



City of Lucas  
City Council Meeting  
September 7, 2017  
7:05 P.M.

(or immediately following the Lucas Fire Control, Prevention and EMS District Board Meeting)  
City Hall - 665 Country Club Road – Lucas Texas

## Minutes

### Call to Order

Mayor Pro Tem Peele called the meeting to order at 7:03 p.m.

**City Councilmembers Present:**

Mayor Pro Tem Kathleen Peele  
Councilmember Tim Baney  
Councilmember Steve Duke  
Councilmember Debbie Fisher  
Councilmember Wayne Millsap  
Councilmember Philip Lawrence

**Staff Present:**

City Manager Joni Clarke  
City Attorney Julie Doshier  
City Secretary Stacy Henderson  
Development Services Director Joe Hilbourn  
Public Works Director/City Engineer Stanton Foerster  
Finance Director Liz Exum

**City Councilmember Absent:**

Mayor Jim Olk

Mayor Pro Tem Peele determined that a quorum was present. Everyone was reminded to silence their cell phones and the Pledge of Allegiance was recited.

Mayor Pro Tem Peele asked for a moment of silence for the hurricane victims in Houston, Florida and the Caribbean.

### Citizen Input

**1. Citizen Input.**

There was no citizen input from the audience members.

### Community Interest

**2. Community Interest.**

Mayor Pro Tem Peele reminded those in attendance that Founders Day had been moved to April 2018 and new horses had been purchased for the adults to take part in the stick horse rodeo event.

City Manager Joni Clarke stated that a Fire-Rescue team had been deployed to Fulton, Texas to assist those affected by the hurricane. Ms. Clarke stated that the team was deployed for one week, and was a great team effort to helping those in need and the Fulton Fire Department.

## Consent Agenda

3. **Approval of the minutes of the August 3, 2017 City Council meeting.**
4. **Approval of the minutes of the August 17, 2017 City Council meeting.**
5. **Consider adopting Ordinance 2017-09-00865 approving amendments to the City's Code of Ordinances, Appendix C, Master Fee Schedule relating to Parks and Recreation.**
6. **Consider authorizing the Mayor to enter into an interlocal agreement between the City of Lucas and Collin County for Jail Services for a period of one year ending on September 30, 2018.**

Councilmember Millsap stated that he would like to remove Agenda Item No. 3 from the Consent Agenda for clarification and correction.

Mayor Pro Tem Peele stated that she would like to remove Agenda Item No. 5 from the Consent Agenda for further discussion.

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Duke to approve Agenda Item Nos. 4 and 6 on the Consent Agenda. The motion passed unanimously by a 6 to 0 vote.

3. **Approval of the minutes of the August 3, 2017 City Council meeting.**

Councilmember Millsap stated on page 1, paragraph 2 under Community Interest the sentence "Councilmember Fisher noted that she attended a meeting at the NTMWD regarding a change in their methodology used..." needs to be clarified as to what methodology was being referred to.

Councilmember Fisher explained that the rate calculation methodology was being discussed.

Councilmember Millsap asked that the sentence be changed to include "Councilmember Fisher noted that she attended a meeting at the NTMWD regarding a change in their rate calculation methodology used..."

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

5. **Consider adopting Ordinance 2017-09-00865 approving amendments to the City's Code of Ordinances, Appendix C, Master Fee Schedule relating to Parks and Recreation.**

Mayor Pro Tem Peele expressed concern that charging a fee to reserve the Community Center could cause a financial hardship on smaller non-profit organizations or volunteer organizations that do not charge or collect dues from its members. Mayor Pro Tem Peele noted that the Community Center was built with the intent to be an amenity to the Lucas residents.

The Council discussed the option of having a waiver for non-profit groups. However, that option would require a separate application process and the need to verify the group applying was a non-profit.

The Council also discussed the various groups and non-profit organizations that utilized the Community Center.

The City Council was in agreement and directed staff to remove the fee associated with reserving the Community Center, and to review the Facility Use Agreement to ensure the City was covered should there be damage associated with a rental. The Community Center can be rented by Lucas residents only.

## Public Hearing

7. **Public hearing to consider adopting Ordinance 2017-09-00866 approving the request by Rutledge Haggard on behalf of the Steven W. Hendrick Trust for a zoning change request from AO to R-2 for a parcel of land located on the north and south sides of Blondy Jhune Road and Country Club Road, being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3.**

Development Services Director Joe Hilbourn gave an overview of the project noting that the property was approximately 73 acres in area and was zoned Agricultural. The applicant was proposing to rezone the property to R-2 which was in compliance with the Comprehensive Plan. Mr. Hilbourn stated that the Planning and Zoning Commission unanimously approved this request.

Mayor Pro Tem Peele opened the public hearing at 7:25pm and asked if there was anyone in the audience wanting to speak regarding this item.

Sarah Scott, Kimley-Horn Engineers, representing the applicant stated she was available to answer any questions.

There being no one else wishing to speak, the public hearing was closed at 7:26pm.

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Fisher to adopt Ordinance 2017-09-00866 approving the request by Rutledge Haggard on behalf of the Steven W. Hendrick Trust for a zoning change request from AO to R-2 for a parcel of land located on the north and south sides of Blondy Jhune Road and Country Club Road. The motion passed unanimously by a 6 to 0 vote.

8. **Public hearing to consider adopting Ordinance 2017-09-00867 approving the request by Pennington partners LTD, on behalf of Legacy Alliance Holdings, LLC, for a specific use permit request for a drive-thru restaurant located at the southeast corner of Angel Parkway and Lake Travis Drive.**

Development Services Director Joe Hilbourn gave an overview of the project noting that the applicant was proposing a shell building with a drive thru with no current tenant proposed. The Planning and Zoning Commission approved the specific use permit request with the following conditions:

- Tie the proposed site plan, and elevation plans to the specific use permit
- A monument sign in the shape of an L, similar to the surrounding commercial properties on Angel Parkway
- All exterior colors be neutral earth tones.
- Eliminate the third bump-out and include three columns
- Bump-outs to be a minimum of 4 feet with 18-24-inch planting areas between the walkway and the building
- Use Austin Stone on columns in front of the building in lieu of the wainscot across the front and on both side elevations of the building the concept plan
- The only use permitted with the drive through is a restaurant
- Five large and five small trees be planted staggered in two rows.

Mayor Pro Tem Peele opened the public hearing at 7:31pm asking if anyone wanted to speak regarding this request.

Ken Judd, 445 Pennington Drive and President of the Fox Glen Homeowners Association, asked for clarification regarding the trees that would be planted and signage that was proposed for site. Mr. Judd also stated that the lighting at the self-storage facility shines into their neighborhood and the development had created drainage issues and standing water.

Mr. Hilbourn responded that the Planning and Zoning Commission recommended that five large and five small trees be planted staggered in two rows. Mr. Hilbourn further explained that commercial development was required to provide a photometric study ensuring that there was not light trespass on adjoining properties. Mr. Hilbourn stated that lighting in that area is facing downwards.

Mr. Hilbourn addressed the question related to drainage in the Fox Glen neighborhood noting that in order for drainage to improve, easements have to be acquired from various homeowners to allow for drains to be placed in the neighborhood.

Alyssa Doulat, 425 Pennington Drive, expressed her concern relating to additional development causing further drainage issues in the neighborhood, and would like to ensure a buffer was created between the residential and commercial properties to maintain privacy of the neighborhood.

Brett Young, representing Legacy Alliance, stated that the development should improve drainage in the area due to the retention requirements associated with the development. Mr. Young discussed impact fees associated with the drive thru restaurant, stating they were higher compared to other cities and noted that since a tenant is not secured at this time, the drive thru restaurant may be a retail space only. Mr. Young asked if the impact fees could be reduced for the drive thru portion of the building.

Mr. Hilbourn explained that impact fees were based on the proposed use and were not required to be paid until the space was built out. Mr. Hilbourn stated that should the drive thru not be constructed, then impact fees would not be charged for the drive thru use. Mr. Hilbourn further explained that impact fees were reflective of the costs associated with storm drainage, road repair and water improvements.

Drew Denosky, Clay Moore Engineering, stated that the project lighting complied with the Dark Sky Ordinance and that they would be placing berms on the property to assist with drainage.

There being no further comments, the public hearing was closed at 7:55 pm.

Councilmember Millsap stated that the proposed ordinance for this request refers to the entire building being allowed to have a drive-thru, and should be amended to reflect the drive-thru being located only at the north end of the building and associated with a restaurant.

City Attorney Julie Doshier stated that she would amend the language in the ordinance to reflect that the drive-thru would be located on the north side of the building and be in conjunction with a restaurant use. Ms. Doshier stated that the number and placement of trees will also be added to the ordinance.

Mayor Pro Tem Peele stated that she would like amendments made to the ordinance and brought back for consideration at the September 21, 2017 City Council meeting. There was no formal action take on this item.

#### **9. Public hearing to consider the budget for Fiscal Year 2017-2018.**

Finance Director Liz Exum stated that the proposed budget had several adjustments:

- 19,000 added to Professional Services in 6212-309 for an Impact Fee Study
- 19,000 added to the Water Fund related to Impact fees
- Grant revenue funds were removed from the 16-17 budget for the Winningkoff Trailhead project and added to the 17/18 budget due to the timing of when funds were received.

Mayor Pro Tem Peele opened the public hearing at 8:07 pm. There being no one wishing to speak, the public hearing was closed.

There was no further discussion or formal action taken on this item.

#### **10. Second public hearing to consider the tax rate for Fiscal Year 2017-2018.**

Finance Director Liz Exum stated that the City will be maintaining the existing tax rate of \$0.317948.

Mayor Pro Tem Peele opened the public hearing at 8:08 pm. There being no one wishing to speak, the public hearing was closed.

There was no further discussion or formal action taken on this item.

