



**AGENDA**  
**City of Lucas**  
**City Council **SPECIAL** Meeting**  
**March 26, 2020**  
**7:00 PM**  
**City Hall – Council Chambers**  
**665 Country Club Road – Lucas, Texas**

*Notice is hereby given that a special meeting of the Lucas City Council will be held on Thursday, March 26, 2020 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**

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

### **Citizen Input**

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*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**)

### **Regular Agenda**

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2. Consider adopting Ordinance 2020-03-00907 ordering postponement of the May 2, 2020 General Election for the purpose of electing persons to the office of City Council Seat 1 and City Council Seat 2, and postponement of the May 2, 2020 Special Election for the purpose of the continuation of the one-half of one-percent sales and use tax to provide revenue for maintenance and repair of municipal streets; and for the purpose of submitting proposed amendments to the City Home Rule Charter. (**Mayor Jim Olk, City Secretary Stacy Henderson**)
3. Consider extending the Declaration of Local Disaster for Public Health Emergency for the City of Lucas issued March 19, 2020 by Mayor Jim Olk and amend the Declaration as appropriate. (**Mayor Jim Olk**)

### **Executive Session Agenda**

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*Pursuant to 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.*

4. 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.

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

### **Certification**

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*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](http://www.lucastexas.us) on or before 5:00 p.m. on March 20, 2020.*

  
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 City Secretary Stacy Henderson at 972.912.1211 or by email at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) at least 48 hours prior to the meeting.*



# City of Lucas

## City Council Agenda Request

### March 26, 2020

Requester: Mayor Jim Olk

#### **Agenda Item Request**

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Citizen Input

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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NA

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas

## City Council Agenda Request

### March 26, 2020

Requester: Mayor Jim Olk  
City Secretary Stacy Henderson

#### **Agenda Item Request**

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Consider adopting Ordinance 2020-03-00907 ordering postponement of the May 2, 2020 General Election for the purpose of electing persons to the office of City Council Seat 1 and City Council Seat 2, and postponement of the May 2, 2020 Special Election for the purpose of the continuation of the one-half of one-percent sales and use tax to provide revenue for maintenance and repair of municipal streets; and for the purpose of submitting proposed amendments to the City Home Rule Charter.

#### **Background Information**

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On March 18, 2020, the Governor issued a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date.

Candidate filings will be preserved as well as any ballot order actions. The postponement does not have the effect of reopening filings.

On March 19, 2020, Collin County Elections notified the City of Lucas that they would not be offering contract election services for the May 2, 2020 election. Any entity holding an election on May 2, 2020 would be required to conduct their own election but may lease equipment from the County. Each entity would also be required to obtain their own election workers.

#### **Attachments/Supporting Documentation**

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1. Ordinance 2020-03-00907 postponing the May 2, 2020 General and Special Election
2. Elections Advisory from the Secretary of State's office
3. Email from Bruce Sherbet, Collin County Elections office

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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City staff recommends postponing the May 2, 2020 General and Special Election to November 3, 2020.



# City of Lucas

## City Council Agenda Request

### March 26, 2020

#### **Motion**

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I make a motion to approve/deny adopting Ordinance 2020-03-00907 postponing the May 2, 2020 General Election for the purpose of electing persons to the office of City Council Seat 1 and City Council Seat 2, and postponing the May 2, 2020 Special Election for the purpose of the continuation of the one-half of one-percent sales and use tax to provide revenue for maintenance and repair of municipal streets; and for the purpose of submitting proposed amendments to the City Home Rule Charter.



