

Call to Order of Regular Meeting – 7:00 pm

- 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
 - A. Presentation of Proclamations to Service Tree Award Recipients Craig Zale and David Rhoads.

Public Hearing Agenda

3. Continuation of a public hearing to consider adopting Ordinance 2020-12-00927 amending the City's Code of Ordinances, Chapter 14 Zoning, Article 14.04 Supplementary Regulations, by adding Division 12 Personal Broadband Antenna and Support Structures. **(Development Services Director Joe Hilbourn)**
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Continue public hearing
 - C. Take action on the proposed amendment to the City's Code of Ordinances

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.

4. Consent Agenda:
 - A. Approval of the minutes of the December 3, 2020 City Council meeting. **(City Secretary Stacy Henderson)**
 - B. Approval of the Revocation Amendment between the City of Lucas and the Texas Emergency Services Retirement System (TESRS) terminating the pension system participation contract between the City of Lucas and TESRS effective December 31, 2020 and authorize the City Manager and Fire Chief to execute the Revocation Agreement. **(Assistant to the City Manager Kent Souriyasak)**

- C. Approving Resolution R 2020-12-00509 suspending the CoServ January 23, 2021 effective date of the requested rate increase allowing time for the City to study the request and to establish reasonable rates; approving cooperation with other cities in the CoServ service area; hiring legal and consulting services to negotiate with CoServ and direct any necessary litigation and appeals. (City Attorney Joe Gorfida)
- D. Approving Resolution R 2020-12-00510 adopting a rate review schedule and rate review mechanism for Atmos Energy Corporation, Mid-Tex Division as a substitution for the annual interim rate adjustment process. (City Attorney Joe Gorfida)

Regular Agenda

- 5. Consider appointments to the Parks and Open Space Board and Board of Adjustments for two-year terms beginning January 2021 through December 31, 2022. (City Council)
- 6. Discussion and consideration of amendment(s) to the Home Rule Charter as they relate to term limits for City Council, Boards and Commissions. (Mayor Jim Olk)
- 7. Discussion regarding COVID-19 prevention practices and testing alternatives. (Councilmember Phil Lawrence)

Executive Session Agenda

- 8. Executive Session: The City Council will convene into Executive Session as permitted under the Texas Government Code, Section 551.074, Personnel Matters, to discuss appointments to the Board of Adjustments.
- 9. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.
- 10. 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 December 11, 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

December 17, 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

City Council Agenda Request

December 17, 2020

Requester: Mayor Jim Olk

Agenda Item Request

2. Items of Community Interest.
 - A. Presentation of Proclamations to Service Tree Award Recipients Craig Zale and David Rhoads.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

December 17, 2020

Item No. 03

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Continuation of a public hearing to consider adopting Ordinance 2020-12-00927 amending the City's Code of Ordinances, Chapter 14 Zoning, Article 14.04 Supplementary Regulations, by adding Division 12 Personal Broadband Antenna and Support Structures.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Continue public hearing
- C. Take action on the proposed amendment to the City's Code of Ordinances

Background Information

This request was continued from the City Council meeting held on December 3, 2020.

The Planning and Zoning Commission discussed and reviewed the proposed amendments to the Code of Ordinances related to personal broadband communication antenna and support structures at their September 10 and October 8, 2020 meetings.

Amendments came before the Planning and Zoning Commission due to Staff receiving two requests for personal broadband communication antennas and support structures. The most similar use the City has is amateur radio communication antennas and support structures. Wireless services require line of site and with the topography and natural trees in the City, line of site can be difficult if not impossible to obtain without the installation of antenna support structures (towers). The FCC has adopted Section 332(c)(7) of the Communications Act that preserves state and local authority over zoning and land use decisions for personal wireless service facilities but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record.

All amendments discussed and proposed by the Planning and Zoning Commission have been incorporated into Attachment No. 1, Division 12 Personal Broadband Antenna and Support Structure amendments.

Attachments/Supporting Documentation

1. Division 12 Personal Broadband Antenna and Support Structures amendments
2. Notice of Public Hearing
3. Ordinance 2020-12-00927



City of Lucas

City Council Agenda Request

December 17, 2020

Item No. 03

Budget/Financial Impact

NA

Recommendation

Staff recommends approving the proposed code changes. The Planning and Zoning Commission approved the amendments unanimously by a 5 to 0 vote.

Motion

I hereby make a motion to approve/deny adopting Ordinance 2020-12-00927 amending the City's Code of Ordinances, Chapter 14 Zoning, Article 14.04 Supplementary Regulations, by adding Division 12 Personal Broadband Antenna and Support Structures.

Chapter 14.04 Supplemental Regulations

Add new section-

Division 12 Residential Broadband Antenna Support Structures

Sec. 14.04.441 Purpose

The provisions of this division apply only to broadband antenna support structures in residential and agricultural districts. These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety and general welfare of the city.
- (2) To enhance the ability of the providers of wireless broadband services to provide such services to the community safely, effectively, and efficiently.
- (3) To provide regulations for the safe and secure installation of broadband antenna support structures.
- (4) To minimize the number of broadband antenna support structures in a neighborhood and adjacent area:
 - (a) Broadband antenna support structure owners are encouraged and authorized to allow their Wireless Internet Service Provider (WISP) to use their broadband antenna support structure as a relay, hub, transmitter or micro pop location.
 - (b) Regarding other sections of the municipal code, the use described above shall not be considered a commercial usage.

Section 14.04.442 Definitions

For the purpose of this division and notwithstanding any conflicting definition contained in this chapter:

Broadband Antenna. Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used exclusively for transmitting, receiving or repeating broadband wireless signals.

Broadband antenna support structures. A freestanding structure such as a tower or pole, built and designed to support the antenna and other equipment used to receive wireless broadband services.

Compelling communication needs. A need for relief based on the inability of the applicant to obtain line of sight due to engineering, technical, or physical characteristics, such as trees, buildings, or structures located on the subject and adjacent properties that obstruct or significantly impede communications to and from the subject property.

Design Review Committee. Group comprised of three (3) staff members including the City Manager, City Engineer and Development Services Director responsible for review and approval for relief of certain regulations in this chapter. An alternate staff member may be appointed in the absence of one of the committee members to facilitate the review process.

Section 14.04.443 General requirements

- (a) Broadband antennas and support structures shall be considered accessory uses.
- (b) Broadband antenna and broadband support structure installations shall comply with all other requirements of city ordinances and the zoning ordinance with the exception of those specified within this division.
- (c) All broadband antennas and broadband antenna support structures must meet or exceed current standards and regulations, and registration requirements of the Federal Aviation administration (FAA), the Federal Communications Commission (FCC), and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply as required by the regulating authority.

(d) A building permit is required for all broadband antenna support structures. All broadband antenna support structure installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association as may be amended from time to time. Review of the building permit and any subsequent review by the Design Review Committee must be conducted within reasonable time frame to prevent or delay installation, maintenance or use of broadband antennas in accordance with FCC regulations.

(e) All broadband support structures and broadband antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the city's radio frequencies and public safety operations as required by the FCC.

Sec. 14.04.444 Height

The maximum height for a broadband antenna support structure in any district shall be eighty (80) feet. Upon showing of a compelling communications need, the design review committee may administratively approve a height greater than eighty (80) feet.

Sec. 14.04.445 Broadband Antennas and broadband antenna support structure standards

- (a) Number and size. The number and size of broadband antennas placed upon a broadband antenna support structure used for broadband communications shall be limited by the wind load requirements contained in the current version of the city's building codes or by the manufacturer's specifications for wind loading, whichever is more restrictive.
- (b) Location. To the extent possible, broadband antenna support systems should be in areas to provide minimal impact on the community. Alternative or stealth designs are encouraged for all broadband antenna support structures.
- (c) Setbacks.

(1) Front yards. Broadband antenna support structures (including guy wires, foundations, anchors, and other components of the structure) shall not be permitted in required front yards.

(A) Exception:

Upon showing of a compelling communications need, the design review committee may administratively approve a broadband antenna and broadband support structure placement in front yards.

(2) Rear yards. Guy wires and broadband antenna and broadband support structures shall not be permitted in required rear yard setbacks. Minimum setbacks for broadband antenna support structures shall be the same as those required for accessory buildings in the applicable residential or agricultural district.

(A) Exception:

Upon showing of a compelling communications need, the design review committee may administratively approve guy wires, broadband antenna and broadband support structures in rear yard setbacks.

(3) Side yards. Guy wires and broadband antenna and broadband support structures shall not be permitted in required side yard setbacks. Minimum setbacks for broadband antenna support structures shall be the same as those required for accessory buildings in the applicable residential or agricultural district.

(A) Exception:

Upon showing of a compelling communications need, the design review committee may administratively approve guy wires, broadband antennas and broadband support structures in side yard setbacks.

(d) Separation. There shall be no minimum or maximum separation requirements for broadband antenna support structures from other structures on the same lot of record.

(e) Lights. Lights other than lights required or recommended by the FAA mounted on antenna support structures shall comply with the city's dark sky ordinance.

(f) Construction standards. Broadband antenna support structures shall be installed in accordance with the manufacturer's specifications. Modifications to the manufacturer's installation specifications shall bear the seal and signature of a Texas licensed professional engineer.

(g) Maintenance. Broadband antennas and broadband antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within 90 days following notice given by the building official; provided that the building official may order immediate action to prevent an imminent threat to public safety or property.

(h) Removal. If the broadband antenna support structure and broadband antennas are no longer being utilized, the owner of the property on which an antenna structure is located shall remove the structure from the property within 90 days.



NOTICE OF PUBLIC HEARING

Notice is hereby given, that the Planning & Zoning Commission of the City of Lucas, Texas will hold a public hearing on Thursday, November 12, 2020 at 7:00 p.m. and City Council will conduct a second public hearing on Thursday, December 3, 2020 at 7:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider changes to the City's Code of Ordinances more particularly described as follows:

Consider adding a new section to Chapter 14.04 Supplemental Regulations, Division 12 Residential Broadband Antenna Support Structures to regulate broadband antenna support structures in residential and agricultural zoning districts to protect and provide for public health, safety and general welfare of the City; enhance the ability of wireless broadband service providers to provide such services to the community in a safe, effective and efficient manner; and to provide height, placement, and construction standards.

Those wishing to speak FOR or AGAINST the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, City Secretary, 665 Country Club Road, Lucas, Texas 75002, email shenderson@lucastexas.us, and it will be presented at the Hearing. If you have any questions about the above hearing you may contact jhilbourn@lucastexas.us



ORDINANCE 2020-12-00927
[AMENDING CHAPTER 14, ZONING, SCHEDULE OF USE CHART AND ADDING
ARTICLE 14.04, DIVISION 12, RESIDENTIAL BROADBAND ANTENNA SUPPORT
STRUCTURE TO THE CODE OF ORDINANCES]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, AMENDING THE LUCAS CODE OF ORDINANCES BY AMENDING CHAPTER 14 “ZONING”, ARTICLE 14.03 “DISTRICTS”, DIVISION 15 “SCHEDULE OF USES”, SECTION 14.03.801 (e) “SCHEDULE OF USES CHART”, AND ADDING DIVISION 12, RESIDENTIAL BROADBAND ANTENNA SUPPORT STRUCTURES TO CHAPTER 14 “ZONING,” ARTICLE 14.04 “SUPPLEMENTARY REGULATIONS”; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the City of Lucas, Texas, is hereby amended by amending Chapter 14 Zoning, Article 14.03 Districts, Division 15, Schedule of Uses, Section 14.03.801 (e) to add Residential Broadband Antenna Support Structures to Educational, institutional, public and special uses as follows:

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Educational, institutional, public and special uses										
Adult, child care or day care center	S					X		S		S
Amateur communications antenna	X	X	X	X				X		
Athletic stadium or field (not with public school)	S	S	S	S		S			S	
Church including church related activities	X	X	X	X	X	X	X	X	X	X
Community center (public)	X	X	X	X	X	X		X	X	
Equestrian facilities	X	S				X	X		X	
Equestrian boarding	X	X				X	X		X	
Farm, ranch, garden or orchard	X	X	X	X		X	X	X	X	
Fire or police station	X	X	X	X	X	X		X	X	
Government offices (federal, state, county, city)	X	X	X	X	X	X	X	X	X	

