

**REGULAR MEETING
LOCKHART CITY COUNCIL**

MAY 17, 2022

6:30 P.M.

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR,
LOCKHART, TEXAS**

Council present:

Councilmember Derrick David Bryant
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Mayor Lew White
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 6:35 p.m.)

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Dan Gibson, City Planner
Sean Kelley, Public Works Director
Mike Kamerlander, Economic Development Dir.
David Fowler, Senior Planner

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Pam Larison, Finance Director
Bob Leos, Electric Superintendent
Randy Jenkins, Fire Chief

Citizens/Visitors Addressing the Council: Syd Falk of Bickerstaff, Heath, Delgado & Acosta; Bart Fowler of McCall, Parkhurst & Horton; and Citizens: John Castillo, Patrick Davis, and Riley Baldus.

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. DISCUSSION REGARDING CAPITAL PROJECTS AND IMPROVEMENTS TO FINANCE THROUGH THE ISSUANCE OF DEBT, POSSIBLY TAX NOTE, BY THE CITY.

Ms. Larison stated that the tax notes (also known as anticipation notes) are a debt instrument that a city may sell to finance the construction of public works, the purchase of supplies, land, and rights of way for public works, to pay for professional services, to pay for operating expenses, or to pay off cash flow deficits. Tax notes used to pay for public works or professional services must mature before the seventh anniversary after the notes are approved by the attorney general. Tax notes can be paid from and secured by taxes, revenues (as from a utility), a combination of taxes and revenues, or the proceeds of bonds to be issued by the city. The City Council must adopt an ordinance to authorize the issuance of anticipation notes. And all public securities, unless specifically excepted, must receive attorney general approval.

The following is a timetable for Issuance of Limited Tax Notes Series 2022:

- Thursday, May 19, 2022 - Specialized Public Finance Inc. (SPFI) distributes term sheets and financial information to potential bank bidders.
- Monday, June 6, 2022 - Receive bids from banks. Bids are verified by SPFI.
- Tuesday, June 7, 2022 - Sale. Series 2022 Tax Notes are awarded by City Council to the winning bidder.
- Thursday, June 30, 2022 - Closing. Series 2022 Tax Notes are delivered, and proceeds distributed in accordance with closing information.

The proposed funding of potential projects is at a cost of \$3.5million for a term of seven years at an estimated interest rate of 3%.

The recommended potential projects to be funded include the following:

	Project	Cost	Funding Source
1	12,000' of wastewater line, lift station, design, and contingencies - FM1322 - developmental growth	\$1,300,000	Utility revenue - Wastewater fund
2	High Ranger - Electric Dept.	\$ 500,000	Utility revenue - Electric fund
3	Ladder truck - Fire Dept.	\$1,200,000	I & S Debt Service
4	Clearfork Street Reconstruction - engineering & design services	\$ 500,000	I & S Debt Service

There was discussion about including costs for the engineering and the right-of-way acquisition for City Line Road and costs for repairing sidewalks.

Ms. Larison introduced Bart Fowler of McCall, Parkhurst & Horton to provide details about funding options.

Bart Fowler explained the issuance of debt process.

B. DISCUSSION REGARDING COMMENTS RECEIVED FROM THE PUBLIC REGARDING REDISTRICTING PLANS FOR CITY COUNCIL DISTRICTS, PLANS PROPOSED BY THE PUBLIC, INCLUDING POSSIBLE AMENDMENTS TO A PROPOSED PLAN. *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 announced that the Council would go into Executive Session at 6:53 p.m.

Mayor White stated that the Council would enter Open Session at 7:23 p.m.

E. DISCUSS CITY COUNCIL MINUTES FOR THE APRIL 9, 2022, APRIL 19, 2022 AND MAY 3, 2022 MEETINGS.

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

F. DISCUSS SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.

Mr. Gibson stated that in accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the water, wastewater, and road impact fee capital improvement plans (CIP's), and submitting semi-annual reports to the City Council. The Committee met on May 11th to consider their 40th semi-annual report since impact fees were originally adopted on January 15, 2002. The total impact fee revenue during the period covered by this report was \$644,508, and there were no expenditures of impact fees in any of the accounts during that time. Because the Committee previously recommended that the city undertake the statutory five-year update of the impact fee land use assumptions, capital improvement plans, and fees, and the Council agreed and subsequently voted at the December 21, 2021, Council meeting to direct staff to retain consultants for the update, there are no new recommendations from the Committee. The semi-annual report is for the period from October 1, 2021, to April 1, 2022.

G. DISCUSS ORDINANCE 2022-20 APPROVING BUDGET AMENDMENT NO. 69 INCREASING THE CAPITAL EXPENDITURE LINE ITEM FOR THE PURCHASE OF PIERCE FIRE PUMPER, ENGINE 1.

Ms. Larison stated that during the preparation of the Annual Operating Budget for the City of Lockhart's fiscal year ending 2022, the City Council approved the use of one-time expenditures from the General Fund balance for the purchase of a new Pierce Fire Pumper, Engine 9. One-time expenditures require an amendment by ordinance according to the City Charter, Chapter 9 - *Municipal Finance, Section 9.16 - Other Necessary Appropriations*, and according to the City's Fund Balance Policy. The policy states that one-time expenditures that are not recurring in nature or which will not require additional future expense outlays for maintenance, additional staffing, or other recurring expenditures that cannot be funded through current revenues. The payment for this item was pre-paid in full on November 23, 2020. Due to the arrival of the capital asset (10/02/2021), the expense must be documented in the current fiscal year. This Ordinance and Budget Amendment is a formality to bring into policy and required for transparency during the audit process. Ms. Larison recommended approval.

H. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:33 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:45 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.

John Castillo, 1106 Red River, stated that the redistricting process is important and that he appreciated LULAC's proposed redistricting plans being considered. He thanked Mr. Falk for meeting with the organization, which resulted in Revised Plan B. He spoke in favor of approving Revised Plan B.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-15 BY NANDA MUTALA ON BEHALF OF SUBURBAN PROPANE, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-19 FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT FOR 3.496 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, LOCATED AT 2001 BLACKJACK STREET (FM 20).

Mayor White opened the public hearing at 7:50 p.m.

Mr. Fowler stated that commercial development is desired on this property. The specific type of commercial development has been described as retail or office. To allow a greater number of potential commercial uses, the requested zoning change to CHB Commercial Heavy Business has been proposed. The proposed CHB zoning is consistent with the General-Heavy Commercial designation for the property found on the Future Land Use Plan map. Surrounding properties are mostly designated for residential or mixed uses on the Future Land Use map. No citizens spoke regarding this application at the Planning and Zoning Commission meeting. Mr. Fowler stated that the Planning and Zoning Commission and staff recommended approval.

Mayor White requested the applicant to address the Council.

Patrick Davis, 120 Blackjack Road, spoke in favor of the zoning change.

Mayor White requested citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 7:54 p.m.

Councilmember McGregor made a motion to approve Ordinance 2022-19, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0,

ITEM 5. CONSENT AGENDA.

Councilmember Michelson made a motion to approve consent agenda items 5A and 5B. Councilmember Mendoza 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 April 9, 2022, April 19, 2022 and May 3, 2022 meetings.

5B: Accept semi-annual report from the Impact Fee Advisory Committee concerning the status of implementation of Chapter 31 "Impact Fees" of the Lockhart Code of Ordinances with regard to water, wastewater, and road impact fees.

ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING COMMENTS RECEIVED FROM THE PUBLIC REGARDING REDISTRICTING PLANS FOR CITY COUNCIL DISTRICTS, PLANS PROPOSED BY THE PUBLIC, INCLUDING POSSIBLE AMENDMENTS TO A PROPOSED PLAN. *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.* There was no discussion during this agenda item.

ITEM 6-C. DISCUSSION AND POSSIBLE ADOPTION OF A REDISTRICTING PLAN FOR CITY COUNCIL DISTRICTS AS OUTLINED IN RESOLUTION 2022-24.

Mayor White stated that they will consider Revised Plan B.

Mayor Pro-Tem Sanchez thanked Mr. Falk for working with LULAC on preparing Revised Plan B as well as the Council for allowing consideration of the public's interest in a new redistricting plan.

Councilmember Mendoza also thanked the Council for considering Revised Plan B which he was in favor of.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2022-24 with the adoption of Revised Plan B to be effective immediately. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING AN EFFECTIVE DATE FOR A REDISTRICTING PLAN FOR CITY COUNCIL DISTRICTS.

The motion was made during the previous agenda item that the redistricting plan would be effective immediately.

ITEM 6-D. CONSIDERATION AND POSSIBLE ACTION WITH RESPECT TO DETERMINING CAPITAL PROJECTS AND IMPROVEMENTS TO FINANCE THROUGH THE ISSUANCE OF DEBT, POSSIBLY TAX NOTE, BY THE CITY.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to proceed with applying for funds for the capital projects as discussed in work session in addition to adding funds for engineering and right-of-way acquisition of City Line Road and funds for sidewalk improvements for a total of \$4 million.

Mayor White requested the following to address the Council:

Riley Baldus, 601 Flores, spoke about the proposed Lockhart Ridge Garden Home development that he believes is exempt from zoning regulations. He provided brief details about revenue that the project would generate for the city.

ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.072 – TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

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

ITEM 10. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 8:47 p.m. There was no action.

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-20 APPROVING BUDGET AMENDMENT NO. 69 INCREASING THE CAPITAL EXPENDITURE LINE ITEM FOR THE PURCHASE OF PIERCE FIRE PUMPER, ENGINE 1.

Councilmember Michelson made a motion to approve Ordinance 2022-20, as presented. Councilmember Westmoreland seconded. The motion passed by a 7-0.

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

There was no discussion.

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

- Summer Fan Program begins on May 16.
- Update regarding November 8, 2022 City of Lockhart General Election.
- Update regarding Citywide Bulk Clean-up.

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

Councilmember Mendoza congratulated the Hispanic Chamber of Commerce for a successful Cinco de Mayo event. He congratulated Councilmember Bryant for being awarded the *Man in Me* award.

Mayor Pro-Tem Sanchez expressed condolences to the families of Francisco Frank Vasquez and Angel Castillo, Sr. for their loss. She congratulated the Hispanic Chamber of Commerce and the Chairman of the 5K run for a successful Cinco de Mayo event and 5K run. She wished Mayor White a Happy Birthday and congratulated Mr. and Mrs. Michelson on their anniversary. She wished Blacks Barbecue a 90th Happy Anniversary.

Councilmember McGregor congratulated the 2022 High School graduating class.

Councilmember Bryant congratulated the 2022 High School graduating class and he wished them well in their future endeavors. He thanked Councilmember Mendoza for acknowledging his accomplishment. He congratulated the Hispanic Chamber of Commerce for a well-attended Cinco de Mayo event.

Councilmember Michelson congratulated the Hispanic Chamber of Commerce on a successful Cinco de Mayo event. He also congratulated the 2022 High School graduating class.

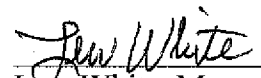
Mayor White congratulated the Hispanic Chamber of Commerce for a successful Cinco de Mayo event. He congratulated Johnny & Sons Body Shop on their 55th Anniversary. He thanked the Retired Nurses for hosting a Health Fair event and congratulated Blacks Barbecue on their 90th Anniversary. He congratulated the 2022 High School graduates.

ITEM 11. 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 8:55 p.m.

PASSED and APPROVED this the 7th day of June 2022.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

