

**REGULAR MEETING
LOCKHART CITY COUNCIL**

APRIL 5, 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
Dan Gibson, City Planner
Pam Larison, Finance Director

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

Citizens/Visitors Addressing the Council: Representatives of Hays-Caldwell Women's Center; Library, staff, and Citizens: Shirley Williams, John Castillo, Philip Ruiz, and David Gratz.

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:

A. PRESENTATION OF PROCLAMATIONS DECLARING APRIL 2022 AS CHILD ABUSE AND SEXUAL ASSAULT AWARENESS & PREVENTION MONTH.

Mayor White presented the proclamations to Representatives of the Hays-Caldwell Women's Center.

Mayor White presented a proclamation to members of the Library Advisory Board and Library staff declaring April 3-9, 2022 as National Library Week.

EXECUTIVE SESSIONS: Mayor White announced that the Council would enter Executive Session at 6:41 p.m. regarding items B and C as listed below.

B. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.086 PUBLIC POWER UTILITIES, COMPETITIVE MATTERS, TO DELIBERATE OR TAKE FINAL ACTION ON A COMPETITIVE MATTER RELATED TO ASSIGNMENT OF A RIGHT OF FIRST REFUSAL.

C. 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; SETTLEMENT OFFER; OR LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE. CONSULTATION WITH CITY ATTORNEY REGARDING CODE OF ETHICS.

Mayor White announced that the Council would reconvene in Open Session at 7:33 p.m. There was no action taken.

D. DISCUSS MINUTES OF THE MARCH 3, 2022 AND MARCH 15, 2022 CITY COUNCIL MEETINGS.

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

E. DISCUSS RESOLUTION 2022-20 APPROVING THE CITY OF LOCKHART'S SPENDING PLAN FOR AMERICAN RESCUE PLAN ACT OF 2021 RELIEF FUNDS ASSOCIATED WITH THE IMPLEMENTATION OF THE AMERICA RESCUE PLAN ACT (ARPA) - CORONAVIRUS LOCAL AND STATE FISCAL RECOVERY FUNDS (SLFRF) ALLOCATION.

Ms. Larison stated that on March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which launched the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide \$350 billion in emergency funding for state and local governments. The emergency economic stimulus bill provides fiscal aid to address the ongoing COVID-19 public health crisis. The SLFRF provides funding to meet local needs, including COVID-19 response, replacing public sector revenue loss, premium pay for essential workers, improving facilities to ensure health and safety, increase usage of outdoor spaces, as well as investing in public infrastructure and broadband. Of the \$350 billion economic stimulus bill, the City of Lockhart will receive a total of \$3,501,959.00 in direct one-time funding.

Ms. Larison stated that the expenditure categories under the US Treasury's Final Rule on April 1, 2022 are as follows:

1. Public health
2. Negative economic impact
3. Services to disproportionately impacted communities
4. Premium pay
5. Infrastructure
6. Revenue replacement
7. Administrative

Ms. Larison stated that on September 7, 2021, the City Council approved the FY 2021-2022 City of Lockhart budget which included the appropriations for capital expenditures in the Water Fund (\$1,193,000.00) with ARPA/SLFRF funds. This capital expenditure falls under Final Rule 5. Between the close of the CARES fund and the opening of the ARPA fund, the City of Lockhart has continued to expend funds for personal protective equipment and medical supplies associated with COVID-19 (\$300,000). This expenditure falls under the Final Rule 1. In 2021, the City Council provided financial relief to its utility customers by removing late fees, penalties, and placing a moratorium on disconnections for six months. At the end of the deferral period, utility customers were allowed to set up payment plans for any outstanding balances leading to a revenue loss for the electric and water funds. Due to the Final Rule, the City of Lockhart will be able to replace the lost revenue with ARPA funds up to a standard deduction of \$10 million. The use of these funds can be used for any governmental service provided by the City (\$2,008,959). This expenditure falls under Final Rule 6. Ms. Larison recommended approval. There was discussion.

F. DISCUSS APPLICATION ZC-22-09 BY CHRIS BANCROFT ON BEHALF OF ALMA EWALD FOR A ZONING CHANGE FROM 23.064 ACRES AO AGRICULTURAL--OPEN SPACE DISTRICT TO 18.535 ACRES RHD RESIDENTIAL HIGH DENSITY DISTRICT AND 4.529 ACRES CMB COMMERCIAL MEDIUM BUSINESS DISTRICT IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, LOCATED AT 1650 NORTH COLORADO STREET (US 183). PROPOSED TO BE TABLED TO THE JUNE 7TH MEETING DUE TO NOT YET HAVING A FINAL RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.

Mayor White stated that consideration of the zoning change application will be tabled to the June 7, 2022 Council meeting.

G. DISCUSS APPLICATION ZC-22-10 BY CHRIS BANCROFT ON BEHALF OF ERNEST EWALD, JR., FOR A ZONING CHANGE FROM 15.906 ACRES *AO AGRICULTURAL--OPEN SPACE DISTRICT* TO 12.262 ACRES *RHD RESIDENTIAL HIGH DENSITY DISTRICT* AND 3.644 ACRES *CMB COMMERCIAL MEDIUM BUSINESS DISTRICT* IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, LOCATED AT 1724 NORTH COLORADO STREET (US 183). *PROPOSED TO BE TABLED TO THE JUNE 7TH MEETING DUE TO NOT YET HAVING A FINAL RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.*

Mayor White stated that the zoning change application will be tabled to the June 7, 2022 Council meeting.

RECESS: Mayor White announced that the Council would recess for a break at 7:43 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 8:05 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 citizens to address the Council regarding issues that are not on the agenda. There were none.

ITEM 4-A. HOLD SECOND PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED ILLUSTRATIVE PLAN FOR REDISTRICTING THE CITY COUNCIL DISTRICTS. THE CITY COUNCIL MAY GO INTO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071 TO RECEIVE ADVICE FROM LEGAL COUNSEL REGARDING THE CITY'S REDISTRICTING OBLIGATIONS.

Mayor White opened the public hearing at 8:02 p.m.

Mayor White requested the following to address the Council:

John Castillo, 1106 Red River, expressed opposition to the proposed Plan A redistricting plan. He stated that he believes that Plan A removes voters from the voting district that they are accustomed to.

Philip Ruiz, 102 Stueve Lane, of LULAC expressed opposition of the proposed Plan A. He stated that they are proposing two different redistricting plans. He stated that proposed Plan 1 eliminates including the prison inmates in the population count and Plan 2 keeps the prison in the population. LULAC's proposed plan is similar to the plan created by MALDIF back in the 1980's. They are trying to maintain the community's history and to maintain minimal changes to adhere to the MALDIF.

David Gratz, Live Oak Street, stated that the City Council's proposed Plan A would divide blocks that would require the Elections Administrator to create specific ballots for a very few voters. He suggested that the city attempt to align the new district boundaries to be similar to that of Caldwell County.

Mayor White announced that the Council would enter Executive Session at 8:20 p.m. to discuss the redistricting process.

Mayor White reconvened the meeting in Open Session at 8:50 p.m.

ITEM 4-B. DISCUSSION AND CONSIDERATION BY THE CITY COUNCIL OF COMMENTS RECEIVED FROM THE PUBLIC REGARDING THE PROPOSED REDISTRICTING PLAN FOR CITY COUNCIL DISTRICTS, AND POSSIBLE AMENDMENTS TO THE PROPOSED PLAN, INCLUDING A PLAN DRAWING SESSION.

Mayor White stated that the item is being referred to the redistricting Attorney to review the additional material to place on a future agenda.

ITEM 4-C. DISCUSSION OF, AND POSSIBLE ACTION TO ADOPT RESOLUTION 2022-21 APPROVING THE REDISTRICTING OF THE CITY'S SINGLE-MEMBER COUNCIL DISTRICTS AND ESTABLISHING NEW DISTRICT BOUNDARY LINES FOR THE CITY OF LOCKHART'S CITY COUNCIL ELECTION BASED ON 2020 CENSUS DATA AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor White announced that there would be no action on the item.

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the March 3, 2022 and March 15, 2022 City Council meetings.
- 5B: Approve Resolution 2022-20 approving the City of Lockhart's Spending Plan for American Rescue Plan Act of 2021 relief funds associated with the implementation of the America Rescue Plan Act (ARPA) - Coronavirus Local and State Fiscal Recovery Funds (SLFRF) allocation.
- 5C: Table application ZC-22-09 by Chris Bancroft on behalf of Alma Ewald for a Zoning Change from 23.064 acres *AO Agricultural--Open Space District* to 18.535 acres *RHD Residential High Density District* and 4.529 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1650 North Colorado Street (US 183) to the June 7, 2022 City Council meeting.
- 5D: Table application ZC-22-10 by Chris Bancroft on behalf of Ernest Ewald, Jr., for a Zoning Change from 15.906 acres *AO Agricultural--Open Space District* to 12.262 acres *RHD Residential High Density District* and 3.644 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1724 North Colorado Street (US 183) to the June 7, 2022 City Council meeting.

ITEM 6-A. DISCUSSION REGARDING REVISIONS TO AMENDMENT OF SECTION 50-3 OF CHAPTER 50 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH MAINTENANCE RESPONSIBILITIES FOR PUBLIC SIDEWALKS AND COST SHARING PROGRAM FOR SIDEWALK RECONSTRUCTION AND REPAIRS.

Mr. Kelley stated that staff recently presented a draft Ordinance regarding a proposed sidewalk cost sharing program to the City Council on January 4, 2022. The draft ordinance was created to clarify sidewalk replacement and maintenance responsibilities and proposed a 50/50 cost sharing policy to repair deficient sidewalks. The consensus of the Council was to direct staff to prepare another draft ordinance which includes recommendations expressed by Council. The recommendations included making sure that the program is fair and includes downtown businesses and schools as part of city-maintained public sidewalks. There was discussion.

After discussion, the consensus of the Council was not to adopt a sidewalk cost sharing program ordinance at this time. The Council will revisit the sidewalk cost sharing program after goals and budget workshops.

Councilmember McGregor made a motion to table the item until after the budget process. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-14 ADOPTING A CODE OF ETHICS AND ANTI-DISCRIMINATION POLICY FOR CITY COUNCIL MEMBERS, CITY BOARD/COMMISSION MEMBERS, AND EMPLOYEES.

Councilmember Michelson made a motion to postpone consideration of the Ethics policy indefinitely. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 6-C. CONSIDER THE NOMINATION OF DANIEL KOEHLER TO THE AIRPORT ADVISORY BOARD BY COUNCILMEMBER DERRICK DAVID BRYANT FOR A TERM TO EXPIRE IN NOVEMBER 2022.

Councilmember Bryant made a motion to appoint Daniel Koehler to the Airport Advisory Board. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

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

Mayor White shared information about COVID testing sites in the community.

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

- City offices will be closed on Friday, April 15 in observance of the Good Friday Holiday. No change in the garbage pickup schedule.
- Update regarding Civil Service Examinations for Public Safety positions.
- Council Goals Workshop on Saturday, April 9 at 8:00 a.m.
- Update regarding Household Hazardous Waste Collection event held on March 26.
- Update regarding roof repairs at 901 Bois D'arc-Senior Citizen Center.
- CARTS Now services begin in Lockhart on May 2.

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

Councilmember Mendoza thanked the Friends of the City Cemetery for being able to identify a few unmarked graves.

Mayor Pro-Tem Sanchez expressed condolences to the family of Marvin Sandler for their loss. She congratulated the Hispanic Chamber for a successful annual banquet and the LISD Education Foundation for a successful "50 Lions Who Can Cook" fundraiser.

Councilmember McGregor congratulated all involved in a successful First Friday.

Councilmember Bryant also congratulated organizations that held successful events.

Councilmember Michelson thanked those involved in the recent fly-over at the Lockhart Airport. He thanked all that attended and participated in the LISD Education Foundation "50 Lions That Can Cook" fundraiser.

Mayor White thanked the Hispanic Chamber for a successful banquet and he congratulated those that were recognized. He thanked LISD Education Foundation for the successful event. He stated that the Lockhart Airport will host a fly-in event the 1st Saturday of each month from 9am to 12pm. He congratulated the Downtown Business Association for successful Sip-n-Stroll event.

ITEM 9. OPEN SESSION. Discussion and/or action regarding matters discussed in Executive Session.

There was no action.

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 9:55 p.m.

PASSED and APPROVED this the 19th day of April 2022.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