Halfway house									X	
Hospital						S			X	
Clinic					S	X			X	
Library (public)	X	X	X	X	X	X		X	X	
Movie theater						X			X	
Municipal uses operated by the city	X	X	X	X	X	X	X	X	X	
Museum	X	S	S	S	X	X		S	X	
Nursing home					S	S			S	
Pet boarding	S					S			S	
Pet day care						S			S	
Philanthropic institutions					S	X			X	
Public park or playground	X	X	X	X	X	X	X	X	X	
Radio, TV antenna or tower						S			S	
<u>Broadband Antenna Support Structure</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>						
Recreation area					S	X			X	
Retirement home/senior independent living facility					S	S			S	
School (private)	S	S	S	S	S	X		S	X	
School (public)	X	X	X	X	X	X	X	X	X	X
School, trade or commercial	S				S	S			X	
Trade days/periodic or seasonal open market	S					S			X	

Section 2. The Code of Ordinances of the City of Lucas, Texas is hereby amended by adding Division 14, Residential Broadband Antenna Support Structures to Chapter 14 titled “Zoning,” Article 14.04 titled “Supplementary Regulations,” to read as follows:

“CHAPTER 14

ZONING

ARTICLE 14.04 SUPPLEMENTARY REGULATIONS

DIVISION 12. RESIDENTIAL BROADBAND ANTENNA SUPPORT STRUCTURES

Sec. 14.04.441 Purpose

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- (1) To protect and provide for the public health, safety and general welfare of the city.
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Section 14.04.443 General requirements

- (a) Broadband antennas and support structures shall be considered accessory uses.
- (b) Broadband antenna and broadband support structure installations shall comply with all other requirements of city ordinances and the zoning ordinance with the exception of those specified within this division.
- (c) All broadband antennas and broadband antenna support structures must meet or exceed current standards and regulations, and registration requirements of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply as required by the regulating authority.
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- (e) All broadband support structures and broadband antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the city's radio frequencies and public safety operations as required by the FCC.

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- (b) Location. To the extent possible, broadband antenna support systems should be in areas to provide minimal impact on the community. Alternative or stealth designs are encouraged for all broadband antenna support structures.
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- (1) Front yards. Broadband antenna support structures (including guy wires, foundations, anchors, and other components of the structure) shall not be permitted in required front yards.
 - (1) Exception: Upon showing of a compelling communications need, the design review committee may administratively approve a broadband antenna and broadband support structure placement in front yards.
- (2) Rear yards Guy wires and broadband antenna and broadband support structures shall not be permitted in required rear yard setbacks. Minimum setbacks for broadband antenna support structures shall be the same as those required for accessory buildings in the applicable residential or agricultural district.
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- (3) Side yards. Guy wires and broadband antenna and broadband support structures shall not be permitted in required side yard setbacks. Minimum setbacks for broadband antenna support structures shall be the same as those required for accessory buildings in the applicable residential or agricultural district.
 - (1) Exception: Upon showing of a compelling communications need, the design review committee may administratively approve guy wires, broadband antennas and broadband support structures in side yard setbacks.
- (d) Separation. There shall be no minimum or maximum separation requirements for broadband antenna support structures from other structures on the same lot of record.
- (e) Lights. Lights other than lights required or recommended by the FAA mounted on antenna support structures shall comply with the city's dark sky ordinance.
- (f) Construction standards. Broadband antenna support structures shall be installed in accordance with the manufacturer's specifications. Modifications to the manufacturer's installation specifications shall bear the seal and signature of a Texas licensed professional engineer.
- (g) Maintenance. Broadband antennas and broadband antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within 90 days following notice given by the building official; provided that the building official may order immediate action to prevent an imminent threat to public safety or property.

(h) Removal. If the broadband antenna support structure and broadband antennas are no longer being utilized, the owner of the property on which an antenna structure is located shall remove the structure from the property within 90 days.

Section 2. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Lucas governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

Section 3. 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 4. 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 5. An offense committed before the effective date of the Ordinance is governed by prior law and the provisions of the City of Lucas Code of Ordinances in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 6. That 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 COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 17th DAY OF DECEMBER 2020.

APPROVED:

Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph J. Gorfida, Jr., City Attorney
(10-__-2020:TM 118798)

Stacy Henderson, City Secretary



City of Lucas

City Council Agenda Request

December 17, 2020

Item No. 04

Requester: City Secretary Stacy Henderson
Assistant to the City Manager Kent Souriyasak
City Attorney Joe Gorfida

Agenda Item Request

Consent Agenda:

- A. Approval of the minutes of the December 3, 2020 City Council meeting.
- B. Approval of the Revocation Amendment between the City of Lucas and the Texas Emergency Services Retirement System (TESRS) terminating the pension system participation contract between the City of Lucas and TESRS effective December 31, 2020 and authorize the City Manager and Fire Chief to execute the Revocation Agreement.
- C. Approving Resolution R 2020-12-00509 suspending the CoServ January 23, 2021 effective date of the requested rate increase allowing time for the City to study the request and to establish reasonable rates; approving cooperation with other cities in the CoServ service area; hiring legal and consulting services to negotiate with CoServ and direct any necessary litigation and appeals.
- D. Approving Resolution R 2020-12-00510 adopting a rate review schedule and rate review mechanism for Atmos Energy Corporation, Mid-Tex Division as a substitution for the annual interim rate adjustment process.

Background Information

Agenda Item 3B:

The City of Lucas has taken final steps in the revocation process to terminate the pension system participation between the City and the Texas Emergency Services Retirement System (TESRS). At the September 8, 2020 Lucas Volunteer Firefighter Pension Board meeting, the Board certified the accuracy of the members, certified the qualified service earned for each current and former member, and completed the Local Board Attestation form that was submitted to the Texas Emergency Services Retirement System (TESRS) to begin the revocation process. At the December 8, 2020 Pension Board meeting, the Board reviewed and certified the final membership reconciliation report provided by TESRS and authorized Jamie Kilpatrick, Vice Chairman, to execute the Revocation Amendment. The City will submit termination forms to TESRS for each member on the report with a termination date of December 31, 2020. The final step of the revocation process would require the City Council to approve the revocation amendment that would constitute the termination of the pension system participation contract between the City and TESRS effective December 31, 2020.

Agenda Item 3C:

On November 13, 2020, CoServ Gas, Ltd. (“CoServ” or “Company”), pursuant to Subchapter C of Chapter 104 of the Gas Utility Regulatory Act, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas (“RRC”) and in all municipalities exercising original jurisdiction within its service area, effective January 23, 2021.

The resolution suspends the January 23, 2021 effective date of the Company’s rate increase for the maximum period permitted by law to allow the City, working in conjunction with other similarly situated cities with original jurisdiction served by CoServ, to evaluate the filing, to determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue. The law provides that a rate request made by cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, CoServ’s rate request is deemed approved.

Agenda Item 3D:

In 2008, Atmos Energy Mid-Tex Division initiated a Rate Review Mechanism (RRM) process, in collaboration with its cities. In March 2018, the cities and Atmos Energy renegotiated and established a new RRM tariff. The RRM is a systematic process collaboratively developed by Atmos Energy (Mid-Tex Division) and the city coalitions, specifying how rates will be set over a specified period of time. Current rate changes for the City have been implemented through the Gas Reliability Infrastructure Program (GRIP). GRIP filings are filed with the Railroad Commission of Texas who review and negotiate on behalf of Environs customers.

As an incorporated City now and upon approval of the RRM tariff, all future rate filings will be made directly with the City of Lucas. Rates will not be adjusted with the City’s approval of the RRM tariff. The RRM tariff simply sets the ground rules for future RRM rate filings.

Attachments/Supporting Documentation

1. Minutes of the December 3, 2020 City Council meeting.
2. TESRS Revocation Amendment
3. CoServ Requested Rate Change Report
4. Resolution R 2020-12-00509 – Suspending CoServ rate increase effective date
5. Resolution R 2020-12-00510 – Atmos Energy Rate Review Mechanism

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
December 3, 2020

City Hall Council Chambers
and by Video Conference Meeting
5:00 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 Tim Johnson
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Debbie Fisher

City Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
City Attorney Joe Gorfida
City Attorney Courtney Morris
Development Services Director Joe Hilbourn

City Councilmembers Absent:

Councilmember Phil Lawrence

This meeting was conducted in person and by video conference.

Mayor Olk called the meeting to order at 5:00 p.m., determined that a quorum was present, and the Pledge of Allegiance was recited.

Executive Session Agenda

1. Executive Session.

The City Council convened into Executive Session at 5:03 pm as permitted under the Texas Government Code, Section 551.074, Personnel Matters, to conduct interviews of Board of Adjustment and Planning and Zoning Commission applicants and discuss appointments.

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

The City Council reconvened from Executive Session at 6:37 pm and the following action was taken:

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Baney to promote Planning and Zoning Commission alternate member Dusty Kuykendall to a regular voting member position, and to move current Board of Adjustment member James Foster to the Planning and Zoning Commission Alternate Member 2 position. The motion passed unanimously by a 6 to 0 vote.

Parks Board Interviews

3. Conduct board applicant interviews for the Parks and Open Space Board and consider appointments.

The following individuals spoke with the City Council regarding Parks Board appointment consideration:

- Laura Giles
- Pam Poteete
- Jaclynn Cauthorn

No new appointments to the Parks and Open Space Board took place during this meeting. Additional interviews will be conducted.

MOTION: A motion was made by Councilmember Baney, seconded by Mayor Pro Tem Peele, made a motion to reappoint existing members David Rhoads, Christel Parish and Tommy DeWitt as regular members to the Parks and Open Space Board for a two-year term to expire December 31, 2022. The motion passed unanimously by a 6 to 0 vote.

MOTION: A motion was made by Mayor Olk, seconded by Councilmember Johnson to reappoint Planning and Zoning Commission regular members Tommy Tolson and Joe Williams and Planning and Zoning Commission alternate member Adam Sussman for a two-year term to expire December 31, 2022. The motion passed unanimously by a 6 to 0 vote.

The City Council took a short break at 6:51 pm.

The City Council reconvened the regular meeting at 7:00 pm.

Citizen Input

4. Citizen Input

There was no citizen input at this meeting.

Community Interest

5. Items of Community Interest

Mayor Olk discussed items of community interest related to:

- Holiday donation drive
- Country Christmas drive-through event scheduled for December 4, 2020
- Passing of Lucas Volunteer Firefighter Pension Board member Larry Bowman

Consent Agenda

6. Consent Agenda:

- A. Approval of the minutes of the November 19, 2020 City Council meeting.
- B. Approval of Ordinance 2020-12-00926 amending the Code of Ordinances by amending Appendix C Fee Schedule, Article 21.000 Parks and Recreation, Paragraph (d) Farmers Market participation fees, that vendors shall pay a participation fee of \$20.00 for each farmers market, except for vendors who reside in the City of Lucas shall be exempt from participation fees.
- C. Approval of Resolution R 2020-12-00503 designating the Allen American as the official newspaper of the City of Lucas for 2021 beginning January 1, 2021 through December 31, 2021.

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

Public Hearing Agenda

7. Public hearing to consider adopting Ordinance 2020-12-00927 amending the City's Code of Ordinances, Chapter 14 Zoning, Article 14.04 Supplementary Regulations, by adding Division 12 Personal Broadband Antenna and Support Structures.

Mayor Olk opened the public hearing at 7:07 pm, the following individuals spoke related to this item.

- Marks Skaggs, 1807 Chatfield, spoke in favor of the request.
- Audrey Young, 2480 South Hendrix, spoke in favor of the request.
- Wayne Millsap, 318 McMillan, spoke regarding the need for additional time to review regulations associated with ownership, tower location, and commercial use of the structures.
- Bryan Howard, Lucas resident, spoke against having towers in residential areas.
- Chad and Aubrey Stock, 1615 Lynne Lane, spoke to aesthetic issues relating to large towers, broad language in the ordinance ensuring it meets legal requirements, and options available for internet.
- Laura Giles, 14 Graham Lane, spoke in favor of the request.
- Josh Mercer, 950 Honeysuckle, spoke in favor of the request.
- Amye Mercer, 950 Honeysuckle, spoke in favor of the request.

