



AGENDA

CITY COUNCIL MEETING

November 4, 2021 | 7:00 PM

Council Chambers | Video Conference

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, November 4, 2021, beginning at 7:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651 and by video conference, 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.

Pursuant to Texas Government Code Section 551.127, on a regular, non-emergency basis, members may attend and participate in a meeting remotely by video conference, when a quorum of the members and the presiding officer will be physically present at the location noted above on this agenda.

Effective September 1, 2021, residents are allowed to use the Zoom link below to participate in a City Council meeting; however, audio-only is no longer allowed, and full-video will be required when speaking to the City Council. To join the meeting, please click this URL:

<https://us06web.zoom.us/j/95534828374?pwd=ZkJ5cTZkVWNEEL3o0WFNCQXBjQ0RvZz09>

and enter your name and email address.

Join by phone: 1-346-248-7799

Webinar ID: 955 3482 8374

Passcode: 712285

If you would like to watch the meeting live, and not participate via Zoom, you may go to the City's live streaming link at <https://www.lucastexas.us/live-streaming-videos/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to the City Secretary prior to the start of the meeting. This form will also allow a place for comments.

Speak Remotely Via Zoom: If you would like to attend a meeting remotely and speak via Zoom, email the City Secretary at shenderson@lucastexas.us by 4:00 pm noting the item you wish to speak on and noting your attendance will be remote. Please note, any requests received after 4:00 pm will not be included at the meeting.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email the City Secretary at shenderson@lucastexas.us by no later than 4:00 pm 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. Any requests received after 4:00 pm will not be included at 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.

3. Consent Agenda:
 - A. Approval of the minutes of the October 21, 2021, City Council meeting. **(City Secretary Stacy Henderson)**
 - B. Authorize the City Manager to enter into an Agreement for Information Technology Support and Maintenance between Baxter I.T. Consulting Services and the City of Lucas. **(Assistant to the City Manager Kent Souriyasak, Bill Baxter, Baxter I.T.)**
 - C. Approval of Resolution R 2021-11-00521 of the City of Lucas, Texas opposing the proposed domestic wastewater treatment facility permit applied for by Restore the Grasslands LLC and Harrington/Turner Enterprises, LP in Collin County, Texas located in the extraterritorial jurisdiction of Parker, Texas and adjacent to residential subdivisions within the City of Murphy, Texas. **(City Manager Joni Clarke, City Attorney Joe Gorfida)**

Regular Agenda

4. Consider a presentation by Texas Department of Transportation (TxDOT) Area Engineer Jennifer Vorster, PE, regarding the feasibility of widening Country Club Road (FM 1378) from Parker Road to Stacy Road. **(Public Works Director Scott Holden, City Manager Joni Clarke)**
5. Consider adopting Ordinance 2021-11-00939 approving amendments to the City's Code of Ordinances, Chapter 10 Subdivisions, Article 10.03 Subdivision and Development Regulations. **(Development Services Director Joe Hilbourn)**
6. Consider amending FY 21/22 budget by appropriating \$192,025.00 from unrestricted General Fund Reserves to account 11-809-303 Drainage to address outstanding drainage concerns in Claremont Springs Phase 1. **(Development Services Director Joe Hilbourn)**

7. Consider amending FY 21/22 budget by appropriating \$110,758.00 from unrestricted General Fund Reserves to account 11-8209-302 Culverts to address culvert and paving concerns on Brookhaven Ranch Road. **(Development Services Director Joe Hilbourn)**
8. Discussion regarding the EastTex Regional Community Emergency Response Team (CERT). **(Councilmember Tim Johnson)**
9. Consider board/commission applications to be interviewed by the City Council to fill board vacancies or prospective board positions and consider board/commission reappointments to the Parks and Open Space Board, Board of Adjustment and Planning and Zoning Commission for a two-year term expiring December 31, 2023. **(City Council, City Secretary Stacy Henderson)**
10. Discuss update from City Attorney regarding the Global Opioid Settlement and consider approving Resolution R 2021-11-00522 adopting the Texas Term Sheet and its intrastate allocation schedule regarding the global opioid settlement. **(City Attorney Joe Gorfida)**

Executive Agenda

11. 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.

12. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.
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 October 29, 2021.

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

November 4, 2021

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

City Council Agenda Request

November 4, 2021

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

City Council Agenda Request

November 4, 2021

Requester: City Secretary Stacy Henderson
Assistant to the City Manager Kent Souriyasak, Bill Baxter, Baxter I.T.
City Manager Joni Clarke, City Attorney Joe Gorfida

Agenda Item Request

Consent Agenda:

- A. Approval of the minutes of the October 21, 2021, City Council meeting.
- B. Authorize the City Manager to enter into an Agreement for Information Technology Support and Maintenance between Baxter I.T. Consulting Services and the City of Lucas.
- C. Approval of Resolution R 2021-11-00521 of the City of Lucas, Texas opposing the proposed domestic wastewater treatment facility permit applied for by Restore the Grasslands LLC and Harrington/Turner Enterprises, LP in Collin County, Texas located in the extraterritorial jurisdiction of Parker, Texas and adjacent to residential subdivisions within the City of Murphy, Texas.

Background Information

Agenda Item 3B: Agreement for Information Technology Support and Maintenance

The Agreement for Information Technology Support and Maintenance between Baxter I.T. Consulting Services and the City of Lucas has been updated to reflect new information in Exhibit "A," Scope of Services which includes:

- Updated Hardware Inventory as of October 2021
- Cyber Security Management

The hardware inventory has been updated to reflect the current number of City-owned hardware, computers, laptops, phones, and other devices. A cyber security management section has also been included in Exhibit "A," Scope of Services to ensure proactive and preventative measures are in place to protect the City's cyber security. Baxter I.T. Consulting Services provided the City Council with a cyber security presentation during executive session on August 5, 2021.

There is no change to the flat rate fee for services with Baxter I.T. Consulting Services. The flat rate fee has remained the same since 2017. The total budgeted annual cost is \$72,292 which is billed to the City in monthly installments in the amount of \$6,024.37. The total annual cost for services was approved in the City Budget for fiscal year 2021/22.

The agreement would be effective on the last date of execution until September 30, 2022 and would automatically renew for two additional one year terms.



City of Lucas

City Council Agenda Request

November 4, 2021

Attachments/Supporting Documentation

1. Minutes of the October 21, 2021 City Council meeting.
2. Agreement for Information Technology Support and Maintenance between Baxter I.T. Consulting Services and City of Lucas.
3. Resolution R 2021-11-00521

Budget/Financial Impact

NA

Recommendation

City Staff recommends approval of the Consent Agenda.

Motion

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



MINUTES

CITY COUNCIL REGULAR MEETING

October 21, 2021 | 7:00 PM

Council Chambers | Video Conference

City Hall | 665 Country Club Road, Lucas, Texas

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Tim Johnson
Councilmember Tim Baney
Councilmember David Keer
Councilmember Debbie Fisher
Councilmember Phil Lawrence (*attending remotely*)
Left meeting at 7:18pm and returned at

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
Public Works Director Scott Holden

The regular City Council meeting was called to order at 7:00 pm.

Citizen Input

1. Citizen Input

Donald Colvin, 505 Bianca Trail, residing in Seis Lagos and representing the Seis Lagos Homeowners association, spoke regarding City Council approval of a development agreement with the Huffines Development in July 2021 and asked that the agreement to be rescinded.

Community Interest

2. Items of Community Interest

Mayor Olk discussed upcoming community events related to the farmers market, historical display during the farmers market, board/commission meet and greet, Arbor Day and electronic recycling event, service tree award program nominations, and the Lucas Country Christmas event.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the October 7, 2021, City Council meeting.

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

Regular Agenda

4. Introduction of new Lovejoy ISD Superintendent Katie Kordel.

Katie Kordel, Lovejoy ISD Superintendent introduced herself to the Council and discussed furthering their partnership with the City of Lucas and Lovejoy ISDs focus on the future.

5. Receive a presentation by Birkhoff, Hendricks & Carter LLP regarding the hydraulic model of the City's existing water distribution system and discuss the 2020 Lucas Water Master Plan.

Gary Hendricks presented the hydraulic modeling report on the City's water distribution system and discussed the City's current water demands, water storage levels, water usage based on average customer billings records for the last three years, low water pressure areas, cost associated with improvements to the current water system, and recommendations for improvements.

The Council discussed analysis of impacts fees, setting a fee schedule, and creating a capital improvement plan outlining needs for the next ten years.

The City Council directed staff to obtain a proposal for a master plan that includes any suggested capital improvements and review of pressure planes with two valves.

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

Executive Agenda

6. Pursuant to Section 551.074 of the Texas Government Code, the City Council will convene into Executive Session to discuss the evaluation for the City Secretary.

The City Council convened into Executive Session at 8:23 pm.

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

The City Council reconvened from Executive Session at 8:52 pm. There was no action taken as a result of the Executive Session.

The City Council recognized Boy Scout Lovejoy Pack 358 that was online participating in the meeting.

8. Adjournment.

MOTION: A motion was made by Councilmember Johnson seconded by Councilmember Keer to adjourn the meeting at 8:53 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

Mayor Jim Olk

City Secretary Stacy Henderson

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

**AGREEMENT FOR INFORMATION
TECHNOLOGY SUPPORT AND
MAINTENANCE**

This Agreement for Information Technology Support and Maintenance (“Agreement”) is made by and between the City of Lucas, Texas (“City”) and Baxter I.T. Consulting Services (“Professional”) (each a “Party” and collectively the “Parties”), acting by and through their authorized representatives.

RECITALS:

WHEREAS, the City desires to engage the services of Professional as an independent contractor and not as an employee in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, the Professional desires to render services relating to all aspects of the maintenance and operations of the City’s computer and information technology network, including both hardware and software, as more particularly described in the Scope of Services which is attached hereto and incorporated herein as Exhibit “A” (the “Project”);

NOW THEREFORE, in exchange for the mutual covenants set forth herein, and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

**Article I
Term**

1.1 This Agreement shall commence on the last date of execution hereof (“Effective Date”) and continue until September 30, 2022, unless sooner terminated as provided herein.

1.2 This Agreement shall automatically renew for two (2) additional one (1) year terms (each a “Renewal Term”) unless either Party provides written notice to the other Party of its intent not to renew the Agreement ninety (90) days prior to the expiration of the Initial Term or Renewal Term, as the case may be.

1.3 Either Party may terminate this Agreement by giving ninety (90) days prior written notice to the other Party. In the event of such termination the Professional shall deliver to City all finished and unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items prepared by the Professional in connection with this Agreement. Professional shall be entitled to compensation for any services completed to the reasonable satisfaction of the City in accordance with this Agreement prior to such termination.

Article II Scope of Service

2.1 The Professional shall perform the services in connection with the Project as set forth in Exhibit "A", Scope of Services.

2.2 The Parties acknowledge and agree that any and all opinions provided by the Professional in connection with the Scope of Services represent the professional judgment of the Professional, in accordance with the professional standard of care applicable by law to the services performed hereunder.

2.3 Upon execution of this Agreement, the City has the right to use the Professional's instruments of service for purposes of constructing, using, maintaining, altering and adding to the Project, provided that the City substantially performs its obligations, including prompt payment of all sums when due, under this Agreement. Upon payment of all amounts due Professional hereunder, all materials and reports prepared by the Professional in connection with this Agreement shall become the property of the City. The City shall have the right to publish, disclose, distribute and otherwise use such materials and reports only for those purposes for which they were intended. Subject to the foregoing, Professional shall upon completion of the services, or earlier termination, provide the City with reproductions of all drawings, materials, specifications, reports, maps, and exhibits prepared by Professional pursuant to the Scope of Services.

Article III Schedule of Work

The Professional agrees to commence services upon written direction from the City and to complete the required services in accordance with a work schedule mutually established by the Professional and the City, and as outlined in the Scope of Services.

Article IV Compensation and Method of Payment

4.1 The Professional will be compensated in accordance with the payment schedule and amounts set forth in the Scope of Services. Unless otherwise provided herein, payment to the Professional shall be monthly based on the Professional's monthly progress report and detailed monthly itemized statement for services that shows the names of the Professional's employees, agents, contractors performing the services, the time worked, the actual services performed the rates charges for such service, reimbursable expenses, the total amount of fee earned to date and the amount due and payable as of the current statement, in a form reasonably acceptable to the City. Monthly statements shall include authorized non-salary expenses with supporting itemized invoices and documentation. The City shall pay such monthly statements within thirty (30) days after receipt and City verification of the services and expenses unless otherwise provided herein.

4.2 Unless otherwise provided in the Scope of Services, the Professional shall be responsible for all expenses related to the services provided pursuant to this Agreement including, but not limited to, travel, copying and facsimile charges, telephone, internet and email charges.

Article V Devotion of Time; Personnel; and Equipment

5.1 The Professional shall devote such time as reasonably necessary for the satisfactory performance of the services under this Agreement. Should the City require additional services not included under this Agreement, the Professional shall make reasonable effort to provide such additional services within the time schedule without decreasing the effectiveness of the performance of services required under this Agreement, and shall be compensated for such additional services on a time and materials basis, in accordance with Professional's standard hourly rate schedule, or as otherwise agreed between the Parties.

5.2 To the extent reasonably necessary for the Professional to perform the services under this Agreement, the Professional shall be authorized to engage the services of any agents, assistants, persons, or corporations that the Professional may deem proper to aid or assist in the performance of the services under this Agreement. The Professional shall provide written notice to and approval from the City prior to engaging services not referenced in the Scope of Services. The cost of such personnel and assistance shall be included as part of the total compensation to be paid Professional hereunder, and shall not otherwise be reimbursed by the City unless provided differently herein.

5.3 The Professional shall furnish the facilities, equipment and personnel necessary to perform the services required under this Agreement unless otherwise provided herein.

5.4 The Professional shall submit monthly progress reports and attend monthly progress meetings scheduled by the City or more frequently as may be required by the City from time to time based upon Project demands. Each progress report shall detail the work accomplished and special problems or delays experienced on the Project during the previous report period, and the planned work activities and special problems or delays anticipated for the next report period.

Article VI Miscellaneous

6.1 Entire Agreement. This Agreement constitutes the sole and only agreement between the Parties and supersedes any prior understandings written or oral agreements between the Parties with respect to this subject matter.

6.2 Assignment. The Professional may not assign this Agreement without the prior written consent of City. In the event of an assignment by the Professional to which the City has consented, the assignee shall agree in writing with the City to personally assume, perform, and be bound by all the covenants, and obligations contained in this Agreement.

6.3 Successors and Assigns. Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the Parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

6.4 Governing Law. The laws of the State of Texas shall govern this Agreement without regard to any conflict of law rules; and venue for any action concerning this Agreement shall be in the State District Court of Collin County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

6.5 Amendments. This Agreement may be amended by the mutual written agreement of the Parties.

6.6 Severability. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

6.7 Independent Contractor. It is understood and agreed by and between the Parties that the Professional in satisfying the conditions of this Agreement, is acting independently, and that the City assumes no responsibility or liabilities to any third party in connection with these actions. All services to be performed by Professional pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of the City. Professional shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement.

6.8 Notice. Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other Party or address as either Party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If intended for City:

Attn: Joni Clarke
City Manager
City of Lucas, Texas
665 Country Club Road
Lucas, Texas 75002
Telephone: 972-727-8999

With Copy to:

Joseph J. Gorfida, Jr.
Nichols, Jackson, Dillard,
Hager & Smith, LLP
1800 Ross Tower
500 North Akard
Dallas, Texas 75201
Telephone: 214.965.9900

If intended for Professional:

Attn: _____

6.9 Insurance.

- (a) Professional shall during the term hereof maintain in full force and effect the following insurance: (i) a comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the Professional's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$1,000,000.00 per occurrence for injury to persons (including death), and for property damage; (ii) policy of automobile liability insurance covering any vehicles owned and/or operated by Professional, its officers, agents, and employees, and used in the performance of this Agreement with policy limits of not less than \$500,000.00 combined single limit and aggregate for bodily injury and property damage; (iii) statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of Professional's employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00; and (iv) Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limit of not less than \$2,000,000.00 per claim and \$2,000,000.00 in the aggregate.
- (b) All policies of insurance shall be endorsed and contain the following provisions: (1) name the City, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability; and (2) provide for at least thirty (30) days prior written notice to the City for cancellation of the insurance; (3) provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance, except for Professional Liability Insurance. The Professional shall provide written notice to the City of any material change of or to the insurance required herein.
- (c) All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.
- (d) A certificate of insurance and copies of the policy endorsements evidencing the required insurance shall be submitted prior to commencement of services and upon request by the City.

6.10 Indemnification.

CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF THE PROFESSIONAL PURSUANT TO THIS AGREEMENT. PROFESSIONAL HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON TO THE EXTENT ARISING

AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY OR BREACH OF CITY'S OBLIGATIONS HEREUNDER. PROFESSIONAL AGREES TO INDEMNIFY AND SAVE HARMLESS CITY FROM AND AGAINST LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, REASONABLE ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS OF ANY KIND BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY THE PROFESSIONAL'S NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF PROFESSIONAL, ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO NEGLIGENCE OF THE CITY, IN WHOLE OR IN PART, IN WHICH CASE PROFESSIONAL SHALL INDEMNIFY CITY ONLY TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO PROFESSIONAL AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION). THE PROFESSIONAL'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY PROFESSIONAL UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT. IF THIS AGREEMENT IS A CONTRACT FOR ENGINEERING OR ARCHITECTURAL SERVICES, THEN THE FIRMS INDEMNITY AND DEFENSE OBLIGATIONS UNDER THIS SECTION ARE LIMITED BY AND TO BE READ AS COMPLYING WITH SECTION 271.904 OF THE TEXAS LOCAL GOVERNMENT CODE.

6.11 Counterparts. This Agreement may be executed by the Parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the Parties hereto.

6.12 Exhibits. The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

6.13 No Boycott Israel. Pursuant to Texas Government Code Chapter 2270, the Contractor agrees that acceptance of these Terms & Conditions serves as written verification that Contractor: (1) does not boycott Israel, as defined by Texas Government Code Section 808.001; and (2) will not boycott Israel during the term of the contract.

6.14 Companies Engaged in Business with Iran, Sudan, or Foreign Terrorist Organization. Pursuant to Texas Government Code Chapter 2252, Subchapter F, Contractor affirms that it is not identified on a list created by the Texas Comptroller of Public Accounts as a company known to have contracts with or provide supplies or services to a foreign terrorist organization.

6.15 Debarment and Suspension.

(a) In accordance with 2 CPR section 180.300, the principal of this contract as described in 2 CPR section 180.995 being duly sworn under penalty of perjury under the laws of the United States, certifies that neither this company, nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, the State of Texas or any of its departments or agencies.

(b) If during the contract period the principal becomes debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation, the principal shall immediately inform City of Lucas

(c) For contracts that are financed by Federal or State grants, the principal agrees that this section will be enforced on each of its subcontractors and will inform City of Lucas of any violations of this section by subcontractors to the contract.

(d) The certification in this section is a material representation of fact relied upon by City in entering into this contract.

(Signature Page to Follow)

EXECUTED this _____ day of _____, 20__.

City of Lucas, Texas

By: _____
Joni Clarke
City Manager

Approved as to form:

By: _____
Joseph J. Gorfida, Jr., City Attorney
(01-20-15/69878)

EXECUTED this _____ day of _____, 20__.

(Professional)

By: _____
Name: _____
Title: _____

Exhibit "A"
Scope of Services



BAXTER I.T. CONSULTING SERVICES

EXIBHIT A, LETTER OF AGREEMENT

Services Agreement for Information Technology
Support and Maintenance

William Baxter
wbaxter@baxterit.com



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SERVICES AGREEMENT FOR INFORMATION SERVICES

Agreement Summary

This agreement shall be by and between the City of Lucas (hereinafter CITY) and Baxter I.T. Consulting Services (hereinafter BAXTER I.T.) for the furnishing of Information Technology Services.

TECHNICAL SUPPORT

BAXTER I.T. shall be contracted by CITY to serve as its information technology services and support consultant. In said role BAXTER I.T. shall provide the support and maintenance services for the following hardware, software, and related technologies:

- Network equipment (routers, switches, hubs, wireless access points)
- Telephone System, Card Access System, Video Security System
- Computer Equipment (servers, desktop, laptop PC's, Printers, scanners)
- Authorized mobile computing equipment (Cell Phones, Tablets, etc.)
- Audio/Visual support and maintenance
- Card Access system support and maintenance
- Application liaison Technical Services for non-Microsoft 3rd party applications such as Tyler-Incode, Laserfiche, etc.
- Application support/maintenance for Microsoft Active Directory and other Microsoft products related to Microsoft's security and networking components.
- Application support for Microsoft Exchange Server, E-mail system, and Microsoft Office 365
- Cyber Security Management: Technology security monitoring and proactive security management
- Data Backup: Manage & maintain a redundant Backup strategy. Manage Backups daily with remediation for failed backups

CYBER SECURITY MANAGEMENT

Cyber Security is a serious threat to local government. To combat this threat Baxter I.T. dedicates much of its time focused on executing and verifying the processes that keep the city safe. Additionally, new and unique threats are discovered daily so Baxter I.T. focuses on our own education to understand these threats and bring them to the attention of city management. Baxter I.T. maintains a daily, weekly, and monthly routine outlined below as our core level of work in Cyber Security

- **User Password management** – Permissions, policies, and monitoring
- **Backups** – local backups, cross-site backups, and Cloud (Air-Gap) backups. Backups are verified daily, resolved daily for those that failed, and storage management tasks related to backups.
- **Router Security** – Baxter I.T. manages and monitors the city's core network defense systems against threat
- **Server Patching** (Security software updates) – Baxter I.T. has an agreed upon routine for monthly patches for all physical and virtual servers
- **Desktop/Laptop Patching** – Baxter I.T. manages, monitors, and initiates security patching for desktops, laptops, printers and other computer peripherals.
- **E-Mail Security** - Baxter I.T. monitors and manages all incoming and outgoing city email: Allow list, Quarantine list, Block List, and Email security policies.
- **Application Security** – All city applications require security and feature updates. Baxter I.T. manages and executes these updates as needed according to the application vendor's schedule



SERVICES AGREEMENT FOR INFORMATION SERVICES

- **Ransomware Internal Protection** – Baxter I.T. manages and maintains software to help protect the city’s data from known ransomware threats.
- **Antivirus Software** – Baxter I.T. manages and maintains antivirus software on desktops, laptops, and servers as our endpoint layer of protection

BAXTER I.T. will engage in the following activities:

- Support Response times: Non- Critical Issues < 1 hour, Critical Issues < 15 min.
- Promptly assess functional issues with CITY hardware and software.
- Repair or cause to be repaired CITY hardware and software in a timely manner.
- Acquire or cause to be acquired all new approved hardware and software.
- Manage and support (24x7) CITY’s internet service data flow.
- Assist CITY staff in planning and budgeting for future IT needs.
- Manage appropriate redundancy and backup to ensure safety and security of CITY’s stored data.
- Proactively maintain current installed technologies and other protections against viruses, hacking, and other attacks on CITY data.
- Provide recommendations on improving security across all I.T. related technologies (Physical and Electronic).
- Provide appropriate help information in a timely manner to all CITY employees and City Council.
- Maintain timely and thorough communications with CITY’s designated representative(s).
- Provide periodic training to enhance productive usage of CITY’s information technology investments.



SERVICES AGREEMENT FOR INFORMATION SERVICES

Section 1: Scope of Support

1a: Baxter I.T. will provide support and maintenance services for all current computer related devices for all City departments. Baxter I.T. will maintain an inventory of all supported equipment that reflects supported equipment.

1b: Projects which include new hardware or software implementations and upgrades will be considered in-scope and fully supported.

