

**REGULAR MEETING
LOCKHART CITY COUNCIL**

JANUARY 4, 2022

6:30 P.M.

CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR LOCKHART, TEXAS

Council present:

Mayor Lew White

Councilmember Juan Mendoza

Councilmember Jeffry Michelson (via zoom)

Councilmember Derrick David Bryant

Councilmember Kara McGregor

Councilmember Brad Westmoreland

Council absent:

Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steven Lewis, City Manager

Monte Akers, City Attorney

Sean Kelley, Public Work Director

Dan Gibson, City Planner

Connie Constancio, City Secretary

Victoria Maranan, Public Information Officer

Pam Larison, Finance Director

Citizens/Visitors Addressing the Council: Lockhart High School Cross Country Team; Peter Newell of the Guadalupe-Blanco River Authority; and Citizens: Marcia Proctor, Arnold Proctor, John Cervantez, and Juan Alvarez, Jr.

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:

A. RECOGNIZE THE LOCKHART HIGH SCHOOL CROSS COUNTRY AND VOLLEYBALL TEAMS.

Mayor White presented the proclamation to the Lockhart High School Cross Country team. The Volleyball team was unable to attend due to a conflict. The Cross Country team provided details about their accomplishments and thanked the Council for acknowledging.

B. PRESENTATION AND UPDATE BY GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) REGARDING CARRIZO GROUNDWATER SUPPLY PROJECT.

Peter Newell of the Guadalupe-Blanco River Authority (GBRA) provided information and an update regarding the following: Program, Drilling and Surface Packages, Booster Pump Station, Schedule updates, Water Quality and Blending, and next steps. There was discussion.

C. DISCUSS CITY COUNCIL MINUTES OF THE DECEMBER 14, 2021 AND DECEMBER 21, 2021 MEETINGS.

Mayor White requested correction. There were none.

D. DISCUSS CITY MANAGER SIGNING A TWO-YEAR AGREEMENT WITH COMMUNITY ACTION, INC. FOR THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM (CEAP).

Ms. Larison stated that every two years, the City of Lockhart partners with Community Action, Inc. to help the residents of Lockhart with the electric portion of their utility bills through a program known as the Comprehensive Energy Assistance Program (CEAP). Community Action is funded by the Texas Department of Housing and Community Affairs to assist eligible individuals in Hays, Caldwell, and Blanco counties. Priority is given to low income households with high energy use, a high energy burden, or the presence of a child (age 5 or under), disabled, elderly individuals, or veterans. Other services that CEAP provides include energy education, needs assessment, budget counseling, and crisis-related purchase of portable heating and cooling units when available. CEAP does not assist utility customers with water, wastewater, recycling, and solid waste fees, or deposits on new or existing accounts. Ms. Larison recommended approval. There was discussion.

E. DISCUSS RESOLUTION 2022-01 APPOINTING MAYOR LEW WHITE AS THE CITY OF LOCKHART'S CLEAN AIR COALITION REPRESENTATIVE, AS REQUIRED IN ARTICLE II OF THE CLEAN AIR COALITION OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS BY-LAWS.

Mayor White stated that he has served on the Clean Air Coalition for several years. He requested to be appointed to continue to serve on the committee.

DISCUSS ORDINANCE 2022-01 REGARDING AMENDMENT OF SECTION 50-3 OF CHAPTER 50 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH MAINTENANCE RESPONSIBILITIES FOR PUBLIC SIDEWALKS AND COST SHARING PROGRAM FOR SIDEWALK RECONSTRUCTION OR REPAIRS.

Mr. Kelley stated that staff has received increasing inquiries about sidewalk replacement and maintenance. Unfortunately, current policies and ordinances lack the provisions to perform, delegate, and facilitate these requests. With the growing demand of the community, City Council has also been approached with requests to improve deteriorating sidewalks.

The current Lockhart Code of Ordinances provides the following:

Section 50--3, Curb and Gutter, Sidewalk Standards

The standards for the construction, maintenance and repair of all curbs and gutters and sidewalks within the city shall be as prescribed by the city manager and/or the city engineer from time to time.

Section. 50-6 (a) Intrusions and Obstructions in Public Sidewalks and Streets.

No person shall plant or grow any plant, hedge, shrub, or tree so that they or any placed landscaping shall intrude and obstruct any portion of a public sidewalk. All such plants and trees must be kept trimmed as not to cause an obstruction for pedestrians on public sidewalks. Limbs and growth from trees or plants of any type planted on private property shall be maintained by the property owner at a height of not less than seven feet above the public sidewalk and not less than 13 feet six inches in the public street area. The city retains the right to trim any limbs or growth from trees or plants of any type planted on public right-of-way and maintain a height of not less than 13 feet six inches above the surface of any street.

The proposed ordinance amendment to Section 50-3 of the Lockhart Code of Ordinances clarifies:

1. Sidewalk maintenance responsibility.
2. Establishes a procedure to identify eligible sidewalk projects.
3. Creates a cost sharing program.

The majority of surrounding cities that were surveyed (Bastrop, Gonzales, Kyle, San Marcos, Luling, New Braunfels, Seguin) have taken a similar approach to establishing responsibility of maintaining sidewalks. Many Texas cities offer a cost sharing option. The proposed ordinance integrates a 50/50 cost match between the City and the property owner if an eligible project is identified and if city funds are available for the match. The City would continue to fully fund the expense of maintaining sidewalks and trails on or abutting City-owned properties.

Mayor White requested citizens to address Council:

Marcia Proctor, Main Street, requested that the Council reconsider the cost-sharing idea because many citizens might not be able to afford the expense. She also encouraged the Council to hold a public hearing about the sidewalk ordinance to get the public's input about sidewalk maintenance.

Arnold Proctor, Main Street, suggested that the Council consider publicizing the ordinance because he believes that many citizens are not aware that they are financially responsible for maintenance of the sidewalk in front of their home.

John Cervantez, Main Street, encouraged the Council to hold a public hearing to allow citizens to give their opinion about the sidewalk maintenance provisions.

There was discussion. Mayor White requested staff to return with a revised draft sidewalk maintenance ordinance

H. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

Mayor White stated that there is no change to the Governor's Executive Orders in regard to COVID-19. He encouraged everyone to stay safe.

I. DISCUSSION REGARDING THE PROCEDURES FOR BOARD AND COMMISSION APPOINTMENTS.

Mr. Lewis stated that City government depends on residents who volunteer their time and expertise to participate in public service as members of boards and commissions. Citizen involvement is important to setting the direction for Lockhart's future. The City currently has 12 different Boards/Commissions to serve on. Applications are accepted year-round and considered for vacancies that arise during the year.

Current Rules for Appointment and Method of Selection:

(See City Code Sections 2-209 and 2-210)

1. The process for selecting board/commission members is open to all Lockhart citizens. Interested citizens must apply for appointment and submit a completed application to the City Secretary.
2. No member of an appointed body shall serve on more than one quasi-judicial or advisory board/commission.
3. The Mayor and City Councilmembers nominate individuals to serve on board/commissions. Each nomination must be confirmed by a simple majority of the entire Council.
4. Generally, there are seven members appointed to each board/commission corresponding with the seven members or places of the City Council. Exceptions are the Construction Board, Electric Board, Wayfinding Committee, and the HOT Advisory Board which consists of five members.

5. Terms of service shall be the same 3-year term as the Councilmember who nominated a person to serve. Exceptions are Board of Adjustment, LEDC and HOT Advisory Board members, which serve a 2-year term.

Mr. Lewis stated that in order to standardize, clarify, and amend the existing practice relative to persons interested in applying for membership on a board/commission, the following considerations are provided for discussion:

1. Forms. The City Secretary shall prepare and maintain appropriate application forms to have available for persons interested in applying for membership on Boards/Commissions.
2. Initial Appointment. All persons requesting appointment must complete the city application form.
3. Nominee Qualifications. The City Secretary will verify that the nominee meets the applicable qualifications (residency, occupation, certifications, etc., as outlined in the attached document which reflects member qualifications for several board/commission appointments) in advance of scheduled appointments.
4. Filing Deadline. Mayor/Councilmember nominations must be submitted to the City Secretary at least 7 days prior to the scheduled City Council meeting at which the nomination will be considered.
5. Review/Action. All nominations or appointments to a Board/Commission will be placed on the City Council public agenda with the applicants' name, application (with personal information redacted), respective board/commission and term of the appointment.

There was discussion.

G. DISCUSS AMENDING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS", SUBSECTION (G)(2) "ADDITIONAL PARKING REQUIREMENTS WITHIN RESIDENTIAL DISTRICTS" TO REQUIRE COVERED PARKING FOR DETACHED SINGLE-FAMILY DWELLINGS AND PROVIDE REASONABLE STANDARDS FOR SUCH PARKING; AND AMENDING CHAPTER 64 "ZONING", APPENDIX I "SPECIFIC REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT TYPES" TO MODIFY THE HEADING OF THE MINIMUM OFF-STREET PARKING COLUMN; AND PROVIDE DIRECTION TO STAFF.

Mr. Gibson stated that staff recently became aware that the homebuilder that is developing the remaining sections of Summerside Subdivision is proposing to include homes with no covered parking. In the past 25 years, no new single-family residential subdivision has been developed with homes that do not have either a carport or garage. The lack of covered parking can have undesirable consequences in terms of the appearance and value of a neighborhood. In addition, having the extra parking space may reduce the parking of vehicles in the yard or in the public street. The proposed ordinance amends the zoning ordinance to require covered parking for detached single-family dwellings (SF-1 and SF-2 residential development types), and provides standards for the location and appearance of covered parking that will, in effect, prohibit what is commonly known as "snout houses". In addition, an amendment is needed to Appendix I to make the column heading for minimum off-street parking in the table consistent with current practice, which is to allow covered parking to be counted as required off-street parking. That column heading currently excludes garages. The proposed zoning text amendment requires a recommendation by the Planning and Zoning Commission before the ordinance can be considered by the Council. The earliest that a public hearing for consideration of the ordinance can be held is the Council's February 1st agenda. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:57 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 8:15 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 the following to address the Council:

Juan Alvarez, Jr., Pearl Street, expressed disappointed about Shane Mondin retiring as the City of Lockhart's Building Official. He also expressed disappointment about members of the Council voting against his appointment to serve on the Lockhart Economic Development Corporation (LEDC).

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

ITEM 4. CONSENT AGENDA.

Councilmember Michelson requested that consent agenda item 4A be pulled. He stated that he will not vote on the minutes because he was not present at the December 21, 2021 meeting.

Councilmember McGregor made a motion to approve consent agenda items 4B and 4C. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

The following are the consent agenda items that were approved:

- 4B: Authorize the City Manager to sign a two-year agreement with Community Action, Inc. for the Comprehensive Energy Assistance Program (CEAP).
- 4C: Approve Resolution 2022-01 appointing Mayor Lew White as the City of Lockhart's Clean Air Coalition Representative, as required in Article II of the Clean Air Coalition of the Capital Area Council of Governments by-laws.

ITEM 4-A. APPROVE CITY COUNCIL MINUTES OF THE DECEMBER 14, 2021 AND DECEMBER 21, 2021 MEETINGS.

Councilmember McGregor made a motion to approve the minutes. Councilmember Mendoza seconded. The motion passed by a vote of 5-0-1, with Councilmember Michelson abstaining.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-01 REGARDING AMENDMENT OF SECTION 50-3 OF CHAPTER 50 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH MAINTENANCE RESPONSIBILITIES FOR PUBLIC SIDEWALKS AND COST SHARING PROGRAM FOR SIDEWALK RECONSTRUCTION OR REPAIRS.

There was discussion regarding the cost sharing program for sidewalk reconstruction or repairs and the city's responsibility about maintaining sidewalks.

Mr. Akers stated that the draft ordinance provides that each homeowner is responsible for maintaining their sidewalk and provides for a penalty for violating the terms of the ordinance, which he suggested needs additional clarification. He suggested that the city be aware of any dangerous situations that are discovered. If there is a dangerous situation on a sidewalk and someone is injured; they will sue the city. The question then will become, did the city know or should have known about the premises defect. If the answer is yes, they knew, then the city has a responsibility to make the repairs, block it off or erect signage that will warn the public about the dangerous situation. Failure to do so is where the city will be liable. He does not interpret the ordinance to mean that citizens are obligated to be involved in the cost sharing program or that failure to be involved subjects them to liability. The question is, what is the city going to do when it discovers a poorly maintained sidewalk adjacent to a house that the owners cannot or will not engage in the cost sharing program. Mr. Akers recommended that the sidewalk maintenance and cost sharing program be discussed further.

Mayor White directed staff to add clarification about the cost sharing program in the ordinance.

CONSENSUS: After discussion, it was the consensus of the Council to hold a public hearing about the proposed sidewalk ordinance.

ITEM 5-B. DISCUSS AMENDING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS", SUBSECTION (G)(2) "ADDITIONAL PARKING REQUIREMENTS WITHIN RESIDENTIAL DISTRICTS" TO REQUIRE COVERED PARKING FOR DETACHED SINGLE-FAMILY DWELLINGS AND PROVIDE REASONABLE STANDARDS FOR SUCH PARKING; AND AMENDING CHAPTER 64 "ZONING", APPENDIX I "SPECIFIC REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT TYPES" TO MODIFY THE HEADING OF THE MINIMUM OFF-STREET PARKING COLUMN; AND PROVIDE DIRECTION TO STAFF.

Mayor White made a motion to direct staff to proceed with presenting the Ordinance to the Planning and Zoning Commission, as presented, and to present the zoning ordinance amendment to the Council during the February 1, 2022 meeting. Councilmember McGregor seconded. The motion passed by a vote of 6-0.

ITEM 5-C. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

Mayor White stated that there were no changes to the Governor's orders. He encouraged everyone to stay safe.

ITEM 5-D. DISCUSSION REGARDING THE PROCEDURES FOR BOARD AND COMMISSION APPOINTMENTS.

Mayor White stated that the discussion during the work session was to require interested individuals to submit their application to the City Secretary, who will verify eligibility. Upon eligibility verification, the application name will be listed on the Council agenda along with the board to be appointed, term, and the Councilmember to make the appointment.

CONSENSUS: The consensus of the Council was to return with a Resolution providing the board appointment policy, as discussed.

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

There were no appointments.

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

- Update regarding Animal Shelter.
- Information regarding Christmas Tree Recycling Program.

ITEM 7. COUNCIL AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST.

Councilmember Westmoreland wished everyone a Happy New Year.

Councilmember Mendoza wished everyone a Happy New Year. He encouraged participation in the Community Health Challenge. He also announced that the First Christian Church will provide meals to everyone on Tuesday nights.

Councilmember McGregor wished everyone a Happy New Year and reminded about the cold weather coming soon. She encouraged everyone to stay safe and warm.

Councilmember Bryant thanked Councilmember Mendoza for sharing the Community Health Challenge information, which encourages everyone to stay healthy. He thanked the non-profit organization for hosting a Quanza event. He wished everyone a Happy New Year.

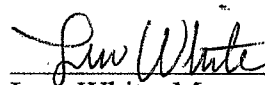
Mayor White thanked citizen involvement with city issues.

ITEM 8. ADJOURNMENT.

Councilmember Mendoza made a motion to adjourn the meeting. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 9:00 p.m.

PASSED and APPROVED this the 1st day of February, 2022.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

