



**City Council Meeting
October 17, 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	Mayor Pro Tem Kathleen Peele
Councilmember Wayne Millsap (absent)	Councilmember Jim Olk
Councilmember Steve Duke	Councilmember Philip Lawrence
Councilmember Debbie Fisher	City Secretary Kathy Wingo
Interim City Manager Dan Savage	Fire Chief Jim Kitchens
Development Services Director Joe Hilbourn	

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

Citizens' Input

1) Citizens' Input.

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

Community Interest

2) Items of Community Interest.

North Texas Municipal Water District to continue Stage 3 Water Restrictions. Beginning November 1st – March 31st landscape watering will be allowed only once every two weeks.

Consent Agenda

The Consent Agenda was presented for consideration and action.

MOTION: Councilmember Debbie Fisher made a Motion to approve the Consent Agenda as presented. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 6-0.

3) Consent and Approve:

- a) The minutes from the October 3, 2013, City Council meeting. **[Wingo]**
- b) An Interlocal Agreement between the City of Lucas and Collin County for the annual fee for Animal Control Services in the amount of \$19,030. **[Savage]**
- c) And Interlocal Agreement between the City of Lucas and Collin County for the annual fee for Animal Sheltering Services in the amount of \$14,970. **[Savage]**

Regular Agenda

- 4) Discuss and Consider a variance request to the tree removal and replacement plan pursuant to Chapter 3, Sec. 3.18.0011 of the City of Lucas' Code of Ordinances. **[Hilbourn]**

Development Services Director Joe Hilbourn came forward to review the request with the City Council.

Mr. Rudy Rivas, on behalf of M. Christopher Homes, has submitted a requite for a permit to remove a number of protected trees at 120 W. Lucas Road, at the intersection of East and West Lucas Road.

City of Lucas Code of Ordinance requirements include:

Sec. 3.18.011 Granting of variances

The planning staff shall be allowed to consider variances or exceptions to the tree removal permit and tree replacement plan where literal enforcement would result in creation of an unnecessary hardship or impractical application of the plan considering the physical characteristics of the lot or parcel of land in question, except that any variance request for the removal of three (3) protected trees or more within 90 days shall be deferred directly to the city council.

Sec. 3.18.012 Denial of permit or variance

The planning staff or the city council, where applicable, shall deny a tree removal permit or application for variance, if it is determined that:

- 1) Removal of the tree is not necessary in order to conduct anticipated activities on the property;
- 2) A reasonable accommodation can be made to preserve the tree; or

- 3) The purpose and intent of this article is not being met or is being circumvented by the applicant.

Sec. 3.18.015 Tree replacement requirements

(a) Replacement of protected trees required. In the event that it is necessary to remove a protected tree, the applicant shall be required to replace the protected tree being removed with an approved replacement tree, as defined herein.

(d) Alternate location. Should a lot or parcel of land requesting the removal of trees not be large enough to accommodate the replacement of the caliper inches removed, the planning staff may require an alternate location(s) within the city to place the total caliper inches removed.

(e) Number of replacement trees. Trees shall be replaced 1 for 1 in measured DBH of the trees removed.

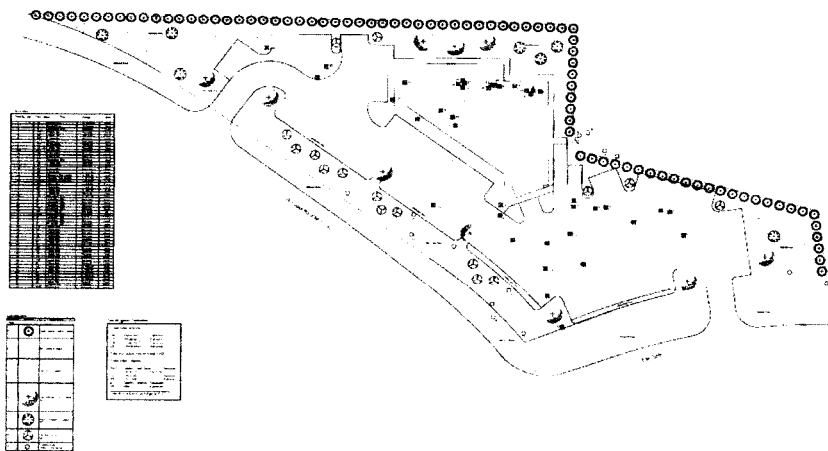
Sec. 3.18.008

Permit required for removal of protected trees Except as provided in section 3.18.005, no person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree situated on property regulated by this article without first obtaining a tree removal permit, unless otherwise specified in this article.

