



AGENDA
City of Lucas
City Council Meeting
October 1, 2020
7:00 PM
Video Conference
665 Country Club Road – Lucas, Texas

Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, October 1, 2020 at 7:00 pm by video conference 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.

On March 16, 2020 Governor Abbott suspended some provisions of the Open Meetings Act in response to the COVID-19 emergency. To comply with Governor Abbott's latest Executive Order and to practice safe distancing, Lucas City Council meetings will not be open to on-site visitors. In the interim, City Council meetings will be available through Zoom Webinar from your computer or smartphone. To join the meeting, please click this URL <https://zoom.us/s/95534828374?pwd=ZkJ5cTZkVWNEL3o0WFNCQXBjQ0RvZz09> and enter your name and email address. To join by phone: 1-346-248-7799 Webinar ID: 955 3482 8374 Passcode: 712285

If the public desires to speak during a specific agenda item, they must email shenderson@lucastexas.us by 4:00 pm on the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made.

Call to Order

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

Citizen Input

1. Citizen Input

Community Interest

Pursuant to Section 5510415 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

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 September 17, 2020 City Council meeting. **(City Secretary Stacy Henderson)**
- B. Consider calling a special City Council meeting for November 11, 2020 at 8:30 am to canvass the November 3, 2020 election results. **(City Secretary Stacy Henderson)**

Regular Agenda

- 4. Consider holding or canceling the Country Christmas event scheduled for Friday, December 4, 2020. **(Mayor Jim Olk, City Council)**
- 5. Consider authorizing the City Manager to enter into a contract with TexasBit/APAC for FY 20/21 roadway maintenance in an amount not to exceed \$600,000 and identify priority streets. **(City Engineer Stanton Foerster)**
- 6. Consider authorizing the City Manager to enter into a contract for the construction of On-Call Miscellaneous Grading, Excavation, and Finish Work via Work and Purchase Orders (Bid #014-18a) with Four Star Excavation, Inc. in the amount not to exceed \$100,000 from account Improvements Roads 11-8209-301. **(City Engineer Stanton Foerster)**

Executive Session Agenda

- 7. Pursuant to Section 551.074 of the Texas Government Code, the City Council will convene into Executive Session to discuss the evaluation for the City Secretary.
- 8. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.
- 9. 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 September 25, 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 at least 48 hours prior to the meeting.



City of Lucas

City Council Agenda Request

October 1, 2020

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

October 1, 2020

Requester: Mayor Jim Olk

Agenda Item Request

2. Items of Community Interest.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas Council Agenda Request October 1, 2020

Item No. 03

Requester: City Secretary Stacy Henderson, City Manager Joni Clarke

Agenda Item Request

3. Consent Agenda:
 - A. Approval of the minutes of the September 17, 2020 City Council meeting.
 - B. Consider calling a special City Council meeting for November 11, 2020 at 8:30 am to canvass the November 3, 2020 election results.

Background Information

Agenda Item 3B:

The time frame in which to canvass the results from the November 3, 2020 election is November 6 through November 17. However, the last day to receive ballots from a member of the U.S. Armed Services, spouse or dependent is Monday, November 9. In order to account for all votes during the election, staff is recommending that the City Council hold their special meeting to canvass the election results on November 11, 2020 at 8:30 am.

Texas Election Code, Section 67.004(a) states that for the purpose of canvassing a city election, only two members of the City Council are needed to constitute a quorum and conduct the special meeting.

Attachments/Supporting Documentation

1. Minutes of the September 3, 2020 City Council meeting.

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
September 17, 2020
Video Conference Meeting
7:00 P.M.**

City Hall, 665 Country Club Road, Lucas, Texas

MINUTES

Call to Order

City Councilmembers Present:

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

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
City Attorney Joe Gorfida
City Engineer Stanton Foerster
Finance Director Liz Exum
Assistant to the City Manager Kent Souriyasak

City Councilmember Absent:

Councilmember Tim Baney

This meeting was conducted by video conference.

Mayor Olk called the meeting to order at 7:00 p.m., determined that a quorum was present, and the Pledge of Allegiance was recited.

Citizen Input

1. Citizen Input

There was no citizen participation during this agenda item.

Community Interest

2. Community Interest

Mayor Olk noted that the following items of Community Interest:

- Farmers Market would be in operation on September 26 from 8 am to Noon.
- Public Lands Trails Cleanup event is scheduled for September 26 at Brockdale Park Trailhead.
- Council will determine if the City will be hosting their Country Christmas event at the October 1 City Council meeting.
- Early voting begins October 13 through October 30 at the Lucas Community Center. Sample ballots are available on the City's website.

