



MINUTES

CITY COUNCIL REGULAR MEETING

February 17, 2022 | 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 (*arrived at 6:12 pm*)
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
Finance Director Liz Exum

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

Citizen Input

1. Citizen Input

There was no citizen input at this meeting.

Community Interest

2. Items of Community Interest

Mayor Olk spoke regarding the upcoming farmers market, TxDOT meeting regarding Country Club widening, and the upcoming Spring Cleanup event. Councilmember Fisher discussed the new privacy screens added for voting in the Community Center.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the January 20, 2022, City Council meeting.
- B. Approval of Ordinance 2022-02-00943 ordering a general election to be held on May 7, 2022, for the purpose of electing two (2) City Councilmembers for Seat No. 5 and Seat No. 6; 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. Approval of the City of Lucas Quarterly Investment Report ended December 2021.

- D. Authorize the Mayor to enter into a Second Amended and Restated Agreement for Municipal Court Judge commencing February 3, 2022, through February 1, 2023, with an option to renew for an additional term of two (2) years.
- E. Approval of Ordinance 2022-02-00944 amending the Lucas Code of Ordinances by amending Chapter 3 titled "Building Regulations" amending Article 3.01 titled "General Provisions" amending Section 3.01.005 titled "Building Permit" adding a new paragraph (d) titled "Starting Without A Permit" to require that the permit fee be doubled where work is started prior to obtaining a permit; and providing for an effective date.
- F. Rescind City Council Approval for Alternative Number 2, long term scour protection in the amount of \$32,000 for the Winningkoff Bridge.

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

Regular Agenda

- 4. **Presentation to the City of Lucas Finance Department for receiving the 2021 Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association.**

Mayor Olk presented the Certificate of Achievement for Excellence in Financial Reporting to Finance Director Liz Exum.

- 5. **Consider the request by Todd Winters on behalf of Barrett Owens for approval of a preliminary plat for an 18.858-acre parcel of land being part of the Jas Grayum Survey, Abstract 354 located on the north side of Estates Parkway and east of Orchard Road, at 1900 Estates Parkway more commonly known as Farmstead Phase Two.**

Development Services Director Joe Hilbourn gave a presentation discussing elements of the preliminary plat request.

The City Council discussed the water flow on the property and how that would be addressed through the platting and construction process.

The following individuals requested to speak:

- Jim Iannucci, 9 Kingswood Drive, noted his opposition to the new development and asked how water flow would be reduced from the property.
- Bill Gunn, 3 Kingswood Drive, discussed his concerns regarding drainage from the property and the surrounding areas.
- Jeff Maddox, 12 Kingswood, asked questions about the survey, as-builts and to review drainage plans when they became available.
- Randy Cimprich, 14 Kingswood, discussed the need to ensure requirements were being met and did not adversely affect other neighborhoods.

- Barrett Owens, 390 West Forest Grove, owners of Farmstead Phase 1 and 2 discussed the plans to mitigate the runoff, meeting requirements above what was required, and creating an outfall structure to assist with drainage in the area.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Baney to approve the preliminary plat with the condition that the developer deliver all drainage plans to City staff prior to final plat submittal, and that the preliminary plat be approved conditionally because it does not meet the following requirements of the City's Code of Ordinances outlined below. The motion passed unanimously by a 7 to 0 vote.

- Section 10.03.032 Submission Dates;
- Section 10.03.033 Official Filing Date;
- Section 10.03.034 General Approval Criteria;
- Section 10.03.039(3) Standards for Approval of Preliminary Plats;
- Section 10.03.040(b)(1) Data Requirement for Preliminary Plats;
- Section 10.04.020 Preliminary Plats

6. Consider authorizing the City Manager to enter into a professional services agreement with Birkhoff, Hendricks, & Carter, LLP (BH&C) and appropriate funds from Unrestricted General Fund Reserves to account 11-8209-303 Drainage in the amount of \$108,020 to complete the design, construction plans, specifications, and bidding for the following:

- A. Rimrock Detention Pond Embankment Improvements in the amount of \$23,280 (Recommendation 4)
- B. Orchard South Culvert Improvements & Channel Improvements in the amount of \$32,450 (Recommendation 5)
- C. Lynn Lane Culvert and Channel Improvements in the amount of \$52,290 (Recommendation 6)

Councilmember Lawrence recused himself from this item and turned off his video and microphone.

Public Works Director Scott Holden discussed the proposed recommendations made by Birkhoff, Hendricks & Carter.

