



# AGENDA CITY COUNCIL MEETING

May 4, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

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*Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, May 4, 2023, beginning at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting. Pursuant to Texas Government Code 551.127, one or more members of the governing body may appear via videoconference call. The presiding officer and a quorum of the City Council will be physically present at this meeting.*

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

## **How to Provide Input at a Meeting:**

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

**Submit Written Comments:** If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email City Secretary Erin Day at [eday@lucastexas.us](mailto:eday@lucastexas.us) by no later than 3:30 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 3:30 pm will not be included at the meeting.

## **Call to Order**

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- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

## **Citizen Input**

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1. Citizen Input.

## **Community Interest**

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*Pursuant to Section 551.0415 of the Texas Government Code, the City Council may report on the following items: 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.*

2. Items of Community Interest.

## Public Hearing

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3. Conduct a public hearing and consider approving Ordinance 2023-05-00979 amending the City of Lucas Code of Ordinances by amending Chapter 14 titled “Zoning”, Article 14.01 titled “General Provisions”, Division 1 titled “Generally”, Section 14.01.004 titled “Definitions”, and amending Chapter 14 titled “Zoning”, Article 14.04 titled “Supplementary Regulations”, Division 8 titled “Accessory Buildings, Structures and Uses”.
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action on amendments to Accessory Building Regulations
4. Conduct a public hearing and consider approving Ordinance 2023-05-00980 updating the City of Lucas Comprehensive Plan by amending the Thoroughfare Plan Map regarding the alignment of Stinson Road and its connection with FM 1378.
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action on Thoroughfare Plan
5. Conduct a public hearing and consider approving Ordinance 2023-05-00981 amending the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”, by amending Article 14.02 titled “Administration”, Division 3 titled “Changes and Amendments”, Section 14.02.063 titled “Procedure”.
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action on amendments to the Zoning Appeals Process

## Consent Agenda

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

6. Consent Agenda:
  - A. Approval of the minutes of the April 20, 2023 City Council meeting. (City Secretary Erin Day)

## Regular Agenda

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7. Receive a presentation from the Friends of Lucas Fire-Rescue on the restoration of Ole Streaker. (Councilmember Tim Johnson)
8. 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)

## Executive Session

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9. Executive Session:

As authorized by Section 551.074 of the Texas Government Code, the City Council may convene into closed Executive Session to discuss upcoming vacancies on the Board of Adjustment. This meeting is closed to the public as provided in the Texas Government Code.

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

### **Certification**

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*I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at [www.lucastexas.us](http://www.lucastexas.us) on or before 5:00 p.m. on April 28, 2023.*

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*Erin Day, City Secretary*

*In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to City Secretary Erin Day at 972.912.1211 or by email at [eday@lucastexas.us](mailto:eday@lucastexas.us) at least 48 hours prior to the meeting.*



**City of Lucas**  
**City Council Agenda Request**  
**May 4, 2023**

Item No. 01

Requester: Mayor Jim Olk

**Agenda Item Request**

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Citizen Input.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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NA

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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NA



# City of Lucas

## City Council Agenda Request

### May 4, 2023

Requester: Mayor Jim Olk

#### **Agenda Item Request**

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Items of Community Interest.

#### **Background Information**

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NA

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

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NA

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

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas City Council Agenda Request May 4, 2023

Item No. 03

Requester: Development Services Director Joe Hilbourn

## **Agenda Item Request**

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Conduct a public hearing and consider approving Ordinance 2023-05-00979 amending the City of Lucas Code of Ordinances by amending Chapter 14 titled “Zoning”, Article 14.01 titled “General Provisions”, Division 1 titled “Generally”, Section 14.01.004 titled “Definitions”, and amending Chapter 14 titled “Zoning”, Article 14.04 titled “Supplementary Regulations”, Division 8 titled “Accessory Buildings, Structures and Uses”.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action on amendments to Accessory Building Regulations

## **Background Information**

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At the April 13, 2023 Planning and Zoning Commission meeting, City Attorney Courtney Morris presented proposed amendments to the City’s Code of Ordinances relating to accessory building regulations based on recommendations from the Planning and Zoning Commission and the City Council. The proposed ordinance language was approved by the Planning and Zoning Commission with amendments. Ordinance 2023-05-00979 is the clean version of the ordinance with the amendments from the Planning and Zoning Commission.

## **Attachments/Supporting Documentation**

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1. Public Notice
2. Ordinance 2023-05-00979 Amending Accessory Building Regulations

## **Budget/Financial Impact**

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NA

## **Recommendation**

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The Planning and Zoning Commission recommends approval of Ordinance 2023-05-00979 amending accessory building regulations, which includes their proposed changes.

## **Motion**

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I make a motion to approve/deny adopting Ordinance 2023-05-00979 amending the City of Lucas Code of Ordinances by amending Chapter 14 titled “Zoning”, by amending Article 14.01 titled “General Provisions”, Division 1 titled “Generally”, Section 14.01.004 titled “Definitions”, and amending Chapter 14 titled “Zoning”, Article 14.04 titled “Supplementary Regulations”, Division 8 titled “Accessory Buildings, Structures and Uses”.



## NOTICE OF PUBLIC HEARING

Notice is hereby given, that the Planning & Zoning Commission of the City of Lucas, Texas will hold a public hearing on Thursday, April 13, 2023, at 6:30 p.m. and City Council will conduct a second public hearing on Thursday, May 4, 2023 at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider changes to the City's Code of Ordinances, Chapter 14 Zoning Ordinance, Article 14.01 titled "General Provisions", Section 14.01.004 titled "Definitions" to amend the definition of "accessory buildings" and add and remove other definitions relating to accessory buildings; to amend Article 14.04 titled "Supplementary Regulation," by amending Division 8, titled "Accessory buildings, structures and uses".

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, City Secretary, 665 Country Club Road, Lucas, Texas 75002, email [eday@lucastexas.us](mailto: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](mailto:jhilbourn@lucastexas.us)



**ORDINANCE # 2023-05-00979**  
[Amending Accessory Building Regulations]

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14 TITLED "ZONING", BY AMENDING ARTICLE 14.01 TITLED "GENERAL PROVISIONS", SECTION 14.01.004 TITLED "DEFINITIONS" TO AMEND THE DEFINITION OF "ACCESSORY BUILDINGS" AND ADD AND REMOVE OTHER DEFINITIONS RELATING TO ACCESSORY BUILDINGS; TO AMEND ARTICLE 14.04 TITLED "SUPPLEMENTARY REGULATIONS", BY AMENDING DIVISION 8 TITLED "ACCESSORY BUILDINGS, STRUCTURES AND USES" TO REVISE CERTAIN PROVISIONS RELATED TO ACCESSORY BUILDINGS AND ADD PROVISIONS RELATING TO ACCESSORY DWELLING UNITS AND RENUMBER PARAGRAPHS FOR CONSISTENCY THROUGHOUT THE ARTICLE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lucas is a growing community that places emphasis on its country feel, open spaces, and high quality of life standard, and

**WHEREAS**, the uses for and sizes of accessory buildings has dramatically changed in the last ten years, and

**WHEREAS**, in an effort to maintain the qualities that has made Lucas a desirable and safe place with adequate facilities for transportation, water, drainage and sewer and to protect the health and safety of the community in a fair and lawful manner, the City Council has determined it is in the best interest of the City to amend provisions relating to the use and size of accessory buildings, structures and uses.

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

**SECTION 1.** That the City of Lucas Code of Ordinances is amended by amending Chapter 14 titled "Zoning", Article 14.01 titled "General Provisions," Division 1 titled "Generally", § 14.01.004 titled "Definitions", is amended to read as follows:

**§ 14.01.004 Definitions.**



Accessory buildings and structures. Buildings or structures located on the same lot as a dwelling or other principal building, the use of which is subordinate in area, volume and extent as well as incidental in use to the use of the dwelling or other principal building.