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the September 3, 2020 City Council meeting.
- B. Consider authorizing the City Manager to enter into Amendment No. 3 of an interlocal agreement between the City of Lucas and Collin County for law enforcement services for year four of a four-year contract for the period beginning October 1, 2020 through September 30, 2021.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Duke to approve the Consent Agenda as presented. The motion passed unanimously by a 6 to 0 vote.

Regular Agenda

- 4. **Consider the approval of 1) Resolution R-2020-09-00506 of the City Council of the City of Lucas, Texas authorizing the approval of an agreement to contribute to right-of-way funds (fixed price), 2) authorize the Mayor to execute the agreement to contribute to right-of-way funds (fixed price) to the State of Texas through the Texas Department of Transportation for a transportation improvement project located at FM 1378 at FM 3286, and 3) using funds from the 2019 Certificates of Obligation for the City's participation in the right-of-way and utility adjustments for the Bait Shop Intersection (FM 1378/FM 3286) project and appropriate funds to line item 21-8210-491-138 in an amount not to exceed \$129,517.60.**

Jennifer Vorster with TxDOT, shared with participants and Council the intersection design proposed for FM 1378 and FM 3286 noting the addition of left and right turn lanes as well as drive through lanes to enhance traffic flow throughout the intersection. She noted that the lane transition in front of Edgefield had been changed so there were not additional lanes merging into one in front of Edgefield.

Mayor Pro Tem Peele discussed the sidewalks that were proposed along the roadway asking if the material could be crushed decomposed granite that would user friendly for equestrian trails.

Ms. Vorster stated concrete was proposed for this area as TxDOT needed to meet ADA requirements and crushed granite was not a material they maintained; however, Ms. Vorster noted that she would review what options were available and asked if the City was willing to maintain the area should TxDOT complete the sidewalk with crushed granite. The Council agreed they would consider maintenance of the sidewalk area should crushed granite be placed rather than concrete.

Mayor Pro Tem Peele discussed the site distance and turning radius from Edgefield turning left onto West Lucas Road.

Ms. Vorster lost her internet connection, the City Council moved to Agenda Item No. 8 while waiting for Ms. Vorster to reconnect.

8. Consider moving to Action Minutes for City Council and board/commission meetings.

City Secretary Stacy Henderson discussed the different types of minutes noting that minutes were currently taken in a discussion format and staff was requesting to move to action minutes that captured the agenda item heading, vote and citizen participation if any. Ms. Henderson discussed Zoom meetings currently being used for citizen participation and SwagIt live streaming that would begin in October. Ms. Henderson noted that Zoom meetings were currently uploaded to the City's website and SwagIt would allow for live streaming from the City's website as well. All meetings captured would be kept permanently.

Councilmember Fisher and Mayor Pro Tem Peele expressed concerns with moving towards action minutes and preferred to maintain existing discussion type minutes.

Mayor Pro Tem Peele noted that if moving forward with action minutes, that a transition period was needed.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Millsap to approve moving to action minutes. The motion passed by a 4 to 2 vote with Mayor Pro Tem Peele and Councilmember Fisher voting in opposition.

Mayor Olk moved back to Agenda Item No. 4 at this time.

4. *Continued from Above due to loss of internet connection with TxDOT*

Consider the approval of 1) Resolution R-2020-09-00506 of the City Council of the City of Lucas, Texas authorizing the approval of an agreement to contribute to right-of-way funds (fixed price), 2) authorize the Mayor to execute the agreement to contribute to right-of-way funds (fixed price) to the State of Texas through the Texas Department of Transportation for a transportation improvement project located at FM 1378 at FM 3286, and 3) using funds from the 2019 Certificates of Obligation for the City's participation in the right-of-way and utility adjustments for the Bait Shop Intersection (FM 1378/FM 3286) project and appropriate funds to line item 21-8210-491-138 in an amount not to exceed \$129,517.60.

Councilmember Fisher expressed concern regarding residents living on Cedar Bend that would not be able to turn left out of their neighborhood due to the raised median proposed at that location. Ms. Vorster clarified that the median was painted and would not be raised.

The following individual requested to speak on this item:

Jennifer Foster, resident living on Edgefield, discussed her concerns with hauling trailers and large equipment and not having adequate distance or time to turn left onto West Lucas Road. Ms. Foster asked for a dedicated lane to turn left.

Ms. Vorster noted that once improvements were completed, there would be additional room to make left turns. Ms. Vorster also discussed timing the lights at the intersection to allow for a break in traffic for the area near Edgefield.

Mayor Olk discussed concerns with not moving forward with the right of way portion of the project, the City could lose the entire project, and would like to move forward with the resolution.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Duke to approve Resolution R 2020-09-00506 approving the agreement to contribute to right of way funds to the Texas Department of Transportation for a transportation improvement project using funds from the 2019 Certificates of Obligation for the City's participation in the right of way and utility adjustments for the Bait Shop Intersection FM 1378/FM 3286 project and appropriate funds to line item 21-8210-491-138 in an amount not to exceed \$129,517.60. The motion passed by a 5 to 1 vote with Mayor Pro Tem Peele voting in opposition.

