

**REGULAR MEETING
LOCKHART CITY COUNCIL**

APRIL 7, 2020

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
Miles Smith, Public Information Officer
Pam Larison, Finance Director

Connie Constancio, City Secretary
Sean Kelley, Public Works Director
Dan Gibson, City Planner

Staff present via teleconference:

Monte Akers, City Attorney

Mike Kamerlander

Citizens/Visitors Addressing the Council: Hector Rangel, Caldwell County Emergency Management Coordinator; and, Citizens, Edgar Gutierrez; James Balser; Breanne Schafer; Bill Anderson; Elvira Saldiera; Mary Alice Rendon; David Raschke; Mary Raschke; and, Anna Kieler.

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. READING OF A PROCLAMATION DECLARING APRIL 2020 AS CHILD ABUSE PREVENTION AND AWARENESS MONTH.

Mayor White read the proclamation.

DISCUSSION ONLY

A. DISCUSS PRELIMINARY BUDGET AND TAX RATE CALENDAR FOR FISCAL YEAR 2020-2021.

Ms. Larison provided information regarding the dates scheduled for the upcoming budget and tax rate meetings. There was brief discussion.

Mayor White requested Hector Rangel, Caldwell County Emergency Management Coordinator to address the Council.

Hector Rangel provided an update regarding the COVID-19 pandemic. He encouraged everyone to stay safe and to follow the social distancing requirement.

B. DISCUSS RESOLUTION 2020-11 DENYING TEXAS GAS SERVICE COMPANY'S REQUESTED RATE INCREASE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND THE CITY'S LEGAL COUNSEL.

Mr. Lewis stated that on December 20, 2019, Texas Gas Service Company, a Division of ONE Gas, Inc., ("TGS" or "Company"), pursuant to Gas Utility Regulatory Act § 104.102, filed its Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within the City of Beaumont, the Central Texas Service Area (CTSA), and Gulf Coast Service Area (GCSA) and to consolidate these Service Areas into the proposed Central-Gulf Coast Service Area, effective February 6, 2020. The City Council adopted Resolution 2020-01 that suspended TGS's rate request from taking effect for 90 days, the fullest extent permissible under the law, until May 6, 2020. Thomas Brocato of the law firm of Lloyd Gosselink indicates that this time period has permitted the City, through its participation in the CTSA Cities and GCSA Cities, to determine that the proposed rate increase and consolidation are unreasonable. Consistent with the recommendations of experts engaged by CTSA Cities and GCSA Cities, TGS's request for a rate increase and consolidation of service areas should be denied. Accordingly, the purpose of the Resolution is to deny the rate change application proposed by TGS.

Thomas Brocato of the law firm of Lloyd Gosselink assists cities with the proposed gas rate increase and he will continue to update the City about the process. Mr. Lewis recommended approval. There was discussion.

C. DISCUSS RESOLUTION 2020-10 APPROVING A NEW MUNICIPAL MAINTENANCE AGREEMENT (MMA) BETWEEN THE STATE OF TEXAS AND THE CITY OF LOCKHART FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY; AND PROVIDING THE EXECUTION OF SAID AGREEMENT.

Mr. Kelley stated that the City of Lockhart currently has a Municipal Maintenance Agreement (MMA) with the Texas Department of Transportation which was adopted on March 21, 2000. The current MMA between the City and the Texas Department of Transportation (TxDOT) is for maintenance, operations and supervision on controlled access and non-controlled access State highways. Maintenance duties described in the MMA include but are not limited to striping, paving, sidewalk maintenance, crosswalks, drainage, sweeping and snow/ice control. Municipal Maintenance Agreement between cities and the State need to be updated as new highways are introduced and municipal boundaries change. The most notable change in the proposed MMA is the addition of map exhibits which includes exclusions of city maintenance to Park Road 20 and SH 130 overpasses on SH 142 and FM 2001. The City boundaries have also changed after the initial MMA was signed in 2000 due to annexation which is reflected in the new maps. Mr. Kelley recommended approval. There was discussion.

D. DISCUSS ORDINANCE 2020-08 CREATING THE LOCKHART COVID-19 ECONOMIC RECOVERY FUND; AMENDING SECTION 2-207 OF THE LOCKHART CODE OF ORDINANCES TO DISSOLVE THE ECONOMIC DEVELOPMENT LOAN COMMISSION; TRANSFERRING FUNDS IN THE LOCKHART REVOLVING LOAN FUND PROGRAM TO THE GENERAL FUND AND APPROPRIATING THE SAME FOR USE IN THE LOCKHART COVID-19 ECONOMIC RECOVERY FUND.

Mr. Kamerlander stated that the COVID-19 pandemic has caused many businesses to temporarily shut down due to governmental orders to help stop the spread of the virus. Small businesses are in need of support to help them weather this pandemic and be able to open again once it is over. The COVID-19 Economic Recovery Loan Program will provide a one-time loan to affected businesses in accordance with the rules and qualifications in the loan application document. The loans are intended to bridge a company until a larger loan can be closed through another source. Mr. Kamerlander recommended approval. There was discussion.

E. DISCUSS RELEASE OF LIS PENDENS ON FILE FOR PROPERTY LOCATED AT 715 EAST LIVE OAK STREET.

Mr. Lewis requested that the City Attorney provide explanation about the issue. There were difficulties with the teleconferencing. Mayor White stated that this item would be discussed later in the meeting.

F. DISCUSSION AND PRESENTATION REGARDING IMPLEMENTATION OF ADDITIONAL SAFETY MEASURES AT SUMMERSIDE SUBDIVISION ALONG SOUTH HIGHWAY 183.

Mr. Kelley provided an update regarding a traffic study performed at the intersection that included a recommended speed limit reduction from 65 to 55 miles per hour. The Texas Department of Transportation (TxDOT) is awaiting written approval from the Commission. He provided information about a sign at the entrance of the subdivision to encourage drivers to slow down. He explained details about a proposed message board, as used in other cities, that would display a message such as "Slow Down". TxDOT approves the boards on a temporary basis. If the developer completes the third phase of the subdivision, a right turn lane would be included at the FM 1322 entrance, which would reduce the traffic entering the subdivision on Highway 183. There was discussion regarding pursuing TxDOT for some type of signage at the Highway 183 entrance to the subdivision.

G. DISCUSS RESOLUTION 2020-12 EXTENDING THE CITY'S LOCAL DISASTER DECLARATION, INCORPORATING THE GOVERNOR'S EXECUTIVE ORDER GA-14 AND THE CALDWELL COUNTY JUDGE'S ORDER OF MARCH 24, 2020, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19.

Mr. Akers explained that the Declaration should be revised to indicate Caldwell County Judge's Stay Home/Stay Safe Order that was issued on March 30, 2020 not March 24, 2020.

Mayor White stated that the Declaration would be extended indefinitely, and it will be rescinded when the Governor lifts restrictions.

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.

Mayor White gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

Mayor White requested comments from citizens regarding an item that is not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-20-05 BY EDGAR GUTIERREZ ON BEHALF OF MARIA G. MORENO FOR A ZONING CHANGE FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT ON LOT 7, BLOCK 2, SOUTH HEIGHTS ADDITION, INCLUDING THE SOUTH 7.5 FEET OF AN ABANDONED ALLEY ALONG THE NORTH BOUNDARY, AND THE WEST 7.5 FEET OF AN ABANDONED ALLEY ALONG THE EAST BOUNDARY, LOCATED AT 1012 SOUTH MAIN STREET.

Mayor White opened the public hearing at 7:37 p.m.

Mr. Gibson stated that the applicant plans to remove the existing manufactured home and wishes to combine the subject lot with the adjacent property behind it that faces Colorado Street. The manufactured home would likely be replaced with a parking lot associated with redevelopment of the Colorado Street property. Existing CHB zoning abuts the subject property on the east and south sides, so this zoning change would simply be a one-lot expansion of the existing area zoned CHB. The resulting transitions to RMD on the north side and to RLD on the west side are not ideal, but those transitions already exist, and the zoning change simply moves the line. The proposed CHB zoning classification is not consistent with the Low Density Residential land use designation of the future land use plan map. However, it appears that the Low Density Residential land use designation is an anomaly, and perhaps should have been something else because it is just along a single row of lots on the east side of South Main Street, between Light-Medium Commercial and Medium Density Residential land use designations. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Edgar Gutierrez, 273 Old Luling Road, requested approval of the zoning change. He stated that they currently have a hair salon on the Colorado Street property, and the request to rezone is to allow for expansion of the business in the future.

Mayor White requested citizens in favor of and against the zoning change to address the Council. There were none. He closed the public hearing at 7:47 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2020-06 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 7, BLOCK 2, SOUTH HEIGHTS ADDITION, INCLUDING THE SOUTH 7.5 FEET OF AN ABANDONED ALLEY ALONG THE NORTH BOUNDARY, AND THE WEST 7.5 FEET OF AN ABANDONED ALLEY ALONG THE EAST BOUNDARY, LOCATED AT 1012 SOUTH MAIN STREET, FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2020-06, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 4-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-20-06 BY BALSER CUSTOM HOMES ON BEHALF OF ALAN BALSER FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT AND RLD RESIDENTIAL LOW DENSITY DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON 17.228 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 1107 SILENT VALLEY ROAD (FM 2001).

Mayor White opened the public hearing at 7:48 p.m.

Mr. Gibson stated that the applicant proposes to develop the subject property as a subdivision for duplexes. The property currently includes a private gravel road leading to a house on the property, as well as to three other single-family dwellings and a duplex that are on abutting nonconforming land-locked lots. When this tract is subdivided, the private driveway could possibly be replaced with or supplemented by a public street in a new right-of-way that would be part of the new internal street network in the subdivision. There is no abutting area zoned RMD, although the land use plan map shows the area adjacent to the west having a future land use designation of Medium Density Residential, which corresponds to the requested RMD classification. The RMD district is just one step up in density from the RLD zoning of the area, and such transitions are very common throughout the city. The proposed RMD zoning is not consistent with the Low Density Residential land use designation of the future land use plan map, although the actual development can be low density depending on the lot sizes, which are not yet determined. A total of eight property owners have submitted written opposition to the proposed zoning change. Five of the properties are wholly or partially within 200 feet of the subject property and, collectively, constitute 37 percent of the 200-foot buffer. Because the protesting area exceeds 20 percent of the buffer, the requested zoning change to RMD can be approved only with at least six affirmatives votes of the Council. The possibility of rezoning to RLD was discussed as an option by the Planning and Zoning Commission, and seemed to be acceptable to citizens present who opposed RMD. There was discussion.

Mayor White requested the applicant to address the Council.

Jason Balsler, 724-H WSW Loop 323, Tyler, provided information regarding the proposed development which included rental units, a garden area and engineered drainage. He requested approval of the zoning change.

There was discussion regarding possibly reducing the zoning change from RMD to RLD. Mr. Balsler replied that the RLD zoning would not accommodate the development because he does not propose to build single-family homes.

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

Mayor White requested the following citizens to address the Council:

Breanne Schafer, 1117 Silent Valley Road, spoke against the zoning change. She expressed concern about additional flooding, decreased property values, poor construction quality as compared in Tyler, and increased traffic congestion. She pointed out that the Balsler Development in Tyler, Texas has unfinished duplexes, dirt roads and poor drainage which is not what they want to be developed in their neighborhood. She spoke in favor of RLD zoning to allow only single family homes.

Natalie Douge, 1111 Silent Valley Road, spoke against the zoning change. She expressed concern about additional flooding, traffic congestion and the harm that the development could create to the endangered species and the fishpond in the neighborhood.

Bill Anderson, 1111 Silent Valley Road, spoke against the zoning change. He expressed concern about additional traffic congestion on an already busy road.

Elvira Saldiera, 1011 Silent Valley Road, spoke against the RMD zoning change and suggested RLD zoning to allow only single-family homes.

Mary Alice Rendon, 821 Silent Valley Road, spoke against the zoning change.

David and Mary Raschke, 1100 Silent Valley Road, spoke against the zoning change. They expressed concern about additional flooding, parking issues and dangerous traffic congestion.

Anna Kieler, 1109 Silent Valley Road, spoke against the zoning change. She stated that she agreed with previous comments and expressed concern about unfit and dangerous tenants in the rental units. The traffic is currently dangerous for children getting on and off the bus, and the new development would create an even higher risk for the children.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:08 p.m.

ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2020-07 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 17.228 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 1107 SILENT VALLEY ROAD (FM 2001), FROM AO AGRICULTURAL-OPEN SPACE DISTRICT AND RLD RESIDENTIAL LOW DENSITY DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.

Mayor Pro-Tem Sanchez asked Mr. Balser about the history of why the development in Tyler was not complete. Mr. Balser replied that it was due to the bankruptcy of an investor on the project.

Councilmember Bryant asked about the process to protect endangered species if the development were approved. Mr. Gibson replied that the State might have information as to whether or not there are known endangered species on the property. In addition, an environmental impact assessment could be required as part of the development planning process, similar to the traffic impact assessment that will be required.

There was discussion regarding the code violations at the current rental property.

The Council asked Mr. Balser if he would be in favor of changing the zoning change request from RMD to RLD. Mr. Balser replied that RLD zoning would not fit his development plan. Mr. Balser verbally withdrew his request for a zoning change application.

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

5A: Approve Preliminary Budget and Tax Rate Calendar for Fiscal Year 2020-2021.

- 5B: Approve Resolution 2020-11 denying Texas Gas Service Company's requested rate increase; requiring the Company to reimburse the City's reasonable ratemaking expenses; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and the City's legal counsel.
- 5C: Approve Resolution 2020-10 approving a new Municipal Maintenance Agreement (MMA) between the State of Texas and the City of Lockhart for the maintenance, control, supervision and regulation of certain State highways and/or portions of State highways in the City; and providing the execution of said agreement.

ITEM 6-A. DISCUSSION AND/OR TO CONSIDER ORDINANCE 2020-08 CREATING THE LOCKHART COVID-19 ECONOMIC RECOVERY FUND; AMENDING SECTION 2-207 OF THE LOCKHART CODE OF ORDINANCES TO DISSOLVE THE ECONOMIC DEVELOPMENT LOAN COMMISSION; TRANSFERRING FUNDS IN THE LOCKHART REVOLVING LOAN FUND PROGRAM TO THE GENERAL FUND AND APPROPRIATING THE SAME FOR USE IN THE LOCKHART COVID-19 ECONOMIC RECOVERY FUND.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2020-08, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER RELEASE OF LIS PENDENS ON FILE FOR PROPERTY LOCATED AT 715 EAST LIVE OAK STREET.

Mr. Lewis stated that in February 2020, the City Attorney was contacted about matters regarding the release of the Lis Pendens for property located at 715 East Live Oak Street that was filed in May 1991 in connection with an eminent domain lawsuit the City of Lockhart filed on a .230-acre tract at 715 East Live Oak Street pursuant to the Federal Aviation Association's (FAA) determination that an emergency landing strip should be constructed in the event the City of Austin airport was constructed near Manor. The City used an attorney named Samuel R. Graham, funded by the FAA, and he filed a Lis Pendens notice on the tract, after which the City of Austin abandoned plans to build an airport near Manor, and the eminent domain proceeding went no further.

This property currently has a 15' utility easement where the City has an 8" water main. The release of the Lis Pendens will not affect this easement, and the City has no current or foreseeable plans to acquire the property. The Lis Pendens notice should have been released approximately 29 years ago and there is no justification not to issue the release the Lis Pendens for this property at this time. There was discussion.

Councilmember McGregor made a motion to approve the Release of Lis Pendens for property at 715 East Live Oak Street. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND PRESENTATION REGARDING IMPLEMENTATION OF ADDITIONAL SAFETY MEASURES AT SUMMERSIDE SUBDIVISION ALONG SOUTH HIGHWAY 183.

CONSENSUS: After discussion, the consensus of the Council was to obtain costs associated to install an electronic display sign on private property.

ITEM 6-D. DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON RESOLUTION 2020-12 EXTENDING THE CITY'S LOCAL DISASTER DECLARATION, INCORPORATING THE GOVERNOR'S EXECUTIVE ORDER GA-14 AND THE CALDWELL COUNTY JUDGE'S ORDER OF MARCH 24, 2020, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19.

Mayor White made a motion to approve Resolution 2020-12, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-E. 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.

- Contractors are 25% complete on the ground phase of the SH 130 Elevated Water Stage Tank Project. Project is scheduled to be completed in November of 2020.
- The Public Utility Commission has issued the City a Docket Number in regards to the application filed to obtain additional water CCN. The status of our application will be available in late April to May.
- Update on events cancelations the next few months.
- City-Wide Cleanup Program scheduled for April has been postponed.
- Update on community COVID-19 responses.
- Update on the City financial condition.
- Update on Federal Census efforts.

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

Councilmember Mendoza asked everyone to stay safe and reminded everyone that local restaurants are open for take-out.

Mayor Pro-Tem Sanchez asked everyone to stay safe. She expressed condolences to the families of Ruben Head, Edward Taylor, Irma Mojica Nino, Danny Mendez, Luis Perez, Vicky Wilson and Roy Rosales for their loss.

Councilmember McGregor asked everyone to stay healthy.

Councilmember Michelson encouraged everyone to stay home and to support local businesses. He commended the Lockhart Independent School District teachers and staff for working to get school on-line for students and for offering three meals a day for the children.

Mayor White expressed commendations to all public safety personnel, elected officials, local entities and staff for working together to help each other during the pandemic.

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 9:50 p.m.

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

CITY OF LOCKHART

Low White

Low White, Mayor

ATTEST:

Connie Constancio

Connie Constancio, TRMC, City Secretary

