



AGENDA CITY COUNCIL MEETING

May 18, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, May 18, 2023, beginning at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting. Pursuant to Texas Government Code 551.127, one or more members of the governing body may appear via videoconference call. The presiding officer and a quorum of the City Council will be physically present at this meeting.

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/departments/public-meetings/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to the City Secretary prior to the start of the meeting. This form will also allow a place for comments.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email City Secretary Erin Flores at eday@lucastexas.us by no later than 3:30 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 3:30 pm will not be included at the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Citizen Input

1. Citizen Input.

Community Interest

Pursuant to Section 551.0415 of the Texas Government Code, the City Council may report on the following items: 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.

2. Items of Community Interest.

Consent Agenda

All items listed under the consent agenda are considered routine and are recommended to the City Council for a single vote approval. If discussion is desired, an item may be removed from the consent agenda for a separate vote.

3. Consent Agenda:
 - A. Approval of the minutes of the May 4, 2023 City Council meeting. (City Secretary Erin Flores)

Regular Agenda

4. Administer the Oath of Office, Statement of Officer and Certificate of Election to City Council incumbent Tim Johnson, City Council Seat 1 and Dusty Kuykendall, City Council Seat 2 and receive remarks from incoming Councilmembers. (City Secretary Erin Flores)
5. Consider an update by Texas Department of Transportation (TxDOT) Area Engineer Jennifer Vorster, PE, regarding the following projects:
 1. Update on the status of the intersection of Country Club Road (FM 1378) and East Lucas Road (FM 3286) commonly referred to as the Bait Shop Intersection.
 2. Reconstruction update regarding Angel Parkway (FM 2551).
 3. Update on the maintenance activities on Estates Parkway (FM 2170).
 4. Status of potential expansion to 4-lane divided roadway and drainage improvements to Country Club Road (FM 1378) from the Bait Shop Intersection to the Lucas Fire Station.
 5. Discussion regarding a signal study at the intersection of Brockdale Park Road and East Lucas Road (FM 3286).(Public Works Director Scott Holden, City Manager Joni Clarke)
6. Consider appointing a City Council member to the vacant liaison position on the City of Lucas Parks and Open Space Board. (Assistant City Manager Kent Souriyasak)
7. Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning” and create a timeline for review with established future milestones. (Mayor Jim Olk)
8. 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 Council, City Manager Joni Clarke, City Attorney Joe Gorfida)

Executive Session

9. Executive Session:

As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.
10. Reconvene from Executive Session and take any action necessary as a result of Executive Session.
11. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on May 12, 2023.

Erin Flores, City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to City Secretary Erin Flores at 972.912.1211 or by email at eflores@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

City Council Agenda Request

May 18, 2023

Item No. 01

Requester: Mayor Jim Olk

Agenda Item Request

Citizen Input.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

May 18, 2023

Requester: Mayor Jim Olk

Agenda Item Request

Items of Community Interest.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

May 18, 2023

Item No. 03

Requester: City Secretary Erin Flores

Agenda Item Request

Consent Agenda:

- A. Approval of the minutes of the May 4, 2023 City Council meeting.

Background Information

NA

Attachments/Supporting Documentation

1. May 4, 2023 City Council Meeting Minutes

Budget/Financial Impact

NA

Recommendation

City staff recommends approval of the Consent Agenda.

Motion

I make a motion to approve the Consent Agenda as presented.



MINUTES

CITY COUNCIL REGULAR MEETING

May 4, 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
CIP Manager Patrick Hubbard
City Secretary Erin Flores
Management Analyst Joshua Menhennett
City Attorney Joe Gorfida
Deputy Daniel Gillespie

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 gave items of community interest including:

- Lucas Farmers Market
- Lucas Car Show
- Art in Public Places Opening Reception
- Election Updates
- Keep Lucas Beautiful Program Gold Star Affiliate Recognition

Boy Scout Clayton (unknown last name) of Troop Number 1776 introduced himself to the Council.

Public Hearing

3. Conduct a public hearing and consider approving Ordinance 2023-05-00979 amending the City of Lucas Code of Ordinances by amending Chapter 14 titled "Zoning", Article 14.01 titled "General Provisions", Division 1 titled "Generally", Section 14.01.004 titled "Definitions", and amending Chapter 14 titled "Zoning", Article 14.04 titled "Supplementary Regulations", Division 8 titled "Accessory Buildings, Structures and Uses".