## **ORDINANCE 2020-03-00907**

[Postponing the May 2, 2020 General and Special Elections]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, POSTPONING THE GENERAL ELECTION TO BE HELD ON THE 2<sup>ND</sup> DAY OF MAY 2020, FOR THE PURPOSE OF ELECTING TWO (2) CITY COUNCILMEMBERS FOR SEAT NO. 1 AND SEAT NO. 2 TO THE NOVEMBER 3, 2020 UNIFORM ELECTION DATE AND POSTPONING THE SPECIAL ELECTION TO BE HELD ON THE 2<sup>ND</sup> DAY OF MAY 2020, FOR THE PURPOSE OF SUBMITTING PROPOSITIONS FOR THE CONTINUATION OF THE ONE-HALF OF ONE-PERCENT SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS, AND FOR THE PURPOSE OF SUBMITTING PROPOSED AMENDMENTS TO THE CITY HOME RULE CHARTER TO THE NOVEMBER 3, 2020 UNIFORM ELECTION DATE; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; DESIGNATING LOCATION OF POLLING PLACE; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AUTHORIZING EXECUTION OF JOINT ELECTION AGREEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Lucas, Texas, and pursuant to Ordinance No. 2020-02-00903, a General Election was ordered to be held on May 2, 2020, for the purpose of electing two (2) Councilmembers for Seat No. 1 and Seat No. 2; and

**WHEREAS**, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Lucas, Texas, and pursuant to Ordinance No. 2020-02-00904, a Special Election was ordered to be held on May 2, 2020, for the purpose of submitting propositions for the continuation of the one-half of one-percent sales and use tax to provide revenue for maintenance and repair of municipal streets, and for the purpose of submitting proposed amendments to the City Home Rule Charter; and

**WHEREAS**, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020 uniform election date; and

**WHEREAS**, pursuant to the Governor's proclamation authorizing the City of Lucas to postpone the May 2, 2020 election date, the City Council does by this Ordinance exercise its authority to postpone the General Election ordered for May 2, 2020 and the Special Election ordered for May 2, 2020 to the November 3, 2020 uniform election date;

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

**SECTION 1.** The General and Special Elections previously ordered for May 2, 2020, for the City of Lucas, Texas, are hereby postponed to November 3, 2020.

**SECTION 2.** The candidate filings for the General Election for May 2, 2020, for the purpose of electing two (2) Councilmembers for Seat No. 1 and Seat No. 2 will not be re-opened for the election to be held on November 3, 2020.

**SECTION 3.** That all annual applications ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the November 3, 2020, election; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020 election.

**SECTION 4.** That the voter registration deadline for the November 3, 2020 election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.

**SECTION 5.** That the City Manager and City Secretary are authorized to negotiate and execute an election contract with Collin County for the purposes of conducting the postponed election on November 3, 2020.

**SECTION 6.** That all ordinances of the City of Lucas in conflict with the provisions of this Ordinance shall be, and same are hereby, repealed, provided, however, that all other provisions of said Ordinances are not in conflict herewith shall remain in full force and effect

**SECTION 7.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or of the City of Lucas Code of Ordinances, as amended hereby, be adjudged or held to be voided or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinances or the City of Lucas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNSEL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 26<sup>th</sup> DAY OF MARCH, 2020.**

APPROVED:

\_\_\_\_\_  
Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph J. Gorfida, Jr., City Attorney  
(03-20-2020:TM 114589)

\_\_\_\_\_  
Stacy Henderson, City Secretary

## Stacy Henderson

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**From:** Bruce Sherbet <bsherbet@co.collin.tx.us>  
**Sent:** Thursday, March 19, 2020 2:48 PM  
**To:** 'Zoeller, Maroba'; 'English, Paula'; 'Carrie L. Land'; 'Heather Mackey'; 'Camille Reagan'; 'Laurie Wilson'; 'Chloe Sawatzky'; 'Vicki Tarrant'; 'Tenitrus Bethel'; 'Kristi Morrow'; 'Crutcher, Michele'; 'Dowl, Rene'; 'Stacey Dillon'; Stacy Henderson; 'Empress Drane'; 'Ardena Johnson'; 'Jason Bird'; 'Sarah Dezern'; 'Susie Quinn'; 'Maria Huynh'; 'Angela Kuykendall'; 'Patti Grey'; 'Anne Craig'; 'Michelle Lewis Sirianni'; 'Stephanie Storm'; Cheryl Gorena; Janessa Millican; Kaleb Breau; Deborah Pina; Retha Barnhisel; Lauren Rushing; Kristen Wissinger; Tonya Smith; Jackie Lane; Carol Barr; Billy Pratt; Brian Griesbach; 'sgeorge@cityofallen.org'  
**Cc:** Micki Meinecke  
**Subject:** Follow-up to Previous Email  
**Sensitivity:** Personal

All,

In follow-up to my email to everyone yesterday strongly recommending that your entity postpone your May 2, 2020 election as authorized by the Proclamation issued by Governor Abbott, for entities declining postponement of your election, I have decided to take a position that I have not exercised in my 30 years as an elections administrator. I have given much thought to the potential serious impact caused by the COVID pandemic and the need to follow guidelines outlined under the disaster declaration and in particular how it relates to conducting a May 2<sup>nd</sup> election. Under the current circumstances and unknowns, and as permitted under 41.001(d) of the Texas Election Code, I will not be offering the usual contract election services as normally provided by the Elections Department for a May 2, 2020 Election. If your entity opts not to postpone your May 2, 2020 election, the county will offer voting equipment for you to lease including ballot stock and election supplies. In addition, I can provide our election training videos and PowerPoint training materials for you to use in training election workers. I will offer my assistance and expertise to assist you but all other aspects of conducting the election normally provided by the county under the election services contract will be the responsibility of the entity.

For entities opting to postpone your elections to November 3, 2020, we will prepare a new election services contract because there are other entities normally scheduled to be conducting elections on that date. I want to reiterate that there will be no cost increases if your election is postponed to November. In fact, I anticipate the cost to conduct your election in November will be less for your entity than a May 2020 election because of the additional cost sharing between contracting entities. If your entity has already submitted a deposit to the county, we can issue you a refund, or apply the deposit to the November election.

I apologize for any inconvenience that this decision has caused your entity.

Best regards,

Bruce Sherbet  
Elections Administrator  
Collin County Elections  
2010 Redbud Blvd., Ste 102  
McKinney, TX 75069  
972-547-1900



# The State of Texas

Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060  
www.sos.texas.gov




Phone: 512-463-5650  
Fax: 512-475-2811  
Dial 7-1-1 For Relay Services  
(800) 252-VOTE (8683)

Ruth R. Hughs  
Secretary of State

## ELECTION ADVISORY

NO. 2020-12

TO: Election Officials

FROM: Keith Ingram, Director of Elections 

DATE: March 18, 2020

RE: Actions for May 2, 2020 Uniform Election Date

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The purpose of this advisory is to provide guidance to local political subdivisions regarding their options for any general or special elections that have been ordered for the May 2, 2020 uniform election date. Pursuant to Section 418.016 of the Texas Government Code, the Governor has issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date. Pursuant to Texas Election Code 31.003 and 31.004, our office has issued the following guidelines for entities that choose to exercise this authority and postpone their election to the November uniform election date.

### **Effect of Postponement of Election**

- **Candidate Filings:** By postponing their election date, the political subdivision is preserving all candidate filings and ballot order actions that have already been taken. The postponement does **not** have the effect of reopening candidate filings.
  - **Deadlines related to Candidate Filings, Declarations of Ineligibility, Withdrawals or Death:** The deadlines that apply to the November 3, 2020 election would apply to all candidates who are currently on the ballot for the May 2, 2020 election.
- **Ballot By Mail Requests:** All applications for a ballot by mail (ABBM) that were filed for the May 2, 2020 election that are marked annual would apply for the November 3, 2020 election. All single use ABBMs that were submitted for reasons of age or disability would still be valid for the November 3, 2020 election. If a single use ABBM was submitted and indicated the reason for voting by mail was due to absence from the county, this ABBM would not be valid as the applicable election date has changed. However, we would recommend that the political subdivision send a letter to these voters along with a new ABBM in case the circumstances

surrounding their absence from the county are still valid or the voter is otherwise eligible to vote by mail.

- **Ballots by Mail:** If a political subdivision has already sent out mail ballots, those mail ballots that are returned would still be valid for the November 3, 2020 postponed election date.
- **Election Records:** All records, including candidate filings, applications to vote by mail, ballot proofs, and printed ballots shall be retained and preserved.
  - **Printed Ballots:** If your ballots have already been printed up, you may be able to reuse them for November. However, if you must change your ballot to reflect any corrections or changes that occur between now and November, you would treat the original ballots as you would in a traditional ballot correction and those ballots should be destroyed in accordance with Section 52.0064 of the Texas Election Code.
- **Requirement to use County Election Precincts in November 2020:** Per Section 42.002 of the Texas Election Code, county election precincts are required for all elections occurring in November 2020. You will need to work with your county election officer to determine whether you need to make any modifications to your ballot in light of this requirement.
- **Requirement for County Election Officer to contract with Local Political Subdivisions:** All county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 election and that request a contract for election services or a joint election agreement with their county election officer pursuant to the Governor's suspension of certain Texas Election Code provisions.
- **Office Hours:** The relevant dates for maintaining office hours for election purposes will be based on the November uniform election date rather than the May election date. Under Section 31.122 of the Texas Election Code, those office hours will need to be maintained for at least three hours each day, during regular office hours, on regular business days between September 14, 2020 and December 13, 2020. However, these entities should post contact information for individuals to contact their office about election-related issues during the timeframe that those offices may be closed over the coming months.
- **Holdovers in Public Office:** Under Art. XVI, Sec. 17 of the Texas Constitution, the individuals who currently hold public offices that are scheduled to be on the ballot on the May uniform election date will continue to exercise the duties of those offices until the new officers take their oaths of office, following the November uniform election date.
- **Campaign Finance Filings:** Please contact the Texas Ethics Commission for further guidance on how these modified timelines will affect any campaign finance reporting requirements. Their office can be reached at (512) 463-5800.
- **Candidates on the ballot in both May and November:** For candidates that may be running for two offices (one normally occurring in May and one normally occurring in November), these candidates will not be removed from the ballot as they are separate elections that are normally not occurring on the same date.

### **Required Action by Governing Body to Move Election Date**

In order to utilize this move, the governing body of the political subdivisions holding the elections must **order** the postponement of their election to the November 3, 2020 uniform election date. The order for this official action should contain the following items:

1. A reference to the proclamation that authorizes the entity to postpone their election date, and the fact that the political subdivision is exercising this authority.
2. Confirmation that the candidate filings for the election will remain valid for the election held on the November date and that the filing period will not be re-opened for the November election date.
3. Confirmation that all ABBMs for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election.
4. The major relevant dates for the November election, including the voter registration deadline (October 5, 2020), the deadline to submit an ABBM (October 23, 2020), and the dates for early voting (October 19, 2020 – October 30, 2020).

### **Necessary Revisions to Order of Election**

In addition, the entity will need to meet by August 17, 2020 to make any necessary revisions to the entity's original order of election. Those revisions may include:

1. The change to the date of the election;
2. Any change in location of the main early voting location;
3. Any changes to early voting dates and hours, including weekend early voting;
4. Any changes to the identity of the early voting clerk and their contact information; or
5. Any changes to branch early voting locations.

If you are holding a bond election, you may need to make additional revisions to your order of election for that bond election. If this is the case, we recommend reaching out to your bond counsel for additional guidance.

### **Securing Election Records**

All election records should be stored and secured during the postponement period. This may require your entity to use preservation methods that are similar to the methods you would use during the preservation period after the election has occurred. This includes:

- Storing returned ballots by mail in locked, sealed ballot boxes.
- Securely storing any unused ballots.
- Securely retaining any relevant election records, including candidate applications and ABBMs.

### **Voting System Equipment**

If you are leasing voting system equipment from the county or directly from the vendor, then you may need to contact your vendor or your county regarding any necessary modifications to those lease agreements or to modify your procedures and timelines for receiving that equipment.

### **Open Meeting Requirements**

The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the entity to establish procedures for telephonic or videoconferenced meetings of governmental bodies that are accessible to the public.

These procedures must include a process for members of the public to participate and address the governmental body in those meetings, notice to the public on the means of participating remotely, and access to the public for recordings of those meetings.

For more information, please review the applicable [documentation](#) from the Governor's Office or contact the Office of the Attorney General.

### **Update Official Websites and Notify Media**

Any entities that are exercising this authority to postpone their election date must post notice on the entity's website and should alert any local media organizations regarding this change to their election date.

The entity must also provide notice to their county election officer regarding this change, as the county is required to post the entity's notice of election on the county's website no later than the 60th day before the date of the election under Election Code 4.008. If that election date will be changing due to the entity's decision to postpone the election then the entity must provide a revised notice to the county for posting on the county's website.

If you have any questions regarding this advisory, please contact the Elections Division at 1-800-252-2216.

KI:CA:CP



# City of Lucas

## City Council Agenda Request

### March 26, 2020

Requester: Mayor Jim Olk

#### **Agenda Item Request**

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Consider extending the Declaration of Local Disaster for Public Health Emergency for the City of Lucas issued March 19, 2020 by Mayor Jim Olk and amend the Declaration as appropriate.

#### **Background Information**

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Mayor Olk executed the Declaration of Local Disaster for Public Health Emergency for the City of Lucas on March 19, 2020. The Declaration included the following items:

- Community Gathering defined as any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
- An outdoor "Community Gathering" under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that:
  - (i) is enclosed by a fence, physical barrier, or other structure; and
  - (ii) where people are present and are within arm's length of one another for extended periods.
- These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as fifty (50) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where fifty (50) or more people may be present at different times during the day, so long as fifty (50) or more people are not present in the space at the same time.
- For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods:
  - (i) office spaces or residential buildings;
  - (ii) grocery stores, shopping malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and,
  - (iii) hospitals and medical facilities.



# City of Lucas

## City Council Agenda Request

### March 26, 2020

- All parks and ball fields are closed until March 26<sup>th</sup> at which time the closure will be reassessed and may be extended at the discretion of the Mayor.
- The Lucas Community Center shall be closed until March 26<sup>th</sup> at which time the closure will be reassessed and may be extended at the discretion of the Mayor.
- Restaurants with or without drive-in or drive through services; drive-in restaurant; or drive-through restaurant may only provide take out or drive-in or drive-through services as allowed by law. This restriction is in effect until March 26<sup>th</sup> but may be extended at the discretion of the Mayor.
- All City Board and Commission meetings, with the exception of Lucas City Council, Planning and Zoning and any other meeting required by law, will be postponed for the duration of this disaster declaration.

Pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster for public health emergency shall continue for a period of not more than seven days from the date of declaration unless continued or renewed by the City Council.

#### **Attachments/Supporting Documentation**

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1. Declaration signed March 19, 2020

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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I make a motion to extend the Declaration of Local Disaster for Public Health Emergency until \_\_\_\_\_ and amend the Declaration as follows:

**CITY OF LUCAS DECLARATION OF LOCAL DISASTER  
FOR PUBLIC HEALTH EMERGENCY**

**WHEREAS**, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and,

**WHEREAS**, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases, the virus has caused death; and,

**WHEREAS**, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Lucas, Texas, including the quarantine of individuals, groups of individuals, and property as well as compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and,

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas has declared a state of disaster for the State of Texas.

**NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN THE MAYOR OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS BY THE CITY CHARTER AS THE PRESIDING OFFICER OF THE GOVERNING BODY OF THE CITY OF LUCAS, AND UNDER TEXAS GOVERNMENT CODE SECTION 418.108, I, JIM OLK, MAYOR OF THE CITY OF LUCAS, TEXAS, DO HEREBY DECLARE THAT:**

**SECTION 1.** A local state of disaster for public health emergency is hereby declared for the City of Lucas, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

**SECTION 2.** Pursuant to Section 418.108(b) of the Government Code, the state of disaster for public health emergency shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of Lucas, Texas.

**SECTION 3.** Pursuant to section 418.108(c) of the Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**SECTION 4.** Pursuant to Section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Lucas emergency management plan.

**SECTION 5. PROHIBITED GATHERINGS.** Public or private Community Gatherings (as defined in Section 6 below) are prohibited anywhere in Lucas, Texas.

**SECTION 6. DEFINITIONS.**

- a. For purposes of these regulations, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring fifty (50) or more persons at the same time in a

single room or other single confined or enclosed space, such as an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

- b. An outdoor "Community Gathering" under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that:
  - (i) is enclosed by a fence, physical barrier, or other structure; and
  - (ii) where people are present and are within arm's length of one another for extended periods.
- c. These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as fifty (50) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where fifty (50) or more people may be present at different times during the day, so long as fifty (50) or more people are not present in the space at the same time.
- d. For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods:
  - (i) office spaces or residential buildings;
  - (ii) grocery stores, shopping malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and,
  - (iii) hospitals and medical facilities.

**SECTION 8.** All parks and ball fields are closed until March 26<sup>th</sup> at which time the closure will be reassessed and may be extended at the discretion of the Mayor.

**SECTION 9.** The Lucas Community Center shall be closed until March 26<sup>th</sup> at which time the closure will be reassessed and may be extended at the discretion of the Mayor.

**SECTION 11.** This declaration hereby orders that a restaurant with or without drive-in or drive through services; drive-in restaurant; or drive-through restaurant may only provide take out or drive-in or drive-through services as allowed by law. This restriction is in effect until March 26<sup>th</sup> but may be extended at the discretion of the Mayor.

**SECTION 12.** All City Board and Commission meetings, with the exception of Lucas City Council, Planning and Zoning and any other meeting required by law, will be postponed for the duration of this disaster declaration.

**SECTION 13. POSTING OF THESE REGULATIONS.** The owner, manager, or operator of any facility that is likely to be impacted by these regulations shall post a copy of these regulations



onsite and visible to users of the facility and provide a copy to any user of the facility asking for a copy.

**SECTION 14. SEVERABILITY.** If any subsection, sentence, clause, phrase, or word of these regulations or any application of them to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of these regulations.

**SECTION 15. EFFECTIVE IMMEDIATELY.** These regulations shall be effective immediately and continue until they are either rescinded, superseded, or amended or until they expire pursuant to applicable law.

**SECTION 16. SUSPENSION AND MODIFICATION OF ORDINANCES.**

- a. Any ordinances or regulations that would prevent temporary sheltering and housing by the City, State of Texas, or the Federal Government in response to the declared disaster are suspended or modified as necessary to make these regulations effective.
- b. Any ordinances or regulations that conflict with these regulations are suspended or modified as necessary to make these regulations effective.
- c. Suspension or modification of the ordinances and regulations shall remain in effect until these regulations are terminated or until the public health emergency is terminated, whichever is sooner.

**SECTION 17. PENALTIES.**

- a. These regulations shall have the effect of ordinances when duly filed with the City Secretary.
- b. A person who violates any provision of these regulations, upon conviction, is punishable by a fine of not less than Fifty Dollars (\$50) and not more than Two Thousand Dollars (\$2,000) for each offense.

**SECTION 18.** That this proclamation shall take effect immediately from and after its issuance.

**DECLARED** this 19<sup>th</sup> day of March 2020.

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Jim Olk, Mayor  
City of Lucas, Texas



# City of Lucas

## City Council Agenda Request

### March 26, 2020

Requester: Mayor Jim Olk

#### **Agenda Item Request**

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##### **Executive Session:**

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.

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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NA

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas

## City Council Agenda Request

### March 26, 2020

Requester: Mayor Jim Olk

#### **Agenda Item Request**

---

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

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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NA

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA