

**LOCKHART CITY COUNCIL
REGULAR MEETING**

JUNE 20, 2017

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 John Castillo
Councilmember Benny Hilburn
Councilmember Brad Westmoreland

LEDC present:

Alan Fielder
Alfredo Munoz

Frank Estrada

Staff present:

Vance Rodgers, City Manager
Jeff Hinson, Finance Director
Kevin Waller, Assistant City Planner

Connie Constancio, City Secretary
Rob Tobias, Economic Development Director

Citizens/Visitors Addressing the Council: Patti Knudson Joiner, Lynne Humphries, Damon Williams of the Law Firm of Allen, Boone, Humphries & Robinson; and, Citizens, Somer Bishop, Roy Stephens, Jr., James Bagwell, David Marquez, Meredith Knight, Derrick David Bryant, Mary Bryant, Jeffery Goodwin, Tracy Martin, Annalisa Mayfield, Lonna Fleming, Bryan Brassel, Refugio Rangel, Anthony Miller, Connie Tello, Cody Seibert, Herb Sladek, Rene Rayos, Greg Taylor, Kara McGregor, and Sam Menesas.

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:

PRESENTATION ONLY

A. PRESENTATION BY AND DISCUSSION WITH PATTI KNUDSON JOINER OF KNUDSON, LLP, A SPECIAL DISTRICT/TAX INCREMENT FINANCING (TIF) CONSULTANT AND LYNNE HUMPHRIES, A PRINCIPAL OF THE LAW FIRM ALLEN, BOONE, HUMPHRIES, ROBINSON (ABHR), REGARDING ECONOMIC DEVELOPMENT TOOLS TO IMPLEMENT SUSTAINABLE PROJECT PLAN AND VISION.

Rob Tobias, Economic Development Director, introduced Lynn Humphries and Patti Knudson Joiner, and Damon Williams of the Law Firm of Allen, Boone, Humphries & Robinson that will be presenting information about special district/tax increment financing.

Lynn Humphries and Patti Knudson Joiner gave a presentation and there was discussion regarding the process to create a special district/tax increment financing.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF JUNE 6, 2017 AND JUNE 8, 2017.

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

B. DISCUSS THE JOINT ELECTION INTERLOCAL GOVERNMENT CONTRACT WITH THE CALDWELL COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT ELECTION SERVICES FOR THE CITY OF LOCKHART'S GENERAL AND SPECIAL ELECTIONS ON NOVEMBER 7, 2017.

Ms. Constancio stated that the Caldwell County Elections Administrator (County EA) is conducting Elections on November 7, 2017. The City of Lockhart will hold a General Election for the positions of Mayor, Councilmember District 3 and Councilmember District 4 and a Special Election to present nine charter amendment propositions to the voters on November 7, 2017. In the interest of a public purpose, the City of Lockhart has contracted with the County EA to conduct City Elections since 2010 to enable all propositions and public official positions for entities within Caldwell County to be on one ballot. City of Lockhart shall reimburse the County EA expenses for the 2017 City of Lockhart General and Special Elections at a percentage that is dependent upon the number of entities participating in the November 7, 2017 Election. The costs/percentage shall be equally prorated between the participating entities. In addition, City of Lockhart shall pay an administrative fee of 10% of the total cost of the election. Ms. Constancio recommended approval. There was brief discussion.

C. DISCUSS ORDINANCE 2017-16 ORDERING A GENERAL AND A SPECIAL ELECTION ON NOVEMBER 7, 2017 FOR THE PURPOSE OF ELECTING ONE MAYOR, ONE COUNCILMEMBER DISTRICT 3, ONE COUNCILMEMBER DISTRICT 4, AND TO SUBMIT CITY CHARTER AMENDMENTS; PROVIDING FOR JOINT ELECTION WITH CALDWELL COUNTY, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTIONS, ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTIONS.

