

PUBLIC NOTICE
AGENDA
LOCKHART CITY COUNCIL
February 20, 2024
CLARK LIBRARY ANNEX-COUNCIL CHAMBERS
217 SOUTH MAIN STREET, 3RD FLOOR
LOCKHART, TEXAS

6:30 P.M. WORK SESSION (No Action)

Work session will be held to receive briefings and to initially discuss all items contained on the Agenda posted for 7:30 p.m. Generally, this work session is to simplify issues as it relates to the agenda items. No vote will be taken on any issues discussed or reviewed during the work session except to the extent specifically authorized under the Texas Open Meetings Act.

DISCUSSION ONLY

- | | | |
|----|--|----------------|
| A. | Presentation of a proclamation declaring February 2024 as Domestic Violence Awareness Month. | 5-5 |
| B. | Presentation of a proclamation proclaiming February 1-29, 2024 as Career and Technical Education Month in Lockhart. | 6-6 |
| C. | Presentation by Police Chief Williamson regarding the 2023 Racial Profiling Report. | 7-64 |
| D. | Discuss contract with Lower Colorado River Authority (LCRA) for electric substation inspection, maintenance, and testing. | 65-71 |
| E. | Discuss Resolution 2024-07 Authorizing Expenditures for Temporary Shelter during extreme weather events and providing a standard Shelter and Care Agreement. | 72-77 |
| F. | Discuss the nominations to the newly established Animal Shelter Advisory Board. | 78-90 |
| G. | Discussion regarding the nomination of Patrick Stroka to the Zoning Board of Adjustment and Appeals by Councilmember John Lairsen for a term to expire in November 2026. | 91-95 |
| H. | Discuss request from Councilmember Michelson to reappoint his nominations for appointments to City boards and commissions. | 96-97 |
| I. | Discuss request from Councilmember Lairsen to reappoint his nominations for appointments to City boards and commissions. | 98-99 |
| J. | Announcement of nomination of Arnold Proctor to the Zoning Board of Adjustment and Appeals by Councilmember Brad Westmoreland for a term to expire in November 2025. | 100-104 |

7:30 P.M. REGULAR MEETING

1. CALL TO ORDER

Mayor Lew White

2. INVOCATION, PLEDGE OF ALLEGIANCE

Invocation. Pledge of Allegiance to the United States and Texas flags.

3. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the City Council on issues that are or are not on the agenda. No discussion can be carried out on the citizen/visitor comment about items not on the agenda. Comments are limited to three minutes per speaker.

4. PUBLIC HEARING/COUNCIL ACTION

- A. Hold a PUBLIC HEARING and discussion and/or action on a proposed waterline replacement project grant application for funding allocated from the Texas General Land Office (GLO) for hazard mitigation projects. **105-114**
- B. Hold a PUBLIC HEARING and discussion and/or action of application ZC-24-01 by Blake Reed, and discussion and/or action to consider approval of Ordinance 2024-06 for a **Zoning Change** from *CHB Commercial Heavy Business District* and *AO Agricultural-Open Space District* to *CHB Commercial Heavy Business District* and *IL Industrial Light District* on 11.011 acres in the Francis Berry Survey, Abstract Number 2, located at 1820 South Colorado Street (US 183). **115-135**
- C. Resume a PUBLIC HEARING and discussion and/or action regarding Ordinance 2024-05 proposing **Text Amendments** to Chapter 18 "Environment", Chapter 46 "Signs", Chapter 52 "Subdivision Regulations", and Chapter 64 "Zoning" of the Lockhart Code of Ordinances, as follows: **136-152**

Amend Chapter 18 "Environment", Article III "Nuisances", Division 2 "Offensive Conditions", Section 18-82 "Prohibited";

Amend Chapter 46 "Signs", Section 46-6 "Prohibited signs and locations";

Amend Chapter 52 "Subdivision Regulations", Article V "Design Standards", Section 52-78 "Streetlights";

Amend Chapter 64 "Zoning", Article I "In General", Section 64-2 "Definitions"; Article VII "Zoning Districts and Standards", Section

64-197 “Regulations Common to all or several districts.”, Subsection (g) “Minimum parking and loading requirements”;

Add Chapter 64 “Zoning”, Article VII “Zoning Districts and Standards”, Section 64-197 “Regulations Common to all or several districts.”, Subsection (j) “Lighting Standards”; and

Amend Chapter 64 “Zoning”, Article VII “Zoning Districts and Standards”, Section 64-198 “Performance standards for commercial and industrial districts.”, Subsection (c) “Nuisances” to establish revised requirements and standards for residential and commercial lighting, include references to lighting standards in relevant sections, and include updated street lighting policy.

- D. Hold a PUBLIC HEARING and discussion and/or action on an appeal to the Planning and Zoning Commission's approval of application SUP-23-19 by Ben and Lauren Siegel to consider approval of a **Specific Use Permit** for a *Lodging and Boarding House* and *Special Events Center* on 0.925 acres zoned RMD Residential Medium Density District and located at 703 West San Antonio Street.

153-210

5. DISCUSSION/ACTION ITEMS

- A. Discussion and consideration of the 2023 Racial Profiling Report. 211-268
- B. Discussion and/or action to consider contract with Lower Colorado River Authority (LCRA) for electric substation inspection, maintenance, and testing. 269-275
- C. Discussion and/or action to consider Resolution 2024-07 Authorizing Expenditures for Temporary Shelter during extreme weather events and providing a standard Shelter and Care Agreement. 276-281
- D. Discussion and/or action regarding the nominations to the newly established Animal Shelter Advisory Board. 282-294
- E. Discussion and/or action regarding the nomination of Patrick Stroka to the Zoning Board of Adjustment and Appeals by Councilmember John Lairsen for a term to expire in November 2026. 295-299
- F. Discussion and/or action to consider request from Councilmember Michelson to reappoint his nominations for appointments to City boards and commissions. 300-301
- G. Discussion and/or action to consider request from Councilmember Lairsen to reappoint his nominations for appointments to City boards and commissions. 302-303
- H. Announcement of nomination of Arnold Proctor to the Zoning Board of Adjustment and Appeals by Councilmember Brad Westmoreland for a term to expire in November 2025. 304-308

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

- KidFish at City Park on March 16th at 9:00 a.m.
- Citywide Spring Clean Up Program on Saturday, March 23, 2024.
- The Comprehensive Plan's second Community Open House has been scheduled for Monday, March 18, 6 – 8 p.m. at the Connection Center.
- Lockhart's new Building Official, Mr. Andrew Devaney, set to start February 26th.

7. COUNCIL AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST

8. 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 LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE.

- A. Consultation with attorney for the City regarding summary of legal issues associated with Red Oak/Seawillow Project, and including legal advice related to the city's process for approval of various project components, possible PID creation and PID policy requirements, TIRZ creation, and possible participation in the project by other governmental entities and related legal issues.

9. OPEN SESSION

- A. Discuss and consider action on amendments to the City's Public Improvement District (PID) policy.

10. ADJOURNMENT

City Council shall have the right at anytime to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 16th day of February, 2024 at 3:00 p.m.

Proclamation

WHEREAS, one in three adolescents is a victim of physical, sexual, emotional, or verbal abuse from a dating partner; and

WHEREAS, the effects of dating violence impact youth in all communities and cuts across economic, racial, gender, and societal barriers; and

WHEREAS, respectful, supportive, and non-violent relationships are key to safety, health, and academic success; and

WHEREAS, by providing teens and young adults with education about healthy relationships and relationship skills, and by changing attitudes that support violence, we recognize that dating violence can be prevented; and

WHEREAS, family, friends, teachers, coaches, faith leaders, community members, and other important people in young peoples' lives have the power to influence youth in positive ways; and

WHEREAS, last year HCWC provided 31 dating violence prevention and healthy relationships presentations to 2,428 teens and young adults; and

WHEREAS, we must work together to raise awareness and promote healthy dating relationships with activities and conversations about mutually respectful and non-violent relationships in our homes, schools, and communities.

NOW, THEREFORE, I, Lew White, by virtue of the authority vested in me as Mayor of Lockhart, Texas do hereby proclaim the month of

February 2024

as

**Dating Violence Awareness and Prevention Month
for teens and young adults**

and do hereby call upon the citizens of Lockhart to work together to raise awareness and prevent dating violence in our community and beyond.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of Lockhart, Texas, this 20th day of February 2024.

ATTEST:


Julie Bowermon
City Secretary



CITY OF LOCKHART


Lew White
Mayor

Proclamation

Whereas, February 1-29, 2024, has been designated Career and Technical Education Month by the Association for Career and Technical Education; and

Whereas, career and technical education offers students the opportunity to gain the academic, technical and employability skills necessary for true career readiness; and

Whereas, students in career and technical education programs participate in authentic, meaningful experiences that improve the quality of their education and increase their engagement and achievement; and

Whereas, career and technical education provides students and career exploration opportunities earlier in their educational experience, which enables them to make informed and beneficial decisions about their academic coursework and pursue established programs of study and career pathways; and

Whereas, leaders from business and industry nationwide report increasing challenges related to addressing the skills gap and connecting qualified professionals with available careers in critical and growing CTE-related fields, including healthcare, energy, advanced manufacturing, cybersecurity, and information technology; and

Whereas, career and technical education prepares students for these and other fulfilling careers by offering integrated programs of study that link secondary and postsecondary education and lead to the attainment of industry- recognized credentials; and

Whereas, career and technical education programs ensure that employers have access to a qualified and thriving workforce, ensuring America is a strong and competitive economy; and

NOW, THEREFORE, I, Lew White, by virtue of the authority vested in me as Mayor of the City of Lockhart, Texas, do hereby proclaim

February 1-29, 2024

as

“Career and Technical Education Month”

in the City of Lockhart and I urge all citizens to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual skills and productivity.

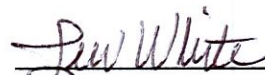
IN TESTIMONY, WHEREOF, I have hereto set my hand and cause to be affixed the Seal of the City of Lockhart, Texas this the 20th day of February 2024.

ATTEST:


Julie Bowermon
City Secretary



CITY OF LOCKHART


Lew White
Mayor

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Presentation by Police Chief Williamson regarding the 2023 Racial Profiling Report.

ORIGINATING DEPARTMENT AND CONTACT: Police - Gary Williamson

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: State law requires collection of information relating to motor vehicle stops in which a citation or warning is issued and for arrests made due to traffic stops. In addition, State law requires the following:

1. A comparative analysis of the information compiled;
2. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and person who are not recognized as racial or ethnic minorities;
3. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including searches resulting from stops within the applicable jurisdiction;
4. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered during those searches and whether the individual detained consented to the search;
5. Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency was engaged in racial profiling;
6. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual;
7. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
8. Location of the stops; and
9. The reason for the stops.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Motion to acknowledge receipt of the 2023 Racial Profiling Report and place it on file.

LIST OF SUPPORTING DOCUMENTS: 2023 Racial Profiling Report, Racial Profiling Law, LPD Bias-Based Profiling Policy, Racial Profiling Analysis Letter

Racial Profiling Report | Full

Agency Name: LOCKHART POLICE DEPARTMENT
Reporting Date: 01/29/2024
TCOLE Agency Number: 055201

Chief Administrator: GARY P. WILLIAMSON

Agency Contact Information:

Phone: (512) 398-4401

Email: gwilliamson@ps.lockhart-tx.org

Mailing Address:

214 BUFKIN LN

LOCKHART, TX 78644-4006

This Agency filed a full report

LOCKHART POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the LOCKHART POLICE DEPARTMENT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the LOCKHART POLICE DEPARTMENT if the individual believes that a peace officer employed by the LOCKHART POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the LOCKHART POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the LOCKHART POLICE DEPARTMENT policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The LOCKHART POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in

Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: DANIEL E. WILLIAMS
CAPTAIN

Date: 01/29/2024

Total stops: 3711

Street address or approximate location of the stop

City street	3467
US highway	186
County road	15
State highway	40
Private property or other	3

Was race or ethnicity known prior to stop?

Yes	4
No	3707

Race / Ethnicity

Alaska Native / American Indian	6
Asian / Pacific Islander	38
Black	341
White	1540
Hispanic / Latino	1786

Gender

Female	1330
Alaska Native / American Indian	1
Asian / Pacific Islander	10
Black	108
White	620
Hispanic / Latino	591
Male	2381
Alaska Native / American Indian	5
Asian / Pacific Islander	28
Black	233
White	920
Hispanic / Latino	1195

Reason for stop?

Violation of law	76
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	20

Hispanic / Latino	52
Preexisting knowledge	14
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2
Hispanic / Latino	11
Moving traffic violation	2098
Alaska Native / American Indian	4
Asian / Pacific Islander	26
Black	191
White	888
Hispanic / Latino	989
Vehicle traffic violation	1523
Alaska Native / American Indian	2
Asian / Pacific Islander	12
Black	145
White	630
Hispanic / Latino	734
Was a search conducted?	
Yes	187
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	26
White	37
Hispanic / Latino	124
No	3524
Alaska Native / American Indian	6
Asian / Pacific Islander	38
Black	315
White	1503
Hispanic / Latino	1662
Reason for Search?	
Consent	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1

Hispanic / Latino	3				
Contraband	5				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	2				
Hispanic / Latino	3				
Probable	157				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	25				
White	28				
Hispanic / Latino	104				
Inventory	16				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	1				
White	4				
Hispanic / Latino	11				
Incident to arrest	5				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	2				
Hispanic / Latino	3				
Was Contraband discovered?					
Yes	151				
		Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	0	Yes	0	No	0
Asian / Pacific Islander	0	Yes	0	No	0
Black	23	Yes	3	No	4
White	28	Yes	5	No	18
Hispanic / Latino	100	Yes	14	No	45
No	36				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	3				
White	24				
Hispanic / Latino	9				

Description of contraband	
Drugs	117
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	20
White	21
Hispanic / Latino	76
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Currency	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	1
Alcohol	60
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	6
White	9
Hispanic / Latino	45
Stolen property	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	2
Other	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	8
Result of the stop	
Verbal warning	548

Alaska Native / American Indian	1
Asian / Pacific Islander	7
Black	39
White	244
Hispanic / Latino	257
Written warning	2282
Alaska Native / American Indian	5
Asian / Pacific Islander	21
Black	236
White	972
Hispanic / Latino	1048
Citation	792
Alaska Native / American Indian	0
Asian / Pacific Islander	10
Black	59
White	301
Hispanic / Latino	422
Written warning and arrest	71
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	17
Hispanic / Latino	50
Citation and arrest	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	4
Hispanic / Latino	5
Arrest	8
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	2
Hispanic / Latino	4
Arrest based on	
Violation of Penal Code	73
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	4
White	19
Hispanic / Latino	50
Violation of Traffic Law	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	2
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	13
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	3
Hispanic / Latino	7

Was physical force resulting in bodily injury used during stop?

Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	3711
Alaska Native / American Indian	6
Asian / Pacific Islander	38
Black	341
White	1540
Hispanic / Latino	1786

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	☐
Use Department's submitted analysis	☒

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:
 - (A) the race or ethnicity of the individual detained; and
 - (B) whether a search was conducted and, if so, whether the person detained consented

to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

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policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or

ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

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during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

- (1) a comparative analysis of the information compiled under Article 2.133 to:
 - (A) determine the prevalence of racial profiling by peace officers employed by the agency; and
 - (B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and
- (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
- (e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.
- (f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

- (1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:
 - (A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and
 - (B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or
- (2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public

Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

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(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher

education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A).

The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

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SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating

to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;

and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic

violation as defined by Chapter 522;

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(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [(7)] the date of conviction; and

(9) [(8)] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and

Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate Speaker of the House

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I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote:
Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

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Modifications to the Original Law

(H.B. 3389)

Amend CS HB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle[traffic] stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [or] Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the

agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle [traffic] stops in which a citation is issued and to arrests made as a result of [resulting from] those [traffic] stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual [person] detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or

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municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [traffic] stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [traffic] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle [traffic] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [TRAFFIC AND PEDESTRIAN] STOPS. (a) In this article, "race[":

[(1) "Race] or ethnicity" has the meaning assigned by Article 2.132(a).

[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance [regulating traffic or who stops a pedestrian for any suspected offense] shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any [each] person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop [traffic law or ordinance alleged to have been violated or the suspected offense];

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description [the type] of the contraband or evidence [discovered];

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [existed and the facts supporting the existence of that probable cause];

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop[, including a description of the warning or a statement of the violation charged].

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections

(a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) [means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [local] law enforcement agency shall submit a report containing the incident-based data [information] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [in a manner approved by the agency].

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized

as racial or ethnic minorities [determine the prevalence of racial profiling by peace officers employed by the agency]; and

(B) examine the disposition of motor vehicle [traffic and pedestrian] stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [traffic or pedestrian] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

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(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to

make motor vehicle [traffic and pedestrian] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [traffic and pedestrian] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [traffic and pedestrian] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [traffic and pedestrian] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [traffic or pedestrian] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based
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data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and
(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;
(2) the person receives community supervision, including deferred adjudication; or
(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and
(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal

treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT:

CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

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(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [\$5]; [and]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as

reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [\$5]; [and]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

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(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;

(7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; [and]

(8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and

(9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; [and]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed

\$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW

ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

(1) this chapter;

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(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An

offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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Racial and Ethnic Designations

(H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [, Native American, or Middle Eastern descent].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [, or Native American descent].

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following
vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

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The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability

[mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision 51

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a

reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b)

or elects to use the results of a previous determination as described by Subsection (a)(2), the trial

court may, as applicable:

- (1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;
- (2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

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or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

- (3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

- (2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

- (1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
- (2) it is reasonable to divert the person;
- (3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY

COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

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(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

- (1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;
- (2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and
- (3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

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otherwise if the:

- (1) defendant is not charged with and has not been previously convicted of a violent

offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,], at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

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(a) The commission shall:

- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
- (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
- (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
- (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
- (5) revise, amend, or change rules and procedures if necessary;
- (6) provide to local government officials consultation on and technical assistance for county jails;
- (7) review and comment on plans for the construction and major modification or renovation of county jails;
- (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
- (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission

orders, and rules

and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules,

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standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including

rules and procedures that require a county jail to:

- (A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;
- (B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and
- (C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read 57

as follows:

- (d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

- (1) appropriations of money to the fund by the legislature; and
- (2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a

grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;
- (4) a serious bodily injury, as that term is defined by Section 1.07, Penal Code;
- (5) an assault;
- (6) an escape;
- (7) a sexual assault; and
- (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

- (b) The commission shall prescribe a form for the report required by Subsection (a).
- (c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.
- (d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

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than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

- (b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection (a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

- (1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and
- (2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

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section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read 60

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to

the search; [and]

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection

(b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance

shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

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and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

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available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal
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Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and

(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

President of the
Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

	LOCKHART POLICE DEPARTMENT	
	Policy 328 Bias-Based Profiling	
	Effective Date: January 1, 2020	Revision Date: November 1, 2023
	Approved: Gary Williamson, Chief of Police	
	Pages 3	

328 Policy Manual

Bias-Based Profiling

328.1 PURPOSE AND SCOPE

The Lockhart Police Department strives to provide law enforcement services to our diverse community with due regard to the racial, cultural or other inherent differences of those we serve. It shall be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group. Race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be utilized as the basis for providing differing levels of law enforcement service or the enforcement of the law.

328.2 DEFINITION

Bias-Based Profiling - Any pattern or practice that includes, but is not limited to, stopping, detaining, frisking, or searching of subjects by police officers based on an individual's race, ethnicity, nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial Profiling - Bias-based profiling specifically dealing with initiating a law enforcement action based on an individual's race, ethnicity or nationality. (Tex. Code of Crim. Pro. art. 3.05, and 2.132(b) (1)).

328.3 POLICY

Police action must be based upon credible information known to the officer, which leads them to believe that an individual is, has been, or is about to be engaged in activity that is in violation of the law. Any other motivation for such actions is strictly prohibited.

- A. The practice of bias-based profiling shall not be tolerated by the Department.
- B. Officers shall ensure that the stopping, detaining, frisking, and/or searching of residents is based upon solid legal principles that conform to their training in arrest, search, and seizure.
- C. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., subject description is limited to a specific race or group).

328.4 TRAINING

All sworn members of this department will complete all Texas Commission on Law Enforcement (TCOLE) mandated training on the subject of bias-based profiling. All sworn employees are required to receive anti-bias training yearly.

328.5 COMPLIANCE

The Lockhart Police Department will investigate all complaints involving bias-based profiling by any employee as outlined in Policy 902 ([Administrative Investigation Procedures](#)).

328.5.1 DISCIPLINARY ACTION

Officers are not subject to disciplinary action based solely on the statistical data collected as a result of this policy. It is the motivating action(s) and/or inaction(s) of officers that will constitute the basis of any internal disciplinary action.

328.6 REQUIRED DOCUMENTATION

The Lockhart Police Department profoundly rejects the practice of bias-based profiling and attempts to accurately document officer-initiated contacts with the public. Documentation requirements are located in Policy 402 ([Incident Reporting and Documentation](#)).

3.29 ANNUAL REPORT

The Chief of Police shall submit an annual report as required by Tex. Code of Crim. Pro. § 2.132(b) to TCOLE and each governing body served by this agency. Further, unless exempt under Tex. Code of Crim. Pro. art. 2.135, each year prior to March 1, the Chief of Police shall provide to TCOLE and to each governing body served by this agency a report containing an analysis of the information required by Tex. Code of Crim. Pro. art. 2.133 (Tex. Code of Crim. Pro. art. 2.134(b)).



LOCKHART POLICE DEPARTMENT

214 Bufkin Lane
Lockhart, Texas 78644
Phone: 512-398-4401
Fax: 512-398-3393
police@ps.lockhart-tx.org

Gary P. Williamson
Chief of Police

February 14, 2024

Mayor and City Council,

Since 2001, Texas law has required police agencies to gather and report certain statistical data relating to Traffic Contact Reporting, also known as the Racial Profiling Report. This must be done prior to March 1st of each year. By law, this data is to be provided to the City Council and filed with the Texas Commission on Law Enforcement (TCOLE). There is no action to be taken on your part.

The law requires that we document how many motor-vehicle stops resulted in a warning, a citation, or an arrest. Of those stops, we must also track the number of searches that occurred and whether the search was with consent or as the result of probable cause. The law further requires that officers receive training about Racial Profiling / Bias Based Policing and that the Department provide information on how to file a complaint of this nature against a police officer. The Racial Profiling Report for 2023 shows that the Lockhart Police Department has complied with all these requirements, as we have continuously done since the law was enacted.

During the analysis of this report, it became apparent that Lockhart Police Officers do not appear to be engaging in bias-based policing. During 2023 calendar year, LPD conducted a total of 3,711 traffic stops. Of those, there were only four stops in which the officer knew the race or ethnicity of the driver prior to making the traffic stop. That is slightly over 1/10th of a percent. The data reveals that the demographics of individuals stopped was statistically consistent with the demographics of our community. For instance, the US Census Bureau estimates that 54.2% of our population is considered Hispanic compared to LPD traffic stop data that reveals 48.13% of traffic stops were of Hispanic/ Latino drivers. For Black drivers, the population estimates are 5.1% and a traffic stop rate of 9.19%.

Additionally, out of 3,711 stops, only 187 resulted in searches developed from probable cause, violator consent, and other legal methods. 80.75% of those searches (151 out of 187) revealed contraband such as drugs, alcohol, stolen property, etc. Analysis of this data tells me that officers are very familiar with the Fourth Amendment and are not, as a matter of course, involved in unreasonable searches and seizures.

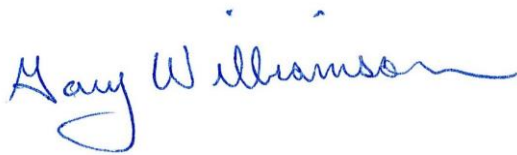
Other information that can be extrapolated from the data is that individuals stopped by Lockhart Police are much more likely to receive a warning rather than a citation. In 2023, warnings were given in 76.26% of the traffic stops. This is important to note for those who erroneously might claim our community as a "speed trap" or some other baseless claim. This demonstrates that LPD officers embrace the view that traffic enforcement

is to educate the public and gain voluntary compliance with the law. If, during a traffic stop, an officer is convinced that a warning is sufficient to gain that compliance, their job can be completed without summoning the violator to court. Our analysis of this data easily shows that our officers are using discretion and that employees do not view traffic stops as a direct or indirect revenue source from the motoring public.

Another important piece of information to glean is that officers are not using unreasonable force in these situations. Of the 3,711 traffic stops, no stops resulted in bodily injury from the use of physical force. Additionally, there were zero complaints received against employees for alleged racial profiling violations.

This 2023 Annual Racial Profiling Report contains copies of the law, our internal policies, and statistical data for motor vehicle contacts in Lockhart. This report has been submitted to, and accepted by, the Texas Commission on Law Enforcement (TCOLE) as required by statute. Again, no action is required on your part.

Respectfully,

A handwritten signature in blue ink that reads "May Williamson". The signature is written in a cursive style with a large, looping initial "M" and a long, horizontal flourish extending to the right.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discuss contract with Lower Colorado River Authority (LCRA) for electric substation inspection, maintenance, and testing.

ORIGINATING DEPARTMENT AND CONTACT: Electric - Bobby Leos

ACTION REQUESTED: Award of Contract

BACKGROUND/SUMMARY/DISCUSSION: The current contract with LCRA is set to expire March 1, 2024. The contract permits LCRA to provide maintenance, testing and inspections at the FM20 and Clearfork Electric Substations. LCRA will conduct visual inspections of the electric lines and other components, in addition to maintenance of the equipment. Monthly tests of the breakers are conducted to assure that they are operating properly. If extensive repairs are required, LCRA will do the repairs for an additional cost. The cost for service in the proposed agreement is \$9,165 annually, or \$45,823 total over the 5-year agreement.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$9,165.00

Account Number: 500-5799-298

Funds Available: Yes

Account Name: Wholesale Power Purchase

FISCAL NOTE (if applicable): The Substation Inspection, Maintenance, and Testing service is billed as a fixed rate component of the City's monthly wholesale power invoice. The current annual rate is \$5,320. The proposed new agreement will increase the annual rate to \$9,165. The rate increase is due to an LCRA internal review of the program requiring the new rate to cover the administrative and field work costs and an inflationary adjustment.

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval of the contract with LCRA.

LIST OF SUPPORTING DOCUMENTS: Lockhart Substation Maintenance and Testing 2024-2029

PROJECT PROPOSAL					
LCRA Transmission Strategic Services CUSTOMER SERVICES CONTRACT Form CSC revised 06/22/2020	CUSTOMER: City of Lockhart P.O. Box 239 Lockhart, TX 78644 Attn: Steven Lewis				
<table style="width: 100%;"> <tr> <td style="width: 70%;">PROJECT:</td> <td style="width: 30%;">DATE SUBMITTED</td> </tr> <tr> <td>Lockhart - Substation Inspection, Maintenance and Testing 2024-2029</td> <td>February 1, 2024</td> </tr> </table>		PROJECT:	DATE SUBMITTED	Lockhart - Substation Inspection, Maintenance and Testing 2024-2029	February 1, 2024
PROJECT:	DATE SUBMITTED				
Lockhart - Substation Inspection, Maintenance and Testing 2024-2029	February 1, 2024				
SCOPE OF SERVICES: LCRA will perform substation maintenance for the City. Scope of Services and Pricing Sheet Attached. Price will increase in Year 1, Year 2 and Year 3 and then maintain for Years 4 and 5. Monthly amount added to Power Bill. Pricing as follows: Year 1: March 1, 2024 - February 28, 2025 = \$ 575.45 per month Year 2: March 1, 2025 - February 28, 2026 = \$ 708.11 per month Year 3: March 1, 2026 - February 28, 2027 = \$ 845.00 per month Year 4: March 1, 2027 - February 29, 2028 = \$ 845.00 per month Year 5: March 1, 2028 - February 28, 2029 = \$ 845.00 per month					
PROJECT SCHEDULE: Start: Effective Date: March 1, 2024 Complete: Completion Date: February 28 2029	LCRA CONTACT Bill Jerram bill.jerram@lcra.org 512-940-6713 Lower Colorado River Authority 3700 Lake Austin Blvd. Austin, TX 78767-0220 Attn: Transmission Strategic Services				
CONTRACT TYPE & ESTIMATED COST: <table style="width: 100%;"> <tr> <td style="width: 50%;"> Contract Type: Independent Contract </td> <td style="width: 50%;"> Billing Method: Fixed Price </td> </tr> </table> Total Cost: \$45,822.66 Reference Contract: (Please note that if this is an independent contract, terms and conditions should be attached.)		Contract Type: Independent Contract	Billing Method: Fixed Price		
Contract Type: Independent Contract	Billing Method: Fixed Price				
<i>Customer and the Lower Colorado River Authority agree that the work described above shall be performed in accordance with the terms and conditions in this contract. This proposal is valid for 60 days after submittal.</i>					
Parties: <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> City of Lockhart By: _____ Printed Name _____ Title: _____ Date: _____ </td> <td style="width: 50%; vertical-align: top;"> Lower Colorado River Authority By: _____ Printed Name Sam Woolard Title: VP, Transmission Field Service _____ </td> </tr> </table>		City of Lockhart By: _____ Printed Name _____ Title: _____ Date: _____	Lower Colorado River Authority By: _____ Printed Name Sam Woolard Title: VP, Transmission Field Service _____		
City of Lockhart By: _____ Printed Name _____ Title: _____ Date: _____	Lower Colorado River Authority By: _____ Printed Name Sam Woolard Title: VP, Transmission Field Service _____				
OFFICE USE ONLY Job Description: <u>Lockhart - Substation Inspection, Maintenance and Testing 2024-2029</u> Project ID: _____ Work Order: _____ Contract Owner: <u>Bill Jerram</u> Contract Coordinator: <u>Catherine Hempfling</u>					

LOCKHART 5-Year Substation Inspection Maintenance and Testing
EXHIBIT A

Monthly Visual Inspection (11 per year)											
				AMOUNT	Adj Year 1	Adj Year 2	Year 3	Year 4	Year 5		
LOCKHART - (1 each month - total of 11 checks per year for 5 years)				\$9,941.80	\$ 1,498.20	\$ 1,843.60	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	Annual	
CLEAR FORK - (1 each month - total of 11 checks per year for 5 years)				\$4,970.90	\$ 749.10	\$ 921.80	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	Annual	
				\$14,912.70							
Visual Inspection and Trip and Close Breaker on an Annual Basis (1 per year)											
				AMOUNT							
LOCKHART - 4 breakers - once per year for 5 years				\$9,038.00	\$ 1,362.00	\$ 1,676.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	Annual	
CLEAR FORK - 2 breakers - once per year for 5 years				\$4,519.00	\$ 681.00	\$ 838.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	Annual	
				\$13,557.00							
Internal/External Inspection - 1 time over 5 years (includes relay testing)											
				AMOUNT							
LOCKHART - 2 breakers per day - 4 breakers total				\$11,568.64	\$ 1,743.36	\$ 2,145.28	\$ 2,560.00	\$ 2,560.00	\$ 2,560.00	Annual	
CLEAR FORK - 2 breakers per day - 2 breakers total				\$5,784.32	\$ 871.68	\$ 1,072.64	\$ 1,280.00	\$ 1,280.00	\$ 1,280.00	Annual	
				\$17,352.96							
Total # of Breakers	Site 1	4		5-Year TOTAL	\$45,822.66	\$ 6,905.34	\$ 8,497.32	\$10,140.00	\$10,140.00	\$10,140.00	Annual
	Site 2	2			MONTHLY:	\$ 575.45	\$ 708.11	\$ 845.00	\$ 845.00	\$ 845.00	

Monthly Visual Inspection \$ 50.00
Visual Inspection Trip/Close \$ 500.00
Int/Ext Inspection \$3,200.00

Year 1: March 1, 2024 - February 28, 2025 \$ 575.45 per month
Year 2: March 1, 2025 - February 28, 2026 \$ 708.11 per month
Year 3: March 1, 2026 - February 28, 2027 \$ 845.00 per month
Year 4: March 1, 2027 - February 29, 2028 \$ 845.00 per month
Year 5: March 1, 2028 - February 28, 2029 \$ 845.00 per month

Distribution Breaker Maintenance Scope of Work

This agreement shall cover, Per Distribution Breaker: See attached spreadsheet for details.

1. A monthly visual inspection.
2. A Yearly trip/close check.
3. One internal/external/relay test/inspection every 5 years.

Circuit Breaker Maintenance – Distribution

- Clean components of lift rods/cross-arms, check for wear, damage, looseness and check alignment
- Inspect bushing CT's for damage and loose wiring
- Inspect gaskets
- Perform leak test
- Verify ground connections
- Inspect bushings for damage and clean
- Filter oil
- Tighten high voltage line/load connections
- Hi-pot vacuum bottle
- Measure contact resistance

Relay Circuit Breaker - Distribution

Relay Calibration, including UFLS relays.

- For verification of relay settings the customer must provide the settings unless LCRA TSC Systems Protection has previously provided
- Verify operational settings according to latest transmission system requirements
- Verify relay case grounding
- Verify indication lights
- For non-digital relays test and calibrate if necessary
- Verify proper operation and pickup of trip indications
- Verify timers for correct settings
- Verify correct operations of alarms to SOCC/annunciator
- Verify control, CT, and PT wiring connections on relays and terminal blocks are tight
- Verify the A/D converters, if included, within the relay by testing or comparing values against other devices
- Verify operations of all relay inputs and outputs essential to proper function not covered above
- For instrument transformers verify presence, rotation and direction/polarity of all voltage and current inputs and compare to another instrument transformer on the same circuit
- Verify sync check voltage for applicable automatic reclosing schemes
- For auxiliary equipment check AC and DC voltage inputs to all relays, carrier and aux equipment
- Function test/Trip check
- Verify correct operation of all switching devices under relay control
- Verify proper operation of all relay panel trip/control circuits
- Verify electrical operation of electromechanical lockout
- Verify the pressure or flow sensing mechanism is operable in sudden pressure tripping relays

LCRA SUBSTATION SERVICES

Scope of Services

This Contract shall cover substation services for assets listed in Exhibit A for substation equipment and facilities owned by Customer. All inspections shall be performed in accordance with the Standards for Inspection and Maintenance of LCRA Transmission Services Corporation Equipment and Facilities or the manufacturer's service manual, unless otherwise requested in writing by the Customer. LCRA shall provide copies of all applicable reports to the Customer after work completion. All services will be invoiced after the work is performed. All pricing is based on the attached Schedule (Exhibit A).

Additional maintenance on assets not included in Exhibit A must be requested in writing (email is sufficient) or added as an amendment to this agreement. LCRA Transmission Substation Maintenance personnel may also be available for corrective maintenance and/or emergency repair work depending on availability and LCRA Agreement. This work will be charged at Customer Service prevailing rates. These services will be invoiced each time they are required after the work is performed.

LCRA will perform tests and report findings, following the guidelines of standard testing and best practices.

If applicable, Customer shall remain solely responsible for all liabilities and obligations related to the Bulk Electric System ("BES") protection elements, including any regulatory requirements associated with such elements or any fines or penalties resulting therefrom. Notwithstanding anything to the contrary in this Contract, including the Interlocal, LCRA makes no representations or warranties, express or implied, as to the completeness or accuracy of the BES protection elements test reports or their suitability for a particular purpose, and LCRA will not be liable for errors or omissions in, or delays in providing, the BES protection elements test reports.

Either party may terminate this Contract by giving ninety (90) days advance written notice, which shall include an effective date for termination of the Agreement. Written notice shall be provided by email or mail.

