



**City of Lucas
City Council Meeting
March 5, 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
Councilmember Wayne Millsap
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Philip Lawrence
Councilmember Debbie Fisher

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
City Engineer Stanton Foerster
Finance Director Liz Exum

City Councilmember Absent:

Mayor Pro Tem Kathleen Peele

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.

Dennis Scully, 914 Highland Drive expressed his concern with the amount of time it took to complete the road project on Stinson Road, noting that there were weeks at a time where no work was being done. Mr. Scully asked if penalties would be assessed for work not completed timely.

Mayor Olk asked that Mr. Scully speak with the City Engineer to discuss the matter further since this was an item not on the agenda that could be discussed.

Community Interest

2. Items of Community Interest.

Mayor Olk noted the following upcoming events:

- The City's cleanup, electronic recycling, and paper shredding event would be held Saturday, April 4 from 8 am to 12 pm.
- The City would 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.

Councilmember Fisher noted that April 1 was Census Day and explained that questionnaires received could be filled out online.

Consent Agenda

3. Consent Agenda:

- A) Approval of the minutes of the February 20, 2020 City Council meeting.
- B) Consider amending the Fiscal Year 19/20 budget to reallocate funds totaling \$5,182,213.74 for capital improvements and operating costs previously approved in Fiscal Year 18/19.
- C) Approval of the City of Lucas Investment Report for quarter ending December 31, 2019.
- D) Approval of Resolution R 2020-03-00498 accepting the voluntary annexation petition submitted by McCreary Donihoo Partners LTD for the Estates of Stinson Highlands annexing a territory currently in the City's extraterritorial jurisdiction consisting of approximately 30.6018 acres of land more or less located in the John Gray Survey, Abstract 349 located at the southwest corner of Stinson Road and Highland Drive.
- E) Approval of Resolution R 2020-03-00499 accepting the termination to abandon a license agreement with Justine and Angela Himmelreich to use a Right of Way dedicated to the City by the Lucas Creek Estates Plat for use as a driveway for 2515 Orr Road.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Lawrence to approve the Consent Agenda as presented. The motion passed unanimously by a 6 to 0 vote.

Regular Agenda

- 4. **Consider a request by the Forest Creek Estates Architectural Control Committee to:**
 - A) **leave the two Forest Creek Estates subdivision signs currently located on City right-of-way at the intersection of Blondy Jhune Road and Mary Lee Lane; and**
 - B) **to replace the existing Forest Creek Park sign and fund half the cost of the new park signage.**

Development Services Director Joe Hilbourn stated that the City Council asked the Parks Board to review this item as the new sign proposal was located within a City Park. After discussions with a member of the Forest Creek Architectural Control Committee, the Parks Board recommended replacing the existing sign at Forest Creek Park with a stone monument sign stating "Forest Creek Park" as a compromise that would benefit both the neighborhood and the park.

Mr. Hilbourn stated that the Forest Creek Park Architectural Control Committee has committed to providing \$1,700 towards the Forest Creek Park sign.

Forest Creek Architectural Control Committee Member Andre Guillemaud informed the Council that the Forest Creek Subdivision would like to build a neighborhood sign in the park at the entrance of the subdivision. The compromise discussed with the Parks Board included improving the existing Forest Creek park sign that the City was planning on replacing. Mr. Guillemaud explained that the other two signs on Mary Lee and Blondy Jhune could remain as there was no other place to move the signage. Mr. Guillemaud stated that the Architectural Control Committee has committed \$1,700 towards a four foot by six-foot stone monument sign with a concrete placard.

Michael Dunn, 1625 Tokalaun, representing the Tokalaun Homeowners Association, spoke in opposition to Agenda Item 4a relating to leaving the two Forest Creek Estates subdivision signs currently located on City right-of-way near Blondy Jhune Road and Mary Lee Lane. Mr. Dunn further explained that he was in favor of the updating the existing Forest Creek Park signage, but the existing signs on Mary Lee were in disrepair and located near the entrance of the Tokalaun subdivision.