5. **Consider the financial condition of the City and the following financial matters as it relates to:**
 - A. **Consider authorizing City staff and SAMCO Capital, the City's financial advisor, to proceed with paying off the City's outstanding General Obligation Refunding Bonds (Series 2007) and Refunding the City's Certification of Obligation (Series 2011) so long as certain savings thresholds can be achieved.**
 - B. **Consider the policy regarding reserves in both the General Fund and Water Fund, trends associated with reserves, and the pay as you go program.**
 - C. **Consider the prioritization and funding strategies associated with future capital projects in both the General Fund and Water Fund.**

Mark McLiney, SAMCO Financial explained that they were proposing to use cash reserves to pay off the 2007 series Certificates of Obligation and the 2011 series Certificates of Obligation would be refunded.

Councilmember Fisher suggested having an agenda item placed on a future agenda prioritizing projects to identify where existing funds may be dedicated. She noted that she was in favor of paying off the 2007 Certificates of Obligation and refunding the 2011 Certificates of Obligation.

Mayor Pro Tem Peele discussed various projects such as waterline looping, and culverts being added to the Capital Improvement Plan.

City Manager Joni Clarke clarified that those types of projects were paid from street maintenance and were not part of the Capital Improvement Plan.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Duke to authorize City staff and SAMCO consultants to proceed with paying off the City's outstanding General Obligation Refunding Bonds, Series 2007 using fiscal year 2020-2021 budgeted funds and the remaining balance from sinking fund reserves in debt service and water funds and refunding Certificates of Obligation, Series 2011 for an approximate net savings of \$506,791. The motion passed unanimously by a 6 to 0 vote.

6. **Discuss and consider the following topics as it relates to the City of Lucas Broadband Project:**

- A. Matters relating to public communication, information placed on the City’s website, questions received from citizens and proposed distribution of factual material regarding Proposition B on the November ballot;**
- B. Update on the Economic Development Administration grant application;**
- C. Broadband Feasibility Study including the financial model;**
- D. Provide direction and consider authorizing the City Manager to acquire additional services from Magellan Advisors;**
- E. Financial information by SAMCO Capital; and**
- F. Legal information from the City Attorney and/or Bond Counsel.**

Councilmember Millsap brought this item forward to receive an update regarding communication efforts related to broadband.

Kent Souriyasak, Assistant to the City Manager, provided an update regarding communication efforts thus far. He noted that articles had been placed in the Lucas Leader for the past several months that were approved by the City Attorney and bond counsel. Informational postcards were mailed mid-September and another postcard would be mailed mid-October. Q&A’s received from the City’s website were being answered and placed on the City’s website with a turnaround time of three days.

Councilmember Millsap discussed the completed financial model noting the 55 percent uptake rate outlined in the model. Councilmember Millsap noted that citizens had inquired what rates would be at a different participation level. Councilmember Millsap suggested another model be run at a different uptake rate to determine what the monthly subscription costs would entail.

Councilmember Fisher noted that the financial models were concept plans and was concerned it could be construed as electioneering.

Mayor Pro Tem Peele noted that the feasibility study had been completed and analyzed and further reports were not needed, and additional funds should not be spent on another report.

Mayor Olk and Councilmember Lawrence were in agreement that no additional funds should be spent on another report, and citizens should refer to documents completed that were on the City’s website.

Mayor Olk read emails into the record received from the following individuals:

- Ken Bird: noting funds should be used towards roadway and water projects rather than Proposition B;
- Deborah Jacobs: concerns regarding Proposition B and the message from a group of citizens who were pro Proposition B.

The following individuals requested to speak:

- Neal Polan: asked if taxes would be increased, risk associated with the projected, and the cost associated with a 45 percent uptake rate.
- Gregory Jacobs: questioned whether the project was financially viable for the City.
- Shane Noack: discussed the need for better internet

MOTION: A motion was made by Councilmember Millsap to authorize the City Manager to acquire additional services from Magellan Advisors in an amount not to exceed \$900 to run additional scenarios using a 45 percent take rate. The motion failed for lack of a second.

Mayor Olk stated that the Council would be taking a break at 9:22 pm and would reconvene at 9:27 pm.

The City Council reconvened at 9:27 pm.

7. Consider the provision of Law Enforcement Services by Collin County Sheriff's Office and provide guidance to the City Manager regarding contractual negotiations.

City Manager Joni Clarke reviewed with the Council the current law enforcement contract noting that the City was in year 4 of the current 4-year contract. Ms. Clarke discussed challenges with the current contract related to vehicle acquisition regarding a vehicle paid for in July of 2019 but still had not been received. She also discussed the need for enhanced communication with the Sheriff's office, but overall the City had a good working relationship with the Sheriff's office, and the deputies assigned to Lucas were professional and checked in with staff often to gauge current needs of the City. Ms. Clarke suggested long term strategies be discussed as well as staffing needs for the future.

Mayor Pro Tem Peele noted that the Sheriff's office had provided excellent service, the City had a good working relationship with their office and wanted to continue the contract.

Mayor Olk suggested that staffing needs be discussed, how it was determined that additional staffing levels were needed, and what types of calls the Sheriff's office was responding to in Lucas and the response time.

It was also suggested that as the City continues to grow, were there recommendations from the Sheriff's office on additional items needed for the City.

There was no formal action taken on this item, it was for discussion purposes only.

Executive Session Agenda

9. Executive Session.

An Executive Session is not scheduled for this meeting.

10. Reconvene from Executive Session.

There was no Executive Session held at this meeting, therefore no action was taken on this item.

Adjournment

13. Adjournment.

MOTION: A motion was made by Councilmember Millsap, seconded by Councilmember Duke to adjourn the meeting at 9:47 pm. The motion passed unanimously by a 6 to 0 vote.

APPROVED:

ATTEST:

Stacy Henderson, City Secretary

Jim Olk, Mayor



City of Lucas Council Agenda Request October 1, 2020

Requester: Mayor Jim Olk
City Council

Agenda Item Request

Consider holding or canceling the Country Christmas event scheduled for Friday, December 4, 2020.

Background Information

Country Christmas is the City's annual holiday event which includes the holiday tree lighting ceremony, Santa's workshop, ice skating, train rides, holiday market, and an in-kind donation of meals provided by In-N-Out Burger. This year's Country Christmas is scheduled for Friday, December 4, 2020, from 6 pm to 9 pm at the Lucas Community Park. The ongoing safety concerns during the coronavirus pandemic has led to public health restrictions such as the requirement of masks, safe social distancing, and limited public gatherings.

On July 2, 2020, Governor Greg Abbott issued a proclamation amending Executive Order GA-28 to allow giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10 people, and making it mandatory that, with certain exceptions, people cannot be in groups larger than 10 and must maintain six feet of social distancing from others. The Governor also issued Executive Order GA-29 requiring all Texans to wear a face covering over the nose and mouth in public spaces, with few exceptions, in counties with 20 or more positive COVID-19 cases. On September 17, 2020, the Governor recently issued Executive Order GA-30 indicating the health protocols should still be followed such as wearing face coverings and the Mayor's approval of outdoor gatherings in excess of 10 people.

As there are still uncertainties surrounding the coronavirus pandemic in the future, staff would like direction on whether Country Christmas should be held or canceled this year. At the 2019 Country Christmas, more than 800 people attended the event. Should the City Council approve holding this year's Country Christmas, staff would plan the event in accordance with health protocols such as face coverings and safe social distancing.

The below event details outline the safety precautions for Country Christmas:

- Holiday Tree Lighting Ceremony – To prevent large gatherings in a single area at the park, staff would not schedule a time for the holiday tree lighting ceremony. The holiday tree would be lit from the start of the event which would allow visitors to take pictures during their own time with their own household groups.
- Santa's Workshop – In order to further prevent mass gatherings, staff would not plan to introduce Santa, Elf, or the Grinch. Instead, they will be at Santa's Workshop from the start of the event. The public would not be able to come into close contact and must maintain at least



City of Lucas

Council Agenda Request

October 1, 2020

six feet of social distancing from Santa, Elf, and the Grinch. However, the public could have the opportunity to interact and take pictures from a safe social distance where there would be a dividing rope and measured distance from Santa, Elf, and the Grinch. Staff would manage the waiting line to Santa's Workshop and line markers would be placed on the ground to ensure safe social distancing between non-household groups. Face coverings and masks would also be required inside Santa's Workshop.

