



**City of Lucas
City Council Meeting
February 6, 2020
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 Attorney Joe Gorfida
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
City Engineer Stanton Foerster
Fire Chief Ted Stephens

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.

Mayor Olk noted the following upcoming events:

- Candidate filing for the May 2 City election would close on February 14.
- The City's cleanup event, along with electronic recycling and paper shredding will be held on Saturday, April 4 from 8 am to 12 pm.
- The City's Parks and Open Space Board will be hosting Movie in the Park on Friday, April 17 at 7pm.
- The first farmers market for 2020 will be held on April 25 from 8 am to 12 pm at the Community Park.
- The City will host voting at the Community Center for the upcoming Presidential Primary Election on March 3.

Councilmember Fisher stated that she attended the North Texas Municipal Water District board meeting last month noting that the coalition of customer cities was discussed, and the Town of

Fairview had just signed a new contract. Councilmember Fisher also noted that she, along with Councilmember Duke and Mayor Pro Tem Peele attended a Census meeting regarding redistricting that would occur in the future and additional information would be made available. Councilmember Fisher noted that she also toured the Collin County Jail recently and was impressed with the general operation and cleanliness.

Councilmember Duke noted that Collin County Sheriff Skinner was recognized in Washington DC for his multi-county efforts for human trafficking and drug related offenses and his program may be taken nationally.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the January 16, 2020 City Council meeting.
- B. Consider adopting Ordinance 2020-02-00903 ordering a General Election to be held on May 2, 2020 for the purpose of electing two (2) City Councilmembers for Seat No. 1 and Seat No. 2; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement; and providing for an effective date.
- C. Consider adopting Ordinance 2020-02-00904 ordering a Special Election to be held on May 2, 2020 for the purpose of submitting Propositions to the qualified voters of the City for the continuation of the one-half of one-percent sales and use tax to provide revenue for maintenance and repair of municipal streets; and for the purpose of submitting proposed amendments to the City Home Rule Charter; providing for the publication and posting of notice; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement; and providing for an effective date.

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

4. Consider terminating the license agreement between the City of Lucas and Justin and Angela Himmelreich.

Development Services Director Joe Hilbourn stated that this item was placed on the agenda due to insurance requirements that had not been met. However, the property owner has submitted the appropriate insurance.

Mayor Olk stated that he has had several conversations with surrounding property owners, and they would like additional information regarding the shared driveway and right of way license agreement, and what was proposed. Mayor Olk stated that a meeting was being scheduled to address any concerns.

Ms. Himmelreich stated that she was willing to work with the neighbors.

City Attorney Joe Gorfida asked if the property owners would be constructing a driveway.

Mr. Himmelreich stated that since the license agreement was signed, they had since purchased another property and would not be building the driveway; however, they would like the license agreement in place for the next property owner.

Mayor Olk stated that he would meet with surrounding property owners and determine if the license agreement needed to be amended in any way.

There was no action taken on this item.

5. Consider the supplemental information associated with the Birkhoff, Hendricks & Carter drainage analysis of the Reid Branch Tributary 1, which includes the Lemontree Country Estates and Kingswood Estates neighborhoods including flow maps and findings associated with neighborhood site visits.

City Engineer Stanton Foerster explained that City staff along with Birkhoff Engineering met with residents in December, walked the neighborhood on several different occasions, also after it had rained to view existing drainage flows. Mr. Foerster reviewed existing drainage flow lines in the Lemontree/Kingswood neighborhoods and new maps were reviewed that showed how drainage should be functioning in the area. Mr. Foerster discussed existing drainage elements in place that prohibited drainage such as swells and ditches that were no longer present due to lack of maintenance or silted in. Mr. Foerster discussed significant drainage flow that had been impeded on the southern boundary of Kingswood. Mr. Foerster stated that there were no drainage easements in Lemontree, which creates a maintenance problem as well.

Mayor Pro Tem Peele asked if fixing drainage ditches that had been filled in would alleviate any of the problem.

Mayor Olk suggested that it would assist in alleviating some of the problem, but a private/public partnership was needed to address drainage in the area. The Council discussed the cleanout of culverts/ditches in the Kingswood area and how that would affect property on Lynn Lane.

Mayor Olk suggested discharge of water onto Lynn Lane, and if ditches along Kingswood needed to be cleared. These items may need to be added to the study.

Mr. Foerster discussed three basins on the high school property where berms needed to be placed and raised. Staff met with the Lovejoy High School design engineer as well as Lovejoy ISD staff to discuss the maintenance items needing to be addressed per the engineering recommendations. Mr. Foerster stated that Lovejoy ISD was moving forward with compliance of the engineering recommendations to reestablish drainage facilities as designed within the 2006 high school construction plans.

Mayor Olk suggested the drainage flow map be updated to reflect the water that passed over the berms at the high school.

Councilmember Fisher stated that the National Resource Conservation Service (1404 N. McDonald, McKinney, 972.542.0081) a subdivision of the Army Corps of Engineers works on flash flood

control management and have done work on Parker Road as well as the pond behind the Lucas Food Mart. Councilmember Fisher suggested citizens and staff reach out to the Conservation Service for mapping information and if they can work on private property or neighborhoods as a whole.

The Council discussed the water volumes that come from the high school property, why water flow changed in the area, coming up with a plan that would include starting at where there was adequate flow volumes and work backwards, and having citizens get permits for work they may perform on their property.

Jim Iannucci, 9 Kingswood, noted that the revised plan was a better depiction of current flow in the area. Mr. Iannucci stated that it was a public hazard that water flowed so quickly through their neighborhood and asked if water could be rerouted towards Estates Parkway to alleviate some of the concern.

Mayor Olk suggested the scope of the study include the Lynn Lane culvert towards Kingswood and what capacities that area can carry and determine if the culvert was exceeding capacity. Mayor Olk also suggested the TxDOT drainage from Claremont Springs be reviewed and what the flow analysis was of that neighborhood towards Country Club and Estates.

6. Consider design changes to the Winningkoff Road Project Phase 2 to decrease project costs by reducing the construction impacts to trees, driveways, and fences; discuss possible trail location; and provide direction to the City Manager.

City Engineer Stanton Foerster explained that the Winningkoff Road Project was located between Forestview Drive and Snider Lane and cannot begin until Blondy Jhune Road was reopened to two-way traffic. Mr. Foerster stated that the original design flattened the hills and dips to improve sight distance, but concerns were raised about the impact to the trees lining the roadway, driveways and fences while making sure that the functionality of the drainage is addressed. The City requested the design engineers to utilize all available rights-of-way and easements to reduce construction costs and improve the roadway. The original plans included the removal of trees and the relocation of the fencing within the City right-of-way and easements along the frontage of 1090, 1190, and 1200 Winningkoff Road. The revised plans remove fewer trees and require a smaller portion of fence removal in front of these Winningkoff properties.

Mr. Foerster stated that with the revised plans, only four trees on each end of the revised alignment would have to be removed and 200 feet of fencing in front of 1090 Winningkoff would have to be removed as opposed to 1200 feet of fence.

Mayor Olk discussed the need for a possible license agreement should the fence be located within the right of way.

Councilmember Baney suggested the City Council consider placing a pedestrian/equestrian trail along Winningkoff in the right of way to allow for safe pedestrian/equestrian travels. Adequate right of way was available to construct a trail along Winningkoff.

The City Council discussed at length the viability of trail along Winningkoff, culverts that were in place, the amount of right of way available and fencing that may have to be removed on various properties to accommodate a trail.

Michael King, 1200 Bloom Street, explained that he runs on Winningkoff and neighboring roadways often and was concerned that should the roadway be elevated, there would no way to safely get off the road should a vehicle be traveling nearby.

