

AMENDED AGENDA

Lucas City Council Regular Meeting

February 5, 2015 7:00 PM

City Hall - 665 Country Club Road – Lucas, Texas – 75002-7651

Notice is hereby given that a City of Lucas Regular City Council Meeting will be held on Thursday, February 5, 2015 at 7:00 pm at the 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.

Call to Order

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

Citizens' Input

The Citizens' Input portion of the agenda is an opportunity for the public to address the City Council on any subject. By completing a "Request to Speak" form and submitting it to the City Secretary, citizens have an opportunity to speak at the City Council meeting. However, in accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions at this time but may refer items to City Staff for research and possible inclusion on a future agenda.

1. Citizens' Input.

Community Interest

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

2. Discussion and update regarding the drought contingency plan, conservation efforts and watering restrictions as it pertains to the City of Lucas. **[Councilmember Debbie Fisher and Public Works Director/City Engineer Stanton Foerster, PE]**
3. Discussion and provide guidance to the City Attorney and City Staff regarding pending legislation that is being considered by the 84th Legislature. **[City Manager Joni Clarke]**

Consent Agenda

All items listed under the consent agenda are considered routine and are recommend 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.

4. Consider the minutes from the January 15, 2015 City Council meeting. **[Administrative Assistant Jennifer Clark]**
5. Budget adjustment not to exceed \$62,900 for the BW2 design of the Parker Road 12” waterline. Approved at the January 15, 2015 City Council meeting. Water fund reserves will be used to fund this project. **[Public Works Director/City Engineer Stanton Foerster, PE]**

Public Hearings

- No public hearings are scheduled for this meeting.

Regular Agenda

6. Consider the City of Lucas compensation market analysis and benefit survey including: **[City Manager Joni Clarke and Human Resource Manager Cheryl Meehan]**
 - a. Presentation by Wendi Delgado regarding the results of the comprehensive market salary analysis and benefit survey with discussion related to benefit levels and compensation strategies.
 - b. Consider implementation of compensation strategies, benefits enhancements, and funding plan and provide guidance to staff.
7. Consider Ordinance #2015-01-00806 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 6 titled “Health and Sanitation” by amending Article 6.02 titled “Dumping or Depositing Garbage, Junk or Refuse”; by amending Section 6.02.001 titled “Definitions”; by amending section 6.02.002 titled “Prohibited Acts” to include erosion of soil or stagnant water; by amending Article 6.03 titled “High Grass and Weeds”; titled “Duty to Cut and Mow”; and any adding Article 6.06 titled “Rodent Harborage” to provide regulations to prevent rodent harborage or infestation; providing a repealing clause; providing 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. **[Development Services Director Joe Hilbourn]**

8. Consider Ordinance #2015-02-00810 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 4 “Business Regulations” by repealing Article 4.02 “Peddlers” by providing a new Article 4.02 titled “Solicitors and Canvassers”; establishing regulations governing solicitation; providing definitions; establishing a permit requirement; establishing a permit fee; prohibiting solicitation in the roadway and from public property adjacent to the roadway; prohibiting specific activities and conduct related to solicitation; and regulating the hours for solicitation. **[Development Services Director Joe Hilbourn]**
9. Consider approval of preliminary plat for the Pennington Addition creating Lot 1 Block A. Being a 5.928 tract of land situated in the William Snider Survey, Abstract number 821. This tract of land is located just to the west of the Fox Glen Subdivision. **[Development Services Director Joe Hilbourn]**
10. Consider accepting the resignation of Jim Olk, Councilmember for the City of Lucas Seat 2, with a term expiring in May of 2017. **[City Manager Joni Clarke]**
11. Consider the approval of Ordinance # 2015-02-00809 of the City Council of the City of Lucas, Collin County, Texas, ordering a general election to be held on May 9, 2015, for the purpose of electing the Mayor and two (2) City Councilmember’s for Seat no. 3 and for Seat no. 4; and ordering a special election for the City of Lucas, to be held on May 9, 2015, for the purpose of electing a City Councilmember to fill a vacancy for the unexpired term for Seat no. 2; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement. **[City Manager Joni Clarke]**
12. Consider Ordinance No. 2014-12-00805 Amending Chapter 1, Article 1.06, Code of Conduct of the City of Lucas Code of Ordinances regarding the General Standards of Conduct pertaining to Elected Officials and appointed Members of Boards and Commissions and establishing a complaint procedures. **[City Manager Joni Clarke]**

Amended Agenda Item

13. Consider appointing Stacy Henderson as City Secretary for the City of Lucas.
[Mayor Rebecca Mark]

Executive Session

The City Council may convene in a closed Executive Session pursuant to Chapter 551, Subchapter D of the Texas Government Code.

- An Executive Session is not scheduled for this meeting.

Reconvene into Regular Session

14. Adjournment.

Certification

I 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 75002-7651 and on the City's website at www.lucastexas.us by 5:00 p.m. on Monday, February 2, 2015.

Jennifer Clark, TRMC
Administrative Assistant

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 Jennifer Clark at 972-727-8999 or by email at jennifer@lucastexas.us at least 48 hours prior to the meeting.

LUCAS CITY COUNCIL

Meeting Date February 5, 2015

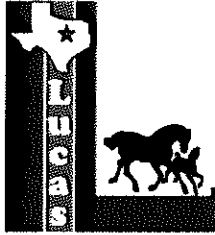
AGENDA ITEM:

- Call to Order
- Roll Call

	Present	Absent
Mayor Rebecca Mark	<input type="checkbox"/>	<input type="checkbox"/>
Seat 1 CM Wayne Millsap	<input type="checkbox"/>	<input type="checkbox"/>
Seat 2 CM Jim Olk	<input type="checkbox"/>	<input type="checkbox"/>
Seat 3 CM Steve Duke	<input type="checkbox"/>	<input type="checkbox"/>
Seat 4 CM Philip Lawrence	<input type="checkbox"/>	<input type="checkbox"/>
Seat 5 CM Debbie Fisher	<input type="checkbox"/>	<input type="checkbox"/>
Seat 6 MPT Kathleen Peele	<input type="checkbox"/>	<input type="checkbox"/>
- Determination of Quorum
- Reminder to silence cell phones
- Pledge of Allegiance

Informational Purposes

- | | |
|--|--------------------------|
| City Manager Joni Clarke | <input type="checkbox"/> |
| City Secretary | <input type="checkbox"/> |
| Public Works Director Stanton Foerster | <input type="checkbox"/> |
| Finance Director Liz Exum | <input type="checkbox"/> |
| HR Director Cheryl Meehan | <input type="checkbox"/> |
| Fire Chief Jim Kitchens | <input type="checkbox"/> |
| Development Services Director Joe Hilbourn | <input type="checkbox"/> |
| City Attorney Joe Gorfida, Jr. | <input type="checkbox"/> |
| Administrative Assistant Jennifer Clark | <input type="checkbox"/> |



**City of Lucas
City Council Regular Meeting
February 5, 2015**

Name & Title: Administrative Assistant Jennifer Clark

Agenda Item:

Consent and approve:

4. The minutes from the January 15, 2015 City Council meeting.
5. Budget adjustment not to exceed \$62,900 for the BW2 design of the Parker Road 12" waterline. Approved at the January 15, 2015 City Council meeting. Water fund reserves will be used to fund this project.

Background Information:

N/A

Attachments/Supporting Documentation:

1. Minutes from City Council Meeting January 15, 2015

Budget/Financial Impact:

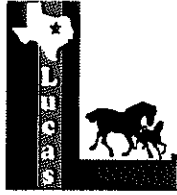
N/A

Recommendation:

Recommend approval.

Motion:

I make a Motion to approve/deny the Consent Agenda as presented.



City Council Meeting
January 15, 2014, 6:00 PM
City Hall - 665 Country Club Road
Minutes

Call to Order

Mayor Rebecca Mark called the meeting to order at 6:00p.m.

Present:

Mayor Rebecca Mark	Mayor Pro Tem Kathleen Peele
Councilmember Wayne Millsap	Councilmember Jim Olk
Councilmember Steve Duke	Councilmember Debbie Fisher
Councilmember Philip Lawrence (7:03 p.m.)	

Staff:

City Attorney Joe Gorfida	Fire Chief Jim Kitchens
City Manager Joni Clarke	HR Director Cheryl Meehan
Public Works Dir. Stanton Foerster	Admin Assistant Jennifer Clark
Development Svc. Dir. Joe Hilbourn	

It was determined that a quorum was present.

Everyone was reminded to turn off or silence cell phones.

Mayor Pro Tem Kathleen Peele led everyone in saying the Pledge of Allegiance.

Executive Session

The City Council convened into Executive Session at 6:06 p.m.

1. The City Council pursuant to Section 551.074(a)(1) of the Texas Government Code (Personnel Matters) may convene into Executive Session to interview City Secretary candidates.

Regular Agenda

The City Council reconvened into Regular Session at 7:28 p.m.

2. Take any action as necessary as a result of the Executive Session.

No action taken as a result of Executive Session.

Consent Agenda

The Consent Agenda was presented for consideration and action.

5. The minutes from the December 18, 2014 City Council meeting.

MOTION: Councilmember Jim Olk made a Motion to approve the Consent Agenda as presented. Councilmember Phillip Lawrence seconded the Motion. Motion carried. Vote: 7-0.

Community Interest

4. Discussion and update regarding the drought contingency plan, conservation efforts and watering restrictions as it pertains to the City of Lucas.

Mayor Rebecca Mark commented that we are in a drought and each citizen needs to conserve water as best they are able to.

Citizens' Input

3. Citizens' Input.

Over the past few days many of the City Council members and myself have received several emails and feedback on this ordinance. This is not an action item and we are only giving city staff guidance as to what we want to see included in this ordinance. While they certainly may make observation as to what the City Staff sees and needs to be included. A critical part of the evaluation and decision making process is to know how heavily we take your observations. City Council needs your help to accurately reflect what is best for our community and the majority of our residents.

Public Hearings

- No public hearings are scheduled for this meeting

Regular Agenda

Mayor Rebecca Mark moved item numbers 12, 8, and 7 to the beginning of the agenda.

12. Discuss and give direction on an update to the city's Code of Ordinances, Chapter 2 in its entirety, labeled Animal Control.

Mayor Rebecca Mark opened Citizens Comments for this item.

Paul Low, 11 Kingswood, came forward to speak AGAINST this item.

Tracy Matern, 2 Choice Lane, came forward to speak AGAINST this item.

April Evans, 18 Brookhaven Drive, does not wish to speak but is AGAINST this item.

William Esposito, 13 North Star, came forward to speak AGAINST this item.

Brooke Mckee, 775 Scarlett Drive, does not want to speak but is AGAINST this item.

Paul McCants, 800 Honeysuckle Lane, does not wish to speak but is AGAINST this item.

Paula Reber, 101 Manor Circle, does not want to speak but is AGAINST this item.

Jerry Reber, 101 Manor Circle, does not want to speak but is AGAINST this item.

Heidi Higgason, 1055 Scarlett Drive, does not want to speak but is AGAINST this item.

Scott Bickford, 1 Estates Road, does not want to speak but is AGAINST this item.

Bob Winston, 315 East Blondy Jhune, does not want to speak but is AGAINST this item.

Michael Walters, 23 Hillcrest Circle, came forward to speak AGAINST this item.

Matthew Walters, 23 Hillcrest Circle, came forward to speak AGAINST this item.

Elizabeth Pekinpaugh, 4 Woodmoor Circle, did not wish to speak but is AGAINST this item.

Susan Bowes, 12 Kingswood Drive, did not wish to speak but is AGAINST this item.

Mandy Diercks, 6 Woodmoor Circle, did not wish to speak but is AGAINST this item.

George Milos, 8 Indian Trail, did not wish to speak but is AGAINST this item.

Laura Stallings, 960 East Winningkoff, did not wish to speak but is AGAINST this item.

Karen George, 5 Manor Lane, did not wish to speak but is AGAINST this item.

Jennifer Hillary, 20 Cedar Bend Trail, came forward to speak AGAINST this item.

Brenda Rizos, 1200 North Winningkoff, came forward to speak AGAINST this item.

Trisha Millsap, 318 McMillen Road, came forward to speak AGAINST this item.

Alison Stubbing, 7 Brookhaven Drive, came forward to speak AGAINST this item.

Christine Churchill, 1125 Brockdale Park, came forward to speak AGAINST this item.

Evelyn Linville, 21 Citrus Way, came forward to speak AGAINST this item.

Don Zriny, 380 Ingram Lane, came forward to speak AGAINST this item.

Tina Zale, 390 Holly Lane, came forward to speak AGAINST this item.

Charlie Gains, 24 Brookhaven Drive, came forward to speak AGAINST this item.

Chris & Lana Churchwell, 422 Oak Brook Drive, came forward to speak AGAINST this item.

Lou Zriny, 380 Ingram Lane, came forward to speak AGAINST this item.

Matt Day, 850 Honeysuckle Lane, came forward to speak AGAINST this item.

Kimberly Reitmajer, 3 Glencove Circle, came forward to speak AGAINST this item.

Emily Orr, 211 Forestview Drive, came forward to speak AGAINST this item.

Cheryl Reeves, 22 Hillcrest Circle, came forward to speak AGAINST this item.

Kathy Walters, 23 Hillcrest Circle, came forward to speak AGAINST this item.

J.D. McRae, 1830 Crestland Drive, came forward to speak AGAINST this item.

Jaclynn Cauthorn, 1622 Snider Lane, came forward to speak AGAINST this item.

Denise Tombaugh, 15 Glenbrook Circle, came forward to speak AGAINST this item.

Shari Nederhoff, 1160 Snider Lane, came forward to speak AGAINST this item. Ms. Nederhoff read a letter from Sylvia Hadstaff who was not able to attend the meeting. Ms. Hadstaff resides at 2254 County Club Road, and would like to express her opposition to this item.

David Bishop, 6 Orchard, did not wish to speak but is AGAINST this item

Mike Ballatti, 220 Rising Sun Lane, came forward to speak AGAINST this item.

Maureen Miller, 317 McMillen, came forward to speak AGAINST this item.

Cathy Gleason, 1 Manor Lane, came forward to speak AGAINST this item.

Steve Cleary, 1501 Bella Rae Lane, came forward to speak AGAINST this item.

Steve Grunin, 102 McMillen Road, came forward to speak AGAINST this item.

Mayor Rebecca Mark closed Citizens Comments for this item.

City Manager Joni Clarke will work with the City Attorney Joe Gorfida to narrow down this ordinance. Staff will post a draft copy of this ordinance to the website, allowing for electronic feedback from the citizens. Once we incorporate any feedback received staff will bring back this ordinance for approval.

Mayor Rebecca Mark asked each citizen in attendance to go back and review this ordinance with an open mind, and provide staff with your their feedback.

8. Consider Ordinance Number 2015-01-00808 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 3 titled “building regulations” by adding a new article 3.19 titled “fencing requirements” to set forth fencing requirements.

Presentation given by Community Services Director Joe Hilbourn.

Councilmember Debbie Fisher asked that we make a change to remove privacy style fencing in the front yard. On section 3.19.01.001 subsection (b) should be a minimum of 50% see through fencing. Councilmember Debbie Fisher also asked that we add back in the use of chain link fencing as acceptable materials in residential or estates district.

Mayor Rebecca Mark opened up Citizens Comment.

Tracy Matern, 2 Choice Lane, came forward to speak AGAINST this item.

Paul Low, 11 Kingswood, came forward to speak AGAINST this item.

Elizabeth Pekinpaugh, 4 Woodmoor Circle, came forward to speak AGAINST this item.

Maureen Miller, 317 McMillen, came forward to speak AGAINST this item.

Alison Stubing, 7 Brookhaven Drive, did not wish to speak but is AGAINST this item.

Jennifer Hillary, 20 Cedar Bend Trail, did not wish to speak but is AGAINST this item

April Evans, 18 Brookhaven Drive, did not wish to speak but is AGAINST this item.

Brooke McKee, 775 Scarlett Drive, did not wish to speak but is AGAINST this item.

Susan Bowes, 12 Kingswood Drive, did not wish to speak but is AGAINST this item

Karen George, 5 Manor Lane, did not wish to speak but is AGAINST this item.

Mayor Rebecca Mark closed Citizen Comments for this item.

Councilmember Jim Olk suggested that we continue this item and bring the ordinance back next month. Allowing citizens time to review and provide receive feedback to City Manager Joni Clarke.

MOTION: Councilmember Jim Olk made a Motion to table this item until the March 5, 2015 City Council meeting. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 7:0

7. Consider Ordinance Number 2015-01-00806 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 6 titled "Health and Sanitation" by amending article 6.02 titled "dumping or depositing garbage, junk or refuse" by amending section 6.02.001 titled "definitions"; by amending section 6.02.002 titled "prohibited acts" to include erosion of soil or stagnant water; by amending article 6.03 titled "high grass and weeds" by amending section 6.03.001 titled "prohibited" to include dead trees; by

amending 6.03.002 titled “duty to cut and mow” to include regulations for dead trees; and by adding article 6.06 titled “rodent harborage” to provide regulations to prevent rodent harborage or infestation.

Presentation given by Community Services Director Joe Hilbourn.

Bob Winston did not wish to speak but is AGAINST this item.

Christine Churchill, would like to see an exclusion for agricultural uses of ponds included in the ordinance.

Maureen Miller, 317 McMillen Road, would also like to see an exclusion for agricultural uses of ponds included in this ordinance.

Tracy Matter, 2 Choice Lane, stated the only trees the City should be concerned with are the trees that might fall in the right of way or in the road.

Elizabeth Peckinpom, 4 Woodmoor Circle, came forward to express concerns on the rodent control that need to be clarified.

Denise Tomball, 15 Glenbrook Circle, came forward to express concern with the grass and weeds section and the way the stagnant water section is worded.

Mayor Pro Tem Kathleen Peele suggested having Community Services Director Joe Hilbourn review this ordinance and bring back on a future agenda.

MOTION: Councilmember Jim Olk made a Motion deny Ordinance Number 2015-01-00806 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 6 titled “Health and Sanitation” by amending article 6.02 titled “dumping or depositing garbage, junk or refuse” by amending section 6.02.001 titled “definitions”; by amending section 6.02.002 titled “prohibited acts” to include erosion of soil or stagnant water; by amending article 6.03 titled “high grass and weeds” by amending section 6.03.001 titled “prohibited” to include dead trees; by amending 6.03.002 titled “duty to cut and mow”

to include regulations for dead trees; and by adding article 6.06 titled “rodent harborage” to provide regulations to prevent rodent harborage or infestation. Mayor Pro Tem Kathleen Peele seconded the Motion. Motion carried. Vote: 7-0

6. Consider Ordinance No. 2015-01-00807 Amending Chapter 1, Article 1.07, Emergency Management of the City of Lucas Code of Ordinances regarding the State requirements and the general duties of the Emergency Management Director.

MOTION: Councilmember Debbie Fisher made a Motion to approve Ordinance No. 2015-01-00807 Amending Chapter 1, Article 1.07, Emergency Management of the City of Lucas Code of Ordinances regarding the State requirements and the general duties of the Emergency Management Director. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 7- 0.

9. Consider authorizing the City Manager to enter into Professional Service Agreement with BW2 Engineering for the design of the Parker Road 12-inch waterline.

MOTION: Councilmember Wayne Millsap made a Motion to authorize the City Manager to enter into Professional Service Agreement with BW2 Engineering for the design of the Parker Road 12-inch waterline not to exceed \$62,900.00. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 7-0.

10. Consider authorizing the City Manager to enter into Interlocal Agreement 2014-292 with Collin County for the shared maintenance of specific roadways.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to authorize the City Manager to enter into Interlocal Agreement 2014-292 with Collin County for the shared maintenance of specific

roadways spelled out in what will be an attached Exhibit A listing of streets in Lucas and Collin County shared roadway maintenance. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 7-0.

11. Consider Ordinance No. 2014-12-00805 Amending Chapter 1, Article 1.06, Code of Conduct of the City of Lucas Code of Ordinances regarding the General Standards of Conduct pertaining to Elected Officials and appointed Members of Boards and Commissions and establishing a complaint procedures.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to remove this item from the agenda and be placed on a future agenda. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 7-0.

13. Adjournment.

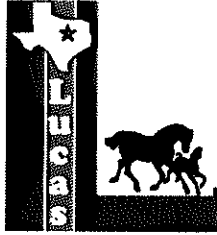
MOTION: Councilmember Wayne Millsap made a Motion to adjourn the meeting at 10:48 p.m. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 7-0.

These minutes were approved by a majority vote of the City Council on February 5, 2015.

Rebecca Mark
Mayor

ATTEST:

Jennifer Clark, TRMC
Administrative Assistant



**City of Lucas
City Council Regular Meeting
February 5, 2015**

Name & Title of Requestor: City Manager Joni Clarke
HR Manager Cheryl Meehan
Finance Director Liz Exum

Agenda Item:

Consider the City of Lucas compensation market analysis and benefit survey including:

- a. Presentation by Wendi Delgado regarding the results of the comprehensive market salary analysis and benefit survey with discussion related to benefit levels and compensation strategies.
- b. Consider implementation of compensation strategies, benefits enhancements, and funding plan and provide guidance to staff.

Background Information:

The City of Lucas contracted with Wendi Delgado of Delgado Consulting to perform the following specific services for the City of Lucas in November of 2014.

- A market salary survey will be completed for all twenty-two positions employed by Client using data supplied by the eight benchmark cities selected by Client.
- A benefit survey will be completed using data supplied by the eight benchmark cities selected by Client.
- If the market salary survey reveals deficiencies regarding current compensation levels a compensation strategy will be formulated to increase these salary deficiencies to one hundred percent of the average market rate.
- A pay scale will be created to assign positions to the appropriate level taking into consideration the internal organizational structure of the Client.
- A presentation was presented to Client on November 20th, 2014 regarding the services provided.

Option 2: Viable and recommended for consideration.

Option 3: Viable and recommended for consideration.

Motion:

I make a motion to approve/deny Option # _____ of the compensation strategies for the implementation of the market adjustments.

I make a motion to direct staff to draft the necessary policies to put into effect the _____ benefits enhancements to be effective on October 1, 2015.

- A presentation will be developed and presented to Client on February 5th, 2015 regarding the completion of services provided.

Attachments/Supporting Documentation:

1. Summary of Findings report prepared by Wendy Delgado.
2. City of Lucas Market Study Funding Strategy spreadsheet for market adjustments prepared by Finance Director Liz Exum.

Budget/Financial Impact:

The cost of providing the services outlined in the professional services agreement with Consultant Wendi Delgado is \$6,880.

Three possible options were developed to implement market compensation adjustments based on data obtained from benchmark cities:

<u>Option 1:</u>	100% Market Adjustment	Year 1	\$205,321
<u>Option 2:</u>	90% Market Adjustment	Year 1	\$62,766
	10% Remaining Adjustment	Year 2	\$142,555
<u>Option 3:</u>	100% Market Non-exempt & 85% Exempt	Year 1	\$122,734
	15% Remaining Adjustment Exempt	Year 2	\$82,587

The current fiscal year (14/15) budget has resources allocated and available to fund 95% of the market adjustment. It is important to note that the proposed adjustments to compensation will increase the costs of overtime pay.

Recommendation:

This presentation and agenda item is to ensure that the City Council has an opportunity to ask any questions related to the results and recommendations related to the Market Salary Survey, Pay Scale, Compensation strategy, and Benefit information presented by Wendi Delgado.

Staff recommendations for market adjustment strategies:

Option 1: Feasible but not recommended – Additional resources would be required.

Statement of Findings (City of Lucas, TX)

Wendi J. Delgado was contracted by the City of Lucas on November 7th, 2014 to perform the following professional services:

- A market survey to be completed for all twenty-two positions employed by the City of Lucas using data supplied by the eight benchmark cities.
- A benefit survey to be completed utilizing data supplied by the eight benchmark cities.
- If the market survey reveals deficiencies regarding current compensation levels a compensation strategy will be formulated to increase these salary deficiencies to one hundred percent of the average market rate.
- A pay scale will be created to assign positions to the appropriate level taking into consideration the internal structure of the City.
- A presentation will be developed and presented to the City of Lucas on November 20th, 2014 regarding the services provided.
- A presentation will be developed and presented to the City of Lucas on February 5th, 2015 regarding the completion of services provided.

Step 1: Collected Data:

Compensation and benefit data was collected from the eight benchmark cities selected by the City of Lucas City Council:

Celina, TX
Fairview, TX
Fate, TX
Melissa, TX
Parker, TX
Prosper, TX
Sunnyvale, TX
Trophy Club, TX

Step 2: Analyzed Data:

Data was collected and analyzed from the eight cities selected by the City Council to determine fair and competitive pay rates for the City of Lucas. Job descriptions were reviewed with a focus on the essential functions which includes the staffing levels of each position regardless of the title to determine the appropriate pay rate to assign. The highest and lowest pay rates reported were removed from the survey numbers before the average pay rate was determined.

Step 3: Pay Scale

A pay scale was created based on the results of the compensation survey that is competitive in the market and also addresses the internal organizational structure of the City. The pay scale includes:

Midpoint = 100% of Market Average
Minimum = 85% of Market Average
Maximum = 115% of Market Average

Step 4: Compensation Strategy

A compensation strategy has been developed based on the results of the survey to address the positions that are currently paid below the average market rate.

- This strategy will allow the City Council to approve phases as funding becomes available.
- This type of strategy is one that treats the entire organization as a whole and will treat employees fairly across departments.

Step 5: Benefit Survey

A comprehensive benefit survey was conducted to provide the City an overall picture of the current benefits offered to employees vs. the level of benefits offered by the eight benchmark cities

Items Surveyed:

- Retirement Plans to Include City Contribution Levels
- Medical, Dental and Vision Plan Summaries and City Contribution Levels
- Supplemental Benefits and City Contribution Levels
- Vacation, Sick, Personal, Bereavement and Holiday Leave
- Education/Tuition Assistance
- Employee Assistance Programs

Step 6: Conclusions and Findings

A packet has been provided to each of you with the following:

- Salary Survey
- Certification Pay Survey
- Benefit Survey
- Pay Scale
- Compensation Strategy (3 options)

Benefit Findings

The benefit survey tells us that the City of Lucas offers competitive Vacation Leave, Longevity Pay, Holiday Leave, Bereavement Leave, Medical, Dental, Vision and Retirement options for its employees. Gaps in the benefit package are detailed below.

1. Life Insurance:
 - The City of Lucas offers \$10,000 of life insurance to its employees.
 - The majority of the benchmark cities offer ranges closer to one times the annual salary or an average of \$50,000.
2. Accidental Death and Dismemberment:
 - The City of Lucas does not provide this benefit.
 - All benchmark cities provide this benefit.

3. Long-Term Disability:
 - The City of Lucas does not provide this benefit.
 - Five of the benchmark cities provide this benefit.
4. Short-Term Disability:
 - The City of Lucas currently provides this benefit.
 - One benchmark city provides short-term disability to their employees.
5. Sick Leave:
 - The City of Lucas offers 6 sick days per year.
 - The majority of benchmark cities offer 12 sick days per year.
6. Employee Assistance Programs:
 - The City of Lucas does not provide this benefit.
 - Four of the benchmark cities offer this benefit and four do not.
7. Education Assistance Programs:
 - The City of Lucas does not provide this benefit.
 - Five of the eight benchmark cities offer education assistance to their employees.

Benefit Changes for the City Council to Consider:

1. Increase life insurance from \$10,000 to \$50,000.
2. Include an AD&D policy that matches the life insurance amount of \$50,000.
3. Discontinue the short-term disability benefit and offer a long-term disability benefit in its place. *(only recommended if #4 below is approved)*
4. Adopt a Sick Leave policy that increases the number of sick days from 6 days per year to 12. Employees can accrue sick leave up to 720 hours (90 days) which would parallel with the Family Medical Leave Act. Accrued Sick Leave will not be paid out at the time of termination or resignation.
5. Discuss Education Assistance and Employee Assistance Programs internally to determine if this benefit would be utilized if considered for the City of Lucas employees.
6. Evaluate additional Fire Department certification pay and include additional certification pay for Water Licenses.

