

**REGULAR MEETING
LOCKHART CITY COUNCIL**

MARCH 16, 2021

6:30 P.M.

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

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza
Councilmember Jeffrey Michelson

Mayor Lew White
Councilmember Derrick David Bryant
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Sean Kelley, Public Works Director
Dan Gibson, City Planner

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Pam Larison, Finance Director

Citizens/Visitors Addressing the Council: Stephen Van Manen of Harrison, Waldrop & Uherek; Rick Fraumann of Texas Disposal Systems; Brandon Alexander of Iron Ox; and, Citizens James Tiemann and John Castillo.

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:

DISCUSSION ONLY

A. PRESENTATION OF THE CITY OF LOCKHART'S AND LOCKHART ECONOMIC DEVELOPMENT CORPORATION'S FISCAL YEAR 2019-2020 COMPREHENSIVE ANNUAL FINANCE REPORT BY HARRISON, WALDROP & UHEREK, L.L.P.

Ms. Larison stated that Harrison, Waldrop & Uherek would provide information regarding the City's Comprehensive Annual Financial Report (CAFR). The most important element of the Introduction is the Transmittal Letter from the City Manager. The transmittal letter is one of the legal requirements for the annual report that typically includes the local government's profile, provides an economic update on the local economy, lists any major initiatives undertaken by the local government and states that financial reports are management's responsibility. The Financial Section includes all necessary financial information, narratives explaining financials, and an auditor's report. The third section is the statistical section. It outlines financial trends, revenue capacity, debt capacity, demographic information, and other operating information about the local government. The auditor's opinion of the CAFR presents an Unqualified Opinion, or "Clean Opinion", which is presumed to be free from material misstatements.

Stephen Van Manen of Harrison, Waldrop & Uherek presented information and there was discussion regarding the Fiscal Year 2019-2020 CAFR. Mr. Van Manen stated that it is the firm's opinion that the financial statements referred to in the report present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2020, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

B. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF FEBRUARY 23, 2021 AND MARCH 2, 2021.

Mayor White requested corrections to the minutes. There were none.

C. DISCUSS RESOLUTION 2021-05 ESTABLISHING A LEAK ADJUSTMENT POLICY FOR CITY WATER AND WASTEWATER SERVICES.

Ms. Larison stated that the Resolution will establish an officially adopted water and wastewater leak adjustment policy for the City of Lockhart. Historically, it has been considered a utility department practice to make an adjustment to a customer's account because of high water usage. There currently is no formally adopted leak adjustment policy in connection with excessive water usage. Although there is a wastewater rate adjustment mentioned in the City of Lockhart Code of Ordinance, the proposed resolution will allow the utility department to have a formal written policy approved and adopted by the Council. There was discussion. Mr. Larison recommended approval.

D. DISCUSS CONTRACTUAL AGREEMENT BETWEEN MATRIX IMAGING SOLUTIONS AND THE CITY OF LOCKHART, AND APPOINTING THE CITY MANAGER TO SIGN THE CONTRACTUAL AGREEMENT.

Ms. Larison stated that a strategic goal for the Utility department for Fiscal Year 2020-2021 was to discover ways to increase productivity and practice better customer service. With adjustments made for teleworking during COVID-19, it has been discovered that much of the utility department's time and efforts are concentrated on the two billing cycles. The Utility department is also operating with four employees instead of the five budgeted positions. This decrease in staff is mainly due to the social distancing that is required to operate the utility billing area. The concept of using a third party to handle the City's utility billing has been discussed to allow more time for the utility department to focus on better customer service and increase their daily productivity with the current four employees. The Utility department will still provide individual service to its customers. The option to contract the utility billing only includes printing and mailing of monthly bills and newsletters. The Utility department will still maintain the setting of rates, receipt of payments, making account adjustments, setting up new accounts, customer deposits, and all reads of city-owned meters. Matrix Imaging Solution has reached out to the City numerous times and has recently presented a proposal that is financially beneficial to the City and its customers. Matrix has agreed to waive all set-up costs and will handle the printing and mailing of the City of Lockhart's quarterly newsletters at less costs than it currently takes to produce. Other cities using Matrix Imaging for 3rd party billing include: Boerne, Aqua Water Supply in Bastrop, and Fair Oaks. Ms. Larison recommended approval. There was discussion.