Ms. Constancio stated that the City Council positions that are up for election on November 7, 2017 are Mayor, District 3, and District 4. The City will also be conducting a Special election to present nine Charter amendment propositions to the voters. The Caldwell County Elections Administrator (County EA) will be conducting the November 7, 2017 election for several entities that includes the City of Lockhart. The Ordinance provides details about the election and indicates that the City will contract with the County EA to conduct the election. City of Lockhart will receive applications for a place on the ballot, post and publish notices, prepare ballot language, and be available to direct voters to the correct polling locations. The filing period for a place on the ballot is July 22 – August 21. Early voting will be conducted October 23 – November 3 at the Scott Annex Building at 1403 Blackjack Street in Lockhart during the hours listed in the ordinance. Ms. Constancio recommended approval. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:15 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the regular meeting of the Lockhart City Council to order on this date at 7:35 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Invocation - Ministerial Alliance.

Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.

Mayor White requested the following citizen to address the Council:

Somer Bishop, Nashville, New York, stated that she recently moved to Lockhart and expressed her appreciation of the friendly community.

Mayor White requested additional citizens to address the Council that were not wishing to speak regarding a zoning change. There were none.

ITEM 5-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-06 BY ROY STEPHENS ON BEHALF OF LIBERTY OAKS JV, LLC, AND JAMES CASEY, LTD, FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT AND AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT FOR A TOTAL OF 15.028 ACRES CONSISTING OF 11.391 ACRES IN THE JAMES GEORGE LEAGUE, ABSTRACT NO. 9, LOCATED AT 1515, 1517, AND 1519 BLACKJACK STREET (FM 20), AND LOT 2, BLOCK 1, REYNA ACRES, CONSISTING OF 3.637 ACRES LOCATED AT 1541 LOVERS LANE.

Mayor White opened the public hearing at 7:39 p.m. and requested the staff report.

Mr. Waller stated that the parcels addressed at 1515 and 1517 Blackjack Street, and 1541 Lovers Lane, are currently zoned RLD Residential Low Density District. The parcel addressed at 1519 Blackjack is currently zoned AO Agricultural-Open Space District. The parcels at 1515 and 1517 Blackjack Street were rezoned from AO to RLD in June 2004, and a preliminary plat of a proposed single-family subdivision of those lots to be called Liberty Oaks Estates was approved in July 2005. A final plat was never submitted or approved. 1541 Lovers Lane is part of a subdivision platted as Reyna Acres and recorded in September 2016, and which was rezoned from AO to RLD in June 2016. The plans for Liberty Oaks Estates have changed as the applicant has acquired additional land and the original layout will be changed to include lots that are smaller than the minimum allowed in the RLD district. There is industrial zoning abutting a portion of the west boundary of the subject property, and AO zoning along the east boundary which, if rezoned in accordance with the land use plan map, could result in the front 750 feet being developed as heavy commercial with the remainder being low density residential. The proposed RMD zoning represents an appropriate intensity between low density residential and the existing abutting industrial classification and potential future abutting commercial zoning classification, while being only one step more intense than the existing RLD classification of the majority of the subject property. Three owners of nearby property spoke against this rezoning at the Planning and Zoning Commission meeting. Mr. Waller stated that staff and the Planning and Zoning Commission recommend approval.

There was discussion.

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

Roy Stephens, Jr., 1515 Blackjack, spoke in favor of and requested approval of the zoning change. He explained that he planned to develop a gated subdivision if the zoning change is approved.

Mayor White requested additional citizens to address the Council that are in favor of the zoning change. There were none.

Mayor White requested the following citizens to address the Council that were against the zoning change: James Bagwell, 1535 Lovers Lane, spoke against the zoning change.

David Marquez, 1505 Blackjack, stated that he was not in favor of nor against the zoning change. He stated that he owns the business at 1505 Blackjack and wanted to remind the Council and the developer that his truss business operates 24 hours a day 7 days a week. He requested that citizens that purchase a home in the proposed subdivision be informed of his business hours.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:00 p.m.

ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-13 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 15.028 ACRES CONSISTING OF 11.391 ACRES IN THE JAMES GEORGE LEAGUE, ABSTRACT NO. 9, LOCATED AT 1515, 1517, AND 1519 BLACKJACK STREET (FM 20), AND LOT 2, BLOCK 1, REYNA ACRES, CONSISTING OF 3.637 ACRES LOCATED AT 1541 LOVERS LANE, FROM RLD RESIDENTIAL LOW DENSITY DISTRICT AND AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.

Councilmember Mendoza made a motion to approve Ordinance 2017-13, as presented. Councilmember Hilburn seconded. There was discussion regarding the road condition of Lovers Lane. Mr. Rodgers stated that much of Lovers Lane is a County road and that if the subdivision is developed, there is a possibility that the City and County might share in costs of chip sealing the road. The motion passed by a vote of 7-0.

ITEM 4. DISCUSSION REGARDING PRESENTATION BY PATTI KNUDSON JOINER OF KNUDSON, LLP, A SPECIAL DISTRICT/TAX INCREMENT FINANCING (TIF) CONSULTANT AND LYNNE HUMPHRIES, A PRINCIPAL OF THE LAW FIRM ALLEN, BOONE, HUMPHRIES, ROBINSON (ABHR), REGARDING ECONOMIC DEVELOPMENT TOOLS TO IMPLEMENT SUSTAINABLE PROJECT PLAN AND VISION.

Mayor White announced that the presentation was made during the work session.

ITEM 5-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-09 BY MEREDITH KNIGHT ON BEHALF OF 2HK, LLC FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT FOR 2.24 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1511 WEST SAN ANTONIO STREET (SH 142).

Mayor White opened the public hearing at 8:05 p.m. and requested the staff report.

Mr. Waller stated that the applicant proposes to develop commercial uses on the subject property, consistent with the Lockhart 2020 Future Land Use Plan map. Starting in 2000, there have been three unsuccessful attempts to rezone this parcel to a commercial zoning classification. The nearest commercial zoning is one-half block to the west on the opposite side of San Antonio Street, approximately 250 feet from the subject property. However, the tract directly across Mockingbird Lane to the west is also proposed to be rezoned to CMB, and both tracts are designated for future commercial development by the Lockhart 2020 Future Land Use Plan map. According to the policies of the Lockhart 2020 Comprehensive Plan, a commercial node such as this is appropriate at the intersection of arterial streets. The Lockhart 2020 Thoroughfare Plan identifies both San Antonio Street and North Mockingbird Lane as arterial streets, while Mockingbird Lane south of San Antonio Street is designated as a collector street. The requested CMB zoning classification is consistent with the Lockhart 2020 Future Land Use Plan map, designation of Light-Medium Commercial. At the

Planning and Zoning Commission meeting, 16 people spoke against both this application and application ZC-17-10 for a similar rezoning of property on the opposite side of Mockingbird Lane. Twenty-two letters of opposition were submitted at that meeting, but they represent the owners of only 6.9 percent of the area within 200 feet of the subject property in this case. Only written protests are valid in terms of triggering the requirement for a 3/4 majority (six votes) to approve the zoning change. Copies of the protest letters and two documents that were attached to many of the letters, which also apply to the accompanying application ZC-17-10. Mr. Waller stated that staff and the Planning and Zoning Commission recommend approval.

There was discussion.

Mayor White requested the applicant to address the Council:

Meredith Knight, applicant, presented information about the proposed development of a convenience store on the proposed property. There was discussion.

Councilmember Hilburn announced that he would abstain from discussion and voting on ZC- 17-09 and ZC-17-10 due to a conflict of interest.

Mayor White requested citizens to address the Council that were in favor of the zoning change. There were none.

Mayor White requested the following citizens address the Council:

The following citizens spoke against the zoning change:

Derrick David Bryant, 1525 Shenandoah Cove
 Mary Bryant, 1525 Shenandoah Cove
 Jeffery Goodwin, 1612 Wedgewood Trail
 Tracy Martin, 1612 Wedgewood Trail
 Annalisa Mayfield, 1518 Windridge Drive
 Lonna Fleming, 1602 Windridge Drive
 Bryan Brassel, 1513 Windridge Drive
 Refugio Rangel, 1520 Shenandoah Cove
 Anthony Miller, 1508 W. San Antonio Street
 Connie Tello, 1512 West San Antonio Street
 Cody Seibert, 1516 Windridge Drive
 Herb Sladek, property owner of 1612 Windridge
 Rene Rayos, 1608 Shenandoah Trail
 Greg Taylor, 1600 Shenandoah Trail

Kara McGregor, 604 W. San Antonio Street, stated that several residents in the Windridge subdivision requested that she address the Council to speak about her experience of living across the street of a convenience store. She expressed negative feedback about living near a convenience store.

Sam Menesas, 1606 Shenandoah Trail, spoke against the zoning change.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:16 p.m.

ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-14 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 2.24 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1511 WEST SAN ANTONIO STREET (SH 142), FROM RLD RESIDENTIAL LOW DENSITY DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.

There was discussion.

Councilmember Castillo made a motion to deny the zoning change/Ordinance 2017-14, as presented. Mayor Pro-Tem Sanchez seconded. The motion failed by a vote of 3-3-1, with Mayor White and Councilmembers Mendoza and Michelson opposing and Councilmember Hilburn abstaining.

ITEM 5-E. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-10 BY MEREDITH KNIGHT ON BEHALF OF 2HK, LLC FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT FOR 2.63 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1601 WEST SAN ANTONIO STREET (SH 142).

Mayor White opened the public hearing at 9:40 p.m. and requested the staff report.

Mr. Waller stated that the applicant proposes to develop commercial uses on the subject property, consistent with the Lockhart 2020 Future Land Use Plan map. Starting in 2000, there have been three unsuccessful attempts to rezone this parcel to a commercial zoning classification. There is CLB zoning directly across San Antonio Street, and the tract directly across Mockingbird Lane to the east is proposed to be rezoned to CMB, so the proposed commercial zoning of the subject tract would not be isolated from other commercial zoning. All of the tracts with existing and proposed commercial zoning classifications are designated for future commercial development by the Lockhart 2020 Future Lane Use Plan map. According to the policies of the Lockhart 2020 Comprehensive Plan, a commercial node such as this is appropriate at the intersection of arterial streets. The Lockhart 2020 Thoroughfare Plan identifies both San Antonio Street and North Mockingbird Lane as arterial streets, while Mockingbird Lane south of San Antonio Street is designated as a collector street. In addition, there is a lot zoned RHD and containing two duplexes on the south side of San Antonio Street at Mockingbird Lane, directly across from the subject tract. At the Planning and Zoning Commission meeting, 16 people spoke against both this application and application ZC-17-09 for a similar rezoning of property on the opposite side of Mockingbird Lane. Twenty-two letters of opposition were submitted at that meeting, but they represent the owners of only 5.2 percent of the area within 200 feet of the subject property in this case. Only written protests are valid in terms of triggering the requirement for a 3/4 majority (six votes) to approve a zoning change. Therefore, an affirmative vote of a simple majority of the Councilmembers is sufficient to approve this zoning change. Mr. Waller stated that staff and the Planning and Zoning Commission recommend approval.

Mayor White requested the applicant to address the Council.

Meredith Knight, applicant, stated that she made a presentation during the previous item. She offered to answer additional questions. There were no additional questions of the Council.

Mayor White requested citizens to address the Council that were in favor of the zoning change. There were none.

Mayor White requested citizens to address the Council that were against the zoning change.

The following citizens spoke against the zoning change:

Annalisa Mayfield, 1518 Windridge Drive

Jeffrey Goodwin, 1612 Wedgewood Trail

Lonna Fleming, 1602 Windridge Drive

Mary Bryant, 1525 Shenandoah Cove

Greg Taylor, 1600 Shenandoah Trail

Anthony Miller, 1508 W. San Antonio, requested clarification about the vote on ZC-17-09. Mayor White replied that the vote on ZC-17-09 failed. Mr. Miller also spoke against ZC-17-10.

