



City Council Meeting
March 19, 2015
7:00 PM
City Hall - 665 Country Club Road
Minutes

Call to Order

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

Present:

Mayor Rebecca Mark
Councilmember Debbie Fisher
Councilmember Jim Olk
Councilmember Steve Duke
Councilmember Wayne Millsap
Councilmember Philip Lawrence

Staff:

City Manager Joni Clarke
City Attorney Joe Gorfida
Public Works Director Stanton Foerster
Development Services Director Joe Hilbourn
Fire Chief Jim Kitchens
Finance Director Liz Exum
City Secretary Stacy Henderson

Absent:

Mayor Pro Tem Kathleen Peele

It was determined that a quorum was present.
Everyone was reminded to turn off or silence cell phones.
Councilmember Lawrence led the Pledge of Allegiance.

Citizen Input

1. There was no citizen input.

Community Interest

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

Councilmember Fisher stated that she attended the North Texas Utility Water District meeting and they plan to maintain current restrictions through April. However, should Lake Lavon reach a level over 488 feet, restrictions will be reconsidered.

3. Discuss and provide guidance to the City Attorney and City Staff regarding pending litigation that is being considered by the 84th Legislature.

City Manager Clarke discussed Senate Bill 343 that was causing concern among Home Rule municipalities because it erodes a cities authority to self-regulate and requires Home Rule cities to follow State law on certain items. TML has encouraged cities to contact their local officials.

Councilmember Fisher expressed concerns regarding two Senate Bills relating to appraisal revenue caps and homestead exemptions that would impact the City as well as the school districts.

City Manager Clarke stated that the Bill regulating appraisal caps lowers the cap from 10% to 5% and would cost the City approximately \$34,000.

Consent Agenda

The Consent Agenda was presented for consideration and action.

Councilmember Olk asked that Agenda Item No. 4 be removed from the Consent Agenda for a correction that was needed to the minutes.

Councilmember Fisher asked that Agenda Item No. 7 be removed from the Consent agenda for further discussion.

- 5. Consider approval of the minutes from the February 19, 2015 City Council meeting.**
- 6. Consider approval of the minutes from the February 24, 2015 City Council special meeting.**
- 8. Consider requesting the Collin County Local Health District Medical Director be assigned as the City of Lucas' Local Health Authority.**

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Fisher to approve the Consent Agenda as amended. The motion passed with a 6-0 vote.

Public Hearings

No public hearings were scheduled for this meeting

Regular Agenda

4. Consider approval of the minutes from the February 5, 2015 City Council meeting.

Councilmember Olk stated that on page 5 of 7, a correction should be made outlining the effective date of the resignation. Councilmember Olk said the motion should read as follows: "Councilmember Millsap made a motion to accept the resignation of Jim Olk, Councilmember for the City of Lucas Seat 2, effective as of May 9, 2015 with a term expiring in May of 2017. Mayor Pro Tem Peele seconded the motion. Motion carried by a 6-0 vote."

MOTION: A motion was made by Councilmember Olk, seconded by Councilmember Millsap to approve the minutes as amended. The motion passed by a 6-0 vote.

7. Consider approval of Resolution 2015-02-00424 of the City of Lucas, Collin County, Texas in opposition to a revenue cap and legislative interference with local services.

Councilmember Fisher asked that staff draft a letter stating the City's concerns relating to the Senate Bill for appraisal revenue caps and the Senate Bill relating to homestead exemptions that would affect the City as well as the school districts.

City Manager Clarke stated that she would draft a letter addressing each Senate Bill and the concerns associated with each.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Olk to approve Resolution 2015-02-00424 in opposition to a revenue cap and direct staff to prepare a letter opposing the Senate Bill for appraisal revenue caps and the Senate Bill relating to homestead exemptions. The motion passed by a 6-0 vote.

9. Consider the acceptance and approval of the City of Lucas' Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2013-2014 presented by Conway Company CPAs PC.

Mike Conway, Conway CPAs gave a presentation regarding the City's Comprehensive Financial Report for fiscal year 2013-2014. Mr. Conway also stated that the City had once again received the Certificate of Achievement for Excellence in Financial Reporting only 15 to 20% of all cities receive this award.