The following individuals requested to speak:

- Jim Iannucci, 9 Kingswood, discussed the drainage reports submitted and suggested the report focus on day-to-day drainage details rather than 100-year flood plain drainage.
- Jeff Maddox, 12 Kingswood, asked if options had been considered such as adding piping behind homes to improve water flow.
- Bill Gunn, 3 Kingswood, would like to see elevations related to TxDOT roadways and was concerned about drainage on the north side of Estates.
- Wayne Millsap, 318 McMillan, expressed his concern as to how the City was going to pay for drainage problems in this area and throughout the City.
- David Booker, 10 Kingswood, expressed his concern regarding findings ways to ensure drainage was working properly.

- Brad Livingstone, 9 Orchard, discussed his concerns that the berm and detention pond at Lovejoy High School was not holding water after a rainfall, and not functioning properly.

Public Works Director Scott Holden discussed his meeting with TxDOT and noted the following items TxDOT conveyed:

- 1- Estates Parkway was five feet above the Lemontree/Kingswood subdivision
- 2- Culverts on the south side of Estates Parkway were undersized and would not carry additional runoff
- 3- To divert drainage towards Estates, a drainage study would be required and submitted to TxDOT but did not guarantee it will be approved or completed.

Joe Carter, with Birkhoff, Hendricks & Carter answered questions that had been raised during citizen participation. He reviewed design proposals, rainfall events, water flow based on design criteria, and how the recommended improvements would affect drainage.

City Council noted that discussions would take place with TxDOT as part of the Country Club widening to determine if drainage improvements could be made along Estates Parkway at the Country Club intersection to assist with drainage, and therefore would not move forward with Option C, Lynn Lane improvements until further discussions took place with TxDOT.

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 and appropriate funds from Unrestricted General Fund Reserves to account 11-8209-303 Drainage in the amount of \$55,730 to complete the design, construction plans, specifications, and bidding for: 1) Rimrock Detention Pond Embankment Improvements in the amount of \$23,280; and 2) Orchard South Culvert Improvements and Channel Improvements in the amount of \$32,450. The motion passed unanimously by a 6 to 0 vote, as Councilmember Lawrence was recused from voting on this agenda item.

The City Council recessed for a break at 8:14 pm and reconvened the meeting at 8:26 pm.

7. Consider adopting Ordinance 2022-02-00945 amending the City's Code of Ordinances, Chapter 14 "Zoning", Article 14.01.004 "Definitions" by amending the definition of home occupation and providing an effective date.

The City Council discussed the current requirements of home occupation in the City's Code of Ordinances, enforcement of current regulations, and proposed new regulations that included the following:

- (a) Home occupation shall not create a nuisance to persons of ordinary sensibilities that occupy the surrounding property such as offensive noises, vibrations, sound, smoke dust, odors, heat, glare, x-rays or electrical disturbances to radio and telephone instruments.
- (b) There shall be no traffic generated by the home occupation in greater volumes than normally expected in a residential neighborhood.

Wayne Millsap, 318 McMillan, requested that accessory buildings be included in the amended definition, and was opposed to requiring that businesses must include members of the family only.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Lawrence to send the home occupation ordinance to the Planning and Zoning Commission for review, including items (a) and (b) above as well as the inclusion of accessory buildings as part of the definition. The motion passed unanimously by a 7 to 0 vote.

8. **Consider approval of proposed edits recommended by the Planning and Zoning Commission to Chapters 1, 2, and 3 of the City of Lucas Comprehensive Plan and provide direction to staff regarding any additional amendments.**

The City Council discussed proposed updates to Chapters 1, 2 and 3. Under Chapter 3, Housing Actions, it was suggested that other structures needing rehabilitation such as fences, antenna towers, and accessory structures be added to the Comprehensive Plan in an appropriate location.

The City Council was in favor of moving forward with the proposed edits of Chapters 1, 2 and 3 of the Comprehensive Plan.

9. **Consider nominations for 2022 Service Tree Awards.**

The Service Tree Subcommittee consisting of Councilmember Fisher, Councilmember Keer and Councilmember Johnson, recommended to the City Council the following individuals be nominated for 2022 Service Tree Awards.

- Tammy Duke
- Gary Johnson

Because Mr. Johnson lived in the City's ETJ, the Council was in agreement to make Gary Johnson an honorary citizen of Lucas.

MOTION: A motion was made by Councilmember Fisher, seconded by Mayor Pro Tem Peele to award Tammy Duke and Gary Johnson as Service Tree Recipients for 2022. The motion passed unanimously by a 7 to 0 vote.

Executive Session Agenda

10. **Executive Session:**

An Executive Session was not held at this meeting.

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

There was no Executive Session held at this meeting; therefore, no action was taken.

12. **Adjournment.**

MOTION: A motion was made by Councilmember Johnson seconded by Mayor Olk to adjourn the meeting at 9:22 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:



Mayor Jim Olk

ATTEST:



City Secretary Stacy Henderson

