



AGENDA

City of Lucas City Council Meeting December 6, 2018

7:00 PM

**City Hall – Council Chambers
665 Country Club Road – Lucas, Texas**

Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, December 6, 2018 at 7:00 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.

Call to Order

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

Citizen Input

The Citizen Input portion of the agenda is an opportunity for the public to address the City Council on any subject. By completing a "Request to Speak" form and submitting to the City Secretary, citizens have an opportunity to speak at the City Council meeting. However, in accordance with the Texas Open Meetings Act, the City council cannot discuss issues raised or make any decisions but may refer items to City Staff for research and possible inclusion on a future agenda.

1. Citizen Input (**Mayor Jim Olk**)

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. (**Mayor Jim Olk**)
 - A. Presentation of a Proclamation celebrating Good Shepherd United Methodist Church 125th Anniversary.
 - B. Presentation of a Proclamation honoring lifesaving efforts to Heidi Frazier, members of the City of Wylie Public Safety Communications Division, and Lucas Fire-Rescue.

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 November 15, 2018 City Council meeting. (City Secretary Stacy Henderson)
 - B. Approval of the City of Lucas Investment Report for quarter ending September 30, 2018. (Finance Director Liz Exum)
 - C. Consider approving Resolution R 2018-12-00478 designating the Allen American as the official newspaper of the City of Lucas. (City Secretary Stacy Henderson)

Regular Agenda

4. Provide update regarding the installation of a left turn lane along Parker Road into the Kirkland Estates neighborhood during the construction and widening of Parker Road. (City Engineer Stanton Foerster)
5. Consider reappointments to the Parks and Open Space Board, Board of Adjustment and Planning and Zoning Commission, and consider appointments to the Technology Committee and to fill the vacant position on the Parks and Open Space Board. (City Secretary Stacy Henderson, Mayor Jim Olk)
6. Consider adopting Ordinance 2018-12-00887 amending Chapter 3, Building Regulations, Article 3.17 Right-of-Way use by amending Sections 3.17.017, 3.17.018 and 3.17.019 providing regulations consistent with Federal Law related to the installation of network nodes in public right-of-way by network providers; and amending Appendix C, Fee Schedule amending the fees applicable to the installation of network nodes and required equipment in City right-of-way. (City Engineer Stanton Foerster)

Executive Session Agenda

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. Closed to the public as provided in the Texas Government Code.

7. Executive Session: There are no items scheduled for Executive Session.
8. 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 November 29, 2018.

Stacy Henderson, 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 Stacy Henderson at 972.912.1211 or by email at shenderson@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

City Council Agenda Request

December 6, 2018

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 Council Agenda Request December 6, 2018

Requester: Mayor Jim Olk

Agenda Item Request

2. Items of Community Interest.
 - A. Presentation of a Proclamation celebrating Good Shepherd United Methodist Church 125th Anniversary.
 - B. Presentation of a Proclamation honoring lifesaving efforts to Heidi Frazier, members of the City of Wylie Public Safety Communications Division, and Lucas Fire-Rescue.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

Proclamation

Celebrating Good Shepherd United Methodist Church 125th Anniversary

WHEREAS, In the 1890's a small group banded together with the desire for spiritual growth, to search for God, and help one another; and

WHEREAS, on December 4, 1893, the first worship service was held in the Winningkoff School House, and first Pastor, Nathaniel Charles Little was appointed to the Wylie Circuit of the North Texas Methodist Episcopal Conference; and

WHEREAS, On April 22, 1896, the first worship service took place in a white frame church known as Blythe Chapel Methodist Church at Winningkoff, where the building stood for 24 years; and

WHEREAS, In the 1930's and 1940's, there were outside revival meetings each summer with several preachers in attendance spreading the good word; and

WHEREAS, In February of 1967, the church building moved to four acres of land in Lucas, Texas and renamed First Methodist Church Lucas. Reverend Roy Anderson recalled that while moving the church, the bridge on Winningkoff Road was too narrow and a detour was necessary. The church building was moved down through a creek bed and back up onto the road on the other side; and

WHEREAS, On April 13, 1980 the first worship service was held in the new sanctuary, and on December 5, 1983, First Methodist Church Lucas celebrated 100 wonderful years of ministry. Lifelong church member Velma Spurgin once said that the church was one of faith, optimism and hope and it was that faith that moved us forward on our journey; and

WHEREAS, On June 24, 2007, the church voted to change its name to Good Shepherd United Methodist Church and on November 17, 2012 the church permanently marked its place in Lucas history as the Collin County Historical Commission dedicated a historical marker at the original site of the Winningkoff School and Blythe Chapel near Lake Lavon.

