

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**APRIL 19, 2016**

**6:30 P.M.**

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

**Council present:**

Councilmember John Castillo  
Councilmember Jeffry Michelson  
Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 7:05 p.m.)

Mayor Lew White  
Councilmember Juan Mendoza  
Councilmember Brad Westmoreland

**Council absent:**

Councilmember Benny Hilburn

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Sandra Mauldin, Economic Dev. Director  
Laura DeVore, Assistant City Planner

Connie Constancio, City Secretary  
Jeff Hinson, Finance Director  
Dan Gibson, City Planner  
Bertha Martinez, Library Director & Library Staff

**Citizens/Visitors Addressing the Council:** Members of the Friends of the Library and Library Advisory Board; and, Developers Dennis Young and Richard Ashton.

**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:

Mayor White announced that Councilmember Benny Hilburn would not be at today's meeting and that Mayor Pro-Tem Sanchez would be arriving late.

**PRESENTATION ONLY**

**A. PRESENTATION OF A PROCLAMATION ACKNOWLEDGING APRIL 10-16, 2016 AS "NATIONAL LIBRARY WEEK".**

Mayor White presented the proclamation to Library staff, Friends of the Library and members of the Library Advisory Board. Mayor White commended the Library staff and volunteers for their dedication to the Library and to the children in our community. Bertha Martinez, Library Director, invited everyone to visit the Library and thanked the Council for their support.

**DISCUSSION ONLY**

**A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF APRIL 5, 2016.**

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

**B. DISCUSS RESOLUTION 2016-04 ADOPTING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) SECTION 504 POLICIES AND PROCEDURES AND TEXAS DEPARTMENT OF AGRICULTURE (TDA) RELATED PROVISIONS; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

Mr. Rodgers stated that Community Development Management Co. informed staff that the Texas Department of Agriculture (TDA) is requiring that the City adopt the updated HUD Section 504 Policies and Procedures and TDA related provisions as part of a grant funding process for #7215300. This grant was awarded to the City of Lockhart for a treated water feeder main to improve water pressures and volumes to benefit industrial, business, and residential developments within the City. Mr. Rodgers recommended approval.

**C. DISCUSS RESOLUTION 2016-05 ADOPTING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) EXCESSIVE FORCE POLICY; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

Mr. Rodgers stated that Community Development Management Co. informed staff that the Texas Department of Agriculture (TDA) is requiring that the City adopt the updated HUD Excessive Force Policy as part of the grant funding process for grant #7215300. This grant was awarded to the City of Lockhart for a treated water feeder main to improve water pressures and volumes to benefit industrial, business, and residential developments within the City. Mr. Rodgers recommended approval.

**D. DISCUSS RESOLUTION 2016-06 ADOPTING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) SECTION 3 POLICIES AND PROCEDURES AND TEXAS DEPARTMENT OF AGRICULTURE (TDA) RELATED PROVISIONS; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

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**E. DISCUSS 2ND QUARTER FISCAL YEAR 2016 INVESTMENT REPORT.**

Mr. Hinson stated that the Texas Public Investment Act requires local governments to review and accept a Quarterly Investment Report for each quarterly reporting period of the year. The 2<sup>nd</sup> Quarter Fiscal Year 2016 report ends on March 31, 2016. Mr. Hinson provided information and there was discussion about the following topics:

- Quarterly Investment Report and Investment Portfolio Summary.
- Cash Accounts.
- Marketable Securities Transaction Summary.
- Investment Pool Transactions Summary.
- Certificates of Deposit Transaction Summary.
- Investment Pools and Bank of the Ozarks Collateralization.