1c: Current Hardware Inventory (updated October 2021)

Item	Count	Item	Count
Users (Active Directory)	85	Switches	4
Laptops/Desktops	36/31	Email Archiver	1
City Cellular Devices	39	Access (WiFi) Points	10
Physical Servers	3	Telephone Systems	1
Virtual Servers	7	Telephones	37
Critical Apps	8	Card Access Systems	2
Routers	2	Card Access Doors	20
Video Camera Systems	3	Video Cameras	33
Backup NAS Devices	3	Printers	18
A/V System Components	10	Council Microphones	14
Special Use Desktops (SCADA, RMS)	2	Cellular, Bldg. Signal Booster	1

1d: Inventory levels will be determined by CITY and BAXTER I.T. Specific inventory will be tracked by the BAXTER I.T. and provided to the City’s representatives on a semiannual basis.

Section 2: Out of Scope Services

1. Baxter I.T. provides additional services outside the scope of this contract including new application/business solution installation, new hardware equipment installation, cabling, technology project management for new building construction, etc. We offer these services at a discounted rate, See Section 4.

Section 3: Baxter I.T. Security Clearance

2a: Criminal Justice Information Services: BAXTER I.T. will maintain security screening for all Baxter IT staff per the tenants outlined in the CJIS Security Policy

2b: TEXDOT Security License - Maintain Department of Public Safety Texas Security License B17318



SERVICES AGREEMENT FOR INFORMATION SERVICES

Section 4: Contracted and Non-Contracted Fees

3a: BAXTER I.T. will be contracted at a flat rate fee for services. Fee to be paid in equal monthly installments of \$6024.00. Fees are for professional services only.

3b: Fees do not include purchase price for hardware, software, or any fees for non-BAXTER I.T. services.

3c: City is responsible for all software licensing fees

3d: Growth or change of the CITY’s I.T. infrastructure, new technologies, cost of living, and CITY personnel additions may cause to increase or decrease the professional services fees charged by BAXTER I.T. Any changes would be negotiated on an annual basis during the next year’s budget development cycle beginning in April of each year.

1. Effective after the 2021/22 budget year, additional User that use and access the Lucas network will increase the cost of support by \$60/per user per month

3e: Discounted Rate: For non-contracted services, BAXTER I.T. will discount its hourly rate from \$165 to \$105 for all work requested by the CITY

1. Examples of non-contracted services
 - a. Add a card access reader to a new door that is past the 1 year warranty
 - b. Replace Telephone system with a different system/model
 - c. Add video cameras to existing or new video system, replace DVR system
 - d. Install/replace network cabling
 - e. Replace/install audio video equipment

3f: Cloud Services:

1. Cloud services fees are charged separately from the support and maintenance fees.
2. Cloud services are contracted at a flat rate of \$1333.63/month

Cloud Services
Cloud Computer Antivirus Software, Desktop Security Software
Cloud Backup Critical Data and Application Disaster Recovery
Cloud Barracuda Spam Email Filtering Security, Email Continuity Services
Cloud Barracuda Security Message Archiver

Section 5: Communications

4a: BAXTER I.T. shall hold periodic conferences with CITY, or its representative(s), to benefit from the CITY’s experience and knowledge of existing needs, goals and assets, and to make the I.T. investments as consistent as is reasonably practicable with the CITY’S current policies and standards.



SERVICES AGREEMENT FOR INFORMATION SERVICES

4b: BAXTER I.T. will not do any technology work outside the scope of this agreement without first getting written authorization or Purchase Order from the CITY.

4c: If emergency work is required and a designated CITY representative is not available to approve chargeable work outside the scope of this agreement, BAXTER I.T. will provide services to the best of their abilities and communicate with the CITY as soon as possible.

4d: Baxter I.T. will provide quarterly reports on support and maintenance activities to the CITY.

Section 6: Software and Hardware Licensing

BAXTER I.T. will advise and assist CITY in the need and in applying for licenses or permits required by law, and will comply with ordinances, laws, orders, rules and regulations which pertain to its services hereunder. However, nothing contained herein shall alter the fact that CITY shall be responsible to pay all costs or fees associated with any licenses and permits required by law. CITY shall also have the sole responsibility to obtain all licenses or permits required by law.

Section 7: Confidentiality

BAXTER I.T. will perform and complete its work in a good and workmanlike manner. BAXTER I.T. shall not, either during or after the term of this agreement, disclose to any third party, any confidential information relative to the work or the business of CITY, without the written consent of CITY, except to the BAXTER I.T.'s subcontractors. CITY's representative shall at all times have access to the work for the purpose of inspecting the work and determining that the work is being performed in accordance with the terms of this agreement.

Section 8: Role and Access

In performance of the services hereunder, BAXTER I.T. shall be an independent contractor with the sole authority to control and direct the performance of the details of the work. BAXTER I.T. is self-employed, shall not purport to be an employee or an agent of CITY, and shall not have any right or power to bind CITY to any obligation not otherwise specifically authorized in writing by CITY. BAXTER I.T. shall provide its own premises for performance of its duties hereunder, but shall have free access to the premises of CITY and any information, records and other material relevant to its work hereunder.

Section 9: Agreement Scope and Indemnity

8a: This agreement represents the entire agreement between the parties covering the subject matter. No modifications or amendments shall be valid unless in writing and signed by both of the parties.



SERVICES AGREEMENT FOR INFORMATION SERVICES

8b: In case any one or more of the provisions contained in this agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8c: This entire CONTRACT is performable in Collin County, Texas, and the venue for any action related, directly or indirectly, to this CONTRACT or in any manner connected therewith shall be Collin County, Texas, and this CONTRACT shall be construed under the laws of the State of Texas.

8d: CITY and BAXTER I.T. each binds its successors, executors, administrators and assigns to any other party of this agreement and to the successors, executors, administrators and assigns of such other party, in respect to all covenants of this agreement. Except as above, neither CITY nor BAXTER I.T. shall assign, sublet or transfer its interest in this agreement without the written consent of the other party. Nothing herein shall be construed as creating any personal liability on the part of any officer, agent or employee of CITY or BAXTER I.T.

8e: BAXTER I.T. agrees to indemnify and hold harmless CITY and its officers, agents and employees of and from damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, which directly arise out of BAXTER I.T.'s breach of any of the terms or provisions of this agreement, or by any other negligent act, error or omission of BAXTER I.T., its agents, servants, employees, subcontractors, or any other persons or entities for whose acts BAXTER I.T. is legally liable.

Section 10: Hiring of BAXTER I.T. Employees

9a: During the term of this service agreement and for a period of six (6) months after the termination of this agreement the CITY agrees to not directly or indirectly solicit or hire any of the individuals who were employed by BAXTER I.T. and that worked directly with the CITY at any time during the term of this agreement. If the CITY hires any of such IT Professionals, the CITY agrees to pay BAXTER I.T. an amount equal to 30% of his or her average annualized compensation for the immediate preceding 12 months.

Section 11: Limitations on Liability

10a: The CITY expressly understands and agrees that BAXTER I.T. shall not be liable for any direct, indirect incidental, special, consequential or exemplary damages, including but not limited to, damages for loss of profits, goodwill, use, content or other intangible losses, resulting from: the use or the inability to use the service, content and/or any information; or any other matter relating to the services even if we have been notified of the possibility of such damages. Further, the CITY expressly understands and agrees that BAXTER I.T. sole and exclusive liability to the CITY, inclusive of legal fees and costs, under the agreement or in connection with the performance or failure to perform the services provided herein shall in no event exceed the actual fees charged and actually received by BAXTER I.T. from the CITY for the period of one (1) month prior to the date of the claim. The existence of more than one claim suit or proceeding shall not expand or enlarge the limitation of liability.



**RESOLUTION NO. R 2021-11-00521
[OPPOSITION TO PROPOSED DOMESTIC WASTEWATER
TREATMENT PLANT FACILITY)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, IN OPPOSITION TO THE PROPOSED DOMESTIC WASTEWATER TREATMENT FACILITY PERMIT APPLIED FOR BY RESTORE THE GRASSLANDS LLC AND HARRINGTON/TURNER ENTERPRISES, LP IN COLLIN COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lucas, Texas being located within Collin County and adjacent to the cities of Parker and Murphy, Texas; and

WHEREAS, the City of Lucas has become aware of an application by Restore the Grasslands LLC and Harrington/Turner Enterprises, LP to the Texas Commission on Environmental Quality (“TCEQ”) for a proposed Texas Pollutant Discharge Elimination System Permit No. WQ0016003001 (EPA I.D. No. TX 0141381) to discharge treated wastewater at a volume not to exceed a daily average flow of 200,000 gallons per day; and

WHEREAS, this domestic wastewater treatment facility is proposed to be located 0.4-mile northwest of the intersection of North Lucas Road and Rolling Ridge Drive, in Collin County, which is located in the extraterritorial jurisdiction of Parker, Texas and adjacent to residential subdivisions within the City of Murphy; and

WHEREAS, the City of Lucas is particularly concerned that the effluent from the Applicants’ plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heighten importance in ensuring that the effluent limitations in the final permit adequately protect local groundwater resources; and

WHEREAS, the City of Lucas is highly concerned regarding quality of water to be discharged from the proposed wastewater plant and adverse impacts on recreational activities to many area residents, and therefore Lucas stands opposed to this new wastewater treatment facility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLING COUNTY, TEXAS, THAT:

SECTION 1. The City Council of the City of Lucas is opposed to the discharge by this potential wastewater treatment facility into Maxwell Creek.

SECTION 2. The City Council of the City of Lucas stands in support of its neighboring cities, including Parker and Murphy, and adjacent homeowners and business owners who stand in opposition to this new wastewater treatment facility.

SECTION 3. That the City Council of the City of Lucas requests the TCEQ to add the City to its mailing list regarding this matter and to accept this resolution as public comment on the proposed permit.

SECTION 4. This Resolution shall become and be effective on and after its adoption and publication as provided by law.

SECTION 5. It is hereby found and determined that the meeting at which this Resolution was passed was open to the public as required by law, and that a public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.041 Texas Government Code.

SECTION 6. That this Resolution shall take effect immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Lucas, Texas, on the 4th day of November 2021.

ATTEST:

APPROVED:

Stacy Henderson, City Secretary
(10-28-2021:TM 125706)

Jim Olk, Mayor



City of Lucas

Council Agenda Request

November 4, 2021

Requester: Public Works Director Scott Holden
City Manager Joni Clarke

Agenda Item Request

Consider a presentation by Texas Department of Transportation (TxDOT) Area Engineer Jennifer Vorster, PE, regarding the feasibility of widening Country Club Road (FM 1378) from Parker Road to Stacy Road.

Background Information

TxDOT is interested in discussing the process to reactivate a feasibility study to identify potential improvements (including widening) to Country Club Road (FM 1378) from Parker Road to Stacy Road. TxDOT is working to design a schematic of the section from the Bait Shop Intersection project to the north of the fire station.

There are 5 current private development projects along the stretch west of the Bait Shop and north to Jessica Lane listed below (from North to South):

1. Lucas Ranch is currently under construction. TxDOT was provided with the approved site plan, which shows the layout of parking and buildings along the existing roadway.
2. Newcastle Estates is under construction. The plat was provided to TxDOT, and the approach has already been poured.
3. Hendrick Farms is not yet approved but the most recent review was provided to TxDOT. They have submitted a TxDOT driveway permit for a realignment of Blondy Jhune and received comments back.
4. TxDOT was provided with the plat proposal for the Good Shepherd Methodist Church. They will be dedicating 16.8' of Right-Of-Way, which will bring their lot in line with the lot on its west.
5. We do not have a formal submittal for the tract just south of West Lucas and North of Stinson, but we have been in discussion with the developer and the plan is to realign Stinson to line up with Edgewood Drive. How this will affect the current intersection of Stinson and West Lucas Road has not been determined.

The City of Lucas may be interested in partnering with TxDOT to address the following:

- Egress/Ingress at the Lucas Fire Station
- Egress/Ingress at Hart Elementary
- Estelle/Country Club Intersection
- Rock Ridge Road/Country Club Intersection



City of Lucas

Council Agenda Request

November 4, 2021

TxDOT is interested in receiving City Council insight on features that could facilitate local support such as open ditches, trails, protection of Kenneth R. Lewis Park, etc. TxDOT is considering traffic volume forecasts, crash data and potentially developing what a typical section would look like, number of lanes, environmental constraints, and the acquisition of right-of-way.

TxDOT will discuss project development and public involvement as it pertains the Country Club Road (FM 1378) project.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

November 4, 2021

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider adopting Ordinance 2021-11-00939 approving amendments to the City's Code of Ordinances, Chapter 10 Subdivisions, Article 10.03 Subdivision and Development Regulations.

Background Information

At the direction of the City Council, on June 10, 2021, the Planning and Zoning Commission began a review of the Code of Ordinances, Chapter 10 Subdivisions, Article 10.03 Subdivision and Development regulations, as well as platting submission requirements to determine if any updates and/or revisions were needed.

At the July 8, 2021, August 12, 2021, and September 9, 2021, Planning and Zoning Commission meetings, the Commission gave City staff direction on code sections that warranted updating. City staff has made the recommended changes and are attached in supporting documents.

At a future date, staff will be bringing forward changes to the Drainage and Stormwater Pollution Prevention Design Manual and the Paving Design Manual.

Attachments/Supporting Documentation

1. Ordinance 2021-11-00939 Chapter 10 amendments
2. Redline version of amendments to Chapter 10

Budget/Financial Impact

NA

Recommendation

The Planning and Zoning Commission, by unanimous vote, recommends the proposed amendments to Chapter 10.

Motion

I make a motion to approve/deny adopting Ordinance 2021-11-00939 approving amendments to the City's Code of Ordinances for Chapter 10, Subdivisions, Article 10.03 Subdivision and Development Regulations.



ORDINANCE 2021-11-00939
[AMENDING CODE OF ORDINANCES
AMENDING CHAPTER 10 “SUBDIVISIONS”]

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 10.03 TITLED “SUBDIVISION AND DEVELOPMENT ORDINANCE”; BY AMENDING ARTICLE 10.04 TITLED “STORMWATER RUNOFF REGULATIONS AND CONTROL”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Code of Ordinances of the City of Lucas, Texas, is hereby amended by amending Chapter 10 titled “Subdivisions” by amending Article 10.03 titled “Subdivision and Development Ordinance” and Article 10.04 titled “Stormwater Water Runoff Regulations and Control”, to read as follows:

CHAPTER 10

SUBDIVISIONS

ARTICLE 10.03 SUBDIVISION AND DEVELOPMENT ORDINANCE*

Division 1. General

AMEND SEC. 10.03.003(c) ONLY:

...

Sec. 10.03.003 Purpose; plat required

(c) The procedure for approving a plat may require a preliminary plat as required, a minor plat as applicable, and a final plat. Except as otherwise permitted, the approval of a preliminary plat by the planning and zoning commission and city council is required for the construction of public improvements on the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the planning and zoning commission. Upon completion of the required public improvements, or the provision of an improvement agreement, the owner may submit a corrected final plat for the

subdivision. Lots may be sold and building permits obtained after approval of the final plat by the planning and zoning commission, and the recording thereof.

AMEND SEC. 10.03.005:

Sec. 10.03.005 Definitions

AMEND:

Design standards. Collectively means the drainage and stormwater pollution prevention design manual, the current North Central Texas Council of Governments (“NCTCOG”) paving design standards, or paving design manual, stormwater design manual, and water and wastewater design manual.

AMEND:

Engineering plans. The drawings and specifications prepared by a licensed professional engineer submitted to the city and required for plat approval.

AMEND:

Paving design standards. The current North Central Texas Council of Governments (“NCTCOG”) design standards.

AMEND:

Plat, preliminary. The initial plat or working draft map or plan of a proposed development requiring public improvements submitted to the planning and zoning commission and the city council for approval.

ADD NEW DEFINITION:

Public improvements. Any land and improvements thereon dedicated to the public and accepted by a governmental entity, including but not limited to streets, alleys, squares, parks, and open space, construction, reconstruction, or upgrading of a water, wastewater, sanitary sewer, or storm sewer line, public street, or undergrounding of public utilities.

AMEND SEC. 10.03.006:

Sec. 10.03.006 Appeal to city council

Except as otherwise provided herein, any developer aggrieved by any finding or action of the development services department or the planning and zoning commission may appeal to the city council within thirty (30) days after the date of such finding or action and not thereafter.

AMEND SEC. 10.03.007 (b) ONLY:

...

Sec. 10.03.007 Filing fees

(b) Plat recordation fees which are charged by the county shall be paid by the developer to the development services department at the time of application.

Division 2. Platting Procedure

AMEND 10.03.031(a) and (c):

Sec. 10.03.031 General

(a) Before any land is platted, the owner shall apply for and secure approval of the proposed subdivision plat in accordance with the following procedures, unless otherwise provided by these regulations. The procedure for approving a plat typically requires two steps: preliminary plat, and final plat. The purpose of a preliminary plat is for the design and installation of public improvements; if public improvements are not part of the project, a preliminary plat is not required.

...

(c) Upon completion of the required public improvements, or the provision of an improvement agreement, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after approval of the final plat by the planning and zoning commission and filing of the signed plat. Subject to review and approval by city council. Improvement agreements shall be subject to review and approval by council.

AMEND SEC. 10.03.032:

Sec. 10.03.032 Submission dates

The Development Services Director or City Manager designee may establish official submission deadlines for the placement of plats on the agenda of the planning and zoning commission and the city council for consideration. No plat shall be considered by the planning and zoning commission until it has been determined by the development services department that the submittal is complete and in conformance with this article. No plat shall be considered by the planning and zoning commission until it has been determined by the development services department that the submittal is complete and in conformance with this article.

AMEND SEC. 10.03.033:

Sec. 10.03.033 Official filing date

For purposes of this article, the date the development services department has determined that: (1) the submittal is complete and in conformance with this article; (2) all required documents are submitted in a complete format; and (3) all required fees have been paid, shall constitute the official filing date of the plat, from which the statutory period requiring approval or disapproval of the plat shall commence. The planning and zoning commission and city council may not table or postpone the consideration of the approval or disapproval of a plat but may request the applicant to withdraw. The applicant may withdraw a plat from consideration by submitting a written request

and may resubmit the plat with no additional fees if it is rescheduled within sixty (60) days of the date of withdrawal.

AMEND SEC. 10.03.037:

Sec. 10.03.037 Procedure for preliminary plot

(a) Prior to the filing of a preliminary plat, the developer shall meet with the development services department. The purpose of the meeting is to familiarize the developer with the city's development regulations and the relationship of the proposed subdivision to the comprehensive plan. At such meeting, the general character of the development, the zoning, utility service, street requirements and other pertinent factors related to the proposed subdivision will be discussed.

...

(f) The development review committee shall accumulate the comments of the city departments and agencies and conduct a developer/city staff conference to report the comments and requested corrections to the developer. The developer shall be allowed to make comment or make required corrections and submit the corrected preliminary plat to the development review committee for submission to the planning and zoning commission. The corrected preliminary plat shall be submitted within thirty (30) days of the date the original preliminary plat was officially filed and prior to the meeting of the planning and zoning commission at which such preliminary plat is scheduled for consideration. Upon timely receipt, the Development Services Director or City Manager designee shall submit the corrected preliminary plat to the planning and zoning commission.

...

(j) The planning and zoning commission shall, in its action on the preliminary plat, consider the physical arrangement of the subdivision and determine the adequacy of the street and thoroughfare rights-of-way and alignment and the compliance of the streets and thoroughfares with the major thoroughfare plan, the existing street pattern in the area and with any other applicable provisions of the comprehensive zoning ordinance and comprehensive plan. The planning and zoning commission, based on city staff recommendations, shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot sizes and area comply with the comprehensive zoning ordinance and are adequate to comply with the minimum requirements for the type of sanitary sewage disposal proposed. ~~All on-site sewage disposal systems shall meet the minimum standards required by the city plumbing code and the regulations of the county and of the state commission on environmental quality, or their successors.~~

...

(l) The city council shall act on the preliminary plat within thirty (30) calendar days after the date the preliminary plat is approved by the planning and zoning commission or is considered approved by the inaction of the planning and zoning commission. A preliminary plat shall be considered approved by the city council unless it is disapproved within that period.

...

(n) Expiration of preliminary plat approval. The approval of a preliminary plat expires three (3) years after the date of city council approval unless a final plat is submitted and has received approval by the planning and zoning commission for the property within such period, or the period is extended by the planning and zoning commission upon written request of the owner. If the time period is not extended, or a final plat is not submitted and approved by the planning and zoning commission within the thirty-six (36) month period, the preliminary plat approval shall be null and void, and the owner shall be required to submit a new plat for the property subject to the then-existing zoning, subdivision and other regulations.

...

(p) Effective period of preliminary plat approved for phased development. If a final plat has not been submitted and approved on at least one phase of the area covered by the preliminary plat three (3) years after the date of preliminary plat approval, the preliminary plat shall expire and be declared null and void. If in the event that only a phase of the preliminary plat has been submitted for final plat approval, then the preliminary plat for those areas not final platted within three (3) years of the date of preliminary plat approval shall expire and be declared null and void, unless an extension of time is granted by the planning and zoning commission. Any phase of a preliminary plat not receiving final plat approval within the period of time set forth herein shall expire and be declared null and void, and the owner shall be required to submit a new preliminary plat for approval which shall be subject to the then-existing zoning, subdivision and other regulations, and the payment of any applicable fees.

AMEND SEC. 10.03.039:

Sec. 10.03.039 Standards for approval of preliminary plats

...

(2) Adequate provision has been made for the dedication and installation of public improvements; and

...

DELETE (4) (A) THROUGH (F):

~~(4) — (A) A tree survey, which identifies large trees with a DBH (“diameter at breast height” measured at 4.5 feet above grade) of four and one-half inches (4.5”) or greater and small trees with a DBH of two inches (2”) or greater, shall be submitted prior to submission of the engineering and construction plans. The tree survey shall include the species and caliper at DBH of each tree in a tabular form, with each tree identified by a number corresponding to a numbered tree on the tree survey site plan. The tree survey must denote which trees will be saved and which will be removed.~~

~~(B) — The tree survey must be reviewed and approved by the planning and zoning commission prior to the preliminary plat being submitted and prior to staff approving the engineering and construction plans. The commission shall act on the tree survey within thirty (30) days after it is officially filed. If the commission does not approve the tree survey, that decision may be appealed to city council for consideration at the next available city council meeting, and the city council shall act on the appealed tree survey within thirty (30) days after the date the tree survey was denied by the commission. Inaction by the city council within this period shall be considered as approval.~~

~~(C) — The commission, or the council upon appeal, shall approve the tree survey if it finds and determines that the developer has made a good faith effort to save as many trees, 6" caliper or greater at DBH, as possible, given the subdivision layout, lot size, and topography of the proposed development.~~

~~(D) — As part of the final plat application, the developer must submit to the planning department a spreadsheet that summarizes, for each lot, the number of trees that were to be saved per tree survey, as well as the number of trees to be saved that were lost during construction. The spreadsheet must denote the caliper inch and species of each tree saved, as well as for the trees to be saved, but lost during development. This will allow staff to verify how many replacement trees are needed for each lot at the building permit stage.~~

~~(E) — Except as provided in [section 3.18.005](#), no person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree situated on property regulated by [article 3.18](#) without first obtaining a tree removal permit, unless otherwise specified in [article 3.18](#).~~

~~(F) — Then, prior to the final inspection in connection with a building permit, any tree(s) shown on the tree survey as being retained on the lot, and which is removed or lost during development of the lot or home, shall be replaced by the developer or builder by planting a tree or trees of equivalent caliper inches. The trees used as replacement trees must each have a caliper of at least one and one-half inches (1-1/2") and be container grown. Trees used as replacement trees must be from the large tree list found on the approved list in section 3.18.019 or approved by the planning and zoning manager. The replacement tree(s) must be planted on the same lot where the tree(s) it is replacing was, provided that the planning and zoning manager may approve placement of the tree(s) on another lot(s) in the subdivision, if he finds it to be in the public interest.~~

AMEND SEC. 10.03.040:

Sec. 10.03.040 Data required for preliminary plat

...

