

**LOCKHART CITY COUNCIL
REGULAR MEETING**

AUGUST 9, 2018

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:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Dan Gibson, City Planner
Chris Knudsen, Police Lieutenant
Sean Kelley, Public Works Director

Connie Constancio, City Secretary
Jeff Hinson, Finance Director
Ernesto Pedraza, Police Chief
John Roescher, Police Captain

Citizens/Visitors Addressing the Council: James Jewell and Apryl Haynes of Seton EMS; Steve Hons of HMT Engineering; Dan Brouillette and Tu Anh Cloteaux of DR Horton; Citizens Bill Stanley, Todd Blomerth, Tim Schuelke, and Shanna Payne.

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

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF JULY 12, 2018, JULY 14, 2018, JULY 17, 2018, JULY 26, 2018 AND JULY 31, 2018.

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

B. DISCUSS SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.

Mr. Gibson stated that in accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the impact fee capital improvement plans, and submitting semi-annual reports to City Council. The Committee met on July 25, 2018 to consider their 32nd semi-annual report since impact fees were originally adopted on January 15, 2002. The current total balance of all impact fee accounts is \$1,404,220. Total impact fee revenue during this six-month period was \$158,359, and there were no expenses. The Committee submitted their report that is for the six-month period from October 1, 2017 to March 31, 2018. Because the update to the impact fee capital improvement plans that was adopted on April 4, 2017, eliminated projects that had been accomplished and shows only projects that were not yet funded, the tracking of revenue and expenditures effectively started over at zero. The fund balances carried over and the exhibits are based on the newly adopted CIP's. The next report will be for the period from April 1, 2018 to September 30, 2018.

There was discussion regarding the current impact fee rate process.

C. DISCUSS INTERLOCAL AGREEMENT WITH CAPITAL AREA EMERGENCY COMMUNICATIONS DISTRICT FOR GOODS AND SERVICES ASSOCIATED WITH THE DELIVERY OF 911 SERVICE OR THE PUBLIC SAFETY ANSWERING POINT (PSAP) FOR THE CITY OF LOCKHART AT A COST NOT TO EXCEED \$1,000 AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT.

Mr. Rodgers stated that the Capital Area Emergency Communications District (CAEDC) provided goods and services for the Lockhart 9-1-1 system. This is often referred to as the PSAP or Public Safety Answering Point. The cost is not to exceed \$1,000 for the FY 2018-2019 period. Mr. Rodgers recommended approval.

D. DISCUSS AWARDED ELECTRICAL PRIMARY TREE TRIMMING SERVICES BID IN THE AMOUNT OF \$40,800.00 TO THE ARBOR EXPERTS OF WEBSTER, TEXAS, AND APPOINTING THE MAYOR TO SIGN ALL RELATED DOCUMENTS.

Mr. Rodgers stated that even with consistent advertising, the electrical primary tree trimming employee budgeted position has not been filled. There have been several applicants, but none were qualified and did not have the experience required in this safety sensitive position. Because of this, bids were advertised in compliance with State law for professional companies that provide these critical services to help avoid power outages due to limbs on power lines. Two bids were received from well-known professional companies. The Arbor Experts submitted the best bid of \$40,800. This company has worked for the City before and performed the work in a timely and safe manner with the budget allowed. Work will be completed by September 30, 2018. The company has the required general liability and workers' compensation insurance to protect the City. Mr. Rodgers recommended approval. There was brief discussion.

E. DISCUSS RATIFYING THE LEASE NEGOTIATED WITH LOCKHART LIVESTOCK AUCTION, LLC, CONTAINING THE TERMS PREVIOUSLY APPROVED BY THE CITY COUNCIL.

Mr. Rodgers stated that after several months of discussions in person and via email, an amended lease agreement with the Lockhart Livestock Auction, LLC has been signed. The lease contains the provisions desired by Council when they gave the City Manager approval to pursue the amended lease. The lease is for 15 years and is for 18 cents per square foot beginning December 1, 2018 and will be subject to a consumer price index (CPI) increase annually not to exceed 3 percent. Mr. Rodgers recommended approval. There was discussion.

F. DISCUSSION REGARDING THE CITY OF LOCKHART'S 2018 CERTIFIED PROPERTY TAX ROLL.

Mr. Hinson stated that the City received the 2018 Certified Property Tax Rolls from the Caldwell County Appraisal District on July 23, 2018. Mr. Hinson explained and there was discussion regarding the following:

- The Appraisal Review Board (ARB) approved totals equal to \$546,981,602.
- The ARB review totals of properties that are contesting property taxes totals \$20,568,463.
- Grand totals of the 2018 certified totals equal \$567,550,065.
- New property value of new homes that were not included in last year's property tax roll equals \$11,284,188. This amount is added into this year's tax roll total.
- Rollback and effective tax rates are set.

There was discussion.

G. DISCUSSION AFTER PRESENTATION BY CITY MANAGER REGARDING PROPOSED FISCAL YEAR 2018-2019 LOCKHART/CALDWELL COUNTY EMERGENCY MEDICAL SERVICES BUDGET.

Mr. Rodgers introduced Apryl Haynes, CEO of Seton and James Jewell, EMS Director of Seton.

He stated that the budget that was presented reflected a loss in revenue for EMS services. Caldwell County and the City of Lockhart share the loss by each entity paying half. Seton will return to the Council sometime in September to request consideration of a new billing company to pursue collections.

Mayor White requested an update regarding the City of Luling's EMS service. Mr. Rodgers explained that the City of Luling stopped utilizing Seton EMS service thereby utilizing EMS units in Lockhart for emergency calls on the southern part of Caldwell County. There were times when one Lockhart EMS unit was being run in Luling. Lockhart picked up 100 percent of EMS salaries since Luling was no longer sharing those expenses thereby creating unexpected additional expenses to Lockhart and Caldwell County with Luling not paying their share. Wage increases are also included for paramedics in the budget in addition to increased costs in drugs utilized during emergencies.

James Jewell, Chief of EMS, stated that the EMS is fully staffed to run two full-time EMS units. EMS is keeping up with the growth of the community to accommodate public safety necessities.

Apryl Haynes, Chief Operating Officer for Seton Edgar B. Davis Hospital, stated that they have been partners with Caldwell County in providing healthcare services for 52 years. Seton continues to give charity care to many residents in Caldwell County and they are committed to continue healthcare services.

There was discussion regarding City of Luling's current EMS service provided to their citizens in comparison with how City of Lockhart's EMS service is being affected due to Lockhart EMS assisting in Luling.

H. DISCUSSION AFTER PRESENTATION BY CITY MANAGER REGARDING LOCKHART POLICE DEPARTMENT OFFICER WAGES AND RECOMMENDED CONSIDERATIONS.

Mr. Rodgers stated that staff has now received the property tax information from the Caldwell County Appraisal District. The City Manager told Council several times during the budget process that when the property information was provided a recommendation regarding Police Department needed pay increases would be provided. According to a recent salary survey, Lockhart's Police officers are generally paid 8 to 15% less than their counterparts in cities our size or larger in the area. The last adjustment to the step pay plan in 2016 placed Lockhart within 3 to 4% of the average, but that has changed dramatically over the past two years. In the interest of public safety in attracting and retaining officers, the difference in wages must be addressed. The City Manager respectfully asks that Council consider providing sufficient funding to increase the Police Step Pay Plan by 10%, which is estimated to cost \$185,000. The maintenance and operations (M&O) effective rate plus new debt equals 0.6727; a 4-cent increase to 0.7107 (current tax rate is \$0.7260) would produce sufficient revenue to cover the additional cost should Council decide to do this. Mr. Rodgers stated that he and the Police Chief recommend approval.

There was discussion regarding a 4-cent tax increase to allow funding to increase police salaries by 10%, and increase non-civil service employees' wages by 3%, and to utilize remaining funds on beginning the renovation process at 728 South Main Street property. The Mayor polled the Council about using the revenue produced from the 4 cents increase above the effective M&O rate for the Police Department officer wage increases, and it was unanimous.

I. DISCUSSION REGARDING THE PROPOSED FISCAL YEAR 2018-2019 GENERAL FUND, ENTERPRISE FUND, DEBT FUND BUDGETS, AND PROPOSED FUNDING SOURCES AND, DISCUSSION REGARDING THE BUDGET AND TAX RATE ADOPTION CALENDAR, IF NECESSARY. (REMINDER: DATE TO SET TAX RATE IS AUGUST 21, 2018 AND PUBLIC HEARING ON BUDGET AND TAX RATE IS SEPTEMBER 4, 2018 AND IF NECESSARY, SEPTEMBER 18, 2018 REGARDING THE TAX RATE.)

Mayor White stated that the tax rate was discussed during the previous item. The consensus was to increase the tax rate by 4 cents.

RECESS: Mayor White announced that the Council would recess for a break at 7:45 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 8:00 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember McGregor 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 a comment on an issue that is not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-18-10 BY HMT ENGINEERING & SURVEYING ON BEHALF OF COTTONWOOD COMMONS, LLC, FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING APPLICATION PDD-18-03, A PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN FOR VINTAGE SPRINGS SUBDIVISION PDD, A PROPOSED REPLAT OF LOT 1, BLOCK 2, AND LOT 2, BLOCK 1, TEXAS HERITAGE SUBDIVISION, CONSISTING OF A TOTAL OF 66.7 ACRES LOCATED AT 300 AND 411 MOCKINGBIRD LANE.

Mayor White opened the public hearing at 8:02 p.m. and requested the staff report.

Mr. Gibson stated that the PDD zoning classification is intended to accommodate developments with characteristics that may deviate from normal City 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 is proposed to be replatted into generous public open spaces and 259 residential lots that are smaller than the minimum required by the current RLD zoning of the property. The proposed use is single-family detached residential, and the lots will be a minimum of 50 feet wide (60 feet on corner lots), with most being at least 120 feet deep. All streets, drainage, utilities, and parkland will meet City standards. In addition, sidewalks will be provided on both sides of all streets, even where not required, and a ten-foot wide hike-bike trail is proposed through an internal greenbelt in the approximate location shown on the City's sidewalk and trail plan. Although the lots will be narrow, the houses in this subdivision are proposed to contain a minimum of three bedrooms, two baths, and a two-car garage. A comparison of various aesthetic standards and landscaping provisions were reviewed. These are amenities that the City does not require in the standard residential zoning districts. The gross density of the subdivision of 3.88 dwelling units per acre, which is considered low density and is, therefore, consistent with the Low Density Residential designation shown on the future land use plan map. A previous version of this proposed development considered by the Council failed when the Council voted 5-2 in favor of a motion and second to approve, but did not have the minimum of six affirmative votes required to override a citizen protest. The most significant changes since then is an increase in the minimum width of the lots from 45 feet to 50 feet, which resulted in a decrease in the number of lots from 279 to 259. Two people spoke against the zoning change at the Planning and Zoning Commission. Additional letters of protest were also submitted after the Planning and Zoning Commission meeting and after the protest submission deadline that totals 19 property owners within the 200-foot boundary. With the additional letters of protest, the total of the owners of 16 percent of the land area within 200-feet protested, which does not require a super-majority vote for approval.

Steven Hons of HMT Engineering explained how the firm has worked with Development Services to commit revising the development plan to address concerns of the neighborhood.

Dan Brouillette and Tu Anh Cloteaux of DR Horton provided information regarding the homes to be built in the subdivision and explained the layout of the homes in regard to the style, layout, floor plans and garage elevation. Mr. Brouillette clarified that the homes that back up to Maple Street will be single story homes.

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:

Bill Stanley spoke against the zoning change. He stated that he would have generated additional individuals against the development to protest had he known that it was not at 20 percent.

Todd Blomerth, 1105 Spruce, spoke against the zoning change. He stated that he believes that the homes would be small and crowded and would pose an issue for emergency responses. He stated that if approved, the Council would set a precedent for additional developers to also present a PDD that circumvents the adopted zoning and subdivision ordinances.

Tim Schuelke spoke against the zoning change because he believes that the zoning should remain the same because RLD zoning requires larger lots for new residential homes. He also stated that he believes that the property values of his home and other homes in the existing neighborhood would decrease with the new development.

Shayne Payne, 513 St. Thomas, spoke against the zoning change because she believes that the new homes should be similar to the existing neighborhood with larger lots and brick on all sides of the homes.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:07 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2018-18 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 1, BLOCK 2, AND LOT 2, BLOCK 1, TEXAS HERITAGE SUBDIVISION, CONSISTING OF A TOTAL OF 66.7 ACRES LOCATED AT 300 AND 411 MOCKINGBIRD LANE, FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING A PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN FOR VINTAGE SPRINGS SUBDIVISION PDD.

Mayor White spoke in favor of the development because the development would be an asset to accommodate the needs for new housing in the community.

Councilmember Mendoza spoke in favor of the development as an attraction to bring additional residents to Lockhart.

Mayor Pro-Tem Sanchez spoke in favor of the development because she believes that new homes are needed in Lockhart.

Councilmember McGregor stated that she has spoken with citizens that were both against and in favor of the development. She stated that she believes that the development should move forward and uphold the Planning and Zoning Commission's recommendation to change the percentage of houses with the garage extending further than 10 feet in front of the porch or remainder of the house from 40% to 35%.

Councilmember Castillo spoke against the development because he is voting to accommodate the wishes of the majority of the existing neighborhood.

Councilmember Michelson spoke in favor of the development because new homes are needed in Lockhart.

Councilmember Westmoreland stated that he believes that affordable housing is needed in Lockhart.

Mayor White made a motion to approve Ordinance 2018-18, as presented and as recommended by the Planning and Zoning Commission to limit the percentage of houses with the garage extending further than 10 feet in front of the porch or the remainder of the house to 35%. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 5. CONSENT AGENDA.

Councilmember Michelson made a motion to approve consent agenda items 5A, 5B, 5C, 5D, and 5E. Mayor Pro-Tem Sanchez 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 meetings of July 12, 2018, July 14, 2018, July 17, 2018, July 26, 2018 and July 31, 2018.
- 5B: Accept semi-annual report from the Impact Fee Advisory Committee concerning the status of implementation of Chapter 31 "Impact Fees" of the Lockhart Code of Ordinances with regard to water, wastewater, and road impact fees.
- 5C: Approve Interlocal Agreement with Capital Area Emergency Communications District for good and services associated with the delivery of 911 service or the Public Safety Answering Point (PSAP) for the City of Lockhart at a cost not to exceed \$1,000 and appointing the Mayor to sign the agreement.
- 5D: Approve awarding electrical primary tree trimming services bid in the amount of \$40,800.00 to The Arbor Experts of Webster, Texas, and appointing the Mayor to sign all related documents.
- 5E: Approve ratifying the lease negotiated with Lockhart Livestock Auction, LLC, containing the terms previously approved by the City Council.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING THE CITY OF LOCKHART'S 2018 CERTIFIED PROPERTY TAX ROLL.

Mayor Pro-Tem Sanchez made a motion to accept the City of Lockhart's 2018 Certified Property Tax Roll, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION AFTER PRESENTATION BY CITY MANAGER REGARDING PROPOSED FISCAL YEAR 2018-2019 LOCKHART/CALDWELL COUNTY EMERGENCY MEDICAL SERVICES BUDGET.

Mayor Pro-Tem Sanchez made a motion to accept the Fiscal Year 2018-2019 Lockhart/Caldwell County Emergency Medical Services budget, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION AFTER PRESENTATION BY CITY MANAGER REGARDING LOCKHART POLICE DEPARTMENT OFFICER WAGES AND RECOMMENDED CONSIDERATIONS.

There was discussion.

Councilmember Michelson made a motion to increase the Lockhart Police Department Officer wages by 10%. Councilmember McGregor 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 boards and commissions.

Councilmember Castillo made a motion to appoint Umesh Patel to the Lockhart Economic Development Corporation. Councilmember Mendoza seconded. There was discussion. The motion passed by a vote of 5-2, with Mayor White and Councilmember Michelson opposing.

ITEM 6-E. DISCUSSION AND/OR ACTION REGARDING THE PROPOSED FISCAL YEAR 2018-2019 GENERAL FUND, ENTERPRISE FUND, DEBT FUND BUDGETS, AND PROPOSED FUNDING SOURCES AND, DISCUSSION AND/OR ACTION REGARDING THE BUDGET AND TAX RATE ADOPTION CALENDAR, IF NECESSARY. (REMINDER: DATE TO SET TAX RATE IS AUGUST 21, 2018 AND PUBLIC HEARING ON BUDGET AND TAX RATE IS SEPTEMBER 4, 2018 AND IF NECESSARY, SEPTEMBER 18, 2018 REGARDING THE TAX RATE.)

Councilmember McGregor made a motion to table the discussion regarding the property at 728 South Main Street to allow the ad-hoc committee additional time to make a recommendation to the Council regarding the use of the property. Councilmember Castillo seconded. Mr. Rodgers stated that the ad-hoc committee would meet next week to discuss recommendations to present to the Council.

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

- Update: Contractor has finished paving activities on San Jacinto, Mockingbird, Prairie Lea East of US 183, and Cibilo Street from SH 142 and Brazos.
- Update: Water Dept. has completed replacement of water main in alley between San Antonio and Market; paving of the utility cuts will be completed within the next 10 days after base material has cured.
- Update: The contractor has started the new 18" water main on West Martin Luther King Jr. Industrial Blvd. that will connect to the large main on State Park Road at Patton.
- Update: As part of the Water Plant Improvements approved by Council, the work on the aerator towers has been completed and the contractor, Travis Industries of San Antonio, did a very good job.
- Update: Specifications are complete, and bids will be taken soon for the rehabilitation of water well # 9.
- Update: Good news! The Texas Water Development Board approved financing for the new water infrastructure and water line which will provide incremental financing.
- Update: Good news. The annual land lease for new water will be reduced from \$200 to \$80 per acre-foot of water initially but will increase as water is delivered.
- Update: After upgrading the internet, we now have a new program at the animal shelter that will automatically upload available animals to Pet Finder, Adopt A Pet, and other popular sites to increase visibility and hopefully more adoptions.
- Update: Staff working on Texas Swing Festival with event representatives to be held September 28 and 29.
- Update: Staff has met with Evening with Authors representatives to plan this year's event at a new location.
- Report: Staff is working with Greater Caldwell County Hispanic Chamber in preparation of Diez y Seis event in September.
- Reminder: There was a special dedication ceremony of the Corporal Jason K. LaFleur Sports Complex on Saturday, August 4, at 7:30 pm.
- Reminder: City employee summer appreciation party on Friday, August 10, 6 pm – 9 pm at City Park.
- Report: National Night Out event.
- Report: Personnel Changes.

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

Councilmember Westmoreland thanked all for their work and asked everyone to be careful when school begins next week.

Councilmember Mendoza thanked all that attended the Corporal Jason K. LaFleur Sports Complex dedication. He thanked Mr. Kelley and staff for assuring that the sports complex was clean for the dedication ceremony and he thanked all that attended National Night Out block parties.

Mayor Pro-Tem Sanchez expressed condolences to the families of Jesus Celestino Gonzales and Mercedes Sanchez for their loss and to Patty White for the loss of her mother. She expressed best wishes to Mark Estrada, LISD Superintendent, and all LISD staff in the new school year.

Councilmember McGregor expressed condolences to Patty White for the loss of her mother. She thanked Jeff Hinson for his commitment to Council and staff during his tenure with the City.

Councilmember Castillo expressed condolences to Mayor White and his family for the loss of his mother-in-law. He thanked the Lockhart Police Department for their commitment to public safety. He thanked Jeff Hinson for his commitment to the city during his tenure and he thanked Councilmember Mendoza for assisting with the dedication at the sports complex.

Councilmember Michelson expressed condolences to Patty and Mayor White for their loss. He also thanked the Lockhart Police Department for their service to the community. He asked everyone to be safe during the new school year.

Mayor White thanked staff for their work on the budget. He thanked Jeff Hinson for his commitment during his tenure and wished him well in his future endeavors. He congratulated all involved with the sports complex dedication. City Manager interviews will be held on August 18 and 19, 2018. He thanked all that hosted and attended National Night Out block parties.

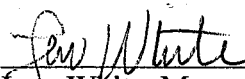
Councilmember Castillo reminded everyone to attend the Movie in the Park this Saturday, August 11.

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 10:00 p.m.

PASSED and APPROVED this the 21st day of August 2018.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

