



## MINUTES

### CITY COUNCIL REGULAR MEETING

September 7, 2023 | 6:35 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

#### City Councilmembers Present:

Mayor Jim Olk  
Mayor Pro Tem Kathleen Peele  
Councilmember David Keer  
Councilmember Phil Lawrence  
Councilmember Debbie Fisher  
Councilmember Dusty Kuykendall

#### City Councilmembers Absent:

Councilmember Tim Johnson

#### City Staff Present:

City Manager Joni Clarke  
Assistant City Manager Kent Souriyasak  
Development Services Director Joe Hilbourn  
City Secretary Toshia Kimball  
Parks and Open Space Chairman Bill Esposito  
City Attorney Joe Gorfida  
Fire Chief Ted Stephens  
Deputy Daniel Gillespie

The regular City Council meeting was called to order at 6:51 pm immediately following the Lucas Fire Control, Prevention, and EMS District Board meeting.

## Citizen Input

### 1. Citizen Input

Curtis Helton, 2300 McGarity Lane, requests a second dead end stop sign on McGarity Lane near Pennington Drive.

## Community Interest

### 2. Items of Community Interest.

Mayor Olk gave items of community interest including:

- Lucas Farmers Market will be held on Saturday September 9 at the Community Park from 8 am to 12 pm.
- Charity drive to support the victims of the Maui, Hawaii fires led by Legacy 4-H.
- Public Lands Trail Cleanup on Saturday, September 30 at the Highland Park Trailhead from 9 am to 1 pm. This year marks the 30<sup>th</sup> Anniversary of National Public Lands Day.
- Movie in the Park will be held on Friday, October 6 at Community Park. The movie will begin at approximately 7:00 pm.
- The Fire Rehab Team is looking for volunteers to meet once a month and respond to emergencies with Lucas Fire-Rescue. For more information, contact Devanie Stevens at the Fire Station and check out the Fire Rehab Program on the city website.
- Councilmember Fisher thanks the patrons that came out for the history and listened about early Lucas history. The next historical display will be focused on Lucas Fire-Rescue and 9/11.

## Consent Agenda

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### 3. Consent Agenda:

- A. Approval of the minutes of the August 17, 2023 City Council Meeting.
- B. Approval of the City of Lucas Quarterly Investment Report ended June 2023.
- C. Approval of Resolution R-2023-09-00545 adopting the City of Lucas Public Funds Investment Policy.
- D. Adoption of Ordinance 2023-09-00990 amending the City of Lucas Code of Ordinances by amending Chapter 8 titled "Offenses and Nuisances", Article 8.03 titled "Minors" by repealing Division 2 titled "Curfew" in its entirety and reserving Division 2, Sections 8.03.031 through 8.03.035, for future use.
- E. Authorize the City Manager to execute the First Amendment to the Agreement for Solid Waste and Recycling Services between the City of Lucas and Community Waste Disposal effective October 1, 2023.
- F. Authorize the City Manager to execute the Interlocal Agreement for Communications Center and Dispatch Services between the City of Lucas and City of Wylie beginning October 1, 2023.
- G. Approval of amending the Budget for fiscal year 2023-2024 by appropriating funding in an amount not to exceed \$79,000 from account 11-1001-70 (Restricted Cash Logan Ford Ranch) to account 11-8209-301 (Improvements Roads) to fund the City's participation in the amended development agreement with Goose Real Estate, Inc.

Mayor Olk removed Item G as a separate item that will be tabled for discussion at a future date.

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Lawrence to approve items A through F as presented. The motion passed unanimously by a 6 to 0 vote. Councilmember Johnson was absent.

**G. Approval of amending the Budget for fiscal year 2023-2024 by appropriating funding in an amount not to exceed \$79,000 from account 11-1001-70 (Restricted Cash Logan Ford Ranch) to account 11-8209-301 (Improvements Roads) to fund the City's participation in the amended development agreement with Goose Real Estate, Inc.**

Mayor Olk read an email from Louie Jones, 1420 Ford Lane. Mr. Jones wanted to understand why the developer is being released from the financial responsibility of a 24-foot-wide road under his development contract with the city.

Mayor Olk read an email from James Ondrusek, 1500 Ford Lane. Mr. Ondrusek has two issues with the new proposal. The turnaround for the fire trucks and other large panel vans has been moved from near the end of the block to the middle of the block. This location would encourage drivers to use residents' driveways rather than back up to 1,000 feet or more. The construction on East

Winningkoff Road is substandard and needs rework after a few years of usage. Part of this project involved a contract with Goose Real Estate. We want to avoid a repeat of inferior construction integrity for Welborn and Ford Lane.

Deborah Jacobs, 1415 Ford Lane, spoke regarding the timeline for inquiring about the development related to Ford Lane and Welborn Lane. She requested a refund of 18% impact fees to residents. She voiced a concern on the lack of communication to the residents.

Kris Lamberth, 1521 Ford Lane, asked why his driveway is being turned into a turnaround lane and if that's the case, he has not been spoken to about it.

Dan Holsonback, 1340 Ford Lane, indicated there has been no communication or notice to the residents.

Dr. Kathryn Ondrusek, 1500 Ford Lane, raised concerns about amendment execution, future access to engineering design reports, changes to a turnaround lane and if the Mayor will speak with the citizens before signing the agreement.

Elon Smith, 1400 Ford Lane, deferred to Greg Jacobs.

Greg Jacobs, 1415 Ford Lane, indicated there is 57 feet of dedicated right-of-way on Welborn Lane and the amendment agreement was reduced from 8-inch to 6-inch depth. Residents requested a city analysis of space.

Mayor Olk would like the Council to hold off on the development agreement to determine the design issues. Mayor Olk feels the residents deserve their answers and hold off on the budget. The City Council agreed to table agenda item G and request the development agreement and design aspects be put back on agenda as properly advertised.

Mayor Pro Tem Peele indicated if it would be easier to have a neighborhood meeting. Mayor Olk would like to put this back on the agenda and then have a neighborhood meeting to help educate residents to understand what is happening.

Councilmember Kuykendall and Councilmember Lawrence agreed and would like the item back on the agenda with more information. Mayor Olk indicated City staff will reach out and sit down with the residents to go over the reports. City Manager Joni Clarke indicated the item will be tentatively scheduled for the October 5 City Council meeting.

No motion was needed for this item.

## **Public Hearing Agenda**

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### **4. Conduct a Public Hearing to consider the tax rate for fiscal year 2023-2024.**

Mayor Olk opened the Public Hearing at 7:42 pm.

## Citizen Input

Paul Rathgeb, 10 Rollingwood, thanked the Council for keeping taxes low.

Mayor Olk closed the public hearing at 7:43 pm.

5. **Conduct a Public Hearing and consider a Specific Use Permit (SUP) application submitted by Bill Shipley on behalf of Caliber Collision to permit a Caliber Collision paint and body shop with minor automotive located in the William Snider Survey, Abstract Number 821, Tract 16, being 1.75 acres of a 5.7601 acres tract of land, more commonly known as a tract of land on McGarity Lane 500' east of the intersection of Angel Parkway and McGarity Lane. (Canceled)**

## Regular Agenda

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6. **Receive the Friends of 4-H Award in recognition of the City of Lucas and contributions made to the Legacy 4-H Club.**

Bill Esposito introduced Marie Rathgeb as the new person in charge of Legacy 4-H Club. Presented Friends of 4H Award in recognition of the City of Lucas contributions made to the Legacy 4H Club to the City of Lucas, City Manager Joni Clarke and Assistant City Manager Kent Souriyasak.

7. **Discuss recommendations to conduct a parks survey by the Parks and Open Space Board and provide direction to the City Manager.**

Parks and Open Space Board Chairman Bill Esposito presented the draft parks survey that will be collected electronically. Mayor Pro Tem Peele advised for the removal of age-based questions. Mr. Esposito suggested an age bracket within the household. Mayor Pro Tem Peele advised removal of question #15 regarding tax dollars. Mayor Pro Tem Peele discussed the trail system to the west of Country Club is for walkers and bikers, while the east of Country Club Road is for equestrians, and we don't say that on the survey. Mayor Olk advised not to go into too much detail.

Mayor Olk advised reordering questions 8 to 11 to better fit the topics of each question. Mayor Olk opined that the survey is a good idea to help the Parks and Open Space Board and City Council to make decisions in the future. Councilmember Kuykendall advised it is important to collect the number of members in the participants households. Parks and Open Space Board Chairman Bill Esposito advised that questions regarding age will be restructured to include age ranges.

Councilmember Kuykendall asked if the gender question is needed and advised to remove the gender question. Councilmember Keer advised making a distinction between the Trinity Trail and equestrian trails. Mayor Pro Tem Peele advised keeping Trinity Trails separate. Councilmember Lawrence advised providing more specific questions for respondents who indicate they use the trails for equestrian uses, including moving question 10 before question 8. Councilmember Lawrence advised those who use indicate that they use the trails for equestrian uses would then be provided further questions regarding their usage habits.

Councilmember Fisher does not want a misunderstanding that we are trying to repurpose a trail that exists because we are not. Councilmember Kuykendall advised that resident usage should be determined in order to better predict facilities that must be upkept by City staff. Mayor Olk asked if

questions 12, 13, and 14 should be ahead of questions 8 and 9. Mr. Esposito indicated that those respondents who choose an interest in equestrian uses be diverted to those questions uniquely. Councilmember Kuykendall will review the survey as Council Liaison.

**8. Consider adopting Ordinance 2023-09-00988 approving the budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024.**

**MOTION:** A motion was made by Councilmember Fisher, seconded by Councilmember Lawrence to approve adopting Ordinance 2023-09-00988 approving the budget for fiscal year beginning October 1, 2023 and ending September 30, 2024. The motion passed unanimously by a 6 to 0 record vote. Councilmember Johnson was absent.

A record vote was taken:

Councilmember Debbie Fisher	Aye
Councilmember Dusty Kuykendall	Aye
Councilmember David Keer	Aye
Mayor Jim Olk	Aye
Mayor Pro Tem Kathleen Peele	Aye
Councilmember Phil Lawrence	Aye
Councilmember Tim Johnson	Absent

The motion passed unanimously by a 6 to 0 vote.

**9. Consider adopting Ordinance 2023-09-00989 levying Ad Valorem Taxes for the Tax Year 2023 (Fiscal Year 2023-2024) at a rate of \$0.256758 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Lucas as of January 1, 2023.**

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Keer to approve adopting Ordinance 2023-09-00989 levying Ad Valorem Taxes for the Tax Year 2023 (Fiscal Year 2023-2024) at a rate of \$0.256758 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Lucas as of January 1, 2023. The motion passed unanimously by a 6 to 0 vote record vote. Councilmember Johnson did not attend.

A record vote was taken:

Councilmember Phil Lawrence	Aye
Mayor Pro Tem Kathleen Peele	Aye
Mayor Jim Olk	Aye
Councilmember David Keer	Aye
Councilmember Dusty Kuykendall	Aye
Councilmember Debbie Fisher	Aye
Councilmember Tim Johnson	Absent

The motion passed unanimously by a 6 to 0 vote.

**10. Receive a presentation regarding the City of Lucas Geographic Information Systems (GIS) Web Map Portal.**

CIP Manager Patrick Hubbard presented the new City of Lucas GIS portal and provided instructions to City Council on how the public can utilize the portal.

No motion was needed for this item.

**11. Discuss the City of Lucas Certificate of Convenience and Necessity (CCN) as it relates to a development known as Kings Crossing, Phase 3, located in the City of Parker.**

CIP Manager Patrick Hubbard presented this item. Mayor Pro Tem Peele asked for specifications on where the City of Parker is inside of our CCN. Mayor Olk clarified that past discussions with the City of Parker resulted in an understanding that the City of Parker provides water in the shared areas. City Attorney Joe Gorfida advised the City of Parker does not show that the encroached area is in the City of Lucas CCN. City Manager Joni Clarke advised that communication with the City of Parker had occurred yet no issues have been resolved by their staff.

Mayor Olk asked if the PUC allow us to leave the area without CCN. Development Services Director Joe Hilbourn advised that past City staff had attempted to solve the issue by removing the encroached area from the CCN, but the PUC would not allow the change. Mr. Hilbourn advised that at the time the City of Parker said they would work to get it done but never made the change. CIP Manager Patrick Hubbard advised that all development in the area has finished, thus no more work can be done. City Manager Joni Clarke and Mr. Hubbard advised that all the work that can be done on behalf of the City of Lucas has been done. All development in the area has gone in. Councilmember Lawrence indicates we will wait. The Council agrees to wait as the opportunity arises.

No motion was needed for this item.

**12. Discuss the City of Lucas Special Events Calendar for fiscal year 2023-2024 and provide direction to the City Manager.**

Mayor Pro Tem Peele congratulated City staff for their work on Country Christmas and Founders Day. Mayor Pro Tem Peele proposed closing City Hall at noon on the day before Founders Day and Country Christmas to allow City staff to focus on event preparation. Councilmember Fisher advised giving City Manager Joni Clarke the ability to select days and times for preparation time off. Mayor Olk advised that times selected by the City Manager can be advertised to the residents.

Mayor Pro Tem Peele advised the City Council on her concerns regarding spending of the car show, its location outside of the City, and its purpose for being held, specifically how funds were once raised at the event for Ole Streaker. Councilmember Lawrence advised that the relative dollar price for the event is not very high and there was high attendance from City of Lucas residents.

Councilmember Kuykendall advised that the schedule of Lovejoy High School is prohibitive for the event. The Council asked for clarification regarding the budget for the Lucas Car Show. Assistant City Manager Kent Souriyasak advised that the total expenses include labor costs for the event. City Manager Joni Clarke advised how labor costs are budgeted separately in departments. Councilmember Kuykendall asked how the nonprofits were selected to receive donations.

Ms. Clarke advised these organizations were selected by reference of the partnering organizations and conversations with vested parties before the event. Councilmember Kuykendall stated that our events ran exceptionally well and would like to encourage the continued production of the after-action reports in order to drive future changes.

No motion was needed for this item.

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

Development Services Director Joe Hilbourn indicated the Planning and Zoning Commission has thoroughly reviewed the item. Mr. Hilbourn advised the Planning and Zoning Commission is struggling with a few definitions: pool house, man cave/she shed, and art studio.

Development Services Director Joe Hilbourn advised that staff will be meeting with the City Attorney on September 14, 2023 prior to the Planning and Zoning Committee Meeting to brainstorm. Mayor Olk requested to be invited to the meeting.

The following changes were suggested and will be brought before the September 14, 2023 Planning and Zoning Commission meeting:

- Section 14.01.002, Use Table, require new structures and additions in Commercial Business zoning to have a Special Use Permit (SUP) rather than by-right.
- Section 14.03.293, Article F, switch usage of the word “cities” to “City’s.”
- Section 14.03.534, Article C, provide a date of adoption for the section to denote when it was created.
- Section 14.03.534, Article C, removing the 75% masonry requirement from R1, R1.5, and R2 zoning areas.

Mayor Olk asked that City staff use differentiating colors in future markups to allow for easy review.

Councilmember Fisher requested the removal of caretaker and guard residence from the Use Table. Development Services Director advised that these are part of the extended conversations on what is defined as an ADU. City Manager Joni Clarke advised that some applicants are skirting the intent of regulations on accessory buildings in order to create ADUs.

Mayor Olk asked about Section 14.01.003 regarding restrictions not enforced in Chapter 14. City Attorney Joe Gorfida advised this was added in order to allow flexibility.

Councilmember Fisher asked for City staff to review 14.01.002, Interpretation and Purposes. City Attorney Joe Gorfida advised that this would be reviewed in accordance to guidelines in the Texas Local Government Code.

**Executive Session**

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14. **Executive Session: An Executive Session is not scheduled for this meeting.**

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.

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

16. **Adjournment.**

**MOTION:** A motion was made by Councilmember Kuykendall, seconded by Councilmember Lawrence, to adjourn the meeting at 9:22 pm. The motion passed unanimously by a 6 to 0 vote. Councilmember Johnson was absent.

APPROVED:



Mayor Jim Olk



ATTEST:



Tooshia Kimball, City Secretary