



# AGENDA CITY COUNCIL MEETING

January 5, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

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*Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, January 5, 2023, beginning at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting. Pursuant to Texas Government Code 551.127, one or more members of the governing body may appear via videoconference call. The presiding officer and a quorum of the City Council will be physically present at this meeting.*

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/departments/public-meetings/>.

## **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.

**Submit Written Comments:** If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email City Secretary Erin Day at [eday@lucastexas.us](mailto:eday@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.
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## Public Hearing

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3. Continuation of a Public Hearing to consider adopting Ordinance 2022-12-00963 approving the rezoning request made by Sudhir Sakaria with 3R Land Properties L.C., property owner, to rezone 4 parcels of land on the north side of Parker Road from Residential 1.5 acres to Residential 1 acre, situated in the Lewis P. Turner Survey, Abstract No. 901, Tract 4, 2.280 acres and Tract 5, 3.9943 acres, and the John Gray Survey, Abstract No. 349, Tract 6, 8.5 acres and Tract 7, 10.296 acres.
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Public Hearing
  - C. Take action on Ordinance
4. Public Hearing to consider amendments to the Land Use Assumptions and Capital Improvement Plan under which an Impact Fee may be amended for water and roadways within the City of Lucas. **(Cancelled)**

## Consent Agenda

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*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.*

5. Consent Agenda:
  - A. Approval of the minutes of the December 15, 2022 City Council meeting. **(City Secretary Erin Day)**
  - B. Approval of Amendment No. 1 to the Interlocal Agreement between Collin County and the City of Lucas for Law Enforcement Services. **(City Manager Joni Clarke)**

## Regular Agenda

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6. Consider adopting Ordinance 2023-01-00964 amending the City's Code of Ordinances, Chapter 8, Offenses and Nuisances, Article 8.02 Junked Vehicles. **(Development Services Director Joe Hilbourn)**
7. Discuss the West Lucas Road Reconstruction Project regarding the impacts of the alternative design and provide direction to the City Manager. **(Mayor Jim Olk, Public Works Director Scott Holden)**
8. Discuss the location requirements related to the installation of utility structures on public right-of-way or easements and provide direction to the City Manager. **(Councilmember Debbie Fisher)**
9. Consider the 88th Legislative Session and discuss any proposed bill or significant resolution that may have an impact on the City of Lucas and provide guidance to the City Attorney and City Manager. **(City Manager Joni Clarke)**
10. Consider appointing City Council liaisons to the City's boards, commissions, and committees, as well as outside local organizations. **(City Secretary Erin Day)**

## **Executive Session**

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

As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

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

13. Adjournment.

## **Certification**

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*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](http://www.lucastexas.us) on or before 5:00 p.m. on December 30, 2022.*

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*Erin Day, 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 Erin Day at 972.912.1211 or by email at [eday@lucastexas.us](mailto:eday@lucastexas.us) at least 48 hours prior to the meeting.*



# City of Lucas

## City Council Agenda Request

### January 5, 2023

Item No. 01

Requester: Mayor Jim Olk

#### **Agenda Item Request**

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Citizen Input.

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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NA

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas

## City Council Agenda Request

### January 5, 2023

Requester: Mayor Jim Olk

#### **Agenda Item Request**

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Items of Community Interest.

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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NA

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas

## City Council Agenda Request

### January 5, 2023

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Continuation of a Public Hearing to consider adopting Ordinance 2022-12-00963 approving the rezoning request made by Sudhir Sakaria with 3R Land Properties L.C., property owner, to rezone 4 parcels of land on the north side of Parker Road from Residential 1.5 acres to Residential 1 acre, situated in the Lewis P. Turner Survey, Abstract No. 901, Tract 4, 2.280 acres and Tract 5, 3.9943 acres, and the John Gray Survey, Abstract No. 349, Tract 6, 8.5 acres and Tract 7, 10.296 acres.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Public Hearing
- C. Take action on Ordinance

#### **Background Information**

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This lot is currently zoned Residential 1.5 acres (R1.5) and the applicant is requesting a change in zoning to Residential 1 acre (R-1). The tract is 25 +/- acres of land and is shown in the Comprehensive Plan to be planned for R-1.

At the November 10, 2022 Planning and Zoning Commission meeting, the request was recommended as a denial by a unanimous vote. Pursuant to Section 14.02.063 of the City's Zoning Code, the applicant is appealing the decision of the Planning and Zoning Commission. At the December 15, 2022 City Council meeting, a public hearing was held and the City Council voted to continue the public hearing at the next meeting due to two City Councilmembers being absent. A vote by 75% of the City Council or greater is required to overturn a decision by the Planning and Zoning Commission.

#### **Attachments/Supporting Documentation**

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1. Public Notice
2. Location Map
3. Depiction
4. Legal Description
5. Zoning Checklist
6. Land Use Map
7. Proposed Concept Plan
8. Ordinance #2022-12-00963

#### **Budget/Financial Impact**

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NA



# City of Lucas

## City Council Agenda Request

### January 5, 2023

#### **Recommendation**

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The Planning and Zoning Commission recommended not approving the zoning request. However, staff recommends approval of the requested zoning change because it is in conformance with the Comprehensive Plan.

#### **Motion**

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I make a motion to approve/deny adopting Ordinance 2022-12-00963 approving the rezoning request made by Sudhir Sakaria with 3R Land Properties L.C., property owner, to rezone 4 parcels of land on the north side of Parker Road from Residential 1.5 acres to Residential 1 acre, situated in the Lewis P. Turner Survey, Abstract No. 901, Tract 4, 2.280 acres and Tract 5, 3.9943 acres, and the John Gray Survey, Abstract No. 349, Tract 6, 8.5 acres and Tract 7, 10.296 acres.



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Lucas, Texas, will conduct a Public Hearing on Thursday, December 15, 2022 at 6:30 p.m. at Lucas City Hall, 665 Country Club Road, Lucas, Texas to consider an appeal to the City Council regarding a negative recommendation given by the Planning and Zoning Commission for a request for a change in zoning from R1.5, Residential 1.5 acres, to R-1, Residential 1-acre, on a parcel of land described as follows:

SITUATED in the Lewis P. Turner survey, abstract no. 901 and in the J. Gray survey, abstract no. 349, being a survey of the 12.576 acre tract described in a correction deed from Nelda Rae Owens and Myrna Marie Godier to 3R Land Properties, L. C., recorded as clerk's file no. 2022000078425 of the Official Public Records of Collin County, Texas and a part of the 12.64017 acre tract described in a deed from Phillip E. Kennedy and wife, Margaret Jean Kennedy, to 3R Properties LC, recorded in volume 5024, page 1136 of the Collin County deed records, being described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron pin found at the northwest corner of said 12.64017 acre tract and the northeast corner of the corrected plat of Kirkland Estates West recorded in volume 10, page 74 and volume A, page 244 of the Collin County plat records;

THENCE North 88°55'12" East, with the north line of said 12.64017 acre tract, 298.73 feet to a 2.5-inch iron pipe found at the northeast corner of said 12.64017 acre tract and the northwest corner of said 12.576 acre tract;

THENCE South 89°34'53" East, with the north line of said 12.576 acre tract, passing at 290.04 feet a 3/4-inch iron pin found and continuing in all, 296.30 feet to a point at the northeast corner of said 12.576 acre tract;

THENCE South 00°23'01" East, 1863.33 feet to a 1/2-inch iron pin set in the north right-of-way line of Parker Road(FM 2514), at the northeast corner of the 0.1715 acre tract recorded as clerk's file no. 20150922001201110;

THENCE North 84°05'06" West, with the north right-of-way line of said Parker Road and with the north line of said 0.1715 acre tract, passing at 298.10 feet, the northwest corner of said 0.1715 acre tract and the northeast corner of the 0.1458 acre tract recorded as clerk's file no. 20151125001484280, continuing with the north line of said 0.1458 acre tract, in all 603.38 feet to an iron pin found with aluminum cap at the northwest corner of said 0.1458 acre tract; same being in the west line of said 12.64017 acre tract and the east line of said Kirkland Estates West;

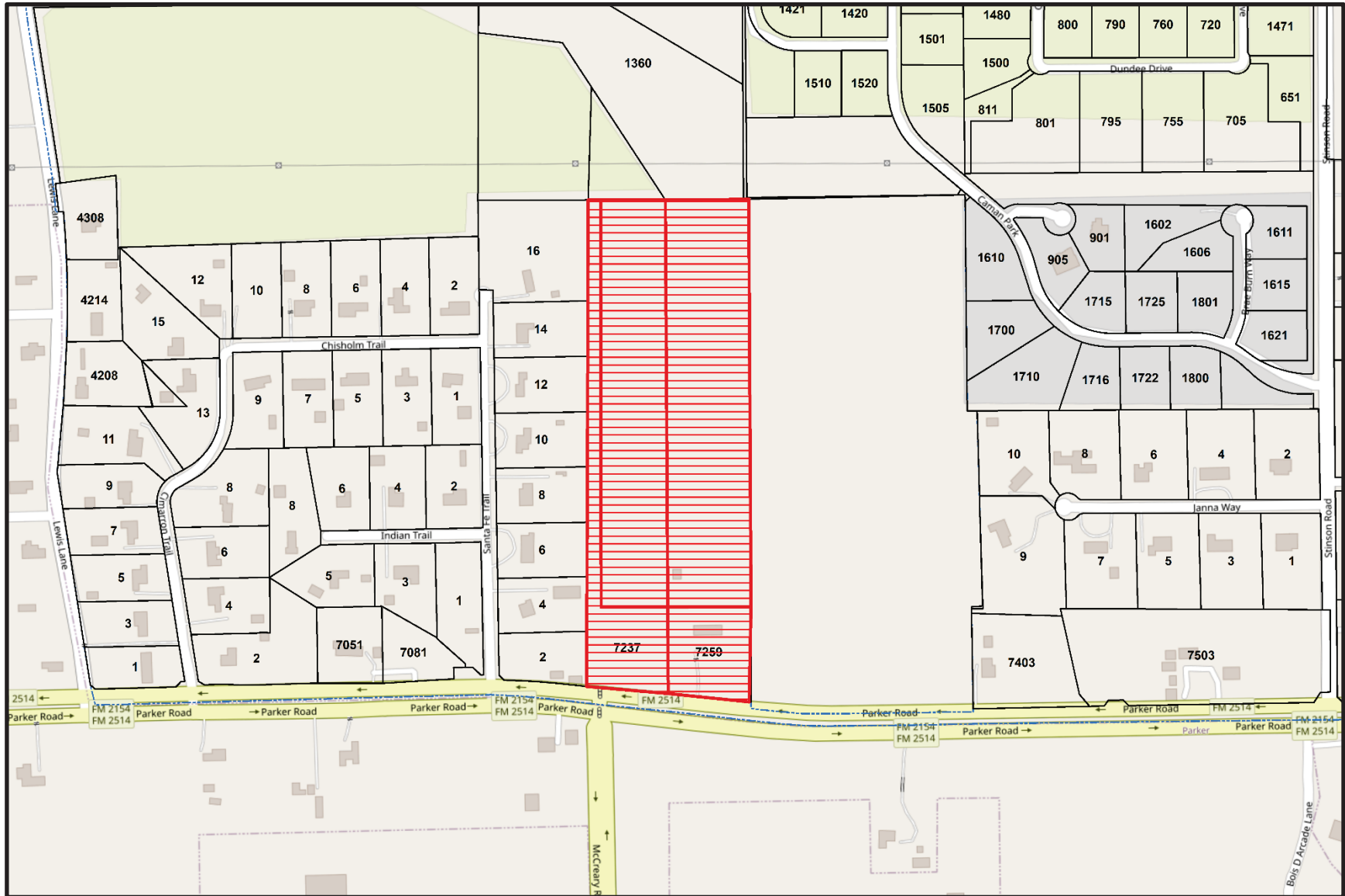
THENCE North 00°13'55" West, with the west line of said 12.64017 acre tract and the east line of said Kirkland Estates West, 1797.66 feet to the PLACE OF BEGINNING and containing 25.130 acres.

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, or email [eday@lucastexas](mailto:eday@lucastexas) and it will be presented at the hearing. If you have any questions about the request, please contact Joe Hilbourn at [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).





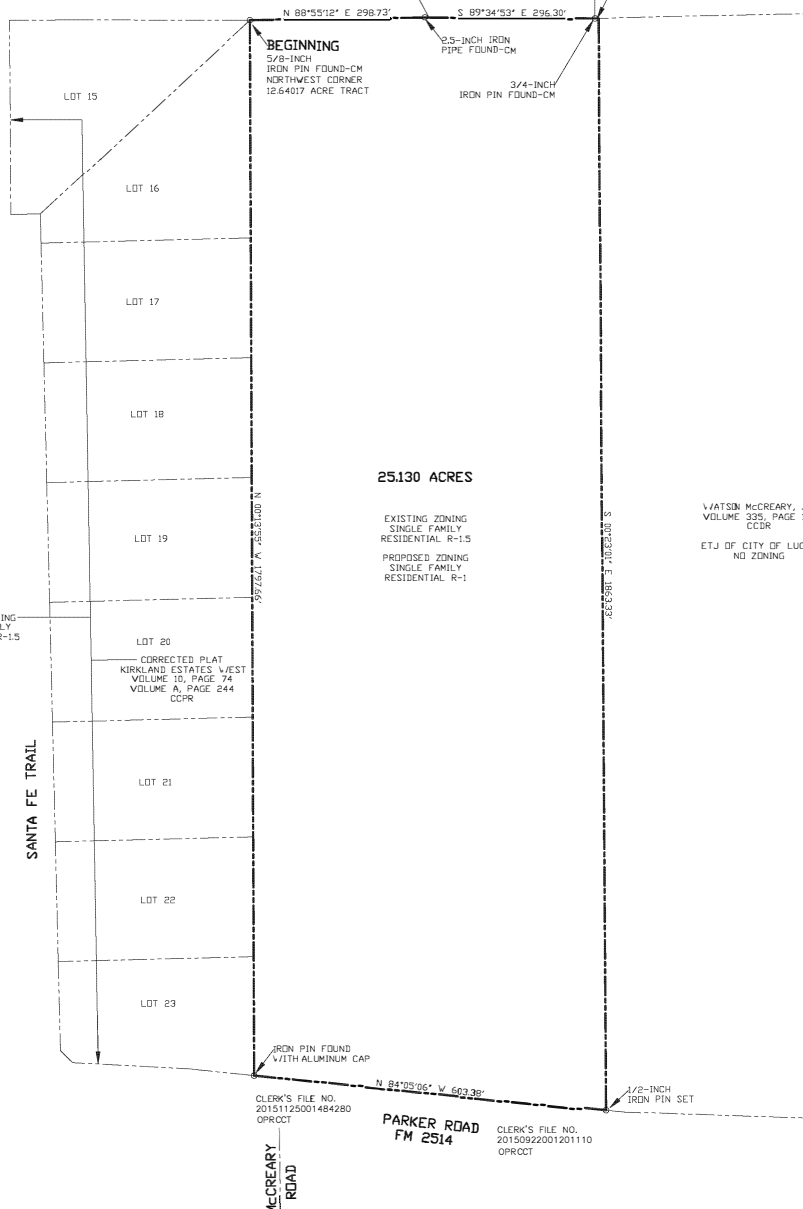
# LOCATION MAP: PARKER ROAD DEVELOPMENT



CAROL McCAHILL  
ET AL  
VOLUME 4372  
PAGE 1442 CCOR  
EXISTING ZONING  
AGRICULTURE  
OPEN SPACER AD

LOT 5  
SHEPHERDS CREEK  
ADDITION  
VOLUME L  
PAGE 242 CCPR  
EXISTING ZONING  
SINGLE FAMILY  
RESIDENTIAL R-2

LOT 4A  
STINSON HIGHLANDS  
PHASE 1  
VOLUME 2015,  
PAGE 117 & 118 CCPR  
EXISTING ZONING  
SINGLE FAMILY  
RESIDENTIAL R-1



25.130 ACRES

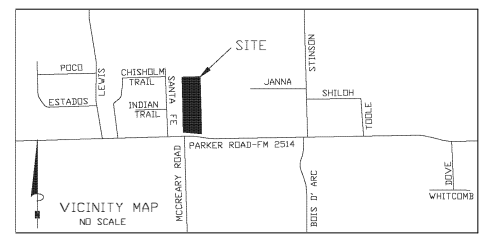
EXISTING ZONING  
SINGLE FAMILY  
RESIDENTIAL R-1.5  
PROPOSED ZONING  
SINGLE FAMILY  
RESIDENTIAL R-1

V. J. WATSON McCREARY, JR.  
VOLUME 335, PAGE 119  
CCDR  
ETJ OF CITY OF LUCAS  
NO ZONING

CLERK'S FILE NO.  
20151125001484280  
OPRCC

PARKER ROAD  
FM 2514

CLERK'S FILE NO.  
20150922001201110  
OPRCC



Surveyed on the ground and under my supervision.  
Office work completed October 6, 2022  
Office work revised October 17, 2022

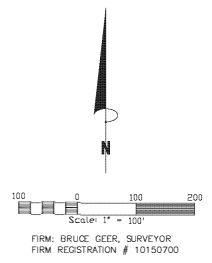
*Bruce Geer*  
Bruce Geer  
Registered Professional Land Surveyor, No. 4117  
1101 W. University Drive (U.S. Highway 380)  
McKinney, Texas 75069  
972-562-3999



**LEGEND**

- CM CONTROLLING MONUMENT
- CCDR COLLIN COUNTY DEED RECORDS
- CCPR COLLIN COUNTY PLAT RECORDS
- OPRCC OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY TEXAS

BEARING BASE: GRID NORTH USING ALLTERRA GPS NETWORK  
CONTROLLING MONUMENTS: AS SHOWN



FIRM: BRUCE GEER, SURVEYOR  
FIRM REGISTRATION # 10150700

Developer/Owner:  
JR Land Properties L. C.  
3708 Gray Lane  
Parker, Texas 75002

Surveyors:  
Bruce Geer  
Registered Professional Land Surveyor, No. 4117  
1101 W. University Drive (U.S. Highway 380)  
McKinney, Texas 75069  
972-562-3999

**ZONING EXHIBIT**  
25.130 ACRES  
LEWIS P. TURNER SURVEY,  
ABSTRACT NO. 901 AND IN THE  
J. GRAY SURVEY, ABSTRACT NO. 349  
CITY OF LUCAS  
COLLIN COUNTY, TEXAS  
7259 E. PARKER ROAD  
LUCAS, TEXAS 75002  
SURVEY DATE: 10-6-2022

Legal Description  
(3R Properties, Parker Road)

SITUATED in the Lewis P. Turner survey, abstract no. 901 and in the J. Gray survey, abstract no. 349, being a survey of the 12.576 acre tract described in a correction deed from Nelda Rae Owens and Myrna Marie Godier to 3R Land Properties, L. C., recorded as clerk's file no. 2022000078425 of the Official Public Records of Collin County, Texas and a part of the 12.64017 acre tract described in a deed from Phillip E. Kennedy and wife, Margaret Jean Kennedy, to 3R Properties LC, recorded in volume 5024, page 1136 of the Collin County deed records, being described by metes and bounds as follows:

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# Zoning Exhibit Checklist

## Minimum Requirements

Project Name: SANDALWOOD TRAIL DEVELOPMENT

Preparer: David Lewis, P.E. - LR Engineering

This checklist is provided to assist you in addressing the minimum requirements for a zoning or rezoning submission. An application is incomplete unless all applicable information noted below is submitted to the Development Services Department. Indicate that all information is included on the submitted plans by initialing the box next to the required information. Initialing each item certifies to the City that you have completely and accurately addressed the issue. Return this form at the time of application submittal.

A zoning/rezoning request and associated plans are expected to be submitted complete and accurate in all detail as shown by the checklist. Should plans be determined to be incomplete, they may either be returned to the applicant without further review or marked up with needed changes, depending on the amount/magnitude of changes or corrections needed.

### For Zoning or Rezoning to a Straight Zoning District

- Location/vicinity map showing the location of the proposed zoning with cross streets is included. Indicate scale or not to scale (NTS) and provide north arrow.
- Abstract lines, survey lines, county lines, corporate boundaries are correctly shown and clearly labeled.
- Statement of purpose and intent of the zoning or rezoning that includes:
  - Land Use(s) proposed
  - Existing and proposed zoning
    - Impact of uses(s) on the transportation system. NOTE: The City will determine if a Traffic Impact Analysis (TIA) is required.
  - Impact of the use(s) on water and wastewater utilities (e.g. provide statement as to general availability).
  - Impact on land use(s) adjacent to the rezoning request.
  - Conformance to the Comprehensive Plan.
    - Other information as required by City staff, Planning & Zoning Commission, and/or City Council
  - If a residential use, the density of the proposal and density of adjacent residential use(s).
- Adjacent zoning and existing land use(s) within 500 feet is indicated.
- Adjacent driveways, streets, roads and other thoroughfares within 500 feet of the property are shown and labeled.
- A note stating that development of the site will be in accordance with City of Lucas development standards.
- Provide an electronic file (pdf) of Legal Description/Metes & Bounds Description with labeling at top of document.
- Mailing labels of an appropriate size for mailing, with current property owner(s) name and address, of any property located within 500 feet of all property lines of subject property.



# ZONING APPLICATION

## City of Lucas, Texas

Name of Project: **SANDALWOOD TRAIL DEVELOPMENT**

	Application Fee
<input checked="" type="checkbox"/> Initial Zoning (newly annexed or agricultural property) per classification	\$450.00
<input type="checkbox"/> Rezoning (property currently zoned) per classification	\$450.00
<input type="checkbox"/> Specific Use Permit (SUP) - see Zoning Ordinance for special requirements and procedures	\$450.00

Physical Location of Property: **7259 E. Parker Rd - approx. northeast of McCreary Rd intersection.**

*[Address and General Location – approximate distance to nearest existing street corner]*

Brief Legal Description of Property (must also attach accurate metes and bounds description):

**Lewis P. Turner Survey, Abstract No. 901 (Tract 4 & 5), and J. Gary Survey, Abstract No. 349 (Tract 6 & 7)**

*[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]*

Collin County Appraisal District Short Account Number: **372331, 372340, 359061, 359070**

Acres: **25.13** Existing Zoning: **R1.5** Requested Zoning: **R1**  
(Total)

*[Attach a detailed description of requested zoning]*

OWNER( \$ NAME: **3R LAND PROPERTIES L.C.** Phone Number: **214-727-6181**

Applicant / Contact Person: **Sudhir Sakaria** Title: **Principal**

Company Name: **3R LAND PROPERTIES L.C.**

Mailing Address: **1470 N. Kimball Ave** City: **Southlake** State: **TX** ZIP: **76092**

Phone: ( ) **214-727-6181** Fax: ( ) \_\_\_\_\_ Email Address: \_\_\_\_\_

ENGINEER( S) REPRESENTATIVE(S) NAME: **David Lewis, P.E. - LR Engineering**

Contact Person: **David Lewis, P.E.** Title: **Principal**

Company Name: **LR Engineering**

Mailing Address: **2115 Teakwood Ln, Suite 450** City: **Plano** State: **TX** ZIP: **75075**

Phone: ( ) **972-964-2161** Fax: ( ) **972-964-2037** Email Address: **engineering@lrtexas.com**



# ZONING APPLICATION (continued)

Name of Project: **SANDALWOOD TRAIL DEVELOPMENT**

**\*\*READ BEFORE SIGNING BELOW:** If there should be more than one property owner, complete a separate sheet with the same wording as below. The City requires all original signatures. If applicant is other than the property owner a "Power of Attorney" with original, notarized signatures is required. (Notaries are available upon submittal.)

**SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE.** All zoning applications must be advertised in the newspaper, and notices must be mailed to all property owners within 500 feet of the subject property. Please contact City staff in advance for submittal deadlines.

**ALL APPLICATIONS MUST BE COMPLETE, ACCOMPANIED BY THE APPLICABLE CHECKLIST AND TAX CERTIFICATE SHOWING TAXES PAID, BEFORE THEY WILL BE SCHEDULED FOR P&Z AGENDA.** It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be required from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements. [Drawings will not be returned to applicant.]

**SUBMISSIONS.** Failure to submit all materials to the City with this application will result in delays scheduling the agenda date.

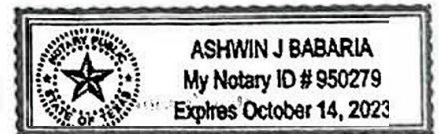
**NOTICE OF PUBLIC RECORDS.** The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

**ALL PARCELS/PROPERTIES MUST MATCH IN ACREAGE ALL OTHER DOCUMENTS SUBMITTED, WITH NO AMBIGUITY.**

STATE OF TEXAS            }  
COUNTY OF COLLIN       }

BEFORE ME, a Notary Public, on this day personally appeared Sudhin Sekaria, Nimish Sekaria and Ashwin Babaria the undersigned who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, (proof attached) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval and incomplete applications will result in delays and possible denial."

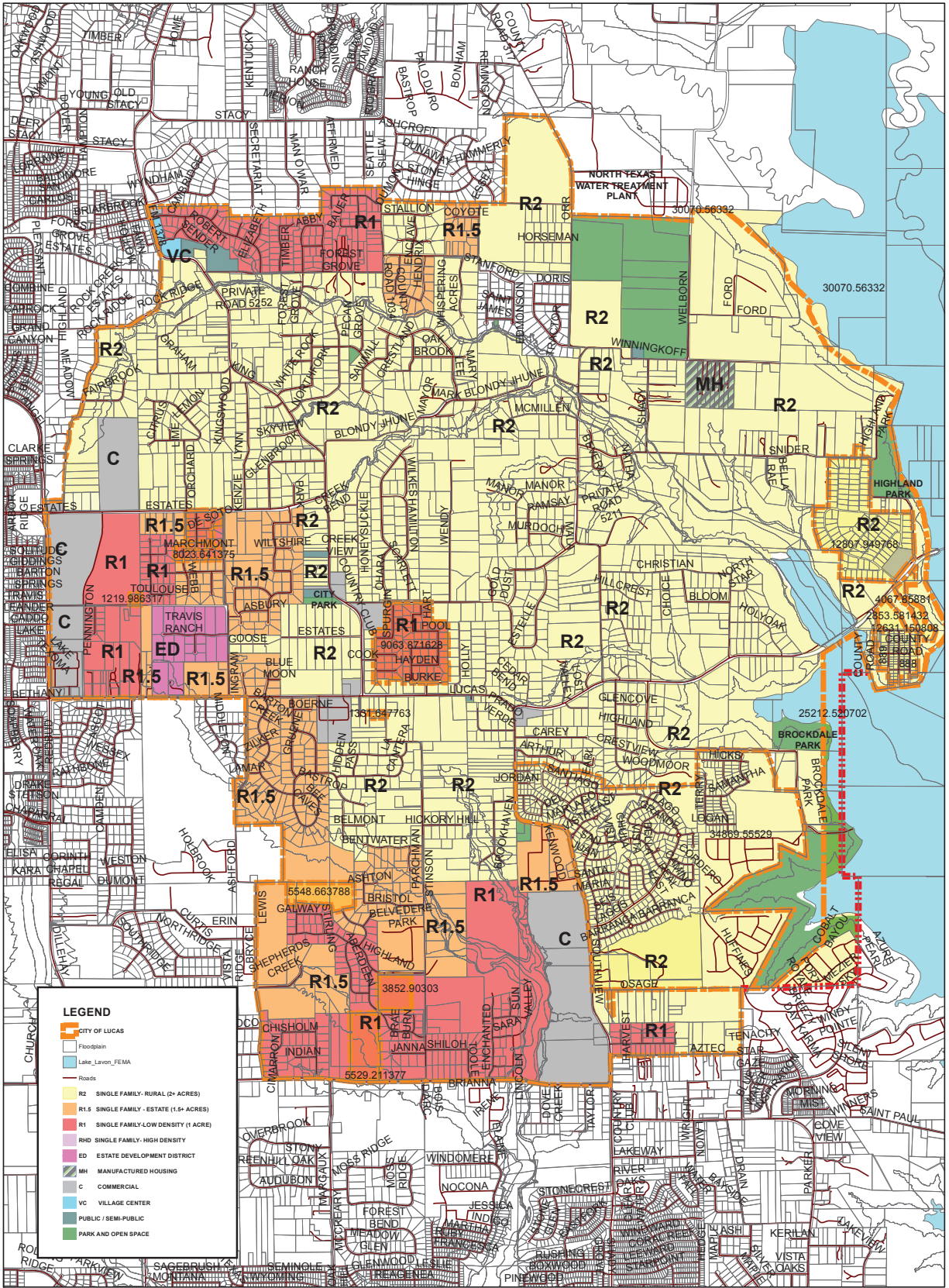
[Signature]  
**\*\*Owner / Agent (circle one)**



SUBSCRIBED AND SWORN TO before me, this the 18<sup>th</sup> day of OCTOBER, 2022

Notary Public in and for the State of Texas: [Signature]

Official Use Only	Action Taken
Planning & Zoning: _____	Date: _____
City Council: _____	Date: _____
Applicant Made a Written Withdrawal: Yes or No	Date: _____



March 16, 2017

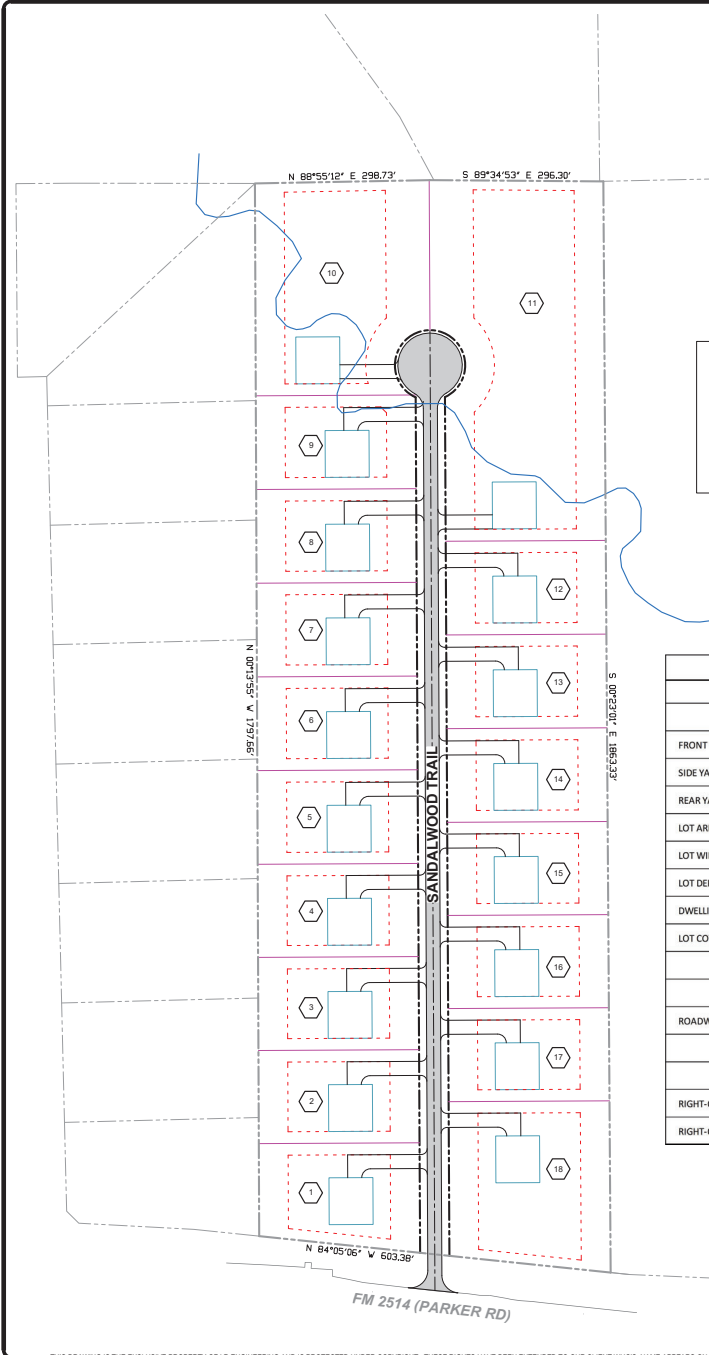


# LAND USE MAP

## CITY OF LUCAS

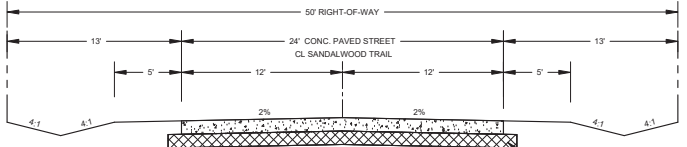


0 1,250 2,500 Feet



**LEGEND**

- EXISTING PROPERTY LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED LOT LINES
- - - LOT SETBACK LIMITS
- - - APPROX. FLOODWAY
- ▬ PROPOSED PAVED ROAD
- LOT ID



**50' RIGHT-OF-WAY WITH 24' PAVED STREET**  
NOT TO SCALE  
(PAVEMENT SECTION SHALL MEET THE CITY OF LUCAS STANDARDS OR AS RECOMMENDED BY GEOTECHNICAL REPORT)

R1 ZONING COMPLIANCE TABLE			
	SECTION	REQUIREMENT	PROVIDED
<b>R1 ZONING</b>			
FRONT YARD	14.03.233/ 14.03.113	50 FT	80 FT (MIN.)
SIDE YARD	14.03.233/ 14.03.113	SMALLER OF 10% OF LOT WIDTH OR 20 FT	20 FT (MIN.)
REAR YARD	14.03.233/ 14.03.113	50 FT	119 FT (MIN.)
LOT AREA	14.03.233	1 ACRE	1 ACRE (MIN.)
LOT WIDTH	14.03.233	140 FT	159 FT (MIN.)
LOT DEPTH	14.03.233	180 FT	188 FT (MIN.)
DWELLING SIZE	14.03.233	1,800 SF	6,000 SF
LOT COVERAGE	14.03.233	LESS THAN 30% OF LOT AREA	14% (MAX.)
<b>ROADWAY</b>			
ROADWAY WIDTH	10.03.123(a)(1)	24 FT	24 FT
<b>RIGHT-OF-WAY</b>			
RIGHT-OF-WAY, STREET	10.03.123(a)(1)	50 FT	50 FT
RIGHT-OF-WAY, CUL-DE-SAC RADIUS	10.03.123(a)(5)	60 FT	60 FT

PROPOSED PARCEL/LOT SCHEDULE										
LOT ID	FRONT YARD (FT)	SIDE YARD		REAR YARD (FT)	LOT AREA		LOT WIDTH (FT)	LOT DEPTH (FT)	DWELLING SIZE (SF)	LOT COVERAGE
		LEFT (FT)	RIGHT (FT)		(SF)	(AC)				
1	80	20 (MIN.)	59	119	47,487	1.0902	187.9	274.64	6,000	13%
2	80	20	59	119	43,626	1.0015	159	274.38	6,000	14%
3	80	20	59	119	43,598	1.0009	159	274.20	6,000	14%
4	80	20	59	119	43,569	1.0002	159	274.02	6,000	14%
5	80	20	60	119	43,814	1.0058	160	273.84	6,000	14%
6	80	20	60	118	43,784	1.0051	160	273.65	6,000	14%
7	80	20	60	118	43,755	1.0045	160	273.47	6,000	14%
8	80	20	60	118	43,726	1.0038	160	273.29	6,000	14%
9	80	20	60	118	43,680	1.0028	160	273.10	6,000	14%
10	94	20	248	68	103,140	2.3678	368	297.80	6,000	6%
11	80	514	20	118	171,462	3.9362	615	188.06	6,000	3%
12	80	60	20	118	43,747	1.0043	160	273.42	6,000	14%
13	80	60	20	118	43,785	1.0052	160	273.67	6,000	14%
14	80	60	20	118	43,824	1.0061	160	273.91	6,000	14%
15	80	59	20	119	43,588	1.0006	159	274.15	6,000	14%
16	80	59	20	119	43,626	1.0015	159	274.38	6,000	14%
17	80	59	20	119	43,664	1.0024	159	274.62	6,000	14%
18	80	59	116	119	76,501	1.7562	275	275.37	6,000	8%

UTILITIES		
TYPE OF UTILITY	UTILITY OWNER/ADMINISTRATION	NOTES
WATER	CITY OF LUCAS	EXISTING 6" MAIN AVAILABLE ALONG FM 2514. PROPOSED WATER MAIN WILL BE LOOPED FROM AND TO FM 2514. EXPECTED 15,120 GPD DEMAND OR 840 GPD/LOT.
ELECTRIC	ONCOR	EXISTING PRIMARY AVAILABLE ALONG FM 2514
SANITARY/SEWAGE	COLLIN COUNTY	INDIVIDUAL SEPTIC SYSTEM PER LOT

- NOTES:
- EXISTING PROPERTY LINE BEARINGS SHOWN ARE BASED ON SURVEY TITLED ZONING EXHIBIT PROVIDED BY BRUCE GEER, L.S., DATED 10/17/22.
  - SITE DEVELOPMENT SHALL BE IN ACCORDANCE WITH CITY OF LUCAS DEVELOPMENT STANDARDS.

**PROPOSED RE-ZONING R1.5 TO R1**

REV#	DATE	DESCRIPTION
A	10/10/22	RE-ZONING EXHIBIT

**LR ENGINEERING**  
STRUCTURAL DESIGN & INSPECTION  
2116 TEAKWOOD LANE  
PLANO, TEXAS 75075  
PHONE 972.844.2451  
FAX 972.844.2037  
ENGINEERING@LRTEXAS.COM  
FIRM # F-15662

SANDALWOOD TRAIL DEVELOPMENT  
RE-ZONING R1.5 TO R1  
72377259 E PARKER RD  
LUCAS, TEXAS 75002  
ABS 0801-387 AND PROPERTIES  
CONTACT: SUDHIR SAKARIA - 214-727-6181

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**ORDINANCE # 2022-12-00963**

[CHANGE IN ZONING – 4 PARCELS OF LAND ON THE NORTH  
SIDE OF PARKER ROAD TOTALING ±25.130 ACRES]

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING CLASSIFICATION FROM RESIDENTIAL 1.5 (R1.5) TO RESIDENTIAL 1.0 (R1.0), ON FOUR PARCELS OF LAND, LOCATED ON THE NORTH SIDE OF PARKER ROAD, LUCAS, COLLIN COUNTY, TEXAS, AND BEING PART OF THE LEWIS P. TURNER SURVEY, ABSTRACT NO. 901, TRACT 4, BEING 2.280 ACRES AND TRACT 5 BEING 3.9943 ACRES AND THE JOHN GRAY SURVEY, ABSTRACT NO. 349, TRACT 6 BEING 8.5 ACRES AND TRACT 7 BEING 10.296 ACRES, DESCRIBED IN CORRECTION DEED AS RECORDED UNDER COUNTY CLERK’S FILE NO. 2022000078425 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, AND A PART OF THE 12.64017 ACRE TRACT DESCRIBED IN A DEED FROM PHILLIP E. KENNEDY AND WIFE, MARGARET JEAN KENNEDY, TO 3R LAND PROPERTIES L.C., RECORDED IN VOLUME 5024, PAGE 1136 OF THE COLLIN COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AND DEPICTED ON EXHIBIT “A” AND EXHIBIT “B” ATTACHED HERETO; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

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

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

**Section 1.** The Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, are hereby amended to grant a change in zoning from Single Family Residential 1.5-acre Lots (R1.5) to Single Family Residential, 1-Acre Lots (R1), on four parcels of land, located on the north side of Parker Road Lucas, Collin County, Texas, and being part of the Lewis P. Turner Survey, Abstract No. 901, Tract 4, 2.280 acres and Tract 5, 3.9943 acres, and in the John Gray Survey, Abstract No. 349, Tract 6, 8.5 acres and Tract 7, 10.296 acres., described in Warranty Deed as recorded under County Clerk's File No. 2022000078425 of the Official Public Records of Collin County, Texas, and a part of the 12.64017 acre tract described in a deed from Phillip E. Kennedy and wife, Margaret Jean Kennedy, to 3R Land Properties LC, recorded in volume 5024, page 1136 of the Collin County deed records and being more particularly described and depicted on Exhibit "A" and Exhibit "B," attached hereto and made part hereof for all purposes.

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

**Section 3.** That all ordinances of the City of Lucas in conflict with the provisions of this Ordinance shall be, and same are hereby, repealed, provided, however, that all other provisions of said Ordinances are not in conflict herewith shall remain in full force and effect.

**Section 4.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or of the City of Lucas Code of Ordinances, as amended hereby, be adjudged or held to be voided or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinances or the City of Lucas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**Section 5.** An offense committed before the effective date of the Ordinance is governed by prior law and the provisions of the City of Lucas Code of Ordinances in effect when the offense was committed and the former law is continued in effect for this purpose.

**Section 6.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**Section 7.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 5th DAY OF JANUARY, 2023.**

APPROVED:

\_\_\_\_\_  
Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph J. Gorfida, Jr.  
(10-12-2022:TM )

\_\_\_\_\_  
Erin Day, City Secretary

**EXHIBIT "A"**  
**Property Description**

SITUATED in the Lewis P. Turner survey, abstract no. 901 and in the J. Gray survey, abstract no. 349, being a survey of the 12.576 acre tract described in a correction deed from Nelda Rae Owens and Myrna Marie Godier to 3R Land Properties, L.C., recorded as clerk's file no. 2022000078425 of the Official Public Records of Collin County, Texas and a part of the 12.64017 acre tract described in a deed from Phillip E. Kennedy and wife, Margaret Jean Kennedy, to 3R Land Properties LC, recorded in volume 5024, page 1136 of the Collin County deed records, being described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron pin found at the northwest corner of said 12.64017 acre tract and the northeast corner of the corrected plat of Kirkland Estates West recorded in volume 10, page 74 and volume A, page 244 of the Collin County plat records;

THENCE North 88°55'12" East, with the north line of said 12.64017 acre tract, 298.73 feet to a 2.5- inch iron pipe found at the northeast corner of said 12.64017 acre tract and the northwest corner of said 12.576 acre tract;

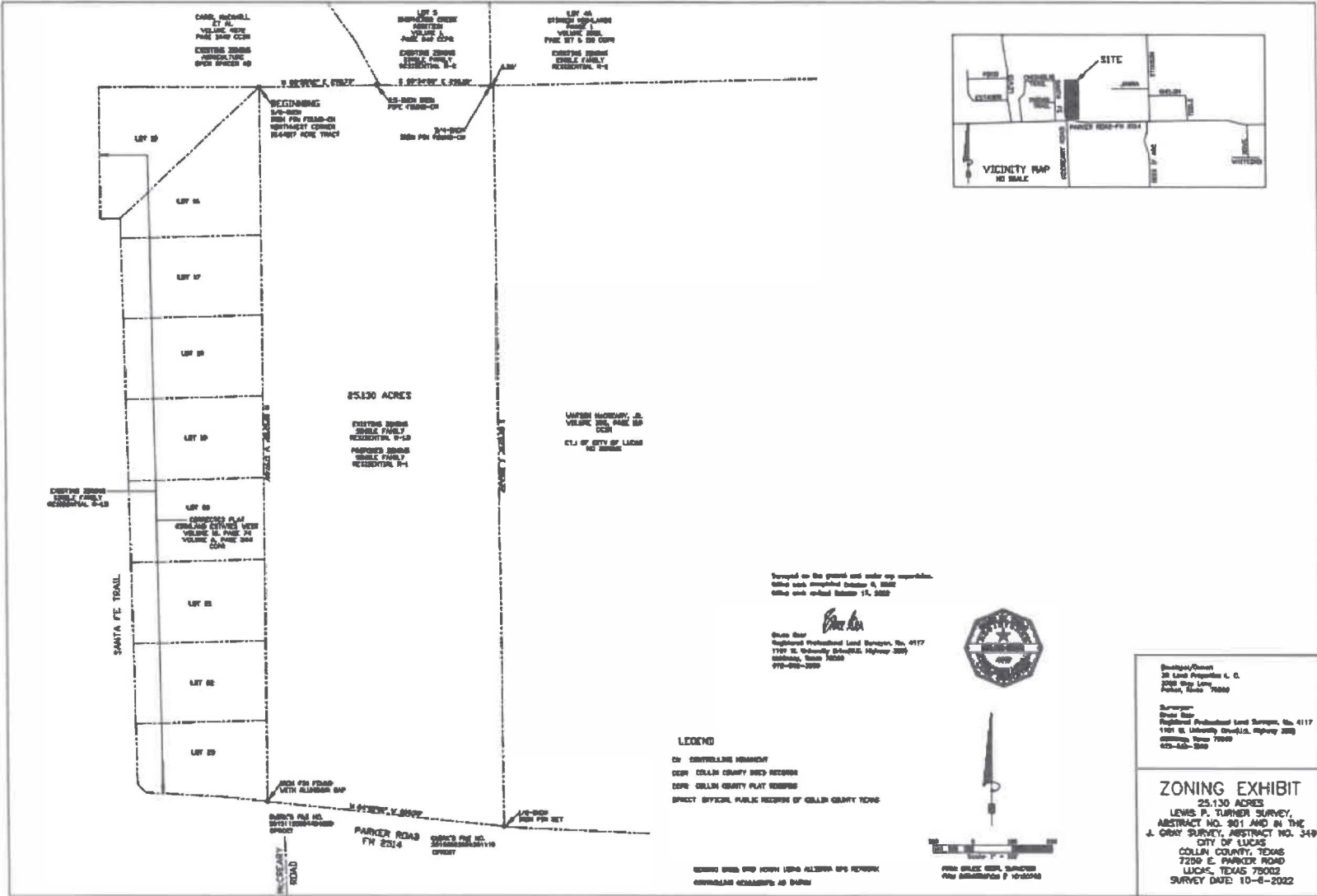
THENCE South 89°34'53" East, with the north line of said 12.576 acre tract, passing at 290.04 feet to a 3/4-inch iron pin found and continuing in all, 296.30 feet to a point at the northeast corner of said 12.576 acre tract;

THENCE South 00°23'01" East, 1863.33 feet to a 1/2-inch iron pin set in the north right-of-way line of Parker Road (FM 2514), at the northeast corner of the 0.1715 acre tract recorded as clerk's file no. 20150922001201110;

THENCE North 84°05'06" West, with the north right-of-way line of said Parker Road and with the north line of said 0.1715 acre tract, passing at 298.10 feet, the northwest corner of said 0.1715 acre tract and the northeast corner of the 0.1458 acre tract recorded as clerk's file no. 20151125001484280, continuing with the north line of said 0.1458 acre tract, in all 603.38 feet to an iron pin found with aluminum cap at the northwest corner of said 0.1458 acre tract; same being in the west line of said 12.64017 acre tract and the east line of said Kirkland Estates West;

THENCE North 00°13'55" West, with the west line of said 12.64017 acre tract and the east line of said Kirkland Estates West, 1797.66 feet to the PLACE OF BEGINNING and containing 25.130 acres.

# EXHIBIT "B" Property Depiction





# City of Lucas City Council Agenda Request January 5, 2023

Item No. 04

Requester: Development Services Director Joe Hilbourn

## **Agenda Item Request**

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Public Hearing to consider amendments to the Land Use Assumptions and Capital Improvement Plan under which an Impact Fee may be amended for water and roadways within the City of Lucas.  
(Cancelled)

## **Background Information**

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At the City Council meeting on November 17, 2022, the City Council approved Resolution R2022-11-00537 to set a public hearing date as part of the process to approve the amendments to the Impact Fee Land Use Assumptions, Roadway Capital Improvement Plan, Water Capital Improvement and/or 2022-2032 Impact Fee Update.

At the City Council meeting on December 1, 2022, the City Council recommended changes to the City's Comprehensive Plan. Due to this, the scheduled public hearing is cancelled pending final review and approval of the Comprehensive Plan by the Planning and Zoning Commission on January 12, 2023, and by the City Council on January 19, 2023.

## **Attachments/Supporting Documentation**

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1. 2022-2032 Water and Roadway Impact Fee Updated Schedule

## **Budget/Financial Impact**

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NA

## **Recommendation**

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NA

## **Motion**

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NA

## City of Lucas, TX

### 2022-2032 Water and Roadway Impact Fee Update Adoption Schedule

**Notes:**

- 1 The Impact Fee Advisory Committee meets on the same day as the Planning and Zoning Commission (2nd Thursdays of the Month)
- 2 City Council Meets on the 1st and 3rd Thursday of the Month

City Staff/Consultant Meetings	Impact Fee Advisory Committee Meetings	City Council Meeting	Meeting/Action	Agenda and Action Items Required
September 8, 2022			Staff Meeting	Impact Fee Update Kick-off Meeting with City Staff Agenda: a) Service Areas b) Impact Fee Land Use and Growth Assumptions c) Capital Recover Project Data d) Water, Sewer and Roadway Capital Improvement Plans
October 13, 2022			Staff Meeting	Present Impact Fee Capital Improvement Plan and Preliminary Impact Fee Calculations
	October 13, 2022		Impact Fee Advisory Meeting	Initial Meeting with Advisory Committee Draft Review of Impact Fee Land Use and CIP
November 1, 2022			City Staff	Publish Impact Fee Advisory Meeting Notice and Agenda (Sec. 395.055)
	November 10, 2022		Impact Fee Advisory Committee Meeting	Advisory Committee Meeting (Sec. 395.056) a) Review of CIP Update b) Review of Impact Fee Updates c) Advisory Committee Recommendation Letter to City Council
		November 17, 2022		City Council to set a Public Hearing on Amendments to Land Use Assumptions, Capital Improvement Plan, or Impact Fee (Sec. 395.053) for January 5, 2023
December 5, 2022			Notice of Public Hearing	Deadline for Publication of Notice of Public Hearing on January 5, 2023 in local newspaper (Sec. 395.055; 395.044(b))
December 5, 2022			Final Impact Fee Update Report	Final Impact Fee Update Report Published and made available for public review (Sec. 395.054)
	December 8, 2022		Advisory Committee Recommendations	If not completed at Nov. 10th Advisory Committee Meeting, last day for publication of written recommendation to City Council (Sec. 395.056)
		January 5, 2023	City Council Public Hearing	Public Hearing on Amendments to Land Use Assumptions, Capital Improvement Plan, or Impact Fee
			Possible Council Action	Approve, Reject or take no action on Amendments to Land Use Assumptions, Capital Improvement Plan or Impact Fees (Sec. 395.057(a)) <b>NOTE: Council has 30-calendar days to take action</b>
		January 19, 2023	Possible Council Action	If council action on 01/05/2023, then Approve, Reject or Table Amendments to Land Use Assumptions, Capital Improvement Plan or Impact Fees (Sec. 395.057)
			Possible Council Action	If Impact Fee Amendments are approved, adopt and ordinance, order or resolution approving the amendments to the Land Use Assumptions, Capital Improvement Plan (Sec. 395.057(b))
		February 2, 2023	Possible Council Action	If no council action on 01/19/2023, then last council meeting to Approve, or Reject Amendments to Land Use Assumptions, Capital Improvement Plan or Impact Fees (Sec. 395.057)
			Possible Council Action	If Impact Fee Amendments are approved, adopt and ordinance, order or resolution approving the amendments to the Land Use Assumptions, Capital Improvement Plan (Sec. 395.057(b))

POSTPONED BY CITY

January 3, 2023			City Staff	Publish Impact Fee Advisory Meeting Notice and Agenda (Sec. 395.055)
	January 12, 2023		Impact Fee Advisory Committee Meeting	Advisory Committee Meeting (Sec. 395.056) a) Review of Roadway CIP Update b) Review of Roadway Impact Fee Updates c) Advisory Committee Recommendation Letter to City Council
January 16, 2023			City Staff	Finalize Impact Fee Update Report
		January 19, 2023		City Council to set a Public Hearing on Amendments to Land Use Assumptions, Capital Improvement Plan, or Impact Fee (Sec. 395.053) for March 2, 2023
On or Before February 2, 2023			Notice of Public Hearing	Deadline for Publication of Notice of Public Hearing on March 2, 2023 in local newspaper (Sec. 395.055; 395.044(b))
February 2, 2023			Final Impact Fee Update Report	Final Impact Fee Update Report Published and made available for public review (Sec. 395.054)
		March 2, 2023	City Council Public Hearing	Public Hearing on Amendments to Land Use Assumptions, Capital Improvement Plan, or Impact Fee
			Possible Council Action	Approve, Reject or take no action on Amendments to Land Use Assumptions, Capital Improvement Plan or Impact Fees (Sec. 395.057(a)) <b>NOTE: Council has 30-calendar days to take action</b>
			Possible Council Action	If Impact Fee Amendments are approved, adopt and ordinance, order or resolution approving the amendments to the Land Use Assumptions, Capital Improvement Plan (Sec. 395.057(b))
		March 16, 2023	Possible Council Action	If council action on 03/02/2023, then Approve, Reject or Table Amendments to Land Use Assumptions, Capital Improvement Plan or Impact Fees (Sec. 395.057)
			Possible Council Action	If Impact Fee Amendments are approved, adopt and ordinance, order or resolution approving the amendments to the Land Use Assumptions, Capital Improvement Plan (Sec. 395.057(b))





# City of Lucas

## City Council Agenda Request

### January 5, 2023

Item No. 05

Requester: City Secretary Erin Day

#### **Agenda Item Request**

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Consent Agenda:

- A. Approval of the minutes of the December 15, 2022 City Council meeting.
- B. Approval of Amendment No. 1 to the Interlocal Agreement between Collin County and the City of Lucas for Law Enforcement Services.

#### **Background Information**

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Agenda Item 5B:

Amendment No. 1 to the Interlocal Agreement for Law Enforcement Services enhances the provision of law enforcement services within the City's boundaries of Lucas by adding two additional full-time deputy positions together with the necessary patrol vehicles and equipment.

#### **Attachments/Supporting Documentation**

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- 1. Minutes of the December 15, 2022 City Council meeting.
- 2. Amendment No. 1 to the Interlocal Agreement between Collin County and the City of Lucas for Law Enforcement Services
- 3. Interlocal Agreement between Collin County and the City of Lucas for Law Enforcement Services

#### **Budget/Financial Impact**

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- B. Funding in the amount of \$561,905 for additional law enforcement services was approved in the Fiscal Year 2022-2023 budget in line item 11-6999-326 (Law Enforcement).

#### **Recommendation**

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City staff recommends approval of the Consent Agenda.

#### **Motion**

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



**City Councilmembers Present:**

Mayor Jim Olk  
Mayor Pro Tem Kathleen Peele  
Councilmember Tim Johnson  
Councilmember Tim Baney  
Councilmember Phil Lawrence (*remote*)

**City Staff Present:**

City Manager Joni Clarke  
Public Works Director Scott Holden  
City Secretary Erin Day  
City Attorney Joe Gorfida  
Development Services Director Joe Hilbourn  
Contract Engineer Joe Grajewski

City Councilmembers Absent:

Councilmember David Keer  
Councilmember Debbie Fisher

The regular City Council meeting was called to order at 6:30 pm.

**Citizen Input**

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**1. Citizen Input**

There were no citizens wishing to address the City Council.

**Community Interest**

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**2. Items of Community Interest**

Mayor Olk gave items of community interest including: recap of Holiday Donation Drive, recap of Country Christmas, Service Tree Nominations, and Community Waste Disposal procedures during the Christmas Holiday.

**Public Hearing**

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- 3. Hold a Public Hearing to consider adopting Ordinance 2022-12-00963 approving the rezoning request made by Sudhir Sakaria with 3R Land Properties L.C., property owner, to rezone 4 parcels of land on the north side of Parker Road from Residential R1.5 acres to Residential 1 acre, situated in the Lewis P. Turner Survey, Abstract No. 901, Tract 4, 2.280 acres and Tract 5, 3.9943 acres, and the John Gray Survey, Abstract No. 349, Tract 6, 8.5 acres and Tract 7, 10.296 acres.**

Mayor Olk convened the City Council into Executive Session seeking legal advice from the City Attorney, as authorized by Section 551.071 of the Texas Government Code, at 6:38 p.m.

Mayor Olk reconvened the City Council into Open Session at 6:51 p.m.

Development Services Director Joe Hilbourn gave a presentation including: background information on the request, location of the property, zoning depiction, proposed concept plan, and recommendations.

Mayor Olk opened the Public Hearing at 6:53 p.m.

The owner of the property, Sudhir Sakaria, spoke advising he is only asking for what the land is planned for on the Future Land Use Map, which is R1 (Residential 1 acre).

Jack Dunaway, 2 Santa Fe Trail, spoke in opposition advising Collin County guidelines state on-site sewage facilities could cause pollution and may be a danger to public health, therefore platted or unplatted subdivisions using on-site sewage systems must have a usable area of 1.5 acres. Mayor Olk advised that is the guideline only if the property has a well. Mr. Dunaway advised the property has runoff and that the runoff will go into the creek which will feed into other water sources.

Dawn Pemberton, 1 Chisolm Trail, spoke in opposition advising her property is across the street from the proposed rezoning request. She advised her property is 1.5 acres and she has a septic system, and even hers can be overloaded when there is heavy rain. She also advised her background is in real estate and she believes that smaller 1 acre lots will make the area more crowded and less attractive. She believes the values would be negatively impacted.

Olivia Welkener, 12 Santa Fe Trail, spoke in opposition stating the sewage would be an issue and home values would go down. She also asked if the drainage is going to be appropriate for the area. She advised they already have an issue with drainage on their property.

Josh Patterson, 10 Santa Fe Trail, also spoke in opposition. He asked if there has been any analysis on the drainage for the proposed property. He also asked if there has been an analysis on future revenue from a tax standpoint. Mayor Olk advised Mr. Paterson that he could get in touch with Development Services Director Joe Hilbourn for requirements on drainage, and that this Public Hearing does not cover revenue analysis because it is specifically for the zoning request.

Mayor Olk advised Section 14.02.063 of the Code of Ordinances requires that for a decision made by the Planning and Zoning Commission to be overturned, it must be done so by a vote of 75 percent of the City Council, therefore no action could be taken without at least one more councilmember present.

**MOTION:** A motion was made by Mayor Olk, seconded by Mayor Pro Tem Peele, to continue the Public Hearing until the next City Council meeting on January 5, 2023 at 6:30 p.m. The motion passed unanimously by a 5 to 0 vote, with Councilmembers Fisher and Keer absent.

## **Consent Agenda**

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### **4. Consent Agenda:**

A. Approval of the minutes of the December 1, 2022 City Council meeting.

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Baney, to approve the Consent Agenda as presented. The motion passed unanimously by a 5 to 0 vote, with Councilmembers Fisher and Keer absent.

## Regular Agenda

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5. **Discuss the Texas Department of Transportation (TxDOT) intersection improvement project located at FM 1378 at FM 3286 (commonly referred to as the Bait Shop Intersection).**

Mayor Pro Tem Peele advised her concern is access into and out of the neighborhood by the Bait Shop and Lucas Road. She advised Public Works Director Scott Holden had made a request to Jennifer Vorster with TxDOT for some information on what TxDOT would be willing to do to help with the issues in that area. Mayor Pro Tem Peele advised TxDOT is not in favor of a left-hand turn into or out of Cedar Bend Trail because they believe that it would shorten the available storage in the turn lane, causing traffic to stack. Mayor Pro Tem Peele advised she is questioning them because the biggest problem is traffic being heaviest in the morning going west and in the evening going east. Mayor Pro Tem Peele believes that even if traffic stacks up, it is not as big of a concern as cutting off access to the neighborhood. Mayor Pro Tem Peele asked Mr. Holden to impress upon TxDOT to be accommodating to the people who live in that area not having access in or out. She also advised Edgefield Lane is also a significant traffic concern with people trying to enter or exit. She advised TxDOT's offer was to widen the entrance to Edgefield Lane. The City Council discussed the proposed roadway changes from TxDOT and gave direction to Mr. Holden to ask TxDOT for more clarification and to bring back further information at a future City Council meeting date.

**MOTION:** There was no motion needed for this item.

## Executive Agenda

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6. **Executive Session: As authorized by Section 551.074 of the Texas Government Code, the City Council may convene into closed Executive Session to deliberate the appointment of a member to the Board of Adjustment. This meeting is closed to the public as provided in the Texas Government Code.**

The City Council adjourned into Executive Session at 7:23 p.m.

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

The City Council reconvened into Regular Session at 7:34 p.m.

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Lawrence, to appoint Frank Hise to the Board of Adjustment as Alternate 1 for a term beginning on January 1, 2023 and expiring on December 31, 2024. The motion passed unanimously by a 5 to 0 vote, with Councilmembers Fisher and Keer absent.

9. **Adjournment.**

**MOTION:** A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to adjourn the meeting at 7:35 pm. The motion passed unanimously by a 5 to 0 vote, with Councilmembers Fisher and Keer absent.

APPROVED:

ATTEST:

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Mayor Jim Olk

---

Erin Day, City Secretary

**Amendment No. 1 to  
Interlocal Agreement between Collin County and  
the City of Lucas for Law-Enforcement Services**

1. **Current Agreement.** Under Commissioners Court Order No. 2021-898-09-20, Collin County and the City of Lucas entered an interlocal agreement for the County to provide two deputy sheriffs to patrol and provide law-enforcement services in the City of Lucas (the current agreement). *See* Interlocal Cooperation Act, Texas Gov't Code, Chapter 791.

2. **Additional Deputy Sheriffs.** In addition to the deputy sheriffs the County provides under the current agreement, the County will provide two additional peace officers to provide patrol services within the City's boundaries for the officers' full-time work or duty schedules.

3. **Vehicles.** The County and the City will confer on whether the County will dedicate a patrol vehicle or two to the additional deputies. Relevant factors include the number of deputies and vehicles the County has assigned to the City at the time of the decision, shift days and times, and whether the deputies use or should use take-home or pool vehicles. The City will have the same rights and obligations with respect to such additional vehicles as it has under the current agreement.

4. **Term.** This amendment will remain effective as long as the current agreement remains effective.

5. **Additional Compensation.** The City's obligation to pay the County fair compensation for these services will extend to the additional deputies and any vehicles, which the County provides under this amendment, consistent with the current agreement. *See* Gov't Code, § 791.011(e).

6. **Liquidated Damages.** To fulfill its obligation to dedicate patrol deputies to work inside the City's boundaries, the County will make a substantial investment by hiring and training new deputy sheriffs to provide those services or by reassigning current deputy sheriffs to provide the services and hiring new deputy sheriffs to backfill. The compensation for these new deputy sheriffs may fall within the scope of SB 23, 87th Legislature, Reg. Sess. 2021 (Local Gov't Code, Chapter 120). If the City terminates the agreement or this amendment or otherwise reduces the number of deputy sheriffs patrolling within its borders (including by materially breaching and forcing the County to terminate), then the City will pay the County liquidated damages. Liquidated damages will equal the total compensation (salary and benefits) for each deputy sheriff removed from patrolling in the City multiplied by three (approximately three years of compensation). At FY23 levels (including 9 months of a 5% increase, which will take effect just after January 1, 2023), this amount could be approximately \$1.2 million, if all four were removed (full compensation of \$68,422 + \$29,314 (for a deputy sheriff (556) on 84-hour schedule) = \$97,736 x 4 deputies x 3 years = \$1,172,832). This calculation is a reasonable forecast of just compensation in light of the County's investment and its lessened authority to adjust its budget under SB 23 (87(R)).

7. **Additional Definitions.** A "peace officer" means a deputy sheriff licensed under Chapter 1701, Occupations Code, with a commission or appointment carried by the Sheriff's Office.

“To provide patrol services” includes all reasonably necessary equipment and training for a peace officer to provide patrol services, including a patrol vehicle.

“Full-time work or duty schedule” means an officer’s complete work schedule under the FLSA before eligibility for overtime or comp time under 29 CFR Part 553, less the reductions in this duty time under Collin County’s personal-time-off or other leave policies, or short periods away from duty for attending mandatory training, answering emergency calls, or assisting other peace officers as required.

**8. Additional Documents.** In addition to this amendment, the County and the City will adopt this amendment by its own form of order, resolution, or ratification within the meaning of Section 791.011(d), Gov’t Code.

Agreed to:

Collin County

---

Judge Chris Hill	Date
2300 Bloomdale Road	
McKinney, TX 75071	

City of Lucas

---

Name	Title	Date
City of Lucas		
665 Country Club Road		
Lucas, TX 77002		

State of Texas §  
Collin County §  
Commissioners Court §

Court Order  
2021-898-09-20


**An order of the Collin County Commissioners Court approving an interlocal agreement.**

The Collin County Commissioners Court hereby approves an interlocal agreement for Law Enforcement Services (Agreement No. 2021-375) with the City of Lucas, 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, September 20, 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





JIM SKINNER, SHERIFF

**MEMORANDUM**

Date: August 16, 2021

To: Commissioners Court

From: Jim Skinner, Sheriff *JOS*

Re: FY 2022 Lucas Law Enforcement Services Interlocal Agreement

Attached you will find the Interlocal Agreement for Law Enforcement Services to Lucas. This is a new contract and updated fees for FY 2022, for your approval.

JOS:tms

## **Interlocal Agreement between Collin County and the City of Lucas for Law-Enforcement Services**

1. **Parties and Authority.** Collin County and the City of Lucas enter this interlocal agreement for the County to provide law-enforcement services to the City of Lucas under the Interlocal Cooperation Act, Texas Gov't Code, Chapter 791. The City of Lucas may contract for peace officers under Sections 791.011 and 791.003(4)(A), Gov't Code.

2. **Term.** This agreement is effective as of the date signed by the last party to sign it (the Effective Date), and its initial term will continue until September 30 in the next calendar year. The initial term may be a partial year. Afterwards, the agreement will renew for one-year periods between October 1 and September 30, unless terminated under section 6. *See* Gov't Code, § 791.011(f), (i).

### **3. The County's Obligations**

3.1 **Law-Enforcement Services.** Through the Sheriff's Office, the County will provide the City of Lucas with law-enforcement services, including traffic enforcement within the City limits and issuance of citations within the discretion of the deputy provided such are filed with the JP3 Court and not the Lucas Municipal Court, in accordance with the Sheriff's Office's policies and procedures; this agreement; and local, state, and federal law.

"Law-enforcement services" means the services the Sheriff's Office provides to fulfill a sheriff's or a peace officer's duties under Texas law, such as the Code of Criminal Procedure, to keep the peace, intervene to prevent or suppress crime, execute lawful process issued by a judge, and accept custody of persons committed to the county jail. These services include patrolling, responding to calls for police assistance, investigating offenses, enforcing state traffic law, and operating the county jail. *See Weber v. City of Sachse*, 591 S.W.2d 563 (Tex. Civ. App.—Dallas 1979, writ dismissed). "Law-enforcement services" *exclude* the (1) enforcement of rules, regulations, or permit requirements enacted by the City of Lucas or a home-owners' association, or restrictions in property deeds, (2) enforcement of regulations or prohibitions on vehicular travel on private property or private roads within the meaning of Section 542.005, Transportation Code, or Section 49.217(c), Water Code, (3) enforcement of county or other traffic regulations that may later be extended to roads in the City of Lucas under an agreement under Section 151.151(b), Transportation Code, or as a result of a petition and order under Sections 542.007–542.0081, Transportation Code, or similar provisions (that is, the City or a district or subdivision and County would have to follow those provisions in the future for such traffic enforcement), (4) provision of detention services beyond taking custody of persons accused of violating state law under Articles 2.17 and 2.18, Code of Criminal Procedure (that is, the Sheriff will not accept custody of persons accused of a local Class C misdemeanor, *see* Tex. Att'y Gen. Op. No. JM-0151 (1984) (the City of Lucas and the County would have to sign a separate jail-services agreement for such services)), (5) provision of a school resource officer, *see* Subchapter M, Chapter 1701, Occupations Code, or similar services, and (6) provision of specific security services, such as security at construction sites in the City of Lucas to prevent or deter theft.

**3.2 Dedicated Patrol Services.** Through the Sheriff's Office, the County will dedicate two patrol deputies to provide services to the City of Lucas. The Sheriff's Office will schedule these deputies to patrol in the City of Lucas during their shifts or duty time. Ordinarily only one deputy will patrol in the City of Lucas in one shift. The County will structure shifts and work hours to provide the best coverage and service to the City of Lucas, in light of the City's requests and the history and pattern of service calls, reports or occurrences of crime, and other law-enforcement or emergency circumstances.

Generally, patrol deputies work 12-hour shifts totaling 80 hours in a 14-day work period, although the County may change this to 84 hours per 14-day work period in a future fiscal year. Each dedicated deputy may use vacation, compensation (comp), personal, and sick time accrued or allowed by County policy, and the Sheriff's Office may require a dedicated deputy to attend specific training. The County will not ordinarily provide alternate personnel during a dedicated deputy's time off. But the County will use reasonable efforts to coordinate the scheduling and time off of the dedicated deputies to provide regular service to the City of Lucas.

During a shift or other duty time, a dedicated deputy will use reasonable efforts to devote full time and attention to serving and patrolling within the City of Lucas. A dedicated deputy may, however, leave the City's limits to respond to emergency calls for service or to respond to calls to assist other deputies or officers. In addition, other deputies or officers may assist a dedicated deputy as needed in the City of Lucas.

The City of Lucas may also confer with the County about increasing the number of dedicated patrol deputies. The County would likely require 12–18 months to hire and train new deputies to start additional dedicated deputies. The County would adjust the City of Lucas's annual reimbursement amount under section 4.

**3.3 Extra Services.** If the City of Lucas wants the Sheriff's Office to provide services in addition to those services listed in sections 3.1 and 3.2, such as security during a special event, the City of Lucas will contact the County's liaison officer (sections 3.7 and 10). The parties may discuss the Sheriff's Office's ability to accommodate the request or whether the City should use another means, such as hiring deputies or other peace officers for off-duty work.

**3.4 Personnel, Planning and Supervision.** The County will employ qualified and licensed peace officers to perform services under this agreement. The County will plan, organize, and supervise all tasks and matters that are part of its performance under this agreement. The County will assign, allocate, direct, supervise, and discipline County personnel.

**3.5 Requests from the City of Lucas.** The County will promptly consider all requests from the City of Lucas received through the liaison officer or the Sheriff's Office's communications division (Dispatch) for law-enforcement services. The County will make every reasonable effort to comply with these requests consistent with (1) this agreement, (2) the Sheriff's Office's policies and procedures, and (3) local, state, and federal law.

**3.6 Suspension of Services.** In the case of emergency, *force majeure* events, or public-safety reasons, the Sheriff may suspend the provision of dedicated patrol services under this agreement. The City of Lucas's reimbursement obligation will be adjusted under section 4.3.

**3.7 The County's Liaison Officer.** The City of Lucas may confer with the County's liaison officer—a Captain in, or the Assistant Chief of, Operations (section 10)—about the County's performance under this agreement. The Assistant Chief and chain of command will supervise the deputies, officers, and employees who provide the County's performance.

**3.8 Reports of Services.** The Sheriff's Office will provide the City of Lucas with written reports of law-enforcement activity within the City's borders in form and content consistent with the Sheriff's Office's policies and procedures.

**3.9 Patrol Vehicles.** The County will provide the patrol vehicle or vehicles necessary to equip the deputies providing dedicated patrol services. The County will equip each vehicle and mark it with appropriate decals. During the agreement's term or a vehicle's patrol life, the County will retain title to the vehicle and will be responsible for the warranty, if any, insurance, service and maintenance, and fuel. The County alone will decide when a vehicle is no longer fit for patrol service. Typically, the Sheriff's Office operates a patrol vehicle for about 110,000 miles before removing it from service. This figure may be higher, depending on the schedule for vehicle delivery.

**3.10 Option for the City of Lucas to Order and Take Title to a Patrol Vehicle.** Currently, the County uses an SUV (*e.g.*, Explorer) or pickup truck (*e.g.*, F-150 Responder) as patrol vehicles. If the City of Lucas meets its payment obligations related to a patrol vehicle under section 4, then the County will transfer the patrol vehicle to the City of Lucas at the end of its service. "Transfer" includes transferring possession of the vehicle, as well as the vehicle's title and ownership of the warranties or other plans that cover the vehicle or equipment. The County will not transfer rights in breach of a contract with another party, such as those for proprietary licenses or software, incident-reporting systems, or licenses or software that would give the City of Lucas access to county or restricted databases or infrastructure. At its expense, the County will de-badge a vehicle and remove software or electronic data as reasonably necessary to meet the County's obligations to protect criminal-justice or other confidential information. The City of Lucas will bear the costs of transferring a vehicle's title and all other costs associated with the transfer. The parties intend to comply with Chapter 791, Government Code, and Section 263.152, Local Government Code, related to the disposition of surplus property.

**3.11 Body-Worn Cameras.** When the Sheriff's Office implements a policy to equip patrol deputies with body-worn cameras, *see* Occupations Code, §§ 1701.651–1701.663, then the deputies who provide services under this agreement will receive the same equipment.

The County alone will be responsible for complying with state body-worn-camera law, including the provisions related to deputy training, policy, data retention, release of recordings or other information, and reporting, and the County will own all data and recordings. In an incident involving the City of Lucas, the County and Sheriff's Office will provide the City of Lucas's

officials and their attorneys and experts with reasonable viewing of any relevant recordings—including those made by in-vehicle or body-worn cameras—consistent with investigative, law-enforcement, or criminal- or civil-defense requirements, including those in Section 1701.660 of the Occupations Code. The Sheriff alone will make all decisions about public or other release of records, including decisions under Sections 1701.660–1701.663, Occupations Code, or the Public Information Act, Texas Gov’t Code, Chapter 552.

The County alone will retain all body-worn-camera property at this agreement’s end.

**3.12 Public Information Act Requests.** If the County receives a request under the Public Information Act, Chapter 552, Gov’t Code, that relates to the City of Lucas, the County will notify the City of Lucas in accordance with requirements under Section 552.305, Gov’t Code.

#### **4. The Obligations of the City of Lucas**

**4.1 Payments.** The City of Lucas will pay the County the reimbursement amount set out in sections 4.2 and 4.3 each contract year. The City of Lucas may pay the amount in four quarterly installments or in fewer payments.

##### **4.2 Amount**

The amount of the City of Lucas’s annual payments is the amount necessary to fairly compensate—reimburse—the County for the cost of providing the services under this agreement for the contract year. *See* Gov’t Code, § 791.011(e). The County’s costs include the annual compensation of each dedicated patrol deputy (salary and benefits), the cost of a deputy’s equipment, and the cost of a patrol SUV (*e.g.*, Explorer) or patrol pickup (*e.g.*, F-150 Responder) with equipment, and each vehicle’s annual fuel and maintenance. The County’s costs will not include indirect costs. The County will document all reimbursable costs each contract year.

For calculating a dedicated patrol deputy’s annual compensation, the County’s fiscal year is from October 1 to September 30. But the Commissioners Court may adjust the compensation of county employees after January 1 each year. If so, the County will adjust the City of Lucas’s payment amount for the portion of the contract year to which the compensation adjustment applies.

The City of Lucas will reimburse the County for the full cost of a dedicated patrol vehicle that the Sheriff’s Office puts into service within the City in that contract year. If the Sheriff’s Office first puts the dedicated patrol vehicle in service at a time when the City of Lucas cannot adjust its budget and meet its obligation to pay for the vehicle in that contract year, then the City of Lucas may postpone paying for the vehicle to the City’s next budget year. The estimated costs of the deputies and vehicles, with maintenance and fuel, for fiscal year 2022 include:

Deputy Salaries and Benefits (two positions)	\$215,888
Vehicle Maintenance and Insurance (two patrol vehicles)	\$10,500
Total Estimated Costs for FY 22	\$226,388

**4.3 Pro Rata Adjustments.** The County will reduce the amount of the City of Lucas's annual payment for any time during the year in which the Sheriff's Office determines that it is unable to dedicate one of the agreed patrol deputies to work in the City of Lucas.

#### **4.4 Annual Procedure**

Each year, the County and the City of Lucas will confer about their expectations for the calculation of the City's payment amount in the upcoming contract year. The parties will confer in time for both parties to appropriately plan for their budget years. The County will share expected compensation, equipment, and vehicle costs. The City of Lucas, however, understands that the County will not know of any deputy compensation changes until after January 1 of each year.

**4.5 Maps.** The City of Lucas will reasonably provide the Sheriff's Office with accurate and current maps of its territorial limits and extraterritorial jurisdiction, if any.

**4.6 Cooperation.** The City of Lucas will make reasonable efforts to provide at least part-time office space and internet connection for the dedicated patrol deputies to write and submit reports and make phone calls as part of their work as peace officers.

### **5. Notice and Conference; Suspension of Services**

**5.1 Notice & Conference.** If a party believes that the other party has not met, or is not meeting, an obligation, the party will contact the other's liaison officer 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's liaison officer 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. The parties should assess a "reasonable time" under the relevant circumstances and with regard to the issue's nature.

**5.2 Suspension.** If the City of Lucas fails to make a payment as required within 30 days of the due date, the County may suspend service until it receives payment, or the County may terminate the agreement under section 6.

**5.3 Notice of Suspension.** If the County decides that it will suspend service to the City of Lucas for any reason, then the County will notify the City's liaison officer by telephone and in writing of the date the County will suspend service. The County will use reasonable efforts to provide advance notice of at least five calendar days.

### **6. Termination**

**6.1 Notice & Conference.** Before a party tries to terminate this agreement, the party must follow the notice-and-conference procedures in section 5.1.

**6.2 Termination.** A party may terminate this agreement by giving 90 days' written notice to the other party.

**6.3 Recoveries & Remedies.** The County will make a substantial investment in this agreement, particularly in hiring and training new deputies to provide dedicated patrol services and buying

patrol vehicles. The City of Lucas must reimburse the County for all patrol vehicles purchased for service under this agreement, regardless of when this agreement ends or is terminated.

If the agreement ends before the end of a contract year, then the City of Lucas must pay a prorated amount of reimbursement for deputy compensation for the portion during which the County provided services.

If the City of Lucas terminates the agreement, then the City of Lucas will make all payments due within 30 days of the termination.

If the County terminates the agreement in contract year 1, then the City of Lucas may pay the reimbursement amount for each patrol vehicle under the terms for repayment in in year 1, even if the parties do not otherwise perform under the agreement. In other words, if the County terminates in contract year 1, then the City of Lucas's rights to pay reimbursement on the terms of section 4 survive.

**6.4 Final Reports.** At this agreement's expiration or termination, the County will provide all reports that are outstanding under section 3.8 within 15 business days of the expiration or termination.

**7. Compliance with Laws.** Each party will comply with all federal, state, and local laws and regulations applicable to its conduct. A party's violation of law that affects the parties' relationship or rights under this agreement is a breach of this agreement as well.

**8. Limitation of Extraordinary Remedies.** While the parties are entitled to the benefit of their bargain, the parties are not liable to each other for damages in excess of the benefit of the bargain, whether identified as consequential, incidental, indirect, special, punitive, or exemplary damages or for damages that arise from special circumstances. A party will not sue for such damages. This provision does not affect either party's rights to remedies set out in this Agreement, including the rights in sections 3.8, 3.10, 3.11, 3.12, 4.2, 4.3, 6.3, 6.4, 7, 13, 14, 15, and 16, and the County's rights to reimbursement amounts for patrol vehicles and deputy compensation for all periods the County performed under this agreement.

**9. No Third-Party Beneficiaries.** The City of Lucas and the County do not intend to create or confer a benefit on any person or entity, who is not a party to this agreement. The parties do not intend to create a claim in favor of any person or entity, who is not a party to this agreement.

To the extent that a party uses insurance or similar coverage or assistance in performing under this agreement, then "the City of Lucas," "the City," and "the County" will be interpreted to include the insurance company or other relevant entity.

**10. Sheriff's Office's Liaison Officer.** The City of Lucas may contact a Captain or the Assistant Chief in Operations in the Sheriff's Office, 972.547.5100, as the County's liaison officer for purposes of discussing services or making requests under this agreement.

**11. The City of Lucas's Liaison Officer.** The County will confer with the City of Lucas's liaison officer—the City Manager of the City of Lucas—about this agreement.

12. **Other.** Each party represents and warrants that the person or persons signing this agreement have the requisite authority under Section 791.011(d)(1), Gov't Code. Each party paying for the performance of a governmental function or service must make those payments from current revenues available to it under Section 791.011(d)(3), Gov't Code. The parties are not forming a partnership or joint venture by signing this agreement, and the parties waive no form of immunity. *See* Gov't Code, § 791.006(c), (d). The parties will treat a photocopy of this agreement as an original for all purposes.

13. **Choice of Law and Venue.** Texas law will govern this agreement and the relationship between, and the claims and defenses of, the parties. *See* Gov't Code, § 791.012. Courts in Collin County will have exclusive jurisdiction.

14. **No Additional Waiver.** No waiver or waivers of any breach of default by either party of any term, condition, covenant, or liability under this agreement, or of performance by the other party of a duty under this agreement, will be construed to be a waiver of subsequent breaches or defaults of any kind, under any circumstances.

15. **Immunity not Waived.** The parties do not waive any form of immunity by signing this agreement. This agreement does not create any form of personal liability on the part of any official, officer, employee, or agent, who is an individual, of a party.

16. **Modification.** The parties will modify this agreement with a writing signed by each party's governing body under section 791.011(d), Gov't Code. A party will not try to enforce an ostensible modification that does not meet section 791.11(d), Gov't Code.

17. **Severability.** The agreement's provisions are severable, and if a court holds any word, phrase, clause, sentence, paragraph, section, or other part or its application to a person or circumstance to be invalid or unenforceable, the remainder of the agreement will not be affected.

18. **Assignment.** A party will not try to assign its rights or duties under this agreement to another person or entity without the other party's consent.

19. **Notices.** A party will send any notice required under this agreement by the U.S. Postal Service, Certified Mail to:

If to the City of Lucas:

City Manager  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002-7651  
972.912.1212  
[jclarke@lucastexas.us](mailto:jclarke@lucastexas.us)



If to Collin County:

Collin County Sheriff's Office  
Asst. Chief of Operations  
4300 Community Blvd.  
McKinney, Texas 75071  
[mseiman@co.collin.tx.us](mailto:mseiman@co.collin.tx.us)

With copy to:  
Collin County Purchasing Agent  
2300 Bloomdale Road, Ste. 3160  
McKinney, Texas 75071  
[shaves@co.collin.tx.us](mailto:shaves@co.collin.tx.us)



Below is the estimated Delta for the Lucas Deputy Sheriffs

*FY 2022 (Oct - Dec 2021)			*FY 2022 (Jan - Sep 2022)			FY 2021			FY 2022 DELTA
Salary	Benefits	Oct - Dec 2021 Total	Salary	Benefits	Jan - Sep 2022 Total	Longevity	Vehicle Maint	Vehicle Fuel	
\$ 17,366.66	\$ 7,044.39	\$ 24,411.05	\$ 54,884.90	\$ 21,621.92	\$ 76,506.82	\$ -	\$ 2,125.15	\$ 2,368.39	
\$ 20,239.99	\$ 7,548.66	\$ 27,788.65	\$ 63,965.67	\$ 23,215.60	\$ 87,181.27	\$ -	\$ 2,288.94	\$ 3,717.73	
		\$ 52,199.70			\$ 163,688.09	\$ -	\$ 4,414.09	\$ 6,086.12	\$ 226,388.00



# City of Lucas

## City Council Agenda Request

### January 5, 2023

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Consider adopting Ordinance 2023-01-00964 amending the City's Code of Ordinances, Chapter 8, Offenses and Nuisances, Article 8.02 Junked Vehicles.

#### **Background Information**

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The City Attorney has reviewed Chapter 8, Offenses and Nuisances, Article 8.02 Junked Vehicles of the City of Lucas Code of Ordinances for both compliance with state law and the ability to prosecute offenses. The City Attorney recommends the proposed changes outlined in the attached redline version of the ordinance.

The proposed changes included in the ordinance are:

- Definitions of junked vehicles
- Addition of language related to junked aircrafts and watercrafts
- Definition of allowable time for junked vehicles to remain on public or private property
- Designation of City Manager or his/her designee as the determiner of a nuisance violation related to a junked vehicle
- Enforcement process through the Municipal Court
- Process for giving notice of removal of the junked vehicle
- Statement of offense

#### **Attachments/Supporting Documentation**

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1. Redline Version of Proposed Changes to Chapter 8, Offenses and Nuisances, Article 8.02 Junked Vehicles
2. Ordinance 2023-01-00964 Amending Code of Ordinances Chapter 8, Offenses and Nuisances, Article 8.02 Junked Vehicles

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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Staff recommends approval of the proposed changes to Chapter 8, Offenses and Nuisances, Article 8.02 Junked Vehicles.

#### **Motion**

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I make a motion to adopt Ordinance 2023-01-00964 amending the City's Code of Ordinances, Chapter 8, Offenses and Nuisances, Article 8.02 Junked Vehicles.

ORDINANCE NO. 2023-01-00964 (DRAFT)

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8 TITLED "OFFENSES AND NUISANCES" BY AMENDING ARTICLE 8.02 TITLED "JUNKED VEHICLES" TO UPDATE REFERENCES TO ENFORCEMENT AUTHORITIES AND OTHER MINOR CHANGES; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the City of Lucas Code of Ordinances is amended by amending Chapter 8 titled "Offenses and Nuisances", by amending Article 8.02 titled "Junked Vehicles", to read as follows:

**Chapter 8. OFFENSES AND NUISANCES**

**ARTICLE 8.02. JUNKED VEHICLES**

**§ 8.02.001. Definitions.**

*Junked motor vehicle.* A vehicle that is subject to registration under the Texas Transportation Code Chapter 501, as amended and is self-propelled and:

- (1) Does not have lawfully attached to it:
  - (a) an unexpired/invalid license plate; or
  - (b) a valid motor vehicle inspection certificate; and
- (2) Is:
  - (a) Wrecked, dismantled, or partially dismantled, or discarded; or
  - (b) Inoperable and has remained inoperable for more than:
    - i. 72 consecutive hours, if the vehicle is on public property; or
    - ii. 30 consecutive days, if the vehicle is on private property.

*Junked aircraft.* An aircraft that is self-propelled and:

(1) Does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under the Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and

(2) Is:

a. Wrecked, dismantled, or partially dismantled, or discarded; or

b. Inoperable and has remained inoperable for more than:

i. 72 consecutive hours, if the vehicle is on public property; or

ii. 30 consecutive days, if the vehicle is on private property

Junked watercraft. A watercraft that is self-propelled and:

(1) Does not have lawfully on board an unexpired certificate number; and

(2) Is not a watercraft described by Section 31.055, Texas Parks and Wildlife Code; and

(3) Is:

(a) Wrecked, dismantled, or partially dismantled, or discarded; or

(b) Inoperable and has remained inoperable for more than:

i. 72 consecutive hours, if the vehicle is on public property; or

ii. 30 consecutive days, if the vehicle is on private property

#### **§8.02.002. Declaration of nuisance.**

- a) A junked motor vehicle, junked aircraft, or junked watercraft, including a any part thereof, that is located in a place where it is visible at any time of the year from a public place or public right-of-way is detrimental to the safety and welfare of the public, tends to reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, produces urban blight adverse to the maintenance and continuing development of the city, and is hereby declared a public nuisance.
- b) Junked motor vehicle, junked aircraft, or junked watercraft, including any part thereof, may be referred to collectively as “nuisance vehicles.”

#### **§8.02.003. Notice.**

- a) After a determination is made by the City Manager or his/her designee, or other appropriate city employee (each such person being a regularly salaried, full-time employee of the city) that a particular vehicle is a nuisance vehicle there shall be provided not less than ten (10) days' written notice of the nature of the nuisance, which notice must be personally delivered or mailed by certified mail with a five-day return requested to:
- (1) The last known registered owner of the nuisance **vehicle**;
  - (2) Each lienholder of record of the nuisance **vehicle**; and
  - (3) The owner or occupant of:
    - i. The property on which the nuisance vehicle is located; or
    - ii. If the nuisance vehicle is located on a public right-of-way, the property adjacent to the right-of-way.
- b) The notice must state that:
- (1) The nuisance **vehicle** must be abated and removed not later than the tenth (10th) day after the date on which the notice was personally delivered or mailed; and
  - (2) Any request for a hearing must be made before that ten-day (10) period expires.
- c) If the post office address of the last known registered owner of the nuisance **vehicle** is unknown, notice may be placed on the nuisance **vehicle** or, if the owner is located, personally delivered.
- d) If the notice is returned undelivered, action to abate the nuisance **vehicle** shall be continued to a date not earlier than the 11th day after the date of the return.

#### **§8.02.04. Hearing.**

- a) If a hearing is requested by a person to whom notice is required to be sent in accordance with section 8.02.003, the hearing shall be held not earlier than the eleventh (11th) day after the date of service of the notice.
- (1) A request for a hearing shall be made in writing to the city secretary.
  - (2) The city secretary shall set a date and time for the hearing before the city council and shall notify the requestor, and all persons entitled to notice under section 8.02.003, of the date and time for such hearing and the location of the hearing.

- (3) If the address of persons entitled to notice under section 8.02.003 is not available, such notice may be otherwise delivered or posted in accordance with section 8.02.003.
  - (4) The city council shall hear the matter at the location, date and time noticed, unless changed by agreement or necessity with notice to the requestor, and shall, based on the information presented by the city representative and the requestor (or any other person with a legal or equitable interest in the matter) at the hearing, make a determination of whether the vehicle or vehicle part is a junked motor vehicle, junked aircraft, or junked watercraft and public nuisance under this article.
  - (5) It is presumed that the junked motor vehicle, junked aircraft, or junked watercraft or any part thereof is inoperable unless demonstrated otherwise by the owner.
  - (6) If the city council so finds, it shall enter an order making such finding, ordering the owner of the nuisance vehicle or part thereof, or owner or occupant of the private premises where the nuisance vehicle or part thereof is located, as the case may be, to abate the public nuisance by removing or causing the removal of the same and directing that if such public nuisance is not abated within ten (10) days of the order that the City Manager or his/her designee, or other appropriate city employee, remove or cause to be removed the nuisance vehicle, or part thereof from the public or private property. The order shall be in writing and must include, if available at the location of the nuisance, the following:
    - i. Vehicle description;
    - ii. Vehicle identification number; and
    - iii. License plate number.
  - (7) A copy of the order shall be mailed by certified mail to all known persons entitled to notice under section 8.02.003, or otherwise provided or posted in accordance with section 8.02.003 if the address is unknown.
- b) As an alternative to the enforcement process described above, if a nuisance vehicle or part thereof is not removed and abated within the prescribed time period provided in the notice under §8.02.003, the municipal court judge of the city may hold a public hearing on the abatement and removal of the nuisance vehicle or part thereof. At the hearing, the municipal court judge shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, city personnel and interested persons relative to such alleged public nuisance. The hearing may be continued from time to time.
- (1) At the hearing, the junked motor vehicle, junked aircraft or junked watercraft is presumed, unless demonstrated otherwise by the owner, to be inoperable.
  - (2) Following the hearing, the municipal court judge shall consider all evidence and determine whether the junked motor vehicle, junked aircraft or junked watercraft or any part thereof, constitutes a public nuisance as alleged. If the municipal court judge



finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, and that the notice requirements provided in this Article have been met, the municipal court judge shall make a written order setting forth the judge's findings and ordering that the nuisance be abated.

- (3) If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include the vehicle's:
  - i. Vehicle Description;
  - ii. Vehicle identification number; and
  - iii. License plate number.
- (4) In addition, the order must state that the nuisance vehicle or part thereof will be disposed of in accordance with the Texas Transportation Code.
- (5) The relocation of a nuisance vehicle or part thereof to another location within the corporate limits of the city after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the nuisance vehicle or part thereof constitutes a public nuisance at the new location.

#### **§ 8.02.005. Entry onto premises for enforcement of article.**

Pursuant to section 683.074(e) of the Transportation Code, the City Manager or his/her authorized agent may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance in accordance with this article.

#### **§ 8.02.006. Removal of nuisance.**

- a) Removal of the nuisance shall be carried out, or caused to be carried out, by the City Manager or his/her authorized agent, in accordance with this article, and the orders issued hereunder.
- b) The City Manager or other authorized city official shall give notice to the Texas Department of Transportation, Texas Parks and Wildlife Department or the Federal Aviation Administration, as applicable, identifying the junked motor vehicle, junked aircraft or junked watercraft or ~~vehicle~~ part thereof not later than the fifth (5th) day after the date of removal.
- c) A junked motor vehicle, junked aircraft or junked watercraft or part thereof may not be reconstructed or made operable after it is removed.
- d) Nothing herein shall be construed to affect laws or regulations permitting the immediate removal of a motor vehicle or part left on public property which constitutes an obstruction to traffic or a danger to the traveling public.

**§ 8.02.007. Disposal.**

The City Manager, or his/her authorized agent(s), may dispose of or cause the disposal of the junked motor vehicle, junked aircraft, junked watercraft or any part thereof by removal to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a county or a municipality, or as otherwise provided by chapter 683, subchapter E of the Transportation Code, or amendments or recodifications thereof.

**§ 8.02.008. Offense.**

- a) A person commits an offense when he or she maintains a junked motor vehicle, junked aircraft, or junked watercraft, or any part thereof, in a manner declared a public nuisance. Such an offense is a misdemeanor punishable by a fine not to exceed \$200 in accordance with the Texas Transportation Code §683.073 (b).
- b) It is unlawful for a person to cause or permit a junked motor vehicle, junked aircraft, junked watercraft, of any part thereof to be placed or to remain on any public property or public right-of-way.
- c) A vehicle that remains in violation of this section for a period of more than 48 hours constitutes an abandoned motor vehicle and may be dealt with under processes defined by state law for removal of abandoned motor vehicles.
- d) It is unlawful for a person that owns or controls any real property to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on the property.
- e) It is unlawful for a person to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on real property without the permission of the owner of the property.
- f) In accordance with Section 683.073(c) of the Transportation Code the court shall order abatement and removal of the nuisance on conviction.

**§ 8.02.009. Exemptions.**

- a) This article shall not apply to a vehicle or vehicle part that is:
  - 1. Completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
  - 2. Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
    - i. Maintained in an orderly manner;

- ii. Not a health hazard; and
- iii. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

b) As used in this section, words and terms shall be defined as follows:

1. Antique vehicle. A passenger car or truck that is at least 25 years old.
2. Motor vehicle collector. A person who:
  - i. Owns one or more antique or special interest vehicles; and
  - ii. Acquires, collects, or disposes of an antique or special interest vehicle or vehicle parts for personal use to restore and preserve an antique or special interest vehicle for historic interest.
3. Special interest vehicle. A motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

**SECTION 2.** To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Lucas and which are not expressly amended by this Ordinance, the provision of this Ordinance shall remain be controlling.

**SECTION 3.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of the remaining portions of this Ordinance or the City of Lucas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Lucas, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

APPROVED:

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Jim Olk, Mayor  
ATTEST:

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Erin Day, City Secretary

APPROVED AS TO FORM:

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Joseph J. Gorfida, Jr., City Attorney  
(12-7-2022: TM 132711/132712)



**ORDINANCE # 2023-01-00964**

[Amending Code of Ordinances, Chapter 8, Article 8.02]

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8 TITLED "OFFENSES AND NUISANCES" BY AMENDING ARTICLE 8.02 TITLED "JUNKED VEHICLES" TO UPDATE REFERENCES TO ENFORCEMENT AUTHORITIES AND OTHER MINOR CHANGES; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** That the City of Lucas Code of Ordinances is amended by amending Chapter 8 titled "Offenses and Nuisances", by amending Article 8.02 titled "Junked Vehicles", to read as follows:

**Chapter 8. OFFENSES AND NUISANCES**

**ARTICLE 8.02. JUNKED VEHICLES**

**§ 8.02.001. Definitions.**

*Junked motor vehicle.* A vehicle that is subject to registration under the Texas Transportation Code Chapter 501, as amended and is self-propelled and:

- (1) Does not have lawfully attached to it:
  - (a) an unexpired/valid license plate; or
  - (b) a valid motor vehicle registration certificate; and
- (2) Is:
  - (a) Wrecked, dismantled, or partially dismantled, or discarded; or
  - (b) Inoperable and has remained inoperable for more than:
    - i. 72 consecutive hours, if the vehicle is on public property; or

- ii. 30 consecutive days, if the vehicle is on private property.

Junked aircraft. An aircraft that is self-propelled and:

(1) Does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under the Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and

(2) Is:

a. Wrecked, dismantled, or partially dismantled, or discarded; or

b. Inoperable and has remained inoperable for more than:

i. 72 consecutive hours, if the vehicle is on public property; or

ii. 30 consecutive days, if the vehicle is on private property

Junked watercraft. A watercraft that is self-propelled and:

(1) Does not have lawfully on board an unexpired certificate number; and

(2) Is not a watercraft described by Section 31.055, Texas Parks and Wildlife Code; and

(3) Is:

(a) Wrecked, dismantled, or partially dismantled, or discarded; or

(b) Inoperable and has remained inoperable for more than:

i. 72 consecutive hours, if the vehicle is on public property; or

ii. 30 consecutive days, if the vehicle is on private property

#### **§8.02.002. Declaration of nuisance.**

- a) A junked motor vehicle, junked aircraft, or junked watercraft, including a any part thereof, that is located in a place where it is visible at any time of the year from a public place or public right-of-way is detrimental to the safety and welfare of the public, tends to reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, produces urban blight adverse to the maintenance and continuing development of the city, and is hereby declared a public nuisance.

- b) Junked motor vehicle, junked aircraft, or junked watercraft, including any part thereof, may be referred to collectively as “nuisance vehicles.”

**§8.02.003. Notice.**

- a) After a determination is made by the City Manager or his/her designee, or other appropriate city employee (each such person being a regularly salaried, full-time employee of the city) that a particular vehicle is nuisance vehicle there shall be provided not less than ten (10) days’ written notice of the nature of the nuisance, which notice must be personally delivered or mailed by certified mail with a five-day return requested to:

- (1) The last known registered owner of the nuisance vehicle;

- (2) Each lienholder of record of the nuisance vehicle; and

- (3) The owner or occupant of:

- i. The property on which the nuisance vehicle is located; or

- ii. If the nuisance vehicle is located on a public right-of-way, the property adjacent to the right-of-way.

- b) The notice must state that:

- (1) The nuisance vehicle must be abated and removed not later than the tenth (10th) day after the date on which the notice was personally delivered or mailed; and

- (2) Any request for a hearing must be made before that ten-day (10) period expires.

- c) If the post office address of the last known registered owner of the nuisance vehicle is unknown, notice may be placed on the nuisance vehicle or, if the owner is located, personally delivered.

- d) If the notice is returned undelivered, action to abate the nuisance vehicle shall be continued to a date not earlier than the 11th day after the date of the return.

**§8.02.04. Hearing.**

- a) If a hearing is requested by a person to whom notice is required to be sent in accordance with section 8.02.003, the hearing shall be held not earlier than the eleventh (11th) day after the date of service of the notice.

- (1) A request for a hearing shall be made in writing to the city secretary.

- (2) The city secretary shall set a date and time for the hearing before the city council and shall notify the requestor, and all persons entitled to notice under section 8.02.003, of the date and time for such hearing and the location of the hearing.
  - (3) If the address of persons entitled to notice under section 8.02.003 is not available, such notice may be otherwise delivered or posted in accordance with section 8.02.003.
  - (4) The city council shall hear the matter at the location, date and time noticed, unless changed by agreement or necessity with notice to the requestor, and shall, based on the information presented by the city representative and the requestor (or any other person with a legal or equitable interest in the matter) at the hearing, make a determination of whether the vehicle or vehicle part is a junked motor vehicle, junked aircraft, or junked watercraft and public nuisance under this article.
  - (5) It is presumed that the junked motor vehicle, junked aircraft, or junked watercraft or any part thereof is inoperable unless demonstrated otherwise by the owner.
  - (6) If the city council so finds, it shall enter an order making such finding, ordering the owner of the nuisance vehicle or part thereof, or owner or occupant of the private premises where the nuisance vehicle or part thereof is located, as the case may be, to abate the public nuisance by removing or causing the removal of the same and directing that if such public nuisance is not abated within ten (10) days of the order that the City Manager or his/her designee, or other appropriate city employee, remove or cause to be removed the nuisance vehicle, or part thereof from the public or private property. The order shall be in writing and must include, if available at the location of the nuisance, the following:
    - i. Vehicle description;
    - ii. Vehicle identification number; and
    - iii. License plate number.
  - (7) A copy of the order shall be mailed by certified mail to all known persons entitled to notice under section 8.02.003, or otherwise provided or posted in accordance with section 8.02.003 if the address is unknown.
- b) As an alternative to the enforcement process described above, if a nuisance vehicle or part thereof is not removed and abated within the prescribed time period provided in the notice under §8.02.003, the municipal court judge of the city may hold a public hearing on the abatement and removal of the nuisance vehicle or part thereof. At the hearing, the municipal court judge shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, city personnel and interested persons relative to such alleged public nuisance. The hearing may be continued from time to time.
- (1) At the hearing, the junked motor vehicle, junked aircraft or junked watercraft is presumed, unless demonstrated otherwise by the owner, to be inoperable.



- (2) Following the hearing, the municipal court judge shall consider all evidence and determine whether the junked motor vehicle, junked aircraft or junked watercraft or any part thereof, constitutes a public nuisance as alleged. If the municipal court judge finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, and that the notice requirements provided in this Article have been met, the municipal court judge shall make a written order setting forth the judge's findings and ordering that the nuisance be abated.
- (3) If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include the vehicle's:
- i. Vehicle Description;
  - ii. Vehicle identification number; and
  - iii. License plate number.
- (4) In addition, the order must state that the nuisance vehicle or part thereof will be disposed of in accordance with the Texas Transportation Code.
- (5) The relocation of a nuisance vehicle or part thereof to another location within the corporate limits of the city after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the nuisance vehicle or part thereof constitutes a public nuisance at the new location.

#### **§ 8.02.005. Entry onto premises for enforcement of article.**

Pursuant to section 683.074(e) of the Transportation Code, the City Manager or his/her authorized agent may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance in accordance with this article.

#### **§ 8.02.006. Removal of nuisance.**

- a) Removal of the nuisance shall be carried out, or caused to be carried out, by the City Manager or his/her authorized agent, in accordance with this article, and the orders issued hereunder.
- b) The City Manager or other authorized city official shall give notice to the Texas Department of Transportation, Texas Parks and Wildlife Department or the Federal Aviation Administration, as applicable, identifying the junked motor vehicle, junked aircraft or junked watercraft or vehicle part thereof not later than the fifth (5th) day after the date of removal.
- c) A junked motor vehicle, junked aircraft or junked watercraft or part thereof may not be reconstructed or made operable after it is removed.

- d) Nothing herein shall be construed to affect laws or regulations permitting the immediate removal of a motor vehicle or part left on public property which constitutes an obstruction to traffic or a danger to the traveling public.

**§ 8.02.007. Disposal.**

The City Manager, or his/her authorized agent(s), may dispose of or cause the disposal of the junked motor vehicle, junked aircraft, junked watercraft or any part thereof by removal to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a county or a municipality, or as otherwise provided by chapter 683, subchapter E of the Transportation Code, or amendments or recodifications thereof.

**§ 8.02.008. Offense.**

- a) A person commits an offense when he or she maintains a junked motor vehicle, junked aircraft, or junked watercraft, or any part thereof, in a manner declared a public nuisance. Such an offense is a misdemeanor punishable by a fine not to exceed \$200 in accordance with the Texas Transportation Code §683.073 (b).
- b) It is unlawful for a person to cause or permit a junked motor vehicle, junked aircraft, junked watercraft, or any part thereof to be placed or to remain on any public property or public right-of-way.
- c) A vehicle that remains in violation of this section for a period of more than 48 hours constitutes an abandoned motor vehicle and may be dealt with under processes defined by state law for removal of abandoned motor vehicles.
- d) It is unlawful for a person that owns or controls any real property to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on the property.
- e) It is unlawful for a person to maintain, allow, cause or permit a nuisance vehicle to be placed or to remain on real property without the permission of the owner of the property.
- f) In accordance with Section 683.073(c) of the Transportation Code the court shall order abatement and removal of the nuisance on conviction.

**§ 8.02.009. Exemptions.**

- a) This article shall not apply to a vehicle or vehicle part that is:
  1. Completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
  2. Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special

interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

- i. Maintained in an orderly manner;
- ii. Not a health hazard; and
- iii. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

b) As used in this section, words and terms shall be defined as follows:

1. *Antique vehicle*. A passenger car or truck that is at least 25 years old.
2. *Motor vehicle collector*. A person who:
  - i. Owns one or more antique or special interest vehicles; and
  - ii. Acquires, collects, or disposes of an antique or special interest vehicle or vehicle parts for personal use to restore and preserve an antique or special interest vehicle for historic interest.
3. *Special interest vehicle*. A motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

**SECTION 2.** To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Lucas and which are not expressly amended by this Ordinance, the provision of this Ordinance shall remain be controlling.

**SECTION 3.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of the remaining portions of this Ordinance or the City of Lucas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Lucas, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 5th DAY OF JANUARY, 2023.**

APPROVED:

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Jim Olk, Mayor

APPROVED AS TO FORM:

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Joseph J. Gorfida, Jr., City Attorney  
(12-7-2022: TM 132712/132930)

ATTEST:

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Erin Day, City Secretary



# City of Lucas Council Agenda Request January 5, 2023

Requester: Mayor Jim Olk  
Public Works Director Scott Holden, PE

## **Agenda Item Request**

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Discuss the West Lucas Road Reconstruction Project regarding the impacts of the alternative design and provide direction to the City Manager.

## **Background Information**

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The City of Lucas obtained the services of BCC Engineering, LLC for the West Lucas Road Reconstruction Project to transform the West Lucas Road (from Angel Parkway to Country Club Road) into a four-lane divided roadway. The City evaluated the use of a drainage easement on the south side and it was determined that access to this drainage easement is challenging. The functionality of the drainage system associated with this project is a priority.

During the City Council meeting on May 19, 2022, Christopher Meszler with BCC Engineering, LLC discussed alternative designs for drainage on the West Lucas Road Reconstruction Project with the City Council. Changes to the plan included moving drainage from the Walmart detention pond to the open channels on the north and south sides of West Lucas Road. The City Council discussed various design alternatives for moving drainage to the north side of West Lucas Road including what that would entail, and funds needed for each proposed alternative.

On July 28, 2022, the City Council held a special meeting to consider alternative designs and drainage options for the West Lucas Road Reconstruction Project. The City Council approved Alternative 2A with a gabion basket retaining wall on the south side of West Lucas Road. This alternative design consisted of constructing gabion walls between the southern right-of-way (ROW) and the existing drainage easement on the south side. However, legal counsel has reviewed the drainage easement language and determined that the City of Lucas does not have the authority to construct or modify within the drainage easement.

This issue presents a challenge where the West Lucas Road Reconstruction Project will need to be relocated toward the north ROW. Since drainage from Walmart will not be permitted in southern drainage easement, a concrete drainage channel will need to be constructed parallel to West Lucas Road on the northside.

The relocation and addition of the concrete drainage channel will impact multiple Lucas residents along the northern side of West Lucas Road from Walmart to Muddy Creek since it will place the roadway and drainage structures closer to their property. If the concrete drainage channel is shifted further north of West Lucas Road, this would also result in shifting the affected driveways north impacting residential properties.



# City of Lucas Council Agenda Request January 5, 2023

Item No. 07

The existing drainage channel along the southern side of West Lucas Road would need to remain in place from Angel Parkway to Muddy Creek for continued drainage. The West Lucas Road Reconstruction Project requires a proposed ROW and easement width of 120 feet. The City’s current ROW from the north to the south of West Lucas Road is 82 feet. Collin County requires a total of 120 feet; however, the remaining feet can be obtained by acquiring easements on the northern side of West Lucas Road.

In addition, the proposed 14-foot median would need to be reduced to 4 feet in order to accommodate the existing southern drainage channel and proposed northern concrete drainage channel. This reduction in the median width would be necessary to construct a four-lane divided roadway with drainage structures and remain within the required 120-foot ROW and easement width.

Due to the project challenges and possible impact to residential properties, staff is seeking direction from the City Council on how to proceed with moving forward with the West Lucas Road Reconstruction Project.

### **Attachments/Supporting Documentation**

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1. West Lucas Road Project Fiscal Summary

### **Budget/Financial Impact**

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The cost has not yet been determined for the alternative design to construct a concrete drainage channel along the northern side of West Lucas Road from Walmart to Muddy Creek.

In June 2019, the City of Lucas received an Engineer’s Opinion of Construction Cost for the West Lucas Road Reconstruction Project from Birkhoff, Hendricks & Carter, LLP in the amount of \$12,550,000. In December 2020, the City of Lucas entered into an Interlocal Agreement with Collin County to obtain funding in the amount of \$8,365,180 from Collin County and with the City of Lucas providing \$4,184,820 in funding.

In February 2021, the City entered into a professional services agreement with BCC Engineering, LLC for the following services:

Roadway, Drainage, Environmental, Signing/Marking, Survey, Subsurface Investigation, Utility Coordination, Geotech, Post-Design	\$1,383,490
Construction Inspection Services	\$143,590
Project Management Services	\$430,770
Total	\$1,957,850



# City of Lucas Council Agenda Request January 5, 2023

Item No. 07

In April 2022, BCC Engineering, LCC updated the total estimated project cost, which was increased to \$13,907,701, resulting in a shortfall of \$1,356,701.

	BHC	BCC (4/11/22)	Difference
Construction	10,503,000	10,932,851	(429,851)
Professional Services	852,470	1,383,490	(531,020)
Land Acquisition	826,000	826,000	0
Quality Control/Materials Testing	210,060	190,000	20,060
Construction Inspection	157,545	143,590	13,955
Project Management	0	430,770	(430,770)
<b>TOTAL</b>	<b>12,550,000*</b>	<b>13,906,701</b>	<b>(1,356,701)</b>

\*Actual total is \$12,549,075 (rounded to \$12,550,000)

Note: It is important to recognize that these cost figures are an opinion of probable costs and may vary from actual costs. The actual cost of the project will be determined when bids are received for the project.

The City Council may choose to earmark the remaining 2019 Certificate of Obligation General Fund balance of \$1,793,193 for the West Lucas Road Reconstruction Project to cover the anticipated shortfall.

As of December 30, 2022, the City has made the following payments for engineering consulting work from the Capital Improvements account 21-8210-491-136 which had a balance of \$4,184,820:

BCC Engineering, LLC	\$1,383,490
Surveying and Mapping, LLC	\$107,560
<b>Total Payments</b>	<b>\$1,491,050</b>

### **Recommendations**

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NA

### **Motion**

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There is no motion required for this item.

**City of Lucas**  
**Capital Project - West Lucas Rd Project (21-8210-491-136)**

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BCC Engineering, LLC	\$ 1,957,850.00
Remaining Budget	
Other	\$ 2,226,970.00
Total Approved Budget Amount	<u>\$ 4,184,820.00</u>

City Match 4-2-20 CC approved funding from 2019 CO

**Payments:**

	<u>FY 20-21</u>	<u>FY 21-22</u>	<u>TOTAL</u>
BCC Engineering, LLC (3-4-21) Total \$1,957,850	\$ -	\$ -	\$ 1,383,490.00
Construction			
Surveying and Mapping LLC (4-15-21) Total \$105,380	\$ 65,600.00	\$ 41,960.00	\$ 107,560.00
Total Payments	\$ 789,256.28	\$ 701,793.72	\$ 1,491,050.00

**Encumbered:**

Outstanding Design Costs (BCC)	\$ 574,360.00
Surveying and Mapping LLC (PO 21-1099)	\$ -
Surveying and Mapping LLC (PO 22-01304)	\$ 1,530.00
Total Outstanding Encumbered	<u>\$ 575,890.00</u>

Total Budget	\$ 4,184,820.00
Minus Payments	\$ (1,491,050.00)
Minus Encumbered Balance	\$ (575,890.00)
Remaining	<u>\$ 2,117,880.00</u>

Note: Funding received from Collin County on 4-22-21 \$ 4,182,590.00

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# City of Lucas

## City Council Agenda Request

### January 5, 2023

Requesters: Councilmember Debbie Fisher

#### Agenda Item Request

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Discuss the location requirements related to the installation of utility structures on public right-of-way or easements and provide direction to the City Manager.

#### Background Information

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On December 27, 2022, the City responded onsite to a contractor with Grayson Collin Electric Cooperative (GCEC) who was installing electrical poles on the south side of Christian Lane. The contractor installed a pole approximately 2.5 feet from the edge of pavement. The pole appeared to be very close to the edge of the road which is a safety concern for drivers. Staff met onsite with GCEC who agreed to relocate the pole an additional three feet from its existing location. This will put the electrical pole approximately five to six feet from the edge of pavement.

Franchise utilities within the City of Lucas are permitted by State law to use public right-of-way and existing easements or to purchase new easements to construct, operate and maintain their utility systems. The City reserves certain rights to regulate the operation of franchise utilities, but these rights are limited under State law and must also conform to both the City of Lucas Code of Ordinances and the terms of each franchise utility agreement.

In new developments in Lucas, clear zones are functionally achieved by requiring the placement of utilities in an easement located beyond the right-of-way line. These are the areas along roadways that need to be clear of obstruction, so they are not struck by a vehicle. This effectively sets utility structures back several feet from the edge of pavement. The City currently does not have specific feet requirements to be set back from the edge of pavement.

As related to this agenda item for City Council to discuss, staff has attached the City's Code of Ordinances 3.01.008 Construction in Easement and 8.01.008 Obstructions in Right-of-Way.

#### Attachments/Supporting Documentation

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1. City of Lucas Code of Ordinance 3.01.008 Construction in Easement
2. City of Lucas Code of Ordinance 8.01.008 Obstructions in Right-of-Way
3. Christian Lane Utility Pole Site Images
4. Right-of-Way Utility Work Permit submitted by Grayson Collin Electric Cooperative approved on December 9, 2022
5. Right-of-Way Utility Work Permit submitted by Grayson Collin Electric Cooperative approved on October 13, 2022



**City of Lucas**  
**City Council Agenda Request**  
**January 5, 2023**

**Budget/Financial Impact**

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N/A

**Recommendation**

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Staff recommends establishing requirements for structures that are not designed as a breakaway (i.e., signs, mailboxes, fire hydrants, etc.) within the right-of-way to be located at a minimum of five feet from the edge of the pavement.

**Motion**

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There is no motion required.

**§ 3.01.008. Construction in easement.**

- (a) Regardless of materials or manner of construction, or unique characteristics of land, it shall be unlawful for any person, firm or corporation to do, or cause or permit to be done, the installation, revision, or relocation of any construction improvement where any part of such improvement is to be located in a public easement for street, drainage or utilities, except as such improvement may be specifically provided for the city ordinances.
- (b) The term “improvement” includes, but is not limited to, concrete or asphalt paving, swimming pools, fences, retaining walls, temporary or permanent buildings, earth fill or excavation, and landscaping. “Improvement” shall not include public or private mailboxes or poles and boxes necessary for public utility services.
- (c) Improvements in city street easements may be allowed by specific approval of the city council, subject to the property owner indemnifying the city against claims for repair or damages that might occur because of the improvements.
- (d) Improvements in any other public easement may be allowed by specific approval of the city engineer, based on criteria which consider any adverse effect on the municipal use or purpose of the easement, and subject to indemnification by the property owner as described above.

(1995 Code, sec. 3-8)

**§ 8.01.001. Obstructions in right-of-way.**

- (a) Duty of abutting property owners.It shall be unlawful and constitute an offense of a public nuisance for any person, firm, partnership, association, or corporation who shall own or occupy any lot or premises to suffer or permit weeds, grass or uncultivated plants other than trees and shrubs to grow to a greater height than twelve ( 12) inches on that portion of right-of-way which abuts such lot from the edge of the pavement to the property line. Except, however, rights-of-way meeting any of the following definitions shall not be the responsibility of the abutting owner or occupants:
- (1) Ditches with a slope greater than 3 to 1 as determined by the city manager or designee;
  - (2) Rights-of-way which governmental entities other than the city have a contractual obligation to maintain;
  - (3) Major arterial streets as determined by the city manager or designee;
  - (4) Street medians;
  - (5) Property owned in fee by the city.
- (b) Order to remove; removal by city.In addition to any other penalties provided in this code, upon a finding by the municipal court that any person, individual, corporation, firm or other property owner has violated a provision of subsection (a) of this section, said person, in lieu of a fine, may be ordered to remove the obstruction as specified in the foregoing subsection. In addition, the city may, at its option, give notice to a landowner in violation of this section that, if the obstructions are not removed within ten (10) days after the date the notice is served upon the landowner, the city will remove the obstructions at its cost and expense and such cost and expense will be levied against said landowner, for which a lien may be attached in accordance with statutes of the state.

(1995 Code, secs. 13-6, 13-7; Ordinance 2022-08-00957 adopted 9/1/2022)



# Christian Lane Utility Pole Site Images

Image Date 12/27/2022

## Utility Pole on South Side of Christian Viewed from Length of Road



Image Description: Utility pole viewed in its present location. The pole will be relocated to immediately behind the existing wire fence.



# Christian Lane Utility Pole Site Images

Image Date 12/27/2022

## Utility Pole on South Side of Christian Being Lifted Into Place



Image Description: Utility pole viewed as crane lifted it into place. Note the location of the City of Lucas water valve and the orange telecommunication flag and paint visible on the left of the image. The pole will be relocated to immediately behind the existing wire fence.



48 hours prior to starting work, notify Public Works Supervisor Jeremy Bogle at 469-628-8586 for water and sewer line locates.

City of Lucas Right-Of-Way Utility Work Permit  
Public Works & Engineering Department  
665 Country Club Road  
Lucas, Texas 75002-7651

APPLICANT INFORMATION

Owner of Facilities: Grayson Collin Elect.

Owner Address: 14568 FM 121  
Van Alstyne, TX 75495

Owner Email: m.jones@grec.net Telephone: 903.482.7147

Owner Representative Name (Print): Mary Jones

Signature: [Signature] Date: \_\_\_\_\_

Contractor Name: Techline Construction

Contractor Address: 519 Martin Duke Rd  
Van Alstyne, TX 75495

Contractor Email: emily.rushing@techlineconstruction.com Telephone: 972.415.3020

Field Contact Name: Byron Rushing

Field Contact Email: byron.rushing@techlineconstruction.com Telephone: 972.658.6377

Contractor Representative Name (Print): Emily Condiff

Signature: [Signature] Date: 12/8/22

PERMIT INFORMATION

1) Attach a sketch which illustrates the affected area and include dimensions, depths, profiles, plans, etc.

2) Location - provide the cross street, address, or specific location of this work.  
Christian & Winninghoff go E on Christian/10 mi

3) Utility Type (Electrical/Gas/Telecommunications/Other/NA): \_\_\_\_\_

4) Start Date: 12/12/22 Completion Date: 12/12/22

5) Purpose - briefly explain the need for this work.  
Setting poles & anchors, area is marked with stakes & white ribbons.



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Public Works & Engineering Department  
665 Country Club Road  
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## PERMIT CONDITIONS

**Submittal and Approval Period** – Unless waived by the Public Works Director, the applicant must submit a permit fifteen (15) days before beginning work. The contractor must request markings at least 48 hours (on business days) before beginning work. Markings are valid for 14 days (Texas Administrative Code, Chapter 18).

**Notification to Residents** – If work will last for more than 7 days, the contractor must provide a three-foot by three-foot (3' x 3') sign stating the identity of the person doing the work, a contact phone number and the owner's identity. This sign must be in place at least 48 hours before starting work and the sign must stay in place throughout the entire project. The sign must be placed in a clearly visible location 100 feet ahead of the work zone or as close as possible to this distance.

**Specific and Contiguous Permit Area** – The area covered under a single permit must be in the specified area shown on the provided drawings and only in one area. If work is planned in disconnected or widespread areas, individual permits are required for each segment. If work must be performed outside of the original project area due to unforeseeable circumstances, the contractor must notify the city immediately and file a supplemental permit showing the new permit area within 24 hours.

**Contractor and Contact Performing Work** – The contractor listed on this permit must be the actual contractor performing work on the site and the Field Contact listed must actually be available to respond in the field during work. Any contractor or subcontractor not listed on this permit or failing to meet all conditions of this permit shall not perform work and will be instructed to stop work immediately if discovered.

**Insurance** – A Certificate of Insurance shall accompany this application naming the City of Lucas as an additional insured/certificate holder.

**Other Agency Approval** – It is the responsibility of the contractor to ensure that any other approvals required for this project are obtained and kept valid. Where the city has knowledge of a requirement from another agency specific to a project, the city may request the submittal of this documentation before issuing a permit (such as a TxDOT permit); however, the issuance of a city ROW permit does not replace or waive the requirements of any other entity in relation to this or any other project.

**Utility Notice** – The applicant is responsible for notifying utility companies ([www.texas811.org](http://www.texas811.org) and (800) 344-8377) of the intent to work. This notification will give utility companies a chance to mark their underground utilities near the work area. Contact [engineer@lucastexas.us](mailto:engineer@lucastexas.us) for City water and sewer line locates.

**Permit in Possession at All Times** – Any crew working on this project must have the approved copy of this permit and the approved plans for this permit in their possession at all times and made available upon the request of city staff. Failure to present a valid permit if requested by city staff will result in an immediate stop work order.

**Work Zone Safety** – The applicant shall comply with all applicable federal, state and local health and safety regulations, as well as industry best practices, including but not limited to traffic control, trenching and excavation safety, and personal protective equipment.

**Orderliness and Professionalism** – All contractors are expected to maintain a clean and orderly work area as well as to conduct themselves in a workmanlike manner at all times and in all locations in the City of Lucas. Any generally offensive, unprofessional or disorderly conduct or site condition will be grounds for work stoppage. This includes but is not limited to trash, tree limbs, construction debris, and soil track-out onto roadways. Any cleanup activities undertaken by the city resulting from such conduct or conditions will be billed to the contractor or the contractors' insurance.





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City of Lucas Right-Of-Way Utility Work Permit  
Public Works & Engineering Department  
665 Country Club Road  
Lucas, Texas 75002-7651

**Notification of Damages** – The contractor shall immediately notify the city and any affected facility or property owners of damage or suspected damage to property. Failure to notify owners of damage to utilities may create a significant danger to public safety.

**Work Area Repairs** – The applicant is responsible for repairing any excavated surface to its original condition or better. Damages to any facilities found to be the fault of the contractor shall be repaired by a licensed professional at the contractor’s expense. These repairs shall be made according to the construction methods found in the City of Lucas Public Works Standards unless amended by conditions below. Any repair activities undertaken by the city as a result of the failure of a contractor to complete repairs in a timely manner will be billed to the contractor or the contractors’ insurance.

**Permit Expiration** – This permit will expire upon the Completion Date provided in this permit or if work does not commence within or is ceased for a period of 90 days. If the contractor wishes to extend their permit, they must notify the city as soon as possible to request an extension.

**Record Drawings** – Contractors must provide record drawings to the city showing all completed work within ninety (90) days of the completion of the projects.

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The contractor must email [engineer@lucastexas.us](mailto:engineer@lucastexas.us) **AT LEAST 48 BUSINESS HOURS** before beginning work for City of Lucas water and sewer line locates. Attach your approved permit to your locate request. Other utilities must be called separately. Review Permit Conditions for more information.

Call 972-912-1209 to reach Engineering staff during business hours.

City Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Scott Holden, P.E., Public Works Director  Approved  Denied  Date 12/9/22

Permit Number: UTIL-2022-048

TxDOT Permit Required – No  Yes  NTMWD Permit Required – No  Yes

Email this permit request to [engineer@lucastexas.us](mailto:engineer@lucastexas.us)

## Rushing, Emily

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**From:** texas811locates@texas811.org  
**Sent:** Monday, December 5, 2022 4:52 PM  
**To:** Rushing, Emily  
**Subject:** Locate Message

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To update or view a map of the dig location click [here](#) to go to the Texas811 Portal Site.

### Texas811 Locate Request

Ticket Number:	2283988534	Old Ticket:	
Source:	Portal Ticket	Hours Notice:	48
Type:	Normal	Taken Date:	12/5/2022 4:51:28 PM
Seq Num:	4		

### Company Information

Excavator:	TECHLINE CONSTRUCTION	Type:	Excavator
Address:	519 MARTIN DUKE RD	Contact:	BYRON RUSHING
City, St, Zip:	VAN ALSTYNE, TX 75495	Contact Phone:	(972) 658-5377
Phone:	(972) 658-5377	Caller:	Emily Condifff
Fax:		Caller Phone:	(972) 415-3020
Callback:			
Caller Email:	EMILY.RUSHING@TECHLINECONSTRUCTION.COM		
Contact Email:	EMILY.RUSHING@TECHLINECONSTRUCTION.COM		

### Work Information

State:	TX	Work Date:	12/7/2022 5:00:00 PM
County:	COLLIN	Work Zip Code:	75002
City:	ALLEN		
Work Done For:	G C E C	Duration:	8 Hr's
Address:	Christian Ln	Deeper Than 16in:	Yes
Intersection:	Winningkoff Rd	Explosives:	No
Nature of Work:	Changing one pole and adding 3 poles	White Lined:	Yes
Map Book:		Excavation Depth:	8 ft
Excavation Length:		Directional Boring:	No
Equipment Type:	Auger		

### Excavator Supplied GPS

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## Driving Directions to Work Site

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From intersection go east on Christian Lane for .1 Mi.

## Work Site Locate Instructions

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Locate pole with white ribbon on south side 3' from road continue east locate 3 stakes with white ribbon for 275' then locate stake on north side 20' from road 20' radius

## Additional Information

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## Interactive Ticket Link

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<https://portal.texas811.org/#/ticket/2283988534>

## Excavator Requested Positive Response Method

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## Members

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<u>Code</u>	<u>Name</u>
GRC	Grayson-collin Electric Cooperative Inc.
TXN1	At&t
UFTRTX01	Frontier Communications Inc

Please be advised that water, slurry, sewage, service lines and privately owned facilities in the area of the proposed excavation may not be located even after contacting the 811 Center. If your facility is not listed or marked by the utility company you will need to contact the company directly or get private locates by an authorized party.

## Work Location Bounding Box

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Latitude:	33.094365	Longitude:	-96.566984
Second Latitude:	33.09494	Second Longitude:	-96.565498

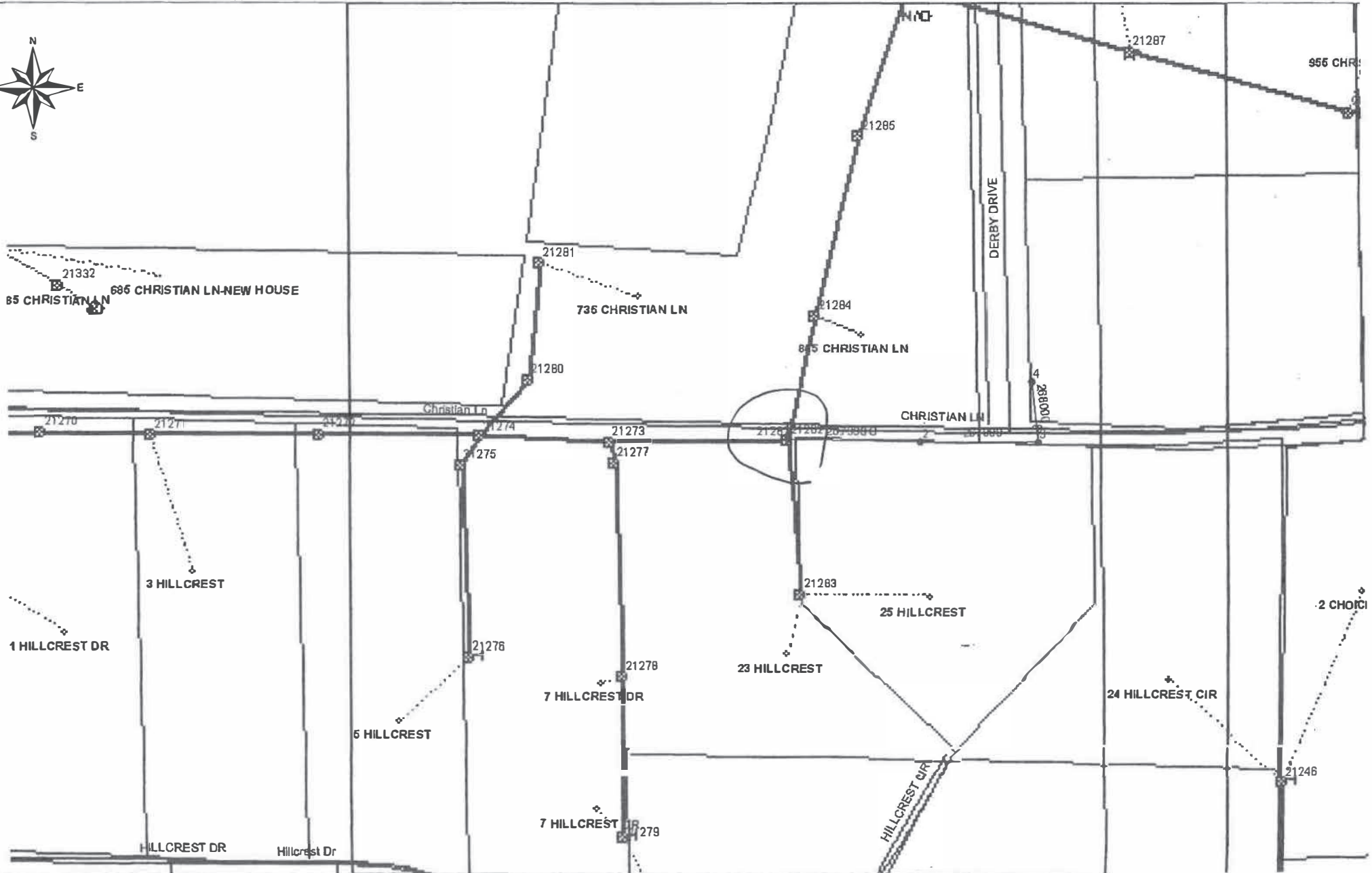
---

In the future you can submit your tickets quick and easy online at the [Texas811 Portal Site](#).

### Call 811 to report all damages.

Under Railroad Commission Damage Prevention rules, Texas Administrative Code, Chapter 18, Title 16, Part 1, Rule 18.1, this locate request expires after 14 working days. Call 911 to report any pipeline excavation damage resulting in release of product. Submit electronic Pipeline Damage Report to TX RRC within 30-days.

Please visit <https://www.texas811.org/additional-resources> for more information about Texas one-call laws.





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Public Works & Engineering Department  
665 Country Club Road  
Lucas, Texas 75002-7651

APPLICANT INFORMATION

Owner of Facilities: Grayson Collin Electric Cooperative

Owner Address: 14568 FM 121  
Van Alstyne, TX 75495

Owner Email: wmcginnis@grec.net Telephone: 903.821.5623

Owner Representative Name (Print): Will McGinnis

Signature: Will McGinnis Date: 10.11.2022

Contractor Name: Vaquero

Contractor Address: 404 N 8th  
Gunter, TX 75058

Contractor Email: jpuentes@vaquerounderground.com Telephone: 972-740-5207

Field Contact Name: Jose Puentes

Field Contact Email: jpuentes@vaquerounderground.com Telephone: 972-740-5207

Contractor Representative Name (Print): Jose Puentes

Signature: \_\_\_\_\_ Date: 10.11.2022

PERMIT INFORMATION

- 1) Attach a sketch which illustrates the affected area and include dimensions, depths, profiles, plans, etc.
- 2) Location – provide the cross street, address, or specific location of this work.  
Vaquero Way, Derby Drive, Christian Ln, WinningKoff
- 3) Utility Type (Electrical/Gas/Telecommunications/Other/NA): Electrical
- 4) Start Date: 10/24 Completion Date: One Week
- 5) Purpose – briefly explain the need for this work.  
We are supplying power to Barrett Lake Estates  
Subdivision



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**Call 972-912-1209 to reach Engineering staff during business hours.**

City Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Scott Holden, P.E., Public Works Director  Approved  Denied  Date 10-13-22

Permit Number: \_\_\_\_\_

TxDOT Permit Required – No  Yes  NTMWD Permit Required – No  Yes

Email this permit request to [engineer@lucastexas.us](mailto:engineer@lucastexas.us)

KOFF-BARN

### Barratt Lake Estates 13 LOTS (156 KW)

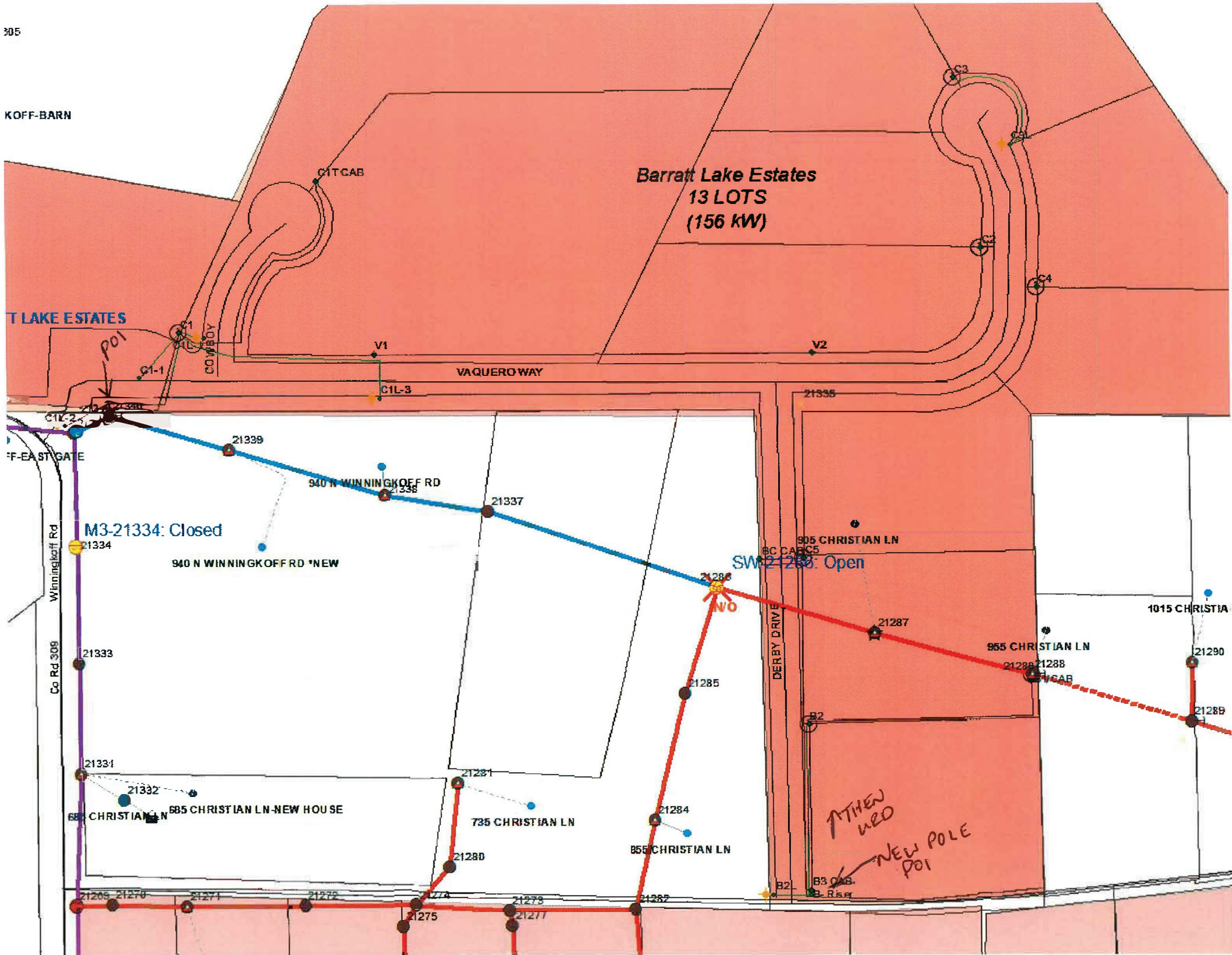
T LAKE ESTATES

W-EST GATE

M3-21334: Closed

SW 21288: Open

*ATTEN  
WED  
NEW POLE  
POI*







# City of Lucas

## City Council Agenda Request

### January 5, 2023

Requesters: Mayor Jim Olk  
Mayor Pro Tem Kathleen Peele  
Councilmember Debbie Fisher  
Councilmember Tim Baney  
Councilmember David Keer  
Councilmember Tim Johnson  
Councilmember Philip Lawrence  
City Attorney Joe Gorfida  
City Manager Joni Clarke

#### **Agenda Item Request**

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Consider the 88<sup>th</sup> Legislative Session and discuss any proposed bill or significant resolution that may have an impact on the City of Lucas and provide guidance to the City Attorney and City Manager.

#### **Background Information**

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The 88th Legislature's regular session runs from January 10 to May 29, 2023. Last session, lawmakers in the Texas House and Senate filed nearly 7,000 bills and passed just over 1,000 of them with the Governor vetoing 21 of them.

#### **Attachments/Supporting Documentation**

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1. The Texas Municipal League Legislative Program (2023-2024)

#### **Budget/Financial Impact**

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N/A

#### **Recommendation**

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N/A

#### **Motion**

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N/A

## THE TEXAS MUNICIPAL LEAGUE LEGISLATIVE PROGRAM (2023 – 2024)

### **Introduction**

City officials across the state are well aware of the fact that many significant decisions affecting Texas cities are made by the Texas Legislature, not by municipal officials.

During the 2021 session, nearly 7,000 bills or significant resolutions were introduced; more than 2,000 of them would have affected Texas cities in some substantial way. In the end, over 1,000 bills or resolutions passed and were signed into law; more than 240 of them impacted cities in some way.

The number of city related bills as a percentage of total bills filed rises every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2021, that percentage had increased to 31 percent. In other words, a quarter of the legislature's work is directed at cities, and much of that work aims to limit municipal authority.

There is no reason to believe that the workload of the 2023 session will be any lighter; it will probably be greater. And for better or worse, city officials will have to live with all the laws that may be approved by the legislature. Thus, the League must make every effort to assure that detrimental bills are defeated and beneficial bills are passed.

The TML approach to the 2023 session is guided by principles that spring from a deeply rooted TML legislative philosophy:

- The League will vigorously oppose any legislation that would erode the authority of Texas cities to govern their own local affairs.
- Cities represent the level of government closest to the people. They bear primary responsibility for provision of capital infrastructure and for ensuring our citizens' health and safety. Thus, cities must be assured of a predictable and sufficient level of revenue and must resist efforts to diminish their revenue.
- The League will oppose the imposition of any state mandates that do not provide for a commensurate level of compensation.

In setting the TML program, the Board recognizes that there is a practical limit to what the League can accomplish during the legislative session. Because the League (like all associations) has finite resources and because vast amounts of those resources are necessarily expended in defeating bad legislation, the Board recognizes that the League must very carefully select the bills for which it will attempt to find sponsors and seek passage.

Each initiative is subjected to several tests:

- Does the initiative have wide applicability to a broad range of cities of various sizes (both large and small) and in various parts of the state?
- Does the initiative address a central municipal value, or is it only indirectly related to municipal government?
- Is this initiative, when compared to others, important enough to be part of TML's list of priorities?
- Will the initiative be vigorously opposed by strong interest groups and, if so, will member cities commit to contributing the time and effort necessary to overcome that opposition?
- Is this initiative one that city officials, more than any other group, should and do care about?

The Board places each legislative issue into one of four categories of effort. Those four categories are:

- **Seek Introduction and Passage** – the League will attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as “TML Priority bills.”
- **Support** – the League will attempt to obtain passage of the initiative if it is introduced by some other entity.
- **Oppose** – the League will actively and vigorously attempt to defeat the initiative because it is detrimental to member cities.
- **No Position** – the League will take no action.

### **Our Highest Priority: Oppose Bad Bills**

The Board determined that TML's highest priority goal is the defeat of legislation deemed detrimental to cities. As a practical matter, adoption of this position means that the beneficial bills will be sacrificed, as necessary, in order to kill detrimental bills.

### **The TML Priority Package**

The TML Priority Package includes the following items in no particular order:

1. Defeat any legislation that would erode municipal authority in any way, impose an unfunded mandate, or otherwise be detrimental to cities, especially legislation that would:
  - a. provide for state preemption of municipal authority in general.
  - b. impose further revenue and/or tax caps of any type.

- c. erode the ability of a city to issue debt.
  - d. erode municipal authority related to development matters, including with respect to the following issues: (1) annexation, (2) eminent domain, (3) zoning, (4) regulatory takings, (5) building codes, (6) tree preservation, (7) short-term rentals, and (8) the extraterritorial jurisdiction (ETJ).
  - e. erode the authority of a city to be adequately compensated for the use of its rights-of-way and/or erode municipal authority over the management and control of rights-of-way, including by state or federal rules or federal legislation.
  - f. limit or prohibit the authority of city officials to use municipal funds to communicate with legislators; or limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.
  - g. abolish the concept of the ETJ.
2. Seek introduction and passage of any legislation that would:
- a. (1) eliminate reauthorization provisions for the collection and use of street maintenance sales and use tax; (2) authorize cities to reimburse themselves from sales and use tax collections for actual election costs required for tax implementation; and (3) clarify that cities may use street maintenance sales tax revenue for all streets and sidewalks in the city.
  - b. allow cities alternate methods for publications of legal notices.
  - c. promote pay as you go financing for capital projects by authorizing a dedicated property tax rate that is classified similarly to the debt service tax rate in property tax rate calculations.
  - d. (1) allow cities to remove themselves from an emergency services district (ESD) if the city is capable of providing services to the area; (2) expressly authorize ESDs to expand into a city's corporate limits or ETJ only with city council approval; and (3) require an ESD to enter into a sales and use tax sharing agreement with a city when a city annexes territory located in an ESD and, should negotiations fail, enter into binding arbitration and/or mediation.
  - e. increase the competitive bidding threshold to account for increased costs to cities.

**Support**

The Board supports legislation that would:

- 1. make beneficial amendments to the equity appraisal statute; close the “dark store” theory of appraisal loophole; and require mandatory disclosure of real estate sales prices.

2. authorize a council-option city homestead exemption expressed as a percentage or flat-dollar amount.
3. convert the sales tax reallocation process from a ministerial process into a more formalized and transparent administrative process.
4. authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings.
5. make beneficial amendments to H.B. 3167 (2019), the subdivision platting shot clock bill.
6. allow for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide cities with additional funding options and resources to address transportation needs that the state and federal governments fail to address.
7. provide additional funding to the Texas Department of Transportation for equitable transportation projects that would benefit cities and provide local, state, and federal transportation funding of transportation infrastructure, including rail.
8. allow a city to lower the prima facie speed limit from 30 to 25 miles per hour without the need for a traffic study.
9. in relation to federal transit funding: (1) clarify federal congressional intent of federal transit law to protect cities across the United States from being penalized due to a population drop suffered as a direct result of a natural disaster; (2) explicitly state that only presidentially declared major disasters are covered, in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 100-707); and (3) protect federal transit funding streams for urbanized areas until the execution of the next decennial census.
10. in relation to federal legislation, provide states greater authority over management of train delays in conjunction with affected cities.
11. provide greater authority to the Texas Department of Transportation to improve city railroad crossings and install signal lights where there are safety concerns.
12. establish that expenditures of Community Development Block Grant funds by cities are a governmental function.
13. require city consent before the Texas Commission on Environmental Quality (TCEQ) is authorized to issue a standard permit for a rock crushing operation, cement crushing operation, or any similar activity that may be authorized under a standard air permit from TCEQ within the corporate limits or ETJ of a city. Alternatively, or in addition, such legislation may: (a) authorize a city to restrict, prevent, or regulate the locating of such activities in the city's corporate limits or ETJ in other manners, such as imposing minimum

distance from such operations and schools, hospitals, churches, and residences; (b) require TCEQ to provide notice of applications for standard permits to cities for activities proposed in the city's corporate limits or ETJ and require TCEQ to address any and all comments received from the City as required by Sec. 382.112 of the Texas Health & Safety Code; or (c) prohibit TCEQ from issuing a standard permit for activities proposed in the city's corporate limits or ETJ unless the city verifies that the proposed activity is authorized under the city's zoning ordinance or comprehensive plan to locate at the proposed location.

14. provide consistency and uniformity in the compliance deadlines and fees for compliance dismissals of Class "C" misdemeanors.
15. rectify the wording of Texas Government Code Section 29.013 to eliminate the requirement that a city secretary notify the Office of Court Administration of elected or appointed mayors or municipal court clerks.
16. protect from disclosure the list of applicants for a mail in ballot up until the time ballots are sent for those applications, regardless of whether a request is made for the applications.
17. allow for the expenditure of municipal hotel occupancy for construction of improvements in municipal parks and trails/sidewalks that connect parks, lodging establishments, and other tourist attractions, and related public facilities.
18. require equitable treatment of local governments by preventing a state official or state agency from placing additional restrictions on a city's use of federal funds from future stimulus legislation related to a health pandemic, in contravention of congressional intent.
19. require counties to share timely information on health emergencies with cities.
20. treat broadband service similar to other critical utility infrastructure to ensure statewide availability, equity, and affordability for citizens and businesses.
21. modernize the Texas Universal Fund through revenue sources that ensure long-term sustainability for the provision of broadband services.
22. require the State of Texas to create a state regulatory process for oil and gas and CO2 pipeline routing that:
  - i. enables affected communities and landowners to provide input prior to establishment and publication of routes.
  - ii. provides for negotiation on routes when municipalities believe that substantial threats to economic development, natural resources, or standard of living are potential outcomes.
  - iii. intrastate pipelines will comply with environmental and economic impact study standards, including the participation of local governmental entities and public participation.

- iv. pipeline operators shall have in place performance bonds like those the state has in its own contracts.
23. increase existing or create new grant program funding that provides financial assistance to local governmental public safety agencies for public safety resources, including legislation that supports the use and the purchase of body cameras and associated data storage costs.
24. harden the state's electric grid against blackouts, especially those caused by extreme weather events.
25. provide additional tools for municipally owned electric utilities to harden their systems against blackouts, especially those caused by extreme weather events.
26. mitigate the cost and liabilities of the outage event caused by Winter Storm Uri from being passed on to cities and city residents.
27. provide stabilization and funding for the electric grid in response to increased demand.
28. ensure that each city gets at least one vote on appraisal district board members.
29. strengthen current law as it relates to catalytic convertor theft and prevention, including increasing penalties for auto repair facilities and individual sellers who resell or are in possession of stolen catalytic converters.
30. promote increased flexibility under the Texas Open Meetings Act, including flexibility for public participation, so long as the legislation doesn't mandate any new costs on local governments.
31. give cities more input in the municipal utility district development process within the city limits and ETJ, including legislation that promotes additional transparency in the process for cities and city residents.
32. raise the threshold for the  $\frac{3}{4}$  super majority requirements triggered by the opposition of landowners close to proposed zoning changes from 20% of property ownership interest within the notification area, to 50%.
33. add safeguards to the formation of new municipal utility districts (MUDs) through the Texas Commission on Environmental Quality process, limit MUDs administrative costs, require MUDs to meet in the cities they tax from, coordinate with local cities or counties on MUD board elections, and provide additional financial information to citizens in an open and transparent manner.
34. allow for competitive procurement of the professional services enumerated in the Professional Services Procurement Act by home rule and general law municipalities.
35. allow for the expansion and preservation of diverse, affordable housing in cities, including additional appropriations.

36. allow a city official to submit a request for an attorney general letter ruling under the Public Information Act by email at no charge.
37. increase the maximum hiring age for firefighters in a civil service city from age 35 to 45, or to eliminate the maximum hiring age altogether.
38. make beneficial amendments to H.B. 2439 (2019), the building materials bill.
39. amend Sec. 52.095, Election Code, related to the requirement that cities are only able to assign a letter of the alphabet to the measure that corresponds to its order on the ballot.

### **Oppose**

The Board opposes legislation that would:

1. negatively expand appraisal caps but take no position on legislation that would authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.
2. impose new property tax or sales tax exemptions that substantially erode the tax base.
3. limit or eliminate the current flexibility of the Major Events Reimbursement Program as a tool for cities to attract or host major events and conventions.
4. limit the type of incentives available to the city or that would limit any use of incentives by a city.
5. further erode local control as it pertains to retirement issues.
6. substantively change or expand the scope of the current disease presumption law, unless doing so is supported by reputable, independent scientific research.
7. require candidates for city office to declare party affiliation in order to run for office.
8. eliminate any of the current uniform election dates.
9. impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state.
10. restrict city authority to draft ballot propositions in such a way that reflects the full fiscal impact of the proposition.
11. require preclearance of city ballot propositions by a state agency.
12. erode city solid waste franchise fee authority.



**No Position**

The Board takes no position on legislation that would relate to immigration matters, so long as it does not impose new and substantial unfunded mandates or unavoidable liabilities on cities.

The Board takes no position on legislation that would impact local sourcing of sales and use taxes.

The Board takes no position on legislation that would authorize a city to annex out a roadway to bring a voluntarily-requested area into the city limits.

**Other**

The Board takes the following additional actions:

1. with regard to economic development: (1) take no position on legislation that would broaden the authority of Type A or Type B economic development corporations; and (2) oppose legislation that would limit the authority of Type A or Type B economic development corporations statewide, but take no position on legislation that is regional in scope and that is supported by some cities in that region.



# City of Lucas City Council Agenda Request January 5, 2023

Requester: City Secretary Erin Day  
City Council

## Agenda Item Request

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Consider appointing City Council liaisons to the City’s boards, commissions, and committees, as well as outside local organizations.

## Background Information

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The table below outlines current City Council liaisons to boards, commissions, and committees, as well as outside organizations. There is a vacancy on the North Central Texas Council of Governments.

Board/Commission/Organization	City Councilmember
Planning and Zoning Commission	Mayor Olk
Board of Adjustment	Mayor Pro Tem Peele
Parks and Open Space Board	Councilmember Baney
North Texas Municipal Water District	Councilmember Fisher
North Central Texas Council of Governments	Vacant
Service Tree Committee	Councilmembers Fisher and Johnson

## Attachments/Supporting Documentation

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NA

## Budget/Financial Impact

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NA

## Recommendation

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NA



# City of Lucas City Council Agenda Request January 5, 2023

Item No. 10

## Motion

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I make a motion to:

Appoint \_\_\_\_\_ as City Council liaison to the Planning and Zoning Commission.

Appoint \_\_\_\_\_ as City Council liaison to the Board of Adjustment.

Appoint \_\_\_\_\_ as City Council liaison to the Parks and Open Space Board.

Appoint \_\_\_\_\_ as City Council liaison to the North Texas Municipal Water District Board.

Appoint \_\_\_\_\_ as City Council liaison to the North Central Texas Council of Governments.

Appoint \_\_\_\_\_ as City Council liaison to the Service Tree Committee.



# City of Lucas City Council Agenda Request January 5, 2023

Item No. 11

Requester: Mayor Jim Olk

## **Agenda Item Request**

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

As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

## **Background Information**

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NA

## **Attachments/Supporting Documentation**

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NA

## **Budget/Financial Impact**

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NA

## **Recommendation**

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NA

## **Motion**

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NA



**City of Lucas**  
**City Council Agenda Request**  
**January 5, 2023**

Item No. 12

Requester: Mayor Jim Olk

**Agenda Item Request**

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

**Background Information**

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NA

**Attachments/Supporting Documentation**

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NA

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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NA