LOCKHART CITY COUNCIL
REGULAR MEETING
SEPTEMBER 20, 2016 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 Benny Hilburn
Councilmember Jeffry Michelson  Councilmember Brad Westmoreland

Staff present:  Vance Rodgers, City Manager
Connie Constancio, City Secretary
Peter Gruning, City Attorney
Jeff Hinson, Finance Director
Dan Gibson, City Planner

Citizens/Visitors Addressing the Council:  Citizens, Joel Gammage, Clemente Medellin, Cathy Scott, Phillip Torres, Anthony Bowen, Tex Cordova, Teri Davidson, Reid Davidson, Charles Keplar, Catherine Roland, Jaston Williams, Lucy Knight, Nancy Burns, Todd Blomerth, Jennifer Sanchez, Patti Payne, Lydia Serna, Terry Black, Dustin Hill, and Melissa Okeefe.

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 2016-16 SUPPORTING THE LOCKHART TC I, LP DEVELOPMENT, EMLI AT LOCKHART, APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO CONSTRUCT 288 UNITS OF AFFORDABLE RENTAL HOUSING TO BE LOCATED AT 2111 WEST SAN ANTONIO STREET.
Mr. Rodgers stated that the Resolution of no objection or of support is required to accompany the developer’s application to the Texas Department of Housing and Community Affairs seeking to construct 288 units of affordable rental housing to be located at 2111 West San Antonio Street. Typical building renderings and the site layout plan were submitted to the Council for review. A public hearing was held at the Caldwell County Courthouse, 2nd Floor, at 5:30 p.m. on Tuesday, September 13, 2016, to hear public comments about the proposed project. Mr. Rodgers recommended approval. There was discussion.

Mr. Rodgers provided details about the streets that Joel Gammage of Hot Rods and Hatters is requesting to close for their event that will be held on February 6-8, 2017. Mr. Gammage has signed approvals by the businesses and residents on all of these street closures except for a couple that he is working on obtaining. Samples of support letters are also provided. Mr. Gammage expects 800 or more vehicles at the 2017 event. North Main from Walnut to Pecan will remain open. He has also obtained permission
from large parking lot owners to help alleviate some of display and parking issues experienced during the 2016 event. A drive-in type movie is planned for Friday night, February 3. The City will provide traffic control, security, barricades, signage, trash carts, trash dumpsters, and help with advertising and amenities costs. Mr. Gammage has agreed and will provide sufficient general liability insurance naming the City of Lockhart as an additional insured certificate holder. Mr. Rodgers recommended approval. There was discussion.

Joel Gammage, 916 South Main St., addressed the Council and provided details about the streets that he requests to be closed to accommodate the Hot Rods and Hatters event.

D. DISCUSS ENGINEERING SERVICES AGREEMENT WITH TRC ENGINEERING FOR THE WATER AND WASTEWATER IMPACT FEE UPDATE ACCORDING TO THE NEGOTIATED SCOPE OF WORK FOR A LUMP SUM AMOUNT NOT TO EXCEED $27,500, AND APPOINTING THE CITY MANAGER TO SIGN THE AGREEMENT IF APPROVED. [FORM 1295: 2016-09-20-18]

Mr. Rodgers stated that the Water and Wastewater Impact fee update is required. The scope of work requirements to be performed by TRC Engineering is listed in the agreement. TRC has performed this task before. Mr. Rodgers recommended approval.

E. DISCUSS AGREEMENT WITH TECHLINE CONSTRUCTION, LLC, OF AUSTIN, TEXAS, TO PROVIDE ALL SUPERVISION, LABOR, AND EQUIPMENT TO EXTEND ELECTRIC THREE PHASE PRIMARY LINES FROM THE SOUTHEAST CORNER OF MAPLE AT SH 130 TO THE SOUTHWEST CORNER OF MAPLE AT CITY LINE ROAD AND FROM THAT CORNER SOUTH TO CLEARFORK STREET FOR A FEE NOT TO EXCEED $67,670, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT IF APPROVED. [FORM 1295: 2016-09-20-19]

Mr. Rodgers stated that the City of Lockhart has a construction and materials contract agreement valid through 2018 with the Lower Colorado River Authority (LCRA). Under that agreement, LCRA has taken public bids for electric construction related to labor/equipment and materials. This work will include extending the new primary line from the southeast corner of Maple at SH 130 to the southwest corner of Maple at City Line Road and then south a Clearfork Street distribution line for a fee not to exceed $67,670. Mr. Rodgers “recommended approval. There was brief discussion.

F. DISCUSS ORDINANCE 2016-23 AMENDING CHAPTER 46 “SIGNS” OF THE CODE OF ORDINANCES TO CORRECT ERRORS IN PREVIOUS ORDINANCE 2015-20; AMENDING SECTION 46-6 “PROHIBITED SIGNS AND LOCATIONS”, SUBSECTION (A)(7), AND AMENDING SECTION 46-7 “SIGNS EXEMPT FROM SECTION 46-11(B)”, SUBSECTIONS (10) AND (24).

Mr. Gibson stated that on September 1, 2015, following the recommendations of an ad hoc committee consisting of representatives of businesses in Lockhart, the Council adopted Ordinance 2015-20, which amended the sign ordinance primarily with respect to various types of temporary signs. It was recently discovered that not all of the proposed changes made it into the ordinance as intended, and unintended changes were inadvertently included. This is due primarily to a staff error in incorrectly translating from the annotated version of the text amendment to the “clean” version that was the basis for the wording in Ordinance 2015-20. Also, one error was the result of MuniCode’s codification of the ordinance where a phrase was left out that was shown correctly in Ordinance 2015-20. Therefore, the purpose of this amendment is simply “housekeeping” to restore the intended wording to the sign ordinance. It does not create any new or different provisions that have not already been discussed. Mr. Gibson explained the text amendments in detail. He recommended approval.
G. DISCUSS NEW RECREATION SUPPORT TYPE BUILDING IN CITY PARK AND CONSIDERING POSSIBLE LOCATIONS WITHIN THE PARK.
Mr. Rodgers stated that Steinbomer and Associates, Architects, looked at three possible locations with City Park for a recreation support type building. Location #1 is just south of the pool and could be moved closer to the Main Pavilion and attached if the location is chosen. Location #2 is north of the North Pavilion. Location #3 would be rehabilitation of the amphitheater. Pros and cons as seen by the architect are listed on each location map. Excerpts from the Parks Advisory Board’s minutes were provided regarding the structure. There was discussion.

Mayor White suggested pulling the item and wait to discuss the building after the updated Parks Master Plan is completed.

Councilmember Castillo thanked Mr. Steinbomer for the architectural work and for providing options about the new structure.

H. DISCUSS PRIORITIZATION OF PARKS IMPROVEMENTS BY MAYOR AND COUNCILMEMBERS AND REGARDING FUNDING OF AN UPDATED PARKS MASTER PLAN ESTIMATED AT $50,000.
Mr. Rodgers stated that at the last Council meeting, it was decided by the Council to prioritize the parks improvement list so it could be compared with the Parks Advisory Board priority list. Responses were received by the Mayor and two Councilmembers which were included in the packet long with the Parks Advisory Board’s priority list. The City Manager has determined that the Parks Master Plan estimated at $50,000 can be funded by the 2015 Certificates of Obligation Parks Funds as long as the parks projects identified in the master plan are funded from the same funds. $750,000 is left in that fund account. There was discussion. Staff will continue to work on an updated Parks Master Plan.

I. DISCUSS RE-AFFIRMING APPOINTMENTS TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) GENERAL ASSEMBLY.
Mayor White stated that he and Councilman John Castillo serve on the CAPCOG General Assembly. He recommended that each appointment is reaffirmed. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:15 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 – Councilmember Benny Hilburn
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-16-05 BY LYDIA SERNA ON BEHALF OF JAMES QUEZADA FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CCB COMMERCIAL CENTRAL BUSINESS DISTRICT FOR PART OF LOTS 1 AND 6, BLOCK 28, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.185 ACRE LOCATED AT 109 WEST WALNUT STREET.

Mayor White opened the public hearing at 7:35 p.m. and requested the staff report.

Mr. Gibson stated that the applicant requested the same zoning change a little over one year ago, and it was not approved by the Council due to a tie vote with one abstention. The current and proposed use of the property is a restaurant. The block where the subject property is located is zoned entirely CMB, while the central business districts blocks to the south are zoned CCB. The requested zoning change would simply expand the boundary of the CCB district. There is not a significant difference between those classifications, although the CCB district is generally more restrictive except that it allows bars upon approval of a specific use permit, whereas the CMB district does not allow bars at all. Mr. Gibson also explained that the building on the subject property along with others on that block, are nonconforming in the current CMB zoning due to having no front or side setbacks, whereas they would be conforming in the requested CCB zoning classification. The required CCB zoning is consistent with the mixed use designation of the property on the Lockhart 2020 Future Land Use Plan map, which includes the entire central business district and surrounding area. Three letters of protest and 274 letters of support have been received. Even though only three letters of protest were received, they represent the ownership of far more than 20 percent of land area within 200 feet of the subject property. Therefore, in accordance with the zoning ordinance and State law, the City Council can approve the zoning change only by an affirmative vote by 3/4 of the total council membership, which when rounded up, is at least six votes out of seven. Mr. Gibson stated that the Planning and Zoning Commission failed to make a recommendation due to a 2-2-1 vote on a motion to recommended approval. Staff recommends approval.

Mayor White requested the following citizens to address the Council that were in favor of the proposed zoning change:
Clemente Medellin, 251 Wild Buffalo
Cathy Scott, 1312 Hausman Drive
Phillip Torres, 1812 South Colorado
Anthony Bowen, 115 Bois Arc
Tex Cordova, 936 West Prairie Lea Street
Teri Davidson, 499 Sand Hill, McMahan
Reid Davidson, 499 Sand Hill Rd., McMahan
Chuck Keplar, 424 Plum Street

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

Mayor White requested the following citizens to address the Council that were against the proposed zoning change:
Catherine Roland, Dancing Center Unlimited, 1407 4th Street
Jaston Williams, 1230 West Prairie Lea
Lucy Knight, 1532 Parkview, member of the Episcopal Church
Nancy Burns, 906 Vogel Drive
Todd Blomerth, 1105 Spruce
Jennifer Sanchez, 119 West Walnut
Patti Payne, 1105 Spruce

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Mayor White requested Lydia Serna, applicant of the zoning change, to address the Council.

Lydia Serna. 251 Wild Buffalo, spoke in favor of and requested approval of the zoning change.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:40 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-22 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS PART OF LOTS 1 AND 6, BLOCK 28, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.185 ACRE LOCATED AT 109 WEST WALNUT STREET, FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CCB COMMERCIAL CENTRAL BUSINESS DISTRICT.

Councilmember Hilburn spoke against the zoning change.

Mayor Pro-Tem Sanchez spoke against the zoning change.

Councilmember Castillo spoke in favor of the zoning change.

Councilmember Westmoreland spoke in favor of the zoning change.

Councilmember Mendoza spoke in favor of the zoning change.

Councilmember Michelson spoke in favor of the zoning change.

Mayor White spoke against the zoning change.

Councilmember Castillo made a motion to approve the Ordinance 2016-22 amending the Official Zoning Map of the City of Lockhart, Texas, to reclassify the property known as part of Lots 1 and 6, Block 28, Original Town of Lockhart, consisting of 0.185 acre located at 109 West Walnut Street from CMB Commercial Medium Business District to CCB Commercial Central Business District. Councilmember Mendoza seconded. The motion failed by a vote of 4-3, with Mayor White, Mayor Pro-Tem Sanchez and Councilmember Hilburn opposing. The motion failed due to the lack of an affirmative vote by 3/4 of the total council membership (six out of seven votes).

ITEM 4-C. HOLD THE SECOND OF TWO PUBLIC HEARINGS ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING YEAR BY 1.593239 PERCENT. ANNOUNCE THAT THE VOTE ON THE BUDGET AND TAX RATE WILL BE HELD ON SEPTEMBER 27, 2016 AT 6:30 P.M. AT THE CLARK LIBRARY ANNEX, COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR, LOCKHART, TEXAS, 78644.

Mayor White opened the public hearing at 9:04 p.m. and requested the staff report.

Mr. Hinson provided information and there was discussion regarding the proposed tax rate as follows:

- Proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 1.593239 percent.
• The average taxable value of a residence homestead in City of Lockhart last year was $111,581. Based on last year’s tax rate of $0.733300 per $100 of taxable value, the amount of taxes imposed last year on the average home was $818.22.

• The average taxable value of a residence homestead in City of Lockhart this year is $116,851. If the governing body adopts the effective tax rate for this year of $0.721800 per $100 of taxable value, the amount of taxes imposed this year on the average home would be $843.43.

• If the governing body adopts the proposed tax rate of $0.733300 per $100 of taxable value, the amount of taxes imposed this year on the average home would be $856.87.

Mayor White requested comments from citizens that were in favor of or against the proposed property tax increase. There were none. He closed the public hearing at 9:03 p.m.

Mayor White announced that the vote on the proposed budget and tax rate will be held on September 27, 2016 at 6:30 p.m. at the Clark Library Annex, Council Chambers, 217 South Main Street, 3rd Floor, Lockhart, Texas.

ITEM 5. CONSENT AGENDA.
Councilmember Michelson requested that consent agenda item 5C be pulled for further discussion.

Councilmember Castillo made a motion to approve consent agenda items 5A, 5B, 5D, 5E, and 5F. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0, with Councilmember Hilburn abstaining from voting on consent agenda item 5A.

The following are the consent agenda items that were approved:

5A: Approve minutes of the City Council meeting of September 6, 2016.
5B: Approve Resolution 2016-16 supporting the Lockhart TC I, LP development, Emli at Lockhart, application to the Texas Department of Housing and Community Affairs to construct 288 units of affordable rental housing to be located at 2111 West San Antonio Street.
5D: Approve Engineering Services Agreement with TRC Engineering for the Water and Wastewater Impact Fee Update according to the negotiated scope of work for a lump sum amount not to exceed $275,500, and appointing the City Manager to sign the agreement if approved. [Form 1295: 2016-09-20-18]
5E: Approve Agreement with Techline Construction, LLC, of Austin, Texas, to provide all supervision, labor, and equipment to extend electric three phase primary lines from the southeast corner of Maple at SH 130 to the southwest corner of Maple at City Line Road and from that corner south to Clearfork Street for a fee not to exceed $67,670, and authorizing the City Manager to sign the agreement if approved. [Form 1295: 2016-09-20-19]
5F: Approve Ordinance 2016-23 amending Chapter 46 “Signs” of the Code of Ordinances to correct errors in previous Ordinance 2015-20; amending Section 46-6 “Prohibited signs and locations”, subsection (a)(7), and amending Section 46-7 “Signs exempt from Section 46-11(b)”, subsections (10) and (24).

ITEM 5-C. APPROVE DOWNTOWN AREA STREET CLOSURES FOR THE 2017 HOT RODS AND HATTERS EVENT WITH PARTIAL CLOSURES BEGINNING ON THURSDAY THROUGH SATURDAY, FEBRUARY 6 THROUGH FEBRUARY 8, 2017.
Terry Black, 429 Connolly Circle, spoke in favor of the event and street closures in the interest of public safety.
Dustin Little, 983 Acorn, Lockhart, spoke in favor of the event and expressed support of the street closures in the interest of public safety.

Melissa Okeefe, 2516 Mineral Springs Road, spoke in favor of the street closures stating that she believed that closing all the streets of the event would encourage public safety and could increase foot traffic to the downtown businesses.

Joel Gammage requested approval of the street closures as presented.

Councilmember Michelson stated that Chuck Nash and Nappa have agreed to work with Joel Gammage to dedicate a space on their business property located near the event in addition to agreeing to closing streets surrounding the business.

There was discussion.

Councilmember Hilburn made a motion to approve street closures as presented by Joel Gammage of Hot Rods and Hatters and authorizing the City Manager to make any adjustments as deemed necessary to finalize the street closures. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING A NEW RECREATION SUPPORT TYPE BUILDING IN CITY PARK AND CONSIDERING POSSIBLE LOCATIONS WITHIN THE PARK.**

Mayor White made a motion to remove the item from the agenda and to bring the item back after the update of the Parks Master Plan is completed. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING PRIORITIZATION OF PARKS IMPROVEMENTS BY MAYOR AND COUNCILMEMBERS AND REGARDING FUNDING OF AN UPDATED PARKS MASTER PLAN ESTIMATED AT $50,000.**

Councilmember Michelson made a motion to approve funding of an updated Parks Master Plan estimated at $50,000 of which funds are to be used from the 2015 Certificates of Obligation funds. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING RE-AFFIRMING APPOINTMENTS TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) GENERAL ASSEMBLY.**

Mayor Pro-Tem Sanchez made a motion to re-affirm appointments of Mayor White and Councilmember John Castillo to continue to serve on the Capital Area Council of Governments General Assembly. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

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

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

**ITEM 6-E. PRESENTATION, DISCUSSION AND/OR ACTION REGARDING FISCAL YEAR 2016-2017 PROPOSED BUDGET AND RELATED INFORMATION.**

There was no discussion.
ITEM 6-F. DISCUSSION AND/OR ACTION REGARDING MAINTENANCE, OPERATIONAL AND CAPITAL BUDGETS AND FUNDING POSSIBILITIES.

There was no discussion.

ITEM 6-G. DISCUSSION AND/OR ACTION REGARDING BUDGET AND TAX RATE ADOPTION CALENDAR, IF NECESSARY.

Mayor White announced the budget and tax rate adoption meeting will be held on Tuesday, September 27, 2016 at 6:30 p.m.

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

- Update: US Hwy 183 expansion project, Hickory to Blackjack.
- Update: City Street Crew working on surfacing of Old Kelley Road gravel section within the City Limits; should be chip sealed within next 30 days, weather-permitting.
- Update: About 100% of the curb and gutter has been placed on the Richland Drive project; final paving should be complete within 30 days, weather-permitting.
- Update: Drainage work continues on Mesquite, Braden, Wichita, and Vega Street areas.
- Update: Still working on final designs for Ash, Comal and Pine Street; about complete to address drainage issues.
- Update: Library, Electric, and Parks Crews preparing for Evening with Authors event that will be held on Saturday, October 1.
- Update: Applications responding to advertisements for the Economic Development Director and Police Chief positions are still being received; experience with 4A and 4B Economic Development Law (Sales Tax) and experience under Texas Civil Service Law highly preferred as part of the qualifications respectively for the positions.
- Update: City Manager gave presentation at Opportunity Austin Investors Group last week with about 125 investors present.
- Report: Diez y Seis de Septiembre held downtown on September 16 and 17, Friday and Saturday.
- Report: TML Region 10 meeting September 15 at Smitty's.
- Report: 9th Annual Keep Lockhart Beautiful Cleanup and Environmental Fair – Saturday, October 8.
- Reminder: Hill County Cook-off will be Oct 14-15 in City Park.
- Reminder: Final vote for FY 16-17 Budget and Tax Rate on Tuesday, September 27, 2016, at 6:30 pm, the Clark Annex, Council Chambers, 3rd Floor, 217 S Main Street.

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

Councilmember Westmoreland congratulated the Lockhart Lions football team for their recent win.

Councilmember Mendoza thanked the Parks Department for their work in keeping the park clean after many events such as the Cross Country meet held this week.

Mayor Pro-Tem Sanchez congratulated the Greater Caldwell County Hispanic Chamber of Commerce for a successful Diez y Seis event. She thanked Ray Sanders and Beverly Annas as well as sponsors for assisting with the TML Region 10 meeting that was hosted in Lockhart on September 15, 2016. She expressed birthday wishes to Councilmember Juan Mendoza.
Councilmember Hilburn wished Councilman Mendoza a Happy Birthday. He thanked the Hispanic Chamber for a successful Diez y Seis event.

Councilmember Castillo expressed appreciation for the presentation of the proclamation to the band “Jaime Y los Chamacos”. He thanked city staff for their hard work with various construction projects. He expressed words of sentiment to the Juarez family for their continued efforts to solve the outcome of a recent tragedy. He wished Councilman Mendoza a Happy Birthday.

Councilmember Michelson congratulated the Hispanic Chamber for a successful Diez y Seis event. He thanked Connie for a successful TML Region 10 meeting. He expressed condolences to the Coopwood family for their loss. He stated that he presented a proclamation at the Parkview Nursing home to Ms. Schneider in honor of her 100th birthday on September 14, 2016.

Mayor White thanked Council for helping him with ensuring the Council’s presence at ceremonial events when he is unable to attend. He congratulated the Hispanic Chamber for a successful Diez y Seis event. He stated that he appreciated everyone’s patience during the Highway 183 road expansion project.

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 9:40 p.m.

PASSED and APPROVED this the 4th day of October 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC
City Secretary