



**City Council Regular Meeting
September 4, 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 (absent)

Mayor Pro Tem Kathleen Peele

Councilmember Jim Olk

Councilmember Philip Lawrence

Staff Present (Absent):

City Attorney Joe Gorfida

Admin Asst. Jennifer Faircloth

Fire Chief Jim Kitchens

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.

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

Citizens' Input

1) Citizens' Input.

There was no one 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]**

North Texas Municipal Water District is allowing once a week watering, on your trash day, even though we are still under Stage 3 water restrictions. This change was effective September 1st. This change was made due to the chlorine residuals in the water line and once a week watering will continue until October. In October, North Texas Municipal Water District will reevaluate this.

Mayor Rebecca Mark read some of the letter the City Council received from a citizen that who had the opportunity to use our ambulance service. She talked about how traumatic it is to need and call an ambulance. “The first responders went above and beyond to assure me I was in good and capable hands. I felt indeed they were there to help me and not just doing their job. It is clear that we have a true dream team in these guys. Their kindness and professionalism speaks volumes not only to the level of care. I believe you have chosen well and I am very proud they are here to serve the citizens of Lucas.”

Consent Agenda

Mayor Rebecca Mark removed item B from the Consent agenda due to the number of citizens that would like to speak on this item.

The Consent Agenda was presented for consideration and action.

MOTION: Councilmember Jim Olk made a Motion to approve the Consent Agenda items A, C, and D as presented. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 6-0.

- 3) Consent and Approve:

- a) The minutes from the August 21, 2014 City Council meeting. **[Wingo]**
- c) The preliminary plat of Bristol Park, a parcel of land being 46.14± acres, ABS A0349 John Gray Survey, Tract 1, submitted by Todd Winters on behalf of Cowtown Meadows, located at the NW corner of Highland Drive and Stinson Road. **[Hilbourn]**
- d) The landscape and irrigation plan for Lot 3 of the Lucas Wal-Mart Addition located at the intersection of Angel Parkway and W. Lucas Road, also known as the Wendy's and Starbucks. **[Hilbourn]**

Regular Agenda

- b) The preliminary plat of Konrad Ranch, 3 tracts of land situated in the City of Lucas, Collin County, Texas, and being part of the W G McKinney Survey: ABS A0583 W G McKinney Survey, Tract 12, 2.73± acres, ABS A0583 W G McKinney Survey, Tract 13, 6.06± acres and ABS A0583 W G McKinney Survey, Tract 15, 8.71± acres for applicant James J. Roberts. **[Hilbourn]**

Melissa Kinion, 15 Estates Rd, came forward to speak AGAINST this item.

Andrea Fields, 510 Saddlebrook, did not wish to speak but is in opposition of this item. Mayor Rebecca Mark read Ms. Fields concerns for the record. While I support the idea of residential development on the Konrad property, I have great concerns about the impact this development would have on neighboring and downstream drainage infrastructure that is already in adequate. Saddlebrook HOA has a contractor supported data about the inadequate drainage.

Jamie Kilpatrick, 580 Saddlebrook, came forward to speak AGAINST this item.

Jason McCall, 7 Wiltshire, came forward to speak in FAVOR of this item.

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

John Gammon, 17 Estates, did not wish to speak during the meeting on this item but is neither FOR nor AGAINST this item.

Ronald Spinek, 560 Saddlebrook, came forward to speak AGAINST this item.

MOTION: Councilmember Jim Olk made a Motion to approve the preliminary plat of Konrad Ranch, 3 tracts of land situated in the City of Lucas, Collin County, Texas, and being part of the W G McKinney Survey: ABS A0583 W G McKinney Survey, Tract 12, 2.73± acres, ABS A0583 W G McKinney Survey, Tract 13, 6.06± acres and ABS A0583 W G McKinney Survey, Tract 15, 8.71± acres for applicant James J. Roberts. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 6-0.

4) City of Lucas Annual Operating Budget for Fiscal Year 2014-2015.

- a) Presentation by Finance Director Liz Exum.
- b) Conduct Public Hearing
 - i. This is the 2nd Public Hearing, the 1st Public Hearing was held on September 4, 2014.
- c) Discuss and consider (no action required).

The Public Hearing was opened at 7:47 p.m.

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

Mayor Rebecca Mark stated that this is fact the second public and the first Public Hearing on this item was held on August 21, 2014.

Ilene Mougel, 651 Stinson Rd., came forward to speak AGAINST this item.

The Public Hearing was closed at 7:50 p.m.

No action taken on this item.

- 5) An application for a zoning change from AO to R-1.5 for a parcel of land situated in the J. Anderson Survey, Abstract # 17, in the City of Lucas, Collin County, Texas, and being all of that certain called 24.45± acre tract of land described in deed to Lewis-McWhirther, located along FM 1378 and adjacent to the Kenneth R. Lewis Park.
 - a) Presentation by Development Services Director Joe Hilbourn.
 - b) Conduct Public Hearing.
 - i. This is the 2nd Public Hearing, the 1st Public Hearing was held on August 20, 2014, by the Planning & Zoning Commission.
 - c) Discuss and consider the approval of **Ordinance # 2014-09-00788**.

The Public Hearing was opened at 8:09 p.m.

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

The Public Hearing was closed at 8:09 p.m.

MOTION: Councilmember Jim Olk made a Motion to approve Ordinance # **2014-09-00788** for a zoning change from AO to R-1.5 for a parcel of land situated in the J. Anderson Survey, Abstract # 17, in the City of

Lucas, Collin County, Texas, and being all of that certain called 24.45± acre tract of land described in deed to Lewis-McWhirther, located along FM 1378 and adjacent to the Kenneth R. Lewis Park. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 6-0.

- 6) An application for a zoning change from AO to R-2 for a parcel of land situated in the State of Texas, County of Collin, and City of Lucas located along Ingram Road described as being part of the W.G. McKinney Survey, Abstract No. 583 being resurvey of a called 17.50 acre tract of land as recorded under Document No. 20060725001048350 of the Collin County Land Records.
 - a) Presentation by Development Services Director Joe Hilbourn.
 - b) Conduct Public Hearing.
 - i. This is the 2nd Public Hearing, the 1st Public Hearing was held on August 14, 2014, by the Planning & Zoning Commission.
 - c) Discuss and consider the approval of **Ordinance # 2014-09-00789**.

The Public Hearing was opened at 8:12 p.m.

Raquel Franks, 1710 Briardale Dr., came forward to speak AGAINST this item.

Don Zriny, 380 Ingram, came forward address the Council and ask if this is in the correct order. The Council approved the plat earlier in the meeting. Is this in the wrong order?

Michael Bevins, 2065 Country Club Rd., came forward to ask how many home sites were platted for this property. Councilmember Jim Olk responded to Mr. Bevins there are eight lots reflected on the preliminary plat.

The Public Hearing closed at 8:15 p.m.

City Attorney Joe Gorfida responded to Mr. Zriny's question first comes zoning then comes platting. Take desired action on the zoning ordinance then Council can go back to item number b vote on the plat again.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to approve for a zoning change from AO to R-2 for a parcel of land situated in the State of Texas, County of Collin, and City of Lucas located along Ingram Road described as being part of the W.G. McKinney Survey, Abstract No. 583 being resurvey of a called 17.50 acre tract of land as recorded under Document No. 20060725001048350 of the Collin County Land Records and approve Ordinance # 2014-09-00789. Councilmember Wayne Millsap seconded the Motion. Motion carried. Vote: 6-0.

Council now will reconsider Item 3b.

MOTION: Councilmember Jim Olk made a Motion to withdrawal Motion of the approval of the preliminary plat of item 3b. Councilmember Steve Duke seconded the Motion. Motion carries. Vote: 6-0.

MOTION: Councilmember Jim Olk made a Motion to approve the preliminary plat of Konrad Ranch, 3 tracts of land situated in the City of Lucas, Collin County, Texas, and being part of the W G McKinney Survey: ABS A0583 W G McKinney Survey, Tract 12, 2.73± acres, ABS A0583 W G McKinney Survey, Tract 13, 6.06± acres and ABS A0583 W G McKinney Survey, Tract 15, 8.71± acres for applicant James J. Roberts.

Councilmember Steve Duke seconded the Motion.
Motion carried. Vote: 6-0.

- 7) Discuss and consider the approval of **Ordinance # 2014-09-00790** of the City of Lucas, Texas, annexation of a 9.474 acre tract of land out of the Montgomery Birch Survey, Abstract 115, Collin County, Texas, being the remainder of a 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. **[The 1st Public Hearing was held on August 7, 2014 and the 2nd Public Hearing was held on August 21, 2014.]**

Jessica Adams, 18777 Midway Rd., # 1107, Dallas, TX came forward to speak AGAINST this item.

Robert Burch, 2908 Opal, McKinney, came forward to request this item be tabled until the next meeting so that he could enter into a development agreement with the City in lieu of this annexation.

Development Services Director Joe Hilbourn responded to Mr. Burch's request by stating other than letters I have had no contact with Ms. George the property owner and this piece of property does not have an agricultural exemption.

City Attorney Joe Gorfida went on to say the City was not required to send out the required notifications because there was no agricultural exemption for the development agreement.

Development Services Director Joe Hilbourn commented that the property owner was sent notice of the annexation both times. The first time we did propose a development agreement even though we were not required to do so. It was not an annexation development agreement it was just a development agreement for a length of time for fireworks. I received no response from the owner so I proceeded with the annexation.

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to approve **Ordinance # 2014-09-00790** of the City of Lucas, Texas, annexation of a 9.474 acre tract of land out of the Montgomery Birch Survey, Abstract 115, Collin County, Texas, being the remainder of a 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. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 6-0

- 8) Discuss and consider the approval of **Ordinance # 2014-09-00791** of the City of Lucas, Texas, annexation of a 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. **[The 1st Public Hearing was held on August 7, 2014 and the 2nd Public Hearing was held on August 21, 2014.]**

MOTION: Mayor Pro Tem Kathleen Peele made a Motion to approve **Ordinance # 2014-09-00791** of the City of Lucas, Texas, annexation of a 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 correcting the new property owners name to Pattassery recorded in Volume 4850, Page 743 DRCCT. Councilmember

Wayne Millsap seconded the Motion. Motion carried. Vote: 6-0.

