

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**DECEMBER 15, 2020**

**6:30 P.M.**

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3<sup>rd</sup> 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

Connie Constancio, City Secretary  
Sean Kelley, Public Works Director  
Randy Jenkins, Fire Chief

**Citizens/Visitors Addressing the Council:** Downtown Business Owners: Alana Weber, Richard Thomson, Sutton Van Gutton, Courtney Terry, and Leanna Ford; Meredith Knight, Spencer Collins and Bill Kirby.

**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 MINUTES OF THE CITY COUNCIL MEETING OF DECEMBER 1, 2020.**

Mayor White requested corrections. There were none.

**B. DISCUSS FUEL BID TO SUN COAST RESOURCES, INC. OF HOUSTON, TEXAS WITH A PROFIT MARGIN OF 3.85 CENTS PER GALLON FOR GASOLINE AND 3.85 CENTS PER GALLON FOR DIESEL OVER THE OIL PRICE INFORMATION SERVICES (OPIS) PRICE FROM AUSTIN, TEXAS, RACK, POSTED WEEKLY. IF APPROVED, THE TERM OF THE CONTRACT WILL BE FOR ONE YEAR.**

Mr. Kelley stated that fuel bids were sought in compliance with State law. The City uses about 40,000 gallons of gasoline and 28,000 gallons of diesel per year. Two bids were received from oil companies interested in delivering unleaded gasoline and diesel to the Public Works yards. The overall best bid was submitted by Sun Coat Resources, Inc. of Houston, Texas at \$0.0385 profit per gallon for gasoline and \$0.0385 profit per gallon for diesel. Price includes delivery to the Public Works yard. This is the first year of utilizing Sun Coast to provide fuel to the City. Several entities, such as City of Austin and Harris County, have obtained fuel from Sun Coast for 10 plus years with satisfactory service. Sun Coast's headquarters is in Houston and their Gonzales Branch office will manage service to the City of Lockhart. Mr. Kelley recommended approval. There was discussion.

**C. DISCUSS A TEN (10) YEAR EXTENSION OF THE LOCKHART MUNICIPAL AIRPORT FIXED BASED OPERATOR (FBO) LEASE AGREEMENT WITH MARTIN & MARTIN AVIATION, LLC., COMPRISED OF KEITH UHLS AND REINE SMITH, AND APPROVING THE MAYOR TO SIGN IF APPROVED.**

Mr. Kelley stated that prior to Martin & Martin Aviation, LLC running the Airport's FBO, Mr. Stanley Martin had been the FBO for many years at the Lockhart Municipal Airport. Mr. Martin requested to assign his ground lease to Martin & Martin Aviation, LLC, comprised of members Reine (Ken) Smith and Keith Uhls in 2019. These individuals are very experienced and bring extensive aviation knowledge to the operation. Highlights to the second amendment include: 10-year extension of lease; new agreement would expire on December 31, 2030; increase in ground rent to be paid to city from \$0.03 sf to \$0.07sf (74,096 sf total); reintroduction of fuel flowage fees in the amount of \$0.05/gallon to be paid to the city. (Approx. \$1,000 annually); remain closed on Sundays; and up to two 5-year extension options. Other amenities that Martin & Martin Aviation currently offer and operate include: visitor's lounge; lease hangars associated with their ground lease; handle airplane tie-downs; fuel sales and purchasing; courtesy vehicle to visitors (BBQ Patrol); flight instruction; and operate an on-site airport mechanic shop. Mr. Kelley recommended approval. There was discussion.

**D. DISCUSS RESCHEDULING COUNCIL MEETINGS IN 2021 DUE TO A POSSIBLE CONFLICT WITH OTHER EVENTS.**

Ms. Constancio stated that annually reviewing 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. Ms. Constancio reviewed a calendar that reflected possible meeting conflict(s) in 2021 as listed: Tuesday: October 5 – National Night Out, and November 2 – Election Day. The City of Lockhart is not scheduled to hold an Election on November 2, 2021 therefore that date may not be a conflict. The 2021 TML Annual Conference will be held on October 6-8 in Houston. There was discussion regarding cancelling the October 5, 2021 Council meeting due to National Night Out and leaving all other Council meeting dates to be held on the first and third Tuesday as regularly scheduled.

After discussion, the consensus of the Council was to cancel the October 5, 2021 Council meeting and that all other meetings will be held on the first and third Tuesday as regularly scheduled.

