

**REGULAR MEETING
LOCKHART CITY COUNCIL**

FEBRUARY 15, 2022

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
Pam Larison, Finance Director
Bobby Leos, Electric Superintendent
Ernest Pedraza, Police Chief

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Dan Gibson, City Planner
Sean Kelley, Public Works Director

Citizens/Visitors Addressing the Council: None.

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 CITY COUNCIL MINUTES FOR THE FEBRUARY 1, 2022 MEETING.

Mayor White requested corrections. There were none.

B. DISCUSS AUTHORIZING THE CITY MANAGER TO SIGN A ONE-YEAR AGREEMENT WITH COMMUNITY ACTION, INC. FOR THE LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP).

Ms. Larison stated that beginning January 1, 2022, Community Action of Central Texas administered a new program to provide emergency assistance to low-income households, particularly those with the lowest incomes that pay a high proportion of household income for water, storm water, drinking water, wastewater/sewer, and groundwater services collectively named "water services". Individuals will be able to apply for assistance and be screened for eligibility, similar to the Comprehensive Energy Assistance Program (CEAP), which provides assistance for electric utility services. This new program will assist in water utility services, including wastewater/sewer charges. There was discussion. Ms. Larison recommended approval.

C. DISCUSS RESOLUTION 2022-09 ADOPTING THE CITY OF LOCKHART COMPREHENSIVE FINANCIAL POLICY.

Ms. Larison stated that the Government Finance Officers Association (GFOA) recommends that municipal governments adopt formal, written financial policies to help guide government to strategic, long-term financial management. Institutionalizing formal financial policies are considered good management practices that will outlive their creators and promote stability and continuity. They clarify strategic intent for financial management and define a shared understanding of how the organization will develop practices and manage its resources to provide the best value to the community. They define boundaries within which staff can innovate in order to realize the organization's strategic intent and limit

which actions staff may take. Prior to presentation to the City Council, this policy was reviewed by city staff, the City Manager, the City of Lockhart's Financial Advisor, and the auditing firm BrooksWatson. This new comprehensive policy will establish guidelines for the City of Lockhart's fiscal planning and budgeting; expenditure control; revenues and collections; local, state, and federal grants; cost of services and user fees; impact fees; capital asset accounting and replacement; cash, debt and risk management, and financial reporting. This financial policy will also include the fund balance policy that the City Council adopts each year during budget. This financial policy will become a permanent section of the City of Lockhart's budget document that will be presented to the Council annually for approval, and serves as a guideline for city staff. There was discussion. Ms. Larison recommended approval.

D. DISCUSS RESOLUTION 2022-10 APPROVING THE CITY OF LOCKHART'S PARTICIPATION IN THE ENDO/PAR AND TEVA SETTLEMENTS RELATED TO THE STATEWIDE GLOBAL OPIOID SETTLEMENT.

Mr. Akers stated that the State of Texas along with other states have reached a settlement with manufacturers of opioids that have contributed to the nationwide opioid crisis. Pursuant to the settlement agreement, individual municipalities and counties had to consider and adopt resolutions supporting the settlement before the municipality or county could receive any funds from the State of Texas via the settlement. The deadline for that approval was January 26, 2022. On October 19, 2021, the City of Lockhart approved a resolution 2021-17 adopting the Texas Term Sheet and approving the settlement participation forms. Since then, the State of Texas has reached a proposed settlement with Endo/Par and Teva, another company alleged to have contributed to the opioid crisis. The Texas Attorney General's Office is urging all municipalities and counties in the State to approve of this new settlement which will add funds to the overall pool of money available to municipalities and counties that have previously adopted the Texas Term Sheet. As part of this new settlement, the municipality must agree not to sue Endo/Par, Teva or drop any pending lawsuits of which Lockhart is not currently pursuing. There was discussion.

E. DISCUSS AGREEMENT WITH TECHLINE FOR PROJECT #19 A THROUGH H AS PART OF THE CITY OF LOCKHART'S FIVE-YEAR SYSTEM STUDY AND CAPITAL PLAN AS PREPARED BY THE LOWER COLORADO RIVER AUTHORITY (LCRA).

Mr. Leos stated that Techline Construction is LCRA's preferred contractor for projects because they are experienced with high voltage line repairs. Techline has conducted most of the Lower Colorado River Authority (LCRA) projects of the City of Lockhart since 1995. Project #19 A-H is part of the LCRA's five-year System Study that will replace an OCR (Oil Circuit Recloser) at each designated location with a Vacuum Switch. This project would have Techline replace one pole at each project location with an OCR and replace it with a vacuum switch. The vacuum switches are safer due to the fact that they will no longer be oil-filled, giving them less of a chance of exploding. Labor for Project #19 A-H is an estimated total of \$76,300.00 not to exceed \$80,300.00. There was discussion. Mr. Leos recommended approval.

F. DISCUSS APPLICATION ZC-22-06 BY CURTIS THIGPEN OF PARAVEL CAPITAL FOR A ZONING CHANGE FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO RHD RESIDENTIAL HIGH DENSITY DISTRICT FOR 19.906 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED IN THE 1900 BLOCK OF NORTH CESAR CHAVEZ PARKWAY - NORTHBOUND (SH 130). PROPOSED TO BE TABLED TO THE MARCH 15 CITY COUNCIL MEETING DUE TO NOT YET HAVING A FINAL RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.

Mr. Gibson stated that because there is no recommendation by the Planning and Zoning Commission, the Council is required to table the item. Due to a delay of the lack of adequate infrastructure for the area, the developer is required to conduct additional infrastructure planning tasks. Due to the tasks that will take approximately two additional months to conduct, it is recommended to table the item to the April 12 Council meeting instead of March 15.

G. DISCUSS SCHEDULE OF CITY COUNCIL MEETINGS IN 2022.

Ms. Constancio stated that annual review of council meeting date(s) for conflicts is important to provide Development Services an accurate Council meeting schedule when publishing public notice information about public hearings, such as zoning change applications. A possible conflict in 2022 would be Tuesday, October 4, 2022 for National Night Out. The 2022 Texas Municipal League Annual Conference will be held on October 5-7 in San Antonio. Election Day (November 8, 2022) is the 2nd Tuesday in November which is not a Council meeting date. Canvassing the November 8 General Election can be conducted November 11-22 (3-14 days after the election). The Lockhart City Council will be able to canvass the November 8 election during the regular meeting on November 15, 2022. There was discussion about cancelling the October 4, 2022 Council meeting to allow Council and staff to attend National Night Out events.

H. DISCUSS ORDINANCE 2022-11 AMENDING SECTION 2-209 OF THE LOCKHART CODE OF ORDINANCES TO SPECIFY THE QUALIFICATIONS AND RULES FOR APPOINTING MEMBERS OF CITY BOARDS AND COMMISSIONS.

Ms. Constancio stated that during the February 1 meeting, the Council directed staff to present an Ordinance amendment to Section 2-209 of the Code of Ordinances establishing qualifications for board/commission members. Monte Akers, City Attorney, combined the current qualification items with the new qualifications in the attached Ordinance to create unity.

Mayor White reviewed and there was discussion regarding the following board member qualifications that were selected by the Council during the February 1, 2022 meeting:

- Qualifications must be met by all members of City Boards/Commissions. In addition to any special qualification for service on a particular board, a member must:
 - Be a resident of the State of Texas for at least one year and a resident of the City of Lockhart for at least twelve (12) months preceding their appointment.
 - Be Registered voters.
- A member who was required to be a resident of the city when appointed and who moves primary residence outside of the city limits vacates the position on the date the residence is moved, unless a board's composition allows for a Caldwell County member.
- Any member who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of a board/commission during any twelve-month period, shall forfeit his/her position and the vacancy occurring shall be filled by the Council.
- Have not been removed from another City board/commission because of failure to attend meetings within the last three years.
- Be 21 years of age or older.
- No member shall remain in his/her position after being elected to City Council, except the Lockhart Economic Development Corporation.
- Members must maintain the qualifications while serving on a board/commission.
- Members appointed serve without compensation.

I. DISCUSS REAPPOINTMENT OF HOTEL OCCUPANCY TAX (HOT) ADVISORY BOARD MEMBERS FOR A TWO-YEAR TERM BEGINNING FEBRUARY 15, 2022 THROUGH FEBRUARY 15, 2024.

Ms. Larison stated that according to Ordinance 2019-29, the City of Lockhart's Hotel Occupancy Tax (HOT) Advisory Board has been established consisting of a five-member board that shall serve a term of two years. The board shall consist of the following: a lodging facility representative, the City Manager or his/her designee, a former member of the City Council, and two citizens nominated by the Mayor. This board must be confirmed by the City Council. For the calendar years of 2020 and 2021, the following HOT Advisory Board members represented the City of Lockhart: Alfredo Munoz, Ray Sanders, Archana Gandhi, Roxanne Rix, Steve Lewis and alternates, Janet Grigar and Sally Daniels. During 2021, Roxanne Rix resigned and Janet Grigar (alternate) replaced Ms. Rix. All acting members have agreed to serve an additional two-year term with the exception that Ms. Grigar would prefer to remain an alternate.

J. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

Mayor stated that there have been no changes with the Governor's orders pertaining to COVID-19. He encouraged citizens to wear face coverings and to stay safe. He provided details about testing locations in the community.

RECESS: Mayor White announced that the Council would recess for a break at 7:10 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:30 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 item that is not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING AND CONSIDER ORDINANCE 2022-10 CONTINUING THE JUVENILE CURFEW CONTAINED IN CHAPTER 36 OF THE CITY OF LOCKHART CODE OF ORDINANCES, COMPLYING WITH SECTION 370.009, TEXAS LOCAL GOVERNMENT CODE.

Mayor White opened the public hearing at 7:35

Chief Pedraza stated that Texas Government Code Section 370.002 requires a City to review a Curfew ordinance at least every third year after adoption, and to conduct a public hearing to discuss abolishing, continuing or modifying the ordinance. Review of the Curfew ordinance is to determine the effects of the Juvenile Curfew on the community, and to review the problems the ordinance is intended to remedy. The City Council amended the Juvenile Curfew Ordinance on February 19, 2019 in which the curfew was extended. There was review of data from the Lockhart Police Department providing citations issued in 2019, 2020 and 2021, a copy of the Police department's Juvenile Curfew policy, the current city Curfew ordinance, Sections 36-11 through 36-16, and Ordinance 2019-04 outlining the amendments as approved by City Council in 2019. The amendments in 2019 updated the daytime curfew hours in Section 36 -12 to coincide with the Lockhart School District's change to the student's school schedule hours, effective August 2016, from 9:00 a.m. to 4:00 p.m. Prior to February 2019, Section 36-12 provided the daytime juvenile curfew between the hours of 9:00 a.m. to 2:30 p.m.

Mayor White requested citizens to address the Council. There were none. He closed the public hearing at 7:42 p.m.

Councilmember Michelson made a motion to approve Ordinance 2022-10, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes for the February 1, 2022 meeting.
- 5B: Authorize the City Manager to sign a one-year agreement with Community Action, Inc. for the Low Income Household Water Assistance Program (LIHWAP).
- 5C: Approve Resolution 2022-09 adopting the City of Lockhart Comprehensive Financial Policy.
- 5D: Adopt Resolution 2022-10 approving the City of Lockhart's participation in the Endo/Par and Teva settlements related to the statewide global opioid settlement.
- 5E: Approve agreement with Techline for Project #19 A through H as part of the City of Lockhart's five-year System Study and Capital Plan as prepared by the Lower Colorado River Authority (LCRA).

ITEM 6-A. DISCUSSION AND/OR ACTION ON APPLICATION ZC-22-06 BY CURTIS THIGPEN OF PARAVEL CAPITAL FOR A ZONING CHANGE FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO RHD RESIDENTIAL HIGH DENSITY DISTRICT FOR 19.906 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED IN THE 1900 BLOCK OF NORTH CESAR CHAVEZ PARKWAY - NORTHBOUND (SH 130). PROPOSED TO BE TABLED TO THE MARCH 15 CITY COUNCIL MEETING DUE TO NOT YET HAVING A FINAL RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.

Mayor Pro-Tem Sanchez made a motion to table the public hearing to April 12, 2022. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER SCHEDULE OF CITY COUNCIL MEETINGS IN 2022.

Mayor Pro-Tem Sanchez made a motion to cancel the October 4, 2022 Council meeting. Councilmember Bryant seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-11 AMENDING SECTION 2-209 OF THE LOCKHART CODE OF ORDINANCES TO SPECIFY THE QUALIFICATIONS AND RULES FOR APPOINTING MEMBERS OF CITY BOARDS AND COMMISSIONS.

Councilmember Mendoza suggested that city staff solicit applications for board members once a year.

Councilmember McGregor made a motion to approve Ordinance 2022-11, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER REAPPOINTMENT OF HOTEL OCCUPANCY TAX (HOT) ADVISORY BOARD MEMBERS FOR A TWO-YEAR TERM BEGINNING FEBRUARY 15, 2022 THROUGH FEBRUARY 15, 2024.

Councilmember Michelson made a motion to reappoint the current Hotel Occupancy Tax Advisory Board members and to add Sally Daniel as a permanent member. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 6-E. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion regarding COVID-19 matters.

There was discussion regarding appointments to the Airport Advisory Board.

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

- Police Officer entrance exam will be held on February 26, 2022.
- Police Sergeant promotional exam will be held March 7, 2022.
- Police Lieutenant promotional exam will be held March 23, 2022.
- Fire Fighter entrance exam will be held March 5, 2022.
- Council Goals Retreat is scheduled for Saturday, April 9 from 8:00 a.m. – 12noon.
- Update regarding the Downtown Revitalization 2nd Open House.
- Library updates.

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

Councilmember Mendoza reminded citizens regarding the Early Voting dates for the March 3, 2022 Primary Election.

Mayor Pro-Tem Sanchez expressed condolences to the families of Gladys Franklin, Cesario Armando Rodriguez, and Charlene Jenkins Bostic for their loss. She congratulated the Lockhart Baseball Association for holding their alumni event in Lockhart and to the Lockhart High School Softball Association for their success.

Councilmember McGregor thanked citizens for reaching out to her about issues of concern.

Councilmember Bryant thanked the Library staff for holding a book signing on Friday. He wished the Carver Association good luck when holding a fundraiser and to the Progressive Club on their plate sale.

Councilmember Michelson encouraged citizens to Shop Lockhart.

Mayor White congratulated participants in upcoming Livestock Auction.

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 7:55 p.m.

PASSED and APPROVED this the 1st day of March 2022.

CITY OF LOCKHART

Lew White
Lew White, Mayor

ATTEST:

Connie Constancio
Connie Constancio, TRMC
City Secretary

