



**City Council Regular Meeting
December 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 or (Absent):

Mayor Rebecca Mark
Councilmember Wayne Millsap
Councilmember Steve Duke
Councilmember Debbie Fisher

Mayor Pro Tem Kathleen Peele (Absent)
Councilmember Jim Olk
Councilmember Philip Lawrence

Staff Present or (Absent):

Interim City Manager Dan Savage
City Attorney Joe Gorfida
Development Services Director Joe Hilbourn
Fire Chief Jim Kitchens

City Secretary Kathy Wingo
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.

Erica King, 1195 Brockdale Park Road, Lucas, came forward to speak on the 45 MPH speed limit on Brockdale Park Road. Ms. King is very concerned for the construction traffic that is ignoring the cautionary sign of 25 MPH which Public Works Director Stanton Foerster placed temporarily. There are many families that travel this road. This road is not safe and improvements to this road need to be done sooner than later. The speed limit needs to be lowered permanently to 25 MPH.

Community Interest

2) Items of Community Interest.

Interim City Manager Dan Savage reminded the audience and Council that City Hall would be closed for the holidays on Tuesday and Wednesday, December 24th and 25th as well as Wednesday, January 1st.

Regular Agenda

- 3) Discuss and Consider approval of the minutes from the December 4, 2013 City Council Special and December 5, 2013 City Council Regular meetings. **[Wingo]**

MOTION: Councilmember Jim Olk made a Motion to approve the minutes from the December 4, 2013 City Council Special and December 5, 2013 City Council Regular meetings as presented. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 6-0.

- 4) Discuss and Consider the approval of a Development Agreement between the City of Lucas and Lakeview Downs concerning a 148.6956 acre tract of land located in Collin County, Texas known as Lakeview Downs, located off E. Lucas Road. **[Hilbourn]**

Councilmember Jim Olk expressed concern with tying the Zoning Use Chart as part of the agreement. Should the City revise the chart in the future the development agreement would also have to be amended.

Councilmember Olk went on to say that the agreement states that when development begins the City may annex the property. The term development is not defined.

The previous approved agreement is a facilities agreement which does not change.

There was a correction suggested to Article III, Voluntary Annexation, 3.1: Add "For purposes of this Agreement the term "Commences Development" shall mean at the time any permit application for Storm Water Run-Off is filed for the property with the City."

David Banowsky, 12801 N. Central Expressway, Suite 1700, Dallas, Texas representing the property owners thanked the Council for their consideration of this agreement in lieu of annexation.

MOTION: Councilmember Jim Olk made a Motion to approve Development Agreement between the City of Lucas and Lakeview Downs concerning a 148.6956 acre tract of land located in Collin County, Texas known as Lakeview Downs, located off E. Lucas Road with the correction suggested to Article III, Voluntary Annexation, 3.1: Add "For purposes of this Agreement the term "Commences Development" shall mean at the time any permit application for Storm Water Run-Off is filed for the

property with the City.” Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 6-0.

- 5) Discuss and Consider the approval of **Ordinance # 2013-12-00774** an ordinance 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. [148.6956 acre tract known as Lakeview Downs, located off E. Lucas Road] **[Hilbourn]**

With the approval of Item 4 by the City Council, this item will be removed from the agenda.

The Ordinance # will be cancelled and reused at a later date.

- 6) Discuss and Consider the approval of **Ordinance # 2013-12-00773** an ordinance 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. [9.474 acre tract owned by Owen George and is located off E. Lucas Road] **[Hilbourn]**

Robert Burch, 2041 E Lucas Road, Lucas stated that the annexation would close his fireworks business. People from the community are hired from the community to help run the business. Mr. Burch said that the property is maintained and security is provided when the business is open to provide a good safe environment for families to shoot their fireworks.

Alvin Lafon, 6269 CR 437, Princeton, Texas stated that this business has been in the same location for 29 years. We have always tried to be a good neighbor and help the community whenever possible. Mr. Lafon is opposed to this annexation.

