



**City Councilmembers Present:**

Mayor Jim Olk  
Councilmember Tim Johnson  
Councilmember Phil Lawrence (*video conference*)  
Councilmember Debbie Fisher  
Councilmember Dusty Kuykendall

**City Councilmembers Absent:**

Mayor Pro Tem Kathleen Peele  
Councilmember David Keer

**City Staff Present:**

City Manager Joni Clarke  
Assistant City Manager Kent Souriyasak  
City Attorney Courtney Morris  
Development Services Director Joe Hilbourn  
Public Works Director Scott Holden  
Contract Engineer Joe Grajewski  
Deputy Nick Noel

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

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**Citizen Input**

**1. Citizen Input**

There was no citizen input at this meeting.

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**Community Interest**

**2. Items of Community Interest.**

Mayor Olk discussed the upcoming Lucas Farmers Market, Personal Protection and Home Defense Seminar by Councilmember Lawrence, water conservation, and Public Lands Trail Cleanup. City Manager Joni Clarke indicated that Mrs. Lee Ford passed away and the City sends condolences and prayers to the Ford family.

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**Consent Agenda**

**3. Consent Agenda:**

**A. Approval of the minutes of the June 15, 2023 City Council meeting.**

**MOTION:** A motion was made by Councilmember Fisher, seconded by Councilmember Johnson, to approve the Consent Agenda as presented with correction to a typographical error. The motion passed unanimously by a 5 to 0 vote, with Mayor Pro Tem Peele and Councilmember Keer absent.

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**Regular Agenda**

**4. Consider the City of Lucas Code Compliance Program.**

Development Services Director Joe Hilbourn provided an update on code enforcement efforts and the use of GovQA for tracking.

Mayor Olk asked if GovQA can calculate the time between receiving a complaint or notice of violation and getting compliance. Mr. Hilbourn answered that GovQA does have the capability.

Mayor Olk indicated the GovQA report has raw data but there are no performance measures. Mayor Olk expressed an interest in looking at performance measures to identify how long to get compliance and the stages to get voluntary or forced compliance. Mayor Olk indicated the City Council could set expectations and standards based on performance measures.

Councilmember Fisher asked if there is a follow-up letter to the homeowner or whoever is responsible. Mr. Hilbourn answered that staff will first call to get voluntary compliance quickly; if not, staff will follow up with a letter or legal notice. Mr. Hilbourn indicated if the person is working towards compliance, then staff can provide extensions so they can get compliance.

Councilmember Kuykendall asked if there is a way to see if an extension is given and how long. Mr. Hilbourn answered yes and if there is anything greater than 90 days, it would be a court case.

Mayor Olk suggested the City Council think about what timelines should be and if it should be short or long.

Councilmember Johnson indicated it would be helpful to know if there is an item that they have been working on to keep track of it.

There was no motion needed for this item.

**5. Consider adopting Ordinance 2023-07-00985 amending the City of Lucas Code of Ordinances, Chapter 13 titled “Utilities”, Article 13.07 titled “Planning and Design Drainage Criteria”.**

Contract Engineer Joe Grajewski introduced the set of revisions to the drainage code.

Mayor Olk had questions and thoughts regarding terms that were not being defined as definitions. Mr. Grajewski indicated engineers are mostly likely to read the drainage criteria.

Councilmember Fisher indicated there are some vagueness to the terms such as “zone of influence”, “engineer”, and “engineer of record”, and we need to determine who is responsible. Mr. Grajewski indicated zone of influence is defined and Councilmember Fisher indicated it falls under the downstream assessment section.

Councilmember Fisher indicated we should define who is responsible such as providing a definition of “engineer” to clarify if the ordinance does not say “city engineer”, then it is the “engineer of record”. Mr. Grajewski indicated he will provide definitions for “engineer”.

Mayor Olk suggested checking for typographical errors and some of the big “T” and sub “t”.

The City Council had no additional feedback and requested staff to bring back the revised ordinance with definitions for “engineer” on the consent agenda.

6. **Consider legislative bills that passed during the 88th Texas Legislative Session and provide direction to City Staff and City Council if needed.**

City Attorney Courtney Morris discussed the following bills that have passed during the 88th Texas Legislative Session:

- HB 14 – Relating to third-party review of plats and property development plans, permits, and similar documents, and the inspection of an improvement related to such a document.
- SB 929 – Relating to the notice and compensation a municipality must provide before revoking the right to use property for a use that was allowed before the adoption of or change to a zoning regulation or boundary. The City Council indicated this will cause an increase in cost of work, mailings, and time, and suggested the cost of work should be placed back on the fees for a zoning change. City Manager Joni Clarke indicated we will look at this during midyear budget review as we will also need to look at building permit fees.
- SB 2127 – Relating to state preemption of and the effect of certain state or federal law on certain municipal and county regulation. Ms. Morris indicated there is a 90-day period to cure a complaint. Ms. Morris explained this bill can turn some home rule cities into general law cities.
- HB 1750 – Relating to the applicability of certain city requirements to agricultural operations. Ms. Morris indicated we will look at our high grass and weeds ordinance to determine we are still in line with the bill.
- HB 3699 – Relating to municipal regulation of subdivisions and approval of subdivision plans or plats. Ms. Morris indicated every city needs to publish their checklist and we cannot enforce anything if it is not on the checklist. Assistant City Manager Kent Souriyasak clarified that cities can establish separate requirements for studies that are not included with the plat application.
- HB 1381 – Relating to the public hearing requirement for a preliminary zoning report made by a zoning commission.
- HB 1701 – Relating to the applicability of certain laws to open-enrollment charter schools.
- HB 3526 – Relating to the application of a municipal building code to the construction of a solar pergola. Ms. Morris indicated cities cannot apply building codes to solar pergolas.
- SB 2453 – Relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction of residential or commercial buildings. Ms. Morris indicated this bill was vetoed but could come back.
- SB 1145 – Relating to a local option exemption from ad valorem taxation by a county or municipality of all or part of the appraised value of real property used to operate a child-care facility.
- SB 1801 – Relating to a requirement that each appraisal district periodically confirm that recipients of residence homestead exemptions qualify for those exemptions.
- SB 1999 – Relating to the calculation of the unused increment rate of a taxing unit. Ms. Clarke indicated there has been no change in the calculation.
- SB 2350 – Relating to the voter-approval tax rate used to calculate the unused increment rate of a taxing unit for ad valorem tax purposes. Ms. Clarke indicated there has been no change.
- HB 4082 – Relating to the purposes for which a municipality or county may issue an anticipation note or certificate of obligation. Ms. Morris indicated this bill defines “public work” to include streets, sidewalks, landfills, facilities, administrative buildings, animal shelters, and libraries. Ms. Morris indicated the definition does not include new stadiums, arenas, convention centers or hotels.