WHEREAS, Good Shepherd United Methodist Church has had a rich history in Lucas and the City feels blessed to have such a church praying over our community and embrace the long-standing commitment Good Shepherd has bestowed upon Lucas and its citizens through the years.

NOW THEREFORE, I, Jim Olk, Mayor of the City of Lucas, commemorate the 125th anniversary of Good Shepherd United Methodist Church, today, December 6, 2018 who are still committed as much today as they were in the 1890's to help nurture the faith of members and be a good neighbor to those in need.

Witness my hand, this 6th day of December, 2018.

Jim Olk, Mayor

Stacy Henderson, City Secretary



City of Lucas

Proclamation

Honoring Lifesaving Efforts

WHEREAS, On October 11, 2018 the City of Wylie Public Safety Communications Dispatchers Karsen Knight and Tiffany Hoover received a 9-1-1 call in which the patient, John Frazier was not responsive. The Dispatchers calmly and professionally walked Heidi Frazier through the steps of cardiopulmonary resuscitation (CPR) over the phone and stayed on the phone with the family; and

WHEREAS, Within 40 seconds of receiving the 9-1-1 call, Dispatcher Knight dispatched Lucas Fire-Rescue while continuing CPR assistance over the phone.

WHEREAS, Within four minutes of the dispatch, Lucas Fire-Rescue arrived on the scene, the quick actions of Paramedics and Emergency Medical Technicians including Chief Craig Zale, Captain Ethan Carver, Firefighter/Paramedic Michael Dunnam, Firefighter/Paramedic Victor Jones, Firefighter/Paramedic Joe Krizan, Firefighter Matt Malik, and probationary Volunteer Emergency Responder Brandon McVean, continued CPR, Advanced Cardiac Life Support (ACLS) and put their skills and judgement to work assisted in saving the patient's life.

WHEREAS, Due to the extraordinary personal action of each individual involved and upholding the highest standard of conduct in their professional field, these individuals made split-second decisions to perform a purposeful, distinctive and successful lifesaving act on another human being.

NOW, THEREFORE, I, Jim Olk, Mayor of the City of Lucas, Texas, do hereby commend City of Wylie Public Safety Communications Dispatcher, Karsen Knight; City of Wylie Public Safety Communications Dispatcher Tiffany Hoover; Spouse Heidi Frazier; Lucas Fire-Rescue Chief Craig Zale, Captain Ethan Carver; Lucas Fire-Rescue Firefighter/Paramedic Michael Dunnam; Lucas Fire-Rescue Firefighter/Paramedic Victor Jones; Lucas Fire-Rescue Firefighter/Paramedic Joe Krizan; Lucas Fire-Rescue Firefighter Matt Malik, and probationary Volunteer Emergency Responder Brandon McVean and express our sincere gratitude and appreciation for the heroic actions by all in saving the life of another.

PROCLAIMED, this 6th day of December 2018.

Jim Olk, Mayor

Stacy Henderson, City Secretary



City of Lucas Council Agenda Request December 6, 2018

Item No. 3

Requester: City Secretary Stacy Henderson, Finance Director Liz Exum

Agenda Item Request

3. Consent Agenda:
 - A. Approval of the minutes of the November 15, 2018 City Council meeting.
 - B. Approval of the City of Lucas Investment Report for quarter ending September 30, 2018.
 - C. Consider approving Resolution R 2018-12-00478 designating the Allen American as the official newspaper of the City of Lucas.

Background Information

NA

Attachments/Supporting Documentation

1. Minutes of the November 15, 2018 City Council meeting.
2. Quarterly Investment Report – September 30, 2018.
3. Resolution R 2018-12-00478 Designating Official Newspaper

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.



**City of Lucas
City Council Meeting
November 15, 2018
7:00 P.M.**

City Hall - 665 Country Club Road – Lucas Texas

MINUTES

Call to Order

Mayor Olk called the meeting to order at 7:00 p.m.

