

**LOCKHART CITY COUNCIL
REGULAR MEETING**

MAY 2, 2017

6:30 P.M.

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

Council present:

Councilmember John Castillo
Councilmember Benny Hilburn
Councilmember Brad Westmoreland

Mayor Lew White
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Council absent:

Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Robert Tobias, Economic Development Director

Connie Constancio, City Secretary
Dan Gibson, City Planner

Citizens/Visitors Addressing the Council: Russell Waters of Benny Boyd; and Bobby Osborn, Citizen.

Work Session 6:30 p.m.

Mayor White announced that Mayor Pro-Tem Sanchez would not be able to attend 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:

PRESENTATION ONLY

A. PRESENTATION OF A PROCLAMATION DECLARING MAY 1-5, 2017 AS "AIR QUALITY AWARENESS WEEK".

Mayor White read the proclamation that will be provided to the Capital Area Council of Governments.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF APRIL 18, 2017.

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

B. DISCUSS FUNDING PARTICIPATION IN AN AMOUNT NOT TO EXCEED \$75,000 WITH LOCKHART PARTNERS II FOR DRAINAGE IMPROVEMENTS ON MAPLE STREET EAST OF THE MEADOWS AT CLEARFORK PHASE III SUBDIVISION DEVELOPMENT.

Mr. Rodgers stated that the construction plans for Phase III of Meadows at Clearfork Subdivision include extending storm water facilities east outside the scope of the development on Maple Street. They will be retrofitting the existing detention pond on the south side of Maple used for soccer practice to accommodate additional storm water demand for Phase III. Funds from Certificates of Obligation up to \$75,000 are available to assist with this project. Doing this now will help reduce costs when Maple Street is widened and extended further to the east in the future. The developer is spending an estimated \$527,800 on Maple Street of which \$100,000 will be funded from Road Impact Fees since Maple Street is a high priority on the Impact Fee Road Project list. The funds would be paid upon completion and acceptance of the public improvements and after receiving an invoice from Lockhart Partners II. Mr. Rodgers recommended approval. There was discussion.

C. DISCUSSION REGARDING RESOLUTION 2017-08 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, APPROVING FUNDING UP TO \$212,031 CONTINGENT ON CREATING 35 NEW FULL-TIME EQUIVALENT (FTE) JOBS WITH AN AVERAGE ANNUAL WAGE OF \$50,000 FOR THE BENNY BOYD LOCKHART, LLC. PROJECT AS RECOMMENDED BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, FOR THE BUILDING, INFRASTRUCTURE AND RELATED IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE OR MAINTAIN NEW JOBS.

Mr. Tobias stated that the LEDC unanimously approved LEDC Resolution 2017-05 which approved the Benny Boyd, LLC project. The LEDC held a required public hearing at which Benny Boyd shared his comments about the company's plan for its proposed new auto dealership in Lockhart. There was no opposition by the public. The LEDC has determined that funds could be used under its discretion to promote or develop new or expanded business enterprises that create or retain jobs. Two readings of the Resolution will be required to be conducted during the regular meeting.

Russell Waters of Benny Boyd provided information about their desire and dedication to have an auto dealership in Lockhart. There was discussion.

D. DISCUSSION REGARDING THE CHAPTER 380 AGREEMENT BETWEEN THE CITY OF LOCKHART AND BENNY BOYD LOCKHART, LLC. BY WHICH THE COMPANY AGREES TO PURCHASE LAND, CONSTRUCT A BUILDING AND EQUIPMENT, AND MAKE OTHER IMPROVEMENTS TOTALING AN ESTIMATED CAPITAL INVESTMENT OF \$3.5 MILLION AND TO CREATE 35 NEW FULL-TIME EQUIVALENT (FTE) JOBS WITH AN AVERAGE ANNUAL WAGE OF \$50,000. CITY INCENTIVES PROPOSED TOTAL UP TO \$30,794 SPREAD OUT OVER 3 YEARS AND ARE CONTINGENT UPON MEETING CAPITAL INVESTMENT AND SUSTAINING JOB CREATION NOTED IN AGREEMENT OVER THE CONTRACT PERIOD.

Mr. Tobias stated that the investment of Benny Boyd Lockhart would make the company one of the top taxpayers and employers in the city, would put the company in the top tier for employee compensation, reduce retail leakage by offering other local new vehicle purchase options, and bring in a large number of potential customers from outside the City and Caldwell County, contributing to increased traffic counts which are important in attracting larger commercial developments. The company will also continue to anchor commercial development in the US 183 South corridor. Mr. Tobias recommended approval. There was discussion.

E. DISCUSSION REGARDING COUNCIL'S FISCAL YEAR 2017-2018 GOALS AFTER PRESENTATION BY THE CITY MANAGER.

Mr. Rodgers stated that an updated list of goals was provided that consists of goals recently submitted by the Council.

Mayor White stated that the Council would discuss the goals during an upcoming workshop. There was brief discussion.

RECESS: Mayor White announced that the Council would recess for a break at 6:59 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 7:30 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 citizens to address the Council. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-05 BY PASTOR BOBBY OSBORN, ON BEHALF OF CALVARY TEMPLE MINISTRIES OF FENTRESS, TEXAS, INC. FOR A ZONING CHANGE FROM AO AGRICULTURE-OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT FOR 3.038 ACRES IN THE ESTHER BERRY SURVEY, ABSTRACT NO. 1, LOCATED AT 2220 SOUTH COLORADO STREET (US 183).

Mayor White opened the public hearing at 7:33 p.m. and requested the staff report.

Mr. Gibson stated that a specific use permit was previously approved by the Planning and Zoning Commission for use of the subject property as a private school, in addition to the permitted church functions, as provided in the AO district regulations. However, a possible new use as a day care center is now being considered for the property, and it is not listed as allowed by-right or as a specific use in the AO district. The proposed CHB classification would allow the existing uses as already approved if they were to continue, and would also allow a day care center by-right if the entire building is converted for that use. The subject property is currently flanked on both the north and south sides by CHB zoning, so the proposed zoning would simply fill an existing gap in the zoning pattern, consistent with the Future Land Use Plan map, which shows a commercial corridor along Colorado Street. No opposition to the zoning change has been expressed. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Bobby Osborn, 2220 S. Colorado, stated that they plan to sell the property and that the purchase from an interested buyer is contingent upon the zoning change to allow a day care.

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

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

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 7:38 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-10 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 3.038 ACRES IN THE ESTHER BERRY SURVEY, ABSTRACT NO. 1, LOCATED T 2220 SOUTH COLORADO STREET (US 183), FROM AO AGRICULTURE-OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT.

Councilmember Hilburn made a motion to approve Ordinance 2017-10, as presented. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

ITEM 5-A. CONDUCT THE FIRST OF TWO REQUIRED READINGS AND DISCUSSION REGARDING RESOLUTION 2017-08 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, APPROVING FUNDING UP TO \$212,031 CONTINGENT ON CREATING 35 NEW FULL-TIME EQUIVALENT (FTE) JOBS WITH AN AVERAGE ANNUAL WAGE OF \$50,000 FOR THE BENNY BOYD LOCKHART, LLC. PROJECT AS RECOMMENDED BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, FOR THE BUILDING, INFRASTRUCTURE AND RELATED IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE OR MAINTAIN NEW JOBS.

Mr. Tobias conducted the first of two required readings of Resolution 2017-08, in its entirety.

ITEM 6. CONSENT AGENDA.

Councilmember Hilburn stated that he would abstain from voting on consent agenda item 6A because he was not present at the April 18, 2017 council meeting.

Councilmember Michelson made a motion to approve consent agenda item 6A- approve minutes of the City Council meeting of April 18, 2017. Councilmember Castillo seconded. The motion passed by a vote of 5-0-1, with Councilmember Hilburn abstaining.

Councilmember Westmoreland made a motion to approve consent agenda item 6B - approve funding participation in an amount not to exceed \$75,000 with Lockhart Partners II for drainage improvements on Maple Street east of the Meadows at Clearfork Phase III subdivision development. Councilmember Hilburn seconded. The motion passed by a vote of 6-0.

ITEM 7-A. CONDUCT THE SECOND OF TWO REQUIRED READINGS AND DISCUSSION AND/OR ACTION REGARDING RESOLUTION 2017-08 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, APPROVING FUNDING UP TO \$212,031 CONTINGENT ON CREATING 35 NEW FULL-TIME EQUIVALENT (FTE) JOBS WITH AN AVERAGE ANNUAL WAGE OF \$50,000 FOR THE BENNY BOYD LOCKHART, LLC. PROJECT AS RECOMMENDED BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, FOR THE BUILDING, INFRASTRUCTURE AND RELATED IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE OR MAINTAIN NEW JOBS.

Mr. Tobias conducted the second of two required readings of Resolution 2017-08, in its entirety.

Councilmember Michelson made a motion to approve Resolution 2017-08, as presented. Councilmember Hilburn seconded. The motion passed by a vote of 6-0.

ITEM 7-B. DISCUSSION AND/OR ACTION TO CONSIDER THE CHAPTER 380 AGREEMENT BETWEEN THE CITY OF LOCKHART AND BENNY BOYD LOCKHART, LLC. BY WHICH THE COMPANY AGREES TO PURCHASE LAND, CONSTRUCT A BUILDING AND EQUIPMENT, AND MAKE OTHER IMPROVEMENTS TOTALING AN ESTIMATED CAPITAL INVESTMENT OF \$3.5 MILLION AND TO CREATE 35 NEW FULL-TIME EQUIVALENT (FTE) JOBS WITH AN AVERAGE ANNUAL WAGE OF \$50,000. CITY INCENTIVES PROPOSED TOTAL UP TO \$30,794 SPREAD OUT OVER 3 YEARS AND ARE CONTINGENT UPON MEETING CAPITAL INVESTMENT AND SUSTAINING JOB CREATION NOTED IN AGREEMENT OVER THE CONTRACT PERIOD.

Councilmember Hilburn made a motion to approve the Chapter 380 Agreement between the City of Lockhart and Benny Boyd Lockhart, LLC., as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 7-C. DISCUSSION AND/OR ACTION REGARDING COUNCIL'S FISCAL YEAR 2017-2018 GOALS AFTER PRESENTATION BY THE CITY MANAGER.

Mayor White stated that the goals were discussed during the work session. Detailed discussion about the goals will be discussed during the next meeting.

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

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

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; West side almost complete. Transition to east side set for May 8.
- Update: Drainage work continues on Mesquite, Braden, Wichita, and Vega Street areas; detention ponds and other work complete.
- Update: E. Walnut Street Neighborhood Drainage Project, complete except for cleanup and seeding.
- Update: Bid advertisements for the Ash, Comal, and Pine Street Drainage Project are out with bid openings on May 9. A neighborhood meeting has been set up for Tuesday, May 9, at 6:00 pm at City Hall. All people living on these streets were mailed a letter of invitation last week.
- Update: Wastewater main extension project along railroad is being advertised and bids will open on May 9.
- Reminder: City Wide Residential Spring Clean Up was completed this past Wednesday with great participation.
- Report: Fiesta de Mariachi in the Library, April 29, 2017 from 7 p.m. to 10 pm at Clark Library.
- Report: Dia de los Ninos held on Wednesday, April 26, 2017 in the library.
- Announcement: Taking City Pool Lifeguard Applications.
- Splash Pad opens May 2 - May 30. Splash Pad will be closed May 31- June 12 during CTR events and will reopen June 13. The Splash Pad is closed on all Mondays.

- Councilmember John Castillo is organizing a District 2 Pre-Summer Neighborhood Meeting for Tuesday, May 23 at 6pm in the Glosserman Room, 308 W San Antonio Street - downstairs at City Hall.
- New Employees:
 Monica Parra, Animal Control Officer
 John Handley, Water Wastewater System Operator
 Edwin Mena-Torres, Water Wastewater System Operator
 Kevin Waller, Assistant City Planner
- Condolences to the Arredondo family for their loss.

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

Councilmember Westmoreland expressed condolences to the Sanchez family for their loss. He thanked the Gaslight-Baker Theatre for a successful Gala. He reminded citizens that the Splash pad is open.

Councilmember Mendoza thanked all involved with the Mariachi festival. He announced that there would be youth soccer tournaments this weekend.

Councilmember Hilburn expressed condolences to the Sanchez family for their loss. He announced that a Gig 'em – Hook 'em golf tournament would be held May 13 at the Lockhart State Park.

Councilmember Castillo congratulated the Gaslight-Baker Theatre and the Mariachi festival for successful events. He reminded all to attend the Cinco de Mayo celebration, downtown on May 5-6. Good luck to the Lockhart Lady Lion softball team. He expressed condolences to the O'balle, Sanchez, Arias and Haynes families for their loss.

Councilmember Michelson expressed condolences to the Sanchez family for their loss. He congratulated all for the successful events this past weekend.

Mayor White expressed condolences to the Sanchez and Arredondo families for their loss. Thanks to the Library staff for successful Mariachi festival and congratulations to the Gaslight-Baker Theatre for a successful gala. He also welcomed Benny Boyd as a new business in Lockhart.

ITEM 10. 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 8:08 p.m.

PASSED and APPROVED this the 16th day of May 2017.

CITY OF LOCKHART



Lew White
 Lew White, Mayor

ATTEST:

Connie Constancio
 Connie Constancio, TRMC, City Secretary