

**LOCKHART CITY COUNCIL
REGULAR MEETING**

APRIL 4, 2017

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 Benny Hilburn

Council absent:

Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager
Dan Gibson, City Planner

Connie Constancio, City Secretary

Citizens/Visitors Addressing the Council: Tommie Clayton of Texas Sage Master Gardeners Association; Dan Seffko and Daniel Herrig of Freese and Nichols; and, Charles Scheler of TRC Engineers.

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:

PRESENTATION ONLY

Mayor White presented the following proclamations:

- A. Presentation of proclamation declaring March 31, 2017 as *Cesar Chavez Farmworker Appreciation Day*.
- B. Presentation of a Proclamation declaring April 4, 2017 as *National Service Recognition Day in Lockhart*.
- C. Reading of Proclamation acknowledging and declaring April 2017 as *Fair Housing Month*.

Mayor White announced that Councilman Westmoreland would be absent.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF MARCH 21, 2017.

Mayor White requested corrections to the minutes. There were corrections.

B. DISCUSS PROPOSED THREE YEAR AGREEMENT BETWEEN THE CITY OF LOCKHART AND THE TEXAS MASTER GARDNER ASSOCIATION, INC. FOR USE OF THE GARDEN SPACE ON CITY PROPERTY ON N. MEDINA STREET JUST NORTH OF THE CALDWELL MINISTERIAL ALLIANCE FOOD BANK; THE GROUP WOULD BE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF THE AREA, PROVIDING SOME FRESH VEGETABLES TO THE FOOD BANK, EDUCATING LOCAL COMMUNITY GROUPS AND INDIVIDUALS AND ENCOURAGING THEM TO BE INVOLVED WITH GARDENING, AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT IF APPROVED.

Mr. Rodgers stated that the Texas Master Gardener Association, Inc. approached the Mayor and City Manager about the possibility of an agreement for use of the gardening area. The organization is a 501(c)(3) entity. Members have been working the gardening space for more than a year. They would like to make several improvements at the site that involve a lot of sweat equity and some funds but they do not want to do this without some type of agreement to protect their investment. Much of the garden produce would be donated to the Food Bank. They encourage Lockhart Independent School District (LISD) at Risk Students and Key Club members to be involved. Gardening education will be an integral part of the program. The agreement would be for three (3) years with automatic renewals of one (1) year unless a thirty (30) day notice is provided by either agreement party. The City shall have the right to terminate the agreement at any time for justifiable cause. Mr. Rodgers recommended approval. There was discussion.

Tommie Clayton, President of the Texas Sage Master Gardeners Association (TSMGA) provided information about the goals of the TSMGA that includes teaching students and citizens of the community about gardening and to be able to provide fresh produce to the food bank.

C. DISCUSS CHANGE ORDER #3 FOR QRO-MEX CONSTRUCTION COMPANY, INC., TO INCREASE THE CURRENT CONTRACT BY AN AMOUNT NOT TO EXCEED \$30,000.00 FOR SIDEWALK AND HEADWALL CHANGES ON EAST WALNUT STREET NEAR GREENHILL CHURCH OF CHRIST TO ACCOMMODATE DRAINAGE WORK MAKING THE NEW POTENTIAL CONTRACT AMOUNT \$2,185,000, AND APPOINTING THE MAYOR TO SIGN THE CHANGE ORDER WHEN PREPARED IF APPROVED.

Mr. Rodgers stated that Qro-Mex Construction Company, Inc. has the current contract to perform utility, drainage, and street improvements on the Richland Drive project and on the Mesquite-Braden-Vega-Wichita Street project and East Walnut Streets; the unit prices for the work were very good. The contractor has agreed to construct a redesign of the sidewalk and headwall appurtenances on East Walnut Street to more efficiently serve the Greenhill Church of Christ. The total current contract including the two previous change orders is \$2,154,616. The proposed Change Order #3 up to \$30,000, if approved would make the total contract \$2,185,000. The percentage increase of the original contract, if approved, is still less than the 25% allowable. There was discussion. Mr. Rodgers recommended approval.

D. DISCUSS ORDINANCE 2017-09 AMENDING CHAPTER 58, UTILITIES, DIVISION 2, HARMFUL OR INDUSTRIAL DISCHARGES, SECTION 58-241, ITEMS SUBJECT TO REGULATION-DESIGNATED, SUBSECTION (13)(A) MATERIALS WHICH EXERT OR CAUSE (HARMFUL DISCHARGES INTO THE CITY'S WASTEWATER SYSTEM).

Mr. Rodgers stated that this ordinance amends the amount of allowable total suspended dissolved solids for wastewater discharges for such as, but not limited to, sodium chloride and sodium sulfate. The existing ordinance allows only up to 500 milligrams per liter which is unreasonable and detrimental to business and industrial development. Staff suspects that when the ordinance was originally written the number should have been 5,000 milligrams per liter instead of the 500. For consideration, Lockhart's approved drinking water averages about 500 milligrams per liter of total suspended dissolved solids. Many cities do not place a limit on total suspended dissolved solids, but staff believes the 5,000 would be needed as a cap to avoid large amounts of sodium chloride and sulfates (salts) from being dumped directly into the wastewater system which may not cause corrosive problems for clay wastewater pipes and concrete manholes. If a business produces excessive amounts, then a pre-filtration process would be required. Mr. Rodgers recommended approval. There was discussion.

E. DISCUSS TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) CHANGE ORDERS 1, 6 AND 7 TOTALING \$2,418,551.53 MOST OF WHICH WAS TO PLACE UNDERGROUND DRAINAGE IN PHASE II OF THE US 183 PROJECT BETWEEN BLACKJACK AND WALMART, AND APPOINTING THE MAYOR TO SIGN THE DOCUMENTS IF APPROVED.

Mr. Rodgers stated that TxDOT provided change order numbers 1, 6 and 7 totaling \$2,418,551.53, the vast majority of which was for placing underground drainage between Blackjack and Walmart on US 183 south in Phase II of the project. The Capital Area Metropolitan Planning Organization (CAMPO) and TxDOT provided additional funding to help cover these costs. Mr. Rodgers recommended approval. There was discussion.

F. DISCUSS PROPOSED INCREASE OF \$200.00 PER MONTH FOR MUNICIPAL COURT JUDGE, FRANK COGGINS.

Mayor White stated that Judge Coggins recently inquired about a small salary increase. He requested the Council's consideration regarding the salary increase. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:05 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 7:30 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. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-04 BY ESTHER HERNANDEZ FOR A ZONING CHANGE FROM IH INDUSTRIAL HEAVY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT FOR 0.374 ACRE IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 308 NORTH COLORADO STREET (US 183).

Mayor White opened the public hearing at 7:34 p.m. and requested the staff report.

Mr. Gibson stated that the building on the subject property was previously occupied by a bar, which was a nonconforming but grandfathered use in the current IH zoning. However, it has now been vacant longer than six months, and therefore, is no longer grandfathered for that use. The new owner desires to have a hair salon in the building, and a portable food establishment (trailer) outside. Such uses outside of the CCB district require a commercial zoning classification of either CMB or CHB. The requested CMB classification does not allow bars, so it would eliminate any chance of the use of the property resuming as a bar. The proposed change from IH to CMB represents a decrease in potential intensity. Considering that the closest land uses other than the City Park are commercial and industrial, and those uses will continue to have the IH industrial zoning classification, the requested zoning change should have no effect on the surrounding area. Because the existing building is small and is not designed for an industrial use, the CMB zoning classification would simply allow potential uses to be in compliance with the zoning of the property. The requested CMB zoning classification is not consistent with the Lockhart 2020 Future Land Use Plan map, which designates the subject tracts as Medium Density Residential. However, considering that the immediate area is dominated by Livengood's Feeds and Lockhart Gin, which are both industrial uses, it is unlikely that the area will be suitable for residential uses of any type in the foreseeable future. No opposition to the zoning change has been expressed. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens to address the Council in favor of or against the zoning change. There were none. He closed the public hearing at 7:43 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-07 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 0.374 ACRE IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 308 NORTH COLORADO STREET (US 183), FROM IH INDUSTRIAL HEAVY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2017-07, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

ITEM 5-B. APPROVE A PROPOSED THREE YEAR AGREEMENT BETWEEN THE CITY OF LOCKHART AND THE TEXAS MASTER GARDNER ASSOCIATION, INC. FOR USE OF THE GARDEN SPACE ON CITY PROPERTY ON N. MEDINA STREET JUST NORTH OF THE CALDWELL MINISTERIAL ALLIANCE FOOD BANK; THE GROUP WOULD BE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF THE AREA, PROVIDING SOME FRESH VEGETABLES TO THE FOOD BANK, EDUCATING LOCAL COMMUNITY GROUPS AND INDIVIDUALS AND ENCOURAGING THEM TO BE INVOLVED WITH GARDENING, AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT IF APPROVED.

Mayor White pulled the item from the consent agenda to allow for consideration. There was brief discussion.

Councilmember Michelson made a motion to approve the agreement, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

ITEM 4-C. HOLD A PUBLIC HEARING REGARDING AMENDING CHAPTER 31, LOCKHART CODE OF ORDINANCES, ADOPTING UPDATED IMPACT FEE LAND USE ASSUMPTIONS, UPDATED WATER, WASTEWATER, AND ROADWAY CAPITAL IMPROVEMENTS PLAN, AND UPDATED IMPACT FEES FOR WATER, WASTEWATER, AND ROADWAY FACILITIES.

Mayor White opened the public hearing at 7:46 p.m. and requested the staff report.

Mr. Gibson stated that on April 19, 2016, the Council determined that an update of the impact fee land use assumptions, capital improvements plan, and fees as provided in Chapter 395 of the Texas Local Government Code was necessary, and directed staff to hire consultants to assist in the process. The consultants have had multiple meetings with staff and the Impact Fee Advisory Committee to develop the updated documents and revised collection rates. Mr. Gibson referred to the three documents that were provided to Council. The documents are the Land Use Assumptions for Impact Fees (Exhibit 1), the Water and Wastewater Impact Fee Analysis Capital Improvements Plan (Exhibit 2), and the Roadway Impact Fee Update Final Report (Exhibit 3). The new fees to be charged are higher than the current fees, but are necessary for the needed infrastructure to accommodate growth. Also, the combined water, wastewater, and road impact fee collection rates for a single-family dwelling are still at a lower end compared to many other cities. Mr. Gibson stated that the Impact Fee Advisory Committee and staff recommend that the impact fee increases are necessary to assist in the funding for critical water, wastewater, and roadway projects needed to accommodate future growth, while maintaining the character and quality of life envisioned by city residents in the Lockhart 2020 Comprehensive Plan. The recommended collection rates also rank favorably within the ranges charged by other communities. There was discussion.

Dan Sefko and Daniel Herrig of Freese and Nichols, Inc. presented information and there was discussion regarding the Land Use Assumptions for Impact Fees and Roadway Impact Fee Updates.

Charles Scheler of TRC Engineers, Inc. presented information and there was discussion regarding the Water and Wastewater Impact Fee Analysis Capital Improvements Plan.

There was discussion regarding changing the effective date of the updated impact fees from April 4 to July 4 or October 1 for new construction on lots shown on a development plat or final plat submitted and accepted before those dates. Lots in developments having a development plat or final plat accepted on or after the effective date would be charged the updated impact fees.

Mayor White requested citizens in favor of or against the impact fee updates to address the Council. There were none. He closed the public hearing at 9:05 p.m.

ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-08 AMENDING CHAPTER 31 "IMPACT FEES" OF THE CODE OF ORDINANCES, INCORPORATING UPDATED LAND USE ASSUMPTIONS AND UPDATED WATER, WASTEWATER, AND ROADWAY CAPITAL IMPROVEMENTS PLANS AS EXHIBITS; AMENDING THE FEES FOR WATER, WASTEWATER, AND ROAD IMPACT FEES AS SET FORTH IN APPENDIX I; AMENDING AFFECTED SECTIONS REFERENCING THE UPDATED APPENDICIES AND EXHIBITS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND ESTABLISHING AN EFFECTIVE DATE.

Councilmember Hilburn made a motion to approve Ordinance 2017-08, adding an amendment to Section 31-19 providing an exception that new construction on lots shown on a development plat or final plat submitted and accepted before October 1, 2017, shall be those in effect on September 30, 2017, subject to any other applicable exceptions in that section. Councilmember Michelson seconded. The motion passed by a vote of 4-2, with Councilmember Castillo and Mayor Pro-Tem Sanchez opposing.

ITEM 5. CONSENT AGENDA.

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

The following consent agenda items were approved:

- 5A: Approve minutes of the City Council meeting of March 21, 2017, with corrections.
- 5C: Approve Change Order #3 for Qro-Mex Construction Company, Inc., to increase the current contract by an amount not to exceed \$30,000.00 for sidewalk and headwall changes on East Walnut Street near Greenhill Church of Christ to accommodate drainage work making the new potential contract amount \$2,185,000, and appointing the Mayor to sign the change order when prepared if approved.
- 5D: Approve Ordinance 2017-09 amending Chapter 58, Utilities, Division 2, Harmful or Industrial Discharges, Section 58-241, Items Subject to Regulation-Designated, Subsection (13)(A) Materials which exert or cause (Harmful Discharges into the City's Wastewater System).
- 5E: Approve Texas Department of Transportation (TxDOT) change orders 1, 6 and 7 totaling \$2,418,551.53 most of which was to place underground drainage in Phase II of the US 183 project between Blackjack and Walmart, and appointing the Mayor to sign the documents if approved.
- 5F: Approve proposed increase of \$200.00 per month for Municipal Court Judge, Frank Coggins.

ITEM 6. 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: US Hwy 183 expansion project, Blackjack to Wal-Mart; the last design puts all drainage waters on the west side until it gets down to the ditch between Smith Supply and Walmart; West side almost complete.
- Update: Drainage work continues on Mesquite, Braden, Wichita, and Vega Street areas; detention ponds and other work complete with some minor clean up left.
- Update: E. Walnut Street Neighborhood Drainage Project, utility clearance work completed; contract putting down first course of base soon and then will start the curbing; rain has been a problem.

- Update: Bid advertisements for the Ash, Comal, and Pine Street Drainage Project are out. A neighborhood meeting has been set up for Tuesday, May 9, at 6:00 pm at City Hall. All people living on these streets will receive a letter of invitation the week before.
- Update: Wastewater main extension project along railroad is being advertised.
- Report: Spring Festival at the Lockhart Animal Shelter on Saturday, April 1.
- Report: Lockhart Cowtown Stroll, Saturday, April 1.
- Report: LCRA local community Spring Work day was Friday, March 31 with about 30 LCRA employees sprucing up City Park.
- Reminder: City Wide Residential Spring Clean Up is by area on Wednesdays in April.
- Reminder: Don't Mess with Texas Trash Off on Saturday, April 8th.
- Reminder: 11th Annual Lockhart Kiwanis 5K Stampede or 1K Fun Run/Walk, Saturday, April 15th.
- Reminder: The Texas Mustang Club will have about 300 Mustangs on display at the First Lockhart Baptist Church Parking lots on W. Prairie Lea Street starting at 1 pm Saturday, April 15, after the Kiwanis events.
- Reminder: Fiesta del Mariachi on April 29, 2017 from 6 p.m. to 10:00 p.m. at Clark Library.
- Reminder: Celebrating Dia de los Ninos on Wednesday, April 26, 2017 in the library. Library will have arts and crafts, story time readers that will include Mayor White, Chief of Police, and Mrs. Bohn. Poster and flyer will go out.
- Announcement: Taking City Pool Lifeguard Applications.
- Announcement: As a reminder Ms. Bonnie Townsend retired last Friday; I appointed Kristine Hayman as the Interim Municipal Court Administrator because of her tenure and past supervisory experience. Interviews are planned for the position within the next 30 days. Also, have a professional services agreement with Ms. Townsend in place to help as needed.

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

Councilmember Mendoza thanked the Lower Colorado River Authority (LCRA) employees for their clean-up efforts at the City Park. He congratulated Bonnie Townsend on her retirement and wished her luck in her future endeavors and congratulated the Downtown Revitalization Committee on the successful Sip-n-Stroll event. He encouraged citizens to support the youth baseball and soccer teams.

Mayor Pro-Tem Sanchez congratulated Bonnie Townsend on her retirement and in her future endeavors. She thanked all involved with the successful Sip-n-Stroll event. She expressed condolences to Juan Mendoza and his family for their loss of Gloria Alvarez.

Councilmember Hilburn congratulated Bonnie Townsend on her retirement and wished her well in her future endeavors. He also congratulated everyone involved with the successful Sip-n-Stroll event.

Councilmember Castillo congratulated all involved with the successful Sip-n-Stroll event and he congratulated Bonnie Townsend on her retirement and wished her well. He announced that the Lockhart Victim Assistance Team will be holding an event on Thursday, April 6 to recognize and acknowledge National Crime Victim's Rights Week. He thanked employees for their work.

Councilmember Michelson congratulated Bonnie Townsend on her retirement that wished her well in her future endeavors and thanked all involved with the successful Sip-n-Stroll event. He thanked the Animal Shelter employees and volunteers for a successful event and he thanked Mary Beth Nickel and LCRA employees for their cleanup at the city park.


Mayor White congratulated staff and volunteers at the Lockhart Animal Shelter for the successful Spring Festival. He thanked all involved with the successful Sip-n-Stroll event and he thanked LCRA employees for cleaning up at the city park. Kiwanis 5K Run will be held on April 15. He congratulated Bonnie Townsend on her retirement and wished her well in her future endeavors.

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 9:32 p.m.

PASSED and APPROVED this the 18th day of April 2017.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