MOTION: A motion was made by Councilmember Fisher and seconded by Councilmember Duke to approve the Comprehensive Financial Report for fiscal year 2013-2014. The motion passed by a 6-0 vote.

10. Discuss and consider amending the Code Of Ordinances by amending Chapter 2 titled "Animal Control" by amending Article 2.01 titled "General Provisions" by amending Section 2.01.001 titled "Definitions" and amending Section 2.01.002 titled "Violations; Penalty" to set forth specific violations; by renaming Article 2.02 to read "Caring For Animals" to set forth specific regulations and requirements for the care of animals; by amending and re-numbering Article 2.02 titled "Rabies Control".

The City Council and City Attorney discussed State law requirements and local enforcement. The City Council also discussed the County local enforcement agency. The City Council then discussed various sections of the Ordinance related to sanitation, cages and barking dogs.

Mayor Mark asked if anyone in the audience wanted to speak regarding this request.

Mr. Paul Rathgeb, 10 Rollingwood, Lucas, stated that the website had the meeting posted at 7:00pm and there may be more citizens that would like to speak regarding this request than what was in the audience currently.

Mayor Mark confirmed with the City Secretary and City Attorney that the meeting was posted correctly on the website; however, she did note that on the City Council page of the website, it does state that meetings generally start at 7:00pm. Mayor Mark stated that on occasion, City Council meetings will change their time due to a larger agenda or as in this case, the last City Council meeting was cancelled due to inclement weather and because there were a large number of items on the agenda, the Council meeting started earlier. Mayor Mark suggested to always check the City calendar and Agenda packet on the City's website for the most up-to-date times of City Council meetings.

Mayor Mark moved to Agenda Item 13 to allow additional time for more citizens to arrive and comment on Agenda Item No. 10, the Animal Control Ordinance.

13. Consider approving an Interlocal Agreement for Emergency Services between the City of Lucas and Collin County effective upon execution by both parties through September 30, 2016 to clarify the City of Lucas service area for Fire and Emergency Medical Services and authorize the Mayor to execute said agreement.

City Manager Clarke gave a presentation regarding a revision of the Interlocal Agreement with the County and clarification of the service area for Fire and EMS service.

MOTION: A motion was made by Mayor Mark and seconded by Councilmember Duke to draft an Interlocal Agreement for emergency services with Collin County effective upon execution by both parties through September 30, 2016 to clarify the City of Lucas service area for Fire and Emergency Medical Services and authorize the Mayor to execute said agreement. The motion passed by a 6-0 vote.

15. Consider the Center for Public Safety Management's (CPSM) Fire and Emergency Medical Services Operational Analysis of the Lucas Fire Department and provide guidance to staff.

City Manager Clarke and Fire Chief Kitchens gave a presentation discussing the points of the analysis report. City Manager Clarke stated that the assessment will help guide staff and Council in long range planning goals for the community and what the City's needs will be in the future.

The City Council and staff discussed current staffing levels and staffing needs for the future as well as current equipment levels and equipment needs for the future.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to accept the operational analysis for the Lucas Fire and Emergency Medical Services provided by the Center for Public Safety Management. The motion passed by a 6-0 vote.

Mayor Mark announced that the City Council will take a five minute break beginning at 7:20p.m.

Mayor Mark reconvened the City Council meeting at 7:25p.m.

Mayor Mark announced that the City Council would be returning to Agenda Item No. 10 at this time.

- 10. Discuss and consider amending the Code Of Ordinances by amending Chapter 2 titled "Animal Control" by amending Article 2.01 titled "General Provisions" by amending Section 2.01.001 titled "Definitions" and amending Section 2.01.002 titled "Violations; Penalty" to set forth specific violations; by renaming Article 2.02 to read "Caring For Animals" to set forth specific regulations and requirements for the care of animals; by amending and re-numbering Article 2.02 titled "Rabies Control".**

Mayor Mark asked if anyone in the audience wanted to speak regarding this request.

Paul Rathgeb, 10 Rollingwood asked if the ordinance was necessary and if additional funds will be spent trying to enforce the ordinance.

