REGULAR MEETING
LOCKHART CITY COUNCIL OCTOBER 18, 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
Monte Akers, City Attorney
Pam Larison, Finance Director
Sean Kelley, Public Works Director
Dan Gibson, City Planner
Randy Jenkins, Fire Chief
Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Julie Bowermon, Civil Service/HR Director
Bob Leos, Electric Superintendent
David Fowler, Senior Planner

Citizens/Visitors Addressing the Council: Paige Johnson of Seton Children's Care-A-Van; Citizens: Ashley Salazar, Mary Bryant, Amie Gonzales, Rebecca Briceno, Ronda Reagan, and Travis Tober; Tamara Carlisle and Donna Blair of The Lumberyard Lockhart; Hugo Elizondo of Quatro Consultants; and Erik Bills.

Work Session 6:30 p.m.
Mayor White stated that Mayor Pro-Tem Sanchez would be arriving soon. He opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

A. PRESENTATION OF A PROCLAMATION DECLARING OCTOBER 2022 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH.
Mayor White presented the proclamation to a Representative of the Hays-Caldwell Women's Center.

B. DISCUSS CITY COUNCIL MINUTES OF THE SEPTEMBER 6, 2022 AND SEPTEMBER 20, 2022 MEETINGS.
Mayor White requested corrections to the minutes. There were none.

C. DISCUSS AN AGREEMENT WITH LOWER COLORADO RIVER AUTHORITY (LCRA) AND MCCOY TREE SERVICE FOR TREE TRIMMING IN THE RIGHT-OF-WAY AND UTILITY EASEMENTS.
Mr. Leos stated that it is recommended that the City continue the tree trimming program with McCoy Tree Service in an effort to reduce voltage flickers, outages, losses, and to improve public safety and satisfaction. Trees and tree limbs falling onto power lines is the most common cause of outages. Downed power lines caused by falling trees are a public safety hazard. McCoy Tree Service specializes in vegetation management for the electric utility industry. Their pruning methods comply with industry standards for safety and tree care, and are endorsed by the International Society of Arboriculture and Tree Care Industry. There is no charge to customers for the service. There was discussion.

Mayor Pro-Tem Sanchez arrived at 6:37 p.m.

D. DISCUSS HOTEL OCCUPANCY TAX (HOT) APPLICATION FROM HILL COUNTRY COOK-OFF ASSOCIATION.

Ms. Larison stated that on September 14, 2022, a special meeting of the HOT Advisory Board considered the request for funding from Hill Country Cook-off Association. The request was for $2,000 to be used for advertising, solicitations, promotional programs to attract tourists and convention delegates or registrants to Lockhart. The Board voted 5-0 to recommend approval for funding and a new one-year contract between Hill Country Cook-off Association and the City of Lockhart. The contract requires Hill Country Cook-off Association to use the City of Lockhart's logo in all print and media advertising. There was discussion.

E. DISCUSS NON-PROFIT ALLOCATION TO ASCENSION CHILDREN'S CARE-A-VAN AND APPROVE BUDGET AMENDMENT #71 BY ORDINANCE 2022-57 TO THE FISCAL YEAR 2022-2023 ANNUAL OPERATING BUDGET.

Ms. Larison stated that on September 20, 2022, Ms. Paige Johnson from the Seton Foundation presented an update and there was discussion regarding support for the Children's Care-A-Van. Ms. Johnson provided a detailed presentation of the current activities provided by Ascension Seton Edgar B. Davis Children's Care-A-Van. In conclusion, Ms. Johnson requested that the City Council consider a one-time financial contribution of $2,500 to assist the Children's Care-A-Van to continue their operations in and around the Caldwell County area. The City of Lockhart's contribution would also ensure the longevity of the program.

Mayor White requested Ms. Johnson to address the Council.

Paige Johnson of Ascension Children's Care-A-Van thanked the Council for considering support and requested that the Council consider an annual contribution in the amount of $2,500.

Ms. Larison stated that the Children's Care-A-Van organization will be placed in the city's budget as a non-profit organization that will provide an update to Council annually.

F. DISCUSS SUBMISSION OF A TEXAS DIVISION ~~DEPARTMENT~~ OF EMERGENCY MANAGEMENT GRANT PROGRAM APPLICATION; AND AUTHORIZING THE CITY MANAGER TO SIGN A MATCH CERTIFICATION/COMMITMENT LETTER.

Mr. Kelley stated that staff has identified a grant opportunity offered by the Texas Division of Emergency Management (TDEM) that will cover costs associated with the purchase and installation of generators for the Water Plant. Governor Abbott and TDEM announced the open application period for the Federal Emergency Management Association (FEMA) Hazard Mitigation Program related to FEMA-FM-5420 (Post-Fire Fiscal 2022). Entities seeking funding for this opportunity must have a FEMA approved Hazard Mitigation Plan for consideration. Eligible expenses include the strengthening of water systems and purchasing of high service pumps and generators. The application process requires a letter from the city committing to a grant match in the amount of 25% or more. The costs of the high service pumps and generators were placed in the Fiscal Year 2021-2022 Annual Operating Budget to be financed from the American Rescue Plan Act (ARPA) Funds in the amount of $750,000. The purchase of the two generators can now be made through the FEMA Hazard Mitigation Grant Program, and ARPA funds may be used for the 25% grant match. TRC Engineers has completed the design, the Texas Commission on Environmental Quality (TCEQ) approval is secured, and bids will be received in mid-November. There was discussion.

G. DISCUSS ORDINANCE 2022-56 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS REPEALING UNCODIFIED ORDINANCE 2020-16 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE ESTABLISHING THE PAYMENT OF A MONETARY RECRUITMENT INCENTIVE FOR NEW POLICE OFFICER HIRES AND ESTABLISHING A RECRUITING AND RETENTION INCENTIVE FOR CURRENT CERTIFIED POLICE OFFICERS, SETTING FORTH CRITERIA FOR THE INCENTIVES.

Ms. Bowermon stated that there is a shortage across the nation of police officers. Lockhart is no different. In surveying surrounding law enforcement agencies, it is apparent that their compensation packages have been adjusted upward to address the shortage. A neighboring city and county law enforcement agency are reporting approximately 20 vacancies each. The intent of proposed Ordinance 2022-56 is to improve the City's ability to compete with surrounding agencies' competitive packages. It has been a challenge to recruit certified, qualified police officer applicants. The most recent police officer entrance exam was held July 23, 2022. Two certified police officers applied for the exam. The Police Department successfully hired one from that applicant pool. The Police Department currently has four officer vacancies and one lieutenant vacancy. The Department currently has four cadets attending police academies projected to graduate in early 2023. Starting December 1, 2022, the Police Department will also have two sergeant vacancies as a result of the newly created sergeant positions as a School Resource Officer and supervisory support for the Lockhart Animal Shelter. To improve recruitment of qualified certified police officers, proposed Ordinance 2022-56 increases the current hiring incentive from $5,000 to $10,000 beginning November 1, 2022. Officers accepting the hiring incentive will be required to sign an agreement to repay the incentive if they leave before completing two years as a Lockhart Police Officer. The hiring incentive would be paid out in two payments: $5,000 at the time of hire and $5,000 after successful completion of the department field training program. To improve retention of current Lockhart Police Officers, proposed Ordinance 2022-56 provides a one-time payment of $5,000 to all Lockhart Police Department Officers who are actively at work, certified, and have completed the department's field training program as of April 1, 2023. This will include all officers (at any rank) that were hired prior to the hiring incentive being increased to $10,000. This will not include the department's four cadets currently attending police academies. An entrance exam is scheduled for October 22, 2022 (at which time the City will still be operating under the $5,000 hiring incentive rate). If any certified officers hired from the October 22, 2022 exam are not released from the field training program by April 1, 2023, staff will ask Council to consider an exception at that time to extend the $5,000 retention incentive to them. There was discussion.

There was discussion about tabling the item to allow a special meeting to be scheduled to discuss the proposed Ordinance. Mayor White announced that the Council would continue discussions during the regular meeting.

I. DISCUSS ORDINANCE 2022-55 VACATING AND ABANDONING A 1,243 SQUARE-FOOT SEGMENT OF ALLEY RIGHT-OF-WAY SITUATED IN THE REED'S ADDITION BETWEEN BLOCK 2 IN THE 200 BLOCK OF SOUTH RIO GRANDE STREET AND BLOCK 3 IN THE 200 BLOCK OF CONCHO STREET; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CONVEYING SAID RIGHT-OF-WAY TO THE OWNER OF THE ADJACENT PROPERTIES. DISCUSS ORDINANCE ALLOWING THE POSSESSION OF OPEN ALCOHOLIC CONTAINERS AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY UNDER CERTAIN CIRCUMSTANCES.

Mr. Gibson stated that there are several segments of unused alley right-of-way in the area of Block 2 and Block 3 of Reed's Addition, which are located between South Rio Grande Street and Concho Street, north of West Prairie Lea Street. This segment is in the northern part of the area. It is connected at the north

end to another alley right-of-way crossing east-west between South Rio Grande Street and Concho Street that is to remain. In addition, there are other remaining alley segments in the southern part of the area that are disconnected from the subject segment, and which will be vacated separately at a later date. The same entity owns the land on both sides of this segment, so when it is abandoned, the entire right-of-way will become part of their property. On September 6th, the owner's property, along with the subject alley segment, was rezoned to RHD Residential High Density District for the future development of rental housing in the form of multiple detached single-family dwellings on the same lot. There was discussion.

J. DISCUSS INTERLOCAL AGREEMENT WITH CALDWELL COUNTY REGARDING AIR AMBULANCE AND BUDGET AMENDMENT #72 BY ORDINANCE 2022-58.

Chief Jenkins stated that Caldwell County has entered into an agreement with PHI Health, LLC d/b/a PHI Air Medical, whereby residents of Caldwell County will become members of the PHI Cares Program and will be protected from out-of-pocket cost should a Caldwell County resident be transported by a PHI Air Medical aircraft within the defined PHI Cares service area (Caldwell, Gonzales, Guadalupe, Hays, Travis or Fayette Counties). The cities of Lockhart, Luling, and Martindale have been requested to enter into an interlocal agreement whereby city residents will become members of the program and the City will compensate the County for their respective portions of the County population. Under the agreement, Lockhart will receive 4,503 memberships, for which it will pay $6.00 per membership, or $27,018.00. More memberships may be purchased if needed. Luling has approved participation in the agreement. There was discussion.

Mr. Akers pointed out that a correction should be considered to the term of the agreement. Mr. Lewis clarified that if approved, the start date of the program would be November 1, 2022 instead of October 1, 2022.

RECESS: Mayor White announced that the Council would recess for a break at 7:24 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:52 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE

Mayor White 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 that are not on the agenda.

Ashley Salazar, Lockhart, requested support of closing streets in the downtown area for the Lockhart Special Olympians' Trunk-or-Treat event that will be held on October 22nd.

Mary Bryant, Lockhart, Texas, requested support of closing streets in the downtown area for the Lockhart Special Olympians' Trunk-or-Treat event that will be held on October 22nd. She stated that closing the streets would be safer for the special needs children.

Amie Gonzales, Lockhart, requested support of closing streets in the downtown area for the Lockhart Special Olympians' Trunk-or-Treat event that will be held on October 22nd for the safety of the special needs children.

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

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-23 BY REBECCA BRICENO, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-48 FOR A ZONING CHANGE FROM *CLB COMMERCIAL LIGHT BUSINESS DISTRICT* TO *RMD RESIDENTIAL MEDIUM DENSITY DISTRICT* ON A TOTAL OF 0.586 ACRE IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, LOCATED AT 915 RED RIVER STREET.

Mayor White opened the public hearing at 8:00 p.m.

Mr. Fowler stated that the subject property is the site of a residential duplex building that had previously included a laundry business. The owner wishes to divide their lot into two smaller lots for residential use. The requested zoning district will both make the construction of a dwelling on a new lot created through subdividing the site possible, while also making the site's zoning consistent with surrounding properties. The site is adequately served by water and wastewater services while having access to both Red River Street and Birch Street. Staff received three letters that stated support for the zoning change request as long as any new construction on the site was new and well-maintained. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Rebecca Briceno, 915 Red River, requested approval of the zoning change. She stated that she would like to add a single-family home on the property.

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

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-48, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

Mayor White closed the public hearing at 8:04 p.m.

ITEM 4-B. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-24 BY TAMARA K. CARLISLE ON BEHALF OF THE LUMBERYARD LOCKHART, LLC, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-49 FOR A ZONING CHANGE FROM *CMB COMMERCIAL MEDIUM BUSINESS DISTRICT* TO *RMD RESIDENTIAL MEDIUM DENSITY DISTRICT* ON A TOTAL OF 0.562 ACRE CONSISTING OF ALL OF LOT 24 AND PART OF LOT 22, A.R. CHEWS ADDITION, LOCATED AT 500 BLOCK WEST MARKET STREET.

Mayor White opened the public hearing at 8:04 p.m.

Mr. Fowler stated that the subject property was an outparcel associated with the former Wilson-Riggins Lumber business. The proposed rezoning is to facilitate redevelopment of the site as four single-family residential lots. The proposed zoning district would allow the intended use while matching the zoning of adjacent residential properties. The proposed zoning district is consistent with the Medium Density Residential designation on the Future Land Use Map. Water and wastewater service to the site is

adequate. Vehicular access is available to the site from both Market and Cibilo Streets. A subdivision plat would be required to allow the applicant to build the proposed homes on the site. Staff has received one letter in support of the zoning change request. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Tamara Carlisle, Austin, and Donna Blair, Lockhart, provided information about the proposed development of the property. They requested approval.

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

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-49, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

Mayor White closed the public hearing at 8:10 p.m.

ITEM 4-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-25 AND CONSIDER A REQUEST BY TAMARA K. CARLISLE ON BEHALF OF THE LUMBER YARD LOCKHART, LLC, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-50 FOR A ZONING CHANGE FROM *CMB COMMERCIAL MEDIUM BUSINESS DISTRICT* TO *RMD RESIDENTIAL MEDIUM DENSITY DISTRICT* ON A TOTAL OF 0.135 ACRE CONSISTING OF PART OF LOT 20, A.R. CHEWS ADDITION, LOCATED AT 500 WEST MARKET STREET.

Mayor White opened the public hearing at 8:10 p.m.

Mr. Fowler stated that the subject property was an outparcel associated with the former Wilson-Riggins Lumber business. The proposed rezoning is to facilitate redevelopment of the site as a single-family residential lot. The proposed zoning district would allow the intended use while matching the zoning of adjacent residential properties. The proposed zoning district is consistent with the Medium Density Residential designation on the Future Land Use Plan Map. Water and wastewater service to the site is adequate. Vehicular access is available to the site from both Market and Cibilo Streets. A special exception from the Board of Adjustment would be required to allow the applicant to build the proposed home on the site due to having an existing nonconforming lot depth that does not meet the threshold to be considered grandfathered. Staff has not received any correspondence in reaction to the notification of the zoning change request.

Mayor White requested the applicant to address the Council.

Tamara Carlisle, Austin, and Donna Blair, Lockhart provided details about the proposed development. They requested approval.

Mayor White requested additional citizens to address the Council. There were none.
Councilmember Michelson made a motion to approve Ordinance 2022-50, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

Mayor White closed the public hearing at 8:15 p.m.

ITEM 4-D. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-26 BY CHRIS ELIZONDO OF CUATRO CONSULTANTS, LTD., ON BEHALF OF JIMBO COTTON OF 2401 CR 119, LLC, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-51 FOR A ZONING CHANGE FROM *AO AGRICULTURAL-OPEN SPACE DISTRICT* TO *RMD RESIDENTIAL MEDIUM DENSITY DISTRICT* ON 19.367 ACRES IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, LOCATED AT 1400 LOVERS LANE.

Mayor White opened the public hearing at 8:15 p.m.

Mr. Fowler stated that the applicant proposes to rezone the subject property to develop a single-family residential subdivision. The applicant plans to develop the property and adjacent land currently in the RMD zoning district in a manner consistent with the Single-Family 2 (SF-2) development type. The subject tract is shown as Low Density Residential on the Future Land Use Map. Water and Wastewater service are available at the site, especially in conjunction with the remainder of the land planned for the subdivision which abuts Blackjack Street (FM 20). The site has access to Lover's Lane, which will need to be upgraded to city standards as part of subdivision improvements. City staff received one letter expressing concern regarding the impact of the proposed development on nearby roads. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Hugo Elizondo of Quatro Consultants provided information about the development. There was discussion regarding the poor condition of the street and the developer's responsibility to repair it.

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

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-51, as presented. Councilmember Bryant seconded. The motion failed by a vote of 2-5, with Mayor White and Councilmembers Michelson, McGregor, Mendoza and Westmoreland opposing.

Mayor White closed the public hearing at 8:30 p.m.

ITEM 4-E. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-27 BY DAN ROSS ON BEHALF OF THOMAS STAUB OF ROED PROP CO, LLC, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-52 FOR A ZONING CHANGE FROM *AO AGRICULTURAL-OPEN SPACE DISTRICT* TO *RMD RESIDENTIAL MEDIUM DENSITY DISTRICT* ON A TOTAL OF 89.775 ACRES IN THE JOHN A. NEILL LEAGUE, ABSTRACT NO. 20, LOCATED AT 2400 FM 1322.

Mayor White opened the public hearing at 8:30 p.m.

Mr. Fowler stated that the applicant wishes to rezone the property in order to develop a single-family residential neighborhood. The property has been zoned AO Agricultural-Open Space since its annexation on September 6, 2022. The proposed rezoning would allow development of the Single Family 2 (SF-2) development type on the property, which is not permitted within the AO zoning district. The proposed zoning is not directly consistent with the Agriculture/Rural Development and General Heavy Commercial designations shown on the Future Land Use map. However, most areas outside the previous city limits were shown as agriculture rather than being assigned a specific future use. The property is adequately served by city water, but wastewater service would require connection to the city main line near Blackjack Street, including the construction of a force main and installation of a lift station. The property has road

access to FM 1322. No correspondence has been received in response to notification of the proposed zoning change. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Erik Bills, Austin, speaking on behalf of the applicant, provided details about the proposed residential development.

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

Councilmember Michelson made a motion to approve Ordinance 2022-52, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

Mayor White closed the public hearing at 8:35 p.m.

ITEM 4-F. HOLD A PUBLIC HEARING AND DISCUSSION/ACTION TO CONSIDER ORDINANCE 2022-53 FOR A ZONING TEXT AMENDMENT REVISING *CHAPTER 64 "ZONING" OF THE 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", PARAGRAPH (A),* TO ALLOW FRONT-FACING GARAGE DOORS FOR ANY SIZE GARAGE TO OCCUPY UP TO 50 PERCENT OF THE WIDTH OF DETACHED SINGLE-FAMILY DWELLINGS.

Mayor White opened the public hearing at 8:35 p.m.

Mr. Gibson stated that it has been determined that the current limitation on the width of garage doors of 40 percent of the width of detached single-family dwellings will prevent a home with one-foot roof overhangs on the sides from having a two-car garage when constructed on a lot having the minimum 50-foot width allowed for the SF-2 residential development type. Five-foot side setbacks are required for the SF-2 development type, and since that distance is based on the fire code, roof overhangs, which are generally constructed of combustible materials, cannot encroach into the minimum side setback. Therefore, with the addition of one-foot roof overhangs it leaves only 38 feet of lot width available for the foundation of the dwelling. A typical garage door for a two-car garage is 16 feet wide, which exceeds 40 percent of the possible 38-foot width of the dwelling, thereby limiting homes on minimum width lots to a single-car garage. That was an oversight, as it was not the intent of the original ordinance to discourage two-car garages. This amendment changes the 40 percent limit to 50 percent, which is already the limit for garage doors serving three-car garages. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

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

Councilmember McGregor made a motion to approve Ordinance 2022-53, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

Mayor White closed the public hearing at 8:42 p.m.

ITEM 5. CONSENT AGENDA.

Councilmember Michelson made a motion to approve consent agenda items 5A, 5B, 5C, 5D, and 5E. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

5A: Approve City Council minutes of the September 6, 2022 and September 20, 2022 meetings.

5B: Approve an agreement with Lower Colorado River Authority (LCRA) and McCoy Tree Service for tree trimming in the right-of-way and utility easements.

5C: Approve Hotel Occupancy Tax (HOT) application from Hill Country Cook-off Association.

5D: Approve non-profit allocation to Ascension Children's Care-A-Van and approve Budget Amendment #71 by Ordinance 2022-57 to the Fiscal Year 2022-2023 Annual Operating Budget.

5E: Approve the submission of a Texas Department of Emergency Management Grant Program Application; and authorizing the City Manager to sign a match certification/commitment letter.

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER INTERLOCAL AGREEMENT WITH CALDWELL COUNTY REGARDING AIR AMBULANCE AND APPROVING BUDGET AMENDMENT #72 BY ORDINANCE 2022-58.

Councilmember Michelson made a motion to approve the Interlocal Agreement with Caldwell County regarding air ambulance, and to approve budget amendment 72. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ADOPTION OF ORDINANCE 2022-55 VACATING AND ABANDONING A 1,243 SQUARE-FOOT SEGMENT OF ALLEY RIGHT-OF-WAY SITUATED IN THE REED'S ADDITION BETWEEN BLOCK 2 IN THE 200 BLOCK OF SOUTH RIO GRANDE STREET AND BLOCK 3 IN THE 200 BLOCK OF CONCHO STREET; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CONVEYING SAID RIGHT-OF-WAY TO THE OWNER OF THE ADJACENT PROPERTIES.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-55, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER ADOPTION OF ORDINANCE 2022-54 AMENDING CHAPTER 28, "HISTORICAL DISTRICTS AND LANDMARKS," SECTION 28-10, "ORDINARY MAINTENANCE," SUBSECTION (E)(3) TO EXPAND THE REQUIREMENTS FOR CERTIFICATES FOR ALTERATION FOR CHANGING THE COLOR OF PAINTED SURFACES; AMENDING CHAPTER 46, "SIGNS," SECTION 46-2 "DEFINITIONS," TO ADD A DEFINITION OF MURAL, AND ADDING SECTION 46-10 (J), "MURALS," TO ESTABLISH STANDARDS REGULATING MURALS WITHIN THE CITY OF LOCKHART.

Mr. Fowler stated that at the Historical Preservation Commission (HPC) meeting held July 6, 2022, an application for a Certificate of Alteration for a mural at 115 North Commerce Street was tabled due to a perceived need for guidelines for murals in the Historical District. In response to the issues raised by the HPC's action, City Attorney Monte Akers gave a presentation regarding the legal environment facing the regulation of murals at the City Council meeting held July 19. At this meeting, City Council directed city staff and HPC to develop mural guidelines. City staff presented overviews of several notable efforts by other cities to regulate murals at the HPC's August 17th meeting. In response to feedback received at the meeting and from individual Commissioners, staff drafted mural ordinance provisions that were designed

to minimize the impact of murals on the Historical District, especially the areas adjacent to the Courthouse Square. After discussion of this draft at the September 7th meeting, the Commission concluded that, as a group, they were opposed to the possibility of additional murals being located in the Historical District and directed staff to write an ordinance reflecting that sentiment. As City Council had assigned staff to write citywide mural guidelines, the majority of language related to the regulation of murals would be created through a new section in Chapter 46, Signs. This section includes language that prohibits murals within the Courthouse Square Historical District. The major change to Chapter 28, Historic Districts and Landmarks, is that all proposed changes in paint color of a previously painted brick or stone surface, as well as building trim surfaces, will require approval of a Certificate for Alteration (CFA), in addition to the already existing prohibition on painting previously unpainted masonry or stone surfaces. While staff had intended to explicitly prohibit murals within Chapter 28, no part of Chapter 28 contains any prohibitions of specific designs or finishes within the historical District. As such, the sign ordinance, which does contain language prohibiting several types or locations of signs, was seen as the most appropriate place to prohibit murals within the Historical District. The proposed location-based restriction of murals in the sign ordinance, combined with the requirement of a CFA for changing paint colors on previously painted surfaces, and the existing restriction on painting previously unpainted surfaces, will both prohibit murals within the Historical District and ensure review of future painting of surfaces for historical appropriateness. There was discussion.

Ronda Reagan, Chair of the Lockhart Historical Preservation Commission stated that the HPC believes that the proposed mural regulations would protect the integrity of the historic buildings.

Councilmember McGregor made a motion to approve Ordinance 2022-54, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND POSSIBLE ACTION ON AN ORDINANCE ALLOWING THE POSSESSION OF OPEN ALCOHOLIC CONTAINERS AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY UNDER CERTAIN CIRCUMSTANCES.

Mr. Akers stated that the draft ordinance that was discussed at the City Council meeting on September 20, 2022, has been revised to reflect the Council's comments. If adopted, the ordinance will allow open containers and consumption of alcohol on public sidewalks, streets, and other ways in the Commercial Central Business District ("CCBD") during eight listed, special events or at an event specifically approved by the Council. Rental by businesses of sidewalk or other public property for the purpose of selling alcohol in the district is not allowed, and compliance with Texas Alcoholic Beverage Commission (TABC) regulations is the responsibility of TABC licensees. Event sponsors are required to obtain a special activity permit from the Police Chief unless the event is sponsored by the City. There was discussion.

Travis Tober, Lockhart stated that the downtown businesses are looking for guidance about when they are allowed to sell alcohol and when open containers are allowed during events in the downtown district.

Ronda Reagan owner of The Pearl stated that she is applying for an extended premises use permit with TABC to allow her to sell alcohol on the sidewalk of her business during the Texas Monthly BBQ Fest.

There was discussion.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-47, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

Mayor White announced that the Council would enter Executive Session to seek legal advice from legal counsel at 9:10 p.m.

Mayor White announced that the Council would enter Open Session and reconvene the meeting at 10:10 p.m.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-56 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS REPEALING UNCODIFIED ORDINANCE 2020-16 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE ESTABLISHING THE PAYMENT OF A MONETARY RECRUITMENT INCENTIVE FOR NEW POLICE OFFICER HIRES AND ESTABLISHING A RECRUITING AND RETENTION INCENTIVE FOR CURRENT CERTIFIED POLICE OFFICERS, SETTING FORTH CRITERIA FOR THE INCENTIVES.

Mayor Pro-Tem Sanchez made a motion that, effective immediately, $2,500 be paid to all actively working certified police officers with the second payment of $2,500 to be paid to all actively working certified police officers no later than January 31, 2023 and to table consideration of recruitment and an incentive program for newly hired police officers to the November 1, 2022 Council meeting. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

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

- Update regarding the November 8, 2022 General Election changes in Early Voting.
- Texas Monthly BBQ fest on November 5 and 6.
- Halloween Spooktacular Preschool Storytime will Trick-or-Treat around the downtown square on October 31st.
- Plans are underway for *A Christmas to Remember in Lockhart* (formerly Dickens) on December 2nd and 3rd. The Lighted Parade will be held on Saturday, December 3, 2022.

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

Councilmember Mendoza expressed condolences to the Gutierrez family for their loss.

Mayor Pro-Tem Sanchez expressed condolences to the families of Porfiria "Puffy" Gutierrez, Richard Cortez, Ruben Martinez, Jimmy Schroeder, and Edward Perez for their loss. She congratulated Coach Hippensteel and the Boys Cross Country team for winning the District Championship. Good luck to the Lockhart Lions football team.

Councilmember McGregor wished everyone a safe and Happy Halloween.

Councilmember Bryant thanked staff for their work. He requested that staff consider closing streets in the downtown area during the Lockhart Special Olympians' Trunk-or-Treat event this weekend.

Mayor White thanked staff for their work.

ITEM 9. 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 10:18 p.m.

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

CITY OF LOCKHART

Lew White

Lew White, Mayor

ATTEST:

Connie Constancio

Connie Constancio, TRMC
City Secretary