**F. DISCUSS SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.**

Mr. Gibson stated that in accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the impact fee capital improvement plans, and submitting semi-annual reports to City Council. The committee met on April 13 to consider their 28<sup>th</sup> semi-annual report since impact fees were originally adopted on January 15, 2002. The current total balance of all impact fee accounts is \$1,126,357. Total impact fee revenue during this six-month period was \$211,756 and, although no funds were spent on impact fee CIP projects during that time, there was a refund of fees for one permit that is shown as an expense. The Committee recommends that an update of the land use assumptions, capital improvement plans, and impact fees be prepared in time for adoption in early 2017. Such an update requires retaining the services of consultants to prepare the revised land use assumptions, capital improvement plans, and impact fee ordinance amendments. The Committee also requests that the Council expedite the appointment of an ETJ representative to the Impact Fee Advisory Committee. By State law, water and wastewater impact fees cannot be assessed where our service area extends into the ETJ without that representation. There was discussion.

Mayor Pro-Tem Sanchez arrived at the meeting at 7:05 p.m.

**G. DISCUSS DIRECTION TO STAFF FOR EMPLOYING CONSULTANTS AS NEEDED TO UPDATE THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLANS, AND IMPACT FEES, AS PROVIDED IN CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES FOR THE ASSESSMENT OF WATER, WASTEWATER, AND ROAD IMPACT FEES.**

Mr. Gibson stated that as recommended in the semi-annual report from the Impact Fee Advisory Committee in the previous agenda item, there is a need for an update of the impact fees, which involves retaining the services of consultants to prepare the revised land use assumptions and capital improvement plans, along with necessary amendments to the impact fee ordinance, which is Chapter 31 of the Code of Ordinances. The update should be completed by early 2017, which is the end of the latest five-year period since the previous opportunity for a five-year update in 2012. As stated in the report, the Council determined in 2012 that an update was not necessary. However, the cost of constructing infrastructure has now increased significantly, and an adjustment in the location and scope of some projects is needed. The land use assumptions are based on population and employment projections, which determine the amount and location of anticipated growth in the community over the next ten years. The capital improvement plans establish the water, wastewater, and road projects needed to accommodate that growth, including the project locations, size, and cost. The impact fees are then based on the estimated cost of implementing the projects. Mr. Gibson recommended that the Council direct staff to proceed with all actions necessary to update the impact fee land use assumptions, capital improvement plans, and ordinance. There was discussion.

Mr. Gibson pointed out that there is a typographical error in the agenda item. The discussion pertains to Chapter 31, not Chapter 16.

**H. PRESENTATION AND/OR DISCUSSION REGARDING EXPENDITURES ALLOWED FOR ECONOMIC DEVELOPMENT CORPORATIONS.**

Mr. Hinson provided information about what is allowed in Type A and Type B Economic Development Corporations. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:35 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 7:50 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 PUBLIC HEARING ON APPLICATION ZC-16-01 BY HIGH RUSTLER VENTURES, LLC, ON BEHALF OF ADOLFO SENDEJO FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RHD RESIDENTIAL HIGH DENSITY DISTRICT FOR 18.547 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED ON THE NORTH SIDE OF THE 2200 BLOCK OF WEST SAN ANTONIO STREET (SH 142).**

Mayor White opened the public hearing at 7:52 p.m. and requested the staff report.

Dan Gibson introduced Laura DeVore, Assistant City Planner, who will provide the staff report about the proposed zoning change.

Ms. DeVore stated that the subject property and areas adjacent to the east and west are currently zoned AO Agricultural-Open Space. The applicant has proposed a new apartment development that is allowed only in the RHD Residential High Density District. Because the Lockhart 2020 Land Use Plan map shows future medium density residential adjacent to the east, and future commercial and industrial adjacent to the west, the proposed high density residential zoning classification of the subject property would provide an appropriate transition between the lower land use intensities to the east and the higher intensities to the west once those areas are rezoned and developed in accordance with the land use plan. Because the surrounding area is relatively undeveloped, the only potential negative impact on the surrounding area at this time would be an increase in traffic on San Antonio Street due to the additional population that would be housed in the proposed high density development. The requested RHD zoning classification is consistent with the High Density Residential future land use indicated by the Lockhart 2020 Land Use Plan map for the south portion of the property, but is not consistent with the Industry designation of most of the rear portion. In any case, the proposed RHD zoning in general does not conflict with the intent of the land use plan to provide for higher intensity uses in this area. One person spoke at the Planning and Zoning Commission meeting in opposition to the proposed rezoning because there was no site plan or other means of commitment as to the exact nature of the proposed development.

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

Dennis Young, 15,505 Bearing Drive, Lakeway, spoke in favor of the zoning change and stated that they are excited to develop housing in Lockhart. There was discussion about the proposed use of the subject property.

Richard Ashton, 2351 West Northwest Highway, Dallas, spoke in favor of the zoning change and stated that the developer is creating housing for the workforce families in the salary ranges of \$40,000-\$70,000. There was discussion about the housing tax credit program that the developer will utilize to be able to offer lower rental property.

Mayor White requested citizens to address the Council that were against the zoning change. There were none. He closed the public hearing at 8:19 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-12 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 18.547 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NUMBER 68, LOCATED ON THE NORTH SIDE OF THE 2200 BLOCK OF WEST SAN ANTONIO STREET (SH 142), FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RHD RESIDENTIAL HIGH DENSITY DISTRICT.**

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2016-12, as presented. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

**ITEM 5. CONSENT AGENDA**

Mayor Pro-Tem Sanchez requested that consent agenda item 5A be pulled for further discussion.

Councilmember Mendoza made a motion to approve consent agenda items 5B, 5C, 5D, and 5E. Councilmember Castillo seconded. The motion carried by a vote of 5-1, with Mayor Pro-Tem Sanchez abstaining.

The following are the consent agenda items that were approved:

- 5B: Approve Resolution 2016-04 adopting the U.S. Department of Housing and Urban Development (HUD) Section 504 Policies and Procedures and Texas Department of Agriculture (TDA) related provisions; and authorizing the Mayor to act as the City's Executive Officer and authorized Representative in all matters pertaining to the City's participation in the Community Development Block Grant Program.
- 5C: Approve Resolution 2016-05 adopting the U.S. Department of Housing and Urban Development (HUD) Excessive Force Policy; and authorizing the Mayor to act as the City's Executive Officer and authorized Representative in all matters pertaining to the City's participation in the Community Development Block Grant Program.
- 5D: Approve Resolution 2016-06 adopting the U.S. Department of Housing and Urban Development (HUD) Section 3 Policies and Procedures and Texas Department of Agriculture (TDA) related provisions; and authorizing the Mayor to act as the City's Executive Officer and authorized Representative in all matters pertaining to the City's participation in the Community Development Block Grant Program.
- 5E: Accept the 2<sup>nd</sup> Quarter Fiscal Year 2016 Investment Report.

**ITEM 5-A. APPROVE MINUTES OF THE CITY COUNCIL MEETING OF APRIL 5, 2016.**

Mayor Pro-Tem Sanchez stated that she abstained from the vote on the consent agenda items because she was not present to hear the discussions about them yet she felt comfortable voting on the minutes because she did review them and was present at the April 5, 2016 meeting.

Mayor Pro-Tem Sanchez made a motion to approve the minutes of the City Council meeting of April 5, 2016. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

**ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING THE SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.**

Councilmember Castillo made a motion to accept the report, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 5-1, with Mayor Pro-Tem Sanchez abstaining.

**ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER DIRECTION TO STAFF FOR EMPLOYING CONSULTANTS AS NEEDED TO UPDATE THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLANS, AND IMPACT FEES, AS PROVIDED IN CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES FOR THE ASSESSMENT OF WATER, WASTEWATER, AND ROAD IMPACT FEES.**

Councilmember Michelson made a motion to direct staff to search for a consultant and to return the contract of those services to the Council for final approval. Councilmember Westmoreland seconded. There was discussion about the selection process of the consultants. Mr. Gibson also clarified that the consultant services would be paid out of the impact fee funds. The motion passed by a vote of 5-1, with Mayor Pro-Tem Sanchez abstaining.

**ITEM 6-C. PRESENTATION AND/OR DISCUSSION REGARDING EXPENDITURES ALLOWED FOR ECONOMIC DEVELOPMENT CORPORATIONS.**

Mayor announced that there is no action to be taken.

**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.

Councilmember Michelson made a motion to appoint Rick Winnett to the Construction Board of Appeals. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

**ITEM 7. 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; some challenges for driveways.
- Update: Contracts with Qro-Mex Construction putting in utility lines on Richland Drive.
- Update: Public bids should go out within the next 30-45 days for the CDBG Grant Project placing a new 18" water transmission main from Water Plant to near Serta.
- Update: Dead fish at City Park pond.
- Update: Development Services busy with subdivisions, rezoning, and SUP requests.
- Update: Preparation for Chisholm Trail Annual Event.

- Report: Greater Caldwell County Hispanic Chamber of Commerce annual banquet.
- Report: Thanks to Sandra Mauldin, the Greater San Marcos Partnership Group, County Commissioner Alfredo Munoz, LEDC members Fermin Islas and Ken Doran, Mayor Pro-tem Angie Gonzales-Sanchez, and Councilmember Michelson, for hosting two business locator professionals on Saturday, April 9.
- Report: Don't Mess with Texas Annual Trash Off Event held in City Park at main pavilion on Saturday, April 9; volunteers helped Keep Lockhart Beautiful.
- Reminder: Annual Residential Spring Clean Up Event each Wednesday in April.
- Reminder: Annual Fiesta Del Mariachi event will be April 30, 7-10 pm.
- Reminder: Cinco de Mayo Celebration with 5k and 10k events to be held May 6 and 7<sup>th</sup>.
- Reminder: Special Residential Household Hazardous Waste Collection event to be held Saturday, May 14, at City Park from 9 am until noon for Lockhart residents only.
- New faces since March 2016:
  - Joerey Amaro – Electric Dept
  - Sandra Perry – Animal Services Dept
  - Gregorio Paiz – certified Police Officer started April 11, 2016
  - Zulema Ibarra – certified Police Officer will start April 25, 2016
- Tom Heap submitted his letter of resignation as the Assistant Building Official. The City will advertise for the position soon.

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

Councilmember Westmoreland complimented the results of the regular street sweeping schedule and reminded citizens to move their vehicles off the street right of way when the sweeper will be in their neighborhood. Good luck to the softball team and he stated that he will be not at the May 3 Council meeting.

Councilmember Mendoza stated that he was unable to attend the re-dedication of the Recreation Hall at the State Park yet congratulated them on their accomplishment. He thanked the Lockhart Victims Assistance Team for the VAT volunteer ceremony on Tuesday.

Mayor Pro-Tem Sanchez expressed condolences to the family of Katherine Williams for their loss. She congratulated the Greater Caldwell County Hispanic Chamber of Commerce for a successful banquet. She encouraged citizens to report suspicious activity and congratulated the State Park for the re-dedication/ribbon cutting ceremony this weekend.

Councilmember Castillo expressed condolences to the families of Patricia Allred and Valentine Yanez for their loss. He thanked city staff for restoring power during the recent storm. Congratulations to the Hispanic Chamber for a successful annual banquet. Good luck to the softball team.

Councilmember Michelson agreed with other Council comments and announced that he will not be at the May 3 meeting.

Mayor White congratulated the new city employees and thanked volunteers throughout the community for helping with various events. He expressed condolences to the family of Patricia Allred for their loss. Congratulations to Mr. Hilburn for becoming a new grandfather this week and encouraged everyone to attend the Fiesta del Mariachi on April 30 at the Library. He requested assistance from Council to represent the City at a few upcoming events that he will not be able to attend while he will be out of town next week.

**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 8:45 p.m.

PASSED and APPROVED this the 3<sup>rd</sup> day of May 2016.

**CITY OF LOCKHART**



*Lew White*  
\_\_\_\_\_  
Lew White, Mayor

ATTEST:

*Connie Constanancio*  
\_\_\_\_\_

Connie Constanancio, TRMC  
City Secretary