



City Councilmembers Present:

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

City Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
Public Works Director Scott Holden
Development Services Director Joe Hilbourn
CIP Manager Patrick Hubbard
City Secretary Erin Day
City Attorney Courtney Morris (*video conference*)
Deputy Nicholas Noel

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

Citizen Input

1. Citizen Input

There were no members of the public wishing to address the City Council.

Community Interest

2. Items of Community Interest

Mayor Olk presented a proclamation to Zoe Nolan, student of Lovejoy ISD, proclaiming March 2023 as Theatre in Our Schools Month.

Mayor Olk gave items of community interest including:

- Keep Lucas Beautiful Spring Cleanup Event
- Founders Day Country Fair
- Lucas Farmers Market
- Election Updates

Councilmember Lawrence lost video connection at 6:35 pm.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the March 2, 2023 City Council meeting.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Keer, to approve the consent agenda as presented. The motion passed unanimously by a 6 to 0 vote, with Councilmember Lawrence absent.

Public Hearing

4. **Continuation of a public hearing to consider a request by Billy Ray and Sharon McGee, property owners of 1050 Creek View Lane, Willow Creek Acres (Unrecorded), Lot 36 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space.**

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action regarding the proposed specific use permit request

Development Services Director Joe Hilbourn gave a presentation highlighting the history of the project, the proposed building plans, and staff concerns regarding the commercial sink in the building plans.

Billy Ray McGee, 1050 Creekview Lane, answered questions from City Council regarding the sink in the garage area, advising that the intent is to run water at a later time to the garage, and that it could possibly be used for horse stables in the future.

Councilmember Lawrence rejoined the meeting at 6:42 pm.

Mayor Olk advised he would like to see any commercial fixtures removed from the plans. Councilmember Johnson commented that the building is designed well otherwise. Mayor Pro Tem Peele reiterated that the City Council would not be in approval of the building being used for commercial purposes.

Councilmember Johnson asked if the wall separating the habitable space from the garage is a fireproof wall. Dean Phillips, the father-in-law of the homeowner, spoke advising that the architect put the fireproof wall and the commercial grade sink in the plans without their knowledge. Councilmember Fisher commented that the fire wall is good to have for protection.

Mr. McGee confirmed that the sink would be removed from the plans, and asked if he would have to resubmit the plans. Mayor Olk clarified that the permit would be resubmitted with the removal of the commercial appliances for approval.

The public hearing was opened at 6:50 pm.

There were no members of the public wishing to address the City Council.

The public hearing was closed at 6:50 pm.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Johnson, to approve a request by Billy Ray and Sharon McGee, property owners of 1050 Creek View Lane, Willow Creek Acres (Unrecorded), Lot 36 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space, with the conditions that there are no commercial appliances or fixtures and that the

habitable space is limited to 837 square feet. The motion passed unanimously by a 7 to 0 vote.

Executive Agenda

5. Executive Session:

A. As authorized by Section 551.076 of the Government Code, the City Council may convene into Executive Session for deliberation regarding security devices or security audits, to-wit: receive an update on cyber security from Bill Baxter with Baxter IT Consulting Services.

B. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice on result of SUP audit.

C. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice on property rental regulations and short-term property rental regulations.

D. As authorized by Section 551.071 of the Government Code, the City Council may convene into Executive Session to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, to-wit: obtain legal advice regarding cottage food production operation zoning law.

Mayor Olk advised that due to the City Attorney being remote, the Executive Sessions would be postponed until the April 6, 2023 City Council meeting.

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

There was no action to be taken due to the rescheduling of the Executive Sessions.

Regular Agenda

7. Consider adopting Ordinance 2023-03-00973 amending the City's Code of Ordinances, Chapter 13 titled "Utilities" by amending Article 13.06 titled "Solid Waste".

Assistant City Manager Kent Souriyasak gave a presentation highlighting the timeline of the updates to the solid waste ordinance, the number of polycarts left on the curb throughout the week, information regarding bulk and brush pickup and hazardous waste/electronic waste pickup, and showed pictures of polycarts left on the curb in various locations throughout the city.

Councilmember Lawrence asked if polycarts being left out was an issue when the City used Barnes Waste Disposal for trash, and commented that a lot of times carts will be left out until resident's children can bring them back up to the house. City Manager Joni Clarke responded that one of the

differences is that residents are placing the polycarts closer to make it easier for Community Waste Disposal's concierge service to pick up. Councilmember Fisher advised it is also her observation that the concierge service is contributing to the carts being left at the road. Mayor Olk commented that the parameters set in the proposed ordinance language regarding cart placement times and locations are adequate. Councilmember Fisher agreed that the language is not so restrictive that residents would have an issue.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Lawrence, to approve adopting Ordinance 2023-03-00973 amending the City's Code of Ordinances, Chapter 13 titled "Utilities" by amending Article 13.06 titled "Solid Waste". The motion passed unanimously by a 7 to 0 vote.

8. Consider adopting Ordinance 2023-03-00974 setting the following impact fee rates:

- A. Water Impact Fee of \$13,119.00 per Living Unit Equivalent**
- B. Roadway Impact Fee of \$504.00 per Service Unit**

CIP Manager Patrick Hubbard gave an introduction of the item advising the impact fee study report was approved at the last City Council meeting and gave information about the purpose of impact fees, which allows the city to charge an equitable fee for added capacity.

Councilmember Lawrence asked if the fee should be higher to cover potential expenses. Mr. Hubbard advised this is the highest fee the city can legally charge.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to approve Ordinance 2023-03-00974 setting the following impact fee rates:

- B. Water Impact Fee of \$13,119.00 per Living Unit Equivalent
- C. Roadway Impact Fee of \$504.00 per Service Unit.

The motion passed unanimously by a 7 to 0 vote.

9. Consider a board appointment to the Planning and Zoning Commission for a term beginning on May 18, 2023 and expiring on December 31, 2024.

Councilmember Fisher recommended that the City Council review the applicants and send their selections of interviewees to the City Secretary. Mayor Olk directed the Council to send their selections by Tuesday, March 28, 2023 to determine if a regular agenda item is needed for the April 6, 2023 City Council meeting for discussion, and directed staff to put an executive session item on the agenda for the April 20, 2023 City Council meeting for interviews of applicants.

MOTION: There was no motion needed for this item.

10. Consider modifications to the City of Lucas Thoroughfare Plan

Development Services Director Joe Hilbourn presented a map of the proposed changes to the Thoroughfare Plan. Mayor Pro Tem Peele opined that the proposed modification solves the problem of congested school traffic and the fast moving traffic down Stinson Road. Councilmember Johnson asked how the people on Stinson Road would go to the school. Mayor Olk explained that people could still go into the school using a right-hand turn.

Councilmember Baney advised the issue with this plan is that land would be taken away from residents in the area. Mayor Olk advised no property would be taken until the land was redeveloped. City Manager Joni Clarke advised that most residents in the area were amenable to the changes to the road.

Mr. Hilbourn advised that a couple of the lots would be undevelopable after land had been appropriated for the road changes because the loss of land would put the lots at under one acre, making them ineligible for a septic system. Mayor Olk advised the proposed changes could be put on the Throughfare Plan and changed later if needed. Mayor Pro Tem Peele opined that these lots are not conducive to residential lots, and would be better if commercially zoned.

The City Council directed staff to go forward with setting a public hearing to adopt the modification to the Thoroughfare Plan.

MOTION: There was no motion needed on this item.

11. Consider the planned expansion of the McKinney National Airport (TKI) with commercial passenger services.

Mayor Olk advised that there has not been enough study done to determine the noise impact from the airport nor a significant traffic study to determine the impact to roadways. Mayor Olk asked if the Council felt that there should be a resolution from the City of Lucas formally opposing the expansion or giving some conditions on approval. Mayor Pro Tem Peele commented that this issue will affect Lucas citizens, and that a resolution would be appropriate.

Councilmember Lawrence commented that at least having a resolution on record would show opposition. Councilmember Baney advised that his concern are the cargo flights that would typically be occurring at night. Mayor Olk advised hours of operation is one of the things that he would like to negotiate. Councilmember Fisher commented that another concern is the possibility of dumping fuel and the impact that would have on Lucas' water table. Mayor Olk advised he would draft a resolution to bring back to the next City Council meeting.

MOTION: There was no motion on this item.

12. 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.

Councilmember Fisher gave an update on multiple Senate and House bills in the Legislative Session. Councilmember Fisher suggested putting out some information to residents so they are informed of the impact to the city if bills of concern are passed. City Attorney Courtney Morris advised that the city attorneys are monitoring the bills and will keep the City Council informed.

MOTION: There was no motion needed for this item.

13. Adjournment.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to adjourn the City Council meeting at 8:03 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:



Mayor Jim Olk

ATTEST:



Erin Day, City Secretary

