

**REGULAR MEETING
LOCKHART CITY COUNCIL**

APRIL 6, 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 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
Sean Kelly, Public Works Director
Dan Gibson, City Planner

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Pam Larison, Finance Director
Michael Kamerlander, Economic Development Dir.

Citizens/Visitors Addressing the Council: Brian Perkins of the Guadalupe-Blanco River Authority; Deanne Franco of 2021 Project Graduation Booster Club; and Citizens Suzy Falgout and Margaret Tiemann.

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 OF PROCLAMATIONS DECLARING APRIL 2021 AS CHILD ABUSE AND SEXUAL ASSAULT PREVENTION AND AWARENESS MONTH.

Mayor White presented the proclamation to a Representative of the Hays-Caldwell Women’s Center.

B. PRESENTATION BY CALDWELL COUNTY APPRAISAL DISTRICT REGARDING TEMPORARY DISASTER TAX EXEMPTION – TAX CODE 11.35.

Mayor White announced that the item was pulled from the agenda.

DISCUSSION ONLY

A. DISCUSS AMENDING CHAPTER 380 AGREEMENT WITH VISIONARY FIBER TECHNOLOGIES TO ALLOW A PRO-RATED REDUCTION IN GRANT PAYMENTS EQUAL TO ANY ANNUAL REDUCTION IN EMPLOYEES.

Mr. Kamerlander stated that 2020 was a difficult year for many of the businesses in Lockhart and the pandemic put a strain on the ability to retain and hire employees. Every Chapter 380 agreement has a job creation component that serves as a measuring stick for the rebate of property and/or sales taxes over the term of the agreement. Most Chapter 380 agreements that the City of Lockhart has approved include a mechanism to provide a pro-rata of taxes based on the number of jobs created during a current year. This provision in the Lockhart Chapter 380 agreement provides a predetermined method to deal with shortcomings between the two parties and the agreements have worked with great success. Visionary Fiber Technologies (VFT) is a departure from past practice in that its Chapter 380 agreement provides for a 25% grace rather than the normal pro-rata language used. This means the amount of the incentive for a given

year is provided if VFT is within the 25% grace period. If VFT is required to have 30 jobs, then the company may employ as few as 23 and still receive 100% of the tax rebate. This is not in line with previous Chapter 380 agreements. 2020 forced VFT to make hard decisions to continue to operate and the job retention/creation was below the 25% grace of 23 which means VFT would not qualify for an incentive for 2020. Amending VFT's contract would allow the company to receive a partial incentive for 2020 and bring its contract into line with Lockhart's other Chapter 380 agreements. Having similar language across all contracts helps staff apply policy in a uniform manner and is more equitable to the parties involved. The term Chapter 380 agreement is 10 years with VFT and 2020 was year two of the term. This amendment would apply to 2020's rebate and continue to be in effect through the remaining eight years of the term. Mr. Kamerlander recommended approval. There was discussion.

B. DISCUSS RESOLUTION 2021-06 AUTHORIZING SUBMISSION OF A TEXAS COMMUNITY BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Mr. Kelley stated that this grant application is to apply for \$350,000 to replace residential water meters in the City's distribution system. Replacing aging meters in the City's system will improve unidentified water losses and enhance the billing accuracy and it is recommended that water meters be replaced every 15-20 years. Consequently, the City has numerous water meters that have passed their life expectancy. This project will replace an estimated 1,500 residential meters consisting of approximately 30% of the entire water meter system. The meters would remain the same models that would have remote read capabilities. By replacing the aged meters, the City's system will improve unidentified water losses and enhance billing accuracy. If approved by Council and if the grant is awarded, the local match of \$70,000 (20%) would be funded from Fiscal Year 2021-2022 Water Distribution Budget. Staff anticipates the contractors that replace the meters to take approximately 120 days to install all the residential meters, dependent on water meter availability. Mr. Kelley recommended approval. There was discussion.

C. DISCUSS AWARDED BID TO PROGRESSIVE COMMERCIAL AQUATICS, INC. OF MANOR, TEXAS IN THE AMOUNT OF \$51,618.00 FOR THE CONSTRUCTION OF THE DON R. BRICE SWIMMING POOL FILTRATION SYSTEM REMODEL.

Mr. Kelley stated that the swimming pool filtration remodel is needed to replace aging equipment and ensure proper filtration of sediment and debris. This model includes removal of old equipment, installation of two pool filters, replacing plumbing manifolds/valves, installation of backwash site glass and flow meter, and providing the training to employees regarding the new system. Bids were advertised in compliance with State law. Five bids were received ranging from \$51,618 to a high of \$185,979. The lowest bid was submitted by Progressive Aquatics in the amount of \$51,618. Progressive Aquatics has completed similar jobs for the surrounding municipalities. Mr. Kelley recommended approval.

D. DISCUSS AWARDED CONTRACT TO ANIMAL CONTROL & CARE ACADEMY (ACCA) FOR AN OPERATIONAL AND PERFORMANCE EVALUATION OF THE LOCKHART ANIMAL SHELTER.

Mr. Kelley stated that recent events at the Animal Shelter demonstrate a need to conduct an independent assessment of the programs and operating policies and procedures of the Lockhart Animal Control Division. This comprehensive operational review will provide insight into current operations and opportunities for improvement.

The scope of work for this operational review includes:

- Examination of the Division's organizational structure.
- Evaluation of the current deployment of resources (budget, equipment, facilities, and staffing).
- Examination of the City/County operations agreement.
- Review of the scheduling and coverage requirements of the Division.
- A review of field operations, including vehicles, communications, uniforms, equipment, record keeping, enforcement and investigation procedures.
- An examination of training for the staff, supervisor, and other responsible managers.
- An analysis of the adequacy of current levels of office automation, communications, and I/T.
- An examination of shelter operations, including facility needs, operations, record accountability, injured animal protocol, policies and procedures, euthanasia, and adoptions.
- An examination of the effectiveness of community relations, i.e. programs, volunteers, fundraising, rescuing, fostering, TNR, etc.
- Provide a comparison of various aspects of the Division's functions versus a list of comparison cities (benchmarking).
- Evaluate existing animal control ordinance and provide input regarding possible additions and enhancements in light of "model" animal ordinance adopted or promoted by applicable professional organizations.
- Evaluate the adequacy of the current reports, indicators, and metrics tracked and offer recommendations for improvement.

This assessment will aid the City in developing a work plan that can align resources with objectives, define performance expectations, better delineate roles and responsibilities, and ensure cost effective operations. At the conclusion of the evaluation and when all benchmarking survey data have been completed, ACCA will create a final report with the findings and recommendations. ACCA will present a summary of the study to the City Council once the evaluation is completed.

There was discussion.

E. DISCUSS GRANTING A 0.1124-ACRE PERMANENT EASEMENT SITUATED IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9 IN CALDWELL COUNTY, TEXAS FOR THE PURPOSES OF TREATED WATER PIPELINE TO TRANSFER WATER FROM THE CARRIZO-GROUNDWATER SUPPLY PROJECT (CGSP) TO THE CITY OF LOCKHART, AND CONSIDER APPRAISED COMPENSATION FOR EASEMENT AND APPOINTING THE MAYOR TO SIGN CONTRACTUAL DOCUMENTS IF APPROVED.

Mr. Kelley stated that on February 19, 2019, the City of Lockhart committed to its one delivery point location. The water plant was chosen to utilize existing infrastructure and reduce additional Operation and Maintenance cost. The Guadalupe-Blanco River Authority (GBRA) is currently acquiring easements from several property owners for the construction, maintenance, and operation of a treated water pipeline between the CGSP pipeline and the City of Lockhart's delivery point.

Delivery pipe easement will consist of:

- 30' wide non-obstructed easement.
- Easement will not interfere with current and future water plant operations.
- General easement termination clause in the event the City no longer wants to receive water through this pipeline.

Brian Perkins of the GBRA provided information regarding the new Well field.

F. DISCUSS AGREEMENT BETWEEN THE LOCKHART INDEPENDENT SCHOOL DISTRICT AND THE CITY OF LOCKHART FOR A JOINT SUMMER RECREATION PROGRAM, AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT IF APPROVED.

Mr. Kelley stated that additional recreational programs are needed in the City of Lockhart. The City and LISD are proposing to work cooperatively to provide this program jointly in order to avoid duplication of services. The LISD and the City negotiated a summer program that will create activities and opportunities for local youths aged 13-18 to be held at M. L. Cisneros Education Support Center and Adams Gym. If approved, the program will run from June 7 - July 2 and July 12 - August 6 from the hours of 12:00 p.m. - 5:00 p.m., Monday-Friday. Lunch will be provided to the participants by LISD. The term of the Agreement is for a one-time summer program. However, it could become reoccurring dependent on the success of the program. The Agreement also anticipates a 50/50 cost share between LISD and the City for personnel, supplies, and utilities. The Parks Advisory Board met on March 25, 2021 and voted unanimously to recommend approval of the program as outlined in the attached draft minutes.

Mayor White provided additional information regarding the Program. There was discussion.

G. DISCUSS REQUEST FROM THE LOCKHART HIGH SCHOOL PROJECT GRADUATION 2021 BOOSTER CLUB TO WAIVE FEES ASSOCIATED WITH THE USE OF THE CITY PARK.

Deanne Franco, President of the Lockhart High School Project Graduation 2021, requested that the City of Lockhart waive fees for the graduating class of 2021 to use the City Park on May 28, 2021 to celebrate their graduation. They request to use the City Park, amphitheater, all pavilions, both sides of the pool, the old softball fields, and the basketball courts. She provided information regarding the fundraising efforts that the Club has engaged in for the past year to enable a safe drug and alcohol free environment the night of the graduation for graduates to celebrate all night. Ms. Franco requested that the fees be waived for the rental of the park and the electrical usage (approximately \$1,325). Volunteer police officers will be available to provide security the entire night.

There was discussion.

H. DISCUSS ORDINANCE 2021-08 AMENDING CHAPTER 40 OF THE LOCKHART CODE OF ORDINANCES CREATING THE CITY OF LOCKHART PARKS AND RECREATION DEPARTMENT AND CREATING THE POSITION OF A PARKS AND RECREATION DIRECTOR.

Mr. Lewis stated that the City's current position of Parks/Cemetery Manager is a division head under the Public Works Director. The Public Works Director currently supervises the Parks/Cemetery Manager, along with a number of other division managers and functions such as animal services, streets, sanitation, drainage, water, sewer, and vehicle maintenance. Given the scope of the Public Works Director's responsibilities and the desire to meet residents changing expectations, it is believed that creating a new department of Parks and Recreation led by a professional trained in parks and recreation management, reporting to the City Manager, would be beneficial to the community. Developing a strong recreation program, well maintained, and aesthetically pleasing park and recreation facilities are key components to quality of life. Some of the key benefits to offering more opportunities in the services area include:

- Positioning the City to attract families and young professionals,
- Keeping citizens active plays a positive role in the impact on our aging population; and,
- Improving overall health outcomes of the community by supporting an active lifestyle.

The duties of the new position would include:

- Manage, direct, supervise, and coordinate various recreation programs and special events for the City; including the maintenance of parks and related facilities;
- Plan, direct, and supervise the work of full, part-time, and seasonal staff;
- Manage the department budget;
- Provide staff support to the Parks and Recreation Advisory Board;
- Facilitate use of City owned facilities to community sports organizations; and,
- Pursue grants and gifting opportunities.

The current Parks/Cemetery Manager position is vacant. The proposed creation of a Parks and Recreation Director does not create an additional employee. It reclassifies the Manager position into a Director. There was discussion regarding the salary and the position.

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

There was no action.

RECESS: Mayor White announced that the Council would recess for a break at 7:30 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.

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 the following citizens to address the Council:

Suzy Falgout, Citizen, informed the Council that she is forming an animal rescue non-profit organization to assist with providing homes to animals. She also commended employees and volunteers of the Lockhart Animal Shelter.

Margaret Tiemann expressed concern about what happens to animals when they are picked up by the Lockhart Animal Shelter. She encouraged that pet owners be given ample time to retrieve their pet from the shelter.

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

ITEM 4-A. HOLD A PUBLIC HEARING ON A REQUEST BY ARNOLD AND MARCIA PROCTOR FOR DESIGNATION OF THEIR RESIDENCE ON LOT 4 AND PARTS OF LOTS 3, 7, AND 8, HEPPENSTALL ADDITION, LOCATED AT 515 SOUTH MAIN STREET, AS A HISTORIC LANDMARK, AND AMENDING THE HISTORIC OVERLAY ZONING MAP SUPPLEMENT TO THE OFFICIAL ZONING MAP BY ADDING THE “HL” HISTORIC LANDMARK ZONING OVERLAY CLASSIFICATION AS PROVIDED IN THE LOCKHART CODE OF ORDINANCES, CHAPTER 64 “ZONING”, SECTION 64-196(N), AND IN CHAPTER 28 “HISTORIC DISTRICTS AND LANDMARKS”, SECTIONS 28-5 AND 28-6.

Mayor White opened the public hearing at 7:59 p.m.

Mr. Gibson stated that in September 2018, the Council approved 11 properties as historic landmarks, with the accompanying Historic Overlay Zoning Map and designating the properties with “HL” zoning classification. The current application just adds a twelfth property to the original list, and to the map. The list of historic landmarks includes only those structures that are not within the Courthouse Square Historic District. All buildings in the historic district are already subject to the same requirements as the individual landmarks outside the district. Although the Historic Districts and Landmarks ordinance does not specify styles, materials, or color of improvements, any changes to load-bearing walls on the interior, or any changes to the exterior other than repainting existing painted surfaces, of a house or building designated as a historic landmark are subject to review and approval by the Historical Preservation Commission. Mr. Gibson stated that the Historical Preservation Commission and staff recommend approval. There was discussion.

Mayor White requested citizens in favor of or against the historic landmark and ordinance amendment to address the Council. There were none. He closed the public hearing at 8:03 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-09 AMENDING THE HISTORIC OVERLAY ZONING MAP AS A SUPPLEMENT TO THE OFFICIAL ZONING MAP, AS ESTABLISHED IN ARTICLE II, CHAPTER 64 “ZONING” OF THE LOCKHART CODE OF ORDINANCES; AND ADDING A HISTORIC LANDMARK WITH THE “HL” ZONING CLASSIFICATION, AS PROVIDED IN SECTION 64-196(N), CHAPTER 64 “ZONING”, AND IN SECTIONS 28-5 AND 28-6, CHAPTER 28 “HISTORIC DISTRICTS AND LANDMARKS” OF THE LOCKHART CODE OF ORDINANCES, FOR THE PROPERTY ON LOT 4 AND PARTS OF LOTS 3, 7, AND 8, HEPPENSTALL ADDITION, LOCATED AT 515 SOUTH MAIN STREET.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2021-09, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

- 5A: Approve amending Chapter 380 Agreement with Visionary Fiber Technologies to allow a pro-rated reduction in grant payments equal to any annual reduction in employees.
- 5B: Approve Resolution 2021-06 authorizing submission of a Texas Community Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor and/or City Manager to act as the City’s Executive Officer and authorized representative in all matters pertaining to the City’s participation in the Community Development Block Grant Program.

- 5C: Award bid to Progressive Commercial Aquatics, Inc. of Manor, Texas in the amount of \$51,618.00 for the construction of the Don R. Brice Swimming Pool Filtration System remodel.
- 5D: Approve awarding contract to Animal Control & Care Academy (ACCA) for an operational and performance evaluation of the Lockhart Animal Shelter.
- 5E: Approve granting a 0.1124-acre permanent easement situated in the James George Survey, Abstract No. 9 in Caldwell County, Texas for the purposes of treated water pipeline to transfer water from the Carrizo-Groundwater Supply Project (CGSP) to the City of Lockhart, and consider appraised compensation for easement and appointing the Mayor to sign contractual documents if approved.
- 5F: Approve Agreement between the Lockhart Independent School District and the City of Lockhart for a Joint Summer Recreation Program, and authorizing the Mayor to sign the agreement if approved.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER REQUEST FROM THE LOCKHART HIGH SCHOOL PROJECT GRADUATION 2021 BOOSTER CLUB TO WAIVE FEES ASSOCIATED WITH THE USE OF THE CITY PARK.

Mayor White requested that the Booster Club notify the local residents about the event.

Mayor Pro-Tem Sanchez made a motion to waive fees associated with the use of the City Park for the 2021 Lockhart High School Project Graduation. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-08 AMENDING CHAPTER 40 OF THE LOCKHART CODE OF ORDINANCES CREATING THE CITY OF LOCKHART PARKS AND RECREATION DEPARTMENT AND CREATING THE POSITION OF A PARKS AND RECREATION DIRECTOR.

Councilmember Michelson made a motion to approve Ordinance 2021-08, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

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

There was no action.

Mayor White read a public comment from Buck Johnson that requested the Mayor to lift any mandates for masks and lockdowns in Lockhart.

Mayor White stated that the City of Lockhart encourages citizens to wear a face covering yet it is not required. The City follows Governor Abbott's current executive order.

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

Mayor White requested appointments to boards and commissions.

Councilmember Bryant made a motion to appoint Lonnie Jones to the Parks and Recreation Advisory Board. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

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

- Update regarding several Library events.
- Update regarding the City Wide Cleanup Event held on March 27.
- Household Hazardous Waste Collection (HHW) event, April 10 at City Park from 9 a.m. – 12 p.m.
- Update regarding the South Colorado Street sidewalk by South Park Apartments.
- Update regarding the Downtown Park.
- April 9 - LCRA Steps Forward will work on a community service project at the Animal Shelter to upgrade landscaping and create a meet and greet area for animals.
- Update regarding the 18" water main extension on FM 1322.
- Information regarding a dog park in City Park.
- Seven firefighter applicants passed the written and physical agility test given on March 27, 2021. The fire department currently has 1 open position.
- Special Council workshop scheduled on April 13 at 6:00 p.m. to discuss downtown improvements.

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

Councilmember Westmoreland expressed condolences to the family of Conrad Ohlendorf for their loss.

Councilmember Mendoza suggested that a speed bump study be conducted to reduce vehicles speeding in neighborhoods.

Mayor Pro-Tem Sanchez expressed condolences to the families of Conrad Ohlendorf, Olivia Moreno, Dora Aponte, and Audelia Flores for their loss. She thanked the Library staff for the Easter Bunny photo session and for the KidFish event.

Councilmember McGregor congratulated the downtown businesses on a successful First Friday. She agreed with a speed bump study and she encouraged citizens to get their COVID shots.

Councilmember Bryant thanked James Torres for serving on the Parks Board the past several years. He thanked the 412 Kids Club for the Easter egg hunt and Clearfork Elementary for hosting a fundraiser.

Councilmember Michelson also thanked Clearfork for the fundraising event. He expressed condolences to the family of Conrad Ohlendorf for their loss. He encouraged citizens to get their COVID shot, wear face coverings and to be safe.

Mayor White expressed condolences to the family of Conrad Ohlendorf for their loss. He welcomed the Farmers Market back to the downtown square.

ITEM 9. 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. Discussion regarding wholesale power purchases and payments related to the 2021 Winter Storm.

Mayor White announced that the Council would enter Executive Session at 8:32 p.m.

ITEM 10. OPEN SESSION. DISCUSSION AND/OR CONSIDERATION REGARDING WHOLESALE POWER PURCHASE AND PAYMENTS RELATED TO THE 2021 WINTER STORM.

Mayor White announced that the Council would enter Open Session at 9:50 p.m.

Ms. Larison stated that during the 2021 winter storm, the Energy Reliability Council of Texas (ERCOT) called on ancillary service providers to generate at record levels to maintain grid reliability and stability. Schneider Engineering has estimated the financial impact to result in 3.3 million dollars for ancillary services. The Lower Colorado River Authority (LCRA) staff informed the City that the financial impact for secondary services could be approximately \$734,000 by the end of LCRA's fiscal year (June 30, 2021). Schneider Engineering has advised the City that American Energy Partners will issue a credit refund to the City of Lockhart for \$917,000 for balancing energy costs. The City Council proposes to offset additional costs from the existing Rate Mitigation Fund balance up to \$1,300,000 for emergency relief, according to the City's Declared Disaster Rate Adjustment Plan and from the utilization of the Electric Fund balance up to \$500,000 for emergency relief, according to the Stabilization and Excess of Reserves Policy.

Mayor White read Resolution 2021-07 in its entirety.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2021-07, as presented. Councilmember McGregor 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 10:00 p.m.

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

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

