

**REGULAR MEETING
LOCKHART CITY COUNCIL**

FEBRUARY 5, 2019

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 Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steve Lewis, City Manager
Sean Kelley, Public Works Director
Pam Larison, Interim Finance Director

Connie Constancio, City Secretary
Dan Gibson, City Planner
John Roescher, Police Captain

Citizens/Visitors Addressing the Council: Representative of Hays-Caldwell Women’s Center; Justin Ivicic General Manager of Maxwell Water Supply; and, Ravi Sahota, Citizen.

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 OF A PROCLAMATION DECLARING FEBRUARY AS DOMESTIC VIOLENCE AWARENESS MONTH.

Mayor White presented the proclamation declaring February as “Domestic Violence Awareness and Prevention Month” to a representative of the Hays-Caldwell Women’s Center.

DISCUSSION ONLY

A. DISCUSS SELECTION OF TRC ENGINEERING AS THE BEST QUALIFIED PROFESSIONAL ENGINEERING SERVICES COMPANY TO ASSIST THE CITY IN ITS TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) APPLICATION PREPARATION AND PROJECT IMPLEMENTATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND CONTRACT, IF AWARDED, TO SUPPORT THE PUBLIC INFRASTRUCTURE (WATER/WASTEWATER) IMPROVEMENTS ACTIVITIES FOR THE CITY OF LOCKHART, AND APPOINTING THE MAYOR TO SIGN ANY REQUIRED DOCUMENTS FOR THE GRANT.

Mr. Kelley stated that advertisements for qualified engineering services for the CDBG grant preparation and submittal were completed in compliance with State law. Proposals were received from six companies which were ranked by using qualification criteria and scored by the TxCDBG Evaluation Team appointed by the Council. The firm submitting the best proposal was TRC Engineering. Mr. Kelley recommended approval.

B. DISCUSS RESOLUTION 2019-05 AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Mr. Kelley stated that the grant amount to be awarded is \$300,000. If awarded, the funds would be used to extend a treated water transmission line from the Lockhart Water Plant to South Commerce Street. The extension of this line will provide the City of Lockhart with the ability to pump more water through town, enhancing our service capacity and improving our fire protection. If approved by Council and if awarded the grant, the local match would be 20% or \$60,000, which would be paid out of the 2015 Certificates of Obligation water funds. Mr. Kelley recommended approval. There was discussion.

C. DISCUSS DONATING LOCKHART POLICE DEPARTMENT EQUIPMENT TO THE CALDWELL COUNTY PRECINCT 1 – JUSTICE OF THE PEACE CONSTABLE.

Captain Roescher stated that the Constable for Caldwell County JP 1 requested a prisoner transport cage, which is valued at approximately \$100. He stated that the cage is no longer used by the Lockhart Police department and is currently stored as surplus equipment. Captain Roescher recommended approval.

D. DISCUSS THE CONSULTANT SERVICES AGREEMENT WITH MUNISERVICES, LLC FOR FIELD AUDIT SERVICES FOR HOTEL OCCUPANCY TAX REVENUES.

Ms. Larison stated that at the November 4, 2018 council meeting, staff informed the Council that they were communicating with several local municipalities for recommendations on firms that exclusively conduct audits on hotel occupancy tax (HOT) payors. Since this meeting and upon recommendation from the City of San Marcos and the City of New Braunfels, the City of Lockhart has received a consultant services agreement that will allow audits to be conducted on local hotels within the City. According to the agreement, the City must agree to a minimum of two property audits. Any additional audits would cost \$1,000 per property. The audits will include a 5-year history of revenues from each location. This agreement also includes a discovery service on short-term rental charged on a contingency basis. Ms. Larison recommended approval.

There was discussion regarding how the Air BNB hotel occupancy taxes will be received. Ms. Larison explained that the company would research the location of each Air BNB in Lockhart to report to the City Council, and will report which can be assessed HOT taxes.

E. DISCUSS ORDINANCE 2019-02 AMENDING CHAPTER 6 "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES, SECTION 6-3 "LOCATION OF SALES RESTRICTED", TO ADD AN EXEMPTION ALLOWING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A CHURCH OR SCHOOL IN THE CCB COMMERCIAL CENTRAL BUSINESS DISTRICT.

Mr. Gibson stated that there are several well-established churches in the central business district, and several newer church groups have been granted specific use permits to occupy buildings in the downtown area. While church activities, which occur mostly on Sunday mornings, do not negatively impact the typical commercial and residential elements of the area, there has been a growing concern that each new church automatically creates a buffer area within which the sale of alcoholic beverages for on-premise consumption is prohibited. The buffer applies to schools, as well as churches, but the primary concern is churches. The buffer is 300 feet from the front door of the establishment wishing to serve alcoholic

beverages to the front door of the church or school, as measured along property lines and straight across street intersection, so it isn't necessarily a circular radius. It eliminates the possibility of a new restaurant or bar within the area close to the church or school. This ordinance exempts the CCB zoning district from the buffer requirement, so that there would no longer be a restriction imposed by a church or school on the location of a bar or restaurant downtown. There was discussion.

F. DISCUSS RESOLUTION 2016-06 IN SUPPORT OF AND CONSENTING TO THE CONVERSION OF MAXWELL WATER SUPPLY CORPORATION TO A SPECIAL UTILITY DISTRICT OPERATING UNDER CHAPTER 65, TEXAS WATER CODE.

Justin Ivicic, General Manager of Maxwell Water Supply (MWS) Corporation stated that the current MWS Board held a meeting in October to consider dissolving the corporation to consider creation of the special utility district (SUD). The Board thereafter approved a Resolution to dissolve the corporation and to hold a special membership meeting and to hold an election to dissolve the corporation. The election resulted in approval by 66% to convert to the SUD. The Council reviewed the MWS service area. Because of the expected growth in the area, the Board felt it was the best to convert to the SUD. The State law does not require municipalities to give approval, yet the Board felt it was best to show the Legislator that was carrying the SUD bill to know that surrounding entities were in support. Resolutions of support have been obtained from the City of Kyle and Canyon Regional Water Authority. Resolutions of support are also being considered by the City of San Marcos, Martindale Water Supply Corporation, City of Umland, Caldwell County Commissioners Court, and Countyline Special Utility District.

There was discussion.

Mr. Lewis stated that during previous informal conversations with MWS, it was determined that MWS did not want to relinquish any of their Certificate of Convenience and Necessity (CCN) to provide water service to the area. There was brief discussion.

G. DISCUSS UPDATE ON THE STATUS OF THE NEW CITY BRANDING EFFORT.

Mayor White stated that several individuals met last week to discuss a possible new city logo. He reviewed several options that the individuals agreed upon. He stated that his recommendation was the proposed logo on page 5.

Mayor Pro-Tem Sanchez stated that she is not in favor of using the County Courthouse for a new city logo and suggested that an image not be included. Feedback that she has received from citizens reflect that they do not want the city to use the image of the Courthouse as the City's logo.

Councilmember Westmoreland stated that he was not sure about using the County Courthouse as the image and suggested that the logo remain simple.

Councilmember Mendoza stated that he agreed with page 5 as the logo image. He suggested that the newspaper request citizens to provide their input and to contact the City with questions regarding the proposed new logo. He also suggested hiring a consultant if the Council did not agree on a new logo.

Councilmember Castillo suggested page 6 and suggested that the new logo emphasize that Lockhart is the Barbecue Capital of Texas.

Councilmember Michelson stated that he does not agree with using the County Courthouse for the city logo and that he agreed with emphasizing that Lockhart is the Barbecue Capital of Texas.

Councilmember McGregor stated that she disagrees with hiring a consultant to assist with a new logo. The committee consisted of individuals that are branding consultants, and have performed those services for many companies around the world. She disagreed with using logos from pages 9 and 3.

Mayor White agreed that the Barbecue Capital of Texas theme should be acknowledged through signage, yet he was not sure if it should be reflected on the city logo.

There was discussion.

Mayor White stated that the Council would vote on the issue during the regular meeting.

RECESS: Mayor White announced that the Council would recess for a break at 7:20 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:40 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor White gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS

Mayor White requested citizens to address the Council on issues that are not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-19-01 BY RAVI SAHOTA ON BEHALF OF SATCHARAN HOLDINGS, LLC FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT ON LOT 1, BLOCK 1, LOCKHART GATEWAY ADDITION, LOCATED AT 2201 WEST SAN ANTONIO STREET.

Mayor White opened the public hearing at 7:42 p.m. and requested the staff report.

Mr. Gibson stated that the owner wishes to develop the subject property for a restaurant and retail center, which are not allowed by the current AO zoning. The subject property abuts existing CMB zoning to the southeast and south. Therefore, the proposed rezoning will essentially be an expansion of the area zoned CMB. A driveway on the adjacent Lot 2 will provide vehicular access through an easement to the subject property. This is necessary due to the Texas Department of Transportation (TxDOT) driveway spacing requirements on State highways. The proposed CMB zoning allows a wide variety of commercial uses including restaurants, offices, and retail. Drive-up windows and the sale of vehicle fuel are allowed, but the CMB district does not allow bars. The CMB district will have the potential for additional noise and night lighting, but the development will be required to provide a visual screen along the east property line adjacent to the Stanton Apartments. The required CMB zoning classification is not consistent with the

High Density Residential future land use designation shown on the Lockhart 2020 Comprehensive Plan Land Use Plan map. The property adjacent to the east and northeast was rezoning to RHD to allow the apartments that are currently under construction, and can be considered part of the planned land use allocation for high density residential in this part of the city. The current AO zoning is not any more consistent with the future land use plan than the required CMB zoning. There has been no opposition expressed concerning the requested zoning. Mr. Gibson stated that staff and the Planning and Zoning Commission recommend approval.

Mayor White requested the applicant to address the Council.

Ravi Sohata, applicant, offered to answer questions. He stated that he would begin construction of the retail center after the gas station is complete.

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 7:47 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-01 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 1, BLOCK 1, LOCKHART GATEWAY ADDITION, LOCATED AT 2201 WEST SAN ANTONIO STREET (SH 142), FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.

Councilmember Michelson made a motion to approve Ordinance 2019-01, as presented. Mayor Pro-Tem Sanchez 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, 5C, and 5D. Councilmember Castillo seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 5A: Approve selection of TRC Engineering as the best qualified Professional Engineering Services Company to assist the City in its Texas Community Development Block Grant Program (CDBG) application preparation and project implementation to the Texas Department of Agriculture for the Community Development Fund contract, if awarded, to support the public infrastructure (water/wastewater) improvements activities for the City of Lockhart, and appointing the Mayor to sign any required documents for the grant.
- 5B: Approve Resolution 2019-05 authorizing the submission of a Texas Community Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor to act as the City's Executive Officer and authorized Representative in all matters pertaining to the City's participation in the Community Development Block Grant Program.
- 5C: Approve donating Lockhart Police Department equipment to the Caldwell County Precinct 1 – Justice of the Peace Constable.
- 5D: Approve the Consultant Services Agreement with MuniServices, LLC for Field Audit Services for Hotel Occupancy Tax Revenues.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-02 AMENDING CHAPTER 6 “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES, SECTION 6-3 “LOCATION OF SALES RESTRICTED”, TO ADD AN EXEMPTION ALLOWING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A CHURCH OR SCHOOL IN THE CCB COMMERCIAL CENTRAL BUSINESS DISTRICT.

Councilmember McGregor made a motion to approve Ordinance 2019-02, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2019-06 IN SUPPORT OF AND CONSENTING TO THE CONVERSION OF MAXWELL WATER SUPPLY CORPORATION TO A SPECIAL UTILITY DISTRICT OPERATING UNDER CHAPTER 65, TEXAS WATER CODE.

Mr. Lewis stated that the City Attorney also reviewed the Resolution with no objections.

Councilmember Michelson made a motion to approve Resolution 2019-06, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING AN UPDATE ON THE STATUS OF THE NEW CITY BRANDING EFFORT.

There was discussion.

Mayor White made a motion to use the proposed new logo as shown on page 5 with tagline of “The Barbecue Capital of Texas”. Councilmember McGregor seconded. There was discussion. The motion passed by a vote of 5-2, with Mayor Pro-Tem Sanchez and Councilmember Castillo opposing.

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

Mayor White requested appointments to boards and commissions. There were none.

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

- Update on a Natural Gas pipeline, proposed by Kinder Morgan, to extend from the Permian Basin to the Gulf Coast and traversing a portion of Caldwell County.
- Texas Department of Transportation (TxDOT) has initiated discussions to update the City and TxDOT Municipal Maintenance Agreement for roadways and regulatory signage in Lockhart.
- Update on TxDOT’s plans for signalized intersection with pedestrian crossing at the Walmart driveway on US 183 and a future traffic signal at Chisholm Trail intersection.
- Household Hazardous Waste Collection Event will be held on Saturday, March 2 at City Park from 9am until 12(noon).
- 2019 Residential Citywide Cleanup Program scheduled for April 3, 10, 17 and 24, depending on customer location.
- Lockhart Fire Department has received delivery of the new “mini-pumper” – a front line response apparatus.
- Lockhart Police Department will be collaborating with the Lockhart ISD concerning their recent School Safety Exchange with parents and staff in order to strengthen safety/security practices.
- Clark Library Hot Spot Lending Policy to be presented to Council on February 19th.

- Development Services Department is offering a workshop regarding historic district local, State, and Federal tax credit and incentives available to owners of certified historic structures on February 6 at 5:30 p.m. at City Hall-Glosserman Room.
- City collaborating with the Guadalupe-Blanco River Authority (GBRA) to complete the renewal process for the discharge permits for both the Larremore Street and FM 20 wastewater treatment plants.
- Texas A&M FAST Program will be sending undergraduate students for the "BIG GIVE" campaign the weekend of February 15th. Students will be volunteering in the Clark Library reorganizing books.
- Update regarding the city's estimated population estimate as of January 2019.
- Follow up work session regarding the Parks Master Plan will be held on Wednesday, February 27 at 6:30 p.m.
- Bids will be considered to be awarded on February 19 for the City Line Road Realignment Project.

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

Councilmember Westmoreland stated that the softball and baseball fields are busy. He encouraged everyone to be safe.

Councilmember Mendoza thanked staff for their work and the City Manager for the updates. He thanked the downtown area for their successful First Friday event.

Mayor Pro-Tem Sanchez thanked everyone for their condolences during the loss of her father-in-law. She expressed condolences to the families of Eusevio Torres, Ernesto Torres, Hazel Clark and Rosie Oliva for their loss. She congratulated the Lockhart Chamber of Commerce for a successful annual banquet and the downtown businesses for a successful First Friday event.

Councilmember McGregor thanked all involved in the informative goals workshop last week.

Councilmember Castillo thanked all involved with the informative goals workshop last week. He thanked staff for their work, and encouraged citizen input about city issues.

Councilmember Michelson thanked the City Manager and staff for the informative goals workshop.

Mayor White thanked all involved with the goals workshop. Upcoming agenda items would be to receive an update regarding the Lockhart Emergency Care Center, and to discuss the formal use of city sidewalks including drainage improvements.

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 8:21 p.m.

PASSED and APPROVED this the 19th day of February 2019.

ATTEST:

Connie Constancio
Connie Constancio, TRMC, City Secretary

CITY OF LOCKHART

Jim White
Low White, Mayor

