

**REGULAR MEETING
LOCKHART CITY COUNCIL**

AUGUST 2, 2022

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 Derrick David Bryant
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
Victoria Maranan, Public Information Officer
Mike Kamerlander, Economic Development Dir.
David Fowler, Senior Planner

Monte Akers, City Attorney
Pam Larison, Finance Director
Dan Gibson, City Planner
Sean Kelley, Public Works Director

Citizens/Visitors Addressing the Council: Citizens: Cassey Wilcox, Ronda Reagan, Sally Daniel, James Lee, Erin Martinez, and Chandresh Gohel.

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. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.087 TO DELIBERATE OR FOR DISCUSSION REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT. DISCUSSION REGARDING PROJECT SUMMERTIME.

Mayor White announced that the Council would enter Executive Session at 6:32 p.m.

Mayor White announced that the Council would reconvene the meeting at 6:43 p.m. There was no action.

B. DISCUSS CITY COUNCIL MINUTES OF THE JUNE 21, 2022 AND JULY 19, 2022 COUNCIL MEETINGS.

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

C. RECEIVE 3RD QUARTER FISCAL YEAR 2022 INVESTMENT REPORT.

Ms. Larison stated that the Texas Public Funds Investment Act requires local governments to review and accept the quarterly investment reports for each quarterly reporting period of the fiscal year. She provided details about the 3rd Quarter Investment Report of Fiscal Year 2022, ending June 30, 2022. There was discussion.

D. PRESENTATION OF THE CITY OF LOCKHART'S FY 2022-2023 PROPOSED BUDGET AND CONSIDER THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2022-2023, AND SET TWO PUBLIC HEARINGS ON THE FISCAL YEAR 2022-2023 CITY OF LOCKHART PROPOSED BUDGET.

Ms. Larison stated that according to the City of Lockhart Charter, Article 9, Section 9.07, Public Hearing on Budget, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained. According to the Lockhart Economic Development Corporation's bylaws, Article 5, Section 3, Annual Corporate Budget, the President shall submit the budget to the City Council for approval prior to submittal to the Board for final adoption. The City of Lockhart is required by Charter to hold one public hearing on the budget. Staff recommended conducting two public hearings to allow the citizens of Lockhart the opportunity to discuss any item or amount presented in the proposed Fiscal Year 2022-2023 Budget. The dates proposed to conduct the public hearings are August 16, 2022 at 7:30 p.m. and September 6, 2022 at 7:30 p.m. at the Council Chambers located at the Clark Library Annex - 217 South Main Street, 3rd Floor, Lockhart, Texas. The City of Lockhart and the Lockhart Economic Development budget for Fiscal Year 2022-2023 can be located on the City's website and hard copies are located in City Hall and the City Library. Ms. Larison provided information regarding the City of Lockhart's proposed Fiscal Year 2022-2023 budget and the Lockhart Economic Development Corporation's Fiscal Year 2022-2023 budget. There was discussion.

E. DISCUSSION REGARDING ORDINANCE 2022-34 ADOPTING A CODE OF ETHICS AND ANTI-DISCRIMINATION POLICY FOR CITY COUNCIL MEMBERS AND CITY BOARD/COMMISSION MEMBERS.

Mr. Akers stated that the Council has discussed the Ethics ordinance several times. He provided a brief explanation about a few corrections to the proposed ordinance than what was included in the council packet. There was discussion.

F. DISCUSSION REGARDING DOWNTOWN ALCOHOL BEVERAGE REGULATIONS & ENFORCEMENT.

Mayor White suggested that regulations about alcohol consumption in city streets and sidewalks in the downtown area be considered since there are various types of community events or festivals being held in the downtown area.

Mr. Akers stated that, currently, special event hosts in the downtown area where alcohol will be consumed, must obtain approval through a special activity permit from the Lockhart Police Department and obtain a temporary permit through the Texas Alcoholic Beverage Commission (TABC).

There was discussion regarding different outdoor events, such as festivals, community events, or music events that serve alcohol or allow individuals to bring their own alcohol.

Mr. Akers stated that TABC's regulations about on-premise consumption provides that alcohol is served inside the business establishment where it was purchased and is not allowed to be taken outside of the business door or serving area. The city regulates whether alcohol can be consumed on streets and sidewalks such as is currently allowed during downtown events, festivals and music events.

Mayor White requested the following to address the Council:

Casey Wilcox, downtown business owner, stated that it is up to a business with an on-premise TABC license to make sure that the individual does not leave the premises with alcohol. The downtown businesses request clarification about whether a person can consume alcohol that was purchased at a convenience store while walking on the sidewalk in the downtown area.

Ronda Reagan, 412 W. San Antonio, stated that during a Sip-n-Stroll event, the TABC permit process required the city to provide a letter authorizing consumption of alcohol during the event and a detailed outline showing the walking route, on sidewalks, where the alcohol would be consumed. She stated that during events, such as music events, some visitors consume alcohol outside the businesses, such as tail gaiting. Downtown businesses request clarification about the off-premise consumption of alcohol while walking on city streets and sidewalks.

Sally Daniel, 103 E. San Antonio Street, stated that the business owners need clarification about which events require approval of a special activity permit through the Lockhart Police Department. She also requested clarification about whether alcohol is allowed to be consumed on streets and sidewalks while walking in the downtown area.

James Lee, 100 E. Market, requested clarification about whether alcohol is allowed to be consumed while walking in the downtown area anytime or only with the approval of a special activity permit.

Mayor White stated that staff will invite a TABC officer to a future special meeting to discuss options and to consider regulations.

G. DISCUSSION REGARDING THE NOMINATION OF PHYLLIS EGGIMANN TO THE LOCKHART HISTORICAL PRESERVATION COMMISSION BY COUNCILMEMBER BRAD WESTMORELAND WITH A TERM TO EXPIRE IN NOVEMBER 2022.

Mr. Westmoreland stated that Ms. Eggimann withdrew her application for the Lockhart Historical Preservation Commission.

H. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:27 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor White called the special meeting to order at 7:42 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Sanchez gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

Mayor White requested the following to address the Council:

Erin Martinez, Citizen, expressed concern about stray animals in Caldwell County. She stated that stray animals are a nuisance when walking or riding bikes and asked what the city will do about controlling stray animals. Mayor White replied that city staff will respond to her inquiry.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-19 BY CHANDRESH GOHEL ON BEHALF OF SSPC DEVELOPMENT, LLC, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-35, FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT ON 8.827 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 1717 NORTH COLORADO STREET (US 183).

Mayor White opened the public hearing at 7:46 p.m.

Mr. Fowler stated that this item is the rezoning of 8.827 acres located at 1717 North Colorado Street from AO Agricultural and Open Space District to CHB Commercial Heavy Business District. The property is located on the west side of North Colorado Street, south of the Colorado Street/US 183 and SH 130 Interchange. The property is currently the site of a residence and several agricultural accessory structures. The site's vicinity is currently mostly agricultural with several houses to the south along North Colorado Street and North Pecos Street. However, on July 19, 2022, the two properties across North Colorado Street were rezoned to a combination of Residential High Density and Commercial Medium Business. This site has adequate water availability, but is past the current northern terminus of the city's sewer system. Sewer service could be provided to the site as part of the process of extending service to neighboring properties, as addressed in a study prompted by three recent zoning change requests along North Colorado Street. The site is well-suited to the proposed commercial zoning due to its location and long frontage along North Colorado Street. Although the parcel is designated for Low Density Residential in the Future Land Use Plan, single-family residential is unlikely to be built along this high-speed road frontage, and would be more likely to be developed in the area to the west of the subject parcel, further away from US 183. The Planning and Zoning Commission held a public hearing regarding the proposed zoning change at their meeting on July 27, 2022. No nearby residents spoke at the hearing. City staff has not received any letters or calls as a result of the notification of neighboring properties. 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.

Chandresh Gohel, applicant, stated that they would like to develop the property as commercial heavy business to allow for a business such as a hotel.

Mayor White requested citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 7:55 p.m.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-35, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND CONSIDER GRANTING A PETITION BY THOMAS STAUB ON BEHALF OF ROED PROP CO, LLC FOR APPROVAL OF ORDINANCE 2022-36 ANNEXING 89.775 ACRES OUT OF THE J.A. NEILL SURVEY, ABSTRACT NUMBER 20, CALDWELL COUNTY, TEXAS LOCATED ON THE EAST SIDE OF FM 1322 APPROXIMATELY 2,600 FEET SOUTH OF SEAWILLOW ROAD INTO THE CITY LIMITS, APPROVING AN ANNEXATION SERVICE AGREEMENT FOR SAID PROPERTY, AND ASSIGNING THERETO A ZONING CLASSIFICATION OF *AO AGRICULTURAL-OPEN SPACE DISTRICT* AND AMENDING THE ZONING MAP ACCORDINGLY.

Mayor White announced that there was an issue with the publication, therefore the item will be postponed until the first meeting in September.

Councilmember Michelson made a motion to postpone the item to the September 6, 2022 meeting. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

Mayor Pro-Tem Sanchez requested that consent agenda item 5A be pulled to allow the minutes to be approved separately.

Mayor Pro-Tem Sanchez made a motion to approve the June 21, 2022 and consent agenda 5B. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

Councilmember McGregor made a motion to approve the minutes of the July 19, 2022 Council meeting. Councilmember Mendoza seconded. The motion passed by a vote of 6-0-1, with Mayor Pro-Tem Sanchez abstaining.

The following are the consent agenda items that were approved:

5A: Approve City Council minutes of the June 21, 2022 and July 19, 2022 Council meetings.

5B: Accept 3rd Quarter Fiscal Year 2022 Investment Report.

ITEM 6-A. PRESENTATION OF THE CITY OF LOCKHART'S FY 2022-2023 PROPOSED BUDGET AND CONSIDER APPROVAL OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2022-2023, AND SET TWO PUBLIC HEARINGS ON THE FISCAL YEAR 2022-2023 CITY OF LOCKHART PROPOSED BUDGET.

Councilmember McGregor made a motion to approve the Lockhart Economic Development Corporation's Fiscal Year 2022-2023 budget, and to set two public hearings on the City of Lockhart's proposed Fiscal Year 2022-2023 budget on August 16, 2022 and September 6, 2022 at 7:30 p.m. at the Clark Library, Council Chambers, 217 S. Main Street. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-34 ADOPTING A CODE OF ETHICS AND ANTI-DISCRIMINATION POLICY FOR CITY COUNCIL MEMBERS AND CITY BOARD/COMMISSION MEMBERS.

There was discussion.

Councilmember McGregor made a motion to approve Ordinance 2022-34, as revised. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING DOWNTOWN ALCOHOL BEVERAGE REGULATIONS & ENFORCEMENT.

CONSENSUS: After discussion, the consensus of the Council was to hold a special meeting to discuss TABC regulations and city ordinances pertaining to consuming alcohol on streets and sidewalks. A TABC Representative will be invited to attend to clarify regulations.

ITEM 6-D. CONSIDER THE NOMINATION OF PHYLLIS EGGIMANN TO THE LOCKHART HISTORICAL PRESERVATION COMMISSION BY COUNCILMEMBER BRAD WESTMORELAND WITH A TERM TO EXPIRE IN NOVEMBER 2022.

Mayor White announced that Ms. Eggimann withdrew her application.

ITEM 6-E. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

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

- Movies in the Park - *Jungle Cruise* on August 6.
- Public Safety Fair on August 6.
- Sales tax holiday for school supplies: August 5 – 7.
- Update regarding Civil Service examinations for Public Safety positions.
- Water consumption/conservation update.
- Carrizo Groundwater Supply project update.

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

Mr. Mendoza stated that he attended an informative seminar about government last week. He invited everyone to join in a prayer session on Sunday evenings, for the next three weeks, before school begins.

Mayor Pro-Tem Sanchez expressed condolences to the families of Christol Cookey Eckford, Rosa Peralez Perez, Primitivo Moreno, Delfina Balandran, Maria Villalpando, Charles Branch, John Hinnenkamp, Ruben Capello and Lorraine Whittemore for their loss. She thanked the local churches that held vacation bible school for the youth this summer. She congratulated St. Mary's Catholic Church for a successful Jamaica.

Councilmember McGregor invited everyone to First Friday. She encouraged everyone to stay safe.

Mayor White wished students and school staff a successful and safe school year. He stated that city staff is working hard to finish Maple Street repairs before school begins. He thanked the Council for taking care of important city topics.

ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071, PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT OFFER; OR LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE. Consultation with City Attorney regarding Code of Ethics.

The Council did not enter Executive Session.

ITEM 10. OPEN SESSION. DISCUSSION AND/OR ACTION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION.

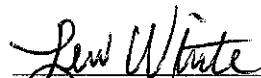
There was no discussion or action.

ITEM 11. 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 8:18 p.m.

PASSED and APPROVED this the 6th day of September, 2022.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