- SB 2035 – Relating to the issuance of certain anticipation notes and certificates of obligation. Ms. Morris indicated this bill was vetoed but could come back.
- HB 1922 – Relating to periodic reauthorization of municipal building permit fees. Mayor Olk suggested reauthorizing the entire fee schedule with the budget process.
- HB 3492 – Relating to county and municipal authority to impose certain value-based fees and require disclosure of certain information related to subdivision construction. The City Council indicated we need to figure out how we are going to calculate the fees.
- HB 3981 – Relating to the designation of certain fire marshals and related officers, inspectors, and investigators as peace officers.
- HB 1346 – Relating to the prosecution of certain littering offenses.
- HB 1319 – Relating to the reporting of certain overdose information and the mapping of overdoses for public safety purposes. Ms. Clarke indicated Lucas Fire-Rescue will be looking into this reporting along with ambulance billing related to Emergicon.
- HB 1413 – Relating to the authority of a fire department to remove certain personal property from a roadway or right-of-way. Mayor Olk asked if this can be billed to insurance companies and Ms. Clarke indicated we think it could.
- HB 471 – Relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury. The City Council discussed worker's compensation, sick leave, and FMLA (Family Medical Leave Act) as it relates to this bill. Ms. Morris and Ms. Clarke indicated we will be looking further into this bill including liability.
- HB 2468 – Relating to the entitlement of an injured employee to lifetime income benefits under the workers' compensation system. Ms. Morris indicated there will most likely be rate increases by TML IRP (Texas Municipal League Intergovernmental Risk Pool).
- HB 3033 – Relating to the public information law. Ms. Morris indicated staff will be looking into 10 additional business days when responding to public information requests.
- HB 3440 – Relating to the governmental bodies required to post on the Internet agendas for meetings under the open meetings law.
- SB 943 – Relating to publication of notices by a governmental entity on the Internet websites of a newspaper and the Texas Press Association.
- SB 983 – Relating to information maintained by certain municipally owned utilities that provide electricity services and cable, Internet, or broadband services.
- HB 2626 – Relating to the availability on the Internet of certain reports of political contributions and expenditures. Ms. Morris indicated this bill now applies to all cities.
- HB 4 – Relating to the regulation of the collection, use, processing, and treatment of consumers' personal data by certain business entities; imposing a civil penalty. Ms. Morris indicated there is uncertainty on what the bill is trying to do and will look further into this.
- SB 271 – Relating to state agency and local government security incident procedures.
- SB 577 – Relating to regulation of food service establishments, retail food stores, mobile food units, roadside food vendors, temporary food service establishments, and food managers. Ms. Morris indicated this bill has nothing to do with cottage food.
- SB 1893 – Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities. Ms. Morris indicated this bill bans Tik Tok on any city devices.
- SB 2476 – Relating to consumer protections against certain medical and health care billing by emergency medical services providers. Councilmember Fisher indicated this is related to the ambulance balance billing that will no longer apply.

- HB 2774 – Relating to the treatment of income tax expenses in rate proceedings for water and sewer utilities. Ms. Morris indicated water utilities can most likely include the expenses in their rate base.
- HB 3810 – Relating to certain notices provided to the Texas Commission on Environmental Quality by public water supply systems. Ms. Clarke indicated Public Works Director Scott Holden is looking further into this bill.
- SB 1015 – Relating to periodic rate adjustments by electric utilities. Ms. Morris indicated cities are no longer included in the rate adjustment proceedings.

There was no motion needed for this item.

**7. Consider the recruitment process for the position of City Secretary and provide guidance to the City Manager.**

City Manager Joni Clarke indicated we received four applications, but only one applicant is qualified. The City Council recommended following the same process as before where staff screened the applications for qualified candidates to be interviewed. Ms. Clarke suggested an exercise for editing and writing such as a coversheet for applicants to complete. The City Council discussed waiting to look at a salary survey until after reviewing qualified candidates and there may be a need to extend the time to get as many applicants as we can.

There was no motion needed for this item.

**Executive Agenda**

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**8. Executive Session:**

**As authorized by Section 551.074 of the Texas Government Code, the City Council may convene into closed Executive Session to discuss the appointment of an Interim City Secretary. This meeting is closed to the public as provided in the Texas Government Code.**

The City Council convened into executive session at 8:10 pm.

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

The City Council reconvened from executive session at 8:16 pm.

**MOTION:** A motion was made by Mayor Olk, seconded by Councilmember Lawrence to appoint Kent Souriyasak as Interim City Secretary. The motion passed unanimously by a 5 to 0 vote, with Mayor Pro Tem Peele and Councilmember Keer absent.

**10. Adjournment.**

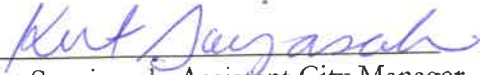
**MOTION:** A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence to adjourn the meeting at 8:17 pm. The motion passed unanimously by a 5 to 0 vote, with Mayor Pro Tem Peele and Councilmember Keer absent.

APPROVED:



Jim Olk, Mayor

ATTEST:



Kent Souriyasak, Assistant City Manager