Mr. Guillemaud stated that the Forest Creek Subdivision would like the signs on Mary Lee and Blondy Jhune to remain as they cannot construct signs at the entrance of their subdivision as its all private property. Mr. Guillemaud stated that they approached several homeowners about dedicating an easement and having the signs moved to that location, but there was no interest. Mr. Guillemaud stated that maintenance of the signs along Mary Lee and Blondy Jhune would be completed by volunteers within the Forest Creek subdivision.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Millsap to approve replacing the existing Forest Creek Park signage and fund half the cost plus/minus of the \$3,500 cost estimate to replace the sign. The motion passed unanimously by a 6 to 0 vote.

Councilmember Fisher noted that property where one of the subdivision signs was located was sold to the school district and has been in its current location before the Tokalaun subdivision was constructed. Councilmember Fisher stated that she was in opposition of having the signs removed.

Mr. Dunn stated that the original property owner, Mr. Billingsly, sold the property to the school district, however, there was a deed restriction that dedeed it back to residents and the property is controlled by the Tokalaun Homeowners Association. Mr. Dunn stated that he would be in favor of the sign being moved to the northwest corner.

MOTION: A motion was made by Councilmember Duke, seconded by Councilmember Lawrence to allow the Forest Creek subdivision sign to remain located on the northeast corner of Mary Lee and Blondy Jhune, and to remove the Forest Creek subdivision sign located on the northwest corner of Mary Lee and Blondy Jhune, and direct the City Engineer to have the sign on the northwest corner removed as part of the Blondy Jhune road project. The motion passed by a 5 to 1 vote with Councilmember Fisher voting in opposition.

5. Consider the acceptance and approval of the City of Lucas Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2018-2019 presented by Brooks Watson & Co.

Mike Brooks, Brooks Watson & Company presented the City's 2019 annual financial report. Mr. Brooks reviewed the audit process, planning, field work, and conclusions with the Council.

Mr. Brooks stated that as part of the independent auditors report, the City received a clean unmodified audit opinion, which was the highest financial statement that can be received. Mr. Brooks discussed the City's revenues, expenses, increase in fund balance and ending fund balance.

Councilmember Millsap complemented the Finance team on the outstanding work they do and the awards they receive each year.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Duke to approve the City of Lucas Comprehensive Annual Financial Report for fiscal year 18/19. The motion passed unanimously by a 6 to 0 vote.

- 6. Consider authorizing the City Manager to amend the scope of the professional services agreement between Birkhoff, Hendricks & Carter and the City of Lucas dated April 1, 2019, for the 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 in the amount not to exceed \$9,585.00 from the FY 19-20 budget account Professional Fees 11-6209-309 using General Fund Reserves.**

Mayor Olk discussed with the Council some of the items included in the amended scope of services pertaining to determining the capacity of the Lynn Lane culvert towards Kingswood and if the flow was exceeding capacity, as well as reviewing drainage from the Claremont Springs area and the possibility of redirecting the flow towards Country Club along Estates Parkway.

Jim Iannucci, 9 Kingswood spoke in favor of the amended scope of service and support of the study.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Lawrence to authorize the City Manager to amend the scope of the professional services agreement for drainage analysis between Birkhoff, Hendricks, and Carter and the City of Lucas dated April 1, 2019 in the amount not to exceed \$9,585 from FY 19/20 budget account Professional Fees using general fund reserves. The motion passed unanimously by a 6 to 0 vote.

- 7. Consider reallocating funds in the amount of \$270,000 in account 11-8210-420 associated with the purchase of a Gradall, to fund the purchase a Skid Steer in the amount of \$97,983 and a Crack Pro Road Sealing Machine in the amount of \$62,578.**

Development Services Director Joe Hilbourn explained that purchase of Gradall equipment and a staff person to operate such equipment was approved in the 19/20 budget. However, staff has been unable to hire personnel to operate the equipment and has been able to retain a contractor that would perform the culvert maintenance activities. Staff no longer feels the purchase of the Gradall equipment is warranted and was proposing to reallocate funds towards a bobcat with a 4-in-1 bucket and angle blade for grading swales, and existing staff would operate the equipment. Mr. Hilbourn stated that staff was also proposing to reallocate funds toward a Crack Road Sealing Machine, to supplement existing road maintenance.

Councilmember Lawrence asked if the Gradall equipment may be needed in the future.

Mr. Hilbourn state that contractors are able to complete the work, and the City has been unsuccessful in finding someone to operate this type of equipment.

Thomas Schwab, 36 Woodmoor stated that he was not opposed to the request, but wanted to know if the City would consider using concrete on heavily traveled roadways such as West Lucas Road, to keep from deteriorating each time it rains and due to high traffic volumes.

Mayor Olk stated that the City was working with Collin County regarding the replacement of West Lucas Road. In regard to crack sealing, the City determines whether repairs should be made before replacement of a road is considered, and concrete versus asphalt was also considered as part of the replacement process.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Baney to approve reallocating funds associated with the purchase of a Gradall D 152 to fund the purchase of a Skid Steer in the amount of \$97,983 and a Crack Seal Pro Road Sealing machine in the amount of \$62,578. The motion passed unanimously by a 6 to 0 vote.

8. Discuss and provide direction to staff on proposed updates to the City of Lucas Trails Master Plan by adding a trail along the east side of Winningkoff Road which would connect to East Winningkoff Road and to the trail proposed along East Lucas Road and discuss any other proposed revisions to the Plan.

Development Services Director Joe Hilbourn gave a presentation explaining that a Town Hall meeting held on June 7, 2015, residents expressed a desire for walking/riding trails throughout the City that connected with other trails. During recent discussions of the Winningkoff Road project, it was suggested to add a trail on the east side of Winningkoff Road to create trail connectivity. Citizens have also expressed a desire for walking and biking trails as well, and Staff has spent considerable time acquiring easements for trails and applying for grants. Mr. Hilbourn asked if trail connectivity was something staff should be moving forward with or was a new citizen survey need.

Chris Churchill, 1125 Brockdale, stated that she was not opposed to adding trails, but asked that the trails be safe for horses, ensure they were multi-seasonal that could draining appropriately during the rainy season, leave as many trees as possible when constructing the trails, and install guard rails in areas that contained a blind spot. Ms. Churchill stated that there were bar ditches on the east side of road along Winningkoff and asked that they be constructed in a way to ensure the water drains.

Tricia Millsap, 318 McMillan, stated she was in favor of a trail along Winningkoff Road that would accommodate equestrians and walkers, as traffic on Winningkoff Road has increased and makes it unsafe.

Kim Nopper, 980 Winningkoff, stated that she was opposed to a trail on Winningkoff Road, financially it was not a good decision and a poor use of funds. Ms. Nopper stated that funds would be better spent on items such as roadway improvements or drainage.

Tom Redman, 1930 Mary Lee Lane, stated that he was opposed to the trail, as the City had not obtained costs related to construction, and more information was needed before he could support the addition of a trail.

Michael King, 1200 Bloom Street, stated that he was in support of trail as traffic along Winningkoff had increased and residents need a place to walk or run.

Chris Reynolds, 1370 Beverly Circle, explained that she was opposed to the trail, as it would go through an easement near the back yard and did not want the general public that close to her property.

Mayor Olk read emails from the following individuals into the record:

- Brian Dale, opposed to trails on Winningkoff
- Derek Doss, opposed to trails on Winningkoff
- Brenda Rizos, opposed to trails on Winningkoff
- Sally Ballis, opposed to trails on Winningkoff
- Maureen Miller, opposed to trails on Winningkoff

Councilmember Baney suggested the City send out a survey to determine if there is still a desire for additional trails and to have connectivity with the existing trail system.

Councilmember Fisher stated that a survey was needed as well as public meetings. The survey should include questions related to park area and if a larger community park was needed. Councilmember Fisher expressed her concerns with placing trails through existing right of way and creating a concern about privacy, and suggested there may be more of an opportunity to install trails when new developments were constructed.

Councilmember Millsap explained that the trail on Winningkoff would be for residents in the area, and he was in favor of conducting a survey to gain residents perspective.

Councilmember Lawrence stated that he was not a proponent of adding trails unless the residents in the neighborhood were also in favor.

Mayor Olk directed staff to bring back survey questions as an agenda item for consideration and the Council can discuss how they would like to proceed.

9. Discuss and consider 1) an update on the Customer City Coalition activities relating to the North Texas Municipal Water District; 2) next steps with the Coalition; and (3) authorizing the Mayor to write the Public Utility Commission (PUC) expressing the City of Lucas’ position on the rate case submitted by the Cities of Garland, Mesquite, Plano and Richardson and authorizing expenditures up to \$50,000 for potential legal fees regarding the rate case.

Mayor Olk gave an update regarding the Customer City Coalition with the NTMWD. He stated that the NTMWD consisted of member cities and customer cities. The cities of Garland, Mesquite, Plano and Richardson are member cities, and Lucas is a customer city. The member cities started the NTMWD to have a central location to get water and used their taxable value as backing for bonds. As a customer city, Lucas buys water from NTMWD and customer cities pay more than member cities. NTMWD has a take or pay methodology contract where water rates are established for customer cities and the customer city is required to pay for that amount of water regardless of conservation efforts or if the water will be used. The City of Lucas has historically paid for more water than what has been used. NTMWD customer cities have joined together to form a Coalition to become better informed regarding the rate case filed with the Public Utility Commission by the

member cities. The Public Utility Commission has remanded the case back to the Administrative Court for a rate case study of the NTMWD.

Councilmember Millsap discussed the NTMWD take or pay structure and the amount of water the City must buy as part of the pay structure. He noted that the City has lost \$2.2 million of undeliverable water that was not used over the last 10 years. Councilmember Millsap discussed the lack of transparency by the NTMWD regarding how rate studies are conducted, and the price increase to the City over the last ten years was equivalent to a 228 percent increase.

Councilmember Fisher gave a presentation discussing water usage under the NTMWD take or pay structure noting that the City’s annual required contract purchase was 628,590,000 gallons over the last 10 years, with undeliverable gallons consisting of an average of 118,194,100 per year. Councilmember Fisher added that water costs paid averaged over the last ten years, including the NTMWD rebate were \$1.2 million. Councilmember Fisher noted that using the NTMWD methodology, the monthly undelivered cost per meter averaged \$6.71.

The City Council was in agreement to write a letter to the Public Utility Commission regarding the City of Lucas’s support for the position asserted by the Cities of Garland, Mesquite, Plano and Richardson and request the Public Utility Commission to initiate the cost-of-service hearings. The City Council further identified the following concerns:

- Wholesale water rate methodology for member cities and customer cities
- Basis and support for rate differential charged to customer cities
- Take or pay contract methodology, appropriateness of structure and possible alternatives
- Budget oversight relating to the operation of the NTMWD and financial transparency
- Basis and qualifications to be classified as member city
- Representation for customer cities

MOTION: A motion was made by Councilmember Lawrence, seconded by Councilmember Millsap to participate as a member of the Coalition and authorize expenditures up to \$50,000 for legal fees regarding the rate case. The motion passed unanimously by a 6 to 0 vote.

Executive Session

10. Executive Session.

An Executive Session was not held at this meeting.

11. Reconvene from Executive Session.

An Executive Session was not held at this meeting.

Adjournment

12. Adjournment.

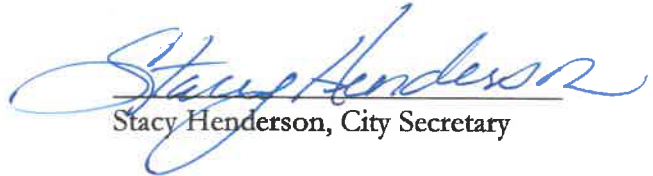
MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to adjourn the meeting at 9:21 pm. The motion passed unanimously by a 6 to 0 vote.

APPROVED:



Mayor Jim Olk

ATTEST:



Stacy Henderson, City Secretary

