

**LOCKHART CITY COUNCIL
REGULAR MEETING**

JUNE 16, 2020

6:00 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
Pam Larison, Finance Director
Sean Kelley, Public Works Director

Connie Constancio, City Secretary
Miles Smith, Public Information Officer
Mike Kamerlander, Economic Development Dir.

Citizens/Visitors Addressing the Council: Jay Garner of Garner Economics; Dr. Charles Laurence, M.D.; and, John Kinzer of Visionary Fiber Technologies.

6:00 P.M.

1. 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. - Interview candidate for Municipal Court Presiding Judge.

Mayor White announced that the Council would enter Executive Session at 6:00 p.m.

2. OPEN SESSION - Discussion and/or action regarding Presiding Judge for Municipal Court.

Mayor White announced that the Council would enter Open Session at 6:40 p.m. There was no action taken.

Work Session 6:30 p.m.

Mayor White spoke in favor of community, unity, and communication to maintain peaceful, non-biased, transparent relationships and to keep Lockhart a safe place to live.

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 AND DISCUSSION BY JAY GARNER WITH GARNER ECONOMICS REGARDING THE LOCKHART ECONOMIC DEVELOPMENT 5-YEAR PLANNING PROCESS.

Jay Garner with Garner Economics gave an update regarding the Lockhart Economic Development 5-year planning process.

Mayor White requested Dr. Charles Laurence to address the Council to give an update on the COVID-19 pandemic.

Dr. Charles Laurence gave an update regarding the status of the coronavirus in Caldwell County. He encouraged everyone to follow the necessary safety precautions that included wearing face coverings, washing your hands frequently, and maintaining social distancing. He expressed concern about the city holding the fireworks show, he gave an update regarding testing sites and the current statistics of the coronavirus cases.

B. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF JUNE 2, 2020.

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

C. DISCUSS RESOLUTION 2020-15 AMENDING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH VISIONARY FIBER TECHNOLOGIES PROVIDING A SHORT-TERM LOAN OF \$250,000.

Mr. Kamerlander stated that the Lockhart Economic Development Corporation (LEDC) approved a loan of \$250,000 to Visionary Fiber Technologies for business retention and expansion purposes. The loan will be due in full within 364 days. This resolution amends the existing performance agreement but does not alter the requirements of the performance agreement except to offer the loan and repayment terms. The amendment to the performance agreement was passed unanimously by the LEDC Board. Mr. Kamerlander recommended approval. There was discussion.

Mayor White requested the following to address the Council:

John Kinzer, President/CEO of Visionary Fiber Technologies, gave an update regarding their progress in Lockhart. He requested approval of the amendment to the Performance Agreement.

D. DISCUSS RESOLUTION 2020-18 SUPPORTING THE CITY OF LOCKHART'S SUBMISSION OF AN US ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) DISASTER RECOVERY GRANT APPLICATION FOR ENGINEERING AND CONSTRUCTION OF WASTEWATER LINE; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION; AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Kamerlander stated that the EDA has issued a competitive disaster grant in the territory that includes Texas and four neighboring states due to the COVID-19 pandemic. The grants are intended to help cities become more economically resilient to future disasters of any kind. The best way to be economically resilient is to broaden the city's tax base and grow it. Grant applications are being accepted on a rolling basis. The expected location for large scale growth in residential, commercial, and industrial development is the western side of Lockhart. The main wastewater line serving the west is inadequate for large growth in the future.

Currently there is a 2.5 mile of an 8-inch wastewater line that runs along the rail line from SH 130 East to along Tank Street to the wastewater treatment plant on the creek. This new line would expand the line to a 12-inch line as well as 15-inch in areas that would collect more effluent such as in town where there are more connections. This line would follow the same path as the current wastewater lines only making them larger to handle more capacity. This EDA grant would allow the City of Lockhart to apply and potentially receive enough funds to design and build the project to accommodate the expected future growth with a 20% match. Under the terms of the grant, infrastructure grants must be completed within five years.

On June 8, 2020, the Lockhart Economic Development Corporation (LEDC) Board of Directors approved LEDC Resolution 2020-01 supporting the application and allocating \$300,000 from LEDC's fund balance towards the project's required 20% match. If the City is not successful with its grant application, the funds will not be expended. If the City does not receive the grant, then the wastewater line can be expanded for \$296,020 instead of \$1,480,100 and the City's western side will be set up well for industrial, residential, and commercial growth opportunities. This will bolster the utilities in the area along with the new water lines and elevated storage tank set to be operational later this summer. Mr. Kamerlander recommended approval. There was discussion.

E. DISCUSS FISCAL YEAR 2019-2020 BUDGET AMENDMENT #49 IN THE AMOUNT OF \$314,457 FOR THE ECONOMIC DEVELOPMENT ADMINISTRATION GRANT MATCH AND FOR AN INCREASE IN THE SALARY FOR THE ECONOMIC DEVELOPMENT SPECIALIST POSITION.

Mr. Kamerlander stated that the budget amendment is for a \$300,000 transfer from the LEDC Fund balance for the required 20% match for the EDA Disaster Grant. Additionally, this amendment balances the salary and benefits difference between what was budgeted for the old clerical position and what is now required for the Economic Development Specialist position which was filled in March. Mr. Kamerlander recommended approval. There was discussion.

F. DISCUSS RESOLUTION 2020-16 TO ADOPT A PURCHASING POLICY FOR THE CITY OF LOCKHART AND TO APPROVE RESOLUTION 2020-17 PURSUANT TO SECTION 252.022(C), LOCAL GOVERNMENT CODE REGARDING PURCHASES FOR THE LOCKHART ELECTRIC UTILITY.

Ms. Larison stated that the City should adopt and follow a policy for purchasing and procurement to ensure the highest quality and best value of goods and services for the City and which is consistent with state law. As part of the policy, the City is authorized by Local Government Code, Section 252.022(c), to establish, by resolution, a policy for purchases for the City's electric utility that do not require competitive bidding or competitive proposals particularly when such are from a provider of electric power in the state, such as the Lower Colorado River Authority, and electric cooperative or a municipally-owned electric utility. Ms. Larison recommended approval. There was discussion.

G. DISCUSS NONPROFIT ORGANIZATION'S REQUESTING CONTRIBUTIONS FROM THE CITY OF LOCKHART FOR FISCAL YEAR 2020-2021 BUDGET.

Ms. Larison stated that non-profit organizations received notification on May 11, 2020 requesting a short presentation requesting contributions to include the mission and benefit of the organization, the current financial statements, how the previous year's contribution from the city was spent, and the requested amount for the 2020-2021 budget year and how those funds will be spent.

Mayor White requested the following to address the Council:

CAPITAL AREA RURAL TRANSPORTATION SERVICES (CARTS)

Dave Marsh, General Manager of CARTS, provided information about the transportation services that CARTS offers to the community. Mr. Marsh stated that CARTS is requesting a contribution in the amount of \$6,000. There was discussion.

HAYS-CALDWELL WOMEN'S CENTER (HCWC)

Holly-Cunningham Keiser of HCWC provided information about how the HCWC assists women and children in the community. Ms. Keiser stated that HCWC is requesting a contribution in the amount of \$7,300. There was discussion.

CENIKOR FOUNDATION

Karla Merritt and Andrea Lash of Cenikor provided information about how their organization provides assistance and awareness about alcohol and drug abuse to adults and children in the community. Ms. Merritt stated that Cenikor is requesting a contribution in the amount of \$3,000. There was discussion.

COMBINED COMMUNITY ACTION - SENIOR NUTRITION (CCA)

Kelly Frankie of CCA provided information about how the CCA meal program provides food to senior citizens in the community. Ms. Frankie stated that the CCA is requesting a contribution in the amount of \$8,000. There was discussion.

LOCKHART AREA SENIOR CITIZEN CENTER (LASCC)

Diana Coker of the LASCC stated that their goal is to keep senior citizens active, to provide low-cost meals, and to serve as an activity center. Ms. Coker stated that the LASCC is requesting a contribution in the amount of \$3,751. There was discussion.

CASA OF CENTRAL TEXAS, INC. (CASA)

Trisha Schneider of CASA provided information regarding how CASA advocates for children in Caldwell County. She stated that CASA is requesting a contribution in the amount of \$15,000. There was discussion.

CALDWELL COUNTY CHRISTIAN MINISTRIES (CCCM)

Meredith Jakovich, Executive Director of CCCM provided information about how the CCCM provides food to needy families in Caldwell County. She stated that the CCCM is requesting a contribution in the amount of \$3,500. There was discussion.

There was discussion regarding the allocation percentages to remain the same or whether to increase during the Fiscal Year 2020-2021. Mayor White announced that the Council would further discuss the regular meeting.

H. DISCUSS THE CITY OF LOCKHART'S MAYORAL DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19 INCLUDING A MAYOR'S PROCLAMATION ALLOWING THE JULY 4TH FIREWORKS SHOW TO BE CONDUCTED SUBJECT TO MODIFICATIONS AND OTHER OCCUPANCY FACTORS.

Mr. Lewis stated that the Governor Abbott's Order GA-26 allows gatherings of 500 or less without the County Judge or Mayor's approval. The checklist for Outdoor Events, dated June 3, 2020, allows July 4th celebrations. Gatherings of 500 or more require the Mayor's approval.

Highlights from the Texas Department of State Health Services include:

"Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 500 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, may decide if a particular outdoor event should be modified or the occupancy further limited based on the facts and circumstances of the event and COVID-19 in the particular jurisdiction, based on the factors set forth below:"

The guidance further provided for the following “local approval factors:”

-Local approval for large outdoor gatherings (those with an estimated attendance exceeding 500 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.

-In evaluating large gatherings (those with an estimated attendance exceeding 500 individuals), the county judge or the mayor, as applicable, in consultation with the local public health authority, should consider the following factors:

1. The overall number of projected attendees;
2. The likelihood of individuals over the age of 65 attending;
3. The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
4. The level of transmission in the county.

-Gatherings of less than 500 individuals may proceed consistent with all the health protocols above without written approval of the county judge, local health authority or mayor, as applicable.

There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 8:33 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 8:50 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. There were none.

ITEM 4. CONSENT AGENDA.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 4A, 4B, 4C, 4D and 4E. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

4A: Approve minutes of the City Council meeting of June 2, 2020.

4B: Approve Resolution 2020-15 amending an Economic Development Performance Agreement with Visionary Fiber Technologies providing a short-term loan of \$250,000.

- 4C: Approve Resolution 2020-18 supporting the City of Lockhart's submission of an US Economic Development Administration (EDA) Disaster Recovery Grant application for engineering and construction of wastewater line; authorizing the City Manager to execute all necessary documentation; and establishing an effective date.
- 4D: Approve Fiscal Year 2019-2020 budget amendment #49 in the amount of \$314,457 for the Economic Development Administration grant match and for an increase in the salary for the Economic Development Specialist position.
- 4E: Approve Resolution 2020-16 to adopt a purchasing policy for the City of Lockhart and to approve Resolution 2020-17 pursuant to Section 252.022(c), Local Government Code regarding purchases for the Lockhart Electric Utility.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER NONPROFIT ORGANIZATION'S REQUESTING CONTRIBUTIONS FROM THE CITY OF LOCKHART FOR FISCAL YEAR 2020-2021 BUDGET.

Councilmember McGregor made a motion to increase the percentage to 10% for Fiscal Year 2020-2021 only, with the understanding that future years would be considered separately. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING THE CITY OF LOCKHART'S MAYORAL DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19 INCLUDING A MAYOR'S PROCLAMATION ALLOWING THE JULY 4TH FIREWORKS SHOW TO BE CONDUCTED SUBJECT TO MODIFICATIONS AND OTHER OCCUPANCY FACTORS.

Mayor White stated that staff reports that the City of Lockhart has pre-paid \$5,500 towards the fireworks show. If the Council cancels the 2020 show, the company will apply the funds towards the 2021 fireworks show. There was discussion.

Mayor Pro-Tem Sanchez made a motion to direct the Mayor not to issue the proclamation and to cancel the 2020 July 4th Fireworks show. Councilmember Michelson seconded. The motion passed by a vote of 4-3, with Mayor White and Councilmembers Mendoza and Bryant opposing.

ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards and committees. There were none.

ITEM 6. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.

- Preparations underway for the November 3, 2020 General Election for the positions of Mayor and Councilmembers in Districts 3 and 4. Candidate filing period is July 18 thru August 17. Joint Election Agreement and Ordinance ordering the Election is scheduled for Council's consideration on July 7. Early voting will be from October 19 thru October 30.
- The Town Branch Trail Phase I is approximately 70% complete.
- City Manager Proposed Fiscal Year 2020-2021 Budget has been filed and City Council budget workshops are scheduled for June 22nd and 23rd at 6:30 p.m. in the Council Chambers.
- The City's tree trimming contractor, McCoy Tree Surgery, has completed the Electric Distribution trimming for Fiscal Year 2019-2020.
- Summer Fan Program is underway to provide free box fans to residents who are 65 or older and did not receive a fan during last year's program. Residents who meet the qualifications and are interested in getting a fan can call or stop by City Hall.

ITEM 7. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.

Councilmember Westmoreland expressed condolences to the family of Ronnie Stephens for their loss.

Councilmember Mendoza thanked Margaret Carter for hosting the protest and march this weekend and stated that he looked forward to positive community engagements. He thanked the Public Works Department for repairing Garcia Street this week.

Mayor Pro-Tem Sanchez expressed condolences to the families of Irma Tamayo, Jane Spillman, Eleanor Mayfield, Scott Andrewartha, Juanita Juarez, Clayton Manning, and Landin Robinson for their loss. She congratulated all that participated in the march hosted this weekend. She expressed Birthday wishes to Councilmember Jeffry Michelson.

Councilmember McGregor encouraged everyone to celebrate July 4th responsibly. She encouraged everyone to stay safe.

Councilmember Bryant thanked all that participated in the recent march protest. He wished all fathers a Happy Father’s Day.

Councilmember Michelson thanked all that participated in the recent march protest. He encouraged everyone to stay safe.

Mayor White congratulated all that participated in the recent march protest. He expressed condolences to those that have recently lost a loved one. He thanked staff for the Town Branch Trail project. He reminded the Council about budget workshops on June 22 and 23.

ITEM 8. ADJOURNMENT.

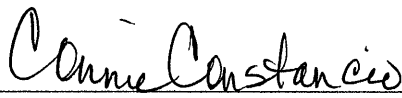
Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:11 p.m.

PASSED and APPROVED this the 21st day of July 2020.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

