



MINUTES
CITY COUNCIL REGULAR MEETING

February 16, 2023 | 6:30 PM
Council Chambers
City Hall | 665 Country Club Road, Lucas, Texas

City Councilmembers Present:

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

City Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
City Attorney Joe Gorfida
Public Works Director Scott Holden
Development Services Director Joe Hilbourn
Finance Director Liz Exum
CIP Manager Patrick Hubbard
City Secretary Erin Day
Deputy Nicholas Noel
Contract Engineer Joe Grajewski

The regular City Council meeting was called to order at 6:30 pm.

Citizen Input

1. Citizen Input

Community Interest

2. Items of Community Interest

Mayor Olk gave items of community interest including:

- GovQa Service Request Center
- Keep Lucas Beautiful Cleanup Event
- Founders Day Country Fair
- Lucas Farmers Market upcoming dates
- Community CPR Class
- Styrofoam Recycling Dates

Mayor Olk also congratulated Deputy Nicholas Noel for earning his Advanced Certification in Negotiation.

Consent Agenda

3. Consent Agenda:

- A. Approval of Ordinance 2023-02-00968 reappointing the Municipal Court Judge for an additional two (2) year term from February 1, 2023 through February 1, 2025.
- B. Approval of the City of Lucas Quarterly Investment Report ended March 2022.

- C. Approval of the City of Lucas Quarterly Investment Report ended June 2022.
- D. Approval of the City of Lucas Quarterly Investment Report ended September 2022.
- E. Approval of Ordinance 2023-02-00971 ordering a general election to be held on May 6, 2023 for the purpose of electing two (2) City Councilmembers for Seat Number 1 and Seat Number 2, designating location of polling place, and ordering notice of election to be given as prescribed by law in connection with such election, authorizing execution of joint election agreement, and providing an effective date.
- F. Consider payment in the amount of \$199,075 from Restricted General Fund Reserves to OW Homes, LLC (Farmstead Phase Two) in conformance with the approved Public Improvement Participation Agreement for detention of excess offsite stormwater runoff.
- G. Approval of the minutes of the January 19, 2023 City Council meeting.

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

Regular Agenda

- 4. **Consider adopting Ordinance 2023-02-00969 amending the City's Code of Ordinances, Chapter 1 titled "General Provisions" by amending article 1.09 titled "Parks and Recreation" by amending Section 1.09.062 titled "Conduct in Parks" to allow the possession, sale, and consumption of alcohol in Parks by permit or as otherwise authorized by the City.**

John Todd Elliott, 1250 Ramsay Drive, Vice Chairman for the Parks and Open Space Board, spoke in favor of this item, explaining that beer and wine is an agricultural product that will increase traffic for the Farmers Markets of 2023. Vice Chairman Elliott advised that having beer and wine will increase diversity in vendors for the market.

Dewayne and Amy Hill, 540 County Road 698 in Farmersville, spoke advising their business, Cedar Hollow Winery, just opened a year ago and that they are in the process of developing a vineyard. Mr. Hill advised he was contacted by Chairman to the Parks and Open Space Board Bill Esposito. Mrs. Hill described awards that their business has won and expressed their desire to offer their wine at the Lucas Farmers Market. Councilmember Fisher asked if the grapes used are locally grown grapes. Mr. Hill advised they are imported from different areas.

Michelle Miller, 1200 Scarlett Drive, advised she would like to see variety at the Farmers Market including wine and beer.

Val Turnbow, 550 Honeysuckle Lane, advised she is a past board member on the Parks and Open Space Board and a current volunteer of the Lucas Farmers Market. Mrs. Turnbow advised passing this ordinance would help expand the market, bring in more traffic, help local vendors and will promote agriculture. Mrs. Turnbow advised that this might help bring art into the park and promote small business.

Mayor Pro Tem Peele advised the amount consumed is not addressed in the ordinance. City Attorney Joe Gorfida advised that the amount would be based on what the vendor got the permit for and that vendors would have to verify age and abide by state law.

Councilmember Lawrence asked if vendors going to be required to show proof of licensure, and if we need to be added as an additional insured on vendor policies. Mr. Gorfida advised in order to get the permit they will need to show their license and insurance, and that the liability of serving alcohol will fall back on the vendor. Councilmember Johnson asked if the wording of the ordinance would allow the City to rent out the park for wedding type events. Mr. Gorfida advised that it would.

City Manager Joni Clarke advised staff is only asking for the ability to sell beer and wine, and to have small tastings, and that she will only issue permits related to Farmers Markets. Any other type of event would come back before City Council for approval.

Councilmember Fisher advised many people have expressed to her that selling beer and wine would be a good draw for the Farmers market. Councilmember Lawrence advised he is in agreement if it will have a solid permitting process and legal is involved making sure the proper verbiage is used. Councilmember Baney advised he believes this will be a benefit to the Farmers Market.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Baney, to approve adopting Ordinance 2023-02-00969 amending the City's Code of Ordinances, Chapter 1 titled "General Provisions" by amending article 1.09 titled "Parks and Recreation" by amending Section 1.09.062 titled "Conduct in Parks" to allow the possession, sale, and consumption of alcohol in Parks by permit or as otherwise authorized by the City. The motion passed unanimously by a 7 to 0 vote.

5. Discuss recommendations to amend the City's Code of Ordinances, Chapter 13 Utilities, Article 13.06 Solid Waste and provide direction to the City Manager.

Assistant City Manager Kent Souriyasak advised staff is recommending putting information about recycling in the ordinance for solid waste, so it is clarified for residents. Mr. Souriyasak also advised there is a conflict in the ordinance regarding the time that residents should put trash carts on the curb and the time to put them away, as well as times for brush/bulk pickup. Mayor Olk asked he would like to see the time as noon the day before to midnight the day after.

Councilmember Fisher advised she does not think there should not be a requirement on location as long as the cart is not on the road. City Manager Joni Clarke advised some people are leaving their carts by their mailboxes. Councilmember Fisher advised that if the carts blow in the road it could be a traffic hazard. Mayor Olk advised he would like to see the areas Mrs. Clarke is referencing to determine if there is an issue. Councilmember Johnson advised perhaps in Section 4 should say "shall be removed from curbside location..." and remove "out of view". Mrs. Clarke advised that staff would gather some pictures for the City Council to review.

Mayor Olk advised item C1 talks about "other containers" which conflicts with Item A. Mrs. Clarke advised that is a conflict that needs to be removed.

Mayor Olk gave direction for staff to bring the ordinance back to staff with the conflicts resolved.

MOTION: There was no motion needed for this item.

6. **Consider adopting Ordinance 2023-02-00970 amending Code of Ordinances, Appendix C – “Fee Schedule”, Articles 19.000 and 20.000 adjusting the water and wastewater rates for a five-year period beginning March 1, 2023, through September 30, 2026.**

Finance Director Liz Exum gave a presentation advising that the rate study by Capex Consulting was approved by the City Council in November of 2022 and a public hearing was held on January 19, 2023. The ordinance will approve adjusting the water rates per the study conducted.

MOTION: A motion was made by Councilmember Keer, seconded by Councilmember Johnson, to approve adopting Ordinance 2023-02-00970 amending Code of Ordinances, Appendix C – “Fee Schedule”, Articles 19.000 and 20.000 adjusting the water and wastewater rates for a five-year period beginning March 1, 2023, through September 30, 2026. The motion passed unanimously by a 7 to 0 vote.

7. **Consider the approval of amending the fiscal year 2022-2023 budget by appropriating funding in the amount of \$60,000 from Unrestricted General Fund Reserves to Account 11-8210-421 (Vehicles) for the purchase of one-ton pickup truck with a utility bed for Public Works.**

Development Services Director Joe Hilbourn gave a presentation explaining that this year’s budget included the purchase of a one-ton pickup truck, and that there were none available, therefore staff ordered the three-quarter ton truck that was to go on the budget next year. However, staff was informed that if they need the one-ton truck for next year, it would need to be ordered this year.

Councilmember Lawrence asked if all brands were checked. Mr. Hilbourn advised that checked Chevy, Ford and Dodge, but there is a low supply of trucks. Mayor Pro Tem Peele advised low supply is a widespread issue right now.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Fisher, to approve amending the fiscal year 2022-2023 budget by appropriating funding in the amount of \$60,000 from Unrestricted General Fund Reserves to Account 11-8210-421 (Vehicles) for the purchase of one-ton pickup truck with a utility bed for Public Works. The motion passed unanimously by a 7 to 0 vote.

8. **Consider the following items as it relates to the Bait Shop Waterline Relocation Project:**

- A. **Appropriate \$168,204 from Unrestricted Water Fund Reserves to Account FY 22-23 budget Account 21-8210-490-129 (Bait Shop Waterline Relocation), resulting in a total project cost of \$1,302,750.**
- B. **Award the bid and authorize the Mayor to enter into an agreement with J&L Construction for the construction of the Bait Shop Waterline Relocation in an amount not to exceed \$1,184,318.**
- C. **Encumber a 10% contingency totaling \$118,432 to be reserved by the city to cover any unforeseen project expenses.**

Public Works Director Scott Holten gave a presentation advising that eight qualifying bids were received and J&L Construction was the low bidder and came in below the engineer’s estimate.

Mayor Olk asked if there is an estimated date of completion. Scott Holden advised the estimated date of completion is September 12, 2023. Mayor Pro Tem Peele asked if this project has to be completed before TxDOT can start their project. Mr. Holden advised that it does. Councilmember Johnson asked if the impact to access to the Bait Store has been thought about. Mr. Holden advised it will be on the backside of the Bait Store so access will not be affected.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Johnson, to approve following items as it relates to the Bait Shop Waterline Relocation Project:

- A. Appropriate \$168,204 from Unrestricted Water Fund Reserves to Account FY 22-23 budget Account 21-8210-490-129 (Bait Shop Waterline Relocation), resulting in a total project cost of \$1,302,750.
- B. Award the bid and authorize the Mayor to enter into an agreement with J&L Construction for the construction of the Bait Shop Waterline Relocation in an amount not to exceed \$1,184,318.
- C. Encumber a 10% contingency totaling \$118,432 to be reserved by the city to cover any unforeseen project expenses.

The motion passed unanimously by a 7 to 0 vote.

9. **Consider awarding the bid and authorizing the Mayor to enter into an agreement with J&L Construction, LLC for the construction of the South Orchard Road Channel and Culvert Improvements in an amount not to exceed \$347,038 and to encumber a 10% contingency of \$34,704 for a total of \$381,742 using funds in Account 11-8209-303 (Drainage).**

Mr. Holden advised the bids were accepted on January 24, 2023, and had 6 qualifying bidders. J&L Construction was the lowest bidder. Bids were reviewed and references were checked, and it was determined that J&L Construction should be accepted by the City.

Councilmember Fisher asked if the two different projects would be able to use dirt from one project on the other. Mayor Olk advised it would be up to the contractors. Mayor Olk advised he would like to see a tabulation on what has been spent regarding drainage, including what has been spent on the Consent Agenda, so that the Council can understand the full picture of costs on all of the drainage projects. Mayor Pro Tem Peele advised the City is approaching a million dollars on drainage and that is more than she wanted spent, and that she is not in favor of this item. Councilmember Fisher advised this is an issue for Lemontree Estates, but that it would also fix issues downstream. Mayor Pro Tem Peele advised she would like to see a prioritization of what needs to be fixed. City Manager Clarke advised that the drainage update being discussed on this agenda will address some of those concerns. Mayor Olk advised that this particular culvert is in the public right-of-way and it is the City's responsibility to fix it. Councilmember Baney advised this is a test case and will help the Council going forward. Councilmember Fisher advised the new requirements for developments going in will take care of a lot of future issues going forward.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Baney, to approve awarding the bid and authorizing the Mayor to enter into an agreement with J&L Construction, LLC for the construction of the South Orchard Road Channel and Culvert Improvements in an amount not to exceed \$347,038 and to encumber a 10% contingency of \$34,704 for a total of \$381,742 using funds in Account 11-8209-303

(Drainage). The motion passed by a 6 to 1 vote, with Mayor Pro Tem Peele voting against.

10. **Consider awarding the bid and authorizing the Mayor to enter into an agreement with G-Rod Construction, LLC for the construction of the Rimrock Detention Pond Improvements in an amount not to exceed \$164,870 and to encumber a 10% contingency of \$16,487 for a total of \$181,357 using funds budgeted in Account 11-8209-303 (Drainage).**

Councilmember Fisher advised this project will not affect just one neighborhood because it is a system that affects multiple neighborhoods and will help a large quadrant of the city. Mayor Pro Tem Peele advised the City Council needs to have the big picture so that priorities can be determined. Mayor Olk advised also that this project will make improvements to the drainage issue but will not completely fix the problem. Mayor Olk advised he agrees that the cost is high, but that this is a system that will be improve drainage for a large area.

MOTION: A motion was made by Councilman Baney, seconded by Councilmember Lawrence, to approve awarding the bid and authorizing the Mayor to enter into an agreement with G-Rod Construction, LLC for the construction of the Rimrock Detention Pond Improvements in an amount not to exceed \$164,870 and to encumber a 10% contingency of \$16,487 for a total of \$181,357 using funds budgeted in Account 11-8209-303 (Drainage). The motion passed by a 6 to 1 vote, with Mayor Pro Tem voting against.

11. **Consider authorizing the City Manager to enter into a contract with Reynolds Asphalt & Construction Company for the rehabilitation of Honeysuckle Lane in an amount not to exceed \$54,638 and Estelle Lane in an amount not to exceed \$104,354, for a total of \$158,992 from Account 11-8209-301 Improvement Roads (Street Maintenance).**

Mr. Holden advised that Honeysuckle Lane had a water line that had to be repaired which presented an opportunity to improve Honeysuckle Lane and Estelle Lane. Mr. Holden advised that staff hopes that if Reynolds Asphalt & Construction Company does well the City can use them for future road projects.

Val Turnbow, 550 Honeysuckle Lane, spoke again advising that she has lived on Honeysuckle Lane for eight years, and that traffic has greatly increased with the school drop offs and pick ups. Mrs. Turnbow advised that they have spoken with Lovejoy ISD and nothing has been done, and that her and her neighbors cannot get out of their driveway during those time periods. Mrs. Turnbow also advised the road is damaged and needs to be repaired. Mayor Olk advised that road repairs are being done based on a rating structure, but that Honeysuckle Lane will be looked at and it's condition would be determined. Mayor Olk also encouraged Mrs. Turnbow to continue to speak with Lovejoy ISD to try to get the traffic issue addressed.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Keer, to approve authorizing the City Manager to enter into a contract with Reynolds Asphalt & Construction Company for the rehabilitation of Honeysuckle Lane in an amount not to exceed \$54,638 and Estelle Lane in an amount not to exceed \$104,354, for a total of \$158,992 from Account 11-8209-301 Improvement Roads (Street Maintenance). The motion passed unanimously by a 7 to 0 vote.

Mayor Olk recessed the City Council for a break at 8:00 p.m.

Mayor Olk reconvened the City Council into Open Session at 8:05 p.m.

12. Provide update and discuss status of drainage policy for effectively managing the stormwater system and provide direction to the City Manager.

CIP Manager Patrick Hubbard gave a presentation highlight the background of the drainage policy development, the four policy elements (Management of Public Drainage System, Activities on Private Property, Regulatory Compliance, and Funding Drainage Activity), the GIS database project status, drainage mapping, stormwater condition ratings project summary, data that will be associated with the map, the steps for inspection and condition rating of existing facilities, and the review process of facilities.

Mayor Olk advised the map is a great resource, but that the data being collected will not show the bigger picture without spending a lot of time and effort, and that the focus needs to go where the bigger issues are.

Mayor Pro Tem Peele advised the bigger picture and the funding options need to be looked at. Mayor Olk advised possibly by citizen complaints, the main concerns could be pinpointed, and then funding options could be determined. Councilmember Baney advised we are possibly down the path that we need to do a study to identify where the problems are, and that our next step should be how do we fund that study. Mayor Pro Tem Peele advised that would be too costly. Councilmember Baney advised it will be costly but necessary. Councilmember Lawrence advised that the drainage issue is like an onion, every layer you pull off has another layer underneath it, and that funding sources and problems need to be identified at the same time.

Councilmember Fisher asked for City Engineer Joe Grawjeski to come up, and asked if other large developments in the area do water studies. Joe Grawjeski advised they are required do a water drainage study as part of the process, and that new developments would not need a water study done, just the older areas.

City Manager Clarke advised with the new GovQa system being utilized for service requests, Mr. Hubbard be able to track what neighborhoods are having issues and can put together a neighborhood drainage assessment.

Councilmember Johnson asked how far staff is from being able to do inspections on culverts. City Manager Clarke advised the criteria is being developed currently and once that is finished, staff can begin inspections.

Mayor Olk advised that the first priority should be flooding of a public street, number two should be flood damage to a critical facility (such as a fire station, nursing home, or medical facility), number three should be failure of a public drainage facility, number four should be a major illicit discharge of contamination, number five should be flooding of a fire lane, and number six flooding of a private street.

Councilmember Lawrence asked if we would be able to differentiate between City owned facilities and private owned facilities. Mayor Olk advised the reports and maps will only be related to public facilities. Mr. Hubbard advised that if an issue was being caused by a citizen, code enforcement would get involved.

Mayor Olk advised the work being done is great work, but that the City Council would like to speed up the process of figuring out the biggest issues. Councilmember Lawrence asked how the priority issues can be identified. City Manager Clarke advised that staff prioritizes based on damage to structures and public roadways, and that the City's engineers are getting a lot of field experience.

Mayor Olk directed staff to work on the issues discussed and bring the item back to the City Council.

MOTION: No motion needed for this item.

13. **Consider the 88th Legislative Session and discuss any proposed bill or significant resolution that may have an impact on the City of Lucas and provide guidance to the City Attorney and City Manager.**

City Attorney Joe Gorfida advised that he is keeping up to date with House Bill 2127 and Senate Bill 814, two bills that were filed that would limit the authority of municipalities in certain areas such as the finance code, insurance code, labor code, nature resource code, agriculture code, and others. Councilmember Fisher advised she is concerned about House Bill 43 related to value added taxes, and also the location of sales for sales tax as it relates to internet sales. Mr. Gorfida also mentioned a proposed bill that would shorten the response time for open record requests. Mayor Pro Tem Peele advised that the federal government has come out with a directive that any city or town that accepts government funding is subject to federal regulations regarding zoning. City Manager Clarke advised Senate Bill 612 may authorize a municipality to reauthorize street maintenance and sales tax for 8 or 10 years.

MOTION: No motion needed for this item.

14. **Consider holding a joint workshop between the Lucas City Council and the Planning and Zoning Commission to discuss accessory building regulations.**

Mayor Olk explained that accessory building regulations have been on the agenda for multiple Planning and Zoning Commission meetings and that City Council should sit down with the Commission and explain their concerns. Mayor Olk suggested holding a workshop on February 23, 2023. Mayor Pro Tem Peele and Councilmember Lawrence advised that would not be able to attend. The City Council discussed the date and time and gave direction the joint workshop will be held on February 23, 2023 at 6:00 pm., with the evaluation of the City Manager being held prior at 5:00 pm.

MOTION: No motion needed for this item.

Executive Agenda

7. Executive Session:

As authorized by Section 551.074 of the Texas Government Code, the City Council may convene into closed Executive Session for the evaluation of the City Manager. This meeting is closed to the public as provided in the Texas Government Code.

The executive session was rescheduled to February 23, 2023 at 5:00 pm.

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

9. **Adjournment.**

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to adjourn the meeting at 9:06 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:



Mayor Jim Olk



Jim Day, City Secretary