Chris Churchill, 1125 Brockdale Park spoke in opposition to the request and stated she would like the section relating to harboring requirements extended from 3 days to 7 days and was not in favor of the section related to Sanitation. She also had concerns related to the 10-foot tying requirement for animals and horses to a trailer.

Carol Winston, 315 E. Blondy Jhune stated she also had concerns about the sections related to sanitation and stakes and tying.

The Mayor, City Council and City Attorney went through each section of the ordinance and outlined changes they had with the City Attorney.

City Manager Clarke stated that staff will incorporate all the changes mentioned and place the Ordinance on the Consent Agenda at the April 2, 2015 meeting.

- 11. Discuss and consider 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.**

Mayor Mark asked the City Attorney to explain how fines were assessed in ordinances.

City Attorney Joe Gorfida discussed the maximum penalty for health and safety violations was \$2,000, the maximum fine for other violations, non-traffic related was \$500 and the maximum fine for traffic violations was \$200. The City Attorney stated that any time a health and safety ordinance is adopted, the maximum fine allowed is \$2,000.

Mayor Mark asked if anyone in the audience wanted to speak regarding this agenda item.

Carol Winston, 315 E. Blondy Jhune asked why chain link was not an allowable material and asked if the ordinance was necessary.

Paul Rathgeb, 10 Rollingwood asked for clarification on the definition of an agricultural district and stated the maximum penalty was too expensive and did not allow for a reasonable timeframe for items to be repaired.

Elizabeth Pekinpaugh, 4 Woodmoor Circle spoke in opposition to the request stating it was overregulating.

The Mayor, City Council and City Attorney went through each section of the ordinance and outlined changes they had with the City Attorney.

City Manager Clarke stated that staff will incorporate all the changes mentioned and place the Ordinance on the Consent Agenda at the April 2, 2015 meeting.

Mayor Mark announced that they would be moving forward to Agenda Item 14 at this time.

14. Discuss and consider the revised Outdoor Burning Rule, Title 30, Texas Administrative Code, Sections 111.201-221, and requirements under Texas State law as it relates to the authority of the City to issue permits for outdoor burning.

Development Services Director Joe Hilbourn gave a presentation stating the Texas Commission on Environmental Quality (TCEQ) has banned outdoor burning for cities located within a non-attainment county and provide solid waste collection. Because the City of Lucas meets this criteria, outdoor burning is not allowed. Any outdoor burning would be enforced by TCEQ.

City Manager Joni Clarke stated that staff is working with Barnes Sanitation to provide chipper service to the residents of Lucas.

Mayor Mark asked if anyone in the audience wanted to speak regarding this agenda item.

Tracy Matern, 2 Choice Lane spoke in opposition with concerns related to hauling debris from her property.

Mayor Mark announced that they would be moving to Agenda Item No. 12, the last item on the agenda.

**12. A. Consider prioritizing safety enhancements to Collector Street Projects.
B. Authorize staff to work with SAMCO Financial Advisors on the Notice of Intention Resolution to issue Certificates of Obligation.**

Mayor Mark allowed members of the audience to speak at this time.

Bob Winston, 315 E. Blondy Jhune spoke in opposition to the request stating a bond election should be held.

Carol Winston, 315 E. Blondy Jhune stated she had concerns on how the improvements would be funded.

Public Works Director Foerster gave a presentation outlining roadways and bridges under consideration for improvements and explained how they were ranked in order of importance and deterioration.

Councilmember Fisher expressed her concerns relating to funding.

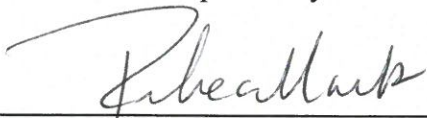
Mayor Mark suggested this item be continued to the April 2, 2015 City Council meeting to allow Council additional time for a more comprehensive review.

Executive Session

No Executive Session was scheduled for this meeting.

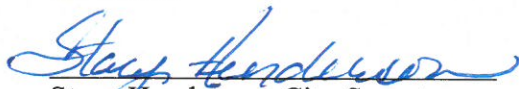
16. Adjournment.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Duke to adjourn the meeting at 10:05 p.m. The motion passed by a 6-0 vote.



Rebecca Mark, Mayor

ATTEST:


Stacy Henderson, City Secretary