



AGENDA
City of Lucas
City Council Meeting
May 7, 2020
7:00 PM
City Hall – Council Chambers
665 Country Club Road – Lucas, Texas

On March 16, 2020 Governor Abbott has suspended some provisions of the Open Meetings Act in response to the COVID-19 emergency. To comply with Governor Abbott latest Executive Order, GA 18, and to practice safe distancing, Lucas City Council meetings will not be open to on-site visitors. In the interim, City Council meetings will be available through Ring Central Webinar from your computer or smartphone. **To join the meeting, go to <https://webinar.ringcentral.com/j/1496005696> password 9727278999.** **you will be asked for your name and email address to join the meeting.** By clicking on the link to join the meeting, the Ring Central software application will be downloaded to your computer.

If the public desires to speak during a specific agenda item, **they must email shenderson@lucastexas.us by 4:30 pm on Thursday, May 7, 2020.** The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made.

Notice is hereby given that a special meeting of the Lucas City Council will be held on Thursday, May 7, 2020 at 7:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651 at which time the following agenda will be discussed. As authorized by Section 551.071 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 on any item on the agenda at any time during the meeting.

Call to Order

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

Citizen Input

1. Citizen Input

You may also submit comments for items not listed on the agenda by sending an email to the City Secretary by 4:30pm the day of the meeting at **shenderson@lucastexas.us**. The Mayor will read your comment during the Citizen Input portion of the Agenda. You may also reach the City Council at any time by emailing **citycouncil@lucastexas.us**.

Community Interest

Pursuant to Section 551.0415 of the Texas Government Code, the City Council may report on the following items: 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.

2. Items of Community Interest

Consent Agenda

All items listed under the consent agenda are considered routine and are recommended to the City Council for a single vote approval. If discussion is desired, an item may be removed from the consent agenda for a separate vote.

3. Consent Agenda

- A. Approval of the minutes of the April 16, 2020 City Council meeting. **(City Secretary Stacy Henderson)**

Regular Agenda

4. Consider the request by Sue Blankenship on behalf of Inspiration to amend Article 2, Section 2.5 and Exhibit C of the approved Settlement and Release Agreement for the Inspiration development, to include increasing the lot count to 1,680 and decreasing the lot size from 10,000 square feet to 8,400 square feet for interior lots only for a parcel of land located in the City of Lucas extraterritorial jurisdiction, Abstract A0799 Orpha Shelby Survey, Tract 3, being 74.327 acres. **(Development Services Director Joe Hilbourn)**
5. Consider adopting Ordinance 2020-05-00911 amending the City's Code of Ordinances, Chapter 10, Subdivisions, Article 10.04 Stormwater Runoff Regulations and Control, Section 10.04.005 relating to deleting specific requirements for stormwater detention. **(Development Services Director Joe Hilbourn)**
6. Discuss a report from Lakes Engineering regarding successes and complications of the Blondy Jhune Road project. **(City Council)**
7. Discuss a report from Lakes Engineering regarding successes and complications of the Stinson Road project. **(City Council)**
8. Receive a synopsis report on the Winningkoff Road Reverse Curve project. **(City Engineer Stanton Foerster)**
9. Consider reprioritizing the Capital Improvement Projects. **(City Council)**
10. Review Chapter 6 of the Comprehensive Plan Parks, Recreation and Open Space and discuss generating a possible Trail Survey and specify what questions should be included in the potential survey to input from citizens to clarify the desire for trails in the City of Lucas. **(Mayor Jim Olk, City Manager Joni Clarke)**
11. Consider taking action regarding the Declaration of Local Disaster for Public Health Emergency for the City of Lucas issued March 26, 2020. **(Mayor Jim Olk)**
12. Consider appointments to fill a vacant position on the Planning and Zoning Commission and Parks and Open Space Board. **(Mayor Jim Olk)**

Executive Session Agenda

Pursuant to Section 551.071 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. This meeting is closed to the public as provided in the Texas Government Code.

13. Executive Session: An Executive Session is not scheduled for this meeting.

As authorized by Section 551.071 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. This meeting is closed to the public as provided in the Texas Government Code.

14. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.
15. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on May 1, 2020.

Stacy Henderson, City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to City Secretary Stacy Henderson at 972.912.1211 or by email at shenderson@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

City Council Agenda Request

May 7, 2020

Requester: Mayor Jim Olk

Agenda Item Request

Citizen Input

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

Council Agenda Request

May 7, 2020

Requester: Mayor Jim Olk

Agenda Item Request

2. Items of Community Interest.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas Council Agenda Request May 7, 2020

Item No. 03

Requester: City Secretary Stacy Henderson

Agenda Item Request

3. Consent Agenda:
 - A. Approval of the minutes of the April 16, 2020 City Council meeting.

Background Information

NA

Attachments/Supporting Documentation

1. Minutes of the April 16, 2020 City Council meeting

Budget/Financial Impact

NA

Recommendation

City Staff recommends approval of the Consent Agenda.

Motion

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



**City of Lucas
City Council Meeting
April 16, 2020
Video Conference Meeting
7:00 P.M.**

City Hall - 665 Country Club Road – Lucas Texas

MINUTES

Call to Order

Mayor Olk called the video conference meeting to order at 7:00 p.m.

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Wayne Millsap
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Philip Lawrence
Councilmember Debbie Fisher

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
City Engineer Stanton Foerster

Mayor Olk determined that a quorum was present. Everyone was reminded to silence their cell phones and the Pledge of Allegiance was recited.

This meeting was conducted via video conference.

Citizen Input

1. Citizen Input.

There was no citizen comment at this meeting.

Community Interest

2. Items of Community Interest.

Mayor Olk explained that the City was still under a Declaration of Public Health Emergency and outlined the Declaration rules in place. He also noted that City Council and Planning and Zoning meetings were being held via Ring Central webinar during the declaration of public health emergency, and the City had also postponed the May 2, 2020 election until November 3, 2020.

Consent Agenda

3. Consent Agenda:

A. Approval of the minutes of the March 26, 2020 City Council meeting.

B. Approval of the minutes of the April 2, 2020 City Council meeting.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to approve the Consent Agenda as presented. The motion passed unanimously by a 7 to 0 vote.

Public Hearing Agenda

4A. Public hearing to consider adopting Ordinance 2020-04-00908 approving a specific use permit submitted by property owner Bill Shipley on behalf of Home Run Alley for indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas.

Development Services Director Joe Hilbourn gave a presentation discussing details of the specific use permit. He noted that Home Run Alley was proposing a 15,950 square foot indoor batting cage facility with an area for outdoor batting cages, and an outdoor infield for practice. Mr. Hilbourn stated that the building was located north of the storage facility and east of the pet hospital on Angel Parkway. Mr. Hilbourn stated that the Planning and Zoning Commission approved the specific use permit by a 4 to 1 vote with the following conditions:

- Infield area to be used for defensive practice only, no live batters on the infield
- Chain link fence, six feet in height, to be placed on the north, south and west sides of the property with limited access gates
- No infield lighting allowed without amending the specific use permit
- Hours of operation from 6 am to 10 pm
- 40” wainscot of stone around the perimeter of the building.

Mayor Pro Tem Peele expressed her concern with the potential for inadequate parking, and customers using Allison Lane to enter the property from the back in order to reach the practice field.

Mr. Hilbourn stated that there was a masonry wall between the Allison Lane and the property, and the roadway ends with the building so no vehicular traffic would be available on Allison Lane.

The Council discussed how the batting cages and infield area were available by reservations only, and therefore, a limited number of vehicles would be on site.

The Council discussed fencing recommended around the site, the definition of live batter, and noise levels from the outdoor batting cages and the infield practice area.

Mr. Hilbourn noted that two batting cages were proposed and were located away from the residential area closer to the building and Angel Parkway.

Matt Moore with Clay Moore Engineering stated that the building was secluded and not visible from the roadway. The field was positioned in its current location to allow the facility to grow. Mr. Moore stated that there was a detention pond to mitigate stormwater drainage and create a buffer between the facility and the residential neighborhood. Mr. Moore stated that the building was designed so

that anyone renting a batting cage or the practice facility would have to enter the building from the front and check in first.

Councilmember Fisher expressed her concern with the outdoor activities located near a residential area and asked if the applicant would consider a higher fence or repositioning the building.

Mr. Moore stated that he would consider a higher fence, and that the way drainage flows on the property, all drainage flows towards the back corner of the property which is where the detention pond is located. Mr. Moore stated that if the building were to be repositioned, it would interrupt the natural flow and hinder drainage in the area.

Councilmember Lawrence asked the distance from home plate to the nearest residence.

Mr. Moore stated approximately 350 feet. Mr. Moore also discussed how the batting cages would have interior netting to help absorb some of the sound from the bat and balls hitting the cage.

The Council discussed batting on the infield area, noting that only coaches should be allowed to hit balls to team members and team members would not be holding batting practice. The Council also discussed using a wooden bat rather than an aluminum bat on the infield area to cut back on noise.

Mayor Olk opened the public hearing at 7:36 pm.

Russell Menche, 435 Pennington, asked to speak via video conference. He stated that he was opposed to the request as it would create a noise nuisance and the hours of operation being open until 10 pm with the outdoor batting cages was also a concern.

Mayor Olk read the following emails received in opposition to the request noting that the outdoor batting cages would create noise, additional traffic, and lighting for the facility that would be intrusive to the surrounding neighborhood.

- Stacy and Steve Geipe, 420 Pennington
- Erika Busey, 425 Pennington
- Karen and Terry Denham, 2085 Claremont
- Ken Judd, President of Foxglen Homeowners Association
- Julie Judd, 445 Pennington
- Marc Keller

Mr. Moore clarified several items such as the detention pond being located on the inside the fenced area, there would be no stadium lighting on the infield area, the only lighting proposed was security lighting on the building, and they were in compliance with the dark sky ordinance. Mr. Moore also noted that there would be no access to the site from Allison Lane.

Mr. Mulholland, property owner of Home Run Alley stated that the infield practice area would be used for defensive practices only, no batting practice would take place and he would provide wooden bats for the coaches to use if the Council wanted to make that a condition of the specific use permit. Mr. Mulholland stated that the outdoor batting cages would be coach pitch behind a net, no pitching machines would be located within the batting cage area. During the school year, the outdoor area would only be open from 3 pm to 9 pm.

There being no one else wanting to speak, Mayor Olk closed the public hearing at 8 pm.

Councilmember Lawrence discussed his experience with batting cage facilities during his time coaching and noted that with the outdoor batting cages using coach pitch would not be as busy and would be more of a controlled environment.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Lawrence to adopt Ordinance 2020-04-00908 approving the specific use permit submitted by Home Run Alley for indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, in the City of Lucas with the following conditions:

1. The property shall be developed in accordance with the site plan attached as Exhibit “B” and made a part hereof for all purposes.
2. Hours of operation shall be as follows:
 - a. For the indoor facility from 6:00 a.m. to 10:00 p.m.
 - b. Outside batting cages from 9 a.m. to 8 p.m. or sundown.
 - c. Infield practice area from 9 a.m. to 8 p.m. or sundown.
3. The infield shall be for defensive practice only. Live batters, batting practice and metal bats shall not be allowed in the infield.
4. Outdoor lighting for the infield practice area and batting cages shall not be permitted. No lighting glare, via a bulb lens or luminaire shall be visible from Allison Lane right of way.
5. A 6-foot (6”) chain link fence located on the north, south and west side with limited gate access shall be required for safety and security purposes.

4B. Public hearing to consider adopting Ordinance 2020-04-00909 approving a specific use permit submitted by the property owner Walmart Real Estate on behalf of Ladera Properties for a 11,838 square foot tenant building to include a drive through window and outdoor dining area on a 1.426 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, otherwise known as 2650 West Lucas Road, Lot 4, Block A of the Walmart Addition.

Development Services Director Joe Hilbourn gave a presentation explaining aspects of the specific use permit request. Mr. Hilbourn noted that the request included a 11,838 square foot tenant building with a drive through window and outdoor dining area. The Planning and Zoning Commission approved the specific use permit with the condition that the dining area on the west end of the building did not encroach into the required five-foot sidewalk area.

Mayor Olk asked if signage was included on the north elevation of the building. Mr. Hilbourn stated that signage was not included on that elevation at this time but may change when the site plan is brought forward for approval.

Mayor Olk opened the public hearing at 8:25 pm, there being no one wishing to speak, the public hearing was closed.

Councilmember Fisher asked if music would be playing from the building. Mr. Hilbourn responded that he was unaware if any music would be playing from the building, but the City does have a noise ordinance in place to maintain music at appropriate levels.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Duke to adopt Ordinance 2020-04-00909 approving a specific use permit by Ladera Properties for a 11,838 square foot tenant building to include a drive through window and outdoor dining area on a 1.426 acre tract of land in the William Snider Survey, Abstract Number 821 located at 2650 West Lucas Road with the condition the dining area on the west end of the building did not encroach into the required five-foot sidewalk area. The motion passed unanimously by a 7 to 0 vote.

Regular Agenda

5. **Consider an application for a preliminary plat submitted by the property owner Bill Shipley on behalf of Home Run Alley for use as indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas.**

Development Services Director Joe Hilbourn gave a presentation explaining the preliminary plat had no road frontage, the property would be accessed through a fire lane between Lucas Plaza Phase 1 and Phase 2. The lot exceeded the minimum size lot in the district of 30,000 square feet, and provides easements for drainage, utilities and stormwater detention. Mr. Hilbourn stated that the plat meets all City's requirements and was approved by the Planning and Zoning Commission.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to approve the preliminary plat for Home Run Alley for an indoor batting cage and outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas. The motion passed unanimously by a 7 to 0 vote.

6. **Consider an application for a site plan, landscape plan, and elevations submitted by the property owner Bill Shipley on behalf of Home Run Alley for use as indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas.**

Development Services Director Joe Hilbourn reviewed aspects of the site plan that included the following:

- Twenty-seven (27) parking spaces
- Adequate stormwater runoff detention, minimal impervious cover, and complies with the City's site plan requirements, including lighting
- 100,431 square feet of landscape provided
- 627 square feet of parking lot coverage provided or 7.5 percent

- Perimeter parking lot requirements of one tree and eight shrubs for every 20 lineal feet of perimeter edge, and 150 lineal feet of parking lot perimeter requires eight shade trees and 64 shrubs. Landscaping was moved from the west side of the property to the east side to help with buffering
- Building materials proposed comply with the requirements in the 2015 International Building Code

Councilmember Fisher reiterated her concerns about the number of parking spaces provided and believed there may not be enough to support the use of the facility.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to approve the site plan, landscape plan, and elevations submitted by Home Run Alley for indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas. The motion passed unanimously by a 7 to 0 vote.

7. **Consider an application for a site plan, landscape plan, and elevations submitted by property owner Walmart Real Estate on behalf of Ladera Properties consisting of an 11,838 square foot tenant occupied restaurant, which will include a drive-through window and an outdoor dining space on a 1.426 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, otherwise known as 2650 West Lucas Road, Lot 4, Block A of the Walmart Addition.**

Mr. Hilbourn asked that this item be withdrawn and placed on a future agenda as the applicant was not ready to move forward with the site plan at this time.

No action was taken on this item, it was withdrawn.

8. **Consider transferring funds from FY 19/20 in the amount of \$85,000 from account 11-8210-420 Public Works Equipment to account 11-8210-421 Public Works Vehicles in the amount of \$45,000 and account 11-8209-421 Engineering Vehicles in the amount of \$40,000 to purchase one truck for the Engineering and one truck for Public Works.**

Mr. Hilbourn explained that staff was requesting to purchase two trucks scheduled for replacement in FY 2020-2021 as part of the vehicle replacement schedule, one truck for Engineering and one truck for Public Works using funds originally budgeted for the purchase of the Gradall equipment that was no longer needed as this work was being contracted out.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Fisher to approve transferring funds from FY 19/20 in the amount of \$85,000 from account 11-8210-420 Public Works Equipment to account 11-8210-421 Public Works Vehicles in the amount of \$45,000 and account 11-8209-421 Engineering Vehicles in the amount of \$40,000 to purchase one truck for the Engineering and one truck for Public Works. The motion passed unanimously by a 7 to 0 vote.

9. **Consider adopting Ordinance 2020-04-00910 continuing the Declaration of Local Disaster for Public Health Emergency for the City of Lucas issued March 26, 2020.**

Mayor Olk noted that the difference between the Resolution previously adopted to the proposed ordinance was giving authority to the Mayor to discontinue the declaration rather than having to bring back to the City Council. The same restrictions are still in place with the proposed ordinance.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Fisher to adopt Ordinance 2020-04-00910 continuing the Declaration of Local Disaster of Public Health Emergency for the City of Lucas issued March 26, 2020. The motion passed unanimously by a 7 to 0 vote.

10. Discuss and consider halting the Winningkoff construction project and consider evaluating funding for other projects outlined in the Capital Improvement Plan.

Councilmember Fisher noted that there had been several setbacks with recent road projects on Blondy Jhune and Stinson Road and would like a report of what caused those challenges from staff as well as the Project Management company. Councilmember Fisher noted that before proceeding with other projects, the Council should review the project reports to determine if process changes need to be made. Councilmember Fisher also discussed current funding dedicated to the Winningkoff Road project totaling \$1.9 million and questioned if there would be adequate funding available to construct the Stinson Road bridge as well. Councilmember Fisher suggested reviewing the CIP timeline to consider reprioritization of scheduled roadway projects.

Ms. Fisher confirmed with the City Engineer that when reviewing contracts, the amount of days referenced pertained to calendar days and not workdays, and that rain days could be added to the contract at the discretion of the City.

Mr. Foerster also clarified that delays associated with the Stinson Road project were due to utility conflicts related to power poles and gas lines, TxDOT construction delays, maintenance of the two-way operation between Caymen Park and Shiloh, as well as the contractor that had requested additional days be added to the project.

Mayor Pro Tem Peele also expressed concern about moving forward with new projects when the Council didn't fully understand what delays occurred on previous projects and how to keep from occurring again.

Councilmember Fisher stated that she would like to see as part of the report why the elevations on Blondy Jhune were missed until after the project was complete and City staff noticed the elevation change during inspection.

Mayor Olk suggested staff prepare a summary report for Blondy Jhune, Stinson and the Winningkoff reverse curve, that outlined progress on the project and would allow for self-evaluation of what could be improved upon for the next Council meeting. Mayor Olk also asked that an item be prepared for the next meeting regarding CIP projects and their priority such as West Lucas Road, Winningkoff Road and the Stinson bridge.

Chris Meszler, with Lakes Engineering stated that he would have a report ready by the next Council meeting for Stinson Road and Blondy Jhune. The City Engineer could prepare the report for the Winningkoff reverse curve since Lakes Engineering was not part of that project.

There was no formal action taken on this item, only direction to staff.

Executive Session

11. Executive Session.

An Executive Session was not held at this meeting.

12. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.

An Executive Session was not held at this meeting, and no action was taken.

Adjournment

13. Adjournment.

MOTION: A motion was made by Councilmember Millsap, seconded by Mayor Olk to adjourn the meeting at 9:09 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

Mayor Jim Olk

Stacy Henderson, City Secretary



City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 04

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider the request by Sue Blankenship on behalf of Inspiration to amend Article 2, Section 2.5 and Exhibit C of the approved Settlement and Release Agreement for the Inspiration development, to include increasing the lot count to 1,680 and decreasing the lot size from 10,000 square feet to 8,400 square feet for interior lots only for a parcel of land located in the City of Lucas extraterritorial jurisdiction, Abstract A0799 Orpha Shelby Survey, Tract 3, being 74.327 acres.

Background Information

The current Exhibit C of the Settlement and Release Agreement for the Inspiration development requires a minimum lot size of 10,000 square feet.

The current estimated lot count within Inspiration is approximately 1,634 homesites; which is less than the minimum allowable lot count (range of 1,705 to 2,058 lots per Exhibit B of the Agreement). With the proposed modification, the estimated lot count will be approximately 1,680 lots overall, which is still considerably less than the current allowable density.

The proposal is to retain the minimum 10,000 square foot lots on the perimeter of the northern village (Paradise Village), adjacent to both Seis Lagos and Brockdale communities. Inspiration is requesting approval to allow for a minimum of 60 foot by 140-foot lot size (8,400 square feet) for interior lots only. In addition, Paradise Village is intended to be an upscale Village within the Inspiration community. As such, Paradise Village is proposed to be a sub association within the master Inspiration Residential Association. The sub association will require front yard landscape maintenance, which will be provided by the sub association.

Attachments/Supporting Documentation

1. Approved Settlement and Release Agreement
2. Location Map
3. Letter from Susan Blankenship on behalf of Inspiration, including Exhibit B and C

Budget/Financial Impact

NA



City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 04

Recommendation

Staff is not in favor of this request.

Motion

I hereby make a motion to approve/deny the request on behalf of Inspiration to amend Article 2, Section 2.5 and Exhibit C of the approved Settlement and Release Agreement for the Inspiration development, to include increasing the lot count to 1,680 and decreasing the lot size from 10,000 square feet to 8,400 square feet for a parcel of land located in the City of Lucas extraterritorial jurisdiction, Abstract A0799 Orpha Shelby Survey, Tract 3, being 74.327 acres.



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SETTLEMENT AND RELEASE AGREEMENT

THIS SETTLEMENT AGREEMENT AND RELEASE (this "Agreement") is entered into by Lavon 593 Land Investment Partners, LP ("Owner") and the City of Lucas, Texas ("Lucas"). Owner and Lucas are collectively referred to herein as the "Parties."

Article I – Recitals

Circumstances which lead to this Agreement are as follows:

1.1 Owner owns approximately 593 acres of land in Collin County, Texas that is commonly known as Hanover's Lake Lavon project (the "Property"). The Property is described by metes and bounds on Exhibit A. A portion of the Property is within Lucas' extraterritorial jurisdiction ("ETJ").

1.2 Owner has taken steps to develop the Property, including filing a plan for development ("Plan for Development") with Lucas. A copy of that Plan for Development is attached as Exhibit B.

1.3 In early 2008, Owner initiated the process to create a water control and improvement district (the "District"). As part of that process, Owner sought consent from Lucas to create the District. Lucas did not consent to the District creation. Owner, after satisfying Texas Local Government Code Section 42.042 requirements, made application to the Texas Commission on Environmental Quality ("TCEQ") for creation of the District. The District was assigned TCEQ Control Number 11032008-D01.

1.4 In May 2008, Lucas passed Ordinance No. 2008-05-00612 adopting a Home Rule Charter.

1.5 On August 14, 2008, Lucas sent Owner a letter as "written notice of the City of Lucas's intent to annex your property."

1.6 On September 8, 2008, Owner filed suit against Lucas in the 380th Judicial District Court of Collin County, Texas as Cause No. 380-02778-2008 (the "Lawsuit"). The Lawsuit, among other things, requests a declaration that Lucas is without authority to annex the Property and that Owner has vested rights to develop the Property consistent with the Plan for Development. There is currently pending in the Court of Appeals, Fifth Judicial District, an interlocutory appeal filed by Lucas, which appeal is styled City of Lucas vs. Lavon 593 Land Investment Partners, LP, Case Number: 05-09-01049-CV (the "Appeal").

1.7 By letter dated August 4, 2009, Lucas, through its attorney Art Rodriguez, filed with the TCEQ a hearing request protesting Owner's efforts to create the District (the "District Creation Protest").

1.8 Lucas denies all claims made against it by Owner, and Owner denies all assertions by Lucas.

1.9 There are bona fide disputes between Owner and Lucas concerning the claims, assertions, and defenses made by or against such Parties in the Lawsuit.

1.10 The Parties desire to compromise and settle the disputes between them as set forth in this Agreement by compromise to avoid the uncertainties, inconvenience, and expense of further litigation. With respect to the Property, and without limiting the effect of this Agreement on the settlement of the disputes described herein, the Parties intend for this Agreement to be a development agreement as provided for by Section 212.172 of the Texas Local Government Code.

Article II Release and Discharge

For and in consideration of the recitals set forth in Article I above and the representations, agreements, and covenants hereinafter contained, the adequacy and sufficiency of which are admitted, Lucas and Owner hereby agree as follows:

2.1 This Agreement shall be effective (the "Effective Date") as of September 17, 2009. The term of this Agreement (the "Term") shall be 15 years from the Effective Date.

