

**REGULAR MEETING  
LOCKHART CITY COUNCIL**

**AUGUST 6, 2019**

**6:30 P.M.**

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

**Council present:**

Mayor Lew White  
Councilmember Juan Mendoza  
Councilmember Jeffry Michelson

Councilmember John Castillo  
Councilmember Kara McGregor  
Councilmember Brad Westmoreland

**Council absent:**

Mayor Pro-Tem Angie Gonzales-Sanchez

**Staff present:**

Steven Lewis, City Manager  
Monte Akers, City Attorney  
Pam Larison, Finance Director  
Dan Gibson, City Planner  
Randy Jenkins, Fire Chief

Connie Constancio, City Secretary  
Sean Kelley, Public Works Director  
Julie Bowermon, Civil Service/HR Director  
Mike Kamerlander, Economic Development Director  
Ernest Pedraza, Police Chief

**Citizens/Visitors Addressing the Council:** Jeff Dahm of TRC Solutions; John Guttman of JES Development Company; Jay Remley of Manumit Investment Group; and, Gina French of P1 Promotions.

**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 TRC SOLUTIONS REGARDING FUTURE IMPROVEMENTS TO DOWNTOWN.**

Jeff Dahm of TRC Solutions gave the update and there was discussion regarding future improvements to the downtown area.

**DISCUSSION ONLY**

**I. DISCUSS THE CITY OF LOCKHART'S 2019 CERTIFIED PROPERTY TAX ROLL SUBMITTED BY THE CALDWELL COUNTY APPRAISAL DISTRICT.**

Ms. Larison provided information regarding the 2019 Certified Property Tax Roll. She stated that the Council would consider setting the proposed Fiscal Year 2019-2020 tax rate during the budget workshop sessions next week.

**A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF JULY 16, 2019.**

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

**B. DISCUSS PURCHASE OF NOAA NATIONAL WEATHER SERVICE ALERTS SOFTWARE FROM AMERICAN SIGNAL CORPORATION (ASC) WHICH ALLOWS FOR AUTOMATED ACTIVATION OF OUTDOOR WARNING SIRENS DURING A TORNADO WARNING ISSUED BY THE NATIONAL WEATHER SERVICE (NWS) IN THE AMOUNT OF \$2,850.**

Chief Jenkins stated that the software upgrade will allow for unattended auto-activation of all sirens when one or more of the Outdoor Warning Sirens (OWS) are included in a Tornado Warning polygon issued by the National Weather Service (NWS). This feature reduces the time for activation and provides alerts faster while freeing 9-1-1 dispatchers to perform other critical activities during emergency situations. The OWS may also be activated manually by dispatchers. The existing "Compuert Nexgen" control platform at 9-1-1- dispatch supports the addition of the audio weather alters. Chief Jenkins recommended approval. There was discussion.

**C. DISCUSS SUBMISSION OF A GRANT APPLICATION TO ST. DAVID'S FOUNDATION FOR THE PARKS WITH PURPOSE GRANT.**

Mr. Kelley stated that the grant is by invitation only and the City of Lockhart was again considered for this grant. The City was previously awarded this same grant last year, where the Council selected to have a trail system installed in the City Park. Phase 1 of this project is entering the final design stage and is being evaluated for environmental/historical impacts. Phase 1 will go out for bid soon and will be completed by the end of 2019. The funds awarded last year will only be enough to partially fund the entire trail system. Staff is proposing the continuation of the Town Branch Trail System in the City Park to promote physical activities. This year's grant could fund up to \$200,000 to be used for additional trails in the park. City properties outside of the City Park do not qualify for this grant and will have to be constructed with other funds. If awarded, Phase 2 of this trail system would be completed before the end of 2020. This grant has no matching requirement. Mr. Kelley recommended approval. There was discussion.

**D. DISCUSS RESOLUTION 2019-17 APPROVING AND ADOPTING A POLICY AND PROCEDURES FOR THE DISPOSAL OF SURPLUS CITY PERSONAL PROPERTY.**

Ms. Bowermon stated that cities frequently need to sell or convey equipment which is no longer needed for municipal purposes. It is the intent of this policy to dispose of surplus property in a cost effective and efficient manner that achieves the highest net release proceeds for the City of Lockhart. Currently, the City of Lockhart does not have a formal written policy addressing how to determine disposing of surplus property. The practice has been for a Department Head to notify the City Manager, who then determines if the assets can be disposed. The proposed policy creates a uniform policy authorized by the City Council for employees to utilize. City Attorney Monte Akers has reviewed the proposed policy. The proposed policy does not address the surplus of real property. Ms. Bowermon recommended approval of the policy. There was discussion.

**E. DISCUSS BID FROM KRAFTSMAN COMMERCIAL PLAYGROUNDS AND WATERPARKS OF SPRING, TEXAS IN THE AMOUNT OF \$365,813.18 FOR THE 2019 PARK RENOVATIONS & ADDITIONS, PHASE I, AND APPOINTING THE MAYOR TO SIGN ALL CONTRACTUAL DOCUMENTS.**

Mr. Kelley stated that this project consists of four new playscapes and nine shade structures to be installed in various parks throughout the City. On March 19, 2019, Council authorized the use of \$1,195,750 to implement needed park renovations and additions identified in the 2019/2020 Lockhart Parks and Renovation Project list. These selected projects have a total allocated budget of \$455,000. Kraftsman bid \$365,813.18, which is \$89,186.82 under the amount allocated by City Council. Six bids were received ranging from \$365,813.18 to a high of \$475,962.70. The lowest bid was submitted by Kraftsman Commercial Playgrounds and Waterparks. All playscapes included in this bid are designed to be all age inclusive, ADA compliant,

and have integrated shade elements rated at 89% UVR projection or higher. Kraftsman has a commendable reputation of building playscapes and shade structures. Also, Kraftsman completed the playscape located at the Pecos Street Park. Mr. Kelley recommended approval. There was discussion.

**F. DISCUSS CHANGE ORDER #1 TO KRAFTSMAN COMMERCIAL PLAYGROUNDS AND WATERPARKS OF SPRING, TEXAS IN THE AMOUNT OF \$29,186.82 CHANGING THE TOTAL AMOUNT OF THEIR CONTRACT TO \$395,000.00 FOR THE 2019 PARK RENOVATIONS & ADDITIONS, PHASE I, AND APPOINTING THE MAYOR TO SIGN ALL CONTRACTUAL DOCUMENTS.**

Mr. Kelley stated that this change order consists of modifications to the designs of the two themed-playscapes that are to be installed at Lion's Park and the Lockhart Sports Complex. Staff negotiated with Kraftsman for the purchase of enhanced themed-playscapes to be more consistent with what was presented during the Parks Renovation and Addition workshops. City Council authorized the use of \$455,000 for the purchase of playscapes and shade structures in various parks. If this change order is approved, these items will be \$60,000 under the allotted budget. Mr. Kelley recommended approval. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:22 p.m.

**REGULAR MEETING**

**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order on this date at 7:35 p.m. Mayor White announced that Mayor Pro-Tem Sanchez requested an excused absence from tonight's meeting due to a conflict.

**ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.**

Mayor White requested a moment of silence in honor of the victims of the recent tragedies in El Paso and Ohio. He 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. There were none.

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATIONS ZC-19-04 AND PDD-19-01 BY JES DEVELOPMENT COMPANY, INC., ON BEHALF OF MANUMIT INVESTMENT GROUP, LLC, FOR A ZONING CHANGE FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING BY-REFERENCE A REVISED PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN FOR MAPLE PARK, A PROPOSED MIXED-USE DEVELOPMENT ON 56.239 ACRES IN THE FRANCES BERRY SURVEY, ABSTRACT NO. 2, LOCATED ALONG THE WEST SIDE OF THE 700-1000 BLOCKS OF CITY LINE ROAD. [TABLED 7-2-2019]**

Mayor White opened the public hearing at 7:39 p.m.

Mr. Gibson stated that the PDD zoning classification is intended to accommodate developments with characteristics that may deviate from the normal zoning and subdivision standards. In return for such flexibility, the PDD requires an early commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications that cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan, which is adopted by-reference and cannot be changed except through the rezoning process. The subject property was rezoned from AO to PDD in 2012 concurrently with adoption of the associated PDD Development Plan for a mixed-use project. In 2017 and 2018 the Council approved zoning changes from PDD to PDD to revise the associated PDD development plans. The owner now wishes to increase the proposed number of multifamily dwelling units intended for senior housing from 48 to 56, and increase the total number of multifamily units from 72 to 86, which again alters the PDD development plan and requires rezoning from the current PDD to the revised PDD. All other uses remain the same except for simplification of the land use category labels. In addition, some section boundaries have been realigned. On July 24<sup>th</sup>, the Planning and Zoning Commission recommended approval of the zoning change and accompanying PDD development plan, as well as approved the corresponding preliminary plat. Notes required as a condition of the Commission's recommendation have been added to the PDD development plan. There have been no citizen objections. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

John Guttman of JES Development stated that the reason that they returned with a revised PDD is because of an increase in the number of units. He requested approval. There was discussion.

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

Jay Remley with Manumit Investment Group thanked staff and the city for support of the PDD.

Mayor White requested additional citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 7:50 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-15 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 56.239 ACRES IN THE FRANCIS BERRY SURVEY, ABSTRACT NO. 2, LOCATED ALONG THE WEST SIDE OF THE 700-1000 BLOCKS OF CITY LINE ROAD, FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING BY-REFERENCE A REVISED PDD DEVELOPMENT PLAN FOR MAPLE PARK PLANNED DEVELOPMENT DISTRICT.**

Councilmember Michelson made a motion to approve Ordinance 2019-15, as presented. Councilmember McGregor seconded. The motion passed by a vote of 6-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING REQUEST FROM ORGANIZER P1 PROMOTIONS TO CONSIDER CHANGING EVENT DATE FOR THE 2020 KART RACES IN LOCKHART AND CONSIDER CITY CONTRIBUTIONS TO HOST EVENT.**

Ms. Bowermon stated that during the July 16, 2019 meeting, the Council approved July 18-19, 2020 as the race event date. Since that time, P1 Promotions has contacted the City requesting that the event date be changed to May 16-17, 2020. Although P1 Promotions had originally preferred the July date, another kart race at the Indiana Speedway unexpectedly moved to July 18-19, 2020. P1 Promotions and the race share the same participants and customer base. P1 Promotions now prefers May 16-17, 2020. Staff contacted both Chambers and Caldwell County about the new kart race date request in May 2020. As of this date, no objections have been expressed by any entity.

In collaboration with P1 Promotions, staff drafted a term sheet addressing both the City's and P1's proposed responsibilities for the race event. Based upon this distribution of responsibilities, staff's initial cost estimate for the City to host the race is approximately \$17,000 for in-kind contributions and \$24,050 for monetary expenses in securing vendor services to support the race. P1 has requested that the general liability requirement be reduced from \$6 million to \$5 million due to the drastic increase in cost. There was discussion.

Gina French of P1 Promotions explained the conflict with the Indiana Speedway kart race, and she thanked the Council for considering to reschedule the race in Lockhart from July to May 2020. She provided information about the upcoming race that would include ages 11 and older and how the kart races would benefit the community. There was discussion regarding the liability coverage to hold the event.

Councilmember McGregor made a motion to change the date of the kart race to May 16-17, 2020 and to direct staff to return with a negotiated contract for Council's consideration. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

**ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING ORDINANCE 2019-16 AMENDING ARTICLE I OF CHAPTER 56, TITLED "TRAFFIC AND VEHICLES", TO ADD A DEFINITION OF "MOTORIZED SCOOTER", IN SEC. 56-1; AMENDING ARTICLE VII OF CHAPTER 56 TO AMEND SECTIONS 56-383 AND 56-384 TO ADD MOTORIZED SCOOTERS TO THE REGULATIONS CONTAINED IN THOSE SECTIONS, AMENDING ARTICLE III OF CHAPTER 62 TO ADD A DEFINITION OF "MOTORIZED SCOOTER" IN SEC. 62-100, AND AMENDING ARTICLE III OF CHAPTER 62, CURRENTLY TITLED "PEDICABS", TO ADD MOTORIZED SCOOTERS TO THE TITLE OF ARTICLE III AND TO REQUIRE A PERMIT FOR OPERATION OF A MOTORIZED SCOOTER BUSINESS IN THE CITY.**

Chief Pedraza provided information regarding the proposed policy regarding motorized scooters in the city limits. The scooters would be prohibited in the downtown district and on sidewalks.

Mr. Akers clarified that the motorized scooter policy would be similar to the regulations of pedicabs.

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

**ITEM 5. CONSENT AGENDA.**

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

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the City Council meeting of July 16, 2019.
- 5B: Approve purchase of NOAA National Weather Service Alerts software from American Signal Corporation (ASC) which allows for automated activation of Outdoor Warning Sirens during a Tornado Warning issued by the National Weather Service (NWS) in the amount of \$2,850.
- 5C: Approve submission of a grant application to St. David's Foundation for the Parks with Purpose Grant.
- 5D: Approve Resolution 2019-17 approving and adopting a policy and procedures for the disposal of surplus City personal property.
- 5E: Award bid to Kraftsman Commercial Playgrounds and Waterparks of Spring, Texas in the amount of \$365,813.18 for the 2019 Park Renovations & Additions, Phase I, and appointing the Mayor to sign all contractual documents.
- 5F: Approve Change Order #1 to Kraftsman Commercial Playgrounds and Waterparks of Spring, Texas in the amount of \$29,186.82 changing the total amount of their contract to \$395,000.00 for the 2019 Park Renovations & Additions, Phase I, and appointing the Mayor to sign all contractual documents.

**ITEM 6-C. DISCUSSION AND/OR ACTION TO ACKNOWLEDGE AND ACCEPT RECEIPT THE CITY OF LOCKHART'S 2019 CERTIFIED PROPERTY TAX ROLL SUBMITTED BY THE CALDWELL COUNTY APPRAISAL DISTRICT.**

Councilmember McGregor made a motion to approve the 2019 Certified Property tax roll, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

**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.**

- Library Updates:
  - Master Gardner's Meeting August 13, 2019 at 6:00 p.m. in the Clark Building.
  - Evening with the Authors to be held October 5, 2019 in the Garden of Margaret Riddle.
  - Census Bureau to hold Census employee training on October 9 & 16 in the Clark Building for upcoming Census data collection tasks.
- Public Works Updates:
  - Update: 2019 Street Improvement Plan- Lion Country Drive, Center Street, Trinity Street, park roads and the pool parking lot all have completed asphalt resurfacing.
  - Streets Department is currently striping school zones and crosswalks around all of the school campuses prior to school starting on August 14<sup>th</sup>.
  - Water Projects Update: Staff had two preconstruction meetings on Friday, August 2<sup>nd</sup> in regards to the pump station to be installed at the Maple Elevated Water Tower and for the 18" water main that will be placed towards the new elevated tower on FM 2001. Staff will have a preconstruction meeting with the elevated tower contractor on August 14<sup>th</sup>.
  - City pool will close on August 11<sup>th</sup>. The splash pad will remain open until cooler temperatures arrive.
  - Summer Water Production / Distribution update.

- November 5, 2019 City General Election for Councilmembers District 1, District 2 and Two At-Large positions – last day to file for place on ballot is August 19, 2019 by 5:00 p.m.
- Texas Sales Tax Holiday – August 9-11.
- Last Movie in the Park – August 10 – “Small Foot”.
- Reminder: Fiscal Year 2019-2020 Budget Work sessions will be held on August 12 and 13 at 6:30 p.m.

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

Councilmember Mendoza expressed condolences to those that have recently lost a loved one. He stated that Council has been invited to an upcoming ribbon cutting for the new curbside shopping area at HEB. A date and time will be announced soon.

Councilmember McGregor asked everyone to take care in the heat and to stay hydrated.

Councilmember Castillo wished teachers and students a good new school year and asked everyone to stay safe. He encouraged citizens to read information about the upcoming LISD school bond that will be on the November election ballot. He asked citizens to continue to ration water and he expressed sympathy to those that were involved in the recent shooting tragedy in El Paso and Ohio.

Councilmember Michelson wished the teachers and students good luck during the new school year. He asked everyone to be safe and to be cautious for the next few days while City staff to re-paints curbs, etc. on the streets. He stated that he received several calls about the brown water and announced that staff is working on clearing up the water.

Mayor White wished all a successful new school year. He reminded Council and staff that budget workshops will be held on August 12 and 13 in the Council Chambers at 6:30 p.m.

**ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.087 TO DELIBERATE OR FOR DISCUSSION REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT. - Discussion regarding Economic Development negotiations with Project Promo.**

Mayor White announced that the Council would enter Executive Session at 8:32 p.m.

**ITEM 10. OPEN SESSION - Discussion and/or action regarding Economic Development negotiations with Project Promo.**

Mayor White announced that the Council would enter Open Session at 9:08 p.m.

Councilmember Michelson made a motion to allow the City Manager to negotiate a 380 agreement with Project Promo. Councilmember McGregor seconded. The motion passed by a vote of 6-0.

**ITEM 11. 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 9:10 p.m.

PASSED and APPROVED this the 20<sup>th</sup> day of August 2019.

ATTEST: -

Connie Constancio  
Connie Constancio, TRMC  
City Secretary

**CITY OF LOCKHART**

Lew White  
Lew White, Mayor

