

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**MAY 19, 2020**

**6:30 P.M.**

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3<sup>rd</sup> FLOOR,  
LOCKHART, TEXAS**

**Council present:**

Mayor Pro-Tem Angie Gonzales-Sanchez  
Councilmember Juan Mendoza  
Councilmember Jeffry Michelson

Mayor Lew White  
Councilmember Derrick David Bryant  
Councilmember Kara McGregor  
Councilmember Brad Westmoreland

**Staff present:**

Steven Lewis, City Manager  
Monte Akers, City Attorney  
Dan Gibson, City Planner  
Julie Bowermon, HR/Civil Service Director

Connie Constancio, City Secretary  
Miles Smith, Public Information Officer  
Sean Kelley, Public Works Director

**Citizens/Visitors Addressing the Council:** Hector Rangel, Caldwell County Emergency Management Coordinator.

**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 requested Hector Rangel, Caldwell County Emergency Management Coordinator, to give an update regarding COVID-19 in Caldwell County.

Hector Rangel provided an update. He stated that there are currently 36 confirmed COVID-19 cases in Caldwell County. He encouraged everyone to stay safe, healthy and to practice social distancing that included staying home as much as possible.

**A. DISCUSS ORDINANCE 2020-13 AMENDING CHAPTER 28 “HISTORIC DISTRICTS AND LANDMARKS” OF THE CODE OF ORDINANCES, SECTION 28-3 “HISTORICAL PRESERVATION COMMISSION”, SECTION 28-11 “CERTIFICATE OF ALTERATION FOR HISTORIC LANDMARKS OR HISTORIC DISTRICTS”, AND SECTION 28-26 “BIENNIAL REVIEW PROCESS”.**

Mr. Gibson stated that following the Historical Preservation Commission’s recommendation in their biennial report to the Council on March 17, 2020 suggesting an amendment providing for removal of members with excessive absences, the Commission considered other possible amendments to the Historic Districts and Landmarks ordinance. At their May 13<sup>th</sup> meeting, the Commission voted to recommend approval of the provisions as worded in the proposed ordinance. A new subsection (g) is added to Section 28-3 addressing removal of members with excessive absences, with subsequent subsections relabeled. Section 28-11(c) is amended to delete the requirement that a pre-approved Certificate for Alteration be placed on the agenda of the Commission for discussion after administrative approval by staff, which defeats the purpose of the pre-approval process. Section 28-11(d) is amended to add to the list of signs that are exempt from the requirement for a Certificate for Alteration to be consistent with the sign ordinance. The provisions for the biennial review process are deleted in their entirety in Section 28-26, and are replaced with a simple statement regarding the process for amending Chapter 28. The title of the section is changed from “Biennial Review Process” to “Amendment”. Mr. Gibson stated that the Historical Preservation Commission and staff recommend approval. There was discussion.

**B. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF APRIL 21, 2020 AND MAY 5, 2020.**

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

**C. DISCUSS THE CITY OF LOCKHART'S MAYORAL DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.**

Mayor White stated that the City of Lockhart's Declaration of Local State of Disaster would remain in effect until superceded and that the City of Lockhart would continue to follow the Governor's Executive Orders as adopted.

Mr. Lewis reported the schedule to "open Lockhart" as follows:

- CITY HALL - Open to the public on May 26. Citizens will be encouraged to continue making payments on-line or through the utility dropbox and to schedule appointments when visiting the Development Services.
- LIBRARY – Continue curbside pickup on Monday thru Friday. Computer stations available by reservation.
  - On June 1, begin offering "Grab & Go" services Monday thru Saturday. Patrons are able to enter the Library for 30 minutes to select material and leave. Limit one person per household.
  - Staff continues health safety measures and social distancing.
  - Children's play area, study tables, study room, and meeting rooms remain closed.
- PARKS – Public restrooms and water fountains will remain closed.
  - Disc golf will be open.
  - May 22, pavilions will be open; no reservations to discourage large gatherings.
  - May 22 skatepark opens.
  - May 22 playscapes open.
  - Consideration of opening City Pool is still under consideration.
  - Splash pad remains closed under current state guidelines.
- MOVIES IN THE PARK – June movie is canceled. Anticipate showing July and August movies, should current state guidelines continue.
- FIREWORKS (July 3) – Decision pending; staff coordinating with the Lockhart Chamber.
- YOUTH SPORTS – Governor's order allows for practicing to begin but games cannot be held until June 15. Lockhart Little League will make a decision about their sport schedule.
- MUNICIPAL COURT – The Court will remain closed until they receive approval from the State to open.

Citizens will be reminded about social distancing at each of the open facilities and staff will continue to disinfect hourly.

There was discussion regarding staff exploring the possibility of the Movies in the Park being a "drive-thru" where citizens remain in their vehicle. There was also clarification that the basketball courts will remain closed at City Parks.

RECESS: Mayor White announced that the Council would recess for a break at 7:15 p.m.

**REGULAR MEETING**

**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order at 7:30 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 regarding items not on the agenda.

Sutton Van Gunter, 102 E. Market, requested that the City consider allowing parklets on Market Street in the downtown district to allow space for citizens to order and eat outside to assist with social distancing. He proposed that the parklet be allowed on a temporary basis.

Mayor White read a citizen comment from John and Rita Flores requesting that the drainage at the corner of FM 20, South Medina and Merritt Street be repaired. The Flores' reported that rain causes flooding in the area and that they believe it is a health and safety hazard.

Mayor White requested additional citizens to address the Council. There were none.

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-20-07 BY MANUEL AND ROSEMARY OLIVA FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON LOTS 1 AND 2, ISLAS II SUBDIVISION, CONSISTING OF 3.024 ACRES LOCATED AT 1518 AND 1600 NORTH PECOS STREET.**

Mayor White opened the public hearing at 7:48 p.m.

Mr. Gibson stated that he handed out pictures printed by the applicant and three letters of support that were received after the Council packet was distributed. He stated that the applicants desire to resubdivide the existing two platted lots into five lots for the purpose of constructing five single-family dwellings. The only residential development type allowed in the RLD district is the SF-1 development type, which requires a minimum lot width of 65 feet. With a total property width over 298 feet, it is currently possible to replat four lots that are at least 65 feet wide, but they are proposing to rezone the property to RMD, which allows lot widths as narrow as 50 feet. The proposed RMD zoning is not consistent with the Low Density Residential land use designation of the future land use plan map, although the actual proposed development of five single-family dwellings would actually be only 1.65 units per acre, which is at the lower end of the low density range. Although the applicants' stated intent is to construct five single-family homes, the proposed RMD zoning does allow duplexes on lots at least 65 feet wide, which would be possible if the subject property were to be replatted into only four lots instead of five lots. The potential impacts of higher density would include increasing impervious cover on property that is currently heavily forested and slopes toward other lots and homes, and an increase in the amount of traffic generated by the development, depending on the total number of new dwelling units. In terms of land use, single-family dwellings would be compatible, but should the RMD zoning be approved and the applicants decide to construct one or more duplexes, then the duplexes would not be compatible since there are no other duplexes in the area. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval of the zoning change.

Mayor White requested the applicants to address the Council.

Manuel and Rosemary Oliva, 202 W. Cedar Street, provided details about their plan to develop the property. He stated that he plans to build five single-family homes with one being for his daughter. The homes will be on smaller lots and the square footage of the homes will be similar to the ones in the current neighborhood. They hope that the homes can be a first-time home for new families. Mr. Oliva stated that they will not build a duplex because they do not want rental property.

There was discussion regarding the drainage issues that might affect the abutting property owners.

Mayor White reminded the Council that the issue that the Council is considering is the zoning change; not the drainage problems. He also reminded the Council that if the zoning change were approved, the property owner would be required to submit sealed engineered drainage plans to Development Services before proceeding with the project.

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.

Kevin Smith, 1525 N. Colorado Street, spoke in opposition to the zoning change because of the drainage problems that he believes will be worse in the neighborhood. He suggested that the Council consider tabling the item until the property owner has obtained an engineer's approval for a retention pond for adequate drainage of the existing water springs. There was discussion.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:58 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2020-12 TO RECLASSIFY THE PROPERTY KNOWN AS LOTS 1 AND 2, ISLAS II SUBDIVISION, CONSISTING OF 3.024 ACRES LOCATED AT 1518 AND 1600 NORTH PECOS STREET, FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.**

Councilmember McGregor expressed concern about the drainage issues that could be worse with new homes on the property. There was discussion.

Councilmember McGregor made a motion to deny Ordinance 2020-12 / ZC-20-07. Councilmember Michelson seconded. The motion failed by a vote of 3-4, with Councilmembers Westmoreland, Mendoza, Bryant and Mayor Pro-Tem Sanchez opposing.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2020-12, as presented. Councilmember Bryant seconded. The motion passed by a vote of 4-3, with Mayor White and Councilmembers McGregor and Michelson opposing.

**ITEM 4-C. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2020-13 AMENDING CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS" OF THE CODE OF ORDINANCES, SECTION 28-3 "HISTORICAL PRESERVATION COMMISSION", SECTION 28-11 "CERTIFICATE OF ALTERATION FOR HISTORIC LANDMARKS OR HISTORIC DISTRICTS", AND SECTION 28-26 "BIENNIAL REVIEW PROCESS".**

Mayor White opened the public hearing at 9:07 p.m.

Mr. Gibson stated that the presentation was made during the work session. He offered to answer questions or to briefly explain the proposed amendments.

Mayor White requested citizens in favor of or against the ordinance amendments to address the Council. There were none. He closed the public hearing at 9:08 p.m.

Councilmember Michelson made a motion to approve Ordinance 2020-13, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER MINUTES OF THE CITY COUNCIL MEETING OF APRIL 21, 2020 AND MAY 5, 2020.**

Councilmember Michelson made a motion to approve the minutes. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING THE CITY OF LOCKHART'S MAYORAL DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.**

Mayor announced that there was no action to be taken.

**ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.**

Mayor White requested appointments to boards and commissions. There were none.

**ITEM 6. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.**

- Firefighter exam - Saturday, May 16, 2020.
- City-wide clean up rescheduled to a one-day pickup for the entire city on Saturday, July 18<sup>th</sup>.
- Update on City's contracted electric utility tree trimming service.
- Northern Caldwell County Coalition (NCCC) virtual meeting will be held on June 3, 2020 at 2:00 p.m.
- Staff and contractors finished the rain garden at the City Park as part of TCEQ Riparian grant.
- First sidewalk portions of the Town Branch Trail Phase I have been poured and contractors are on schedule to complete the project by the end of July.
- Public Works began constructing the security fence around the community garden.

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

Councilmember Westmoreland thanked everyone for being patient during the pandemic.

Mayor Pro-Tem Sanchez expressed condolences to the families of Gilbert Valdez, Jr. and Eugene Bagwell for their loss. She wished Mr. Wilbert Branch a Happy 96<sup>th</sup> Birthday.

Councilmember McGregor thanked everyone for being patient during the pandemic and encouraged everyone to stay safe and healthy.

Councilmember Bryant thanked the Council for their guidance and the citizens for their support as a new member of the Lockhart City Council. He encouraged everyone to stay safe.

Councilmember Michelson also encouraged everyone to be safe and to continue practicing social distancing.

Mayor White thanked Veterans for their service and he encouraged everyone to stay safe, healthy and to continue practicing social distancing. He thanked the local businesses for their service and citizens for continuing to support them as well. He expressed positive comments about the Lockhart Economic Development Corporation grant and loan process.

**ITEM 8. 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 9:15 p.m.

PASSED and APPROVED this the 2<sup>nd</sup> day of June 2020.

**CITY OF LOCKHART**

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

ATTEST:

  
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Connie Constancio, TRMC  
City Secretary

