



MINUTES
CITY COUNCIL REGULAR MEETING
August 3, 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 David Keer
Councilmember Phil Lawrence (*video conference*)
Councilmember Debbie Fisher
Councilmember Dusty Kuykendall

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
Contract Engineer Joe Grajewski
Deputy Daniel Gillespie

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

Citizen Input

1. Citizen Input

Curtis Helton, 2300 McGarity Lane, expressed concern regarding McGarity Lane and commercial development along Angel Parkway. Mr. Helton asked for consideration for what businesses are selected to be put in the area. Mr. Helton wanted to make City Council aware of his concerns regarding traffic and increased usage of the road and that he appreciated City Council for their work. Mayor Olk advised Mr. Helton about drainage and new ordinances and expressed his appreciation for his assistance and being a long-term resident.

Community Interest

2. Items of Community Interest.

Mayor Olk discussed the following items:

- Lucas Farmers Market on August 12, 2023 featuring Back-to-School Dunk Tank event and Lucas Landmarks presentation by Councilmember Fisher, followed by a larger historical exhibit at the market on August 26, 2023
- Public Lands Trail Cleanup on September 30, 2023
- Water conservation
- Boards and Commission vacancies
- City Manager Joni Clarke thanked Contract Engineer Joe Grajewski for his service to Lucas
- Councilmember Lawrence thanked the residents who participated in firearms safety training

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the July 20, 2023 City Council meeting.
- B. Approval of Ordinance 2023-07-00985 amending the City of Lucas Code of Ordinances by amending Chapter 13 titled "Utilities", by amending Article 13.07 titled "Planning and Design Drainage Criteria" to conform to the Drainage Design Manual.
- C. Authorize the City Manager to enter into a professional services agreement with JTG Engineering, PLLC, in the amount of \$78,000 for General Engineering Services funded in account 11-6209-309 (Professional Services) for a one-year period beginning October 1, 2023 through September 30, 2024.
- D. Authorize the Mayor to enter into an interlocal agreement between the City of Lucas and Collin County for jail services for a one-year period beginning October 1, 2023 through September 30, 2024.

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

Regular Agenda

4. Consider authorizing the City Manager to execute a funding agreement between the City of Lucas and the Friends of Lucas Fire-Rescue, Inc. to complete the restoration of Ole' Streaker in an amount not to exceed \$50,000 funded in account 11-6999-323 (Streaker Restoration) for fiscal year 2023/24.

Councilmember Johnson recused himself at 6:50 pm.

City Manager Joni Clarke recapped a previous presentation by Mr. Gerald Reining on behalf of the Friends of Lucas Fire-Rescue, noting that they are \$50,000 short of their necessary funding to complete the restoration of Ole' Streaker.

MOTION: A motion was made by Councilmember Fisher, seconded by Mayor Pro Tem Peele, to authorize the City Manager to execute a funding agreement between the City of Lucas and the Friends of Lucas Fire-Rescue, Inc. to complete the restoration of Ole' Streaker in an amount not to exceed \$50,000 funded in account 11-6999-323 (Streaker Restoration) for fiscal year 2023/24. The motion passed unanimously by a 7 to 0 vote.

Councilmember Johnson rejoined the meeting at 6:52 pm.

5. Discuss alternative options regarding the realignment of Stinson Road as it relates to the City of Lucas Thoroughfare Plan and provide direction to the City Manager.

Mayor Pro Tem Peele requested that the City Council go into Executive Session.

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.

The City Council went into Executive Session at 6:53 pm.

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

The City Council returned from Executive Session at 7:08 pm. No action was taken during the Executive Session.

Contract Engineer Joe Grajewski presented four alternate designs regarding the Stinson Road realignment.

Councilmember Lawrence asked about Option 3 if the design drawn over the building on the property south of the West Lucas Road intersection would be affected in the design. Mr. Grajewski indicated the lot and building would be affected. Councilmember Johnson asked about the S curve in the design. Mr. Grajewski explained that the design used currently is outdated and was created long ago. Mr. Grajewski advised that the proposed curve on Option 3 must be built by a certain minimum curve size.

Mayor Pro Tem Peele indicated that the City Council discussed Option 4 in previous discussions and Councilmember Fisher advised that the proposed revision puts a thoroughfare in the middle of a subdivision.

Ilene Mogul, 651 Stinson Road, suggested an Option 5 where Stinson Road is cut off and goes through Rockland Farms and suggested creating a U-turn. Mr. Grajewski indicated it would be at Edgewood Drive. Ms. Mogul suggested keeping the curve south of the West Lucas Road intersection that was presented in Option 2 to avoid interference on properties. Ms. Mogul asked if this goes to public hearing. Mayor Olk indicated a change to the Thoroughfare Plan would require a public hearing.

Mayor Olk advised that the discussion be tabled for a later date.

MOTION: A motion was made by Mayor Olk, seconded by Mayor Pro Tem Peele, to table the discussion on alternative options regarding the realignment of Stinson Road as it relates to the City of Lucas Thoroughfare Plan. The motion passed unanimously by a 7 to 0 vote.

6. Consider approving Resolution R 2023-07-00543 adopting the City of Lucas Preliminary and Final Plat Application Guidelines and Checklist.

Development Services Director Joe Hilbourn presented on revisions made to be brought into compliance by laws passed by the 88th Texas Legislative Session. City Attorney Joe Gorfida advised the City Council that a provision on page 5 of the checklist should be removed related to waiving statutory time limits.

Councilmember Fisher and Mr. Gorfida also indicated to remove a provision on page 17 of the checklist relating to perpetual maintenance and provisions for maintenance by the City of Lucas should the HOA dissolve.

Councilmember Lawrence asked what happens when a HOA dissolves. Mr. Gorfida advised that the dissolution process may create a problem with common areas and jurisdiction of care for those areas.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence to approve Resolution R 2023-07-00543 adopting the City of Lucas Preliminary and Final Plat Application Guidelines and Checklist with amendments. The motion passed unanimously by a 7 to 0 vote.

7. **Consider adopting Ordinance 2023-07-00986 amending the City of Lucas Code of Ordinances by amending Appendix C titled “Fee Schedule”, by amending Article 9.000 titled “Public Improvements/Infrastructure Inspection”, by amending Section 9.100 titled “Public Improvements/Infrastructure Inspection” to reflect the cost of regulation.**

Development Services Director Joe Hilbourn presented on revisions made to be brought into compliance by laws passed by the 88th Texas Legislative Session. Councilmember Fisher asked if a citizen continues to call for and fail inspections, will they receive a flat fee? Mr. Hilbourn advised they have to pay a re-inspection fee. Mayor Olk wants to make sure that costs are covered to send employees for inspection.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Lawrence, to adopt Ordinance 2023-07-00986 amending the City of Lucas Code of Ordinances by amending Appendix C titled “Fee Schedule”, by amending Article 9.000 titled “Public Improvements/Infrastructure Inspection”, by amending Section 9.100 titled “Public Improvements/Infrastructure Inspection” to reflect the cost of regulation. The motion passed unanimously by a 7 to 0 vote.

8. **Discuss the following items as it relates to services provided by Lucas Fire-Rescue Department:**
 - A. **The provision of Emergency Medical Services (EMS) to mutual aid cities and Collin County via mutual aid agreements.**
 - B. **The impact of Senate Bill 2476 relating to consumer protections against certain medical and health care billing by emergency medical services providers.**

Councilmember Fisher advised that she is concerned about increasing EMS calls to Branch and that they aren't adequately covered. Councilmember Fisher wants to make sure our mutual aid to outside areas is covered by all respective fire departments on the agreement and that our people are covered. Councilmember Fisher advised the City Council should conduct a review of the mutual aid agreement as it is outdated.

Councilmember Fisher asked if the described American Medical Response (AMR) ambulance is located in Branch. Fire Chief Ted Stephens indicated the ambulance is not located in Branch.

Mayor Pro Tem Peele indicated the mutual aid agreement is in need of a review and that external use of Lucas Fire-Rescue resources should not be at the expense of Lucas citizens.

Councilmember Fisher advised that she does not want to risk losing the mutual aid and that she is appreciative of external assistance.

Councilmember Fisher expressed an interest to review the mutual aid agreement with City Attorney Joe Gorfida, City Manager Joni Clarke, and the Lucas Fire-Rescue team to come up with a contract that addresses our needs.

Councilmember Lawrence indicated he would like to see a review of the mutual aid agreement done at stipulated times. Councilmember Lawrence advised he is opposed to any thoughts or discussions of getting out of the mutual aid agreements. Councilmember Lawrence advised that those reviewing the agreement should update outdated measures rather than eliminating them. Councilmember Fisher agreed the review should be conducted in this manner. Councilmember Kuykendall thinks it should be reviewed and brought current.

Councilmember Johnson clarified this review is to fix the issue with emergency response to Branch. Councilmember Lawrence indicated we need to look at everything as a whole. Mayor Pro Tem Peele indicated that Branch has expanded rapidly in population and it's impacting the City of Lucas in regard to emergency response. Councilmember Lawrence indicated this allows us opportunities to go to other emergency response departments in the area to conduct the review.

Mayor Olk explained the City of Lucas required additional external assistance at some point in the past. Mayor Olk advised that the City Manager and responsible parties lay out a plan of how much time we are going to involve the attorney or outside source. City Manager Joni Clarke advised that both Fire Chief Ted Stephens and Assistant Fire Chief Aaron Alderdice are well networked regionally, opening up channels for communication on this topic with area chiefs.

Chief Stephens indicated that the AMR and Collin County contract is being reviewed in 2023 with the hope of adding a fourth ambulance. Councilmember Keer asked how the City of Parker fits into the review. Chief Stephens indicated the City of Parker has no ambulance but does provide Advanced Life Support (ALS) and fire engine to the City of Lucas in case a vehicle is not available. Chief Stephens outlined how Lucas Fire-Rescue responds with multiple vehicles in the case that multiple emergency response situations occur and how they also serve Lucas residents who travel through Branch.

Mayor Olk advised that a plan be put together by City staff in order to determine what work will need to be done and if a subcommittee will be required for review.

There was no motion needed for this item.

9. **Consider adopting Ordinance 2023-07-00987 amending the City of Lucas Code of Ordinances by amending Chapter 6 titled "Health and Sanitation", by amending Article 6.01 titled "General Provision", by adding Section 6.01.001 titled "Definitions" to provide a definition of agricultural operation and amending Section 6.03.001 to clarify regulations regarding weeds, uncultivated grass and vegetation; and amending Chapter 8 titled "Offenses and Nuisances", by amending Article 8.01 titled "General Provisions", by amending Section 8.01.001 titled "Obstructions in Right-of-way" to be consistent with the amendments to Chapter 6.**

Development Services Director Joe Hilbourn presented on revisions made to be brought into compliance by laws passed by the 88th Texas Legislative Session. The City Council discussed the updated definitions as provided in the ordinance.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Johnson, to adopt Ordinance 2023-07-00987 amending the City of Lucas Code of Ordinances by amending Chapter 6 titled “Health and Sanitation”, by amending Article 6.01 titled “General Provision”, by adding Section 6.01.001 titled “Definitions” to provide a definition of agricultural operation and amending Section 6.03.001 to clarify regulations regarding weeds, uncultivated grass and vegetation; and amending Chapter 8 titled “Offenses and Nuisances”, by amending Article 8.01 titled “General Provisions”, by amending Section 8.01.001 titled “Obstructions in Right-of-way” to be consistent with the amendments to Chapter 6. The motion passed unanimously by a 7 to 0 vote.

10. Discuss updating the City of Lucas Code of Ordinances Chapter 14 titled “Zoning”.

Development Services Director Joe Hilbourn presented regarding the review progress of Chapter 14 by the Planning and Zoning Commission.

Mayor Olk asked about art studio definitions in regard to accessory buildings and athletic training facilities. Mr. Hilbourn advised that the Planning and Zoning Commission would look at those definitions for clarification. Councilmember Lawrence asked about retail art studios. Mayor Olk indicated this refers to art studio in residential. Councilmember Johnson asked about sales at in-home art studios. Councilmember Kuykendall indicated it is addressed elsewhere for sale of items at home.

Mayor Olk asked about definitions for mancaves and she-sheds. Mr. Hilbourn explained when going through ordinances on accessory dwelling units (ADU) and these definitions were excluded, there was no definition defining these structures. Mr. Hilbourn indicated these requirements were made for ease of reading and some will try to take advantage of this. Mayor Olk advised that the Planning and Zoning Commission needs to revisit those definitions that may in fact cause further conflict.

Councilmember Lawrence asked whether the City Council should even be concerning itself with defining these buildings unless the owner is using it for commercial purposes. Mayor Pro Tem Peele indicated that the issue is circumventing single family zoning. Councilmember Lawrence asked if a guest house can be converted from a barn on a property. Mayor Olk indicated it depends on the size. Councilmember Kuykendall agreed with Councilmember Lawrence that language should be more generic and less hyper-specific definitions.

Mayor Olk indicated the current definition for “nuisance” may end up limiting enforcement. Mayor Olk indicated that the public park, playground and community center definition does not include closed areas or buildings, only open spaces.

City Manager Joni Clarke advised that the changes discussed will be brought back to the Planning and Zoning Commission.

There was no motion needed for this item.

11. Consider board/commission promotions and/or appointments to fill vacant positions for the following:

- A. Board of Adjustment regular member with a term expiring on December 31, 2024.**

- B. Parks and Open Space Board regular member with a term expiring on December 31, 2023.
- C. Planning and Zoning Commission regular member with a term expiring on December 31, 2023.

The City Council discussed promoting members on the Parks and Open Space Board and Planning and Zoning Commission. Mayor Pro Tem Peele requested an Executive Session regarding the Board of Adjustment for the next meeting. The City Council agreed that an Executive Session will be held at a future meeting to discuss candidates for the Board of Adjustment and the Planning and Zoning Commission. The City Council also agreed to discuss interviews in open session regarding the vacancy on the Parks and Open Space Board.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Keer, to promote the following:

John Elliott as a Regular Member on the Parks and Open Space Board;
 Joan Phillips as Alternate Member 1 on the Parks and Open Space Board;
 Chris Bierman as a Commissioner on the Planning and Zoning Commission; and
 Frank Hise as Alternate Commissioner 1 on the Planning and Zoning Commission.
 The motion passed unanimously by a 7 to 0 vote.

Executive Agenda

12. Executive Session.

Executive Session was requested during Agenda Item 5. There was no other Executive Session.


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

Executive Session was requested during Agenda Item 5. There was no other Executive Session.

14. Adjournment.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Lawrence, to adjourn the meeting at 8:28 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:



 Mayor Jim Olk
 Kathleen Peele
 Mayor Pro Tem

ATTEST:



 Kent Souriyasak, Assistant City Manager