



AGENDA

City of Lucas City Council Meeting

June 4, 2020

7:00 PM

City Hall – Council Chambers

665 Country Club Road – Lucas, Texas

On March 16, 2020 Governor Abbott suspended some provisions of the Open Meetings Act in response to the COVID-19 emergency. To comply with Governor Abbott's 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?pwd=SDFGcHF6WmdmOGFYTU5nYzByVjNXUT09> 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 the day of the meeting.** 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 meeting of the Lucas City Council will be held on Thursday, June 4, 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

Community Interest

Pursuant to Section 5510415 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.

- 3A. Approval of the minutes of the May 21, 2020 City Council meeting. **(City Secretary Stacy Henderson)**
- 3B. Adopt Ordinance 2020-06-00913 amending the Lucas Code of Ordinances by amending Chapter 5 titled "Fire Prevention and Protection" by repealing Article 5.02 titled "Fire Marshal" and Sections 5.02.01 through 5.02.07 in their entirety and reserving Article 5.02 for future use. **(Development Services Director Joe Hilbourn)**

Public Hearing Agenda

4. Public hearing to consider adopting Ordinance 2020-06-00916 approving the request by Alvin and Kimberly Harrison to rezone a 3-acre tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas, same being a portion of that tract of land conveyed to Hugh McCreery and Dorothy C. McCreery, by deed recorded in Volume 1124, Page 871, Deed Records of Collin County, Texas from Residential (R1.5) to Commercial (C) . The parcel of land is located on the north side of Parker Road approximately 800 feet west of Stinson Road located at 7403 Parker Road. **(Development Services Director Joe Hilbourn)**
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct Public Hearing
 - C. Take Action

Regular Agenda

5. Consider information provided by Birkhoff, Hendricks & Carter regarding Lemontree Estates and Kingswood Estates drainage and related watershed and direct the City Manager on same. **(City Council, City Engineer Stanton Foerster)**
6. Consider adopting Ordinance 2020-06-00914 creating regulations on private and public property for illicit discharge into the City's stormwater drainage system. **(Development Services Director Joe Hilbourn)**

7. Consider adopting Ordinance 2020-06-00915 relating to amendments to Section 6.02.002 Prohibited Acts and Section 6.02.003 Abatement making it a violation of the City of Lucas Code of Ordinances to obstruct or fail to maintain drainage on properties in the City. **(Development Services Director Joe Hilbourn)**
8. Consider nominations of a primary and alternate member to the Regional Transportation Council. **(Mayor Jim Olk)**
9. Discuss and Consider the City of Lucas Broadband Project including:
 - A. Timelines and milestones associated with the Lucas Broadband project.
 - B. Recent Broadband Project Review meeting and next phase of the planning process, include development of a financial model and feedback received from the City's Financial Advisor Mark McLiney with SAMCO and funding strategies.
 - C. Submitting a grant application for the Public Works and Economic Adjustment Assistance Programs through the Economic Development Administration (EDA), U.S. Department of Commerce (DOC).
 - D. The on-going role of the Technology Committee and City staffing to support the Lucas Broadband project.
 - E. Review timetable options regarding a Bond Election.
(City Council, City Manager Joni Clarke, Assistant to the City Manager Kent Souriyasak)
10. Consider canceling the July 2, 2020 City Council meeting or modifying the meeting date. **(Mayor Jim Olk)**

Executive Session Agenda

11. An Executive Session is not scheduled for this meeting. **(Mayor Jim Olk)**

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.

12. Reconvene from Executive Session and take any action necessary as a result of the Executive Session. **(Mayor Jim Olk)**
13. 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 29, 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

June 4, 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 June 4, 2020

Requester: Mayor Jim Olk

Agenda Item Request

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 June 4, 2020

Requester: City Secretary Stacy Henderson
Development Services Director Joe Hilbourn

Agenda Item Request

3. Consent Agenda:
 - A. Approval of the minutes of the May 21, 2020 City Council meeting.
 - B. Adopt Ordinance 2020-06-00913 amending the Lucas Code of Ordinances by amending Chapter 5 titled "Fire Prevention and Protection" by repealing Article 5.02 titled "Fire Marshal" and Sections 5.02.01 through 5.02.07 in their entirety and reserving Article 5.02 for future use

Background Information

NA

Attachments/Supporting Documentation

1. Minutes of the May 21, 2020 City Council meeting
2. Ordinance 2020-06-00913

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
May 21, 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 Steve Duke
Councilmember Philip Lawrence
Councilmember Debbie Fisher

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
Finance Director Liz Exum

City Councilmember Absent:

Councilmember Tim Baney

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 noted the following items of community interest:

- Lovejoy Highschool was holding a graduation parade on May 30 at 11:15 am. The parade route is on the City's website and citizens were encouraged to come to City Hall to celebrate the 2020 Senior graduating class.
- The Farmers Market was scheduled to reopen June 13 at the Lucas Community Park. Handwashing/sanitizing stations would be available.

- The City would be hosting a virtual tour of Art in Public Places, to view the artwork of students in the Lucas area ranging from elementary to high school students would be featured.
- City Council and the Technology Committee would be meeting with Magellan Advisors on May 27 at 10:00 am by video conference. Citizens were welcome to watch the meeting, the link can be found on the City’s website under the News section or the Agenda/Minutes page.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the May 7, 2020 City Council meeting.
- B. Approval of the City of Lucas Investment Report for quarter ending March 31, 2020.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Duke to approve the Consent Agenda as presented. The motion passed unanimously by a 6 to 0 vote.

Regular Agenda

- 4. **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, to 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, located at 2650 West Lucas Road, Lot 4, Block A of the Walmart Addition.**

Development Services Director Joe Hilbourn gave a presentation reviewing elements of the site plan.

Mr. Don Sopranzi, representing Walmart stated he was available to answer any questions.

Mayor Olk asked if the monument sign would share similar details as surrounding monument signs.

Mr. Hilbourn stated that it would have the “L” shaped frame and other similar elements to match the surrounding signs.

Mayor Olk asked if additional signage was being requested on the back of the building.

Mr. Sopranzi stated that the end cap tenants would want additional signage given the additional parking in the rear of the property. Mr. Hilbourn clarified that signage was not allowed on the back of the building.

MOTION: A motion was made by Councilmember Duke, seconded b Councilmember Fisher to approve the site plan, landscape plan, and elevations consisting of an 11,838 square foot tenant occupied restaurant, to include a drive-through window and an outdoor dining space on a 1.426 acre tract of land located at 2650 West Lucas Road. The motion passed unanimously by a 6 to 0 vote.

5. **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, and to remove the requirement to either place restricted access gates or cul-de-sac at the northern and eastern entrances to the subdivision for a parcel of land located in the City of Lucas extraterritorial jurisdiction, Abstract A0799 Orpha Shelby Survey, Tract 3, being 74.327 acres.**

Mayor Olk stated that the applicant has asked that the request be withdrawn at this time. There was no action taken on this item.

6. **Consider removing vendor participation fees for the 2020 Farmers Market vendors by amending the City of Lucas Code of Ordinances, Appendix C Fee Schedule, Article 21 Parks and Recreation.**

Debra Guillemaud, Farmers Market Chair discussed how the farmers market would be opening for business on June 13 and the safety measures that would be taken due to COVID-19. Ms. Guillemaud asked that the Council consider waiving the \$20 fee per event for the remainder of the year to assist small businesses during the COVID-19 pandemic.

Councilmember Fisher explained that she did not envision the Lucas farmers market growing into a large market recruiting businesses outside of Lucas. Councilmember Fisher stated she was in favor of supporting Lucas businesses and waiving the fee for those businesses, but businesses outside of Lucas should be required to pay the fee.

Councilmember Millsap stated the goal in waiving fees was to keep vendors interested in the market, trying to determine who was a Lucas resident could become cumbersome on the committee.

Mayor Pro Tem Peele stated that she was not in favor of waiving fees, and given the number of vendors that were participating in the event, the fee was not a deterrent.

The Council discussed waiving fees for a short period of time through the summer and to reassess the situation at a later date.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Millsap to waive the \$20 participation fee per vendor per event associated with the farmers market for the months of June, July and August. The motion passed by a 4 to 2 vote with Councilmember Fisher and Mayor Pro Tem Peele voting in opposition.

7. **Consider adopting Ordinance 2020-05-00912 approving Mid-Year Budget Adjustments for fiscal year beginning October 1, 2019 and ending September 30, 2020.**

Liz Exum, Finance Director explained that the mid-year budget had been adjusted to reflect actual trends in activity and line item transfers. Expenditures in the budget had been reduced for cancellation of events, travel and savings for the year. Ms. Exum discussed revenue and expenditure adjustments.

Councilmember Millsap asked if there was an estimate of funds spent related to COVID-19.

City Manager Joni Clarke stated that staff was working on expenditures related to COVID-19 that will occur between March 1 and December 30, 2020. Ms. Clarke stated that expenditures related to fire-rescue protective equipment, video conferencing, staff shift changes would all be included in expected costs.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Fisher, to adopt Ordinance 2020-05-00912 approving Mid-Year Budget Adjustments for fiscal year beginning October 1, 2019 and ending September 30, 2020. The motion passed unanimously by a 6 to 0 vote.

The City Council moved to Agenda Item No. 11 at this time.

11. Consider authorizing the Mayor to enter into an Interlocal Cooperation Agreement with Collin County for Municipal Direct Expense Funding to receive funding as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) for expenses incurred between March 1 through December 30, 2020 related to COVID-19.

City Manager Joni Clarke state that as part of the CARES Federal Funding Act disbursed by Collin County, the City would be receiving \$361,355 related to COVID-19 unbudgeted expenditures. Ms. Clarke stated that these expenditures must have occurred between March 1 and December 30, 2020.

Ms. Clarke stated that a separate line item within the budget has been created and will be included in the financial reporting.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Millsap to authorize the Mayor to enter into an Interlocal Cooperation Agreement with Collin County for Municipal Direct Expense Funding to receive funding as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) for expenses incurred between March 1 through December 30, 2020 related to COVID-19. The motion passed unanimously by a 6 to 0 vote.

The City Council moved to Agenda Item No. 8 at this time.

8. Consider the Fiscal Year 20/21 budget calendar being proposed for the budget process.

Ms. Exum reviewed the budget calendar timeline with the Council noting that the budget workshop was scheduled for July 16.

Mayor Olk stated that he would not be able to attend a July 16th meeting.

Councilmember Fisher and Mayor Pro Tem Peele stated that they would like additional time to review the information between when the Council receives their budget workbook until the time of the budget workshop.

MOTION: A motion was made by Mayor Olk, seconded by Mayor Pro Tem Peele to hold the budget workshop on July 30, 2020. The motion passed unanimously by a 6 to 0 vote.

9. Consider the selection of the most qualified certified public accounting firm to perform the City's annual audit for fiscal year ending September 30, 2020, and for each of the four (4) subsequent fiscal years and authorize City Manager to negotiate the contract.

Ms. Exum stated that the Home Rule Charter requires a new auditing firm to be obtained every five years. RFQs were sent out to seven companies and one was received from LaFollett & Abbott, PLLC. Ms. Exum stated that staff recommends authorizing the City Manager to negotiate a contract with LaFollett & Abbott for auditing services.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to authorize the City Manager to negotiate the contract with LaFollett & Abbott, PLLC to perform the City's annual audit for fiscal year ending September 30, 2020 and for each of the four subsequent fiscal years. The motion passed unanimously by a 6 to 0 vote.

10. Consider adopting Ordinance 2020-05-00913 amending the City's Code of Ordinances, Chapter 5, Fire Prevention and Protection, Article 5.02 Fire Marshal, Section 5.02.001 Officer created to report directly to the City Manager or designee.

City Manager Joni Clarke stated that the designation of Fire Marshal would not be adding a new position, but adding specific responsibilities to an existing employee's duties that were currently serving in the capacity of Building Inspector. The Building Inspector was also a volunteer firefighter and was qualified to serve in the Fire Marshal capacity. Ms. Clarke discussed the employees credentials and the responsibilities of the position of Fire Marshal. Mr. Clarke stated that the Fire Marshal would not take part in arson investigations, as that required law enforcement certification. Ms. Clarke stated that having the Fire Marshal responsibilities added to the staff member position would assist in the enforcement in illegal fireworks as well.

City Attorney Joe Gorfida stated that in the Code of Ordinances, the Fire Marshal position reports to the City Council and the amendment proposes to have the position report to the City Manager or their designee.

Mayor Pro Tem Peele asked why this position did not report to the Fire Chief. The City Council discussed with the Attorney and City Manager how in other cities it was not unusual to have a Fire Marshal position in Development Services given their plan review responsibilities.

Councilmember Fisher stated that she didn't believe the ordinance needed to be amended as these responsibilities could be added to a staff member without an amendment.

The City Council discussed whether the position should report to the Fire Department and if that position would eventually need to be moved to the Fire Department and become a full-time position.

Ms. Clarke stated that there was not enough work for the Fire Marshal position to warrant a new position.

Mayor Olk and the Council asked that the City Attorney review the ordinance, determine what may need to be repealed and bring the ordinance back for consideration on the Consent Agenda.

No formal action was taken on this item.

12. Consider nominations of a primary and alternate member to the Regional Transportation Council.

The City Council discussed the letter received from the City of Allen proposing an Allen Councilmember for the primary member position on the RTC, noting that he was a new member and the Council was not familiar with his credentials. Mayor Olk stated that he would reach out to the Councilmember as well as reach out to neighboring mayors to determine if there were any other candidates to consider.

No formal action was taken on this item, direction was given to place this item on the June 4, 2020 City Council agenda.

13. Consider an appointment to fill a vacant position on the Planning and Zoning Commission.

MOTION: A motion was made by Mayor Olk, seconded by Mayor Pro Tem Peele to promote current Planning and Zoning Commissioner Tommy Tolson from an alternate position to a regular member position, promote Commissioner Adam Sussman from Alternate 2 to Alternate 1, and appoint Dusty Kuykendall to the Alternate 2 position on the Planning and Zoning Commission. The motion passed unanimously by a 6 to 0 vote.

14. Consider whether City Council, Planning and Zoning Commission, and meetings deemed necessary should continue to be held via video conference and/or allow participation in person with limited capacity and provide guidance to staff.

The City Council discussed how meetings may need to occur should the Governor renew current orders or have them expire related to COVID-19.

Mayor Pro Tem Peele and Councilmember Fisher were in favor of having options and the public being able to participate in meetings, in person or by video conference. Both members were in favor of encouraging residents to wear masks and to social distance.

Councilmember Duke would like the option to be able to come to City Hall for meetings.

The Council discussed having input from the Planning and Zoning Commission. Mayor Olk stated he would reach out to the chairman.

The Council was in agreement to continue to review the situation and the Governors directive as to how public meetings will be handled during the COVID-19 emergency.

Executive Session

15. Executive Session.

An Executive Session was not held at this meeting.

16. 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

17. Adjournment.

MOTION: A motion was made by Councilmember Millsap, seconded by Mayor Olk to adjourn the meeting at 8:38 pm. The motion passed unanimously by a 6 to 0 vote.

APPROVED:

ATTEST:

Mayor Jim Olk

Stacy Henderson, City Secretary



ORDINANCE 2020-06-00913
[AMENDING CODE OF ORDINANCES, REPEALING ARTICLE 5.02
“FIRE MARSHAL” AND RESERVING ARTICLE 5.02 FOR FUTURE USE]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE LUCAS CODE OF ORDINANCES BY AMENDING CHAPTER 5 TITLED “FIRE PREVENTION AND PROTECTION” BY REPEALING ARTICLE 5.02 TITLED “FIRE MARSHAL” AND SECTIONS 5.02.01 THROUGH 5.02.07 IN THEIR ENTIRETY AND RESERVING ARTICLE 5.02 FOR FUTURE USE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; 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 5 titled “Fire Prevention and Protection” by repealing Article 5.02 titled “Fire Marshal” and Sections 5.02.01 through 5.02.07 in their entirety and reserving Article 5.02 for future use.

CHAPTER 5

FIRE PREVENTION AND PROTECTION

ARTICLE 5.02 RESERVED

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 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 4TH DAY OF JUNE, 2020.**

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(05-29-2020:TM 115900)

Stacy Henderson, City Secretary



City of Lucas

City Council Request

June 4, 2020

Item No. 04

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider adopting Ordinance 2020-06-00916 approving the request by Alvin and Kimberly Harrison to rezone a 3-acre tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas, same being a portion of that tract of land conveyed to Hugh McCreery and Dorothy C. McCreery, by deed recorded in Volume 1124, Page 871, Deed Records of Collin County, Texas from Residential (R1.5) to Commercial (C) . The parcel of land is located on the north side of Parker Road approximately 800 feet west of Stinson Road located at 7403 Parker Road.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take Action

Background Information

The 3-acre lot located at 7403 Parker Road, is currently zoned Residential (R-1.5). The property has an existing home that is 1,793 square feet. The owners would like to convert the existing home into a state licensed childcare facility.

The applicant states that Littles Academy, LLC has been in business for over 10 years in Lucas, Texas, and due to state regulations, they are limited to care for twelve children per day. The proposed new facility would become a full-time childcare center, operating from 7 am to 6 pm, Monday through Friday. With the recent expansion of Parker Road, the applicant believes the childcare facility will have minimal impact on traffic. The facility has a septic tank.

The applicant states that a portion of their curriculum will focus on outdoor activities, including small scale farming, and the location on Parker Road would have adequate space for this activity.

Attachments/Supporting Documentation

1. Public hearing notice
2. Location map
3. Letter of Intent
4. Zoning Concept Plan
5. Ordinance 2020-06-00916



City of Lucas

City Council Request

June 4, 2020

Item No. 04

Budget/Financial Impact

NA

Recommendation

The Planning and Zoning Commission unanimously voted to deny the rezoning request. This proposal does not meet the City's Comprehensive Plan, and staff is not in favor of amending the Comprehensive Plan.

Motion

I hereby make a motion to approve/deny adopting Ordinance 2020-06-00916 to rezone a 3-acre tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas, from Residential (R1.5) to Commercial (C) located at 7403 Parker Road.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas (the "City"), will conduct a Public Hearing on Thursday, May 14, 2020 at 7:00 p.m. and City Council will conduct a second Public Hearing on Thursday, June 4, 2020 at 7:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider a request for a change in zoning from R1.5 to Commercial on a parcel of land consisting of 3.00 acres of land more commonly known as 7403 E Parker Road, described as follows:

Being a tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Coffin County, Texas, same being a portion of that tract of land conveyed to Hugh McCreery and wife, Dorothy C. McCreery, by deed recorded in Volume 1124, Page 871, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the Southwest corner of Heritage Estates, an Addition to the City of Lucas, Collin County, Texas, according to the Plat thereof recorded in Volume C, Page 750, Map Records of Collin County, Texas, being along the East line of a tract of land conveyed to Watson McCreery, Jr., by deed recorded in Instrument Number 20130520000686800, Official Public Records of Collin County, Texas and being on or near the most Easterly North line of said Turner Survey and South line of the John Gray 320 acre Survey, Abstract No. 349;

THENCE South 88 degrees 41 minutes 39 seconds East (bearing base from NAD83 Texas North Central Zone No. 4202), along the South line of said Heritage Estates, a distance of 343.48 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of a tract of land conveyed to the Craft Family Trust, by deed recorded in Volume 4514, Page 974, Deed Records of Collin County, Texas;

THENCE South 12 degrees 47 minutes 48 seconds East, along a West line of said Craft tract, a distance of 299.18 feet to a 1/2-inch iron rod found for corner;

THENCE South 40 degrees 52 minutes 36 seconds East, along a West line of said Craft tract, a distance of 54.85 feet to an aluminum disc found for corner, said corner being the Southwest corner of said Craft Family Trust tract, same being the Northwest corner of a tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20150507000530980, Official Public Records of Collin County, Texas, and being the Northeast corner of a tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20150625000771540, Official Public Records of Collin County, Texas;

THENCE South 81 degrees 42 minutes 41 seconds West, along the North line of said State of Texas tract (20150625000771540), a distance of 20.18 feet to an aluminum disc found for corner;

THENCE South 89 degrees 02 minutes 06 seconds West, along the North line of said State of Texas tract (20150625000771540), a distance of 420.27 feet to an aluminum disc found for corner, said corner being the Northwest corner of said State of Texas tract (20150625000771540), same being the Northeast corner of that tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20160322000336720, Official Public Records of Collin County, Texas, and being the Southeast corner of the aforementioned McCreery tract;

THENCE North 00 degrees 52 minutes 39 seconds West, along the East line of said McCreery tract, a distance of 351.08 feet to the POINT OF BEGINNING and containing 130,779 square feet or 3.00 acres of land.

Those wishing to speak for or against the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas, Texas 75002, email shenderson@lucastexas.us and it will be presented at the hearing. If you have any questions about the request, please contact Joe Hilbourn at jhilbourn@lucastexas.us.

Location Map

7403 Parker Road



City of Lucas Zoning

665 Country Club Road
Lucas, Texas 75002-7651

Letter of Intent for Special Use Permit Application
Littles Academy, LLC Childcare
Alvin and Kimberly Harrison, Littles Academy LLC, Owners and Applicant
7403 Parker Road
Lucas, TX 75002-7023

Dear Joe Hilbourn,

On February 28th, 2020, Alvin and Kimberly Harrison purchased the property at 7403 Parker Road, Lucas, Texas 75002. The property has an existing home that is 1,793 square feet. The tract is 3.00 acres and is currently zoned R1.5. We are looking to obtain a Special Use Permit (SUP) in order to convert the existing house into a state licensed childcare facility.

Littles Academy, LLC has been in business for over 10 years here in Lucas, Texas. Due to state regulations, we are limited to care for twelve children per day. Over the past few years, we have turned away dozens of prospective families. With all the new home construction in the immediate area, there appears to be a need for quality childcare.

The proposed new facility would become a fulltime childcare center, operating from 7am to 6pm, Monday through Friday. With the recent expansion of Parker Road, we feel that a childcare facility will have minimal impact on traffic. The facility has a septic tank, so wastewater would have no impact on the city of Lucas.

A portion of our curriculum will focus on outdoor activities, including small scale farming. We love the serenity of Lucas, and this location would continue with that feel.

We appreciate your consideration of this Special Use Permit request.

Sincerely,
Alvin and Kimberly Harrison
Littles Academy, LLC Childcare

PROJECT DESCRIPTION

PROPOSED FUTURE SITE OF LITTLE'S ACADEMY

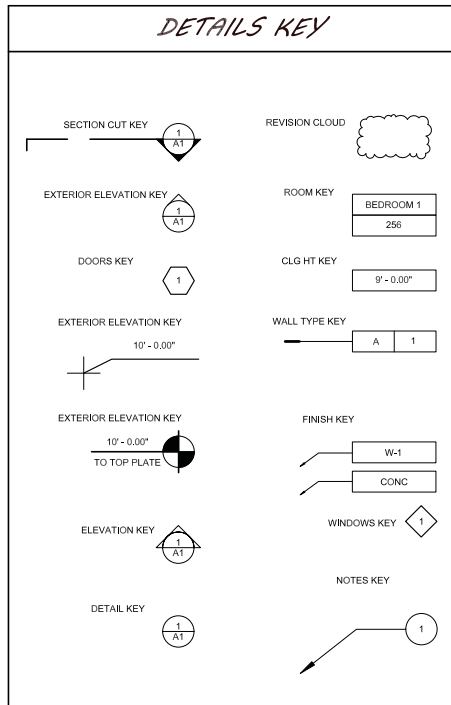
7403 EAST PARKER ROAD
ALLEN TX, 75002

OWNERS
ALVIN AND KIMBERLY HARRISON
PH. 972-955-2228
EM. ALVINHARRISON2@GMAIL.COM



BUILD SITE

& L	AND ANGLE	F.O.S.	FACE OF STUDS	RAD.	RADIUS
AT	CENTERLINE	FPRF.	FIREPROOF	R.D.	ROOF DRAIN
#	DIAMETER OR ROUND POUND OR NUMBER ANCHOR BOLT	FT.	FOOT OR FEET	REC.	RECEPTACLE
A.B.	ACOUSTICAL	FTG.	FOOTING	REF.	REFERENCE
ACCOOS.	ADJUSTABLE	GA.	GAUSE	REFR.	REFRIGERATOR
ADJ.	AGGREGATE	GAL.	GALLON	REINF.	REINFORCED
AGGR.	ALUMINUM	GALV.	GALVANIZED	REQ.	REQUIRED
AL.	APPROXIMATE	GR.	GRADE	RM.	ROOM
APPROX.	ARCHITECTURAL	G.B.	GRAB BAR	R.O.	ROUGH OPENING
ARCH.	ASBESTOS	G.L.	GLASS	R.S.	ROUGH SAWN
ASB.	ASPHALT	GR.	GRADE	R.WO.	REDWOOD
ASPH.	BOARD	GI.	GYPSPUM	S.C.	SOLID CORE
BD.	BUILDING	H.B.	GALV. IRON	SCHED.	SCHEDULE
BLDG.	BLOCK	H.C.	HOSE BIBS	SECT.	SECTION
BLK.	BLOCKING	HDR.	HOLLOW CORE	SHR.	SHOWER
BLKG.	BEAM	HDR.	HEADER	SHT.	SHEET
BM.	BOTTOM	HDWD.	HARDWOOD	SM.	SIMILAR
CAB.	CATCH BASIN	H.M.	HOLLOW METAL	SPEC.	SPECIFICATION
C.B.	CERAMIC	H.M.	HOLLOW METAL	SO.	SQUARE
CER.	CAST IRON	HORIZ.	HORIZONTAL	SST.	STAINLESS STEEL
C.I.	CEILING	HR.	HOUR	S.S.K.	SERVICE SINK
CLG.	CLEAR	HGT.	HEIGHT	STA.	STATION
CLR.	COLUMN	I.D.	INSIDE DIAMETER (DI M)	STD.	STANDARD
CONC.	CONCRETE	INFO.	INFORMATION	STL.	STEEL
CONC.	CONNECTION	INSUL.	INSULATION	STOR.	STORAGE
CONN.	CONTINUOUS	INT.	INTERIOR	STR.	STRUCTURAL
CONTR.	CONTRACTOR	JAN.	JANITOR	SUSP.	SUSPENDED
CONTR.	CONTROL JOINT	JT.	JOINT	SYM.	SYMMETRICAL
CJ.	CENTER	KIT.	KITCHEN	T.C.	TOP OF CURB
CTR.	DOUBLE	LAM.	LAMINATE	TEL.	TELEPHONE
DEPT.	DEPARTMENT	LAV.	LAVATORY	TER.	TERRAZZO
DEPT.	DRINKING FOUNTAIN	LT.	LIGHT	T.&G.	TONGUE AND GROOVE
D.F.	DETAIL	MAS.	MASONRY	TRK.	TRICK
DET.	DIAMETER	MAX.	MAXIMUM	T.P.	TOP OF PAVEMENT
DIM.	DIMENSION	M.B.	MACHINE BOLT	T.V.	TELEVISION
DISP.	DOWN	MECH.	MECHANICAL	T.W.	TOP OF WALL
DIA.	DIAMETER	MEMB.	MEMBRANE	TY.	TYPICAL
DWG.	DRAWING	MET.	METAL	THR.	THRESHOLD
E.J.	EXPANSION JOINT	MANUF.	MANUFACTURER	U.B.C.	UNIFORM BUILDING CODE
EL.	ELEVATION	MH.	MANHOLE	UNF.	UNFINISHED
ELEC.	ELECTRICAL	MH.	MANHOLE	U.O.N.	UNLESS OTHERWISE NOTED
ELEV.	ELEVATOR	MIN.	MINIMUM	UR.	URINAL
EMER.	EMERGENCY	MISC.	MISCELLANEOUS	VERT.	VERTICAL
ENCL.	ENCLOSURE	M.O.	MASONRY OPENING	VEST.	VESTIBULE
EQ.	EQUIPMENT	MTD.	MOUNTED	W.	WITH
EQPT.	EQUIPMENT	MUL.	MULLION	W.C.	WATER CLOSET
E.W.C.	ELECTRIC WATER COOLER	N.I.C.	NOT IN CONTRACT	WO.	WOOD
EXST.	EXISTING	NO.	NUMBER	WO.	WITHOUT
EXP.	EXPANSION	NOM.	NOMINAL	WP.	WATERPROOF
EXT.	EXTERIOR	N.T.S.	NOT TO SCALE	WT.	WEIGHT
F.A.	FIRE ALARM	O.A.	OVERALL	W.W.F.	WELDED WIRE FABRIC
F.D.	FLOOR DRAIN	OBS.	OBSCURE		
FDN.	FOUNDATION	O.C.	ON CENTER		
F.E.	FIRE EXTINGUISHER	OC.	OCCUPANCY		
F.E.C.	FIRE EXTINGUISHER CAB.	OFF.	OFFICE		
F.H.C.	FIRE HOSE CABINET	OPNG.	OPENING		
FIN.	FINISH	OPP.	OPPOSITE		
FLASH.	FLOOR FLASHING	PL.	PLATE		
FLUOR.	FLUORESCENT	P.LAM.	PLASTIC LAMINATE		
F.O.C.	FACE OF CONCRETE	PLAS.	PLASTER		
		P.LY.WD.	PLYWOOD		
		PT.	POINT		
		P.T.C.	PAPER TOWEL DISPENSER		
		PTN.	PARTITION		
		P.T.R.	PAPER TOWEL RECEPTACLE		
		P.U.C.	PUBLIC UTILITY COMMISSION		
		Q.T.	QUARRY TILE		



ZONING CONCEPT PLAN - EXHIBIT B

CONTACTS

OWNER
Alvin and Kimberly Harrison
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Office - TBD
Mobile - 927 955-2228
E-mail - alvinharrison2@gmail.com

GENERAL CONTRACTOR	ARCHITECT
DESIGNER	STRUCTURAL ENGINEER
Brian K. McGuigan 5901 Watauga Rd. Watauga, TX, 76148 Office - 817 380-1500 Mobile - 214 973-6462 E-mail - bmcguigan@excclg.com	
PROJECT MANAGER	M.E.P ENGINEER

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E 102	ELECTRICAL ROUTING
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Designed 03/10/2020
Drawn 09/07/2019
BY: BRIAN K. MCGUIGAN

Approved _____
Title _____
Date _____
Job Class _____

LITTLE'S ACCADEMY

7403 EAST PARKER ROAD
ALLEN, TX

BK CONSULTING

REVISIONS

COVER SHEET

000

PLOT PLAN NOTES

1. VERIFY ALL DIMENSIONS, COORDINATES, DEED RESTRICTIONS, ZONING ORDINANCES, BUILDING LINES, AND EASEMENTS PRIOR TO SETTING FORMS, NOTIFY DESIGNER IMMEDIATELY IN THE EVENT OF A DISCREPANCY.
2. PRIOR TO SETTING FORMS, VERIFY PLAN TO ASSURE CONSTRUCTION IS IN COMPLIANCE WITH LOCAL CODES AND INTERPRETATION OF CODE, NOTIFY DESIGNER OF ANY CONFLICTS BEFORE PROCEEDING.
3. ALL PLOT PLAN INFORMATION WAS TAKEN DIRECTLY FROM A SURVEY PROVIDED BY THE OWNER.

BUILDING CODES

THIS PROJECT MUST BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE FOLLOWING:

1. CURRENT ADOPTED INTERNATIONAL RESIDENTIAL CODE (IRC) W/ LOCAL AMENDMENTS.

NOTIFY THE DESIGNER IMMEDIATELY IN THE EVENT OF DISCREPANCY OR CONFLICT WITH APPLICABLE CODE.

GENERAL NOTES

1. CONTACT THE DESIGNER IMMEDIATELY IF THERE IS ANY DISCREPANCY OR VARIATIONS FROM THE CONSTRUCTION DOCUMENTS AND THE EXISTING FIELD CONDITIONS.
2. CONTACT THE DESIGNER IMMEDIATELY IF THERE IS ANY DISCREPANCY OR VARIATION IN THE CONTRACT DOCUMENTS THAT REQUIRE CLARIFICATION.
3. CONTACT THE DESIGNER IMMEDIATELY IF THERE IS ANY DISCREPANCY OR VARIATION FROM THE CONTRACT DOCUMENTS AND THE BUILDING CODES.
4. CONTACT THE DESIGNER IMMEDIATELY IF THERE IS ANY SYMBOL OR ABBREVIATION IN THE CONTRACT DOCUMENTS THAT REQUIRE CLARIFICATION.
5. DO NOT SCALE DRAWINGS.
6. ALL DIMENSIONS ARE TO FACE OF FINISH UNLESS NOTED OTHERWISE.
7. BUILDER TO BE RESPONSIBLE FOR COORDINATION & EXECUTION OF THE WORK SHOWN OR IMPLIED IN THE CONSTRUCTION DOCUMENTS AND IS RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS AND PROCEDURES.
8. BUILDER SHALL COORDINATE ALL FACETS OF HIS WORK AND ALL TRADES INVOLVED AS TO AVOID CONFLICT IN THE LOCATION, INSTALLATION AND CONSTRUCTION OF ALL ITEMS OF WORK AS INDICATED ON THE CONSTRUCTION DOCUMENTS.
9. BUILDER SHALL REVIEW ALL DRAWINGS INCLUDING INTERIOR ELEVATIONS AND ELECTRICAL PLANS PRIOR TO FRAMING, BUILDER SHALL COORDINATE WITH MECHANICAL CONTRACTOR FOR THE MECHANICAL LAYOUT, COORDINATE RECESSED LIGHT FIXTURE LOCATIONS, SHAFTS AND HVAC DUCTWORK PRIOR TO FRAMING.
10. ALL NEW GLAZING SHALL HAVE A U-FACTOR AND SHGC IN ACCORDANCE WITH THE ENERGY CODE COMPLIANCE DOCUMENTATION.
11. FIRE SEAL AROUND ALL CONDUIT PENETRATIONS.
12. PROVIDE FIRE STOPS AT ALL FLOOR PENETRATIONS.
13. SMOKE DETECTORS ARE TO BE LOCATED WHERE SHOWN ON THE DRAWINGS BY AND IN ACCORDANCE WITH THE LOCAL BUILDING CODE.
14. INSTALLATION OF GAS APPLIANCES MUST BE IN ACCORDANCE WITH MANUFACTURER INSTRUCTIONS AND THE LOCAL BUILDING CODE.
15. ALL MECHANICAL EXHAUSTS SHALL TERMINATE AT THE EXTERIOR OF THE BUILDING.
16. TAN KLESS WATER HEATERS TO BE INSTALLED WITH WELDED GALVANIZED STEEL PANS AND OVERFLOW DRAIN TO THE OUTSIDE, COORDINATE LOCATION WITH DESIGNER.
17. PROVIDE ALL COPPER ELECTRICAL SERVICE, CIRCUIT BREAKERS, PROVIDE DEDICATED OUTLETS FOR: DISPOSAL, MICROWAVES, RANGE, OVENS, WATER HEATER, A/C - HEAT AND CONDENSER UNITS, INSTALL GFI CIRCUITS AT ALL WET LOCATIONS.
18. SIZE AND PROVIDE SPLIT SYSTEM DX CENTRAL A/C TO SUPPLY AIR AND HEAT, USE STANDARD ASHRAE DESIGN CRITERIA FOR TARRANT COUNTY, TEXAS
19. VERIFY ALL RETURN AND SUPPLY AIR CHASE SIZES AND LOCATION PRIOR TO CONSTRUCTION.
20. BUILDER TO COORDINATE W/ APPLICABLE UTILITY COMPANY OR SUPPLIER WHEN REROUTING ELECTRIC, TELEPHONE, GAS, WATER AND SANITARY SEWER SERVICES.
21. BUILDER TO VERIFY THAT ALL WORK ON EXTERIOR OF THE PROJECT IS WATER TIGHT & SURFACES EXPOSED TO THE ELEMENTS SHALL BE TESTED FOR WATER TIGHTNESS PRIOR TO SUBSTANTIAL COMPLETION.
22. INSTALL ALL FENCING PER DEED RESTRICTIONS AND LOCAL BUILDING CODE.
23. PROVIDE TEMPERED SAFETY GLASS IN ALL HAZARDOUS LOCATIONS.

GENERAL SITE NOTES

1. VERIFY THAT STORM DRAINS, AND STORM DRAIN PIPING IS SIZED TO ACCOMMODATE SITE DRAINAGE REQUIREMENTS.
2. WATER RISER MUST BE METAL ABOVE GROUND, SCH. 40 PVC. EXTERIOR UNDERGROUND ONLY.
3. NO LIME OR DRYING AGENTS (CHEMICALS) TO BE USED ON SITE.
4. CREATE & MAINTAIN POSITIVE DRAINAGE AWAY FROM FOUNDATION DURING CONSTRUCTION, IN ACCORDANCE WITH LOCAL BUILDING CODES.
5. DRIVEWAY AND WALK LAYOUT TO BE VERIFIED ON SITE WITH DESIGNER, LANDSCAPE DESIGNER OR OWNER.
6. GENERAL CONTRACTOR TO VERIFY LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO TRENCHING.
7. FIRST FLOOR FINISH FLOOR IS SET TO 0, REVIEW SECTIONS FOR MORE INFORMATION.
8. BENCHMARK IS TO BE LOCATED ON SITE, ALL GRADES ARE RELATIVE TO FINISH FLOOR.
9. FOUNDATION ELEVATION TO COMPLY W/ I.R.C. SECT 403.1.7.3. RE:TOP OF FOUNDATION TO BE MIN. 12"±2% ABV NEAREST STREET INLET, COORDINATE WITH LOCAL GOVERNING CODE.

GENERAL DEMOLITION NOTES

1. CONTRACTOR SHALL VERIFY ALL EXISTING SITE AND BUILDING CONDITIONS AND DIMENSIONS IN THE FIELD PRIOR TO BIDDING, CONTRACTOR SHALL NOT SCALE DRAWINGS FOR THE SOLE PURPOSES OF BIDDING, NOTIFY ARCHITECT OF ANY DISCREPANCIES IN WRITING PRIOR TO BIDDING.
2. AFTER AWARD OF CONTRACT, CHANGE ORDER REQUESTS FOR ADDITIONAL MONEY WILL NOT BE APPROVED IF THE WORK COULD HAVE BEEN ANTICIPATED DURING A SITE VISIT BY THE CONTRACTOR.
3. REMOVE ALL EXISTING ABANDONED ROOF PENETRATIONS RESULTING FROM WORK DONE UNDER THIS CONTRACT.
4. ALL EXISTING STRUCTURE AND FINISHES SHOWN TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION TO PREVENT DAMAGE, ANY DAMAGE SUSTAINED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO MATCH EXISTING MATERIALS BY CONTRACTOR.
5. EXISTING AREAS REQUIRING MINOR DEMOLITION OR REPAIR FOR EXECUTION OF WORK SHALL BE REPAIRED TO MATCH EXISTING SURROUNDING MATERIALS UNLESS NOTED OTHERWISE.

GENERAL NOTES (CONT)

11. GLAZING ADJACENT TO STAIRWAYS WITHIN 60 INCHES (1524 MM) HORIZONTALLY OF THE BOTTOM TREAD OF A STAIRWAY IN ANY DIRECTION WHEN THE EXPOSED SURFACE OF THE GLASS IS LESS THAN 60 INCHES (1524 MM) ABOVE THE NOSE OF THE TREAD.

GENERAL ROOFING NOTES

NOT USED

ROOFING PLAN AND NOMENCLATURE

NOT USED

GENERAL SITE NOTES

1. VERIFY THAT STORM DRAINS, AND STORM DRAIN PIPING IS SIZED TO ACCOMMODATE SITE DRAINAGE REQUIREMENTS.
2. WATER RISER MUST BE METAL ABOVE GROUND, SCH. 40 PVC. EXTERIOR UNDERGROUND ONLY.
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5. DRIVEWAY AND WALK LAYOUT TO BE VERIFIED ON SITE WITH DESIGNER, LANDSCAPE DESIGNER OR OWNER.
6. GENERAL CONTRACTOR TO VERIFY LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO TRENCHING.
7. FIRST FLOOR FINISH FLOOR IS SET TO 0, REVIEW SECTIONS FOR MORE INFORMATION.
8. BENCHMARK IS TO BE LOCATED ON SITE, ALL GRADES ARE RELATIVE TO FINISH FLOOR.
9. FOUNDATION ELEVATION TO COMPLY W/ I.R.C. SECT 403.1.7.3. RE:TOP OF FOUNDATION TO BE MIN. 12"±2% ABV NEAREST STREET INLET, COORDINATE WITH LOCAL GOVERNING CODE.

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5. EXISTING AREAS REQUIRING MINOR DEMOLITION OR REPAIR FOR EXECUTION OF WORK SHALL BE REPAIRED TO MATCH EXISTING SURROUNDING MATERIALS UNLESS NOTED OTHERWISE.

GENERAL DEMOLITION NOTES (CONT)

6. CONTRACTOR TO FLUSH OUT ANY ELECTRICAL SWITCHES AND OUTLETS, GRILLES, CLEAN-OUTS, COVER PLATES, ACCESS DOORS, ETC., THAT MAY CONFLICT WITH THE RENOVATION TO WALLS, FLOORS, AND CEILINGS.
7. PRIOR TO INSTALLATION OR REPAIR OF WORK ITEMS, SCHEDULE WALK THROUGH MEETING WITH OWNER AND ARCHITECT, CONFIRM SCOPE OF WORK, AND REVIEW CONDITIONS OF PREPARATION AND INSTALLATION PROCEDURES.
8. ALL DEMOLITION ACTIVITIES SHALL BE PERFORMED SO AS TO PRODUCE MINIMAL DISTURBANCE TO EXISTING FACILITY AND NEIGHBORING OCCUPANTS, (I.E. MINIMIZE EXCESSIVE AND PROLONGED NOISE LEVELS AND DUST.
9. CLEAN AND PREPARE SUBFLOOR PRIOR TO INSTALLATION OF NEW FLOOR.
10. CONTRACTOR SHALL PROVIDE ALL NECESSARY SHORING FOR PROTECTION OF EXISTING STRUCTURE TO REMAIN.
11. REMOVE AND RELOCATE EXISTING UTILITIES AND SURVEILLANCE.
12. COORDINATE EXACT LOCATIONS OF NEW OPENINGS IN EXISTING WALLS AND PARTITIONS WITH ARCHITECTURAL PLANS.
13. RE: MEP DRAWINGS FOR DEMOLITION AND RELOCATION OF UTILITIES, COORDINATE WITH MEP ENGINEERS WHERE EXISTING PLUMBING FIXTURES ARE BEING REPLACED, DEMOLISH EXISTING PARTITION TO ACCESS EXISTING PLUMBING LINES AND PATCH TO MATCH EXISTING PARTITION.

GENERAL INTERIOR AND FINISH NOTES

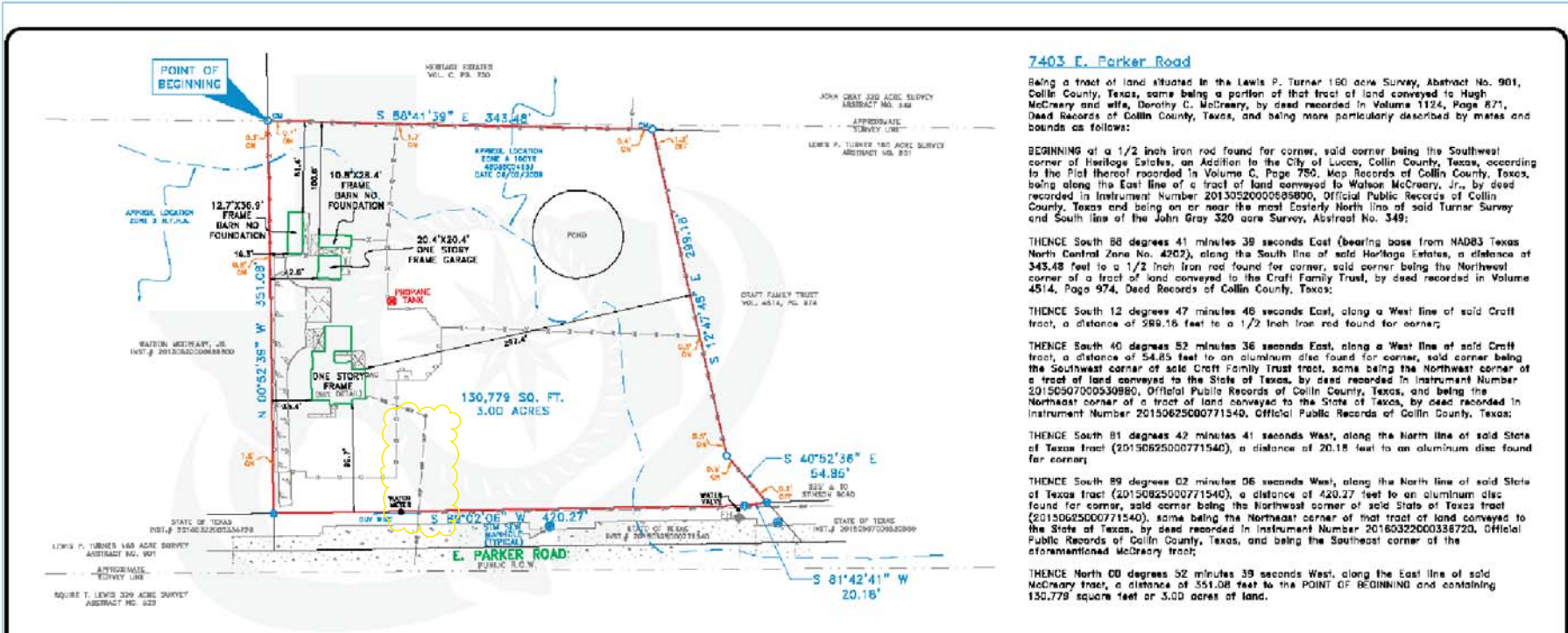
NOT USED

TEMPERED GLAZING NOTES

NOT USED

Designed	03/10/2020	Approved	Title
Drawn	09/07/2019		
BY:	BRIAN K. MCGUIGAN	Approved	Title
LITTLE'S ACCADEMY		7403 EAST PARKER ROAD ALLEN, TX	
BK CONSULTING		PROPOSED PARKING LOT ADDITION ADDITION TO EXISTING PROPERTY	
REVISIONS	Date	Description	Approved
NOTES			
G 701			

BR CONSULTING, AND BRIAN K. MCGUIGAN, DESIGNER, EXPRESSLY RESERVE THEIR COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR CHANGED IN A MANNER WHATSOEVER. NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM BK CONSULTING, AND BRIAN K. MCGUIGAN, DESIGNER. SHOULD UN-AUTHORIZED USE BY A THIRD PARTY OCCUR, BK CONSULTING, AND BRIAN K. MCGUIGAN, DESIGNER, SHALL BE HELD HARMLESS.



7403 E. Parker Road

Being a tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas, some being a portion of that tract of land conveyed to Hugh McCraery and wife, Dorothy C. McCraery, by deed recorded in Volume 1124, Page 871, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the Southwest corner of Heritage Estates, an Addition to the City of Lucas, Collin County, Texas, according to the Plat thereof recorded in Volume G, Page 780, Map Records of Collin County, Texas, being along the East line of a tract of land conveyed to Watson McCraery, Jr., by deed recorded in Instrument Number 20130520000589800, Official Public Records of Collin County, Texas and being on or near the most Easterly North line of said Turner Survey and South line of the John Gray 320 acre Survey, Abstract No. 349;

THENCE South 88 degrees 41 minutes 39 seconds East (bearing base from NAD83 Texas North Central Zone No. 4202), along the South line of said Heritage Estates, a distance of 343.48 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of a tract of land conveyed to the Craft Family Trust, by deed recorded in Volume 4514, Page 974, Deed Records of Collin County, Texas;

THENCE South 12 degrees 47 minutes 46 seconds East, along a West line of said Craft tract, a distance of 288.16 feet to a 1/2 inch iron rod found for corner;

THENCE South 40 degrees 52 minutes 36 seconds East, along a West line of said Craft tract, a distance of 54.85 feet to an aluminum disc found for corner, said corner being the Southwest corner of said Craft Family Trust tract, some being the Northwest corner of a tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20150620000530880, Official Public Records of Collin County, Texas, and being the Northeast corner of a tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20150625000771540, Official Public Records of Collin County, Texas;

THENCE South 81 degrees 42 minutes 41 seconds West, along the North line of said State of Texas tract (20150625000771540), a distance of 20.18 feet to an aluminum disc found for corner;

THENCE South 89 degrees 02 minutes 06 seconds West, along the North line of said State of Texas tract (20150625000771540), a distance of 420.27 feet to an aluminum disc found for corner, said corner being the Northwest corner of said State of Texas tract (20150625000771540), some being the Northeast corner of that tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20160322000338720, Official Public Records of Collin County, Texas, and being the Southeast corner of the aforementioned McCraery tract;

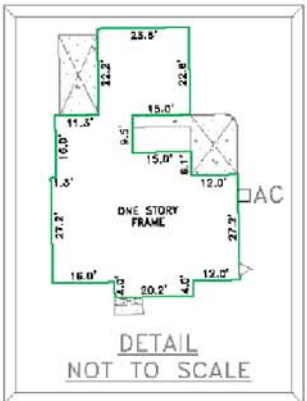
THENCE North 00 degrees 52 minutes 39 seconds West, along the East line of said McCraery tract, a distance of 351.08 feet to the **POINT OF BEGINNING** and containing 130,779 square feet or 3.00 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (J.T. Thompson) hereby certifies to Kimberly Harrison and Lawyers Title, in connection with the transaction described in G.F. No. LT-19135-1901352000036-CG that, (a) this survey and the property description set forth herein were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 24th day of February, 2020

J.T. Thompson
 J.T. Thompson
 Registered Professional Land Surveyor No. 4604



NOTE: According to the F.L.R.M. in Map No. 49055004150, this property does lie in Zone A, and DOES lie within the 100 year flood zone, EXCEPT AS SHOWN. ACCEP(TED BY) _____

DATE	BY	NOTES

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
○	CONCRETE MONUMENT	○	ADJUSTED POINT
●	1/2" IRON ROD FOUND	○	CONCRETE MONUMENT
○	ALUM. DISC FOUND	○	WOOD MONUMENT
○	1" IRON PIPE FOUND	○	1/2" IRON ROD FOUND
○	WOOD POST FOUND	○	WOOD MONUMENT
○	5/8" IRON / MET	○	WOOD MONUMENT
○	5/8" ROD FOUND	○	WOOD MONUMENT
○	LINE BOUNDING SURVEY	○	WOOD MONUMENT
○	WOOD BOUND SURVEY	○	WOOD MONUMENT
○	POWER POLE	○	WOOD MONUMENT
○	CONCRETE MONUMENT	○	WOOD MONUMENT
○	CONCRETE MONUMENT	○	WOOD MONUMENT

CBG CONSULTING
 12029 Strick Road, Ste. 240
 Dallas, TX 75228
 P 214-249-5480
 F 214-248-2118
 Fax No. 18148800
 www.cbgielso.com

SCALE: 1" = 60'
 DATE: 02/24/2020
 JOB NO.: 20020243
 D.P. NO.:
 DRAWN: CAJ

METES AND BOUNDS
 LEWIS P. TURNER SURVEY, ABSTRACT NO. 901
 COLLIN COUNTY, TEXAS
 7403 E. PARKER ROAD

Designed: 03/10/2020
 Drawn: 09/00/2019
 BY: BRIAN K. MCCUGGAN

Approved: _____
 Title: _____
 Date: _____
 Job Class: _____

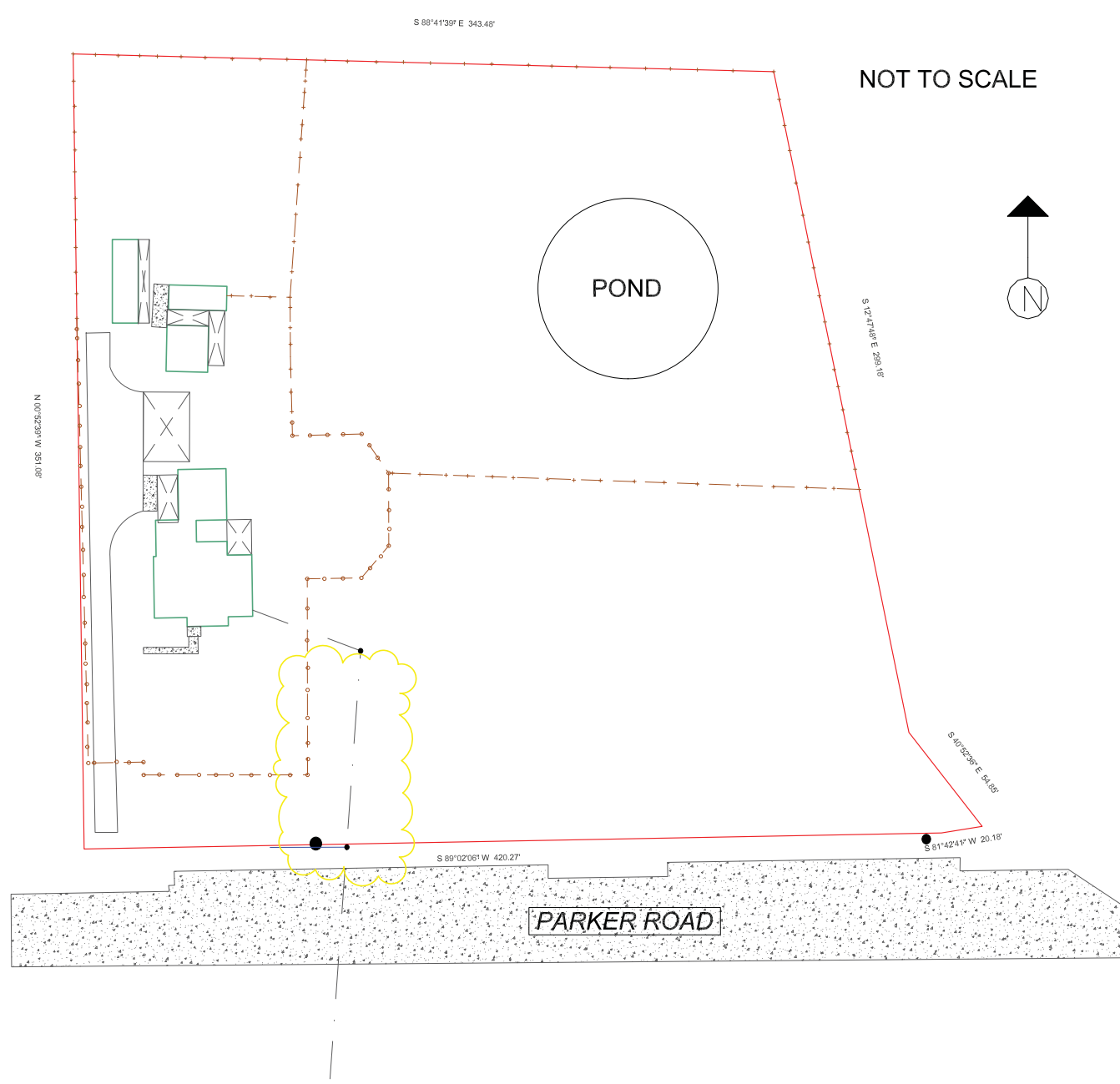
LITTLE'S ACADEMY
 ALLEN, TX
 7403 EAST PARKER ROAD
 PROPOSED PARKING LOT ADDITION
 ADDITION TO EXISTING PROPERTY

ABK CONSULTING

REVISIONS
 Description
 Approved
 Date

SURVEY PLAT
 V 101

BY CONSULTING AND BRIAN K. MCCUGGAN, DESIGNER, EXPRESSLY RESERVE THEIR COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR CHANGED IN A MANNER WHATSOEVER. NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM BK CONSULTING AND BRIAN K. MCCUGGAN, DESIGNER. SHOULD UN-AUTHORIZED USE BY A THIRD PARTY OCCUR, BK CONSULTING AND BRIAN K. MCCUGGAN, DESIGNER, SHALL BE HELD HARMLESS.



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Being a tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas, same being a portion of that tract of land conveyed to Hugh McCreary and wife, Dorothy C. McCreary, by deed recorded in Volume 1124, Page 871, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the Southwest corner of Heritage Estates, an Addition to the City of Lucas, Collin County, Texas, according to the Plat thereof recorded in Volume C, Page 750, Map Records of Collin County, Texas, being along the East line of a tract of land conveyed to Watson McCreary, Jr., by deed recorded in Instrument Number 20130520000686900, Official Public Records of Collin County, Texas and being on or near the most Easterly North line of said Turner Survey and South line of the John Gray 320 acre Survey, Abstract No. 349:

THENCE South 88 degrees 41 minutes 39 seconds East (bearing base from NAD83 Texas North Central Zone No. 4202), along the South line of said Heritage Estates, a distance of 343.48 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of a tract of land conveyed to the Craft Family Trust, by deed recorded in Volume 4514, Page 974, Deed Records of Collin County, Texas;

THENCE South 12 degrees 47 minutes 48 seconds East, along a West line of said Craft tract, a distance of 299.18 feet to a 1/2 inch iron rod found for corner;

THENCE South 40 degrees 52 minutes 36 seconds East, along a West line of said Craft tract, a distance of 54.85 feet to an aluminum disc found for corner, said corner being the Southwest corner of said Craft Family Trust tract, same being the Northwest corner of a tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20150507000530980, Official Public Records of Collin County, Texas, and being the Northeast corner of a tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20150625000771540, Official Public Records of Collin County, Texas;

THENCE South 81 degrees 42 minutes 41 seconds West, along the North line of said State of Texas tract (20150625000771540), a distance of 20.18 feet to an aluminum disc found for corner;

THENCE South 89 degrees 02 minutes 06 seconds West, along the North line of said State of Texas tract (20150625000771540), a distance of 420.27 feet to an aluminum disc found for corner, said corner being the Northwest corner of said State of Texas tract (20150625000771540), same being the Northeast corner of that tract of land conveyed to the State of Texas, by deed recorded in Instrument Number 20160322000336720, Official Public Records of Collin County, Texas, and being the Southeast corner of the aforementioned McCreary tract;

THENCE North 00 degrees 52 minutes 39 seconds West, along the East line of said McCreary tract, a distance of 351.08 feet to the POINT OF BEGINNING and containing 130,779 square feet or 3.00 acres of land.

Designed	03/10/2020	LITTLE'S ACADEMY	ALLEN, TX	7403 EAST PARKER ROAD	PROPOSED PARKING LOT ADDITION ADDITION TO EXISTING PROPERTY
Drawn	09/02/2019				
BY:	BRIAN K. MCGUIGAN	Approved _____ Title _____ Date _____ Job Class _____			
REVISIONS	Approved				
Description					
Date					
OVERLAY REVISION					
V 102					

BK CONSULTING, AND BRIAN K. MCGUIGAN, DESIGNER, EXPRESSLY RESERVE THEIR COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR CHANGED IN A MANNER WHATSOEVER. NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM BK CONSULTING, AND BRIAN K. MCGUIGAN, DESIGNER. SHOULD UN-AUTHORIZED USE BY A THIRD PARTY OCCUR, BK CONSULTING, AND BRIAN K. MCGUIGAN, DESIGNER, SHALL BE HELD HARMLESS.



ORDINANCE 2020-06-00916

[CHANGE IN ZONING – 7403 East Parker Road (Littles Academy, LLC)]

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL-1.5 (R1.5) TO COMMERCIAL BUSINESS (CB), ON A PARCEL OF LAND CONSISTING OF ±3.00 ACRES SITUATED IN THE LEWIS P. TURNER 160 ACRE SURVEY, MORE COMMONLY KNOWN AS 7403 EAST PARKER ROAD, LUCAS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AND DEPICTED ON EXHIBIT “A” AND EXHIBIT “B” ATTACHED HERETO; PROVIDING A CONFLICTS CLAUSE; 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 AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Lucas, Texas and the City Council of the City of Lucas, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Lucas, Texas is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

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

Section 1. The Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, are hereby amended to grant a change in zoning from Single Family Residential-1.5 (R1.5) to Commercial Business (CB), on a parcel of land consisting of ±3.00 acres situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas, same being a portion of that tract of land conveyed to Hugh McCreery and wife, Dorothy C. McCreery, by deed recorded in Volume 1124, Page 871, Deed Records of Collin County, Texas, (the “Property”), and being more particularly described and depicted on Exhibit “A” and Exhibit “B”, attached hereto and made part hereof for all purposes.

Section 2. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Lucas governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

Section 3. 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 4. 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 5. 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 6. 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 7. 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 COUNSEL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 4th DAY OF JUNE, 2020.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr.
(05-27-2020:TM 115858)

Stacy Henderson, City Secretary

EXHIBIT “A”
Legal Description
(±3.00 Acres of Land – 7403 East Parker Road)

Being a tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas, same being a portion of that tract of land conveyed to Hugh McCreery and wife, Dorothy C. McCreery, by deed recorded in Volume 1124, Page 871, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

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THENCE South 88 degrees 41 minutes 39 seconds East (bearing base from NAD83 Texas North Central Zone No. 4202), along the South line of said Heritage Estates, a distance of 343.48 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of a tract of land conveyed to the Craft Family Trust, by deed recorded in Volume 4514, Page 974, Deed Records of Collin County, Texas;

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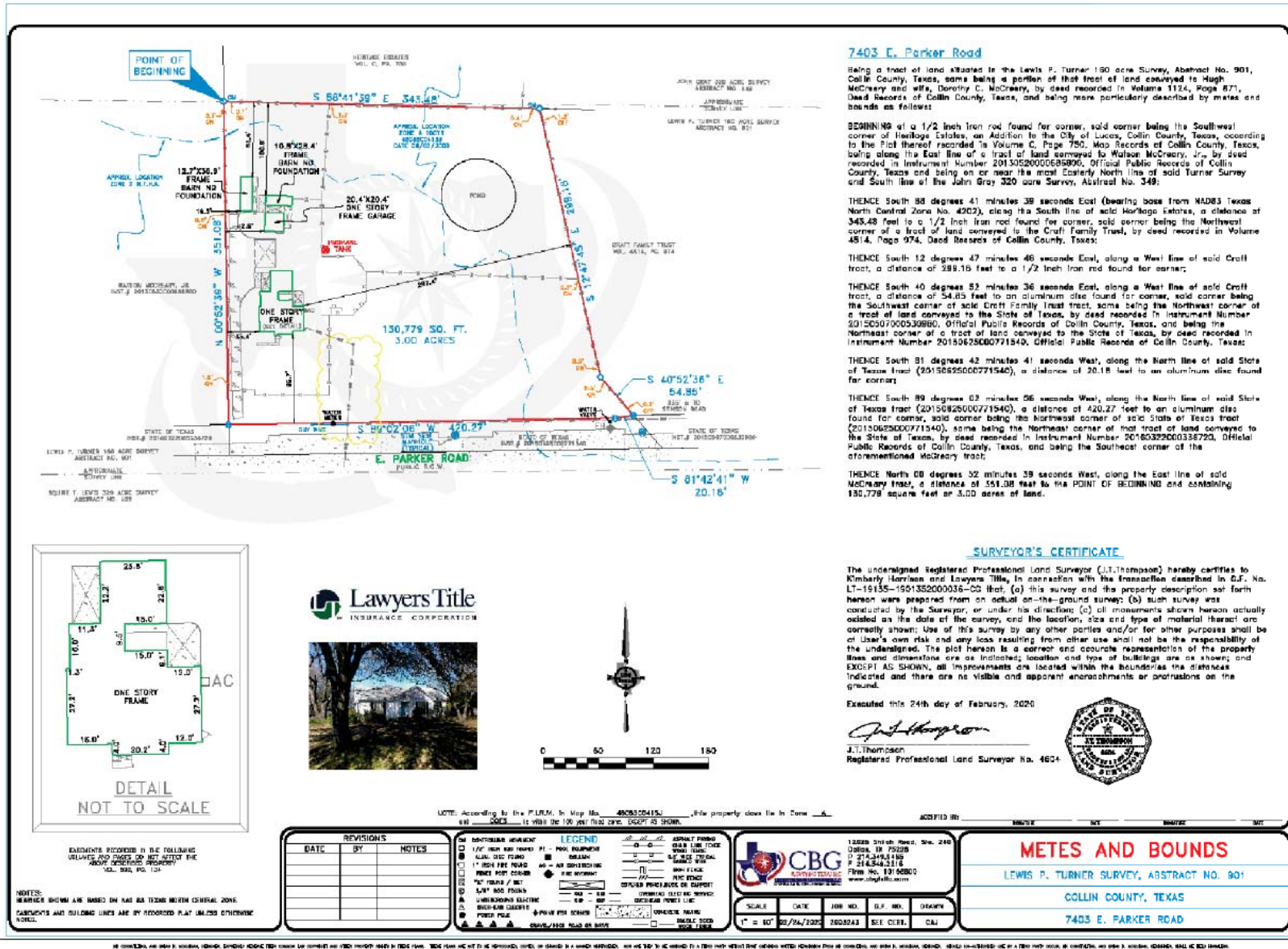
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THENCE North 00 degrees 52 minutes 39 seconds West, along the East line of said McCreary tract, a distance of 351.08 feet to the POINT OF BEGINNING and containing 130,779 square feet or 3.00 acres of land.

EXHIBIT "B" – DEPICTION (±3.00-Acres of Land – 7403 East Parker Road)



Designed	03/10/2020	Approved	Title
Drawn	09/02/2019		
BY:	BRIAN K. MCCORDAN	Approved	Title
LITTLE'S ACADEMY		ADDITION TO EXISTING PROPERTY	
7403 EAST PARKER ROAD		ADDITION TO EXISTING PROPERTY	
Date		Date	
REVISIONS	Description	Date	
SURVEY PLAT			
V 101			

Exhibit "B"
City of Lucas
Ordinance 2020-06-00916 (Change in Zoning – 7403 East Parker Road)
Approved: June 4, 2020



City of Lucas

City Council Agenda Request

June 4, 2020

Item No. 05

Requester: City Council
City Engineer Stanton Foerster

Agenda Item Request

Consider information provided by Birkhoff, Hendricks & Carter regarding Lemontree Estates and Kingswood Estates drainage and related watershed and direct the City Manager on same.

Background Information

At the April 18, 2019, City Council meeting, the City Council authorized the City Manager to enter into a contract with Birkhoff, Hendricks & Carter for a drainage analysis of the basin contributing stormwater runoff to Reid Branch Tributary 1, which includes the Lemontree Country Estates and Kingswood Estates neighborhoods.

During the November 7, 2019, City Council meeting, Mr. Joe Grajewski, P.E. with Birkhoff, Hendricks & Carter reviewed the drainage analysis report with the City Council. He noted that the report analyzed the Reid Branch Tributary 1 that included drawings and drainage calculations for Lemontree Estates, Rimrock Estates, Kingswood Estates, and the Lovejoy High School development. The total area included 427 acres that drain to Tributary 1 of White Rock Creek.

Mr. Grajewski explained that each neighborhood was broken into sections and a walking inspection was conducted of each development where broken culverts were noticed and drainage pass through locations. Mr. Grajewski explained that the report reviewed the area as a whole, and smaller areas would need to be further identified and addressed for drainage needs.

Mayor Olk expressed his concern with the report that it did not address how water flowed from each subdivision, how water flowed when the area was originally designed, and how water flows currently. Mayor Olk stated that the Council needed to review how the water was supposed to drain before they could move forward.

At the February 6, 2020, City Council meeting, City staff reviewed with the City Council information obtained from several visits to the Lemontree and Kingswood neighborhoods with Birkhoff Engineers after rain events to view existing drainage. Elements were identified that prohibited drainage such as swells and ditches that were no longer present due to lack of maintenance or silted in, along with significant drainage flow that had been impeded on the southern boundary of Kingswood.

Based on City Council comments from the February 6, 2020, City Council meeting, the scope of services has been amended to include 1) calculating the capacity of the culvert crossing on Lynn Lane, 2) culvert capacity on Citrus Way near the southeast corner of Lemontree Country Estates,



City of Lucas

City Council Agenda Request

June 4, 2020

Item No. 05

berm design areas to redirect stormwater flow, and 3) conceptual analysis to redirect stormwater flow towards Country Club Road along Estates Parkway.

Birkhoff divided the amended information into seven items: A through G. The City Engineer has written the following summary of Birkhoff's findings:

- A. **Lynn Lane Culvert** – The culvert is too small and is providing detention during heavy rains. This culvert inlet is located at 1595 Lynn Lane and the outlet is between 1520 and 1580 Lynn Lane.
- B. **Drainage Channel behind #2, #3, and #4 Kingswood Drive** – The open channel is too narrow and is flat. The small culvert behind #2 Kingswood Drive is an element that was not contemplated in the original design of the Kingswood Estates drainage. It is acting as a restriction to the stormwater flow.
- C. **Citrus Way Culvert** – The culvert is too small and is providing detention during heavy rains. This culvert inlet is located between #1 and #3 Citrus Way and the outlet is between #6 and #8 Citrus Way at the southwest “corner” of Citrus Way.
- D. **Crossflow from Lemontree Country Estates into Kingswood Estates** – The original berm has not been maintained along the west side of #3, #5, #7, #9, and #11. This berm is needed to direct stormwater south along the common line between Lemontree Country Estates and Kingswood Estates. Kingswood Drive is not designed to accept this stormwater.
- E. **Reversing Orchard Lane Stormwater Flow** – Currently there is five+/- feet of fall between the northeast corner of Estates Parkway/Orchard Road intersection and the Orchard Road culvert between #8 and #10 Orchard Road. The natural flow is from Estates Parkway to the culvert (south to north). This flow can be reversed to flow from the culvert to Estates Parkway by constructing a new roadside ditch. The ditch would need to be five feet deep and 40 feet wide and have a slope of 0.3%.
- F. **Lemontree Country Estates Drainage Discharge into Kingswood Estates** – The original designs of the Kingswood Estates contemplated 15 acres of drainage from Lemontree Country Estates into Kingswood Estates. The actual acreage is 46 acres.
- G. **Redirecting the Claremont Springs Stormwater to the East** – Currently the top of the hill on the south side of Estates Parkway is immediately west of Ingram Lane. To redirect the Claremont Springs stormwater flow from under Estates Parkway to the south side of Estates Parkway can be done if the top of the hill is moved to the west side of the exiting culvert under Estates Parkway. The new roadside ditch along Estates Parkway would need to be four feet deep and 32 feet wide and have a slope of 0.4%. Additional right-of-way/easements would be required and the reconstruction of seven street/driveway culverts including the



City of Lucas

City Council Agenda Request

June 4, 2020

culvert under Country Club Road would also be necessary. This redirection would require approval from the 1) Texas Department of Transportation, 2) the Texas Commission on Environmental Quality, and 3) Federal Emergency Management Agency.

Attachments/Supporting Documentation

1. Birkhoff, Hendricks & Carter memorandum dated May 22, 2020
2. Memorandum Map
3. Birkhoff, Hendricks & Carter Lemontree Drainage Analysis, Final Report and Concept Plan dated October 11, 2019

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to...

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

TBPE Firm 526
11910 Greenville Ave., Suite 600

RPLS Firm No. 100318-00
Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

MEMORANDUM

To: Mr. Stanton Foerster, P.E.

From: Mr. Joseph T. Grajewski, P.E.



Date: May 22, 2020

Subject: Lemontree Estates & Kingswood Estates – Supplemental Drainage Analysis

This memorandum supplements our Lemontree Drainage Analysis dated October 11, 2019. Upon review of the original report, additional information from property owners and site visits to review existing flow patterns, the City requested the following supplemental analysis.

A. Capacity of culvert crossing at Lynn Lane for Reid Branch Tributary 1:

The culvert crossing for Reid Branch Tributary 1 at Lynn Lane is made up of eight (8) 48-inch reinforced concrete pipes. Based on flowline elevations and length obtained for one of the eight concrete pipes, the slope is 1.23%. The pipe has a capacity of 159 cubic feet per second (cfs) flowing full without pressure flow. Assuming each of the pipes are at the same slope, a maximum conveyance rate of 1,272 cfs is provided at this crossing. The water velocity is over 12 feet per second for each pipe at this flowrate and warrants downstream erosion control measures. The 100-year flow rate at this location is 1,555 cfs based on the HEC-HMS Hydrologic Model previously prepared for this basin. This analysis ignores the effects of upstream and downstream channel conditions, and any pressure flow from headwater conditions on the upstream side. A hydraulic model of this culvert crossing could be developed using HEC-RAS to calculate the culvert capacity more accurately at this location.

B. Design an open channel cross section in Kingswood Estates to convey drainage across lots 8, 7, & 6):

The attached exhibit (Conceptual Drainage Improvements – Kingswood Estates) illustrates the approximate location for the proposed open channel with a typical section (section A-A). Based on 2-foot contours, the proposed channel would have an approximate slope of 0.8% over a length of 715 linear feet. The drainage area contributing to this channel generates a 100-year flow rate of approximately 145 cfs. Given the overall slope and 100-year flow rate, the open channel concept is approximately 30-feet in width and could be constructed within an existing Drainage & Utility Easement; however, a temporary construction easement would be required. This would include the removal of a small diameter culvert observed during a site visit on Lot 7.

- C. Capacity of culvert crossing at Citrus Way near the upper southeast corner of Lemontree Estates:
Approximately 30 acres of runoff accumulates at the culvert crossing at the southeast corner of Citrus Way. The existing culvert crossing is two 21-inch corrugated metal pipes. Based on flow line shots obtained from field survey, each pipe has a capacity of approximately 17 cfs flowing full without pressure flow providing a maximum capacity of 34 cfs at this location. This area generates a 100-year flow rate of approximately 95 cfs. If the upstream end of the culvert builds up headwater, additional flow could be conveyed through the culverts from the resultant pressure. If water on the upstream end rises high enough, it could flow over the road in a weir flow condition. This situation is likely since there is not much cover on the culverts at this location.
- D. During a field meeting with property owners and representatives from the City, it was reported that offsite runoff from west of Kingswood Estates flows across lots 8-12 and into the roadside channel on the west side of Kingswood Drive. The original drainage design for Kingswood Estates acknowledged this off-site runoff and provided flow arrows indicating that runoff would flow to the south along the west property lines of lots 8-12. A small berm was observed during the site visit, but it lacked an open channel on the west side to provide positive drainage to the south. A small berm with a minimum height of 2.5-feet could be constructed to redirect this offsite runoff. The attached exhibit (Conceptual Drainage Improvements – Kingswood Estates) illustrates the limits of the proposed berm with a typical section (section B-B). If the slope of the drainage channel on the west side of the berm is flatter than 0.5%, a concrete pilot channel shall be required per City requirements.
- E. Most of the runoff within this basin from the Lovejoy High School site flows to the east through Lemontree Estates crossing Orchard Road before continuing to the east and ultimately converging with Reid Branch Tributary 1. The City requested a conceptual analysis to re-direct runoff to the south along Orchard Road and then to the east along the open channel for FM 2170 (Estates Parkway).
There are approximately 75 acres draining to the culvert crossing on Orchard Road generating a 100-year flow rate of approximately 250 cfs. This would necessitate an open channel approximately 5 feet deep and 40 feet wide to convey flow to the south along Orchard Road and then east along Estates Parkway. The exhibit attached (Conceptual Drainage Improvements – Orchard-Estates Relief Channel) illustrates the location of this proposed open channel. Additional items to consider with this conceptual plan include:
- i.) The distance from the existing culverts crossing Orchard Road to the culverts crossing Estates Parkway downstream of the pond releasing flow from Claremont Estates is approximately 2,230 linear feet. This area is relatively flat and in some cases the topography flows in the opposite direction. An average slope of 0.3% is anticipated for the proposed drainage channel and will require a concrete pilot channel per City requirements.
 - ii.) There are no existing drainage easement along this corridor. The drainage channel will not fit within the right-of-way and will require land rights acquisition.

- iii.) Each of the driveway culverts along Orchard Road and Estates Parkway will need to be re-sized and re-constructed for the re-directed flow. A flowrate of 400 cfs on a 0.33% grade requires 2-5'x5' boxes or 1-10'x5' box.
- iv.) Any structures, water lines or franchise utilities within 40-feet of the right-of-way may conflict with the improvements.
- v.) The re-directed flow will converge with discharge from Claremont Estates at the existing culvert crossing Estates Parkway. Runoff from Claremont Estates is discharged from a detention pond. The 100-year discharge release rate from the pond is 168 cfs. This flow combines with the re-directed 250 cfs and continues in the roadside channel along Estates Parkway.
- vi.) Estates Parkway is owned and maintained by the Texas Department of Transportation (TxDOT) and will require their approval for additional flow to be conveyed in the roadside channels within the right-of-way. It is unlikely the existing roadside channels have capacity for an additional 400 cfs of stormwater and channel improvements will be required (and additional land rights obtained). A minimum of seven (7) driveway culverts will need to be replaced and the culvert structure at the intersection of Estates Parkway and Country Club Road will need to be reconstructed to convey the additional flow.

F. The offsite area contributing the southwest corner of Kingswood Estates is approximately 46 acres. The rational method can be used to calculate the 100-year flowrate from this area.

$$C = 0.55$$

$$I = 5.75 \text{ (30 min Time of concentration)}$$

$$A = 46 \text{ acres}$$

$$Q_{100} = C \times I \times A = 145 \text{ cubic feet per second} \rightarrow \text{This flow is conveyed via the open channel described in Part B (above).}$$

G. Runoff from Claremont Estates on the south side of Estates Parkway is collected in a detention pond and discharged to the north into 3-42-inch reinforced concrete pipe culverts. This flow continues on a north-northwest path (through Farmstead) for approximately 1700 linear feet where it converges with flow conveyed to the east along the south side of Kingswood Estates. The City requested a conceptual analysis to re-direct discharge from the pond in Claremont Estates east along the open channel for Estates Parkway.

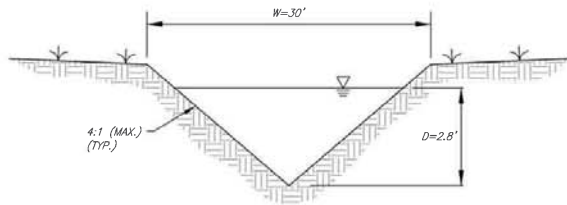
The 100-year discharge rate from the Claremont Springs detention pond is 168 cfs. This would necessitate an open channel approximately 4 feet deep and 32 feet wide to convey flow east along Estates Parkway. The exhibit attached (Conceptual Drainage Improvements – Estates Relief Channel) illustrates the location of this proposed open channel. Additional items to consider with this conceptual plan include:

- i.) The existing roadside channel along Estates Parkway will be re-constructed to provide the required additional capacity. If the drainage channel does not fit within the right-of-way,

additional land rights will be required. Any structures, water lines or franchise utilities near the existing right-of-way may conflict with the drainage improvements.

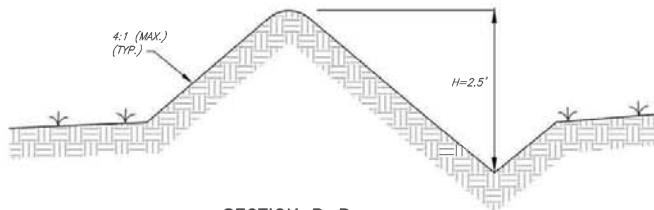
- ii.) Estates Parkway is owned and maintained by the Texas Department of Transportation (TxDOT) and will require their approval for additional flow to be conveyed in the roadside channels within the right-of-way.
- iii.) Each of the six (6) driveway culverts along the south side of Estates Parkway will need to be re-sized and re-constructed for the re-directed flow. A flowrate of 168 cfs on a 0.40% grade requires a 6'x4' box culvert. Additionally, the culvert structure at the intersection of Estates Parkway and Country Club Road will need to be reconstructed to convey the additional flow.

These plans and related specifications were prepared for completion of this specific project only. None of these documents is to be permitted without written authorization of Birkhoff, Hendricks, & Carter, L.L.P.

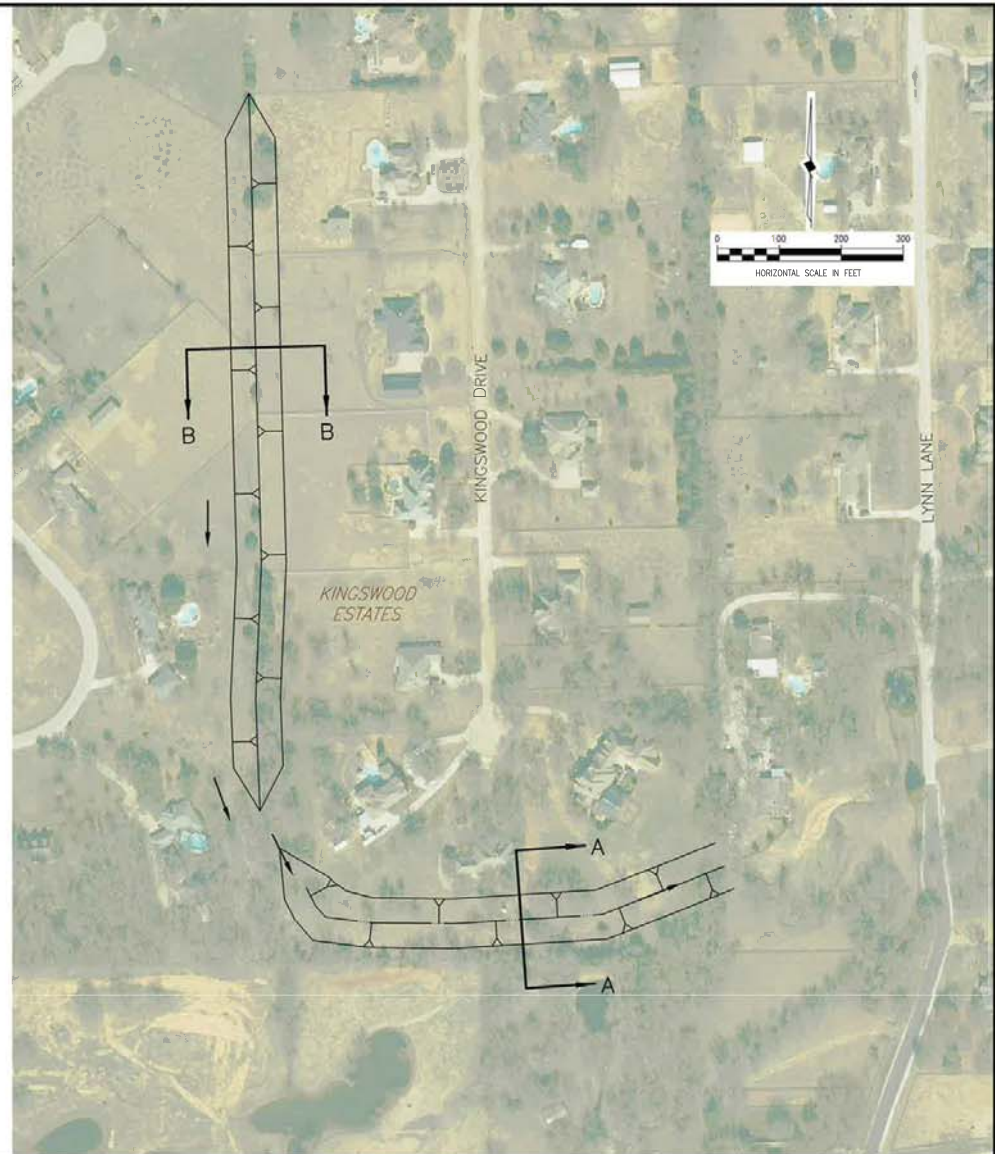


SECTION A-A

$Q_{100} = 145 \text{ cfs}$



SECTION B-B



BIRKHOFF, HENDRICKS & CARTER, L.L.P.
 PROFESSIONAL ENGINEERS
 TBPE Firm No. 526; TBPLS Firm No. 10031800
 11910 Greenville Ave., Suite 600
 Dallas, Texas 75243 (214) 361-7900

THESE DOCUMENTS ARE FOR INTERIM REVIEW
 AND ARE NOT INTENDED FOR CONSTRUCTION,
 BIDDING, OR PERMIT PURPOSES.

JOSEPH T. GRAIEWSKI, III
 TEXAS P.E. NO. 104984
 May 2020

CITY OF LUCAS, TEXAS
LEMONTREE DRAINAGE ANALYSIS
CONCEPTUAL DRAINAGE IMPROVEMENTS
KINGSWOOD ESTATES

BHC
 PROJECT NO.
 2019-118
 May, 2020

SHEET NO.
X



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CITY OF LUCAS, TEXAS
LEMONTREE DRAINAGE ANALYSIS
 CONCEPTUAL DRAINAGE IMPROVEMENTS
 ORCHARD - ESTATES RELIEF CHANNEL

BHC
 PROJECT NO.
 2019-118
 May, 2020

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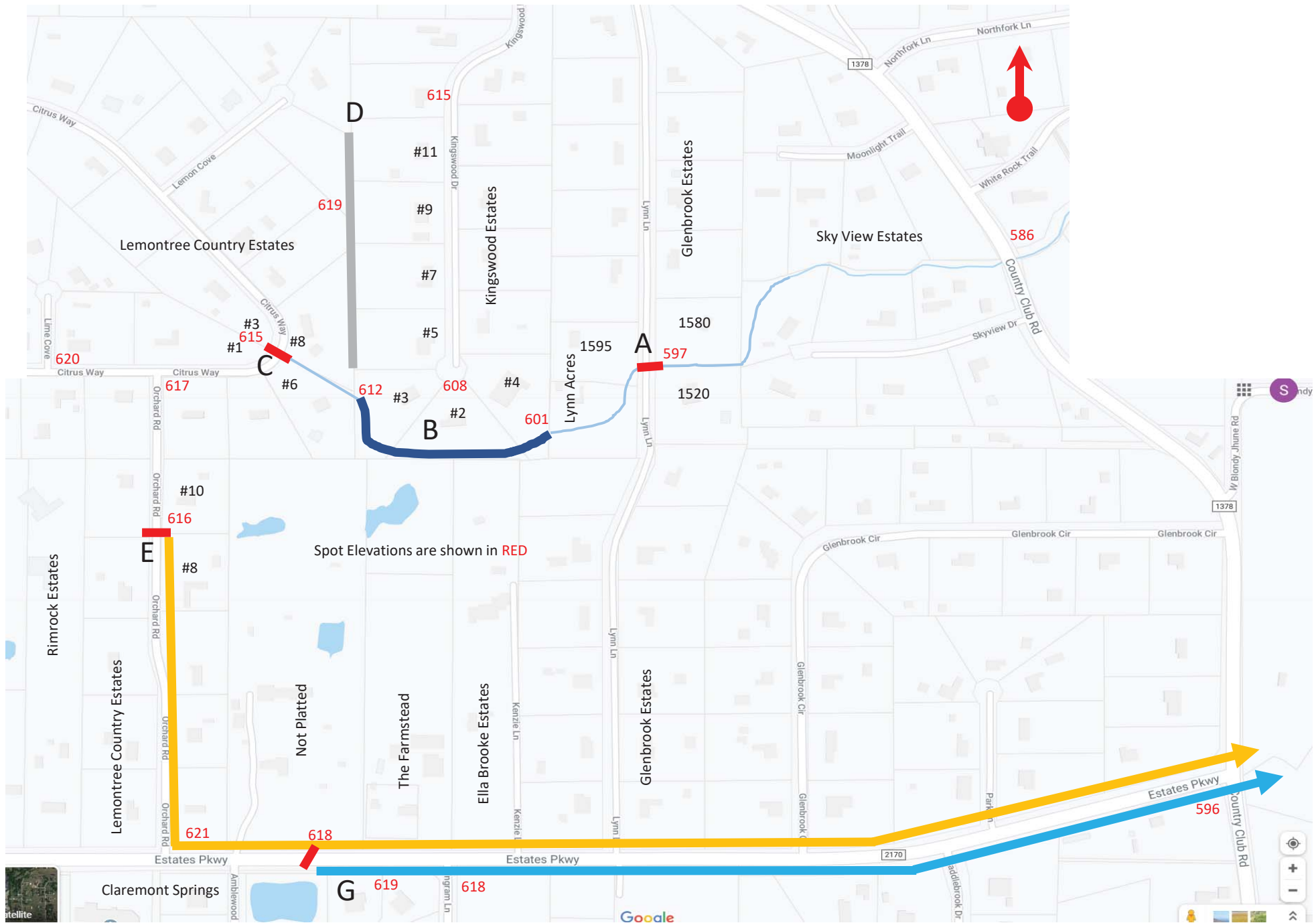
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 TEXAS P.E. NO. 104984
 May 2020

CITY OF LUCAS, TEXAS
LEMONTREE DRAINAGE ANALYSIS
 CONCEPTUAL DRAINAGE IMPROVEMENTS
 ESTATES RELIEF CHANNEL

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PROFESSIONAL ENGINEERS

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GARY C. HENDRICKS, P.E., R.P.L.S.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E., R.P.L.S.
CRAIG M. KERKHOFF, P.E.
JUSTIN R. IVY, P.E.

October 11, 2019

Mr. Stanton Foerster, P.E.
City Engineer
City of Lucas
665 Country Club Road
Lucas, Texas 75002

Re: Lemontree Drainage Analysis
Final Report and Concept Plan

Dear Mr. Foerster:

As requested, we have completed a drainage analysis of the basin contributing storm water runoff to Reid Branch Tributary 1. Our analysis consisted of the following:

1. Review of the record drawings and drainage calculations provided by the City of Lucas for each of the developments within the basin.
2. Field survey of selected existing culverts and drainage features within the basin
3. Site investigation including walking the accessible drainage courses within the basin and examining the condition of existing culverts and other drainage features.

We have summarized our observations and possible recommendations from the analysis into the sections that follow:

Lemontree Estates Channel & Driveway Culverts Analysis

The northeast portion of the Lovejoy High School site (13.94 ac) drains undetained, to the southwest corner of the Lemontree Estates Addition. The Lovejoy High School record drawings include drainage calculations that indicate the pre-development 100-year flow rate was 34 cfs and the post-development flow rate was 85.3 cfs. However, after careful review of the calculations, we calculated a pre-development 100-year flow rate of approximately 44 cfs and a post-development flow rate of approximately 39 cfs.

Runoff from the Lovejoy High School site flows overland to a roadside ditch along the west side of Citrus Way. The ditch west of Citrus Way flows south to a culvert under Mandarin Cove at the southwest corner of the Lemontree Estates Addition. The culverts under Mandarin Cove are damaged and are undersized for a 100-year flow rate. The runoff then flows east in a roadside ditch along the south side of Citrus Way and through a series of driveway culverts that are also undersized for a 100-year flow rate. Several of the driveway culverts downstream of Mandarin Cove are also sloping the wrong way (against flow).



Image 1: Downstream Face of Mandarin Cove Culvert

Lemontree Estates Channel & Driveway Culverts Recommendations

1. Recalculate the total flow in the roadside ditch west of Citrus Way, including the offsite area from the Lovejoy High School and onsite area within the Lemontree Estates Addition, using current engineering design requirements for runoff coefficients, time of concentration and storm intensities.
2. At a minimum, we recommend reconstructing the roadside ditch for about 200 feet on each side of Mandarin Cove and replacing the culverts at Mandarin Cove based on the design criteria selected by the City of Lucas.
3. A drainage improvements project could also be considered to reconstruct the roadside ditch along the south side of Citrus Way and the driveway culverts from Mandarin Cove to Orchard Lane based on the design criteria selected by the City of Lucas.

Lovejoy High School Pond Analysis

A large portion of the Lovejoy High School site drains to a detention pond on the east side of the high school property. The record drawings for the pond include design calculations for a 34-inch orifice plate to be installed at the outfall structure for the pond. At the time of design and construction, this exceeded design criteria required for development within the City of Lucas.

During our site investigation it was observed that the pond is discharged via a 36-inch HDPE pipe without any restrictor plate. We also observed an erosion control device at the upstream side of the outfall (shown below).

Field surveys indicate low spots in the middle of the berm for the detention pond has near the outfall culvert as much as a foot lower than the north and south ends of the berm. Rock rip rap has been placed on the east side of the berm in this location indicating that water is going over the berm undetained and creating a potentially erosive situation. The Lovejoy High School record drawings include volumetric calculations for the pond and the pond may not be functioning as it was designed based on our observations.



Image 2: Lovejoy High School Pond Outfall

Lovejoy High School Pond Recommendations

1. Additional surveys and analysis of the pond should be performed to determine if adequate storage is currently provided and if the existing outfall structure should be modified to perform as it was originally designed. Our concept plan exhibit recommends, at a minimum, raising the berm along the east side of the detention pond to be at least 1-foot above the 100-year water surface elevation based on the plans.
2. The Lovejoy High School detention pond should be analyzed to determine any improvements necessary to perform in accordance with the design criteria selected by the City of Lucas. This could include performance based on a number of design storms, including more frequently occurring events.
3. A detention pond improvements project could be constructed based on the design criteria selected by the City of Lucas.

Rimrock Estates Analysis

The record drawings for Rimrock Estates demonstrate runoff passing through the development via a series of ponds. Pond A is at the downstream limits of the development and is within a drainage easement on two residential lots. The outfall constructed for Pond A does not match the record drawings which may cause the water surface elevation to be higher than anticipated. This condition coupled with a potentially higher release

rate from the high school detention pond upstream of this development could cause the Pond A water surface to be higher and potentially have adverse impacts on the two residential lots.

The water surface elevation in Pond B is controlled by a broad crested weir constructed at the downstream end of the pond. Design of this pond is based on the maximum design flow rate from the record drawings for the high school detention pond upstream of the development together with additional offsite drainage areas. The proper function of the high school detention pond is therefore critical to the design of Pond B. Additional discharge from the high school detention pond could cause higher water surface elevations in pond B, potentially going over Rimrock Drive. There is also the potential for adverse impacts to adjacent residential lots in this area.

The discharge from Pond B flows eastward in a swale labeled Pond A which turns northward along the east property line of the Rimrock Estates Addition flowing to a point where the drainage swale turns east towards Orchard Road.



Image 3: Rimrock Estates Pond A (Looking North)

Rimrock Estates Recommendations

1. The proper function of the Lovejoy High School detention pond is a crucial element for the proper function of the detention ponds constructed in the Rimrock Estates Addition and therefore addressing any detention pond performance issues would be highly recommended.
2. Additional surveys and analysis of the drainage swale downstream of Pond B could be performed to determine the anticipated 100-year depth of flow in “Pond A” to determine if improvements would be required to provide necessary free-board to adjacent properties within the Rimrock Estates Addition.

Lemontree Country Estates Addition (Orchard Road) Analysis

Flow discharged from Pond A in Rimrock Estates drains to a swale which drains to the east in the Lemontree Country Estates Addition to Orchard Road. The drainage plans for Rimrock Estates include a total 100-year release rate of 122.65 cfs. Two 18-inch culverts are provided at Orchard Road. These culverts do not have

capacity to convey runoff from the 100-year event. The road is only slightly higher than the top of the culverts indicating that water will overtop Orchard Road in a 100-year storm event.

The property owners on the north and south side of the channel downstream (east) of the Orchard Road culverts met with us while walking the drainage course and indicated that mowing the channel was difficult due to the steep side slopes. We observed a water depth of 1 to 2 -inches from the west property line of the Lemontree Country Estates Addition to just before the east property line. We observed some channel scour and concrete rubble had been dumped in this location.



Image 4: Channel Downstream of Orchard Road (Looking Upstream / West)

The property owner on the north side of the channel indicated there was frequent standing water on the northeast corner of his property and added that the channel does not drain to the east of his property like it did several years ago. We observed standing water east of Orchard Road along the north side of this property.

Lemontree Country Estates Addition (Orchard Road) Recommendations

1. Additional surveys and analysis could be performed on the channel and culverts crossing Orchard Road to determine any improvements necessary to perform in accordance with the design criteria selected by the City of Lucas. Our concept plan recommends at a minimum that the the side slopes of the open channel be flattened to 4:1 or flatter. The channel could also be graded steeper to drain better, if permission to grade on to the adjacent tract downstream (east) could be obtained.
2. Debris, trash removal and minimal grading could help alleviate the standing water experienced by the property owner on the north side of the channel (east of Orchard Road).

Kingswood Estates, The Farmstead and Claremont Springs Analysis

Runoff conveyed via the channel downstream (east) of Orchard Road continues flowing to the east and northeast through a series of ponds converging with flow from the southeast corner of Lemontree Estates, runoff from Kingswood Estates, runoff from The Farmstead, and flow released from the retention pond in the Claremont Springs Addition located on the south side of Estates Parkway. The drainage conveyance systems at these locations appear to function as designed. The combined flow channelizes and crosses Lynn Lane via

eight (8) 48-inch reinforced concrete pipe culverts. We did not observe any significant erosion issues or capacity problems at Lynn Lane.

Stormwater discharged from Claremont Springs flows through The Farmstead crossing Lee Lane via 3 – 6'x3' reinforced concrete box culverts. Drainage calculations from The Farmstead construction plans indicate that the detention ponds provided maintain pre-developed conditions and do not increase runoff within the basin.

Accumulated runoff flowing to the south along Kingswood Drive is conveyed via small undefined roadside swales. Driveways in Kingswood Estates lack culverts and the swales cross each driveway creating a low water crossing at each location. There is very little capacity along these swales, and it appears water ponds in most of the driveways after a storm event, due to grass and silt deposits on the low side of each driveway. Additionally, the swales have a relatively flat slope and water likely stagnates in various flat/low spots along the swales.

Kingswood Estates Recommendations

1. At a minimum, we recommend installing a concrete pilot channel in each of the swales from driveway to driveway. This would help to drain most of the water which accumulates in the driveways after a storm event. Without grass impeding flow, a pilot channel should also reduce the likelihood of water stagnating in between driveways. We recommend a concrete pilot channel 2 to 3-ft in width with a 1-inch invert between the driveways, on both sides of the street, for the full length of the north-south portion of Kingswood Drive shown on the exhibit. This approach is unlikely to provide 100-year design storm capacity but should reduce stormwater ponding.
2. Alternatively, we recommend a channel be designed along both sides of the road to convey a design storm event as determined by the City. The channel would begin at the downstream end of the drainage channel in the southeast corner of Kingswood Estates. This approach would include installing driveway culverts at each driveway and significant grading efforts to provide ditches along both sides of Kingswood Drive. A portion of each of the driveways would be reconstructed to remove the low water crossing and reconstruct the driveways over the new culverts.

Conclusions

The runoff from the northeast corner of the high school site was slightly reduced, based on our calculations and is not contributing to drainage problems for the existing ditch along Citrus Way, the culverts crossing Mandarin Cove and driveway culverts along the south side of Citrus Way in the Lemontree Estates. At a minimum, we recommend reconstructing the roadside ditch for about 200 feet on each side of Mandarin Cove and replacing the culverts at Mandarin Cove based on the design criteria selected by the City of Lucas. We also recommend consideration of reconstructing the roadside ditch along Citrus Way east of Mandarin Cove and the driveway culverts and designed based on the design criteria selected by the City of Lucas.

A drainage improvements project could also be considered to reconstruct the roadside ditch and the driveway culverts along Citrus Way from west of Mandarin Cove to Orchard Lane based on the design criteria selected by the City of Lucas.

The north end of Lemontree Estates is at the top of the drainage basin and there are no indications that the culvert structure at the southeast corner of the development under Citrus Way lacks capacity to convey the runoff.

Our observations of the Lovejoy High School detention pond indicate less volume may be provided and the outfall structure may not perform as originally designed. This could result in weir flow over the berm, sending

Mr. Stanton Foerster, P.E.
Lemontree Estates Addition Drainage Analysis
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October 11, 2019
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a higher rate of flow downstream than the original design intended. The design of drainage features downstream of the high school pond in Rimrock Estates are based on the high school pond and outfall structure functioning as originally designed. The water surface elevation through Rimrock Estates could rise causing adverse impacts to the lots and overwhelming other drainage facilities downstream of the high school without some improvements to the detention pond. At a minimum, we recommend the berm for the detention pond be raised to at least 1-foot above the 100-year water surface elevation based on the plans.

The channel crossing the Lemontree Country Estates Addition and the culverts crossing Orchard Lane do not have capacity for a 100-year event. At a minimum, we recommend flattening the side slopes of the channel from Rimrock Estates to the east property line of Lemontree Estates to 4:1 or less for ease of maintenance. A drainage improvements project could also be considered to size the channel and the culverts crossing Orchard Lane in accordance with the design criteria selected by the City of Lucas.

There are no roadside ditches and culverts in the Kingswood Addition and there is some ponding of water in the driveways after a rain event. At a minimum, we recommend installing concrete pilot channels in the swales on both sides of the road from driveway to driveway.

Let us know if there are any questions regarding our observations or recommendations contained in the preliminary report. We are available to discuss this report and our recommendations at your convenience.

Sincerely,

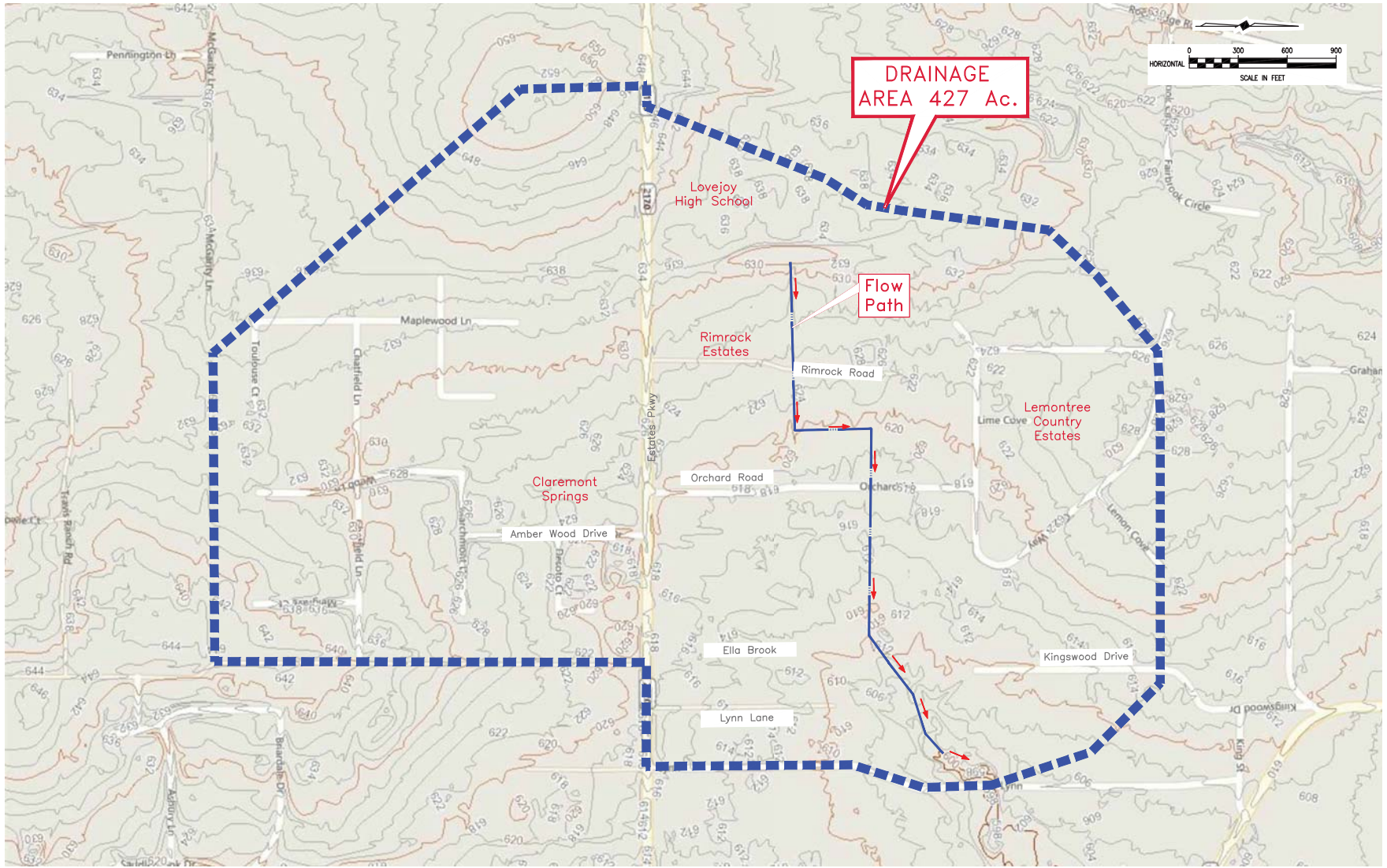


Joseph T. Grajewski, P.E.



Joe R. Carter, P.E., C.F.M.

Enclosures



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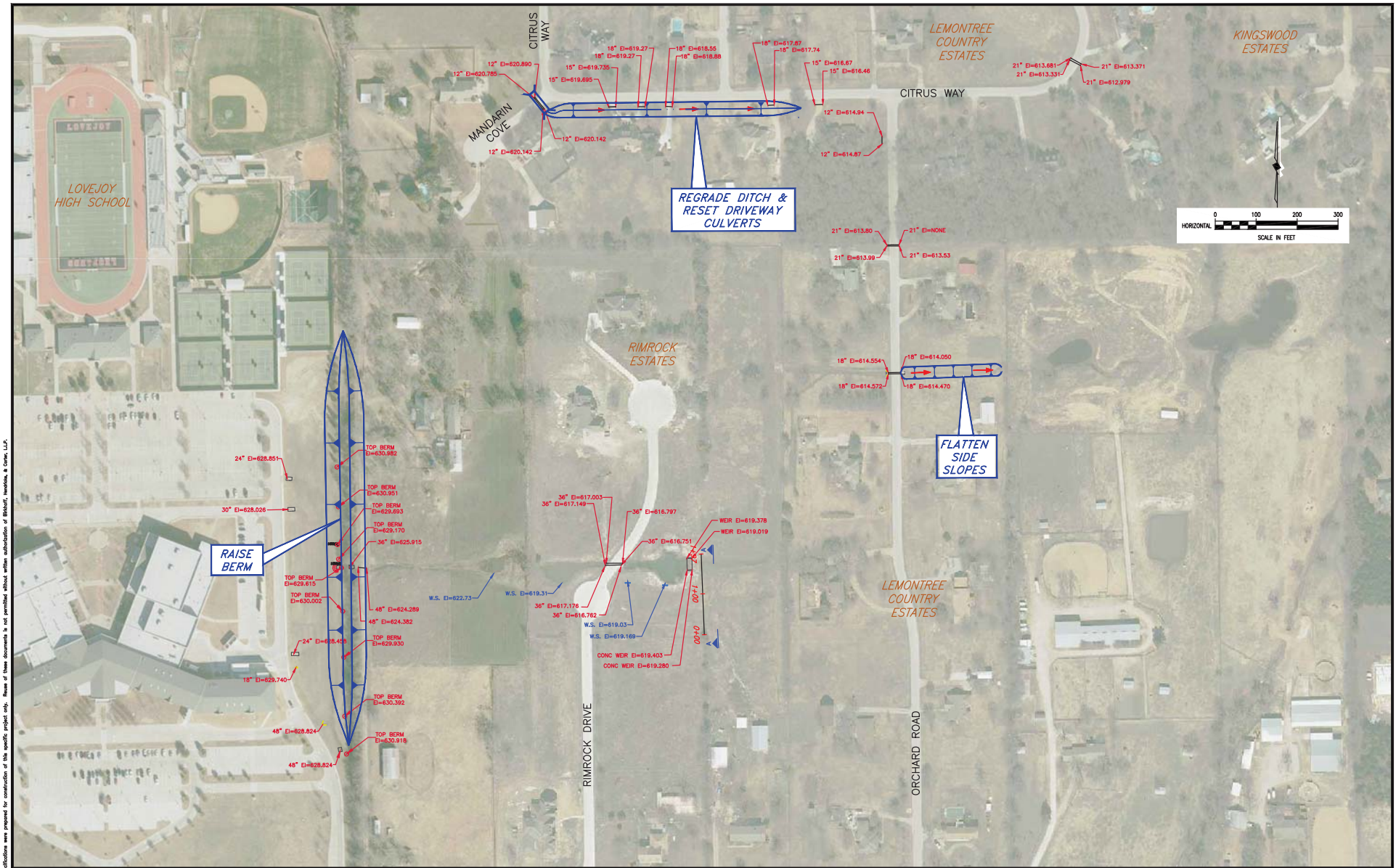
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 JOSEPH T. GRAJEWSKI, III
 TEXAS P.E. NO. 104984
 October, 2019

CITY OF LUCAS, TEXAS
 LEMONTREE DRAINAGE ANALYSIS
 DRAINAGE AREA MAP

BHC
 PROJECT NO.
 2019-118
 October 2019

SHEET NO.
X



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 JOSEPH T. GRADENOW, III
 TEXAS P.E. NO. 104984
 July 2019

CITY OF LUCAS, TEXAS
LEMONTREE DRAINAGE ANALYSIS
CONCEPTUAL DRAINAGE IMPROVEMENTS
MINIMUM RECOMMENDATIONS

BHC PROJECT NO. 2019-118	SHEET NO. X
July, 2019	



City of Lucas Council Agenda Request June 4, 2020

Item No. 06

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider adopting Ordinance 2020-06-00914 creating regulations on private and public property for illicit discharge into the City's stormwater drainage system.

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. The City Council and Commission discussed current City ordinances to enforce or update, floodplain development and maintenance, and budgeting options. On November 14, 2019, the Planning and Zoning Commission directed staff to bring back regulations for illicit discharge for further review. Proposed regulations for illicit discharge are outlined below and a list of substances that may not be introduced into the City's Municipal Separate Storm Sewer System (MS4) are included with the attached ordinance.

Specific prohibitions and illicit discharges.

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate a water quality standard, the City's Texas Pollutant Discharge Elimination System (TPDES) permit, or any state-issued discharge permit for discharges from its MS4.
- (b) No person shall dump, drain, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, throw, place or otherwise introduce or cause, allow, or permit to be introduced any of the following substances in or on any public street, alley, storm sewer, drainage structure, drainage channel, stream, river, pond or any other public property. See attached Proposed Illicit Discharge Regulations for a listing of illicit discharges.

Attachments/Supporting Documentation

1. Proposed Ordinance 2020-06-00914

Budget/Financial Impact

NA



City of Lucas Council Agenda Request June 4, 2020

Item No. 06

Recommendation

The Planning and Zoning Commission recommends approving the proposed illicit discharge ordinance as presented.

Motion

I hereby make a motion to adopt Ordinance 2020-06-00914 approving regulations on private and public property for illicit discharge into the City's stormwater drainage system.



ORDINANCE NO. 2020-06-00914
[AMENDING CODE OF ORDINANCES, AMENDING ARTICLE 10
BY ADDING NEW SECTIONS 10.04.026 and 10.04.027]

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 10.04.002 TITLED “DEFINITIONS” BY ADDING A NEW DEFINITION FOR “MUNICIPAL SEPARATE STORM SEWER SYSTEM (“MS4”); BY ADDING A NEW SECTION 10.04.026 TITLED “SPECIFIC PROHIBITIONS AND ILLICIT DISCHARGES” AND A NEW ARTICLE 10.04.027 TITLED “PROHIBITION OF ILLICIT CONNECTIONS”; BY RENUMBERING THE REMAINING SECTIONS; 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 10.04.002 titled “Definitions” to include a new definition for “Municipal Separate Storm Sewer System (MS4); by adding a new Section 10.04.026 titled “Specific Prohibitions and Discharges”; by adding a new Section 10.04.027 titled “Prohibition of Illicit Connections”; and by renumbering the remaining sections, to read as follows:

CHAPTER 10

SUBDIVISIONS

ARTICLE 10.04 STORMWATER RUNOFF REGULATIONS AND CONTROL

Sec. 10.04.002 Definitions

Add the following definition between *Land Disturbance* and *One-hundred-year storm*:

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances including roads with drainage systems, municipal city streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains and similar means of collecting or conveying water runoff.

Add the following new Section 10.04.026

10.04.026 ~~Responsibility~~ Specific prohibition and illicit discharges

(a) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate a water quality standard, the city's TPDES permit, or any state-issued discharge permit for discharges from its MS4.

(b) No person shall dump, drain, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, throw, place or otherwise introduce or cause, allow, or permit to be introduced any of the following substances in or on any public street, alley, storm sewer, drainage structure, drainage channel, stream, river, pond or any other public property. The following are illicit discharges:

- (1) Any used motor oil, antifreeze, grease, solvents, toxic chemicals, paint, stain or any other petroleum product or waste;
- (2) Any industrial waste;
- (3) Any hazardous waste or infectious waste, including household hazardous waste;
- (4) Any garbage, trash, filth, junk, domestic sewage or septic tank waste, cooking oil, grease trap waste, or grit trap waste;
- (5) Any trash, rubbish, refuse, or wastepaper;
- (6) Any wastewater from a commercial car wash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business that operates more than two (2) such vehicles;
- (7) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building or mechanical equipment exterior that contains any soap, detergent, degreaser, solvent, other harmful cleaning substance;
- (8) Any wastewater from commercial floor, rug, or carpet cleaning;
- (9) Any wastewater from the saw cutting, wash down or cleaning of pavement that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the washing or cleaning of pavement where any spill, leak, or other release of petroleum based products, hazardous material, hazardous substance, hazardous waste or other pollutant has occurred, unless all such released material has been previously removed;
- (10) Any effluent, overflow or blow down, from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or boiler;

- (11) Any ready-mixed concrete, mortar, ceramic, asphalt base material, hydro mulch material, or any wastewater or substance from the cleaning of any vehicle or equipment containing, or used in transporting or applying, such material;
- (12) Any runoff or wash down water from an animal pen, kennel, or fowl or livestock containment area;
- (13) Any filter backwash from a swimming pool or fountain;
- (14) Any swimming pool, hot tub water, or public interactive water fountain containing disinfectants;
- (15) Any discharge from water line disinfection by hyperchlorination or other means unless the disinfecting chemical has been removed or attenuated to the point where it is not a pollutant;
- (16) Any fire protection water, not including firefighting water used by the fire department, containing "hazardous materials" as defined in the fire protection and prevention ordinance of the city;
- (17) Any wastewater from a water curtain in a spray room used for painting vehicles or equipment;
- (18) Any contaminated or unpermitted storm water discharge associated with an industrial activity;
- (19) Any substance or material that will damage, block, or clog the MS4;
- (20) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release;
- (21) Any petroleum oil, non-biodegradable cutting oil, transmission fluid, hydraulic fluid, brake fluid, power steering fluid, antifreeze or other household hazardous wastes;
- (22) Any rubble, debris, rubbish, tile, concrete, brick, asphalt, or other building material resulting from demolition activities;
- (23) Any ashes or burn refuse;
- (24) Any weeds, grass cuttings, brush, or other yard debris;
- (25) Solid or liquid substances which may cause obstruction to the flow in storm sewers or other interference with the proper operation of the storm water system;

- (26) Any wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
- (27) Any wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
- (28) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- (29) Any discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs; and
- (30) Any kind of other matter that will cause damage to the MS4 or any receiving bodies of water.

(c) **Sediment and erosion control**

- (1) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, landfilling, or other construction activities (including any placement, movement, removal, or disposal of soil, rock, or other earth materials) in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
- (2) No person shall implement erosion or sediment control measures not currently approved by the city.
- (3) A construction project (commercial, residential, or capital improvement) shall not be considered complete and acceptable by the city until permanent erosion control measures have been installed to the city's satisfaction.
- (4) No person shall conduct any land disturbing or construction activities:
 - (i) on property over one (1) acre in area without a director-approved Erosion Control Design Plan and a TCEQ submitted storm water pollution prevention plan (SWPPP) for that area on properties 5 acres or greater; or
 - (ii) on property less than one (1) acre in area that constitutes more than 50% of the site without a director approved Erosion Control Design Plan.
- (5) No person shall knowingly fail to install or to maintain erosion control devices as shown or represented in the approved Erosion Control Design Plan and/or storm water pollution prevention plan (SWPPP), including maintenance of grass or sod and sediment cleaning of erosion control devices.

- (6) No person shall allow the build-up of off-site sediment from above or below ground construction related activities in any open space areas.
- (d) No person shall connect or maintain a line conveying sewage, domestic or industrial, to the MS4.
- (e) Any wash water from the service area, garage, or enclosure of a minor auto repair or fuel service station shall not discharge into the MS4.
- (f) Regulation of pesticides, herbicides, and fertilizers.
- (1) No person shall use or cause to be used any pesticide, herbicide, or fertilizer contrary to any directions for use on any labeling required by state or federal law.
- (2) No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.
- (3) No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.
- (4) If provided with a display notice containing the provisions of this subsection, pertaining to the regulation of pesticides, herbicides, and fertilizers (or a reasonable description thereof), and the information that any user of the product may obtain further information from the director or designated individual, any person selling pesticides, herbicides, or fertilizers at retail or wholesale shall post the notice prominently where it may be read by purchasers of the product.
- (g) **Used oil regulation**
- (1) No person shall:
- (i) Pour, spill, leak, pump, empty, leach, dispose, or otherwise discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater, or water course;
- (ii) Knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill; or
- (iii) Apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

(2) All businesses that change motor oil for the public and municipal waste transfer stations are encouraged to serve as public used oil collection centers as provided by V.T.C.A., Health and Safety Code § 371.024, as amended.

(3) A retail dealer who annually sells directly to the public more than five hundred (500) gallons of oil in containers for use off-premises shall post in a prominent place a sign provided by the city or by the state informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state used oil information center.

(h) No person shall have inadequate or unsanitary sewage or plumbing facilities, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city and state that could pollute the MS4 sewer system.

(i) No person shall introduce or cause to be introduced into the sanitary sewer system any discharge of storm water, polluted or unpolluted, or any discharge that causes or contributes to causing the city to violate a water quality standard, its agreements associated with the regional sewage treatment plants, or any state issued permit.

(j) Any person that causes a spill, release, or other discharge of a prohibited substance or other pollutant to the MS4 is responsible for the cleanup and removal of the substance from the MS4 or any area adjacent to the MS4 that is exposed to storm water runoff. The owner of the property on which the spill, release, or discharge occurred is responsible for the cleanup or removal of the substance from the MS4 or any area adjacent to the MS4 if the person that caused the spill, release, or discharge to the MS4 is unknown.

(k) Sanitary sewer overflows shall be prevented in any way possible. All sanitary sewer overflows shall be reported to the City as soon as the owner, occupant, or person otherwise having control of the sanitary sewer becomes aware of the overflow and to the appropriate federal and state agencies within twenty-four (24) hours.

(l) No person shall store items segregated for separate collection, disposal, recycling or reuse in a manner that allows pollutants to enter the MS4. Drums, dumpsters and polycarts shall be closed, not leaking, and in good condition.

(m) Parking lot storm drain inlets shall be maintained free of trash, litter, garbage, rubbish, grass clippings, leaves, and other debris material.

(n) Trash and litter on any parcel of land shall be collected for appropriate disposal prior to mowing.

(o) The owner, owner's representative, operator, contractor or developer of property shall comply with the TXR150000 general construction permit, Industrial TXR050000 permit or City approved Erosion Control Design Plan relating to said property.

Add the following new Section 10.04.027

10.04.027 ~~Interpretation~~ Prohibition of illicit connections

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited, including, but not limited to, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (b) A person violates this article if such person connects or maintains a line conveying sewage to the MS4.
- (c) Connections in violation of this article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the director.
- (d) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the director requiring that such location be completed. Results of these locations are to be documented and provided to the director.

Renumber the following Sections:

~~10.04.026~~ 10.04.028 Responsibility

The administration of this article shall be the responsibility of the city.

~~10.04.027~~ 10.04.029 Interpretation

In the interpretation and application of this article, the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the city.

~~10.04.028~~ 10.04.030 Appeals

The city council is hereby designated as the appeals board for disputes arising from the application of this article. The council's responsibility shall be to hear appeals where it is alleged by an appellant that there is error in any order, requirement, decision, grant or refusal made by the city in the enforcement of the provisions of this article.

~~10.04.029~~ 10.04.031 Penalties

- (a) General. Any person, firm, organization, association, or corporation violating any of the provisions of this article, including violation of any variances granted under the authority of this article, shall be deemed guilty of a violation of a municipal ordinance and each such person or other entity shall be deemed guilty of a separate offense for each and every day or portion thereof that any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of such violation, such person or other entity may be punished by a fine of not

less than two hundred and fifty dollars (\$250.00) and not more than two thousand dollars (\$2,000.00).

(b) Additional corrective actions. Any building or structure constructed in violation of the provisions of this article or any use carried on in violation of this article is hereby declared to be a nuisance per se, with any court of competent jurisdiction having the authority to determine that the owner or developer is guilty of maintaining a nuisance per se and to order such nuisance abated. In this connection, the city is hereby authorized to institute any appropriate action or proceeding in any appropriate court to prevent, restrain, correct, or abate any violations of this article.

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 4th DAY OF JUNE 2020.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(04-14-2020:TM 115094)

Stacy Henderson, City Secretary



City of Lucas Council Agenda Request June 4, 2020

Item No. 07

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider adopting Ordinance 2020-06-00915 relating to amendments to Section 6.02.002 Prohibited Acts and Section 6.02.003 Abatement making it a violation of the City of Lucas Code of Ordinances to obstruct or fail to maintain drainage on properties in the City.

Background Information

The Planning and Zoning Commission has been reviewing drainage in the City and updating the City's stormwater runoff requirements. An issue that arose was homeowner maintenance of drainage on private property. Staff has brought the following changes for consideration. The entire code section is attached for your convenience.

Sec. 6.02.002 Prohibited acts

(d) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the city, including any adjacent and contiguous rights-of-way or easements, to permit or allow a ditch, water course, culvert, or other earthen structure, to obstruct, contribute to obstructions, through either direct action or failure to maintain and prevent flooding, or the accumulation or ponding of standing, stagnant, or non-maintained water thereon.

Sec. 6.02.003 Abatement

(b) Draining, filling or re-grading any lots, cleaning/repairing/replacing driveway culverts, ground, or yards which have standing or stagnant water thereon.

Attachments/Supporting Documentation

1. Private Property Drainage Maintenance Code Section 6.02
2. Proposed Ordinance No. 2020-06-00915

Budget/Financial Impact

NA

Recommendation

The Planning and Zoning Commission recommends approving the changes to Section 6.02.002 Prohibited Acts and Section 6.02.003 Abatement.



City of Lucas Council Agenda Request June 4, 2020

Item No. 07

Motion

I hereby make a motion to adopt Ordinance 2020-06-00915 approving amendments to Section 6.02.002 Prohibited Acts and Section 6.02.003 Abatement making it a violation of the City of Lucas Code of Ordinances to obstruct or fail to maintain drainage on properties in the City.

Sec. 6.02.002 Prohibited acts

- (a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the city, including any adjacent and contiguous rights-of-way or easements, to permit, allow, or dump any objectionable, unsightly, or unsanitary refuse, garbage, rubbish or junk, as defined herein, on any real property in the city, including any contiguous right-of-way or easement, or to permit or allow the accumulation of any objectionable, unsanitary, hazardous or unsightly refuse, garbage, rubbish or junk, as defined herein, on any real property in the city, including any adjacent and contiguous rights-of-way or easements. The unlawful acts described in this section are declared by the city to be a nuisance per se unless such refuse, garbage, rubbish or junk is deposited in a properly maintained landfill.
- (b) No person, corporation or political subdivision shall transport junk, refuse or garbage in any manner over and upon any street or highway in such a manner that it is strewn upon and along such street or highway.
- (c) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the city, including any adjacent and contiguous rights-of-way or easements, to permit or allow the grade of the premises to promote erosion of soil or, except for approved retention areas and reservoirs, to allow the accumulation of stagnant water thereon in such a condition that harbors mosquitoes or mosquito larva, or to accumulate within any structure located thereon or on any real property in the city, including any adjacent and contiguous rights-of-way or easements.
- (d) The unlawful acts described in this section are declared by the city to be a nuisance per se unless such refuse, garbage, rubbish or junk is deposited in a properly maintained landfill, or in the case of drainage issues, unless the premises is graded and maintained to prevent soil erosion and accumulation of stagnant water.
- (e) It shall be unlawful for the owner or occupant of property to fail to maintain any pool or spa on premises without sufficient clarity to permit a distinct view of the main drain from outside the pool and/or spa.
- (f) Water maintained in artificial ponds shall be maintained in such a condition that they are not harboring mosquitoes or mosquito larva.

(Ordinance 2015-01-00806 adopted 2/5/15)

Sec. 6.02.003 Abatement

- (a) In the event that any person owning, claiming, occupying, or having supervision or control of any lot, tract, or parcel of land or portion thereof shall fail to comply with [section 6.02.002](#), then said person may be charged with violation of this article and/or be given notice to comply with the same. The notice shall be given:
- (1) Personally, to the owner in writing;
 - (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
 - (3) If personal service cannot be obtained:
 - (A) By publication at least once;
 - (B) By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (C) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

If the city mails a notice to a property owner in accordance with subsection (a), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(1995 Code, sec. 13-5; Ordinance adopting Code)

- (b) If, after the expiration of ten (10) days after notification, there has remained the nuisance prohibited in [section 6.02.002](#) of this code, the city may do or cause to be done the work necessary to obtain compliance with this section, including but not limited to the removal of dumped, abandoned or discarded refuse, garbage, rubbish, or junk. The expense incurred in correcting the condition of such property, including a one hundred dollar (\$100)

administration fee, shall be charged to the owner of such property, and the city may cause the expense thereof to be assessed on the real estate or lot or lots upon which such expense is incurred. On filing with the county clerk a statement by the official designated by the mayor of the expense incurred in correcting the condition on the property, the city shall have a privileged lien on such property, second only to tax liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten percent (10%) from the date the city incurs the expense. For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expense filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended as specified in [chapter 342 of the Health and Safety Code](#), or as subsequently amended or codified, which is hereby adopted by reference. (1995 Code, sec. 13-5)

(c) In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted and assess its expenses as provided by [V.T.C.A., Health and Safety Code, section 342.007](#). (Ordinance adopting Code)



ORDINANCE NO. 2020-06-00915
[AMENDING CODE OF ORDINANCES, ARTICLE 6.02
AND ARTICLE 6.03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE LUCAS CODE OF ORDINANCES BY AMENDING CHAPTER 6 TITLED “HEALTH AND SANITATION” BY AMENDING ARTICLE 6.02 TITLED “DUMPING OR DEPOSITING GARBAGE, JUNK OR REFUSE” BY AMENDING SECTION 6.02.002 TITLED “PROHIBITED ACTS” BY ADDING A NEW PARAGRAPH (d) AND RENUMBERING THE REMAINING PARAGRAPHS (e) THROUGH (g); BY AMENDING SECTION 6.02.003 TITLED “ABATEMENT” BY AMENDING PARAGRAPH (b); 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 6 titled “Health and Sanitation” by amending Article 6.02 titled “Dumping or Depositing Garbage, Junk or Refuse” and Article 6.03 titled “Abatement”, to read as follows:

CHAPTER 6

HEALTH AND SANITATION

ARTICLE 6.02 DUMPING OR DEPOSITING GARBAGE, JUNK OR REFUSE

Sec. 6.02.002 Prohibited acts

Add new paragraph (d) and renumber remaining paragraphs:

(d) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the city, including any adjacent and contiguous rights-of-way or easements, to permit or allow a ditch, water course, culvert, or other earthen structure, to obstruct, contribute to obstructions, through either direct action or failure to maintain and prevent flooding, or the accumulation or ponding of standing, stagnant, or non-maintained water thereon.

(e) The unlawful acts described in this section are declared by the city to be a nuisance per se unless such refuse, garbage, rubbish or junk is deposited in a properly maintained landfill, or in the case of drainage issues, unless the premises is graded and maintained to prevent soil erosion and accumulation of stagnant water.

(f) It shall be unlawful for the owner or occupant of property to fail to maintain any pool or spa on premises without sufficient clarity to permit a distinct view of the main drain from outside the pool and/or spa.

(g) Water maintained in artificial ponds shall be maintained in such a condition that they are not harboring mosquitoes or mosquito larva.

SECTION 6.02.003 Abatement

Amend paragraph (b) as follows:

(b) If, after the expiration of ten (10) days after notification, there has remained the nuisance prohibited in section 6.02.002 of this code, the city may do or cause to be done the work necessary to obtain compliance with this section, including but not limited to the removal of dumped, abandoned or discarded refuse, garbage, rubbish, or junk. Draining, filling or re-grading any lots, cleaning/repairing/replacing driveway culverts, ground, or yards which have standing or stagnant water thereon. The expense incurred in correcting the condition of such property, including a one hundred dollar (\$100) administration fee, shall be charged to the owner of such property, and the city may cause the expense thereof to be assessed on the real estate or lot or lots upon which such expense is incurred. On filing with the county clerk a statement by the official designated by the mayor of the expense incurred in correcting the condition on the property, the city shall have a privileged lien on such property, second only to tax liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten percent (10%) from the date the city incurs the expense. For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expense filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended as specified in chapter 342 of the Health and Safety Code, or as subsequently amended or codified, which is hereby adopted by reference.

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 4th DAY OF JUNE 2020.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(04-09-2020:TM 115015)

Stacy Henderson, City Secretary



City of Lucas

City Council Agenda Request

June 4, 2020

Item No. 08

Requester: Mayor Jim Olk

Agenda Item Request

Consider nominations of a primary and alternate member to the Regional Transportation Council.

Background Information

The North Central Texas Council of Governments is the Metropolitan Planning Organization for the Dallas-Fort Worth area. The Regional Transportation Council, comprised primarily of local elected officials, is the transportation policy body for the Metropolitan Planning Organization.

Each seat on the Regional Transportation Council will be provided a primary member and an alternate member serving a two-year term beginning in July. Currently the Cities of Lucas, Allen, Rowlett, Sachse, Wylie and Murphy share a seat on the Regional Transportation Council. Those seats will be expiring in June 2020. The primary seat is currently vacant, that was previously held by former City of Allen Mayor Steve Terrell. The alternate member position is held by City of Wylie Mayor Eric Hogue.

The City of Allen has submitted a letter requesting support for Allen City Councilmember Chris Schulmeister to serve as the primary member to the RTC and Mayor Hogue, City of Wylie to continue to serve as an alternate member.

All nominations must be made in writing to the Regional Transportation Council by June 30, 2020.

Attachments/Supporting Documentation

1. Letter from Regional Transportation Council
2. Letter from City of Allen

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to nominate _____ as the primary member and _____ as the alternate member to the Regional Transportation Council.



The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

April 23, 2020

The Honorable Dorothy Stout
Mayor
City of Allen
305 Century Parkway
Allen, TX 75013

The Honorable Tammy Dana-Bashian
Mayor
City of Rowlett
4000 Main St.
Rowlett, TX 75088

The Honorable Mike Felix
Mayor
City of Sachse
3815 Sachse Rd., Bldg. B
Sachse, TX 75048

The Honorable Eric Hogue
Mayor
City of Wylie
300 Country Club Rd., Bldg. 100
Wylie, TX 75098

The Honorable Scott Bradley
Mayor
City of Murphy
206 North Murphy Rd.
Murphy, TX 75094

The Honorable Jim Olk
Mayor
City of Lucas
665 Country Club Rd.
Lucas, TX 75002-7651

Dear Mayors Stout, Dana-Bashian, Felix, Hogue, Bradley and Olk:

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area. The Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO. The RTC is responsible for direction and approval of the Metropolitan Transportation Plan, the Transportation Improvement Program, the Congestion Management Process, and the Unified Planning Work Program, and for satisfying and implementing federal and state laws and regulations pertaining to the regional transportation planning process.

Membership on the Regional Transportation Council is either by direct membership or group representation. Each seat on the Regional Transportation Council will be provided a primary member and permitted an alternate member. The Cities of Allen, Rowlett, Sachse, Wylie, Murphy, and Lucas share a seat on the Regional Transportation Council. The RTC's Bylaws and Operating Procedures state that the person representing a group of several cities shall be selected by the mayors using a weighted vote of the maximum population or employment of the cities represented, and the person selected shall serve a two-year term beginning in July of even-numbered years and shall be serving on one of the governing bodies they represent. A table containing population and employment figures is enclosed. The Bylaws further state that in the spirit of integrated transportation planning, all cities within a city-only cluster are eligible to hold the RTC membership seat for the cluster, and the cities should strongly consider rotation of the seat among the entities within the respective cluster. Items to consider when contemplating seat rotation may include: 1) a natural break in a member's government service, such as the conclusion of an elected term, 2) a member's potential to gain an officer position or advance through the officer ranks, 3) a member's strong performance and commitment to transportation planning, or 4) the critical nature of a particular issue or project and its impact on an entity within the cluster.

An alternate member is the individual appointed to represent an entity or group of entities on the Regional Transportation Council in the absence of the primary member. The alternate member must be predetermined in advance of a meeting and will have voting rights in the absence of the primary member. An entity or group of entities may elect to appoint its alternate member(s) from a pool of eligible nominees. The same requirements apply to alternate members as to primary members. If a primary member is an elected official, then the alternate member must also be an elected official; if a primary member is a non-elected individual, then the alternate member can be either a non-elected individual or an elected official. A best practice for city-only clusters may be to appoint the alternate member from an eligible entity within the cluster that is not providing the primary member.

Your current primary seat is vacant. Your current alternate representative is Eric Hogue, Mayor, City of Wylie. You may choose to appoint a new primary representative and/or alternate representative. **All appointments, whether a reappointment or new appointment, must be received by June 30, 2020.** Per the RTC Bylaws, the new two-year terms begin in July. Please email (VPruitt-Jenkins@nctcog.org), mail (P.O. Box 5888, Arlington, TX 76005-5888), or fax (817/640-3028) your correspondence to Vercie Pruitt-Jenkins of NCTCOG. Please note that your designations must be confirmed in writing by all entities included in this group. Once the appointments have been determined by weighted vote, confirmation of the primary and/or alternate member(s) will be provided to your group.

In addition, the Regional Transportation Council has established an Ethics Policy in accordance with Section 472.034 of the Texas Transportation Code. This policy applies to both primary and alternate RTC members, whether elected or non-elected. All RTC members must also adhere to Chapter 171 of the Local Government Code and to the Code of Ethics from their respective local governments and public agencies. Please remind your representatives to be cognizant of these policies and codes.

We understand that each of you are currently dealing with guidelines and restrictions related to the Caronavirus or COVID-19 pandemic, we are transmitting this request in advance with the hope that it will help you to provide your designations by the **June 30, 2020**, deadline. Entities that have not responded by the end of May will be reminded to provide their designation. Due to Regional Transportation Council Chair Andy Eads' current focus on responsibilities related to COVID-19, this correspondence is being transmitted on the Chair's behalf.

Please contact Vercie Pruitt-Jenkins at VPruitt-Jenkins@nctcog.org or 817/608-2325 if you have any questions. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Michael Morris". The signature is written in a cursive style with a large, sweeping "M" and "M" at the end.

Michael Morris, P.E.
Director of Transportation

VPJ
Enclosure

cc: Mr. Mike Castro, City Manager, City of Murphy
Ms. Joni Clarke, City Manager, City of Lucas
Mr. Eric Ellwanger, City Manager, City of Allen
Mr. Brian Funderburk, City Manager, City of Rowlett
Mr. Chris Holsted, City Manager, City of Wylie
Ms. Gina Nash, City Manager, City of Sachse



April 17, 2020

Mayor
Debbie Stout

Mayor Pro Tem
Gary L. Caplinger

Councilmembers
Kurt Kizer
Carl Clemencich
Lauren Doherty
Chris Schulmeister
Baine Brooks

City Manager
Eric Ellwanger

The Honorable Jim Olk
Mayor
City of Lucas
665 Country Club Road
Lucas, TX 75002

The Honorable Mike Felix
Mayor
City of Sachse
3815 B Sachse Road
Sachse, TX 75048

The Honorable Eric Hogue
Mayor
City of Wylie
300 Country Club Road
Wylie, TX 75098

The Honorable Scott Bradley
Mayor
City of Murphy
206 North Murphy Road
Murphy, TX 75094

The Honorable Tammy Dana-Bashian
Mayor
City of Rowlett
4000 Main Street
Rowlett, TX 75088

RE: Regional Transportation Council Representation

Dear Mayors Olk, Felix, Hogue, Bradley, and Dana-Bashian:

The Regional Transportation Council (RTC) is requesting nominations for the one seat and one vote shared by our communities. Mayor Terrell has previously served as the Primary Representative to the RTC for our shared seat, with Mayor Hogue of Wylie serving as the Alternate Representative. I am writing to express a willingness from Allen Councilmember Chris Schulmeister to represent our communities as your Primary Representative to the RTC. Councilmember Schulmeister would serve the length of the term of appointment to the RTC. Similarly, Mayor Hogue, of the City of Wylie, has likewise expressed an interest in serving as the Alternate Representative through the end of his current term.

Please submit your written endorsement by **June 30, 2020**, to Vercie Pruitt-Jenkins at fax 817/640-3028. The attached form has been prepared to document your support to that effect. If you have any questions, or would like to discuss further, please contact me at 469-500-0593 or dstout@cityofallen.org.

Sincerely,

Debbie Stout
Mayor

cc: Ms. Joni Clark, City Manager, City of Lucas
Ms. Gina Nash, City Manager, City of Sachse
Ms. Chris Holsted, City Manager, City of Wylie
Mr. Mike Castro, City Manager, City of Murphy
Mr. Brian Funderburk, City Manager, City of Rowlett
Mr. Eric Ellwanger, City Manager, City of Allen

Regional Transportation Council Representative Endorsement

On behalf of the City of Lucas, Texas,

I, Jim Olk, Mayor, do hereby endorse the following to serve as RTC Representatives on behalf of our community for the term July 1, 2020 to June 30, 2022:

REGULAR REPRESENTATIVE –Chris Schulmeister, Councilmember, City of Allen

ALTERNATE REPRESENTATIVE – Eric Hogue, Mayor, City of Wylie

SIGNED:

Mayor

ATTEST:

By: _____

Name: Stacy Henderson

Title: City Secretary

Date: June 4, 2020



City of Lucas Council Agenda Request June 4, 2020

Item No. 09

Requester: City Manager Joni Clarke
Assistant to the City Manager Kent Souriyasak
Councilmember Wayne Millsap

Agenda Item Request

Discuss and Consider the City of Lucas Broadband Project including:

- A. Timelines and milestones associated with the Lucas Broadband project.
- B. Recent Broadband Project Review meeting and next phase of the planning process, include development of a financial model and feedback received from the City's Financial Advisor Mark McLiney with SAMCO and funding strategies.
- C. Submitting a grant application for the Public Works and Economic Adjustment Assistance Programs through the Economic Development Administration (EDA), U.S. Department of Commerce (DOC).
- D. The on-going role of the Technology Committee and City staffing to support the Lucas Broadband project.
- E. Review timetable options regarding a Bond Election.

Background Information

This item is being placed on the City Council agenda to provide an opportunity for the City Council to share any insight regarding the Lucas Broadband project and provide any direction necessary to Magellan Advisors, the City's Technology Committee, the City's Financial Advisors or City staff.

The Lucas City Council and the Technology Committee held a Broadband Project Review meeting with Magellan Advisors on May 27, 2020. The agenda included:

1. A Review of Mapping
2. Cost Summary
3. Network Architecture and Services
4. Grant Funding

The broadband network has two main design features. The first is the fiber network backbone that will encompass approximately 20.2 miles of fiber (Figure 1). The second component is the distribution network of approximately 87.7 miles of fiber that will run off the network backbone throughout the City (Figure 2).



City of Lucas

Council Agenda Request

June 4, 2020

The estimate cost is \$13,885,317 (\$2,547,277 for the fiber backbone and \$11,338,040 for the distribution network). Additional costs for equipment and working capital will be determined as part of the financial model.

There was a brief discussion regarding the grant application process to submit the Lucas Broadband project for the Public Works and Economic Adjustment Assistance Programs through the Economic Development Administration (EDA), a bureau within the U.S. Department of Commerce (DOC). The Federal CARES Act appropriated \$1.5 billion to the U.S. Department of Commerce's Economic Development Administration (EDA) to be used on economic development programs to help communities recover from the coronavirus pandemic. All cities are eligible for funding under the program, assuming a city applicant can adequately demonstrate to the EDA how its project prevents, prepares for, and responds to the coronavirus. The EDA CARES Act Recovery Assistance program includes grants for planning and technical assistance, capitalizing revolving loan funds for businesses, construction of infrastructure and other economic development projects, and innovation grants. The program offers 80% funding with 20% of local funding required with typical awards being between two to three million dollars. During a telephone conversation with a representative from EDA on May 29, the City was informed that obtaining funding may be difficult because moving forward with the project is dependent on voter approval.

The Technology Committee is a city-appointed committee. While it would be prohibited from advocating on behalf of the project, the committee can assist with the development of clear and concise information to assist Lucas citizens in understanding the costs and benefits of the project. Considering the importance of the project the City may need assistance with the management and oversight of the project, similar to what has been done with our road projects.

Council previously indicated funding for the project would need to be approved by the citizens through a bond election. Bond elections are limited to uniform election dates which are Tuesday, November 3, 2020 or Saturday, May 1, 2021. The key date for calling a bond election is adoption of an ordinance calling for the election. This must be done no more than 90 days and no less than 78 days prior to the election.

Attachments/Supporting Documentation

1. Network Design/Mapping
2. Cost Summary

Budget/Financial Impact

The financial impact will be based on Magellan Advisors feasibility study. The estimate for the construction cost of an underground fiber backbone and fiber to the premise network is \$14 million. Additional costs will include equipment, working capital, staffing etc.



City of Lucas

Council Agenda Request

June 4, 2020

City staff is working with Magellan Advisors to identify problematic areas for underground fiber in the preliminary conceptual network design that may reduce construction costs. Magellan Advisors will be developing the financial model that will include a cash flow model and total costs for the construction, operation, and maintenance of a broadband network over a recommended time period.

Recommendation

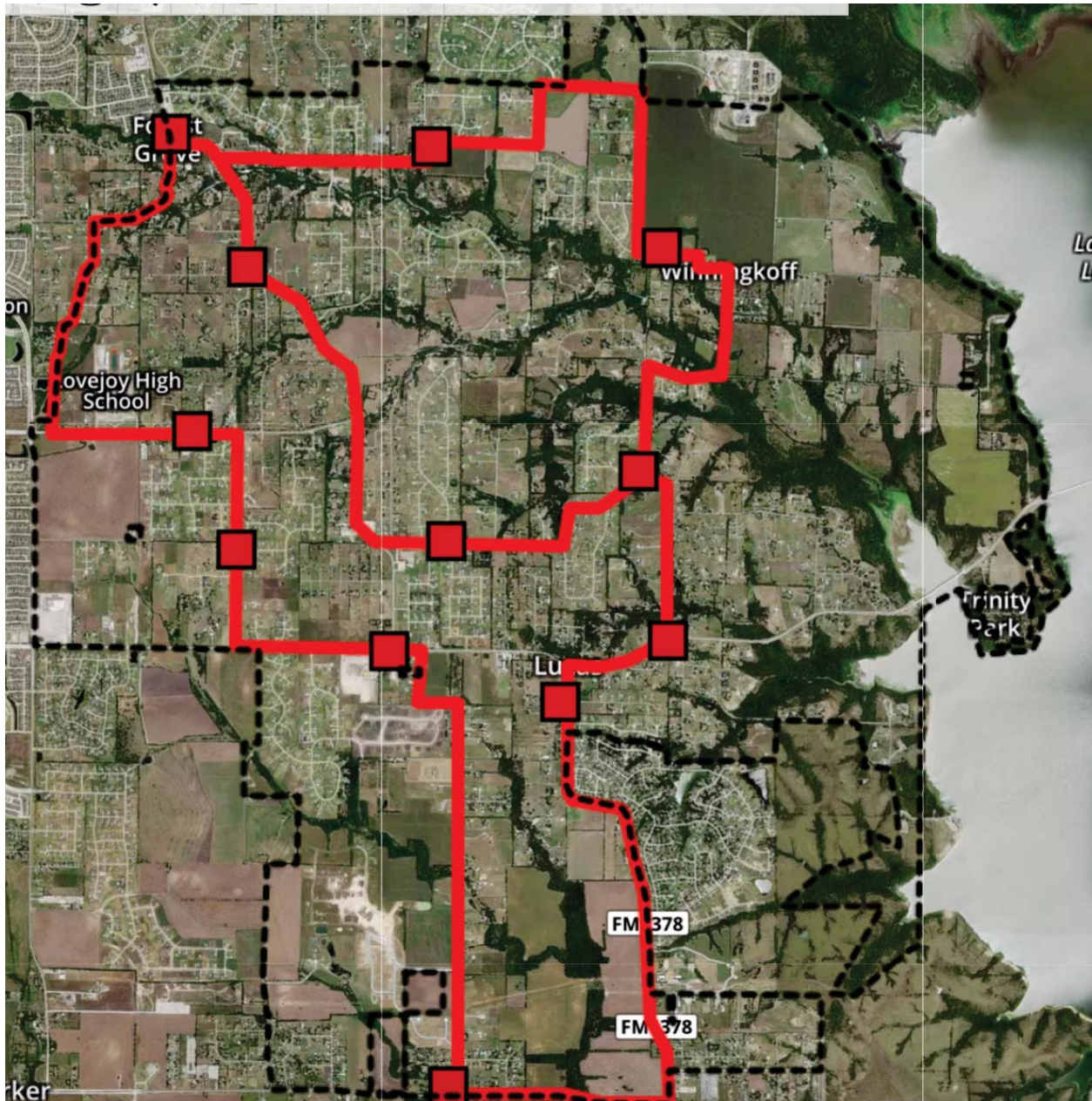
Staff is requesting feedback and guidance on how Council wants to proceed.

Motion

TBD

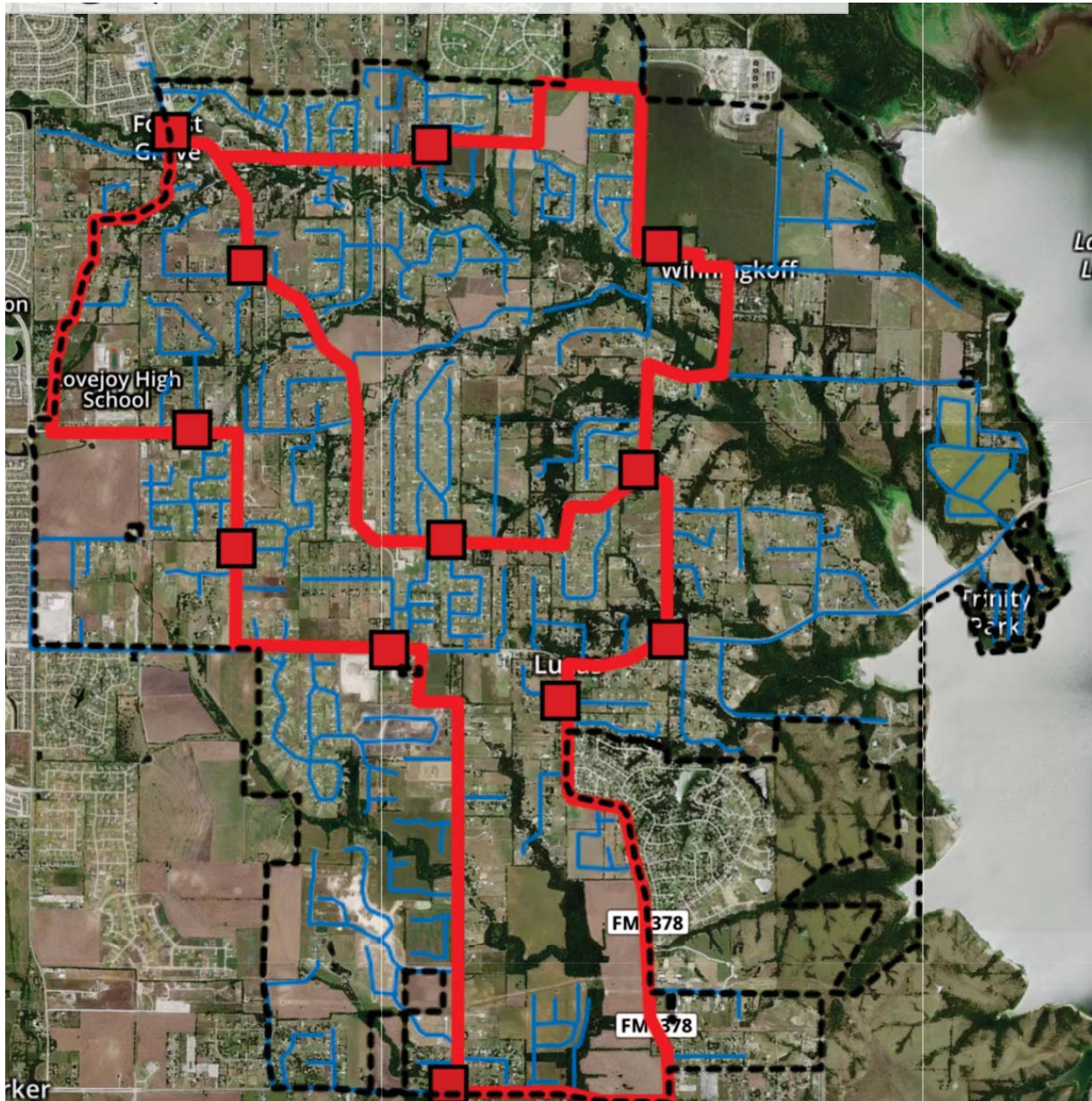
Lucas Preliminary Conceptual Network Design

Figure 1: Lucas TX FTTP Backbone Fiber Network – 106,671 feet (20.2 Miles) UG Construction



Lucas Preliminary Conceptual Network Design

Figure 2: Lucas TX FTTP Distribution Network – 462,800 feet (87.7 Miles) UG Construction



MEETING AGENDA



Lucas TX FTTP Construction Cost Summary Dashboard – Version 1

Estimate Summary

Backbone Buildout

Description	Ft	Labor	Material	Contingency
Backbone - full build out	106,671.00	\$1,795,088.74	\$752,188.21	\$ 231,570.63

Composite Cost per Ft.	Total
\$23.88	\$2,778,847.59
Backbone High Level Estimate Subtotal	\$2,778,847.59

Fiber to the Premise

Description	Ft	Labor	Material	Contingency
Distribution using GPON architecture	462,800.00	\$7,956,926.34	\$3,381,113.89	\$ 1,030,730.93

Composite Cost per Ft.	Total
\$24.50	\$11,338,040.23
FTTP High Level Estimate Subtotal	\$11,338,040.23

OSP Backbone Buildout	\$2,778,847.59
Fiber to the Premise	\$11,338,040.23
Total High Level Estimate	\$14,116,887.82



City of Lucas

City Council Agenda Request

June 4, 2020

Item No. 10

Requester: Mayor Jim Olk

Agenda Item Request

Consider canceling the July 2, 2020 City Council meeting or modifying the meeting date.

Background Information

The July 4th holiday falls on Saturday and City offices will be closed on Friday, July 3. A July calendar is attached to determine if modification of a meeting date or cancellation of a City Council meeting is needed.

Attachments/Supporting Documentation

1. July calendar

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to ...

JUL 2020

SUN

MON

TUE

WED

THU

FRI

SAT

01

02

03

04

City Council Meeting

City Offices closed

July 4th Holiday

05

06

07

08

09

10

11

Planning and Zoning Meeting

12

13

14

15

16

17

18

City Council Meeting

19

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31

Parks Board Meeting

City Council Budget Workshop



City of Lucas

City Council Agenda Request

June 4, 2020

Item No. 11

Requester: Mayor Jim Olk

Agenda Item Request

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

June 4, 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