

**LOCKHART CITY COUNCIL
REGULAR MEETING**

NOVEMBER 16, 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

Councilmember John Castillo
Councilmember Kara McGregor (incoming Councilmember)
Councilmember Brad Westmoreland

Council absent:

Mayor Lew White

Councilmember Benny Hilburn

Staff present:

Vance Rodgers, City Manager
Ernest Pedraza, Police Chief

Connie Constancio, City Secretary
Josh Childress, Police Lieutenant

Citizens/Visitors Addressing the Council: Eric Amaya, Steve Rush, Joe Ruiz, Crayton Hickey, and Tracey Julian, Citizens.

Work Session 6:30 p.m.

Mayor Pro-Tem Sanchez opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

Mayor Pro-Tem Sanchez announced Councilmember Benny Hilburn and Mayor Lew White will not in attendance.

DISCUSSION ONLY

Mayor Pro-Tem Sanchez stated that Police Chief Ernest Pedraza would introduce a new addition to the Lockhart Police Department. Chief Pedraza introduced the drug dog, Rocky and his handler, Officer Matt Shira. Officer Shira gave a demonstration that reflected Rocky's talent in detecting illegal drugs.

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF OCTOBER 17, 2017.

Mayor Pro-Tem Sanchez requested corrections to the minutes. There were none.

B. DISCUSS RESOLUTION 2017-18 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS, CRIMINAL JUSTICE DIVISION, FOR ASSISTANCE IN THE PURCHASE OF RIFLE-RESISTANT BODY ARMOR FOR LOCKHART POLICE OFFICERS.

Mr. Rodgers stated that the Resolution is being brought back to the Council for re-consideration after Resolution 2017-09 adopted by the Council on September 19, 2017 was returned by the Office of the Governor, Criminal Justice Division for not including the provision that the City agrees to return funds in the case of loss or misused grant funds. An updated Resolution with that provision is presented to the Council for consideration to allow re-submission of the grant application for the body armor grant to the Office of the Governor, Criminal Justice Division.

Officer Josh Childress provided information about the necessity of the body armor. There was discussion.

C. DISCUSS RESOLUTION 2017-19 CASTING VOTES FOR THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2018 UNTIL DECEMBER 31, 2019.

Mr. Rodgers stated that the Council voted during the September 19, 2017 Council meeting to approve Resolution 2017-12 that provided the name of Alfredo Munoz as the City of Lockhart's nomination to be placed on a ballot for the CCAD Board of Directors. The ballot attached as Exhibit A enables each taxing entity to cast votes for the CCAD Board of Directors for the term of office from January 1, 2018 to December 31, 2019. The City of Lockhart is entitled to cast 457 votes. Deadline to submit the votes to the CCAD is December 15, 2017. Staff will submit the necessary documentation to the CCAD after the Council has cast their vote(s). There was discussion.

RECESS: Mayor Pro-Tem Sanchez announced that the Council would recess for a break at 6:40 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Pro-Tem Angie Gonzales-Sanchez called the regular meeting of the Lockhart City Council to order on this date at 7:30 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Invocation – Councilmember John Castillo
Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.

Mayor Pro-Tem Sanchez requested citizens to address the Council. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-15 BY ROY STEPHENS ON BEHALF OF FLORES MH JV, LLC., AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-43, FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO MH MANUFACTURED HOME DISTRICT ON 23.613 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 601 FLORES STREET (FM 672). [WITHDRAWN]

Mayor Pro-Tem Sanchez announced that the applicant has withdrawn the zoning change application. No action will be taken.

ITEM 4-B. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-16 BY NARJISSE MEDHOUS FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON LOT 18, BLOCK 6, PARKWAY SUBDIVISION, SECTION IV, LOCATED AT 1012 FANNIN STREET.

Mayor Pro-Tem Sanchez opened the public hearing at 7:34 p.m. and requested the staff report.

Mr. Gibson stated that the applicant also owns the vacant lot at 1013 Crockett Street, which is zoned RMD and adjacent to the rear of the subject lot. An 80-foot wide LCRA power-line easement extends at an angle through both lots such that the Crockett Street lot does not have enough buildable lot area. Because the Crockett Street lot is not developable by itself, the applicant plans to replat the two lots into one, and to construct a duplex, which is not allowed by the current RLD zoning of the subject lot, but would be allowed by the existing RMD zoning of the Crockett Street lot if the LCRA easement were not present. Existing RMD zoning abuts the subject lot to the east, as well as across Fannin Street to the west. When mapped, rezoning of the subject lot to RMD would result in a continuous area of RMD in the east-west direction, with RLD adjacent to the north and south of the subject lot. This would not be unreasonable in a neighborhood that already has a mixture of both RLD and RMD zoning classifications. A duplex on a relatively large corner lot would not be out of character with the area. The Lockhart 2020 Future Land Use Plan map envisions the subject property as Low Density Residential, which is consistent with the existing RLD zoning of the site. However, because the subject lot and the lot behind it are to be platted into one large lot that will be over half an acre in size, the construction of a duplex on it would still be considered low density. The owner of 1022 Alamo Street spoke in opposition to the rezoning at the Planning and Zoning Commission public hearing. After that meeting, a protest petition was submitted containing the names of owners of six lots within 200 feet of the subject property. Because collectively they own more than 20 percent of the land area within 200 feet, the rezoning cannot be approved unless there is an affirmative vote of at least $\frac{3}{4}$ of all members of the Council, which is six members. With only five members present, the Council cannot approve the rezoning. Mr. Gibson recommended that the public hearing be held to accommodate the citizens who were in attendance to speak on this item, but that the Council continue the hearing to the December 5th meeting, when all members were expected to be present. Mr. Gibson stated that staff and the Planning and Zoning Commission recommend approval.

Mayor Pro-Tem Sanchez requested the applicant to address the Council. The applicant was not present. She requested citizens in favor of the zoning change to address the Council. There were none.

Mayor Pro-Tem Sanchez requested the following citizens against the zoning change to address the Council:

Eric Amaya, 1010 Alamo, stated that he was against the zoning change because they currently experience issues with high traffic and parking with the existing duplexes in the area. He stated that many residents of the duplexes currently park in front of his house and citizens use his driveway as a turn around. He is opposed to additional duplexes being built in the neighborhood.

Steve Rush, 1016 Alamo, stated that he was against the zoning change because of the criminal activity, high traffic and the lack of parking in front of his lot with the tenants in the existing duplexes using all of the street to park. He is opposed to additional duplexes being built in the neighborhood.

Joe Ruiz, owner of 1009 Fannin, stated that he believes that the owner of 1013 Crockett should have known about the utility easement when they originally purchased the property. He stated that he plans to build a single-family home on his property and hopes that a single-family home would be built on 1013 Crockett instead of a duplex. He stated that he believes that homeowners tend to take better care of their property than tenants of rental properties. He stated that he is opposed to additional duplexes being built in the neighborhood.

Crayton Hickey, owner of 1011 Fannin, stated that he is in the process of building a single-family home on his lot. He stated that he is opposed to additional duplexes being built in the neighborhood and stated that he believes that homeowners take better care of their property than tenants. He expressed concern about the additional traffic, parking issues and property values of the single-family homes.

Tracey Julian, 1008 Fannin, stated that she just purchased the home north of the property that is proposing to be rezoned. She stated that she believes that homeowners care for their property more than tenants and that they would not have purchased the home if they had known that a duplex would be allowed to be built next door. She stated that she is opposed to a duplex being built next to her home.

Mayor Pro-Tem Sanchez requested additional citizens to address the Council that were in favor of or against the zoning change. There were none. She closed the public hearing at 8:00 p.m.

ITEM 4-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-44 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 18, BLOCK 6, PARKWAY SUBDIVISION, SECTION IV, CONSISTING OF 0.31 ACRE LOCATED AT 1012 FANNIN STREET, FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.

Councilmember Michelson made a motion to table the item to the December 5, 2017 council meeting. Councilmember Westmoreland seconded. The motion passed by a vote of 5-0.

Mayor Pro-Tem Sanchez announced that the item would be returned for consideration during the December 5, 2017 Council meeting.

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 5-0.

The following are the consent agenda items that were approved:

5A: Approve minutes of the City Council meeting of October 17, 2017.

5B: Approve Resolution 2017-18 authorizing the submission of a grant application to the Office of the Governor of the State of Texas, Criminal Justice Division, for assistance in the purchase of rifle-resistant body armor for Lockhart Police Officers.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2017-19 CASTING VOTES FOR THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2018 UNTIL DECEMBER 31, 2019.

Councilmember Mendoza made a motion to approve Resolution 2017-19 casting 457 votes to Alfredo Munoz for the Caldwell County Appraisal District Board of Directors. Councilmember Castillo seconded. The motion passed by a vote of 5-0.

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

Mayor Pro-Tem Sanchez requested appointments to various boards, commissions or committees. There were none.

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

- Update: Work 70% complete by Smith Contracting on Ash, Comal, Pine Streets with most of the curb and first layer of black base in place; weather-permitting should complete in about 3 weeks.
- Update: Work 95% complete for Evans Constructions installation of the large wastewater main along the north side of the railroad tracks near SH 130, north of SH 142.
- Update: US 183 Interceptor ditches 90% complete.
- Update: Corporal Jason K. LaFleur Sports Complex parking lot lighting complete and lighting for two fields progressing.
- Update: Electric crew will soon start a lighting project on the popular Maple Walkway between San Jacinto and Corporal Jason K. LaFleur Sports Complex; the project will have a dual purpose because it will involve setting new poles for the new substation three-phase feeder line extension eastward from the park to Mockingbird Lane.
- Update: Planning Department workloads involving zoning/variance cases, specific use applications, and subdivision plats have increased significantly this year when compared to last year and many more meetings about possible developments.
- Update: Staff will soon go out for bids for sealing the windows and brick surfaces at the Library Annex; have been testing products.
- Update: A preconstruction meeting will be held next week for Phase 3 of Meadows at Clearfork residential subdivision which involves rebuilding a portion of Maple Street near the park.
- Update: Meeting with Texas Parks and Wildlife officials earlier week about the feasibility of hotel development in and around the Lockhart State Park.
- Reminder: The Parks Master Plan Steering Committee has met twice and will meet again on Tuesday, November 28 at 6 pm with another Public Input meeting on Wednesday, December 6, 6 pm.
- Reminder: Ad-Hoc Committee to consider uses for the St Paul United Church of Christ property donation will meet on Monday, November 13 here at City Hall at 3:30 pm
- Reminder: Dickens preparation in full swing with more details to be provided at Council regular meeting on November 21.
 - Report: Dia de los Muertos event downtown last weekend.
 - Announcement: Caldwell County Tree of Angels Annual ceremony will be held on Monday, December 4, 2017 at 7:00 p.m. at the First Lockhart Baptist Church.

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

Councilmember Mendoza thanked the Light up Lockhart committee for the festive Christmas decorations in town. He wished everyone a safe and Happy Thanksgiving.

Councilmember Michelson congratulated the Ohlendorf family for the dedication of the Gerry Ohlendorf Performing Arts Center that opened on Tuesday, November 14. He wished everyone a safe and Happy Thanksgiving.

Councilmember Castillo thanked citizens of District 2 for their patience during the continued road improvements. He thanked the Light up Lockhart committee for the Christmas decorations and wished everyone a Happy Thanksgiving. He congratulated the newly elected officials.

Mayor Pro-Tem Sanchez expressed condolences to the families of Domonic Carter, Gwen Till, and Gerry Ohlendorf for their loss. She wished everyone a safe and Happy Thanksgiving.

COUNCIL ACTION REGARDING THE NOVEMBER 7, 2017 GENERAL AND SPECIAL ELECTIONS
ITEM 9-A. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-45 OF THE CITY
COUNCIL OF THE CITY OF LOCKHART, TEXAS, CANVASSING THE SPECIAL ELECTION
HELD NOVEMBER 7, 2017 FOR THE PURPOSE OF SUBMITTING PROPOSITIONS TO THE
VOTERS REGARDING CITY CHARTER AMENDMENTS AND ORDERING THAT THE CHARTER
AMENDMENTS, AS APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS OF THE CITY,
ARE HEREBY ADOPTED; PROVIDING FOR A SEVERABILITY; PROVIDING A REPEALER;
PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Pro-Tem Sanchez announced that the election results of the November 7, 2017 Special Election for City Charter amendment propositions would be read as follows:

- Mayor Pro-Tem Sanchez read Early Voting results
- Councilmember Juan Mendoza read District 1 results
- Councilmember John Castillo read District 2 results
- Councilmember Brad Westmoreland read District 3 results
- Councilmember Jeffry Michelson read District 4 results
- Mayor Pro-Tem Sanchez read the final grand total votes of each proposition

The majority of the qualified voters at said election approved City of Lockhart Propositions A-I as indicated in Ordinance 2017-45 and as listed below:

		EARLY VOTING	DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	TOTAL
CITY OF LOCKHART PROPOSITION NO. A The amendment of Section 3.01 of the City Charter to provide for the mayor and councilmembers, after elections, to take office as prescribed by the Texas Election Code.	FOR	257	39	54	147	94	591
	AGAINST	13	3	7	11	6	40
CITY OF LOCKHART PROPOSITION NO. B The amendment of Section of 3.02 of the City Charter to clarify and update the qualifications of city council members including residency requirements, and voter and age requirements, and disqualifications including absences, incapacity, and felony convictions.	FOR	252	40	56	149	95	592
	AGAINST	15	2	7	12	7	43

		EARLY VOTING	DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	TOTAL
CITY OF LOCKHART PROPOSITION NO. C The amendment of Section 3.03 of the City Charter to provide for the city council to be the final judge of elections and the qualifications of its members and any other elected city officials.	FOR	198	31	43	111	59	442
	AGAINST	69	11	19	47	39	185
CITY OF LOCKHART PROPOSITION NO. D The amendment of Section 4.01 of the City Charter to require a majority vote of the entire city council to appoint the city manager, and to provide for the city council to appoint the city manager for a definite or indefinite term.	FOR	227	34	53	132	85	531
	AGAINST	41	8	9	27	17	102
CITY OF LOCKHART PROPOSITION NO. E The amendment of Section 4.07 of the City Charter to provide that the city manager shall be heard prior to any changes to city offices and departments by the city council.	FOR	240	37	51	143	89	560
	AGAINST	25	5	10	14	12	66
CITY OF LOCKHART PROPOSITION NO. F The amendment of Section 5.04 of the City Charter to provide for the city secretary to draw candidates' names for offices to determine the order of names on official ballots, and to provide for printing of ballots and early voting as prescribed by the Texas Election Code.	FOR	252	34	49	140	85	560
	AGAINST	12	8	12	17	13	62

		EARLY VOTING	DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	TOTAL
CITY OF LOCKHART PROPOSITION NO. G The amendment of Section 9.02 of the City Charter to allow the city manager to submit proposed city budgets between 60 and 120 days prior to the beginning of each fiscal year.	FOR	254	37	54	142	94	581
	AGAINST	11	5	8	14	7	45
CITY OF LOCKHART PROPOSITION NO. H The amendment of Section 9.06 of the City Charter to remove the requirement that the city council fix the time and place of a public hearing on the budget at the meeting at which the budget is submitted.	FOR	173	27	32	95	56	383
	AGAINST	87	15	30	62	44	238
CITY OF LOCKHART PROPOSITION NO. I The amendment of Section 9.14 of the City Charter to remove the annual 3% budget contingency requirement and provide for the city council to set the emergency fund balance to be used in case of emergencies creating a grave public necessity.	FOR	215	32	34	109	65	455
	AGAINST	51	10	25	44	32	162

Councilmember Michelson made a motion to approve Ordinance 2017-45 canvassing the Special Election held on November 7, 2017 for the purpose of submitting propositions to the voters regarding City Charter amendments and ordering that the Charter Amendments, as approved by a majority of the qualified voters of the City, are hereby adopted. Councilmember Westmoreland seconded. The motion passed by a vote of 5-0.

ITEM 9-B. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2017-20 CANVASSING THE GENERAL ELECTION HELD ON NOVEMBER 7, 2017 FOR THE ELECTION OF MAYOR, COUNCILMEMBER DISTRICT 3, AND COUNCILMEMBER DISTRICT 4.

Mayor Pro-Tem Sanchez announced that the election results of the November 7, 2017 General Election would be read as follows:

- Mayor Pro-Tem Sanchez read Early Voting results
- Councilmember Juan Mendoza read District 1 results
- Councilmember John Castillo read District 2 results
- Councilmember Brad Westmoreland read District 3 results
- Councilmember Jeffry Michelson read District 4 results
- Mayor Pro-Tem Sanchez read the final grand total votes

		EARLY VOTING	CITY 1	CITY 2	CITY 3	CITY 4	TOTAL
MAYOR	Homer "Papa" Shaw	37	8	24	23	19	111
	Lew White	230	37	36	147	83	533
DISTRICT 3	Ray Sanders	54	0	0	71	0	125
	Kara McGregor	92	0	0	95	0	187
DISTRICT 4	Jeffry Michelson	59	0	0	0	83	142

The majority of the resident qualified electors voting at said election elected the following individuals:

- Lew White as Mayor
- Kara McGregor as Councilmember District 3
- Jeffry Michelson as Councilmember District 4

Councilmember Castillo made a motion to approve Resolution 2017-20 canvassing the General Election held on November 7, 2017 for the election of Mayor, Councilmember District 3 and Councilmember District 4. Councilmember Mendoza seconded. The motion passed by a vote of 5-0.

ITEM 9-C. ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS.

Mayor Pro-Tem Sanchez announced that the Oath of Office will be administered to Lew White as Mayor during the November 21, 2017 council meeting.

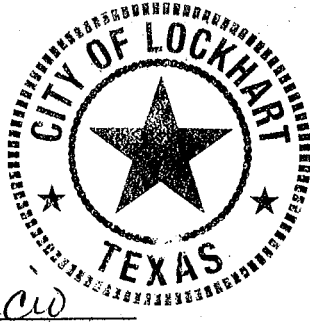
- Judge Todd Blomerth administered the Oath of Office to Kara McGregor as Councilmember District 3. Ms. Kara McGregor took her seat at the City District 3 seat at the council dias.
- Judge Todd Blomerth administered the Oath of Office to Jeffry Michelson as Councilmember District 4.

ITEM 10. ADJOURNMENT.

Councilmember Mendoza made a motion to adjourn the meeting. Councilmember McGregor seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 8:30 p.m.

PASSED and APPROVED this the 5th day of December 2017.

CITY OF LOCKHART



Lew White

Lew White, Mayor

ATTEST:

Connie Constancio

Connie Constancio, TRMC
City Secretary