



MINUTES

CITY COUNCIL REGULAR MEETING

December 16, 2021 | 6:00 PM

Council Chambers | Video Conference

City Hall | 665 Country Club Road, Lucas, Texas

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Tim Johnson
Councilmember Tim Baney
Councilmember David Keer
Councilmember Phil Lawrence (*attending remotely*)
Councilmember Debbie Fisher

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
City Attorney Joe Gorfida
Development Services Director Joe Hilbourn
Public Works Director Scott Holden
Assistant to the City Manager Kent Souriyasak

The regular City Council meeting was called to order at 6:00 pm.

Executive Session Agenda

1. Executive Session:

The City Council will convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with the City Attorney regarding City of Lucas, Texas v. Robert Kubicek and the following real property: 2205 Estates Parkway, Lucas, Texas, In Rem, Cause No. 417-00147-2018 in the 417th Judicial District Court of Collin County, Texas.

Per Section 551.071 of the Texas Government Code, the City Council will also seek legal advice from the City Attorney during Executive Session regarding Agenda Items 12 and 13 on this agenda.

The City Council convened into Executive Session at 6:01 pm.

2. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.

The City Council reconvened from Executive Session at 7:11 pm. There was no action taken as a result of the Executive Session.

Citizen Input

3. Citizen Input

There was no citizen input at this meeting.

Community Interest

4. Items of Community Interest

Mayor Olk discussed service tree award nominations, candidate filing for the May 7, 2022, election and city offices closed for the Christmas and New Year's holidays.

Consent Agenda

5. Consent Agenda:

- A. Approval of the minutes of the December 2, 2021, City Council meeting.
- B. Approval of the City of Lucas Investment Report for quarter ended September 2021.
- C. Consider authorizing the City Manager to enter into a contract with Hydromax USA, LLC for fire hydrant and valve maintenance utilizing an interlocal with the City of Garland, Texas in the amount not to exceed \$100,000.

Councilmember Fisher noted a correction to the minutes on page 4 by adding the language "Remove Highland Drive as a through roadway from FM 1378 to Lewis Lane".

MOTION: A motion was made by Councilmember Fisher, seconded by Mayor Pro Tem Peele to approve the Consent Agenda including the minutes as amended. The motion passed unanimously by a 7 to 0 vote.

Public Hearing Agenda

6. **Public hearing to consider adopting Ordinance 2021-12-00942 approving a request by Bill Shipley on behalf of Golden Chick for a Specific Use Permit (SUP) to allow a drive-thru restaurant on a proposed tract of land, zoned Commercial Business, being 0.833 acres, on Lot 1, Block A, Pennington Addition, William Snider Survey, Abstract No. 821, Collin County Texas, also known as 451 South Angel Parkway.**

Mayor Olk opened the public hearing at 7:25 pm, there being no one wishing to speak, the public hearing was closed.

After some discussion related to the detention pond on site, access to the site, and operating hours, the following motion was made.

MOTION: A motion was made by Councilmember Johnson, seconded by Mayor Pro Tem Peele to adopt Ordinance 2021-12-00942 approving a specific use permit for Golden Chick to allow a drive-thru restaurant on a proposed tract of land, zoned Commercial Business, being 0.833 acres, on Lot 1, Block A, Pennington Addition, William Snider Survey, Abstract No. 821, Collin County Texas, also known as 451 South Angel Parkway with the amended condition that allowable hours of operation shall be from 6:00 am to 1:00 am and the additional condition that no glare directly or indirectly shall be created at the property line from luminaires. The motion passed unanimously by a 7 to 0 vote.

Regular Agenda

The City Council moved to Agenda Items 12 and 13 at this time.

- 12. Consider First Amendment to the Development Agreement between the City of Lucas, Texas and Megatel Homes, III, LLC and an addendum to declaration of covenants, conditions, and restrictions for Enchanted Creek Homeowners Association, Inc.**

After discussion with the City Attorney regarding the deletion of Sections 5.01 and 5.02 from the development agreement, the following motion was made.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Lawrence to approve the First Amendment to the Development Agreement between the City of Lucas and Centurion Homes and MM Lucas 135 LLC and an addendum to the declaration of covenants, conditions, and restrictions for Enchanted Creek Homeowners Association, Inc., with the amendment that Section 5.01 and Section 5.02 be deleted from the Development Agreement. The motion passed unanimously by a 7 to 0 vote.

- 13. Consider an appeal made by Robert Miklos on behalf of Matt Dorsett with Spiars Engineering and Surveying and Brock Babb with Centurion American CTMGT Lucas 238 LLC, on behalf of property owners Steve Lenart with CTMGT Lucas 238, LLC and Mehrdad Moayedí for the denial of an extension of a preliminary plat for Enchanted Creek Estates Phase 2, expiring December 1, 2021, for the property located in the James Anderson Survey, Abstract No. 17 and John McKinney Survey, Abstract No. 596, being 135.743 acres, 700 feet north of the intersection of Enchanted Way and Lillyfield Drive.**

MOTION: A motion was made by Councilmember Baney, seconded by Mayor Pro Tem Peele, to approve the extension of the preliminary plat. The motion passed unanimously by a 7 to 0 vote.

The City Council moved back to Agenda Item No. 7.

- 7. Discussion regarding the regulations pertaining to a home-based business.**

The following individuals spoke regarding regulations to home-based businesses.

- Jenny Tissing, 1190 Stinson Road, discussed nuisances created by the home-based business occurring at the property at 1180 Stinson. Due to the home-based business, vehicle traffic had increased on site as well as the number of individuals visiting the home at all hours of the night and weekend. Noise and traffic levels had also increased in the residential area.
- Wayne Millsap, 318 McMillan, suggested ways in which to tighten up what is defined as a nuisance and not define home based businesses based on the number of employees as this could cause many home-based businesses to be in violation.

The City Council discussed current regulations, various types of home-based businesses, enforcement using the court system, and having the resident testify to violations and nuisances they have witnessed if it could not be seen from the street by the Code Officer.

The City Council directed the City Attorney to draft language for consideration that included:

Home occupation shall not create a nuisance to persons of ordinary sensibilities that occupy surrounding property such as offensive, noises, vibrations, sound, smoke dust, odors, heat, glare, x-rays or electrical disturbances to radio and telephone instruments, and to include an exemption related to farm animals.

There was no action on this item, it was for discussion purposes only.

8. **Consider authorizing the City Manager to enter into a bank depository service agreement with American National Bank of Texas for a three-year period commencing on December 27, 2021, through December 27, 2024, with the option to renew for two additional one-year extensions under the same terms and conditions.**

MOTION: A motion was made by Councilmember Fisher seconded by Councilmember Lawrence to approve authorizing the City Manager to enter into a bank depository service agreement with American National Bank of Texas for a three-year period commencing on December 27, 2021, through December 27, 2024, with the option to renew for two additional one-year extensions under the same terms and conditions. The motion passed unanimously by a 7 to 0 vote.

9. **Consider authorizing the City Manager to enter into a professional services agreement with Birkhoff, Hendricks, & Carter, LLP (BH&C) in the amount of \$93,800 to complete the following:**

- A. Water Master Plan Update including engineering analysis and reports for the Water Distribution System Map and Water Impact Fee Update appropriating funds from Unrestricted Water Fund Reserves to account 51-6409-309 Professional Services in the amount of \$63,800.00; and
- B. Engineering analysis for the Roadway Impact Fee Update appropriating funds from Unrestricted General Fund Reserves to account 11-6209-309 Professional Services in the amount of \$30,000.00.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Keer to approve authorizing the City Manager to enter into a professional services agreement with Birkhoff, Hendricks, & Carter, LLP (BH&C) in the amount of \$93,800 for a Water Master Plan Update including engineering analysis and reports for the Water Distribution System Map and Water Impact Fee Update appropriating funds from Unrestricted Water Fund Reserves to account 51-6409-309 Professional Services in the amount of \$63,800.00; and an engineering analysis for the Roadway Impact Fee Update appropriating funds from Unrestricted General Fund Reserves to account 11-6209-309 Professional Services in the amount of \$30,000.00. The motion passed unanimously by a 7 to 0 vote.

10. **Consider approval of the Request for Proposal for Residential Solid Waste Services per the City of Lucas Specifications and provide direction to the City Manager regarding the proposal submission and evaluation process.**

The City Council asked for the following additional information:

- Reports from Republic Recycling on how much recycling is being collecting in the City.
- How much recycling is being collected in the Brockdale and Seis Lagos areas; have the numbers increased from previous years; include the number of subscribers.
- Trash Committee will determine rating system, preliminary evaluations, and bring forward a recommendation to the City Council.
- Collect information from businesses and schools regarding their trash/recycling providers.

The City Council recommended the following updates to the draft Request for Proposal:

- Add option to include commercial property in RFP
- Option to combine trash and recycling billing together if advantageous
- Option for both subscription-based recycling and trash and recycling subscriptions combined
- Enhanced bulk pickup service provided for a fee
- Concierge service for pickup of items closer to the home

There was no formal action on this item, it was for discussion purposes only.

- 11. Consider amending FY 21/22 budget by appropriating \$57,300 from 2017 Certificates of Obligation funding to account 21-8210-490-130 and authorize the City Manager to enter into an agreement with Interstate Contracting & Coating, Inc. to replace the stem in the McGarity Elevated Tank.**

After some discussion with Public Works Director Scott Holden regarding materials, repairs needed, and water conservation efforts during the time of repair, the following motion was made.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence to approve amending FY 21/22 budget by appropriating \$57,300 from 2017 Certificates of Obligation funding to account 21-8210-490-130 and authorize the City Manager to enter into an agreement with Interstate Contracting & Coating, Inc. to replace the stem in the McGarity Elevated Tank. The motion passed unanimously by a 7 to 0 vote.

- 12. Adjournment.**

MOTION: A motion was made by Councilmember Johnson seconded by Mayor Olk to adjourn the meeting at 9:15 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:



Mayor Jim Olk





City Secretary Stacy Henderson