



**City Council Regular Meeting
August 7, 2014, 7:00 PM
City Hall - 665 Country Club Road**

Minutes

Call to Order

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

Present (Absent):

Mayor Rebecca Mark

Councilmember Wayne Millsap

Councilmember Steve Duke

Councilmember Debbie Fisher

Mayor Pro Tem Kathleen Peele (Absent)

Councilmember Jim Olk (Absent)

Councilmember Philip Lawrence

Staff Present (Absent):

City Attorney Joe Gorfida

City Secretary Kathy Wingo

Fire Chief Jim Kitchens

Utility Billing Coordinator Delta Moody

Human Resource Manager Cheryl Meehan

Development Services Director Joe Hilbourn

City Manager Joni Clarke

Finance Manager Liz Exum

Public Works Director Stanton Foerster

It was determined that a Quorum was present.

Everyone was reminded to turn off or silence cell phones.

Councilmember Philip Lawrence led everyone in saying the Pledge of Allegiance.

Citizens' Input

1) Citizens' Input.

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

Community Interest

2) 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 provided an update on the drought conditions for the community.

Councilmember Steve Duke stated that the City of Lucas had just received the Friend of the 4-H award.

Public Hearing(s)

- 3) Public Hearing/Discuss and consider the annexation of a 9.474 acre tract of land out of the Montgomery Birch Survey, Abstract 115, Collin County, Texas, being approximately 9.474 ± acre tract from the remainder 39.73 acre tract of land as deeded to Owen George and recorded in Volume 550, Page 165 of the Deed Records of Collin County, Texas (DRCCT), and located along E. Lucas Road. **[This is the 1st Public Hearing, the 2nd Public Hearing will be held on August 21, 2014.] [Hilbourn]**

The Public Hearing was opened at 7:06 p.m.

Michelle Burch, 2908 Opal Court, McKinney came forward to speak AGAINST this item.

Tracy Newton, 506 N. Benge, McKinney came forward to speak AGAINST this item.

The following list came from emails received speaking AGAINST this item.

Tim & Theresa Hyde, no address given.

The Trout Family, no address given.

Chad & Aleta Harris, 201 Summer Hill Lane, Fairview, Texas.

John & Lynne Listi, no address given.

Anthony Klinkert, Plano, Texas.

Stephen & Carolyn Williams, 1444 Pioneer Lane, Plano, Texas.

The Public Hearing was closed at 7:11 p.m.

- 4) Public Hearing/Discuss and consider the annexation of a tract of land an approximately 10 acre ± tract of land BEGINNING at a roome capped 1/2 inch iron rod found in the southeast right-of-way line of FM 3286, a northwest line of said 28.9936 acre tract, and also marking the northwest corner of a 10.00 acre tract of land owned by Faustino Aranda as recorded in Volume 4850, Page 743 DRCCT. **[This is the 1st Public Hearing, the 2nd Public Hearing will be held on August 21, 2014.] [Hilbourn]**

The Public Hearing was opened at 7:12 p.m.

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

The Public Hearing was closed at 7:12 p.m.

- 5) Public Hearing/Discuss and consider the annexation of an approximately 10 acre ± tract of land commencing for reference at a right-of-way monument found marking the northwest corner of said 28.9936 acre tract, said corner also being the intersection of the southeast Right of Way line of FM 3286 with the east right-of-way line of County Road 391, THENCE with the southeast right-of-way line of FM 3286 and the northwest line of said 28.9936 acre tract, more fully described in the packet. **[This is the 1st Public Hearing, the 2nd Public Hearing will be held on August 21, 2014.] [Hilbourn]**

The Public Hearing was opened at 7:13 p.m.

Nathan Bullard, PO Box 398, Edgewood, TX came forward to speak AGAINST this item.

The Public Hearing was closed at 7:15 p.m.

