

**REGULAR MEETING
LOCKHART CITY COUNCIL**

JULY 6, 2021

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 Kara McGregor
Councilmember Brad Westmoreland

Mayor Lew White
Councilmember Derrick David Bryant
Councilmember Jeffry Michelson

Council absent:

Councilmember Juan Mendoza

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Mike Kamerlander, Economic Development Dir.
Sean Kelley, Public Works Director
Monte Akers, City Attorney (via Zoom)

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Pam Larison, Finance Director
Dan Gibson, City Planner
Shane Mondin, Building Official

Citizens/Visitors Addressing the Council: Alexandra Worthington, Richard Anzaldua, Alias Armando, Doug Alfier, Skylar Reeves, Josh Hazard, Jason Balsler, Matthew Culver, Nick Hudgins, David Raschke, Mary Raschke, Natalie Douga, Scotty Lewis, Linda Landin, and Anna Keiler.

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. He stated that Councilmember Mendoza will either be late or not attend due to a family emergency.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF JUNE 1, 2021, JUNE 7, 2021, JUNE 8, 2021 AND JUNE 15, 2021.

Mayor White requested corrections. There were none.

B. DISCUSS EXTENSION OF THE PROPERTY LICENSE AGREEMENT FOR THE PARKLET ADJACENT TO 101 E. SAN ANTONIO STREET.

Mr. Mondin stated that on March 11, 2021, a Property License Agreement was approved for 1898, LLC dba Little Trouble to construct a parklet adjacent to 101 E. San Antonio Street. The initial term of the Agreement was three and one-half months, which expired June 25, 2021. The Agreement may be extended upon the mutual consent of the parties. Ms. Worthington is requesting an extension of the Agreement for three months. Another business owner has requested information to constructing another parklet on the same block.

There was discussion regarding the amount of time that a parklet can remain available to the public. Mr. Lewis clarified that the City of Lockhart parklet program provides that the City Council can make the determination about how long a parklet can remain open.

Alexandra Worthington of 101 E. San Antonio Street, provided information about the parklet and provided details about how the parklet encourages tourism and shopping in downtown Lockhart. She has had many positive comments about the parklet, and she requested a three month extension.

There was discussion.

Mayor White read a letter of support from Alana Webre about extending the parklet permit at 101 E. San Antonio Street.

C. DISCUSS RESOLUTION 2021-09 FOR AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT FOR A BIG GRANT FAÇADE IMPROVEMENT WITH SOUNDWAVES ART FOUNDATION LOCATED AT 115 N. MAIN STREET.

Mr. Kamerlander stated that the Resolution and Performance Agreement offering a BIG Grant to Soundwaves Art Foundation. Soundwaves is relocating its headquarters from Austin to Lockhart. Soundwaves is an art studio that partners with musicians to create and auction art for the musician's choice of charity. They have partnered with some of the biggest names in the music industry to great success. Soundwaves has purchased the building at 115 N. Main Street and have begun renovation of the inside and expect to do extensive work on the façade. The owner has met with Lockhart Economic Development Corporation (LEDC) and submitted their BIG grant application which provides a 50 percent rebate for the façade improvements up to \$20,000. The project requires approval by the Historical Commission and must be permitted by the City. The BIG grant program rebates 50 percent of actual expenditures that have proof of payment once the project is done and cannot go beyond \$20,000 per project. The improvements are currently going through the permitting process and will begin once permitted. The Economic Development Performance Agreement outlines the work to be done on the building and the rebate the owners would be entitled to should the work be completed as stated and paid as required. The expected 50 percent rebate is \$12,500 on the \$25,000 worth of work on the façade. Mr. Kamerlander recommended approval. There was discussion.

D. DISCUSS RESOLUTION 2021-10 FOR AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT FOR A BIG GRANT FAÇADE IMPROVEMENT WITH 2120 ENTERPRISE, LLC LOCATED AT 107 E. SAN ANTONIO STREET.

Mr. Kamerlander stated that 2120 Enterprise LLC is the owner of 107 E. San Antonio Street where Rollfast Ranchwear is located. 2120 purchased the building and have almost completed renovation of the inside and have begun work on the façade recently. The owner has met with LEDC and submitted their BIG grant application which provides a 50 percent rebate for the façade improvements up to \$20,000. The project requires approval by the Historical Commission and must be permitted by the city. The BIG grant program rebates 50 percent of actual expenditures that have proof of payment once the project is done and cannot go beyond \$20,000 per project. The improvements are currently going through the permitting process and will begin once permitted. The agreement outlines the work to be done on the building and the rebate the owners would be entitled to should the work be completed as stated and paid as required. The expected 50 percent rebate is \$7,500 on the \$15,000 worth of work on the façade. Mr. Kamerlander recommended approval. There was discussion.

E. DISCUSS AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN CALDWELL COUNTY AND THE CITY OF LOCKHART FOR PERFORMANCE OF GOVERNMENTAL FUNCTIONS AND SERVICES IN REGARD TO THE LOCKHART FARMERS MARKET TO AMEND HOURS OF OPERATION.

Mr. Lewis stated that in March 2021, Caldwell County and the City of Lockhart entered into an Interlocal Cooperation Agreement regarding the Lockhart Farmers Market being on the square on weekends. Mayor White indicates that he has been approached by a representative of the Farmers Market to amend the hours to be on the square from 8:00 a.m. until 2:00 p.m., with a setup to begin at 7:30 a.m. and all vendors to be gone by 2:30 p.m.

Mayor White stated that several vendors at the Farmers Market have approached him requesting that they be allowed to remain on the square longer than allowed in the agreement. After discussing the longer hours with the Downtown Business Association, they agreed. There was discussion.

F. DISCUSS ORDINANCE 2021-19 ADDING A NEW ARTICLE IV, TITLED "USE OF PUBLIC AREAS", TO CHAPTER 18, "ENVIRONMENT" OF THE CITY OF LOCKHART CODE OF ORDINANCES TO PROHIBIT CAMPING, BATHING, AND URINATING AND DEFECATING IN PUBLIC AREAS, AND PROVIDING FOR PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE.

Mr. Lewis stated that on June 15, 2021, the Council received a presentation by the City Attorney relative to the City's authority to address issues related to homelessness. Following a discussion, the Council directed the City Attorney to draft an ordinance which clarifies and consolidates existing regulations which are applicable and effective in reducing or preventing the effects of homelessness. There was discussion.

G. DISCUSS HOTEL OCCUPANCY TAX (HOT) APPLICATION FOR HILL COUNTRY COOK-OFF ASSOCIATION.

Ms. Larison stated that on April 20, 2021, Mayor White received a request from Richard Anzaldua for HOT funding for the Hill Country Cook-off (HCCO) that will be held on October 15-16, 2021 in Lockhart. On June 10, 2021, the HOT Advisory Board held a special meeting to review the application for funding by the Hill Country Cook-off Association. The request was for \$4,000 to be used for advertising, solicitations, promotional programs to attract tourists and convention delegates or registrants to the municipality of its vicinity. The Board voted 4-1 to recommend approval of funding with the conditions of one-half funding prior to the event and one-half funding after the receipt of the post event form and with adequate receipts. The HOT Advisory Board recommended approval of \$4,000, one-half upon approval of Council prior to event and one-half after the receipt of the post event form and adequate receipts. There was discussion.

Mayor White requested Richard Anzaldua to address the Council.

Richard Anzaldua and Alias Armando, San Marcos, Texas, of HCCO provided information about HCCO in that they host events throughout the year to raise funds to donate to facilities that care for children with cancer, such as Make a Wish Foundation or the Ronald McDonald House. HCCO has hosted a barbecue cook-off for 16 years in Lockhart, except in 2019 and 2020 due to the pandemic. He stated that when the HCCO cook-off is hosted in Lockhart, all hotels are booked and participants range from Texas, surrounding states and, also throughout the world, such as Japan and Australia. He requested approval of HOT funding and requested that the City of Lockhart co-sponsor the event. There was discussion.

H. DISCUSS FINANCIAL ASSISTANCE TO COURTHOUSE NIGHTS MUSIC EVENTS.

Mayor White stated that the music events are scheduled up until October 2021. He requested the Council's input about possibly providing financial assistance. Funds can be used from the special revenue account such as Sip-n-Stroll. There was discussion.