E. DISCUSS THE SALE OF FIRE ENGINE 1, A 1984 PIERCE PUMPER.

Chief Jenkins stated that staff seeks Council's consideration to sale the 37-year old 1984 Pierce Pumper (Engine 1) that has exceeded its service life due to its age, operational reliability, fire pump capacity, and lack of safety features to protect firefighters and citizens. Engine 1 is currently located at Fire Station No. 2 and has not been in service front line or reserve for several years. The National Fire Protection Association (NFPA) 1901 Standard for Automotive Fire Apparatus (2016 version), Annex D recommends, as a best practice, to remove fire pumpers from all service after 25 years of service. A new Engine 1 Pumper has been ordered from Siddons-Martin and will arrive in the fall of 2021. The goal is to make space for the new fire pumper and therefore the 1984 Engine 1 needs to be removed from the apparatus bay. The new pumper will replace Engine 4, a 2010 Pierce, as the front-line pumper at Fire Station No. 1. Engine 4 will be located at Fire Station No. 2 and be utilized as the primary reserve pumper for Fire Station Nos. 1 and 2. Engine 2, a 1994 Pierce Pumper will be located at Fire Station No. 2 as a reserve. The city will continue to maintain the 1921 American LaFrance to use as a parade vehicle. Staff recommends disposing of Engine 1 (1984 Pierce) by using a broker or agent to list the pumper to potential buyers. Chief Jenkins recommended approval. There was discussion.

F. DISCUSS AMENDMENT TO ARTICLE 10-5 OF THE CITY CODE OF ORDINANCES IN REGARD TO OWNERSHIP OF ANIMALS IMPOUNDED AT THE CITY ANIMAL SHELTER AS OUTLINED IN ORDINANCE 2021-07.

Mr. Akers stated that recent events at the City Animal Shelter demonstrated a need to amend the City's animal control ordinance to bring it in line with a 2016 Texas Supreme Court case involving ownership of a dog adopted from an animal shelter in Houston. The court ruled that in order for title to the animal to have transferred from its owner to the shelter and then to the adopter, the City's ordinance needed to state that the prior ownership terminated due to the owner's failure to reclaim the animal within a specified time period. Houston's ordinance did not contain such a statement and the court held for the original owner. This amendment adds the necessary language to Lockhart's ordinance and makes related changes in order for the Lockhart Animal Shelter and any rescue agency assisting the shelter to be certain that future animal adoptions from the shelter are valid. There was discussion.

G. DISCUSS SELECTION OF TRC ENGINEERING AS THE BEST QUALIFIED PROFESSIONAL ENGINEERING SERVICES COMPANY TO ASSIST THE CITY IN ITS TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) APPLICATION PREPARATION AND PROJECT IMPLEMENTATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND CONTRACT, IF AWARDED, TO SUPPORT THE PUBLIC INFRASTRUCTURE (WATER/WASTEWATER) IMPROVEMENTS ACTIVITIES FOR THE CITY OF LOCKHART, AND APPOINTING THE MAYOR TO SIGN ANY REQUIRED DOCUMENTS FOR THE GRANT.

Mr. Kelley stated that advertisements for qualified engineering services for this TxCDBG grant preparation and submittal were completed in compliance with State law and CDBG requirements. Proposals were received from three companies that were ranked by using CDBG qualification criteria and scored by Lockhart's TxCDBG Evaluation Team. TRC Engineering submitted the beset proposal with a score of 266 out of 300. Mr. Kelley recommended approval.

H. DISCUSS THE MAYOR'S DECLARATION OF LOCAL DISASTER REGARDING REQUIRING FACE COVERINGS, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.

There was no action taken.

RECESS: Mayor White announced that 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 7:36 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

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

ITEM 3. PUBLIC COMMENT.

Mayor White requested the following to address the Council:

James Tiemann, 406 Concho, expressed concern about the number of feral cats in the community.

Rick Fraumann of Texas Disposal System (TDS) requested that the Council seek proposals for solid waste services. He provided details about services that TDS provides to their solid waste customers.

John Castillo, 1106 Red River, requested that the City obtain additional information from the Guadalupe-Blanco River Authority about why the citizens had to boil water during the winter storm and that we request that they do what is necessary to avoid boil water issues during winter storms in the future. He thanked city staff and Council for their work during the storm.

Mayor White requested additional citizens to address the Council. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-21-02 BY HAMISH MACFARLANE ON BEHALF OF BLACKJACK BLOCK 1, LLC, FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO IL INDUSTRIAL LIGHT DISTRICT ON LOT 1, BLOCK 1, IRON OX ADDITION, CONSISTING OF 24.575 ACRES LOCATED AT 1205 REED DRIVE.

Mayor White opened the public hearing at 7:50 p.m.

Mr. Gibson stated that the applicant proposes to construct a commercial greenhouse on the subject property. Commercial greenhouses are allowed by-right in the current AO zoning of the property, but structures can cover only up to 30 percent of the lot. The ultimate coverage by buildings is anticipated to exceed 30 percent, so the applicant is requesting a zoning change to IL, which allows a lot coverage by structures up to 50 percent. Because the business grows produce in the greenhouse, packages it, and sells it wholesale, it is also consistent with uses such as agricultural processing plants, and warehouses that are allowed in the IL district. The proposed development will face Reed Drive. There is a residential neighborhood roughly 400 feet to the west of the west property line, but the vehicular parking and truck loading areas will be along Reed Drive, on the opposite side of the site. The proposed IL zoning classification is not consistent with the Land Use Plan map designations of future High Density Residential and Low Density Residential for the lot. However, the existing AO designation is also not consistent with the Land Use Plan. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Brandon Alexander of Iron Ox spoke in favor of the zoning change.

Mayor White requested citizens to address the Council in favor of or against the zoning change. There were none. He closed the public hearing at 7:59 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-06 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 1, BLOCK 1, IRON OX ADDITION, CONSISTING OF 24.575 ACRES LOCATED AT 1205 REED DRIVE, FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO IL INDUSTRIAL LIGHT DISTRICT.

Councilmember Michelson made a motion to approve Ordinance 2021-06, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

- 5A: Approve the City of Lockhart's and Lockhart Economic Development Corporation's Fiscal Year 2019-2020 Comprehensive Annual Finance Report by Harrison, Waldrop & Uherek, L.L.P.
- 5B: Approve minutes of the City Council meetings of February 23, 2021 and March 2, 2021.
- 5C: Approve Resolution 2021-05 establishing a Leak Adjustment Policy for City Water and Wastewater Services.
- 5D: Approve contractual agreement between Matrix Imaging Solutions and the City of Lockhart, and appointing the City Manager to sign the contractual agreement.
- 5E: Approve the sale of Fire Engine 1, a 1984 Pierce Pumper.
- 5F: Approve amendment to Article 10-5 of the City Code of Ordinances in regard to ownership of animals impounded at the City animal shelter as outlined in Ordinance 2021-07.
- 5G: Approve selection of TRC Engineering as the best qualified Professional Engineering Services Company to assist the City in its Texas Community Development Block Grant Program (TxCDBG) application preparation and project implementation to the Texas Department of Agriculture for the Community Development Fund contract, if awarded, to support the public infrastructure (water/wastewater) improvements activities for the City of Lockhart, and appointing the Mayor to sign any required documents for the grant.

ITEM 6-A. 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.

There was no action.

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

Councilmember Bryant made a motion to appoint Shawn Martinez to the Zoning Board of Adjustment. Councilmember Mendoza seconded. The motion passed by a vote of 7-0

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

- KidFish event Saturday, March 20, 2021 from 9 a.m. – 12 p.m. at City Park. Due to the pandemic, this year the event will only include a fishing tournament.
- Household Hazardous Waste collection event, Saturday, April 10 from 9 a.m. – 12 p.m. at City Park.
- Citywide Clean up Event - Saturday, March 27, 2021.
- Upcoming Civil Service Exams: Fire Fighter Exam - March 27, 2021 and Fire Captain promotional exam - April 13, 2021.
- Splash Pad tentatively set to open in early May and currently recruiting for swimming pool lifeguards.
- Improvements underway in the Downtown Park.
- Staff conducted cemetery cleanup the week of March 8.

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

Councilmember Mendoza announced that soccer and little league games are back in session.

Mayor Pro-Tem Sanchez expressed condolences to all that have lost a family member.

Councilmember McGregor asked everyone to be safe during the Spring Break week.

Councilmember Bryant encouraged everyone to participate in the March 27 Citywide cleanup and to stay safe and healthy.

Councilmember Michelson encouraged everyone to stay safe. He reminded everyone about the KidFish event and the March 27 Citywide cleanup.

Mayor White stated that the City and Lockhart ISD have been discussing a Joint Summer Recreation Program at the Cisneros campus.

ITEM 9. EXECUTIVE SESSIONS

Mayor White announced that the Council would enter Executive Session at 8:15 p.m. regarding the following:

ITEM 9-A. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.086- TO DELIBERATE, VOTE, OR TAKE FINAL ACTION ON ANY COMPETITIVE MATTERS RELATING TO PUBLIC POWER UTILITIES. Consultation with consultant regarding energy supply contracts.

ITEM 9-B. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071 - PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT OFFER; OR LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE. Discuss legal issues related to solid waste services and extension of current solid waste contract.

ITEM 10. OPEN SESSION 10:40 p.m.

Mayor White announced that the Council would enter Open Session at 10:40 p.m.

ITEM 10-A. Discussion and/or action regarding solid waste services and extension of current solid waste contract.

Councilmember McGregor made a motion to open the Request for Proposal process for solid waste services. Councilmember Bryant seconded. The motion failed by a vote of 2-5, with Mayor White, Mayor Pro-Tem Sanchez and Councilmembers Mendoza, Michelson and Westmoreland opposing.

Mayor White made a motion to extend the solid waste contract with Central Texas Refuse for two months. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 5-2, with Councilmembers McGregor and Bryant opposing.

ITEM 10-A. DISCUSSION AND/OR ACTION REGARDING ENERGY SUPPLY CONTRACTS.

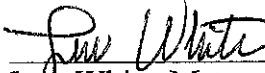
Mayor White made a motion to direct staff to prepare payment options to address a potential \$3 million financial exposure created by the storm event of 2021. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 11. 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 10:42 p.m.

PASSED and APPROVED this the 20th day of April 2021.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

