

**LOCKHART CITY COUNCIL
REGULAR MEETING**

JULY 16, 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:

Steven Lewis, City Manager
Monte Akers, City Attorney
Dan Gibson, City Planner
Lieutenant Josh Childress

Connie Constancio, City Secretary
Sean Kelley, Public Works Director
Pam Larison, Finance Director

Citizens/Visitors Addressing the Council: Darrell Nichols of the Guadalupe-Blanco River Authority; Sam Vaugh of HDR Engineers; Citizens, Thomas Blauvelt, Mary Ann Gonzales, Rose Martinez, Rosie Martinez, and Florinda Munoz.

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 GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) AND HDR ENGINEERS REGARDING UPDATE ON CARRIZO GROUNDWATER PROJECT.

Darrell Nichols of the GBRA and Sam Vaugh of HDR Engineers provided an update regarding the groundwater project.

There was discussion.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF JUNE 18, 2019 AND JULY 2, 2019.

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

B. DISCUSS JOINT ELECTION INTERLOCAL GOVERNMENT CONTRACT WITH THE CALDWELL COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT ELECTION SERVICES FOR THE CITY OF LOCKHART'S GENERAL ELECTION ON NOVEMBER 5, 2019.

Ms. Constancio stated that the Caldwell County Elections Administrator (County EA) is conducting Elections on November 5, 2019. The City of Lockhart will hold a General Election for the positions of Councilmember District 1, Councilmember District 2 and Two At-Large positions. Since 2010, in the interest of a public purpose, the City of Lockhart has contracted with the County EA to conduct City Elections to enable all propositions and public official positions to be on one ballot for Caldwell County voters within the City of Lockhart.

City of Lockhart shall reimburse the County EA expenses at a percentage that is dependent upon the number of entities participating in the November 5, 2019 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.

C. DISCUSS ORDINANCE 2019-14 ORDERING A GENERAL ELECTION ON NOVEMBER 5, 2019 FOR THE PURPOSE OF ELECTING ONE COUNCILMEMBER DISTRICT 1; ONE COUNCILMEMBER DISTRICT 2; AND TWO COUNCILMEMBERS AT-LARGE; PROVIDING FOR JOINT ELECTION WITH CALDWELL COUNTY; ESTABLISHING EARLY VOTING LOCATION AND POLLING PLACES; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

Ms. Constancio stated that the City Council positions up for election on November 5, 2019 are District 1, District 2 and Two At-Large Councilmembers. The Caldwell County Elections Administrator (County EA) will be conducting the November 5, 2019 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 20 – August 19. Early voting will be conducted October 21 – November 1 at the Scott Annex Building at 1403 Blackjack Street in Lockhart.

In September 2019, the County EA proposes to request that the Party Chairpersons and the Commissioners Court approve revisions to the customary early voting (EV) dates/hours from previous years by having two EV dates to be from the hours of 7am-7pm and to remove Sunday as an EV date. Staff will provide a detailed list of early voting hours established by the County EA when available. Ms. Constancio recommended approval.

D. DISCUSS 3RD QUARTER FISCAL YEAR 2019 INVESTMENT REPORT.

Ms. Larison provided information and there was discussion regarding the following:

- Quarterly Investment Report.
- Investment Portfolio Summary.
- Cash Accounts.
- Marketable Securities Transaction Summary.
- Investment Pool Transactions Summary.
- Certificates of Deposit Transaction Summary.
- Investment Pools.
- Bank of the Ozarks Collateralization.

E. DISCUSS RESOLUTION 2019-14 APPROVING THE SUBMISSION OF THE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR FOR THE BODY-WORN CAMERA PROGRAM.

Lieutenant Josh Childress stated that an extension for a body camera grant was requested by the Lockhart Police Department to the Attorney General's Office in response to an upcoming expiration. The Council approved a Resolution in 2018 authorizing submission of a grant for replacement body cameras. The Department was on standby with Safefleet Mobile-Vision awaiting the release of the new BWX-100 cameras. Due to internal technical issues with the BWX-100 camera, production was delayed with the expected release date in June 2019. In order for the Department to benefit from the grant and the acquisition of replacement body cameras for the cameras purchased in 2015, an extension was requested from the Attorney General's office. The extension was approved from the Attorney General's Office with an exception that a new updated resolution be provided. Lieutenant Childress recommended approval. There was discussion.

F. DISCUSS RESOLUTION 2019-15 AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM / SAFE ROUTES TO SCHOOL GRANT TO PARTIALLY FUND PUBLIC IMPROVEMENTS IN THE 100 BLOCK OF EAST SAN ANTONIO STREET (SH 142).

