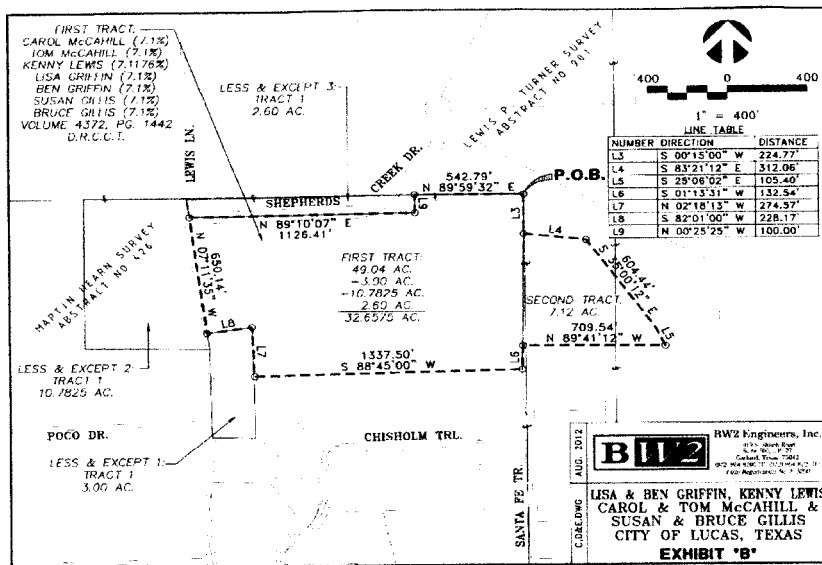
There was no one present who wished to speak FOR or AGAINST this item.

The Public Hearing was closed at 7:57 p.m.

No action needed, an ordinance will be brought to Council for action on the May 2, 2013, City Council Regular Meeting agenda.

- 7) Public Hearing/Discuss and Consider the unilateral annexation of the property located in Collin County, Texas and further described as being a net 39.7775 acres of land out of the Martin Hearn Survey, Abstract No. 426, and being a remainder tract of 49.5 acres (first tract) conveyed by W.H. McGuire and wife to T.E. Hogge, by deed dated June 8, 1917, and recorded in Volume 211, Pages 5-6, Collin County Deed Records, and being the same property as deeded to Carol McCahill, Tom McCahill, Kenny Lewis, Lisa Griffin, Ben Griffin, Susan Gillis, and Bruce Gillis and recorded in Volume 4372, Page 1442 Of The Deed Records of Collin County, Texas (DRCCT), and a 7.12 acre tract out of the L.P. Turner Survey, Abstract No. 901 and the John Gray Survey, Abstract No. 349 (second tract) and being more particularly described as follows: The POINT OF BEGINNING is the northeast corner of said First Tract, being the northeast corner said Hearn Survey; THENCE South 0°15' West, with the east line of said First Tract, a distance of 224.77 feet to a point, being the northwest corner of said Second Tract; THENCE South 83°21'12" East, with the north line of said Second Tract, a distance of 312.06 feet to a point; THENCE

South 35°00'12" East, with the east line of said Second Tract, a distance of 604.44 feet to a point; THENCE South 25°06'02" East, continue with said line, a distance of 105.4 feet to a point being the southeast corner of said Second Tract; THENCE North 89°41'12" West, a distance of 709.54 feet to a point on the east line of said First Tract and being the northwest corner of Kirkland Estates West, an addition to the City of Lucas as recorded in Volume 10, Page 52 DRCCT; THENCE South 01°13'31" West, with the east line of said First Tract, being a west line of Kirkland Estates West, a distance of 132.54 feet to a point being a southeast corner of the parcel herein described, and being an interior ell corner of said Kirkland Estates West; THENCE South 88°45'00" West, with the south line of said First Tract, being the north line of Kirkland Estates West, a distance of 1337.50 feet to a point being the northwest corner of said Kirkland Estates West, and being on the east line of a 3.00 acre Save and Except tract out of said First Tract; THENCE North 02°18'13" West, a distance of 274.57 feet to the northeast corner of said 3.00 acre tract; THENCE South 82°01'00" West, a distance of 502.74 feet to a point being the northwest corner of said 3.00 acre tract, and being on the east line of a 10.7825 acre Save and Except tract out of said First Tract, and being near the center of Lewis Lane; THENCE North 07°11'35" West, with the east line of said 10.7825 acre tract and the centerline of Lewis Land, a distance of 650.14 feet to a point on the south line of a 2.60 acre Save and Except tract out of said First Tract; THENCE North 89°10'07" East, with the south line of said 2.6 acre tract, a distance of 1126.41 feet to a point; THENCE North 00°25'25" West, with the east line of said 2.6 acre tract, a distance of 100.00 feet to a point on the north line of said First Tract; THENCE North 89°59'32" East, with the north line of said First Tract, a distance of 542.79 feet to the POINT OF BEGINNING, and containing 39.7775 acres of land. [Lewis, the is the 2nd Public Hearing, the 1st Public Hearing was held at the City Council meeting on March 21, 2013] [Hilbourn]



The Public Hearing was opened at 7:59 p.m.

Lisa Griffin, 2360 CR 722, McKinney, came forward to speak AGAINST this item. There is a huge waterline and power line easement on this property. The development agreement, which was declined, would have annexed the property into the city as R-1.5 zoning. It is the wish of the Lewis family to have R-1 zoning for this property.

The Public Hearing was closed at 8:00 p.m.

No action at this time, an ordinance will be brought to Council for action on the May 2, 2013, City Council Regular Meeting agenda.

Supplemental Agenda

Regular Agenda

Discuss and Consider the status of HB 339 on establishing a Lucas Fire District.

The City received a very late notice request from Fred Hill asking that Mayor Rebecca Mark and Councilmember Wayne Millsap travel to Austin to testify in front of the Urban Affairs Committee and to answer any questions the members might have concerning the Lucas Fire District.

There were some administrative issues on how the bill was to be presented which will be addressed by Representative Jodie Laudenberg.

The presentation by the Mayor Rebecca Mark and Councilmember Wayne Millsap was very well received. The item will come back to a future committee meeting for more discussion and action. It will then move on to the Senate for consideration.

No action needed.

Regular Agenda

- 8) Discuss and Consider the approval of the minutes from the March 21, 2013, City Council meeting. **[Wingo]**

MOTION: Councilmember Debbie Fisher made a Motion to approve the minutes from the March 21, 2013, City Council meeting. Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 5-0.

- 9) Discuss and Consider the approval of **Resolution # R-2013-04-00398** of the City Council of the City of Lucas, Texas, deeming the Lovejoy 5K Walk/Run as a public event serving a public purpose by supporting the school district's extracurricular activities; approving the terms and conditions of an agreement by and between the

State of Texas, acting by and through the Texas Department of Transportation, and the City of Lucas for the temporary closure of state right-of-way, which is attached hereto and incorporated herein; authorizing the Mayor to execute said agreement; and providing an effective date.

MOTION: Councilmember Jim Olk made a Motion to approve **Resolution # R-2013-04-00398** of the City Council of the City of Lucas, Texas, deeming the Lovejoy 5K Walk/Run as a public event serving a public purpose by supporting the school district's extracurricular activities; approving the terms and conditions of an agreement by and between the State of Texas, acting by and through the Texas Department of Transportation, and the City of Lucas for the temporary closure of state right-of-way; and authorize the Mayor to execute said agreement; and providing an effective date. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 5-0.

10) Discuss and Consider the approval of a preliminary plat for the property known as Lucas Corner, located at the intersection of East and West Lucas Road. **[Hilbourn]**

Rudy Rivas, of M. Christopher Homes, on behalf of Marion Strain Faust, has submitted an application for a preliminary plat for a property located at the intersection of East and West Lucas Road, commonly known as Lucas Corner.

This combines 3 existing lots of record into 1 lot of record, the lot is 2.199 acres±. The property is currently zoned Commercial Business (CB). Currently the parcel has on it several dilapidated structures. In the past its uses included a gas station, post office, store, and a church. There is a single family home residing on the parcel at the present time. The Board of Adjustments did grant variances for setbacks for the front, rear, and side yards. A flood plain study has been completed and is reflected on the plat.

Conclusions of the flood plain study can be found at the top of the next page.

4. CONCLUSIONS

This project proposes to be constructed outside of the identified floodplain and , as shown on Exhibit 1, is also located outside of the adopted FEMA Zone A delineation. Computer modeling has shown that, due to a slight shift in the project area hydrograph timing, there is no peak increase in the 100-year storm event flows on downstream properties. Therefore no detention of increased flows (3.7 cfs) is needed.

Report exhibits within this report are the floodplain work map, computer runs include HEC-RAS copies of the fully urbanized White Rock Creek East Tributary 1-1, and hydrology models for existing pre-project conditions and a proposed project model.

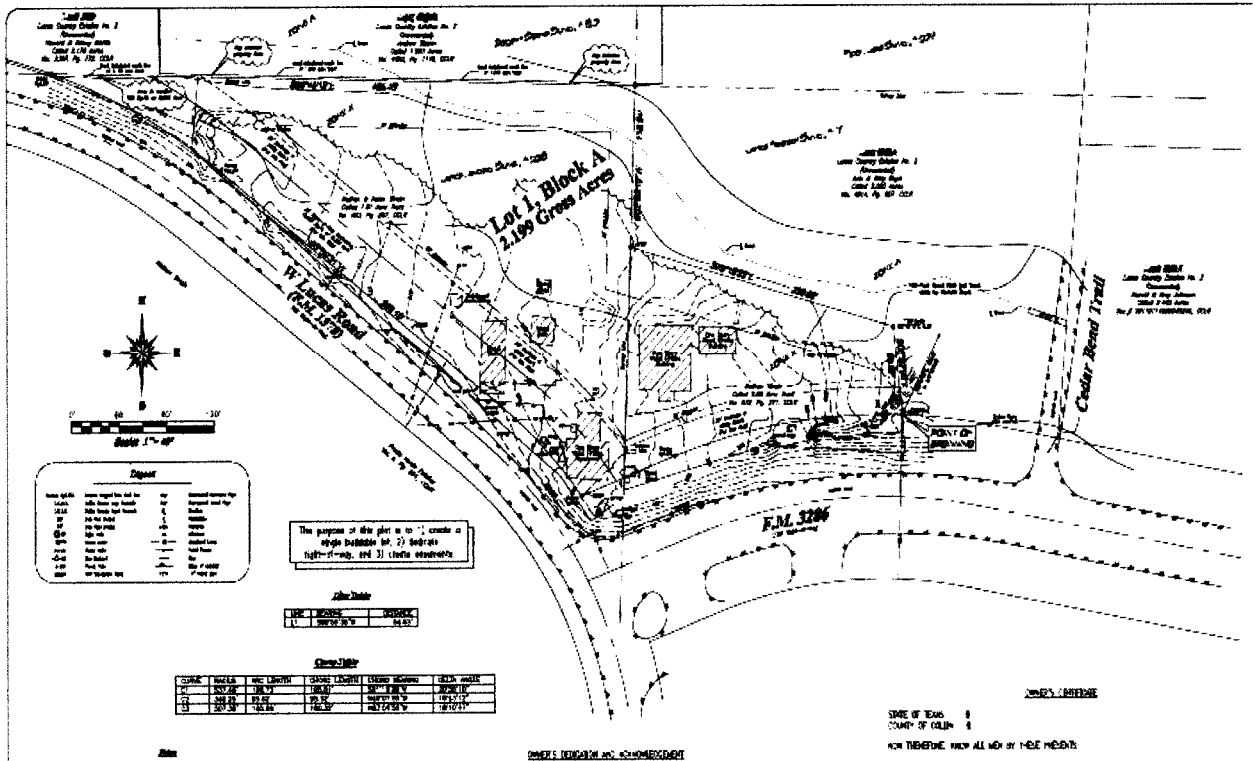
This report demonstrates that the proposed development plan meets the City of Lucas objective of (1) no increase in water surface elevation, and (2) no increase in the peak flood discharge downstream of the project.

A Phase I Environment Study was completed. There are two (2) 1,000 to 2,000 gallon gas storage tanks still in place that should be removed. As well there are miscellaneous junk, trash, vehicles, tires that pose no immediate threat but should be removed.

It is the opinion of the ESSA that no additional environmental investigation of the subject property is warranted at this time (subject to the absolute assurance statement set out in the statement above); however, ESAA does recommend the removal of the old underground PST's that apparently remain on the site and the removal of the discarded automobile tires that are located on the property.

A tree survey was conducted finding 44 out of the 55 existing trees are in the right-of-way or designated to be removed, with the site development it is unlikely any trees in the right-of-way will remain. This does not include all trees, just the trees from the City's protective species list. Prior to the removal of any protected trees, the developer would be required to submit an application for a tree removal permit. Replacement of protected trees is required at a ratio of 1:1.

See preliminary plat depiction on the next page.



MOTION: Councilmember Jim Olk made a Motion to approve the preliminary plat for the property known as Lucas Corner, located at the intersection of East and West Lucas Road. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 5-0.

11) Discuss and Consider an upgrade to the visual/audio systems in the Council Chambers and authorize a budget amendment not to exceed \$15,000.

The current microphones and speakers are not adequate to allow the recording of the meeting to be captured and the audience is unable to hear what is being said most of the time. When Council leans back in their chairs, away from the microphones, it is impossible for the audio to be captured on the recording.

Some of the audience and councilmembers are unable to see any presentations on the existing wall used to display such. It is recommended that a 2nd projector be installed so as to display presentations on both sides of the room. It is also recommended replacing the existing projector with a newer technological advanced one.

The audio has two (2) options, wired and wireless microphones. Each would allow the microphone to be clipped to the lapel or collar thereby allowing the councilmember to lean back in their chair and still have the ability of the recording to capture what is being said. The wired microphone would require the person to be

seated whereas with the wireless one would allow for movement around the room. Please note that neither would allow for muting of the conversation.

This upgrade would also be beneficial should the city decide to capture video/audio of any meetings and provide on the city's website.

Since the City was able to cancel the general election, the \$6,000 that would have been used to pay for said election could be shifted over to offset some the cost for the project

While Council agreed that an upgrade and changes were warranted, more options should be investigated so as to get several years use out of what is used. Council asked that Staff continue to investigate by contacting other cities.

Council did not like the wireless microphone options as muting was not an option. Plus, there could be interference from cell phones and other electronic devices with the wireless microphones.

DIRECTIVE: Councilmember Debbie Fisher made a Motion to direct Staff to continue to investigate and bring back cost options for individual screens, other types of microphones that would allow muting, and see what options other cities are using. Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 5-0.

12) Discuss and Consider the approval of **Resolution # R-2013-04-00397** of the City Council of the City of Lucas, Texas, establishing guidelines for the preparation of the agenda for City Council meetings. **[Wingo]**

Mayor Rebecca Mark stated that she has researched this subject extensively. Texas Municipal League (TML) has a publication that includes ***The City Council at Work: Meetings*** which has a section on **Rules of Order and Procedures**. This is something that the Council should consider adopting.

"Recognizing that every legislative body needs a systematic way of conducting its business, many city councils operate according to formal rules of order and procedure. Rules of order and procedure prevent confusion by establishing an organized process for conducting council meetings. Properly followed, they save time for all participants, while protecting the individual's right to participate fully.

The following provisions usually are included in rules of order and procedure:

- Designation of the time and location of regular meetings of the council, together with a description of procedures for calling special meetings;
- Procedures for placing items on a meeting agenda;
- Methods for compelling councilmembers to attend meetings;
- A description of the duties of the presiding officer at council meetings;
- A description of the parliamentary rules under which the council will operate;

- Procedures for introducing and voting on ordinances, resolutions, and other items;
- The order of business the council will follow at each meeting; and
- A ranking of motions by order or precedence, which motions may or may not be debated, and so on.

Although most city councils use Robert's Rules of Order to conduct their meetings, some have adopted their own local rules. Robert's Rules of Order may be appropriate for some cities, but is often too cumbersome for others. Since state law is silent with regard to this matter, any standard rules that are reasonable and consistently followed are acceptable."

There were some guidelines set back in 2007 by Council but was not implemented in resolution form. The resolution before Council tonight is to be considered as a starting point. Council should decide what works and what does not work; how is an agenda set; and what other information should be included.

While Councilmember Jim Olk thought the proposed document was good overall, he wants to make sure that a resident can bring something to Staff to be placed on an agenda.

Mayor Pro Tem Kathleen Peele says it appears to be too restrictive. It should allow any councilmember the ability to request an item be placed on an agenda.

Councilmember Debbie Fisher says that there are a couple of AG opinions regarding agenda setting. Each councilmember has a voice and should be allowed to place an item on the agenda. A citizen can contact a councilmember to place an item on the agenda.

Mayor Rebecca Mark stated that a procedure needs to be in place so that councilmembers do not accidentally cross over the line of a walking quorum trying to place an item on an agenda.

Councilmember Debbie Fisher stated that the document states the Mayor and City Manager reserve the right to delay an item from being placed on an agenda due to the length of the agenda. This should not be an issue; however, the item should not be delayed indefinitely.

Councilmember Steve Duke agrees with Mayor Pro Tem Kathleen Peele that any councilmember should be able to bring up any item for discussion. Councilmember Steve Duke went on to say that the Mayor should be the one to shuffle things if needed.

Councilmember Debbie Fisher said that the public has a right to see how the city operates, this document should provide that.

Councilmember Debbie Fisher asked should the agenda be posted on Monday instead of the prior Friday. Mayor Rebecca Mark said the reason it was moved to Friday was to allow members of council, who worked full-time, to have the weekend to review the informational packet. Most members liked getting the packet on Friday.

Councilmember Debbie Fisher asked for a rewording of the section concerning supporting document being inadequate. Councilmembers should request the item be placed on the agenda and providing the supporting documentation would be an administrative function.

Councilmember Fisher went on to say there should be a time restriction on items discussed before they can appear on a future agenda. Council could determine the number of times an item appears on an agenda.

On Page 4, (e) is not needed so could be removed. The document needs to be flexible to allow whoever is conducting the meeting to have the flexibility to adjust time allowed for citizens to speak.

Council changed the title of this resolution from "agenda procedures" to Rules of Order and Procedures.

Section V - Attendance, place a reference to the charter and encourage council to contact Mayor, City Manager, or City Secretary should they not be able to attend the meeting.


Once adopted, this information will be posted on the website and a flier prepared to place in back of Council Chambers.

The City Secretary will email a word version of this document to all members of Council. Each Councilmember will mark the document with their proposed changes which will be incorporated into a revised document to be brought back to the next meeting.

13)Adjournment.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to adjourn the meeting at 9:28 p.m. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 5-0.

These minutes were approved by a majority vote of the City Council on April 18, 2013.



Rebecca Mark, Mayor

ATTEST:




Kathy Wingo, TRMC, MMC, City Secretary