LOCHKART CITY COUNCIL
REGULAR MEETING MAY 21, 2019 6:30 P.M.

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

Council present: Mayor Lew White
 Mayor Pro-Tem Angie Gonzales-Sanchez
 Councilmember John Castillo
 Councilmember Juan Mendoza
 Councilmember Kara McGregor
 Councilmember Jeffry Michelson
 Councilmember Brad Westmoreland

Staff present:
 Steve Lewis, City Manager
 Monte Akers, City Attorney
 Pam Larson, Finance Director
 Dan Gibson, City Planner
 Connie Constancio, City Secretary
 Randy Jenkins, Fire Chief
 Sean Kelley, Public Works Director

Citizens/Visitors Addressing the Council: Citizens: Jennifer Whiting, Billy Fogle, Mary Eisenberg, JoAnn Labay, Shane Stephenson, Steven Castillo, Dr. Tony Jacob, Frank Coggins, and Peter Moore.

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:

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

B. DISCUSS RESOLUTION 2019-11 AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE FIRE, AMBULANCE, AND SERVICES TRUCK 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 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.
Chief Jenkins stated the proposed vehicle is a 2020 Pierce custom pumper to replace Engine 4 (2010 Pierce) as front-line. Engine 4 will replace Engine 2 (1994 Pierce) as primary reserve. The new pumper will improve reliability and firefighter safety. Estimated projected cost is $585,000. The grant application will be prepared and submitted by the Capital Area Council of Governments (CAPCOG) through an interlocal agreement. The maximum award is $500,000 with a minimum of $5,000 match. Chief Jenkins recommended approval. There was discussion.
C. DISCUSS ACCESS EASEMENT AGREEMENT ALONG REYNOLDS STREET GENERALLY WEST OF LOT 1, BLOCK 1, WINDHAM SUBDIVISION, AND SOUTH OF MULBERRY STREET.

Mr. Gibson stated that Lot 1, Block 1, Windham Subdivision, located at 121 Reynolds Street, is on the north and east side of the street where the street turns northward toward its intersection with Mulberry Street. South of Lot 1 is a 0.209-acre area dedicated as street right-of-way for Reynolds Street. However, the western portion of Reynolds Street crosses through dedicated parkland that is part of Navarro Springs Park, which is mostly on the west side of Town Branch Creek and fronts on Blanco Street. The Windham Subdivision plat dedicated an additional 0.021-acre strip of parkland along the west side of Lot 1 to accommodate the existing Reynolds Street, which would have otherwise clipped the corner of the lot. The western portion of Reynolds Street has always been open to the public and used as a public street, but it was never specifically dedicated as a public street right-of-way. The driveways for each unit of the duplex on Lot 1 connect to the western portion of Reynolds Street, and a pending sale of the property is being delayed until the owner can obtain legal access to a public street. The permanent solution involves a lengthy process of removing the parkland designation along the western portion of Reynolds Street in accordance with State law, and replacing that designation with dedication of the area as a public street right-of-way. In the interest of time, the owner proposes a temporary solution in the form of this access agreement which specifically authorizes Lot 1 to obtain access from the western portion of Reynolds Street where the driveways connect. This easement will automatically terminate when the easement area is later dedicated as a public street right-of-way. Mr. Gibson recommended approval. There was discussion.

D. DISCUSS RECOMMENDATIONS BY FINANCE DEPARTMENT FOR USE OF UNRESTRICTED GENERAL FUND BALANCE FOR THE PURCHASE OF COMPUTERS CITY-WIDE.

Ms. Larison stated that according to Microsoft, the current operating system that all of the City’s computers are utilizing will no longer be supported in 2020. There have been issues with updates that are automatically installed after hours affecting the City’s systems weekly. Besides the operating systems, Windows will also no longer be supporting our current Windows Office software. This would mean that any files sent in a newer format will not open in our software programs, such as Excel and Word. Each department has requested to upgrade their computers in preliminary fiscal year 2019-2020 budget requests. Three quotes were reviewed for laptops, patron computers at the Library, and employee computers. The warranty period is for three years. Each unit is approximately $744.01 for desktops and $991.95 for laptops. The funds available in the general fund for the current fiscal year is $1,374,466. Finance is recommending purchasing computers city-wide with a one-time expenditure from fiscal year 2018-2019 fund balance for employee desktops, Library patron computers, and laptops for approximately $101,000. There was discussion.

E. RECEIVE REPORT BY THE CITY MANAGER AND FIRE CHIEF REGARDING A FIRE AT 1100 MONTE VISTA STREET ON FEBRUARY 12, 2019.

Chief Jenkins gave the report that reflected that the Fire Department’s total turnaround time to respond to the fire at 1100 Monte Vista on February 12, 2019 was 7 minutes and 51 seconds. There was brief discussion.

Mayor White stated that the homeowner requested during the May 7, 2019 Council meeting that a report be provided that dictated the response time to the house fire. He stated that he has met with the homeowner to discuss the results of the response time report and the homeowner does not agree. Chief Jenkins compiled call times from the Caldwell County Sheriff’s Department that provided the actual response time and that it be read in a public meeting to allow the homeowner and citizens the ability to hear the facts.
F. DISCUSS CITY-OWNED FACILITIES, RECREATION AREAS AND PARKS NAMING/RENAMING POLICY.

Mr. Lewis explained several amendments to the policy as directed by the Council on May 7, 2019. The Parks and Library Advisory Boards were listed in the policy to review requests for naming, when applicable, and the criteria to be considered for naming was clarified by separating criteria for living and deceased individuals.

Councilmember McGregor requested to add criteria that if the renaming recommendation falls outside of the realm of the Parks or Library Advisory Boards, the naming request would be submitted directly to the City Council for consideration. There was discussion.


Mayor White stated that concerns have been expressed from various entities and property owners of which the proposed gas pipeline would affect. Caldwell County residents have expressed concern about the safety of a gas pipeline near their residence. The proposed pipeline is not within the City of Lockhart’s city limits but it is within the city’s extraterritorial jurisdiction which is why the city is considering joining in the opposition process for public safety purposes. He stated that Caldwell County Judge Hayden will meet soon with Kinder Morgan to discuss the proposed gas pipeline. Mayor White asked the Council’s position about the proposed gas pipeline.

Councilmember Michelson suggested that the Resolution be tabled to wait and see what Caldwell County’s position is on the gas pipeline.

Councilmember Castillo suggested a revised and stronger Resolution expressing opposition of the gas pipeline. He stated that his focus is to do what is necessary to keep the citizens in a safe community.

Councilmember McGregor stated that constituents have expressed strong opposition to the proposed gas pipeline, which she agrees. She spoke in favor of adopting a Resolution expressing opposition to the gas pipeline and that her main focus is the safety of the citizens in the community.

Mayor Pro-Tem Sanchez expressed opposition to the proposed gas pipeline. She encouraged the city to continue to work closely with Caldwell County, Lockhart Independent School District and surrounding entities about the position on the issue.

Councilmember Mendoza stated that he did not believe that the City of Lockhart has a position to take on the proposed gas pipeline. He encouraged Caldwell County to express their position about the proposed gas pipeline.
Councilmember Westmoreland stated that he believed it is best to wait and see Caldwell County’s position about the proposed gas pipeline. He recommended that the Council get more educated about the pipeline.

RECESS: Mayor White announced that the Council would recess for a break at 7:23 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.
Mayor Lew White called the meeting to order at 7:42 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.
Councilmember Castillo gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.
Mayor White requested the following citizens to address the Council:

Jennifer Whiting, 1516 Old Luling Road, spoke against the gas pipeline and stated that the current gas pipeline presents a health hazard to those that it surrounds. She also requested that the proposed Resolution be amended to add the City of Lockhart’s opposition and that 4,000 feet should be the distance that a gas pipeline should be allowed near a residential dwelling.

Billy Fogle, 5231 State Park Road, spoke against the proposed Kinder Morgan gas pipeline. He stated that the proposed pipeline will be very close to his home, which is a clear danger to his family.

Mary Eisenberg, 1021 Spruce, spoke against the proposed Kinder Morgan gas pipeline. She encouraged the Lockhart City Council to join other entities in opposing the gas pipeline.

JoAnn Labay, 1484 Old Luling Road, spoke against the proposed Kinder Morgan gas pipeline. She distributed flyers that provide details about the pipeline route and health and safety hazards posed to the affected individuals.

Shane Stephenson, 604 State Park Road, spoke in favor of the Kinder Morgan gas pipeline. He stated that the community could utilize the assistance from Kinder Morgan and that his father’s property recently sold with an increased value because of the gas pipeline.

Steven Castillo, 480 Coyote Run, Dale, Texas, spoke in favor of the Kinder Morgan gas pipeline. He stated that he would rather reside next to a gas pipeline than a trucking company that would be more dangerous for his family.
ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-19-03 BY BROTHERS HOLDINGS FOR A ZONING CHANGE FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT ON LOTS 16 AND 17, BLOCK 5, SOUTH HEIGHTS ADDITION, AND THOSE PORTIONS OF ADJOINING STREETS AND ALLEYS THAT PREVIOUSLY REVERTED TO SAID LOTS BY VACATION AND ABANDONMENT, CONSISTING OF 0.682 ACRE AND LOCATED AT 1105 SOUTH COMMERCE STREET.

Mayor White opened the public hearing at 8:07 p.m. and requested the staff report.

Mr. Gibson stated that the applicant proposes to develop the subject property in conjunction with adjacent parcels that they own along South Colorado Street, abutting the rear of the subject property. The proposed use is an eye care clinic that would face and obtain primary access from Colorado Street. An application for rezoning this property from RMD to CHB was submitted in 2018, and unanimously recommended for approval by the Planning and Zoning Commission, but was denied by the City Council. This time, the proposed zoning is CMB, which is more restrictive than CHB. There are existing residential dwellings on abutting lots to the north and south, as well as across the street to the east. In general, the CMB district is not considered compatible with residential districts. However, the two houses adjacent to the north are zoned CHB. According to the Lockhart 2020 Land Use Plan map, the entire block is anticipated to be General-Heavy Commercial in the future. The proposed CMB zoning is consistent with the future land use designation, and is a logical transition between the more intense CHB zoning on two boundaries and the RMD zoning along the other two boundaries. In addition, the Lockhart 2020 Thoroughfare Plan identifies the abutting South Commerce Street as an arterial street, which supports the potential for future commercial development/re-development on the west side of the street. A letter of protest was submitted that is signed by five residents of the area, two of whom spoke at the Planning and Zoning Commission meeting. Only two of the five protesting actually own property within the 200-foot public hearing notification area. Because the protest of owners represents only 13 percent of the area within 200 feet, an affirmative vote by a simple majority will be sufficient for approval. Mr. Gibson stated that in addition, a petition containing 121 signatures in favor of the rezoning was received after the Planning and Zoning Commission meeting. The Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council:

Dr. Tony Jacob, 466 Clear Springs Hollow, Buda, Texas, stated that their goal is to bring ultimate eye care to the community that would include cataract surgery and other eye care treatment options that would save residents from having to go to another city for treatment. Their patient capacity has met the threshold at their current location and are at a point that they need to expand. He requested approval. There was discussion.

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

Frank Coggins, 602 LaFeliciana, spoke in favor of the zoning change. He stated that developing the property with a new building would improve the property facing Highway 183.

Mayor White requested the following citizens against the zoning change to address the Council:
Peter Moore, 1018 South Commerce, spoke against the zoning change. He presented a petition from several residents in the neighborhood that are against the zoning change. The residents in the area would like the neighborhood to remain residential with no additional businesses.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:26 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-12 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 0.682 ACRE CONSISTING OF LOTS 16 AND 17, BLOCK 5, SOUTH HEIGHTS ADDITION, AND THOSE PORTIONS OF ADJOINING STREETS AND ALLEYS THAT PREVIOUSLY REVERTED TO SAID LOTS BY VACATION AND ABANDONMENT, LOCATED AT 1105 SOUTH COMMERCE STREET, FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.**

Councilmember McGregor stated that she resides near several businesses and understood the neighborhood’s concerns. She believed that an Eye Care Center would be a low impact business that would not be as disruptive as other commercial type businesses, such as a convenience store.

Councilmember Mendoza spoke in favor of the zoning change and stated that he believed it was time to rezone the property from residential to commercial.

Mayor White spoke in favor of the zoning change because he believed the Eye Care Center would be a low impact business.

Councilmember Michelson made a motion to approve Ordinance 2019-12, as presented. Councilmember Mendoza 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 McGregor seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

5A: Approve minutes of the City Council meeting of May 7, 2019.

5B: Approve Resolution 2019-11 authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Fire, Ambulance, and Services Truck 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 Texas Community Development Block Grant Program.

5C: Approve Access Easement Agreement along Reynolds Street generally west of Lot 1, Block 1, Windham Subdivision, and south of Mulberry Street.

5D: Approve recommendations by Finance Department for use of unrestricted General Fund balance for the purchase of computers city-wide.

**ITEM 6-A. RECEIVE AND ACCEPT REPORT BY THE CITY MANAGER AND FIRE CHIEF REGARDING A FIRE AT 1100 MONTE VISTA STREET ON FEBRUARY 12, 2019.**

Councilmember McGregor made a motion to accept the report, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.
ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER CITY-OWNED FACILITIES, RECREATION AREAS AND PARKS NAMING/RENAMING POLICY.
Councilmember McGregor made a motion to approve the policy. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2019-12 REGARDING THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE (PHP) WITHIN CALDWELL COUNTY AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LOCKHART; RECOGNIZING THE IMPORTANT ROLE OF SUCH PIPELINES AND THE LEGAL AUTHORITY OF THE SPONSOR OF THE PHP; EXPRESSING CONCERNS ABOUT PUBLIC SAFETY, LANDOWNER RIGHTS, LOCAL GOVERNMENT INVOLVEMENT AND OTHER ISSUES; REQUESTING THAT KINDER MORGAN, EXXON MOBIL AND EAGLECLAW MIDSTREAM VENTURES IMPLEMENT MEASURES TO PROTECT THE PUBLIC, LANDOWNER RIGHTS, AND TO INCREASE THE INVOLVEMENT OF LOCAL GOVERNMENTS, AND EXPRESSING SUPPORT FOR LEGISLATIVE AND STATE AGENCY ACTION TO ADDRESS THESE AND SIMILAR ISSUES.
Mayor White stated that a proposed meeting is scheduled at 8:00 a.m. between Caldwell County and Kinder Morgan to further discuss the proposed gas pipeline. He requested the Council’s consensus about how to proceed.

Councilmember Westmoreland made a motion to table the item until pending discussions with Kinder Morgan and other entities have come to an agreement. Councilmember Mendoza seconded.

Councilmember Castillo stated that he believed that a Resolution should be adopted and that it should be stronger to be against the proposed gas pipeline.

Councilmember McGregor spoke against the proposed gas pipeline and stated that she is in favor of a formal expression against it and to request that Kinder Morgan moves the proposed gas pipeline to a less populated area. She stated that she believed that the proposed gas pipeline would hinder growth in the area.

Mayor White stated that the intent of Resolution 2019-12 was to express concern about the safety factor to the community. He stated that Kinder Morgan has expressed some efforts towards negotiations to addressing some of the concerns.

Monte Akers, City Attorney, stated that the City of Lockhart’s authority over the Kinder Morgan gas pipeline is very limited because it will not be within the city limits. If the gas pipeline were to be constructed within the city limits, that would provide the City of Lockhart the authority to express an opinion.

There was discussion regarding the tabling process, which can be postponed to a date specific meeting.

Councilmember Westmoreland amended the motion to table Resolution 2019-12 until the second meeting in June. Councilmember Mendoza seconded the amended motion. The motion passed by a vote of 5-2, with Councilmembers Castillo and McGregor 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.

- Library Updates:
  - Downtown Business Association will donate Queso Crawl proceeds to the Library in the amount of $2,000.
  - Summer Reading Club Registration begins May 20, 2019 through May 31, 2019. Sessions begin June 7, 2019 with a big kick-off party with sessions ending July 19.
  - FREE Summer Meals available at the Library for Teens and Children beginning June 3rd and ending August 2nd. Adults $3 - Breakfast served at 10:00 a.m. - Lunch served at 12:30 p.m. Funded by the Central Texas Food Bank and the Lockhart ISD.
  - Evening with the Songwriters at the Dr. Eugene Clark Library presents Dance singer-songwriter Emily Gimble as she performs from her debut album “Certain Kinda” Tuesday, May 28, 2019 at 7 p.m. FREE event to the public.
  - FREE Computer Classes- In June we will be offering Basic Computer Skills, Basic Internet, email & job searching, Basic Introduction to Word, Basic Introduction to Excel. Call the library to schedule a time.

- Update regarding the April 2019 Revenue and Expenditure Report.

- Municipal Court update for the 2018-2019 School Year:
  - Parent Contributing to Non-Attendance - 216 cases.
  - Truant Conduct - 127 cases.

- Update about preparing for wildfire season.

- Update regarding the bidding and proposed construction of Fire Station No. 2 at 1914 W. San Antonio Street.

- Staff had a final walkthrough with KB Homes and Patin Construction at the Meadows At Clearfork - Section II on May 13th.

- Upcoming bids due on May 30 on city projects:
  - 500,000 Gallon Elevated Water Storage Tank to be constructed at the southwest corner of Cesar Chavez and Silent Valley Road.
  - SH130 18” Water Main Phase 2-Connecting the new elevated water storage tank to the existing water system.
  - City Line Road Pump Station to be installed at the elevated water storage tank located on City Line Road, creating a second pressure plane.

- Library policies will be presented at the June 4 meeting.

- KB Homes has applied for 10 permits for new homes at the Meadows at Clearfork, Section III within the last 45 days.

- Police Department Community Events:
  - June 20th at 6:30 p.m. – next Police Chief meeting.
  - Career Day presentations – May 2nd at Bluebonnet Elementary and on May 10th at Navarro Elementary.
  - May 15th - Conducted a “mock lockdown” at Lockhart ISD Central Office.
  - In April - attended several local civic organization meetings (Kiwanis, Evening Lions Club, S.A.L.T., Boy & Girl Scouts, etc.)
ITEM 8. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.
Councilmember Mendoza congratulated the High School graduating Class of 2019. He stated that the Texas Workforce Solutions would be holding a job fair on May 30 at the Lions Club. He invited everyone to the Lewis Block party on Chihuahua Street on Saturday.

Mayor Pro-Tem Sanchez expressed condolences to families of Jill Frizell Guenther and Dolores Rodriguez Hernandez for their loss. She congratulated the graduating Class of 2019 and thanked Peter Gruning for serving as City Attorney for 15 years. She thanked the Navarro Elementary School for inviting her to participate in a career fair.

Councilmember McGregor congratulated the Class of 2019 and to all students for finishing another school year. Chisholm Trail Roundup festivities coming up the second weekend in June. Happy Memorial Day.

Councilmember Castillo expressed condolences to the family of Bruce Albright and others for their loss. He thanked the Lockhart ISD teachers and staff for a successful school year. He reminded students/parents/residents about the nighttime curfew during the summer. Have a safe and Happy Memorial Day.

Councilmember Michelson thanked Peter Gruning for serving for the past 15 years. He congratulated the Class of 2019 and Mark Estrada for serving as the Lockhart ISD Superintendent for one year.

Mayor White expressed condolences to the family of Jill Guenther for their loss. He wished Vance Rodgers get well soon wishes. He thanked Peter Gruning for serving as City Attorney for the past 15 years and he welcomed Monte Akers for joining as the City Attorney. He will attend the meeting regarding the Kinder Morgan gas pipeline tomorrow morning. He announced that Mike Kamerlander has been selected as the Lockhart Economic Development Director. He thanked the Lockhart ISD and Caldwell County for working with the City of Lockhart on various public concern issues.

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 9:05 p.m.

PASSED and APPROVED this the 4th day of June 2019.

CITY OF LOCKHART

[Signature]
Mayor White

ATTEST:

[Signature]
Connie Constancio, TRMC
City Secretary

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