



**City Council Regular Meeting &
Lucas Fire Rescue Workshop 6:00 PM
June 5, 2014
City Hall - 665 Country Club Road**

Minutes

Call to Order

Mayor Rebecca Mark called the meeting to order at 7:00 p.m.

Present or (Absent):

Mayor Rebecca Mark
Councilmember Wayne Millsap
Councilmember Steve Duke
Councilmember Debbie Fisher

Mayor Pro Tem Kathleen Peele
Councilmember Jim Olk
Councilmember Philip Lawrence

Staff Present:

City Manager Joni Clarke
City Attorney Joe Gorfida
Public Works Director Stanton Foerster
Development Services Director Joe Hilbourn

City Secretary Kathy Wingo
Fire Chief Jim Kitchens
Finance Director Liz Exum

It was determined that a Quorum was present.

Everyone was reminded to turn off or silence cell phones.

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

Regular Agenda

- 1) City Secretary will administer the Oaths of Office to Councilmember(s) Millsap and Olk.

City Secretary Kathy Wingo administered the Oaths of Office to Councilmember Wayne Millsap, Seat 1 and Councilmember Jim Olk, Seat 2.

- 2) Discuss and consider the appointment of a Mayor Pro Tem to serve for a period of one year, term ending May 31, 2015.

MOTION: Councilmember Jim Olk made a Motion to appoint Kathleen Peele as Mayor Pro Tem to serve for a period of one year, term ending May 31, 2015. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 7-0.

Citizens' Input

- 3) Citizens' Input.

There was no one present who wished to speak during Citizens' Input.

Community Interest

- 4) Items of Community Interest.

- a) Discussion and update regarding the drought contingency plan, conservation efforts and watering restrictions as it pertains to the City of Lucas. **[Fisher/Foerster]**

Councilmember Debbie Fisher stated that 2x month watering continues through March 2015. Watch for the June newsletter for more information or visit the North Texas Municipal Water District's (NTMWD) website. Councilmember Fisher went on to say that 50% of the water used by each household is used for outside watering.

NTMWD will be releasing a media advisory on Friday, June 6th which states:

*NTMWD to begin using newly constructed Lake Texoma water pipeline. Officials with the NTMWD will be available on Friday, June 6, 2014, for media to view the recently completed Texoma pipeline. The 46-mile pipeline will allow NTMWD to resume using water supply from Lake Texoma, which has been off-line since 2009 due to an infestation of the invasive zebra mussel. The closed pipeline system will be connected to the NTMWD's water treatment facility where zebra mussels will be removed. Restoring the Texoma supply is a **good thing**, and will provide water supply; however, it does not change the effects of drought on Lakes Lavon and Chapman. We need everyone's help.*

Follow our conservation strategy for this summer and use your sprinklers once every two weeks to water your lawn. We need ALL-IN TOGETHER.

Development Services Director Joe Hilbourn stated that the City has received six (6) sealed bids for the Fire Station Expansion Project. The Committee will be reviewing the bids and bring back a recommendation to the City Council on June 19th.

Daniel, a local boy scout, was in attendance at tonight's City Council meeting to observe local government in action.

Consent Agenda

The Consent Agenda was presented for consideration and action.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to approve the Consent Agenda as presented. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 7-0.

5) Consent and Approve:

- a) The minutes from the May 15, 2014 City Council Regular and the May 17, 2014 City Council Workshop meetings. **[Wingo]**
- b) The Pave-It, Inc. contract for construction of the W. Lucas Road fire station driveway in the amount of \$15,373.59 and authorize the Mayor to execute the agreement with a twenty percent (20%) contingency in the amount of \$3,074.72 for a total of \$18,448.31. **[Foerster]**

Regular Agenda (Continued)

- 6) Discuss and consider the approval of **Ordinance # 2014-06-00782** amending the City of Lucas Code of Ordinances by amending Chapter 5 titled "Fire Prevention and Protecting" by amending Article 5.03 "Fire Code" by amending Section 3301.1.3 of the International Fire Code 2003 Edition to prohibit the use of fireworks within 5,000 feet outside the City Limits of the City of Lucas. **[Hilbourn]**

Michelle Burch, 2908 Opal Court, McKinney came forward to speak in OPPOSITION of this ordinance. Ms. Burch is owner of the Burch Fireworks located on E. Lucas Road.

Robert Burch, 2908 Opal Court, McKinney came forward to speak in OPPOSITION of this ordinance. Mr. Burch is owner of the Burch Fireworks located on E. Lucas Road.

Nathan Bullard, PO Box 398, Edgewood, Texas, came forward to express concerns with the proposed ordinance and to speak in OPPOSITION of said ordinance. Mr. Bullard is the owner of Mr. Biggs Fireworks located on E. Lucas Road.

At the May 15, 2014 regular City Council meeting, Fire Marshal Jason Browning gave a presentation regarding the current conditions and the impact to the safety and welfare of the public as it relates to the risk of fire for the upcoming Fourth of July holiday.

The Lucas City Council discussed the safety of its residents and requested that staff continue to evaluate the City's authority to regulate the igniting of fireworks within 5,000 feet of its city limits. The use of fireworks increases the risk of fire and in light of our current drought-related conditions, the City Council would be proactively reducing the risk of fire.

Jason Browning, Collin County Fire Marshall, came forward to give an update on the plan submitted this week to Collin County. The property owners are still working on the submitted plan to meet the requirements of the county.

There is no water in the area, water would have to be trucked in to the area to control any fire issues. It was determined that there was a 4" water line, but no fire hydrant, in the area which is not adequate to control any fire should there be one.

John Hafen, attorney for Mr. Biggs, 1125 Legacy Drive, Suite 250, Frisco, Texas, came forward to answer any questions concerning the event. Barricades will be paid for directly, rather than reimbursing the county. There would be off-duty officers that would staff the event to control the traffic, crowd, and overall safety. The county will have a few deputies assigned the area on July 4th. Portable bathrooms will be made available on the premises. Those are the three main concerns that the county had with the event.

Major Sanderson, Collin County Sheriff's Office, stated there will be Supervisor on duty that has the ability to shut down the road if the needs arises or should the event become unsafe.

Mayor Rebecca Mark asked the Council if they were willing to accept the traffic control as it is.

Councilmember Wayne Millsap stated that fire danger has not been addressed. However, the waterline in the area is not adequate to fight grass fires which would be a concern.

Mayor Pro Tem Kathleen Peele said the businesses do a good job with their areas. But the event has grown to such a magnitude that it has outgrown the area. There is a huge fire risk. There will be people who will leave the area to shoot their fireworks and firearms as well.

Councilmember Wayne Millsap asked if Council should pass this ordinance, how and who will enforce it.

Councilmember Jim Olk feels that the plan is not adequate to meet the safety and fire concerns.

Mayor Pro Tem Kathleen Peele stated that the plan submitted is better than nothing.

Councilmember Debbie Fisher asked that Council convene into Executive Session to seek advice from legal counsel at 7:22 p.m.

Mayor Rebecca Mark stated as authorized by Section 551.071 (2) 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 regarding any item on the agenda at any time during the meeting.

Council reconvened into Regular Session at 7:29 p.m.

There will be no action taken as a result of the Executive Session.

Fire Chief Jim Kitchens came forward and said that the lake is dry and should there be a low humidity day it could be a disaster for Lucas. It has the potential to be another Bastrop. There is nothing in the plan for evacuation in the plan submitted should the need arise to evacuate the area.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to approve **Ordinance # 2014-06-00782** amending the City of Lucas Code of Ordinances by amending Chapter 5 titled “Fire Prevention and Protecting” by amending Article 5.03 “Fire Code” by amending Section 3301.1.3 of the International Fire Code 2003 Edition to prohibit the use of fireworks within 5,000 feet outside the City Limits of the City of Lucas with an effective date of July 10, 2014. Councilmember Philip Lawrence seconded the Motion. Further discussion by Councilmember Jim Olk stating that this does not protect the citizens.as Council desired. Mayor Pro Tem Kathleen Peele withdrew her Motion, the seconded failed.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to approve **Ordinance # 2014-06-00782** amending the City of Lucas Code of Ordinances by amending Chapter 5 titled “Fire Prevention and Protecting” by amending Article 5.03 “Fire Code” by amending Section 3301.1.3 of the International Fire Code 2003 Edition to prohibit the use and sale of fireworks within 5,000 feet outside the City Limits of the City of Lucas with an effective date of July 10, 2014. Councilmember Philip Lawrence seconded the Motion. Motion failed. Vote: 2-5, Councilmember(s) Fisher, Olk, Duke, Millsap and Mayor Rebecca Mark voting NAY.

MOTION: Councilmember Jim Olk made a Motion to approve **Ordinance # 2014-06-00782** amending the City of Lucas Code of Ordinances by amending Chapter 5 titled “Fire Prevention and Protecting” by amending Article 5.03 “Fire Code” by amending Section 3301.1.3 of the International Fire Code 2003 Edition to prohibit the use of fireworks within 5,000 feet outside the City Limits of the City of Lucas effective immediately on passage. Motion dies with the lack of a second.

