



**City of Lucas
City Council Meeting
June 1, 2017
7:00 P.M.**

**City Hall - 665 Country Club Road – Lucas Texas
Minutes**

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| Call to Order |
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Mayor Olk called the meeting to order at 7:00 p.m.

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Wayne Millsap
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Debbie Fisher

Staff Present:

City Manager Joni Clarke
City Attorney Joe Gorfida
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
Public Works Director/City Engineer Stanton Foerster
Fire Chief Ted Stephens
Finance Director Liz Exum

City Councilmember Absent:

Councilmember Philip Lawrence

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

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| Citizen Input |
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1. Citizen Input.

The following citizens spoke during Citizen Input:

Jeff Brand, 1955 Mary Lee Lane gave a presentation and discussed the variance received for a fence that was erected on his neighbor's property. Mr. Brand stated that he was not notified of the variance and permit issued for the privacy fence that adversely affects his property. Mr. Brand asked that the City's Code of Ordinances be amended to allow for more property owner input and recourse regarding issues that affect property values.

Mayor Olk noted that this item was not on the agenda, and therefore open discussion could not occur; however, he asked staff to submit a written report to the City Council regarding the permit issued, and a Councilmember would follow up with Mr. Brand.

Michael Hughes, 11 White Rock Trail, asked to speak regarding Agenda Item No. 10. He noted that speeding and large amounts of traffic occur on White Rock Trail and asked that options be considered to control the speeding.

Page Schreck, 29 White Rock Trail, asked to speak regarding Agenda Item No. 10. She stated that White Rock Trail was in poor condition and the street needed to be repaired.

Richard Wolfe, 28 White Rock Trail, also asked to speak regarding Agenda Item No. 10. He noted that with additional traffic in the area due to the detour of Blondy Jhune Road, White Rock Trail had deteriorated and needed to be repaired.

Debra Guillemaud, 32 Pecan Grove, spoke regarding Agenda Item No. 10 and stated that she was in favor of setting aside funding for the repair of White Rock Trail.

Leon Luckey, 1065 Wendy Lane, asked that as the City continues to grow, to maintain the country feel and not remove trees during development.

Community Interest

2. Community Interest.

Discuss pending legislation that is being considered by the 85th Legislature and provide guidance to City Staff and City Attorney.

City Attorney Joe Gorfida noted that it was being decided if a legislative special session would take place. An item to continue to watch was the bill that allowed cellular network devices within the City's right-of-way. Mr. Gorfida noted that should this bill be approved; the City would have to address their ordinances in place.

Consent Agenda

3. Approval of the minutes of the May 18, 2017 City Council meeting.

MOTION: *A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Duke to approve the Consent Agenda as presented. The motion passed unanimously by a 6 to 0 vote.*

Regular Agenda

4. Consider the appointment of Mayor Pro Tem to serve for a one year period beginning June 1, 2017 and ending May 31, 2018.

MOTION: *A motion was made by Councilmember Fisher, seconded by Councilmember Baney to nominate Kathleen Peele as Mayor Pro Tem. The motion passed unanimously by a 6 to 0 vote.*

5. Discuss the City of Lucas participating in the Estate Life Lucas Magazine and possible content to be included should participation take place.

City Secretary Stacy Henderson noted that Estate Life magazine would be publishing a magazine specifically for Lucas called Estate Life Lucas beginning in August 2017. Ms. Henderson noted that this would be a monthly magazine mailed to each Lucas homeowner and the magazine had offered to include content from the City should there be an interest.

Mr. Jonathan Price, Editor of Estate Life spoke with the Council regarding the community focused magazine and its general content. He stated there would be no charge to the City for placing content in the magazine.

The City Council was in favor of participating in Estate Life Lucas as another way to reach the community and asked that Mr. Price keep in contact with staff regarding future articles.

6. Discuss the Capex Consulting Group Water and Wastewater Rate Study and Five Year Financial Plan and set date for the public hearing.

Councilmember Millsap stated that he had some additional questions and research regarding the rate study and asked if the item could be tabled to allow additional time to meet with Capex Consulting Group regarding their rate study and five-year financial plan.

MOTION: *A motion was made by Councilmember Millsap, seconded by Councilmember Duke to table this item to review and work with Capex Consulting on the rate study and financial plan. The motion passed unanimously by a 6 to 0 vote.*

7. Consider Ordinance 2017-06-00854 providing for annexation of a parcel of land located in the City of Lucas, Collin County, Texas, being a part of the John Gray Survey, Abstract Number 349, being a part of the George Gunnell Survey, Abstract No. 352, being a part of the Ann S. Hurt Survey, Abstract No. 428, being a part of the James Lovelady Survey, Abstract No. 538, being a part of the Lewis P. Turner Survey, Abstract No. 901, and being all of a called 78.944 acre tract of land described in a Special Warranty Deed to Mentone Partners, LLC, as recorded in Document Number 20151028001365820, of the Deed Records of Collin County, Texas more commonly known as Stinson Highlands Phase 3.

MOTION: *A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Baney to adopt Ordinance 2017-06-00854 approving the annexation of approximately 78.944 acres more commonly known as Stinson Highlands Phase 3. The motion passed unanimously by a 6 to 0 vote.*

8. Consider annexation of all remaining lots located outside the city limits of Lucas in Claremont Springs Estates Phase 1, Edgewood Estates, and Cimarron Estates subdivisions.

Mayor Olk noted that this item was placed on the agenda due to possible legislation that may limit the City's ability to annex. Mayor Olk asked if the Council would be in favor of approaching communities that are not currently annexed into the City to discuss their interest in being annexed.

The City Council members were in favor of talking with communities to gauge their interest in being annexed into the City.

Nancy Scanlan, 2085 Claremont Drive, President of the Claremont Springs Homeowners Association, stated that she had notified all of the homeowners in their community to take part in the City Council meeting should they be opposed to any annexation. There was no one present. Ms. Scanlan stated that she would like to facilitate a meeting with members of the Council and the Claremont Springs community to discuss the details of annexation.

Mayor Olk postponed discussion on this item to allow additional time to meet with communities to discuss possible annexation.

9. **Consider authorizing the City Manager to enter into a construction contract with Reynolds Asphalt Construction for the West Lucas Road Widening and Overlay Project (Bid 009-17) to reconstruct and repair the roadway pavement from Country Club Road to Angel Parkway in an amount not to exceed \$1,172,779.50 from account 21-8210-302 plus a 25% contingency of \$293,195.00 from account 11-8209-301.**

Public Works Director/City Engineer Stanton Foerster stated that the widening portion of the project was funded by the regional toll revenues received through Collin County and approved by the Regional Transportation Council, and the repair portion of the project was funded by the roadway maintenance funds. Mr. Foerster stated that based on field conditions, staff would determine if an area would be repaired or widened and may need to request adjustments to the funding at a later date.

MOTION: *A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Millsap to authorize the City Manager to enter into a construction contract with Reynolds Asphalt Construction for the West Lucas Road widening and overlay project to reconstruct and repair the roadway pavement from Country Club Road to Angel Parkway in an amount not to exceed \$1,172,779.50 from account 21-8210-302 plus a 25 percent contingency of \$293,195 from account 11-8209-301. The motion passed unanimously by a 6 to 0 vote.*

10. **Consider giving direction to the City Manager 1) to reserve funds for Orr Road and White Rock Trail projects; 2) to make repairs to various roadways; and 3) enter into a contract with APAC/Oldcastle in an amount not to exceed \$200,000 for said roadways as part of the Street Maintenance for Summer 2017.**

Public Works Director/City Engineer Stanton Foerster discussed roadways needing immediate attention and proposed to be included as part of the summer 2017 street maintenance projects that included Orr Road and White Rock Trail. Mr. Foerster also recommended the following options for street repairs:

- Option 1 - Daytona Avenue, Fairbrook Circle and Horseman Drive
- Option 2 – Forest Grove Road
- Option 3 – 4,500 feet of Stinson Road
- Option 4 – Skyview Drive and Osage Lane

Mayor Pro Tem Peele also recommended that the cul-de-sacs located on Edgefield Lane, Estates Road, and Prada Verde should also be included as part of the street projects in need of repair.

The Council discussed the traffic volumes and the road conditions on Lewis Lane and Stinson Road as well as different pavement options.

The Council also discussed the various street options and how to prioritize those options. The Council agreed that a prioritized list of street repairs was needed.

MOTION: *A motion was made by Mayor Olk, seconded by Councilmember Millsap to reserve funds for the Orr Road design in the amount of \$4,500, and White Rock Trail repairs in the amount of \$243,455. The motion passed unanimously by a 6 to 0 vote.*

Mayor Olk asked that the other roadway items for consideration be tabled until staff brings forward a street prioritization list.

- 11. Consider adopting Ordinance 2017-06-00855 amending Chapter 5, Fire Prevention and Protection of the City's Code of Ordinances by approving the liquified petroleum gas safety rules that have been adopted by the Texas Railroad Commission.**

City Attorney Joe Gorfida stated that the proposed ordinance amends the City's Code of Ordinances to clarify that the Texas Railroad Commission liquified petroleum gas safety rules supersede any other rules that have been adopted. Mr. Gorfida stated that the Texas Propane Gas Association filed a lawsuit listing various cities within the State of Texas that adopted their International Fire Code without this reference. The Propane Gas Association has agreed to drop all lawsuits when adoption of the ordinance amending the Code has passed.

MOTION: *A motion was made by Councilmember Millsap, seconded by Mayor Olk to adopt Ordinance 2017-06-00855 amending Chapter 5, Fire Prevention and Protection of the City's Code of Ordinances approving the liquified petroleum gas safety rules that have been adopted by the Texas Railroad Commission. The motion passed unanimously by a 6 to 0 vote.*

- 12. Consider authorizing the City Manager to amend, per Article XVIII 18.5 of the existing Rise Broadband Communications Facilities License Agreement to add and remove specific pieces of equipment from the Agreement based on a fix fee of \$100 per piece of equipment as needed and discuss renewal of the upcoming Communications Facilities License Agreement in June 2017.**

Public Works Director/City Engineer Stanton Foerster stated that the Rise Broadband agreement calls for three water towers locations at a rate of \$400 per water tower. Rise Broadband has requested additional equipment on one of the water towers and offered to pay the City an additional \$100 per month changing the rent from \$400 to \$500 per month.

The City Council discussed the number of equipment items that could be structurally placed on the water tower and if any upgraded equipment would be placed on the towers.

Mr. Foerster noted that the new equipment being placed on the water tower was upgraded and provide for a greater band width.

MOTION: *A motion was made by Councilmember Millsap, seconded by Mayor Pro Tem Peele to authorize the City Manager to amend, per Article XVIII 18.5, the Rise Broadband Communications Facilities License Agreement to add and remove specific pieces of equipment from the Agreement based on a fixed fee of \$100 monthly per piece of equipment as needed. The motion passed unanimously by a 6 to 0 vote.*

- 13. Consider the provision of law enforcement services for the City of Lucas and provide guidance to staff.**

Mayor Pro Tem Peele requested to go into Executive Session to seek legal advice from the City Attorney regarding this matter pursuant to Section 551.071 of the Texas Government Code at 8:20 pm.

Executive Session

14. **The City Council will convene into executive session pursuant to Section 551.072 to deliberate the lease of real property located within the City of Lucas and pursuant to Section 551.087(2) to deliberate the offer of a financial incentive with Sana Properties.**

The City Council convened into Executive Session at 8:20 pm as part of Agenda Item 13, and would also be discussing Agenda Item 14 during Executive Session pursuant to Section 551.072 and deliberate the lease of real property located within the City of Lucas and pursuant to Section 551.087(2) to deliberate the offer of a financial incentive with Sana Properties.

15. **Reconvene into open session and take any action necessary as a result of the Executive Session.**

The City Council reconvened from Executive Session at 8:44 pm, and as a result of Executive Session, the following action was taken.

MOTION: *A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Millsap to proceed with negotiations with the Town of Fairview for law enforcement services. The motion carried unanimously by a 6 to 0 vote.*

16. **Adjournment.**

MOTION: *A motion was made by Councilmember Millsap, seconded by Councilmember Duke to adjourn the meeting at 8:45 pm. The motion passed unanimously by a 6 to 0 vote.*

APPROVED:



Jim Olk, Mayor

ATTEST:



Stacy Henderson, City Secretary