**E. DISCUSS THE MAYOR'S DECLARATION OF LOCAL DISASTER REGARDING REQUIRING FACE COVERINGS, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.**

Chief Jenkins provided an update regarding Convenience Store compliance with COVID-19 protocols. There was discussion regarding sending letters to businesses that are not in compliance with COVID-19 protocols.

Mayor White announced that the Council completed the items to discuss during the workshop.

Mr. Akers informed the Council that they could go into Executive Session for discussion only if the Mayor called the meeting to order.

**REGULAR MEETING**

**ITEM 1. CALL TO ORDER.**

Mayor White called the meeting to order at 6:41 p.m.

**EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.074- TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE. Conduct the annual City Manager evaluation.**

Mayor White announced that the Council would enter Executive Session to conduct the annual City Manager evaluation at 6:42 p.m.

**OPEN SESSION**

Mayor White announced that the Council would enter Open Session at 7:30 p.m.

Mayor White announced that the Council would continue the meeting and would convene the Executive Sessions after the public hearings.

**ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.**

Councilmember Mendoza gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

**ITEM 3. PUBLIC COMMENT.**

Mayor White requested the following to address the Council:

Alana Webre, 101 E. San Antonio Street, stated that she is speaking on behalf of several business owners in the downtown area. She stated that several businesses in the downtown district that pay mortgage or rent believe that items sold at the Farmers Market are similar to the items sold in their store. She stated that sales almost doubled when the Farmers Market relocated to their current location. She spoke in favor of the Farmers Market moving to another location instead of the downtown district.

Richard Thomson, 110 S. Commerce Street, stated that he enjoyed seeing the downtown district filled with visitors on the weekend yet he expressed concern about the lack of structure and accountability of visitors and vendors of the Farmers Market. He suggested that the Farmers Market obtain a 501c6, create a Board of Directors, a mission statement, and create an organizational plan. He also questioned who would be accountable if something were to happen. He also suggested that the community work together.

Sutton Van Gutton, Market Street Café, expressed concern about the items being sold or where food was being prepared by vendors at the Farmers Market. He commented about the lack of restroom facilities and stated that he allowed many visitors to use the restroom, in his restaurant even if they were not making a purchase, because he felt it was the right thing to do. He also suggested that if the Farmers Market returns to the downtown square, that an agreement be created about where Farmers Market vendors and local businesses will park.

Courtney Terry, 113 San Antonio Street, stated that a petition is currently being circulated to bring the Farmers Market back to the downtown square. She stated that local business owners work hard to own and make sacrifices to accomplish their dream of business ownership. She stated that vendors of the Farmers Market was selling items similar to what her store offers at a lower cost therefore sales for her business were extremely low. She stated that sales doubled for her business after the Farmers Market moved to another location. She is not in favor of the Farmers Market returning to the downtown square but suggested that if they do return, that they be in the downtown area one weekend per month or wrap up by noon if they return every weekend.

Leanna Ford, 105 E. San Antonio Street, stated that she grew up on a farm and understands the hard work of a farmer. She stated that her business lost income and foot traffic when the Farmers Market was in the downtown area. She stated that since the Farmers Market was moved to the Justice Center, sales increased for her business. She stated that it is not true that the downtown businesses are against the Farmers Market. She suggested that the Farmers Market be scaled back to a farmer's market and not a be returned as a craft market.

Mayor White requested additional citizens to address the Council. There were none.

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-20-12 BY MEREDITH KNIGHT, ON BEHALF OF 2HK, LLC., FOR A ZONING CHANGE FROM PI PUBLIC AND INSTITUTIONAL DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT ON 0.556 ACRE IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1511 WEST SAN ANTONIO STREET (SH 142).**

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

Mr. Gibson stated that in April of 2018, the subject property was rezoned from RMD to PI as part of the same application that rezoned the abutting parcel having frontage along West San Antonio Street from RLD to its current CMB classification. Residents of the Windridge Subdivision had expressed the need for a park in the area, so the applicant/owner intended to offer this parcel as parkland, and contribute to improvements for it. The applicant subsequently approached the Windridge homeowners' association about making it a private park wherein they would contribute to the construction of park improvements and own the park. The homeowners' association conducted a vote on the matter and failed to get enough votes in favor of that proposal. The property has not yet been platted, so it was never dedicated as a public park. The Director of Public Works has indicated that the City does not have funds for park improvements even if the property stayed zoned PI, and that a park of such a small size and irregular shape would not be ideal anyway. Therefore, the applicant is now proposing to rezone the parcel to the same CMB classification that the remainder of the original tract already has. Neither the current PI zoning of the subject property nor the proposed CMB zoning of the property are consistent with the Land Use Plan map, which designates it as future Low Density Residential. However, the abutting CMB zoning is consistent with the Light-Medium Commercial future land use designation shown on the Land Use Plan map. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Meredith Knight, applicant, stated that her decision to request to rezone back to PI was a result of the Windridge homeowners' association voting not to assist in the development and maintenance of the park. She requested approval.

Mayor White requested citizens to address the Council in favor of or against zoning change. There were none. He closed the public hearing at 7:58 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2020-28 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 0.556 ACRE IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1511 WEST SAN ANTONIO STREET (SH 142), FROM PI PUBLIC AND INSTITUTIONAL DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.**

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2020-28, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

**ITEM 4-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-20-13 BY UMESH M. PATEL FOR A ZONING CHANGE FROM CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO IL INDUSTRIAL LIGHT DISTRICT ON LOT 13, BLOCK 1, AMENDING PLAT OF RESUBDIVISION PLAT OF LOCKHART INDUSTRIAL PARK II, REVISION NO. 2, CONSISTING OF 7.069 ACRES LOCATED AT 115 EAST MLK JR. INDUSTRIAL BOULEVARD.**

Mayor White opened the public hearing at 8:00 p.m.

Mr. Gibson stated that in October in 2012, the subject property was rezoned from IL to CHB so that a proposed hotel could be constructed on it. The hotel project did not happen, however, and the lot has remained vacant. Because it is in the industrial park, with no frontage on Colorado Street, the lot is actually better suited for industrial development. An industrial business proposes to construct a new facility on the site, and needs the requested IL zoning for that use. Therefore, this application simply rezones the property back to its original classification. Industrial use of the lot would be compatible with the existing and intended uses in the industrial park. The lot is behind the commercial development along Colorado Street, and behind any future commercial development on the vacant lots adjacent to the north. There are no nearby residential uses or zoning. Therefore, no adverse impact on the surrounding area is anticipated. The proposed IL zoning classification is consistent with the Land Use Plan map designation of industry for this lot. No opposition has been expressed, either in writing or at the Planning and Zoning Commission meeting. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Spencer Collins, Austin, Texas, stated that Mr. Patel hired him to sell the property. A buyer was identified that would be able to build on the property, yet they would need the IL zoning in order for the business to be compliant with Lockhart's zoning regulations.

Bill Kirby, Harrisburg Pennsylvania, stated that they are interested in purchasing the property and that rezoning the property to industrial would fit their business to be in compliance with Lockhart's zoning regulations. He requested approval. There was discussion.

Mayor White requested additional citizens to address the Council in favor of or against the zoning change. There were none. He closed the public hearing at 8:10 p.m.

**ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2020-29 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 13, BLOCK 1, AMENDING PLAT OF RESUBDIVISION PLAT OF LOCKHART INDUSTRIAL PARK II, REVISION NO. 2, CONSISTING OF 7.069 ACRES LOCATED AT 115 EAST MLK JR. INDUSTRIAL BOULEVARD, FROM CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO IL INDUSTRIAL LIGHT DISTRICT.**

Councilmember Michelson made a motion to approve Ordinance 2020-29, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 9. EXECUTIVE SESSIONS.**

Mayor White announced that the Council would enter Executive Session regarding the items listed below at 8:11 p.m.

**EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.074- TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE. Conduct the annual City Manager evaluation.**

**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. Discussion with City Attorney to receive legal advice regarding the Lockhart Farmers Market.**

**ITEM 10. OPEN SESSION.**

Mayor White announced that the Council would enter Open Session at 9:31 p.m. regarding the following:

**ITEM 10-A. DISCUSSION AND/OR ACTION REGARDING RESOLUTION 2020-30 AUTHORIZING A SALARY ADJUSTMENT FOR CITY MANAGER, STEVEN LEWIS AND ADDENDUM TO THE CITY MANAGER AGREEMENT EFFECTIVE AUGUST 28, 2018 BY AND BETWEEN THE CITY OF LOCKHART AND STEVEN LEWIS.**

Mayor Pro-Tem Sanchez made a motion to increase the City Manager's salary by 5%. Councilmember Bryant seconded. The motion passed by a vote of 7-0.

**ITEM 10-B. DISCUSSION AND/OR ACTION REGARDING THE LOCKHART FARMERS MARKET.**

Councilmember McGregor made a motion to suspend all Farmers Markets until the City can meet with the County, Farmers Market Board and Downtown businesses to discuss possible future regulations for markets on the square. 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 and 5C. Councilmember Michelson 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 City Council meeting of December 1, 2020.
- 5B: Award fuel bid to Sun Coast Resources, Inc. of Houston, Texas with a profit margin of 3.85 cents per gallon for gasoline and 3.85 cents per gallon for diesel over the Oil Price Information Services (OPIS) price from Austin, Texas, RACK, posted weekly. If approved, the term of the contract will be for one year.
- 5C: Approve a ten (10) year extension of the Lockhart Municipal Airport Fixed Based Operator (FBO) Lease Agreement with Martin & Martin Aviation, LLC., comprised of Keith Uhls and Reine Smith, and approving the Mayor to sign if approved.

**ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER RESCHEDULING COUNCIL MEETINGS IN 2021 DUE TO A POSSIBLE CONFLICT WITH OTHER EVENTS.**

Mayor Pro-Tem Sanchez made a motion to cancel the October 5, 2021 meeting. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER THE MAYOR'S DECLARATION OF LOCAL DISASTER REGARDING REQUIRING FACE COVERINGS, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.**

Mayor White stated that notices about non-compliance will be mailed to businesses that are not in compliance with COVID-19 protocols this week.

**ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.**

Mayor White requested appointments to boards and committees.

Councilmember Michelson made a motion to re-appoint several members as listed below. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

Board of Adjustment - Wayne Reeder  
Electric Board - Ian Stowe  
Library Board – Donaly Brice  
Parks & Recreation Board – Russell Wheeler  
Planning & Zoning Commission – Rick Arnic

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

- City of Lockhart was awarded its first Certificate of Achievement for Excellence in Financial Reporting for the city's financial report for the Fiscal Year ending September 30, 2019 by the Government Finance Officers Association (GFOA).
- Police entrance exam will be held Saturday, December 19, 2020. To ensure social distancing the exam will be held at The Connection Center.
- Recently hired 3 new firefighters, and possibly another 3 before the end of the year.
- Update regarding water service transfers from Polonia Water Supply Corp. to the City of Lockhart.
- Update regarding on-going Street resurfacing projects.
- Update on traffic control changes on SH 130.
- Update regarding Swagit running audio/video during Council meetings.
- City will install new Cloud based phone system by end of February 2021.
- Library Updates:
  - Dickens' 2020 Reverse Parade.
  - Story Walk in the Park continues.
  - Preparations are underway for the 2020 Tax Aid season.

**ITEM 8. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST**

Councilmember Westmoreland wished everyone Happy Holidays.

Councilmember Mendoza wished everyone Happy Holidays. He thanked Central Texas Refuse for donating a dumpster for the cleanup at the old Carver School.

Mayor Pro-Tem Sanchez thanked everyone involved for the successful Reverse Dickens Lighted Parade. She expressed condolences to the families of Tiburcio Vasquez, Christina Torres, Diana Alvarez, Nicolasa Samaro Alfaro, and Lucy Serrato, Leo Rizzuto, Billy Willenberg, Richard Moya and Frances Gage for their loss. She wished everyone Happy Holidays.

Councilmember McGregor wished everyone Happy Holidays and encouraged everyone to stay safe.

Councilmember Bryant thanked volunteers that assisted with the cleanup at the old Carver School. He thanked the Victims' Assistance Team for the virtual Tree of Angels ceremony. He encouraged everyone to safely tour the city to view the Christmas lights throughout the community. He wished everyone Happy Holidays.

Councilmember Michelson wished everyone Happy Holidays. He thanked staff for all their efforts for handling situations during the pandemic.

Mayor White wished everyone Happy Holidays. He thanked the community and staff for staying safe and for following COVID-19 safety protocols.

**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 9:53 p.m.

PASSED and APPROVED this the 5<sup>th</sup> day of January 2021.

**CITY OF LOCKHART**

  
\_\_\_\_\_  
Lew White, Mayor

ATTEST:

  
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Connie Constancio, TRMC  
City Secretary