Mayor Rebecca Mark called for any further Motions, being none, no action to be taken. The ordinance number will be used at a later date.

Council would like to see this come back soon to include all nuisances in the ETJ. Council would like to also consider the annexation of this area.

- 7) Discuss and consider the approval of an application for a preliminary plat for a parcel of land situated in ABS A0349 John Gray Survey, Tract 10, being a

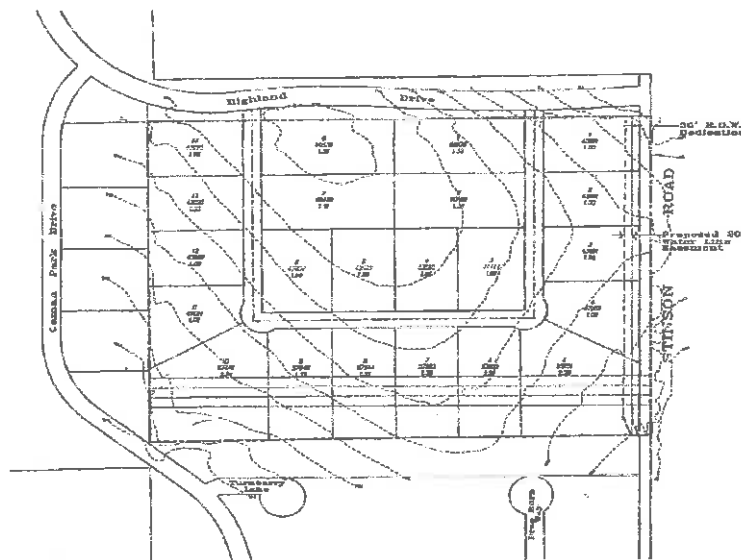
30.6018± acres, located at the southwest corner of the intersection of Highland Drive and Stinson Road. **[Estates at Stinson Highlands] [Hilbourn]**

The Estates at Stinson Highlands is currently in the city's ETJ. There is an approved development agreement that gives consideration to annexation, zoning, number of lots, and special conditions. The development agreements lists R-1 for consideration for zoning, must annex within ten days of final plat approval plus special conditions.

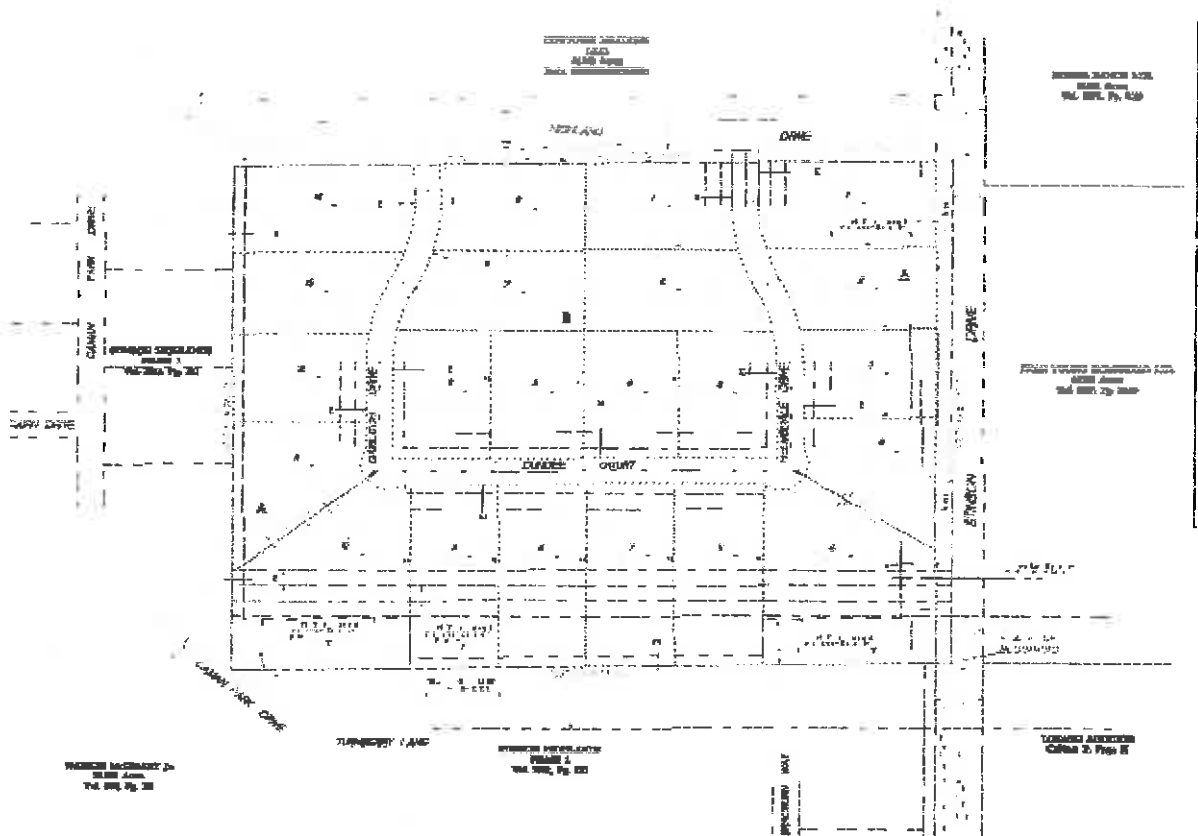
1. Lot size minimum one acre, with a minimum of `150' of road frontage.
2. Setbacks: 50' front, 30' rear, 20' each side (or ten percent of lot width whichever is less)
3. Accessory building not to exceed 50% of the first floor air conditioned space of the main residence, must be made of the same materials as the main residence and must be behind the main residence.

There is an approved concept plan that is part of the approved development agreement. The plat submitted substantially conforms to the approved concept plan. The only difference is the straight away were given curves to add character.

Approved Concept Plan:



Proposed Preliminary Plat:



This is an administrative approval. The plat meets the cities requirements. Staff recommends approval as presented. Planning and Zoning Commission recommended approval at the May 8, 2014 Planning & Zoning Commission meeting.

MOTION: Councilmember Debbie Fisher made a Motion to approve the preliminary plat for a parcel of land situated in ABS A0349 John Gray Survey, Tract 10, being a 30.6018± acres, located at the southwest corner of the intersection of Highland Drive and Stinson Road. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 7-0.

8) Discuss and consider any and all future elections for the City of Lucas to be conducted by Collin County Elections Administration. **[Wingo]**

The May 10, 2014 Special Election was completed recently, with 567 registered voters casting a vote. During the Early Voting city staff conducted the election

and on Election Day 5 individuals were hired to conduct the election. While the past elections have been conducted by the City it is becoming more and more apparent that staff will no longer be able to help with the election and keep up with their dedicated duties. There were times during this past election that it put an undue burden on staff just to keep all positions covered while voting was going on.

During Early Voting, staff processed 351 voters. 73 of 351 voters inquired why it was necessary to go to two different locations to cast their ballots for the city and school elections. Early Voting Clerks made sure that each voter who came in to cast their ballot in the city's election were told where they could go to cast their ballot in the school's election as well.

The City of Lucas was one of two entities who did not contract with Collin County Elections Administration for the May 2014 Special Election, the other entity being Blue Ridge ISD.

Collin County Elections Administration has been doing "vote centers" during election periods. This allows any Collin County resident to vote at any of the polling locations throughout the county. When Collin County Elections Administration conducts the elections voters are able to go to any polling location within the county to cast their ballot. This is such a convenience to the voter and should prove to get more people out to vote.

MOITON: Councilmember Wayne Millsap made a Motion to approve the City of Lucas to contract with the Collin County Elections Administration to conduct the next election. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-1, Councilmember Debbie Fisher voting NAY.

The City Council took a short break, while Staff set up for the workshop. The City Attorney left the meeting.

Council reconvened into workshop session at 8:30 p.m.

Fire Rescue Workshop

9) Discuss and Consider items during the Fire Rescue Workshop to include the following:

- a) Consider defining the service area for the Lucas Fire Department and determine whether to provide fire suppression services, emergency medical services or both to the following areas:
- All areas with the Fire District as established by Collin County
 - All areas within the City's extraterritorial jurisdiction
 - Seis Lagos Utility District (including the Brockdale development)
 - Inspiration Utility District

The fire district map that was included in the packet is set by Collin County, not by the City of Lucas. The City of Lucas, for providing fire protection in the fire district, gets \$36,000 each year.

City Manager Joni Clarke asked the Council to consider the following questions:

1. Does Council wish to continue the coverage in Seis Lagos, which now would include the new Brockdale development?
2. Does Council wish to provide service in the Inspiration Utility District?
3. What does the Council see as the service area for the City of Lucas?

The answers to these questions would provide input for staff in preparing for the upcoming budget process.

Gary Johnson, 299 Connorly, Lucas, Texas came forward to speak. Mr. Johnson has lived in Lucas since June 2000. For the longest time, Mr. Johnson was unaware that he did not live in the city. Mr. Johnson serves as a Lucas Volunteer Fire Rescue member. There have been many positive changes over the past several years. Mr. Johnson asks that Council consider providing service to the Commons of Camden and Seis Lagos so that his family would be provided with the outstanding service offered by Lucas Fire Rescue.

The Seis Lagos contract is only for fire and first responder medical and does not include EMS. If the City does serve as first responder to the calls in Seis Lagos, however if the City does not transport, the call cannot be billed.

Councilmember Debbie Fisher states the map has Lucas being the regional solution. Councilmember Fisher is not in favor of providing any services to the Inspiration Utility District, some 1400-2400 homes.

Mayor Pro Tem Kathleen Peele agreed. The contract with Seis Lagos and Brockdale must be for both fire and EMS services.

Council agreed that the City's fire district would include Brockdale, Commons of Camden, Seis Lagos, and the ETJ.

b) Consider the applicability of creating a Department of Public Safety.

There have been several fact finding visits to other cities, Highland Park and Fate were two of the cities visited. Staff would like to propose creating a Public Safety Concept. This would take at least one year to put together a solid plan.

The ambulance service is becoming very busy in the city. Citizens are finding that the response time is less so they are calling 911 rather than using personal vehicles to transport family members to the hospital.

Mayor Pro Tem Kathleen Peele is not in favor of creating a Department of Public Safety at this time. The City is not going to be that big and the need would just add extra burden to the City, which is not justified.

Councilmember Philip Lawrence agreed with Mayor Pro Tem Kathleen Peele.

Councilmember Jim Olk stated that Council might have eliminated the need for this with the establishing the fire district. With less density brings less crime.

Councilmember Debbie Fisher feels that now is not the time. When the time comes, Councilmember Fisher would like some sort of hybrid program. Council needs to see what the EMS is going to cost before adding a police department.

Mayor Rebecca Mark stated that on a daily basis she witnesses a lot of unsafe driving. Having one deputy, five days a week is not going to service us long term with all the growth the city is experiencing. Council needs to continue to monitor and evaluate this for the future so that the City is prepared to make an informed decision.

Councilmember Steve Duke thanked the City Manager and Fire Chief for bringing this to Council for discussion.

c) Consider the current staffing levels including both full-time and volunteer.

City Manager Joni Clarke believes that the number of paid staff per shift is inadequate. City Manager Clarke reviewed the Local Fire Department Statistics for FY 2013.

There have been 52 calls which the ambulance has responded since the beginning of these services being offered. Every call varies but the standard is the ambulance is dispatched then a truck a few minutes behind. The truck is cancelled prior to arriving at the scene should it be determined that the call can be taken care of by the two personnel in the ambulance.

The City is short of staff, we are losing volunteers, and the call volume has increased dramatically. There is not a lot of coverage during the day with the volunteers. When individuals take vacations, there will be some overtime necessary to provide the coverage.

A lot of departments are going with paid part-time positions. Positions that work less than 19 hours per week which do not have benefits. Perhaps a full time person that is considered a floater could be a short time solution.

Due to the lateness of the hour, Council will consider this and the remainder of the items during the budget workshops.

d) Consider the apparatus, vehicles and major equipment assessment and replacement schedule.

e) Consider future facilities.

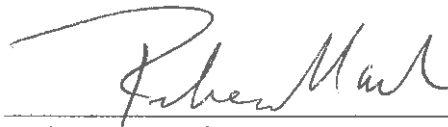
- f) Consider dispatch and communications.
- g) Consider the current mutual aid agreements and/or service agreements:
- Agreement for the Provision of Firefighting and Fire Protection Services with Collin County effective October 2013 with automatic renewal for successive one year terms with budgeted revenue of \$36,000 for fiscal year 13/14.
 - Interjurisdictional Mutual Aid Agreement effective on the date of adoption (August 2008) and automatically renews for one year terms.
 - Interlocal Automatic Mutual Aid Agreement with the Town of Fairview and the City of Parker executed September 2008 and automatically renews for one year terms.
 - Memorandum of Understanding Agreement for Assistance Between Lucas and Murphy Fire Departments dated February 1, 2014
 - Interlocal Cooperation Agreement with Seis Lagos Utility District executed in November 2009 and automatically renews for one year terms with budgeted revenue of \$126,514 for fiscal year 13/14.

10) Adjournment.

MOTION: Councilmember Wayne Millsap made a Motion to adjourn the meeting at 9:47 p.m. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 7-0.

These minutes were approved by a majority vote of the City Council on June 19, 2014.





Rebecca Mark
Mayor

ATTEST:



Kathy Wingo, TRMC, MMC
City Secretary