

**REGULAR MEETING
LOCKHART CITY COUNCIL**

OCTOBER 8, 2020

6:30 P.M.

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3rd FLOOR,
LOCKHART, TEXAS**

Council present:

Mayor Lew White	Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 7:04 p.m.)
Councilmember Juan Mendoza	Councilmember Kara McGregor
Councilmember Jeffry Michelson	Councilmember Brad Westmoreland
Councilmember Derrick David Bryant (attended virtual 6:30 p.m. and arrived in-person at 7:30 p.m.)	

Staff present:

Steven Lewis, City Manager	Connie Constancio, City Secretary
Monte Akers, City Attorney	Miles Smith, Public Information Officer
Pam Larison, Finance Director	Mike Kamerlander, Economic Development Dir.
Dan Gibson, City Planner	Ernest Pedraza, Police Chief

Citizens/Visitors Addressing the Council: Madelyn Auld and the Girl Scout Troop 1057; Jay Garner of Garner Economics; Jay Howard of Texas Disposal Systems; Laura Toups of Dunaway Associates; Ramzi and Nicole Al Rashid; Jonathan Smith of Lake Flato Architects; Winn Smith of Countywide Builders; Erik Landrum of Lockhart Hangar Partners; and, Citizen, Fred Wiegand-attending virtually.

Work Session 6:30 p.m.

Mayor White opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

PRESENTATION ONLY

A. PRESENTATION TO THE LOCKHART CITY COUNCIL BY THE GIRL SCOUT TROOP #1057.

Members of Girl Scout Troop #1057 presented a plaque to the Lockhart City Council thanking them for authorizing the Troop to plant a Live Oak tree at the Lockhart City Park on September 22, 2020. Mayor White and the Councilmembers thanked the Troop for their dedication to the community.

DISCUSSION ONLY

A. PRESENTATION BY GARNER ECONOMICS REGARDING TARGET INDUSTRY STRATEGY TO BE CONSIDERED FOR ADOPTION BY RESOLUTION 2020-23.

Mr. Kamerlander stated that in January 2020, the City of Lockhart and the Lockhart Economic Development Corporation (LEDC) retained Garner Economics, LLC to assist in preparing a "Competitive Realities Report and Target Industry Strategy" in order to assist the City and the LEDC to focus its economic development priorities to help create jobs in the Community by focusing efforts that leverage the community's assets and strengths. It is a best practice for economic development organizations to conduct a study that looks at the industries that it can attract due to workforce size, makeup, skills, and education level in addition to what the community assets and liabilities are regarding real property available. This is the first study of this kind that the LEDC or the City of Lockhart has done and will provide the framework for our work over the next five years. He introduced Jay Garner of Garner Economics.

Jay Garner of Garner Economics provided details about the Target Industry Strategy that explained details as mentioned by Mr. Kamerlander. There was discussion.

B. DISCUSS INTERLOCAL COOPERATION AGREEMENT BETWEEN THE LOCKHART INDEPENDENT SCHOOL DISTRICT AND THE CITY OF LOCKHART FOR A SCHOOL RESOURCE OFFICER DURING THE 2020-2021 SCHOOL YEAR.

Chief Pedraza stated that the Interlocal Agreement between the Lockhart Independent School District (LISD) and the City of Lockhart provides two School Resource Officers (SRO) for the school year 2020-2021. The purpose of the agreement is to set forth guidelines to ensure that the Lockhart Police Department and the LISD have a shared understanding of the role and responsibility of each in maintaining safe schools, improving climate, and supporting educational opportunities for all students. One officer will be assigned to the Junior High School and one officer will be assigned to the High School. Chief Pedraza recommended approval. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:20 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:35 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember Bryant gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

Mayor White requested citizens to address the Council on items that are not on the agenda.

Jay Howard of Texas Disposal Systems requested that the City of Lockhart seek bids for solid waste services upon the expiration of the current contract with Central Texas Refuse.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATIONS ZC-20-11 AND PDD-20-02 BY LAURA TOUPS ON BEHALF OF PHX15, LLC FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING BY-REFERENCE A REVISED PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN FOR MAIN SPRINGS PLANNED DEVELOPMENT, A PROPOSED MIXED-USE DEVELOPMENT ON 1.778 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 416 NORTH CHURCH STREET.

Mayor White opened the public hearing at 7:45 p.m.

Mr. Gibson stated that the PDD zoning classification is intended to accommodate developments with characteristics that may deviate from the normal zoning and subdivision standards. In return for such flexibility, the PDD requires an early commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications that cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan, which is adopted by-reference and cannot be changed except through the rezoning process. In this case, the owner is proposing a mixed-use project consisting of eight vacation rental units in a total of four structures, a two-story commercial building, a two-story mixed-used building containing commercial on the first floor, three

apartments on the second floor, six townhome condominium units, and an open-air pavilion. Off-street parking is provided for the townhome condominiums via a private driveway extending between North Church Street and North Main Street. All other parking is proposed to be in the North Church Street right-of-way where the project will include widening the east side of the street to accommodate 90-degree on-street parking. The property is divided by an unnamed tributary of Town Branch Creek within a floodplain area that extends from the east side of the site. Any structures that extend into the floodplain will be raised on columns such that their floors will be at least one-foot above the base flood elevation, as required by the city's floodplain ordinance. One letter of support was submitted. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the following to address the Council:

Laura Toups of Dunaway Associates, Austin, Texas stated that she is the engineer on the project. She offered to answer questions.

Ramzi and Nicole Al Rashid, Austin, Texas, owners of the subject property, provided information about their plan to develop the property. They requested approval.

Jonathon Smith of Lake Flato Architects, San Antonio, Texas provided details about the architectural design of the development. There was discussion regarding the design to control flooding on the development site.

Winn Smith of Countywide Builders provided details about the construction and development of the property. He requested approval.

Mayor White requested citizens in favor of or against the zoning change and the PDD to address the Council. There were none. He closed the public hearing at 8:20 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2020-25 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 1.778 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 416 NORTH CHURCH STREET, FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING BY-REFERENCE A PDD DEVELOPMENT PLAN FOR MAIN SPRINGS PLANNED DEVELOPMENT.

Councilmember McGregor made a motion to approve Ordinance 2020-25, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 3. PUBLIC COMMENT.

Mayor White announced that Fred Wiegand would be addressing the Council virtually.

Fred Wiegand expressed concern about property tax issues with properties in Caldwell County. He requested assistance from the city with the property tax issues and regarding maintenance to the road along his property.

ITEM 5-D. APPROVE ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT FOR A BIG GRANT FAÇADE IMPROVEMENT WITH LOCKHART MERCANTILE LOCATED AT 116 S. COMMERCE STREET.

Mr. Kamerlander stated that Lockhart Mercantile is planning a comprehensive renovation of 116 South Commerce Street's façade. The plans include asbestos abatement, replacing rainwater downspouts, new awning, paint, new stucco, store window display area repairs, and more. The total estimated cost is \$41,336. The owners have met with the City and Lockhart Economic Development Corporation (LEDC) and submitted their BIG grant application which provides a 50% rebate for the façade improvements up to \$20,000. The project has been approved by the Historical Commission and has received permits. The LEDC Board unanimously approved the performance agreement on September 14, 2020 after having held a public hearing. The BIG grant program rebates 50% of actual expenditures that have proof of payment once the project is done and cannot go beyond \$20,000 per project. Mr. Kamerlander recommended approval. There was discussion.

Mayor Pro-Tem Sanchez made a motion to approve the Economic Development Performance Agreement for a BIG grant façade improvement with Lockhart Mercantile located at 116 South Commerce Street. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 5-E. APPROVE GROUND LEASE AT THE LOCKHART MUNICIPAL AIRPORT FOR THE DEVELOPMENT OF AVIATION RELATED BUSINESS AND AIRCRAFT STORAGE WITH LOCKHART HANGAR PARTNERS, LLC.

Mr. Kamerlander stated that Lockhart Hangar Partners approached the city in 2019 to lease land at the Lockhart Municipal Airport to develop new T-hangars to address the needed aircraft storage at the airport. These 17-34 new T-hangars will be built to the east of the current T-hangars on the airfield and construction is expected to commence quickly to address the backlog of T-hangar applicants. The expected capital expenditure is a little over \$300,000 per 17 T-hangars. If all 34 are built, it would create over \$600,000 in capital. The lease provides an initial estimated 0.5 acres to be leased at a rate of \$0.07 per square foot annually or \$1,524.60 annually with the exact size of the site being assessed once building permits have been issued. The rent will increase 10% every five years during the 30-year lease term. Lockhart Hangar Partners will have the option to renew the lease for two additional five-year terms. Mr. Kamerlander recommended approval. There was discussion.

Erik Landrum of Lockhart Hangar Partners stated that they are eager to build the T-hangars at the Lockhart Municipal Airport.

Councilmember Michelson made a motion to approve the Ground Lease at the Lockhart Municipal Airport for the development of aviation related business and aircraft storage with Lockhart Hangar Partners, LLC. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

Mayor White stated that consent agenda items 5D and 5E would be pulled for discussion.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A, 5B and 5C. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the City Council meetings of August 31, 2020 and September 1, 2020.
- 5B: Approve Resolution 2020-23 adopting a Target Industry Strategy Report.
- 5C: Approve Interlocal Cooperation Agreement between the Lockhart Independent School District and the City of Lockhart for a School Resource Officer during the 2020-2021 school year.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER REINSTATING UTILITY LATE FEES AND UTILITY DISCONNECTIONS.

Ms. Larison stated that staff seeks direction from the Council about reinstating late utility payment fees and disconnection of services. Because of the effects of the COVID-19 situation, the City was concerned that some customers would be unable to make their utility payments. Consequently, the City made changes to make sure utility customers services were not interrupted. On March 24, 2020, the Finance Director informed the Council about the suggested guidelines from the Public Utility Commission (PUC) concerning waiving late utility payment fees and disconnection of services during the COVID-19 pandemic. The PUC is a state utility regulator which does not have jurisdiction over municipal owned utilities, and although municipalities are not bound by the authority of the PUC, most municipal retail electric providers will follow their guidelines and recommendations. With a recommendation from City administration, the consensus of the Council was to follow the PUC guidelines until such time they were re-evaluated. At that same time, the State of Texas began the Electric Relief Program, which allowed investor owned utilities to receive compensation for non-payments due to COVID-19. This however was not available to municipal owned utilities with outstanding balances. In August, the PUC informed utility providers that they could re-establish their late fees and disconnection of services after August 31, 2020 if customers received a 30-day notice. It was also determined that extensions on re-payment would be decided by individual utility companies but recommended a minimum of six months.

Ms. Larison stated that it is staff's recommendation to have Council allow unpaid balances to be placed on payment plans with an extension plan that lasts no longer than the end of the fiscal year (September 30, 2021). This will allow customers up to 12 months to pay unpaid balances. It is also staff's recommendation to reinstate disconnection of utility services for future billing cycles and re-establish late fees, contingent on any future guidelines from the PUC concerning the COVID-19 situation.

There was discussion regarding possibly amending the Utility Relief Program eligibility criteria to eliminate the income level guidelines to be returned at the next Council meeting.

Mayor Pro-Tem Sanchez made a motion to approve reinstating disconnection of utility services for future billing cycles and re-establishing late fees, and to authorize unpaid balances to be placed on payment plans with an extension plan that lasts no longer than the end of the fiscal year ending September 30, 2021. Councilmember Bryant seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER THE MAYOR'S DECLARATION OF LOCAL DISASTER REGARDING REQUIRING FACE COVERINGS, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.

Mr. Lewis provided information regarding an internal issue pertaining to city employees' unused vacation hours. Due to COVID-19, many employees have not been able to take/use vacation hours due to work obligations or the inability to take vacation because of the pandemic. He stated that he proposes to temporarily remove the cap on the maximum vacation leave to be used by the end of December 2020, and to extend the deadline to use the 2020 excess vacation leave by September 30, 2021. The consensus of the Council was to approve the extension for city employees to use excess vacation hours by September 30, 2021.

Mayor White stated that there are issues in the community with indoor social gatherings involving 10 people or more. There was discussion regarding whether to increase the social gathering limit to be more than 10 people.

After discussion, the consensus of the Council was to leave the Mayor's Order as currently written. Any social gatherings in excess of 10 people will require the Mayor's approval.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards and commissions. There were none.

ITEM 7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.

- November 3 City Council meeting has been rescheduled to Thursday, November 5 due to the 2020 November General Election.
- Upcoming Civil Service exams: A police officer exam will be conducted on Friday, October 23 and a fire fighter exam will be held Saturday, October 24.
- Update on the 2020 U.S. Census.
- Update on the Union Pacific Railroad track crossing repairs at North Pecos Street.
- National Public Power Week and Fire Prevention Week: October 4-October 10.

ITEM 8. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.

Councilmember Westmoreland encouraged everyone to stay safe.

Councilmember Mendoza thanked city staff for their work. Early voting begins on October 13.

Mayor Pro-Tem Sanchez expressed condolences to the families of Jesse Baltierra, Richard Martinez, Maria Mendez, Cole Kenney, Hortencia Gonzales, Johnnie Hughes and Abigail Michelson for their loss. She reminded citizens to vote early.

Councilmember McGregor wished all candidates luck during the upcoming election. She encouraged everyone to stay safe.

Councilmember Bryant thanked staff for repairs on the street at the railroad track in District 2. He congratulated the Lockhart Independent School District for recent newsworthy accomplishments.

Mayor White thanked both Chambers of Commerce for sponsoring the candidate forum. He reminded everyone that early voting begins October 13 and ends on October 30. He expressed appreciation to the local businesses for their cooperation with the facial covering requirement. He encouraged everyone to stay safe.

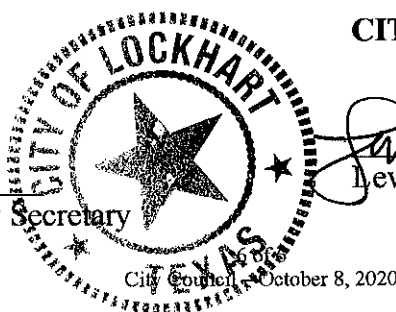
ITEM 9. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:28 p.m.

PASSED and APPROVED this the 5th day of November 2020.

ATTEST:


Connie Constancio, TRMC, City Secretary



CITY OF LOCKHART


Jan White, Mayor