Compensation Survey Findings

The compensation survey shows the following:

1. Sixteen positions are currently paid below the average market rate.
2. Two positions are currently paid at the average market rate.
3. Information was not available related to the Fire Fighter-EMT position. The City's surveyed only employee Fire Fighter-Paramedics and that data is included. The current rate paid by the City of Lucas is an acceptable pay rate based on the internal Fire Department structure.
4. Information was not available related to the EMS Officer. The pay rate listed is based on the internal Fire Department Structure and the other Fire Department position pay rates surveyed.

Compensation Strategy

A compensation strategy was created and included that addresses the compensation gaps. The total amount required to bring all positions to the average market rate is \$177,844. Please take it into consideration that increasing employee pay rates will also increase benefit costs that are related to salary rate such as the retirement program (Texas Municipal Retirement System).

Three different compensation strategies have been included:

Option 1 – Fund 100% in 2015.

Option 2 – Fund 90% in current year and the remaining 10% in year two for all employees.

Option 3 – Fund 100% for nonexempt positions and 85% for exempt positions in current year and the remaining 15% for exempt positions in year two.

The City Manager's Salary is set by the City Council of Lucas through a contract and is not included in the totals listed.

End of Report

City of Lucas
Market Study
Funding Strategy

		YEAR ONE	Salary	TMRS	Medicare	Total
Option 1	100% of Mid-point		\$ 177,844.00	\$ 24,898.16	\$ 2,578.74	\$ 205,320.90
Option 2	90 % of Market	YEAR ONE	\$ 54,366.00	\$ 7,611.24	\$ 788.31	\$ 62,765.55
	10 % Remaining	YEAR TWO	\$ 123,478.00	\$ 17,286.92	\$ 1,790.43	\$ 142,555.35
	Total		\$ 177,844.00	\$ 24,898.16	\$ 2,578.74	\$ 205,320.90
Option 3	100% Non-Exempt/85% Exempt	YEAR ONE	\$ 106,309.00	\$ 14,883.26	\$ 1,541.48	\$ 122,733.74
	15% Remaining - Exempt	YEAR TWO	\$ 71,535.00	\$ 10,014.90	\$ 1,037.26	\$ 82,587.16
	Total		\$ 177,844.00	\$ 24,898.16	\$ 2,578.74	\$ 205,320.90

Funding for Year One: FY 14-15

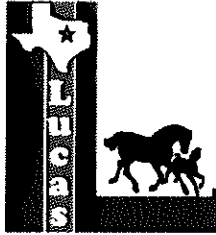
Included in FY 14-15 Budget:

General Fund Salary adjustments	\$ 63,469.00
Water Fund Salary adjustments	\$ 22,427.00
Budget Overage General Fund	\$ 241,631.00
Minus Seis Lagos Revenue contract cancellation	\$ (132,345.00)
Minus County Funding for Fire Department	\$ (37,000.00)
Total available for funding year one	\$ 158,182.00

Funding for Year Two: FY 15-16

One time expenditures that occurred in FY 14-15 include:

Comp Plan Professional Fees Development Services	\$ 54,000.00
Building Improvements/Storage/Pavillion/New offices	\$ 59,109.00
Professional Services Street Assessments Public Works	\$ 57,000.00
Total available for funding year two	\$ 170,109.00



City of Lucas City Council Regular Meeting February 5, 2015

Name & Title: Development Services Director Joe Hilbourn

Agenda Item:

Consider Ordinance #2015-01-00806 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 6 titled "Health and Sanitation" by amending Article 6.02 titled "Dumping or Depositing Garbage, Junk or Refuse"; by amending Section 6.02.001 titled "Definitions"; by amending section 6.02.002 titled "Prohibited Acts" to include erosion of soil or stagnant water; by amending Article 6.03 titled "High Grass and Weeds"; titled "Duty to Cut and Mow"; and any adding Article 6.06 titled "Rodent Harborage" to provide regulations to prevent rodent harborage or infestation; providing a repealing clause; providing 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.

Background Information:

Health and sanitation of the city is a very important part of code compliance and one of the main reasons a Code Enforcement Officer is employed by the City. Over the past few years we have kept a list of reoccurring concerns that were not addressed by the City's Code of Ordinances like black water in a swimming pool, or rodent harborage, we really do not have a code section prohibiting this. When these items come up we use another code section that truly does not fit to prohibit the problem. Code Enforcement is asking to update the City's Code of Ordinances to take care of some of these types of complaints.

Attachments/Supporting Documentation:

1. Ordinance 2015-01-00806

Budget/Financial Impact:

N/A

Recommendation:

Approve as presented.

Motion

I make a motion to approve/deny Ordinance #2015-01-00806 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 6 titled "Health and Sanitation" by amending Article 6.02 titled "Dumping or Depositing Garbage, Junk or Refuse"; by amending Section 6.02.001 titled "Definitions"; by amending section 6.02.002 titled "Prohibited Acts" to include erosion of soil or stagnant water; by amending Article 6.03 titled "High Grass and Weeds"; titled "Duty to Cut and Mow"; and any adding Article 6.06 titled "Rodent Harborage" to provide regulations to prevent rodent harborage or infestation; providing a repealing clause; providing 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.

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input checked="" type="checkbox"/>	Code of Ordinances
<input type="checkbox"/>	Other

ORDINANCE # 2015-01-00806
[AMENDING CODE OF ORDINANCE CHAPTER 6, HEALTH AND SANITATION]

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6 TITLED "HEALTH AND SANITATION" BY AMENDING ARTICLE 6.02 TITLED "DUMPING OR DEPOSITING GARBAGE, JUNK OR REFUSE" BY AMENDING SECTION 6.02.001 TITLED "DEFINITIONS"; BY AMENDING SECTION 6.02.002 TITLED "PROHIBITED ACTS" TO INCLUDE EROSION OF SOIL OR STAGNANT WATER; BY AMENDING ARTICLE 6.03 TITLED "HIGH GRASS AND WEEDS" TITLED "DUTY TO CUT AND MOW"; AND BY ADDING ARTICLE 6.06 TITLED "RODENT HARBORAGE" TO PROVIDE REGULATIONS TO PREVENT RODENT HARBORAGE OR INFESTATION; PROVIDING A REPEALING CLAUSE; PROVIDING 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.

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

Section 1. That the Code of Ordinances of the City of Lucas, Texas be, and the same is, hereby amended by amending Chapter 6 titled "Health and Sanitation", to read as follows:

"CHAPTER 6

HEALTH AND SANITATION

...

ARTICLE 6.02 DUMPING OR DEPOSITING GARBAGE, JUNK OR REFUSE

Sec. 6.02.001 Definitions

The following terms, as herein defined, shall control in the consideration and enforcement of this article:

Approved. Approved by the code official.

Code official. The official and their designee(s) who are charged with the administration and enforcement of this chapter, or any other person authorized by the City Manager.

Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

...

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Public Way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Premises. A lot, plot or parcel of land, easement or public way, including any structures thereon.

...

Sec. 6.02.002 Prohibited Acts

(a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the city, including any adjacent and contiguous rights-of-way or easements, to permit, allow, or dump any objectionable, unsightly, or unsanitary refuse, garbage, rubbish or junk, as defined herein, on any real property in the city, including any contiguous right-of-way or easement, or to permit or allow the accumulation of any objectionable, unsanitary, hazardous or unsightly refuse, garbage, rubbish or junk, as defined herein, on any real property in the city, including any adjacent and contiguous rights-of-way or easements. The unlawful acts described in this section are declared by the city to be a nuisance per se unless such refuse, garbage, rubbish or junk is deposited in a properly maintained landfill operated or licensed by the city.

(b) No person, corporation or political subdivision shall transport junk, refuse or garbage in any manner over and upon any street or highway in such a manner that it is strewn upon and along such street or highway.

(c) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the city, including any adjacent and contiguous rights-of-way or easements, to permit or allow the grade of the premises to promote erosion of soil or, except for approved retention areas and reservoirs, to allow the accumulation of stagnant water thereon in such a condition that harbors mosquitoes or mosquito larva , or to accumulate within any structure

located thereon or on any real property in the city, including any adjacent and contiguous rights-of-way or easements.

(d) The unlawful acts described in this section are declared by the city to be a nuisance per se unless such refuse, garbage, rubbish or junk is deposited in a properly maintained landfill, or in the case of drainage issues, unless the premises is graded and maintained to prevent soil erosion and accumulation of stagnant water.

(e) It shall be unlawful for the owner or occupant of property to fail to maintain any pool or spa on premise without sufficient clarity to permit a distinct view of the main drain from outside the pool and/or spa.. (f) Water maintained in artificial ponds shall be maintained in such a condition that they are not harboring mosquitoes or mosquito larva.

...

ARTICLE 6.03 HIGH GRASS AND WEEDS

Sec. 6.03.001 Prohibited

(a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the city, to permit weeds or grass, save and except crops that are regularly cultivated, to grow to a greater height than twelve (12) inches upon any such real property within one hundred fifty (150) feet of any property line which abuts street rights-of-way, developed property or any buildings or other structures.

(b)

Sec. 6.03.002 Duty to cut and remove

It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property to cut and remove all such grass or weeds as often as may be necessary to comply with section 6.03.001; provided that the removing and cutting of same at least once in every thirty (30) days shall be deemed in compliance with this article.

...

ARTICLE 6.06 RODENT HARBORAGE

Sec. 6.06.001 Definitions

The following terms, as defined herein, shall control in the consideration and enforcement of this article:

Exterior property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Infestation. The presence, within or contiguous to, a structure or premises of rats, or common field mice.

Sec. 6.06.002

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. Brush and burn piles are exempt from the provisions of this section 6.06.002.

...”

Section 2. All ordinances of the City of Lucas in conflict with the provisions of this Ordinance shall be, and same are hereby, repealed, provided, however, that all other provisions of said Ordinances that are not in conflict herewith shall remain in full force and effect.

Section 3. 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. An offense committed before the effective date of the Ordinance is governed by prior law and the provisions of the City of Lucas Code of Ordinances in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 5. 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 City of Lucas Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 6. 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 5 DAY OF FEBRUARY, 2015.

APPROVED:

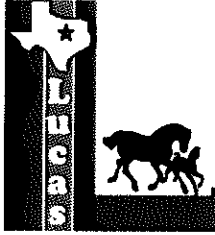
Rebecca Mark, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(12-19-14/69491)

Joni Clarke, Interim City Secretary



City of Lucas City Council Regular Meeting February 5, 2015

Name & Title: Development Services Director Joe Hilbourn

Agenda Item:

Consider Ordinance #2015-02-00810 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 4 "Business Regulations" by repealing Article 4.02 "Peddlers" by providing a new Article 4.02 titled "Solicitors and Canvassers"; establishing regulations governing solicitation; providing definitions; establishing a permit requirement; establishing a permit fee; prohibiting solicitation in the roadway and from public property adjacent to the roadway; prohibiting specific activities and conduct related to solicitation; regulating the hours for solicitation; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of fine not to exceed the sum of five hundred (\$500.00) dollars; and providing for an effective date.

Background Information:

Solicitation has not been a large issue in the city in the past. Staff is concerned with the growing commercial businesses in the city that the frequency of solicitation type events will increase. In the past when staff has received a complaint about solicitation or a request for permit to allow solicitation/peddling we have interpreted the code section to include transporting solicitors to and around the city. Staff is concerned that at some point we are going to be called on this nebulous interpretation.

Current peddling ordinances in its entirety. Sec. 4.02.001 Peddling from motor vehicle

(a) Definitions.

Motor vehicle. Any self-propelled land vehicle which can be used or has been adapted for the transporting or carrying of food, beverages or general merchandise to be sold or offered for sale to the public. In the context of this section, "motor vehicle" shall include any trailer or wagon which is towed or pulled from place to

place for the purpose of selling or offering for sale any food, beverage or general merchandise to the general public.

(b) Prohibited locations. It shall be unlawful to sell or offer to sell any food or beverage for human consumption, or any general merchandise, to the public from any motor vehicle as defined herein while said motor vehicle is on any public street, road, easement or right-of-way.

Attachments/Supporting Documentation:

1. Ordinance 2015-02-00810

Budget/Financial Impact:

N/A

Recommendation:

Approve as presented.

Motion

I make a motion to approve/deny Ordinance #2015-02-00810 of the City of Lucas, Texas, amending the Code of Ordinances by amending Chapter 4 "Business Regulations" by repealing Article 4.02 "Peddlers" by providing a new Article 4.02 titled "Solicitors and Canvassers"; establishing regulations governing solicitation; providing definitions; establishing a permit requirement; establishing a permit fee; prohibiting solicitation in the roadway and from public property adjacent to the roadway; prohibiting specific activities and conduct related to solicitation; regulating the hours for solicitation; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of fine not to exceed the sum of five hundred (\$500.00) dollars; and providing for an effective date.

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input checked="" type="checkbox"/>	Code of Ordinances
<input type="checkbox"/>	Other

**ORDINANCE # 2015-02-00810
[REPEALING AND REPLACING ARTICLE 4.02 OF
CODE OF ORDINANCES]**

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 4 “BUSINESS REGULATIONS” BY REPEALING ARTICLE 4.02 “PEDDLERS” BY PROVIDING A NEW ARTICLE 4.02 TITLED “SOLICITORS AND CANVASSERS”; ESTABLISHING REGULATIONS GOVERNING SOLICITATION; PROVIDING DEFINITIONS; ESTABLISHING A PERMIT REQUIREMENT; ESTABLISHING A PERMIT FEE; PROHIBITING SOLICITATION IN THE ROADWAY AND FROM PUBLIC PROPERTY ADJACENT TO THE ROADWAY; PROHIBITING SPECIFIC ACTIVITIES AND CONDUCT RELATED TO SOLICITATION; REGULATING THE HOURS FOR SOLICITATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that solicitation in the roadway and from public property adjacent to the roadway causes distraction for drivers and is a safety hazard; and

WHEREAS, the City Council has determined that it is in the public interest to regulate solicitation in the roadway for the purpose of protecting the interest of the health, safety and welfare of the citizens; and

WHEREAS, the City Council finds that the regulation of solicitation is in the best interest of the health, safety and welfare of the citizens of the City of Lucas.

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

Section 1. That Chapter 4, Article 4.02 “Peddlers” of the Code of Ordinances of the City of Lucas, Texas is hereby repealed in its entirety and replaced by a new Section 4.02 titled “Solicitors and Canvassers”, to read as follows:

“CHAPTER 4

BUSINESS REGULATIONS

...

ARTICLE 4.02 SOLICITORS AND CANVASSERS

Sec 4.02.001 Definitions

The following terms, as herein defined, shall control in the consideration and enforcement of this article:

Canvasser. A person who attempts to make personal contact with a person at a residence without prior specific invitation or appointment from the residence for the primary purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause.

Charitable purpose. Philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution. "Charitable purpose" shall not be construed to include the direct benefit of the individual making the solicitation. "Charitable purpose" shall not be construed to include the benefit of any political group or political organization which is subject to financial disclosure under state or federal law.

Consumer. An individual who seeks or acquires real or personal property, services, money or credit for personal, family or household purposes.

Consumer transaction. A sales transaction in which one or more of the parties is a consumer.

Goods. Property of any kind.

Home solicitation transaction. A consumer transaction for the purchase of goods, services or realty, payable in installments or in cash, in which the merchant engages in a personal solicitation of the sale to the consumer at a residence, and the consumer's agreement or offer to purchase is given at the residence to the merchant. A home solicitation transaction shall not include a sale made pursuant to a preexisting revolving charge account or retail charge agreement; or a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale; or a sale of realty in which transaction the purchaser is represented by a licensed attorney or in which the transaction is being negotiated by a licensed real estate broker.

Public property.

- (1) Any property open or devoted to public use or owned by the city; and
- (2) Any area dedicated to the public use for sidewalk, street, highway, or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, sidewalk, alley, drive, or public right-of-way.

Residence. Any separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

Roadway. As defined in Chapter 541, Texas Transportation Code.

Services. Any work done for the benefit of another person.

Solicit or solicitation. To ask, beg or plead, whether orally or in a written or printed manner for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

Solicit funds or solicitation of funds. Any request for money, property or anything of value; or the pledge of future money, property or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications. Expressly excluded from the meaning of "solicit funds" or "solicitation of funds" is any offer of membership in any organization. A solicitation of funds is complete when the solicitation is communicated to any individual then located within the corporate limits of the city.

Vehicle. As defined in Chapter 541, Texas Transportation Code.

Sec. 4.02.002 Hours of solicitation

Solicitation shall occur only during the time that is one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset. This provision does not apply where the solicitor is on the property by express, prior invitation of the owner of the property or a person residing on the premises.

Sec. 4.02.003 Solicitation and handbill distribution on private property

(a) A person desiring that no person conduct solicitation, home solicitation transaction, charitable solicitation, solicitation of funds, the placement of handbills or other advertisements, or canvassing for any cause at such person's residence shall exhibit in a conspicuous place upon or near the main entrance to the residence a weatherproof card, not less than (3) three inches by (4) four inches in size, containing the words "NO SOLICITORS" or similar language. The letters shall not be less than (2/3) two-thirds of an inch in height.

(b) Every merchant going onto any premises upon which a residence is located shall first examine the residence to determine if any notice prohibiting soliciting is exhibited upon or near the main entrance to the residence. If notice prohibiting soliciting is exhibited, the merchant shall immediately depart from the premises without disturbing the occupant, unless the visit is the result of a request made by the occupant.

(c) It shall be unlawful for any person to go upon any residential premises and ring the doorbell, or rap or knock upon the door, or create any sound in a manner calculated to attract the

attention of the occupant of the residence for the purpose of securing an audience with the occupant and engaging in or attempting to engage in a solicitation, home solicitation transaction, charitable solicitation, placement of handbills, or other advertisement, solicit funds, or to canvass for any cause, if a card as described in subsection (1) is exhibited in a conspicuous place upon or near the main entrance to the residence, unless the visit is a result of a request by the occupant.

(d) It shall be unlawful for any person, handbill distributor, or sponsor, to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill or other advertisement upon any residential property or motor vehicles except by handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such private premises or by placing or depositing the same in a manner to secure and prevent such handbills from being blown or drifting about the premises. It shall be unlawful for any person to attach handbills to the door of any residence in any manner except by the use of rubber bands. No handbills may be tacked, glued or taped to the premise of the residence. No handbills may be attached or place on any motor vehicles on private or public property.

(e) The name of the commercial handbill distributor or sponsor shall be clearly printed on each handbill or other advertisement that is distributed.

Sec. 4.02.004 Permit required

(a) No person, directly or through an agent, shall solicit funds, engage in a home solicitation transaction, or solicit in person from house to house in the city to sell or attempt to sell goods, merchandise, wares, services or anything of value or to take or attempt to take orders for the future delivery of goods, merchandise, wares or any personal property of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed in the future, or to distribute commercial handbills or other advertisements on private property, without first having obtained a permit.

(b) It shall be unlawful for any person to sell or solicit in the city without carrying the permit required by this Section on his person, in plain view, clearly displayed and recognizable, while engaged in such soliciting or selling. It shall be unlawful for any solicitor to fail or refuse to display such permit upon the request of any person.

(c) A canvasser is not required to obtain a permit.

(d) Application and required information. Any person desiring to solicit, solicit funds, make home solicitation transactions or distribute commercial handbills or other advertisements on private property within the city shall make written application, on a form provided by the city to the chief of police for a permit which shall include at least the following:

- (1) The name of the person applying and desiring to make home solicitations.
- (2) Whether the person registering is a natural person, partnership, corporation or association; and

- (A) if a natural person, the business or residence address and telephone number;
 - (B) if a partnership, the name of all partners and the principal business address and telephone number of each partner;
 - (C) if a corporation, the person registering must state whether it is organized under the laws of the state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation; or
 - (D) if an association, then show the association's principal business address and telephone number, if any, and show the names and principal business or residence addresses and telephone numbers of all members of the association unless they exceed ten in number, in which case the application shall so state and the person registering may alternatively list names and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association. If the association is part of a multistate organization or association, the mailing address and business location of its central office shall be given in addition to the mailing address and business location of its local office.
- (3) The names, mailing addresses and telephone numbers of all individuals who will be in direct charge or control of the solicitation of funds.
 - (4) The time period within which the solicitation of funds is to be made, giving the date of the beginning of solicitation and its projected conclusion, and how often the applicant will solicit during the year.
 - (5) A description of the methods and means by which the solicitation of funds is to be accomplished.
 - (6) Names of other communities in which the applicant has made home solicitations in the past six months.
 - (7) The nature of the merchandise to be sold or offered for sale, or the nature of the service to be furnished.
 - (8) Whether such applicant, upon any such order obtained, will demand, accept or receive payment or the deposit of money in advance of final delivery.
 - (9) If the applicant is unable to provide any of the foregoing information, an explanation of the reasons why such information is not available.

- (10) Name, address, telephone number and Social Security number of each adult who will be responsible for supervising any juvenile solicitor (under 17 years of age).
- (11) Whether the applicant, or any person employed by applicant to solicit, has ever been convicted of a felony or a misdemeanor involving moral turpitude.

(e) Signatures. The application must be signed by the applicant, if the person is an individual; if the person applying is a partnership, by the partner charged with the disbursing of funds solicited; and if the person applying is a corporation or an association, by its officer charged with disbursing the funds solicited. The individual signing the application shall sign and swear before an officer authorized to administer oaths that he has carefully read the application and that all the information contained therein is true and correct.

(f) Required fee. The application shall be accompanied by a nonrefundable registration fee of \$30.00 plus an additional \$10.00 will be required for each person soliciting, making home solicitations and distributing commercial handbills to compensate the City for the cost of administering this Section. A fee is not required for charitable solicitations or soliciting for charitable purposes.

(g) Exemptions from fee provisions. The fees required by this Section shall not be required of ordinary commercial travelers to sell or exhibit for sale goods, wares or merchandise to persons selling or dealing in the same within the city, and individuals operating under licenses granted by a state agency or dealing in interstate commerce.

(h) Permit duration. A permit requested under this section shall be issued for the length of time requested, not to exceed 90 days.

(i) Appeal from denial or revocation of permit. Should an applicant be denied a permit or have a permit revoked, the applicant may appeal that action to the city manager or his designee by submitting a letter to the city secretary within ten (10) days of action complained of. A hearing on the denial will then be scheduled within seven (7) days of receipt of the appeal, to be held within fifteen (15) days. The city manager, or his designee, shall render a decision on the appeal within three (3) days of the date of the hearing. The decision of the city manager, or his designee, shall be final.

Sec. 4.02.005 Solicitations to occupants of vehicles on public roadways prohibited

(a) Except as provided in this section, a person commits an offense if, while occupying any roadway, traffic median or public property adjacent to any public roadway in the city, such person knowingly conducts a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.

(b) Exceptions to this section are limited to:

- (1) Summoning aid or requesting assistance in an emergency situation;
- (2) A law enforcement officer in the performance of official duties; or
- (3) The solicitor has been granted the authority pursuant to Section 552.0071 of the Texas Transportation Code.

Sec. 4.02.006 Penalties

Any person violating any provision of this Section or failing to observe any provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1.01.009 of this Code of Ordinances.”

Section 2. That all provisions of the Ordinances of the City of Lucas, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and that all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, 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 Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 5. That any person 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 of the City of Lucas as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

Section 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS,
COLLIN COUNTY, TEXAS, ON THIS 5 DAY OF FEBRUARY, 2015.**

APPROVED:

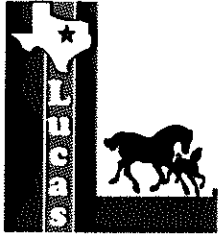
Rebecca Mark, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(01-09-15/69682)

Joni Clarke, Interim City Secretary



**City of Lucas
City Council Regular Meeting
February 5, 2015**

Name & Title: Development Services Director Joe Hilbourn

Agenda Item

Consider approval of preliminary plat for the Pennington Addition creating Lot 1 Block A, being a 5.928 tract of land situated in the William Snider Survey, Abstract number 821. This tract of land is located just to the west of the Fox Glen Subdivision.

Background Information

1. The plat creates one (1) 5.928 tract of land
2. Property's current zoning is C
3. 1 lot
4. Due to Right of Way (ROW) dedication this is not a staff approved plat
5. Lot will require detention
6. This plat is an administrative approval.

Future items that will require consideration that are not part of the plat consideration:

1. Site plan
2. Landscape plan
3. Specific Use Permit
4. Proposed future use is a conditioned self-storage 90,000 square feet, unconditioned self-storage 35,000 square feet.

Attachments/Supporting Documentation

1. Preliminary Plat

Budget/Financial Impact

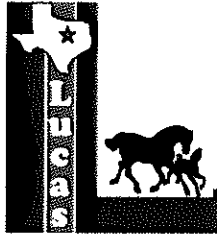
N/A

Recommendation

Approve as presented.

Motion

I make a motion to approve/deny a preliminary plat for the Pennington Addition creating Lot 1 Block A, being a 5.928 tract of land situated in the William Snider Survey, Abstract number 821. This tract of land is located just to the west of the Fox Glen Subdivision.



**City of Lucas
Council Agenda Request
February 5, 2015**

Name & Title: City Manager Joni Clarke

Agenda Item:

Consider accepting the resignation of Jim Olk, Councilmember for the City of Lucas Seat 2, with a term expiring in May of 2017.

Background Information:

Attachments/Supporting Documentation:

1. Jim Olk's resignation letter

Budget/Financial Impact:

N/A

Recommendation:

Approve as presented.

Motion:

I make a motion to approve/deny accepting the resignation of Jim Olk, Councilmember for the City of Lucas Seat 2, with a term expiring in May of 2017.

Mayor Rebecca Mark
City of Lucas
665 Country Club
Lucas, Texas 75002

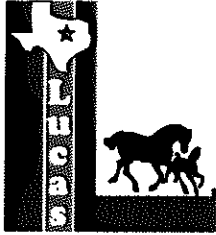
Dear Mayor Mark,

Pursuant to Section 3.08 (1) of the Home Rule Charter of the City of Lucas; this letter is attached to my ballot application to be placed on the ballot for the position of Mayor. This letter is intended to serve as my resignation from City Council Seat #2 as required by said section. This resignation shall be effective Election Day May 5th, 2015.

Thank You

A handwritten signature in black ink, appearing to read "Jim Olk". The signature is fluid and cursive, with a large initial "J" and "O".

Jim Olk
Lucas City Councilmember Seat #2



**City of Lucas
Council Agenda Request
February 5, 2015**

Name & Title: City Manager Joni Clarke

Agenda Item:

Consider the approval of Ordinance # 2015-02-00809 of the City Council of the City of Lucas, Collin County, Texas, ordering a general election to be held on May 9, 2015, for the purpose of electing the Mayor and two (2) City Councilmember's for Seat no. 3 and for Seat no. 4; and ordering a special election for the City of Lucas, to be held on May 9, 2015, for the purpose of electing a City Councilmember to fill a vacancy for the unexpired term for Seat no. 2; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement.

Background Information:

Attachments/Supporting Documentation:

1. Ordinance # 2015-02-00809

Budget/Financial Impact:

Recommendation:

Approve as presented.

Motion:

I make a motion to approve/deny Ordinance # 2015-02-00809 of the City Council of the City of Lucas, Collin County, Texas, ordering a general election to be held on May 9, 2015, for the purpose of electing the Mayor and two (2) City Councilmember's for Seat no. 3 and for Seat no. 4; and ordering a special

election for the City of Lucas, to be held on May 9, 2015, for the purpose of electing a City Councilmember to fill a vacancy for the unexpired term for Seat no. 2; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement.

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input type="checkbox"/>	Code of Ordinances
<input checked="" type="checkbox"/>	Other

ORDINANCE # 2015-02-00809
[Calling for May 9, 2015 General and Special Election]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 9, 2015, FOR THE PURPOSE OF ELECTING THE MAYOR AND TWO (2) CITY COUNCILMEMBERS FOR SEAT NO. 3 AND SEAT NO. 4; AND ORDERING A SPECIAL ELECTION FOR THE CITY OF LUCAS, TO BE HELD ON MAY 9, 2015, FOR THE PURPOSE OF ELECTING A CITY COUNCILMEMBER TO FILL A VACANCY FOR THE UNEXPIRED TERM FOR SEAT NO. 2; DESIGNATING LOCATION OF POLLING PLACE; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AUTHORIZING EXECUTION OF JOINT ELECTION AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. A General and Special election is hereby ordered for May 9 2015, for the purpose of electing the Mayor and two (2) Lucas City Councilmembers for Seat No. 3 and Seat No. 4, each such term being for a period of three (3) years; and, for the purpose of electing a Councilmember to fill the vacancy for the unexpired term for Seat No. 2. The filing period for the General Election shall begin on January 28, 2015, and end on February 27, 2015, at 5:00 p.m. in accordance with State Law.

Section 2. Pursuant to the Joint Election Agreement, the Elections Administrator of Collin County shall serve as Elections Administrator for the election. Presiding Election Judges and Alternate Presiding Election Judges appointed to serve the authorized polling places and the early voting clerk and deputy early voting clerks shall be those election officials furnished by the Elections Administrator from the list of proposed election judges as required in the Elections Services Contract. The City Manager and City Secretary are hereby authorized to execute an Elections Services Contract with the Collin County Elections Department for the General Election on May 9, 2015. The City Secretary shall have further authority to approve any minor modifications as may be necessary in the best interest of the City. A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

Section 3. Notice of the General and Special Election shall be posted on the bulletin board used to post notice of the City Council meetings and be published in a newspaper of general circulation in the City. That said Notice must be published at least once, not earlier than the 30th day nor later than the 10th day, before Election Day as provided in Section 4.003(a)(1) of the Texas Election Code. A copy of the published Notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the Notice shall make a record of the time of posting, starting date, and the place of posting.

Section 4. The entire City shall constitute one election precinct for this election and Lucas City Hall located at 665 Country Club Road, Lucas, Texas is hereby designated the polling place. The election officers and maximum number of clerks for said polling place shall be determined and appointed in accordance with the provisions of the Contract.

On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

Early voting by personal appearance shall also be conducted at Lucas City Hall located at 665 Country Club Road, Lucas, Texas. City of Lucas voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration. If the election services contract with the Collin County Elections Administrator revises the polling places listed previously, the City will utilize the polling places designated in said Election Services Contract, as the same may be amended from time to time.

Applications for ballot by mail shall be received and processed by the Collin County Elections Administrator, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75069. Applications for ballots by mail must be received no later than the close of business on May 1, 2015.

Early voting for the General and Special Election shall begin on Monday, April 27, 2015, and end Tuesday, May 5, 2015, and the dates and hours designated for early voting by personal appearance at the early voting locations shall be as set forth below:

Dates	Hours
Monday, April 27, 2015 Through Wednesday, April 29, 2015	8:00 A.M. to 5:00 P.M.
Thursday, April 30, 2015	8:00 A.M. to 7:00 P.M.
Friday, May 1, 2015 and Saturday, May 2, 2015	8:00 A.M. to 5:00 P.M.
Monday, May 4, 2015 and Tuesday, May 5, 2015	7:00 A.M. to 7:00 P.M.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Contract.

Section 5. The City Secretary shall present the General and Special Election returns to the City Council at a Council meeting for the canvassing of said election in accordance with the Texas Election Code. The candidate for Mayor and Councilmember for Seat No. 3; Councilmember for Seat No. 4; and Councilmember for the unexpired term for Seat No. 2 that receives a majority of valid votes by qualified voters at the election shall be declared elected. In the event no candidate receives a majority of all the votes cast for all the candidates for an office, a runoff election shall be ordered by the City Council in accordance with the Lucas City Charter and State law.

Section 6. This Ordinance shall take effect immediately upon its passage.

APPROVED AND ADOPTED by the City Council of the City of Lucas this 5 day of February, 2015.

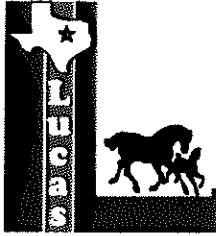
Rebecca Mark, Mayor

ATTEST:

Joni Clarke, Interim City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr.
(01-29-15/69992)



**City of Lucas
Council Agenda Request
February 5, 2015**

Name & Title: City Manager Joni Clarke

Agenda Item:

Consider Ordinance No. 2014-12-00805 Amending Chapter 1, Article 1.06, Code of Conduct of the City of Lucas Code of Ordinances regarding the General Standards of Conduct pertaining to Elected Officials and appointed Members of Boards and Commissions and establishing a complaint procedures.

Background Information:

Staff has been tasked with reviewing the Code of Ordinances and updating specific sections as required. Staff sent its suggested revisions of Chapter 1, Article 1.06 regarding the Code of Ethics to City Attorney Joe Gorfida who has reviewed the content and made any necessary changes.

Attachments/Supporting Documentation:

1. Ordinance # 2014-12-00805

Budget/Financial Impact:

N/A

Recommendation:

None

Motion:

I make a motion to approve/deny Ordinance No. 2014-12-00805 Amending Chapter 1, Article 1.06, Code of Conduct of the City of Lucas Code of Ordinances regarding the General Standards of Conduct pertaining to Elected Officials and appointed Members of Boards and Commissions and establishing a complaint procedures.

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input checked="" type="checkbox"/>	Code of Ordinances
<input type="checkbox"/>	Other

**ORDINANCE # 2014-12-00805
[AMENDING CODE OF ORDINANCE CHAPTER 1, ARTICLE 1.06,
CODE OF CONDUCT]**

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1 TITLED "GENERAL PROVISIONS" BY AMENDING ARTICLE 1.06 TITLED "CODE OF CONDUCT" BY CHANGING THE TITLE TO "CODE OF ETHICS" AND PROVIDING ETHICAL STANDARDS FOR CITY OFFICIALS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That the Code of Ordinances of the City of Lucas, Texas be, and the same is, hereby amended by amending Chapter 1 titled "General Provisions", by amending Article 1.06 titled "Code of Conduct", to read as follows:

"ARTICLE 1.06 CODE OF ETHICS

Sec. 1.06.001 Purpose

It is hereby declared to be the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible only to the people of the city; that no official shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of such person's duties in the public interest; that public office not be used for personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact a code of ethics for officials, as defined in this article, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that such officials of the city shall at all times strive to avoid even the appearance of impropriety.

Sec. 1.06.002 Title; application

This section shall be known as the code of ethics:

- (1) This code of ethics shall apply to all officials as defined in this article.

- (2) This code of ethics does not apply to employees, including those individuals employed on a full-time, part-time or internship basis (including those who may serve on a city board, committee or commission) nor to independent contractors of the city. The standards of conduct for employees are governed by the City of Lucas Personnel Policies and the city charter.
- (3) This code of ethics applies to members of all city boards, committees or commissions as defined in this article.
- (4) This code of ethics applies to the conduct or actions of public officials, as defined in this article which occurs in whole or in part after the date of adoption of this article.
- (5) This code of ethics applies to officials only while such persons hold such position or office.

Sec. 1.06.003 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them herein, except when the context clearly indicates a different meaning:

Benefit. Anything reasonably regarded as pecuniary or economic gain or pecuniary or economic advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity. Any person, entity, corporation (whether for-profit or nonprofit), general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, holding company, joint-stock company, receivership, or other entity recognized by law, whether or not organized for profit, which has an economic interest, or seeking such, in conducting business with the city. "Business entity" also includes any business entity that represents a party conducting or seeking to conduct business with the city.

City. The City of Lucas, Texas.

City council. The governing body of the city.

Confidential information. Any information to which an official has access in such person's official capacity which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. "Confidential information" includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act; (ii) any information protected by attorney client, attorney work product, or other applicable legal privilege; and (iii) any information deemed confidential by law.

Contract. Any lease, claim, account or demand against or agreement with any entity or person, whether express or implied, executed or executory, oral or written.

Corporation. Any corporation that has a board of directors appointed in whole or in part by the city council that is operating under the direct authority of or subject to the direct control of the city council.

Employee. Any person employed by the city, including those individuals on a part-time or internship basis, but does not include independent contractors.

Gift. Anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions which are regulated by federal, state, and/or local laws or ordinances.

Knowingly. A person acts knowingly, or with knowledge, with respect to the nature of the person's conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of the person's conduct whether the person is aware that the conduct is reasonably certain to cause the result.

Officer or official. Any member of the city council and any appointed member of a city board, commission or committee established by ordinance, charter, state law or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the city council. Such term includes but is not limited to the members of the city planning and zoning commission, the board of adjustment and the parks and open space board.

Relative. Any person related to an official within the second degree by consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the official.

Special privileges. A right, advantage or favor of or for a particular person, occasion or purpose not otherwise available to others.

Substantial interest.

- (1) Substantial interest in a business entity means:
 - (A) the ownership of ten percent (10%) or more of the voting stock or shares of a business entity;
 - (B) the ownership of ten percent (10%) or more, or fifteen thousand dollars (\$15,000.00) or more of the fair market value of a business entity; or
 - (C) funds received from the business entity exceed ten percent (10%) of the person's gross income for the previous year, and action on the matter

involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than fifteen thousand dollars (\$15,000.00) does not constitute a substantial interest.