Sec. 3.18.009

Review and approval of tree removal permits and tree replacement plans the planning staff shall be responsible for the review and approval of all requests for tree removal permits and tree replacement plans submitted in accordance with the requirements specified herein.

Tree Survey



Tree Removal

Tree Index

Tree Number	Tree Caliper	Tree	Status	Health
1	7"	Cedar Elm	To Remain	Good
2	9"	Cedar Elm	To Remain	Good
3	6"	American Elm	Remove	Good
4	10"	Texas Ash	Remove	Good
5	14"	Texas Ash	Remove	Good
6	15"	Texas Ash	Remove	Good
7	7"	Cedar Elm	Remove	Good
8	10"	Cedar Elm	Remove	Good
9	18"/18"	Texas Ash	Remove	Good
10	8"	Texas Ash	Remove	Good
11	24"	Texas Ash	Remove	Good
12	27"	Texas Ash	Remove	Good
13	27"	American Elm	Remove	Good
14	14"	Texas Ash	Remove	Good
15	22"	Texas Ash	Remove	Good
16	18"	Texas Ash	Remove	Good
17	24"	Texas Ash	n R.O.W	Good
18	30"	Eastern Red Cedar	n R.O.W	Good
19	12"	Eastern Red Cedar	n R.O.W	Good
20	6"/11"	Eastern Red Cedar	n R.O.W	Good
21	21"	Texas Ash	n R.O.W	Good
22	24"	Texas Ash	n R.O.W	Good
23	18"	Texas Ash	n R.O.W	Good
24	24"	Texas Ash	Remove	Good
25	18"	American Elm	n R.O.W	Good
26	8"	American Elm	Remove	Good
27	8"	American Elm	Remove	Good
28	9"	American Elm	Remove	Good
29	10"	American Elm	Remove	Good
30	25"	Cottonwood	Remove	Fair
31	8"/8"	American Elm	Remove	Good
32	8"	American Elm	Remove	Good
33	6"	American Elm	Remove	Good
34	8"	American Elm	Remove	Good
35	11"	Texas Ash	Remove	Good
36	13"	Texas Ash	Remove	Good
37	11"	Texas Ash	Remove	Good
38	13"	Texas Ash	Remove	Good
39	11"	Texas Ash	Remove	Good
40	8"	Texas Ash	Remove	Good
41	11"	Texas Ash	Remove	Good
42	12"	Texas Ash	Remove	Good
43	12"	Texas Ash	Remove	Good
44	12"	Texas Ash	Remove	Good
45	12"	Texas Ash	Remove	Good
46	12"	Texas Ash	Remove	Good
47	8"	Texas Ash	Remove	Good
48	14"	Texas Ash	To Remain	Good
49	6"	Texas Ash	To Remain	Good
50	7"	Texas Ash	To Remain	Good
51	16"	Texas Ash	To Remain	Good
52	15"	Texas Ash	To Remain	Good
53	20"	Texas Ash	Remove	Good
54	7"	Texas Ash	Remove	Good
55	7"/9"	Texas Ash	Remove	Good

- 40 –protected trees listed to be removed with a caliper total of 526 inches.
- Caliper on a 2" tree 3.14 inches
- Caliper on a 3" diameter tree is 7"
- $526/3.14 = 167.5$ -2" diameter trees
- $526/7" = 75$ -3" diameter trees
- 3 trees not listed on the remove sheet that are protected 86" caliper, 96" caliper, and 86" caliper
- Total not listed equals 268"
- $268/3.14 = 85$ -2" trees
- $268/7" = 38$ -3" trees

(c) Trees required by zoning ordinance or deed restrictions. Trees required to be added per the landscaping requirements in the zoning ordinance or by virtue of deed restrictions shall not be considered as replacement trees.

The location shown for replacement of protected trees will be the same location required for a live screen required by the landscape plan requirements.

Sec. 3.18.045 Screening walls

(a) Generally. When a nonresidential zoning district abuts a residential zoning district, a solid masonry screening wall of not less than six (6) nor more than eight (8) feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easements are required. The screening wall shall be constructed by the owner/developer of the commercial property at such time as the property is developed in proportion to the entire commercial tract. In cases where the planning staff finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall. A wrought iron fence having a minimum height of not less than six (6) feet nor more than eight (8) feet in combination with evergreen plant material (minimum eight (8) feet in height at time of planting) is required if a living screen is proposed. The plant material must be one hundred (100) percent irrigated by an underground automatic irrigation system and provide a solid living screen within one (1) year of planting.

Due to the topography staff will be recommending a live screen in lieu of the masonry screen wall.

Staff is recommending approval of the variance to allow for the trees to be removed provided that Staff and developer can come to a satisfactory location and replacement schedule that is beneficial to the community.

The tree removal variance and permit would be valid for 180 days.

Staff counts three additional trees not accounted for by the developer.

MOTION: Councilmember Debbie Fisher made a Motion to approve the allowance for tree removal providing the staff's count of the trees be used and that staff and the developer can come to a satisfactory location and replacement schedule that is beneficial to the community. Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 6-0.

- 5) Discuss and Consider the appointment of four (4) individuals to serve a two (2) year term on the Planning & Zoning Commission. **[Mayor]**

This item was removed from the agenda and will be brought back on the November 7th City Council Regular Meeting agenda.

- 6) Discuss and Consider the appointment of three (3) individuals to serve a two (2) year term on the Board of Adjustments. **[Mayor]**

This item was removed from the agenda and will be brought back on the November 7th City Council Regular Meeting agenda.

- 7) Discuss and Consider the appointment of three (3) full board members and one (1) alternate member) to serve a two (2) year term on the Parks & Open Space Board. **[Mayor]**

This item was removed from the agenda and will be brought back on the November 7th City Council Regular Meeting agenda.

- 8) Discuss and Consider the approval of options of lease/purchase for Fire Department equipment. **[Savage]**

Interim City Manager Dan Savage reviewed the previous actions Council had taken on options to lease/purchase of equipment for the Fire Department.

The Fire Department has identified a used ambulance in Florida, previously owned by the St. Petersburg Fire Department, available for sale. On October 22nd two members of the Lucas Fire Department will be sent to Florida to inspect the vehicle. There has been a \$500 deposit placed with the dealer which allows the dealer to hold for the city's inspection. Upon inspection, should the ambulance be found to be what is required by the city, the money will be wired for the purchase of the vehicle, and the two members of the Lucas Fire Department will drive the vehicle back to Texas.

It is recommended that Council consider removing the cost of this used ambulance, \$27,000, out of the approved lease/purchase package and pay cash for this vehicle.

This ambulance can be placed in service as a MICU Capable vehicle. It is fully stocked as the main ambulance would be, and staffed with volunteers. Additional funding would be needed to stock the ambulance with necessary supplies and equipment.

The previous lease/purchase option presented to the City Council would be reduced to \$345,000. The purchase of the used ambulance would come from the General Fund Reserve. There was an additional \$28,000 in property taxes collected at the end of last year that would more than cover the cost of the used ambulance.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to purchase the used ambulance for \$27,000 upon inspecting the vehicle after finding it to fit the city's needs and requirements; pay cash out of the General Fund; and authorize the Interim City Manager to negotiate with Government Capital for the lease/purchase option for the new ambulance.


Councilmember Philip Lawrence seconded the Motion. Motion carried.
Vote: 5-1, Councilmember Jim Olk voting NAY, requested to use American National Bank.

9) Adjournment.

MOTION: Councilmember Jim Olk made a Motion to adjourn the meeting at 7:38 p.m. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 6-0.


These minutes were approved by a majority vote of the City Council on November 7, 2013.





Rebecca Mark, Mayor

ATTEST:



Kathy Wingo, TRMC, MMC
City Secretary