- A. Presentation by Development Services Director Joe Hilbourn**
- B. Conduct public hearing**
- C. Take action on amendments to Accessory Building Regulations**

Development Services Director Joe Hilbourn highlighted the changes to the Code of Ordinances in relation to accessory buildings that were proposed, including:

- Definitions of accessory buildings and structures, accessory dwelling units, and accessory use.
- Changes to nuisance regulations regarding accessory buildings.
- Changes to square footage limits of accessory buildings and accessory dwelling units.
- Changes to setback regulations for accessory buildings.
- Changes to regulations for accessory dwelling units with habitable space.
- Punctuation and numbering corrections.

Mayor Olk opened the public hearing at 6:41 pm.

Ilene Mougel, 651 Stinson Road, spoke asking how the regulations on accessory buildings will be enforced. Mayor Olk explained the City would investigate complaints to determine if a violation exists and provide code enforcement if necessary. Mayor Pro Tem Peele advised this ordinance would help control issues with accessory buildings from the time they are built. Ms. Mougel asked how the possible new legislation would affect this ordinance. Mayor Olk advised changes would be made if the proposed bills passed.

Councilmember Fisher asked for clarification on if the 1,200 square foot regulation would include a garage or patio. Mr. Hilbourn clarified that it would include the total square footage of the entire building.

Mayor Pro Tem Peele pointed out that this would not prohibit residents from having a barn or workshop, or other similar accessory buildings. Mayor Olk agreed, advising that the intent is to have the 600 square feet regulation with residents requesting a specific use permit for larger buildings.

Mayor Olk closed public hearing at 6:45 pm.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Fisher, to approve Ordinance 2023-05-00979 amending the City of Lucas Code of Ordinances by amending Chapter 14 titled “Zoning”, Article 14.01 titled “General Provisions”, Division 1 titled “Generally”, Section 14.01.004 titled “Definitions”, and amending Chapter 14 titled “Zoning”, Article 14.04 titled “Supplementary Regulations”, Division 8 titled “Accessory Buildings, Structures and Uses”. The motion passed unanimously by a 7 to 0 vote.

4. Conduct a public hearing and consider approving Ordinance 2023-05-00980 updating the City of Lucas Comprehensive Plan by amending the Thoroughfare Plan Map regarding the alignment of Stinson Road and its connection with FM 1378.

- A. Presentation by Development Services Director Joe Hilbourn**
- B. Conduct public hearing**
- C. Take action on Thoroughfare Plan**

Development Services Director Joe Hilbourn gave a presentation explaining the background of the proposed change to the Thoroughfare Plan.

Mayor Olk opened the public hearing at 6:48.

Ilene Mougel, 651 Stinson Road, spoke about the speed of vehicle traffic moving on Stinson Road and the condition of the ditch to the east of the road, which needs to be maintained. Mayor Olk explained that the change to the Thoroughfare Plan will disconnect the intersection and bring the road around to a left hand turn, which will improve the safety in that area.

Mayor Olk closed the public hearing at 6:53 pm.

Councilmember Johnson noted that the ditch on Stinson Road does need some attention because vision is impacted by trees and brush.

MOTION: A motion was made Mayor Pro Tem Peele, seconded by Councilmember Tim Johnson, to approve Ordinance 2023-05-00980 updating the City of Lucas Comprehensive Plan by amending the Thoroughfare Plan Map regarding the alignment of Stinson Road and its connection with FM 1378. The motion passed unanimously by a 7 to 0 vote.

5. **Conduct a public hearing and consider approving Ordinance 2023-05-00981 amending the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”, by amending Article 14.02 titled “Administration”, Division 3 titled “Changes and Amendments”, Section 14.02.063 titled “Procedure”.**
 - A. **Presentation by Development Services Director Joe Hilbourn**
 - B. **Conduct public hearing**
 - C. **Take action on amendments to the Zoning Appeals Process**

Development Services Director Joe Hilbourn gave a presentation explaining the changes to the Code of Ordinances as it relates to the zoning appeals process, which included removing unnecessary language and cleaning up remaining language to make it more readable, and adding language to ensure conformance with state law.

Mayor Olk opened hearing at 6:57 pm.

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

Mayor Olk closed the public hearing at 6:57 pm.

MOTION: A motion was made Councilmember Johnson, seconded by Councilmember Keer, to approve Ordinance 2023-05-00981 amending the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”, by amending Article 14.02 titled “Administration”, Division 3 titled “Changes and Amendments”, Section 14.02.063 titled “Procedure”. The motion passed unanimously by a 7 to 0 vote.

Consent Agenda

6. **Consent Agenda:**
 - A. **Approval of the minutes of the April 20, 2023 City Council meeting.**

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

Regular Agenda

7. Receive a presentation from the Friends of Lucas Fire-Rescue on the restoration of Ole Streaker.

Gerald Reining of the Friends of Lucas Fire-Rescue gave a presentation explaining the status on Ole Streaker including; the background of the project, the restoration work completed thus far, the work that still needs to be completed, the volunteers who have assisted with the project, the amount of money spent thus far and the funds still needed to finish the project.

MOTION: There was no motion needed on this item.

8. 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 an update on movement of relevant bills in the legislative session. Councilmember Fisher addressed several bills of concern related to super preemption, disannexation, public information requests, and voting.

MOTION: There was no motion needed for this item.

Executive Agenda

1. Executive Session:

As authorized by Section 551.074 of the Texas Government Code, the City Council may convene into closed Executive Session to discuss upcoming vacancies on the Board of Adjustment. This meeting is closed to the public as provided in the Texas Government Code.

Mayor Olk convened into Executive Session at 7:38 pm.

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

Mayor reconvened from Executive Session at 7:50 pm.

MOTION: A motion was made Mayor Pro Tem Peele, seconded by Councilmember Keer, to appoint Helene Langer as Board of Adjustment Alternate 1. The motion passed unanimously by a 7 to 0 vote.

10. Adjournment.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to adjourn the meeting at 7:51 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

Mayor Jim Olk

Erin Flores, City Secretary



City of Lucas

City Council Agenda Request

May 18, 2023

Requester: City Secretary Erin Flores

Agenda Item Request

Administer the Oath of Office, Statement of Officer and Certificate of Election to City Council incumbent Tim Johnson, City Council Seat 1 and Dusty Kuykendall, City Council Seat 2 and receive remarks from incoming Councilmembers.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

Council Agenda Request

May 18, 2023

Item No. 05

Requester: City Council
Public Works Director Scott Holden, PE
City Manager Joni Clarke

Agenda Item Request

Consider an update by Texas Department of Transportation (TxDOT) Area Engineer Jennifer Vorster, PE, regarding the following projects:

1. Update on the status of the intersection of Country Club Road (FM 1378) and East Lucas Road (FM 3286) commonly referred to as the Bait Shop Intersection.
2. Reconstruction update regarding Angel Parkway (FM 2551).
3. Update on the maintenance activities on Estates Parkway (FM 2170).
4. Status of potential expansion to 4-lane divided roadway and drainage improvements to Country Club Road (FM 1378) from the Bait Shop Intersection to the Lucas Fire Station.
5. Discussion regarding a request for a signal study at the intersection of Brockdale Park Road and East Lucas Road (FM 3286).

Background Information

TxDOT is currently working on multiple projects within the City of Lucas. With these multiple projects currently in varying stages of design and construction, the Lucas City Council requested an update from the TxDOT Area Engineer Jennifer Vorster, PE. TxDOT currently maintains Country Club Road (FM 1378), East Lucas Road (FM 3286), Estates Parkway (FM 2170) and Angel Parkway (FM 2551). Topics that are important to discuss would include:

- Update on the final plans, schedule, and current utility relocations for the Bait Shop Intersection (FM 3286/FM 1378).
- Update on the final plans, schedule, and current utility relocation for Angel Parkway (FM 2551) from West Lucas Road to Estates Parkway (FM 2170) Intersections.
- Maintenance status on Estates Parkway (FM 2170).
- Status of Country Club Road (FM 1378) road improvements from the Bait Shop Intersection to the Fire Station:
 - Ingress/egress from Edgefield for trucks, farm equipment, and trailers safely.
 - TxDOT concept plan showed no left turn into or out of the Good Shepherd Methodist Church.
 - TxDOT concept plan showed no left turn out of fire station to go north on Country Club Road (FM 1378).

In addition, TxDOT provides traffic studies and recently, there was a request sent to Collin County/TxDOT from a resident of Brockdale Park Estates (which is part of the Seis Lagos Utility District) requesting a signalization study at the intersection of Brockdale Park Road and East Lucas Road (FM 3286).



City of Lucas Council Agenda Request May 18, 2023

At the request of staff, (TxDOT) Area Engineer Jennifer Vorster, PE will outline the process to perform the traffic study and provide clarification to the following:

- What is the request process for a TxDOT traffic study to occur? Who is responsible for requesting TxDOT to perform?
- What follows the traffic study? Is there a cost associated with the request?
- Does the City of Lucas support a study for the intersection at Brockdale Park Road/East Lucas Road (FM 3286) for a signal?

Attachments/Supporting Documentation

1. Resolution R 2022-06-00528 Opposition to the Proposed FM 1378 Concept Design
2. City of Lucas Thoroughfare Map

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



RESOLUTION R 2022-06-00528

(Opposition to Proposed FM 1378 Concept Design Schematic Collin County, Texas from FM 2514 (Parker Rd) to FM 2786 (East Stacy Rd), including FM 1378 Feasibility Study - North; FM 1378 Feasibility Study - South, Alternatives A & B; FM 1378 Feasibility Study - North)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, IN OPPOSITION TO THE PROPOSED FM 1378 CONCEPT DESIGN SCHEMATIC COLLIN COUNTY, TEXAS FROM FM 2514 (PARKER ROAD) TO FM 2786 (EAST STACY ROAD) BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lucas, Texas is located within Collin County; and

WHEREAS, the City of Lucas has reviewed a Concept Design Schematic provided by the Texas Department of Transportation (TxDOT) regarding widening and/or realignment of FM 1378 from FM 2514 (Parker Road) to FM 2786 (East Stacy Road) which comprises 6.4 miles through the City of Lucas, Texas; and

WHEREAS, the purpose of the TxDOT FM 1378 expansion is to divert traffic originating outside our community through the City rather than alleviating local traffic congestion; and

WHEREAS, the City of Lucas recognizes the development of Farm to Market Roads (FM designated) were designed to serve the immediate communities they lie in and not to relieve congestion from other areas. FM roads are not designated State Highways such as Hwy 75, Hwy 5, or Hwy 78.

WHEREAS, the proposed widening and/or realignment of the entire length of FM 1378 severely limits access to churches, schools, businesses, City services and eliminates our only public park with a baseball field while bringing increased traffic noise, increased air pollution, increased light pollution, and loss of property through eminent domain that disproportionately affects Lucas residents; and

WHEREAS, the City of Lucas is highly concerned the proposed design goes beyond what is necessary to address a few problem areas within the city and instead drives significant traffic flow from outside areas through our town that is detrimental to the city and our residents decreasing our quality of life, specifically:

- The City of Lucas absolutely and adamantly opposes FM 1378 South Alternative Route B. Any road improvements should stay within the existing roadway footprints. As Seis Lagos is a SLUD district and has no financial participation in building or construction of FM 1378, the City of Lucas should have priority in determination of the route of this road.
- FM 1378 South Alternative Route A should avoid any negative impact to the City of Lucas' Kenneth R. Lewis Park. This park is irreplaceable for the City.
- FM 1378 - North from the intersection of West Lucas Road to Stacy Road should not be developed as a 4-lane road with wide median and sidewalks. Such development of this section of FM 1378 is not necessary as the City's Comprehensive Plan does not call for, nor does zoning allow for large parcels of commercial development. The property along this

stretch of road is overwhelmingly residential. Traffic levels on this road are determined by school hours drop off and pick up; and

WHEREAS, The City of Lucas can clearly identify areas of concern on FM 1378 that could be mitigated with some additional road shoulders, additional turn lanes, and/or slight road realignments. We strongly encourage TxDOT to work with the City of Lucas to incorporate our feedback and suggestions in development of plans for FM 1378.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The City Council of the City of Lucas is opposed to FM 1378 Concept Design Schematic in its entirety as presented and thus will be unwilling to participate in its construction financially.

SECTION 2. The City Council of the City of Lucas stands in support of its citizens who have expressed opposition to this plan.

SECTION 3. That the City Council of the City of Lucas requests TxDOT to keep the City included in all future communications regarding this matter and to accept this resolution as public comment on the proposed permit.


SECTION 4. This Resolution shall become and be effective from and after its passage.

SECTION 5. It is hereby found and determined that the meeting at which this Resolution was passed was open to the public as required by law, and that a public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.041 Texas Government Code.

DULY PASSED by the City Council of the City of Lucas, Texas, on the 2nd day of June 2022.

CITY OF LUCAS, TEXAS:

ATTEST:

