



AGENDA

City of Lucas
City Council Regular Meeting
October 1, 2015
7:00 PM
City Hall – Council Chambers
665 Country Club Road – Lucas, Texas

Notice is hereby given that a City of Lucas Regular City Council Meeting will be held on Thursday, October 1, 2015 at 7:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas, 75002-7651 at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

Call to Order

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

Citizen 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 but may refer items to City Staff for research and possible inclusion on a future agenda.

1. Citizen Input (**Mayor Jim Olk**)

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. Community Interest (**Mayor Jim Olk**)

Acknowledgement of the Parks and Open Space Board for their efforts in obtaining the Keep Texas Beautiful Affiliation for the City of Lucas.

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.

3. Consider approval of the minutes of the September 17, 2015 City Council meeting. **(City Secretary Stacy Henderson)**
4. Consider approval of the City Manager's first amended and restated employment agreement. **(Mayor Jim Olk)**
5. Consider adopting Ordinance 2015-10-00823 amending the City's Code of Ordinances, Appendix C Master Fee Schedule. **(Development Services Director Joe Hilbourn)**

Regular Agenda

6. Presentation to the City of Lucas Finance Department for receiving the 2014 Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association. **(Mayor Jim Olk and City Manager Joni Clarke)**
7. Consider adopting Ordinance 2015-10-00822 amending Chapter 1 of the Code of Ordinances titled "General Provisions" to provide for amendment to Article 1.01 Definitions, Article 1.05 regarding the requirements to serve on Boards and Commissions, and amending Article 1.08 Records Management Program. **(City Secretary Stacy Henderson)**
8. Discuss and consider City Council meeting dates for the months of November and December. **(Mayor Jim Olk)**
9. Consider setting a date for a Water Workshop to discuss the water infrastructure needs of the City. **(Public Works Director/City Engineer Stanton Foerster)**
10. Consider appointing a Grand Marshal for the 2015 Founders Day Horse Parade and Costume Contest. **(City Secretary Stacy Henderson)**
11. Discuss the proposed concrete batch plant along Southview Drive near Seis Lagos. **(Public Works Director/City Engineer Stanton Foerster)**
12. Discuss and provide direction to the City Manager about the intra connections between the City of Lucas and neighboring districts such as Inspiration which is in the Collin County Water Control and Improvement District No. 3. **(Public Works Director/City Engineer Stanton Foerster)**
13. Discuss and consider approving nominations for the Service Tree Award Program. **(Service Tree Nominating Committee)**

Executive Session

The City Council may convene in a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code.

14. Pursuant to Section 551.071 of the Texas Government Code, the City Council will convene into Executive Session to receive advice from the City Attorney regarding legal matters related to drainage. **(Mayor Jim Olk)**
15. Reconvene into Regular Session and take any action necessary from the Executive Session. **(Mayor Jim Olk)**
16. 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 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on Friday, September 25, 2015.

Stacy Henderson, City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Stacy Henderson at 972.912.1211 or by email at shenderson@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas Council Agenda Request October 1, 2015

Requester: Mayor Jim Olk

Agenda Item:

Citizen Input

Background Information:

NA

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA



City of Lucas Council Agenda Request October 1, 2015

Requester: Mayor Jim Olk

Agenda Item:

Community Interest:

Acknowledgement of the Parks and Open Space Board for their efforts in obtaining the Keep Texas Beautiful Affiliation for the City of Lucas.

Background Information:

The City of Lucas has joined the affiliate program of Keep Texas Beautiful (KTB), a statewide community improvement organization. KTB helps Texas communities organize volunteers and implement cleanup and educational programs that address areas such as litter prevention, beautification and waste reduction. As part of the Keep Texas Beautiful affiliation, the City of Lucas Parks and Open Space Board is hosting a water conservation class on November 14 at the Community Center from 2:00 to 4:00pm and will also be taking part in the Keep Lucas Beautiful Cleanup event scheduled for April 2, 2016.

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA



City of Lucas Council Agenda Request October 1, 2015

Item No. 03-04-05

Requester: City Secretary Stacy Henderson

Agenda Item:

Consent Agenda:

3. Consider approval of the minutes of the September 17, 2015 City Council meeting.
4. Consider approval of the City Manager's first amended and restated employment agreement.
5. Consider adopting Ordinance 2015-10-00823 amending the City's Code of Ordinances, Appendix C Master Fee Schedule.

Background Information:

Agenda Item No. 5:

This agenda item was brought before the City Council at the September 17, 2015 meeting for discussion. The City Council had no changes proposed, and Staff is now bringing this item forward for approval. The City has not adjusted the price of building permits since January 4, 2007, and at that time a fee schedule was adopted very similar to our neighboring communities. The majority of our neighboring communities have their same fee schedule still in place. Staff is recommending an approximate 20 percent increase across the board.

Attachments/Supporting Documentation:

1. Minutes of the September 17, 2015 City Council meeting.
2. Ordinance 2015-10-00823 – Appendix C Master Fee Schedule

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

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



**City of Lucas
City Council Meeting
September 17, 2015
7:05 PM**

(or immediately following the Lucas Fire District Meeting)

City Hall - 665 Country Club Road – Lucas Texas

Minutes

Call to Order

Mayor Olk called the meeting to order at 7:02 p.m.

Council Members Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Debbie Fisher
Councilmember Wayne Millsap
Councilmember Philip Lawrence
Councilmember Tim Baney

Staff:

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

Council Members Absent:

Councilmember Steve Duke

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

Citizen Input

1. Citizen Input

There was no citizen input.

Community Interest

2. Community Interest Items.

Mayor Pro Tem Peele reminded the City Council to enter the Founders Day Stick Horse Rodeo event and volunteers were still needed.

Fire Chief Jim Kitchens stated that National Night Out was October 6 and currently there were two neighborhoods that had requested the Fire Departments presence at their block party. The Fire Chief invited members of the City Council to ride along with the Fire Department staff to attend the neighborhood events.

Councilmember Fisher noted that the Fire Station Grand Opening was scheduled for October 4 from 1:00 – 4:00pm.

Consent Agenda

3. Consider approval of the minutes of the September 3, 2015 City Council meeting.
4. Consider approving Resolution R 2015-09-00440 authorizing the City Manager to enter into an Interlocal Agreement between the City of Lucas and Collin County Governmental Purchasers Forum for the purchase of goods and services.

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

Regular Agenda

5. Consider adopting Ordinance 2015-09-00817 of the City Council of the City of Lucas, Texas, approving the budget for fiscal year beginning October 1, 2015 and ending September 30, 2016.

Mayor Olk noted that the City Council conducted two public hearings related to the 2015-2016 Fiscal Year budget and it was now time for formal action.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Lawrence to adopt Ordinance 2015-09-00817 approving the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016. The motion passed unanimously by a 6-0 vote.

SECOND MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Lawrence to ratify the property tax revenue increase reflected in the Fiscal Year 2015-2016 adopted budget.

<i>Roll Call Vote:</i>	<i>Councilmember Fisher:</i>	<i>Yes</i>
	<i>Councilmember Baney:</i>	<i>Yes</i>
	<i>Mayor Olk:</i>	<i>Yes</i>
	<i>Mayor Pro Tem Peele:</i>	<i>Yes</i>
	<i>Councilmember Lawrence:</i>	<i>Yes</i>
	<i>Councilmember Millsap:</i>	<i>Yes</i>
	<i>Councilmember Duke:</i>	<i>Absent – Not in Attendance</i>

6. Consider adopting Ordinance 2015-09-00819 of the City of Lucas, Texas, levying Ad Valorem Taxes for the Tax Year 2015 (Fiscal Year 2015-2016) at a rate of \$0.320661 per one hundred (\$100) assessed valuation on all taxable property within the corporate limits of the City of Lucas as of January 1, 2015.

Mayor Olk noted that the City Council conducted two public hearings related to the tax rate for Fiscal Year 2015-2016 and it was now time for formal action.

***MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence that the property tax rate be increased by the adoption of a tax rate of \$0.320661 which is effectively an 8.36 percent increase in the tax rate.*

<i>Roll Call Vote:</i>	<i>Councilmember Fisher:</i>	<i>Yes</i>
	<i>Councilmember Baney:</i>	<i>Yes</i>
	<i>Mayor Olk:</i>	<i>Yes</i>
	<i>Mayor Pro Tem Peele:</i>	<i>Yes</i>
	<i>Councilmember Lawrence:</i>	<i>Yes</i>
	<i>Councilmember Millsap:</i>	<i>Yes</i>
	<i>Councilmember Duke:</i>	<i>Absent – Not in Attendance</i>

7. Consider nominating up to five board candidates to the Collin Central Appraisal District Board of Directors.

Mayor Olk noted that the City of Lucas could nominate up to five members to the Collin Central Appraisal District Board of Directors and when nominations are completed, the City will have six votes to cast.

The City Council had no nominations at this time and will cast their votes during the Board selection process.

8. Discuss the proposed concrete batch plant along Southview Drive near Seis Lagos.

City Manager Joni Clarke discussed the proposed batch plant noting that its location was not ideal and could potentially cause problems for the Seis Lagos and surrounding neighborhoods. The Public Works Director has scheduled a meeting with Ed Bell Construction, the contractor associated with the batch plant, to encourage the plant be moved closer to the construction site. Ms. Clarke stated that Ed Bell Construction has submitted an application to TCEQ for three different locations.

Councilmember Lawrence stated that he was not in agreement with the proposed location and the negative impact it would have on the surrounding neighborhoods and streets.

Councilmember Millsap suggested the City Attorney send a letter to TCEQ and Ed Bell Construction noting the City's opposition to its location of the batch plant.

City Attorney Joe Gorfida noted that he would also contact the attorney for Seis Lagos informing them of the situation.

Closed Executive Session (City Hall Conference Room)
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9. Executive Session: Pursuant to Section 551.074 of the Texas Government Code, Personnel Matters, the City Council will convene into Executive Session to discuss the evaluation of the City Manager.

Mayor Olk announced that the City Council would convene into Executive Session at 7:21pm to discuss the evaluation of the City Manager.

Mayor Olk and the City Council reconvened into Regular Session at 8:38pm and stated there was no action necessary from the Executive Session, but that the City's Manager's amended contract would be placed on the Consent Agenda at the next City Council meeting.

10. Adjournment.

***MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to adjourn the meeting at 8:39pm. The motion passed unanimously by a 6 to 0 vote.*

APPROVED:

Jim Olk, Mayor

ATTEST:

Stacy Henderson, City Secretary

ORDINANCE # 2015-10-00823
[AMENDING APPENDIX C TITLED “FEE SCHEDULE”]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX C TITLED “FEE SCHEDULE” BY AMENDING ARTICLE 1.000 TITLED “RESIDENTIAL BUILDING FEES”; BY AMENDING ARTICLE 2.000 TITLED “COMMERCIAL BUILDING FEES – NEW AND REMODELED”; BY AMENDING ARTICLE 3.000 TITLED “POOLS/SPA”; BY AMENDING ARTICLE 5.000 TITLED “STORM WATER RUN-OFF”; BY AMENDING ARTICLE 6.000 TITLED “MISCELLANEOUS PERMITS”; BY AMENDING ARTICLE 7.000 TITLED “REGISTRATION AND LICENSE”; BY AMENDING ARTICLE 8.000 TITLED “INSPECTION”; BY AMENDING ARTICLE 19.000 TITLED “WASTEWATER RATES”; 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 Appendix C titled “Fee Schedule”, to read as follows:

“APPENDIX C

FEE SCHEDULE

ARTICLE 1.000 RESIDENTIAL BUILDING FEES – NEW AND REMODELED

Sec. 1.100 Residential Buildings

2,000 sq. ft. or less	\$1,500.00
2,001 - 2,500 sq. ft.	\$1,700.00
2,501 - 3,000 sq. ft.	\$2,100.00
3,001 - 3,500 sq. ft.	\$2,400.00
3,501 - 4,000 sq. ft.	\$2,700.00
4,001 - 4,500 sq. ft. and over	\$3,000.00 plus .60 per sq. ft. over 4,500 sq. ft.
Plan Revision	\$600.00

Sec. 1.200 Remodel to Single-Family Dwellings

1,000 sq. ft. or less	\$175.00
1,001 sq. ft. and over	\$175.00 plus .45 per sq. ft. over 1,000

*Base fee includes up to 3 inspections.

There will be a \$50 fee per inspection thereafter.

Sec. 1.300 Detached Accessory Buildings (Includes storage buildings, barns, garages, greenhouses, gazebos, cabanas, pool houses, porches, etc.)

201 sq. ft. to 1,000 sq. ft. \$175.00

1,001 sq. ft. and up \$175.00 plus .45 sq. ft.

*Over 1,000 sq. ft. base fee includes up to 3 inspections.

There will be a \$50.00 fee per inspection thereafter.

ARTICLE 2.000 COMMERCIAL BUILDING FEES – NEW AND REMODELED

Sec. 2.100 Commercial Building

\$2,000.00 base fee plus .60 cents per square foot over 1,000 square feet

Sec. 2.200 Detached Commercial Accessory Building

\$175.00 base fee plus .60 cents per square foot over 1,000 square feet

ARTICLE 3.000 POOLS/SPA

In-ground swimming pool \$325.00 includes 3 inspections

In-ground swimming pool w/spa \$350.00 includes 3 inspections

Above-ground pool \$125.00

Spa/Hot Tub \$125.00

ARTICLE 4.000 HEALTH DEPARTMENT

Sec. 4.100 Commercial Business

Cost of Service for Permanent Food Establishment Permit \$450.00

*2 TFER Inspections

Cost of Service for Each Temporary Event \$ 60.00

*1 TFER Inspection

Cost of Service for Each Complaint Investigation \$ 60.00

*1 TFER Inspection

Cost of Service for Mobile Food Vendor (Hot and Cold Truck, Seasonal Vendor) \$250.00

*1 TFER Inspection

Cost of Service for Public Swimming Pool Inspections \$250.00

*1 Inspection Per Year

Hourly Cost of Service for Consultation Outside of the Aforementioned Scope of Services \$100.00 per hour

*Health Plan Review, Health Final and CO Inspections and/or for More than 1 Inspection

ARTICLE 5.000 STORM WATER RUN-OFF

Single Family Residential Dwellings	\$60.00
Developments 0 - 3 Acres	\$100.00
Developments 4 - 10 Acres	\$250.00
Developments of 10 Acres or More	\$600.00

ARTICLE 6.000 MISCELLANEOUS PERMITS

Activities shall be charged the fee associated with each activity subject to re-inspection fees.

Awnings, Patio Covers, Carports	\$60.00
Flat-Work (sidewalks, drive-ways, patios, etc.)	\$60.00
*This is exempt under the 2009 International Residential Code unless elevated 30 inches above grade. Some plan review required.	
Roofing	\$60.00
New Fence Permit	\$75.00
Sprinkler System	\$75.00
Pool Barrier (Fence)	
Residential	\$75.00
Commercial	\$75.00
Aerial Antenna or Satellite	\$75.00
(Small Satellite Dishes are Exempt)	
Screening and/or Retaining Walls	\$60.00 per sq. 100 ft.
Heating and Air Conditioning	\$60.00
Signs	\$95.00
Temporary Signs	\$60.00
Temporary Banner	\$60.00
Electrical	\$60.00
Plumbing	\$60.00
Demolition Work	\$60.00
Water Well	\$125.00
Propane	\$150.00
Each Additional Tank	\$50.00
Weight Limit Permit	\$100.00
Four (4) or More Weight Permits	\$400.00

ARTICLE 7.000 REGISTRATION AND LICENSE

General, plumbing, mechanical and irrigation contractors shall not be eligible to receive a permit within the City until they have registered with the City as a contractor and paid the following fee(s).

Water Well Contractor	\$90.00
HVAC Contractor	\$90.00
Electrical Contractor	\$90.00
Irrigation Contractor	\$90.00
General Contractor	\$90.00
Master Plumber	00.00
Backflow Tester	\$45.00

ARTICLE 8.000 INSPECTION

Re-Inspection	\$100.00 per trip
Certificate of Occupancy (only in cases of re-occupancy)	\$50.00

...

ARTICLE 19.000 WASTEWATER RATES

The following monthly rates shall apply to all non-residential customers:

1” Meter	\$38.68
2” Meter	\$116.48
3” Meter	\$141.94
4” Meter	\$328.93
6” Meter	\$400.42
8” Meter	\$744.13

Consumption Charge

For every 1,000 gallons of water used after the first 2,000 gallons, the nonresidential customer shall be charged \$4.00

...”

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 1st DAY OF OCTOBER, 2015.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(09-15-15/73300)

Stacy Henderson, City Secretary



City of Lucas Council Agenda Request October 1, 2015

Item No. 06

Requester: Mayor Jim Olk and City Manager Joni Clarke

Agenda Item:

Presentation to the City of Lucas Finance Department for receiving the 2014 Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association.

Background Information:

The City of Lucas has received the Certificate of Achievement for Excellence in Financial Reporting Award for the September 30, 2014, Comprehensive Annual Financial Report (CAFR). This is the 5th year in a row the City has received this award by the Government Finance Officers Association of the United States and Canada (GFOA). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting.

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA



City of Lucas Council Agenda Request October 1, 2015

Item No. 07

Requester: City Secretary Stacy Henderson

Agenda Item:

Consider adopting Ordinance 2015-10-00822 amending Chapter 1 of the Code of Ordinances titled “General Provisions” to provide for amendment to Article 1.01 Definitions, Article 1.05 regarding the requirements to serve on Boards and Commissions, and amending Article 1.08 Records Management Program.

Background Information:

Article 1.06 Code of Ethics, Article 1.07 Emergency Management and Article 1.09 Parks and Recreation have been updated and approved by the City Council earlier in 2015. The following outlines the remainder of the changes proposed to Chapter 1:

Section 1.01.004	Definitions	Removed the term Chief of Police
Section 1.05.001	Qualifications	Updated citizen requirements from 6 months to 12 months Added requirement to be a qualified voter of the City
Section 1.05.003	Appointment	Added the term “reappointment” and “each” year
Section 1.05.033	Qualifications of P&Z Members	To meet the same requirements as outlined in Section 1.05.001 above
Section 1.05.035	Election of P&Z Officers	Added the term “annually” to elect Chairman and Vice Chairman
Section 1.08.002	Definitions	Electronic Storage definition added Custodian: Added the word “manager”
Section 1.08.006	Designation of Records Management Officer	Added the following: The City Secretary or successive holders of said office shall serve as the...
Section 1.08.007	Records Management Plan	Deleted items that were maintained in other portions of this section.
Section 1.08.008	Purpose of Records Management Plan	Deleted section
Section 1.08.009	Duties of Records Management Officer	Deleted a portion of No. 11, and deleted Items 12, 13 and 14.
Section 1.08.010	Duties of Custodians	Covered in Section 1.08.007
Section 1.08.011	Duties of City Council	Deleted section
Section 1.08.012	Records Control Schedule	Changed Title Added “Department by Department basis” Removed Item (c)
Section 1.08.013	Implementation of Records Control Schedule	Deleted section (b)



City of Lucas Council Agenda Request October 1, 2015

Requester: City Secretary Stacy Henderson

Attachments/Supporting Documentation:

1. Chapter 1 redlined
2. Proposed Ordinance 2015-10-00822

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

I make a motion to adopt Ordinance 2015-10-00822 amending Chapter 1 of the Code of Ordinances titled "General Provisions" to provide for amendment to Article 1.01 Definitions; Article 1.05 regarding the requirements to serve on Boards and Commissions; and amending Article 1.08 Records Management Program.

CHAPTER 1 GENERAL

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ARTICLE 1.01 CODE OF ORDINANCES

Sec. 1.01.001 Adoption

There is hereby adopted the Code of Ordinances of the City of Lucas, Texas, as compiled, edited and published by Franklin Legal Publishing, Inc.

Sec. 1.01.002 Designation and citation of code

The ordinances embraced in this chapter and the following chapters, articles and sections shall constitute and be designated the "Code of Ordinances, City of Lucas, Texas," and may be so cited.

Sec. 1.01.003 Catchlines of articles, divisions and sections

The catchlines of the several articles, divisions and sections of this code are intended as mere catchwords to indicate the contents of the article, division or section and shall not be deemed or taken to be titles of such articles, divisions and sections, nor as any part of the articles, divisions and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles, divisions and sections, including the catch lines, are amended or reenacted.

State law reference-Headings of statutes, V.T.C.A. Government Code, sec. 311.024.

Sec. 1.01.004 Definitions and rules of construction

In the construction of this code and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless otherwise specifically stated or defined in the code:

Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

City and town. Each means the City of Lucas, Texas.

City manager, city secretary, chief of police or other city officers. The term "city manager," "city secretary," "~~chief of police~~" or other city officer or department shall be construed to mean the city manager, city secretary, ~~chief of police~~ or such other municipal officer or department, respectively, of the City of Lucas, Texas.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

State law reference-Computation of time. V.T.C.A., Government Code, sec. 311.014.

* State law reference-Authority of municipality to codify ordinances. V.T.C.A., Local Government Code, ch. 53.

Council. Whenever the term "council" or "city council" or "the council" is used, it shall mean the city council of the City of Lucas, Texas.

State law reference-References to municipal governing body and to members of municipal governing body, Y.T.C.A.. Local Government Code, sec. 21.002.

County. The term "county" or "this county" shall mean the County of Collin, Texas.

Delegation of authority. Whenever a provision of this Code of Ordinances requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

Extraterritorial jurisdiction. Any section of this code which makes reference to sewer systems, public utilities, sanitary landfills or facilities for the treatment of wastewater in the extraterritorial jurisdiction of the city shall apply to such systems, utilities, landfills or facilities which are within the extraterritorial jurisdiction of the city in whole or in part, or which are situated on tracts of land which are wholly or partly within the city's extraterritorial jurisdiction.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.

State law reference-.Gender" defined, Y.T.C.A., Government Code, sec. 312.003(c).

Highway. The word "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the city, dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

State law reference-Grants of authority, Y.T.C.A.. Government Code. sec. 312.004.

May. The word "may" is permissive.

State law reference-Construction of word "may," V.T.C.A.. Government Code, sec. 311.016.

Month. The word "month" shall mean a calendar month.

State law reference-.Month" defined, V.T.C.A.. Government Code, sec. 312.011.

Must and shall. Each is mandatory.

State law reference-Construction of words "must" and "shall." Y.T.C.A.. Government Code, sec. 311.016.

Number. Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

State law reference-"Number," V.T.C.A.. Government Code, sec. 312.003(b).

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

State law reference-'Oath. "'swear. and "'sworn. defined, V.T.C.A., Government Code. sec. 312.011.

Official time standard. Whenever certain hours are named in this code, they shall mean standard time or daylight saving time, as may be in current use in the city.

State law reference-Standard time, V.T.C.A., Government Code, sec. 312.016.

Or. and. The word "or" may be read "and," and the word "and" may be read "or," as the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships, organizations, business trusts, estates, trusts, and bodies politic and corporate, as well as to individuals.

State law reference-.Person.. defined, V.T.C.A., Government Code. sec. 311.005.

Preceding. following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" shall mean and include real and personal property.

State law reference-'Property" defined, V.T.C.A.. Government Code, sec. 311.005.

Real property. The term "real property" shall mean and include lands, tenements and hereditaments.

Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

Sidewalk. The word "sidewalk" shall mean that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

Signature or subscription. A signature or subscription shall include a mark when a person cannot write.

State law reference-.Signature-and "subscribe" defined, V.T.C.A., Government Code, sec. 312.011.

State. The term "the state" or "this state" shall be construed to mean the State of Texas.

Street. The word "street" shall have its commonly accepted meaning and shall include highways, sidewalks, alleys, avenues, recessed parking areas and other public rights-of-way, including the entire right-of-way.

Tense. Words used in the past or present tense include the future, as well as the past and present.

State law reference--Tense -V.T.C.A., Government Code, sec. 312.003(a).

V.T.C.S., V.T.P.C., V.T.C.C.P., V.T.C.A. Such abbreviations refer to the divisions of Vernon's Texas Statutes Annotated.

Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

State law reference-"Written" or "in writing" defined, V.T.C.A., Government Code, sec. 312.011.

Year. The word "year" shall mean a calendar year.

State law reference-"Year" defined, V.T.C.A., Government Code, sec. 312.011.

(Ordinance adopting Code; Ordinance 2011-09-00686 adopted 9/11/11) Sec.

101.005 Severability of parts of code

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the city council without the incorporation in the code of any such unconstitutional phrase, clause, sentence, paragraph or section.

State law reference-Severability of statutes. V.T.C.A., Government Code, sec. 312.013.

Sec. 101.006 Repeal of ordinances

The repeal of an ordinance or any portion thereof shall not repeal the repealing clause of an ordinance or revive any ordinance which has been previously repealed.

State law reference-Effect of repeal of statutes, V.T.C.A., Government Code, sec. 311.030.

Sec. 101.007 Amendments or additions to code

All ordinances of a general and permanent nature, and amendments to such ordinances, hereafter enacted or presented to the city council for enactment, shall be drafted, so far as possible, as specific amendments of, or additions to, the Code of Ordinances. Amendments to this code shall be made by reference to the chapter and section of the code which is to be amended, and additions shall bear an appropriate designation of chapter, article and section; provided, however, the failure to do so shall in no way affect the validity or enforceability of such ordinances.

Sec. 101.008 Supplementation of code

(a) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the city council during the

period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.

(c) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance material inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

Sec. 1.01.009 General penalty for violations of code; continuing violations

(a) Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).

(b) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, including the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).

(c) Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that does not exceed five hundred dollars (\$500.00) does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense. Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that exceeds five hundred dollars (\$500.00) shall require a culpable mental state.

(d) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

(e) Unless otherwise stated in this code or in any ordinance, each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

(t) In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

State law references-Penalties for violations. V.T.C.A.. Local Government Code, sec. 54.001: penalty for class C misdemeanor. V.T.C.A., Penal Code, sec. 1 2.23: requirement of culpability, V.T.C.A., Penal Code, sec. 6.02.

(Ordinance adopting Code)

Sec. 101.010 Responsibility for violations by corporation

In case any provision of this code or other ordinance of the city is violated by a corporation, the president, secretary or treasurer of such corporation, or any manager, agent or employee of such corporation, shall be deemed jointly and severally responsible for such violation and the penalty provided therefor. (1995 Code, sec. 1-8)

ARTICLE 102 CITY OFFICERS*

Division 1. Generally

Secs. 102.001-102.030 Reserved

Division 2. Fire Chief

Sec. 1.02.031 Office created

There is hereby created in the city the office of fire chief.

Sec. 102.032 Appointment

The fire chief shall be appointed by the city manager and shall serve at the will of the city manager.

* Editor's note-Former Article 1.02, pertaining to administration of the city and deriving from section 2-1 of the 1995 Code and Ordinance 2010-10-00667 adopted October 7, 2010, was repealed and deleted in its entirety by Ordinance 2011-09-00686 adopted by the city on September 1, 2011.

+ Cross reference-Fire prevention and protection. ch. 5.

Sec. 102.033 Duties

The duties of the fire chief shall be as prescribed by the city manager.

(Ordinance 2011-09-00686 adopted 9/11/11)

ARTICLE 103 ADMINISTRATION •

Sec. 1.03001 Official newspaper

The city council hereby designates the Wyle News, a public newspaper in and for the city, as the official newspaper of the city, the same to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by law or by ordinance to be published. (Ordinance 2014-10-00795 adopted 10/16/14)

ARTICLE 104 RESERVED

ARTICLE 105 BOARDS, COMMISSIONS AND COMMITTEES.

Division 1. Generally

Sec. 105001 Qualifications of members

A person is eligible for appointment to a board or commission of the city if the person:

- (1) Has been a citizen of the city for ~~six (6)~~ twelve (12) continuous months prior to the date of appointment;
- (2) Has obtained the age of eighteen (18) years prior to the date of appointment;
- (3) Has never been convicted of and is not currently charged with a felony or a crime involving moral turpitude;
- (4) Is not delinquent on any ad valorem tax due the city.
- (5) Qualified voter of the City.

(1995 Code, sec. 2-70)

* Editor's note-Former Article 103, pertaining to the city council and deriving from sections 2-2, 2-4-2-6 of the 1995 Code, was repealed and deleted in its entirety by Ordinance 2011-09-00686 adopted by the city on September 1, 2011.

t Editor's note-Former Article 1.04, pertaining to city officers and deriving from sections 2-23, 2-25-2-26, 2-50-2-53 of the 1995 Code and Ordinance 1996-01-00323, sec. 1, adopted January 8, 1996, Ordinance 2004-07-00507. 1, sec. 1, adopted July 6, 2004, Ordinance 2007-03-00587 adopted March 1, 2007, Ordinance 2007-11-00606, sec. 1, adopted November 1, 2007 and Ordinance 2011-01-00671 adopted January 20, 2011, was repealed and deleted in its entirety by Ordinance 2011-09-00686 adopted by the city on September 1, 2011.

* Cross reference s-Park and open space board, sec. 1.09.031 et seq.; building code board of adjustments and appeals, art. 3.02; water system review board. sec. 13.02.061 et seq.

Sec. 105.002 Disqualification; residency requirement

After appointment to a board or commission, a person may become disqualified if any of the qualifications listed in section 1.05.001 are found to be untrue at the time of appointment. In addition, if any board or commission member subsequently moves his or her primary residence from the city, then a vacancy shall exist on the subject board or commission and a new member shall be appointed in the manner provided herein. (1995 Code, sec. 2-71)

Sec. 105.003 Appointment of members

(a) All members of any board, commission or corporation of the city shall be appointed by a majority of the city council. The members of any board, commission or corporation shall be appointed for staggered terms of two (2) years. The initial appointment or **reappointment** of the members of boards, commissions or corporations by the council shall be in November of ~~2011~~ **each** year. At the time of initial appointment, the council shall designate which members shall serve a two-year term and which members shall serve a one-year term; and, in November of each succeeding year thereafter, the council shall select replacements for those members whose terms have expired. Vacancies and unexpired terms shall be appointed by the council for the remainder of the term. No person related to the mayor or any member of the city council within the first degree by consanguinity or affinity shall be eligible to serve on any city board, commission, corporation or committee.

(b) Except as otherwise required by state law, a person appointed by the city council to any board, commission or corporation is not subject to term limits.

(Ordinance 20 1 1-06-00682, sec. I, adopted 6/21 1)

Secs. 105.004-1.05.030 Reserved

Division 2. Planning and Zoning Commission * Sec.

1.05.031 Established; jurisdiction

There is hereby created and established the city planning and zoning commission for the territorial jurisdiction of the city and its extraterritorial jurisdiction. (1995 Code, sec. 2-40)

Sec. 105.032 Composition; appointment and term of members

The planning and zoning commission shall be composed of five (5) regular members and two (2) alternate members, each of whom shall be appointed in accordance with section 1.05.003 of this code. Alternate members shall serve in the absence of one or more regular members when requested to do so by the presiding officer of the planning and zoning commission. Each member of the planning and zoning commission shall continue in office until such time as a successor is appointed and duly qualified. (Ordinance 20 11-06-00682, sec. I, adopted 6/2/ 1 1)

• State law reference-Authority of municipality to establish planning and zoning commission, V.T.C.A., Local Government Code, sec. 2 1 1.007.

Cross references- Subdivisions, ch 10; zoning, ch. 14.

Sec. 1.05033 Qualifications of members

The appointed members of the planning and zoning commission shall be resident citizens and qualified voters of the city and meet the requirements of Section 1.05.001. (1995 Code, sec. 2-42)

Sec. 105.034 Filling of vacancies

All vacancies on the planning and zoning commission shall be filled for the unexpired term in the same manner as provided for the original appointments. All expired terms shall be filled for terms as provided for the original appointments and in the same manner. (1995 Code, sec. 2-43)

Sec. 105.035 Election of officers

The members of the planning and zoning commission shall elect a chairman and vice-chairman from its membership annually. (1995 Code, sec. 2-44)

Sec. 105.036 Powers and duties

The planning and zoning commission shall have the power and it shall be its duty to make, and recommend for adoption, a master plan, as a whole or in parts, for the future development and redevelopment of the municipality and its environs, including its extraterritorial jurisdiction, and shall have power and it shall be its duty to prepare a comprehensive plan and ordinance for zoning the city and its extraterritorial jurisdiction in accordance with chapter 211 of the Texas Local Government Code and amendments thereto. The commission shall perform such other duties as may be prescribed by ordinances or state law. (1995 Code, sec. 2-45)

Sec. 105.037 Rules, regulations and bylaws

The planning and zoning commission shall have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the city council, and the same shall be subject to approval by the council. Such bylaws shall include, among other items, provisions for:

- (1) Regular and special meetings open to the public.
- (2) Records of its proceedings, to be open for inspection by the public.
- (3) Reporting to the council and the public, from time to time and annually.
- (4) The holding of public hearings as required by law.

(1995 Code, sec. 2-46)

Sec. 105.038 Removal of members

Members of the planning and zoning commission may be removed by the city council at any time, with or without cause. (Ordinance 2004-11-0051 1, sec. 2, adopted 11/15/04)

ARTICLE 106 CODE OF ETHICS.

Sec. 106.001 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. 106.002 Title; applicability

This article 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's 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.

* State law references-Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; public disclosure. V.T.C.A., Government Code, ch. 553.

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:

- (1) 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;
- (2) Any information protected by attorney client, attorney work product, or other applicable legal privilege; and
- (3) 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 generally

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 homeowners' 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 fundraising 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. 106.006 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 recordkeeper for such body, board, commission, corporation or committee.

Sec. 106.007 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 nonimplicated 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 subsections (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. 106.009 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.

(Ordinance 2014-12-00805 adopted 2/5/15)

ARTICLE 1.07 EMERGENCY MANAGEMENT •

Sec. 107.001 National Incident Management System adopted

The city hereby adopts the National Incident Management System dated March 1, 2004. (Ordinance 2005-10-00537 adopted 10/3/05)

Sec. 1.07.002 Organization

(a) There exists the office of emergency management director of the city, which shall be held by the mayor in accordance with state law.

(b) An emergency management coordinator may be appointed by and serve at the pleasure of the director.

(c) The director shall be responsible for a program of comprehensive emergency management and for carrying out the duties and responsibilities set forth in this article. The director may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

(d) The operational emergency management organization shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

Sec. 107.003 Emergency management director - powers and duties

The duties and responsibilities of the emergency management director shall include the following:

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (2) Supervision of the development and approval of an emergency management plan for the city, and shall recommend for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.

-State law reference-Local and interjurisdictional emergency management, V.T.C.A., Government Code, ch.418.

- (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the city council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.
- (4) Issuance of necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring their contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the city secretary.
- (5) Direction and control of the operations of the emergency management organization as well as the training of emergency management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization.
- (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (8) Marshaling of all necessary personnel, equipment, or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county and with other municipalities within the county, for the countywide coordination of emergency management efforts.
- (10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (11) Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein.
- (13) Other requirements as specified in the Texas Disaster Act of 1975, codified in chapter 418 of the Texas Government Code.

Sec. 107.004 Emergency management plan

A comprehensive emergency management plan shall be developed and maintained to the advanced level, and the plan and all annexes shall be NIMS compliant. The plan shall set forth the form of the organization, establish and designate divisions and functions; assign responsibilities, tasks, duties, and powers; and designate officers and employees to carry out the provisions of this article. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the state division of emergency management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of Jaw during the time of a disaster.

Sec. 107.005 Interjurisdictional program

The mayor is hereby authorized to join the county judge and the mayors of other cities in said county, in the formation of an Interjurisdictional emergency management program for the county, and shall have the authority to cooperate in the preparation of an interjurisdictional emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a countywide program of emergency management insofar as said program may affect the city.

Sec. 107.006 Organization of city, officers, functions and duties

The operational emergency management organizations of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan. Such plan shall set forth the form of the organization, establish and designate divisions and functions, assign tasks, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, titles and terminology shall confirm to the recommendations of the state division of emergency management and of the federal government.

Sec. 107.007 Override

At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing articles, orders, rules, and regulations insofar as the latter may be iinconsistent therewith.

Sec. 107.008 Article not to conflict with state and federal regulations

This article shall not be constructed so as to conflict with any state or federal statue or with any military or naval order, rule or regulation.

Sec. 107.009 Liability

This article is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety, and neither the city, its agents nor representatives, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in

good faith carrying out, complying with or attempting to comply with any order, rules or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license of privilege, or otherwise permits the city to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack or natural or manmade disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or loss of, or damage to, the property of such person.

Sec. 107.010 Commitment of funds

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by the city council, nor shall any person have any right to bind the city by contract or otherwise without prior and specific approval of the city council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, or property.

Sec. 107.011 Offenses; penalties

(a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article.

(b) It shall be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the emergency management organization of the city, unless authority to do so has been granted to such person by the proper officials.

(c) Any authorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.

(d) Convictions for violations of the provisions of this article shall be punishable by fine not to exceed two thousand and no/ 100 dollars (\$2,000.00).

(Ordinance 2015-01-00807 adopted 1/15/15)

ARTICLE 108 RECORDS MANAGEMENT •

Sec. 108.001 Program adopted

The governing body of the city does hereby establish and adopt a management program for the orderly and efficient retention, retrieval and destruction of the records of the city as follows. (1995 Code, sec. 2-80)

* State law reference-Local Government Records Act, V.T.C.A., Local Government Code, ch. 201 et seq.

Sec.1.08.002 Definitions

Act or the act. The Local Government Records Act, V.T.C.A., Local Government Code, ch. 20 1 et seq. (Ordinance adopting Code)

Commission. The state library and archives commission.

Custodian. The appointed or elected public officer who by the state constitution, state law, ordinance or administrative policy is in charge of the office that creates or receives local government records. For the purpose of this article, a custodian is a department head, under the administration of the city council, who is responsible for all records in his/her department.

Director and librarian. The executive and administrative officer of the state library and archives commission.

Electronic Storage. The maintenance of municipal record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.

Essential records. Any local government record necessary to the resumption or continuation of government operations in an emergency or disaster, to the re-creation of the legal and financial status of the city, or to the protection and fulfillment of obligations to the people of the state.

Governing body. The city council.

Local government record. Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open

[Continued on page 1-27.]

- (4) The marshaling, after declaration of any emergency as provided for above, of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the disaster services plan;
- (5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the disaster services plan;
- (6) The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the city; such rules and regulations shall be filed in the office of the city secretary and shall receive widespread publicity unless publicity will be of aid and comfort to the enemy;
- (7) The supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and with other municipalities within the county, for the countywide coordination of effort in disaster services;
- (8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions;
- (9) The authorizing of agreements, after approval of the city attorney, for the use of private property for public shelter and other purposes.

(1995 Code, sec. 4-4)

Cross reference-City officers, art. 1.04.

Sec. 107.035 Disaster services organization

The operational disaster services organization of the city shall consist of the officers and employees of the city designated by the municipal disaster coordinator as well as all volunteer municipal workers. The functions and duties of this organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by resolution or the municipal disaster coordinator shall provide by directive. Any such resolution or directive shall set forth the form of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this division. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the stated division of emergency management and of the federal government.

(1995 Code, sec. 4-5)

Sec. 107.036 Oath of office

Each person serving as a member of the municipal disaster emergency services committee, or as an officer, employee or volunteer in any capacity in the municipal disaster service organization created by resolution or directive pursuant to the authority herein conferred, shall, prior to assuming their duty or duties, take an oath which shall be substantially as follows:

I, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Texas, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation

freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any political party or organization, group or combination of persons that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the municipal disaster emergency services committee of the City of Lucas, I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons or of any political party that advocates the overthrow of the government of the United States or of this state by force or violence.

(1995 Code, sec. 4-6)

Sec. 107.037 Unauthorized simulation of warning signal

Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this division and shall be subject to the penalties imposed by this division. (1995 Code, sec. 4-7)

Sec. 1.07038 Override of existing regulations by emergency regulations

At all times when the orders, rules and regulations made and promulgated pursuant to this division shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (1995 Code, sec. 4-8)

Sec. 107.039 Conflicts with state or federal statutes or military regulations

This division shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation. (1995 Code, sec. 4-9)

Sec. 1.07040 Limitation of liability

This division is an exercise by the city of its governmental functions for the protection of the public peace, and representatives of the city, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this division shall not be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. (1995 Code, sec. 4-10)

Sec. 107.041 Expenditures must be authorized

No person shall have the right to expend any public funds of the city in carrying out any disaster services activity authorized by this division without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the city council. (1995 Code, sec. 4-1 I)

Sec. 107.042 Violations

It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the disaster services organization in the enforcement of any rule or regulation issued pursuant to this division, or to do any act forbidden by any rule or regulation pursuant to the authority contained in this division. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the disaster services organization of the city, unless authority to do so has been granted to such person by the proper officials. (1995 Code, sec. 4-12)

Sec. 107.043 Penalty

Convictions for violations of the provisions of this division shall be punishable by a fine as provided in section 101.009 of this chapter for each violation. (1995 Code, sec. 4-13; Ordinance adopting Code)

ARTICLE 108 RECORDS MANAGEMENT*

Sec. 108.001 Program adopted

The governing body of the city does hereby establish and adopt a management program for the orderly and efficient retention, retrieval and destruction of the records of the city as follows. (1995 Code, sec. 2-80)

Sec. 108.002 Definitions

Act or the act. The Local Government Records Act, Y.T.C.A., Local Government Code, ch. 201 et seq. (Ordinance adopting Code)

Commission. The state library and archives commission.

Custodian. The appointed or elected public officer who by the state constitution, state law, ordinance or administrative policy is in charge of the office that creates or receives local government records. For the purpose of this article, a custodian is a department head, under the administration of the city manager who is responsible for all records in his/her department.

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Director and librarian. The executive and administrative officer of the state library and archives commission.

Essential records. Any local government record necessary to the resumption or continuation of government operations in an emergency or disaster, to the re-creation of the legal and financial status of the city, or to the protection and fulfillment of obligations to the people of the state.

Governing body. The City Council

Local government record. Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open

*State law reference-Local Government Records Act, V.T.C.A., Local Government Code. ch. 201 et seq.

or restricted under the laws of the state, created or received by local city government offices or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business, are hereby declared to be records of the city and shall be created, maintained and disposed of in accordance with the provisions of this article and the provisions of the act. The term does not include:

- (1) Extra identical copies of documents created only for convenience of reference or research by officers or employees of the city.
- (2) Notes, journals, diaries, and similar documents created by an officer or employee of the city for the employee's personal convenience.
- (3) Blank forms.
- (4) Stocks of publications.
- (5) Library and museum materials acquired solely for the purposes of reference or display.
- (6) Copies of documents in any media furnished to members of the public to which they are entitled under chapter 552 of the Texas Government Code or other state law.

Office. Any office, department, division, program, commission, bureau, board, committee, or similar entity of the city.

Record. A record of the city.

Records control schedule. A document prepared by or under the authority of a records management officer listing the records maintained by the city, their retention periods, and other records disposition information that the records management program in city or state law may require.

Records management. The application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purpose of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of electronic and other record storage systems.

Records retention schedule. A document issued by the commission establishing mandatory retention periods for local government records.

Retention period. The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

(1995 Code, sec. 2-81)

Sec. 108.003 Penalty

Any individual, association or corporation violating any portion or provision of this article shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be punished by the assessment of a fine as provided in section 1.01.009 of this chapter, and a separate offense shall be deemed committed upon each day during on or which a violation occurs or continues. (1995 Code, sec. 2-95; Ordinance adopting Code)

Sec. 108.004 City records declared public property

All city records as defined in section 1.08.002 of this article are hereby declared to be the property of the city. No city official or employee has, by virtue of his/her position, any personal or property right to such records, even though he/she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. (1995 Code, sec. 2-83)

Sec. 1.08.005 Policy

It is hereby declared to be the policy of the city to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the act and accepted records management practice. (1995 Code, sec. 2-84)

Sec. 108.006 Designation of records management officer

~~The mayor, and the successive holders of said office, shall serve as~~ **The City Secretary or successive holders of said office shall serve as the** records management officer for the city. As provided by state law, each successive holder of the office shall file his/her name with the director and librarian of the state library within thirty (30) days of the initial designation or of taking up the office, as applicable. (1995 Code, sec. 2-85)

Cross reference-City officers. art. 1.04.

Sec. 108.007 Records management plan

~~(a)~~ The records management officer ~~will~~ **shall** implement, ~~but is not limited to, a program to encompass such areas of records management as are required to preserve and keep in order all books, papers, documents, records and files of the city council and of the executive departments, to achieve the following goals:~~ a records management plan for the submission to the City Council that contains policies and procedures designed to reduce the costs and improve the efficiency of record keeping to adequately protect and preserve the essential records of the city, and properly preserve the historical value. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by State law and this article effectively.

- ~~(1) Release space and reduce the need for storage and filing equipment;~~
- ~~(2) Establish an efficient retrieval operation for both active and inactive municipal records;~~

- ~~(3) Provide for routine disposition of paperwork;~~
- ~~(4) Maintain total security over municipal records;~~
- ~~(5) Communicate the need of an effective records management program;~~
- ~~(6) Secure a central records storage facility which can be operated and maintained by records management staff.~~

(b) Once approved by the city council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and the records shall be created , maintained , stored, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a custodian do not exempt the custodian or the records in the custodian's care from the application of this article and the records management plan adopted under it and may not be used by the custodian as a basis for refusal to participate in the records management program of the city.

(1995 Code, sec. 2-86)

~~**Sec. 1.08.008 — Purpose of records management program**~~

~~Since the citizens of the city have a right to expect efficient and cost effective government, and recognizing the importance of local government records in the lives of all citizens, the efficient management of city records is necessary to the effective and economic operation of the city, the preservation of records of permanent value is necessary to provide the people of the state with resources concerning their history and to document their rights of citizenship and property, and the establishment of uniform standards and procedures for the maintenance, preservation or other disposition of city records is necessary to fulfill the high public purpose. (1995 Code, sec. 2-87)~~

Sec. 1.08.009 Duties of records management officer

In addition to other duties assigned in this article, the records management officer shall:

- (1) Administer the records management program and provide assistance to custodians in its implementation ;
- (2) Plan, formulate, and prescribe records, disposition policies, systems, standards, and procedures;
- (3) In cooperation with custodians, identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to reestablish operations quickly and with minimum disruption and expense;
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) Establish standards for filing and storage equipment and for recordkeeping supplies;
- (6) Establish a uniform filing system and a forms design and control system for the city;
- (7) Provide records management advice and assistance to all city departments by preparation of a manual or manuals of procedure and policy and by on-site consultation ;

- (8) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the city's records control schedules are in compliance with state regulations;
- (9) Disseminate to the city and custodians information concerning state laws and administrative rules relating to local government records;
- (10) Ensure that the maintenance, preservation, destruction or other disposition of the city records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (11) Maintain records on the volume of records destroyed under approved records control schedules, ~~the volume of records stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;~~
- ~~(12) Report annually to the city council on the implementation of the records management program;~~
- ~~(13) Bring to the attention of the city council manager noncompliance by custodians or other personnel with the policies and procedures of the records management program or the act;~~
- ~~(14) Prepare and file with the director and librarian before January 2, 1995, the records control schedules and the lists of obsolete records required by the act.~~

(1995 Code, sec. 2-88)

~~Sec. 108.010 — Duties of custodians~~

~~In addition to other duties assigned in this article, custodians shall:~~

- ~~(1) Cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this article;~~
- ~~(2) Adequately document the transaction of government business and the services, programs, and duties for which the custodian and his/her staff are responsible;~~
- ~~(3) Maintain the records in his/her care and carry out their preservation, destruction or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this article.~~

(1995 Code, sec. 2-89)

~~Sec. 108.011 — Duties of city council~~

~~The city council shall:~~

- ~~(1) Establish, promote and support an active and continuing program for the efficient and economical management of all city records;~~

- ~~(2) Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;~~
- ~~(3) Facilitate the creation and maintenance of city records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the city and designed to furnish the information necessary to protect the legal and financial rights of the city, state and persons affected by the activities of city government;~~
- ~~(4) Facilitate the identification and preservation of city records that are of permanent value;~~
- ~~(5) Facilitate the identification and protection of essential city records;~~
- ~~(6) Cooperate with the commission in its conduct of statewide records management surveys;~~
- ~~(7) Review of a records control schedule or amended schedule by the officers of the city as it considers necessary.~~

(1995 Code, sec. 2-90)

Sec. 1.08.012 Development of Records Control Schedule ~~to be developed; approval; filing with state~~

(a) The records management officer, in cooperation with custodians, shall prepare records control schedules **on a department by department basis** listing all records created or received by the custodians and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of the city records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.

~~(e) Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian.~~

(1995 Code, sec. 2-9 1)

Sec. 1.08.013 Implementation of records control schedules; destruction of records under schedule

(a) A records control schedule for a department that has been approved and adopted shall be implemented according to the policies and procedures of the records management plan.

~~(b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the custodian requests in writing to the records management officer that the record be retained for an additional period.~~

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer.

(1995 Code, sec. 2-92)

Sec. 108.014 Destruction of unscheduled records

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request. (1995 Code, sec. 2-93)

Sec. 108.015 Electronic storage of records

(a) For the purpose of this section, "electronic storage" means the maintenance of local government record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.

(b) For the purpose of this section, "source document" means the local government record from which local government record data is obtained for electronic storage. The term does not include backup copies of the data in any media generated from electronic storage.

(c) Any city record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of the act and rules adopted under it.

(d) The city will be subject to rules established by the commission for standards and procedures for electronic storage and will be subject to the provisions of chapter 205 of the act.

(1995 Code, sec. 2-94)

ARTICLE 1.09 PARKS AND RECREATION*

Division 1. Generally

Secs. 1.09.001-109.030 Reserved

Division 2. Park and Open Space Board Sec.

109.031 Established; composition; qualifications of members

There is hereby created and established the city parks and open space board. The board shall consist of five (5) regular voting members, including a chairperson, and two (2) alternate members. The board members shall be appointed by the city council for a term of two (2) years, and shall serve until their successor is appointed. The alternate board members may participate in

* State law reference-Authority to acquire and maintain parks, museums and historic sites, V.T.C.A., Local Government Code, ch.331.

t Cross reference-Boards, commissions and committees, art. 1.05.

the board discussions; however, the alternate board members shall only vote in the absence of a regular board member, as determined by the chairperson. Board members shall reside in the city for at least six (6) months preceding appointment day.

Sec. 109.032 Removal of members; filling of vacancies

The members of the park and open space board may be removed at any time by a majority vote of the city council with or without cause. Any vacancy in the board shall be filled by the city council for the unexpired term of the member whose place has become vacant.

Sec. 109.033 Meetings; quorum

The park and open space board shall hold at least one (1) quarterly meeting. Such meeting shall be held on a day of the month approved by the board. Special meetings may be called by the chairman, by the city manager, or, if requested, by at least four (4) board members. A simple majority of the board shall constitute a quorum. A vote of the simple majority of the quorum shall be required for any action taken by the board. Such meetings shall comply with the Texas Open Meetings Act.

State law reference-Open meetings, V.T.C.A., Government Code, ch. 551.

Sec. 109.034 Officers

(a) Election. A chairman and vice-chairman shall be selected annually, preferably at the first regular meeting of the fiscal year.

(b) Duties of officers.

(1) Chairman. It shall be the duty of the chairman to preside at all meetings of the board and to call special meetings.

(2) Vice-chairman. It shall be the duty of the vice-chairman to perform the duties of the chairman during any absence.

Sec. 109.035 Duties

(a) The board shall serve in an advisory capacity to the city council in all matters relating to the parks and open space of the city. The board shall also make recommendations to the city council on the implementation of beautification programs and projects to enhance the natural beauty of the city.

(b) The board shall review, study and make recommendations to the city manager or designee for priorities of projects or activities to be included in future parks, open space and beautification projects and programs. Board input and guidance on parks and open space should be incorporated into the parks and open space master plan which also includes the identification of the city's trail network and possible locations of trailheads. Such master plan shall be considered, revised and maintained with technical assistance and recommendations of the city manager or designee. The parks and open space master plan shall be reviewed at least annually by the board.

- (c) Based on the park and open space master plan and the identification of beautification projects by the board, a five-year capital improvement program should be developed for consideration by the city council and coordinated with the city manager or designee and the finance department.
- (d) The board should review fees relating the use of parks on an annual basis, making recommendations to the city manager or designee for consideration during the budget process. The board shall study budget proposals on an annual basis and recommend inclusion or exclusion of budget items to the city manager or designee.
- (e) The board should review park rules and policies on an annual basis, making recommendations to the city manager or designee.
- (f) The board should assist in educational and community outreach programs to help facilitate litter prevention, preservation of open space, encouragement of community advocacy relating to beautification and the establishment of partnerships to help with the overall aesthetic appeal of the city.
- (g) The board should help ensure a high quality of life for city residents by coordinating special events that provide a mechanism to create a sense of community spirit and enjoyment.
- (h) The board may establish additional policies and guidelines upon approval by the city council.
- (i) The board shall study and make recommendations to the city council on any other matters as requested by the city council.

Sec. 1.09.036 Attendance policy

- (a) To ensure that the board has sufficient members present to transact business, board members and alternates shall maintain a record of at least 75% attendance at the official meetings of the board .
- (b) A review of each board member's attendance will be conducted at the time the member's reappointment. If at the time of reappointment, the attendance record of the member is below 75% for their last appointed term, the staff and chair will review the attendance record with the board member and will then provide a written board attendance report to the city council. Upon review of the written report, the city council may ask to meet with the member concerning the ability to continue to meet the attendance requirements. The outcome of the review of the report and/or the interview with the member will be considered in the reappointment process.

Secs. 1.09.037-1.09.060 Reserved

Division 3.Park Rules

See.109.061 Penalty

Any person, firm or corporation violating any of the provisions of this division shall be deemed guilty of a misdemeanor, and upon conviction in the municipal court of the city shall be subject to a fine as provided in section 1.01.009 of this chapter for each offense.

Sec. 109.062 Conduct prohibited in parks

As used in this division, "city park" or "park facility" shall mean any area in the city owned or used by the city, or by the city jointly with any other governmental or private entity, devoted to active or passive recreation, and includes but is not limited to athletic fields, recreation areas, community center property, and those areas designated as city parks. The following acts, omissions or conduct are prohibited within the limits of all city parks and no person, firm or corporation shall engage in, commit, cause, or suffer the following acts, omissions or conduct:

- (1) To enter or remain in any park facility between the hours of 11:00 p.m. and 5:00 a.m. unless different hours for the park facility have been designated. All soft surface trails shall be closed from dusk until dawn where on-site signage is posted, unless different hours have been posted;
- (2) To allow any pet or animal to run at-large or fail to keep a pet or animal restrained by a leash, chain or cord not more than six (6) feet long;
- (3) To dump or litter any park. All persons shall use receptacles provided for the deposit of refuse;
- (4) To tie or restrain an animal by attaching its leash to fencing, trees, benches, bleachers, pole or other park facility infrastructure;
- (5) To operate a motor vehicle within any city park in any area not designated as a roadway for vehicular traffic (for the purposes of this subsection, "motorized vehicle" means any vehicle or conveyance which is self-propelled) which would exclude electronic wheelchairs or electric scooters for the disabled;
- (6) To use or ride on a skateboard within a city park;
- (7) To possess, use, discharge or employ any fireworks, firearm, BB gun, air gun, bow-and-arrow, or slingshot;
- (8) To sell, possess or consume any alcoholic beverage;
- (9) To erect, post, distribute, or place any advertising material, sign, circular, or handbill without the prior permission of the city;

(Ordinance 2014-12-00803 adopted 12/4/14)

- (10) (A) To practice, conduct, or carry on any commercial activity, trade or business activity unless said commercial activity has been approved through a facility use agreement issued by the city manager or designee.
- (B) In approving a facility use agreement for a commercial activity, the city manager or designee shall consider whether such activity is classified as a recreational activity that enhances the overall well-being of participants and includes but is not limited to the provision of physical fitness classes, athletic sports activities and services that promote healthy lifestyles. It does not include

the sale of products and/or goods. While this activity may serve nonresidents, the provider must make the provision of recreational programming to city residents a priority. The number of city residents served may be taken into consideration on future applications for use of park facilities.

- (C) City park facilities may be reserved for commercial recreational activity from 5:00 a.m. through 8:00 a.m. and from 7:00 p.m. through 9:00 p.m. The community center is not available for use for commercial recreational activity and may only be used by city residents.
- (D) A city facility use agreement must be completed and submitted together with the required fee to the city manager for consideration. The applicant must provide documentation demonstrating the vendor's liability insurance coverage in the amount of \$1,000,000.00 and must name the city as an additional insured on the certificate of insurance.
- (E) The applicant may reserve the park facility for up to two months and must reapply for any subsequent use. If any park facility is left in a condition that is unacceptable to the city, the city reserves the right to not allow the vendor to use any of its facilities in the future;

(Ordinance 2015-03-0081 2 adopted 4/16/15)

- (11) To cause, create or maintain any nuisance or engage in any conduct or activity that unreasonably disturbs persons of ordinary sensibilities;
- (12) To use any type of sound amplification devices which include but are not limited to loudspeakers, amplifiers or microphones without the written permission of the city;
- (13) To ascend, descend, operate, or launch any aircraft, including but not limited to hot air balloons, airplanes, paraplanes, ultralight aircrafts, helicopters, drones, remote/radio controlled devices and gliders;
- (14) To hit golf balls of any type in a park facility;
- (15) To camp overnight in or upon any park facility;
- (16) To enter onto a reserved facility or area, or a location where scheduled activities are occurring, during the period that the area or facility is reserved or during the scheduled activity and remain or return there after the person has been given notice to leave. Reserved facilities and areas, and scheduled activities, include but are not limited to: athletic fields and pavilions;
- (17) To make or kindle a fire except in public stoves, grills, fire pits, or designated areas provided for that purpose. Fires shall not be left unattended and must be extinguished prior to departure. The city manager may prohibit all fires in public parks during those periods that he, in his sole discretion, determines that extreme dry weather, high winds or other conditions endanger public health and safety;

(18) To use or consume any tobacco products within a park facility;

(19) To destroy, damage, deface or remove shrubbery, trees, soil, grass, turf or other vegetation, rock, minerals or any other personal or real property.

(Ordinance 2014-12-00803 adopted 12/4/14)

ORDINANCE # 2015-10-00822
[AMENDING CODE OF ORDINANCE CHAPTER 1]

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1 TITLED “GENERAL PROVISIONS” BY AMENDING ARTICLE 1.01 TITLED “CODE OF ORDINANCES” BY AMENDING SECTION 1.01.004 TITLED “DEFINITIONS AND RULES OF CONSTRUCTION” BY AMENDING THE DEFINITION OF “CITY MANAGER”; BY AMENDING ARTICLE 1.05 TITLED “BOARDS, COMMISSIONS AND COMMITTEES” BY AMENDING DIVISION 1 TITLED “GENERALLY” BY AMENDING SECTION 1.05.001 TITLED “QUALIFICATIONS OF MEMBERS”; BY AMENDING SECTION 1.05.003 TITLED “APPOINTMENTS OF MEMBERS”; BY AMENDING DIVISION 2 TITLED “PLANNING AND ZONING COMMISSION” BY AMENDING SECTION 1.05.033 TITLED “QUALIFICATIONS OF MEMBERS”; BY AMENDING SECTION 1.05.035 TITLED “ELECTION OF OFFICERS”; BY AMENDING ARTICLE 1.08 TITLED “RECORDS MANAGEMENT” BY AMENDING SECTION 1.08.002 TITLED “DEFINITIONS” BY AMENDING THE DEFINITION OF “CUSTODIAN” AND BY ADDING A NEW DEFINITION FOR “ELECTRONIC STORAGE”; BY AMENDING SECTION 1.08.006 TITLED “DESIGNATION OF RECORDS MANAGEMENT OFFICER”; BY DELETING SECTION 1.08.008 TITLED “PURPOSE OF RECORDS MANAGEMENT PROGRAM” AND BY DELETING SECTION 1.08.010 TITLED ‘DUTIES OF CUSTODIAN” AND RENUMBERING REMAINDER OF SECTION 1.08; BY AMENDING SECTION 1.08.008 TITLED “DUTIES OF RECORDS MANAGEMENT OFFICER”; BY DELETING SECTION 1.08.009 TITLED “DUTIES OF CITY COUNCIL”; BY AMENDING SECTION 1.08.010 TITLED “RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE”; BY AMENDING SECTION 1.08.011 TITLED “IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE”; BY 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”, to read as follows:

“CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1.01 CODE OF ORDINANCES

...

Sec. 1.01.004 Definitions and rules of construction

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:

Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

...

City manager, city secretary, or other city officers. The term "city manager," "city secretary," or other city officer or department shall be construed to mean the city manager, city secretary, or such other municipal officer or department, respectively, of the City of Lucas, Texas.

...

ARTICLE 1.05 BOARDS, COMMISSIONS AND COMMITTEES

Division 1. Generally

Sec. 1.05.001 Qualifications of members

A person is eligible for appointment to a board or commission of the city if the person:

- (1) Has been a citizen of the city for twelve (12) continuous months prior to the date of appointment;
- (2) Has obtained the age of eighteen (18) years prior to the date of appointment;
- (3) Has never been convicted of and is not currently charged with a felony or a crime involving moral turpitude;
- (4) Is not delinquent on any ad valorem tax due the city; and
- (5) Qualified voter of the City.

...

Sec. 1.05.003 Appointment of members

(a) All members of any board, commission or corporation of the city shall be appointed by a majority of the city council. The members of any board, commission or corporation shall be appointed for staggered terms of two (2) years. The initial appointment or reappointment of the members of boards, commissions or corporations by the council shall be in November of each year. At the time of initial appointment, the council shall designate which members shall serve a two-year term and which members shall serve a one-year term; and, in November of each succeeding year thereafter, the council shall select replacements for those members whose terms have expired. Vacancies and unexpired terms shall be appointed by the council for the remainder of the term. No person related to the mayor or any member of the city council within the first degree by consanguinity or affinity shall be eligible to serve on any city board, commission, corporation or committee.

(b) Except as otherwise required by state law, a person appointed by the city council to any board, commission or corporation is not subject to term limits.

...

Division 2. Planning and Zoning Commission

...

Sec. 1.05.033 Qualifications of members

The appointed members of the planning and zoning commission shall be resident citizens and qualified voters of the city and meet the requirements of section 1.05.001.

...

Sec. 1.05.035 Election of officers

The members of the planning and zoning commission shall elect a chairman and vice-chairman from its membership annually.

...

ARTICLE 1.08 RECORDS MANAGEMENT

...

Sec. 1.08.002 Definitions

Act of the act. The Local Government Records Act, V.T.C.A., Local Government Code, ch. 201 et seq.

...

Custodian. The appointed or elected public officer who by the state constitution, state law, ordinance or administrative policy is in charge of the office that creates or receives local government records. For the purpose of this article, a custodian is a department head, under the administration of the city manager, who is responsible for all records in his/her department.

...

Electronic Storage. The maintenance of municipal record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.

...

Sec. 1.08.006 Designation of records management officer

The city secretary or successive holders of said office shall serve as the records management officer for the city. As provided by state law, each successive holder of the office shall file his/her name with the director and librarian of the state library within thirty (30) days of the initial designation or of taking up the office, as applicable.

Sec. 1.08.007 Records management plan

(a) The records management officer shall implement a records management plan for submission to the City Council that contains policies and procedures designed to reduce the costs and improve the efficiency of record keeping to adequately protect and preserve the essential records of the city, and properly preserve the historical value. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by State law and this article effectively.

(b) Once approved by the city council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and the records shall be created, maintained, stored, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a custodian do not exempt the custodian or the records in the custodian's care from the application of this article and the records management plan adopted under it and may not be used by the custodian as a basis for refusal to participate in the records management program of the city.

Sec. 1.08.008 Duties of records management officer

In addition to other duties assigned in this article, the records management officer shall:

- (1) Administer the records management program and provide assistance to custodians in its implementation;
- (2) Plan, formulate, and prescribe records, disposition policies, systems, standards, and procedures;
- (3) In cooperation with custodians, identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to reestablish operations quickly and with minimum disruption and expense;
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) Establish standards for filing and storage equipment and for recordkeeping supplies;
- (6) Establish a uniform filing system and a forms design and control system for the city;
- (7) Provide records management advice and assistance to all city departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;
- (8) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the city's records control schedules are in compliance with state regulations;
- (9) Disseminate to the city and custodians information concerning state laws and administrative rules relating to local government records;
- (10) Ensure that the maintenance, preservation, destruction or other disposition of the city records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (11) Maintain records on the volume of records destroyed under approved records control schedules.

Sec. 1.08.010 Development of Records Control Schedules

(a) The records management officer, in cooperation with custodians, shall prepare records control schedules on a department by department basis listing all records created or received by the custodians and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of the city records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.

Sec. 1.08.011 Implementation of records control schedules; destruction of records under schedule

(a) A records control schedule for a department that has been approved and adopted shall be implemented according to the policies and procedures of the records management plan.

(b) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer.

Sec. 1.08.012 Destruction of unscheduled records

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request.

Sec. 1.08.013 Electronic storage of records

(a) For the purpose of this section, “electronic storage” means the maintenance of local government record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.

(b) For the purpose of this section, “source document” means the local government record from which local government record data is obtained for electronic storage. The term does not include backup copies of the data in any media generated from electronic storage.

(c) Any city record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of the act and rules adopted under it.

(d) The city will be subject to rules established by the commission for standards and procedures for electronic storage and will be subject to the provisions of chapter 205 of the act.

..”

Section 2. All ordinances of the City of Lucas in conflict with the provisions of this Ordinance shall be, and same are hereby, repealed, and 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 1st DAY OF OCTOBER, 2015.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(08-20-15/72970)

Stacy Henderson, City Secretary



City of Lucas Council Agenda Request October 1, 2015

Item No. 08

Requester: Mayor Jim Olk

Agenda Item:

Discuss and consider City Council meeting dates for the months of November and December.

Background Information:

NA

Attachments/Supporting Documentation:

1. Calendars for November and December

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA

November 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5 CITY COUNCIL MEETING	6	7
8	9	10	11	12 PLANNING AND ZONING MEETING	13	14
15	16	17	18	19 CITY COUNCIL MEETING	20	21
22	23	24 PARKS AND OPEN SPACE BOARD MEETING	25	26 THANKSGIVING HOLIDAY CITY HALL CLOSED	27 THANKSGIVING HOLIDAY CITY HALL CLOSED	28
29	30	1	2	3	4	5
6	7	8	9	10	11	12

December 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	1	2	3 CITY COUNCIL MEETING	4	5
6	7	8	9	10 PLANNING AND ZONING MEETING	11	12
13	14	15	16	17 CITY COUNCIL MEETING	18	19
20	21	22 PARKS AND OPEN SPACE BOARD MEETING	23	24 CHRISTMAS EVE CITY HALL CLOSED	25 CHRISTMAS DAY CITY HALL CLOSED	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9



City of Lucas Council Agenda Request October 1, 2015

Requester: Public Works Director/City Engineer Stanton Foerster

Agenda Item:

Consider setting a date for a Water Workshop to discuss the water infrastructure needs of the City.

Background Information:

During the FY 15-16 Budget Workshop and City Council meeting, staff conveyed a plan for addressing existing water infrastructure issues. A workshop is proposed for later this year to explore various options.

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

In the FY 15-16 Budget, the City Council allocated \$100,000 to review and solve the dual pressure plan issue and possible other water infrastructure issues.

Recommendation:

Provide direction regarding setting a Water Workshop meeting the month of November or December.

Motion:

NA



City of Lucas Council Agenda Request October 1, 2015

Requester: City Secretary Stacy Henderson

Agenda Item:

Consider appointing a Grand Marshal for the 2015 Founders Day Horse Parade and Costume Contest.

Background Information:

The previous nominee, Charlie Gaines, will not be able to take part in the Founders Day event this year; therefore, another nominee will need to be chosen.

Attachments/Supporting Documentation:

N/A

Budget/Financial Impact:

N/A

Recommendation:

N/A

Motion:

I make a motion to nominate _____ as the Grand Marshal for the Horse Parade and Costume Contest.



City of Lucas Council Agenda Request October 1, 2015

Requester: Public Works Director/City Engineer Stanton Foerster

Agenda Item:

Discuss the proposed concrete batch plant along Southview Drive near Seis Lagos.

Background Information:

Wylie ISD and TxDOT contractor Ed Bell Construction Company (EBCC) have requested a permit from the Texas Commission on Environmental Quality to place a concrete batch plant along Southview Drive near Seis Lagos. To date, the City has not received a request for permit from Wylie ISD or EBCC.

The concrete batch plant is for the TxDOT Parker Road (FM 2514) project and is proposed to be located at the west side of Southview Drive (FM 1378) approximately 550 feet west of the intersection of Southview Drive and Seis Lagos Trail on the Wylie ISD property within the city limits of Lucas.

Staff has obtained a copy of the lease agreement between the Wylie ISD and EBCC. The lease is for 16 months, but staff is concerned that EBCC will extend the lease for another 18 to 24 months if EBCC is awarded the second phase of the Parker Road project.

Staff does not believe this location is in the best interest of Lucas citizens. The proposed plant site is about one mile from the site where the concrete is being used. Less than one-fourth of the TxDOT project is within the Lucas city limits.

Development Services Director Joe Hilbourn and Public Works Director/City Engineer Stanton Foerster met with EBCC Project Manager Eric Giebelhaus on Friday, September 17, 2015, to discuss the location of the plant. Staff encouraged Mr. Giebelhaus to explore locating the plant on the far southern end of the "Hunt" property adjacent to the TxDOT Parker Road project. Mr. Giebelhaus stated that Don Dillard had been approached about locating on this site. Mr. Dillard was concerned about the impacts to the property owners' tax rate if this temporary use was located on the site.

On September 22, 2015, staff received the following from Don Dillard:

We do not want the batch on any of our property...it will potentially hinder development of the property for several years...and as you know we are presently marketing the property for development.



City of Lucas Council Agenda Request October 1, 2015

Requester: Public Works Director/City Engineer Stanton Foerster

After receiving Mr. Dillard's response, Mr. Giebelhaus has informed staff that EBCC was looking for a location for the plant south of Lucas in Wylie. If this site does not work out for them, he will contact us to discuss further Lucas locations.

Attachments/Supporting Documentation:

Map of proposed location of the concrete batch plant.

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA



Lewis Park

Brookhaven Ranch Estates

Lewis Park Estates

Wylie ISD Property

Proposed Concrete Batch Plant

North Texas Equestrian Center

Staff Recommend Plant Location

TxDOT Parker Road Project

Parker Rd

Google



City of Lucas Council Agenda Request October 1, 2015

Item No. 12

Requester: Public Works Director/City Engineer Stanton Foerster

Agenda Item:

Discuss and provide direction to the City Manager about the intra connections between the City of Lucas and neighboring districts such as Inspiration which is in the Collin County Water Control and Improvement District No. 3 (CCWCID).

Background Information:

On Friday, September 18, 2015, Public Works Director/City Engineer Stanton Foerster received a call from Gary Enna with Collin County Public Works. Mr. Enna had received a call from a consultant representing the Huffine's development Inspiration. The consultant requested a permanent connection between the Inspiration subdivision and Aztec Trail. The connection would be where Aztec Trail turns from being an east/west street to a north/south street. Down the centerline of the east/west portion of Aztec Trail is the Lucas city limits: Lucas on the north and Collin County on the south. All of the north/south part of Aztec Trail are outside the city limits and belongs to Collin County.

The Public Works Director responded to Collin County Public works that the City of Lucas was not interested in allowing a connection point to Inspiration SUD along any portion of Aztec Trail.

On Sunday, September 20, 2015, the Public Works Director visited Aztec Trail to find that Inspiration had already built the concrete connection up to the eastern right-of-way line of Aztec Trail. Public Works Director/City Engineer Stanton Foerster informed the county about the construction and Mr. Enna with Collin County stated staff was discussing the issue with Collin County Commissioner Williams.

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA



City of Lucas Council Agenda Request October 1, 2015

Requester: City Secretary Stacy Henderson

Agenda Item:

Discuss and consider approving nominations for the Service Tree Award Program.

Background Information:

The City of Lucas established a Service Tree Award Program that will allow for appropriate annual recognition of an individual, business, youth or civic group who has contributed a significant and useful service to the community. The award will consist of planting a living tree on City property and presentation of an award plaque by the Mayor at the City's Founders Day event.

The Service Tree Nominating Committee, consisting of Councilmembers Debbie Fisher, Steve Duke and Wayne Millsap, will bring forward their recommendations to the City Council for consideration and approval at the October 1 City Council meeting.

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

I make a motion to nominate _____ as a recipient of the Service Tree Award.



City of Lucas Council Agenda Request October 1, 2015

Requester: Mayor Jim Olk

Agenda Item:

Executive Session:

Pursuant to Section 551.071 of the Texas Government Code, the City Council will convene into Executive Session to receive advice from the City Attorney regarding legal matters related to drainage.

Background Information:

NA

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA