

**PUBLIC NOTICE**

**AGENDA**

**LOCKHART CITY COUNCIL**

**TUESDAY, JUNE 7, 2016**

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS  
217 SOUTH MAIN STREET, 3<sup>rd</sup> FLOOR  
LOCKHART, TEXAS**

**6:30 P.M.**

**WORK SESSION (No Action)**

Work session will be held to receive briefings and to initially discuss all items contained on the Agenda posted for 7:30 p.m. Generally, this work session is to simplify issues as it relates to the agenda items. No vote will be taken on any issue discussed or reviewed during the work session.

**PRESENTATION ONLY**

- A. Presentation of Certificate acknowledging the Lockhart Lady Varsity Softball Team for winning the District 27 5A Championship.
- B. Presentation of a Certificate acknowledging Caldwell County EMS for receiving the *American Heart Association's 2016 Mission: EMS Lifeline-GOLD Achievement Award* – EMS Agency.

**DISCUSSION ONLY**

- A. Discuss minutes of the City Council meeting of May 17, 2016.
- B. Discuss agreement by the Caldwell County Appraisal District's (CCAD) Attorney whereby the City of Lockhart agrees to accept a bid of \$1,735.44 as settlement for a City tax debt of \$4,394.03 on the property at 739 Pear Street that was foreclosed on, and appointing the Mayor to sign the agreement, if approved.
- C. Discuss bid award to Nighthawk Construction of Lockhart, Texas, for installation of 18" water transmission main from the Lockhart Water Treatment Plant for approximately 2,800 linear feet, including addendum footage, to the west in the amount of \$249,157.50, and authorizing the Mayor to sign all contractual documents, if approved.
- D. Discuss recommendation by Guadalupe-Blanco River Authority (GBRA) to award bid in the amount of \$79,485 to Advanced Water Well Technologies of Converse, Texas, for major repairs to Lockhart Water Well Number 11 that will extend the life and productivity of the well.

**WORK SESSION-DISCUSSION ONLY continued...**

- E. Discuss Resolution 2016-11 rescinding, in its entirety, Resolution No. 2006-26 that approved American Pew & Bench, LLC as a project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, and proposed funding in an amount not to exceed \$75,000 for project development, construction, maintenance or operating services suitable for the development, retention or expansion of manufacturing and industrial facilities as allowed by the 4B law and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises.
- F. Discuss Resolution 2016-10 rescinding, in its entirety, Resolution 2014-13 funding a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, that proposed funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period.
- G. Discussion regarding the current restrictions applicable to flagpole heights, sizes of flags, and possible direction to staff regarding an amended ordinance.
- H. Discuss Resolution 2016-12 approving a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, funding Hill Country Foodworks, LLC in an amount not to exceed \$95,000 including building and land located at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as lots 4A and 4B, of the amending plat for the Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the amending plat for the Resubdivision plat of Lockhart Industrial Park II, Revision No. 2, improvements and professional services.
- I. Discuss Chapter 380 Rebate of City Property Tax to Hill Country Foodworks LLC on their new facility located in the City of Lockhart at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as lots 4A and 4B, of the amending plat for Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the Amending Plat for the Resubdivison Plat Lockhart Industrial Park II, Revision No. 2., proposed to be offered to the company for locating their facility in Lockhart and creating 25 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council.

**7:30 P.M. REGULAR MEETING**

- 1. **CALL TO ORDER**  
Mayor Lew White
- 2. **INVOCATION, PLEDGE OF ALLEGIANCE**  
Invocation - Ministerial Alliance.  
Pledge of Allegiance to the United States and Texas flags.

**3. CITIZENS/VISITORS COMMENTS**

(The purpose of this item is to allow citizens an opportunity to address the City Council on issues that are not on the agenda. No discussion can be carried out on the citizen/visitor comment.)

**4. PUBLIC HEARING/COUNCIL ACTION**

A. Hold a public hearing on application ZC-16-03 by Cruz Reyna for a Zoning Change from AO Agricultural-Open Space District to RLD Residential Low Density District for 5.01 acres in the James George Survey, Abstract No. 9, located at 1545 Lover's Lane.

B. Discussion and/or action to consider Ordinance 2016-15 amending the Official Zoning Map of the City of Lockhart, Texas, to reclassify the property known as 5.01 acres in the James George Survey, Abstract Number 9, located at 1545 Lover's Lane, from AO Agricultural-Open Space District to RLD Residential Low Density District.

**5. DISCUSSION/ACTION ITEMS**

A. Conduct the first of two required readings of Resolution 2016-12, in its entirety, and discussion regarding approving a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, funding Hill Country Foodworks LLC in an amount not to exceed \$95,000 including building and land located at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as Lots 4A and 4B of the amending plat for the Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the Amending Plat for the Resubdivision Plat of Lockhart Industrial Park II, Revision No. 2, improvements, and professional services.

**6. CONSENT AGENDA**

A. Approve minutes of the City Council meeting of May 17, 2016.

B. Approve agreement by the Caldwell County Appraisal District's (CCAD) Attorney whereby the City of Lockhart agrees to accept a bid of \$1,735.44 as settlement for a City tax debt of \$4,394.03 on the property at 739 Pear Street that was foreclosed on, and appointing the Mayor to sign the agreement, if approved.

C. Approve bid award to Nighthawk Construction of Lockhart, Texas, for installation of 18" water transmission main from the Lockhart Water Treatment Plant for approximately 2,800 linear feet, including addendum footage, to the west in the amount of \$249,157.50, and authorizing the Mayor to sign all contractual documents, if approved.

D. Approve recommendation by Guadalupe-Blanco River Authority (GBRA) to award bid in the amount of \$79,485 to Advanced Water Well Technologies of Converse, Texas, for major repairs to Lockhart Water Well Number 11 that will extend the life and productivity of the well.

- E. Approve Resolution 2016-11 rescinding, in its entirety, Resolution No. 2006-26 that approved American Pew & Bench, LLC as a project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, and proposed funding in an amount not to exceed \$75,000 for project development, construction, maintenance or operating services suitable for the development, retention or expansion of manufacturing and industrial facilities as allowed by the 4B law and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises.
- F. Approve Resolution 2016-10 rescinding, in its entirety, Resolution 2014-13 funding a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, that proposed funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period.

**7. DISCUSSION/ACTION ITEMS**

- A. Discussion and/or action regarding the current restrictions applicable to flagpole heights, sizes of flags, and possible direction to staff regarding an amended ordinance.
- B. Conduct the second of two required readings, and discussion and/or action to consider approval of Resolution 2016-12 approving a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, funding Hill Country Foodworks, LLC in an amount not to exceed \$95,000 including building and land located at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as lots 4A and 4B, of the amending plat for the Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the amending plat for the Resubdivision plat of Lockhart Industrial Park II, Revision No. 2, improvements and professional services.
- C. Discussion and/or action regarding Chapter 380 Rebate of City Property Tax to Hill Country Foodworks LLC on their new facility located in the City of Lockhart at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as lots 4A and 4B, of the amending plat for Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the Amending Plat for the Resubdivison Plat Lockhart Industrial Park II, Revision No. 2., proposed to be offered to the company for locating their facility in Lockhart and creating 25 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council.
- D. Discussion and/or action regarding appointments to various boards, commissions or committees.

8. **CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION**
- Update- US 183 widening project, Hickory to Blackjack: west side drainage truck main started between Hickory and Blackjack; some rain delays.
  - Update: Contracts with Qro-Mex Construction on Richland Drive and rain delays; most rain May in history at Austin-Bergstrom Regional Airport.
  - Update: Preparation for Chisholm Trail Annual Event in City Park and parade on Saturday, June 11.
  - Update: BBQ Cook-off to be rescheduled due to rain events.
  - Update: Summer Reading Program at Library.
  - Update: Leaks in exterior brick walls at Clark Library Annex.
  - Update: Water crew replacing and put in new water mains on Walnut and North Church Streets.
  - Reminder: Movie in the Park – “Minions”, June 18th at City Park.

9. **COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST**  
*(\*\*Items of Community Interest defined below)*

10. **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.**
- A. Discussion regarding the purchase of right of way and drainage easement for reconstruction of East Walnut Street west of Carver Street.
  - B. Discussion regarding the purchase of utility easements needed north and south of the railroad right of way east and west of SH 130.
11. **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; (2) AND/OR A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**
- A. Discussion with City Attorney regarding pending or contemplated litigation and to receive legal advice while preserving the attorney-client privilege.

## 12. OPEN SESSION

- A. Discussion and/or action regarding needed right of way and drainage easement for reconstruction of East Walnut Street west of Carver Street and granting approval to the City Manager to negotiate under specified terms for obtaining the right of way and drainage easement in the interest of a public purpose.
- B. Discussion and/or action regarding utility easements needed north and south of the railroad right of way east and west of SH 130 and granting approval to the City Manager to negotiate under specified terms the obtaining of the easements as discussed in executive session in the interest of a public purpose.
- C. Discussion and/or action regarding pending or contemplated litigation and to receive legal advice while preserving the attorney-client privilege.

## 13. ADJOURNMENT

*\*\* Items of Community Interest includes: 1) expressions of thanks, congratulations or condolence; 2) information regarding holiday schedules; 3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; 4) a reminder about an upcoming event organized or sponsored by the governing body; 5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official employee of the municipality; and 6) announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda. (SB 1182 - effective 09/01/2009)*

\* Once approved to be on the agenda, staff requests you register to speak prior to the meeting. Deadline for specific items on the agenda is Noon Tuesday prior to the Regular Meeting.

If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the City Council will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D to consider one or more matters pursuant to the following:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.

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.

Section 551.073. To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.076. To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.086. To deliberate vote or take final action on any competitive matters relating to public power utilities.

Section 551.087. To deliberate or discussion regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

Section 551.088. To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.

After discussion of any matters in executive session, any final action or vote taken will be in public by the City Council.

**City Council shall have the right at anytime to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.**

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 3rd day of June 2016 at 3:30 PM. I further certify that the following News Media was properly notified of this meeting as stated above: Lockhart Post-Register

  
Connie Constancio, TRMC, City Secretary