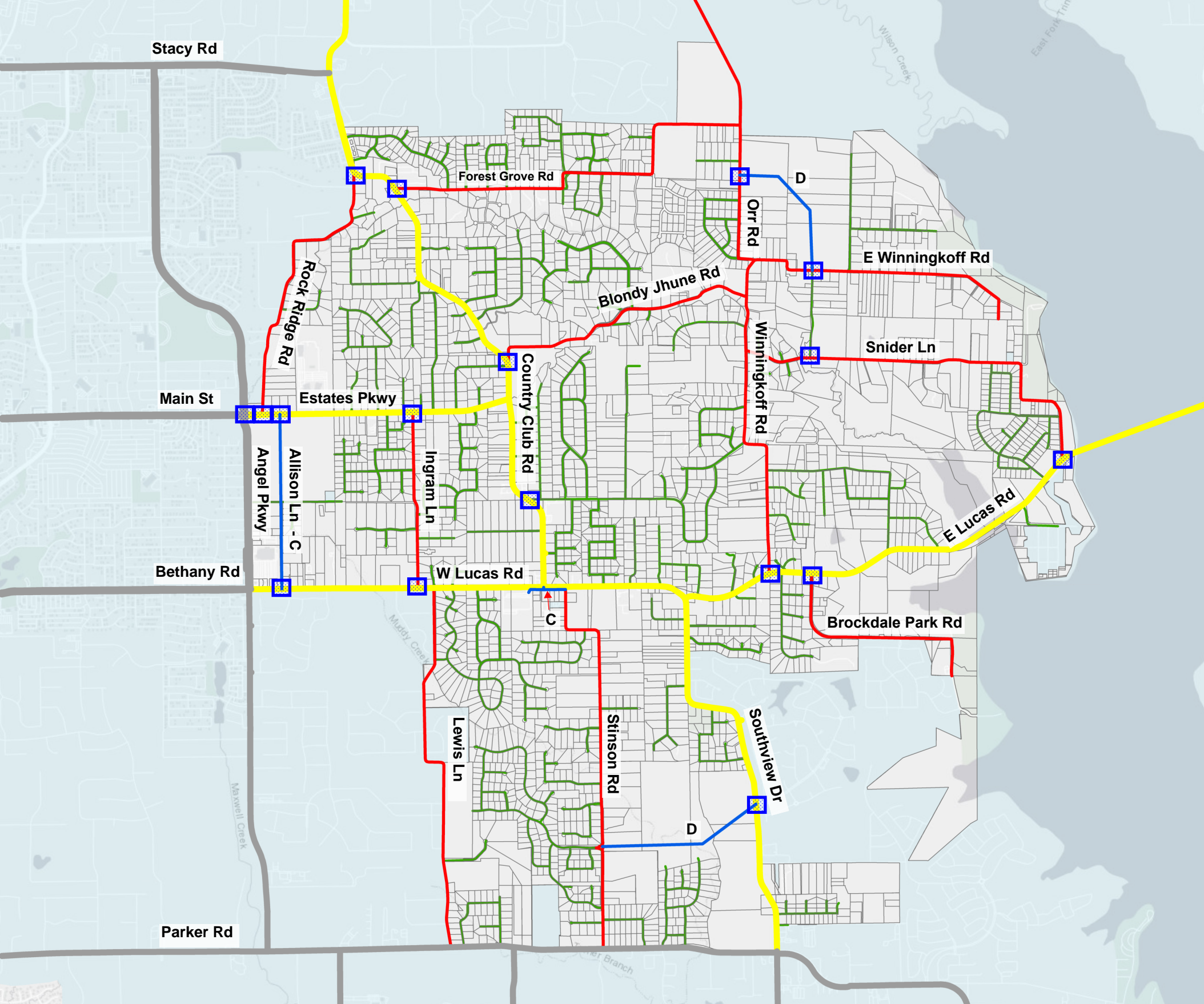


Jim Olk, Mayor



Stacy Henderson, City Secretary





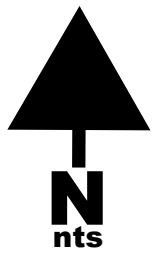
LEGEND					
Type	Color	# of Lanes	Divided	Pavement Width (ft)	Right-of-Way Width (ft)
A	Grey	6	Yes	78 + 16ft Median	120
B	Yellow	4	Varies	52-54	60
C	Red	2	No	24-28	50
D	Green	2	No	24	50
Proposed	Blue	As Labeled	As Labeled	As Labeled	As Labeled

Proposed Intersection Improvement

- Notes:**
1. Type D roads are shown for reference only and are not modified by this plan.
 2. Private roads and driveways generally are not shown except where valuable for readability.
 3. The blue shaded area is outside of City Limits.
 4. Only the Northern 2,300 ft (approx) of Lewis Lane is Lucas maintained.
 5. Only the Southern 300 ft (approx) of Rock Ridge Rd is Lucas maintained.

Thoroughfare Plan City of Lucas 2022

Revised: March 31, 2023
Adopted: January 19, 2023





City of Lucas City Council Agenda Request May 18, 2023

Item No. 06

Requester: Assistant City Manager Kent Souriyasak

Agenda Item Request

Consider appointing a Councilmember to the vacant liaison position on the City of Lucas Parks and Open Space Board.

