

**REGULAR MEETING
LOCKHART CITY COUNCIL**

MARCH 5, 2019

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 Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steve Lewis, City Manager
Dan Gibson, City Planner
Chris Sager, Parks Manager

Connie Constancio, City Secretary
Sean Kelley, Public Works Director

Citizens/Visitors Addressing the Council: Class of 1989: James Morales and Pete Mireles; Stella Rojas of Lockhart Little League; Citizens: Ronda Reagan, Tom Guyton and Mike Hollifield.

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. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF FEBRUARY 19, 2019.

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

B. DISCUSS CONTRACT WITH THE LOWER COLORADO RIVER AUTHORITY (LCRA) FOR SUBSTATION INSPECTION, MAINTENANCE AND TESTING.

Mr. Lewis stated that the current contract with LCRA is about to expire. The contract indicates that LCRA will provide maintenance, testing and inspections at the FM 20 and Clearfork Electric substations. LCRA will conduct visual inspections of the electric lines and other components, in addition to maintenance to the equipment. Monthly tests of the breakers will be conducted to assure that they are operating properly. If extensive repairs are required, LCRA will do the repairs for an additional cost. The cost for the services is \$26,600.00 over a 5-year period. The payments will be broken down to \$443.33 per month for 60 months. There was discussion.

C. DISCUSS RESOLUTION 2019-07 IN OPPOSITION TO A REVENUE CAP AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES.

Mayor White stated that SB 2 is a bill that proposes to lower the rollback rate from 8 to 2.5 percent for cities. If the bill passes, it will most likely require most cities that exceed the rollback rate, when setting their tax rate, to hold an election in November to request the voter's approval of the new tax rate. Texas Municipal League (TML) encouraged cities to submit opposition to the bill. If approved, the Resolution will be forwarded to Senator Judith Zaffirini and Representative John Cyrier. There was discussion.

D. DISCUSSION REGARDING REQUEST FROM THE CLASS OF '89 TO ADD THE NAME OF THE LATE MARK A. MARTINEZ TO A FIELD AT THE LOCKHART YOUTH SPORTS COMPLEX, WHICH INCLUDES THE INSTALLATION OF A NEW SCOREBOARD.

Mayor White stated that the item was a continuance from the last meeting. The Parks Advisory Board did not vote to make a recommendation. The Parks Advisory Board unanimously voted not to make a recommendation to the Council because there was no policy to follow about naming fields at the Sports Complex. They also suggested that the Council consider renaming the Citizens Field since it was not named after an individual.

James Morales, Round Rock, Texas, stated that the Class of '89 began communicating with the Little League Board members, city staff and councilmembers several months ago about the field name change. He acknowledged the late Mark Martinez's dedication to the community, citizens and the game. He requested that the Council vote to add Mark Martinez's name to the Citizens Field scoreboard, as recommended by the Parks Advisory Board.

Pete Mireles, Representative of the Class of '89, also acknowledged the late Mark Martinez's dedication to the community, children and the game. He requested that the Council vote to add Mark Martinez's name to the Citizens Field scoreboard.

Mayor White stated that the naming request was a tough decision because Council respects all involved. He stated that the issue brings about a necessity to establish a policy for future requests.

Mayor Pro-Tem Sanchez stated that the Council considered and approved previous scoreboard naming requests at the Youth Sports Complex. She recommended that the Council approve the Class of '89's request to add the late Mark A. Martinez's name to the Citizens Field.

Councilmember Castillo spoke in favor of approving the donation of a new scoreboard and to add the late Mark A. Martinez's name to the Citizens Field scoreboard. He also recommended that a policy be established about naming fields at the Sports Complex for future requests.

Councilmember Mendoza spoke in favor of approving the donation of a new scoreboard and to rename the Citizens Field in honor of the late Mark A. Martinez.

Councilmember McGregor stated that the Parks Board member that recommended renaming the Citizens Field thereafter researched the naming of the Citizens Field and determined that it is named in honor of many individuals that donated time and monetary donations to the field. He requested that his recommendation be withdrawn.

Stella Rojas, 624 Trinity, stated that the Little League Board continues to stand by their original unanimous vote not to rename a field and the suggestion about creating a wall of honor at the Sports Complex also remains. She suggested that the Council establish a naming policy and request that the Class of '89 thereafter return with their request.

Mayor White expressed appreciation to all that are interested in park improvements. He stated that the existing fields are named to honor the dedicated individuals and businesses from the past and those that continue to support the Little League. Changing an already named park or field is very difficult. He explained the process that he took to request the current LeFleur Soccer Complex to be named after a fallen soldier, which included the Parks Advisory Board's recommendation prior to the Council's consideration. He thanked everyone involved with the request. He suggested that the request tonight be denied, that a naming policy be established immediately, and that Mark's name be memorialized on the memorial sign. He stated that he would not support renaming a field until a policy is established.

Councilmember Westmoreland stated that Little League has always been a part of Lockhart and he thanked everyone for their dedication. He spoke and thanked many individuals who participated and contributed to making the Sports Complex to be what it is today. He appreciated that the Little League remain about the children. He spoke in favor of creating a naming policy.

Councilmember Michelson also thanked everyone for their request. He suggested that the Class of '89 re-consider naming a different part of the sports complex, such as a batting cage in honor of Mark Martinez.

Councilmember Castillo expressed disappointment about the lack of support of renaming Citizens Field to honor the late Mark A. Martinez. He requested approval.

Mayor White stated that the item would be brought up for a vote during the regular meeting.

E. DISCUSS POSSIBLE FORMATION OF A NEW AD-HOC COMMITTEE TO COMPLETE THE BRANDING AND WAYFINDING PLAN, AND CONSIDER FUTURE APPOINTMENT OF MEMBERS TO THE COMMITTEE.

Mayor White stated that during the last meeting, it was decided that appointments should be made to the committee. There was discussion.

Mayor Pro-Tem Sanchez recommended that Christie Pruitt and Roy Watson remain on the committee. Mayor White stated that Ms. Pruitt will begin Chisholm Trail duties and would not be able to participate and that she recommended that Ronda Reagan serve in her place.

Mayor White suggested that Roy Watson, Ronda Reagan, Rob Ortiz, and Sally Daniel be appointed to the committee.

F. DISCUSSION REGARDING THE PROCESS TO SELECT A NEW CITY ATTORNEY.

Mayor White stated that Peter Gruning, City Attorney, submitted his resignation. Mr. Gruning will continue to assist with the City Attorney duties until the position is filled.

There was discussion regarding the notification process for the position as to whether it should be a job advertisement or a Request for Qualification (RFQ). After discussion, it was determined to utilize the RFQ process.

RECESS: Mayor White announced that the Council would recess for a break at 7:50 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 8:05 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember Mendoza 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. There were none.

ITEM 4-A. CONTINUE A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER AN APPEAL BY THE LOCKHART DOWNTOWN BUSINESS ASSOCIATION, INC., OF THE PLANNING AND ZONING COMMISSION'S APPROVAL OF SUP-19-03, AN APPLICATION BY MICHAEL HOLLIFIELD ON BEHALF OF CYNTHIA ALVAREZ FOR A SPECIFIC USE PERMIT TO ALLOW A CHURCH ON PART OF LOTS 4 AND 5, BLOCK 23, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.18 ACRE ZONED CCB COMMERCIAL CENTRAL BUSINESS DISTRICT AND LOCATED AT 115 NORTH COMMERCE STREET. [TABLED 2-19-2019]

Mayor White opened the public hearing at 8:07 p.m. and requested the staff report.

Mr. Gibson stated that the public hearing was held during the previous meeting. The CCB district allows a variety of commercial uses by-right such as offices, retail, and restaurants, but churches require approval of a specific use permit. The same applicant previously requested a change in zoning for this property from CHB to CCB, and it was approved by the City Council on December 18, 2018. The proposed church will have a seating capacity of 120 in the sanctuary, and will operate only on Sunday mornings. Off-street parking is not required in the CCB District, but adequate on-street parking is available on Sunday mornings. Mr. Gibson reported that he had counted 112 on-street parking spaces within a 200-foot radius of the subject property, and 154 more around the west, south, and east sides of the courthouse square, plus along North Commerce up to Pecan Street, which is 1½ blocks from the property. In addition, the Presbyterian Church has nine off-street spaces on their property, plus approximately 16 off-street spaces on the adjacent former County Justice Center property while it is not in use. Concerns have previously been expressed that churches occupying commercial buildings are not the most productive use of space in a district where other uses operating for more days during the week and generating tax revenue should be encouraged. The subject building has been vacant for many years so the proposed church would not be subtracting from the number of business locations already in use in the downtown area. Also, a question was raised at the February 19 Council meeting regarding the applicability of the Federal law known as the Religious Land Use and Institutional Persons Act (RLUIPA). A written opinion from the city attorney regarding the law indicates that the Act provides that a city's zoning ordinance cannot treat churches less favorably than other similar non-religious uses, or unreasonably restrict a religious use and, that the council has the authority to approve or deny the use of the property as a place of assembly based on reasonable and clearly articulated concerns about limited on-street parking in the downtown area, but not on the use of the property as a church.

Mayor White requested the following citizens to address the Council:

Ronda Reagan, 412 W. San Antonio Street, spoke on behalf of the Lockhart Downtown Business Association (LDBA) that is comprised 37 members. Many of the businesses are open on Sundays. The LDBA voted to request denial of the specific use permit. The Lockhart Bistro serves brunch on Sundays and opens at 11:00 a.m., with employees arriving at 8:00 a.m. Lockhart Bistro will utilize at least 30 parking spaces. She reminded the Council that the Presbyterian Church spoke at the previous meeting opposing the specific use permit because of the lack of parking if services are at the same time for both churches. The LDBA is opposed to SUP-19-03 for a church because of inadequate parking. Mayor White requested additional citizens in favor of the appeal to address the Council. There were none.

Mayor White requested citizens against the appeal to address the Council.

Tom Guyton, 507 Shelley's Cove, member of Promiseland Church, stated that he agrees that the location is not ideal for a church. Currently, the church uses a facility at a school that requires them to setup and tear down each Sunday. Because of that, they searched for a temporary facility for the church that they could use until they find a permanent facility in an appropriate location for a church that would be safe and with adequate parking. He also mentioned that the church has not negotiated rent with the landlord because the specific use permit has not been approved.

Mike Hollifield, Pastor of Promiseland Church/applicant, requested denial of the appeal of the specific use permit. He also stated that the proposed location was a temporary facility for the church until they find a permanent location.

Councilmember Mendoza asked if the church was still offering two services. Mr. Hollifield replied that they were considering services at 9:00 a.m. and 11:00 a.m.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:31 p.m.

Councilmember McGregor stated that she believes that the parking was an issue for the area.

Councilmember Mendoza stated that he drove around the area this past Sunday and that there seemed to be plenty of parking for church services and the downtown businesses.

Councilmember Castillo spoke in favor of denying the appeal and to allow the specific use permit for the church.

Mayor Pro-Tem Sanchez spoke in favor of denying the appeal and to allow the specific use permit. She stated that regardless of whether a church or another business is in that building, she believed that parking would always be an issue.

Mayor Pro-Tem Sanchez made a motion to deny the appeal of SUP-19-03. Councilmember Castillo seconded. The motion passed by a vote of 4-3, with Mayor White, and Councilmembers Westmoreland and McGregor opposing.

ITEM 5. CONSENT AGENDA

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A, 5B, and 5C. Councilmember McGregor 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 meeting of February 19, 2019.

5B: Approve contract with the Lower Colorado River Authority (LCRA) for substation inspection, maintenance and testing.

5C: Approve Resolution 2019-07 in opposition to a revenue cap and Legislative interference with local services.

ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING REQUEST FROM THE CLASS OF '89 TO ADD THE NAME OF THE LATE MARK A. MARTINEZ TO A FIELD AT THE LOCKHART YOUTH SPORTS COMPLEX, WHICH INCLUDES THE INSTALLATION OF A NEW SCOREBOARD.

Mayor Pro-Tem Sanchez made a motion to honor the request of the Class of '89 to add the name of the late Mark A. Martinez to the Citizens Field at the Lockhart Youth Sports Complex, and this would also include the installation of a new scoreboard. Councilmember Castillo seconded. There was brief discussion. The motion passed by a vote of 5-2, with Mayor White and Councilmember McGregor opposing.

ITEM 6-B. DISCUSS POSSIBLE FORMATION OF A NEW AD-HOC COMMITTEE TO COMPLETE THE BRANDING AND WAYFINDING PLAN, AND CONSIDER FUTURE APPOINTMENT OF MEMBERS TO THE COMMITTEE.

Mayor White made a motion to appoint Roy Watson, Ronda Reagan, Sally Daniel, Rob Ortiz and Bobby Herzog to the ad-hoc committee. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING THE PROCESS TO SELECT A NEW CITY ATTORNEY.

Mayor White stated that Steve Lewis, Mayor Pro-Tem Sanchez, a local licensed attorney, and he will serve on a committee to review Requests for Qualification/resumes/applications. An official Request for Qualifications (RFQ) will be presented to the Council for approval during the next meeting to begin advertising the position for approximately 30 days.

Councilmember Michelson made a motion to approve the process. 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 and commissions. There were none.

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

- Staff (Chief Randy Jenkins and Sean Kelley) attended the Kick-Off Workshop for FEMA-mandated **Hazard Mitigation Action Plan** for the Caldwell County planning area. The goal of the Plan is to minimize or eliminate the long-term risk to human life and property from known natural hazards by identifying and implementing cost-effective mitigation actions in the planning area. The next planning meetings will be held on April 25th and July 24th at 3:00pm at the Caldwell County Justice Center.

- Texas Warrant Round Up across the State of Texas on February 25 – March 16. Police officers throughout the State will be actively serving Class C warrants.
- Events:
 - Household Hazardous Waste Collection event was held on Saturday, March 2 at City Park from 9am until 12(noon). City staff was also available at the Recycling Center from 8am-1pm to assist with items brought to the event that can be recycled.
 - KidFish and Welcome Spring Day at City Park will be held on March 16 from 9am until 12(noon). Tolbert Chili Cookoff is also scheduled at City Park that weekend, March 15-16.
 - Dr. Eugene Clark Library will host fun Spring Break events for children on March 18 – 20.
 - Cemetery Cleanup at the Lockhart Cemetery will be on March 25 thru March 29.
 - 2019 Residential Citywide Cleanup Program scheduled for April 3, 10, 17 and 24, depending on customer location.
 - Kiwanis 5K Stampede or 1K Fun Run will be held on Saturday, April 13.
- Next Routine Emergency Warning System Siren Test will be on April 15 at 1p.m.
- Finance and Utilities will soon be submitting an ordinance amendment concerning utility customers opting out of FlexNet meters back to Analog with a \$25 charge for manual reads.
- MuniServices will be conducting a teleconference with Finance on February 28th to begin proceedings for Hotel Occupancy Tax Collection Audit and Discovery Services.
- Fiscal Year 2017-2018 Annual Financial Audit Report presentation scheduled for March 19th Council Meeting.
- Recommendation from the Downtown Revitalization Committee to replace the holiday roofline lighting around the downtown square.
- Police Chief Forum was held on February 21. The forum provided citizens with information about Stats, Racial Profiling Report and a presentation from Officer Castilleja regarding the warrant office and Municipal Court. In addition, Tina Ramsey, Victim Service Coordinator, was recognized for her valuable contributions to the Caldwell County Tree of Angels in 2018 by the State of Texas People Against Violent Crime. The next Police Chief forum will be on April 18.
- The Electric Reliability Council of Texas (ERCOT) is forecasting a high probability of energy capacity shortages this summer. LCRA, following the lead of the PUC, is requesting heightened awareness and preparedness.

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

Councilmember Westmoreland expressed condolences to the family of Austin Pittman for their loss. First Friday was a great success.

Councilmember Mendoza expressed condolences to all that have lost a loved one. He thanked the Lockhart Little League and for all that participate in tonight's meeting.

Mayor Pro-Tem Sanchez expressed condolences to the family of Austin Pittman for their loss. She congratulated the Hispanic Chamber for the successful annual banquet and the First Baptist Church for celebrating Black History Month. They honored Mrs. Myrtle Moore, who is 99 years old. She thanked the Caldwell County Livestock Auction for a successful event. She encouraged parents to discuss the seriousness of terroristic threats. She congratulated Benny Boyd for a successful business meet and greet event.

Councilmember McGregor congratulated Commerce Gallery for a successful opening night. She thanked citizens for participating in tonight's meeting.

Councilmember Castillo expressed condolences to the Pittman family for their loss. He thanked staff for the successful Household Hazardous Waste Collection event on Saturday. He also thanked Mr. Lewis for keeping the Council informed and staff for their work.

Councilmember Michelson congratulated the Hispanic Chamber for a successful banquet and First Friday for a successful event. He expressed condolences to the family of Mr. Pittman for their loss.

Mayor White expressed condolences to the family of Austin Pittman for their loss. He congratulated the Hispanic Chamber for a successful banquet. KidFish and Welcome Spring Day will be held on Saturday, March 16 at City Park at 9 am. He thanked all that attended the successful First Friday event and encouraged citizens to continue to attend. Sip-n-Stroll is next month. He thanked the Council for making tough decisions tonight, and he discouraged negativity amongst the Council. He encouraged positive discussions in the future.

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 9:08 p.m.

PASSED and APPROVED this the 19th day of March 2019.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

