**REGULAR MEETING**
**LOCKHART CITY COUNCIL** **SEPTEMBER 20, 2022** **6:30 P.M.**

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR, LOCKHART, TEXAS**

**Council present:**
Mayor Lew White
Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Derrick David Bryant
Councilmember Juan Mendoza
Councilmember Kara McGregor
Councilmember Jeffry Michelson
Councilmember Brad Westmoreland

**Staff present:**
Steven Lewis, City Manager
Connie Constancio, City Secretary
Monte Akers, City Attorney
Victoria Maranan, Public Information Officer
Pam Larison, Finance Director
Sean Kelley, Public Works Director
Julie Bowermon, Civil Service/HR Director
Dan Gibson, City Planner
David Fowler, Senior Planner
Ernest Pedraza, Police Chief
Randy Jenkins, Fire Chief

**Citizens/Visitors Addressing the Council:** Lockhart Independent School District Board of Trustees: Michael Wright, Barbara Sanchez, Rene Rayos, Warren Burnett, and Sam Lockhart; Mark Estrada, Lockhart ISD Superintendent; Samuel Marquez of the LISD GEAR UP Program; Paige Johnson of Seton Children's Care-a-Van; Robert Haedge; Chris Van Heerde of HMT Engineering; Joseph Theriot of Republic Engineering; and Citizens: Lois Jones and Sharon Truitt.

**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**
Mayor White acknowledged and congratulated the Lockhart Independent School (LISD) Board of Trustees for being awarded the Region 13 Board of the year by the Texas Association of School Administrators.

## A. PRESENTATION OF A PROCLAMATION PROCLAIMING SEPTEMBER 26-30, 2022 AS NATIONAL GEAR UP WEEK IN LOCKHART.

Mayor White presented a proclamation to the Lockhart ISD School Board of Trustees and LISD teachers.

## B. PRESENTATION BY MARK ESTRADA, LOCKHART INDEPENDENT SCHOOL DISTRICT (LISD) SUPERINTENDENT, ABOUT THE LISD BOND/VATRE ELECTION.

Mark Estrada, Lockhart ISD Superintendent, provided information regarding the LISD Bond/VATRE Election. There was discussion.

## C. RECEIVE UPDATE AND DISCUSS SUPPORT OF THE CHILDREN'S CARE-A-VAN PROGRAM.

Paige Johnson of the Seton Children's Care-a-Van provided an update about the medical services that the van provides to children in the community. She requested a contribution in the amount of $2,500 towards the endowment. There was discussion.

**H. DISCUSS PROFESSIONAL SERVICES AGREEMENT AND APPOINTMENT OF ROBERT A. HAEDGE AS MUNICIPAL COURT PRESIDING JUDGE.**
Ms. Bowermon stated that the Council interviewed Mr. Haedge during the previous Council meeting and elected to pursue with a Professional Services Agreement. The agreement reflects that the Judge shall hold office for a two-year term, unless terminated earlier as provided in the Agreement. The Judge shall perform all duties and responsibilities of the Office of the Municipal Court Presiding Judge of the City. These duties and obligations include those contained under the City's Charter and Code of Ordinances, Texas Criminal Code, Texas Local Government Code, and other pertinent State and Federal Statutes, and Regulations. Municipal Court is often thought of as traffic court, but it has a broad range of authority that contributes to the missions of other City departments, including Code Enforcement, Police Department, and Planning Department. The Judge shall be on call to perform such obligations after hours. The Agreement shall commence on October 1, 2022 and shall expire on September 30, 2024. The Agreement will be automatically renewed if the Council does not take action within 91 days following the expiration of the two-year period. Following the approval of this Agreement, Mr. Haedge will participate in training and transition activities with Judge Sojak prior to Judge Sojak's September 30, 2022 departure. Mr. Haedge will be paid a prorated fee while participating in these activities. Mr. Haedge's background check is very favorable.

Mr. Haedge thanked the Council for their consideration and stated that he looked forward to working with the community to provide fair justice proceedings.

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 meeting to order at 7:48 p.m.

**ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.**
Councilmember Bryant gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

**ITEM 3. PUBLIC COMMENT.**
Mayor White requested citizens to address the Council. There were none.

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-21 BY HMT ENGINEERING & SURVEYING ON BEHALF OF GREENWOOD BOUTIQUE TOWNHOMES, LLC, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-44 FOR A ZONING CHANGE FROM *RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO RHD RESIDENTIAL HIGH DENSITY DISTRICT* ON A TOTAL OF 1.746 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, LOCATED AT 202 AND 204 STATE PARK ROAD (FM 20).**
Mayor White opened the public hearing at 7:48 p.m.

Mr. Fowler stated that this item represents the proposed rezoning of 1.746 acres south of State Park Road from Residential Medium Density (RMD) to Residential High Density (RHD) zoning. The applicant has identified the site as the potential location of a condominium development or other small multifamily development. Access will be via State Park Road, but the southern property line will abut FM 20 after it has been realigned. The proposed zoning change is not consistent with the site's General-Heavy Commercial designation, but represents an equivalent level of intensity in a residential zoning district. The property is served by water and wastewater lines located in the State Park Road right-of-way. The Planning and Zoning Commission held a public hearing regarding the request at the September 14, 2022 meeting. One nearby property owner spoke at the meeting, expressing concerns about water runoff from the property as it develops. Prior to the meeting, a nearby resident and a nearby business owner had contacted staff with concerns related to drainage and traffic. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval. There was discussion.

Mayor White requested the applicant to address the Council.

Chris Van Heerde of HMT Engineering provided details and there was discussion regarding the proposed development. He requested approval.

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

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

Lois Jones, 200 State Park Road, spoke against the zoning change because of increased traffic.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:08 p.m.

There was discussion.

Councilmember McGregor made a motion to approve Ordinance 2022-44, as presented. Councilmember Bryant seconded. The motion passed by a vote of 7-0.

**ITEM 4-B. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-22 BY LENDI CAPITAL GROUP, LLC, ON BEHALF OF SHARON TRUETT AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-45 FOR A ZONING CHANGE FROM *AO AGRICULTURAL OPEN-SPACE DISTRICT AND RLD RESIDENTIAL LOW DENSITY DISTRICT TO RHD RESIDENTIAL HIGH DENSITY DISTRICT* ON A TOTAL OF 8.798 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1711 AND 1715 WEST SAN ANTONIO STREET (SH 142).**

Mayor White opened the public hearing at 8:10 p.m.

Mr. Fowler stated that this item is a request to rezone two adjacent parcels from AO Agricultural-Open Space District and RLD Residential Low Density District to RHD Residential High Density District. The applicant intends to build an apartment complex or a similar housing development on a single lot that would be platted in the future. The site is designated as Medium Density Residential on the Future Land Use Plan map, so the proposed action is an increase in density. The property has street access to West San Antonio Street as well as a connection to a planned street within the Hansford Subdivision. The site is served by water and wastewater lines located in the West San Antonio Street right-of-way. The area around the site includes several single-family residential subdivisions, a nearby apartment complex under construction, and several existing residential and commercial developments. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Joseph Theriot of Republic Engineering provided information and there was discussion about the proposed development and the access points in and out onto SH 142.

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

Sharon Truitt, owner, spoke in favor of the zoning change. She stated that she decided to sell the property because it is surrounded by apartment complexes and new developments.

Mayor White requested citizens against the zoning change to address the Council. There were none. He closed the public hearing at 8:25 p.m.

Councilmember Westmoreland made a motion to approve Ordinance 2022-45, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

**ITEM 4-C. HOLD A PUBLIC HEARING AND CONSIDER ORDINANCE 2022-46 AMENDING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, AS FOLLOWS: 1) MODIFY THE DEFINITION OF *PATIO HOME* IN ARTICLE I "GENERAL", SECTION 64-2 "DEFINITIONS"; 2) MODIFY SELECTED TEXT IN THE *MIN. BUILDING SETBACK FROM PROPERTY LINE (FT.)* COLUMN FOR THE PH-1 AND PH-2 DEVELOPMENT TYPES IN APPENDIX I "SPECIFIC REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT TYPES"; 3) DELETE SELECTED TEXT IN THE *REMARKS* COLUMN FOR THE PH-1 AND PH-2 DEVELOPMENT TYPES IN APPENDIX I "SPECIFIC REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT TYPES"; AND, 4) INCREASE THE BUILDING HEIGHT IN THE *MAXIMUM HEIGHT – STORIES/FEET* COLUMN FOR THE IL INDUSTRIAL LIGHT DISTRICT FROM 40 FEET TO 50 FEET IN APPENDIX II, "SPECIFIC REQUIREMENTS FOR COMMERCIAL DISTRICTS", SUBSECTION "SPECIFIC REQUIREMENTS FOR ALL OTHER DISTRICTS".**

Mayor White opened the public hearing at 8:25 p.m.

Mr. Gibson stated that there are currently no patio homes, which are also known as zero-lot-line homes or garden homes, developed in Lockhart. They are a form of detached single-family dwelling where the exterior wall on one side of the structure is located on the side property line instead of having a standard building setback, and the exterior wall on the opposite side is set back twice or more the usual minimum building setback. This allows for a more usable side yard on one side, typically in the form of a patio or court. Because the side wall that is on the property line must meet stricter fire code standards, and to maintain privacy for the adjoining lot's patio area, it does not contain any windows or doors. As viewed from the street, patio homes appear the same as standard detached single-family dwellings, and no one would know the difference unless the side lot lines were painted on the ground. A development was recently proposed that would include patio homes, among other uses. However, the definition of P*atio home* in Section 64-2, and some of the standards for the PH-i and PH-2 patio home residential development types listed in Appendix I, are not consistent with the commonly accepted patio home form of housing. In addition, the existing provisions limit construction of new patio homes to lots existing prior to the date of adoption of the original version of the current zoning ordinance in 1990, therefore effectively prohibiting them in any new subdivisions. This ordinance will make the necessary changes to facilitate construction of the PH-1 and PH-2 patio home residential development types in Lockhart. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens in favor of or against the zoning text amendments to address the Council. There were none. He closed the public hearing at 8:43 p.m.

Councilmember Michelson made a motion to approve Ordinance 2022-46, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0

**ITEM 5. CONSENT AGENDA.**

Mayor White stated that the items will be considered separately because they were not discussed during the work session.

**ITEM 5-A. APPROVE RESOLUTION 2022-33 EXTENDING THE DEPOSITORY AGREEMENT WITH FIRST LOCKHART NATIONAL BANK FOR THE PERIOD OCTOBER 15, 2022 THROUGH OCTOBER 14, 2024.**

Ms. Larison stated that according to the Local Government Code for the State of Texas, Chapter 105 - Depositories for Municipal Funds, Section 105.017 - Term of a Depository Contract, a municipality may approve, execute, and deliver any depository services whose term does not exceed five years. According to the City of Lockhart's Investment Policy, at least every five years a Depository shall be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP). On September 17, 2019, the City Council designated First Lockhart National Bank as their Depository Bank for the City of Lockhart for a term of three years beginning on October 15, 2019 and ending October 14, 2022. It is the request of staff to extend the Depository services agreement with First Lockhart National Bank for an additional two years, ending on October 14, 2024. During the request for proposal process in 2019, First Lockhart National Bank had the advantage due to the interest rate being set at 75% of the 91-day US Treasury bill discount rate with a minimum of 1% and with all banking services being provided at no charge. This extension will coincide with the separation of funds between the City of Lockhart and the Lockhart Economic Development Corporation. At the end of the fiscal year 2021, the City's external auditing firm, BrooksWatson recommended the separation of funds between the City and LEDC prior to the end of fiscal year 2022. The Lockhart Economic Development Board approved Resolution 2022-09 on September 12, 2022, establishing a two-year Depository Agreement with First Lockhart National Bank beginning October 15, 2022 to October 14, 2024.

Councilmember Westmoreland made a motion to approve Resolution, 2022-23, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-0-1, with Councilmember Michelson abstaining.

**ITEM 5-B. APPROVE THE PURCHASE OF A 2024 SPARTAN FIRE, LLC. CUSTOM 75' REAR-MOUNT AERIAL FIRE APPARATUS THROUGH METRO FIRE APPARATUS SPECIALISTS, INC. UTILIZING THE HOUSTON GALVESTON AREA COUNCIL (HGAC) PURCHASING COOPERATIVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE AERIAL FIRE APPARATUS.**

Chief Jenkins stated that the 75' custom rear-mount aerial fire apparatus will be deployed as an emergency response vehicle to fires in residential, multi-family, commercial structures, motor vehicle accidents, and other incidents, as needed. This will be the first aerial apparatus for the City of Lockhart, and it will be housed at Fire Station #2 at 1911 Borchert Dr. The 75' aerial fire apparatus will meet the requirements of a Quint aerial fire apparatus with a fire pump, water tank, fire hose storage, aerial device with waterway, and a compliment of ground ladders. Highlights of the aerial apparatus include a 1,500 gallon per minute (gpm) fire pump, 1,000 feet of large diameter hose, a 75' aerial ladder with 1,250 gpm automatic nozzle at the tip, assorted handlines, a foam system, and a 500-gallon water tank. The best practice is for an aerial fire apparatus to serve approximately 15 years as a front-line and 10 years as a reserve. The aerial fire apparatus will meet or exceed the current NFPA 1901, Standard for Automotive Fire Apparatus and enhance our Fire Suppression Rating Schedule (FSRS) as established by the Insurance Services Office (ISO). The cost of the aerial fire apparatus is $1,229,670, which includes a $60,000 discount for payment upon ordering. The cost includes the aerial fire apparatus and associated installed equipment such as two-way radios, flashlights, fire hose, axes, pry bars, positive pressure fan, nozzles, rescue saws, appliances, adapters, and HGAC fee, etc. delivered to Lockhart with training for fire personnel. The delivery time upon ordering is approximately 500 days. The aerial fire apparatus will be built in Ephrata, Pennsylvania with the final make-ready completed at Metro Fire Apparatus Specialists, Inc. in Houston. There was discussion.

Councilmember Michelson made a motion to approve the purchase of a 2024 Spartan Fire, LLC, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 5-C. APPROVE RECOMMENDATION TO AWARD BID TO FUQUAY, INC. OF NEW BRAUNFELS, TEXAS IN THE AMOUNT OF $475,196.00 FOR THE 2022 STREET IMPROVEMENTS PROJECT AND APPOINTING THE MAYOR TO SIGN ALL CONTRACTUAL DOCUMENTS.**

Mr. Kelley stated that this year it was necessary for the City Engineer to evaluate various treatment methods for the 2022 Street Improvement Project to ensure the extended life of the pavement on the selected streets. In Fiscal Year Budget 2022, six streets were included for resurfacing and treatment methods specific to each street.

These streets identified for the improvement project include:

- N. Medina Street from Bois D'Arc Street to Peach Street
- W. Live Oak Street from Cibilo Street to Guadalupe Street
- Center Street from Guadalupe Street to Blanco Street
- Willow Street from Pecos Street to Blanco Street
- Red River Street from Willow Street to Ash Street
- Persimmon Street from Neches Street to Sabine Street

Mr. Kelley stated that the selected improvement methods for the 2022 Street Improvements Project consist of approximately 4,400 SY of 6" Mill and Overlay, 6,610 Sy of 2" Mill and Overlay, 1,000 SY of Flexable Base and Subgrade Excavation and Reconstruction, adjusting Manholes and Water Vales as required, on various Streets. Bids were advertised in compliance with State Law for the construction of the 2022 Street Improvements Project. Five (5) bids were received ranging from $475,196.00 to $683,430.00. The lowest bid was received by Fuquay, Inc. This company has a commendable reputation in the construction business along with the personnel and equipment to get the job done successfully and on time.

Mayor Pro-Tem Sanchez made a motion to approve awarding the bid to Fuquay, Inc. of New Braunfels, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 6-A. RECEIVE UPDATE AND CONSIDER SUPPORT OF THE CHILDREN'S CARE-A-VAN PROGRAM.**

Councilmember Westmoreland made a motion to table consideration of support to the Children's Care-A-Van program until the October 18, 2022 Council meeting. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING RESOLUTION 2022-34 FOR AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH THE ZIEGENFELDER COMPANY.**

Ms. Larison stated that the item is brought to the Council to consider the Performance Agreement that will reimburse the company up to $50,000 towards an electric transformer. The company is based in Wheeling, WV, the Ziegenfelder Company is a private, family-owned frozen novelty manufacturer that focuses on producing the highest quality frozen ice treats.

Councilmember Michelson made a motion to approve Resolution 2022-34, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

**ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER PROFESSIONAL SERVICES AGREEMENT AND APPOINTMENT OF ROBERT A. HAEDGE AS MUNICIPAL COURT PRESIDING JUDGE.**

Mr. Lewis stated that if approved, Mr. Haedge will begin on October 1, 2022. Judge Sojak will train Mr. Haedge of the Municipal Court Presiding Judge duties.

Mayor Pro-Tem Sanchez made a motion to approve the Professional Services Agreement with Robert A. Haedge as Municipal Court Presiding Judge. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

**ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER APPOINTING TWO REPRESENTATIVES OF THE CITY OF LOCKHART TO THE GENERAL ASSEMBLY OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).**

Mayor White stated that he and Councilmember Michelson have served and recommended that they continue.

Councilmember Westmoreland made a motion to appoint Mayor Lew White and Councilmember Jeffry Michelson to the CAPCOG General Assembly. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 6-E. DISCUSSION AND POSSIBLE ACTION ON AN ORDINANCE ALLOWING THE POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY UNDER CERTAIN CIRCUMSTANCES.**

Mr. Akers stated that a draft ordinance has been prepared to allow open containers and consumption of alcohol on public sidewalks, streets, and other ways in the Commercial Central Business District ("CCBD") during selected special events. The Council is requested to provide feedback about the ordinance, particularly whether the special events listed are appropriate and whether businesses in the CCBD will be allowed to "lease" sidewalk, alley, or other public property for the purpose of obtaining TABC authority to sell alcohol from such property during special events. The process for obtaining a license for private use of public property is currently contained in Sec. 50-141 of the City Code. There was discussion and revisions to the ordinance.

CONSENSUS: After discussion, the consensus of the Council was to direct the City Attorney to return with a revised ordinance during the next Council meeting.

**ITEM 6-F. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.**
Mayor White encouraged everyone to stay safe.

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

- National Night Out - Tuesday, October 4th.
- October 4th Lockhart City Council meeting is cancelled.
- Citywide Bulk Cleanup - Saturday, October 15th.
- Update about the November 8, 2022 General Election.

**ITEM 8. COUNCIL AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST.**
Councilmember Westmoreland expressed condolences to the family of Jim Sells for their loss.

Councilmember Mendoza expressed condolences to the family of Jim Sells for their loss. He thanked the group that cleaned and painted over the graffiti at Old Carver school.

Mayor Pro-Tem Sanchez expressed condolences to the families of Domingo Fernandez, Jr., Loretha Renee Taylor, Jim Sells, and Myrtle Moore for their loss. She congratulated the Hispanic Chamber for a successful Diez y Seis event. She wished the Lockhart Lion football team good luck during the homecoming game. She expressed Happy Birthday wishes to Councilmember Juan Mendoza.

Councilmember McGregor expressed Happy Birthday wishes to Councilmember Mendoza. She thanked the Hispanic Chamber and Courthouse Nights for a successful Diez y Seis event.

Councilmember Michelson expressed condolences to the family of Jim Sells for their loss. He congratulated the Hispanic Chamber for a successful Diez y Seis event. He wished the Lockhart Lion football team good luck during the homecoming game.

Mayor White expressed condolences to the family of Jim Sells for their loss. He also congratulated the Hispanic Chamber for a successful Diez y Seis event. He wished the Lockhart Lion football team good luck during the homecoming game.

**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 9:35 p.m.

PASSED and APPROVED this the 18th day of October 2022.

**CITY OF LOCKHART**

Lew White

Lew White, Mayor

ATTEST:

Connie Constancio

Connie Constancio, TRMC, City Secretary

CITY OF LOCKHART TEXAS