Mayor Rebecca Mark felt that since Lakeview Downs is not going to develop at this time there is no need to annex this property. When the Lakeview Downs development begins, the City can talk about this annexation at that time.

Fire Chief Jim Kitchens stated that there have only been a few minor injuries (fireworks related) and a few small grass fires. There have not been any major issues at this location. Most of the issues risen from this location have been on the law enforcement side.

Councilmember Philip Lawrence could not support the annexation of the parcel at this time.

City Attorney Joe Gorfida stated that Council could amend the Code of Ordinances to regulate fireworks in the ETJ. If a development is in place on this parcel it could hinder the Council's ability to regulate the fireworks stands in the future.

MOTION: Councilmember Philip Lawrence made a Motion to deny this item. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 6-0.

The Ordinance # will be cancelled and reused at a later date.

- 7) Discuss and Consider the approval of an amendment to the Development Agreement between the City of Lucas and Liberty Bankers Life Insurance Company concerning the upsize of a section of the water main and a revision to Exhibit G reflecting two dead-end cul-de-sacs in lieu of a single entrance with emergency gate. **[Hilbourn]**

The development agreement and development plan was originally approved on April 19, 2012. The developer is asking to alter the approved site plan to allow for two cul-de-sacs instead of a single entrance on Stinson with an emergency exit through Stinson Highlands. This agreement also has the developer upsizing a section of water main from an eight inch to twelve inch line.

The on-site waterline should be looped in the easements as shown in Exhibit B.

MOTION: Councilmember Jim Olk made a Motion to approve an amendment to the Development Agreement between the City of Lucas and Liberty Bankers Life Insurance Company concerning the upsize of a section of the water main and a revision to Exhibit G reflecting two dead-end cul-de-sacs in lieu of a single entrance with emergency gate and Section 2.3 of the agreement should reflect on-site waterline looping to be reflected in the utility easements per Exhibit B. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-0.

- 8) Discuss and Consider a review for allowing Kyle Kruppa on behalf of Hillwood Communities and Brockdale Park Estates to make repairs and upgrades to Brockdale Park Road for no cost to the City of Lucas. **[Hilbourn]**

Kyle Kruppa on behalf of Hillwood Communities and Brockdale Park Estates has requested permission to make upgrades to Brockdale Park Road.

Interim City Manager Dan Savage stated there are possibly three times this roadway will need to be improved, construction of Phase I and Phase II of the development

and the end of the construction period. The developer recognizes that the roadway needs to be improved now.

Staff will continue to have discussions with the development. There are some reasonable long term repairs that could be done. Staff should be able to bring something for Council to consider at the January 16th meeting.

Staff will, in the meantime, address the issue of the speed limit and traffic safety issues and take any action necessary.

Brad King, 1195 Brockdale Park Road, came forward to speak. This construction team is not a good neighbor. Mr. King suggests that the City lock the development into repairing this roadway.

Patricia Jasina, 1245 Brockdale Park Road, came forward to speak. These construction trucks are doing 50 MPH down this roadway. Ms. Janina appeals to the Council to take care of these issues.

- 9) Discuss and Consider the approval of an Interlocal Agreement between North Texas Municipal Water District and the City of Lucas regarding the North McKinney Pipeline Phases I and II and the participation in the construction of Phase One Rock Ridge Road 12 inch waterline in an amount not to exceed \$500,000. **[Foerster]**

Previous efforts by the City of Lucas to place a 12-inch waterline along Rock Ridge Road were thwarted by Collin County because the county would not allow the city to use county right-of-way. During last summer, staffs from NTMWD and City of Lucas began discussing shared use of easements belonging to either party as a way for both parties to complete the construction of needed infrastructure.

In August of this year, the Lucas City Council approved a professional services agreement with Freese and Nichols, Inc. for the design of the Rock Ridge Road 12-Inch Waterline Phase I. The design was completed and added to the NTMWD Project Number 210 construction plans and advertised for letting in November.

In November, City Staff sent a letter to Jim Parks, Executive Director, of the NTMWD requesting an ICA for this matter. The letter is attached.

The NTMWD Board meets on 12/19/13. Two items for their discussion and consideration is the awarding of Project No. 210 for construction and this ICA. The City of Lucas portion of this project is an alternate to Project No. 210. The City of Lucas is not obligated to approve the ICA. If the city does not approve the ICA, NTMWD will still be able to move forward with Project No. 210.

This ICA will allow the following:

- 1) Obligate a not to exceed amount of \$500,000.00 in city funds for the construction of 4300+/- feet of 12-inch waterline from the Exchange

Parkway/Highland Court intersection within the City of Allen's Extraterritorial Jurisdiction to the Rock Ridge Road/Country Club Road intersection; and

- 2) The cooperative use of easements between the Exchange Parkway/Highland Court intersection to north of the Wolf Creek Drive/Country Club Road intersection.

During the December 19, 2013, City Council meeting, City Staff will be informed by the NTMWD staff of the NTMWD Board actions regarding the ICA.

Currently the NTMWD is negotiating Change Order Number 1 with the prospective contractor. NTMWD will not have a final number for the City of Lucas regarding our cost for the 12-inch waterline construction. For this reason, NTMWD and city staff have placed a not to exceed amount in the ICA of \$500,000. NTMWD estimates the city's cost to be \$474,694.71.

If the City Council does not approve the obligation of the construction funds, the NTMWD staff has requested that the portion of the ICA allowing NTMWD to use City of Lucas easements be approved.

MOTION: Councilmember Wayne Millsap made a Motion to approve Interlocal Agreement between North Texas Municipal Water District and the City of Lucas regarding the North McKinney Pipeline Phases I and II and the participation in the construction of Phase One Rock Ridge Road 12 inch waterline in an amount not to exceed \$500,000. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 6-0.

- 10) Discuss and Consider the approval of an Advanced Funding Agreement between the City of Lucas and Texas Department of Transportation (TxDOT) regarding the reconstruction of Estates Parkway/Angel Parkway intersection improvements (CSJ: 2401-01-008 Intersection Improvements project on FM 2170). **[Foerster]**

Mayor Rebecca Mark recused herself from the item discussion due to the proximity to her residence. An Affidavit of Conflict of Interest was completed by Mayor Rebecca Mark and becomes a part of these minutes. Councilmember Jim Olk took control of the meeting.

City Staff has been meeting with TxDOT, Collin County, and City of Allen to find a way to improve the eastern leg of the Estates Pkwy/Angel Pkwy intersection. Staff will continue to seek funding from Collin County and the City of Allen. To date, neither agency has committed funding to the project. Staff is proposing to use Roadway Impact Fees. The current construction estimate is \$500,000 to \$600,000. The engineering costs are estimated to be \$70,000.00.

Commission Minute Order Number 113675 authorizes TxDOT to undertake and complete a highway improvement generally described as the construction of

intersection improvements along FM 2170 from FM 2551 to East of FM 2551 in the City of Lucas, Collin County.

The City has requested that TxDOT allow the City to participate in this improvement by funding that portion of the improvement described as the design and construction of intersection improvements along FM 2170 from FM 2551 to East of FM 2551 in the City of Lucas, Collin County, called the "Project".

TxDOT will be incurring \$111,600 in direct and \$48,300 indirect costs. To make all the number work out to satisfaction of TxDOT, the City shows the cost of the Project to be \$1,000,000. This was done to make sure TxDOT budgeted enough for their direct and indirect costs.

MOTION: Councilmember Wayne Millsap made a Motion to approve an Advanced Funding Agreement between the City of Lucas and Texas Department of Transportation (TxDOT) regarding the reconstruction of Estates Parkway/Angel Parkway intersection improvements (CSJ: 2401-01-008 Intersection Improvements project on FM 2170) and authorize the Interim City Manager to execute the agreement. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 5-0.

The Mayor returned to the meeting.

- 11) Discuss and Consider the approval of Amendment Two to the Owner/Architect Agreement between the City of Lucas and Wiginton Hooker Jeffry PC regarding the addition of the landscape design in an amount not to exceed \$6,700 for the Fire Station Renovation and Addition Project. **[Savage]**

Presently, a living screen on the north side of the Fire Station site separates the Fire Station from the existing residence. Under City Code, a living screen may be approved by the Planning & Zoning Commission and the City Council in lieu of a masonry wall at least six feet in height. The landscaping plan is needed for the overall project development, but it is especially needed if the living screen is to be retained. The irrigation design is needed to support the landscaping plan.

MOTION: Councilmember Wayne Millsap made a Motion to approve an Amendment Two to the Owner/Architect Agreement between the City of Lucas and Wiginton Hooker Jeffry PC regarding the addition of the landscape design in an amount not to exceed \$6,700 for the Fire Station Renovation and Addition Project. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 6-0.

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

This item will be brought back for consideration in January.

Executive Session

City Council convened into Executive Session at 9:12 p.m.

- 13) 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

City Council reconvened into Regular Session at 9:40 p.m.

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

There was no action taken as a result of Executive Session.

- 15) Adjournment.

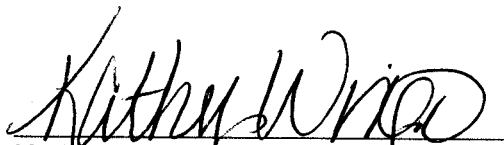
MOTION: Councilmember Jim Olk made a Motion to adjourn the meeting at 9:40 p.m. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 6-0.

These minutes were approved by a majority vote of the City Council on January 16, 2014.




Rebecca Mark, Mayor

ATTEST:


Kathy Wingo, TRMC, MMC
City Secretary

MEETING DATE: 12-19-13
ITEM # 10

AFFIDAVIT OF CONFLICT OF INTEREST

STATE OF TEXAS §
§
COUNTY OF COLLIN §

I Rebecca Mark as a member of the City Council of the City of Lucas, Texas, make this affidavit and hereby state on oath that I, or a person related to me, has a substantial interest in a business entity or tract of real property that would be peculiarly affected by a vote or decision of the City Council as those terms are defined in Chapter 171, TEX. LOC. GOV'T CODE.

The business entity or property is Residence at 2550 Estates Pkwy
Lucas TX 75002

I have a substantial interest in this business entity or property for the following reasons: (check all which are applicable)

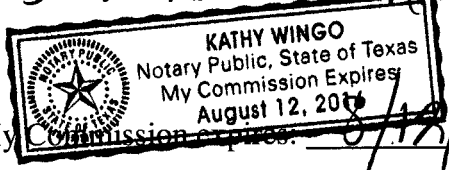
- Ownership of 10% or more of the voting stock or shares of the business entity.
- Ownership of 10% or more or \$15,000 or more.
- Funds received from the business entity exceed 10% of my income for the previous year.
- Real property is involved and I have an equitable or legal ownership interest in the real property, with a fair market value of at least \$2,500.
- A person related to me in the first degree by consanguinity or affinity as determined by Chapter 573, TEX. GOV'T CODE has a substantial interest in the business entity or property.
- Other _____

Upon the filing of this affidavit, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation in this subject matter whatsoever.

Sign this 19th day of Dec, 2013.

Rebecca Mark
Signature of Official

This instrument was acknowledged before me on the 19th day of Dec, 2013, by Rebecca Mark, the public official indicated above.



Kathy Wingo
Notary Public, State of Texas

My Commission Expires: 8/12/16