

**REGULAR MEETING
LOCKHART CITY COUNCIL**

JUNE 7, 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
Victoria Maranan, Public Information Officer
Pam Larison, Finance Director
Jesse Bell, Police Captain
David Fowler, Senior Planner

Monte Akers, City Attorney
Sean Kelley, Public Works Director
Bob Leos, Electric Superintendent
Dan Gibson, City Planner

Citizens/Visitors Addressing the Council: Lyle Nelson of Capital Area Rural Transportation System; Holly Cunningham-Kaiser of Hays-Caldwell Women's Center; Noelia Buck of Combined Community Action – Senior Nutrition; Diana Coker of the Lockhart Area Senior Citizen Center; Layla Coleman of CASA of Central Texas; Jennifer Ritter of Specialized Public Finance; Alfonso Sifuentes of Central Texas Refuse; Jim Merritt of Masonwood Development; Daniel Loe of Forsite Studio; and Citizen Pete Arciniega.

Work Session 6:30 p.m.

Mayor White announced that Mayor Pro-Tem Sanchez would be arriving late to the meeting. He 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 BY NON-PROFIT ORGANIZATIONS REQUESTING FUNDING OF AN ANNUAL CONTRIBUTION FROM THE CITY OF LOCKHART FOR FISCAL YEAR 2022-2023.

Ms. Larison stated that on April 28, 2022, non-profit organizations that offer services to the City of Lockhart residents were contacted about the upcoming Fiscal Year 2022-23 request for funding. Each organization was asked to provide the following information:

- Mission and benefit statement.
- Current financial statements.
- Uses of prior City contribution.
- Fiscal Year 2022-2023 request and how those funds are to be spent.

The following organizations provided information about their funding request.

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

Holly Cunningham-Kaiser of Hays-Caldwell Women's Center (HCWC) provided information about how they assist teens and women in the Lockhart community. She stated that HCWC is requesting a contribution in the amount of \$7,400.

Noelia Buck of Combined Community Action – Senior Nutrition (CCA) provided information about the meal program for senior citizens in the community. She stated that the CCA is requesting a contribution in the amount of \$8,000.

Diana Coker of the Lockhart Area Senior Citizen Center (LASCC) stated that the LASCC is a place where senior citizens can gather and continue to stay active and sociable. The LASCC also provides low cost lunch to the community five days a week. She stated that LASCC is requesting a contribution in the amount of \$4,332.

Layla Coleman of CASA of Central Texas provided information about how CASA assists children in the community. She stated that CASA is requesting a contribution in the amount of \$12,000.

Mayor White requested that the organizations that were unable to attend tonight's meeting are invited to attend the June 14, 2022 budget workshop to make their presentation.

B. DISCUSS ORDINANCE NO. 2022-21 AUTHORIZING THE ISSUANCE OF CITY OF LOCKHART, TEXAS LIMITED TAX NOTE, SERIES 2022; APPROVAL OF AN OFFICIAL STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; PRESCRIBING THE FORM OF THE NOTE; LEVYING AN AD VALOREM TAX TO PAY THE NOTE; AWARDED THE SALE THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO.

Ms. Larison stated that on May 17, 2022, the City Council directed staff to work with the City's Financial Advisor, Jennifer Ritter from Specialized Public Finance, Inc. (SPFI) and the City's Bond Counsel, Bart Fowler from McCall Parkhurst & Horton to secure funding for several capital projects for Fiscal Year 2022-2023.

The capital projects that were approved by the City Council on May 17, 2022 are as follows:

1. Extend the city's wastewater line down FM 1322 south of Blackjack St. up to 12,000' and add a sustainable lift station to support new development - \$1,300,000.
2. Complete architectural and engineering design work on City Line Rd. and Clearfork St. - \$750,000.
3. Provide additional funds for sidewalk restoration - \$350,000.
4. Purchase a new high ranger bucket truck for Electric department - \$400,000.
5. Purchase a new ladder truck for the Fire department - \$1,200,000.

The following is a schedule of events pertaining to the issuance of the tax notes:

- May 19, 2022, Ms. Ritter distributed the term sheet and financial information to potential bank bidders.
- Monday, June 6, 2022, Specialized Public Finance will receive and verify bids.
- June 7, 2022 - Ordinance 2022-21 will award the winning bidder of Series 2022 Tax Notes, approve the official statement and paying agent/registrar agreement, and levy an ad valorem tax to pay the note.
- June 30, 2022, the closing of Series 2022 Tax Notes will be funded, delivered, and proceeds distributed in accordance with Closing Instructions.

Jennifer Ritter of Specialized Public Finance provided information regarding the bids received and explained the upcoming process. There was discussion.

C. DISCUSS CITY COUNCIL MINUTES OF THE MAY 17, 2022 MEETING.

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

J. DISCUSS RESOLUTION 2022-26 APPROVING THE PURCHASE OF BODY-WORN CAMERAS FOR THE LOCKHART POLICE DEPARTMENT USING GOVERNOR GRANT FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY.

Captain Bell stated that the City Council approved Resolution No. 2021-20, approving the submission of an application for a grant from the Texas Governor's grant program for the purchase of body-worn cameras. The approval included a 25% fund match and a budgetary amendment. The grant was awarded to the City of Lockhart and the funds are now available for use and the body-worn cameras are available from Motorola Solutions, Inc., which is an authorized vendor under the Texas BuyBoard Cooperative Purchasing Cooperative. The purchase of body-worn cameras, as described in the agenda packet for November 16, 2021, is hereby authorized, using grant funds and matching funds for a total of \$85,260. The resolution authorizes the City Manager to execute the necessary documents to acquire the body-worn cameras from Motorola Solutions, Inc. Captain Bell recommended approval.

L. DISCUSS RESOLUTION 2022-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT (AFA) WITH TXDOT FOR BRIDGE REPLACEMENT OR REHABILITATION OFF THE STATE SYSTEM FOR THE NORTH BLANCO STREET BRIDGE OVER TOWN BRANCH CREEK.

Mr. Kelley stated that during a routine inspection by Texas Department of Transportation (TxDOT) in December 2019, the North Blanco Street Bridge was found to have scouring, settling, and cracks that would require action. The city worked with TxDOT to create an Action Plan that included frequent routine inspections to monitor the bridge, along with TxDOT's biannual inspections. Staff has been working with TxDOT to fund the full replacement of the North Blanco Street Bridge using their Highway Bridge Replacement and Rehabilitation Program (HBRRP). Resolution 2022-25 authorizes the City Manager to enter into an Advance Funding Agreement (AFA) with TxDOT. The AFA will require the City to match 0.5% of the total estimated cost and the remaining 99.5% to be federally funded using the Highway Bridge Replacement and Rehabilitation Program (HBRRP). Once the Resolution is approved, TxDOT will be scheduling the bridge design and replacement for FY 2026. TxDOT inspected the bridge this spring and rated the condition the same. However, the inspector made the recommendation to have the bridge require a load posting of 24,000lbs per tandem axle to prolong the integrity of the bridge until the full replacement takes place. Mr. Kelley recommended approval. There was discussion.

C. DISCUSS BID FROM COUNTYWIDE BUILDERS IN THE AMOUNT OF \$93,750.00 TO CONSTRUCT AN EXTERIOR 1,800 SQUARE FOOT BUILDING TO THE ADJOINING BUILDING AT 214 BUFKIN LANE, LOCKHART, TEXAS, AND APPOINTING THE CITY MANAGER TO SIGN ALL CONTRACTUAL DOCUMENTS.

Mr. Leos stated that an expansion of physical building storage space at the City of Lockhart Electric Distribution Department was approved in the FY 2021-2022 budget. The expansion is necessary to ensure adequate storage space, protected from the weather, for both City equipment and electric distribution supply material. This protected storage space reduces costly damage caused by storms and the sun. The storage space better positions the city to meet the power needs of our growing community. To complete

this project, bids were sought in compliance with State Law to construct an exterior 1,800 square foot metal building to the adjoining building at 214 Bufkin Lane, Lockhart, Texas. One bid was received from Countywide Builders in the amount of \$93,750. Countywide has successfully completed other construction projects for the City. Mr. Leos recommended approval.

RECESS: Mayor White announced that the Council would recess for a break at 7:25 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at

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.

Alfonso Sifuentes of Central Texas Refuse stated that the service route change will begin soon and all citizens that will be affected have been notified. He requested a letter of support from the City of Lockhart of the 130 Environmental Park's application to the Texas Commission on Environmental Quality to extend their service days to include Saturday's.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATIONS ZC-22-11 AND PD-22-02 BY JIM MEREDITH ON BEHALF OF MASONWOOD DEVELOPMENT CORPORATION, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-22 FOR A ZONING CHANGE FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING A REVISED PDD DEVELOPMENT PLAN FOR KELLY VILLAS PLANNED DEVELOPMENT, ON 16.31 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1712 WEST SAN ANTONIO STREET (SH 142).

Mayor White opened the public hearing at 7:42 p.m.

Mr. Fowler stated that this item represents the revision of the PDD Plan for Kelley Villas, a 160-unit duplex condominium development located at 1712 West San Antonio Street. The original version of the PDD was approved on December 14, 2021. The PDD was revised in order to meet Texas Department of Transportation's (TxDOT) requirement that the entrance drive be relocated from its location of the approved PDD plan. Otherwise, the application is similar to the originally approved layout. The Planning and Zoning Commission recommended approval of both the zoning change request and the revised PDD plan by a vote of 5-1 at its May 25, 2022 meeting. No opposition has been expressed to this item. Mr. Fowler stated that staff recommends approval. There was discussion.

Mayor White requested the applicant to address the Council.

Jim Merritt, of Masonwood Development provided information about the construction timeline.

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 8:48 p.m.

Councilmember McGregor made a motion to approve Ordinance 2022-22, as presented. Councilmember Bryant seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-16 BY DANIEL LOE, OWNER OF 203 NORTH COMMERCE STREET, AND A REQUEST BY DANIEL LOE ON BEHALF OF MIREYA VERA, EDGAR LLAMAS, GIOVANNA LLAMAS, ROBERT AND MARIA REYNA, OWNERS OF 115, 117, AND 119 EAST WALNUT STREET, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-23 FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CCB COMMERCIAL CENTRAL BUSINESS DISTRICT ON A TOTAL OF 0.246 ACRE CONSISTING OF PART OF LOTS 5 AND 6, BLOCK 27, ORIGINAL TOWN OF LOCKHART.

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

Mr. Fowler stated that this is a request to change the zoning for two commercial buildings and one related lot at the northwest corner of North Commerce and East Market Streets from Commercial Medium Business District to Commercial Central Business District. The subject parcels include one vacant building facing Commerce Street that the owner wishes to remodel and expand, and two restaurants facing Walnut Street. In both cases, the buildings are constructed to the front and side lot lines (no building setback), and have very little off-street parking. This configuration creates nonconformities with the standards of the existing CMB zoning of the parcels that would be resolved by rezoning to the CCB classification. No opposition has been expressed to this item. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval. There was discussion.

Mayor White requested the applicant to address the Council.

Daniel Loe, of Forsite Studio, applicant, requested approval 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 7:55 p.m.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-23, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-22 REGARDING AMENDMENT OF SECTION 50-3 OF CHAPTER 50 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH MAINTENANCE RESPONSIBILITIES FOR PUBLIC SIDEWALKS AND COST SHARING PROGRAMS FOR SIDEWALK RECONSTRUCTION OR REPAIRS.

Mr. Kelley stated that staff has received increasing inquiries about sidewalk replacement and maintenance. Unfortunately, current policies and ordinances lack the provisions to perform, delegate, and facilitate these requests. With the growing demand of the community, City Council has also been approached with requests to improve deteriorating sidewalks. State law, Transportation Code Sec. 311.004, gives Home-Rule Municipalities authority to: 1) construct a sidewalk; 2) provide for the improvement of a sidewalk construction of a curb under ordinance enforced by a penal provision; and 3) declare a defective sidewalk to be a public nuisance. The Lockhart Home Rule Charter, Sec. 3.07(o), provides that the City Council may exercise exclusive dominion, control and jurisdiction, including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city and provide for the improvement of same as provided in V.T.C.A., Transportation Code Ch. 313, as now or hereafter amended. This provision authorizes City Council to create, amend and approve policy that encompasses public sidewalks. These few sidewalk references in the Code of Ordinances are unspecific and lack the details needed for a sidewalk program. There was discussion regarding the city's current ordinances pertaining to sidewalks.

The proposed ordinance amendment to Section 50-3 of the Lockhart Code of Ordinances clarifies:

1. Sidewalk maintenance responsibility.
2. Establishes a procedure to identify eligible sidewalk projects.
3. Creates a cost sharing program.

During the City Council Meeting held on May 17, 2022, Council designated projects that included deficient sidewalks for funding and directed staff to begin the process of funding with the City's Financial Advisor and the City's Bond Counsel by way of a tax note. Up to \$300,000 of the assumed tax note could be used to participate in a potential cost-sharing program or could be used to fund deficient sidewalks that are in the most critical need of repair.

There was discussion regarding the following:

- The ability to implement the cost sharing program regardless of whether the homeowner's property line does or does not include the right-of-way.
- The city's subdivision standards require sidewalks in new subdivision developments. Currently, in new development, the developer is responsible for sidewalk repairs/maintenance for the first two years.
- Possibly repairing all sidewalks prior to implementing the cost share program. Approximately \$353,000.
- Residential property owners would be participants in the cost share program.
- The possible method of working with residential property owners that are unable to pay for sidewalk repairs/replacement, such as a payment plan.
- The city's liability exists with injuries due to an unsafe sidewalk.

There was no action. The Council will continue discussion during the upcoming budget workshop.

ITEM 5. CONSENT AGENDA.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A-5G. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- A: Award bid to Countywide Builders in the amount of \$93,750.00 to construct an exterior 1,800 square foot building to the adjoining building at 214 Bufkin Lane, Lockhart, Texas, and appointing the City Manager to sign all contractual documents.
- B: Approve City Council minutes of the May 17, 2022 meeting.
- C: Postpone until July 5, 2022 applications ZC-22-08 and PDD-22-01 by James Travis Krause on behalf of Patton 3, LLC, for a Zoning Change from *RLD Residential Low Density District* to *PDD Planned Development District*, including a PDD Development Plan for *Lockhart Place Townhomes Planned Development*, on 19.798 acres in the Frances Berry Survey, Abstract No. 2, located at 903 State Park Road (FM 20).
- D: Postpone until July 19, 2022, application ZC-22-12 by Jim Meredith on behalf of Robert A. Schmidt for a Zoning Change from *CHB Commercial Heavy Business District* to *RHD Residential High Density District* on 14.57 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 101 East China Street. *Tabled 4-19-22.*
- E: Postpone until July 19, 2022, 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* on 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1900 North Cesar Chavez Parkway Northbound (SH 130). *Tabled 3-15-22*
- F: Postpone until July 19, 2022, 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). *Tabled 4-5-22*
- G: Postpone until July 19, 2022, 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). *Tabled 4-5-22*

ITEM 6-A. PRESENTATION BY NON-PROFIT ORGANIZATIONS REQUESTING FUNDING AND CONSIDER ALLOCATIONS OF AN ANNUAL CONTRIBUTION FROM THE CITY OF LOCKHART FOR FISCAL YEAR 2022-2023.

Mayor White announced that there was no action. Consideration of allocations will be considered at a future council meeting.

ITEM 6-B. CONSIDERATION AND ACTION WITH RESPECT TO ORDINANCE NO. 2022-21 AUTHORIZING THE ISSUANCE OF CITY OF LOCKHART, TEXAS LIMITED TAX NOTE, SERIES 2022; APPROVAL OF AN OFFICIAL STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; PRESCRIBING THE FORM OF THE NOTE; LEVYING AN AD VALOREM TAX TO PAY THE NOTE; AWARDING THE SALE THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO.

Councilmember McGregor made a motion to approve Ordinance 2022-21, as presented. Councilmember Bryant seconded. The motion passed by a vote of 5-0-1, with Councilmember Michelson abstaining.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2022-26 APPROVING THE PURCHASE OF BODY-WORN CAMERAS FOR THE LOCKHART POLICE DEPARTMENT USING GOVERNOR GRANT FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY.

Councilmember Michelson made a motion to approve Resolution 2022-26, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2022-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT (AFA) WITH TXDOT FOR BRIDGE REPLACEMENT OR REHABILITATION OFF THE STATE SYSTEM FOR THE NORTH BLANCO STREET BRIDGE OVER TOWN BRANCH CREEK.

Councilmember McGregor made a motion to approve Resolution 2022-25, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

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

There was no action.

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

- Central Texas Refuse trash service change goes into effect the week of June 13th.
- June 18th - Movie in the Park, *Encanto*.
- City pool and Splash pad will be closed June 6-13 during Chisholm Trail Roundup events.
- Free swim day on June 18th in observance of the Juneteenth weekend.
- Caldwell County COVID-19 Community Level: Medium.
- Summer Teen Center Recreation Program starts June 6.
- New ambulance status.

Mayor White requested Pete Arciniega to address the Council.

Pete Arciniega spoke against the PRIDE week events.

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

Councilmember Mendoza thanked the Carver School for their meeting. He expressed prayers for the community of the City of Uvalde.

Mayor Pro-Tem Sanchez expressed condolences to the families of Mary Ann Zimmerhanel, Gail Rose Coers, and Bertie Mae Daley for their loss. She congratulated the following successful events: Courthouse Nights, High School and College graduates, Running with the Bulls, and to the Lockhart Chamber of Commerce for a successful Chisholm Trail Roundup.

Councilmember McGregor shared information about the upcoming Courthouse Nights. She congratulated PRIDE Lockhart for their one year anniversary.

Councilmember Bryant thanked Pete Arciniega for his dedication to the community. He announced a few Juneteenth events next weekend. Happy Father's Day to all. He stated that June is children's awareness month.

Councilmember Michelson encouraged everyone to be safe in the heat during the upcoming Chisholm Trail Roundup.

Mayor White also encouraged everyone to be safe during the upcoming Chisholm Trail Roundup. He announced several Juneteenth events. Happy Father's Day.

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 9:00 p.m.

PASSED and APPROVED this the 5th day of July 2022.

CITY OF LOCKHART

Lew White

Lew White, Mayor

ATTEST:

Connie Constancio

Connie Constancio, TRMC
City Secretary