Background Information

The table below outlines current City Council liaisons and the Board, Commission, or outside organization on which they serve. Councilmember Tim Baney previously served as the City Council liaison to the Parks and Open Space Board and did not seek re-election for City Council in 2023. Due to this, there is a liaison vacancy on the Parks and Open Space Board.

Board/Commission/Organization	City Councilmember
Planning and Zoning Commission	Mayor Olk
Board of Adjustment	Mayor Pro Tem Peele
Parks and Open Space Board	<i>Vacancy</i>
North Texas Municipal Water District	Councilmember Fisher
North Central Texas Council of Governments	Mayor Olk
Service Tree Committee	Councilmember Fisher, Councilmember Keer, Councilmember Johnson

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

Staff recommends City Council appoint a Councilmember to serve as a liaison to the Parks and Open Space Board.

Motion

I make a motion to appoint Councilmember _____ as the City Council liaison to the Parks and Open Space Board.



City of Lucas

Planning and Zoning Agenda Request

May 18, 2023

Item No. 07

Requester: Mayor Jim Olk

Agenda Item

Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning” and create a timeline for review with established future milestones.

Background Information

The City Council requested that a strategic review of the Code of Ordinances be done with specific focus on Chapter 14 titled “Zoning”. Of particular importance is the development or redevelopment of smaller parcels, what the zoning ordinances allow for and how that regulation impacts the community. This item is being placed on the City Council agenda to give the City Council an opportunity to provide guidance to the Planning and Zoning Commission.

Staff placed this item on the May 11, 2023 Planning and Zoning Commission agenda to determine how to facilitate the review and possible revisions to Chapter 14. Staff offered to come up with a review schedule outlining which sections of Chapter 14 will be placed on the agenda for review by the Planning and Zoning Commission, similar to the process that was used to review and update the Comprehensive Plan.

Sections of Chapter 14 that have had recent reviews and updates include:

- Special Use Permits
- Accessory Dwelling Units
- Zoning Appeal Process
- Home-based Business

Areas that may require a comprehensive review include:

- Use Chart
- Nonconforming Uses & Standards

Attachment/Supporting Documentation

1. [City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”](#) (Due to the size of Chapter 14, this link has been provided.)

Budget/Financial Impact

NA



City of Lucas
Planning and Zoning Agenda Request
May 18, 2023

Recommendation

Provide the Planning and Zoning Commission and staff with feedback on establishing specific goals and areas of focus for the systematic review of the City Code of Ordinances, Chapter 14 titled "Zoning".

Motion

NA



City of Lucas

City Council Agenda Request

May 18, 2023

Requesters: City Council
City Attorney Joe Gorfida
City Manager Joni Clarke

Agenda Item Request

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.

Background Information

The 88th Legislature's regular session runs from January 10 to May 29, 2023.

Attachments/Supporting Documentation

1. TML Legislative Update (May 12, 2023)

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA

TML LEGISLATIVE UPDATE



May 12, 2023
Number 19

Final Weeks of 88th Legislature

With 17 days left in session, the hard work of city officials has been instrumental in promoting policies that will benefit city residents across the state. Important deadlines are now being reached in the Texas House that have significantly reduced the number of bills that are able to continue moving through the process in session.

The list below in no way represents every city-related bill that still has the ability to pass this session. It also doesn't account for the ability for certain concepts in bills that are no longer viable from being added to other bills still moving through the process, if germane. The following list represents bills we commonly receive questions about from city officials. For all these bills, we strongly encourage interested city officials to continue the dialogue with their elected senators and representatives about the impact of the legislation on their communities.

Preemption

- [H.B. 2127](#) by Burrows would prevent cities and counties from adopting or enforcing local ordinances or orders related to any activity contained in several state codes unless expressly allowed by state law. The League has previously reported on the bill [here](#). TML provided

the Senate Committee on Business and Commerce this [letter](#) in opposition to the companion bill (S.B. 814) and testified in front of the House State Affairs Committee. H.B. 2127 is currently eligible for consideration by the Senate.

- [H.B. 2266](#) by Leach would allow a state license holder to bring legal action against a city if city regulation results in adverse economic impact on the license holder. The bill significantly expands city exposure to lawsuits regarding the impact of local regulations. TML provided the House Judiciary and Civil Jurisprudence Committee this [letter](#) in opposition to the bill. H.B. 2266 passed the House.
- [H.B. 2350](#) by Cody Harris would prohibit a city occupational license if the state issues an occupational license, with exceptions. The bill passed the House and has been referred to the Senate Committee on Business and Commerce.

