

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**DECEMBER 21, 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 Brad Westmoreland

Mayor Lew White  
Councilmember Derrick David Bryant  
Councilmember Kara McGregor

**Council absent:** Councilmember Jeffrey Michelson

**Staff present:**

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

Connie Constancio, City Secretary  
Victoria Maranan, Public Information Officer  
Dan Gibson, City Planner

**Citizens/Visitors Addressing the Council:** Bill Barton of Lennar Homes; Citizens: Glen Senate, Kerry Gaddis, and Timoteo Juarez, Jr.

**Work Session 6:30 p.m.**

Mayor White announced that Councilmember Michelson will not be in attendance. He 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. DISCUSS CITY COUNCIL MINUTES OF DECEMBER 7, 2021.**

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

**B. DISCUSS FUEL BID AWARD TO SCHMIDT & SONS, INC. WITH A PROFIT MARGIN OF 5 CENTS PER GALLON FOR GASOLINE AND 5 CENTS PER GALLON FOR DIESEL OVER THE OIL PRICE INFORMATION SERVICES (OPIS) PRICE FROM AUSTIN, TEXAS, RACK, POSTED WEEKLY, AND APPOINTING THE MAYOR TO SIGN APPROVAL DOCUMENTS.**

Mr. Kelley stated that fuel bids were sought in compliance with State Law. The City uses about 40,000 gallons of gasoline and 26,000 gallons of diesel per year. A total of two bids were received for the annual fuel delivery contract. The overall best bid was submitted by Golden West Oil Company, but Schmidt & Sons, Inc. is within 5% of the lowest bid. Since local companies are also allowed an additional 5% consideration in their bid submittals, Schmidt & Sons, Inc., of Lockhart may be awarded the bid at \$0.050 per gallon for gasoline and \$0.050 per gallon for diesel. Besides being a local company, Schmidt & Sons provides additional benefits by providing 24-hour emergency fuel supplies from their facility on Patton Road when the City fuel systems are down due to maintenance or repairs. Mr. Kelley recommended approval. There was discussion.

**C. DISCUSS ONE YEAR RENEWAL TO THE EXISTING CONTRACT WITH GENE BAGWELL, DBA, MAINTENANCE MANAGEMENT OF SAN MARCOS, TEXAS FOR CEMETERY MAINTENANCE MOWING SERVICES IN THE WEST SECTION OF THE LOCKHART MUNICIPAL BURIAL PARK ON NORTH COLORADO STREET IN THE AMOUNT OF \$53,248.40 AND APPOINTING THE MAYOR TO SIGN THE CONTRACTUAL DOCUMENT IF APPROVED.**

Mr. Kelley stated that the existing contract was awarded in 2009. Mr. Bagwell has maintained the City cemetery for the past 20 years and has done a commendable job, especially in the areas of customer service. This company has multiple Cemetery mowing maintenance contracts including the City of San Marcos, City of Austin and the State Veteran's Land Board. This contract does have cost adjustments to the base bid price based on the annual June Consumer Price Index, with a maximum increase or decrease amount of 3%. The City can cancel the proposed contract with a 30-day written notice to the contractor as written in Section 12 of the existing contract. General liability and workers compensation insurances that cover the City of Lockhart are requirements of this contract. Mr. Kelley recommended approval. There was discussion.

**A. DISCUSS SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES, AND DISCUSSION AND/OR ACTION TO CONSIDER THE NEED TO UPDATE OR REVISE THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS (CIP'S), AND IMPACT FEES.**

Mr. Gibson stated that in accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the impact fee capital improvement plans, and submitting semi-annual reports to City Council. The Committee met on December 8<sup>th</sup> to consider their 39<sup>th</sup> semi-annual report since impact fees were originally adopted on January 15, 2002. The current total balance of all impact fee accounts is \$3,085,031. Total impact fee revenue during this six-month period was \$462,014, and there were no expenditures of impact fees in any of the accounts for this period. State law requires that qualified consultants be retained every five years to update the land use assumptions, CIP's, and fees. The most recent impact fee update was completed and adopted in 2017, so the statutory five-year update will be due in 2022. The Council does have the option of deciding that an update of the land use assumptions, capital improvement plans, and impact fees is not necessary. In such case, the City can go another five years without an update or, if the need arises, can choose to do an update at any time before the next five years are up. If the Council does decide that an update is not necessary, a notice of that decision must be published three consecutive times in the newspaper. The notice will state that anyone potentially affected by the impact fees can contact the City within 60 days of the decision and request that the update be done anyway, in which case the City has no choice but to do the update. If nobody requests an update, then the decision not to do an update takes effect. If the Council wishes to do the five-year update, then consultants will need to be hired soon so that their reports can be finished in time to be adopted by the City Council during 2022. There was discussion.

**B. DISCUSSION REGARDING PETITION FOR RATE ADJUSTMENT FILED BY CENTRAL TEXAS REFUSE LLC DATED NOVEMBER 17, 2021 AS OUTLINED IN RESOLUTION 2021-23.**

Mayor White stated that Central Texas Refuse withdrew their petition for a rate adjustment, therefore the item has been pulled from the agenda.

**C. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.**

Mayor White stated that the Governor's office has taken away the City's ability to require face coverings. He encouraged everyone to stay safe, be cautious and to wear face coverings.

Mayor White announced that the Council would recess for a break at 6:52 p.m.

**REGULAR MEETING**

**ITEM 1. CALL TO ORDER.**

Mayor Lew White opened the public hearing at 7:15 p.m.

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

Councilmember McGregor 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 issue that is not on the agenda. There were none.

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATIONS ZC-21-19 AND PDD-21-02 BY KEITH SCHAUER, P.E., ON BEHALF OF JESCO CONSTRUCTION, INC., AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-41 FOR A ZONING CHANGE FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING BY-REFERENCE ADOPTION OF A PDD DEVELOPMENT PLAN FOR JESCO SUBDIVISION, ON 9.186 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, AND LOCATED AT 920 TRINITY STREET.**

Mayor White opened the public hearing at 7:32 p.m.

Mr. Gibson stated that a duplex subdivision was originally proposed for the subject property, and a final plat was approved in February 2020, but it was never recorded because the public improvements were not constructed. A different type of development is now proposed that will essentially use the same street and lot layout that was previously approved, although the need for additional access easements requires revisions to the approved final plat. The current RMD zoning allows only one principal structure per lot, so one duplex building per lot complies with that limit. However, the new proposal is to have two detached single-family dwellings on most of the lots, which is not allowed because they would constitute more than one principal building on the same lot. The lots cannot be simply divided so that each single-family dwelling would be on its own lot because the new lots would not meet the minimum width and area dimensions required in the RMD district. Because there is no other conventional residential district that would allow two or more detached dwellings on the size of lots in this proposed subdivision, the only option for allowing two or more detached residential dwellings per lot is the PDD classification, which accommodates developments that have unusual characteristics and may require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications, which cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan. The development plan is adopted with the zoning change, and thereafter cannot be changed except through the normal rezoning process. The PDD development plan (PDD-21-02) and revised final plat (FP-21-11) were submitted with the zoning change application. At their December 8<sup>th</sup> meeting, the Planning and Zoning Commission denied the final plat, consistent with their recommendation for denial of the zoning change and PDD development plan. If the Council approves the zoning change, subject to the accompanying PDD development plan, staff will place a reconsideration of the final plat on the agenda of the next Planning and Zoning Commission meeting. The PDD development plan shows a subdivision consisting of one single-family dwelling on one lot, two

detached single-family dwellings on each of 29 lots, and three detached single-family dwellings on each of three lots. All units will be narrow two-story buildings with single-car garages and driveways. The total of 68 dwelling units on 9.186 acres results in a gross density of 7.4 units per acre, which is well within the medium density range and is exactly the same as the previously proposed duplex subdivision. Each dwelling unit will be a condominium where the owner/residents will own their individual structures, while all of the land area will be owned and maintained in common by a property owners' association. The parkland on Lot 1, Block B, and the combined stormwater detention and park/open-space lot on Lot 11, Block A, will be owned and maintained by the City except for mowing, which will be done by the property owners' association. The developer will provide a children's playscape with at least four activity components under a shade structure, plus at least two park benches. Sidewalks will be provided along all lot frontages.

There was discussion regarding the types of houses to be built, drainage and the lack of a second or third way out of the proposed subdivision.

Mayor White requested the applicant to address the Council.

Bill Barton, Lennar Homes, provided information regarding the subdivision that includes a park and playground. He provided details about the houses that will be built and privacy efforts. He requested approval of the zoning change. There was discussion.

Mayor White requested citizens in favor of the zoning change to address the Council.

Kerry Gaddis, 826 Trinity Street, stated that he was originally opposed to the proposed zoning change. After the Planning and Zoning Commission, he conducted research about the proposed development and changed his mind to support the project. He stated that he believes that because the development Homeowners Association would provide lawn maintenance, etc., it would allow young professionals to own a home and not have to worry about the yard maintenance.

Tim Juarez, Jr., 1203 Trinity Street, stated that he was originally opposed to the zoning change and that he has talked with many residents in the area. He stated that after conducting additional research of the proposed development, he is in favor of the development because the homes would be owner occupied, noise and privacy efforts would be accommodated, and because there is one way in or out of the subdivision, which he believes would control traffic. He stated that he is in favor of the development if the homes are 100 percent owner occupied.

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 8:20 p.m.

Councilmember McGregor asked if the developer or the City could require that the homes be owner occupied. Mr. Akers stated that the authority of the short term rental issue would be that of the Homeowners Association. Mr. Barton replied that they could request that the homeowner's association take a vote about the owner occupancy requirement.

Mayor White expressed concern about the lack of a second way in or out of the subdivision.

Mayor Pro-Tem Sanchez thanked the long-time residents for their input. She spoke in favor of the proposed development because she believes it would be an added improvement to neighborhood.

Councilmember Mendoza spoke in favor of the zoning change. He stated that he supports single-family homes instead of duplexes and that he appreciates that the proposed development will have sidewalks and a playground.

There was additional discussion regarding prohibition of short term rentals in the subdivision. Mr. Lewis stated that another option that the Council could take is to table the item to allow additional changes to the proposed PDD or vote to deny the zoning change and PDD. Mr. Akers recommended that if the Council tables the item, that the motion be to a date specific meeting to return with revised PDD plans. Mr. Barton requested that the Council vote on the item today since they are on a time constraint schedule for a feasibility study and scheduling with the builder.

Glen Senate, owner of the property, stated that they are on a time schedule to begin construction but that the January 4 meeting would suffice, if necessary. There was discussion.

Mayor Pro-Tem Sanchez made a motion to approve 2021-41 and PDD 21-02, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 4-2, with Mayor White and Councilmember McGregor opposing.

**ITEM 5. CONSENT AGENDA.**

Councilmember McGregor made a motion to approve consent agenda items 5A, 5B and 5C. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes of December 7, 2021.
- 5B: Approve fuel bid award to Schmidt & Sons, Inc. with a profit margin of 5 cents per gallon for gasoline and 5 cents per gallon for diesel over the Oil Price Information Services (OPIS) price from Austin, Texas, RACK, posted weekly, and appointing the Mayor to sign approval documents.
- 5C: Approve one year renewal to the existing contract with Gene Bagwell, dba, Maintenance Management of San Marcos, Texas for cemetery maintenance mowing services in the West Section of the Lockhart Municipal Burial Park on North Colorado Street in the amount of \$53,248.40 and appointing the Mayor to sign the contractual document if approved.

**ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING THE SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES, AND DISCUSSION AND/OR ACTION TO CONSIDER THE NEED TO UPDATE OR REVISE THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS (CIP'S), AND IMPACT FEES.**

Councilmember Westmoreland made a motion to approve the semi-annual report from the Impact Fee Advisory Committee, and to authorize an update or revision of the land use assumptions, capital improvement plans and impact fees. Councilmember Bryant seconded. The motion passed by a vote of 6-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING PETITION FOR RATE ADJUSTMENT FILED BY CENTRAL TEXAS REFUSE LLC DATED NOVEMBER 17, 2021 AS OUTLINED IN RESOLUTION 2021-23.**

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

**ITEM 6-C. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.**

There was no discussion.

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

Mayor White requested appointments to boards and committees.

Councilmember Mendoza made a motion to appoint Juan Alvarez, Jr. to the Lockhart Economic Development Corporation. Councilmember Bryant seconded. The motion passed by a vote of 4-2, with Mayor White and Councilmember McGregor opposing.

Mayor White stated that a few citizens have expressed interest on serving on the Airport Advisory Board. He stated that airport improvements might be coming soon and he suggested that each Councilmember speak with their appointed members of the Airport Advisory Board to be assured that they qualify as a member.

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

- Fire Department updates.
- City Offices closed on December 23 & 24 in observance of Christmas Holidays and December 31 in observance of New Year's Holiday.

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

Councilmember Mendoza thanked citizens for a good 2021 year. He wished everyone a Merry Christmas and a Happy New Year.

Mayor Pro-Tem Sanchez expressed condolences to the families of Virginia Venglar, Florentina Munoz, Abraham Villegas and Albert Zaleski for their loss. She wished everyone Christmas Blessings and a prosperous New Year

Councilmember McGregor encouraged everyone to stay safe. Merry Christmas and Happy New Year to all.

Councilmember Bryant wished everyone a Merry Christmas and Happy New Year. He thanked staff for their work, and he encouraged everyone to be safe and take care.

Mayor White wished everyone Happy Holidays. He encouraged everyone to stay safe. He thanked staff for their hard work and dedication.

**ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.074, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE. Conduct City Manager's evaluation.**

Mayor White announced that the Council would enter Executive Session at 8:56 p.m.

**ITEM 10. OPEN SESSION - DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2021-24 AUTHORIZING A SALARY ADJUSTMENT FOR CITY MANAGER STEVEN LEWIS AND ADDENDUM TO THE CITY MANAGER AGREEMENT DATED EFFECTIVE AUGUST 18, 2018 BY AND BETWEEN THE CITY OF LOCKHART AND STEVEN LEWIS.**

Mayor White announced that the Council would enter Open Session at 9:42 p.m.

Councilmember Westmoreland read an addendum to the City Manager's agreement as follows:

*At the sole option of the Manager, either at the end of each year of the term of this Agreement, at retirement, or when the Agreement is terminated, either voluntarily or involuntarily, the City shall pay the Manager for any accrued but unused vacation leave. This payment shall be in a lump sum computed on an hourly basis by dividing the Manager's then current salary by 2080 hours.*

Mayor Pro-Tem Sanchez made a motion to increase the City Manager's salary to \$183,796 commencing October 1, 2021 and to approve an addendum to the City Manager's agreement as read by Councilmember Westmoreland above. Councilmember McGregor seconded. The motion passed by a vote of 6-0.

**ITEM 11. ADJOURNMENT.**

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 9:46 p.m.

PASSED and APPROVED this the 4<sup>th</sup> day of January 2022.

**CITY OF LOCKHART**



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

ATTEST:



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Connie Constancio, TRMC  
City Secretary

