



## **AGENDA**

### **City of Lucas City Council Meeting January 21, 2021**

**5:30 PM – Photographs**

**6:30 PM – Executive Session**

**7:00 PM – Regular Meeting**

**City Hall, Council Chambers  
and 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, January 21, 2021 with City Council photographs being taken at 5:30 pm, Executive Session at 6:30 pm and the regular meeting beginning at 7:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651 and by video conference, 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. In order to practice safe distancing, Lucas City Council meetings will be open to on-site visitors in a limited capacity of 15 audience members. City Council meetings will also be available through Zoom Webinar from your computer or smartphone. To join the meeting, please click this URL:

<https://zoom.us/j/98873735058?pwd=U2RsS1dkU29VbGRReEEyN11EL01pZz09> and enter your name and email address.

To join by phone: 1-346-248-7799

Webinar ID: 988 7373 5058

Passcode: 743431

If you would like to watch the meeting live, and not participate via Zoom, you may go to the City's live streaming link at <https://www.lucastexas.us/live-streaming-videos/>.

If the public desires to speak during a specific agenda item, they must email [shenderson@lucastexas.us](mailto: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. You may also communicate and send your comments to the City Councilmembers directly by emailing [citycouncil@lucastexas.us](mailto:citycouncil@lucastexas.us).

## **City Council Photographs - 5:30 pm**

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A possible quorum of the Lucas City Council will be present at 5:30 pm to take individual and group photographs, no official City business will be transacted during this event.

## **Call to Order for Executive Session Agenda – 6:30 pm**

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- Roll Call
  - Determination of Quorum
  - Pledge of Allegiance
1. 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.
  2. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.

## **Regular Meeting to Begin – 7:00 pm**

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The regular meeting portion of the City Council Agenda will begin at 7:00 pm.

## **Citizen Input**

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3. Citizen Input

## **Community Interest**

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*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.*

4. Items of Community Interest
  - A. Discuss pending legislation that is being considered by the 87th Legislature and provide guidance to City Staff and City Attorney.

## **Public Hearing Agenda**

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5. Continuation of a public hearing to consider adopting Ordinance 2021-01-00928 approving the request by Lucas Christian Academy to amend an existing specific use permit to allow a sports pavilion on a 15.875-acre tract of land in the Lucas Christian Church Addition, Blk A, Lot 1, situated in the City of Lucas, Collin County, Texas located at 505 West Lucas Road. **(Development Services Director Joe Hilbourn)**
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing that was continued from the January 7, 2021 City Council meeting
  - C. Take action on the specific use permit request

## **Consent Agenda**

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*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.*

6. Consent Agenda:
  - A. Approval of the minutes of the December 17, 2020 City Council meeting. **(City Secretary Stacy Henderson)**
  - B. Approval of the minutes of the December 21, 2020 special City Council meeting. **(City Secretary Stacy Henderson)**
  - C. Approval of the minutes of the January 7, 2021 City Council meeting. **(City Secretary Stacy Henderson)**
  - D. Approval of Resolution R 2021-01-00511 disbanding the Lucas Volunteer Firefighter Pension Board. **(Assistant to the City Manager Kent Souriyasak)**
  - E. Approval of Ordinance 2021-01-00929 ordering a General Election to be held on May 1, 2021, for the purpose of electing two (2) City Councilmembers for Seat No. 3 and Seat No. 4, and the position of Mayor; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement; and providing for an effective date. **(City Secretary Stacy Henderson)**
  - F. Approval of Ordinance 2021-01-00930 ordering a Special Election to be held on May 1, 2021, for the purpose of submitting propositions to the qualified voters of the City for the purpose of submitting proposed amendments to the City Home Rule Charter; providing for the publication and posting of notice; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement; and providing for an effective date. **(City Secretary Stacy Henderson)**

## **Regular Agenda**

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7. Discuss and provide information on ranking and scoring of the Statement of Qualifications received from the Request for Qualifications (#023-20) for engineering consulting services for West Lucas Road from Angel Parkway to Country Club Road. **(City Engineer Stanton Foerster)**
8. 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)**
9. Consider nominations for the 2021 Service Tree Award Program. **(Service Tree Committee, City Council)**
10. Consider the formation of an Event Auxiliary Committee under the Parks and Open Space Board. **(Councilmember Debbie Fisher)**
11. Review and consider amending Resolution R-2013-05-00397 by amending Section II regarding Agenda Preparation. **(Mayor Pro Tem Peele)**

12. Adjournment.

### **Certification**

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*I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at [www.lucastexas.us](http://www.lucastexas.us) on or before 5:00 p.m. on January 14, 2021.*

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*Stacy Henderson, City Secretary*

*In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to City Secretary Stacy Henderson at 972.912.1211 or by email at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) at least 48 hours prior to the meeting.*





# City of Lucas City Council Agenda Request January 21, 2021

Requestor: Mayor Jim Olk

## **Agenda Item Request**

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### **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**

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NA

## **Attachments/Supporting Documentation**

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NA

## **Budget/Financial Impact**

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NA

## **Recommendation**

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NA

## **Motion**

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NA



# City of Lucas City Council Agenda Request January 21, 2021

Item No. 02

Requester: Mayor Jim Olk

## **Agenda Item Request**

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

## **Background Information**

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NA

## **Attachments/Supporting Documentation**

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NA

## **Budget/Financial Impact**

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NA

## **Recommendation**

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NA

## **Motion**

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NA



# City of Lucas

## City Council Agenda Request

### January 21, 2021

Requester: Mayor Jim Olk

#### **Agenda Item Request**

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Citizen Input

#### **Background Information**

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NA

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

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NA

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

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas

## City Council Agenda Request

### January 21, 2021

Requester: Mayor Jim Olk

#### **Agenda Item Request**

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Items of Community Interest.

- A. Discuss pending legislation that is being considered by the 87th Legislature and provide guidance to City Staff and City Attorney.

#### **Background Information**

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NA

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

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NA

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

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NA

#### **Recommendation**

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NA

#### **Motion**

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NA



# City of Lucas Council Agenda Request January 21, 2021

Item No. 05

Requester: Development Services Director Joe Hilbourn

## **Agenda Item Request**

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Continuation of a public hearing to consider adopting Ordinance 2021-01-00928 approving the request by Lucas Christian Academy to amend an existing specific use permit to allow a sports pavilion on a 15.875-acre tract of land in the Lucas Christian Church Addition, Blk A, Lot 1, situated in the City of Lucas, Collin County, Texas located at 505 West Lucas Road.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing that was continued from the January 7, 2021 City Council meeting.
- C. Take action on the specific use permit request

## **Background Information**

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Lucas Christian Academy is requesting to amend the current specific use permit to add a sports pavilion. Lucas Christian Academy currently has two existing specific use permits that were granted in 2009 and 2011. Each specific use permit states the following:

- 1. There shall be no additional structures, temporary or permanent, situated, located, constructed or erected on the Property, other than those that currently exist as of the effective date of this Ordinance and those that are depicted on the site plan attached as Exhibit "B".

## **Attachments/Supporting Documentation**

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- 1. Public notice
- 2. Conceptual Rendering
- 3. Survey
- 4. Proposed Site Plan
- 5. Ordinance 2009-06-00648 granting 2009 specific use permit
- 6. Ordinance 2011-04-00679 granting 2011 specific use permit
- 7. Proposed Ordinance 2021-01-00928 granting the sports pavilion
- 8. Timeline of approvals for Lucas Christian Academy including the Master Plan presentation from 2011.

## **Budget/Financial Impact**

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NA



# City of Lucas Council Agenda Request January 21, 2021

Item No. 05

## **Recommendation**

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The Planning and Zoning Commission approved this request unanimously with the following conditions:

- Sports pavilion can be used by Lucas Christian Academy only, the pavilion cannot be leased
- Pavilion may operate from 8:00 am to 7:00 pm
- No exterior lights allowed on the pavilion
- No amplified sound system in the pavilion
- No lighting can be placed around the pavilion that would create a glare, downcast lighting must be used inside the pavilion

## **Motion**

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I make a motion to approve/deny adopting Ordinance 2021-01-00928 approving the request by Lucas Christian Academy to amend an existing specific use permit to allow a sports pavilion on a 15.875-acre tract of land in the Lucas Christian Church Addition, Blk A, Lot 1, situated in the City of Lucas, Collin County, Texas located at 505 West Lucas Road.



## 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, December 10, 2020 at 7:00 p.m. and City Council will conduct a second public hearing on Thursday, January 7, 2021 at 7:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider amending an existing SUP to add a sports pavilion more particularly described as follows:

Bill Thomas representing Lucas Christian Academy is requesting an amendment to an existing SUP for Lucas Christian Academy to permit a sports Pavilion on a parcel of land located in the Lucas Christian Church Addition, Blk A, Lot 1, being all of a 15.8750 Acre tract of land, otherwise known as 505 West Lucas Road, Lucas, Texas, 75002.

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](mailto: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](mailto:jhilbourn@lucastexas.us)





DISCLAIMER:  
"RENDERING ON THIS SHEET MAY NOT REPRESENT THE MOST CURRENT DESIGN"  
"THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION"







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"THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION"





F.M. Highway No. 1378  
(a called 90' right-of-way)

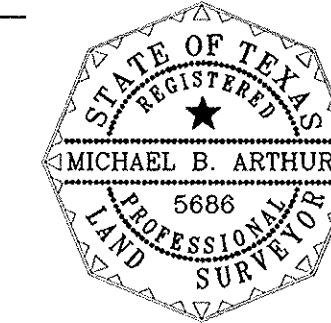
2009060910001430 06/09/2009 09:28:13 AM PL 1/1

**SURVEYOR'S CERTIFICATE**

**KNOW ALL MEN BY THESE PRESENTS:**

THAT I, MICHAEL B. ARTHUR, do hereby certify that I prepared this plat from an actual on-the-ground survey of the above described property, and that the corner monuments shown hereon were found or were property placed under my personal supervision in accordance with the Plotting Rules and Regulations of the City of McKinney, Collin County, Texas.

Michael B. Arthur  
Registered Professional Land Surveyor  
Texas Registration No. 5686



Date: 5-28-09

**OWNER'S CERTIFICATE**

COUNTY OF COLLIN X  
STATE OF TEXAS X

WHEREAS, Lucas Christian Church is the owner of a tract of land situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas and being all of those tracts of land described by deed to Lucas Christian Church as recorded in Volume 514, Page 106; Volume 658, Page 310 and Volume 4912, Page 2155, of the Deed Records of Collin County, Texas (D.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the southerly monumented line of F.M. Highway No. 1378 and also being the northeasterly corner of a tract of land described by deed to Gus Gibson, Jr. and Walter G. Bedell, as recorded in Volume 1889, Page 283, D.R.C.C.T.;

THENCE along said southerly monumented line of F.M. Highway No. 1378, the following courses and distances:

North 87°41'26" East, a distance of 454.84' to a point for corner from which an old concrete monument found bears, North 04°16'01" West, a distance of 0.73';

South 89°57'00" East, a distance of 303.67' to a 1/2" iron rod found at the northwesterly corner of a tract of land described by deed to the Town of Lucas, as recorded in Volume 753, Page 89, D.R.C.C.T.;

THENCE South 02°51'01" East, partly along the westerly line of said Town of Lucas tract and also partly along the westerly line of PRADO VERDE ESTATES, as recorded in Volume 10, Page 31, D.R.C.C.T., as distance of 1273.67' to a 3/8" iron rod found at the southwesterly corner of said PRADO VERDE ESTATES, some being the northwesterly corner of a tract of land described by deed to Helga Kudron and Patricia Gibrelth, as recorded in Volume 5465, Page 4694, D.R.C.C.T., said corner also being the northeasterly corner of Lot 3 of HI FLYIN' ACRES, as recorded in Cabinet J, Page 929, of the Map Records of Collin County, Texas;

THENCE South 87°36'17" West, along the northerly line of said Lot 3, a distance of 759.20' to a 5/8" iron rod found for corner, said corner being the southeasterly corner of the aforementioned Gibson/Bedell tract;

THENCE North 02°48'08" West, along the easterly line of said Gibson/Bedell tract, a distance of 1287.30' to the POINT OF BEGINNING and containing 22.366 acres of land, more or less.

COUNTY OF COLLIN X  
STATE OF TEXAS X

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared MICHAEL B. ARTHUR, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the 28th day of May, 2009.

Kellie Everhart Maynard  
NOTARY PUBLIC in and for the State of Texas



COUNTY OF COLLIN X  
STATE OF TEXAS X

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That we, LUCAS CHRISTIAN CHURCH, Owner, do hereby bind themselves and their heirs, assignees and successors of the title this plat designating the hereinabove described property as LUCAS CHRISTIAN CHURCH ADDITION, an Amending Plat to the City of Lucas, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity of any line of procuring the permission of anyone. Additionally we certify that we are the sole owner of the dedicated property and that no other's interest are attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat. This plat approved subject to all plotting ordinances, rules and regulations and resolutions of the City of Lucas, Texas.

Witness our hands at Lucas, Texas, this the 28th day of May, 2009.

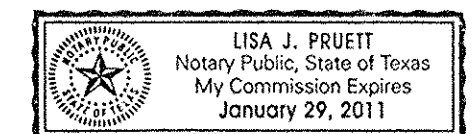
John Taylor - Associate Pastor

COUNTY OF COLLIN X  
STATE OF TEXAS X

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared John Taylor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is his act and deed in the capacity therein stated and for the purposes therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the 28th day of May, 2009.

Lisa Pruitt  
NOTARY PUBLIC in and for the State of Texas



**CITY APPROVAL CERTIFICATE**

This plat is hereby approved by the Director of Planning and Community Development of the City of Lucas, Texas, in accordance with the Lucas Development Code, Review and Approval Procedures.

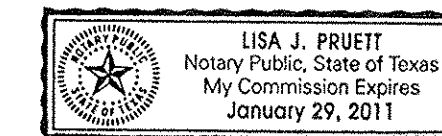
Sara Cudecc  
Director of Planning and Community Development

5-29-09  
Date

ATTEST:  
Lisa Pruitt  
Signature

5/29/09  
Date

Lisa Pruitt Office Coordinator  
Printed Name and Title



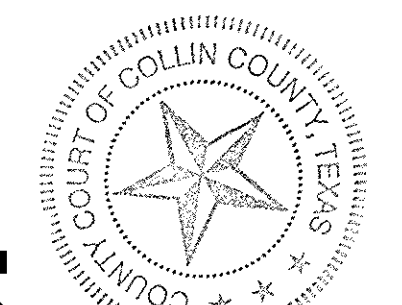
The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Lucas Development Code and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his approval is required.

Sara Cudecc  
Director of Public Works

5-29-09  
Date

Filed and Recorded  
Official Public Records  
Stacey Kame, County Clerk  
Collin County, TEXAS  
06/09/2009 09:28:13 AM  
221.00 \$9999  
2009060910001430

2009-224  
Sara Cudecc



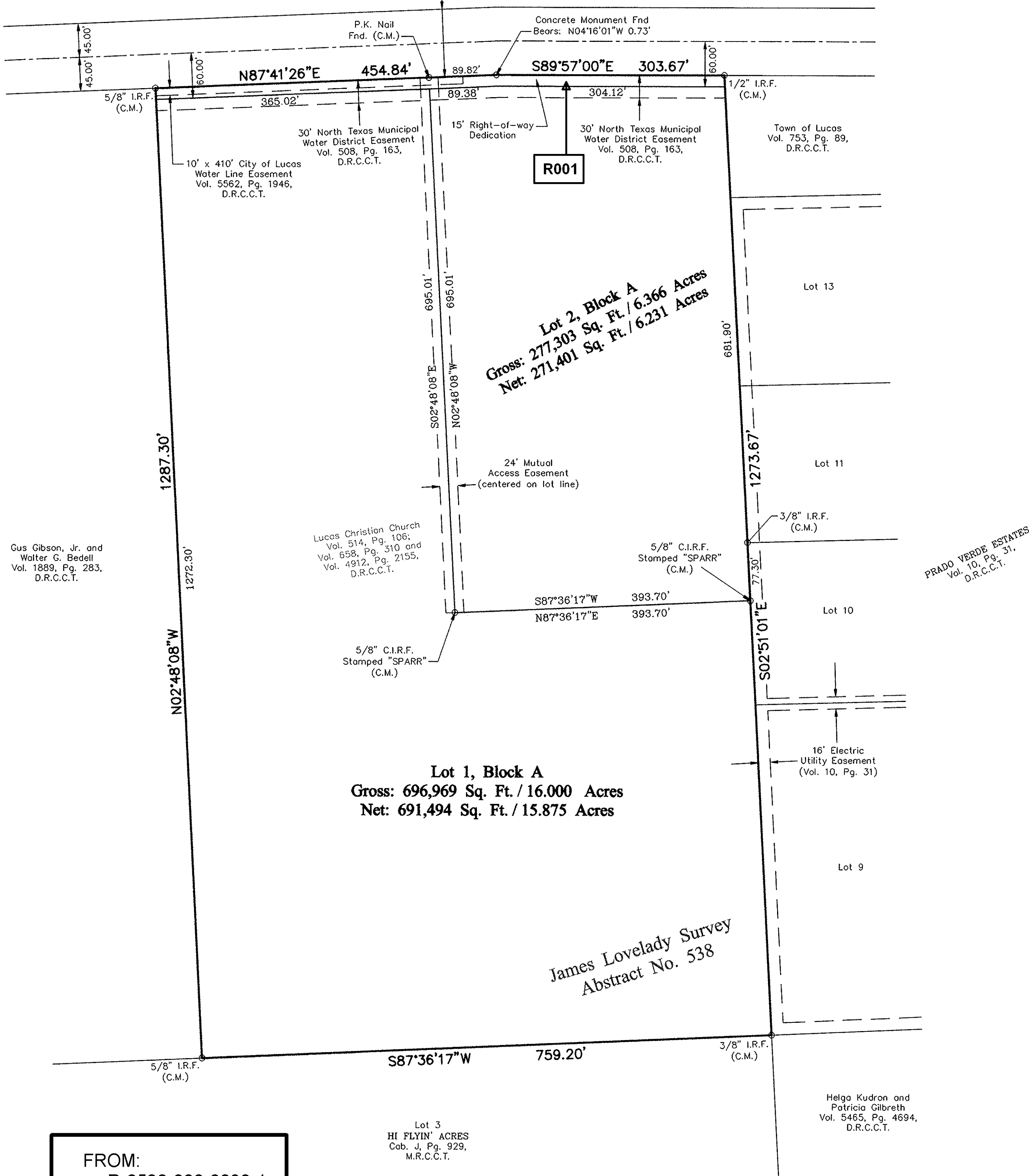
S9765

LUCAS CHRISTIAN CHURCH ADDITION  
AMENDING PLAT  
LOTS 1 and 2, BLOCK A

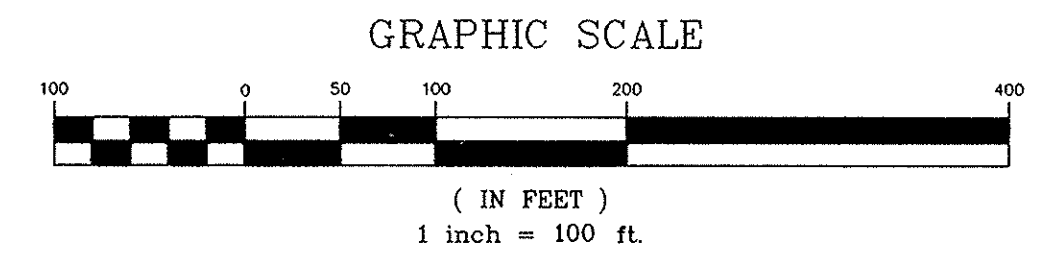
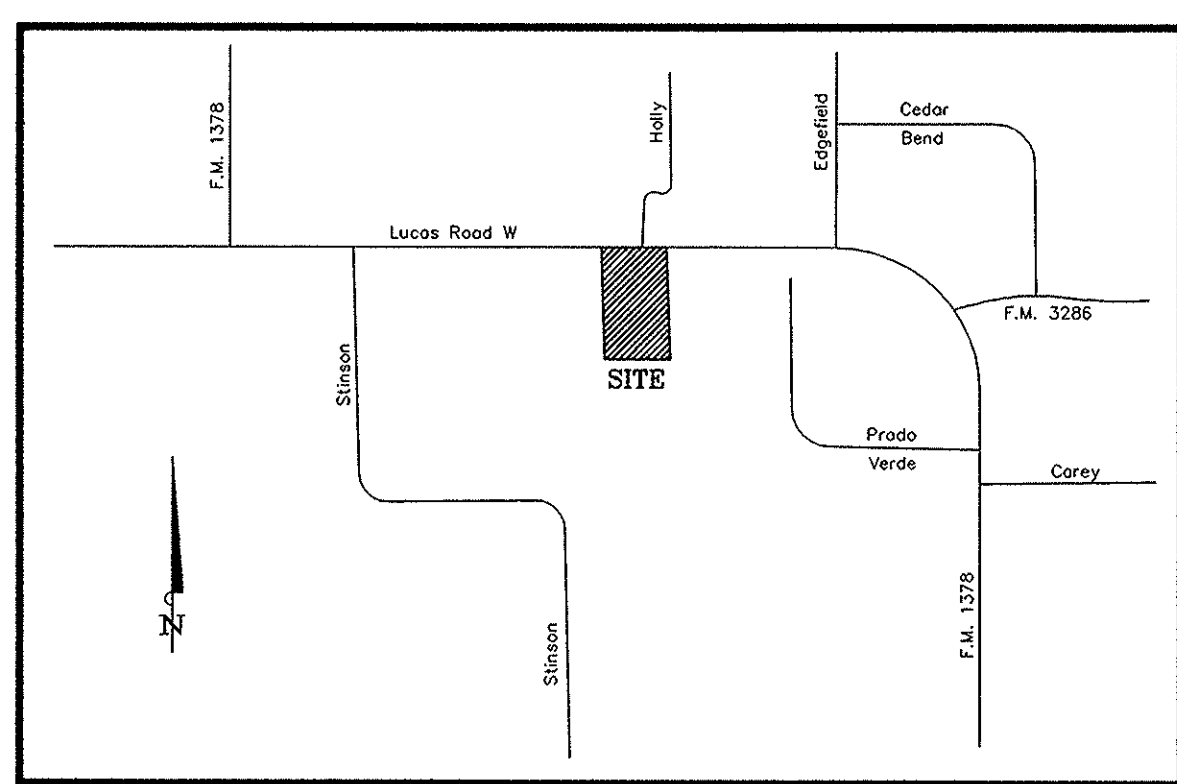
974,272 Sq. Ft. / 22.366 Acres

in the  
James Lovelady Survey ~ Abstract No. 538  
in the  
City of Lucas, Collin County, Texas

Date: May, 2009 Scale: 1" = 100'

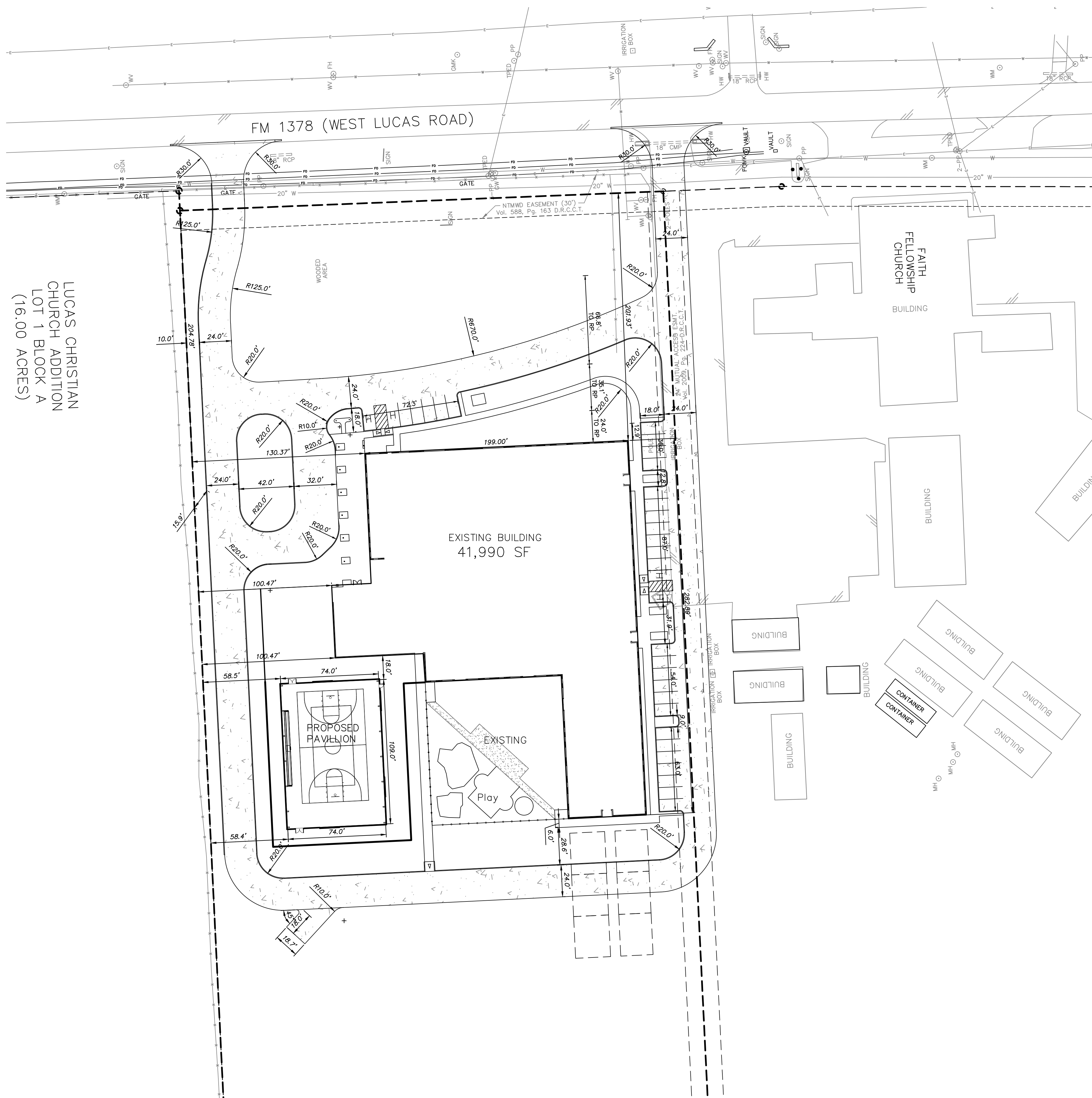


FROM:  
R-6538-000-0690-1  
R-6538-000-0160-1  
R-6538-000-0150-1  
FOR TAX YEAR 2010

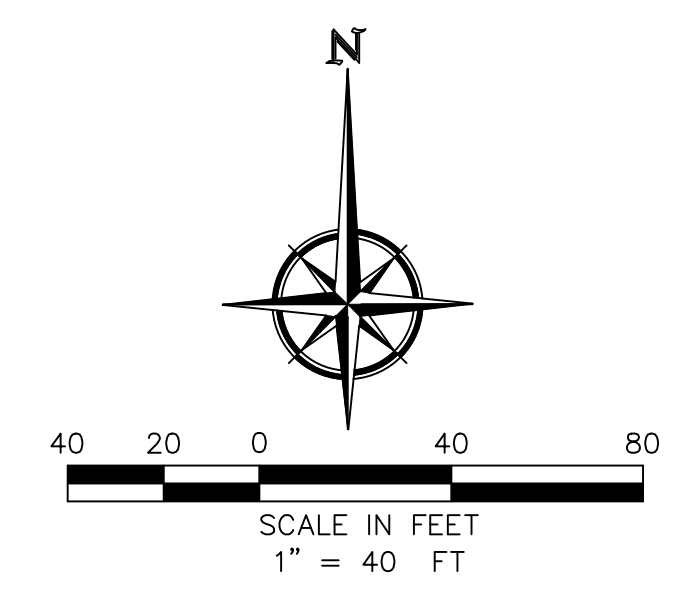


- NOTES:**
- 1.) Bearings are based on assuming S89°57'00"E along the southerly right-of-way line of F.H. Highway No. 1378.
  - 2.) All lots comply with the minimum zoning requirements for the City of McKinney.
  - 3.) According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 48085C0455 G, Map Revised January 19, 1996, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 500-year flood plain."
  - 4.) The purpose of this Amending Plat is to split the Lucas Christian Church property into two lots.
  - 5.) All lot corners are marked with a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686", unless otherwise noted.

Surveyor:  
North Texas Surveying, LLC  
1515 South McDonald St. Suite 110  
McKinney, Texas 75069  
(469) 424-2074  
www.northtexasurveying.com



LUCAS CHRISTIAN  
CHURCH ADDITION  
LOT 1 BLOCK A  
(16.00 ACRES)



ENGINEERING / PROJECT MANAGEMENT /  
CONSTRUCTION SERVICES - FIRM REG. #F-001145  
201 WINDCO CIR, STE 200, WYLIE, TX 75098  
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

REVISIONS:	
DRAWN: TONY	DATE: November 9, 2020
CHECKED: TW	DATE:
PROJECT NO.: 08350	
DWG FILE NAME:	

**SUP SITE PLAN**  
LUCAS CHRISTIAN ACADEMY - PHASE ONE  
505 WEST LUCAS ROAD  
LUCAS CHRISTIAN ACADEMY NEW SCHOOL BUILDING  
CITY OF LUCAS, COLLIN COUNTY, TEXAS

SHEET  
**1**  
OF  
**1**



<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input checked="" type="checkbox"/>	Code of Ordinances
<input type="checkbox"/>	Other

**ORDINANCE # 2009-06-00648**  
**[Lucas Christian Church SUP]**

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, TEXAS, TO GRANT A SPECIFIC USE PERMIT FOR THE OPERATION OF A CHURCH AND SCHOOL FACILITY FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, A TRACT OF LAND IN THE CITY OF LUCAS, TEXAS LOCATED AT 415 WEST LUCAS ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Lucas, Texas, and the governing body of the City of Lucas, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Lucas is of the opinion that said zoning ordinance should be amended as provided herein;

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

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, be and the same are hereby amended, to grant a change in zoning to grant a Special Use Permit to allow the use, construction, expansion, renovation, and operation of a church and place of worship and ancillary located at 415 West Lucas Road and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the above-described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Lucas as heretofore amended, and the regulations imposed within the R2 Single Family District, subject to the following conditions:

1. The Property may be used as a church and for religious worship and ancillary related uses and purposes, including but not limited to a private school operated by the Lucas Christian Church d/b/a Faith Fellowship;
2. The development of the property shall be in accordance with the site plan, a copy of which is attached hereto as Exhibit "B" and made a part hereof for all purposes;
3. There shall be no additional structures, temporary or permanent, situated, located, constructed or erected on the Property, other than those that currently exist as of the effective date of this Ordinance and those that are depicted on the site plan attached as Exhibit "B"; and
5. This Specific Use Permit is granted to the Lucas Christian Church d/b/a Faith Fellowship and shall be for a period of five (5) years or and from the effective date hereof, after which time it shall automatically terminate. Upon termination, no use or structure shall be grandfathered or considered or deemed to be a lawful nonconforming use or structure. The applicant/owner may, at any time prior to expiration of this Specific Use Permit, apply for a new Specific Use Permit and/or an extension hereof, in conjunction with the submission of a permanent master site plan.

**SECTION 3.** That should any section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, the Comprehensive Zoning Ordinance, or the Code of Ordinances as an entirety, it being the legislative intent that the provisions of this ordinance are severable and that the ordinance shall continue in effect notwithstanding the invalidity of such section, sentence, clause, or phrase.

**SECTION 4.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

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


**DULY ADOPTED AND APPROVED** by the City Council of the City of Lucas, Texas, this the 4<sup>th</sup> day of June, 2009.

APPROVED:

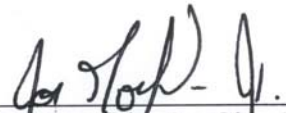


  
\_\_\_\_\_  
Bill Carmickle, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy Wingo, TRMC, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Joe Gorfida, Jr., City Attorney  
(JJG/cgo/03-31-09/35976)



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**Lucas Christian Church and Lucas Christian Academy  
415 W. Lucas Road**

**A0538 LOVELADY, JAS, TRACT 16, ACRES 2.3340,  
A0538 LOVELADY, JAS, TRACT 15, ACRES 2.8000,  
A0538 LOVELADY, JAS, TRACT 69, ACRES 17.232**



EXHIBIT "B"

# Lucas Christian Church

Site Plan 2009



<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input type="checkbox"/>	Code of Ordinances
<input checked="" type="checkbox"/>	Other

**ORDINANCE # 2011-04-00679**  
**[Specific Use Permit for 505 West Lucas Road]**

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT WITH SPECIAL CONDITIONS FOR THE OPERATION OF A PRIVATE SCHOOL FACILITY KNOWN AS LUCAS CHRISTIAN ACADEMY FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO, A TRACT OF LAND IN THE CITY OF LUCAS, TEXAS, LOCATED AT 505 WEST LUCAS ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Lucas, Texas, and the governing body of the City of Lucas, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Lucas is of the opinion that said zoning ordinance should be amended as provided herein;

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

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, be and the same are hereby amended, to grant a change in zoning to grant a Special Use Permit to allow the operation of a private school facility (Grade K-12) known as "Lucas Christian Academy" located at 505 West Lucas Road and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the above-described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Lucas as heretofore amended, and the regulations imposed within the R2 Single Family District, subject to the following conditions:

1. The Property may be used for a private school grades K-12 d/b/a as Lucas Christian Academy;

2. The development of the property shall be in accordance with the site plan, a copy of which is attached hereto as Exhibit "B" and made a part hereof for all purposes;
3. There shall be no additional structures, temporary or permanent, situated, located, constructed or erected on the Property, other than those that are depicted on the site plan attached as Exhibit "B";
4. The hours of operation for the campus shall be Monday through Saturday from 7:30 a.m. – 10 p.m.
5. Exterior field lighting shall be restricted to Tuesdays and Thursdays until 9 p.m.; Fridays and Saturdays until 10 p.m. Field lighting is not permitted at any other time.
6. A right turn lane and/or left turn lane shall be constructed on West Lucas Rd. if it is determined through a traffic study completed by the City that one or both are necessary.
7. An earthen berm with a minimum height of 5 feet or live evergreen landscape screening to a minimum of 5 feet shall be constructed on the rear parking lot prior to the completion of the parking lot.

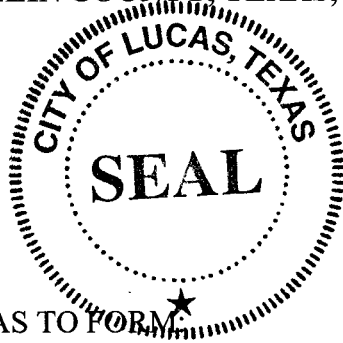
**SECTION 3.** That should any section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, the Comprehensive Zoning Ordinance, or the Code of Ordinances as an entirety, it being the legislative intent that the provisions of this ordinance are severable and that the ordinance shall continue in effect notwithstanding the invalidity of such section, sentence, clause, or phrase.

**SECTION 4.** That all provisions of the ordinances of the City of Lucas in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Lucas not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED AND APPROVED BY THE CITY COUNSEL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ON THIS 21<sup>st</sup> DAY OF APRIL, 2011.**



APPROVED:

Rebecca Mark, Mayor

APPROVED AS TO FORM

ATTEST:

Joe Gorfida, Jr., City Attorney  
(JG/04-20-11/49040)

Kathy Wingo, TRMC, CMC, City Secretary

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

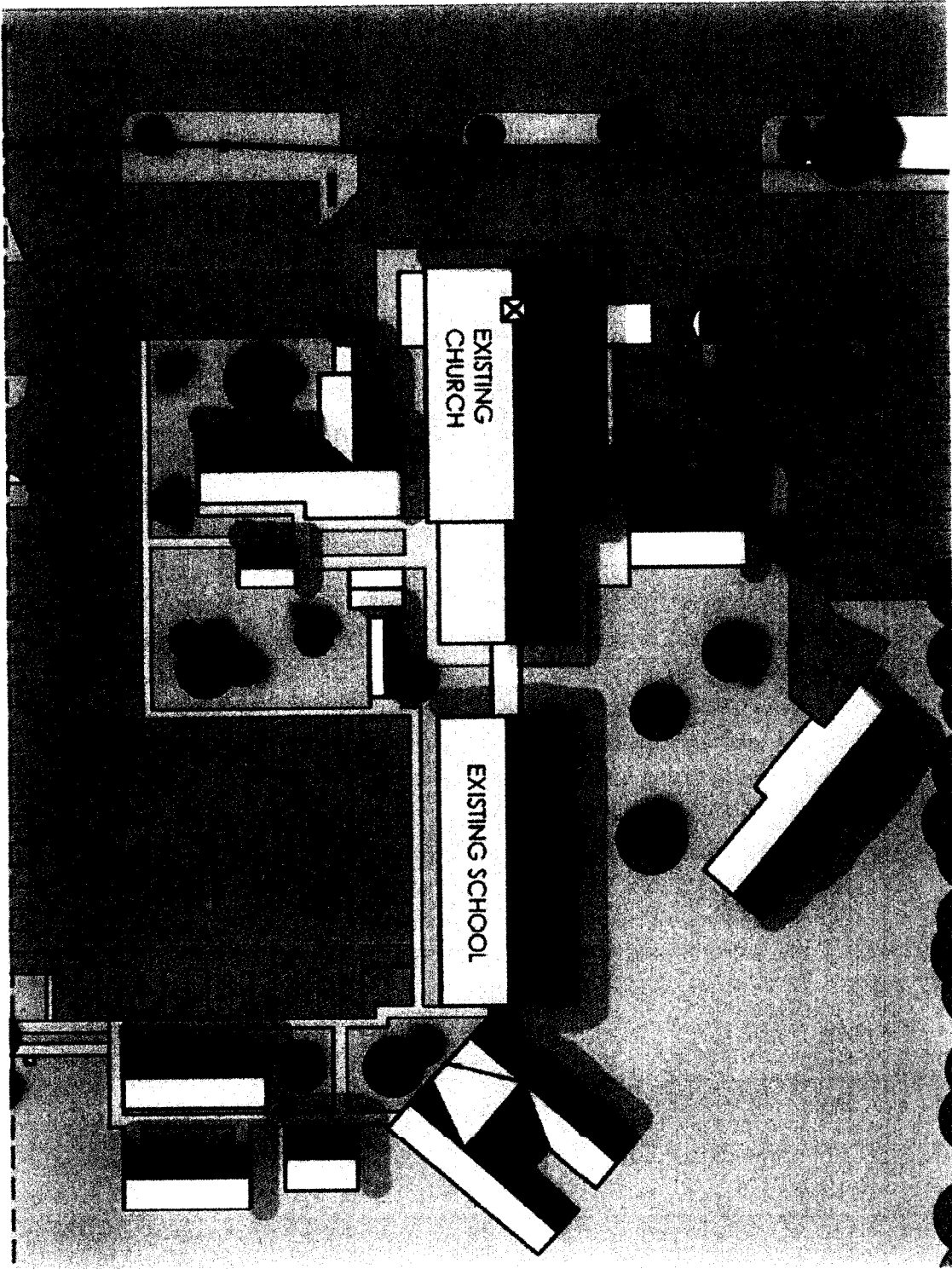
**Lucas Christian Church and Lucas Christian Academy  
415 W. Lucas Road**

**A0538 LOVELADY, JAS, TRACT 16, ACRES 2.3340,  
A0538 LOVELADY, JAS, TRACT 15, ACRES 2.8000,  
A0538 LOVELADY, JAS, TRACT 69, ACRES 17.232**

EXHIBIT "B"

# Lucas Christian Church

Site Plan 2009







## ORDINANCE 2021-01-00928

[SPORTS PAVILION FOR LUCAS CHRISTIAN ACADEMY]

**AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LUCAS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT WITH SPECIAL CONDITIONS TO ALLOW FOR A SPORTS PAVILION TO BE USED BY LUCAS CHRISTIAN ACADEMY ON ±15.875 ACRES OF LAND LOCATED AT 505 WEST LUCAS ROAD, CITY OF LUCAS, COLLIN COUNTY, TEXAS (THE “PROPERTY”), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR APPROVAL OF THE SITE PLAN ATTACHED HERETO AS EXHIBIT “B”; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Lucas, Texas, and the governing body of the City of Lucas in compliance with the laws of the State of Texas and the ordinances of the City of Lucas, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as previously amended, should be amended.

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

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Lucas, Texas, as heretofore amended, be and the same are hereby amended, to grant a Special Use Permit to allow for a sports pavilion to be used by Lucas Christian Academy on ±15.875 acres of land, located at 505 West Lucas Road, City of Lucas, Collin County, Texas (the “Property”), and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the above-described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Lucas as heretofore amended, subject to the following special conditions:

- (1) The Property shall be developed in accordance with the Site Plan attached hereto as Exhibit “B” and made a part hereof for all purposes;
- (2) The sports pavilion shall only be used for the benefit of Lucas Christian Academy; and, shall not be leased out for any purpose;

- (3) The sports pavilion shall operate between the hours of 8:00 a.m. to 7:00 p.m.;
- (4) No exterior lighting shall be allowed on the sports pavilion;
- (5) No amplified sound system shall be allowed inside the sports pavilion; and
- (6) Downcast lighting only shall be used inside the sports pavilion; and, no lighting shall be placed around the sports pavilion creating a glare.

**SECTION 3.** 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 4.** 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 5.** 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 6.** 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 7.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 8.** 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 21st DAY OF JANUARY, 2021.**



APPROVED:

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Jim Olk, Mayor

APPROVED AS TO FORM:

ATTEST:

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Joseph J. Gorfida, Jr., City Attorney  
(12-11-2020: TM 119653)

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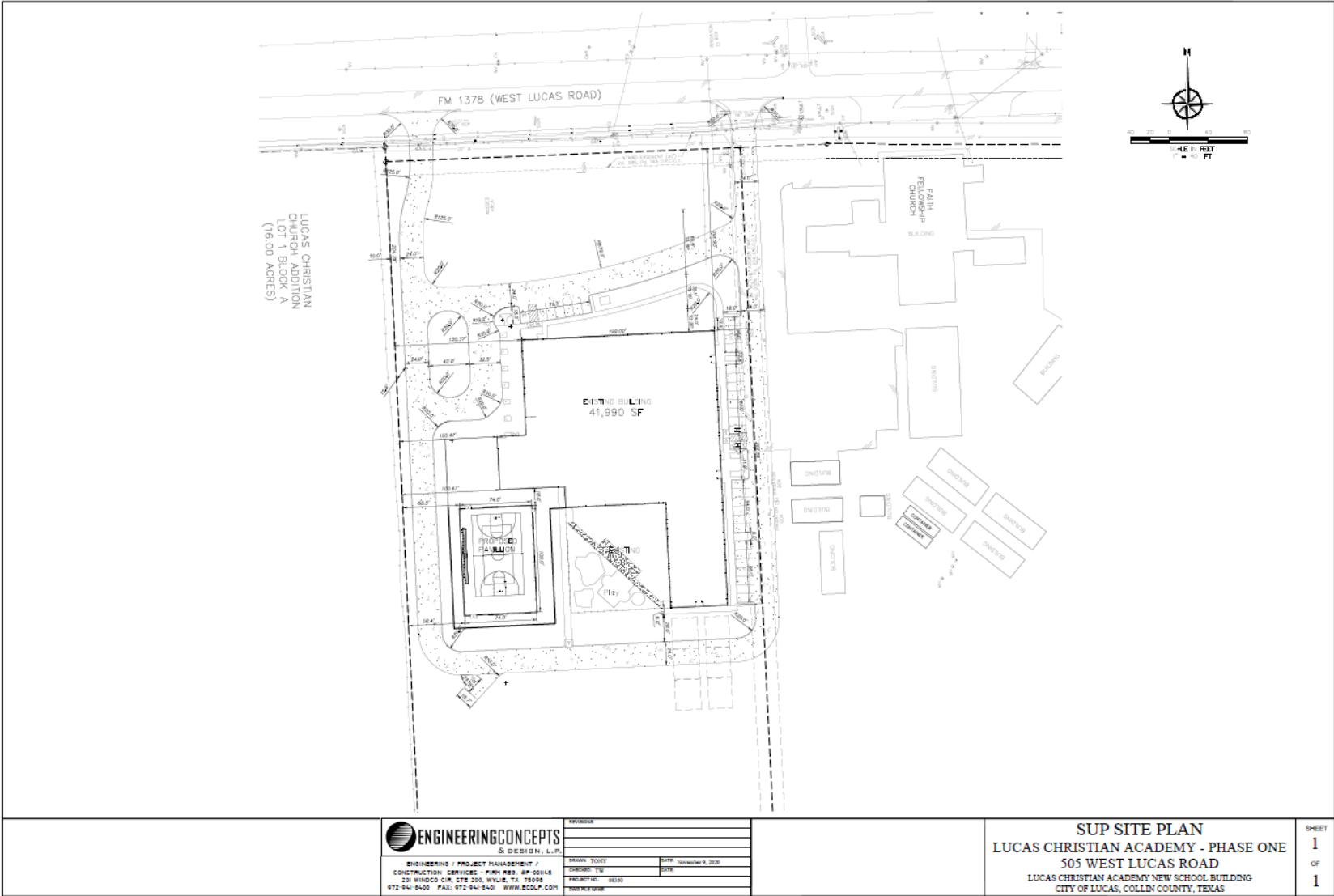
Stacy Henderson, City Secretary

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**  
**Lucas Christian Church and Lucas Christian Academy**  
**415 W. Lucas Road**

**A0538 LOVELADY, JAS, TRACT 16, ACRES 2.3340,**  
**A0538 LOVELADY, JAS, TRACT 15, ACRES 2.8000,**  
**A0538 LOVELADY, JAS, TRACT 69, ACRES 17.232**

# EXHIBIT "B" SITE PLAN



**ENGINEERING CONCEPTS & DESIGN, L.P.**  
 ENGINEERING / PROJECT MANAGEMENT /  
 CONSTRUCTION SERVICES / 1401 W. 40th St. #4014  
 201 WINDCO CTR., STE 200, WYLLIE, TX 75098  
 972-941-8400 FAX: 972-941-8400 WWW.ECDLP.COM

REVISIONS		
DATE	10/15/2020	DATE
DESIGNED BY		DATE
CHECKED BY		DATE
PROJECT NO.	2020-001	DATE
DRAWN BY		DATE

**SUP SITE PLAN**  
**LUCAS CHRISTIAN ACADEMY - PHASE ONE**  
**505 WEST LUCAS ROAD**  
 LUCAS CHRISTIAN ACADEMY NEW SCHOOL BUILDING  
 CITY OF LUCAS, COLLIN COUNTY, TEXAS

SHEET  
1  
OF  
1

Exhibit "B"  
 City of Lucas  
 Ordinance 2021-01-00928  
 Approved: January 7, 2021

## TIMELINE OF APPROVALS FOR LUCAS CHRISTIAN ACADEMY

Date	Application/Amendment	Conditions	Status
October 4, 2004	<p>Specific Use Permit for Faith Fellowship Church to operate a church and school facility at 415 West Lucas Road. (Approved)</p> <p>Ordinance 2004-10-00411</p>	<ol style="list-style-type: none"> <li>1. The Property may be used as a church and for religious worship and ancillary related uses and purposes, including but not limited to a private school operated by the Lucas Christian Academy.</li> <li>2. The development of the property shall be in accordance with the site plan.</li> <li>3. There shall be no additional structures, temporary or permanent, situated, located, constructed or erected on the Property, other than those that currently exist as of the effective date of this Ordinance and those that are depicted on the site plan.</li> <li>4. The applicant/owner of the property shall conduct and perform a traffic study in conjunction with the Texas Department of Transportation which shall indicate traffic flows and patterns on streets that service and access the property.</li> <li>5. This specific use permit shall be for a period of five (5) years of and from the effective date thereof, after which time, it shall automatically terminate. Upon termination, no use or structure shall be grandfathered or considered or deemed to be a lawful nonconforming use or structure. The applicant/owner may, at any time prior to expiration of this specific use permit, apply for a new specific use permit and/or an extension hereof in conjunction with the submission of a permanent master site plan.</li> </ol> <p>*City conducted own traffic study and from those results, left and right turn lanes were installed.</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete*</p> <p>Complete.</p>
May 2009	Plat (Approved)	Dividing parcels between the Faith Fellowship Church, 415 West Lucas Road and Lucas Christian Academy, 505 West Lucas Road. Ownership still maintained as Faith Fellowship Church.	Complete
June 4, 2009	Specific Use permit for Faith Fellowship Church to renew an existing specific use permit to expire in October 2009 for operation of church and school	<ol style="list-style-type: none"> <li>1. The Property may be used as a church and for religious worship and ancillary related uses and purposes, including but not limited to a private school operated by the Lucas Christian Church dba Faith Fellowship.</li> <li>2. The development of the property shall be in accordance with the site plan.</li> </ol>	<p>Complete</p> <p>Complete</p>

	<p>facility at 415 West Lucas Road. (Approved)</p> <p>Ordinance 2009-06-00648</p>	<ol style="list-style-type: none"> <li>3. There shall be no additional structures, temporary or permanent, situated, located, constructed or erected on the Property, other than those that currently exist as of the effective date of this Ordinance and those that are depicted on the site plan.</li> <li>4. This Specific Use Permit is granted to the Lucas Christian Church dba Faith Fellowship and shall be for a period of five (5) years or and from the effective date hereof, after which time it shall automatically terminate. Upon termination, no use or structure shall be grandfathered or considered deemed to be a lawful nonconforming use or structure. The applicant/owner may, at any time prior to expiration of this Specific Use Permit, apply for a new Specific Use Permit and/or an extension hereof, in conjunction with the submission of a permanent master site plan.</li> </ol>	<p>Complete</p> <p>Complete</p>
<p>April 21, 2011</p>	<p>Specific use permit for Faith Fellowship Church to renew specific use permit set to expire. (Approved)</p> <p>Ordinance 2011-04-00678</p> <p>Lucas Christian Church Addition, Block A, Lot 2</p>	<ol style="list-style-type: none"> <li>1. The Property may be used as a church and for religious worship and ancillary related uses and purposes, including but not limited to a private school operated by the Lucas Christian Church dba Faith Fellowship.</li> <li>2. The development of the property shall be in accordance with the site plan.</li> <li>3. There shall be no additional structures, temporary or permanent, situated, located, constructed or erected on the Property, other than those that currently exist as of the effective date of this Ordinance and those that are depicted on the site plan.</li> <li>4. All temporary buildings identified on Exhibit B of the site plan shall be removed within six (6) months after the City issues a certificate of occupancy for the new school facility located at 505 West Lucas Road.</li> </ol> <p>Note: A condition was also approved to allow the church to have additional classrooms for the Lucas Christian Academy to be used for elementary students until the new facility was constructed.</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete</p>
<p>April 21, 2011</p>	<p>Specific use permit for the operation of a private school known as Lucas Christian Academy located at 505 West Lucas Road. (Approved)</p> <p>Ordinance 2011-04-00679</p>	<ol style="list-style-type: none"> <li>1. The Property may be used for a private school grades K-12 d/b/a as Lucas Christian Academy.</li> <li>2. The development of the property shall be in accordance with the site plan, a copy of which is attached hereto as Exhibit "B" and made a part hereof for all purposes.</li> <li>3. There shall be no additional structures, temporary or permanent, situated, located, constructed or erected on the Property, other than those that are depicted on the site plan attached as Exhibit "B".</li> </ol>	<p>Complete</p> <p>Complete</p> <p>Complete</p>

	Lucas Christian Church Addition, Block A, Lot 1	<ol style="list-style-type: none"> <li>4. The hours of operation for the campus shall be Monday through Saturday from 7:30 a.m. - 10 p.m.</li> <li>5. Exterior field lighting shall be restricted to Tuesdays and Thursdays until 9 p.m.; Fridays and Saturdays until 10 p.m. Field lighting is not permitted at any other time.</li> <li>6. A right turn lane and/or left turn lane shall be constructed on West Lucas Rd. if it is determined through a traffic study completed by the City that one or both are necessary.</li> <li>7. An earthen berm with a minimum height of 5 feet or live evergreen landscape screening to a minimum of 5 feet shall be constructed on the rear parking lot prior to the completion of the parking lot.</li> </ol>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Not complete. This requirement will be met when the parking lot is completed as part of Phase 2.</p>
July 17, 2014	Development Agreement for 505 West Lucas Road	<p>To construct a private school in two phases.</p> <ol style="list-style-type: none"> <li>1. Phase One construction consisting of a 41,000 square foot school building.</li> <li>2. Phase Two construction consisting of a gym to theater conversion, double court basketball and volleyball gym, field house, sports fields, and parking lot.</li> <li>3. Impact Fees</li> <li>4. Roadway Improvements</li> </ol>	<p>Complete</p> <p>Not Complete</p> <p>Complete</p> <p>Complete</p>

# LUCAS CHRISTIAN ACADEMY

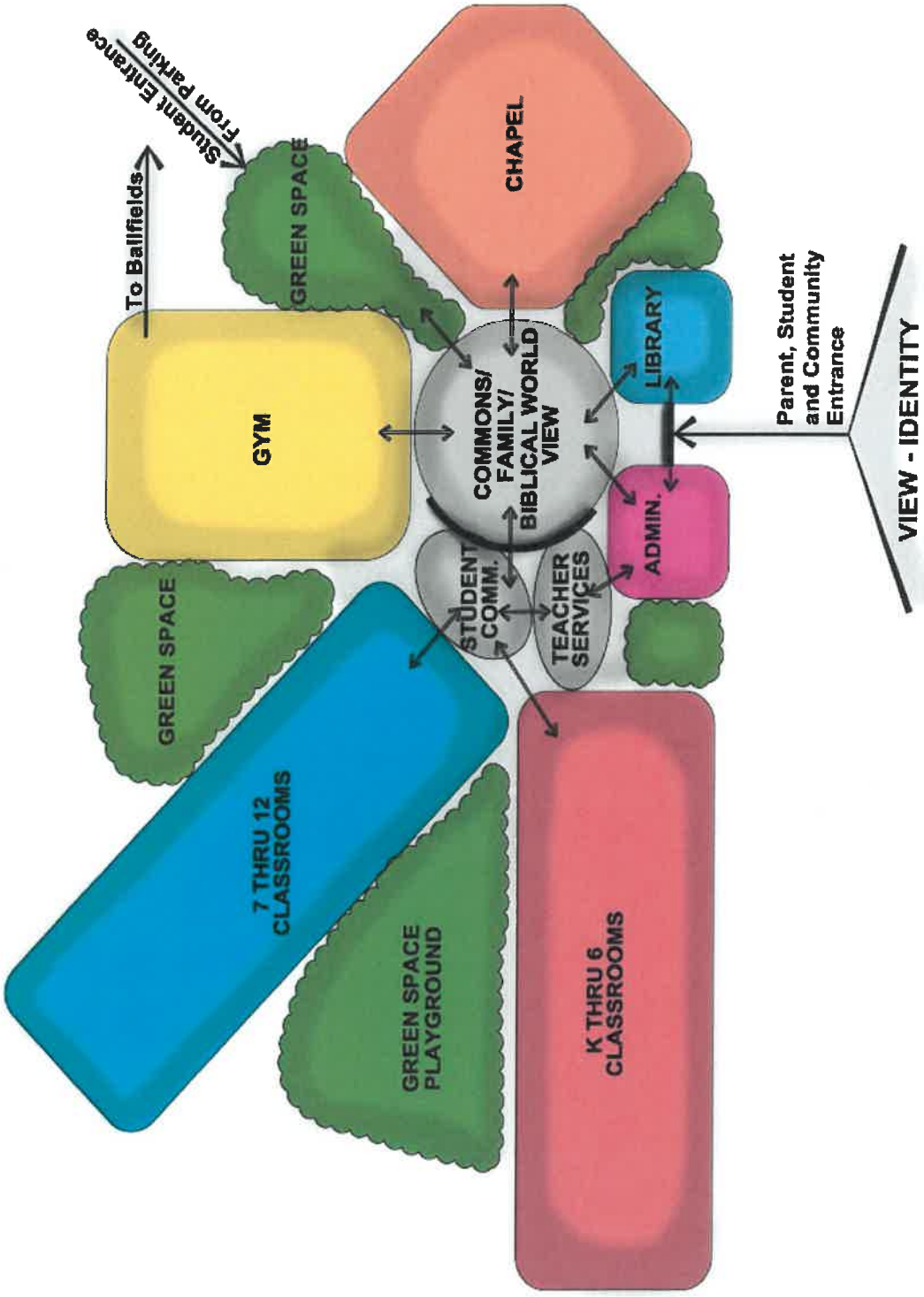
## "COME GROW WITH US"



**RON MABRY**  
**ARCHITECTS**

110 N. COLLEGE, SUITE 100A  
TYLER, TEXAS 75702  
PHONE (937) 596-6500

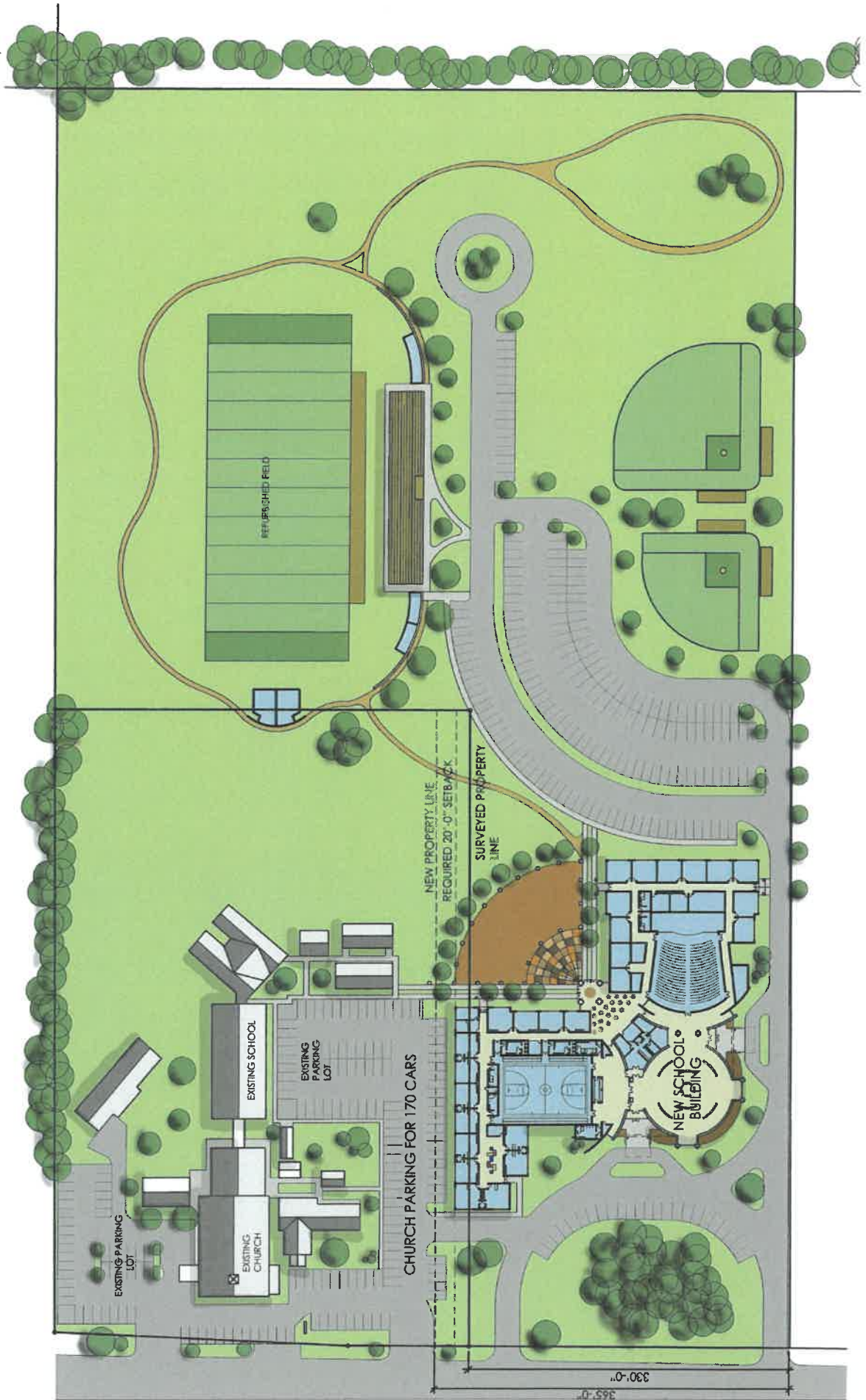




BUBBLE DIAGRAM OF EARLY CONCEPTS

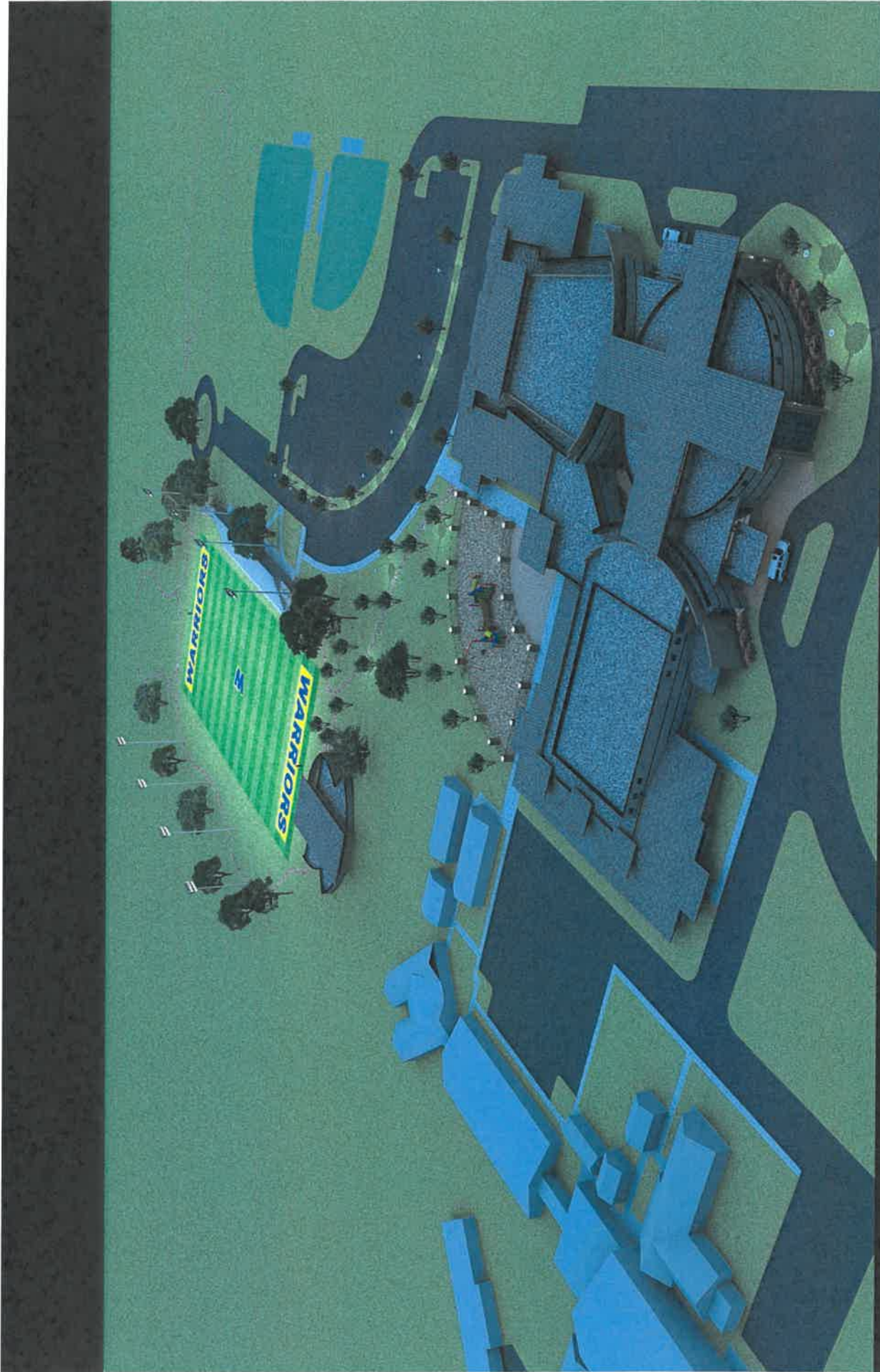


# Site Plan



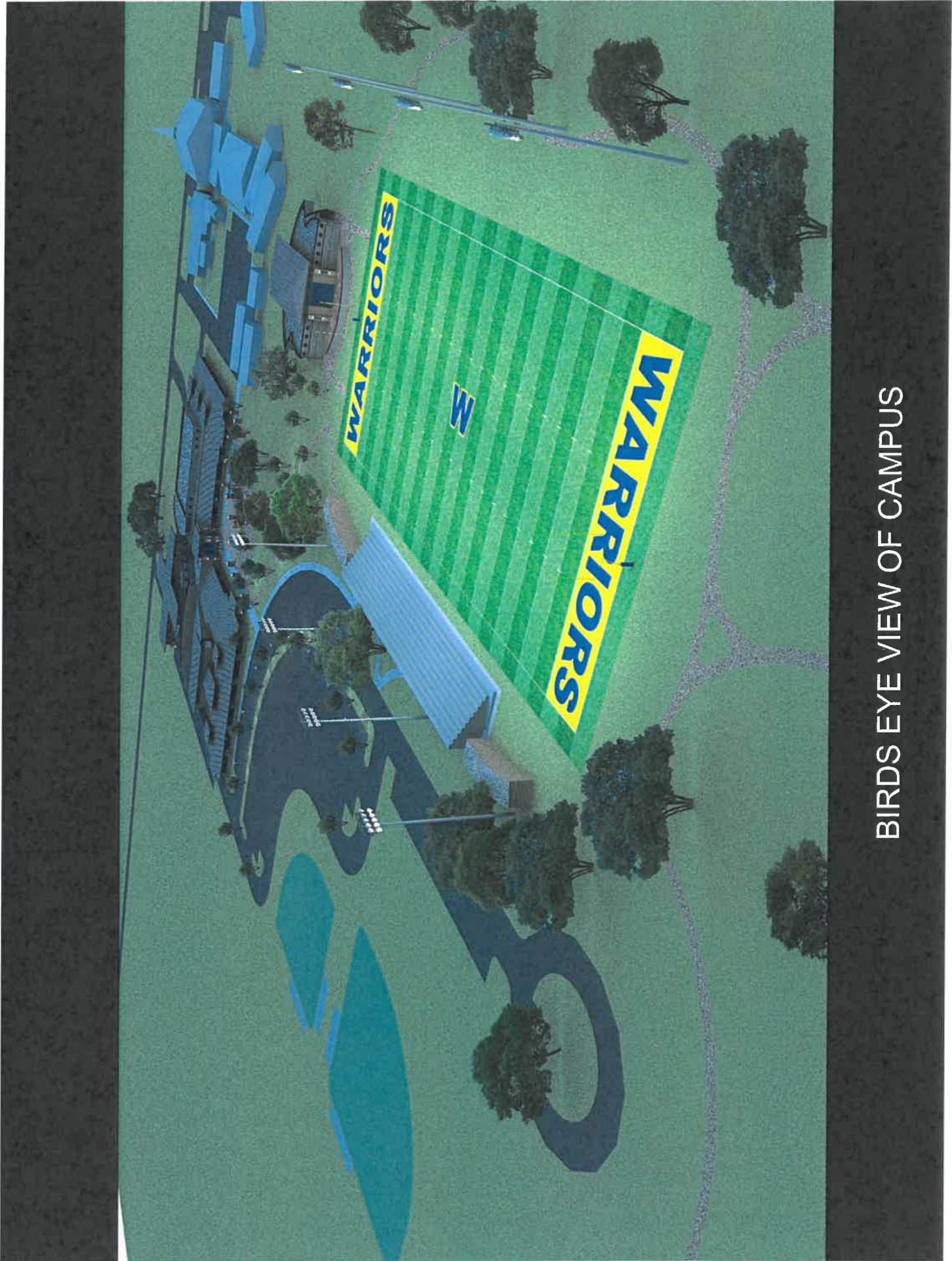






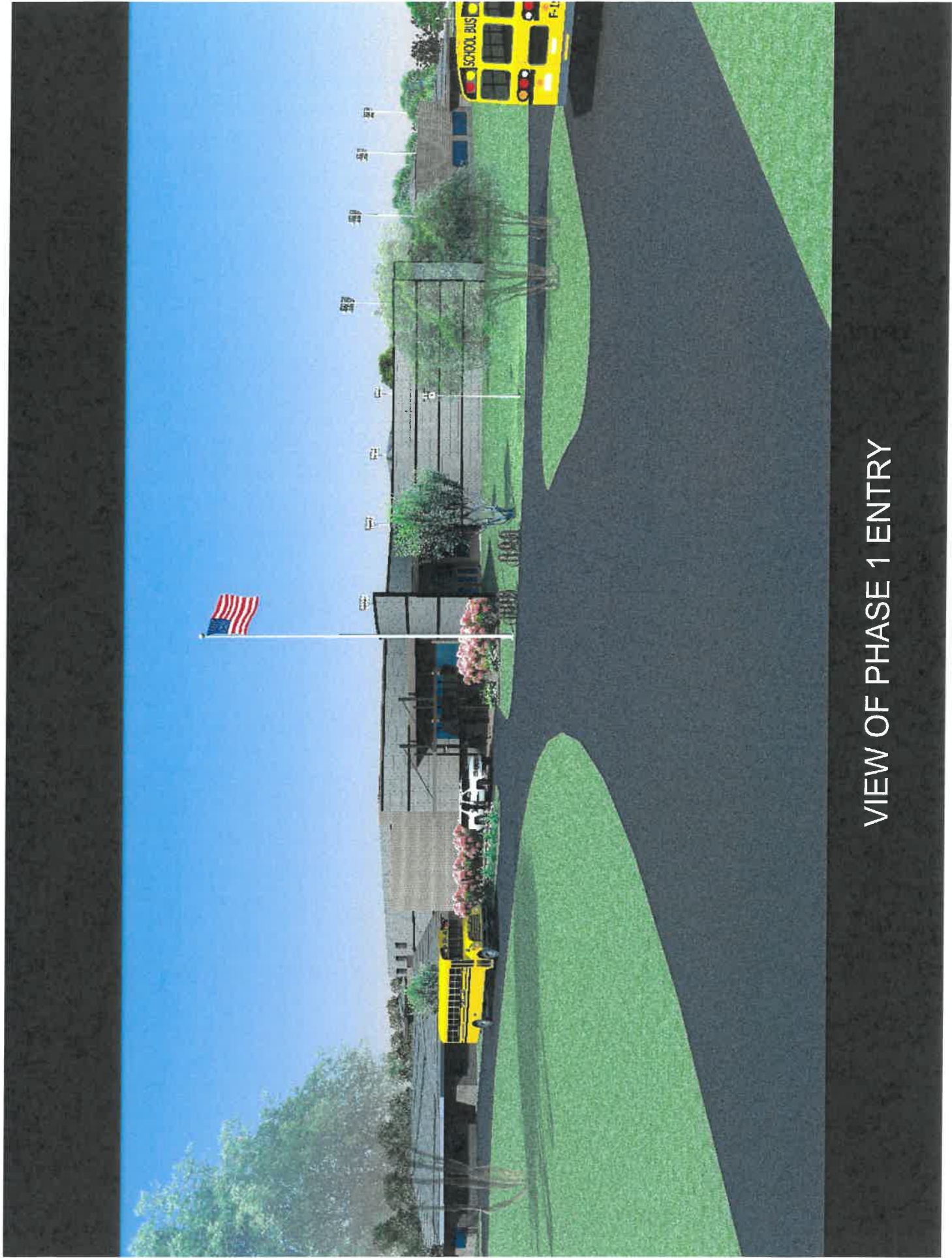
BIRDS EYE VIEW OF CAMPUS





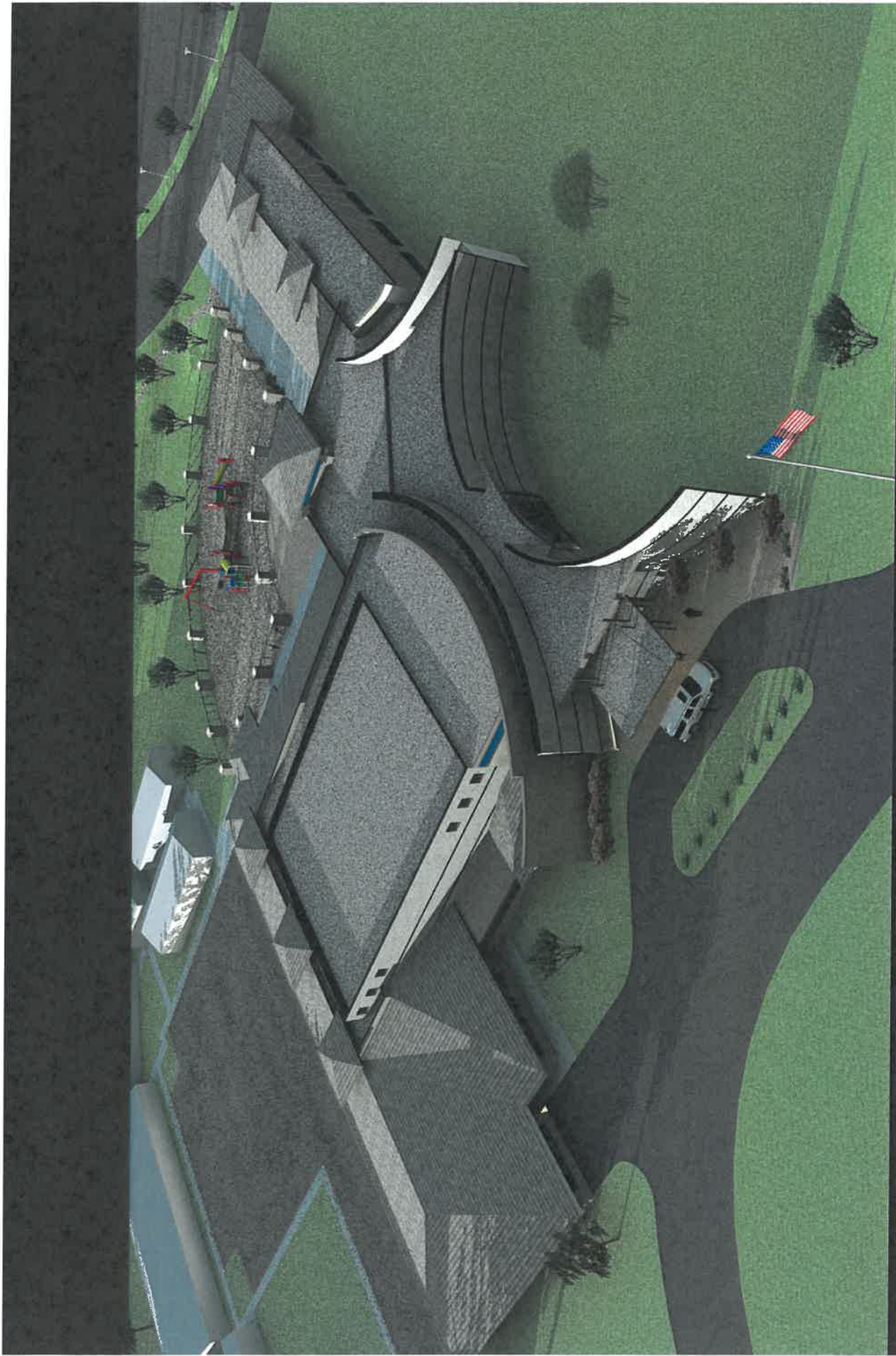
BIRDS EYE VIEW OF CAMPUS



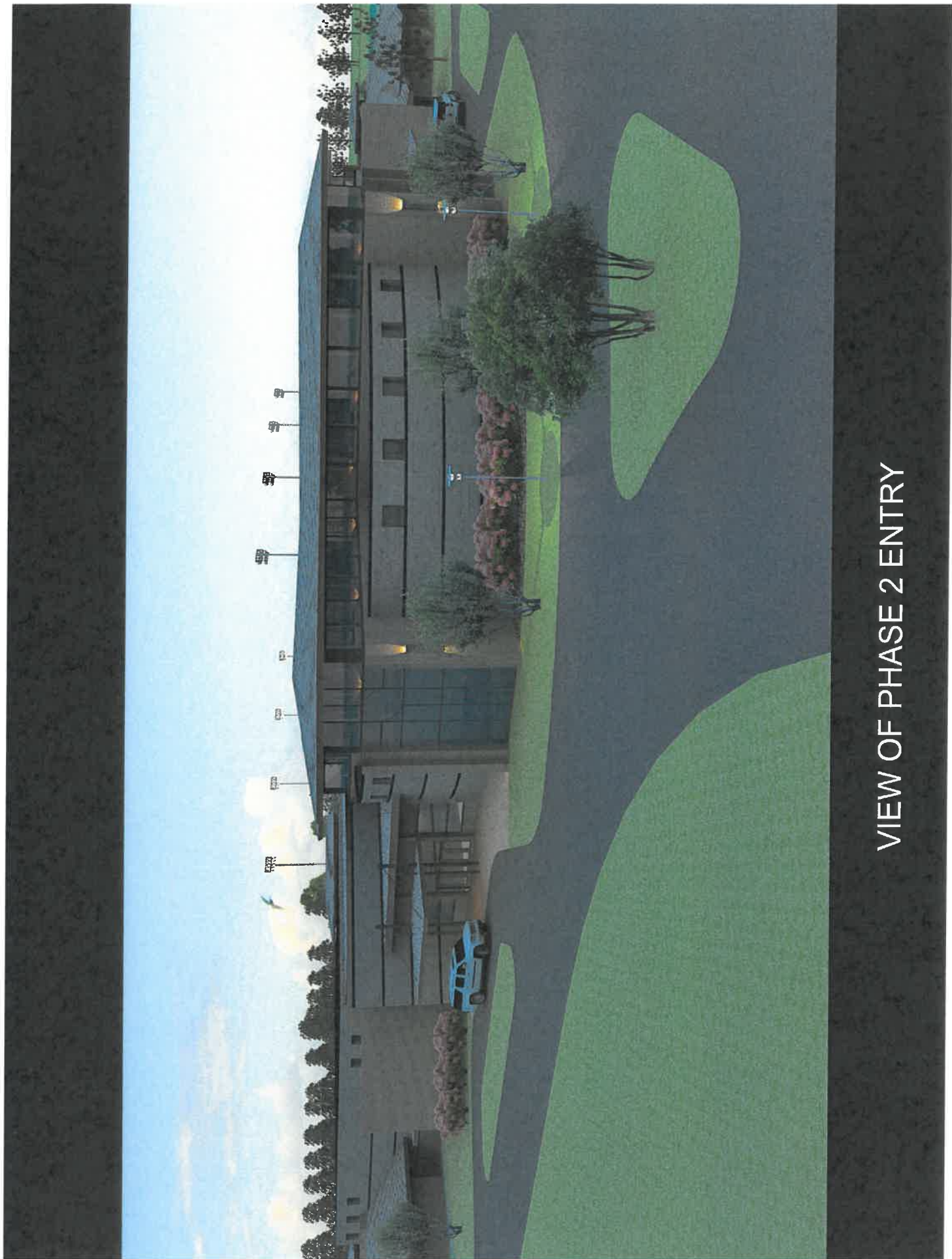


VIEW OF PHASE 1 ENTRY



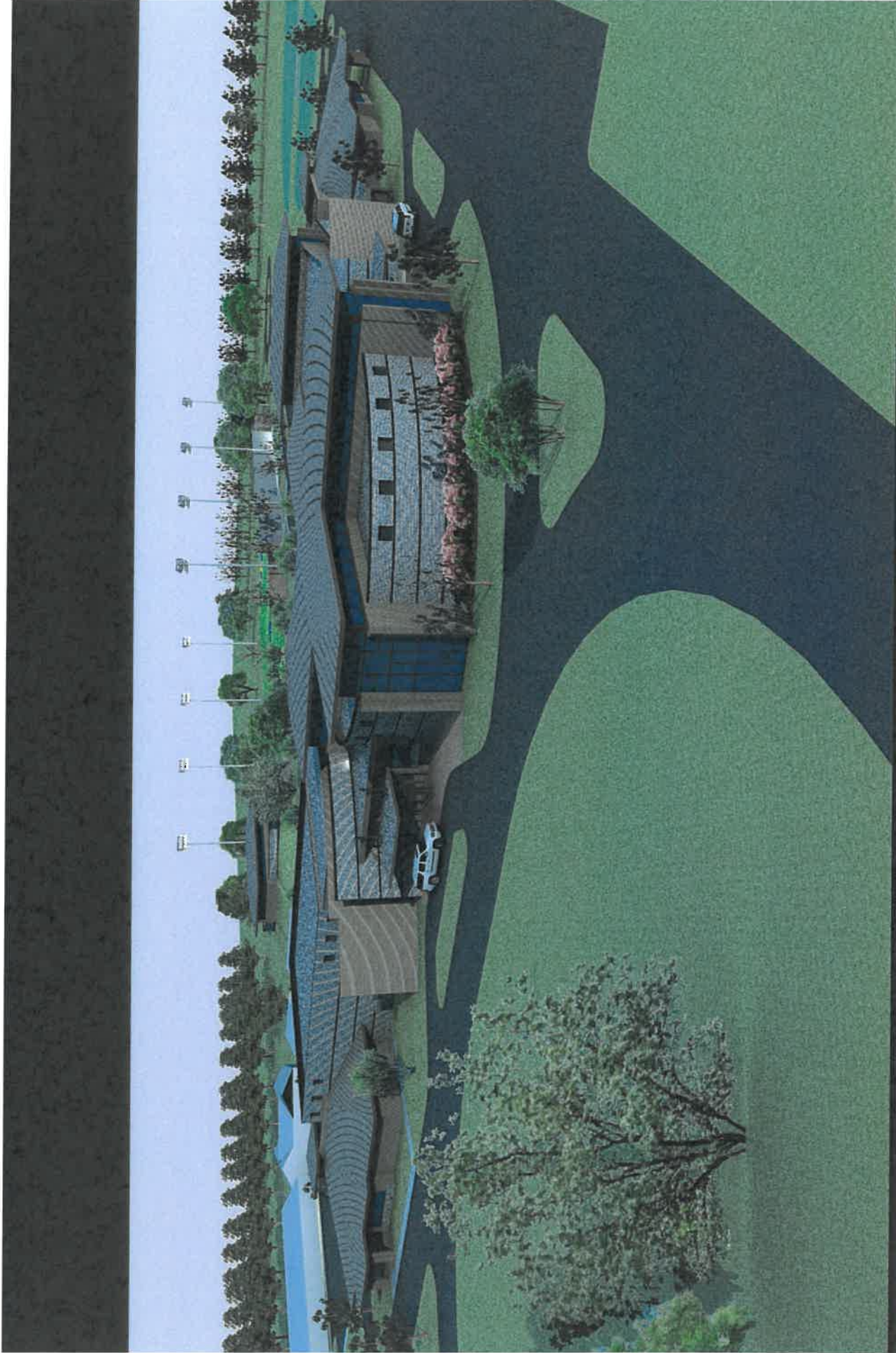


BIRDS EYE VIEW – PHASE 1



VIEW OF PHASE 2 ENTRY





VIEW OF FINAL SCHOOL – ALL PHASES



# LUCAS CHRISTIAN ACADEMY

"COME GROW WITH US"



 **RON MABRY**  
**ARCHITECTS**  
110 N. COLLEGE SUITE 100A  
TYLER, TEXAS 75701  
PHONE | 903 | 586-0300





# City of Lucas Council Agenda Request January 21, 2021

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

## **Agenda Item Request**

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### Consent Agenda:

- A. Approval of the minutes of the December 17, 2020 City Council meeting.
- B. Approval of the minutes of the December 21, 2020 special City Council meeting.
- C. Approval of the minutes of the January 7, 2021 City Council meeting.
- D. Approval of Resolution R 2021-01-00511 disbanding the Lucas Volunteer Firefighter Pension Board.
- E. Approval of Ordinance 2021-01-00929 ordering a General Election to be held on May 1, 2021, for the purpose of electing two (2) City Councilmembers for Seat No. 3 and Seat No. 4, and the position of Mayor; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement; and providing for an effective date.
- F. Approval of Ordinance 2021-01-00930 ordering a Special Election to be held on May 1, 2021, for the purpose of submitting propositions to the qualified voters of the City for the purpose of submitting proposed amendments to the City Home Rule Charter; providing for the publication and posting of notice; designating location of polling place; ordering notice of election to be given as prescribed by law in connection with such election; authorizing execution of joint election agreement; and providing for an effective date.

## **Background Information**

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### Agenda Item 3D:

In 2020, the Lucas Volunteer Firefighter Pension Board worked towards terminating the City's pension system participation with the Texas Emergency Services Retirement System (TESRS). At the December 8, 2020 Pension Board meeting, the Board reviewed and approved to certify the final membership reconciliation report. The Pension Board also approved authorizing Vice-Chairman Jamie Kilpatrick to execute the revocation amendment.



# City of Lucas Council Agenda Request January 21, 2021

At the December 17, 2020 City Council meeting, the Council approved the revocation amendment terminating the pension system participation contract between the City and the TESRS effective December 31, 2020; and authorized the City Manager and Fire Chief to execute the revocation agreement. On December 18, 2020, the revocation amendment was fully executed between the City and the TESRS.

At the January 11, 2021 Lucas Volunteer Firefighter Pension Board meeting, the Pension Board approved to disband the Board as there is no longer a need to continue since the revocation amendment has been fully executed and the termination is effective. The Pension Board was initially established by the City as a local board per Texas Government Code Chapter 865 Administration, Texas Emergency Services Retirement System. The City has met all the termination requirements as stated in the fully executed revocation amendment in accordance with Texas Administrative Code §304.2.

## **Attachments/Supporting Documentation**

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1. Minutes of the December 17, 2020 City Council meeting.
2. Minutes of the December 21, 2020 special City Council meeting.
3. Minutes of the January 7, 2021 City Council meeting.
4. Resolution 2021-01-00511 disbanding the Lucas Volunteer Firefighter Pension Board.
5. Fully Executed Revocation Amendment between the City of Lucas and the Texas Emergency Services Retirement System
6. Ordinance 2021-01-00929 ordering the May 1, 2021 General Election
7. Ordinance 2021-01-00930 ordering the May 1, 2021 Special Election

## **Budget/Financial Impact**

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NA

## **Recommendation**

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City Staff recommends approval of the Consent Agenda.

## **Motion**

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I make a motion to approve/deny the Consent Agenda as presented.



**City of Lucas  
City Council Meeting  
December 17, 2020**

**City Hall Council Chambers  
and by 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 Tim Johnson  
Councilmember Tim Baney  
Councilmember Steve Duke  
Councilmember Debbie Fisher  
Councilmember Phil Lawrence

**City Staff Present:**

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

This meeting was conducted in person and 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**

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**1. Citizen Input**

There was no citizen input at this meeting.

**Community Interest**

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**2. Items of Community Interest**

Mayor Olk presented a Proclamation to Service Tree recipient David Rhoads and read a Proclamation for Craig Zale who could not be present at the meeting.

Mayor Olk discussed items of community interest.

**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.**

Mayor Olk opened the public hearing at 7:11 pm.

The following individuals requested to speak during this item:

- Wayne Millsap, 318 McMillan, spoke against allowing a commercial use in a residential district and for towers to be located in more appropriate commercial locations.
- Tom Grisak spoke against having towers located in residential areas decreasing property values.
- Laura Giles, Lucas resident spoke in favor of the request.
- Mark Skaggs, Lucas resident, spoke in favor of the request.

Mayor Olk read the following emails into the record:

- Aubrey Stock asked if towers in residential areas were the best viable option for the City.
- Chad Swiere noted he was in favor of the request.
- Debra Gulickson had various questions regarding the request.

The public hearing was closed at 7:30 pm.

**MOTION:** A motion was made by Mayor Olk seconded by Mayor Pro Tem Peele to adopt 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 with the following conditions:

- Private towers allowed by right
- Non-private towers allowed by right on HOA property
- Towers with micro-pops be allowed by right on private property
- A fall radius for the tower created that is equal to the height of the tower where it does not fall into buildable habitable space of an adjoining property.
- Providing a penalty of fine not to exceed the sum of \$2,000 for each offense.

The motion passed unanimously by a 7 to 0 vote.

## **Consent Agenda**

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### **4. 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.

Mayor Olk asked to remove Agenda Item 4D from the Consent Agenda for further discussion.

**MOTION:** A motion was made by Mayor Olk, seconded by Councilmember Johnson to approve agenda Items 4A, 4B, and 4C on the Consent Agenda. The motion passed unanimously by a 7 to 0 vote.

## **Regular Agenda**

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- 4D. 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 Courtney Morris explained the review schedule and mechanism for Atmos Energy.

**MOTION:** A motion was made by Mayor Pro Tem Peele seconded by Councilmember Baney to approve 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. The motion passed unanimously by a 7 to 0 vote.

The City Council moved to Agenda Item No. 6 at this time and would move to Agenda Item No. 5 after Executive Session.

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

The following individuals requested to speak on this item.

- Chris Koerner spoke in favor of implementing term limits for City Council and board member positions.
- Mark Skaggs, Lucas resident, spoke against having term limits.
- Chad Stock, spoke in favor of having term limits.

There was no support from the City Council to put this item on a future agenda and there was no further action taken on this item.

City Council took a short break at 10:15 pm and returned at 10:23 pm.

- 7. Discussion regarding COVID-19 prevention practices and testing alternatives.**

Councilmember Lawrence gave a presentation regarding the recent COVID-19 conference he attended citing practices in other countries, and requirements in place.

Councilmember Duke spoke regarding COVID-19 requirements in place and several videos were displayed during this discussion.

There was no action taken on this item.

## **Executive Session Agenda**

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- 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.**

The City Council did not go into Executive Session at this meeting and requested it be placed on the January 7, 2021 City Council agenda.

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

The City Council did not go into Executive Session at this meeting.

- 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.**

The City Council requested this item be placed on the January 7, 2021 City Council meeting.

- 10. Adjournment.**

**MOTION:** A motion was made by Councilmember Johnson, seconded by Councilmember Baney to adjourn the meeting at 10:53 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

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Jim Olk, Mayor

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Stacy Henderson, City Secretary



**City of Lucas**  
**Special City Council Meeting**  
**December 21, 2020**  
**City Hall Council Chambers**  
**and by Video Conference Meeting**  
**8:30 A.M.**

**City Hall, 665 Country Club Road, Lucas, Texas**

**MINUTES**

**Call to Order**

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**City Councilmembers Present:**

Mayor Jim Olk  
Mayor Pro Tem Kathleen Peele  
Councilmember Tim Johnson  
Councilmember Debbie Fisher

**City Staff Present:**

City Secretary Stacy Henderson

**City Councilmembers Absent:**

Councilmember Tim Baney  
Councilmember Phil Lawrence  
Councilmember Steve Duke

This meeting was conducted by video conference.

Mayor Olk called the meeting to order at 8:30 a.m., determined that a quorum was present, and the Pledge of Allegiance was recited.

**Call to Order**

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- Roll Call
- Determination of Quorum

**Citizen Input**

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**1. Citizen Input**

There was no Citizen Input at this meeting.

**Regular Agenda**

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- 2. Consider the Interlocal Cooperation Agreement for Municipal Direct Public Safety Expense Funding between Collin County and the City of Lucas in the amount of \$217,889.47.**



Councilmember Fisher asked that additional information be sent to the Council regarding expenses incurred that would be put towards the Cares funding.

**MOTION:** A motion was made by Mayor Pro Tem Peele seconded by Councilmember Fisher to approve the Interlocal Cooperation Agreement for Municipal Direct Public Safety Expense Funding between Collin County and the City of Lucas in the amount of \$217,889.47. The motion passed unanimously by a 4 to 0 vote.

**3. Adjournment.**

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Johnson to adjourn the meeting at 8:34 am. The motion passed unanimously by a 4 to 0 vote.

APPROVED:

ATTEST:

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Jim Olk, Mayor

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Stacy Henderson, City Secretary



**City of Lucas  
City Council Meeting  
January 7, 2021  
Video Conference Meeting  
7:00 P.M.**

**City Hall, 665 Country Club Road, Lucas, Texas**

**MINUTES**

**Call to Order**

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**City Councilmembers Present:**

Mayor Jim Olk  
Mayor Pro Tem Kathleen Peele  
Councilmember Tim Johnson  
Councilmember Debbie Fisher  
Councilmember Tim Baney  
Councilmember Phil Lawrence  
Councilmember Steve Duke

**City Staff Present:**

City Manager Joni Clarke  
City Secretary Stacy Henderson  
City Attorney Joe Gorfida  
Development Services Director Joe Hilbourn  
City Engineer Stanton Foerster

This meeting was conducted by video conference only due to a water leak at City Hall in the Council Chambers.

**Call to Order**

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- Roll Call
- Determination of Quorum

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.

**Executive Session**

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The Executive Session for this meeting was cancelled.

- 1. 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.**
- 2. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.**

The regular meeting portion of the City Council Agenda was called to order at 7:00 pm.

## Citizen Input

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### 3. Citizen Input

There was no Citizen Input at this meeting.

## Community Interest

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### 4. Items of Community Interest

- A. Presentation of Proclamation to In-N-Out Burger for their in-kind donation to the Country Christmas event.

Mayor Olk presented the Proclamation to representatives of In-N-Out Burger.

## Public Hearing Agenda

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5. **Public hearing to consider adopting Ordinance 2021-01-00928 approving the request by Lucas Christian Academy to amend an existing specific use permit to allow a sports pavilion on a 15.875-acre tract of land in the Lucas Christian Church Addition, Blk A, Lot 1, situated in the City of Lucas, Collin County, Texas located at 505 West Lucas Road.**

Development Services Director Joe Hilbourn gave a presentation outlining details of the specific use permit request.

Mayor Olk opened the public hearing at 7:23 pm and called the following individuals forward that requested to speak:

- Sam Satterwhite, Engineering Concepts, representing the applicant spoke in favor of the request outlining details of the sports pavilion, security lighting, and uses that would take place in the sports pavilion.
- Jasmine Bayliss, Lucas Christian Academy, spoke in favor of the request.
- Seat Watts, Lucas resident, spoke in favor of the request.
- Frank Hise, Lucas resident, spoke against the request due to lighting and lack of buffering with landscaping.
- David Bassler, Lucas resident, spoke in favor of the pavilion, but did not want additional lighting in the area.

**MOTION:** A motion was made by Mayor Olk seconded by Councilmember Fisher to continue the public hearing to the January 21, 2021 City Council meeting to allow for in person testimony and have a more comprehensive review of the specific use permit to ensure all requirements have been met. The motion passed unanimously by a 7 to 0 vote.

## Consent Agenda

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### 6. Consent Agenda:

- A. Approval of the minutes of the December 10, 2020 special City Council meeting.
- B. Authorize the City Manager to enter into an Interlocal Agreement with the City of Midlothian to participate in a Cooperative Purchasing Program including EMS supplies.

**MOTION:** A motion was made by Mayor Pro Tem Peele seconded by Councilmember Lawrence to approve the Consent Agenda as presented. The motion passed unanimously by a 7 to 0 vote.

## Regular Agenda

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

Mayor Olk explained that because the Executive Session was cancelled for this meeting, he suggested this item be tabled.

**MOTION:** A motion was made by Mayor Olk, seconded by Mayor Pro Tem Peele to table this item to the January 21, 2021 City Council meeting. The motion passed unanimously by a 7 to 0 vote.

### 8. Consider approving the updated Capital Improvement Plan from October 1, 2020 through September 30, 2025.

City Engineer Stanton Foerster discussed with the City Council projects to be added to the Capital Improvement Plan noting that a public hearing process would be required to formally update the plan in the future.

**MOTION:** A motion was made by Mayor Olk seconded by Mayor Pro Tem Peele to approve adding the five projects listed below for consideration of the Capital Improvement Plan update when scheduled at a later date. The motion passed unanimously by a 7 to 0 vote.

- Brookhaven Culvert Replacement
- Snider Lane from Winningkoff to Shady Lane including the Snider Bridge over White Rock Creek
- Brockdale Park Road Reconstruction
- Bait Shop Waterline Relocation
- McGarity Water Tower Stem Pipe Replacement

### 9. Consider the formation of an Event Auxiliary Committee under the Parks and Open Space Board.

**MOTION:** A motion was made by Councilmember Fisher, seconded by Councilmember Johnson to table this item to the January 21, 2021 City Council meeting. The motion passed unanimously by a 7 to 0 vote.

**10. Review and consider amending Resolution R-2013-05-00397 by amending Section II regarding Agenda Preparation.**

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Fisher to table this item to a future City Council meeting. The motion passed unanimously by a 7 to 0 vote.

**11. Consider appointing City Council liaisons to the City's boards, commissions, and committees, as well as outside local organizations.**

**MOTION:** A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Lawrence to maintain existing City Council liaison appointments as outlined below with the addition of adding Councilmember Johnson to the Service Tree Committee. The motion passed unanimously by a 7 to 0 vote.

- Planning and Zoning Commission Liaison: Mayor Olk
- Board of Adjustment Liaison: Mayor Pro Tem Peele
- Parks and Open Space Board Liaison: Councilmember Baney
- North Texas Municipal Water District Liaison: Councilmember Fisher
- North Central Texas Council of Government Liaison: Councilmember Duke
- Service Tree Committee Members: Councilmembers Duke, Fisher and Johnson

**12. Adjournment.**

**MOTION:** A motion was made by Councilmember Johnson seconded by Councilmember Fisher to adjourn the meeting at 8:14 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

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Jim Olk, Mayor

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Stacy Henderson, City Secretary



**RESOLUTION R 2021-01-00511**  
**[DISBANDING THE LUCAS VOLUNTEER FIREFIGHTER**  
**PENSION BOARD]**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS, DISBANDING THE LUCAS VOLUNTEER FIREFIGHTER PENSION BOARD IN RELATION TO THE TERMINATION OF THE PENSION SYSTEM PARTICIPATION CONTRACT BETWEEN THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM AND THE CITY OF LUCAS, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Lucas Volunteer Firefighter Pension Board has worked towards departmental revocation of participation in the pension system and has voted to approve disbanding the Lucas Volunteer Firefighter Pension Board; and

**WHEREAS**, the City has successfully completed the requirements as stated in the Revocation Amendment between the Texas Emergency Services Retirement System and the City in accordance with Texas Administrative Code §304.2; and

**WHEREAS**, the Revocation Amendment has been fully executed by all parties as of December 18, 2020, terminating the pension system participation contract between the Texas Emergency Services Retirement System and the City effective December 31, 2020.

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

**SECTION 1.** That the City Council of Lucas, Texas, hereby disband the Lucas Volunteer Firefighter Pension Board in relation to the termination of the pension system participation contract between the Texas Emergency Services Retirement System and the City of Lucas, Texas.

**SECTION 2.** This Resolution shall take effect immediately from and after its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Lucas, Texas, on the 21<sup>st</sup> day of January 2021.

**APPROVED:**

**ATTEST:**

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

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

**EXHIBIT “A”**  
**FULLY EXECUTED REVOCATION AMENDMENT BETWEEN**  
**THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM AND**  
**THE CITY OF LUCAS, TEXAS**

DocuSign Envelope ID: 9137B02C-0B51-4014-82BD-C0FD61850945

Amendment Effective Date:  
December 31, 2020

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

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**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.

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**EXHIBIT "A"**  
**FULLY EXECUTED REVOCATION AMENDMENT BETWEEN**  
**THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM AND**  
**THE CITY OF LUCAS, TEXAS**

DocuSign Envelope ID: 9137B02C-0B51-4014-82BD-C0FD61850945


Amendment Effective Date:  
December 31, 2020

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

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**


  
\_\_\_\_\_  
Joni Clarke  
Date: 12/18/20

**Texas Emergency Services Retirement System**

DocuSigned by:  
  
\_\_\_\_\_  
E223D8592CF84E7  
Kevin Deiters, Executive Director  
Date: 12/18/2020 | 10:58:32 CST

**Lucas Fire-Rescue**

  
\_\_\_\_\_  
Ted Stephens, Chief  
Date: 12-18-2020

DocuSigned by:  
  
\_\_\_\_\_  
1A378BCF044E49E4  
Wayne Oberhoff, CPA, Chief Financial Officer  
Date: 12/18/2020 | 10:43:28 CST

**Local Board**

  
\_\_\_\_\_  
Jamie Kilpatrick, Vice-chairman  
Date: 12/18/20





**ORDINANCE 2021-01-00929**  
[Ordering the May 1, 2021 General Election]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 1, 2021, FOR THE PURPOSE OF ELECTING TWO (2) CITY COUNCILMEMBERS FOR SEAT NO. 3 AND SEAT NO. 4, AND THE POSITION OF MAYOR; DESIGNATING LOCATION OF POLLING PLACE; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AUTHORIZING EXECUTION OF JOINT ELECTION AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**Section 1.** A General Election is hereby ordered for May 1, 2021, for the purpose of electing two (2) Lucas City Councilmembers for Seat No. 3 and Seat No. 4, and for the position of Mayor, each such term being for a period of three (3) years. The filing period for the General Election shall begin on January 13, 2021, and ends on February 12, 2021, at 5:00 p.m. in accordance with State Law.

**Section 2.** Pursuant to the Joint Election Agreement, the Elections Administrator of Collin County shall serve as Elections Administrator for the election. Presiding Election Judges and Alternate Presiding Election Judges appointed to serve the authorized polling places and the early voting clerk and deputy early voting clerks shall be those election officials furnished by the Elections Administrator from the list of proposed election judges as required in the Elections Services Contract. The City Manager and City Secretary are hereby authorized to execute an Elections Services Contract with the Collin County Elections Department for the General Election on May 1, 2021. The City Secretary shall have further authority to approve any minor modifications as may be necessary in the best interest of the City. A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

**Section 3.** Notice of the General Election shall be posted on the bulletin board used to post notice of the City Council meetings and be published in a newspaper of general circulation in the City. That said Notice must be published at least once, not earlier than the 30th day nor later than the 10th day, before Election Day as provided in Section 4.003(a)(1) of the Texas Election Code. A copy of the published Notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the Notice shall make a record of the time of posting, starting date, and the place of posting.

**Section 4.** The entire City shall constitute one election precinct for this election and the Lucas Community Center located at 665 Country Club Road, Lucas, Texas is hereby designated the polling place. The election officers and maximum number of clerks for said polling place shall be determined and appointed in accordance with the provisions of the Contract.

On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

Early voting by personal appearance shall also be conducted at the Lucas Community Center located at 665 Country Club Road, Lucas, Texas. City of Lucas voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration. If the election services contract with the Collin County Elections Administrator revises the polling places listed previously, the City will utilize the polling places designated in said Election Services Contract, as the same may be amended from time to time.

Applications for ballot by mail shall be received and processed by the Collin County Elections Administrator, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75069. Applications for ballots by mail must be received no later than the close of business on April 20, 2021.

Early voting for the General Election shall begin on Monday, April 19, 2021, and ends Tuesday, April 27, 2021, and the dates and hours designated for early voting by personal appearance at the early voting locations shall be determined in accordance with the provisions of the Contract.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Contract.

**Section 5.** The City Secretary shall present the General Election returns to the City Council at a Council meeting for the canvassing of said election in accordance with the Texas Election Code. The candidate for Councilmember Seat No. 3, Councilmember for Seat No. 4, and the position of Mayor that receives a majority of valid votes by qualified voters at the election shall be declared elected. In the event no candidate receives a majority of all the votes cast for all the candidates for an office, a runoff election shall be ordered by the City Council in accordance with the Lucas City Charter and State law.

**Section 6.** This Ordinance shall take effect immediately upon its passage.

**APPROVED AND ADOPTED** by the City Council of the City of Lucas this 21st day of January 2021.

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Jim Olk, Mayor

ATTEST:

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Stacy Henderson, City Secretary

APPROVED AS TO FORM:

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Joseph J. Gorfida, Jr.



**ORDINANCE 2021-01-00930**  
[Ordering the May 1, 2021 Special Election]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 1, 2021, FOR THE PURPOSE OF SUBMITTING PROPOSITIONS TO THE QUALIFIED VOTERS OF THE CITY FOR THE PURPOSE OF SUBMITTING PROPOSED AMENDMENTS TO THE CITY HOME RULE CHARTER; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; DESIGNATING LOCATION OF POLLING PLACE; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AUTHORIZING EXECUTION OF JOINT ELECTION AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**Section 1.** A Special Election is hereby ordered to be held in and throughout the City of Lucas, Texas, on May 1, 2021, at which time there shall be submitted to the qualified voters of the City the following Propositions for amendments to the Home Rule Charter of the City of Lucas:

**PROPOSITION A**

The Proposition ballot language shall read:

“Shall Section 3.02(2) and 3.02(3) of the City Charter be amended to remove the transitional provisions that established the staggered terms upon adoption of the Charter and replace with language stating the Mayor and Councilmembers shall be elected and serve staggered terms of three (3) years.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION B**

The Proposition ballot language shall read:

“Shall Section 3.03(1) of the City Charter be amended to further clarify the requirement for holding office to prohibit a councilmember from holding another position of emolument, except as authorized by state law and if a councilmember is convicted of a felony or a crime involving moral turpitude such member shall immediately forfeit such office.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION C**

The Proposition ballot language shall read:

“Shall Section 3.03(3) of the City Charter be amended to remove a provision that is surplus language as it relates to the filing of an application for a declaration of candidacy that states the City Hall shall not remain open to the general public after such time to accept ballot applications.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION D**

The Proposition ballot language shall read:

“Shall Section 3.13(7) of the City Charter be amended to provide for members appointed to the planning and zoning commission, the zoning board of adjustments and other such boards, committees, commissions and directors to corporations shall have been a resident for a minimum of twelve (12) months at the time of their appointment.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION E**

The Proposition ballot language shall read:

“Shall Section 4.01 of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to appoint a City Manager.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION F**

The Proposition ballot language shall read:

“Shall Section 4.03(9) of the City Charter be amended to remove the requirement that the City Manager is to provide a written report no less than quarterly of the current financial conditions and future needs of the City to be presented orally at an open meeting of the city council.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION G**

The Proposition ballot language shall read:

“Shall Section 4.05 of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to remove the City Manager.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION H**

The Proposition ballot language shall read:

“Shall Section 5.01(1) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to appoint the City Secretary.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION I**

The Proposition ballot language shall read:

“Shall Section 5.01(4) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to remove the City Secretary.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION J**

The Proposition ballot language shall read:

“Shall Section 5.02(1) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to appoint the Municipal Judge.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION K**

The Proposition ballot language shall read:

“Shall Section 5.02(4) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to remove the Municipal Judge.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION L**

The Proposition ballot language shall read:

“Shall Section 5.03(1) of the City be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to appoint the City Attorney.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION M**

The Proposition ballot language shall read:

“Shall Section 5.03(6) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to remove the City Attorney.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION N**

The Proposition ballot language shall read:

“Shall Section 6.03(1)(A) of the City Charter be amended to reference that the maximum ad valorem tax rate shall be as provided under the laws of the State of Texas.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION O**

The Proposition ballot language shall read:

“Shall Section 7.01 of the City Charter be amended to reference the authority of the City to borrow money for public purposes only as allowed by the laws of the State of Texas.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION P**

The Proposition ballot language shall read:

“Shall Section 9.01 (1) of the City Charter be amended to exclude from the Initiative process salaries of City officers or employees.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION Q**

The Proposition ballot language shall read:

“Shall Section 10.01 of the City Charter be amended to reflect current state and federal law regarding franchise utilities that occupy the public right-of-way.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**PROPOSITION R**

The Proposition ballot language shall read:

“Shall Section 12.01 of the City Charter be amended to remove language that is no longer necessary regarding the procedure for the adoption of the initial Charter and retitle Article XII “Amendment and Review of Charter” and renumber the Sections accordingly.”

FOR THE PROPOSITION \_\_\_\_\_ AGAINST THE PROPOSITION \_\_\_\_\_

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**Section 2.** Pursuant to the Joint Election Agreement, the Elections Administrator of Collin County shall serve as Elections Administrator for the election. Presiding Election Judges and Alternate Presiding Election Judges appointed to serve the authorized polling places and the early voting clerk and deputy early voting clerks shall be those election officials furnished by the Elections Administrator from the list of proposed election judges as required in the Elections Services Contract.

The City Manager and City Secretary are hereby authorized to execute an Elections Services Contract with the Collin County Elections Department for the General Election on May 1, 2021. The City Secretary shall have further authority to approve any minor modifications as may be necessary in the best interest of the City. A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

**Section 3.** Notice of the Special Election shall be posted on the bulletin board used to post notice of the City Council meetings and be published in a newspaper of general circulation in the City. That said Notice must be published at least once, not earlier than the 30th day nor later than the 10th day, before Election Day as provided in Section 4.003(a)(1) of the Texas Election Code. A copy of the published Notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the Notice shall make a record of the time of posting, starting date, and the place of posting.

**Section 4.** The entire City shall constitute one election precinct for this election and the Lucas Community Center located at 665 Country Club Road, Lucas, Texas is hereby designated the polling place. The election officers and maximum number of clerks for said polling place shall be determined and appointed in accordance with the provisions of the Contract.

On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

Early voting by personal appearance shall also be conducted at the Lucas Community Center located at 665 Country Club Road, Lucas, Texas. City of Lucas voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration. If the election services contract with the Collin County Elections Administrator revises the polling places listed previously, the City will utilize the polling places designated in said Election Services Contract, as the same may be amended from time to time.

Applications for ballot by mail shall be received and processed by the Collin County Elections Administrator, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75069. Applications for ballots by mail must be received no later than the close of business on April 20, 2021.

Early voting for the Special Election shall begin on Monday, April 19, 2021, and ends Tuesday, April 27, 2021, and the dates and hours designated for early voting by personal appearance at the early voting locations shall be determined in accordance with the provisions of the Contract.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Contract.

**Section 5.** The City Secretary shall present the Special Election returns to the City Council at a Council meeting for the canvassing of said election in accordance with the Texas Election Code.

**Section 6.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNSEL OF THE CITY OF LUCAS,  
COLLIN COUNTY, TEXAS, ON THIS 21st DAY OF JANUARY, 2021.**

APPROVED:

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

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph J. Gorfida, Jr., City Attorney  
(01-12-2021:TM 120077)

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



# City of Lucas City Council Request January 21, 2021

Item No. 07

Requester: City Engineer Stanton Foerster

## Agenda Item Request

---

Discuss and provide information on ranking and scoring of the Statement of Qualifications received from the Request for Qualifications (#023-20) for engineering consulting services for West Lucas Road from Angel Parkway to Country Club Road.

## Background Information

---

On July 22, 2020, a Request for Qualifications (#023-20) was posted on the City website. Interested engineering firms were asked to submit Statements of Qualifications if they were interested in being retained as a consultant for the West Lucas Road project. The SOQs were reviewed independently by Councilmember Debbie Fisher, Development Services Director Joe Hilbourn, Engineering Project Manager Adam Gerster, and City Engineer Stanton Foerster. Four SOQs were submitted to the City. The 1 to 10 scoring was averaged among the reviewers for the SOQs with the following results:

FIRM	SCORE
Birkhoff, Hendricks, & Carter, LLC	8
Huitt-Zollars, Inc.	7
Kimley-Horn and Associates, Inc.	7
Lakes Engineering, Inc.	9

## Attachments/Supporting Documentation

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1. Request for Qualifications (#023-20)
2. Blank Scoring Sheet
3. Collin County (2018 Bond Project # RI8007) W. Lucas Road Interlocal Agreement

## Budget/Financial Impact

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Funding for this engineering consulting work is funded by Capital Improvements 21-8210-491-136, which as a balance of \$4,184,820 with an additional \$8,365,180 from Collin County (2018 Bond Project # RI8007) per the Interlocal Agreement.

## Recommendation

---

Staff is planning to seek a proposal from Lakes Engineering, Inc. for the engineering consulting services for West Lucas Road from Angel Parkway to Country Club Road.

## Motion

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NA





**REQUEST FOR QUALIFICATIONS # 023-20**  
**INSTRUCTIONS FOR SUBMISSION OF STATEMENTS OF QUALIFICATIONS FOR**  
**ENGINEERING CONSULTING SERVICES WITH THE CITY OF LUCAS FOR WEST**  
**LUCAS ROAD FROM ANGEL PARKWAY TO COUNTRY CLUB ROAD**

**I. Introduction**

The City of Lucas is accepting Statements of Qualifications (SOQ) from qualified firms to establish a list of approved firms to provide professional engineering services in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications (RFQ). This RFQ provides interested firms with the information necessary to prepare and submit their qualifications for consideration.

The selected firm(s) will be retained for a period of three years, with the option to renew for an additional two years at the discretion of the City, for a possible full term of five years. The WEST LUCAS ROAD FROM ANGEL PARKWAY AND COUNTRY CLUB ROAD (the “Project”) will be ready for design during the next three-years. The selected firm(s) will be assigned to the Project by the City Engineer or designee based on the criteria outlined in this RFQ. Upon assignment of the Project, the firm will be requested to provide a proposal for review and approval by the City. A consulting fee will be negotiated based upon the design or study proposal. The project proposal shall include an Opinion of Probable Cost for construction of the Project, if applicable.

**II. Scope of Services**

Provide a full-service engineer team for engineering design and/or contract documents suitable for bidding purposes. This Project may include, but is not limited to, the following: roadway construction, roadway reconstruction, water infrastructure, wastewater infrastructure, storm sewer, transportation infrastructure, trails, parks, lighting/illumination, construction engineering, inspection, project management, engineering studies, project scheduling, cost estimating, and landscaping.

**III. Insurance**

All respondents to this RFQ must submit proof of insurance with the SOQ. Proof shall be by submission of copies of current policies or current Certificates of Insurance, including the effective dates of coverage. Upon selection, the City of Lucas shall be listed as an Additional Insured.

#### **IV. Submittals**

The SOQ is limited to nine pages for the eight sections listed below in this section. The nine-page limit does not include Attachments – A and B for resumes and proof of insurance. The minimum font size is 12 for the eight sections. The City may select one or more firm(s) for each discipline depending on expected Project needs. For an SOQ to be considered responsive, the following information shall be included at a minimum in the following sections:

1. Qualifications and relevant project/study experiences of the firm in cities with populations less than 15,000. (One Page Maximum)
2. Qualifications and relevant project/study experiences of the firm with projects with a construction budget less than \$15,000,000. (Two Page Maximum)
3. Reference contact information, including name, phone number, email address, and mailing address. The City reserves the right to check references from the list submitted. (Two Page Maximum)
4. Length of time in business, business history, and description or details of quality assurance program information. (One Page Maximum)
5. If the firm has conducted business with the City of Lucas previously, please list the project(s). (One Page Maximum)
6. If the firm has provided Construction Engineering, Inspection, and Project management (CEI & PM), please list the project(s). (One Page Maximum)
7. A list of specific services your firm is prepared to provide and ability to provide the services in a timely manner. (One Page Maximum)
8. A complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the proposer or in which the proposer has been judged guilty or liable. (One Page Maximum)

The portion of the SOQ that covers items 1 through 8 above shall not be longer than nine (9) pages.

Attachment A – Resumes for the proposed project manager and other key personnel. Team roles and responsibilities for the various disciplines of engineering shall be identified. Note that team leadership tenure may factor into firm selection. All team members must be in good standing with the respective Texas professional governing board (e.g., TBPE, TBPG). (Two Pages Per Resume Maximum)

Attachment B – Proof of Insurance

#### **V. Evaluation Criteria**

The selection of firms to be placed on the qualified firms list will be based on the evaluation criteria listed below. The City reserves the right to select an appropriate number of firms, as determined by the City, to meet the City's projected needs for the next three to five years. The decision by the City is final:

- A. Qualifications and relevant project/study experiences of the firm in cities with populations less than 15,000 (15%)
- B. Qualifications and relevant project/study experiences of the firm with projects with a construction budget less than \$15,000,000 (20%)
- C. References (10%)
- D. Business history and quality assurance (10%)
- E. Experience with City of Lucas (20%)
- F. Experience with CEI & PM (20%)
- G. Location (5%)

## **VI. Interviews and Presentations**

Requests for interviews prior to the closing time and date will not be permitted. Interviews with selected firms may or may not be requested by the City after the closing date. Selection may be made strictly from the information provided in the SOQ. However, the City of Lucas reserves the right to conduct interviews with, and request presentations from any, all or some respondents.

## **VII. Submission**

Facsimile submissions will not be accepted. Submission by email will accepted if in PDF file format and must be submitted to [lmaduro@lucastexas.us](mailto:lmaduro@lucastexas.us) and [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us).

Submissions mailed or hand delivered to city hall shall include the following: one bound original, one unbound copy, and one PDF digital copy. Submissions shall be in one package and marked plainly as:

CITY OF LUCAS  
RFQ # 023-20  
ENGINEERING CONSULTANT SERVICES  
Purchasing Coordinator  
LUCAS CITY HALL  
665 COUNTRY CLUB ROAD  
LUCAS, TX 75002-7651

All proposals shall be delivered to the address above no later than 2:00 P.M. on Friday, April 28, 2017. Submissions received after this time will not be opened and destroyed.

The City will coordinate all activities of the Professional Services contract that may result from this RFQ.

### **VIII. Questions**

The City of Lucas requires all questions relating to this RFQ directed via email to Linezka Maduro, Purchasing Coordinator, at [lmaduro@lucastexas.us](mailto:lmaduro@lucastexas.us) by noon on Wednesday, April 26, 2017. No questions will be answered via the telephone.





**INTERLOCAL AGREEMENT  
BETWEEN COLLIN COUNTY AND THE CITY OF LUCAS  
CONCERNING THE CONSTRUCTION OF  
WEST LUCAS ROAD  
2018 BOND PROJECT # RI18007**

**WHEREAS**, the County of Collin, Texas (“County”) and the City of Lucas, Texas (“City”) desire to enter into this agreement (“Agreement”) concerning the improvements to West Lucas Road from FM 1378/Country Club Road to FM 2551/Angel Parkway (“Project”) in Lucas, Collin County, Texas; and

**WHEREAS**, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

**WHEREAS**, the City and County have determined that the improvements may be constructed most economically by implementing this Agreement; and

**WHEREAS**, the Lucas City Council has requested that Collin County acquire the required additional right-of-way for the project using funds provided by the City of Lucas; and

**WHEREAS**, the Commissioners Court allocated Eight Million Three Hundred Sixty-Five Thousand One Hundred Eighty Dollars (\$8,365,180.00) from the 2018 Bond Program to the City of Lucas for Project, Collin County Bond Project #RI18007;

**NOW, THEREFORE**, this Agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

**WITNESSETH:**

**ARTICLE I.**

The City shall arrange to design and construct the Project. The Project shall consist of constructing West Lucas Road as a four-lane divided arterial from FM 1378/Country Club Road to FM 2551/Angel Parkway. All improvements shall be designed to meet or exceed the City’s roadway design standards and criteria as well as the County’s design standards and shall be constructed in accordance with the plans and specifications approved by the City.

**ARTICLE II.**

The City shall prepare plans and specifications for the improvements, accept bids and award a contract to construct the improvements and administer the construction contract. In all such activities, the City shall comply with all statutory requirements applicable to a municipal public work project. The City shall provide the County with a copy of the executed design and construction contract(s) for the Project. Changes to the Project, other than what was submitted for the initial project ranking or which alter the initial funding set forth in Article IV, must be reviewed and approved by Collin County.

**ARTICLE III.**

Real property or easements shall be acquired to protect the width of one hundred twenty feet (120’) in connection with the full length of the Project. The City requests and authorizes Collin County to acquire this land by all means necessary at the discretion of Collin County, including the use of eminent domain. The City will provide all survey parcel documents and any drainage or slope easements required and set monuments on all corners and points of intersection. The County recognizes that the City prefers the acquisition of easements rather than fee simple title. The City will provide to the County \$826,000 for right-of-way acquisition and any other costs necessary for the acquisition, such as appraisals, legal expenses, title, etc. If it is determined that more than that

amount is required to acquire land that is necessary for the project, the additional funds required will be deducted from the County participation amount. If it is determined that less than that amount is required to acquire land that is necessary for the project, the additional funds required will be added to the award that the County has made to the City.

#### ARTICLE IV.

The County agrees to participate in the Project by providing Eight Million Three Hundred Sixty-Five Thousand One Hundred Eighty Dollars (\$8,365,180.00) (the "County Participation Amount") to the performance of the Project. Eight Hundred Twenty-Six Thousand Dollars (\$826,000) of the County Participation Amount will be used by the County to fund the acquisition of right-of-way. The County shall remit fifty percent (50%) of the County Participation Amount to the City within thirty (30) days after the City issues a Notice to Proceed to the design engineer and the City submits a written request for payment to the County. The County shall remit the remaining fifty percent (50%) less \$826,000, or any portion thereof, that was used by the County to acquire right-of-way of the County Participation Amount to the City within thirty (30) days after the City receives bids for the construction of the Project and the City submits a written request for payment to the County. The County Commissioners Court may revise this payment schedule based on the progress of the Project. If the payment schedule is revised and that revision results in the City facing the potential of incurring an unfunded debt in violation of the Texas Constitution the City, in its sole discretion, shall be free from any obligation or commitment to continue working on or complete the Project until the next installment of the County Participation Amount is paid to City.

If the actual cost to design and construct the Project is less than the County Participation Amount, then the City shall reimburse to the County an amount equal to the difference between the County Participation Amount and the actual project cost. The City shall remit any such reimbursement to the County following City's final acceptance of the Project and along with an itemized final accounting of expenditures for the Project.

#### ARTICLE V.

The County's participation in the Project shall not exceed Eight Million Three Hundred Sixty-Five Thousand One Hundred Eighty Dollars (\$8,365,180.00).

#### ARTICLE VI.

The City shall install a **project sign** identifying the Project as being partially funded by the Collin County 2018 Bond Programs. The City shall also provide **quarterly progress reports throughout the Project as well as before, during and after photos** during the construction process, in electronic format or via US mail to the Collin County Engineering Department. Following completion of the Project, the City shall provide an **itemized final accounting of expenditures** for the Project.

#### ARTICLE VII.

The City and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

#### ARTICLE VIII.

**INDEMNIFICATION. TO THE EXTENT ALLOWED BY LAW, EACH PARTY AGREES TO RELEASE, DEFEND, INDEMNIFY, AND HOLD HARMLESS THE OTHER (AND ITS OFFICERS, AGENTS, AND EMPLOYEES) FROM AND AGAINST ALL CLAIMS OR CAUSES OF ACTION FOR INJURIES (INCLUDING DEATH), PROPERTY DAMAGES (INCLUDING LOSS OF USE), AND ANY OTHER LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND EXPENSES, IN ANY WAY ARISING OUT OF, RELATED TO, OR RESULTING FROM ITS PERFORMANCE UNDER THIS AGREEMENT, OR CAUSED BY ITS NEGLIGENT ACTS OR OMISSIONS (OR THOSE OF ITS RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, OR ANY OTHER THIRD PARTIES FOR WHOM IT IS LEGALLY RESPONSIBLE) IN CONNECTION WITH PERFORMING THIS AGREEMENT.**



NO WAIVER OF IMMUNITY OR DEFENSE. No party, by execution of this Agreement, waives nor shall be deemed to have waived, any immunity or defense that would otherwise be available to it.

**ARTICLE IX.**

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement is performable in Collin County, Texas and that exclusive venue shall lie in Collin County, Texas.

**ARTICLE X.**

SEVERABILITY. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

**ARTICLE XI.**

ENTIRE AGREEMENT. This Agreement embodies the entire agreement between the parties and may only be modified in a writing executed by both parties.

**ARTICLE XII.**

SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

**ARTICLE XIII.**

IMMUNITY. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

**ARTICLE XIV.**

EXPENSES FOR ENFORCEMENT. In the event either Party hereto is required to employ an attorney to enforce the provisions of this Agreement or is required to commence legal proceedings to enforce the provisions hereof, the prevailing Party shall be entitled to recover from the other, reasonable attorney's fees and court costs incurred in connection with such enforcement, including collection.

**ARTICLE XV.**

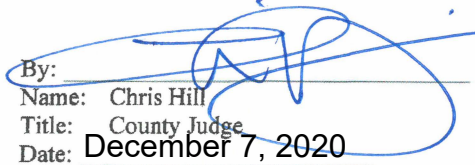
**FORCE MAJEURE.** No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the affected party's reasonable control, including, without limitation: acts of God; flood, fire or explosion; war, invasion, riot or other civil unrest; actions, embargoes or blockades in effect on or after the date of this Agreement; or national or regional emergency (each of the foregoing, a "Force Majeure Event"). A party whose performance is affected by a Force Majeure Event shall give notice to the other party, stating the period of time the occurrence is expected to continue and shall use diligent efforts to end the failure or delay and minimize the effects of such Force Majeure Event.

**ARTICLE XVI.**

TERM. This Agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project. This Agreement shall automatically renew annually during this period.


*[Signature page follows.]*

COUNTY OF COLLIN, TEXAS


By:   
Name: Chris Hill  
Title: County Judge  
Date: December 7, 2020

Executed on this 7th day of December 2020 by the County of Collin, pursuant to Commissioners' Court Order No. 2020-1185-12-07.

ATTEST:

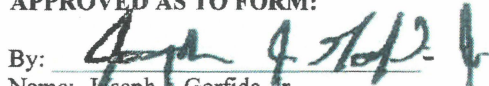
By:   
Name: Stacy Henderson  
Title: City Secretary  
Date: 11-5-2020

CITY OF LUCAS, TEXAS

By:   
Name: Jim Olk  
Title: Mayor  
Date: 11-5-2020

Executed on behalf of the City of Lucas pursuant to City Council Resolution No. 2020-11-00502

APPROVED AS TO FORM:

By:   
Name: Joseph F. Gorfida, Jr.  
Title: City Attorney  
Date: 11-6-2020



# City of Lucas

## City Council Agenda Request

### January 21, 2021

Item No. 08

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.

<b>Board of Adjustments</b> 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
<b>Parks and Open Space Board</b> Vacancies	
Alternate Member Position 1	Vacant
Alternate Member Position 2	Vacant

### **Attachments/Supporting Documentation**

---

NA

### **Budget/Financial Impact**

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NA

### **Recommendation**

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NA





**City of Lucas  
City Council Agenda Request  
January 21, 2021**

**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 Council Agenda Request January 21, 2021

Item No. 09

Requester: Service Tree Committee, City Council

## Agenda Item Request

---

Consider nominations for the 2021 Service Tree Award Program.

## Background Information

---

The City accepted Service Tree nomination applications from October 1 through December 10, 2020. The City Secretary’s office received two nominations that have been shared with the Service Tree Committee members, Councilmember Fisher, Councilmember Duke and Councilmember Johnson. Service Tree nominations were received for the following individuals:

- Andre and Debra Guillemaud
- Larry Abston

Past Service Tree Award recipients include:

2015 Recipients	2016 Recipients	2017 Recipients	2018 Recipients	2019 Recipients	2020 Recipients
First Lucas City Council	Don Kendall	Founders Day Cancelled	Tonda Frazier	Peggy Rusterholtz	David Rhoads
Rebecca Mark	Lee Bauer		Tracy Matern	Mrs. Lee Ford	Craig Zale
Charlie Gaines					
Suzanne Christian Calton and Shirley Biggs Parker					

## Attachments/Supporting Documentation

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1. Service Tree Nominations (sent under separate attachment)

## Budget/Financial Impact

---

The Service Tree program account 6211-445 has \$4,000 budgeted in the 2020-21 budget.

## Recommendation

---

The Service Tree Committee will provide a recommendation to the City Council.

## Motion

---

I make a motion to nominate the following individuals as Service Tree recipients for 2021:

-



# City of Lucas Council Agenda Request January 21, 2021

Requester: Councilmember Debbie Fisher

## **Agenda Item Request**

---

Consider the formation of an Event Auxiliary Committee under the Parks and Open Space Board.

## **Background Information**

---

During the appointment of members to our boards and commissions many applicants stated they wanted to volunteer to help the city. This year we had many more applicants than positions available leaving many citizens feeling we do not want their help.

While there are many opportunities throughout the year when volunteers are needed, it is always a challenge to have a sufficient number of citizen volunteers available. This has meant that the Parks Board members are doing a lion's share of the work for our events and has required staff to work beyond their normal duties.

There are many regular volunteers that are needed such as a volunteer coordinator, an event photographer and someone to help with continuing the ongoing history of our wonderful city. I am suggesting we have the Parks Board consider forming a group similar to the Farmers Market volunteers to help share the load and make it possible for more citizens to share their time and talents. This would create a master list of volunteers who are available and will provide an opportunity to learn what our community is about. It would also take more of the burden off our staff.

## **Attachments/Supporting Documentation**

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1. Ordinance 2014-11-00803 Parks and Recreation

## **Budget/Financial Impact**

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NA

## **Recommendation**

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Councilmember Fisher recommends we ask the Parks Board to discuss the creation of an Event Auxiliary Committee.

## **Motion**

---

I make a motion to approve/deny having the Parks Board consider the formation of an Event Auxiliary Committee to provide volunteers for city sponsored events.

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input checked="" type="checkbox"/>	Code of Ordinances
<input type="checkbox"/>	Other

**ORDINANCE # 2014-12-00803**  
**[AMENDING CODE OF ORDINANCE CHAPTER 1, ARTICLE**  
**1.09, PARKS AND RECREATION]**

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1 TITLED "GENERAL PROVISIONS" BY AMENDING ARTICLE 1.09 TITLED "PARKS AND RECREATION" BY AMENDING DIVISION 2 TITLED "PARK AND OPEN SPACE BOARD" BY PROVIDING REVISED REGULATIONS FOR THE QUALIFICATIONS AND DUTIES FOR THE PARK AND OPEN SPACE BOARD MEMBERS; BY AMENDING DIVISION 3 TITLED "PARK RULES" BY AMENDING SECTION 1.09.062 TITLED "CONDUCT IN PARKS" BY PROVIDING ADDITIONAL REGULATIONS FOR CITY PARKS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Section 1.** That the Code of Ordinances of the City of Lucas, Texas be, and the same is, hereby amended by amending Chapter 1 titled "General Provisions", by amending Article 1.09 titled "Parks and Recreation", to read as follows:

**"ARTICLE 1.09 PARKS AND RECREATION**

**Division 1. Generally**

**Secs. 1.09.001-1.09.030**      **Reserved**

**Division 2. Park and Open Space Board**

**Sec. 1.09.031**      **Established; composition; qualifications of members**

There is hereby created and established the city parks and open space board. The board shall consist of five (5) regular voting members, including a chairperson, and two (2) alternate members. The board members shall be appointed by the city council for a term of two (2) years, and shall serve until their successor is appointed. The alternate board members may participate in the board discussions; however, the alternate board members shall only vote in the absence of a

regular board member, as determined by the chairperson. Board members shall reside in the city for at least six (6) months preceding appointment day.

**Sec. 1.09.032                      Reserved**

**Sec. 1.09.033                      Removal of members; filling of vacancies**

The members of the park and open space board may be removed at any time by a majority vote of the city council with or without cause. Any vacancy in the board shall be filled by the city council for the unexpired term of the member whose place has become vacant.

**Sec. 1.09.034                      Meetings; quorum**

The park and open space board shall hold at least one (1) quarterly meeting. Such meeting shall be held on a day of the month approved by the board. Special meetings may be called by the chairman, by the city manager, or, if requested, by at least four (4) board members. A simple majority of the board shall constitute a quorum. A vote of the simple majority of the quorum shall be required for any action taken by the board. Such meetings shall comply with the Texas Open Meetings Act.

**Sec. 1.09.035                      Officers**

(a) Election. A chairman and vice-chairman shall be selected annually, preferably at the first regular meeting of the fiscal year.

(b) Duties of Officers.

- (1) Chairman. It shall be the duty of the chairman to preside at all meetings of the board and to call special meetings.
- (2) Vice-chairman. It shall be the duty of the vice-chairman to perform the duties of the chairman during any absence.

**Sec. 1.09.036                      Duties**

(a) The board shall serve in an advisory capacity to the city council in all matters relating to the parks and open space of the city. The board shall also make recommendations to the city council on the implementation of beautification programs and projects to enhance the natural beauty of Lucas.

(b) The board shall review, study and make recommendations to the city manager or designee for priorities of projects or activities to be included in future parks, open space and beautification projects and programs. Board input and guidance on parks and open space should be incorporated into the parks and open space master plan which also includes the identification of the city's trail network and possible locations of trailheads. Such master plan shall be considered, revised and maintained with technical assistance and recommendations of the city

manager or designee. The parks and open space master plan shall be reviewed at least annually by the board.

(c) Based on the park and open space master plan and the identification of beautification projects by the board, a five-year capital improvement program should be developed for consideration by the city council and coordinated with the city manager or designee and the finance department.

(d) The board should review fees relating to the use of parks on an annual basis, making recommendations to the city manager or designee for consideration during the budget process. The board shall study budget proposals on an annual basis and recommend inclusion or exclusion of budget items to the city manager or designee.

(e) The board should review park rules and policies on an annual basis, making recommendations to the city manager or designee.

(f) The board should assist in educational and community outreach programs to help facilitate litter prevention, preservation of open space, encouragement of community advocacy relating to beautification and the establishment of partnerships to help with the overall aesthetic appeal of Lucas.

(g) The board should help ensure a high quality of life for Lucas residents by coordinating special events that provide a mechanism to create a sense of community spirit and enjoyment.

(h) The board may establish additional policies and guidelines upon approval by the city council.

(i) The board shall study and make recommendations to the city council on any other matters as requested by the city council.

#### **Sec. 1.09.037                      Attendance Policy**

To ensure that the board has sufficient members present to transact business, board members and alternates shall maintain a record of at least 75% attendance at the official meetings of the board.

A review of each board member's attendance will be conducted at the time the member's reappointment. If at the time of reappointment, the attendance record of the member is below 75% for their last appointed term, the staff and Chair will review the attendance record with the board member and will then provide a written board attendance report to the City Council. Upon review of the written report, the City Council may ask to meet with the member concerning the ability to continue to meet the attendance requirements. The outcome of the review of the report and/or the interview with the member will be considered in the reappointment process.

#### **Secs. 1.09.038–1.09.060            Reserved**

### **Division 3. Park Rules**





# City of Lucas Council Agenda Request January 21, 2021

Requester: Mayor Pro Tem Kathleen Peele

## **Agenda Item Request**

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Review and consider amending Resolution R-2013-05-00397 by amending Section II regarding Agenda Preparation.

## **Background Information**

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On May 2, 2013, the Lucas City Council adopted Resolution R-2013-05-00397 that establishes guidelines for the agenda preparation process as well as define expectations of attendee conduct and citizen input.

### Packet Preparation:

Items listed on the planning calendar to be placed on the City Council agenda take approximately 1 to 4 hours to prepare depending on the complexity of the item or if significant public interest is anticipated.

- An email is sent to City staff on Monday (the week a packet goes out) to verify items are ready to be brought before the City Council.
- The next day (Tuesday), agenda items, including all backup material are sent to the City Secretary.
- Agenda items are reviewed by the City Secretary for content, clarity and formatting and backup material needed is verified with departments.
- Agenda items are organized, assigned number placement on the agenda and a draft packet is completed.
- Once the draft packet is prepared, it is given to the City Manager for review by Wednesday.
- After review, any edits or revisions are made and then the packet is ready for legal review.
- On Thursday, the packet is sent to the City Attorney for review and any recommendations from the City Attorney are incorporated.
- On Friday, the final packet is ready for distribution.

## **Attachments/Supporting Documentation**

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1. Resolution R-2013-05-00397

## **Budget/Financial Impact**

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NA



**City of Lucas  
Council Agenda Request  
January 21, 2021**

Item No. 11

**Recommendation**

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NA

**Motion**

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I make a motion to approve/deny replacing Resolution R 2013-05-00397 with the following changes:

- 1.

**RESOLUTION # R-2013-05-00397**  
**[Rules of Order and Procedures]**

**WHEREAS**, the Home Rule Charter does not provide a procedure for the agenda preparation; and

**WHEREAS**, the City Council has determined that it is in the best interest of all concerned to establish guidelines for the preparation of the agenda for City Council meetings and an orderly process for citizen participation; and

**WHEREAS**, the City Council has determined that establishing a procedure for allowing routine business to be placed on a Consent Agenda would expedite the business matters of the Council.

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

**SECTION I - DEFINITIONS**

1. Regular Meeting - a meeting of the City Council to conduct its business as set forth in the Home Rule Charter will be held on the first and third Thursday of each month unless otherwise scheduled by City Council.
2. Special Meeting - a meeting of the City Council that is not a Regular Meeting. Per the Home Rule Charter Section 3.14 (2) a Special Meeting shall be called by the Mayor or a majority of the Councilmembers upon provision of public notice in accordance with State Law.
3. Work Session - a meeting of the City Council called for the purpose of exchanging information about the public business or policy. No action is taken by Council during Work Sessions.
4. Agenda Packet - supporting documentation for agenda items.
5. Routine Business - items of normal city business including: canvassing an election, authorizing a contract, zoning which has previously been discussed at a public hearing, approval of minutes, grant deeds, grant of easements, final reading and adoption of ordinances, auditor's reports, standard subdivision agreements, calls for bids, reports of administrative actions and proposals, leases and agreements approved in principle, and rescheduling or cancelling regular meetings.

## **SECTION II – AGENDA PREPARATION**

1. Regular Meeting agendas should be posted by the Friday before said meeting by 5:00 p.m. but in no case later than 72 hours before the scheduled time of the meeting as provided by State Law.
2. Requests for placing an item on the agenda shall be submitted, in writing, to the City Secretary no later than the Tuesday of the week before said meeting by 12:00 p.m.

Items placed on the agenda must be of sufficient clarity to enable the general public to determine the nature of the issue for consideration and the type of Council action required, if any.

The request and documentation will be reviewed by the City Manager and Mayor prior to being placed on the agenda. If the City Manager and/or Mayor determines that additional clarity and/or supporting documentation is necessary for the agenda item, they shall notify the requestor and may, at their discretion, delay the inclusion of the item in the meeting agenda to the next regular scheduled meeting agenda. The requested item may not be delayed from inclusion on the agenda for more than 1 meeting.

3. Items may be placed on the agenda by the following:
  - a. The Mayor or any Councilmember, as provided for in Section II, 2.
  - b. The City Manager, City Secretary, and City Attorney for items dealing with the operations or administration of their respective job functions.
  - c. Citizens desiring to have Council discuss an issue should seek the concurrence of the Mayor or a Councilmember that the item should be discussed. The Mayor or Councilmember may then request that the item be placed on the agenda in conformance with subsection II.3.a.

## **SECTION III – CONSENT AGENDA**

Routine business which is brought before Council will be consolidated under the heading "Consent Agenda". All items appearing under Consent Agenda shall be approved, adopted, accepted, or enacted by one motion and one vote of Council. Items may be removed from the Consent Agenda by the Mayor and/or Councilmember(s) for separate discussion and action.



## SECTION IV – CITIZEN INPUT DURING MEETINGS

### 1. CONDUCT

- a. Conversations between or among audience members should be conducted outside the meeting room. Attendees will refrain from loud private conversations while Council is in session. Attendees shall not address the Council except as provided herein.
- b. Placards, banners or signs will not be permitted in the Council Chambers or in any other room in which the City Council is meeting. Exhibits, displays and visual aids used in connection with presentations to the Council are permitted.
- c. Only City Councilmembers, city staff, and scheduled consultants may step to the dais. If information or documents need to be presented to the Council, it must be provided to the City Secretary who shall distribute such material.
- d. All remarks and questions shall be made to the Mayor or Council as a whole, and not to individual Councilmembers.

### 2. COMMENTS

- a. Any person who wishes to address the Council must first register with the City Secretary by submitting a completed “Request to Speak” form. This form may also be used by citizens to show their support or opposition to an agenda item without having to address the Council.

Groups coming to address the Council are encouraged to select representatives in order to conserve speaking time and reduce repetitive or redundant comments.

Regular Meetings: Citizen Input is allowed on posted agenda items when those items are addressed in the meeting. Other public comments are heard at the beginning of the meeting.

Special Meetings and Work Sessions: Citizen Input may be allowed on posted agenda items only. (See Sec. II. 7.) Council may set time limits on Citizen Input as necessary.

- b. In accordance with the Texas Open Meetings Act, the Council cannot take action on or discuss any subject brought up during Citizen Input; however,

the Mayor or Council may add the issue to a future Council agenda or refer it to the proper city department for action.

- c. Comments will be heard prior to deliberations by the Council. Persons wishing to speak on any agenda item must submit a Request to Speak form prior to the beginning of discussion on that item. Each person shall be recognized by the Mayor, and will be allowed to speak one time for each agenda item listed on their Request to Speak form.
- d. When their name is called to speak, each person shall come to the designated microphone, state their name and address, limit their presentation to three (3) minutes and restrict the comments to the subject being discussed. The Mayor may allow a speaker to exceed the three minute time limit if the information presented is of value to the discussion and does not unduly prolong the meeting. A majority of Council may also allow a speaker to continue after the Mayor has announced the end of the speaker's time.
- e. If a speaker's comments will be longer than three (3) minutes, the Council encourages remarks to be prepared in writing and provided to each member through the City Secretary.
- f. During Public Hearings the applicant will be allowed a maximum of ten (10) minutes to make a presentation and five (5) minutes for rebuttal if necessary. The Mayor or a majority of Council has the right to adjust or extend times as necessary to ensure a fair and open hearing.
- g. The Mayor has the responsibility and duty to rule a speaker out of order if the comments made are of a personal nature, or are in any other manner disruptive to the orderly conduct of business of the Council. If the Mayor does not act promptly, a "Point of Order" motion from any Councilmember can request the Mayor to call the speaker out of order. If the Mayor still does not act, the Councilmember may call for a "Point of Privilege" and move for a vote of the Council to restrict the speaker. A majority vote of the Council will require the Mayor to immediately rule the speaker out of order.

## **SECTION V – ATTENDANCE**

Any member of Council who misses a meeting will contact the Mayor, City Manager or City Secretary prior to the meeting or as soon as practical with the reason for the absence.

**SECTION VI – MISCELLANEOUS**

1. Call to Order - The Mayor, or in the absence of the Mayor, the Mayor Pro-tem shall call the meeting to order. In the absence of the Mayor and Mayor Pro-tem, the City Secretary shall call the meeting to order and a temporary presiding officer shall be elected.
2. Conflict of Interest - A Councilmember prevented from voting due to a conflict of interest shall leave the meeting during the debate, shall not vote on the matter, and shall otherwise comply with current state law, and ordinances concerning conflicts of interest.

**SECTION VII**

This Resolution shall supercede any preceding Resolutions regarding City Council agenda preparation and conduct of meetings.

**PASSED AND APPROVED** this 2<sup>nd</sup> day of May, 2013.



Rebecca Mark, Mayor

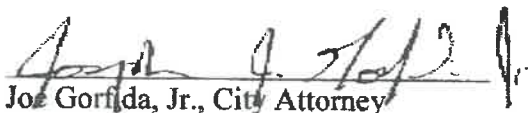


ATTEST:



Kathy Wingo, TRMC, MMC  
City Secretary

APPROVED AS TO FORM:



Joe Gorfida, Jr., City Attorney  
(JJG/05-03-13/60527)