CUSTOMER SERVICES CONTRACT

1. Agreement. This Customer Services Contract, including these terms and conditions, the Project Proposal, and any other documents attached hereto (collectively, the “Contract”), contains the entire agreement and understanding between LCRA and Customer with respect to the subject matter of this Contract and supersedes any and all prior or contemporaneous oral and written agreements and understandings regarding the defined scope of services. Additional terms and conditions on Customer’s forms (including those accompanying any purchase order, invoice or payment) are a material alteration of this Contract and are rejected and null and void unless expressly agreed to by LCRA in writing. In the case of any conflicts between the terms of this Contract and the terms of any applicable Customer form, the terms of this Contract will control.
2. Services. LCRA will perform services for the Customer as detailed in the Scope of Services section of the Project Proposal (“Services”). Customer will review and respond as appropriate to all reports, studies, recommendations, requests and other submissions of LCRA so as not to delay the performance of the Services.
3. Notices. Correspondence, notices and invoices will be in writing and mailed or delivered to the other party as identified in the Customer and LCRA Contact sections of the Project Proposal, or at such other address as a party may from time to time designate in writing. All notices, correspondence or invoices will be effective upon receipt.
4. Changes Orders. Changes in the scope of the Services may only be made by written agreement of the Customer and LCRA. Verbal changes will not be given or accepted, except in cases of emergencies which pose a risk of personal injury or property damage, and such changes will be followed up with a written confirmation as soon as practicable.
5. Term; Termination. This Contract will commence on the date of the last signature by the parties (“Effective Date”) and will govern LCRA’s performance of the Services. Either party may terminate this Contract for its convenience at any time by providing written notice to the other party. In the event of such termination, Customer will pay LCRA for all Services performed up to the date of termination, plus (in the case of termination by Customer) any cancellation charges or other termination expenses as may be reasonably identified by LCRA.
6. Costs; Invoicing. As compensation for the Services, Customer will pay LCRA in accordance with one of the following, as identified in the Price section of the Project Proposal:
 - (a) All (i) direct costs incurred by LCRA in performing the Services, including, (1) costs for materials and supplies, (2) labor costs, including salary and benefits, paid to LCRA employees, (3) travel, meal and lodging expenses reimbursed or paid on behalf of LCRA employees within established LCRA expense guidelines, and (4) any third party costs, plus (ii) indirect costs that LCRA normally applies to Services of this nature, including general and administrative costs and other internal expenses and contributions; or
 - (b) A fixed price. Any changes to the scope of the Services may require an increase in the fixed price. Such change to the scope and the correlating fixed price will be agreed to in writing by the parties.
- LCRA may invoice Customer for progress payments for the Services completed to date during the term of this Contract. All payments by Customer under this Contract will be due and payable within 30 days after receipt of invoice. If payment is not timely made, interest will accrue on the unpaid balance at the lesser of the maximum lawful rate, or one percent per month, from the due date until paid.
7. Warranty; Disclaimer.
 - (a) During the term of this Contract, and for a period of 30 days after completion of the Services, LCRA will correct or re-perform any Services not conforming to the requirements of this Contract. Upon completion of the Services, LCRA will assign to Customer all contractor, manufacturer and supplier warranties related to the Services, to the extent LCRA has the right to do so. After such assignment, LCRA will have no continuing obligations to Customer with respect to the good or service to which the warranty applies, and Customer will look solely to the applicable contractor, manufacturer or supplier for relief regarding any claims or remedies, whether based on a warranty or otherwise.
 - (b) Any law, code or standard referenced in this Contract will refer to the version of such law, code or standard in effect as of the Effective Date.
 - (c) **THE WARRANTIES CONTAINED IN THIS SECTION 7 ARE EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR GOOD AND WORKMANLIKE PERFORMANCE, AND LCRA’S OBLIGATION UNDER SECTION 7(A) IS CUSTOMER’S SOLE AND EXCLUSIVE REMEDY FOR ANY BREACH OR LIABILITY OF LCRA ARISING UNDER THIS CONTRACT.**
8. Environmental Conditions. Prior to LCRA starting any Services on-site, Customer will provide documentation that identifies the presence and condition of any hazardous materials or environmental conditions existing in or about Customer’s equipment or the site that LCRA may encounter while performing the Services, and will keep LCRA informed of changes in any such conditions. If LCRA encounters hazardous materials in Customer’s equipment or on-site, LCRA is not obligated to perform any Services affected by the hazardous conditions. Customer will indemnify and hold LCRA, its affiliates and their respective directors and employees, harmless for any and all claims, damages, losses, and expenses arising out of or relating to any hazardous materials which are or were (i) present in or about Customer’s equipment or the site prior to the commencement of LCRA’s work, (ii) improperly handled or disposed of by Customer or Customer’s employees, agents, contractors or subcontractors, or (iii) brought, generated, produced or released on-site by parties other than LCRA.
9. Schedule. Unless otherwise expressly stated in the Contract documents, time is **not** of the essence and LCRA will not be liable to Customer for any damages arising out of LCRA’s delay in providing the Services, including any failure to meet schedules contained in this Contract.
10. Force Majeure. Neither party will be responsible or liable for any delay or failure in its performance under this Contract to the extent such delay or failure is caused by conditions or events of Force Majeure. The term “Force Majeure” means causes or

CUSTOMER SERVICES CONTRACT

events beyond the reasonable control of, and without the fault or negligence of the party claiming Force Majeure, including (to the extent satisfying the foregoing requirements) (i) acts of God or sudden actions of the elements such as floods, earthquakes, hurricanes, tornadoes, ice storms, or wildfires; (ii) terrorism; war; riots; blockades; insurrection; strike at a regional level; labor disruption at a regional level (even if such difficulties could be resolved by conceding to the demands of a labor group); (iii) any action by a governmental or regulatory entity, including ERCOT or the PUCT; and (iv) pandemic, including the current Coronavirus Disease 2019 outbreak.

11. **LIMITATION OF LIABILITY.** **THE TOTAL LIABILITY OF LCRA ARISING OUT OF THIS CONTRACT AND THE SERVICES WILL NOT EXCEED AN AMOUNT EQUAL TO THE FEES PAID TO LCRA UNDER THIS CONTRACT, AND LCRA WILL NOT BE LIABLE FOR INDIRECT, PUNITIVE, INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS. IN NO EVENT WILL ANY OFFICER, DIRECTOR, EMPLOYEE OR AFFILIATE (OR AFFILIATE'S OFFICER, DIRECTOR OR EMPLOYEE) OF LCRA BE LIABLE TO CUSTOMER UNDER THIS CONTRACT, AND CUSTOMER'S SOLE RECOURSE UNDER THIS CONTRACT WILL BE AGAINST LCRA AND NOT AGAINST SUCH OTHER PERSONS. THE LIMITATIONS ON LIABILITY AND REMEDIES IN THIS PARAGRAPH WILL APPLY REGARDLESS OF WHETHER THE LIABILITY OR CAUSE OF ACTION ARISES IN CONTRACT, WARRANTY, INDEMNITY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE. NOTHING IN THIS CONTRACT WILL BE CONSTRUED TO WAIVE LCRA'S GOVERNMENTAL IMMUNITY.**

12. **Amendment.** This Contract may only be amended or modified through written agreement of the parties signed by an authorized representative of LCRA and by an authorized representative of the Customer.

13. **Assignment.** This Contract will be binding upon and inure to the benefit of the parties and their respective successors and assigns; provided, however, that neither party may assign this Contract, in whole or part, without the prior written consent of the other party.

14. **Non-Waiver.** No failure or delay on the part of a party to exercise any right or remedy will operate as a waiver of such right or remedy, nor will any single or partial exercise of any right or remedy preclude any further or other exercise of any such right or remedy.

15. **Partial Invalidity.** If any section or part of this Contract is declared invalid by any court of competent jurisdiction, the court's decree will not affect the remainder of this Contract, and the remainder of this Contract will remain in full force and effect with the deletion of the part declared invalid.

16. **Choice of Law; Venue; Waiver of Jury Trial.** This Contract will be governed by and construed in accordance with the laws of the State of Texas, without regard to conflict of law principles. Each party irrevocably consents and agrees that any legal action or proceeding arising out of this Contract will be brought exclusively in a court of competent jurisdiction in Travis County, Texas. LCRA AND CUSTOMER IRREVOCABLY WAIVE ALL RIGHT OF TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM ARISING OUT OF OR IN CONNECTION WITH THIS CONTRACT.

17. **Ownership.** Intellectual property and rights to intellectual property owned by any party on the Effective Date will remain the property of that party. All deliverables, including plans, drawings, designs, specifications, computer programs or applications photographs, studies, data, schedules, test readings, technical reports, and calculations developed or utilized by LCRA or its subcontractors which are developed and specified to be delivered under this Contract and which are paid for by Customer are the property of Customer, but subject to LCRA's intellectual property rights. Customer recognizes that no deliverables will be suitable for reuse at any Customer facility or in connection with any project other than that for which the deliverable was prepared. LCRA DISCLAIMS LIABILITY FOR ANY REUSE OF THE DELIVERABLES ON ANY OTHER FACILITY OR PROJECT THAT IS DONE WITHOUT THE EXPLICIT, WRITTEN APPROVAL OF LCRA.

18. **Confidentiality.** "Confidential Information" means information marked or otherwise designated as "confidential" by a party. Confidential Information may only be used by the parties for purposes related to the performance of this Contract, and each party agrees not to disclose Confidential Information of the other party to any other person (other than its affiliates, and the party's and affiliate's respective employees and directors, or to contractors who agree to be bound by the provisions of this Section), provided that either party may disclose Confidential Information if and to the extent such disclosure is required by law (including the Texas Public Information Act). In the event a party is requested under law to disclose Confidential Information, such party will to the extent possible notify the other party within three business days of such request.

19. **Municipally Owned Utilities.** If Customer is a municipally owned utility, the following additional terms will apply:

- (a) This Contract is entered into under the authority of Chapter 791 of the Texas Government Code;
- (b) Customer pledges the revenues of its electric utility system to pay its obligations under this Contract. In addition, the amounts payable by Customer to LCRA under this Contract are operation and maintenance expenses as contemplated by Section 1502.056 of the Texas Government Code and, as a result, are a first lien against the revenues of Customer to secure the Customer's payment obligations to LCRA hereunder. Customer agrees that it will not request Services for which funds have not been appropriated and are not available.
- (c) Payments made under this Contract (1) are based on cost recovery, (2) will fairly compensate LCRA for the Services, and (3) will be made from current revenues available to Customer.

20. **Survival.** Termination or expiration of this Contract will not relieve, reduce, or impair any rights or obligations of a party which expressly or by implication survive termination or expiration of this Contract. Without limiting the generality of the foregoing, the following sections will survive the termination or expiration of this Contract: Costs; Invoicing, Warranty; Disclaimer, Environmental Conditions, Schedule, Limitation of Liability, Choice of Law; Venue; Waiver of Jury Trial, Ownership, Confidentiality, and Municipally Owned Utilities.



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discuss Resolution 2024-07 Authorizing Expenditures for Temporary Shelter during extreme weather events and providing a standard Shelter and Care Agreement.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Joseph Resendez, Randy Jenkins

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: A local church opened as a voluntary warming shelter during the recent extreme winter weather experienced the weekend of January 13th, 2024. An informal request for reimbursement for incremental costs incurred for operating as a temporary shelter was requested.

The City's adopted Emergency Management Plan recognizes the need for temporary shelter where "the primary objective is to provide protection from the weather, comfortable seating, and access to restrooms," and identifies "churches are also frequently used as shelters."

Providing financial assistance to defray the incremental costs of **voluntarily** operating as a temporary shelter and adopting a template Shelter and Care Agreement will facilitate the effective implementation of shelters during future extreme weather events.

Eligible costs include, but are not limited to, utility expenses (water, wastewater, electricity, and natural gas), and the provision of food, water, and blankets.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): If approved, a budget adjustment of \$1,000 would be allocated to a new line item in the FYE 2024 Mayor/Council adopted department budget for Emergency Management Expenses.

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval of the proposed resolution.

LIST OF SUPPORTING DOCUMENTS: Resolution 2024-07 - Authorizing Expenditures for Temporary Shelter

RESOLUTION 2024-07

A RESOLUTION OF THE CITY OF LOCKHART, TEXAS AUTHORIZING THE EXPENDITURE OF FUNDS TO DEFRAY INCREMENTAL COSTS INCURRED BY CHURCHES FOR VOLUNTARILY OPERATING AS A TEMPORARY SHELTER DURING EXTREME WEATHER CONDITIONS

WHEREAS, the City of Lockhart's ("City") Emergency Management Plan calls for the need to set up temporary warming and cooling shelters during extreme weather conditions;

WHEREAS, the City finds these temporary shelters necessary to protect the public health and safety of its residents;

WHEREAS, local area churches ("churches") operate facilities sufficient to function as temporary shelters during extreme weather conditions;

WHEREAS, churches have operated as temporary shelters during extreme weather conditions in the past to carry out the functions in the Emergency Management Plan;

WHEREAS, churches have incurred certain costs and expenses during extreme weather conditions to operate a temporary shelter pursuant to the Emergency Management Plan;

WHEREAS, the City finds it reasonable and necessary to defray some of the costs and expenses associated with functioning as a temporary shelter when carrying out the purpose of the Emergency Management Plan;

WHEREAS, pursuant to Lockhart Code of Ordinances Chapter 16-10, approval by the City Council is required for the expenditure of funds in carrying out an emergency management activity;

WHEREAS, the amount in expenditure does not trigger any procurement, notice, or bidding requirements under the laws of the State of Texas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, THAT:

1. The City of Lockhart, acting through its government body, hereby approves the expenditure of funds up to \$1,000 to reimburse churches that have voluntarily operated temporary shelters at the request of the Emergency Management Director or appointed Coordinator during extreme weather conditions for the incremental costs and expenses associated directly with the operation of the temporary shelter. Such costs and expenses shall not include those associated with the normal operation and function of churches that they would incur outside of acting as a temporary shelter. Eligible costs include, but are not limited to, utility expenses (water, wastewater, electric, and natural gas), the provision of food, water, and blankets.
2. At times when the City experiences an emergency weather condition, the City may agree to permit churches to function as temporary shelters pursuant to the Emergency Management Plan.
3. The City may reimburse churches for the certain amounts associated with functioning as temporary shelters to defray the costs and expenses of operating the temporary shelters. Any church staff are considered volunteers and are ineligible for reimbursement.

4. Any cooperating churches must submit a post-event report to the City identifying the use of funds in order to promote a public purpose in compliance with state law.
5. The City may enter into a non-exclusive Shelter and Care Agreement (Exhibit A) with churches in furtherance of achieving the public purposes identified in this resolution.

PASSED AND ADOPTED on this the 20th day of February 2024.

CITY OF LOCKHART, TEXAS

Lew White, Mayor

ATTEST:

Julie Bowermon, City Secretary

Brad Bullock, City Attorney

EXHIBIT A

Shelter and Care Agreement

This Agreement is made and entered into between the City of Lockhart (the “City”) and _____ (the “Church”).

TERMS

The American Red Cross has been chartered under federal law to provide mass care to victims of natural disasters. Due to the scale recent severe weather conditions, the City has assumed responsibility for accepting, sheltering and providing mass care to some of the victims of such events.

The City and the Church desire to reach an understanding that will result in making Church facilities available to shelter and care for victims requiring shelter during severe weather conditions. It is mutually agreed between the parties as follows:

1. The Church offers the use of its physical facilities located at _____, Lockhart, Texas, as a shelter for victims requiring shelter from severe cold or hot weather conditions.
2. For those victims provided shelter, the Church agrees that it will provide temperature-controlled shelter for the duration of the severe weather condition occurring at the time.
3. The City will provide and assist the Church in completing the forms necessary to obtain reimbursement from the federal government for expenses incurred by the Church in providing the facilities and services if the Church seeks federal reimbursement. The City will not guarantee or promise the Church that all or any of its expenses will be reimbursed. It is the responsibility of the Church to maintain complete and accurate records of its expenses.
4. The City, in accordance with Resolution 2024-07, will provide nominal reimbursement of costs and expenses associated directly with the operation of the temporary shelter, as defined in the Resolution.
5. The Church, in accordance with Resolution 2024-07, will provide a post-event accounting report to the City identifying the use of funds provided to the Church by the City as reimbursement of costs and expenses described above.
6. The Church shall not receive compensation for operating as a temporary shelter pursuant to terms of this Agreement, nor will any staff of the Church be eligible for compensation or reimbursement for acts performed pursuant to the terms of this Agreement.
7. The City and the Church and all employees, agents, and representatives of each, assume all rights and liabilities in accordance with Lockhart City Ordinance Section 16-9.
8. The term of this Agreement shall be: _____ (months/years) **OR** _____ until the City chooses to terminate this Agreement pursuant to Paragraph 9.

9. The City may terminate this Agreement for any reason upon thirty (30) days' written notice to the point of contact for the Church. The Church will have no cause of action or claim against the City for termination other than for reimbursement of expenses already accrued and owed by the City under this Agreement.

10. The point of contact for the Church shall be:

Name:

Title:

Address:

Phone Number:

Cell Phone Number:

Fax Number:

11. The point of contact for the City shall be:

Name:

Title:

Address:

Phone Number:

Cell Phone Number:

Fax Number:

Entered into this the _____ day of _____, 20__.

THE CHURCH

CITY OF LOCKHART, TEXAS

Name:

Title:

Name:

Title:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discuss the nominations to the newly established Animal Shelter Advisory Board.

ORIGINATING DEPARTMENT AND CONTACT: Council - Mayor Lew White

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Council previously adopted Ordinance 2024-01 establishing the creation of a seven member Animal Shelter Advisory Board. Ordinance 2024-01 outlining member eligibility as well as board purpose, scope, and responsibility is attached. Councilmembers were invited to submit names for nominations to the newly established Board. During the February 6, 2024 Council moved to nominate the following to the Animal Shelter Advisory Board:

Susan Falgout (board application attached)
Alexandra Worthington (board application attached)
Adrea Theriot (board application attached)
Morgan Siewert, DVM
Caldwell County Commissioner B.J. Westmoreland
Police Chief Gary Williamson
Lockhart Animal Shelter Supervisor Nikole Lockard

In accordance with Resolution 2024-02 which establishes a 2-step process for board/commission member appointments, the nominations are being included on the February 20, 2024 Council agenda for consideration of appointment to the board.

PROJECT SCHEDULE (if applicable): N/A

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: Approval of Ordinance 2024-01. Nominations of board members made during the February 6, 2024 Council meeting.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: None.

LIST OF SUPPORTING DOCUMENTS: Ordinance 2024-04, Applications: Alex Worthington, Susan Falgout, Andrea Theriot

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SECTION 2.207 OF CHAPTER 2 OF THE LOCKHART CODE OF ORDINANCES AND ADOPTING A NEW SECTION 10-19 OF CHAPTER 10 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH AN ANIMAL SHELTER ADVISORY BOARD; PROVIDING CLAUSES FOR REPEALER, SEVERABILITY, SAVINGS, PUBLICATION, AND EFFECTIVE DATE

WHEREAS, the City of Lockhart is a home rule city located in a county of less than 75,000 population; and

WHEREAS, the City of Lockhart operates an animal shelter and periodically impounds animals to protect the health and safety of the general public and the animal population; and

WHEREAS, the City Council now deems it necessary and advisable to create an Animal Shelter Advisory Board to provide support and advice regarding the City of Lockhart Animal Shelter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS that:

SECTION 1: Recitals adopted. The foregoing recitals are adopted and incorporated herein for all purposes.

SECTION 2: Amendment. Section 2.207 of the Lockhart Code of Ordinances is amended by the addition of a new subsection (2)(f), which shall read as follows:

(f) Animal Shelter Advisory Board

SECTION 3: Adoption of New Section. Chapter 10 of the Lockhart Code of Ordinances is amended by the adoption of new Section 10-19, which shall read as follows:

Sec. 10-19. Animal Shelter Advisory Board

- a) The city council shall appoint an animal shelter advisory board.
- b) The board shall be comprised of not more than seven persons and may include persons who are not residents of the City. To the extent available, membership shall include the following:
 - 1. A licensed veterinarian;
 - 2. A municipal or county official;
 - 3. A person whose duties include operation of an animal shelter;
 - 4. A member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals); and
 - 5. One or more citizens of the City or County.

- c) The purpose and scope of the board shall be the following:
 - 1. Assist the City in the development of the Animal Shelter's mission and policies.
 - 2. Review and recommend long range planning and budgeting for the Shelter.
 - 3. Contribute information relevant to Animal Services program development, policies, and procedures.
 - 4. Promote awareness of the services and procedures of the Shelter.
- d) The Board's authority is as follows:
 - 1. The Board's authority is advisory and is not operational in nature.
 - 2. The Board shall not establish or include formal policies to be followed other than those set forth from time to time by the Council.
 - 3. Neither the Board nor any of its members may commit or expend city funds, direct city staff, or speak for the council or the city without prior council authorization.
 - 4. The Board shall report to the City Manager or his/her designee
 - 5. All recommendations and proposals for action concerning the shelter shall be presented to the Council for approval before any action is taken.
- e) Meetings of the Board shall be as follows:
 - 1) At its first meeting and annually thereafter, the Board shall select one of its members to serve as its chair and one member to serve as its secretary.
 - 2) The Board shall meet at least three times a year or when an additional meeting is called by the chair.
 - 3) Meetings shall be posted, open to the public, and shall comply with the requirements of the Texas Open Meetings Act.
 - 4) Minutes of each meeting shall be kept by the secretary.

SECTION 4. Repealer. All provisions of the Code of Ordinances of the City of Lockhart in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Code of Ordinances of the City of Lockhart codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Severability. It is hereby declared to be the intention of the City Council that the components of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining component of this Ordinance.

SECTION 6. Effective Date. This ordinance shall become effective and be in full force from the date of its passage.

PASSED AND ADOPTED on this the 2nd day of JANUARY, 2024.

CITY OF LOCKHART

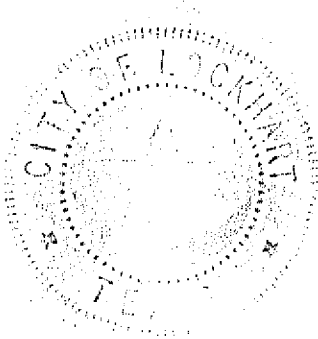
Law White
Law White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon
Julie Bowermon, City Secretary

BB
Brad Bullock, City Attorney



CAPTION PUBLISHED
1.4.24

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

JAN 17 2024

1. PERSONAL INFORMATIONCITY OF LOCKHART
CITY SECRETARY'S OFFICE

Full Legal Name <i>ALEXANDRA WORTHINGTON</i>		Preferred Name <i>ALEX</i>	
Physical Home Address <i>701 CAMPBELL STREET</i>			
Mailing Address (if different)			
City <i>LOCKHART</i>	State <i>TX</i>		Zip <i>78644</i>
Home Phone <i>512.227.0071</i>		Work Phone <i>512.227.0071</i>	
Mobile Phone <i>512.227.0071</i>			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☐ Historical Preservation Commission
☐ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	☒ <i>Animal Advisory Board</i>

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

I am a volunteer at the Lockhart Animal Shelter and the original organizer and current board President of the Lockhart Fur Ball (Lockhart Animal Foundation). I am a huge animal advocate and feel I would be a good partner on the Animal Advisory Board through my experiences with volunteering and getting to know the needs of the shelter and how to work together with the city, county and community to get the needed improvements made.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

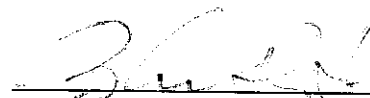
YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.


Applicant's Signature

JANUARY 17, 2024
Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
 City Secretary's Office
 308 W. San Antonio Street / PO Box 239
 Lockhart, TX 78644

Phone: 512.398.3461
 FAX: 512.398.510
jbowermon@lockhart-tx.org

1/17/24

APPLICANT'S NAME: Alexandra WorthingtonBOARD NAME(S): Animal Shelter Advisory Board

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.

Date of residency in Lockhart: 2017

- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.

Date qualified voter in Lockhart: 2020

- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

Removed from another board? YES or NO

If yes, date _____ and board _____

- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

Serves on another board? YES or NO

If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**Animal Shelter Advisory Board**

Y or

☒ N

Licensed veterinarian?

Y or

☒ N

Municipal or county official? _____

Y or

☒ N

Person whose duties include operation of animal shelter?

Y or

☒ N

Member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals)?

☒ Y or

N

Citizen of the City or County? (one or more)

LOCKHART ANIMAL FOUNDATION FILED FOR FORMAL ORGANIZED
IN 2023 - MS. WORTHINGTON ANTICIPATES
PROCESS TO BE COMPLETE IN FEB 2024.

Animal Shelter Advisory Board is appointed by the City Council. The board shall be comprised of not more than seven persons and may include persons who are not residents of the City. To the extent available, membership shall include the following: a licensed veterinarian; a municipal or county official; a person whose duties include operation of an animal shelter; a member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals); and one or more citizens of the City or County. The purpose and scope of the board shall be the following: assist the City in the development of the Animal Shelter's mission and policies; review and recommend long range planning and budgeting for the Shelter; contribute information relevant to Animal Services program development, policies, and procedures; and promote awareness of the services and procedures of the Shelter. The Board's authority is as follows: 1. The Board's authority is advisory and is not operational in nature; 2. The Board shall not establish or include formal policies to be followed other than those set forth from time to time by the Council; 3. Neither the Board nor any of its members may commit or expend city funds, direct city staff, or speak for the council or the city without prior council authorization; 4. The Board shall report to the City Manager or his/her designee; 5. All recommendations and proposals for action concerning the shelter shall be presented to the Council for approval before any action is taken. The Board shall meet at least three times a year or when an additional meeting is called.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

☒ YES

NO

DISCRETION OF THE COUNCIL

NOTES: _____

JAN 16 2024

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

CITY OF LOCKHART
CITY SECRETARY'S OFFICE**1. PERSONAL INFORMATION**

Full Legal Name Susan O. Falgout		Preferred Name Suzy	
Physical Home Address 710 S. Commerce Street			
Mailing Address (if different)			
City Lockhart		State Texas	Zip 78644
Home Phone		Work Phone	
Mobile Phone 512-227-1111			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☐ Historical Preservation Commission
☐ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

Not listed: Animal Shelter Advisory Board.

I am the founder of Caldwell County Animal Coalition. I have been doing rescue for nine years. In 2021 I created CCAC to offer welfare to the Caldwell County Community. We provide low cost/no cost services such as sterilization, vaccinations, and microchips to the community. Since November of 2021 we have sterilized over 1000 animals.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.

EMAILED FORM

01/16/2024

Applicant's Signature

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.510
jbowermon@lockhart-tx.org

1/16/24

APPLICANT'S NAME: Susan FalgoutBOARD NAME(S): Animal Shelter Advisory Board

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.

Date of residency in Lockhart: 2021

- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.

Date qualified voter in Lockhart: 2012

- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

Removed from another board? YES or NO

If yes, date _____ and board _____

- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

Serves on another board? YES or NO

If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**Animal Shelter Advisory Board**

Y or

N

Licensed veterinarian?

Y or

N

Municipal or county official? _____

Y or

N

Person whose duties include operation of animal shelter?

Y

or

N

Member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals?)

CALDWELL COUNTY ANIMAL COALITION AS OFY

or

N

Citizen of the City or County? (one or more)

APRIL 8, 2021

Animal Shelter Advisory Board is appointed by the City Council. The board shall be comprised of not more than seven persons and may include persons who are not residents of the City. To the extent available, membership shall include the following: a licensed veterinarian; a municipal or county official; a person whose duties include operation of an animal shelter; a member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals); and one or more citizens of the City or County. The purpose and scope of the board shall be the following: assist the City in the development of the Animal Shelter's mission and policies; review and recommend long range planning and budgeting for the Shelter; contribute information relevant to Animal Services program development, policies, and procedures; and promote awareness of the services and procedures of the Shelter. The Board's authority is as follows: 1. The Board's authority is advisory and is not operational in nature; 2. The Board shall not establish or include formal policies to be followed other than those set forth from time to time by the Council; 3. Neither the Board nor any of its members may commit or expend city funds, direct city staff, or speak for the council or the city without prior council authorization; 4. The Board shall report to the City Manager or his/her designee; 5. All recommendations and proposals for action concerning the shelter shall be presented to the Council for approval before any action is taken. The Board shall meet at least three times a year or when an additional meeting is called.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

YES

NO

DISCRETION OF THE COUNCIL

NOTES: _____

JAN 24 2024

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

CITY OF LOCKHART
CITY SECRETARY'S OFFICE**1. PERSONAL INFORMATION**

Full Legal Name Andrea K Theriot		Preferred Name Andrea	
Physical Home Address 120 Lakeview Circle			
Mailing Address (if different) Same			
City Lockhart		State Texas	Zip 78644
Home Phone		Work Phone	
Mobile Phone 512-665-8911			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☐ Historical Preservation Commission
☐ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

Lockhart Animal Advisory Board. Current volunteer at the Lockhart Animal Shelter. Board member of Take Me Home Advocates for Transport.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

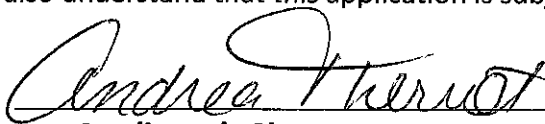
YES	NO	Please answer the following questions about Board/Commission qualifications:
☐	☒	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.


Applicant's Signature

01/23/24

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
 City Secretary's Office
 308 W. San Antonio Street / PO Box 239
 Lockhart, TX 78644

Phone: 512.398.3461
 FAX: 512.398.5103
cconstancio@lockhart-tx.org

APPLICANT'S NAME: Andrea TheriotBOARD NAME(S): Animal Shelter Advisory Board

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.

Date of residency in Lockhart: _____

- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.

Date qualified voter in Lockhart: 2009

- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

Removed from another board? YES or NO

If yes, date _____ and board _____

- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

Serves on another board? YES or NO

If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**Animal Shelter Advisory Board**

Y or

N

Licensed veterinarian?

Y or

N

Municipal or county official? _____

Y or

N

Person whose duties include operation of animal shelter?

Y or

N

Member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals?)

TAKE ME HOME- ADVOCATES FOR TRANSPORTY or

N

Citizen of the City or County? (one or more)

Animal Shelter Advisory Board is appointed by the City Council. The board shall be comprised of not more than seven persons and may include persons who are not residents of the City. To the extent available, membership shall include the following: a licensed veterinarian; a municipal or county official; a person whose duties include operation of an animal shelter; a member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals); and one or more citizens of the City or County. The purpose and scope of the board shall be the following: assist the City in the development of the Animal Shelter's mission and policies; review and recommend long range planning and budgeting for the Shelter; contribute information relevant to Animal Services program development, policies, and procedures; and promote awareness of the services and procedures of the Shelter. The Board's authority is as follows: 1. The Board's authority is advisory and is not operational in nature; 2. The Board shall not establish or include formal policies to be followed other than those set forth from time to time by the Council; 3. Neither the Board nor any of its members may commit or expend city funds, direct city staff, or speak for the council or the city without prior council authorization; 4. The Board shall report to the City Manager or his/her designee; 5. All recommendations and proposals for action concerning the shelter shall be presented to the Council for approval before any action is taken. The Board shall meet at least three times a year or when an additional meeting is called.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

YES

NO

DISCRETION OF THE COUNCIL

NOTES: _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discussion regarding the nomination of Patrick Stroka to the Zoning Board of Adjustment and Appeals by Councilmember John Lairsen for a term to expire in November 2026.

ORIGINATING DEPARTMENT AND CONTACT: Council - John Lairsen

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Councilmember John Lairsen has nominated Patrick Stroka to be appointed to the Zoning Board of Adjustment and Appeals.

After reviewing the application, Mr. Stroka meets the qualifications to serve on a city board and on the Commission.

Resolution 2024-02 was adopted in 2024 establishing administrative procedures for the nomination of board and commission members to include a 2-step process. First, the nomination is to be placed on the agenda as "announcement of nomination" followed by a notice on a subsequent agenda as "discussion and/or action on the nomination."

The announcement of nomination occurred during the February 6, 2024 Council meeting.

Action of appointment, should the Council move to do so, will occur during the February 20, 2024 meeting.

PROJECT SCHEDULE (if applicable): N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: February 6, 2024 Council meeting: nomination of Mr. Stroka to the Zoning Board of Adjustment and Appeals was announced.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: Patrick Stroka application - Zoning Board of Adjustment and Appeals, Zoning Board of Adjustment and Appeals Roster

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose. JAN 17 2024

1. PERSONAL INFORMATIONCITY OF LOCKHART
CITY SECRETARY'S OFFICE

Full Legal Name <i>Patrick Edward Stroka</i>		Preferred Name <i>Pat Stroka</i>	
Physical Home Address <i>1204 Sierra Vista Cv.</i>			
Mailing Address (if different)			
City <i>Lockhart</i>		State <i>TX</i>	Zip <i>78644</i>
Home Phone		Work Phone	
Mobile Phone <i>512-771-8991</i>			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☐ Historical Preservation Commission
☒ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

I am interested in the Zoning Board of Adjustment & Appeals because it allows property owners an impartial way to challenge zoning decisions. Experience: I served on the Edwards Aquifer Authority Board 2007-2020 and on the Human Development Commission in San Marcos. I understand a board's scope and how to interact with staff and other board members.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.

Applicant's Signature

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.510
jbowermon@lockhart-tx.org

APPLICANT'S NAME: Patrick StrokaBOARD NAME(S): Zoning Board of Adjustment & Appeals

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.
Date of residency in Lockhart: JAN 2021
- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.
Date qualified voter in Lockhart: APRIL 2021
- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.
Removed from another board? YES or NO
If yes, date _____ and board _____
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
Serves on another board? YES or NO
If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**Board of Adjustment**

Y or N City Resident? If no, applicant does not qualify.

Zoning Board of Adjustment meets the first Monday at 6:30 p.m. each month if there are items pending the Board's review. The Board hears and decides appeals where the applicant alleges that there is an error in any order, requirement, decision, or determination made by the city staff, the commission, or the city council in the enforcement of the zoning chapter, to hear and decide variances and special exceptions as provided by any provision of the zoning chapter, and to act as the appeal board as specified in Section 22-68, flood hazard areas, of the Lockhart Code of Ordinances. All members must reside within the city limits. The Board consists of seven members that serve a three-year term. The Planning Director is the staff liaison.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

YES

NO

DISCRETION OF THE COUNCIL

NOTES: _____

BOARD OF ADJUSTMENT ROSTER

First Name	Last Name	Address1	Council Member	Exp. Nov
Mike	Annas	914 S. Guadalupe	Mayor White	2026
Laura	Cline	1313 Walter Ellison	Angie Sanchez	2022
Shawn	Martinez	523 Cibilo	David Bryant	2022
VACANT	Severo Castillo resigned 5-2-2022		Brad Westmoreland	
Lori	Rangel	801 W. San Antonio, Apt. A.	Juan Mendoza	2019
Wayne	Reeder	910-F S. Guadalupe	Jeffry Michelson	2022
Lucy	Knight	1532 Parkview Dr.	Jeffry Michelson	2023
VACANT	Marica Proctor moved to LHPC 2/6/24	515 S. Main	John Lairsen	
VACANT	Alternate position			

City Planner - staff liaison

Updated: January 18, 2024

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discuss request from Councilmember Michelson to reappoint his nominations for appointments to City boards and commissions.

ORIGINATING DEPARTMENT AND CONTACT: Council - Jeffry Michelson

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Following his re-election as Councilmember in 2023, Councilmember Michelson requests to re-appoint the following:

- Airport Board: Jake McCullough
- Board of Adjustment: Wayne Reeder
- Board of Adjustment Alternate: Lucy Knight
- Construction Board: Ian Stowe
- Lockhart Economic Development Corporation: Doug Foster
- Electric Board: No Nomination made at this time
- Historical Preservation: Marica Proctor
- Library Board: Donaly Brice
- Parks and Recreation: Russell Wheeler
- Planning & Zoning: Rick Arnic

In accordance with Resolution 2024-02 which establishes a 2-step process for board/commission member appointments, the 2-step process **does not** apply to the renomination of the same person to the same board position for a new term.

PROJECT SCHEDULE (if applicable):

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: City of Lockhart Code of Ordinances Section 2-210: Method of Selection, Number of Members, Terms

Sec. 2-210. Method of selection; number of members; terms.