Land Use

- [H.B. 3135](#) by Stucky would require the city to review each existing land development regulation once every ten years. The bill also provides that the city must produce an impact statement analyzing the costs, benefits, and risks associated with a new or modified land development regulation before adopting or modifying the regulation. House floor amendments limited the bill to apply only to cities and counties over 200,000 in population. H.B. 3135 passed the House.
- [H.B. 3699](#) by Wilson would make numerous changes to the approval process for plats and plans, including limiting city authority regarding completeness checks for applications. TML provided the House Land and Resource Management Committee with this [letter](#) in opposition of the bill. H.B. 3699 passed the house.
- [H.B. 4175](#) by Cody Harris would require cities to provide full municipal services to a property owner located in the ETJ and not in the city limits within 30 months of the city denying or refusing to allow an activity or structure on that property. TML provided the House Land and Resource Management Committee this [letter](#) in opposition of the bill. H.B. 4175 passed the House and has been referred to the Senate Committee on Local Government.
- [S.B. 369](#) by Campbell, as filed, would provide that any area not receiving full municipal services is automatically disannexed as of December 31, 2023, unless the city is not required to provide full municipal services under an annexation service plan or has entered a written agreement. Senate floor amendments eliminated the automatic disannexation provision and set up a complaint process for a property owner to be disannexed. TML provided the Senate Committee on Local Government this [letter](#) in opposition to the bill. S.B. 369 passed the Senate.
- [S.B. 1412](#) by Hughes would authorize a property owner to build, sell, or rent an accessory dwelling unit (ADU) in any residential zoning district or un-zoned lot in a city. Further, the bill would prohibit a city from imposing regulations on ADUs, including certain

regulations on size, parking, or external feature requirements. This would effectively preempt local regulation of ADUs in city neighborhoods. The committee substitute protects deed restrictions and homeowner association rules that limit or prohibit ADUs. TML provided the Senate Committee on Local Government this [letter](#) in opposition to the bill. S.B. 1412 passed the Senate and has been voted out of the House Land & Resource Management Committee.

- [S.B. 1787](#) by Bettencourt would prohibit a city from adopting or enforcing an ordinance that requires a residential lot to be larger than 2,500 square feet, wider than 16 feet, or deeper than 30 feet, or if regulating the density of dwelling units on a residential lot, a ratio of less than 31.1 homes per acre. It also prohibits the application of numerous land use regulations on “small lots,” which are defined in the bill as lots that are 4,000 square feet or less. Applies to cities in counties with a population of 300,00 or more. TML provided this [letter](#) to the Senate Committee on Local Government. S.B. 1787 passed the Senate.

Other

- [S.B. 221](#) by Bettencourt would set up a process for the Secretary of State to review ballot language in initiative, referendum, and charter elections for home rule cities and waives governmental immunity. TML provided this [letter](#) in opposition to the Senate Committee on State Affairs and testified in front of the House Elections Committee in opposition. S.B. 221 has passed the Senate and was voted out of the House Elections Committee.
- [H.B. 471](#) by Patterson would, among other things, require cities to provide paid illness and injury leave for first responders for up to one year. H.B. 471 passed the House and has been referred to the Senate Committee on Business and Commerce.
- [S.B. 1419](#) by Birdwell would prohibit a city from granting a tax abatement under a Chapter 380 economic development agreement, add public meeting and notice requirements related to 380 agreements, and provide that a city may not enter into a 380 agreement for a period exceeding 10 years, with up to three five-year renewals. TML testified before the Senate Committee on Natural Resources and Economic Development. S.B. 1419 passed the Senate and has been referred to the House Ways & Means Committee.

Bills on the Move

Significant Floor Action

[H.B. 1348](#) (Stucky), prohibiting a city from regulating the practice of veterinary medicine. Passed the House.

[H.B. 1579](#) (Canales), prohibiting punitive action against a firefighter without an administrative investigation. Applies to cities with a population of 10,000 or more regardless of if the city is covered by meet and confer or a collective bargaining agreement. Passed the House.

H.B. 1922 (Dutton/Bettencourt), requiring a review of building permit fees every 10 years. Passed the Senate.

H.B. 2232 (Spiller), allowing a property located in a portion of the city's ETJ subject to county control over platting may apply to the county commissioner's court for cancellation of certain subdivision plats. Passed the House.

H.B. 2266 (Leach), allowing a state license holder to bring legal action against a city if city regulation results in adverse economic impact on the license holder. Passed the House.

H.B. 2308 (Ashby/Perry), limiting city regulation of agricultural operations within city limits and ETJ. Sent to Governor.

H.B. 2665 (Gates), creating a task force to study the impact of local short-term rental laws. Passed the House.

H.B. 3135 (Stucky), requiring a city to review each existing land development regulation once every ten years and produce an impact statement analyzing the costs, benefits, and risks associated with a new or modified land development regulation. Passed the House.

H.B. 3699 (Wilson), making numerous changes to the approval process for plats and plans, including limiting city authority regarding completeness checks for applications. Passed the House.

H.B. 4285 (Rogers), prohibiting a city from enforcing its outdoor sign ordinance in the ETJ. Passed the House.

S.B. 369 (Campbell), providing that any area not receiving full municipal services may be disannexed, unless the city is not required to provide full municipal services under an annexation service plan or has entered a written agreement. TML provided [written testimony](#). Passed the Senate.

S.B. 543 (Blanco/Ordaz), allowing a city to transfer real property under a Chapter 380 agreement. Passed the House.

S.B. 1117 (Hancock), defining video services to not include streaming for franchise fee purposes. Passed the Senate.

S.B. 1787 (Bettencourt), prohibiting a city from adopting or enforcing an ordinance that requires a residential lot to be larger than 2,500 square feet, wider than 16 feet, or deeper than 30 feet, or if regulating the density of dwelling units on a residential lot, a ratio of less than 31.1 homes per acre, and from adopting certain other requirements on small lots. Applies to cities in counties with a population of 300,000 or more. Passed the Senate.

S.B. 2038 (Bettencourt/C. Bell) requiring a city to release an area from the ETJ on petition or by election. TML [testified](#) in committee and provided [written testimony](#). Sent to governor.

Significant Committee Action

H.B. 2970 (Guillen), allowing HUD-code homes in all residential zones under certain circumstances. TML [testified](#) in committee. Left pending after hearing in Senate Local Government.

H.B. 3053 (Dean), requiring an election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and December 1, 2017. The committee substitute applies to certain cities over 500,000 in population. Voted from Senate Local Government.

H.B. 4878 (Rogers), allowing an ESD to have exclusive authority to determine whether another person may provide services within the district that the ESD is authorized to provide, including when the ESD's territory overlaps with the territory of another political subdivision authorized to provide emergency services. The committee substitute voted from House County Affairs. Set on Local Calendar for 5/12.

S.B. 221 (Bettencourt) setting a process for the Secretary of State to review ballot language in initiative, referendum, and charter elections for home rule cities and waives governmental immunity. TML provided [written testimony](#). TML also [testified](#) in front of the House Elections Committee in opposition. Voted from House Elections.

S.B. 491 (Hughes/Hefner), prohibiting a city over 725,000 in population from adopting or enforcing a zoning regulation that limits the height of a building based on the lot's proximity to another lot that is more than 50 feet away. Voted from House Land & Resource Management.

S.B. 767 (Parker), requires a fee schedule of new and increased fees to be on the city's budget's cover page and for cities over 30,000 to establish and maintain an email notification service regarding new or increase fees. Committee substitute voted from House Urban Affairs.

S.B. 1252 (Bettencourt), requiring certain language indicating a tax increase on ballot propositions. Left pending after hearing in House Ways & Means.

S.B. 1412 (Hughes), allowing an accessory dwelling unit (ADU) in a single-family zoning or unzoned areas by right, and prohibits much of a city's ability to regulate an ADU. Voted from House Land & Resource Management.

Federal Infrastructure Bill Update

In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.

The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will provide periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.

National League of Cities (NLC)

Registration for the [Local Infrastructure Hub](#), sponsored by NLC and the U.S. Conference of Mayors, among others, is now live. The Hub is designed to help city officials navigate the funding programs made available by the IIJA. Interested city officials can sign up for the mailing list, attend virtual learning events, and access articles and other resources on some of the key IIJA funding opportunities. [Upcoming events](#) include:

- May 16: Advancing Workforce Equity Under IIJA and BIL. You may [register here](#).

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony, let us know by an email to alyssa@tml.org, and we'll recognize you in next week's edition.

- Jeffrey L. Boney, Councilmember, City of Missouri City
- Demetra Conrad, Councilmember, City of Glen Rose
- Debra Davison, Mayor, City of Manvel
- Samuel Peña, Fire Chief, City of Houston

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City of Lucas
City Council Agenda Request
May 18, 2023

Item No. 09

Requester: Mayor Jim Olk

Agenda Item Request

Executive Session:

As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas
City Council Agenda Request
May 18, 2023

Item No. 10

Requester: Mayor Jim Olk

Agenda Item Request

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

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA