



**City of Lucas
City Council Meeting
December 5, 2019
7:00 P.M.**

City Hall - 665 Country Club Road – Lucas Texas

MINUTES

Call to Order

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
Councilmember Philip Lawrence

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
City Attorney Joe Gorfida
Development Services Director Joe Hilbourn

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

1. Citizen Input.

There was no citizen input at this meeting.

Community Interest

2. Items of Community Interest.

Students from Lovejoy High School introduced themselves that were taking part in a school government project.

Mayor Olk also noted the following upcoming events:

- Country Christmas was scheduled for Friday, December 6 from 6 - 9 pm
- The City was accepting donations for Toys for Tots, Allen Community Outreach, Senior Angel Tree and Lucas Veterinary Hospital
- The annual Fire-Rescue Awards Ceremony was scheduled for December 8 from 12:30 -2:30 pm at the Fire Station
- Registration for Light Up Lucas was taking place through December 12

Councilmember Fisher noted that the Friends of Lucas Fire-Rescue would be selling personalized bricks to be placed at the Fire Station as a fundraiser for the restoration of the City's 1949 fire truck, Ole Streaker.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the November 21, 2019 City Council meeting.
- B. Consider approving Resolution R 2019-12-00492 designating the Allen American as the official newspaper of the City of Lucas.

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

Regular Agenda

4. Consider the administration, financial impact and logistics regarding the proposed 2020 Lucas Farmers Market:

- A. Consider the staffing requirements and financial support to enable planning for the 2020 Lucas Farmers Market, establishing a schedule, discussion of the budgetary impact and provide guidance to the Lucas Farmers Market Committee and staff.
- B. Consider a request from the City of Lucas Farmers Market Committee to exempt participants from permitting fees for the 2020 Farmers Market as required per the City's Code of Ordinances, Article 4.000 Health Department, Section 4.100 Commercial Business.

Lucas Farmers Market Chairperson Debra Guillemaud stated that the two trial farmers markets held in October and November this year were well received and created a sense of community. Ms. Guillemaud stated that the Committee was recommending holding thirteen markets next year, two per month, and of those thirteen, two would coincide with the City's Founders Day event and Country Christmas event. There would be no markets held January through March or November.

Councilmember Fisher expressed her concern related to having two markets per month and the time needed from City staff to work the events and maintenance on park facilities.

Ms. Guillemaud discussed the farmers market report outlined in the Council packet noting items that could be changed to have the market be more efficient. Ms. Guillemaud noted that City staff assisted with traffic and ensuring the park facilities had enough electrical power for the event, which would be a reoccurring item for City staff.

Ms. Guillemaud discussed required permitting for food and produce vendors, and how the City accepted vendors that had supplied a food permit from another City. Ms. Guillemaud stated the Committee was requesting to waive temporary food establishment permit fees for the upcoming year as well waiving fees for vendors to participate in the market as way to establish the market in

2020. Ms. Guillemaud stated that she would like to keep fees as low as possible in order to help maintain the vendors for 2020.

Councilmember Fisher asked if other cities waived fees to participate in their farmers market.

Ms. Guillemaud stated that she was not aware of what other cities required, but understood that McKinney required a fee; however, they did not use a park facility to host their market and had to raise funds to hold the event.

Councilmember Fisher noted that some initial costs were a one-time expense; however, she was concerned that it would become a taxpayer funded event, and a vendor fee would be appropriate to cover the City's costs to hold the farmers market.

Councilmember Baney stated that he was in favor of waiving fees for the first year in order to grow participation and maintain a commitment from the vendors.

The City Council discussed options regarding the appropriate fees to charge vendors in order to recoup the City's cost to host the event.

Councilmember Fisher asked that the City review what costs would be incurred to provide additional electrical needs at the park. Mayor Olk suggested the City determine if the markets were successful before making any changes to the park.

The City Council discussed health permits and the cost associated with obtaining health permits.

Ms. Guillemaud stated that City ordinances require a temporary food establishment permit fee of \$60 per event, and there would be a small number of vendors that would require a temporary food establishment permit. Ms. Guillemaud asked that these fees be waived.

The City Council discussed proposing a \$20 vendor participation fee that would allow the City to recoup costs associated with the event. The Council was also in agreement that if the vendor did not have a temporary food establishment permit, one would be obtained through the City of Lucas; however, if the vendor had a permit from another city, that permit would be honored.

Councilmember Millsap expressed his concern about hosting thirteen markets and how much staff time that would require and asked that staff time be minimized as to not create a burden.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Baney to approve the 2020 market schedule, funding associated with staffing the 2020 market events, and have staff draft an ordinance to exempt participants that require a health inspection permitting fee from the 2020 markets, and establish a \$20 per event fee for all vendors for the 2020 markets. The motion passed unanimously by a 7 to 0 vote.

5. **Consider reappointments to the Parks and Open Space Board, Board of Adjustment, and Planning and Zoning Commission for a two-year term beginning January 2020 through December 31, 2021.**

MOTION: A motion was made by Councilmember Duke, seconded by Councilmember Fisher to reappoint the following board members outlined below for a two-year term

beginning January 2020 through December 31, 2021. The motion passed unanimously by a 7 to 0 vote:

- Board of Adjustment: Chris Bierman, Tom Redman, James Foster, and Michael Dunn
- Parks and Open Space Board: Kenneth Patterson, Bill Esposito, and Debra Guillemaud
- Planning and Zoning Commission: Peggy Rusterholtz, David Keer, and Tim Johnson

6. Consider approving the Board Appointment Policy outlining City Council procedures for new board member appointments and existing board member reappointments.

City Secretary Stacy Henderson reviewed the Board Appointment Policy with the Council and discussed recommended changes related to additional interview questions being included, adding the Technology Committee to the list of prospective applicants that may meet with City Council for interviews, and other verbal changes within the document.

The City Council directed the City Secretary to update the Policy with the proposed changes and bring back to the next City Council meeting on the Consent Agenda.

There was no formal action taken on this item.

7. Consider approving Resolution R 2019-12-00493 approving the Collin County ExpressVote Universal Voting System to be used in all future elections held in the City of Lucas while contracting with Collin County Election Services.

City Secretary Stacy Henderson explained that Collin County Elections had purchased new voting equipment and per the Texas Election Code, each governing body served by Collin County Elections must adopt the new voting system by Resolution.

MOTION: A motion was made by Councilmember Lawrence, seconded by Mayor Pro Tem Peele, to approve Resolution R 2019-12-00493 approving the Collin County ExpressVote Universal Voting System to be used in all future elections held in the City of Lucas while contracting with Collin County Election Services. The motion passed unanimously by a 7 to 0 vote.

8. Consider adopting Ordinance 2019-12-00901 amending the City's Code of Ordinances, Article 1.09 Parks and Recreation, Section 1.09.062 and 1.09.063 regarding regulations relating to the use of park facilities, and discussion regarding the process for holding special events in the City of Lucas.

Mayor Pro Tem Peele stated that the subcommittee, consisting of Councilmember Duke, Councilmember Fisher and herself met twice to review the policy and determined that a special events ordinance was not currently needed and would be revisited at a later date. Mayor Pro Tem Peele reviewed with the Council the recommended changes by the subcommittee for Article 1.09 Parks and Recreation.

The Council discussed allowing commercial activity in park facilities and if special event requests should be brought before the City Council for individual consideration. Councilmember Fisher expressed her concern that opening up park facilities to commercial activity would then reduce the amount of time park facilities would be available to Lucas residents. The Council also discussed the difficulty of how a commercial special event would be defined. The City Council determined that there would be limited commercial activity allowed in park facilities to Lucas residents only.

After review and recommendations from the subcommittee and City Councilmembers, the following changes were incorporated to Article 1.09:

Sec. 1.09.062 Conduct prohibited in parks

(C) **Lucas residents only may reserve** the city park facilities ~~may be reserved~~ for commercial recreational activity **daily** from 5:00 a.m. through 8:00 a.m. and from 7:00 p.m. through 9:00 p.m. The community center is not available for use for commercial recreational activity and may only be **reserved** ~~used~~ by **Lucas** ~~city~~ residents.

(D) A city facility use agreement must be completed and submitted ~~together~~ with the required fee ~~to the city manager for consideration~~ **as set forth in the City fee schedule**. The applicant must provide documentation demonstrating the vendor's liability insurance coverage in the amount of \$1,000,000.00 and must name the city as an additional insured on the certificate of insurance. **The applicant is responsible for any damage to the park facilities.**

E. The applicant may reserve the park facility ~~for~~ up to two months **in advance of the event** and must reapply for any subsequent use. If any park facility is left in a condition that is unacceptable to the city, the city reserves the right to not allow the vendor to use any of its facilities in the future;

Section 1.09.063 Reservation of Lucas Community Center

The Lucas Community Center shall only be reserved by individuals residing within the territorial limits of the city. Any city resident requesting a reservation of the Lucas Community Center shall provide proof of residency and submit a completed facility use agreement in the form approved by the city to the development services department for approval prior to reserving the facility. **Any damage to the facility by the applicant or the attendees shall be the responsibility of the applicant and the applicant shall bear the cost for the repair and/or replacement of any damage caused to the facility or property within the facility.**

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Duke to adopt Ordinance 2019-12-00901 amending the City's Code of Ordinances, Article 1.09 Parks and Recreation, Section 1.09.062 and 1.09.063 regarding regulations relating to the use of park facilities with the amendments outlined above. The motion passed unanimously by a 7 to 0 vote.

9. Consider establishing a policy, administrative guidelines and/or revise the City of Lucas' Code of Ordinances to create a process or procedure regarding requests for reasonable accommodation (i.e., modifications or exceptions under the Americans With Disabilities Act (ADA) and the Federal Fair Housing Act (FHA).

City Attorney Joe Gorfida stated that the City does not currently have a mechanism in place to address accommodations under the Fair Housing Act or the Americans with Disabilities Act. Currently, City staff has no authority to waive those requirements and the Board of Adjustment does not have jurisdiction to hear requests for reasonable accommodation, as the Board can only determine requests based on hardship status.

Mr. Gorfida explained that a policy to address reasonable accommodations from the ADA or FHA requirements should be considered and recommended a policy be created that allowed City staff to make those determinations when they arise.

Mayor Pro Tem Peele suggested a permit application with an affidavit be created that would be signed and notarized by the individual requesting the accommodation stating the need for adjustment and acknowledged the adjustment was temporary while the requestor resided at that location. Mayor Pro Tem Peele suggested the application also note that there were no other known accommodations that would meet the requirements within City code, and the accommodations would be removed from the property when the individual no longer resided at that location. Mayor Pro Tem Peele also suggested a letter from a physician be provided as part of the application.

Mr. Gorfida stated that he would need to conduct additional research whether a letter from a physician could be required, and noted the application and affidavit was adequate.

Mayor Olk noted that if the accommodations were to be removed from the property once it was sold, information would have to be filed with the deed so that future property owners were aware the accommodation would have to be removed. Mayor Olk also asked that annual reporting be maintained for approved accommodations.

Mr. Gorfida stated that he would draft a policy and bring back to the Council for consideration.

There was no formal action taken on this item.

Executive Session Agenda

10. An Executive Session is not scheduled for this meeting.

An Executive Session was not held at this meeting.

Adjournment

11. Adjournment.

MOTION: A motion was made by Councilmember Millsap, seconded by Mayor Olk to adjourn the meeting at 8:24 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:


Mayor Jim Olk

ATTEST:


Stacy Henderson, City Secretary