- (a) The mayor and city councilmembers shall nominate individuals to serve on boards and commissions. Each nomination shall then be confirmed by a simple majority of the entire city council.
 - (b) Except as provided herein, there shall be seven members appointed to each board or commission corresponding with the seven members or places of the city council. Each city councilmember, except as provided herein, shall nominate a qualified person to serve in a place on an appointed body corresponding to their place on the council. At-large councilmembers shall be designated as places 5 and 6, and the mayor's position as place 7, for the purpose of this section. Nominations shall be made to fill vacant positions and/or positions whose terms have expired within 45 days of the event, such as a resignation or an election. Should any city councilmember fail to name an appointee to one of his/her corresponding places on any body within the above-described 45 days, another councilmember shall then have the privilege to nominate a person to fill that same position, as described in subsection (a). However, once that position becomes vacant again for any reason, the appointment shall revert to the place corresponding with the original city council seat/place number for nominations.
 - (c) Beginning with the election in May, 1998, the council shall nominate and confirm four members to serve in places 1, 2, 5, 6 on each board and commission in accordance with subsections (a) and (b) above, and with the standards set in Ordinance Number 97-09, Governance Policies. With the election of May, 1999, the remaining three places shall be filled following the same procedure as above.
 - (d) Terms of service on appointed bodies shall be the same three-year terms as the councilmember who nominates a person to serve. However, a person may be appointed to complete the unexpired term of a vacant position, due to a resignation, for example.
 - (e) When a person has completed a term, or terms, of service and will be vacating a place, that person may continue to serve until a replacement is nominated and confirmed by the city council.
 - (f) At the discretion of the majority of the city council, one Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member to the historical preservation commission.
 - (g) Exceptions to the above regulations shall be all volunteer/special purpose/ad hoc committees appointed from time to time by the city council and the zoning board of adjustments, whose members shall serve two-year terms in accordance with V.T.C.A., Local Government Code § 211.008. All other provisions of this section, and Ordinance No. 97-09 which do not conflict with the chapters establishing these bodies shall be applicable.
- (Ord. No. 97-10, §§ 1, 2, 6-3-97; Ord. No. 97-12, § I(G), 7-15-97; Ord. No. 98-18, § I, 8-4-98; Ord. No. 98-32, § I, 11-17-98; Ord. No. 98-36, § 1(a), 12-15-98; Ord. No. 00-23, § 1, 9-5-00; Ord. No. 2022-08, § 2, 2-1-22)

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discuss request from Councilmember Lairsen to reappoint his nominations for appointments to City boards and commissions.

ORIGINATING DEPARTMENT AND CONTACT: Council - John Lairsen

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Following his election as Councilmember in 2023, Councilmember Lairsen requests to re-appoint the following:

- Airport Board: No Nomination made at this time
- Board of Adjustment: (currently on the Feb. 20th agenda to consider appointing Pat Stroka)
- Construction Board: Jerry West
- Lockhart Economic Development Corporation: Sally Daniel
- Electric Board: John Voight
- Historical Preservation: Jerry Haug (newly appointed on 1/02/24)
- Library Board: Jean Clark Fox
- Parks and Recreation: Warren Burnett
- Planning & Zoning: Philip McBride

In accordance with Resolution 2024-02 which establishes a 2-step process for board/commission member appointments, the 2-step process **does not** apply to the renomination of the same person to the same board position for a new term.

PROJECT SCHEDULE (if applicable):

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: City of Lockhart Code of Ordinances Section 2-210: Method of Selection, Number of Members, Terms

Sec. 2-210. Method of selection; number of members; terms.

- (a) The mayor and city councilmembers shall nominate individuals to serve on boards and commissions. Each nomination shall then be confirmed by a simple majority of the entire city council.
 - (b) Except as provided herein, there shall be seven members appointed to each board or commission corresponding with the seven members or places of the city council. Each city councilmember, except as provided herein, shall nominate a qualified person to serve in a place on an appointed body corresponding to their place on the council. At-large councilmembers shall be designated as places 5 and 6, and the mayor's position as place 7, for the purpose of this section. Nominations shall be made to fill vacant positions and/or positions whose terms have expired within 45 days of the event, such as a resignation or an election. Should any city councilmember fail to name an appointee to one of his/her corresponding places on any body within the above-described 45 days, another councilmember shall then have the privilege to nominate a person to fill that same position, as described in subsection (a). However, once that position becomes vacant again for any reason, the appointment shall revert to the place corresponding with the original city council seat/place number for nominations.
 - (c) Beginning with the election in May, 1998, the council shall nominate and confirm four members to serve in places 1, 2, 5, 6 on each board and commission in accordance with subsections (a) and (b) above, and with the standards set in Ordinance Number 97-09, Governance Policies. With the election of May, 1999, the remaining three places shall be filled following the same procedure as above.
 - (d) Terms of service on appointed bodies shall be the same three-year terms as the councilmember who nominates a person to serve. However, a person may be appointed to complete the unexpired term of a vacant position, due to a resignation, for example.
 - (e) When a person has completed a term, or terms, of service and will be vacating a place, that person may continue to serve until a replacement is nominated and confirmed by the city council.
 - (f) At the discretion of the majority of the city council, one Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member to the historical preservation commission.
 - (g) Exceptions to the above regulations shall be all volunteer/special purpose/ad hoc committees appointed from time to time by the city council and the zoning board of adjustments, whose members shall serve two-year terms in accordance with V.T.C.A., Local Government Code § 211.008. All other provisions of this section, and Ordinance No. 97-09 which do not conflict with the chapters establishing these bodies shall be applicable.
- (Ord. No. 97-10, §§ 1, 2, 6-3-97; Ord. No. 97-12, § I(G), 7-15-97; Ord. No. 98-18, § I, 8-4-98; Ord. No. 98-32, § I, 11-17-98; Ord. No. 98-36, § 1(a), 12-15-98; Ord. No. 00-23, § 1, 9-5-00; Ord. No. 2022-08, § 2, 2-1-22)

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Announcement of nomination of Arnold Proctor to the Zoning Board of Adjustment and Appeals by Councilmember Brad Westmoreland for a term to expire in November 2025.

ORIGINATING DEPARTMENT AND CONTACT: Council - Brad Westmoreland

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Councilmember Brad Westmoreland has nominated Arnold Proctor to be appointed to the Zoning Board of Adjustment and Appeals.

After reviewing the application, Mr. Proctor meets the qualifications to serve on a city board and on the Commission.

Resolution 2024-02 was adopted in 2024 establishing administrative procedures for the nomination of board and commission members to include a 2-step process. First, the nomination is to be placed on the agenda as "announcement of nomination" followed by a notice on a subsequent agenda as "discussion and/or action on the nomination."

This item is the announcement of nomination. If the Council should move to appoint Mr. Proctor, action of appointment will occur during a subsequent Council meeting.

PROJECT SCHEDULE (if applicable): N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: None.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: Arnold Proctor application - Zoning Board of Adjustment and Appeals, Zoning Board of Adjustment and Appeals Roster

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

1. PERSONAL INFORMATION

Full Legal Name <u>ARNOLD G. PROCTOR JR</u>		Preferred Name <u>ANNIE</u>
Physical Home Address <u>515 S. MAIN ST LOCKHART TX 78644</u>		
Mailing Address (if different) <u>PO BOX 435</u>		
City <u>LOCKHART</u>	State <u>TX</u>	Zip <u>78644</u>
Home Phone		Work Phone
Mobile Phone		
Email Address		
Date of Birth		

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☒ Airport Advisory Board	☒ Historical Preservation Commission
☒ Zoning Board of Adjustment & Appeals	☒ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☒ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☒ Planning & Zoning Commission
☒ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

AS A CITIZEN OF LOCKHART FOR OVER 40 YEARS I BELIEVE
IN GIVING BACK TO MY COMMUNITY. I AM A RETIRED ARMY
ENGINEER AND RETIRED SCHOOL BUSINESS OFFICIAL, I
UNDERSTAND ENGINEERING AND BUREAUCRATIC IMPACT.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.



Applicant's Signature

10-12-23

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.5103
jbowermon@lockhart-tx.org

APPLICANT'S NAME: Arnold Proctor

BOARD NAME(S): Zoning Board of Adjustments and Appeals

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.
Date of residency in Lockhart: 2018
- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.
Date qualified voter in Lockhart: 2018
- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.
Removed from another board? YES or NO NO
If yes, date _____ and board _____
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
Serves on another board? YES or NO NO
If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:

Board of Adjustment

Y or N City Resident? If no, applicant does not qualify.

Zoning Board of Adjustment meets the first Monday at 6:30 p.m. each month if there are items pending the Board's review. The Board hears and decides appeals where the applicant alleges that there is an error in any order, requirement, decision, or determination made by the city staff, the commission, or the city council in the enforcement of the zoning chapter, to hear and decide variances and special exceptions as provided by any provision of the zoning chapter, and to act as the appeal board as specified in Section 22-68, flood hazard areas, of the Lockhart Code of Ordinances. All members must reside within the city limits. The Board consists of seven members that serve a three-year term. The City Planner is the staff liaison.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified? YES NO DISCRETION OF THE COUNCIL

NOTES: _____

BOARD OF ADJUSTMENT ROSTER

First Name	Last Name	Address1	Council Member	Exp. Nov
Mike	Annas	914 S. Guadalupe	Mayor White	2026
Laura	Cline	1313 Walter Ellison	Angie Sanchez	2022
Shawn	Martinez	523 Cibilo	David Bryant	2022
VACANT	Severo Castillo resigned 5-2-2022		Brad Westmoreland	
Lori	Rangel	801 W. San Antonio, Apt. A.	Juan Mendoza	2019
Wayne	Reeder	910-F S. Guadalupe	Jeffry Michelson	2022
Lucy	Knight	1532 Parkview Dr.	Jeffry Michelson	2023
VACANT	Marica Proctor moved to LHPC 2/6/24	515 S. Main	John Lairsen	
VACANT	Alternate position			

City Planner - staff liaison

Updated: January 18, 2024

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Hold a PUBLIC HEARING and discussion and/or action on a proposed waterline replacement project grant application for funding allocated from the Texas General Land Office (GLO) for hazard mitigation projects.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Joseph Resendez, Sean Kelley

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION:

UPDATE

The required 14-day public participation period began on February 9th, 2024 and concludes February 23rd, 2024. This public hearing is a component of the public participation process, in addition to postings at City Hall and the city website. At the conclusion of the hearing and City Council approval of the funding application, staff will finalize the application and submit to the Texas General Land Office (GLO) for review and consideration by the February 29th, 2024 deadline.

The selection of Grant Administration and Engineering professional services for the project will be considered by City Council at a future meeting.

Construction:	\$1,518,013	
Engineering:	\$227,702	*15% of Construction Cost
Sub-Total:	\$1,745,715	
Grant Admininstration:	\$139,657	*8% of Total Project
Total:	\$1,885,375	
GLO Funding:	\$1,889,900	
Balance:	\$4,525	

History

City Council approved a final project scope and cost estimate for a proposed waterline

City of Lockhart, Texas

Council Agenda Item Cover Sheet

replacement project at the February 6th, 2024, City Council meeting. The proposed project includes the replacement of 6 fire hydrants, 18 isolation/gate valves, and 3,300 linear feet (LF) of 8" waterline. Further, this project completes required utility line upgrades for the Blanco Street Bridge/TxDOT project and prepares the underlying utilities for future street overlay project consideration.

Additional requirements mandate at least 50% of total funds (\$945,000) must be spent on projects that directly benefit Low-and-Moderate-Income (LMI) persons within the city and a minimum 14-day public participation period. GLO funds have been appropriated to the City for eligible projects. However, an application must be submitted to access this funding.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

- There are no local matching funds required to access funding. However, matching funds may be required if total project costs exceed available GLO funding and/or selected projects exceed the Engineering and Grant Administration limits provided below.
- 6 years (2028) to expend half of funding.
- 12 years (2034) to expend all funding.
- Limit of 15% of Construction Costs eligible for Engineering.
- Limit of 8% of Total Project Cost eligible for Grant Administration.

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: At the conclusion of the hearing, City Council may take action to approve the formal funding application to the GLO for the proposed waterline replacement project.

LIST OF SUPPORTING DOCUMENTS: City of Lockhart - CDBG-MIT MOD - Public Participation Notice

PUBLIC NOTICE
City of Lockhart
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
TEXAS GENERAL LAND OFFICE
METHOD OF DISTRIBUTION (MOD) APPLICATION
February 9, 2024

The City of Lockhart is giving notice of the City's intent to submit a Community Development Block Grant Program Application(s) aimed at supporting community mitigation efforts to fund improvements for a waterline replacement project as part of a two Low-to-Moderate Income (LMI) - designated Census Block Groups project.

The total project allocation is \$1,885,375. This application is available for review on the City's website (www.lockhart-tx.org). Citizens are welcome to review this application for a 14-day public comment period and provide all public comments to Joseph Resendez via email at jresendez@lockhart-tx.org or the City offices located at Lockhart City Hall, 308 W San Antonio St., Lockhart, Texas 78644, during regular business hours.

DRAFT

Texas General Land Office
CDBG-MIT
METHOD OF DISTRIBUTION (MOD)
APPLICATION
from
CITY OF LOCKHART

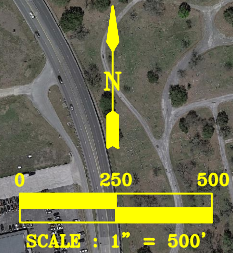
DRAFT

CITY OF LOCKHART, TX CDBG-MIT GLO WATERLINE EXHIBIT

END N BLANCO ST WATERLINE REPLACEMENT
APPRX 3300 LF
LAT: N29.892387
LONG: W97.676243

BEGIN BOIS D'ARC WATERLINE REPLACEMENT
LAT: N29.886215
LONG: W97.678956

END BOIS D'ARC WATERLINE REPLACEMENT
BEGIN CONNECTION TO N BLANCO ST
WATERLINE REPLACEMENT
LAT: N29.886877
LONG: W97.675055





CDBG-MIT: Budget Justification of Retail Costs (Former Table 2)

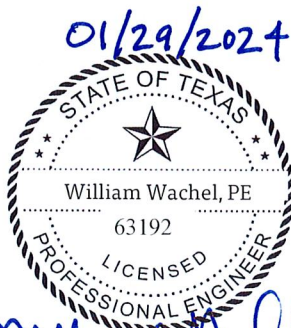
Cost Verification Controls must be in place to assure that construction costs are reasonable and consistent with market costs at the time and place of construction.

Applicant/Subrecipient:	City of Lockhart					
Site/Activity Title:	Project Cost Summary					
Eligible Activity:	N Blanco & Bois D'Arc Street 8" Waterline Replacements					
Materials/Facilities/Services	\$/Unit	Unit	Quantity	Construction	Acquisition	Total
Removal of Concrete Sidewalks	\$10	SY	25	\$250		\$250
Removal of Curb	\$10	LF	1,293	\$12,930		\$12,930
Removal of Existing Water Line (All Depths & Sizes)	\$22	LF	2,030	\$44,660		\$44,660
Removal of Existing Gate Valve (All Sizes) (All Depths)	\$730	EA	16	\$11,680		\$11,680
Removal of Existing Fire Hydrant (All Types)	\$753	EA	5	\$3,765		\$3,765
Curb	\$50	LF	1,293	\$64,650		\$64,650
Concrete Sidewalk	\$75	SY	400	\$30,000		\$30,000
Temporary Sediment Control Fence & SWPPP/Erosion Control Implementation	\$5	LF	4,516	\$22,580		\$22,580
Landscape and ROW restoration Allowance	\$35,000	LS	1	\$35,000		\$35,000
Traffic Control Plan Implementation	\$13,500	MONTH	6	\$81,000		\$81,000
Trench Excavation Safety Protection	\$10	LF	3,300	\$33,000		\$33,000
Hydrotesting	\$7,000	LS	2	\$14,000		\$14,000
8" Water Tie-in	\$3,900	EA	6	\$23,400		\$23,400
8" Gate Valve, complete and in place	\$2,200	EA	18	\$39,600		\$39,600
8" PVC C900 DR18 Waterline (Sawcut Asphalt & Open-cut Trench)	\$150	LF	3,300	\$495,000		\$495,000
Jack and Bore under Railroad track, including permitting	\$500	LF	100	\$50,000		\$50,000
Stairs	\$2,000	EA	2	\$4,000		\$4,000
Retaining wall	\$30,000	LS	1	\$30,000		\$30,000
16" Steel casing	\$300	LF	100	\$30,000		\$30,000
Fire Hydrant assembly	\$6,500	EA	6	\$39,000		\$39,000
Fittings, all sizes and types	\$12,000	TON	2.00	\$24,000		\$24,000
Service Connections Long & Short	\$3,990	EA	10	\$39,900		\$39,900
Inductive Tracer Tape	\$1	LF	2,030	\$2,030		\$2,030
2" Temporary Blow-offs	\$2,000	EA	4	\$8,000		\$8,000
Asphalt Repair	\$119	SY	2,300	\$273,660		\$273,660
Mobilization/Demobilization 5% of total bid	\$ 70,605	LS	1	\$ 70,605		\$70,605
Bonds 2.5% of total bid	\$ 35,303	LS		\$ 35,303		\$35,303
TOTAL				\$1,518,013		\$1,518,013

1. Identify and explain the annual projected operation and maintenance costs associated with the proposed activities.

2. Identify and explain any special engineering activities.

n/a



William Wachel
Seal

Date:	1/29/2024
Phone Number:	(512)201-1207

Signature of Registered Engineer/Architect
Responsible For Budget Justification:

TxCDBG RACE AND ETHNICITY / GENDER CALCULATOR

INSTRUCTIONS AND DATA SOURCE

Data Source: Most Recent ACS 5-year Est. - Table DP05

City Applicants: Enter city-wide data as reflected on Table DP05

County Applicants: Enter census tract data as reflected on Table DP05

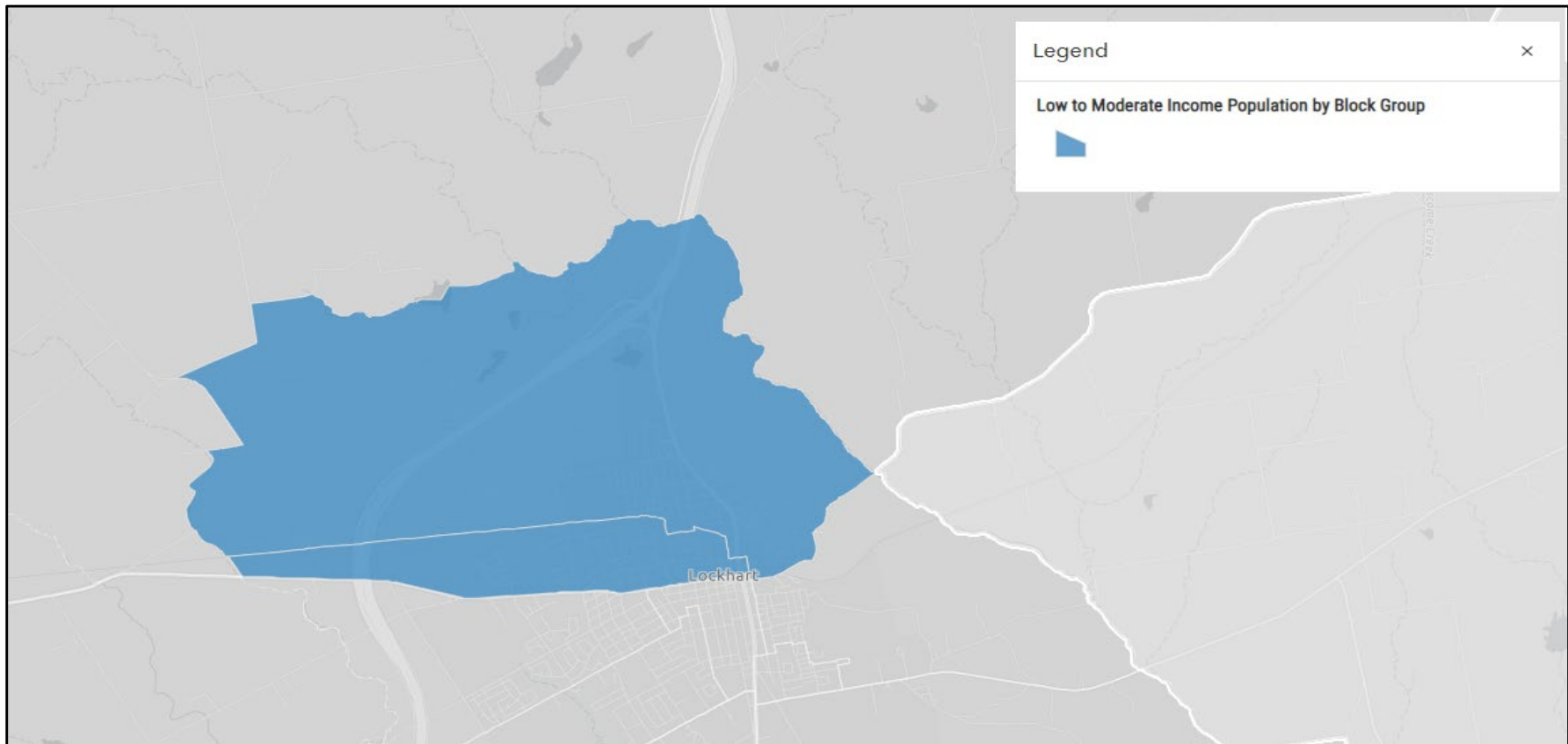
APPLICANT:		City of Lockhart	
Sex and Age		ENTER DP05 DATA HERE	
Male:		6452	
Female:		8011	
One Race			
White:		10336	
Black or African American:		734	
American Indian and Alaska Native:		82	
Asian:		236	
Native Hawaiian and Other Pacific Islander:		0	
Some Other Race:		1337	
Two or more races:		1738	
-White and Black or African American:		137	
-White and American Indian and Alaska Native:		103	
-White and Asian:		50	
-Black or African American and American Indian and Alaska Native:		0	
Hispanic or Latino and Race			
Hispanic or Latino (of any race):		7836	
Not Hispanic or Latino:		6627	
-White alone:		5374	
-Black or African American alone:		718	
-American Indian and Alaska Native alone:		0	
-Asian alone:		236	
-Native Hawaiian and Other Pacific Islander alone:		0	
-Some other race alone:		0	
-Two or more races:		299	
Enter Number of Project Beneficiaries:		3860	
Gender of Project Beneficiaries			
Male		1722	
Female		2138	
Race and Ethnicity of Project Beneficiaries		Hispanic	Non-Hispanic
White		1324	1435
Black/African American		4	192
American Indian/Alaska Native		22	0
Asian		0	63
Native Hawaiian/Other Pacific Islander		0	0
Some Other Race		357	0
White and Black/African American		30	6
White and American Indian/Alaska Native		23	5
White and Asian		11	2
Black/African American and American Indian/Alaska Native		0	0
Other multi racial		320	66
Total:		3860	

OBJECTID	GEOID	Source	geoname	Stusab	Countyname	State	County	Tract
185144	480559604001	2015ACS	Block Group 1, Census Tract 9604, Caldwell County, Texas	TX	Caldwell County		48	55 960400
185145	480559604002	2015ACS	Block Group 2, Census Tract 9604, Caldwell County, Texas	TX	Caldwell County		48	55 960400

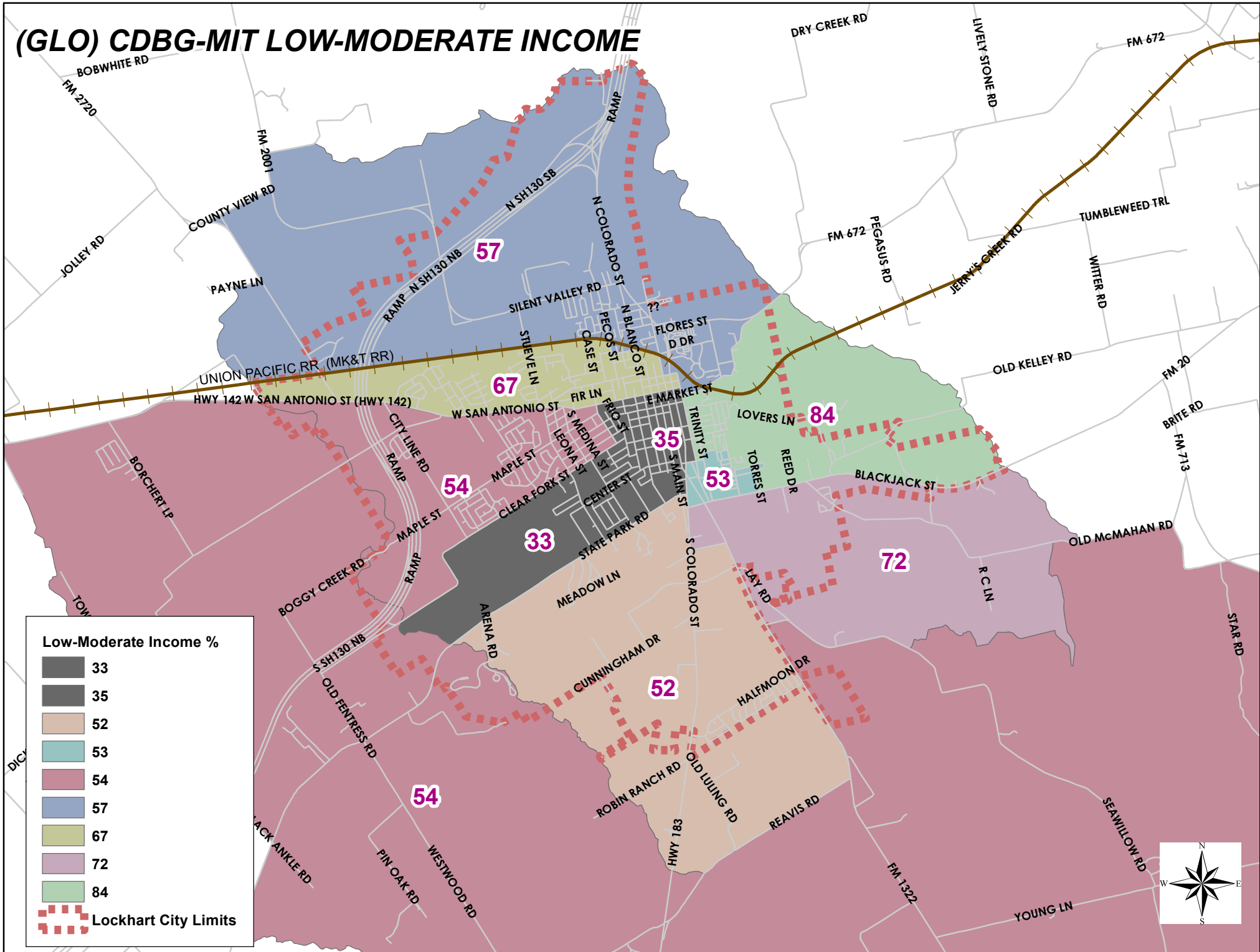
BLKGRP	Low	Lowmod	Lmmi	Lowmoduniv	Lowmod_pct	ucLowmod	ucLowmod_j	MOE_LOWM
1	785	1145	1655	1980	57.83%			0 +/-16.01
2	735	1265	1550	1880	67.29%			0 +/-19.20
		2410		3860	62.44%			

[Low to Moderate Income Population by Block Group](#) | [Low to Moderate Income Population by Block Group](#) | [HUD Open Data Site \(arcgis.com\)](#)

https://hudgis-hud.opendata.arcgis.com/datasets/09eceb08d95d429dae9f88fe39826bf1_5/explore?filters=eyJHRU9JRCI6WYl0ODA1NTk2MDQwMDIiLCI0ODA1NTk2MDQwMDEiXX0%3D&location=29.900296%2C-97.680882%2C13.84&showTable=true



(GLO) CDBG-MIT LOW-MODERATE INCOME



Allocation Summary Worksheet
CAPCOG

COG: **CAPCOG** \$ 52,253,000.00

Total Allocation: \$ **52,253,000.00**

HUD MID				
Entity	Allocation	Percentage of Total Allocation	LMI Portion	LMI Percentage
Fayette County	\$ 4,810,100	19.14%	\$ 2,405,100	50%
Carmine	\$ 2,548,300	10.14%	\$ 1,274,200	50%
Ellinger	\$ 1,588,300	6.32%	\$ 794,100	50%
Fayetteville	\$ 3,344,800	13.31%	\$ 1,672,400	50%
Flatonia	\$ 3,022,400	12.03%	\$ 1,511,200	50%
La Grange	\$ 4,556,000	18.13%	\$ 2,278,000	50%
Round Top	\$ 1,965,200	7.82%	\$ 982,600	50%
Schulenburg	\$ 3,289,900	13.09%	\$ 1,645,000	50%
Total	\$ 25,125,000	100.00%	\$ 12,562,600	50%
State MID				
Entity	Allocation	Percentage of Total Allocation	LMI Portion	LMI Percentage
Bastrop County	\$ 4,362,600	16.08%	\$ 2,181,300	50%
Bastrop	\$ 2,358,000	8.69%	\$ 1,179,000	50%
Elgin	\$ 1,970,700	7.26%	\$ 985,300	50%
Smithville	\$ 2,421,100	8.92%	\$ 1,210,600	50%
Caldwell County	\$ 3,499,500	12.90%	\$ 1,749,700	50%
Lockhart	\$ 1,889,900	6.97%	\$ 945,000	50%
Luling	\$ 1,527,800	5.63%	\$ 763,900	50%
Martindale	\$ 2,375,000	8.75%	\$ 1,187,500	50%
Lee County	\$ 2,548,800	9.40%	\$ 1,274,400	50%
Giddings	\$ 2,207,100	8.14%	\$ 1,103,500	50%
Lexington	\$ 1,967,500	7.25%	\$ 983,700	50%
Total	\$ 27,128,000	100.00%	\$ 13,563,900	50%

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Hold a PUBLIC HEARING and discussion and/or action of application ZC-24-01 by Blake Reed, and discussion and/or action to consider approval of Ordinance 2024-06 for a **Zoning Change** from *CHB Commercial Heavy Business District* and *AO Agricultural-Open Space District* to *CHB Commercial Heavy Business District* and *IL Industrial Light District* on 11.011 acres in the Francis Berry Survey, Abstract Number 2, located at 1820 South Colorado Street (US 183).

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: The purpose of this zoning change request is to make the commercial frontage on this parcel along South Colorado Street deeper while establishing light industrial zoning for the rear part of the property. The applicant's intent is to create two commercial pad sites along the Colorado Street frontage and a rear industrial lot, with all three lots to be served by a common driveway. The proposed zoning change is generally consistent with the Future Land Use Plan map. As a result of the proposed zoning change, 2.719 acres of the parcel would be zoned CHB and 8.292 acres will be zoned IL.

PROJECT SCHEDULE (if applicable): None.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): None

PREVIOUS COUNCIL ACTION: The subject property was annexed on November 8, 1983, and April 8, 1986.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission unanimously recommended approval of the proposed zoning change at its February 14, 2024 meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of Ordinance 2024-06, changing the zoning from CHB and AO Districts to CHB and IL Districts at 1820 South Colorado Street.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: zc-24-01 ordinance, Ordinance 2024-06 exhibit A, ZC2401 case map, ZC2401 aerial, ZC2401 zoning map, ZC2401 flu thoroughfares, zc-24-01 staff report--council, ZC-24-01 application

ORDINANCE 2024-06

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 11.011 ACRES IN THE FRANCIS BERRY SURVEY NO. 2 LOCATED AT 1820 SOUTH COLORADO STREET, FROM CHB COMMERCIAL HEAVY BUSINESS DISTRICT AND AO AGRICULTURAL OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT AND IL INDUSTRIAL LIGHT DISTRICT.

WHEREAS, on February 14, 2023, the Planning and Zoning Commission held a public hearing and voted to recommend approval of said change; and,

WHEREAS, the City Council desires to amend the zoning map as provided in Section 64-128 of the Code of Ordinances; and,

WHEREAS, a public hearing was held in conformance with applicable law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT:

- I. The foregoing recitals are approved and adopted herein for all purposes.
- II. The above-referenced property described in Zoning Change request ZC-24-01, known as 11.011 acres in the Francis Berry Survey, No. 2, and more particularly described in Exhibit A and located at 1820 South Colorado Street, will be reclassified from CHB Commercial Heavy Business District and AO Agricultural-Open Space District to CHB Commercial Heavy Business District and IL Industrial Light District.
- III. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or unenforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.
- IV. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.
- V. Publication: That the City Secretary is directed to cause this ordinance caption to be published in a newspaper of general circulation according to law.
- VI. Effective Date: That this ordinance shall become effective and be in full force immediately upon and from the date of its passage.

PASSED, APPROVED, AND ADOPTED AT A REGULAR MEETING OF THE LOCKHART CITY COUNCIL ON THIS THE 20th DAY OF FEBRUARY, 2024

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, City Secretary

Monte Akers, City Attorney

City of Lockhart, Caldwell County, Texas
Francis Berry Survey A-2



Showing two tracts of land out of the Frances Berry Survey A-2 and the James George Survey A-3 in the City of Lockhart, Caldwell County, Texas. I do hereby certify that this is a correct representation of a zoning change plan and is not intended to be used for title transfer or conveyance and is for information only. This survey made on October 31, 2023 and further revised on December 30, 2023. THIS SURVEY IS CERTIFIED TO THE PERSON(S) / COMPANY SHOWN HEREON AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE. THE SURVEYOR SHALL INCUR NO LIABILITY FOR ANY USE OF THIS SURVEY BEYOND THIS TRANSACTION OR FOR ANY PERSON(S) / COMPANY NOT LISTED HEREON. Only those prints containing the raised Surveyor's seal and an original "LIVE" signature shall be considered official and relied upon by the user.

Note: As of the Date on this plat the 2.79 acre tract is currently zoned CHB and the 8.292 acre tract is currently zoned AO

Field Book: d.c.	Drawn By: J.L.H. LH
Job No. 20210283	Drawing: 20210283--zonling.dwg
Date: December 2023	Word Disk: Begin 0201 2021
Surveyed By: J.L.H. JDB	Autocad Disk: Begin 0201 2021



**HINKLE
SURVEYORS**

P.O. Box 1027 1109 S. Main Street Lockhart, TX 78644
Ph: (512) 398-2000 Fax: (512) 398-7683 Email: contact@hinklesurveyors.com Firm Registration No. 100886-00





LEGAL DESCRIPTION FOR REZONING

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of the Francis Berry Survey A-2 and being also all of a tract of land called 11.02017 acres and conveyed to A C Lockhart LLC by deed recorded in Instrument #2022-009088 of the Official Public Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found used for basis of bearing in the NW corner of the above mentioned 11.02017 acre tract and the SW corner of Lot 3-A in Block 2 of Lockhart Industrial Park II as recorded in Plat Cabinet B Slide 131 of the Plat Records of Caldwell County, Texas for the NW corner this tract.

THENCE N 80 degrees 18 minutes 50 seconds E with the North line of the said 11.02017 acre tract and the South line of the said Lot 3-A **276.28 feet** to a concrete monument found in the SE corner of the said Lot 3-A and the SW corner of Lot 5-A in Block 2 of the said Lockhart Industrial Park II for an angle point this tract.

THENCE N 80 degrees 24 minutes 23 seconds E with the North line of the said 11.02017 acre tract and the South line of the said Lot 5-A **49.72 feet** to a calculated point for the NE corner this tract.

THENCE S 09 degrees 39 minutes 09 seconds E over and across the said 11.02017 acre tract **336.05 feet** to a calculated point in the South line of the said 11.02017 acre tract and the interior of a tract of land designated as Second Tract 14.45 acre tract of land conveyed to Russell Louis Smith et al by deed recorded in Instrument #2018-001104 of the said Official Public Records for the SE corner this tract.

THENCE S 80 degrees 22 minutes 00 seconds W with the South line of the said 11.02017 acre tract and over and across the above mentioned 14.45 acre tract **379.00 feet** to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the SW corner of the said 11.02017 acre tract and the East line of South Colorado Street and the West line of the said 14.45 acre tract for the SW corner this tract.

THENCE N 00 degrees 41 minutes 02 seconds W with the West line of the said 11.02017 acre tract and the East line of South Colorado Street **339.97 feet** to the place of beginning containing **2.719 acres** of land more or less.

I hereby certify that the foregoing field notes are a true and correct description of a survey made for the purposes of rezoning only and is not intended to be used for title transfer or conveyance on October 31, 2023 and further revised on December 30, 2023. **THESE FIELD NOTES ARE CERTIFIED AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.



