

**LOCKHART CITY COUNCIL
REGULAR MEETING**

MARCH 3, 2015

6:30 P.M.

CLARK LIBRARY-MASONIC BUILDING, 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 Benny Hilburn

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Sandra Mauldin, Economic Dev. Director
Lee Weatherford, Public Works Director

Connie Constancio, City Secretary
Jeff Hinson, Finance Director
Dan Gibson, City Planner

Citizens/Visitors Addressing the Council: Pat Wagner of ABIP, P.C.; and, Larry Hargraves, Citizen.

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. DISCUSSION AFTER PRESENTATION BY THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) REPRESENTATIVE REGARDING PROPOSED OZONE STANDARDS AND IMPLICATIONS FOR CENTRAL TEXAS.

Andrew Hoekzema of CAPCOG provided detailed information about the proposed ozone standards and implication for Central Texas. There was discussion.

B. DISCUSS CITY COUNCIL MINUTES OF THE FEBRUARY 17, 2015 MEETING.

Mayor White requested corrections to the City Council minutes of the February 17, 2015 meeting. There were none.

C. DISCUSS CHANGE ORDER #1 IN THE AMOUNT OF \$21,700 TO THE CURRENT UTILITY RELOCATION WORK CONTRACT WITH QRO-MEX CONSTRUCTION ASSOCIATED WITH PHASE II US 183 UTILITY WIDENING PROJECT.

Mr. Rodgers stated that an additional water main replacement is needed in front of the Golden Age Home on South Main Street. The existing water main is in worse condition than originally thought. This change order would replace the bad section of water main for \$21,700 by amending the current contract with Qro-Mex Construction to \$606,803. Mr. Rodgers recommended approval. There was discussion.

D. DISCUSS AWARD OF CONTRACT TO MASCON, INC. OF LOCKHART, TEXAS, FOR EMERGENCY ROOF REPLACEMENT AT 901 BOIS D'ARC STREET (COMMUNITY CENTER) IN THE BASE AMOUNT OF \$62,407 AND APPOINTING THE MAYOR TO SIGN THE CONTRACT DOCUMENTS, IF APPROVED.

Mr. Rodgers stated that the south and east roofs at the Community Center have failed. Because the leaks are causing internal wall, ceiling, and other damages, the roof replacement is considered an emergency need. Patching the roof would be a waste of money at this point. The center houses the Senior Activity Center, Hays-Caldwell Community Action Group, the Food Pantry, and soon the Boys and Girls Club. Contract quote proposals for this emergency roof replacement were received from three companies with the best price being submitted by Mascon, Inc. (Roof Specialists) of Lockhart, in the amount of \$62,407. The replacement work would have a 20 year warranty for all labor and materials. Mr. Rodgers recommended approval. There was discussion.

E. DISCUSS ORDINANCE 2015-06 VACATING THE ALLEY BETWEEN LEONA STREET, SAN JACINTO STREET, WEST PRAIRIE LEA STREET, AND MAPLE STREET BUT RETAINING ALL OF THE AREA WITHIN THE ALLEY AS A PUBLIC UTILITY EASEMENT.

Mr. Rodgers stated that a revised Ordinance was distributed that provides additional language to reflect that vacating the alley serves a public purpose, as recommended by the City Attorney. A petition to vacate the alley between Leona Street, San Jacinto Street, West Prairie Lea Street, and Maple Street has been received. The petition has been signed by all abutting property owners to the alley. If the alley vacation is approved by Council, each abutting property owner will then become owner of the ½ of the alley according to State law. The complete alley area will be retained as a public utility easement, if approved by Council. Mr. Rodgers recommended approval. There was discussion.

F. PRESENTATION AND DISCUSSION REGARDING THE CITY OF LOCKHART'S AND COMPONENT UNIT'S FISCAL YEAR 2013-2014 FINANCIAL AUDIT BY ABIP, PC.

Pat Wagner of ABIP gave the presentation that provided information about the financial audit. She stated that the firm's opinion that the City's financial statement present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Lockhart, as of September 30, 2014 and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America. She stated that the opinion is of the highest rating that reflects a good audit. Ms. Wagner provided information about several positive aspects of the financial audit that produced the high rated audit. There was discussion.

G. DISCUSS SECTION 46-6, "PROHIBITED SIGNS AND LOCATIONS", SUBSECTIONS (A) (2) AND (3), AND SECTION 46-7, "SIGNS EXEMPT FROM SECTION 46-11" SUBSECTION (27) OF THE CURRENT SIGN ORDINANCE WHICH ADDRESSES INFLATABLE OBJECTS, INFLATABLE SIGNS, OR TETHERED BALLOONS INTENDED TO ATTRACT ATTENTION.

Mr. Rodgers stated that staff has received several complaints from businesses about the current sign ordinance prohibiting the use of inflatable objects, inflatable signs, and tethered balloons except for special events for a period of time not to exceed four days. City Manager seeks direction from Council about possible ordinance changes that would expand the use of inflatable objects, inflatable signs, or tethered balloons intended to attract attention to businesses. The vast majority of the current ordinance was written by a group of local business owners appointed by the Council in 1996. Restricting the use of moving items such as balloons, streamers, pennants, and spinning/rotating eye-catchers was directly

related to reducing driver distractions in the interest of a public safety. That 1996 ordinance was much more restrictive than the current ordinance which has had several amendments to make it more business friendly. The current ordinance that restricts the use of inflatable objects, inflatable signs, and tethered balloons is similar to ordinances in other nearby cities. There was discussion about receiving recommendations from business owners about the proposed amendments.

After discussion, it was determined that each Councilmember would appoint a business owner to a temporary committee that would provide a recommendation to the Council about proposed amendments, if any, to the sign ordinance about inflatable objects, inflatable signs, or tethered balloons.

H. DISCUSSION AFTER PRESENTATION BY CITY MANAGER REGARDING THE HILL COUNTRY COOK OFF ASSOCIATION (HCCO) EVENT TO BE HELD IN CITY PARK ON OCTOBER 9 AND 10, 2015.

Mr. Rodgers stated that after Mayor Pro-Tem Angie Gonzales-Sanchez and the City Manager met with the HCCO group event organizers, an agreement has been formulized that will bring the HCCO group to Lockhart City Park on October 9 and 10, 2015. The HCCO has put on numerous cook-off events in Central and South Texas over the past 10 years. HCCO takes the funds in excess of expenses and donates them to charities. Last year's event was held at Cabela's in Buda where 175 barbeque cooks from all over the state compete for prizes and trophies. There was discussion.

I. DISCUSSION REGARDING THE CITY COUNCIL'S REVIEW, CHANGE, OR RESCINDING ORDINANCE 2012-28 AUTHORIZING THE OFFERING OF HEALTH COVERAGE TO CITY RETIREES.

Mr. Hinson provided information about retiree health coverage options as follows:

OPTION 1: Time Constraints for Retiree Health Insurance

5 years or age 65

or

10 years or age 65

or

15 years or age 65

or

½ of continuous service years or age 65

20 years = 10 years of insurance

25 years = 12.5 years of insurance

30 years = 15 years of insurance

OPTION 2: Subsidies for Retiree Health Insurance

Allow retiree to remain on City Plan at rate paid by City

(Current premium \$433.58)

or

Pay a subsidy amount to Retiree on separate retiree plan (as additional income to retiree)

(Premium choices (\$1,050.88, \$1,014.24, \$980.76, \$942.78))

or

Pay a subsidy amount to Retiree on City Plan at 195% of rate paid by City (as additional income to retiree)

(Premium \$802.20)

OPTION 3: Have a subsidy based on percentage (%) and years of service

Years of Service	Subsidy % of premium paid by City
20	100
15	75
10	50
5	25

OPTION 4: Premium cost based on percentage (%) and years of service

Years of Service	Percentage (%) of City premium paid by Retiree
20	100
15	125
10	150
5	175

OPTION 5: Stop offering Retirees health insurance

Mayor White suggested that a time limit be given to the longevity of the employee before retiring and offering health insurance to retirees.

Councilmember Hilburn suggested that the Council grandfather current retirees to provide health insurance up to age 65 as outlined in the current ordinance, to provide health insurance to retirees of current employees with a minimum longevity of 25 years of uninterrupted employment and age 60, and that employees that are hired after June 1, 2015 would not receive health coverage when they retire.

Councilmember Michelson suggested that the Council consider eliminating health coverage to retirees at some point and spoke in favor of the employee longevity option.

Mayor Pro-Tem Sanchez spoke in favor of continuing to offer health insurance to retirees regardless of longevity.

Councilmember Mendoza agreed with Councilmember Hilburn's recommendation and suggested that the health insurance coverage to retirees be reviewed by the Council every three years.

Councilmember Castillo spoke in favor of continuing to offer health insurance to retirees regardless of longevity.

J. DISCUSSION AFTER REPORT BY CITY MANAGER REGARDING PREPARATIONS FOR THE LONE STAR GRAND PRIX KART RACE EVENT TO BE HELD ON SATURDAY AND SUNDAY, MARCH 7 AND 8, 2015.

Mr. Rodgers stated that all aspects of preparing for the event are underway and are on schedule. Downtown businesses have been notified about parking, etc.

Mayor White announced that the Council would recess for a break at 8:05 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 8:21 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Invocation - Ministerial Alliance.

Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.

Mayor White requested citizens to address the Council.

Mayor White announced that the City of Lockhart has been awarded a grant from the Texas Department of Transportation's 2015 Governor's Community Achievement Award in the amount of \$160,000 for highway landscaping projects. He congratulated all involved in the grant writing process for their dedication and hard work in obtaining the grant.

Mayor White, City Council and staff expressed appreciation and congratulations to the following:

- Keep Lockhart Beautiful Downtown Revitalization Beautification Committee
- Those involved were: Janet Grigar, Chairperson, Mike McGregor, Vice-Chair, Dianne Stevenson, Nick Dornak, Cindy Gibeaux, Gayle Temkin, Mike Lozano, and, Sandra Mauldin, Economic Development Director

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-15-01 BY COY HAYNES ON BEHALF OF THE TALLY FAMILY TRUST FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT FOR 0.979 ACRE IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, LOCATED AT 700 AND 702 SOUTH COLORADO STREET (US 183), AND 703 AND 709 SOUTH BRAZOS STREET.

Mayor White opened the public hearing at 8:30 p.m. and requested the staff background report.

Mr. Gibson stated that the applicant is purchasing the subject property, which consists of three contiguous parcels, and desires to change the use from the existing small food store to the sale of motor vehicles. Presumably, the new use would expand to include the eastern portion of the property along Brazos Street which is currently zoned RMD. Such businesses are not allowed in the RMD district, but would be allowed in the requested CMB district. If the zoning change is approved, a wide range of other commercial uses would be allowed by right, including restaurants, retail stores, offices, banks, and motor-vehicle repair. The surrounding area is a mixture of commercial and residential uses. Expansion of the CMB district to the east could result in potential impacts from a business activity such as noise, light, and traffic that would negatively affect nearby homes. The only other zoning district that allows the proposed use is CHB, which is a more intense zoning classification. The requested zoning change is consistent with the Lockhart 2020 Land Use Plan map, which shows the entire area between Colorado Street and Brazos Street as future light-medium commercial. Thus far, no opposition has been expressed by any owners of other property in the area. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens to address the Council that are either for or against the proposed zoning change.

Larry Hargraves, Pastor of Church on 700 Brazos Street, spoke against the proposed zoning change and stated that he did not believe that the proposed use was conducive to the neighborhood.

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

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2015-04 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 0.979 ACRE IN THE BYRD LOCKHART LEAGUE, ABSTRACT NUMBER 17, LOCATED AT 700 AND 702 SOUTH COLORADO STREET (US 183), AND 703 AND 709 SOUTH BRAZOS STREET, FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.

There was discussion about the screening requirements at the Brazos Street side of the property if the proposed CMB zoning is approved.

Councilmember Hilburn made a motion to approve Ordinance 2015-04, as presented. Councilmember Michelson seconded. The motion passed by a vote of 5-1, with Councilmember Castillo opposing.

ITEM 4-C. HOLD A PUBLIC HEARING REGARDING AMENDMENTS TO CHAPTER 64 "ZONING", SECTION 64-127 "VARIANCES", OF THE CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-203 "NONRESIDENTIAL APPEARANCE STANDARDS".

Mayor White opened the public hearing at 8:40 p.m. and requested the staff background report.

Mr. Gibson stated that staff has heard from several sources in the development community that the nonresidential appearance standards should be more flexible, especially in regard to the masonry requirement in subsection (1). Staff found that some other cities do have appearance standards that mandate a certain percentage of "preferred materials" that include finishes other than masonry and, after consulting with a local architect, staff is proposing to add to the list, as well as modify a couple of the masonry materials in the current list. One new item in the list is a provision allowing the planning and zoning commission to approve, on a case-by-case basis, additional materials that are not on the list. The percentage of wall finish visible from an abutting street that must be of a preferred material is still a minimum of 35 percent, the same as it always has been. Other than that minimum, the remainder of a building's exterior walls may have any type of finish.

The proposed ordinance also includes changes to other provisions in addition to subsection (1). Many of the changes were done for the purpose of clarification. Staff also corrected a typographical error in the existing ordinance, and included substantive improvements that staff had previously identified as being appropriate. Added flexibility in the bonus features pertaining to shrubbery make those provisions less strict, but more reasonable based on the feedback staff has received from landscape planners and contractors.

Mr. Rodgers stated that the proposed ordinance would be more user friendly to provide guidelines to landscape contractors.

There was discussion.

Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens to speak in favor of or against the zoning ordinance amendments. There were none. He closed the public hearing at 9:07 p.m.

ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2015-05 AMENDING CHAPTER 64 "ZONING" OF THE CODE OF ORDINANCES, ARTICLE VII, "ZONING DISTRICT AND STANDARDS", SECTION 64-203 "NONRESIDENTIAL APPEARANCE STANDARDS" TO ADD, DELETE, CLARIFY, OR OTHERWISE MODIFY VARIOUS PROVISIONS AS DEEMED APPROPRIATE.

Councilmember Hilburn made a motion to approve Ordinance 2015-05, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

ITEM 5. CONSENT AGENDA.

Councilmember Michelson made a motion to approve consent agenda items 5A, 5B, 5C, and 5D as amended. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes of the February 17, 2015 meeting.
- 5B: Approve change order #1 in the amount of \$21,700 to the current utility relocation work contract with Qro-Mex Construction associated with Phase II US 183 Utility Widening project.
- 5C: Award contract to Mason, Inc. of Lockhart, Texas, for emergency roof replacement at 901 Bois D'arc Street (Community Center) in the base amount of \$62,407 and appointing the Mayor to sign the contract documents, if approved.
- 5D: Approve Ordinance 2015-06 vacating in the interest of a public purpose the alley between Leona Street, San Jacinto Street, West Prairie Lea Street, and Maple Street but retaining all of the area within the alley as a public utility easement.

ITEM 6-A. DISCUSSION AND/OR ACTION AFTER PRESENTATION BY THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) REPRESENTATIVE REGARDING PROPOSED OZONE STANDARDS AND IMPLICATIONS FOR CENTRAL TEXAS.

Mayor White announced that the presentation was made during the work session. No action was taken.

ITEM 6-B. PRESENTATION, DISCUSSION AND/OR ACTION FOR CITY COUNCIL TO CONSIDER ACCEPTANCE OF THE CITY OF LOCKHART'S AND COMPONENT UNIT'S FISCAL YEAR 2013-2014 FINANCIAL AUDIT BY ABIP, PC.

Mayor Pro-Tem Sanchez made a motion to accept the City of Lockhart's and component unit's fiscal year 2013-2014 financial audit by ABIP, PC. Councilmember Hilburn seconded. The motion passed by a vote of 6-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING SECTION 46-6, "PROHIBITED SIGNS AND LOCATIONS", SUBSECTIONS (A) (2) AND (3), AND SECTION 46-7, "SIGNS EXEMPT FROM SECTION 46-11" SUBSECTION (27) OF THE CURRENT SIGN ORDINANCE WHICH ADDRESSES INFLATABLE OBJECTS, INFLATABLE SIGNS, OR TETHERED BALLOONS INTENDED TO ATTRACT ATTENTION.

Mayor White announced that during the next meeting, each Councilmember would provide a name of a business owner to provide input, as a committee, of recommended changes to the sections of the sign ordinance.

Councilmember Hilburn made a motion to table the item until the March 17, 2015 Council meeting. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

ITEM 6-D. DISCUSSION AND/OR ACTION AFTER PRESENTATION BY CITY MANAGER REGARDING THE HILL COUNTRY COOK OFF ASSOCIATION (HCCO) EVENT TO BE HELD IN CITY PARK ON OCTOBER 9 AND 10, 2015.

Mayor White announced that information was provided during the work session. There was no action.

ITEM 6-E. DISCUSSION AND/OR ACTION FOR CITY COUNCIL TO REVIEW, CHANGE, OR RESCIND ORDINANCE 2012-28 AUTHORIZING THE OFFERING OF HEALTH COVERAGE TO CITY RETIREES.

Councilmember Hilburn made a motion to allow the seven remaining retirees to be grandfathered under the present ordinance, to amend the ordinance to reflect that current employees would be eligible to receive health coverage after 25 years of continuous service with City of Lockhart and at age 60, and employees hired after June 1, 2015 would be informed that they would not be eligible for health coverage after retirement. Councilmember Michelson seconded. The motion passed by a vote of 5-1, with Councilmember Mendoza opposing.

ITEM 6-F. DISCUSSION AND/OR ACTION AFTER REPORT BY CITY MANAGER REGARDING PREPARATIONS FOR THE LONE STAR GRAND PRIX KART RACE EVENT TO BE HELD ON SATURDAY AND SUNDAY, MARCH 7 AND 8, 2015.

Mayor White announced that the report was given during the work session. There was discussion regarding the volunteer opportunities. There was no action.

ITEM 6-G. 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 7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.

- Update: Chihuahua- Pancho Streets Neighborhood Area meeting Tuesday, March 10, 6 pm; Latino Hall.
- Update: US Hwy 183 expansion project: water and waste-water work process; City electric work complete; Gas, AT&T and TWC work still in progress; storm water contractor work.
- Update: Preparations for Lone Star Grand Prix 2015 Kart Race on Saturday, March 7th and Sunday, March 8th with some street closures starting as early as Thursday night. All downtown will be transformed into a kart race track and all that will disappear by Monday morning when businesses open up.
- Report: Annual Progressive Club event Saturday, February 21, 2015, at 6:30 pm at the Lion Club.
- Reminder: Welcome Spring Event/Kid Fish, Chamber Cook off on Saturday, March 21.
- Reminder: Cesar Chavez march on Sunday, March 22 at 1:00 pm at City Hall.

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

Mayor Pro-Tem Sanchez expressed condolences to the families of Ramona Mendoza and Rosa Natal for their loss. Congratulations to the Progressive Club for a successful banquet this past weekend. Councilmember Mendoza congratulated the Progressive Club for a successful banquet.

Councilmember Castillo thanked the retirees for their service to the City and stated that he hoped that health coverage options to retirees would be amended in the future. He expressed appreciation to current and future city employees.

Councilmember Michelson invited all to the Kart Race in Lockhart this weekend. He requested that the Council consider appointing a citizen that could be affected by the sign ordinance in regards to the proposed amendments about inflatable signs.

Mayor White congratulated John Cyrier for being elected and being sworn in as District 17 State Representative. He stated that after discussion with Mrs. Cathy Roland, they identified possibly dedicating a Community Building at the City Park in honor of Councilman Kenny Roland sometime in the future of which fundraising events could begin soon.

ITEM 9. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 9:25 p.m.

PASSED and APPROVED this the 17th day of March 2015.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