- Ice-Skating Rink – Staff has reached out to the ice-skating rink vendor (Classic Holiday Ice Rink Rentals) and the Country Christmas reservation date is still valid. However, the contract has not yet been executed as staff is awaiting direction from the City Council on holding or canceling Country Christmas. Classic Holiday has indicated that other cities have reserved the ice rink for outdoor winter activities. Classic Holiday would have staff onsite to limit the number of people on the ice-skating rink and manage the waiting lines to ensure people remain at a safe social distance. Should the event move forward, the ice-skating rink would be located at the park pavilion.
- Train Ride – Staff does not recommend having the train ride at this year's Country Christmas as there would be people from different households sitting on the train where seating space is limited and would be difficult to maintain safe social distancing.
- Holiday Market – Staff does not recommend holding the Holiday Market inside the Community Center. Staff would plan to hold the Holiday Market in the park where specialized holiday market vendors would be spread out in accordance with Stage 2 of the Lucas Farmers Market plan. Staff would ensure there is enough lighting set up throughout the park. In 2019, there were 35 vendors who participated in the Holiday Market.
- Food and Drink – Staff would not prepare hot chocolate, s'mores, or any other food and drink to serve the public. In-N-Out Burger is still scheduled to provide an in-kind donation of 900 meals at Country Christmas. In-N-Out Burger would park their food truck in the parking lot similar to last year. The In-N-Out Burger staff would manage the waiting line and food service in accordance with wearing masks, safe social distancing, and food handling safety standards.
- Shuttle Service – Lovejoy ISD has indicated the District is willing to provide shuttle service during Country Christmas if the City Council approves holding the event. The shuttle service would transport visitors from Hart Elementary School and Willow Springs Middle School to City Hall/Community Park.
- Additional Safety Precautions – Face coverings and safe social distancing will be required at Country Christmas. Staff would also set up handwashing stations and provide hand sanitizer, hand wipes, and masks at the event.



City of Lucas Council Agenda Request October 1, 2020

Attachments/Supporting Documentation

1. 2020 Country Christmas Proposed Event Map
2. Executive Order No. GA-30 relating to the continued response to the COVID-19 disaster as Texas reopens issued by Governor Greg Abbott

Budget/Financial Impact

For fiscal year 2020-21, Country Christmas is budgeted at \$10,000 from account 11-6211-447 in the Parks budget.

