



**City Council Regular Meeting
November 21, 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
Interim City Manager Dan Savage
Development Services Director Joe Hilbourn
Public Works Director Stanton Foerster

Mayor Pro Tem Kathleen Peele
Councilmember Jim Olk
Councilmember Philip Lawrence
City Secretary Kathy Wingo
Fire Chief Jim Kitchens
City Attorney Joe Gorfida

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

Executive Session

The City Council convened into Executive Session at 7:02 p.m.

- 1) The City Council pursuant to Section 551.074 of the Texas Government Code may convene into Executive Session to deliberate the appointment of individuals to serve on the Planning and Zoning Commission and Board of Adjustments with a term ending October 31, 2015.
- 2) 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.

Regular Agenda

The City Council reconvened into Regular Session at 8:12 p.m.

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

No action was taken as a result of the Executive Session.

Councilmember Wayne Millsap left the meeting at 8:12 p.m.

Citizens' Input

4) Citizens' Input.

Tyler Toth, 13 Bella Vista Circle, Lucas came forward to speak. Mr. Toth attends Collin College and is attending the meeting tonight as a requirement for his government class.

Community Interest

5) Items of Community Interest.

Councilmember Debbie Fisher reminded everyone that NTMWD is cautioning us to conserve water.

Mayor Rebecca Mark participated in the ACO fund raising event today as a celebrity model. There is a board range of services that ACO provides that helps our community.

Public Hearings

- 6) Public Hearing/Discuss and Consider the unilateral annexation of a tract of land situated in the Benjamin Sparks Survey, Abstract NO. 813, in Collin County, Texas, being out of a 70.00 acre tract, as described in Volume 3928, Page 145, in the Deed Records of Collin County, Texas, and being more particularly described as follows: BEGINNING, at a 5/8 inch iron rod found the northwest corner of Lucas UMC, and addition to the City of Lucas, as described in Volume 948, Page 145, in said deed records; THENCE, North 89° 43'48" West, for a distance of 420.19 feet, to a ½ inch iron rod found at the northwest corner of Lucas UMC; THENCE, North 00° 19'07" East, for a distance of 19.00 feet, to a ½ inch iron rod set; THENCE, North 89° 43'48" West, for a distance of 333.41 feet, to a ½ inch iron set on a non-tangent curve to the left, having a radius of 665.00 feet, a central angle of 01°18'37", and a tangent of 7.60 feet; THENCE, along said curve to the left for an arc distance of 15.21 feet (Chord Bearing South 02° 05'44" East 15.21 feet), to a ½ inch iron rod set a curve to the right, having a radius of 65.00 feet, a central angle of 97°11'21"; THENCE, along said curve to the right for arc distance of 15.21 feet (Chord Bearing South 40° 16'44" East 15.21 feet), to a ½ inch iron rod set at the point of compound curvature of a curve to the right, having a radius of 735.00 feet, a central angle of 08°31'36", and a tangent of 54.79 feet; THENCE, along said curve to the right for an arc distance of 109.38 feet (Chord Bearing North 04° 03'08" West 109.28 feet), to a ½ inch iron rod set at the point of tangency; THENCE, North 00° 12'40" East, for a distance of 180.90 feet, to a ½ inch iron rod set; THENCE, North 89° 43'48" West, for a distance of 300.00 feet, to a ½ inch iron rod set, in the east line of F.M. 1378

(90 R.O.W.); THENCE, North 00° 12'40" East, along the east line of said F.M. 1378, for a distance of 70.00 feet, to ½ inch iron rod set; THENCE, South 89° 43'48" East, departing said east line, for a distance of 300.00 feet, to a ½ inch iron rod set; THENCE, North, 00° 12'40" East, for a distance of 856.23 feet, to a ½ inch iron rod set on a non-tangent curve to the right, having a radius of 60.00 feet, a central angle of 179° 59'07"; THENCE, along said curve to the right for an arc distance of 188.513 feet (Chord Bearing North 35° 54'14" East 120.00 feet), to a ½ inch iron rod set; THENCE, North 00° 11'59" East, for a distance of 188.93 feet, to a ½ inch iron rod set in the south line of Lovejoy Elementary school No. 2, and addition to the city of Lucas, as described in Clerks File NO. 97-0045267, in said Deed Records; THENCE, South 89°11' 30" East, along the eat line of said Lovejoy Elementary, for a distance of 780.50 feet, to a p/k nail found being in the north line of said 70.00 acre tract; THENCE, South 89° 27'06" East, along said north line, for a distance of 315.11 feet. To ½ inch iron rod set at northeast corner of said 70.00 acre tract; THENCE, South 00° 30'35" West, along the east line of said 70.00 acre tract, for a distance of 1247.36 feet, to a ½ inch iron rod set; THENCE, South 00° 03'59" West, along said east line, for a distance of 959.16 feet, to the point of BEGINNING and containing 32.978 acres of land. **[Commonly known as Cimarron Estates. This is the 2nd Public Hearing, the 1st Public Hearing was held on November 7, 2013]** **[Hilbourn]**

The Public Hearing was opened at 8:18 p.m.

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

The Public Hearing was closed at 8:18 p.m.

Councilmember Debbie Fisher and Mayor Pro Tem Kathleen Peele each stated their opposition to annexing this property due to the drainage issues with this development. Mayor Pro Tem Kathleen Peele stated there is no benefit to the City to annex this development or Edgewood Estates.

Councilmember Philip Lawrence agreed, the homeowners were told when they purchased their properties that they would not be in the City of Lucas.

Councilmember Steve Duke agreed.

Councilmember Jim Olk disagreed. There is a huge advantage having the taxes paid into the General Fund rather than having 1.5 times the water rate into the Water Fund. Also, the City should be made whole by annexing properties that are available.

Mayor Rebecca Mark agreed with Councilmember Jim Olk. Staff was given direction to move forward in bringing this property for Council for consideration.

MOTION: Councilmember Debbie Fisher made a Motion to table this item for a period of not less than one year. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 4-2, Councilmember Olk and Mayor Rebecca Mark voting NAY.

The City Attorney Joe Gorfida stated that if it was intended to kill the annexation with the previous Motion then the Motion should be that Council denies the annexation. The previous Motion allows the item to be brought back within a year.

MOTION: Councilmember Debbie Fisher made a Motion to deny the annexation of Cimarron. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 4-2, Councilmember Jim Olk and Mayor Rebecca Mark voting NAY.

- 7) Public Hearing/Discuss and Consider the unilateral annexation of a tract situated in the Benjamin Sparks Survey, Abstract No. 813, in Collin County, Texas, being a part of a 71.19 acre tract, as described in Volume 549, Page 333, in the Deed Records of Collin County, Texas, and more particular described as follows: Beginning, at ½ inch iron rod set at the northeast corner of Cimarron Phase 1, an addition to the City of Lucas, as described in Volume, Page in the Plat Records of Collin County, Texas: Thence, South 89° 43'22" East, along the north line of said 71.19 acre tract, for a distance of 825.00 feet, to a ½ inch rod set; Thence, South 00° 35'59" West, along the east lines of the 71.19 acre tract, for a distance of 570.020 feet, to a ½ inch iron rod set; Thence, South 89°15'50" East, continuing along said the east line, for a distance of 464.13 feet, to a to a ½ inch iron rod set; Thence, South 00°03'46" West, continuing along said east line, for a distance of 485.39 feet, to a to a ½ inch iron rod set; Thence, South 00°14'24" West, continuing along said east line, for a distance of 527.89 feet, to a to a ½ inch iron rod set; Thence, South 00°09'04" West, continuing along said east line, for a distance of 711.34 feet, to a to a ½ inch iron rod set; Thence, North 89°50'56" West, departing said east line, for a distance of 178.84 feet, to a to a ½ inch iron rod set on a non-tangent curve to the right, for an arc distance of 60.00 feet, a central angle of 134° 50'48" and a tangent of 144.31 feet; Thence, along said curve to the right for an arc distance of 141.21 feet (Chord Bearing South 77°10'07" West – 110.81 feet), to a to a ½ inch iron rod set; Thence, North 89°43'22" West, for a distance of 313.80 feet, to a to a ½ inch iron rod set; Thence, South 00°16'38" West, for a distance of 289.81 feet, to a to a ½ inch iron rod set in the south line of said 71.19 acre tract also being in the north line of F.M. 1378 (90' R.O. W.); Thence, North 89°43'22" West, along said north and south lines, for a distance of 70.00 feet, to a to a ½ inch iron rod set; Thence, North 00°16'38" East, departing said north and south lines, for a distance of 289.81 feet, to a to a ½ inch iron rod set; Thence, North 89°43'22" West, for a distance of 335.35 feet, to a to a ½ inch iron rod set; on a non-tangent curve to the right, having a radius of 60.00 feet, a central angle of 164° 03'21"; Thence, along said curve to the right for an arc distance of 171.80 feet (Chord Bearing North 62°00'34" West – 118.84 feet), to a to a ½ inch iron rod set; Thence, North 89°43'21" West, for a distance of 179.82 feet, a to a ½ inch iron

rod set in the west line of said 71.19 acre tract being in the east line of 2.00 acre tract, as described in Volume 948, Page 428, in the Deed Records of Collin County, Texas; Thence, North 00°03'59" East, along the west line of said 71.19 acre tract and the east line of said 2.0 acre tract, at 62.28 feet passing a 5/8 inch rod found at the northeast corner of said 2.00 acre also being the southeast corner of said Cimarron Phase I, for a total distance of 1021.44 feet, a to a ½ inch iron rod set; Thence, North 00°30'35" East, along said west line and with the east line of said Cimarron Phase I, for a distance of 1247.36 feet, to the POINT OF BEGINNING and containing 62.976 acres of land. **[Commonly known as Edgewood Estates. This is the 2nd Public Hearing, the 1st Public Hearing was held on November 7, 2013]** **[Hilbourn]**

The Public Hearing was opened at 8:28 p.m.

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

The Public Hearing was closed at 8:28 p.m.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to deny the annexation of Edgewood Estates. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 4-2, Councilmember Jim Olk and Mayor Rebecca Mark voting NAY.

- 8) Public Hearing/Discuss and Consider the unilateral annexation of a tract situated in the Montgomery Birch Survey, Abstract NO. 115 and being part of a tract of land described in deed recorded in Volume 1975, Page 744 of the Deed Records of Collin County, Texas and a 83.2327 acre parcel of land out of T. D. James Survey, Abstract NO. 477 and being part of a tract of land described in deed recorded in Volume 480, Page 141 of the Deed of Records of Collin County, Texas and being more particularly described as follows: BEGINNING at the Northeast of said 83.2327 acre tract for the POINT OF BEGINNING; THENCE South 01°47'06" West, a distance of 1559.81 feet to an iron rod found; THENCE South 88°18'53" East, a distance of 1158.69 feet to an iron rod found; THENCE South 02°30'00" East, a distance of 1282.52 feet to an iron rod found; THENCE North 60°35'42" East, a distance of 0.02 feet to an iron rod found; THENCE South 26°03'44" East, a distance of 29.62 feet to an iron rod found; THENCE South 49°46'37" West, a distance of 156.47 feet to an iron rod found; THENCE South 39°22'18" West, a distance of 682.78 feet to an iron rod found; THENCE North 87°39'20" West, a distance of 1535.59 feet to an iron rod found; THENCE North 02°44'57" East, a distance of 805.91 feet to an iron rod found; THENCE North 88°23'52" West, a distance of 568.39 feet to an iron rod found; THENCE North 18°17'35" West, a distance of 651.22 feet to an iron rod found; THENCE North 00° 11'32" East, a distance of 604.85 feet to an iron rod found; THENCE South 88°50'24" East, a distance of 390.20 feet to an iron rod found; THENCE North 01°50'24" East, a distance of 1464.26 feet to an iron rod found; THENCE South 88°31'45" East, a distance of

1203.50 feet to the POINT OF BEGINNING and containing 6,477,178 square feet, 148.6956 acres of land, more or less. **[Commonly known as Lakeview Downs located at the intersection of E. Lucas Road and Snider Lane. This is the 2nd Public Hearing, the 1st Public Hearing was held on November 7, 2013] [Hilbourn]**

The Public Hearing was opened at 8:30 p.m.

David Banowsky, 12801 N. Central Expressway, Suite 1700, Dallas, Texas, representing the property owners, came forward to speak AGAINST this item. It is understood that this annexation is being done under the exempt status. The landowner is interested in working out an agreement that would best fit the development and the City.

The Public Hearing was closed at 8:32 p.m.

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.

Mayor Rebecca Mark stated that Council would be convening into Executive Session at 8:33 p.m.

The City Council reconvened into Regular Session at 8:53 p.m.

No action was taken as a result of Executive Session.

- 9) Public Hearing/Discuss and Consider the unilateral annexation of a 9.474 ACRE TRACT OF LAND OUT OF THE MONTGOMERY BIRCH SURVEY, ABSTRACT 115, COLLIN COUNTY, TEXAS, BEING THE REMAINDER OF A 39.73 ACRE TRACT OF LAND AS DEEDED TO OWEN GEORGE AND RECORDED IN VOLUME 550, PAGE 165 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (DRCCT), AS SHOWN ON THE ATTACHED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: The POINT OF BEGINNING is a Corps of Engineers (COE) monument at the southernmost corner of the remainder tract herein described, said point being the westernmost corner of Right of Way as deeded to the State of Texas (TxDOT) and recorded Volume 945, Page 149, DRCCT, and being the northeast corner of tract 4405-1 as deeded to the United States of America (USA) for the Lake Lavon Reservoir and recorded in Volume 738, Page 124, DRCCT; THENCE North 37°42' West, departing said Right of Way line and crossing said Owen George tract with the northeast line of said USA tract, a distance of 909.70 feet to COE monument No. 4405-2, said point being on the north line of said Owen George tract; THENCE South 87°31' East, with the north line of said Owen George tract, a distance of 1237.14 feet to a stake marking the

