

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**JUNE 6, 2017**

**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 Jeffrey Michelson

Mayor Lew White  
Councilmember John Castillo  
Councilmember Benny Hilburn  
Councilmember Brad Westmoreland

**Charter Review Members present:**

Ray Sanders, Chair  
Roland Velvin

Alan Fielder, Vice-Chair  
Bill Hernandez

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Jeff Hinson, Finance Director  
Julie Bowermon, Civil Service Director

Connie Constancio, City Secretary  
Dan Gibson, City Planner  
Kevin Waller, Assistant City Planner

**Citizens/Visitors Addressing the Council:** Ray Sanders, Chair of the Charter Review Commission,  
Citizens: Chester Patton, Lydia Serna, James Quezada, Teri Davidson, Lisa Mendoza, Dami Corpus, Chuck  
Keplar, Clemente Medellin, and Erik Corredor.

**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 MAY 16, 2017.**

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

**B. DISCUSS CONFIRMATION OF CIVIL SERVICE COMMISSION (CSC) MEMBER APPOINTMENT OF MR. RAYMOND SANDERS TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF MR. DOUG SHOMETTE, EXPIRING JANUARY 1, 2020 AS RECOMMENDED BY THE CITY MANAGER.**

Mr. Rodgers stated that Doug Shomette, Chairman has served on the commission for the past 10 years, with his most recent appointment expiring January 1, 2020. He has recently relocated closer to family and has resigned from the Civil Service Commission creating a vacancy. According to Civil Service regulations, if a vacancy occurs the City Manager shall appoint a person to serve for the remainder of the unexpired term.

Mr. Sanders has graciously agreed to serve on the commission for the unexpired term. Mr. Sanders has previously served the community as Mayor, Councilmember, on various boards, and as a volunteer. Both the City Manager and Civil Service Director concur that he will be an asset to the Civil Service Commission. Mr. Rodgers recommended approval.

**C. DISCUSS CONFIRMATION, ACCORDING TO CIVIL SERVICE LAW (SECTION 143.013), OF MR. JERRY DOYLE AS THE CITY MANAGER'S APPOINTMENT TO INTERIM FIRE CHIEF FOR THE CITY OF LOCKHART EFFECTIVE JUNE 12, 2017, UNTIL SUCH TIME AS A FIRE CHIEF IS APPOINTED BY THE CITY MANAGER AND CONFIRMED BY THE CITY COUNCIL.**

Mr. Rodgers stated that Fire Chief Joseph Gorman has resigned with an effective date of June 7 instead of June 12. Chief Gorman has served the Lockhart community by leading the Fire Department for approximately 2 1/2 years. The selection process for appointing the replacement Fire Chief is well under way. However, to fill the gap between Chief Gorman's departure and the selection of a Fire Chief, the City Manager asked Mr. Doyle to serve as the Interim Fire Chief subject to Council's confirmation. Mr. Doyle graciously agreed. He previously served the Lockhart community for over 40 years. During his previous work for the City of Lockhart, he held the positions of Firefighter, Engineer, Lieutenant, Fire Marshal, Assistant Chief, and Chief. To satisfy Civil Service law, the City Council is being asked to consider confirming this interim appointment, allowing Mr. Doyle the authorities of a Fire Chief, until such time that a Fire Chief is appointed and confirmed by the Council. The interim position will be a part-time temporary position beginning June 7, 2017. Mr. Rodgers recommended approval. There was discussion.

**D. DISCUSS THE CHARTER REVIEW COMMISSION'S RECOMMENDED AMENDMENTS TO THE CITY CHARTER OF THE CITY OF LOCKHART.**

Ray Sanders, Chair of the Charter Review Commission, stated that the following members of the Charter Review Commission were also present: Alan Fielder, Vice-Chair, Roland Velvin and Bill Hernandez. He stated that the Charter Review Commission (CRC) began meeting in May 2016 to review and consider recommended amendments to the City Charter. The CRC completed their review on May 23, 2017 and voted to propose nine propositions to amend the Charter. If approved, the Propositions amending the Charter will be presented to the voters during the November 7, 2017 election. He provided information and there was discussion regarding the nine proposed propositions.

**E. DISCUSS THE PRELIMINARY BUDGET AND TAX RATE ADOPTION CALENDAR.**

Mr. Hinson stated that the calendar provides the dates of budget workshops and meetings that are scheduled for the Fiscal Year 2017-2018 budget process. There was brief discussion regarding the calendar. There were no conflicts of Mayor or Council.

**F. DISCUSS THE POSSIBILITY OF MOVING THE BAD WEATHER EARLY WARNING SIREN FROM NEAR CLEARFORK AT MOCKINGBIRD TO THE WEST ABOUT 300 FEET AND MAKING ADJUSTMENTS TO THE ANGLES OF OTHER SIRENS TO PROVIDE SUFFICIENT DECIBEL OVERLAPS FOR A NEGOTIATED PRICE OF \$3,200.**

Mr. Rodgers stated that City Council directed the City Manager to pursue the possibility of moving the siren on Clearfork near Mockingbird further west. The City Manager discussed issues of concern regarding moving the siren and negative impacts with company representatives. The siren can be moved but only with adjustments to the existing sirens that now have decibel overlapping with the Clearfork siren. After a negotiation period, the contractor agreed to move the siren and perform all required adjustments to ensure "no dead decibel areas" for a price not to exceed \$3,200. There was discussion.

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 regular meeting of the Lockhart City Council to order on this date at 7:30 p.m.

**ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.**

Invocation – Councilmember Castillo

Pledge of Allegiance to the United States and Texas flags.

**ITEM 3. CITIZENS/VISITORS COMMENTS.**

Mayor White requested the following citizen to address the Council:

Chester Patton, 607 Mockingbird, thanked staff and Council for researching the possibility of moving the emergency warning siren located at Clearfork and Mockingbird away from the direct view of his back yard. He requested approval of the proposed new location.

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

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-07 BY LYDIA SERNA ON BEHALF OF JAMES OUEZADA 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 7:35 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 TABC license to serve alcohol with meals at the restaurant. 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. The proposed CCB classification is consistent with the future land use plan of the city. One letter of opposition was received from one owner representing seven parcels falling wholly or partially within 200 feet and which, collectively, account for 39 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. One additional letter was received today opposing the zoning change. One-hundred and thirteen letters petitioning for approval were submitted, and were provided to the Council separately. At the Planning and Zoning Commission public hearing, five people spoke in favor of the rezoning, and no one spoke against. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

There was discussion.

Mayor White requested the applicant and owner to address the Council:

Lydia Serna, applicant, 251 Wild Buffalo, Kyle, requested that the Council approve the zoning change.

James Quezada, owner, 903 Quail Road, Manchaca, requested approval of the zoning change.

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

Teri Davidson, 499 San Hill, McMahan  
Lisa Mendoza, 928 West Live Oak  
Dami Corpus, 341 Zebra Dr., Kyle  
Chuck Keplar, 424 Plum Street  
Clemente Medellin, 251 Wild Buffalo, Kyle

Mayor White requested citizens against the zoning change to address the Council. There were none.

Mayor White requested additional citizens to address the Council regarding the zoning change. There were none. He closed the public hearing at 8:02 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-11 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.**

There was discussion.

The following Councilmembers spoke against the zoning change:

Councilmember Hilburn  
Mayor Pro-Tem Sanchez  
Mayor White

The following Councilmembers spoke in favor of the zoning change:

Councilmember Castillo  
Councilmember Michelson  
Councilmember Westmoreland  
Councilmember Mendoza

Councilmember Michelson made a motion to approve Ordinance 2017-11, as presented. Councilmember Castillo seconded. The motion failed by a vote of 4-3, with Mayor White, Mayor Pro-Tem Sanchez and Councilmember Hilburn opposing. The reason that the motion failed is because owners of more than 20 percent of the 200-foot notification area protested the rezoning and it could only be approved with at least six affirmative votes.

**ITEM 4-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-17-08 BY MELANIE ECHANIQUE FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO AO AGRICULTURAL-OPEN SPACE DISTRICT ON 5.17 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 8, LOCATED AT 751 SILENT VALLEY ROAD (FM 2001).**

Mayor White opened the public hearing at 8:14 p.m. and requested the staff report.

