

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**AUGUST 16, 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 Benny Hilburn

Councilmember Brad Westmoreland

Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 6:43 p.m.)

Mayor Lew White

Councilmember Juan Mendoza

Councilmember Jeffry Michelson

**Staff present:**

Vance Rodgers, City Manager

Peter Gruning, City Attorney

Connie Constancio, City Secretary

Dan Gibson, City Planner

**Citizens/Visitors Addressing the Council:** Anita DeLeon of Connections Individual and Family Counseling Agency; Umesh Patel and Thom Earnest, Citizens.

**Work Session 6:30 p.m.**

Mayor White announced that Mayor Pro-Tem Sanchez would be late. He 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 JULY 28, 2016 AND AUGUST 4, 2016.**

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

**B. DISCUSS MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE CITY OF LOCKHART AND CONNECTIONS WHICH IS A NON-PROFIT INDIVIDUAL AND FAMILY COUNSELING AGENCY FUNDED BY THE UNITED WAY AND TEXAS NETWORK OF YOUTH SERVICES AND APPOINTING THE CITY MANAGER TO SIGN THE AGREEMENTS IF APPROVED.**

Mr. Rodgers stated that the Connections agency has been providing counseling services to youth at the Library for the past few years. He introduced Ms. Anita DeLeon, Prevention Specialist, who will explain the Connections' role in the Lockhart Community.

Anita DeLeon of the Connections Individual Family Services Agency provided information about how their agency provides counseling services to the youth in the Library and the surrounding area. She stated that the Agreement is a requirement to assist with obtaining State funding. Those funds are utilized to take the youth to various activities in the community.

**C. DISCUSS ORDINANCE 2016-19 AMENDING CHAPTER 58, ARTICLE II, DIVISION 2, SECTION 58-71 THROUGH 58-74 AMENDING LOCAL ELECTRIC RATES EFFECTIVE THE FIRST BILLING CYCLE IN OCTOBER 2016 TO PROVIDE APPROPRIATE FUNDING FOR INCREASED MATERIAL, EQUIPMENT, PERSONNEL, AND PROFESSIONAL SERVICE COSTS.**

Mr. Rodgers stated that the Ordinance amendment reflects new local electric rates as discussed during the budget process to provide the revenues required to balance the budget which includes increased costs for materials, equipment, personnel, and professional services. In the last nine years, the local electric rate has increased less than 2% on the average total utility bill while the accumulative inflation has been over 16%. New rates will be effective the first billing in October 2016. Mr. Rodgers recommended approval. There was brief discussion.

**D. DISCUSS RESOLUTION 2016-14 TO REFLECT THE RECOVERY OF 3.5% VENDOR INCREASES APPROVED RECENTLY FOR RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL, RECYCLING SERVICES, AND COMMERCIAL WASTE COLLECTION/DISPOSAL SERVICES ESTABLISHING FEES FOR OTHER SOLID WASTE SERVICE TO BE EFFECTIVE WITH THE FIRST BILLING CYCLE IN OCTOBER 2016.**

Mr. Rodgers stated that the Resolution increases solid waste service rates by 3.5% in accordance with the current contract for these services as presented to the Council during the budget process. This rate increase in most cases represents less than 1/2% of the total average utility bill. The rate increase would be effective the first billing cycle in October 2016. Mr. Rodgers recommended approval. There was discussion.

**E. DISCUSS ORDINANCE 2016-20 AMENDING PORTIONS OF CHAPTER 48, SOLID WASTE, ARTICLE I.- IN GENERAL, SUBSECTIONS 48-1.- DEFINITIONS, 48-3.- AUTHORIZED USE OF RECEPTACLES, 48-5.-CITY DISPOSAL SITE RATES, AND ARTICLE II.-MUNICIPAL COLLECTIONS SUBSECTIONS: 48-38.-METHOD OF COLLECTION, 48-39.-RECEPTACLES GENERALLY, 48-40.-BULKY/BUNDLE WASTE AND COLLECTION AND BRUSH CHIPPING REQUIREMENTS, AND 48-42.-COLLECTION FEES TO ADDING DEFINITIONS, CLARIFYING EXISTING LANGUAGE, STATING THE TYPES OF CONTAINERS ACCEPTED FOR TRASH PICKUP SERVICES, RESTRICTING THE AMOUNT OF BRUSH TO BE CHIPPED BY CITY PER VISIT AT A LOCATION, AND DISALLOWING THE PLACEMENT OF BRUSH IN STREETS FOR BRUSH CHIPPING SERVICES.**

Mayor White announced that this item will be pulled and placed on the next Council meeting agenda.

