

**LOCKHART CITY COUNCIL
REGULAR MEETING**

DECEMBER 6, 2016

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
Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Dan Gibson, City Planner

Connie Constancio, City Secretary
Jeff Hinson, Finance Director

Citizens/Visitors Addressing the Council: Doug Shomette of the Caldwell County Museum; David Schneider of the Gaslight-Baker Theatre; Connie Amaya-Mendoza and Fermin Islas of the Greater Caldwell County Hispanic Chamber of Commerce; Angela Rawlinson of the Lockhart Chamber of Commerce; Joel Gammage of Hot Rod Productions; and, Citizens Conley Covert, James Smith, Gina Lozano, Melissa Williams, and Vera Williams.

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. PRESENTATION BY AND DISCUSSION WITH ENTITIES REQUESTING HOTEL OCCUPANCY TAX FOR FISCAL YEAR 2016-2017.

Mayor White requested the following entities to address the Council:

CALDWELL COUNTY MUSEUM

Doug Shomette provided information about how the Caldwell County Museum promotes tourism to Lockhart. The Caldwell County Museum requested hotel/motel funds in the amount of \$4,850.

GASLIGHT-BAKER THEATRE

David Schneider provided information about how the Gaslight-Baker Theatre promotes tourism to Lockhart. The Gaslight-Baker Theatre requested hotel/motel funds in the amount of \$12,000.

GREATER CALDWELL COUNTY HISPANIC CHAMBER OF COMMERCE (GCCHCC)

Connie Amaya-Mendoza and Fermin Islas provided information about how the GCCHCC promotes tourism to Lockhart. The GCCHCC requested hotel/motel funds in the amount of \$59,800.

LOCKHART CHAMBER OF COMMERCE (LCC)

Angela Rawlinson provided information about how the LCC promotes tourism to Lockhart. The LCC requested hotel/motel funds in the amount of \$94,769.

HOT ROD PRODUCTIONS

Joel Gammage provided information about how the Hot Rod Productions Car Show promotes tourism to Lockhart. Mr. Gammage requested hotel/motel funds in the amount of \$20,000.

Mayor White announced that the allocations will be considered at the next meeting.

C. DISCUSSION REGARDING APPROVAL TO BEGIN ADVERTISEMENT FOR QUALIFIED PROFESSIONAL ENGINEERING SERVICES AND FOR A QUALIFIED PROFESSIONAL ADMINISTRATOR OR SERVICE PROVIDER (INDIVIDUAL OR FIRM) TO ASSIST THE CITY IN ITS APPLICATION PREPARATION AND PROJECT IMPLEMENTATION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND CONTRACT, IF AWARDED, TO SUPPORT PUBLIC INFRASTRUCTURE (WATER AND/OR WASTEWATER) IMPROVEMENTS ACTIVITIES FOR THE CITY OF LOCKHART.

Mr. Rodgers stated that approval will allow advertisements in compliance with State Law for qualified professional Engineering Services and Administrative Services for preparation of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development fund. Mr. Rodgers recommended approval.

D. DISCUSSION REGARDING THE SELECTION OF MAYOR PRO-TEM OF THE LOCKHART CITY COUNCIL AS REQUIRED BY SECTION 3.05 OF THE CITY CHARTER.

Mayor White stated that Councilmember Angie Gonzales-Sanchez has served as Mayor Pro-Tem for the past few years and that she has filled in for him at several ceremonial events. He requested additional nominations for Mayor Pro-Tem. There were none. Mayor White stated that the vote for Mayor Pro-Tem will be held during the regular meeting.

B. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF NOVEMBER 22, 2016.

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

RECESS: Mayor White announced that the Council would recess for a break at 7:47 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 8:04 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-16-08 BY CONLEY COVERT ON BEHALF OF JIM SMITH RENTALS, LLC FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT FOR LOTS 1 AND 6, BLOCK 10, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.531 ACRE LOCATED AT 319 SOUTH CHURCH STREET.

Mayor White opened the public hearing at 8:05 p.m. and requested the staff report.

Mr. Gibson stated that the applicant proposes to purchase the subject property and use the existing buildings primarily for warehouse and wholesale distribution purposes, although there may also be an office and/or small retail component. If the zoning change is approved, the proposed CHB classification would allow "warehousing for local sales and distribution", which is the only use listed in any commercial district that allows warehousing other than self-storage warehouses. However, the proposed use may or may not fall within that description, depending on the definition of "local". The CHB district allows more uses by-right than the CMB district, including most specific uses listed in the CMB district plus several additional uses of potentially higher intensity. Some uses allowed in the CHB district might not be considered appropriate in a location that is a transition area from a primarily central business or medium commercial area to a residential neighborhood. The requested CHB zoning classification is not entirely consistent with the Lockhart 2020 Future Land Use map designation of Mixed Retail, Office, and Residential for the property. Seven letters of opposition were received from owners of property in the neighborhood. The Planning and Zoning Commission failed to make a recommendation, with a 2-2 tie vote and one abstention. Mr. Gibson stated that staff recommends denial because he does not believe that it is a good location for CHB zoning, and another option may be available to accommodate the desired use without changing the zoning classification.

There was discussion about possibly amending the zoning ordinance to add warehousing for local sales and distribution as a specific use in the CMB Commercial Medium Density District, which would require case-by-case approval by the Planning and Zoning Commission.

Mayor White requested the applicant to address the Council.

Conley Covert, 901 West 9th Street, Austin, stated that he has a contract pending on the purchase of the building and requested approval of the zoning change. He provided information about his business plan to utilize the property as a warehouse and for wholesale distribution.

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

James Smith, 1480 Clearfork, current owner of the property, explained that his intent is to sell the property and spoke in favor of the zoning change. He read the uses allowed by-right in the CMB zoning district that he believed were very similar to the proposed use as a warehouse/wholesale distribution center.

Gina Lozano, 208 West Prairie Lea, spoke in favor of the zoning change.

Mr. Gruning stated that the Council could consider amending the zoning ordinance to add the proposed use as a specific use in the CMB zoning district. There was discussion.

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

Melissa Williams, 316 S. Guadalupe, spoke against the proposed zoning change.

Vera Williams, 316 S. Guadalupe, spoke against the proposed zoning change.

Mayor White requested additional citizens in favor of or against the proposed zoning change to address the Council. There were none. He closed the public hearing at 8:47 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-29 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOTS 1 AND 6, BLOCK 10, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.531 ACRE LOCATED AT 319 SOUTH CHURCH STREET, FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT.

There was discussion about the process for amending the zoning ordinance. Mr. Gibson stated that the Planning and Zoning Commission would review the proposed amendment, and their recommendation would then be forwarded to the Council for final decision.

There was discussion about how the proposed warehouse/wholesale distribution facility would impact the neighborhood.

Conley Covert stated that he would apply for the specific use permit if the zoning ordinance were amended to allow the warehouse/wholesale distribution facility as a specific use in the CMB district.

Councilmember Michelson made a motion to approve Ordinance 2016-29, as presented. Councilmember Mendoza seconded. The motion failed by a vote of 5-2, with Mayor White, Mayor Pro-Tem Sanchez, and Councilmembers Hilburn, Westmoreland, and Castillo opposing.

Mayor Pro-Tem Sanchez moved to direct staff to initiate a zoning text amendment to allow a warehouse and wholesale distribution facility as a specific use in the CMB district. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

ITEM 5-A. PRESENTATION BY AND DISCUSSION WITH ENTITIES REQUESTING HOTEL OCCUPANCY TAX FOR FISCAL YEAR 2016-2017.

Mayor White announced that the presentations were made during the work session and that the allocations of hotel occupancy tax would be considered during the next meeting.

ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF NOVEMBER 22, 2016.

Councilmember Michelson made a motion to approve the minutes of the City Council meeting of November 22, 2016. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING APPROVAL TO BEGIN ADVERTISEMENT FOR QUALIFIED PROFESSIONAL ENGINEERING SERVICES AND FOR A QUALIFIED PROFESSIONAL ADMINISTRATOR OR SERVICE PROVIDER (INDIVIDUAL OR FIRM) TO ASSIST THE CITY IN ITS APPLICATION PREPARATION AND PROJECT IMPLEMENTATION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND CONTRACT, IF AWARDED, TO SUPPORT PUBLIC INFRASTRUCTURE (WATER AND/OR WASTEWATER) IMPROVEMENTS ACTIVITIES FOR THE CITY OF LOCKHART.

Mayor Pro-Tem Sanchez made a motion to approve advertisement for qualified professional Engineering and Administrator services to assist the City in it's application preparation and project implementation of a Texas Community Development block grant program application to the Texas Department of Agriculture for the Community Development fund contract, if awarded, to support public infrastructure (water and/or wastewater) improvements activities for the City of Lockhart. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION REGARDING THE SELECTION OF MAYOR PRO-TEM OF THE LOCKHART CITY COUNCIL AS REQUIRED BY SECTION 3.05 OF THE CITY CHARTER.

Mayor White made a motion to appoint Councilmember Angie Gonzales-Sanchez to continue as Mayor Pro-Tem of the Lockhart City Council. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

ITEM 5-E. 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 6. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.

- Update: US Hwy 183 expansion project, Hickory to Blackjack.
- Update: Richland Drive 100% complete.
- Update: Drainage work continues on Mesquite, Braden, Wichita, and Vega Street areas; detention ponds and other work about 75% complete.
- Update: School Children Safety sidewalk from Windridge Subdivision to Bluebonnet School on Mockingbird Lane complete.
- Update: East Walnut Street Neighborhood Drainage Project, utility clearance work.
- Update: Still working on final designs for Ash, Comal and Pine Street about complete to address drainage issues; neighborhood meeting will be set up in January.
- Update: Economic Development Director position, Mr. Rob Tobias.
- Update: Police Chief position interviews set for Dec 14 & 15.
- Report: Dickens Parade and Dickens on the Square.
- Report: Should make announcement about commercial developments on SH 142 near SH 130 within next 30 days.
- Lockhart Chamber of Commerce Annual Banquet will be held on Saturday, January 28, 2017 in San Marcos.
- City Employee awards luncheon on December 9, 2016.

ITEM 7. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.

Councilmember Westmoreland suggested that the Lockhart Chamber banquet be held in Lockhart in the future.

Councilmember Mendoza congratulated all involved with the annual Dickens' event. He thanked staff and the contractor for their work on the sidewalk improvements on Mockingbird Lane.

Mayor Pro-Tem Sanchez thanked everyone for their participation and dedication to the Annual Dickens' event this past weekend. She invited everyone to the Light Up Lockhart event on December 10 at 6:30 p.m. on the Courthouse lawn.

Councilmember Hilburn thanked all that participated in the Annual Dickens' event. He thanked the Pegasus School and the Public Works department for helping pick up and set up the 21 foot Christmas tree that will be lit at the Light Up Lockhart event.

Councilmember Castillo congratulated Mia Gonzales for participating in a Mariachi competition. The Extension Education Association Food Bank will be handing out food to needy families on December 21 at 809 Redwood. He thanked staff for installing the new sidewalks on Mockingbird Lane. He hoped that all or most City employees will attend the employee Christmas luncheon on December 9.

Councilmember Michelson thanked all for participating in the Dickens' event. He thanked the Lockhart Victims' Assistance Team for the ceremony held on Monday, December 5.

Mayor White thanked all for their participation in the Dickens' event. He thanked Christy Summers and Rebecca Pulliam and all involved with coordinating the downtown Light Up Lockhart event. He stated that they will be accepting donations for purchasing additional Christmas lights to put on Highway 183 in future years.

Mayor Pro-Tem Sanchez announced that the Lockhart Police Department is accepting donations of toys for the Blue Santa drive.

ITEM 8. 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 GOVERNMENT 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. Mayor White announced that the Council would enter Executive Session at 9:26 p.m.

ITEM 9. OPEN SESSION - DISCUSSION AND/OR ACTION REGARDING PENDING OR CONTEMPLATED LITIGATION AND TO RECEIVE LEGAL ADVICE WHILE PRESERVING THE ATTORNEY-CLIENT PRIVILEGE.

Mayor White announced that the Council would enter Open Session at 9:35 p.m. There was no action taken.

ITEM 10. 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 9:36 p.m.


PASSED and APPROVED this the 20th day of December 2016.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

