



AGENDA

CITY COUNCIL MEETING

June 2, 2022 | 6:30 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, June 2, 2022, beginning at 6:30 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 551.127, one or more members of the governing body may appear via videoconference call.

To join the meeting, please click this URL:

<https://us06web.zoom.us/j/81923044914?pwd=V2QvTk5pK25nTUR3bW0yeFRnR2RUdz09>

and enter your name and email address

Join by phone: 1-346-248-7799

Webinar ID: 819 2034 4914

Passcode: 626177

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 3:30 pm noting the item you wish to speak on and noting your attendance will be remote. Please note, any requests received after 3:30 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 3:30 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 3:30 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 May 19, 2022, City Council meeting. **(City Secretary Stacy Henderson)**
 - B. Approval of Ordinance 2022-06-00954 of the City of Lucas, Texas, amending the Code of Ordinances by amending Appendix C titled “Fee Schedule” amending Article 24.000 titled “Solid Waste Collection and Disposal” amending Section 24.100 titled “Monthly Rates” by amending monthly rates for residents; by Repealing Section 24.200 Refrigeration Appliances; by providing a repealing clause; providing a severability clause; providing a savings clause; and providing for an effective date beginning October 1, 2022. **(Assistant to the City Manager Kent Souriyasak)**
 - C. Authorize the Mayor to enter into an Interlocal Cooperation Agreement 2022-2026 with Collin County for shared maintenance of specific roadways in the City of Lucas. **(Public Works Director Scott Holden)**
 - D. Approval of Resolution R 2022-06-00527 of the City of Lucas suspending the June 17, 2022 effective date of Oncor Electric Delivery Company’s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals. **(City Manager Joni Clarke)**

Regular Agenda

4. Public hearing to consider adopting Ordinance 2022-06-00955 approving a specific use permit request by NDC Holdings on behalf of Lucas Retail Shopping Center to allow a drive-through restaurant on a proposed tract of land, zoned Commercial Business, being 1.619 acres, part of ABS A0821 William Snider Survey, Tract 16, 8.2121 acres, Collin County Texas, located at the southeast corner of South Angel Parkway and McGarity Lane. **(Development Service Director Joe Hilbourn)**

- A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct public hearing
 - C. Take action on the specific use permit request
5. Public hearing to consider adopting Ordinance 2022-06-00956 approving a specific use permit request by Adam and Eve Fowles, property owners of 1745 Stinson Road, in the Lozano Addition, Part of Lot 2 to allow a kitchen and food preparation area in an accessory building with habitable space. **(Development Services Director Joe Hilbourn)**
- A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct public hearing
 - C. Take action regarding the proposed specific use permit request

Regular Agenda

- 6. Consider the Land Use Map and Zoning Map of the City of Lucas Comprehensive Plan and recommend proposed amendments if needed. **(Development Services Director Joe Hilbourn)**
- 7. Consider nominations of a primary and alternate member to the North Central Texas Council of Governments Regional Transportation Council. **(City Council)**
- 8. Consider Resolution R 2022-06-00528 opposing alternatives proposed by the Texas Department of Transportation (TxDOT) regarding the proposed Country Club Road (FM 1378) expansion. **(Mayor Pro Tem Kathleen Peele, Councilmember Debbie Fisher)**

Executive Agenda

- 9. The City Council will convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with the City Attorney regarding City of Lucas, Texas v. Robert Kubicek and the following real property: 2205 Estates Parkway, Lucas, Texas, In Rem, Cause No. 417-00147-2018 in the 417th Judicial District Court of Collin County, Texas.
- 10. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.
- 11. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on May 26, 2022.

Stacy Henderson, City Secretary

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



City of Lucas

City Council Agenda Request

June 2, 2022

Item No. 01

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

June 2, 2022

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

June 2, 2022

Requester: City Secretary Stacy Henderson
Assistant to the City Manager Kent Souriyasak
Public Works Director Scott Holden
City Manager Joni Clarke

Agenda Item Request

Consent Agenda:

- A. Approval of the minutes of the May 19, 2022, City Council meeting.
- B. Approval of Ordinance 2022-06-00954 of the City of Lucas, Texas, amending the Code of Ordinances by amending Appendix C titled "Fee Schedule" amending Article 24.000 titled "Solid Waste Collection and Disposal" amending Section 24.100 titled "Monthly Rates" by amending monthly rates for residents; by Repealing Section 24.200 Refrigeration Appliances; by providing a repealing clause; providing a severability clause; providing a savings clause; and providing for an effective date beginning October 1, 2022.
- C. Authorize the Mayor to enter into an Interlocal Cooperation Agreement 2022-2026 with Collin County for shared maintenance of specific roadways in the City of Lucas.
- D. Approval of Resolution R 2022-06-00527 of the City of Lucas suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals.

Background Information

Agenda Item 3B:

At the City Council meeting on May 5, 2022, the Council authorized the City Manager to execute the Agreement for Solid Waste and Recycling Services between the City of Lucas and Community Waste Disposal beginning October 1, 2022, for a period of five years. The Agreement was executed on May 6, 2022. The City will need to amend Article 24.000 "Solid Waste Collection and Disposal" under Appendix C "Fee Schedule" in the Code of Ordinance to reflect the new monthly rates for solid waste and recycling services for all residents effective October 1, 2022.



City of Lucas

City Council Agenda Request

June 2, 2022

Item No. 03

Agenda Item 3C:

The City of Lucas and Collin County have shared maintenance of the following seven roadways:

1. **Aztec Trail (CR 303)** – The north/south portion is not maintained by the city.
2. **Brockdale Park Road (CR 967)** – The maintenance of this street is handled via a separate agreement between the City of Lucas and Collin County. Starting at FM 3286, the first 1,600 feet is maintained by the city, the next 250 feet is maintained by Collin County, the northern half of the next 1,325 feet is maintained by the city, the next 2,000 feet is maintained by Collin County, the next 2,000 feet is maintained by the city, the next 1,000 feet is maintained by Collin County, the next 200 feet is maintained by the city.
3. **Dayton Avenue (CR 391)** – The northern 700 feet is maintained by the city.
4. **Lewis Lane (CR 254)** – The northern 3,000 feet is within the city limits. No portion of the rest of the roadway is in the city limits and will not be maintained by the city.
5. **Orr Road (CR 317)** – From Forest Grove Road to Winningkoff Road is maintained by the city. None of the roadway north of Forest Grove Road is maintained by the city.
6. **Rock Ridge Road (CR 719)** – The southern 350 feet is maintained by the city.
7. **Snider Lane (CR 319)** – Starting at East Lucas Road (FM 3286), the eastern half of the first 1,325 feet is maintained by the city, all of the next 1,425 feet is maintained by the city, the eastern half of the next 1,050 feet is maintained by the city, the northern half of the next 1,225 feet is maintained by the city. From that western boundary of Lakeview Downs to Winningkoff Road is maintained by the city.

None of these roadways are budgeted for specifically. Funds from 11-8209-301 "Improvement Roads" are used to maintain these and other roads.

Agenda Item 3D:

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022, with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

The resolution suspends the June 17, 2022, effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.



City of Lucas

City Council Agenda Request

June 2, 2022

Item No. 03

Attachments/Supporting Documentation

1. Minutes of the May 19, 2022, City Council meeting
2. Ordinance 2022-06-00954 Fee Schedule Amendments
3. Collin County Interlocal Cooperation Agreement
4. Road Improvements in Accordance with Court Order 2021-109-02-01
5. Resolution No. R 2022-06-00527 Oncor Suspension of Rate Change

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

May 19, 2022 | 6:30 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 (*remote*)
Councilmember David Keer
Councilmember Tim Baney
Councilmember Debbie Fisher

City Councilmember Absent:

Councilmember Phil Lawrence

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
Public Works Director Scott Holden
Finance Director Liz Exum
Fire Chief Ted Stephens
Assistant to the City Manager Kent Souriyasak
Contract City Engineer Joe Grajewski
Management Analyst Patrick Hubbard

The regular City Council meeting was called to order at 6:31 pm.

Citizen Input

1. Citizen Input

There was no citizen input at this meeting.

Community Interest

2. Items of Community Interest

Assistant to the City Manager Kent Souriyasak, Tony Prutch with J. Anthony Homes, and Rich Verbal with Complete Customs presented donation proceeds from the Lucas Car Show in the amount of \$25,000 to the Friends of Lucas Fire-Rescue for their restoration efforts of Ol' Streaker, the City's first fire engine.

Mayor Olk discussed the upcoming farmers market, City offices closed for the Memorial Day holiday, and new start time for all City meetings at 6:30 pm. Councilmember Fisher thanked all those that stopped by the Historical Display during the City's Founders Day event. City Manager Joni Clarke updated the Council on the number of residents that were now participating in the City's communication notification system.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the May 5, 2022, City Council meeting.

- B. Adoption of Ordinance 2022-05-00953 approving amendments to the City of Lucas Code of Ordinances by amending Chapter 14 Zoning, Section 14.01.004 the definition for “Home Occupation” and providing for an effective date.

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

Regular Agenda

4. **Administer the Oath of Office, Statement of Officer and Certificate of Election to City Council incumbents, Debbie Fisher, City Council Seat 5 and Kathleen Peele, City Council Seat 6 and receive remarks from incoming Councilmembers.**

City Secretary Stacy Henderson administered the Oath of Office, Statement of Officer and Certificate of Election from the May 7, 2022, General Election to Councilmembers Debbie Fisher and Kathleen Peele.

5. **Consider entering into a Development Agreement with James Irwin for roadway improvements to the first 1,284 feet of Stinson Road south of West Lucas Road and appropriating funds in an amount not to exceed \$596,577.62 (95% of \$627,976.45 - the cost of the roadway improvements) from cash account 11-1009 General Fund Roadway Impact Fees in the amount of \$44,000 and the remainder \$552,577.62 from General Fund Reserves to account 21-8210-491-325 Stinson Road Realignment and authorize the City Manager to execute the agreement.**

Mayor Olk noted that the applicant had requested to remove this item from the agenda. There was no formal action taken on this item, it was removed from the agenda, and there was no discussion on this item.

6. **Consider the West Lucas Road Reconstruction Project and provide direction to the City Manager.**

Chris Meszler with BCC Engineering discussed with the City Council alternative designs for drainage on the West Lucas Road project. Changes to the plan discussed included drainage from the Walmart detention pond to the open channels on the north and south sides of West Lucas Road. Various design alternatives were discussed on ways to move drainage to the north side of West Lucas Road and what that would entail, and funds needed for each proposed alternative.

The City Council discussed alternatives presented, conflicts with North Texas Municipal Water District utilities, and possible easements that would have to be obtained.

The City Council was in agreement that additional time was needed to study the alternatives, consider other options for drainage, and to hold a special meeting on July 28, 2022 at 6:30 pm to discuss the West Lucas Road project further.

There was no motion or formal action taken on this item.

7. Consider capital project priorities and identify available funding.

City Manager Joni Clarke reviewed with the Council capital projects that should be considered for the upcoming budget year that included items related to bridge and roadway maintenance, drainage projects, equipment and vehicle purchases, technology improvements, and parks and facilities projects, as well as possible funding sources.

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

8. Consider the appointment of Mayor Pro Tem to serve for a one-year period beginning June 2, 2022 and ending May 31, 2023.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Keer to appoint Councilmember Kathleen Peele as Mayor Pro Tem to serve for a one-year period beginning June 2, 2022, and ending May 31, 2023. The motion passed unanimously by a 6 to 0 vote.

Executive Session Agenda

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

An Executive Session was not held at this meeting.

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

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

11. Adjournment.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Baney to adjourn the meeting at 8:04 pm. The motion passed unanimously by a 6 to 0 vote.

APPROVED:

ATTEST:

Mayor Jim Olk

City Secretary Stacy Henderson



ORDINANCE 2022-06-00954
[AMENDING SOLID WASTE COLLECTION
AND DISPOSAL MONTHLY RATES]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX C TITLED “FEE SCHEDULE” BY AMENDING ARTICLE 24.000 TITLED “SOLID WASTE COLLECTION AND DISPOSAL” BY AMENDING SECTION 24.100 TITLED “MONTHLY RATES” BY AMENDING MONTHLY RATES FOR RESIDENTS; REPEALING SECTION 24.200 REFRIGERATION APPLIANCES; BY PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE BEGINNING OCTOBER 1, 2022.

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

SECTION 1. That Appendix C titled “Fee Schedule” of the City of Lucas Code of Ordinances is hereby amended by amending Article 24.000 titled “Solid Waste Collection and Disposal” by amending Section 24.100 titled “Monthly Rates”, and repealing Section 24.200 “Refrigeration Appliance” to read as follows:

“APPENDIX C

FEE SCHEDULE

ARTICLE 24.000 SOLID WASTE COLLECTION AND DISPOSAL

AMENDING Sec. 24.100 Monthly rates

Monthly rates, per customer, shall be as follows (rates reflect the addition of sales tax and the combined franchise/right-of-way use fee and administrative fee):

- (1) Base residential services including solid waste, recycling, unlimited bundled brush, limited bulk and unbundled brush, door side household hazardous waste and used electronics collection (monthly rates): \$26.10
- (2) Senior citizen rate for base residential services (monthly rates): \$23.49
- (3) Optional additional residential solid waste cart (monthly rates): \$13.19
- (4) Optional additional residential recycling cart (monthly rates): \$5.44

- (5) Optional concierge residential service for solid waste service only (price is in addition to the base residential services monthly rates):
 - (a) 0 feet to 100 feet from public street to point of collection (monthly rates): \$30.81
 - (b) 100 feet to 300 feet from public street to point of collection (monthly rates): \$61.63
- (6) Optional special collection for excess bulk and brush accumulations (per yard): \$15.00
- (7) Optional manure and stable matter collection for one (1) half-full cart collection (monthly rates): \$29.00
- (8) Optional additional manure and stable matter collection (monthly rates): \$19.00
- (9) Replacement of lost/stolen solid waste or recycle cart (each): \$76.05”

REPEALING Sec. 24.200 Refrigeration appliance

~~Refrigeration appliances not certified and tagged by an HVAC technician may be subject to a \$35.00 disposal fee, billed to the individual by contractor.~~

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. That an offense committed before the effective date of the Ordinance is governed by prior law and the provisions of the City of Lucas Code of Ordinances in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That this Ordinance shall take effect October 1, 2022, 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 2nd DAY OF JUNE, 2022.**

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney

Stacy Henderson, City Secretary

INTERLOCAL COOPERATION AGREEMENT

Whereas, the Interlocal Cooperation Act, Title 7, Chapter 791, Vernon's Texas Statutes and Codes Annotated (the "Act"), and the Constitution of the State of Texas, Article III, Section 64(b) (the "Constitution") specifically authorizes counties and other political subdivisions comprised or located within the county, to contract with one another for the performance of governmental functions and/or services required or authorized by the Constitution, or the laws of this State, under the terms and conditions prescribed in the Act: and

WHEREAS, the functions and/or services contemplated to be performed by Collin County, Texas, as set out herein, are governmental functions and/or services contemplated by the terms of the Act and are functions and/or services which each of the parties hereto have independent authority to pursue, notwithstanding this Agreement; and

WHEREAS, both the county and the political subdivision named herein are desirous of entering into this Interlocal Cooperation Agreement, as is evidenced by the resolutions or orders of their respective governing bodies approving this Agreement which are attached hereto and made a part hereof.

NOW, THEREFOR, THIS AGREEMENT is hereby made and entered into by and between Collin County, Texas a political subdivision of the State of Texas, and the City of Lucas, political subdivision of the State of Texas, which is wholly or partially located within Collin County, Texas. Consideration for this Agreement consists of the mutual covenants contained herein, as well as any monetary consideration, which may be stated herein. This agreement is as follows, to wit:

I.

As requested by the political subdivision named herein, Collin County, Texas, acting by and through its duly authorized agents and employees, agrees to provide said political subdivision with the following described governmental functions and/or services:

ROAD IMPROVEMENTS IN ACCORDANCE WITH
COURT ORDER NO. 2021-109-02-01 (Copy Attached)

II.

As consideration for the above-described governmental functions and/or services, said political subdivision agrees to timely pay to Collin County, Texas, in accordance with the advance cost estimate submitted to them for work they have requested in the amount and upon the following terms and conditions:

- 1) PAYMENT IN FULL UPON COMPLETION OF WORK AND RECEIPT OF BILL FOR SAME.

2) PAYMENT TO EQUAL REIMBURSEMENT IN FULL FOR LABOR, EQUIPMENT, AND MATERIAL EXPENDED BY COLLIN COUNTY.