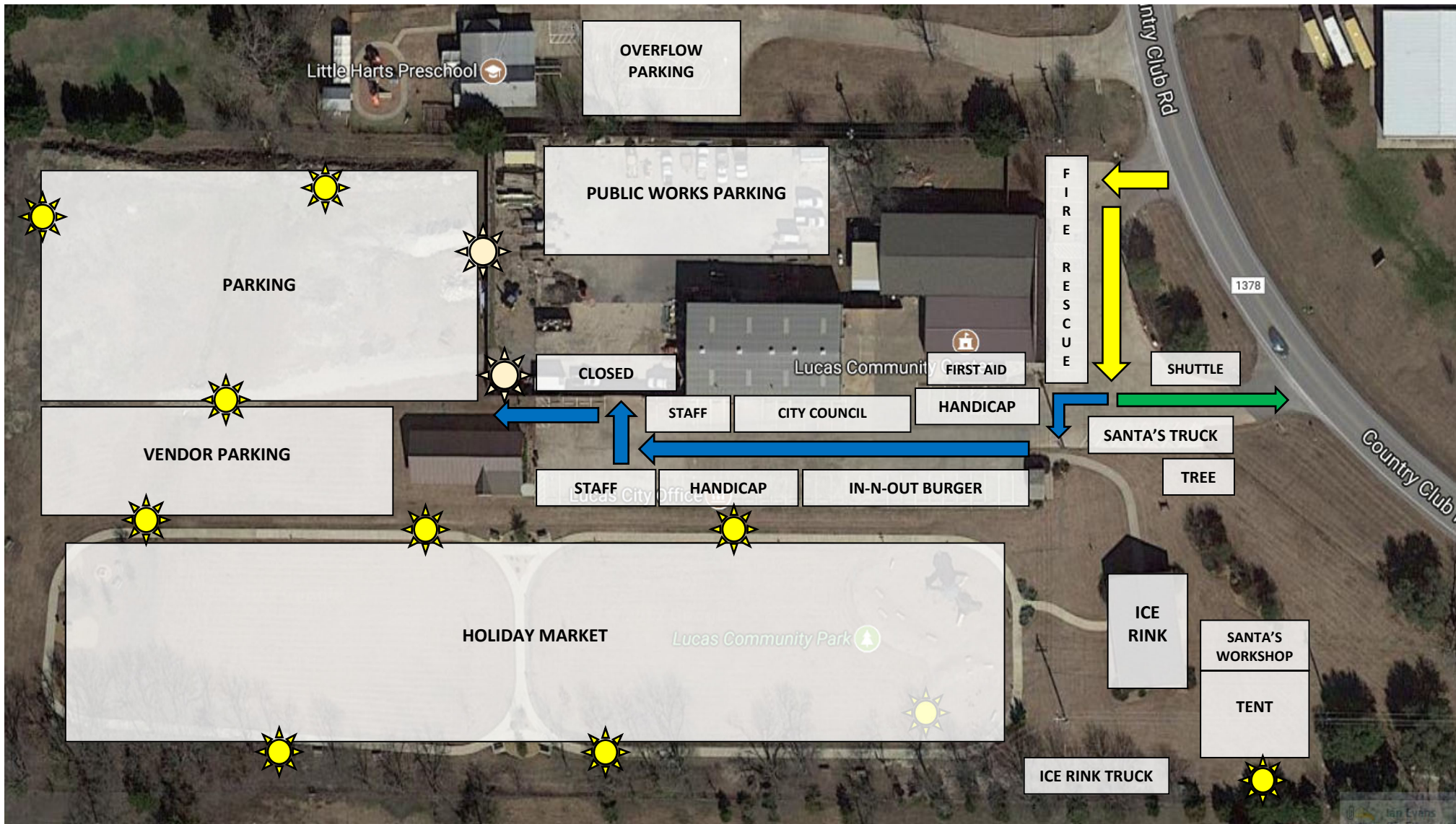
Recommendation



Staff recommends making a decision on holding or canceling Country Christmas scheduled on Friday, December 4, 2020.



Motion

I make a motion to approve/deny [holding or canceling] Country Christmas scheduled on Friday, December 4, 2020.

2020 COUNTRY CHRISTMAS PROPOSED EVENT MAP



-  Light Towers
-  Public Works Lights

-  Parking Directions
-  Shuttle Pick up/Drop off

-  Vehicle Entry



GOVERNOR GREG ABBOTT

September 17, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

11:30AM O'CLOCK

SEP 17 2020

A handwritten signature in blue ink, appearing to read "Ruth R. Hughs", written over a horizontal line. Below the line, the text "Secretary of State" is printed.

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-30 relating to the continued response to the COVID-19 disaster as Texas reopens.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

A large, stylized handwritten signature in blue ink, appearing to read "Gardson", written over a horizontal line.

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
September 17, 2020

EXECUTIVE ORDER
GA 30

Relating to the continued response to the COVID-19 disaster as Texas reopens.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, expanding the social-distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, I subsequently issued Executive Orders GA-16, GA-18, GA-21, GA-23, and GA-26 from April through early June 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to reopen Texas; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texas residents safe is for all Texans to consistently follow good hygiene and social-distancing practices, especially those set forth in the minimum standard health protocols from the Texas Department of State Health Services (DSHS); and

WHEREAS, in June 2020, Texas experienced substantial increases in COVID-19 cases and hospitalizations, necessitating targeted and temporary adjustments to the reopening plan to achieve the least restrictive means for reducing the growing spread of COVID-19 and the resulting imminent threat to public health, and to avoid a need for more extreme measures; and

WHEREAS, I therefore issued Executive Orders GA-28 and GA-29 in late June and early

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:30am O'CLOCK

SEP 17 2020

July 2020, respectively, and amended Executive Order GA-28 by proclamation on July 2, 2020; and

WHEREAS, due to improved medical treatments for COVID-19 patients, substantial increases in testing, abundant supplies of personal protective equipment, and Texans' adherence to safe practices like social distancing, hand sanitizing, and use of face coverings, the spread of COVID-19 and the number of new COVID-19 cases and hospitalizations have steadily and significantly declined since late July; and

WHEREAS, as Texas continues to reopen, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols from DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, other medical advisors, the White House, and the CDC, do hereby order the following on a statewide basis effective at 12:01 a.m. on September 21, 2020:

Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; *provided, however, that:*

1. There is no occupancy limit for the following:
 - a. any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 4.0 or any subsequent version;
 - b. religious services, including those conducted in churches, congregations, and houses of worship;
 - c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
 - d. child-care services;
 - e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths;
 - f. recreational sports programs for youths and adults;

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:30AM O'CLOCK
SEP 17 2020

- g. any public or private schools, and any public or private institutions of higher education, not already covered above; and
 - h. drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle.
2. The following types of business establishments may operate at up to 75 percent of the total listed occupancy of the establishment, except for those establishments in areas with high hospitalizations as defined below:
- a. in-store, non-CISA retail establishments;
 - b. dine-in restaurants, as defined below in paragraph No. 7;
 - c. non-CISA office buildings;
 - d. non-CISA manufacturers;
 - e. museums and libraries; and
 - f. gyms and exercise facilities and classes.

“Areas with high hospitalizations” means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of all hospitalized patients exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of all hospitalized patients is 15 percent or less. A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031.

3. Except as provided below by paragraph No. 6, this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the outdoor areas or outdoor venues identified in paragraph No. 2 of Executive Order GA-28 shall operate at no more than the percentage of normal operating limits as was set forth in Executive Order GA-28.
4. There is no occupancy limit for the following establishments that operate with at least six feet of social distancing between work stations:
- a. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade;
 - b. massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and
 - c. other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.
5. Amusement parks shall operate at no more than 50 percent of the normal operating limits as determined by the owner.
6. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph Nos. 1, 2, 3, or 5, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.
7. Only restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated, may offer dine-in services.
8. People shall not visit bars or similar establishments that hold a permit from the

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SECRETARY OF STATE
11:30AM O'CLOCK

SEP 17 2020

Texas Alcoholic Beverage Commission (TABC) and are not restaurants as defined above in paragraph No. 7; provided, however, that the use by such bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks is allowed to the extent authorized by TABC.

9. People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing.
10. For any business establishment that is subject to a 50 percent “total listed occupancy” limit or “normal operating limit,” and that is in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment.
11. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed.
12. Staff members are not included in determining operating levels, except for manufacturing services and office workers.
13. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.
14. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.
15. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS.
16. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services.
17. People may visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible; and
18. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards.

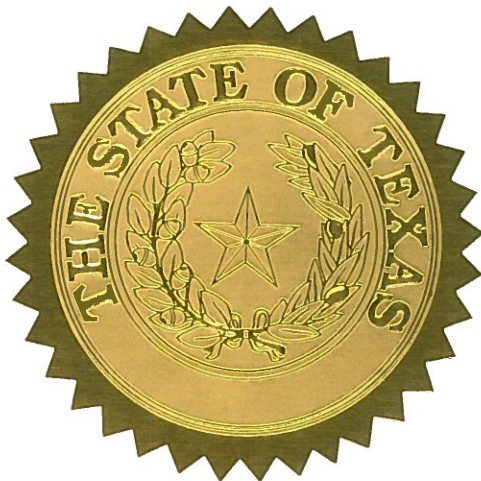
Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall not visit.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts

services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-28, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-29. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 17th
day of September, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in black ink.

RUTH R. HUGHS
Secretary of State

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SECRETARY OF STATE
11:30 AM O'CLOCK

SEP 17 2020



City of Lucas

City Council Agenda Request

October 1, 2020

Item No. 05

Requester: City Engineer Stanton Foerster

Agenda Item Request

Consider authorizing the City Manager to enter into a contract with TexasBit/APAC for FY 20/21 roadway maintenance in an amount not to exceed \$600,000 and identify priority streets.

Background Information

The following is a list of potential roadway paving projects:

Potential Roadway Paving Project	Limits	Length (Feet)	Cost per foot for Asphalt	Cost
Neighborhood Connector Streets				
Stinson Road	Bristol Park-Bentwater Dr	2000	\$64.82	\$129,640
Winningkoff Road	E. Lucas Rd-Rollingwood Dr	1800	\$71.48	\$128,664
Blondy Jhune Road	West End	1500	\$71.48	\$107,220
Forest Grove Road	Stonegate Blvd-Orr Rd	3600	\$64.82	\$233,352
Lewis Lane	City Limits-Muddy Bridge	800	\$71.48	\$57,184
Residential Streets				
Chisholm Trail	All	1000	\$64.82	\$64,820
Cimarron Trail	All	1500	\$64.82	\$97,230
Crestview Circle	All	800	\$64.82	\$51,856
Estate Road	All*	2400	\$64.82	\$155,568
Fairbrook Circle	All	1800	\$64.82	\$116,676
Glen Cove Circle	All	700	\$64.82	\$45,374
Highland Circle	All	900	\$64.82	\$58,338
Indian Trail	All	700	\$64.82	\$45,374
Meadowbrook Drive	All	1900	\$64.82	\$123,158
Shiloh Drive	All	1300	\$64.82	\$84,266
Santa Fe Trail	All	1500	\$64.82	\$97,230
Toole Drive	All	1000	\$64.82	\$64,820
Woodmoor Circle	All	3000	\$64.82	\$194,460

* Easements Needed

\$64.82/ft = Six inches of 5% cement stabilized base with three inches of Type "D" asphalt.



City of Lucas City Council Agenda Request October 1, 2020

\$71.48/ft = Six inches of 5% cement stabilized base with two inches of Type “D” and two inches of Type “B” asphalt.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

In FY 20/21 Road Maintenance fund 11-8209-301, \$750,000 was budgeted.

Recommendation

The City Engineer recommends the following are based on safety needs, traffic volume, and budgetary constraints.

Stinson Road (Bristol Park – Bentwater Drive)	\$129,640
Winningkoff Road (E. Lucas Road – Rollingwood Drive)	\$128,664
Blondy Jhune Road (West End)	\$107,220
<u>Forest Grove Road (Stonegate Blvd – Orr Road)</u>	<u>\$233,352</u>
Total	\$598,876

Motion

I make a motion to approve/deny authorizing the City Manager to enter into a contract with TexasBit/APAC for the FY 20/21 roadway maintenance (11-8209-301) for a total amount not to exceed \$600,000 for the following streets:



City of Lucas

City Council Agenda Request

October 1, 2020

Item No. 06

Requester: City Engineer Stanton Foerster

Agenda Item Request

Consider authorizing the City Manager to enter into a contract for the construction of On-Call Miscellaneous Grading, Excavation, and Finish Work via Work and Purchase Orders (Bid #014-18a) with Four Star Excavation, Inc. in the amount not to exceed \$100,000 from account Improvements Roads 11-8209-301.

Background Information

During FY 19/20, Four Star Excavation, Inc. has been supplying On-Call Miscellaneous Grading, Excavation, and Finish Work via Work and Purchase Orders. In a timely and efficient manor, Four Star completed the following projects via Work Orders #3, #4, and #5:

1. Replace Mandarin Cove culvert at Citrus Way
2. Repair culvert separation at 133 Brockdale Park Road
3. Cleanout several culverts crossing Orchard Road
4. Extend culvert and add riprap at Christian Lane and Lakeview Drive
5. Remove parallel culvert pipe and riprap at 3 Harvest Way culvert
6. Clean out and riprap outfall 895 Bentwater Drive culvert
7. Install Shiloh Drive culvert east of Stinson Road
8. 215 W Blondy Jhune Road – 24” RCP – 40 LF with riprap on both sides of RCP
9. Cleanout and riprap Forest Grove Road Culvert west of Wolf Creek Drive

Attachments/Supporting Documentation

NA

Budget/Financial Impact

Use \$100,000 from budgeted \$750,000 Improvements Roads (11-8209-301).

Recommendation

City staff recommends entering into an agreement with Four Star Excavation for the following projects and/or other projects to be named later:

- Brookhaven Culvert Repairs



City of Lucas

City Council Agenda Request

October 1, 2020

- Winningkoff Culvert Maintenance (800 feet north of E. Lucas Road)
- Stinson Road Culvert Maintenance at Muddy Creek
- E. Winningkoff Road/Winningkoff Road Culvert Extension

Motion

I make a motion to approve/deny authorizing the City Manager to enter into a contract for the construction of On-Call Miscellaneous Grading, Excavation, and Finish Work via Work and Purchase Orders (Bid #014-18a) with Four Star Excavation, Inc in the amount not to exceed \$100,000 from account Improvements Roads (11-8209-301).

Miscellaneous Grading, Excavation, and Finish Work Bid #014-18a



The City of Lucas is seeking bids for miscellaneous grading, excavation, and finish work relating to various projects and locations. There is no detailed scope for this work. The purpose of this contract is the conduct maintenance of various drainage facilities throughout the City of Lucas with benefits to the health, safety, and welfare of the general public in Lucas.

Bids labeled “**Miscellaneous Grading, Excavation, and Finish Work Bid #014-18a**” for this work shall be submitted to the City of Lucas Attention: Purchasing at any time at City of Lucas City Hall (665 Country Club Road, Lucas, Texas 75002-7651) or email it to lmaduro@lucastexas.us and stanton@lucastexas.us. There is no bid date for this bid.

The bidder will be responsible for all personnel and equipment needed to complete the work. Prior to starting on a particular task, the bidder will determine the hours needed for a particular task, and once the City and the bidder agree on the hours, the bidder may begin working. The City will issue “Task Order” to the bidder during the next three years. The City may contract with more than one bidder. The minimum task order will be for eight hours or the equivalent work done in a single day.

Please contact City Engineer Stanton Foerster at stanton@lucastexas.us with any questions.

The bid shall include the following items:

1) Bidder's Name FOUR STAR EXCAVATING

Address 6925 LEVELLAND RD., SUITE 2B DALLAS TX
75252

Telephone Number 972-330-6767

Email Address fourstarexavating@gmail.com

2) List an hourly rate for each piece of equipment which includes the operator:

Cost per hour for miscellaneous grading, excavation, and finish work \$ 645 per Hour.

Cost per square-yard for miscellaneous grading, excavation, and finish work \$ _____ per SY of material excavated.

Skid steer \$ _____ per Hour

Backhoe \$ 80 per Hour

Excavator \$ 120 per Hour

Dozer \$ 100 per Hour

Mortar Grader \$ _____ per Hour

Sheep foot compactor \$ 80 per Hour

Dump truck (truck size - 20 Yards) \$ 90 per Hour

Water truck (truck size 2000 Gallons) \$ 65 per Hour.

Other Loader \$ 110 per Hour



City of Lucas City Council Agenda Request October 1, 2020

Requestor: Mayor Jim Olk

Agenda Item Request

Executive Session.

Pursuant to Section 551.074 of the Texas Government Code, the City Council will convene into Executive Session to discuss the evaluation for the City Secretary.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas City Council Agenda Request October 1, 2020

Item No. 08

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

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA