

**LOCKHART CITY COUNCIL
REGULAR MEETING**

SEPTEMBER 1, 2015

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 Brad Westmoreland

Mayor Lew White
Councilmember John Castillo
Councilmember Jeffry Michelson

Council absent:

Councilmember Benny Hilburn

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Dan Gibson, City Planner
Jeanne Pendergrass, Animal Shelter Supervisor

Connie Constancio, City Secretary
Jeff Hinson, Finance Director
Lee Weatherford, Public Works Director

Citizens/Visitors Addressing the Council: Janet Tiemann, Citizen; John Grobelny of Chateau Homes, Inc.; and, Linda Hinkle, 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. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF AUGUST 13, 2015 AND AUGUST 18, 2015.

Mayor White requested corrections to the minutes. There were none.

B. DISCUSS CITY MANAGER'S RECOMMENDATION TO AWARD BID TO GIFFORD ELECTRIC OF FORT WORTH, TEXAS, TO PROVIDE AND INSTALL FIVE (5) BAD WEATHER OUTDOOR EARLY WARNING UNITS AND NECESSARY RELATED EQUIPMENT IN THE AMOUNT OF \$95,490 FOR COMPLETE INSTALLATION OF THE UNITS, AND APPOINTING THE MAYOR TO SIGN THE PROPOSAL, IF APPROVED.

Mr. Rodgers stated that bids were publicly advertised for a bad weather outdoor early warning system that would cover the City. Two bids were received. Federal Signal's bid of \$98,971 included installation of the individual units at the specified locations. The bid submitted by Gifford Electric included \$12,750 for labor to install the units, or a net bid of \$82,740 and a total bid of \$95,490. The system installed by Gifford Electric had better references. For example, the City of Waco Emergency Management Coordinator was and has been very pleased with the Gifford Electric system which has been in service for five years or more. The City will provide the electric poles, meter bases, electric services, and the mobile radios required for each warning unit. This system will be unique in that it will utilize the City's 800 MHz radio system in lieu of a VHF radio system. Mr. Rodgers recommended approval.

C. DISCUSS STAFF'S PROPOSAL TO PROVIDE FREE ADOPTIONS, RABIES SHOTS, AND SPAY/NEUTER SERVICES FOR ANIMALS IN THE SHELTER ADOPTED DURING THE MONTHS OF NOVEMBER AND DECEMBER 2015, USING DONATED FUNDS IN THE INTEREST OF A PUBLIC PURPOSE.

Mr. Rodgers stated that there are sufficient donated funds to provide these services for animals in the shelter during the months of November and December 2015. This would be done in the interest of a public purpose. If approved by Council tonight, that would allow sufficient time to promote and advertise. Mr. Rodgers recommended approval.

Ms. Pendergrass reported that the free adoption and spay and neuter program offered in January 2015 was a success. She stated that she believed that this subsequent free animal adoption opportunity would also be a success.

D. DISCUSS ORDINANCE 2015-20 AMENDING CHAPTER 46 "SIGNS" OF THE CODE OF ORDINANCES WITH REGARD TO (1) INFLATABLE SIGNS AND TETHERED BALLOONS, PENNANTS AND STREAMERS, STRINGS OF LIGHTS, AND FLAGS IN SECTION 46-6 "PROHIBITED SIGNS AND LOCATIONS"; (2) FLAGS, STRINGS OF LIGHTS, AND TETHERED BALLOONS IN SECTION 46-7 "SIGNS EXEMPT FROM SECTION 46-11(B)"; (3) REFORMATTING AND EXPANSION OF SUBSECTION (G) FOR BANNERS OF ALL TYPES, AND REFORMATTING AND EXPANSION OF SUBSECTION (I) FOR FLAGS AND FLAG POLES, IN SECTION 46-10 "SIGN-TYPE STANDARDS"; (4) REFORMATTING AND EXPANSION OF SECTION 46-11 "ZONING STANDARDS" TO CLARIFY THE REGULATION OF SIGNS BY ZONING DISTRICT AND IN THE EXTRATERRITORIAL JURISDICTION; (5) ADDITION OF A NEW SECTION 46-13 "MAINTENANCE"; AND, (6) RENUMBERING OF THE CURRENT SECTION 46-13 "PENALTIES AND ENFORCEMENT" TO SECTION 46-14.

Mr. Gibson stated that on March 17, 2015, the Council appointed an ad-hoc committee to review possible changes to the City's regulation of certain temporary signs, to be determined by the city manager as the types for which enforcement has been difficult or about which he had received the most complaints from business owners. The six-member committee met with staff a total of eight times beginning on May 14 and ending on August 13. The committee reviewed the City's current sign standards and the results of their research into comparable sign standards in other cities in the regions, and discussed possible changes to the Lockhart sign ordinance. A consensus was reached on all items, and the committee voted at their August 13, 2015 meeting to recommend the amendments as presented in Ordinance 2015-20. The remaining text of Chapter 46 will remain unchanged. Mr. Gibson recommended approval.

There was discussion.

Mr. Gibson stated that if the Sign ordinance amendments are approved, a copy of the amendments will be provided to each of the business owners within the city.

RECESS: Mayor White announced that the Council would recess for a break at 7:28 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor White called the regular meeting of the Lockhart City Council to order on this date at 7:45 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 following citizen to address the Council:

Janet Tiemann, 1305 Center Street, spoke against the City paving Patton Street and suggested that it be closed.

Mayor White requested additional citizens to address the Council. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-15-05 BY CHATEAU HOMES, INC., ON BEHALF OF DAVID REYES, FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT FOR LOT 3, BLOCK 1, CAPELLO SUBDIVISION, CONSISTING OF 10.786 ACRES LOCATED AT 1710 CLEAR FORK STREET.

Mayor White opened the public hearing at 7:48 p.m. and requested the staff background report.

Mr. Gibson stated that the applicant has requested a zoning change for the subject lot with the intent of replatting it into a single-family residential subdivision consisting of approximately 35 lots. The property is currently vacant, and is located directly across the street from the Meadows at Clear Fork subdivision, which is zoned PDD - Planned Development District. The new lots are proposed to be 65 feet wide and approximately 113.5 feet deep, and will each contain approximately 7,377 square feet. The width of the main part of the subject tract is 277 feet. In order to accommodate a 50-foot right-of-way with lots on both sides of the street, the deepest the lots can be is 113.5 feet. The applicant has requested RMD zoning because the proposed lot size corresponds to the SF-2 development type, which requires at least RMD zoning. Although the proposed lots do not meet the minimum lot size or depth needed for the SF-1 development type, the actual density with 35 lots will be only 3.25 units per acre, which is well within the low density range. The surrounding area is a mixture of open agricultural land and single-family homes. The proposed housing subdivision would be very similar in character and density to the Meadows at Clear Fork PDD on the opposite side of Clear Fork Street. The City's Land Use Plan map indicates that this area, including the subject parcel and all surrounding property, is intended for future Residential Low Density development. Although the zoning request is for RMD, the development of relatively large single-family lots does meet the intent of the Land Use Map designation. The existing constraints of the parcel, as discussed, make it impractical to subdivide the property into lots that would comply with RLD zoning. Therefore, the request for RMD zoning is appropriate. No objections were expressed in writing or in person by the public at the Planning and Zoning Commission meeting. The Commission did not object to the lot size proposed by the applicant but was concerned that, once the zoning is approved, the applicant could change his mind and legally plat lots as narrow as the 50-foot minimum allowed in the RMD district. Mr. Gibson stated staff recommended approval and that the Planning and Zoning Commission voted 3-2 to recommend denial due to the smaller minimum lot size allowed in the RMD district.

There was discussion.

Mayor White requested the applicant to address the Council:

John Grobelny of Chateau Homes, 4801 South Congress Avenue, Austin, provided details about the specifications of the houses that are planned to be built in the proposed subdivision. He requested approval.

Mayor White requested the following citizen in favor of the zoning change to address the Council:

Linda Hinkle, 1109 South Main Street, spoke in favor of the zoning change.

Mayor White requested citizens against the zoning change to address the Council. There were none.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:22 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2015-19 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 3, BLOCK 1, CAPELLO SUBDIVISION, CONSISTING OF 10.786 ACRES LOCATED AT 1710 CLEAR FORK STREET, FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2015-19, as presented. Councilmember Michelson seconded. There was brief discussion. The motion passed by a vote of 5-1, with Councilmember Castillo opposing.

ITEM 4-C. HOLD THE FIRST (1ST) OF TWO PUBLIC HEARINGS ON THE CITY OF LOCKHART AND LOCKHART ECONOMIC DEVELOPMENT CORPORATION FISCAL YEAR 2015-2016 BUDGETS. THE DATE OF THE SECOND (2ND) PUBLIC HEARING WILL BE HELD SEPTEMBER 15, 2015 AT 7:30 P.M. AT THE CLARK LIBRARY ANNEX – COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR, LOCKHART, TEXAS 78644. THE VOTE ON THE TAX RATE WILL BE ON SEPTEMBER 22, 2015 AT 6:30 P.M. AT THE CLARK LIBRARY ANNEX – COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR, LOCKHART, TEXAS 78644.

Mayor White opened the public hearing at 8:28 p.m. and requested the staff background report.

Mr. Hinson provided details about the revenues and expenditures of the following budgets:

- General Fund
- Debt Service Fund
- Electric Utility Fund
- Water Utility Fund
- Wastewater Utility Fund
- Solid Waste Utility Fund
- Emergency Medical Service
- Airport Fund
- Special Revenue Funds
- Capital Funds
- Miscellaneous Utility Funds
- Trust and Agency Funds
- Lockhart Economic Development Corporation Multi-Year Financial Plan

Mayor White requested citizens to address the Council in favor of or against the proposed Fiscal Year 2015-2016 budgets. There were none. He closed the public hearing 8:52 p.m.

Mayor White announced that the vote on the budget will be held on September 22, 2015 at 6:30 p.m. at the Clark Library Annex – Council Chambers, 217 South Main Street, 3rd Floor, Lockhart, Texas 78644.

ITEM 4-D. HOLD THE FIRST (1ST) OF TWO PUBLIC HEARINGS ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING YEAR BY 3.339910 PERCENT. THE DATE OF THE SECOND (2ND) PUBLIC HEARING WILL BE SEPTEMBER 15, 2015 AT 7:30 P.M. THE VOTE ON THE TAX RATE WILL BE ON SEPTEMBER 22, 2015 AT 6:30 P.M. AT THE CLARK LIBRARY ANNEX – COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR, LOCKHART, TEXAS 78644.

Mayor White opened the public hearing at 8:53 p.m. and requested the staff background report.

Mr. Hinson stated that the Council is required by State law to hold two public hearings if the proposed property tax rate exceeds the effective tax rate. The public hearings will be to inform the public about a proposal to increase total tax revenue from properties on the tax roll in the preceding tax year by 3.339910 percent.

Mr. Hinson informed the Council and the public about the following:

- The average taxable value of a residence homestead in the City of Lockhart last year was \$108,822. Based on last year's tax rate of \$0.722700 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$786.46.
- The average taxable value of a residence homestead in the City of Lockhart this year is \$111,581. If the governing body adopts the effective tax rate for this year of \$0.709600 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$791.78.
- If the governing body adopts the proposed tax rate of \$0.733300 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$818.22.

Mayor White requested citizens to address the Council in favor of or against the proposed Fiscal Year 2015-2016 tax increase. There were none. He closed the public hearing 8:55 p.m.

Mayor White announced that the vote on the tax rate will be held on September 22, 2015 at 6:30 p.m. at the Clark Library Annex – Council Chambers, 217 South Main Street, 3rd Floor, Lockhart, Texas 78644.

ITEM 5. CONSENT AGENDA.

Councilmember Michelson made a motion to approve consent agenda items 5A, 5B, and 5C. 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 minutes of the City Council meetings of August 13, 2015 and August 18, 2015.
- 5B: Approve City Manager's recommendation to award bid to Gifford Electric of Fort Worth, Texas, to provide and install five (5) bad weather outdoor early warning units and necessary related equipment in the amount of \$95,490 for complete installation of the units, and appointing the Mayor to sign the proposal, if approved.

5C: Approve staff's proposal to provide free adoptions, rabies shots, and spay/neuter services for animals in the shelter adopted during the months of November and December 2015, using donated funds in the interest of a public purpose.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2015-20 AMENDING CHAPTER 46 "SIGNS" OF THE CODE OF ORDINANCES WITH REGARD TO (1) INFLATABLE SIGNS AND TETHERED BALLOONS, PENNANTS AND STREAMERS, STRINGS OF LIGHTS, AND FLAGS IN SECTION 46-6 "PROHIBITED SIGNS AND LOCATIONS"; (2) FLAGS, STRINGS OF LIGHTS, AND TETHERED BALLOONS IN SECTION 46-7 "SIGNS EXEMPT FROM SECTION 46-11(B)"; (3) REFORMATTING AND EXPANSION OF SUBSECTION (G) FOR BANNERS OF ALL TYPES, AND REFORMATTING AND EXPANSION OF SUBSECTION (I) FOR FLAGS AND FLAG POLES, IN SECTION 46-10 "SIGN-TYPE STANDARDS"; (4) REFORMATTING AND EXPANSION OF SECTION 46-11 "ZONING STANDARDS" TO CLARIFY THE REGULATION OF SIGNS BY ZONING DISTRICT AND IN THE EXTRATERRITORIAL JURISDICTION; (5) ADDITION OF A NEW SECTION 46-13 "MAINTENANCE"; AND, (6) RENUMBERING OF THE CURRENT SECTION 46-13 "PENALTIES AND ENFORCEMENT" TO SECTION 46-14.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2015-20, as presented. Councilmember Michelson seconded. The Council thanked members of the committee for taking time to work with staff on the sign ordinance amendments. Mayor White requested that a thank you letter be sent to the committee members.

The motion passed by a vote of 6-0.

ITEM 6-B. DISCUSSION REGARDING SECURITY ISSUES AT MUNICIPAL COURT, CITY HALL, AND AT CITY COUNCIL MEETINGS AND POSSIBLE DIRECTION TO THE CITY MANAGER.

Mayor White stated that several citizens and councilmembers have expressed concern about the lack of security at those locations. Mr. Rodgers provided information about several security measures taken at each location and that improved security measures would be taken.

Mr. Rodgers will return with a list of recommendations to enhance security at each of the locations.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING THE CITY COUNCIL'S SELECTION WITH UP TO 425 VOTES OF A NOMINEE OR NOMINEES TO THE CALDWELL COUNTY APPRAISAL DISTRICT (CCAD) BOARD OF DIRECTORS FOR THE FISCAL YEAR 2016-2017 PERIOD TO BE APPROVED BY A COUNCIL RESOLUTION AT THE SEPTEMBER 15, 2015 MEETING.

Mr. Rodgers stated that a nominee or nominees must be submitted by Resolution to the Chief Appraiser by October 15, 2015. Requirements and the procedures were submitted in the council packet information. The City of Lockhart has a voting entitlement of 425 votes. A Resolution providing the nominated name(s) will be presented to the Council during the September 15, 2015 meeting.

There was discussion.

Mayor Pro-Tem Sanchez made a motion to nominate Miguel Islas to continue as the City's nominee on the Caldwell Council Appraisal District Board of Directors. Councilmember Mendoza seconded. The motion passed by a vote of 4-2, with Mayor White and Councilmember Michelson opposing.

ITEM 6-D. 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.

Councilmember Castillo stated that Stephanie Juarez-Ramirez informed him that he could no longer serve on the Board of Adjustment and that he will have a replacement soon.

There was discussion about appointments.

ITEM 6-E. PRESENTATION, DISCUSSION AND/OR ACTION REGARDING FISCAL YEAR 2015-2016 PROPOSED BUDGET AND RELATED INFORMATION.

There was no discussion.

ITEM 6-F. DISCUSSION AND/OR ACTION REGARDING MAINTENANCE, OPERATIONAL AND CAPITAL BUDGETS AND FUNDING POSSIBILITIES.

There was no discussion.

ITEM 6-G. DISCUSSION AND/OR ACTION REGARDING BUDGET AND TAX RATE ADOPTION CALENDAR, IF NECESSARY.

There was no discussion.

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

- Update: US Hwy 183 expansion project: Storm water contractor work, curbing, sidewalk, Section 1A, Pecan to Hickory; east side work.
- Update: 2015 CO Drainage Projects; properties and easements.
- Update: The filming of the HBO series "Leftovers" continues and could be here until October of this year.
- Update: August 10 wind storm event and recovery; brush, brush.....
- Reminder: Brush chipping services are behind between 3 and 4 weeks due to all the wind storm damage and trimming done by residents; an additional crew will be used and some Saturdays will be worked to help catch up.
- Report: The Juvenile Diabetes Research Foundation (JDRF) held a fund raiser in City Park with a barbeque cook-off and other activities on Saturday, August 22, beginning at 9 am.
- Report: Sunday, August 30, a community wide event with a car show and other activities in City Park sponsored by the Feria de Culturas organization, a local 501 non-profit, and local business sponsors like Mr. Taco to raise funds for local charities like the Food Bank.
- Reminder: Annual Diez y Seis de Septiembre event to be held September 11th and 12th downtown with expanded activities this year.
- Reminder: Movie in the Park "EPIC" on Saturday, September 19 at City Park.
- Reminder: 12th Annual Fundraiser – Smooches for Pooches – Lockhart Cause for Paws, Saturday, September 12; 6:30 pm – 12(midnight) at the Lions Club.
- Update about the paving on Patton Road.

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

Councilmember Westmoreland thanked all involved in the successful Taco Fest held on August 30 at City Park.

Councilmember Mendoza thanked all involved in the successful Taco Fest held on August 30 at City Park. He wished everyone a Happy Labor Day holiday.

Mayor Pro-Tem Sanchez expressed condolences to the families of Martin Carrillo, Rosie Flores, and Trinidad Villegas for their loss. She wished the Lockhart Lions football teams luck this year and announced that a sports rally would be held on Thursday. She wished all a Happy Labor Day holiday. She encouraged citizens to volunteer as a board or commission member.

Councilmember Castillo thanked all involved with the successful Taco Fest this past weekend. He commented about the security issues.

Councilmember Michelson thanked all involved with the Taco Fest. He congratulated the Lockhart Lions on winning their recent football game. He encouraged everyone to be careful during school traffic.

Mayor White also thanked all involved with the Taco Fest. He thanked the Board of Trustees for granting an easement for the drainage improvement project. He asked if the Council would like an item on a future agenda that would review and consider increasing the 300 foot distance boundary between establishments that hold a Texas Alcoholic Beverage Commission permit from a place of worship at a future meeting. After brief discussion, Mayor announced that the item would not be on a future agenda because the Council did not request that discussion unanimously. Mayor White announced that he will be out of town during the Diez y Seis event.

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 9:45 p.m.

PASSED and APPROVED this the 15th day of September 2015.



CITY OF LOCKHART

Lew White
Lew White, Mayor

ATTEST:

Connie Constancio
Connie Constancio, TRMC
City Secretary