- (2) Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of two thousand five hundred dollars (\$2,500.00) or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.)
- (3) An official is considered to have a substantial interest under this code of ethics if a person related to the official in the second degree of consanguinity or affinity has a substantial interest under this code of ethics.

Sec. 1.06.004 Standards of conduct

No official of the City or a relative thereof shall:

- (1) Have a financial interest, direct or indirect, in any contract with the city nor shall such person be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service. The "financial interest" contemplated under this section requires that such person receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall include:
 - (A) An ownership in the entity transacting business with the city where the ownership interest is more than ten (10) percent; or
 - (B) Compensation as an employee, official or director of the entity transacting business with the city where such compensation is affected by the entity's transaction with the city.
- (2) Participate in a vote or decision on any matter in which the official has a substantial interest.
- (3) Represent or appear in behalf of private interests of others before the city council, or any agency, board, commission, corporation, or committee of the city, nor shall represent any private interests of others in any action or proceeding involving the city, nor voluntarily participate on behalf of others in any litigation to which the city is, or might be, an adverse party. The restrictions of this section do not prohibit an official, or relative of an official, who is the president, vice president or officer of a home owners' association from appearing before the city council, or any

agency, board, commission, or committee of the city to represent such homeowners association, except that no such official or relative of such official shall appear before the agency, board, commission or committee of the city of which such official is a member.

- (4) Accept any gift from any person that might reasonably tend to influence such official in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
 - (A) A lawful campaign contribution;
 - (B) An honorarium in consideration for services unless the official would not have been asked to provide the services but for the official's position;
 - (C) Meals, lodging, transportation in connection with services rendered by the official at a conference, seminar or similar event that is more than merely perfunctory;
 - (D) Complimentary copies of trade publications and other related materials;
 - (E) Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (F) Any gift which would have been offered or given to the person if such person was not an official or employee of the city;
 - (G) An occasional item with a value less than fifty dollars (\$50.00);
 - (H) Tee shirts, caps and other similar promotional material;
 - (I) Meals, transportation and lodging in connection with a seminar or conference at which the official is providing services;
 - (J) Gifts on account of kinship or a personal, or professional, or business relationship independent of the official's status;
 - (K) Complimentary attendance at political or charitable fund raising events; and
 - (L) Meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public events.
- (5) Use such person's official position to secure special privileges or benefits for such person or others.

- (6) Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group.
- (7) Disclose confidential information.
- (8) Knowingly engage in any outside activities which will conflict with or will be incompatible with such person's official position or duties as an official of the city.
- (9) Use city supplies, personnel, property, equipment or facilities (whether tangible or intangible) for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance or city policy.
- (10) Act as a surety on any official bond required for any official or employee of the city, or for a business that has a contract, work or business with the city.

Sec. 1.06.005 Additional standards

- (a) No member of the city council who is on the board of a nonprofit organization may vote on any funding request by that nonprofit organization, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the city council.
- (b) With the exception of those proceedings allowed under this article, no member of the city council shall personally appear in such person's own behalf before the city council, or any city board, commission, corporation or committee but may designate and be represented by a person of such person's choice in any such personal matter.
- (c) No member of the city council, the planning and zoning commission or board of adjustment shall participate in, or vote on, any land use matter in which such official has a substantial interest in any real property within two hundred feet (200') of the real property, the subject of the land use matter. For purposes of this section, "land use matter" shall mean zoning, plat approval, site plan or other development approvals or permits, variances or exceptions. The term "land use matter" does not include studies or similar matters that are for the benefit of the city and which are not unique to real property within two hundred feet (200') of the real property, the subject of the land use matter, in which the official has a substantial interest.

Sec. 1.06.006 Disclosure of substantial interest

Any official, who has a substantial interest in any matter pending before the body, board, commission, corporation or committee of which the official is a member, before a vote or decision on such matter, shall file an affidavit stating the nature and extent of the substantial interest, and shall abstain from further participation in such matter. The affidavit shall be on a form provided by the city and must be filed with record keeper for such body, board, commission, corporation or committee.

Sec. 1.06.007 Complaints against officials

(a) All complaints or allegations of a violation of this code of ethics against an official shall be made in writing on a form provided by the city, sworn to before a notary public, and filed of record with the city secretary. A complaint shall describe in detail the act or acts complained of and the specific section(s) of this code of ethics alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein; and anonymous complaints shall not be considered. The city secretary shall provide a copy of the complaint to the affected official and the city council, and immediately refer the complaint to the city attorney, who shall initially review the complaint to determine if the complaint contains sufficient detail and alleges a violation of the code of ethics. The affected official may file a written response to the complaint within seven (7) business days after the complaint is filed with the city secretary, who shall forward the response, if any, to the city attorney.

(b) The city attorney shall submit a written report to the city council as soon as possible but not later than fifteen (15) business days after the receipt of the complaint, unless an extension is granted by a majority of the non-implicated city council members. The city attorney may contact the complainant, interview witnesses and examine any documents necessary for the report. Such report shall be comprehensive and explain in detail all facts, findings, and conclusions in support of the city attorney's opinion as to whether or not a violation of this code of ethics occurred. When the city attorney receives a vague complaint or one lacking in detail, the city attorney shall contact the complainant to request a written clarification. If the complainant fails to provide the city attorney with written clarification, or if after written clarification is provided, it is the opinion of the city attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the code of ethics, a written report to that effect shall be submitted to the city council. If the city attorney determines that a criminal violation may exist, the city attorney shall refer the matter to the appropriate law enforcement agency.

(c) If it is determined by the city attorney that the facts as alleged could constitute a violation of this code of ethics, then the city attorney shall, within fifteen (15) business days after receipt of the complaint, notify the mayor and city council members of the existence and nature of the complaint. The city council shall cause a meeting to convene, whether regular or special, within fifteen (15) business days after being so notified by the city attorney to further consider said complaint in executive session. In any event, the city attorney shall immediately proceed to fully investigate the alleged improprieties. For purposes of this investigation, the city attorney shall have all of the powers of investigation as are given to the city council by reason of the city charter and shall report back to the city council as soon as possible but in no event more than fifteen (15) business days from the date of notification of the city council unless an extension is granted by the city council. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney's opinion as to whether a violation of this code of ethics occurred.

(d) The city council shall consider the complaint and the city attorney's report in an executive session of the city council. The affected official may request that the complaint be considered in a public meeting. At such meeting, the city attorney shall present a written report to the city council describing in detail the nature of the complaint and the city attorney's findings and conclusions as

to a possible violation of this code of ethics. The affected official shall have the right to a full and complete hearing before the city council with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The non-implicated city council members in attendance shall conduct a hearing and review the complaint. The city council may reject the complaint or take action authorized under section 1.06.008, Violations.

(e) No action or decision with regard to the complaint shall be made except in a meeting which is open to the public.

(f) The city council may appoint outside legal counsel, or may direct the city attorney to appoint outside legal counsel, or the city attorney in the city attorney's discretion, may appoint outside legal counsel, to perform the duties and responsibilities of the city attorney under (c), (d) and (e) of this section.

(g) A complaint or allegation of a violation of this article may only be made against an official while such person holds such position or office. A complaint made against an official pursuant to this section shall be processed and resolved even if such person resigns from, or ceases to hold such position or office, prior to resolution of the complaint.

Sec. 1.06.008 Violations

The city council may take any one or more of the following actions in an open meeting concerning a complaint:

- (1) Issue a statement finding the complaint is totally without merit, brought for the purpose of harassment, or brought in bad faith;
- (2) Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the official of any steps to be taken to avoid future violations;
- (3) Issue a letter of admonition when the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification;
- (4) Issue a reprimand when a violation has been committed knowingly or intentionally;
- (5) Remove from office an official, other than a city council member, for a serious or repeated violation of this code of ethics. Removal shall be, to the extent by and allowed, in compliance with the charter and state law; or
- (6) Pass a resolution of censure or a recommendation of recall when the city council finds that a serious or repeated violation of this code of ethics has been committed intentionally by a member of the city council.

Sec. 6.06.009 Interpretation of content

Any official may request, and the city attorney shall issue, a verbal or written opinion (as deemed appropriate) concerning the meaning or effect of any section, word, or requirement of this code of ethics as it affects such person.

Sec. 6.06.010 Review

The City Council shall review this article once every two years following its adoption on December 18, 2014.”

Section 2. All ordinances of the City of Lucas in conflict with the provisions of this Ordinance shall be, and same are hereby, repealed, provided, however, that all other provisions of said Ordinances that are not in conflict herewith shall remain in full force and effect.

Section 3. 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. An offense committed before the effective date of the Ordinance is governed by prior law and the provisions of the City of Lucas Code of Ordinances in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 5. 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 5 DAY OF FEBRUARY, 2015.

APPROVED:

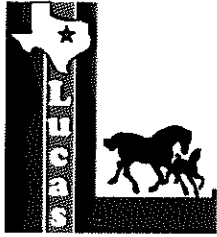
Rebecca Mark, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(12-10-14/69414)

Joni Clarke, Interim City Secretary



**City of Lucas
Council Agenda Request
February 5, 2015**

Name & Title: Mayor Rebecca Mark

Agenda Item:

Consider appointing Stacy Henderson as City Secretary for the City of Lucas.

Background Information:

Attachments/Supporting Documentation:

N/A

Budget/Financial Impact:

N/A

Recommendation:

Motion:

I make a Motion to appoint Stacy Henderson as City Secretary for the City of Lucas.