



## **AGENDA**

### **City of Lucas City Council Meeting May 2, 2019 7:00 PM**

**City Hall – Council Chambers  
665 Country Club Road – Lucas, Texas**

*Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, May 2, 2019 at 7:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651 at which time the following agenda will be discussed. As authorized by Section 551.071 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 on any item on the agenda at any time during the meeting.*

#### **Call to Order**

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- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

#### **Citizen Input**

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*The Citizen Input portion of the agenda is an opportunity for the public to address the City Council on any subject. By completing a "Request to Speak" form and submitting to the City Secretary, citizens have an opportunity to speak at the City Council meeting. However, in accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions but may refer items to City Staff for research and possible inclusion on a future agenda.*

1. Citizen Input (**Mayor Pro Tem Kathleen Peele**)

#### **Community Interest**

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*Pursuant to Section 551.0415 of the Texas Government Code, the City Council may report on the following items: 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.*

2. Items of Community Interest. (**Mayor Pro Tem Kathleen Peele**)
  - A. Presentation of Service Tree Awards to the 2019 Recipients Peggy Rusterholtz and Mrs. Lee Ford.
  - B. Discuss pending legislation that is being considered by the 86th Legislature and provide guidance to City Staff and City Attorney.

## Consent Agenda

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*All items listed under the consent agenda are considered routine and are recommended to the City Council for a single vote approval. If discussion is desired, an item may be removed from the consent agenda for a separate vote.*

3. Consent Agenda:
  - A. Approval of the minutes of the April 4, 2019 City Council meeting. (City Secretary Stacy Henderson)

## Regular Agenda

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4. Consider rejecting the bids received on April 9, 2019, for the North Pump Station Water Tower and Pump House Bid #018-19. (City Engineer Stanton Foerster)
5. Review Articles VI and VII of the City Charter and provide direction to the City Attorney regarding any proposed amendments to be considered as part of a Charter update. (City Attorney Joe Gorfida)
6. Consider calling a special City Council meeting for the purpose of canvassing the May 4, 2019 election results. (City Secretary Stacy Henderson)

## Executive Session Agenda

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*Pursuant to Section 551.071 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. This meeting is closed to the public as provided in the Texas Government Code.*

7. The City Council will convene into Executive Session as permitted under the Texas Government Code, Section 551.074, Personnel Matters, to conduct interviews of Board of Adjustment applicants and discuss Board of Adjustment appointments. (Mayor Pro Tem Kathleen Peele)
8. Reconvene from Executive Session and take any action necessary as part of the Executive Session. (Mayor Pro Tem Kathleen Peele)
9. Adjournment.

## Certification

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*I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at [www.lucastexas.us](http://www.lucastexas.us) on or before 5:00 p.m. on April 25, 2019.*

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*Stacy Henderson, City Secretary*

*In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Kent Souriyasak at 972.912.1213 or by email at [kent@lucastexas.us](mailto:kent@lucastexas.us) at least 48 hours prior to the meeting.*



# City of Lucas City Council Agenda Request May 2, 2019

Item No. 01

Requester: Mayor Pro Tem Kathleen Peele

## **Agenda Item Request**

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Citizen Input

## **Background Information**

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NA

## **Attachments/Supporting Documentation**

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NA

## **Budget/Financial Impact**

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NA

## **Recommendation**

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NA

## **Motion**

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NA



# City of Lucas

## City Council Agenda Request

### May 2, 2019

Requester: Mayor Pro Tem Kathleen Peele

#### **Agenda Item Request**

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2. Items of Community Interest.
  - A. Presentation of Service Tree Awards to the 2019 Recipients Peggy Rusterholtz and Mrs. Lee Ford.
  - B. Discuss pending legislation that is being considered by the 86th Legislature and provide guidance to City Staff and City Attorney.

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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NA

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



## HONORING

*Peggy Rusterholts*

2019 Service Tree Recipient

**Whereas**, Peggy has been a long-time resident of Lucas since 1985 and has spent over 30 years serving the Lucas community instilling the values of the rural lifestyle the City still enjoys today; and

**Whereas**, Peggy has been an involved public servant and has served on many, if not most of the City's Boards and Commissions. Peggy began her service on the Board of Adjustment in 1986, she then was appointed to the Planning and Zoning Commission multiple times beginning in 1986-1987, again in 1988-1995 and finally in 2009 through today and serving as Chairman since 2013. Peggy has also served the Lucas community as a City Council member in 1987-1988, a member of the Water Board in 1990, and lastly as a member of the Capital Improvement Advisory Committee since 2011.

**Whereas**, Peggy was instrumental in review of the City's Comprehensive Plan that guides the Planning and Zoning Commission and City Council in development of the City. Peggy also assisted the City in researching Collin County information to determine that a water line on Parker Road was within a private easement. This research that was conveyed to the Texas Department of Transportation saved the City approximately \$200,000.

**Therefore**, it is with tremendous gratitude for Peggy's countless hours of service to the community and the City of Lucas; that the City Council dedicates a living tree to honor her service to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Seal of the City of Lucas, Texas, to be affixed on this the 2nd day of May, 2019.

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Jim Olk, Mayor  
City of Lucas



# Honoring *Lee Ford*

## 2019 Service Tree Recipient

**Whereas,** Lee Ford was a Lucas resident for over 40 years demonstrating her love for Lucas, its citizens and the City's country lifestyle in many ways, from establishing fundraising activities for the maintenance and upkeep of the historic Fitzhugh Cemetery, to organizing the Lucas Ladies Monthly Lunch Group that encouraged outings and giving back to the community; and

**Whereas,** Lee was active in City Council meetings in the 1980's helping to ensure that the development of the North Texas Municipal Water District's wastewater treatment plant would not have a negative impact on our citizens, and formed the group, Lucas United Citizens Against Sewer to ensure that the wastewater treatment plant followed the necessary regulations and did not encroach into the Lucas way of life; and

**Whereas,** Lee was instrumental in the City's purchase of a new ambulance by selflessly donating \$100,000 towards its purchase and paving the way to save more lives; and

**Therefore,** it is with tremendous gratitude for Lee and her selfless service; that the City Council of the City of Lucas dedicates a living tree to honor her service to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Seal of the City of Lucas, Texas, to be affixed on this the 2nd day of May, 2019.

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Jim Olk, Mayor  
City of Lucas



# City of Lucas

## City Council Agenda Request

### May 2, 2019

Item No. 03

Requester: City Secretary Stacy Henderson

#### **Agenda Item Request**

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3. Consent Agenda:
  - A. Approval of the minutes of the April 18, 2019 City Council meeting.

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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1. Minutes of the April 18, 2019 City Council meeting

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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City Staff recommends approval of the Consent Agenda.

#### **Motion**

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I make a motion to approve the Consent Agenda as presented.



**City of Lucas  
City Council Meeting  
April 18, 2019  
7:00 P.M.**

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

**MINUTES**

**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 Philip Lawrence  
Councilmember Debbie Fisher

**Staff Present:**

City Manager Joni Clarke  
City Secretary Stacy Henderson  
City Attorney Joe Gorfida  
Fire Chief Ted Stephens  
City Engineer Stanton Foerster  
Finance Director Liz Exum

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

**Citizen Input**

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**1. Citizen Input.**

There was no citizen input at this meeting.

**Community Interest**

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**2. Community Interest.**

- A. Discuss pending legislation that is being considered by the 86th Legislature and provide guidance to City Staff and City Attorney.

There was no legislation update discussed at this meeting.

Mayor Olk and Councilmembers discussed other items of community interest that included:

- The City's Founders Day event is scheduled for May 11 from Noon to 4 pm. Mayor Pro Tem Peele discussed the stick horse rodeo event that also included a demonstration.
- Mayor Olk discussed the City's General and Special Election scheduled for May 4 that included City Council seats 5 and 6 on the ballot as well as renewing the one-half percent sales tax allocated towards the Fire District. Early voting begins April 22 through April 30. Mayor Pro



Tem Peele clarified that the sales tax being collected was included in the existing sales tax and would not be an additional tax.

- The Blackland Prairie Raptor Center would be holding their Kids Fishing Derby on May 11 from 8 am to 11 am.
- Councilmember Millsap noted that he and Volunteer Firefighter Pension Board Chairman Larry Bowman testified at the legislative session in Austin regarding HB 2178 to allow the City to exit the pension plan sponsored by the State.
- Mayor Olk discussed HB 281 that would restrict cities from lobbying at the State level that included participation in lobbying organizations such as TML. Mayor Olk discussed what TML provided to the City and asked Council if they would be in support of drafting a letter setting policy in support of participating in lobbying organizations as opposed to the City lobbying on its own. Councilmember Fisher stated that this house bill also included school districts and would prefer to place this item on a future agenda for further discussion. The City Council was in agreement to place this item on a future agenda.

### **Consent Agenda**

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#### **3. Consent Agenda.**

- A. Approval of the minutes of the April 4, 2019 City Council meeting.
- B. Approval of the City of Lucas Investment Report for quarter ending March 31, 2019.

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to approve the Consent Agenda as presented. The motion passed unanimously by a 7 to 0 vote.

### **Regular Agenda**

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- 4. Presentation from Willow Springs Middle School student, Tucker Ashley participating in the Lovejoy ISD Independent Studies Program.

Tucker Ashley gave a presentation discussing the art of coding related to video games and digital game design. The City Council thanked Mr. Ashley for presenting his project to the Council.

#### **5. Consider removing road humps on Forestview Drive and Gold Dust Trail.**

Councilmember Millsap explained that the discussion of possibly removing road humps on Forestview and Gold Dust was discussed at the April 18, 2019 City Council meeting. Concerns were discussed related to emergency vehicles being damaged driving over the speed humps as well as delays in response time. Councilmember Millsap stated that letters were mailed to homeowners in the neighborhood to facilitate discussion at this City Council meeting.

Mayor Olk called the following individuals forward that requested to speak:

Tracy Norris, 241 Forestview noted her opposition to the removal of the speed humps, the lack of visibility driving over the hilly portion of the roadway, and the danger this posed to children in the neighborhood. Ms. Norris suggested the Council invest in a traffic study before having the road humps removed.

Josh Jacobs, 232 Forestview noted his opposition to the removal of the speed humps, expressed his concern for children in the neighborhood and suggested that there were other road calming devices available to be installed should the road humps be removed. Mr. Jacobs stated that some type of traffic calming device was needed to slow vehicles in the area.

Maureen Mural, 282 Estelle, stated that her dog was a victim of a hit and run and speeding vehicles was a concern in their neighborhood. Ms. Mural was in opposition to removing the speed humps and the negative impact it would have on the neighborhood.

Kevin Patterson, 211 Estelle, expressed his concern that there was no time frame mentioned in the letter to the homeowners as to how long the speed humps would be removed. Mr. Patterson also questioned how many times emergency vehicles had been called out to their neighborhood to warrant the removal of the speed humps.

Connie Marshall, 305 Forestview, noted that she was opposed to having the road humps removed without an alternative traffic calming device installed.

Mayor Olk stated that a letter was received from Bob Gant, 122 Gold Dust that expressed the need for some sort of speed control devices especially given the increased traffic that would be in the neighborhood from the Blondy Jhune road construction project.

Mayor Olk explained that emergency vehicles having to slow down during a response call was a concern as well as while transporting patients. He noted that it takes a fire to become fully engulfed in six minutes and each speed hump caused a delay in response of six to eight seconds. Mayor Olk stated that he was in favor of reviewing other types of traffic calming devices for the neighborhood.

Councilmember Fisher stated that speed was a concern for the neighborhood and was in favor of reviewing alternative traffic calming devices.

Mayor Pro Tem Peele stated that because of the traffic congestion near West Lucas Road and Southview, the neighborhood was being used as a cut through. Mayor Pro Tem Peele noted that every second counted for emergency response and was in favor of reviewing other traffic calming devices for the neighborhood that would be easier for emergency vehicles to drive over.