northeast corner of the Owen George remainder tract, and being the northwest corner of said TxDOT Right of Way tract; THENCE South 51°12' West with the northwest line of the Right of Way for FM 3286, a distance of 168.07 feet to a stake at the beginning of a tangent curve to the left; THENCE with said curving Right of Way having a radius of 2924.79, through a central angle of 10°23', an arc distance of 530.04 feet, and having a chord which bears South 46°00'30" West, a distance of 529.32 feet to a stake at the point of tangent; THENCE South 40°49' West, with said Right of Way line, a distance of 256.88 feet to the POINT OF BEGINNING, and containing 9.474 acres of land. **[Owned by Owen George and is located off E. Lucas Road. This is the 2nd Public Hearing, the 1st Public Hearing was held on November 7, 2013] [Hilbourn]**

The Public Hearing was opened at 8:55 p.m.

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

The Public Hearing was closed at 8:55 p.m.

Regular Agenda

- 10) Discuss and Consider approval of the minutes from the November 7, 2013 City Council Regular and November 13, 2013 City Council Special meetings. **[Wingo]**

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to approve the minutes from the November 7, 2013 City Council Regular and November 13, 2013 City Council Special meetings. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-0.

- 11) Update on grant application submitted to Wal-Mart by the Friends of the Lucas Fire Department in the amount of \$2,000 to be used for ambulance supplies.

The Friends of the Lucas Fire Department was awarded a \$1,500 grant by the Wal-Mart Foundation.

Mayor Rebecca Mark stated that Wal-Mart has shown many times to be a good citizen to the community.

- 12) Discuss and Consider the approval of an agreement between the City of Lucas and Verizon to allow antennas to be located on the McGarity water tower and authorize the Interim City Manager to execute said agreement. **[Foerster]**

MOTION: Councilmember Jim Olk made a Motion to approve agreement between the City of Lucas and Verizon to allow antennas to be located on the McGarity water tower and authorize the Interim City Manager to execute said agreement. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-0.

- 13) Discuss and Consider the approval of a First Responder Service Agreement between the East Texas Medical Center Emergency Medical Service and Lucas Fire Rescue Department and authorize Fire Chief Jim Kitchens to execute the agreement. **[Kitchens]**

MOTION: Councilmember Philip Lawrence made a Motion to approve the First Responder Service Agreement between the East Texas Medical Center Emergency Medical Service and Lucas Fire Rescue Department and authorize Fire Chief Jim Kitchens to execute the agreement. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-0.

- 14) Discuss and Consider the appointment of a Council Liaison for the Parks & Open Space Board.

Mayor Rebecca Mark said in the interest of time and the lateness of the hour Items 14 – 18 would be lump together and approved with one Motion.

MOTION: Councilmember Debbie Fisher made a Motion that all current Council Liaison appointments would remain the same. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 6-0.

- 15) Discuss and Consider the appointment of a Council Liaison for the Board of Adjustments.

Mayor Rebecca Mark said in the interest of time and the lateness of the hour Items 14 – 18 would be lump together and approved with one Motion. See Motion for Item 14.

- 16) Discuss and Consider the appointment of a Council Liaison for the Planning & Zoning Commission.

Mayor Rebecca Mark said in the interest of time and the lateness of the hour Items 14 – 18 would be lump together and approved with one Motion. See Motion for Item 14.

- 17) Discuss and Consider the appointment of a Council Liaison for the North Texas Municipal Water District.

Mayor Rebecca Mark said in the interest of time and the lateness of the hour Items 14 – 18 would be lump together and approved with one Motion. See Motion for Item 14.

- 18) Discuss and Consider the appointment of a Council Liaison for the North Texas Council of Governments.

Mayor Rebecca Mark said in the interest of time and the lateness of the hour Items 14 – 18 would be lump together and approved with one Motion. See Motion for Item 14.

- 19) Discuss and Consider the use of city facilities for non-city business meetings and events.

This item was removed from the agenda and will be brought back to Council at a later date for consideration.

- 20) Adjournment.

MOTION: Councilmember Jim Olk made a Motion to adjourn the meeting at 9:07 p.m. Councilmember Lawrence seconded the Motion. Motion carried. Vote: 6-0.

These minutes were approved by a majority vote of the City Council on December 5, 2013.




Rebecca Mark, Mayor

ATTEST:


Kathy Wingo, TRMC, MMC
City Secretary