### **Regular Agenda**

#### **11. Provide update regarding the acquisition of land to expand the Lucas Community Park and consider options related to future expansion.**

Development Services Director Joe Hilbourn updated the City Council regarding expansion of the Community Park. He stated that letters were mailed to adjoining property owners of the Lucas

Community Park on July 12, 2017 to gauge interest if any property owners would sell one-half to one-acre of land to expand the park. Mr. Hilbourn stated that he received a call from one property owner, but they were not willing to sell at that time. No other responses had been received and no other options were available for expansion at this time.

There was no further discussion and no formal action was taken on this item.

**12. Discuss and provide information on ranking and scoring of the Statement of Qualifications received from the Request for Qualifications (#008-17) for engineering consulting services.**

Public Works Director/City Engineer Stanton Foerster stated that he worked with City Staff and Councilmember Duke to review the Requests for Qualifications received for various engineering projects. Mr. Foerster stated the following firms ranked the highest and contracts will be brought forward for consideration at the September 21, 2017 City Council meeting:

BW2 Engineers, Inc.

- North Pump Station Water Tower
- Parker Road Waterline Phase 2
- Parker Road Waterline Phase 3T

Lakes Engineering, Inc.

- Blondy Jhune Road Middle and East Sections

Birkhoff, Hendricks, & Carter, LLC

- Winningkoff Reverse Curve
- W. Lucas Road/Stinson Road Intersection
- Winningkoff Road Middle Section

KCI Technologies, Inc.

- Stinson Road Southern Section

Kimley-Horn and Associates, Inc.

- On-Call Engineering

Lee Engineering, LLC

- On-Call Engineering

There was no further discussion and no formal action was taken on this item.

**13. Consider authorizing the City Manager to enter into an agreement for Professional Services with Baxter I.T. beginning October 1, 2017, for all aspects of the maintenance and operations of the computer and information technology network including both hardware and software at 1) an initial monthly rate of \$6,024.00, 2) plus on-call work based on an hourly rate between \$95 and \$135, and 3) an initial monthly rate of \$1333.63 for Cloud Services. All of these rates may be adjusted by the City Manager per the requirements stated in the agreement.**

Public Works Director/City Engineer Stanton Foerster stated the existing contract with Baxter IT expires September 30, 2017. Mr. Foerster discussed details of the contract and stated that Baxter IT had been the City's consultant since 2007.

Councilmember Lawrence asked if the City had gone out to bid for IT consultant services.

Mr. Foerster stated that the City had not gone out for bids and were satisfied with the services that were being provided. Mr. Foerster discussed the services offered by Baxter, the amount of data stored on servers provided by Baxter IT and cloud storage also used.

Councilmember Lawrence stated that because the contract was expiring, there was not adequate time to go out for bids; however, he would have liked to have seen other bids to compare pricing. Councilmember Lawrence stated that he would like to go out for bids to compare pricing for future contracts to ensure the City was receiving the best price for IT services.

City Manager Joni Clarke stated that she would obtain costs from other cities that also outsource their IT services to begin comparing costs.

Councilmember Millsap clarified that #2 of the motion on the coversheet should reflect the same hourly rate pricing of \$95 for on call rates as stated in the contract. Councilmember Millsap also discussed Section 9 of the contract relating to "hiring of Baxter IT employees". He stated the rate appeared high and would like to consider amending the language and reducing the cost to 30 percent of his or her annualized compensation for the immediate preceding 12 months.

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Baney, to authorize the City Manager to enter into an Agreement for Professional Service with Baxter I.T. beginning October 1, 2017, for all aspects of the maintenance and operations of the computer and information technology network including both hardware and software at 1) an initial monthly rate of \$6,024.00, 2) plus on-call work based on an hourly rate of \$95, and 3) an initial monthly rate of \$1333.63 for Cloud Services. All of these rates may be adjusted by the City Manager per the requirements stated in the agreement; and amending Section 9, last sentence of the contract to read "If the City hires any of such IT professionals, the City agrees to pay Baxter IT an amount equal to 30 percent of his or her average annualized compensation for the immediate preceding 12 months."

The motion passed by a 5 to 1 vote with Councilmember Lawrence voting in opposition.

**14. Consider cancelling the October 5, 2017 City Council meeting.**

The City Council was in agreement to move forward with the October 5, 2017 City Council meeting.

**15. Consider approving Resolution R 2017-09-00465 nominating up to five board candidates to the Collin Central Appraisal District Board of Directors.**

Councilmember Millsap stated that he would like to nominate Wayne Mayo as a consideration to the Collin Central Appraisal District Board of Directors. Councilmember Millsap stated that Mr. Mayo was an existing board member and retired appraiser.

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Fisher to nominate Wayne Mayo to the Collin Central Appraisal District Board of Directors. The motion passed unanimously by a 6 to 0 vote.

**16. Consider setting a date for the evaluations of the City Manager and City Secretary.**

The City Council was in agreement to set a date of November 16 to conduct evaluations of both the City Manager and the City Secretary.

**Executive Session**


**17. Executive Session: An Executive Session is not scheduled for this meeting.**

The City Council did not hold an Executive Session during this meeting.


**18. Adjournment.**

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to adjourn the meeting at 8:44 pm. The motion passed unanimously by a 6 to 0 vote.

APPROVED:

  
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Kathleen Peele, Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
Stacy Henderson, City Secretary

