



**PUBLIC NOTICE**  
**City Council Regular Meeting**  
**October 3, 2013, at 6:00 PM**  
**City Hall - 665 Country Club Road**

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**Notice is hereby given that a Regular Meeting of the City Council of the City of Lucas will be held on Thursday, October 3, 2013, at 6 PM at the Lucas City Hall, 665 Country Club Road, Lucas, Texas, at which time the following agenda will be discussed.**

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**Agenda**

**Call to Order**

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

**Executive Session**

The City Council may convene in Executive Session in accordance with the Local Government Code. All decisions regarding the discussion of the Executive Session must be made in Open Session.

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- 1) The City Council pursuant to Section 551.074 (a) (1) of the Texas Government Code may convene into Executive Session to discuss the employment duties of the City Manager.

**Regular Agenda**

- 2) Take any action as necessary from the Executive Session.

## Citizens' Input

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

### 3) Citizens' Input.

## Community Interest

### 4) Items of Community Interest.

## Public Hearings

The Public Hearing agenda is provided for the purpose of allowing citizens to ask specific questions regarding only the subject posted for the Public Hearing. Generally the Public Hearing is required by State Law and a record of those attending the Public Hearing is maintained as part of the official record of the proceedings.

- 5) Public Hearing/Discuss and Consider the approval of **Ordinance # 2013-10-00768** for an application for the zoning of a tract of land situated in the City of Lucas to R-1.5 from AO BEING a 47.807 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 47.807 acre tract. **[47.807 acre parcel R-1.5. This is the 2<sup>nd</sup> Public Hearing, the 1<sup>st</sup> Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting]**
- 6) Public Hearing/Discuss and Consider the approval of **Ordinance # 2013-10-00769** for an application for the zoning of a tract of land situated in the City of Lucas to R-2 from AO BEING a 13.376 acre tract of land situated in the James

Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 13.376 acre tract. **[13.376 acre parcel R-2. This is the 2<sup>nd</sup> Public Hearing, the 1<sup>st</sup> Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting]**

- 7) Public Hearing/Discuss and Consider the approval of **Ordinance # 2013-10-00770** for an application for the rezoning of a 53 +/- acre tract of land from AO to R-1.5 situated in the J. Kerby Survey, Abstract No. 506, City of Lucas, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Hooper Family Limited Partnership according to the deed recorded in Volume 5190, Page 404 of the Deed Records, Collin County, Texas (DRCCT). **[Located on Forest Grove Road. This is the 2<sup>nd</sup> Public Hearing, the 1<sup>st</sup> Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting]**

### **Consent Agenda**

The Consent Agenda is used to increase the efficiency of time. All items listed under the Consent Agenda may be considered by a single motion, second and passage by a majority vote of the Council present at the time of consideration. Any member of Council may remove an item from the Consent Agenda prior to a motion to act upon the agenda.

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#### 8) Consent and Approve:

- a) The minutes from the September 19, 2013, City Council Regular and September 24, 2013, City Council Special meetings. **[Wingo]**
- b) Discuss and Consider the approval of **Ordinance # 2013-10-00771** an ordinance of the City Council of Lucas,

Collin County, Texas designating the *McKinney Courier Gazette* the official newspaper of the City of Lucas, Collin County, Texas, for Fiscal Year 2013 – 2014; authorizing the City Manager to contract with the *McKinney Courier Gazette*; and providing an effective date. **[Wingo]**

- c) Discuss and Consider the approval of **Resolution # R-2013-10-00401** of the City Council of the City of Lucas, Texas, changing the authorized signatories for American National Bank to add City Secretary Kathy Wingo and delete City Manager Jeff Jenkins. **[Mayor]**
- d) Discuss and Consider the approval of **Resolution # R-2013-10-00402** of the City Council of the City of Lucas, Texas, changing the authorized signatories for Lone Star to add City Secretary Kathy Wingo and delete City Manager Jeff Jenkins. **[Mayor]**
- e) Discuss and Consider the approval of **Resolution # R-2013-10-00403** of the City Council of the City of Lucas, Texas, changing the authorized signatories for TexPool to add City Secretary Kathy Wingo and delete City Manager Jeff Jenkins. **[Mayor]**
- f) Discuss and Consider the approval of **Resolution # R-2013-10-00404** of the City Council of the City of Lucas, Texas, changing the authorized signatories for LOGIC to add City Secretary Kathy Wingo and delete City Manager Jeff Jenkins. **[Mayor]**

### Regular Agenda

- 9) Discuss and Consider the approval of a preliminary plat for an eight (8) lot subdivision being 18.007 acres located in the Peter F. Lucas Survey Abstract No. 537 and J. Anderson Survey

Abstract No. 17 also known as Winding Creek Reserve (located off E. Lucas Road) **[Hilbourn]**

- 10) Discuss and Consider the schematic design of the Lucas Fire Station Expansion Project and authorize Staff to move forward into the design phase of the project. **[City Manager]**
- 11) Discuss and Consider the approval of **Ordinance # 2013-10-00772** of the City Council of the City of Lucas, Collin County, Texas, amending the Lucas Code of Ordinances by amending Chapter 14, titled “Zoning”, by amending Article 14.03 titled “Districts” by amending Division 7 titled “CB Commercial Business District” by amending Section 14.03.354 titled “Special District Requirements” by amending requirement for Special Districts; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing for an effective date. **[Hilbourn]**
- 12) Discuss and Consider allowing for a raffle of a 42” Sanyo television donated by Wal-Mart to be conducted during the upcoming Founder’s Day Event, October 26<sup>th</sup>, proceeds to be used to purchase swing set for Community Park. **[Hilbourn]**
- 13) Discuss and Consider the approval of **Resolution # R-2013-09-00400** of the City Council of the City of Lucas, Texas approving amendments to the Lucas Personnel Policies and Administrative Procedures Manual, and providing an effective date. **[City Manager]**
- 14) Adjournment.

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**As authorized by Section 551.071 (2) 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 regarding any item on the agenda at any time during the meeting.**

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**Approval**

Approved by: Mayor Rebecca Mark, September 26, 2013.

**Certification**

*I hereby certify that the above notice of meeting was posted on the bulletin board at Lucas City Hall by 5:00 p.m. on or before Friday, September 27, 2013, as required in accordance with Government Code §551.041.*

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Kathy Wingo, TRMC, MMC  
City Secretary

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**This building is wheelchair accessible. Any requests for sign interpretive services or other special requests for assistance of the hearing impaired must be made 48 hours in advance of the meeting. To make such arrangements, please call 972-727-8999 or email [secretary@lucastexas.us](mailto:secretary@lucastexas.us).**

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# LUCAS CITY COUNCIL

Meeting Date October 3, 2013

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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 (Vacant)	<input type="checkbox"/>
City Secretary Kathy Wingo	<input type="checkbox"/>
Public Works Director Stanton Foerster	<input type="checkbox"/>
Finance Manager Liz Exum	<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"/>
Administrative Assistant Jennifer Faircloth	<input type="checkbox"/>



**City of Lucas  
Council Agenda Request**

Council Meeting: October 3, 2013

Requestor: \_\_\_\_\_

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: \_\_\_\_\_

Budgeted Amount: \$ N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:**

The City Council pursuant to Section 551.074 of the Texas Government Code may convene into Executive Session to discuss the hiring and appointment of the City Manager.

**RECOMMENDED ACTION:**

**SUMMARY:**

**MOTION:**

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_





**City of Lucas  
Council Agenda Request**

Council Meeting: October 3, 2013

Requestor: \_\_\_\_\_

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: \_\_\_\_\_

Budgeted Amount: \$ N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:**

Take any action as necessary from the Executive Session.

**RECOMMENDED ACTION:**

**SUMMARY:**

**MOTION:**

I make a Motion to....

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_

City Manager: \_\_\_\_\_ / \_\_\_\_\_



**City of Lucas  
Council Agenda Request**

Council Meeting: October 3, 2013

Requestor: \_\_\_\_\_

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: \_\_\_\_\_

Budgeted Amount: \$ N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:**

Citizen's Input.

**RECOMMENDED ACTION:**

**SUMMARY:**

**MOTION:**

No action necessary.

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_



# City of Lucas City Council Agenda Request

Council Meeting: October 3, 2013

Requestor: \_\_\_\_\_

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: \_\_\_\_\_

Budgeted Amount: \$ N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:**

Items of Community Interest.

**RECOMMENDED ACTION:**

**SUMMARY:**

**MOTION:**

No action necessary.

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_

City Manager: \_\_\_\_\_ / \_\_\_\_\_



# City of Lucas City Council Agenda Request

Council Meeting: October 3, 2013

Requestor: Joe Hilbourn

Prepared by: Joe Hilbourn

Account Code #: \_\_\_\_\_

Date Prepared: September 4, 2013

Budgeted Amount: \$ \_\_\_\_\_

Exhibits:  Yes     No

## AGENDA SUBJECT:

Public Hearing/Discuss and Consider the approval of **Ordinance # 2013-10-00768** for an application for the zoning of a tract of land situated in the City of Lucas to R-1.5 from AO BEING a 47.807 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 47.807 acre tract.

## RECOMMENDED ACTION:

Approve as presented.

## SUMMARY:

There is an approved Development Agreement.

This is a 47.807 acre parcel for R-1.5 zoning. This is the 2<sup>nd</sup> Public Hearing, the 1<sup>st</sup> Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting.

The 61 acre tract of land is part of a larger 87 acre tract of land, with 26 acres being located in the City's ETJ. The purpose of the development agreement was to find common ground, end with the development entirely within the City, and create a development that substantially conforms to the City's approved Comprehensive Plan. The R-2 block was moved one block north and for that consideration the southern lots that are located in the City's ETJ and will come into the City as R-1.5 instead of R-1.

Planning & Zoning Commission voted 5-0 to recommend approval.

**MOTION:**

I make a Motion to recommend approval of the application for the zoning of a tract of land situated in the City of Lucas to R-1.5 from AO BEING a 47.807 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 47.807 acre tract.

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_

City Manager: \_\_\_\_\_ / \_\_\_\_\_

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input type="checkbox"/>	Code of Ordinances
<input checked="" type="checkbox"/>	Other

**ORDINANCE # 2013-10-00768**  
**[CHANGE IN ZONING FOR 47.807 ACRE TRACT R-1.5]**

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING CLASSIFICATION FROM AGRICULTURE (“AO”) TO SINGLE FAMILY RESIDENTIAL DISTRICT 1.5 (“R1.5”) FOR THE ±47.807 ACRE TRACT OF LAND, BEING A PORTION OF A ±87.1115 ACRE TRACT (TRACT 3) IN THE JAMES LOVELADY SURVEY, ABSTRACT 538, LUCAS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” AND DEPICTED IN EXHIBIT “B” ATTACHED HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Lucas, Texas and the City Council of the City of Lucas, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Lucas, Texas is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

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

**Section 1.** That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas are hereby amended to grant a change in zoning from Agriculture to Single Family Residential District 1.5 (“R1.5”) for the ±47.807-acre tract of land, being a portion of a ±87.1115-acre tract (Tract 3) in the James Lovelady Survey, Abstract No. 538, Lucas, Collin County, Texas, and being more particularly described in Exhibit “A” attached hereto and made part hereof for all purposes.

**Section 2.** That 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.** That 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.** That 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 Code of Ordinances, as amended, and upon conviction in the municipal court 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 5.** That 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 COUNSEL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 3<sup>RD</sup> DAY OF OCTOBER, 2013.**

APPROVED:

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

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joe Gorfida, Jr., City Attorney  
(JJG/08-22-13/61972)

\_\_\_\_\_  
Kathy Wingo, TRMC, MMC, City Secretary

**EXHIBIT "A"**  
**METES & BOUNDS**

BEGINNING at a point in the east boundary line of said 87.1115 acre tract in the centerline of Stinson Road, a variable width right-of-way from which a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for the northeast corner of said 87.1115 acre tract and the southeast corner of Lot 3, Trails End Addition, an addition to the City of Lucas, as recorded in Cabinet M, Page 107, Plat Records, Collin County, Texas bears North 00 degrees 55 minutes 28 seconds West, a distance of 293.88 feet;

THENCE South 00 degrees 55 minutes 28 seconds East, with the east boundary line of said 87.1115 acre tract and said Stinson Road, a distance of 1026.14 feet to an exterior ell corner of said 87.1115 acre tract from which a PK Nail found bears South 89 degrees 24 minutes 53 seconds West, a distance of 10.41 feet;

THENCE South 89 degrees 05 minutes 13 seconds West, with a south boundary line of said 47.1115 acre tract, a distance of 679.10 feet to a 1/2-inch iron rod found for an interior ell corner of said 87.1115 acre tract;

THENCE South 89 degrees 11 minutes 11 seconds West, a distance of 1318.46 feet to a 5/8-inch iron rod with cap stamped "5439" found in the common boundary line of a 59.030 acre tract and a 86.548 acre tract described in a boundary line agreement, as recorded in Instrument 20061020001510100 of said Deed Records;

THENCE South 88 degrees 39 minutes 48 seconds West, with the common boundary line of said 59.030 acre tract and said 86.548 acre tract, a distance of 4.72 feet to a point for corner;

THENCE North 01 degrees 00 minutes 32 seconds West, with the common boundary line of said 59.030 acre tract and said 86.548 acre tract, passing a 5/8-inch iron rod found for an exterior ell corner of Belmont Park, an addition to the City of Lucas, as recorded Cabinet 213, Page 85 of said Plat Records, Texas at a distance of 893.70 feet and continuing with the common boundary line of said 43.702 acre tract and said 86.548 acre tract, a total distance of 1165.16 feet to a point for corner;

THENCE South 77 degrees 16 minutes 50 seconds East, a distance of 337.67 feet;

THENCE North 21 degrees 18 minutes 07 seconds East, a distance of 35.00 feet;

THENCE South 68 degrees 41 minutes 53 seconds East, a distance of 211.41 feet to the beginning of a tangent curve to the left having a radius of 500.00 feet whose chord bears South 83 degrees 39 minutes 43 seconds East, a distance of 258.21 feet;



THENCE Southeasterly, with said curve to the left through a central angel of 29 degrees 55 minutes 39 seconds, an arc distance of 261.17 feet to the end of said curve;

THENCE North 81 degrees 22 minutes 27 seconds East, a distance of 127.61 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet whose chord bears South 89 degrees 39 minutes 08 seconds East, a distance of 155.98 feet;

THENCE Easterly, with said curve to the right through a central angel of 17 degrees 56 minutes 50 seconds, an arc distance of 156.62 feet to the end of said curve;

THENCE South 80 degrees 40 minutes 43 seconds East, a distance of 154.27 feet to the beginning of a tangent curve to the left having a radius of 500.00 feet whose chord bears North 89 degrees 14 minutes 52 seconds East, a distance of 174.92 feet;

THENCE Easterly, with said curve to the left through a central angel of 20 degrees 08 minutes 51 seconds, an arc distance of 175.82 feet to the end of said curve;

THENCE North 79 degrees 10 minutes 26 seconds East, a distance of 164.52 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet whose chord bears North 84 degrees 23 minutes 14 seconds East, a distance of 90.86 feet;

THENCE Northeasterly, with said curve to the right through a central angel of 10 degrees 25 minutes 36 seconds, an arc distance of 90.99 feet to the end of said curve





## NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas (the "City"), will conduct a Public Hearing on Thursday, September 12, 2013, at 7:00 p.m. and City Council will conduct a second Public Hearing on Thursday October 3, 2013, at 7:00 p.m. at City Hall, 665 Country Club, Lucas, Texas to consider:

A recommendation for the zoning of a tract of land situated in the City of Lucas to R-1.5 from AO BEING a 47.807 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 47.807 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the east boundary line of said 87.1115 acre tract in the centerline of Stinson Road, a variable width right-of-way from which a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for the northeast corner of said 87.1115 acre tract and the southeast corner of Lot 3, Trails End Addition, an addition to the City of Lucas, as recorded in Cabinet M, Page 107, Plat Records, Collin County, Texas bears North 00 degrees 55 minutes 28 seconds West, a distance of 293.88 feet;

THENCE South 00 degrees 55 minutes 28 seconds East, with the east boundary line of said 87.1115 acre tract and said Stinson Road, a distance of 1026.14 feet to an exterior ell corner of said 87.1115 acre tract from which a PK Nail found bears South 89 degrees 24 minutes 53 seconds West, a distance of 10.41 feet;

THENCE South 89 degrees 05 minutes 13 seconds West, with a south boundary line of said 47.1115 acre tract, a distance of 679.10 feet to a 1/2-inch iron rod found for an interior ell corner of said 87.1115 acre tract;

THENCE South 89 degrees 11 minutes 11 seconds West, a distance of 1318.46 feet to a 5/8-inch iron rod with cap stamped "5439" found in the common

boundary line of a 59.030 acre tract and a 86.548 acre tract described in a boundary line agreement, as recorded in Instrument 20061020001510100 of said Deed Records;

THENCE South 88 degrees 39 minutes 48 seconds West, with the common boundary line of said 59.030 acre tract and said 86.548 acre tract, a distance of 4.72 feet to a point for corner;

THENCE North 01 degrees 00 minutes 32 seconds West, with the common boundary line of said 59.030 acre tract and said 86.548 acre tract, passing a 5/8-inch iron rod found for an exterior ell corner of Belmont Park, an addition to the City of Lucas, as recorded Cabinet 213, Page 85 of said Plat Records, Texas at a distance of 893.70 feet and continuing with the common boundary line of said 43.702 acre tract and said 86.548 acre tract, a total distance of 1165.16 feet to a point for corner;

THENCE South 77 degrees 16 minutes 50 seconds East, a distance of 337.67 feet;

THENCE North 21 degrees 18 minutes 07 seconds East, a distance of 35.00 feet;

THENCE South 68 degrees 41 minutes 53 seconds East, a distance of 211.41 feet to the beginning of a tangent curve to the left having a radius of 500.00 feet whose chord bears South 83 degrees 39 minutes 43 seconds East, a distance of 258.21 feet;

THENCE Southeasterly, with said curve to the left through a central angel of 29 degrees 55 minutes 39 seconds, an arc distance of 261.17 feet to the end of said curve;

THENCE North 81 degrees 22 minutes 27 seconds East, a distance of 127.61 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet whose chord bears South 89 degrees 39 minutes 08 seconds East, a distance of 155.98 feet;

THENCE Easterly, with said curve to the right through a central angel of 17 degrees 56 minutes 50 seconds, an arc distance of 156.62 feet to the end of said curve;

THENCE South 80 degrees 40 minutes 43 seconds East, a distance of 154.27 feet to the beginning of a tangent curve to the left having a radius of 500.00 feet whose chord bears North 89 degrees 14 minutes 52 seconds East, a distance of 174.92 feet;

THENCE Easterly, with said curve to the left through a central angel of 20 degrees 08 minutes 51 seconds, an arc distance of 175.82 feet to the end of said curve;

THENCE North 79 degrees 10 minutes 26 seconds East, a distance of 164.52 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet whose chord bears North 84 degrees 23 minutes 14 seconds East, a distance of 90.86 feet;

THENCE Northeasterly, with said curve to the right through a central angel of 10 degrees 25 minutes 36 seconds, an arc distance of 90.99 feet to the end of said curve;

Those wishing to speak **FOR** or **AGAINST** the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas Texas 75002, 972-727-8999, email [kwingo@lucastexas.us](mailto:kwingo@lucastexas.us), or Fax 972-727-0091 and they will be presented at the Hearing.

*Kathy Wingo, TRMC, MMC*  
City Secretary, Lucas, Texas



# City of Lucas City Council Agenda Request

Council Meeting: October 3, 2013

Requestor: Joe Hilbourn

Prepared by: Joe Hilbourn

Account Code #: \_\_\_\_\_

Date Prepared: September 4, 2013

Budgeted Amount: \$ \_\_\_\_\_

Exhibits:  Yes  No

## AGENDA SUBJECT:

Public Hearing/Discuss and Consider the approval of **Ordinance # 2013-10-00769** for an application for the zoning of a tract of land situated in the City of Lucas to R-2 from AO BEING a 13.376 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 13.376 acre tract.

## RECOMMENDED ACTION:

Approve as presented.

## SUMMARY:

There is an approved Development Agreement.

This 13.376 acre parcel is being considered for R-2 zoning. This is the 2<sup>nd</sup> Public Hearing, the 1<sup>st</sup> Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting.

The 61 acre tract of land is part of a larger 87 acre tract of land, with 26 acres being located in the City's ETJ. The purpose of the development agreement was to find common ground, end with the development entirely within the City, and create a development that substantially conforms to the City's approved Comprehensive Plan. The R-2 block was moved one block north and for that consideration the southern lots that are located in the City's ETJ and will come into the City as R-1.5 instead of R-1.

The Planning & Zoning Commission voted 5-0 to recommend approval.

**MOTION:**

I make a Motion to recommend approval of the application for the zoning of a tract of land situated in the City of Lucas to R-2 from AO BEING a 13.376 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 13.376 acre tract.

**APPROVED BY:** \_\_\_\_\_ Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input type="checkbox"/>	Code of Ordinances
<input checked="" type="checkbox"/>	Other

**ORDINANCE # 2013-10-00769**  
**[CHANGE IN ZONING FOR 13.376 ACRE TO R-2]**

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING CLASSIFICATION FROM AGRICULTURE (“AO”) TO SINGLE FAMILY RESIDENTIAL DISTRICT 2 (“R2”) FOR THE ±13.376 ACRE TRACT OF LAND, BEING A PORTION OF A ±87.1115 ACRE TRACT (TRACT 3) IN THE JAMES LOVELADY SURVEY, ABSTRACT 538, LUCAS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” AND DEPICTED IN EXHIBIT “B” ATTACHED HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Lucas, Texas and the City Council of the City of Lucas, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Lucas, Texas is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

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

**Section 1.** That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas are hereby amended to grant a change in zoning from Agriculture to Single Family Residential District 2 (“R2”) for the ±13.376-acre tract of land, being a portion of a ±87.1115-acre tract (Tract 3) in the James Lovelady Survey, Abstract No. 538, Lucas, Collin County, Texas, and being more particularly described in Exhibit “A” attached hereto and made part hereof for all purposes.

**Section 2.** That 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.** That 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.** That 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 Code of Ordinances, as amended, and upon conviction in the municipal court 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 5.** That 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 COUNSEL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 3<sup>RD</sup> DAY OF OCTOBER, 2013.**

APPROVED:

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

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joe Gorfida, Jr., City Attorney  
(JJG/08-22-13/61968)

\_\_\_\_\_  
Kathy Wingo, TRMC, MMC, City Secretary

**EXHIBIT "A"**  
**METES & BOUNDS**

BEGINNING at a point for corner in the common boundary line of a 59.030 acre tract and a 86.548 acre tract described in a boundary line agreement, as recorded in Instrument 20061020001510100 of said Deed Records and in the east boundary line of Lot 13, Belmont Park, an addition to the City of Lucas, as recorded Cabinet 213, Page 85, Plat Records, Collin County, Texas;

THENCE North 01 degrees 00 minutes 32 seconds West, with the common boundary line of said 59.030 acre tract and said 86.548 acre tract and with the east boundary line of said Lot 13, a distance of 180.30 feet to a 5/8-inch iron rod found for the northwest corner of said 86.548 acre tract, the northwest corner of said 87.1115 acre tract and an interior ell corner of said Belmont Park;

THENCE South 89 degrees 39 minutes 18 seconds East, with the common boundary line of said Belmont Park and said 87.1115 acre tract, a distance of 661.92 feet to a 3/4-inch iron rod found for an exterior ell corner of said Belmont Park and the southwest corner of Lot 2 of Trails End Addition, an addition to the City of Lucas, as recorded in Cabinet M, Page 107 of said Plat Records;

THENCE North 89 degrees 38 minutes 54 seconds East, with the common boundary line of said Trails End Addition and said 87.1115 acre tract, a distance of 1342.57 feet a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for the northeast corner of said 87.1115 acre tract and the southeast corner of Lot 3 of said Trails End Addition, said corner being in the centerline of Stinson Road, a variable width right-of-way;

THENCE South 00 degrees 55 minutes 28 seconds East, with the east boundary line of said 87.1115 acre tract and said Stinson Road, a distance of 293.88 feet to a point for corner;

THENCE South 89 degrees 36 minutes 02 seconds West, a distance of 349.04 feet to the beginning of a tangent curve to the left having a radius of 500.00 feet whose chord bears South 84 degrees 23 minutes 14 seconds West, a distance of 90.86 feet;

THENCE Southwesterly, with said curve to the left, through a central angel of 10 degrees 25 minutes 36 seconds, an arc distance of 90.99 feet to the end of said curve;

THENCE South 79 degrees 10 minutes 26 seconds West, a distance of 164.52 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet whose chord bears South 89 degrees 14 minutes 52 seconds West, a distance of 174.92 feet;

THENCE Westerly, with said curve to the right through a central angel of 20 degrees 08 minutes 51 seconds, an arc distance of 175.82 feet to the end of said curve;

THENCE North 80 degrees 40 minutes 43 seconds West, a distance of 154.27 feet to the beginning of a tangent curve to the left having a radius of 500.00 feet whose chord bears North 89 degrees 39 minutes 08 seconds West, a distance of 155.98 feet;

THENCE Westerly, with said curve to the left through a central angel of 17 degrees 56 minutes 50 seconds, an arc distance of 156.62 feet to the end of said curve;

THENCE South 81 degrees 22 minutes 27 seconds West, a distance of 127.61 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet whose chord bears North 83 degrees 39 minutes 43 seconds West, a distance of 258.21 feet;

Thence Northwesterly, with said curve to the right, through a central angel of 29 degrees 55 minutes 39 seconds, an arc distance of 261.17 feet to the end of said curve;

THENCE North 68 degrees 41 minutes 53 seconds West, a distance of 211.41 feet;

THENCE South 21 degrees 18 minutes 07 seconds West, a distance of 35.00 feet;

THENCE North 77 degrees 16 minutes 50 seconds West, a distance of 337.67 feet to the POINT OF BEGINNING AND CONTAINING 582,671 square feet or 13.376 acres of land





## **NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas (the "City"), will conduct a Public Hearing on Thursday, September 12, 2013, at 7:00 p.m. and City Council will conduct a second Public Hearing on Thursday October 3, 2013, at 7:00 p.m. at City Hall, 665 Country Club, Lucas, Texas to consider:

A recommendation for the zoning of a tract of land situated in the City of Lucas to R-2 from AO BEING a 13.376 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 13.376 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner in the common boundary line of a 59.030 acre tract and a 86.548 acre tract described in a boundary line agreement, as recorded in Instrument 20061020001510100 of said Deed Records and in the east boundary line of Lot 13, Belmont Park, an addition to the City of Lucas, as recorded Cabinet 213, Page 85, Plat Records, Collin County, Texas;

THENCE North 01 degrees 00 minutes 32 seconds West, with the common boundary line of said 59.030 acre tract and said 86.548 acre tract and with the east boundary line of said Lot 13, a distance of 180.30 feet to a 5/8-inch iron rod found for the northwest corner of said 86.548 acre tract, the northwest corner of said 87.1115 acre tract and an interior ell corner of said Belmont Park;

THENCE South 89 degrees 39 minutes 18 seconds East, with the common boundary line of said Belmont Park and said 87.1115 acre tract, a distance of 661.92 feet to a 3/4-inch iron rod found for an exterior ell corner of said Belmont Park and the southwest corner of Lot 2 of Trails End Addition, an addition to the City of Lucas, as recorded in Cabinet M, Page 107 of said Plat Records;

THENCE North 89 degrees 38 minutes 54 seconds East, with the common boundary line of said Trails End Addition and said 87.1115 acre tract, a distance of 1342.57 feet a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for the northeast corner of said 87.1115 acre tract and the southeast corner of Lot 3 of said Trails End Addition, said corner being in the centerline of Stinson Road, a variable width right-of-way;

THENCE South 00 degrees 55 minutes 28 seconds East, with the east boundary line of said 87.1115 acre tract and said Stinson Road, a distance of 293.88 feet to a point for corner;

THENCE South 89 degrees 36 minutes 02 seconds West, a distance of 349.04 feet to the beginning of a tangent curve to the left having a radius of 500.00 feet whose chord bears South 84 degrees 23 minutes 14 seconds West, a distance of 90.86 feet;

THENCE Southwesterly, with said curve to the left, through a central angle of 10 degrees 25 minutes 36 seconds, an arc distance of 90.99 feet to the end of said curve;

THENCE South 79 degrees 10 minutes 26 seconds West, a distance of 164.52 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet whose chord bears South 89 degrees 14 minutes 52 seconds West, a distance of 174.92 feet;

THENCE Westerly, with said curve to the right through a central angle of 20 degrees 08 minutes 51 seconds, an arc distance of 175.82 feet to the end of said curve;

THENCE North 80 degrees 40 minutes 43 seconds West, a distance of 154.27 feet to the beginning of a tangent curve to the left having a radius of 500.00 feet whose chord bears North 89 degrees 39 minutes 08 seconds West, a distance of 155.98 feet;

THENCE Westerly, with said curve to the left through a central angle of 17 degrees 56 minutes 50 seconds, an arc distance of 156.62 feet to the end of said curve;

THENCE South 81 degrees 22 minutes 27 seconds West, a distance of 127.61 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet whose chord bears North 83 degrees 39 minutes 43 seconds West, a distance of 258.21 feet;

Thence Northwesterly, with said curve to the right, through a central angle of 29 degrees 55 minutes 39 seconds, an arc distance of 261.17 feet to the end of said curve;

THENCE North 68 degrees 41 minutes 53 seconds West, a distance of 211.41 feet;

THENCE South 21 degrees 18 minutes 07 seconds West, a distance of 35.00 feet;

THENCE North 77 degrees 16 minutes 50 seconds West, a distance of 337.67 feet to the POINT OF BEGINNING AND CONTAINING 582,671 square feet or 13.376 acres of land.

Those wishing to speak **FOR** or **AGAINST** the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas Texas 75002, 972-727-8999, email [kwingo@lucastexas.us](mailto:kwingo@lucastexas.us), or Fax 972-727-0091 and they will be presented at the Hearing.

*Kathy Wingo, TRMC, MMC*  
City Secretary, Lucas, Texas



# City of Lucas City Council Agenda Request

Council Meeting: October 3, 2013

Requestor: Joe Hilbourn

Prepared by: Joe Hilbourn

Account Code #: \_\_\_\_\_

Date Prepared: September 4, 2013

Budgeted Amount: \$ \_\_\_\_\_

Exhibits:  Yes     No

## AGENDA SUBJECT:

Public Hearing/Discuss and Consider the approval of **Ordinance # 2013-10-00770** for an application for the rezoning of a 53 +/- acre tract of land from AO to R-1.5 situated in the J. Kerby Survey, Abstract No. 506, City of Lucas, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Hooper Family Limited Partnership according to the deed recorded in Volume 5190, Page 404 of the Deed Records, Collin County, Texas (DRCCT).

## RECOMMENDED ACTION:

Recommend rezoning parcels from AO and R-1 to R-1.5

## SUMMARY:

This property is located on Forest Grove Road. This is the 2<sup>nd</sup> Public Hearing, the 1<sup>st</sup> Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting.

This site has an approved Development Agreement allowing for R-1.5 with a maximum of 27 lots. As part of the Development Agreement the developer will be correcting the drainage in the area, correcting deficiencies in the s-turn layout on Forest Grove Road and replacing an existing undersized water main on Forest Grove Road.

There was a Motion made at the Planning & Zoning Commission to recommend approval, however, Motion failed due to the lack of a second.



**MOTION:**

I make a Motion to recommend approval of the application for the rezoning of a 53 +/- acre tract of land from AO to R-1.5 situated in the J. Kerby Survey, Abstract No. 506, City of Lucas, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Hooper Family Limited Partnership according to the deed recorded in Volume 5190, Page 404 of the Deed Records, Collin County, Texas (DRCCT).

**APPROVED BY:** \_\_\_\_\_ Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input type="checkbox"/>	Code of Ordinances
<input checked="" type="checkbox"/>	Other

## ORDINANCE # 2013-10-00770

[53 ACRES - FOREST GROVE ROAD CHANGE IN ZONING]

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING CLASSIFICATION FOR ±7.0-ACRES SINGLE-FAMILY RESIDENTIAL DISTRICT 1 (“R1”) TO SINGLE FAMILY RESIDENTIAL DISTRICT 1.5 (“R1.5”) AND ±46 ACRES AGRICULTURE (“AO”) TO SINGLE FAMILY RESIDENTIAL DISTRICT 1.5 (“R1.5”), COMPRISING ±53.713 ACRES IN THE J. KERBY SURVEY, ABSTRACT NO. 506, ON FOREST GROVE ROAD, LUCAS, COLLIN COUNTY, TEXAS, ON WHICH AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” AND DEPICTED IN EXHIBIT “B” ATTACHED HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Lucas, Texas and the City Council of the City of Lucas, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Lucas, Texas is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

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

**Section 1.** That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas are hereby amended to grant a change in zoning from Single Family Residential District (“R1”) to Single Family Residential District 1.5 (“R1.5”) for ±7 acres and from Agricultural (“AO”) to Single Family Residential District 1.5 (“R1.5”) for ±46 acres, comprising ±53.713 acres in the J. Kerby Survey, Abstract 506, on Forest Grove Road, Lucas, Collin County, Texas; and, being more particularly described in Exhibit “A” and depicted in Exhibit “B” attached hereto and made part hereof for all purposes.

**Section 2.** That 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.** That 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.** That 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 Code of Ordinances, as amended, and upon conviction in the municipal court 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 5.** That 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 COUNSEL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 3<sup>RD</sup> DAY OF OCTOBER, 2013.**

APPROVED:

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

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joe Gorfida, Jr., City Attorney  
(JJG/08-22-13/61965)

\_\_\_\_\_  
Kathy Wingo, TRMC, MMC, City Secretary

**EXHIBIT A**  
**METES AND BOUNDS**

BEING a tract of land situated in the J. Kerby Survey, Abstract No. 506, City of Lucas, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Hooper Family Limited Partnership according to the deed recorded in Volume 5190, Page 404 of the Deed Records, Collin County, Texas (DRCCT), the subject tract being more particularly described as follows;

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the northwest corner of the subject tract, and being the southwest corner of The Enclave Addition, an addition to the City of Lucas, recorded in Cabinet N, Page 727, Plat Records, Collin County, Texas (PRCCT) and being on the east line of a tract conveyed to HWP Properties, LP, recorded in Document No. 20060327000389570 DRCCT, said rod being in Forest Grove Road (a variable width public right-of-way), from said rod an "X" found in concrete bears N 47°00'18" E, 622.02 feet;

THENCE S 88°49'35" E, 1471.45 feet along Forest Grove Road, and along the south line of said Enclave Addition, to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the northwest corner of a tract conveyed to Louis Hoefler, recorded in Volume 5635, Page 1245 DRCCT, from which an "X" found in concrete found bears S 88°46'59" E, 1245.01 feet, and from which a 5/8" iron rod with plastic cap found bears S 82°24'20" E, 264.25 feet;

THENCE S 00°45'13" W, along the west line thereof, passing at 1585.66 feet a 1/2" iron rod found for witness, continuing a total distance of 1665.38 feet to the southwest corner of said Hoefler tract, and being on the north line of Forest Creek Estates, an addition to the City of Lucas, recorded in Cabinet K, Page 45 PRCCT;

THENCE along the north line of Forest Creek Estates, the following:

N 70°26'15" W, 225.96 feet;

S 58°44'45" W, 285.00 feet;

S 88°44'45" W, 297.00 feet;

S 20°49'45" W, 150.00 feet;

And N 71°13'15" W, 35.48 feet to a point for corner;

THENCE N 08°33'16" W, departing said north line of Forest Creek Estates, passing at 34.02 feet the southeast corner of a tract conveyed to Joseph M. Pettinger and wife, Jennifer L. Pettinger, continuing along the east line thereof a total distance of 443.27 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for corner;

THENCE N 76°57'25" W, 503.96 feet along the north line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for corner, from which a 1/2" capped iron rod found bears N 76°57'25" W, 14.84 feet;

THENCE N 11°16'59" W, 266.82 feet departing said north line to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for corner;

THENCE N 00°00'52" E, passing at 606.27 feet the southeast corner of said HWP Properties tract, continuing along the east line thereof a total distance of 1089.12 feet to the PLACE OF BEGINNING with the subject tract containing 2,316,224 square feet or 53.173 acres of land.

# EXHIBIT B DEPICTION

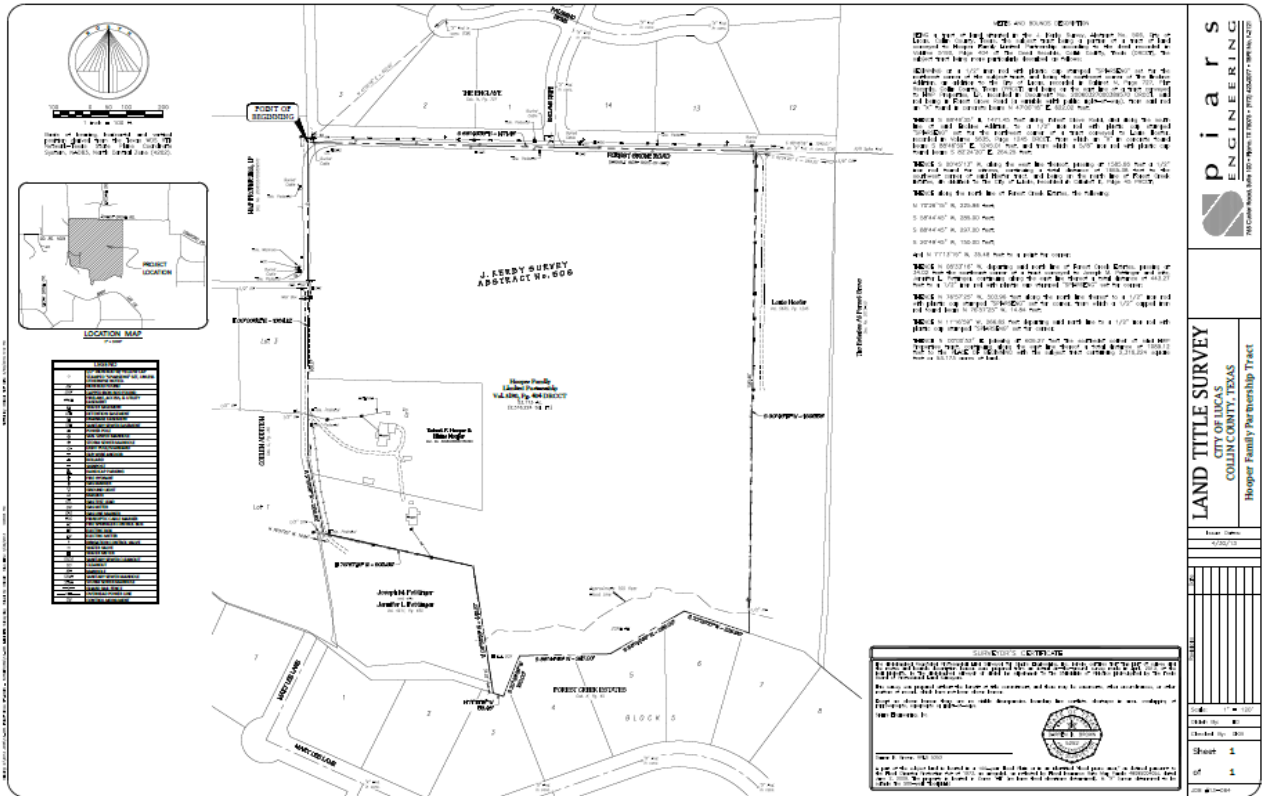
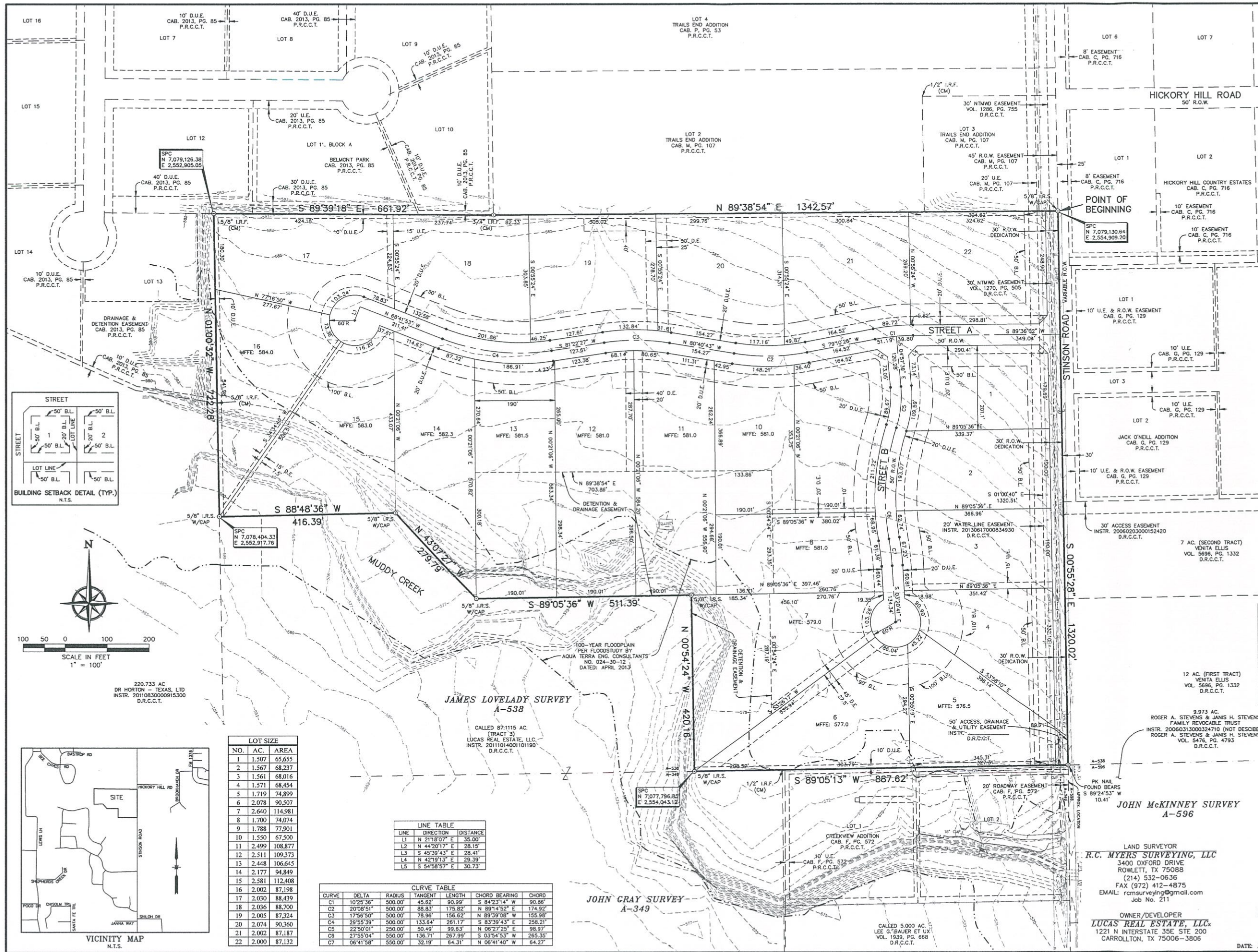


Exhibit "B"  
City of Lucas  
Ordinance # 2013-10-00770 Zoning of 53 acre tract off Forest Grove Road  
Approved: October 3, 2013



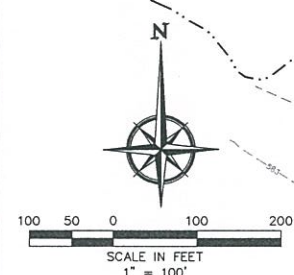
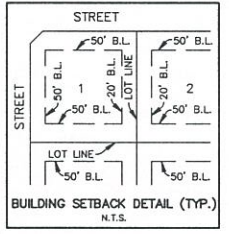
NOTES:

- By graphical plotting, part of the parcel described hereon lies within Zone "A", as delineated on the Collin County, Texas and Incorporated Areas Flood Insurance Rate Map, Map Number 4805C0405 J, dated June 02, 2009, as published by the Federal Emergency Management Agency. Zone "A" is defined as "Special flood hazard areas inundated by 100-year flood; No Base flood elevations determined." The Surveyor utilized the above referenced floodplain information for this determination and the Surveyor does not certify that revised floodplain information has or has not been published by the Federal Emergency Management Agency or some other source. This statement shall not create liability on the part of the surveyor.
- Lots or portions of lots within the floodplain or areas of special flood hazard require a development permit prior to issuance of a building permit or commencement of construction including site grading, on all or part of those lots.
- Bearings are based on Texas State Plane Coordinates. Projection: State Plane NAD83 Texas North Central Zone 4202, Lambert Conformal Conic, Feet (TX83-NCF).
- Property owners to maintain property including drainage and utility easements to the edge of pavement.
- Only wrought iron fences permitted within drainage easements.
- A 5/8-inch iron rod with yellow cap stamped "RPLS 3963" has been set at all boundary corners, lot corners, points of curvature, points of tangency and angle points in public rights-of-way unless otherwise shown or noted in this drawing.
- Selling a portion of any lot within this addition by metes and bounds is a violation of state law and city ordinance and is subject to fines and withholding of utilities and building permits.
- Benchmark: An "x" cut in south end of a concrete headwall on the east side of Stinson Road at Muddy Creek. Elev. 569.65'

LEGEND

D.U.E.	DRAINAGE & UTILITY EASEMENT
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
B.L.	BUILDING SETBACK LINE
L.S.E.	LANDSCAPE EASEMENT
B.L.	BUILDING SETBACK LINE
L.R.F.	IRON ROD FOUND
SPC	STATE PLANE COORDINATES
5/8" I.R.S. W/CAP	5/8" IRON ROD SET WITH YELLOW CAP STAMPED "RPLS 3963"
(CM)	CONTROL MONUMENT
D.R.C.C.T.	DEEDS RECORDS COLLIN COUNTY TEXAS
P.R.C.C.T.	PLAT RECORDS COLLIN COUNTY TEXAS

North Texas Municipal Water District (NTMWD) Note:  
 The NTMWD easement restricts construction of permanent structures such as foundations, walls, pools and permanent storage buildings. Items such as driveways, fences, sprinkler systems and normal landscaping plans that encroach on the NTMWD easements are allowed. However, the NTMWD assumes no responsibility for damages resulting from the need to repair or maintain the NTMWD pipelines. Further, any cost for repair for damage to the pipelines resulting from construction by the developer, contractor or owner will be the responsibility of the developer, contractor or owner.



LOT SIZE

NO.	AC.	AREA
1	1.507	65,655
2	1.567	68,237
3	1.561	68,016
4	1.571	68,454
5	1.719	74,899
6	2.078	90,507
7	2.640	114,981
8	1.700	74,074
9	1.788	77,901
10	1.550	67,500
11	2.499	108,877
12	2.511	109,373
13	2.448	106,645
14	2.177	94,849
15	2.581	112,408
16	2.002	87,198
17	2.030	88,439
18	2.036	88,700
19	2.005	87,324
20	2.074	90,360
21	2.002	87,187
22	2.000	87,132

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	N 21°18'07" E	35.00'
L2	N 44°20'17" E	28.15'
L3	S 45°39'43" E	28.41'
L4	N 42°19'13" E	29.39'
L5	S 54°38'57" E	30.73'

CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD BEARING	CHORD
C1	107°25'36"	500.00'	45.62'	90.99'	S 84°23'14" W	90.86'
C2	207°08'51"	500.00'	88.83'	175.82'	N 89°14'52" E	174.92'
C3	175°56'50"	500.00'	78.96'	156.62'	N 89°39'08" W	155.98'
C4	29°55'39"	500.00'	133.64'	261.17'	S 83°39'43" E	258.21'
C5	22°50'01"	250.00'	50.49'	99.63'	N 06°27'25" E	98.97'
C6	27°55'04"	550.00'	138.71'	267.99'	S 03°54'53" W	265.35'
C7	06°41'58"	550.00'	32.19'	64.31'	N 06°41'40" W	64.27'

EXISTING ZONING: AG  
 PROPOSED ZONING: R2 & R1.5  
 22 RESIDENTIAL LOTS  
 DENSITY: 1 LOT PER 2.18 ACRES GROSS  
 AVG. LOT SIZE: 2.002 ACRE  
 MIN. LOT SIZE: 1.500 ACRE

PRELIMINARY PLAT  
 OAK BROOK ESTATES  
 PHASE ONE  
 LOTS 1-22, BLOCK A  
 22 RESIDENTIAL LOTS  
 BEING 48.045 ACRES  
 SITUATED IN THE  
 JAMES LOVELADY SURVEY, ABSTRACT NO. 538  
 CITY OF LUCAS, COLLIN COUNTY, TEXAS

LAND SURVEYOR  
**R.C. MYERS SURVEYING, LLC**  
 3400 OXFORD DRIVE  
 ROWLETT, TX 75088  
 (214) 532-0636  
 FAX (972) 412-4875  
 EMAIL: rcmyersurveying@gmail.com  
 Job No. 211

OWNER/DEVELOPER  
**LUCAS REAL ESTATE, LLC**  
 1221 N INTERSTATE 35E STE 200  
 CARROLLTON, TX 75006-3806

ENGINEERING CONCEPTS & DESIGN, L.P.  
 ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES  
 TEXAS FIRM REG. NO. 001145  
 201 WINCO CIRCLE, SUITE 200, WYLE, TEXAS 75098  
 (972) 941-8400 FAX (972) 941-8401

OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS  
COUNTY OF COLLIN

WHEREAS, LUCAS REAL ESTATE, LLC, BEING the owner of a 48.045 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 2011101400101190, Deed Records, Collin County, Texas, said 48.045 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for the northeast corner of said 87.1115 acre tract and the southeast corner of Lot 3, Trails End Addition, an addition to the City of Lucas, as recorded in Cabinet M, Page 107, Plat Records, Collin County, Texas, said corner being in the centerline of Stinson Road, a variable width right-of-way;

THENCE South 00 degrees 55 minutes 28 seconds East, with the east boundary line of said 47.1115 acre tract and said Stinson Road, a distance of 1320.02 feet to an exterior ell corner of said 87.1115 acre tract from which a PK Nail found bears South 89 degrees 24 minutes 53 seconds West, a distance of 10.41 feet;

THENCE South 89 degrees 05 minutes 13 seconds West, with a south boundary line of said 47.1115 acre tract, passing a 1/2-inch iron rod found for an interior ell corner of said 87.1115 acre tract at a distance of 679.10 feet and continuing a total distance of 887.62 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

THENCE North 00 degrees 54 minutes 24 seconds West, a distance of 420.16 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

THENCE South 89 degrees 05 minutes 36 seconds West, a distance of 511.39 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

THENCE North 43 degrees 07 minutes 27 seconds West, a distance of 279.79 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

THENCE South 88 degrees 48 minutes 36 seconds West, a distance of 416.39 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner in the common boundary line of a 59.030 acre tract and a 86.548 acre tract described in a boundary line agreement, as recorded in Instrument 20061020001510100 of said Deed Records;

THENCE North 01 degrees 00 minutes 32 seconds West, with the common boundary line of said 59.030 acre tract and said 86.548 acre tract, passing a 5/8-inch iron rod found for an exterior ell corner of a 43.702 acre tract (Tract 1) described in deed to M. Christopher Investments LLC 2011, as recorded in Instrument 2101206210007388250 of said Deed Records at a distance of 270.52 feet and continuing with the common boundary line of said 43.702 acre tract and said 86.548 acre tract, a total distance of 722.28 feet to a 5/8-inch iron rod found for the northwest corner of said 86.548 acre tract, the northwest corner of said 87.1115 acre tract and an interior ell corner of said 43.702 acre tract;

THENCE South 89 degrees 39 minutes 18 seconds East, with the common boundary line of said 43.702 acre tract and said 87.1115 acre tract, a distance of 661.92 feet to a 3/4-inch iron rod found for an exterior ell corner of said 43.702 acre tract and the southwest corner of Lot 2 of the aforementioned Trails End Addition;

THENCE North 89 degrees 38 minutes 54 seconds East, with the common boundary line of said Trails End Addition and said 87.1115 acre tract, a distance of 1342.57 feet to the POINT OF BEGINNING AND CONTAINING 2,092,827 square feet or 48.045 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, LUCAS REAL ESTATE, LLC., does hereby adopt this plat designating the herein described property as STINSON ROAD ADDITION, an addition to the City of Lucas, Texas, and does hereby dedicate to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Lucas's use thereof. The City of Lucas and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the systems in said Easements. The City of Lucas and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of their respective systems without the necessity at any time procuring the permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolution of the City of Lucas, Texas.

FOR: LUCAS REAL ESTATE, LLC.

BY: \_\_\_\_\_  
BRADFORD PHILLIPS

STATE OF TEXAS  
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Bradford Phillips, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public in and for the State of Texas  
My Commission Expires: \_\_\_\_\_

CITY APPROVAL CERTIFICATE

This plat is hereby approved by the Planning and Zoning Commission of the City of Lucas, Texas.

Chairman, Planning and Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_

ATTEST:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Date \_\_\_\_\_

The The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his/her approval is required.

Director of Public Works \_\_\_\_\_ Date \_\_\_\_\_

The Director of Planning and Community Development of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Director of Planning and Community Development \_\_\_\_\_ Date \_\_\_\_\_

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert C. Myers, hereby certify, that I prepared this plat was made from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission

Preliminary, this document shall not be recorded for any purpose.

ROBERT C. MYERS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 3963

STATE OF TEXAS  
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Robert C. Myers, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public in and for the State of Texas  
My Commission Expires: 02/14/2015

HEALTH DEPARTMENT CERTIFICATION:

I hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Registered Sanitarian or Designated Representative  
Collin County Development Services

On-Site Sewage Facilities (OSSF) Notes:

- All lots must utilize alternative type On-Site Sewage Facilities.
- All lots must maintain state-mandated setback of all On-Site Sewage Facility components from any/all easements and drainage areas, water distribution lines, sharp breaks and/or creeks/rivers/ponds, etc. (Per State regulations).
- A portion of lots 5-8 and 10-16 are located within the 100-year flood plain:
  - Any OSSF that is located within the 100-year flood plain is subject to special planning requirements.
  - All electrical/mechanical appurtenances located within the 100-year flood plain must be elevated at least 1' above base flood elevation.
  - A certificate of elevation establishing base flood elevation and proving that the finished floor will be at least 2' above base flood elevation must accompany any permit application for a structure that is proposed to be located within the curvilinear line of the 100-year flood plain.
- Tree removal and/or grading for OSSF may be required on individual lots.
- Individual site evaluations and OSSF design plans (meeting all State and County requirements) must be submitted to and approved by Collin County for each lot prior to construction of any OSSF system.

PRELIMINARY PLAT  
OAK BROOK ESTATES  
PHASE ONE

LOTS 1-22, BLOCK A  
22 RESIDENTIAL LOTS

BEING 48.045 ACRES  
SITUATED IN THE  
JAMES LOVELADY SURVEY, ABSTRACT NO. 538  
CITY OF LUCAS, COLLIN COUNTY, TEXAS

ENGINEERING CONCEPTS & DESIGN, L.P.  
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES  
TEXAS REG. NO. 901145  
201 WINDCO CIRCLE, SUITE 200, WYLIE TEXAS 75098  
(972) 941-8400 FAX (972) 941-8401

LAND SURVEYOR  
R.C. MYERS SURVEYING, LLC  
3400 OXFORD DRIVE  
ROWLETT, TX 75088  
(214) 532-0636  
FAX (972) 412-4875  
EMAIL: rcmsurveying@gmail.com  
Job No. 211

OWNER/DEVELOPER  
LUCAS REAL ESTATE, LLC  
1221 N INTERSTATE 35E, STE 200  
CARROLLTON, TX 75006-3806

DATE: AUGUST 12, 2013

SHEET 2 OF 2



## NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas (the "City"), will conduct a Public Hearing on Thursday, September 12, 2013, at 7:00 p.m. and City Council will conduct a second Public Hearing on Thursday, October 3, 2013, at 7:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider rezoning a 53 +/- acre tract of land from AO to R-1.5, the property is known as:

BEING a tract of land situated in the J. Kerby Survey, Abstract No. 506, City of Lucas, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Hooper Family Limited Partnership according to the deed recorded in Volume 5190, Page 404 of the Deed Records, Collin County, Texas (DRCCT), the subject tract being more particularly described as follows;

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the northwest corner of the subject tract, and being the southwest corner of The Enclave Addition, an addition to the City of Lucas, recorded in Cabinet N, Page 727, Plat Records, Collin County, Texas (PRCCT) and being on the east line of a tract conveyed to HWP Properties, LP, recorded in Document No. 20060327000389570 DRCCT, said rod being in Forest Grove Road (a variable width public right-of-way), from said rod an "X" found in concrete bears N 47°00'18" E, 622.02 feet;

THENCE S 88°49'35" E, 1471.45 feet along Forest Grove Road, and along the south line of said Enclave Addition, to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the northwest corner of a tract conveyed to Louis Hoefer, recorded in Volume 5635, Page 1245 DRCCT, from which an "X" found in concrete found bears S 88°46'59" E, 1245.01 feet, and from which a 5/8" iron rod with plastic cap found bears S 82°24'20" E, 264.25 feet;

THENCE S 00°45'13" W, along the west line thereof, passing at 1585.66 feet a 1/2" iron rod found for witness, continuing a total distance of 1665.38 feet to the southwest corner of said Hoefer tract, and being on the north line of Forest Creek Estates, an addition to the City of Lucas, recorded in Cabinet K, Page 45 PRCCT;

THENCE along the north line of Forest Creek Estates, the following:



N 70°26'15" W, 225.96 feet;

S 58°44'45" W, 285.00 feet;

S 88°44'45" W, 297.00 feet;

S 20°49'45" W, 150.00 feet;

And N 71°13'15" W, 35.48 feet to a point for corner;

THENCE N 08°33'16" W, departing said north line of Forest Creek Estates, passing at 34.02 feet the southeast corner of a tract conveyed to Joseph M. Pettinger and wife, Jennifer L. Pettinger, continuing along the east line thereof a total distance of 443.27 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for corner;

THENCE N 76°57'25" W, 503.96 feet along the north line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for corner, from which a 1/2" capped iron rod found bears N 76°57'25" W, 14.84 feet;

THENCE N 11°16'59" W, 266.82 feet departing said north line to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for corner;

THENCE N 00°00'52" E, passing at 606.27 feet the southeast corner of said HWP Properties tract, continuing along the east line thereof a total distance of 1089.12 feet to the PLACE OF BEGINNING with the subject tract containing 2,316,224 square feet or 53.173 acres of land.

Those wishing to speak **FOR** or **AGAINST** the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas, Texas 75002, email [kwingo@lucastexas.us](mailto:kwingo@lucastexas.us), or Fax 972-727-0091 and they will be presented at the Hearing.

*Kathy Wingo*, TRMC, MMC  
City Secretary



## City of Lucas Council Agenda Request

Council Meeting: October 3, 2013

Requestor: Kathy Wingo

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: September 23, 2013

Budgeted Amount: \$ N/A

Exhibits:  Yes  No

### AGENDA SUBJECT:

Consent and Approve:

- a) The minutes from the September 19, 2013, City Council Regular and September 24, 2013 City Council Special meetings. **[Wingo]**
- b) Discuss and Consider the approval of **Ordinance # 2013-10-00771** an ordinance of the City Council of Lucas, Collin County, Texas designating the *McKinney Courier Gazette* the official newspaper of the City of Lucas, Collin County, Texas, for Fiscal Year 2013 – 2014; authorizing the City Manager to contract with the *McKinney Courier Gazette*; and providing an effective date. **[Wingo]**
- c) Discuss and Consider the approval of **Resolution # R-2013-10-00401** of the City Council of the City of Lucas, Texas, changing the authorized signatories for American National Bank to add City Secretary Kathy Wingo and delete City Manager Jeff Jenkins. **[Mayor]**
- d) Discuss and Consider the approval of **Resolution # R-2013-10-00402** of the City Council of the City of Lucas, Texas, changing the authorized signatories for Lone Star to add City Secretary Kathy Wingo and delete City Manager Jeff Jenkins. **[Mayor]**
- e) Discuss and Consider the approval of **Resolution # R-2013-10-00403** of the City Council of the City of Lucas, Texas, changing the authorized signatories for TexPool to add City Secretary Kathy Wingo and delete City Manager Jeff Jenkins. **[Mayor]**
- f) Discuss and Consider the approval of **Resolution # R-2013-10-00404** of the City Council of the City of Lucas, Texas, changing the authorized signatories

for LOGIC to add City Secretary Kathy Wingo and delete City Manager Jeff Jenkins. **[Mayor]**

**RECOMMENDED ACTION:**

Approve as presented.

**SUMMARY:**

See attached.

**MOTION:**

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

**APPROVED BY:** \_\_\_\_\_ Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_



**City Council Meeting**  
**September 19, 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/Absent:

Mayor Rebecca Mark  
Councilmember Wayne Millsap  
Councilmember Steve Duke  
Councilmember Debbie Fisher  
City Manager Jeff Jenkins  
City Attorney Joe Gorfida  
Fire Chief Jim Kitchens

Mayor Pro Tem Kathleen Peele  
Councilmember Jim Olk  
Councilmember Philip Lawrence  
City Secretary Kathy Wingo  
Development Services Director Joe Hilbourn  
Finance Manager Liz Exum  
Public Works Director Stanton Foerster

It was determined that a Quorum was present.

Everyone was reminded to turn off or silence cell phones.

Councilmember Debbie Fisher led everyone in saying the Pledge of Allegiance.

**Citizens' Input**

1) Citizens' Input.

There was no one present who wished to speak during Citizen's Input.

**Community Interest**

2) Items of Community Interest.

Councilmember Steve Duke gave an update on the upcoming Founder's Day event.

Mayor Pro Tem Kathleen Peele is asking for stick horses to be used at the stick horse rodeo.

**Consent Agenda**

The Consent Agenda was presented for consideration and action.

**MOTION:** Councilmember Jim Olk made a Motion to approve the Consent Agenda as presented. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 7-0

3) Consent and Approve:

- a) The minutes from the September 5, 2013, City Council Regular meeting. **[Wingo]**
- b) An agreement between the City of Lucas and Collin County Elections Administration for elections services concerning the November 5, 2013 Special Election. **[Wingo]**
- c) **Ordinance # 2013-09-00763** of the City of Lucas, Texas, annexing the hereinafter described territory into the City of Lucas, Texas, extending the boundary limits of the city so as to include said hereinafter described territory within the city's limits, granting to all inhabitants and owners of territory all of the rights and privileges of other citizens, and binding the inhabitants by all the acts, ordinances and regulations of the city; adopting a service plan for the described territory; providing a repealing clause; providing a severability clause; and providing an effective date. **[3R Properties, LC Annexation]**
- d) **Ordinance # 2013-09-00764** of the City of Lucas, Texas, annexing the hereinafter described territory into the City of Lucas, Texas, extending the boundary limits of the city so as to include said hereinafter described territory within the city's limits, granting to all inhabitants and owners of territory all of the rights and privileges of other citizens, and binding the inhabitants by all the acts, ordinances and regulations of the city; adopting a service plan for the described territory; providing a repealing clause; providing a severability clause; and providing an effective date. **[Stevens Annexation]**
- e) **Ordinance # 2013-09-00765** of the City of Lucas, Texas, annexing the hereinafter described territory into the City of Lucas, Texas, extending the boundary limits of the city so as to include said hereinafter described territory within the city's limits, granting to all inhabitants and owners of territory all of the rights and privileges of other citizens, and binding the inhabitants by all the acts, ordinances and regulations of the city; adopting a service plan for the described territory; providing a repealing clause; providing a severability clause; and providing an effective date. **[Stinson Highlands II Annexation]**

<h2>Regular Agenda</h2>
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- 4) Discuss and Consider the approval of **Ordinance # 2013-09-00767** of the City Council of the City Of Lucas, Texas, adopting the Budget for Fiscal Year beginning October 1, 2013 and ending September 30, 2014; for said fiscal year shall be made in accordance with said budget; appropriating and setting aside the necessary funds

out of the general and other revenues for said fiscal year for the maintenance and operation of the various departments and for various activities and improvements of the city; providing a repealing clause; providing a severability clause; and providing an effective date.

Councilmember Debbie Fisher commended Finance Manager Liz Exum for the pie charts placed in the budget.

**MOTION:** Councilmember Debbie Fisher made a Motion to approve **Ordinance # 2013-09-00767** of the City Council of the City Of Lucas, Texas, adopting the Budget for Fiscal Year beginning October 1, 2013 and ending September 30, 2014; for said fiscal year shall be made in accordance with said budget; appropriating and setting aside the necessary funds out of the general and other revenues for said fiscal year for the maintenance and operation of the various departments and for various activities and improvements of the city; providing a repealing clause; providing a severability clause; and providing an effective date. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 7-0.

- 5) Discuss and Consider the approval of **Ordinance # 2013-09-00766** of the City Council of the City of Lucas, Texas, levying Ad Valorem Taxes for the Tax Year 2013 (Fiscal Year 2013-2014) at a rate of \$0.355616 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the city of Lucas as of January 1, 2013, to provide revenue for the payment of current expenses; providing for an interest and sinking fund for all outstanding debt for the City of Lucas; providing for due and delinquent dates together with penalties and interest; providing a severability clause; providing a repealing clause; and providing an effective date.

**MOTION:** Councilmember Jim Olk made a Motion that the property tax rate be increased by the adoption of a tax rate of 0.355616, which is effectively a 4.34 percent increase in the tax rate, and to approve **Ordinance # 2013-09-00766**. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 7-0.

- 6) Discuss and Consider the approval of an Interlocal Agreement between the City of Lucas and Collin County concerning the improvements of West Lucas Road from FM 2551 to FM1378. **[Foerster]**

Public Works Director Stanton Foerster presented the project to the City Council.

In the July 18, 2013, City Council meeting Council approved a Texas Department of Transportation (TxDOT) advanced funding agreement to use RTR funds for the reconstruction of W. Lucas Road between Angel Parkway and Country Club Road.

The TxDOT AFA required a local match of 20% or \$300,000 to receive the \$1.2 million in RTR funds. Tonight an interlocal agreement with Collin County securing the \$244,414 to be used as a portion of the local match is before Council for consideration.

Collin County will release 2007 Bond Funding in the amount of \$244,414 to the City of Lucas if the city will provide \$55,586 as a local match. The sum of the county and city funds equals \$300,000, which is the required 20% match to receive the \$1.2 million in RTR funds.

Staff is recommending a forty-six (46) foot cross section with two through lanes, a painted four (4) foot median, and shoulders.

**MOTION:** Councilmember Jim Olk made a Motion to approve the Interlocal Agreement between the City of Lucas and Collin County concerning the improvements of West Lucas Road from FM 2551 to FM1378. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 7-0.

- 7) Discuss and Consider the approval of **Resolution # R-2013-09-00400** of the City Council of the City of Lucas, Texas approving amendments to the Lucas Personnel Policies and Administrative Procedures Manual, and providing an effective date. **[Jenkins]**

Mayor Pro Tem Kathleen Peele requested that this item be placed on a workshop allowing for Council to review and have input.

Council agreed to send comments or concerns to Staff or City Attorney. This item will be brought back for further discussion and consideration on the October 3<sup>rd</sup> City Council agenda.

## Executive Session

The City Council convened into Executive Session at 8:07 p.m.

- 8) The City Council pursuant to Section 551.074 of the Texas Government Code may convene into Executive Session to conduct the annual review of the City Manager.

## Regular Agenda

The City Council reconvened into Regular Session at 9:36 p.m.

Councilmember Philip Lawrence did not return to the meeting.

- 9) Take any action as necessary from the Executive Session.

**MOTION:** Councilmember Wayne Millsap made a Motion to accept the resignation of Jeff Jenkins as City Manager effective September 20, 2013; pay Mr. Jenkins six (6) months' severance; reimburse him for COBRA through December 31, 2013; and authorize the City Attorney to prepare a severance agreement. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 6-0.

**MOTION:** Councilmember Wayne Millsap made a Motion to appoint Kathy Wingo as Interim City Manager. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 6-0.

10)Adjournment.

**MOTION:** Councilmember Wayne Millsap made a Motion to adjourn the meeting at 9:37 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 October 3, 2013.

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Rebecca Mark, Mayor

ATTEST:

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Kathy Wingo, TRMC, MMC  
City Secretary





**City Council Special Meeting  
September 24, 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/Absent:

Mayor Rebecca Mark  
Councilmember Wayne Millsap  
Councilmember Steve Duke  
Councilmember Debbie Fisher  
City Secretary Kathy Wingo

Mayor Pro Tem Kathleen Peele  
Councilmember Jim Olk  
Councilmember Philip Lawrence (absent)  
City Attorney Joe Gorfida  
Public Works Director Stanton Foerster

It was determined that a Quorum was present.

**Regular Agenda**

- 1) Discuss and Consider the appointment of an Interim City Manager.

Mayor Rebecca Mark stated that she was able to make contact with Dan Savage concerning the possibility of appointing him as Interim City Manager. Public Works Director Stanton Foerster has also made it known that he would like to be considered for this appointment, with possibility of becoming the permanent City Manager in a few months.

If the City Council should determine that Dan Savage is the best choice for the Interim City Manager position, it would be best to hire Mr. Savage as temporary city employee and not as a contract employee. This option is best so that Mr. Savage would be covered under the city's errors and omissions insurance.

Temporary employees of the City are required to participate in some sort of retirement plan due to the fact the city does not pay social security. Mr. Savage does have previous municipal experience and participates in the TMRS retirement plan. The City would provide no benefits to Mr. Savage, except TMRS. Temporary employees are allowed to work for approximately 25 weeks. This would allow about six (6) months to search for a permanent City Manager.

Dan Savage is willing to consider an hourly rate. Since Mr. Savage has other obligations in the near future, an hourly rate would be the best option to consider.

This would allow Mr. Savage the flexibility to fulfill the future obligations and save the City money in that only the numbers of hours spent working would be paid.

Mayor Rebecca Mark stated that a neutral party is needed to get the Fire Department Expansion process moving in a positive direction. Mayor Mark is not comfortable with the learning curve that Stanton Foerster is going through right now with the Public Works Department and taking on the duties of City Manager.

Councilmember Debbie Fisher is concerned with the work that needs to move forward. There are road improvements, the fire department expansion project, and planning for development. Councilmember Fisher does not feel comfortable moving Mr. Foerster up at this time, as he is still a probationary employee. The city would be better served with Dan Savage.

Councilmember Jim Olk feels that Dan Savage would be the best options at this time, the hourly rate is great, and this would allow staff to continue their duties.

Councilmember Steve Duke was pleased to see that Stanton Foerster was interested. Councilmember Duke stated that promoting from within is always a good way to go. However, at this time, Councilmember Duke felt that the City would be better served hiring Dan Savage as Interim City Manager.

Mayor Pro Tem Kathleen Peele feels that Dan Savage is a good choice. Mr. Savage is familiar with the City and most of the Staff. This would give Mr. Foerster an opportunity to work with Dan and learn from him. Should Stanton still want pursue the permanent position later Mayor Pro Tem Peele encouraged him to do so.

Councilmember Wayne Millsap had no comments as the Council had covered the points he wished to discuss.

**MOTION:** Councilmember Debbie Fisher made a Motion to appoint Dan Savage as Interim City Manager; hired as a temporary employee, the details to be worked out by the Mayor and City Attorney, and bring back to next meeting for ratification. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-0.

2) Discuss and Consider the procedures and hiring process for City Manager position.

Mayor Rebecca Mark stated that the last time there was search for a City Manager it was done by a committee of Councilmembers and the Mayor. Mayor Rebecca Mark suggested asking Dan Savage in helping with the process. Council needs to put a lot of thought into how the city goes about obtaining a new City Manager. What qualifications will be critical in the new City Manager? There needs to be a profile created. Each councilmember was given a copy of the applications for review and several phone interviews were conducted. Council met and reviewed comments of

those who participated in the phone interviews. It was determined who would be asked to interview with the Council and Department Directors.

There was some discussion on the use of a search firm in conducting the search for a permanent City Manager. It was determined that no one knows the City and what type of manager is needed more than Council and Staff. It was decided that a search firm would not be beneficial.

Council discussed their action plan:

1. Develop a profile – create a list of key things that Council is looking for in a candidate. Council would like a copy of the last posting for the City Manager, a copy will be emailed. From this posting, Council will have a base to start creating the profile for the new candidate. An Executive Session will be held at 6 p.m. on October 3rd to finalize the profile for the position of City Manager.
2. The next step in the action plan would be to direct the posting of the position.
3. At a later date Council will discuss the next step in the plan and that is to determine the screening process.

3) Adjournment.

**MOTION:** Councilmember Wayne Millsap made a Motion to adjourn the meeting at 7:43 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 October 3, 2013.

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Rebecca Mark  
Mayor

ATTEST:

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Kathy Wingo, TRMC, MMC  
City Secretary

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input type="checkbox"/>	Code of Ordinances
<input checked="" type="checkbox"/>	Other

**ORDINANCE 2013-10-00771**  
**[Official Newspaper]**

**A ORDINANCE OF THE CITY COUNCIL OF LUCAS, COLLIN COUNTY, TEXAS, DESIGNATING THE *McKINNEY COURIER GAZETTE* THE OFFICIAL NEWSPAPER OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, FOR FISCAL YEAR 2013-2014; AUTHORIZING THE CITY MANAGER TO CONTRACT WITH THE *McKINNEY COURIER GAZETTE*; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 2051.049 of the Texas Government Code provides that the City Council shall select one or more newspapers to publish notices; and,

**WHEREAS**, the City Council of the City of Lucas, Texas desires to officially designate the official newspaper of the City.

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

**SECTION 1.** That the City Council of Lucas, Texas hereby designates the *McKinney Courier Gazette*, a public newspaper in and for the City of Lucas, Collin County, Texas, as the official newspaper of the City, the same to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by law or by ordinance to be published.

**SECTION 2.** The City Manager is hereby given authority to contract with the *McKinney Courier Gazette* for said newspaper to become the official newspaper of the City of Lucas, Texas.

**SECTION 3.** 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 all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That this Ordinance shall take effect immediately from and after its passage, as the laws and charter in such cases provide.

**DULY PASSED AND APPROVED** by the City Council of the City of Lucas, Collin County, Texas, on the 3<sup>rd</sup> day of October, 2013.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Kathy Wingo, TRMC, MMC, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Joe Gorfida, Jr.", is written on a light blue rectangular background.

---

Joe Gorfida, Jr., CITY ATTORNEY



### ADVERTISING AGREEMENT

YES, I would like to take advantage of the Star Local Media advertising program. I agree to publish advertising in the following zones/newspapers.

**Advertising Zones:**

- Zone 1: Plano Star Courier (Thursday)
- Zone 2: Allen American, McKinney Courier-Gazette (Thursday), Celina Record *Thurs*
- Zone 3: Mesquite News, Rowlett Lakeshore-Times, Sunnyvale View
- Zone 4: Frisco Enterprise, Little Elm Journal
- Zone 5: Plano Star Courier (Sunday - West)
- Zone 6: Plano Star Courier (Sunday - East)
- Zone 7: McKinney Courier-Gazette (Sunday) *or*
- Zone 8: The Leader, The Lake Cities Sun
- Zone 9: Lewisville Leader, Coppell Gazette, The Colony Courier-Leader, Carrollton Leader

\* **Single Section:** Legal Advertising in the McKinney Courier Gazette as needed for 9-15-13 thru 12-31-14

Advertisement Size: varies

Investment: 8.41 pcd (size & time varies)

**Comments:**

PRE-PRINTED INSERTS	PRINT & DELIVER PROGRAM	WEB ADVERTISING
Minimum quantity to be inserted:	Minimum quantity to be inserted:	Total monthly impressions:
Net cost per thousand:	Net cost per thousand:	Net cost per thousand:

If for any reason the advertiser does not run advertising as agreed, it is understood that the advertising will be pro-rated at the rate actually earned. Star Local Media requires that all advertising be pre-paid unless credit has been established beforehand with our credit department. Your ad schedule will be interrupted if you fail to pay for contracted space.

Cancellations of ad space must occur prior to the space reservation deadline for each respective publication date. Cancellations after deadline will be billed in full at the advertiser's current contract rate.

The advertiser agrees to pay, in addition to the judgment, reasonable attorney fees, court costs and all other costs of collection should it become necessary to institute proceedings for collection of any amounts unpaid under the terms of the contract.

**Agreed to by:**

Name: Kathy Wingo, City Secretary	Account Number: 1053083
Business Name: City of Lucas	Phone: 972-727-8999, ext. 227
Address: 665 Country Club, Lucas, TX 75002	Fax:
Website:	E-mail: kwingo@lucastexas.us

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

Accepted for Star Local Media

REC'D SEP 13 2013

Account Representative: Joni Chival Date: 9-13-13

Form effective May 21, 2013; supersedes all previous forms.

# RESOLUTION # R-2013-10-00401

## CITY OF LUCAS, COLLIN COUNTY, TEXAS

**American National Bank**–Referred to as “Financial Institution” **City of Lucas**–Referred to in this document as the “City”

I, Kathy Wingo, certify that I am Secretary (clerk) of the above named City under the laws of State of Texas, Federal Employer ID Number: 75-1707179, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Lucas City Council, duly and properly called and held on October 3, 2013. These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

**AGENTS** Any agent listed below, subject to any written limitations is authorized to exercise the powers granted as indicated below:

	Name and Title	Signature	Facsimile Signature (if used)
A.	Mayor Rebecca Mark	_____	_____
B.	Mayor Pro Tem Kathleen Peele	_____	_____
C.	Councilmember Debbie Fisher	_____	_____
D.	City Secretary Kathy Wingo	_____	_____
E.	Finance Manger Liz Exum	_____	_____

	Powers Granted:	Indicate number of signatures required
_____	(1) Exercise all of the powers listed in this resolution	_____
<u>  X  </u>	(2) Open any deposit or share account(s) in the name of the City	<u>  2  </u>
<u>  X  </u>	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	<u>  2  </u>
<u>  X  </u>	(4) Borrow money on behalf and in the name of the City, sign, execute and deliver promissory notes or other evidence of indebtedness.	<u>  2  </u>
<u>  X  </u>	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate, or other property now owned or hereafter owned or acquired	

by the City as security for sums borrowed and to discount the same, unconditionally and to waive demand, presentment, protest, notice of protest and notice of non-payment. 2

X (6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution. 2

\_\_\_\_\_ (7) Other \_\_\_\_\_

**LIMITATIONS OF POWERS**-The following are the City’s express limitations of the powers granted under this Resolution.

**EFFECT OF PREVIOUS RESOLUTIONS**-This Resolution supersedes any Resolution dated prior to May 19, 2011 assigning such powers.

**CERTIFICATION OF AUTHORITY**

I further certify that the City has and at the time of adoption of this Resolution had, full power and lawful authority to adopt this Resolution and to confer the powers granted above to the persons names that have full power and lawful authority to exercise the same.

City of Lucas is a non-profit organization

\_\_\_\_\_  
Kathy Wingo, TRMC, MMC, City Secretary

\_\_\_\_\_  
Attest: Rebecca Mark, Mayor

\_\_\_\_\_  
Attest: Jennifer Faircloth  
State of Texas Notary



**RESOLUTION # R-2013-10-00402**

[Lone Star Signatory]

**A RESOLUTION OF THE CITY COUNCIL OF LUCAS, TEXAS CHANGING AUTHORIZED AGENTS FOR LONE STAR INVESTMENT POOL ATTACHED HERETO AS EXHIBIT “A”**

**WHEREAS**, The City of Lucas maintains investment accounts with Lone Star Investment Pool; and

**WHEREAS**, the City of Lucas now wishes to update and designate the “Authorized Agents” for the City with Lone Star Investment Pool:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS;**

**SECTION I:** The Lucas City Council hereby designates Mayor Rebecca Mark, Mayor Pro Tem Kathleen Peele, Finance Manager Liz Exum, and City Secretary Kathy Wingo as the sole “Authorized Agents” for the City with Lone Star Investment Pool as described in EXHIBIT “A.”

**SECTION II:** That this resolution shall take effect immediately from and after its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Lucas, Collin County, Texas, on this the 3<sup>rd</sup> day of October, 2013.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Kathy Wingo, TRMC, MMC, City Secretary

# EXHIBIT A

## Lone Star Investment Pool Authorized Agents

Participant name: City of Lucas  
Participant number: 900086  
Depository bank: American National Bank  
ABA: 111901519  
City of bank: Terrell  
Participant's mailing address: 665 Country Club Rd.  
Lucas, Texas 75002  
Phone number: 972-727-8999  
Fax number: 972-727-0091  
Primary Contact: **Liz Exum, Finance Manager**  
Authorized agents of entity: **Rebecca Mark, Mayor**  
**Kathleen Peele, Mayor Pro Tem**  
**Kathy Wingo, City Secretary**

Corresponding bank (if needed): N/A  
ABA: N/A  
Account number: N/A

Account Number	Account Names
701012428-1	Water Impact Fee Fund
701012428-2	Road Impact Fee 1 Fund
701012428-3	Road Impact Fee 2 Fund
701012428-4	Road Impact Fee 3 Fund
701012428-5	Water Fund Reserves
701012428-6	Fire Department Donations Fund
701012428-7	Road Impact Fee 4 Fund
701012428-8	General Fund

Please make any changes necessary to the above information and sign where indicated below.

Request for changes to Bank ABA (routing number) and addition/modification of accounts must be made by two Authorized Representatives and the original signed form mailed to Lone Star Investment Pool as follow up to a facsimile.

Requests to add a Authorized Representative must be authorized by the governing body (school board, city council, etc.) or the Investment Office (Superintendent, Mayor, country judge, ect.) if he or she is authorized in the entities local investment policy. All requests for new Authorized Representatives made by the Investment Officer must be accompanied by a copy of the district's currently adopted investment policy.

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

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

**REBECCA MARK, MAYOR**  
Printed name and title

**LIZ EXUM, FINANCE MANAGER**  
Printed name and title

**03-Oct-13**

**03-Oct-13**



# RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, \_\_\_\_\_

(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Phone/Fax/Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_

2. Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Phone/Fax/Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_

ORIGINALS REQUIRED

TEX – REP

3. Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Phone/Fax/Email: \_\_\_\_\_  
Signature: \_\_\_\_\_

4. Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Phone/Fax/Email: \_\_\_\_\_  
Signature: \_\_\_\_\_

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name \_\_\_\_\_

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Phone/Fax/Email: \_\_\_\_\_

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the \_\_\_\_\_ day \_\_\_\_\_, 20 \_\_\_\_.

**NAME OF PARTICIPANT:** \_\_\_\_\_

**BY:** \_\_\_\_\_

Signature

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

\_\_\_\_\_  
Title

**ATTEST:** \_\_\_\_\_

Signature

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

\_\_\_\_\_  
Title

**This document supersedes all prior Authorized Representative designations.**

**RESOLUTION # R-2013-10-00404**  
**[LOGIC Signatories]**

**A RESOLUTION OF THE CITY COUNCIL OF LUCAS, TEXAS CHANGING AUTHORIZED REPRESENTATIVES FOR LOCAL GOVERNMENT INVESTMENT COOPERATIVE**

**WHEREAS**, The City of Lucas (the “Government Entity”) by the authority of this Local Government Investment Cooperative Resolution (the “resolution”) has entered into that certain Interlocal Agreement (the “Agreement”) and has become a participant in the public funds investment pool created thereunder know as Local Government Investment Cooperative (“LOGIC”);

**WHEREAS**, the Resolution designated on one or more “Authorized Representatives” within the meaning of this Agreement;

**WHEREAS**, the Government Entity now wishes to update and designate the following persons as the “Authorized Representatives” with the meaning of the Agreement:

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

The following officers, officials or employees of the Government Entity are hereby designated as “Authorized Representatives” within the meaning of the Agreement, with full power and authority to: deposit money to and withdrawal money from the Government Entity’s LOGIC account or the Agreement and to take all other actions deemed necessary or appropriate for the investment funds of the Government Entity in LOGIC:

Signature: \_\_\_\_\_  
Printed Name: Rebecca Mark  
Title: Mayor

Signature: \_\_\_\_\_  
Printed Name: Kathleen Peele  
Title: Mayor Pro Tem

Signature: \_\_\_\_\_  
Printed Name: Kathy Wingo  
Title: City Secretary

Signature: \_\_\_\_\_  
Printed Name: Liz Exum  
Title: Finance Manager

The foregoing supersedes and replaces the Government Entity's previous designation of officers, officials or employees of the Government Entity as Authorized Representatives under the Agreement pursuant to paragraph 4 of the Resolution. Except as hereby modified, the Resolution shall remain in force and effect.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Lucas, Collin County, Texas, on this the 3<sup>rd</sup> day of October, 2013.

APPROVED:

---

Rebecca Mark, Mayor

ATTEST:

---

Kathy Wingo, TRMC, MMC, City Secretary

---

Jennifer Faircloth, State of Texas Notary

---

LOGIC strongly recommends that the Person Identification Number (PIN) be changed if there is a change in "Authorized Representatives". Please include a request to change the PIN number when sending the "Amending Resolution" to LOGIC.

---



# City of Lucas City Council Agenda Request

Council Meeting: October 3, 2013

Requestor: Joe Hilbourn

Prepared by: Joe Hilbourn

Account Code #: \_\_\_\_\_

Date Prepared: September 4, 2013

Budgeted Amount: \$ \_\_\_\_\_

Exhibits:  Yes     No

**AGENDA SUBJECT:**

Discuss and Consider the approval of a preliminary plat for an eight (8) lot subdivision being 18.007 acres located in the Peter F. Lucas Survey Abstract No. 537 and J. Anderson Survey Abstract No. 17 also known as Winding Creek Reserve (located off E. Lucas Road).

**RECOMMENDED ACTION:**

Approve as presented.

**SUMMARY:**

Joe Helmberger, of Helmberger and Associates, has submitted an application for a preliminary plat consisting of eight (8) 2 acre lots, on a tract of land located at the intersection of Lost Valley and East Lucas Rd. The proposed subdivision name is Winding Creek Reserve. The subdivision is currently zoned R-2.

Planning & Zoning Commission voted 5-0 to approve the preliminary plat for Winding Creek Reserve.

**MOTION:**

I make a Motion to recommend approval of the preliminary plat for an eight (8) lot subdivision being 18.007 acres located in the Peter F. Lucas Survey Abstract No. 537 and J. Anderson Survey Abstract No. 17 also known as Winding Creek Reserve (located off E. Lucas Road).

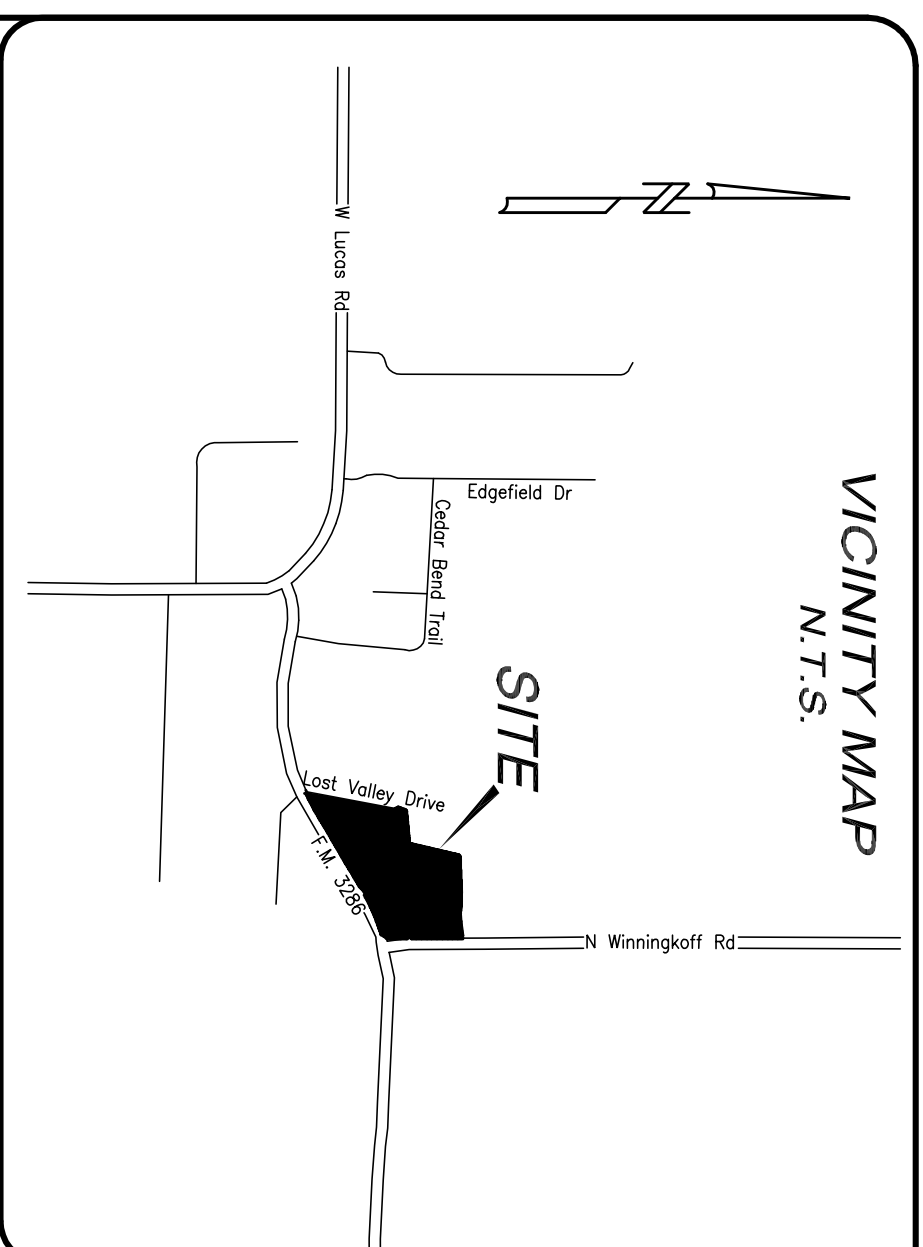
**APPROVED BY:** \_\_\_\_\_

Initial/Date

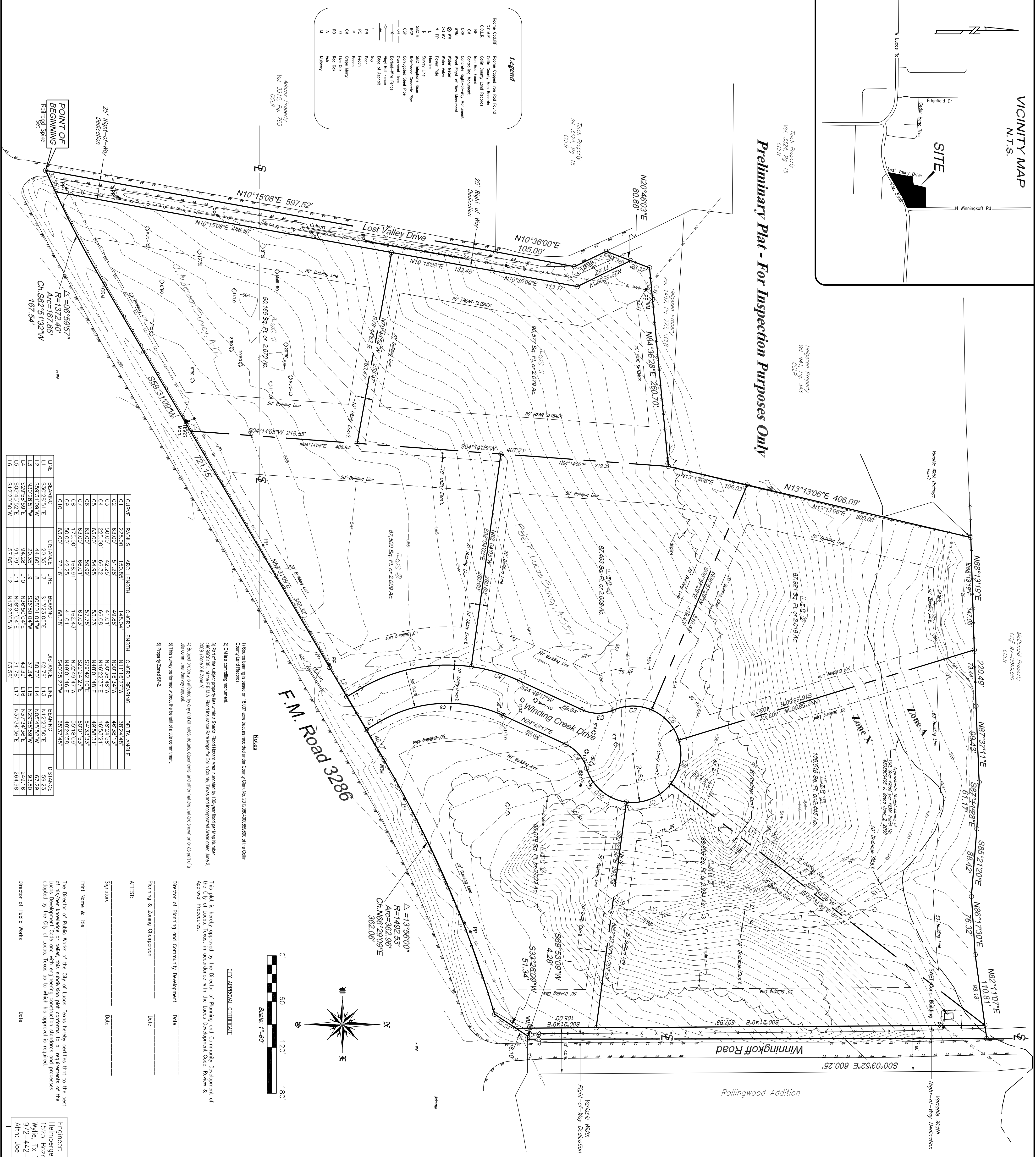
Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_



VICINITY MAP  
N.T.S.



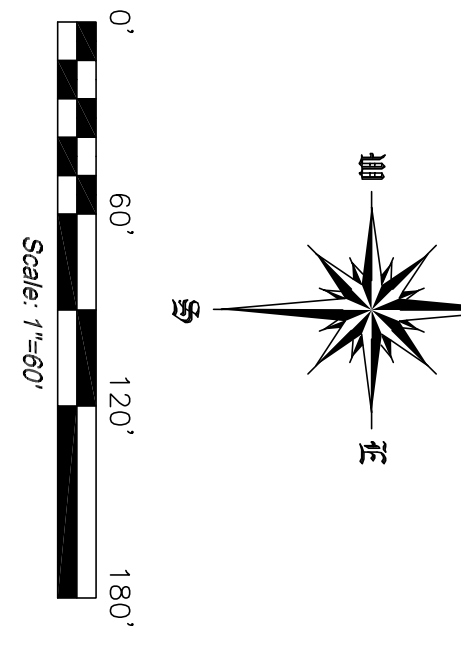
Preliminary Plat - For Inspection Purposes Only



Legend table with symbols for various survey features like Right-of-Way, Easements, and Property Lines.

Table with columns: LINE, BEARING, DISTANCE, CHORD BEARING, CHORD LENGTH, DELTA ANGLE. Lists survey data for various lines.

- Notes: 1) Source bearing based on 18.007' area west as recorded under County Clerk No. 2012080400059890 of the Collin County Land Records. 2) CUI is a recording instrument. 3) Part of the subject property has been a Special Flood Hazard Area... 4) Surveying is subject to 70 feet all town, special, easements, and other matters that are shown on or as part of a title commensurate to the plat.



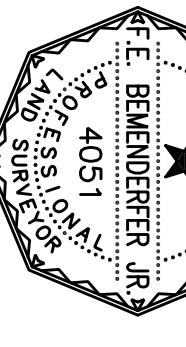
Δ = 13°56'00"  
R = 1492.53'  
Ch = 662.96'  
Ch = 2909.9'E  
362.06'

OWNER'S DECLARATION AND ACKNOWLEDGEMENT

STATE OF TEXAS §  
COUNTY OF COLLIN §  
I, the owner of a tract of land situated in the State of Texas, County of Collin, and City of Lucas, being part of the subdivision known as Lucas Ranch Properties, LLC, as recorded in Volume 3324, Page 15 of the Collin County Land Records, do hereby certify that the plat is a true and correct copy of the original as shown to me by the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

OWNER'S CERTIFICATE

STATE OF TEXAS §  
COUNTY OF COLLIN §  
I, the owner, do hereby certify that I prepared this plat from an actual on the ground survey of the land as described and that the center monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission.



Preliminary Plat of

Lots 1-8, Block A, Winding Creek Reserve  
being all of an 18,007 acre tract of land  
James Lovelady Survey, Abstract No. 538  
James Anderson Survey, Abstract No. 17  
City of Lucas, Collin County, Texas  
August, 2013

Engineer:  
Heinberger & Associates  
1525 Borzon Rd  
Wylie, TX 75098  
972-442-7459  
Attn: Joe Heinberger

Owner:  
Sommer Ranch Properties, LLC  
9 Hobb Hill Ln.  
Lucas, TX 75002-7471

Roome Land Surveying, Inc.  
2000 Avenue G, Suite 810  
Plano, Texas 75074  
Phone (972) 435-4521 Fax (972) 433-7533  
www.roomeandsurveying.com



# City of Lucas Council Agenda Request

Council Meeting: October 3, 2013

Requestor: City Manager

Prepared by: \_\_\_\_\_

Account Code #: \_\_\_\_\_

Date Prepared: \_\_\_\_\_

Budgeted Amount: \$ \_\_\_\_\_

Exhibits:  Yes     No

**AGENDA SUBJECT:**

Discuss and Consider the schematic design of the Lucas Fire Station Expansion Project and authorize Staff to move forward into the design phase of the project.

**RECOMMENDED ACTION:**

**SUMMARY:**

**MOTION:**

I make a Motion to...

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_

City Manager: \_\_\_\_\_ / \_\_\_\_\_



# City of Lucas City Council Agenda Request

Council Meeting: October 3, 2013

Requestor: Joe Hilbourn

Prepared by: Joe Hilbourn

Account Code #: \_\_\_\_\_

Date Prepared: September 4, 2013

Budgeted Amount: \$ \_\_\_\_\_

Exhibits:  Yes  No

## AGENDA SUBJECT:

Discuss and Consider the approval of **Ordinance # 2013-10-00772** of the City Council of the City of Lucas, Collin County, Texas, amending the Lucas Code of Ordinances by amending Chapter 14, titled "Zoning", by amending Article 14.03 titled "Districts" by amending Division 7 titled "CB Commercial Business District" by amending Section 14.03.354 titled "Special District Requirements" by amending requirement for Special Districts; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing for an effective date.

## RECOMMENDED ACTION:

Approve as presented.

## SUMMARY:

Planning & Zoning Commission voted 5-0 to recommend approval of **Ordinance # 2013-10-00772**.

## MOTION:

I make a Motion to approve **Ordinance # 2013-10-00772** of the City Council of the City of Lucas, Collin County, Texas, amending the Lucas Code of Ordinances by amending Chapter 14, titled "Zoning", by amending Article 14.03 titled "Districts" by amending Division 7 titled "CB Commercial Business District" by amending Section 14.03.354 titled "Special District Requirements" by amending requirement for Special Districts; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing for an effective date.

APPROVED BY: \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_

City Manager: \_\_\_\_\_ / \_\_\_\_\_

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input checked="" type="checkbox"/>	Code of Ordinances
<input type="checkbox"/>	Other

**ORDINANCE # 2013-10-00772**  
**[AMENDING CODE OF ORDINANCE CHAPTER 14 “ZONING”]**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, AMENDING THE LUCAS CODE OF ORDINANCES BY AMENDING CHAPTER 14 TITLED “ZONING” BY AMENDING ARTICLE 14.03 TITLED “DISTRICTS” BY AMENDING DIVISION 7 TITLED “CB COMMERCIAL BUSINESS DISTRICT” BY AMENDING SECTION 14.03.354 TITLED “SPECIAL DISTRICT REQUIREMENTS” BY AMENDING REQUIREMENTS FOR SPECIAL DISTRICTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Lucas, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Lucas, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, the City Council has concluded that the Lucas Code of Ordinances and Zoning Regulations should be amended as follows:

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

**Section 1.** The Code of Ordinances of the City of Lucas, Texas, is hereby amended by amending Chapter 14 “Zoning” by amending Article 14.03 “Districts” by amending Division 7 “CB Commercial Business District” by amending section 14.03.354 “Special district requirements”, to read as follows:

**“ARTICLE 14.03 DISTRICTS**

...

**Division 7. CB Commercial Business District**

...

**Sec. 14.03.354           Special district requirements**

(a) Site plan approval. The following site plan elements shall be required for development of property:

- (1) Prior to issuance of a building permit, nine (9) copies of a site plan, drawn to a scale of not less than one inch equals fifty feet, shall be submitted to the city secretary a minimum of ten (10) days prior to the date at which the planning and zoning committee is scheduled to consider said site plan on their regular agenda. The site plan must contain at a minimum the following:
  - (A) The boundaries and dimensions of the proposed development, including total area.
  - (B) The owners, zoning classification and description of adjacent properties.
  - (C) Contour lines with five-foot intervals.
  - (D) Location map showing site within the city.
  - (E) Existing and platted streets, public rights-of-way, easements and railroads within and adjacent to the site.
  - (F) Existing and proposed utility lines showing sizes of water and sewer lines.
  - (G) Existing and proposed fire hydrants and fire lanes.
  - (H) Location and dimension of all buildings and building setback lines.
  - (I) Engineering for drainage.
  - (J) Areas designated for landscaping together with proposed irrigation and a tree management plan.
  - (K) Parking area locations and specifications.
  - (L) Signage and lighting.
  - (M) Location of all exterior mechanical, electrical and communication equipment.
  - (N) Location of all refuse containers, loading docks and screening.
  - (O) Signature lines for chairman of the planning and zoning committee, city engineer and mayor shall be provided to signify approval.
- (2) For the purposes of assisting in-process planning, a properly designated “preliminary” site plan shall be submitted for consideration. Approval of a

“preliminary” site plan will not imply approval of all elements of a “final” site plan.

- (3) The site plan may only be approved by the planning and zoning commission and the city council.
- (4) Any changes to an approved “final” site plan will require approval of the planning and zoning commission and the city council.

...”

**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 the 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) 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 3<sup>RD</sup> DAY OF OCTOBER, 2013.**

APPROVED:

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Rebecca Mark, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Joe Gorfida, Jr., City Attorney  
(JJG/09-05-2013/62146)

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Kathy Wingo, TRMC, MMC, City Secretary





# City of Lucas Council Agenda Request

Council Meeting: October 3, 2013

Requestor: Joe Hilbourn

Prepared by: \_\_\_\_\_

Account Code #: \_\_\_\_\_

Date Prepared: \_\_\_\_\_

Budgeted Amount: \$ \_\_\_\_\_

Exhibits:  Yes  No

**AGENDA SUBJECT:**

Discuss and Consider allowing for a raffle of a 42" Sanyo television donated by Wal-Mart to be conducted during the upcoming Founder's Day Event, October 26<sup>th</sup>, proceeds to be used to purchase swing set for Community Park.

**RECOMMENDED ACTION:**

**SUMMARY:**

Wal-Mart has generously donated a 42" Sanyo television. The Parks Board would like to raffle the TV with the funds generated going to the POS Capitol Funds to purchase a swing set for the playground. Tickets would be \$1 each or 6 for \$5.00. Employees of the City and Board Members (elected or appointed) may not participate. This does not include their family members, immediate or otherwise.

**MOTION:**

I make a Motion to...

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_



**City of Lucas  
City Council Agenda  
Request**

Council Meeting: October 3, 2013

Requestor: City Manager

Prepared by: \_\_\_\_\_

Account Code #: N/A

Date Prepared: \_\_\_\_\_

Budgeted Amount: \$ N/A

Exhibits:  Yes     No

**AGENDA SUBJECT:**

Discuss and Consider the approval of **Resolution # R-2013-09-00400** of the City Council of the City of Lucas, Texas approving amendments to the Lucas Personnel Policies and Administrative Procedures Manual, and providing an effective date.

**RECOMMENDED ACTION:**

**SUMMARY:**

See attached redline draft and final resolution.

**MOTION:**

I make a Motion to approve **Resolution # R-2013-09-00400** of the City Council of the City of Lucas, Texas approving amendments to the Lucas Personnel Policies and Administrative Procedures Manual, and providing an effective date.

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_

City Manager: \_\_\_\_\_ / \_\_\_\_\_

**RESOLUTION NO. # R-2013-09-00400**  
**[Approving Amendments to Lucas Personnel Policies and  
Administrative Procedures Manual]**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LUCAS, TEXAS, APPROVING AMENDMENTS TO THE LUCAS  
PERSONNEL POLICIES AND ADMINISTRATIVE PROCEDURES  
MANUAL, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lucas, Texas, has been presented with proposed amendments to the Lucas Policies and Administrative Procedures Manual;

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

**SECTION 1.** The City Council hereby approves the proposed amendments to the Lucas Personnel Policies and Administrative Procedures Manual, attached hereto as Exhibit "A".

**SECTION 2.** This Resolution shall take effect immediately upon its passage.

**DULY PASSED** by the City Council of the City of Lucas, Texas, on the 3<sup>rd</sup> day of October, 2013.


**APPROVED:**

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

ATTEST:

\_\_\_\_\_  
Kathy Wingo, TRMC, MMC City Secretary

APPROVED AS TO FORM:



\_\_\_\_\_  
Joe Gorfida, City Attorney  
(JIG/09-10-13/62251)

RESOLUTION # [R 2013 09 00000](#) EXHIBIT A

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PERSONNEL  
POLICIES  
AND  
ADMINISTRATIVE  
PROCEDURES  
MANUAL

# **City of Lucas, Texas**

## **Welcome to City of Lucas**

The City of Lucas is named after Gabriel Henry Lucas, Sr., who, in 1870, founded a merchandising store in what would later become Lucas. On May 11, 1888, the United States Postal Service established a post office in the area and named the community "Lucas" after the post office's first postmaster, Gabe Lucas.

The City of Lucas was incorporated in February 1959. Since then, the community has prided itself in maintaining a rural and country style of living. As of January 2009, the North Central Texas Council of Governments estimated the population of Lucas at 5,350, compared to 540 in 1970.

The City of Lucas is a Home-Rule City with the Council-Manager form of government. The City Council is the legislative or law-making body of the city government and it is composed of seven members, including the Mayor and six council members elected at-large. The City's daily operations are administrated by a City Manager appointed by the City Council. City Council meetings are held the first Thursday of every month at 7:00 p.m. at the Lucas City Hall.

The City of Lucas offices are located at 665 Country Club Road. City Hall houses the offices of the City Manager, Building Official, Public Works Director and Staff, Finance Manager and Staff, and the City Secretary's office.

On behalf of the City Council and staff – WELCOME TO THE CITY OF LUCAS!

## EMPLOYEE ACKNOWLEDGMENT FORM

The *Personnel Policies and Administrative Procedures Manual* ("Manual") describes important information about the City, and I understand that I should consult the City Manager or designated personnel administrator regarding any questions not answered in the Manual. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time, so long as there is not any action contrary to applicable federal and state laws.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to the Manual may occur, except to the City's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

Furthermore, I acknowledge that this Manual is neither a contract of employment nor a legal document. I have received the Manual, and I have read and understand that it is my responsibility to comply with the policies contained in this Manual and any revisions made to it. I also understand that it is my responsibility to keep this Manual updated with future official notices relative to revised information, and shall return this Manual to the City Manager or designated personnel administrator upon termination of my employment with the City.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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

# Personal Policies and Administrative Procedures Manual

## TABLE OF CONTENTS

Employee Acknowledgment Form

### TITLE 1. GENERAL PROVISIONS

#### Chapter 1 General Provision

- 1.01 Purpose
- 1.02 Applicability
- 1.03 Dissemination
- 1.04 Authority and Responsibility
- 1.05 Date of Passage

### TITLE 2. PERSONNEL POLICIES

#### Chapter 2 General Provisions

- 2.01 Purpose and Objectives
- 2.02 Statement of At-Will-Employment
- 2.03 Equal Employment Opportunity Statement
- 2.04 Motivation and Knowledge of Employees
- 2.05 Applicability of Policies
- 2.06 Dissemination
- 2.07 Authority and Responsibilities
- 2.08 Definitions

Deleted: 2.09 . Date of Adoption

#### Chapter 3 Recruitment and Employment

- 3.01 Recruitment
- 3.02 Requirements for Employment
- 3.03 Hiring
- 3.04 Employment of Immediate Family Members (Nepotism)
- 3.05 Temporary Employees
- 3.06 Probation Period
- 3.07 Promotions and Transfers
- 3.08 Employee Personnel Records
- 3.09 Confidentiality of Medical Information
- 3.10 References
- 3.11 Outside Employment
- 3.12 Employee Job Performance Evaluations
- 3.13 Training and Development

#### Chapter 4 Hours and Attendance

- 4.01 Working Hours
- 4.02 Attendance
- 4.03 Meal Periods
- 4.04 Call Back
- 4.05 Overtime
- 4.06 Compensatory Time

#### Chapter 5 Compensation

- 5.01 Salary Classification and Grades
- 5.02 Employee Pay Rates

- 5.03 Car Allowances
- 5.04 Mileage Reimbursement
- 5.05 Deductions
- 5.06 Pay Dates
- 5.07 Compensation Upon Termination
- 5.08 Advance Pay
- 5.09 Payroll Records

**Chapter 6 Benefits**

- 6.01 Retirement Benefits
- 6.02 Workers Compensation
- 6.03 Insurance Benefits
- 6.04 Group Health Continuation Coverage
- 6.05 Unemployment Compensation

**Chapter 7 Leave and Time Off**

- 7.01 Holidays
- 7.02 Vacation Leave
- 7.03 Emergency Family Leave
- 7.04 Sick Leave
- 7.05 Jury Duty and Witness Leave
- 7.06 Voting
- 7.06 Military Leave
- 7.07 Administrative Leave with Pay or Without Pay
- 7.08 Leave of Absence

**Chapter 8 Rules of Conduct**

- 8.01 General Policy
- 8.02 Outside and Self-Employment and Conflicts of Interest
- 8.03 Political Activity
- 8.04 No Smoking Policy
- 8.05 City Equipment and Property Use
- 8.06 Telephone and Cell Phone Use
- 8.07 Bulletin Boards
- 8.08 Contact with News Media
- 8.09 Driver's License Requirements
- 8.10 Safety
- 8.11 Drug Free Workplace Policy
- 8.12 Sexual Harassment Policy
- 8.13 Harassment Policy
- 8.14 Performance Standards

**Chapter 9 Discipline, Resignation, and Termination Procedures**

- 9.01 Fair and Equitable Standards
- 9.02 Discipline Guidelines
- 9.03 Types of Disciplinary Action
- 9.04 Resignation
- 9.05 Termination

**Chapter 10-24 Reserved for Future Expansion**



## **TITLE 3 - ADMINISTRATIVE PROCEDURES**

### **Chapter 25 Business Travel Policy**

- 25.01 Purpose
- 25.02 Applicability
- 25.03 General Provisions
- 25.04 Approval of Travel
- 25.05 Allowable Expenses
- 25.06 Spouse/Family Travel
- 25.07 Requesting Payment and Reporting Travel Expenses
- 25.08 Submitting Expense Report
- 25.09 Local/One Day Travel Expenses

**Chapters 26-50 Reserved for Future Expansion**

## **TITLE 1 – General Provisions**

### **CHAPTER 1. GENERAL PROVISIONS**

#### **1.01 Purpose**

The *Personnel Policies and Administrative Procedures Manual* is a compilation of the City's personnel practices and administrative procedures. Its purpose is to provide a consistent guide to personnel policies and administrative procedures related to the terms and conditions of your employment.

This manual is designed to acquaint all employees with the City and provide information about working conditions, employee benefits, policies and procedures affecting employment. Employees should read, understand, and comply with all provisions of this manual. It describes many responsibilities as an employee and outlines the programs developed by the City to benefit employees.

No employee manual can anticipate every circumstance or question about policy. As the City continues to grow and as the need may arise, the City reserves the right to revise, supplement, or rescind any policies or portions of the manual from time to time as it deems appropriate. The only exception to any changes is the employment-at-will policy permitting the employee or the City to end the employment relationship for any reason at any time. Any future changes to the handbook will be communicated to employees through official written notices.

Understanding that this manual is developed as a communication tool, all employees are encouraged to visit the City Manager and/or designated personnel administrator should questions arise concerning the interpretation and understanding of any policy, practice, or procedure. It is important that we all continue to have a full and complete understanding of our personnel policies and procedures.

#### **1.02 Applicability**

All rules and regulations shall apply to all employees unless superseded by the state and federal constitutions, state and federal legislation and/or regulations, or City codes. Failure to comply with these policies may result in appropriate disciplinary action, up to and including termination. All City employees are charged with the responsibility of being thoroughly familiar with all provisions found in the *Personnel Policies and Administrative Procedures Manual*.