Derrick David Bryant, 1525 Shenandoah Cove

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 10:00 p.m.

ITEM 5-F. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-15 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 2.63 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1601 WEST SAN ANTONIO STREET (SH 142), FROM RLD RESIDENTIAL LOW DENSITY DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.

There was brief discussion.

Councilmember Castillo made a motion to deny the zoning change/ Ordinance 2017-15, as presented. Mayor Pro-Tem Sanchez seconded. The motion failed without a simple majority vote by a vote of 3-3-1, with Mayor White and Councilmembers Mendoza and Michelson opposing and Councilmember Hilburn abstaining.

ITEM 6. CONSENT AGENDA.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 6A, 6B, and 6C. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

6A: Approve minutes of the City Council meetings of June 6, 2017 and June 8, 2017.

6B: Approve the Joint Election Interlocal Government Contract with the Caldwell County Elections Administrator to conduct Election Services for the City of Lockhart's General and Special Elections on November 7, 2017.

6C: Approve Ordinance 2017-16 ordering a General and a Special Election on November 7, 2017 for the purpose of electing One Mayor, One Councilmember District 3, One Councilmember District 4, and to submit City Charter Amendments; providing for Joint Election with Caldwell County, making provisions for the conduct of the Elections, ordering Notice of Election to be given as prescribed by law; and making provisions for the conduct of the elections.

ITEM 7-A. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards, commissions or committees. There were none.

Councilmember Hilburn announced that Ken Doran resigned from the Lockhart Economic Development Corporation effective immediately. He will replace the position soon.

ITEM 8. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.

- Update: US Hwy 183 expansion project, Blackjack to Wal-Mart; the last design puts all drainage waters on the west side until it gets down to the ditch between Smith Supply and Walmart.
- Update: Bids will be advertised within the next 45-60 days for expansion and improvements at Fire Station # 3 on Borchert Lane; the idea is to finish it, move crews there, and then start major renovations of Fire Station # 1.
- Update: Bids will soon go out for the drainage interceptor ditches West of US 183.
- Update: Pre-construction meetings set up within next 10 days for the sewer main along the railroad track and also for the Ash, Comal, Pine Street drainage projects.
- Update: Summer Reading Program in progress.
- Update: Four police patrol offices hired leaving only one vacancy which should be filled by September.
- Report: Chisholm Trail Parade and Park Event.
- Reminder: Movies in the Park
 - June 17, Sing
 - July 15, The Jungle Book
 - August 12, Finding Dory
- Announcement: Still taking City Pool Lifeguard Applications.
- Welcome to new Department Head, Erin Westmoreland as Municipal Court Administrator.
- November 7, 2017 Election – Candidate packets are available for the positions of Mayor, Councilmember District 3 and Councilmember District 4. First day to file for a place on the ballot is July 22 and last day to file is August 21 at 5:00 p.m.
- Reminder: Next Council meeting is Thursday, July 6, 2017 of which the Fiscal Year 2017-2018 budget will be presented.

ITEM 9. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST

Councilmember Mendoza thanked staff for the street work in District 1.

Mayor Pro-Tem Sanchez expressed prayers to the families of Rene Rangel and Erik Williams. She congratulated George and Bonnie Hazelett on their 50th Wedding Anniversary and thanked them for their continued support to the community.

Councilmember Hilburn congratulated Erin Westmoreland for being promoted to Municipal Court Manager.

Councilmember Castillo invited future college students to the Summer Speaker Series, on Saturday, June 24 and future Saturdays in the Library, 3rd Floor. The June 24 topic will be about financial aid. He thanked staff for their work.

Councilmember Michelson thanked Mr. Rodgers for his hard work and he thanked the Street crew for taking care of an issue in his District.

Mayor White congratulated the Lockhart Chamber on the successful Chisholm Trail Roundup event. He wished everyone a happy and safe 4th of July. Fireworks display will be held on Monday, July 3 at City Park. He thanked citizens for attending tonight's meeting.

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 10:11 p.m.

PASSED and APPROVED this the 6th day of July 2017.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