Accessory dwelling unit. Building area that does not have a permanent interconnection with the primary dwelling, is located on the same lot as the primary dwelling, and that is used, designed or intended to be used for human habitation as an additional abode that contains space for living, sleeping, sanitation, and space for cooking and/or eating.

Accessory use. Use of land, buildings, or structures that are subordinate and incidental to the primary use and contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use of the land.

....

Premises. Land together with any buildings or structures occupying it.

Principal building, primary dwelling unit or principal use. Primary building, dwelling, or use of property on a single lot on which the building or dwelling unit is located, occupied or maintained under this chapter.

....

**SECTION 2.** That the City of Lucas Code of Ordinances is amended by amending Chapter 14 titled “Zoning”, Article 14.04 titled “Supplementary Regulations,” Division 8 titled “Accessory Buildings, Structures and Uses”, to read as follows:

**§ 14.04.301. Purpose.**

The purpose and intent of the accessory building, accessory structures and accessory use regulations is to:

- (1) Maintain neighborhood and community integrity and preserve the existing character of neighborhoods by encouraging compatible land uses.
- (2) Provide the residents of the city the opportunity to use their property to enhance the quality of life and/or fulfill personal objectives as long as the use of the property is compatible with the land uses or character of the neighborhood.
- (3) Assure that public and private services such as streets, water, storm water drainage, and electrical systems are not burdened by accessory uses to the extent that the accessory usage exceeds that which is normally associated with the principal use of the property.

**§ 14.04.302. Accessory buildings, structures, and uses permitted.**

- (1) Accessory buildings and structures may be erected, maintained, and used for purposes which are clearly subordinate to the principal building, structure, or use permitted on the premises.
- (2) Accessory buildings, structures, and uses shall be so constructed, maintained, and utilized so that the use of the building, structure or equipment located therein does not produce excessive noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, heat, traffic, glare from artificial illumination or from reflection of light that may be offensive to persons of ordinary sensibilities that occupy surrounding properties.
- (3) The total square footage of the principal building or structure and any accessory buildings or structures shall not exceed the lesser of fifty thousand (50,000) square feet or thirty percent (30%) of the lot square footage without a Specific Use Permit. Additionally, the total square footage of an Accessory Dwelling Unit shall not exceed six hundred (600) square feet without a Specific Use Permit. A Specific Use Permit for an Accessory Dwelling Unit in excess of six hundred (600) square feet may be granted by the City Council when such property owner can show the following:
  - (a) Does not contain or support a use inconsistent with the zoning district regulation applicable to the property;
  - (b) Use of structure does not cause traffic congestion;
  - (c) Does not support use by any person other than owner or occupant of the principal building, structure, or dwelling; and
  - (d) That size and mass of the structure is consistent with the surrounding uses.
- (4) Except as provided herein, no trailers, containers, commercial boxes or other similar prefabricated containers shall be used as accessory buildings or structures. Exceptions to this subsection (4) are as follows:
  - (a) Agriculture uses with five (5) acres or more may utilize trailers, containers, or commercial boxes for permanent storage located behind the principal building or structure and completely obscured from public view; or
  - (b) In Industrial and Commercial zoned districts, trailers, containers, or commercial boxes for temporary storage facilities may be used for a period not to exceed ninety (90) days total in any one calendar year. Such industrial or commercial temporary storage facilities shall be located behind the principal building or structure and completely obscured from public view. The Director of Development Services may extend the allowable time in thirty (30) day increments up to a maximum of one hundred and eighty (180) days, provided the property owner provides just cause for the extension.

- (5) Except in the Agricultural Use District (AO), accessory buildings shall be built **after** the principal building or structure is substantially complete. Accessory buildings used for agricultural purposes that may be built before the principal building or structure in AO districts:
  - (a) (Include, but are not limited to) pole barns, livestock barns, riding arenas, implement storage facilities, and loafing sheds.
  - (b) Shall not contain area(s) designed or intended to be used for human habitation for living, sleeping, cooking and/or eating.

**§ 14.04.303. Exemptions.**

The following accessory structures are exempt from this division:

- (1) Retaining walls;
- (2) Air conditioning mechanical equipment;
- (3) Uncovered flatwork (such as, but not limited to, patios, sidewalks, concrete pool decking and driveways);
- (4) Playhouses less than one hundred and twenty-five (125) square feet without running water or electricity, playground equipment, tree forts, and similar structures located behind the front of the principal building or structure; and
- (5) Temporary (less than seven (7) days) membrane structures (such as, but not limited to, tents and bounce houses).

**§ 14.04.304. General accessory buildings and structures regulations.**

In all residential districts, accessory buildings and structures shall comply with the following standards except as may be otherwise specifically provided for in this Code:

- (1) Types of accessory buildings and structures.
  - (a) Attached accessory buildings and structures. Accessory buildings and structures that are physically attached to a principal building or structure or located less than ten feet (10') from the principal building or structure shall be considered attached accessory buildings or structures.
  - (b) Detached accessory buildings and structures. Accessory buildings and structures which are physically located ten feet (10') or more from a principal building or structure and a minimum of ten feet (10') behind the required front setback line shall be considered detached accessory buildings.

(2) Design.

- (a) Attached accessory buildings and structures shall be designed to be architecturally compatible with the principal building, structure or dwelling and constructed of similar materials as the principal building.
- (b) Detached accessory buildings shall be constructed of materials designed for construction and have a minimum life expectancy of at least twenty (20) years.

(3) Setbacks.

(a) Accessory buildings.

- i. Front yard setback: Attached accessory buildings or structures shall meet the required setback of the principal building or structure. Detached accessory buildings or structures shall be setback a minimum of ten feet (10') behind the rear build line of the principal building, structure or dwelling. A Specific Use Permit may be granted to allow a detached accessory building or structure to be located in front of the principal building, structure or dwelling in AO and R-2 (Residential 2-acre) zoned districts and shall require a three-hundred foot (300') front yard setback.
- ii. Rear yard setback: Accessory building and structures shall have a minimum setback of twenty feet (20').
- iii. Side yard setbacks: Accessory building and structures shall be twenty feet (20') unless the side yard is adjacent to a street. Side yards adjacent to a street shall meet the required side yard setbacks as the principal building or structure.
- iv. Where a build line is established on a plat, which is not consistent with this Article, the build line that is the greater distance from the front property line shall be observed.
- v. No required parking shall be allowed within the required front yard setback.

- (b) In-ground swimming pools, sports courts, tennis courts and similar uses shall maintain a minimum rear yard setback of twenty-five feet (25'), a minimum side yard setback of twenty feet (20') and if the in-ground pool is in front of the principal building it shall maintain a front setback of three hundred feet (300'). In-ground swimming pool setbacks shall be measured from the inside wall of said pool.

- (c) The inside wall of an aboveground swimming pool and any elevated decking associated with an aboveground swimming pool shall be located behind the principal building and shall maintain a minimum rear yard setback of fifty feet (50') and a minimum side yard setback of twenty-five feet (25').

(4) Accessory Dwelling Units (ADUs). ADUs may only be used and/or occupied by the owner/occupant of the principal building, structure, or dwelling unit, their family, invited guests and/or domestic staff. An ADU may be a standalone structure, attached but not interconnected to the principal building, structure, or dwelling, or be a part of a permitted accessory building. All areas associated with, or providing support to an ADU shall be used in calculating the square footage of the ADU. These areas include but are not limited to habitable spaces, closets, halls, corridors, bathrooms, porches, patios, storage rooms, and covered vehicle storage areas. The calculation of area associated with an ADU is not intended to include areas of accessory buildings that are isolated and/or delineated for other uses, including but not limited to areas used as a barn, workshop, game/party room, art studio, or pool house. ADUs shall comply with the following:

(a) General regulations for ADUs:

- i. Only one (1) Accessory Dwelling Unit may be constructed or maintained on a lot.
- ii. ADUs shall meet the requirements for safety and occupancy of the International Residential Code as adopted by the city from time to time.
- iii. ADUs may not be rented, bartered, leased, or exchanged separate and apart from the principal building or structure.
- iv. Detached ADUs shall be limited to a maximum height of twenty-five feet (25') measured to the peak of the roof of the structure.

(b) Specific regulations for ADU square footage based on zoning district:

- i. In R-2 zoning districts, a maximum of six hundred (600) square feet. An additional nine hundred (900) square feet may be permitted with a Specific Use Permit. Total area of ADU shall not exceed one thousand and five hundred (1,500) square feet.
- ii. In R-1.5 zoning districts, a maximum of six hundred (600) square feet. An additional six hundred (600) square feet may be permitted with a Specific Use Permit. Total area of ADU shall not exceed one thousand and two hundred (1,200) square feet.
- iii. In R-1 and AO zoning districts, a maximum of six hundred (600) square feet. An additional four hundred (400) square feet may be permitted with a Specific Use Permit. Total area of ADU shall not exceed one thousand (1,000) square feet.

**§ 14.04.305. through § 14.04.340. (Reserved)**

**SECTION 3.** To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Lucas and which are not expressly amended by this Ordinance, the provision of this Ordinance shall be controlling.

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

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

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

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

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 4th DAY OF MAY, 2023.**

APPROVED:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Joseph J. Gorfida, Jr., City Attorney  
(3-17-2023: TM 134109)

ATTEST:

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



# City of Lucas

## City Council Agenda Request

### May 04, 2023

Item No. 04

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Conduct a public hearing and consider approving Ordinance 2023-05-00980 updating the City of Lucas Comprehensive Plan by amending the Thoroughfare Plan Map regarding the alignment of Stinson Road and its connection with FM 1378.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action on Thoroughfare Plan

#### **Background Information**

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The City of Lucas Comprehensive Plan was approved with modifications at the January 19, 2023 City Council meeting. At the March 16, 2023 City Council meeting, the City Council evaluated whether additional modifications should be made to the City of Lucas Thoroughfare Plan Map regarding the alignment of Stinson Road and its connection with FM 1378. Staff updated the Thoroughfare Plan Map with the suggested changes and presented it for approval at the April 13, 2023 Planning and Zoning Commission meeting. The Planning and Zoning Commission recommended approval with no additional modifications.

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

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- 1. Public Notice
- 2. Ordinance 2023-05-00980 Amending City of Lucas Thoroughfare Plan Map
- 3. Updated Thoroughfare Plan Map

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

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NA

#### **Recommendation**

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The Planning and Zoning Commission recommends approval of the updated Thoroughfare Plan Map as presented.

#### **Motion**

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I make a motion to to approve/deny Ordinance 2023-05-00980 updating the City of Lucas Comprehensive Plan by amending the Thoroughfare Plan Map regarding the alignment of Stinson Road and its connection with FM 1378.



## **NOTICE OF PUBLIC HEARING**

Notice is hereby given, that the Planning & Zoning Commission of the City of Lucas, Texas will hold a public hearing on Thursday, April 13, 2023, at 6:30 p.m. and City Council will conduct a second public hearing on Thursday, May 4, 2023 at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider an update to the City's Master Thoroughfare Plan.

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, City Secretary, 665 Country Club Road, Lucas, Texas 75002, email [eday@lucastexas.us](mailto: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](mailto:jhilbourn@lucastexas.us).





**ORDINANCE # 2023-05-00980**  
[Amending Thoroughfare Plan Map]

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CITY OF LUCAS COMPREHENSIVE PLAN UPDATED 2022, BY AMENDING THE APPENDIX, BY AMENDING THE THOROUGHFARE PLAN MAP REGARDING THE ALIGNMENT OF STINSON ROAD AND ITS CONNECTION WITH FM 1378; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lucas Comprehensive Plan 2022 Update was approved at the January 19, 2023, City Council meeting, and

**WHEREAS**, at the direction of the City Council, staff researched and evaluated modifications to the City of Lucas Thoroughfare Plan Map, specifically the alignment of Stinson Road and its connection with FM 1378 and determined that the amendment recommended by the previous city engineer changing the alignment of Stinson Road and its connection with FM 1378 would positively affect traffic flow through the proposed intersection; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lucas and the governing body of the City of Lucas in compliance with the laws of the State of Texas and the City Charter and Ordinances of the City of Lucas, have given requisite notice by publication and otherwise, after holding due hearings and affording a full and fair hearing to all persons interested, and in the exercise of its legislative discretion in the best interests of the health, safety and welfare of the citizens of the City of Lucas, have concluded that the Thoroughfare Plan Map, attached hereto as Exhibit “A” and incorporated herein by reference, should be amended to change the alignment of Stinson Road and its connection with FM 1378;

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

**Section 1.** That the City of Lucas shall and does hereby amend the “Comprehensive Plan of the City of Lucas, Texas Updated 2022” by amending the Appendix, by amending the Thoroughfare Plan Map which is attached hereto as Exhibit “A”.

**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 should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or of the City of Lucas Code of Ordinances, as amended hereby, be adjudged or held to be voided or unconstitutional, the same shall not affect the validity of the remaining

portions of said Ordinances or the City of Lucas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**Section 4.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 4th DAY OF MAY, 2023.**

APPROVED:

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

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph J. Gorfida, Jr.  
(04-26-2023:cgmTM 134754)

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

# EXHIBIT "A"

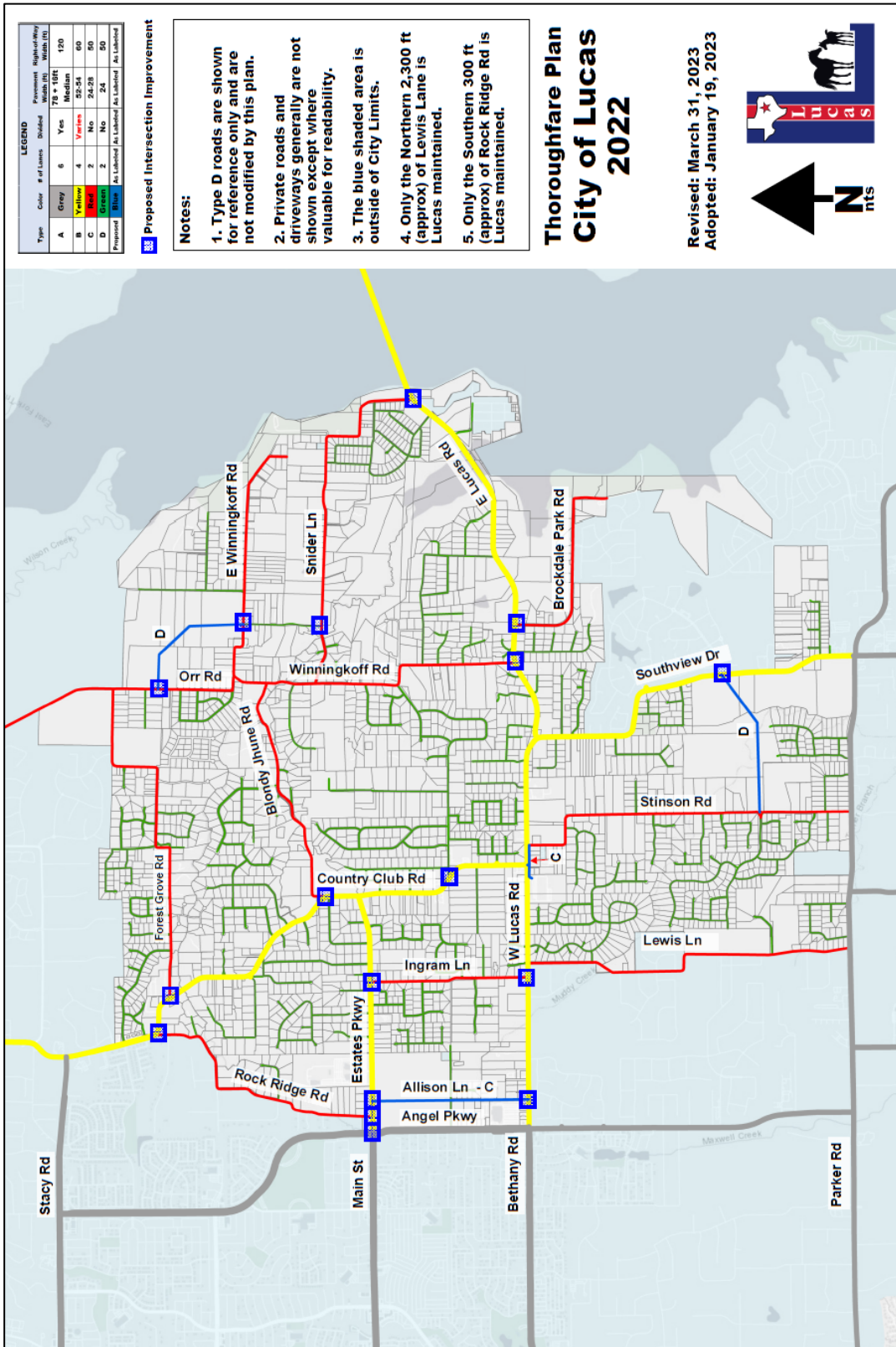
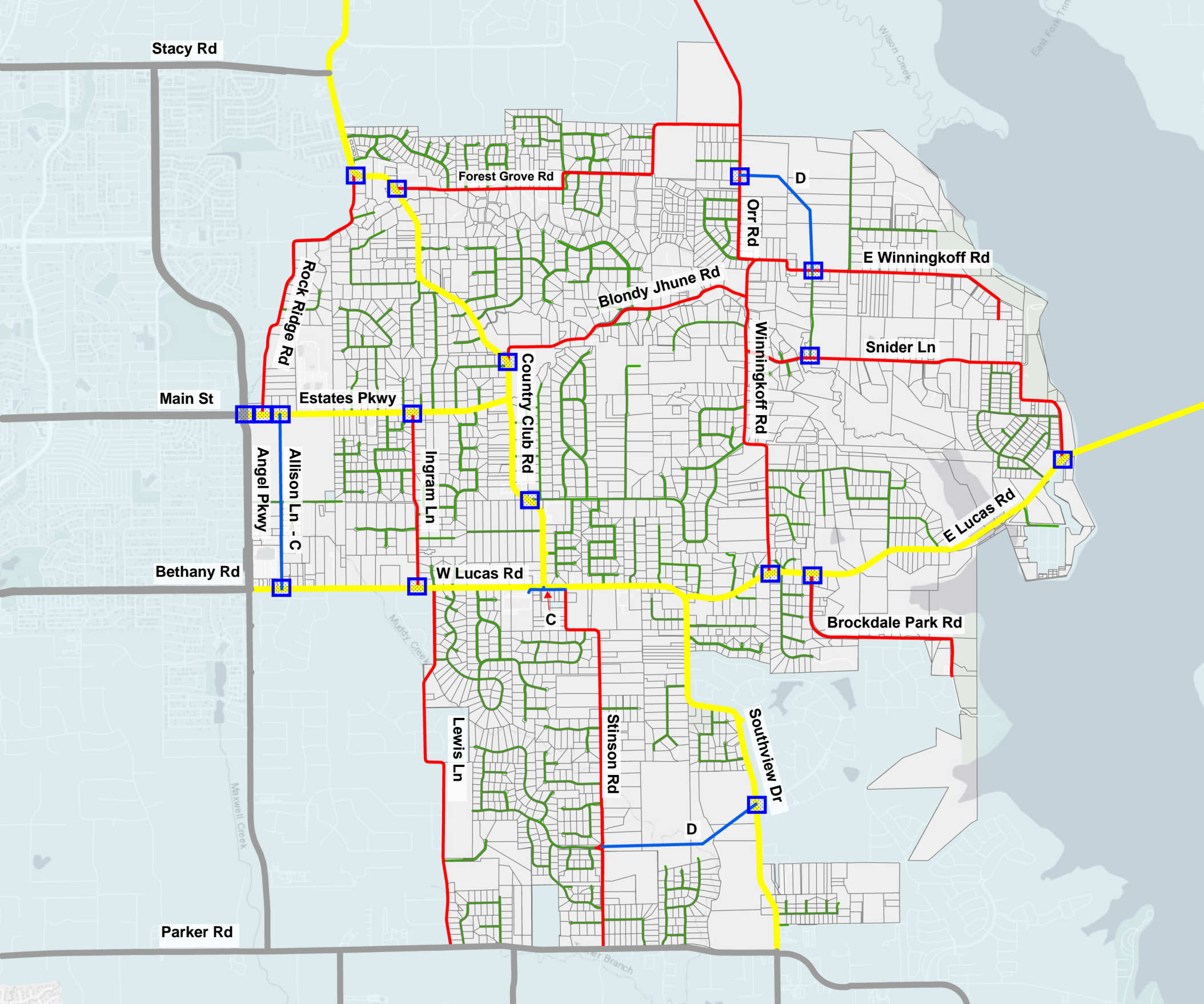


Exhibit "A"  
City of Lucas  
Ordinance 2023-05-00980 Amending Thoroughfare Plan Map  
Approved: May 4, 2023



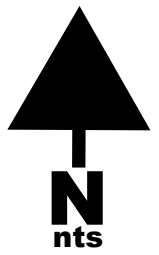
LEGEND					
Type	Color	# of Lanes	Divided	Pavement Width (ft)	Right-of-Way Width (ft)
A	Grey	6	Yes	78 + 16ft Median	120
B	Yellow	4	Varies	52-54	60
C	Red	2	No	24-28	50
D	Green	2	No	24	50
Proposed	Blue	As Labeled	As Labeled	As Labeled	As Labeled

 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: March 31, 2023  
Adopted: January 19, 2023





# City of Lucas

## City Council Agenda Request

### May 04, 2023

Item No. 05

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Conduct a public hearing and consider approving Ordinance 2023-05-00981 amending the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”, by amending Article 14.02 titled “Administration”, Division 3 titled “Changes and Amendments”, Section 14.02.063 titled “Procedure”.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action on amendments to the Zoning Appeals Process

#### **Background Information**

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Following a recent zoning change appeal, City Attorney Courtney Morris indicated that our zoning appeals process should be updated to conform with current state law and best practices. At the April 13, 2023 Planning and Zoning Commission meeting, staff presented proposed ordinance changes amending the zoning appeals process in the City’s Code of Ordinances. The Planning and Zoning Commission recommended approval of the amendments with no additional modifications.

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

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1. Public Notice
2. Ordinance 2023-05-00981 Amending Zoning Appeals Process

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

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NA

#### **Recommendation**

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The Planning and Zoning Commission recommends approval of the amendments to the zoning appeals process in the City’s Code of Ordinances.

#### **Motion**

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I make a motion to approve/deny Ordinance 2023-05-00981 amending the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”, by amending Article 14.02 titled “Administration”, Division 3 titled “Changes and Amendments”, Section 14.02.063 titled “Procedure”.



## **NOTICE OF PUBLIC HEARING**

Notice is hereby given, that the Planning & Zoning Commission of the City of Lucas, Texas will hold a public hearing on Thursday, April 13, 2023, at 6:30 p.m. and City Council will conduct a second public hearing on Thursday, May 4, 2023 at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider changes to the City's Code of Ordinances, Chapter 14 Zoning Ordinance, by amending the zoning appeals process §14.02.063 Procedure.

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, City Secretary, 665 Country Club Road, Lucas, Texas 75002, email [eday@lucastexas.us](mailto: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](mailto:jhilbourn@lucastexas.us)



**ORDINANCE # 2023-05-00981**  
[Amending Zoning Appeals Process]

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14 TITLED “ZONING”, BY AMENDING ARTICLE 14.02 TITLED “AMINISTRATION”, DIVISION 3 TITLED “CHANGES AND AMENDMENTS” BY AMENDING SECTION 14.02.063 TITLED “PROCEDURE” TO SIMPLIFY THE APPEALS PROCESS FOR DECISIONS OF THE PLANNING AND ZONING COMMISSION BY REMOVING UNNECESSARY AND OUTDATED PROCEDURES; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in certain cases when a party is aggrieved by a decision of the Planning and Zoning Commission, the aggrieved party may appeal the decision to the City Council, and

**WHEREAS**, the procedure for such appeals shall comply with requirements of the Local Government Code and be clear and concise, and

**WHEREAS**, in an effort to ensure the appeals procedure is up-to-date, the City Council has determined it is in the best interest of the City to amend provisions relating to appeals of decisions of the Planning and Zoning Commission.

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

**SECTION 1.** That the City of Lucas Code of Ordinances is amended by amending Chapter 14 titled “Zoning”, Article 14.02 titled “Administration”, Division 3 titled “Changes and Amendments”, § 14.02.063 titled “Procedure” to read as follows:

**§ 14.02.063. Procedure.**

- (a) Proposal required. Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in Section 14.01.002 (Interpretation and purposes).

(b) Public hearing and notices.

- (1) Prior to making its report to the Council, the Commission shall hold at least one public hearing thereon.
- (2) Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within five hundred feet (500') of any property affected thereby before the 15th day before such hearing is held. Such notice may be served by using the last known address as listed on the city roll and depositing the notice, postage prepaid, in the United States mail.
- (3) Posting of property. Not less than 15 or more than 45 days prior to the date set for the public hearing on any proposed changes in district boundaries, the city shall erect at least one notification sign on the affected property. Such sign(s) shall be erected within 25 feet of whatever boundary line of such land that abuts the street of the advertised address. If no public road abuts thereon, then such sign shall be erected along the nearest opened public right-of-way. Signs shall be erected in such a manner as may be most readily seen by the public. Each sign shall indicate a proposed land use change, a public hearing will be held, the telephone number to call and the website to visit for further information. If the affected land includes more than one (1) tract as shown on a plat recorded in the land records of the county, then a sign shall be erected on the land in each such tract. Any such sign shall be maintained on the property at all times until a decision on the application has been made by the City Council.

(c) Commission report. The commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings and evaluation of the request and of the relationship of the request to the city Comprehensive Plan at such time as the city plan has been adopted by council. ~~The commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the commission shall consider the following factors:~~

- ~~(1) Whether the uses permitted by the proposed change would be appropriate in the area concerned;~~
- ~~(2) Whether adequate public school facilities and other public services (water, etc.) exist or can be provided to serve the needs of additional structures likely to be constructed as a result of such change and the consequences of such change;~~
- ~~(3) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.~~



(d) Council consideration.

- (1) Proposal recommended for approval. Every proposal which is recommended favorably by the Commission shall be forwarded to the Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
- (2) Proposal recommended for denial. When the Commission determines that a proposal should be denied, it shall so report and recommend to the Council. No hearing shall be set on the proposal until and unless the Council ~~has reviewed the recommendations of the commission, has considered any appeal,~~ receives an appeal as provided below, ~~and has adopted a motion setting the matter for hearing.~~
- (3) Appeal procedure. An appeal from the decision of the Commission may be taken whenever any party in interest is aggrieved by the action of the Commission on a specific proposal. ~~Such appeal shall show that the commission either (a) has been prejudiced in its deliberation or (b) has not been given the opportunity to consider certain information because it could not have been made available to the commission at the time of its public hearing.~~ The following procedure shall be required:
  - (A) The aggrieved party shall ~~reduce to writing his appeal stating specifically how, in his opinion, the commission committed an error. He shall file his a~~ written appeal with the Director of Development Services ~~city secretary and the commission~~ within thirty (30) days following the commission action. The Director of Development Services ~~city secretary~~ shall forward the appeal to the Council with the regular report of Commission action on the subject proposal.
  - (B) Upon receipt of written appeal, the Council shall ~~determine whether or not the zoning commission committed error. If the council concludes that certain previously unavailable information should be considered by the commission, it may refer the original proposal and the appeal for a near [new] hearing, new report, and recommendation. If the council concludes that commission prejudice prevents a fair hearing or recommendation, the council may schedule its own~~ a public hearing on the original proposal and recommendation.

- (4) Council hearing and notice. The Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the Council. Notice of Council hearing shall be given by publication one time in the official paper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.
- (5) Negative recommendations and written protest. An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths (3/4) of all members of the Council, if:
- (A) The Commission recommends disapproval of the proposed change; or
  - (B) Written protest is filed by the owners of at least 20% of either:
    - (i) Of the area of the lots or land included in such proposed change; or
    - (ii) The area of the lots or land immediately adjoining the area of such proposed change and extending five hundred feet (500') therefrom.
- Protests signed by property owners may be filed prior to or at one of the public hearings conducted by either the Commission or the Council. Written protests filed with the Commission shall be forwarded to the Council with the Commission's recommendation.
- (C) In computing the percentage of land area under subsection (d), the area of streets and alleys shall be included.

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

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

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

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

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS,  
COLLIN COUNTY, TEXAS, ON THIS 4th DAY OF MAY, 2023.**

APPROVED:

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

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph J. Gorfida, Jr., City Attorney  
(4-24-2023: TM 134703)

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



# City of Lucas

## City Council Agenda Request

### May 4, 2023

Item No. 06

Requester: City Secretary Erin Day

#### **Agenda Item Request**

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Consent Agenda:

- A. Approval of the minutes of the April 20, 2023 City Council meeting.

#### **Background Information**

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NA

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

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1. April 20, 2023 City Council Meeting Minutes

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

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NA

#### **Recommendation**

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City staff recommends approval of the Consent Agenda.

#### **Motion**

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



## MINUTES

### CITY COUNCIL REGULAR MEETING

April 20, 2023 | 5:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

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#### City Councilmembers Present:

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

#### Councilmembers Absent:

Councilmember Tim Baney

#### City Staff Present:

City Manager Joni Clarke  
Assistant City Manager Kent Souriyasak  
Fire Chief Ted Stephens  
Public Works Director Scott Holden  
Finance Director Liz Exum  
CIP Manager Patrick Hubbard  
City Secretary Erin Day  
Contract Engineer Joe Grajewski  
City Attorney Courtney Morris  
Deputy Daniel Gillespie

The regular City Council meeting was called to order at 5:30 pm.

#### Executive Agenda

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Mayor Olk convened into Executive Session at 5:31 pm.

#### 1. Executive Session:

As authorized by Section 551.074 of the Texas Government Code, the City Council may convene into closed Executive Session to interview applicants for a Planning and Zoning Commission opening. This meeting is closed to the public as provided in the Texas Government Code.

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

Mayor reconvened from Executive Session at 6:56 pm.

**MOTION:** A motion was made Mayor Pro Tem Peele, seconded by Councilmember Johnson, to:

- Appoint Frank Hise as Alternate 2 to the Planning and Zoning Commission for a term beginning May 18, 2023 and ending on December 31, 2024, effective upon the resignation of Chairman Dusty Kuykendall.
- Appoint James Foster from Alternate 1 to a voting member for a term beginning May 18, 2023 and ending on December 31, 2024.
- Appoint Chris Bierman from Alternate 2 to Alternate 1 for a term beginning May 18, 2023 and ending on December 31, 2023.

The motion passed unanimously by a 6 to 0 vote, with Councilmember Baney absent.

## Citizen Input

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### 3. Citizen Input

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

## Community Interest

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### 4. Items of Community Interest

Mayor Olk gave items of community interest including:

- Lucas Farmers Market
- Lucas Car Show
- Election Updates

Councilmember Fisher announced her theme for the historical display for the Farmers Market will be “Lucas Firsts”.

Mayor Pro Tem Peele spoke about how well the Founders Day Country Fair went and remarked about the large turnout of children. Mayor Pro Tem Peele and Councilmember Fisher thanked the staff for their work on the event.

## Consent Agenda

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### 5. Consent Agenda:

- Approval of Ordinance 2023-04-00977 amending the City’s Code of Ordinances, Appendix C titled “Fee Schedule”, Article 16.000 titled “Ambulance Service”, Section 16.100 titled “Ambulance Service”.**
- Approval of the minutes of the April 6, 2023 City Council meeting.**

**MOTION:** A motion was made 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 Baney absent.

## Regular Agenda

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### 6. Consider adopting Ordinance 2023-04-00978 approving mid-year budget adjustments for fiscal year beginning October 1, 2022 and ending September 30, 2023.

Finance Director Liz Exum gave a presentation highlighting capital projects reallocated funds, revenue and expenditure amounts, reallocations by departments, and funds remaining in the general fund and water fund.

**MOTION:** A motion was made by Councilmember Lawrence, seconded by Councilmember Keer, to approve adopting Ordinance 2023-04-00978 approving mid-year budget adjustments for fiscal year beginning October 1, 2022 and ending September 30, 2023. The motion passed unanimously by a 6 to 0 vote, with Councilmember Baney absent.

## 7. Consider capital project priorities and identify available funding.

Assistant City Manager Kent Souriyasak gave a presentation highlighting the resources available for capital project funding and capital project categories of interest. City Manager Joni Clarke presented as well, explaining staff's recommendations for priority capital improvement projects, with the new water tower being the first priority. Ms. Clarke explained the need to begin some of the projects that will be funded by the American Rescue Plan Act (ARPA), since there is a deadline those funds have to be spent by.

Councilmember Fisher asked if the new water tower would go up where the old water tower is located. Ms. Clarke advised it would. Ms. Clarke advised JTG Engineering has given a proposal for the project and the cost is within the budget.

Ms. Clarke advised that the second priority is the West Lucas Road Reconstruction. Ms. Clarke explained the different options for the drainage and the street relocation. Mayor Olk advised he has been meeting with City staff and with the County Commissioners to explore alternatives for the reconstruction. Ms. Clarke presented a map of the area in question on West Lucas Road for the Council to look over and discuss.

Ms. Clarke discussed the third priority, vehicle purchase requests, including a new fire engine and three new law enforcement vehicles.

Mayor Pro Tem Peele asked what the criteria is that determines if a vehicle needs to be replaced. Ms. Clarke advised it is a combination of age, miles, repairs needed, and damage.

Councilmember Fisher asked if there was a cost estimate for how much the reconstruction of West Lucas Road would cost if the City completed the project on their own. Engineer Joe Grajewski explained that the total price would be approximately \$4.2 million, and if drainage was included the price would go up to \$11.4 million. Councilmember Johnson asked if that price would include complete repaving. Mr. Grajewski explained that the road would be broken up and recompact to two inches and then two inches of asphalt would be laid.

Mayor Olk indicated he is in favor of moving forward with the water tower and the emergency vehicles, but opined that the West Lucas Road Reconstruction Project should wait until a better plan is formed.

Councilmember Lawrence asked why there was a need for a new engine. Chief Stephens explained the mileage on the old engine is relatively low, but the age and reliability is an issue, and if the new engine is already in use or is being repaired, we would be without an additional engine if the old one was taken out of service.

**MOTION:** A motion was made by Mayor Olk, seconded by Councilmember Lawrence, to approve moving forward with the construction of a new water tower and the purchase of a new fire engine and three new law enforcement vehicles as capital projects, and to authorize the City Manager to enter into an agreement with JTG Engineering to begin designing the water tower. The motion passed unanimously by a 6 to 0 vote, with Councilmember Baney absent.

**8. Discuss the provision of Fire and Emergency Medical Services to mutual aid cities and Collin County via mutual aid agreements and provide guidance to the City Manager.**

Councilmember Fisher advised she asked staff to provide the mutual aid agreements the City of Lucas has with neighboring entities because she is concerned about the amount of area that the City is being required to cover, the distance the City's ambulances are driving, and the wear and tear on the vehicles. Councilmember Fisher advised her concern is the distance Lucas' ambulances are having to go to provide medical services to non-Lucas residents. Mayor Pro Tem Peele agreed and indicated her concern is that the county does not have enough ambulances to cover their needs and relies too heavily on the cities to provide backup service.

Mayor Olk pointed out that Lucas has responded approximately 100 times in the last four years, and Branch has only come to Lucas about 10 times. Councilmember Johnson asked if Lucas is the first call out for Branch. Chief Stephens responded that the closest available ambulance would get called first, no matter the city.

Councilmember Lawrence indicated the amount of availability of ambulances is really based on the hospitals and the turnaround time it takes to get an ambulance released after dropping off a patient. Mayor Pro Tem Peele opined that the county is underserving their residents by not having enough ambulances to service the area.

Chief Stephens advised it would not be ideal to get out of a mutual aid agreement with the county because it could potentially be ostracizing one city out of a district. Ms. Clarke advised there are agreements with individual cities that are beneficial. Mayor Pro Tem Peele advised that she is specifically talking about getting out of the agreement with the county, not other cities, and she feels that by the county allowing large municipal utility districts (MUDs) to be built, they are placing more of a burden on the surrounding cities to provide emergency services to a larger population. Chief Stephens advised there is not a mutual aid agreement with Allen, but there are agreements with Wylie, Fairview, and Parker.

Councilmember Fisher asked if there has been any discussion at the county level about getting more ambulances. Chief Stephens advised there have been some discussions, and that it is brought up often. Councilmember Fisher asked if the other cities are being impacted as much. Chief Stephens advised McKinney and Fairview likely are, but that he does not have specific information on that.

Councilmember Johnson asked if within our mutual aid agreement, if the City can add that Lucas will not respond to Branch. City Attorney Courtney Morris advised she would have to look over the agreement, but that the City could likely not refuse to go to Branch.

Chief Stephens indicated the benefits of the mutual aid agreement, including that it allows the new firefighters to experience situations that would normally not occur in a city like Lucas, it allows fire administration to evaluate the capabilities of other agencies that might respond to Lucas, and that it allows the fire department to prove their skills to other surrounding departments.

Councilmember Lawrence asked if the City has gone without medical services because they were out of town. Ms. Clarke advised that another issue is that our residents are being billed by outside agencies based on their policy when our ambulance is not able to respond. Councilmember Lawrence asked if reciprocity agreements are being worked on to solve that issue. Ms. Clarke advised that they are. Chief Stephens advised there has only been one occurrence when our ambulance was in Princeton and a Lucas resident had to be picked up by an outside agency.



Charles Corporon, 6 Glencove Circle, spoke asking if there is a required number of ambulances per number of residents in a city. Chief Stephens advised it is based on number of responses and that it is a Council decision on how many ambulances to have.

Councilmember Fisher asked to be provided with response times for medical calls. Chief Stephens advised he would get that information to her.

Mayor Olk indicated there needs to be a discussion with the county regarding their need of more ambulances. Councilmember Fisher agreed and recommended that a conversation with County Judge Hill and a responsive County Commissioner be had prior to speaking before the Commissioner's Court. Mayor Olk advised he will make arrangements for these conversations to take place.

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

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

City Attorney Courtney Morris gave an update on the movement of relevant bills in the legislative session.

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

**10. Adjournment.**

**MOTION:** A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to adjourn the meeting at 9:01 pm. The motion passed unanimously by a 6 to 0 vote, with Councilmember Baney absent.

APPROVED:

ATTEST:

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

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



# City of Lucas

## City Council Agenda Request

### May 4, 2023

Requesters: Councilmember Tim Johnson

#### **Agenda Item Request**

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Receive a presentation from the Friends of Lucas Fire-Rescue on the restoration of Ole Streaker.

#### **Background Information**

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In 1973, Fire Chief Frank Hamlin used his own personal funds, along with donations from the Lucas community, to purchase an apparatus without any gear or hoses from Seagoville. This first fire apparatus for the City of Lucas was affectionately named Ole Streaker. The truck was originally purchased in 1949 by the City of Dallas and was used as a frontline fire apparatus for many Texas cities.

Having seen many years of service to multiple cities, Ole Streaker has seen its days as a powerful machine come to a slow end. However, thanks to the incredible work being completed by the Friends of Lucas Fire-Rescue, headed by Mr. Gerald Reining, Ole Streaker is being given a second chance at life with a renewed purpose. The Streaker Restoration Project is an endeavor led by the Friends of Lucas Fire-Rescue and involves volunteers by current and former firefighters and by Lucas residents both young and old to resurrect Ole Streaker back to its former glory. The Friends of Lucas Fire-Rescue is a not-for-profit organization that is completely separate from the City of Lucas. The purpose of the organization is to promote the mission of Lucas Fire-Rescue Department and to provide support in time of need to the Lucas community.

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

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NA

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

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas

## City Council Agenda Request

### May 4, 2023

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

#### **Agenda Item Request**

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Consider the 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**

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The 88th Legislature's regular session runs from January 10 to May 29, 2023. The last day to file bills was March 10, 2023. The Texas Legislature has filed 7,056 House bills and 3,261 Senate bills.

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

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1. TML Legislative Update Number 17 (April 28, 2023)

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

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA

# TML LEGISLATIVE UPDATE



April 28, 2023  
Number 17

## **Bills on the Move**

### **Significant Committee Action**

**H.B. 5 (Hunter)**, creating a new economic development program for tax abatement agreements between the owner of a new investment project and a school district. Committee substitute voted from House Ways & Means.

**H.B. 1132 (Spiller)**, increasing the threshold at which competitive bidding is required for city purchases from \$50,000 to \$100,000. TML testified in committee. Voted from House County Affairs.

**H.B. 1307 (Toth)**, authorizing registered voters in a certain area to petition for disannexation of the area in the city limits and the ETJ. TML provided written testimony. Committee substitute voted from House Land & Resource Management.

**H.B. 1579 (Canales)**, prohibiting punitive action against a firefighter without an administrative investigation. Applies to cities with a population of 10,000 or more regardless if the city is covered by meet and confer or collective bargaining agreement. Voted from House Urban Affairs.

**[H.B. 2023](#) (Muñoz)**, requiring a city to pay attorney fees if the court determines an ordinance, regulatory decision, denial of an application, or similar measure is unenforceable because it is preempted by the state constitution or state statute. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

**[H.B. 2198](#) (Hefner)**, prohibiting a city over 725,000 in population from adopting or enforcing a zoning regulation that limits the height of a building based on the lot's proximity to another lot that is more than 50 feet away. Committee substitute voted from House Land & Resource Management.

**[H.B. 2232](#) (Spiller)**, allowing a property located in a portion of the city's ETJ subject to county control over platting may apply to the county commissioner's court for cancellation of certain subdivision plats. Voted from House Land & Resource Management.

**[H.B. 2665](#) (Gates)**, prohibiting a city from adopting or enforcing a local law applicable to short-term rentals. The committee substitute modified the bill to create a task force to study the impact of local short-term rental laws. TML provided [written testimony](#). Voted from House Land & Resource Management.

**[H.B. 2714](#) (Thompson)**, allowing a city to recalculate its no-new-revenue and voter-approval tax rates after receiving the certified appraisal roll. Left pending after hearing in House Ways & Means.

**[H.B. 2789](#) (Holland)**, allowing an accessory dwelling unit (ADU) in a single-family zoning or un-zoned areas by right, and prohibits much of a city's ability to regulate an ADU. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

**[H.B. 2987](#) (Metcalf)**, exempting all tangible personal property from the property tax. Left pending after hearing in House Ways & Means.

**[H.B. 3699](#) (Wilson)**, requiring the platting of a subdivision only when the landowner intends to lay out certain areas for public use. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

**[H.B. 3921](#) (Goldman)**, prohibiting a city from requiring a residential lot to be larger than 1,400 square feet, wider than 20 feet, or deeper than 60 feet, and from adopting certain other requirements on small lots. The bill applies to cities in counties with a population of 300,000 or more. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

**[H.B. 4878](#) (Rogers)**, allowing an ESD to have exclusive authority to determine whether another person may provide services within the district that the ESD is authorized to provide, including when the ESD's territory overlaps with the territory of another political subdivision authorized to provide emergency services. Left pending after hearing in House County Affairs.

**H.B. 5217** (C. Bell), requiring a city to release an area from the ETJ if the population of an area is less than 200 and upon petition from more than 50 percent of qualified voters. Requires release of an area with a population of 200 or more from the ETJ after a petition and election. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

**S.B. 221** (Bettencourt), setting a process for the Secretary of State to review ballot language in initiative, referendum, and charter elections for home rule cities and waives governmental immunity. TML [testified](#) in committee. Left pending after hearing in House Elections.

**S.B. 767** (Parker), requiring a fee schedule of new and increased fees to be on the city's budget cover page and for cities over 20,000 in population to establish and maintain an email notification service regarding new or increased fees. Left pending after hearing in House Urban Affairs.

**S.B. 929** (Parker), requiring a city to provide written notice containing certain information regarding any proposed zoning change that could result in the creation of a nonconforming use. If a nonconforming use is required by a city to cease operation, the owner or lessee of the property is entitled to receive either payment for costs associated with closing the operation or additional time to engage in the nonconforming use. TML provided [written testimony](#). Voted from House Land & Resource Management.

**S.B. 976** (Middleton), modifying the definition of "debt" for purposes of the tax rate calculation, repealing the de minimis property tax rate calculations for taxing units, and repealing the provision that a taxing unit that adopts a higher voter approval rate but doesn't exceed the de minimis rate is not subject to an automatic election but to a petition election. TML provided [written testimony](#). Left pending after hearing in Senate Local Government.

**S.B. 977** (Bettencourt), modifying the definition of "debt" for purposes of the tax rate calculation to include only debt approved at an election. TML provided [written testimony](#). Left pending after hearing in Senate Local Government.

**S.B. 978** (Bettencourt), repealing the de minimis property tax rate calculation to include cities under 30,000 in population. TML provided [written testimony](#). Left pending after hearing in Senate Local Government.

**S.B. 1419** (Birdwell), prohibiting cities from making a loan or grant of public money under a Chapter 380 economic development agreement from the proceeds of property taxes or other city obligations payable from property taxes and adding transparency measures. TML [testified](#) in committee. Committee substitute voted from Senate Natural Resources and Economic Development.

**S.B. 1663** (Alvarado), allowing a city to declare a lower speed limit of not less than 20 miles per hour on certain residential roadways without a traffic study. Voted from House Transportation.

### **Significant Floor Action**

**H.B. 9** (Ashby), creating the Broadband, Equity, Access, and Deployment program and the Broadband Infrastructure Fund. Passed the House.

**H.B. 276** (Cortez), prohibiting cities from regulating the growing of fruits and vegetables and the raising of six chickens or six rabbits, with exceptions. Passed to third reading in the House.

**H.B. 2455** (T. King), requiring a fire department to offer an annual occupational medical evaluation to each fire fighter employed at no cost to the firefighter. Passed the House.

**H.B. 3053** (Dean), requiring election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and December 1, 2017. The committee substitute applies to certain cities over 500,000 in population. Passed the House.

**H.B. 4559** (Darby), adjusting population brackets according to the 2020 U.S. Census. Passed the House.

**S.B. 491** (Hughes), prohibiting a city over 725,000 in population from adopting or enforcing a zoning regulation that limits the height of a building based on the lot's proximity to another lot that is more than 50 feet away. Passed the Senate.

**S.B. 543** (Blanco), allowing a city to transfer real property under a Chapter 380 agreement. Passed the Senate.

**S.B. 561** (Sparks), prohibiting a city from issuing debt to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security. TML provided [written testimony](#). Passed the Senate.

**S.B. 1017** (King), prohibiting a city from adopting or enforcing an ordinance, order, or regulation that limits access to an energy source or an engine. Passed the House.

**S.B. 1412** (Hughes), allowing an accessory dwelling unit (ADU) in a single-family zoning or un-zoned areas by right, and prohibits much of a city's ability to regulate an ADU. Passed the Senate.

**S.B. 1999** (Bettencourt), defining "foregone revenue amount" as the voter-approval tax rate minus the actual tax rate multiplied by the preceding year's total value, and redefines "unused increment rate" as the sum of the preceding three years' foregone revenue amount divided by current value. Passed the Senate.

**S.B. 2035** (Bettencourt), prohibiting a city council from authorizing an anticipation note or certificate of obligation to pay a contractual obligation under certain circumstances, including if a bond proposition on the same project failed to be approved during the preceding five years. Passed the Senate.

**S.B. 2038** (Bettencourt), requiring a city to release an area from the ETJ if the population of an area is less than 200 and upon petition from more than 50 percent of qualified voters. Requires

release of an area with a population of 200 or more from the ETJ after a petition and election. Passed the Senate.

**S.B. 2350 (Bettencourt)**, defining “voter-approval tax rate” for the purpose of the unused increment rate calculation as a taxing unit’s voter-approval tax rate in the applicable preceding tax year, as adopted by the taxing unit during the applicable preceding tax year, less the unused increment rate for that preceding tax year. Passed the Senate.

## **NTIA Seeking Comments on BEAD Broadband Funding Challenge Process**

The National Telecommunications and Information Administration (NTIA) is seeking public comments on its proposed Broadband Equity Access and Deployment Program (BEAD) challenge process. NTIA will allocate BEAD funds to states as block grants based on specific statutory criteria, including whether a given location currently has broadband service according to the NTIA’s National Broadband Map. Most of the state’s broadband development program will be funded by NTIA BEAD funds.

NTIA is aware that many people have raised concerns about the accuracy of the current National Broadband Map. Because of this, NTIA asks local governments to submit comments about the BEAD challenge process to ensure that BEAD-fund funding eligibility determinations are accurate.

Specifically, NTIA is seeking comments on 24 questions found [here](#). You can submit comments to NTIA by email at: [BEAD@ntia.gov](mailto:BEAD@ntia.gov)

The NTIA is accepting comments on the proposed BEAD challenge process through **Friday, May 5, 2023**.

## **BDO Office Seeking Public Input for Texas Digital Opportunity Plan**

On April 20, 2023, Comptroller Glenn Hegar [announced](#) that the comptroller’s Broadband Development Office (BDO) is seeking public input on internet accessibility, affordability, and usage. The BDO will use the surveys to help develop the Texas Digital Opportunity Plan, which is necessary for the state to begin drawing down federal broadband funding. The comptroller’s office encourages local governments, organizations, and individual community members to participate. The survey will be open for approximately two months. City officials can find the Texas Digital Opportunity Plan Public Survey [here](#).

## **Federal Infrastructure Bill Update**



*In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.*

*The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will provide periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.*

### **U.S. Department of Labor (DOL)**

The United States Department of Labor (DOL) [announced](#) the availability of \$80 million in grant funding for infrastructure, manufacturing, and clean energy workforce training programs through its Building Pathways to Infrastructure Jobs Grant program (BPIJG). The BPIJG will help public and private sector entities to develop or scale workforce training programs to prepare people for jobs in advanced manufacturing, information technology, renewable energy, transportation, and broadband infrastructure industries. The grant program contains two tracks: development track programs and scaling track programs. Development track programs will focus on new infrastructure sector-based training programs, emphasizing programs serving people from rural or historically marginalized, underserved, and underrepresented communities. Scaling track programs will focus on expanding existing programs with demonstrated success.

Cities may apply for grants ranging from \$500,000 to \$5 million.

City officials can find more information about the BPIJG program [here](#).

### **U.S. Department of Transportation (DOT)**

The United States Department of Transportation has begun accepting applications for \$1.5 billion in grant funding for airport improvement projects through its Airport Improvement Program (AIP). Public agencies that own or lease public-use airports may apply for AIP grants. Federal matching requirements will vary based on airport size.

More information about the AIP program can be found [here](#). The deadline to apply for AIP grants is **July 14, 2023**.

### **Reminder for Upcoming Deadlines**

Applications for the DOT Charging and Fueling Infrastructure Discretionary Grant Program (CFI) for electric vehicle (EV) charging and alternative-fueling infrastructure projects are due by **May 30, 2023**. The CFI program will provide funding over five years to cities and other governmental entities to strategically deploy EV charging and other alternative vehicle-fueling infrastructure projects in publicly accessible locations in urban and rural communities across the county.

More information about the CFI program can be found [here](#).

## **Texas Demographic Center to Host Conference**

The Texas Demographic Center will host its annual conference on May 23-24 at the Robert E. Johnson (REJ) Conference Center in Austin. U.S. Census Bureau Director Robert Santos and Texas State Demographer Lloyd Potter will kick-off the event. The conference provides city officials with the opportunity to learn about demographic trends in Texas and learn about important data products that can help with local and regional planning in Texas communities. Interested city officials can visit the conference website [here](#).

## **City Officials Testify**

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

- Roberto Arredondo, Police Chief, City of Carrollton
- Jeffrey Boney, Councilmember, City of Missouri City
- Kent Cagle, City Manager, City of Killeen
- Rick Carmona, Mayor, City of Terrell
- Wayne Carpenter, Mayor, City of Belton
- Kevin Cole, Mayor, City of Pearland
- Bernie Gessner, Councilmember, City of Navasota
- Dave Martin, Mayor Pro-Tem, City of Houston
- Bert Miller, Mayor, City of Navasota
- Samuel Peña, Fire Chief, City of Houston
- David Rogers, Councilmember, City of Pflugerville
- Daniel Scesney, Chief of Police, City of Grand Prairie
- Rebecca Skillern, Sergeant, City of Houston Police Department
- Jason Weeks, City Manager, City of Navasota

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**City of Lucas**  
**City Council Agenda Request**  
**May 4, 2023**

Item No. 09

Requester: Mayor Jim Olk

**Agenda Item Request**

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Executive Session:

As authorized by Section 551.074 of the Texas Government Code, the City Council may convene into closed Executive Session to discuss upcoming vacancies on the Board of Adjustment. This meeting is closed to the public as provided in the Texas Government Code.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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NA

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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NA



**City of Lucas**  
**City Council Agenda Request**  
**May 4, 2023**

Item No. 10

Requester: Mayor Jim Olk

**Agenda Item Request**

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

**Background Information**

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NA

**Attachments/Supporting Documentation**

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NA

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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NA