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P.O. Box 1027 LOCKHART, TEXAS 78744 PHONE (512) 398-2000
FAX (512) 398-7683 EMAIL: CONTACT@HINKLESURVEYORS.COM



LEGAL DESCRIPTION FOR REZONING

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of the Francis Berry Survey A-2 and being also all of a tract of land called 11.02017 acres and conveyed to A C Lockhart LLC by deed recorded in Instrument #2022-009088 of the Official Public Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a capped $\frac{1}{2}$ " iron pin found stamped "HINKLE SURVEYORS" in the NE corner of the above mentioned 11.02017 acre tract and in the SE corner of Lot 15-B of Lockhart Industrial Park II and recorded in Plat Cabinet B Slide 130 of the Plat Records of Caldwell County, Texas and in the apparent NW corner of a tract of land called 3.379 acres and conveyed to Domingo Sanchez et ux by deed recorded in Instrument #2018-000795 of the said Official Public Records for the NE corner this tract.

THENCE S 28 degrees 44 minutes 11 seconds E with the East line of the said 11.02017 acre tract and the apparent West line of the said 3.379 acre tract **186.74 feet** to a capped iron pin found stamped "HINKLE SURVEYORS" in the SE corner of the said 11.02017 acre tract and the apparent NW line of a tract of land designated as a 50' wide drainage ditch and conveyed to Texas Department of Transportation as recorded in Volume 221 Page 109 of the Deed Records of Caldwell County, Texas for the most Easterly SE corner this tract.

THENCE S 59 degrees 54 minutes 22 seconds W with the SE line of the said 11.02017 acre tract and the NW line of the above mentioned 50' wide drainage ditch **455.94 feet** to a capped $\frac{1}{2}$ " iron pin set stamped "HINKLE SURVEYORS" in the SE corner of the said 11.02017 acre tract and the SE line of the residue of a tract of land designated as Second Tract 14.45 acre tract of land conveyed to Russell Louis Smith et al by deed recorded in Instrument #2018-001104 of the said Official Public Records for the most Westerly SE corner this tract.

THENCE S 80 degrees 22 minutes 00 seconds W with the South line of the said 11.02017 acre tract and entering the above mentioned 14.45 acre tract **766.24 feet** to a calculated point for the SW corner this tract.

THENCE N 09 degrees 39 minutes 09 seconds W over and across the said 11.02017 acre tract **336.05 feet** to a calculated point in the North line of the above mentioned 11.02017 acre tract and the South line of Lot 5-A in Block 2 of Lockhart Industrial Park II as recorded in Plat Cabinet B Slide 131 of the Plat Records of Caldwell County, Texas for the NW corner this tract.

THENCE with the North line of the said 11.02017 acre tract for the following three (3) courses:

(1) N 80 degrees 24 minutes 23 seconds E with the South line of the said Lot 5-A **180.66 feet** to a $\frac{1}{2}$ " iron pin found in the SW corner of Lot 6-A in the said Block 2 as recorded in Plat Cabinet B Slide 128 of the said Plat Records for an angle point this tract.

©Hinkle Surveyors 2023 Firm Registration No. 100866-00

P.O. BOX 1027 LOCKHART, TEXAS 78644 PHONE (512) 398-2000
FAX (512) 398-7683 EMAIL: CONTACT@HINKLESURVEYORS.COM

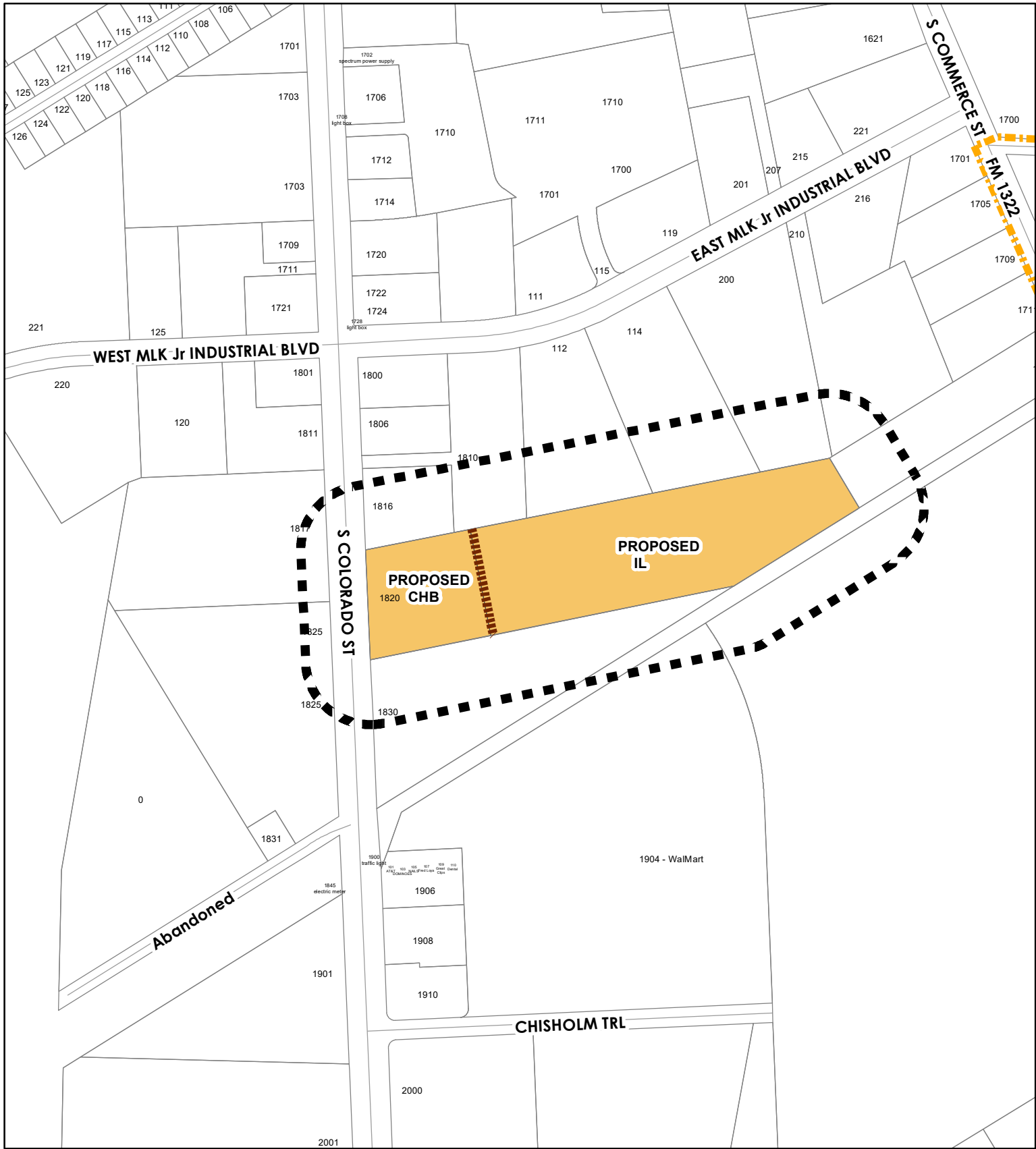


(2) **N 80 degrees 26 minutes 49 seconds E** with the South line of the said Lot 6-A **389.34 feet** to a 1/2" iron pin found in the SE corner of the said Lot 6-A and the SW corner of Lot 7A in Block 2 of the said Lockhart Industrial Park II and recorded in Plat Cabinet B Slide 130 of the said Plat Records for an angle point this tract.

(3) **N 80 degrees 19 minutes 15 seconds E** with the South line of the said lot 7-A and the South line of Lot 15-B in the said Block 2 **562.42 feet** to the place of beginning containing **8.292 acres** of land more or less.

I hereby certify that the foregoing field notes are a true and correct description of a survey made for the purposes of rezoning only and is not intended to be used for title transfer or conveyance on October 31, 2023 and revised on December 30, 2023. **THESE FIELD NOTES ARE CERTIFIED AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.





ZC-24-01

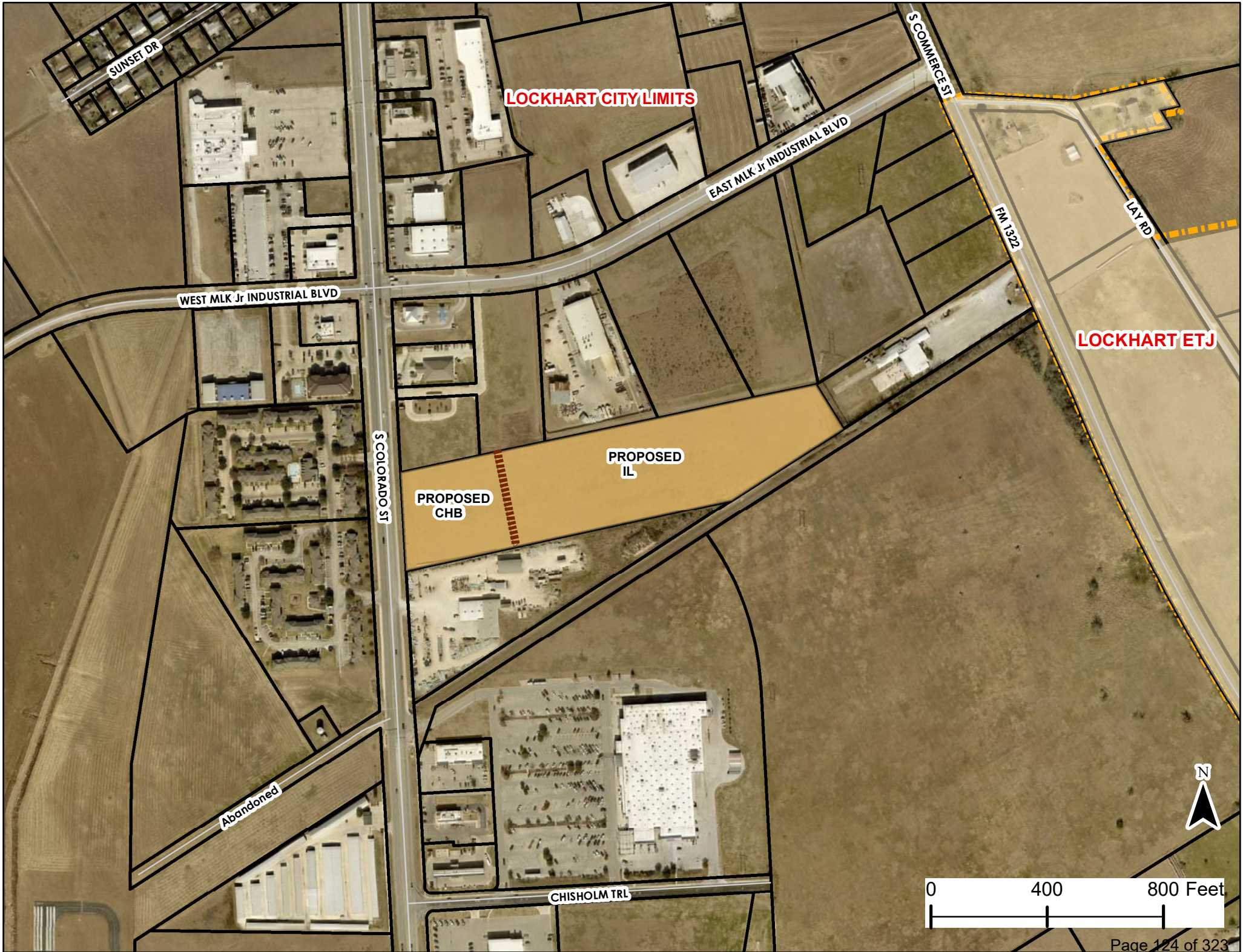
CHB & AO TO CHB & IL

1820 S COLORADO ST



scale 1" = 400'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  CITY LIMITS
-  200 FT BUFFER



SUNSET DR

LOCKHART CITY LIMITS

EAST MLK Jr INDUSTRIAL BLVD

S COMMERCE ST

WEST MLK Jr INDUSTRIAL BLVD

FM 1322

LAY RD

LOCKHART ETJ

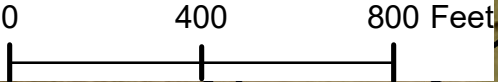
S COLORADO ST

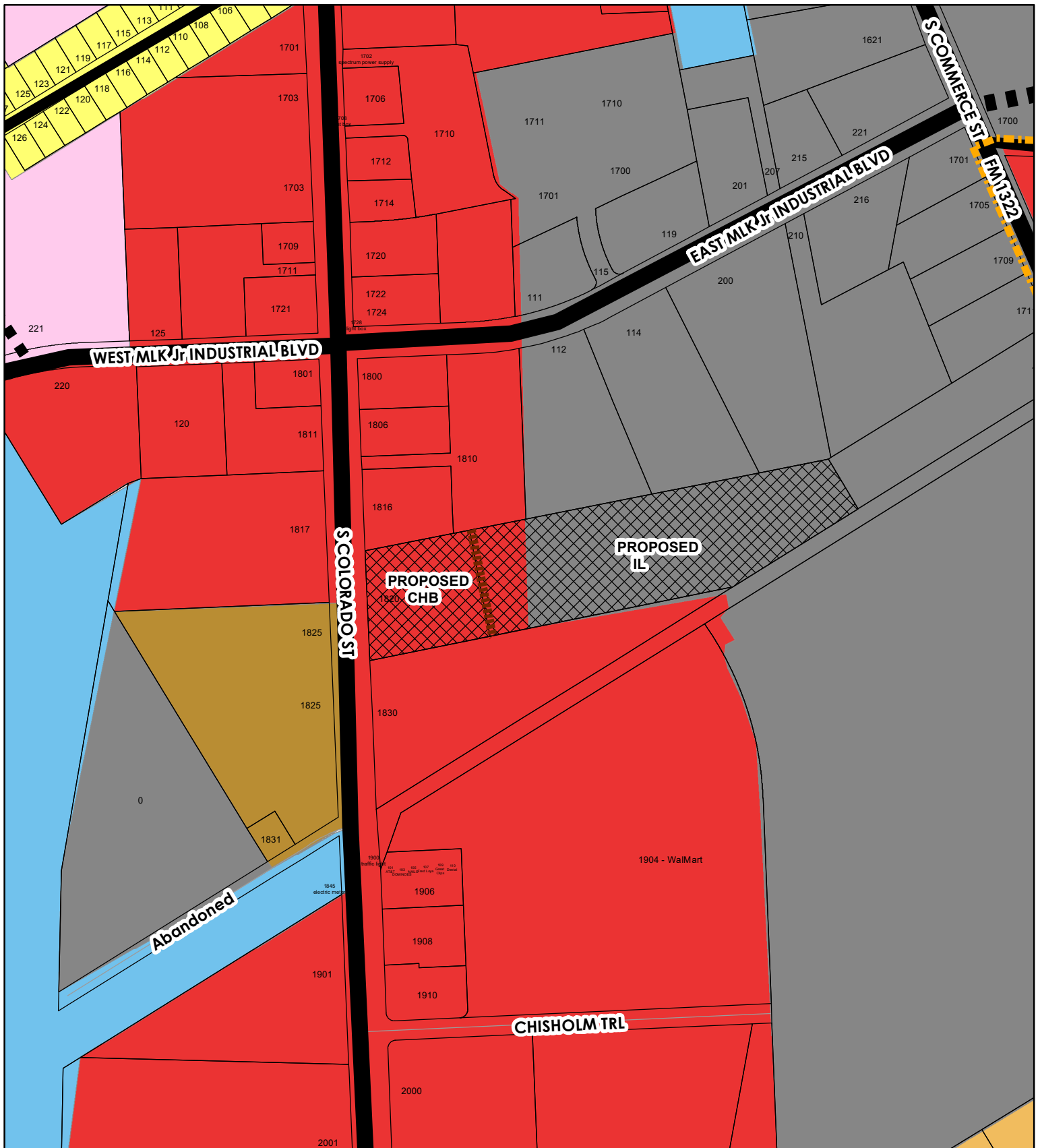
PROPOSED
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PROPOSED
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**FUTURE LANDUSE &
THOROUGHFARES**
CHB & AO TO CHB & IL
1820 S COLORADO ST



scale 1" = 400'

- | | | | |
|--|--------------------|--|-----------------------------|
| | EXISTING COLLECTOR | | GENERAL-HEAVY COMMERCIAL |
| | EXISTING ARTERIAL | | INDUSTRY |
| | FUTURE COLLECTOR | | LIGHT-MEDIUM COMMERCIAL |
| | FUTURE ARTERIAL | | PUBLIC AND INSTITUTIONAL |
| | | | RESIDENTIAL, HIGH DENSITY |
| | | | RESIDENTIAL, LOW DENSITY |
| | | | RESIDENTIAL, MEDIUM DENSITY |

CASE SUMMARY

STAFF: David Fowler, Planning Director
 REPORT DATE: February 8, 2024
 PLANNING AND ZONING COMMISSION HEARING DATE: February 14, 2024
 CITY COUNCIL HEARING DATE: February 20, 2024
 REQUESTED CHANGE: CHB and AO to CHB and IL
 STAFF RECOMMENDATION: **Approval**
 PLANNING AND ZONING COMMISSION RECOMMENDATION: **Approval**

CASE NUMBER: ZC-24-01

BACKGROUND DATA

APPLICANT: Blake Reed, Timmerman Capital
 OWNER: AC Lockhart LLC
 SITE LOCATION: 1820 South Colorado Street (US 183)
 LEGAL DESCRIPTION: Metes and Bounds
 SIZE OF PROPERTY: 11.011 acres
 EXISTING USE OF PROPERTY: Vacant land
 LAND USE PLAN DESIGNATION: General-Heavy Commercial, Industry

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The purpose of the zoning change is to allow development of a combination of 2.719 acres of commercial uses and 8.292 acres of light industrial uses on an 11.011-acre property on the east side of South Colorado Street. In addition to rezoning the rear part of the property light industrial, the proposed zoning change also would increase the depth of the CHB zoning fronting South Colorado Street to accommodate a broader range of commercial uses. The site is vacant land with few if any trees and no floodplain present.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant land, commercial, industrial	CHB, IL	<i>General Heavy Commercial, Industry</i>
East	Vacant land, Commercial	CHB, AO	<i>Industry</i>
South	Commercial, Vacant land	CHB, AO	<i>General Heavy Commercial, Industry</i>
West	Multifamily housing	RHD	<i>High density Residential, General Heavy Commercial,</i>

TRANSITION OF ZONING DISTRICTS: The subject property is located along a part of the South Colorado Street Corridor that is mostly zoned commercial with a mix of IL and AO zoning in the areas between South Colorado Street and South Commerce Street FM 1322. The Southpark Village Apartments to the west

across Colorado Street are the exception to the mix of industrial and commercial uses with some interior vacant lots in the area.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be from Colorado Street. Because of the high speed limit along Colorado Street, TxDOT may require that the developer provide a right turn deceleration or transition lane for any street or driveway intersections into the development. There is an 18-inch water main along the east side of Colorado Street as well as an 8-inch wastewater line that are adequate to serve the property.

POTENTIAL NEIGHBORHOOD IMPACT: The subject property is in a largely undeveloped area of the city where there are no immediate neighbors that would be impacted by development which would be allowed by the proposed zoning district classifications. Future traffic from the site onto Colorado Street would present a minor regional impact. TxDOT could possibly require some turn lane requirements into and out of the site.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed CHB and IL zoning classifications are consistent with the General-Heavy Commercial and industry classifications shown on the future Land Use map. The only deviation from the map is that the zoning line between the two proposed districts is slightly farther west than is shown on the Future Land Use Map.

ALTERNATIVE CLASSIFICATIONS: None

RESPONSE TO NOTIFICATION: None to date

STAFF RECOMMENDATION: Approval

CITY OF

Lockhart

TEXAS

ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Blake Reed
DAY-TIME TELEPHONE 512 496 8668
E-MAIL Blake@TimmermanCapital.com

ADDRESS 230 Klattenhoff Lane
Suite 100
Hutto, TX 78634

OWNER NAME AC Lockhart LLC
DAY-TIME TELEPHONE _____
E-MAIL achilders512@gmail.com

ADDRESS S 810 Lakeview Circle
Austin, TX 78731

PROPERTY

ADDRESS OR GENERAL LOCATION 1820 S Colorado Street

LEGAL DESCRIPTION (IF PLATTED) N/A

SIZE 11.061 ACRE(S) LAND USE PLAN DESIGNATION _____

EXISTING USE OF LAND AND/OR BUILDING(S) Hay Field

PROPOSED NEW USE, IF ANY Commercial Heavy Business / Light Industrial

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Commercial Heavy Business / AG

TO PROPOSED ZONING CLASSIFICATION Commercial Heavy Business / Light Industrial

REASON FOR REQUEST To zone for development plan

2.719 AC CHB

9.282 AC LI

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$250, PLUS \$150 PER ACRE, MAXIMUM OF \$10,000, PLUS ADDITIONAL \$1,000 FOR PLANNED DEVELOPMENT DISTRICT.

APPLICATION FEE OF \$ 1,901.65 PAYABLE TO THE CITY OF LOCKHART.

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE 

DATE 1/11/24

OFFICE USE ONLY

ACCEPTED BY D. Fowler

RECEIPT NUMBER 201271544

DATE SUBMITTED 1/12/2024

CASE NUMBER ZC - 24 - 01

DATE NOTICES MAILED 1-29-2024

DATE NOTICE PUBLISHED 2-1-2024

PLANNING AND ZONING COMMISSION MEETING DATE 2-14-2024

PLANNING AND ZONING COMMISSION RECOMMENDATION Approve

CITY COUNCIL MEETING DATE 2/20/24

DECISION _____

1820 South Colorado Street Rezoning Authorization

I Andrew Childers (owner) sole owner and manager of AC Lockhart LLC which owns the land at 1820 South Colorado Street - Lockhart TX 78644, authorize and allow Blake Reed to rezone the property for Commercial Heavy Business and Light Industrial uses.

AC Childers Jan 3, 2024

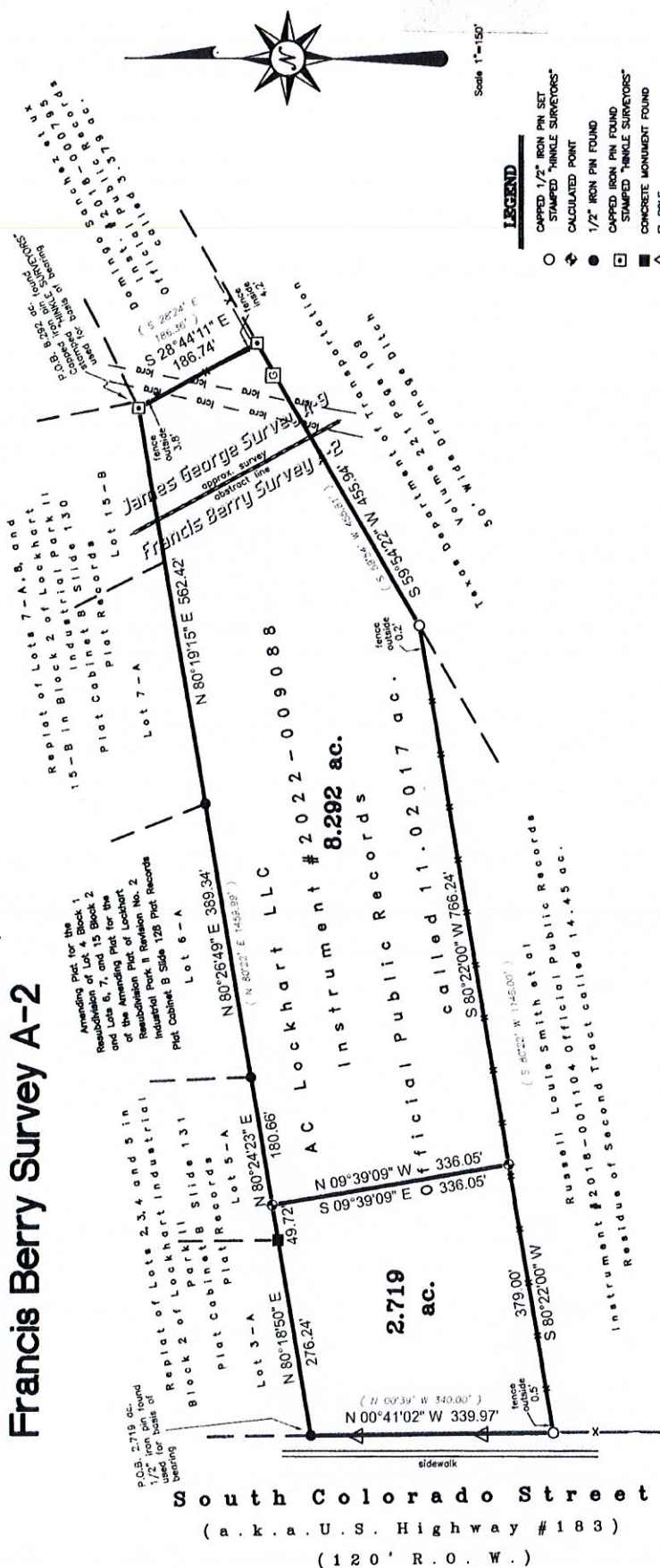
Andrew Childers (Owner)

Date

AC Lockhart LLC

Mailing Address: 5810 Lakeview Circle

Austin TX 78731



Note: As of the Date on this plat the 2.79 acre tract is currently zoned CHB and AO and the 8.292 acre tract is currently zoned AO

PLAT FOR ZONING CHANGE

[illegible]

Field Book: d.c.	Drawn By: J.L.H. LH
Job No. 20210283	Drawing: 20210283--zoning.dwg
Date: December 2023	Word Disk: Begin 02012021
Surveyed By: J.L.H. JOB	Autocad Disk: Begin 02012021

**HINKLE
SURVEYORS**

P.O. Box 1027 1109 S. Main Street Lockhart, TX 78644
Ph: (512) 398-2000 Fax:(512) 398-7683 Email: contact@hinklesurveyors.com Firm Registration No. 100885-00



LEGAL DESCRIPTION FOR REZONING

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of the Francis Berry Survey A-2 and being also all of a tract of land called 11.02017 acres and conveyed to A C Lockhart LLC by deed recorded in Instrument #2022-009088 of the Official Public Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found used for basis of bearing in the NW corner of the above mentioned 11.02017 acre tract and the SW corner of Lot 3-A in Block 2 of Lockhart Industrial Park II as recorded in Plat Cabinet B Slide 131 of the Plat Records of Caldwell County, Texas for the NW corner this tract.

THENCE N 80 degrees 18 minutes 50 seconds E with the North line of the said 11.02017 acre tract and the South line of the said Lot 3-A **276.28 feet** to a concrete monument found in the SE corner of the said Lot 3-A and the SW corner of Lot 5-A in Block 2 of the said Lockhart Industrial Park II for an angle point this tract.

THENCE N 80 degrees 24 minutes 23 seconds E with the North line of the said 11.02017 acre tract and the South line of the said Lot 5-A **49.72 feet** to a calculated point for the NE corner this tract.

THENCE S 09 degrees 39 minutes 09 seconds E over and across the said 11.02017 acre tract **336.05 feet** to a calculated point in the South line of the said 11.02017 acre tract and the interior of a tract of land designated as Second Tract 14.45 acre tract of land conveyed to Russell Louis Smith et al by deed recorded in Instrument #2018-001104 of the said Official Public Records for the SE corner this tract.

THENCE S 80 degrees 22 minutes 00 seconds W with the South line of the said 11.02017 acre tract and over and across the above mentioned 14.45 acre tract **379.00 feet** to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the SW corner of the said 11.02017 acre tract and the East line of South Colorado Street and the West line of the said 14.45 acre tract for the SW corner this tract.

THENCE N 00 degrees 41 minutes 02 seconds W with the West line of the said 11.02017 acre tract and the East line of South Colorado Street **339.97 feet** to the place of beginning containing **2.719 acres** of land more or less.

I hereby certify that the foregoing field notes are a true and correct description of a survey made for the purposes of rezoning only and is not intended to be used for title transfer or conveyance on October 31, 2023 and further revised on December 30, 2023. **THESE FIELD NOTES ARE CERTIFIED AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered original and relied upon by the user.



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P.O. Box 1027 LOCKHART, TEXAS 78644 PHONE (512) 398-2000
FAX (512) 398-7683 EMAIL: CONTACT@HINKLESURVEYORS.COM



LEGAL DESCRIPTION FOR REZONING

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of the Francis Berry Survey A-2 and being also all of a tract of land called 11.02017 acres and conveyed to A C Lockhart LLC by deed recorded in Instrument #2022-009088 of the Official Public Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a capped $\frac{1}{2}$ " iron pin found stamped "HINKLE SURVEYORS" in the NE corner of the above mentioned 11.02017 acre tract and in the SE corner of Lot 15-B of Lockhart Industrial Park II and recorded in Plat Cabinet B Slide 130 of the Plat Records of Caldwell County, Texas and in the apparent NW corner of a tract of land called 3.379 acres and conveyed to Domingo Sanchez et ux by deed recorded in Instrument #2018-000795 of the said Official Public Records for the NE corner this tract.

THENCE S 28 degrees 44 minutes 11 seconds E with the East line of the said 11.02017 acre tract and the apparent West line of the said 3.379 acre tract **186.74 feet** to a capped iron pin found stamped "HINKLE SURVEYORS" in the SE corner of the said 11.02017 acre tract and the apparent NW line of a tract of land designated as a 50' wide drainage ditch and conveyed to Texas Department of Transportation as recorded in Volume 221 Page 109 of the Deed Records of Caldwell County, Texas for the most Easterly SE corner this tract.

THENCE S 59 degrees 54 minutes 22 seconds W with the SE line of the said 11.02017 acre tract and the NW line of the above mentioned 50' wide drainage ditch **455.94 feet** to a capped $\frac{1}{2}$ " iron pin set stamped "HINKLE SURVEYORS" in the SE corner of the said 11.02017 acre tract and the SE line of the residue of a tract of land designated as Second Tract 14.45 acre tract of land conveyed to Russell Louis Smith et al by deed recorded in Instrument #2018-001104 of the said Official Public Records for the most Westerly SE corner this tract.

THENCE S 80 degrees 22 minutes 00 seconds W with the South line of the said 11.02017 acre tract and entering the above mentioned 14.45 acre tract **766.24 feet** to a calculated point for the SW corner this tract.

THENCE N 09 degrees 39 minutes 09 seconds W over and across the said 11.02017 acre tract **336.05 feet** to a calculated point in the North line of the above mentioned 11.02017 acre tract and the South line of Lot 5-A in Block 2 of Lockhart Industrial Park II as recorded in Plat Cabinet B Slide 131 of the Plat Records of Caldwell County, Texas for the NW corner this tract.

THENCE with the North line of the said 11.02017 acre tract for the following three (3) courses:

(1) N 80 degrees 24 minutes 23 seconds E with the South line of the said Lot 5-A **180.66 feet** to a $\frac{1}{2}$ " iron pin found in the SW corner of Lot 6-A in the said Block 2 as recorded in Plat Cabinet B Slide 128 of the said Plat Records for an angle point this tract.

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(2) **N 80 degrees 26 minutes 49 seconds E** with the South line of the said Lot 6-A **389.34 feet** to a 1/2" iron pin found in the SE corner of the said Lot 6-A and the SW corner of Lot 7A in Block 2 of the said Lockhart Industrial Park II and recorded in Plat Cabinet B Slide 130 of the said Plat Records for an angle point this tract.

(3) **N 80 degrees 19 minutes 15 seconds E** with the South line of the said lot 7-A and the South line of Lot 15-B in the said Block 2 **562.42 feet** to the place of beginning containing **8.292 acres** of land more or less.

I hereby certify that the foregoing field notes are a true and correct description of a survey made for the purposes of rezoning only and is not intended to be used for title transfer or conveyance on October 31, 2023 and revised on December 30, 2023. **THESE FIELD NOTES ARE CERTIFIED AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Resume a PUBLIC HEARING and discussion and/or action regarding Ordinance 2024-05 proposing **Text Amendments** to Chapter 18 “Environment”, Chapter 46 “Signs”, Chapter 52 “Subdivision Regulations”, and Chapter 64 “Zoning” of the Lockhart Code of Ordinances, as follows:

Amend Chapter 18 “Environment”, Article III “Nuisances”, Division 2 “Offensive Conditions”, Section 18-82 “Prohibited”;

Amend Chapter 46 “Signs”, Section 46-6 “Prohibited signs and locations”;

Amend Chapter 52 “Subdivision Regulations”, Article V “Design Standards”, Section 52-78 “Streetlights”;

Amend Chapter 64 “Zoning”, Article I “In General”, Section 64-2 “Definitions”; Article VII “Zoning Districts and Standards”, Section 64-197 “Regulations Common to all or several districts.”, Subsection (g) “Minimum parking and loading requirements”;

Add Chapter 64 “Zoning”, Article VII “Zoning Districts and Standards”, Section 64-197 “Regulations Common to all or several districts.”, Subsection (j) “Lighting Standards”; and

Amend Chapter 64 “Zoning”, Article VII “Zoning Districts and Standards”, Section 64-198 “Performance standards for commercial and industrial districts.”, Subsection (c) “Nuisances” to establish revised requirements and standards for residential and commercial lighting, include references to lighting standards in relevant sections, and include updated street lighting policy.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: The proposed text amendments are designed to strengthen the City's lighting ordinances in order to minimize glare, reduce lighting-related hazards and nuisances, and improve the overall appearance and effect of residential, commercial, and institutional lighting in the city. Although several chapters are affected, including Chapter 18, Environment, Chapter 46, Signs, and Chapter 52, Subdivision Regulations, the main impetus of the proposed text amendments is to place the majority of the lighting standards in Chapter 64, zoning. The proposed lighting standards will not only define the allowed types of lighting and the intensity of new lighting installations, they also create a mechanism for enforcement in cases where existing lighting sources pose a hazard to public safety or the quiet enjoyment of one's property. In addition to creating much more defined requirements and limits reflecting all types of commercial, residential, and institutional lighting,

City of Lockhart, Texas

Council Agenda Item Cover Sheet

the ordinance also codifies the City streetlight policy, which was adopted in 2020 but never added to the Code of Ordinances.

The public hearing hearing was postponed at the February 6, 2024 meeting and will be resumed at this meeting. This was done to allow community members more time to respond to the major update to the City's lighting standards.

PROJECT SCHEDULE (if applicable): This item is a continuation of the public hearing on the proposed lighting legislation on February 6, 2024. The Planning and Zoning Commission reviewed the application at their January 24, 2024 meeting.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: None

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission voted 6-1 in favor of the proposed lighting ordinance amendments at their January 24, 2024 meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of Ordinance 2024-05, amending 18, 46, 52, and 64 of the Lockhart Code of Ordinances

LIST OF SUPPORTING DOCUMENTS: Lighting Amendment Ordinance 2-6-2024, Lighting Ordinance Memo for Hearings 1-19-2024

ORDINANCE 2024-05

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 18 "ENVIRONMENT" OF THE CODE OF ORDINANCES, ARTICLE III "NUISANCES", DIVISION 2 "OFFENSIVE CONDITIONS", SECTION 18-82 "PROHIBITED"; CHAPTER 46 "SIGNS", SECTION 46-6 "PROHIBITED SIGNS AND LOCATIONS", SUBSECTION (a) "PROHIBITED SIGNS."; CHAPTER 52 "SUBDIVISION REGULATIONS", ARTICLE V "DESIGN STANDARDS", SECTION 52-78 "STREETLIGHTS"; CHAPTER 64 "ZONING", ARTICLE I "IN GENERAL", SECTION 64-2 "DEFINITIONS"; ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS.", SUBSECTION (g) "MINIMUM PARKING AND LOADING REQUIREMENTS."; ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-198 "PERFORMANCE STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS.", SUBSECTION (c) "NUISANCES"; AND CREATING CHAPTER 64 "ZONING", ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS.", SUBSECTION (j) "LIGHTING STANDARDS" TO ESTABLISH REVISED REQUIREMENTS AND STANDARDS FOR RESIDENTIAL AND COMMERCIAL LIGHTING, INCLUDE REFERENCES TO LIGHTING STANDARDS IN RELEVANT SECTIONS, AND INCLUDE THE UPDATED STREET LIGHTING POLICY, AND TO MODIFY CERTAIN OTHER PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Lockhart City Council and the Lockhart Planning and Zoning Commission are interested in developing methods to update the City Code to enhance the quality of the built environment; and,

WHEREAS, The quality of new commercial and residential projects is an area of concern to the City during this period of strong growth; and,

WHEREAS, The City anticipates a continuation of current development trends in the coming years; and,

WHEREAS, The City wishes to protect the safe use and enjoyment of outdoor areas, streets, and the night sky; and,

WHEREAS, Light pollution in the form of light trespass and glare to abutting property and the public decrease the safe use and enjoyment of Lockhart's natural and man-made resources; and,

WHEREAS, The current City Code contains limited standards for controlling outdoor lighting; and,

WHEREAS, The current City Code does not enable staff review of lighting on proposed projects; and,

WHEREAS, The Lockhart Planning and Zoning Commission held a public hearing on January 24, 2024, and voted to recommend amending Sections 18-82, 46-6, 52-78, 64-2, 64-197, and 64-198 to address these concerns, and to add, clarify, or otherwise modify certain other provisions; and,

WHEREAS, The City Council has determined that such amendment serves a public purpose and the Council desires to amend the Code of Ordinances accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT:

I. The foregoing recitals are approved and adopted herein for all purposes.

II. Chapter 18 “Environment”, Article III “Nuisances”, Division 2 “Offensive Conditions”, Section 18-82 “Prohibited”, is hereby amended in part to read as follows:

“(d) It shall be unlawful in residentially zoned districts to arrange, operate or maintain any yard lighting so that it illuminates portions of other properties, causing problems from glare or of a general nuisance nature. The intent of this subsection is that any lighting used to illuminate any yard, building, or structure in a residentially zoned district be so arranged as to reflect the light away from adjoining properties, thus maximizing the illumination of any yard lighting onto the property where it originates and minimizing the illumination that pervades other properties. See **Chapter 64-197(j) – Lighting Standards** for additional lighting regulations.”

III. Chapter 46 “Signs”, Section 46-6 “Prohibited signs and locations”, Subsection (a) “Prohibited Signs.”, is hereby amended in part to read as follows:

“(5) Any sign lighting, other than neon tube lighting, that exceeds 100 nits between sunset and sunrise, exceeds 300 nits between sunrise and sunset, or that causes any direct or undiffused illumination to be visible from any roadway or any residential district. See **Chapter 64-197(j) – Lighting Standards** for additional lighting regulations.”

IV. Chapter 52 “Subdivision Regulations”, Article V “Design Standards”, Section 52-78 “Streetlights”, is hereby amended to read as follows:

(a) “Streetlights shall be installed by the subdivider in accordance with the current streetlight policy, as adopted by the city council, and shall conform to the construction and lighting standards of the city. See **Chapter 64-197(j) – Lighting Standards** for additional lighting regulations.”

(b) Street Lighting Policy

(1) Streetlights shall not be installed on private property.

(2) New Subdivisions

a. All new subdivision construction plans shall have developer installed LED streetlights based upon these standards, and the City’s Subdivision Ordinance. Any variance to this policy must be approved by the City Manager or designee.

b. The developer shall submit a streetlight plan as a part of the final subdivision plat package in conjunction with the utility plans and in conformance with these standards.

c. The staff shall review, coordinate with the electric utility, and recommend LED street lighting plans to the Electric Distribution Superintendent or other City Manager designee.

d. Metal poles with at a minimum height of 30 feet (30’) shall be required for all public LED street lighting with minimum 8 foot (8’) long, 80 gauge aluminum arms.

e. The City may reject subdivision and development construction plans involving streets that fail to comply with the standards set forth in this section. In new subdivisions where underground primary and secondary must be provided by the developer, the developer shall provide all required easements and pay for the installation/materials/equipment for streetlights in accordance with the standards set out in this section.

(3) Spacing

a. Streetlights shall be placed in accordance with the following spacing requirements in all public streets:

1. Typical spacing of lights shall be one per intersection as described in the Street LED Watts/Lumens Chart of this section; where two street types intersect, the heavier street type lighting shall apply.
2. Lights shall be provided along arterial and collector streets, with a maximum spacing between lights of 250 feet (250') and in compliance with the LED Watts/Lumens Chart.
3. If the block length is over 600 feet (600') but less than increments of 300 feet (300'), the light shall be placed mid-block to the degree practical.
4. In a cul-de-sac turnaround, if the cul-de-sac length is longer than 300 feet (300').
5. In all vertical curve points of 10% or more in all streets.
6. At all roundabouts, bulb outs, and marked crosswalks.
7. Streetlights shall be placed in the subdivision in compliance with the final approved LED lighting plan.

b. Streetlight LED Watts/Lumens Chart

<u>Type of Street, Intersections, Other Locations</u>	<u>Watts/Lumens (Minimum)</u>
	<u>30' Metal Poles, 8' aluminum mast Arms, photoelectric control, and fused – Submittal approval required.</u>
<u>Arterial</u>	<u>148/8,600</u>
<u>Arterial/Arterial Intersections</u>	<u>148/10,300</u>
<u>Arterial/Collector Intersections</u>	<u>130/9,100</u>
<u>Arterial/Residential Intersections</u>	<u>130/9,100</u>
<u>Arterial Other Specified Locations</u>	<u>45/3,500</u>
<u>Collector</u>	<u>95/5,600</u>
<u>Collector/Residential Intersections</u>	<u>130/9,100</u>
<u>Collector/Collector Intersections</u>	<u>130/9,100</u>
<u>Collector/Arterial Intersections</u>	<u>45/3,500</u>
<u>Collector Other Specified Locations</u>	
<u>Residential-Local (Low Traffic)</u>	<u>45/3,500</u>
<u>Residential/Residential Intersections</u>	<u>95/8,000</u>
<u>Residential/Collector Intersections</u>	<u>130/9,100</u>
<u>Residential/Collector Intersections</u>	<u>45/3,500</u>
<u>Residential/Arterial Intersections</u>	<u>45/3,500</u>
<u>Residential Other Specified Locations</u>	

(4) Private Streets and Mobile Home Park Subdivision Streets

- a. No street or intersection shall be illuminated at public expense by the City of Lockhart unless said street is located within dedicated public street right-of-way. Public access easements shall not be considered public right-of-way for street lighting purposes. Streetlights within the mobile home park shall be provided by the developer along internal streets. Light standards shall have a height and spacing to ensure an

average illumination level of not less than 0.2 footcandles shall be maintained.

(5) Annexed Areas

- a. In newly annexed areas, the annexation assessment and service plan, if required, shall indicate the approximate number of streetlights to be provided, the approximate annual cost of providing the lights and the timing for providing the streetlights. Streetlights shall be installed by the City in developed areas with conventional “along the street utility areas” in subdivisions of 5 lots or more upon request.
- b. The additional cost of providing streetlights in annexed areas with underground utilities shall not be borne by the City. Streetlights in areas with rear utilities shall be provided as soon as economically feasible. All streetlights shall be provided within 5 years of the effective date of annexation where there are at least 5 contiguous home sites.

(6) Existing Areas

- a. When a request is received for a streetlight in previously developed areas, the Developer and/or his designee will complete the “Request for Street Light” form. All requests for streetlights in existing subdivisions and public streets will be evaluated by the City Manager or his designee according to the standards set out in this chapter as follows:
 1. Requested light(s) must not be closer than 250 feet (250’) to the closest existing streetlight(s) unless approved by the City Manager or designee.
 2. Requested light(s) will receive priority if located at:
 - i. intersections of public streets,
 - ii. sharp curves,
 - iii. turns,
 - iv. cul-de-sacs,
 - v. dead end streets, and
 - vi. points of traffic conflict.
 - vii. Lumen measurements will also be considered.
 3. Installation costs shall be reasonable and the number of trees along the streets that hinder street light levels will be considered.
 4. The City Manager or designee will evaluate a request for street lighting according to the above criteria. If a request is denied by the City Manager, the applicant may ask that his street light request be heard by the City Council; the Council’s decision will be final.

(7) Moving Existing Installed Street Lights

- a. It shall be the responsibility of the property owner, developer, or building contractor to move existing installed streetlights where required in order to construct/alter/move a driveway or other appurtenance. A licensed electrical contractor must perform the work after review by the Electric Superintendent or designee and after obtaining the required permits.

V. Chapter 64 “Zoning”, Article I “In General”, Section 64-2 “Definitions”, is hereby amended to add the following:

[...]

Adequately Shielded – The attribute of a light source from which no direct glare is visible at normal viewing angles by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, skirts, or visors that permit no light to be emitted at or above a horizontal plane drawn through the lowest light-emitting part of the luminaire.

[...]

Footcandle – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter. Footcandle measurements report the amount of light originating from a specific direction.

[...]

Glare – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, so as to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

[...]

Illuminance – Quantity of incident light, measured in footcandles.

[...]

Light Trespass – Light emitted by a luminaire or lighting installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

[...]

Luminaire – A complete lighting fixture assembly consisting of lamp(s), lamp holders, electrical components, light directing devices, shielding devices and lenses or diffusers.

[...]

Nit – A unit of luminance, or brightness, emitted from a luminous surface equal to one candle per square meter, measured perpendicular to the rays of the source. Nits is the only scientific manner for measuring light energy being emitted from an internally illuminated sign.

[...]

VI. Chapter 64, Article VII “Zoning Districts and Standards”, Section 64-197 “Regulations Common to all or several districts.”, Subsection (g) “Minimum parking and loading requirements.”, is hereby amended in part to add the following:

“(1)(e).(5.) Lighting fixtures used to illuminate or to mark any off-street parking area shall be arranged to shield direct light from any residence and from street traffic. **See Chapter 64-197(j) – Lighting Standards** for additional lighting regulations.”

VII. Chapter 64 “Zoning”, Article VII “Zoning Districts and Standards”, Section 64-197 “Regulations Common to all or several districts.”, is hereby amended to add Subsection (j) “Lighting Standards”, as follows:

(1) Purpose and Application

a. Purpose

- 1. Standards for controlling lighting and glare are set forth to permit an amount of outdoor lighting that is appropriate to allow for the safe use and enjoyment of outdoor areas, streets, and the night sky while mitigating light trespass and glare to abutting property and the public, reducing light pollution, and promoting public energy conservation. These standards are intended to allow reasonable enjoyment of adjacent and nearby properties**

by their owners and occupants while requiring adequate levels of lighting for nonresidential areas, such as parking lots.

b. Applicability and Exceptions

1. Applicability

- i. This section applies to new and existing residential, commercial, public, and industrial development.

2. Exceptions

- i. Luminaires used for public roadway illumination may be installed at a maximum height of 30 feet and may be positioned at that height up to the edge of any bordering property.
- ii. All temporary emergency lighting required by the Police, the Fire Department, or other emergency services shall be exempt from the requirements of this section.
- iii. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this section, except that all luminaires used must be shown to be as close as possible to the federally required minimum output requirement for the specific task.

3. Recreational Area Lighting – Lighting for recreational uses (including athletic courts and fields) may employ standards, poles, and luminaires in excess of the heights prescribed in B(b) below.

- i. Where recreational uses are adjacent to residential uses regardless of separation by streets, and such recreational use is illuminated in such a manner as to produce a light intensity in excess of 0.25 footcandles at the property line of the residential use, a living screen shall be required in accordance with the following:
- A. Shade trees that normally grow to a height of 30 feet or greater shall be provided.
- B. Shade trees shall be planted at most 30 feet on center along the property line abutting the residential use.
- C. Shade trees shall be a variety that maintains a crown width sufficient to form a continuous screen at height between 10 feet and 25 feet above grade.
- D. Such trees shall be a minimum of 10 feet tall at the time of planting.
- E. Shade trees acceptable for this purpose are defined in Chapter 60 – Vegetation, Section 60-28 - Definitions.
- ii. Recreational lighting must be shut off by 10:30pm on Sunday through Thursday and 11:30pm on Friday or Saturday nights.

(2) Regulations

a. General

1. The allowable maximum illuminance for any development abutting a residential use, including other residential uses, shall be 0.25 footcandles as measured at the property line.
2. Light sources shall be adequately shielded, of a down-light, indirect, diffused, or shield type so installed and maintained as to reduce glare effect and light trespass onto adjacent properties and boundary streets. Direct light shall not cross any zone boundary line.
3. No luminaire may be directed at an angle other than straight down. Up-lighting is prohibited, including but not limited to lighting for buildings, signage, and landscaping.

4. Pole-mounted and wall-mounted luminaires mounted above six (6) feet shall be adequately shielded, of a down-light or full cutoff type, and shall not direct light onto adjacent properties.
 5. The height of luminaires, including those mounted on poles and standards, shall not exceed 30 feet except as required by street lighting standards.
- b. Nonresidential, Multifamily, and Mixed Use Regulations
1. Lighting Plan Required
 - i. All nonresidential, multifamily, and mixed use developments shall submit a lighting plan. The lighting plan shall show how the proposed development will comply with the regulations within this Section.
 - A. An application for a lighting plan shall be submitted and approved or denied by the Director of Planning as part of Subdivision, Planned Development District, and Building Permit applications. The lighting plan shall show such information in sufficient detail to enable the Director of Planning to readily determine whether the lighting plan is in compliance with the requirements within this section.
 - ii. Elements of a Lighting Plan
 - A. A site plan or plans, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flag, and sign lighting by location, orientation, aiming direction, and mounting height;
 - B. The type of luminaires, fixtures, lamps, supports, reflectors, and other devices, and their respective location on the site;
 - C. A description of the luminaires, fixtures, lamps, supports, reflectors, and other devices (such as catalog cuts by manufactures and drawings); and
 - D. Photometric data, such as furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
 2. The allowable maximum illuminance measured at the property line of a retail, office, commercial, or multifamily use shall be 3.0 footcandles and shall be 5.0 footcandles at the property line of an industrial use. When located adjacent to residential development, the intensity shall be no greater than 0.25 footcandles at the property line.
 3. All off-street parking areas for nonresidential, multifamily, and mixed uses that are used at night shall be illuminated beginning no later than thirty (30) minutes after sunset. Lighting may be constant or by motion sensor.
 4. Nonresidential uses that abut residential zoning districts shall be required to cease illumination of parking areas at the termination of hours of use. In case only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. The portion offered for use after dark shall be clearly designated on the Lighting Plan.
 5. The following table establishes maximum pole-mounted luminaire heights by parking lot size:

<u>Longest Dimension of Lot</u>	<u>Maximum Luminaire Mounting Height</u>

<u>Zero – 50 feet</u>	<u>12 feet</u>
<u>51 – 100 feet</u>	<u>18 feet</u>
<u>101 feet or greater</u>	<u>25 feet</u>

(3) Nonconforming and Temporary Lighting

a. Nonconforming Lighting

1. Any luminaire or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered legally nonconforming.

i. A nonconforming luminaire or lighting installation shall be made to conform with the requirements of this Ordinance before building permits may be issued for the property, or when:

A. Minor corrective action, such as re-aiming, automatically shutting off offending sources at a reasonable hour nightly, or shielding can achieve conformity with the applicable requirements of this Ordinance,

B. It is deemed by the City to create a health or safety hazard,

C. It is replaced by another luminaire or luminaires, or abandoned or relocated,

D. The number of existing luminaires on the property is increased by 30% or more, or

E. There is a change in use of the property.

b. Temporary Lighting

1. Any temporary outdoor lighting that conforms to the requirements of this chapter shall be allowed.

VIII. Chapter 64 “Zoning”, Article VII “Zoning Districts and Standards”, Section 64-198 “Performance standards for commercial and industrial districts.”, Subsection (c) “Nuisances”, is hereby amended in part as follows:

“(1) Lighting fixtures shall be arranged to shield direct light from crossing any zone boundary line. See Chapter 64-197(j) – Lighting Standards for additional lighting regulations.”

IX. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.

X. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

XI. Penalty: Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-8 of the City Code.

XII. Publication: That the City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

XIII. Effective Date. That this ordinance shall become effective and be in full force immediately upon its passage.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON
THIS THE 20th DAY OF FEBRUARY 2024.**

CITY OF LOCKHART

Lew White
Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon
City Secretary

Brad Bullock
City Attorney

TO: Lockhart City Council; Planning and Zoning Commission
FROM: David Fowler AICP, Planning Director
SUBJECT: Lighting Ordinance Amendment
DATE: January 25, 2024

Dear Mayor and City Council:

The attached proposed code amendments regulate sign and exterior lighting by creating clear standards for light trespass/glare, the reduction of light pollution, and administrative review of light fixtures on new projects. The amendments are proposed in response to interest from the public and public officials in maintaining quality development and Lockhart's dark skies. The purpose of the amendments is:

To permit an amount of outdoor lighting that is appropriate to allow for the safe use and enjoyment of outdoor areas, while mitigating light trespass and glare to abutting property and the public at large, reducing light pollution, and promoting public energy conservation.

A lighting ordinance with clear standards and review for development prevents surprises to the city and neighbors by requiring that developers and builders provide complete information about proposed lighting, site suitability, and ordinance compliance that can be fully judged before permits are issued. Additionally, the proposed amendments include additions to chapters throughout the city code that cross-reference the primary lighting code section. Enforcement of these code amendments will require the purchase of a luminance meter (a.k.a. light meter) and an illuminance meter to enable staff to take measurements of light levels. No external training or contractors are required.

The proposed code amendments strengthen the City's current lighting requirements. In Lockhart's current city code, lighting regulations are contained in two sections: **Section 64-197(e)(5) Regulations common to all or several districts**, and **Section 64-198(c)(1) Performance standards for commercial and industrial districts**. These sections contain language that protects residences from off-street parking lighting and prohibits commercial/industrial lighting from crossing zoning boundaries, respectively. Additionally, **Section 18-82(d)** on prohibited nuisances requires that reflection from residential lighting is minimized, preventing the illumination of other properties by residential yard lighting. **Section 52-78**

Streetlights. in the subdivision code's design standards stipulated simply that streetlights are required according to city policy. Further lighting regulations apply to sign standards in **Section 46-6 Prohibited signs and locations.**

In preparing these amendments, staff has studied best practices in municipal lighting codes – including the recommendations of the International Dark-Sky Association – and compared similar cities' lighting standards. The chief recommendations are the consolidation of all lighting standards into one section of the code and writing the new standards to be as simple as possible to aid the public and staff with review and enforcement.

The proposed amendments are developed from the following principles for good lighting standards:

- Providing the right amount of light,
- Using fixtures that place the light only where needed, e.g., on the pavement,
- Using fixtures that shield the light source (bulb) from view,
- Having lights on only when needed, and
- Lighting areas uniformly to avoid very bright and very dark areas.

The amendments apply these principles to address the following areas:

- Glare control, e.g., aiming, shielding, light trespass,
- Max. allowed mounting heights,
- Shut-off hours/Security lighting,
- Lighting plan submission content,
- Compliance verification/monitoring,
- Non-conforming lighting,
- Maximum allowable illuminance at the property boundary,
- Allowed luminaire types,
- Penalties for code infractions.

A detailed overview of the lighting changes by section is below.

Chapter 18-82(d) – Prohibited.

This section of the nuisance code prohibits lighting that illuminates other properties and intends that lighting in residential zoning districts should be arranged to minimize light trespass on other properties. The proposed change adds a reference to the new code section created by this ordinance, **Chapter 64-197(j) – Lighting Standards**, to ensure citizens reading the code are aware of the new standards.

Chapter 46-6(a)(5) - Prohibited signs and locations.

This section of the sign code prohibits signage lighting that “causes direct or undiffused illumination” to be visible from public roadways or residential districts. This standard allows diffused light which is visible from roadways and residential districts. The opaque or semi-opaque cabinets typically used in commercial signs are generally considered to diffuse the interior cabinet lights. The proposed change adds a maximum limit to the brightness of light coming from signs between sunset and sunrise to reduce glare or light trespass. The proposed changes also include a reference to the new code section created by this ordinance, **Chapter 64-197(j) – Lighting Standards**, to ensure citizens reading the code are aware of the new standards.

Section 52-78 - Streetlights.

This section of the code currently consists of a single sentence referring the reader to “the current streetlight policy, as adopted by the city council”. The proposed change includes the current streetlight policy in whole, as adopted by City Council on January 21, 2020 as part of the City of Lockhart, Texas Construction Standards (pp. 44-46). The proposed changes also include a reference to the new code section created by this ordinance, **Chapter 64-197(j) – Lighting Standards**, to ensure citizens reading the code are aware of the new standards.

Chapter 64-2 – Definitions.

This section of the code includes the definitions of terms used in the entirety of **Chapter 64 – Zoning**. The proposed changes add new definitions of key terms in this lighting ordinance to support the new lighting ordinance. Key definitions include “footcandles” and “nits”, two measurements of light which record the amount of light coming from a particular direction and the amount of light emitted by a single source, respectively.

Chapter 64-197(g)(1)(e)(5)

This code section consists of a single sentence: “Lighting fixtures used to illuminate or to mark any off-street parking area shall be arranged to shield direct light from any residence and from street traffic.” The proposed changes add a reference to the new code section created by this ordinance, **Chapter 64-197(j) – Lighting Standards**, to ensure citizens reading the code are aware of the new standards.

Chapter 64-197(j) – Lighting Standards.

This section of the code is the main subject of this ordinance amendment. It is entirely new and proposes standards for new and existing lighting throughout the City. It will be appended to **Section 64-197. – Regulations common to all or several districts.** and is the section to which the added references in other code sections point. The regulations recommended by staff adapt the principles of the International Dark-Sky Association to apply to Lockhart, which has a large amount of pre-existing lighting. The regulations are intended to provide simple rules and review for new projects to maximize the effectiveness of staff enforcement.

Comments by subsection are below.

- Purpose and Application: The new standards apply to all new and existing residential, commercial, public, and industrial development in Lockhart. The standards are designed to allow for the safe use and enjoyment of outdoor areas, streets, and the night sky while mitigating light trespass and glare to abutting property and the public, reducing light pollution, and promoting public energy conservation.
- Exceptions from applicability:
 - o Per the streetlight standards in the City of Lockhart, Texas Construction Standards, incorporated into **Section 52-78 – Streetlights** above, streetlights are exempted from the proposed standards because the Section 52 standards control.
 - o Temporary emergency lighting as required by City/Public emergency services are exempted.
 - o Federally-required lighting for hazard warnings (example: light required on communications towers by the Federal Aviation Administration) are exempt provided they conform to the minimum output allowed by federal standards.
 - o Recreational area lighting for sports stadiums and similar recreational uses are exempted from the lighting standards provided that where the nearest uses are residential simple landscape screening principles detailed in the code section are followed.
- Regulations:
 - o Light from any use is limited to 0.25 footcandles at the property line of any residential use.
 - o Sources of light (or fixtures, called here “luminaires”) are required to be of a design and placement that directs light straight down and does not allow light to escape to the sides or top. This minimizes the primary causes of light pollution and trespass onto nearby properties.

- The maximum height of luminaries is set at 30 feet, except where required by streetlighting standards. This is because even downward-facing lights may light areas beyond property lines when located high up.
- Nonresidential, multifamily, and mixed-use regulations:
 - A lighting plan is required for these development types, which will allow Staff to predict and modify the effects of site lighting on surrounding properties. The lighting plan shall include the information typically included on a site plan or development plan and shall show the location of each proposed luminaire. Applicants will be required to include a description and characteristics of each proposed luminaire with the plan; this information is typically available from light fixture manufacturers/suppliers.
 - Maximum light levels at property lines are established based on the type of adjacent use: retail, office, commercial, and multifamily uses will receive no more than 3.0 footcandles from adjacent properties; industrial uses will receive no more than 5.0 footcandles from adjacent uses; residential uses will receive no more than 0.25 footcandles from adjacent uses.
 - Parking areas which are not used after dark shall not be illuminated after dark, while parking areas used after dark require lighting. Maximum parking area luminaire heights are set based on the size of the parking area.
- Nonconforming lighting:
 - Luminaires not meeting the standards of this ordinance will be considered legally nonconforming.
 - Nonconforming lighting shall be brought into compliance with the ordinance prior to building permits can be issued for the property, or when minor actions (example: simple readjustment of moveable light fixtures) can bring the property into compliance.
 - The ordinance provides that the City can require nonconforming lights to be brought into compliance when existing lighting is a hazard to health or safety, when the number of luminaires on a property is increased by 30% or more, or when there is a change in use of the property.

Chapter 64-198(c)(1) – Nuisances.

This code section consists of a single sentence: “Lighting fixtures shall be arranged to shield direct light from crossing any zone boundary line.” The proposed changes add a reference to the new code section

created by this ordinance, **Chapter 64-197(j) – Lighting Standards**, to ensure citizens reading the code are aware of the new standards.

Measurement notes:

- **Footcandle measurements** are appropriate for determining brightness from all light sources in a direction, making **illuminance meters** useful for measuring light trespass from one property to another.
- **Nit measurements** are appropriate for measuring the brightness of illumination on an object, making **luminance meters** useful for determining whether specific objects are over/under illuminated with respect to an ordinance setting maximum brightness levels for certain uses, e.g. billboards.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Hold a PUBLIC HEARING and discussion and/or action on an appeal to the Planning and Zoning Commission's approval of application SUP-23-19 by Ben and Lauren Siegel to consider approval of a **Specific Use Permit** for a *Lodging and Boarding House* and *Special Events Center* on 0.925 acres zoned RMD Residential Medium Density District and located at 703 West San Antonio Street.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: This item is the public hearing regarding the appeal of a Specific Use Permit (SUP) for a Longing and Boarding House and Special Events Center at the property known as The Judge's House at 703 West San Anonio Street. The intent of the application is for the property to serve as an event center hosting weddings and other similar events while having some lodging available to guests. The applicants believe that with the construction of an event hall addition to the east of the current house, the facility could accommodate up to 200 guests, but the site plan shows a rated capacity of 360 people. To accommodate the event center use, the applicant plans to construct a paved driveway with 12 parking spaces on the west side of the lot. The balance of the site's parking needs would be met with a combination of rented offsite parking, shuttle service, and valet parking. The applicant has also agreed to hire Lockhart Police or other security to ensure events are orderly and not violating noise ordinances. The Planning and Zoning Commission approved the SUP request by a vote of 5-2 after several residents spoke with a mix of residents in favor of or in opposition to the SUP request.

Since the SUP approval, two residents filed letters for City Council to appeal the P&Z's decision within the required 10-day period after the meeting date. Staff has also received at least 15 additional letters of opposition, most of them from nearby property owners and renters at nearby apartments. While the applicants have substantially improved the quality of some of the application materials related to parking and noise, there are still significant concerns regarding the proposed event center's potential effects on neighboring residents and its impact on the overall appearance and function of the West San Antonio Street Corridor.

PROJECT SCHEDULE (if applicable): None.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

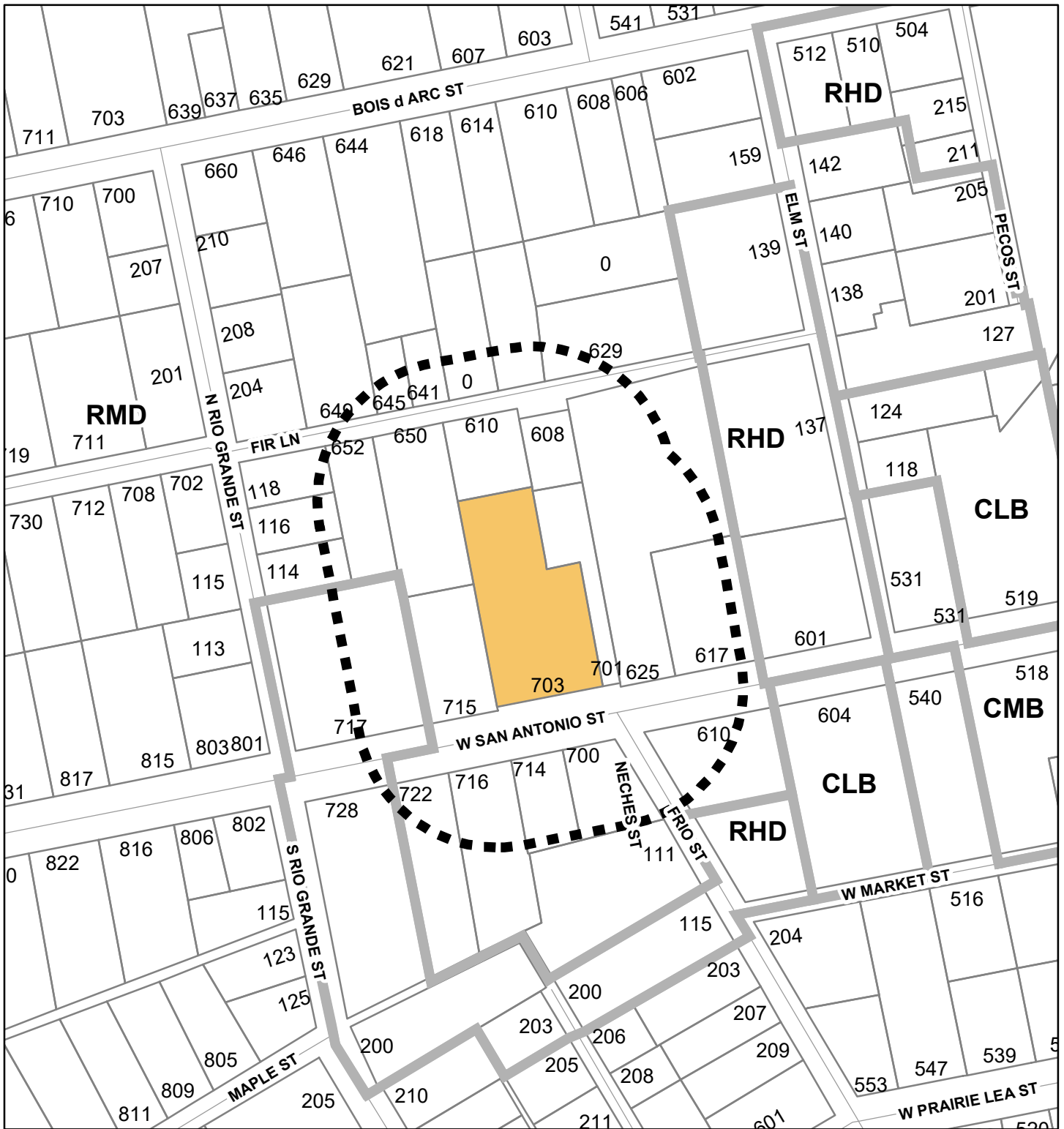
FISCAL NOTE (if applicable): None

PREVIOUS COUNCIL ACTION: Lockhart City Council voted to remove the property's historic landmark designation on November 21, 2023.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission considered the SUP request at its January 10, 2024 meeting, and voted 5-2 to approve the SUP.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval of the Lodging and Boarding House use, but finds the opposition to the special event center use too great to recommend approval of that aspect of the application.

LIST OF SUPPORTING DOCUMENTS: SUP2319 case map, SUP-23-19 aerial, SUP2319 zoning, SUP-23-19 Staff Report (Siegel), 703 W San Antonio St--Application materials, 240215_703_JUDGES HOUSE design plans, Siegel parking letters 2-9-2024, Opposition petitions and letters--703 W. San Antonio Street



SUP-23-19

703 W SAN ANTONIO ST

LODGING & BOARDING HOUSE
& SPECIAL EVENTS CENTER



scale 1" = 200'



SUBJECT PROPERTY

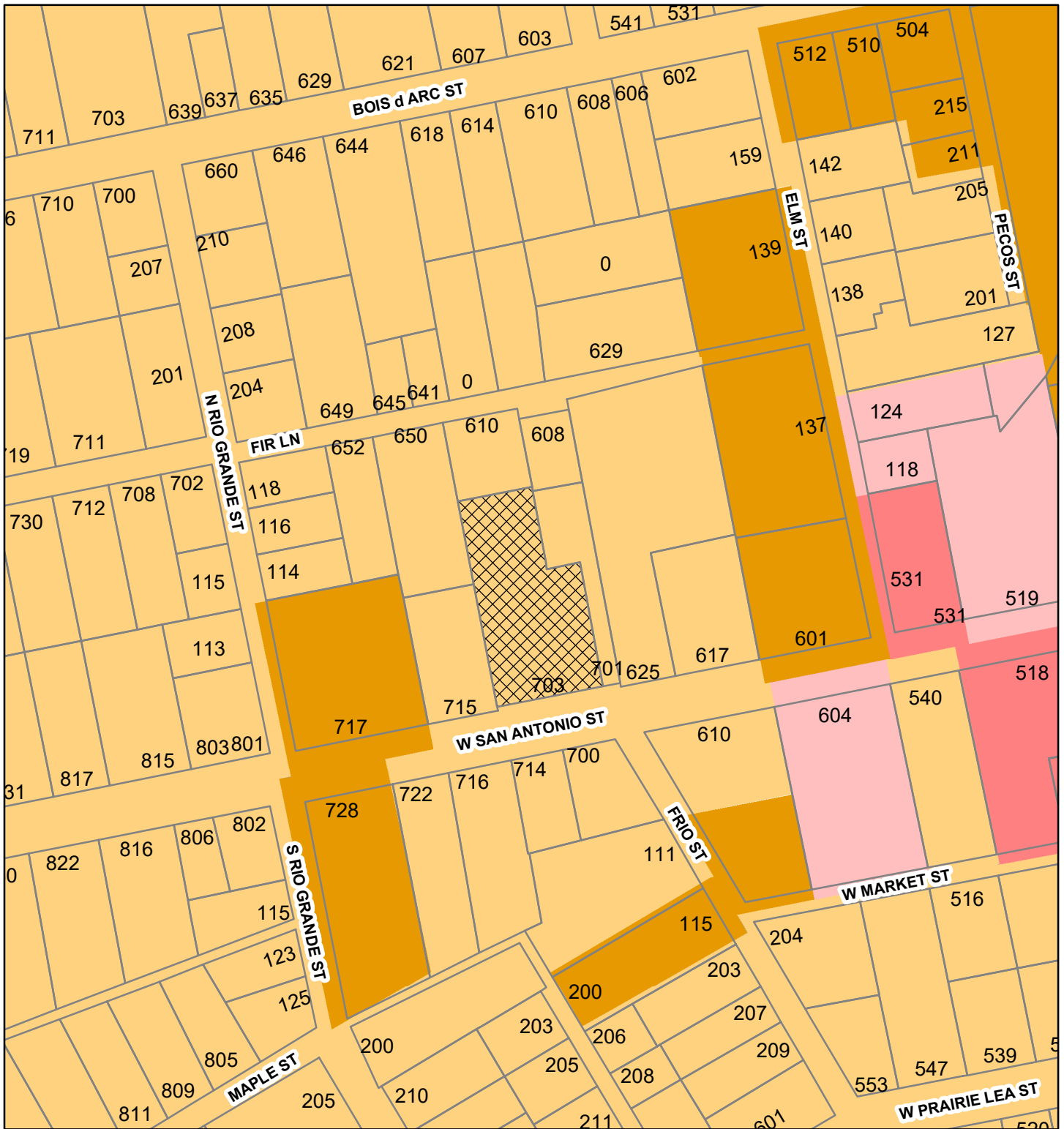


ZONING BOUNDARY



200 FT. BUFFER





SUP-23-19

703 W SAN ANTONIO ST

LODGING & BOARDING HOUSE
& SPECIAL EVENTS CENTER



scale 1" = 200'

ZONING DISTRICTS

- COMMERCIAL LIGHT BUSINESS
- COMMERCIAL MEDIUM BUSINESS
- RESIDENTIAL HIGH DENSITY
- RESIDENTIAL MEDIUM DENSITY

CASE SUMMARY

STAFF CONTACT: David Fowler, Planning Director

CASE NUMBER: SUP-23-19

REPORT DATE: February 16, 2024

PUBLIC HEARING DATE: January 10, 2024 (Planning and Zoning Commission),
February 20, 2024 (City Council appeal)

APPLICANT'S REQUEST: Lodging or Boarding House and Special Events Center

STAFF RECOMMENDATION: **Approval of Lodging or Boarding House only.**

SUGGESTED CONDITIONS: **Listed in recommendation.**

BACKGROUND DATA

APPLICANT(S): Lauren Siegel, The Judge's House LLC

OWNER(S): The Judge's House LLC

SITE LOCATION: 703 West San Antonio Street

LEGAL DESCRIPTION: Arnette McDaniels Subdivision, Lot 1 Block 1

SIZE OF PROPERTY: 0.925 acres

EXISTING USE OF PROPERTY: Single-family residential

ZONING CLASSIFICATION: RMD Residential Medium Density

ANALYSIS OF ISSUES

CHARACTERISTICS OF PROPOSED USE: The Applicant requests a Specific Use Permit for a lodging or boarding house and special events center to realize plans for a bed-and-breakfast wedding/events venue. The lodging or boarding house aspect could serve as the bridal suite in conjunction with planned weddings in the event. The special event center use is defined in Section 64-2, Definitions, of the zoning ordinance as follows:

Special events center: A private indoor and/or outdoor facility that is available for rental by the public for weddings, receptions, reunions, seminars, parties, and other similar occasions of limited duration.

The subject property is zoned RMD and is located in an area that is not wholly residential and includes several similar uses. Both the lodging or boarding house and special events center uses require an SUP in the RMD district, as uses identified as allowed or permitted in the Public and Institutional (PI) zoning district can be approved in a specified set of other zoning districts with an approved SUP.

The Applicant submitted a site plan showing the proposed layout of the property. The applicant is providing twelve onsite parking spaces (including one ADA-accessible space). These parking spaces and the associated driveway would provide for the needs of the Lodging or Boarding House use, while also providing loading access and parking for vendors such as caterers, photographers, florists, musicians, and other event-related contractors. The proposed venue as originally proposed would include four overnight rooms and enough indoor/outdoor space to accommodate approximately 200 event guests. To accommodate the proposed event capacity, the applicant is proposing a 2,834 square foot addition to the east of the original structure, as well as a wood deck to the north of the original structure. The updated application materials show a rated occupancy for all spaces on the site of 360 people. The proposed size of the building additions, the greater occupancy capacity, and the greater provision of parking in the front

yard of one of the City's signature residential structures raises significant questions regarding the proposed event center's compatibility with surrounding residential properties.

To meet the event center's parking needs, the Applicant has secured offsite parking agreements from four entities to provide parking spaces exceeding the recommended parking of one space per 2-4 attendees. The applicant also has produced letters from a valet service and a bus company to provide services for events held at the proposed event center. The Lockhart Police Department has also provided a letter stating the price for hiring officers to monitor noise compliance and reduce the possibility of public disturbances.

NEIGHBORHOOD COMPATIBILITY: The surrounding zoning classification is RMD in all directions, with some Residential High Density (RHD) on nearby parcels. Nearby land uses are a mix of single family residential and commercial. Additionally, there are several other properties either currently used or planned to be used as similar lodging/event spaces on the San Antonio Street and Blanco Street corridors. Some of these event centers will also require SUP approval in order to comply with City requirements. The Future Land Use Map recommends that the subject property and the abutting RMD properties maintain their current designation as medium density residential properties. The event center's compatibility with neighboring residential properties has been a frequent concern in correspondence received since the SUP was approved.

COMPLIANCE WITH STANDARDS: The updated site plan for the subject property includes a driveway with 12 additional parking spaces, meeting the minimum parking requirements for the Lodging or Boarding House use only. The Applicant's site plan shows that the parking area would be paved with brick pavers and that the property will be screened from the surrounding residential uses. The setbacks illustrated on the Applicant's site plan meet the code requirements for the SF-1 low-density residential use, which is the current use of the site. In order to maintain compatibility with the neighboring properties, the site should be developed with the SF-1 setbacks and building coverage maximums, which include a 25-foot front setback, 7.5-foot side setbacks and a 10-foot rear setback, with building coverage limited to a maximum of 30 percent of lot area.

ADEQUACY OF INFRASTRUCTURE: Adequate water and wastewater are available from West San Antonio Street.

RESPONSE TO NOTIFICATION: Staff had not received any calls or letters in opposition to the proposed Lodging or Boarding House and Event Center prior to the Planning and Zoning Commission Meeting. At the meeting, seven parties spoke in opposition to one or both aspects of the proposed facility. Five spoke in favor of both aspects of both proposed uses. Since the P&Z meeting raised awareness of the project, the negative response to the application has been overwhelming, with 19 letters in opposition to the application having been received, including the two appeal letters that caused the case to be referred to City Council for review. The letters received include ownership of 29 percent of property in the notification area, just short of the 30 percent of property owners within 200 feet which is listed as a possible justification for denial of an SUP application.

PLANNING AND ZONING COMMISSION ACTION: The SUP request was originally heard at the January 10, 2024 Planning and Zoning Commission meeting. At the meeting, the Commission heard from speakers expressing both support and opposition to the proposed project. After considering the submission and citizen comments, the Commission voted 5-2 in favor of the SUP without offering any conditions.

STAFF RECOMMENDATION: Approval of Lodging or Boarding House use only.

This SUP request has received extensive opposition from both neighbors and other community members, as outlined in the Response to Notification section, above. Due to this level of opposition, staff cannot recommend City Council vote to approve the Special Event Center aspect of the application solely based on the technical merits of the application. While the applicant has made efforts to improve the quality of the event center application in the month since the Planning and Zoning Commission hearing, many of these improvements are in response to criticism of the project's application materials as presented to the Planning and Zoning Commission. At the meeting, several residents criticized the inconclusive nature of the e-mails presented as securing parking for the site. This concern has been addressed with the signed letters from both parking lot owners as well as shuttle and valet services to better define the possible transportation management of the site. Another significant change is the plan to hire City of Lockhart police officers or other private providers of security services to provide security for the special events held at the facility. This would help address concerns that events at the facility could be unruly or produce noise problems. Despite these improvements, numerous nearby residents have written to express opposition to the proposed event center Use, due to concerns that the regular staging of events could negatively affect the quiet enjoyment of nearby residential properties and create additional traffic concerns on the west San Antonio Street corridor.

A remaining area of concern regarding the Event Center proposal regards the proposed addition to the main house to serve as the main event center facility. The square footage of the addition was not provided on the submission reviewed before the Planning and Zoning Commission. The applicant sent City staff a design package on the date of the City Council packet's publication, which has detailed the building additions as well as greatly increased the on-site parking to be provided. Because the applicants had previously applied successfully to remove the historic landmark status from the house, no historic review is required to ensure that the proposed building additions and site improvements would be architecturally compatible with the Judge's House structure and the surrounding properties.

In contrast to the Special Event Center use, the lodging or boarding house use would involve the use of the existing bedrooms and common areas of the house with comparatively fewer modifications to the house and grounds. With this use, the event center addition would not be constructed, and the existing gravel drive could be used, thereby maintaining the current character of the building and the site. This aspect of the application has not been the source of community opposition, so staff has no hesitation in recommending the lodging and boarding house use.

If City Council is to approve the Special Event Center Use, staff would suggest that the approval is subject to the following conditions:

- 1) Setbacks and lot coverage will be consistent with the SF-1, single-family detached land use type.
- 2) Use of either off-duty police or private security personnel to monitor events for noise, vehicular access, and general orderly conduct.
- 3) Maximum number of people on-site limited to no more than the original request of 200 people, including all guests and event personnel, regardless of rated building capacity.
- 4) A curfew time of 11:00 PM, by which time activities must have ceased, with the exception of post-event cleanup and related activities not allowing guests.
- 5) Provide the equivalent of one reserved parking space (including valet) per two attendees for every event at which attendees will not be arriving by bus solely.
- 6) That the Event Center will not be used for events that would fall under the land use categories of bar, live music venue, dance hall, or indoor amusement center.

- 7) No parking will be allowed along West San Antonio Street, except for buses in the process of picking up or dropping off attendees of an event or valet car pick-up and drop-off. Additionally, the “U-shaped” driveway the applicants described in their letter should not be allowed due to its impact on the appearance of the property as well as the negative effects of adding an additional curb cut onto West San Antonio Street.
- 8) Only signage consistent with the property’s RMD zoning district would be permitted.

SPECIFIC USE PERMIT APPLICATION

CITY OF

Lockhart

TEXAS

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME LAUREN SIEGEL
DAY-TIME TELEPHONE 818-521-9796
E-MAIL Lauren@bangersaustin.com

ADDRESS 84 Chalmers Ave
Austin TX 78702

OWNER NAME LAUREN SIEGEL
DAY-TIME TELEPHONE 818-521-9796
E-MAIL Lauren@bangersaustin.com

ADDRESS "

PROPERTY

ADDRESS OR GENERAL LOCATION 703 W. San Antonio Street
LEGAL DESCRIPTION (IF PLATTED) ANNETTE MCDANIELS SUBDIVISION LOT 1 BLK 1
SIZE .925 ACRE(S) ZONING CLASSIFICATION RMD
EXISTING USE OF LAND AND/OR BUILDING(S) Single Family HOME

REQUESTED SPECIFIC USE

PROPOSED USE REQUIRING PERMIT LODGING HOUSE / BOARDING HOUSE / SPECIAL EVENTS

CHARACTERISTICS OF PROPOSED USE, INCLUDING INDOOR AND OUTDOOR FACILITIES, ANTICIPATED OCCUPANCY (NUMBER OF DWELLING UNITS, RESIDENTS, EMPLOYEES, SEATS, OR OTHER MEASURE OF CAPACITY, AS APPLICABLE), GROSS FLOOR AREA, HOURS OF OPERATION, AND ANY OTHER RELEVANT INFORMATION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

Please see attached.

Please let me know if you need any addl information.

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; 7) Location, dimensions, and surface type of walks and patios; 8) Location, type, and height of free-standing signs; fences, landscaping, and outdoor lighting; 9) utility line types and locations; and, 10) any other proposed features of the site which are applicable to the requested specific use.

APPLICATION FEE OF \$250, PLUS \$150 PER ACRE, MAXIMUM OF \$2,500,
APPLICATION FEE OF \$ 250 388.75 PAYABLE TO THE CITY OF LOCKHART.

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE 

DATE 12/12/23

OFFICE USE ONLY

ACCEPTED BY EVAN OLSEWSKI

RECEIPT NUMBER 01265556

DATE SUBMITTED 12/13/2023

CASE NUMBER SUP - 23 - 19

DATE NOTICES MAILED 12-21-2023

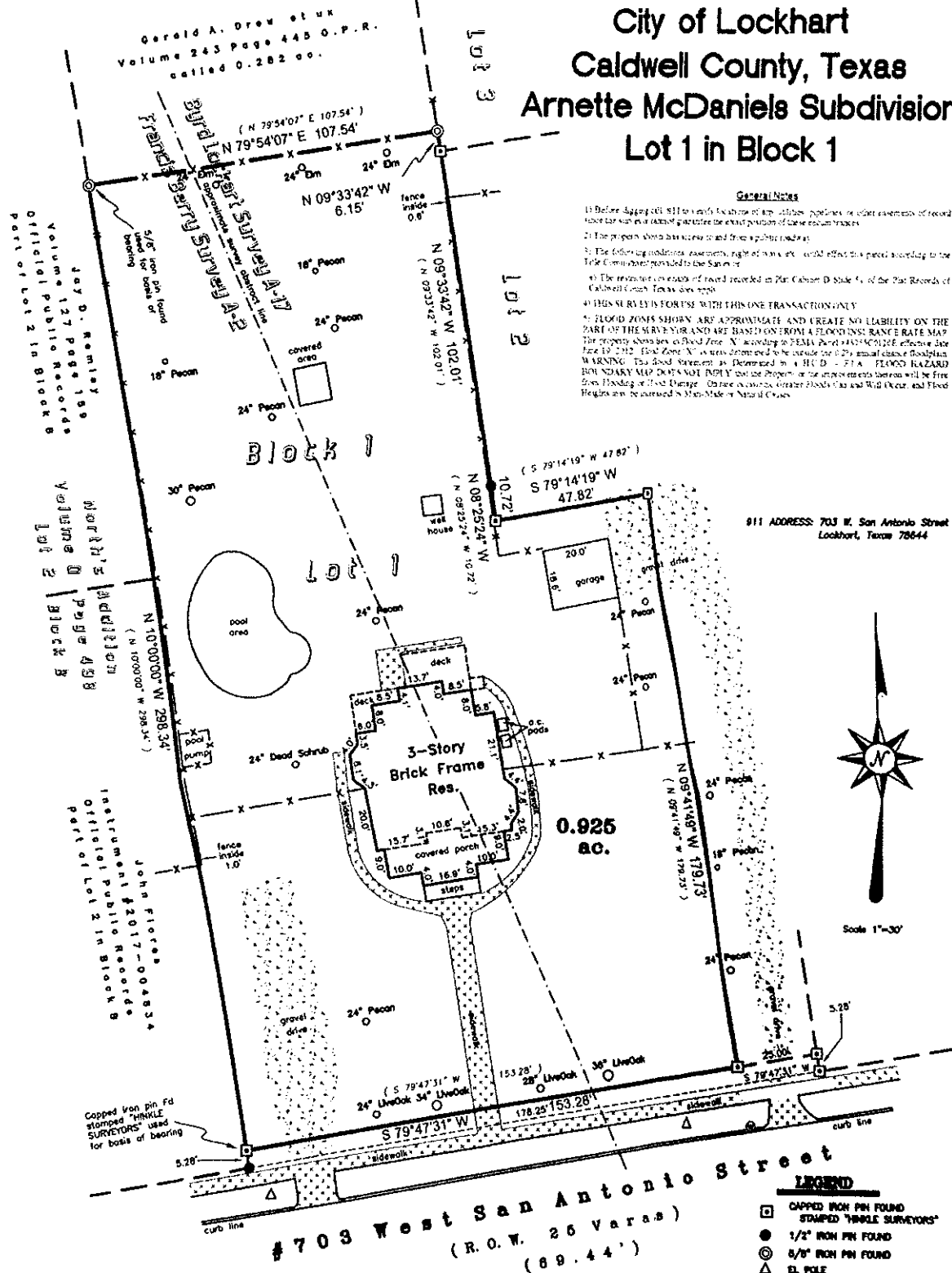
DATE NOTICE PUBLISHED 12-28-2023

PLANNING AND ZONING COMMISSION MEETING DATE 1/10/2024

DECISION Approval

CONDITIONS none

City of Lockhart
Caldwell County, Texas
Arnette McDaniels Subdivision
Lot 1 in Block 1



Showing Lot 1 in Block 1 of ARNETTE MCDANIELS SUBDIVISION in the City of Lockhart, Caldwell County, Texas and the tree locations as found situated thereon. I do hereby certify that (1) the foregoing plat is a true and correct representation of a survey made on the ground under my direct supervision on August 23, 2022. THIS SURVEY IS CERTIFIED TO THE PERSON(S) / COMPANY SHOWN HEREON AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE. THE SURVEYOR SHALL INCUR NO LIABILITY FOR ANY USE OF THIS SURVEY BEYOND THIS TRANSACTION OR FOR ANY PERSON(S) / COMPANY NOT LISTED HEREON. Only those prints containing the raised Surveyor's seal and an original LIVE signature should be considered official and relied upon by the user.

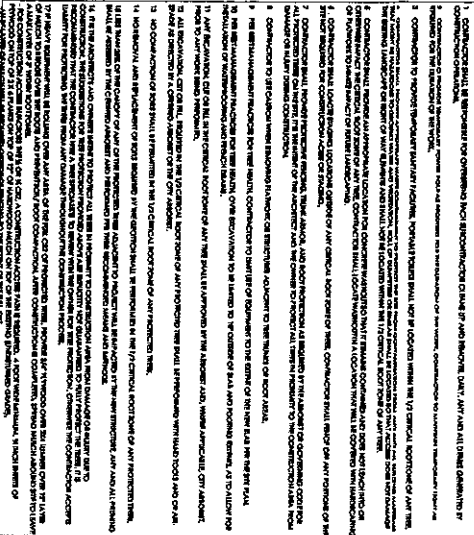


Field Book: 45	Drawn By: JH LX
Job No. 20202471-Lot1	Drawing: 20202471-Lot1-trees.dwg
Date: June 2022	Word Date: Begin 08012022
Surveyed By: JH JOB	Autocad Date: Begin 08012022



**HINKLE
SURVEYORS**

P.O. Box 1027 1109 S. Main Street Lockhart, TX 78644
Ph: (512) 398-2000 Fax: (512) 398-7683 Email: contact@hinklesurveyors.com
Firm Registration No. 100886-00



LETTER FROM APPLICANT

Boarding House (4 bedrooms available for airbnb overnight rentals) that also operates as a special events center, predominantly focused on weddings. Per the site plan, we plan to add on to the existing structure to accommodate indoor events of up to 200 seated guests. In addition, there is ample outdoor space that we plan to have available for event uses.

Times and occupancy will vary on a per event basis, and will always be subject to city and state code and laws. Please see attached site plan for info regarding 4 onsite parking spaces (1 per bedroom), loading areas, ADA access, and egress points.

Please see attached info regarding additional available offsite parking at Lockhart Ace Hardware (518 W San Antonio Street), and First Lockhart Baptist Church (315 W. Prairie Lea Street), between these two properties we have an excess of 200 parking spaces offsite secured on an as needed basis.

Per our understanding of the "Lockhart Looking Forward" plan, San Antonio Street is to be designated a "Local Corridor". Per the plan a "Local Corridor" is defined as, "Primarily commercial and entertainment uses provide access to goods and services along major vehicular thoroughfares. Can be regional or local in scale. Regional Corridors serve regional retail such as big box stores while Local Corridors focus on neighborhood scale and serving businesses." Based on our understanding of this definition, our proposed change of use seems to be in perfect alignment with the City's future vision for our property and the San Antonio Street Corridor.

LETTER FROM APPLICANT

Dear Council Members,

Thank you for considering our proposal for a Specific Use Permit (SUP).

Looking at the appeal letters there are two primary objections to our SUP request. The first relates to parking/ traffic on San Antonio Street and the second is regarding sound.

We completely understand and respect the objections we have received as a result of this SUP and feel we have taken significant steps to minimize the impact our project will have on the street and neighborhood. Below is a summary of how we plan to address these concerns with supporting documentation attached:

Parking

- We have secured various options for off-site parking at the following locations:
 - *Ace Hardware (518 W. San Antonio St.)
 - *First Lockhart Baptist Church (315 W. Prairie Lea Street)
 - *Ibex Leasing Company (1003 - 1009 W. San Antonio St.)
 - *Grace Lutheran Church (919 W. San Antonio St.)
- We are also in talks with additional parking providers but were unable to get anything in writing prior to this submittal deadline. The net result, taken all together, is an abundance of available parking in the area.
- We have established a preferred vendor relationship with a valet company, and have confirmed with the City and the Police Dept that providing valet services on San Antonio Street is legal and approved. We met the valet company on site to discuss logistics and execution (Please see attached agreement).
- We have established a preferred vendor relationship with a bus/ shuttle company that will provide transportation when needed from all Austin based weddings/ events (Please see attached agreement). According to our conversations with over a dozen wedding coordinators in the Austin/ Hill Country area this is the main method of transportation used for a majority of their weddings.
- We have started the conversation with Texas DOT, and should this SUP be approved we will move forward with engineering plans for a driveway(s). As part of that process we will be requesting a U shaped driveway to enable drop-offs which should further vehicular impact from our events.

Sound

- Currently, our plans are to build an enclosed ballroom off the back and side of the existing house. This interior event space will be designed to host events of up to 200 people. We believe this is the greatest single thing we can do to minimize the sound

generated by events. We attached a site plan to our original submittal and are working with an architect to provide more visuals at the hearing on the 20th.

- We have met with and have agreements in place with the Lockhart Police Department for the option to have an officer on site to ensure decibel levels are maintained should this be necessary (Please see attached letter from Captain Williams).
- We have engaged a sound engineer consultant from Ilios, an event production company, to help us think through sound mitigation should this project move forward.

While we understand why residents would not want a wedding venue going next to their home, we have faith in our ability as operators to follow through on the measures we have laid out. Our intention is to operate with the needs of all stakeholders in mind, as best we can, and make changes/ adjustments as problems arise.

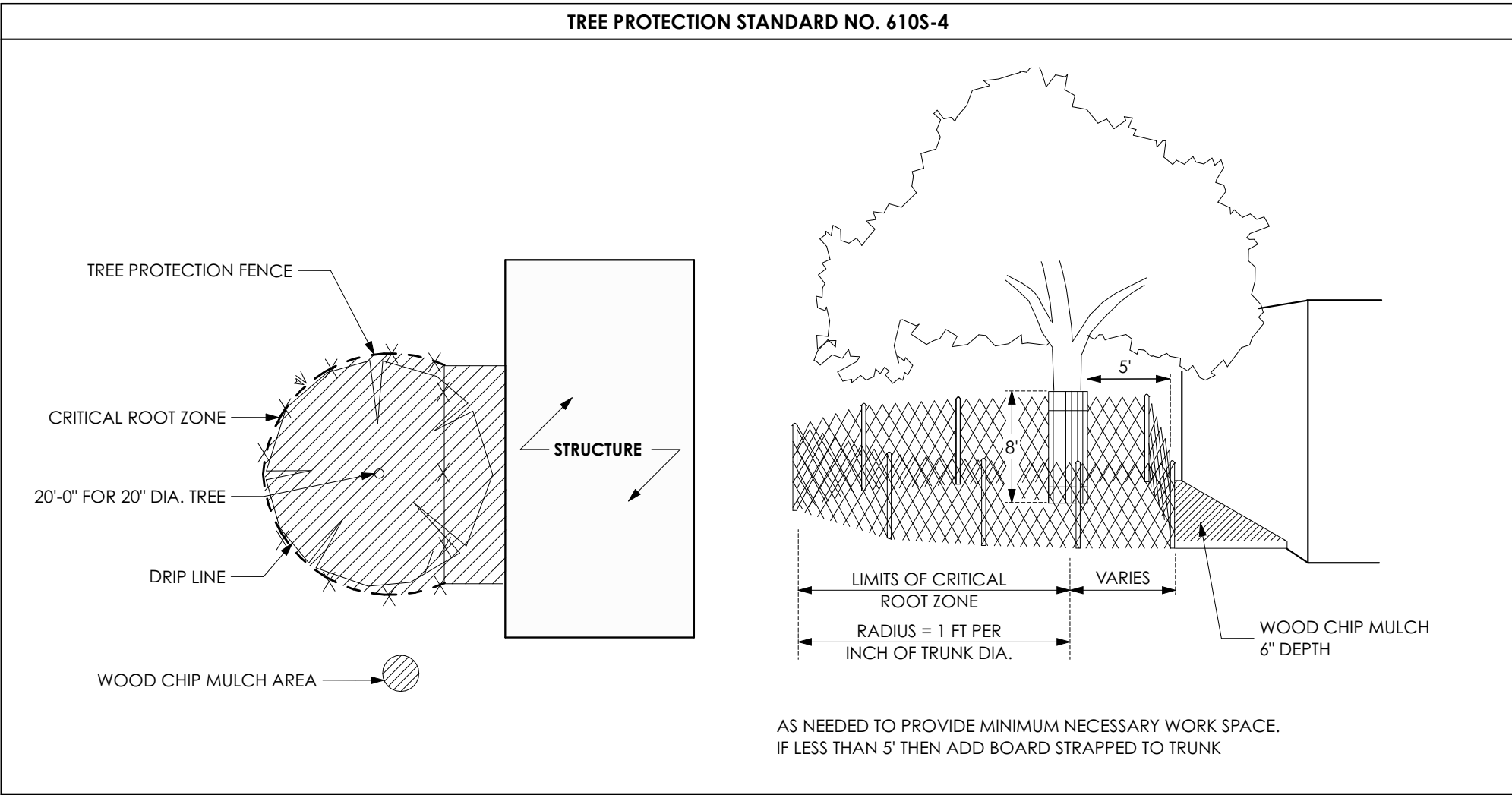
We feel there is more than enough precedent and existing momentum to justify this request. Last month our SUP was approved by the Planning and Zoning Department. This approval was given not just because we met the requirements in the code, which we do. In the discussion amongst the members of the P&Z Board they acknowledged that this very use, a wedding venue, already exists on San Antonio Street in multiple old homes just like ours with even more potentially in the works.

The "Lockhart Looking Forward" Plan currently designates our portion of San Antonio Street as a "Local Corridor" which is defined as:

"primarily commercial and entertainment uses that provides access to goods and services along major vehicular thoroughfares"

We believe our requested SUP is in direct alignment with this definition of a "Local Corridor". Moreover, while we know the Looking Forward Plan has yet to be ratified, we believe San Antonio Street is already becoming this Local Corridor that the Plan describes.

In closing, while we hope the Council votes in our favor, at a minimum, we hope it uses our case as an opportunity to bring much needed clarity to the question of what San Antonio Street wants to become.



- TREE PROTECTION NOTES:**
- CONTRACTOR SHALL BE RESPONSIBLE FOR OVERSEEING EACH SUBCONTRACTOR CLEANS UP AND REMOVES, DAILY, ANY AND ALL DEBRIS GENERATED BY CONSTRUCTION OPERATIONS.
 - CONTRACTOR O PROVIDE TEMPORARY POWER POLE AS REQUIRED FOR THE DURATION OF THE WORK. CONTRACTOR TO MAINTAIN TEMPORARY LIGHT AS REQUIRED FOR THE DURATION OF THE WORK.
 - CONTRACTOR TO PROVIDE TEMPORARY SANITARY FACILITIES. PORTABLE TOILETS SHALL NOT BE LOCATED WITHIN THE 1/2 CRITICAL ROOT ZONE OF ANY TREE.
 - CONTRACTOR SHALL PROVIDE APPROPRIATE WASTE CONTAINMENT TO PROTECT THE SITE FROM CONTAMINATION FROM AND ALL BUILDING MATERIALS THAT MIGHT BE HAZARDOUS TO GROUND WATER AND VEGETATION. ROLL OF DUMPSTERS OR SIMILAR SHALL BE LOCATED SO THAT ACCESS DOES NOT DAMAGE THE EXISTING LANDSCAPE OR RIGHT OF WAY ELEMENTS AND SHALL NOT BE LOCATED WITHIN THE 1/2 CRITICAL ROOT ZONE OF ANY TREE.
 - CONTRACTOR SHALL PROVIDE AN APPROPRIATE LOCATION FOR CONCRETE WASHOUT SO THAT IT REMAINS CONTAINED AND DOES NOT LEACH INTO OR OTHERWISE IMPACT THE CRITICAL ROOT ZONE OF ANY TREE. CONTRACTOR SHALL LOCATE WASHOUT IN A LOCATION THAT WILL BE COVERED WITH HARDSCAPING OR FLATWORK TO MINIMIZE IMPACT OF FUTURE LANDSCAPING.
 - CONTRACTOR SHALL LOACTE STAGING LOCATIONS OUTSIDE OF ANY CRITICAL ROOT ZONE OF TREES. CONTRACTOR SHALL FENCE OFF ANY PORTIONS OF THE SITE NOT REQUIRED FOR CONSTRUCTION ACCESS OR STAGING.
 - CONTRACTOR SHALL PROVIDE PROTECTIVE FENCING, TRUNK ARMOR, AND ROOT PROTECTION AS REQUIRED BY THE ARBORIST OR GOVERNING CODE FOR ALL PROTECTED TREES ON THE SITE. IT IS THE INTENT OF THE ARCHITECT AND THE OWNER TO PROTECT ALL TREES IN PROXIMITY TO THE CONSTRUCTION AREA FROM DAMAGE OR INJURY DURING CONSTRUCTION.
 - CONTRACTOR TO USE CAUTION WHEN REMOVING FLATWORK OR STRUCTURES ADJACENT TO TREE TRUNKS OR ROOT AREAS.
 - PER BEST MANAGEMENT PRACTICES FOR TREE HEALTH, CONTRACTOR TO LIMIT USE OF EQUIPMENT TO THE EXTENT OF THE NEW SLAB PER THE SITE PLAN.
 - PER BEST MANAGEMENT PRACTICES FOR TREE HEALTH, OVER EXCAVATION TO BE LIMITED TO 18" OUTSIDE OF SLAB AND FOOTING EXTENTS, AS TO ALLOW FOR INSTALLATION OF WATERPROOFING AND FRENCH DRAINS.
 - ANY EXCAVATION, CUT OR FILL IN THE CRITICAL ROOT ZONE OF ANY TREE SHALL BE APPROVED BY THE ARBORIST AND, WHERE APPLICABLE, CITY ARBORIST, PRIOR TO ANY WORK BEING PERFORMED.
 - ALL EXCAVATION, CUT OR FILL, REQUIRED IN THE 1/2 CRITICAL ROOT ZONE OF ANY PROTECTED TREE SHALL BE PERFORMED WITH HAND TOOLS AND OR AIR-SPADE AS DIRECTED BY A CERTIFIED ARBORIST OR THE CITY ARBORIST.
 - NO COMPACTION OF SOILS SHALL BE PERMITTED IN THE 1/2 CRITICAL ROOT ZONE OF ANY PROTECTED TREES.
 - NO REMOVAL AND REPLACEMENT OF SOILS REQUIRED BY THE GEOTECH SHALL BE PERFORMED IN THE 1/2 CRITICAL ROOT ZONE OF ANY PROTECTED TREES.
 - LESS THAN 25% OF THE CANOPY OF ANY OF THE PROTECTED TREES ADJACENT TO PROJECT WILL BE IMPACTED BY THE NEW STRUCTURE. ANY AND ALL PRUNING SHALL BE ASSESSED BY THE CERTIFIED ARBORIST AND PERFORMED PER THEIR RECOMMENDED MEANS AND METHODS.
 - IT IS THE ARCHITECT'S AND OWNER'S INTENT TO PROTECT ALL TREES IN PROXIMITY TO CONSTRUCTION AREA FROM DAMAGE OR INJURY DUE TO CONSTRUCTION. THE SUGGESTIONS FOR TREE PROTECTION PROVIDED ABOVE ARE EXPLICITLY NOT GUARANTEED TO FULLY PROTECT THE TREES. IT IS RECOMMENDED THAT THE CONTRACTOR HIRE A TREE SPECIALISTS TO REVIEW WITH THE OWNER FOR TREE PROTECTION. OTHERWISE THE CONTRACTOR ACCEPTS LIABILITY FOR PROTECTING THE TREES FROM ANY DAMAGE THROUGHOUT THE CONSTRUCTION PROCESS.
 - IF HEAVY EQUIPMENT WILL BE ROLLING OVER ANY AREA OF THE FULL CRZ OF PROTECTED TREES, PROVIDE 3/4" PLYWOOD OVER 2X4 LUMBER OVER 12" LAYER OF MULCH TO BRIDGE OVER THE ROOTS AND PREVENT SOIL/ ROOT COMPACTION. AFTER CONSTRUCTION IS COMPLETED, SPREAD MULCH AROUND SITE TO LEAVE A MAX LAYER OF 3" WITHIN ROOT ZONES.
 - FOR CONSTRUCTION ACCESS IN/ACROSS THE 1/2 OR 1/4 CRZ. A CONSTRUCTION ACCESS PATH IS REQUIRED. 4 FOOT WIDE MINIMUM, 1/4 INCH SHEETS OF PLYWOOD ON TOP OF 2 X 4 PLANKS ON TOP OF 12" OF HARDWOOD MULCH ON TOP OF THE EXISTING (UNDISTURBED GRADE).
 - AN 8" LAYER OF MULCH WILL BE REQUIRED OUTSIDE OF FENCING TO THE EXTENT OF THE FULL CRZ.

- GENERAL SITE NOTES:**
- CONTRACTOR SHALL REGRADE TOPO/ FINISHED GRADE TO PROVIDE PROPER DRAINAGE OF SURFACE WATER AWAY FROM BUILDING AS REQUIRED.
 - CONTRACTOR TO FIELD VERIFY UTILITY LINES FOR EXACT LOCATIONS.
 - EROSION CONTROL BARRIERS TO BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION
 - STABILIZED TEMPORARY CONSTRUCTION DRIVEWAY TO BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 - PROVIDE CONTROL AND EXPANSION JOINTS AS REQUIRED ON CONCRETE DRIVE, WALKS, AND PATIOS.
 - ALL EXTERIOR HVAC EQUIPMENT TO BE SCREENED PER CITY REQUIREMENTS, DEED RESTRICTIONS OF SUBDIVISION OR NEIGHBORHOOD ASSOCIATION.
 - DRIVEWAY TO BE INSTALLED PER CITY OF AUSTIN 4335-1A

PART OF LOT 2 IN BLOCK B



CAUTION: DO NOT SCALE DRAWINGS
THESE DRAWINGS ARE THE PROPERTY OF THE
ARCHITECT AND MAY ONLY BE USED IN
CONJUNCTION WITH THIS PROJECT

JUDGES HOUSE

703 WEST SAN ANTONIO ST, LOCKHART, TX 78644

ARCHITECTURAL SITE PLAN

Thursday, February 15, 2024 | 6:07 PM

A0.1

SHEET 1 OF 7

SF CALCULATION - EXIST SF		
CATEGORY	LEVEL	AREA
CONDITIONED	BASEMENT LVL	296
	LEVEL 1	1,912
	LEVEL 2	1,681
		3,889 sq ft
UNCONDITIONED / COVERED	LEVEL 1	472
	LEVEL 2	224
		696 sq ft
UNCONDITIONED / UNCOVERED		
	LEVEL 1	158
	LEVEL 2	201
		359 sq ft
		4,944 sq ft

SF CALCULATION - NEW SF		
CATEGORY	LEVEL	AREA
CONDITIONED	LEVEL 1	2,885
		2,885 sq ft
UNCONDITIONED / UNCOVERED		
	LEVEL 1	2,198
	LEVEL 2	276
		2,474 sq ft
		5,359 sq ft

LEGEND	
	CONDITIONED
	UNCONDITIONED / COVERED
	UNCONDITIONED / UNCOVERED

BUILDING AREA AND TYPE:
TYPE VB BUILDING
OCCUPANCY CLASSIFICATION = A-2, R-1
2 STORIES ABOVE GRADE
ALLOWABLE AREA = 18,000SF W/ SPRINKLER SYSTEM
TOTAL PROPOSED CONDITIONED AREA= 6,774 SF
TOTAL COVERED AREA = 7,470 SF

2018 IBC ALLOWABLE BUILDING AREAS AND TYPES

506.2Allowable area determination.

The allowable area of a building shall be determined in accordance with the applicable provisions of Sections 506.2.1 through 506.2.4 and Section 506.3.

