

**City Council  
Regular Meeting  
February 4, 2010 7:00 PM  
City Hall - 665 Country Club Road  
Minutes**

**Call to Order**

Mayor Bill Carmickle called the meeting to order at 7:00 p.m.

**Present:**

Mayor Bill Carmickle  
Councilmember Mark Barratt  
Councilmember Don Zriny  
Councilmember Debbie Fisher  
City Secretary Kathy Wingo  
Building Official Joe Hilbourn

Mayor Pro Tem Kathleen Peele  
Councilmember Rebecca Mark  
Councilmember Wayne Millsap  
City Manager Robert Patrick  
City Attorney Joe Gorfida

It was determined that a Quorum was present.  
Everyone was reminded to turn off or silence cell phones.  
Commissioner Jerry Hoagland led the group in saying the Pledge of Allegiance.

**Citizens' Input**

1) Citizen's Input.

Mayor Bill Carmickle recognized Collin County Commissioner Jerry Hoagland in audience. Commissioner Jerry Hoagland came forward to present the City of Lucas with a check in the amount of \$250,000 for a Collin County Parks and Open Space grant. The Mayor and City Council on behalf of the citizens thanked Commissioner Hoagland for taking time out of his busy schedule to attend the meeting.

**Public Hearings**

- 2) Public Hearing/Discuss and Consider the rezoning of a parcel of land situated in the Willow Creek Acres (UNRECORDED), Lot 39, Acres 2.0720± in the City of Lucas, Collin County, Texas, commonly known as 1100 Creek View Lane. Recommend rezoning of said parcel from Residential 2-acre (R-2) to Commercial Business

This is the 2<sup>nd</sup> Public Hearing, the 1<sup>st</sup> Public Hearing was held at the Planning & Zoning Commission Meeting on January 14, 2010. It was recommended by the Planning & Zoning Commission that this request be denied by a unanimous vote of the commissioners.

The Public Hearing was opened at 7:04 pm.

There was no one present who wished to speak FOR of this item.

Those who wished to speak AGAINST this item are as follows.

Karen Campbell, 1000 Creekview Lane  
Gloria Tyler, 1050 Creekview Lane  
Dan Tyler, 1050 Creekview Lane  
Carla Miller, 1105 Creeview Lane  
Matt Day, 850 Honeysuckle Lane  
Simon Dalley, 875 Country Club Road  
Laura Bloch, 675 Honeysuckle Lane

Emails received in opposition of this item came from:

Barbara Bindhammer, 725 Honeysuckle Lane  
Jim Stevens, 1175 Honeysuckle Lane  
Amye Mercer, 950 Honeysuckle Lane

The Public Hearing was closed at 7:14 p.m.

The applicant was not present at the meeting.

**MOTION:** Mayor Carmickle moved to deny the rezoning of a parcel of land situated in the Willow Creek Acres (UNRECORDED), Lot 39, Acres 2.0720± in the City of Lucas, Collin County, Texas, commonly known as 1100 Creek View Lane. Recommend rezoning of said parcel from Residential 2-acre (R-2) to Commercial Business District (CB). Councilmember Fisher seconded the Motion. Motion carried. Vote: 7-0.

- 3) Public Hearing/Discuss and Consider an application by Small Potatoes Catering, LLC for a Special Use Permit (SUP) for the operation of a commercial kitchen for a small catering business. The property to be considered is located in Collin County, Texas, and described as follows: Lemon Tree Country Estates Block A, Lot 22, Acres 1.8000± (commonly known as 14 Citrus Way, Lucas, TX 75002). [2<sup>nd</sup> Public Hearing, 1<sup>st</sup> Public Hearing was held on January 14<sup>th</sup> at the Planning & Zoning Commission Meeting]

This is the 2<sup>nd</sup> Public Hearing, the 1<sup>st</sup> Public Hearing was held at the Planning & Zoning Commission Meeting on January 14, 2010. It was recommended by the Planning & Zoning Commission that this request be approved for renewal of the

current SUP for Small Potatoes Catering, LLC by a unanimous vote of the commissioners.

The applicant, Rebecca Watts, came forward to answer any questions the Mayor and Councilmembers might have of the application.

The Public Hearing was opened at 7:16 p.m.

There was no one in attendance who wished to speak FOR or AGAINST this item.

The Public Hearing was closed at 7:16 p.m.

**MOTION:** Councilmember Barratt moved approve the application for renewal of the Small Potatoes Catering, LLC Special Use Permit (SUP) for the operation of a commercial kitchen of a small catering business with the same conditions previously agreed upon with no time limits imposed. Mayor Pro Tem Peele seconded the Motion. Motion carried. Vote: 7-0.

## Regular Agenda

- 4) Discuss and Consider the approval of the minutes from the January 7, 2010 City Council Regular and January 9, 2010 City Council Special meetings.

**MOTION:** Mayor Carmickle moved to approve the minutes from the January 7, 2010 City Council Regular and January 9, 2010 City Council Special meetings as presented. Councilmember Millsap seconded the Motion. Motion carried. Vote: 7-0.

- 5) Discuss and Consider the approval of **Ordinance # 2010-02-00661** of the City of Lucas, Texas, calling for a General (regular) Election to be held on May 8, 2010, for the purpose of electing three (3) City Councilmembers at-large; by the qualified voters of the City of Lucas; providing for notice of said election; providing for the appointment of a deputy early voting clerk; providing for early voting; establishing regular business hours of the City Secretary's office; and providing an effective date.

**MOTION:** Councilmember Millsap moved to approve **Ordinance # 2010-02-00661** of the City of Lucas, Texas, calling for a General (regular) Election to be held on May 8, 2010, for the purpose of electing three (3) City Councilmembers at-large; by the qualified voters of the City of Lucas; providing for notice of said election; providing for the appointment of a deputy early voting clerk; providing for early voting; establishing regular business hours of the City Secretary's office; and providing an effective date. Mayor Pro Tem Peele seconded the Motion. Motion carried. Vote: 7-0.

- 6) Discuss and Consider the approval of **Ordinance # 2010-02-00662** of the City of Lucas, Texas, ordering a Special Election to be held on May 8, 2010 to consider the adoption of one-half of one percent Sales and Use Tax to provide revenue for the promotion and development of new and expanded business enterprises, and to consider the adoption of one-half of one percent Sales and Use Tax to undertake Type B Corporation projects as set forth in Texas Local Government Code, Chapter 505, Subchapter D, as amended and the Maintenance and Operations Expenses for such projects; providing for the publication and posting of notice; providing for the appointment of Deputy Early Voting Clerk; providing for Early Voting; establishing regular business hours of the City Secretary's Office; and providing an effective date.

**MOTION:** Mayor Pro Tem Peele moved to approve **Ordinance # 2010-02-00662** of the City of Lucas, Texas, ordering a Special Election to be held on May 8, 2010 to consider the adoption of one-half of one percent Sales and Use Tax to provide revenue for the promotion and development of new and expanded business enterprises, and to consider the adoption of one-half of one percent Sales and Use Tax to undertake Type B Corporation projects as set forth in Texas Local Government Code, Chapter 505, Subchapter D, as amended and the Maintenance and Operations Expenses for such projects; providing for the publication and posting of notice; providing for the appointment of Deputy Early Voting Clerk; providing for Early Voting; establishing regular business hours of the City Secretary's Office; and providing an effective date. Mayor Carmickle seconded the Motion. Motion carried. Vote: 7-0.

- 7) Discuss and Consider the replacement of 2006 Ford F-250 involved in a traffic accident on January 19, 2010 and authorize the City Manager to purchase a vehicle and bring back a budget amendment at a future meeting.

The 2006 Ford F-250 was totaled in a recent accident. The reimbursement from the insurance company will be approximately \$14,872.46. The estimated cost of a new 2010 Ford F-250 is \$24,878.97, leaving a budget adjustment estimate of \$10,685.64.

**MOTION:** Councilmember Zriny moved to authorize City Manager to replace the 2006 Ford F-250 and bring back a budget amendment at a future meeting. Councilmember Fisher seconded the Motion. Motion carried. Vote: 7-0.

- 8) Discuss and Consider the acceptance Kristy Hall's resignation from the Board of Adjustments and appoint Alternate Member Amber Patteson as full voting member.

Member Kristy Hall's family has moved from the City of Lucas. Ms. Hall submitted her resignation on December 11, 2009.

**MOTION:** Mayor Carmickle moved to accept the resignation of Kristy Hall from the Board of Adjustments and appoint Member Amber Patteson as a full voting member. Mayor Pro Tem Peele seconded the Motion. Motion carried. Vote: 7-0.

- 9) To receive public comments and discussion regarding the creation of a Type A and Type B Corporation.

City Attorney Joe Gorfida gave a brief overview of how a Type 4A and Type 4B Corporation could be beneficial to a city.

Type A Corporations promote new and expanded industrial and manufacturing services. Type A funds can be used to fund the provisions of land, buildings, equipment, facilities, expenditures, target infrastructure and improvements that are for the creation or retention of primary jobs. Type A projects include manufacturing and industrial facilities; research and development facilities; military facilities; recycling facilities; distribution centers; small warehouse facilities; primary job training facilities for use by institutions of higher education; and regional or national corporate headquarters facilities.

Type B Corporations use funds to promote a wide range of civic and commercial projects. Type B Corporations allow for the same expenditures under Type A Corporations plus projects typically considered to be community development initiatives.

Type B funds may be spent for land, buildings, equipment, expenditures and improvement for the following 4B projects without the requirement of creating or retaining primary jobs:

- Professional and amateur sports and athletics facilities
- Entertainment, tourist and conventional facilities
- Public parks and related open space improvements

*Recent changes in law now require that any money spent on a "sports venue and related infrastructure" be approved by the voters.*

This is one of many opportunities that the citizens will have to hear about and comment on this item. It will be a regular agenda item on the next few month's agendas.

- 10) Discussion only, City Manager to give update on all City Capital Improvement Projects.

City Manager Robert Patrick gave an overview of the City's Capital Improvement Projects.

Engineer Design Phase - In June of 2009 Council awarded an RFP to BW2 engineering to design and engineer the water projects listed in our Capital Improvement plan in accordance with our Water Master Plan. This award was \$205,800 for the Southview 12" main, Brookhaven 8" main, and the Brockdale Park Road 8" water lines.

Country Club Water Line – The Country Club Water Line is at 95% completion, they are now working on service connections. This project's funds have been 80% expended. Project is estimated to be closed out in April 2010.

Southeast Water System - Southview 12" plans are 90% completed, and have been submitted to TXDOT for Right-of-Way permitting. Will be bid individually, project is anticipated to be bid in July. This project is estimated to cost \$1,600,000.

Brookhaven/Brockdale Utility Improvements - Will be bid separately from South East Water system project. The design is 40% complete. This 8" water line is anticipated to go out for bid in late summer. This project is estimated to cost \$600,000.

Rock Ridge/Shady Lane Water Improvements - Rock Ridge 8" water line plans are 90% complete. Shady Lane 8" water line plans were submitted by developer, and will be revised to meet current project scope, as the development has been put on hold. Estimated Cost of combined project is \$425,000.

Wastewater Forced Main Project - Surveying in progress- preliminary route location underway. This project is being funded by \$1,000,000 placed in escrow by Hunt properties, and the Wylie ISD. We met with Hunt, and development Engineer this week to discuss details. Prescribed by Developers Agreement and Escrow Agreement, Construction to begin within one year of agreement execution, to be finalized within two years. Easement procurement underway with meetings scheduled next week with landowners. This project is estimated to cost \$964,000 and projected to go out for bid in August 2010.

Gravity Wastewater Main – We have met with all property owners along the sewer corridor. All owners appear willing to consider sharing cost of Gravity main, and enter into Developers Agreements with the City. City Attorney is currently drafting Developers Agreements.

Staff will place upcoming projects for 2010-2011 on the agenda next month for Council's consideration. Our City Engineer is working on compiling the list at this time.

In 2009, the City completed the following projects:

The East Water tower was rehabilitated at a cost of \$185,900, project was closed out in early summer of 2009.

Asphalt resurfacing was completed late summer including Blondy Jhune Road, Estates Road, Graham Lane, Holly Lane, Ingram Lane, Lakeview Drive, and Long Road for a total of 19,000 linear feet or 3.6 miles.

In 2009 Kenneth R. Lewis Park upgrade was completed with a concrete walking trail, concrete parking, sidewalks, bleachers, fencing, sod, and new irrigation system. The grant was closed out in April of 2009. This project was funded utilizing over \$82,000 of Collin County Parks & Open Space Parks Grant funds.

In June of 2009, City staff submitted a park grant application to the Collin County Parks and Open Space board for the construction of a Pavilion, Restroom Facilities, Walking Trail, Irrigation System, Playground Equipment, Park Benches and Picnic Tables and necessary Electrical and Septic Services for a total of \$432,875 using land purchased with the City Hall/Public Works building as match. Collin County approved part of the grant this month, they are providing \$250,000 for the project, which will fund the Pavilion, Restroom Facilities, Irrigation System, along with the Septic and Electrical panel.

11)Adjournment.


**MOTION:** Mayor Carmickle moved to adjourn the meeting at 8:06 p.m. Councilmember Barratt seconded the Motion. Motion carried. Vote: 7-0.

These minutes were approved by a majority vote of the City Council on March 4, 2010.



  
\_\_\_\_\_  
Bill Carmickle, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy Wingo, TRMC/CMC, City Secretary