Councilmembers Baney, Duke and Lawrence also stated they were in favor of reviewing other traffic calming devices for the neighborhood.

Mayor Olk stated that he would like staff to review other traffic calming devices, signage and speed tables and bring back the information to the May 2, 2019 City Council meeting.

This item was for discussion only, no formal action was taken.

**6. Consider authorizing the City Manager to enter into a contract with Birkhoff, Hendricks & Carter in an amount not to exceed \$29,980 for engineering services associated with drainage analysis of the Lemontree and Kingswood neighborhoods amending FY 18-19 budget account Professional Fees 6209-309 using General Fund Reserves.**

City Engineer Stanton Foerster stated that the contract included drainage analysis of the Lemontree and Kingswood neighborhoods, which would also include analysis of the high school to determine if appropriate drainage was being followed. Mr. Foerster stated the first phase of the project is to assess problem areas and determine issues in that area. The timeline for the project was 18 weeks.

Jim Iannucci, 9 Kingswood, stated that he previously supported the request, but had concerns related to the contract regarding whether groundwater study would be included as part of the project. Mr. Iannucci discussed the groundwater issues he had on his property and also noted his concern that the contract did not specifically state the Lemontree or Kingswood neighborhoods. Mr. Iannucci stated that the development next to their property was digging large holes and it was affecting how water flowed into their neighborhood. He asked why the City was allowing this to occur.

Mayor Olk stated that developers building in the City were required to follow the City's regulations for development so as to not have an impact on surrounding neighborhoods.

The City Council discussed drainage in the Lemontree and Kingswood neighborhoods as well as drainage in their own neighborhoods, and how the study would assist in determining how and where to address areas in need.

The City Council discussed with City Engineer Stanton Foerster how the amount of surface saturation also affected groundwater drainage.

Mr. Foerster discussed the lack of maintenance to ditches in the Kingswood neighborhood as well as the lack of culvert installation underneath driveways. Mr. Foerster discussed the broad area that was being studied as part of the plan that included Lemontree and Kingswood neighborhoods as well as the high school.

Mayor Pro Tem Peele stated that funding proposed was for a study and would not fix the problem. Mayor Pro Tem Peele stated that fixing a problem of this nature was very expensive and wanted to set an expectation level that mitigating the drainage concerns would take time and funding that the City may not have. Ms. Peele also noted that the neighborhood may be responsible for completing some drainage items to their property as well.

Fred Davis, 7 Kingswood Drive, stated that the surrounding developments had created drainage issues for their neighborhood.

Bill Gunn, 3 Kingswood, stated that the drainage continues to get worse the City needed to complete the study in order to determine where the water was draining.

**MOTION:** A motion was made by Councilmember Lawrence, seconded by Councilmember Fisher, to authorize the City Manager to enter into a contract with Birkhoff, Hendricks & Carter in an amount not to exceed \$29,980 for engineering services

associated with drainage analysis of the Lemontree and Kingswood neighborhoods amending FY 18-19 budget account Professional Fees 6209-309 using General Fund Reserves. The motion passed unanimously by a 7 to 0 vote.

**7. Consider adopting Ordinance 2019-04-00891 approving Mid-Year Budget Adjustments for fiscal year beginning October 1, 2018 and ending September 30, 2019.**

Finance Director Liz Exum gave a presentation discussing revenue and building permit trends, property tax collection, and suggested revenue and expenditure adjustments. Ms. Exum recommended the budget be amended in the following funds:

Capital Improvement Fund - General Fund Roadway Projects:	\$2,219,550
Capital Improvement Fund – Water Projects:	\$232,317
General Fund Revised Budget:	\$193,785
Water Fund Revised Budget:	\$138,063

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to adopt Ordinance 2019-04-00891 approving Mid-Year Budget Adjustments for fiscal year beginning October 1, 2018 and ending September 30, 2019. The motion passed unanimously by a 7 to 0 vote.

**8. Consider an appointment to the fill a vacant alternate position on the Planning and Zoning Commission.**

Mayor Pro Tem Peele noted that Adam Sussman had served on the Board of Adjustment for several years and recommended that he be moved to the Planning and Zoning Commission. Mayor Pro Tem Peele noted that should the nomination be approved; it would leave a vacancy on the Board and Adjustment and requested that an item be placed on the City Council agenda for Board of Adjustment interviews during Executive Session.

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Fisher to move Adam Sussman from the Board of Adjustment to the Planning and Zoning Commission Alternate 2 position. The motion passed unanimously by a 7 to 0 vote.

**Executive Session Agenda**

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**9. Executive Session.**

An Executive Session was not held at this meeting.

**10. Adjournment.**

**MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to adjourn the meeting at 9:03 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

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Mayor Pro Tem Kathleen Peele

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Stacy Henderson, City Secretary



# City of Lucas

## City Council Agenda Request

### May 2, 2019

Item No. 04

Requester: City Engineer Stanton Foerster

#### **Agenda Item Request**

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Consider rejecting the bids received on April 9, 2019, for the North Pump Station Water Tower and Pump House Bid #018-19.

#### **Background Information**

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On April 9, 2019, City staff received two bids for the North Pump Station Water Tower and Pump House. One bid was from Felix Construction Company in the amount of \$5,793,331, and the other bid was from Rey-Mar Construction in the amount of \$6,124,520. The budget for the project is \$2.8 million.

The plans were prepared by BW2 Engineers. They have had several discussions with the bidders, potential bidder, and subcontractors about extremely high bids. Based on these discussions, there is a consensus that the project is too complicated and too many elements than most water tower projects. The contractors and subcontractors are extremely busy and simply cannot take on extra work without charging a premium.

#### **Attachments/Supporting Documentation**

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1. Bid #018-19 Bid Tabulations

#### **Budget/Financial Impact**

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The premium bids are \$3.1 and \$3.3 over budget.

#### **Recommendation**

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City Staff recommends rejection all bids and rebidding the project in smaller more specific contracts such as 1) pump house, 2) water tower, and 3) site work, fencing, etc.

#### **Motion**

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I make a motion to reject the bids received on April 9, 2019, for the North Pump Station Water Tower and Pump House Bid #018-19.

SINGLE PRESSURE PLANE FACILITIES  
NORTH PUMP STATION

BID TABULATION SHEET

ITEM NO.	DESCRIPTION	UNIT	Bid		Felix Construction Company		Rey-Mar Construction	
			Quantities		Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization, bonds, and insurance	LS	1		\$183,522.00	\$183,522.00	\$200,000.00	\$200,000.00
2	Furnish/install 500,000 gallon composite elevated storage tank	LS	1		\$1,764,786.00	\$1,764,786.00	\$1,820,000.00	\$1,820,000.00
3	Furnish/install pump building	LS	1		\$223,905.00	\$223,905.00	\$198,000.00	\$198,000.00
4	Furnish/install pump and motor	EA	5		\$25,604.00	\$128,020.00	\$26,000.00	\$130,000.00
5	Furnish/install all yard piping, and valves outside pump building	LS	1		\$308,222.00	\$308,222.00	\$350,000.00	\$350,000.00
6	Furnish/install all piping and valves inside & under pump building	LS	1		\$145,315.00	\$145,315.00	\$140,000.00	\$140,000.00
7	Furnish/install all electrical components	LS	1		\$662,615.00	\$662,615.00	\$705,000.00	\$705,000.00
8	Furnish/install all site work	LS	1		\$161,245.00	\$161,245.00	\$115,000.00	\$115,000.00
9	Furnish/install temporary erosion control	LS	1		\$92,592.00	\$92,592.00	\$145,000.00	\$145,000.00
10	Furnish/install hydromulch	SY	4,700		\$8.00	\$37,600.00	\$6.00	\$28,200.00
11	Furnish/install pump control valves	EA	5		\$9,492.00	\$47,460.00	\$15,000.00	\$75,000.00
12	Furnish/install piers for pump building	LS	1		\$62,072.00	\$62,072.00	\$60,000.00	\$60,000.00
13	Furnish/install flow control valve, valve vault and piping	EA	1		\$36,095.00	\$36,095.00	\$50,000.00	\$50,000.00
14	Furnish/install 6" pressure reducing valve on 6" water line	EA	2		\$80,879.00	\$161,758.00	\$60,000.00	\$120,000.00
15	Furnish/install extra depth for valve vault for 6" PRV	VF	6		\$2,725.00	\$16,350.00	\$6,000.00	\$36,000.00
16	Furnish/install 8" pressure reducing valve on 8" water line	EA	3		\$67,233.00	\$201,699.00	\$70,000.00	\$210,000.00
17	Furnish/install extra depth for valve vault for 8" PRV	VF	9		\$2,725.00	\$24,525.00	\$6,000.00	\$54,000.00
18	Furnish/install 12" pressure reducing valve on 12" water line	EA	6		\$79,000.00	\$474,000.00	\$70,000.00	\$420,000.00
19	Furnish/install extra depth for valve vault for 12" PRV	VF	18		\$2,675.00	\$48,150.00	\$6,000.00	\$108,000.00
20	Furnish/install select fill required for pump station building	LS	1		\$60,067.00	\$60,067.00	\$60,000.00	\$60,000.00
21	Furnish/install concrete driveway and parking area	SY	1,800		\$165.00	\$297,000.00	\$140.00	\$252,000.00
22	Furnish/install flexbase driveway and parking area for NTMWD	SY	220		\$63.50	\$13,970.00	\$65.00	\$14,300.00
23	Furnish/install all restroom piping, vents, drain system fixtures	LS	1		\$42,355.00	\$42,355.00	\$84,000.00	\$84,000.00
24	Furnish/install heaters and ventilation system	LS	1		\$58,826.00	\$58,826.00	\$66,000.00	\$66,000.00
25	Furnish/install cooling units and toilet exhaust system	LS	1		\$61,306.00	\$61,306.00	\$48,000.00	\$48,000.00
26	Furnish/install 2" air release and vacuum valve	EA	10		\$1,015.00	\$10,150.00	\$1,500.00	\$15,000.00
27	Furnish/install fence, including a gate	LF	1,400		\$27.00	\$37,800.00	\$68.00	\$95,200.00
28	Furnish/install engine generator, including concrete pad	EA	1		\$98,393.00	\$98,393.00	\$140,000.00	\$140,000.00
29	Relocate existing transfer switch for generator	EA	1		\$3,763.00	\$3,763.00	\$3,000.00	\$3,000.00
30	Furnish/install flow meter	EA	1		\$8,883.00	\$8,883.00	\$15,000.00	\$15,000.00
31	Furnish/install bollard	EA	7		\$792.00	\$5,544.00	\$800.00	\$5,600.00
32	Demolish and remove existing pump station	LS	1		\$187,575.00	\$187,575.00	\$180,000.00	\$180,000.00
33	Remove existing generator and demolish/remove existing slab	LS	1		\$12,110.00	\$12,110.00	\$25,000.00	\$25,000.00
34	Furnish/install Wiltshire Court 8" water line extension	LF	870		\$65.00	\$56,550.00	\$70.00	\$60,900.00
35	Paint new logo on elevated storage tank	EA	2		\$5,883.00	\$11,766.00	\$10,000.00	\$20,000.00
36	Furnish/install trench safety system	LS	1		\$9,990.00	\$9,990.00	\$15,000.00	\$15,000.00
37	Furnish/install electric gate	EA	1		\$10,832.00	\$10,832.00	\$28,000.00	\$28,000.00
38	Furnish/install 8" water line to Country Club Road	LF	340		\$78.00	\$26,520.00	\$98.00	\$33,320.00
<b>BASE BID TOTAL:</b>						<b>\$5,793,331.00</b>		<b>\$6,124,520.00</b>
<b>Alternate Bid Schedule</b>								
A1	Furnish/install farmhouse frame for pre-engineered building	LS	1		\$98,900.00	\$98,900.00	\$80,000.00	\$80,000.00
<b>BASE BID TOTAL:</b>						<b>\$5,793,331.00</b>		<b>\$6,124,520.00</b>
<b>ALTERNATE BID TOTAL:</b>						<b>\$98,900.00</b>		<b>\$80,000.00</b>
<b>TOTAL BASE BID AND ALTERNATE BID:</b>						<b>\$5,892,231.00</b>		<b>\$6,204,520.00</b>



# City of Lucas City Council Agenda Request May 2, 2019

Requester: City Attorney Joe Gorfida

## **Agenda Item Request**

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Review Articles VI and VII of the City Charter and provide direction to the City Attorney regarding any proposed amendments to be considered as part of a Charter update.

## **Background Information**

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Section 12.03 of the City's Home Rule Charter requires that the City Council review the charter at least once every five years to determine whether any amendments are necessary.

City Staff is also reviewing the Charter and providing updates to the City Attorney for compilation.

## **Attachments/Supporting Documentation**

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1. Article VI of the Home Rule Charter
2. Article VII of the Home Rule Charter

## **Budget/Financial Impact**

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NA

## **Recommendation**

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NA

## **Motion**

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I make a motion to provide the following recommended updates to the Home Rule Charter:

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- (3) Special Counsel -- The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate to collect delinquent and ad valorem taxes and liens or for such purposes the City Council deems appropriate.
- (4) Compensation -- The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
- (5) Additional Counsel --The City Attorney, with the approval of the City Council, may select additional attorneys to act for said City Attorney and the City in its representation and/or litigation.
- (6) Removal -- The City Attorney may be removed, with or without cause, by five (5) affirmative votes of the City Council. Prior to the 2009 election, four (4) affirmative votes of the City Council are required to remove the City Attorney.

#### **SECTION 5.04 Official Bond of City Employees**

The directors of all administrative departments whose duties include the handling of monies, and all employees whose duties include the handling of monies belonging to the City shall, before entering upon the duties of their office or employment, make bond in a responsible surety company, acceptable to the City Council for such amount as the City Council may prescribe, the premium of such bond shall be paid by the City; the City Council may also require any such surety bond to be further conditioned that the principal thereon will faithfully perform and/or discharge the duties of said person's office and if there are provisions of State law bearing upon the functions of said person's office under which the execution of a surety bond is required, it shall be further conditioned to comply therewith.

### **ARTICLE VI**

#### **Financial**

#### **SECTION 6.01 Audit and Examination of City Books and Accounts**

At the close of each fiscal year, and at such other times as may be necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant. The same firm or certified public accountant shall complete no more than five (5) consecutive annual audits. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The written report of audit will be presented to and discussed by the City Council at a regular meeting. The auditor's recommendations will be read into the record of the meeting. Copies of the audit shall be placed on file as a public record with the City Secretary.

#### **SECTION 6.02 Budget**

The fiscal year of the City shall begin on the first day of October and end on the last day of September of each calendar year. Each year and in sufficient time to provide for all necessary

hearings, the City Manager shall prepare and submit to the City Council a budget to cover all proposed expenditures of the City for the succeeding fiscal year. Such budgets shall be prepared and administered pursuant to the applicable general laws of this state. In the event that the budget is not enacted prior to October 1<sup>st</sup>, the preceding fiscal year budget shall be deemed adopted, which may be amended or supplemented, as the City Council deems appropriate.

### **SECTION 6.03 Taxes and Taxation**

(1) Powers --

- (A) The City Council may levy, assess and collect taxes of any type or character not prohibited by state law. The maximum ad valorem tax rate shall be as provided in the Texas Constitution.
  - (B) The procedure, limitations and requirements for the levy, assessment and collection of any tax or lien thereof shall be as established by State law; provided that, if not established by State law, such procedures, limitations and requirements shall be established by ordinance.
- (2) Office of Tax Collection – The finance director shall have the responsibility and duty for assessing and collecting taxes and the City Manager may appoint an officer in such department to perform such duties; provided that the City may contract for such services at the discretion of the City Council.

(3) Taxes; When Due and Payable --

- (A) All taxes due to the City shall be payable at the office of the city tax collector, or at such location or locations as may be designated by the City Council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid before February 1st of the next succeeding year, and all such taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as the City Council shall provide by ordinance. The City Council may provide discounts for the payment of taxes prior to January 1st in amounts not to exceed those established by the laws of the State of Texas.
- (B) Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

(4) Tax Liens, Liabilities and Suits --

- (A) All taxable property located in the City on January 1st of each year shall stand charged from that date with special lien in favor of the City for taxes due. All persons purchasing any such property on or after January 1st of any year shall

take the property subject to the liens provided above. In addition to the liens herein provided, on January 1st of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due for that year.

- (B) The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

#### **SECTION 6.04 Designation of Depository for City Funds**

The City Council shall select a depository for City funds in accordance with State law, and to follow all the terms and provisions of State law.

### **ARTICLE VII**

#### **Bonds, Warrants and Other Evidence of Indebtedness**

#### **SECTION 7.01 Authority to Issue**

The City shall have the right and power to borrow money for public purposes by whatever method it may deem to be in the public interest. The City shall have the right and power to issue tax bonds, revenue bonds, and any other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by law or this Charter and to issue refunding bonds to refund outstanding evidences of indebtedness previously issued. All such bonds or other evidences of indebtedness shall be issued in conformity with the laws of the State applicable at the time of issuance of such obligations.

#### **SECTION 7.02 Manner of Issuance**

Bonds and warrants of the City shall be issued as provided by the General Laws of Texas applicable to cities and towns.

### **ARTICLE VIII**

#### **Recall**

#### **SECTION 8.01 Procedure**

The Mayor or any Councilmember may be removed from office in the following manner:



# City of Lucas Council Agenda Request May 2, 2019

Item No. 06

Requester: City Secretary Stacy Henderson

## **Agenda Item Request**

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Consider calling a special City Council meeting for the purpose of canvassing the May 4, 2019 election results.

## **Background Information**

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The time frame in which to canvass the results from the May 4, 2019 election is May 7 - 15. However, the last day to receive ballots from a member of the U.S. Armed Services, spouse or dependent is Friday, May 10. In order to account for all votes during the election, it is recommended that the City Council hold their special meeting to canvass the election results either Monday, May 13 or Tuesday, May 14 at 8:15 am or a time that is convenient for the City Councilmembers present.

Texas Election Code, Section 67.004(a) states that for the purpose of canvassing a city election, only two members of the City Council are needed to constitute a quorum and conduct the special meeting.

## **Attachments/Supporting Documentation**

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NA

## **Budget/Financial Impact**

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NA

## **Recommendation**

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City Staff recommends calling a Special Meeting to canvass the election on either May 13, 2019 or May 14, 2019 at 8:15 am.

## **Motion**

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I move to approve/deny calling a special City Council meeting for May \_\_\_\_\_, 2019 at \_\_\_\_\_ a.m. for the purpose of canvassing the May 4, 2019 election results.



# City of Lucas

## City Council Agenda Request

### May 2, 2019

Item No. 07

Requester: Mayor Pro Tem Kathleen Peele

#### **Agenda Item Request**

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##### **Executive Session:**

The City Council will convene into Executive Session as permitted under the Texas Government Code, Section 551.074, Personnel Matters, to conduct interviews of Board of Adjustment applicants and discuss Board of Adjustment appointments.

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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NA

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas City Council Agenda Request May 2, 2019

Requester: Mayor Pro Tem Kathleen Peele

## **Agenda Item Request**

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Reconvene from Executive Session and take any action necessary as part of the Executive Session.

## **Background Information**

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NA

## **Attachments/Supporting Documentation**

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NA

## **Budget/Financial Impact**

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NA

## **Recommendation**

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NA

## **Motion**

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NA