Mayor Olk and the City Councilmembers read the following emails into the record:

- Jodi Mejia, 2385 E. Hendrix, stated they were in favor of the request.
- Kenny Corley, 1045, Clove Glen, stated they were in favor of the request.
- Audrey Young, 2480 S. Hendrix, stated they were in favor of the request.
- Amye Mercer, 950 Honeysuckle, stated they were in favor of the request.

- Val Turnbow, 550 Honeysuckle, stated they were in favor of the request.
- Kristen Dailey, 2345 E. Hendrix, stated they were in favor of the request.
- Mark Skaggs, 1807 Chatfield, stated they were in favor of the request.
- Mauri Roach, stated they were in favor of the request.
- Jennie Tissing stated she were in favor of the request.
- Karen Denham, 2085 Claremont, stated they were in favor of the request.
- Deborah and Greg Jacobs, 1415 Ford Lane, stated they were in favor of the request.
- Kenneth Bird, 4 Orchard Road, stated they were in favor of the request.
- Aubrey Stock, 1615 Lynne Lane, spoke to aesthetic issues relating to large towers, broad language in the ordinance ensuring it meets legal requirements, and options available for internet.
- Ryan and Jamie Sharp, 2250 E. Hendrix, stated they were in favor of the request.
- Michelle and Michael Jarboe, 2485 E. Hendrix, stated they were in favor of the request.
- Gregg Gay, Broadmoor Estates, stated he was in favor of the request.
- Mike and Cindy Blasko, 2445 Hendrix, stated they were in favor of the request.
- Karen Hurtt, 2 Orchard, stated she was in favor of the request.
- Rob Broomham, stated he was in favor of the request.
- Rachel Pears stated she was in favor of the request.
- Mohammad Aleem, Creekside Estates Homeowners Association, 2295 E. Hendrix, stated he was in favor of the request.

MOTION: A motion was made by Mayor Olk seconded by Mayor Pro Tem Peele, to table the request to the December 17, 2020 City Council meeting. The motion passed unanimously by a 6 to 0 vote.

8. Public hearing to consider adopting Ordinance 2020-12-00924 amending the City’s Code of Ordinances, Chapter 14 Zoning, Article 14.04 Supplementary Regulations, Section 14.04.038 Driveways, to address driveway culvert installation and design criteria.

Development Services Director Joe Hilbourn gave a presentation regarding the request.

Mayor Olk opened the public hearing at 8:13 pm. There being no one wishing to speak, the public hearing was closed.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Johnson to approve adopting Ordinance 2020-12-00924 amending the City’s Code of Ordinances, Chapter 14 Zoning, Article 14.04 Supplementary Regulations, Section 14.04.038 Driveways, to address driveway culvert installation and design criteria. The motion passed unanimously by a 6 to 0 vote.

Regular Agenda

9. Consider a request by Gouri R. Joshi on behalf of Our Haven Investment Property LLC, to vacate the existing plat of Cameron Estates creating 14 single family lots being all of a 32.80 tract of land situated in the J. Thompson Survey, ABS # 893, located at the northeast corner of the intersection of Snider Lane and Shady Lane.

Development Services Director Joe Hilbourn gave a presentation regarding the request to vacate the plat.

Raja Raheel Khanzada, the applicant, spoke in favor of the request.

MOTION: A motion was made by Councilmember Baney, seconded by Councilmember Duke to approve vacating the existing plat of Cameron Estates creating 14 single family lots being all of a 32.80 tract of land situated in the J. Thompson Survey, ABS # 893, located at the northeast corner of the intersection of Snider Lane and Shady Lane. The motion passed unanimously by a 6 to 0 vote.

10. Consider adopting Ordinance 2020-12-00925 amending the City’s Code of Ordinances, Chapter 10 Stormwater Design Manual, Section J to amend driveway culvert installation and design criteria.

Development Services Director Joe Hilbourn gave a presentation regarding the stormwater design amendments.

MOTION: A motion was made by Councilmember Johnson seconded by Councilmember Fisher to approve adopting Ordinance 2020-12-00925 amending the City’s Code of Ordinances, Chapter 10 Stormwater Design Manual, Section J to amend driveway culvert installation and design criteria. The motion passed unanimously by a 6 to 0 vote.

11. Consider the 2021 Community Special Events Calendar.

City Manager Joni Clarke discussed the 2021 community special events calendar.

MOTION: A motion was made by Councilmember Baney seconded by Councilmember Duke to approve the 2021 community special events calendar. The motion passed unanimously by a 6 to 0 vote.

12. Adjournment.

MOTION: A motion was made by Councilmember Johnson, seconded by Mayor Olk to adjourn the meeting at 8:31pm. The motion passed unanimously by a 6 to 0 vote.

APPROVED:

ATTEST:

Jim Olk, Mayor

Stacy Henderson, City Secretary

Amendment Effective Date:
December 31, 2020

AMENDMENT

**Texas Emergency Services Retirement System and
City of Lucas, Texas
Lucas Fire-Rescue**

The Texas Emergency Services Retirement System (TESRS) and the City of Lucas, Texas (Governing Entity), on behalf of Lucas Fire-Rescue (Department), entered into a Contract January 1, 2001. The parties agree to this amendment of the Contract as described below effective December 31, 2020.

Departmental Revocation of Participation in the Pension System

Effective December 31, 2020, the Department revokes its participation in the pension system in accordance with 34 TAC §304.2, Departmental Revocation of Participation in the Pension System. This amendment constitutes the termination of the pension system participation Contract between TESRS and the City of Lucas, Texas effective December 31, 2020.

- A. As of the effective date of this Amendment, the parties agree that requirements of §304.2(c) below are satisfied:
1. Requirements of §304.2(c)(1) regarding the Notice of Intent;
 2. Requirements of §304.2(c)(2) regarding Local Board Certifications;
 3. In accordance with the requirements of §304.2(c)(3), each current member of the Department who is listed on the roster certified by the Local Board and who has not commenced a retirement benefit prior to December 31, 2020 is fully vested in such member's accrued benefit as of December 31, 2020, regardless of the years of qualified service or age, and such member's accrued benefit shall be nonforfeitable as of December 31, 2020;
 4. Requirements of §304.2(c)(4) regarding the payment by the Governing Entity of all required contributions and the revocation charge have been met.
- B. As of the Effective Date of Revocation, the parties agree to the requirements of §304.2(f) below:
1. The Department is no longer considered a participating department in the pension system;
 2. Additional members of the Department shall not be enrolled in the pension system;
 3. Members of the Department shall not accrue additional qualified service or benefits in connection with the performance of emergency services or support services for the Department; and
 4. The Department and the Governing Entity have no further financial obligations to the pension system, except for outstanding invoices for pension system contributions issued by TESRS prior to December 31, 2020 that have not been paid remain due within 30 days of receipt, if any.
- C. In accordance with §304.2(k), neither the pension system nor the state board, nor any employee of the pension system, including, without limitation, the executive director, shall be liable to any person for any claim of loss of benefits resulting from the revocation of the Department's participation in the pension system.

Amendment Effective Date:
December 31, 2020

D. Execution:

The parties, intending to be legally bound, agree, by the signatures of their duly authorized officers or other representatives, to the terms and conditions set forth in this amendment.

Lucas, Texas

Texas Emergency Services Retirement System

Joni Clarke

Kevin Deiters, Executive Director

Date: _____

Date: _____

Wayne Oberhoff, CPA, Chief Financial Officer


Lucas Fire-Rescue

Date: _____

Ted Stephens, Chief

Date: _____

Local Board



Jamie Kilpatrick, Vice-chairman

Date: 12/18/20

COSERV'S REQUESTED RATE CHANGE REPORT

PURPOSE:

On November 13, 2020, CoServ Gas, Ltd. ("CoServ" or "Company"), pursuant to Subchapter C of Chapter 104 of the Gas Utility Regulatory Act, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas ("RRC") and in all municipalities exercising original jurisdiction within its service area, effective January 23, 2021.

CoServ is seeking to increase its gas rates on a system-wide basis by \$9.6 million per year, and by \$8,113,409 in the incorporated areas. This equates to an increase of 11.6% on total revenues, or 29.0% increase in base rates for the incorporated areas. CoServ is also requesting: (1) Commission approval of depreciation rates for distribution and general plant; (2) a prudence determination for capital investment; (3) a finding that the approvals of the administrative orders by the Gas Services Division of the Commission based on the Accounting Order in Gas Utilities Docket No. 10695 are reasonable and accurate; and (4) a surcharge on customer bills to recover the reasonable rate case expenses associated with the filing of this statement of intent.

The resolution suspends the January 23, 2021 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other similarly situated cities with original jurisdiction served by CoServ, to evaluate the filing, to determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, CoServ's rate request is deemed approved.**

Explanation of "Be It Resolved" Sections:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on CoServ's request to increase rates by January 23, 2021.

Section 2. This provision authorizes the City to participate in a coalition of cities served by CoServ in order to more efficiently represent the interests of the City and their citizens.

Section 3. This section authorizes the hiring of attorney Thomas Brocato and the law firm of Lloyd Gosselink to represent the City in the matters related to CoServ's application to increase its rates.

Section 4. This section authorizes the City's intervention in CoServ's application for approval to increase its rates before the Railroad Commission in Docket No. OS-20-00005136.

Section 5. The Company will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by the coalition of cities will submit monthly invoices that will be forwarded to CoServ for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 6. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 7. This section provides that both CoServ's counsel and counsel for the cities will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.



RESOLUTION NO. R 2020-12-00509

A RESOLUTION OF THE CITY OF LUCAS, TEXAS SUSPENDING THE JANUARY 23, 2021 EFFECTIVE DATE OF COSERV GAS, LTD.’S REQUESTED INCREASE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER CITIES IN THE COSERV GAS, LTD. SERVICE AREA; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; AUTHORIZING INTERVENTION IN DOCKET OS-20-00005136 AT THE RAILROAD COMMISSION; REQUIRING REIMBURSEMENT OF CITIES’ RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about November 13, 2020, CoServ Gas, Ltd. (“CoServ” or “Company”), pursuant to Gas Utility Regulatory Act § 104.102, filed with the City of Lucas (“City”) a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within the Company’s service area, effective January 23, 2021; and

WHEREAS, the City is a gas customer of CoServ and a regulatory authority with exclusive original jurisdiction over the rates and charges of CoServ within the City; and

WHEREAS, it is reasonable for the City of Lucas to cooperate with other similarly situated cities in conducting a review of the Company’s application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, CoServ has filed an application with the Railroad Commission, Docket No. OS-20-00005136 that could become the docket into which appeals of city action on the CoServ filing are consolidated; and

WHEREAS, the Gas Utility Regulatory Act § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

SECTION 1. That the January 23, 2021, effective date of the rate request submitted by CoServ on or about November 13, 2020, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the City is authorized to cooperate with other cities in the CoServ service area to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Railroad Commission.

SECTION 3. That, subject to the right to terminate employment at any time, the City of Lucas hereby authorizes the hiring of Thomas Brocato of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., and consultants to represent the City in all matters associated with the CoServ application to increase rates and appeals thereof.

SECTION 4. That intervention in Railroad Commission Docket No. OS-20-00005136 is authorized.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed by CoServ.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. A copy of this Resolution shall be sent to CoServ, care of Charles Harrell, CoServ Gas, Ltd. 7701 South Stemmons Freeway, Corinth, Texas 76210 (CHarrell@coserv.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this 17th day of December, 2020.

Jim Olk, Mayor, City of Lucas

ATTEST:

Stacy Henderson, City Secretary
City of Lucas

RRM Rate Tariff Atmos Energy – Mid-Tex Division

- In 2008, Atmos Energy Mid-Tex Division initiated a Rate Review Mechanism (RRM) process, in collaboration with its cities. In March 2018, the cities and Atmos Energy renegotiated and established a new RRM tariff.
- The RRM is a systematic process collaboratively developed by Atmos Energy (Mid-Tex Division) and the city coalitions, specifying how rates will be set over a specified period of time.
- Benefits of the RRM process:
 - Suspends Gas Reliability Infrastructure Program (GRIP) filings
 - Avoids costly rate case expenses that would be borne by customers
 - Provides transparent process for annual review of all Company expenses and investment
 - Provides for certain caps and discounts negotiated by your attorneys
 - Limits growth to residential customer charge
- Current rate changes for the City have been implemented through the Gas Reliability Infrastructure Program (GRIP). GRIP filings are filed with the Railroad Commission of Texas who review and negotiate on behalf of Environs customers.
- As an incorporated City now and upon approval of the RRM tariff, all future rate filings will be made directly with the City of Lucas.
- Rates will not be adjusted with the City's approval of the RRM tariff. The RRM tariff simply sets the ground rules for future RRM rate filings.
- The next RRM filing will take place on or before April 1, 2021 with new rates going into effect on October 1, 2021. No action is required by the City.
- Customers will be notified of the RRM filing by bill insert.



RESOLUTION R 2020-12-00510

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY.

WHEREAS, the City of Lucas, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under § 103.001 of GURA has exclusive original jurisdiction over the rates, operations and services of Atmos Mid-Tex within the municipality; and

WHEREAS, the Rate Review Mechanism (“RRM”) Tariff allows for an expedited rate review process to facilitate annual changes in gas utility rates reflective of Atmos Mid-Tex’s annual system-wide cost of providing service; and

WHEREAS, the RRM process permits City review of requested rate changes and provides for a review of Atmos Mid-Tex’s total cost of service on an annual basis; and

WHEREAS, the RRM tariff attached to this Resolution reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos rate cases, G.U.D. No. 10170; and G.U.D. No. 10580;

WHEREAS, the RRM process may avoid costly rate case litigation; and

WHEREAS, the attached Rate Schedule “RRM – Rate Review Mechanism” (“RRM Tariff”) provides for a reasonable expedited rate review process that has been shown to result in just and reasonable gas utility rates; and

WHEREAS, the attached RRM Tariff as a whole is in the public interest;

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

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That the City Council finds that the RRM Tariff, **which is attached hereto and incorporated herein as Attachment A**, is reasonable and in the public interest, and is hereby in force and effect in the City.

Section 3. That to the extent any Ordinance or Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby repealed.

Section 4. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. That if any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 6. That this Resolution shall become effective from and after its passage.

Section 7. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240.

PASSED AND APPROVED this 17th day of December 2020.

Mayor

ATTEST:

City Secretary

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 18

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers within the city limits of cities identified in Exhibit A that receive service from the Mid-Tex Division of Atmos Energy Corporation (“Company”). This Rate Review Mechanism (“RRM”) provides for an annual adjustment to the Company’s Rate Schedules R, C, I and T (“Applicable Rate Schedules”). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

“Test Period” is defined as the twelve months ending December 31 of each preceding calendar year.

The “Effective Date” is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is October 1.

Unless otherwise provided in this tariff the term Final Order refers to the final order issued by the Railroad Commission of Texas in GUD No. 10170 and elements of GUD No. 10580 as specified in Section III below.

The term “System-Wide” means all incorporated and unincorporated areas served by the Company.

“Review Period” is defined as the period from the Filing Date until the Effective Date.

The “Filing Date” is as early as practicable, but no later than April 1 of each year.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service (“COS”) that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The Company may request recovery of its total cost of service but will include schedules showing the computation of any adjustments. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared consistent

ATMOS ENERGY CORPORATION**MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 19

with the rate making treatments approved in the Final Order. Incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) related to Atmos' Shared Services Unit will be applied consistent with treatment approved in GUD 10580. Additionally, O&M adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order in GUD 10580.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order. Additionally, if depreciation rates are approved in a subsequent final order, not subject to appeal, issued by the Railroad Commission of Texas for the Mid-Tex division those rates would be applicable for subsequent RRM filings.

RI = return on prudently incurred investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, and as in GUD 10580 as specifically related to capitalized incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) for Atmos' Shared Services Unit. However, no post Test Period adjustments will be permitted. Additionally, adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes that have occurred prior to the filing date) and the return on equity of 9.8%. However, in no event will the percentage of equity exceed 58%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension and other

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 20

postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order. Atmos Energy shall comprehensively account for, including establishing a regulatory liability to account for, any statutory change in tax expense that is applicable to months during the Test Period in the calculation to ensure recovery of tax expense under new and old income tax rates.

CD = interest on customer deposits.

IV. Annual Rate Adjustment

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 50% of the increase may be recovered in the customer charge. However, the increase to the Residential customer charge shall not exceed \$0.60 per month in the initial filing and \$0.70 per month in any subsequent year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within twenty (20) calendar days after the Filing Date.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 21

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non-recurring items included in the filing.

VI. Evaluation Procedures

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on October 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by September 30, the rates proposed in the Company's filing shall be deemed approved effective October 1. Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by September 30, the rates finally approved by the regulatory authority shall be deemed effective as of October 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than December 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before December 31 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

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VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment can be obtained.

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Exhibit A

ACSC Cities

Abilene	Cleburne	Frost	Lancaster
Addison	Clyde	Gainesville	Lavon
Albany	College Station	Garland	Lewisville
Allen	Colleyville	Garret	Little Elm
Alvarado	Colorado City	Georgetown	Lorena
Angus	Comanche	Glenn Heights	Madisonville
Anna	Coolidge	Grand Prairie	Malakoff
Argyle	Coppell	Grapevine	Mansfield
Arlington	Corinth	Gunter	McKinney
Aubrey	Crandall	Haltom City	Melissa
Azle	Cross Roads	Harker Heights	Mesquite
Bedford	Crowley	Haskell	Midlothian
	Dalworthington		
Bellmead	Gardens	Haslet	Murphy
Benbrook	Denison	Hewitt	Newark
Beverly Hills	Denton	Highland Park	Nocona
Blossom	Desoto	Highland Village	North Richland Hills
	Draper aka Corral		
Blue Ridge	City	Honey Grove	Northlake
Bowie	Duncanville	Hurst	Oak Leaf
Boyd	Early	Hutto	Ovilla
Bridgeport	Eastland	Iowa Park	Palestine
Brownwood	Edgecliff Village	Irving	Pantego
Bryan	Emory	Justin	Paris
Buffalo	Ennis	Kaufman	Parker
Burkburnett	Eules	Keene	Pecan Hill
Burleson	Everman	Keller	Plano
Caddo Mills	Fairview	Kemp	Ponder
Canton	Farmers Branch	Kennedale	Pottsboro
Carrollton	Farmersville	Kerens	Prosper
Cedar Hill	Fate	Kerrville	Quitman
Celeste	Flower Mound	Killeen	Red Oak
Celina	Forest Hill	Krum	Reno (Parker County)
Centerville	Forney	Lake Dallas	Rhome
Cisco	Fort Worth	Lake Worth	Richardson
Clarksville	Frisco	Lakeside	Richland

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ACSC Cities (Continued)

Richland Hills	Sansom Park	Temple	Waxahachie
River Oaks	Seagoville	Terrell	Westlake
Roanoke	Sherman	The Colony	Westover Hills
Robinson	Snyder	Trophy Club	Westworth Village
Rockwall	Southlake	Tyler	White Settlement
Roscoe	Springtown	University Park	Whitesboro
Rowlett	Stamford	Venus	Wichita Falls
Royse City	Stephenville	Vernon	Woodway
Sachse	Sulphur Springs	Waco	Wylie
Saginaw	Sweetwater	Watauga	

Non-Coalition Cities

Abbott	Bremond	Decatur	Hearne
Alba	Bronte	Deleon	Hebron
Alma	Brownsboro	Deport	Holland
Alvord	Bruceville-Eddy	Detroit	Holliday
Annona	Buckholts	Dodd City	Howe
Anson	Buffalo Gap	Double Oak	Hubbard
Archer City	Byers	Dublin	Hutchins
Athens	Caldwell	Ector	Impact
Aurora	Calvert	Edom	Iredell
Avery	Campbell	Emhouse	Italy
Baird	Carbon	Eustace	Itasca
Ballinger	Cashion Community	Evant	Jewett
Bangs	Chandler	Fairfield	Josephine
Bardwell	Chico	Ferris	Joshua
Barry	Childress	Franklin	Knollwood
Bartlett	Chillicothe	Frankston	Knox City
Bartonville	Cockrell Hill	Glen Rose	Kosse
Bellevue	Coleman	Godley	Kurten
Bells	Collinsville	Goodlow	Lacy-Lakeview
Benjamin	Como	Gordon	Ladonia
Bertram	Cooper	Goree	Lakeport
Blackwell	Copper Canyon	Gorman	Lawn
Blanket	Covington	Grandview	Leona
Blue Mound	Coyote Flats	Granger	Leonard
Blum	Crawford	Gustine	Lexington
Bogata	Cumby	Hamlin	Lindsay
Bonham	Dawson	Hawley	Lipan

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Non-Coalition Cities (Continued)

Little River			
Academy	Nevada	Roby	Thorndale
Llano	New Chapel Hill	Rochester	Thornton
Lometa	Newcastle	Rosebud	Thrall
Lone Oak	Nolanville	Ross	Throckmorton
Loraine	Normangee	Rotan	Tioga
Lott	Novice	Roxton	Toco
Lucas	Oak Point	Rule	Tom Bean
Lueders	Oakwood	Runaway Bay	Trent
Mabank	O'Brien Co-Op Gin	Sadler	Trenton
Malone	Oglesby	Saint Jo	Troy
Manor	Palmer	San Saba	Tuscola
Marlin	Paradise	Sanctuary	Tye
Maypearl	Pecan Gap	Santa Anna	Valley Mills
McGregor	Penelope	Savoy	Valley View
McLendon- Chisholm	Petrolia	Scurry	Van Alstyne
Megargel	Pilot Point	Seymour	Walnut Springs
Meridian	Pleasant Valley	Shady Shores	Weinert
Merkel	Post Oak Bend	South Mountain	West
Midway	Powell	Southmayd	Whitehouse
Miles	Poyner	Stockton Bend	Whitewright
Milford	Putnam	Strawn	Wilmer
Millsap	Quanah	Streetman	Windom
Mobile City	Quinlan	Sun Valley	Winters
Moody	Ravenna	Sunnyvale	Wixon Valley
	Reno (Lamar County)	Talty	Wolfe City
Moran	Retreat	Taylor	Wortham
Muenster	Rio Vista	Teague	Yantis
Munday	Robert Lee	Tehuacana	
Murchison			



City of Lucas City Council Agenda Request December 17, 2020

Item No. 05

Requester: City Council

Agenda Item Request

Consider appointments to the Parks and Open Space Board and Board of Adjustments for two-year terms beginning January 2021 through December 31, 2022.

Background Information

Appointments of new and existing board members to the Planning and Zoning Commission took place at the December 3, 2020 City Council meeting, as well as appointments of existing board members to the Parks and Open Space Board.

The table below outlines the appointment status on the Board of Adjustments and Parks and Open Space Board.

Board of Adjustments Appointment Consideration/Vacancies	
Ron Poteete, Existing Board Member	Term expiring, would like to be considered for appointment
Brenda Rizos, Alternate 1, Existing Board Member	Term expiring, would like to be considered for appointment
Brian Blythe, Existing Board Member	Does not want to be considered for appointment (Position vacant as of 1/1/21)
Regular Member Position (<i>Foster</i>)	Vacant
Parks and Open Space Board Vacancies	
Alternate Member Position 1	Vacant
Alternate Member Position 2	Vacant

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA



City of Lucas
City Council Agenda Request
December 17, 2020

Motion

I make a motion to appoint the following individuals to the Board of Adjustments:

- 1.
- 2.
- 3.
- 4.

I make a motion to appoint the following individuals to the Parks and Open Space Board:

- 1.
- 2.



City of Lucas City Council Agenda Request December 17, 2020

Item No. 06

Requestor: Mayor Jim Olk

Agenda Item Request

Discussion and consideration of amendment(s) to the Home Rule Charter as they relate to term limits for City Council, Boards and Commissions.

Background Information

Mayor Olk asked that this item be placed on the agenda at the request of a citizen during the November 19, 2020 City Council meeting.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas City Council Agenda Request December 17, 2020

Item No. 07

Requestor: Councilmember Phil Lawrence

Agenda Item Request

Discussion regarding COVID-19 prevention practices and testing alternatives.

Background Information

Councilmember Lawrence recently attended a COVID-19 conference and will share his insights from the event.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas City Council Agenda Request December 17, 2020

Requestor: Mayor Jim Olk

Agenda Item Request

Executive Session.

The City Council will convene into Executive Session as permitted under the Texas Government Code, Section 551.074, Personnel Matters, to discuss appointments to the Board of Adjustments.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

December 17, 2020

Item No. 09

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