(b) The preliminary plat shall contain or be accompanied by the following:

...

AMEND AND RENUMBER (8) – (21):

(8) The location of utility easements.

~~(9) Topographic information showing contour lines with intervals up to one foot (1') indicating the terrain, the drainage pattern of the area, and the drainage basin areas within the proposed subdivision. Topographic information showing contour lines with intervals up to two (2) feet indicating the terrain, the drainage pattern of the area, and the drainage basin areas outside the boundaries of the proposed subdivision.~~

(9) The layout and dimensions of proposed storm drainage areas, easements and rights-of-way necessary for drainage within and outside the boundaries of the proposed subdivision.

(10) The location and purpose of all proposed parks or other areas offered for dedication to public use.

(11) The location of all existing property lines, buildings, sewer or water mains, storm drainage areas, water and wastewater facilities, fire hydrants, gas mains or other underground structures, easements of record or other existing features.

~~(13) The location, size and identification of any physical features of the property, including watercourses, ravines, bridges, culverts, existing structures, drainage or other significant topographic features located on the property or within one hundred fifty feet (150') of the proposed subdivision.~~

(12) Copy of any deed restrictions, restrictive covenants, special use permit or planned development district ordinance regulating the property.

(13) The angle of intersection of the centerlines of all intersecting streets which are intended to be less than ninety degrees (90°).

(14) In accordance with the city floodplain management regulations, of the Code of Ordinances, as amended, the floodplain and floodway lines and base flood elevations as shown on the current effective flood insurance rate maps for the city shall be shown, where applicable. A notation shall be shown on the face of the preliminary plat stating: "Lots or portions of lots within the floodplain or areas of special flood hazard require a development permit prior to issuance of a building permit or commencement of construction including site grading, on all or part of those lots."

(15) For a preliminary plat of land located outside the city limits where sanitary sewer does not exist or where street improvement standards vary from those specified by the city, such differences shall be noted.

(16) A certificate of ownership and dedication of all streets, alleys, easements, parks and other land intended for public use, signed and acknowledged before a notary public by the owner and lienholders of the property, along with complete and accurate metes and bounds description of the land subdivided and the property dedicated to public use.

(17) Receipt showing all taxes on the subject property are paid.

(18) Certification by a surveyor, to the effect that the preliminary plat represents a survey made by the surveyor, and that all the necessary survey monuments are correctly shown thereon.

(19) A preliminary plat provided in multiple sheets shall include a key map showing the entire subdivision at smaller scale with lot and block numbers and street names on one (1) of the sheets or on a separate sheet of the same size.

(20) Copy of any proposed property owner or homeowners' association agreements, covenants and restrictions.

ADD (21):

(21) A site plan showing building setback lines, topographic information showing contour lines with intervals up to one foot (1') indicating the terrain, the drainage pattern of the area, and the drainage basin areas within the proposed subdivision. Topographic information showing contour lines with intervals up to two (2) feet indicating the terrain, the drainage pattern of the area, and the drainage basin areas outside the boundaries of the proposed subdivision; and the location, size and identification of any physical features of the property, including watercourses, ravines, bridges, culverts, existing structures, drainage or other significant topographic features located on the property or within one hundred fifty feet (150') of the proposed subdivision.

AMEND 10.03.042 SECTION TITLE ONLY:

Sec. 10.03.042 Amendments to preliminary plat

AMEND 10.03.043:

Sec. 10.03.043 Procedure for final plat

...

(b) The final plat shall conform substantially to the approved preliminary plat, if required, and, if desired by the developer, may cover only a phase of the approved preliminary plat; provided, however, such phase conforms to all the requirements of this article and the approved preliminary plat indicated the phasing of such development.

...

(h) The approved final plat shall then be filed by the city in the plat records of the county.

~~(i) The final plat for any subdivision located outside the city limits shall be submitted to the commissioner's court of the county for approval and the execution of any applicable agreements.~~

~~(j) After action by the commissioner's court, the final plat shall be returned to the city for filing by the development review committee.~~

(i) Final plats disapproved by the planning and zoning commission shall be returned to the developer by the development review committee.

(j) In the event a final plat is approved by the planning and zoning commission for a subdivision in phases, the final plat of each phase shall carry the same name throughout the entire subdivision, but bear a distinguishing letter, number or subtitle. Lot and block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.

...

AMEND 10.03.044 (1), (2), (4):

Sec. 10.03.044 Standards for approval of final plat

No final plat shall be approved unless the following standards have been met:

(1) The final plat substantially conforms to the preliminary plat, if required;

(2) Required public improvements have been constructed and are ready to be accepted by the planning and zoning commission, and/or an improvement agreement has been approved by the city council for the subsequent completion of the public improvements;

...

(4) Adequate provision has been made for the dedication and installation of public improvements; and

...

AMEND SEC. 10.03.045

Sec. 10.03.045 Data requirement for final plat

The owner shall prepare a final plat in accordance with the conditions of approval for the preliminary plat drawn to a scale of one-inch equals one hundred feet (1" = 100') on 24" x 36" sheet size. For large developments, the final plat may be submitted on multiple sheets properly registered to match with the surrounding sheets and a small-scale key map showing all sheets of the final plat shall be provided. The owner shall submit the required number of "copies" of the final plat and 8-1/2" x 11" and an 11" x 17" reduction copies of the final plat as determined by the development review committee with three (3) copies of the approved construction plans for the public infrastructure improvements for the proposed subdivision. Each copy of the final plat shall be folded so that the title block for the subdivision may be read in the lower righthand corner. The final plat shall contain or be accompanied by the following:

AMEND (1):

(1) Record drawings, construction plans including one set of mylars and a digital copy in PDF, DWG or DGN format, and two sets of bluelines, where applicable.

AMEND (5)

(5) The following certificates shall be placed on the final plat in a manner that will allow them to be clearly visible on the final plat.

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LUCAS, TEXAS, ON THE _____ DAY OF _____

ATTEST:

Chairperson, Planning and Zoning Commission

City Secretary

...

AMEND 10.03.046(b) ONLY:

Sec. 10.03.046 Execution and recordation of final plat

...

(b) When installation of public improvements is required prior to recordation of the final plat, the city council shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements are satisfactorily completed. There shall be written evidence that the required public improvements have been installed and have been completed in a manner satisfactory as shown by a certificate signed by the city engineer stating that the necessary dedication of public lands and installation of public improvements have been accomplished.

...

AMEND 10.03.047(b) and (c):

Sec. 10.03.047 Administrative approval of certain plats, minor plats and replats

...

(b) The Development Services Director or City Manager designee may for any reason elect to present an amending plat, minor plat or replat meeting the requirements of (a) above to the planning and zoning commission for approval.

(c) Any amending plat, minor plat or replat meeting the requirements of (a) above which the Development Services Director or City Manager designee fails or refuses to approve shall be submitted to the planning and zoning commission for approval.

AMEND SEC. 10.03.048(d)(3) only:

Sec. 10.03.048 Vacating plats, replats and amendment of plats

...

(d) Plat amendments and corrections.

(3) Any amending plat, minor plat or replat meeting the requirements of subsection (1) above which the Development Services Director or City Manager designee fails or refuses to approve shall be submitted to the planning and zoning commission for approval.

DELETE SECTIONS 10.03.049 AND 10.03.050 IN THEIR ENTIRETY

~~**Sec. 10.03.049 Expiration of final plat approval**~~

~~(a) If public improvements for a subdivision have not been constructed and accepted by the city and the corresponding final plat for said subdivision has not been filed in the county plat records within two (2) years after the date of final plat approval by the planning and zoning commission, said final plat shall be null and void and shall conclusively be deemed to be withdrawn without further action by the city. This provision shall not apply to final plats approved by the city prior to the effective date of this section~~

~~(b) Final plats approved prior to the effective date of this section [ordinance adopted July 7, 2006] shall become null and void and shall be conclusively deemed to be withdrawn without further action by the city in 5 years if the public improvements for the subdivision have not been constructed and accepted by the city and the corresponding final plat for said subdivision filed in the county plat records.~~

~~(c) An approved, unexpired final plat may be extended by the planning and zoning commission upon written request, once for a period not to exceed twelve (12) months provided:~~

~~(1) Good cause is shown by the developer; and~~

~~(2) There has been no significant change in development conditions affecting the subdivision; and~~

~~(3) The final plat continues to comply with all applicable regulations, standards and this article.~~

~~**Sec. 10.03.050 Nonresidential property**~~

~~A nonresidential subdivision shall be processed for approval in the same manner as a residential subdivision, except that no individual lots need be drawn on such plat. Only streets, blocks,~~

~~drainage easements and minimum building lines need be shown.~~

AMEND RESERVED SECTIONS:

Sec. 10.03.049 – 10.03.80 Reserved

Division 3. Completion and Maintenance of Public Improvements

AMEND SEC. 10.03.081(a) ONLY:

Sec. 10.03.081 Construction plan procedure

(a) General application requirement. Construction plans shall be prepared by or under the supervision of a professional engineer or architect licensed in the state as required by state law governing such professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer" or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the city shall be designed by a professional engineer licensed in the state.

...

AMEND SECTION 10.03.082(a) ONLY:

Sec. 10.03.082 Improvement agreements

(a) Completion of improvements. Except as provided below, before the final plat is approved by the commission or Development Services Director, all applicants shall be required to complete, in accordance with the city's direction and to the satisfaction of the city engineer, all street, sanitary, and other public improvements, including lot improvements on the individual residential lots of the subdivision as required in these regulations and specified in the final plat, and to dedicate those public improvements to the city. As used in this section, "lot improvements" refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.

...

AMEND SECTION 10.03.083(a) ONLY:

Sec. 10.03.083 Contract procedures

(a) Permit required. A permit is required from the city prior to commencement of any development work in the city which affects erosion control, vegetation or tree removal, or a floodplain.

...

AMEND SECTION 10.03.084(b) ONLY:

Sec. 10.03.084 Inspection of public improvements

...

(b) Certificate of satisfactory completion. The city will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the city engineer, through submission of record drawings, indicating location, dimensions, materials, and other information required by the commission or city engineer, that all required public improvements have been completed. The record drawings shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer, or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat, and all changes made in the plans during construction and containing on each sheet a record drawing stamp bearing the signature of the engineer and the date. The engineer or surveyor shall also furnish a copy of the final plat and engineering plans, if prepared on a computer assisted design drawings (CADD) system, in such a format that is compatible with the city's CADD system or PDF. The developer shall provide a maintenance bond executed by a corporate surety duly authorized to do business in the state, payable to the city and approved by the city as to form, to guarantee the maintenance of the construction for a period of two (2) years after its completion and acceptance by the city. In lieu of a maintenance bond the developer may submit either an irrevocable letter of credit payable to the city and approved by the city as to form, or a cash bond payable to the city and approved as to form. The amount of the maintenance bond, letter of credit or cash bond shall be at least ten percent (10%) of the full cost of the infrastructure in the subdivision, as determined by the estimate of construction costs. When such requirements have been met the city engineer shall thereafter accept the public improvements.

...

AMEND SEC. 10.03.086:

Sec. 10.03.086 Issuance of building permits and certificates of occupancy

(a) No building permit shall be issued for a lot or building site unless the lot or site has been officially recorded by an approved final plat, and all public improvements as required for final plat approval have been completed, except as permitted below.

(1) Building permits may be issued for nonresidential developments provided that a preliminary plat is approved and civil construction plans have been released by the city engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.

(2) The city engineer may authorize residential building permits for a portion of a subdivision, provided that a preliminary plat has been approved and all public

improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a final plat has been recorded.

(b) No certificate of occupancy shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat approved has been recorded. Notwithstanding the above, the city building official may authorize the occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved for the completion of all remaining public improvements.

Division 4. Standards and Requirements

AMEND 10.03.123:

Sec. 10.03.123 Streets and drainage

(a) Streets.

(1) All street widths shall conform to the master thoroughfare plan and shall be as follows:

Street or Thoroughfare Type	Minimum Right-of-Way Width	Pavement Width (measured from edge to edge)
Arterial (type A)	120 ft.	39 ft. (each direction)
Major collector (type B)	90 ft.	64 ft.
Collector (type C)	60 ft.	34 ft.
Residential	50 ft.	24 ft.
Private road (type D)	50 ft.*	24 ft.

*Private roads shall not be in ROW but within an access, drainage, and utility easement.

...

AMEND (b):

(b) Private roads. The following are required for private roads:

...

(2) A minimum width of fifty (50) feet and contained within an access, drainage, and utility easement;

...

(4) Shall be the same design, engineering, and planning requirements as a city street.

AMEND (c)(2):

(c) Sidewalks.

...

(2) Sidewalks located on residential streets shall be five feet (5') in width, located within the street right-of-way and constructed in accordance with the paving design manual. In R-1 zoning districts, each residential lot shall pay double park fees in lieu of a sidewalk.

...

AMEND (d)(1):

(d) Street name signs.

(1) Street name signs and all traffic-control devices shall conform to the Texas Manual on Uniform Traffic-Control Devices and the standards adopted by the city shall be required at each intersection.

...

DELETE (f)(4):

(f) Storm sewers – Nonresidential developments.

...

~~(4) In street crossings over drainage systems with a cross section exceeding the dimension of an opening larger than that of a two (2) seventy-two inch culvert pipe culvert, the city may participate in such crossings in an amount not to exceed twenty five percent (25%) of the construction costs if a part of the capital improvement plan and if funds become available.~~

...

AMEND (i)(3):

...

(3) The city may install and maintain lights at existing intersections that the city engineer deems necessary.

...

AMEND SECTION 10.03.126(c) AND (f) ONLY:

Sec. 10.03.126 Mandatory homeowners' association

...

AMEND (c):

(c) Purpose. A homeowners' association shall be established and created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of landscape systems, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainageways or drainage structures or at subdivision entryways, open space common areas or properties including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, private amenity center, playgrounds, pavilions, ponds, detention ponds, drainage easements, off-street parking for the private amenity center, swimming pool, exercise trail, private neighborhood park and related amenities.

...

AMEND (f)(3) and (5):

...

(3) The initial term of the agreement; covenants and restrictions establishing and creating the homeowners' association shall be for a twenty-five-year period and shall automatically renew for successive ten-year periods, and the homeowners' association may not be dissolved without the prior written consent of the city council;

...

(5) Provisions prohibiting the amendment of any portion of the homeowners' association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, area or grounds that are the responsibility of the homeowners' association without the prior written consent of the city council;

...

ARTICLE 10.04 STORMWATER RUNOFF REGULATIONS AND CONTROL

...

AMEND SECTION 10.04.002 Definitions

Sec. 10.04.002 Definitions

AMEND:

City engineer. The city engineer or designee.

AMEND:

City manager. The city manager or designee.

AMEND SEC. 10.04.006:

Sec. 10.04.006 Discharge rate

The peak discharge rate after full development resulting from the proposed development shall not exceed the corresponding peak discharge rate prior to development during storms of 2-year, 5-year, 10-year, 25-year and 100-year return frequencies.

...”

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 NOVEMBER, 2021.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(10-15-2021:TM FINAL 125429)

Stacy Henderson, City Secretary

CHAPTER 10

SUBDIVISIONS

Document Legend:

Addition

~~Deletion~~

ARTICLE 10.03 SUBDIVISION AND DEVELOPMENT ORDINANCE^{*}

Division 1. General

Sec. 10.03.001 Title

This article shall be known and may be cited as “The City of Lucas Subdivision and Development Ordinance.”

Sec. 10.03.002 Authority

This article is adopted under the authority of the city charter, and the constitution and laws of the state, including [chapters 43, 212](#) and [242](#) of the Texas Local Government Code, as amended.

Sec. 10.03.003 Purpose; plat required

(a) The purpose of this article is to: (i) provide for the orderly, safe and healthy development of the land within the city; (ii) protect and promote the health, safety, morals and general welfare of the city; (iii) guide the future growth and development of the city; (iv) provide for the proper location and width of streets and building lines; (v) provide adequate and efficient transportation, streets, storm drainage, water, wastewater, parks, and open space facilities; (vi) establish reasonable standards of design and procedures for platting to promote the orderly layout and use of land, and to insure proper legal descriptions and monumenting of platted land; (vii) insure that public infrastructure facilities required by city ordinances are available with sufficient capacity to serve the proposed development; (viii) require the cost of public infrastructure improvements that primarily benefit the tract of land being platted be borne by the owners of the tract.

(b) Every owner of any tract of land situated within the corporate limits of the city or within the extraterritorial jurisdiction of the city who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to the city, to lay out a building lot, or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared and approved according to this article. A division of a tract under this article includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executing contract, or by using any other method. A division of land does not include a division of land into parts greater than 5 acres, where each part has access and no public improvement is dedicated.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(c) The procedure for approving a plat may require a preliminary plat as required, a minor plat as applicable, and a final plat. Except as otherwise permitted, the approval of a preliminary plat by the planning and zoning commission and city council is required for the construction of public improvements on the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the planning and zoning commission. Upon completion of the required public improvements, or the provision of an improvement agreement, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after approval of the final plat by the planning and zoning commission, and the recording thereof. (Ordinance 2010-11-00668, sec. 1, adopted 11/4/10)

Sec. 10.03.004 Applicability

This article shall apply to all subdivisions of land within the corporate limits of the city, and all land outside the corporate limits that the city council may annex, and all land within the extraterritorial jurisdiction of the city to the full extent allowed by state law. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.005 Definitions

The following words and phrases when used in this article shall have the meaning respectively ascribed to them in this section:

Alley. A minor right-of-way, dedicated to public use, which affords only secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Channel. Any drainage system including a bar ditch.

City council. The governing body of the City of Lucas, Texas.

(Ordinance 2016-01-00827 adopted 1/7/16)

City engineer. The person or company employed or appointed as the city engineer or director of public works by the city manager.

City staff. A person currently employed by the City of Lucas.

Comprehensive plan. A plan of the city adopted by the city council, as amended from time to time. The comprehensive plan indicates the general locations recommended for various land uses, transportation routes, streets, parks and other public and private developments and improvements.

Comprehensive zoning ordinance. The city's comprehensive zoning ordinance, as amended.

Design standards. Collectively means the drainage and stormwater pollution prevention design manual, the current North Central Texas Council of Governments ("NCTCOG") paving design standards, or paving design manual, stormwater design manual, and water and wastewater design manual.

Developer. The owner of property or the person authorized by the owner to develop the property.

Development. The subdivision of land and/or the construction or reconstruction of one (1) or more buildings or the structural alteration, relocation or enlargement of any buildings or structures on a tract or tracts of land.

Development review committee (DRC). The DRC is comprised of staff members representing the various departments and divisions involved in the review and approval process (administration, planning, engineering, building inspection, public works, fire, parks and health). DRC is responsible for review of development and building plans, subdivision plats and zoning applications. It offers reports and recommendations to both P&Z and city council pertaining to applications and proposals requiring actions by these bodies. DRC has final approval authority for certain plats such as minor plats in compliance with [Texas Local Government Code, section 212.016](#).

(Ordinance 2012-05-00715, sec. 1, adopted 5/17/12)

Development services director. The city manager or the person appointed by the city manager as the development services director of the city who oversees the daily operations involving the development of the city. (Ordinance 2016-01-00827 adopted 1/7/16)

Drainage and stormwater pollution prevention design manual. The city drainage standards adopted by ordinance from time to time as amended.

Easement. One or more of the property rights granted by the owner to and/or for the use by the public, or another person or entity.

Engineer. A person licensed as a professional engineer duly authorized under the provisions of the Texas Engineering Practice Act, as amended, to practice the profession of engineering.

Engineering plans. The drawings and specifications prepared by a ~~registered~~ licensed professional engineer submitted to the city and required for plat approval.

Extraterritorial jurisdiction. The unincorporated area that is contiguous to the corporate boundaries of the city, as determined by Texas Local Government Code, section 42.001 et seq.

Improvement agreement. A contract entered into by the developer and the city by which the developer promises to complete the required public improvements within the subdivision within a specific time period following final plat approval in accordance with this article (i.e., letter of credit, cash bond, facilities agreement).

Lot. An undivided tract or parcel of land under one ownership having frontage on a public street, and either occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory buildings, which parcel of land is designated as a separate and distinct tract and building site.

May. The word “may” is permissive.

Owner. The person or legal entity that holds fee simple title to the property, and the person or persons that have acquired any interest in the property by contract or purchase or otherwise; or, the owner’s authorized representative.

Paving design standards. The current North Central Texas Council of Governments (“NCTCOG”) design standards.

Plan for development. Any formal plan, such as a plat, replat, any site plan, or concept plan which has been deemed administratively complete and contains all of the items or information required under this code and has affixed thereto a stamp or notation that the development documents are filed.

Planned development. A zoning district which accommodates planned associations of uses developed as integral land use units such as industrial districts, office, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or an appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.

Planning and zoning commission, or commission. Appointed by the city council to develop design standards, and make recommendations concerning the platting, zoning, and use of land within the city.

Planning and zoning manager. The development services director or the person appointed by the city manager.

Plat. The graphic representation of a subdivision, resubdivision, combination of lots or tracts, or recombination of lots or tracts. Plat includes a replat, minor plat, and amending plat.

Plat, amending. A plat as described by Texas Local Government Code, section 212.016, as amended.

Plat, final. The final plat of a proposed development submitted for approval by the planning and zoning commission prepared in accordance with the provisions of this article and requested to be filed with the county clerk.

Plat, minor. A plat which contains four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or extension of municipal facilities as described by Texas Local Government Code, section 212.0065, as amended.

Plat, preliminary. The initial plat or working draft map or plan of a proposed development requiring public improvements submitted to the planning and zoning commission and the city council for approval.

Public Improvements. Any land and improvements thereon dedicated to the public and accepted by a governmental entity, including but not limited to streets, alleys, squares, parks, , and open space; construction, reconstruction, or upgrading of a water, wastewater, sanitary sewer, or storm sewer line, public street, or undergrounding of public utilities.

Shall. The word “shall” is always mandatory and nondiscretionary.

Stormwater management plan. The master plan for the city for storm drainage facilities adopted and amended by ordinance from time to time.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, private place, or however otherwise designated, other than an alley or driveway.

Structure. Anything constructed or erected, the use of which requires location on the ground, or which is attached to something having a location on the ground.

Subdivision. The division of any tract of land situated within the corporate limits, or within the city’s extraterritorial jurisdiction, in two or more parts, or the identification of a single tract, for the purpose of laying out any subdivision of any tract of land or any addition to the city, or for laying out suburban lots or building lots, or any lots, streets, alleys, squares, parks or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for the purpose, whether immediate or future, of creating building sites. A division of a tract includes a division regardless of whether it is made by using metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. Subdivision includes resubdivision, but it does not include the division of land into parts greater than five (5) acres, where each part has access and no public improvement is dedicated.

Surveyor. A registered professional land surveyor, as authorized by state law to practice the profession of surveying as authorized by the Professional Land Surveying Practices Act, as amended.

Temporary improvement. Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to the acceptance of the performance bond or improvements required for the short-term use of the property.

Thoroughfare master plan. The thoroughfare plan adopted by ordinance and as amended from time to time.

Vicinity location map. A small vicinity location map which shows sufficient streets, collector and arterial street names, and major features of the surrounding area to locate the area being subdivided.

Wastewater master plan. The master plan for the city for wastewater facilities adopted and amended by ordinance from time to time.

Water and wastewater design manual. The city water and wastewater standards adopted and amended by ordinance from time to time.

