

**REGULAR MEETING**

**LOCKHART CITY COUNCIL**

**MARCH 17, 2020**

**6:00 P.M.**

**CLARK LIBRARY ANNEX-FIRE PLACE ROOM AND COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3<sup>rd</sup> FLOOR, LOCKHART, TEXAS**

**Council present:**

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

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

**Staff present:**

Steven Lewis, City Manager  
Monte Akers, City Attorney  
Dan Gibson, City Planner  
Julie Bowermon, HR/Civil Service Director  
Randy Jenkins, Fire Chief

Connie Constancio, City Secretary  
Miles Smith, Public Information Officer  
Pam Larison, Finance Director  
Sean Kelley, Public Works Director  
Kevin Waller, Assistant City Planner

**Citizens/Visitors Addressing the Council:** Nancy Berkley of Evergreen Solutions-via teleconference; Mike Lavengco of Central Texas Refuse; Martin Ritchey, Director of Homeland Security for the Capital Area Council of Governments; and, Citizens Chris Blackburn, Luke Langsjoen and Tamara Carlisle.

**Work Session 6:00 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 – FIREPLACE ROOM 6:00 pm – 6:50 p.m.**

**A. PRESENTATION AND DISCUSSION WITH EVERGREEN SOLUTIONS REGARDING THE 2020 CITY OF LOCKHART CLASSIFICATION AND COMPENSATION STUDY AND COMPENSATION PHILOSOPHY.**

Nancy Berkley of Evergreen Solutions provided information and there was discussion regarding the classification and compensation study and compensation philosophy.

CONSENSUS: The consensus of the Council was to direct Evergreen Solutions to proceed with the study.

**DISCUSSION ONLY (Meeting will carry over into the Council Chambers)**

**DECLARATION OF LOCAL DISASTER – COVID-19**

Mayor White read the Declaration of Local Disaster in its entirety. The Declaration proclaimed that the limited size of gatherings to not be more than 50 people and mandated the cancellation of all such gatherings until further notice. A “gathering” referred to a scheduled event or common endeavor where 50 persons are present in a confined space, room, or area, excluding employees of establishments and restaurants. A person who knowingly or intentionally violates the declaration commits an offense, punishable by a fine up to \$1,000 or confinement in jail for a term that does not exceed 180 days. Mayor White announced that the Declaration would be in effect today (March 17, 2020) and will be revisited for reconsideration on March 24, 2020.

**A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF MARCH 3, 2020.**

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

**B. DISCUSS BUDGET AMENDMENT #45 TO THE FISCAL YEAR 2019-2020 BUDGET INCREASING EXPENSES IN THE ELECTRIC FUND BY \$47,269 AND THE WATER FUND BY \$14,030.**

Ms. Larison stated that the budget amendment #45 is a request from Finance to increase expenditures for software in the Electric and Water fund for a Sensus software upgrade. Currently, the Electric and Water funds are budgeted with revenues over expenditures; this budget amendment will balance the Water fund and allow for the Electric fund to operate revenues over expenditures by \$106,949. During the upgrades in the City's server rooms, it was brought to staff's attention that the lone server that holds our meter reading software could not be moved with the new servers without requiring the City to purchase the newest version of Sensus software. At that time, representatives from Sensus, Aqua-Metrics, and Blue Layer met with Finance concerning upgrading the City's software to the cloud version. Blue Layer (City's IT contractor) informed staff that this would be the most stable environment to handle this sensitive and proprietary software. Ms. Larison recommended approval. There was discussion.

**C. DISCUSSION OF REQUEST FROM CENTRAL TEXAS REFUSE (CTR) TO ASSIGN AN EXCLUSIVE SOLID WASTE CONTRACT BETWEEN THE CITY OF LOCKHART AND CTR.**

Mr. Lewis stated that in January 2015, the City modified the term of the agreement with Central Texas Refuse, Inc. (CTR) and extended the term of the contract from March 1, 2015 through September 2020. CTR has provided solid waste services for residential, multi-residential and commercial residents of Lockhart which also includes bulky item pickup and the annual city-wide residential clean-up event. The contract term may be extended for an additional five (5) years, beginning October 1, 2020, with the approval of the City Council. The general specifications of the agreement state that no assignment of the contract or any right occurring under the contract shall be made in whole or in part by the Contractor without the express written consent of the City.

Mayor White requested Mike Lavengco to address the Council.

Mike Lavengco, General Manager of Central Texas Refuse (CTR), thanked the City of Lockhart for using their solid waste services for many years. He stated that CTR would be assigned to Integrated Waste Solutions Group (IWSG) of which the exact agreement would be carried over to them. They would provide the exact same service as CTR and maintain the current CTR staff. Mr. Lavengco stated that he would be the President/CEO and a Boardmember of IWSG. IWSG is a new private company, therefore previous service history was not available. He provided a history about the owner of IWSG. Green Group (Alfonso Sifuentes and David Green) would be an investor and a board member of IWSG. CTR's intent is to close the merge to IWSG on April 1, 2020. Mr. Lavengco requested approval of the assignment agreement, as presented. There was discussion.

Mayor White stated that the item would be on the April 7, 2020 Council agenda for consideration and approval.

RECESS: Mayor White announced that the Council would recess for a break at 7:34 p.m.

**REGULAR MEETING**

**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order at 7:50 p.m.

**ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.**

Mayor Lew White 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 regarding an item that is not on the agenda.

Martin Ritchey, Director of Homeland Security for the Capital Area Council of Governments (CAPCOG), thanked the local governments for their actions about the COVID-19 pandemic. He invited local governments to reach out to CAPCOG for assistance when necessary.

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-20-03 BY WATERLOO DEVELOPMENT ON BEHALF OF GABP1 RE, LLC FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO 74.189 ACRES RHD RESIDENTIAL HIGH DENSITY DISTRICT AND 5.001 ACRES CMB COMMERCIAL MEDIUM BUSINESS DISTRICT ON 79.19 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, LOCATED AT 1801 BLACKJACK STREET (FM 20).**

Mayor White opened the public hearing at 7:57 p.m.

Mr. Gibson stated that the applicant proposed to rezone the west 5.001 acres to CMB for commercial development consisting of offices, retail, and restaurants, and the remaining 74.189 acres to RHD for residential development consisting of single-family detached homes, condominiums, and/or townhouses. Although rental apartments are allowed in the RHD district, the applicant stated that they do not plan to have any multifamily buildings in the development. The proposed CMB zoning is consistent with the General-Heavy Commercial designation on the land use plan map, which would also accommodate the more intense CHB district. The remainder of the property is designated as Mixed Use on the land use plan map. Although it would accommodate a development zoned PDD and containing different types of land use, it would also accommodate an entirely residential subdivision that contains a mixture of residential use classifications. Therefore, the proposed zoning classifications are generally consistent with the comprehensive plan. Letters of opposition representing five properties were submitted that fall partially within the 200-foot public hearing notification area. The area of those properties within 200 feet is 15 percent of the total area of the 200-foot wide range, so it falls short of the 20 percent required to force a super majority affirmative vote by the City Council. Therefore, the proposed zoning change can be approved by a simple majority affirmative vote.

Mr. Gibson stated that staff believes that RMD zoning is a possible alternative to the required RHD zoning. Both RMD and RHD allow the types of residential uses being considered by the applicant. However, condominiums and town houses are specific uses in the RMD district, while they are allowed by-right in the RHD district. RMD would eliminate the possibility of multifamily development, which is one of the concerns of the neighbors. The PDD Planned Development District classification is also a valid alternative that would accommodate any combination of different types of development and would be consistent with the land use plan map.

Mr. Gibson stated that the Planning and Zoning Commission voted 4-1 to recommend approval of the zoning change on 5.001 acres from AO to CMB but voted unanimously to recommend denial of the zoning change on 74.189 acres from AO to RHD. Staff recommends approval of the zoning change on 5.001 acres from AO to CMB, and to rezone the 74.189 acres from AO to RMD instead of RHD.

Mayor White requested the applicant to address the Council.

Chris Blackburn, 4131 Spicewood Springs Road, Austin, Applicant, provided information regarding the proposed development. He stated that the owner plans to build single-family homes and that they are not interested in multi-family dwellings, therefore RMD zoning would suffice for the 74.189 acres. There was discussion.

Mayor White requested citizens in favor of the zoning change to address the Council. There were none.

Mayor White requested citizens against the zoning change to address the Council.

Luke Langsjoen, 1614 Old Kelley Road, spoke against the RHD zoning because of the types of residences that could be built and that he believes that RHD type of development would substantially threaten the health and hinder local wildlife in the area. He requested that the RLD zoning be allowed instead of the RHD because the applicant's intent is to build single family homes.

Mayor White requested additional citizens 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 2020-04 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 79.19 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, LOCATED AT 1801 BLACKJACK STREET (FM 20), FROM AO AGRICULTURE-OPEN SPACE DISTRICT TO 74.189 ACRES RHD RESIDENTIAL HIGH DENSITY DISTRICT AND 5.001 ACRES CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.**

There was discussion regarding the different residential zoning types and the allowances of each.

Councilmember McGregor made a motion to approve Ordinance 2020-04, amending the RHD to RMD for 74.189 acres and approving 5.001 acres to CMB. Councilmember Mendoza seconded. The motion passed by a vote of 4-3, with Mayor White and Councilmembers Michelson and Westmoreland opposing.

**ITEM 4-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-20-04 BY TAMERA CARLISLE AND DONNA BLAIR FOR A ZONING CHANGE FROM CLB COMMERCIAL LIGHT BUSINESS DISTRICT TO RHD RESIDENTIAL HIGH DENSITY DISTRICT ON LOTS 1 AND 2, A.R. CHEWS ADDITION, LOCATED AT 502 WEST SAN ANTONIO STREET (SH 142).**

Mayor White opened the public hearing at 8:33 p.m.

Mr. Gibson stated that the applicants want to use the house for residential purposes, including short-term rentals, and also possibly use it as a venue for special events. The house is currently nonconforming as a residential use because the property is zoned commercial. The proposed zoning change would make the residential use conforming, while also allowing it to be a special events facility upon approval of a specific use permit by the Commission. The proposed RHD zoning would also allow the option of a lodging/boarding house or bed and breakfast by-right. Existing RHD zoning abuts the subject property on the east side, and is also directly across San Antonio Street to the north, so the proposed change would simply expand an existing area of RHD zoning. The proposed zoning does not correspond directly with

the Medium Density Residential land use designation of the future land use plan map, but the abutting large area of RHD zoning is similarly inconsistent with the medium density land use designation for that area.

Mayor White requested the applicant to address the Council.

Tamara Carlisle, 731 W. San Antonio Street, stated that they purchased the home to run an Air B-N-B and to eventually hold events such as weddings, receptions, etc. She requested approval.

Mayor White requested citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 8:38 p.m.

**ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2020-05 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOTS 1 AND 2, A.R. CHEWS ADDITION, LOCATED AT 502 WEST SAN ANTONIO STREET (SH 142), FROM CLB COMMERCIAL LIGHT BUSINESS DISTRICT TO RHD RESIDENTIAL HIGH DENSITY DISTRICT.**

Mayor White made a motion to approve Ordinance 2020-05, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 5. CONSENT AGENDA.**

Councilmember Michelson made a motion to approve consent agenda items 5A and 5B. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

5A: Approve minutes of the City Council meeting of March 3, 2020.

5B: Approve Budget Amendment #45 to the Fiscal Year 2019-2020 budget increasing expenses in the Electric Fund by \$47,269 and the Water Fund by \$14,030.

**ITEM 6-A. DISCUSSION OF REQUEST FROM CENTRAL TEXAS REFUSE (CTR) TO ASSIGN AN EXCLUSIVE SOLID WASTE CONTRACT BETWEEN THE CITY OF LOCKHART AND CTR.**

Mayor White stated that the discussion was held during the work session. Consideration of the request will be held during the April 7, 2020 Council meeting.

**ITEM 6-B. RECEIVE AND CONSIDER BIENNIAL REPORT FROM THE HISTORICAL PRESERVATION COMMISSION FOR EVALUATING THE PERFORMANCE, ACCOMPLISHMENTS, AND SUCCESS OF THE HISTORIC DISTRICTS AND LANDMARKS ORDINANCE, HISTORICAL PRESERVATION COMMISSION, AND THE HISTORICAL PRESERVATION OFFICER, AND DETERMINE WHETHER OR NOT CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS" SHOULD BE AMENDED TO RESPOND TO THE CITY'S NEEDS.**

Mr. Gibson stated that Kevin Waller, Historic Preservation Officer, would provide the report. He provided a brief background regarding the requirement of the biennial report.

Mr. Waller provided the report that consisted of a recommendation by the Lockhart Historical Preservation Commission (LHPC) for an amendment to Section 28-3 (c) "Historical Preservation Commission" to provide for removal of members who miss three consecutive meetings, or a total of five meetings in a calendar year. If the Council accepts the recommendation, an ordinance amending Section 28-3(c) will be scheduled for a public hearing and Council consideration at a future meeting.

CONSENSUS: After discussion, the consensus of the Council was to request staff to return with the ordinance as recommended by the LHPC.

Councilmember Michelson made a motion to accept the report, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER RECOMMENDATIONS FOR ALLOCATION FROM THE HOTEL OCCUPANCY TAX ADVISORY BOARD FOR THE DISTRIBUTION OF FUNDS FROM THE HOTEL OCCUPANCY TAX REVENUE FOR FISCAL YEAR 2019-2020 AND TO APPROVE CONTRACTS FOR FISCAL YEAR 2019-2020 WITH REVISIONS TO INCLUDE POSSIBLE ALLOCATION BY PERCENTAGE DUE TO THE CORONAVIRUS AFFECTING TRAVEL.**

Ms. Larison stated that the Hotel Occupancy Tax (HOT) Advisory Board met on March 5, 2020 to review hotel occupancy funding for the Fiscal Year 2019-2020. The Board received seven applications for review as follows: Lockhart Chamber of Commerce Visitors Center, Lockhart Chamber of Commerce for Chisholm Trail Roundup, Greater Caldwell County Hispanic Chamber of Commerce for Cinco de Mayo and Diez y Seis, the Gaslight-Baker Theater, Lockhart Downtown Business Association for the Texas Swing Festival, Caldwell County Historical Jail Museum, and the Southwest Museum of Clocks and Watches. The Board recommended to fund all seven applications up to the budgeted amount of \$83,000. Ms. Larison stated that the funding allocations would be the discretion of the Council.

Ms. Larison recommended that the item be tabled to the April 7, 2020 Council meeting to wait to see if the City has a better view of whether the events will be held due to the COVID-19 pandemic whereby social distancing prohibits social gatherings of no more than 50 people. There was discussion.

Councilmember Westmoreland made a motion to table the item until the April 7, 2020 Council meeting. Councilmember Michelson seconded. The motion passed by a vote of 6-0-1, with Councilmember McGregor abstaining.

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

Mayor White requested appointments to boards and commissions.

Mayor Pro-Tem Sanchez stated that her appointment to the Lockhart Historical Preservation Commission (LHPC) resigned. Mayor Pro-Tem Sanchez made a motion to appoint Belinda Gillis to the LHPC. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

Councilmember Mendoza made a motion to remove Larry Corpus on the LHPC. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-E. DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY'S RESPONSE AND/OR ACTION REGARDING THE CORONAVIRUS HEALTH SITUATION.**

Mr. Lewis gave an update about the Coronavirus health situation and made announcement about several community events that have been cancelled up until May 2020. There was discussion.

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

- Update regarding 2020 Census.
- Library Updates:
  - Tax Aide continues at the Library - Mondays 9 a.m. to Noon and Thursdays 4-7 p.m. Last day for Tax Aide will be on April 13, 2020.
- Public Works Updates:
  - Contractors have completed the SH 130 Phase II 18" water main project. The project consisted of an 18" water main extending, a 12" main from the Maple Elevated Tank and installation of a new control valve on SH142 and Mockingbird Lane
  - City staff has finished installing 12" water main along FM 1322.
  - Contractors and City staff upgraded 8 of the 56 dog kennels at the Lockhart Animal Shelter from steel frames/metal fencing to cinder blocks/galvanized gates. These improvements were funded by local donations to the shelter.

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

Councilmember Mendoza thanked the Hispanic Chamber of Commerce for a successful annual banquet. He thanked Bluebonnet Electric and City staff for installing a streetlight in the Summerside Subdivision. He encouraged safety during the pandemic.

Mayor Pro-Tem Sanchez expressed condolences to the families of Fernando Pruneda, Ruben Saldana, Edward Taylor, Sr., and Ruben Head. She congratulated the Hispanic Chamber of Commerce for a successful banquet. She thanked citizens for their patience during the COVID-19 worldwide health issue and encouraged everyone to stay safe.

Councilmember McGregor asked everyone to be safe and to take precautions during the pandemic. She reminded the public that local restaurants without drive thru service will be offering curbside pickup.

Councilmember Bryant thanked the Hispanic Chamber of Commerce for a successful banquet. He also encouraged support of local businesses.

Councilmember Michelson encouraged everyone to be careful.

Mayor White reminded all to be safe and to be mindful of each other.

**ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551. 072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON. - Deliberate the sale of real property owned by the City.**

Mayor White announced that the Council would enter Executive Session at 9:24 p.m.

**ITEM 10. OPEN SESSION - Discussion and/or action regarding the sale of real property owned by the City.**

Mayor White announced that the Council would enter Open Session at 9:33 p.m.

Councilmember McGregor made a motion to approve the recommended changes to the sales contract for the property in question. Councilmember Michelson 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 9:34 p.m.

PASSED and APPROVED this the 5<sup>th</sup> day of May 2020.

**CITY OF LOCKHART**

  
\_\_\_\_\_  
Lew White, Mayor

ATTEST:

  
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Connie Constancio, TRMC  
City Secretary