Elected officials, members of appointed boards and commissions, persons employed under contract shall not be considered City employees for purposes of these personnel policies and administrative procedures. Personnel appointed to serve without pay (including members of the volunteer fire department) shall be subject to Title 2, Chapter 8 Rules of Conduct, and Title 3, Chapter 25, Business Travel Policy.

#### **1.03 Dissemination**

All City employees shall be provided a copy of these policies and procedures. The City Manager shall keep at least one copy available for reference by all employees. In addition, all City employees shall be notified of, and provided with any revisions, supplements, or deletions to these policies and procedures.

**1.04 Authority and Responsibility**

These policies and procedures may be revised and amended, within the law, to the extent deemed necessary in order to more effectively and efficiently promote the interests of the City and its employees. Such revisions and amendments are to be reviewed and approved by the City Council. With the exception of matters reserved to the City Council, the general and final authority for personnel administration rests with the City Manager.

**1.05 Date of Adoption**

These personnel policies and administrative procedures are effective immediately.

## **TITLE 2 – PERSONNEL POLICIES**

### **CHAPTER 2. GENERAL PROVISIONS**

#### **2.01 Purpose and Objective**

The purpose of these Personnel Policies is to create a high degree of understanding, cooperation, efficiency, and unity, all of which come through the systematic application of establishing procedures in personnel management and administration.

The Fundamental objectives of these policies are:

- A. To promote and increase efficiency, responsiveness to the public, and economy in the service to the City;
- B. To provide fair and equal employment opportunity to all qualified applicants who enter City employment without regard or respect to the applicant's sex, race, color, religion, national origin, age, marital status, political affiliation, or disability;
- C. To develop a program of recruitment, advancement, and retention which will make service to the City attractive as a career and will encourage each employee to render his/her best service to the City;
- D. To establish and maintain a uniform plan of classification and compensation based upon the relative duties and responsibilities of all positions within the City;
- E. To establish and maintain an equitable and uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions within the City and to reward meritorious service;
- F. To establish and promote high morale among all City employees by providing good working relationships and a uniform personnel policy;
- G. To regard planned training, continued education, and staff development activities as an investment for the mutual benefit of employees and the City;
- H. To communicate freely and encourage communication from among all employees;
- I. To provide a work environment that is conducive to both personal and professional growth; and
- J. To safeguard any employee's right to be treated with respect, dignity, equity, fairness, and free of any type of harassment; where provided, the right to appeal and violation of the rights; and to assure the right of employees to present grievances through appropriate channels.

#### **2.02 Statement of At-Will-Employment**

Employment with the City of Lucas, Texas, is on an at-will and voluntary basis on the part of both parties. Either the City or employee may terminate the employment relationship at any time, with or without cause, as either party may deem appropriate.

### **2.03 Equal Employment Opportunity Statement**

As a governmental unit established to serve all of the citizens of the City of Lucas, the City of Lucas, Texas recognizes that it is in the best interests of efficiency, effectiveness, and equity within its municipal operations to ensure that all citizens and employees are allowed to make the greatest contribution of which they are capable to the municipal government. In striving toward this end, the City of Lucas, Texas, hereby adopts the following Equal Employment Opportunity Statement:

- A. The City of Lucas is an equal employment opportunity employer;
- B. The City employs, retains, promotes, trains, terminates, and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence;
- C. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, age, disability, citizenship, veteran status or other unlawful basis;
- D. To the extent reasonably possible, the City will accommodate individuals with disabilities in the application, hiring, and employment process. Reasonable accommodation is available to all employees and applicants, so long as the accommodation does not create an undue hardship for the City, and can be provided without posing a substantial or imminent safety risk. Individuals with disabilities requiring accommodations should notify their immediate supervisor or City Manager. The City requests sufficient notice, when possible, to give time to arrange the accommodation. Applicants or employees wishing to complain about the denial of reasonable accommodation or other disability-related discrimination should follow the same procedures as outlined by the City for discrimination complaints in general. Such individuals will not be subject to retaliation for requesting such accommodation or because of complaints about the denial of reasonable accommodation;
- E. Retaliation, intimidation, coercion, or harassment toward any job applicant or employee, or because of any person's sex, race, color, religion, national origin, age, disability, citizenship, veteran status or any other unlawful basis is prohibited; and
- F. Any employee, who violates this policy shall be subject to disciplinary action, up to and including termination.

### **2.04 Motivation and Knowledge of Employees**

Every employee in the City service should understand that he/she is working for the public. It is the goal of the City to constantly develop more effective and efficient means to serve the public. Each employee should have a thorough knowledge of his/her job and should possess a profound respect for his/her work and co-workers. He/she should have knowledge of the relation of his/her job to other employees and to the entire City organization.

### **2.05 Applicability of Policies**

All rules and regulations shall apply consistently and uniformly to all employees unless superseded by the state and federal constitutions and/or legislation and/or regulations or

City codes. Failure to comply with these policies may result in appropriate disciplinary action, up to and including termination. All City employees are charged with the responsibility of being thoroughly familiar with all provisions found in these Personnel Policies.

Applicability may vary in the case of an employee with a written employment agreement approved by the City Council. The City reserves the right to make final decisions as to the interpretation and intent of all information contained in this manual

Any provision contained herein that is found or determined to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

## **2.06 Dissemination**

All City employees shall be provided a copy of these policies. The City Manager shall keep at least one copy available for reference by all employees. In addition, all City employees shall be notified of and provided with any revisions, supplements, or deletions to these policies.

## **2.07 Authority and Responsibilities**

These policies and procedures may be revised and amended, within the law, to the extent deemed necessary in order to more effectively and efficiently promote the interest of the City and its employees. Such revisions and amendments are to be reviewed and approved by the City Council. With the exception of matters reserved to the City Council, the general and final authority for personnel administration rests with the City Manager.

## **2.08 Definitions**

The words and terms used in these Personnel Policies shall have the meaning indicated as follows, unless the context in which the word is used clearly indicates otherwise.

**ADDRESS:** The street and number, city, state, and zip code of a residence and the post office box mailing address, if applicable.

**ADMINISTRATIVE LEAVE:** An authorized absence with pay.

**ANNIVERSARY DATE:** The month and date at which one year or additional years of employment with the City is attained by an employee.

**CITY:** The City of Lucas.

**CITY MANAGER:** The City Manager or designee.

**CONTRACTOR:** One who has contracted with the City to perform a specific task at a set rate of compensation. Not considered an employee for the purposes of the personnel policies and administrative procedures.

**CONTINUOUS SERVICE:** Employment with the City uninterrupted by a leave of absence without pay or separation from City service.

**EMPLOYEE:** Any person employed by the City. Includes a person employed on a temporary or part-time basis, but does not include a contractor, Municipal Court Judge, City Attorney, member of an appointed Board or Commission, member of the City Council, or Mayor.

Deleted: All paid and volunteer personnel, members of the City Council, and members of boards and commissions of t

*EXEMPT EMPLOYEE:* Any employee whose job is exempt from overtime wage regulations as defined by the Fair Labor Standards Act (FLSA).

*IMMEDIATE FAMILY:* An employee's immediate family includes the employee's spouse, child or step-child, parent or step-parent, brother or sister or step-brother or sister, mother or father-in-law, son or daughter-in-law, or any relative who may be residing in the same household with the employee.

*JOB:* A collection of tasks, duties, and responsibilities regularly assigned to and performed by an individual or more than one individual when the magnitude of the job is such that it cannot be performed by one person.

*LEAVE WITHOUT PAY:* Authorized temporary absence without pay.

*MERIT:* Character or conduct deserving reward, honor, or esteem.

*MILITARY LEAVE:* Authorized absence of an employee for active or reserve duty or training in the United States armed forces.

*MONTH:* One (1) full calendar month.

*NON-EXEMPT EMPLOYEE:* Any employee whose job is subject to overtime wage regulations as defined by the Fair Labor Standards Act (FLSA).

*OVERTIME:* Authorized time worked by an employee in excess of 40 hours per seven (7) day work period.

*PROBATIONARY EMPLOYEE:* A full or part time employee who has not completed their probationary period.

*REGULAR EMPLOYEE:* An employee who has completed their probationary period.

*RESIDENCE:* The actual place of abode of an employee.

*REGULAR FULL-TIME EMPLOYEE:* An employee in a budgeted position who regularly works a minimum of forty (40) hours a week on a continuing basis.

*REGULAR PART-TIME EMPLOYEE (20 - 39 hours/wk):* An employee in a budgeted position who works less than forty (40) hours a week but at least twenty (20) hours a week on a continuing basis and is eligible for pro-rated holidays, vacation, and sick leave.

*PART-TIME EMPLOYEE (less than 20 hours/wk):* An employee who works less than 20 hours a week on a continuing basis and *is not* eligible for any benefits.

*SUSPENSION:* An involuntary leave from work with discontinuance of pay for a specified period of time.

*TEMPORARY EMPLOYEE:* Any employee appointed to any of the following:

1. An assignment or job scheduled to last less than six (6) months;

2. A position funded under a federal or state employment and training program as a participant meeting federal or state eligibility requirements, but not including administrative or staff positions;
3. A cooperative work-study program with an educational institution;
4. A seasonal position, even though the assignment may last more than six (6) months; or
5. Any assignment of less than a full calendar year which is repeated from year to year, even though the assignment may last more than six (6) months.

Temporary employees are paid on an hourly rate basis with no additional benefits, and may be terminated without notice or without cause.

**TERMINATION:** A cessation of employment with the City.

**VOLUNTEER:** An individual who is not paid salary or benefits, for his/her services to the City. Volunteers are not City employees, however; volunteers may be subject to the sections of the *Personnel Policies and Administrative Procedures Manual*, as determined by the City Manager.

**WORK DAY:** Any one shift during which the City is open for business or on which an employee is scheduled to work.

**WORK WEEK:** A fixed, recurring period of 168 consecutive hours.  
(7 days x 24 hours = 168).

**TIME:** Begins Monday at 12:01 a.m. and ends Sunday at 11:59 p.m.

Deleted: 2.09 Date of Adoption¶  
These Personnel Policies and Procedures are effective  
January 1, 2010. ¶

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## **CHAPTER 3. RECRUITMENT AND EMPLOYMENT**

### **3.01 Recruitment**

Recruitment practices are conducted solely on the basis of ability, merit, qualifications and competence, without any regard to sex, race, color, religion, national origin, age, disability, citizenship, or other unlawful basis.

Each applicant for employment shall complete and sign an application form prior to being considered as a finalist for any position. Resumes may supplement, but not replace, the City's official application form. Any applicant supplying false or misleading information is subject to exclusion of further consideration for employment or immediate termination, if hired.

### **3.02 Requirements for Employment**

To be eligible for employment with the City, an individual must:

1. Be at least sixteen (16) years of age if the position does not require operation of a motor vehicle and at least eighteen (18) years of age if the position requires the operation of a motor vehicle;
2. Have a social security number;
3. Where permitted by law and required by the City, pass a physical and/or psychological examination administered by a licensed medical examiner selected by the City to ensure ability to perform essential duties on the job;
4. Submit to alcohol and drug screening tests;
5. Satisfactorily complete any interviews, examinations, and performance test, if required;
6. Show proof of authorization to work in the United States;
7. Possess a valid Texas driver license with any necessary endorsements and have an acceptable driving record as determined by the City. Driving records will be verified by the City when appropriate, and an unacceptable driving record may result in disqualification; and
8. Meet all requirements of the job description for which employment is sought and submit to all other employment procedures administered and/or required by the City Manager.

### **3.03 Hiring**

When a position becomes vacant, and prior to any posting or advertisement of the vacancy, the City Manager or his/her designee shall review the position, job description and need for such a position.

Residency within the City shall not be a condition of initial appointment or continued employment. However, the distance of any employee's residence shall not interfere with the daily performance of the employee's duties and responsibilities, and the employee must live within reasonable response time if the position requires emergency responses or callbacks.

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations.

A candidate may be disqualified from consideration if: (1) found physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace); (2) the candidate refuses to submit to a medical examination or complete medical history forms; or, (3) the exam reveals use of alcohol and/or controlled substances.

### **3.04 Employment of Immediate Family Members (Nepotism)**

Employees' immediate family members will not be employed by the City under any of the following circumstances:

1. Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
2. Where one party would be responsible for auditing the work of the other;
3. Where both parties would report to the same immediate supervisor;
4. Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
5. Where one of the parties is a policy level official of the City.

An employee's immediate family includes the employee's spouse, child or step child, parent or step parent, brother or sister or step brother or sister, mother or father-in-law, son or daughter-in-law, or any relative who may be residing in the same household with the employee.

If two employees marry or begin sharing living quarters with one another, and in the City's judgment the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City, unless reasonable accommodations, as determined by the City Manager, can be made to eliminate the potential problem. The decision as to which relative will remain with the City must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time, the City reserves the right to terminate either employee.

### **3.05 Temporary Employees**

At the discretion of the City Manager, temporary employees may be used during emergencies and other peak workload periods. In addition, temporary employees may be used to temporarily replace regular employees absent due to disability, illness, vacation or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.

Basic guidelines governing the employment of temporary employees include, but are not limited to the following:

1. Temporary employees may be hired without competitive recruitment or examination;
2. Temporary employees are eligible for overtime pay as required by law; and

3. Temporary employees are **not** eligible and do not receive retirement, vacation, sick leave, health insurance, holiday or any other benefits during their employment.
4. **Temporary employees are required to participate in a 457B program as they are ineligible for the regular retirement program and the City of Lucas does not participate in social security withholdings. The required deduction is a minimum of 7.5% of their compensation.**

### **3.06 Probationary Period**

All newly hired employees, former employees who have been re-hired, or employees promoted to a new classification enter a probationary period which is considered an integral part of the selection and evaluation process. During the probationary period, the employee is required to demonstrate suitability for the position through actual work performance.

The normal probationary period is six (6) months from the employee's date of hire, re-hire, or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual or unique skills or qualifications.

An employee's probationary period may be extended for up to an additional six (6) months (when needed due to circumstances such as extended illness or a need to continue to evaluate marginal performance) to properly evaluate the employee's performance. **The probationary period of all new hires shall not be shortened for any reason.**

New and re-hired employees on probationary period status accrue vacation leave but are not eligible to use vacation leave until after their successful completion of their probationary period.

During the probationary period either the City or employee may terminate the employment relationship, with or without cause, as either party may deem appropriate.

When the City Manager or Department Head determines an employee has satisfactorily completed the probationary period, he/she shall prepare a written performance evaluation. If the probationary period is satisfactorily completed, the employee will be in a regular employee status.

### **3.07 Promotions and Transfers**

The City encourages current employees to apply for vacant City positions, for which they are qualified. Promotions and transfers are based on the City Manager's and/or Department Head's recommendation, qualifications for the position, performance evaluations, job descriptions and related City requirements.

Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed the probationary period and possess the qualifications for the vacant position, unless such requirements are waived by the City Manager in the best interests of the City.

### **3.08 Employee Personnel Records**

A personnel file for each employee is kept in a locked file cabinet, accessible only to the City Manager or designee. An employee's personnel file contains the employee's name; title and/or position held; job description; department to which the employee is assigned; salary information; employment status; training records; performance evaluations; personnel actions affecting the employee, including discipline; and, other pertinent information.

An employee has the right to review their file. An employee may request removal of what the employee believes to be irrelevant or erroneous information in their personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in their file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information under the Open Records Act. However, an employee's home address, home telephone number, and social security number, and information that reveals whether the employee has family members will not be released, if the employee has requested that such information not be released.

### **3.09 Confidentiality of Medical Information**

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical/health file for each employee. The City Manager or his/her designee maintains these confidential files.

Examples of information that may be maintained in the confidential file include:

- a note to justify an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work medical records to support a claim for sick pay or disability benefits;
- insurance records; and
- workers' compensation records.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to his/her supervisor or the City Manager or his/her designee. When an employee provides information to his/her supervisor, the supervisor is expected to share the information only on an "as needed" basis to other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

### **3.10 References**

The City does not give references, other than to confirm the dates of employment and job title, without the express written consent of the employee. Only the City Manager or designee will provide employment references on current or former City employees.

### **3.11 Outside Employment**

An employee shall notify their Department Head in writing of any outside employment and the Department Head shall notify the City Manager. (Please refer to Chapter 8, Section 8.02, Outside Employment and Conflicts of Interest.)

### **3.12 Employee Job Performance Evaluations**

To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City may conduct periodic performance evaluations for all positions. The City Manager is responsible for developing and maintaining the City's performance evaluation program.

Employees are to be evaluated by the Department Head prior to completion of their probationary period and at least once every twelve (12) months thereafter. Employee job performance evaluations shall be completed in writing and reviewed with the City Manager at least annually. The job performance evaluation shall become a part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

### **3.13 Training and Development**

The City encourages its employees to further their education in subjects related to their work and to broaden their knowledge, skills, and abilities directly related to their job and City employment. To the extent consistent with budget constraints, the City will reimburse registration, travel, meal, and other related costs incurred by eligible employees who attend job related courses. Training opportunities may include, but are not limited to: on-the-job training, in-house workshops, out-of-town training, and seminars sponsored by other agencies or organizations.

Hours spent in training required by the City are compensable hours. Hours spent in training not required by the City, but approved by the City Manager are compensable if the training occurs during the employee's normally scheduled work hours and if such training is reasonably related to the employee's duties. Hours spent in training not required by the City, but approved by the City Manager are not compensable if the training occurs outside the employee's normally scheduled work hours. Time spent traveling to and from training classes may be considered compensable hours upon approval by the City Manager.

## CHAPTER 4. HOURS AND ATTENDANCE

### 4.01 Working Hours

The City's standard work week is Monday through Friday from 8:00 P.M.-5:00 P.M. with a one-hour unpaid lunch period. Work hours, lunch breaks and rest breaks are subject to flexibility as determined by the City Manager to meet job assignments, scheduling problems, City commitments, and/or workload responsibilities.

A normal working schedule for regular full-time employees consists of forty (40) hours each work week (2080 hours annually). Different work schedules may be established by the City Manager to meet job assignments and provide necessary City services.

EMT/Firefighter positions will work a rotating schedule of 24 hours on/48 hours off on an A-B-C schedule (2920 hours annually). The City of Lucas will follow a 21 day cycle for Fair Labor Standards Act ("FLSA") requirements. FLSA will require overtime payments of any hours worked over the 159 hr. in any 3 week cycle.

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### 4.02 Attendance

Punctual and consistent attendance is a condition of employment. Each department is responsible for maintaining an accurate attendance record of all employees.

Employees unable to work or unable to report to work on time should notify the City Manager or immediate supervisor as soon as possible and preferably before the work day begins or within thirty (30) minutes of the employee's usual starting time. If the City Manager or immediate supervisor is unavailable, the employee may leave a message on the City's voice mail stating the reason for being late or unable to report for work.

An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination. Three consecutive days of no show/no call will be considered a voluntary resignation.

If an absence continues beyond one day, the employee is responsible for reporting in each day. Absence from work for three (3) or more consecutive days may require verification from a physician prior to returning to work.

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Employees are expected to be at work during inclement weather. The City Manager or immediate supervisor may allow employees to be late or leave early during severe weather conditions. When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, *i.e.*, those non-essential employees who were scheduled to work during the time of closure, will be granted paid "administrative leave" for the time the office/department is closed.

**Those essential personnel who were required to report to work during inclement weather will be given compensatory time off (hour for hour) for those hours they worked when the City was closed. The compensatory hours off will preferably be given within the same work week.** (The City Manager will determine the need for closure, and will notify Department Heads of closing by 6:30 a.m. on the date of closure. The City of Lucas Website will post any late openings or closures within 15 minutes of the decision being made. Department Heads will notify their employees by telephone, e-mail or updating the City Website to show the closing. Employees are expected to monitor the City website, e-mail or be available by phone to stay updated during potential closing situations.)

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However, non-attendance will be counted as an absence from work and will be charged to accrued vacation time.

#### 4.03 Meal Periods

Meal periods shall be scheduled by the City Manager or the employee's immediate supervisor. The scheduling of meal periods may vary depending on the department's workload. Meal periods are unpaid and usually one hour in length, except shift personnel. Employees are expected to return from meal periods on time and failure to return to work on time will be subject to disciplinary action, up and including termination.

#### 4.04 Call Back

All employees are subject to call back during emergencies or "as needed" by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked, and the overtime rate, if applicable.

Employees are eligible for 2 hours minimum pay for call back, plus any time worked after arriving. This will be paid as defined in the overtime policy.

#### 4.05 Overtime

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than 40 hours during a work week.

All overtime must be authorized in advance by the City Manager or Department Heads. Employees who work overtime without prior authorization may be subject to disciplinary action, up to and including termination. Overtime pay is calculated at one-and-one-half times the employee's regular rate of pay for all time worked beyond the forty (40) hour work schedule. Overtime is calculated based on hours worked, not hours paid. When computing overtime, comp time and sick leave time are not counted as hours worked. Exempt employees are not covered by the FLSA overtime provisions and do not receive overtime pay.

#### 4.06 Compensatory Time

Non-exempt employees entitled to overtime pay may elect to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the City Manager. If the compensatory time option is exercised, the employee is credited with one-and-one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to **twenty-four (24) hours** for regular employees. After maximum accrual, overtime compensation shall be paid. Temporary employees are not entitled to receive compensatory time off.

Non-exempt employees may use compensatory time within a reasonable time period after making a request to the City Manager, unless doing so would unduly disrupt City operations. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and the City Manager and/or immediate supervisor. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

**If a non-exempt employee is unable to use accrued compensatory time within a period of ninety (90) days, the employee will be paid for their overtime.**

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## CHAPTER 5. COMPENSATION

### 5.01 Salary Classifications and Grades

Each job title within the City is classified into one of the City's classifications for salary purposes, based on job qualifications, level of responsibility difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each classification is designated a particular salary or salary range shown on the City's salary and wage schedule, which is approved by the City Council.

### 5.02 Employee Pay Rates

Employees shall be paid within the limits of the salary range to which their positions are assigned.

(1) Each job that is not an exempt position shall be assigned to one of the classified grade levels. The compensation plan shall specify an entry and maximum level, hourly wage or salary, within each pay grade. The City Council as part of its annual budget process will consider the allocation of funds for pay plan adjustments and merit increases. The Council may also consider the allocation of funds for additional merit raises (for example, to award outstanding employees an additional increase or provide merit increase to employees who have already reached the maximum pay grade level.)

(2) Employees at the top of a pay grade are eligible for a base or pay plan adjustment, if authorized by the City Council.

(3) Employees at the top of a pay grade are also eligible for a lump sum merit increase, if the City Council determines that funds are available. Eligibility to receive a lump sum merit increase is determined by the employee's annual written performance evaluation, and must be allocated by the City Council.

(4) Employees approaching the top of their pay grade are eligible for a combination of a merit increase, up to the top of the pay grade and a lump-sum merit payment, not to exceed the percent awarded by the City Council, depending upon their annual written performance evaluation.

(5) Employees may receive an additional merit increase upon the approval of the City Manager and if approved by the Council within the annual budget.

(6) Probationary employees are not eligible for merit increases.

Usually, new employees will start their employment at a minimum salary rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum.

Pay increases are contingent on above average performance.

The City Manager may propose and the City Council may grant salary market adjustments from time to time, raising salaries of all positions by a specified amount within a defined group of classifications. Such adjustments, if any, will not change an employee's pay anniversary date.

All pay increase reviews will be conducted in August or September prior to the adoption of the City's annual budget. Any pay increases associated with the review will become



effective the first full pay period in October. Exceptions will include promotions and transfers, which warrant a higher rate of pay.

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### 5.03 Car Allowances

Depending upon the employee's job classification and duties, an employee may be offered, extended, and made eligible for a car allowance as part of his/her compensation package. The car allowance amount will be determined by the City Manager and paid on an installment basis according to the City's pay periods. (Note: Car allowances may be considered income with the employee being responsible for all related tax consequences.)

### 5.04 Mileage Reimbursement

Occasionally employees may be required to perform job duties and/or official business travel using their own personal vehicle. In such cases, employees are eligible for reimbursement for any mileage incurred during the performance of job duties and/or official business travel. Request for mileage reimbursement shall be submitted with receipts and back up information including the mileage and purpose for the travel. This back up information shall be submitted at the same time the employee's official time sheet are submitted. Reimbursement per mile will be at the amount allowed by the Internal Revenue Code for business travel. In the case of out-of-town travel, the most economical mode of transportation should be used according to the City's official travel policy, Chapter 25 Business Travel Policy.

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### 5.05 Deductions

The City will withhold from an employee's earnings standard deductions required by law (including the standard federal withholding and Medicare withholding), employee retirement, court sanctioned deductions, and other deductions that are specifically authorized by the employee.

All debt deductions will require written authorization from the employee.

### 5.06 Pay Dates

Paychecks will be released to employees on a bi-weekly basis, every other Thursday. If a scheduled payday falls on a holiday, paychecks will be released the day preceding the holiday. As an option, employees may elect to have their paychecks deposited electronically.

If an employee is away from work on a payday due to illness, vacation, or other reasons, his/her paycheck will remain in the possession of the City Manager or designee. Written authorization from an employee is required if the employee wishes his/her check to be issued or delivered to a third party, who will be required to provide proof of identification.

### 5.07 Compensation Upon Termination

All employees who leave the service of the City for any reason shall receive all pay which legally may be due to them, including any accrued and eligible vacation leave time, compensatory time, and deductions. Any indebtedness to the City which the employee may have incurred during his/her employment shall be deducted from the final paycheck. All final payments will follow the normal pay schedule.

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### 5.08 Advance Pay

No full or partial advance payment of salary will be made to any employee. All paychecks will be distributed on a scheduled payday.

### 5.09 Payroll and Records

The Official payroll records are kept by the [Human Resource /Payroll Department](#) or designee. Each employee shall turn in on a regular basis a signed work record noting hours worked, personal vehicle mileage incurred, leave taken and any overtime worked during the previous pay period. [Payroll is processed on the next working day following the end of the payroll period. Supervisors are to review the accuracy of each employees time sheet and assure that the hours and totals are correct prior to signing off and delivering them to payroll. Time sheets including any time off sheets should be submitted to payroll by 9:30 on that morning. If a supervisor is out, the employee should give their time sheets to the next supervisor in the City organizational chart.](#)

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## CHAPTER 6. BENEFITS

### 6.01 Retirement Benefits

The City participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits for eligible employees. Deductions from the employee's pay are supplemented by contributions from the City. The provisions of the City's plan can be viewed at [http://www.tmr.org/city\\_plans.php](http://www.tmr.org/city_plans.php).

Employees whose jobs require 1000 or more hours per year and are not classified as temporary participate in TMRS. Participation of every eligible employee is a condition of employment. Employees who are not eligible to participate in TMRS are required to participate in a deferred compensation plan and make a minimum contribution of 7.5%. The City does not match employee contributions to the deferred compensation plan.

The City does not participate in Social Security; however, the City does participate in the Medicare Program, which provides healthcare benefits upon retirement.

Employees intending to retire should notify the City Manager, ~~about their intent to retire at least three months prior to the date of retirement.~~

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### 6.02 Workers' Compensation

The City is self-insured for workers' compensation coverage through the Texas Municipal League Intergovernmental Risk Pool (TMLIRP). This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, TMLIRP will pay medical expenses and benefits to the employee for work days lost resulting from job-related injuries or illnesses. **All job-related accidents should be reported immediately to the City Manager or immediate supervisor.**

When an employee incurs medical expenses or is absent for one or more days due to an on-the-job accident or illness, the City will report the injury to TMLIRP. If the employee misses time from work the City will continue to pay (by use of the employees' unused sick leave) the employees regular salary pending receipt of Worker's Compensation benefits. A member of the employee's immediate family may file the claim if the employee is unable to do so.

When the employee receives Workers' Compensation benefits, the employee is required to repay to the City the amount covered by Workers' Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than the employee would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.

### 6.03 Insurance Benefits

Insurance benefits are available to eligible employees. Details of current coverage and eligibility criteria are provided at time of employment, during open enrollment, and upon request. The City reserves the right to make changes in insurance companies and provisions of these programs when deemed necessary or advisable.

Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, insurance coverage may continue at the employee's expense during an approved unpaid leave of absence.

While an employee is receiving workers' compensation benefits, the City may continue to pay the employee's health insurance premiums for one (1) month, after which the employee may choose to use their COBRA rights and self-pay insurance premiums.

#### **6.04 Group Health Continuation Coverage**

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage, plus a small administration fee.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if any employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances COBRA coverage is available for up to thirty-six (36) months following a qualifying event. Employees must notify the City within sixty (60) days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to the employee when the employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and the health plan, review the plan description. A copy of the full health plan is available in City Manager's office.

#### **6.05 Unemployment Compensation**

City employees may qualify for the State of Texas unemployment compensation after termination from City employment, depending on the reason for termination and if certain qualifications are met.

## CHAPTER 7. LEAVE AND TIME OFF

### 7.01 Holidays

A. Paid holidays are extended to all regular full-time employees. Regular part-time employees are extended paid holidays on a pro-rated basis. An employee shall receive holiday pay equivalent to their standard work day. The following official holidays will be observed:

1. New Year's Day (January 1);
2. Good Friday (April);
3. Memorial Day (Last Monday in May);
4. Independence Day (July 4);
5. Labor Day (first Monday in September);
6. Thanksgiving Day (fourth Thursday in November);
7. Day after Thanksgiving Day;
8. ~~Christmas Eve;~~
9. Christmas Day;
10. Floating Holiday (To be determined by the City Manager at the beginning of the calendar year.; and
11. Employee's Birthday.

B. The City Council, by vote and resolution, may adopt additional days. If such action is taken, it will be deemed as a paid holiday for all regular full-time and part-time employees. Any permanent addition or deletions to the paid holiday schedule shall be done by modification to this policy and adoption by resolution of the City Council.

C. When an official holiday occurs on a weekend, the following alternative schedule applies:

1. A holiday which occurs on a Saturday will be taken on the Friday before the holiday; and
2. A holiday which occurs on a Sunday will be taken on the Monday after the holiday.

D. An employee will not receive pay for a holiday if he/she is:

1. Absent without leave either the day before or the day following an official holiday; or
2. Absent without leave on a holiday on which the employee is normally scheduled to work.

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E. An official holiday occurring while any eligible paid leave is being taken will be reflected as a holiday for payroll purposes and no deduction from such leave balance will be made for the holiday.

F. Employees wishing to observe religious or other holidays not listed herein shall, at their option, be given time off without pay or have the time charged to vacation, compensatory, or equivalent leave time, if available.

G. Fire Department employees who work 24 hr shifts will accrue 12 hrs of holiday leave for each holiday. Use of this accrued time will be subject to the same rules applied to use of vacation time. Holiday time must be used prior to the next occurrence of the holiday for which the time was accrued or holiday time will be forfeited.

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**7.02 Vacation Leave**

A. The City offers vacation leave to all regular full-time employees, and regular part-time employees who work 20 or more hours per week. Vacation hours will be prorated for employees who work 20 or more hours per week but less than 40 hours per week. Overtime hours do not increase the accrual of vacation leave. Vacation leave is an earned benefit and will be viewed as such. The maximum accrual of vacation leave permitted to be carried over each calendar year is eighty (80) hours for regular full-time employees and 120 hours for EMT/ Firefighter employees. Vacation leave is made available to eligible employees in order to provide vacation time, leave for illness if sick days have been exhausted, and leave for personal or family business without loss of compensation.

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**Vacation leave shall accrue according to the following schedule:**

**Regular full-time employees (40 Hour Work /Week)**

Years of Service	Accrual Rate			Maximum Total Carryover allowed
	Days (Hrs)/Yr.	Hrs. /Pay Period	Hours/Hour	
1 - 5 years	10 (80)	3.077	.03846	80 Hours
5 - 10 years	16 (128)	4.923	.06153	
10 and more years	20 (160)	6.154	.07692	

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Shift EMT/FIREFIGHTER employees

Years of Service	Accrual Rate			Maximum Total Carryover allowed
	Hrs/Yr.	Hrs	Pay Period	
1 - 5 years	120	4,616		120 Hours
5 - 10 years	192	7,384		
10 and more years	240	9,231		

B. Vacation leave begins to accrue on the first day of employment. It is accrued based on hours per two (2) week pay period and credited to the employee each pay period. New and rehired employees on probationary period status accrue vacation leave but are not eligible to use it until successful completion of the probationary period. Unless given permission by City Manager and immediate Supervisor.

C. All vacation leave must be approved in advance in writing by the City Manager or employee's direct supervisor. No unauthorized absence from work will be compensated with vacation leave. Vacation leave may be taken as accrued after the successful completion of the probationary period.

D. Any regular full-time employee or regular part-time employee upon the end of service with the City, and who has completed six (6) full months of service with the City, will be paid for any accrued, but unused vacation leave upon termination with such accrual not to exceed eighty (80) hours.

E. Approval and usage of vacation leave must be taken in no less than two (2) hour increments.

F. Whenever possible, vacation leave will be scheduled as requested by the employee. However, the City Manager or Department Manager must give consideration to the ability of the remaining staff to perform the work needed.

G. An employee with a break in employment with the City of less than one year will receive credit for previous years of employment when determining the employee's vacation accrual rate. An employee with a break in service of more than one year will not receive credit for previous service.

H. Other types of leave such as holidays and military leave are not affected by this policy.

I. Vacation leave will not be advanced to employees.

J. An employee on disciplinary suspension or leave forfeits all claims to use or accrue personal leave for the duration of the disciplinary suspension period. In no case, shall personal leave time be granted to an employee during the course of

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240 Hours

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a disciplinary suspension as a means to supplement pay lost as a result of the disciplinary suspension.

K. Temporary employees are not eligible for vacation leave.

L. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, may at his/her option use accrued vacation leave, in order to receive compensation for that time. The employee must phone his/her supervisor when they are going to be unable to report to work.

M. Absence from work due to physical limitations for three (3) or more consecutive days may require verification from a physician prior to returning to work.

### 7.03 Emergency Family Leave

All regular full-time employees and regular part-time employees on a pro-rated basis are eligible to receive up to three (3) days of emergency family leave with pay, within a calendar year, to tend to immediate family emergencies. If an employee's emergency family leave days have been utilized, the employee must use accrued personal time or compensatory time. Unused emergency family leave is not eligible for compensation at the end of employment, voluntary or involuntary.

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### 7.04 Sick Leave

A. Eligibility:

All regular full-time and part-time employees receive an annual allotment of paid Sick Leave as stated below. All new employees will receive an allotment of sick leave that is prorated according to their date of hire. Temporary and seasonal employees are not eligible for Sick Leave. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will be ineligible for paid Sick Leave benefits.

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B. Designated Sick-Leave time:

Sick leave for all full-time employees shall be computed on the following basis:

- All regular full-time employees will receive forty-eight (48) hours of Sick Leave on the first day of each calendar year.
- All Fire Department Shift employees will receive seventy-two (72) hours of Sick Leave on the first day of each calendar year.
- Sick leave for all part-time employees working less than 40 hours will receive prorated hours of Sick Leave on the first day of each calendar year based on the number of hrs worked per week.

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C. Carryover of Sick-Leave time:

Sick Leave will not carryover to the next calendar year, and Sick Leave will not accrue past Calendar year end. Accumulated Sick Leave earned prior to passage of this policy will remain as banked, but no further hours will accrue.

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D. Authorized Use of Sick Leave:

For the employee

Accrued Sick Leave may be used for absences due to the employee's personal illness, accident, injury that prevents him/her from working, or birth of a child (if the employee physically gave birth; otherwise, use of Sick Leave for child birth falls under the section below.)

For the employee's immediate family

Sick Leave may also be used for absences when the employee is needed to care for a member of his/her immediate family who is ill or injured. If additional time is needed, employees may use all accrued compensatory time, accrued holiday leave and accrued Vacation Leave. For purposes of this policy, "immediate family" is defined as the employee's spouse, children/stepchildren, parent, or step-parent, brother or sister, or step-brother or sister, mother or father-in-law, son or daughter-in-law, or any relative who may be residing in the same household with the employee. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Heads (in the case of Department Heads, the City Manager) may allow the employee to use accrued Sick Leave time. Sick Leave may also be used by employees for their own and/or their immediate family's scheduled doctor and dentist appointments.

E. Minimum Increments:

Sick Leave may be taken in minimum increments of one hours.

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F. Other Employment During Sick Leave:

Employees on Sick Leave, whether paid or unpaid, may not work a second job, including self-employment, or participate in volunteer work during the leave, even if they have written authorization from their Department Heads to work a second job.

G. Use of Other Leave:

If approved by the Department Head (in the case of Department Heads, by the City Manager), employees may use accrued vacation leave, compensatory time, other accrued paid leave, or Leave of Absence without pay, but only if an employee has no remaining accrued Sick Leave time. Official holidays observed by the City while an eligible employee is on approved paid Sick Leave will be treated as a paid holiday, rather than a day of Sick Leave. Department Heads may approve the employee to flex

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his/her work schedule ("time management") to attend medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the

week or work cycle in which time management was approved. Under no circumstances can time management extend beyond the affected workweek or work cycle.

H. Documentation:

Employees requesting paid Sick Leave must complete a Leave Request Form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses Sick Leave for three (3) or more consecutive work days. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of Sick Leave will be disallowed and no other paid leave may be used for the absence.

I. Payment for Unused Sick Leave:

Employees are not entitled to payment of any unused portion of Sick Leave upon separation of employment with the City. Sick leave is available only for purposes outlined within this section.

**Deleted:** Any unused portions of Sick Leave at the time of separation of employment with the City will not be paid out to the employee.

**7.05 Jury Duty and Witness Leave**

All regular full time and regular part time employees may be granted time off with pay to serve on a jury, when duly summoned, or as a court witness. All jury duty requests require verification of summons. Jury duty leave is paid at the employee's base rate of pay at the time of leave and does not include overtime or any other special forms of compensation.

**7.06 Voting**

The City encourages all employees to fulfill their civic responsibilities by participating in elections. However, all employees should make every effort to vote outside normal working hours.

**7.07 Military Leave**

**The City complies with all State and federal laws relating to employees in reserve or active military service, and does not discriminate against employees who serve in the military.** Employees who are members of the National Guard or federal reserve military units, may be absent from their job duties with pay for a period of up to fifteen (15) days per calendar year when they are performing ordered military training duty and while going to and from that duty.

After an employee has exhausted all available paid military leave and any other paid leave time, the employee will be placed on leave without pay for the duration in accordance with USERRA.

**7.08 Administrative Leave With Pay or Without Pay**

On a case-by-case basis, the City may place an employee on administrative leave with, or without, pay for an indefinite period of time as determined by the City Manager to be in

the best interests of the City during the pendency of an investigation concerning the violation of this policy or a federal, state, or local law or ordinance or other administrative proceeding.

**7.09 Leave of Absence**

A regular full-time and regular part-time employee may be granted a leave of absence without pay for a period not to exceed ninety (90) days. All requests for leave of absence must be approved by the City Manager.

## **CHAPTER 8. RULES OF CONDUCT**

### **8.01 General Policy**

The safety and welfare of the City's citizens shall at all times be held as a central mission of government. All City employees are expected to represent the City to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position.

Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are: basic tact and courtesy towards the public and fellow employees; adherence to City policies and procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

### **8.02 Outside and Self-Employment and Conflicts of Interest**

Employees should not, directly or indirectly, engage in any outside employment, self-employment, or financial interest which may conflict with the best interests of the City or interfere with the employee's ability to perform their assigned City duties. Examples include, but are not limited to, employment which:

1. Prevents the employee from being available for work beyond normal working hours such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
2. Is conducted during the employee's work hours;
3. Utilizes City telephones, computers, supplies, facilities, equipment, or any other resources;
4. Is with a firm that has contracts with or does business with the City (for example a firm that serves as a supplier of goods or services for the City);  
or
5. May reasonably be perceived by members of the public as a conflict of interest or may otherwise discredit public service.

Volunteers may be employed with a firm that has contracts with or does business with the City, provided that the contract or service has gone through the competitive bidding process.

Under no circumstances may an employee on medical leave of absence, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence engage in outside or self-employment unless expressly authorized to do so in writing by the Department Heads and City Manager.

### **8.03 Political Activity**

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees shall not:

1. While on duty, publicly endorse or campaign in any manner for any person seeking a City public office;
2. Use his/her position or office to coerce political support from employees or citizens;
3. Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office;
4. Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote;
5. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction;
6. Contribute money, labor, time or other valuable thing to any person for City election purposes; or
7. Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. City of Lucas City Council, Lovejoy ISD and Collin County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.

### **8.04 No Smoking Policy**

To promote the health and safety of all employees and the public, the City prohibits smoking by employees in all City facilities, including City-owned buildings, offices, vehicles, and other facilities rented or leased by the City, including individual employee offices (City of Lucas Ordinance 96-03-04.)

### **8.05 City Equipment and Property Use**

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the City job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City provided safety equipment must be used at all times. Failure to use safety equipment in the performance of job duties may result in disciplinary action, up to and including termination of employment.

From time to time, the City may issue equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

Take-Home Vehicle: A take-home vehicle may be assigned to an employee who is subject to emergency call back during off duty hours. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City Vehicle is not to be used for personal business such as going to the bank, grocery store, etc., without prior written approval of the Department Head or City Manager. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

Use of City Vehicles: City owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives his/her own, or a City owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

1. Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
2. Always observe all posted laws and speed limits.
3. Always wear seat belts when the vehicle is in operation.
4. No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Head.
5. No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Head.
6. All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
7. Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
8. All drivers must be eligible for coverage under the City's insurance policy.

9. Drivers covered by Department of Transportation regulations must comply with them at all times.
10. At no time may an employee under the influence of alcohol or illegal drugs drive a city vehicle or a personal vehicle while conducting City business.
11. An employee involved in an accident while operating a City vehicle or while operating a personal vehicle on City business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, Department Heads, and/or City Manager. Accident reports along with any law enforcement report must be filled by the employee with the Department Head and/or City Manager.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle may result in disciplinary action, up to and including termination of employment.

Personal Property: All employees shall be solely responsible for their personal property at all times.

#### **8.06 Telephone and Cell Phone Use**

Use of City phones for local personal phone calls should be kept to a minimum. Personal long distance calls are prohibited without making prior arrangements for payment for such calls. It is recommended that all employees obtain a personal calling card to pay for all long distance personal calls.

The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera or text messaging features, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees, who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including discharge.

#### **8.07 Bulletin Boards**

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the City Manager

#### **8.08 Contact with the News Media**

The Mayor or City Manager shall be responsible for all official contact with the news media during working hours, including answering of questions from the media. The City Manager may designate specific employees to give out procedural, factual or historical information on particular subjects.

### 8.09 Driver's License Requirements

As part of the requirements for certain specific City positions, an employee may be required to hold a valid Texas driver's license and have an insurable driving record. The City may, at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose.

If any employee's driver's license is revoked, suspended, lost, or is in any other way not current or valid, the employee shall promptly notify the City Manager. The employee will then be immediately suspended from all driving duties, and may not resume driving until proof of a valid, current license is provided to the City Manager. Failure to report a revoked, suspended or lost driver's license to the City Manager may result in disciplinary action, up to and including termination of employment.

Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

### 8.10 Safety

Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Negligence in adherence to on-the-job safety standards will be considered grounds for disciplinary action, including termination. Each employee shall promptly report all unsafe or potentially hazardous conditions to their immediate supervisor. The City will make every effort to remedy problems as quickly possible.

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In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their direct supervisor.

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### 8.11 Drug Free Workplace Policy

It is the desire of the City to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs: While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia: This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs: The legal use of prescribed



and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

**Permissive Use of Alcohol:** The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

**Fire Department Employees:** Certain City Fire Department employees may be required to be in possession of drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Fire Department operating procedures.

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**Mandatory Disclosure by Employees:** Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the Director of Human Resources if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

**On-Call Employees:** Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, who is called out, is governed by this policy. Sometimes an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

**Mandatory Reporting of Convictions:** Employees must notify their immediate supervisor and the Director of Human Resources, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

**Off-Duty Conduct:** The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Policy Violations: Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Fire Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the City Manager to receive assistance or referrals to appropriate resources in the community.

**Testing:**

Types of Tests: Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxillizer, or other generally-accepted testing procedure.

Testing of Applicants: All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees:

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
2. Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulated observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
4. Tests Will Be Paid for by City. To the extent possible, testing will normally be done during the employee's normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
6. A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination

of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.

7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

**Testing Procedures:**

1. All testing must normally be authorized in advance by both the employee's Department Head and the Director of Human Resources. If the Department Head is unavailable within a reasonable period of time, the Director of Human Resources may, in his or her sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Head may, in his or her sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulated factors which led him or her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's observations.
2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put him or her on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and, as necessary to protect the interests of the City.

**8.12 Sexual Harassment Policy**

The City of Lucas is committed to providing a work environment which is free from sexual discrimination, intimidation, or harassment. Such harassment is illegal under provisions of the Civil Rights Act of 1964. The City will not tolerate any form of sexual

harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of sexual harassment.

Sexual harassment is generally defined as unwanted or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which has the effect of creating an offensive, intimidating, degrading or hostile work environment, or adversely interferes or affects an employee's work performance. Sexual harassment of any type, including jokes, the exhibition of pictures, diagrams, and cartoons, is strictly prohibited and will not be tolerated.

Any employee who believes he or she is being sexually harassed by supervisors or co-workers should immediately notify the City Manager or a member of the governing body. The City will coordinate and conduct an appropriate investigation of the sexual harassment complaint. All sexual harassment complaints and actions and/or results of the investigation shall be treated and kept as a strictly confidential file. The City will not retaliate against an employee who complains of sexual harassment. However, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

### **8.13 Harassment Policy**

It is the City's policy that all employees have a right to work in an environment free of discrimination, which includes freedom from harassment - whether that harassment is based on sex, age, race, national origin, religion, disability, marital status, or membership in other protected groups, The City prohibits harassment of its employees in any form by supervisors, co-workers, or the general public. Harassing conduct in the workplace is strictly prohibited. Any employee found in violation of this policy is subject to disciplinary action, up to and including termination.

Any employee who believes he or she is being harassed by supervisors or co-workers should immediately notify the City Manager or a member of the governing body. The City will coordinate and conduct an appropriate investigation of the harassment complaint. All complaints, actions and/or results of the investigation shall be treated and kept as a strict confidential file. The City will not retaliate against an employee who complains of harassment. However, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

### **8.14 Performance Standards**

Every employee is expected to consistently maintain satisfactory performance standards. Continuing performance deficiencies, unlike the isolated violations noted in the subsequent sections of this chapter, should first be addressed by the mutual cooperative efforts of the supervisors and employee. Those efforts include, but are not limited to:

An analysis of the problem;

A determination of needed changes and assistance; and

Implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period of time, the employee, depending upon the reasons of failure, is subject to disciplinary action, up to and including termination. The specific action taken and the status of the employee determine what, if any, appeal rights are available to the employee.

The following types of conduct are unacceptable and may be cause for discipline in the form of an oral reprimand, written reprimand, suspension, or termination, depending upon

the facts and circumstances of each case. The examples given below are typical, but not all-inclusive.

- A. Unsatisfactory attendance is exemplified by, but is not limited to, the following:
  - 1. Unexcused absence or tardiness;
  - 2. Failure to give notice of absence or tardiness within thirty (30) minutes after starting time, or as may be described by policy;
  - 3. Absence or tardiness without proper justification; or
  - 4. Excessive amounts of time off the job regardless of the reason.
- B. Abandonment of job duties or responsibilities occurs when an employee deliberately and without authorization is absent from the job, refuses a legitimate order to report to work for three (3) consecutive works days. Abandonment of job duties and responsibilities may be deemed as voluntary termination.
- C. Inability or unwillingness to perform assigned work satisfactorily.

This is exemplified by, but is not limited to, the following violations:

  - 1. Failure to follow routine verbal or written instruction;
  - 2. Arguing over instructions or assignments; or
  - 3. An accumulation of other deficiencies indicating the employee's failure to adequately perform in a productive, efficient, and competent manner.
- D. Indifference toward work is exemplified by, but is not limited to, the following violations:
  - 1. ~~Inattention, inefficiency, loafing, sleeping while on duty, carelessness, or negligence;~~
  - 2. Excessive failure to remain at one's work station without notification, leaving work without permission, taking excessive time or more than time allowed for eating or break periods;
  - 3. Performance of personal business during normal work hours;
  - 4. Interference with the work of others; or
  - 5. Discourteous or irresponsible treatment of the public or other employees.
- E. Sabotage is exemplified by, but not limited to, the following violations
  - 1. Deliberate damage to or destruction of City equipment or property;

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2. Unauthorized alteration, removal, destruction, or disclosure of City records;
  3. Unlawful trespass or seizure of City property;
  4. Disobedience of these rules and regulations, the City Code of Ordinances, or other laws;
  5. Interference with the public use or access of City services, properties, or buildings; or
  6. Threats to commit any act of sabotage as defined in this section.
- F. Safety Violations are exemplified by, but not limited to, the following violations:
1. Failure to follow City safety rules and regulations;
  2. Failure to use required safety apparel;
  3. Removal or circumvention of a safety device;
  4. Lifting in a manner which may cause injury;
  5. Operating a vehicle or equipment in an unsafe, negligent, or careless manner, or without a valid license;
  6. Smoking in prohibited areas;
  7. Endangering of one's own safety or that of others by careless, irresponsible actions or negligence;
  8. Failure to report an on-the-job injury, vehicle accident, or unsafe working conditions;
  9. Failure to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
  10. Failure to maintain an insurable driving record acceptable to the City.
- G. Dishonesty is exemplified by, but not limited to, the following violations:
1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employee;
  2. Cheating, forging, or willful falsification of official City report or records; or
  3. Any other falsifying action detrimental to the City, City employees, or other,

- H. Theft, regardless of item value, is exemplified by, but not limited to, the following violations:
  - 1. Unauthorized taking of City property, supplies, or the property of others;
  - 2. Unauthorized use of City or employee funds; or
  - 3. Using or authorizing the use of City equipment, supplies, or employee services for other than official City business, including the use of long distance or pay telephone services.
- I. Insubordination is exemplified by, but not limited to, the following violations:
  - 1. Willful failure or refusal to follow the specific orders or instructions of a supervisor.
- J. Abuse of drugs or alcohol as described in Section 8.10 of this chapter.
- K. Disturbance is exemplified by, but not limited to, the following violations:
  - 1. Fighting or boisterous conduct;
  - 2. Deliberate causing of physical injury to another employee or citizen
  - 3. Harassment, as defined by the Texas Penal Code and Section 8.12 of this chapter, or intimidation;
  - 4. Unnecessary disruption of the work area;
  - 5. Use of profane, abusive, threatening, or loud and boisterous language;
  - 6. Sexual harassment;
  - 7. Spreading of false reports; or
  - 8. Other disruption of the harmonious relations among employees or between employees and the public.
- L. Misconduct, criminal or immoral, during or off working hours, which on becoming public knowledge, could have an adverse effect on the City or the public confidence in the City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest, or confinement.
- M. Disregard of public trust, during or off working hours which on becoming public knowledge, could impair the public's confidence or trust in the operation of City government.
- N. Failure to report a violation described in, but not limited to, subsections D,E,F,G,H,I,J,K, or L.
- O. An employee shall maintain sufficient competence to properly perform his/her duties and to assume the responsibilities of his/her position. An

employee shall direct and coordinate his/her efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City.

- P. No employee shall discriminate against any individual on the basis of race, color, creed, religion, sex, national origin, age, disability, or physical handicap.
- Q. An employee shall maintain a neat, well-groomed appearance and style of hair, and wear his/her uniform (if furnished and required) in accordance with established guidelines.
- R. No employee of the City, whether licensed or not licensed by the State of Texas to carry a concealed handgun, shall carry a concealed handgun or any other firearm into any City building or portion of a building, or any City vehicle (Texas Penal Code 46.035) unless authorized by the City Manager.
- S. No employee shall make known any information concerning the progress of an investigation; a known or reported law violation; a condition against which action is to be taken at a future time; or, any proposed law enforcement action to be taken at a future time, to any person not authorized to receive it.
- T. All employees shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended to in accordance with established City procedures and consistent with the Texas Open Records Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedure and with the approval of the applicable supervisor.
- U. All employees shall not promise confidential or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of their work. Further, an employee shall not use information gained from any City information system for anything other than official City business.



## CHAPTER 9. DISCIPLINE, RESIGNATION, AND TERMINATION PROCEDURES

### 9.01 Fair and Equitable Standards

It is the intent of the Discipline, Resignation, and Termination Procedures to safeguard the rights of all employees, to ensure that all employee actions are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis.

### 9.02 Discipline Guidelines

All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient and economic delivery of services to the citizens of the City. Acts, errors, or omissions which discredit the public service or impair the orderly provision of services to the citizens of the City may result in discipline, including termination. The City Manager has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.

The following are examples of the types of behavior which may result in discipline:

1. Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances;
2. Violation of a lawful duty;
3. Insubordination;
4. Absence from work without first notifying and securing permission from the supervisor;
5. Habitual absence or tardiness for any reason;
6. Unsatisfactory job performance;
7. Conviction of a felony or a misdemeanor involving a crime involving moral turpitude;
8. Acceptance of fees, gratuities or other valuable items in the performance of the employee official duties for the City;
9. Inability, refusal or failure to perform the duties of the assigned job; or
10. Violation of duties or rules imposed by this manual, or by any other City rule, regulation or administrative order.

**Deleted:** with the exception if your job duties requires you to have these items in your possession

This list is not all-inclusive, and only serves as a general guide. The City may discipline or terminate employees for other reasons not stated above. (Please refer to the Chapter 8 Rules of Conduct, for a complete listing of behavior subject to disciplinary action).

### 9.03 Types of Disciplinary Action

In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the type and severity of the offense or offenses, the employee's work record, and any mitigating circumstances which may be relative to the situation. The following list of disciplinary action types does not represent a sequence of their usage. Disciplinary action types may be used at the City Manager's sole discretion, depending on the severity of the violation.

#### 1. Oral Reprimand

An oral reprimand is a counseling session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or their failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's awareness, efficiency, and value to the City by changing the employee's conduct, attitude, habits or work methods. Following the counseling session the supervisor shall document the oral reprimand and place it in the employee's personnel file. The employee shall be given the opportunity to respond in written form to the oral reprimand.

#### 2. Written Reprimand

A written reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. A written infraction may result in suspension or termination should the violation recur. Both the employee and City Manager should sign the written reprimand. Included in the written reprimand should be a statement of what changes in behavior are expected, when the next evaluation will be held, and what penalty will be imposed if no changes are made by the employee. Copies of the written reprimand and all supporting documentation, if any, will become part of the employee's personnel file. The employee shall be given the opportunity to respond in written form to the written reprimand.

#### 3. Suspension

A suspension is to bring about change in behavior, and results in time off without pay. The employee should be encouraged to reflect on his/her behavior during the suspension and to decide whether he/she wishes to correct the offending behavior or terminate his/her employment. A suspension is a severe disciplinary action which becomes part of the employee's personnel file.

#### 4. Termination

Termination for cause is the final disciplinary action and it results in involuntary termination from City employment. Termination for cause results after previous disciplinary actions fail to change an employee's misconduct, ill work behavior, and/or inadequate performance. The City reserves the right to terminate an employee at any time, without any previous disciplinary action or notice depending on the severity and circumstances of offense. (Please refer to Chapter 8, Rules of Conduct, for a complete listing of behavior subject to disciplinary action, up to and including termination.)

#### 9.04 Resignation

An employee should provide at least ten (10) working ~~days' notice~~ of resignation. This time limit may be waived by the City Manager. An employee resigning without the required notice may be ineligible for reinstatement and accumulated leave pay, if applicable. The written notice shall include, but is not limited to, the following:

Deleted: days notice

1. Date of letter;
2. Last day of employment;
3. Reason for resignation;
4. Forwarding address; and
5. Signature of the employee.

All records, property or other instruments, including this Personnel Policies and Administrative Procedures Manual, belonging to the City of Lucas in the possession of the resigned or terminated employee shall be returned before his/her final paycheck is released.

#### 9.05 Termination

An employee may be terminated from City employment for any of the reasons listed below:

1. During or at the end of the employee's probationary period;
2. As a result of disciplinary action;
3. Due to loss of skills, certifications or other conditions which would make the employee unfit for service;
4. When the City Council or City Manager has made a determination that a lack of work or funding exists with respect to the employee's position;
5. If the employee has a physical or mental impairment that prevents the employee from performing the required duties of the employee's position and the employee cannot be reasonably accommodated. (Termination must be supported by medical evidence which establishes that the individual is unable to perform bona-fide job requirements. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may result in termination);
6. Whenever the City Manager determines to make changes deemed to be in the best interest of the City; and
7. Whenever a blatant violation of the duties or rules imposed by this manual, or by any other City rule, regulation, or administrative order occurs.

This list is not all inclusive, and only serves as a general guide. The City may terminate employees for other reasons not stated above. (Please refer to Chapter 8, Rules of Conduct, for a complete listing of behavior subject to disciplinary action, up to and including termination).

## **TITLE 3 - ADMINISTRATIVE PROCEDURES**

### **CHAPTER 25. BUSINESS TRAVEL POLICY**

#### **25.01 Purpose**

Because City employees are required to travel, attend local meetings, or otherwise incur expenses in the interest of the City, it is the policy of the City of Lucas to provide necessary funding for approved conventions, educational meetings, business trips, and other business and related activities. This policy is established to provide guidelines for reimbursement for travel expenses and consistent procedures for travel authorization, documentation, and accounting.

#### **25.02 Applicability**

This policy applies to all regular employees, full-time and part-time, and any other authorized persons traveling on official City of Lucas business, including volunteers, where City funds are used in such travel. Any questions regarding procedures should be directed to the City Manager.

The City Council will determine its own rules and procedures for the travel of its members and members of the City's boards and commissions.

#### **25.03 General Provisions**

1. Decisions regarding employee training should be made during the annual budget preparation process. Conferences and educational meetings may be substituted for one originally planned and budgeted, or a person may be substituted for a person originally planned to attend, provided that the total dollars budgeted are not exceeded. In addition, any training opportunities that become available during the year may be allowed if budgetary resources exist.
2. Employees, or other authorized persons, are expected to exercise good judgment and proper regard for economy in incurring travel expenses.
3. There is no objection to a spouse and/or other immediate family members accompanying an employee on an official out-of-town trip, provided that their presence does not detract from the performance of duty. Expenses attributable to the family, such as conference registration or special event charges for spouses, will not be reimbursable by the City.
4. In situations where extraordinary travel expenses are expected to be incurred, or where this regulation does not cover the situation, or would work a significant hardship if strictly applied, the City Manager may authorize exceptions.
5. Any request for out-of-state travel will only be considered if such travel is in the best interest of the City, and must be authorized by the City Manager.

#### 25.04 Approval of Travel

Prior to making any travel arrangements, an employee shall complete a Travel Request Form and have it approved by the City Manager. The Travel Request approval is contingent on available funds for payment of registration fees, travel, lodging, travel advance, per diems, etc.

#### 25.05 Allowable Expenses

The City will pay all reasonable expenses for employee travel, food, lodging, conference registration, tips, parking, taxis, and other associated expenses, provided that the employee submits appropriate documentation. All expenses must be accompanied by receipts (except per diem and mileage costs.)

A. **Transportation:** Employees may use the mode of transportation he/she prefers and should be reimbursed on the basis outlined in subsections 1-5 below. Ordinarily, when traveling other than by car, round trip tickets should be purchased for travel, but going by one mode and returning by another is allowed if schedules so dictate or if there is not a disadvantage to the City. Employees shall use the City's designated travel agent(s) when making travel arrangements, except when the employee is able to secure lower rates through other means, e.g., contracted travel arrangements with convention/seminar hosts, or other.

1. **Air Travel.** Reimbursements shall be limited to "tourist or coach class" utilizing the most direct route where such services are available. Employees who extend their travel to qualify for reduced airfares will be reimbursed for additional meals, lodging, rental cars, parking, etc., if two conditions are met:

- a. The combined cost of the additional expenses and discount airfare is less than the non-discount airfare and related costs; and
- b. It is in the City's best interest to allow the employee to be absent the additional time.

2. **Personal Vehicle.** Employees who use their personal vehicle to travel to official City business functions or to attend approved seminars, courses, or conferences, will be reimbursed for mileage at the rate allowed by the Internal Revenue Code for business travel. When an employee chooses to drive his/her car on a trip longer than 250 miles, reimbursement shall be limited to the fare for air travel, or the mileage rate per mile, whichever is lower.

For those employees with a car allowance the mileage reimbursement will only apply when traveling outside the Collin County area.

The City does not provide insurance coverage for any employee who uses his/her personal vehicle for business purposes. It is the employee's responsibility to protect against damage to his/her vehicle and legal liability in such form and amount as the employee deems adequate.

3. **Rail Travel.** Reimbursement shall be limited to coach fares.

4. **Car Rental.** Rental cars should not be used except when taxis are inconvenient due to distance or number of local trips to be taken. In the event an employee should rent a car, the City will reimburse the fee for an economy type

vehicle. An employee should decline the liability/collision damage waiver offered on the rental contract, as this coverage is provided by the City.

5. **Other.** Travel to and from airports should be by bus or hotel shuttle where such services are in operation, and by taxi as a last resort.

6. **Lodging.** The City will pay accommodations through the duration of the event, plus the day prior and/after, if required to meet arrival/departure times or restrictions. If an employee chooses to arrive earlier or stay later, additional lodging and other expenses related to such choice will be at the employee's personal expense. Reservations should be made at the single room rate (unless double is the same rate or lower), taking advantage government, seminar, or other group discounts.

7. **Meals.** The City will pay all reasonable meal costs when directly related to City business. The per diem for meals is \$50, including meal tips. Meals which are paid for in advance (e.g., as part of registration, ticketed separately as a conference event) may not be considered as part of the per diem reimbursement. The per diem rate may be adjusted on an individual basis when travel is to a high cost area. Any adjustment must be approved by the City Manager.

8. **Conferences and Seminars.** All conference and seminar registration fees will be paid in full by the City subject to the approval of the City Manager.

9. **Miscellaneous Expenses**

- a. **Airport Parking.** Receipts shall be submitted for airport parking at D/FW Airport or Love Field Airport. Long-term parking should be used whenever possible.
- b. **Personal Phone Calls.** One long distance phone call to an employee's home is allowed for each day of the trip, not to exceed \$5.00 in cost. Calls in excess of one per day and \$5.00 in cost shall be paid by the employee.
- c. **Business Phone Calls.** Reimbursement will be made for calls to City offices. An employee may call collect or bill his/her hotel room for any business calls made. Prudence is suggested regarding the length of conversation.
- d. **Non-Allowable Expenses.** Expenses for the following shall not be paid by the City:
  - (1) In-hotel pay television or videos;
  - (2) Health clubs or spas;
  - (3) Alcoholic beverages;
  - (4) Entertainment unrelated to City business (attending a play or movie with friends);
  - (5) Calls to 900 numbers; or
  - (6) Dry cleaning or laundry.

#### **25.06 Spouse/Family Travel**

When accompanied by a family member, an employee shall pay all incremental costs related to having the member along on the trip. Examples of incremental costs include the difference in lodging costs between single and double occupancy, and all meal, and incremental costs of the family member. Spouses may accompany a City employee on official business with such expenses reimbursed by the City only when the spouse has specific duties to perform for the benefit of the City and such expenses are approved in advance by the City Manager. Estimated costs of spouse travel must be clearly identified on the Travel Request form and approved by the City Manager.

#### **25.07 Requesting Payment and Reporting Travel Expenses**

A. **Airfare, Lodging, and Conference/Seminar Fees.** A Travel Request form should be approved and hotel reservations made prior to submitting it for payment of travel costs. Indicate clearly whether conference/ and/or seminar fees should be mailed directly. If so, attach the original registration form to be mailed and a copy for accounting and record keeping purposes.

In addition, checks payable to the conference and/or seminar or hotel may be cut and given to the employee for on-sight payment and delivery.

B. **Advances for Meals and Incidental.** Cash advances for anticipated travel expenses shall be requested by indicating so on the portion of the Travel Request form. Advances are intended to cover the costs of meals, taxis, and similar incidental out-of-pocket expenses, generally not airfare, lodging, or conference fees, which should be paid directly to the travel agency, hotel, or conference sponsor.

#### **25.08 Submitting Expense Report**

All employees who use City funds for authorized trips shall submit the expense report form with the accurate summary of all travel expenses within five (5) working days of the return of the trip.

All prepaid amounts should be listed on the "expenses not reimbursed" page of the expense report form.

An amount due to the employee will arise if the employee receives an advance less than the amount he/she paid for trip costs, or if the employee chooses not to request an advance. Upon approval by the City Manager, a check will be written to the employee in accordance with the paycheck processing schedule.

An amount due to the City will arise if the employee receives an advance greater than the amount he/she paid for trip costs. The employee should submit the expense report form and any monies owned the City to the City Manager for approval. It is recommended that the employee reimburse the City by check as his/her proof of payment.

The employee should attach all receipts to the expense report form. Conference registration receipts, airline ticket stubs, and detail hotel receipts should be included, although already paid by the City. Meal receipts paid from the employee's meal per diem are not required for submittal.

The completed expense report form must then be reviewed and approved by the City Manager for final authorization for payment. Employees are responsible for accurately completing the expense report form in accordance with the City's Travel Policy.

#### **25.09 Local/One Day Travel Expenses**

- A. **Mileage.** Mileage reimbursement is available for local events directly related to City business, from City Hall or normal work station to the event and back. For those employees receiving car allowances, mileage will be reimbursed only for travel outside the Collin County area and back.
- B. **Meals.** Breakfast, lunch, and dinner expenses incurred while attending local seminars or events will be reimbursed by the City provided the meals are an integral part of the seminar or event and is billed accordingly.

**If the local travel consists of an all-day event, employees are encouraged to request and use the travel per diem.**

Other food expenses for working lunches, work place meetings, or other business purpose is reimbursable provided that documentation of the expense and business purpose is submitted and the expense has been approved by the City Manager.

- C. **Miscellaneous.** The City will reimburse the employee for expenses incurred for parking, tolls, and calls to City Hall while on local City business.
- D. **Obtaining reimbursement.** An employee shall submit a completed expense report form as outlined in Section 25.08 of this chapter.





### TRAVEL REQUEST FORM

Date Submitted: \_\_\_\_\_

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

Traveling to: \_\_\_\_\_

Purpose of Trip: \_\_\_\_\_

Date of Trip: From \_\_\_\_\_ To \_\_\_\_\_

Budget Codes: \_\_\_\_\_

I estimate total expenses below, for which sufficient funds have been budgeted or available.

#### Estimated Expenses

Personal Auto _____ miles @ \$.565 per mile	\$
Air Travel	
Taxi, Shuttle, bus, etc.	\$
Car Rental	\$
Parking	
Registration Fees	\$
Lodging	\$
Meals per diem (\$50 per each full day of travel, \$8-Brkfst / \$15-Lunch / \$27-Dinner)	\$
TOTAL	\$

I will require an advance of \$ \_\_\_\_\_ by (date) \_\_\_\_\_

Please allow at least five (5) full working days for check processing.

Required airline reservations should be made through the authorized travel agency.

Requesting Employee's signature: \_\_\_\_\_

City Manager's signature: \_\_\_\_\_

Note: Please attach any relevant information pertaining to the requested travel. If prepayment of registration fee is required, please indicate so.



**City of Lucas  
Council Agenda Request**

Council Meeting: October 3, 2013

Requestor: \_\_\_\_\_

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: \_\_\_\_\_

Budgeted Amount: \$ N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:**

Adjournment.

**RECOMMENDED ACTION:**

**SUMMARY:**

**MOTION:**

I make a Motion to adjourn the meeting at \_\_\_\_\_ p.m.

**APPROVED BY:** \_\_\_\_\_ Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_

City Manager: \_\_\_\_\_ / \_\_\_\_\_