Mr. Gibson stated that as a key component of the Sustainable Places Project Plan adopted by the City Council on December 17, 2013, as a supplement to the Lockhart 2020 Comprehensive Plan is proposed pedestrian and vehicular traffic improvements within the courthouse square. It included pedestrian bump-outs (sidewalk extensions at street corners) at all four corners of the square, widening the sidewalk along the north side of San Antonio Street, and elimination of the existing median and realignment of the travel lanes of the street. The City previously applied for a grant from the Capital Area Metropolitan Planning Organization (CAMPO) to fund the courthouse square north-side improvements along San Antonio Street, but the project was not selected. A different funding opportunity is now available from the Texas Department of Transportation (TxDOT) and a preliminary grant application for this project was determined to be eligible for continuing to the final application stage in the Safe Routes to School category. Therefore, a final application is being prepared for submission by the August 15th deadline. The grant can cover the cost of construction, and also will reimburse the City for any engineering design and environmental documentation that is done after the grant is awarded. Any design or other costs paid by the City before being awarded the grant is not eligible for reimbursement. The grant will not pay for TxDOT's 15 percent administrative fee, and will also not reimburse the City for any cost overruns exceeding the grant amount awarded. The preliminary total estimated cost of design, construction, and contingency that is eligible for the grant is \$1,332,724. This is a competitive grant process so there is no guarantee that the City will receive it. Mr. Gibson recommended approval. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:30 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:45 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 regarding issues that are not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON REQUEST BY THOMAS BLAUVELT ON BEHALF OF RICHARD BLAUVELT FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON 2.749 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 1621 NORTH PECOS STREET. [ZC-19-05]

Mayor White opened the public hearing at 7:46 p.m. and requested the staff report.

Mr. Gibson stated that the 2.749-acre area that is proposed to be rezoned from AO to RMD is part of a 68-acre tract, and is not currently a separate parcel. The applicant plans to construct one duplex, one side of which he will occupy, on the subject property. The RMD zoning classification is the most restrictive zoning that allows a duplex. The applicant plans to eventually develop the entire 68 acres, but is not sure at this point what the form of development will be. It will require extensive public infrastructure, further rezoning, and platting at that time. Although there are no other duplexes existing in the neighborhood, the addition of one duplex would not have a significant negative impact. The two dwelling units would add some vehicle trips on North Pecos Street, with only one way out because it is currently a dead-end street. However, the current traffic is relatively low due to the limited number of homes along that street. If the remainder of the 68-acre tract is to be developed as a residential subdivision containing a large number of lots, it will require another point of access such as a connection to North Colorado Street. The Thoroughfare Plan does show a collector street aligned with the north boundary of the 68-acre tract that would serve that purpose. The required RMD zoning classification is not entirely consistent with the Lockhart 2020 Land Use Plan map designation of Low Density Residential for the area. The actual proposed density of the subject 2.749 acres would be a very low 0.73 dwelling units per acre. The upper end of the low density range is generally considered to be five or six units per acre. The Sustainable Places Project plan for this area recommends a compact neighborhood, standard single-family detached homes, open-space/park within the 68 acres, and commercial mixed-use along Colorado Street. Two residents of houses south of the subject property spoke in opposition to the proposed rezoning at the Planning and Zoning Commission. They were concerned about the rezoning contributing to more traffic in the dead-end street without providing another way out of the neighborhood, although their additional concerns about neighborhood conditions such as large trucks using the street and vehicles that speed in the street, did not directly relate to the proposed use of the property. Mr. Gibson stated that the Planning and Zoning Commission recommended denial of the zoning change and that staff recommends approval.

Mayor White requested the applicant to address the Council.

Thomas Blauvelt, 1602 Magpie Cove, Austin, stated that he would like to build a duplex of which one side he will occupy. He stated that he owns the entire 68-acre tract and plans to develop the remaining property within a couple of years. He requested approval of the zoning change.

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

Mayor White requested the following citizens against the zoning change to address the Council:

Mary Ann Gonzales, 1614 North Pecos Street, spoke against the zoning change. She stated that she believed that a duplex would create a public safety issue with additional traffic at the dead end street.

Rose Martinez, 1613 North Pecos Street, spoke against the zoning change. She requested that the property remain residential low density to only allow a single-family dwelling.

Rosie Martinez, 1613 North Pecos Street, spoke against the zoning change and additional development in the area that would create additional hazardous traffic on the dead end street.

Florinda Munoz, 1615 North Pecos Street, spoke against the zoning change and suggested that the neighborhood only allow single family homes. She spoke against additional traffic at a dead end street.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:30 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-13 AMENDING THE OFFICIAL ZONING MAP TO RECLASSIFY THE PROPERTY KNOWN AS 2.749 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 1621 NORTH PECOS STREET, FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.

Councilmember Castillo stated that he will vote against the zoning change as recommended by the Planning and Zoning Commission.

Mayor Pro-Tem Sanchez stated that she will vote against the zoning change due to the neighborhood's concerns.

Mayor White and Councilmembers McGregor and Michelson spoke in favor of the zoning change.

Councilmember Castillo made a motion to deny zoning change ZC-19-05 consisting of 2.749 acres at 1621 North Pecos Street. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 4-3 with Mayor White and Councilmembers McGregor and Michelson opposing.

Councilmember McGregor left the meeting at 8:43 p.m. due to a personal commitment.

ITEM 5. CONSENT AGENDA.

Mayor Pro-Tem Sanchez requested to pull consent agenda item 5A.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5B, 5C, 5D, 5E, and 5F. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

The following are the consent agenda items that were approved:

5B: Approve Joint Election Interlocal Government Contract with the Caldwell County Elections Administrator to conduct election services for the City of Lockhart's General Election on November 5, 2019.

- 5C: Approve Ordinance 2019-14 ordering a General Election on November 5, 2019 for the purpose of electing One Councilmember District 1; One Councilmember District 2; and Two Councilmembers At-Large; providing for joint election with Caldwell County; establishing early voting location and polling places; ordering notice of election to be given as prescribed by law; and making provisions for the conduct of the election.
- 5D: Accept 3rd Quarter Fiscal Year 2019 Investment Report.
- 5E: Approve Resolution 2019-14 approving the submission of the grant application to the Office of the Governor for the body-worn camera program.
- 5F: Approve Resolution 2019-15 authorizing the submission of an application to the Texas Department of Transportation for the Transportation Alternatives Set-Aside Program / Safe Routes to School grant to partially fund public improvements in the 100 block of East San Antonio Street (SH 142).

ITEM 5-A. APPROVE MINUTES OF THE CITY COUNCIL MEETINGS OF JUNE 18, 2019 AND JULY 2, 2019.

Mayor Pro-Tem Sanchez requested that the minutes be approved separately because she was not present at the July 2, 2019 meeting.

Councilmember Michelson made a motion to approve the June 18, 2019 minutes. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

Councilmember Castillo made a motion to approve the July 2, 2019 minutes. Councilmember Westmoreland seconded. The motion passed by a vote of 5-0-1, with Mayor Pro-Tem Sanchez abstaining.

ITEM 5-G. DISCUSS RESOLUTION 2019-16 ESTABLISHING AND ADOPTING FEES FOR CITY ENGINEER REVIEW OF CONSTRUCTION PLANS SUBMITTED FOR SUBDIVISION AND BUILDING SITE DEVELOPMENT.

Mr. Gibson stated that construction plans and associated documents for subdivision and building site development are required to be prepared by a licensed professional engineer. Therefore, the City's review and approval must also be done by an engineer in order to verify that the plans are in conformance with Lockhart's design standards and best practices. This is important because, once the City accepts public improvements, the city assumes perpetual responsibility for their maintenance. The City of Lockhart pays the city engineer (TRC Solutions) for their review of construction plans for subdivision and building site development, but staff currently does not have means of recouping those expenses from the subdividers and developers whose engineers submit the plans. This resolution adopts such a fee that would be paid upon submittal of the plans to the City, whether for a subdivision or for building site development. The fee is based upon the acreage of the project, which is a valid measure since drainage is a major component of construction plans and larger projects require more storm-water engineering. If the plans have errors or are incomplete and require multiple review, a separate fee would be paid for each review after the first three, and there is a maximum limit on the total of all review fees that can be charged. It is impossible to devise a standard fee formula that would result in an amount exactly equal to the City's cost of engineering reviews for such a wide variety of potential projects, but the proposed formula and resulting amount charged is similar to such fees charged by some other cities in Central Texas. The intent is not necessarily to recoup the full amount on every project, but to at least reduce the City's cost. In any case, the proposed engineering review fee provides revenue that the city currently does not receive at all. Mr. Gibson recommended approval. There was discussion.

Councilmember Michelson made a motion to approve Resolution 2019-16, as presented. Councilmember Castillo seconded. The motion passed by a vote of 6-0.

ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING THE POSSIBILITY OF BRINGING BACK THE KART RACES TO LOCKHART 2020 WITH ORGANIZER P1 PROMOTIONS AND CONSIDERING A DATE FOR THE EVENT.

Mayor White stated that he spoke with the Lockhart Chamber of Commerce and they expressed that the July 18-19, 2020 dates were suitable for their schedule.

Mr. Kelley stated that the three dates that P1 Promotions initially proposed for 2020 were May 16-17, June 27-28, and July 18-19. He explained pros and cons for the requested dates as follows:

May 16-17, 2020

Pros – 1) not as hot as July; and, 2) volunteers would be more available.

Cons – 1) weekend after Cinco de Mayo with impact of street closures two consecutive weekends; and, 2) school in session.

June 27-28, 2020

Pros – 1) school out.

Cons – 1) Luling Watermelon Thump-June 25-28; and, 2) volunteers possibly vacationing/traveling.

July 18-19, 2020

Pros – 1) school out; and, 2) not closing downtown area two consecutive weekends.

Cons – 1) will volunteers participate in the heat; and 2) volunteers possibly vacationing/traveling.

Mr. Kelley stated that the Lockhart Chamber of Commerce agreed with the July 18-19 date because the Chisholm Trail Roundup and the July 3rd Fireworks events would have passed. He also stated that if the City is awarded the Texas Department of Transportation grant for downtown improvements, construction of the sidewalks would begin after the 2020 Kart Race and would take approximately 18-24 months to complete. Staff does not recommend a multi-year commitment to the race as proposed by P1 Promotions because of the unknown timeline of the proposed downtown improvements project. There was discussion.

Councilmember Mendoza made a motion to approve the tentative dates of July 18-19, 2020 for the Kart Race. Councilmember Westmoreland seconded. The motion passed by a vote of 5-1, with Councilmember Castillo opposing.

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

Mayor White requested appointments to boards or commissions.

Councilmember Mendoza made a motion to reappoint Dyrall Thomas to Lockhart Economic Development Corporation (LEDC). Councilmember Michelson seconded. The motion passed by a vote of 6-0.

Mayor White made a motion to reappoint Alan Fielder to the LEDC. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

Mayor Pro-Tem Sanchez made a motion to reappoint Alfredo Munoz to the LEDC. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

Councilmember Michelson made a motion to reappoint Morris Alexander to the LEDC. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

Councilmember Westmoreland made a motion to reappoint Frank Estrada to the LEDC. Mayor White seconded. The motion passed by a vote of 6-0.

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

- Movie in the Park – August 10 – “Small Foot”.
- Review of the 3rd Quarter Budget / Financial Report.
- Police Entrance Exam scheduled for July 26th.
- Public Works Updates:
 - The City pool will be open until August 11th.
 - St. David’s Grant Funding - Phase 1 of the City Park Trail System is being finalized by the City Engineer and will be ready to bid in the upcoming weeks.
 - City staff is working with Lone Star Paving to complete the 2019 Street Improvement Plan. Crews are scheduled to mobilize on July 22nd. Work around the schools will be completed before LISD returns for Orientation on August 12th.
 - Brush Chipping crews finishing up District 1 over the past week. They will start District 2 on July 17th.
 - Animal Shelter update.
- Fire Department:
 - Fire Department stood by for fireworks show on July 3, 2019. No incidents or injuries reported from fireworks.
 - Fire entrance exam was held on June 29, 2019 and resulted in nine candidates. (Five vacancies exist)
 - Fire Station No. 2 construction update.
- Update concerning bills approved in the 2019 Texas Legislature on City operations.
- Depository Banking Services – Requests for Proposals will be released soon.
- Miles Smith will begin as the Public Information Officer at the end of August.

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

Councilmember Mendoza welcomed Miles Smith to the City team, and he thanked all that attended the Movies in the Park event.

Mayor Pro-Tem Sanchez congratulated Miles Smith for joining the City team. She expressed condolences to the families of Richard Moya, Jr., Arthur Evans, Cresencia Gonzales, Rudy Ignacio and Abel DeLaCruz for their loss.

Councilmember Castillo expressed condolences to those that have lost a loved one. He thanked all involved with the fireworks show. He thanked staff for working on brush chipping and thanked District 2 for being patient. He thanked the City Manager for providing quick responses to his concerns.

Councilmember Michelson thanked all involved with the fireworks show. He congratulated the Dale Community Center for their fireworks show.

Mayor White expressed condolences to those that have lost a loved one. He congratulated all involved with the successful fireworks display. He thanked city crews for their dedication in keeping the city clean.

ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON - Discussion regarding possible land acquisition.

Mayor White announced that the Council would enter Executive Session at 9:28 p.m.

ITEM 10. OPEN SESSION - Discussion and/or action regarding possible land acquisition.

Mayor White announced that the Council would enter Open Session at 9:57 p.m.

Councilmember Michelson made a motion to table discussion about possible land acquisition until the August 6, 2019 meeting. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

ITEM 11. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 10:00 p.m.

PASSED and APPROVED this the 6th day of August 2019.

CITY OF LOCKHART

Lew White

Lew White, Mayor

ATTEST:

Connie Constancio

Connie Constancio, TRMC
City Secretary