- 6) Public Hearing/Discuss and consider the approval of **Ordinance # 2014-08-00782** of the City of Lucas, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, by granting a Specific Use Permit (SUP) to allow for the operations of a drive-through on 1.478 acre tract of land out of the William Snider Survey, Abstract Number 821, City of Lucas, Collin County, Texas, and more commonly known as Lot 3 of the Lucas Wal-Mart Addition, and being more particularly described in Exhibit "A" attached hereto; providing for approval of the site plan attached hereto as Exhibit "B"; providing a repealing clause; providing a penalty of fine

not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing for an effective date. **[Starbucks, this is the 2nd Public Hearing, the 1st Public Hearing was held by the Planning & Zoning Commission on July 10, 2014] [Hilbourn]**

The Public Hearing was opened at 7:25 p.m.

Jon Crayell, Civil Engineer, and Harry Chapman, Starbucks representative came forward to speak FOR this item.

The Public Hearing was closed at 7:26 p.m.

DIRECTIVE: Councilmember Wayne Millsap directed Staff to have this ordinance be brought back to include signage and the evaluations be corrected. Council agreed.

MOTION: Councilmember Debbie Fisher made a Motion to have the SUP come back with the monument signage shown, correct the evaluations, and configured to match the hours of operation set by the Planning & Zoning Commission, 5 AM to 12 midnight. Councilmember Wayne Millsap seconded the Motion. Motion failed. Vote: 2-3, Mayor Rebecca Mark, Councilmember Philip Lawrence, and Councilmember Steve Duke voting NAY.

MOTION: Councilmember Philip Lawrence made a Motion to have the SUP come back with the recommended changes and the hours of operation to be 5 AM to 11 PM, 7 days a week. Mayor Rebecca Mark seconded the Motion. Motion failed. Vote: 2-3, Councilmember(s) Debbie Fisher, Steve Duke, and Wayne Millsap voting NAY.

MOTION: Councilmember Wayne Millsap made a Motion to have the SUP come back with the aforementioned changes and the hours of operation to be 5 AM to midnight. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 3-2, Mayor Rebecca Mark and Councilmember Philip Lawrence voting NAY.

7) Public Hearing/Discuss and consider the approval of **Ordinance # 2014-08-00783** of the City of Lucas, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, by granting a Specific Use Permit (SUP) to allow for the operations of a drive-

through on 1.478 acre tract of land out of the William Snider Survey, Abstract Number 821, City of Lucas, Collin County, Texas, and more commonly known as Lot 3 of the Lucas Wal-Mart Addition, and being more particularly described in Exhibit “A” attached hereto; providing for approval of the site plan attached hereto as Exhibit “B”; providing a repealing clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing for an effective date. **[Wendy’s, this is the 2nd Public Hearing, the 1st Public Hearing was held by the Planning & Zoning Commission on July 10, 2014] [Hilbourn]**

The Public Hearing was opened at 7:45 p.m.

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

The Public Hearing was closed at 7:45 p.m.

Irma Reiner, representative for Wendy’s came forward to explain the evaluations and building façade.

DIRECTIVE: Staff is to bring the ordinance back to the next meeting to include the items identified by the Planning & Zoning Commission.

MOTION: Councilmember Wayne Millsap made a Motion to bring back SUP to reflect the signage on the site plan, hours of operation to be Monday – Friday, 5 AM to 1 AM, May 1st through September 1st, and 5 AM to 12 midnight, September 2nd through May 30th. Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 3-2, Mayor Rebecca Mark and Councilmember Philip Lawrence voting NAY.

Consent Agenda

The Consent Agenda was presented for consideration and action.

MOTION: Councilmember Debbie Fisher made a Motion to approve the Consent Agenda as presented. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 5-0.

8) Consent and Approve:

- a) The minutes from the July 17, 2014 City Council and the July 22, 2014 Joint Budget Workshop Meeting of the City Council and the Lucas Fire Control Prevention & EMS District meetings. [**Wingo**]
- b) **Ordinance # 2014-08-00784** of the City of Lucas, Texas, annexing the hereinafter described territory into the City of Lucas, Texas, extending the boundary limits of the City so as to include said hereinafter described territory within the City's limits, granting to all inhabitants and owners of territory all of the rights and privileges of other citizens, and binding the inhabitants by all the acts, ordinances and regulations of the city; adopting a service plan for the described territory; providing a repealing clause; providing a severability clause; and providing an effective date. [**Willow Springs Middle School, 30 acre tract**]
- c) **Ordinance # 2014-08-00785** of the City of Lucas, Texas, annexing the hereinafter described territory into the City of Lucas, Texas, extending the boundary limits of the City so as to include said hereinafter described territory within the City's limits, granting to all inhabitants and owners of territory all of the rights and privileges of other citizens, and binding the inhabitants by all the acts, ordinances and regulations of the city; adopting a service plan for the described territory; providing a repealing clause; providing a severability clause; and providing an effective date. [**Oakbrook Estates, 25.950 acre tract**]
- d) **Ordinance # 2014-08-00786** of the City Council of the City of Lucas, Collin County, Texas, amending the Lucas Code of Ordinances by amending Chapter 14 "Zoning" by amending Article 14.04 "Supplementary Regulations" by amending Division 2 "Off-Street Parking and Loading" by adding Article 14.04.039 "Off-Site Parking Requirements" providing regulations for off-site parking; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing for an effective date. [**Off-Site Parking Regulations**]
- e) An amendment to the contract with Lucas Municipal Judge Huffman regarding requirements and compensation and authorize the Mayor to execute the agreement. [**Meehan**]

- f) A Baxter Information Technology Consulting Services professional services agreement between the City of Lucas and Baxter IT and authorize the City Manager to execute said agreement. **[Foerster]**
- g) The purchase of Opticom activated fire station flashing signs as part of the RTR W Lucas Road/Country Club Intersection Project; and authorize the Mayor to purchase the signs in the amount of \$24,427.92 from Consolidated Traffic Controls, Inc.

Regular Agenda

- 9) Discuss and consider the approval of the Utility Billing Administrative Guidelines. **[Moody]**

Council suggested making two corrections: change 2 business days to 5 business days and call it a late notice.

MOTION: Councilmember Debbie Fisher made a motion to approve the Utility Billing Administrative Guidelines with the changes, the 15th day disconnect note to late notice, change 2 business days to 5 business days. Councilmember Wayne Millsap seconded the Motion. The second was removed for one final correction to authorize the City Manager to make any future revisions. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 5-0.

- 10) Discuss and consider the proposed City of Lucas' Tax Rate for Fiscal Year 2014 – 2015. **[Exum]**

MOTION: Councilmember Wayne Millsap made a Motion to accept Option #1, proposed tax rate of 32.0661 cents per \$100. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 5-0. Councilmember Debbie Fisher, Councilmember Steve Duke, Councilmember Philip Lawrence, Councilmember Wayne Millsap, Mayor Rebecca Mark voting AYE. Councilmember Jim Olk and Mayor Pro Tem Kathleen Peele were absent.

- 11) Discussion only for the proposed City of Lucas' Budget for Fiscal Year 2014 – 2015. **[Exum]**

Discussion only, no action to be taken.

- 12) Discuss and consider the approval of site plan for Lot 3 of the Lucas Wal-Mart Addition a tract of land containing 1.478 acres of land, with proposed site containing two commercial buildings; one being a 1,752 square feet a Starbucks with a drive through, and a 3,485 square feet a Wendy's restaurant with a drive through. **[Hilbourn]**

This item was removed from the agenda and will be brought for Council's consideration and action at the August 21, 2014 meeting.

- 13) Discuss and consider a minor plat application submitted by Sarah Colter for Abs A0824 Jas M Snider Survey, Tract 10, 4.098 acres and Abs A0824 Jas M Snider Survey, Tract 41, 4.0 acres otherwise known as 1125 Country Club Road. **[Hilbourn]**

MOTION: Councilmember Debbie Fisher made a Motion to approve the minor plat application submitted by Sarah Colter for Abs A0824 Jas M Snider Survey, Tract 10, 4.098 acres and Abs A0824 Jas M Snider Survey, Tract 41, 4.0 acres otherwise known as 1125 Country Club Road. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 5-0.