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Wayne Millsap
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Philip Lawrence
Councilmember Debbie Fisher

Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
City Engineer Stanton Foerster

Mayor Olk determined that a quorum was present. Everyone was reminded to silence their cell phones and the Pledge of Allegiance was recited.

Citizen Input

1. Citizen Input.

There was no one requesting to speak during the Citizen Input portion of the agenda.

Community Interest

2. Community Interest.

City Manager Joni Clarke discussed the success of the Arbor Day/Clean up event with volunteers collecting enough trash to fill the dumpster at City Hall, along with a great turnout by Lovejoy High School students. Councilmember Fisher further explained that Shumac Oak and Pecan trees were distributed by Legacy 4-H and the Master Gardeners and Texas Pure also took part in the event.

City Secretary Stacy Henderson gave an update on the winners of the Scarecrow Contest.

Mayor Olk noted that Saturday, December 1 was the Lovejoy High School Fine Arts Festival, and Friday, December 7 was the Country Christmas event at 6 pm. Mayor Olk noted that on January 31, Art in Public Places will be on display at City Hall from Lovejoy High School students. Mayor Olk also discussed other upcoming events such as February 19, 2019 was the City's 60th anniversary

celebration with an open house and other festivities, along with Founders Day scheduled for May 11, 2019.

Councilmember Fisher wished good luck to all the students involved in the upcoming high school football playoff games.

City Engineer Stanton Foerster explained that he spoke with TxDOT regarding the installation of a left turn lane off Parker Road into Kirkland Estates. He stated the tentative cost was \$103,000 with various items that could impact the price. Mr. Foerster stated that the City would be required to design the turn lane which would be an added expense. Mr. Foerster stated that he would place an item on a future agenda to provide a further update.

Consent Agenda

3. Consent Agenda.

A. Consider approving the minutes of the November 1, 2018 City Council meeting.

MOTION: A motion was made by Councilmember Duke, 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 enter into a professional services contract with Lakes Engineering, Inc. in the amount of \$104,000 for the design of Stinson Road Project from Parker Road to Bristol Park Road using funds from account 21-8210-491-128.

City Engineer Stanton Foerster discussed with the City Council the proposed contract with Lakes Engineering, previous design work Lakes Engineering had performed on the eastern bridge of Blondy Jhune and the future design project of Blondy Jhune Road. Mr. Foerster stated that Lakes Engineering was also being considered as the project manager for upcoming construction projects in 2019.

Mayor Pro Tem Peele asked if there was any conflict in having Lakes Engineering as the design firm as well as potentially the project manager.

Mr. Foerster confirmed that no conflict existed as Lakes Engineering would not be constructing the roadway, only providing the design and construction management work.

Councilmember Fisher stated her concerns regarding the original consultant termination on the project and the possible invoicing that was still outstanding for the 90 percent plans that were submitted, along with paying an additional \$104,000 to Lakes Engineering to complete the design work.

Mr. Foerster explained that the previous consultant submitted 90 percent plans but did not complete design elements that were required. Due to their lack of completion and timeliness on the project, the consultant was terminated for non-performance.

Mayor Olk reminded the City Council that they had asked City staff to diversify projects and not use just one firm.

Mr. Foerster stated that when seeking Statements of Qualifications for these design projects, a request for qualifications was conducted and a committee was formed that included the City Engineer, Councilmember Duke, and other City staff members. The Committee selected the top firms that included Lakes Engineering; KCI; Birkhoff, Hendricks and Carter; and BW2 Engineers.

The City Council discussed the various engineering firms and consultants the City had worked with, projects that had been completed and the firms' reliabilities.

The City Council and Mr. Foerster discussed the contract termination with the original consultant and City Council was assured that all items were standardized documents created by the City Attorney.

Eileen Eklund, 651 Stinson expressed her concern regarding the road deterioration and roadway buckling that was occurring in front of her home, and asked that the entire roadway be repaired and not just small portions.

Councilmember Fisher stated that she was not opposed to hiring Lakes Engineering, but she wanted to ensure that no other items arose with the previous consultant.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Duke to authorize the City Manager to enter into a professional services contract with Lakes Engineering, Inc. in the amount of \$104,000 for the design of Stinson Road Project from Parker Road to Bristol Park Road using funds from account 21-8210-491-128. The motion passed by a 6 to 1 vote with Councilmember Fisher voting in opposition.

Executive Session Agenda

5. Executive Session.

An Executive Session was not held at this meeting.

6. Adjournment.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Baney to adjourn the meeting at 7:48 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

Jim Olk, Mayor

Stacy Henderson, City Secretary

CITY OF LUCAS
QUARTERLY INVESTMENT REPORT

Quarter Ended

Sep 30, 2018

Bank Account Name	Rating	June 30, 2018	September 30, 2018	Changes	Total Portfolio
ANB Pooled Cash	AAAm	\$4,648,936.63	\$5,427,756.87	\$778,820.24	17.37%
ANB - 2015 CO Capital & Water Fund	AAAm	\$7.45	\$0.00	-\$7.45	0.00%
ANB - Reserve General Fund	AAAm	\$3,000,000.00	\$3,000,000.00	\$0.00	11.21%
ANB - RTR West Lucas Capital Fund	AAAm	\$63,319.05	\$20.09	-\$63,298.96	0.24%
ANB - RTR FM 2551 Capital Fund	AAAm	\$97,996.81	\$10.74	-\$97,986.07	0.37%
Total Bank Accounts		\$7,810,259.94	\$8,427,787.70	\$617,527.76	29.18%
Interest Rate		0.20%	0.20%	\$0.00	
Weighted Average Life/Days(Balances assumed to have a one day maturity)		1	1	0	
Pools					
Logic - General Fund	AAAm	\$2,982,711.75	\$3,267,652.46	\$284,940.71	12.21%
Logic - Water Fund	AAAm	\$3,605,390.82	\$3,978,343.57	\$372,952.75	14.86%
Logic 2017 CO - General Fund	AAAm	\$5,194,234.08	\$4,954,509.36	-\$239,724.72	18.51%
Logic 2017 CO - Water Fund	AAAm	\$2,795,246.00	\$2,457,686.82	-\$337,559.18	9.18%
Interest Rate		2.1078%	2.2112%	\$0.001034	
Weighted Average Life/Days(Balances assumed to have a one day maturity)		1	1	0	
Lone Star Invest - General Fund	AAAm	\$1,977,145.31	\$1,986,778.10	\$9,632.79	7.42%
Lone Star Invest- Water Fund	AAAm	\$742,790.81	\$746,409.74	\$3,618.93	2.79%
Interest Rate		1.8190%	1.9666%	\$0.00148	
Weighted Average Life/Days(Balances assumed to have a one day maturity)		1	1	0	
Tex Pool - Debt Service Fund	AAAm	\$927,419.43	\$950,043.10	\$22,623.67	3.55%
Interest Rate		1.8110%	1.9953%	\$0.00184	
Weighted Average Life/Days(Balances assumed to have a one day maturity)		1	1	0	
Total Pools		\$18,224,938.20	\$18,341,423.15	\$116,484.95	68.52%
Total Bank Acct. and Pools		\$26,035,198.14	\$26,769,210.85	\$734,012.71	97.69%

The invested portfolio of the City of Lucas is in compliance with the Public Funds Investment Act and the City's Investment Policy and Strategies


Joni Clarke - City Manager


Liz Exum - Finance Director



RESOLUTION R 2018-12-00478

[Designating Official Newspaper]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, DESIGNATING THE *ALLEN AMERICAN* AS THE OFFICIAL NEWSPAPER OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, FOR 2019 BEGINNING JANUARY 1, 2019 THROUGH DECEMBER 31, 2019; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.17 of the City Charter states that the City Council pursuant to state law shall designate by resolution a newspaper of general circulation in the City as the official newspaper of the City as provided by State law; and

WHEREAS, the City Council of the City of Lucas, Texas, therefore designate the Allen American as the official newspaper of the City;

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

SECTION 1. That the City Council of Lucas, Texas, hereby designates the *Allen American*, a public newspaper in and for the City of Lucas, Collin County, Texas, as the official newspaper of the City, the same to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by law or by ordinance to be published.

SECTION 2. This Resolution shall become effective from and after its passage.

DULY PASSED by the City Council of the City of Lucas, Texas, on this the 6th day of December, 2018.

City of Lucas, Texas

Attest:

Jim Olk, Mayor

Stacy Henderson, City Secretary



City of Lucas Council Agenda Request December 6, 2018

Requester: City Engineer Stanton Foerster

Agenda Item Request

Provide update regarding the installation of a left turn lane along Parker Road into the Kirkland Estates neighborhood during the construction and widening of Parker Road.

Background Information

Consideration of a median opening and left turn lane along eastbound Parker Road to northbound Cimarron Trail was considered by the City Council in September of 2016. The City Council decided at that time to not fund this project.

Residents from Kirkland Estates requested an item be placed on the City Council Agenda in September of 2018 to discuss the need for a left turn lane on Parker Road into Kirkland Estates. At that time, the City Engineer was directed to reach out to TxDOT to obtain pricing related to the cost associated with a left turn lane on Parker Road. The City Engineer will provide an update regarding the costs quoted by TxDOT for a left turn lane.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

December 6, 2018

Item No. 05

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider reappointments to the Parks and Open Space Board, Board of Adjustment and Planning and Zoning Commission, and consider appointments to the Technology Committee and to fill the vacant position on the Parks and Open Space Board.

Background Information

The City received a total of twelve (12) board applications to serve on the various boards and committees. An application/preference listing has been included that outlines each application received and their board/committee preference. There is currently one vacant alternate position open on the Parks Board and Open Space Board, and five citizens will need to be selected to serve on the Technology Committee.

All other board positions are currently full, but the following members from the Parks and Open Space Board, Board of Adjustment and Planning and Zoning Commission have terms expiring on December 31, 2018 and are interested in serving another two-year term. An attendance roster has been included for each board.

Board of Adjustment:

- Adam Sussman
- Brian Blythe
- Robin Ahmadi

Parks and Open Space Board:

- David Rhoads
- Chris Vanhorn
- Tommy DeWitt

Planning and Zoning Commission:

- Andre Guillemaud
- Joe Williams
- Tim Johnson
- Tommy Tolson



**City of Lucas
City Council Agenda Request
December 6, 2018**

Item No. 05

Attachments/Supporting Documentation

1. Appointment Chart
2. Application/Preference Listing
3. Board member attendance charts
4. Board volunteer applications (*sent under separate attachment*)

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to reappoint the following individuals to the Parks and Open Space Board, Board of Adjustment and Planning and Zoning Commission:

I make a motion to appoint the following individuals to the Technology Committee and the vacant position on the Parks and Open Space Board:

Board/Commission Appointment Chart

Board/Commission	Members with Term Expiring	Interested In Reappointment
Board of Adjustment:		
- Three (3) positions with expiring terms being considered for reappointment	Adam Sussman	Yes
	Brian Blythe	Yes
	Robin Ahmadi, Alternate 1	Yes
Parks and Open Space Board		
- Three (3) positions with expiring terms being considered for reappointment	David Rhoads	Yes
	Chris Vanhorn	Yes
	Tommy DeWitt	Yes
- Vacant Alternate Position	Alternate 2 Position	
Planning and Zoning Commission		
- Four (4) positions with expiring terms being considered for reappointment	Andre Guillemaud	Yes
	Joe Williams	Yes
	Tim Johnson, Alternate 1	Yes
	Tommy Tolson, Alternate 2	Yes

Volunteer Board Application Listing

Board Applicant Name	Technology Committee	Board of Adjustment	Parks and Open Space Board	Planning and Zoning Commission
Mark Skaggs	1			
Troy Dechant	1	3	3	3
Brian Hiatt	1	3	3	3
Paul Rathgeb	1			
Suresh Tripathi	1	4	3	2
William Sleeper	1			
Jamie Gibson	1			
Brian Amabile	1			
George Brody	1			
Ronald Morrill	1			
Dennis Scully	1			
Andrew Cordina	1			
Ken Patterson	1			
Michelle Wilde	2	3	3	1
Nathan Hilliard *		3	2	1
Phillip Sheppard		3	2	1
Michael Dunn		1	2	3
Christel Parish		2	1	3
Ron Poteete		2		1

* Will meet one year residency requirement on December 15, 2018

Board of Adjustment Attendance 2016-2018

Meeting Date 2016-2018	Chris Bierman Chairman	Adam Sussman Vice Chairman	James Foster	Tom Redman	Brian Blythe	Robin Ahmadi Alternate 1	Brenda Rizos Alternate 2		
	<i>Term Expires: 2019</i>	<i>Term Expires: 2018</i>	<i>Term Expires: 2019</i>	<i>Term Expires: 2019</i>	<i>Term Expires: 2018</i>	<i>Term Expires: 2018</i>	<i>Term Expires: 2019</i>		
February 10, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Appointed April 2017	Appointed June 15, 2018	Appointed December 2016	Appointed April 2016	Appointed January 2018		
April 13, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent				<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
July 25, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent				<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
December 4, 2017	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	
February 20, 2018	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent		<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	
May 7, 2018	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent		<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	
June 4, 2018	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		
2016-2018 Totals:	Present: 7 Absent: 0	Present: 6 Absent: 1	Present: 2 Absent: 2		Present: 3 Absent: 1	Present: 6 Absent: 1	Present: 3 Absent: 0		
WOULD LIKE TO SERVE ANOTHER TERM									
		Yes			Yes	Yes			

***Denotes Board members whose terms expire in December 2018**

Planning and Zoning Commission Attendance 2016-2018

Meeting Date 2016-2018	Peggy Rusterholtz Chairman	David Keer Vice Chairman	Andre Guillemaud	Joe Williams	Scott Sperling	Tim Johnson Alternate 1	Tommy Tolson Alternate 2
	<i>Term Expires: 2019</i>	<i>Term Expires: 2019</i>	<i>Term Expires: 2018</i>	<i>Term Expires: 2018</i>	<i>Term Expires: 2019</i>	<i>Term Expires: 2018</i>	<i>Term Expires: 2018</i>
January 14, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Appointed December 15, 2016	Appointed December 15, 2016
February 11, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		
March 10, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent		
April 14, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent		
May 12, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		
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Meeting Date 2016-2018	Peggy Rusterholtz Chairman	David Keer Vice Chairman	Andre Guillemaud	Joe Williams	Scott Sperling	Tim Johnson Alternate 1	Tommy Tolson Alternate 2
April 13, 2017	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
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2016-2018 Totals:	Present: 26 Absent: 2	Present: 25 Absent: 3	Present: 25 Absent: 3	Present: 21 Absent: 7	Present: 19 Absent: 9	Present: 15 Absent: 1	Present: 14 Absent: 2
WOULD LIKE TO SERVE ANOTHER TERM							
			Yes	Yes		Yes	Yes

***Denotes Board members whose terms expire in December 2018**

Parks and Open Space Board Attendance 2016-2018

Meeting Date 2016-2018	David Rhoads Chairman	Chris Vanhorn Vice Chairman	Tommy DeWitt	Ken Patterson	Bill Esposito	Debra Guillemaud Alternate 1	Vacant Alternate 2
	Term Expires: 2018	Term Expires: 2018	Term Expires: 2018	Term Expires: 2019	Term Expires: 2019	Term Expires: 2019	Term Expires: 2019
January 26, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Appointed January 2018	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Appointed January 2018	
May 3, 2016	<input type="checkbox"/> Present <input checked="" style="color: red;" type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		
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June 1, 2016	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input type="checkbox"/> Present <input checked="" style="color: red;" type="checkbox"/> Absent		<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent		
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Meeting Date 2016-2018	David Rhoads Chairman	Chris Vanhorn Vice Chairman	Tommy DeWitt	Ken Patterson	Bill Esposito	Debra Guillemaud Alternate 1	Vacant Alternate 2
June 27, 2017	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Appointed January 2018	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent	Appointed January 2018	
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2016-2018 Totals:	Present: 22 Absent: 2	Present: 22 Absent: 2	Present: 2 Absent: 2	Present: 23 Absent: 1	Present: 21 Absent: 3	Present: 4 Absent: 0	
WOULD LIKE TO SERVE ANOTHER TERM							
	Yes	Yes	Yes				

***Denotes Board members whose terms expire in December 2018**



City of Lucas

City Council Agenda Request

December 6, 2018

Requester: City Engineer Stanton Foerster

Agenda Item Request

Consider adopting Ordinance 2018-12-00887 amending Chapter 3, Building Regulations, Article 3.17 Right-of-Way use by amending Sections 3.17.017, 3.17.018 and 3.17.019 providing regulations consistent with Federal Law related to the installation of network nodes in public right-of-way by network providers; and amending Appendix C, Fee Schedule amending the fees applicable to the installation of network nodes and required equipment in City right-of-way.

Background Information

In 2017 the Texas Legislature enacted Chapter 284 of the Texas Local Government Code (“Chapter 284”). Chapter 284 relates to the installation of equipment, specifically wireless network equipment, in public rights-of-way. Chapter 284 provides a state-wide regulatory scheme regarding the installation of such equipment and limits individual cities’ abilities to further regulate the location of such equipment within the public right-of-way. Such regulations are contrary to the historical right of Texas cities to regulate the improvements that are located with its streets and alleys and to levy a reasonable and fair charge for the use of public right-of-way by private businesses. Chapter 284 is applicable to the installation of “network nodes” (equipment that enables wireless communications between the communications network and the user’s equipment) and related equipment, and applies to both the “wireless service provider” (who provides the service directly to the public) and to “network providers” (which are entities who do not provide service to the end-user, but instead build and install the equipment on behalf of a wireless service provider). This legislation greatly impacted the ability of the City to regulate these particular users of the right-of-way.

The FCC released the Declaratory Ruling and Third Report and Order, adopted September 26, 2018, titled FCC-18-133A.1-Network Node FCC Order, a 116-page document which discusses its reasoning behind the adoption of provisions governing the installation of small cell wireless devices throughout the country. The rules adopted in this Order further impact and limit the ability of cities to regulate the installation of the small cell equipment within their territory. Specific considerations concerning this Order and the rules adopted therein are: “Fees”, “Time Clock”, “Design/Aesthetic Considerations”, “Other Equipment/Considerations” and the “Effective date”.

The new rules are effective 90 days from the date they are published in the Federal Register. The rules were published October 15, 2018 accordingly, unless stayed, they will become effective January 14, 2019.



City of Lucas

City Council Agenda Request

December 6, 2018

The amendments presented will address the changes enacted under the FCC rules, effective January 2019. By adopting the changes to the ROW ordinance, the fee schedule and the Design Manual, the City is taking the necessary steps to regulate the use of the City's right-of-way by the network providers.

Attachments/Supporting Documentation

1. Ordinance 2018-12-00887 - Network Nodes in Public Right-of-Way

Budget/Financial Impact

NA

Recommendation

City Staff recommends approving Ordinance 2018-12-00887 amending Chapter 3, Article 3.17 allowing network nodes in the City's public right-of-way and amending the Fee Schedule to allow for applicable installation.

Motion

I make a motion to adopt Ordinance 2018-12-00887 amending Chapter 3, Building Regulations, Article 3.17 Right-of-Way use by amending Sections 3.17.017, 3.17.018 and 3.17.019 providing regulations consistent with Federal Law related to the installation of network nodes in public right-of-way by network providers; and amending Appendix C, Fee Schedule amending the fees applicable to the installation of network nodes and required equipment in City right-of-way.



ORDINANCE NO. 2018-12-00887
 (NETWORK NODES IN PUBLIC RIGHT-OF-WAY)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3, “BUILDING REGULATIONS”, ARTICLE 3.17, “RIGHT-OF-WAY USE”, BY AMENDING SECTIONS 3.17.017, 3.17.018 AND 3.17.019, TO PROVIDE REGULATIONS CONSISTENT WITH FEDERAL LAW RELATED TO THE INSTALLATION OF NETWORK NODES IN PUBLIC RIGHT-OF-WAY BY NETWORK PROVIDERS, AND AMENDING APPENDIX C, THE FEE SCHEDULE, TO AMEND THE FEES APPLICABLE TO THE INSTALLATION OF NETWORK NODES AND RELATED EQUIPMENT IN THE CITY RIGHT-OF-WAY; PROVIDING A REPEALING CLAUSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Lucas finds that the City previously adopted regulations applicable to the installation of wireless network nodes and related equipment in the City’s rights-of-way by Network Providers; and

WHEREAS, the City Council for the City of Lucas finds that it is necessary to amend its code of ordinances to adopt provisions that are consistent with federal law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Lucas, Texas is amended by amending Appendix C, “Fee Schedule”, to read as follows:

“Appendix C – FEE SCHEDULE

Network Provider Fees:

Small cell application fee (This penalty shall not exceed and is capped by statutory limits)	\$500.00 (1-5 network nodes); \$100.00 (each additional network node); \$1,000.00 per pole
Small cell user fees (this penalty shall not exceed and is capped by statutory limits)	\$270.00 annually for each network node
Transport Facility monthly user fee (This fee shall not exceed and is capped by statutory limits)	\$28 multiplied by the number of the network provider’s network nodes located in the public right-of-way for which the installed transport facilities provide backhaul, until the time the network provider’s payment to the City exceeds its monthly

	aggregate per month compensation to the City”
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SECTION 2. That the Code of Ordinances of the City of Lucas, Texas is amended by amending Chapter 3, “Building Regulations”, amending Article 3.17, “Right-of-Way Use”, and adopting Sections 3.17.015, 3.17.016, 3.17.017, 3.17.018 and 3.17.019, to read as follows:

ARTICLE 3.17. RIGHT-OF-WAY USE

....

Sec. 3.17.017 Fees

(a) Exemptions. Network Providers are exempted from the following fees provided for in this article:

- (1) Permit application fee, including expedited application fee and permit expiration fee;
- (2) Additional permit fee;
- (3) Registration fee.

(b) Network Provider Fees

(1) Annual Network Node Rate. Network Providers shall pay the City an annual Network Node Rate for each Location for which Network Provider has obtained Permit(s) for the installation of Network Nodes, regardless of whether or not a Network Provider installs Network Nodes in the Public Right-of-Way. The amount of the Annual Network Rate shall be set in City’s Fee Schedule. The annual Network Node Public Right-of-Way Rate payment for the first year at any Location (“Initial Annual Network Node Payment”) begins accruing when the permit is issued and is due 30 days after Network Provider obtains a Permit to install or collocate a Network Node at the Location. The Initial Annual Network Node Payment shall be pro-rated for the months remaining in the calendar year after the permit issuance date.

(2) Subsequent Years Annual Network Node Rate Due Date. The annual Network Node Public Right-of-Way Rate for every year after the Initial Annual Network Node Payment shall be paid in advance on or before September 30 of each calendar year for each Network Node in the Public Right-of-Way for the next calendar year period.

(3) Annual Network Node Rate Adjustment. The City may adjust the annual Network Node Public Right-of-Way Rate by an amount equal to one-half the annual change in the Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics. The City shall provide written notice to each Network Provider of the new rate, and the

rate shall apply to the first payment due to the municipality on or after the 60th day following that notice.

(4) *Monthly Transport Fee.* To the extent a Network Provider has Transport Facilities Permitted from the Network Nodes in the Public Right-of-Way it shall pay the City a monthly Transport Facilities fee on a quarterly basis, in the amount set in the City's Fee Schedule, as adopted in Appendix C of the Code of Ordinances, which begins accruing when the permit is issued. This Transport Facility fee is in addition to any annual Network Node Public Right-of-Way Rate payment required by Ch. 284, Section 284.053.

(5) *Application and Permit Fees.* Network provider shall pay the City the Small Cell application fee set forth in the City's Master Fee Schedule contemporaneously with the submittal of the application for the permits.

Sec. 3.17.018 Compliance with Design Manual

A network provider shall comply with the City's Design Manual for the Installation of Network Nodes and Node Support Poles, as amended. Any applications submitted for installation of Network Nodes, Node Support Poles and related equipment, the plans and specifications of which do not comply with the Design Manual, will not be approved unless a request for alternate means or method, or a waiver, has been granted.

Sec 3.17.019 Alternate means or method; waiver.

- (a) A person may file a request with the city manager or city manager's designee to use alternate means or methods in right-of-way construction or maintenance. In determining whether any requirement may be waived or if an alternate method or means may be used, the city manager or city manager's designee may consider all reasonable factors, including but not limited to:
- (1) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable increase in risk;
 - (2) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable increase of service interruption;
 - (3) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable increase in potential for liability for accidents;
 - (4) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable delay in construction;
 - (5) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable delay in availability of services; or
 - (6) To any other unreasonable technical or economic burden.
- (b) There shall be no right to receive permission to use an alternative means or method and denial by the city manager's or his designee shall be final."

SECTION 3. That all provisions of the ordinances of the City of Lucas in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Lucas not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS ON THIS THE 6th DAY OF DECEMBER, 2018.

APPROVED:

Jim Olk, Mayor

ATTEST:

Stacy Henderson, City Secretary

APPROVED AS TO FORM:

Joe Gorfida, City Attorney



City of Lucas Council Agenda Request December 6, 2018

Requester: Mayor Jim Olk

Agenda Item Request

Executive Session.

There are no items scheduled for Executive Session.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA