

**REGULAR MEETING
LOCKHART CITY COUNCIL**

DECEMBER 20, 2022

6:30 P.M.

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

Council present:

Mayor Lew White
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Councilmember John Castillo
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Council absent:

Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Sean Kelley, Public Works Director
Dan Gibson, City Planner
Kevin Lunsford, Interim Police Chief

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
David Fowler, Senior Planner
Julie Bowermon, Civil Service/HR Director

Citizens/Visitors Addressing the Council: Citizens: Alan Balser, Natalie Douga, David Raschke, and Diane Bernal.

Work Session 6:30 p.m.

Mayor White announced that Mayor Pro-Tem Sanchez would not be attending the meeting due to a family emergency. He 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 OF THE NOVEMBER 15, 2022 AND NOVEMBER 21, 2022 MEETINGS.

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

B. 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 capital improvement plans (CIP's), and submitting semi-annual reports to the City Council. The Committee met on December 14th to consider their 41st 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 \$529,285, and the only expenditures from the impact fee accounts during that time were periodic payments of invoices to the impact fee consultants. 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 subsequently directed staff to retain consultants for the update, there are no new recommendations from the Committee. Freese and Nichols is currently preparing the land use assumptions and road impact fee elements of the update project, and TRC Engineers is preparing the water and wastewater elements of the update. The semi-annual report from the Impact Fee Advisory Committee is for the period from April 1 to October 1, 2022. There was discussion.

C. DISCUSS RESOLUTION 2022-42 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADVANCE FUNDING AGREEMENT (AFA) WITH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR RUNWAY AND TAXIWAY IMPROVEMENTS AT THE LOCKHART MUNICIPAL AIRPORT.

Mr. Kelley stated that on March 11, 2021, TxDOT conducted an inspection of the pavement at the Lockhart Municipal Airport. The inspection identified the runway and taxiway as fair condition and TxDOT made several recommendations to improve the rating to good condition. TxDOT has several programs that are aimed at assisting with funding airport maintenance projects, which the City has participated in the past. On January 4, 2022, a Letter of Intent was sent to TxDOT requesting use of Non-Primary Entitlement funds for the Lockhart Municipal Airport to make improvements to the runway, taxiway, fencing, LED lighting and development of an Airport Master Plan. TxDOT was receptive to the request and has been working with staff to undertake the pavement rehabilitation project. Resolution 2022-42 authorizes the City Manager to enter into an agreement with TxDOT for the project and identifies the City's match responsibility of 10% (\$191,900) of the entire project (\$1,919,000). The remaining amount will be financed with Federal funds. Mr. Kelley recommended approval. There was discussion.

D. DISCUSS AWARDING BID TO PROTA, INC. OF AUSTIN, TEXAS IN THE AMOUNT OF \$989,000 FOR THE 2022 HIGH SERVICE PUMP STATION EXPANSION PROJECT AT THE WATER PLANT, INCLUDING THE INSTALLATION OF TWO GENERATORS FOR BACKUP POWER.

Mr. Kelley stated that the City Engineer recently conducted a study to identify the high service pump supply capacity needs at the Lockhart Water Plant to remain in compliance with TCEQ regulations. During this study, it was determined that the smallest high service pump would need to be replaced with a larger one and an additional pump would be required to meet regulatory requirements. The 2022 High Service Pump Expansion Project was combined with another project at the Water Plant to bring permanent standby generated power as part of the SB3 requirement to complete a comprehensive Emergency Preparedness Plan that included alternative power options for critical facilities. The installation of generators at the plant will provide enhanced reliability of the potable water supply during loss of electric utility power at this critical facility. The 2022 High Service Pump Expansion Project consists of replacing the existing 600 gpm jockey pump with a 1,200 gpm pump, and installation of an additional 1,200 gpm pump on a variable frequency drive. This will increase the number of high service pumps from three to four. The project also consists of the installation of two new generators to provide backup power to the pumping components of the water treatment plant and to the office for operations. Eight bids were received, ranging from \$989,000 to \$1,543,100. The lowest bid was submitted by Prota, Inc. Favorable references have been verified for Prota, Inc. Mr. Kelley recommended approval. There was discussion.

E. DISCUSS ORDINANCE 2022-68 REPEALING UN-CODIFIED ORDINANCE 2022-38 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING ESTABLISHING THE CLASSIFICATIONS WITHIN THE POLICE DEPARTMENT AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION.

Ms. Bowermon stated that in compliance with civil service, the number of classified police and fire positions are set by an ordinance, which is referred to as the "Strength of Force." Proposed Ordinance 2022-68 reflects reducing/abolishing the number of lieutenants by one (from three to two) and increasing the number of police officers from 20 to 21. The Lockhart Police Department was structured with two lieutenants for several years. In 2019, at the request of the Police Chief, a third lieutenant position was created to provide for additional supervision and oversight during the night shift. Earlier this year, one lieutenant retired from the Lockhart Police Department creating a vacancy in the third lieutenant position. There is no current promotional eligibility list in place for lieutenant to fill the vacancy. Recently, Lockhart Police Administration evaluated the effectiveness and efficiency of the

Police Department's planning, training, coordination of daily activities, management of personnel and promoting of the police department's community policing philosophy. After careful consideration and conferring with current Lockhart Police Department staff, Interim Police Chief Kevin Lunsford has elected to not fill the currently vacant lieutenant position. The proposed ordinance authorizes the abolishment of this currently vacant lieutenant position. However, to maintain the same number of certified officers within the department, the ordinance further authorizes that the number of police officers be increased by one. Thus, shifting the position from a lieutenant rank to a police officer rank. If a future Police Chief should determine additional supervisory positions are necessary in the best interest of the operation of the Police Department, the Police Chief at that time can request that the City Council consider additional staffing amendments to the Strength of Force.

Interim Chief Lunsford explained that he did not believe that a third Lieutenant is necessary, at this time, in the Lockhart Police Department for a city with the population of Lockhart. There was discussion regarding the Civil Service laws regarding filling a vacant position.

F. DISCUSS MOVING THE APPOINTMENT OF IAN STOWE FROM THE ELECTRIC BOARD TO THE CONSTRUCTION BOARD OF APPEALS BY COUNCILMEMBER JEFFRY MICHELSON WITH A TERM TO EXPIRE IN NOVEMBER 2023.

Councilmember Michelson stated that Ian Stowe is currently a member of the Electric Board. Councilmember Michelson requests to move Ian Stowe from the Electric Board to the Construction Board.

G. DISCUSS THE APPOINTMENT OF KEVIN RANDY THUERWAECHTER TO THE LOCKHART HISTORICAL PRESERVATION COMMISSION BY COUNCILMEMBER BRAD WESTMORELAND WITH A TERM TO EXPIRE IN NOVEMBER 2025.

Councilmember Westmoreland stated that he would like to appoint Mr. Thuerwaechter to the LHPC.

RECESS: Mayor White announced that the Council would recess for a break at 7:03 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.

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. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-30 BY ALAN BALSER AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-66 FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT AND RLD RESIDENTIAL LOW DENSITY DISTRICT TO RLD RESIDENTIAL LOW DENSITY DISTRICT ON A TOTAL OF 17.228 ACRES IN THE LOCKHART BYRD LEAGUE, ABSTRACT NO. 17, LOCATED AT 1107 SILENT VALLEY ROAD (FM 2001).

Mayor White opened the public hearing at 7:32 p.m.

Mr. Fowler stated that the applicant proposes the subject parcel as the site of future single-family residential development. The property currently has split zoning between the RLD and AO districts. The proposed zoning change will make the lot entirely RLD. The subject parcel has one home near the southeast corner of the lot. However, the subject parcel also contains Meadow Lake Drive, which is an access easement for the driveway that provides access to three landlocked residential lots east of the property. The nearby area is either zoned residential (RLD, RMD, or RHD) or Agricultural-Open Space. Despite the nearby mix of residential zoning types, none of the nearby area has yet been developed. Street access would be provided via Silent Valley Road. The planned extension of Stueve Lane is located immediately west of the site. Water is currently available via a 12" line in Silent Valley Road. Wastewater service would require an extension northward along Stueve Lane from the trunk line planned along the railroad track. The timing of the construction of the trunk line has not yet been determined. The proposed RLD zoning is consistent with the subject parcel's Low Density Residential designation on the Future Land Use Map. 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.

Alan Balser, applicant, requested approval of the residential low density zoning. He provided details about the drainage plans and the surrounding zoning uses.

Mayor White requested citizens in favor of the zoning change to address the Council.

Natalie Douga, Lockhart, stated that Mr. Balser has met with the residents in the neighborhood, and that they have come to an agreement about the development. She spoke in favor of the zoning change.

Mayor White requested citizens against the zoning change to address the Council. There were none.

David Raschke, Silent Valley Road resident, stated that he is not in favor of or against the zoning change. He expressed concern about the lack of development plans available for the neighborhood to view prior to a zoning change.

Mayor White requested additional citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 7:45 p.m.

There was discussion regarding the detention pond requirements for new developments.

Councilmember McGregor made a motion to approve Ordinance 2022-66, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

ITEM 4-B. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-31 BY DIANE BERNAL ON BEHALF OF MICHAEL WES MASUR AND MANDY MASUR HOLCOMB AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-67 FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT ON LOT 1, MASUR SUBDIVISION, CONSISTING OF 2.248 ACRES LOCATED AT 1708 WEST SAN ANTONIO STREET (SH 142).

Mayor White opened the public hearing at 7:52 p.m.

Mr. Fowler stated that the applicant wishes to develop a commercial or mixed-use project on the property. The site is currently zoned RLD, which does not permit commercial development. The proposed CMB zoning is consistent with the property's Light-Medium Commercial designation on the future land use plan. At 2.248 acres, and fronting the busy West San Antonio Street corridor, the property is not well-suited for new single-family residential development. Surrounding uses include several types of residential development, including apartments, single-family homes, and a PDD-zoned duplex development. Additionally, there are several nearby areas along the West San Antonio Street corridor that are either zoned CMB or designated for commercial development on the Future Land Use Plan map. The property has 285 feet of frontage on West San Antonio Street, which should be suitable for commercial development. The property is adequately served by both water and wastewater within the West San Antonio Street right-of-way. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Diane Bernal, Austin, requested approval of the zoning change. She stated that proposed development would be a commercial business that is allowed by-right in the CMB zoning.

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 8:02 p.m.

Councilmember Castillo made a motion to approve Ordinance 2022-67, as presented. Councilmember McGregor seconded. The motion passed by a vote of 6-0.

ITEM 5. CONSENT AGENDA.

Councilmember Michelson made a motion to approve consent agenda items 5A, 5B, 5C, 5D and 5E. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes of the November 15, 2022 and November 21, 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.
- 5C: Approve Resolution 2022-42, authorizing the City Manager to enter into an Advance Funding.
- 5D: Agreement (AFA) with Texas Department of Transportation (TxDOT) for runway and taxiway improvements at the Lockhart Municipal Airport.
- 5E: Approve awarding bid to Prota, Inc. of Austin, Texas in the amount of \$989,000 for the 2022 High Service Pump Station Expansion Project at the Water Plant, including the installation of two generators for backup power.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-68 REPEALING UN-CODIFIED ORDINANCE 2022-38 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING ESTABLISHING THE CLASSIFICATIONS WITHIN THE POLICE DEPARTMENT AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION.

Mayor White made a motion to approve Ordinance 2022-68, as presented. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER MOVING THE APPOINTMENT OF IAN STOWE FROM THE ELECTRIC BOARD TO THE CONSTRUCTION BOARD OF APPEALS BY COUNCILMEMBER JEFFERY MICHELSON WITH A TERM TO EXPIRE IN NOVEMBER 2023.

Councilmember Michelson made a motion to remove Ian Stowe from the Electric Board and to appoint him to the Construction Board of Appeals. Councilmember McGregor seconded. The motion passed by a vote of 6-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER THE APPOINTMENT OF KEVIN RANDY THUERWAECHTER TO THE LOCKHART HISTORICAL PRESERVATION COMMISSION BY COUNCILMEMBER BRAD WESTMORELAND WITH A TERM TO EXPIRE IN NOVEMBER 2025.

Councilmember Westmoreland made a motion to appoint Kevin Randy Thuerwaechter to the Lockhart Historical Preservation Commission. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

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

- Recap of the December 13 Council and Planning and Zoning Commission Joint workshop.
- Live Christmas Tree recycling.
- Free COVID-19 Rapid Tests available.
- City offices closed December 23 and December 26 for Christmas, and January 2 for the New Year.

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

Councilmember Westmoreland wished everyone Happy Holidays and to stay safe.

Councilmember Mendoza stated that he attended the TML Region 10 meeting of which he encouraged Councilmembers to attend in the future. He wished everyone Happy Holidays.

Councilmember McGregor thanked city staff for preparedness for an upcoming winter storm. He encouraged everyone to order the free COVID tests. She wished everyone Happy Holidays and to stay warm.

Councilmember Castillo thanked city staff that will be working during the winter storm this weekend. He wished everyone Happy Holidays. He asked if there is a warming station established for citizens that might need a warm place to stay during the cold weather. Mr. Lewis replied that a local church is preparing to setup as a warming station.

Councilmember Michelson wished everyone a Happy Holiday and a Happy New Year. He thanked city staff for their work. He congratulated Councilmember Brad Westmoreland for his retirement.

Mayor White thanked city staff for their hard work in 2022. He wished everyone Happy Holidays and to stay safe. He congratulated Councilmember Brad Westmoreland for his retirement and the closing of Westy's Pharmacy after 122 years.

Councilmember Westmoreland thanked the community for supporting Westy's Pharmacy.

ITEM 9. 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. Seek legal advice from City Attorney regarding Emergency Medical Services.

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

ITEM 10. OPEN SESSION. Discussion and/or action regarding matters discussed in Executive Session.

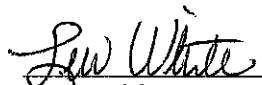
Mayor White announced that the Council would enter Open Session at 8:55 p.m. There was no action.

ITEM 11. ADJOURNMENT.

Councilmember Mendoza made a motion to adjourn the meeting. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 8:56 p.m.

PASSED and APPROVED this the 3rd day of January, 2023.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

