

REGULAR MEETING**LOCKHART CITY COUNCIL****DECEMBER 3, 2019****6:30 P.M.****CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3rd FLOOR,
LOCKHART, TEXAS****Council present:**

Mayor Pro-Tem Angie Gonzales-Sanchez
 Councilmember Juan Mendoza
 Councilmember Jeffry Michelson

Mayor Lew White
 Councilmember Derrick David Bryant
 Councilmember Kara McGregor
 Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
 Monte Akers, City Attorney
 Sean Kelley, Public Works Director
 Julie Bowermon, Civil Service/HR Director

Connie Constancio, City Secretary
 Miles Smith, Public Information Officer
 Pam Larison, Finance Director
 Dan Gibson, City Planner

Citizens/Visitors Addressing the Council: Citizens: Thomas Blauvelt, Amanda West and Dora Cerda and daughter.

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 MEETING OF NOVEMBER 7, 2019 AND NOVEMBER 14, 2019.**

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 November 13, 2019 to consider their 35th semi-annual report since impact fees were originally adopted on January 15, 2002. The current total balance of all impact fee accounts is \$1,924,632. Total impact fee revenue during this six-month period was \$121,109 and a total of \$48,426 was present on an eligible water project during this period from April 1 to October 1, 2019. 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, so the tracking of revenue and expenditures effectively started over at zero. The fund balances carried over. There was discussion.

C. DISCUSS ONE YEAR RENEWAL TO THE EXISTING CONTRACT WITH GENE BAGWELL, DBA, MAINTENANCE MANAGEMENT OF SAN MARCOS, TEXAS FOR CEMETERY MAINTENANCE MOWING SERVICES IN THE WEST SECTION OF THE LOCKHART MUNICIPAL BURIAL PARK ON NORTH COLORADO STREET IN THE AMOUNT OF \$52,930.80 AND APPOINTING THE MAYOR TO SIGN THE CONTRACTUAL DOCUMENT IF APPROVED.

Mr. Kelley stated that the existing contract was awarded in 2009. Mr. Bagwell has maintained the city cemetery for the past 15 years and has done a commendable job, especially in the areas of customer service. This company has multiple cemetery mowing maintenance contracts, including City of San Marcos, City of Austin and the State Veteran's Land Board. This contract does have cost adjustments to the base bid price based on the annual June Consumer Price Index, with a maximum increase or decrease amount of 3%. The City can cancel the proposed contract with a 30-day written notice to the contractor as written in Section 12 of the existing contract. General liability and workers compensation insurances that cover the City of Lockhart are requirements of this contract. Mr. Kelley recommended approval. There was discussion.

D. DISCUSS RESOLUTION 2019-34 AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT, AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY OF LOCKHART, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION, AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF LOCKHART WILL COMPLY WITH THE GRANT REQUIREMENTS OF CAPCOG, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

Ms. Bowermon stated that the grant would provide funding to hold a city-wide residential household hazardous waste (HHW) collection event in Spring 2021 for approximately \$22,000 (\$4,000 City Match plus \$18,000 grant funding equals \$22,000). It will be noted that the \$4,000 match for Fiscal Year 2020-2021 is contingent upon the future city budget of Fiscal Year 2020-2021. Ms. Bowermon recommended approval. There was discussion.

E. DISCUSS ORDINANCE 2019-29 ESTABLISHING A HOTEL OCCUPANCY TAX (HOT) ADVISORY BOARD, AMENDING ARTICLE IV OF CHAPTER 2 AND ARTICLE IV OF CHAPTER 54 TO INCLUDE THE HOT ADVISORY BOARD AND TO SPECIFY THE CREATION, MEMBERSHIP, APPOINTMENT, PURPOSES AND RESPONSIBILITIES OF THE BOARD.

Ms. Larison stated that during previous meetings, the Council agreed to establish a board to review applications and to make recommendations to Council regarding Hotel Occupancy Tax allocations. The proposed ordinance creates the Advisory Board. There was discussion.

F. DISCUSS APPOINTING MEMBERS TO THE HOTEL OCCUPANCY (HOT) ADVISORY BOARD.

Mayor White suggested that the following members be appointed:

Archana Gandhi
Ray Sanders, former Mayor
Alfredo Munoz
Sally Daniels
Janet Grigar
Roxanne Rix
Steve Lewis, City Manager

There was discussion regarding the HOT Advisory Board duties.

G. DISCUSS APPOINTING TWO REPRESENTATIVES OF THE CITY OF LOCKHART TO THE GENERAL ASSEMBLY OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

Mayor White stated that based on Lockhart's population, the city is entitled to appoint two elected officials to the CAPCOG General Assembly. He currently serves on the CAPCOG Executive Committee and he will also continue to serve on the CAPCOG General Assembly. Councilmember John Castillo was previously the other CAPCOG General Assembly appointee representing Lockhart.

After discussion, the Council named Councilmember Jeffry Michelson as the second appointee to the CAPCOG General Assembly.

H. DISCUSS THE SELECTION OF MAYOR PRO-TEM OF THE LOCKHART CITY COUNCIL AS REQUIRED BY SECTION 3.05 OF THE CITY CHARTER.

Mayor White stated that Councilmember Angie Gonzales-Sanchez has commendably served as Mayor Pro-Tem for the past eight years, and that she has indicated an interest in continuing as Mayor Pro-Tem.

Mayor White requested additional nominations for Mayor Pro-Tem. There were none.

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

REGULAR MEETING

ITEM 1. CALL TO ORDER

Mayor Lew White called the meeting to order at 7:52 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember Bryant gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT

Mayor White requested citizens to address the Council on items that were not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER AN APPEAL BY THOMAS BLAUVELT ON BEHALF OF CARLOS AND LINDA EURESTE, OF THE PLANNING AND ZONING COMMISSION'S DENIAL OF SUP-19-12, AN APPLICATION FOR A SPECIFIC USE PERMIT TO ALLOW A DF-2 RESIDENTIAL DEVELOPMENT TYPE ON 0.263 ACRE IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, ZONED RMD RESIDENTIAL MEDIUM DENSITY DISTRICT AND LOCATED AT 1001 JOHNSON STREET.

Mayor White opened the public hearing at 7:52 p.m.

Mr. Gibson stated that the RMD zoning district allows duplexes by-right on lots at least 65 feet wide, 120 feet deep, and 8,500 square feet in area. That is known as the DF-1 development type. Upon approval of a Specific Use Permit by the Planning and Zoning Commission, the RMD district also allows the DF-2 development type, which is a duplex on a lot at least 50 feet wide, 105 feet deep, and 6,000 square feet in area. The subject property is 96 feet wide, 119.44 feet deep, and 11,466.24 square feet in area. Therefore, it far exceeds the minimum width and area requirements for the DF-1 development type, but is just 6.72 inches short of the minimum 120-foot depth. Therefore, the proposed duplex is classified as the DF-2 development type, for which the minimum depth is only 105 feet. Considering that, if not for the 6.74-inch shortfall, the duplex would be allowed by-right and not require Planning and Zoning Commission's approval. Although there were no objections submitted in writing, the residents of 915 Tank Street and 1003 Johnson Street spoke in opposition at the Planning and Zoning Commission public hearing. The Commission subsequently voted 4-1 in favor of a motion and second to deny approval of the Specific Use Permit. The applicant has submitted this appeal of the Commission's decision, in accordance with Section 64-127(c)(6) of the Zoning Ordinance, for which this public hearing was advertised in the same manner as the original application. The Council may uphold, modify, or reverse the decision of the Planning and Zoning Commission by a simple majority vote. Mr. Gibson stated that staff recommends that the Council reverse the Planning and Zoning Commission's denial of the Specific Use Permit.

Mayor White requested the applicant to address the Council.

Thomas Blauvelt, applicant, requested that the Council approve the appeal of the Specific Use Permit because he believes that the property is large enough to accommodate the duplex that he plans to build, even though the lot is slightly smaller than the required minimum lot size.

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

Amanda West, 428 Trinity, spoke in favor of approving the specific use permit.

Mayor White requested the following citizen to address the Council:

Dora Cerda, 915 Tank, stated that her daughter would speak on her behalf. She stated that she believes that the adjacent properties are not surveyed properly and that they would be conducting a survey soon which she believes would increase the size of her property and decrease the size of 1001 Johnson Street, more than what is currently measured. She also requested that only single-family dwellings be allowed in the neighborhood.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:18 p.m. There was discussion.

Councilmember McGregor made a motion to reverse the Planning and Zoning Commission's denial of SUP-19-12. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-28 AMENDING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-203 "NONRESIDENTIAL APPEARANCE STANDARDS".

Mayor White opened the public hearing at 8:26 p.m.

Mr. Gibson stated that staff gave a short presentation at the September 17, 2019 City Council meeting regarding recent changes in State law that affected the City's development regulations. One of the major changes result from HB 2439, which prohibits cities from enforcing any locally adopted code or ordinance requiring or restricting exterior building materials in such a way that it deviates from the national model building codes. Section 64-203(1) of Lockhart's zoning ordinance requires that at least 35 percent of the area of exterior walls of nonresidential buildings consist of at least one finish material selected from a list of preferred materials. Section 64-203(6)(e) also refers to preferred materials. In order for Lockhart's ordinance to be consistent with State law, those existing provisions should be deleted or replaced with new provisions. The remainder of the section can still be enforced and is not proposed to be amended except for some clarifications and other minor modifications that will improve the enforceability of the standards. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens to address the Council. There were none. He closed the public hearing at 8:50 p.m.

Councilmember Michelson made a motion to approve Ordinance 2019-28, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

Mr. Akers requested that consent agenda item 5E be pulled for discussion.

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 November 7, 2019 and November 14, 2019.
- 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 one year renewal to the existing contract with Gene Bagwell, dba, Maintenance Management of San Marcos, Texas for cemetery maintenance mowing services in the West Section of the Lockhart Municipal Burial Park on North Colorado Street in the amount of \$52,930.80 and appointing the Mayor to sign the contractual document if approved.
- 5D: Approve Resolution 2019-34 authorizing the filing of a grant application with the Capital Area Council of Governments (CAPCOG) for a regional solid waste grants program grant, authorizing the Mayor to act on behalf of the City of Lockhart, Texas in all matters related to the application, and pledging that if a grant is received the City of Lockhart will comply with the grant requirements of CAPCOG, the Texas Commission on Environmental Quality and the State of Texas.

ITEM 5-E. APPROVE ORDINANCE 2019-29 ESTABLISHING A HOTEL OCCUPANCY TAX (HOT) ADVISORY BOARD, AMENDING ARTICLE IV OF CHAPTER 2 AND ARTICLE IV OF CHAPTER 54 TO INCLUDE THE HOT ADVISORY BOARD AND TO SPECIFY THE CREATION, MEMBERSHIP, APPOINTMENT, PURPOSES AND RESPONSIBILITIES OF THE BOARD.

Mr. Akers suggested that Section 1 of the Ordinance be changed to add the HOT Advisory Board to Section 2-207(3) as a special purpose committee and not to Section 2-207(2). There was also clarification about a typographical error.

Councilmember McGregor made a motion to approve Ordinance 2019-29, with amendments as mentioned by the City Attorney. Councilmember Westmoreland seconded. There was discussion. The motion passed by a vote of 6-1, with Councilmember Michelson opposing.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER APPOINTING MEMBERS TO THE HOTEL OCCUPANCY (HOT) ADVISORY BOARD.

There was discussion.

Mayor White made a motion to appoint Ray Sanders, Alfredo Munoz, Archana Gandhi, Janet Grigar and Steve Lewis, City Manager as members and to appoint Roxanne Rix and Sally Daniel as alternate members. Councilmember McGregor seconded. The motion passed by a vote of 6-1, with Councilmember Michelson opposing.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER APPOINTING TWO REPRESENTATIVES OF THE CITY OF LOCKHART TO THE GENERAL ASSEMBLY OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

Mayor Pro-Tem Sanchez made a motion to appoint Mayor White and Councilmember Jeffry Michelson to the CAPCOG General Assembly. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING THE SELECTION OF MAYOR PRO-TEM OF THE LOCKHART CITY COUNCIL AS REQUIRED BY SECTION 3.05 OF THE CITY CHARTER.

Mayor White made a motion to appoint Councilmember Angie Gonzales-Sanchez as Mayor Pro-Tem of the Lockhart City Council. Councilmember Mendoza 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 board and commissions. There was discussion. There were no appointments.

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

- Tree of Angels ceremony was held on Monday, December 2 at 7:00 p.m. at First Lockhart Baptist Church.
- Dickens' Lighted parade will be on Friday, December 6 at 7:00 p.m. with festivities continuing December 7th.
- Light Up Lockhart and pictures with Santa on the Downtown Square on Sunday, December 8 at 3:30 p.m.
- Elizabeth Cash, Deputy Municipal Court Clerk is a certified Level 2 Court Clerk through the Texas Court Clerks Association.
- Installation of playscapes will begin soon.
- Welcome Kaley Frye as the new President of the Lockhart Chamber of Commerce.

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

Councilmember Westmoreland thanked all involved with the tree lighting event, he invited everyone downtown for the Dickens' celebration this weekend.

Mayor Pro-Tem Sanchez thanked the Lockhart Victim Assistance Team for the successful ceremony. She expressed condolences to the families of Charles Alley, Eusebio Garcia, Sr., Juanita Garcia Pompa and Sandra Manning for their loss.

Councilmember McGregor invited everyone to the Dickens' Christmas this weekend.

Councilmember Michelson thanked the Lockhart Victim Assistance Team for the successful ceremony. He invited everyone to the Dickens' Christmas events this weekend.

Mayor White congratulated Councilmember Bryant on attending his first Council meeting. He also invited everyone to attend the Dickens' Christmas this weekend, First Friday events and the Tree Lighting ceremony this Sunday.

ITEM 9. EXECUTIVE SESSIONS.

Mayor White announced that the Council would enter Executive Session at 9:10 p.m. to discuss the following items:

EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON. Discussion of advertising for bids for the sale of City real property.

EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071 - PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT PENDING OR CONTEMPLATED LITIGATION; AND/OR SETTLEMENT OFFER and SECTION 551.072. TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON. Discussion with City Attorney regarding possible transfer of land for service area and water Certificates of Convenience and Necessity (CCNs) from Polonia Water Supply Corporation.

ITEM 10. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 9:38 p.m.

A. DISCUSSION AND/OR ACTION REGARDING ADVERTISING FOR BIDS FOR THE SALE OF CITY REAL PROPERTY.

Mayor Pro-Tem Sanchez made a motion to authorize the City Manager to advertise for bids of the sale of City real property. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

B. DISCUSSION AND/OR ACTION REGARDING AGREEMENT BETWEEN THE CITY OF LOCKHART AND POLONIA WATER SUPPLY CORPORATION REGARDING TRANSFER OF LAND FOR SERVICE AREA AND WATER CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN).

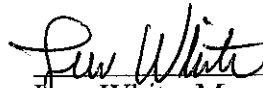
Mayor Pro-Tem Sanchez made a motion to approve the agreement between City of Lockhart and Polonia Water Supply Corporation to transfer land for service area and water Certificates of Convenience and Necessity and to authorize the Public Works Director to file application for approval with the Public Utility Commission. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 11. ADJOURNMENT.


Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:41 p.m.

PASSED and APPROVED this the 7th day of January 2020.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

