



AGENDA CITY COUNCIL MEETING

April 6, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, April 6, 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 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 551.0415 of the Texas Government Code, the City Council may report on the following items: 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.

2. Items of Community Interest.

Consent Agenda

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

3. Consent Agenda:

- A. Approval of authorizing the City Manager to enter into a contract with Hydromax USA, LLC for fire hydrant and valve maintenance utilizing an interlocal agreement with the City of Garland, Texas in an amount not to exceed \$100,000. **(CIP Manager Patrick Hubbard)**
- B. Approval of Ordinance 2023-04-00975 for Billy Ray and Sharon McGee, property owners of 1050 Creek View Lane, Willow Creek Acres (Unrecorded), Lot 36 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space. **(Development Services Director Joe Hilbourn)**
- C. Approval of Ordinance 2023-04-00976 for Charles and Elise Bissell, property owners of 1220 Winningkoff Road, Rolling Hills Estates, Block A, Lot 1 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space. **(Development Services Director Joe Hilbourn)**
- D. Approval of the minutes of the March 16, 2023 City Council meeting. **(City Secretary Erin Day)**

Executive Session

4. Executive Session:

- A. As authorized by Section 551.076 of the Government Code, the City Council may convene into Executive Session for deliberation regarding security devices or security audits, to-wit: receive an update on cyber security from Bill Baxter with Baxter IT Consulting Services.
- B. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice on result of SUP audit.
- C. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice on property rental regulations and short-term property rental regulations.
- D. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the government body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice regarding cottage food production operation zoning law.

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

Regular Agenda

6. Consider a potential rate revision to the EMS/ambulance service fee schedule. **(Assistant Fire Chief Aaron Alderdice)**
7. Consider the City of Lucas Code Compliance Program. **(City Manager Joni Clarke, Development Services Director Joe Hillbourn)**
8. Consider authorizing the City Manager to enter into an agreement with Jackson Walker LLP to assist in negotiating with North Texas Municipal Water District (NTMWD) regarding the customer city water rate and appropriate \$10,000 from unrestricted water fund reserves to line item 51-6400-310 legal services. **(City Manager Joni Clarke)**
9. Consider a board appointment to the Planning and Zoning Commission for a term beginning on May 18, 2023 and expiring on December 31, 2024. **(City Council, City Secretary Erin Day)**
10. Consider the approval of Resolution R 2023-04-00540 opposing any planned expansion of the McKinney National Airport (TKI) that would negatively impact the residents of the City of Lucas. **(Mayor Jim Olk)**
11. 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 Council, City Manager Joni Clarke, City Attorney Joe Gorfida)**
12. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on March 31, 2023.

Joshua Menhennett, Management Analyst

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 at least 48 hours prior to the meeting.



City of Lucas

City Council Agenda Request

April 6, 2023

Item No. 01

Requester: Mayor Jim Olk

Agenda Item Request

Citizen Input.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas City Council Agenda Request April 6, 2023

Requester: Mayor Jim Olk

Agenda Item Request

Items of Community Interest.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

April 6, 2023

Requester: City Secretary Erin Day

Agenda Item Request

Consent Agenda:

- A. Approval of authorizing the City Manager to enter into a contract with Hydromax USA, LLC for fire hydrant and valve maintenance utilizing an interlocal agreement with the City of Garland, Texas in an amount not to exceed \$100,000.
- B. Approval of Ordinance 2023-04-00975 for Billy Ray and Sharon McGee, property owners of 1050 Creek View Lane, Willow Creek Acres (Unrecorded), Lot 36 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space.
- C. Approval of Ordinance 2023-04-00976 for Charles and Elise Bissell, property owners of 1220 Winningkoff Road, Rolling Hills Estates, Block A, Lot 1 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space.
- D. Approval of the minutes of the March 16, 2023 City Council meeting.

Background Information

Item A:

The City is required to perform maintenance and open/close each fire hydrant within the Lucas waterworks. This activity takes place as Public Works staff works in specific areas along with various duties.

Item B:

This request for a specific use permit (Billy Ray and Sharon McGee, property owners of 1050 Creek View Lane) was brought before the City Council at the March 16, 2023 City Council meeting. The City Council indicated that they would approve the SUP provided that the following conditions were met: 1) there will be no commercial fixtures or appliances; and 2) the habitable space will be limited to 837 square feet.

Item C:

This request for a specific use permit (Charles and Elise Bissell, property owners of 1220 Winningkoff Road) was brought before the City Council at the March 2, 2023 and the March 16, 2023 City Council meetings. The City Council indicated that they would approve the SUP provided that the following conditions were met: 1) the habitable space be limited to 805 square feet; and 2) there would be no additional interconnection between other parts of the building and the habitable space.



City of Lucas

City Council Agenda Request

April 6, 2023

Item No. 03

Attachments/Supporting Documentation

1. Hydromax Service Contract/Garland Water Utilities 2023 Specification for Water Valves and Fire Hydrant Maintenance
2. Ordinance 2023-04-00975 - 1050 Creek View Lane
3. Ordinance 2023-04-00976 - 1220 Winningkoff Road
4. March 16, 2023 City Council Meeting Minutes

Budget/Financial Impact

Item A:

This activity was funded in the amount of \$100,000 (line item 51-6400-233 Repairs and Maintenance of Water Facilities) in the FY 22-23 budget. Hydromax USA, LLC will begin the project in Spring of 2023.

Recommendation

City staff recommends approval of the Consent Agenda.

Motion

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



GARLAND

BLANKET ORDER

P.O. Number

BL - 9148

P.O. Date

10/24/2022

VENDOR HYDROMAX USA LLC 2501 S KENTUCKY AVE EVANSVILLE IN 47714 Vendor # 40870 Phone # 812-925-3930 Email: MILES.SOMMERS@HYDROMAXUSA.COM	SHIP TO / BILL TO WATER UTILITIES 972-205-3206 2343 FOREST LANE GARLAND, TEXAS 75042 RASHCRAFT@GARLANDTX.GOV	SPECIAL INSTRUCTION
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Subject: TERM CONTRACT FOR VALVE & FIRE HYDRANT MAINTENANCE

F.O.B DESTINATION	DELIVERY DATE
Requisition Number	Department
PR 47988	WATER

PO Information:

BID# 1215-22 --- INITIAL WITH 4 OPTIONAL RENEWALS --- EFFECTIVE DATES: 10/24/2022 - 10/24/2023 --- ORIGINAL AWARD: STRAIGHT LOW BID --- COUNCIL APPROVED ON 10/18/2022

Line	Commodity / Item	Description	Qty	Unit	Unit Price	Total
1	950-99	TERM CONTRACT FOR VALVE AND FIRE HYDRANT MAINTENANCE	500,000	EA	\$1.00	\$500,000.00
Terms & Conditions of the City of Garland are incorporated in this order					Total	\$500,000.00

This PO number must appear on all documentation. Invoices not referencing this PO number will be returned.



GARLAND

WATER UTILITIES

2023 Specifications for Water Valves & Fire Hydrant Maintenance

Intent & Scope:

The City of Garland Water Utilities is seeking a contractor to provide maintenance, inspections, adjustments and minor repair of water valves and fire hydrants. **Every fire hydrant must be inspected and painted every year. Valves should be inspected every 5 years.** Fire hydrants are dry barrel hydrants and will either be compression type hydrants or toggle type hydrants. **The contract will be for \$500,000.00 or 1 year whichever comes first, with the option for 4 renewals.** The successful bidder must supply all labor, and equipment necessary for completion of the contract. The City will provide examples of required spreadsheets and inspection work sheets to the successful bidder if requested. The successful bidder will submit monthly invoices to the City on or about the 26th of each month.

The City will provide the vendor GIS layers in ESRI file formats of our water network. The Contractor must be able to edit a copy of City GIS layers (ESRI feature class format, version ArcGIS 10.5) in the field to capture hydrant and valve data. Contract personnel must be able to differentiate between infrastructure they have serviced from hydrants and valves they have yet to service in their electronic mapping interface. Contractor shall ensure records have not been previously submitted to the City prior to submission for billing purposes. Contractor shall guarantee all fields are populated with relevant data prior to submission to the City. Explanations will be required in the field notes in the table for each vacant entry. Contractor field personnel must be able to view City planimetric data in ESRI feature class file format and City aerial photos in MrSid file format in their electronic map interface for the purpose of data collection. The inability to provide accurate data could result in termination or non-renewal of this contract.

The City will require GPS coordinates for each valve and fire hydrant, please include in your bid the price to provide GPS coordinates with **sub-centimeter accuracy**. GPS coordinate data must be submitted to the City in an ESRI Geo Database Format.

While this contract will be for all valves and hydrants in residential areas, commercial areas, and along major thoroughfares and intersections in Garland. The successful bidder will be expected to supply all traffic control devices necessary to safely complete this task.

Valve Inspection & Maintenance Procedures

The City of Garland has approximately 23,141 valves ranging from 2” to 42” in size. The bid will be broken down by size range, below is an approximate number of valves in each size range:

8” and smaller	22,077
10” to 14”	702
16” and larger	362

The 16” and larger valves with by-passes will be counted as two separate valves for billing purposes, each valve will be billed according to its size. The City will require the successful bidder provide the number of turns for each valve on the individual inspection work sheet.

Valve maintenance must be performed in accordance with American Water Works Association (AWWA) manual M44.

Valve Maintenance Special Procedure

- A. Locate the valve – The successful bidder will locate all water distribution valves using the following procedure.
 1. The successful bidder will search for all valves visually using the City of Garland water distribution maps.
 2. The successful bidder will search for water valves shown, but not identified by visual inspection, using a magnetic locator, probing rods and other tools.
 3. If the valve cannot be located after searching for fifteen minutes, the valve will be labeled “Cannot locate” on the water distribution map and noted on the weekly electronic spreadsheet of completed work.
- B. Clean out the valve box or manhole – The successful bidder will remove all debris and water from the valve box or manhole in order to access the valve operating nut. In every case, the operating nut must be exposed and clearly visible (not under water or debris) when the valve is exercised.
- C. Valve exercising – The successful bidder will exercise each valve a minimum of two full cycles. (A full cycle is defined as operating the valve from open to shut to open again.) All valves will be operated with extreme care as not to damage the valve.
- D. Valve marking – Curbs will be painted with a blue arrow after completion of the exercising to indicate the completion of work for each valve. The successful bidder will verify that an arrow is etched in the curb to mark the valve. If the curb is not etched, the successful bidder will note that on the daily individual inspection sheet and the weekly electronic spreadsheet. The successful bidder will be responsible for supplying the paint. The valve lid will not be painted.
- E. Valve box maintenance – The successful bidder will ensure that valve boxes are ground level and free from grass, dirt, concrete, asphalt or any other debris covering the lid. Any valve boxes that are not ground level or vertically straight and can be adjusted without the use of motorized excavation equipment will be

done by the successful bidder, the City will supply any new valve stacks or lids needed, the successful bidder will be paid for the labor on an hourly rate. Any valve boxes that are not ground level or vertically straight and cannot be adjusted will be identified on the weekly electronic spreadsheet as requiring further action by the City. The successful bidder will ensure any valves not ground level are not a safety issue; if an unsafe condition exists the successful bidder will protect the public by barricades, flagging or other means at the successful bidder cost. Safety issues will be reported to the City immediately.

Fire Hydrant Inspection & Maintenance Procedures

The City of Garland has approximately 8,824 fire hydrants; they are dry barrel hydrants of either the compression type or the toggle type. Before painting the fire hydrants the successful bidder will use a wire brush to remove grime and loose paint, stripping of paint layers off the fire hydrant is not required. Every fire hydrant must be inspected and painted every year.

Fire hydrant maintenance must be performed in accordance with American Water Works Association (AWWA) manual M17.

The successful bidder will make minor repairs to the fire hydrant if any are needed. Minor repairs will be defined as any repairs that can be done without the use of mechanical equipment, such replacing break flanges, couplings, bolts, chains, etc. The City of Garland will supply any repair parts needed, the successful bidder will be paid for the repair labor on an hourly rate.

City of Garland fire hydrants are painted as follows, all fire hydrant bodies, barrels and caps are painted using Flynt Silver. Flynt Paint is the required brand of paint to be used, the paint must be applied in as purchased condition, no thinners can be used to dilute the thickness of the paint.

Bonnets are painted according to the size of the water main that the fire hydrant lead is connected to;

Water main size 6" or less – Flynt Silver

Water main size 8" – Flynt Tropic Blue

Water main size 10" or larger – Flynt Safety Yellow

Fire Hydrant Maintenance & Painting Special Procedures

- A. Locate the fire hydrant – The City will provide the successful bidder with a copy of the current water distribution map for the project area. The successful bidder will locate all water distribution system fire hydrants using the following procedure.
 1. The successful bidder will search for all fire hydrants visually using the City of Garland water distribution maps.
 2. The successful bidder will search for fire hydrants shown, but not identified by visual inspection, using a magnetic locator, probing rods and other tools.

3. If the fire hydrant cannot be located after searching for fifteen minutes, the fire hydrant will be labeled "Cannot locate" on the water distribution map and noted on the weekly electronic spreadsheet of completed work.
- B. Routine fire hydrant maintenance shall also include the following activities.
1. Check the fire hydrant to make sure that it is visible from the roadway and it is clear of any landscaping, plant growth, or other obstructions that could impair locating the fire hydrant or interfere with its use.
 2. Minor obstructions such as weed growth or wild plant growth should be trimmed to provide clear access to the hydrant.
 3. Obstructions caused by utilities, landscaping or ornamental growth shall be noted and reported to the City on the individual inspection work sheet.
 4. Improperly installed fire hydrants height wise shall be noted and reported to the City on the individual inspection work sheet.
 5. Any fire hydrant that, for any reason, must be removed from service shall be covered with a black bag. This information must be immediately forwarded to the City.
 6. When flushing a fire hydrant a non-rigid deflector must be used to prevent erosion around the fire hydrant.
 7. Paint the fire hydrant using approved paint and colors.

Bid Pricing

Valve Maintenance & Inspection for valve sizes 8" and smaller - \$_____ each.

Valve Maintenance & Inspection for valve sizes 10" to 12" - \$_____ each.

Valve Maintenance & Inspection for valve sizes 14" and larger - \$_____ each.

Valve Maintenance & Inspection for valve that could not be located \$_____ each.

Valve Maintenance & Inspection labor for adjusting valve stack \$_____ per hour.

Fire Hydrant Painting, Maintenance & Inspection - \$_____ each.

Fire Hydrant Maintenance & Inspection labor for minor repairs – \$_____ per hour.

FH Maintenance & Inspection – for FH that could not be located \$_____ each.

GPS coordinates (sub-centimeter) for valve location - \$_____ each.

GPS coordinates (sub-centimeter) for fire hydrant location - \$_____ each.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/4/2023

10/19/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER LOCKTON COMPANIES 500 West Monroe, Suite 3400 CHICAGO IL 60661 (312) 669-6900	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
	E-MAIL ADDRESS:	
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: The Travelers Indemnity Company of Connecticut		25682
INSURED 1514811 HYDROMAX USA LLC 2501 S Kentucky Ave Evansville IN 47714	INSURER B: Travelers Indemnity Company of America	
	INSURER C: Travelers Property Casualty Co of America	
	INSURER D: The Charter Oak Fire Insurance Company	
	INSURER E: Underwriters at Lloyds of London	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 19051326

REVISION NUMBER: XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Deductible: \$2,500 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	Y	DT-CO-8R413851-TCT-22	1/4/2022	1/4/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> Comp/Coll DED: \$5K/1K Trailer	N	N	DT-810-8R407506-TIA-22	1/4/2022	1/4/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$ 10,000	N	N	CUP-8R433456-22-26	1/4/2022	1/4/2023	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$ XXXXXXXX
D	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input checked="" type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/>	N/A	UB-8R399495-22-26-G	1/4/2022	1/4/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Professional/Pollution Liability	N	N	B0621PHYDR000422	1/10/2022	1/10/2023	\$2,000,000 Ea claim/Agg / Ded:\$25K

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: City of Garland BID #1215-22, Valve & Fire Hydrant Maintenance project. City of Garland TX, its officers, representatives, and employees are included as additional insureds if required by written contract with respect to General Liability per the terms and conditions of the policy. A waiver of subrogation applies in favor of the Additional Insureds if required by written contract with respect to General Liability per the terms and conditions of the policy where permitted by state law. A 30-day notice of cancellation is included if required by written contract with respect to General Liability per the terms and conditions of the policy.

CERTIFICATE HOLDER**CANCELLATION** See Attachment

19051326
City of Garland
ATTN: Procurement Department
200 N Fifth Street
Garland TX 75040

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Hydromax USA LLC
Evansville, IN United States

Certificate Number:
2022-946501

Date Filed:
10/19/2022

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Garland

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Bid # 1215-22
Valve and Fire Hydrant Maintenance

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	IGP	San Francisco, CA United States	X	
	HMAX Group Investors V, LLC	Grand Rapids, MI United States	X	

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is Debra R. Herrenbruck, and my date of birth is 01/11/1955.
My address is 701 N Second St, Boonville, IN, 47601, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.
Executed in Vanderburgh County, State of Indiana, on the 19 day of October, 2022.
(month) (year)

Debra R. Herrenbruck
Signature of authorized agent of contracting business entity
(Declarant) agent Hydromax USA LLC



GARLAND

PURCHASING

STATUTORILY MANDATED PROVISIONS

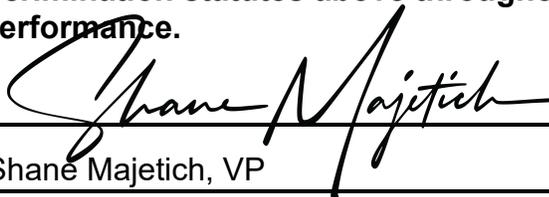
a. Anti-Boycott Verification. Pursuant to Section 2271.002, Texas Government Code, to the extent this Agreement is a contract for goods or services, the selected Bidder hereby represents that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not Boycott Israel and, subject to or as otherwise required by applicable Federal law, Purchaser agrees not to Boycott Israel during the term of this Agreement. For purposes of this Section, "Boycott Israel" shall have the meaning given such term in Section 808.001, Texas Government Code. Purchaser understands "affiliate" for this Section 4.07 to mean an entity that controls, is controlled by, or is under common control with selected Bidder and exists to make a profit.

b. Chapter 2274. Prohibition on Contracts with Companies Boycotting Certain Energy Companies: Pursuant to Section 2274.002, Texas Government Code, to the extent this Agreement is a contract for goods or services, the selected Bidder hereby represents that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, does not boycott energy companies, and will not boycott energy companies during the term of the contract. For purposes of this Section, "Boycott Energy Company" shall have the meaning given such term in Section 809.001., Texas Government Code.

c. Chapter 2274. Prohibition on Contracts with Companies that Discriminate Against Firearm and Ammunition Industries: Pursuant to Section 2274.003, Texas Government Code, to the extent this Agreement is a contract for goods or services, the selected Bidder hereby represents that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and will not discriminate during the term of the contract against a firearm entity or firearm trade association. For purposes of this Section, "discriminate against a firearm entity or firearm trade association" shall have the meaning given such term in Section 2274.001., Texas Government Code.

The undersigned acknowledges, accepts and will ensure compliance of the anti-boycott and anti-discrimination statutes above throughout the course of the awarded contracts performance.

Signed By:



Print Name & Title:

Shane Majetich, VP

Company Name:

Hydromax USA LLC

Date Signed:

October 20, 2022

ORDINANCE #2023-04-00975

[Specific Use Permit for Kitchen, Cooking and Food Preparation Area in an Accessory Building with Habitable Space – 1050 Creek View Lane]

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR A KITCHEN, COOKING AND FOOD PREPARATION AREA IN AN ACCESSORY BUILDING WITH HABITABLE SPACE, LOCATED AT 1050 CREEK VIEW LANE, CITY OF LUCAS, COLLIN COUNTY, TEXAS (THE “PROPERTY”), CURRENTLY ZONED SINGLE-FAMILY RESIDENTIAL, 2-ACRE LOTS DISTRICT (“R2”), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE BOUNDARY SURVEY ATTACHED HERETO AS EXHIBIT “B”; PROVIDING FOR THE APPROVAL OF THE FLOOR PLAN ATTACHED HERETO AS EXHIBIT “C”; PROVIDING FOR APPROVAL OF THE ELEVATIONS PLAN ATTACHED HERETO AS EXHIBIT “D”; PROVIDING FOR THE APPROVAL OF THE DEED RESTRICTION ATTACHED AS EXHIBIT “E”; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, be and the same are hereby amended, to grant a Specific Use Permit to allow for a kitchen, cooking and food preparation area in an accessory building with habitable space, located at 1050 Creek View Lane, City of Lucas, Collin County, Texas, currently zoned Single-Family Residential, 2-Acre Lots District (“R2”), and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes.

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

- (1) The Property shall be developed in accordance with the Boundary Survey attached hereto as Exhibit “B;” the Floor Plan attached hereto as Exhibit “C;” and, the Elevations Plan attached hereto as Exhibit “D”, and made a part hereof for all purposes; and
- (2) As a condition to granting this Specific Use Permit (“SUP”), the Property owners shall enact a Deed Restriction with the City as a party to the Deed Restriction that prohibits the use of the habitable space to be used for a lease/barter agreement other than that of a full-time staff providing support to the Property. A copy of the Deed Restriction is attached hereto and incorporated herein as Exhibit “E.”
- (3) No commercial fixtures or appliances shall be installed in the Accessory Building and the plans shall be resubmitted showing commercial sinks removed from the plan.
- (4) The guest house/apartment area shall be limited to 837 square feet with no additional interconnection between other parts of the building and the habitable space.

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

SECTION 4. That all ordinances of the City of Lucas in conflict with the provisions of this Ordinance shall be, and same are hereby, repealed, provided, however, that all other provisions of said Ordinances are not in conflict herewith shall remain in full force and effect.

SECTION 5. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or of the City of Lucas Code of Ordinances, as amended hereby, be adjudged or held to be voided or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinances or the City of Lucas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. An offense committed before the effective date of the Ordinance is governed by prior law and the provisions of the City of Lucas Code of Ordinances in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the

sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS ____ DAY OF _____, 2023.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

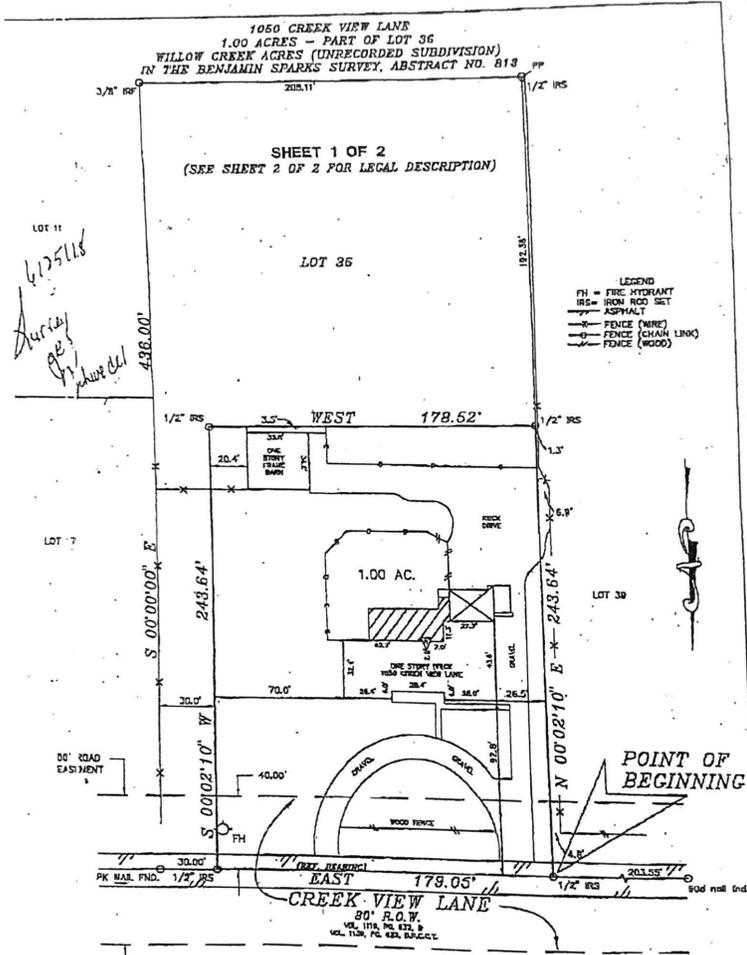
Joseph J. Gorfida, Jr., City Attorney
(03-29-2023:cgm TM134271)

Erin Day, City Secretary

EXHIBIT "A"
PROPERTY DESCRIPTION

1050 Creek View Lane, Willow Creek Acres, Lot 36; Lucas, Texas 75002.

EXHIBIT "B" BOUNDARY SURVEY



I, the undersigned, being a duly Registered Professional Surveyor in the State of Texas, do hereby declare: that the within property was made on the ground under my personal and direction on the 31st Day of May, 1995. This survey was made for the purpose of subdividing the property and visible monuments thereon. I have noted all recorded easements and rights-of-way recorded in copies of recorded instruments transmitted to me by the County Clerk, No. 491770-91. All as otherwise shown. The physical evidence and recorded description of all monuments shown; all visible iron monuments, including location and dimensions, are correct; done.


 Daniel A. Smith, R.P.L.S. No. 4845

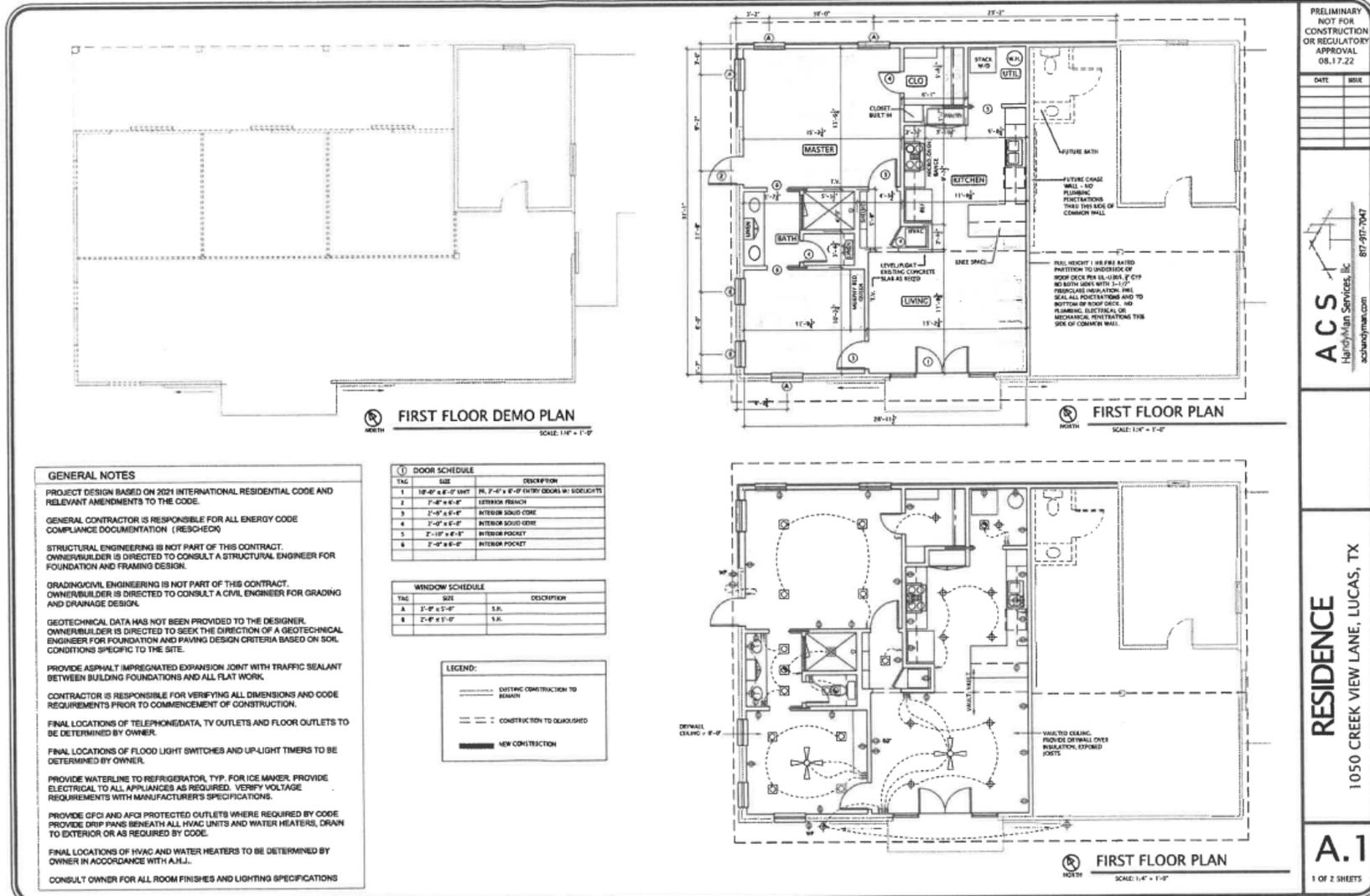


THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN ACCORDING TO THE FLOOD PLAN MAP OF THE CITY OF LUCAS COMMUNITY PANEL NO. 461546 D455 G, MAP DATED 1/10/95, (ZONE "X")

1/4" OR MORE REDUCED CALLS AND DIMENSIONS

SCALE: 1"=40'	DATE: 5/31/95	DRAWN BY: JWB	JOB NO.: 48-1478
DANIEL A. SMITH, INC. 4528 VIA VENTURA MCKINNEY, TEXAS 75069 (972) 226-4550 FAX (972) 226-4994			

EXHIBIT "C" FLOOR PLAN



PRELIMINARY
NOT FOR
CONSTRUCTION
OR REGULATORY
APPROVAL
08.17.22

DATE	ISSUE

ACS
HandyMan Services, Inc.
887-917-7047
acs handyman.com

RESIDENCE
1050 CREEK VIEW LANE, LUCAS, TX

A.1
1 OF 2 SHEETS

Exhibit "C"
City of Lucas
Ordinance # 2023-04-00975
Approved: April 6, 2023

EXHIBIT "D"

Elevations

FRONT ELEVATION
SCALE: 1/4" = 1'-0"

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

LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

Annotations:
 - EXISTING METAL ROOF
 - NEW WINDOW
 - EXISTING METAL PANEL
 - EXISTING BARN DOOR
 - NEW ENTRY DOOR UNIT IN EXISTING OPENING
 - EXISTING BARN DOOR
 - EXISTING METAL PANEL
 - EXISTING METAL ROOF
 - EXISTING METAL PANEL
 - NEW INFILL WALL & METAL PANEL TO MATCH EXISTING
 - NEW WINDOW
 - EXISTING METAL ROOF
 - NEW WINDOW
 - NEW INFILL WALL & METAL PANEL TO MATCH EXISTING
 - NEW DOOR
 - EXISTING METAL PANEL
 - NEW WINDOW

DATE	REV
08.15.22	1/1

ACS
Handyman Services, LLC
888-917-0021
acsandym.com

RESIDENCE
1050 CREEK VIEW LANE, LUCAS, TX

A.2
1 OF 2 SHEETS

Exhibit "D"
 City of Lucas
 Ordinance # 2023-04-00975
 Approved: April 6, 2023

**EXHIBIT “E”
DEED RESTRICTION**

ORDINANCE #2023-04-00976

[Specific Use Permit for Kitchen, Cooking and Food Preparation Area in an Accessory Building with Habitable Space – 1220 Winningkoff Road]

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR A KITCHEN, COOKING AND FOOD PREPARATION AREA IN AN ACCESSORY BUILDING WITH HABITABLE SPACE, LOCATED AT 1220 WINNINGKOFF ROAD, CITY OF LUCAS, COLLIN COUNTY, TEXAS (THE “PROPERTY”), CURRENTLY ZONED SINGLE-FAMILY RESIDENTIAL, 2-ACRE LOTS DISTRICT (“R2”), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE BOUNDARY SURVEY ATTACHED HERETO AS EXHIBIT “B”; PROVIDING FOR THE APPROVAL OF THE FLOOR PLAN ATTACHED HERETO AS EXHIBIT “C”; PROVIDING FOR APPROVAL OF THE ELEVATIONS PLAN ATTACHED HERETO AS EXHIBIT “D”; PROVIDING FOR THE APPROVAL OF THE DEED RESTRICTION ATTACHED AS EXHIBIT “E”; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, be and the same are hereby amended, to grant a Specific Use Permit to allow for a kitchen, cooking and food preparation area in an accessory building with habitable space, located at 1220 Winningkoff Road, City of Lucas, Collin County, Texas, currently zoned Single-Family Residential, 2-Acre Lots District (“R2”), and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes.

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

- (1) The Property shall be developed in accordance with the Boundary Survey attached hereto as Exhibit “B;” the Floor Plan attached hereto as Exhibit “C;” and, the Elevations Plan attached hereto as Exhibit “D”, and made a part hereof for all purposes; and
- (2) As a condition to granting this Specific Use Permit (“SUP”), the Property owners shall enact a Deed Restriction with the City as a party to the Deed Restriction that prohibits the use of the habitable space to be used for a lease/barter agreement other than that of a full-time staff providing support to the Property. A copy of the Deed Restriction is attached hereto and incorporated herein as Exhibit “E.”
- (3) The guest house/apartment area shall be limited to 805 square feet with no additional interconnection between other parts of the building and the habitable space.

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

SECTION 4. That all ordinances of the City of Lucas in conflict with the provisions of this Ordinance shall be, and same are hereby, repealed, provided, however, that all other provisions of said Ordinances are not in conflict herewith shall remain in full force and effect.

SECTION 5. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or of the City of Lucas Code of Ordinances, as amended hereby, be adjudged or held to be voided or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinances or the City of Lucas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. An offense committed before the effective date of the Ordinance is governed by prior law and the provisions of the City of Lucas Code of Ordinances in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS ____ DAY OF _____, 2023.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(03-29-2023:cgm TM134273)

Erin Day, City Secretary

EXHIBIT "A"
PROPERTY DESCRIPTION

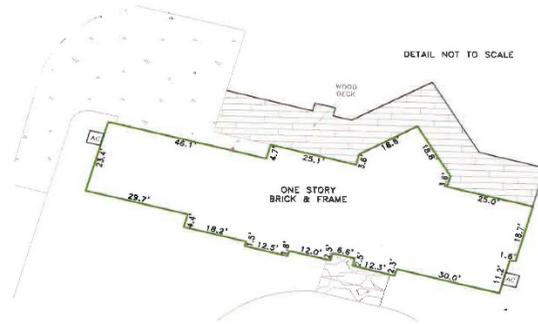
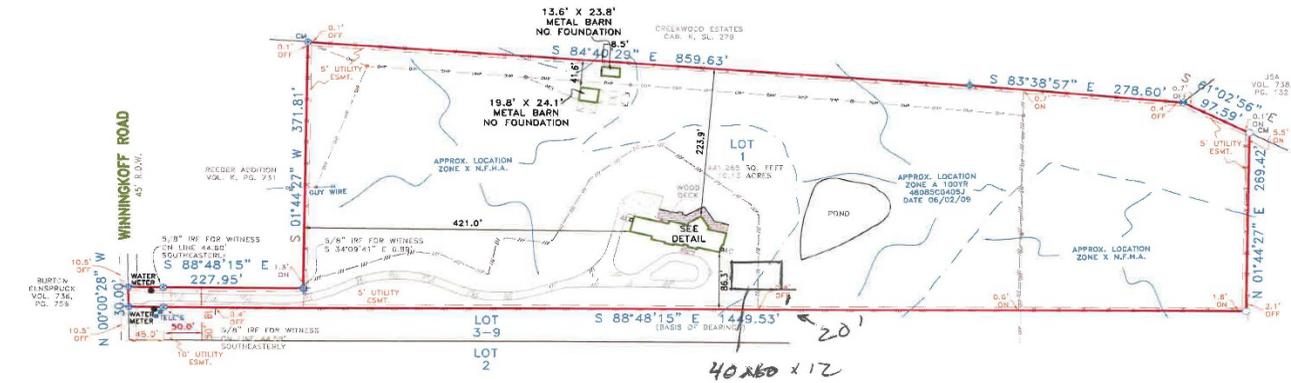
1220 Winningkoff Road, Rolling Hills Estates, Lot 1 Block A; Lucas, Texas 75002.

EXHIBIT "B" BOUNDARY SURVEY



1220 Winningkoff Road

Being Lot 1 in Block A of Replat of Rolling Hills Estates, an addition to the City of Lucas, Collin County, Texas, according to the map thereof recorded in Volume H, Page 10 of the Map Records of Collin County, Texas.



SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (Todd Fincher) hereby certifies to The Client, in connection with the transaction described in G.F. TPT21-01463FR that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 17th day of May, 2021

Todd Fincher
Todd Fincher
Registered Professional Land Surveyor No. 5633



NOTE: According to the F.I.R.M. in Map No. 48085C0405J, this property does lie in Zone AE and DOCS is within the 100 year flood zone, EXCEPT AS SHOWN

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN VOL. 1326, PG. 285; VOL. 3356, PG. 749; VOL. 3434, PG. 328 EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 761, PG. 185

NOTES: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

REVISIONS		
DATE	BY	NOTES

LEGEND	
○	CONTROLLING MONUMENT
○	1/2" IRON ROD FOUND
○	1/2" IRON ROD SET
○	IRON PIPE FOUND
○	FENCE POST CORNER
○	* FOUND / SET
○	5/8" ROD FOUND
○	UNDERGROUND ELECTRIC
○	OVERHEAD ELECTRIC
○	POWER POLE
○	POINT FOR CORNER
○	GRAVEL/ROCK ROAD OR DRIVE
○	POOL EQUIPMENT
○	CEILING
○	AIR CONDITIONING
○	FIRE HYDRANT
○	CONCRETE PAVING
○	DOUBLE SIDED WOOD FENCE
○	ASPHALT PAVING
○	CHAIN LINK FENCE
○	WOOD FENCE
○	0.5" WIRE CIRCULAR
○	IRON FENCE
○	PIPE FENCE
○	COVERED POWER/BLACK OR CEMENT
○	OVERHEAD ELECTRIC SERVICE
○	OVERHEAD POWER LINE

418 Century Plaza Dr., Ste. 100
Houston, TX 77073
P 281.443.9288
F 281.443.9224
Firm No. 10184280
www.cbgtxllc.com

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 100'	05/18/2021	2109272	SEE ABOVE	JCM

FINAL SURVEY

A REPLAT OF ROLLING HILLS ESTATES

CITY OF LUCAS / COLLIN COUNTY, TEXAS

1220 WINNINGKOFF ROAD

Exhibit "B"
City of Lucas
Ordinance # 2022-04-00976
Approved: April 6, 2023

EXHIBIT "C" FLOOR PLAN

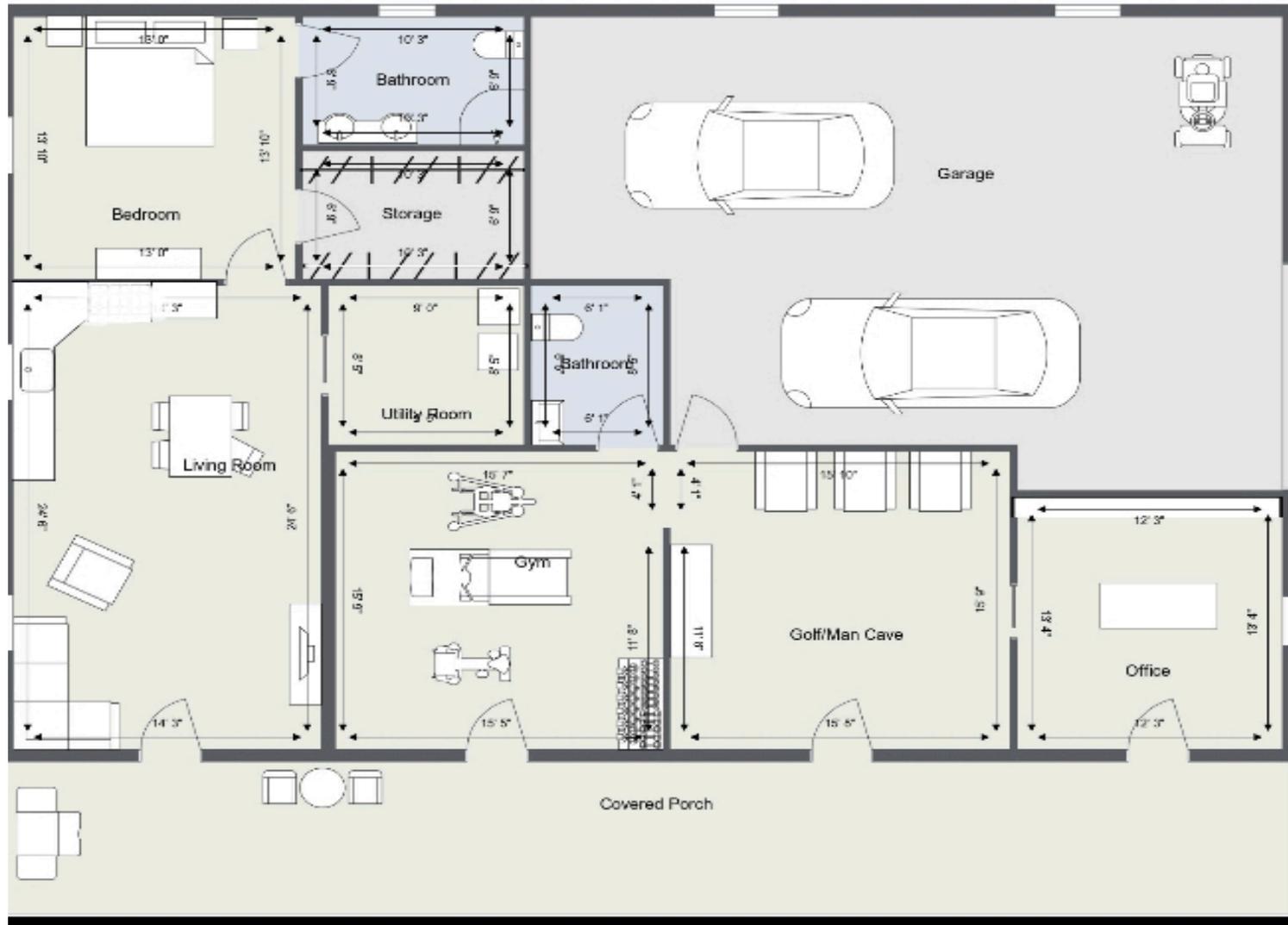
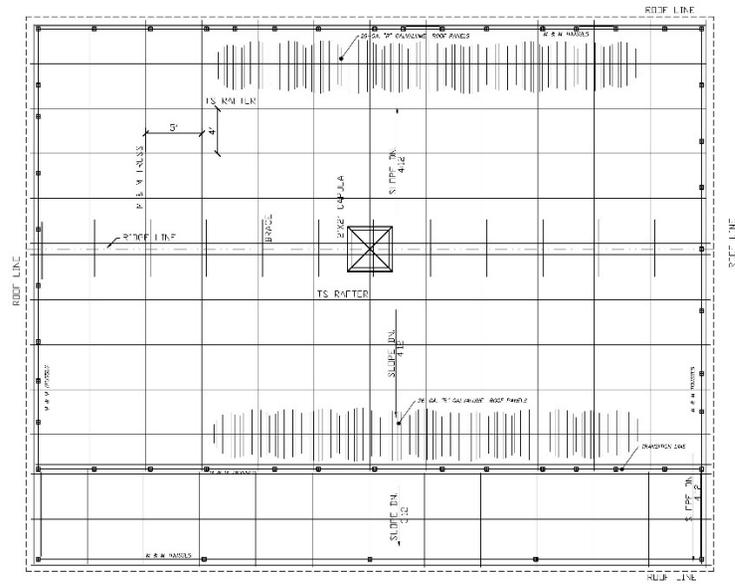


Exhibit "C"
City of Lucas
Ordinance # 2023-04-00976
Approved: April 6, 2023

**EXHIBIT “D”
Elevations**

Exhibit “D”
City of Lucas
Ordinance # 2023-04-00976
Approved: April 6, 2023



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"

LEGAL DESCRIPTION
ROLLING HILL ESTATES LOT 1 BLOCK A COLLIN COUNTY TEXAS

DO NOT SCALE DRAWING



K.S. ATWAL & ASSOCIATES
TEXAS ENGINEERING FIRM REGISTRATION #04400
250 C. R. BIRN, PLYMOUTH, TEXAS 75688
TEL: 936 460 4942

SHEET NO.
S2
OF 4 DATE: 2/10/2022

NEW 40' X 60' BUILDING AT
1220 WINNINGKOFF RD. LUCAS TEXAS 75002
OWNER: CHARLES BISSELL
BUILDING ROOF FRAMING PLAN

CONTRACTOR:
MR. ALLEN MUISCLER
M & M STEEL BUILDINGS
ROCKWALL, TEXAS
972 771 1617

Exhibit "D"
City of Lucas
Ordinance # 2023-04-00976
Approved: April 6, 2023

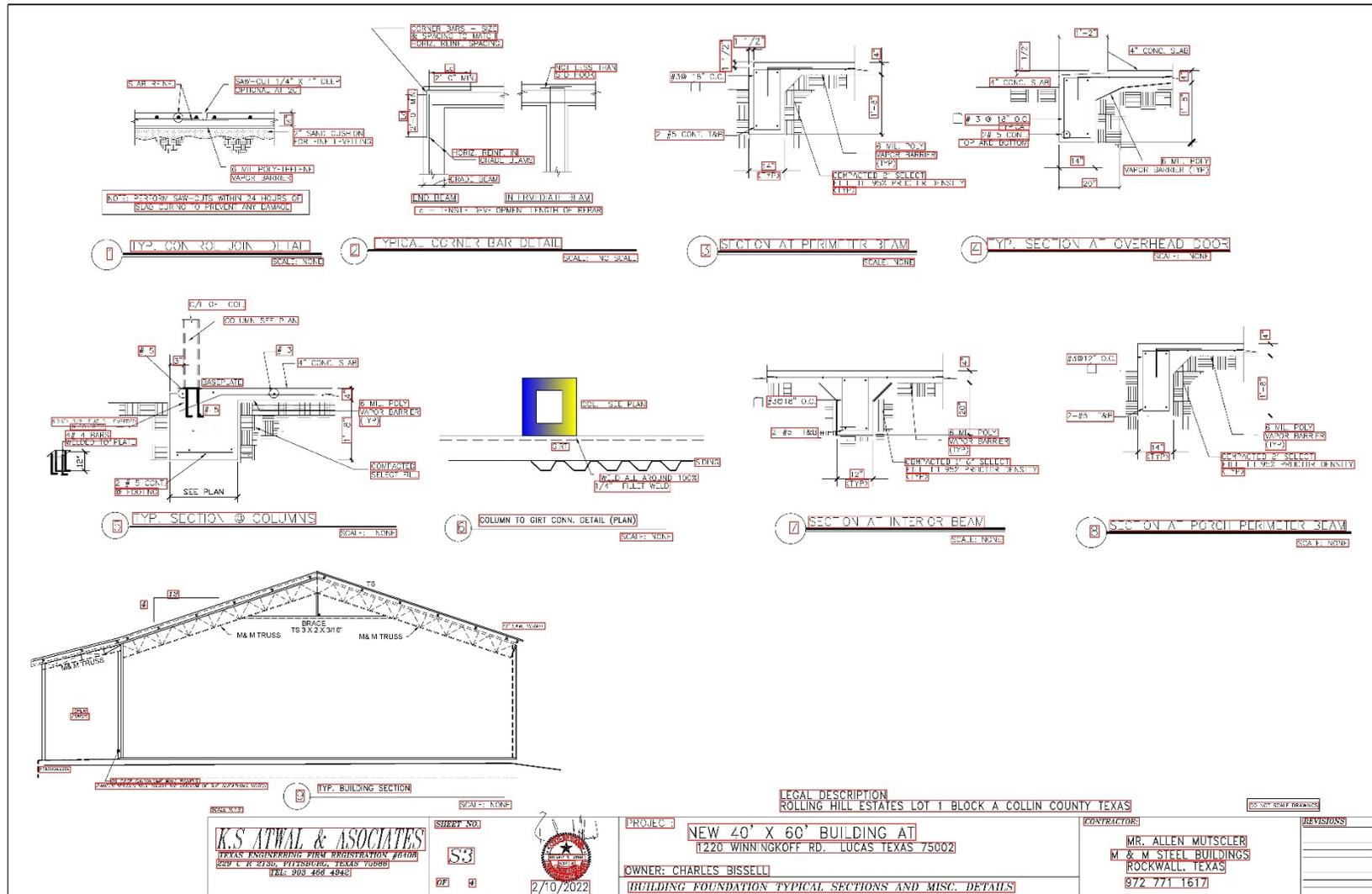
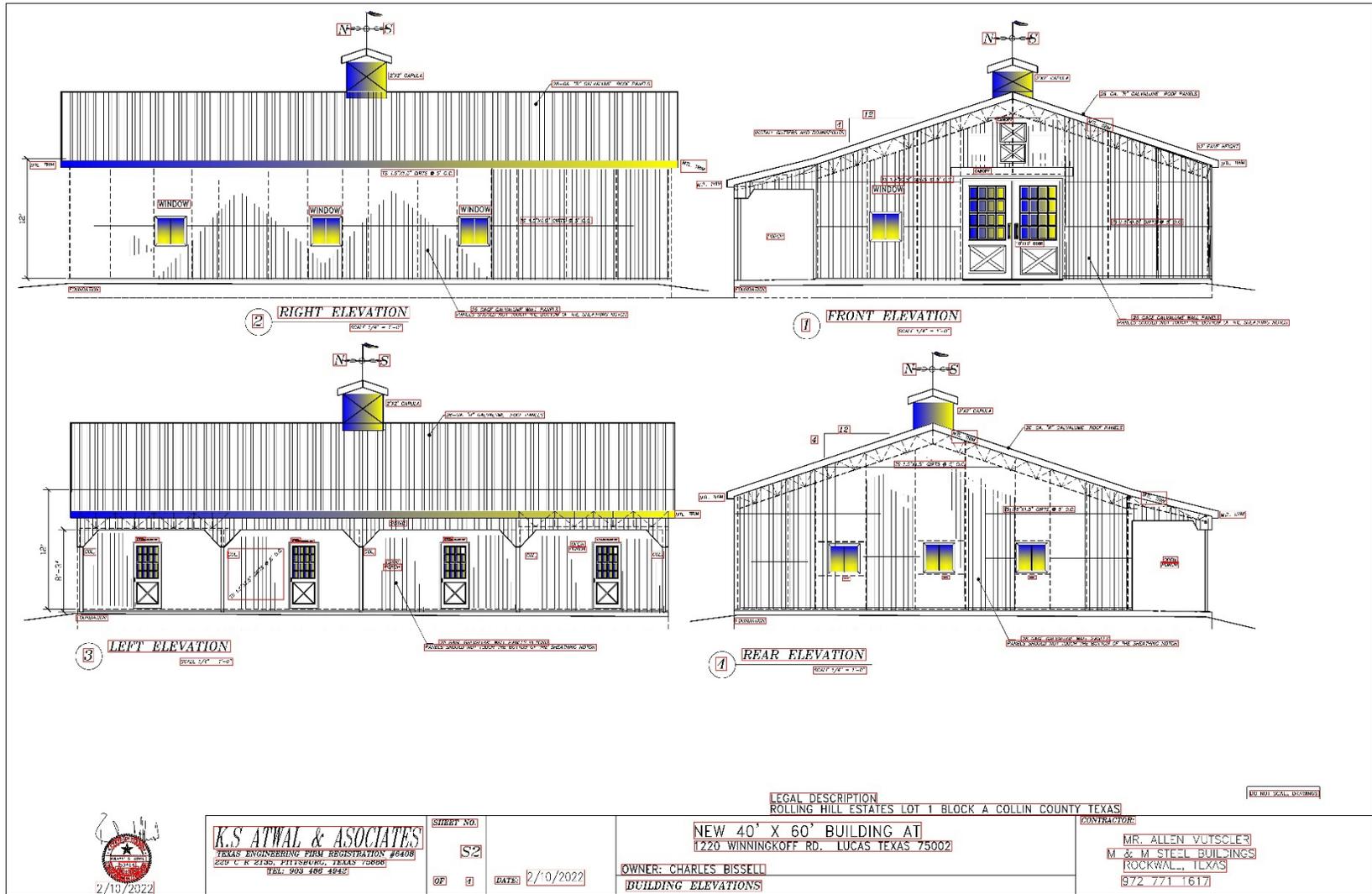


Exhibit "D"
City of Lucas
Ordinance # 2023-04-00976
Approved: April 6, 2023



K.S. ATWAL & ASSOCIATES
 TEXAS ENGINEERING FIRM REGISTRATION #6408
 500 C K 2100, FORT WORTH, TEXAS 76106
 TEL: 817.466.4942

SUBMIT NO.
 S2
DATE: 2/10/2022

LEGAL DESCRIPTION
 ROLLING HILL ESTATES LOT 1 BLOCK A COLLIN COUNTY TEXAS
NEW 40' X 60' BUILDING AT
 1220 WINNINGROFF RD., LUCAS TEXAS 75002
OWNER: CHARLES BISSELL
BUILDING ELEVATIONS

CONTRACTOR:
 MR. ALLEN VUTSOLER
 M & M STEEL BUILDINGS
 ROCKWALL, TEXAS
 972.771.1617

Exhibit "D"
 City of Lucas
 Ordinance # 2023-04-00976
 Approved: April 6, 2023

**EXHIBIT “E”
DEED RESTRICTION**



MINUTES

CITY COUNCIL REGULAR MEETING

March 16, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Phil Lawrence (*video conference*)
Councilmember Tim Johnson
Councilmember David Keer
Councilmember Tim Baney
Councilmember Debbie Fisher

City Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
Public Works Director Scott Holden
Development Services Director Joe Hilbourn
CIP Manager Patrick Hubbard
City Secretary Erin Day
City Attorney Courtney Morris (*video conference*)
Deputy Nicholas Noel

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

Citizen Input

1. Citizen Input

There were no members of the public wishing to address the City Council.

Community Interest

2. Items of Community Interest

Mayor Olk presented a proclamation to Zoe Nolan, student of Lovejoy ISD, proclaiming March 2023 as Theatre in Our Schools Month.

Mayor Olk gave items of community interest including:

- Keep Lucas Beautiful Spring Cleanup Event
- Founders Day Country Fair
- Lucas Farmers Market
- Election Updates

Councilmember Lawrence lost video connection at 6:35 pm.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the March 2, 2023 City Council meeting.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Keer, to approve the consent agenda as presented. The motion passed unanimously by a 6 to 0 vote, with Councilmember Lawrence absent.

Public Hearing

4. **Continuation of a public hearing to consider a request by Billy Ray and Sharon McGee, property owners of 1050 Creek View Lane, Willow Creek Acres (Unrecorded), Lot 36 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space.**
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct public hearing
 - C. Take action regarding the proposed specific use permit request

Development Services Director Joe Hilbourn gave a presentation highlighting the history of the project, the proposed building plans, and staff concerns regarding the commercial sink in the building plans.

Billy Ray McGee, 1050 Creekview Lane, answered questions from City Council regarding the sink in the garage area, advising that the intent is to run water at a later time to the garage, and that it could possibly be used for horse stables in the future.

Councilmember Lawrence rejoined the meeting at 6:42 pm.

Mayor Olk advised he would like to see any commercial fixtures removed from the plans. Councilmember Johnson commented that the building is designed well otherwise. Mayor Pro Tem Peele reiterated that the City Council would not be in approval of the building being used for commercial purposes.

Councilmember Johnson asked if the wall separating the habitable space from the garage is a fireproof wall. Dean Phillips, the father-in-law of the homeowner, spoke advising that the architect put the fireproof wall and the commercial grade sink in the plans without their knowledge. Councilmember Fisher commented that the fire wall is good to have for protection.

Mr. McGee confirmed that the sink would be removed from the plans, and asked if he would have to resubmit the plans. Mayor Olk clarified that the permit would be resubmitted with the removal of the commercial appliances for approval.

The public hearing was opened at 6:50 pm.

There were no members of the public wishing to address the City Council.

The public hearing was closed at 6:50 pm.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Johnson, to approve a request by Billy Ray and Sharon McGee, property owners of 1050 Creek View Lane, Willow Creek Acres (Unrecorded), Lot 36 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space, with the conditions that there are no commercial appliances or fixtures and that the

habitable space is limited to 837 square feet. The motion passed unanimously by a 7 to 0 vote.

Executive Agenda

5. Executive Session:

A. As authorized by Section 551.076 of the Government Code, the City Council may convene into Executive Session for deliberation regarding security devices or security audits, to-wit: receive an update on cyber security from Bill Baxter with Baxter IT Consulting Services.

B. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice on result of SUP audit.

C. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice on property rental regulations and short-term property rental regulations.

D. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the government body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice regarding cottage food production operation zoning law.

Mayor Olk advised that due to the City Attorney being remote, the Executive Sessions would be postponed until the April 6, 2023 City Council meeting.

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

There was no action to be taken due to the rescheduling of the Executive Sessions.

Regular Agenda

7. Consider adopting Ordinance 2023-03-00973 amending the City's Code of Ordinances, Chapter 13 titled "Utilities" by amending Article 13.06 titled "Solid Waste".

Assistant City Manager Kent Souriyasak gave a presentation highlighting the timeline of the updates to the solid waste ordinance, the number of polycarts left on the curb throughout the week, information regarding bulk and brush pickup and hazardous waste/electronic waste pickup, and showed pictures of polycarts left on the curb in various locations throughout the city.

Councilmember Lawrence asked if polycarts being left out was an issue when the City used Barnes Waste Disposal for trash, and commented that a lot of times carts will be left out until resident's children can bring them back up to the house. City Manager Joni Clarke responded that one of the

differences is that residents are placing the polycarts closer to make it easier for Community Waste Disposal's concierge service to pick up. Councilmember Fisher advised it is also her observation that the concierge service is contributing to the carts being left at the road. Mayor Olk commented that the parameters set in the proposed ordinance language regarding cart placement times and locations are adequate. Councilmember Fisher agreed that the language is not so restrictive that residents would have an issue.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Lawrence, to approve adopting Ordinance 2023-03-00973 amending the City's Code of Ordinances, Chapter 13 titled "Utilities" by amending Article 13.06 titled "Solid Waste". The motion passed unanimously by a 7 to 0 vote.

8. Consider adopting Ordinance 2023-03-00974 setting the following impact fee rates:

- A. Water Impact Fee of \$13,119.00 per Living Unit Equivalent**
- B. Roadway Impact Fee of \$504.00 per Service Unit**

CIP Manager Patrick Hubbard gave an introduction of the item advising the impact fee study report was approved at the last City Council meeting and gave information about the purpose of impact fees, which allows the city to charge an equitable fee for added capacity.

Councilmember Lawrence asked if the fee should be higher to cover potential expenses. Mr. Hubbard advised this is the highest fee the city can legally charge.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to approve Ordinance 2023-03-00974 setting the following impact fee rates:

- B. Water Impact Fee of \$13,119.00 per Living Unit Equivalent
- C. Roadway Impact Fee of \$504.00 per Service Unit.

The motion passed unanimously by a 7 to 0 vote.

9. Consider a board appointment to the Planning and Zoning Commission for a term beginning on May 18, 2023 and expiring on December 31, 2024.

Councilmember Fisher recommended that the City Council review the applicants and send their selections of interviewees to the City Secretary. Mayor Olk directed the Council to send their selections by Tuesday, March 28, 2023 to determine if a regular agenda item is needed for the April 6, 2023 City Council meeting for discussion, and directed staff to put an executive session item on the agenda for the April 20, 2023 City Council meeting for interviews of applicants.

MOTION: There was no motion needed for this item.

10. Consider modifications to the City of Lucas Thoroughfare Plan

Development Services Director Joe Hilbourn presented a map of the proposed changes to the Thoroughfare Plan. Mayor Pro Tem Peele opined that the proposed modification solves the problem of congested school traffic and the fast moving traffic down Stinson Road. Councilmember Johnson asked how the people on Stinson Road would go to the school. Mayor Olk explained that people could still go into the school using a right-hand turn.

Councilmember Baney advised the issue with this plan is that land would be taken away from residents in the area. Mayor Olk advised no property would be taken until the land was redeveloped. City Manager Joni Clarke advised that most residents in the area were amenable to the changes to the road.

Mr. Hilbourn advised that a couple of the lots would be undevelopable after land had been appropriated for the road changes because the loss of land would put the lots at under one acre, making them ineligible for a septic system. Mayor Olk advised the proposed changes could be put on the Throughfare Plan and changed later if needed. Mayor Pro Tem Peele opined that these lots are not conducive to residential lots, and would be better if commercially zoned.

The City Council directed staff to go forward with setting a public hearing to adopt the modification to the Thoroughfare Plan.

MOTION: There was no motion needed on this item.

11. Consider the planned expansion of the McKinney National Airport (TKI) with commercial passenger services.

Mayor Olk advised that there has not been enough study done to determine the noise impact from the airport nor a significant traffic study to determine the impact to roadways. Mayor Olk asked if the Council felt that there should be a resolution from the City of Lucas formally opposing the expansion or giving some conditions on approval. Mayor Pro Tem Peele commented that this issue will affect Lucas citizens, and that a resolution would be appropriate.

Councilmember Lawrence commented that at least having a resolution on record would show opposition. Councilmember Baney advised that his concern are the cargo flights that would typically be occurring at night. Mayor Olk advised hours of operation is one of the things that he would like to negotiate. Councilmember Fisher commented that another concern is the possibility of dumping fuel and the impact that would have on Lucas' water table. Mayor Olk advised he would draft a resolution to bring back to the next City Council meeting.

MOTION: There was no motion on this item.

12. 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.

Councilmember Fisher gave an update on multiple Senate and House bills in the Legislative Session. Councilmember Fisher suggested putting out some information to residents so they are informed of the impact to the city if bills of concern are passed. City Attorney Courtney Morris advised that the city attorneys are monitoring the bills and will keep the City Council informed.

MOTION: There was no motion needed for this item.

13. Adjournment.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to adjourn the City Council meeting at 8:03 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

Mayor Jim Olk

Erin Day, City Secretary



City of Lucas

City Council Agenda Request

April 6, 2023

Item No. 04

Requester: Mayor Jim Olk

Agenda Item Request

Executive Session:

- A. As authorized by Section 551.076 of the Government Code, the City Council may convene into Executive Session for deliberation regarding security devices or security audits, to-wit: receive an update on cyber security from Bill Baxter with Baxter IT Consulting Services.
- B. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice on result of SUP audit.
- C. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice on property rental regulations and short-term property rental regulations.
- D. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the government body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice regarding cottage food production operation zoning law.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas
City Council Agenda Request
April 6, 2023

Item No. 05

Requester: Mayor Jim Olk

Agenda Item Request

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

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas City Council Agenda Request April 6, 2023

Requester: Assistant Fire Chief Aaron Alderdice

Agenda Item Request

Consider a potential rate revision to the EMS/ambulance service fee schedule.

Background Information

Lucas Fire-Rescue identified that the City’s current Emergency Medical Services (EMS) fee schedule was lower than some of our comparison cities and the levels deemed "reasonable and customary" in the industry. Staff sought input from our Emergency Medical Services billing provider, Emergicon. They helped identify areas where the City could amend our fees based on current industry trends and standards. The last EMS fee schedule amendment by the City was in May 2015 (Ordinance 2015-05-00813 adopted 5/7/15). City of Lucas resident insurance payment is accepted as payment in full.

Staff seeks Council input on amendments to the current Emergency Medical Services fee schedule. The proposed adjustment, Option #1, will increase the City’s EMS fee revenues by an estimated \$15,030 per year.

Current EMS Fee Schedule:

	Resident*	Non-Resident
ALS-E	\$600	\$800
ALS-2	\$700	\$900
BLS-E	\$500	\$700
SCT	\$800	\$800
ALS Disp.	\$250	\$250
BLS Disp.	\$150	\$150
Oxygen	\$90	\$90
Mileage	\$15	\$15
TNT	\$0	\$0

* City of Lucas resident insurance payment is accepted as payment in full.

Proposed EMS Fee Schedule – Option #1:

	Resident*	Non-Resident
ALS-E	\$1,600	\$1,600
ALS-2	\$1,800	\$1,800
BLS-E	\$1,700	\$1,700
SCT	\$2,000	\$2,000
ALS Disp.	\$400	\$400
BLS Disp.	\$350	\$350
Oxygen	\$150	\$150



City of Lucas City Council Agenda Request April 6, 2023

Mileage	\$24	\$24
TNT	\$175	\$175

* City of Lucas resident insurance payment is accepted as payment in full.

Proposed EMS Fee Schedule – Option #2:

	Resident*	Non-Resident
ALS-E	\$1,200	\$1,300
ALS-2	\$1,350	\$1,450
BLS-E	\$1,050	\$1,150
SCT	\$1,700	\$1,700
ALS Disp.	\$375	\$375
BLS Disp.	\$225	\$225
Oxygen	\$135	\$135
Mileage	\$22.50	\$22.50
TNT	\$175	\$175

* City of Lucas resident insurance payment is accepted as payment in full.

Attachments/Supporting Documentation

1. Ambulance/EMS rate revision presentation.

Budget/Financial Impact

Maintain Current EMS Billing Rates: No impact to revenue.

Proposed Option #1: Approximately \$15,030 in additional revenue.

Proposed Option #2: Approximately \$8,800 - \$9,800 in additional revenue.

Recommendation

Staff recommends the City Council revise the Emergency Medical Services fee schedule with proposed Option #1. If Council is supportive of staff's recommendation, staff will bring an ordinance to amend Appendix C, Article 16.100 of the Lucas Code of Ordinances at a future Council Meeting.

Motion

N/A



EMS Fee Schedule Update Recommendations

CITY OF LUCAS FIRE-RESCUE



Context

- Each EMS agency in Texas is allowed to set fees for the services it provides.
- City of Lucas has maintained same EMS fee schedule since May 2015.
- No changes are being proposed to the way we bill residents and nonresidents. We are proposing to change the fees.
- Fee schedules should enable an agency to capture the most revenue from commercial insurance.
 - Increasing the EMS fees will increase revenues for the City.
- The proposed fee schedule amendment would:
 - Align fees to reflect changes in economic landscape of providing medical care.
 - Align fees with those deemed 'reasonable and customary' in the industry.



Context

- Governmental payors, like Medicare and Medicaid, establish the fees they will pay.
 - They pay that amount, regardless of what an EMS charges.
 - Commercial insurance reimburses EMS agencies based on their policies and coverages – which can vary from insurance to insurance.
- City of Lucas resident insurance payment is accepted as “payment in full.”
 - “Zero-Billing”
- Medicare allowed charges are considered as “payment in full.”



EMS Ambulance Billing Terms

EMS ambulance billing is determined by the service provided. The following terms are used to describe service types.

- **Basic Life Support (BLS)** – Medical evaluation, vital signs, bandaging, splinting, oxygen, etc.
- **Advanced Life Support (ALS)** – Medications, IVs, Advanced Airway Procedures, Heart Monitoring, 12 lead EKG's, Heart Pacing, etc.
- **ALS 1** – ALS procedure
- **ALS 2** – Multiple advanced ALS procedures
- **SCT (Specialty Care Transport)** – Interfacility transport of a critically injured or ill patient, care required is provided by a paramedic with additional training or other medical providers
- **Loaded Mileage** – Distance of transport with the patient on board
- Everyone transported to an Emergency Department (ED) receives at least BLS care. Some patients receive ALS or ALS II level care.



Current Fee Structure

- Use third-party billing company, Emergicon
- Differentiates resident vs non-resident
 - “Zero-Billing” for residents – **will be retained**
- Figures represent rates adopted in May 2015
- Data collected by Emergicon from more than 200 EMS agencies in Texas indicate that Lucas Fire-Rescue’s current fee schedule is not in alignment with current industry standards.
 - Causing us to capture less than available reimbursement.

Current Fee Schedule		
	RES	NON-RES
ALS-E	\$600	\$800
ALS-2	\$700	\$900
BLS-E	\$500	\$700
SCT	\$800	\$800
ALS Disp	\$250	\$250
BLS Disp	\$150	\$150
O2	\$90	\$90
Mileage	\$15	\$15
TNT	\$0.00	\$0.00



Recommendation #1 (Current Industry Standard)

Current Fee Schedule		
	RES	NON-RES
ALS-E	\$600	\$800
ALS-2	\$700	\$900
BLS-E	\$500	\$700
SCT	\$800	\$800
ALS Disp	\$250	\$250
BLS Disp	\$150	\$150
O2	\$90	\$90
Mileage	\$15	\$15
TNT	\$0	\$0

Proposed Fee Schedule #1		
	RES	NON-RES
ALS-E	\$1,600	\$1,600
ALS-2	\$1,800	\$1,800
BLS-E	\$1,400	\$1,400
SCT	\$2,000	\$2,000
ALS Disp	\$400	\$400
BLS Disp	\$350	\$350
O2	\$150	\$150
Mileage	\$24	\$24
TNT	\$175	\$175



Recommendation # 1 Projections

According to data collected from FY22, Lucas Fire-Rescue is conservatively projected to see the following increases if the proposed fee schedule is implemented:

\$15,030 in additional revenue

+\$45.82 Cash per Txp (CPT)

This figure is the result of analyzing commercial insurance reimbursement from similar agencies who are using a fee schedule in line with our recommendation and projecting it across Lucas's volume and payor mix.

Maintains our current practice of not sending additional payment requests to residents above and beyond what commercial insurance, Medicare, and/or Medicaid pays for remaining balance of billed charges – “payment in full.”



Recommendation #2

Current Fee Schedule		
	RES	NON-RES
ALS-E	\$600	\$800
ALS-2	\$700	\$900
BLS-E	\$500	\$700
SCT	\$800	\$800
ALS Disp	\$250	\$250
BLS Disp	\$150	\$150
O2	\$90	\$90
Mileage	\$15	\$15
TNT	\$0	\$0

Proposed Fee Schedule #2		
	RES	NON-RES
ALS-E	\$1,200	\$1,300
ALS-2	\$1,350	\$1,450
BLS-E	\$1,050	\$1,150
SCT	\$1,700	\$1,700
ALS Disp	\$375	\$375
BLS Disp	\$225	\$225
O2	\$135	\$135
Mileage	\$22.50	\$22.50
TNT	\$175	\$175



Recommendation # 2 Projections

According to data collected from FY22, Lucas Fire-Rescue is projected to see the following increases if the proposed fee schedule #2 is implemented:

\$8,800 - \$9,800 in additional revenue
+\$27 - \$30 Cash per Txp (CPT)

This figure is the result of analyzing commercial insurance reimbursement from similar agencies who are using a fee schedule in line with our recommendation and projecting it across Lucas's volume and payor mix.

Proposed resident fees = 1.5x the current non-resident fees. Proposed non-resident fees = 1.5x the current non-resident fees + \$100.



Recap

- The data available to us from more than 200 EMS agencies in Texas indicate that Lucas Fire-Rescue's current fee schedule is not in alignment with current industry standards. It is also causing us to capture less than available reimbursement.
- Implementing either of the two recommended fee schedules would not only increase revenue but will also help counteract the effects of inflation the US economy is experiencing.
- **Commercial insurance payments received from residents will remain considered as "payment in full."** Medicare payments received, regardless of resident status, are to be considered "payment in full."
- Any approved change can be implemented immediately upon delivery of written approval to EMERGICON.



Questions?



City of Lucas

City Council Agenda Request

April 6, 2023

Requesters: Development Services Director Joe Hilbourn
City Manager Joni Clarke

Agenda Item Request

Consider the City of Lucas Code Compliance Program.

Background Information

One of the goals established for the City Manager by the Lucas City Council is the City's Code Enforcement Program including weekend sign and code patrol. This is one of the City's highest priorities as the City Council has recently expressed some desires to review our current reactive Code Enforcement Program. City Council has expressed concern regarding illegal home occupation enforcement and requested staff to present a report at a future City Council meeting that explains the program/process used by Code Enforcement and to obtain direction from City Council on program enhancements.

The Code Enforcement Division is responsible for premise code enforcement and is an integral component of the Development Services Department. The Code Enforcement Officer is responsible for the compliance with city ordinances including but not limited to:

- Junk Vehicles
- Weeds & Grass
- Health & Safety
- Zoning Violations
- Illegal Dumping
- Illegal Signs

A citizen can report issues by:

- Calling the Code Enforcement Division at 972-912-1215 during regular business hours
- Emailing the Code Enforcement Officer at jquiles@lucastexas.us
- Online at GovQA

When reporting a code issue, it is important to provide a specific address with as much detail as possible regarding the issue in question. This will allow the Code Enforcement Officer to identify the correct property and begin an investigation more quickly. An investigation regarding the reported issue will begin within 48 hours of the report.



City of Lucas

City Council Agenda Request

April 6, 2023

If an investigation determines that there is a violation of a city ordinance, the Code Enforcement Officer will first try to obtain voluntary compliance to address the violation. The initial effort will be to gain voluntary compliance through education. This will be done through efforts ranging from door-tags to personal contact, telephone calls, and letters. The Code Enforcement Officer will make every effort to utilize diplomacy, tact and friendly persuasion to gain cooperation in compliance with the city ordinances when a violation is found. The Code Enforcement Officer will seek a remedy to the violation within 30 days. If there is substantial progress being made, the officer may extend the time needed to gain voluntary compliance, typically up to 90 days.

If voluntary compliance is not reached within the designated compliance timeframe, the Code Enforcement Officer will:

Take the first formal enforcement step by issuing a Notice of Violation with a specific date to come into compliance and send via first class mail and certified mail. The Code Enforcement Officer may also post a copy of the Notice of Violation on the property.

After the required compliance date has passed, the Code Enforcement Officer will re-inspect the property for compliance. If significant progress has been made, the officer may extend the compliance date. If the violation is resolved, the case will be closed.

Failure to resolve a violation may result in a formal filing under one of the following adjudication processes:

- Building Standards Board (violations related to dilapidated buildings or property)
- Municipal Court (zoning violations, property use, permit violations, other violations)

Effective March 1, 2023, all enforcement actions are entered in GovQA to ensure consistent follow-up until compliance is achieved. All records related to an investigation, citation, or summons are filed according to the date as well as a reference number generated by GovQA. These records are kept for the required timeframe as outlined by state law. Citations and summons are processed by Municipal Court, and records are retained under the same state requirements. Lucas Municipal Court is scheduled the fourth Friday of each month at 2:00 pm in the Council Chambers.

The name of a person reporting a violation is considered confidential. If a violation is reported and the reporting party would like to be informed regarding the investigation, they must provide their contact information. If the City receives a Public Information Request for the reporting party's name, the City will only release the information when directed to do so by the Attorney General.

The previously-referenced information is not inclusive of all steps and or actions that can be taken by the City. The amount of resources to prepare a case for Municipal Court is substantial. The City's current Code Enforcement Officer position also has responsibilities associated with



City of Lucas

City Council Agenda Request

April 6, 2023

facilities maintenance. The City was at one point very successful in obtaining voluntary compliance but over time, the code violations have increased in number and complexity.

Attachments/Supporting Documentation

1. Code Compliance Flowchart

Budget/Financial Impact

N/A

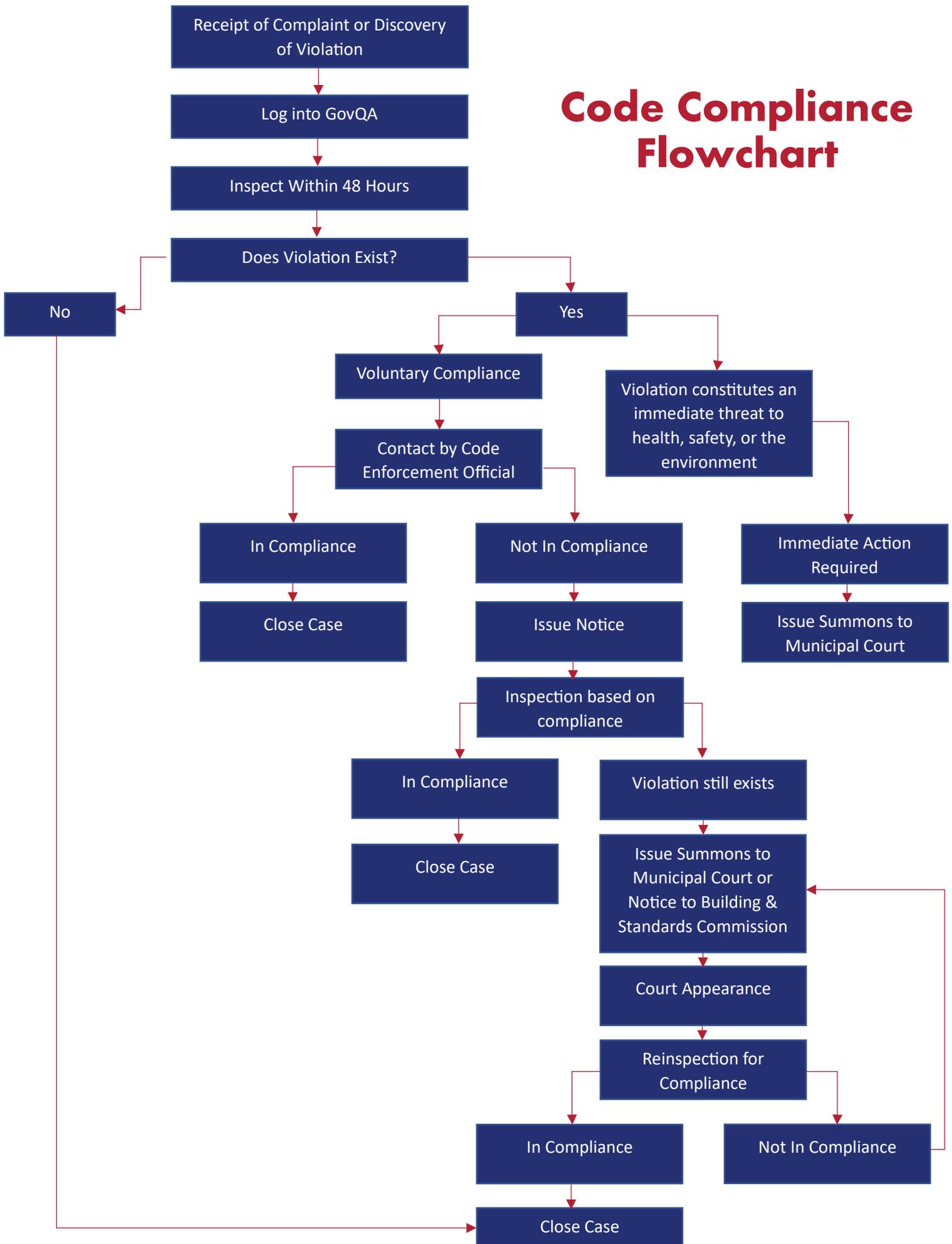
Recommendation

N/A

Motion

N/A

Code Compliance Flowchart





City of Lucas

City Council Agenda Request

April 6, 2023

Requesters: City Manager Joni Clarke

Agenda Item Request

Consider authorizing the City Manager to enter into an agreement with Jackson Walker LLP to assist in negotiating with North Texas Municipal Water District (NTMWD) regarding the customer city water rate and appropriate \$10,000 from unrestricted water fund reserves to line item 51-6400-310 legal services.

Background Information

The Cities of Garland, Mesquite, Plano and Richardson filed an appeal of the wholesale water rates imposed by the North Texas Municipal Water District (NTMWD) with the Public Utility Commission of Texas (PUC). In the Settlement Agreement executed in October 2020, the outcomes that transpired after the settlement agreement that were impactful to customer cities included the development of a new customer city contract template using a rolling average to determine the take or pay amount and NTMWD agreeing to perform an Independent Financial Review (IFR) of the regional water system. This independent study was conducted by Amawalk Financial Consultants LLC (Amawalk) beginning in March 2021. In December 2021, NTMWD's Board of Directors accepted the report.

On January 31, 2022, Customer Cities (City Managers and Utility Managers) were invited to NTMWD to receive a presentation from Amawalk. Customer cities took issue with some of the findings/recommendations in this report. In particular, it recommends a 10% premium without conducting any kind of rate study. Currently, the premium is five cents and if the 10% premium was implemented, it would be 30 cents!

Customer cities secured a utility consultant, Raftelis, to assist the customer cities in our quest to understand why NTMWD believes that customer cities should not be offered the same rate as member cities. Currently, there does not appear to be any pathway to becoming a member city and we believe that our contribution to the regional water system warrants a fair and equitable water rate.

As recommended by the IFR, the NTMWD engaged an outside consultant, Carollo Engineers, to further evaluate the customer city premium and provided an initial briefing to the NTMWD Board of Directors in February 2023.

Currently, the City of Lucas has a Potable Water Supply Contract and this 30-year agreement with an effective date of April 22, 2004, and establishes a rate of five cents (5 cents) per 1,000 gallons above the rate established for the Member Cities of NTMWD. The contract also has language that states "or such other rate, as may be from time to time determined by NTMWD" so if NTMWD adopts a higher premium for customer cities, the financial impact could be substantial. It is important to note that customer cities represent only 19.7% of NTMWD revenue.



City of Lucas

City Council Agenda Request

April 6, 2023

NTMWD indicated that in March and April, they welcome feedback from the member and customer cities and anticipate some NTMWD Board direction in May or June. NTMWD indicated that they do not have a proposed rate at this time and while they are open to feedback, they cannot share any numbers at this time.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

The financial impact of an increase in the customer city premium is unknown at this time but has the possibility of being substantial. The City of Lucas did not consider such an increase when it completed its recent water rate study.

Recommendation

Staff recommends continuing our partnership with the other customer cities by obtaining the services of Jackson Walker LLP to navigate the customer city premium/water rate study being performed by Carollo Engineers on behalf of NTMWD.

Motion

I make a motion to authorize the City Manager to enter into an agreement with Jackson Walker LLP to assist in negotiating with North Texas Municipal Water District (NTMWD) regarding the customer city water rate and appropriate \$10,000 from unrestricted water fund reserves to line item 51-6400-310 legal services.



City of Lucas

City Council Agenda Request

April 6, 2023

Requester: City Council
City Secretary Erin Day

Agenda Item Request

Consider a board appointment to the Planning and Zoning Commission for a term beginning on May 18, 2023 and expiring on December 31, 2024.

Background Information

Planning and Zoning Commission Chairman Dusty Kuykendall will be sworn in as a City Councilmember at the May 18, 2023 City Council meeting, leaving a vacancy on the Planning and Zoning Commission for the remainder of the term ending on December 31, 2024. At the March 16, 2023 City Council meeting, the Council discussed compiling a list of recommended candidates to review at the April 6, 2023 City Council meeting.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

Below are candidate recommendations received from the City Council:

- Frank Hise (Current Board of Adjustment Alternate)
- Brian Stubblefield (Current Board of Adjustment Member)
- Charles Corporon
- Helene Langer

Motion

NA



City of Lucas

City Council Agenda Request

April 6, 2023

Requesters: Mayor Jim Olk

Agenda Item Request

Consider the approval of Resolution R 2023-04-00540 opposing any planned expansion of the McKinney National Airport (TKI) that would negatively impact the residents of the City of Lucas.

Background Information

The Lucas City Council has a long-standing concern with the negative impact of increased aviation traffic from the McKinney National Airport (TKI). The City of McKinney has called for a bond election for May of 2023 to provide funding for the expansion of the McKinney National Airport to include commercial passenger service. The flight paths originating from the McKinney National Airport fly over the City of Lucas creating an adverse impact to the quality of life of Lucas residents.

At the March 16, 2023 City Council meeting, the Council determined that a resolution is needed to formally declare the City of Lucas opposed to any planned expansion that might negatively impact Lucas residents.

Attachments/Supporting Documentation

1. Resolution R 2023-04-00540

Budget/Financial Impact

N/A

Recommendation

N/A

Motion

I make a motion to approve/deny Resolution R 2023-04-00540 opposing any planned expansion of the McKinney National Airport (TKI) that would negatively impact the residents of the City of Lucas.



RESOLUTION R 2023-04-00540

[Opposition of the McKinney National Airport (TKI) Expansion]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, CONCERNING THE PROPOSED EXPANSION OF THE MCKINNEY NATIONAL AIRPORT (TKI) TO INCLUDE ADDITIONAL TERMINALS AND COMMERCIAL PASSENGER SERVICE, OPPOSING ANY PLANNED EXPANSION THAT MIGHT NEGATIVELY IMPACT THE RESIDENTS OF THE CITY OF LUCAS, TEXAS.

WHEREAS, the City of McKinney has announced the planned expansion of the McKinney National Airport (TKI) with commercial passenger airline service; and

WHEREAS, the City of McKinney has called a bond election for May of 2023 to provide funding to construct a commercial passenger terminal and associated improvements; and

WHEREAS, that City of Lucas is located on the flight path on the southern end of the airport and runway; and

WHEREAS, the largest density population reflected to be served by the proposed commercial passenger flights lies south and west of McKinney National Airport (TKI); and

WHEREAS, the City of McKinney has not engaged or completed any measurable environmental studies that gauge or address the impact of noise, air pollution, water pollution, or traffic congestion that would negatively impact the general public living in the proximity the airport; and

WHEREAS, the residents of the City of Lucas are already negatively impacted by the flight patterns over the City of Lucas today resulting in increased noise and other adverse environmental impacts; and

WHEREAS, the residents of the City of Lucas are currently negatively impacted by traffic attempting to avoid the congested major thoroughfares by using the City of Lucas neighborhood collectors to gain access to the City of McKinney and the McKinney National Airport (TKI); and

WHEREAS, if commercial passenger service is initiated at TKI, larger and noisier airplanes will be placed into service traveling over the City of Lucas, as well as the additional generation of passenger vehicles attempting to get to TKI from the densely populated areas traveling through the City of Lucas; and

WHEREAS, the impact of this increased noise and vehicular traffic would be borne by the resident of the City of Lucas, further negatively impacting their health, safety, quality of life, and enjoyment of their property;

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

The Federal Aviation Administration and the City of McKinney are hereby notified that the City of Lucas opposes any expansion of the McKinney National Airport (TKI) that would negatively impact the residents of the City of Lucas, including but not limited to the construction of a passenger terminal for providing commercial airline services. It is the opinion of the City of Lucas that there are other airports in the North Texas area (i.e., North Texas Regional Airport/Perrin Field) that would be better suited to providing commercial passenger service without the extremely negative impacts to established communities and neighborhoods as are present with this proposal.

APPROVED AND ADOPTED by the City Council of the City of Lucas on this 6th day of April, 2023.

Jim Olk, Mayor

ATTEST:

Erin Day, City Secretary



City of Lucas City Council Agenda Request April 6, 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

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.

Background Information

The 88th Legislature's regular session runs from January 10 to May 29, 2023. The last day to file bills was March 10, 2023. The Texas Legislature has filed 6,296 House bills and 3,063 Senate bills.

Attachments/Supporting Documentation

1. TML Legislative Update Number 13, Bills on the Move (March 31, 2023)

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA

MARCH 31, 2023, NUMBER 13

Download the full .pdf version here: [TML Legislative Update Number 13](#)

BILLS ON THE MOVE

Significant Committee Action

H.B. 9 (Ashby), creating the Broadband, Equity, Access, and Deployment (BEAD) program and the Broadband Infrastructure Fund. Left pending after hearing in House State Affairs.

H.B. 14 (Cody Harris), allowing for third party review of plats, plans, permits, and inspections under certain circumstances. TML testified in committee. Voted from House Land & Resource Management.

H.B. 471 (Patterson), expanding paid sick leave for first responders and expanded disease presumption. Committee substitute voted from House Calendars. Placed on House calendar on Tuesday, April 4.

H.B. 586 (E. Thompson), allowing a city to annex a road right-of-way to bring a voluntarily requested area into city limits. Left pending after hearing in House Land & Resource Management.

H.B. 640 (Julie Johnson), allowing for an election to reauthorize street maintenance sales tax for a period of eight or ten years instead of four years under certain circumstances. Left pending after hearing in House Ways & Means.

H.B. 866 (Oliverson), modifying the platting shot clock. TML testified in committee. Committee substituted voted from House Land & Resource Management.

H.B. 1312 (Vasut), requiring a regular or special meeting of the board of a municipal utility district to be held at a publicly accessible location not more than five miles outside the territory of the district. Left pending after hearing in House Land & Resource Management.

H.B. 1526 (Cody Harris), limiting parkland dedication and fees in lieu of dedication for cities over 800,000 in population. TML provided written testimony. Committee substitute voted from House Land & Resource Management.

H.B. 1819 (Cook), repealing city juvenile curfew ordinances except for purposes of emergency management. Left pending after hearing in House Select on Youth Health & Safety.

H.B. 1922 (Dutton), requiring a review of building permit fees every ten years. Voted from House Land & Resource Management.

H.B. 2224 (Hernandez), allowing a city to lower a residential speed limit to 25 mph without a traffic study. Left pending after hearing in House Transportation.

H.B. 2239 (Troclair), providing a city may not prohibit the removal of Ashe Juniper trees. Voted from House Land & Resource Management.

H.B. 2266 (Leach), allowing a state license holder to bring legal action against a city if city regulation results in adverse economic impact on the license holder. TML provided written testimony. Left pending after hearing in House Judiciary and Civil Jurisprudence.

H.B. 2367 (Lozano), creating regulations on residential amenity rentals. TML provided written testimony. Left pending after hearing in House Land & Resource Management.

H.B. 2561 (Tepper), requiring an election in November 2023 on the question of disannexation of any area that was annexed by a city between March 3, 2015, and May 24, 2019. TML provided written testimony. Left pending after hearing in House Land & Resource Management.

H.B. 2789 (Holland), allowing an accessory dwelling unit (ADU) in a single-family zoning or un-zoned areas by right, and prohibit much of a city's ability to regulate an ADU. TML provided written testimony. Left pending after hearing in House Land & Resource Management.

H.B. 2806 (Canales), allowing billboards to relocate in certain areas if the billboard use is discontinued due to a public construction project and require a city to provide for the relocation by a special exception to any applicable zoning ordinance. TML provided written testimony. Left pending after hearing in House Transportation.

H.B. 2925 (Martinez), automatic civil service for cities over 25,000 in population with a paid fire department or police department. TML provided written testimony. Left pending after hearing in House County Affairs.

H.B. 2970 (Guillen), allowing HUD-code homes in all residential zones under certain circumstances. TML provided written testimony. Voted from House Land & Resource Management.

H.B. 3053 (Dean), requiring election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and December 1, 2017. The committee substitute applies to cities over 500,000 in population. TML provided written testimony. Left pending after hearing in House Land & Resource Management.

H.B. 3490 (Rogers), requiring a city to provide written notice containing certain information regarding any proposed zoning change that could result in the creation of a nonconforming use. If a nonconforming use is required by a city to cease operation, the owner or lessee of the property is entitled to receive either payment for costs associated with closing the operation or additional time to engage in the nonconforming use. TML provided written testimony. Left pending after a hearing in House Land Resource & Management.

H.B. 3492 (Stucky), prohibiting cities from using the cost of constructing or improving public infrastructure as a factor in determining certain value-based fees related to engineering, inspection, and subdivision. Left pending after hearing in House Land & Resource Management.

H.B. 3568 (Gates), exempting a public facility cooperation (PFC) from all property taxation for a qualifying multifamily residential development. Left pending after hearing in House Urban Affairs.

H.B. 3826 (Toth), prohibiting a city from denying a building permit solely because the city is unable to comply with the 45-day time period for granting or denying a building permit. Left pending in House Land & Resource Management.

H.B. 4598 (Leach), increasing penalties and punishment for theft of a catalytic converter. Left pending after hearing in House Homeland Security and Public Safety.

S.B. 558 (Hughes), limiting parkland dedication and fees in lieu of dedication for cities over 800,000 in population. TML provided written testimony. Left pending after hearing from Senate Natural Resources and Economic Development.

S.B. 612 (Johnson), allows for an election to reauthorize street maintenance sales tax for a period of eight or ten years instead of four years under certain circumstances. Voted from Senate Local Government.

S.B. 767 (Parker), requires a fee schedule of new and increased fees to be on the city's budget's cover page and for cities over 30,000 to establish and maintain an email notification service regarding new or increase fees. Left pending after hearing in Senate Local Government.

S.B. 929 (Parker), requiring a city to provide written notice containing certain information regarding any proposed zoning change that could result in the creation of a nonconforming use. If a nonconforming use is required by a city to cease operation, the owner or lessee of the property is entitled to receive either payment for costs associated with closing the operation or additional time to engage in the nonconforming use. TML provided written testimony. Committee substitute voted from Senate Local Government.

S.B. 946 (Sparks), requiring an election for bonds or a tax increase to be held on the November uniform election date. TML provided written testimony. Left pending after hearing in Senate State Affairs.

S.B. 1421 (Perry), limits city regulation of agricultural operations and vegetation height restrictions within city limits and the extraterritorial jurisdiction. TML provided written testimony. Committee substituted voted after hearing from Senate Water, Agriculture and Rural Affairs.

S.B. 1601 (Hughes), prohibiting a city library from receiving state funds if it hosts an event at which a person being dressed as the opposite gender reads a book or story to a minor for entertainment purposes. Voted from Senate State Affairs.

Significant Floor Action

H.B. 300 (Howard), permits a sales tax exemption for feminine hygiene products, maternity clothing, and children's diapers. Passed the House.

S.B. 221 (Bettencourt), setting a process for the Secretary of State to review ballot language in initiative, referendum, and charter elections for home rule cities and waives governmental immunity. TML provided written testimony. Passed the Senate.

GET INVOLVED AT THE LEGISLATURE: GRASSROOTS INVOLVEMENT PROGRAM

During 88th Legislative Session, Texas cities are facing many challenges and opportunities. TML will need to mobilize our membership at key points during session. The Grassroots Involvement Program (GRIP) is one way to do so. Our GRIP survey focuses on a variety of items including your areas of expertise and involvement with other professional organizations. Most importantly, the GRIP survey asks how well you know various state legislators and if you are willing to communicate with those legislators during the session. TML's grassroots approach is crucial to our efforts.

If you have a relationship with your legislator(s) or want to be more involved during session, please take the time to complete the GRIP survey. Past efforts have proven that such participation is a highly effective tool.

We ask that you complete the survey as soon as possible.

CITY OFFICIALS TESTIFY

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony let us know by an email to alyssa@tml.org, and we'll recognize you in next week's edition.

- Sally Bakko, Director of Policy and Governmental Relations, City of Galveston
- Ken Bennett, Deputy City Attorney, City of Arlington
- Andrew Espinoza, Director/Chief Building Official, City of Dallas
- Nick Fehrenbach, Manager of Regulatory Affairs, City of Dallas
- D.J. Harrell, Director of Development Services, City of Fort Worth
- Cynthia Garza-Reyes, Director of External Affairs, City of Pharr
- David Gill, Chief of Police, City of Mesquite
- Ben Gorzell, Chief Financial Officer, City of San Antonio
- John Jenkins, Parks and Recreation Director, City of Dallas
- Bill Kelly, Director of Governmental Relations, City of Houston

- Mike Land, City Manager, City of Coppell
- Erika Lopez, Assistant City Attorney, City of Austin
- Wes Mays, Mayor, City of Coppell
- Joel McElhany, Assistant Director of Parks and Recreation, City of Fort Worth
- Angela Oglesbee, Councilmember, City of Fairfield
- Jennifer Ostlind, Assistant Director of Community and Regional Planning, City of Houston
- Scott Rubin, Chief of Police, City of Blanco
- James Smith, Sergeant, City of San Antonio Police Department
- Ed Van Eenoo, Chief Financial Officer, City of Austin
- Hope Wells, City of San Antonio Water System
- Vernon Young, Assistant Director of Development Services, City of Dallas
- Richard Zavala, Parks and Recreation Director, City of Fort Worth

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