2.2 Lucas acknowledges and agrees that Owner intends and has the right to develop the Property consistent with the Plan for Development attached as Exhibit B as such plan is modified by this Agreement.

2.3 Lucas acknowledges and agrees that the road alignments shown on the Plan for Development are generally consistent with Lucas' thoroughfare plan, and Lucas will not deny a permit or plat application for all or any part of the Property based on the failure to comply with Lucas' thoroughfare plan provided the proposed road alignments shown in connection with the permit or plat application are consistent with those shown on the Plan for Development and consistent with Collin County's thoroughfare plan. If, at the time a permit or plat application is filed with Lucas on all or any portion of the Property within Lucas' ETJ, there exists a difference between the road alignments shown on the Plan for Development and the road alignments shown on the Collin County thoroughfare plan, the Collin County thoroughfare plan alignments must be shown.

2.4 Within five business days of the Effective Date, Lucas will file with the TCEQ a letter withdrawing the District Creation Protest. Lucas will not file any further objection to and will not otherwise oppose, the District creation. Lucas will not make any objection to and will not otherwise oppose any efforts by Owner or others in support of a regional sewer plan to pump sewage from the Property to the North Texas Municipal Water District Wilson Creek Treatment Plant. Lucas will not make any objection to and will not otherwise oppose any discharge permit application to serve all or part of the Property that is filed with the TCEQ, including any such application filed by Owner, Owner's successor in interest to all or any part of the Property, or Wylie Northeast Special Utility District ("Wylie Northeast"). Lucas will not make any objection

to or otherwise oppose any application for a water or sewer certificate of convenience and necessity ("CCN") to serve the Property filed with the TCEQ by Wylie Northeast.

2.5 Notwithstanding the development regulations shown on the Plan for Development, when developed, those portions of the Property shown on Exhibit C (the "Large Lot Property") will be developed with single family residential homes on lots with a minimum lot area of 10,000 square feet and a minimum home size of 2,000 square feet. In addition, at Owner's option, the road aligns shown on the northern boundary and the eastern boundary of the northern most Large Lot Property shall include either a cul-de-sac or a restricted access gate limited to use by emergency service vehicles at the point where such roads exit the Property. All other development regulations shown on the Plan for Development are applicable to the Large Lot Property. No town home or multifamily uses are permitted to be constructed within Lucas' ETJ. All single family residential homes constructed within Lucas' ETJ will have a minimum homes size of 2,000 square feet.

2.6 Owner and Lucas agree that the portion of the Property that is within the ETJ of Lucas is subject to the City of Lucas Ordinances regulating plats and subdivisions and all development on such Lucas ETJ Property must be in accordance with this Agreement, the Plan for Development and such ordinances. The ordinances regulating plats and subdivisions are contained in Chapter 3 "Building Regulations" and Chapter 10 "Subdivision Regulations" of the Lucas City Code of Ordinances in effect on the Effective Date.

2.7 Lucas will not annex the Property during the Term.

2.8 Within five business days of the later of the date Lucas delivers to the TCEQ a letter withdrawing its District Creation Protest or the date this Agreement is recorded in the deed records of Collin County, Texas, Owner and Lucas will: (i) file in the Appeal an Agreed Motion to Dismiss and Agreed Order of Dismissal in the forms attached as Exhibits D and E; and (ii) Owner will file and cause to be entered in the Lawsuit the Agreed Motion to Dismiss and Agreed Order of Dismissal With Prejudice in the forms attached as Exhibits D and E.

2.9 As of the Effective Date, Owner and Lucas do hereby unconditionally, fully and completely release, acquit and forever discharge one another from any and all claims, demands, actions, causes of action, suits, liabilities, damages, losses, costs and expenses whatsoever (collectively "Claims"), known or unknown, accrued or unaccrued, in law or in equity relating to the Lawsuit, the claims and defenses in the lawsuit, and the facts and circumstances at issue in the Lawsuit; notwithstanding the foregoing or anything else in this Agreement, neither Owner nor Lucas release any rights, obligations, or defense created by, arising under, or reserved by this Agreement.

2.10 The Parties each covenant not to sue one another with respect to any claims released by this Agreement.

2.11 Lucas represents and warrants that this Agreement has been approved by the Lucas City Council in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act) and that the individual

executing this Agreement on behalf of Lucas has been duly authorized to do so. Owner represents and warrants that this Agreement has been approved by appropriate action of Owner, and that the individual executing this Agreement on behalf of Owner has been duly authorized to do so. Each party acknowledges and agrees that this Agreement is binding upon such party and enforceable against such party in accordance with its terms and conditions. Each party agrees that, with respect to the Property, this Agreement is a "development agreement" authorized by Section 212.172 of the Texas Local Government Code. Each party warrants that any action required to be taken in order for this Agreement to be binding on it has been duly and properly taken prior to the execution of this Agreement.

2.12 Each party further declares and represents that this Agreement contains and constitutes the entire agreement between the parties with respect to the subject matter hereof and terminates, supersedes, and replaces any and all prior arrangements, understandings, representations, promises, inducements, or other communications, whether written or oral between the parties. Each party declares and represents that no oral understandings, statements, promises, or inducements in addition to, consistent with, or contrary to the terms of this Agreement exist. This Agreement can only be amended in writing signed by both Parties hereto.

2.13 Each party acknowledges the contested and adversarial nature of the Lawsuit and the underlying claims in the Lawsuit, and each party acknowledges and agrees that this Agreement is being executed, and the consideration hereunder being given by each party, in settlement of disputed claims between the Parties and to avoid further trouble, litigation, hearings, discovery, expert fees, trials, costs, and expense, and that the fact of this Agreement shall not be taken in any way as an admission of fact or liability by either party.

2.14 The Parties agree that each will pay their own respective court costs and attorneys' fees in connection with the Lawsuit.

2.15 THIS SETTLEMENT AGREEMENT, ANY DISPUTES WHICH MAY ARISE IN CONNECTION WITH THE INTERPRETATION OR ENFORCEMENT OF THE SETTLEMENT AGREEMENT, AND THE RIGHTS AND OBLIGATIONS OF THE PARTIES GENERALLY SHALL BE GOVERNED BY THE LAWS OF THE STATE OF TEXAS AND WITHOUT REGARD OR REFERENCE TO CHOICE OR CONFLICT OF LAW RULES.

2.16 In all instances in which a party to this Agreement is required under this Agreement to do any act at a particular time or within a particular period of time, time is of the essence in the performance of such act.

2.17 Each party represents that such party has substantial experience in negotiating contracts, that this Agreement is the product of negotiations among the Parties, and that, therefore, no party to this Agreement shall be charged with having promulgated this Agreement.

2.18 If a dispute arises regarding this Agreement, including a dispute regarding its interpretation and enforcement, and litigation is required to resolve the dispute, this Agreement

will be deemed to be an Agreement made in accordance with and enforceable under Rule 11 of the Texas Rules of Civil Procedure.

2.19 All notices under this Agreement shall be in writing and delivered by certified mail, return receipt requested, at the addresses listed below:

Lucas: City of Lucas
Attn: City Manager
665 Country Club Road
Lucas, Texas 75002

With a copy to: Nichols, Jackson, Dillard, Hager & Smith
Attn: Joe Gorfida Jr.
1800 Lincoln Plaza
500 North Akard Street
Dallas, Texas 75201

Owner: Lavon 593 Land Investment Partners, LP
Attn: Richard E. LeBlanc
5950 Berkshire Lane, Suite 1200
Dallas, TX 75240

With a copy to: K&L Gates LLP
Attn: Misty Ventura
1717 Main, Suite 2800
Dallas, Texas 75201

19. This Agreement may be executed in any number of original counterparts, on separate signature pages, each and all of which shall be deemed an original for all purposes, and all of which when taken together shall constitute one instrument. The following Exhibits are attached to this Agreement and are incorporated herein for all purposes:

- Exhibit A Metes and Bounds Legal Description of the Property
- Exhibit B Plan for Development
- Exhibit C Portions of the Property to be Developed with 10,000 square foot lots
- Exhibit D Form of Agreed Motion to Dismiss
- Exhibit E Form of Agreed Order of Dismissal With Prejudice

20. This Agreement shall be recorded in the deed records of Collin County, Texas. This Agreement shall run with the Property and shall be binding on and insure the benefit of the Parties and their successors and assigns.

[SIGNATURE PAGES FOLLOW]

Signed to be effective as of the Effective Date:

LAVON 593 LAND INVESTMENT PARTNERS, LTD.,
a Texas limited partnership

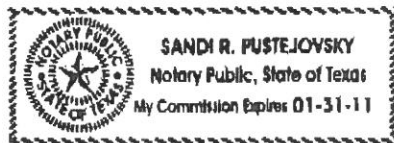
By: Lavon 593 GP Partners, Ltd.,
a Texas limited partnership, its general partner

By: Hanover Services Group, Inc.,
a Texas corporation, its general partner

By: *Richard E. LeBlanc*
Name: *Richard E. LeBlanc*
Title: *President*

STATE OF TEXAS §
COUNTY OF *Dallas* §

This instrument was acknowledged before me on the *21st* day of September, 2009 by *Richard E. LeBlanc, President* of Hanover Services Group, Inc., a Texas corporation, general partner of Lavon 593 GP Partners, Ltd., a Texas limited partnership, general partner of Lavon 593 Land Investment Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership.



Sandi R. Pustejovsky
Notary Public, State of Texas

THE CITY OF LUCAS, TEXAS

By: Bill Goe
Its: MAYOR

STATE OF TEXAS §
COUNTY OF Collin §

This instrument was acknowledged before me on the 18 day of September, 2009 by Bill Carmickle, Mayor of The City of Lucas Texas, a Texas home rule city, on behalf of said city.

Jennifer Faircloth
Notary Public, State of Texas

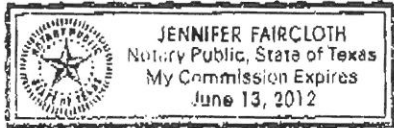


Exhibit A

Metes and Bounds Legal Description of the Property

BEING A 592.744 ACRE TRACT OF LAND SITUATED IN THE LEROY FARMER SURVEY, ABSTRACT NO. 334, THE MARK MORRIS SURVEY, ABSTRACT NO. 561, THE ORPHA SHELBY SURVEY, ABSTRACT NO. 799, AND THE JOSIAH TURNHAM SURVEY, ABSTRACT NO. 919, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 592.9988 ACRE TRACT OF LAND, DESCRIBED IN TRUSTEES DEED TO W.W. CARUTH, JR. AS RECORDED IN VOLUME 2684, PAGE 944, LAND RECORDS, COLLIN COUNTY, TEXAS, AS AFFECTED BY LAST WILL AND TESTAMENT OF W.W. CARUTH, JR. AS RECORDED IN COUNTY CLERK'S FILE NO. 92-0054539 REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS, SAID 592.744 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/4 INCH IRON ROD FOUND IN THE SOUTH LINE OF A 164.68 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CONSOLIDATED PARTNERSHIP, LTD. AS RECORDED IN VOLUME 3433, PAGE 874, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 12 MINUTES 19 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 164.68 ACRE TRACT, A DISTANCE OF 3004.80 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-26" FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED AS TRACT NO. 4424 IN A DEED TO THE UNITED STATES OF AMERICA AS RECORDED IN VOLUME 736, PAGE 833, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE, ALONG THE WEST LINES OF SAID UNITED STATES OF AMERICA TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 04 DEGREES 22 MINUTES 22 SECONDS EAST, A DISTANCE OF 756.97 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-25" FOUND FOR CORNER;

NORTH 65 DEGREES 28 MINUTES 27 SECONDS WEST, A DISTANCE OF 833.99 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

SOUTH 00 DEGREES 26 MINUTES 51 SECONDS WEST, A DISTANCE OF 549.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-23" FOUND FOR CORNER;

SOUTH 69 DEGREES 55 MINUTES 58 SECONDS WEST, A DISTANCE OF 1077.15 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-22" FOUND FOR CORNER;

SOUTH 50 DEGREES 39 MINUTES 17 SECONDS WEST, A DISTANCE OF 1405.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-21" FOUND FOR CORNER;

SOUTH 08 DEGREES 18 MINUTES 33 SECONDS EAST, A DISTANCE OF 73.65 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-20" FOUND FOR CORNER;

NORTH 88 DEGREES 26 MINUTES 57 SECONDS EAST, A DISTANCE OF 2464.68 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-19" FOUND FOR CORNER;

SOUTH 28 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 2603.00 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-18" FOUND FOR CORNER;

SOUTH 89 DEGREES 28 MINUTES 49 SECONDS EAST, A DISTANCE OF 573.44 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

NORTH 49 DEGREES 05 MINUTES 38 SECONDS EAST, A DISTANCE OF 1752.84 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-16" FOUND FOR CORNER;

NORTH 61 DEGREES 25 MINUTES 18 SECONDS EAST, A DISTANCE OF 1093.35 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-15" FOUND FOR CORNER;

SOUTH 33 DEGREES 36 MINUTES 41 SECONDS EAST, A DISTANCE OF 1419.53 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-14" FOUND FOR CORNER;

SOUTH 65 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 651.14 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-13" FOUND FOR CORNER;

SOUTH 43 DEGREES 36 MINUTES 57 SECONDS WEST, A DISTANCE OF 470.76 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-12" FOUND FOR CORNER;

NORTH 76 DEGREES 43 MINUTES 10 SECONDS WEST, A DISTANCE OF 1056.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-11" FOUND FOR CORNER;

SOUTH 29 DEGREES 18 MINUTES 01 SECOND WEST, A DISTANCE OF 903.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-10" FOUND FOR CORNER;

NORTH 78 DEGREES 51 MINUTES 09 SECONDS EAST, A DISTANCE OF 757.78 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-9" FOUND FOR CORNER;

SOUTH 06 DEGREES 19 MINUTES 32 SECONDS WEST, A DISTANCE OF 907.25 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-8" FOUND FOR CORNER;

SOUTH 75 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 63.77 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-7" FOUND FOR CORNER;

NORTH 64 DEGREES 41 MINUTES 43 SECONDS EAST, A DISTANCE OF 806.05 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-6" FOUND FOR CORNER;

SOUTH 33 DEGREES 12 MINUTES 35 SECONDS EAST, A DISTANCE OF 297.17 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-5" FOUND FOR CORNER;

NORTH 83 DEGREES 36 MINUTES 01 SECOND EAST, A DISTANCE OF 255.23 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-4" FOUND FOR CORNER;

NORTH 41 DEGREES 14 MINUTES 52 SECONDS EAST, A DISTANCE OF 367.27 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-3" FOUND FOR CORNER;

NORTH 76 DEGREES 45 MINUTES 34 SECONDS EAST, A DISTANCE OF 1317.38 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-2" FOUND FOR CORNER;

SOUTH 10 DEGREES 01 MINUTE 29 SECONDS WEST, A DISTANCE OF 600.79 FEET TO A CORPS OF ENGINEERS MONUMENT STAMPED "4424-1" FOUND FOR CORNER;

SOUTH 65 DEGREES 03 MINUTES 22 SECONDS WEST, A DISTANCE OF 1718.75 FEET TO A CORPS OF ENGINEERS MONUMENT FOUND AT THE MOST NORTHERLY NORTHEAST CORNER OF A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT B IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 89 DEGREES 21 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID TRACT B AND A 19.338 ACRE TRACT OF LAND DESCRIBED AS TRACT A IN A DEED TO H. STEVEN HUFSTETLER AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 93-0088439, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 649.87 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 17 MINUTES 42 SECONDS EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 1309.73 FEET TO A FENCE CORNER MARKING THE NORTHEAST CORNER OF ST. PAUL CATHOLIC CEMETERY (NO RECORD INFO FOUND);

THENCE, NORTH 89 DEGREES 30 MINUTES 12 SECONDS WEST, ALONG THE NORTH LINE OF SAID CEMETERY, A DISTANCE OF 299.40 FEET TO A FENCE CORNER;

THENCE, SOUTH 00 DEGREES 26 MINUTES 33 SECONDS EAST, WITH A FENCE ON THE WEST LINE OF SAID CEMETERY, A DISTANCE OF 285.89 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF ST. PAUL ROAD;

THENCE, SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ST. PAUL ROAD, A DISTANCE OF 1790.28 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET FOR CORNER;

THENCE, SOUTH 00 DEGREES 51 MINUTES 52 SECONDS EAST, A DISTANCE OF 4.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET ON THE NORTH RIGHT-OF-WAY LINE OF F.M. 2514 (PARKER ROAD);

THENCE, SOUTH 89 DEGREES 08 MINUTES 08 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514, A DISTANCE OF 1571.30 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET AT THE BEGINNING OF A CORNER-CLIP BETWEEN THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2514 AND THE EAST RIGHT-OF-WAY LINE OF AZTEC TRAIL;

THENCE, NORTH 44 DEGREES 56 MINUTES 54 SECONDS WEST, ALONG SAID CORNER-CLIP, A DISTANCE OF 41.22 FEET TO A WOODEN MONUMENT FOUND ON THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL;

THENCE, NORTH 01 DEGREE 30 MINUTES 56 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID AZTEC TRAIL, A DISTANCE OF 1822.87 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF A 10.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORMAN R. MORROW AND WIFE, LUZIA M. MORROW AS RECORDED IN VOLUME 1531, PAGE 279, LAND RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 09 MINUTES 24 SECONDS WEST, ALONG THE EAST LINE OF SAID 10.00 ACRE TRACT AND THE EAST LINE OF A 41.391 ACRE TRACT OF LAND DESCRIBED IN A DEED TO EDWARD H. HOBBS AS RECORDED IN VOLUME 4191, PAGE 715, LAND RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 1886.05 FEET TO A 1" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID 41.391 ACRE TRACT;

THENCE, SOUTH 89 DEGREES 14 MINUTES 23 SECONDS WEST, ALONG THE NORTH LINE OF SAID 41.391 ACRE TRACT OF LAND, A DISTANCE OF 1111.20 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE, NORTH 01 DEGREE 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 4428.92 FEET TO THE POINT OF BEGINNING AND CONTAINING 592.744 ACRES OF LAND, MORE OR LESS.

Exhibit B

Plan for Development

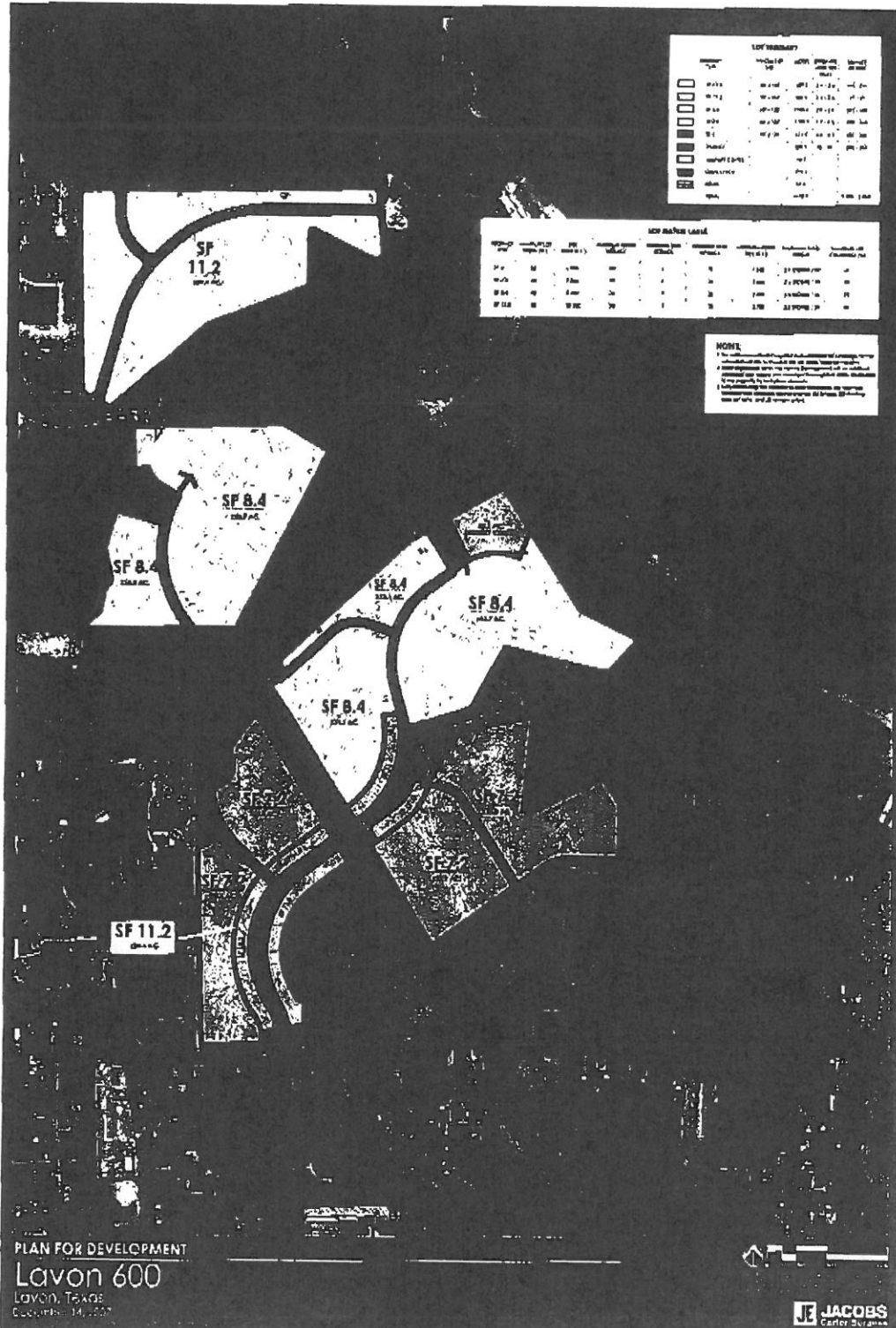


Exhibit D

Form of Agreed Motion to Dismiss

Cause No. 380-02778-2008

**LAVON 593 LAND INVESTMENT,
PARTNERS, L.P.,**

Plaintiff,

v.

CITY OF LUCAS,

Defendant.

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IN THE DISTRICT COURT

IN THE 380TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

MOTION TO DISMISS CLAIMS, WITH PREJUDICE

Plaintiff Lavon 593 Land Investment Partners, L.P. ("Lavon") and Defendant City of Lucas ("Lucas") file this Motion to Dismiss all claims between Lavon and Lucas in this action, with prejudice to their refiling, and in support of this Agreed Motion show as follows:

1. Lavon and Lucas have settled the matters in dispute between them in this action pursuant to a written Settlement Agreement approved by Lucas' City Council on September 17, 2009 (the "Settlement Agreement").

2. In accordance with the Settlement Agreement, Lavon and Lucas request that the Court dismiss with prejudice all claims asserted by Lavon against Lucas, and all claims asserted by Lucas against Lavon, in this matter.

WHEREFORE, premises, considered, Lavon and Lucas request that the Court dismiss with prejudice all claims asserted between Lavon and Lucas in this matter pursuant to the form of Order submitted with this Motion.

Respectfully submitted,

Matthew Molash
State Bar No. 14255300
Misty Ventura
State Bar No. 00795843
John R. Hardin
State Bar No. 24012784

of K&L GATES LLP
1717 Main Street, Suite 2800
Dallas, Texas 75201
Telephone: 214-939-5500
Facsimile: 214-939-5849

ATTORNEYS FOR PLAINTIFF

Joseph J. Gorfida, Jr.
Kimberly R. Lafferty
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing pleading was served on counsel for Defendant certified mail, return receipt requested, on September _____, 2009, as follows:

Donald H. Flanary, Jr.
Donald H. Flanary, Jr. PLLC
301 North Bradley Street
McKinney, Texas 75069
Certified # 7006 3450 0003 6178 3371

Exhibit E

Form of Agreed Order of Dismissal With Prejudice

Cause No. 380-02778-2008

**LAVON 593 LAND INVESTMENT,
PARTNERS, L.P.,**

Plaintiff,

v.

CITY OF LUCAS,

Defendant.

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IN THE DISTRICT COURT

IN THE 380TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

ORDER OF DISMISSAL WITH PREJUDICE

Came on for consideration the Motion to Dismiss Claims of Lavon 593, With Prejudice filed by Plaintiff Lavon 593 Land Investment Partners, L.P. and Defendant City of Lucas, Texas. The Court, having considered the Motion, finds that it should be granted.

It is, therefore, ORDERED that all claims between Plaintiff Lavon 593 Land Investment Partners, L.P. and Defendant City of Lucas, Texas are hereby dismissed with prejudice, and that all costs are taxed against the party incurring those costs.

SIGNED this _____ day of _____, 2009.

JUDGE PRESIDING

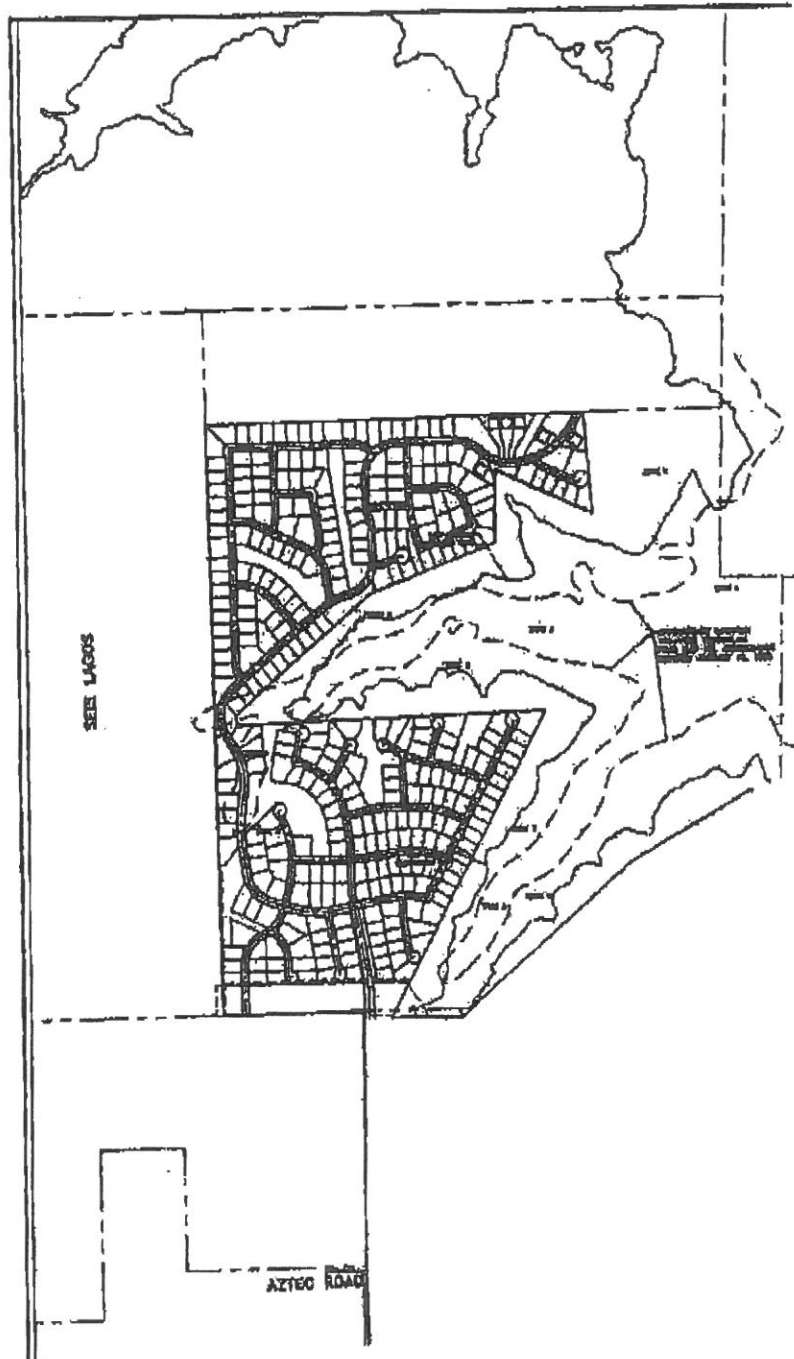
Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
09/22/2009 08:36:48 AM
\$78.00 TKING
20090922001175920



A handwritten signature in cursive script, appearing to read "Stacey Kemp".

Exhibit C

Portions of the Property to be Developed with 10,000 Square Foot Lots

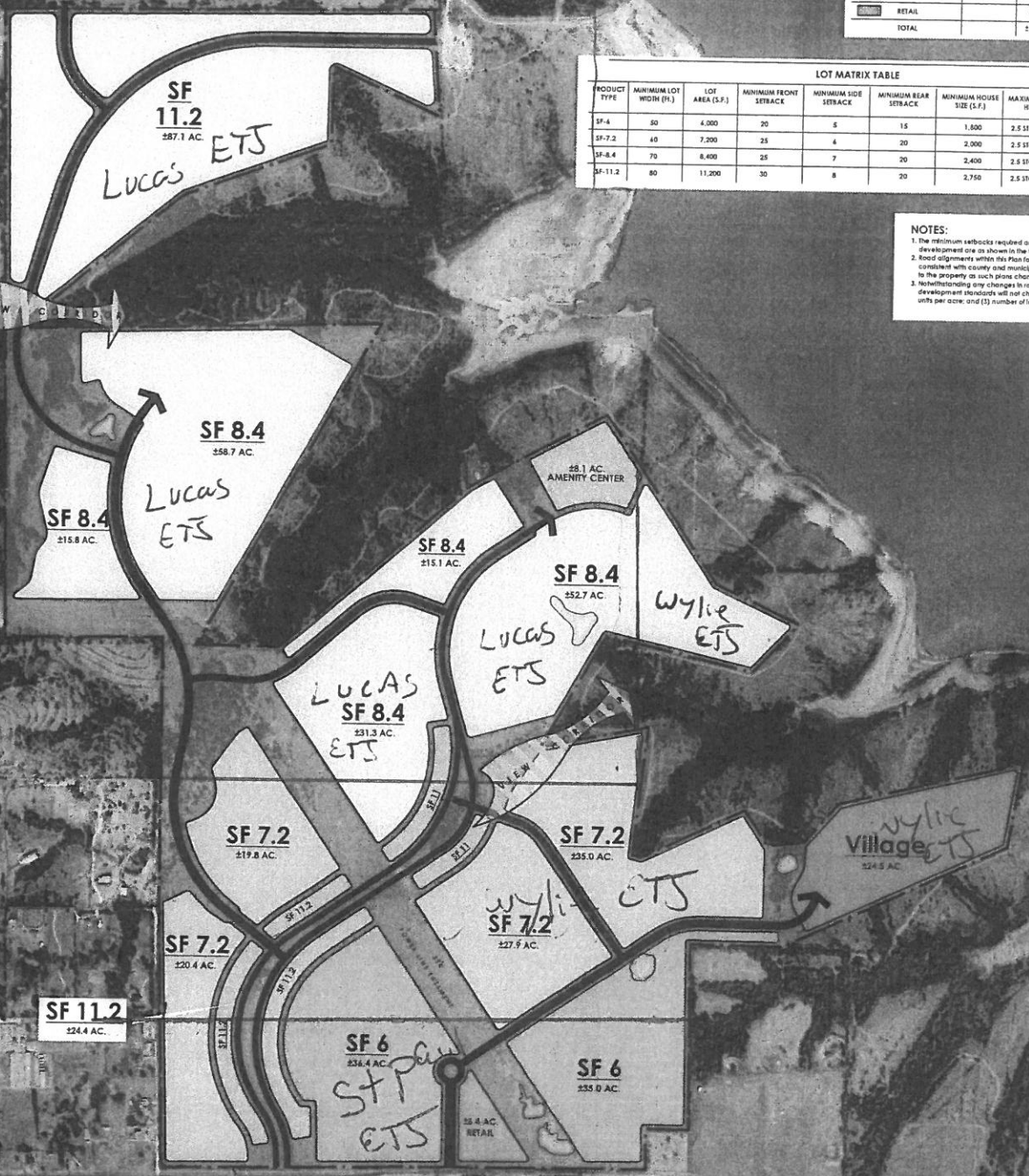


LOT SUMMARY				
PRODUCT TYPE	TYPICAL LOT SIZE	ACRES	DWELLING UNITS PER ACRE	NUMBER OF LOTS
SF-11.2	80' x 140'	287.1	2.1 - 2.5	183 - 218
SF-11.2	70' x 160'	224.4	2.1 - 2.5	51 - 61
SF-8.4	70' x 130'	217.4	2.9 - 3.5	503 - 408
SF-7.2	40' x 120'	210.1	3.9 - 4.5	402 - 464
SF-4	50' x 120'	271.4	4.5 - 5.1	321 - 344
VILLAGE		224.5	10 - 14	245 - 343
AMENITY CENTER		28.1		
OPEN SPACE		214.1		
RETAIL		24.4		
TOTAL		2592.7		1,705 - 2,058

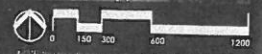
LOT MATRIX TABLE								
PRODUCT TYPE	MINIMUM LOT WIDTH (ft.)	LOT AREA (S.F.)	MINIMUM FRONT SETBACK	MINIMUM SIDE SETBACK	MINIMUM REAR SETBACK	MINIMUM HOUSE SIZE (S.F.)	MAXIMUM BLDG HEIGHT	MINIMUM LOT COVERAGE (%)
SF-4	50	4,000	20	5	15	1,500	2.5 STORIES / 35'	40
SF-7.2	40	7,200	25	4	20	2,000	2.5 STORIES / 35'	55
SF-8.4	70	8,400	25	7	20	2,400	2.5 STORIES / 35'	55
SF-11.2	80	11,200	30	8	20	2,750	2.5 STORIES / 35'	50

NOTES:

1. The minimum setbacks required and minimum lot coverage for this development are as shown in the Lot Matrix table on this plan.
2. Road alignments within this Plan for Development will be modified consistent with county and municipal thoroughfare plans applicable to the property on such plans changes.
3. Notwithstanding any changes in road alignments, the following development standards will not change: (1) lot size; (2) dwelling units per acre; and (3) number of lots.



PLAN FOR DEVELOPMENT
Lavon 600
 Lavon, Texas
 December 14, 2007



Location Map





April 6, 2020

Mr. Joe Hilbourn
Development Service Director
665 Country Club Road
Lucas, TX 75002-7651

Re: Settlement and Release Agreement Dated on or about September 21, 2009

Dear Mr. Hilbourn:

The purpose of this letter is to request a modification to Exhibit C of the Settlement and Release Agreement for Inspiration, which requires the construction of a minimum lot size of 10,000 square feet.

The current estimated lot count within Inspiration is approximately 1,634 homesites; which is less than the minimum allowable lot count (Range of 1,705 to 2,058 lots per Exhibit B of the Agreement). With the proposed modification, the estimated lot count will be approximately 1,680 lots overall, which is still considerably less than the current allowable density.

We would propose to retain the minimum 10,000 square foot lots on the perimeter of the northern village (Paradise Village), adjacent to both Seis Lagos and Brockdale communities. We would proposed approval to allow for minimum 60' x 140' lot size (8,400 square feet). In addition, Paradise Village is intended to be an upscale Village within the Inspiration community. As such, Paradise Village is proposed to be a sub association within the master Inspiration Residential Association. The sub association will require front yard landscape maintenance, which will be provided by the sub association.

If the City is agreeable to the revision of the proposed lot sizes, per the attached revised Exhibit B and Exhibit C, please indicate such by signing below.

We appreciate your time and consideration.

Thank you,

Sue A Blankenship

Sue Blankenship on behalf of Phillip Huffines
Managing Director
Lavon Development, LLC
Union Valley, L.P.

CITY OF LUCAS

By: _____
Title: _____

Date: _____

LOT MATRIX TABLE (AMENDMENT)

PRODUCT TYPE	MINIMUM LOT WIDTH (FT)	LOT AREA (SF)	MINIMUM FRONT SETBACK	MINIMUM SIDE SETBACK	MINIMUM REAR SETBACK	MINIMUM HOUSE SIZE (SF)	MAXIMUM BLDG HEIGHT (FT)	MINIMUM LOT COVERAGE (%)
SF-11.2	80	11,200	30	8	20	2,750	2.5 Stories / 35'	50
SF-9.8	70	9,800	25	7	20	2,400	2.5 Stories / 35'	55
SF-8.4	60	8,400	25	6	20	2,000	2.5 Stories / 35'	60

NOTES:

- The minimum setbacks required and maximum lot coverage for this development are as shown in the Lot Matrix table on this plan.
- Road alignments within this Plan for development will be modified consistent with the county and municipal thoroughfare plans applicable to the property as such plans changes.
- Notwithstanding any changes in road alignments, the following development standards will not change: (1) lot size; (2) dwelling units per acre; and (3) number of lots.

LOT SUMMARY (AMENDED)

PRODUCT TYPE	TYPICAL LOT SIZE	DWELLING UNITS PER ACRE	NUMBER OF LOTS
SF-11.2	80' x 140'	2.1 - 2.5	65-75
SF-8.4	70' x 140'	2.9 - 3.5	60-65
SF-7.2	60' x 140'	3.9 - 4.5	500-550
OPEN SPACE			
TOTAL			625-690

INSPIRATION

- Discovery Village
- Hope Village
- Destiny Village
- Harmony Village
- Faith Village
- Inspiration Point Village
- Wisdom Village

UNDER CONSTRUCTION

- Grace Village
- Success Village
- Community Trails
- Off-site Trails

FUTURE

- Paradise Village
- Peace Village

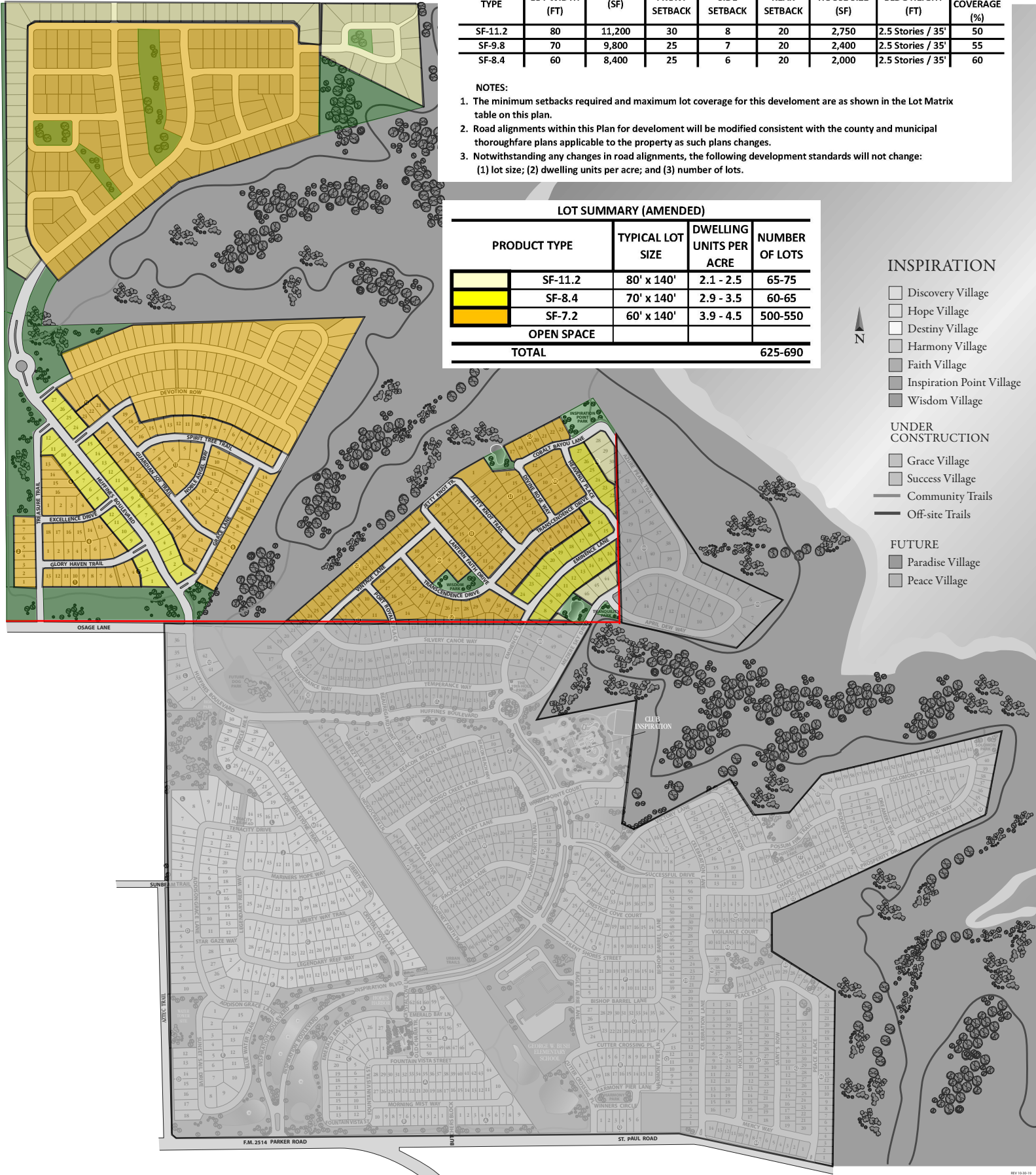
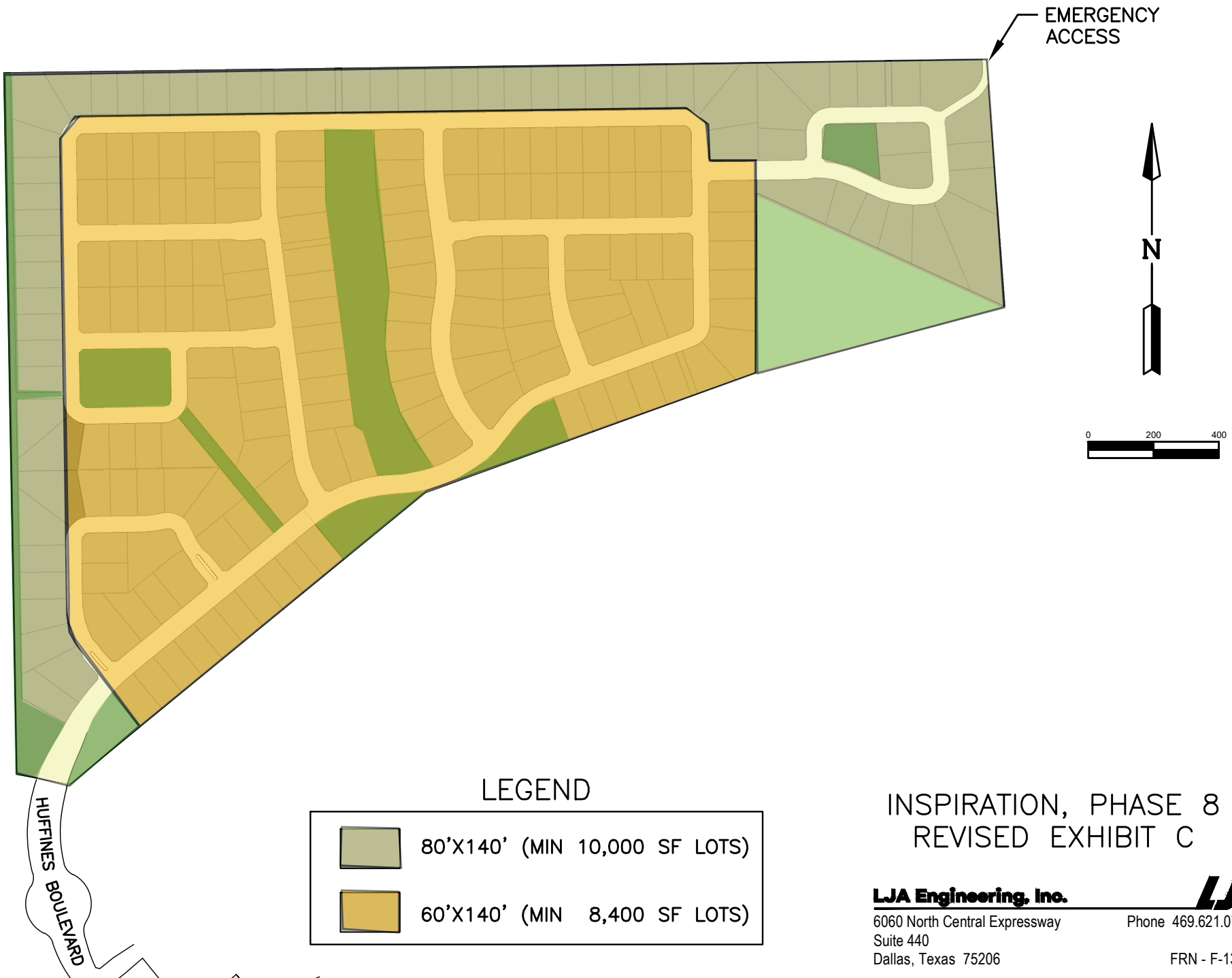




EXHIBIT B

Date\Time : 3/6/2020 9:19 AM User Name : Chase Scott
Path\Name : s:\ntx-land\0001\400 land\402 exhibits\revised exhibit c.dwg



LEGEND

-  80'X140' (MIN 10,000 SF LOTS)
-  60'X140' (MIN 8,400 SF LOTS)

INSPIRATION, PHASE 8 REVISED EXHIBIT C

LJA Engineering, Inc.



6060 North Central Expressway
Suite 440
Dallas, Texas 75206

Phone 469.621.0710

FRN - F-1386



City of Lucas

Council Agenda Request

May 7, 2020

Item No. 05

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider adopting Ordinance 2020-05-00911 amending the City's Code of Ordinances, Chapter 10, Subdivisions, Article 10.04 Stormwater Runoff Regulations and Control, Section 10.04.005 relating to deleting specific requirements for stormwater detention.

Background Information

On September 12, 2019, the Planning and Zoning Commission and City Council held a joint drainage workshop to discuss challenges throughout the City regarding drainage and consider possible solutions. At the budget workshop, the City Council and Commission discussed current City ordinances to enforce or update floodplain development and maintenance and budgeting options. On October 10, 2019, the Planning and Zoning Commission discussed drainage during a regularly scheduled meeting that included discussions of Fairview's drainage ordinance.

At the March 12, 2020 Planning and Zoning Commission meeting, the following recommended deletions were made to Section 10.04.005:

Sediment shall be maintained on site and excess stormwater runoff shall be detained in connection with any new construction, development, redevelopment, or land use change occurring within the city in accordance with the requirements set forth in this article.

~~Notwithstanding the foregoing, exceptions to this requirement are as follows:~~

- ~~1) For stormwater detention, the development of any subdivision of five or less single-family lots.~~
- ~~2) For stormwater detention, the development of commercial or industrial property in which the increase in runoff is less than ten percent (10%) of the pre-development runoff rate and less than five (5) cubic feet per second.~~
- ~~3) A determination by the city that the excess runoff from the proposed construction, development, redevelopment, or land use change will be insufficient to adversely effect the carrying capacity of the receiving body or watercourse. In this connection and should the city's determination of insufficient adverse effect be sought; the developer shall make available to the city such hydraulic or hydrologic computations as will support the requested exception.~~
- ~~4) In the event it is determined to the city manager's satisfaction, after consultation with appropriate engineering consultants, that the goals of this article will be better met by the owner or developer of the site paying to the city an amount equal to the cost of the detention pond(s) required herein. Such cost shall be determined by the actual construction cost amount, if known, or as estimated by the design engineer and~~



City of Lucas Council Agenda Request May 7, 2020

Item No. 05

~~approved by the city. This agreement and payment will be completed before the city's approval of the development's construction plans.~~

Attachments/Supporting Documentation

1. Ordinance 2020-04-00911

Budget/Financial Impact

NA

Recommendation

Staff recommends approving the changes as proposed.

Motion

I make a motion to approve/deny adopting Ordinance 2020-05-00911 amending the City's Code of Ordinances, Chapter 10, Subdivisions, Article 10.04 Stormwater Runoff Regulations and Control, Section 10.04.005 to deleting specific requirements for stormwater detention that include the following:



ORDINANCE 2020-05-00911
[AMENDING CODE OF ORDINANCES, ARTICLE 10.04
STORMWATER RUNOFF REGULATIONS AND CONTROL]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE LUCAS CODE OF ORDINANCES BY AMENDING CHAPTER 10 TITLED “SUBDIVISIONS” BY AMENDING ARTICLE 10.04 TITLED “STORMWATER WATER RUNOFF REGULATIONS AND CONTROL” BY AMENDING SECTION 10.04.005 TITLED “SPECIFIC REQUIREMENTS; GENERAL” BY DELETING EXCEPTIONS (1) THROUGH (4); 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 (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Code of Ordinances of the City of Lucas, Texas, is hereby amended by amending Chapter 10 titled “Subdivisions” by amending Article 10.04 titled “Stormwater Water Runoff Regulations and Control” by amending Section 10.04.005 titled “Specific Requirements; General”, to read as follows:

CHAPTER 10

SUBDIVISIONS

ARTICLE 10.04 STORMWATER RUNOFF REGULATIONS AND CONTROL

Sec. 10.04.005 Specific requirements; general

Amend as follows:

Sediment shall be maintained on site and excess stormwater runoff shall be detained in connection with any new construction, development, redevelopment, or land use change occurring within the city in accordance with the requirements set forth in this article. ~~Notwithstanding the foregoing, exceptions to this requirement are as follows:~~

~~(1) — For stormwater detention, the development of any subdivision of five or less single-family lots.~~

~~———— (2) — For stormwater detention, the development of commercial or industrial property in which the increase in runoff is less than ten percent (10%) of the pre-development runoff rate and less than five (5) cubic feet per second.~~

~~(3) — A determination by the city that the excess runoff from the proposed construction, development, redevelopment, or land use change will be insufficient to adversely effect the carrying capacity of the receiving body or watercourse. In this connection and should the city's determination of insufficient adverse effect be sought, the developer shall make available to the city such hydraulic or hydrologic computations as will support the requested exception.~~

~~—— (4) — In the event it is determined to the city manager's satisfaction, after consultation with appropriate engineering consultants, that the goals of this article will be better met by the owner or developer of the site paying to the city an amount equal to the cost of the detention pond(s) required herein. Such cost shall be determined by the actual construction cost amount, if known, or as estimated by the design engineer and approved by the city. This agreement and payment will be completed before the city's approval of the development's construction plans.~~

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. 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. 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 6. 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 COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 7th DAY OF MAY 2020.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(04-09-2020:TM 115024)

Stacy Henderson, City Secretary



City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 06

Requester: City Council

Agenda Item Request

Discuss a report from Lakes Engineering regarding successes and complications of the Blondy Jhune Road project.

Background Information

During the April 16, 2020, City Council meeting, the City Manager was directed to have Lakes Engineering prepare a report regarding the Blondy Jhune Road project. The City Council wants to know ways to improve the project management process.

Attachments/Supporting Documentation

1. Blondy Jhune Road Report by Lakes Engineering, April 27, 2020

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA

Project Management Summary Report

Blondy Jhune Road Paving and Drainage Improvements

McMahon Contracting, City of Lucas staff, and Lakes Engineering have worked together to ensure that the project was a success. Residents have received a new, well-built roadway and improved drainage system that will serve them well for decades to come. Also, the project was finished within budget and substantially complete under the engineer's timeframe estimate.

Every project provides opportunities to learn, grow, and use lessons learned on future projects. Going forward, Lakes will include additional specifications on certain items to provide clear direction and expectations to the contractor. For example, the condition and brightness that portable message signs must be kept. Although some requirements are stated in standard specifications, additional requirements should be mentioned specifically in the plans or bid item notes if the contractor is to be held accountable. In the case of message boards, the contractor was diligent in keeping them in bright condition, even though specifications did not list an intensity requirement. Lakes will provide expanded pay item notes for non-standard items to help prevent any contract disputes over what should be included on non-typical items. Further, pre-construction meetings will include house-keeping expectations and measurable goals for cleanliness of construction areas. Lakes also learned that, while eager to start a project, the construction start date could be impacted by late submittals from material suppliers. Advertised construction dates to the public may need to be adjusted to accommodate a contractor's submittal process.

Construction inspections are different from building inspections. Most citizens understand that contractors cannot proceed with the next step unless the contractor receives a "green tag" from the city building inspector. The governmental contracting process for infrastructure improvements is quite different. The construction inspector runs a great risk in stopping or interceding with the contractors means and methods. If a construction inspector stops a contractor or requires a non-contractual mean or method, then construction inspector might be financially responsible for any additional costs or delays that are incurred by the contractor. Construction inspection is very different from building inspection. Finding an individual that is proficient in both types of inspection is rare.

Regarding construction accuracy, we have learned that not all surveyors are as accurate as others, and an accurate survey is priceless. Communication between the surveyor and contractor is crucial. While the contractor is required to build per plan, they rely on their surveyor to properly mark the project and then build from the survey marks. Future scrutiny will be heightened to ensure that the surveyor's layouts are correct. Please keep in mind that an inspector is not a surveyor. Possible methods to ensure an accurate survey may be by third party validation and additional funding for design phase surveying on future projects. On this project, Lakes, together with the City, were able to overcome survey errors with swift field design changes which avoided project delays and scope additions.

Lakes Engineering appreciates the opportunity to be of service to the City of Lucas, and we look forward to our future partnerships.

While all projects are different, it seems they all share many of the same types of challenges. The most notable challenge is minimizing disruptions to the travelling public and adjacent property owners. When projects are open to traffic, especially through the work zone and near residences, any issues are magnified and noticed by many. While Lakes has been responsible for day to day management operations, Lakes and City staff have worked closely together to make all major decisions.

Catching mistakes early improves project schedules. The “first line of defense” to ensure acceptable work is by reviewing all contractor’s documents (product submittals, permits, work plans, shop drawings, schedules, etc.), which Lakes handles prior to any related work item beginning. After comments and resubmittals, Lakes recommends approval by the City. Field operations are monitored by Lakes daily; we are constantly notifying McMahan of incorrect rebar placement, concrete materials, grading, traffic control setup, stormwater pollution prevention plan (SWPPP) installation, work zone signage, surveying, housekeeping, and more. If Lakes waited for a call from the contractor for inspections, we may never get one with enough time to respond promptly. The contractor covers the work quickly, and rejections after work is completed cause lengthy and disruptive rework.

There have been several instances throughout the project that Lakes has stopped work due to activities by the contractor. Lakes personnel were on site to inventory traffic control devices prior to any changes in the traffic control plan and to observe all traffic switches to ensure the contractor followed the approved plans. The contractor also installed Portable Changeable Message Signs (CMS) at the ends of each project to display updated information for the traveling public such as “One Way Only” and dates of expected delays. Lakes was constantly informing the contractor that these signs were not working or had old messages and to take corrective measures for the safety and convenience of the public. Lakes continually identified and had corrected hazardous and improper traffic control, as a result of weather or daily construction activities. During construction hours, the contractor was permitted to stop traffic if no other method of site access would allow them to complete the work. However, they would routinely close lanes without permission and without proper flagging operations. Lakes stopped numerous operations due to improper traffic control and did not let them resume until proper control was in place and safe operation was provided. During all concrete pours, Lakes was on site to time traffic stoppages and open the road if the contractor blocked the lane for more than 10 to 20 minutes or if there was an emergency vehicle requiring passage.

More specific examples of our involvement in the projects which prevented considerable strain on citizens, City staff, and resources; addressed safety issues to the public and workers; and inhibited contractor’s mistakes that would have cost considerable time and money to remedy include:

On April 10, 2019, Lakes found that a temporary road surface had started to fail near the steep drop-off. Lakes promptly directed McMahan to fix this area to prevent any hazardous conditions, ensuring a positive safe avenue for the traveling public.

On May 14, 2019, Lakes informed McMahan and their surveyor that the southern half of Blondy Jhune at Mark Drive was going to be built incorrectly if they continued with their current survey. They continued, and once the northern half was paved, their mistake became apparent to McMahan, causing a rework of that paving. This eventually caused improvements that enhanced ride quality for the traveling public.

On June 7, 2019 Lakes caught a concrete driver washing out on the ground, because there was no plastic in the washout pit, McMahon installed a proper washout. This helped prevent any fines to the City from the TCEQ.

On July 1, 2019, the contractor began installing a driveway culvert for 215 W. Blondy Jhune. Lakes noted the contractor was using an older, out of date set of plans, and notified McMahon. They proceeded with the work, and Lakes did not accept it until it was corrected. The City did not pay for an incorrect installation.

On July 3, 2019, Lakes stopped work when McMahon had not finished backfilling pavement edges that contained drop-offs. Work was not allowed to resume until the pavement edges were backfilled and safe for the traveling public. This action provided a safe avenue for the traveling public.

On July 12, 2019 Lakes directed McMahon to remove their equipment off private property and facilitated payment from McMahon to the property owner for broken irrigation. The contractor was allowed to use a city rights-of-way. Lakes actions ensured that McMahon would not lose use of the staging area and provided the property owner compensation for their property damage.

On July 18, 2019, TxDOT sent an email informing Lakes that a Bartoo concrete truck driver had illegally washed out in the ditch of the TxDOT project, instead of the City approved washout site, contaminating the ground. On August 1, Lakes caught another Bartoo driver washing out a concrete truck in a ditch on Blondy Jhune Road. As a result, Bartoo was banned from the City of Lucas. However, concrete suppliers would still send Bartoo trucks to the City projects. Lakes would identify and reject the concrete trucks. In very few instances, the truck was permitted to deliver, and Lakes would follow them to the washout to ensure proper disposal of waste to prevent fines from the TCEQ.

On July 23, 2019, the contractor was installing the new connection to Blondy Jhune Trail. McMahon did not follow the approved traffic control plan, and this area was one lane with two-way traffic. Lakes directed the contractor to return the traffic control to the approved layout, and the work could not resume until the traffic control was inspected and approved by Lakes. This helped prevent any hazard to the traveling public.

On September 4, 2019, Lakes staff checked a driveway with complicated drainage slopes. We informed McMahon that the slopes were incorrect again, saving a third rework. Lakes' actions saved McMahon a substantial amount of work and eliminated further inconvenience for the homeowner.

On September 27, 2019, Lakes noted that the contractor had insufficient traffic control at the intersection of Blondy Jhune Road and Winningkoff Road to protect the new pavement from the wide turning radius of trucks and trailers. That afternoon there were tire marks on the new pavement, well before the concrete could support traffic. After the area was monitored, and did not show any signs of distress, Lakes had McMahon provide an extended warranty on the area. Any signs of deficiency within extended warranty periods require replacement at no cost to the City. This will protect the City from any pavement failure that may occur after the typical warranty period.

On October 10, 2019, Lakes notified the contractor that the headwall was installed in the wrong location. The contractor put an unacceptable bend in the pipe and covered the pipe before Lakes could inspect the work. Lakes inspected the headwall prior to final acceptance, rejected the improper work, and the City did not pay for the

rework. After Lakes noted the headwall was not installed at the design length, we facilitated a redesign of the headwall height to allow the proper slope at the edge of pavement for public safety.

On December 30, 2019, the contractor began rumble strip operations at the west end of the project. Lakes noticed the poor alignment of the work and stopped them quickly to save the pavement from extensive rework. McMahon filled the improperly installed rumble strips with epoxy, and the surface finish was deemed acceptable by Lakes. This prevented any costly repairs or rework of the areas not yet completed.

On January 15, 2020, Lakes noted that the striping installer did not have the most recent set of plans, which had substantial changes to the striping. The most recent revision was provided, saving the subcontractor from extensive rework and associated costs.

On February 7, 2020, the contractor had demolished the paving at Mark Drive and was forming for the new concrete. Lakes informed the contractor that again, the formwork contained an error. McMahon adjusted the formwork as shown in the plans. Lakes inspection saved the area from a third replacement.

On April 10, 2020, Lakes issued a stop work order after constant correction and tedious oversight of the traffic control within the Blondy Jhune tree canopy. The lack of traffic control safety created unnecessary hazards for the traveling public. During all concrete pours, Lakes was on site to time traffic stoppages and open the road if the contractor blocked the lane for more than 10 to 20 minutes. The goal was to save the traveling public from additional inconvenience.

In many instances, errors were identified, and the contractor proceeded with the work after notification at their own risk. While Lakes can point out errors, it is ultimately the contractor's product to build. We provide plans and specifications with strict requirements, and the contractor must follow the plans but may do so in a manner of their choosing. If the contractor's final product does not meet the plans and specifications, the City is under no obligation to pay until the product/mistake is corrected. Lakes ensured that unacceptable items were not recommended for payment during each monthly pay application review.

In order to determine substantial completion, City staff and Lakes walked the project on February 21, 2020, along with McMahon representatives, to create a final punch list for the project. Overall, 27 items were noted that needed to be corrected or completed prior to final acceptance. Items are still outstanding as of April 27, 2020, and the project has not been finally accepted. This means that the City has not provided a letter of final acceptance and released the performance bonds.

McMahon, City staff, and Lakes have worked closely as a team, and while there were challenges, the overall outcome of the project was a positive experience for McMahon, the City of Lucas and Lakes Engineering.



City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 07

Requester: City Council

Agenda Item Request

Discuss a report from Lakes Engineering regarding successes and complications of the Stinson Road project.

Background Information

During the April 16, 2020, City Council meeting, the City Manager was directed to have Lakes Engineering prepare a report regarding the Stinson Road project. The City Council wants to know about ways to improve the project management process.

Attachments/Supporting Documentation

1. Stinson Road Report by Lakes Engineering, April 27, 2020

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA

Project Management Summary Report

Stinson Road Paving and Drainage Improvements

McMahon Contracting, City of Lucas staff, and Lakes Engineering have worked closely as a team, and we all believe that the project was a success. Residents have received a new, well-built roadway that will serve them well for decades to come. Also, the project was finished within budget and substantially complete under the engineer's timeframe estimate. While there were challenges, the overall outcome was a positive experience for Lakes, City Staff, and McMahon.

Every project provides opportunities to learn, grow, and use lessons learned on future projects. Many changes are made during and after the project to improve communication and project quality. Going forward, Lakes will include additional specifications on certain items to provide clear direction and expectations to the contractor. For example, the condition and brightness that portable message signs must be kept. Although some requirements are stated in standard specifications, additional requirements should be mentioned specifically in the plans or bid item notes if the contractor is to be held accountable. In the case of message boards, McMahon was diligent in keeping them in bright condition, even though specifications did not list an intensity requirement. Lakes will provide expanded pay item notes for non-standard items to help prevent any contract disputes over what should be included on non-typical items. Further, pre-construction meetings will include house-keeping expectations and measurable goals for cleanliness of construction areas. Lakes also learned that, while eager to start a project, the construction start date could be impacted by late submittals from material suppliers. Advertised construction dates to the public may need to be adjusted to accommodate a contractor's submittal process. Regarding construction accuracy, we have learned that not all surveyors are as accurate as others, and an accurate survey is priceless. Communication between the surveyor and contractor is crucial. While the contractor is required to build per plan, they rely on their surveyor to properly mark the project and then build from the survey marks. Future scrutiny will be heightened to ensure that the surveyor's layouts are correct. Possible methods to ensure accurate surveys may be by third party validation and additional funding for design phase surveying on future projects. On this project, Lakes, together with the City, were able to overcome survey errors with swift field design changes which avoided project delays and scope additions in most cases.

Lakes Engineering appreciates the opportunity to be of service to the City of Lucas, and we look forward to our future partnerships.

While all projects are different, it seems they all share many of the same types of challenges. The most notable challenge is minimizing disruptions to the travelling public and adjacent property owners. When projects are open to traffic, especially through the work zone and near residences, any issues are magnified and noticed by many. While Lakes has been responsible for day to day management operations, Lakes and City staff have worked well and closely together to make all major decisions.

Catching mistakes early improves project schedules. The "first line of defense" to ensure acceptable work is by reviewing all contractor's documents (product submittals, permits, work plans, shop drawings, schedules, etc.), which Lakes handles prior to any related work item beginning. After comments and resubmittals, Lakes recommends approval by the City. Field operations are monitored by Lakes daily; we are constantly notifying

McMahon of incorrect rebar placement, concrete materials, grading, traffic control setup, stormwater pollution prevention plan (SWPPP) installation, work zone signage, surveying, housekeeping, and more. If Lakes waited for a call from the contractor for inspections, we may never get one with enough time to respond promptly. The contractor covers the work quickly, and rejections after work is completed cause lengthy and disruptive rework.

There have been several instances throughout the project that Lakes has stopped work due to unacceptable activities by McMahon. Lakes personnel were on site to inventory traffic control devices prior to any changes in the traffic control plan and to observe all traffic switches to ensure McMahon followed the approved plans. In an effort to correct this, Lakes implemented a plan requiring McMahon to submit a permit request detailing the location and use of traffic control devices. McMahon also installed Portable Changeable Message Signs (CMS) at the ends of each project to display updated information for the traveling public such as "One Way Only", dates of expected delays, etc. Lakes repeatedly reminded McMahon that the CMS were not working or had old messages and to take corrective measures for the safety and convenience of the public. Lakes continually identified and had corrected hazardous and improper traffic control, as a result of weather or daily construction activities. During construction hours, McMahon was permitted to stop traffic if no other method of site access would allow them to complete the work. However, McMahon would routinely close lanes without permission or proper flagging operations. Lakes stopped numerous operations due to improper traffic control and did not let them resume until proper control was in place and safe operation was provided. During all concrete pours, Lakes was on site to time traffic stoppages and open the road if the roadway was blocked for more than 10 to 20 minutes or if there was an emergency vehicle requiring passage.

When errors are identified by an inspector, the contractor may proceed with the work after notification of the errors at contractor's own risk. While an inspector can point out the errors, the contractor is responsible for the product they build. Lakes provided plans and specifications with strict requirements, and the contractor must follow the plans but may do so in a manner of the contractor's choosing. If the contractor's final product does not meet the plans and specifications, the City is under no obligation to pay until the product/mistake is corrected. Lakes ensured that unacceptable items were not recommended for payment during each monthly pay application review.

More specific examples of our identification of issues and implementing solutions in the projects which prevented considerable strain on citizens, City staff, and resources; addressed safety issues to the public and workers; and inhibited mistakes that would have cost considerable time and money to remedy include:

On April 22, 2019, the surveyor began to layout project in the wrong location. Lakes found the mistake and corrected the issue before the surveyor proceeds. This avoided schedule delays and rework.

On April 30, 2019, McMahon closed Bristol Park at Stinson Road without permission. Lakes stopped the work, required McMahon to follow the approved traffic control plan (TCP), and keep Bristol Park open. This action prevented any further inconvenience or delay to the public.

On April 30, 2019, McMahon blocked both lanes of traffic. Lakes required McMahon to open one lane for traffic to pass and to provide certified flaggers. This ensured the safety of the traveling public and minimized traffic delays.

On May 3, 2019, McMahon found an underground power line not shown in the plans at Bristol Park culvert. Lakes contacted Oncor and facilitated a field meeting and solution. Lakes contacted Oncor nine times in an effort to prevent delays, but Oncor did not relocate the power lines until August. Oncor caused a delayed finishing the culvert.

On May 6, 2019, Lakes reviewed CoServ proposed permit plans to ensure no conflict with on-going construction. This helped to avoid potential damage to the project and delays.

On May 13, 2019, Lakes found McMahon driving steel tracked equipment on concrete pavement and documents location for damage inspection upon project completion to facilitate any need for compensation to the City.

On May 13, 2019, Lakes found TxDOT inlets installed in conflict with the Stinson Road right turn lane onto Parker Road. Although previous communication regarding the potential conflict during the design, TxDOT installed inlets in conflict anyway. Lakes facilitated communication and the relocation of TxDOT inlets. The Stinson Road turn lane construction was delayed, but it was installed at TxDOT's cost.

On May 16, 2019, Lakes found damage to landscaping at side streets. Lakes and McMahon determined that the damage was done by the HOAs' contractors. Thus avoiding additional reimbursement for McMahon.

On May 21, 2019, Lakes facilitated conversions among Oncor, Lakes, and McMahon regarding several power line conflicts. Adjustments to McMahon's schedule was recommended by Lakes to the City.

On May 22, 2019, Lakes rejected a concrete mix design that did not meet project specifications. Had this mistake not been caught, any concrete placed with this mix would have been removed and replaced. This would have been an expensive and lengthy process.

On June 7, 2019, McMahon set up the one-way Stinson Road traffic control incorrectly. Lakes personnel stayed on site until 2:00 a.m. to direct the contractor and verify proper placement prior to morning rush hour, in the interest of public safety.

On June 13, 2019, Lakes found survey stakes for a driveway in the wrong location and notified McMahon and the surveyor to place driveway in the correct location.

On June 13, 2019, the subcontractor was not informed of the project phasing and TCP changes for the two-way work. Lakes relayed the information to the subcontractor on behalf of McMahon. This prevented the subcontractor from demolishing travel lanes needed for two-way section. Lakes' teamwork prevented a rework of the pavement and avoided inconvenience to the traveling public.

On June 26, 2019, truck traffic during the day had damaged the temporary asphalt pavement. Lakes coordinated with McMahon to have the areas repaired before the end of the day. This prevented potential damage to citizens' vehicles.

On July 11, 2019, immediately after the placement of concrete on Stinson Road, McMahon informed Lakes that the concrete had begun cracking prematurely. Approximately 1,500 feet of pavement was replaced at McMahon's

expense. The contractor accepted responsibility and expedited the replacement of the pavement. This showed McMahon's commitment to providing a quality product to the city.

On July 18, 2019, TXDOT sent an email informing Lakes that a Bartoo Ready Mix concrete truck driver had illegally cleaned out his track in the ditch on the TxDOT project resulting in contaminating the soil. On August 1, Lakes catches another driver washing out a Bartoo concrete truck in a ditch on Blondy Jhune Road. As a result, Bartoo was banned from the City of Lucas. However, concrete suppliers would still send Bartoo trucks on the City projects. Lakes would identify and reject the concrete trucks, but in very few instances, the trucks were permitted to deliver, but Lakes would follow the trucks to the approved concrete washouts to ensure proper disposal of waste and to avoid potential fines from TCEQ.

On July 25, 2019, McMahon discovered that the CoServ gas line was at a higher elevation than originally permitted by the City. The gas line conflicted with the Stinson drainage ditch. Lakes met with CoServ and coordinated the relocation of the gas line. This ensured that McMahon did not perform any hazardous work over the gas line.

On October 8, 2019, McMahon found a buried concrete structure that conflicted with a driveway culvert near Muddy Creek. Lakes revised the drawings to mitigate the conflict. McMahon claimed that there would be a substantial increase in cost to perform the driveway work. Lakes found another contractor, which allowed the driveway work to be done at lower cost to the City.

On August 2, 2019, due to McMahon's claim of a lack of manpower, Lakes collected and delivered traffic control devices to the Stinson Road two-way section. Lakes and City Staff decided to install the two-way traffic control to provide the most convenient route possible for residents as quickly as possible.

On September 27, 2019, Lakes recommended approval of a special flex base to be used in the two-way section in order to expedite construction and get the roadway back open to regular traffic quicker.

On October 3, 2019, Lakes facilitated communication among McMahon, TxDOT, and Lucas Fire-Rescue to coordinate closure of Stinson Road at Parker Road, which resulted in rerouting traffic to Shiloh Drive and Toole Drive. This provided McMahon and the TxDOT contractor practical traffic control in the coordinated work zones.

On October 7, 2019, all work was stopped due to McMahon's lack of traffic control maintenance. All items were reviewed and verified by Lakes before the work resumed in the afternoon. This ensured public safety.

On October 8, 2019, Lakes identified full depth cracks in new pavement, records the extent of the deficiencies, and notified McMahon of rejected pavement. Given that the pavement did not pass inspection, it was replaced by McMahon at their expense.

On January 21, 2020, Lakes discovered and recorded an illicit discharge of polluted drainage by McMahon. The contractor had cut the rock dams that filter stormwater before it reaches Muddy Creek. On January 30, an All Work Stop was issued for cutting the rock dams for a second time. McMahon was required to correct all SWPPP deficiencies before work could resume. This helped the City avoid fines from TCEQ.

On January 27, 2020, Lakes shuts down all construction activities on Stinson Road immediately prior to rush hour and with a school bus en route. That morning there was heavy fog, and McMahon had two-way traffic in a single lane for the loading of trucks. The contractor was doing this without flaggers on-site. Lakes required proper traffic control prior to resuming work for public safety.

On January 29, 2020, Lakes reviewed and rejected McMahon's proposed work plan for a specific operation. The work plan did not address proper preparation of the concrete and would have caused rework or replacement. This prevented costly and lengthy delays and rework.

In order to determine substantial completion, City staff and Lakes walked the project on February 28, 2020, along with McMahon representatives, to create a final punch list for the project. Overall, 46 items were noted that needed to be corrected or completed prior to final acceptance. Items are still outstanding as of April 27, 2020, and the project has not been finally accepted. This means that the City has not provided a letter of final acceptance and released the performance bonds.

McMahon, City staff, and Lakes have worked closely as a team, and while there were challenges, the overall outcome of the project was a positive experience for McMahon, the City of Lucas and Lakes Engineering.



City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 08

Requester: City Engineer Stanton Foerster

Agenda Item Request

Receive a synopsis report on the Winningkoff Road Reverse Curve project.

Background Information

The following is a synopsis of the Winningkoff Revers Curve project:

1. Work was substantially complete and was accepted by the City Engineer in May 2018.
2. Unusual cracks were observed by City Engineer in September 2018.
3. Contactor (GRod) routed and sealed cracks in September 2018.
4. Cracks continued to grow from September 2018 through February 2019.
5. Design engineer (Birkhoff) requests additional core tests in cracked area in February 2019.
6. Birkhoff submits recommendations for repairs in April 2019.
7. City Engineer rejects Birkhoff's recommendations in May 2019.
8. City Engineer requests additional core tests from third party in June 2019.
9. Third party submits report suggesting that cracked pavement was due to insufficient lime in the base material under the concrete in August 2019.
10. Discussions on how to remove and replace the cracked area among GRod, Birkhoff, and City Engineer began in September 2019.
11. GRod was given an opportunity to test the area for lime in October 2019.
12. Repairs on Winningkoff were delayed until Blondy Jhune Road was opened to two lanes of traffic in March 2020.
13. City Engineer decided to allow GRod to start repairs to cracked area before Blondy Jhune was opened to two lanes of traffic in April 2020.
14. City Engineer observed several additional cracks in Winningkoff Reverse Curve project in April 2020.
15. City Engineer requests two design changes from Birkhoff due to very unusual soil conditions under the roadway base material in April 2020.
16. Birkhoff submits new pavement design standard in April 2020.

There will be additional costs to the City of the extra work needing to be done in the cracked area related to the unusual soil conditions. GRod is working on an estimate costs and quantities to calculate the costs. To date these costs are unknown. GRod is planning to finish the work during the first two weeks of May.

GRod will be investigating the new cracks noted in #14 above to determine if the cracks are a result of design or workmanship. A schedule has not been established for repairing the additional work or how the timing relates to the Winningkoff Phase 2 project.



City of Lucas
City Council Agenda Request
May 7, 2020

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 09

Requester: City Council
City Engineer Stanton Foerster

Agenda Item Request

Consider reprioritizing the Capital Improvement Projects.

Background Information

With additional funding available from the Collin County 2018 Bond Program, the City of Lucas has an opportunity to review and update Capital Improvement Project funding priorities.

The only CIP project remaining from 2017 Certificate of Obligation/restricted reserves/impact fees funding is the Winningkoff Road Phase 2 from the Reverse Curve to Snider Lane (Bid #017-19), which was awarded to McMahon Contracting in the amount of \$1,615,176.78 plus contingency in the amount of \$80,759 for a total of \$1,695,936 on February 21, 2019. The City Council took subsequent action on February 6, 2020 to proceed with a revised design of the Winningkoff Road Phase 2 project to mitigate tree removal.

The current priority for the 2019 Certificate of Obligation established by the City Council on August 1, 2019 list is as follows:

Capital Bridge/Roadway Project Description	2019 Cost Estimate August 1, 2019	Contract Amount As of April 27, 2020	Available Funds
Stinson Road Bridge/Roadway from Bristol Park to Bentwater Drive (design)	\$820,000	\$802,115	\$17,885
Stinson Road Bridge/Roadway from Bristol Park to Bentwater Drive (construction)	\$4,100,000	0	\$4,100,000
Snider Lane Bridge/Roadway from Winningkoff Road to Shady Lane (design)	-0-	\$754,185	(\$754,185)
Winningkoff Road southern section culvert	\$1,000,000	0	\$1,000,000
West/East Lucas Road (Bait Shop) Intersection Project (20% of \$4,000,000)	\$800,000	0	\$800,000
West Lucas Road widening	\$420,783	\$4,184,820*	(\$3,764,037)
Project management costs estimated at 10% of construction (Stinson \$4.1M)	\$410,000	0	\$410,000
Total capital roadway/bridge projects (General Fund)	\$7,550,783	5,741,120	1,809,663

*Local match that will be required to obtain funding from Collin County



City of Lucas

City Council Agenda Request

May 7, 2020

During the April 16, 2020, City Council meeting there was a discussion to reallocate funds from 2019 Certificate of Obligation funding to the West Lucas Road widening project in an effort to secure the \$4,184,820 match required by Collin County.

During previous City Council meetings, there was a concern about the urgency to reconstruct the Stinson culvert at Muddy Creek because Lakes Engineering determined that the culvert was “Structurally Deficient” and “Functionally Obsolete.” The Snider Lane culvert at White Rock Creek was determined to only be “Functionally Obsolete”. Structurally Deficient and Functionally Obsolete are engineering terms, and the definitions are outlined in the Bridge Inspection Reference Manual and the Bridge Coding Guide.

If both culverts under Stinson Road and Snider Lane flooded frequently, why did the Stinson Road culvert get a worse rating? The guidelines in the Coding Guide give a lower rating to a culvert under a higher traffic volume roadway, even if the culvert is in the exact same structural condition as a culvert under a lower traffic volume roadway. This is because the impacts/delays to the travelling public are greater. There are more folks inconvenienced when the road floods. Stinson Road is classified as a Major Collector, and Snider Lane is a Minor Collector. When Stinson Road floods, it impacts a greater number of the travelling public.

Because Stinson Road carries more traffic, it receives a lower rating of “2” for the Waterway Adequacy, and because of the “2”, Stinson Road is automatically defined as Structurally Deficient and Functionally Obsolete per the rating criteria within the the Bridge Inspection Reference Manual and the Bridge Coding Guide. The rating is not related to the ratings for the condition of the structural elements. Snider Lane culvert received a rating of “3” for Waterway Adequacy, because it carries less traffic than Stinson Road. With a rating of “3”, Snider Lane is automatically defined as only Functionally Obsolete.

If there was more traffic on Snider Lane, it would be considered a Major Collector and would automatically be defined as Structurally Deficient and Functionally Obsolete.

Please keep in mind that a Fax Machine is functionally obsolete, but the machine still works and meets all the expectations of its original purpose. A tire low on air is structurally deficient, but it still rolls and can be fixed and made structurally efficient with minor maintenance.

Given that with the improvements to the Stinson Highland drainage ponds, the possibility of the Stinson Road culvert flooding is reduced. In the past, anytime Snider Lane was closed due to flooding so was Stinson Road. Since December 2018, Stinson Road has not been closed, but Snider Lane has been closed six times due to flooding. If Stinson Road is no longer prone to flooding, its rating would be a “5”, and it could be a “6” if the scouring/erosion issues were addressed with minor maintenance.



City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 09

Chris Meszler, PE of Lakes Engineering and City Engineer Stanton Foerster, PE are of opinion that the replacement of the Snider Lane culvert is a higher priority than the Stinson Road culvert because the flooding of the Snider Lane culvert poses a greater risk to the health, safety, and welfare of travelling public.

Attachments/Supporting Documentation

1. City Website Link to Capital Improvement Plan
<https://www.lucastexas.us/documents/capital-improvement-plan/>
2. City Website Link to August 1, 2019 City Council packet
<https://storage.googleapis.com/proudcity/lucastx/uploads/2019/07/08-01-2019-City-Council-Packet-1.pdf>
3. April 2, 2020 West Lucas Road project funding agenda item and attachments
4. August 1, 2019 City Council Minutes
5. February 2, 2020 City Council Minutes

Budget/Financial Impact

NA

Recommendation

Staff recommends the following capital projects in priority order:

Staff Priority # 1 - Staff recommends funding the West Lucas Road project in the amount of \$4,184,820 using the 2019 Certificate of Obligation funding.

Staff Priority #2 – Staff recommends funding the reconstruction of the Snider Lane Bridge/Roadway from Winningkoff Road to Shady Lane (currently under design).

Staff Priority # 3 - Staff recommends proceeding with the revised design approved by the City Council on February 6, 2020 for Winningkoff Road Phase 2 from the Reverse Curve to Snider Lane (Bid #017-19), which was awarded to McMahon Contracting in the amount of \$1,615,176.78 plus contingency in the amount of \$80,759 for a total of \$1,695,936 on February 21, 2019.

Motion

I make a motion to fund the following Capital Improvement Projects:



City of Lucas

City Council Agenda Request

April 2, 2020

Requester: Mayor Jim Olk
City Engineer Stanton Foerster

Agenda Item Request

Consider and discuss 1) the Collin County 2018 Bond Program award to the City of Lucas in the amount of \$8,365,180, 2) authorizing the City Manager to certify to Collin County that \$4,184,820 is available as the City match to the West Lucas Road project, 3) other funding strategies possible to fund the various elements of the said project, and 4) the impact of moving funds from other 2019 Certificate of Obligation funded projects.

Background Information

The Collin County Commissioners Court voted on March 16, 2020, to award funding to projects submitted by Collin County cities. The City received \$8,365,180 of the \$10,040,000 requested. The County will follow up with discussions with the City to determine the deal points of an Interlocal Agreement (ILA). As the County stated in the Call for Projects, Collin County anticipates the City moving out immediately on the City project. The County intends to follow their previous practice of transferring funds to the City at specific milestones identified in the ILA. The County wants to review our project as soon as possible, but it will also be incorporated into the ILA.

Since the award was less than the City's request, the County requested the City Manager to certify to the County that the City has the funding available to add to the County's award to make up the total required for the project. This additional funding commitment from the City was not part of the City's request or intent. The County has requested the City Manager's certification by April 18, 2020. If the City is unable to provide the remainder of the funds, the County will not enter into an agreement with the City and will make plans to use the funds in other ways.

Also, the Commissioners Court made a condition to funds awarded to Lucas. The City will be required to acquire the remainder of the land necessary to provide 120 feet of right-of-way for future expansion. The current project can be constructed in existing right-of-way. The actual payment of the County's award will depend upon evidence that the right-of-way has been acquired. The County is working out those details in the ILA.

City Staff has developed four possible options for funding various W. Lucas Road construction projects.

Option 1 is the same information supplied to the Collin County for their call for projects. Option 1 includes:



City of Lucas

City Council Agenda Request

April 2, 2020

- Four 12-foot concrete lanes with a 14-foot median.
- Curb and gutter, inlets and storm sewer pipe.

Option 2 requires renegotiation with Collin County due to the changes to the original project. Option 2 is like Option 1, but there is no curb and gutters on the outside of the four lanes. As much of the existing drainage ditches would be utilized to lower costs:

- Four 12-foot concrete lanes with a 14-foot curbed median
- No outside curb and gutters with improvements to the existing drainage ditches

Option 3 requires renegotiation with Collin County due to the changes to the original project. The County might not consider a two-lane option. Option 3 eliminates the outer two lanes contemplated in Option 2:

- Two 12-foot concrete lanes with a 14-foot curbed median
- No outside curb and gutters with improvements to the existing drainage ditches

Option 4 essentially leaves the asphalt widening done by the City in 2017 and reconstructs the center 33-foot that was only overlaid in 2017. Upon completion, Option 4 will include:

- Three 12-foot asphalt lanes: eastbound, westbound, and a continuous left turn lane
- Minor improvements to the existing drainage ditches

All options include the reconstruction of the Muddy Creek culvert crossing and sidewalks.

Cost per lane per foot data has been included for comparison with the Blondy Jhune Road, Stinson Road, and Winningkoff Road projects.

Attachments/Supporting Documentation

1. Collin County City Project Awards, Dated March 16, 2020.
2. Cost Comparison Summary
3. Detailed Cost Comparison
4. General Fund Reserve Schedule Trend

Budget/Financial Impact

1. The City will have to fund \$4,184,820 +/- to construct Option 1. The County has agreed to this option.



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City Council Agenda Request

April 2, 2020

2. Option 2 will cost the City at least \$3,678,066+/- to construct if the County agrees to participate.
3. The County would most likely not participate in Option 3. The City will have to fund at least \$6,748,960+/- to construct Option 3.
4. The City will have to fund at least \$4,345,463+/- to construct Option 4. The County will most likely not participate in this option.

The City allocated \$420,783 for West Lucas Road using its 2019 Certificate of Obligation leaving a funding deficit of \$3,764,037. The City Manager and Finance Director propose to reallocate 2019 Certificate of Obligation funds from the Winningkoff Road southern section culvert (\$1,000,000) and bridge construction for Snider or Stinson (\$3,363,700).

Option 1 Projected Cost:	\$12,550,000
Collin County Funding (2018 Bond Program)	\$8,365,180
City of Lucas (2019 Certificate of Obligation)	\$4,184,820

Recommendation

Staff recommends Option 1 to build four 12-foot concrete lanes with a 14-foot median with curb and gutter, inlets and storm sewer pipe with the caveat that Collin County would obtain any additional right-of-way.

Motion

I make a motion to authorize the City Manager to...

**City Project Awards
March 16, 2019**

Amount Awarded is in blue

<u>Ranking</u>	<u>Project</u>	<u>City</u>	<u>Amount</u>	<u>Old Bond Funds</u>	<u>Subtract Old Bonds, Cut Off at \$36M</u>	<u>Total Funding for Project</u>
8	Lucas Rd	Lucas	\$ 10,040,000		\$ 8,365,180	\$ 8,365,180
7	Dallas Pkwy	Frisco	\$ 2,000,000		\$ 2,000,000	\$ 2,000,000
6	Shiloh Rd	Plano	\$ 5,010,000	\$ 67,864	\$ 4,942,136	\$ 5,010,000
6	Wilmeth	McKinney	\$ 12,678,750		\$ 11,003,930	\$11,003,930
6	Myrick Ln	Princeton	\$ 10,666,754	\$ 994,424	\$ 7,997,510	\$ 8,991,934
5	Frankford Rd	Dallas	\$ 2,677,325	\$ 986,082	\$ 1,691,243	\$ 2,677,325
4	Ferguson Pkwy	Anna	\$ 1,667,431	\$ 971,660		
4	Coit	Prosper	\$ 12,312,930			
4	Frisco Rd	Fairview	\$ 3,200,000			
4	Choate	Celina	\$ 3,619,850			
4	Allen Dr	Allen	\$ 2,800,000	\$ 755,715		
3	Dewitt/Ranch	Sachse	\$ 280,000	\$ 154,605		
3	Farmersville Pkwy	Farmersville	\$ 3,657,000			
			\$ 70,610,040	\$3,930,350	\$ 36,000,000	

W. Lucas Road Cost Comparison Summary

Option	Description	Pavement	New Parallel Drainage*	Cost	Cost Per Lane Per Foot	County Cost	City Cost
1	4 lane divided, curb and gutter, inlets and storm sewer pipe	Concrete	Yes	\$ 12,548,991.66	\$ 349	\$ 8,365,180	\$ 4,183,812
2	4 lane divided, curbed median and outside open ditches	Concrete	Some	\$ 12,043,246.14	\$ 335	\$ 8,365,180	\$ 3,678,066
3	2 lane divided, curbed median and open outside ditches	Concrete	No	\$ 6,748,959.92	\$ 375	\$ -	\$ 6,748,960
4	2 through lanes and 1 continuous left turn lane and open outside ditches	Asphalt	No	\$ 4,345,463.03	\$ 161	\$ -	\$ 4,345,463
Blondy Jhune Road	2 lane undivided with open ditches	Concrete	Yes	\$ 2,605,335.00	\$ 188		
Stinson Road	2 lane undivided with open ditches	Concrete	Yes	\$ 2,554,724.00	\$ 266		
Winningkoff Road	2 lane undivided with open ditches	Concrete	Yes	\$ 1,615,177.00	\$ 299		

* All W. Lucas Road options include a new Muddy Creek culvert
Options 1 and 2 are Birkhoff, Hendricks & Carter's Engineer's Opinion of Construction Costs.
Options 3 and 4 are the City Engineer's estimated costs.
All W. Lucas Road options include \$592,000 of sidewalk

West Lucas Road Detailed Cost Comparison

Item No.	Item Description	Quantity	Unit	Price	Amount	Quantity	Unit	Price	Amount	Quantity	Unit	Price	Amount	Quantity	Unit	Price	Amount
	Concrete Paving - 9,000 LF of 4 Lane Divided; 12' Lanes w/ 14' Curbed Median, Curb and Gutter, Inlets and Storm Sewer Pipe																
101	Prepare Right-of-Way, Insurance, Bonds & Mobilization	90	Sta.	\$ 2,000.00	\$ 180,000.00	90	Sta.	\$ 2,000.00	\$ 180,000.00	45	Sta.	\$ 2,000.00	\$ 90,000.00	9	Sta.	\$ 2,000.00	\$ 18,000.00
102	Sawcut, Remove & Dispose of Asphalt Pavement	39,000	S.Y.	\$ 10.00	\$ 390,000.00	39,000	S.Y.	\$ 10.00	\$ 390,000.00	29,000	S.Y.	\$ 10.00	\$ 290,000.00	30,000	S.Y.	\$ 10.00	\$ 300,000.00
103	Unclassified Excavation	26,000	C.Y.	\$ 20.00	\$ 520,000.00	26,000	C.Y.	\$ 20.00	\$ 520,000.00	13,000	C.Y.	\$ 20.00	\$ 260,000.00		C.Y.	\$ 20.00	\$ -
104	Furnish & Install 8-Inch Thick Reinforced Concrete Pavement	60,000	S.Y.	\$ 65.00	\$ 3,900,000.00	58,800	S.Y.	\$ 65.00	\$ 3,822,000.00	30,000	S.Y.	\$ 65.00	\$ 1,950,000.00	0	S.Y.	\$ 65.00	\$ -
105	Construct 8-Inch Thick Lime Treated Subgrade	64,800	S.Y.	\$ 7.00	\$ 453,600.00	63,600	S.Y.	\$ 7.00	\$ 445,200.00	32,400	S.Y.	\$ 7.00	\$ 226,800.00	48,600	S.Y.	\$ 7.00	\$ 340,200.00
106	Furnish Hydrated Lime (60 Lbs. per SY)	1,945	Tons	\$ 170.00	\$ 330,650.00	1,908	Tons	\$ 170.00	\$ 324,360.00	973	Tons	\$ 170.00	\$ 165,325.00	1,459	Tons	\$ 170.00	\$ 247,987.50
107	Furnish & Install 6-Inch Thick Reinforced Concrete Driveway, Including Connection to Existing Pavement	2,400	S.Y.	\$ 70.00	\$ 168,000.00	2,400	S.Y.	\$ 70.00	\$ 168,000.00	1,200	S.Y.	\$ 70.00	\$ 84,000.00	0	S.Y.	\$ 70.00	\$ -
108	Furnish & Install 5-Inch Thick 10-ft wide Reinforced Concrete sidewalk	10,000	S.Y.	\$ 55.00	\$ 550,000.00	10000	S.Y.	\$ 55.00	\$ 550,000.00	10000	S.Y.	\$ 55.00	\$ 550,000.00	10000	S.Y.	\$ 55.00	\$ 550,000.00
109	Furnish & Install Reinforced Concrete Barrier Free Ramps	24	Ea.	\$ 1,750.00	\$ 42,000.00	24	Ea.	\$ 1,750.00	\$ 42,000.00	6	Ea.	\$ 1,750.00	\$ 10,500.00	6	Ea.	\$ 1,750.00	\$ 10,500.00
110	Furnish & Install 4 - 10'x5' Multiple Box Culvert at Muddy Creek	80	L.F.	\$ 2,480.00	\$ 198,400.00	80	L.F.	\$ 2,480.00	\$ 198,400.00	80	L.F.	\$ 2,480.00	\$ 198,400.00	80	L.F.	\$ 2,480.00	\$ 198,400.00
111	Furnish & Install MBC Headwalls	2	Ea.	\$ 50,000.00	\$ 100,000.00	2	Ea.	\$ 50,000.00	\$ 100,000.00	2	Ea.	\$ 50,000.00	\$ 100,000.00	2	Ea.	\$ 50,000.00	\$ 100,000.00
112	Furnish, Install & Maintain Solid Block Sod	14,000	S.Y.	\$ 8.00	\$ 112,000.00	14,000	S.Y.	\$ 8.00	\$ 112,000.00	5,000	S.Y.	\$ 8.00	\$ 40,000.00	5,000	S.Y.	\$ 8.00	\$ 40,000.00
113	Furnish, Install & Maintain Hydromulch	20,000	S.Y.	\$ 2.00	\$ 40,000.00	20,000	S.Y.	\$ 2.00	\$ 40,000.00	10,000	S.Y.	\$ 2.00	\$ 20,000.00	10,000	S.Y.	\$ 2.00	\$ 20,000.00
114	Pavement Striping	1	L.S.	\$ 10,000.00	\$ 10,000.00	1	L.S.	\$ 10,000.00	\$ 10,000.00	1	L.S.	\$ 10,000.00	\$ 10,000.00	1	L.S.	\$ 10,000.00	\$ 10,000.00
115	Remove & Replace Fencing	9,000	L.F.	\$ 25.00	\$ 225,000.00	0	L.F.	\$ 25.00	\$ -	0	L.F.	\$ 25.00	\$ -	0	L.F.	\$ 25.00	\$ -
116	Remove & Replace Existing Signs	1	L.S.	\$ 10,000.00	\$ 10,000.00	1	L.S.	\$ 10,000.00	\$ 10,000.00	1	L.S.	\$ 10,000.00	\$ 10,000.00	0	L.S.	\$ 10,000.00	\$ 10,000.00
117	Furnish, Install, Maintain & Remove Erosion Control Devices	1	L.S.	\$ 25,000.00	\$ 25,000.00	1	L.S.	\$ 25,000.00	\$ 25,000.00	1	L.S.	\$ 25,000.00	\$ 25,000.00	1	L.S.	\$ 25,000.00	\$ 25,000.00
118	Furnish Stormwater Pollution Prevention Plan (SW3P)	1	L.S.	\$ 1,500.00	\$ 1,500.00	1	L.S.	\$ 1,500.00	\$ 1,500.00	1	L.S.	\$ 1,500.00	\$ 1,500.00	1	L.S.	\$ 1,500.00	\$ 1,500.00
119	Furnish, Install, Maintain & Remove Traffic Control Devices	1	L.S.	\$ 50,000.00	\$ 50,000.00	1	L.S.	\$ 50,000.00	\$ 50,000.00	1	L.S.	\$ 50,000.00	\$ 50,000.00	1	L.S.	\$ 50,000.00	\$ 50,000.00
	4.5" of Type D HMAC																\$ 360,000.00
	4" of Type B HMAC																\$ 302,000.00
A	Paving Sub-Total:				\$ 7,306,150.00				\$ 6,988,460.00				\$ 4,081,525.00				\$ 2,583,587.50
B	Drainage Improvements (25% of A)				\$ 1,826,537.50				\$ 1,747,115.00				\$ 1,020,381.25				\$ 645,896.88
C	Contingencies & Miscellaneous Items (15% of A+B)				\$ 1,369,903.13				\$ 1,310,336.25				\$ 765,285.94				\$ 484,422.66
D	Construction Sub-Total (A+B+C)				\$ 10,502,590.63				\$ 10,045,911.25				\$ 5,867,192.19				\$ 3,713,907.03
E	Professional Services (8.12% of D)				\$ 852,810.36				\$ 815,727.99				\$ 476,416.01				\$ 301,569.25
F	Land Rights Acquisition:	8.3	AC	\$ 100,000.00	\$ 826,000.00	8.30	AC	\$ 100,000.00	\$ 830,000.00	2.00	AC	\$ 100,000.00	\$ 200,000.00	2.00	AC	\$ 100,000.00	\$ 200,000.00
G	Individual Permit & Wetland Mitigation:			UNDETERMINED	\$ -			UNDETERMINED	\$ -			UNDETERMINED	\$ -			UNDETERMINED	\$ -
H	Quality Control / Materials Testing (2% of D)				\$ 210,051.81				\$ 200,918.23				\$ 117,343.84				\$ 74,278.14
I	Construction Inspection Services (1.5% of D)				\$ 157,538.86				\$ 150,688.67				\$ 88,007.88				\$ 55,708.61
	PROJECT BUDGET (D+E+F+G+H+I)				\$ 12,548,991.66				\$ 12,043,246.14				\$ 6,748,959.92				\$ 4,345,463.03

City of Lucas
 General Fund Reserves by Fiscal Year

	Actual 2013-2014	Actual 2014-2015	Actual 2015-2016	Actual 2016-2017	Actual 2017-2018	Actual 2018-2019	Projected 2019-2020
Unassigned Fund Balance per Audit Report	\$ 5,867,875	\$ 6,203,973	\$ 7,545,674	\$ 8,774,909	\$ 7,380,496	\$ 7,442,323	\$ 7,442,323
Adjusted For:							
Projected Excess Fund Balance FY 19-20							\$ 8,911
Additional Restrictions:							
Capital Project funding approved at (3-2-17) City Council Meeting Brockdale Roadway Improvements	\$ (47,935)	\$ (102,935)	\$ (140,335)	\$ (199,570)	\$ (1,385,000)		\$ -
FY 19-20 Transfer for Feasibility Study Technology Fund 12 Reserve for Capital Outlay			\$ (50,000)	\$ (100,000)			\$ (56,625) \$ (50,000)
Reserve Balance Prior to GASB 54 Requirement	\$ 5,819,940	\$ 6,101,038	\$ 7,355,339	\$ 7,090,339	\$ 7,380,496	\$ 7,442,323	\$ 7,344,609
Reserve Balance in Operating Months	16.7	17.1	19.3	16.5	16.9	14.9	14
50% Current Year General Fund Expenditures (6 months)	\$ (2,089,807)	\$ (2,143,890)	\$ (2,286,670)	\$ (2,583,535)	\$ (2,624,410)	\$ (3,009,319)	\$ (3,144,902)
Reserve Balance After GASB 54 Requirement	\$ 3,730,133	\$ 3,957,148	\$ 5,068,669	\$ 4,506,804	\$ 4,756,086	\$ 4,433,005	\$ 4,199,707
Reserve Balance in Operating Months	10.7	11.1	13.3	10.5	10.9	8.9	8.0
Restricted during Fiscal Year Audit:							
Capital Outlay (\$50K per year) (11-1007-50)					\$ 150,000	\$ 200,000	\$ 250,000
Ambulance Donation (11-1001-65)					\$ 100,000	\$ -	\$ -
Restricted Impact Fees						\$ 1,785,286	\$ 483,680
Brockdale Roadway Improvements (11-1001-60)					\$ 245,054	\$ 285,878	\$ 235,194
Project Mgmt (11-1007-70)						\$ 358,290	
Capital Project Funding approved (3-2-17)(11-1007-50)					\$ 1,385,000	\$ 1,385,000	
Reserve Restricted per Audit Report	\$ -	\$ -	\$ -	\$ -	\$ 1,880,054	\$ 4,014,454	\$ 968,874



**City of Lucas
City Council Meeting
August 1, 2019
7:00 P.M.**

City Hall - 665 Country Club Road – Lucas Texas

MINUTES

Call to Order

Mayor Olk called the meeting to order at 7:00 p.m.

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Wayne Millsap
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Debbie Fisher
Councilmember Philip Lawrence

Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
City Attorney Julie Doshier
Development Services Director Joe Hilbourn
City Engineer Stanton Foerster
Finance Director Liz Exum

Mayor Olk determined that a quorum was present. Everyone was reminded to silence their cell phones and the Pledge of Allegiance was recited.

Citizen Input

1. Citizen Input.

Alec Morris, 1229 Highland Drive, Lucas, discussed reevaluating the City's Thoroughfare Plan connecting a corridor from Southview to Angel Parkway via Highland Drive. Mr. Morris requested consideration be given to removing the portion of the plan that connects Highland Drive to Lewis that would create traffic concerns through the neighborhood.

Steve Cleary, 1501 Bella Rae, Lucas, asked that the trees on Snider Lane be trimmed as they were hanging low over the street hitting his RV.

Mayor Olk stated that he would have staff contact both residents regarding their concerns.

Community Interest

2. Items of Community Interest.

Mayor Olk discussed the following items of Community Interest:

- The Parks Board is establishing a farmers market, any interested volunteers could contact City Manager Joni Clarke.
- The City Council will hold a drainage workshop with the Planning and Zoning Commission at their September 12, 2019 meeting.

- The Technology Committee needs more speed test data to create a comprehensive working map of the City. To take the speed test go to speedtest.lucastexas.us.
- The Public Lands Trail Cleanup event is scheduled for Saturday, September 21 from 9 am to 1 pm, focusing on the Brockdale Park and Highland Park trailheads. Registration deadline is September 13.

Consent Agenda

3. Consent Agenda.

- A. Approval of the minutes of the July 18, 2019 City Council meeting.
- B. Approval of the City of Lucas Investment Report for quarter ending June 30, 2019.

Councilmember Fisher asked that Agenda Item 3A be removed from the Consent Agenda to be discussed separately.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Lawrence to approve the Consent Agenda as amended. The motion passed unanimously by a 7 to 0 vote.

3A. Approval of the minutes of the July 18, 2019 City Council meeting.

Councilmember Fisher noted that on page 2, paragraph 1, the date should be changed to September 16 rather than September 12 as noted for the trip scheduled to Mont Belvieu, Texas.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Duke to approve the minutes as amended. The motion passed unanimously by a 7 to 0 vote.

Public Hearing Agenda

4. Public Hearing Agenda:

- 4A. Public hearing to consider adopting Ordinance 2019-08-00895 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space for the property located at 1345 Snider Lane, Abstract A0477 TD James Survey, Tract 80, on behalf of property owners Dan and Julie Rembold.

Development Services Director Joe Hilbourn stated that the applicant was requesting a specific use permit to allow a food preparation area within an accessory building under construction. Mr. Hilbourn noted that the property contains 29 acres and is zoned Agricultural. The Planning and Zoning Commission recommended unanimously to approve the request.

Councilmember Fisher asked why the applicant did not replat the property.

Mr. Hilbourn stated that should the applicant subdivide their property; they would be required to meet subdivision regulations and would not be able to provide adequate street frontage for most of the property.

Mayor Olk opened the public hearing at 7:16 pm.

Julie Rembold, 1345 Snider, stated that they were requesting the specific use permit for their accessory structure as it would be used as a residence for her parents.

There being no one else wishing to speak, the public hearing was closed at 7:17 pm.

MOTION: A motion was made by Commissioner Baney, seconded by Commissioner Lawrence to adopt Ordinance 2019-08-00895 approving a specific use permit to allow a kitchen and food preparation area in an accessory structure with habitable space for the property located at 1345 Snider Lane. The motion passed by a 4 to 3 vote with Mayor Pro Tem Peele and Councilmembers Duke and Fisher voting in opposition.

4B. Public hearing to consider adopting Ordinance 2019-08-00896 for a special use permit for a minor automotive repair shop and used car sales in a Commercial zoning district for the property located at 995 West Lucas Road, Abstract A0538 Jas Lovelady Survey, Tract 14, being 2.25 acres.

Development Services Director Joe Hilbourn stated that the applicant applied for a special use permit for a minor automotive repair shop and a used car sales lot. At the Planning and Zoning Commission meeting, the applicant requested that used car sales be removed from consideration of his application. Mr. Hilbourn stated that the lot is zoned Commercial and minor automotive repair with state vehicle inspections as an accessory use fits the area. However, there are three other similar type businesses in the immediate area. The Planning and Zoning Commission voted to approve the special use permit by a 4 to 1 vote.

Mr. Hilbourn stated that the applicant has not complied with city regulations due to a boat that has been parked at the property for sale. The applicant was notified at the Planning and Zoning meeting that used boat sales was not an allowable use for the property.

Mayor Olk asked if the ordinance allowed for outside storage of vehicles. Mr. Hilbourn stated that it did not allow for that use.

The Council discussed with Mr. Hilbourn the difference between minor automotive repair and automotive repair. Mr. Hilbourn explained that it was based on the type of automotive work being done and equipment used.

Mr. Hussein stated that the boat belonged to a neighbor that asked if it could be parked in that location, he was unaware it was a violation. Mr. Hussein stated that he would be conducting vehicle inspections and oil changes.

Mayor Olk opened the public hearing at 7:26 pm, there was no one from the audience wanting to speak. Mayor Olk read an email received from Cindy Thompson, 185 Stinson Road that was in favor of the request as long as it did not include auto sales.

Mayor Olk closed the public hearing at 7:28 pm.

Mayor Pro Tem Peele stated that this business would be better suited in a Light Industrial zoning district, as opposed to a busy intersection. Mayor Pro Tem Peele stated that she was not in favor of allowing another automotive repair business as this location.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Fisher to deny the special use permit request for a minor automotive repair facility for the property located at 995 West Lucas Road. The motion to deny passed by a 6 to 1 vote with Councilmember Lawrence abstaining.

Regular Agenda

5. **Consider the prioritization of the repair/replacement plans associated with the Stinson Road culvert, Snider Lane culvert, and Winningkoff Road bridge regarding the impact and costs associated with flooding, debris removal, and stability of the culverts/bridge; and to establish use of proposed General Fund Unrestricted Reserves and/or proceeds from the proposed 2019 Certificates of Obligation for said repair/replacement plans.**

Chris Meszler with Lakes Engineering briefed the Council on the bridge inspection reports for the Stinson Road culvert, Snider Lane culvert and Winningkoff Road bridge. He discussed the rating system of 1 to 9 with 9 being rated the best. He also discussed differences between functionally obsolete, meaning the bridge no longer meets certain criteria based on lane or shoulder width, and structurally deficient, meaning structural elements were not as strong.

Mr. Meszler reviewed the results of the bridge report and noted the following:

- Stinson Culvert
 - Structurally deficient and functionally obsolete
 - Overall rating – 5
- Snider Culvert
 - Functionally obsolete
 - Overall rating – 6
- Winningkoff Bridge
 - Overall rating – 6

Roger Stevens, 1177 Stinson Road, asked that the area underneath the bridge be widened to allow for a more water to pass through rather than spending additional funds on reconstructing the bridge.

City Engineer Stanton Foerster noted that staff had closed the Stinson Road bridge seven times within the last six years due to flooding. Mr. Foerster discussed the amount of staff time and cost that had been used when having to close the bridge and remove debris from the area to deter flooding. Mr. Foerster recommend focusing improvements to Snider Lane bridge first, then moving to the Stinson Road bridge.

The City Council discussed the Stinson Road bridge rating, which was rated the lowest amongst the bridges in the study, and funding allocation that had been discussed.

Mayor Olk noted that he would be in favor of funding the design for the two culverts and then determine which culvert needed to be repaired first.

Councilmember Fisher, Baney and Mayor Pro Tem Peele stated that the Stinson Road culvert was a priority over the Snider Lane culvert due to the rating designation between the two bridges.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Duke to use funds from the unrestricted general fund for repairs to the Winningkoff bridge in an amount not to exceed \$100,000. The motion passed unanimously by a 7 to 0 vote.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Fisher to fund the design for the Snider Lane and Stinson Road culverts from the 2019 Certificates of Obligation. The motion passed unanimously by a 7 to 0 vote.

6. **Consideration and approval of Ordinance 2019-08-00894 authorizing the issuance of “City of Lucas, Texas combination tax and limited pledge revenue certificates of Obligation, series 2019”; providing for the payment of said Certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrars agreement and an official bid form; complying with the requirements of the letter of representations previously executed with the depository trust company; authorizing the execution of any necessary engagement agreements with the City’s financial advisors and/or bond counsel; and providing an effective date.**

Mark McLiney, with SAMCO Financial stated at the June 20, 2019 City Council meeting, Certificates of Obligation were approved in an amount not to exceed \$9,000,000. Because of the City’s AA+ financial rating, they were able to receive a 2.34 percent interest rate on the Certificates of Obligation. Mr. McLiney stated that he recommends awarding the Certificates of Obligation to The Baker Group.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Duke to adopt Ordinance 2019-08-00894 Certificates of Obligation Series 2019 to fund \$1,450,000 priority water fund projects and \$7,550,000 general fund roadway and bridge projects. The motion passed unanimously by a 7 to 0 vote.

7. **Consider authorizing the City Manager to enter into a license agreement with Angela Himmelreich for the use of a 60-foot by 1,320-foot right-of-way dedication to the south of her property at 2515 Orr Road.**

belongs to the City of Lucas and is in place for a future roadway connecting West Forest Grove Road to Orr Road. Dedicating the entire right-of-way to Mrs. Himmelreich would land lock Block 1, a single lot, part of the Stonegate subdivision and selling the property would require the City to obtain an appraisal for the value of the property.

Mr. Hilbourn noted that Staff has received some concerns from property owners to the south in Lucas Creek Estates, and also comments of support from property owners to the east of the Himmelreich's lot. Staff recommends contacting adjoining property owners in Lucas Creek Estates Lots 1 through 6, Block A and should they not be opposed, enter into a license agreement with the Himmelreich's.

Mayor Olk noted that he did not want to give up the right of way but, would consider a lease or license agreement with a clause for the City to reclaim the right of way if needed.

The Council discussed trees being planted in the right of way and how this could be detrimental should the City need to reclaim the right of way in the future and the trees have to be removed.

Justin Himmelreich stated that they would comply with whatever stipulations the Council deemed appropriate related to trees or shrubs being planted in the right of way and stated that they could plant privacy shrubs in another location.

The Council discussed shrubbery being planted in the right of way, but no trees given the right of way may have to be reclaimed in the future.

The Council was in agreement to have the City Attorney prepare a license agreement for the use of a 25-foot right of way on the property at 2515 Orr Road with a termination clause allowing the property owners six months to find other means of access to the property. The license agreement would be filed and recorded with Collin County.

There was no formal action taken on this item.

8. Consider the following budget items:

- A) Discuss the FY 2019-2020 Proposed Budget.**
- B) Amend the FY 2018-2019 budget to address shortfalls in water revenue.**

Finance Director Liz Exum discussed with the Council amendments made to the FY 19/20 budget that included changes to the property tax revenue reported, funds received from Seis Lagos, reduction in ambulance costs, and a reduction in costs associated with long-term disability.

Ms. Exum also noted that in order to offset a shortfall of \$790,000 in projected water revenue for FY 18/19 reductions in the General fund were proposed.

Councilmember Millsap stated that the utility fund had sufficient reserves to cover the shortfall and should be used over the general fund.

MOTION: A motion was made by Councilmember Millsap, seconded by Mayor Pro Tem Peele to adopt Ordinance 2019-08-00897 approving amendments to FY 18/19 budget excluding the payment in lieu of taxes (PILOT) transfer between the water fund and general fund. The motion passed unanimously by a 7 to 0 vote.

9. Consider the proposed City of Lucas Property Tax Rate for Fiscal Year 2019-2020:

- A) Discuss tax rate and take record vote for notice in the newspaper.**
- B) Schedule two public hearings for tax rate if exceeds effective rate.**

Ms. Exum stated that the City had received the effective and rollback calculations for the 2019-2020 tax year from the County Tax Assessor. Property tax options for Fiscal Year 2019-2020 proposed included:

1. Effective tax rate - \$0.297373 (\$.178672 M&O and \$.118701 Debt).
2. The maximum roll back tax rate \$0.333016 (\$.214315 M&O and \$.118701 Debt).
3. Existing tax rate - \$0.303216 (\$.184515 M&O and \$.118701 Debt).
4. Effective M&O rate plus new debt - \$0.317141 (\$.198440 M&O and \$.118701 Debt).

Councilmember Millsap discussed the option of pay as you go and proposed a 1.5 to 2 cent increase in order to enact that option and dedicate funds to capital reserves to pay for future projects. Councilmember Millsap discussed long term planning and current funding being set aside for capital projects was not adequate.

Mayor Olk stated that he was a proponent of pay as you go but needed to review strategies and ways the City could restructure debt without a rate increase.

The Council was not in favor of raising the tax rate at this time to set aside additional funds for capital projects.

MOTION: A motion was made by Councilmember Millsap to approve Option No. 4 of an effective M&O rate plus new debt creating a tax rate of \$0.317141. The motion failed for lack of a second.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Lawrence to approve Option No. 3, the existing tax rate of \$0.303216. The motion passed by a 6 to 1 vote with Councilmember Millsap voting in opposition.

10. Update regarding establishing a Farmers Market in the City of Lucas.

Councilmember Baney updated the Council on the establishment of a farmers market noting that a subcommittee had been formed that included Parks Board members Debra Guillemaud and Chris Vanhorn. Their first meeting was held July 30 with a good volunteer turnout. The committee is considering holding several farmers markets in October and/or November of this year to gage interest and other action items needed.

There was no formal action taken on this item, it was for discussion purposes only.

Executive Session Agenda

11. Pursuant to Section 551.071 of the Texas Government Code, the City Council will convene into Executive Session to consult with the City Attorney regarding lawsuit styled City of McAllen, et. Al. v State of Texas, Cause No. D-1-GN-17-004766 in the 353rd Judicial District Court, Travis County, Texas.

The City Council convened into Executive Session at 9:06 pm.

12. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.

The City Council reconvened from Executive Session at 9:20 pm and took the following action:

MOTION: A motion was made by Councilmember Duke, seconded by Councilmember Lawrence to authorize the City's Attorneys in the lawsuit styled City of McAllen, et al vs. State of Texas to amend the lawsuit to include a challenge to the constitutionality of Senate Bill 1152 enacted by the 86th regular session of the Texas legislature.

13. Adjournment.

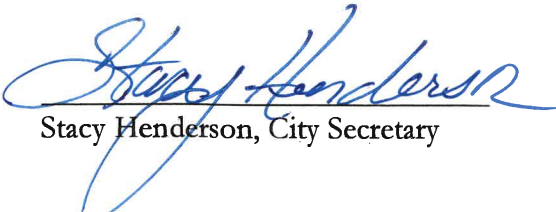
MOTION: A motion was made by Councilmember Millsap seconded by Mayor Olk to adjourn the meeting at 9:20 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:



Mayor Jim Olk

ATTEST:



Stacy Henderson, City Secretary





**City of Lucas
City Council Meeting
February 6, 2020
7:00 P.M.**

City Hall - 665 Country Club Road – Lucas Texas

MINUTES

Call to Order

Mayor Olk called the meeting to order at 7:00 p.m.

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Wayne Millsap
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Debbie Fisher
Councilmember Philip Lawrence

City Staff Present:

City Manager Joni Clarke
City Attorney Joe Gorfida
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
City Engineer Stanton Foerster
Fire Chief Ted Stephens

Mayor Olk determined that a quorum was present. Everyone was reminded to silence their cell phones and the Pledge of Allegiance was recited.

Citizen Input

1. Citizen Input.

There was no citizen input at this meeting.

Community Interest

2. Items of Community Interest.

Mayor Olk noted the following upcoming events:

- Candidate filing for the May 2 City election would close on February 14.
- The City's cleanup event, along with electronic recycling and paper shredding will be held on Saturday, April 4 from 8 am to 12 pm.
- The City's Parks and Open Space Board will be hosting Movie in the Park on Friday, April 17 at 7pm.
- The first farmers market for 2020 will be held on April 25 from 8 am to 12 pm at the Community Park.
- The City will host voting at the Community Center for the upcoming Presidential Primary Election on March 3.

Councilmember Fisher stated that she attended the North Texas Municipal Water District board meeting last month noting that the coalition of customer cities was discussed, and the Town of

Fairview had just signed a new contract. Councilmember Fisher also noted that she, along with Councilmember Duke and Mayor Pro Tem Peele attended a Census meeting regarding redistricting that would occur in the future and additional information would be made available. Councilmember Fisher noted that she also toured the Collin County Jail recently and was impressed with the general operation and cleanliness.

Councilmember Duke noted that Collin County Sheriff Skinner was recognized in Washington DC for his multi-county efforts for human trafficking and drug related offenses and his program may be taken nationally.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the January 16, 2020 City Council meeting.
- B. Consider adopting Ordinance 2020-02-00903 ordering a General Election to be held on May 2, 2020 for the purpose of electing two (2) City Councilmembers for Seat No. 1 and Seat No. 2; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement; and providing for an effective date.
- C. Consider adopting Ordinance 2020-02-00904 ordering a Special Election to be held on May 2, 2020 for the purpose of submitting Propositions to the qualified voters of the City for the continuation of the one-half of one-percent sales and use tax to provide revenue for maintenance and repair of municipal streets; and for the purpose of submitting proposed amendments to the City Home Rule Charter; providing for the publication and posting of notice; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement; and providing for an effective date.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to approve the Consent Agenda as presented. The motion passed unanimously by a 7 to 0 vote.

Regular Agenda

4. Consider terminating the license agreement between the City of Lucas and Justin and Angela Himmelreich.

Development Services Director Joe Hilbourn stated that this item was placed on the agenda due to insurance requirements that had not been met. However, the property owner has submitted the appropriate insurance.

Mayor Olk stated that he has had several conversations with surrounding property owners, and they would like additional information regarding the shared driveway and right of way license agreement, and what was proposed. Mayor Olk stated that a meeting was being scheduled to address any concerns.

Ms. Himmelreich stated that she was willing to work with the neighbors.

City Attorney Joe Gorfida asked if the property owners would be constructing a driveway.

Mr. Himmelreich stated that since the license agreement was signed, they had since purchased another property and would not be building the driveway; however, they would like the license agreement in place for the next property owner.

Mayor Olk stated that he would meet with surrounding property owners and determine if the license agreement needed to be amended in any way.

There was no action taken on this item.

5. Consider the supplemental information associated with the Birkhoff, Hendricks & Carter drainage analysis of the Reid Branch Tributary 1, which includes the Lemontree Country Estates and Kingswood Estates neighborhoods including flow maps and findings associated with neighborhood site visits.

City Engineer Stanton Foerster explained that City staff along with Birkhoff Engineering met with residents in December, walked the neighborhood on several different occasions, also after it had rained to view existing drainage flows. Mr. Foerster reviewed existing drainage flow lines in the Lemontree/Kingswood neighborhoods and new maps were reviewed that showed how drainage should be functioning in the area. Mr. Foerster discussed existing drainage elements in place that prohibited drainage such as swells and ditches that were no longer present due to lack of maintenance or silted in. Mr. Foerster discussed significant drainage flow that had been impeded on the southern boundary of Kingswood. Mr. Foerster stated that there were no drainage easements in Lemontree, which creates a maintenance problem as well.

Mayor Pro Tem Peele asked if fixing drainage ditches that had been filled in would alleviate any of the problem.

Mayor Olk suggested that it would assist in alleviating some of the problem, but a private/public partnership was needed to address drainage in the area. The Council discussed the cleanout of culverts/ditches in the Kingswood area and how that would affect property on Lynn Lane.

Mayor Olk suggested discharge of water onto Lynn Lane, and if ditches along Kingswood needed to be cleared. These items may need to be added to the study.

Mr. Foerster discussed three basins on the high school property where berms needed to be placed and raised. Staff met with the Lovejoy High School design engineer as well as Lovejoy ISD staff to discuss the maintenance items needing to be addressed per the engineering recommendations. Mr. Foerster stated that Lovejoy ISD was moving forward with compliance of the engineering recommendations to reestablish drainage facilities as designed within the 2006 high school construction plans.

Mayor Olk suggested the drainage flow map be updated to reflect the water that passed over the berms at the high school.

Councilmember Fisher stated that the National Resource Conservation Service (1404 N. McDonald, McKinney, 972.542.0081) a subdivision of the Army Corps of Engineers works on flash flood

control management and have done work on Parker Road as well as the pond behind the Lucas Food Mart. Councilmember Fisher suggested citizens and staff reach out to the Conservation Service for mapping information and if they can work on private property or neighborhoods as a whole.

The Council discussed the water volumes that come from the high school property, why water flow changed in the area, coming up with a plan that would include starting at where there was adequate flow volumes and work backwards, and having citizens get permits for work they may perform on their property.

Jim Iannucci, 9 Kingswood, noted that the revised plan was a better depiction of current flow in the area. Mr. Iannucci stated that it was a public hazard that water flowed so quickly through their neighborhood and asked if water could be rerouted towards Estates Parkway to alleviate some of the concern.

Mayor Olk suggested the scope of the study include the Lynn Lane culvert towards Kingswood and what capacities that area can carry and determine if the culvert was exceeding capacity. Mayor Olk also suggested the TxDOT drainage from Claremont Springs be reviewed and what the flow analysis was of that neighborhood towards Country Club and Estates.

6. Consider design changes to the Winningkoff Road Project Phase 2 to decrease project costs by reducing the construction impacts to trees, driveways, and fences; discuss possible trail location; and provide direction to the City Manager.

City Engineer Stanton Foerster explained that the Winningkoff Road Project was located between Forestview Drive and Snider Lane and cannot begin until Blondy Jhune Road was reopened to two-way traffic. Mr. Foerster stated that the original design flattened the hills and dips to improve sight distance, but concerns were raised about the impact to the trees lining the roadway, driveways and fences while making sure that the functionality of the drainage is addressed. The City requested the design engineers to utilize all available rights-of-way and easements to reduce construction costs and improve the roadway. The original plans included the removal of trees and the relocation of the fencing within the City right-of-way and easements along the frontage of 1090, 1190, and 1200 Winningkoff Road. The revised plans remove fewer trees and require a smaller portion of fence removal in front of these Winningkoff properties.

Mr. Foerster stated that with the revised plans, only four trees on each end of the revised alignment would have to be removed and 200 feet of fencing in front of 1090 Winningkoff would have to be removed as opposed to 1200 feet of fence.

Mayor Olk discussed the need for a possible license agreement should the fence be located within the right of way.

Councilmember Baney suggested the City Council consider placing a pedestrian/equestrian trail along Winningkoff in the right of way to allow for safe pedestrian/equestrian travels. Adequate right of way was available to construct a trail along Winningkoff.

The City Council discussed at length the viability of trail along Winningkoff, culverts that were in place, the amount of right of way available and fencing that may have to be removed on various properties to accommodate a trail.

Michael King, 1200 Bloom Street, explained that he runs on Winningkoff and neighboring roadways often and was concerned that should the roadway be elevated, there would no way to safely get off the road should a vehicle be traveling nearby.

Brenda Rizos, 1200 Winningkoff, noted that this was the first time she was viewing the drawings and would like to have had additional time to review the plans. Ms. Rizos expressed her concern regarding the design noting that traffic on Winningkoff was already fast, and there were dips in the roadway that made it difficult to see oncoming vehicles. Ms. Rizos also expressed her concern regarding the number of trees that would be removed with this project.

Mr. Foerster and Mayor Olk explained how the new roadway design would eliminate dips in the road creating a flatter surface and a better line of sight. The revised plans called for only eight trees to be removed as opposed to 30 plus trees with the original design.

The Council spent some time discussing the amount of right of way along Winningkoff, the advantage of having a trail along the roadway, installing the trail at a future date, the need to amend the Trails Master Plan should the trail be considered, if trees would have to be removed to add a trail, and how property owners would be affected the by the installation of a trail along Winningkoff.

Greg Jacobs, 1415 Ford Lane, asked if the vertical alignment of the roadway would affect utilities and if the City could transplant any trees that were scheduled to be removed.

Mayor Olk explained that no public utilities would be affected by the project and the trees could not be transplanted, they would have to be removed.

Jeffrey Brownlow, 220 W. Blondy Jhune Road, stated he was in favor of removing less trees and asked that a stop sign be placed at Blondy Jhune and Winningkoff to reduce the speed in that area. Mr. Brownlow stated that he would like to have a trail on the side of the roadway for a safer place to walk.

Mayor Olk stated that a traffic study would be conducted regarding the warrant of stop sign at Blondy Jhune and Winningkoff once Blondy Jhune is open to two-way traffic.

Mayor Olk stated that the City Council should review the Trails Master Plan to determine if adding a trail along Winningkoff Road would fit into the Master Plan and asked that an item be brought forward to the next meeting. The City could then meet with residents along Winningkoff for further discussions.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Duke to proceed with the revised plans for the Winningkoff Road Project, Phase 2. The motion passed unanimously by a 7 to 0 vote.

7. Consider establishing a policy for the maintenance of roadways not located within public rights-of-way and/or City easements.

City Engineer Stanton Foerster asked the Council to consider guidelines on how to handle requests for maintenance on private roadways that were not dedicated to the City.

Councilmember Fisher identified a street assessment Ordinance passed in 1998 where certain roads were reconstructed and property owners in the area were assessed one-third of the construction

expense. Councilmember Fisher noted that the roadways identified in the ordinance that were brought to City standards should continue to be maintained.

Mayor Olk noted that should a private roadway need to be reconstructed, those property owners would be required to dedicate easements to the City to consider reconstruction. The City Council was in agreement to continue roadway maintenance on existing roadways open to the public. Also, if a roadway was not in a dedicated right-of-way or easement and the roadway needed to be reconstructed, the roadway should be placed on the capital projects list. If reconstruction was required of a private roadway, the property owners would be required to dedicate rights-of-way or easements. Lastly, if roadways were located behind fences, "private road" signs, or in a gated community, the City was not responsible for maintaining those roadways.

8. Consider adopting Ordinance 2020-02-00905 amending the City of Lucas Code of Ordinances, Section 5.03 Fire Code to prohibit open burning except with certain exceptions as permitted under the International Fire Code.

Development Services Director Joe Hilbourn explained that in 2015 the City of Lucas discontinued issuing burn permits when the City became aware that Collin County was designated as a nonattainment area. The Clean Air Act and Amendments of 1990 define a "nonattainment area" as a locality where air pollution levels persistently exceed National Ambient Air Quality Standards. The Texas Commission on Environmental Quality is the state agency that strives to protect our state's public health and natural resources. Mr. Hilbourn stated that currently the City's Code of Ordinances permits open burning with a permit, and that was in violation with State Law.

Mr. Hilbourn stated that staff recommends changing the City's Code of Ordinances to match what is permitted by the State law for non-attainment counties.

Mayor Pro Tem Peele discussed areas in which the code discussed burning was allowed if it was economically viable. Mr. Hilbourn explained that was for cities that did not offer trash service and the City of Lucas offers trash services, and therefore was not applicable to Lucas.

Councilmember Fisher suggested an addition be added to the amendment that included burning should be 25 feet from a property line so as to not impact surrounding neighbors, and that no burning take place under a tree canopy.

The City Council was in agreement to include Councilmember Fisher's additions to the ordinance amendment.

Mayor Olk read emails into the record from John Scott of Creekwood Estates and Mike Ballatti that were in favor of being allowed to burn on their property.

David Keer, 1850 Travis Ranch Road, would like to be able to burn smaller piles of debris and suggested a six-foot-wide pile would be easier to manage debris on his property.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Baney to approve Ordinance 2020-02-00905 amending the City of Lucas Code of Ordinances, Section 5.03 Fire Code to prohibit open burning except with certain exceptions as permitted under the International Fire Code, and adding that burning should occur 25 feet from a property line, and that no burning take place under a tree canopy. The motion passed by a 6 to 1 vote with Councilmember Lawrence voting in opposition.

9. **Consider authorizing the City Manager to enter into an Interlocal Agreement with the Collin County Fire Marshal's Task Force for investigation services related to fire arson cases.**

Fire Chief Ted Stephens stated that currently there was not an Interlocal Agreement in place with Collin County for Fire Marshal investigative services. The agreement would allow the City to work with the Fire Marshal's office when fire investigations are needed at no charge.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to authorize the City Manager to enter into an Interlocal Agreement with the Collin County Fire Marshal's Task Force for investigation services related to fire arson cases. The motion passed unanimously by a 7 to 0 vote.

10. **Consider board applications to fill vacant positions on the Parks and Open Space Board and the Planning and Zoning Commission and consider promotion of alternate members to regular member board positions.**

Mayor Olk explained that Peggy Rusterholtz had rescinded her resignation from the Planning and Zoning Commission and therefore there was no vacancy on that board.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Fisher to move Parks and Open Space Board Alternate Member Debra Guillemaud from an alternate member position to a regular member position, and appoint Lynne Dodson as an alternate member to the Parks and Open Space Board. The motion passed unanimously by a 7 to 0 vote.

11. **Consider nominations for the 2020 Service Tree Award Program.**

Councilmember Fisher stated that the Service Tree Committee met consisting of herself, Councilmember Duke and Councilmember Millsap and nominated Craig Zale and David Rhoads as 2020 Service Tree Recipients.

MOTION: A motion was made by Councilmember Fisher, seconded by Mayor Pro Tem Peele, to appoint David Rhoads and Craig Zale as Service Tree Recipients for 2020. The motion passed unanimously by a 7 to 0 vote.

12. **Consider approving Resolution R 2020-02-00496 creating a policy regarding requests for reasonable accommodation under the Americans With Disabilities Act (ADA) and the Federal Fair Housing Act (FHA).**

Mayor Pro Tem Peele asked if the language “including any necessary documents” could be added to Section 6c Review Authority. City Attorney Joe Gorfida noted that the language would be added to the approved document.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Fisher to approve Resolution R 2020-02-00496 creating a policy regarding requests for reasonable accommodation under the Americans with Disabilities Act and the Federal Fair Housing Act with the additional language of “including any necessary documents” be added to Section 6c. The motion passed unanimously by a 7 to 0 vote.

Executive Session

13. Executive Session.

An Executive Session was not held at this meeting.

14. Reconvene from Executive Session.

An Executive Session was not held at this meeting.

Adjournment

15. Adjournment.

MOTION: A motion was made by Councilmember Millsap, seconded by Mayor Olk to adjourn the meeting at 9:58 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:



Mayor Jim Olk

ATTEST:



Stacy Henderson, City Secretary





City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 10

Requester: Mayor Jim Olk
City Manager Joni Clarke

Agenda Item Request

Review Chapter 6 of the Comprehensive Plan Parks, Recreation and Open Space and discuss generating a possible Trail Survey and specify what questions should be included in the potential survey to obtain input from citizens to clarify the desire for trails in the City of Lucas.

Background Information

At the Town Hall Meeting on June 7, 2015, many residents that attended the Comprehensive Plan meeting expressed a desire for walking/riding trails throughout the city that connected with other trails.

Staff has been having some discussions regarding a trail on east side of Winningkoff Road in conjunction with the Winningkoff Road Project and the connectivity a trail along Winningkoff Road would provide.

During the City Council meeting on February 5, 2020 the discussion of the Winningkoff Road Project, and the subject of trails between staff, City Council and residents occurred.

The City Council requested that staff bring the City of Lucas Trails Master Plan back to allow them to opportunity to discuss the need for trails in this area, as well as the desire for trails overall.

At the City Council meeting held on March 5, 2020, a survey was discussed to determine if there was support for additional trails in the City of Lucas and that the survey should also include questions related to parks. Staff was directed to bring back survey questions for consideration by the City Council.

Staff has determined that the best tool to administer the survey would be to use Survey Monkey and it would feature a drop down menu of street addresses for users to select when submitting their survey. All the survey data will be automatically recorded, analyzed, and downloadable from Survey Monkey. To prevent multiple responses from an address, the most recent survey submission will be recorded if there are multiple submissions from a single household or business. This was done similarly with the internet speed test to prevent multiple responses. A paper copy will be made available for those who may not be comfortable completing an online survey.



Item No. 10

City of Lucas
City Council Agenda Request
May 7, 2020

Attachments/Supporting Documentation

1. Sample Trail Survey
2. Lucas Comprehensive Plan – Chapter 6 Parks, Recreation and Open Space
3. City Council Meeting dated March 5, 2020 – Minutes (Item No. 8 - pages 5 and 6)
4. City Council Meeting dated February 6, 2020 – Minutes (Item No. 6 - pages 4 and 5)
5. Trail Master Plan

Budget/Financial Impact

NA

Recommendation

Staff is seeking clarification from the City Council regarding the survey questions.

Motion

I make a motion to direct staff to create a Trail Survey to facilitate obtaining input from Lucas residents to guide future development of trails in the City of Lucas.

**CITY OF LUCAS
TRAIL SURVEY
(Draft #4)**

How important are City trails to your quality of life?

- Extremely Important
- Very Important
- Somewhat Important
- Not Important

Do you want to see the City develop trails within the City?

- Yes
- No
- Not sure

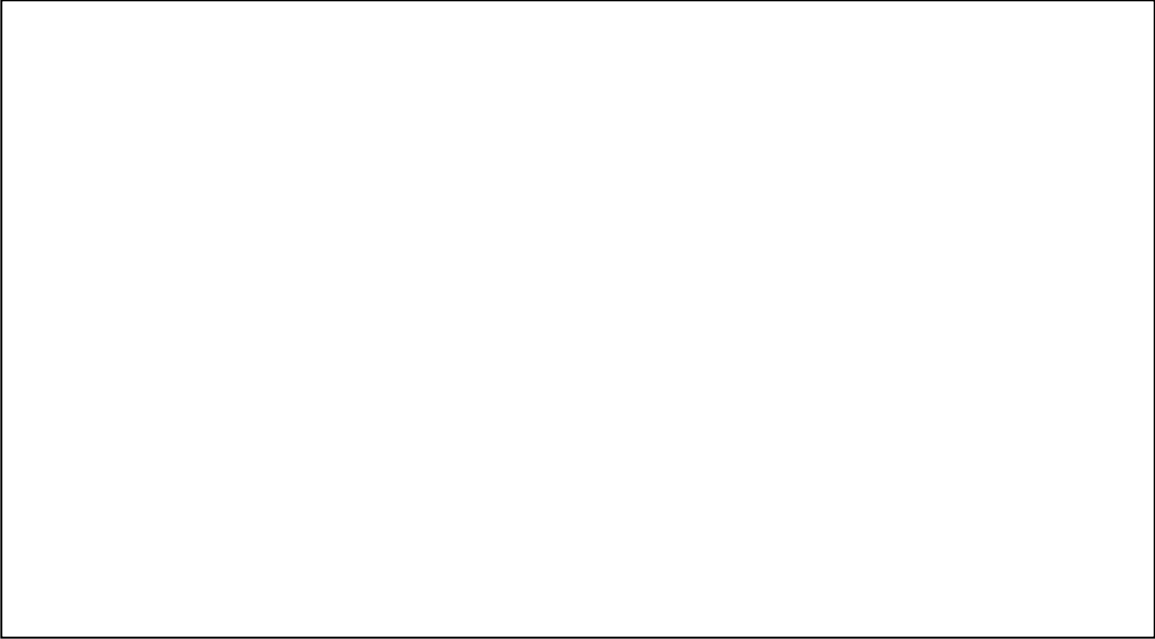
What type of activities would your family use the trails for?

- Walking
- Jogging/Running
- Horseback Riding

How often do you visit the trails in Lucas?

Description	Daily	Weekly	Monthly	Occasionally	Rarely	Never
Trinity Trail (11 miles of the 25.5 unpaved equestrian and pedestrian trail is in the City of Lucas)						
Trail loop at the Community Park						

Please provide any additional comments or feedback to help us understand your needs.



PARKS, RECREATION AND OPEN SPACE

INTRODUCTION PARKS, OPEN SPACE, AND TRAILS



The amount and quality of parks and open space within a community are often cited as important elements of local quality of life. Lucas has recognized this fact through an adopted Park Plan and a park dedication ordinance. Lucas is a unique community with large lots and open spaces naturally throughout the city. The city's entire eastern boundary is located on the shores of Lake Lavon, with natural waterways through the city for storm water run-off.

Due to the unique features of Lucas and the large lots and natural open spaces, parks are not as important to the city as they are to surrounding communities. With input from the community, Boards, council, and staff it was decided that existing parks with the exception of the future potential to expand existing facilities especially at the community park located next to city hall, that we have adequate parks facilities. The city should concentrate on expanding existing equestrian and hiking trails adjacent to the city on US Army Corps of Engineering property and throughout the city.

COMMUNITY COMPOSITION

The City of Lucas contains a total land area of approximately 9,856 acres. Approximately 74 percent (about 7,285 acres) of the land within the existing City is developed, while the remaining acreage is vacant or being used for some agricultural related purpose. Lucas currently has six parks (153 acres) utilized as parkland and has no planned or designated open space system. In addition the City of Lucas is located immediately adjacent to Lake Lavon, which provides opportunities for water based recreational activities, trails and open spaces.

PREVIOUS PARKS AND OPEN SPACE STUDIES

The City of Lucas historically has had common visions for development of Parks & Open Space. Previous studies performed date back to 2001 when community planning involved City officials interacting with the citizens in the form of Town Hall meetings and questionnaires intended to gather preferences and opinions about parks and open space in the City. Preferences and opinions came from a sample of the population voicing a variety of choices. A 2001 study entitled "Lucas Parks and Open Space Master Plan" presented a detailed analysis of the park system, open spaces, possible programs and recreational opportunities available, and the detailed history of lands in the City. The study also painted an overall picture of the City's situation regarding these issues,



described a strategy in which to develop a parks and open space master plan, and established goals and objectives outlining means to implement the proposed plan. Additional study was performed as a part of the 2004 City of Lucas Comprehensive plan which included an evaluation of the parks and recreational opportunities in the City and the current opportunities available and existing facilities available.

In 2015, the City hosted several Town Hall meetings to provide forum to receive feedback from citizens and to address the parks, recreation, and open space needs. The town hall meetings, previous study, and ongoing changes to parks and recreation in the region will serve as a backdrop in describing the current opportunities as they exist today.

EXISTING PARKS AND OPEN SPACE

Over the years, the City of Lucas has developed 4 parks and preserved open space in accordance with community planning efforts. The existing parks and open space include Brockdale and Highland Park currently operated by the Army Corps of engineers, and one private park located in the Stonegate sub-division making a total of 6 parks in the city and they are described and evaluated as follows.

BROCKDALE PARK

Brockdale Park was established in 2005 and is located at east edge of City of Lucas immediately next to Lake Lavon. Brockdale Park is 127 acres and has several amenities that have been developed and includes The Blackland Prairie Raptor Center that is located in the middle section of the park. This center is a nonprofit, rehabilitation and conservation education organization. The mission of this organization is to preserve the environment through public education and conservation of birds of prey and wildlife in their natural habitat.

KENNETH R. LEWIS PARK

Kenneth R. Lewis Park is located adjacent to FM 1378 (Southview Dr.), near the southern side of the City. The park is approximately 5 acres and offers baseball/softball field and soccer field. About two thirds of the park is open space and undeveloped for use with other activities.

LUCAS COMMUNITY PARK AT CITY HALL

The Lucas Community Park at City Hall is directly adjacent to the southern side of City Hall Parking Lot. The park is approximately 3 acres and offers a 5-foot wide concrete sidewalk that circulates the park and a pavilion for picnics and barbeques for the City residents of Lucas, and a large playground including multiple slides and climbing areas. The park also boasts a community center with rooms available to



residents at no cost. The parking area provided for the City Hall can be also utilized for the community park.

HIGHLAND PARK

Highland Park is located at Northeast edge of the city just off Snider Lane. This park is approximately 59 acres and has minimal services. Highland Park provides a boat ramp at the north end of the park for boating and fishing activities on Lake Lavon. The ramp is concrete with ample parking for trailers and vehicles. Entrance to the boat ramp area is via Highland Park Road. Available facilities at this park include the following: a parking area, boat ramp, and restrooms.

As with Brockdale Park, the Trinity Trail passes through the Highland Park. There is a trailhead existing at this park that serves as a point for riders to unload and load their horses with an entrance area on Highland Park Road. The Trinity trail continues north past the limit of Highland Park to the north end of City of Lucas limit near the North Texas Municipal Water District Treatment Plant as previously discussed. Available facilities at the trailhead in Highland Park include the followings: loading/unloading area, restroom facility with ADA considerations, one pavilion, and a watering place for horses.

FOREST CREEK NEIGHBORHOOD PARK

Forest Creek Neighborhood Park is located north of the City of Lucas next to Orchard Gap Lane. The Forest Creek Neighborhood Park is a small 2 acre park with several playgrounds and a soccer field. Access to the park is from Country Club Road via Orchard Gap Lane off Norfolk Lane. Facilities available at this park includes a traditional neighborhood playground and open space.

STONE GATE PARK

Stone Gate Park is a private park located on north side of the city in the Stone Gate Neighborhood and is only accessible to residents of that neighborhood. This park is a very small neighborhood park occupying less than 1 acre next to one of the tributaries of White Rock Creek. This park offers a traditional multiuse playground, a small gazebo, picnic tables and a 2-foot wide concrete sidewalk that passes through the park. The sidewalk connects to a concrete trail that continues alongside the tributary of the White Rock Creek.

OPEN SPACES AND NATURAL FEATURES

Open space represents the natural and agricultural through fields, pastures, prairies and woodlands. Public and private objectives may differ in regard to preservation of open spaces. The City's desire to preserve open spaces will depend on achieving common goals with private land owners and the public. The goal of



maintaining open space should be continued with interaction between the City and land owners to determine common means to achieve these goals.

Other open spaces in Lucas are in the form of:

- Lake Lavon existing flood plain areas
- Creeks and waterways;
- Vacant lands, farm lands, pastures and rights-of-way

All these open spaces can potentially allow for trails and trail connections. The most important natural feature in Lucas is Lake Lavon and its tributary creeks. Constructed in 1954, the lake is owned and controlled by the U.S. Army Corp of Engineers. There are twenty areas along the lake designated for park use, including Highland Park and Brockdale Park which reside in Lucas. These parks provide water-based recreational opportunities that would otherwise not generally be available in the county.

EXISTING TRAILS

Currently Trinity Trail is the only trail in-use that exists in City of Lucas. The Trinity Trail is situated along Lake Lavon with scenic views of the lake and surrounding landscape. The trail extends to the southeastern city limit of Lucas, and north to the City limit we share with North Texas Municipal Water District. This unpaved trail is 25.5 miles long and placed on the US Army Corps of Engineers land along Lake Lavon from East Fork Trail Head in Wylie in the south to the Giant Sycamore Loop to the north. Approximately 11 miles of the Trinity Trail passes through the City of Lucas. This trail enters the City of Lucas in the south from Collin Park in St. Paul, and stretches north along the edge of the lake passing through Brockdale Park and Highland Park. This trail is only open to horseback riders and hikers, and is maintained and operated by a group of volunteers named Trinity Trail Preservation Association (TTPA).



PROPOSED FUTURE TRAILS

Based on input from the citizens, boards, city council, and staff, the future needs of the city are to add additional equestrian/hiking trails. Specifically a trail system linking the Trinity Trails on the north side of the city with a trail through the city to reconnect with the Trinity Trails on the southern end of the city. The proposed trail and trailheads would start at E. Winningkoff Road and end at the Hunt property on the southern end of the city at a future trail head location. The trail should utilize wet lands and natural tree lines whenever possible to create a secluded and shaded trail area.



GOALS AND OBJECTIVES

The City has continued to work toward achieving the goals and objectives established with previous comprehensive and community planning. By setting the goals and objectives, some results are evident and progress has been made. Recognizing the current achievements, changed environment and surroundings, a revised set of goals have been outlined that share common themes that resonate with Collin County Open Space Strategic Plan:

GOAL 1.

Preserve natural environment and native ecosystems.

Objectives:

- Conserve and protect ecologically sensitive and naturally beautiful areas, e.g. flood plains along creeks, high points with scenic views toward Lavon Lake, etc.
- Establish and/or enhance green space and natural areas along flood plains, and promote public access to green belt areas with trail systems, e.g. equestrian/hiking trails, etc.
- Encourage and promote water conservation through the use of native plant materials, xeriscape techniques, and other methods.
- Maintain high standards for groundwater quality due to the proximity of Lake Lavon.
- Encourage development types, which minimize impacts upon the community's natural resources and visual appeal.

GOAL 2.

Provide a comprehensive Trail System Plan to include green belt and open space that is compatible with the environment and compatible with residential neighborhoods.

Objectives:

- Continue to revise and adopt comprehensive Parks and Open Space Plan that meets current preferences and reflection of changing environment in the region in 2016.
- Promote trail connections, and ensure greenbelt and open space dedication during the development review process.
- Create pedestrian and equestrian trails between residential neighborhoods, linear greenbelts, schools, public administrative facilities, and other activity centers, whenever physically and financially possible.
- Continue to adopt and finalize a detailed plan for necessary open space/trail easements to connect existing and future parks, schools, and neighborhoods into an integrated, low maintenance park and recreation system.
- Formulate and adopt policies and ordinances that protect the acquired/donated park land and open space easements.



- Utilize trails, wherever possible, to locally and regionally connect schools, parks and residential areas.
- Design a parks and open space system that is interconnected and multifunctional, which protects important natural, cultural and visual resources while providing appropriate opportunities for recreation.
- Integrate locally planned trails with the "Collin County Regional Master Trail Plan".
- Coordinate planning efforts with those of adjacent cities.

GOAL 3.

Develop and maintain the new Lucas parks and open space system.

Objectives:

- Determine actual maintenance cost currently needed to maintain existing parks.
- Undertake the necessary effort to determine maintenance costs and capital investment costs associated with acquiring and/or developing new parks and open space.
- Allocate sufficient funding to maintain existing parks, open space and trails.
- Formulate and adopt policies and ordinances that protect existing park facilities, open spaces, and trails.
- Explore cost sharing options such as Federal, TxDOT grants, or "Keep Lucas Beautiful" for fund raising.

PLAN AND RECOMMENDATIONS

The purpose of the plan and recommendations is to provide community direction in a constantly changing environment. Under existing and currently projected conditions and circumstances, the City of Lucas parks, open space and recreational needs will be well satisfied. Few things have so positive an effect on the quality of life in a community as a well-executed plan for a community's parks, open space, trails, and recreational facilities. These recommendations should be helpful to future decision-making as each plan component is gradually considered for implementation or revision.

- Equestrian, hike, and bike trails, greenbelts, parkways or paths should be provided to connect large recreational areas, providing access, scenic views and recreational opportunities.
- Combined municipal and school recreational facilities should be used to serve the community and prevent the construction of redundant facilities. If possible, school recreational areas should include parking, drinking fountains and restrooms and should remain open on weekends and during the summer months.



Mr. Hilbourn state that contractors are able to complete the work, and the City has been unsuccessful in finding someone to operate this type of equipment.

Thomas Schwab, 36 Woodmoor stated that he was not opposed to the request, but wanted to know if the City would consider using concrete on heavily traveled roadways such as West Lucas Road, to keep from deteriorating each time it rains and due to high traffic volumes.

Mayor Olk stated that the City was working with Collin County regarding the replacement of West Lucas Road. In regard to crack sealing, the City determines whether repairs should be made before replacement of a road is considered, and concrete versus asphalt was also considered as part of the replacement process.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Baney to approve reallocating funds associated with the purchase of a Gradall D 152 to fund the purchase of a Skid Steer in the amount of \$97,983 and a Crack Seal Pro Road Sealing machine in the amount of \$62,578. The motion passed unanimously by a 6 to 0 vote.

- 8. Discuss and provide direction to staff on proposed updates to the City of Lucas Trails Master Plan by adding a trail along the east side of Winningkoff Road which would connect to East Winningkoff Road and to the trail proposed along East Lucas Road and discuss any other proposed revisions to the Plan.**

Development Services Director Joe Hilbourn gave a presentation explaining that a Town Hall meeting held on June 7, 2015, residents expressed a desire for walking/riding trails throughout the City that connected with other trails. During recent discussions of the Winningkoff Road project, it was suggested to add a trail on the east side of Winningkoff Road to create trail connectivity. Citizens have also expressed a desire for walking and biking trails as well, and Staff has spent considerable time acquiring easements for trails and applying for grants. Mr. Hilbourn asked if trail connectivity was something staff should be moving forward with or was a new citizen survey need.

Chris Churchill, 1125 Brockdale, stated that she was not opposed to adding trails, but asked that the trails be safe for horses, ensure they were multi-seasonal that could draining appropriately during the rainy season, leave as many trees as possible when constructing the trails, and install guard rails in areas that contained a blind spot. Ms. Churchill stated that there were bar ditches on the east side of road along Winningkoff and asked that they be constructed in a way to ensure the water drains.

Tricia Millsap, 318 McMillan, stated she was in favor of a trail along Winningkoff Road that would accommodate equestrians and walkers, as traffic on Winningkoff Road has increased and makes it unsafe.

Kim Nopper, 980 Winningkoff, stated that she was opposed to a trail on Winningkoff Road, financially it was not a good decision and a poor use of funds. Ms. Nopper stated that funds would be better spent on items such as roadway improvements or drainage.

Tom Redman, 1930 Mary Lee Lane, stated that he was opposed to the trail, as the City had not obtained costs related to construction, and more information was needed before he could support the addition of a trail.

Michael King, 1200 Bloom Street, stated that he was in support of trail as traffic along Winningkoff had increased and residents need a place to walk or run.

Chris Reynolds, 1370 Beverly Circle, explained that she was opposed to the trail, as it would go through an easement near the back yard and did not want the general public that close to her property.

Mayor Olk read emails from the following individuals into the record:

Brian Dale, opposed to trails on Winningkoff
Derek Doss, opposed to trails on Winningkoff
Brenda Rizos, opposed to trails on Winningkoff
Sally Ballis, opposed to trails on Winningkoff
Maureen Miller, opposed to trails on Winningkoff

Councilmember Baney suggested the City send out a survey to determine if there is still a desire for additional trails and to have connectivity with the existing trail system.

Councilmember Fisher stated that a survey was needed as well as public meetings. The survey should include questions related to park area and if a larger community park was needed. Councilmember Fisher expressed her concerns with placing trails through existing right of way and creating a concern about privacy, and suggested there may be more of an opportunity to install trails when new developments were constructed.

Councilmember Millsap explained that the trail on Winningkoff would be for residents in the area, and he was in favor of conducting a survey to gain residents perspective.

Councilmember Lawrence stated that he was not a proponent of adding trails unless the residents in the neighborhood were also in favor.

Mayor Olk directed staff to bring back survey questions as an agenda item for consideration and the Council can discuss how they would like to proceed.

9. **Discuss and consider 1) an update on the Customer City Coalition activities relating to the North Texas Municipal Water District; 2) next steps with the Coalition; and (3) authorizing the Mayor to write the Public Utility Commission (PUC) expressing the City of Lucas' position on the rate case submitted by the Cities of Garland, Mesquite, Plano and Richardson and authorizing expenditures up to \$50,000 for potential legal fees regarding the rate case.**

Mayor Olk gave an update regarding the Customer City Coalition with the NTMWD. He stated that the NTMWD consisted of member cities and customer cities. The cities of Garland, Mesquite, Plano and Richardson are member cities, and Lucas is a customer city. The member cities started the NTMWD to have a central location to get water and used their taxable value as backing for bonds. As a customer city, Lucas buys water from NTMWD and customer cities pay more than member cities. NTMWD has a take or pay methodology contract where water rates are established for customer cities and the customer city is required to pay for that amount of water regardless of conservation efforts or if the water will be used. The City of Lucas has historically paid for more water than what has been used. NTMWD customer cities have joined together to form a Coalition to become better informed regarding the rate case filed with the Public Utility Commission by the

control management and have done work on Parker Road as well as the pond behind the Lucas Food Mart. Councilmember Fisher suggested citizens and staff reach out to the Conservation Service for mapping information and if they can work on private property or neighborhoods as a whole.

The Council discussed the water volumes that come from the high school property, why water flow changed in the area, coming up with a plan that would include starting at where there was adequate flow volumes and work backwards, and having citizens get permits for work they may perform on their property.

Jim Iannucci, 9 Kingswood, noted that the revised plan was a better depiction of current flow in the area. Mr. Iannucci stated that it was a public hazard that water flowed so quickly through their neighborhood and asked if water could be rerouted towards Estates Parkway to alleviate some of the concern.

Mayor Olk suggested the scope of the study include the Lynn Lane culvert towards Kingswood and what capacities that area can carry and determine if the culvert was exceeding capacity. Mayor Olk also suggested the TxDOT drainage from Claremont Springs be reviewed and what the flow analysis was of that neighborhood towards Country Club and Estates.

6. Consider design changes to the Winningkoff Road Project Phase 2 to decrease project costs by reducing the construction impacts to trees, driveways, and fences; discuss possible trail location; and provide direction to the City Manager.

City Engineer Stanton Foerster explained that the Winningkoff Road Project was located between Forestview Drive and Snider Lane and cannot begin until Blondy Jhune Road was reopened to two-way traffic. Mr. Foerster stated that the original design flattened the hills and dips to improve sight distance, but concerns were raised about the impact to the trees lining the roadway, driveways and fences while making sure that the functionality of the drainage is addressed. The City requested the design engineers to utilize all available rights-of-way and easements to reduce construction costs and improve the roadway. The original plans included the removal of trees and the relocation of the fencing within the City right-of-way and easements along the frontage of 1090, 1190, and 1200 Winningkoff Road. The revised plans remove fewer trees and require a smaller portion of fence removal in front of these Winningkoff properties.

Mr. Foerster stated that with the revised plans, only four trees on each end of the revised alignment would have to be removed and 200 feet of fencing in front of 1090 Winningkoff would have to be removed as opposed to 1200 feet of fence.

Mayor Olk discussed the need for a possible license agreement should the fence be located within the right of way.

Councilmember Baney suggested the City Council consider placing a pedestrian/equestrian trail along Winningkoff in the right of way to allow for safe pedestrian/equestrian travels. Adequate right of way was available to construct a trail along Winningkoff.

The City Council discussed at length the viability of trail along Winningkoff, culverts that were in place, the amount of right of way available and fencing that may have to be removed on various properties to accommodate a trail.

Michael King, 1200 Bloom Street, explained that he runs on Winningkoff and neighboring roadways often and was concerned that should the roadway be elevated, there would no way to safely get off the road should a vehicle be traveling nearby.

Brenda Rizos, 1200 Winningkoff, noted that this was the first time she was viewing the drawings and would like to have had additional time to review the plans. Ms. Rizos expressed her concern regarding the design noting that traffic on Winningkoff was already fast, and there were dips in the roadway that made it difficult to see oncoming vehicles. Ms. Rizos also expressed her concern regarding the number of trees that would be removed with this project.

Mr. Foerster and Mayor Olk explained how the new roadway design would eliminate dips in the road creating a flatter surface and a better line of sight. The revised plans called for only eight trees to be removed as opposed to 30 plus trees with the original design.

The Council spent some time discussing the amount of right of way along Winningkoff, the advantage of having a trail along the roadway, installing the trail at a future date, the need to amend the Trails Master Plan should the trail be considered, if trees would have to be removed to add a trail, and how property owners would be affected the by the installation of a trail along Winningkoff.

Greg Jacobs, 1415 Ford Lane, asked if the vertical alignment of the roadway would affect utilities and if the City could transplant any trees that were scheduled to be removed.

Mayor Olk explained that no public utilities would be affected by the project and the trees could not be transplanted, they would have to be removed.

Jeffrey Brownlow, 220 W. Blondy Jhune Road, stated he was in favor of removing less trees and asked that a stop sign be placed at Blondy Jhune and Winningkoff to reduce the speed in that area. Mr. Brownlow stated that he would like to have a trail on the side of the roadway for a safer place to walk.

Mayor Olk stated that a traffic study would be conducted regarding the warrant of stop sign at Blondy Jhune and Winningkoff once Blondy Jhune is open to two-way traffic.

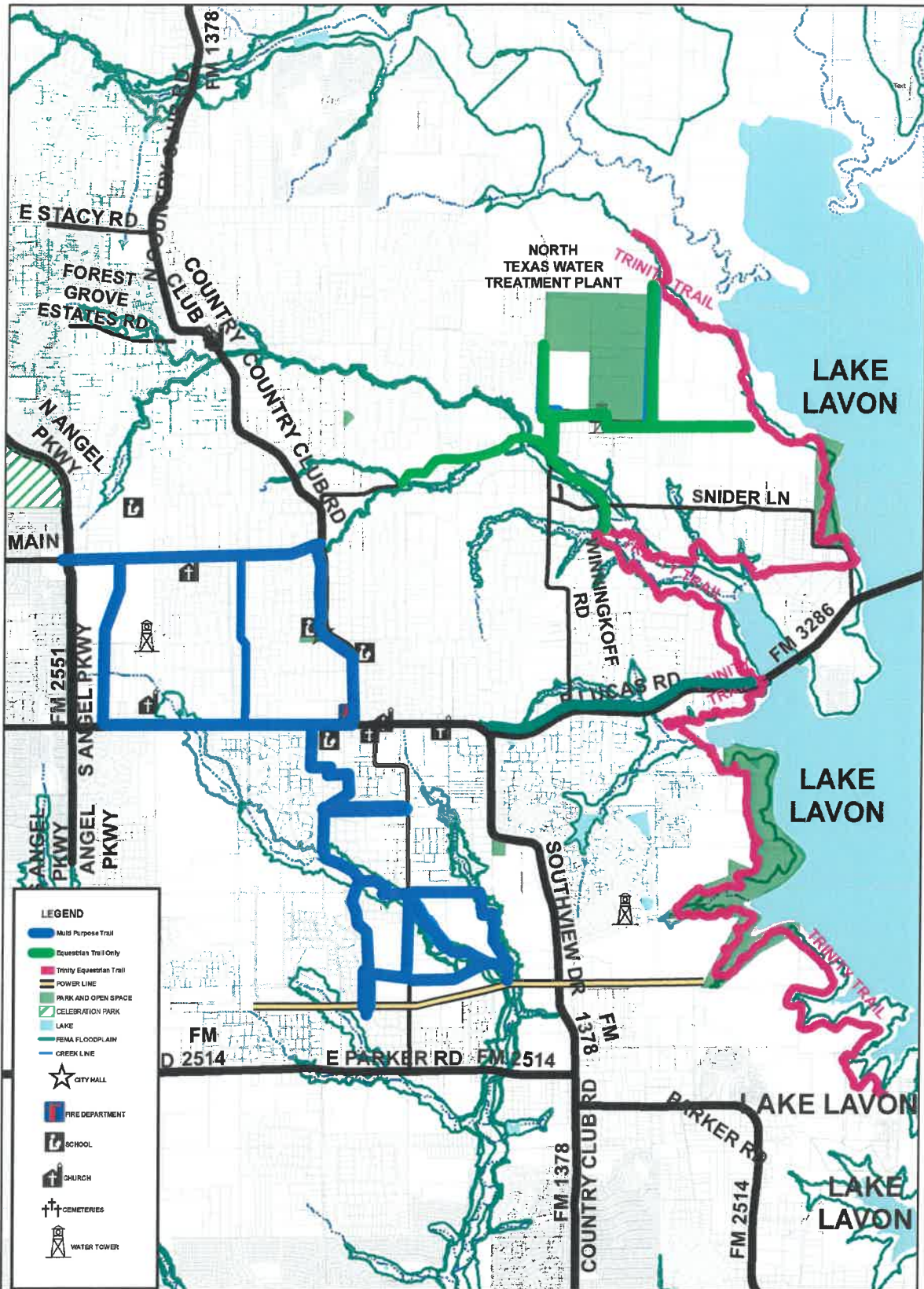
Mayor Olk stated that the City Council should review the Trails Master Plan to determine if adding a trail along Winningkoff Road would fit into the Master Plan and asked that an item be brought forward to the next meeting. The City could then meet with residents along Winningkoff for further discussions.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Duke to proceed with the revised plans for the Winningkoff Road Project, Phase 2. The motion passed unanimously by a 7 to 0 vote.

7. Consider establishing a policy for the maintenance of roadways not located within public rights-of-way and/or City easements.

City Engineer Stanton Foerster asked the Council to consider guidelines on how to handle requests for maintenance on private roadways that were not dedicated to the City.

Councilmember Fisher identified a street assessment Ordinance passed in 1998 where certain roads were reconstructed and property owners in the area were assessed one-third of the construction



07/29/19



CITY OF LUCAS
CURRENT
TRAILS MASTER PLAN





City of Lucas

City Council Agenda Request

May 7, 2020

Item No. 11

Requester: Mayor Jim Olk

Agenda Item Request

Consider taking action regarding the Declaration of Local Disaster for Public Health Emergency for the City of Lucas issued March 26, 2020.

Background Information

Mayor Olk executed a Declaration of Local Disaster for Public Health Emergency for the City of Lucas on March 19, 2020, that was extended by the City Council on March 26, 2020. The amended Declaration included the following items:

- For purposes of these regulations, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
- An outdoor "Community Gathering" under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that:
 - is enclosed by a fence, physical barrier, or other structure; and
 - where people are present and are within arm's length of one another for extended periods.
- These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as ten (10) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where ten (10) or more people may be present at different times during the day, so long as ten (10) or more people are not present in the space at the same time.
- For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods:
 - office spaces or residential buildings;
 - grocery stores, shopping malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and,
 - hospitals and medical facilities.



City of Lucas

City Council Agenda Request

May 7, 2020

- All parks and ball fields are closed.
- The Lucas Community Center shall be closed.
- This declaration hereby orders that a restaurant with or without drive-in or drive through services; drive-in restaurant; or drive-through restaurant may only provide take out or drive-in or drive-through services as allowed by law.
- All City Board and Commission meetings, with the exception of Lucas City Council, Planning and Zoning and any other meeting required by law, will be postponed for the duration of this disaster declaration.
- The City of Lucas encourages all its citizens and others within Lucas to abide by the rules as expressed in the Amended Order(s) of Collin County Judge Chris Hill and the proclamations and executive orders of Texas Governor Greg Abbott issued with respect to the COVID-19 emergency.

Attachments/Supporting Documentation

1. Declaration signed March 26, 2020

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to amend the Declaration of Local Disaster for Public Health Emergency for the City of Lucas issued March 26, 2020 to include the following:

**CITY OF LUCAS DECLARATION OF LOCAL DISASTER
FOR PUBLIC HEALTH EMERGENCY**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and,

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases, the virus has caused death; and,

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Lucas, Texas, including the quarantine of individuals, groups of individuals, and property as well as compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and,

WHEREAS, on March 13, 2020, the Governor of the State of Texas has declared a state of disaster for the State of Texas.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN THE MAYOR OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS BY THE CITY CHARTER AS THE PRESIDING OFFICER OF THE GOVERNING BODY OF THE CITY OF LUCAS, AND UNDER TEXAS GOVERNMENT CODE SECTION 418.108, I, JIM OLK, MAYOR OF THE CITY OF LUCAS, TEXAS, DO HEREBY DECLARE THAT:

SECTION 1. A local state of disaster for public health emergency is hereby declared for the City of Lucas, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That the City Council, in accordance with the authority vested in the governing body of the City of Lucas, Texas, by Texas Government Code, Section 418.108, hereby renews and continues the Declaration of Local Disaster, which Declaration shall continue until terminated by action of the City Council.

SECTION 3. Pursuant to section 418.108(c) of the Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. Pursuant to Section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Lucas emergency management plan.

SECTION 5. PROHIBITED GATHERINGS. Public or private Community Gatherings (as defined in Section 6 below) are prohibited anywhere in Lucas, Texas.

SECTION 6. DEFINITIONS.

- a. For purposes of these regulations, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that

brings together or is likely to bring ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

- b. An outdoor "Community Gathering" under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that:
 - (i) is enclosed by a fence, physical barrier, or other structure; and
 - (ii) where people are present and are within arm's length of one another for extended periods.
- c. These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as ten (10) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where ten (10) or more people may be present at different times during the day, so long as ten (10) or more people are not present in the space at the same time.
- d. For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods:
 - (i) office spaces or residential buildings;
 - (ii) grocery stores, shopping malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and,
 - (iii) hospitals and medical facilities.

SECTION 7. All parks and ball fields are closed.

SECTION 8. The Lucas Community Center shall be closed.

SECTION 9. This declaration hereby orders that a restaurant with or without drive-in or drive through services; drive-in restaurant; or drive-through restaurant may only provide take out or drive-in or drive-through services as allowed by law.

SECTION 10. All City Board and Commission meetings, with the exception of Lucas City Council, Planning and Zoning and any other meeting required by law, will be postponed for the duration of this disaster declaration.

SECTION 11. The City of Lucas encourages all its citizens and others within Lucas to abide by the rules as expressed in the Amended Order(s) of Collin County Judge Chris Hill and the proclamations and executive orders of Texas Governor Greg Abbott issued with respect to the COVID-19 emergency.

SECTION 12. POSTING OF THESE REGULATIONS. The owner, manager, or operator of any facility that is likely to be impacted by these regulations shall post a copy of these regulations onsite and visible to users of the facility and provide a copy to any user of the facility asking for a copy.

SECTION 13. SEVERABILITY. If any subsection, sentence, clause, phrase, or word of these regulations or any application of them to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of these regulations.

SECTION 14. EFFECTIVE IMMEDIATELY. These regulations shall be effective immediately and continue until they are either rescinded, superseded, or amended or until they expire pursuant to applicable law.

SECTION 15. SUSPENSION AND MODIFICATION OF ORDINANCES.

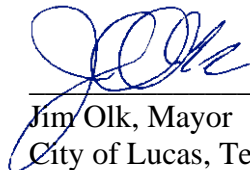
- a. Any ordinances or regulations that would prevent temporary sheltering and housing by the City, State of Texas, or the Federal Government in response to the declared disaster are suspended or modified as necessary to make these regulations effective.
- b. Any ordinances or regulations that conflict with these regulations are suspended or modified as necessary to make these regulations effective.
- c. Suspension or modification of the ordinances and regulations shall remain in effect until these regulations are terminated or until the public health emergency is terminated, whichever is sooner.

SECTION 16. PENALTIES.

- a. These regulations shall have the effect of ordinances when duly filed with the City Secretary.
- b. A person who violates any provision of these regulations, upon conviction, is punishable by a fine of not less than Fifty Dollars (\$50) and not more than Two Thousand Dollars (\$2,000) for each offense.

SECTION 17. That this proclamation shall take effect immediately from and after its issuance.

DECLARED this 26th day of March 2020.



Jim Olk, Mayor
City of Lucas, Texas



City of Lucas City Council Agenda Request May 7, 2020

Item No. 12

Requester: Mayor Jim Olk

Agenda Item Request

Consider appointments to fill a vacant position on the Planning and Zoning Commission and Parks and Open Space Board.

Background Information

The Planning and Zoning Commission and Parks and Open Space Board both have one vacant regular member position available that needs to be filled. Current regular and alternate members for each board are outlined below:

Planning and Zoning Commission	Parks and Open Space Board
David Keer, Chairman	David Rhoads, Chairman
Tim Johnson, Vice Chairman	Bill Esposito, Vice Chairman
Peggy Rusterholtz, Commissioner	Ken Patterson, Regular Member
Joe Williams, Commissioner	Tommy DeWitt, Regular Member
Vacant – Regular Member	Vacant – Regular Member
Tommy Tolson, Alternate Commissioner 1	Christel Parish, Alternate 1
Adam Sussman, Alternate Commissioner 2	Lynne Dodson, Alternate 2

Applications received to date for board member positions have been included under separate attachment for review.

Attachments/Supporting Documentation

1. Board member applications (under separate attachment)

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve/deny appointing _____ to Planning and Zoning Commission, and appointing _____ to the Parks and Open Space Board.



City of Lucas City Council Agenda Request May 7, 2020

Requester: Mayor Jim Olk

Agenda Item Request

Executive Session:

Executive Session: An Executive Session is not scheduled for this meeting.

As authorized by Section 551.071 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. This meeting is closed to the public as provided in the Texas Government Code.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

May 7, 2020

Requester: Mayor Jim Olk

Agenda Item Request

Reconvene from Executive Session and take any action necessary as a result of the Executive Session.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA