

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

Call to Order

Mayor Rebecca Mark called the meeting to order at 6:00 p.m.

Present/Absent:

Mayor Rebecca Mark
Councilmember Wayne Millsap
Councilmember Steve Duke (6:38)
Councilmember Debbie Fisher
City Attorney Joe Gorfida

Mayor Pro Tem Kathleen Peele
Councilmember Jim Olk
Councilmember Philip Lawrence (6:50)
City Secretary Kathy Wingo
Fire Chief Jim Kitchens

It was determined that a Quorum was present.
Everyone was reminded to turn off or silence cell phones.
Councilmember Wayne Millsap led everyone in saying the Pledge of Allegiance.

Executive Session

The City Council convened into Executive Session at 6:02 p.m.

- 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

The City Council reconvened into Regular Session at 7:16 p.m.

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

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to release Kathy Wingo as Interim City Manager and accept the employment agreement with Dan Savage to serve as Interim City Manager at the rate of pay of \$48 per hour, \$75 monthly phone allowance, and \$400 monthly car allowance. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 7-0.

Citizens' Input

3) Citizens' Input.

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

Community Interest

4) Items of Community Interest.

Councilmember Steve Duke gave an update on the Founder's Day Event activities reminding everyone of the date, October 26th.

Mayor Pro Tem Peele stated that the Stick Horse Rodeo would again be held at the Founder's Day and there was still a need for rescue stick horses. Please feel free to drop any you might have to donate by City Hall.

Public Hearings

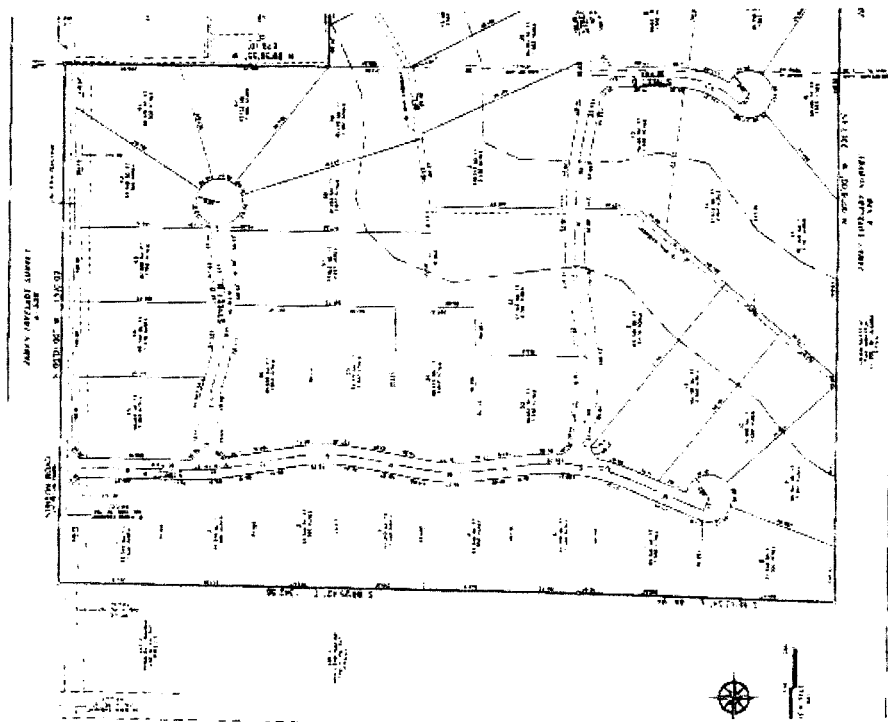
- 5) Public Hearing/Discuss and Consider the approval of **Ordinance # 2013-10-00768** for an application for the zoning of a tract of land situated in the City of Lucas to R-1.5 from AO BEING a 47.807 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, 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 2nd Public Hearing, the 1st Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting]**

Todd Winters, on behalf of Liberty Bank, has submitted an application for a zoning change from AO to R-1.5.

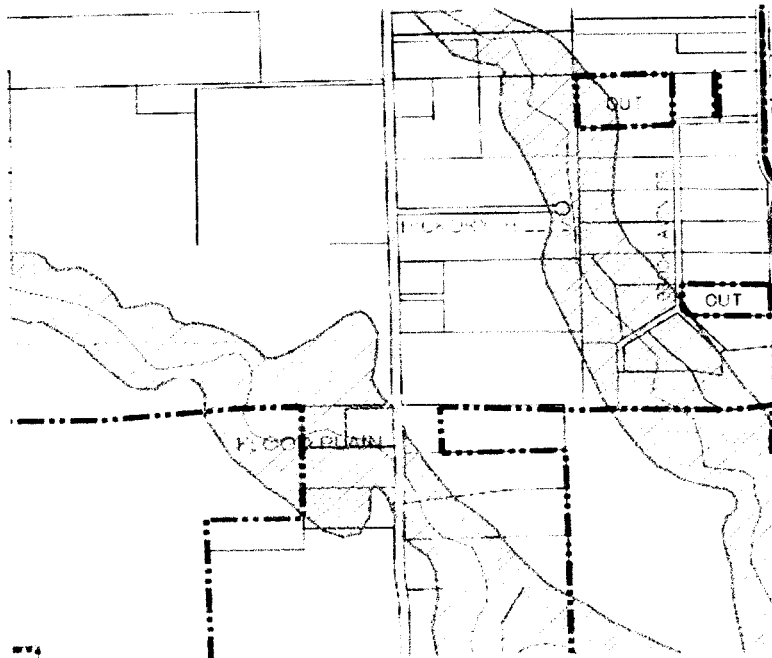
This parcel has an approved Development Agreement with an approved Concept Plan that gives consideration to the zoning. This plan adheres to the approved layout.

The property is approximately 87 acres. The property is currently zoned AO, this request is for 47.807 acres and R-1.5 zoning is being requested. A part of the property is still in the city's ETJ. This request does not match the approved Comprehensive Plan in full, an adjustment would be needed for the Comprehensive Plan.

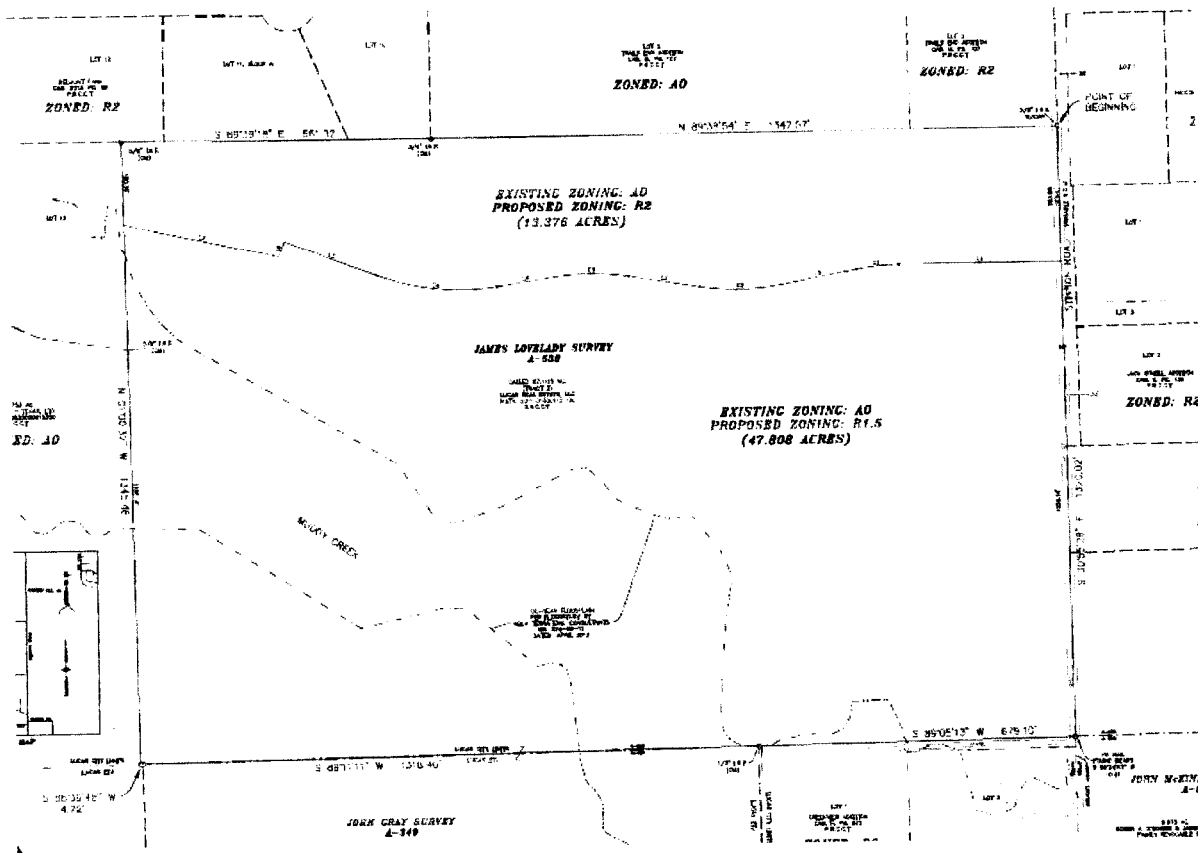
Approved Concept Plan:



Approved Comprehensive Plan:



Property Depiction (north section of the parcel):



The Public Hearing was opened at 7:21 p.m.

Todd Winters, Engineering Concepts, came forward to answer any questions that the Council might have of the project.

Ilene Mougel, 651 Stinson Road, came forward to speak AGAINST this item. Ms. Mougel would like to keep the development to the 2 acre sized lots per the City's Comprehensive Plan.

The Public Hearing was closed at 7:25 p.m.

MOTION: Councilmember Jim Olk made a Motion to approve **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

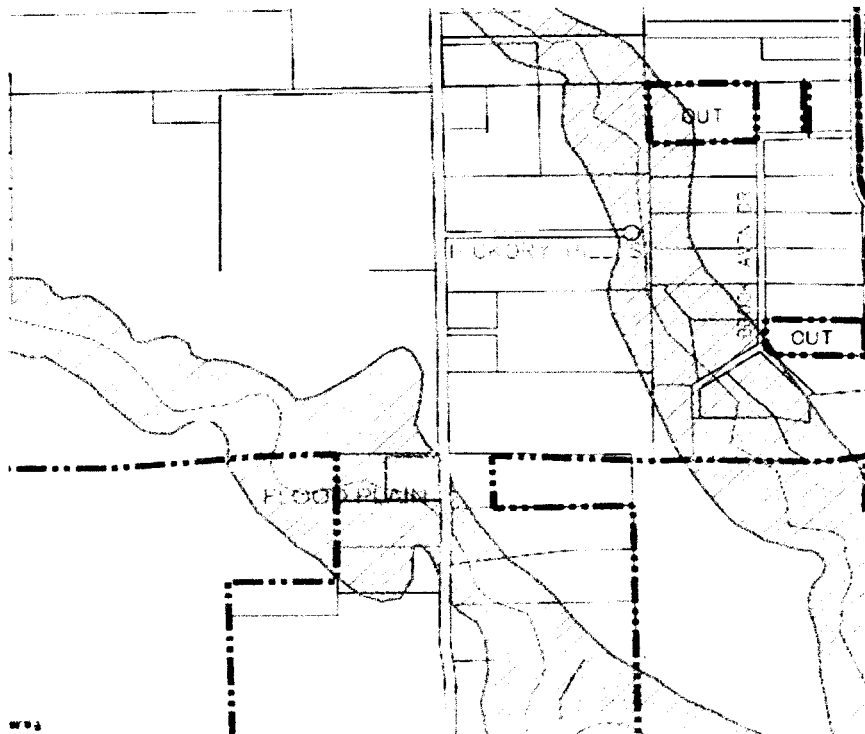
recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 47.807 acre tract. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 7-0.

- 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 2nd Public Hearing, the 1st Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting]**

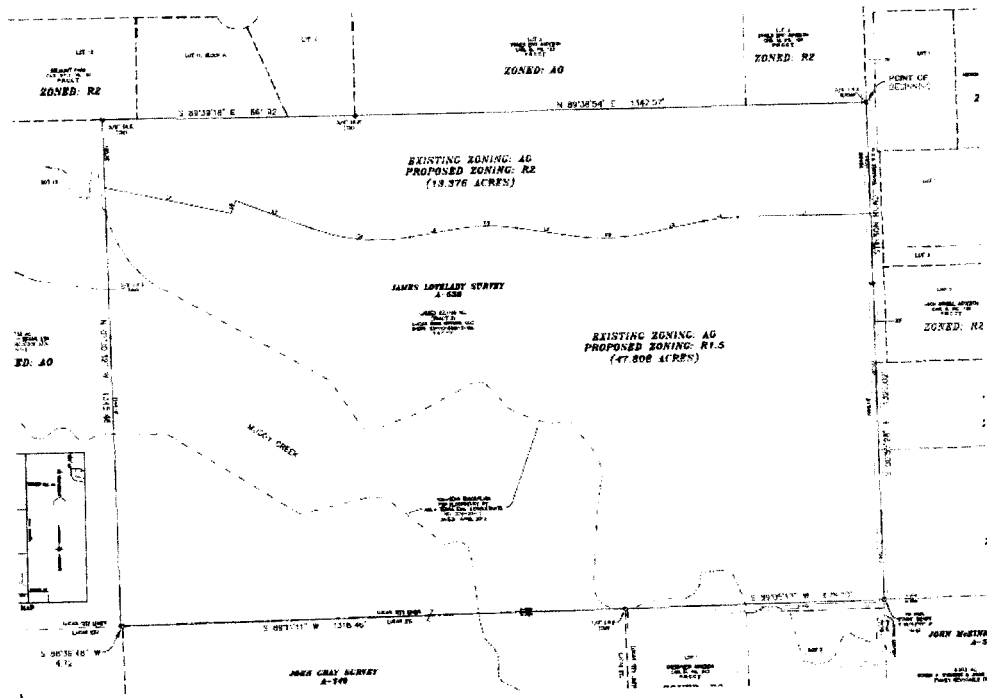
Todd Winters, on behalf of Liberty Bank, has submitted an application for a zoning change from AO to R-2.

The property is approximately 87 acres. The property is currently zoned AO, this request is for 13.376 acres and R-2 zoning is being requested. A part of the property is still in the city's ETJ. This request matches the approved Comprehensive Plan in full.

Approved Comprehensive Plan:



Property Depiction (south section of the parcel):



The Public Hearing was opened at 7:30 p.m.

Todd Winters came forward to speak FOR this item.

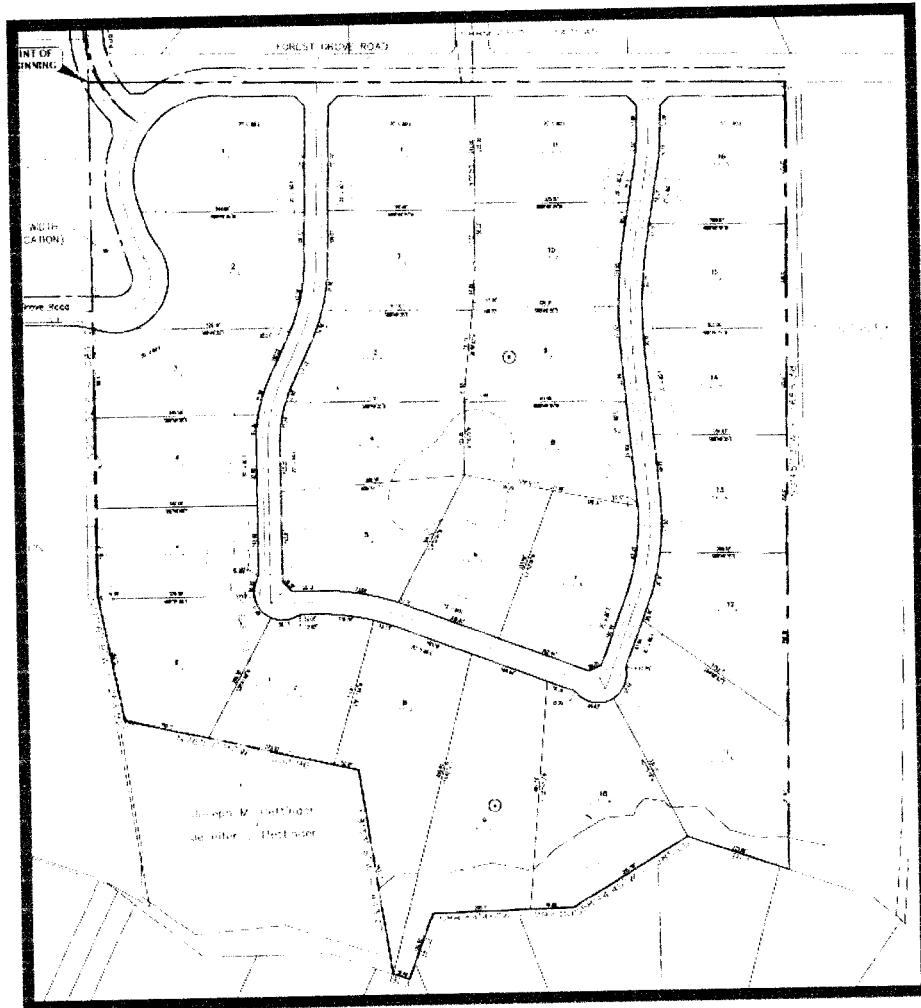
The Public Hearing was closed at 7:30 p.m.

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

- 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 2nd Public Hearing, the 1st Public Hearing was held on September 12, 2013 at the Planning & Zoning Commission Meeting]

On August 1st the City Council approved a Development Agreement for this property to include additional right-of-way dedication and improvements to the 90° turns on Forest Grove (raised medians, greater radii). The agreement required upgrading the waterline and remediating drainage issues on Forest Grove. The developer would be reimbursed through Impact Fee credits, applied against the actual improvement costs only. The developer is responsible for cost averages of improvements.



The current zoning allows approximately 5 – 7 acres of 1 acre lot minimums. The remaining lots, approximately 46 – 48 acres, will be a minimum of 2 acres in size. Overall the 27 lots would be an average of 1.75 acres in size; the minimum being 1.5 acres and maximum of 2.67 acres as called out in the Development Agreement.

Homes built in the development will be approximately 3,500 – 5,700 square feet and proposed price range will be \$500,000 - \$800,000.

The Public Hearing was opened at 7:40 p.m.

Steve Lenart, 520 Central Pkwy. E., Plano, Texas came forward to speak in FAVOR of this item.

Bob Hooper, PO Box 1505, Frisco, Texas came forward to speak in FAVOR of this item. Mr. Hooper owns the 53 acre tract and respectfully asked that Council approve this item.

Janice Hoefer, 535 W. Forest Grove Road, came forward to speak AGAINST this item.

Tom Hoefer, 535 W. Forest Grove Road, came forward to speak AGAINST this item.

Matt Dorsett, 765 Custer Road, # 100, Plano, Texas came forward to state there will be no increased runoff or drainage to the surrounding neighbors. All the drainage will be directed to the creek as it should.

The Public Hearing was closed at 8:05 p.m.

MOTION: Councilmember Wayne Millsap made a Motion to approve **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). Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 5-2, Councilmembers Olk and Lawrence voting NAY.

Consent Agenda

The Consent Agenda was presented for consideration and action.

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]**

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

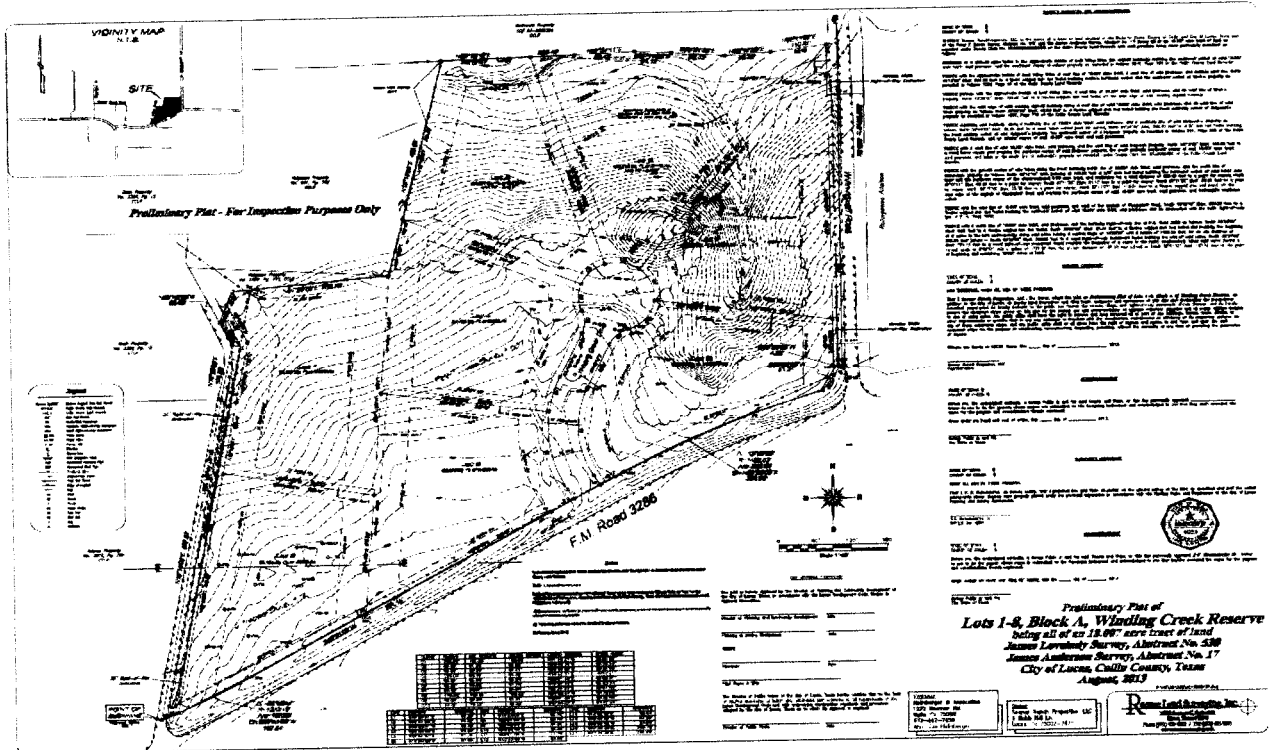
Regular Agenda

- 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]**

Harry Purdom has made application for a preliminary plat for an eight (8) lot subdivision located on 18.0007 acres at the intersection of Winningkoff and E. Lucas Roads.

The property is currently zoned R-2. There are some existing homes and barns to be removed, one is dilapidated. This is a low impact development designed to conserve trees. Only one point of access is required being that the development is less than ten (10) lots. The water main is looped from Winningkoff Road to Lost Valley, with a fire hydrant on Lost Valley.

Preliminary Plat (next page):

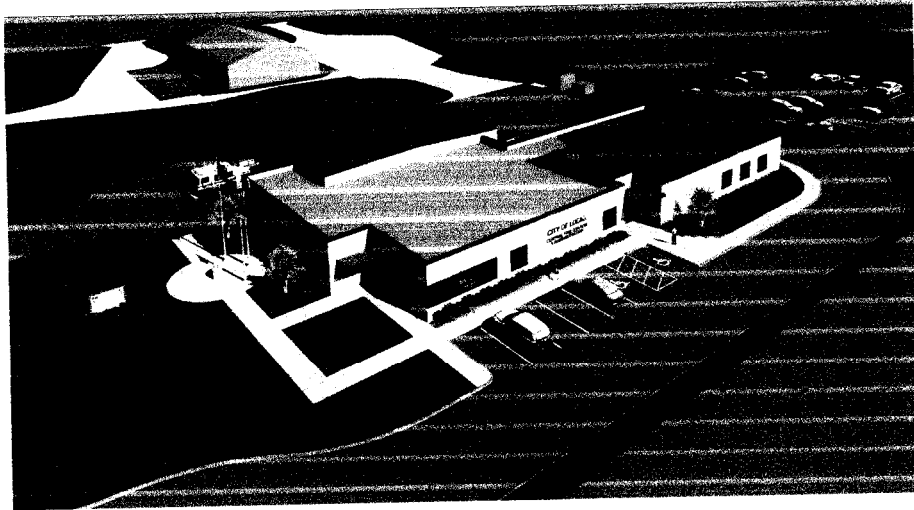


MOTION: Councilmember Jim Olk made a Motion to approve the preliminary plat for an eight (8) lot subdivision being 18.007 acres located in the Peter F. Lucas Survey Abstract No. 537 and J. Anderson Survey Abstract No. 17 also known as Winding Creek Reserve (located off E. Lucas Road). Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 7-0.

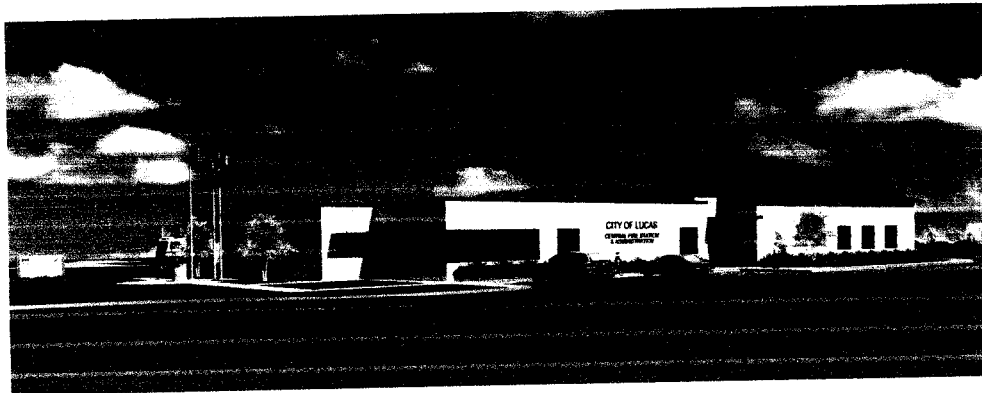
- 10) Discuss and Consider the schematic design of the Lucas Fire Station Expansion Project and authorize Staff to move forward into the design phase of the project.
[City Manager]

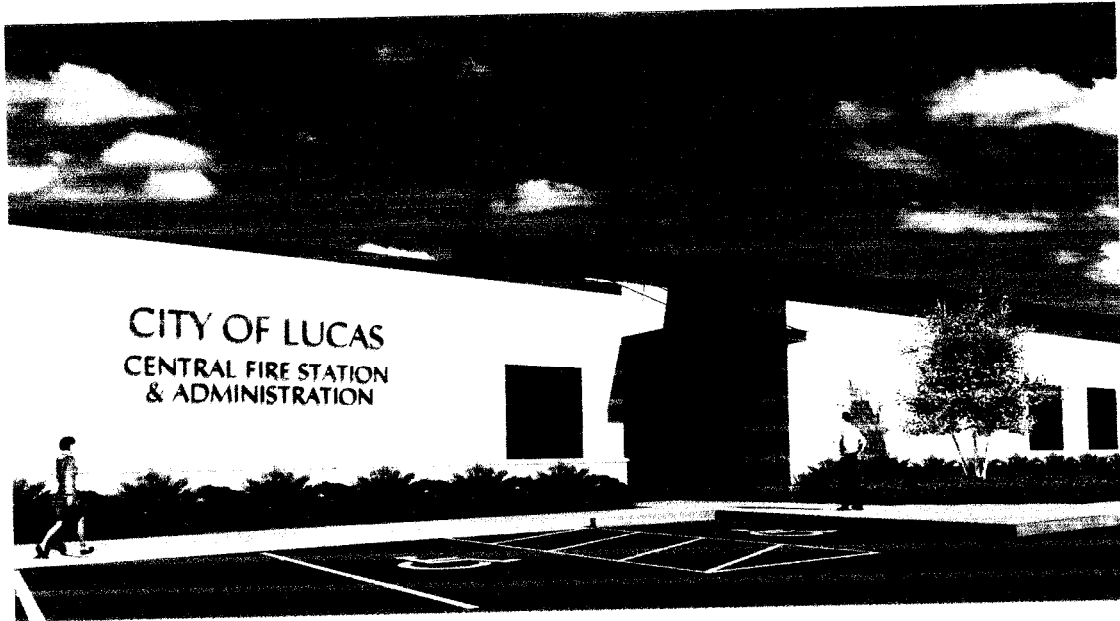
The architect, Doug Edney, came forward to discuss the changes to the project with the Mayor and City Council.

See next page.



The sloped roof over the training area would be approximately \$60,000. Additional stone and stucco is approximately \$62,000.





Construction Cost	\$2,308,950
Design Service Fees	\$ 321,875
Owner Costs	\$ 199,275
TOTAL PROJECT COST	\$2,830,100
Council Approved Budget	\$2,800,000
Estimated Deficit	\$ 30,000

Estimated Project Timeline:

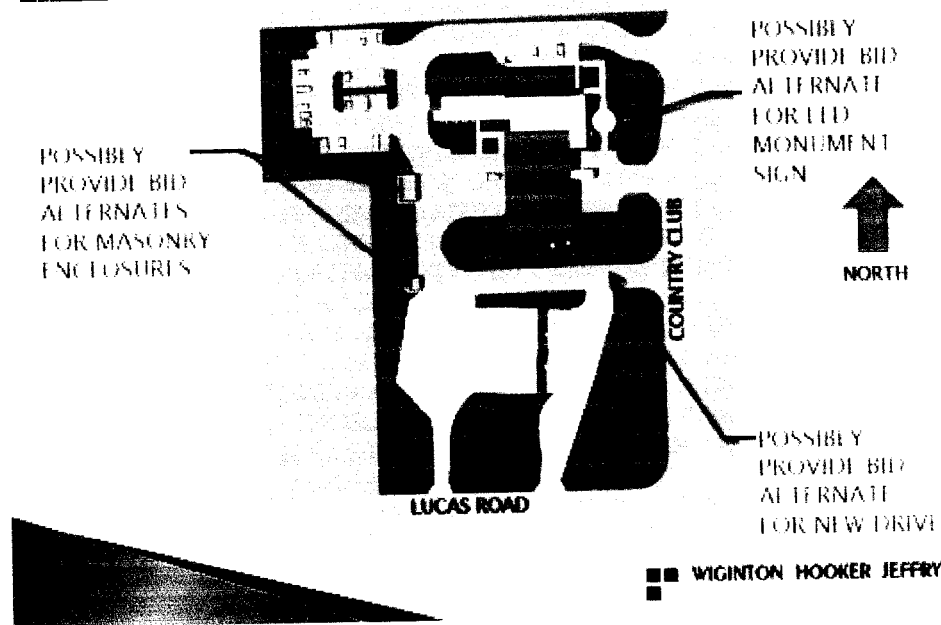
Design Development is the next phase, completion	12/21/13
Construction Documents	12/22/13 - 2/28/14
Permitting, Bid, and Award	3/3 – 5/3-2014
Construction Phase estimated	5/4/2014 – 4/22/2015

Need to keep this timeline moving forward to obtain the best prices and to meet the upcoming needs of the department. Pricing is anticipated to increase significantly past the first quarter of 2014.

Councilmember Jim Olk asked that the possible bid alternatives on the Site Plan Options slide be included in the bidding process.



Site Plan Options



MOTION: Councilmember Wayne Millsap made a Motion to approve the schematic design of the Lucas Fire Station Expansion Project and authorize Staff to move forward into the design phase of the project. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 6-1, Councilmember Fisher voting NAY.

- 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]**

The code currently requires a public hearing. Section 14.03.354 Subsection (3) the site plan may only be approved following a public hearing before the Planning & Zoning Commission and the City Council. State Law says that site plans are an administrative approval. Administrative approval means that if it meets the city's requirements by law it must be approved. The public hearing gives the citizens a false sense that they have input whether or not the site plan is approved. Staff recommends that site plans continue to be approved by the Planning & Zoning Commission and City Council, not necessary to be presented as a public hearing.

MOTION: Councilmember Jim Olk made 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 with amendment to Section 14.03.354 (a) (1) to read "...copies of a site plan...". Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 7-0.

- 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 26th, proceeds to be used to purchase swing set for Community Park. **[Hilbourn]**

Employees and elected officials along with their immediate family would be excluded from participating.

Councilmember Philip Lawrence thinks that staff and board members should be allowed to participate.

MOTION: Councilmember Steve Duke made a Motion to allow for a raffle of a 42" Sanyo television donated by Wal-Mart to be conducted during the upcoming Founder's Day Event, October 26th, proceeds to be used to purchase playground equipment for Community Park. All employees and elected officials along with immediate families would be excluded from participation. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 7-0.

- 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]**

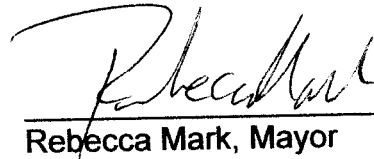
MOTION: Councilmember Jim Olk made a Motion to approve **Resolution # R-2013-09-00400** of the City Council of the City of Lucas, Texas approving amendments to the Lucas Personnel Policies and Administrative Procedures Manual, and providing an effective date with the changes as reflected. Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 7-0.

- 14) Adjournment.


MOTION: Councilmember Wayne Millsap made a Motion to adjourn the meeting at 9:19 p.m. Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 7-0.

These minutes were approved by a majority vote of the City Council on October 17, 2013.




Rebecca Mark, Mayor

ATTEST:


Kathy Wingo, TRMC, MMC
City Secretary