

**LOCKHART CITY COUNCIL
REGULAR MEETING**

MARCH 6, 2018

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 Jeffrey Michelson

Mayor Lew White
Councilmember John Castillo
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager
Dan Gibson, City Planner
Rob Tobias, Economic Development Director

Connie Constancio, City Secretary
Ernest Pedraza, Police Chief

Citizens/Visitors Addressing the Council: Citizens: Lydia Serna, Lisa Mendoza, Kimberly Mendoza, James Quezada, Chuck Keplar, Kennedy Roland, Patti Payne, Todd Blomerth, Kent Black, and Peter Moore.

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:

PRESENTATION ONLY

A. PRESENTATION OF A PLAQUE TO CHRISTOPHER SAGER THANKING HIM FOR HEROICALLY HELPING A FAMILY DURING AN ACCIDENT.

Mayor White presented a plaque to Christopher Sager and a bouquet of flowers to Mrs. Sager. Mayor and the Council commended Mr. Sager for his heroic effort.

B. INTRODUCTION OF TWO NEW POLICE OFFICERS IN THE LOCKHART POLICE DEPARTMENT.

Chief Pedraza introduced John Fullilove and Samson Vielma as two new police officers of the Lockhart Police Department.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF FEBRUARY 13, 2018 AND FEBRUARY 20, 2018.

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

B. DISCUSS RESOLUTION 2018-05 APPOINTING MAYOR LEW WHITE AS THE CITY OF LOCKHART'S CLEAN AIR COALITION REPRESENTATIVE, AS REQUIRED IN ARTICLE II OF THE CLEAN AIR COALITION OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) BY-LAWS; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor White stated that the Resolution is a result of the Council's unanimous vote to appoint him as the City's Representative to the Clean Air Coalition of CAPCOG.

C. DISCUSS A “NOT TO EXCEED PROJECT FUNDING AGREEMENT” WITH TECHLINE CONSTRUCTION, INC. THAT BRINGS THE SECOND THREE PHASE ELECTRIC SUBSTATION FEEDER LINE ON THE WEST SIDE OF SH 130 TO EAST SIDE NEAR MAPLE STREET; THE COMPANY WILL PROVIDE ALL SUPERVISION, LABOR, AND EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$156,500, AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT IF APPROVED. [FORM 1295=2018-03-06-39]

Mr. Rodgers stated that Lockhart has a new electric substation on the west side of SH 130 at Maple Street. Generated electric power is distributed inside the City from the substation. There are two main breakers in the substation that belong to the City of Lockhart. About 15 months ago, the first feeder line for one breaker was constructed overhead from the west side of SH 130 to the east side of SH 130. Now it is time to bring the second feeder line from the second breaker across SH 130; this feeder line will be underground. Techline Construction, Inc. provides these construction services through a contract which the City of Lockhart has with the Lower Colorado River Authority (LCRA). The company has provided a quote of “not to exceed” \$156,500 for the LCRA designed work to be completed. Staff believes the final cost could be 15% more or less than the quote. The electric department will help where it can to reduce costs. This second feeder line will eventually be completed on Maple Street from City Line Road to Mockingbird and then north to near the Bluebonnet Elementary School. The goal is to have a dual electric feeder system for the City within the next three years. Funding, if approved, would come from the Electric Distribution Capital Fund which is funded from 2.25 mills for each kilowatt hour sold. Mr. Rodgers recommended approval.

D. DISCUSS THE PURCHASE OF A 2018 TELESCOPIC AERIAL VERSALIFT BUCKET TRUCK FROM GRANDE TRUCK CENTER IN SAN ANTONIO, TEXAS, THROUGH BUY BOARD FOR \$87,668 TO REPLACE A 12-YEAR OLD UNIT AND USING THE CURRENT 2006 MODEL AS A TRADE-IN.

Mr. Rodgers stated that one of the most used vehicles in the Electric Department is the telescoping aerial bucket truck. The current unit is 12 years old and needs to be replaced in the interest of safety and efficiency. The old truck will be traded in reducing the cost of the new truck to \$87,668. If approved, funding will come from the Electric Distribution Capital Fund which is funded with 2.25 mills for each kilowatt hour sold. Buy Board has already publicly bid equipment with the City’s specifications. Mr. Rodgers recommended approval.

E. DISCUSS APPLICATION BY HECTOR JUAREZ TO HAVE A PEDICAB SERVICE IN LOCKHART.

Mr. Rodgers stated that the City Council adopted an ordinance in November 2017 that provides operational requirements and rules to permit Pedicab services. Hector Juarez submitted an application to offer Pedicab services in the city limits on February 20, 2018. The Lockhart Police Department has inspected the pedicab and, if approved by Council, will assure compliance of the ordinance prior to issuing a permit.

Hector Juarez, 1001 Guadalupe Street, #521, stated that he would like to provide Pedicab service in the community. He stated that he believes there is a demand for a Pedicab service during community events and/or on weekends. He requested approval.

F. DISCUSS THE 2017 RACIAL PROFILING REPORT.

Chief Pedraza stated that a racial profiling report and racial profiling policy is required to be filed annually with the Texas Commission on Law Enforcement. He provided information regarding the complaint process of the Lockhart Police Department. There was brief discussion.

G. DISCUSS THE FINAL FISCAL YEAR 2018-2019 CITY COUNCIL GOALS.

There was discussion regarding the goals in priority order.

RECESS: Mayor White announced that the Council would recess for a break at 7:16 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.

Councilmember Castillo gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.

Mayor White requested citizens to address the Council on issues that are not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-18-01 BY LYDIA SERNA ON BEHALF OF JAMES QUEZADA FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CCB COMMERCIAL CENTRAL BUSINESS DISTRICT ON PART OF LOTS 1 AND 6, BLOCK 28, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.185 ACRE LOCATED AT 109 WEST WALNUT STREET.

Mayor White opened the public hearing at 7:36 p.m. and requested the staff report.

Mr. Gibson stated that there is an extensive history of previous applications concerning the subject property. The existing use is a restaurant, but the applicant has been prevented from serving alcohol due to a condition attached to a special exception granted by the Zoning Board of Adjustment to allow a resumption of the expired grandfathering of the nonconforming off-street parking. Approval of this zoning change, which has been denied before, would make the special exception a moot point because the CCB district does not require any off-street parking. Then, an application can be submitted for a Texas Alcohol Beverage Commission (TABC) license to serve alcohol with meals at a restaurant. The applicant has stated that she does not intend for the business to become a bar. In addition, the rezoning would also eliminate the existing nonconforming status of the front and side building setbacks, since none are required in the CCB district. There was discussion regarding a comparison of some of the land uses allowed in the CMB and CCB zoning districts. The proposed CCB classification is consistent with the future land use plan of the city. A letter of opposition was received from two owners representing eight parcels falling wholly or partially within 200 feet and which, collectively, account for 49 percent of the area within 200 feet. When owners of more than 20 percent of the 200-foot notification area protest a rezoning, it can be approved only with at least six affirmative votes. Three letters of protest and 153 letters of support were received. At the Planning and Zoning Commission public hearing, five people spoke in favor of the rezoning, and three spoke against. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Lydia Serna, 215 Wild Buffalo, Kyle, stated that she would like to be able to serve alcohol to customers at her restaurant; the same as other restaurants in the central business district and in Lockhart. She stated that her heart is to continue her mother's legacy, the late Ms. Lilly, to be a part of the community and to continue to host several fundraising events for the children, first responders, and the needy. She requested approval of the zoning change.

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

Lisa Mendoza, 928 W. Live Oak, stated that her family visits Lilly's frequently because it is a family restaurant, not a bar. Adult members of her family enjoy purchasing an alcoholic beverage with their meal and stated that it would be nice to be able to do the same at Lilly's. She spoke in favor of the zoning change.

Kimberly Mendoza, 404 Monument Street, outlined many community activities that Lydia Serna and her peers have been involved with for many years. She stated that Lilly's represents a place for the community to gather and that the restaurant is not about being a "bar". She spoke in favor of the zoning change.

James Quezada, owner of the building, spoke in favor of the zoning change and stated that Ms. Serna is a responsible person and tenant. He requested approval of the zoning change to enable Lilly's to serve alcohol with a meal; the same as other restaurants.

Chuck Keplar, 2375 Seawillow Road, spoke in favor of the zoning change. He reminded the Council that Lilly's would be required to follow all TABC regulations and that TABC does a thorough job in enforcing licenses.

Mayor White requested additional 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.

Kennedy Roland, 1407 Fourth Street, spoke against the zoning change. She stated that her mother runs a dance studio across the street where many children come and go throughout the day. She stated that she did not understand why a place that serves alcohol would be allowed to be across the street from a business that caters to children.

Patti Payne, 1105 Spruce Street, spoke against the zoning change. She requested that the Council enforce the current zoning ordinance.

Todd Blomerth, 1105 Spruce Street, spoke about the zoning assigned to the area and spoke against the zoning change.

Kent Black, owner of Blacks Barbecue, suggested that the applicant consider returning to the Zoning Board of Adjustment to request that the condition about prohibiting the sell of alcohol be overturned to allow it. He stated that a church and several family-oriented businesses surround 109 Walnut. He spoke against the zoning change.

Mayor White requested additional citizens against the zoning change to address the Council. There were none. He closed the public hearing at 8:32 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2018-01 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS PART OF LOTS 1 AND 6, BLOCK 28, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.185 ACRE LOCATED AT 109 WEST WALNUT STREET, FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CCB COMMERCIAL CENTRAL BUSINESS DISTRICT.

Mayor Pro-Tem Sanchez stated that the decision about the zoning change is difficult. She stated that she would vote against the zoning change because she believes it is what is best for the community.

Councilmember McGregor also agreed that the decision is difficult and spoke favorably about the downtown district as being an area that provides a variety of entertainment options for the public. She stated that her decision to vote in favor of the zoning change is what she believed is best for the community.

Councilmember Westmoreland stated that he believed that it was time to give Lilly's a chance to serve alcohol at the restaurant. He reminded the Council that a brewery recently opened in downtown that is across the street from the Library that also has many children come and go.

Councilmember Michelson stated that after reviewing the police report that reflects no calls have been reported for violence at Lilly's since it opened at 109 West Walnut, it was a deciding factor to vote in favor of the zoning change. He reminded the Council that the issue to consider tonight is the zoning change for a restaurant to allow them to serve alcohol; not whether it would be a bar.

Councilmember Castillo stated that he would like to see Lilly's have the same opportunity as other restaurants to serve alcohol with a meal.

Mayor White stated that he has observed the calm activities at Lilly's the past couple of years and after reviewing the positive police report that reflected no violence calls, he has decided to vote in favor of the zoning change. Ms. Lydia and her staff have proven their dedication and commitment to the community as a restaurant in the downtown area.

Councilmember Castillo made a motion to approve Ordinance 2018-01, amending the Official Zoning Map of the City of Lockhart, Texas, to reclassify the property known as Part of Lots 1 and 6, Block 28, Original Town of Lockhart, consisting of 0.185 acre located at 109 West Walnut Street, from CMB Commercial Medium Business District to CCB Commercial Central Business District. Councilmember Michelson seconded. The motion passed by a vote of 6-1, with Mayor Pro-Tem Sanchez opposing.

ITEM 4-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-18-02 BY BROTHERS HOLDINGS FOR A ZONING CHANGE FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT ON LOTS 16 AND 17, BLOCK 5, SOUTH HEIGHTS ADDITION, LOCATED AT 1105 SOUTH COMMERCE STREET.
Mayor White opened the public hearing at 8:48 p.m. and requested the staff report.

Mr. Gibson stated that the applicant proposes to develop the subject property in conjunction with adjacent parcels that they own along South Colorado Street, abutting the rear of the subject lots. The proposed use is an eye care clinic that would face and obtain access from Colorado Street. There are existing residential dwellings on abutting lots to the north and south, as well as across the street to the east. In general, the CHB district is not considered compatible with residential districts. However, the two houses adjacent to the north are already zoned CHB, and if this application is approved, it would simply relocate an existing boundary between RMD and CHB zoning classifications. According to the Lockhart 2020 Land Use Plan map, the entire block is anticipated to be General-Heavy Commercial in the future. The proposed CHB zoning is consistent with the future land use designation. In addition, the Lockhart 2020 Thoroughfare Plan identifies the abutting segment of South Commerce Street as an arterial street, which supports the potential for future commercial development/redevelopment on the west side of the street. If rezoned to CHB, a six-foot high screening opaque fence or wall will be required along the south property line where the subject property abuts residential zoning. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council. Mr. Gibson reported that the applicant was not at the meeting, but that he did appear at the Planning and Zoning Commission.

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.

Peter Moore, 1018 S. Commerce, stated that South Commerce Street is a residential neighborhood. He would not have purchased the home a few years ago if he knew that a business could be built facing South Commerce. He spoke against the zoning change and requested that South Commerce Street remain a residential neighborhood.

Mayor White requested additional citizens against the zoning change to address the Council. There were none. He closed the public hearing at 9:02 p.m.

ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2018-02 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOTS 16 AND 17, BLOCK 5, SOUTH HEIGHTS ADDITION, LOCATED AT 1105 SOUTH COMMERCE STREET, FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT.

Councilmember Mendoza stated that he discussed the development intentions with the property owner who clarified that he would build an Eye Vision Center on the lot. Councilmember Mendoza stated that he would vote against the zoning change in support of the citizen/neighborhood requesting denial.

There was discussion regarding the vision center having access on both Colorado and South Commerce Streets and regarding the history of why two residential homes on the west side of South Commerce Street are currently zoned CHB. Mr. Gibson replied that he believes that the lot zoned CHB with two residential homes were rezoned CHB many years ago, possibly for a development that did not follow through.

Councilmember Castillo made a motion to deny Ordinance 2018-02. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A, 5B, 5C, and 5D. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the City Council meetings of February 13, 2018 and February 20, 2018.
- 5B: Approve Resolution 2018-05 appointing Mayor Lew White as the City of Lockhart's Clean Air Coalition Representative, as required in Article II of the Clean Air Coalition of the Capital Area Council of Governments by-laws; and establishing an effective date.
- 5C: Approve a "not to exceed project funding agreement" with Techline Construction, Inc. that brings the second three phase electric substation feeder line on the west side of SH 130 to east side near Maple Street; the company will provide all supervision, labor, and equipment for an amount not to exceed \$156,500, and appointing the Mayor to sign the agreement if approved. [FORM 1295=2018-03-06-39]
- 5D: Approve the purchase of a 2018 Telescopic Aerial Versalift Bucket Truck from Grande Truck Center in San Antonio, Texas, through Buy Board for \$87,668 to replace a 12-year old unit and using the current 2006 model as a trade-in.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER APPLICATION BY HECTOR JUAREZ TO HAVE A PEDICAB SERVICE IN LOCKHART.

Mayor Pro-Tem Sanchez made a motion to approve the application by Hector Juarez to have a Pedicab service in Lockhart. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING THE 2017 RACIAL PROFILING REPORT.

Mayor Pro-Tem Sanchez made a motion to accept the 2017 Racial Profiling Report. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING THE FINAL FISCAL YEAR 2018-2019 CITY COUNCIL GOALS.

Councilmember Michelson made a motion to accept the Fiscal Year 2018-2019 City Council goals. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards or commissions.

Councilmember Michelson made a motion to appoint Ian Stowe to the Electric Board. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

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

- Update: St. Paul United Church of Christ property.
- Reminder: Burditt Consultants held meeting with Parks Master Plan Committee and is incorporating meeting comments in the document in preparation of presentation to the Council at a later date.
- Reminder: Semi-annual cleanup in the Lockhart Cemetery beginning March 26.
- Reminder: Welcome Spring Day on Saturday, March 17th including Kid Fish and Texas Tolbert Chili Championship & BBQ Cook-off.

- Reminder: Residential City Wide Cleanup Event starting first Wednesday in April and each Wednesday following in April.
- Reminder: Residential Household Hazardous Waste Collection Event to be held Saturday, April 28, 2018.
- Reminder: Wayfinding and Branding Ad-hoc Committee meeting to be held on March 8, 2018 at 5:00 pm in City Hall, Glosserman Room.
- Report: Greater Caldwell County Hispanic Chamber of Commerce Annual Banquet.

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

Councilmember Westmoreland congratulated the Greater Caldwell County Hispanic Chamber of Commerce (GCCHCC) for a successful banquet. He welcomed Michael Capello to the position of President of the GCCHCC.

Councilmember Mendoza expressed condolences to the Joseph family for their loss. He congratulated those that received a scholarship at the 4H Club and to the GCCHCC for a successful banquet.

Mayor Pro-Tem Sanchez expressed condolences to the families of Evelyn Schmidt, Ferris Joseph, and Cecelia Tello. She congratulated participants in the 4H Club and to the GCCHCC for the 30th Annual Banquet and those that received awards at the banquet. She thanked the candidates in the March Primary Election for stepping up to run for office.

Councilmember McGregor thanked the GCCHCC for the successful banquet. She welcomed the newest police officers. She invited everyone to attend a ribbon cutting that will be held at the new location of the Museum of Clocks and Watches on March 24, 2018 at 11 a.m.

Councilmember Castillo expressed condolences to the families that have lost a loved one. He congratulated both the Hispanic and Lockhart Chambers for recent banquets. He congratulated Chris Sager for saving the family during a tragic accident. He welcomed the two new police officers.

Councilmember Michelson wished the candidates on the March primary ballot luck. He congratulated everyone that received awards at the GCCHCC. He expressed condolences to the Joseph and Schmidt families for their loss. He thanked all employees for their work.

Mayor White expressed condolences to the families that have lost a loved one. He congratulated the GCCHCC for a successful annual banquet. He invited everyone to attend the KidFish and Welcome Spring Day event on March 17 at City Park. He announced that the Remembrance Fountain at the City Cemetery is close to completion. He wished the Wayfinding and Branding committee luck in their tasks.

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 9:28 p.m.

PASSED and APPROVED this the 20th day of March 2018.

ATTEST:

Connie Constanancio

Connie Constanancio, TRMC, City Secretary



CITY OF LOCKHART

Lew White

Lew White, Mayor