- 14) Discuss and consider a request by Steve Lenart at staffs request for a development agreement for between the city of Lucas and CDAG Lewis Park LLC. The agreement is regarding dedication of 5.5 acres of land to the city for parks in consideration for number of lots and parks fees. **[Hilbourn]**

MOTION: Councilmember Debbie Fisher made a Motion to deny the request by Steve Lenart at staffs request for a development agreement for between the City of Lucas and CDAG Lewis Park LLC. The agreement is regarding dedication of 5.5 acres of land to the city for parks in consideration for number of lots and parks fees. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 5-0.

- 15) Discuss and consider accepting or rejecting the single bid for the Estates Parkway construction between Angel Parkway and Lovejoy High School. **[Foerster]**

This item was moved to the end of the agenda.

Mayor Rebecca Mark recused herself due to her residence location and left the meeting at 9:46 p.m.

Councilmember Debbie Fisher took control of the meeting.

MOTION: Councilmember Debbie Fisher made a Motion to reject the bid the single bid for the Estates Parkway construction between Angel Parkway and Lovejoy High School, and project will be sent out for another bid. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 4-0.

- 16) Discuss and consider entering into an agreement with the International City/County Management Association's Center for Public Safety Management to perform a comprehensive assessment of Lucas Fire Department, appropriate \$27,000 from the general fund unrestricted reserves and authorize the City Manager to execute the agreement. **[Clarke]**

MOTION: Councilmember Wayne Millsap made a Motion to approve the agreement with the International City/County Management Association's Center for Public Safety Management to perform a comprehensive assessment of Lucas Fire Department, appropriate \$27,000 from the general fund unrestricted reserves and authorize the City Manager to execute the agreement, with putting in the 5 bullet points in the deliverables. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 5-0.

- 17) Discussion and action regarding the method and process used to conduct market surveys and the establishment of criteria to be used to identify benchmark cities. **[Clarke/Meehan]**

Discussion only, no action will be taken until the September 4, 2014 City Council Regular Meeting.

- 18) Discuss and consider the status of the Crown Victoria patrol vehicle that was used by the Collin County deputy on assignment with the City of Lucas and provide guidance to staff regarding its future use. **[Clarke]**

MOTION: Councilmember Wayne Millsap made a Motion to get the Crown Victoria patrol vehicle that was used by the Collin County deputy on assignment with the City of Lucas returned to the City.

Councilmember Debbie Fisher seconded the Motion. Motion carried. Vote: 5-0.

- 19) Discuss and consider the process for upcoming Boards & Commission appointments. **[Mark]**

No action, this item will appear on the next several agendas.

Supplemental Agenda

Discuss and consider the Interlocal Cooperative Agreement between the City of Lucas and Seis Lagos Utility District regarding fire and emergency medical services and the level of future services, if any, to be provided to the District.


MOTION: Councilmember Wayne Millsap made a Motion to approve the Interlocal Cooperative Agreement between the City of Lucas and Seis Lagos Utility District regarding fire and emergency medical services and the level of future services, if any, to be provided to the District for the flat rate of \$175,000 and send a letter of termination of the existing agreement. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 5-0.

- 20) Adjournment.

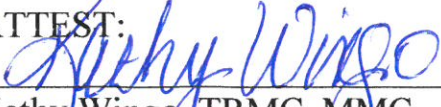
MOTION: Councilmember Wayne Millsap made a Motion to adjourn the meeting at 9:49 p.m. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 4-0.

These minutes were approved by a majority vote of the City Council on August 21, 2014.





Rebecca Mark
Mayor

ATTEST:


Kathy Wingo, TRMC, MMC
City Secretary