Mayor Pro-Tem Sanchez arrived at 6:43 p.m.

**F. DISCUSS AN APPEAL BY H.H. DOSHI, P.E., R.P.L.S., ON BEHALF OF UMESH PATEL, OF THE PLANNING AND ZONING COMMISSION'S DENIAL OF A REQUESTED VARIANCE TO CHAPTER 52 "SUBDIVISION REGULATIONS", ARTICLE III "DESIGN STANDARDS", SECTION 52-72 "STREETS", SUBSECTION (K), TO REDUCE THE MINIMUM REQUIRED RIGHT-OF-WAY DIAMETER AND PAVED TURN-AROUND DIAMETER FOR A PUBLIC STREET CUL-DE-SAC IN A COMMERCIAL AREA.**

Mr. Gibson stated that a replat was submitted for Lot 13, Block 1, in the Lockhart Industrial Park II, to divide the lot into four smaller lots served by a new public cul-de-sac street. One of the lots will be for a hotel, and the owner also has potential occupants for the other lots. The proposed plat showed a cul-de-sac right-of-way diameter of 120 feet, and the engineering plans, showed a paved turn-around diameter of 100 feet, whereas the minimum standards in Section 52-72 require a 200-foot right-of-way diameter within 180-foot paved street diameter for cul-de-sacs in commercial and industrial areas. When staff reviewed the plat after it was submitted, it was discovered that although the dimensions exceeded the minimums for residential cul-de-sacs, it did not meet the standards for commercial areas. The surveyor/engineer then added a request for a variance to allow the substandard dimensions. The Planning and Zoning Commission approved the replat, but with the stipulation that the cul-de-sac right-of-way and paved turn-around diameters be enlarged to comply with the current City standards. Since then, the applicant has provided documentation that the proposed diameters will accommodate tractor-trailer trucks, and we also know that it exceeds the minimum for fire trucks. The proposed paved turn-around diameter is exactly the same as the cul-de-sac at the end of Lockhart Industrial Park I. Mr. Gibson stated that the Planning and Zoning Commission voted to approve the replat subject to compliance with City standards. Staff recommends that the Council reverse the decision of the Planning and Zoning Commission and approve the request by Mr. Umesh Patel.

There was discussion about the existing commercial cul-de-sac at Lockhart Industrial Park I.

Councilmember Westmoreland asked what the timeframe for development is, and Mr. Gibson deferred to the owner, Umesh Patel.

Mayor White requested Umesh Patel to address the Council.

Umesh Patel provided information about the timeline of the construction of the proposed development. He stated that he planned to have the hotel complete by the end of the year and other projects to begin thereafter.

RECESS: Mayor White announced that the Council would recess for a break at 7:00 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 TO CONSIDER AMENDING CHAPTER 64 "ZONING" OF THE CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-203 "NONRESIDENTIAL APPEARANCE STANDARDS", SUBSECTION (5) "SCREENING", TO CHANGE THE SCREENING REQUIREMENT FOR LOADING DOCKS ON PROPERTIES ABUTTING STREETS OTHER THAN MAJOR THOROUGHFARES.**

Mayor White opened the public hearing at 7:30 p.m. and requested the staff report.

Councilmember Mendoza stated that he would abstain from discussion and voting on this item due to a conflict of interest.

Mr. Gibson stated that the zoning text amendment is the result of a request by architect Thom Earnest to the Council during the Citizen Comments period at Council's July 19 meeting. The Council asked the City Manager to bring back an ordinance for consideration addressing Mr. Earnest's concerns. Mr. Earnest had suggested the wording for an amendment, but staff has altered it to say the same thing in a more concise manner. Prior to that, on behalf of a client, Mr. Earnest had requested a variance to the screening standards for loading docks in the nonresidential appearance standards of the Zoning Ordinance. The Zoning Board of Adjustment did not approve that variance, although they did approve a variance to reduce the number of required off-street parking spaces. Instead of appealing the decision in court, as provided by the Zoning Ordinance, Mr. Earnest chose to skip that step and approach the City Council directly to have the standards changed to meet his client's wishes. A summary of standards for screening of loading docks in 12 other cities in Lockhart's population range in Central Texas was also discussed. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend denial of the proposed zoning text amendments.

There was discussion.

Mayor White requested citizens to address the Council in favor of the zoning text amendment.

Thom Earnest, Architect, stated that the reason that he requested the zoning text amendment is for a citywide zoning ordinance change for future development. He spoke in favor of the zoning text amendment as reworded by staff and requested approval.

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

Mayor White requested citizens against the zoning text amendment to address the Council. There were none. He closed the public hearing at 8:13 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-18 AMENDING CHAPTER 64 "ZONING" OF THE CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-203 "NONRESIDENTIAL APPEARANCE STANDARDS" TO ADD AN EXEMPTION FROM SCREENING OF LOADING DOCKS IN SUBSECTION (5); PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

There was discussion about changing the set back requirement from 75 feet to 130 feet from the right-of-way line.

Councilmember Hilburn made a motion to approve Ordinance 2016-18 amending Chapter 64 "Zoning" of the Code of Ordinances, Article VII "Zoning District and Standards", Section 64-203 "Nonresidential Appearance Standards" to add an exemption from screen of loading docks in Subsection (5) with the amendment to change the added language as follows: "Screening is not required for loading docks on the property that abuts only a street other than an arterial street if the loading docks on the property is set back at least 130 feet from the right-of-way line." Councilmember Castillo seconded. The motion passed by a vote of 5-1-1, with Mayor White opposing and Councilmember Mendoza abstaining.

**ITEM 5. CONSENT AGENDA.**

Mayor White announced that consent agenda item 5E is pulled from the agenda.

Mayor Pro-Tem Sanchez stated that she would abstain from voting on all consent agenda items because she arrived after the items were discussed during the work session.

Councilmember Hilburn stated that he would abstain from voting on consent agenda item 5A because he was not present at the August 4, 2016 council meeting.

Councilmember Michelson made a motion to approve consent agenda items 5A, 5B, 5C, and 5D. Councilmember Mendoza seconded. The motion passed by a vote of 6-1, with Mayor Pro-Tem Sanchez abstaining and Councilmember Hilburn abstaining from consent agenda item 5A.

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the City Council meetings of July 28, 2016 and August 4, 2016.
- 5B: Approve Memorandum of Understanding Agreement between the City of Lockhart and Connections which is a non-profit individual and family counseling agency funded by the United Way and Texas Network of Youth Services and appointing the City Manager to sign the agreements if approved.
- 5C: Approve Ordinance 2016-19 amending Chapter 58, Article II, Division 2, Section 58-71 through 58-74 amending local electric rates effective the first billing cycle in October 2016 to provide appropriate funding for increased material, equipment, personnel, and professional service costs.
- 5D: Approve Resolution 2016-14 to reflect the recovery of 3.5% vendor increases approved recently for residential solid waste collection, disposal, recycling services, and commercial waste collection/disposal services establishing fees for other solid waste service to be effective with the first billing cycle in October 2016.

**ITEM 5-E. APPROVE ORDINANCE 2016-20 AMENDING PORTIONS OF CHAPTER 48, SOLID WASTE, ARTICLE I- IN GENERAL, SUBSECTIONS 48-1.- DEFINITIONS, 48-3.- AUTHORIZED USE OF RECEPTACLES, 48-5.-CITY DISPOSAL SITE RATES, AND ARTICLE II.-MUNICIPAL COLLECTIONS SUBSECTIONS: 48-38.-METHOD OF COLLECTION, 48-39.- RECEPTACLES GENERALLY, 48-40.-BULKY/BUNDLE WASTE AND COLLECTION AND BRUSH CHIPPING REQUIREMENTS, AND 48-42.-COLLECTION FEES TO ADDING DEFINITIONS, CLARIFYING EXISTING LANGUAGE, STATING THE TYPES OF CONTAINERS ACCEPTED FOR TRASH PICKUP SERVICES, RESTRICTING THE AMOUNT OF BRUSH TO BE CHIPPED BY CITY PER VISIT AT A LOCATION, AND DISALLOWING THE PLACEMENT OF BRUSH IN STREETS FOR BRUSH CHIPPING SERVICES.**

Mayor White announced that the item was pulled from the agenda.

**ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER AN APPEAL BY H.H. DOSHI, P.E., R.P.L.S., ON BEHALF OF UMESH PATEL, OF THE PLANNING AND ZONING COMMISSION'S DENIAL OF A REQUESTED VARIANCE TO CHAPTER 52 "SUBDIVISION REGULATIONS", ARTICLE III "DESIGN STANDARDS", SECTION 52-72 "STREETS", SUBSECTION (K), TO REDUCE THE MINIMUM REQUIRED RIGHT-OF-WAY DIAMETER AND PAVED TURN-AROUND DIAMETER FOR A PUBLIC STREET CUL-DE-SAC IN A COMMERCIAL AREA.**

Mayor Pro-Tem Sanchez made a motion to deny the appeal. The motion failed for the lack of a second vote.

Councilmember Michelson made a motion to approve the appeal by H.H. Doshi, P.E., R.P.L.S. on behalf of Umesh Patel and to reverse the Planning and Zoning Commission's decision of a requested variance to Chapter 52 "Subdivision Regulations", Article III "Design Standards", Section 52-72 "Streets", Subsection (K), to reduce the minimum required right-of-way diameter and paved turn-around diameter for a public street cul-de-sac in a commercial area. Councilmember Hilburn seconded. The motion passed by a vote of 6-1, with Mayor Pro-Tem Sanchez opposing.

**ITEM 6-B. 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-C. PRESENTATION, DISCUSSION AND/OR ACTION REGARDING FISCAL YEAR 2016-2017 PROPOSED BUDGET AND RELATED INFORMATION.**

There was no discussion.

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

There was no discussion.

**ITEM 6-E. 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, Hickory to Blackjack.
- Update: Contractor installing large wastewater line on Clearfork between Meadows at Clearfork and City Line Road.
- Update: City Street Crew has resurfaced City Line Road between SH 142 and Clearfork Streets to preserve the surface and prevent major failures.
- Update: City Street Crew remarking all school zones and checking signage in preparation for school starting.
- Update: City Water Crew has with assistance from the Street Department completed most of the pavement repairs on Church and Walnut Streets.
- Update: Major repairs to Water well # 11, a major supplier of water to Lockhart, will begin soon.
- Update: The siren system (5) poles and electric supplies are in place; the delay in installation and activation is due to a programming issue that is being addressed between American Signal Corporation and Motorola.
- Update: The Electric Distribution Department has been removing old electric transformers and lines in the Parkview Subdivision.
- Update: Arbor Experts, the contracted tree trimming company, started work yesterday trimming limbs away from electric primary lines; locations are the City website plus residents will be notified along each street before work begins.
- Update: Nighthawk Construction, a local company, has completed 95% of the 18" transmission water main project extension west of the Water Plant recently awarded by the Council; Sean Kelley, Water/Wastewater Supt, reports the company did a very good job.
- Update: The first layer of black base material on Richland Drive has been completed; curb and gutter will be the next phase of the project.
- Update: A preconstruction meeting for the drainage work to be performed in the Mesquite, Braden, Wichita, and Vega Street areas will be held on Tuesday, August 30, at 6 pm in the Glosserman Room at City Hall; letters will be mailed this week to each area street resident about the meeting.
- Report: Seton Annual Taking Care of Tiny Tots Event- August 27 at Embassy Suites in San Marcos at 6 p.m.
- Reminder: Diez y Seis de Septiembre to be held downtown this year on September 16 and 17, Friday and Saturday.
- Reminder: TML Region 10 meeting September 15 at Smitty's; updated details about event will be sent via email by Connie.
- Reminder: November 8 Election information: Last day to file for a place on the ballot is August 22 by 5:00 p.m. Early voting will be conducted October 24-November 4. Election will be canvassed on November 22.
- August 31 will be the last day that Sandra Mauldin will be employed with the City of Lockhart. The position of Economic Development Director has been advertised to receive applications to fill the position. City Manager and Finance Director will work on economic development issues until the position is filled.

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

Councilmember Westmoreland requested that everyone be safe during the new school year.

Councilmember Mendoza expressed condolences to the Juarez family for their loss and to all others that have lost a loved one. He thanked everyone that assisted and attended the City employee picnic.

Mayor Pro-Tem Sanchez expressed condolences to the family of Emilia Juarez for their loss and thanked the community for comforting the family during the tragic loss. She thanked Raymond DeLeon for cooking during the employee picnic and asked everyone to be safe during the school year. Go Lions!

Councilmember Castillo expressed condolences to the Juarez family for their loss. He wished students good luck during the new school year and to the athletes. Thanks to Raymond DeLeon for cooking and for those that participated in the employee picnic. He encouraged everyone to drive safely.

Councilmember Michelson expressed condolences to the Juarez family for their loss. He wished all students a successful school year.

Mayor White expressed condolences to the Juarez family for their loss. He thanked Raymond DeLeon for cooking at the National Night Out event and at the employee picnic. He encouraged everyone to drive safely during the school year. Go Lions!

**ITEM 9. 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 8:52 p.m.

PASSED and APPROVED this the 6<sup>th</sup> day of September 2016.

**CITY OF LOCKHART**



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

ATTEST:

*Connie Constancio*  
\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary