

REGULAR MEETING**LOCKHART CITY COUNCIL****MARCH 2, 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 Jeffrey 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 Kelley, Public Works Director

Connie Constancio, City Secretary
 Pam Larison, Finance Director
 Shane Mondin, Building Official

Citizens/Visitors Addressing the Council: Citizens: David Schneider and Veronica Ramirez.**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:

DISCUSSION ONLY**A. DISCUSS RESOLUTION 2021-02 OPPOSING SENATE BILL 234 AND HOUSE BILL 749.**

Mayor White stated that the two bills were defeated up during the 2020 Legislative session. The bills would prohibit a political subdivision from spending public funds to hire an organization that represents political subdivision, such as the Texas Municipal League. The bills are returned to be considered during the 2021 Legislative session. Mayor White recommended that the city oppose SB 235 and HB 749.

B. DISCUSS POLICY TO ADDRESS UTILITY RATES ASSOCIATED WITH A DECLARED STATE OF DISASTER AS OUTLINED IN RESOLUTION 2021-03.

Ms. Larison stated that in response to the winter storm of February 2021 and a State of Declared Local Disaster, it is proposed that the City address potentially excessive utility costs by: 1) allowing the use of the electric rate mitigation fund to offset excessive costs of wholesale power purchases and to reduce customer electric rates for the March 2021 billing cycle; 2) establishing discounted water rates for residential customers due to excessive consumption during the period of declared local disaster; 3) providing that the City Manager shall review and potentially adjust non-residential rates in response to a request for such review; and 4) continuing the city's sewer averaging policy for calendar year 2020 into 2021 due to excessive averaging attributable to the declared local disaster. There was discussion.

C. DISCUSS AMENDING CHAPTER 58 "UTILITIES" TO ESTABLISH A POLICY TO ADDRESS UTILITY RATES ASSOCIATED WITH A STATE OF LOCAL OR STATEWIDE DISASTER AS OUTLINED IN ORDINANCE 2021-05.

Ms. Larison stated that the winter storm of February 2021 resulted in increased or excessive utility costs. It is proposed that in order to offset wholesale and customer charges, that a new Section 58.08 be added to Chapter 58 titled "Declared Disaster Rate Adjustment Plan" that after adoption would authorize the use of the Electric Rate Mitigation Policy to offset excessive wholesale or customer electric charges, authorize the Council by resolution to make changes to water and wastewater rates to reduce excessive consumption and charges, and, by Resolution, to defer late fees, penalties and disconnections during or immediately following a period of declared disaster. There was discussion.

Mr. Lewis requested that the Ordinance is adopted prior to the Resolution during the regular meeting.

D. DISCUSS RESOLUTION 2021-04 AUTHORIZING A TEMPORARY WAIVER OF PERMIT FEES FOR PLUMBING REPAIRS MADE NECESSARY BY THE 2021 WINTER STORM EVENT.

Mr. Mondin stated that the winter storm of February 2021 resulted in damage to plumbing systems throughout the City of Lockhart. Repairs to the plumbing systems often require permitting by the City and payment of permit fees. The proposed Resolution would relieve the financial burden on residents and businesses in the City of Lockhart by temporarily waiving fees for permits associated with necessary repairs to the damaged plumbing systems. There was discussion.

E. DISCUSS INTERLOCAL COOPERATION AGREEMENT BETWEEN CALDWELL COUNTY AND THE CITY OF LOCKHART FOR THE PERFORMANCE OF GOVERNMENTAL FUNCTIONS AND SERVICES PERTAINING TO THE LOCKHART FARMERS MARKET.

Mr. Lewis stated that the Lockhart City Council and the Caldwell County Commissioners Court discussed and reviewed the governmental functions and services pertaining to the operation and administration of the Lockhart Farmers Market. The proposed Interlocal Agreement provides the outcome. The City Attorney and the Caldwell County cooperatively drafted the Interlocal Agreement pertaining to the Lockhart Farmers Market which indicates that the Market shall be certified under State law and it includes the following terms: 1) automatically renewed annually; 2) conditions for the Market; 3) Justice Center remains an alternative location; 4) City and County responsibilities; and 5) cancellation provision for non-compliance of the agreement. There was discussion.

F. DISCUSS PRELIMINARY BUDGET & TAX RATE CALENDAR FOR FISCAL YEAR 2021-2022.

Ms. Larison presented the preliminary budget and tax rate calendar for Fiscal Year 2021-2022 that reflects tentative dates for budget workshops, public hearings and meetings pertaining to the budget and tax rate. There was discussion.

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

Mayor White announced that Governor Abbott rescinded the requirement of wearing face coverings that is effective on March 10, 2021. He requested clarification from the City Attorney.

Mr. Akers stated that the current Governor's Order (GA-34) provides that an area with a high hospitalization rate (hospital that has seven consecutive days in which the number of COVID-19 hospitalized patients exceeds 15%) could prompt the County Judge to order a 50% maximum capacity for businesses. There are no longer State requirements for face coverings and no local jurisdiction is allowed to require face coverings. GA-34 supercedes all orders issued by local officials that conflict with regard to services or local orders and provides that businesses and other establishments may require customers and employees to wear face coverings.

Mayor White asked if the Mayor is still required to approve gatherings larger than 10 individuals. Mr. Akers replied that the Mayor is no longer required to approve gatherings.

There was discussion about whether events and outdoor gatherings are allowed. Mr. Akers replied that he will research the social gathering limits, if any, to clarify.

RECESS: Mayor White announced that the Council would recess for a break at 7:15 p.m.

REGULAR MEETING**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order at 7:30 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Sanchez 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 issues that are not on the agenda

David Schneider, 407 Cibilo, expressed concern about the tree trimming regulations. He showed pictures of several mature trees on Cibilo Street that were trimmed several feet that he believes will kill the tree. He requested that the Council consider restricting the length and circumference size that a tree can be trimmed.

Veronica Ramirez, 402 Blanco, requested that the construction of Maple Street be postponed until school is out for the summer. Children use the sidewalk to walk to and from school and it is dangerous for them to walk near a construction zone.

ITEM 4-A. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2021-02 OPPOSING SENATE BILL 234 AND HOUSE BILL 749.

Councilmember McGregor made a motion to approve Resolution 2021-02, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 4-B. CONSIDER AND TAKE ACTION TO AMEND CHAPTER 58 "UTILITIES" TO ESTABLISH A POLICY TO ADDRESS UTILITY RATES ASSOCIATED WITH A STATE OF LOCAL OR STATEWIDE DISASTER AS OUTLINED IN ORDINANCE 2021-05.

Councilmember Bryant made a motion to approve Ordinance 2021-05, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 4-C. DISCUSSION AND/OR ACTION TO CONSIDER ADOPTING A POLICY TO ADDRESS UTILITY RATES ASSOCIATED WITH A DECLARED STATE OF DISASTER AS OUTLINED IN RESOLUTION 2021-03.

Councilmember McGregor made a motion to approve Resolution 2021-03, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2021-04 AUTHORIZING A TEMPORARY WAIVER OF PERMIT FEES FOR PLUMBING REPAIRS MADE NECESSARY BY THE 2021 WINTER STORM EVENT.

Councilmember McGregor made a motion to approve Resolution 2021-04, as presented with the amendment to refund permit fees to those that have already paid a plumbing permit as a result of the winter storm. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 4-E. DISCUSSION AND/OR ACTION TO CONSIDER INTERLOCAL COOPERATION AGREEMENT BETWEEN CALDWELL COUNTY AND THE CITY OF LOCKHART FOR THE PERFORMANCE OF GOVERNMENTAL FUNCTIONS AND SERVICES PERTAINING TO THE LOCKHART FARMERS MARKET.

Councilmember Westmoreland made a motion to approve the Interlocal Cooperation Agreement, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 4-F. DISCUSSION AND/OR ACTION TO CONSIDER THE PRELIMINARY BUDGET & TAX RATE CALENDAR FOR FISCAL YEAR 2021-2022.

Mayor Pro-Tem Sanchez made a motion to approve the Preliminary Budget & Tax Rate Calendar for Fiscal Year 2021-2022, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 4-G. 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 stated that the Mayor's Declaration would stay in place and suggested that citizens continue to wear facial coverings in light of the Governor lifting the requirement.

ITEM 4-H. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

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

ITEM 5. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.

- Update on South Colorado Street Sidewalk Extension.
- Firefighter entrance exam will be held Saturday March 27, 2021. One vacancy exists.
- March Spring Day Clean-up will be held on Saturday, March 27.
- Household Hazardous Waste Collection Event will be held on April 10 from 8 a.m. – 12 p.m. at City Park.

ITEM 6. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.

Councilmember Westmoreland welcomed Mayor Pro-Tem Sanchez back to the meeting. He requested that citizens continue to wear facial coverings and maintain the safe six-foot distance.

Councilmember Mendoza thanked individuals that took part in the HEB Community Health Challenge.

Mayor Pro-Tem Sanchez expressed condolences to those that have lost a loved one. She thanked Mayor and Council and staff for their support during her recent illness and loss of family members.

Councilmember McGregor encouraged everyone to stay safe.

Councilmember Bryant also encouraged everyone to stay safe even though the Governor lifted the face covering requirement. He thanked the Lockhart Library for several efforts in celebrating Black History Month.

Councilmember Michelson welcomed Mayor Pro-Tem Sanchez back to the meetings. He thanked staff for working hard on issues regarding electric and water rates.

Mayor White thanked Judge Haden and the County Emergency Management Office for their efforts with coordinating several distributions of cases of water to citizens.

ITEM 7. 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 7:55 p.m.

PASSED and APPROVED this the 16th day of March 2021.

CITY OF LOCKHART

Lew White

Lew White, Mayor

ATTEST:

Connie Constancio

Connie Constancio, TRMC
City Secretary

