

**REGULAR MEETING
LOCKHART CITY COUNCIL**

MAY 18, 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
Dan Gibson, City Planner
Sean Kelley, Public Works Director

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Pam Larison, Finance Director

Citizens/Visitors Addressing the Council: Ryan Collins and Doise Miers of CAMPO; Wes Jasek of BGE, Inc.; Holly Cunningham of Hays-Caldwell Women's Center; Meredith Jakovich of Caldwell County Christian Ministries; Lyle Nelson of CARTS; Andrea Lash of Cenikor; Kelly Franke of Combined Community Action; Becky Huff of CASA of Central Texas; Diane Coker of Lockhart Area Senior Center; Jay Howard of Texas Disposal Systems; Alfonso Sifuentes of Central Texas Refuse; and, Citizens: Roy Watson, James Tiemann, Mitchell Morgan, David Gratz, Wayne Dolcefino, Joe Allen Perez, Sr., John Castillo, Kathy Kramer, and Frank Sughrie.

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. RECOGNIZE THE LOCKHART HIGH SCHOOL BASEBALL AND LADIES SOFTBALL TEAMS.

Mayor White presented Certificates to the teams.

DISCUSSION ONLY

A. PRESENTATION AND DISCUSSION WITH REGARD TO UPDATING THE WAYFINDING COMMITTEE'S PROGRESS ON THE WAYFINDING PLAN.

Roy Watson, member of the Wayfinding Committee, provided detailed information regarding the progress in preparing the Wayfinding Plan. There was discussion.

B. PRESENTATION AND DISCUSSION WITH REGARD TO A PRESENTATION BY THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) ABOUT THE WESTERN CALDWELL COUNTY TRANSPORTATION STUDY.

Ryan Collins and Doise Miers of CAMPO and Wes Jasek of BGE, Inc. provided information about the Western Caldwell County Transportation Study. The purpose of the study project is to improve regional mobility and provide system connectivity between major roadways. The Western Caldwell County Transportation study project is needed because there is a lack of an efficient east-west connection between major federal and state highways resulting in system linkage deficiencies within western Caldwell and

eastern Hays Counties. There was discussion regarding preliminary routes to connect Highway 142 East of Maxwell. They encouraged citizens to participate in the study.

Mayor White requested Councilmembers to access the study on-line and make comments.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-21-04 BY CRISTINA HERNANDEZ FOR A ZONING CHANGE FROM CLB COMMERCIAL LIGHT BUSINESS DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON LOT 13, BLOCK 1, TRINITY ADDITION REVISED, CONSISTING OF 0.197 ACRE LOCATED AT 601 RUDDY STREET.

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

Mr. Gibson stated that the applicant proposes to construct a single-family dwelling on the subject property. That cannot be done without the zoning change because the current CLB zoning does not allow dwellings as the principal use of the property. The surrounding area is already zoned RMD, so the proposed rezoning will simply expand the predominant zoning classification to include the subject property. In addition, the proposed use is the same as the predominant use in the neighborhood, so no adverse impact is anticipated. The proposed RMD zoning classification is consistent with the Land Use Plan map designation of Medium Density Residential. No opposition has been expressed, either in writing or at the Planning and Zoning Commission meeting. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens to speak in favor of or against the zoning change. There were none. He closed the public hearing at 7:35 p.m.

He stated that consideration of the ordinance would be conducted during the regular meeting.

C. PRESENTATIONS AND DISCUSSION WITH NONPROFIT ORGANIZATIONS REQUESTING CONTRIBUTIONS FROM THE CITY OF LOCKHART FOR FISCAL YEAR 2021-2022 BUDGET.

Ms. Larison stated that letters were sent to organizations on April 28, 2021 requesting a short presentation to Council to include: 1) the mission and benefit of the organization, 2) the current financial statements, 3) how the previous year's contribution from the City was spent, and 4) the requested amount for the 2021-2022 budget year and how those funds will be spent. The prior year allocations have been placed in the City Manager's Proposed budget for Fiscal Year 2021-2022. Any awarded increases will raise the expenditures for this budget.

Mayor White requested the following to address the Council:

Holly Cunningham of Hays-Caldwell Women's Center (HCWC) provided information about how their organization assists women and children in the Lockhart community. She stated that HCWC is requesting a contribution in the amount of \$7,150.

Meredith Jakovich of Caldwell County Christian Ministries (CCCM) provided information about how the organization provides food to needy families in the community. She stated that the CCCM is requesting a contribution in the amount of \$3,000.

Lyle Nelson of Capital Area Rural Transportation System (CARTS) provided information about the transportation services provided to the community. He stated that CARTS is requesting a contribution in the amount of \$6,000.

Andrea Lash of Cenikor Foundation provided information about how their organization assists adults and children in the community to prevent substance and alcohol abuse. She stated that Cenikor is requesting a contribution in the amount of \$1,000.

Kelly Franke of Combined Community Action- Meals on Wheels (CCA) provided information about how they provide and deliver hot meals to senior citizens in the community. She stated that CCA is requesting a contribution in the amount of \$8,000.

Becky Huff of CASA of Central Texas provided information about how their organization advocates for abused and neglected children in the Lockhart area. She stated that CASA is requesting a contribution in the amount of \$12,000.

Diane Coker of the Lockhart Senior Citizen Center (LSCC) provided information about how the organization provides a facility where seniors in the community can enhance living experiences. She stated that the LSCC is requesting a contribution in the amount of \$4,2126.10.

Mayor White announced that allocation of funds to the organizations would be considered during the budget workshops.

D. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF MAY 4, 2021.

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

E. DISCUSS AN AMENDED INTERLOCAL AGREEMENT WITH CALDWELL COUNTY FOR PLATTING IN THE LOCKHART EXTRATERRITORIAL JURISDICTION (ETJ).

Mr. Akers stated that at the request of Caldwell County, a revision of the 2018 Interlocal Agreement (ILA) between the City and County regarding platting in the ETJ of Lockhart has been negotiated and was approved by the Commissioners Court on May 11, 2021. The ILA is required by state law in order that property owners in the ETJ may obtain plats from a “one-stop shop” rather than needing to seek approval from both the county and the City.

The new agreement accomplishes the following:

- more clearly defines the geographic areas subject to each government’s regulatory authority with regard to the “statutory ETJ and the “voluntary ETJ.”
- specifies that the City will require compliance with whichever entity’s regulations are more stringent.
- provides a mechanism by which the County can be informed about requested variances or waivers, and development agreements between property owners and the City.
- provides that the City will furnish copies of submittals to the County for review and response as needed.
- identifies certain applicable fees the City will collect and forward to the County.

Other provisions in the prior agreement survived with no or minor changes, including City serving as the “one stop shop,” County inspection and approval authority over road construction, storm water drainage, waste/water facility construction on easements and ROWs, 911 addressing, and ETJ septic tank licensing.

F. DISCUSS THE USE OF UNRESTRICTED GENERAL FUND BALANCE UP TO \$10,000 FOR THE PURCHASE OF A 16 KVA UPS BATTERY FOR NETWORK SERVERS, AND APPROVING BUDGET AMENDMENT #53, AS OUTLINED IN ORDINANCE 2021-10.

Ms. Larison stated that during the Winter Weather Storm Uri, the City's backup infrastructure system was rigorously tested. Significant weaknesses to sustain essential services to the police department and other city departments were identified. This failure was due to the aged backup battery system located at the Police Department. This system provides essential power to the radios, phones, security systems, servers and computers for the police department (essential for emergency service operations) and to the main servers that maintain City Hall and utility offices. This system allows time for the generator to kick-in and operate in lieu of an electrical outage failure until service can be restored. Since the initial system failure, the City has experienced three outages that have caused disruption of service, including one for over four hours. Foreseeing any future inclement weather conditions it is essential that the city install a replacement unit as quickly as possible. In line item 100-5109-304 and 100-5109-904, there is a balance of \$23,432 to purchase the UPS 16KVA battery system. It will require an additional \$10,000. Staff requests that council approve a budget amendment and one-time expenditure of fund balance to meet this deficit by order of Ordinance 2021-10 – budget amendment #53. Ms. Larison recommended approval.

G. DISCUSS REVISION OF THE BUDGET CALENDAR FOR FISCAL YEAR 2021-2022.

Ms. Larison stated that during the time that staff prepared the Budget calendar for Fiscal Year 2021-2022, one date was set for June 22, 2021. This date was scheduled to discuss Council budget and presentation of the Guadalupe-Blanco River Authority (GBRA) and Caldwell County Appraisal District (CCAD) budgets. Staff requests that the June 22, 2021 date is removed from the calendar and that the presentations of the entities be held during the June 15, 2021 regular Council meeting. The change will reduce the number of Council meetings in the month of June. There was discussion.

H. DISCUSSION CONCERNING THE U.S. TREASURY'S ANNOUNCEMENT REGARDING THE LAUNCH OF THE AMERICAN RESCUE PLAN ACT'S CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS PROGRAM.

Ms. Larison stated that on March 10, 2021, President Biden signed the American Rescue Plan Act (ARP) to provide further economic relief to state and local governments with \$130 billion going directly to cities and counties. In Texas, counties and cities together should receive \$16 billion of ARP funds. Of the \$16 billion distributed to the State of Texas, the City of Lockhart has been allocated \$3.08 million. According to the criteria, the City of Lockhart is considered a smaller city and will receive their disbursement from the State rather than directly from the U.S. Treasury. Disbursements from the State will be received 30 days after the State receives their funds from the Treasury. The timing of distribution of funds occurs in two tranches over 14 months or more. The first tranche, consisting of 50% of the allocation and the second tranche made no earlier than 12 months after the first tranche is received. The State and Local Recovery Fund Program has issued a Fact Sheet that is considered a guideline to how the funds can be used to respond to acute pandemic response needs, fill revenue shortfalls, and support their communities by way of economic stabilization for households and businesses, and invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure. There was discussion.

I. DISCUSS POSSIBLE ACQUISITION OF 0.33 ACRES KNOWN AS A017 LOCKHART BYRD ABSTRACT, CITY PARK ROAD, AS REQUESTED BY MAYOR WHITE.

Ms. Larison stated that in 2018, the City adopted the Parks, Recreation and Open Space Master Plan. Among the many projects listed, the opportunity for park expansion was noted on page 26 as follows: "Connections to the community can be further enabled by tying into the existing Lockhart Springs Walkway along Town Branch. To further this goal, the park could be expanded by acquiring land adjacent to the creek and railroad on the west side of City Park. The land is limited in its capacity for other uses but could serve to expand recreation with trails, natural areas and educational opportunities." This section of the park is made up of two parcels; one parcel owned by the Julie E. Myrick Estate and the second parcel owned by the Lockhart Gin. According to the Caldwell County Appraisal District (CCAD), the 0.33 acre lot is considered residual land after the construction of the Highway 183 overpass. After the construction of the Highway 183 overpass, the owner of the property ID 121119 was unknown to the Caldwell County Appraisal District. In 2021, the CCAD, through research, placed the property in the estate of Julia E. Myrick and has sent the notice of appraised value to the City's attention for continue research. Ms. Larison recommended approval. There was discussion.

Mayor White asked if there were any legal issues with acquiring the property for additional parkland. Mr. Akers replied that the first step would be to ascertain if Julia E. Myrick has heirs and if she does, inform them about the city's interest to acquire the property. When it is clear that there are no unknown heirs to the property, then the City can pursue purchase. The City may also acquire the property through eminent domain.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to return with a reasonable way to move forward with acquiring the property.

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

Mayor White stated that the Governor issued Order 34 that prohibits local governments and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster. He stated that he recommends that the Mayor's current Declaration be rescinded and that the City follow the current CDC guidelines.

RECESS: Mayor White announced that the Council would recess for a break at 8:31 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 8:43 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.

James Tiemann, Concho Street, requested that additional funds be allocated towards the Lockhart Animal Shelter.

Mitchell Morgan, Dale, requested that the Mayor rescind the requirement for customers to wear face coverings in local businesses.

David Gratz 1000 W. Live Oak, requested that solid waste services go out for requests for proposals.

Wayne Dolcefino, Houston, suggested that the solid waste services go out for bids. He stated that he believes that citizens should see other options for solid waste services.

Jay Howard of Texas Disposal System (TDS) requested that the solid waste services go out for bids to allow TDS the opportunity to submit an official proposal. He provided information regarding TDS' services.

Joe Allen Perez, Concho Street, provided information regarding an unpleasant situation with his neighbor.

Alfonso Sifuentes of Central Texas Refuse provided background about the organization and the services that they have offered to the City of Lockhart for many years. He spoke in favor of renewing the solid waste contract with Central Texas Refuse.

Kathy Kramer spoke in favor of CASA and encouraged volunteers to assist in any way possible.

John Castillo, Citizen, spoke in favor of going out for requests for proposals for solid waste services.

Frank Sughrie, County resident, requested that the City of Lockhart seeks requests for proposals for solid waste services.

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

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-11 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 13, BLOCK 1, TRINITY ADDITION REVISED, CONSISTING OF 0.197 ACRE LOCATED AT 601 RUDDY STREET, FROM CLB COMMERCIAL LIGHT BUSINESS DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2021-11, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-A. DISCUSSION AND/OR ACTION WITH REGARD TO A PRESENTATION UPDATING THE WAYFINDING COMMITTEE'S PROGRESS ON THE WAYFINDING PLAN.

Mayor White announced that there was no action to be taken.

ITEM 5-B. DISCUSSION AND/OR ACTION WITH REGARD TO A PRESENTATION BY THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) ABOUT THE WESTERN CALDWELL COUNTY TRANSPORTATION STUDY.

CONSENSUS: After discussion, the consensus of the Council was that each Councilmember submit their comment or take the study on-line.

ITEM 5-C. DISCUSSION AND/OR ACTION TO CONSIDER PRESENTATIONS BY NONPROFIT ORGANIZATIONS REQUESTING CONTRIBUTIONS FROM THE CITY OF LOCKHART FOR FISCAL YEAR 2021-2022 BUDGET.

Mayor White announced that the presentations were made during the work session.

Ms. Larison requested that allocations be considered during the budget workshops.

Councilmember McGregor requested that the entities provide information about how many Lockhart citizens are being served by the organizations.

ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER MINUTES OF THE CITY COUNCIL MEETING OF MAY 4, 2021.

Mayor Pro-Tem Sanchez made a motion to approve the minutes. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5-E. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDED INTERLOCAL AGREEMENT WITH CALDWELL COUNTY FOR PLATTING IN THE LOCKHART EXTRATERRITORIAL JURISDICTION (ETJ).

Councilmember Michelson made a motion to approve the amended Interlocal Agreement with Caldwell County for platting in the Lockhart Extraterritorial Jurisdiction. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-F. DISCUSSION AND/OR ACTION TO CONSIDER THE USE OF UNRESTRICTED GENERAL FUND BALANCE UP TO \$10,000 FOR THE PURCHASE OF A 16 KVA UPS BATTERY FOR NETWORK SERVERS, AND APPROVING BUDGET AMENDMENT #53, AS OUTLINED IN ORDINANCE 2021-10.

Mayor Pro-Tem Sanchez made a motion to approve the use of unrestricted general fund balance up to \$10,000 for the purchase of a 16 KVA UPS battery for network servers, and approving Ordinance 2021-10 and budget amendment #53. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5-G. DISCUSSION AND/OR ACTION TO CONSIDER REVISION OF THE BUDGET CALENDAR FOR FISCAL YEAR 2021-2022.

Mayor Pro-Tem Sanchez made a motion to approve removing the June 22, 2021 meeting from the Budget calendar for Fiscal Year 2021-2022. Councilmember Bryant seconded. The motion passed by a vote of 7-0.

ITEM 5-H. DISCUSSION CONCERNING THE U.S. TREASURY'S ANNOUNCEMENT REGARDING THE LAUNCH OF THE AMERICAN RESCUE PLAN ACT'S CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS PROGRAM.

Mayor White announced that there was no action.

ITEM 5-I. DISCUSSION AND/OR ACTION ABOUT POSSIBLE ACQUISITION OF 0.33 ACRES KNOWN AS A017 LOCKHART BYRD ABSTRACT, CITY PARK ROAD, AS REQUESTED BY MAYOR WHITE.

Councilmember Michelson made a motion to direct staff to return with information about the best method to proceed with purchasing the property. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5-J. DISCUSSION AND/OR ACTION TO CONSIDER THE MAYOR'S DECLARATION OF LOCAL DISASTER REGARDING REQUIRING FACE COVERINGS, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.

Mayor White made a motion to rescind the Declaration of Local Disaster requiring face coverings and that the City follow the CDC guidelines in regard to facial coverings and social distancing. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

Mayor White stated that local business owners still have the authority to require masks to be worn in their place of business.

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

Mayor White requested appointments to board or committees. There were none.

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

- Summer Fan Program begins June 1.
- City Council will have a float in the Chisholm Trail Parade on June 12.
- Updates regarding Library events.
- Distribution of Fiscal Year 2021-2022 City Manager's working budget.
- Update regarding the progress of seeking a consultant for the Animal Shelter consultant.

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

Councilmember Mendoza expressed condolences to the Gomez and Rivas families for their loss.

Mayor Pro-Tem Sanchez expressed condolences to the family of Rachel Valdez for their loss. She congratulated the Hispanic Chamber on successful Cinco de Mayo events. She congratulated the Lockhart High School graduating Class of 2021.

Councilmember McGregor stated that she is in favor of seeking request for proposals for a future solid waste service.

Councilmember Bryant congratulated those that assisted with COVID-19 vaccinations.

ITEM 8. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551. 071 – PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT PENDING OR CONTEMPLATED LITIGATION; AND/OR SETTLEMENT OFFER. Seek legal advice from the City attorney regarding solid waste contract with Central Texas Refuse.

Mayor White announced that the Council would enter Executive Session at 9:28 p.m.

ITEM 9. OPEN SESSION. Discussion and/or action regarding solid waste contract with Central Texas Refuse.

Mayor White announced that the Council would enter Open Session at 10:35 pm

Mayor Pro-Tem Sanchez made a motion to direct city staff to continue negotiations with Central Texas Refuse and to schedule a special meeting on May 25, 2021 at 7:30 p.m. to consider contractual options. Councilmember Mendoza seconded. The motion passed by a vote of 5-2, with Councilmembers McGregor and Bryant opposing.

ITEM 10. 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 10:38 pm.

PASSED and APPROVED this the 1st day of June 2021.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