Brenda Rizos, 1200 Winningkoff, noted that this was the first time she was viewing the drawings and would like to have had additional time to review the plans. Ms. Rizos expressed her concern regarding the design noting that traffic on Winningkoff was already fast, and there were dips in the roadway that made it difficult to see oncoming vehicles. Ms. Rizos also expressed her concern regarding the number of trees that would be removed with this project.

Mr. Foerster and Mayor Olk explained how the new roadway design would eliminate dips in the road creating a flatter surface and a better line of sight. The revised plans called for only eight trees to be removed as opposed to 30 plus trees with the original design.

The Council spent some time discussing the amount of right of way along Winningkoff, the advantage of having a trail along the roadway, installing the trail at a future date, the need to amend the Trails Master Plan should the trail be considered, if trees would have to be removed to add a trail, and how property owners would be affected the by the installation of a trail along Winningkoff.

Greg Jacobs, 1415 Ford Lane, asked if the vertical alignment of the roadway would affect utilities and if the City could transplant any trees that were scheduled to be removed.

Mayor Olk explained that no public utilities would be affected by the project and the trees could not be transplanted, they would have to be removed.

Jeffrey Brownlow, 220 W. Blondy Jhune Road, stated he was in favor of removing less trees and asked that a stop sign be placed at Blondy Jhune and Winningkoff to reduce the speed in that area. Mr. Brownlow stated that he would like to have a trail on the side of the roadway for a safer place to walk.

Mayor Olk stated that a traffic study would be conducted regarding the warrant of stop sign at Blondy Jhune and Winningkoff once Blondy Jhune is open to two-way traffic.

Mayor Olk stated that the City Council should review the Trails Master Plan to determine if adding a trail along Winningkoff Road would fit into the Master Plan and asked that an item be brought forward to the next meeting. The City could then meet with residents along Winningkoff for further discussions.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Duke to proceed with the revised plans for the Winningkoff Road Project, Phase 2. The motion passed unanimously by a 7 to 0 vote.

7. Consider establishing a policy for the maintenance of roadways not located within public rights-of-way and/or City easements.

City Engineer Stanton Foerster asked the Council to consider guidelines on how to handle requests for maintenance on private roadways that were not dedicated to the City.

Councilmember Fisher identified a street assessment Ordinance passed in 1998 where certain roads were reconstructed and property owners in the area were assessed one-third of the construction

expense. Councilmember Fisher noted that the roadways identified in the ordinance that were brought to City standards should continue to be maintained.

Mayor Olk noted that should a private roadway need to be reconstructed, those property owners would be required to dedicate easements to the City to consider reconstruction. The City Council was in agreement to continue roadway maintenance on existing roadways open to the public. Also, if a roadway was not in a dedicated right-of-way or easement and the roadway needed to be reconstructed, the roadway should be placed on the capital projects list. If reconstruction was required of a private roadway, the property owners would be required to dedicate rights-of-way or easements. Lastly, if roadways were located behind fences, "private road" signs, or in a gated community, the City was not responsible for maintaining those roadways.

8. Consider adopting Ordinance 2020-02-00905 amending the City of Lucas Code of Ordinances, Section 5.03 Fire Code to prohibit open burning except with certain exceptions as permitted under the International Fire Code.

Development Services Director Joe Hilbourn explained that in 2015 the City of Lucas discontinued issuing burn permits when the City became aware that Collin County was designated as a nonattainment area. The Clean Air Act and Amendments of 1990 define a "nonattainment area" as a locality where air pollution levels persistently exceed National Ambient Air Quality Standards. The Texas Commission on Environmental Quality is the state agency that strives to protect our state's public health and natural resources. Mr. Hilbourn stated that currently the City's Code of Ordinances permits open burning with a permit, and that was in violation with State Law.

Mr. Hilbourn stated that staff recommends changing the City's Code of Ordinances to match what is permitted by the State law for non-attainment counties.

Mayor Pro Tem Peele discussed areas in which the code discussed burning was allowed if it was economically viable. Mr. Hilbourn explained that was for cities that did not offer trash service and the City of Lucas offers trash services, and therefore was not applicable to Lucas.

Councilmember Fisher suggested an addition be added to the amendment that included burning should be 25 feet from a property line so as to not impact surrounding neighbors, and that no burning take place under a tree canopy.

The City Council was in agreement to include Councilmember Fisher's additions to the ordinance amendment.

Mayor Olk read emails into the record from John Scott of Creekwood Estates and Mike Ballatti that were in favor of being allowed to burn on their property.

David Keer, 1850 Travis Ranch Road, would like to be able to burn smaller piles of debris and suggested a six-foot-wide pile would be easier to manage debris on his property.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Baney to approve Ordinance 2020-02-00905 amending the City of Lucas Code of Ordinances, Section 5.03 Fire Code to prohibit open burning except with certain exceptions as permitted under the International Fire Code, and adding that burning should occur 25 feet from a property line, and that no burning take place under a tree canopy. The motion passed by a 6 to 1 vote with Councilmember Lawrence voting in opposition.

9. **Consider authorizing the City Manager to enter into an Interlocal Agreement with the Collin County Fire Marshal's Task Force for investigation services related to fire arson cases.**

Fire Chief Ted Stephens stated that currently there was not an Interlocal Agreement in place with Collin County for Fire Marshal investigative services. The agreement would allow the City to work with the Fire Marshal's office when fire investigations are needed at no charge.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to authorize the City Manager to enter into an Interlocal Agreement with the Collin County Fire Marshal's Task Force for investigation services related to fire arson cases. The motion passed unanimously by a 7 to 0 vote.

10. **Consider board applications to fill vacant positions on the Parks and Open Space Board and the Planning and Zoning Commission and consider promotion of alternate members to regular member board positions.**

Mayor Olk explained that Peggy Rusterholtz had rescinded her resignation from the Planning and Zoning Commission and therefore there was no vacancy on that board.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Fisher to move Parks and Open Space Board Alternate Member Debra Guillemaud from an alternate member position to a regular member position, and appoint Lynne Dodson as an alternate member to the Parks and Open Space Board. The motion passed unanimously by a 7 to 0 vote.

11. **Consider nominations for the 2020 Service Tree Award Program.**

Councilmember Fisher stated that the Service Tree Committee met consisting of herself, Councilmember Duke and Councilmember Millsap and nominated Craig Zale and David Rhoads as 2020 Service Tree Recipients.

MOTION: A motion was made by Councilmember Fisher, seconded by Mayor Pro Tem Peele, to appoint David Rhoads and Craig Zale as Service Tree Recipients for 2020. The motion passed unanimously by a 7 to 0 vote.

12. **Consider approving Resolution R 2020-02-00496 creating a policy regarding requests for reasonable accommodation under the Americans With Disabilities Act (ADA) and the Federal Fair Housing Act (FHA).**

Mayor Pro Tem Peele asked if the language “including any necessary documents” could be added to Section 6c Review Authority. City Attorney Joe Gorfida noted that the language would be added to the approved document.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Fisher to approve Resolution R 2020-02-00496 creating a policy regarding requests for reasonable accommodation under the Americans with Disabilities Act and the Federal Fair Housing Act with the additional language of “including any necessary documents” be added to Section 6c. The motion passed unanimously by a 7 to 0 vote.

Executive Session

13. Executive Session.

An Executive Session was not held at this meeting.

14. Reconvene from Executive Session.

An Executive Session was not held at this meeting.

Adjournment

15. Adjournment.

MOTION: A motion was made by Councilmember Millsap, seconded by Mayor Olk to adjourn the meeting at 9:58 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:



Mayor Jim Olk

ATTEST:



Stacy Henderson, City Secretary