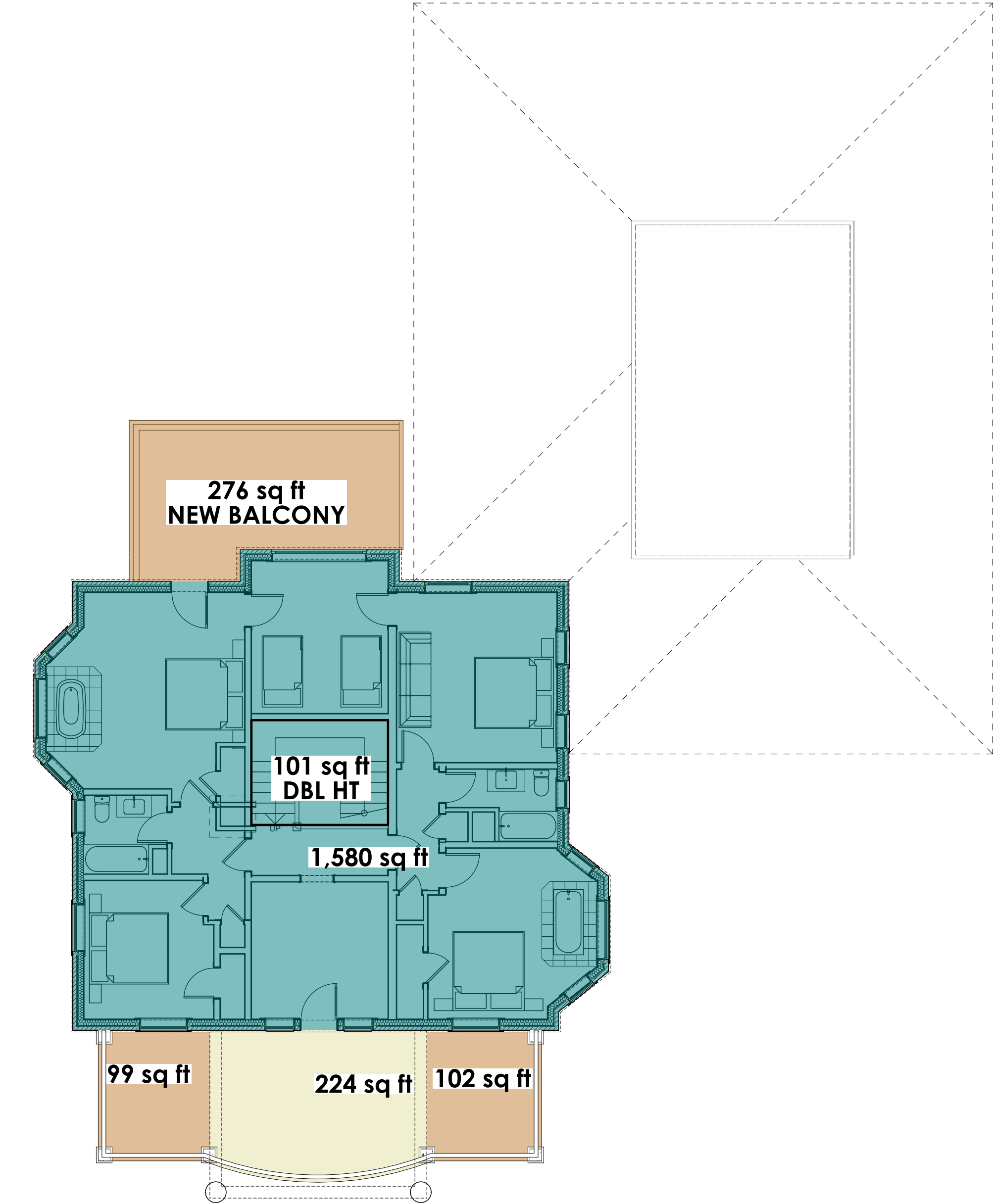
TABLE 506.2 ALLOWABLE AREA FACTOR (A_t = NS, S1, S13R, S13D or SM, as applicable) IN SQUARE FEET^{a, b}

OCCUPANCY CLASSIFICATION	SEE FOOTNOTES	TYPE OF CONSTRUCTION									
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V		
		A	B	A	B	A	B	HT	A	B	
A-2	NS	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000	
	S1	UL	UL	62,000	38,000	56,000	38,000	60,000	46,000	24,000	
	SM	UL	UL	46,500	28,500	42,000	28,500	45,000	34,500	18,000	
R-1 ^h	NS ^d	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000	
	S13R										
	S1	UL	UL	96,000	64,000	96,000	64,000	82,000	48,000	28,000	
	SM	UL	UL	72,000	48,000	72,000	48,000	61,500	36,000	21,000	

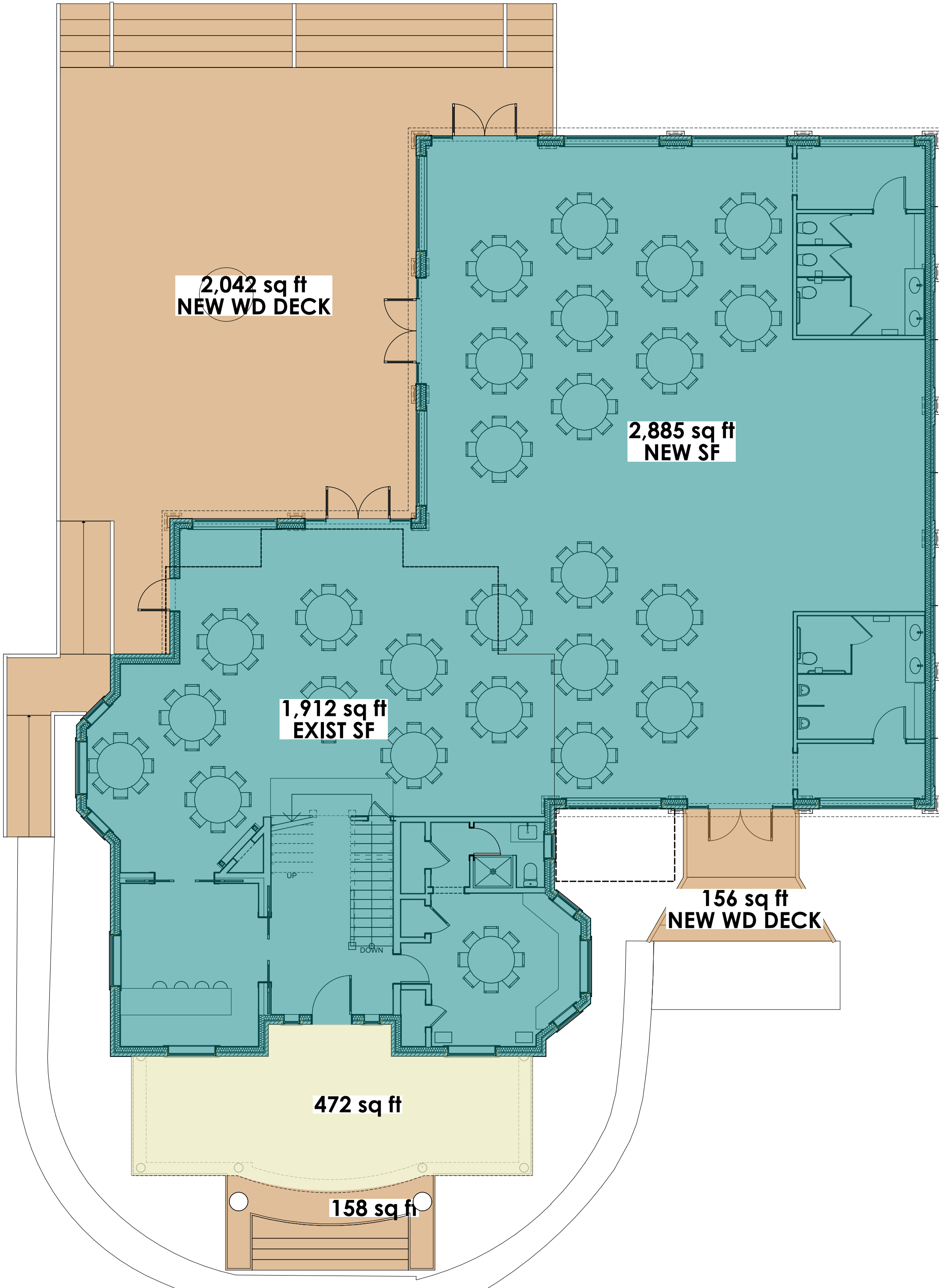
*SM = SPRINKLER SYSTEM MULTI- STORY

2018 IBC ALLOWABLE STORIES										
TABLE 504.4 ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE ^{a, b}										
OCCUPANCY CLASSIFICATION	TYPE OF CONSTRUCTION									
	SEE FOOTNOTES	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
A-2	NS	UL	11	3	2	3	2	3	2	1
	■ S	UL	12	4	3	4	3	4	3	2
R-1 ^h	NS ^d	UL	11						3	2
	S13R	4	4	4	4	4	4	4	4	3
	■ S	UL	12	5	5	5	5	5	4	3

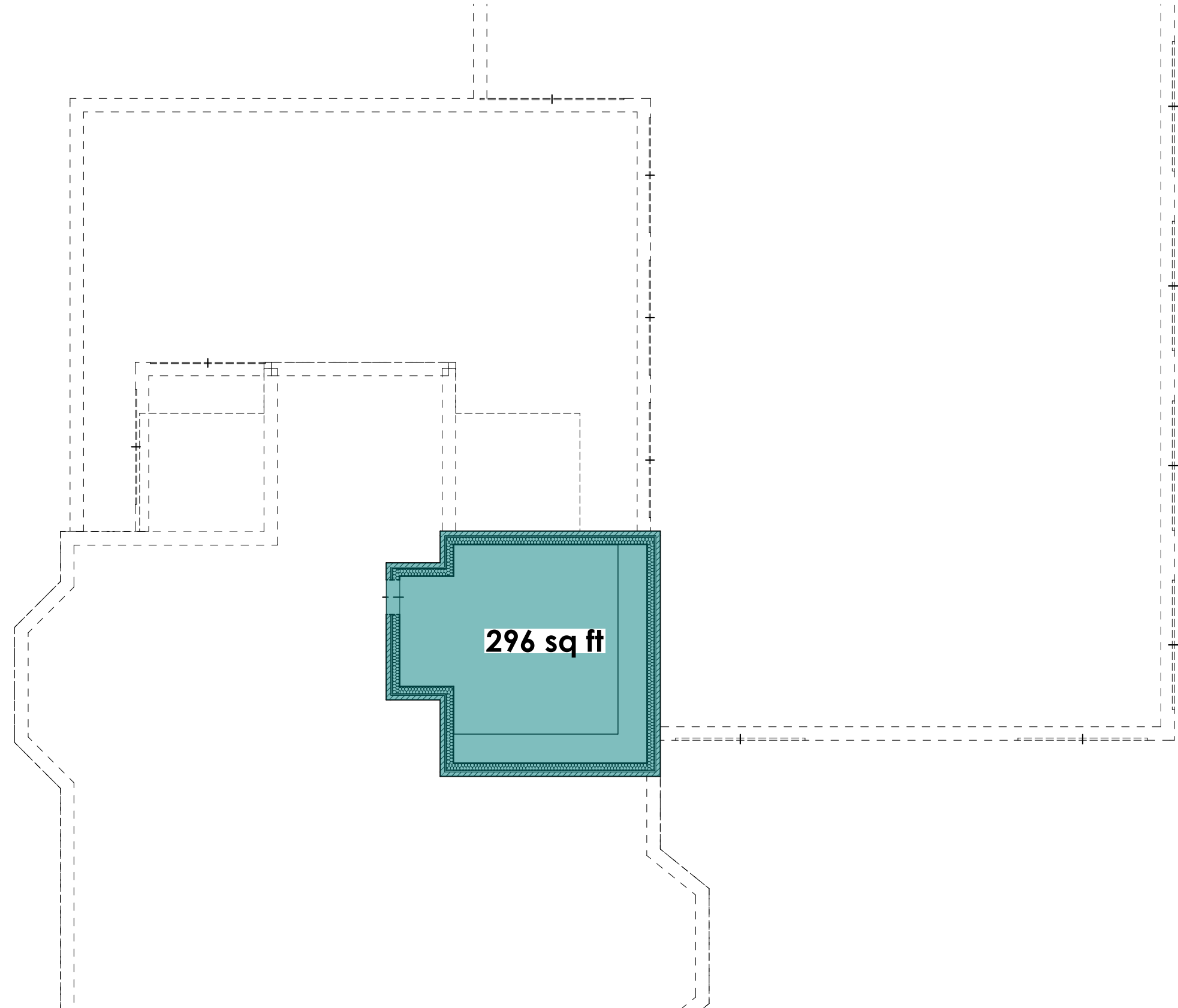
*S = SPRINKLER SYSTEM



3 LEVEL 2 - SF PLAN
SCALE: 1/8" = 1'-0"



2 LEVEL 1 - SF PLAN
SCALE: 1/8" = 1'-0"



1 BASEMENT - SF PLAN
SCALE: 1/8" = 1'-0"

GENERAL LIFE SAFETY NOTES: (REF. IBC FOR FULL REQUIREMENTS NOT LISTED BELOW)

1. PLANS AND SPECIFICATIONS MUST BE SUBMITTED TO, AND APPROVED BY, THE FIRE DEPT. PRIOR TO INSTALLATION OF ANY TIME DELAYED EGRESS DEVICES OR ACCESS CONTROLLED EGRESS DEVICE THAT IMPACTS EXITING.

2. DOORS SERVING ROOMS OR SPACES WITH AN OCCUPANT LOAD OF 50 OR MORE IN A GROUP A OR E OCCUPANCY SHALL NOT BE PROVIDED WITH A LATCH OR LOCK UNLESS IT IS PANIC HARDWARE OR FIRE EXIT HARDWARE PER 2012 IBC SECTION 1008.1.10.

3. EXIT ACCESS TRAVEL DISTANCE SHOW COMPLY WITH SECTION 1016. FOR A TYPE OCCUPANCY EQUIPPED WITH A SPRINKLER SYSTEM 250 FEET SHALL BE ALLOWED FOR MAXIMUM EXIT ACCESS TRAVEL DISTANCE PER TABLE 1016.2. EXIT ACCESS TRAVEL DISTANCE SHALL BE MEASURED FROM THE MOST REMOTE POINT WITHIN A STORY ALONG THE NATURAL AND UNOBSTRUCTED PATH OF HORIZONTAL AND VERTICAL EGRESS TRAVEL TO THE ENTRANCE TO AN EXIT PER SECTION 1016.3.

4. PER SECTION 1018.5.1 CORRIDOR CEILING: USE OF THE SPACE BETWEEN THE CORRIDOR CEILING AND THE FLOOR OR ROOF STRUCTURE ABOVE AS A RETURN AIR PLENUM IS PERMITTED FOR ONE OR MORE OF THE FOLLOWING CONDITIONS:
1. THE CORRIDOR IS NOT REQUIRED TO BE A FIRE RESISTANCE RATED CONSTRUCTION;
2. THE CORRIDOR IS SEPARATED FROM THE PLENUM BY FIRE RESISTANCE RATED CONSTRUCTION;
3. THE AIR HANDLING SYSTEM SERVING THE CORRIDOR IS SHUT DOWN UPON ACTIVATION OF THE AIR HANDLING UNIT SMOKE DETECTORS REQUIRED BY THE INTERNATIONAL MECHANICAL CODE;
4. THE AIR HANDLING SYSTEM SERVING THE CORRIDOR IS SHUT DOWN UPON DETECTION OF SPRINKLER WATER FLOW WHERE THE BUILDING IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM;
5. THE SPACE BETWEEN THE CORRIDOR CEILING AND THE FLOOR OR ROOF STRUCTURE ABOVE THE CORRIDOR IS USED AS A COMPONENT OF AN APPROVED ENGINEERED SMOKE CONTROL SYSTEM.

5. EGRESS TRAVEL ALONG A MEANS OF EGRESS SHALL NOT BE INTERRUPTED BY ANY BUILDING ELEMENTS OTHER THAN A MEANS OF EGRESS COMPONENT AS SPECIFIED IN CHAPTER 10 OF THE IBC. OBSTRUCTIONS SHALL NOT BE PLACED IN THE REQUIRED WIDTH OF A MEANS OF EGRESS EXCEPT PROJECTIONS PERMITTED BY THIS CHAPTER. THE REQUIRED CAPACITY OF A MEANS OF EGRESS SYSTEM SHALL NOT BE DIMINISHED ALONG THE PATH OF EGRESS OF TRAVEL PER SECTION 1003.6.

6. PER SECTION 1004.3 POSTING OF OCCUPANT LOAD. EVERY ROOM OR SPACE THAT IS IN ASSEMBLY OCCUPANCY SHALL HAVE THE OCCUPANT LOAD OF THE ROOM OR SPACE POSTED IN A CONSPICUOUS PLACE NEAR THE MAIN EXIT OR EXIT ACCESS DOORWAY FROM THE ROOM OR SPACE.

7. PER SECTION 1015.1 EXIT OR EXIT ACCESS DOORWAYS FROM SPACES. TWO EXITS OR EXIT ACCESS DOORWAYS FROM ANY SPACE SHALL BE PROVIDED WHERE ONE OF THE FOLLOWING CONDITIONS EXISTS:
1. THE OCCUPANT LOAD OF THE SPACE EXCEEDS ONE OF THE VALUES IN TABLE 1015.1.
2. THE COMMON PATH OF EGRESS TRAVEL EXCEEDS ONE OF THE LIMITATIONS OF SECTION 1014.3.
3. WHERE REQUIRED BY SECTION 1015.3, 1015.4, 1015.5, OR 1015.6.

WHERE A BUILDING CONTAINS MIXED OCCUPANCIES, EACH INDIVIDUAL OCCUPANCY SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS FOR THAT OCCUPANCY. WHERE APPLICABLE, CUMULATIVE OCCUPANT LOADS FROM ADJACENT OCCUPANCIES SHALL BE CONSIDERED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1004.1.

TABLE 1015.1 SPACES WITH ONE EXIT OR EXIT ACCESS DORWAY	MAXIMUM OCCUPANCY LOAD
OCCUPANCY	
A, B, E, F, M, U	49
H-1, H-2, H-3	3
H-4, H-5, I-1, I-2, I-3, I-4, R	10
S	29

8. PER SECTION 1015.1.1 THREE EXITS OR EXIT EXIT ACCESS DOORWAYS SHALL BE PROVIDED FROM ANY SPACE WITH AN OCCUPANT LOAD OF 501 TO 1,000. FOUR EXITS OR EXIT ACCESS DOORWAYS SHALL BE PROVIDED FROM ANY SPACE WITH AN OCCUPANT LOAD GREATER THAN 1,000.

9. PER SECTION 1018. CORRIDORS SHALL BE FIRE RESISTANCE RATED IN ACCORDANCE WITH TABLE 1018.1. THE CORRIDOR WALLS REQUIRED TO BE FIRE RESISTANCE RATED SHALL COMPLY WITH SECTION 708 FOR FIRE PARTITIONS.

EXCEPTIONS:
1. A FIRE RESISTANCE RATING IS NOT REQUIRED FOR CORRIDORS IN AN OCCUPANCY IN GROUP E WHERE EACH ROOM THAT IS USED FOR INSTRUCTION HAS AT LEAST ONE DOOR OPENING DIRECTLY TO THE EXTERIOR AND ROOMS FOR ASSEMBLY PURPOSES HAVE AT LEAST ONE-HALF OF THE REQUIRED MEANS OF EGRESS DOORS OPENING DIRECTLY TO THE EXTERIOR. EXTERIOR DOORS SPECIFIED IN THIS EXCEPTION ARE REQUIRED TO BE AT GROUND LEVEL.
2. A FIRE RESISTANCE RATING IS NOT REQUIRED FOR CORRIDORS CONTAINED WITHIN A DWELLING OR SLEEPING UNIT IN AN OCCUPANCY AND GROUP R.
3. A FIRE RESISTANCE RATING IS NOT REQUIRED FOR CORRIDORS IN OPEN PARKING GARAGES.
4. A FIRE RESISTANCE RATING IS NOT REQUIRED FOR CORRIDORS IN AN OCCUPANCY IN GROUP B WHICH IS A SPACE REQUIRING ONLY A SINGLE MEANS OF EGRESS COMPLYING WITH SECTION 1015.1.
5. CORRIDORS ADJACENT TO THE EXTERIOR WALLS OF BUILDINGS SHALL BE PERMITTED TO HAVE UNPROTECTED OPENINGS ON UNRATED EXTERIOR WALLS WHERE UNRATED WALLS ARE PERMITTED BY TABLE 602 AND UNPROTECTED OPENINGS ARE PERMITTED BY TABLE 705.8.

TABLE 1018.2 MINIMUM CORRIDOR WIDTH	WIDTH (MINIMUM)
OCCUPANCY	
ANY FACILITIES NOT LISTED BELOW	44 INCHES
ACCESS TO AND UTILIZATION OF MECHANICAL, PLUMBING OR ELECTRICAL SYSTEMS OR EQUIPMENT	24 INCHES
WITH A REQUIRED OCCUPANCY CAPACITY LESS THAN 50	36 INCHES
WITHIN A DWELLING UNIT	36 INCHES
IN GROUP E WITH A CORRIDOR HAVING A REQUIRED CAPACITY OF 100 OR MORE	72 INCHES
IN CORRIDORS AND AREAS SERVING GURNEY TRAFFIC AND OCCUPANCIES WHERE PATIENTS RECEIVE OUTPATIENT MEDICAL CARE, WHICH CAUSES THE PATIENT TO BE INCAPABLE OF SELF-PRESERVATION	72 INCHES
GROUP I - 2 IN AREAS WHERE REQUIRED FOR BED MOVEMENT	96 INCHES

10. PER SECTION 1018.4 DEAD ENDS. WHERE MORE THAN ONE EXIT OR EXIT ACCESS DOORWAY IS REQUIRED, THE EXIT ACCESS SHALL BE ARRANGED SUCH THAT THERE ARE NO DEAD ENDS IN CORRIDORS MORE THAN 20 FEET IN LENGTH. REFERENCE IBC FOR APPLICABLE EXCEPTIONS

EXITING / FIRE RATINGS / EGRESS INFORMATION

OCCUPANCY A-2, R-1, FULL NFPA 13 SPRINKLER SYSTEM

MEANS OF EGRESS: 2 EXITS REQUIRED PER STORY MIN.
SPACES WITH ONE MEANS OF EGRESS: A,B,M= 49 OCC. MAX, R=10 OCC. MAX.

MAX. TRAVEL DISTANCE: 250 FEET
COMMON PATH OF TRAVEL: 125'

EGRESS WIDTH: OCCUPANCY X 0.3" (STAIRWAYS)
OCCUPANCY X 0.2" (DOORS, OTHER)

HORIZONTAL SEPARATIONS BETWEEN DWELLING UNITS AND OTHER FUNCTIONS TO BE 2 HOUR

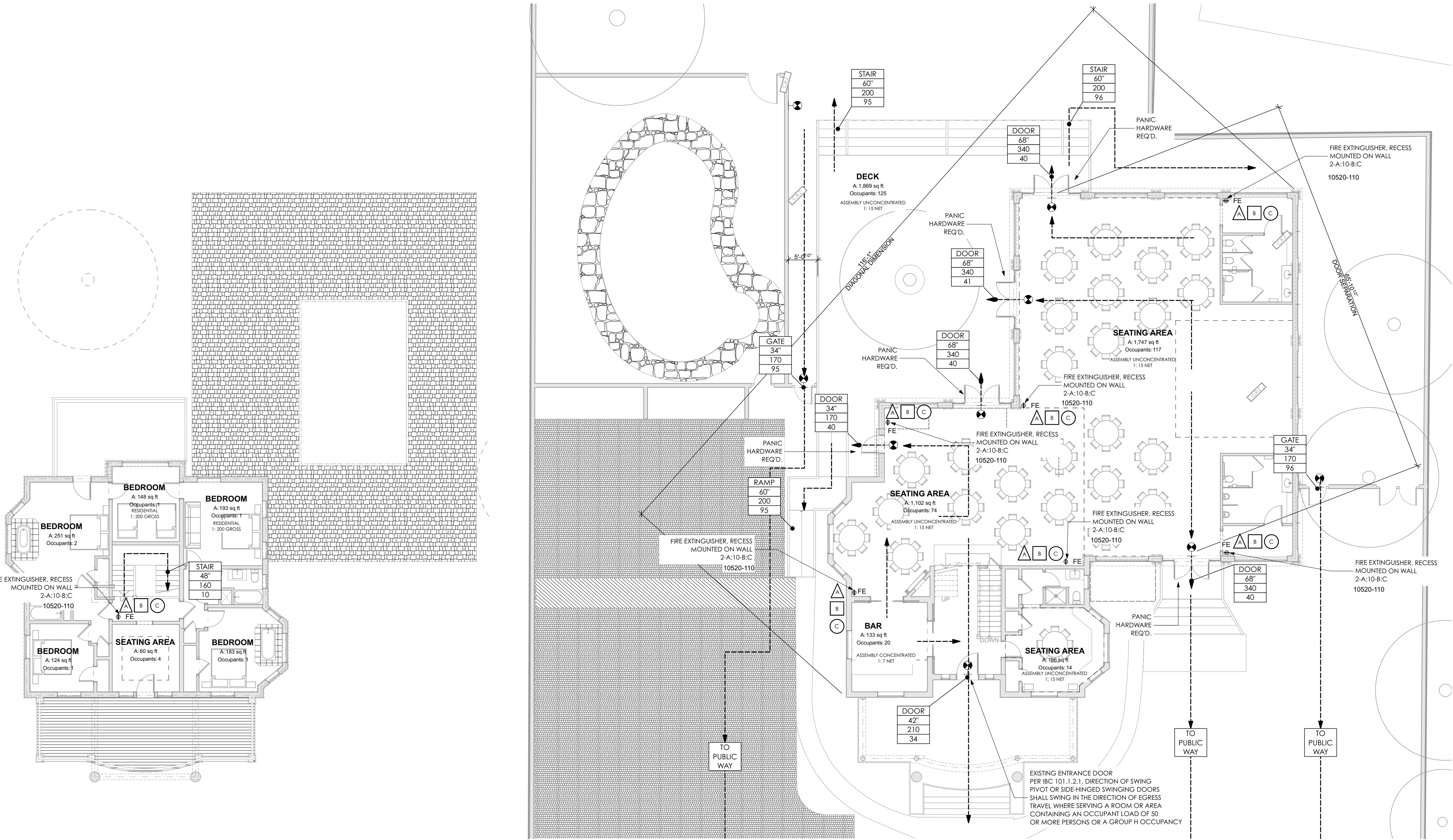
VERTICAL SEPARATIONS BETWEEN DWELLING UNITS AND OTHER FUNCTIONS TO BE 1 HOUR

VERTICAL SHAFTS TO BE 2-HOUR RATED

OCCUPANCY SEPARATIONS:
M TO S-2 1 HOUR
B TO S-2 1 HOUR
B TO R-2 1 HOUR
R-2 TO R-2 SEE ABOVE
A-2 TO R-2 1 HOUR*

ELEVATOR LOBBIES NOT REQUIRED
AREA OF REFUGE NOT REQUIRED

OCCUPANCY AND OCCUPANT LOAD SCHEDULE					
LEVEL	ZONE NAME	FUNCTION OF SPACE	SF AREA	OCCUPANT LOAD FACTOR	OCCUPANTS
LEVEL 1, Conditioned, Assembly Group A-2					
	BAR	Assembly Concentrated 7	133	7	20
	SEATING AREA	Assembly Unconcentrated 15	196	15	14
	SEATING AREA	Assembly Unconcentrated 15	1,102	15	74
	SEATING AREA	Assembly Unconcentrated 15	1,747	15	117
					225
LEVEL 1, Exterior Unconditioned, Assembly Group A-2					
	DECK	Assembly Unconcentrated 15	1,869	15	125
					125
LEVEL 2, Conditioned, Assembly Group A-2					
	SEATING AREA	Assembly Unconcentrated 15	60	15	4
LEVEL 2, Conditioned, Residential Group R-1					
	BEDROOM	Residential 200	193	200	1
	BEDROOM	Residential 200	148	200	1
	BEDROOM	Residential 200	124	200	1
	BEDROOM	Residential 200	183	200	1
	BEDROOM	Residential 200	251	200	2
					10
					360



2 LEVEL 2 - EGRESS PLAN
SCALE: 3/32" = 1'-0"

1 LEVEL 1 - EGRESS PLAN
SCALE: 3/32" = 1'-0"



CAUTION: DO NOT SCALE DRAWINGS
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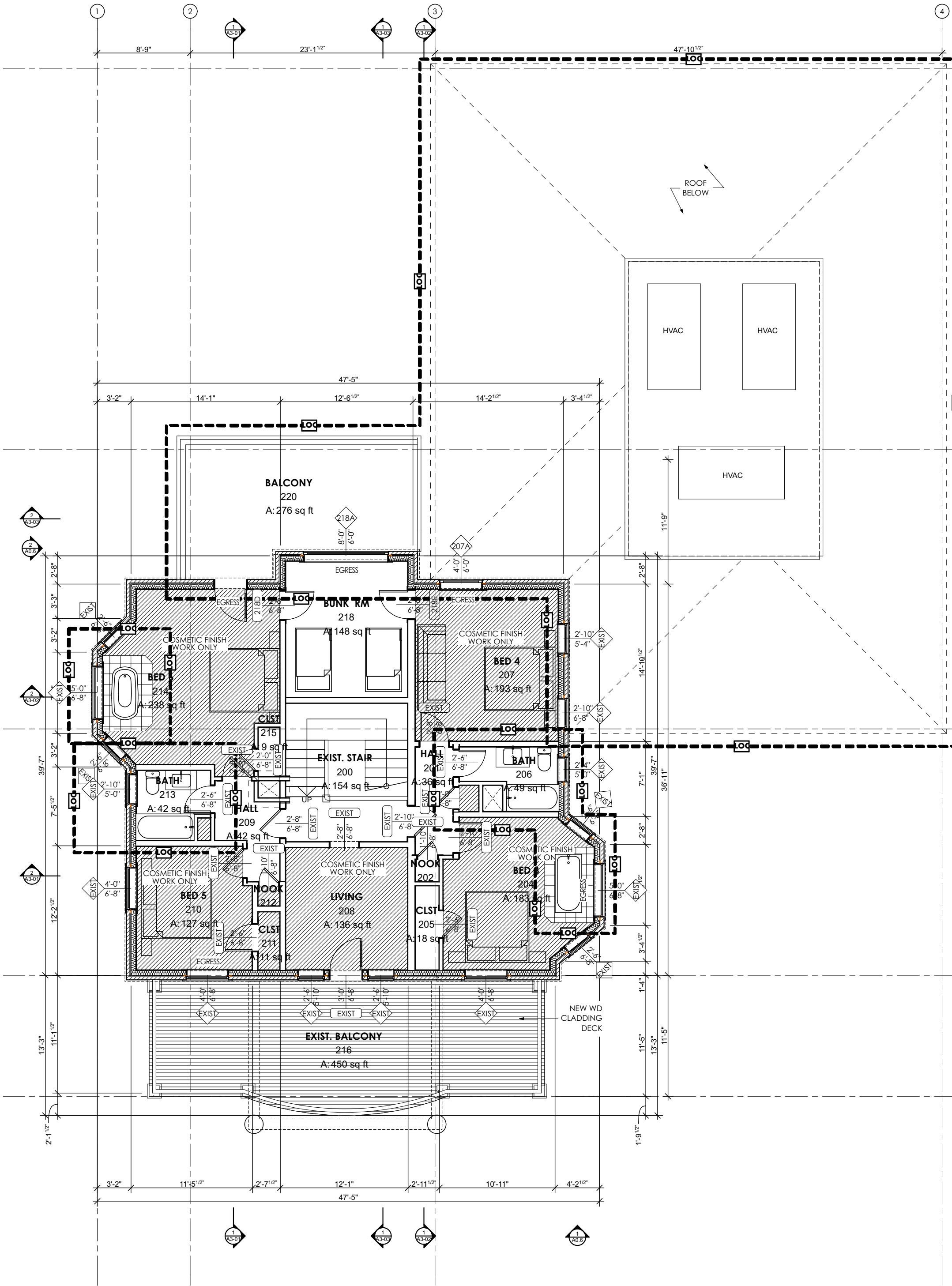
EGRESS PLAN & CODE ANALYSIS

Thursday, February 15, 2024 | 6:07 PM

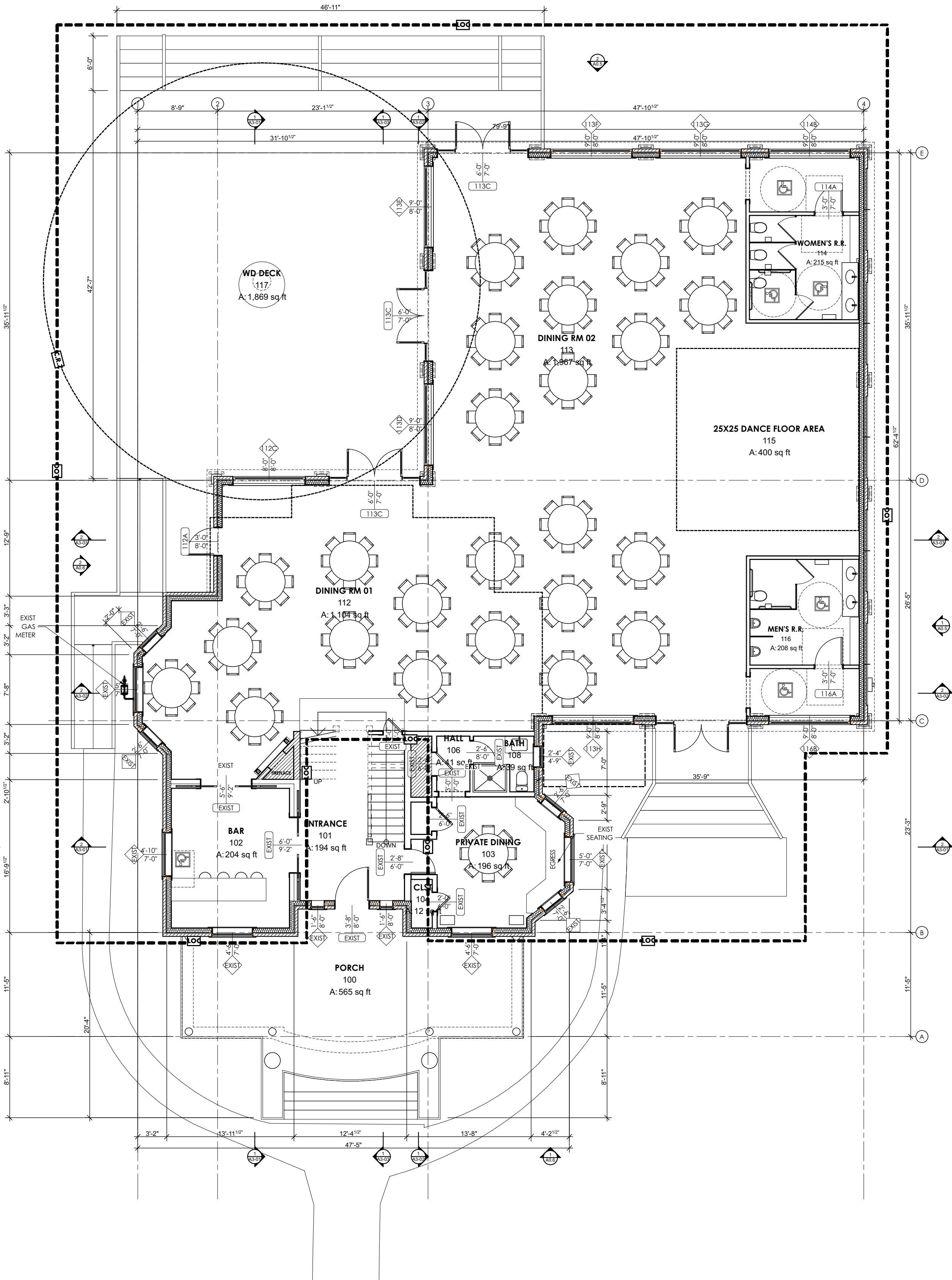
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SHEET 3 OF 7

- GENERAL FRAMING NOTES:**
1. ALL WORK DONE UNDER THIS SECTION SHALL COMPLY WITH THE CURRENT INTERNATIONAL RESIDENTIAL CODE AND LOCAL CODE REGULATIONS. THE CONTRACTOR SHALL PERFORM ALL WORK IN CONFORMANCE WITH THESE REGULATIONS WHETHER OR NOT SUCH WORK IS SPECIFICALLY SHOWN ON THE DRAWINGS OR IN THE SPECIFICATIONS. CONTRACTOR SHALL REFERENCE **IRC 2021** AND ALL LOCAL CODE AMENDMENTS.
 2. EXTERIOR WALLS OF WOOD FRAME CONSTRUCTION SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH PROVISIONS OF §R602.3, OR IN ACCORDANCE WITH AWC NDS.
 3. COMPONENTS OF EXTERIOR WALLS SHALL BE FASTENED IN ACCORDANCE WITH TABLES R602.3 (1) THROUGH R602.3(4) FOUND IN THE **IRC 2021**. WALL SHEETING SHALL BE FASTENED DIRECTLY TO FRAMING MEMBERS AND WERE PLACED ON THE EXTERIOR SIDE OF AN EXTERIOR WALL SHALL BE CAPABLE OF RESISTING THE WIND PRESSURES LISTED IN TABLE ARE 301.2(2) ADJUSTED FOR HIGH EXPOSURE USING TABLE R301.2(3) AND SHALL CONFORM TO REQUIREMENTS OF TABLE ARE 602.3(3).
 4. STUDS SHALL BE CONTINUOUS FROM SUPPORT AT THE SOLE PLATE TO A SUPPORT AT THE TOP PLATE TO RESIST LOADS PERPENDICULAR TO THE WALL. THE SUPPORT SHALL BE A FOUNDATION OR FLOOR, CEILING OR ROOF DIAPHRAGM OR SHALL BE DESIGN IN ACCORDANCE WITH EXCEPTED ENGINEERING PRACTICE. REFERENCE STRUCTURAL ENGINEERING DRAWINGS FOR SPECIFICATIONS.
 5. THE SIZE, HEIGHT, AND SPACING OF STUDS SHALL BE IN ACCORDANCE WITH TABLE R602.3(5). REFERENCE THE IRC §R602.3.1 FOR APPLICABLE EXCEPTIONS.
 6. WOOD STUD WALLS SHALL BE CAPPED WITH A DOUBLE TOP PLATE INSTALLED TO PROVIDE OVERLAPPING AT CORNERS AND INTERSECTIONS WITH BEARING PARTITIONS PER SECTION R602.3.2. END JOINTS IN TOP PLATES SHALL BE OFFSET NOT LESS THAN 24 INCHES. JOINTS IN PLATES NEED NOT OCCUR OVER STUDS. PLATES SHALL BE NO LESS THAN 2 INCHES NOMINAL THICKNESS AND HAVE A WIDTH NOT LESS THAN THE WIDTH OF THE STUDS. REFERENCE IRC SECTION R602.3.2 FOR APPLICABLE EXCEPTIONS.
 7. WHERE JOIST, TRUSSES OR RAFTERS ARE SPACED MORE THAN 16 INCHES ON CENTER AND THE BEARING STUDS BELOW ARE SPACED 24 INCHES ON CENTER, SUCH MEMBERS SHALL BEAR WITHIN 5 INCHES OF THE STUDS BENEATH. REFERENCE IRC SECTION R602.3.3 FOR APPLICABLE EXCEPTIONS.
 8. STUDS SHALL HAVE FULL BEARING ON A NOMINAL 2-BY OR LARGER PLATE OR SILL HAVING A WIDTH NOT LESS THAN TO THE WIDTH OF THE STUDS PER SECTION R602.3.4.
 9. DRILLING AND NOTCHING OF STUDS SHALL BE IN ACCORDANCE WITH §R602.6.
 10. WHEN PIPING OR DUCTWORK IS PLACED IN OR PARTLY IN AN EXTERIOR WALL OR INTERIOR LOAD BEARING WALL, NECESSITATING CUTTING, DRILLING OR NOTCHING OF THE TOP PLATE BY MORE THAN 50% OF ITS WIDTH, A GALVANIZED METAL TIE NOT LESS THAN 0.054" THICK AND 1 1/2" WIDE SHALL BE FASTENED ACROSS AND TO THE PLATE AT EACH SIDE OF THE OPENING WITH NOT LESS THAN (8) 10D NAILS HAVING A MINIMUM OF 1 1/2" AT EACH SIDE OR EQUIVALENT. THE METAL TIE MUST EXTEND A MINIMUM OF 6 INCHES PAST THE OPENING. REFERENCE R602.6.1 FOR ADDITIONAL SPECIFICATIONS.
 11. ALL HEADERS TO BE IN ACCORDANCE WITH ENGINEERING SPECIFICATIONS OR PER SECTION R602.7. HEADERS SHALL BE SUPPORTED BY EACH END WITH ONE OR MORE JACK STUDS OR WITH APPROVED FRAMING IN ACCORDANCE WITH TABLE R602.7(1) OR R602.7(2). THE FULL HEIGHT STUDS ADJACENT TO EACH END OF THE HEADER SHALL BE NAILED TO EACH END OF THE HEADER WITH (4) 14D NAILS. THE MINIMUM NUMBER OF FULL HEIGHT STUDS AT EACH END OF A HEADER SHALL BE IN ACCORDANCE WITH TABLES ARE 602.7.5. REFERENCE ENGINEERING SPECIFICATIONS FOR DETAILS.
 12. ALL WALL BRACING TO COMPLY WITH IRC SECTION 602.10 AND APPLICABLE TABLES. REFERENCE ENGINEERING DRAWINGS AND SPECIFICATIONS FOR DETAILS AND REQUIREMENTS.