Any payments for Work performed under this Agreement that are not made within thirty days from when such payments are due shall accrue interest as prescribed by the Texas Prompt Payment Act (Tex. Gov't Code ch. 2251).

Each party agrees to perform all other acts and execute and deliver all other documents as may be necessary or appropriate to carry out the intent and purposes of this Agreement.

III.

To the fullest extent allowed by law, each party hereto agrees to defend and indemnify the other from any claims, demands, costs or judgments arising out of any negligent act or omission of their respective employees or agents in the performance of the governmental functions and/or services under this Agreement.

Failure of a Party to exercise any right or remedy in the event of default by any other Party shall not constitute a waiver of such right or remedy for any subsequent breach or default.

Should any provision of this Agreement or the application thereof be held invalid or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected thereby and shall continue to be valid and enforceable to the fullest extent, consistent with the intent of the Parties as evidenced by this Agreement.

IV.

This Agreement shall be effective October 1, 2022, or from the passage of enabling resolutions or orders by the governing bodies of the parties hereto and the execution hereof by each of the authorized representatives of the political subdivision who are parties hereto and shall remain in effect through September 30, 2026 unless terminated by either party upon giving thirty (30) days written notice to the other party of its intent to terminate the agreement.

Notices, correspondence, and all other communications shall be addressed as follows; However, the Parties hereto shall have the right from time to time to change their respective addresses by giving at least fifteen (15) days' written notice to the other Party.

If to Collin County:

Public Works
Jon Kleinheksel
700A Wilmeth Rd.
McKinney, TX 75069
972-548-3700
jkleinheksel@co.collin.tx.us

Purchasing
Gina Zimmel
2300 Bloomdale Rd., #3160
McKinney, TX 75071
972-548-4119
[gzimmel@co.collin.tx.us](mailto:gzimmer@co.collin.tx.us)

Administration
Bill Bilyeu
2300 Bloomdale Rd., #4192
McKinney, TX 75071
972-548-4698
bbilyeu@co.collin.tx.us

If to City:

Name:	Mayor Jim Olk	City Manager Joni Clarke
Address:	City of Lucas, 665 Country Club Road	City of Lucas, 665 Country Club Road
City, State, Zip:	Lucas, Texas 75002	Lucas, Texas 75002
Phone:	972.912.1211	972.912.1212
	jolk@lucastexas.us	jclarke@lucastexas.us

V.

Notwithstanding the foregoing, it is understood that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. In the event of a non-appropriation by the paying party, the performing party shall be relieved of its responsibilities hereunder as of the first day of the fiscal year of such non-appropriation. All payments must be in an amount that fairly compensates the performing party for the services or functions performed under this agreement.

Force Majeure: No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the affected party's reasonable control, including, without limitation: acts of God; flood, fire or explosion; war, invasion, riot or other civil unrest; actions, embargoes or blockades in effect on or after the date of this Agreement; or national or regional emergency (each of the foregoing, a "Force Majeure Event"). A party whose performance is affected by a Force Majeure Event shall give notice to the other party, stating the period of time the occurrence is expected to continue and shall use diligent efforts to end the failure or delay and minimize the effects of such Force Majeure Event.

VI.

Dispute Resolution

Notice & Conference

If a party believes that the other party has not met, or is not meeting, an obligation under this agreement, the party will contact the other's representative to discuss the issue. If the aggrieved party does not believe that this informal contact, discussion, and ensuing efforts have fixed the issue, then the party will notify the other party's representative in writing of the party's belief or complaint with reasonable detail to permit the other party to address the issue. The other party will then have a reasonable time to address the issue and improve its performance. This initial process will take no more than 14 calendar days, unless the parties agree otherwise.

If discussions between the parties' representatives do not resolve the issue, then the County Judge, or County Administrator from Collin County and the Mayor, City Manager, from the City of Lucas will meet in person to discuss and try to resolve the issue. This process will take no more than five (5) business days, unless the parties agree otherwise.

Prerequisites to Filing for ADR or a Lawsuit

Neither party may file a claim or lawsuit in any forum before the parties are finished using the cooperation procedures set forth above.

Expenses for Enforcement. In the event either Party hereto is required to employ an attorney to enforce the provisions of this Agreement or is required to commence legal proceedings to enforce the provisions hereof, the prevailing Party shall be entitled to recover from the other, reasonable attorney's fees and court costs incurred in connection with such enforcement, including collection.

This agreement will be governed and construed according to the laws of the State of Texas. This agreement is performable in Collin County, TX.

VII.

By entering into this Agreement, the parties do not intend to create any obligations, express or implied, other than those specifically set out in this Agreement.

The Parties represent that the individuals signing this Agreement on their behalf possess full power and authority to enter into this Agreement from their respective governing boards in compliance with the laws of the State of Texas.

By signing this agreement, no party waives any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

Nothing in this Agreement shall create any rights or obligations as to any party who is not a signatory to this Agreement. This agreement does not confer any rights or remedies upon any person or entity other than the Parties.

Should any provision of this Agreement or the application thereof be held invalid or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected thereby and shall continue to be valid and enforceable to the fullest extent, consistent with the intent of the Parties as evidenced by this Agreement.

A party will not assign its rights or obligations under this agreement, in whole or in part, to another person or entity without first obtaining the other party's written consent.

This Agreement is the entire agreement of the Parties. This Agreement may not be altered or amended except by mutual written agreement as provided herein.

If the Parties desire to modify this Agreement during or after the initial term, any modifications may be either incorporated herein by written amendment or set forth in a new written agreement.

This Agreement may be executed in one or more identical counterparts, each of which will be deemed an original for all purposes.

COLLIN COUNTY, TEXAS

Date: _____

By: _____

Title: County Judge

CITY OF LUCAS

Date: _____

By: _____

Title: Mayor, Jim Olk

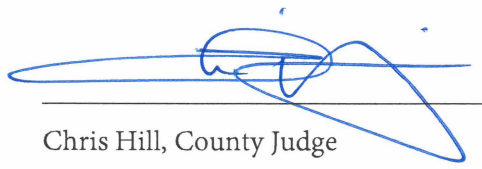
State of Texas §
Collin County §
Commissioners Court §


Court Order
2021-109-02-01

An order of the Collin County Commissioners Court adopting a policy.

The Collin County Commissioners Court hereby approves the amended Collin County Road and Right of Way policies, as detailed in the attached documentation.

A motion was made, seconded, and carried by a majority of the court members in attendance during a regular session on Monday, February 2, 2021.

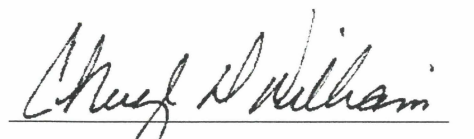

Chris Hill, County Judge


Darrell Hale, Commissioner, Pct 3


Susan Fletcher, Commissioner, Pct 1




Duncan Webb, Commissioner, Pct 4


Cheryl Williams, Commissioner, Pct 2


ATTEST: Stacey Kemp, County Clerk



COLLIN COUNTY

ROADWAY POLICY

Approved by the Collin County Commissioners Court on February 1, 2021
Court Order Number 2021-109-02-01

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1.01 INTRODUCTION

A. Purpose

This Roadway Policy has been adopted by Commissioners Court to put standards in place by which roadways and right of way in unincorporated Collin County are maintained. Commissioners Court reserves the right to amend any portion of this court order as deemed necessary and/or when required by changes in the law of Texas, state statutes or transportation codes.

B. Applicability

This Policy applies to roadways within Collin County that are located outside of the corporate limits of a municipality. Additionally, this policy may exclude areas within Collin County that are located within the extraterritorial jurisdiction (ETJ) of a municipality, provided that an ETJ has been established by the municipality and the municipality has entered into a written interlocal agreement with the County that identifies the municipality as the entity authorized to maintain roadways and rights of way within their respective ETJ.

Collin County will not be responsible for any damage caused by County crews to any facility installed that is not in compliance with this Policy.

Any extenuating circumstances not covered under this Policy shall be brought to the attention of Commissioners Court for consideration.

1.02 DEFINITIONS

For the purpose of this Policy, the following terms, phrases, words and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in planning and engineering practice. The word “shall” is mandatory and the word “may” is permissive.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) - An association of state highway and transportation officials.

BUSINESS DAY – the days of the week when County offices are normally open (excludes official holidays and weekends). Collin County holidays may be found online at:

<https://www.collincountytx.gov/government/Pages/Holidays.aspx>

COLLIN COUNTY ROADWAY SYSTEM – Any roadway maintained by Collin County Public Works.

COMMISSIONERS COURT – The Commissioners Court of Collin County.

COUNTY – Collin County, Texas.

COUNTY CLERK – the County Clerk of Collin County.

COUNTY ROADWAY – a public roadway under the control and maintenance of the

County.

DEDICATION – the appropriation of land, or an easement therein, by an Owner, for the use of the public and accepted for such use by or on the behalf of the public.

DEVELOPER – any person, partnership, firm association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participates in the performing of any act toward the development of a subdivision, within the intent, scope and purview of the Collin County Subdivision Regulations.

DEVELOPMENT – all land modification activity, including grading or construction of buildings, roadways, parking lots and/or other impervious structures or surfaces.

DIRECTOR OF PUBLIC WORKS – where used in this Policy, “Director of Public Works” shall mean the Collin County Director of Public Works and his/her authorized and/or appointed representatives.

EASEMENT – an area for restricted use on private property upon which a public or private utility/entity/HOA or Lot Owner responsible for maintenance shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growth which in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.

ENGINEER – a person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering in the State of Texas.

EXISTING ROADWAYS – roadways that have been constructed and are in place prior to the passage of this Policy.

EXTRATERRITORIAL JURISDICTION (ETJ) – the unincorporated land area, not a part of any city, which is contiguous to the corporate limits, as defined in [Local Government Code, Chapter 42](#).

FACILITY - any permanent or temporary non-County owned improvement placed within the right of way. Such facilities may involve underground, surface, or overhead facilities, either singularly or in combination. (Accessories are any attachments, appurtenances, or integral parts of the facility such as fire hydrants, valves, gas regulators, etc.).

FINAL ACCEPTANCE – formal acceptance by order of the Collin County Commissioners Court.

HOMEOWNERS ASSOCIATION – an organized, non-profit corporation with mandatory membership when property is purchased.

INCORPORATED AREA – See Extraterritorial Jurisdiction.

INTERLOCAL AGREEMENT (ILA) – A written contract between local government agencies.

MINIMUM REQUIREMENTS – Minimum acceptable requirements; such requirements may be modified by the Director of Public Works as may be necessary to protect the public

health, safety, and welfare.

OWNER – the Owner of the parent tract or lot of record.

PUBLIC WORKS – Collin County Public Works.

RESIDENT – a person who lives somewhere permanently or on a long-term basis.

RIGHT OF WAY – a parcel of land that is occupied or intended to be occupied, by a roadway or alley. Where appropriate, “right of way” may include other facilities and/or utilities such as sidewalks; railroad crossings; and/or electrical, telecommunication, oil, gas, water, sanitary sewer and/or storm sewer facilities. The term “right of way” shall also include parkways and medians which are located outside of the actual pavement. The usage of the term “right of way” for land platting purposes shall mean that every public right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way and shall not be included within the dimensions or areas of such lots or parcels. The right of way is the distance between property lines measured at right angles to the centerline of the roadway or alley.

ROADWAY – a paved right of way (or easement), whether public or private and however designated, which provides vehicular access to adjacent land and/or connection to other roadways or highways.

SUBDIVISION – the division of a tract of land situated within Collin County and outside the corporate limits of any municipality into two (2) or more lots, parcels or tracts for the purpose of sale or development, or for the purpose of laying out roadways, alleys, squares, parks, public utility easements, public rights of way, private ingress/egress easements, drainage or stormwater improvements, or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots or parcels fronting on or adjacent to such facilities.

TAA– a Temporary Access Agreement between Collin County and property owner.

TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD) - The most recent edition, including any additions or corrections, of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

THOROUGHFARE - a principle traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principle connecting roadway with state highways.

THOROUGHFARE PLAN – the most recently adopted Collin County Thoroughfare Plan <https://www.collincountytx.gov/mobility/Documents/CCThoroughfarePlan.pdf>

1.03 EXISTING ROADWAYS – MAINTENANCE RESPONSIBILITIES

Only public roadways that have been determined by Commissioners Court to be approved County Roads shall be maintained at County expense by Public Works. The County shall not maintain U.S. Highways, state roadways, private roadways, and other roadways or sections of a roadway within the city limits of an incorporated city.

A. Roadways within an Incorporated Area or within a City

1. Each city within Collin County is responsible for maintaining the bridges and roadways within their city limits.
2. Commissioners Court may consider making or participating in general maintenance items including rocking, grading, asphalt, leveling, seal coating, oiling for dust control, installation of culverts, warning signs, cleaning of drainage ditches, mowing or brush cutting and emergency repairs to bridges.
3. The following requirements must be met before Public Works can perform maintenance within an incorporated area or within city limits:
 - a. An Interlocal Agreement (ILA) must be presented to and approved by Commissioners Court. This currently executed ILA must be on file with the County.
 - b. Commissioners Court has granted approval of maintenance request(s).
 - c. Schedule will be set forth by Public Works and will be dependent upon the work schedule of County crews.
 - d. Emergency requests will be evaluated by Commissioners Court based upon the merits presented by the requesting city. Commissioners Court authorization is required for work performed within incorporated Cities.

B. Roadways adjacent to a City

1. Roads or sections of roadways bordered by a city or cities may be maintained at County expense as follows:
 - a. A portion of a public roadway adjacent to property that has been annexed by a city or cities before 2015, from the centerline of the roadway to the edge of the roadway on the opposite side from the City, may be maintained at County expense. The city's responsibility for maintenance of the roadway shall extend to the centerline of the roadway.
 - b. Any portion of a public roadway adjacent to property that has been annexed by a city or cities after 2015, shall not be maintained at County expense. The city's responsibility for maintenance of the roadway shall extend to the entire roadway.
 - c. Any portion of a public roadway that is bordered by a city or cities on both sides will be considered to lie entirely within an Incorporated Area and shall

not be maintained at County expense.

C. Roadways within a Subdivision

1. Maintenance of roadways in a Subdivision shall be performed by the Developer or Homeowners Association until roadways have been approved for County maintenance by Commissioners Court. See Collin County Subdivision Regulations for further information.

D. Abandonment of County Roads

1. The Commissioners Court, by unanimous vote, may abandon a County roadway upon following specific procedures as required by Vernon's Civil Statutes and the Texas Transportation Code Section 251.057. <https://statutes.capitol.texas.gov/Docs/TN/htm/TN.251.htm#251.057>
2. In order for the public to request the relinquishment of the public's right of way and use of a roadway, the following conditions must be met:
 - a. Petition and Notice signed by eight (8) freeholders of land in the Commissioners' Precinct where the roadway is located is required to abandon a roadway.
 - b. Original signatures are needed on three (3) copies of both the Notice and Petition.
 - c. Signatures should be exactly as name appears on tax roll.
 - d. The roadway and its location should be described on the Notice and Petition prior to signatures being obtained.
 - e. Twenty (20) days public notice posted at the County Courthouse and along the subject roadway is required before Commissioners Court can consider taking action to abandon a roadway. Collin County will post the Notice at these locations upon verification of signatures.
 - f. Unanimous consent of Commissioners Court is required to abandon a roadway.
 - g. In some instances, as required by law, Collin County shall be compensated for the abandonment of right of way.

1.04 EXISTING ROADWAYS – MAINTENANCE SCHEDULE

A. Roadway Oiling – Residents with Respiratory Conditions

1. The County will oil a 500-foot portion of a County rock roadway for dust control in front of a resident's house whereas:
 - a. The resident has a chronic respiratory condition.
 - b. The condition is documented by a Medical Doctor (MD).

- c. The County's Application for Dust Control Oiling is signed by a doctor and submitted once each 36 months or 3 years.
 - d. Application for Dust Control Oiling due to chronic respiratory condition is available by calling Public Works (972-548-3700) and requesting an application. This form can be returned by mail to: Public Works, 700 A. West Wilmeth Road, McKinney, Texas, 75069 (or faxed to (972) 548-3754). Residents may also print the form from the Public Works webpage at: https://www.collincountytx.gov/public_works/road_bridge/Documents/HealthLetter.pdf
2. If the house is located at a roadway intersection the roadway will be oiled 500-feet in both directions from the intersection.
 3. Road oiling for dust control will be performed one time each year and only between Mid-March and early October.
- B. Roadway Oiling – Cemetery Locations
1. The County will oil 500 feet of a rock roadway in front of a cemetery for dust abatement at no cost, with approved advanced notice as indicated below:
 - a. Public Works receives 48 hours advanced notice of a graveside service date or;
 - b. Public Works receives 10-day advanced notice of the date scheduled for a recognized cemetery "clean up day"
- C. Roadway Oiling – Additional Applications
1. Routine roadway grading will not warrant additional applications of oil. All additional applications of oil whether health related or otherwise will be at the requestor's expense.
 2. When construction causes heavier than normal truck traffic on a rock road the County may, at the discretion of the Director of Public Works, apply oil.
 3. All other requests for oiling in unincorporated areas of the County shall be at the requestor's expense. Collin County shall be reimbursed for the cost of materials; requestor to call County for cost estimate based on current price. This process will consist of three (3) separate applications per 500 linear feet, typically two applications on a specific day with the remaining application a day or two thereafter. This service will be performed only between the warmer months of Mid-March through Early October. Requests for roadway oiling during the warmer months shall be made no later than September 30 of the year prior.
- D. Temporary Roadway Closures
- Requests for Temporary Road Closures shall be made as far in advance as possible, with minimum submittal dates listed below. Late requests may be denied due to not having enough time to evaluate impacts.

1. Non-Emergency Temporary Road Closure Request: Complete and submit the County's Roadway Closure Request Form at least 72 hours of the proposed closure. This form can be found on the County's website at: https://www.collincountytx.gov/public_works/road_bridge/Pages/roadclose.aspx The Director of Public Works will review the request and notify the applicant in writing of their decision within 24 hours of the road closure. If approved, County staff will notify affected parties such as USPS, school districts, law enforcement, emergency responder agencies, and adjacent landowners. Applicant is responsible for deploying and retrieving all necessary equipment including barricades, cones, signs, etc.
 2. Special Event Temporary Road Closure Request: Complete and submit the County's Roadway Closure Request Form at least 90 days prior to the special event. This form can be found on the County's website at: https://www.collincountytx.gov/public_works/road_bridge/Pages/roadclose.aspx The Director of Public Works will review the request and notify the applicant in writing of their decision within 14 days of the road closure. The event sponsor shall be responsible for funding any County personnel and equipment provided for traffic control.
 3. Emergency Temporary Road Closure Request: In the event of an Emergency Temporary Road Closure, call 972-548-3700 to submit verbal request. Requests will be executed expeditiously by on-duty Public Works staff or on-call staff during non-business hours. Public Works will promptly deploy barricades, cones, and/or other appropriate equipment to the roadway(s). Once the situation is stabilized (flood waters subside, public safety restored, etc.) and the Director of Public Works has communicated approval, Public Works staff will collect all equipment and re-open the roadway(s).
- E. Mowing/Brush Cutting
1. Public Works will mow all County right of way property as follows:
 - a. Spring/Summer months – Mow all County Roadways one mower width (8' to 12') once per year.
 - b. Fall/Winter months – Mow all County Roadways total right of way width (including fence lines as instructed by the Director of Public Works) once per year. This may include areas between the pavement and fences where fences are outside of the right of way limits.
 2. Brush cutting is typically performed during dormant fall and winter (non- growth) months:
 - a. Tree and limb removal by use of hydraulic boom mowers will serve to minimize vehicle damage from overhanging limbs/brush and improve vehicle/driver line of sight. Branches over the roadway will be trimmed to provide 18' of vertical

clearance, while branches outside the roadway but within the right of way will be trimmed to a height of 14' vertical clearance.

- b. Hand cutting and pruning is completed as manpower and scheduling permit. Requests for hand cutting are handled and approved on a case by case basis.
- 3. Brush and vegetation will be cut anywhere necessary to maintain adequate line of sight on roadways.

F. Herbicide Application

- 1. Public Works will treat all County right of way 2 times per year with contact herbicide at required or allowable rates. This includes facility obstructions (i.e. fire hydrants, water valves, guardrails, pole guy wires, phone pedestals, etc.) to improve visibility of object.
- 2. All asphalt roadway shoulders are treated with herbicides.
- 3. Residents and business owners may request that the County not spray the right of way adjacent to their property by calling 972-548-3700. The resident or business owner accepts responsibility for maintaining the right of way according to this Roadway Policy. Non-spray requests may be denied based on the following conditions:
 - a. Where roadway shoulder vegetation encroachment has caused or shows the potential to cause damage to the roadway surface.
 - b. Where herbicide treatment of facility obstructions poses a liability to County maintenance.
 - c. Line of sight and visibility issues.
 - d. Any other condition as deemed by the Director of Public Works.

G. Inspections

- 1. Inspection of County-maintained asphalt and concrete roadways will be conducted on a schedule to be determined by the Director of Public Works.
- 2. Inspection of city roadways will be conducted as per parameters set forth in the ILA. If inspection parameters are not defined in the ILA, inspections will be conducted on a schedule determined by the Director of Public Works.
- 3. Inspection of subdivision roadways will be conducted prior to County takeover of maintenance as per Collin County Subdivision Regulations.
- 4. Additional inspections will be performed as determined by the Director of Public Works. Inspection results will be used as a guide to determine budget and repair/maintenance requirements.

1.05 EXISTING ROADWAYS - IMPROVEMENTS

A. Improvements to Roadways Within City Limits

1. Commissioners Court may consider performing or participating in improvements to roads and bridges within the corporate limits of a city. These improvements include but are not limited to general maintenance items including rocking, grading, asphalt, leveling, seal coating, oiling for dust control, installation of culverts, warning signs, cleaning of drainage ditches, mowing or brush cutting and emergency repairs to bridges. The following requirements must be met before Public Works can perform improvements within city limits:
 - a. An Interlocal Agreement (ILA) must be presented to and approved by Commissioners Court. This currently executed ILA must be on file with the County.
 - b. Schedule will be set forth by Public Works and will be dependent upon the work schedule of County crews.
 - c. Emergency requests will be evaluated by Commissioners Court based upon the merits presented by the requesting city. Commissioners Court authorization is required for work performed within incorporated Cities.
- B. Major Improvements to Roadways Within City Limits
 1. Major improvements such as the construction or reconstruction of roadways will be considered on a case by case basis.
 2. All major improvement requests must be submitted in letter format to the Director of Public Works by April 1st of the year prior to the year improvements are anticipated.
- C. Reimbursement for Work Performed by Public Works
 1. Prior to beginning any improvements, the city shall make reimbursement arrangements. If the city is unable to reimburse for the full amount, the city may petition Commissioners Court for a payment schedule including interest. A cost matrix for roadway and bridge repair costs shall be approved by Commissioners Court. The fee schedule shall be reviewed annually or as directed by the Director of Public Works.
 2. Reimbursement costs for roadway and bridge repairs or improvements will be as per the Collin County Cost Matrix. The Collin County Cost Matrix for Cities can be found here:
https://www.collincountytx.gov/public_works/road_bridge/Pages/cost_matrix.aspx and is subject to change. Any deviation from this cost matrix must be approved by Commissioners Court.

1.06 COUNTY ROADWAY FEATURES AND ADJACENT AREAS

A. Right of Way

1. Right of way shall be donated by transfer of title, easement, or purchased through negotiations and/or eminent domain proceedings. Property owners have the option to donate the same by transfer of title. Public Works does not purchase right of way or utilize condemnation for any roadway improvement. The requested right of way must be acquired prior to the commencement of the project.
 2. The minimum right of way width for road projects performed by Public Works shall be 40 ft. The County may require right of way wider than the minimum where it is determined that the existing width and drainage are not adequate for roadway improvements.
 3. The required right of way width for subdivision roadways shall be as shown in the Collin County Subdivision Regulations.
 4. County right of way shall be kept clear of trees and brush. Collin County has the right to exercise a right of way easement to prevent the planting of trees and shrubs in the right of way and to remove or cause to be removed trees or shrubs growing there by Court Order 2010-722-09-13.
 5. An easement will establish the right of the County to enter onto a property in order to perform necessary work but shall not establish the responsibility to do so.
 6. No work may occur in County right of way or easement without obtaining a permit from the County prior to beginning work. See Collin County Right of Way Use Policy for more information.
- B. Temporary Access Agreement
1. The County may propose to enter into a Temporary Access Agreement (TAA) with the Owner in the event that private property will be needed for roadway improvements. A TAA could grant the County the ability to use private property for the following:
 - a. Parking of County vehicles or equipment
 - b. Stockpile, burn, or chip debris or dirt
 - c. Any other access as approved by the Director of Public Works
 2. TAA's that are required in order to place permanent improvements on private property require Commissioners Court approval.
 3. The County shall, at its expense, restore private property to substantially the same appearance as previously existed following the expiration of the TAA.
 4. A TAA may be used in lieu of a permanent easement to perform minimally intrusive work as part of a right of way issue.
- C. Reimbursement by Property Owners

1. Upon Commissioners Court approval of roadway maintenance or improvements requiring reimbursement from the adjacent property owner, the required amount of money shall be placed in a non-interest bearing escrow account at a bank located within Collin County.
2. Reimbursement amount may include the cost involved for surveying, preparation of Deed or Easement, re-location of fences, facilities (if in a dedicated easement), culverts or other existing improvements. When property owners are required to incur total cost for the upgrade of a roadway, the above cost shall not be borne by Collin County.

D. Fencing/Gates

1. Fences installed inside the right of way will be removed at Owner's expense.
2. Right of way obtained as required for roadway improvements may require an existing fence to be removed. The existing fence will be removed and replaced with a fence of the same size and material at County expense. The new fence will be placed at the property line adjacent to the roadway frontage. Existing gates will be reused and re-hung.
3. Reimbursement for any changes to an existing fence is subject to approval by Director of Public Works and authorization by Commissioners Court.
4. All negotiations regarding fence replacement must be completed prior to right of way easement return to Public Works for recording at the Collin County Clerk's Office.
5. Temporary electric fencing, if warranted, will be provided, installed, maintained, and removed by Collin County as related to any roadway improvement project.

E. Mail Boxes

1. Mailboxes and their installation in County right of way shall meet specifications found in both the Texas Department of Transportation Regulations and United States Postal Service Regulations. Further information can be found here:
<https://www.txdot.gov/inside-txdot/division/maintenance/mailboxes.html>
<https://www.usps.com/manage/mailboxes.htm>
2. Installation of brick/masonry/ornamental metal or other mailboxes that do not conform to these regulations are prohibited inside the right of way.
3. In the event that an existing mailbox is damaged by Public Works crews, the County will replace the damaged mailbox with a standard United States Postal Service approved mailbox on a light weight bendable or break-away pole, regardless of the original construction design.
4. Roadway maintenance or improvements may require the relocation of existing mailboxes within the County right of way.

- F. Roadway Drainage and Driveway Culverts
Refer to Collin County Drainage Design Manual.

1.07 MISCELLANEOUS

A. Signs

1. For installation of regulatory, warning signs and other traffic control devices, Public Works utilizes the most recently adopted versions of the FHWA Manual on Uniform Traffic Control Devices (MUTCD) and the TxDOT Texas Manual on Uniform Traffic Control Devices (TMUTCD).
2. Commissioners Court Order Number 2002-247-04-08 Section B was amended regarding signage (both Regulatory and warning) placed adjacent to County roadways November 9th, 2004 to read as follows:
 - a. All roadway signs shall meet the specifications of Public Works. Private roadway signs are the responsibility of the property owner. The property owner shall pay for fabrication and installation, and any necessary future maintenance of the sign. All signs must meet Collin County standards.
 - b. Collin County does not authorize the use or installation any private signs on County Road right of way. This includes, but is not limited to:
 - i. Business Advertisements
 - ii. Real estate signs (house for sale, open house, etc.)
 - iii. Personal signs (garage sale, puppies for sale, etc.)
 - iv. Political signs

In addition it has been proven in courts of law throughout the country that the below signs provide a false sense of security to those the signs are intended to benefit. As such, these signs become a liability. Additional signs not allowed on County roadways or their respective right of way include but are not limited to the following:

 - v. Children At Play
 - vi. Watch For Children
 - vii. Cattle Crossing
 - viii. Deaf Child

B. Striping

1. The Director of Public Works will determine if a roadway requires striping.
2. Roadway striping shall be installed as per the most recently adopted versions of the FHWA Manual on Uniform Traffic Control Devices (MUTCD) and the TxDOT Texas Manual on Uniform Traffic Control Devices (TMUTCD).

C. Guard Rail

1. Requests for guardrail installation to be performed by the County are considered on a case-by-case basis. Determining factors for installation depend upon traffic studies, evaluation of the area requested, and availability of applicable warning signs in lieu of guardrail.
- D. Speed Bumps
1. Speed bumps are not allowed on any County roadway.
- E. Parking
1. Parking is not allowed within County right of way unless the roadway is designed to include a parking lane.
- F. Historical Markers
1. Historic persons must be deceased for at least 10 years in order to qualify, unless they are of statewide or national significance. Historic events that changed the course of state or local history must have occurred at least 30 years ago. Most other topics, including institutions, organizations and businesses must date back to at least 50 years in order to qualify. For the Recorded Texas Historic Landmark designation, buildings and structures need to be at least 50 years of age. The topic must also have demonstrated historical significance and, in the case of buildings and structures, possess architectural significance as well.
 2. Collin County must receive a written request detailing the historical site and marker specifications and logistics. A request must be made and placed on Commissioners Court. Upon receipt of a signed Court Order, the Marker can be made or received and placed at the site.
- G. Inclement Weather
1. County forces will apply sand at the discretion of the Director of Public Works.



RESOLUTION NO. R 2022-06-00527

RESOLUTION OF THE CITY OF LUCAS SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY’S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

WHEREAS, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Lucas a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective June 17, 2022; and

WHEREAS, the City of Lucas is a member of the Steering Committee of Cities Served by Oncor (“Steering Committee”) and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company’s application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, the Public Utility Regulatory Act (PURA) § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

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

1. That the June 17, 2022, effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 2nd day of June, 2022.

Jim Olk
Mayor, City of Lucas

ATTEST:

Stacy Henderson
City Secretary, City of Lucas



City of Lucas

City Council Agenda Request

June 2, 2022

Item No. 04

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider adopting Ordinance 2022-06-00955 approving a specific use permit request by NDC Holdings on behalf of Lucas Retail Shopping Center to allow a drive-through restaurant on a proposed tract of land, zoned Commercial Business, being 1.619 acres, part of ABS A0821 William Snider Survey, Tract 16, 8.2121 acres, Collin County Texas, located at the southeast corner of South Angel Parkway and McGarity Lane.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action on the specific use permit request

Background Information

NDC Holdings is building a 10,450 square foot building with 6,270 square feet of retail space and 4,180 square feet restaurant space with 1,500 square feet of that being a restaurant with a proposed drive-through window. The site is currently zoned Commercial Business. Per Section 14.03.353 of the City's Code of Ordinances, businesses with a drive-through, drive-in or drive-up shall be allowed only upon the approval of a specific use permit.

Attachments/Supporting Documentation

- 1. Public Notice
- 2. Concept Plan
- 3. Location Map
- 4. Ordinance 2022-06-00955

Budget/Financial Impact

NA

Recommendation

The Planning and Zoning Commission unanimously recommended approval of the specific use permit with the following conditions:

- 1. Tie the attached concept plan to the specific use permit
- 2. All exterior lighting be on a timer, that turns all lights except security lighting off thirty minutes after close of business, with lights shielded to prevent glare across property lines.
- 3. Hours of operation are 6:00 am to 1:00 am.
- 4. A sign frame similar in nature to the existing monument signs along Angel Parkway, shaped like an L with a decorative top



City of Lucas
City Council Agenda Request
June 2, 2022

Item No. 04

Motion

I make a motion to adopt Ordinance 2022-06-00955 approving a specific use permit request to allow a drive-through restaurant on a proposed tract of land, zoned Commercial Business, being 1.619 acres, part of ABS A0821 William Snider Survey, Tract 16, 8.2121 acres, Collin County Texas, located at the southeast corner of South Angel Parkway and McGarity Lane.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas will conduct a public hearing on Thursday, May 12, 2022 at 6:30 p.m. and City Council will conduct a second public hearing on Thursday, June 2, 2022 at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider a Specific Use Permit (SUP) application to allow a drive-thru for a restaurant at the southeast corner of South Angel Parkway and McGarity Lane. The property is Zoned Commercial and more particularly described as follows:

SITUATED in the City of Lucas, in the William Snider Survey, Abstract No. 821 of Collin County, Texas and being a part of that certain called 21.751-acre tract of land described in a deed to Pennington Partners, Ltd., recorded in Volume 5184, Page 1102, Deed Records, Collin County, Texas (D.R.C.C.T.) and being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod, topped with a pink plastic cap, stamped "TxDOT", found for the northeastern corner of that certain called 0.0595 acre strip of land, described as "Parcel 59" in a deed to the State of Texas, dated March 5, 2020 and recorded in Document No. 20200306000326240, D.R.C.C.T. and from said beginning point, a found 1/2 inch iron rod, topped with a red plastic cap (illegible stamp), at the intersection of the original east right-of-way line of F.M. Highway 2551 (Angel Parkway – variable width right-of-way) and the south right-of-way line of McGarity Lane (variable width right-of-way) for the northwest corner of said "Parcel 59" and the above described 21.751 acre tract, bears South 89 deg. 23 min. 24 sec. West – 30.04 feet;

THENCE: North 89 deg. 23 min. 24 sec. East, along the common line of said 21.751-acre tract and said McGarity Lane, a distance of 319.15 feet to a 1/2-inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the northeast corner of this tract;

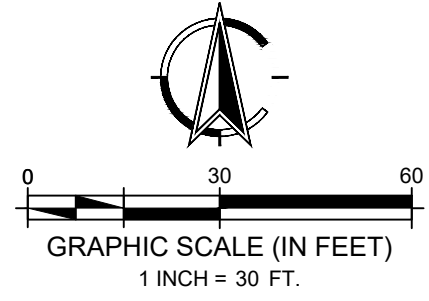
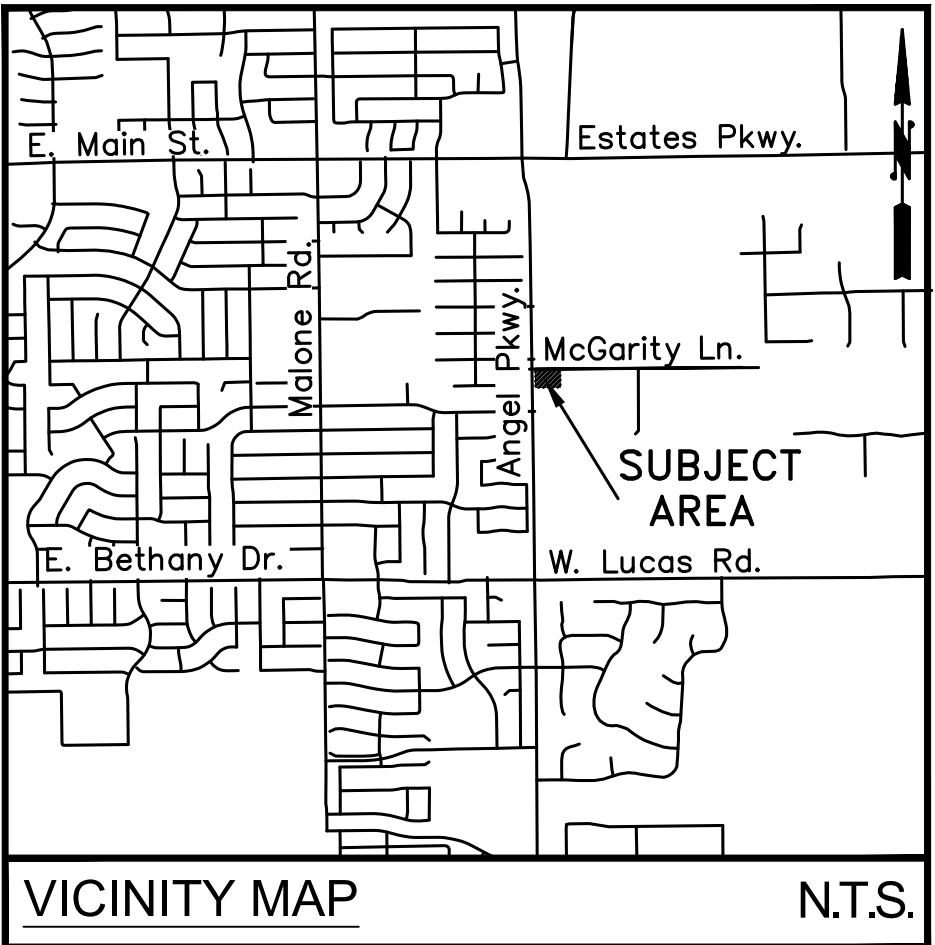
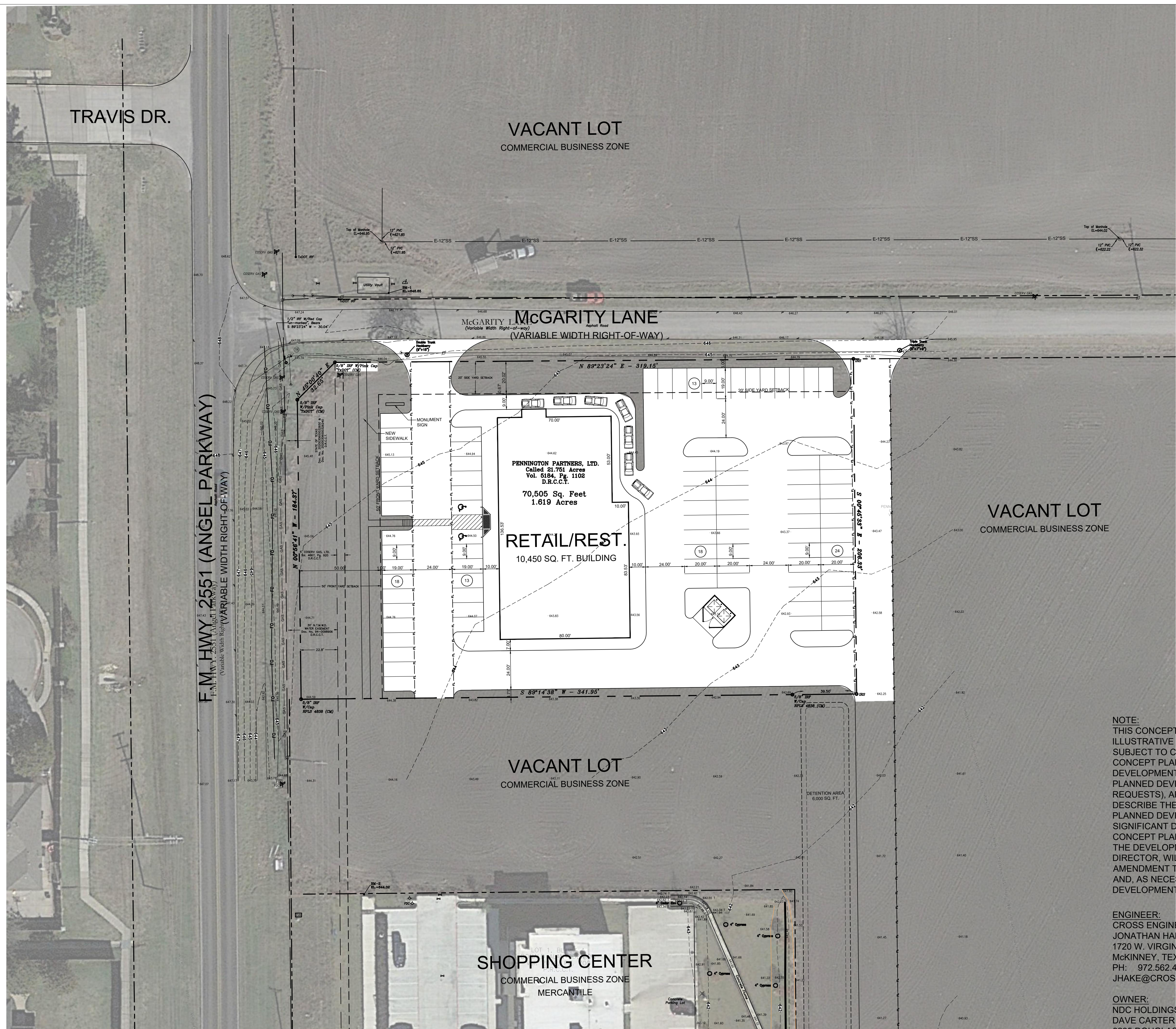
THENCE: South 00 deg. 45 min. 33 sec. East, departing from said McGarity Lane, over & across said 21.751-acre tract, a distance of 206.33 feet to a 1/2-inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the southeast corner of this tract;

THENCE: South 89 deg. 14 min. 38 sec. West, continuing across said 21.751 acre tract, at a distance of 39.50 feet, passing a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4838", found on line and continuing across said 21.751 acre tract for a total distance of 341.95 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4838", found on the east line of the above described TxDOT Parcel 59 and same being the now current east right-of-way line of said F.M. Highway 2551 (Angel Parkway);

THENCE: North 00 deg. 56 min. 41 sec. West, along the east line of said F.M. Highway 2551 and said Parcel 59, a distance of 184.37 feet to a 5/8-inch iron rod, topped with a pink plastic cap, stamped "TxDOT", found for an angle corner;

THENCE: North 45 deg. 00 min. 40 sec. East, continuing along the east line of said F.M. 2551 and said Parcel 59, a distance of 32.65 feet to the POINT OF BEGINNING and containing 70,505 square feet or 1.619 acres of land.

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



SITE DATA	
RETAIL SQ.FT. (60%)	= 6,270 SQ. FT. ±
REST. SQ.FT. (40%)	= 4,180 SQ. FT. ±
TOTAL BUILDING SQ.FT.	= 10,450 SQ. FT. ±
ACREAGE TOTAL	= 1.619
COLLIN COUNTY APPRAISAL DISTRICT PARCEL NUMBER 1217837	

FLOOD ZONE 'X' (OUTSIDE 500 YEAR PLAIN) TBD	
SETBACKS:	
FRONT: 50'	REAR: 25' SIDES: 20'
PROPOSED HEIGHT	= 27'-0"
MAX. HEIGHT	= 35'-0"
ZONING	COMMERCIAL BUSINESS ZONE
USE	MERCANTILE
WATER	PUBLIC
SEWER	PUBLIC

PARKING CALCULATIONS	
RETAIL @ 1:200 REQ'D	= 32
REST @ 1:100 REQ'D	= 42
CITY TOTAL REQUIRED	= 74
TOTAL PARKING SHOWN	= 86

NOTE:
THIS CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS CONCEPT PLAN, ALONG WITH THE DEVELOPMENT REGULATIONS (FOR PLANNED DEVELOPMENT REQUESTS), ARE INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS CONCEPT PLAN, AS DETERMINED BY THE DEVELOPMENT SERVICES DIRECTOR, WILL REQUIRE AN AMENDMENT TO THE CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.

ENGINEER:
CROSS ENGINEERING CONSULTANTS
JONATHAN HAKE, P.E.
1720 W. VIRGINIA STREET
MCKINNEY, TEXAS 75069
PH: 972.562.4409
JHAKE@CROSSENGINEERING.BIZ

OWNER:
NDC HOLDINGS
DAVE CARTER
8235 DOUGLAS AVENUE
SUITE 720
DALLAS, TEXAS 75225
PH: 214.244.1777
DCARTER@NDC HOLDINGS.COM

Bret
FLORY
ARCHITECT
BRET FLORY
1913 GARDEN GROVE COURT
PLANO, TEXAS 75075
PH: 972.467.9749

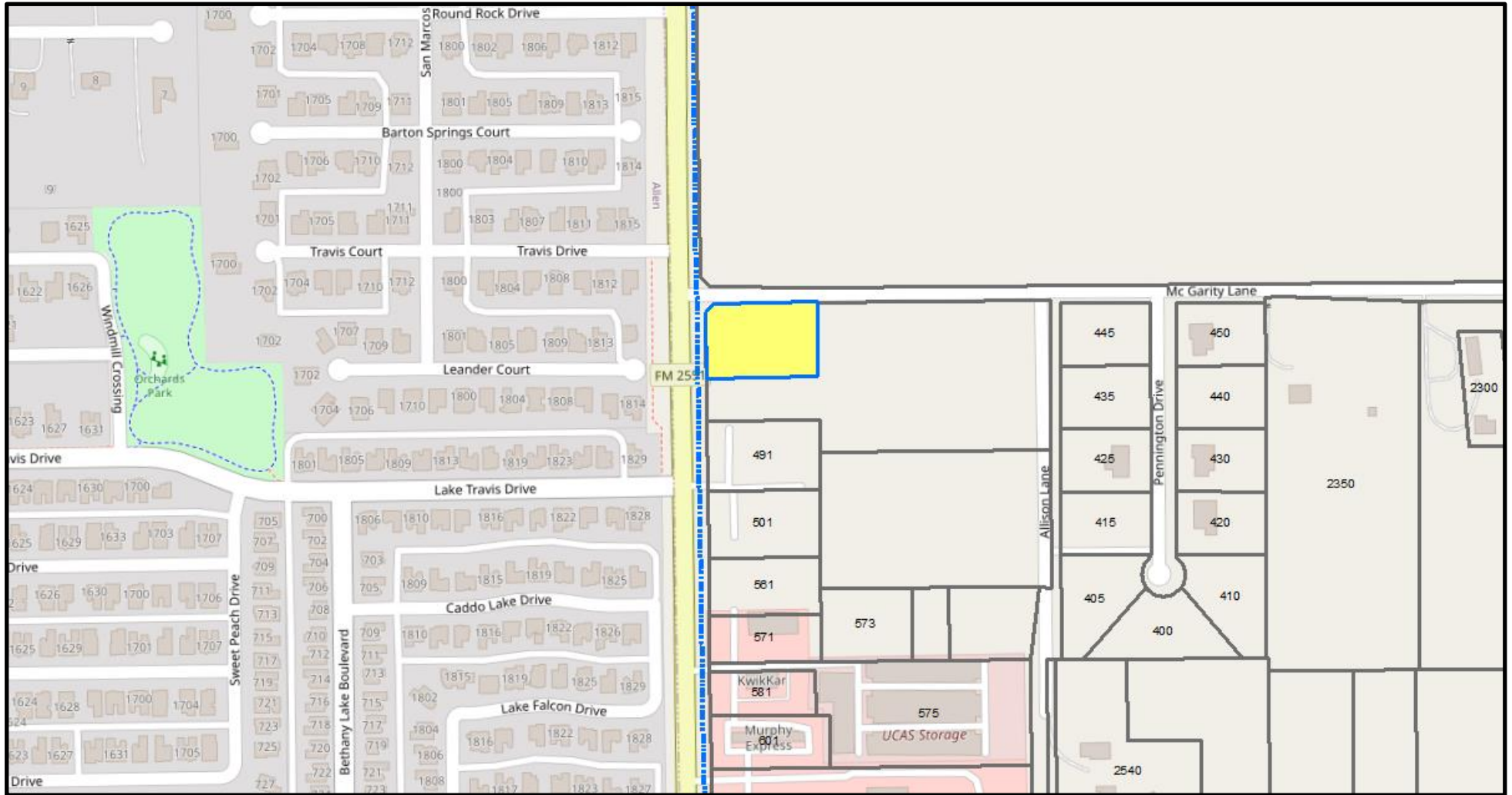
**LUCAS RETAIL
SHOPPING CENTER**
ZONING CONCEPT PLAN
EXHIBIT B
ANGEL PARKWAY
LUCAS, TEXAS

DRAWN: SGM PROJECT #: 21140 DATE: 22.03.24

1 SITE PLAN
1" = 30'-0"



LOCATION MAP: SE CORNER OF MCGARITY LN AND ANGEL PWKY*



*Affected parcel has not yet been subdivided. Approximate location of proposed parcel shown.



ORDINANCE 2022-06-00955

[Special Use Permit for Restaurant Drive-Through]

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT WITH SPECIAL CONDITIONS TO ALLOW FOR A RESTAURANT DRIVE-THROUGH ON ±1.619-ACRE TRACT OF LAND, LOCATED AT THE SOUTHEAST CORNER OF SOUTH ANGEL PARKWAY AND MCGARITY LANE, CITY OF LUCAS, COLLIN COUNTY, TEXAS (THE “PROPERTY”), CURRENTLY ZONED COMMERCIAL BUSINESS DISTRICT (CB), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR APPROVAL OF THE CONCEPT PLAN ATTACHED HERETO AS EXHIBIT “B”; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Lucas, Texas, and the governing body of the City of Lucas in compliance with the laws of the State of Texas and the ordinances of the City of Lucas, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as previously amended, should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, be and the same are hereby amended, to grant a Special Use Permit to allow for a restaurant drive-through, located at the southeast corner of South Angel Parkway and McGarity Lane, City of Lucas, Collin County, Texas, currently zoned Commercial Business (CB), and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes.

SECTION 2. That the above-described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Lucas as heretofore amended, subject to the following special conditions:

- (1) The Property shall be developed in accordance with the Zoning Concept Plan attached hereto as Exhibit “B” and made a part hereof for all purposes.

- (2) All exterior lighting will be on a timer that turns all lights, except security lighting off, thirty (30) minutes after close of business.
- (3) Allowed hours of operation shall be 6:00 a.m. to 1:00 a.m.
- (4) No glare directly or indirectly shall be created at the property line from luminaires.
- (5) Signage shall include a monument sign consistent with other monument signs along Angel Parkway, shaped like an L with a decorative top.

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Lucas governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 4. 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 5. 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 6. 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 7. 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 8. 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 2nd DAY OF JUNE 2022.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(05-23-2022:TM 129729)

Stacy Henderson, City Secretary

**EXHIBIT “A”
LEGAL DESCRIPTION**

SITUATED in the City of Lucas, in the William Snider Survey, Abstract No. 821 of Collin County, Texas and being a part of that certain called 21.751-acre tract of land described in a deed to Pennington Partners, Ltd., recorded in Volume 5184, Page 1102, Deed Records, Collin County, Texas (D.R.C.C.T.) and being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod, topped with a pink plastic cap, stamped “TxDOT”, found for the northeastern corner of that certain called 0.0595 acre strip of land, described as “Parcel 59” in a deed to the State of Texas, dated March 5, 2020 and recorded in Document No. 20200306000326240, D.R.C.C.T. and from said beginning point, a found 1/2 inch iron rod, topped with a red plastic cap (illegible stamp), at the intersection of the original east right-of-way line of F.M. Highway 2551 (Angel Parkway – variable width right-of-way) and the south right-of-way line of McGarity Lane (variable width right-of-way) for the northwest corner of said “Parcel 59” and the above described 21.751 acre tract, bears South 89 deg. 23 min. 24 sec. West – 30.04 feet;

THENCE: North 89 deg. 23 min. 24 sec. East, along the common line of said 21.751- acre tract and said McGarity Lane, a distance of 319.15 feet to a 1/2-inch iron rod, topped with a red plastic cap, stamped “RPLS 4701”, set for the northeast corner of this tract;

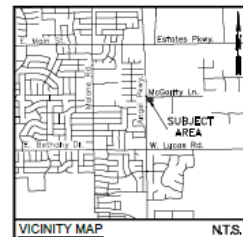
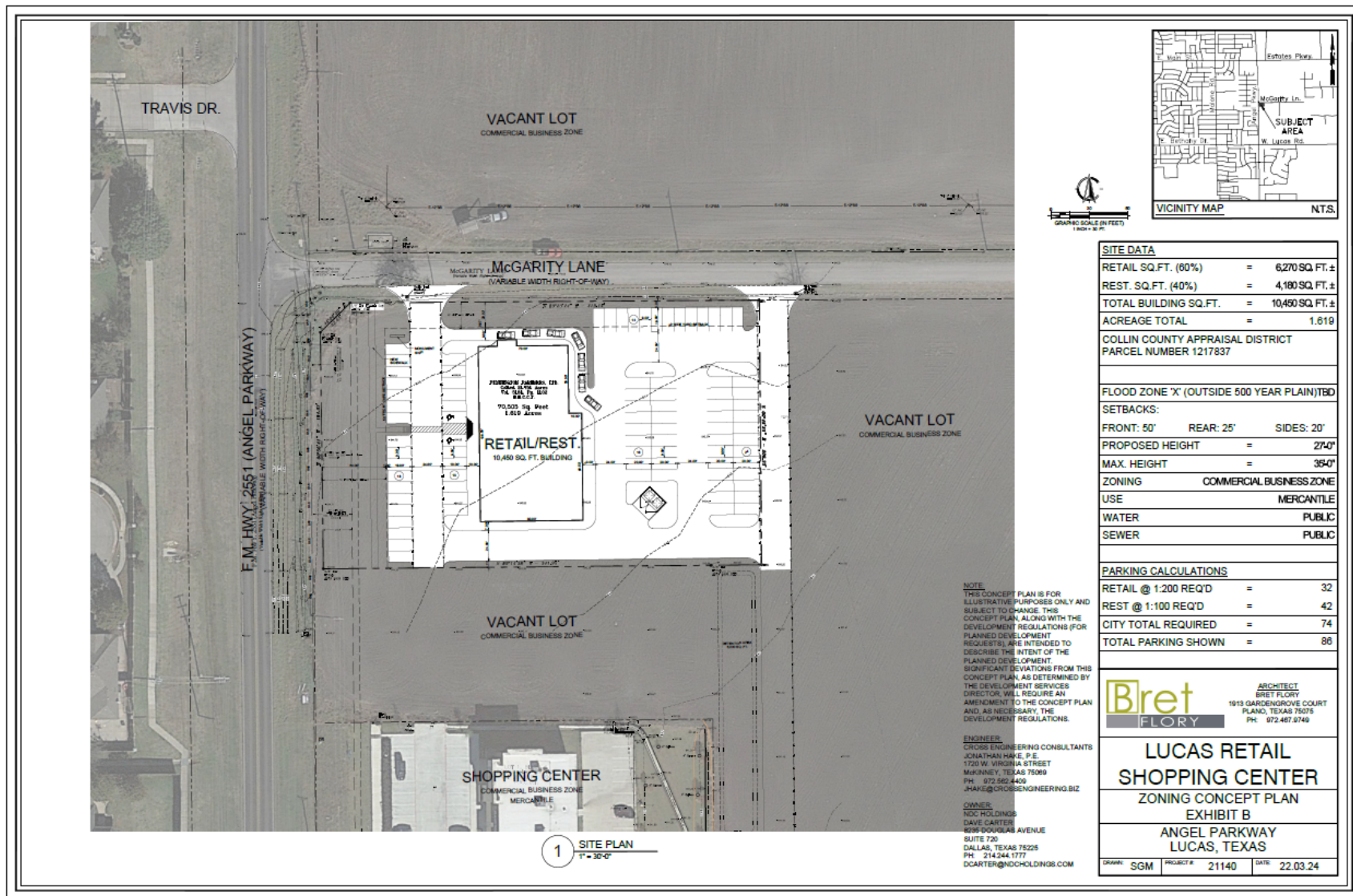
THENCE: South 00 deg. 45 min. 33 sec. East, departing from said McGarity Lane, over & across said 21.751-acre tract, a distance of 206.33 feet to a 1/2-inch iron rod, topped with a red plastic cap, stamped “RPLS 4701”, set for the southeast corner of this tract;

THENCE: South 89 deg. 14 min. 38 sec. West, continuing across said 21.751 acre tract, at a distance of 39.50 feet, passing a 1/2 inch iron rod, topped with a red plastic cap, stamped “RPLS 4838”, found on line and continuing across said 21.751 acre tract for a total distance of 341.95 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped “RPLS 4838”, found on the east line of the above described TxDOT Parcel 59 and same being the now current east right-of-way line of said F.M. Highway 2551 (Angel Parkway);

THENCE: North 00 deg. 56 min. 41 sec. West, along the east line of said F.M. Highway 2551 and said Parcel 59, a distance of 184.37 feet to a 5/8-inch iron rod, topped with a pink plastic cap, stamped “TxDOT”, found for an angle corner;

THENCE: North 45 deg. 00 min. 40 sec. East, continuing along the east line of said F.M. 2551 and said Parcel 59, a distance of 32.65 feet to the POINT OF BEGINNING and containing 70,505 square feet or 1.619 acres of land.

EXHIBIT "B" CONCEPT PLAN



SITE DATA	
RETAIL SQ.FT. (60%)	= 6,270 SQ. FT. ±
REST. SQ.FT. (40%)	= 4,180 SQ. FT. ±
TOTAL BUILDING SQ.FT.	= 10,450 SQ. FT. ±
ACREAGE TOTAL	= 1.619
COLLIN COUNTY APPRAISAL DISTRICT PARCEL NUMBER 1217837	

FLOOD ZONE 'X' (OUTSIDE 500 YEAR PLAIN) TBD	
SETBACKS:	
FRONT: 50'	REAR: 25' SIDES: 20'
PROPOSED HEIGHT	= 27'-0"
MAX. HEIGHT	= 35'-0"
ZONING	COMMERCIAL BUSINESS ZONE
USE	MERCANTILE
WATER	PUBLIC
SEWER	PUBLIC

PARKING CALCULATIONS	
RETAIL @ 1:200 REQ'D	= 32
REST @ 1:100 REQ'D	= 42
CITY TOTAL REQUIRED	= 74
TOTAL PARKING SHOWN	= 86

NOTE:
THIS CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS CONCEPT PLAN, ALONG WITH THE DEVELOPMENT REGULATIONS FOR PLANNED DEVELOPMENT REQUESTS, ARE INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS CONCEPT PLAN, AS DETERMINED BY THE DEVELOPMENT SERVICES DIRECTOR, WILL REQUIRE AN AMENDMENT TO THE CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.

ENGINEER:
CROSS ENGINEERING CONSULTANTS
JONATHAN HAKE, P.E.
1720 W. WIRSHBA STREET
MCKINNEY, TEXAS 75069
PH: 972.582.4409
JHAKE@CROSSENGINEERING.BIZ

OWNER:
NOX HOLDINGS
DAVE CARTER
809 SOUTHWEST AVENUE
SUITE 720
DALLAS, TEXAS 75225
PH: 214.244.1777
DCARTER@NOXHOLDINGS.COM

Bret FLORY ARCHITECT
BRET FLORY
1913 GARDEN GROVE COURT
PLANO, TEXAS 75075
PH: 972.487.9749

**LUCAS RETAIL
SHOPPING CENTER**
ZONING CONCEPT PLAN
EXHIBIT B
ANGEL PARKWAY
LUCAS, TEXAS

DRAWN: SGM	PROJECT#: 21140	DATE: 22.03.24
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Exhibit "B"
City of Lucas
Ordinance 2022-06-00955 [Specific Use Permit for Restaurant Drive-Through]
Approved: June 2, 2022



City of Lucas

City Council Agenda Request

June 2, 2022

Item No. 05

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider adopting Ordinance 2022-06-00956 approving a specific use permit request by Adam and Eve Fowles, property owners of 1745 Stinson Road, in the Lozano Addition, Part of Lot 2 to allow a kitchen and food preparation area in an accessory building with habitable space.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action regarding the proposed specific use permit request

Background Information

This lot is currently zoned AO, and the applicant is requesting to construct an accessory building with habitable space that meets the City's requirements. The specific use permit request is to allow a food preparation area within the accessory building.

Section 14.04.304 (a) of the City's Code of Ordinances requires that an addition of a kitchen/food preparation area require a specific use permit in R-2 or AO zoning districts that contain a single-family home and states the following:

Kitchen, cooking or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.

Attachments/Supporting Documentation

- 1. Location Map
- 2. Site Plan, Building Plans and Elevations
- 3. Boundary Survey
- 4. Public Notice
- 5. Ordinance 2022-06-00956
- 6. Deed Restrictions

Budget/Financial Impact

NA



City of Lucas
City Council Agenda Request
June 2, 2022

Item No. 05

Recommendation

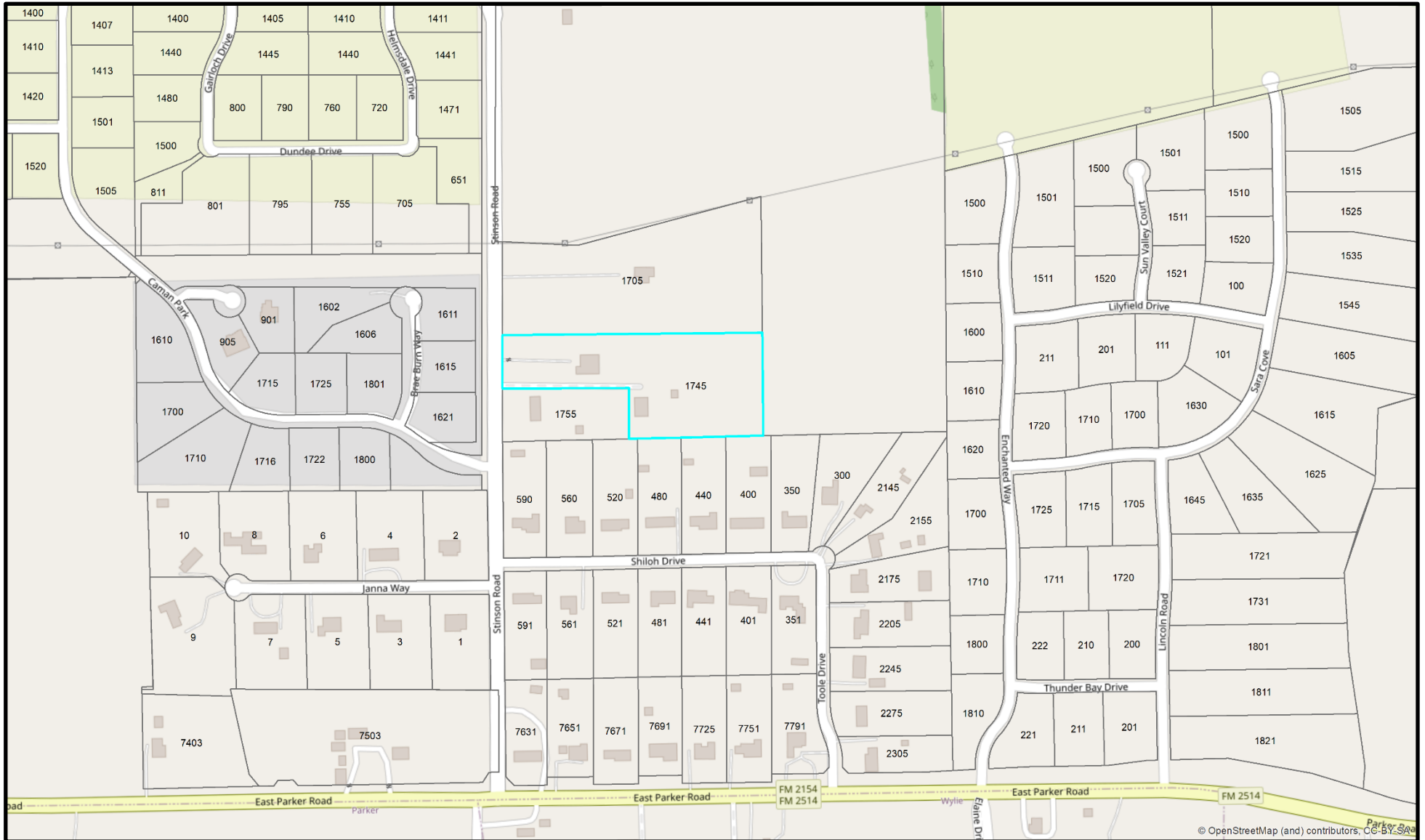
The Planning and Zoning Commission recommended approval unanimously by a 5 to 0 vote.

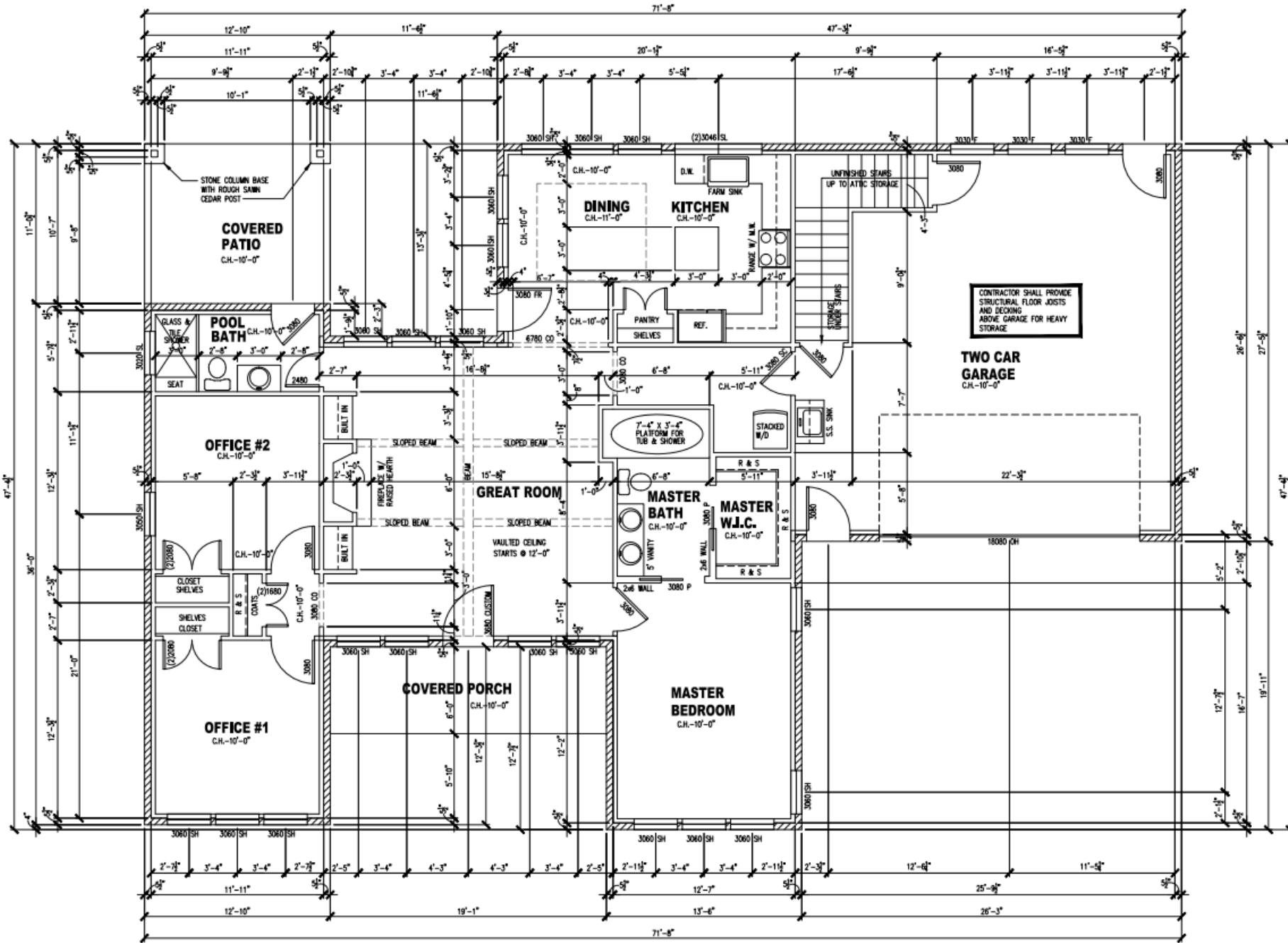
Motion

I make a motion to adopt Ordinance 2022-06-00956 approving a specific use permit for 1745 Stinson Road, in the Lozano Addition, Part of Lot 2 to allow a kitchen and food preparation area in an accessory building with habitable space.



LOCATION MAP: 1745 Stinson





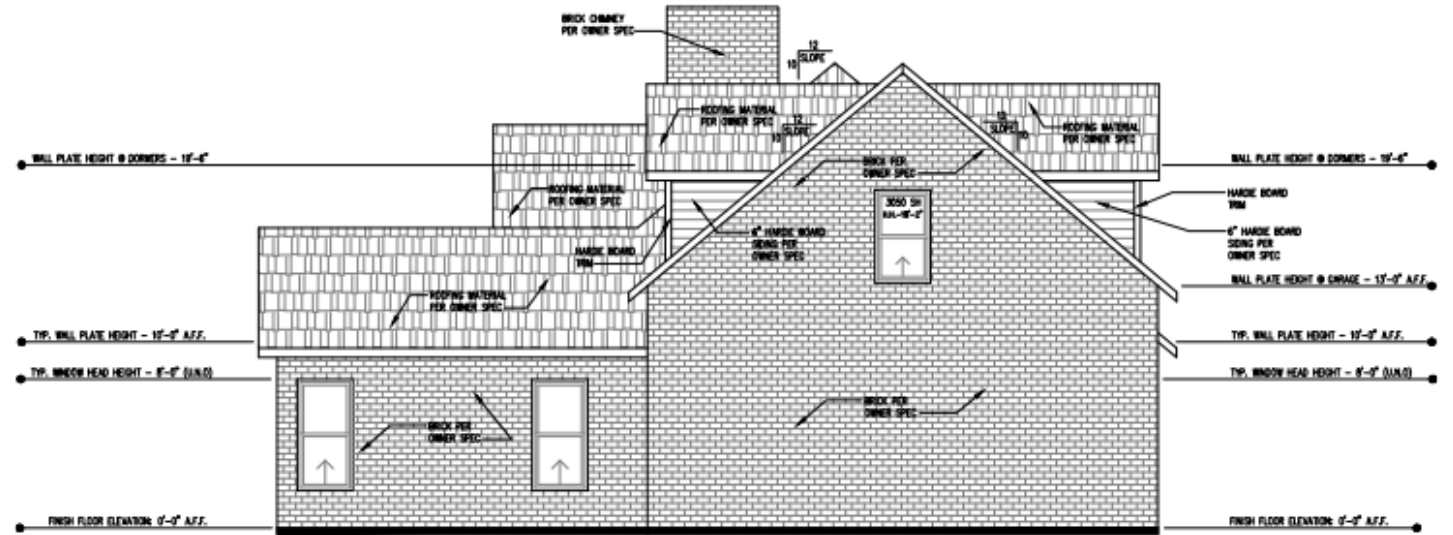
Main Floor A.C.	1500
Garage	704
Cover Porch	139
Covered Patio	314
Total S.F. Under Roof	2657



- NOTES
1. ALL SOFFITS AND FASCIA SHALL BE HARDE BOARD
 2. BRICK SOLDIER COURSE AND TRIM SHALL MATCH EXIST. MAIN HOUSE

FRONT ELEVATION

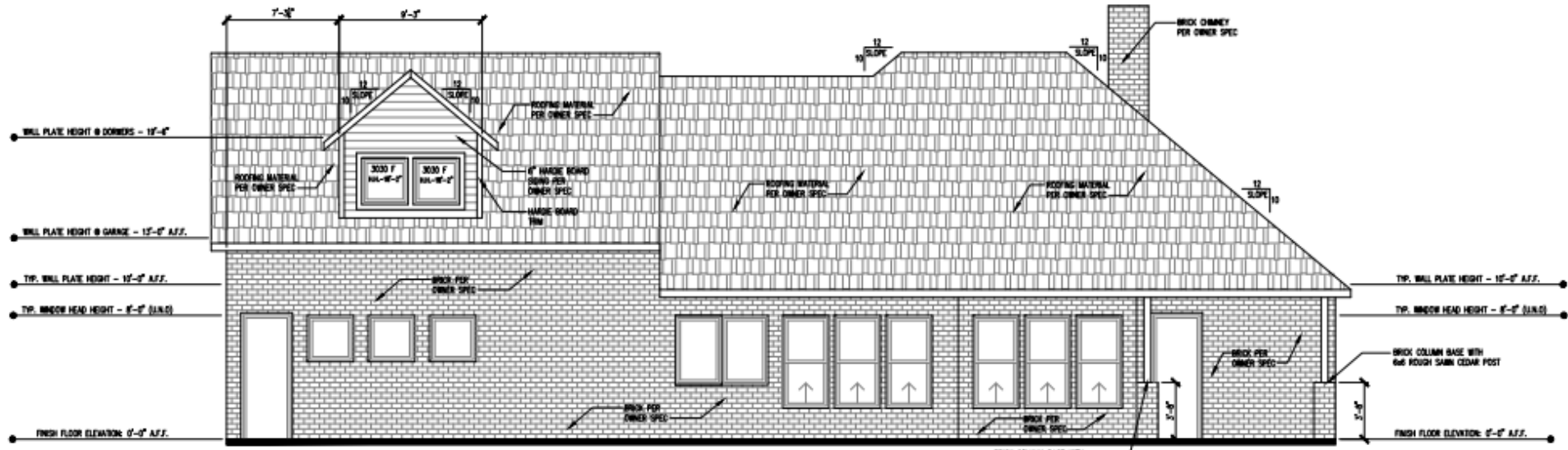
1/4"=1'-0"



- NOTES
1. ALL SOFFITS AND FASCIA SHALL BE HARDE BOARD
 2. BRICK SOLDIER COURSE AND TRIM SHALL MATCH EXIST. MAIN HOUSE

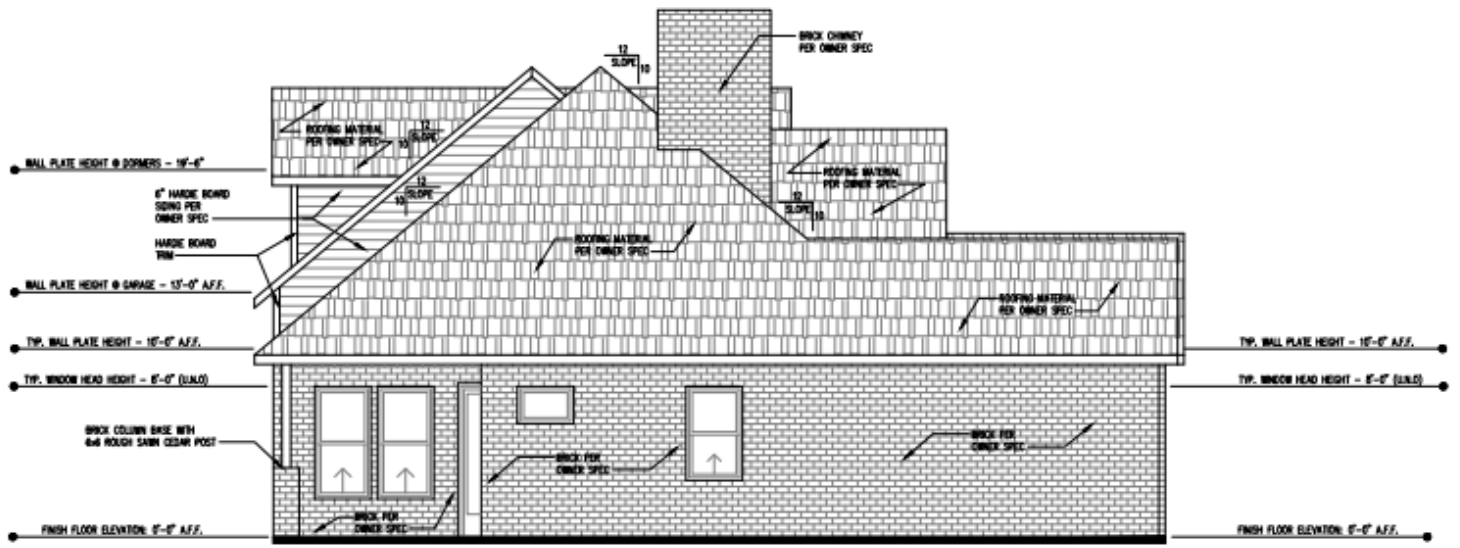
RIGHT ELEVATION

1/4"=1'-0"



NOTES
 1. ALL SOFFITS AND FASCIA SHALL BE HARDE BOARD
 2. BRICK SOLDIER COURSE AND TRIM SHALL MATCH EXIST. MAIN HOUSE

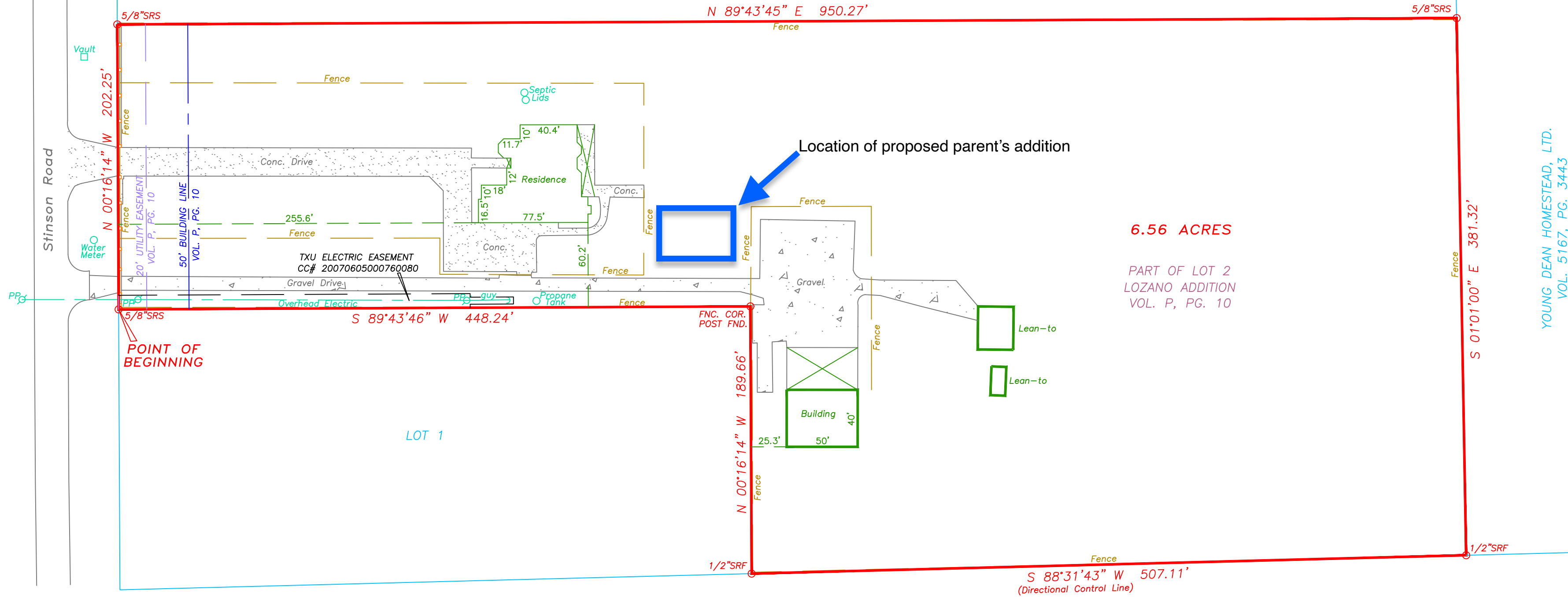
REAR ELEVATION
 1/4"=1'-0"



NOTES
 1. ALL SOFFITS AND FASCIA SHALL BE HARDE BOARD
 2. BRICK SOLDIER COURSE AND TRIM SHALL MATCH EXIST. MAIN HOUSE

LEFT ELEVATION
 1/4"=1'-0"

CALLED 8.93 ACRES
RICARDO AGUILAR
CC# 20070625000862580



BOUNDARY SURVEY

6.56 ACRES
PART OF LOT 2
LOZANO ADDITION
CITY OF LUCAS
COLLIN COUNTY, TEXAS

Boundary Solutions Inc.
Professional Land Surveyors

P.O. BOX 250
CADDO MILLS, TX 75135
OFFICE: 214-499-8472
FAX: 972-782-7611
EMAIL: mbusby_bsi@yahoo.com

COMMERCIAL AND RESIDENTIAL
BOUNDARY, TOPOGRAPHIC, &
ALTA/ACSM LAND TITLE
SURVEYS

CLIENT:
Lawyers Title

G.F.# 1901352000571
Address: 1745 Stinson
Drawn by: mjb
B.S.I. Job# 2008-017

**STATE OF TEXAS
COUNTY OF COLLIN**

DESCRIPTION

BEING all that tract of land in the City of Lucas, Collin County, Texas, and being part of Lot 2 of Lozano Addition as recorded in Volume P, Page 10 of the Plat Records of Collin County, Texas, and being further described as follows:

BEGINNING at a 5/8 inch steel rod set on the East line of Stinson Road, at the Westerly most Southwest corner of said Lot 2, and at the Northwest corner of Lot 1;

THENCE North 00 degrees 16 minutes 14 seconds West, 202.25 feet along the East line of said Stinson Road to a 5/8 inch steel rod set on the South line of that called 8.93 acres of land described in deed to Ricardo Aguilar as recorded under CC# 20070625000862580 of the Official Public Records of Collin County, Texas;

THENCE North 89 degrees 43 minutes 45 seconds East, 950.27 feet along the South line of said 8.93 acres to a 5/8 inch steel rod set at the Southeast corner of said 8.93 acres, and on the East line of said Lot 2;

THENCE South 01 degrees 01 minutes 00 seconds East, 381.32 feet along the East line of said Lot 2 to a 1/2 inch steel rod found at the Southeast corner of said Lot 2;

THENCE South 88 degrees 31 minutes 43 seconds West (Directional Control Line), 507.11 feet along the South line of said Lot 2 to a 1/2 inch steel rod found at the Southerly most Southwest corner of said Lot 2, and at the Southeast corner of said Lot 1;

THENCE North 00 degrees 16 minutes 14 seconds West, 189.66 feet to a fence corner post found at an ell corner of said Lot 2, and at the Northeast corner of said Lot 1;

THENCE South 89 degrees 43 minutes 46 seconds West, 448.24 feet to the POINT OF BEGINNING, containing 6.56 acres of land.

Notes Corresponding to Schedule B:

- 10.g.) Easement to North Texas Municipal Water District, CC# 95-0025331 - Located North of subject tract.
- 10.h.) Easement to T.P.& L., Vol. 652, Pg. 437 - Located North of subject tract.
- 10.i.) 20' Waterline Easement to City of Lucas, Vol. 761, Pg. 169 - Located West of subject tract. Above ground and visible evidence of water line shown hereon.
- 10.j.) Easement to North Texas Municipal Water District, Vol. 1626, Pg. 367 - Located North of subject tract.
- 10.k.) Easement to TXU Electric, CC# 20070605000760080 - Shown hereon.

SRS = STEEL ROD SET
SRF = STEEL ROD FOUND

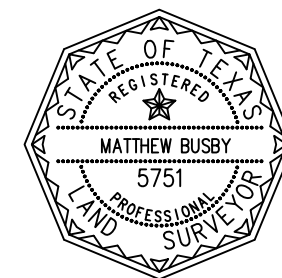
Note: Bearings based on Texas Plane Coordinate System, Texas North Central Zone 4202, NAD83.

Note: Verify exact location of underground utilities prior to construction.

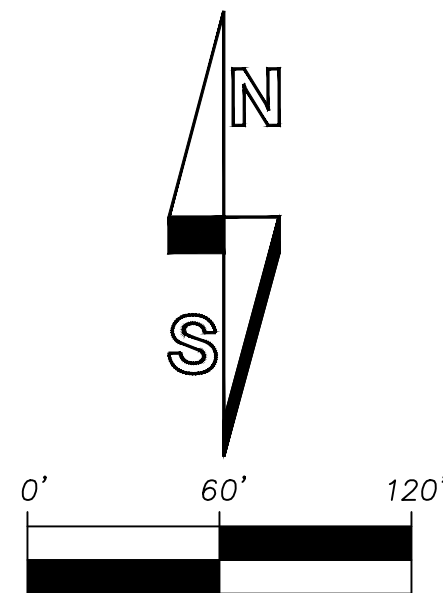
Note: All 5/8 inch steel rods set have red plastic cap stamped "Boundary Solutions"

The plat as shown hereon was prepared from an on-the-ground survey performed under my supervision during the month of September, 2020; the visible improvements on the ground are as shown on the survey; there are no visible intrusions, protrusions, overlapping of improvements or conflicts found except as shown on the survey plat.

September 2, 2020



Matthew Busby
Matthew Busby
R.P.L.S. No. 5751





NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas will conduct a public hearing on Thursday, May 12, 2022, at 6:30 p.m. and City Council will conduct a second public hearing on Thursday, June 2, 2022, at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider a Specific Use Permit (SUP) application to permit a kitchen and food preparation area more particularly described as follows:

Adam and Eve Fowles, property owner at 1745 Stinson Road, Lozano Addition, Lozano Addition, Lot Part of Lot 2; Lucas, Texas 75002 has submitted an application for a SUP to permit a kitchen with a food preparation area(s) in an accessory building with habitable space.

Per Code of Ordinances Section 14.04.304 General accessory buildings and structures regulations.

i) In R-2 or AO zoning districts that contain a single-family home:

a. Kitchen, cooking or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.

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



ORDINANCE 2022-06-00956

[Special Use Permit for Kitchen, Cooking and Food Preparation Area in an Accessory Building with Habitable Space – 1745 Stinson Road]

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR A KITCHEN, COOKING AND FOOD PREPARATION AREA IN AN ACCESSORY BUILDING WITH HABITABLE SPACE, LOCATED AT 1745 STINSON ROAD, CITY OF LUCAS, COLLIN COUNTY, TEXAS (THE “PROPERTY”), CURRENTLY ZONED AGRICULTURAL DISTRICT (“AO”), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE BOUNDARY SURVEY ATTACHED HERETO AS EXHIBIT “B”; PROVIDING FOR THE APPROVAL OF THE FLOOR PLAN ATTACHED HERETO AS EXHIBIT “C”; PROVIDING FOR APPROVAL OF THE ELEVATIONS PLAN ATTACHED HERETO AS EXHIBIT “D”; PROVIDING FOR THE APPROVAL OF THE DEED RESTRICTION ATTACHED AS EXHIBIT “E”; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Lucas, Texas, and the governing body of the City of Lucas in compliance with the laws of the State of Texas and the ordinances of the City of Lucas, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as previously amended, should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, be and the same are hereby amended, to grant a Special Use Permit to allow for a kitchen, cooking and food preparation area in an accessory building with habitable space, located at 1745 Stinson Road, City of Lucas, Collin County, Texas, currently zoned Agricultural District (“AO”), and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes.

SECTION 2. That the above-described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Lucas as heretofore amended, subject to the following special conditions:

- (1) The Property shall be developed in accordance with the Boundary Survey attached hereto as Exhibit “B;” the Floor Plan attached hereto as Exhibit “C;” and, the Elevations Plan attached hereto as Exhibit “D”, and made a part hereof for all purposes; and
- (2) As a condition to granting this Specific Use Permit (“SUP”), the Property owners shall enact a Deed Restriction with the City as a party to the Deed Restriction that prohibits the use of the habitable space to be used for a lease/barter agreement other than that of a full-time staff providing support to the Property. A copy of the Deed Restriction is attached hereto and incorporated herein as Exhibit “E.”

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Lucas governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 4. 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 5. 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 6. 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 7. 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 8. 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 2nd DAY OF JUNE 2022.**

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

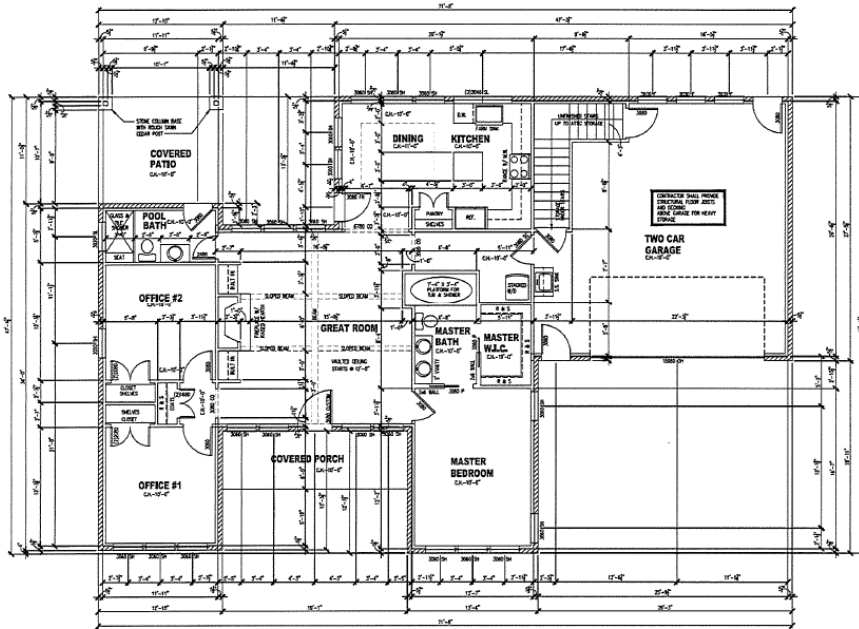
Joseph J. Gorfida, Jr., City Attorney
(05-24-2022:TM 129740)

Stacy Henderson, City Secretary

EXHIBIT "A"
PROPERTY DESCRIPTION

1745 Stinson Road, Lozano Addition, Lot Part of Lot 2; Lucas, Texas 75002.

EXHIBIT "C" FLOOR PLAN



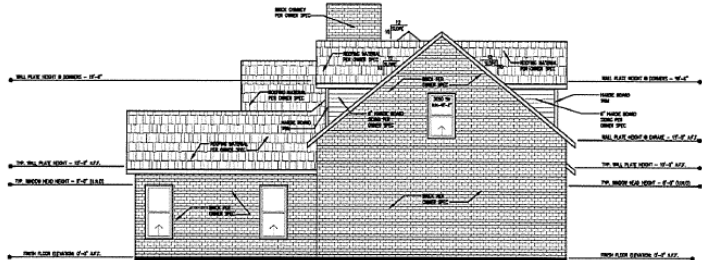
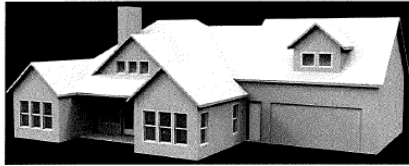
Main Floor A.C.	1500
Garage	704
Cover Porch	139
Covered Patio	314
Total S.F. Under Roof	2657

EXHIBIT "D"

Elevations



FRONT ELEVATION
1/8"=1'-0"



RIGHT ELEVATION
1/8"=1'-0"

**EXHIBIT “E”
DEED RESTRICTION**

DEED RESTRICTIONS

THE STATE OF TEXAS
COUNTY OF COLLIN

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

I.

The undersigned, ADAM FOWLES and EVE FOWLES ("the Owner"), is the Owner of the following described property: Lot 2, Block, -, an Addition to the City of Lucas ("City"), Collin County, Texas, and being that same tract of land conveyed to ADAM & EVE FOWLES by JESUS & Marcella ESPINOZA by deed dated Sept. 16, 2020, and recorded in Volume P, Page 10, in the Deed Records of Collin County, Texas, and being more commonly described as 1745 STINSON RD (street address) (the "Property").

II.

In consideration of the granting of a Special Use Permit ("SUP") by the City to the Owner to construct, remodel, or make addition to a residential accessory building to provide kitchen, cooking or food preparation facilities, the Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The residential accessory building for which the Special Use Permit is issued shall not at any time be used for rental purposes or barter exchange and may be occupied only by immediate family members of the Owner and/or full time domestic servant or servants of the Owner. In case of a live-in servant family, all adult members must be employed by the Owner or occupant of the main residence.

III.

These restrictions shall continue in full force and effect from the date of execution until amended or terminated in the manner specified in this document.

IV.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

V.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the

City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any permit, certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VI.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VII.

The provisions of this document are hereby declared covenants running with the land and are binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

VIII.

Notwithstanding any provision hereof to the contrary, if the zoning ordinance of the City is amended to permit the use of the Property for rental or barter exchange, these restrictions shall be of no further force or effect and shall be released by the City upon request of the Owner.

IX.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

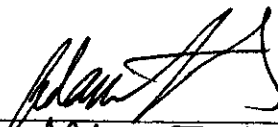
X.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

(signature page to follow)

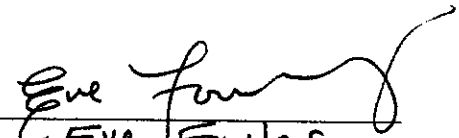
EXECUTED at the City of Lucas, Collin County, Texas, on this the 9 day of MAY, 2022.

Owner

By: 
Name: ADAM FOWLES

EXECUTED at the City of Lucas, Collin County, Texas, on this the 9 day of May, 2022.

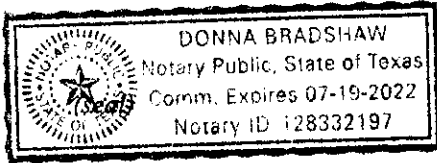
Owner

By: 
Name: EVE FOWLES

(ACKNOWLEDGEMENTS)

STATE OF TEXAS §
§
COUNTY OF COLLIN §

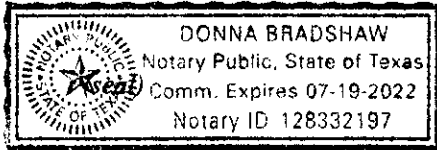
This instrument was acknowledged before me on the 9 day of May,
2022, by Adam & Eve Fowles _____ . (Owner)



Donna Bradshaw
Notary Public, State of Texas
My commission expires: 7-19-22

STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the 9 day of May,
2022 by Adam & Eve Fowles _____ . (Owner)



Donna Bradshaw
Notary Public, State of Texas
My commission expires: 7-19-22



City of Lucas City Council Agenda Request June 2, 2022

Item No. 06

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider the Land Use Map and Zoning Map of the City of Lucas Comprehensive Plan and recommend proposed amendments if needed.

Background Information

The Planning and Zoning Commission began the process of updating the City's Comprehensive Plan in January 2022 with recommended revisions being forwarded to City Council for review. The following updated table outlines a status timeline of the review process of the City of Lucas Comprehensive Plan:

Chapters	Planning and Zoning Review	City Council Review
Chapter 1 (<i>complete</i>)	January 13	February 17
Chapter 2 (<i>complete</i>)	January 13	February 17
Chapter 3 (<i>complete</i>)	January 13	February 17
Chapter 4 (<i>complete</i>)	February 10	March 3
Chapter 5 (<i>complete</i>)	February 10	March 3
Chapter 6 (<i>complete</i>) (including Trails Master Plan)	March 10	April 7
Chapter 7 (including Master Thoroughfare Plan)	April 14	May 5
Land Use Map and Zoning Map	May 12	June 2
Chapter 8 (including Water Master Plan)	June 9	July 7

The Zoning Map and Land Use Map have been updated to reflect current zoning districts within the City. There are no proposed changes recommended by staff to the Land Use Map and Zoning Map. Both maps have been updated with new coloring to better define zoning districts. City staff is in the process of incorporating all SUPs, but that has not yet been completed.

The Planning and Zoning Commission reviewed the Zoning Map and Land Use Map at their May 12, 2022, meeting and recommended the following changes that have been incorporated into the updated Land Use Map.

- Differentiate coloring between zoning districts AO and Open Space as each designation has its own definition and should be colored differently
- Give public and semi-public land a zoning designation appropriate to the area

Attachments/Supporting Documentation

1. Land Use Map and Zoning Map



City of Lucas
City Council Agenda Request
June 2, 2022

Item No. 06

Budget/Financial Impact

NA

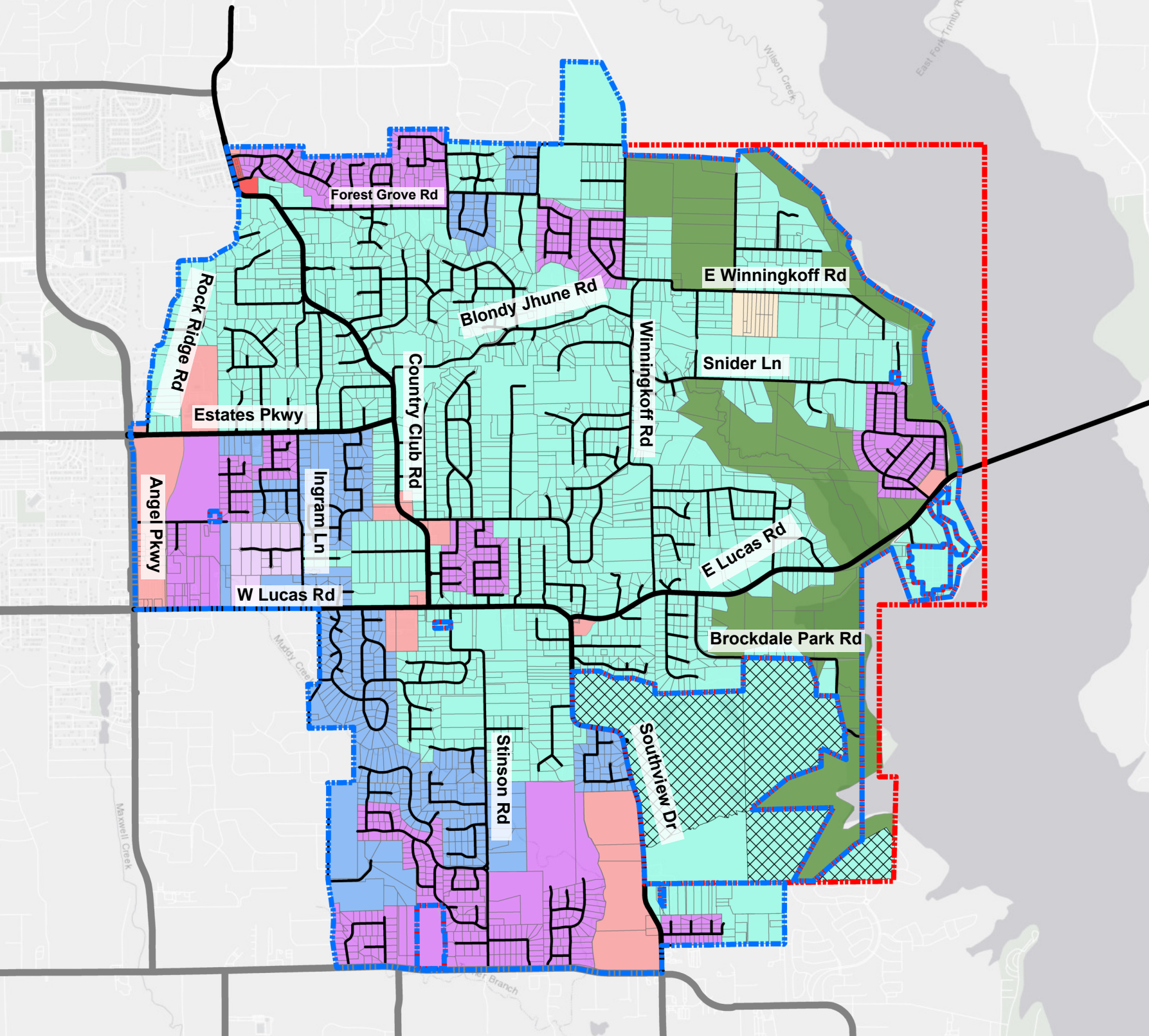
Recommendation

The Planning and Zoning Commission recommended approval of the Zoning Map and made the following amendments to the Land Use Map:

- Differentiate coloring between zoning districts AO and Open Space as each designation has its own definition and should be colored differently
- Give public and semi-public land a zoning designation appropriate to the area

Motion

Provide direction to staff regarding any proposed amendments to the Land Use Map and Zoning Map of the City of Lucas Comprehensive Plan.



LEGEND

Residential

- R2 (Single Family Residential 2 Acre Lots)
- R1.5 (Single Family Residential 1.5 Acre Lots)
- R1 (Single Family Residential 2 Acre Lots)
- ED (Estate Development District)
- MHD (Manufactured Housing)

Nonresidential

- Commercial
- Village Center
- Open Space

Boundaries

- Corporate Boundary (City Limit)
- ETJ Boundary (Extraterritorial Jurisdiction)

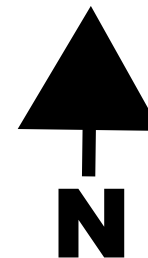
Overlays

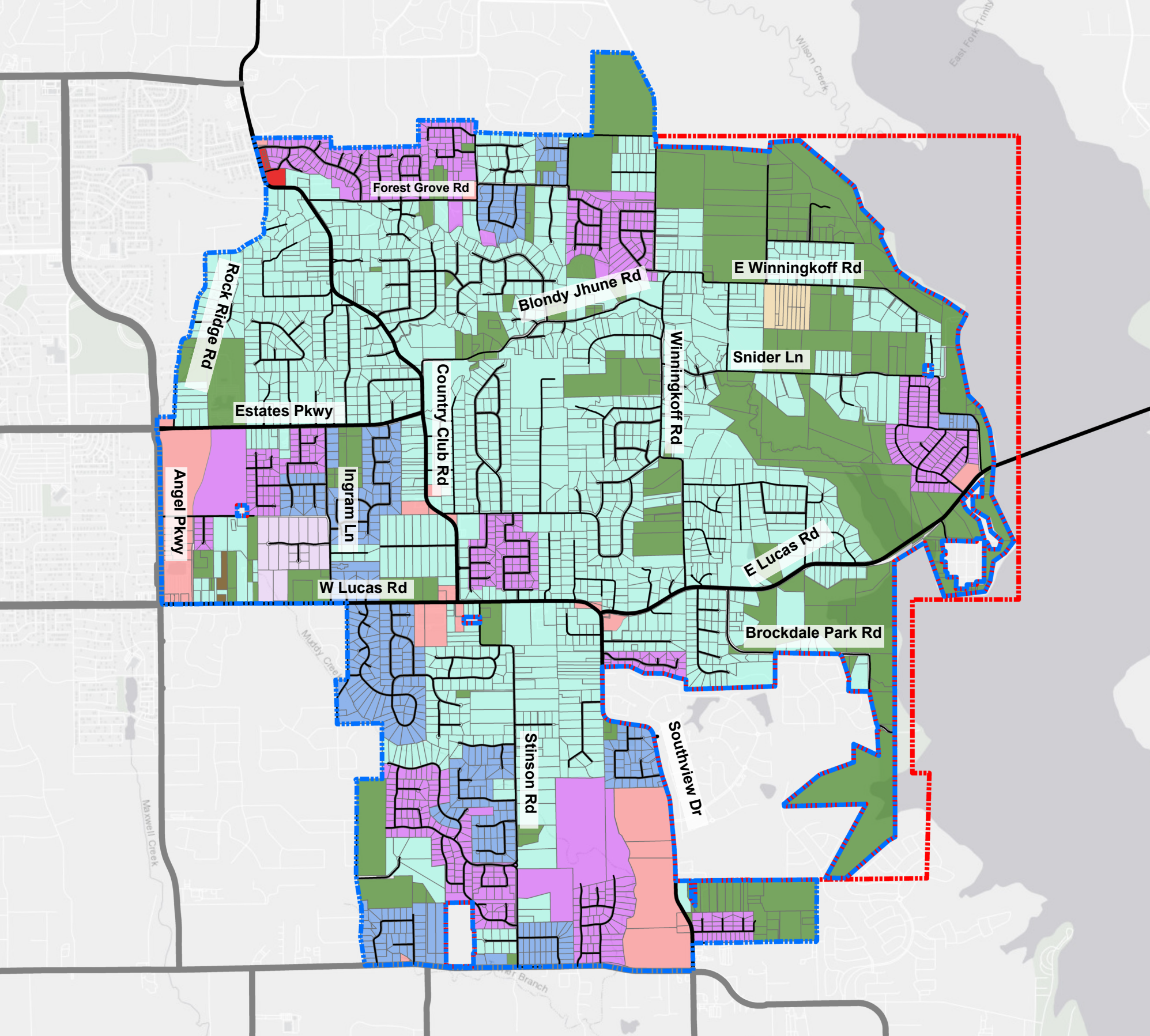
- Areas Managed by Municipal Utility District

Future Land Use Plan City of Lucas 2022

DRAFT FOR REVIEW ONLY

May 24, 2022





LEGEND

Residential

- R2 (Single Family Residential 2 Acre Lots)
- R1.5 (Single Family Residential 1.5 Acre Lots)
- R1 (Single Family Residential 1 Acre Lots)
- ED (Estate Development District)
- MHD (Manufactured Housing District)

Nonresidential

- CB (Commercial)
- VC (Village Center)
- AO (Agriculture)
- OS (Open Space)
- LI (Light Industrial)

Boundaries

- Corporate Boundary (City Limit)
- ETJ Boundary (Extraterritorial Jurisdiction)

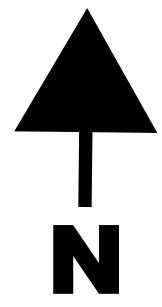
Overlays

- SUP (Specific Use Permit)

Zoning Map City of Lucas 2022

DRAFT FOR REVIEW ONLY

May 24, 2022





City of Lucas

City Council Agenda Request

June 2, 2022

Requester: City Council

Agenda Item Request

Consider nominations of a primary and alternate member to the North Central Texas Council of Governments Regional Transportation Council.

Background Information

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

Each seat on the Regional Transportation Council will be provided a primary member and an alternate member serving a two-year term beginning in July. Currently the Cities of Lucas, Allen, Rowlett, Sachse, Wylie and Murphy share a seat on the Regional Transportation Council. Those seats will be expiring in June 2022. The primary seat is currently held by City of Allen Councilmember Chris Schulmeister. The alternate member position is held by City of Wylie Mayor Matthew Porter.

All appointments must be made in writing to the Regional Transportation Council by June 30, 2022.

Attachments/Supporting Documentation

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

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to nominate _____ as the primary member and _____ as the alternate member to the North Central Texas Council of Governments Regional Transportation Council.



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

April 25, 2022

The Honorable Ken Fulk
Mayor
City of Allen
305 Century Parkway
Allen, TX 75013

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

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

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

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

The Honorable Matt Grubisich
Mayor Pro Tem
City of Rowlett
4000 Main St.
Rowlett, TX 75088

Dear Mayors Fulk, Felix, Porter, Bradley and Olk and Mayor Pro Tem Grubisich:

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

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

April 25, 2022

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

Your current primary representative is Chris Schulmeister, Councilmember, City of Allen. Your current alternate representative is Matthew Porter, Mayor, City of Wylie. You may choose to appoint a new primary representative and/or alternate representative. **All appointments, whether a reappointment or new appointment, must be received by June 30, 2022.** Per the RTC Bylaws, the new two-year terms begin in July. Please email (VPruitt-Jenkins@nctcog.org), mail (P.O. Box 5888, Arlington, TX 76005-5888), or fax (817/640-3028) your correspondence to Vercie Pruitt-Jenkins of NCTCOG. Please note that your designations must be confirmed in writing by all entities included in this group. Once the appointments have been determined by weighted vote, confirmation of the primary and/or alternate member(s) will be provided to your group.

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

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

Sincerely,



Theresa M. Daniel, Ph.D., Chair
Regional Transportation Council
Commissioner, Dallas County

VPJ
Enclosure

cc: Chris Schulmeister, Councilmember, City of Allen (RTC Primary Member)
Mike Castro, City Manager, City of Murphy
Joni Clarke, City Manager, City of Lucas
Eric Ellwanger, City Manager, City of Allen
Brian Funderburk, City Manager, City of Rowlett
Gina Nash, City Manager, City of Sachse
Brent Parker, Interim City Manager, City of Wylie



May 13, 2022

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

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

The Honorable Matthew Porter
Mayor
City of Wylie
300 Country Club Road
Wylie, TX 75098

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

The Honorable Grubisich
Mayor Pro Tem
City of Rowlett
4000 Main Street
Rowlett, TX 75088

Mayor
Kenneth M. Fulk

Mayor Pro Tem
Baine Brooks

Councilmembers
Daren Meis
Carl Clemencich
Dave Cornette
Chris Schulmeister
Dave Shafer

City Manager
Eric Ellwanger

RE: Regional Transportation Council Representation

Dear Mayors Olk, Felix, Porter, Bradley, and Mayor Pro Tem Grubisich:

The Regional Transportation Council (RTC) is requesting nominations for the regular and alternate seat shared by our communities. Councilmember Chris Schulmeister currently serves as the Primary Representative to the RTC for our shared seat, with Mayor Porter of Wylie serving as the Alternate Representative. Councilmember Schulmeister has expressed a willingness to continue to serve as your Primary Representative to the RTC. Similarly, Mayor Porter, of the City of Wylie, has likewise expressed an interest in continuing his service as the Alternate Representative. Both Councilmember Schulmeister and Mayor Porter would serve the length of the term of appointment to the RTC.

If you have any questions or would like to discuss further, please contact me at 214.509.4120 or kfulk@cityofallen.org.

Sincerely,

Kenneth M. Fulk
Mayor

cc: Ms. Joni Clark, City Manager, City of Lucas
Ms. Gina Nash, City Manager, City of Sachse
Mr. Brent Parker, City Manager, City of Wylie
Mr. Mike Castro, City Manager, City of Murphy
Mr. Brian Funderburk, City Manager, City of Rowlett
The Honorable Chris Schulmeister, City Council, City of Allen
Mr. Eric Ellwanger, City Manager, City of Allen



City of Lucas

City Council Agenda Request

June 2, 2022

Item No. 08

Requester: Mayor Pro Tem Kathleen Peele
Councilmember Debbie Fisher

Agenda Item Request

Consider Resolution R 2022-06-00528 opposing alternatives proposed by the Texas Department of Transportation (TxDOT) regarding the proposed Country Club Road (FM 1378) expansion.

Background Information

TxDOT has proposed expanding Country Club Road (FM 1378) throughout Lucas. This will have a tremendous impact on property owners and Lucas residents. After reviewing the TxDOT proposal and receiving comments from residents, this resolution has been prepared.

Attachments/Supporting Documentation

1. Resolution R 2022-06-00528

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve/deny Resolution R 2022-06-00528 opposing alternatives proposed by the Texas Department of Transportation (TxDOT) regarding the proposed Country Club Road (FM 1378) expansion.



RESOLUTION R 2022-06-00528

(Opposition to Proposed FM 1378 Concept Design Schematic Collin County, Texas from FM 2514 (Parker Rd) to FM 2786 (East Stacy Rd), including FM 1378 Feasibility Study - North; FM 1378 Feasibility Study - South, Alternatives A & B; FM 1378 Feasibility Study - North)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, IN OPPOSITION TO THE PROPOSED FM 1378 CONCEPT DESIGN SCHEMATIC COLLIN COUNTY, TEXAS FROM FM 2514 (PARKER ROAD) TO FM 2786 (EAST STACY ROAD) BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lucas, Texas is located within Collin County; and

WHEREAS, the City of Lucas has reviewed a Concept Design Schematic provided by the Texas Department of Transportation (TxDOT) regarding widening and/or realignment of FM 1378 from FM 2514 (Parker Road) to FM 2786 (East Stacy Road) which comprises 6.4 miles through the City of Lucas, Texas; and

WHEREAS, the purpose of the TxDOT FM 1378 expansion is to divert traffic originating outside our community through the City rather than alleviating local traffic congestion; and

WHEREAS, the City of Lucas recognizes the development of Farm to Market Roads (FM designated) were designed to serve the immediate communities they lie in and not to relieve congestion from other areas. FM roads are not designated State Highways such as Hwy 75, Hwy 5, or Hwy 78.

WHEREAS, the proposed widening and/or realignment of the entire length of FM 1378 severely limits access to churches, schools, businesses, City services and eliminates our only public park with a baseball field while bringing increased traffic noise, increased air pollution, increased light pollution, and loss of property through eminent domain that disproportionately affects Lucas residents; and

WHEREAS, the City of Lucas is highly concerned the proposed design goes beyond what is necessary to address a few problem areas within the city and instead drives significant traffic flow from outside areas through our town that is detrimental to the city and our residents decreasing our quality of life, specifically:

- The City of Lucas absolutely and adamantly opposes FM 1378 South Alternative Route B. Any road improvements should stay within the existing roadway footprints. As Seis Lagos is a SLUD district and has no financial participation in building or construction of FM 1378, the City of Lucas should have priority in determination of the route of this road.
- FM 1378 South Alternative Route A should avoid any negative impact to the City of Lucas' Kenneth R. Lewis Park. This park is irreplaceable for the City.
- FM 1378 - North from the intersection of West Lucas Road to Stacy Road should not be developed as a 4-lane road with wide median and sidewalks. Such development of this section of FM 1378 is not necessary as the City's Comprehensive Plan does not call for, nor does zoning allow for large parcels of commercial development. The property along this

stretch of road is overwhelmingly residential. Traffic levels on this road are determined by school hours drop off and pick up; and

WHEREAS, The City of Lucas can clearly identify areas of concern on FM 1378 that could be mitigated with some additional road shoulders, additional turn lanes, and/or slight road realignments. We strongly encourage TxDOT to work with the City of Lucas to incorporate our feedback and suggestions in development of plans for FM 1378.

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

SECTION 1. The City Council of the City of Lucas is opposed to FM 1378 Concept Design Schematic in its entirety as presented and thus will be unwilling to participate in its construction financially.

SECTION 2. The City Council of the City of Lucas stands in support of its citizens who have expressed opposition to this plan

SECTION 3. That the City Council of the City of Lucas requests TxDOT to keep the City included in all future communications regarding this matter and to accept this resolution as public comment on the proposed permit.

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

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 PASSED by the City Council of the City of Lucas, Texas, on the 2nd day of June 2022.

CITY OF LUCAS, TEXAS:

ATTEST:

Jim Olk, Mayor

Stacy Henderson, City Secretary



City of Lucas

City Council Agenda Request

June 2, 2022

Requestor: Mayor Jim Olk

Agenda Item Request

Executive Session:

The City Council will convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with the City Attorney regarding City of Lucas, Texas v. Robert Kubicek and the following real property: 2205 Estates Parkway, Lucas, Texas, In Rem, Cause No. 417-00147-2018 in the 417th Judicial District Court of Collin County, Texas.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas City Council Agenda Request June 2, 2022

Item No. 10

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