I. DISCUSSION TO ADDRESS MATTERS RELATED TO COVID-19, IF NECESSARY.

Mayor White announced that vaccinations are no longer offered at the Adams Gym.

RECESS: Mayor White announced that the Council would recess for a break at 7:30 p.m.

REGULAR MEETING**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order at 7:45 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

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

ITEM 3. PUBLIC COMMENT.

Doug Alfier, Lockhart, stated that the Lockhart Police Department indicates that his property does not qualify for a wrecker storage facility because the property is outside the city limits. He requested assistance with being considered as a vehicle storage facility for the Lockhart Police Department since the property is inside the Lockhart extraterritorial jurisdiction. Mayor White requested Mr. Alfier to consult with city staff about the situation.

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

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-21-09 BY SKYLAR REEVES ON BEHALF OF EDWARD P. AND ALMA GONZALEZ PEREZ FOR A ZONING CHANGE FROM CLB COMMERCIAL LIGHT BUSINESS DISTRICT AND CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT ON A TOTAL OF 0.89 ACRE IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, AND LOCATED AT 734 AND 738 SOUTH COMMERCE STREET, AND AT 735 SOUTH COLORADO STREET (US 183).

Mayor White opened the public hearing at 7:49 p.m.

Mr. Gibson stated that the applicant proposes a portable food court where food and nonalcoholic beverages would be served from trucks or trailers, and alcoholic beverages would be served inside an adjacent building that will also be a coffee shop. Restrooms would also be provided in one of the existing buildings. Seating will be mostly outside, with canopies providing some shelter from sun and rain. The applicant's intent is for enough food and nonalcoholic beverages to be served that it will be more than 50 percent of the total food beverage sales of the proposed development. However, because the alcohol sales will be independent of the food facilities, there is some risk that the alcoholic beverage sales could exceed 50 percent of the total, in which case the land use, in its entirety, would be classified as a bar. Bars are allowed only in the CHB district and, in addition, require approval of a Specific Use Permit, which would be considered by the Planning and Zoning Commission in a future public hearing. The proposed CHB zoning classification could be considered consistent with the corresponding Land Use Plan map

designation of General-Heavy Commercial. However, because there are existing single-family homes adjacent to the north and west, some uses allowed by the requested CHB zoning would be more incompatible than if the property were to be zoned entirely CMB. Because CMB is a more restrictive classification than CHB, the City Council has the option of changing the proposed zoning from CHB to CMB without starting the public hearing process over again. Mr. Gibson stated that the Planning and Zoning Commission recommend approval of CHB zoning and staff recommends approval of the CMB zoning classification instead of CHB. There was discussion.

Mayor White requested the applicant to address the Council.

Skylar Reeves and Josh Hazard, Dale, provided details about their plans to develop a social gathering area that would combine the properties to offer family oriented outdoor activities. They requested approval of the zoning change. There was discussion.

Mayor White requested citizens to address the Council regarding the zoning change. There were none. He closed the public hearing at 8:20 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-17 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS A TOTAL OF 0.89 ACRE IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, LOCATED AT 734 AND 738 SOUTH COMMERCE STREET, AND AT 735 SOUTH COLORADO STREET (US 183), FROM CLB COMMERCIAL LIGHT BUSINESS DISTRICT AND CMB COMMERCIAL MEDIUM BUSINESS DISTRICT, TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT.

Councilmember Bryant made a motion to approve Ordinance 2021-17, as presented. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

ITEM 4-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-21-08 BY BALSER CUSTOM HOMES ON BEHALF OF ALAN BALSER FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT AND RLD RESIDENTIAL LOW DENSITY DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT ON 18.58 ACRES IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, AND LOCATED AT 1107 SILENT VALLEY ROAD (FM 2001), INCLUDING BY REFERENCE ADOPTION OF A PDD DEVELOPMENT PLAN FOR LOCKHART VILLAGE ADDITION PLANNED DEVELOPMENT.

Mayor White opened the public hearing at 8:23 p.m.

Mr. Gibson stated that unlike conventional zoning classifications, which cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan. The zoning change and PDD development plan must be considered concurrently since the zoning is conditional upon the project being developed as depicted on the plan. The owner is proposing a subdivision consisting of 60 new duplex lots plus one lot for an existing single-family dwelling, a park, and several open-space lots. The reason for the PDD classification instead of a conventional zoning classification such as RMD is that most of the lots do not meet the minimum lot depth and area standard of the DF-1 or DF-2 development types. However, as a trade-off for the deviation in the lot size, the applicant is proposing to far exceed the minimum standards for sidewalks and parkland (including park improvements), and to include several mid-block walkways. The existing private, substandard Meadow Lake Drive will be reconstructed as a public street, and an extension of Stueve Lane will also be constructed to provide access from Silent Valley Road to the new internal streets of the subdivision. The Land Use Plan map designates the location of

this development to per acre, so it's close to being consistent with the Low Density Residential designation of the Land Use Plan map. In addition, the extension of Stueve Lane as a collector street is consistent with the Thoroughfare Plan map of the comprehensive plan. A protest petition was received, and 21 percent of the land area within 200 feet of the subject property is owned by those protesting, so a super-majority affirmative votes is required for approval. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Jason Balser, applicant, provided details about the proposed development that would include single-family and multi-family rental housing in Lockhart. There was discussion.

Matthew Culver, Tyler, Texas, spoke in favor of the zoning change and additional rental housing in Lockhart. He also provided details about the Balser family's dedication to the Lockhart community.

There was discussion regarding the process of adding conditions to a development project and about the condition of Mr. Balser's rental property that has multiple code violations.

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

Mayor White requested the following citizens to address the Council that were against the zoning change:

Nick Hudgins, 1117 Silent Valley Road, spoke against the zoning change and he expressed disappointment in staff having supportive opinions about the zoning change. He expressed concern about the proposed unforeseen expense of approximately \$15,000 to tap into the new water and sewer lines that will be constructed with the development of which the existing homeowners will be required to tap into in order to continue to have water and sewer service.

David Raschke, 1100 Silent Valley Road, spoke against the zoning change because of objection to uses allowed by a PDD Planned Development District, and due to additional flooding at the existing homes with the new development.

Mary Raschke, 1100 Silent Valley Road, spoke against the zoning change. She stated that she does not trust individuals from a large city coming to build in Lockhart. She spoke against rental duplexes being built on Silent Valley Road and encouraged single-family homes.

Natalie Douga and Scotty Lewis, 1111 Silent Valley Road, spoke against the zoning change due to additional traffic, flooding, issues with an existing roadway easement, additional traffic, and removal of several old oak trees.

Linda Landin, 1113 Silent Valley Road, spoke against the zoning change due to danger with additional traffic and flooding.

Anna Keiler, 1109 Silent Valley Road, spoke against the zoning change due of flooding, drainage issues, additional traffic, and an untrustworthy developer.

Mayor White requested additional citizens to address the Council about the zoning change. There were none. He closed the public hearing at 10:05 p.m.

ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-18 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 18.58 ACRES IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, LOCATED AT 1107 SILENT VALLEY ROAD (FM 2001), FROM AO AGRICULTURAL-OPEN SPACE DISTRICT AND RLD RESIDENTIAL LOW DENSITY DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING BY-REFERENCE ADOPTION OF A PDD DEVELOPMENT PLAN FOR LOCKHART VILLAGE ADDITION PLANNED DEVELOPMENT.

Councilmember McGregor requested clarification about how existing homeowners would tie into the new water main. Mr. Gibson replied that the cost of tapping into the new water mains will be the financial responsibility of the homeowner unless the developer agrees to pay for the taps.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2021-18, as presented. The motion failed for the lack of a second vote.

Councilmember Bryant made a motion to deny the zoning change as outlined in Ordinance 2021-18. Councilmember McGregor seconded. The motion passed by a vote of 5-1, with Mayor Pro-Tem Sanchez opposing.

ITEM 5. CONSENT AGENDA

Mayor White announced that the Council would vote on each consent agenda item separately.

ITEM 5-A. APPROVE MINUTES OF THE CITY COUNCIL MEETINGS OF JUNE 1, 2021, JUNE 7, 2021, JUNE 8, 2021, AND JUNE 15, 2021.

Mayor Pro-Tem Sanchez made a motion to approve the minutes. Councilmember McGregor seconded. The motion passed by a vote of 6-0.

ITEM 5-B. APPROVE EXTENSION OF THE PROPERTY LICENSE AGREEMENT FOR THE PARKLET ADJACENT TO 101 E. SAN ANTONIO STREET.

Councilmember Michelson made a motion to only approve the parklet extension for three months with no additional extensions. Councilmember Westmoreland seconded. The motion passed by a vote of 5-1, with Councilmember Bryant opposing.

ITEM 5-C. APPROVE RESOLUTION 2021-09 FOR AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT FOR A BIG GRANT FACADE IMPROVEMENT WITH SOUNDWAVES ART FOUNDATION LOCATED AT 115 N. MAIN STREET.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2021-09, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 5-D. APPROVE RESOLUTION 2021-10 FOR AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT FOR A BIG GRANT FACADE IMPROVEMENT WITH 2120 ENTERPRISE, LLC LOCATED AT 107 E. SAN ANTONIO STREET.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2021-10, as presented. Councilmember Bryant seconded. The motion passed by a vote of 6-0.

ITEM 5-E. APPROVE AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN CALDWELL COUNTY AND THE CITY OF LOCKHART FOR PERFORMANCE OF GOVERNMENTAL FUNCTIONS AND SERVICES IN REGARD TO THE LOCKHART FARMERS MARKET TO AMEND HOURS OF OPERATION.

Mayor Pro-Tem Sanchez made a motion to approve the amendment to the Interlocal Cooperation Agreement with the amended hours to allow the Lockhart Farmers Market to be gone by 2:30 p.m. Councilmember McGregor seconded. The motion passed by a vote of 6-0.

ITEM 5-F. APPROVE ORDINANCE 2021-19 ADDING A NEW ARTICLE IV, TITLED "USE OF PUBLIC AREAS", TO CHAPTER 18, "ENVIRONMENT" OF THE CITY OF LOCKHART CODE OF ORDINANCES TO PROHIBIT CAMPING, BATHING, AND URINATING AND DEFECATING IN PUBLIC AREAS, AND PROVIDING FOR PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE.

There was brief discussion.

Mayor White stated that the item would be tabled to the July 20, 2021 Council meeting due to technical difficulties with communicating with Mr. Akers virtually.

ITEM 5-G. APPROVE HOTEL OCCUPANCY TAX (HOT) APPLICATION FOR HILL COUNTRY COOK-OFF ASSOCIATION.

Councilmember McGregor made a motion to approve the HOT application for the Hill Country Cook-off Association, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

ITEM 6-A. DISCUSSION TO CONSIDER FINANCIAL ASSISTANCE TO COURTHOUSE NIGHTS MUSIC EVENTS.

CONSENSUS: After discussion, the consensus of the Council was not to provide financial assistance and to continue in-kind contributions.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER ADDRESSING MATTERS RELATED TO COVID-19, IF NECESSARY.

Mayor White announced that there were no changes related to COVID-19.

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

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

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

- Jennifer Huggins, new Receptionist/Secretary at City Hall effective June 29.
- Review of Fiscal Year 2020-2021 3rd Quarter Financials.
- Police Officer Entrance Exam will be held Saturday, July 24, 2021.
- Movie in the Park will be held Saturday, July 10th: Toy Story 4.
- A Risk and Resilience Assessment for the water system, as required by the EPA, has been completed.

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

Mayor Pro-Tem Sanchez thanked the Lockhart Chamber of Commerce and City staff for the successful fireworks show. She also thanked all of the Library staff for the successful reptile event last week.

Councilmember McGregor thanked City staff for the successful fireworks show and for their work on the dog park at City Park. She thanked all for a successful First Friday event.

Councilmember Bryant thanked City staff for their hard work. He wished the Clark Library a Happy 121st Birthday.

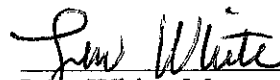
Mayor White thanked all involved in the successful fireworks show. He thanked staff for their work on the zoning requests.

ITEM 9. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 10:43 p.m.

PASSED and APPROVED this the 3rd day of August 2021.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