Mr. Gibson stated that the front 250 feet of the subject property was originally zoned RLD, but the eastern portion was rezoned to AO in 2014 at the request of a previous owner who was planning for it to be part of an RV park that was to be located in an adjacent larger area already zoned AO. The RV park entrance and headquarters was proposed to be located in this area. Since then, the original large tract has been subdivided into multiple parcels that are all just over five acres in size, and, therefore, are exempt from the platting requirement. One of those parcels is the subject of this rezoning. The purpose of the rezoning is to simply eliminate the small area of RLD zoning that remains in the southwest corner of the property. The applicant's intended use of the property is for a wildlife rehabilitation facility with outdoor pens which, according to a previous land use determination by the Planning and Zoning Commission, is to be allowed as a specific use in the CHB and AO districts. Because the majority of the parcel is already zoned AO, it makes sense to apply the AO classification to all of it. The proposed change would simply be a minor expansion of an existing large area already zoned AO. In terms of land use, the AO zoning would allow a variety of agricultural and other uses that are not allowed in the RLD district, but which would not necessarily be out of character with the area. The current RLD zoning of the southwest corner of the property is consistent with the low density residential designation of the future land use plan map, so the change back to AO would not be consistent, and although AO is not considered a high intensity district and can usually coexist with residential zoning. One letter of support was received this afternoon. Mr. Gibson stated that staff recommends approval and that the Planning and Zoning Commission voted 3-1 to recommend approval.

There was discussion.

Mayor White requested the applicant to address the Council:

Erik Corredor, applicant, 751 Silent Valley Road, stated that he proposes to set up a wildlife rehabilitation center. He requested approval of the zoning change.

Mr. Gibson pointed out that there were no expressions of opposition at the Planning & Zoning Commission meeting and that one additional letter of support was received this afternoon.

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. There were none.

Mayor White requested additional citizens to address the Council regarding the zoning change. There were none. He closed the public hearing at 8:29 p.m.

**ITEM 4-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2017-12 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 5.17 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 8, LOCATED AT 751 SILENT VALLEY ROAD (FM 2001), FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO AO AGRICULTURAL-OPEN SPACE DISTRICT.**

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2017-12, as presented. Councilmember Hilburn seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

**ITEM 5. CONSENT AGENDA.**

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A, 5B, and 5C (with correction). Councilmember Mendoza 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 May 16, 2017.
- 5B: Approve confirmation of Civil Service Commission member appointment of Mr. Raymond Sanders to fill the remainder of the unexpired term of Mr. Doug Shomette, expiring January 1, 2020 as recommended by the City Manager.
- 5C: Approve confirmation, according to Civil Service Law (Section 143.013), of Mr. Jerry Doyle as the City Manager's appointment to Interim Fire Chief for the City of Lockhart effective June 7, 2017, until such time as a Fire Chief is appointed by the City Manager and confirmed by the City Council. (as corrected)

**ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING THE POSSIBILITY OF MOVING THE BAD WEATHER EARLY WARNING SIREN FROM NEAR CLEARFORK AT MOCKINGBIRD TO THE WEST ABOUT 300 FEET AND MAKING ADJUSTMENTS TO THE ANGLES OF OTHER SIRENS TO PROVIDE SUFFICIENT DECIBEL OVERLAPS FOR A NEGOTIATED PRICE OF \$3,200.**

Councilmember Michelson thanked the City Manager for working on researching and negotiating an option to relocate the weather warning siren from Clearfork at Mockingbird.

Councilmember Michelson made a motion to approve moving the bad weather early warning siren from near Clearfork at Mockingbird to the west about 300 feet, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 5-2, with Councilmembers Castillo and Mendoza opposing.

**ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER THE CHARTER REVIEW COMMISSION'S RECOMMENDED AMENDMENTS TO THE CITY CHARTER OF THE CITY OF LOCKHART.**

Councilmember Hilburn made a motion to approve the nine charter amendment propositions, as presented, and to direct staff to post details about the proposed charter amendments in an upcoming newsletter in addition to the newspaper publications as required by the Texas Election Code. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER THE PRELIMINARY BUDGET AND TAX RATE ADOPTION CALENDAR.**

Mayor Pro-Tem Sanchez made a motion to accept the calendar, as presented. Councilmember Hilburn 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 various boards, commissions or committees.

Mayor Pro-Tem Sanchez made a motion to appoint Alfredo Munoz to the Lockhart Economic Development Corporation contingent upon receipt of the application. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

Mayor White made a motion to appoint Paul Rodriguez to the Planning and Zoning Commission contingent upon receipt of the application. 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: US Hwy 183 expansion project, Blackjack to Wal-Mart; the last design puts all drainage waters on the west side until it gets down to the ditch between Smith Supply and Walmart.
- Update: Water/Wastewater Dept. crews finished water and wastewater main work on Blanco and Pine Streets.
- Update: Parks and Street crews still working on preparation for the Chisholm Trail event.
- Update: Bids will be advertised within the next 45-60 days for expansion and improvements at Fire Station # 3 on Borchert Lane; the idea is to finish it, move crews there, and then start major renovations of Fire Station # 1.
- Update: Bids will soon go out for the drainage interceptor ditches West of US 183.
- Update: Budgets delivered to Department Heads and Finance Director Hinson is meeting with them individually at their offices.
- Update: LCRA presented a \$25,000 check to Mayor White with Lockhart Youth Soccer representatives and Councilmember Mendoza present for parking lot and field lighting at the Jason K. LaFleur Sports Complex.
- Report: Chisholm Trail BBQ Cookoff last Saturday.
- Reminder: FY 17-18 City Council Goals Workshop, Thursday, June 8, at 6:30 pm here in Council Chambers.
- Reminder: Movies in the Park
  - June 17, *Sing*
  - July 15, *The Jungle Book*
  - August 12, *Finding Dory*
- Reminder: Chisholm Trail Parade Saturday, June 10; float in same place as last year.
- Announcement: Interviews have completed; I will name the new Municipal Court Manager early next week.
- Announcement: Still taking City Pool Lifeguard Applications.
- Congratulations: Mr. Candelario Ruiz on his retirement from the Parks Department after 18 years.
- Announcement: Mr. Rodgers thanked Dan Gibson, City Planner, for his hard work the past few months and for working long hours on several important projects.

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

Councilmember Westmoreland reminded everyone about the Chisholm Trail Roundup events this weekend and asked all to be safe.

Councilmember Mendoza expressed condolences to those that have lost a loved one this month. He asked everyone to be safe during the Chisholm Trail Roundup events.

Mayor Pro-Tem Sanchez expressed condolences to the families of Edgar Black, Summer Rose Perez and Debbie Pacheco for their loss. She congratulated the High School class of 2017.

Councilmember Hilburn expressed condolences to the family of Edgar Black for their loss. He congratulated Candelario Ruiz for his retirement and Dan Gibson for a job well done.

Councilmember Castillo expressed condolences to families that have lost a loved one. He wished the Lockhart Chamber luck for a successful Chisholm Trail Roundup. Happy retirement to Candelario Ruiz. He thanked citizens for their continued patience with the construction on Highway 183.

Councilmember Michelson expressed condolences to the Black family for their loss. He wished the Lockhart Chamber luck on a successful Chisholm Trail Roundup.

Mayor White expressed condolences to the Black family for their loss. He announced that the Chisholm Trail Roundup parade will be led by several Longhorns. He congratulated Reverend Fritz Williams for obtaining his Doctorate degree. Be safe and have fun during the Chisholm Trail Roundup weekend.

**ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.072, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON - Discussion regarding legal issues about possible condemnation of property.**

Mayor White announced that the Council would enter Executive Session at 8:47 p.m.

**ITEM 10. OPEN SESSION - Discussion and/or action regarding legal issues about possible condemnation of property.**

Mayor White announced that the Council would enter Open Session at 9:08 p.m. There was no action.

**ITEM 11. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.074, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE - Discussion regarding the City Manager's contract.**

Mayor White announced that the Council would enter Executive Session at 9:10 p.m.

**ITEM 12. OPEN SESSION - Discussion and/or action regarding the City Manager's contract.**

Mayor White announced that the Council would enter Open Session at 9:32 p.m.

Councilmember Castillo made a motion to extent the City Manager's contract to December 31, 2018. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 13. 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 9:33 p.m.

PASSED and APPROVED this the 20<sup>th</sup> day of June 2017.



CITY OF LOCKHART

*Lew White*  
Lew White, Mayor

ATTEST:

*Connie Constancio*

Connie Constancio, TRMC, City Secretary