



AGENDA CITY COUNCIL MEETING

March 16, 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, March 16, 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 5510415 of the Texas Government Code, the City Council may report on the following items: 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.

2. Items of Community Interest.

Consent Agenda

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

3. Consent Agenda:

- A. Approval of the minutes of the March 2, 2023 City Council meeting. **(City Secretary Erin Day)**

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

Executive Session

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

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)
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
(Public Works Director Scott Holden, CIP Manager Patrick Hubbard)
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 modifications to the City of Lucas Thoroughfare Plan. (Development Services Director Joe Hilbourn)
11. Consider the planned expansion of the McKinney National Airport (TKI) with commercial passenger services. (Mayor Jim Olk)
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. (City Council, City Manager Joni Clarke, City Attorney Joe Gorfida)
13. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City’s website at www.lucastexas.us on or before 5:00 p.m. on March 10, 2023.



Kent Souriyasak, Assistant City Manager

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

March 16, 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

March 16, 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

March 16, 2023

Item No. 03

Requester: City Secretary Erin Day

Agenda Item Request

Consent Agenda:

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

Background Information

NA

Attachments/Supporting Documentation

1. March 2, 2023 City Council Meeting Minutes

Budget/Financial Impact

NA

Recommendation

City staff recommends approval of the Consent Agenda.

Motion

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



MINUTES

CITY COUNCIL REGULAR MEETING

March 2, 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 Tim Johnson
Councilmember David Keer
Councilmember Tim Baney
Councilmember Debbie Fisher

City Councilmembers Absent:

Councilmember Philip Lawrence

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
Management Analyst Joshua Menhennett
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

Community Interest

2. Items of Community Interest

Mayor Olk gave items of community interest including:

- Launching of GovQA Service Request Center
- Keep Lucas Beautiful Spring Cleanup
- Founders Day
- Farmers Market
- Community CPR Class
- Styrofoam Recycling Cancellation

City Secretary Erin Day introduced new Management Analyst Joshua Menhennett.

Consent Agenda

3. Consent Agenda:

- A. Memorandum to the City Council of the automatic renewal of the Interlocal Agreement with Lovejoy ISD for Emergency Medical Services and providing an overview of the cost and burden to Lucas Fire-Rescue during the 2022 football season.

- B. Approval of Ordinance 2023-03-00972 declaring unopposed candidates in the May 6, 2023 General Election to be elected to office, cancelling the May 6, 2023 General Election and providing an effective date.
- C. Approval of the minutes of the February 16, 2023 City Council meeting, the February 23, 2023 City Council Special Called meeting, and the February 23, 2023 City Council and Planning and Zoning Commission Joint Special Called meeting.

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

Public Hearing

- 4. **Conduct a public hearing and consider approval of amendments to the Land Use Assumptions, Capital Improvement Plan and Water and Roadway Impact Fee Report.**
 - A. **Presentation by CIP Manager Patrick Hubbard**
 - B. **Conduct public hearing**
 - C. **Take action regarding approval of amendments to the Land Use Assumptions, Capital Improvement Plan, and Water and Roadway Impact Fee Report**

CIP Manager Patrick Hubbard gave a presentation explaining this public hearing is to allow public input on the impact fee report prepared by Birkoff, Hendricks & Carter, L.L.P. and the Engineering department of the City, and to receive public comment on the technical analysis of the cost of future development.

Gary Hendricks of Birkoff, Hendricks & Carter, L.L.P. gave a presentation on the Water Distribution System Impact Fee, Capital Improvement Plan and Capital Recovery Projects, including; land use assumptions for the next ten years, population projections, map of facilities in the Capital Improvement Plan, list of projects that are eligible for impact fee recovery, opinion of probable cost of projects over the next ten years, project costs for existing water lines and existing water supply, pumping and storage facilities, projected future capacity costs, living unit ratios per meter size, and total allowable cost of impact fees.

Mayor Olk pointed out a discrepancy between the PowerPoint presentation being presented and what was in the agenda packet. Mr. Hendricks explained the PowerPoint slide is incorrect and the published report has the correct information.

Mayor Olk asked could impact fees apply to a new meter installed if there are additional dwelling units added to a property. Mr. Hendricks explained the fee would apply if there is a new meter installed.

Kelly Parma of Lee Engineering continued the presentation regarding the roadway impact fee including roadway impact fee limited to city limits, ten year land use assumptions for roadways, capital recovery projects related to roadways for the next ten years, service unit estimates based on vehicle use, cost of thoroughfare attributed to growth, and maximum roadway impact fee allowed, and sample costs per single-family dwelling unit or shopping center.

Mayor Olk asked could there be an additional roadway fee charged if there was an additional dwelling unit on a lot. Mr. Parma advised he believes it would be charged per permit issued depending on city ordinances. Councilmember Fisher suggested that City Council look into fees that could be accessed due to the impact accessory dwelling units are having on the city.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Johnson, to approve the Land Use Assumptions, Capital Improvement Plan and Water and Roadway Impact Fee Report as presented. The motion passed unanimously by a 6 to 0 vote, with Councilmember Lawrence absent.

5. Conduct a public hearing and 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 location of the property, site plan, layout, elevations, and staff recommendations.

Mayor Olk asked if there was a three compartment sink in the building as it appears in the layout, and why it is needed. Mr. Hilbourn advised it is for a future bathroom and for washing vehicles in the garage area. Councilmember Fisher asked if the whole building is counted as habitable space. Mr. Hilbourn advised the habitable area is only counted and it is 837 square feet, with the total building being 1,219 square feet.

Mayor Olk suggested continuing the public hearing at the March 16, 2023 City Council meeting to allow the applicant to come and answer questions from the City Council.

Mayor Olk opened the public hearing at 7:15 pm.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Baney, to continue the public hearing at the March 16, 2023 at 6:30 pm for the 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, in order to hear testimony from the owner and the public. The motion passed unanimously by a 6 to 0 vote, with Councilmember Lawrence absent.

6. Conduct a public hearing and consider a request by 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 gave a presentation advising that the applicant is requesting to amend a previously approved plan by adding a kitchen.

Mr. Hilbourn gave statements from the owner and information regarding the location, site plan, unit plan, elevations, and staff recommendations. Mr. Hilbourn noted that the total building is 2,400 square feet, with 1,300 square feet being habitable space.

Mayor Olk advised the building appears to be set up as a guest house, without interchanging access from the garage or office area. Mayor Olk recommended that the City Council limit the size of the guest house to around 800 square feet, and to allow the specific use permit for a kitchen with the size limit as a stipulation.

Mayor Olk opened the public hearing at 7:22 pm.

There were no members of the public requesting to speak on this item.

Mayor Olk closed the public hearing at 7:22 pm.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Fisher, to approve the request by 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 in an accessory building with habitable space, with the condition that the guest house/apartment area be limited to 800 square feet with no additional interconnection between other parts of the building and the habitable space. The motion passed unanimously by a 6 to 0 vote, with Councilmember Lawrence absent.

7. Consider the acceptance and approval of the City of Lucas Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2021-2022 presented by Susan LaFollett from Vail & Park, P.C.

Mike Vail of Vail & Park, P.C. gave a presentation via video conference highlighting the objectives of the audit that was performed, the full scope of the audit, the breakdown of the Annual Comprehensive Financial Report, commendations on the Finance Department receiving the Certificate of Achievement for Excellence in Financial Reporting for the 12th consecutive year, overview of the audit report, net position of the city, governmental activities revenues, governmental activities expenses, general fund balances, and water and sewer fund balances.

Councilmember Keer complimented the financial team on their work.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Baney, to approve the City of Lucas Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2021-2022 as presented. The motion passed unanimously by a 6 to 0 vote, with Councilmember Lawrence absent.

8. Discuss the City of Lucas Thoroughfare Plan.

Mayor Olk advised there was previous discussion about Stinson Road being moved to meet Country Club Road and West Lucas Road.

Mayor Pro Tem Peele advised that a former engineer proposed having the road meet Country Club Road at the traffic light.

Councilmember Baney indicated he thought the City Council decided this was not a viable option.

Mayor Pro-Tem Peele noted the City Council had approved putting in a four-way stop in preparation for Stinson Road to be moved to the intersection.

Councilmember Johnson advised there is also a new house being built where the proposed intersection is located. Councilmember Johnson asked if the road curved around to meet Stinson Road and if that would take away from the church parking lot. Mayor Olk indicated that it would.

Mr. Hilbourn advised the new development on 995 West Lucas Road allots for the proposed roadway plans in front of the development.

After discussion from the City Council on suggestions for the roadway, Mayor Olk directed staff to make adjustments and bring an aerial map with proposed plans to the next City Council meeting.

MOTION: There was no motion needed for this item.

9. Consider a request by Wylie Northeast Special Utility District to amend its Certificate of Convenience and Necessity to provide sewer utility service to two areas.

Development Services Director Joe Hilbourn advised the Wylie Northeast Special Utility District is trying to expand their service area into a development in Inspiration and one at the intersection of Parker Road and Southview Drive, which is a proposed gas station and carwash. Mr. Hilbourn advised the City Council has three options: to support the request, to deny the request, or to remain a neutral party to the request.

Councilmember Johnson asked if the City of Lucas is the only option for the services requested. Mr. Hilbourn advised if the City of Lucas opposes the request, there will have to be a public hearing, and that another entity may oppose it and force a public hearing as well.

Councilmember Fisher asked if this is referencing the area where residents were concerned about flooding from county properties. Mr. Hilbourn advised this is the Seis Lagos property where residents have significant drainage concerns.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Johnson, to remain a neutral party to the Wylie Northeast Special Utility District intent to amend its Certificate of Convenience and Necessity to provide sewer utility service to two areas. The motion passed unanimously by a 6 to 0 vote, with Councilmember Lawrence absent.

Executive Agenda

10. Executive Session:

- A. As authorized by Section 551.071 of the Local 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.

- B. As authorized by Section 551.071 of the Local 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.
- C. As authorized by Section 551.071 of the Local 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 the items scheduled for the executive session will be postponed until the March 16, 2023 City Council meeting.

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

12. Adjournment.

MOTION: A motion was made by Councilmember Johnson, seconded by Mayor Pro Tem Peele, to adjourn the meeting at 7:49 pm. The motion passed unanimously by a 6 to 0 vote, with Councilmember Lawrence absent.

APPROVED:

ATTEST:

Mayor Jim Olk

Erin Day, City Secretary



City of Lucas City Council Agenda Request March 16, 2023

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

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

Background Information

This lot is currently zoned R-2 (Residential 2-Acre), and the applicant is requesting to construct an accessory building with habitable space that meets the City's requirements. The specific use permit request is to allow a food preparation area within an accessory building.

Section 14.04.304(4B)(ia) of the City's Code of Ordinances requires that an addition of a kitchen/food preparation area requires a specific use permit in R-2 or AO (Agriculture) zoning districts that contain a single-family home and states the following:

(B) Specific regulations for an accessory building containing habitable space.

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

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

At the March 2, 2023 City Council meeting, the public hearing was continued to the March 16, 2023 City Council meeting to allow the applicant and citizens to give public testimony regarding this request.

Attachments/Supporting Documentation

- 1. Location Map
- 2. Permit application (site plan and kitchen layout)
- 3. Public Notice



City of Lucas
City Council Agenda Request
March 16, 2023

Budget/Financial Impact

NA

Recommendation

Staff recommends approval of the specific use permit request as presented. The Planning and Zoning Commission recommended approval of this request with a 5 to 0 vote.

Motion

I make a motion to approve/deny 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.



LOCATION MAP: 1050 CREEK VIEW LANE





NEW RESIDENTIAL & COMMERCIAL

INSPECTION REQUEST LINE

214-644-0779

PERMIT #

CITY OF LUCAS
665 Country Club Road
Lucas, TX 75002
Phone: 972-912-1206
Fax: 972-727-0091

Project Address: 1050 Creek View Ln Lucas Tx. 75002 Zoning: Residential

Subdivision: Willow Creek Acres Unrecorded Lot: 36 Block: _____

Property Owner Name & Address: McGee Billy Ray & Sharon Phone: 951-306-6314

General Contractor: Level 1 General Construction Phone: 469-569-3551

Electrical Contractor: Electra Plus Phone: 972-402-0770

Plumbing Contractor: _____ Phone: _____

Mechanical Contractor: _____ Phone: _____

BUILDING INFORMATION

WORK BEING DONE		AREA IN SQUARE FEET		TYPE	
<input type="checkbox"/> NEW BLDG.	<input checked="" type="checkbox"/> INT. REMODEL	FLOOR AREA: <u>1132</u>	SF	<input checked="" type="checkbox"/> SINGLE FAMILY	<input type="checkbox"/> INDUSTRIAL/WHSE.
<input type="checkbox"/> NEW BLDG. (SHELL ONLY)	<input type="checkbox"/> EXT. REMODEL	GARAGE: _____	SF	<input type="checkbox"/> CHURCH	<input type="checkbox"/> COMMERCIAL
<input checked="" type="checkbox"/> INT. COMPLETION	<input type="checkbox"/> OTHER	PORCH: _____	SF	<input type="checkbox"/> SCHOOL	<input type="checkbox"/> OHER
<input checked="" type="checkbox"/> ADDITION		PATIO: _____	SF		
		TOTAL: <u>1132</u>	SF	ESTIMATED VALUE: _____	

REMARKS: This barn is being converted into a living space for her Dad

NOTICE TO APPLICANT: UNDER PENALTY OF INTENTIONAL MISREPRESENTATION AND/OR PERJURY, I DECLARE that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvement in compliance with all provisions of the Ordinances of the City of Lucas, I realize that the information that I have stated hereon forms a basis for the issuance of the Building Permit herein applied for and approval of any plans in connection therewith shall not be construed to permit any construction upon said premises or use thereof in violation of any provision of the Lucas City Code or any other ordinance or to excuse the owner or his successors in from complying therewith. **WHERE NO WORK HAS BEEN STARTED WITHIN 180 DAYS AFTER THE ISSUANCE OF A PERMIT OR WHEN MORE THAN 180 DAYS LAPSES BETWEEN APPROVAL OF REQUIRED INSPECTIONS, SUCH PERMIT SHALL BE VOID.**

I hereby certify that I am the OWNER at this address or that for the purposes of obtaining this approval, I am acting on behalf of the owner. All contract work on this project will be done by a contractor holding a valid privilege tax license and contractor's license issued by the State of Texas and the City of Lucas.

SIGNED: [Signature] DATE: 12/15/2022
Owner or Agent

SCOPE OF PERMIT: For new buildings and for additions to existing buildings, this permit authorizes all structural, plumbing, electrical, mechanical, work to be performed in the construction of the building or structure at this address, if done at the same time of initial construction. No separate subcontractor permits are needed for those trades. However, the permit holder is required to use only subcontractors registered with the City of Lucas where such a requirement is applicable. If this permit is obtained for work other than new buildings and additions, separate permits must be obtained by all subcontractors.

FINAL INSPECTION REQUIREMENTS: All final reports and paperwork need to be on site for final inspection, including but not limited to: backflow report, final energy report, final termite report, final grade report, septic report or other reports that may be necessary.

Subject property is _____ or is not _____ within the flood hazard area.
Required lowest floor elevation is _____.

Official Use Only:	
Signature: _____	Date: _____
Received By	
Signature: _____	Date: _____
Building Official	
From: _____	Check # _____ Cash _____

For Official Use:	
Permit Fees	
Building Permit:	_____
Water Meter & Install:	_____
Water Impact Fee:	_____
Street Impact Fee:	_____
Weight Permit:	_____
Other:	_____
Total Amount Due:	_____

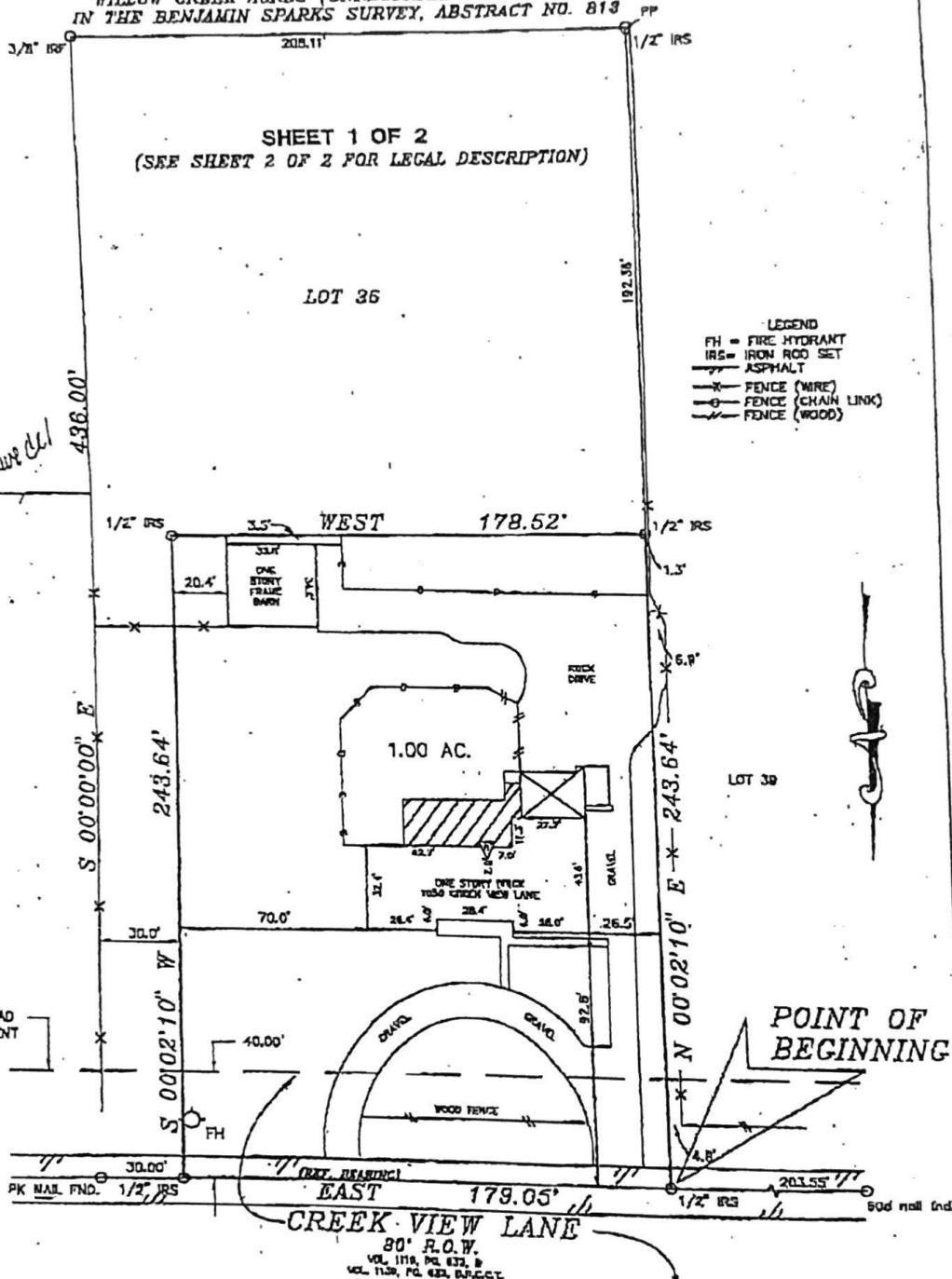
1050 CREEK VIEW LANE
 1.00 ACRES - PART OF LOT 36
 WILLOW CREEK ACRES (UNRECORDED SUBDIVISION)
 IN THE BENJAMIN SPARKS SURVEY, ABSTRACT NO. 813

SHEET 1 OF 2
 (SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION)

LOT 36

LEGEND
 FH = FIRE HYDRANT
 IRS = IRON ROD SET
 --- ASPHALT
 --- FENCE (WIRE)
 --- FENCE (CHAIN LINK)
 --- FENCE (WOOD)

LOT 11
 6125118
 Survey
 9/23
 9/23/04



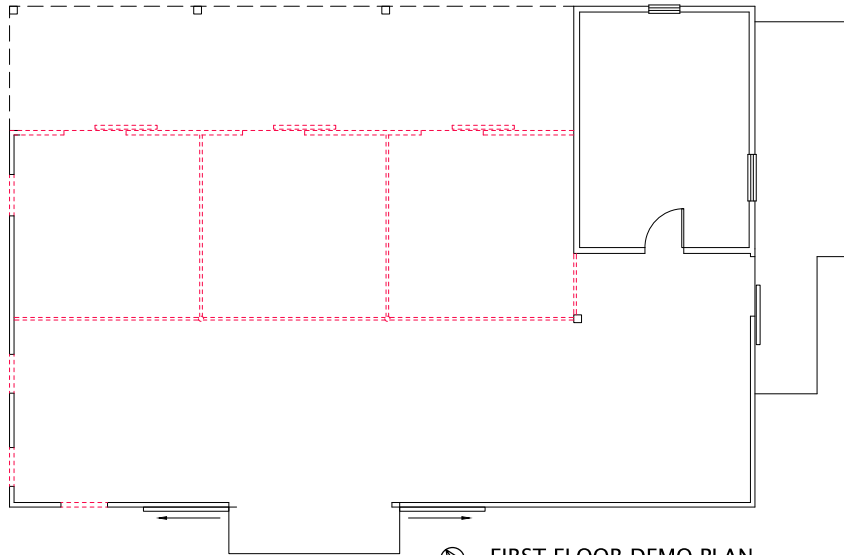
I, the undersigned, being a duly Registered Professional Surveyor in the State of Texas, do hereby declare that a survey of the above property was made on the ground under my personal supervision and direction on the 31st Day of May, 1998, and the same correctly represents the property and visible improvements thereon.
 I have noted all recorded easements and rights-of-way recorded in copies of recorded instruments furnished me by the Title Company, C.P. No. 482728-14.
 The physical evidence and recorded description of all easements, including location and dimensions, are correct; shown;
 Daniel A. Smith, R.P.L.S. No. 4845



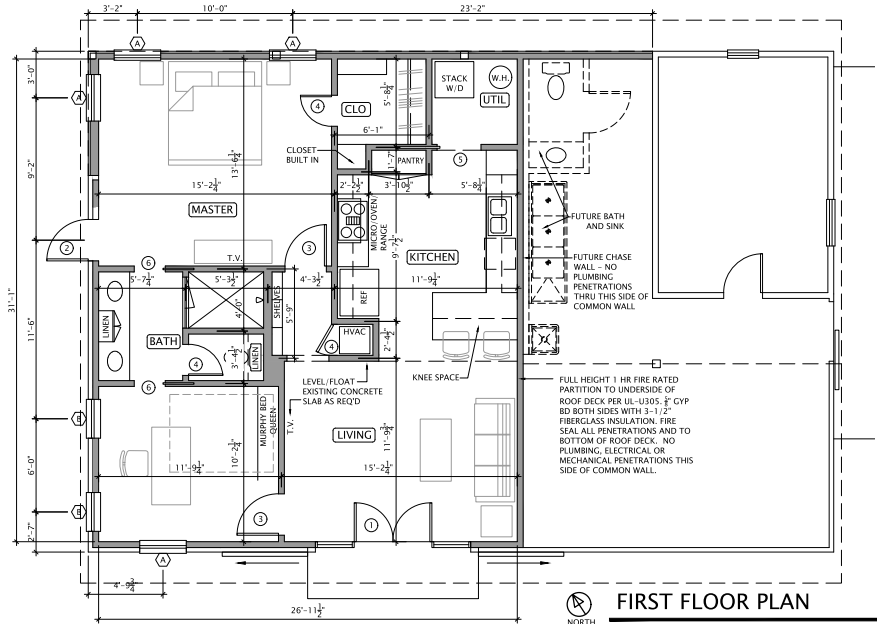
THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN ACCORDING TO THE FLOOD PLAIN MAP OF THE CITY OF LUCAS COMMUNITY PANEL NO. 481548 0455 C, MAP DATED 1/19/98, (ZONE "X")

3/24/98 REVISION CALLS AND ADDED LEGEND

SCALE: 1"=40'	DATE: 5/14/98	DRAWN: ED	JOB NO.: 48-1472
DANIEL A. SMITH, INC. 4528 VIA VENTURA MEGQUITE, TEXAS 76160 (972) 226-4566 FAX (972) 226-4924			



FIRST FLOOR DEMO PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

GENERAL NOTES

PROJECT DESIGN BASED ON 2021 INTERNATIONAL RESIDENTIAL CODE AND RELEVANT AMENDMENTS TO THE CODE.

GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL ENERGY CODE COMPLIANCE DOCUMENTATION (RESHECK)

STRUCTURAL ENGINEERING IS NOT PART OF THIS CONTRACT. OWNER/BUILDER IS DIRECTED TO CONSULT A STRUCTURAL ENGINEER FOR FOUNDATION AND FRAMING DESIGN.

GRADING/CIVIL ENGINEERING IS NOT PART OF THIS CONTRACT. OWNER/BUILDER IS DIRECTED TO SEEK THE DIRECTION OF A GEOTECHNICAL ENGINEER FOR FOUNDATION AND PAVING DESIGN CRITERIA BASED ON SOIL CONDITIONS SPECIFIC TO THE SITE.

PROVIDE ASPHALT IMPREGNATED EXPANSION JOINT WITH TRAFFIC SEALANT BETWEEN BUILDING FOUNDATIONS AND ALL FLAT WORK.

CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CODE REQUIREMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION.

FINAL LOCATIONS OF TELEPHONE/DATA, TV OUTLETS AND FLOOR OUTLETS TO BE DETERMINED BY OWNER.

FINAL LOCATIONS OF FLOOR LIGHT SWITCHES AND UP-LIGHT TIMERS TO BE DETERMINED BY OWNER.

PROVIDE WATERLINE TO REFRIGERATOR, TYP. FOR ICE MAKER. PROVIDE ELECTRICAL TO ALL APPLIANCES AS REQUIRED. VERIFY VOLTAGE REQUIREMENTS WITH MANUFACTURER'S SPECIFICATIONS.

PROVIDE GFCI AND AFCI PROTECTED OUTLETS WHERE REQUIRED BY CODE. PROVIDE DRIP PANS BENEATH ALL HVAC UNITS AND WATER HEATERS. DRAIN TO EXTERIOR OR AS REQUIRED BY CODE.

FINAL LOCATIONS OF HVAC AND WATER HEATERS TO BE DETERMINED BY OWNER IN ACCORDANCE WITH A.H.J..

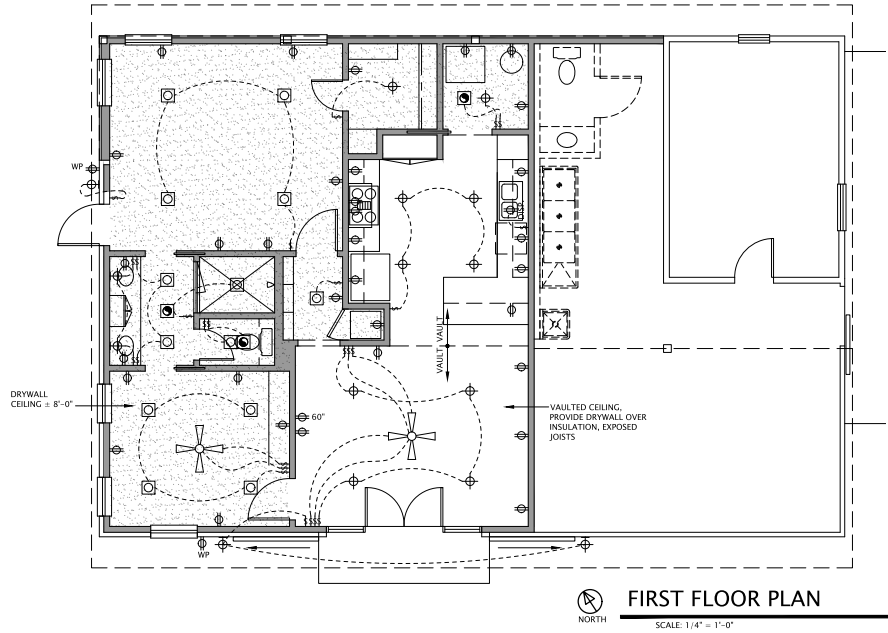
CONSULT OWNER FOR ALL ROOM FINISHES AND LIGHTING SPECIFICATIONS

TAG	SIZE	DESCRIPTION
1	10'-0" x 8'-0" UNIT	PR. 2'-6" x 8'-0" ENTRY DOORS W/ SIDELIGHTS
2	2'-8" x 6'-8"	EXTERIOR FRENCH
3	2'-8" x 6'-8"	INTERIOR SOLID CORE
4	2'-0" x 6'-8"	INTERIOR SOLID CORE
5	2'-10" x 6'-8"	INTERIOR POCKET
6	2'-0" x 6'-8"	INTERIOR POCKET

TAG	SIZE	DESCRIPTION
A	3'-0" x 5'-0"	S.H.
B	2'-6" x 5'-0"	S.H.

LEGEND:

	EXISTING CONSTRUCTION TO REMAIN
	CONSTRUCTION TO DEMOLISHED
	NEW CONSTRUCTION



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

DATE	ISSUE
08.19.22	I.F.C.

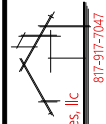
ACS
HandyMan Services, LLC
achandyman.com
817-917-1047

RESIDENCE
1050 CREEK VIEW LANE, LUCAS, TX

A.1
1 OF 2 SHEETS

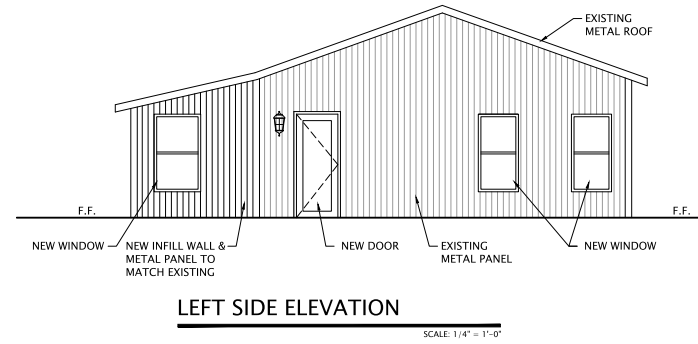
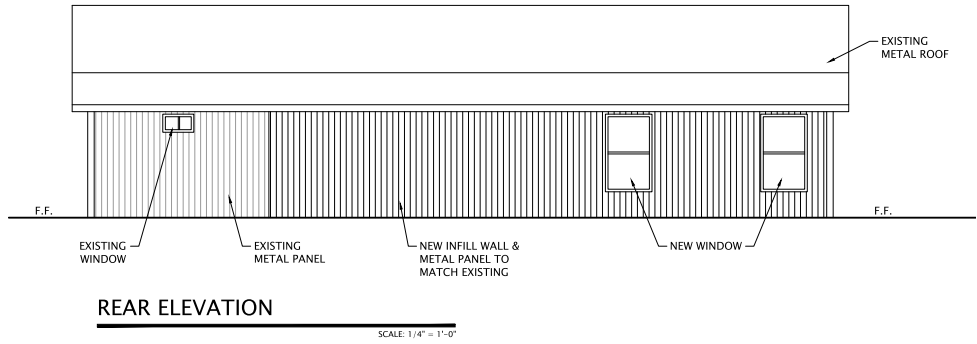
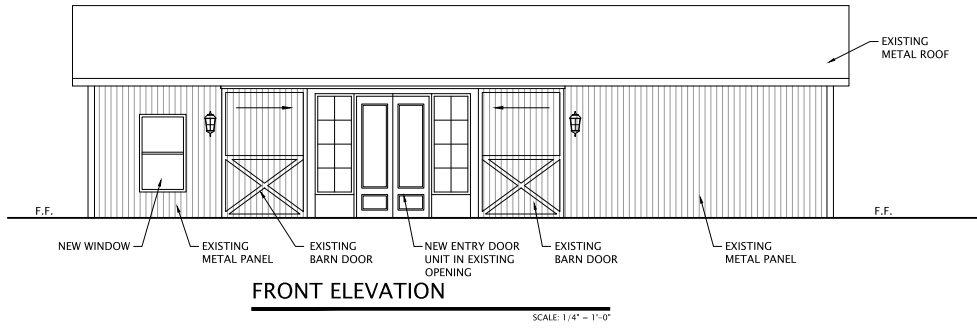
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DATE	ISSUE
08.19.22	I.F.C.


ACS
 HandyMan Services, LLC
 acshandyman.com
 817-917-1047

RESIDENCE
 1050 CREEK VIEW LANE, LUCAS, TX

A.2
 1 OF 2 SHEETS





NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas will conduct a public hearing on Thursday, February 9, 2023, at 6:30 p.m., and City Council will conduct a second public hearing on Thursday, March 2, 2023, at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider a Specific Use Permit (SUP) application to permit a kitchen and food preparation area more particularly described as follows:

Dave Wheeler on behalf of property owners Billy Ray and Sharon McGee at 1050 Creekview Lane, WILLOW CREEK ACRES (UNRECORDED), LOT 36; Lucas, Texas 75002 has submitted an application for a SUP to permit a kitchen with a food preparation area(s) in an accessory building with habitable space.

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

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

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

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



City of Lucas

City Council Agenda Request

March 16, 2023

Item No. 05

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
March 16, 2023

Item No. 06

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

March 16, 2023

Item No. 07

Requester: Assistant City Manager Kent Souriyasak

Agenda Item Request

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".

Background Information

The City of Lucas and Community Waste Disposal (CWD) entered into an agreement for solid waste and recycling services for all residents beginning October 1, 2022. The new residential services include weekly pickup of trash, recycling, brush, and bulk items. In addition, CWD provides a household hazardous waste program to all residents twice per year. CWD also offers residents with optional services for an additional cost such as concierge service and manure/stable matter collection.

At the City Council meeting on February 16, 2023, the City Council discussed location requirements for when residents should set out and remove their trash/recycle polycarts for curbside service. The City Council agreed that polycarts should be set out at curbside no earlier than 12:00 pm (noon) prior to the day of scheduled collection and removed no later than 12:00 pm (noon) on the day after scheduled collection. The City Council directed staff to remove language referring to other "containers" as all residents are now required to utilize CWD polycarts.

Below is a summary of the proposed changes to the solid waste ordinance:

- Add definitions for recyclable material and recycling
- Add recycling to be included with trash service as it is now a combined service
- Change the term "city administrator" to "city manager"
- Change the term "containers" to "polycarts"
- Add new language clarifying the collection schedule and fees shall be determined in the agreement between the City and the Contractor and approved by the City Council
- Add new language clarifying that residents shall use polycarts provided by the City's approved Contractor
- Change the polycart requirements clarifying that polycarts shall be placed at curbside service no earlier than 12:00 pm prior to the day of scheduled collection and removed no later than 12:00 pm on the day after scheduled collection
- Add Section 13.06.035 to include requirements for bulk waste, unbundled brush, and bundled brush collection which is now included with weekly trash/recycling service
- Add Section 13.06.036 to include requirements for household hazardous waste and used electronics collection which is now provided to all residents twice per year

The City Council also directed staff to determine any problematic areas where residents place their polycarts at curbside that may be a safety concern for drivers.



City of Lucas City Council Agenda Request March 16, 2023

CWD provides service five days per week based on a collection schedule for each area within city limits. During the week of February 20-24, 2023, staff patrolled the city each day to determine how many areas where polycarts remained at curbside on the day after scheduled collection. Staff compiled the below information on the total number of streets patrolled and residences with polycarts at the curbside.

Patrol Day <i>(Day after Scheduled Collection)</i>	Number of Streets	Number of Residences with Polycarts at Curbside
Monday	41	13
Tuesday	47	19
Wednesday	54	39
Thursday	57	36
Friday	55	79
Total	254	186

There are currently 2,892 residences that receive trash/recycling services. Based on the patrol efforts, staff determined there were 186 residences that still had polycarts at curbside on the day after scheduled collection. This represents approximately 6.43% of the total number of residences with trash/recycling services.

Attachments/Supporting Documentation

1. Ordinance 2023-03-00973 Approving Amendments to Article 13.06 Solid Waste
2. Article 13.06 Solid Waste Proposed Changes (redlined version)
3. Detailed List of Trash/Recycle Polycarts Patrol Information

Budget/Financial Impact

NA

Recommendation

Staff recommends approval of Ordinance 2023-03-00973 making amendments to Article 13.06 Solid Waste in the City’s Code of Ordinance.

Motion

I make a motion to approve/deny Ordinance 2023-03-00973 amending the City’s Code of Ordinances, Chapter 13 titled “Utilities” by amending Article 13.06 titled “Solid Waste”.



ORDINANCE # 2023-03-00973
[AMENDING CODE OF ORDINANCES, AMENDING
CHAPTER 13 “UTILITIES”, ARTICLE 13.06 “SOLID WASTE”]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE LUCAS CODE OF ORDINANCES BY AMENDING CHAPTER 13 TITLED “UTILITIES” BY AMENDING ARTICLE 13.06 TITLED “SOLID WASTE” BY AMENDING DIVISION 2 TITLED “COLLECTION” BY AMENDING SECTION 13.06.031 TITLED “DEFINITIONS” BY ADDING NEW DEFINITIONS FOR “RECYCLABLE MATERIAL” AND “RECYCLING”; BY AMENDING SECTION 13.06.032 TITLED “COLLECTORS” BY AMENDING SUBSECTIONS (a) AND (b); BY RETITLING AND AMENDING SECTION 13.06.033 “MANDATORY SERVICE; POLYCARTS; RESPONSIBILITIES OF PROPERTY OWNER OR OCCUPANT”; BY ADDING A NEW SECTION 13.06.035 TITLED “BULK WASTE, UNBUNDLED, AND BUNDLED BRUSH COLLECTION” SETTING FORTH REQUIREMENTS FOR THE COLLECTION OF BULK WASTE, AND UNBUNDLED AND BUNDLED BRUSH; BY ADDING A NEW SECTION 13.06.036 TITLED “HOUSEHOLD HAZARDOUS WASTE AND USED ELECTRONICS COLLECTION” SETTING FORTH REQUIREMENTS FOR THE COLLECTION OF HOUSEHOLD HAZARDOUS WASTE AND USED ELECTRONICS; 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) FOR EACH OFFENSE AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the City of Lucas, Texas, is hereby amended by amending Chapter 13 titled “Utilities” by amending Article 13.06 titled “Solid Waste” by amending Division 2 titled “Collection” by amending Section 13.06.031 titled “Definitions” by adding new definitions for “Recyclable Material” and “Recycling”; by amending Section 13.06.032 titled “Collectors”; by retitling and amending Section 13.06.033 titled “Mandatory Service; Polycarts; Responsibilities of Property Owner or Occupant”; by adding a new Section 13.06.035 titled “Bulk Waste, Unbundled, and Bundled Brush Collection” and by adding a new Section 13.06.036 titled “Household Hazardous Waste and Used Electronics Collection”, to read as follows:

“CHAPTER 13
UTILITIES
ARTICLE 13.06 SOLID WASTE

Division 2. Collection

...

§ 13.06.031 Definitions.

...

ADD NEW DEFINITIONS FOR “RECYCLABLE MATERIAL” AND “RECYCLING”:

Recyclable material. A material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste, with respect to the person actually abandoning or disposing of such material.

Recycling. A process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Except for mixed municipal solid waste composting, that is, composting of the typical mixed solid waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.

§ 13.06.032 Collectors.

AMEND SUBSECTIONS (a) and (b) ONLY:

- (a) No collector shall collect any municipal solid waste within the corporate limits of the city without first applying for and obtaining a permit to do so from the city ~~manager administrator~~ or his designee. Such permit shall be on such forms as the city ~~manager administrator~~ may determine and the fees charged for such permit shall be set by the city council. It shall be unlawful for any person, firm or corporation to collect municipal solid waste or to engage in the business of municipal solid waste collection without first having been issued a permit to do so from the city.
- (b) In addition to the foregoing permit requirement, any person, firm or corporation collecting solid waste and recycling from any residence within the city shall first enter into an agreement with the city. Said agreement shall be on such terms and conditions as the parties may mutually agree. The city may determine that such agreement may be exclusive or nonexclusive.

§ 13.06.033 Mandatory service; polycarts ~~containers~~; responsibilities of property owner or occupant.

AMEND AS FOLLOWS:

- (a) All residences and households within the city shall use the solid waste and recycling collection contractor selected by the city for the collection and disposal of municipal solid waste and recyclable materials. All households within the city shall be automatically enrolled in the applicable garbage, ~~and~~ trash and recycling collection service under contract with the city for collection of municipal solid waste and recyclable materials, and the residents thereof shall be responsible for payment of collection service fees as established by the city council.
- (b) The schedule for the collection of municipal solid waste and recyclable materials and the fees and charges for such collection shall be determined in the agreement between the city and contractor and approved by ~~resolution of~~ the city council.
- (c) It shall be the duty of every person owning, controlling, managing, operating, leasing, renting or occupying any premises where municipal solid waste, garbage and/or trash accumulates to:
- (1) Use polycarts provided by the city's approved contractor for garbage, trash and recyclable materials. Provide and maintain portable containers for the placement of garbage and/or trash. Such containers may consist of galvanized iron, tin or other suitable metal or plastic cans with two handles and a tightfitting cover with a handle for removal, or such other containers as may be approved by the city council. Garbage and/or trash shall be placed within plastic or treated paper bags which shall then be placed within the appropriate approved polycart container. The capacity of such polycart containers shall be not less than twenty (20) nor more than ninety-five (95) gallons. Each person must provide a sufficient number of such polycarts containers to take care of garbage and/or trash in relation to the individual needs of the users.
 - (2) Maintain polycarts containers in a sanitary condition and keep lids on polycarts containers at all times to prevent flies and other insects from coming in contact with the contents.
 - (3) Gather any and all garbage and/or trash from over their premises and place said garbage and/or trash in these polycarts containers and maintain and keep the area in and around the polycarts garbage containers clean and in a sanitary condition at all times.
 - (4) If curbside service is used, locate the polycarts containers at curbside on the street of the premises where most convenient to the collectors, no earlier than ~~6:00 a.m.~~ on 12:00 p.m. prior to the day of scheduled collection. Such polycarts containers

shall be removed from the curbside location and ~~out of view from the street~~ stored on private property safely away from the street no later than ~~7:00 p.m.~~ 12:00 p.m. on the day after ~~of~~ scheduled collection.

...

ADD NEW SECTION 13.06.035:

§ 13.06.035 Bulk waste, unbundled, and bundled brush collections.

- (a) Collection of bulk waste and unbundled brush up to two (2) cubic yards from residential customers shall occur on the resident's scheduled collection day for solid waste and recycling by the city's contractor. Bulk waste shall include acceptable solid waste composed of materials not easily contained in a solid waste bag such as, but not limited to white goods, furniture, brush, large electronics, and other oversized acceptable solid waste. Unbundled brush shall include untied tree, shrub and brush trimmings that cannot exceed a volume of two (2) cubic yards with no single limb greater than six (6) feet in length or weighing more than one hundred and fifty (150) pounds.
- (b) Collection of unlimited bundled brush shall occur on the resident's scheduled collection day for solid waste and recycling by the city's contractor. Bundles shall mean tied bundled tree, shrub and brush trimmings that cannot exceed four (4) feet by two (2) feet and not weigh more than fifty (50) pounds per bundle.
- (c) Unusual or excess accumulation of bulk waste and unbundled brush shall be removed at the expense of the owner, occupant or person in control of the premises.

ADD NEW SECTION 13.06.036:

§ 13.06.036 Household hazardous waste and used electronics collection.

Household hazardous waste and used electronics collection shall be offered to residents as an inclusive service twice per year by the city's contractor for solid waste and recycling. Residents shall contact the city's contractor to directly request the collection service for household hazardous waste and used electronics. The city's contractor shall provide residents with instructions on how to properly package the material and when the scheduled collection will occur."

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

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

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

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

Section 6. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 16th DAY OF MARCH, 2023.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(03-08-2023:TM 133951)

Erin Day, City Secretary

Division 2 Collection

§ 13.06.031 **Definitions.**

Unless otherwise noted herein, the following terms shall be defined as follows:

Collector. Any person, corporation, partnership or similar entity that contracts for valuable consideration to pick up or collect municipal solid waste on a regular basis from any collection point within the corporate limits of the city.

Municipal solid waste. Solid waste resulting from or incidental to municipal, community (residential), commercial, institutional, and recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial solid waste as defined by state or federal law.

Recyclable material. A material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste, with respect to the person actually abandoning or disposing of such material.

Recycling. A process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Except for mixed municipal solid waste composting, that is, composting of the typical mixed solid waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.

(Ordinance 2002-06-00462, sec. 1, adopted 6/3/02)

§ 13.06.032 **Collectors.**

- (a) No collector shall collect any municipal solid waste within the corporate limits of the city without first applying for and obtaining a permit to do so from the city manager administrator or his designee. Such permit shall be on such forms as the city manager administrator may determine and the fees charged for such permit shall be set by the city council. It shall be unlawful for any person, firm or corporation to collect municipal solid waste or to engage in the business of municipal solid waste collection without first having been issued a permit to do so from the city.
- (b) In addition to the foregoing permit requirement, any person, firm or corporation collecting solid waste and recycling from any residence within the city shall first enter into an agreement with the city. Said agreement shall be on such terms and conditions as the parties may mutually agree. The city may determine that such agreement may be exclusive or nonexclusive.

- (c) No collector shall allow any municipal solid waste to spill or fall from the collector's equipment within the corporate limits of the city. In the event that spillage should occur, the collector shall completely remove such spillage within twenty-four (24) hours of notice of spillage occurrence.
- (d) No collector shall cause damage, beyond normal wear and tear, to any street or roadway within the city. In the event the collector causes damage to any street or roadway within the city, the collector shall be given written notice to immediately cause such damage to be repaired under the supervision of the city inspector. Such notice shall provide that, in the event the collector does not acknowledge responsibility for making such repairs within seven (7) days of notice, a hearing will be held by the city council on the question of responsibility for such damage. If at such hearing the council finds that the damage was caused by the collector and such damage was beyond normal wear and tear, the city council may request the collector to cause such damage to be repaired under the supervision of the city inspector, and if such damage is not repaired within the time stated the city council may within its sole discretion terminate the collector's franchise and right to use the public streets within the city to carry on its business.
- (e) All collectors shall clearly mark all collection vehicles with the collector's name, address and telephone number. All collection vehicles used by collectors to collect municipal solid waste within the city shall be no larger than a single-axle type, and shall not exceed 25,000 pounds in weight, unless specific written approval is granted by the city council. The collector must use trucks and equipment meeting the approval of the city that will prevent spillage and damage to the streets and ways used by such trucks and equipment. The collector shall also abide by any city regulations with regard to the placement of collection containers if it becomes necessary to establish such regulations.
- (f) The collector shall provide the city with a certificate of insurance showing general public and motor vehicle liability coverage with limits of at least \$500,000.00 per person/\$1,000,000.00 per accident/\$100,000.00 property damage. Such policies shall name the city as an additional insured and shall contain provisions requiring that the city be notified within ten (10) days of any cancellation or termination of the policy. The foregoing additional insured requirement and the ten-day notice requirement shall be shown on the face of the certificate submitted by the collector. The collector shall defend, indemnify, and hold the city and each of its officers and employees harmless from any and all suits, actions, claims, losses or damages of any character and from all expenses incidental to the defense of such suits, actions or claims based on or arising out of any injury, damage, loss, disease, sickness, or death of any person or persons, or any damages to any property, caused by any act or omission of the collector or its officers, agents, servants, employees or anyone else under the collector's direction and control, and arising out of, occurring in connection with, resulting from, or caused by the performance or failure of performance of any work or services under the collection agreement or conditions created by the performance or nonperformance of said work or services.
- (g) No collector shall collect any municipal solid waste within the corporate limits of the city without first obtaining and holding all other permits or licenses required by any other governmental agency or political subdivision having jurisdiction over the collector's operations, including but not limited to the state commission on environmental quality. The

collector must be duly licensed or permitted to deposit municipal solid waste at or in a landfill regulated and approved by the proper state agency.

(Ordinance 2002-06-00462, sec. 1, adopted 6/3/02)

§ 13.06.033 **Mandatory service; polycarts containers; responsibilities of property owner or occupant.**

- (a) All residences and households within the city shall use the solid waste and recycling collection contractor selected by the city for the collection and disposal of municipal solid waste and recyclable materials. All households within the city shall be automatically enrolled in the applicable garbage, and trash and recycling collection service under contract with the city for collection of municipal solid waste and recyclable materials, and the residents thereof shall be responsible for payment of collection service fees as established by the city council.
- (b) The schedule for the collection of municipal solid waste and recyclable materials and the fees and charges for such collection shall be determined in the agreement between the city and contractor and approved by resolution of the city council.
- (c) It shall be the duty of every person owning, controlling, managing, operating, leasing, renting or occupying any premises where municipal solid waste, garbage and/or trash accumulates to:
 - (1) Use polycarts provided by the city's approved contractor for garbage, trash and recyclable materials. ~~Provide and maintain portable containers for the placement of garbage and/or trash. Such containers may consist of galvanized iron, tin or other suitable metal or plastic cans with two handles and a tightfitting cover with a handle for removal, or such other containers as may be approved by the city council.~~ Garbage and/or trash shall be placed within plastic or treated paper bags which shall then be placed within the appropriate approved polycart container. The capacity of such polycart containers shall be not less than twenty (20) nor more than ninety-five (95) gallons. Each person must provide a sufficient number of such polycarts containers to take care of garbage and/or trash in relation to the individual needs of the users.
 - (2) Maintain polycarts containers in a sanitary condition and keep lids on polycarts containers at all times to prevent flies and other insects from coming in contact with the contents.
 - (3) Gather any and all garbage and/or trash from over their premises and place said garbage and/or trash in these polycarts containers and maintain and keep the area in and around the polycarts garbage containers clean and in a sanitary condition at all times.
 - (4) If curbside service is used, locate the polycarts containers at curbside on the street of the premises where most convenient to the collectors, no earlier than 6:00 a.m. on 12:00 p.m. prior to the day of scheduled collection. Such polycarts containers shall be removed from the curbside location and out of view from the street stored on private property safely away from the street no later than 7:00 p.m. 12:00 p.m. on the day after of scheduled collection.

(Ordinance 2002-06-00462, sec. 1, adopted 6/3/02)

§ 13.06.034 **Roll-off containers.**

- (a) Any roll-off containers used to collect, transport, or dispose of any solid waste generated within the city shall be owned and operated by the city or any independent contractor which has been granted a franchise by the city for the collection and disposal of solid waste. It shall be the responsibility of the city or its authorized contractor to provide roll-off containers. Roll-off containers other than those owned and operated by the city or its authorized contractor shall not be allowed for the collection, transportation, or disposal of any solid waste generated within the city.
- (b) It shall be unlawful for the owner or occupant of a residential property to place or maintain a commercial roll-off container on such residential lot without first obtaining a permit from the city.
- (c) The city may issue a permit, not to exceed one hundred and eighty (180) days, for placement of a roll-off container for solid waste generated on a residential site for remodeling, reclamation or renovation of such property. Two forty-five-day extensions may be granted for any permit granted hereunder. Nothing contained herein shall preclude the placement of such container for initial construction of a residence; however, such container shall be removed at or prior to final inspection.
- (d) It shall be a defense to a prosecution under this section that such roll-off container is being utilized for a legitimate and substantial bona fide agricultural use.
- (e) It shall be unlawful for any person, other than the owners, permittee, or persons with whom they have contracted to place any refuse, brush, waste or discarded items in a container permitted under this action.
- (f) The city council shall, by resolution, establish a fee for any permit or extension thereof granted under this section.

(Ordinance 2007-01-00581 adopted 1/4/07; Ordinance 2007-02-00584 adopted 2/1/07)

§ 13.06.035 **Bulk waste, unbundled, and bundled brush collection.**

- (a) Collection of bulk waste and unbundled brush up to two (2) cubic yards from residential customers shall occur on the resident's scheduled collection day for solid waste and recycling by the city's contractor. Bulk waste shall include acceptable solid waste composed of materials not easily contained in a solid waste bag such as, but not limited to white goods, furniture, brush, large electronics, and other oversized acceptable solid waste. Unbundled brush shall include untied tree, shrub and brush trimmings that cannot exceed a volume of two (2) cubic yards with no single limb greater than six (6) feet in length or weighing more than one hundred and fifty (150) pounds.
- (b) Collection of unlimited bundled brush shall occur on the resident's scheduled collection day for solid waste and recycling by the city's contractor. Bundles shall mean tied bundled tree, shrub and brush trimmings that cannot exceed four (4) feet by two (2) feet and not weigh more than fifty (50) pounds per bundle.

- (c) Unusual or excess accumulation of bulk waste and unbundled brush shall be removed at the expense of the owner, occupant or person in control of the premises.

§ 13.06.036 Household hazardous waste and used electronics collection.

- (a) Household hazardous waste and used electronics collection shall be offered to residents as an inclusive service twice per year by the city's contractor for solid waste and recycling. Residents shall contact the city's contractor to directly request the collection service for household hazardous waste and used electronics. The city's contractor shall provide residents with instructions on how to properly package the material and when the scheduled collection will occur.

DRAFT

Trash/Recycle Polycarts Patrol Information

February 20-24, 2023

City staff utilized the Community Waste Disposal (CWD) service schedule to patrol service areas and determine which streets still had polycarts at the curbside on the day after scheduled collection in the City of Lucas.

Patrol Day	Number of Streets	Total Number of Residences with Polycarts at Curbside
Monday (February 20, 2023)	41	13
Tuesday (February 21, 2023)	47	19
Wednesday (February 22, 2023)	54	39
Thursday (February 23, 2023)	57	36
Friday (February 24, 2023)	55	79
Total	254	186

Note: This information represents the total number of residences with polycarts at curbside on the day after scheduled collection.

Total Number of Residences with Polycarts at Curbside	186
Total Residences with Trash/Recycling Services	2,892
Percentage of Residences with Polycarts at Curbside	6.43%

Note: This percentage represent the number of residences with polycarts at curbside on the day after scheduled collection out of all residences with trash/recycling services.

Monday Polycart Patrol (February 20, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
1	Abby Ln	
2	Bauer Ct	
3	Blondy Jhune Rd (north side)	3
4	Clove Glen Ct	
5	County Rd 1034	
6	County Rd 321	1
7	Coyote Run	
8	Crestland Dr	
9	Edmonson Dr	
10	Elizabeth Ct	
11	Enclave Dr	
12	Ewing Ct	
13	Ginny Ct	
14	Hendrix Ave	
15	Jan Marie Dr	
16	Jessica Ln	
17	Katey Mae Ct	
18	Mark Dr	
19	Mary Lee Ln	1
20	Montgomery Pl	
21	Northfork Ln	
22	Oak Brook Dr	
23	Palomino Dr	
24	Pecan Grove Cir	
25	Private Rd 5209	3
26	Private Rd 5252	3
27	Purdue Dr	
28	Saint James Dr	
29	Sawmill Dr	
30	Stallion Dr	
31	Stanford Dr	
32	Stansted Manor Dr	
33	Stonegate Blvd	
34	Summer Creek Cir	
35	Timber Trl	
36	W Forest Grove Rd	2
37	Westchester Dr	
38	Westmore Ln	
39	Whispering Acres Ln	
40	White Rock Trl	
41	Wolf Creek Dr	

Monday Polycart Patrol (February 20, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
Total # Residences with Trash/Recycle Polycarts at Curbside		13

Tuesday Polycart Patrol (February 21, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
1	Amblewood Dr	
2	Asbury Ln	
3	Bowie Ct	
4	Briardale Dr	
5	Chatfield Ln	
6	Citrus Way	
7	Claremont Dr	
8	Country Club Rd (west side)	2
9	De Soto Ct	
10	Estates Pkwy	
11	Estates Rd	3
12	Fairbrook Cir	
13	Farmstead Ct	
14	Glenbrook Cir	
15	Goose Ln	
16	Graham Ct	1
17	Graham Ln	2
18	Ingram Ln	
19	Kenzie Ln	
20	King St	
21	Kingswod Dr	
22	Lemon Cv	
23	Lime Cv	
24	Lynn Ln	4
25	Mandarin Cv	
26	Maplewood Ln	
27	Marchmont Dr	
28	McGarity Ln	1
29	Melgrave Ct	
30	Moonlight Trl	2
31	Noblewood Dr	
32	Orange Cv	
33	Orchard Rd	
34	Park Ln	1
35	Pennington Dr	
36	Red Star Rd	
37	Rimrock Dr	
38	Rising Sun Rd	1
39	Rock Ridge Ct	
40	Rock Ridge Rd	
41	Saddlebrook Dr	

Tuesday Polycart Patrol (February 21, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
42	Serenity Ct	
43	Skyview Dr	
44	Toulouse Ct	1
45	W Lucas Rd	1
46	Webb Ln	
47	Wiltshire Ct	
Total # Residences with Trash/Recycle Polycarts at Curbside		19

Wednesday Polycart Patrol (February 22, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
1	Aberdeen Dr	
2	Barton Creek Ct	
3	Bastrop Rd	2
4	Bee Caves Ct	
5	Bee Caves Rd	1
6	Bellagio Ct	
7	Belmont Ct	1
8	Belvedere Park Ln	1
9	Bentwater Dr	2
10	Boerne Ct	
11	Brae Burn Way	
12	Bristol Park	2
13	Campan Park Dr	
14	Chisholm Trl	2
15	Christopher Ct	
16	Cimarron Trl	2
17	Dundee Dr	
18	E Parker Rd	2
19	Enchanted Way	1
20	Gairloch Dr	
21	Galway Dr	
22	Green Acres Ln	1
23	Gruene Trl	
24	Helmsdale Dr	
25	Hickory Hill St	
26	Hidden Pass Ln	1
27	Highland Dr	1
28	Indian Trl	1
29	Inverness Ct	
30	Inverness Ln	
31	Janna Way	1
32	K Hurtt Ct	
33	La Cantera Dr	
34	Lamar Rd	
35	Lewis Ln	1
36	Lilyfield Dr	
37	Lincoln Rd	2
38	N Bluffview Dr	
39	Parchman Pl	
40	Preakness Park	1
41	Rockland Trl	

Wednesday Polycart Patrol (February 22, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
42	S Bluffview Dr	
43	Santa Fe Trl	2
44	Sara Cv	
45	Shepherds Creek Dr	1
46	Shiloh Dr	3
47	Stinson Rd	4
48	Stirling Dr	
49	Sun Valley Ct	1
50	Thunder Bay Dr	1
51	Toole Dr	
52	Turnberry Ln	
53	Windmill Ct	2
54	Zilker Ct	
Total # Residences with Trash/Recycle Polycarts at Curbside		39

Thursday Polycart Patrol (February 23, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
1	Aztec Trl	
2	Blondy Jhune Trl	1
3	Brookhaven Dr	2
4	Burke Dr	
5	Cedar Bend Cir	2
6	Cedar Bend Trl	1
7	Cook Ln	
8	Country Club Rd (east side)	
9	Creek Bend Ln	
10	Creek View Ln	
11	Danbury Ct	
12	Darton Dr	1
13	E Blondy Jhune Rd (south side)	1
14	E Estelle Ln	
15	Edgefield Ln	
16	Forestview Dr	1
17	Gold Dust Trl	
18	Greenfield Way	1
19	Hamilton Dr	
20	Hamlin Ct	1
21	Hart Ln	
22	Harvest Way	1
23	Hayden Ln	
24	Holly Ln	
25	Honeysuckle Ln	3
26	Hunt Dr	
27	Kennedy Dr	1
28	Kenwood Trl	1
29	Lee Dr	
30	Lost Valley Dr	2
31	Mala Ct	
32	Manor Cir	1
33	Manor Ln	2
34	McMillen Rd	2
35	Meadowbrook Dr	
36	Murdoch Ln	
37	Natalie Ct	
38	Ohara Dr	1
39	Osage Ln	1
40	Pool Ln	
41	Prado Verde Dr	

Thursday Polycart Patrol (February 23, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
42	Ramsay Dr	1
43	Red Store Ct	3
44	Rutledge Ln	
45	Scarlett Dr	3
46	Southview Dr	1
47	Spurgin Rd	
48	Strain Ln	
49	Tokalaun Ct	
50	W Blondy Jhune Rd (south side)	1
51	W Estelle Ln	
52	W Lucas Rd	
53	Walker Ln	
54	Wendy Ln	1
55	Wilkes Dr	
56	Winding Creek Dr	
57	Winningkoff Rd	
Total # Residences with Trash/Recycle Polycarts at Curbside		36

Friday Polycart Patrol (February 24, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
1	Arthur Ct	3
2	Bella Rae Ln	
3	Beverly Cir	1
4	Bloom St	
5	Brockdale Park Rd	4
6	Carey Ln	3
7	Chief Ln	
8	Choice Ln	2
9	Christian Ln	3
10	Crestview Cir	2
11	Doris Dr	2
12	Driftwood Ln	1
13	E Forest Grove Rd	
14	E Lucas Rd	4
15	E Winningkoff Rd	10
16	Earl Ct	
17	Ford Cir	
18	Ford Ln	3
19	Glencove Cir	
20	Heifner Rd	
21	Highland Cir	3
22	Highland Park Rd	
23	Hillcrest Cir	
24	Hillcrest Dr	
25	Hob Hill Ln	
26	Holyoak Ln	2
27	Horseman Dr	
28	Kitchens Dr	
29	Lakeview Dr	
30	Long Rd	3
31	Lucas Creek Dr	
32	Moon Deck Trl	1
33	Narrow Rd	1
34	Nathan Ct	
35	Norman Ct	1
36	N Star Rd	1
37	Orr Rd	
38	Peppy San Dr	2
39	Private Rd 5211	
40	Rollingwood Dr	3
41	Royal King Rd	

Friday Polycart Patrol (February 24, 2023)

#	Street	# Residences with Trash/Recycle Polycarts at Curbside
42	Shady Ln	4
43	Snider Ct	
44	Snider Ln	8
45	Sterling Brown Ln	4
46	Southview Dr	
47	Sugar Bars Dr	
48	Susan Cir	
49	Top Deck Trl	
50	Tractor Trl	1
51	Tree Row Dr	1
52	Welborn Ln	
53	Winningkoff Rd	2
54	Woodmoor Dr	3
55	Woodview Cir	1
Total # Residences with Trash/Recycle Polycarts at Curbside		79



City of Lucas City Council Agenda Request March 16, 2023

Item No. 08

Requester: Public Works Director Scott Holden
CIP Manager Patrick Hubbard

Agenda Item Request

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

Background Information

At the City Council meeting on March 2, 2023 meeting, the City Council approved the amendments to the Land Use Assumptions, Capital Improvement Plan and Water and Roadway Impact Fee Report as presented. This item follows up from that action by providing an ordinance which considers the results of the public hearing and formally adopts the impact fee rates based on the approved report.

Attachments/Supporting Documentation

1. Ordinance 2023-03-00974 Amending Impact Fees
2. 2022-2032 Water and Roadway Impact Fee Report (Exhibit A)

Budget/Financial Impact

The intent of the impact fee is to offset the cost incurred by existing taxpayers by collecting a lump sum from new development representative of a fair share of the cost of infrastructure buildout. For all projects, this fee is paid by the builder at the time of building permitting.

Staff recommends adoption of the following maximum Water and Roadway Impact Fees:

- Water Impact Fee of \$13,119.00 per Living Unit Equivalent (with the clarification that a 1” residential meter is to be classified as one Living Unit Equivalent)
- Roadway Impact Fee of \$504.00 per Service Unit

A single-family home has one 1” water meter and 2.82 Service Units for roadway purposes. This will result in a typical total combined impact fee of \$14,540.28 per new single-family home permit:

Impact	Unit	Impact Fee	Total Impact Fee
Water	1 Living Unit Equivalent	\$13,119.00	\$13,119.00
Roadway	2.82 Service Units	\$504.00	\$1,421.28
Total Combined Impact Fees			\$14,540.28



City of Lucas

City Council Agenda Request

March 16, 2023

Item No. 08

The City Council previously set the Roadway Impact fee below the maximum allowable amount with a combined impact fee of \$9,900 per single family unit. Based on an analysis of current home sale prices versus home sale prices in 2018, the full fee is roughly the same as a proportion of the median sale price of a home in Lucas. Both the current fee and proposed fee are equivalent to approximately 1% of the median sale price for a home in Lucas at the time of adoption.

The Impact Fee Report provides a listing for 1” residential meters as either one Living Unit Equivalent or 2.5 Living Unit Equivalents. Staff proposes that this be regarded as one Living Unit Equivalent because it is the smallest meter presently offered. This requires no modification to the report or motion but is acknowledged herein for reference.

For commercial permits, staff anticipates a net reduction in total impact fees even with the adoption of the maximum allowable fee due to the reduction in the roadway impact fee rate.

Recommendation

Engineering and Development Services staff recommend that the City Council approve Ordinance 2023-03-00974 amending impact fees by adopting a Water Impact Fee of \$13,119.00 per Living Unit Equivalent and a Roadway Impact Fee of \$504.00 per Service Unit.

Motion

I make a motion to approve/deny Ordinance 2023-03-00974 adopting a Water Impact Fee of \$13,119.00 per Living Unit Equivalent and a Roadway Impact Fee of \$504.00 per Service Unit.



ORDINANCE 2023-03-00974
[AMENDING IMPACT FEES]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE 10 TITLED “SUBDIVISIONS” BY AMENDING ARTICLE 10.02, TITLE “IMPACT FEES”, BY AMENDING SECTION 10.02.002 TO ADD A DEFINITION FOR “IMPACT FEE STUDY”; BY AMENDING AND UPDATING THE APPENDICES, APPENDIX C, TITLED “FEE SCHEDULE” BY AMENDING ARTICLE 10.000, TITLED “ROAD IMPACT FEES BY LAND USE” SECTION 10.100 TITLED “ROAD IMPACT FEES BY LAND USE” BY UPDATING AND ADOPTING THE REVISED ROADWAY IMPACT FEE UPDATE AND THE IMPACT FEE LAND USE ASSUMPTIONS THEREIN; BY AMENDING APPENDIX “C” TITLED “FEE SCHEDULE” BY AMENDING ARTICLE 11.000 TITLED “WATER IMPACT FEE BY METER SIZE” BY AMENDING SECTION 11.100 TITLED “WATER IMPACT FEE BY METER SIZE” BY UPDATING AND ADOPTING THE REVISED WATER IMPACT FEE AND THE IMPACT FEE LAND USE ASSUMPTIONS THEREIN BY AMENDING; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lucas, Texas previously adopted Ordinance No. 2018-11-00886 which imposed impact fees for water and roadway facilities for the financing of capital improvements required by new development within the City; and

WHEREAS, the City Council contracted with Birkhoff, Hendricks and Carter, L.L.P., to review and prepare an update to the land use assumptions and capital improvements plan upon which impact fees are based; and

WHEREAS, in accordance with state law, Birkhoff, Hendricks and Carter, L.L.P., a qualified professional engineering firm, has completed such plan and submitted the same to the City Council for review and consideration; and

WHEREAS, the City has, within sixty (60) days after the date of receiving the proposed updated land use assumptions, capital improvements plans and assessment of impact fees, adopted a resolution setting a public hearing to review, discuss and amend the same; and

WHEREAS, on or before the date of the first publication of the notice of the hearing on the proposed amendments, including the amount of the proposed impact fee per service unit, such information was made available to the public; and

WHEREAS, the City Council held a public hearing to discuss the proposed amendments to the land use assumptions and the capital improvements plans; and

WHEREAS, the Capital Improvement Advisory Committee, created under Section 395.058, Local Government Code, filed its written comments on the proposed amendments to the land use assumptions and capital improvements plans before the fifth (5th) business day before the date of the public hearing on the amendments; and

WHEREAS, within thirty (30) days after the date of the public hearing on the proposed amendments to the land use assumptions and capital improvements plans, the City Council is approving amendments to the land use assumptions and capital improvements plans, as more fully set forth herein; and

WHEREAS, the City has fully complied with Chapter 395, Local Government Code, to approve the proposed amendments to the land use assumptions and capital improvements plans; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to approve and adopt the revised Land Use Assumptions, Capital Improvement Plan and the Impact Fees associated therewith.

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

SECTION 1. That the City Council hereby approves and adopts the Water and Roadway Impact Fee Update 2022-2023, a copy of which shall be maintained in the office of the City Secretary and is attached hereto as Exhibit “A” and further incorporates the following definition into the Code of Ordinances by amending Chapter 10, titled “Subdivisions”, by amending Article 10.02 titled "Impact Fees", by amending Section 10.02.002 titled "Definition", to add the following definition.

...

Impact fee . . .

Impact Fee Study. The report prepared by Birkhoff, Hendricks & Carter, L.L.P., dated January, 2023, titled Water and Roadway Impact Fee Update: 2022 -2032 Lucas, Texas, a true and correct copy of which is on file in the Office of the City Secretary and is incorporated herein by reference.

Land use assumptions. . .

SECTION 2. That Appendix C titled “Fee Schedule” is hereby amended by amending Article 10.000 titled “Road Impact Fees by Land Use” by amending §10.100 Road Impact fees by land use to update the impact fees in accordance with the updated land use assumptions and capital improvements plan.

“APPENDICES”

...

APPENDIX C

FEE SCHEDULE

...

ARTICLE 10.000 ROAD IMPACT FEES BY LAND USE

§ 10.100 Road Impact Fees by Land Use.

CATEGORY	LAND USE	DEVELOPMENT UNITS ¹	ITE TRIP RATE ²	TRIP LENGTH ³	PASS-BY TRAFFIC ⁴	SERVICE UNITS ⁵	IMPACT FEE/ DEVELOPMENT UNIT ⁶
							Service Area 1
RESIDENTIAL							
	Single-Family Detached	Dwelling Unit	0.94	3.0	0	2.82	\$1,421.28
	Apartment/Multifamily	Dwelling Unit	0.51	3.0	0	1.53	\$771.12
	Condominium/Townhouse	Dwelling Unit	0.51	3.0	0	1.53	\$771.12
	Senior Housing - Single-Family	Dwelling Unit	0.30	3.0	0	0.90	\$453.60
	Senior Housing - Multifamily	Dwelling Unit	0.25	3.0	0	0.75	\$378.00
OFFICE							
	Office Building	1,000 ft ² GFA	1.44	3.0	0	4.32	\$2,177.28
	Business Park	1,000 ft ² GFA	1.22	3.0	0	3.66	\$1,844.64
	Medical Office	1,000 ft ² GFA	3.93	3.0	0	11.79	\$5,942.16
COMMERCIAL							
	Automobile Care Center	1,000 ft ² GFA	3.11	3.0	0.25	7.00	\$3,528.00
	Bank	1,000 ft ² GFA	21.01	2.4	0.35	32.78	\$16,521.12
	Convenience Store/Gas Station	Fueling Positions	22.76	2.4	0.75	13.66	\$6,884.64
	Home Improvement Store	1,000 ft ² GFA	2.29	3.0	0.42	3.98	\$2,005.92
	Hotel	Rooms	0.59	3.0	0	1.77	\$892.08
	Pharmacy/Drugstore	1,000 ft ² GFA	10.25	2.8	0.49	14.64	\$7,378.56
	Fast Food Restaurant with Drive-In/Through	1,000 ft ² GFA	33.03	2.4	0.55	35.67	\$17,977.68
	Fast Food Restaurant without Drive-In/Through	1,000 ft ² GFA	33.21	2.4	0.55	35.87	\$18,078.48
	High-Turnover (Sit-Down) Restaurant	1,000 ft ² GFA	9.05	3.0	0.43	15.48	\$7,801.92
	Shopping Center / General Retail	1,000 ft ² GFA	3.40	3.0	0.29	7.24	\$3,648.96
	Supermarket	1,000 ft ² GFA	8.95	2.8	0.24	19.05	\$9,601.20
INDUSTRIAL							
	Industrial	1,000 ft ² GFA	0.65	3.0	0	1.95	\$982.80
	Industrial Park	1,000 ft ² GFA	0.34	3.0	0	1.02	\$514.08
	Mini-Warehouse	1,000 ft ² GFA	0.15	3.0	0	0.45	\$226.80
	Warehouse / Distribution Center	1,000 ft ² GFA	0.18	3.0	0	0.54	\$272.16
INSTITUTIONAL							
	School	Students	0.16	3.0	0	0.48	\$241.92
	Day Care Center	Students	0.79	3.0	0	2.37	\$1,194.48
	Nursing Home	1,000 ft ² GFA	0.59	3.0	0	1.77	\$892.08
	House of Worship	1,000 ft ² GFA	0.49	3.0	0	1.47	\$740.88

¹ GFA = Gross Floor Area

² (Vehicles); Based on *ITE Trip Generation Manual, 11th Edition*

³ (Miles); Based on *FHWA National Household Travel Survey (2017)* - maximum of 3 miles

⁴ Percentage of traffic already passing by site - land use is an intermediate destination

⁵ (Vehicle-Miles)

⁶ Based on impact fee of \$504.00/service unit for Service Area 1

SECTION 3. That Appendix C titled “Fee Schedule” is hereby amended by amending Article 11.000 titled “Water Impact Fees by Meter Size” by amending §11.100 “Water impact fees by meter size” to update the impact fees in accordance with the updated land use assumptions and capital improvements plan.

APPENDIX C

FEE SCHEDULE

...

ARTICLE 11.000 WATER IMPACT FEES BY METER SIZE

§ 10.100 Water impact fees by meter size.

Meter Type	Meter Size	LUE	Water Impact Fee
Simple	Less Than 2"	1	\$13,119
Compound	2"	8	\$104,954
Turbide	2"	10	\$131,192
Compound	3"	16	\$209,907
Turbide	3"	24	\$314,861
Compound	4"	25	\$327,980
Turbide	4"	42	\$551,006
Compound	6"	50	\$655,960
Turbide	6"	92	\$1,206,967
Compound	8"	80	\$1,049,536
Turbide	8"	160	\$2,099,072
Compound	10"	115	\$1,508,708
Turbide	10"	250	\$3,279,801
Turbide	12"	330	\$4,329,337

...”

SECTION 4. That all provisions of the ordinances of the City of Lucas, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS,
COLLIN COUNTY, TEXAS, ON THIS 16th DAY OF MARCH, 2023.**

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(3/10/2023:TM 133975)

Erin Day, City Secretary

EXHIBIT "A"
Land Use Assumptions and Capital Improvement Plan From 2016 To 2031

WATER & ROADWAY IMPACT FEE UPDATE 2022-2032



Submitted By

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

*SPECIALIZING IN CIVIL ENGINEERING FOR
MUNICIPALITIES AND GOVERNMENTAL AGENCIES
(WATER IMPACT FEE)*

In Association With

LEE ENGINEERING, L.L.C.

(ROADWAY IMPACT FEE)

CITY OF LUCAS
WATER AND ROADWAY 2022-2032 IMPACT FEE UPDATE

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CITY OF LUCAS, TEXAS
WATER & ROADWAY IMPACT FEE UPDATE
2022 to 2032

I. INTRODUCTION

Chapter 395, of the Local Government Code is an act that provides guidelines for financing capital improvements required by new development in municipalities, counties, and certain other local governments. Under Chapter 395, political subdivisions receive authorization to enact or impose impact fees on land that is located within their political subdivision’s corporate boundaries or extraterritorial jurisdictions. No governmental entity or political subdivision can enact or impose an impact fee unless they receive specific authorization by state law or by Chapter 395.

An “Impact Fee” is a charge or assessment imposed by a political subdivision for new development within its service area in order to generate revenue for funding or recouping the costs of capital improvements of facility expansions necessitated by and attributable to the new development.¹ The Water Service Area extends to the Extra Territorial Jurisdiction (ETJ) and the Roadway Service Area is all the land within the current city limits. The first step in determining an impact fee is preparation of land use and growth assumptions for the service area for the next ten years. These assumptions were taken from the City of Lucas’ Comprehensive Plan. Next, a Capital Improvements Plan must be created to describe the water and roadway infrastructure that will be necessary to serve the anticipated land uses and growth. The following section describes the Water Impact Fee. The Roadway Impact Fee section is at the end of this report.

WATER IMPACT FEES

The following items can be included in the water impact fee calculation:

- 1) The portion of the cost of the new infrastructure that is to be paid by the City, including engineering, property acquisition and construction cost.
- 2) Existing excess capacity in lines and facilities that will serve future growth and which were paid for in whole or part by the City and part by the Developer.
- 3) Interest and other finance charges on bonds issued by the City to cover its portion of the cost.

¹ P. 831, Texas Local Government Code, West’s Texas Statutes and Codes, 1998 Edition.

These items are summed and the utilized capacity is calculated over the impact fee period. The maximum allowable impact fee per service unit may not exceed fifty percent of the calculated maximum amount of the total utilized capital improvement cost divided by the total number of new standard service units. This maximum allowable impact fee recovers a portion of the City's costs to construct facilities to serve the new developments and growth. However, the City may recover the maximum fee by crediting the portion of utility service revenue generated by new service units during the 10-year program period.

Chapter 395 requires that an update of the land use assumptions, capital improvements plan, and impact fees be performed every five years, unless it is determined by the political subdivision after a review that such an update is not necessary.

This section of the report constitutes the City's 2022 water portion of the Capital Improvements Plan, and the maximum allowable impact fees. As required by state law, the study period is a ten-year period with 2022 as the base year. The engineering analysis of the water systems is based on established land use in the year 2022, projected land use patterns through the year 2032, and on proposed infrastructure.

The engineering analysis portion of the City of Lucas's 2022 Impact Fee determines utilized capacity cost of the water distribution master plan between the year 2022 and 2032.

GLOSSARY

1. Advisory Committee means the capital improvements advisory committee established by the City for purposes of reviewing and making recommendations to the City Council on adoption and amendment of the City's impact fee program.
2. Area-related facility means a capital improvement or facility expansion which is designated in the impact fee capital improvements plan and which is not a site-related facility. Area-related facility may include a capital improvement which is located off-site, or within or on the perimeter of the development site.
3. Assessment means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development.
4. Capital improvement means either a water facility, wastewater facility or roadway with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.
5. City means the City of Lucas, Texas.
6. Credit means the amount of the reduction of an impact fee due, determined under this ordinance or pursuant to administrative guidelines, that is equal to the value of area-related facilities provided by a property owner pursuant to the City's subdivision or zoning regulations or requirements, for the same type of facility.
7. Facility expansion means either a water facility expansion, sewer facility expansion or roadway expansion.
8. Final plat approval means the point at which the applicant has complied with all conditions of approval in accordance with the City's subdivision regulations, and the plat has been approved for filing with Denton County.
9. Impact fee means either a fee for water facilities, wastewater facilities or roadway facilities, imposed on new development by the City pursuant to Chapter 395 of the Texas Local Government Code in order to generate revenue to fund or recoup the costs of capital improvements or facility expansion necessitated by and attributable to such new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements, imposed pursuant to the City's zoning or subdivision regulations.

10. Impact fee capital improvements plan means either a water capital improvements plan, wastewater capital improvements plan or roadway capital improvements plan, adopted or revised pursuant to the impact fee regulations.
11. Land use assumptions means the projections of population and growth, and associated changes in land uses, densities and intensities over at least a ten-year period, as adopted by the City and as may be amended from time to time, upon which the capital improvements plans are based.
12. Land use equivalency table means a table converting the demands for capital improvements generated by various land uses to numbers of service units, as may be amended from time to time.
13. New development means the subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units.
14. Plat has the meaning given the term in the City's subdivision regulations. Plat includes replat.
15. Platting has the meaning given the term in the City's subdivision regulations. Platting includes replatting.
16. Property owner has the meaning given the term in the City's subdivision regulations. Property owner includes the developer for a new development.
17. Recoupment means the imposition of an impact fee to reimburse the City for capital improvements which the City had previously oversized to serve new development.
18. Roadway facility means any freeway, expressway, principal or minor arterial or collector roadways designated in the City's adopted Thoroughfare Plan, as may be amended from time to time. It can include any roadway designated as a numbered highway on the official Federal or Texas highway system. It includes but is not limited to the establishment of curbs, gutters, sidewalks, drainage appurtenances, street lights and right-of-ways.
19. Roadway capital improvements plan means the adopted plan, as may be amended from time to time, which identifies the roadway facilities or roadway expansions and their costs for

each road service area, which are necessitated by and which are attributable to new development, for a period not to exceed 10 years.

20. Roadway facility expansion means the expansion of the capacity of an existing roadway in the City to serve new development. It does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.
21. Service area means either a water service area or wastewater benefit area within the City, within which impact fees for capital improvements or facility expansion will be collected for new development occurring within such area, and within which fees so collected will be expended for those types of improvements or expansions identified in the type of capital improvements plan applicable to the service area. For roadways, it means a roadway service area within the city limits.
22. Service unit means the applicable standard units of measure shown on the land use equivalency table in the Impact Fees Capital Improvements Plan which can be converted to water meter equivalents, for water or for wastewater facilities, which serves as the standardized measure of consumption, use or generation attributable to the new unit of development. For roadway facilities, the service unit is converted vehicle miles.
23. Site-related facility means an improvement or facility which is for the primary use or benefit of a new development, and/or which is for the primary purpose of safe and adequate provision of water, wastewater or roadway facilities to serve the new development, and which is not included in the impact fees capital improvements plan and for which the property owner is solely responsible under subdivision or other applicable development regulations.
24. Utility connection means installation of a water meter for connecting a new development to the City's water system, or connection to the City's wastewater system.
25. Water facility means a water interceptor or main, pump station, storage tank or other facility included within and comprising an integral component of the City's water storage or distribution system. Water facility includes land, easements or structures associated with such facilities. Water facility excludes site-related facilities.
26. Water facility expansion means the expansion of the capacity of any existing water facility for the purpose of serving new development, but does not include the repair, maintenance,

modernization, or expansion of an existing water improvement to serve existing development.

27. Water improvements plan means the adopted plan, as may be amended from time to time, which identifies the water facilities or water expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed 10 years.
28. Water meter means a device for measuring the flow of water to a development, whether for domestic or for irrigation purposes.

II. LAND USE ASSUMPTIONS SUMMARY

Under Chapter 395, of the Local Government Code, “Land Use Assumptions” includes a description of service area and projections of changes in land uses, densities, intensities, and population in the service area for a minimum of a 10-year period. In order to impose an impact fee, the City must adopt an order, ordinance, or resolution that establishes a public hearing date to consider the land use assumptions within the designated service area. After the public hearing on the land use assumptions, the City makes a determination of adoption or rejection of the ordinance, order or resolution approving the land use assumptions, that will be utilized to develop the Capital Improvement Plan.

The Land Use Assumptions used in this impact fee process were taken by the City of Lucas’s Comprehensive Plan. Table 1 shows a 10-year population growth projection based on the City’s Comprehensive Plan. The table demonstrates that the City will be at the end of the 10-year period in which this impact fee is being analyzed.

TABLE NO. 1
2022-2032 Population Projections

	2022	2032	Buildout
Population	8,800	12,094	12,094
% of Buildout	73%	100%	100%
2022 to 2032 Population Growth:		37.4%	

III. DEFINITION OF A SERVICE UNIT - WATER

Chapter 395 of the Local Government Code requires that impact fees be based on a defined service unit. A “service unit” means a standardized measure of consumption, use generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards. This update defines a water service unit to be a 3/4-inch water meter and has referred to this service unit as a Single Family Living Unit Equivalent (SFLUE). The SFLUE is based on the continuous duty capacity of a 3/4-inch water meter. This is the typical meter used for a single family detached dwelling, and therefore is considered to be equivalent to one “living unit”. Other meter sizes can be compared to the 3/4-inch meter through a ratio of water flows as published by the American Water Works Association as shown in Table No. 2 below. This same ratio is then used to determine the proportional water impact fee amount for each water meter size.

TABLE NO. 2
LIVING UNIT EQUIVALENCIES
FOR VARIOUS TYPES AND SIZES OF WATER METERS

Meter Type	Meter Size	Continuous Duty Maximum Rate ^(a)	Living Unit Per Meter Size
Simple	5/8” x 3/4”	10	1.0
Simple	1”	25	1.0
Simple	1½”	50	5.0
Simple	2”	80	8.0
Compound	2”	80	8.0
Turbine	2”	100	10.0
Compound	3”	160	16.0
Turbine	3”	240	24.0
Compound	4”	250	25.0
Turbine	4”	420	42.0
Compound	6”	500	50.0
Turbine	6”	920	92.0
Compound	8”	800	80.0
Turbine	8”	1,600	160.0
Compound	10”	1,150	115.0
Turbine	10”	2,500	250.0
Turbine	12”	3,300	330.0

^(a) Source: AWWA Standard C700 - C702

IV. CALCULATION OF WATER LIVING UNIT EQUIVALENTS 2022-2032

The City of Lucas provided the existing water meter count by size category as of July 2022. In total, there are 2,576 water meters serving the existing population of 8,800 residents and businesses. Table No. 3 shows the number of existing meters, the living unit equivalent factor, and the total number of living unit equivalents (LUE's) for water accounts. As shown in Table No. 2, the new LUE's during the impact fee period total 4,583. The projected meter counts and LUE's for 2032 are based on the population growth assumption.

TABLE NO. 3
WATER LIVING UNIT EQUIVALENTS BY METER SIZE

Meter Size	2022			2032			New Living Units During Impact Fee Period
	Number of Water Meters	Living Unit Equivalent Ratio for 3/4" Used	Total Number of Living Units	Number of Water Meters	Living Unit Equivalent Ratio for 3/4" Used	Total Number of Living Units	
5/8" x 3/4"	1,168	1.0	1,168	1,605	1.0	1,605	437
1"	1,329	1.0	1,329	1,826	1.0	1,826	497
1½"	13	5.0	65	18	5.0	90	25
2"	61	10.0	610	84	10.0	840	230
3"	3	24.0	72	4	24.0	96	24
4"	2	42.0	84	3	42.0	126	42
6"	0	92.0	0	0	92.0	0	0
8"	0	160.0	0	0	160.0	0	0
12"	0	330.0	0	0	330.0	0	0
Totals	2,576		3,328	3,540		4,583	1,255

V. **WATER DISTRIBUTION SYSTEM**

This update includes additional capital improvement plan (CIP) projects that will tentatively serve new developments, and modifies previous CIP projects that have since been constructed. The proposed CIP projects are shown schematically in Figure No. 1, and are summarized in Table No. 4. Existing facilities, applicable for reimbursement under Chapter 395 of the Local Government Code are also shown in Figure No. 1. Eligible facilities include major distribution lines, pump stations, treatment facilities, ground and elevated storage reservoirs as well as regional systems participation. Utilized capacities were based on ten-year growth system demands.

A. **Existing Facilities**

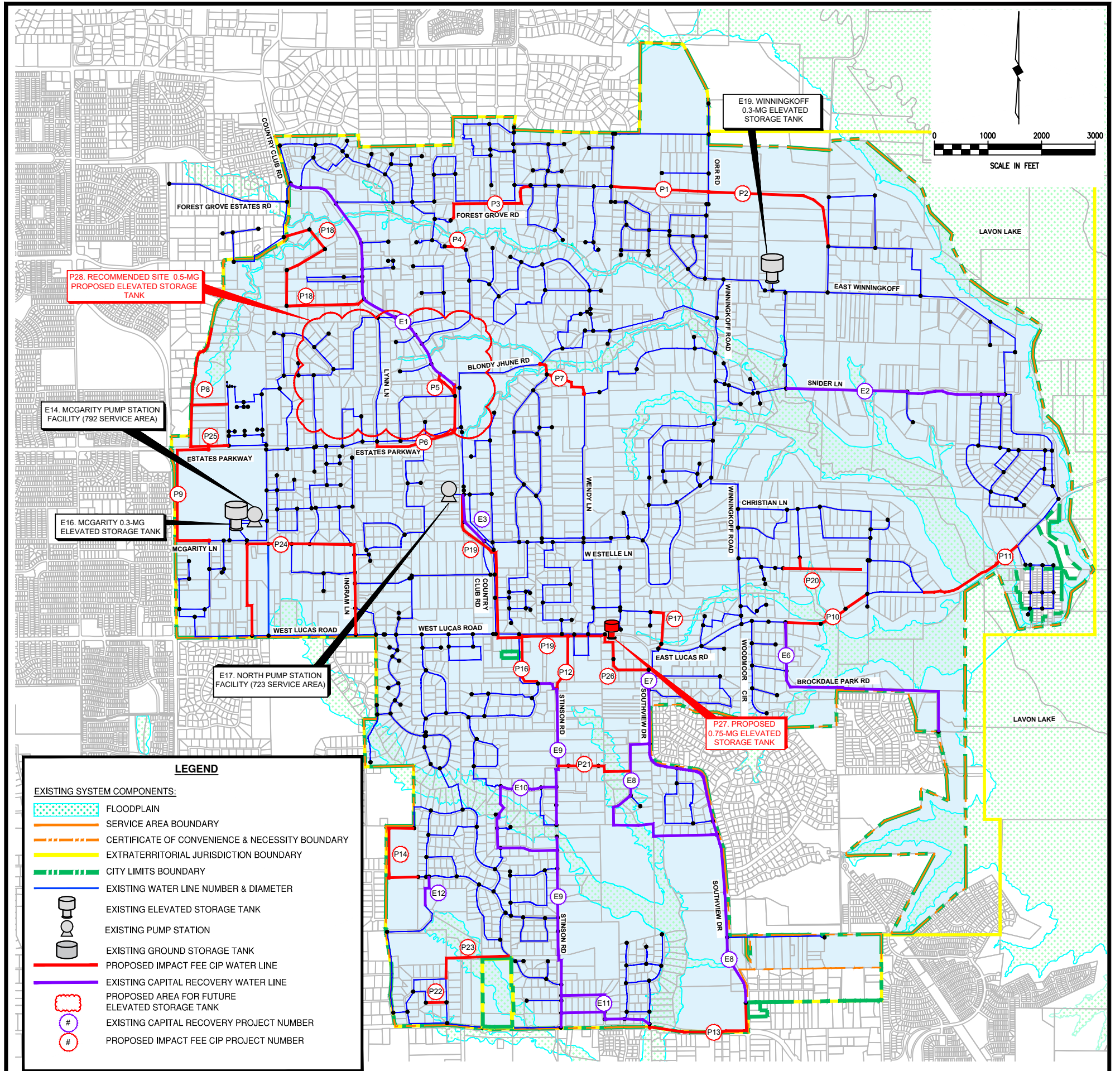
As of 2022, the City of Lucas has participated financially in the construction of the facilities shown on Figure No. 1 and identified as capital recovery projects. The capital recovery projects are itemized with their project costs in Table No. 4. These distribution lines and facilities have capacity to serve new developments, and the portion of capacity expected to be absorbed by the new developments has been included, as a percentage of the total 20-year project cost, in the value of the maximum impact fee calculation.

Actual capital costs, including construction, engineering and easements of the various elements of the existing water distribution system, were utilized where the information was known. The existing costs of facilities were determined from records provided by the City of Lucas.

B. **Water Distribution System Capital Improvement Projects**

In order to meet the demands of the anticipated growth over the next 10-years to 2032, certain water distribution system improvements are required. Figure No. 1 shows the recommended system improvements and Table No. 5 itemizes each project and the project cost. These recommended improvements, along with certain existing facilities, form the basis for the Water System Impact Fee Calculation.

Costs for CIP projects were estimated using average unit costs from projects which have been bid recently, plus an estimated cost for engineering and easements, and were amortized to include the additional cost of issuing 20-year bonds at 5% annual interest rate. Projects determined to involve developer financing were estimated with a lesser unit value.

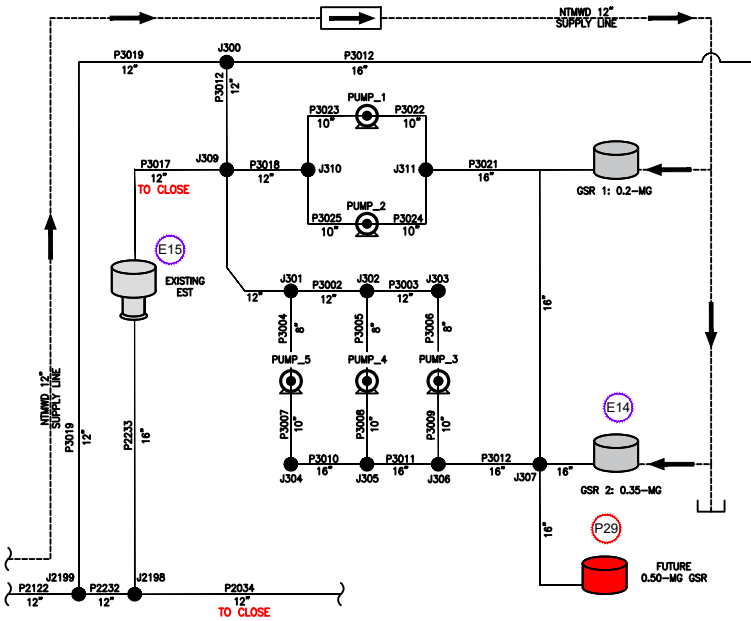


LEGEND

EXISTING SYSTEM COMPONENTS:

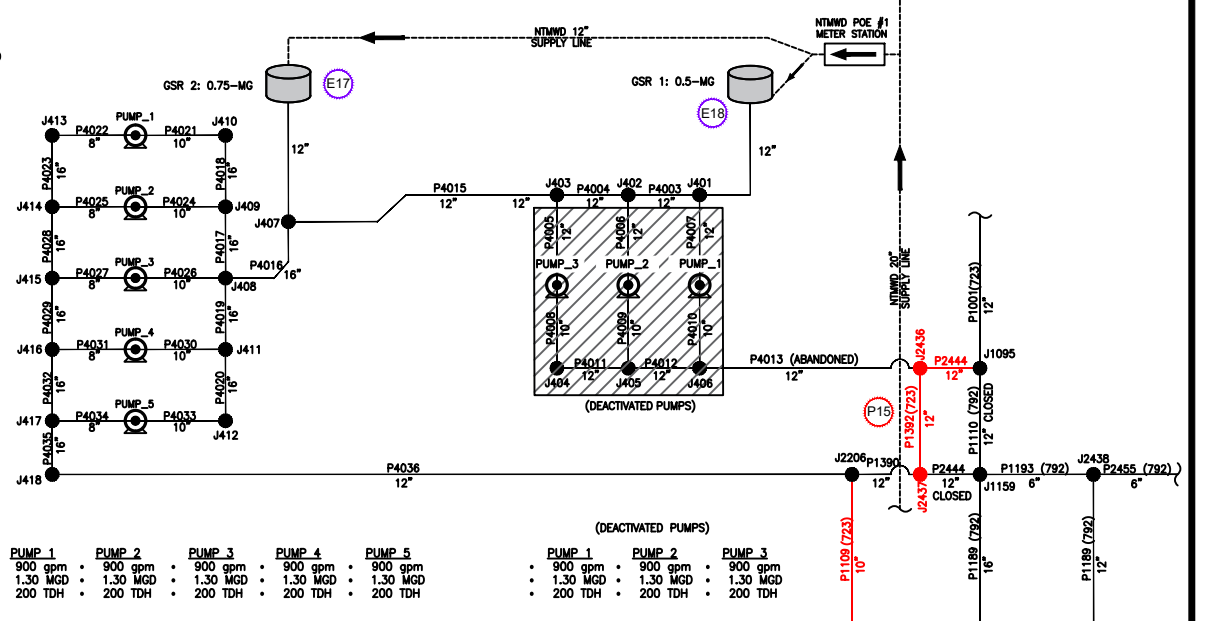
- FLOODPLAIN
- SERVICE AREA BOUNDARY
- CERTIFICATE OF CONVENIENCE & NECESSITY BOUNDARY
- EXTRATERRITORIAL JURISDICTION BOUNDARY
- CITY LIMITS BOUNDARY
- EXISTING WATER LINE NUMBER & DIAMETER
- EXISTING ELEVATED STORAGE TANK
- EXISTING PUMP STATION
- EXISTING GROUND STORAGE TANK
- PROPOSED IMPACT FEE CIP WATER LINE
- EXISTING CAPITAL RECOVERY WATER LINE
- PROPOSED AREA FOR FUTURE ELEVATED STORAGE TANK
- EXISTING CAPITAL RECOVERY PROJECT NUMBER
- PROPOSED IMPACT FEE CIP PROJECT NUMBER

E18 MCGARITY PUMP STATION (792 SERVICE AREA)
MAX DAY DEMAND = 4.3 MGD



PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5
• 1,100 gpm	• 1,100 gpm	• 750 gpm	• 750 gpm	• 750 gpm
• 1.58 MGD	• 1.58 MGD	• 1.08 MGD	• 1.08 MGD	• 1.08 MGD
• 160 TDH	• 160 TDH	• 190 TDH	• 190 TDH	• 190 TDH

E16 NORTH PUMP STATION (723 SERVICE AREA)
MAX DAY DEMAND = 6.6 MGD



PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5
• 900 gpm	• 900 gpm	• 900 gpm	• 900 gpm	• 900 gpm
• 1.30 MGD	• 1.30 MGD	• 1.30 MGD	• 1.30 MGD	• 1.30 MGD
• 200 TDH	• 200 TDH	• 200 TDH	• 200 TDH	• 200 TDH

FIGURE NO. 1 2022 WATER DISTRIBUTION SYSTEM CAPITAL IMPROVEMENT PLAN

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JANUARY 2023



REVISIONS: 1/20/23 - SHERMOZA
 PLOTTED BY: SHIL BENDAZZA ON 1/20/2023
 PLOT STYLE:
 PLOT SCALE: 1:1

TABLE NO. 4
CITY OF LUCAS, TEXAS
IMPACT FEE UPDATE
WATER DISTRIBUTION SYSTEM
CAPITAL RECOVERY PROJECTS

EXISTING WATER LINES

Project No.	Project	Size	Project Cost	Debt Service	Total Project Cost
1	Country Club 12-inch Water Line	12"	\$ 590,933	\$ 310,240	\$ 901,173
2	Snider Ln 8-inch Water Line	12"	\$ 594,480	\$ 312,102	\$ 906,582
3	Country Club 16-inch Water Line	16"	\$ 203,008	\$ 106,579	\$ 309,587
4	Brockdale Park Rd 8-inch Water Line	8"	\$ 635,743	\$ 333,765	\$ 969,508
5	Southview Dr 12-inch Water Line	12"	\$ 732,007	\$ 384,304	\$ 1,116,311
6	Brookhaven Dr & Kenwood Trl 8-inch Water Lines	8"	\$ 751,933	\$ 394,765	\$ 1,146,698
7	Stinson Rd 12-inch Water Line	12"	\$ 1,094,193	\$ 574,451	\$ 1,668,645
8	Bentwater Dr to Bristol Park 12-inch Water Line Loop	12"	\$ 11,020	\$ 5,785	\$ 16,805
9	Shiloh Dr & Toole Dr 12-inch Water Lines	12"	\$ 176,510	\$ 92,667	\$ 269,177
10	Highland Dr to Shepards Creek 8-inch Water Line	8"	\$ 14,031	\$ 7,366	\$ 21,397
Subtotal Water Lines:			\$ 4,803,858	\$ 2,522,025	\$ 7,325,883

EXISTING SUPPLY, PUMPING & STORAGE FACILITIES

Project No.	Project	Capacity	Project Cost ⁽¹⁾	Debt Service ⁽²⁾	Total Project Cost
11	McGarity Pump Station Facility	4.3-MGD	\$ 438,780	\$ 230,360	\$ 669,140
12	North Pump Station Facility	6.6-MGD	\$ 720,960	\$ 378,504	\$ 1,099,464
13	McGarity 0.35 MG Ground Storage Reservoir	0.35-MG	\$ 438,780	\$ 230,360	\$ 669,140
14	North Pump Station 0.75 MG Ground Storage Reservoir	0.75-MG	\$ 982,884	\$ 516,014	\$ 1,498,898
15	North Pump Station 0.50 MG Ground Storage Reservoir	0.50-MG	\$ 1,496,880	\$ 785,862	\$ 2,282,742
16	McGarity 0.30 MG Elevated Storage Tank	0.30-MG	\$ 673,607	\$ 353,644	\$ 1,027,251
17	Winningkoff 0.30 MG Elevated Storage Tank	0.30-MG	\$ 465,786	\$ 244,538	\$ 710,324
Subtotal Supply, Pumping and Storage Facilities:			\$ 5,217,677	\$ 2,739,280	\$ 7,956,957

TABLE NO. 5
CITY OF LUCAS, TEXAS
IMPACT FEE UPDATE
WATER DISTRIBUTION SYSTEM
10-YEAR CAPITAL IMPROVEMENT PLAN

PROPOSED WATER LINES

Project No.	Project	Size	Opinion of Project Cost ⁽¹⁾	Debt Service ⁽²⁾	Total Project Cost
1	Forest Grove Rd to Orr Rd 12-inch Water Line	12"	\$ 842,111	\$ 442,108	\$ 1,284,219
2	Orr Rd to Wellborn Ln 12-inch Water Line	12"	\$ 1,383,432	\$ 726,302	\$ 2,109,734
3	Shady Creek Cir to Forest Grove Ln 8-inch Water Line	8"	\$ 719,449	\$ 377,711	\$ 1,097,160
4	Silver Creek Cir to White Rock Trail 8-inch Water Line	8"	\$ 174,220	\$ 91,465	\$ 265,685
5	Estates Pkwy to Glenbrook Cir & Glenbrook Cir to Country Club Rd 16-inch Water Lines	16"	\$ 946,391	\$ 496,855	\$ 1,443,246
6	Estates Pkwy Parallel 16-inch Water Line to Country Club Rd	16"	\$ 923,952	\$ 485,075	\$ 1,409,027
7	Blondy Jhune Rd to Wendy Ln 8-inch Water Lines	8"	\$ 426,877	\$ 224,110	\$ 650,987
8	Rock Ridge Rd 12-inch Water Line & Rock Ridge to Lovejoy High School 12-inch Water Line	12"	\$ 1,644,956	\$ 863,602	\$ 2,508,558
9	Angel Pkwy 8-inch & 12-inch Water Lines	12"	\$ 1,311,093	\$ 688,324	\$ 1,999,417
10	Brockdale Park Rd to Lakeview Dr 8-inch Water Lines	8"	\$ 940,392	\$ 493,706	\$ 1,434,098
11	Holyoak Ln to Daytona Ave 8-inch Water Line	8"	\$ 1,069,816	\$ 561,654	\$ 1,631,470
12	Stinson Rd Extension 12-inch Water Line	12"	\$ 487,235	\$ 255,798	\$ 743,033
13	Toole Dr to Southview Dr 12-inch Water Line	12"	\$ 1,050,210	\$ 551,360	\$ 1,601,570
14	Highland Dr to Lewis Lane 8-inch Water Line	8"	\$ 722,413	\$ 379,267	\$ 1,101,680
15	North Pump Station Water 12-inch Water Line	12"	\$ 81,360	\$ 42,714	\$ 124,074
16	West Lucas Rd to Stinson Rd Parallel 12-inch Water Line	12"	\$ 538,996	\$ 282,973	\$ 821,969
17	Cedar Bend Trail 8-inch Water Line	8"	\$ 426,520	\$ 223,923	\$ 650,443
18	Graham Ln to Rock Ridge Ct Replacement 8-inch Water Line	8"	\$ 1,496,134	\$ 785,470	\$ 2,281,605
19	Country Club 10-inch Parallel Water Line	10"	\$ 2,057,848	\$ 1,080,370	\$ 3,138,219
20	Rollingwood Cir, Choice Ln, & Lakeview 6-inch Water Lines	8"	\$ 551,434	\$ 289,503	\$ 840,938
21	Hickory Hill St 8-inch Water Line Replacement	8"	\$ 546,100	\$ 286,703	\$ 832,803
22	Indian Trail 6-inch Replacement Water Line	8"	\$ 150,594	\$ 79,062	\$ 229,655
23	Chisholm Trl & Caman Park 8-inch Water Line	8"	\$ 567,997	\$ 298,198	\$ 866,195
24	Ingram Lane, McGarity Ln & West Lucas Rd Replacement Water Line	8"	\$ 1,856,736	\$ 974,787	\$ 2,831,523
25	Estates Parkway 8-inch Water Line	8"	\$ 512,603	\$ 269,117	\$ 781,720
26*	Prado Verde 12-inch Water Line	8"	\$ 742,987	\$ 390,068	\$ 1,133,055
Subtotal Proposed Water Lines:			\$ 22,171,859	\$ 11,640,225	\$ 33,812,084

PROPOSED SUPPLY, PUMPING & STORAGE FACILITIES

Project No.	Project	Capacity	Opinion of Project Cost ⁽¹⁾	Debt Service ⁽²⁾	Total Project Cost
27	723 Service Area 0.75 MG Elevated Storage Tank	0.75 MG	\$ 5,715,475	\$ 3,000,624	\$ 8,716,099
28	792 Service Area 0.50 MG Elevated Storage Tank	0.50 MG	\$ 4,093,152	\$ 2,148,905	\$ 6,242,057
29	McGarity Pump Station 0.50 MG Ground Storage Tank	0.50 MG	\$ 3,960,000	\$ 2,079,000	\$ 6,039,000
Subtotal Supply, Pumping and Storage Facilities:			\$ 13,768,627	\$ 7,228,529	\$ 20,997,156

Notes:

- (1) Opinion of Project Cost includes:
 - a) Engineer's Opinion of Construction Cost
 - b) Professional Services Fees (Survey, Engineering, Testing, Legal)
 - c) Cost of Easement or Land Acquisitions
- (2) Debt Service based on 20-year simple interest bonds at 5%

C. Utilized Capacity

The portion of City-funded projects costs that may be reimbursed by impact fee revenue is relative to the portion of facility capacity that is anticipated to be absorbed by new developments during the fee period. This portion, or utilized capacity, was determined for existing facilities and for proposed CIP projects. For existing facilities, available capacities were found under current 2022 demands, and were compared to the available capacity remaining under the predicted 2032 demand scenario. The difference in available capacities, by percentage, was applied to the 20-year total project cost to determine the allowable recovery dollar amount. The same procedure was utilized to determine utilized capacity during fee period for proposed CIP projects.

For each line segment in the water distribution model, the build-out flow rate in any given line was compared to the flow rate in the same line for the 2022 and the 2032 models. The utilized capacity was then calculated for each year based on the build-out being 100% capacity. The utilized capacity during the Impact Fee period is the difference between the year 2022 percent utilized and the year 2032 percent utilized. The utilized capacity for each water distribution facility, both existing and proposed, is presented in detail in the Impact Fee Capacity Calculation Tables. Table No. 6 summarizes the project cost and utilized cost over the impact fee period of 2022 - 2032 for each element of the Water Distribution System.

TABLE NO. 6**SUMMARY OF ELIGIBLE CAPITAL COST & UTILIZED CAPACITY COST**

Water System	Total Capital Cost (\$)	Total 20-Year Project Cost (\$)	Utilized Capacity During Fee Period (\$)
Existing Water Lines	\$ 4,803,858	\$ 7,325,883	\$ 2,947,882
Existing Water Facilities	\$ 5,217,677	\$ 7,956,957	\$ 4,415,549
Existing Water System Subtotal:	\$ 10,021,535	\$ 15,282,841	\$ 7,363,431
Proposed Water Lines	\$ 22,171,859	\$ 33,812,084	\$ 13,805,464
Proposed Water Facilities	\$ 13,768,627	\$ 20,997,156	\$ 11,760,303
Proposed Water System Subtotal:	\$ 35,940,486	\$ 54,809,240	\$ 25,565,767
TOTAL:	\$ 45,962,021	\$ 70,092,081	\$ 32,929,198

VI. CALCULATION OF MAXIMUM IMPACT FEES – WATER SYSTEM

The maximum impact fees for the water and wastewater systems are calculated separately by dividing the cost of the capital improvements or facility expansions necessitated and attributable to new development in the service area within the 10-year period by the number of living units anticipated to be added to the City within the 10-year period as shown on Table No. 7. The calculations are shown below.

**TABLE NO. 7
MAXIMUM ALLOWABLE WATER IMPACT FEE**

Maximum Water Impact Fee	$\frac{\text{Eligible Existing Utilized Cost} + \text{Eligible Proposed Utilized Cost}}{\text{Number of New Living Unit Equivalent over the Next 10 Years}}$	
	$= \frac{\$7,363,431}{1,255} + \frac{\$25,565,767}{1,255}$	$= \frac{\$32,929,198}{1,255}$
Maximum Impact Fee	=	<u>\$26,238</u>
Allowable Maximum Water Impact Fee: (Max Impact Fee x 50%)*		<u>\$13,119</u>

* Maximum allowable impact fee is 50% of the maximum calculated impact fee per Chapter 395 LGC

Based on the Maximum Water Impact Fee Calculation, Table No. 8 calculates the maximum impact fee for the various sizes of water meters.

TABLE NO. 8
MAXIMUM ALLOWABLE FEE PER
LIVING UNIT EQUIVALENT AND
PER METER SIZE AND TYPE

50% Max . Water Impact fee /LUE

\$ 13,119

Typical Land Use	Meter Type	Meter Size	LUE	Maximum Water Impact Fee	Total
Single Family Residential	Simple	5/8" x3/4"-1"	1	\$ 13,119	\$ 13,119
Single Family Residential	Simple	1"	2.5	\$ 32,798	\$ 32,798
Single Family Residential	Simple	1-1/2"	5	\$ 65,596	\$ 65,596
Single Family Residential	Compound	2"	8	\$ 104,954	\$ 104,954
Commercial/Retail	Simple	< 2"	1	\$ 13,119	\$ 13,119
Commercial/Retail	Compound	2"	8	\$ 104,954	\$ 104,954
Commercial/Retail	Turbine	2"	10	\$ 131,192	\$ 131,192
Commercial/Retail/Multi Family	Compound	3"	16	\$ 209,907	\$ 209,907
Commercial/Retail/Multi Family	Turbine	3"	24	\$ 314,861	\$ 314,861
Commercial/Retail/Multi Family	Compound	4"	25	\$ 327,980	\$ 327,980
Commercial/Retail/Multi Family	Turbine	4"	42	\$ 551,006	\$ 551,006
Industrial	Compound	6"	50	\$ 655,960	\$ 655,960
Industrial	Turbine	6"	92	\$ 1,206,967	\$ 1,206,967
Industrial	Compound	8"	80	\$ 1,049,536	\$ 1,049,536
Industrial	Turbine	8"	160	\$ 2,099,072	\$ 2,099,072
Industrial	Compound	10"	115	\$ 1,508,708	\$ 1,508,708
Industrial	Turbine	10"	250	\$ 3,279,801	\$ 3,279,801
Industrial	Turbine	12"	330	\$ 4,329,337	\$ 4,329,337

***WATER IMPACT FEE UTILIZED
CAPACITY TABLES***

**TABLE NO. 9
CITY OF LUCAS, TEXAS
WATER DISTRIBUTION IMPACT FEE STUDY
EXISTING PUMPING AND STORAGE FACILITIES**

	Year Const.	Capacity	Water Facilities Cost (\$)				Capacity Utilized (%)			Capacity Utilized (\$)		
			Construction Cost (\$)	Opinion of Project Total Cost (\$)	20 Year Debt Service Utilizing Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	2022	2032	In The CRF Period	2022	2032	In The CRF Period
Pump Station Improvements												
High Service Pump Stations												
Max Day		4.3-MGD	\$ 438,780	\$ 438,780	\$ 230,360	\$ 669,140	37%	100%	63%	\$ 246,337	\$ 669,140	\$ 422,803
		6.6-MGD	\$ 720,960	\$ 720,960	\$ 378,504	\$ 1,099,464	41%	100%	59%	\$ 452,446	\$ 1,099,464	\$ 647,018
		High Service Pump Station Subtotal	\$ 1,159,740	\$ 1,159,740	\$ 608,864	\$ 1,768,604				\$ 698,783	\$ 1,768,604	\$ 1,069,821
Ground Storage Reservoirs												
Max Day		0.35-MG	\$ 438,780	\$ 438,780	\$ 230,360	\$ 669,140	38%	100%	62%	\$ 254,273	\$ 669,140	\$ 414,866
		0.75-MG	\$ 982,884	\$ 982,884	\$ 516,014	\$ 1,498,898	48%	100%	52%	\$ 719,471	\$ 1,498,898	\$ 779,427
		0.50-MG	\$ 1,496,880	\$ 1,496,880	\$ 785,862	\$ 2,282,742	48%	100%	52%	\$ 1,095,716	\$ 2,282,742	\$ 1,187,026
		Ground Storage Reservoir Subtotal	\$ 2,918,544	\$ 2,918,544	\$ 1,532,236	\$ 4,450,780				\$ 2,069,460	\$ 4,450,780	\$ 2,381,319
Elevated Storage Tanks												
Max Day		0.30-MG	\$ 673,607	\$ 673,607	\$ 353,644	\$ 1,027,251	40%	100%	60%	\$ 410,900	\$ 1,027,251	\$ 616,350
		0.30-MG	\$ 465,786	\$ 465,786	\$ 244,538	\$ 710,324	51%	100%	49%	\$ 362,265	\$ 710,324	\$ 348,059
		Subtotal Elevated Storage Tanks	\$ 1,139,393	\$ 1,139,393	\$ 598,181	\$ 1,737,574				\$ 773,165	\$ 1,737,574	\$ 964,409
Existing Facilities Total			\$ 5,217,677	\$ 5,217,677	\$ 2,739,280	\$ 7,956,957				\$ 3,541,408	\$ 7,956,957	\$ 4,415,549

**TABLE NO. 10
CITY OF LUCAS, TEXAS
WATER SYSTEM IMPACT FEE STUDY
EXISTING WATER LINES**

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const. (Year)	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	Total Capital Cost (\$)	20 Year Debt Service @ 5% Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	Capacity Utilized (%)			Capacity Utilized (\$)			
									2022	2032	During Fee Period	2022	2032	During Fee Period	
Bentwater Dr to Bristol Park 12-inch Water Line Loop															
P1044	1,156	12"		\$2	\$2,485	\$2,485	\$1,304	\$3,789	75%	100%	25%	\$2,841.84	\$3,789	\$947	
P1045	428	12'		\$2	\$919	\$919	\$483	\$1,402	76%	100%	24%	\$1,065.35	\$1,402	\$336	
P1048	885	12'		\$2	\$1,902	\$1,902	\$999	\$2,901	77%	100%	23%	\$2,233.59	\$2,901	\$667	
P1055	1,594	12'		\$2	\$3,428	\$3,428	\$1,800	\$5,228	53%	100%	47%	\$2,770.72	\$5,228	\$2,457	
P1322	428	12'		\$2	\$920	\$920	\$483	\$1,404	76%	100%	24%	\$1,066.67	\$1,404	\$337	
P1324	635	12'		\$2	\$1,366	\$1,366	\$717	\$2,083	77%	100%	23%	\$1,603.56	\$2,083	\$479	
Subtotal:	5,126				\$11,020	\$11,020	\$5,785	\$16,805				\$11,582	\$16,805	\$5,223	
Shiloh Dr & Toole Dr 12-inch Water Lines															
P1059	1,211	8"		\$40	\$47,931	\$47,931	\$25,164	\$73,094	73%	100%	27%	53358.6379	\$73,094	\$19,735	
P1342	1,697	8"		\$40	\$67,160	\$67,160	\$35,259	\$102,419	53%	100%	47%	54282.12156	\$102,419	\$48,137	
P1343	220	8"		\$40	\$8,719	\$8,719	\$4,578	\$13,297	53%	100%	47%	7047.269443	\$13,297	\$6,249	
P1378	531	8"		\$40	\$21,026	\$21,026	\$11,038	\$32,064	53%	100%	47%	16993.97208	\$32,064	\$15,070	
P1437	800	8"		\$40	\$31,674	\$31,674	\$16,629	\$48,303	53%	100%	47%	25600.60996	\$48,303	\$22,702	
Subtotal:	4,461				\$176,510	\$176,510	\$92,667	\$269,177				\$157,283	\$269,177	\$111,893	
Highland Dr to Shepards Creek 8-inch Water Line															
P1055	1,594	12"		\$9	\$14,031	\$14,031	\$7,366	\$21,397	95%	100%	5%	20327.51556	\$21,397	\$1,070	
Subtotal:	1,594				\$14,031	\$14,031	\$7,366	\$21,397				\$20,328	\$21,397	\$1,070	
TOTAL:					\$4,803,858	\$4,803,858	\$2,522,025	\$7,325,883				\$4,377,997	\$7,325,883	\$2,947,882	

**TABLE NO. 11
CITY OF LUCAS, TEXAS
WATER DISTRIBUTION IMPACT FEE STUDY
PROPOSED WATER FACILITIES**

Facility Improvements	Year Const.	Projected Capacity	Water Facilities Cost (\$)					Capacity Utilized (%)			Capacity Utilized (\$)		
			Construction Cost (\$)	Engineering, Testing and Property Acquisition (\$)	Opinion of Project Total Cost (\$)	20 Year Debt Service Utilizing Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	2022	2032	In The CRF Period	2022	2032	In The CRF Period
Proposed Pump Stations, Ground Storage, and Elevated Storage Facilities													
27	723 Service Area 0.75 MG Elevated Storage Tank	0.75 MG	\$ 4,762,896	\$ 952,579	\$ 5,715,475	\$ 3,000,624	\$ 8,716,099	51%	100%	49%	\$ 4,445,210.59	\$ 8,716,099	\$ 4,270,889
28	792 Service Area 0.50 MG Elevated Storage Tank	0.50 MG	\$ 3,410,960	\$ 682,192	\$ 4,093,152	\$ 2,148,905	\$ 6,242,057	40%	100%	60%	\$ 2,496,822.80	\$ 6,242,057	\$ 3,745,234
29	McGarity Pump Station 0.50 MG Ground Storage Tank	0.50 MG	\$ 3,300,000	\$ 660,000	\$ 3,960,000	\$ 2,079,000	\$ 6,039,000	38%	100%	62%	\$ 2,294,820.00	\$ 6,039,000	\$ 3,744,180
Proposed Facility Total:			\$ 11,473,856	\$ 2,294,771	\$ 13,768,627	\$ 7,228,529	\$ 20,997,156					\$ 20,997,156	\$ 11,760,303

TABLE NO. 12
CITY OF LUCAS, TEXAS
WATER SYSTEM IMPACT FEE STUDY
PROPOSED WATER LINES

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const. (Year)	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	Engineering, Testing and Property Acquisition 20% (\$)	Total Capital Cost (\$)	20 Year Debt Service @ 5% Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	Capacity Utilized (%)			Capacity Utilized (\$)		
										2022	2032	During Fee Period	2022	2032	During Fee Period
1. Forest Grove Rd to Orr Rd 12-inch Water Line															
P-2425	2,731	12"		\$257	\$701,759	\$140,352	\$842,111	\$442,108	\$1,284,219	39%	100%	61%	\$500,845.36	\$1,284,219	\$783,374
Subtotal:	2,731				\$701,759	\$140,352	\$842,111	\$442,108	\$1,284,219				\$500,845	\$1,284,219	\$783,374
2. Orr Rd to Wellborn Ln 12-inch Water Line															
P-2426	4,611	12"		\$250	\$1,152,860	\$230,572	\$1,383,432	\$726,302	\$2,109,734	65%	100%	35%	\$1,371,327.10	\$2,109,734	\$738,407
Subtotal:	4,611				\$1,152,860	\$230,572	\$1,383,432	\$726,302	\$2,109,734				\$1,371,327	\$2,109,734	\$738,407
3. Shady Creek Cir to Forest Grove Ln 8-inch Water Line															
P-1407	3,123	8"		\$192	\$599,541	\$119,908	\$719,449	\$377,711	\$1,097,160	57%	100%	43%	\$625,381.40	\$1,097,160	\$471,779
Subtotal:	3,123				\$599,541	\$119,908	\$719,449	\$377,711	\$1,097,160				\$625,381	\$1,097,160	\$471,779
4. Silver Creek Cir to White Rock Trail 8-inch Water Line															
P-1406	618	8"		\$235	\$145,183	\$29,037	\$174,220	\$91,465	\$265,685	24%	100%	76%	\$63,764.30	\$265,685	\$201,920
Subtotal:	618				\$145,183	\$29,037	\$174,220	\$91,465	\$265,685				\$63,764	\$265,685	\$201,920

**TABLE NO. 12
CITY OF LUCAS, TEXAS
WATER SYSTEM IMPACT FEE STUDY
PROPOSED WATER LINES**

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const. (Year)	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	Engineering, Testing and Property Acquisition 20% (\$)	Total Capital Cost (\$)	20 Year Debt Service @ 5% Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	Capacity Utilized (%)			Capacity Utilized (\$)		
										2022	2032	During Fee Period	2022	2032	During Fee Period
5. Estates Pkwy to Glenbrook Cir & Glenbrook Cir to Country Club Rd 16-inch Water Lines															
P-2448	1,065	16"		\$338	\$359,811	\$71,962	\$431,773	\$226,681	\$658,454	44%	100%	56%	\$289,719.88	\$658,454	\$368,734
P-2240	909	16"		\$360	\$327,398	\$65,480	\$392,878	\$206,261	\$599,139	35%	100%	65%	\$209,698.64	\$599,139	\$389,440
P-2241	232	16"		\$438	\$101,450	\$20,290	\$121,739	\$63,913	\$185,653	20%	100%	80%	\$37,130.53	\$185,653	\$148,522
Subtotal:	1,065				\$788,659	\$157,732	\$946,391	\$496,855	\$1,443,246				\$289,720	\$658,454	\$368,734
6. Estates Pkwy Parallel 16-inch Water Line to Country Club Rd															
P-2447	2,347	16"		\$328	\$769,960	\$153,992	\$923,952	\$485,075	\$1,409,027	66%	100%	34%	\$929,958.07	\$1,409,027	\$479,069
Subtotal:	2,347				\$769,960	\$153,992	\$923,952	\$485,075	\$1,409,027				\$929,958	\$1,409,027	\$479,069
7. Blondy Jhune Rd to Wendy Ln 8-inch Water Lines															
P-1405	407	8"		\$232	\$94,494	\$18,899	\$113,392	\$59,531	\$172,923	54%	100%	46%	\$93,378.51	\$172,923	\$79,545
P-1403	1,313	8"		\$199	\$261,237	\$52,247	\$313,485	\$164,579	\$478,064	69%	100%	31%	\$329,864.05	\$478,064	\$148,200
Subtotal:	1,720				\$355,731	\$71,146	\$426,877	\$224,110	\$650,987				\$423,243	\$650,987	\$227,745
8. Rock Ridge Rd 12-inch Water Line & Rock Ridge to Lovejoy High School 12-inch Water Line															
2461	4,417	12"		\$247	\$1,091,118	\$218,224	\$1,309,341	\$687,404	\$1,996,745	59%	100%	41%	\$1,178,079.65	\$1,996,745	\$818,666
2463	1,021	12"		\$274	\$279,679	\$55,936	\$335,615	\$176,198	\$511,813	38%	100%	62%	\$194,488.92	\$511,813	\$317,324
Subtotal:	5,438				\$1,370,797	\$274,159	\$1,644,956	\$863,602	\$2,508,558				\$1,372,569	\$2,508,558	\$1,135,990
9. Angel Pkwy 8-inch & 12-inch Water Lines															
2435	4,423	12"		\$247	\$1,092,577	\$218,515	\$1,311,093	\$688,324	\$1,999,417	57%	100%	43%	\$1,139,667.57	\$1,999,417	\$859,749
Subtotal:	4,423				\$1,092,577	\$218,515	\$1,311,093	\$688,324	\$1,999,417				\$1,139,668	\$1,999,417	\$859,749
10. Brockdale Park Rd to Lakeview Dr 8-inch Water Lines															
1453	750	8"		\$241	\$180,750	\$36,150	\$216,900	\$113,873	\$330,773	42%	100%	58%	\$138,924.47	\$330,773	\$191,848
2458	1,530	8"		\$222	\$339,660	\$67,932	\$407,592	\$213,986	\$621,578	51%	100%	49%	\$317,004.72	\$621,578	\$304,573
1235	1,350	8"		\$195	\$263,250	\$52,650	\$315,900	\$165,848	\$481,748	76%	100%	24%	\$366,128.15	\$481,748	\$115,619
Subtotal:	3,630				\$783,660	\$156,732	\$940,392	\$493,706	\$1,434,098				\$822,057	\$1,434,098	\$612,040

**TABLE NO. 12
CITY OF LUCAS, TEXAS
WATER SYSTEM IMPACT FEE STUDY
PROPOSED WATER LINES**

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const. (Year)	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	Engineering, Testing and Property Acquisition 20% (\$)	Total Capital Cost (\$)	20 Year Debt Service @ 5% Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	Capacity Utilized (%)			Capacity Utilized (\$)		
										2022	2032	During Fee Period	2022	2032	During Fee Period
11. Holyoak Ln to Daytona Ave 8-inch Water Line															
2460	4,668	8"		\$191	\$891,514	\$178,303	\$1,069,816	\$561,654	\$1,631,470	45%	100%	55%	734161.5954	\$1,631,470	\$897,309
Subtotal:	4,668				\$891,514	\$178,303	\$1,069,816	\$561,654	\$1,631,470				\$734,162	\$1,631,470	\$897,309
12. Stinson Rd Extension 12-inch Water Line															
2429	1,538	12"		\$264	\$406,029	\$81,206	\$487,235	\$255,798	\$743,033	83%	100%	17%	616717.5826	\$743,033	\$126,316
Subtotal:	1,538				\$406,029	\$81,206	\$487,235	\$255,798	\$743,033				\$616,718	\$743,033	\$126,316
13. Toole Dr to Southview Dr 12-inch Water Line															
1394	3,501	12"		\$250	\$875,175	\$175,035	\$1,050,210	\$551,360	\$1,601,570	95%	100%	5%	1521491.5	\$1,601,570	\$80,079
Subtotal:	3,501				\$875,175	\$175,035	\$1,050,210	\$551,360	\$1,601,570				\$1,521,492	\$1,601,570	\$80,079
14. Highland Dr to Lewis Lane 8-inch Water Line															
2438	870	8"		\$205	\$178,309	\$35,662	\$213,971	\$112,335	\$326,305	70%	100%	30%	228413.8498	\$326,305	\$97,892
2465	2,207	8"		\$192	\$423,702	\$84,740	\$508,442	\$266,932	\$775,375	56%	100%	44%	434209.7999	\$775,375	\$341,165
Subtotal:	3,077				\$602,011	\$120,402	\$722,413	\$379,267	\$1,101,680				\$662,624	\$1,101,680	\$439,057
15. North Pump Station Water 12-inch Water Line															
1392	51	12"		\$966	\$49,295	\$9,859	\$59,153	\$31,056	\$90,209	60%	100%	40%	54125.36495	\$90,209	\$36,084
2444	23	12"		\$822	\$18,506	\$3,701	\$22,207	\$11,659	\$33,865	61%	100%	39%	20657.78431	\$33,865	\$13,207
Subtotal:	74				\$67,800	\$13,560	\$81,360	\$42,714	\$124,074				\$74,783	\$124,074	\$49,291
16. West Lucas Rd to Stinson Rd Parallel 12-inch Water Line															
1393	1,768	12"		\$254	\$449,163	\$89,833	\$538,996	\$282,973	\$821,969	67%	100%	33%	550719.2938	\$821,969	\$271,250
Subtotal:	1,768				\$449,163	\$89,833	\$538,996	\$282,973	\$821,969				\$550,719	\$821,969	\$271,250
17. Cedar Bend Trail 8-inch Water Line															
1249	1,235	8"		\$235	\$290,249	\$58,050	\$348,298	\$182,857	\$531,155	30%	100%	70%	159346.4265	\$531,155	\$371,808
2464	228	8"		\$286	\$65,185	\$13,037	\$78,222	\$41,067	\$119,289	35%	100%	65%	41751.02481	\$119,289	\$77,538
Subtotal:	1,463				\$355,434	\$71,087	\$426,520	\$223,923	\$650,443				\$201,097	\$650,443	\$449,346

**TABLE NO. 12
CITY OF LUCAS, TEXAS
WATER SYSTEM IMPACT FEE STUDY
PROPOSED WATER LINES**

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const. (Year)	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	Engineering, Testing and Property Acquisition 20% (\$)	Total Capital Cost (\$)	20 Year Debt Service @ 5% Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	Capacity Utilized (%)			Capacity Utilized (\$)		
										2022	2032	During Fee Period	2022	2032	During Fee Period
18. Graham Ln to Rock Ridge Ct Replacement 8-inch Water Line															
2043	947	8"		\$218	\$206,554	\$41,311	\$247,864	\$130,129	\$377,993	40%	100%	60%	151197.3025	\$377,993	\$226,796
2112	1,218	8"		\$200	\$243,696	\$48,739	\$292,435	\$153,528	\$445,964	40%	100%	60%	178385.472	\$445,964	\$267,578
2111	1,004	8"		\$214	\$214,833	\$42,967	\$257,799	\$135,345	\$393,144	38%	100%	62%	149394.605	\$393,144	\$243,749
2110	2,228	8"		\$192	\$426,675	\$85,335	\$512,010	\$268,805	\$780,816	51%	100%	49%	398215.975	\$780,816	\$382,600
2457	726	8"		\$213	\$155,021	\$31,004	\$186,025	\$97,663	\$283,688	31%	100%	69%	87943.42692	\$283,688	\$195,745
Subtotal:	6,125				\$1,246,779	\$249,356	\$1,496,134	\$785,470	\$2,281,605				\$965,137	\$2,281,605	\$1,316,468
19. Country Club 10-inch Parallel Water Line															
1109	5,215	10"		\$225	\$1,173,331	\$234,666	\$1,407,997	\$739,198	\$2,147,195	69%	100%	31%	1481564.643	\$2,147,195	\$665,630
1408	1,306	10"		\$225	\$293,947	\$58,789	\$352,736	\$185,186	\$537,922	73%	100%	27%	392683.1627	\$537,922	\$145,239
2427	1,100	10"		\$225	\$247,597	\$49,519	\$297,116	\$155,986	\$453,102	51%	100%	49%	231081.8368	\$453,102	\$222,020
Subtotal:	7,622				\$1,714,874	\$342,975	\$2,057,848	\$1,080,370	\$3,138,219				\$2,105,330	\$3,138,219	\$1,032,889
20. Rollingwood Cir, Choice Ln, & Lakeview 6-inch Water Lines															
2466	482	6"		\$236	\$113,695	\$22,739	\$136,434	\$71,628	\$208,061	30%	100%	70%	62418.36395	\$208,061	\$145,643
2467	258	6"		\$253	\$65,256	\$13,051	\$78,307	\$41,111	\$119,418	42%	100%	58%	50155.40113	\$119,418	\$69,262
2468	1,500	6"		\$187	\$280,579	\$56,116	\$336,694	\$176,764	\$513,459	38%	100%	62%	195114.3167	\$513,459	\$318,344
Subtotal:	2,240				\$459,529	\$91,906	\$551,434	\$289,503	\$840,938				\$307,688	\$840,938	\$533,249
21. Hickory Hill St 8-inch Water Line Replacement															
1309	289	8"		\$255	\$73,510	\$14,702	\$88,212	\$46,311	\$134,524	32%	100%	68%	43047.6373	\$134,524	\$91,476
1310	842	8"		\$204	\$171,764	\$34,353	\$206,116	\$108,211	\$314,328	26%	100%	74%	81725.17607	\$314,328	\$232,602
2470	971	8"		\$216	\$209,810	\$41,962	\$251,772	\$132,180	\$383,952	33%	100%	67%	126704.0513	\$383,952	\$257,248
Subtotal:	2,102				\$455,084	\$91,017	\$546,100	\$286,703	\$832,803				\$251,477	\$832,803	\$581,326

**TABLE NO. 12
CITY OF LUCAS, TEXAS
WATER SYSTEM IMPACT FEE STUDY
PROPOSED WATER LINES**

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const. (Year)	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	Engineering, Testing and Property Acquisition 20% (\$)	Total Capital Cost (\$)	20 Year Debt Service @ 5% Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	Capacity Utilized (%)			Capacity Utilized (\$)		
										2022	2032	During Fee Period	2022	2032	During Fee Period
22. Indian Trail 6-inch Replacement Water Line															
1038	577	6"		\$217	\$125,495	\$25,099	\$150,594	\$79,062	\$229,655	29%	100%	71%	66600.01564	\$229,655	\$163,055
Subtotal:	577				\$125,495	\$25,099	\$150,594	\$79,062	\$229,655				\$66,600	\$229,655	\$163,055
23. Chisholm Trl & Caman Park 8-inch Water Line															
2472	2,415	8"		\$196	\$473,331	\$94,666	\$567,997	\$298,198	\$866,195	55%	100%	45%	476407.2408	\$866,195	\$389,788
Subtotal:	2,415				\$473,331	\$94,666	\$567,997	\$298,198	\$866,195				\$476,407	\$866,195	\$389,788
24. Ingram Lane, McGarity Ln & West Lucas Rd Replacement Water Line															
P2030	388	8"		\$188	\$72,993	\$14,599	\$87,591	\$45,986	\$133,577	76%	100%	24%	101518.4975	\$133,577	\$32,058
P2031	494	8"		\$188	\$92,898	\$18,580	\$111,478	\$58,526	\$170,004	54%	100%	46%	91801.93404	\$170,004	\$78,202
P2032	695	8"		\$188	\$130,593	\$26,119	\$156,712	\$82,274	\$238,985	82%	100%	18%	195967.9638	\$238,985	\$43,017
P2179	1,145	8"		\$188	\$215,315	\$43,063	\$258,378	\$135,649	\$394,027	55%	100%	45%	216714.8213	\$394,027	\$177,312
P2182	503	8"		\$188	\$94,607	\$18,921	\$113,528	\$59,602	\$173,131	55%	100%	45%	95221.80862	\$173,131	\$77,909
P2183	654	8"		\$188	\$122,982	\$24,596	\$147,578	\$77,478	\$225,056	41%	100%	59%	92273.03145	\$225,056	\$132,783
P2184	593	8"		\$188	\$111,394	\$22,279	\$133,673	\$70,178	\$203,852	58%	100%	42%	118233.9355	\$203,852	\$85,618
P2185	2,709	8"		\$188	\$509,258	\$101,852	\$611,110	\$320,833	\$931,943	78%	100%	22%	726915.3659	\$931,943	\$205,027
P2189	307	8"		\$188	\$57,659	\$11,532	\$69,191	\$36,325	\$105,516	62%	100%	38%	65419.94225	\$105,516	\$40,096
P2192	742	8"		\$188	\$139,581	\$27,916	\$167,497	\$87,936	\$255,433	43%	100%	57%	109836.1221	\$255,433	\$145,597
Subtotal:	8,230				\$1,547,280	\$309,456	\$1,856,736	\$974,787	\$2,831,523				\$1,813,903	\$2,831,523	\$1,017,619

**TABLE NO. 12
CITY OF LUCAS, TEXAS
WATER SYSTEM IMPACT FEE STUDY
PROPOSED WATER LINES**

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const. (Year)	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	Engineering, Testing and Property Acquisition 20% (\$)	Total Capital Cost (\$)	20 Year Debt Service @ 5% Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	Capacity Utilized (%)			Capacity Utilized (\$)			
										2022	2032	During Fee Period	2022	2032	During Fee Period	
25. Estates Parkway 8-inch Water Line																
2155	1,665	8"		\$191	\$318,701	\$63,740	\$382,442	\$200,782	\$583,223	88%	100%	12%	513236.5139	\$583,223	\$69,987	
2432	567	8"		\$191	\$108,468	\$21,694	\$130,162	\$68,335	\$198,497	83%	100%	17%	164752.4931	\$198,497	\$33,744	
Subtotal:	2,231				\$427,170	\$85,434	\$512,603	\$269,117	\$781,720				\$677,989	\$781,720	\$103,731	
26. Prado Verde 12-inch Water Line																
P1250	849	12"		\$300	\$254,833	\$50,967	\$305,799	\$160,545	\$466,344	58%	100%	42%	270479.6401	\$466,344	\$195,865	
P1251	1,214	12"		\$300	\$364,323	\$72,865	\$437,188	\$229,523	\$666,711	58%	100%	42%	386692.4322	\$666,711	\$280,019	
Subtotal:	2,064				\$619,156	\$123,831	\$742,987	\$390,068	\$1,133,055				\$657,172	\$1,133,055	\$475,884	
TOTAL:						\$18,476,549	\$3,695,310	\$22,171,859	\$11,640,225	\$33,812,084				\$19,221,830	\$33,027,293	\$13,805,464

VIII. ROADWAY IMPACT FEES - LAND USE ASSUMPTIONS BY SERVICE AREA

One of the initial steps in developing roadway impact fees includes the identification of data related to the planned land uses for land within the City of Lucas city limits by roadway service area, as identified in **Figure 2** (page 30). A summary of the land use data by roadway service area is provided in **Table 13** below, which was obtained from the City of Lucas Comprehensive Plan.

Table 13: Summary of Land Use Data

Service Area	Year	Land Use:	Residential	Office	Retail	Industrial	Public/Institutional	Parks/Open Space
		Unit:	Dwelling Units	Acres	Acres	Acres	Acres	Acres
1	Year	2022	2,733	0	60	7	159	153
		2032	3,756	0	375	7	159	153
		Ultimate	3,756	0	375	7	159	153

IX. CAPITAL IMPROVEMENT PLAN FOR ROADWAY IMPACT FEES

The capital improvement plan (CIP) includes projects intended for construction by the City of Lucas in the next 10 years to serve both existing and future development. In order to be funded by roadway impact fees, a roadway project must be included in the 10-year CIP.

A) Existing Facilities

The City of Lucas street system is mostly developed at this time. Almost all of the roadways in the City are built to current thoroughfare plan standards and almost all of the proposed roadway segments on the thoroughfare plan currently exist.

The existing major roadways within the City or near the City Limits under the operation and maintenance jurisdiction of the Texas Department of Transportation (TxDOT) include FM 2551 (Angel Parkway), FM 1378 (Country Club Road / West Lucas Road / Southview Drive), FM 2170 (Estates Parkway), FM 3286 (East Lucas Road) and FM 2514 (Parker Road). All existing roadway facilities are two-lane undivided roadways.

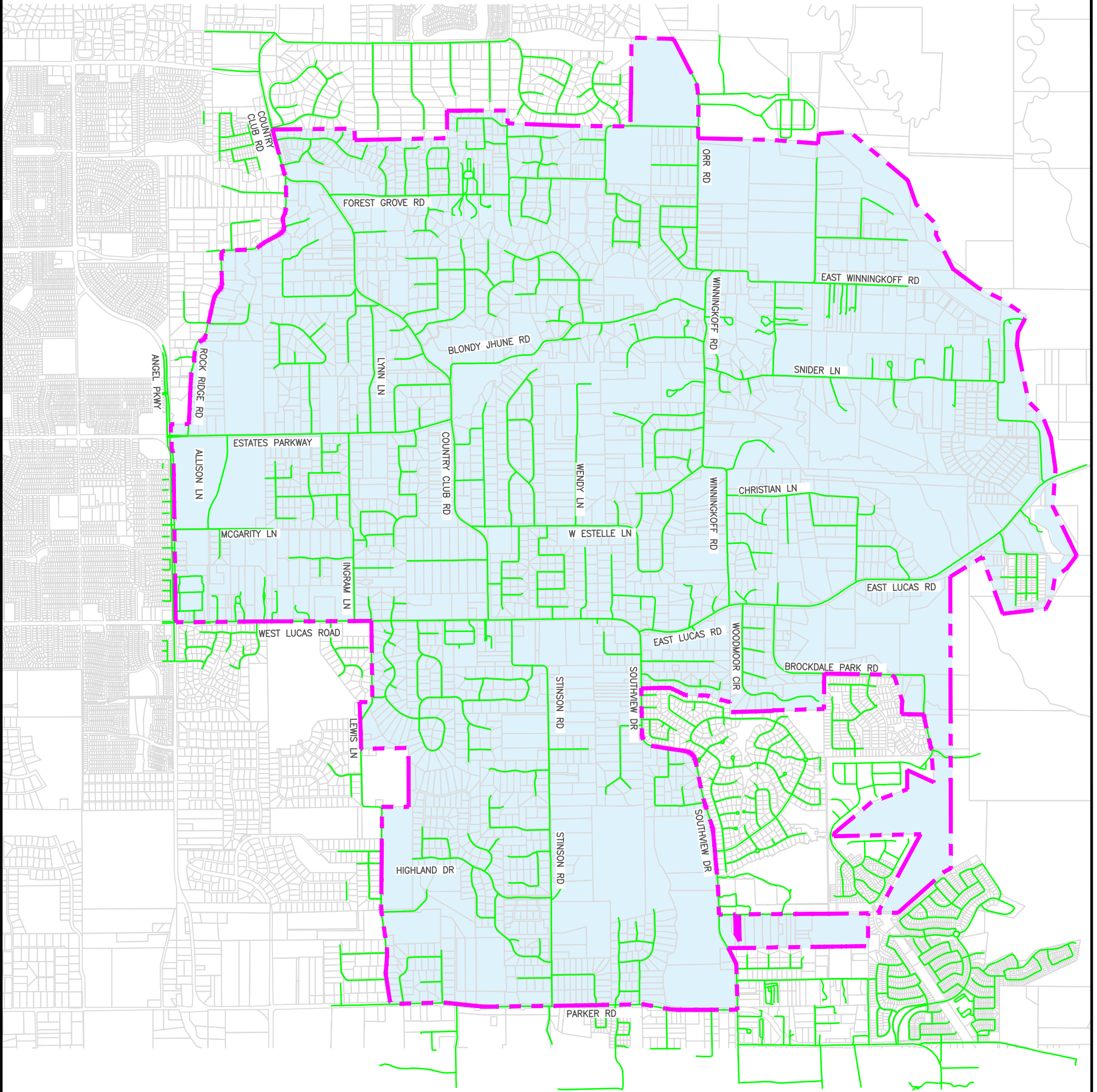
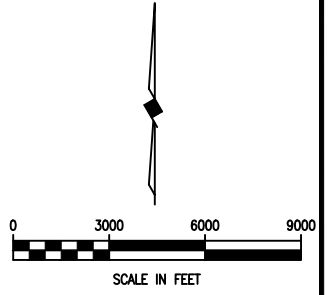
B) Proposed Facilities

The City of Lucas Thoroughfare Plan is the basis for development of the future street system. The thoroughfare system is a conventional network conforming to a hierarchical, functional classification system developed to support the forecast traffic demands of future land use.

While two (2) roadways bordering the City of Lucas (Angel Parkway & Parker Road) are classified as 6-lane roadways, the highest classification of roadway within the City of Lucas is a 4-lane roadway (Country Club Road, Southview Drive, Estates Parkway & Lucas Road).

These roadways will generally include medians that serve the function of controlling access, separating opposing traffic movements and providing an area for the storage of left turning vehicles. All other roadways are classified as 2-lanes that are developed to serve the adjoining developments.

Figure 2: Roadway Impact Fee Service Area



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 PLOTTED BY: SAUL MENDOZA ON 1/4/2023

LEGEND

- Extraterritorial Jurisdiction Boundary
- Roadway Impact Fee Service Area/City Limits



**2022-2032 ROADWAY IMPACT FEE UPDATE
ROADWAY IMPACT FEE SERVICE AREA**

JANUARY 2023

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
 PROFESSIONAL ENGINEERS
 TBPLSE Firm No. 526; Survey No. 10031800
 11910 Greenville Ave #600, Dallas, Texas 75243
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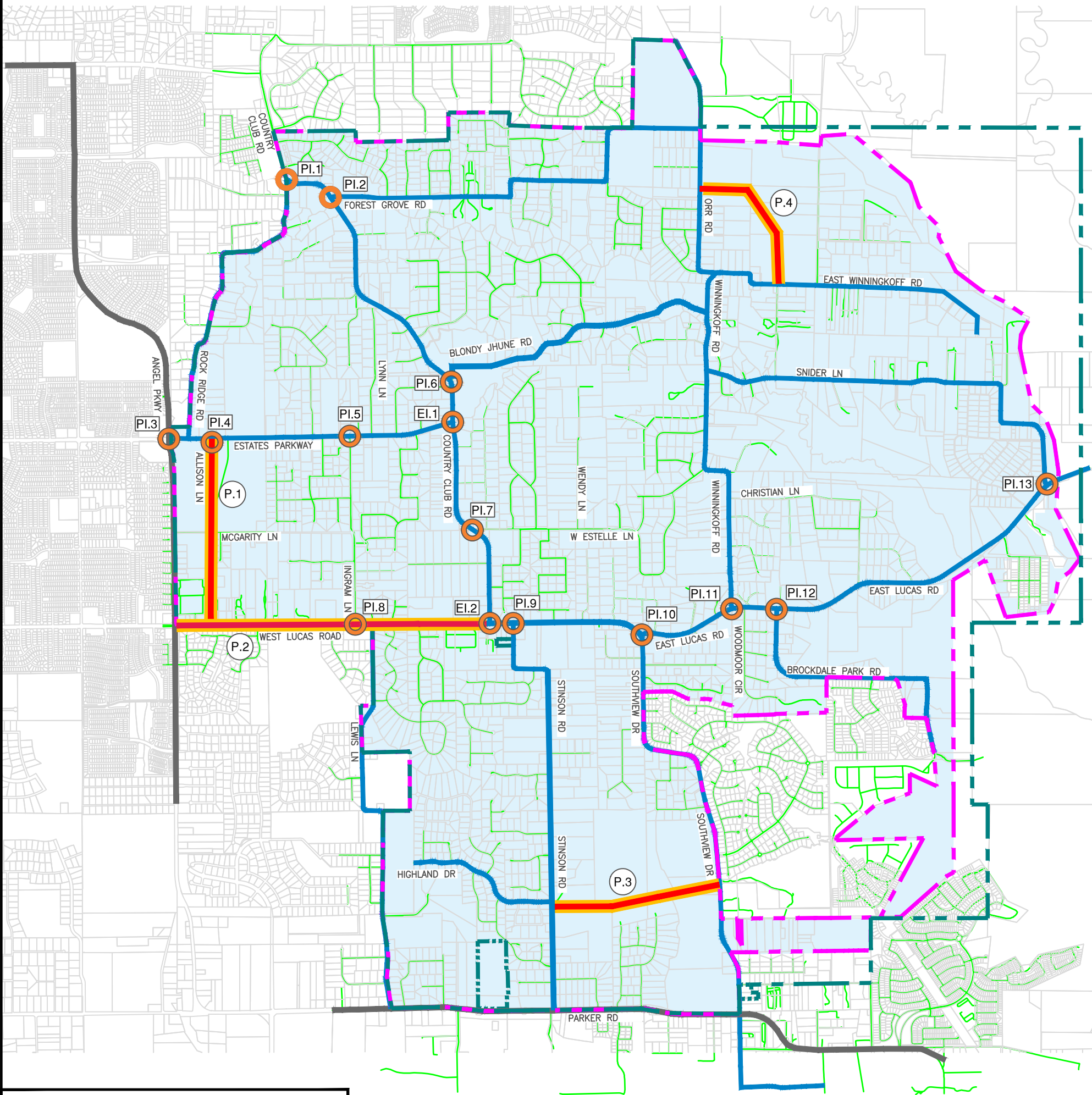
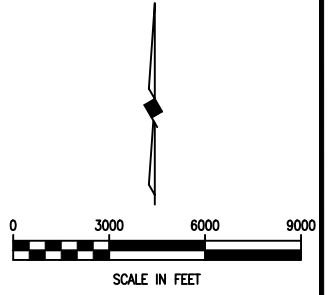
C) Capital Improvement Plan for Roadway Impact Fees

All roadways included in the Thoroughfare Plan were considered for inclusion in the Capital Improvement Plan (CIP). The thoroughfare facilities determined for inclusion in the Capital Improvement Plan of this study are graphically illustrated in **Figure 3** (page 32). **Table 14A** (page 33) presents the proposed capital projects based on information provided by City staff. Under existing State Statute, a municipalities' cost associated with TxDOT facilities can be financed with impact fees. Each listed project includes a description of the planned improvements, the approximate project length, and an engineer's opinion of probable cost to the City. The probable construction costs for these projects were prepared without the benefit of a detailed preliminary engineering study for each project and were developed by Birkhoff, Hendricks & Carter. All roadways included in the 2022 Roadway Impact Fee CIP are identified in the City of Lucas Thoroughfare Plan.

Recoupment costs for projects completed as part of the previous CIP are shown in **Table 14B** (page 34) and identified in **Figure 3** (page 32). These are projects which have previously been built to serve existing and future roadway needs. The construction costs for these recoupment projects were based on engineering judgment in discussions with Birkhoff, Hendricks & Carter.

For both the CIP and recoupment projects, the costs shown include only those costs that will be paid for or have been paid for by the City of Lucas. Financing costs for both of these types of projects were also included in the total estimated cost and used an assumed interest rate of 5%.

Figure 3: CIP Projects for Roadway Impact Fee



LEGEND

-  Intersection Projects
-  Extraterritorial Jurisdiction Boundary
-  City Limits
-  Impact Fee CIP Project Number
-  Capital Improvement Projects
-  Existing Roadways



**2022-2032 ROADWAY IMPACT FEE UPDATE
CAPITAL IMPROVEMENT PLAN MAP**

JANUARY 2023

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
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 PLOT SCALE: 1:1
 PLOTTED BY: SAUL MENDOZA ON 1/11/2023

Table 14A: Proposed Roadway Capital Improvement Projects

Project #	Road Name	From	To	Segment Length (ft)	Existing Configuration	Planned Configuration	Needed Construction	Capital Cost (1)	Debt Service (2)	Total Project Cost
Service Area 1										
P.1	Allison Ln	Estates Parkway	West Lucas Rd	5,300	-	2 lanes	Construct 2-lane undivided roadway	\$ 3,000,000.00	\$ 1,575,000.00	\$ 4,575,000.00
P.2	West Lucas Rd	Angel Parkway	Country Club Rd	8,870	2 lanes	4 lanes	Widen 2-lane to 4-lane divided roadway	\$ 5,541,521.00	\$ 2,909,299.00	\$ 8,450,820.00
P.3	Highland Dr	Stinson Rd	Southview Dr	4,800	-	2 lane	Construct 2-lane undivided roadway	\$ 2,840,112.00	\$ 1,491,058.80	\$ 4,331,170.80
P.4	Future Loop	Orr Rd	East Winningkoff Rd	4,300	-	2 lane	Construct 2-lane undivided roadway	\$ 2,516,000.00	\$ 1,320,900.00	\$ 3,836,900.00
PI.1	Country Club Rd & Rock Ridge Rd	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,612,000.00	\$ 846,300.00	\$ 2,458,300.00
PI.2	Country Club Rd & Forest Grove Rd	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,612,000.00	\$ 846,300.00	\$ 2,458,300.00
PI.3	Angel Pkwy & Estates Pkwy	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,151,000.00	\$ 604,275.00	\$ 1,755,275.00
PI.4	Allison Ln & Estates Pkwy	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,612,000.00	\$ 846,300.00	\$ 2,458,300.00
PI.5	Ingram Ln & Estates Pkwy	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,612,000.00	\$ 846,300.00	\$ 2,458,300.00
PI.6	Blondy Jhune Rd & Country Club Rd	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,612,000.00	\$ 846,300.00	\$ 2,458,300.00
PI.7	Country Club Rd & Estelle Ln	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,612,000.00	\$ 846,300.00	\$ 2,458,300.00
PI.8	West Lucas Rd & Ingram Ln	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,305,000.00	\$ 685,125.00	\$ 1,990,125.00
PI.9	West Lucas Rd & Stinson Rd	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,305,000.00	\$ 685,125.00	\$ 1,990,125.00
PI.10	East Lucas Rd & Southview Dr	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,305,000.00	\$ 685,125.00	\$ 1,990,125.00
PI.11	East Lucas Rd & Winningkoff Rd	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,612,000.00	\$ 846,300.00	\$ 2,458,300.00
PI.12	East Lucas Rd & Brockdale Park Rd	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,612,000.00	\$ 846,300.00	\$ 2,458,300.00
PI.13	East Lucas Rd & Snider Ln	-	-	-	-	-	Install left turn & right turn lanes	\$ 1,305,000.00	\$ 685,125.00	\$ 1,990,125.00
TOTAL								\$ 33,164,633.00	\$ 17,411,432.80	\$ 50,576,065.80

Notes:

- (1) For cost-sharing roadway improvements, Lucas' assumed participation is shown
- (2) Debt service cost calculated for financing over 20-years at a 5% annual interest rate

Table 14B: Eligible Capital Recovery Projects Completed

Project #	Project	Segment Length (ft)	Project Description	Capital Cost (1)	Debt Service (2)	Total Project Cost
Service Area 1						
EL.1	Country Club Rd & Estates Pkwy	-	Installed left turn lanes & right turn lanes	\$ 350,000.00	\$ 183,750.00	\$ 533,750.00
EL.2	West Lucas Rd & Country Club Rd	-	Installed left turn lanes & right turn lanes	\$ 350,000.00	\$ 183,750.00	\$ 533,750.00
TOTAL				\$ 700,000.00	\$ 367,500.00	\$ 1,067,500.00

Notes:

- (1) Capital costs based on engineering judgment. No data provided by City.
- (2) Debt service cost calculated for financing over 20-years at a 5% annual interest rate

X. ROADWAY IMPACT FEE CALCULATION

After the land use assumptions and CIP have been finalized, this information is used to determine the maximum fee per service unit (impact fee) that can be charged by the City for new developments. The fee is calculated by dividing the costs of the capital improvements identified as necessary to serve growth forecast to occur during the 10-year planning period by the number of service units of growth forecast to occur (using the land use assumptions). The specific steps, as described in following paragraphs of this section include:

- 1) Determination of a standard service unit;
- 2) Identification of service areas for the City;
- 3) Analysis of the total capacity, level of current usage, and commitment for usage of capacity of existing improvements;
- 4) Identification of that portion of the total capital improvements necessary to serve the projected growth over the next 10-year period;
- 5) Determination of the “standard service unit” and equivalency tables establishing the ratio of a service unit to the types of land use forecast for growth;
- 6) Calculating the resulting eligible costs per service unit (impact fee) for new developments in the service area.

A) Service Unit

To determine the impact fee rate applied to thoroughfare facilities the standard service unit selected was “**PM Peak Hour Vehicle-Miles.**” This service unit can be obtained by multiplying the number of trips generated (vehicles) by a specific land use type during the PM peak hour by the average trip length (miles) for that land use. The PM peak hour was chosen because it is usually considered the critical time, with the most vehicles, for roadway analyses. The trip generation data were directly obtained or derived for each defined land use type from the *Trip Generation Manual, 11th Edition* of the Institute of Transportation Engineers, which is the standard data reference to determine vehicle trip generation characteristics of particular land use types and densities. Trip length information for each land use specified was based on data developed for the Dallas-Fort Worth area by the North Central Texas Council of Governments (NCTCOG). The trip length was set at a maximum of three (3) miles for any land use, as this trip length was assumed to be the maximum average distance a trip would travel on roadways within the service area in the City of Lucas. **Table 15** (page 36) shows the typical service units for each land use type used in developing the roadway impact fees.

Table 15: Service Unit Calculation by Land Use

Land use	Variable	PM Peak Trips ¹ (vehicles)	Trip Length ² (miles)	PM Peak Hour Vehicle-Miles
Residential	Dwelling Unit	0.94	3.0	2.82
Office	1,000 ft ²	1.44	3.0	4.32
Commercial/ Retail	1,000 ft ²	3.40	3.0	10.20
Industrial	1,000 ft ²	0.65	3.0	1.95
Public and Institutional	1,000 ft ²	1.01	3.0	3.02
Parks and Open Space	Acre	6.47	3.0	19.41

¹ Based on ITE *Trip Generation Manual, 11th Edition*

² Based on FHWA *National Household Travel Survey (2017)*

B) Service Area

The State Statute governing the imposition of development impact fees require that collection and expenditure of fees imposed for street facilities “...is limited to an area within the corporate boundaries of the political subdivision and shall not exceed six miles.” To comply with this State Law, one service area (Service Area 1) was established for the City of Lucas to ensure that funds are spent within six miles of where they are collected. The service area was shown previously in **Figure 2** (page 30). The service areas include all of the developable land within the existing city limits of Lucas.

C) Analysis of Existing, 10-Year and Ultimate Demand & Capacity

The land use assumption data available in the City of Lucas Comprehensive Plan was converted to the standard service unit (vehicle-miles) by applying the trip generation and trip length data provided in Table 15. These results were used to provide an estimate of the existing demand/service units (vehicle-miles) within the service area, as well as to forecast the growth in demand/service units for both the next 10-year period (2022-2032) and the ultimate development of the City of Lucas, which is estimated to occur by 2032. This demand is then compared to the ultimate service units (capacity) for the City. **Table 16** below shows the portion of ultimate build-out service units (capacity) that will be attributable to growth within the next 10 years.

Table 16: Summary of Vehicle-Mileage Distribution by Development Period

Service Area	Existing		2022 - 2032		Year 2032 - Ultimate		Ultimate Vehicle-Miles
	Vehicle-Miles 2022	Portion of Ultimate Vehicle-Miles	Vehicle-Miles Added 2022-2032	Portion of Ultimate Vehicle-Miles	Vehicle-Miles Added 2032 - Ultimate	Portion of Ultimate Vehicle-Miles	
1	20,315	0.3968	30,876	0.6032	0	0.0000	51,191
Total	20,315		30,876		0		51,191

D) Capital Improvements Costs Necessary to Serve 10-Year Growth

The total costs for implementing the roadway CIP were identified previously in Tables 14A and 14B. The street facility improvements identified in the CIP will logically serve all existing and future growth by improved safety and drainage characteristics. Therefore, the 10-year eligible costs have been proportioned as the ratio of the 10-year growth to the total number of service units determined

for build-out, as provided in Table 16 (page 36). **Table 17** below presents a summary of the roadway capital improvement costs for the service area.

Table 17: Summary of Capital Improvement Cost by Service Area

Service Area	Zone Cost of Thoroughfare	Portion of Capacity of Thoroughfare Attributed to Growth (2022 - 2032)	Cost of Thoroughfare Attributed to Growth (2022 - 2032)
1	\$51,643,565.80	0.6032	\$31,151,398.89
Totals	\$51,643,565.80		\$31,151,398.89

In order to maintain the equity of impact fee assessment, the cost for streets included in the 10-year Capital Improvement Plan will include the total cost of the street facilities, not reduced by any expected participation. Rather, construction by a developer of a thoroughfare within or off-site should be treated as a credit to the impact fee assessment.

E) Determination of Standard Service Unit Equivalency

Table 18 below presents the derivation of service unit equivalents for each of the six defined land use types. The service unit equivalents are referenced to and based on the residential land use. That is, the vehicle-miles/development unit for each land use are provided as a ratio of that land use to the residential land use.

Table 18: Thoroughfare Land Use Equivalency

Land Use	Development Unit	Veh-Miles / Development Unit (1)	SU Equivalency (2)
Residential	Dwelling Unit	2.82	1.00
Office	1,000 ft ²	4.32	1.53
Commercial/ Retail	1,000 ft ²	10.20	3.62
Industrial	1,000 ft ²	1.95	0.69
Public and Insitutional	1,000 ft ²	3.02	1.07
Parks and Open Space	Acre	19.41	6.88

Notes:

- (1) Based on data from ITE *Trip Generation* Manual (11th Edition) and FHWA *National Household Travel Survey* (2017)
- (2) Ratio of each land use to service unit of Residential

F) Cost Per Service Unit (Impact Fee) Calculation

Table 19 (page 38) presents a summary of the calculations and resulting capital improvement costs attributable to growth per service unit, which represents the maximum *calculated* impact fee. This fee is calculated by taking the cost of the CIP attributable to growth in the next 10 years (Table 17) and dividing it by the estimated growth, or the number of new service units (Table 16), in the next 10 years.

Table 19: Impact Fee Calculation for Thoroughfare by Service Area

Service Area	Cost of Thoroughfare Attributed to Growth (2022 - 2032)	Number of New Service Units (2022 - 2032)	Cost Per Service Unit	Cost Per Service Unit (Rounded)
1	\$31,151,398.89	30,876	\$1,008.92	\$1,008
Totals	\$31,151,398.89	30,876		

XI. SUMMARY OF ROADWAY IMPACT FEE CALCULATION METHODOLOGY

The methodology for calculating the maximum *allowable* impact fee for roadway facilities can be summarized in the following three steps and is summarized below. First, the cost of the roadway facilities (existing roadways eligible for recuperation of construction cost and proposed roadways) that can be attributed to new growth over the 10-year period is determined.

Cost of Roadway Facilities (Tables 14A and 14B) = \$51,643,565.80
 Proportion of Capacity Attributable to New Growth (Table 16) = 0.6032
 Cost of Roadway Facilities Attributable to Growth (2022-2032):

$$\$51,643,565.80 \times 0.6032 = \$31,151,398.89$$

The second step is to determine the maximum *calculated* impact fee. The maximum *calculated* impact fee is the ratio of the total cost for roadway facilities attributable to growth in the next ten years (2022-2032) divided by the total growth in equivalent service units (ESU). The maximum calculated impact fee for Service Area 1 is:

Maximum Roadway Impact Fee = $\frac{\text{Eligible Thoroughfare Cost Attributed to Growth (Table 17)}}{\text{Total Growth in Equivalent Service Units (Table 16)}}$

$$= \frac{\$31,151,398.89}{30,876 \text{ ESU}}$$

$$= \$1,008.92 / \text{ESU} = \$1,008 / \text{ESU (Rounded Service Area 1)}$$

This amount represents the maximum *calculated* impact fee for roadway facilities. For the final step, the current impact fee legislation requires the City to produce a financial analysis to support a fee greater than 50 percent of the eligible costs or to reduce the maximum calculated impact fee by 50 percent. If the City chooses to use a maximum *allowable* impact fee of 50 percent of the maximum calculated fee the amount would be $\$1,008 \times 50\% = \mathbf{\$504.00}$ for Service Area 1.

XII. ROADWAY IMPACT FEE CALCULATION EXAMPLE

The information provided in **Table 20** represents an expansion of the basic land uses used for calculating the impact fee. This table identifies the total service units generated by specific uses within each land use category and includes land uses which may develop over the next 10-year period. To obtain the impact fee to be charged for a particular land use, the impact fee per service unit adopted by the City and the service units per development unit generated for that particular land use from Table 20 are used. Examples for calculating the impact fee for both a single-family dwelling unit and a 200,000 ft² shopping center (commercial / retail facility) assuming maximum *allowable* impact fees of \$504.00 per service unit (Service Area 1) are shown following Table 20.

Table 20: Service Units & Impact Fee by Land Use

CATEGORY	LAND USE	DEVELOPMENT UNITS ¹	ITE TRIP RATE ²	TRIP LENGTH ³	PASS-BY TRAFFIC ⁴	SERVICE UNITS ⁵	IMPACT FEE / DEVELOPMENT UNIT ⁶
							Service Area 1
RESIDENTIAL							
	Single-Family Detached	Dwelling Unit	0.94	3.0	0	2.82	\$1,421.28
	Apartment/Multifamily	Dwelling Unit	0.51	3.0	0	1.53	\$771.12
	Condominium/Townhouse	Dwelling Unit	0.51	3.0	0	1.53	\$771.12
	Senior Housing - Single-Family	Dwelling Unit	0.30	3.0	0	0.90	\$453.60
	Senior Housing - Multifamily	Dwelling Unit	0.25	3.0	0	0.75	\$378.00
OFFICE							
	Office Building	1,000 ft ² GFA	1.44	3.0	0	4.32	\$2,177.28
	Business Park	1,000 ft ² GFA	1.22	3.0	0	3.66	\$1,844.64
	Medical Office	1,000 ft ² GFA	3.93	3.0	0	11.79	\$5,942.16
COMMERCIAL							
	Automobile Care Center	1,000 ft ² GFA	3.11	3.0	0.25	7.00	\$3,528.00
	Bank	1,000 ft ² GFA	21.01	2.4	0.35	32.78	\$16,521.12
	Convenience Store/Gas Station	Fueling Positions	22.76	2.4	0.75	13.66	\$6,884.64
	Home Improvement Store	1,000 ft ² GFA	2.29	3.0	0.42	3.98	\$2,005.92
	Hotel	Rooms	0.59	3.0	0	1.77	\$892.08
	Pharmacy/Drugstore	1,000 ft ² GFA	10.25	2.8	0.49	14.64	\$7,378.56
	Fast Food Restaurant with Drive-In/Through	1,000 ft ² GFA	33.03	2.4	0.55	35.67	\$17,977.68
	Fast Food Restaurant without Drive-In/Through	1,000 ft ² GFA	33.21	2.4	0.55	35.87	\$18,078.48
	High-Turnover (Sit-Down) Restaurant	1,000 ft ² GFA	9.05	3.0	0.43	15.48	\$7,801.92
	Shopping Center / General Retail	1,000 ft ² GFA	3.40	3.0	0.29	7.24	\$3,648.96
	Supermarket	1,000 ft ² GFA	8.95	2.8	0.24	19.05	\$9,601.20
INDUSTRIAL							
	Industrial	1,000 ft ² GFA	0.65	3.0	0	1.95	\$982.80
	Industrial Park	1,000 ft ² GFA	0.34	3.0	0	1.02	\$514.08
	Mini-Warehouse	1,000 ft ² GFA	0.15	3.0	0	0.45	\$226.80
	Warehouse / Distribution Center	1,000 ft ² GFA	0.18	3.0	0	0.54	\$272.16
INSTITUTIONAL							
	School	Students	0.16	3.0	0	0.48	\$241.92
	Day Care Center	Students	0.79	3.0	0	2.37	\$1,194.48
	Nursing Home	1,000 ft ² GFA	0.59	3.0	0	1.77	\$892.08
	House of Worship	1,000 ft ² GFA	0.49	3.0	0	1.47	\$740.88

¹ GFA = Gross Floor Area

² (Vehicles); Based on *ITE Trip Generation Manual, 11th Edition*

³ (Miles); Based on FHWA *National Household Travel Survey (2017)* - maximum of 3 miles

⁴ Percentage of traffic already passing by site - land use is an intermediate destination

⁵ (Vehicle-Miles)

⁶ Based on impact fee of \$504.00/service unit for Service Area 1

Example Calculations

SINGLE-FAMILY DWELLING (Service Area 1)

- Vehicle-Miles per Development Unit for Single-Family Dwelling Unit
(1 Dwelling Unit) x (2.82 Vehicle-Miles / Dwelling Unit) = 2.82 Vehicle-Miles
- Assume 50 percent of the Maximum Calculated Roadway Impact Fee = \$504.00 / Service Unit:
(2.82 Vehicle-Miles) x (\$504.00 / Vehicle-Miles) = \$1,421.28

200,000 ft² SHOPPING CENTER (Service Area 1)

- Vehicle-Miles per Development Unit for Shopping Center
(200,000 ft²) x (7.24 Vehicle-Miles / 1,000 ft²) = 1,448.00 Vehicle-Miles
- Assume 50 percent of the Maximum Calculated Roadway Impact Fee = \$504.00 / Service Unit:
(1,448.00 Vehicle-Miles) x (\$504.00 / Vehicle-Miles) = \$729,792.00



LUCAS WATER & ROADWAY IMPACT FEE UPDATE 2022-2032

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
DALLAS, TEXAS
(214) 361-7900
JANUARY 2023



City of Lucas

City Council Agenda Request

March 16, 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.

Attachments/Supporting Documentation

1. Board Applications will be sent to City Council as a separate attachment

Budget/Financial Impact

NA

Recommendation

Mayor Olk is the City Council Liaison to the Planning and Zoning Commission and will make a recommendation to the City Council.

Motion

I make a motion to appoint _____ to the Planning and Zoning Commission for a term beginning on May 18, 2023 and ending on December 31, 2024.



City of Lucas City Council Agenda Request March 16, 2023

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider modifications to the City of Lucas Thoroughfare Plan.

Background Information

The Comprehensive Plan was approved with modifications on January 19, 2023. The City Council is evaluating whether additional modifications should be made to the City of Lucas Thoroughfare Plan regarding the alignment of Stinson Road and its connection with FM 1378.

Staff is seeking guidance from the City Council on whether to make modifications to the City of Lucas Thoroughfare Plan.

Attachments/Supporting Documentation

1. Concept Drawings of Proposed Thoroughfare Plan Modifications and 995 West Lucas Road Cross Access
2. Coversheet dated March 18, 2018 regarding Country Club Road/West Lucas Road Intersection Improvements
3. 2022 City of Lucas Thoroughfare Plan

Budget/Financial Impact

NA

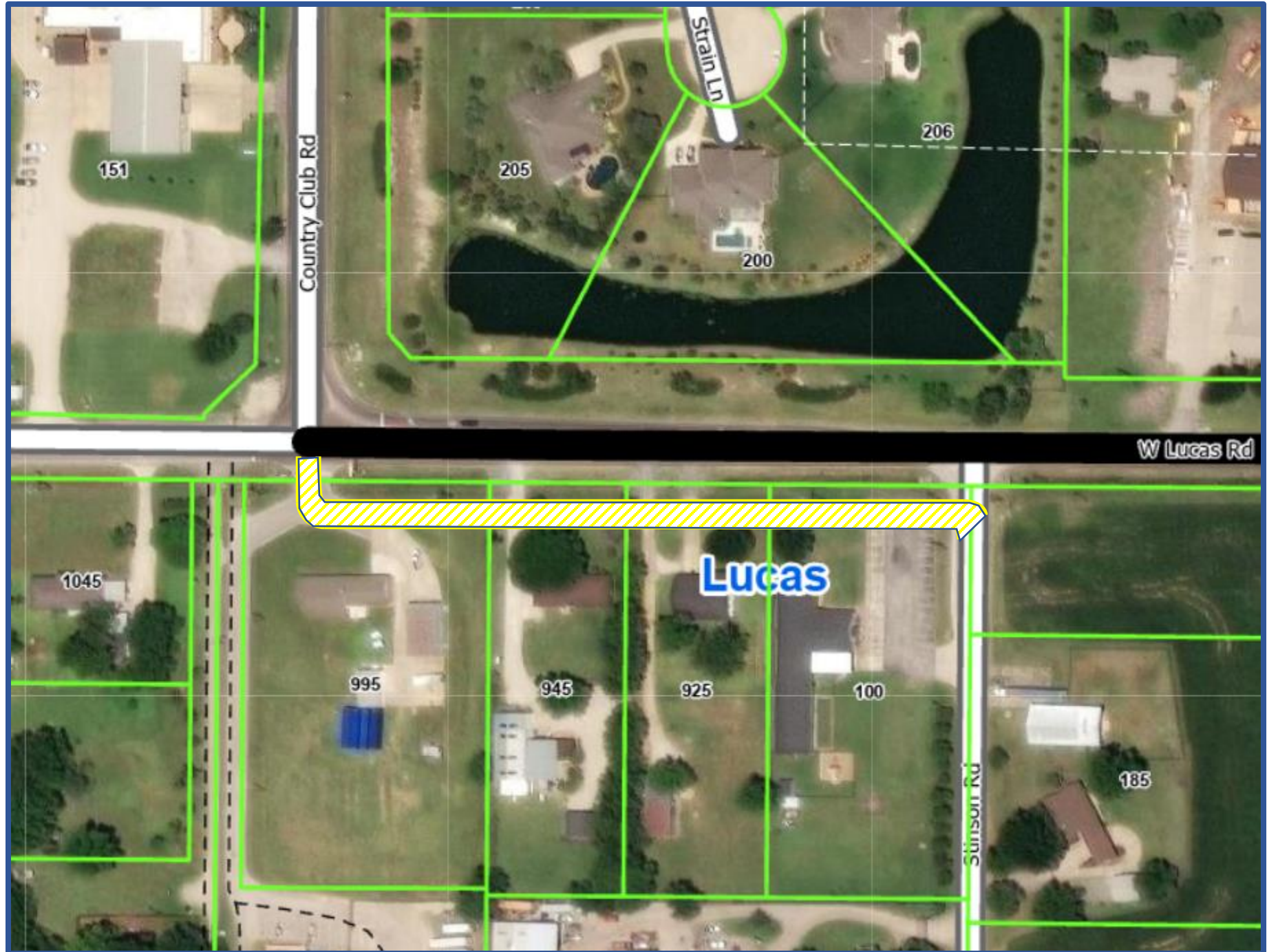
Recommendation

NA

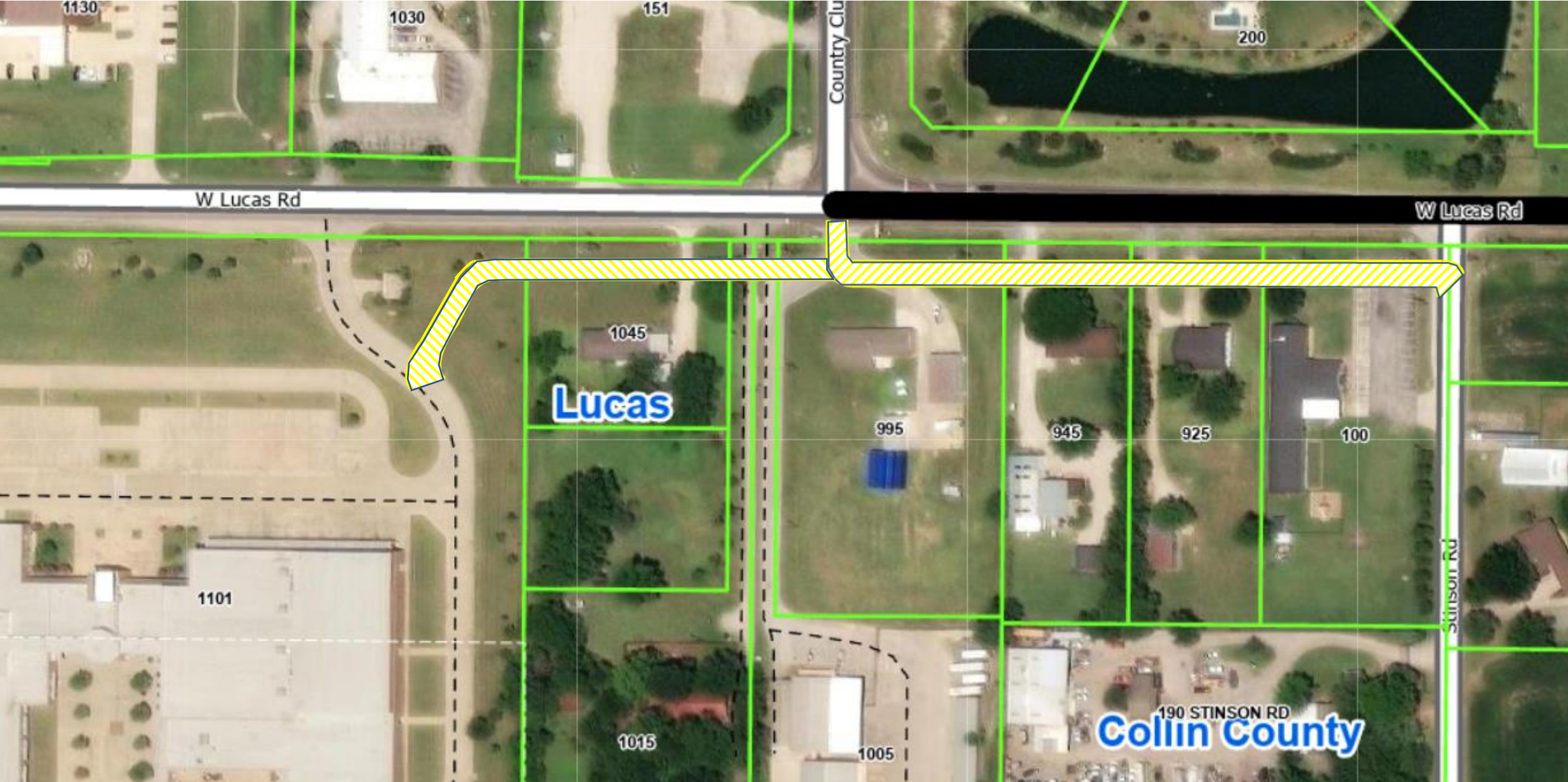
Motion

There is no motion required.

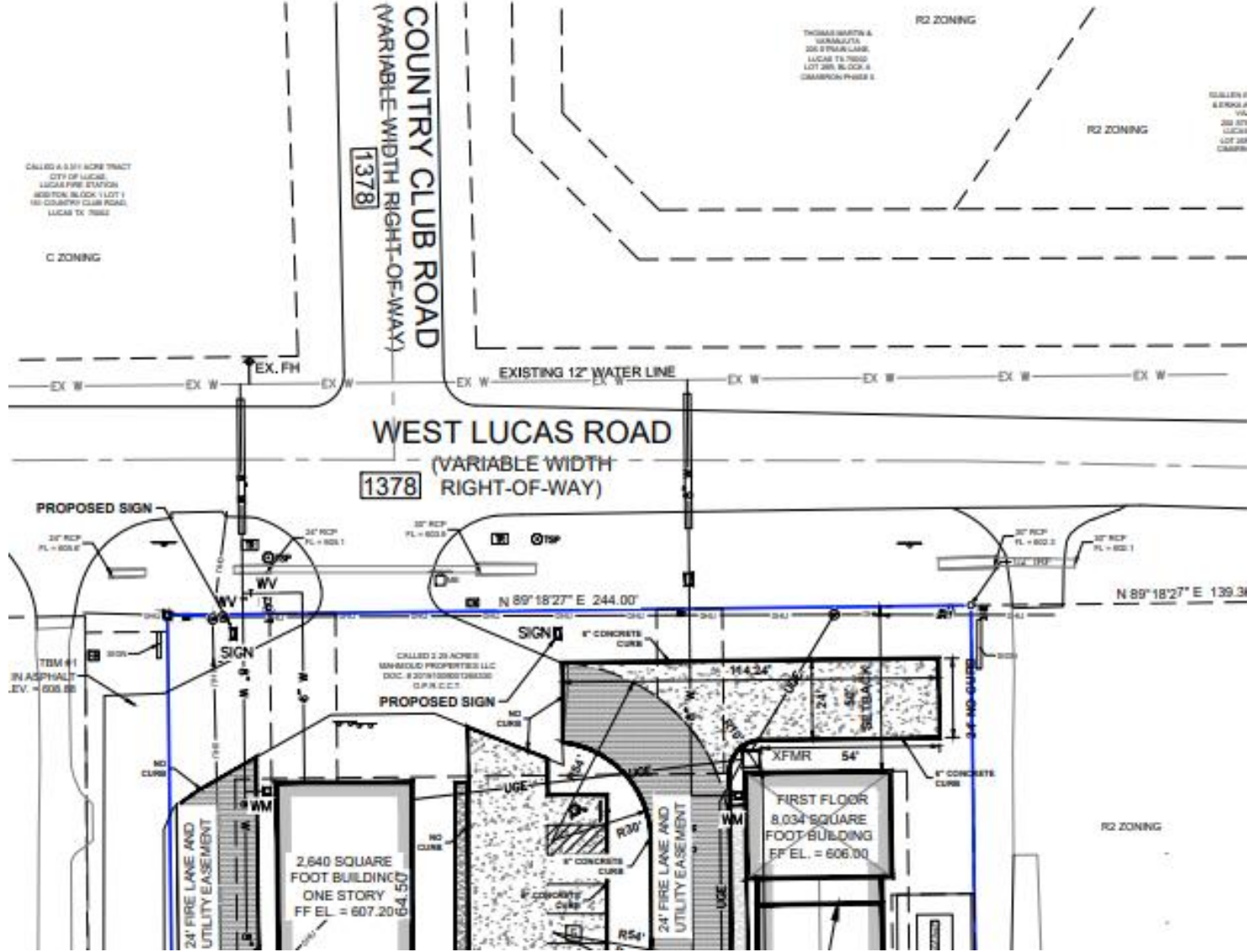
Proposed
Thoroughfare Plan
Modification



Proposed Thoroughfare Plan Modification



995 W Lucas Road ~ Cross Access





City of Lucas

City Council Agenda Request

March 15, 2018

Item No. 09

Requester: Public Works Director/City Engineer Stanton Foerster

Agenda Item:

Provide direction to staff regarding the opportunity to add a fourth approach from 995 W. Lucas Road to the Country Club Road/W. Lucas Road intersection and make improvements to the northwest corner of the same intersection.

Background Information:

The Texas Department of Transportation (TxDOT) is planning to update the traffic signal at this intersection in June or July. Public Works Director/City Engineer Stanton Foerster met with TxDOT to discuss two main items: 1) improvements to the city property on the northwest corner to eliminate the W. Lucas Road ditch and the need for guardrail and 2) a fourth leg/new driveway on the south side of the intersection to improve access to the commercial businesses at 995 (Willard property) and 1005 (Craig's Car Care) W. Lucas Road. TxDOT is requiring the city to start the construction by the end of April 2018.

On September 21 and October 19, 2017, the City Council was briefed by staff on the opportunity to improve safety in this intersection. The City Council directed the City Manager to contact the property owners impacted by the addition of the fourth approach.

Public Works Director/City Engineer Stanton Foerster has communicated directly with Alan Spurgin, Bobby Willard, and Craig Zale.

Alan Spurgin (1015 W. Lucas Road) involvement is very minor. The driveway to his home is not much of a factor. Craig Zale is willing to let Mr. Spurgin use the new easement across Mr. Zale's property.

Craig Zale of Craig's Car Care (1005 W. Lucas Road) is willing to make changes to his drive and allowing cross traffic within a new easement.

Bobby Willard (995 W. Lucas Road) has not committed to this project.

The Public Works Director has determined that 1045 and 945 W. Lucas Road, given the current uses, should not be required to participate by closing their driveways and using the proposed new fourth approach.

When the new turn lanes were added to the intersection in 2013, modifications were made to the drainage system. These improvements are causing unforeseen issues with the pavement integrity and need to be addressed. The quantities and schematic plans for the fourth leg were added to the Stinson Road/W. Lucas Road Bid Items as an "Additive Alternate". This was done by staff



City of Lucas

City Council Agenda Request

March 15, 2018

to determine the cost of the new driveway and drainage improvements. Bids on this project will be received on March 8, 2018, and the numbers will be sent to the City Council under separate cover. These numbers are also needed to make application with the North Central Texas Council of Governments to use RTR funds for the driveway and drainage improvements.

Attachments/Supporting Documentation:

1. Birkhoff Additive Alternative Plans
2. Schematic One
3. Schematic Two
4. TxDOT Schematic & Right-Of-Way Map

Budget/Financial Impact:

The use of RTR funds, roadway impact fees and/or Road Maintenance fund could be used depending on the scope of the work. Staff has contacted the NCTCOG about the use of the RTR funds for this work.

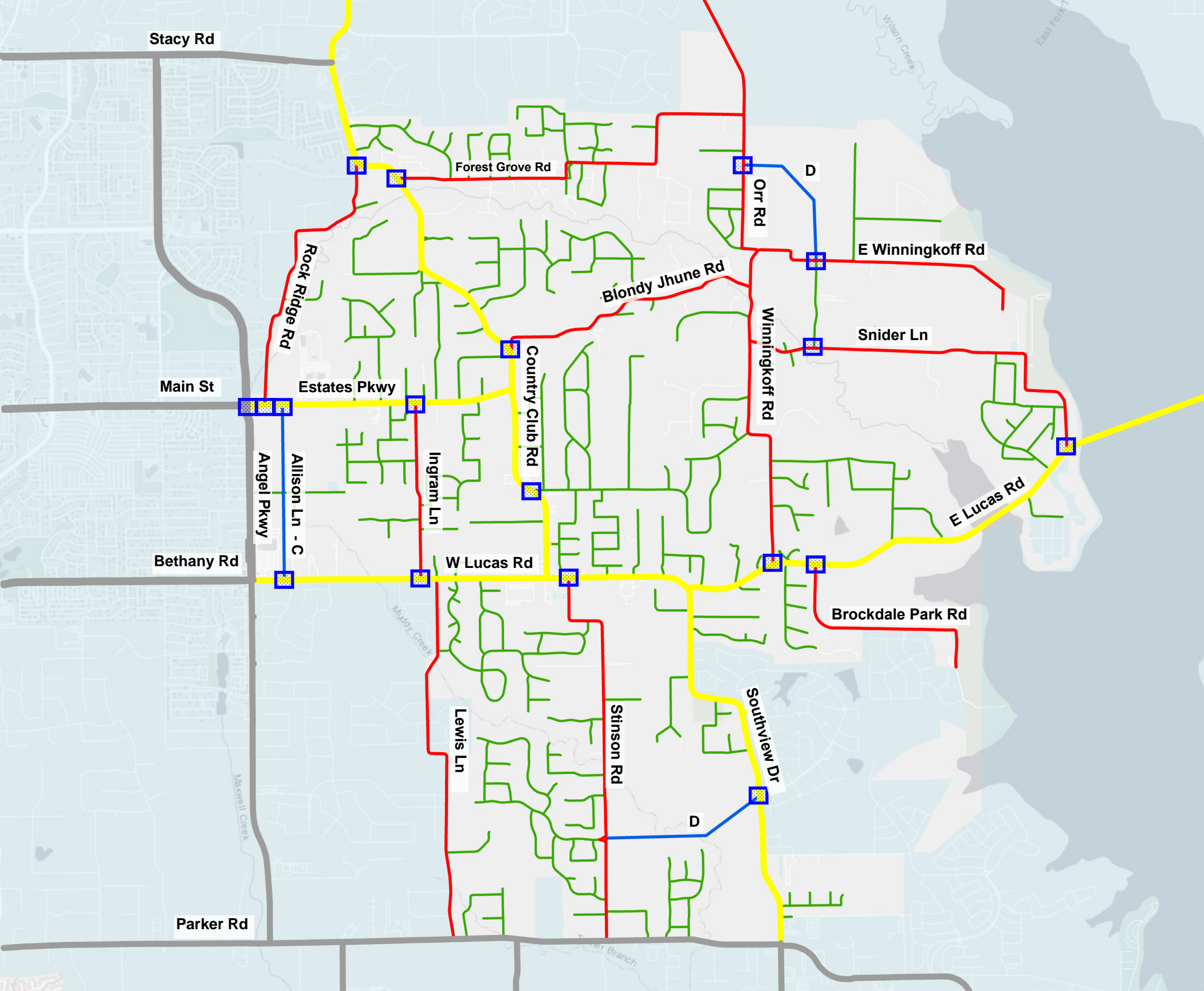
Recommendation:

Public Works Director/City Engineer Stanton Foerster recommends proceeding with the addition of the fourth approach.

Motion:

I make a motion to give direction to the City Manager:

- 1) work with TxDOT and add a fourth approach from 995 W. Lucas Road to the Country Club Road/W. Lucas Road intersection;
- 2) make drainage improvements to the northwest corner of the same intersection; and
- 3) fund this work using RTR funding, roadway impact fees, and/or Road Maintenance funds.



LEGEND					
Type	Color	# of Lanes	Divided	Pavement Width (ft)	Right-of-Way Width (ft)
A	Grey	6	Yes	78 + 16ft Median	120
B	Yellow	4	Varies	52-54	60
C	Red	2	No	24-28	50
D	Green	2	No	24	50
Proposed	Blue	As Labeled	As Labeled	As Labeled	As Labeled

Proposed Intersection Improvement

- Notes:**
1. Type D roads are shown for reference only and are not modified by this plan.
 2. Private roads and driveways generally are not shown except where valuable for readability.
 3. The blue shaded area is outside of City Limits.
 4. Only the Northern 2,300 ft (approx) of Lewis Lane is Lucas maintained.
 5. Only the Southern 300 ft (approx) of Rock Ridge Rd is Lucas maintained.

Thoroughfare Plan City of Lucas 2022

Revised: December 1, 2022
Adopted: January 19, 2023





City of Lucas

City Council Agenda Request

March 16, 2023

Requesters: Mayor Jim Olk

Agenda Item Request

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

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.

Attachments/Supporting Documentation

1. Town of Fairview Resolution

Budget/Financial Impact

N/A

Recommendation

N/A

Motion

I make a motion to approve/deny taking a position in **opposition** to the expansion of the McKinney National Airport (TKI) due to the negative impact on Lucas citizens and direct the City Manager to draft a Resolution for City Council consideration.

**TOWN OF FAIRVIEW, TEXAS
RESOLUTION NO. _____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
FAIRVIEW, TEXAS, CONCERNING THE PROPOSED EXPANSION OF
THE MCKINNEY NATIONAL AIRPORT TO INCLUDE COMMERCIAL
PASSENGER SERVICE AND THE NEGATIVE IMPACT OF SUCH
EXPANSION TO THE TOWN OF FAIRVIEW**

WHEREAS, the City of McKinney has announced the planned expansion of the McKinney National Airport (TKI) with commercial passenger 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, the Town of Fairview is located at the south end of the runway; and

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

WHEREAS, if commercial passenger service is initiated at TKI, larger and noisier planes will be placed into service; and

WHEREAS, the impact of this increased noise would be borne by Fairview residents, further negatively impacting the enjoyment of their lives and property; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THAT:

The Town of Fairview opposes the expansion of services at TKI. We feel that the North Texas Regional Airport is the much better choice as the next Airport in North Texas to provide commercial passenger service.

Further, the Town Council will hereby notify the Federal Aviation Administration of its opposition to the expansion of the McKinney National Airport for commercial passenger service and its grave concern regarding the adverse environmental impacts to the residents of the Town of Fairview should such an expansion be considered by the FAA.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this
__ day of _____, 2023.**

Henry Lessner, Mayor
Town of Fairview

ATTEST:

Tenitrus Bethel, Town Secretary



City of Lucas

City Council Agenda Request

March 16, 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. As of March 8, 2023, the Texas Legislature has filed 6,552 bills.

Attachments/Supporting Documentation

1. TML Region 13 Legislative Update Presentation (March 9, 2023)

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA

TML Region 13
Legislative Update
March 9, 2023

Empowering Texas Cities to Serve their Citizens






T M L
T E X A S
M U N I C I P A L
L E A G U E

88th Legislature: What to Expect

- **Bill filing deadline: March 10th**
 - As of yesterday, the legislature has filed 6,552 bills.
- **82 days left in the 88th Legislative Session**
- **Big issues to undertake**
 - Budget
 - Casino Gaming/Sports Betting
 - Economic Development
 - Public School Focus



Governor Abbott's Priorities/Emergency Items

- **Property Tax Relief**
- **Ending Covid Restrictions**
- **School Choice**
- **School Safety**
- **Bail Reform**
- **Border Security**
- **Prosecution of fentanyl deaths**



Lt. Governor Patrick's Priorities

- **SB 3: Increasing Homestead Exemption from \$40,000 to \$70,000 (S.B. 3)**
- **SB 4: Additional Property Tax Relief**
- **SB 5: Increasing Business Personal Property Tax Exemption**
- **SB 22: Rural Law Enforcement Funding**
- **SB 28: Addressing Texas' Future Water Needs**
- **SB 29: Banning Local Covid Mandates**



TML Priorities

- **Street Maintenance Sales Tax**
 - **H.B. 640** (Julie Johnson) and **S.B. 612** (Nathan Johnson)
- **Online Publication of Legal Notices**
 - **H.B. 622** (Shaheen)
 - **H.B. 657** (Bailes)
 - **H.B. 2178** (Hunter)
 - **H.B. 2863** (Leo-Wilson)
- **Pay-As-You-Go Financing**
 - **H.B. 3594** (Spiller)
- **Competitive Bidding Threshold**
 - **H.B. 1132** (Spiller)
- **Emergency Services Districts**
 - **H.B. 1776** (Ed Thompson) and **S.B. 659** (Eckhardt)



State Preemption

- **H.B. 2127** (Burrows) and **S.B. 814** (Creighton)
 - Preemption of city/county regulations in a field occupied by Agriculture Code, Finance Code, Insurance Code, Labor Code, Natural Resources Code, and Occupations Code, unless explicitly authorized.
- **S.B. 149** (Springer)
 - No city ordinances that regulate commercial activity.
- **H.B. 2266** (Leach)
 - State license holder can sue if city regulation would result in adverse economic impact
- **H.B. 2350** (Harris)
 - No city occupational license if state issues an occupational license, with exceptions
- **H.B. 2440** (Stucky)
 - No city regulation of health-related profession if person possesses state occupational license
- **H.B. 1750** (Burns) and **H.B. 2308** (Ashby)
 - Both bills limit city regulation of agricultural operations within the city limits and ETJ



State Preemption

- **H.B. 276** (Cortez) / **HB 92** (Landgraff)
 - Must allow for growing of fruits and vegetables, and up to six chickens and six rabbits; HB 92 heard 3/2 in House committee
- **H.B. 743** (Dean) and **S.B. 783** (Birdwell)
 - City can't regulate gas powered appliances
- **H.B. 744** (Dean) and **H.B. 764** (Cain)
 - City can't regulate gas-powered landscaping equipment
- **H.B. 121** (Vasut) and **S.B. 563** (Sparks)
 - Cities can't regulate employment practices and benefits
- **H.B. 2211** (Landgraf) and **S.B. 784** Birdwell
 - City can't directly regulate greenhouse gas emissions
- **H.B. 2665** (Gates)
 - Cities with limited authority over short term rentals
- **H.B. 2035** (Slawson) and **S.B. 986** (Creighton)
 - City can't adopt or enforce a regulation that restricts evictions
- **H.B. 2367** (Lozano) / **S.B. 1466** (Hancock)
 - City with limited authority over "residential amenity rentals"



Land Use

- **H.B. 1246** (Craddick) and **S.B. 369** (Campbell)
 - Automatic disannexation if city doesn't provide full municipal services to an area
- **H.B. 2561** (Tepper)
 - City must conduct a disannexation election in every area annexed between 2015 and 2019
- **H.B. 1279** (Tepper)
 - Limits the extent of a city's ETJ
- **S.B. 1108** (Middleton)
 - City must conduct election for release from ETJ on petition from ETJ resident
- **HB 866** (Oliverson) and **S.B. 494** (Hughes)
 - City can't impose prerequisites or conditions to file a plan or plat
- **H.B. 1526** (Harris) and **S.B. 558** (Hughes)
 - Limits amount of parkland dedication fees and amount that can be dedicated (over 800,000 pop.)
- **H.B. 1514** (Holland)
 - Raises zoning protest threshold from 20% of affected owners to 50%



Land Use, cont.

- **H.B. 2198** (Hefner) and **S.B. 491** (Hughes)
 - No building height limitations based on proximity to lot over 50 feet away (over 750,000 pop.)
- **H.B. 2343** (Guillen)
 - City with zoning must allow HUD-Code manufactured home in at least one residential zoning classification within city
- **H.B. 2970** (Guillen) – HUD-Code homes allowed in all residential zones subject to some criteria
- **S.B. 560** (Springer) and **H.B. 2532** (Toth)
 - Building permit shot clock from 45 days to 30 days, and elimination of ability to extend shot clock by agreement
- S.B. 1545 (Bettencourt) – ETJ can't exceed 50% of city land area

Land Use – Density Related Bills

- HB 3921 (Goldman) / SB 1787 (Bettencourt) – cities in counties over 300,000 pop cannot require lot sizes larger than 1,400 square feet or 20' x 60', or fewer than 31.1 homes per acre, with specifics about set backs.
- HB 2789 (Holland) / SB 1412 (Hughes) – ADUs by right in single family zoning or un-zoned areas

Property Tax

- **H.B. 2 (Meyer) – 5% appraisal cap all property**
- **S.B. 976 (Middleton)**
 - Defines “debt” for purposes of the debt service tax rate as voter-approved debt only and repeals de minimis rate for cities under 30,000
- **S.B. 977 (Bettencourt)**
 - Defines “debt” for purposes of the debt service tax rate as voter-approved debt only.
- **S.B. 978 (Bettencourt)**
 - Repeals de minimis rate for cities under 30,000
- **H.B. 2220 (Harrison)**
 - Deletes 3.5 percent multiplier for voter approval tax rate, unused increment rate, de minimis rate, and disaster exemptions for property tax rate adoption
- **H.B. 2221 (Harrison)**
 - 60% of voters must approve a tax rate higher than the voter-approval tax rate at an election
- **H.B. 1994 (Raney)**
 - 75 percent property tax exemption for inventory held at retail, phased in over three years



Property Tax cont.

- HB 2714 (Thompson) – city can recalculate their tax rates after receiving the certified roll
- **S.B. 871** (Springer)
 - Total property tax exemption for inventory
- **H.B. 1613** (Shine) and **S.B. 748** (Flores)
 - Dedicated funding for cities and counties disproportionately impacted by disabled veterans property tax exemption

Sales Tax

- **H.B. 432** (Schofield) – Intrastate sales taxes sourced to location where item stored before shipment
- **H.B. 1465** (Bucy) and **S.B. 333** (Schwertner) – Pre-2019 place of business under 380 agreement remains where local sales taxes are sourced for duration of agreement

Community and Economic Development

- **H.B. 1439** (Hernandez) and **S.B. 368** (Alvarado)
 - Repeals requirement that city offer to clean up graffiti free of charge before requiring property owner to remove
- **H.B. 1492** (Ordaz) and **S.B. 543** (Blanco)
 - Clarifies that city can transfer real property under a 380 agreement
- **H.B. 2701** (Jetton)
 - Jurisdictional limits on Public Facility Corporations (PFCs)
- **H.B. 5** (Hunter)
 - Replaces Ch 313 with a new state law
- **S.B. 805** (Bettencourt)
 - Repeals PFC property tax exemption
- **SB 1419 (Birdwell) – Ch. 380 grants can't come from property taxes plus more transparency**



Elections

- **H.B. 190** (Swanson)
 - Home rule cities must use ballot language listed in petition for an election, with ability to challenge to SOS. Also limits charter petition requirements
- **S.B. 221** (Bettencourt)
 - SOS ballot language review for city propositions, private cause of action against city
- **H.B. 455** (Schofield) and **H.B. 824** (Buckley)
 - Authorizes cities to move election date to November
- **H.B. 1306** (Paul) and **S.B. 742** (Middleton)
 - Requires county election officials to contract with other political subdivisions to hold an election
- **H.B. 2133** (Thimesch)
 - Authorizes cities to move election date to May



City Finance and Debt

- **H.B. 1354** (Sherman) – minimum \$55K salary for police in cities under 5,000 pop with difference paid by state
- **H.B. 1489** (Tepper)
 - Certificates of obligation can only be issued in a public emergency, in response to a court order, or to comply with state or federal regulation
- **H.B. 187** (Landgraf) and **S.B. 946** (Sparks)
 - All debt elections must be held in November
- **H.B. 1829** (Schatzline)
 - City must prepare an annual financial statement to send to comptroller within two months of fiscal year end
- **H.B. 2258** (Cain)
 - Expenditure cap on cities and counties to not exceed greater of previous year's expenditures or rate adjusting for population plus inflation growth
- **H.B. 2457** (Lozano) and **S.B. 767** (Parker)
 - Notice of new and increased fees in every city budget, as well as email notification system alerting residents of new and increased fees
- **S.B. 1110** (Schwertner)
 - City can't transfer revenue from a utility to general fund if transfer would result in rate increase or financial deficit for utility

Public Safety and Personnel

- **HB 2925 (Martinez)**
 - **Automatic civil service in cities over 25,000 pop without an election**
- **H.B. 471 (Patterson) and S.B. 799 (Springer)**
 - Paid sick leave for first responders up to a year, plus disease presumption expansion, being heard in House B&I Comm. 3/13
- **S.B. 432 (Middleton) and S.B. 465 (Bettencourt)**
 - Increases penalties for catalytic converter theft
- **H.B. 1579 (Canales)**
 - No punitive employment action against firefighter without an administrative investigation (population of 10,000 and up)
- **H.B. 1738 (Leach)**
 - Limits severance if payment is from tax revenue to 20 weeks pay
- **H.B. 1819 (Cook) and S.B. 603 (Hughes)**
 - Repeals city juvenile curfew ordinance authority
- **H.B. 2034 (Campos)**
 - Mental health leave for firefighters who experience traumatic event in the scope of employment, required mental health evaluation as part of annual performance review
- **H.B. 2455 (King)**
 - Fire department must offer an annual occupational medical evaluation to each fire fighter employed by the fire department at no cost to the fire fighter



Utilities and Environment

- **H.B. 973** (Zwiener)
 - Funding for critical infrastructure hardening – electric MOUs and water/wastewater utilities
- **H.B. 1303** (Geren) and **S.B. 1117** (Hancock)
 - Video services do not include streaming for franchise fee purposes
- **H.B. 1852** (Holland)
 - TCEQ cannot create any groundwater conservation districts, municipal utility districts, or municipal management districts after 9/1/23
- **H.B. 2391** (Thompson) and **S.B. 705** (Miles)
 - City where concrete plant is to be located may request a public hearing at TCEQ
- **H.B. 2049** (Zwiener)
 - PUC must consider community values, aesthetics when granting a permit for oil and gas pipeline routing



Other

- **S.B. 175** (Middleton) / H.B. 3538 (Troxclair)
 - Community censorship - City can't hire lobbyist or join organization that lobbies
- **S.B. 898** (Hughes) / HB 2806 (Canales)
 - Billboards entitled to relocate in certain areas if use discontinued due to highway widening or public improvement project
- **S.B. 933** (Middleton)
 - TML subject to the Public Information Act
- **H.B. 1863** (Thierry)
 - Increases penalties for unauthorized signs in public right of way
- **H.B. 2224** (Hernandez)
 - City can lower a residential speed limit to 25 mph without a traffic study
- H.B. 3167 (Mooday)
 - Relief from vexatious PIA requestors





Questions?