- 9) Discuss and consider the approval of **Ordinance # 2014-09-00792** annexation of a 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, and containing 10 acres of land, more or less. **[The 1st Public Hearing was held on August 7, 2014 and the 2nd Public Hearing was held on August 21, 2014.]**

MOTION: Councilmember Wayne Millsap made a Motion to table **Ordinance # 2014-09-00792** until September 18th City Council meeting. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-0.

- 10) Discuss and consider the approval of **Ordinance # 2014-09-00793** amending Chapter 5 of the Code of Ordinances prohibiting the possession, manufacture, storage, sale, handling and use of fireworks within 5,000 feet outside the City limits of Lucas, Texas and provide guidance to staff regarding the development of a comprehensive nuisance ordinance that would also be extended 5,000 feet outside the city limits of Lucas, Texas. **[Hilbourn]**

Mayor Rebecca Mark asked under the guidance of staff would that include the discharge of firearms.

Development Services Director Joe Hilbourn responded to Mayor Rebecca Mark by saying yes this is one of the items I would request to be added.

MOTION: Councilmember Wayne Millsap made a Motion to approve **Ordinance # 2014-09-00793** amending

Chapter 5 of the Code of Ordinances prohibiting the possession, manufacture, storage, sale, handling and use of fireworks within 5,000 feet outside the City limits of Lucas, Texas and provide guidance to staff regarding the development of a comprehensive nuisance ordinance that would also be extended 5,000 feet outside the city limits of Lucas, Texas. Councilmember Jim Olk seconded the Motion. Motion carried. Vote: 5-1. Councilmember Steve Duke voting Nay.

Mayor Rebecca Mark asked City Manager Joni Clarke what type of guidance she was looking for from council on this item.

City Manager Joni Clarke would like to come back with some detailed information to consider to have a discussion about at a later date. Councilmember Jim Olk made a few suggestions to include in the discussion standing water, substandard structures, trash and debris, and other things that affect the health and safety of the citizens of Lucas.

- 11) Discuss and provide direction on changes, if any, to the existing garage sale ordinance. **[Hilbourn]**

Development Services Director Joe Hilbourn would like to add the end of this existing ordinance is at no time shall the sale of goods purchased exclusively for sale be sold at a garage sale, estates sale, or yard sale.

- 12) Discuss and consider the official ballot for the election of Places 1 – 4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. **[Meehan]**

MOTION: Councilmember Jim Olk made a Motion to appoint for place 1 Robert Herrera, Place 2 John Fullen, Place 3 George Shackelford, place 4 Peter Vargas.

Councilmember Wayne Millsap seconded the Motion.
Motion carried. Vote 6-0.

Mayor Rebecca Mark moved item 14 in front of item number 13.

- 14) Discuss and consider cancelling the October 2, 2014 City Council Regular Meeting. **[Mark]**

MOTION: Councilmember Wayne Millsap made a Motion to cancel the October 2, 2014 City Council Regular Meeting. Councilmember Philip Lawrence seconded the Motion. Motion carried. Vote: 6-0.

- 13) Discuss and consider an update on applications received for the upcoming Boards & Commission appointments and establishing a date and time for the interviews of applicants. **[Wingo]**

Mayor Rebecca Mark requested this item be placed on the September 18, 2014 City Council meeting agenda. Appointments will be made at the October 16, 2014 City Council meeting.

Executive Session

The City Council convened in Executive Session at 9:17 p.m.

- 15) The City Council pursuant to Section 551.074 of the Texas Government Code (Personnel Matters) may convene into Executive Session to discuss the evaluation for the City Secretary and City Manager.

Regular Agenda

The City Council convened into Regular Session at 10:17 p.m.

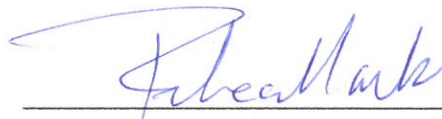
- 16) Take any action as necessary as a result of the Executive Session.

No action taken as a result of the executive session.

17) Adjournment.

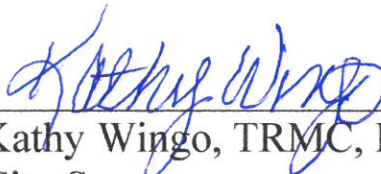
MOTION: Councilmember Wayne Millsap made a Motion to adjourn the meeting at 10:17 p.m. Councilmember Steve Duke seconded the Motion. Motion carried. Vote: 6-0.

These minutes were approved by a majority vote of the City Council on September 18, 2014.



Rebecca Mark
Mayor

ATTEST:



Kathy Wingo, TRMC, MMC
City Secretary