(Ordinance 2012-05-00715, sec. 1, adopted 5/17/12)

Water master plan. The master plan for the city for water facilities adopted and amended by ordinance from time to time. (Ordinance 2016-01-00827 adopted 1/7/16)

Sec. 10.03.006 Appeal to city council

Except as otherwise provided herein, any developer aggrieved by any finding or action of the ~~planning and zoning~~ **development services** department, or the planning and zoning commission may appeal to the city council within thirty (30) days after the date of such finding or action and not thereafter. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.007 Filing fees

(a) Filings fees for plats established by ordinance by the city council from time to time shall be paid by the developer at time of application. (Ordinance 2016-01-00827 adopted 1/7/16)

(b) Plat recordation fees which are charged by the county shall be paid by the developer to the ~~planning and zoning~~ development services department at the time of application.

Sec. 10.03.008 Waivers

(a) The standards and requirements of this article may be modified by the planning and zoning commission for a subdivision zoned planned development containing several types of land uses which, in the judgment of the planning and zoning commission, provides adequate public spaces and improvements for vehicular circulation, recreation, light, air and service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

(b) Where existing conditions require a modification of these standards and regulations because of a unique and unusual condition not applicable generally to other property, the planning and zoning commission may, subject to city council approval, grant a waiver to these standards to permit equitable treatment of the land or tract in light of the condition.

(c) In granting waivers and modifications, the planning and zoning commission and city council may require such conditions as will, in their judgment, secure substantially the purposes of these standards and requirements and maintain the spirit and intent of this article.

(d) The grant of a waiver shall not in any manner vary the provisions of the city comprehensive zoning ordinance.

(e) A request for a waiver shall be submitted in writing by the developer at the time the preliminary plat is filed.

(f) A request for a waiver must be approved by the city council at the time of preliminary plat approval.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.009 Penalty; enforcement

(a) Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provision hereof within the corporate limits of the city shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in section 1.01.009 of this code, and each day that such violation continues shall constitute a separate offense. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06; Ordinance adopting Code)

(b) Any person, firm, or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof within the corporate boundaries of the city or the extraterritorial jurisdiction of the city shall be subject to any appropriate action or proceeding by the city to enjoin, correct, abate or restrain the violation of this article including the recovery of damages and civil penalties. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Secs. 10.03.010–10.03.030 Reserved

Division 2. Platting Procedure

Sec. 10.03.031 General

(a) Before any land is platted, the owner shall apply for and secure approval of the proposed subdivision plat in accordance with the following procedures, unless otherwise provided by these regulations. The procedure for approving a plat typically requires two steps: preliminary plat, and final plat. (Ordinance 2010-11-00668, sec. 1, adopted 11/4/10). The purpose of a preliminary plat is for the design and installation of public improvements; if public improvements are not part of the project, a preliminary plat is not required.

(b) Except as otherwise permitted, the approval of the commission and city council of a preliminary plat is required prior to the construction of public improvements on the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the planning and zoning commission. Subject to review and approval by city council.

(c) Upon completion of the required public improvements, or the provision of an improvement agreement, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after approval of the final plat by the planning and zoning commission and filing of the signed plat. Improvement agreements shall be subject to review and approval by city council.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.032 Submission dates

The ~~planning and zoning manager~~ Development Services Director or City Manager designee may establish official submission deadlines for the placement of plats on the agenda of the planning and zoning commission and the city council for consideration. No plat shall be considered by the planning and zoning commission until it has been determined by the ~~planning and zoning~~ development services department that the submittal is complete and in conformance with this article. No plat shall be considered by the planning and zoning commission until it has been determined by the development services department that the submittal is complete and in conformance with this article.

Sec. 10.03.033 Official filing date

For purposes of this article, the date the ~~planning and zoning~~ development services department has determined that: (1) the submittal is complete and in conformance with this article; (2) all required documents are submitted in a complete format; and (3) all required fees have been paid, shall constitute the official filing date of the plat, from which the statutory period requiring approval or disapproval of the plat shall commence. The planning and zoning commission and city council may not table or postpone the consideration of the approval or disapproval of a plat, but may request the applicant to withdraw. The applicant may withdraw a plat from consideration by submitting a written request, and may resubmit the plat with no additional fees if it is rescheduled within sixty (60) days of the date of withdrawal.

Sec. 10.03.034 General approval criteria

No plat shall be approved unless the following standards have been met:

(1) The plat conforms to applicable zoning, the comprehensive plan, the capital improvements plan of the city, the design standards, the major thoroughfare plan, the master park plan of the city, and other regulations in this article. If a zoning change is contemplated for the property, the zoning change must be completed before the approval of preliminary plat of the property. Any plat reflecting a condition not in accordance with the zoning requirements shall not be approved until any available relief from the board of adjustment has been obtained; (Ordinance 2010-11-00668, sec. 1, adopted 11/4/10)

(2) Adequate provision has been made for the dedication and installation of public improvements; and

(3) All required fees have been paid.

Sec. 10.03.035 Dedications

The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, public parks, and any other property necessary to serve the plat and to implement the requirements of this article. Dedications shown on plats are irrevocable offers to dedicate the property shown. Once the offer to dedicate is made, it may be accepted by an action by the city by acceptance of the improvements in the dedicated areas for the purpose intended, or by actual use by the city. No improvements may be accepted until they are constructed in accordance with this article, and the final plat is filed for recording. No dedication otherwise required by this article may be imposed upon an owner unless the property is being subdivided and the dedication related to the impact of the proposed development is roughly proportional to the needs created by the proposed development, and provides a benefit to the development.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.036 Reserved

Editor's note—Former section 10.03.036 pertaining to optional land study and deriving from section 6.206 of Ordinance 2006-07-00567 adopted by the city on July 7, 2006 has been deleted by section 1 of Ordinance 2010-11-00668 adopted by the city on November 4, 2010.

Sec. 10.03.037 Procedure for preliminary plat

(a) Prior to the filing of a preliminary plat, the developer shall meet with the ~~city staff~~ development services department. The purpose of the meeting is to familiarize the developer with the city's development regulations and the relationship of the proposed subdivision to the comprehensive plan. At such meeting, the general character of the development, the zoning, utility service, street requirements and other pertinent factors related to the proposed subdivision will be discussed.

(b) Prior to submission of a preliminary plat, the developer shall submit to the city construction and engineering plans for the public infrastructure improvements required for the proposed subdivision unless the approval of an improvement agreement has been requested. If the city does not approve of the use of an improvement agreement, engineering and construction plans for the required public infrastructure must be submitted by the developer and approved by the city engineer prior to approval of the preliminary plat.

c. After the preapplication conference and completion of engineering and construction plans for all public infrastructure improvements, the developer shall file the required number of copies of the preliminary plat of the proposed subdivision with the development review committee, for submission to the planning and zoning commission, and include the required filing fees and tax certificates showing all taxes have been paid on the property being platted.

(d) The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat - for inspection purposes only, and in no way official or approved for record purposes."

(e) Preliminary plats shall be distributed by city staff to city departments. The owner shall be responsible for the distribution of copies of the preliminary plats to the agencies listed below. The city staff shall give the owner and such agencies a specific date by which to return written responses. The owner and the agencies listed below shall be provided an opportunity to attend a developer/city staff conference for the purpose of notifying the developer of necessary corrections.

- (1) Independent school districts affected by the plat (one copy).
- (2) City utility departments (two copies).
- (3) Public utility companies and franchise utility companies that serve or will provide service to the proposed subdivision (two copies).
- (4) County commissioner and county public works director if the subdivision is outside the city limits (one copy each).

(f) The development review committee shall accumulate the comments of the city departments and agencies, and conduct a developer/city staff conference to report the comments and requested corrections to the developer. The developer shall be allowed to make comment or make required corrections and submit the corrected preliminary plat to the development review committee for submission to the planning and zoning commission. The corrected preliminary plat shall be submitted within thirty (30) days of the date the original preliminary plat was officially filed and prior to the meeting of the planning and zoning commission at which such preliminary plat is scheduled for consideration. Upon timely receipt, the ~~planning and zoning manager~~ Development Services Director or City Manager designee shall submit the corrected preliminary plat to the planning and zoning commission.

(g) A written report shall be prepared by city staff and submitted to the planning and zoning commission stating the review comments of the preliminary plat noting any unresolved issues.

(h) Following review of the preliminary plat and other materials submitted in conformity with this article, the planning and zoning commission shall act on a preliminary plat, within thirty (30) days after the date the preliminary plat is officially filed. The planning and zoning commission may either: (i) approve the preliminary plat as presented; (ii) approve the preliminary plat with conditions; or (iii) disapprove the preliminary plat. If disapproved, the planning and zoning commission, upon written request, shall state the reasons for disapproval. A conditional approval shall be considered a disapproval until the conditions have been satisfied.

(i) The actions of the planning and zoning commission shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the developer and the other retained in the files of the development review committee.

(j) The planning and zoning commission shall, in its action on the preliminary plat, consider the physical arrangement of the subdivision and determine the adequacy of the street and thoroughfare rights-of-way and alignment and the compliance of the streets and thoroughfares with the major thoroughfare plan, the existing street pattern in the area and with any other applicable provisions of the comprehensive zoning ordinance and comprehensive plan. The planning and zoning commission, based on city staff recommendations, shall also ascertain that adequate easement for proposed or future utility service and surface drainage are provided, and that the lot sizes and area comply with the comprehensive zoning ordinance and are adequate to comply with the minimum requirements for the type of sanitary sewage disposal proposed. ~~All on-site sewage disposal systems shall meet the minimum standards required by the city plumbing code and the regulations of the county and of the state commission on environmental quality, or their successors.~~-(move to Chapter 3)

(k) After approval of a preliminary plat by the planning and zoning commission, the development review committee shall forward the preliminary plat to the city council for consideration at the next available city council meeting.

(l) The city council shall act on the preliminary plat within thirty (30) calendar days after the date the preliminary plat is approved by the planning and zoning commission or is considered approved by the inaction of the planning and zoning commission. A preliminary plat shall be considered approved by the city council unless it is disapproved within that period.

(m) Approval of a preliminary plat by the planning and zoning commission and/or the city council is not approval of the final plat but is an expression of approval of the layout shown subject to satisfaction of specified conditions. The preliminary plat serves as a guide in the preparation of a final plat.

(n) Expiration of preliminary plat approval. The approval of a preliminary plat expires three (3) years after the date of city council approval unless a final plat is submitted and has received approval by the planning and zoning commission for the property within such period, or the period is extended by the planning and zoning commission upon written request of the owner. If the time period is not extended, or a final plat is not submitted and approved by the planning and zoning commission within the thirty-six month period, the preliminary plat approval shall be null and void, and the owner shall be required to submit a new plat for the property subject to the then-existing zoning, subdivision and other regulations.

(o) Phased development. The preliminary plat shall indicate any phasing of the proposed development with a heavy dashed line. Each phase shall be numbered sequentially and in the proposed order of development. The proposed utility, street and drainage layout for each phase shall be designed in such a manner that the phases can be developed in numerical sequence. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout and phasing, unless a new preliminary plat is submitted. The planning and zoning commission and city council may impose such conditions upon the filing of the phases as deemed necessary to assure the orderly development of the city. Such conditions may include but are not limited to temporary street and alley extensions, temporary cul-de-sacs, turnarounds, and off-site utility extensions. Failure to indicate phasing of the proposed development in accordance with this section prohibits the approval of a final plat for such subdivision in phases.

(p) Effective period of preliminary plat approved for phased development. If a final plat has not been submitted and approved on at least one phase of the area covered by the preliminary plat three (3) years after the date of preliminary plat approval, the preliminary plat shall expire and be declared null and void. If in the event that only a phase of the preliminary plat has been submitted for final plat approval, then the preliminary plat for those areas

not final platted within three (3) years of the date of preliminary plat approval shall expire and be declared null and void, unless an extension of time is granted by the planning and zoning commission. Any phase of a preliminary plat not receiving final plat approval within the period of time set forth herein shall expire and be declared null and void, and the owner shall be required to submit a new preliminary plat for approval which shall be subject to the then-existing zoning, subdivision and other regulations, and the payment of any applicable fees.

Sec. 10.03.038 Extension and restatement of expired preliminary plats

- (a) Sixty (60) days prior to or following the lapse of approval for a preliminary plat, as provided in these regulations, the owner may request the commission to extend or reinstate the approval.
- (b) In determining whether to grant such request, the commission shall take into account the reasons for lapse, the ability of the owner to comply with any conditions attached to the original approval and the extent to which newly adopted zoning and subdivision regulations shall apply to the preliminary plat. The commission may extend or reinstate the preliminary plat, or deny the request, in which instance the owner must submit a new preliminary plat application for approval.
- (c) The commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations such as are necessary to issue [insure] compliance with the original conditions of approval. The commission may also specify a shorter time for lapse of the extended or reinstated preliminary plat than is applicable to original preliminary plat approval.

Sec. 10.03.039 Standards for approval of preliminary plats

No preliminary plat shall be approved unless the following standards have been met:

- (1) The engineering and construction plans for the required public infrastructure improvements have been submitted and approved by the city engineer, unless the approval of an improvement agreement has been requested and approved;
- (2) Adequate provision has been made for the dedication and installation of public improvements; and
- (3) The preliminary plat conforms to the applicable zoning and all other requirements of this article.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

THIS SECTION WILL BE ADDED TO ARTICLE 3.18 TREE CONSERVATION AND LANDSCAPING, SECTION 3.18.006 TREE SURVEY

~~(4) (A) — A tree survey, which identifies large trees with a DBH (“diameter at breast height” measured at 4.5 feet above grade) of four and one-half inches (4.5”) or greater and small trees with a DBH of two inches (2”) or greater, shall be submitted prior to submission of the engineering and construction plans. The tree survey shall include the species and caliper at DBH of each tree in a tabular form, with each tree identified by a number corresponding to a numbered tree on the tree survey site plan. The tree survey must denote which trees will be saved and which will be removed. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06; Ordinance adopting Code)~~

~~(B) — The tree survey must be reviewed and approved by the planning and zoning commission prior to the preliminary plat being submitted and prior to staff approving the engineering and construction plans. The commission shall act on the tree survey within thirty (30) days after it is officially filed. If the commission does not approve the tree survey, that decision may be appealed to city council for consideration at the next available city council meeting, and the city council shall act on the appealed tree survey within thirty (30) days after the date the tree survey was denied by the commission. Inaction by the city council within this period shall be considered as approval.~~

~~(C) — The commission, or the council upon appeal, shall approve the tree survey if it finds and determines that the developer has made a good faith effort to save as many trees, 6” caliper or greater at DBH, as possible, given the subdivision layout, lot size, and topography of the proposed development.~~

~~(D) — As part of the final plat application, the developer must submit to the planning department a spreadsheet that summarizes, for each lot, the number of trees that were to be saved per tree survey,~~

as well as the number of trees to be saved that were lost during construction. The spreadsheet must denote the caliper inch and species of each tree saved, as well as for the trees to be saved, but lost during development. This will allow staff to verify how many replacement trees are needed for each lot at the building permit stage. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

~~(E) — Except as provided in [section 3.18.005](#), no person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree situated on property regulated by [article 3.18](#) without first obtaining a tree removal permit, unless otherwise specified in [article 3.18](#). (Ordinance adopting Code)~~

~~(F) — Then, prior to the final inspection in connection with a building permit, any tree(s) shown on the tree survey as being retained on the lot, and which is removed or lost during development of the lot or home, shall be replaced by the developer or builder by planting a tree or trees of equivalent caliper inches. The trees used as replacement trees must each have a caliper of at least one and one half inches (1 1/2") and be container grown. Trees used as replacement trees must be from the large tree list found on the approved list in section 3.18.019 or approved by the planning and zoning manager. The replacement tree(s) must be planted on the same lot where the tree(s) it is replacing was, provided that the planning and zoning manager **Development Services Director or City Manager designee** may approve placement of the tree(s) on another lot(s) in the subdivision, if he finds it to be in the public interest. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06; Ordinance adopting Code)~~

Sec. 10.03.040 Data requirement for preliminary plat

(a) The owner shall submit the required number of copies of the preliminary plat an [and] 8-1/2" x 11" and a 11" x 17" reduction of copies of the preliminary plat, as determined by the development review committee, to allow for the distribution of the proposed preliminary plat for review. Each copy of the preliminary plat shall be folded so that the title block for the subdivision may be read in the lower righthand corner. The preliminary plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or larger on 24" x 36" sheet size. In cases of large developments which would exceed the dimensions of the required sheet at the 100-foot scale, preliminary plats may be submitted at a scale of one inch equals two hundred feet (1" = 200') on multiple sheets, properly registered. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(b) The preliminary plat shall contain or be accompanied by the following:

(1) The required number of copies of the preliminary plat and the approved engineering and construction plans for all public infrastructure improvements in accordance with the design standards of the city, to include all streets, water mains and services, sewer system and services, and drainage systems required to develop the proposed subdivision.

(Ordinance 2016-01-00827 adopted 1/7/16)

(2) The name, address and telephone number of the owner, the surveyor, and engineer responsible for the preparation of the final plat.

(3) The name of the subdivision, vicinity location map showing adjacent subdivisions, street names (which shall conform, whenever possible, to existing street names) and lot and block numbers in accordance with a systematic arrangement.

(4) An accurate boundary survey description of the property, with bearings and distances, referenced to survey lines, existing property descriptions and established subdivisions, and showing the lines of adjacent tracts, the layout, dimensions and names of adjacent streets and alleys and lot lines shown in dashed lines.

(5) Scale, north point, date, lot and block numbers.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(6) The name and location of adjacent subdivisions or unplatted tracts drawn to scale shown in dotted lines and in sufficient detail to accurately show the existing streets, alleys and other features that may influence the layout and development of the proposed subdivision. The abstract name and number, and name of the owner of the adjacent unplatted tracts shall be shown. (Ordinance 2016-01-00827 adopted 1/7/16)

(7) Exact location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimal fractions of feet, with the length of radii and of arcs of all curves, internal angles, points of curvatures, length and bearings of the tangents, and with all other surveyor information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points. All lots on building sites shall conform to the minimum standards for area, width and depth prescribed by the zoning district or districts in which the subdivision is located, and state the area size of each lot.

(8) ~~Building setback lines and~~ The location of utility easements.

~~(9) Topographic information showing contour lines with intervals up to one foot (1') indicating the terrain, the drainage pattern of the area, and the drainage basin areas within the proposed subdivision. Topographic information showing contour lines with intervals up to two (2) feet indicating the terrain, the drainage pattern of the area, and the drainage basin areas outside the boundaries of the proposed subdivision.~~

(910) The layout and dimensions of proposed storm drainage areas, easements and rights-of-way necessary for drainage within and outside the boundaries of the proposed subdivision.

(101) The location and purpose of all proposed parks or other areas offered for dedication to public use.

(112) The location of all existing property lines, buildings, sewer or water mains, storm drainage areas, water and wastewater facilities, fire hydrants, gas mains or other underground structures, easements of record or other existing features.

~~(13) The location, size and identification of any physical features of the property, including watercourses, ravines, bridges, culverts, existing structures, drainage or other significant topographic features located on the property or within one hundred fifty feet (150') of the proposed subdivision.~~

(124) Copy of any deed restrictions, restrictive covenants, special use permit or planned development district ordinance regulating the property.

(135) The angle of intersection of the centerlines of all intersecting streets which are intended to be less than ninety degrees (90°).

(146) In accordance with the city floodplain management regulations, of the Code of Ordinances, as amended, the floodplain and floodway lines and base flood elevations as shown on the current effective flood insurance rate maps for the city shall be shown, where applicable. A notation shall be shown on the face of the preliminary plat stating: "Lots or portions of lots within the floodplain or areas of special flood hazard require a development permit prior to issuance of a building permit or commencement of construction including site grading, on all or part of those lots."

(157) For a preliminary plat of land located outside the city limits where sanitary sewer does not exist or where street improvement standards vary from those specified by the city, such differences shall be noted.

(168) A certificate of ownership and dedication of all streets, alleys, easements, parks and other land intended for public use, signed and acknowledged before a notary public by the owner and lienholders of the property, along with complete and accurate metes and bounds description of the land subdivided and the property dedicated to public use.

(179) Receipt showing all taxes on the subject property are paid.

(1820) Certification by a surveyor, to the effect that the preliminary plat represents a survey made by the surveyor, and that all the necessary survey monuments are correctly shown thereon.

(1924) A preliminary plat provided in multiple sheets shall include a key map showing the entire subdivision at smaller scale with lot and block numbers and street names on one (1) of the sheets or on a separate sheet of the same size.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(202) Copy of any proposed property owner or homeowners' association agreements, covenants and restrictions. (Ordinance 2016-01-00827 adopted 1/7/16)

(21) A site plan showing building setback lines, topographic information showing contour lines with intervals up to one foot (1') indicating the terrain, the drainage pattern of the area, and the drainage basin areas within the proposed subdivision. Topographic information showing contour lines with intervals up to two (2) feet indicating the terrain, the drainage pattern of the area, and the drainage basin areas outside the boundaries of the proposed subdivision; and the location, size and identification of any physical features of the property, including watercourses, ravines, bridges, culverts, existing structures, drainage or other significant topographic features located on the property or within one hundred fifty feet (150') of the proposed subdivision.

Sec. 10.03.041 Effect of preliminary plat approval

Approval of a preliminary plat by the commission and city council constitutes authorization for the city engineer to release construction plans and to permit the owner to commence construction of the public improvements. Approval of a preliminary plat also authorizes the owner, upon fulfillment of all requirements and conditions of approval, to submit a final plat for approval. Upon release of the construction plans, the city engineer may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. The certificate shall read as follows:

“The Preliminary Plat for (insert name of the subdivision or addition) as approved by the City Council for the City of Lucas on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A Final Plat shall be approved by the Planning and Zoning Commission upon the completion of all public improvements or the provision of an Improvement Agreement under the terms of the Subdivision and Development Ordinance and submission of a Final Plat in compliance with the Subdivision and Development Ordinance of the City of Lucas.”

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.042 ~~Amendments to optional land study or~~ preliminary plat

(a) At any time following the approval of a preliminary plat, and before the lapse of such approval, the owner may request an amendment. No amendment may be approved pursuant to this section which amends or changes any condition, regulation, or development required by a planned development ordinance or specific use permit which governs the development of such subdivision. The rerouting of streets, addition or deletion of alleys, or addition or deletion of more than ten percent (10%) of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within ten percent (10%) of the approved number and the adjustment of lot lines shall be considered minor amendments. (Ordinance 2010-11-00668, sec. 1, adopted 11/4/10)

(b) The director of development services may approve or disapprove a minor amendment. Disapproval may be appealed to the commission. Major amendments may be approved by the commission at a public meeting in accordance with the same requirements for the approval of a preliminary plat. (Ordinance 2016-01-00827 adopted 1/7/16)

(c) Approval. The commission shall approve, conditionally approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.

(d) Retaining previous approval. If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the commission, the applicant may withdraw the proposed major amendment or appeal the action of the commission to the city council in accordance with section 10.03.006.

Sec. 10.03.043 Procedure for final plat

- (a) After approval of the preliminary plat by the planning and zoning commission and the city council and upon completion of the required public improvements or the provision of an improvement agreement as allowed herein, the owner shall submit a final plat for the property for approval.
- (b) The final plat shall conform substantially to the approved preliminary plat, if required, and, if desired by the developer, may cover only a phase of the approved preliminary plat; provided, however, such phase conforms to all the requirements of this article and the approved preliminary plat indicated the phasing of such development.
- (c) The final plat shall be distributed to the city departments and other agencies for review and comment in the same manner as a preliminary plat.
- (d) The development review committee shall accumulate the comments of the city departments and agencies and conduct a developer/city staff conference to report the comments and requested corrections to the developer. The developer shall make comment or make the required corrections and submit the corrected final plat to the development review committee for submission to the planning and zoning commission. The corrected final plat shall be submitted within thirty (30) days of the date the original final plat was officially filed and prior to the meeting of the planning and zoning commission at which the original final plat is scheduled for consideration.
- (e) The final plat shall be submitted to the planning and zoning commission at the next available meeting with any appropriate comments and recommendations by the development review committee. The planning and zoning commission shall act on the final plat within thirty (30) days after the official filing date. If no action is taken by the planning and zoning commission within such period, the final plat shall be deemed approved. A certificate showing the filing date and failure to take action thereon within the thirty-day period shall, on request, be issued by the planning and zoning commission, which shall be sufficient in lieu of a written endorsement of approval. The planning and zoning commission shall be the final approval authority for final plats. The denial of approval of a final plat shall not be appealable to the city council.
- (f) The planning and zoning commission shall consider the final plat, including all proposals by the owner with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage and other improvements.
- (g) The approval of the final plat by the planning and zoning commission shall authorize the planning and zoning commission chairperson to execute the certificate of approval on the final plat.
- (h) The approved final plat shall then be filed by the city ~~of record~~ in the plat records of the county.
- ~~(i) The final plat for any subdivision located outside the city limits shall be submitted to the commissioner's court of the county for approval and the execution of any applicable agreements.~~
- ~~(j) After action by the commissioner's court, the final plat shall be returned to the city for filing by the development review committee.~~
- (k) Final plats disapproved by the planning and zoning commission shall be returned to the developer by the development review committee.
- (l) In the event a final plat is approved by the planning and zoning commission for a subdivision in phases, the final plat of each phase shall carry the same name throughout the entire subdivision, but bear a distinguishing letter, number or subtitle. Lot and block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.

Sec. 10.03.044 Standards for approval of final plat

No final plat shall be approved unless the following standards have been met:

- (1) The final plat substantially conforms to the preliminary plat, if required;

- (2) Required public improvements have been constructed and are ready to be accepted by the planning and zoning commission, and/or an improvement agreement has been approved by the city council for the subsequent completion of the public improvements;
- (3) The final plat conforms to the applicable zoning and all other requirements of this article;
- (4) Adequate provision has been made for the dedication and installation of public improvements; and
- (5) All required fees have been paid.

Sec. 10.03.045 Data requirement for final plat

The owner shall prepare a final plat in accordance with the conditions of approval for the preliminary plat drawn to a scale of one inch equals one hundred feet (1" = 100') on 24" x 36" sheet size. For large developments, the final plat may be submitted on multiple sheets properly registered to match with the surrounding sheets and a small-scale key map showing all sheets of the final plat ~~have been~~ shall be provided. The owner shall submit the required number of "copies" of the final plat and 8-1/2" x 11" and an 11" x 17" reduction copies of the final plat as determined by the development review committee with three (3) copies of the approved construction plans for the public infrastructure improvements for the proposed subdivision. Each copy of the final plat shall be folded so that the title block for the subdivision may be read in the lower righthand corner. The final plat shall contain or be accompanied by the following:

- (1) Record drawings, construction plans including one set of mylars and a digital copy in PDF, DWG or DGN format, and two sets of bluelines, where applicable.
- (2) All information required for a preliminary plat.
- (3) The improvement agreement and security, if required, in a form satisfactory to the city attorney and in an amount established by the city council upon recommendation of the city engineer and shall include a provision that the owner shall comply with all the terms of the final plat approval as determined by the commission.
- (4) Formal irrevocable offers of dedication to the public of all streets, alleys, utilities, easements and parks in a form approved by the city attorney.
- (5) The following certificates shall be placed on the final plat in a manner that will allow them to be clearly visible on the final plat.

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LUCAS, TEXAS, ON THE ____ DAY OF _____, ____.

ATTEST:

Chairperson, Planning and Zoning Commission

City ~~Zoning~~ Secretary

- (6) An owner may, at the discretion of the commission, obtain approval of a phase of a subdivision for which a preliminary plat was approved provided such phase meets all the requirements of this article in the same manner as is required for a complete subdivision.
- (7) If applicable, copy of agreements, covenants and restrictions establishing and creating the homeowners' association approved by the commission based on recommendation of the city attorney.

Sec. 10.03.046 Execution and recordation of final plat

(a) When an improvement agreement and security are required, the city council shall endorse approval on the final plat after the improvement agreement and security have been approved by the city attorney, and all the conditions pertaining to the final plat have been satisfied. A final plat for which an improvement agreement has been approved shall contain the following notation on the final plat: "This Subdivision is subject to an Improvement Agreement pursuant to the City of Lucas, Texas Subdivision and Development Ordinance. All or some of the public infrastructure were not constructed and accepted by the City of Lucas, Texas prior to approval of this Final Plat."

(b) When installation of public improvements is required prior to recordation of the final plat, the city council shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements are satisfactorily completed. There shall be written evidence that the required public improvements have been installed and have been completed in a manner satisfactory to the city as shown by a certificate signed by the city engineer stating that the necessary dedication of public lands and installation of public improvements ~~and [sic]~~ have been accomplished.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(c) City staff shall be responsible for filing the final plat with the county clerk. Simultaneously with the filing of the final plat, the city staff shall record such other agreements of dedication and legal documents as shall be required to be recorded by the city secretary or the city attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within five working days of its receipt. One (1) copy of the recorded final plat, with street addresses assigned, will be forwarded to the owner by the city staff. (Ordinance 2016-01-00827 adopted 1/7/16)

(d) Approval of a final plat shall certify compliance with the regulations of the city pertaining to the subdivision. An approved and signed final plat may be filed with the county as a record of the subdivision and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

Sec. 10.03.047 Administrative approval of certain amending plats, minor plats and replats

(a) The development review committee is authorized to approve the following:

- (1) Amending plats described by [section 212.016 Tex. Loc. Gov't Code](#);
- (2) Minor plats involving four or fewer lots fronting an existing street and not requiring the creation of any new street or extension of municipal facilities; and
- (3) A replat under section [212.0145 Tex. Loc. Gov't Code](#) that does not require the creation of any new street or the extension of municipal facilities.

(b) The ~~planning and zoning manager~~ [Development Services Director or City Manager designee](#) may for any reason elect to present an amending plat, minor plat or replat meeting the requirements of (a) above to the planning and zoning commission for approval.

(c) Any amending plat, minor plat or replat meeting the requirements of (a) above which the ~~planning and zoning manager~~ [Development Services Director or City Manager designee](#) fails or refuses to approve shall be submitted to the planning and zoning commission for approval.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.048 Vacating plats, replats and amendment of plats

(a) Vacating plats.

- (1) The owners of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. Subject to review and approval by both the planning and zoning commission and the city council.

(Ordinance 2016-01-00827 adopted 1/7/16)

- (2) If lots have been sold, the plat, or any part of the plat, may be vacated on the application of all the

owners of lots in the plat with approval obtained in the manner prescribed for the original plat. Subject to review and approval by city council.

(3) The planning and zoning commission shall disapprove any vacating instrument which abridges or destroys public rights in any of the public uses, improvements, streets or alleys.

(4) Upon approval and recording with the county clerk, the vacated plat has no effect.

(b) Replating without vacating preceding plat.

(1) A replat of a subdivision or part of a subdivision may be recorded and is controlled over the preceding plat without vacation of that plat if the replat: (i) is signed and acknowledged by only the owners of the property being platted; (ii) does not attempt to amend or remove any covenants or restrictions; and (iii) and is approved, after a public hearing on the matter, by the planning and zoning commission. Subject to review and approval by city council.

(2) An application for a replat shall follow the same procedure required for preliminary and final plats.

(c) Additional requirements for certain replats.

(1) In addition to compliance with [section 10.03.048\(b\)](#), a replat without vacation of the preceding plat must conform to the requirements of this section if:

(A) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

(B) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

(2) Notice of the public hearing, as required in [section 10.03.048\(b\)](#), shall be given before the fifteenth (15th) day before the date of the public hearing by: (1) publication in the official newspaper; and (2) by written notice, with a copy of [Tex. Loc. Gov't Code section 212.015\(c\)](#) attached, forwarded to the owners of lots that are in the original subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved city tax rolls or[, in] the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.

(3) If the proposed replat requires a waiver and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present at the meeting of the planning and zoning commission. For a legal protest, written instruments signed by owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the planning and zoning commission prior to the close of the public hearing.

(4) In computing the percentage of land area under subsection (3), the area of streets and alleys shall be included.

(5) Compliance with subsections (3) and (4) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(d) Plat amendments and corrections.

(1) The director of development services is allowed to approve the following:

(A) Amending the plats described in [section 212.016 of the Texas Local Government Code](#);

(B) Minor plats involving four or fewer lots fronting an existing street and not requiring the creation of any new street or extension of facilities; and

(C) A replat under [section 212.0145 of the Texas Local Government Code](#) that does not require the creation of any new street or the extension of municipal facilities.

(2) The director of development services may for any reason elect to present an amending plat, minor plat or replat meeting the requirements of subsection (1) above to the planning and zoning commission for approval.

(3) Any amending plat, minor plat or replat meeting the requirements of subsection (1) above which the ~~planning and zoning manager~~ [Development Services Director or City Manager designee](#) fails or refuses to approve shall be submitted to the planning and zoning commission for approval.

Sec. 10.03.049—Expiration of final plat approval

~~(a) If public improvements for a subdivision have not been constructed and accepted by the city and the corresponding final plat for said subdivision has not been filed in the county plat records within two (2) years after the date of final plat approval by the planning and zoning commission, said final plat shall be null and void and shall conclusively be deemed to be withdrawn without further action by the city. This provision shall not apply to final plats approved by the city prior to the effective date of this section (ordinance adopted July 7, 2006). (Ordinance 2016-01-00827 adopted 1/7/16)~~

~~(b) Final plats approved prior to the effective date of this section [ordinance adopted July 7, 2006] shall become null and void and shall be conclusively deemed to be withdrawn without further action by the city in 5 years if the public improvements for the subdivision have not been constructed and accepted by the city and the corresponding final plat for said subdivision filed in the county plat records.~~

~~(c) An approved, unexpired final plat may be extended by the planning and zoning commission upon written request, once for a period not to exceed twelve (12) months provided:~~

- ~~(1) Good cause is shown by the developer; and~~
- ~~(2) There has been no significant change in development conditions affecting the subdivision; and~~
- ~~(3) The final plat continues to comply with all applicable regulations, standards and this article.~~

Sec. 10.03.050—Nonresidential property

~~A nonresidential subdivision shall be processed for approval in the same manner as a residential subdivision, except that no individual lots need be drawn on such plat. Only streets, blocks, drainage easements and minimum building lines need be shown.~~

Secs. 10.03.049–10.03.080 Reserved

Division 3. Completion and Maintenance of Public Improvements

Sec. 10.03.081 Construction plan procedure

(a) General application requirement. Construction plans shall be prepared by or under the supervision of a professional engineer or architect ~~registered~~ licensed in the state as required by state law governing such professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer" or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans ~~acceptable to the city~~ shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the city shall be designed by a professional engineer ~~registered~~ licensed in the state.

(b) Construction plan review procedure. Copies of the construction plans, and the required number of copies of the preliminary plat, shall be submitted to the city engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls and other special features. All materials specified shall conform to the standard specifications and standard details of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision

to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The city engineer will release the plans for construction, after approval of the preliminary plat by the commission subject to review and approval by city council and payment of all inspection fees. Upon such release, each contractor shall maintain one set of plans, stamped with city release, at the project site at all times during construction.

I Failure to commence construction. If commencement of construction has not occurred within one (1) year after approval of the plans, resubmittal of plans may be required by the city engineer for meeting current standards and engineering requirements. For purposes of this section “commencement of construction” shall mean (i) issuance of construction permit(s); and (ii) grading of the land.

Sec. 10.03.082 Improvement agreements

(a) Completion of improvements. Except as provided below, before the final plat is approved by the commission or ~~planning and zoning manager~~ Development Services Director, all applicants shall be required to complete, in accordance with the city’s direction and to the satisfaction of the city engineer, all street, sanitary, and other public improvements, including lot improvements on the individual residential lots of the subdivision as required in these regulations and specified in the final plat, and to dedicate those public improvements to the city. As used in this section, “lot improvements” refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.

(b) Improvement agreement.

(1) Agreement. The city council, considering the recommendation of the commission, may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final plat, and may permit the owner to enter into an improvement agreement by which the owner covenants to complete all required public improvements no later than two (2) years following the date on which the final plat is signed. The city council may also require the owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period. The improvement agreement shall contain such other terms and conditions as are agreed to by the owner and the city.

(2) Improvement agreement required for oversize reimbursement. The city shall require an improvement agreement pertaining to any public improvement for which the developer shall request reimbursement from the city for oversize costs.

(3) Security. The improvement agreement shall require the owner to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the city, a letter of credit, or other security acceptable to the city attorney. Security shall be in an amount equal to one hundred percent (100%) of the city’s estimated cost of completion of the required public improvements and lot improvements. In addition to all other security, for completion of those public improvements where the city participates in the cost, the owner shall provide a performance bond from the contractor, with the city as a co-obligee. The issuer of any surety bond and letter of credit shall be subject to the approval of the city attorney.

(4) Letter of credit. If the city council authorizes the owner to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

(A) Be irrevocable;

(B) Be for a term sufficient to cover the completion, maintenance and warranty periods but in no event less than two (2) years; and

(C) Require only that the city present the issuer with a sight draft and a certificate signed by an authorized representative of the city certifying to the city’s right to draw funds under the letter of credit.

(5) Letter of credit reductions. As portions of the public improvements are completed, the developer may make application to the city engineer to reduce the amount of the original letter of credit.

(A) The city engineer, if satisfied that such portion of the improvements has been completed in accordance with city standards, may cause the amount of the letter of credit to be reduced by such amount deemed appropriate, so that the remaining amount of the letter of credit adequately insures the completion of the remaining public improvements.

(B) Upon the dedication of and acceptance by the city of all required public improvements, the city shall authorize a reduction in the security to 10% of the original amount of the security if the owner is not in breach of the improvement agreement. The remaining security shall be security for the owner's covenant to maintain the required public improvements and the warrant that the improvements are free from defect for two (2) years thereafter.

(C) Temporary improvements. The owner shall build and pay for all costs of temporary improvements required by the commission and shall maintain those temporary improvements for the period specified by the commission. Prior to construction of any temporary improvement, the owner shall file with the city a separate improvement agreement and escrow, or where authorized, a letter of credit, in an appropriate amount for such temporary improvements, which improvement agreement and escrow or letter of credit shall ensure that the temporary improvements will be properly constructed, maintained, and removed.

(D) Units of government. Governmental units may file, in lieu of the contract and security, a certified resolution or ordinance agreeing to comply with the provisions of this section.

(E) Failure to complete improvements. For plats for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the city, the preliminary plat approval shall be deemed to have expired. In those cases where an improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the city may:

- (1) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the improvement agreement is declared to be in default;
- (2) Suspend final plat approval until the public improvements are completed and record a document to that effect for the purpose of public notice;
- (3) Obtain funds under the security and complete or cause the public improvements to be completed;
- (4) Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements in the subdivision; and
- (5) Exercise any other rights available under the law.

(F) Acceptance of dedication offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by authorization of the city engineer. The approval by the commission of a plat, whether preliminary or final, shall not in [and] of itself be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on plat. The commission may require the plat to be endorsed with appropriate notes to this effect.

(G) Maintenance of public improvements. The owner shall maintain all required public improvements for a period of two (2) years following the acceptance by the city and shall provide a warranty that all public improvements shall be free from defect for a period of two (2) years following such acceptance by the city.

Sec. 10.03.083 Construction procedures

- (a) Permit required. A permit is required from the city prior to commencement of any ~~subdivision~~ development work in the city which affects erosion control, vegetation or tree removal, or a floodplain.
- (b) Preconstruction conference. The city engineer may require that all contractors participating in the construction meet for a preconstruction conference to discuss the project prior to release of a permit.
- (c) Conditions prior to authorization. Prior to authorizing release of a construction permit, the city engineer shall be satisfied that the following conditions have been met:
- (1) The preliminary plat shall be approved by the commission subject to the review and approval by council.
 - (2) All required contract documents shall be completed and filed with the city engineer.
 - (3) All necessary off-site easements or dedications required for city infrastructure and not shown on the final plat must be conveyed solely to the city, with proper signatures affixed. The original of the documents shall be returned to the engineering department prior to approval and release of the engineering plans and issuance of a permit.
 - (4) All contractors participating in the construction shall be provided, at the developer's cost, with a set of approved plans bearing the stamp of release of the engineering department. One set of these plans shall remain on the job site at all times.
 - (5) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the city engineer at least twenty-four (24) hours prior to the preconstruction meeting which is optional.
 - (6) All applicable fees must be paid to the city.
 - (7) Subject to the approval by city council.

Sec. 10.03.084 Inspection of public improvements

- (a) General procedure. Construction inspection shall be supervised by the city engineer. Construction shall be in accordance with the approved plans and the design standards. Any change in design required during construction should be made by the engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and the engineer who sealed the original plans if those revisions are noted on the plans or documents. All revisions shall be approved by the city engineer. If the city engineer's inspection finds that any of the required public improvements have not been constructed in accordance with the city's construction standards and specifications, the owner shall be responsible for completing and/or correcting the public improvements.
- (b) Certificate of satisfactory completion. The city will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the city engineer, through submission of record drawings, indicating location, dimensions, materials, and other information required by the commission or city engineer, that all required public improvements have been completed. The record drawings shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer, or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat, and all changes made in the plans during construction and containing on each sheet a record drawing stamp bearing the signature of the engineer and the date. The engineer or surveyor shall also furnish a copy of the final plat and engineering plans, if prepared on a computer assisted design drawings (CADD) system, in such a format that is compatible

with the city's CADD system or PDF The developer shall provide a maintenance bond executed by a corporate surety duly authorized to do business in the state, payable to the city and approved by the city as to form, to guarantee the maintenance of the construction for a period of two (2) years after its completion and acceptance by the city. In lieu of a maintenance bond the developer may submit either an irrevocable letter of credit payable to the city and approved by the city as to form, or a cash bond payable to the city and approved as to form. The amount of the maintenance bond, letter of credit or cash bond shall be at least ten percent (10%) of the full cost of the infrastructure in the subdivision, as determined by the estimate of construction costs. When such requirements have been met the city engineer shall thereafter accept the public improvements.

(c) Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the city for use and maintenance.

(d) Upon acceptance of the required public improvements, the city engineer shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed.

Sec. 10.03.085 Deferral of required improvements

(a) The commission, subject to the review and approval of city council, may, upon petition of the owner, defer at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements [that] are not required in the interests of the public health, safety and general welfare.

(b) Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the commission, the owner shall deposit in escrow the developer's share of the costs of the future public improvements with the city prior to approval of the final plat, or the owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the city.

Sec. 10.03.086 Issuance of building permits and certificates of occupancy

(a) No building permit shall be issued for a lot or building site unless the lot or site has been officially recorded by an approved final plat ~~approved by the city~~, and all public improvements as required for final plat approval have been completed, except as permitted below.

(1) Building permits may be issued for nonresidential developments provided that a preliminary plat is approved ~~by the city~~ and civil construction plans have been released by the city engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.

(2) The city engineer may authorize residential building permits for a portion of a subdivision, provided that a preliminary plat has been approved and all public improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a final plat ~~approved by the city~~ has been recorded.

(b) No certificate of occupancy shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat approved ~~by the city~~ has been recorded. Notwithstanding the above, the city building official may authorize the occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved ~~by the city~~ for the completion of all remaining public improvements.

Sec. 10.03.087 Utility connections

Utility connections for individual lots are not authorized until a final plat has been approved in accordance with this article.

Sec. 10.03.088 Withholding improvements

The city shall withhold all city improvements of whatsoever nature, including the furnishing of water facilities and service, from any subdivision which has not been constructed and approved in accordance with this article.

Secs. 10.03.089–10.03.120 Reserved

Division 4. Standards and Requirements

Sec. 10.03.121 Lots and blocks

- (a) All lots of a plat shall front on a dedicated public street, or an approved private street.
- (b) Lot dimensions shall comply with the standards required by the comprehensive zoning ordinance.
- (c) The area of the lots shall be computed by taking the total area measured on a horizontal plane, included within the lot lines.
- (d) All side lines of lots shall be at right angles to straight street lines or radial to curved street lines, unless a waiver from this rule would, in the opinion of the planning and zoning commission, subject to review and approval by council, produce a better lot plan and better utilize the proposed development.
- (e) Block lengths between intersecting cross streets shall be no more than one thousand six hundred feet (1,600') and no less than two hundred fifty feet (250').

Sec. 10.03.122 Park sites

- (a) Whenever a final plat is submitted to the city or is required to be approved by the city for development of a residential area consisting of ten (10) or more single-family residences in accordance with the ordinances of the city, such plat shall contain a clear fee simple dedication of an area of land to the city for park purposes, which area shall equal one acre for each 30 proposed dwelling units. No plat showing a dedication of less than one (1) acre shall be approved, except as hereinafter provided.
- (b) The city council declares that development of an area smaller than one acre for public park purposes is impractical. Therefore, if a proposed subdivision consists of fewer than 35 units, the developer shall be required to pay a sum of money in lieu of a dedication of land [land in] the amount provided in this subsection. In lieu of dedication, the developer may make payment at a per-acre price set from time to time by resolution of the city council, sufficient to acquire land and provide for adjacent streets and utilities for a neighborhood park to serve the park zone in which such development is located. The zones are hereby illustrated in exhibit A. Unless changed hereafter by the city council, such per-acre price shall be computed on the basis of fewer than 35 lots and basis of \$1,000.00 per dwelling unit/lot. Such funds may be used for acquisition, improvement, or maintenance of a park within a same zone as a development. The city council may establish a special fund for the deposit of all sums paid in lieu of any land dedication. These sums must be expended within two (2) years of the completion of the subdivision for the acquisition, development, or maintenance of a neighborhood park. If the funds are not expended, the funds shall be refunded to the property owners in the subdivision on a pro-rata basis. For proposed subdivisions of 35 or greater family dwellings, the developer may elect to pay cash, subject to city council approval, in lieu of any land dedication requirement.

Editor's note—Exhibit A, referred to in the above section, is not printed herein but is on file in the city secretary's office. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.123 Streets and drainage

(a) Streets.

- (1) All street widths shall conform to the master thoroughfare plan and shall be as follows:

Street or Thoroughfare Type	Minimum Right-of-Way Width	Pavement Width (measured from edge to edge)
Arterial (type A)	120 ft.	39 ft. (each direction)
Major collector (type B)	90 ft.	64 ft.
Collector (type C)	60 ft.	34 ft.
Residential	50 ft.	24 ft.
Private drive road (type D)	50 ft.*	24 ft.

*Private ~~drives~~ road shall not be in ROW but within an access, drainage, and utility easement.

(2) All street rights-of-way shall be dedicated to the city as part of the platting process and without cost to the city.

(Ordinance 2016-01-00827 adopted 1/7/16)

(3) Existing streets shall be continued with the same or greater right-of-way and pavement widths as the existing streets being connected where practical, as determined by the planning and zoning commission. Street names shall also be continued for extended streets. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(4) Dead-end streets may be platted where the land adjoining the proposed plat has not been developed and the opportunity exists for future extension of the proposed street and shall not exceed one hundred fifty feet (150'). In the event that such proposed street exceeds one hundred fifty feet (150') in length or one lot width, from the nearest street intersection, the street will be provided with an approved cul-de-sac, turnaround either permanent or temporary (defined as permanent quality and made of asphalt), having a minimum right-of-way radius of sixty feet (60'). (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06; Ordinance adopting Code)

(5) Where streets within the proposed subdivision are dictated by lot design to be cul-de-sacs, such cul-de-sac streets shall be provided with a permanent cul-de-sac having a minimum right-of-way radius of sixty feet (60') and shall not exceed six hundred feet (600') in length except in circumstances dictated by topography and existing development. Future streets that may offer a second point of access shall not be considered when measuring the length of cul-de-sac until the street is actually constructed. In situations where cul-de-sacs exceed the prescribed length by more than five percent (5%), a combination of the following based on the number of lots and dwelling units will be considered as a mitigating measure:

- (A) A secondary emergency entrance/exit;
- (B) Widening of the street and enlarging the cul-de-sac turnaround;
- (C) Addition of fire hydrants; and
- (D) Looped water system.

(6) A secondary point of access, meeting the fire code, will be required for any subdivision, or any part of a subdivision, to prevent more than 10 lots from having only one point of access or emergency access. The secondary point of access shall not be routed through existing subdivisions.

(7) Roadways shall be designed with regard for all topographical features lending themselves to treatment and layout of utilities.

(8) In platting the subdivision, the developer shall dedicate all the necessary right-of-way for the existing and proposed streets as shown on the proposed plat in accordance with the major thoroughfare plan or other plans approved by the city, at no cost to the city.

(9) All streets shall be constructed in the dedicated right-of-way as required by the major thoroughfare plan. If a street as shown on the major thoroughfare plan is located in the interior of the subdivision, the developer shall construct the entire width of the roadway. Streets which dead-end at utility rights-of-way, intended for future extension across these rights-of-way, shall be constructed to the center of the right-of-way as required by the major thoroughfare plan for half the distance across the rights-of-way. Where streets are dedicated adjacent to undeveloped land and the property line is normally the centerline of the street, the developer shall dedicate the necessary right-of-way.

(10) All new streets and median openings and left-turn lanes, constructed in existing streets to serve dedicated streets in a development, or to serve private drives, shall be paved to city standards, inspected by city inspectors and paid for by the developers.

(11) Acceleration and deceleration lanes shall be constructed to the same standards as the adjoining streets, and cost of construction shall be the developer's responsibility.

(12) All handicap ramps shall be constructed by the developer in accordance with the paving design manual prior to acceptance of the subdivision.

(13) At a signalized intersection in which one public street terminates at the intersection of a connecting cross street, a private driveway shall not be placed on the cross street so as to be in alignment with the terminating street. However, an exception to this requirement may be considered when it is demonstrated that the location of the proposed drive, at the intersection, is the only acceptable access point due to spacing requirements and other design standards.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(14) A public cross-access easement shall be required between adjacent lots fronting on an arterial street in order to minimize the number of access points and facilitate access between and across individual lots and at any other location where existing lot widths are not sufficient to allow individual driveways per the city's driveway criteria as determined by the city engineer. The location shall be approved by the city[.] Minimum easement width shall be twenty-four (24) feet and the length shall be the full width of the lot fronting the roadway[.] This standard is required and must be shown on all optional studies, preliminary plats and final plats. (Ordinance 2014-05-00780 adopted 5/1/14)

(15) Subdivision streets shall be tied to an existing paved public street by pavement built to city standards. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(16) Residential lots shall not face arterial streets or thoroughfares and driveways shall not be permitted on arterial streets unless approved by the city engineer.

(b) Private drives-roads The following are required for private ~~drives~~roads.

(1) A minimum pavement width of twenty-four (24) feet constructed in accordance with the paving design manual;

(2) A minimum width of fifty (50) feet and contained within an access, drainage, and utility easement; with;

(3) Shall be in a separated lot dedicated to and maintained by an HOA; and

(4) Shall be the same design, engineering, and planning requirements as a city street.

(Ordinance 2014-05-00780 adopted 5/1/14)

(c) Sidewalks.

(1) Concrete sidewalks are required for all streets (~~residential R-1 and~~ (any commercial or retail zoning), unless waived by the city council at time of preliminary plat approval.

(2) Sidewalks located on residential streets shall be five feet (5') in width, located within the street right-of-way and constructed in accordance with the paving design manual. In R-1 zoning districts, each residential lot shall pay double park fees in lieu of a sidewalk.

(3) Sidewalks located adjacent to commercial property and all designated arterial or collector streets, as shown in the major thoroughfare plan, shall be eight feet (8') in width within the street right-of-way and constructed in accordance with the paving design manual.

(4) Sidewalks adjacent to arterial or collector streets shall be constructed at the time the street is constructed. All other sidewalks shall be constructed at the time the residence or development is permitted.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(d) Street name signs.

(1) Street name signs and all traffic-control devices shall conform to the Texas Manual on Uniform Traffic-Control Devices and the standards adopted by the city. ~~Street name signs~~ shall be required at each intersection.

(2) The cost of the street name signs, poles and installation shall be paid by the developer prior to acceptance of the subdivision. The city shall install the signs upon receipt of payment. The city engineer may allow the developer to install the street name signs and traffic-control devices.

(Ordinance 2014-05-00780 adopted 5/1/14)

(e) Storm sewers-Residential developments.

(1) An adequate storm sewer system consisting of inlets, pipes, and/or excavated channels or natural creeks and other drainage structures shall be constructed with [within] the subdivision. The developer shall bear the cost of all channel excavation, inlets, laterals, headwalls, manholes, junction structures, and all other items required to complete the system.

(2) The developer shall be responsible for all the costs of storm drainage systems where a pipe of seventy-two inches (72") in diameter, or less, is installed.

(3) In cases where the storm drain is larger than seventy-two inches (72"), twenty-five percent (25%) of the cost of providing the additional pipe larger than seventy-two inches (72") may be borne by the city and reimbursed to the developer, if a part of the capital improvement plan for the city and if funds become available. In such event, the developer shall be responsible for the remaining seventy-five percent (75%) and the cost of constructing the seventy-two-inch diameter pipe.

(4) In general, underground drainage shall be constructed in streets, alleys and drainage easements. As an alternate, and upon approval by the city engineer, the developer may construct, excavate, or reconstruct, at the developer's expense, an open channel. The proposed channel shall be constructed in accordance with the drainage and stormwater pollution prevention design manual.

(5) All channels shall be provided with dedicated drainage easements covering the floodway areas as defined by the drainage and stormwater pollution prevention design manual. All lots platted adjacent to the channel shall include the required drainage easement. Where possible, the property line division between lots shall be the center of the constructed channel.

(6) If a developer chooses to construct an open channel or maintain a channel in its existing condition, the following conditions shall be met:

(A) Creeks or excavated channels with side slopes of 4:1, or less, shall be maintained by the adjacent owner(s); and

(B) Creeks or channels with greater slopes shall be maintained by the adjacent owners through an organized entity, owner association, public improvement district, condominium agreement, or other means. The city shall, through written agreement with the operating entity, have access for emergency purposes.

(7) In street crossings over drainage systems with a cross-section exceeding the dimension of an opening larger than that of a two (2) seventy-two-inch culvert pipe culvert, the city may participate in such crossings in an amount not to exceed twenty-five percent (25%) of the construction costs if a part of the capital improvement plan and if funds become available.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(8) Drainage ditches located within the public right-of-way or drainage easements shall have a minimum of 2% slope, if a drainage ditch has less than 2% slope the drainage ditch shall be concrete lined. The concrete lining shall be a minimum of 2' wide but not less than the width of the base of the ditch, the

concrete lining shall be 5 inches thick, have a minimum of 2500 psi compressive strength and have grid pattern of 12" with 3/8" rebar with a minimum of two bars in any direction. (Ordinance 2014-05-00780 adopted 5/1/14)

(f) Storm sewers–Nonresidential developments.

(1) An adequate storm drainage system consisting of inlets, pipes, underground structures, and/or channels or creeks shall be constructed by the developer in accordance with the drainage and stormwater pollution prevention design manual.

(2) The developer shall pay the total cost of all underground systems which are constructed where a double seventy-two-inch diameter or smaller pipe will carry the runoff. The city may participate to the extent of ten percent (10%) of the difference between two seventy-two-inch pipes and any larger diameter pipes, and reimburse the developer for such costs if a part of the capital improvement plan and if funds become available.

(3) In general, underground drainage shall be constructed in rights-of-way. As an alternate, if approved by the city engineer, the developer may construct, excavate, or reconstruct, at the developer's expense, an open channel in accordance with the drainage and stormwater pollution prevention design manual.

~~(4) In street crossings over drainage systems with a cross section exceeding the dimension of an opening larger than that of a two (2) seventy-two-inch culvert pipe culvert, the city may participate in such crossings in an amount not to exceed twenty-five percent (25%) of the construction costs if a part of the capital improvement plan and if funds become available.~~

(g) Lakes, detention ponds, and retention ponds may be constructed in all areas to be maintained by the owner, subject to approval by the city engineer. Dedication of an easement to the city is required to provide access for emergency purposes.

(h) Other innovative drainage concepts will be considered, subject to review and approval by the city engineer and city council.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(i) Street lighting.

(1) Street lighting shall be provided at street intersections at the request of the city engineer within new subdivisions and at streets connecting to new subdivisions. Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook and the city's regulations as provided in the Code of Ordinances and zoning regulations. When a conflict exists between the two, the city's Code of Ordinances shall take precedent. The use of sodium vapor lights for street and parking lot illumination shall not be allowed in the city.

(2) Cost of installation of street lighting shall be borne by the subdivider. Cost of ongoing service and utilities shall be borne by the subdivider and included in a maintenance agreement as part of the homeowners' association documents approved by the city attorney.

(3) The city may install and maintain lights at existing intersections that the city engineer deems necessary.

(4) The city engineer may, based on field conditions, modify the requirements of this section.

(5) A request for street lighting that is denied by the city engineer may be appealed to the planning and zoning commission. The request for an appeal must be made in writing to the development services director explaining why a streetlight in the proposed location is warranted and further citing factors as to why the city engineer's decision should be overturned. This request for an appeal must be received by the development services department no less than 20 days prior to the scheduled planning and zoning commission meeting in which the appeal will appear on the agenda. A recommendation for approval from the planning and zoning commission shall then be forwarded to the city council for final action. A recommendation of denial by the planning and zoning commission will only be forwarded to the city

council for final action upon written request of the applicant. Such written request must be received within thirty (30) days of the commission denying the request. The decision of the city council is final.

(6) All streetlights shall conform to the city's lighting regulations and be the same or similar in nature to the examples of streetlights as shown on figure 1, figure 2 and figure 3:

FIGURE 1



FIGURE 2



FIGURE 3



(Ordinance 2016-10-00843 adopted 11/3/16)

Sec. 10.03.124 Water and utility extensions

(a) Water and utility, general provisions.

(1) All utilities shall be required to extend across the full width of the last lot platted on each street proposed within the subdivision, in such an alignment that it can be extended to the next property in accordance with the master water and sewer plans for the city. Properties already served by water and sewer shall not be required to install additional facilities unless the current lines are not of adequate capacity to serve the proposed development, in which case the developer shall be required to install adequate facilities.

(2) Every lot of the plat shall have direct access to the water. Utility service shall be from a water main located in an abutting right-of-way or through easements from the lot to a water main.

(b) Water.

(1) No water main shall be extended unless the diameter of any such extended main is a minimum of eight inches (8") in diameter. Larger mains may be required per the water master plan.

(2) The water system shall be looped. Dead-end mains, if permitted, shall not exceed six hundred feet (600'). Single feeds may be permitted with the approval of the city engineer. Single feeds shall provide for looping in the future.

(3) The spacing and location of all fire hydrants shall comply with the provisions of the fire code and the water and wastewater design manual adopted by the city.

(4) The developer will bear the total cost of on-site mains, with sizes to be determined by the city, except that the city may pay for the increment of cost of water and sewer mains over twelve inches (12") in diameter provided that such mains are required as a part of the water master plan, and if a part of the capital improvement plan for the city, and if funds become available. The increment of the cost borne by the city shall be determined on the basis of percentage difference between the twelve-inch water or sewer mains and the larger size required.

(c) Wastewater. In locations where wastewater service is not available, as determined by the city engineer, an individual sewage disposal system of a type approved by the building official may be installed, in conformance with the plumbing code adopted by the city, as applicable, and the requirements of the county and the state commission on environmental quality.

Sec. 10.03.125 Provision of amenities

- (a) When amenities are proposed as a part of a subdivision and are owned and maintained by owners in common or through an association of owners, or where the amenities are to be dedicated to the city and are to be maintained publicly or privately through agreement with the city, the city may require the following:
- (1) Plans and illustration of the proposed amenities;
 - (2) Cost estimates of construction, maintenance and operating expenses;
 - (3) Association documents, deed restrictions, contracts and agreements pertaining to the amenities; and
 - (4) Provision of surety as required for maintenance and other expenses related to the amenities.
- (b) The design of amenities shall conform to the city's guidelines for residential amenities as adopted by the city council.
- (c) All amenities to be placed on land dedicated to the city, or involving the potential use of public funds for maintenance and/or operation, shall require city council approval prior to approval of the preliminary plat. The city council may deny any such amenities at its sole discretion.
- (d) All such amenities must be completed and in place prior to acceptance of the public improvements and prior to final release of certificate of occupancy and occupying of residential structures.
- (e) Any subdivision creating an area or amenity to be owned in common by the owners of lots within the subdivision shall require the establishment of a mandatory owners' and/or homeowners' association prior to the approval of the final plat.

Sec. 10.03.126 Mandatory homeowners' association

- (a) Applicability. When a subdivision contains streets, sewers, sewage treatment facilities, water supply systems, drainage systems or structures, parks, landscaping systems or features, irrigation systems, screening walls, living screens, buffering systems, subdivision entryway features (including monuments or other signage), or other physical facilities or grounds held in common that are not to be maintained by the city, the city may require the establishment and creation of a mandatory homeowners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities or grounds.
- (b) Responsibilities. Such mandatory homeowners' associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, lighting, [and] common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainageways or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association as required herein is established and created. The city shall be responsible for the repair of landscape systems, features or elements damaged by city-initiated utility work in dedicated easements. Other damage occurring during utility repairs will be the responsibility of the appropriate utility company.
- (c) Purpose. A homeowners' association shall be established and created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of landscape systems, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainageways or drainage structures or at subdivision entryways, open space common areas or properties including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, private amenity center, playgrounds, pavilions, ponds, detention ponds, drainage easements, off-street parking for the private amenity center, swimming pool, exercise trail, private neighborhood park and related amenities.
- (d) Dedications to homeowners' association. All open space and common properties or areas, facilities, structures, improvements systems, or other property that are to be operated, maintained and/or supervised by the homeowners' association shall be dedicated by easement or deeded in fee simple ownership interest to the homeowners' association after construction and installation as applicable by the owner and shall be clearly identified on the record final plat of the property.

(e) Approval. A copy of the agreements, covenants and restrictions establishing and creating the homeowners' association must be approved by the planning and zoning commission based on recommendation of city attorney prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the plat records of the county. The final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by the homeowners' association.

(f) Contents of homeowners' association agreements. At a minimum, the agreements, covenants and restrictions establishing and creating the homeowners' association required herein shall contain and/or provide for the following:

(1) Definitions of terms contained therein;

(2) Provisions acceptable to the city for the establishment and organization of the mandatory homeowners' association and the adoption of bylaws for said homeowners' association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive purchaser(s) shall automatically and mandatorily become a member of the homeowners' association;

(3) The initial term of the agreement; covenants and restrictions establishing and creating the homeowners' association shall be for a twenty-five-year period and shall automatically renew for successive ten-year periods, and the homeowners' association may not be dissolved without the prior written consent of the city council;

(4) Provisions acceptable to the city to ensure the continuous and perpetual use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, open space or common areas that are the responsibility of the homeowners' association and to establish a reserve fund for such purposes;

(5) Provisions prohibiting the amendment of any portion of the homeowners' association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, area or grounds that are the responsibility of the homeowners' association without the prior written consent of the city council;

(6) The right and ability of the city or its lawful agents, after due notice to the homeowners' association, to remove any landscape systems, features or elements that cease to be maintained by the homeowners' association; to perform the responsibilities of the homeowners' association and its board of directors if the homeowners' association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the homeowners' association or of any applicable city codes or regulations; to assess the homeowners' association for all costs incurred by the city in performing said responsibilities if the homeowners' association fails to do so; and/or to avail itself of any other enforcement actions available to the city pursuant to state law, city codes or regulations; and

(7) Provisions indemnifying and holding the city harmless from any and all costs, expenses, suits, demands, liabilities or damages including attorney's fees and costs of suit, incurred or resulting from the city's removal of any landscape systems, features or elements that cease to be maintained by the homeowners' association or from the city's performance of the aforementioned operation, maintenance or supervision responsibilities of the homeowners' association due to the homeowners' association's failure to perform said responsibilities.

(g) Notice to purchasers. Builders are required to post notice in a prominent place in all model homes, sales offices and on all open space areas larger than 20,000 square feet stating that a property association has been established and membership is mandatory for all property owners. The notice shall state at a minimum that the builder shall provide any person, upon their request, the association documents and a five-year projection of dues, income and association expenses.

(h) Maintenance reserve fund. Prior to the transfer of the control of the homeowners' association to the lot owners, the developer must provide a reserve fund equivalent to two months' dues based on full homeowners' association membership.

(i) Property association activation. Concurrent with the transfer of the homeowners' association, the developer must transfer to the homeowners' association control over all utilities related to property and amenities to be owned by the homeowners' association. The developer must also disclose to the homeowners' association the total cost to date related to the operation and maintenance of common property and amenities.

Sec. 10.03.127 Design standards

The following design standards and specifications are incorporated by reference into this article:

- (1) The city drainage and stormwater pollution prevention design manual, paving design manual, and water and wastewater design manual adopted by ordinance from time to time.
- (2) The city water master plan, wastewater master plan and storm drainage master plan.

Sec. 10.03.128 Payment of fees, charges and assessments

As a condition of plat approval, the developer shall pay all fees, charges, and assessments established by resolution or ordinance of the city council, as may be imposed under this article or other regulations of the city. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

ARTICLE 10.04 STORMWATER RUNOFF REGULATIONS AND CONTROL

Sec. 10.04.001 Purpose

The purpose of this article is to diminish threats to the public health and safety caused by the runoff of excess stormwater, to minimize movement of soils resulting from development, to reduce the possibilities of hydraulic overloading of the storm sewer drainage system, to reduce economic losses to individuals and the community at large as a result of erosion and the runoff of excess stormwater, and to protect and conserve land and water resources, while at the same time ensuring orderly development. The provisions of this article are specifically intended to supplement existing ordinances regulating the following:

- (1) The subdivision, layout, and improvement of lands located within the city;
- (2) The excavating, filling, and grading of lots and other parcels or areas;
- (3) The construction of buildings, including related parking and other paved areas, and the drainage of the sites on which those structures and their related parking and other paved areas are located; and
- (4) The design, construction, and maintenance of erosion control and stormwater drainage facilities and systems.

Sec. 10.04.002 Definitions

For the purposes of this article, the following definitions are adopted:

Base flood elevation. The elevation delineating the flood level having a one-percent probability of being equaled or exceeded in any given year (also known as the 100-year flood elevation), as determined from flood insurance rate maps (FIRMS) or the best available information.

Channel. A natural or manmade open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

City. The City of Lucas.

City engineer. The city engineer or designee.

City manager. The city manager or designee.

Conduit. Any channel, pipe, sewer, or culvert used for the conveyance of movement of water, whether open or closed.

Control elevation. Contour lines and points of predetermined elevation used to denote a detention storage area on a plat or site drawing.

Design standards for public improvements. Standards on file in the city's offices to which all designs and the resulting public improvements, must conform.

Detention facility. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulated behind the outlet.

Detention storage. The temporary detaining or storage of stormwater in storage basins, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

Discharge. The rate of outflow of water from any source.

Drainage area. The area from which water is carried off by a drainage system, i.e., a watershed or catchment area.

Excess stormwater runoff. The rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which represented or represents the runoff from the property prior to the date of this article.

Floodplain. The special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the base flood elevation and is subject to periodic inundation.

Hydrograph. A graph showing, for a given point on a stream or conduit, the runoff flow rate with respect to time.

Land disturbance. Any manmade change to improve or unimprove real estate including but not limited to building structures, filling, grading, excavation, clearing, or removal of vegetation.

(Ordinance 2009-04-00645 adopted 4/2/09)

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances including roads with drainage systems, municipal city streets, catchbasins, curbs, gutters, ditches, manmade channels or storm drains and similar means of collecting or conveying water runoff. (Ordinance 2020-06-00914 adopted 6/4/20)

One-hundred-year storm. A precipitation event of 24-hours' duration, having a one-percent chance of occurring in any one year.

Peak flow. The maximum rate of flow of stormwater at a given point or in a channel or conduit resulting from a predetermined storm or flood.

Sediment. Any particulate matter that can be transported by fluid flow, and which eventually is deposited.

Stormwater drainage facility. Any element in a stormwater drainage system which is made or improved by man.

Stormwater drainage system. All means, natural or manmade, used for conducting stormwater to, through, or from a drainage area to the point of final outlet including, but not limited to, any of the following: open and closed conduits and appurtenant features, canals, channels, ditches, streams, swales, culverts, streets, and pumping stations.

Stormwater runoff. The waters derived from precipitation within a tributary drainage area flowing over the surface of the ground or collected in channels or conduits.

Time of concentration. The elapsed time for stormwater to flow from the most distant point in a drainage area to the outlet or other predetermined point.

Two-year storm. A precipitation event having a fifty percent chance of occurring in any one year.

Two-year storm runoff. The stormwater runoff having a fifty percent probability of occurring in any one year.

Unprotected channel. A channel which receives stormwater discharge and which is not paved, riprapped, or otherwise improved by addition of manmade materials so as to reduce the potential for erosion.

Upland area. Any land whose surface drainage flows toward the area being considered for development.

Urbanization. The development, change, or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, or public utility purposes.

Waterbody. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernable shoreline.

Watercourse. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, or banks.

Wet bottom detention basin. A basin designed to retain a permanent pool of stormwater after having provided its planned detention of runoff during a storm event.

Sec. 10.04.003 Permit

Before initiating any activity regulated by this article, an applicant shall be required to obtain a permit from the city which indicated that the requirements of this article have been met. Permit fees shall be located in the city fee schedule for permits.

Sec. 10.04.004 Other requirements

In addition to meeting the requirements of section [10.04.003](#) and the more specific requirements of sections [10.04.005](#)–[10.04.031](#) of this article and before starting any activity regulated by this article, an applicant shall comply with the requirements set forth in all other related ordinances and state statutes and regulations. (Ordinance 2009-04-00645 adopted 4/2/09)

Sec. 10.04.005 Specific requirements; general

Sediment shall be maintained on site and excess stormwater runoff shall be detained in connection with any new construction, development, redevelopment, or land use change occurring within the city in accordance with the requirements set forth in this article. (Ordinance 2020-05-00911 adopted 5/7/20)

Sec. 10.04.006 Discharge rate

The peak discharge rate after full development resulting from the proposed development shall not exceed the corresponding peak discharge rate prior to development during storms of 2-year, 5-year, 10-year, ~~and~~ 25-year and 100-year return frequencies.

Sec. 10.04.007 Flood elevation

There shall be no detrimental effect on the floodway or the flood elevation during a 100-year storm upstream or downstream of the proposed development area as a result of the proposed development.

Sec. 10.04.008 Allowable detention facilities

The increased stormwater runoff resulting from proposed development shall be detained by providing for appropriate detention storage as required by this article. Where streets or parking areas are used for temporary storage of stormwater runoff all manholes for sanitary sewers shall be of a type which prevent the infiltration of the ponded water. Where streets are used for the temporary storage of stormwater runoff, in no case shall the maximum design depth exceed six (6) inches.

Sec. 10.04.009 Detention storage

Designs for detention storage and related appurtenances shall be submitted to the city for approval. Upon submittal of designs of detention storage the city shall make a determination as to whether any or all of the facilities proposed are to become part of the public drainage system. The city shall, at the same time, in the case of a proposed subdivision make a determination as to those control elevations that shall be entered on the final plat or make a determination as to the necessity for deed restrictions on any particular lot in said subdivision requiring the preservation of mandatory drainage facilities. Where a non-subdivided parcel of land is proposed for development,

the city shall make a determination as to the need for covenants to maintain responsibility for mandatory drainage facilities. All of said facilities shall be designed and constructed in accordance with the city specifications, and shall be subject to continuing inspection during the construction period in the same manner as any other improvement regulated under this article. Detention facilities associated with residential subdivisions shall be in a separate lot that shall be deeded to the HOA after 75% of the lots in the subdivision are occupied and the lot soil stabilized. Prior to acceptance of the detention facility the city and the developer will inspect the facility to assure it meets all of the requirements of this article. If any deficiencies are found, the developer will be responsible to make the necessary changes at his expense. Wet bottom detention basin shall be aerated or designed to drain within 60 hours.

Sec. 10.04.010 Sizing of detention storage and outlet

Detention storage shall meet the requirements of this article and the city drainage manual.

Sec. 10.04.011 Discharge velocity

The discharge velocity from detention facilities shall not exceed three feet per second unless it is determined by the city that greater velocities will not be harmful to the receiving channel. Where the city's determination is requested, the developer shall make available such hydraulic or hydrologic computations as will adequately support the course of action being requested.

Sec. 10.04.012 Emergency spillway

Emergency spillways shall be provided to permit the safe passage of runoff generated from rainfall events in excess of the 100-year rainfall event.

Sec. 10.04.013 Freeboard

Detention storage areas shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least one foot of freeboard above the water surface during the 100-year rainfall event.

Sec. 10.04.014 Joint development of control system

Stormwater control systems may be planned in coordination by two or more property owners as long as the potential for damage from stormwater is not increased at intervening locations.

Sec. 10.04.015 Early installation of control systems

Stormwater control measures shall be installed prior to undertaking other grading of site and a schedule of construction for this purpose shall be submitted by the owner(s)/developer(s) prior to construction in the city.

Sec. 10.04.016 Flows from upland areas

The total drainage area must be used in calculating the allowable release rate. The required storage volume will be based on the project area only, with extraneous flows from upland areas being bypassed or discharged via overflow spillways or other devices. Where storm sewers are required they shall be of such size as will provide sufficient capacity to receive the flow generated by five-year storm from upland areas. As to the latter and regardless of whether it has occurred in fact, such upland area shall be deemed to have been fully developed for all purposes of this requirement.

Sec. 10.04.017 Land disturbance of five acres or more

The developer shall comply with the Texas Commission on Environmental Quality or TPDES and federal NPDES permit for stormwater discharges associated with construction activity and provide a copy to the city prior to starting construction.

Sec. 10.04.018 Land disturbance of more than two acres and less than five acres

The developer shall submit to the city a sediment and erosion control plan that meets the requirements of the Texas Commission on Environmental Quality or TPDES and federal NPDES permit for stormwater discharges associated with construction activity prior to starting construction.

Sec. 10.04.019 All land disturbances

Land disturbances associated with any new construction, development, redevelopment, or land use change on any site of 2,500 square foot or larger or requiring a building permit shall incorporate into the development plan the following elements as minimum:

- (1) Stone construction entrance.
- (2) Silt fence or other sediment retaining device on the low side of the site.
- (3) Temporary seeding of disturbed areas remaining open more than three weeks.
- (4) Immediate removal of soil tracked into the public right-of-way.
- (5) Permanent turf established. A copy of the development plan shall be submitted to the city prior to starting construction.

Sec. 10.04.020 Preliminary plats

Information indicating the manner in which the provisions of this article are to be met shall be submitted with the preliminary plats.

Sec. 10.04.021 Requirements for construction plans

Information indicating the manner in which the provisions of this article are to be met shall be submitted with all construction plan submissions or any other plan for improvements which falls under the requirements of [section 10.04.005](#) of this article. All computations, plans, and specifications shall be prepared and sealed by a professional engineer registered in the state.

Sec. 10.04.022 Requirements for final plats

The easements or separate lots required for detention facilities shall be shown on the final plat. The control elevation for each detention facility shall be shown on the plat near the detention facility.

Sec. 10.04.023 Drainage and detention design requirements

All subdivisions and other proposed improvements which are subject to the provisions of [section 10.04.005](#) of this article shall incorporate such design features as are required in this article. Variation from these requirements shall require the approval of the city planning commission whose action shall be conditioned upon the following:

- (1) That a petition be submitted describing in detail the rationale for the proposed designs change.
- (2) That there are special circumstances or conditions affecting the property under consideration such that strict compliance with the provisions of this article would deprive the applicant of the reasonable use of his land.
- (3) That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
- (4) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the territory in which said property is located.

Sec. 10.04.024 Maintenance

Designs of detention facilities will incorporate features which facilitate their inspection and maintenance. The designer shall submit an operation and maintenance (O&M) plan for any detention facility prior to its approval by the city. All privately owned detention facilities may be inspected by representatives of the city at such times as they deem necessary. If deficiencies, or conditions creating nuisances, are found, the owner or homeowners' association shall be required to initiate the necessary corrections within fourteen (14) days, and all deficiencies shall be corrected within forty-five (45) days.

Sec. 10.04.025 Safety features

Designs of detention facilities shall incorporate safety features, particularly at inlets, outlets, on steep slopes, and at any attractive nuisances. These features shall include, but not be limited to, fencing, handrails, lighting, steps, grills, signs, and other protective or warning devices so as to restrict access.

(Ordinance 2009-04-00645 adopted 4/2/09)

Sec. 10.04.026 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 stormwater 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 stormwater 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:
 - (A) On property over one (1) acre in area without a director-approved erosion control design plan and a TCEQ submitted stormwater pollution prevention plan (SWPPP) for that area on properties 5 acres or greater; or

- (B) 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 stormwater 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:
- (A) 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 watercourse;
- (B) 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
- (C) 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 stormwater, 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 stormwater 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.

Sec. 10.04.027 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.

Sec. 10.04.028 Responsibility

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

Sec. 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.

Sec. 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.

Sec. 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.

(Ordinance 2020-06-00914 adopted 6/4/20)



City of Lucas

City Council Agenda Request

November 4, 2021

Item No. 06

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider amending FY 21/22 budget by appropriating \$192,025.00 from unrestricted General Fund Reserves to account 11-809-303 Drainage to address outstanding drainage concerns in Claremont Springs Phase 1.

Background Information

Claremont Springs Phase 1 was developed while still in the City's ETJ. Phase 1 has less than a half a percent of a slope. The drainage has not functioned since the homes were built. Staff along with Four Star Excavating shot grades on all the culverts along Amblewood Drive on both sides of the road. The grades are listed in the attached documents. A concrete lined ditch is the recommended correction for minimal slope.

Attachments/Supporting Documentation

1. Cost estimate
2. Claremont Grades
3. Claremont Grades Plat

Budget/Financial Impact

The estimated proposal from Four Star Excavating is \$192,025.00 which would be paid from unrestricted General Fund Reserves.

Recommendation

City staff recommends amending FY 21/22 budget by appropriating \$192,025.00 from unrestricted General Fund Reserves to account 11-809-303 Drainage to address outstanding drainage concerns in Claremont Springs Phase 1.

Motion

I make a motion to approve/deny amending FY 21/22 budget by appropriating \$192,025.00 from unrestricted General Fund Reserves to account 11-809-303 Drainage to address outstanding drainage concerns in Claremont Springs Phase 1.

Four Star Excavating, Co.

6825 Levelland Rd., Suite 2B

Dallas, Texas 75252

Office: (972)-330-6767 * Fax: (972) 421-1597

Project: MISCELLANEOUS WORK

Location: LUCAS

Date: 10/20/2021

We propose to provide equipment, labor and material to perform the following operations.

Our proposal is to include these items as specifically listed, all other work items or materials are excluded.

This quote is void after thirty days from proposal date.

Item No.	Item Description	Qty	U/M	Unit Price	Extension
1	MOBILIZATION	1	LS	\$ 3,800.00	\$ 3,800.00
2	UNCLASSIFIED EXCAVATION	3167	CY	\$ 25.00	\$ 79,175.00
3	CONCRETE FLUME	1555	LF	\$ 30.00	\$ 46,650.00
4	SOD RESTORATION	5200	SY	\$ 12.00	\$ 62,400.00

TOTAL AMOUNT BID: \$ 192,025.00

Exclusions:

Sincerely,

Antonio Evangelista

Four Star Excavating Co.

Claremont Springs (Amblewood Dr.) Grades



2 tenths
60ft (approx)
0.3%

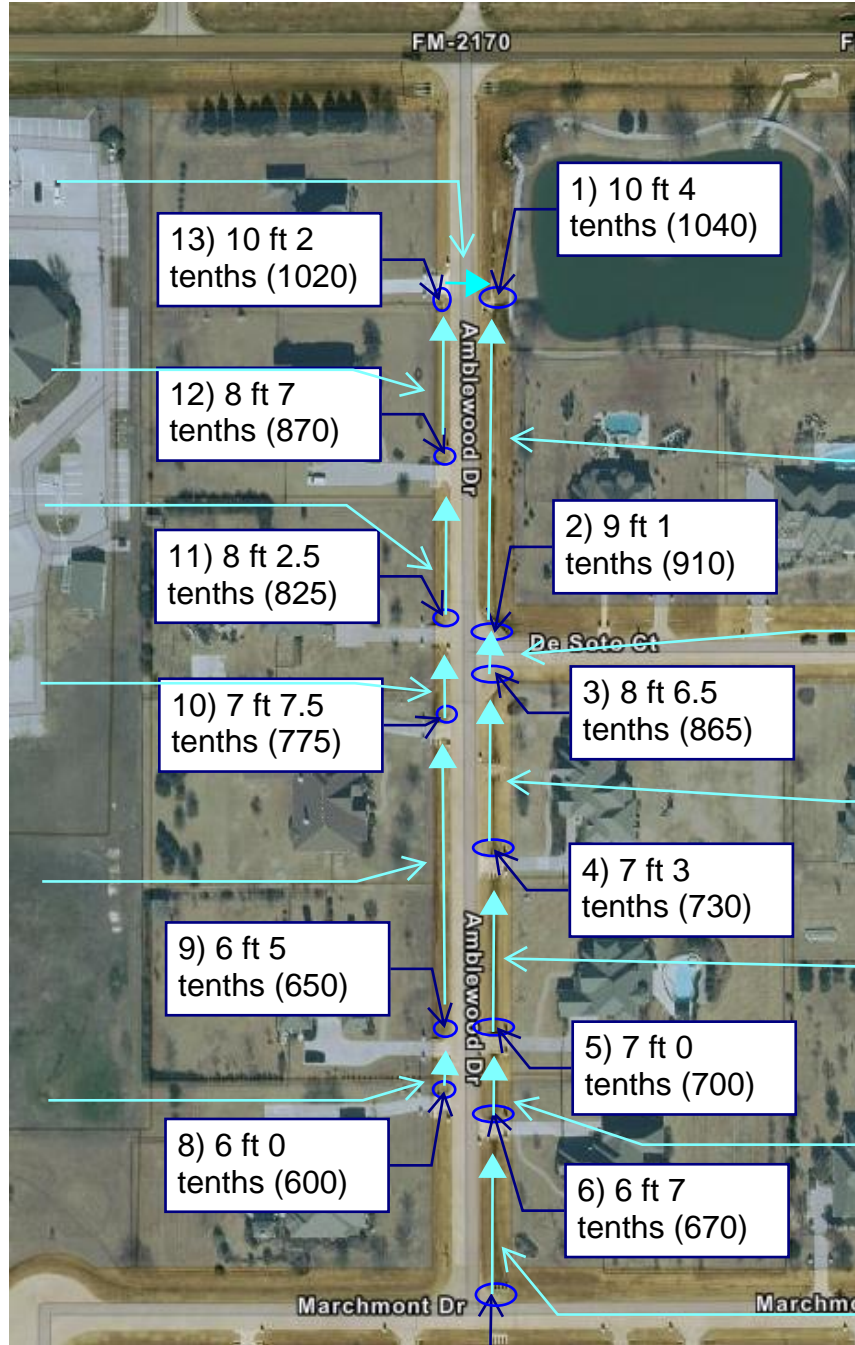
15 tenths
150ft (approx)
1%

4.5 tenths
150ft (approx)
0.3%

5 tenths
75ft (approx)
0.7%

12.5 tenths
250ft (approx)
0.5%

5 tenths
50ft (approx)
1%



1) 10 ft 4 tenths (1040)

13) 10 ft 2 tenths (1020)

12) 8 ft 7 tenths (870)

11) 8 ft 2.5 tenths (825)

10) 7 ft 7.5 tenths (775)

9) 6 ft 5 tenths (650)

8) 6 ft 0 tenths (600)

2) 9 ft 1 tenths (910)

3) 8 ft 6.5 tenths (865)

4) 7 ft 3 tenths (730)

5) 7 ft 0 tenths (700)

6) 6 ft 7 tenths (670)

13 tenths
260ft (approx)
0.5%

4.5 tenths
35ft (approx)
2.8%

13.5 tenths
150ft (approx)
0.9%

3 tenths
150ft (approx)
2%

3 tenths
75ft (approx)
0.4%

4 tenths
150ft (approx)
0.3%

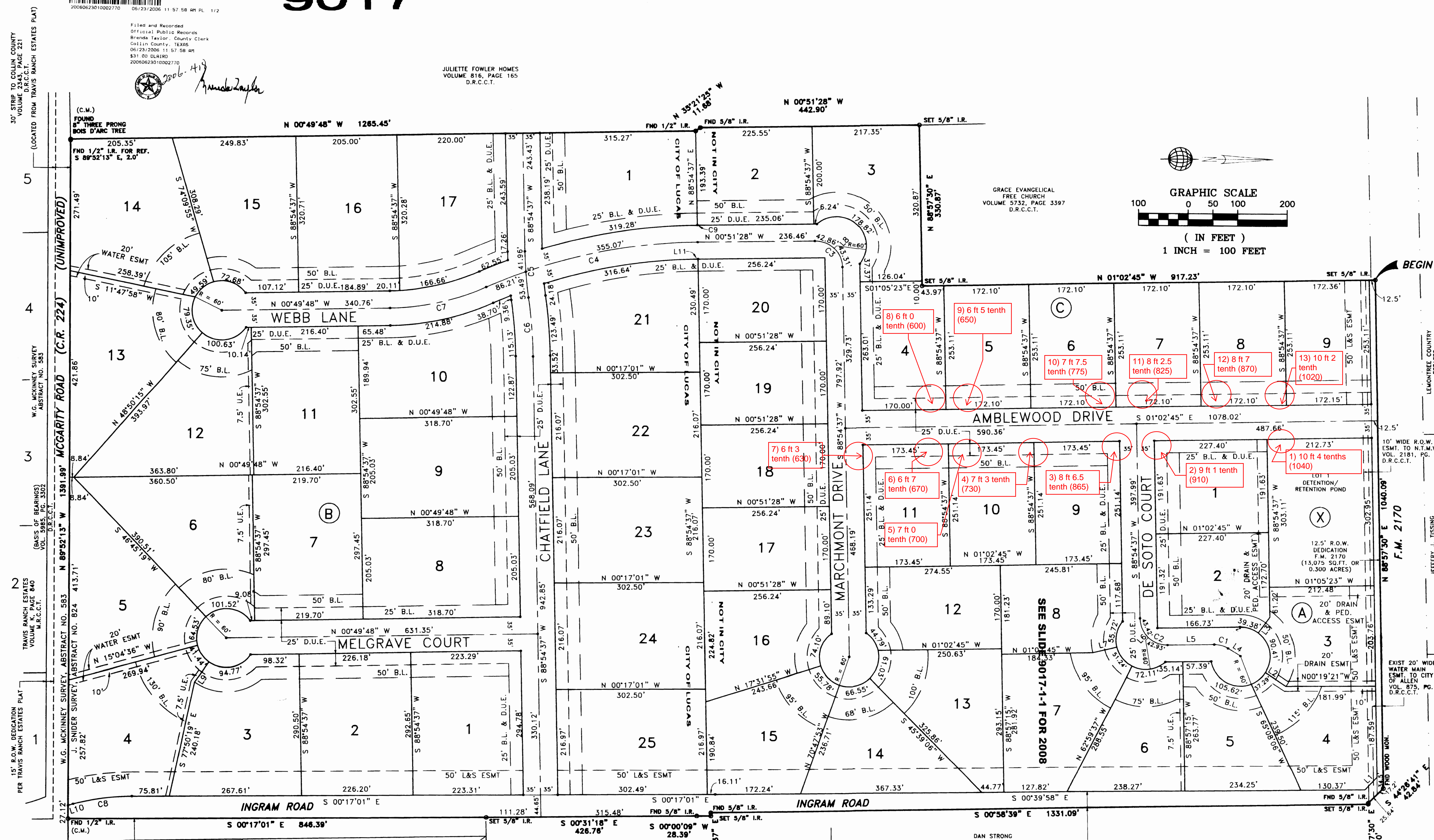
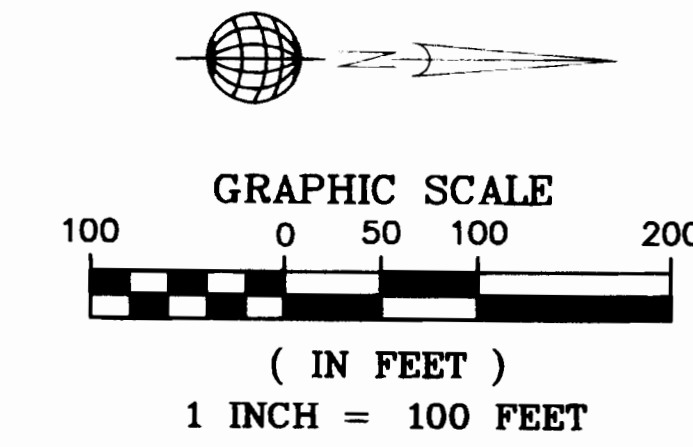
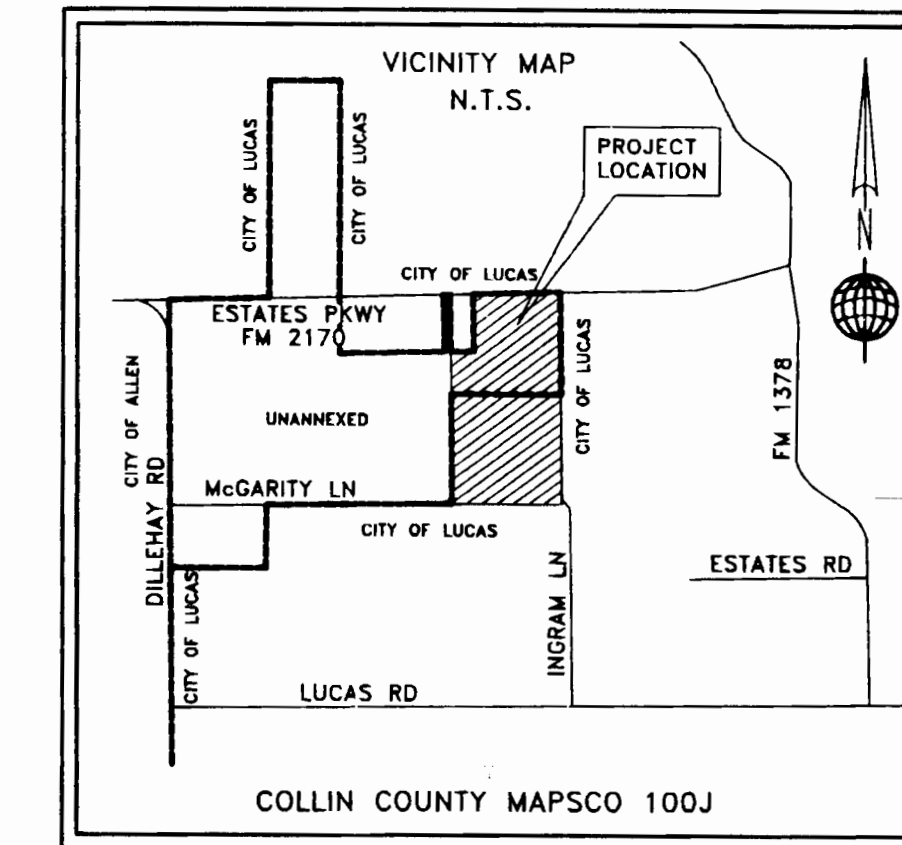
7) 6 ft 3 tenths (630)

9017

20080623010002770 06/23/2006 11:57:58 AM PL 1/2

Filed and Recorded
Official Public Records
Brenda Taylor, County Clerk
Collin County, TEXAS
06/23/2006 11:57:58 AM
\$31.00 DLR/DO
20080623010002770

JULIETTE FOWLER HOMES
VOLUME 816, PAGE 165
D.R.C.C.T.



BLOCK A		BLOCK B	
LOT NO.	AREA (SQFT.)	LOT NO.	AREA (SQFT.)
1	43577	1	65585
2	43577	2	65949
3	43588	3	65361
4	43861	4	65614
5	43649	5	65350
6	43620	6	65385
7	57026	7	65351
8	43580	8	65342
9	43561	9	65342
10	43561	10	65373
11	43561	11	65472
12	46105	12	67041
13	51278	13	65844
14	49255	14	74657
15	52411	15	65408
16	46597	16	65743
17	43561	17	65520
18	43561		
19	43561	BLOCK C	
20	43561	LOT NO.	AREA (SQFT.)
21	65406	1	65650
22	65354	2	47009
23	65354	3	57212
24	65354	4	44283
25	65625	5	43560
		6	43560
		7	43560
BLOCK X		8	43560
LOT NO.	AREA (SQFT.)	9	43600
1	64426		

LINE	DISTANCE	BEARING
L1	35.24'	S 45°51'14" E
L2	49.89'	N 33°03'03" E
L3	39.30'	N 53°19'32" W
L4	29.52'	N 32°53'34" E
L5	94.34'	N 01°02'45" W
L6	7.76'	S 46°19'23" E
L7	50.24'	N 14°03'49" W
L8	7.63'	N 43°12'25" W
L9	50.27'	N 54°27'49" W
L10	10.88'	S 17°00'09" E
L11	0.14'	N 00°51'28" W

FROM: 6824-000-0250
FROM: 6824-000-0240
FROM: 6824-000-0640
YEAR 2007

LEGEND
SET 5/8" I.R. = SET 5/8" IRON ROD W/YELLOW CAP STAMPED RPLS 5574
M.R.C.C.T. = MAP RECORDS COLLIN COUNTY, TEXAS
D.R.C.C.T. = DEED RECORDS COLLIN COUNTY, TEXAS
ESMT. = EASEMENT
SQ. FT. = SQUARE FEET
R.O.W. = RIGHT-OF-WAY
(C.M.) = CONTROLLING MONUMENTS
B.L. = BUILDING LINE
U.E. = UTILITY EASEMENT
D.U.E. = DRAINAGE AND UTILITY EASEMENT
L&S = LANDSCAPING AND SCREENING
PED. = PEDESTRIAN

- Notes:
- The basis of bearings for this plat are per deed recorded in Volume 5985, Page 3302, Deed Records, Collin County, Texas.
 - Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
 - This property is not shown to be within a 100-year special flood hazard area.
 - Block X, Lot 1 is to be considered as HOA open space and is to be maintained by the Subdivision HOA.
 - The drainage and pedestrian easements along the rear of Lots 1 and 2 and along the west side of Lot 3, Block A are to be maintained by the Subdivision HOA.

- The NTMWD easement restricts construction of permanent structures such as foundations, walls, pools and permanent storage buildings. Items such as driveways, fences, sprinkler systems and normal landscaping plants that encroach on the NTMWD easements are allowed. Fence post foundations are restricted to an installation depth no deeper than 18 inches below final ground elevation. However, the NTMWD assumes no responsibility for damages resulting from the need to repair or maintain the NTMWD pipeline. Further, any cost to repair damage to the pipeline resulting from construction by the developer, contractor or owner will be the responsibility of the developer, contractor or owner.
- No encroachment shall be allowed on NTMWD easement by franchise utilities. Water, sanitary sewer and storm sewer facilities are not permitted in NTMWD easement except for crossings.
- The landscaping berm located within the Landscaping and Screening Easement is to be maintained by the Subdivision HOA.

FINAL PLAT S9017 OF CLAREMONT SPRINGS ADDITION 51 RESIDENTIAL LOTS BLOCK A, LOTS 1-25, BLOCK B, LOTS 1-17, BLOCK C, LOTS 1-9, BLOCK X LOT 1 78.18 ACRES SITUATED IN THE JAMES M. SNIDER SURVEY, ABSTRACT NO. 824 CITY OF LUCAS, COLLIN COUNTY, TEXAS

OWNER/APPLICANT: CLAREMONT SPRINGS, LTD. 3838 OAK LAWN AVENUE SUITE 1212 DALLAS, TEXAS 75219 PH: (214) 522-4945
ENGINEER: KENNEDY CONSULTING INC. 808 S. COLLEGE ST. SUITE 300 MCKINNEY, TEXAS 75069 PH: (972) 542-1754
SURVEYOR: GLOBAL LAND SURVEYING, INC. 704 CENTRAL PARKWAY EAST SUITE 1214 PLANO, TEXAS 75074 PH: (972) 881-1700 FAX: (972) 423-1083

ORIGINAL PREPARATION DATE: 10/20/05
REV. 1: 10/31/05
REV. 2: 11/18/05
REV. 3: 12/14/05

GLS JOB NO. 05-10-113
REV. 4: 12/16/05
REV. 5: 12/19/05
REV. 6: 06/01/06

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	50.00	33°56'19"	29.62	15.26	N 15°55'24" E	29.19
C2	55.00	89°57'22"	86.35	54.96	N 43°55'56" E	77.75
C3	55.00	89°46'05"	86.17	54.78	S 44°01'34" W	77.62
C4	1100.00	22°59'05"	441.28	223.65	N 12°21'01" W	438.32
C5	800.00	06°50'09"	95.45	47.78	S 85°29'33" W	95.39
C6	1000.00	06°50'11"	119.32	59.73	S 85°29'34" W	119.25
C7	500.00	23°00'44"	200.82	101.78	S 12°20'05" E	199.47
C8	480.00	14°17'35"	119.74	60.18	S 07°25'49" E	119.43
C9	1135.00	00°00'25"	0.14	0.07	S 00°51'41" E	0.14



City of Lucas

City Council Agenda Request

November 4, 2021

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider amending FY 21/22 budget by appropriating \$110,758.00 from unrestricted General Fund Reserves to account 11-8209-302 Culverts to address culvert and paving concerns on Brookhaven Ranch Road.

Background Information

The headwalls on Brookhaven Ranch Road are leaning, causing the culverts to separate which in turn is causing the road to collapse. Staff has reviewed alternative methods to repair the existing culverts, including structural foam and grout. However, the repairs have not been determined to provide long-term success and are nearly 50% of replacement cost.

Attachments/Supporting Documentation

1. Cost Estimates
2. Pictures of roadway and culverts

Budget/Financial Impact

The estimated proposal from Four Star Excavating is \$110,758.00 which would be paid from unrestricted General Fund Reserves.

Recommendation

City staff recommends amending FY 21/22 budget appropriating \$110,758.00 from unrestricted General Fund Reserves to account 11-8209-302 Culverts.

Motion

I make a motion to approve/deny amending FY 21/22 budget by appropriating \$110,758.00 from unrestricted General Fund Reserves to account 11-8209-302 Culverts to address culvert and paving concerns on Brookhaven Ranch Road.



Item No. 07

City of Lucas
City Council Agenda Request
November 4, 2021

Four Star Excavating, Co.

6825 Levelland Rd., Suite 2B

Dallas, Texas 75252

Office: (972)-330-6767 * Fax: (972) 421-1597

Project: 72" STORM DRAIN

Location: LUCAS

Date: 12/9/2019

We propose to provide equipment, labor and material to perform the following operations.

Our proposal is to include these items as specifically listed, all other work items or materials are excluded.

This quote is void after thirty days from proposal date.

Item No.	Item Description	Qty	U/M	Unit Price	Extension
1	72" CL III RCP	96	LF	\$ 731.00	\$ 70,176.00
2	8" X 12" ROCK RIPRAP	50	TONS	\$ 160.00	\$ 8,000.00
3	REMOVE EXISTING STORM DRAIN PIPE & HEADWALLS	60	LF	\$ 80.00	\$ 4,800.00
4	REMOVE & REPLACE ASPHALT PAVING	134	SY	\$ 173.00	\$ 23,182.00
5	MOBILIZATION	1	LS	\$ 4,600.00	\$ 4,600.00

TOTAL AMOUNT BID: \$ 110,758.00

Exclusions:

Sincerely,

Antonio Evangelista

Four Star Excavating Co.







City of Lucas

City Council Agenda Request

November 4, 2021

Requester: Councilmember Tim Johnson

Agenda Item Request

Discussion regarding the EastTex Regional Community Emergency Response Team (CERT).

Background Information

On August 5, 2021, the Lucas City Council requested that the City evaluate the utilization of a Community Emergency Response Team (CERT) to enhance its emergency preparedness and response.

On October 19, 2021, Fire Chief Ted Stephens, Assistant Chief/Emergency Management Coordinator Lance Gant, and City Manager Joni Clarke met with Program Manager Mike Ross of the EastTex Regional CERT (Community Emergency Response Team). EastTex Regional CERT is a core program of the Rowlett Citizen Corps Council and co-sponsored by Rockwall County Office of Emergency Management. The RCCC is a 501(c)(3) charitable organization dedicated to disaster preparedness and family safety initiatives. EastTex Regional CERT is an all-volunteer organization that helps local law enforcement, fire, and emergency management when disasters strike, missing person searches, and public event support. It has over 200 active members in a five-county service area (Rockwall, Hunt, Kaufman, **Collin**, and Van Zandt Counties and the Town of Sunnyvale). The EastTex Regional CERT is well organized and has an established application process as well as a reputable training program with qualified instructors.

Interested parties would need to complete an application and plan on attending the next training class on February 13th and 20th from 8am-6pm at the Rockwall Presbyterian Church. This is a FREE 2-day class that will teach members many preparedness tips to help protect their family as well as the basic skills needed by all EastTex Regional CERT members. Interested parties can choose to be an active member of the deployment team and be put on a call out list in response to emergencies. New members are required to pay for their T-shirt, badges, and background check (\$20 total). Ages 14 and over can take the class, but you must be 18 to join the active callout team. Information will be placed in the December and January Lucas Leader and on the City's website.

Attachments/Supporting Documentation

1. Email from Assistant Fire Chief/Emergency Management Coordinator Lance Gant dated October 20, 2021, regarding CERT (w/o attachments)
2. For more information on the EastTex Regional CERT, go to their website at <https://easttexrc.org/join-easttex-cert/>.



City of Lucas
City Council Agenda Request
November 4, 2021

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA

Joni Clarke

From: Lance Gant
Sent: Wednesday, October 20, 2021 3:59 PM
To: Joni Clarke; Ted Stephens; Aaron Alderdice
Subject: August 5, 2021 - Agenda Item No. 7 - CERT
Attachments: preparedness.pptx; CERT Presentation Agency.pdf; Copy of CERT Inventory in REHAB closet.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Clarke,

As requested per Council, here are the considerations of the reactivation of the Lucas Community Emergency Response Team (CERT). After considering several options for the City of Lucas to reactivate its own CERT, it is best that citizens of Lucas join EastTex CERT. This is the best suited option for the City of Lucas, City of Lucas Staff, and the Citizens of Lucas. We met with Mr. Mike Ross, Program Manager for EastTex CERT, and they are willing and able to accept citizen's from Lucas to be a part of their CERT (see attached PowerPoint presentation & CERT Presentation Agency). The EastTex CERT is a regional response team that is able to respond in the City of Lucas if requested through the Collin County CERT Coordinator. EastTex CERT is able to train, vet, and keep up with all of the necessary continued education and paperwork required for CERT members. EastTex CERT is a 501(c)(3) charitable organization dedicated to disaster preparedness and family safety initiatives. They have an impressive history of service and offer a wide range of response capabilities that could be utilized by the City of Lucas.

1) Develop a plan

- City of Lucas will promote and support citizens of Lucas to join and be a part of EastTex CERT. Promotion of the program will come through the City newsletter, City website, social media outlets, and a CERT booth at City events
- This will give Citizens of Lucas an opportunity to join a well established and vetted CERT community that they can in turn help the City if we ever need to activate CERT
- A Lucas resident would need to fill the role of a liaison between the City of Lucas and EastTex CERT. I have not spoken with Mr. Ray McKey (a Lucas resident and member of EastTex CERT) but in conversations with Mr. Ross, it felt like Mr. McKey would be willing to step into that role. The Lucas liaison would represent CERT in an activation within the City of Lucas and operate within the Command Structure of FEMA ICS set by Lucas Fire-Rescue or Emergency Management.

2) Cost Analysis

- Joining EastTex CERT has a \$20/person fee. This is required for their badge, t-shirt, and background investigation
- City of Lucas can offer them additional funding to assist with their operations through purchasing of pamphlet brochures that will help promote the program within the City of Lucas
- Lucas business can offer financial support through EastTex CERT
- Lucas does have equipment and gear that we can help and support EastTex CERT (see attached CERT inventory list)

3) Train and utilize CERT

- EastTex CERT has 6 certified trainers that can provide Lucas citizens with the required training necessary to be a part of CERT per FEMA requirements
- EastTex CERT requires 20 plus hours of initial training
- EastTex CERT will provide continued CE training throughout the year

- Once a Lucas citizen has completed the required training and background investigation per EastTex CERT, they will be a part of their program and able to assist whenever needed

This opportunity for both the citizens and the City of Lucas is a great chance for us to team up with EastTex CERT. This will give citizens of Lucas a CERT to join that will give them the training and opportunity necessary to be a part of CERT. Being part of a regional response CERT will give Lucas citizens a greater opportunity to help not only in the our community but help out others as well.

In addition to CERT, if citizens are wanting to donate their time there are several other avenues and opportunities for them. This is just a small list of groups that have or may help out the City of Lucas.

- Lucas Fire-Rescue Rehab Group
- Lucas HAM Radio Group
- Friends of Lucas Fire-Rescue
- Collin County VOAD (Voluntary Organizations Active in Disasters) Group – there are 30 plus groups that are a part of this organization
- Collin County Sheriff's Office - Citizens on Patrol (COP) Program
- NWS Stormspotters
- Lone Star Search and Rescue (out of Wylie)

Please let me know if you have any additional questions. Thanks,



Lance M. Gant, FSCEO
Assistant Fire Chief/EMC

City of Lucas Fire-Rescue
165 Country Club Road
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Phone: 972-727-1242

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City of Lucas

City Council Agenda Request

November 4, 2021

Item No. 09

Requester: City Council
City Secretary Stacy Henderson

Agenda Item Request

Consider board/commission applications to be interviewed by the City Council to fill board vacancies or prospective board positions and consider board/commission reappointments to the Parks and Open Space Board, Board of Adjustment and Planning and Zoning Commission for a two-year term expiring December 31, 2023.

Background Information

Per the Board Appointment Policy established in December 2019, new board applications are submitted to the City Council at their first meeting in November to consider prospective applicants to be interviewed for vacant positions or possible appointments. If needed, interviews will be scheduled for the City Council meeting on November 18, 2021. The deadline for application submittal is November 1, 2021. Currently, there are no vacant positions available on the Parks and Open Space Board, Board of Adjustment or Planning and Zoning Commission.

Board/commission members with terms expiring are outlined below noting if they would like to serve another two-year term.

PLANNING AND ZONING COMMISSION	
<i>Board/Commission Member</i>	<i>Reappointment Consideration for 2-year term</i>
Peggy Rusterholtz	Yes
Adam Sussman	Yes
Chris Bierman, Alternate Member	Yes
Vacancy: Should the City Council reappoint existing board members, there would be no vacancies.	
BOARD OF ADJUSTMENT	
Tom Redman	Yes
Brenda Rizos	Yes
Brian Stubblefield	Yes
Seat Watts, Alternate Member	Yes
Vacancy: Should the City Council reappoint existing board members, there would be no vacancies.	
PARKS BOARD	
Ken Patterson	Yes
Bill Esposito	Yes
Pam Poteete, Alternate Member	Yes
Vacancy: Should the City Council reappoint existing board members, there would be no vacancies.	



City of Lucas

City Council Agenda Request

November 4, 2021

Attachments/Supporting Documentation

1. Board Appointment Policy
2. Board attendance sheets
3. Board applications (*sent under separate attachment*)

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to interview the following applicants at the November 18, 2021 City Council meeting during open session for the Parks and Open Space Board or Executive Session for the Board of Adjustment or Planning and Zoning Commission:

- 1.
- 2.
- 3.

I make a motion to reappoint the following individuals to the Parks and Open Space Board, Board of Adjustment and Planning and Zoning Commission for two-year terms expiring on December 31, 2023.



City of Lucas

BOARD APPOINTMENT POLICY

PURPOSE

The purpose of the Board Appointment Policy is to provide procedures and standards for the appointment process by the City Council, and guidelines for citizens being appointed to a City of Lucas board or commission.

APPLICATION PROCESS

The City of Lucas will advertise in the Lucas Leader and on the City website during the months of September and October each year for the recruitment of new board members.

A Meet and Greet reception will be held on the 4th Thursday in October at 6:30 pm at City Hall for citizens interested in serving on a board as well as existing board members. The reception will provide an opportunity for each City Council liaison to provide information on the board/commission they represent.

Board applications will be accepted through November 1st each year.

New board member applications will be submitted to the City Council for review at the first meeting in November, and the City Council will determine which prospective applicants they would like to interview.

Interviews with the City Council may take place at the second meeting in November.

Prospective applicants of the Board of Adjustment and Planning and Zoning Commission may meet with City Councilmembers during Executive Session. Prospective applicants of the Parks and Open Space Board and Technology Committee may meet with the City Council during the open regular session of the meeting and may be called upon to speak at the podium with the City Council.

During the interview process in Executive Session or during the regular open session meeting, a prospective board member may expect to be asked about the following items:

- Why the applicant would like to serve their community
- What experience the applicant could bring to a board/commission
- What is the applicant's vision for the City
- How the applicant's skillset would benefit the board they are interested in serving
- Any other questions the City Council deems appropriate for that board/commission

APPOINTMENT PROCESS FOR NEW BOARD MEMBERS

At the first City Council meeting in December, board member appointments will be placed on the City Council agenda.

Following City Council appointment, the City Secretary will notify new board members of their appointment along with procedures for setting up email and appropriate training.

Each new board member will be required to take part in Open Meetings Act training (50-minute video on Attorney General's website), sign a Statement of Officer paperwork and Oath of Office paperwork within 30 days of being appointed. Each new board member will also be required to setup a City of Lucas email account where the City will correspond with the board member for meeting notices, Board packet distribution, and general correspondence.

REAPPOINTMENT PROCESS FOR EXISTING BOARD MEMBERS

In October each year, the City Secretary shall contact existing board members whose terms are expiring confirming they would like to be considered for reappointments.

At the first City Council meeting in December, reappointment of existing board members whose term are expiring will be considered. Board member attendance may be brought before the City Council as part of reappointment consideration.

The City Council will review each board and vote upon each board member whose term is expiring.

The City Secretary shall contact each board member who was reappointed for another two-year term.

For any existing board members that would like to serve on a different board, a new application shall be completed and submitted for City Council consideration.

Approved by City Council: December 19, 2019

**Board of Adjustment
Attendance
2020-2021**

Meeting Date 2020-2021	Tom Redman Chairman	Ron Poteete Vice Chairman	Brenda Rizos	Brian Stubblefield	Brian Dale	Michael Dunn Alternate 1	Sean Watts Alternate 2
	<i>Term Expires: 2021</i>	<i>Term Expires: 2022</i>	<i>Term Expires: 2021</i>	<i>Term Expires: 2021</i>	<i>Term Expires: 2022</i>	<i>Term Expires: 2022</i>	<i>Term Expires: 2021</i>
March 9, 2020	Present	Present	Present	Appointed 1/21/2021	Appointed 1/21/2021	Absent	Appointed 6/3/2021
July 15, 2020	Present	Present	Present			Present	
August 25, 2020	Present	Present	Absent			Present	
September 21, 2020	Present	Absent	Absent			Present	
November 18, 2020	Absent	Present	Present			Present	
December 16, 2020	Present	Present	Present			Present	
February 24, 2021	Absent	Present	Present	Present	Present	Absent	
May 26, 2021	Present	Present	Present	Present	Present	Present	
June 23, 2021	Present	Present	Present	Present	Present	Absent	Present
August 25, 2021	Present	Present	Present	Present	Present	Absent	Present
September 22, 2021	Present	Absent	Present	Present	Present	Absent	Absent
Total of 11 Meetings for 2020-2021							
2020-2021 Attendance Totals:	Present: 9 Absent: 2	Present: 9 Absent: 2	Present: 9 Absent: 2	Present: 5 Absent: 0	Present: 5 Absent: 0	Present: 6 Absent: 5	Present: 2 Absent: 1

*Denotes Board members whose terms expire in December 2021

Planning and Zoning Commission Attendance 2020-2021

Meeting Date 2020-2021	Peggy Rusterholtz Chairman	Joe Williams Vice Chairman	Tommy Tolson	Adam Sussman	Dusty Kuykendall	James Foster Alternate 1	Chris Bierman Alternate 2
	<i>Term Expires: 2021</i>	<i>Term Expires: 2022</i>	<i>Term Expires: 2022</i>	<i>Term Expires: 2021</i>	<i>Term Expires: 2022</i>	<i>Term Expires: 2022</i>	<i>Term Expires: 2021</i>
January 9, 2020	Resigned Temporarily	Absent	Present	Present	Present	Appointed 12/3/2020	Appointed 5/20/2021
March 12, 2020	Present	Present	Present	Present	Present		
April 9, 2020	Present	Present	Present	Absent	Present		
May 14, 2020	Present	Present	Present	Present	Present		
July 28, 2020	Present	Present	Present	Present	Present		
August 13, 2020	Present	Present	Present	Present	Present		
September 10, 2020	Present	Absent	Present	Absent	Present		
October 8, 2020	Present	Present	Present	Present	Present		
November 12, 2020	Present	Present	Present	Present	Present		
December 10, 2020	Present	Present	Present	Present	Present		
January 14, 2021	Present	Absent	Present	Present	Present	Present	
February 11, 2021	Present	Present	Present	Present	Present	Absent	
March 11, 2021	Present	Present	Present	Present	Absent	Present	
April 8, 2021	Present	Absent	Present	Present	Present	Absent	
May 13, 2021	Present	Present	Present	Present	Present	Present	
June 10, 2021	Present	Present	Present	Present	Present	Present	Present
July 8, 2021	Present	Absent	Present	Present	Absent	Absent	Present
August 12, 2021	Present	Present	Present	Absent	Present	Present	Present
September 9, 2021	Present	Present	Absent	Present	Present	Absent	Absent
October 14, 2021	Present	Present	Present	Present	Absent	Present	Present
Total of 20 Meetings for 2020-2021							
2020-2021 Attendance Totals:	Present: 19 Absent: 1	Present: 15 Absent: 5	Present: 19 Absent: 1	Present: 17 Absent: 3	Present: 17 Absent: 3	Present: 7 Absent: 4	Present: 4 Absent: 1

*Denotes Board members whose terms expire in December 2021

**Parks and Open Space Board
Attendance
2020-2021**

Meeting Date 2020-2021	David Rhoads Chairman	Bill Esposito Vice Chairman	Tommy DeWitt	Ken Patterson	Christel Parish	Pam Poteete Alternate 1	Laura Giles Alternate 2
	Term Expires: 2022	Term Expires: 2021	Term Expires: 2022	Term Expires: 2021	Term Expires: 2022	Term Expires: 2021	Term Expires: 2022
January 28, 2020	Present	Present	Absent	Present	Absent	Appointed 1/21/2021	Appointed 1/21/2021
July 28, 2020	Present	Present	Present	Present	Absent		
September 22, 2020	Present	Present	Present	Present	Present		
November 17, 2020	Present	Present	Absent	Present	Present		
January 26, 2021	Present	Present	Absent	Present	Present	Present	Present
March 23, 2021	Present	Present	Absent	Present	Present	Absent	Present
May 25, 2021	Present	Present	Absent	Present	Present	Present	Present
July 27, 2021	Present	Present	Absent	Present	Absent	Present	Absent
August 4, 2021	Present	Present	Absent	Present	Absent	Present	Present
August 26, 2021	Present	Present	Absent	Present	Present	Present	Present
September 28, 2021	Present	Present	Absent	Present	Present	Present	Absent
Total of 11 Meetings for 2020-2021							
2020-2021 Attendance Totals:	Present: 11 Absent: 0	Present: 11 Absent: 0	Present: 2 Absent: 9	Present: 11 Absent: 0	Present: 7 Absent: 4	Present: 6 Absent: 1	Present: 5 Absent: 2

*Denotes Board members whose terms expire in December 2021



City of Lucas

City Council Agenda Request

November 4, 2021

Requester: City Attorney Joe Gorfida

Agenda Item Request

Discuss update from City Attorney regarding the Global Opioid Settlement and consider approving Resolution R 2021-11-00522 adopting the Texas Term Sheet and its intrastate allocation schedule regarding the global opioid settlement.

Background Information

Four major pharmaceutical companies are paying a \$26 billion settlement to State Attorney General offices for their role in the opioid epidemic. Texas could potentially receive \$1.5 billion of this allotment and the Texas Attorney General is asking cities and counties to join the settlement in order to receive funds to assist their community.

City of Lucas Assistant Chief Aaron Alderdice has reviewed the restricted uses allowed as part of the settlement funding and found there were several opportunities to use the funds to assist the Lucas community.

The deadline to join the settlement is January 2, 2022.

Attachments/Supporting Documentation

1. Resolution R 2021-11-00522

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve Resolution R 2021-11-00522 adopting the Texas Term Sheet and its intrastate allocation schedule regarding the global opioid settlement.



RESOLUTION NO. R 2021-11-00522
[GLOBAL OPIOID SETTLEMENT]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, ADOPTING THE TEXAS TERM SHEET AND ITS INTRASTATE ALLOCATION SCHEDULE REGARDING THE GLOBAL OPIOID SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lucas obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the City, County and State; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto as Exhibit “A”; and

WHEREAS, Special Counsel and the State of Texas have recommended that the City of Lucas support the adoption and approval the Texas Term Sheet in its entirety.

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

SECTION 1. That the City Council supports the adoption and approval of the Texas Term Sheet in its entirety; and

SECTION 2. That the City Council finds that there is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Lucas; and

SECTION 3. That the City of Lucas supports in its entirety and hereby adopts the allocation method for opioid settlement proceeds as set forth in the State of Texas and Texas Political Subdivisions’ Opioid Abatement Fund Council and Settlement Allocation Term Sheet, attached hereto as Exhibit A. The City of Lucas understands the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined therein. The City of Lucas also understands that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this City and throughout Texas.

SECTION 4. This Resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Lucas, Texas on this the 4th day of November 2021.

CITY OF LUCAS, TEXAS

MAYOR

APPROVED AS TO FORM:

ATTEST:

CITY ATTORNEY

CITY SECRETARY



City of Lucas City Council Agenda Request November 4, 2021

Requestor: 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 November 4, 2021

Item No. 12

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