

**SPECIAL MEETING  
BUDGET WORKSHOP  
LOCKHART CITY COUNCIL**

**AUGUST 13, 2015**

**6:30 P.M.**

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3<sup>rd</sup> 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  
Councilmember Brad Westmoreland

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Sandra Mauldin, Economic Dev. Director

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

**Citizens/Visitors Addressing the Council:** Citizens: Lydia Serna, James Quezada, Joe Roland, Victor Torres, Jack Castilleja, Esther Castilleja, Clemente Medellin, Phillip Torres, Linda Chandler, Teri Davidson, Chuck Keplar, Kimberly Mendoza, Rebecca Serna-Garza, Tony Bowen, Thomas Fertado, Heidi Hodge, Imelda Herrera, Josefa Ortiz Elliott, Melissa Cantu, Dariela Herrera, Damian Herrera, Lucy Knight, Jaston Williams, Todd Blomerth, Cathy Roland, Fletcher Clark, Dennis Placke, Jennifer Sanchez, Kyle Gray, Amy Davidson, Sylvia Gonzales, and, Rick Johnson.

**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the special meeting/budget workshop to order on this date at 6:30 p.m.

**ITEM 2. CITIZENS/VISITORS COMMENTS.**

Mayor White requested citizens to address the Council on an issue other than the public hearing item. There were none.

**ITEM 3-A. DISCUSSION AND/OR ACTION REGARDING PROPOSED SETON EMERGENCY MEDICAL SERVICES (EMS) AGREEMENT BY WHICH IT WOULD CONTINUE TO PROVIDE EMS AMBULANCE MANAGEMENT AND OPERATION SERVICES FOR THE CITY OF LOCKHART AND NORTHERN CALDWELL COUNTY.**

Mr. Rodgers stated that for the past 2 ½ years, Seton has provided EMS management and operation services with revenues being deposited with the City of Lockhart. The revenues were then sent quarterly by the City to the Medicaid 1115 Program. Seton was then reimbursed through that program for EMS related expenses on a ratio basis. Because funding through the Medicaid 1115 Waiver program is no longer available to Seton for EMS services, Seton has proposed a one year agreement by which it will continue to provide EMS ambulance management and operation services for the City of Lockhart and Northern Caldwell County. The agreement proposes that all EMS revenues be deposited with the City of Lockhart. Seton would invoice the City of Lockhart monthly for costs associated with providing EMS ambulance management and operation services. Seton would also, according to the agreement, invoice the City \$5,000 per month as an administrative fee. If costs are more than revenues, the City of Lockhart and Caldwell County would be responsible for making up the difference. The Fiscal Year 2015-2016 EMS budget as proposed by Seton shows projected revenues slightly above projected expenses. As before, the City of Lockhart will continue to own the ambulances, major equipment, the state EMS license, and the EMS building facilities.

Mr. Rodgers stated that the Caldwell County Commissioners' Court considered the contract with the City of Lockhart for EMS services in Northern Caldwell County during its meeting on Monday, August 10 at which they approved it unanimously. Mr. Rodgers recommended approval of the proposed agreement with Seton.

There was discussion.

Mayor Pro-Tem Sanchez made a motion to approve the Seton Emergency Medical Services (EMS) Agreement, as presented, which Seton would continue to provide EMS ambulance management and operation services for the City of Lockhart and Northern Caldwell County. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

**ITEM 3-B. DISCUSSION AND/OR ACTION REGARDING THE CITY MANAGER'S RECOMMENDATION TO PURCHASE 1.484 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT 17, CITY OF LOCKHART, CALDWELL COUNTY, TEXAS, COMMONLY KNOWN AS 1105 WICHITA STREET, FROM MS. CYNTHIA ANN SOLIS FOR \$48,500.00 FOR USE TO CONTROL STORM WATER RUNOFF, ALLEVIATE FLOODING, AND COLLECT STORM WATER DRAINAGE WITHIN THE CITY OF LOCKHART.**

Mr. Rodgers stated that on June 9, 2015, the Lockhart City Council, while in executive session, discussed the need to acquire this property related to drainage. With that authorization, the City Manager sent a letter to the owner of the property offering to purchase the property to use it to help control storm water runoff, alleviate flooding, and collect storm water drainage within the City of Lockhart north of Tank Street. Ms. Cynthia Ann Solis, owner of the property, agreed to sell the property to the City of Lockhart in the amount of \$48,500. As part of the negotiation, the City will pay all closing costs and all of the property taxes due; property taxes are current. Mr. Rodgers recommended approval.

There was discussion about a proposed detention pond and water drainage plans to alleviate flooding in the area.

Mayor Pro-Tem Sanchez made a motion to approve the purchase of 1.484 acres in the Byrd Lockhart Survey, Abstract 17, City of Lockhart, Caldwell County, Texas, commonly known as 1105 Wichita Street, from Ms. Cynthia Ann Solis for \$48,500.00, plus closing costs and current property taxes due for use to control storm water runoff, alleviate flooding, and collect storm water drainage within the City of Lockhart. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 3-C. DISCUSSION AND/OR ACTION BY CITY COUNCIL TO CONSIDER ACCEPTING THE CITY OF LOCKHART'S 2015 CERTIFIED PROPERTY TAX ROLL.**

Mr. Hinson provided information that explained the City of Lockhart's 2015 certified property tax roll. There was discussion.

Councilmember Michelson made a motion to accept the City of Lockhart's 2015 certified property tax roll. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

**ITEM 3-D. PRESENTATION, DISCUSSION AND/OR ACTION REGARDING FISCAL YEAR 2015-2016 PROPOSED BUDGET AND RELATED INFORMATION.**

There was discussion about the proposed cemetery tax.

CONSENSUS: After discussion, the consensus of the Council was not to adopt a cemetery tax rate in Fiscal Year 2015-2016 yet to consider implementing it during the next fiscal year (2016-2017) budget process.

**ITEM 3-E. DISCUSSION AND/OR ACTION REGARDING MAINTENANCE, OPERATIONAL AND CAPITAL BUDGETS AND FUNDING POSSIBILITIES.**

There was no discussion.

**ITEM 3-F. DISCUSSION AND/OR ACTION REGARDING BUDGET AND TAX RATE ADOPTION CALENDAR, IF NECESSARY.**

Mr. Hinson announced that the City Council would hold a public hearing on the City of Lockhart's budget and tax rate on September 1, 2015 and September 15, 2015 at 7:30 p.m.

RECESS: Mayor White announced that the Council would recess for a break at 7:12 p.m.

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-15-04 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 7:30 p.m. and requested the staff background report.

Mr. Gibson stated that the applicant has requested to change the zoning of the property to CCB in order to relocate her business, Lilly's Bar, to the vacant commercial building on the subject property. If the zoning change is approved, a bar would still not be allowed unless the applicant applies for and receives approval of a Specific Use Permit (SUP) from the Planning and Zoning Commission. The surrounding area contains a mixture of uses, including commercial, residential, and civic. Immediately to the west of the property is a two-story single-family home, and a commercial building is adjacent to the east. Across Walnut Street to the southeast is a commercial building, and to the southwest is the Emmanuel Episcopal Church building complex. The block where the subject property is located is zoned entirely CMB, while the central business district blocks to the south are zoned CCB. The requested change would simply expand the boundary of the CCB district to include the subject property, which is already developed in a form that is more consistent with the CCB district. There is not a significant difference between those classifications, although the CCB district is generally more restrictive even though it allows bars with approval of an SUP, whereas the CMB district does not allow bars at all. The requested CCB zoning is consistent with the mixed use designation of the property on the Lockhart 2020 Land Use Plan map, which includes the entire central business district and surrounding area. Written letters and petition forms protesting this zoning change have been received from owners of more than 20 percent of the 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 voted 3-1 to recommend denial and that staff recommends approval. There was discussion.

Mr. Gruning informed the Council that a petition in support of the zoning change was presented to the City/Council prior to the start of this meeting.

Mayor White requested the following to address the Council:

Lydia Serna, 251 Wild Buffalo, Kyle, Texas, spoke in favor of the zoning change. She explained details about her successful business experiences, positive public relation skills, and community involvement. She also explained the many various ways that the late Lilly Serna helped the community and children in need.

James Quezada, 109 West Walnut, owner of the property requested approval of the zoning change of CMB to CCB.

Mayor White requested citizens to address the Council that were in favor of the proposed zoning change.

The following individuals spoke in favor of the proposed zoning change:

Joe Roland	Rebecca Serna-Garza, 251 Wild Buffalo, Kyle
Victor Torres	Tony Bowen, 115 S. Main St.
Jack Castilleja,	Thomas Fertado, 621 S. Church
Esther Castilleja	Heidi Hodge
Clemente Medellin	Imelda Herrera, 902 Brazos
Philip Torres	Josefa Ortiz Elliot
Linda Chandler	Melissa Cantu, 316-A Bois D'Arc
Teri Davidson	Dariela Herrera, 316 Alamo St.
Chuck Keplar, 424 Plum	Damien Herrera, 902 Brazos
Kimberly Mendoza	

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

Mayor White requested citizens to address the Council that were against the proposed zoning change.

The following individuals spoke against the proposed zoning change:

Lucy Knight, 1532 Parkview Drive	Jennifer Sanchez, 119 Walnut Street
Jaston Williams, 1230 West Prairie Lea	Kyle Gray, 1701 Directory Blvd, Austin
Todd Blomerth, 1105 Spruce	Amy Davidson, 923 Plum St.
Cathy Roland	Sylvia Gonzales, 509 Willow Street
Fletcher Clark, 811 Vogel	Rick Johnson
Dennis Placke, 1011 West Live Oak (Representing St. Mary's Catholic Church)	

Mayor White requested additional citizens against the zoning change to address the Council. There were none. Mayor White closed the public hearing at 9:40 p.m.

There was discussion. The Council expressed words of respect and gratitude towards the late Lilly Serna and Lydia Serna for their dedication to the community.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2015-17 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.**

Mayor White announced that he would abstain from discussion and voting on the proposed zoning change because he is a member of the Emmanuel Episcopal Church.

Councilmember Hilburn made a motion to deny Ordinance 2015-17, as presented. Mayor Pro-Tem Sanchez seconded. The motion failed by a tie vote of 3-3, with Councilmember Mendoza, Councilmember Castillo, and Councilmember Michelson opposing.

Councilmember Mendoza made a motion to approve Ordinance 2015-17, as presented. Councilmember Michelson seconded. Councilmember Michelson clarified that he is voting in favor of the zoning change only, not the proposed use of the property as a bar. The motion failed by a tie vote of 3-3, with Councilmember Hilburn, Mayor Pro-Tem Sanchez and Councilmember Westmoreland opposing.

**ITEM 5. 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 1<sup>st</sup> day of September 2015.



CITY OF LOCKHART

*Jim White*  
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ew White, Mayor

ATTEST:

*Connie Constancio*  
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Connie Constancio, TRMC  
City Secretary