



MINUTES

CITY COUNCIL REGULAR MEETING

April 6, 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 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
Development Services Director Joe Hilbourn
Fire Chief Ted Stephens
Assistant Fire Chief Aaron Alderdice
CIP Manager Patrick Hubbard
City Secretary Erin Day
Management Analyst Joshua Menhennett
City Attorney Joe Gorfida
City Attorney Courtney Morris
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 Councilmember Debbie Fisher, proclaiming her as the Official Historian of the City of Lucas.

Mayor Olk gave items of community interest including:

- Founders Day Country Fair
- Lucas Farmers Market
- CWD
- Election Updates

Consent Agenda

3. Consent Agenda:

- A. Approval of authorizing the City Manager to enter into a contract with Hydromax USA, LLC for fire hydrant and valve maintenance utilizing an interlocal agreement with the City of Garland, Texas in an amount not to exceed \$100,000.

- B. Approval of Ordinance 2023-04-00975 for 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.
- C. Approval of Ordinance 2023-04-00976 for Charles and Elise Bissell, property owners of 1220 Winningkoff Road, Rolling Hills Estates, Block A, Lot 1 for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space.
- D. Approval of the minutes of the March 16, 2023 City Council meeting.

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

Executive Agenda

Mayor Olk convened into Executive Session at 6:41 pm.

4. 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 government 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.

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

Mayor Olk reconvened from Executive Session at 7:45 pm with no action taken.

Regular Agenda

6. Consider a potential rate revision to the EMS/ambulance service fee schedule.

Assistant Fire Chief Aaron Alderdice gave a presentation advising that the City has not adjusted their rates for ambulance services since 2015 and that the current fee standards have doubled, and in some cases tripled, in that time. Assistant Chief Alderdice noted that he requested the assistance of Emergicon, the third party billing company for ambulance services, who helped compile a list of fees comparable neighboring cities charge. Assistant Chief Alderdice also explained that residents of Lucas are only billed for ambulance services through their insurance, and whatever the insurance does not cover is not billed out to the customer, however nonresidents are billed for their balance.

Mayor Pro Tem Peele asked if residents in extra territorial jurisdictions are billed as residents or nonresidents. Assistant Chief Alderdice responded that they are treated as nonresidents, and mutual aid calls for service in the county are also treated as nonresidents. Councilmember Fisher asked if our residents are charged by other ambulance services if our fire department requests mutual aid. Assistant Chief Alderdice replied that they are billed by the responding ambulance service according to their policy.

Councilmember Lawrence asked if there could be reciprocity agreements in place with neighboring cities. Assistant Chief Alderdice advised there could be, and that is something he is interested in pursuing.

Councilmember Johnson asked what the collection rate is for Lucas. Assistant Chief Alderdice advised for the last fiscal year nonresident pay has gone up due to accidents in the city. Councilmember Fisher asked for specific information regarding nonresident pay be sent to her.

Assistant Chief Alderdice gave statistics on payer mix (commercial insurance and private pay), advising that over 81% of residents are covered by commercial insurance, and only 12.3% are private pay. Councilmember Lawrence asked if a resident that does not have commercial insurance are billed. Assistant Chief Alderdice advised they are not required to pay, and that many times the City is not able to obtain billing information for them after drop-off at a hospital.

Assistant Chief Alderdice presented options for proposed fee schedule changes with numbers provided by Emergicon. Mayor Olk asked how the proposed numbers compare to other cities. Assistant Chief Alderdice advised the numbers are comparable in most cases, and in the cases where other cities are lower, it is only because they have not yet updated their fee schedule in accordance with current pricing standards.

Councilmember Lawrence asked if the proposed fee schedule would be overbilling insurance companies. Assistant Chief Alderdice indicated that he realizes the numbers are high and there are other proposed numbers for consideration, but that the high numbers are the current standard and would be acceptable. Mayor Pro Tem Peele advised the numbers are high, but fuel prices and medication prices have skyrocketed and the proposed fee schedule is reasonable. Councilmember Baney advised he was in agreement with Mayor Pro Tem Peele. City Attorney Gorfida pointed out that the City does not get a profit off of these fees, the funds are subsidized.

Mayor Olk advised that the City should recoup as much as possible from the insurance companies. Assistant Chief Alderdice advised if a nonresident cannot pay their bill, the amount goes into a graduated cash pay reduction so it is not sitting in our accounts receivable fund.

Councilmember Fisher asked if Council could see the City's mutual aid agreements with other cities. Mayor Olk suggested investigating how to work with other cities to manage how they are billing Lucas residents and begin working on agreements with them. Councilmember Fisher indicated her concern is ensuring adequate coverage for Lucas residents. Assistant Chief Alderdice indicated he is highly in favor of reciprocity agreements and will begin working toward that end.

The City Council gave direction to the staff to bring forward an ordinance with an updated fee schedule relating to medical services.

MOTION: There was no motion needed for this item.

7. Consider the City of Lucas Code Compliance Program.

Development Services Director Joe Hilbourn gave a presentation advising staff would like direction on the Code Compliance Program. Mr. Hilbourn gave information regarding the new tracking system being used by the City called GovQa and explained how it was benefitting the staff in terms of tracking abilities and communication.

Councilmember Lawrence asked Mr. Hilbourn's opinion on which is better, the City being proactive or reactive in regard to Code Compliance. Mr. Hilbourn responded that being reactive has always worked well for the City. Mayor Olk opined that there is a fine line between a program that is too stringent and one that is too lax.

Mayor Pro Tem Peele noted that the new tracking system is encouraging to residents because they enjoy being able to report issues online. Mayor Pro Tem Peele indicated that City staff who are out on City streets should keep an eye out for possible code violations and report back to Code Compliance with concerns. Councilmember Baney agreed that continuing to be reactive to issues and also keeping an eye out while working out in the city is a good approach. Councilmember Fisher indicated that staff should be more vigilant in looking for issues in the city.

The City Council directed staff to remain reactive, but to promote vigilance in staff reporting issues that they come across. Mayor Olk also indicated that staff should assist residents who need help being in compliance, such as being unable to mow their grass due to their health.

MOTION: There was no motion needed for this item.

8. Consider authorizing the City Manager to enter into an agreement with Jackson Walker LLP to assist in negotiating with North Texas Municipal Water District (NTMWD) regarding the customer city water rate and appropriate \$10,000 from unrestricted water fund reserves to line item 51-6400-310 legal services.

City Manager Joni Clarke advised that Lucas and other customer cities have been working with North Texas Municipal Water District (NTMWD) regarding their rates, amount of premium, governance, etc. City Manager Clarke advised NTMWD was taken to the Public Utilities Commission by the members cities, and out of the settlement there were milestones that the district needed to meet. NTMWD is now conducting a rate study and looking into an increase in the premium. City Manager

Clarke advised a group of the customer cities hired Raftelis to help with NTMWD's rate study analysis, and no good examples have been found of other regional water supply companies that have a two-tiered system (member city and customer city), and that customer cities only represent about 20% of their revenue. City Manager Clarke advised that Jackson Walker LLP can help the customer cities regarding the rate study, and the cost would be split between Lucas and the other customer cities.

Councilmember Fisher advised she is in favor of this, and that the rate change is unfair to Lucas residents, who do not have any other option for water service. Councilmember Johnson asked if member cities are paying an extra fee to be a member. City Manager Clarke explained that the City of Rowlett has attempted to become a member city and were not allowed to so, and it was the same with a few other cities. Mayor Olk advised the tax base of member cities goes to NTMWD's debt. City Manager Clarke indicated there is currently a hold in place keeping cities from becoming a member city.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Johnson, to enter into an agreement with Jackson Walker LLP to assist in negotiating with North Texas Municipal Water District (NTMWD) regarding the customer city water rate and appropriate \$10,000 from unrestricted water fund reserves to line item 51-6400-310 legal services. 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.**

~~Mayor Olk explained that Dusty Kuykendall will soon be leaving the Planning and Zoning Commission to take his place on the City Council, leaving an opening. Councilmember Fisher suggested going forward with interviewing the four selections indicated; Charles Corporon, Helene Langer, Frank Hise, and Brian Stubblefield. Mayor Pro Tem Peele agreed and suggested a push for signups for boards and commissions. City Manager Clarke suggested information regarding signups can be put out at the Founders Day Event.~~

Mayor Olk directed staff to set up interviews with the four candidates, to be held during executive session at the April 20, 2023 City Council meeting.

MOTION: There was no motion needed for this item.

10. **Consider the approval of Resolution R 2023-04-00540 opposing any planned expansion of the McKinney National Airport (TKI) that would negatively impact the residents of the City of Lucas.**

Mayor Olk explained that he drafted this resolution following the discussion held at the March 16, 2023 City Council meeting and asked if any changes were needed. No members of the Council had any suggested changes.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Keer, to approve Resolution R 2023-04-00540 opposing any planned expansion of the McKinney National Airport (TKI) that would negatively impact the residents of the City of Lucas. The motion passed unanimously by a 7 to 0 vote.

11. **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 gave updates on relevant bills in the Legislative Session that have had any movement.

MOTION: There was no motion needed for this item.

12. Adjournment.


MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to adjourn the meeting at 9:07 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:



Mayor Jim Olk

ATTEST:



Erin Day, City Secretary