2 LEVEL 2 - FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 LEVEL 1 - FLOOR PLAN
SCALE: 1/8" = 1'-0"



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SHEET TITLE

FLOOR PLANS

Thursday, February 15, 2024 | 6:08 PM

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SHEET 4 OF 7

GENERAL FRAMING NOTES:

1. ALL WORK DONE UNDER THIS SECTION SHALL COMPLY WITH THE CURRENT INTERNATIONAL RESIDENTIAL CODE AND LOCAL CODE REGULATIONS. THE CONTRACTOR SHALL PERFORM ALL WORK IN CONFORMANCE WITH THESE REGULATIONS WHETHER OR NOT SUCH WORK IS SPECIFICALLY SHOWN ON THE DRAWINGS OR IN THE SPECIFICATIONS. CONTRACTOR SHALL REFERENCE IRC 2015 AND ALL LOCAL CODE AMENDMENTS.

2. EXTERIOR WALLS OF WOOD FRAME CONSTRUCTION SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH PROVISIONS OF §602.3, OR IN ACCORDANCE WITH AWC NDS.

3. COMPONENTS OF EXTERIOR WALLS SHALL BE FASTENED IN ACCORDANCE WITH TABLES R602.3 (1) THROUGH R602.3(4) FOUND IN THE IRC 2015. WALL SHEETING SHALL BE FASTENED DIRECTLY TO FRAMING MEMBERS AND WERE PLACED ON THE EXTERIOR SIDE OF AN EXTERIOR WALL SHALL BE CAPABLE OF RESISTING THE WIND PRESSURES LISTED IN TABLE ARE 301.2(2) ADJUSTED FOR HIGH EXPOSURE USING TABLE R301.2(3) AND SHALL CONFORM TO REQUIREMENTS OF TABLE ARE 602.3 (3).

4. STUDS SHALL BE CONTINUOUS FROM SUPPORT AT THE SOLE PLATE TO A SUPPORT AT THE TOP PLATE TO RESIST LOADS PERPENDICULAR TO THE WALL. THE SUPPORT SHALL BE A FOUNDATION OR FLOOR, CEILING OR ROOF DIAPHRAGM OR SHALL BE DESIGN IN ACCORDANCE WITH EXCEPTED ENGINEERING PRACTICE. REFERENCE STRUCTURAL ENGINEERING DRAWINGS FOR SPECIFICATIONS.

5. THE SIZE, HEIGHT, AND SPACING OF STUDS SHALL BE IN ACCORDANCE WITH TABLE R602.3(5). REFERENCE THE IRC §R602.3.1 FOR APPLICABLE EXCEPTIONS.

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7. WHERE JOIST, TRUSSES OR RAFTERS ARE SPACED MORE THAN 16 INCHES ON CENTER AND THE BEARING STUDS BELOW ARE SPACED 24 INCHES ON CENTER, SUCH MEMBERS SHALL BEAR WITHIN 5 INCHES OF THE STUDS BENEATH. REFERENCE IRC SECTION R602.3.3 FOR APPLICABLE EXCEPTIONS.

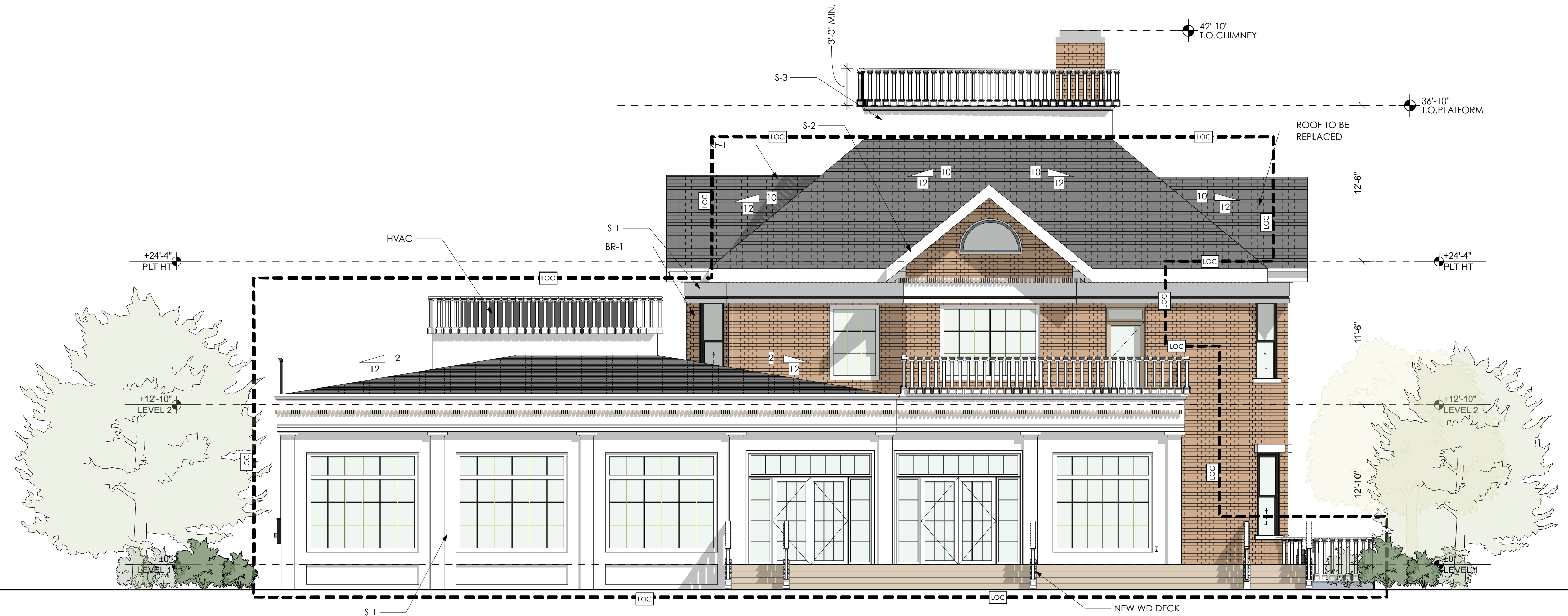
8. STUDS SHALL HAVE FULL BEARING ON A NOMINAL 2-BY OR LARGER PLATE OR SILL HAVING A WIDTH NOT LESS THAN TO THE WIDTH OF THE STUDS PER SECTION R602.3.4.

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11. ALL HEADERS TO BE IN ACCORDANCE WITH ENGINEERING SPECIFICATIONS OR PER SECTION R602.7. HEADERS SHALL BE SUPPORTED BY EACH END WITH ONE OR MORE JACK STUDS OR WITH APPROVED FRAMING IN ACCORDANCE WITH TABLE R602.7(1) OR R602.7(2). THE FULL HEIGHT STUDS ADJACENT TO EACH END OF THE HEADER SHALL BE NAILED TO EACH END OF THE HEADER WITH (4) 16D NAILS. THE MINIMUM NUMBER OF FULL HEIGHT SUDS AT EACH END OF A HEADER SHALL BE IN ACCORDANCE WITH TABLES ARE 602.7.5. REFERENCE ENGINEERING SPECIFICATIONS FOR DETAILS.

12. ALL WALL BRACING TO COMPLY WITH IRC SECTION 602.10 AND APPLICABLE TABLES. REFERENCE ENGINEERING DRAWINGS AND SPECIFICATIONS FOR DETAILS AND REQUIREMENTS.



2 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



1 EAST ELEVATION
SCALE: 3/16" = 1'-0"



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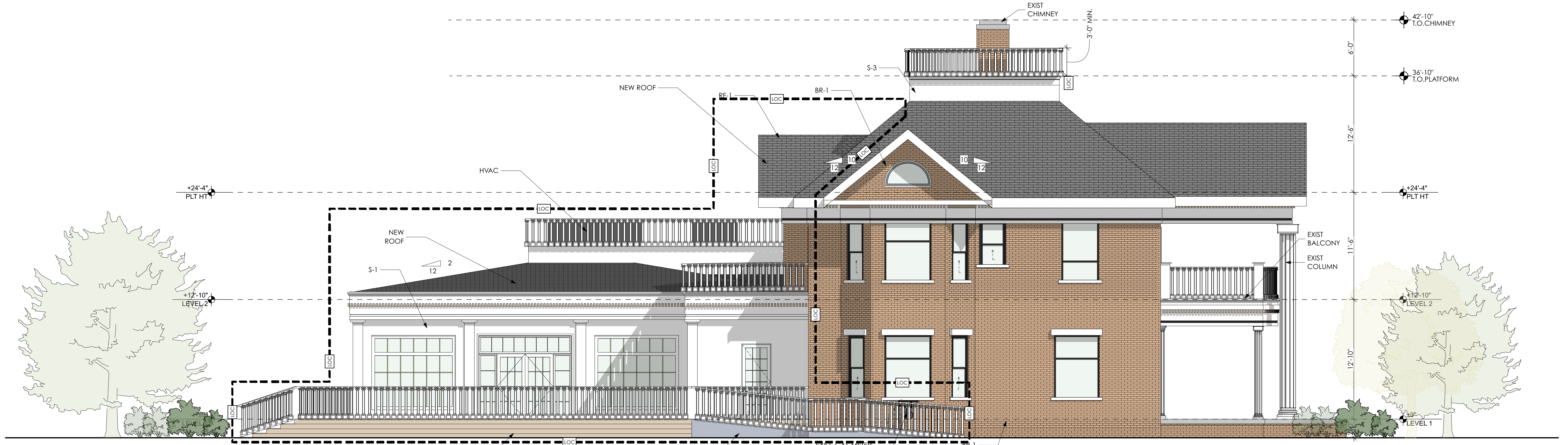
SHEET TITLE

EXTERIOR ELEVATIONS

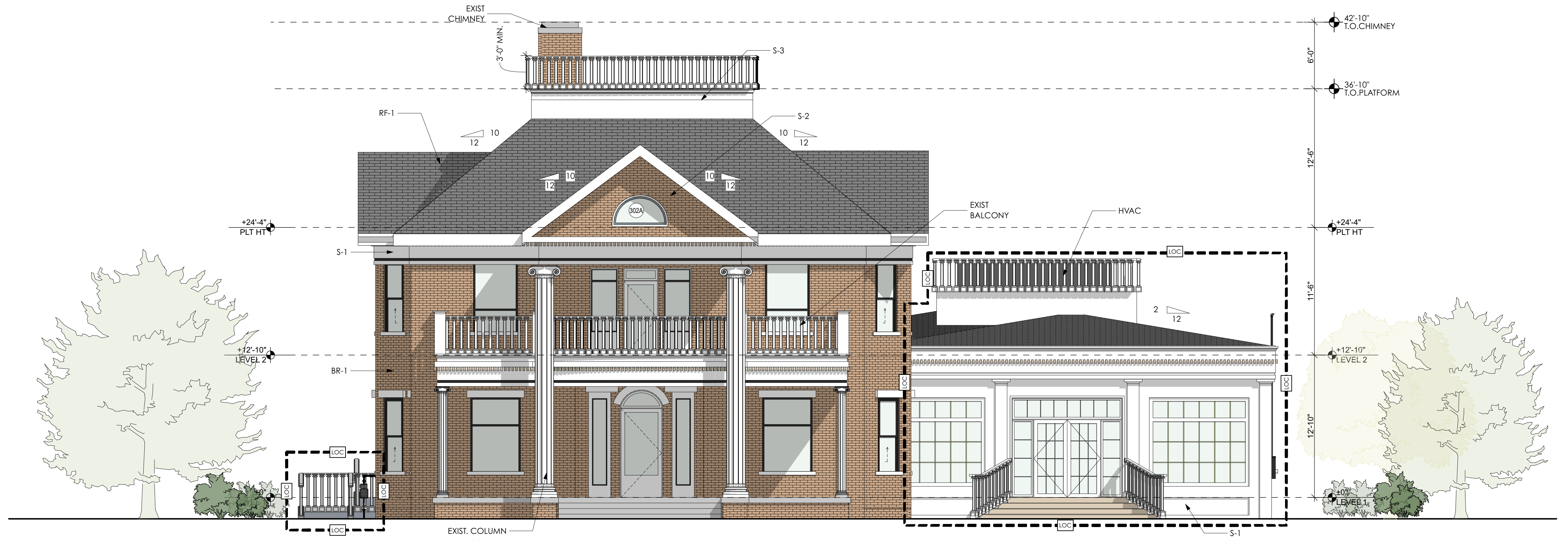
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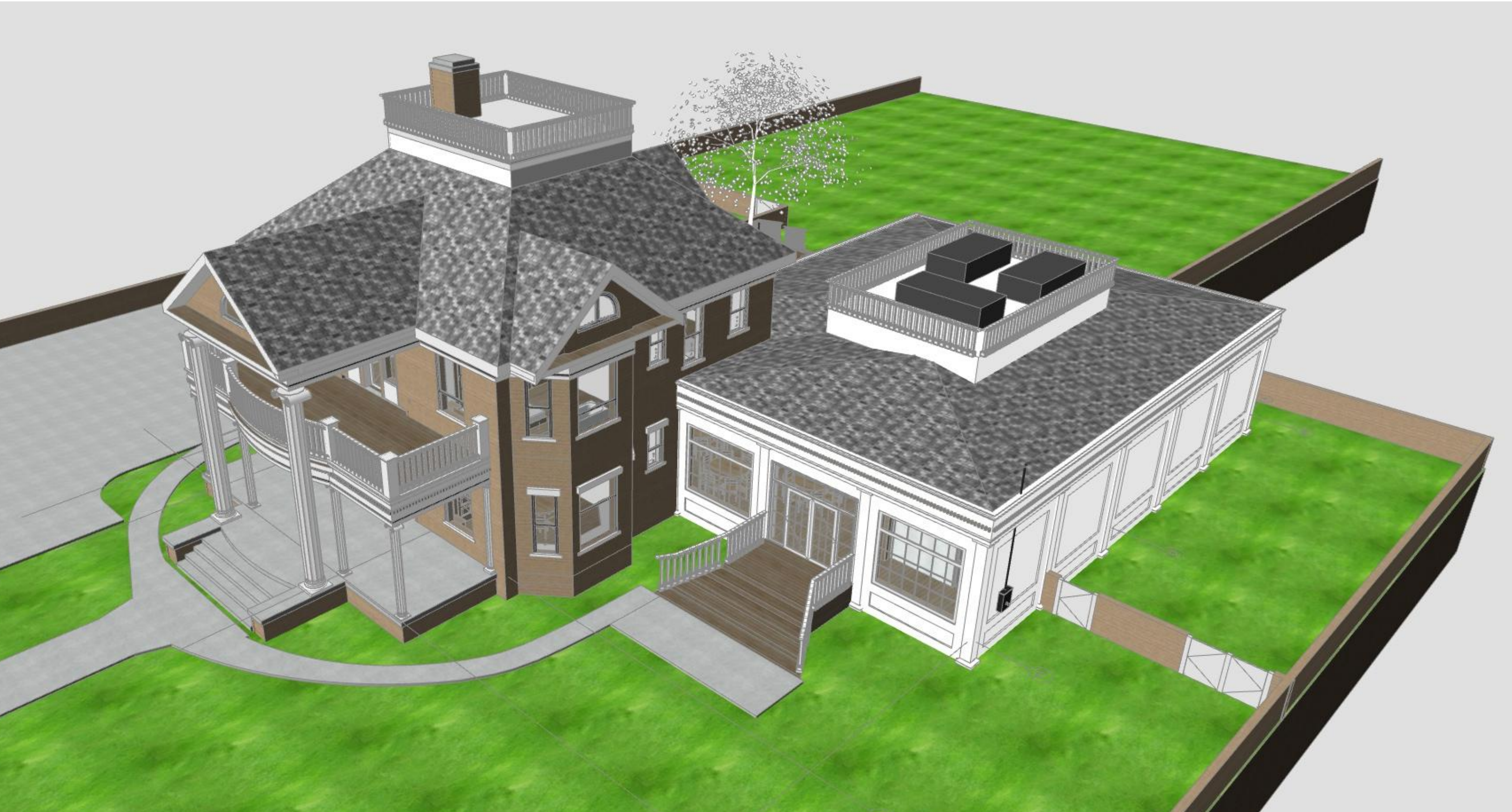
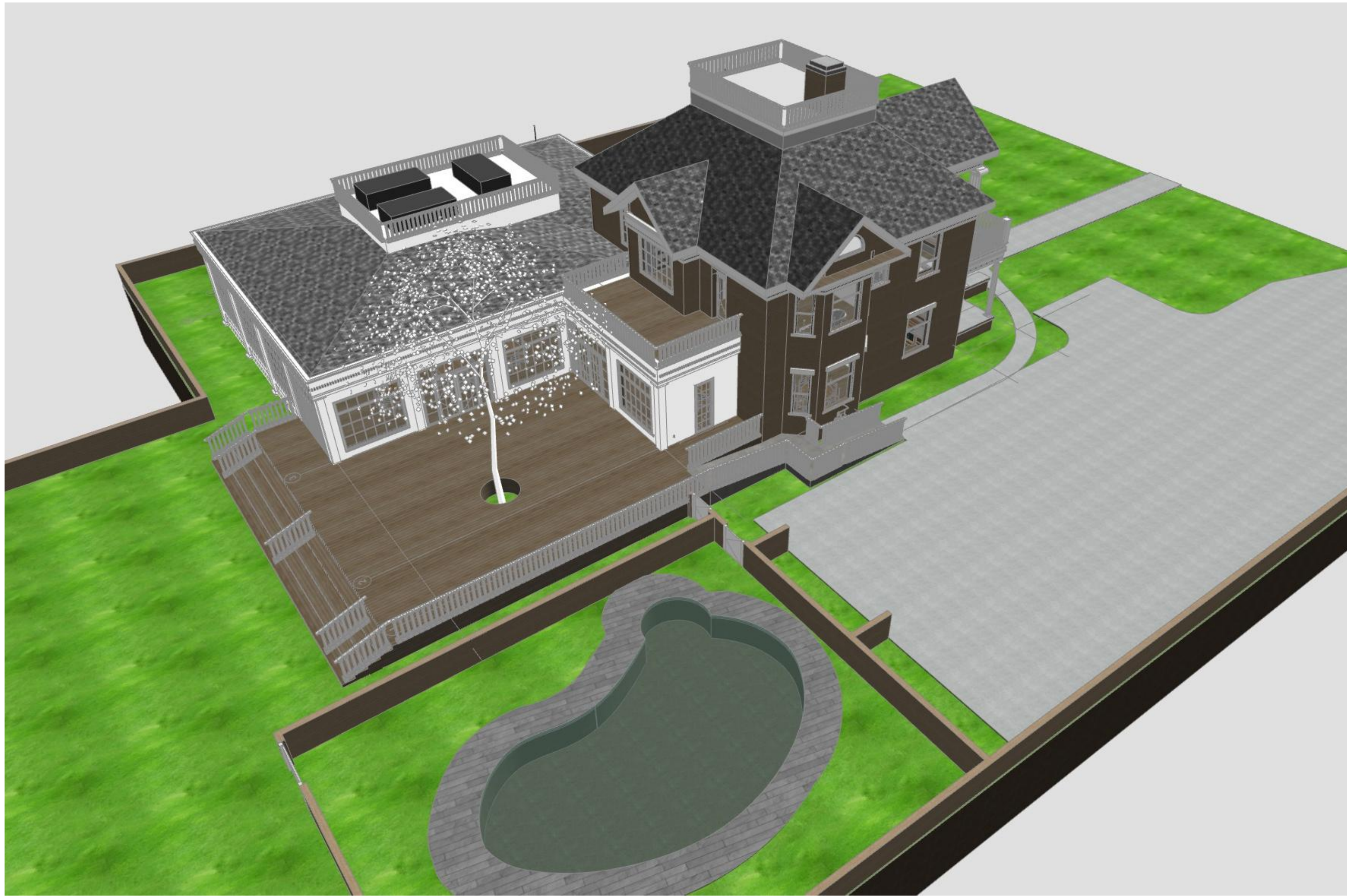
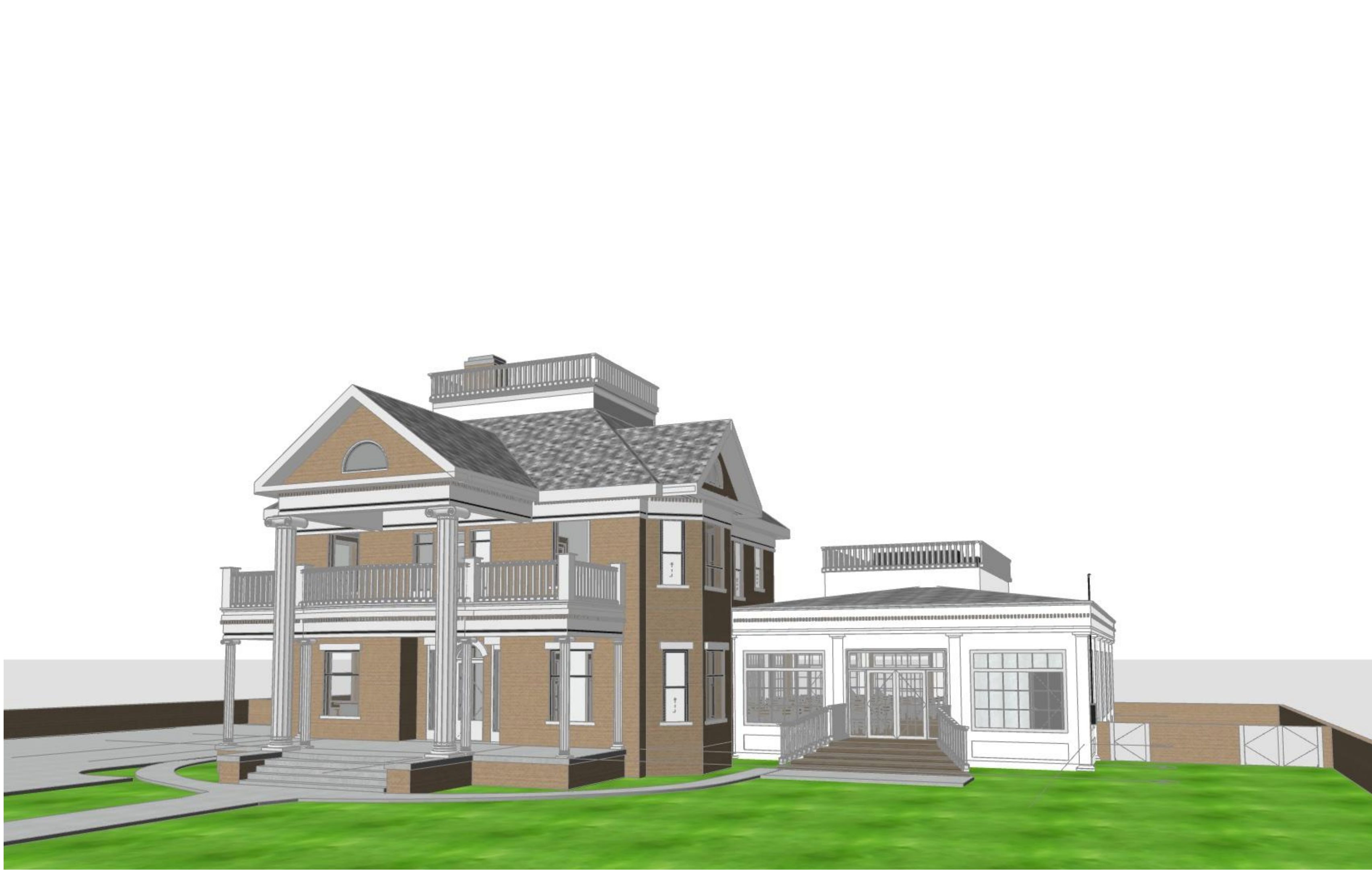
SHEET 5 OF 7



2 WEST ELEVATION
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1 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



JUDGES HOUSE

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SHEET TITLE

EXTERIOR PERSPECTIVES

Thursday, February 15, 2024 | 6:08 PM

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SHEET 7 OF 7

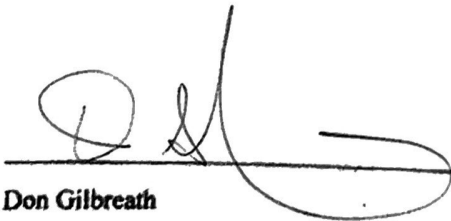
February 7th, 2024

Letter of Intent:

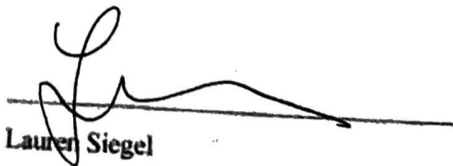
Lockhart Ace After Hours Parking Provisional Agreement

It is the explicit intent of Lockhart Hardware, LLC d.b.a. Lockhart Ace to authorize The Judges House, LLC, on a limited basis, after hour use of the subject parking lot located at 518 W. San Antonio St., Lockhart, Texas. This letter serves as a non-binding document and any future agreement either expressed or implied may be withdrawn by either party ant any time. In order for The Judges House, LLC to utilize the subject property, the following conditions apply.

- 1) A general liability policy of at least \$1,000,000 naming Lockhart Hardware, LLC as an additional insured must be presented prior to each scheduled event.
- 2) A parking lot attendant must be present and remain on site throughout the duration of the event. Any vehicles left over night will be towed the next business day at the owner's expense.
- 3) Any trash left on the subject parking lot must be removed upon the conclusion of each event.



Don Gilbreath
Lockhart Hardware, LLC



Lauren Siegel
The Judges House, LLC



FIRST LOCKHART BAPTIST CHURCH

Margo Gregory, Office Administrator

February 8, 2024

TO WHOM IT MAY CONCERN:

We, at The First Lockhart Baptist Church, have spoken to Lauren Siegel about leasing our parking lot(s) out on a temporary and as needed/ per request basis for a minimum fee of \$500 per day (fee will depend on day and amount of spaces). It is understood that this lot services an existing Church and so any lease could not impinge on Church services and activities. Parking requests must be made via email with as much advance notice as possible and will be accepted at the sole discretion of Office Admin and/or Pastoral Operators at the Church.

Take care and God Bless.

FLBC, Office Administrator
512.638.6042 (cell)

315 W. Prairie Lea Street • Lockhart, Texas 78644 • 512-398-5297

IBEX LEASING COMPANY

1906 Holly Hill Drive

Austin, TX 78746

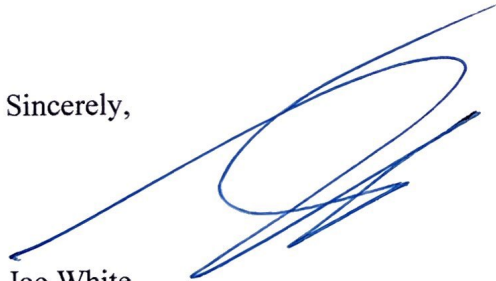
(512) 423-9595

February 6, 2024

To Whom it may concern,

I agree to lease my parking lot located at 1003 to 1009 W. San Antonio St., Lockhart, TX on a temporary and as needed basis for a minimum fee of \$10.00 per day. It is understood that this lot services existing businesses and so any lease could not impinge on said business. Parking requests must be made via email and will be accepted at the sole discretion of Joe White, President of Ibex Leasing Company, the owner of the lot.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a final horizontal stroke.

Joe White
President
Ibex Leasing Company

GRACE LUTHERAN CHURCH

FACILITIES

USAGE PROCEDURES MANUAL

I. INTRODUCTION

Grace Lutheran Church is proud of its facilities and wants them to be used to accomplish the goals and objectives of the ministry of the Lutheran Church.

II. PURPOSE

The purpose of this manual is to assure the availability and proper use, management, and maintenance of these facilities in keeping with the mission and ministries of this Church, and in accordance with Lutheran tradition and doctrine.

III. GENERAL POLICY

We recognize all of Grace Lutheran Church's facilities as God's House. They will be treated with dignity and respect, and will be used primarily to accomplish the mission of the Church. The following procedures apply:

- A. No **ALCOHOLIC BEVERAGES** are permitted in church facilities, except as used in Religious Services.
- B. No weapons or explosives of any kind will be allowed on church property **except for trained professionals**.
- C. No furniture or equipment may be permanently relocated or modified except as authorized by the Church council.
- D. No attachment may be made to any wall, no temporary structure may be constructed nor modifications made to any space without the authorization of the Church council.
- E. When use is authorized, groups will conform to Christian standards of decorum and activity.
- F. A designated church representative must be present for all functions.
- G. Dates for planned facilities usage must be approved and entered on the Church Calendar. Requested facilities use dates are not firm until the facility request form is submitted, approval has been granted, required agreements executed, and required minimum fees paid.
- H. The use of Church facilities by any group other than those recognized as Church entities must be approved in advance and scheduled not to interfere with any programmed activities. For the purpose of definition a non-programmed activity includes weddings, receptions, rehearsal dinners, showers, etc. or any activity that does not occur on a reoccurring weekly basis.

IV. FACILITIES USE REQUESTS

- A. Use of church facilities for non-regular church program activities will be arranged with the Pastor or council by using the facilities request form.

- B. The individual signing the facilities request form assumes responsibility for compliance with all rules, policies and procedures concerning use of Grace Lutheran Church facilities.
- C. The individual signing the request form assumes responsibility for the facility when used outside the normal working hours: this includes security of the building and turning utilities on and off. A key may be issued to Church members who request use of the facilities.
- D. Those using facilities will leave them arranged as they found them in regards to arrangement of rooms, furniture, and equipment.

V. FOOD SERVICE

- A. No food products will be left in the Fellowship Hall after your event. Any food left in the refrigerator and/or kitchen will be disposed of.
- B. No food products will be served in the sanctuary except for sacraments used in religious services.
- C. Microwave, refrigerator, and range/oven will be left clean after every function.
- D. No alcoholic beverages will be served at any meals or functions, except as used in religious services.

VI. FEE SCHEDULE

- A. Active Church members will not be charged fees for use of facilities.
- B. A minimum fee of \$200.00 will be charged for the use of the Sanctuary for up to eight hours.
- C. Janitorial fee will be \$50.00 members and \$75.00 for non-members for every function for each facility. This does NOT relieve people from the responsibility of clean up or arranging furniture to its original state immediately after the function. This does not apply to the communion table and platform, which will be taken down, and set up by designated people only.
- D. Fellowship Hall fee will be \$150.00 for eight hours.

VI. PROPOSED USES OF CHURCH FACILITIES

- A. Weddings: The Pastor of the Church will oversee all wedding procedures. Communion will be set up and taken down by designated Church members only. There will be **no rice, birdseed or bubbles used inside of the Sanctuary.**
- B. Funerals: Funerals will be held under the direction of the Pastor, and no fees will be charged for use of the facilities. The bereavement committee may prepare a fellowship meal when appropriate. There will be no charge for use of the Fellowship Hall or Janitorial services. Set up and take down for Holy Communion will be the responsibility of the Church, and will be done by designated members only.

- C. Banquets: Banquets and dinners will be scheduled with the congregational council, and facilities may be used at the stated fees. Please note that there is very little space for food preparation on site. The Fellowship Hall can be cleared of educational furniture and displays for banquets, at the request of users, with at least two weeks prior notice. No Alcohol will be served in Church facilities, except for religious services.
- D. Reunions: Reunions may be held in the Fellowship Hall at the stated fees. All procedure guidelines apply.
- E. Dinners: Dinners may be held in the Fellowship Hall at the stated fees. All procedure guidelines apply. Please note that there is very little space available for food preparation on site.
- F. Dances: Dances may be held in the Fellowship Hall at the stated fees. All procedure guidelines apply, with special attention to maintenance of Christian decorum and prohibition of alcohol. Music volume will be kept moderate enough so as not to annoy Church neighbors. Adult sponsors will always supervise youth dances. Normally, dances will be expected to end by midnight.
- G. Lock-in/Retreats: Lock-in and retreats may be held in the Fellowship Hall for an overnight fee of \$150.00. Youth retreats are to be always supervised by responsible adult sponsors. Male and female sleeping areas will be separate. Clean up and food-serving procedures will apply. Groups staying over Saturday night will be expected to leave at least one hour before Church or Sunday School, normally 9 a.m. at the very latest.

VII. WAIVERS

- A. Congregation Council reserves the right to waive or alter any of the above procedures and or fees on a case- by-case basis.

*For questions or more information call the church at (512) 398-6490
Or write to 828 Fir Lane, Lockhart, TX 78644-1920*

□

GRACE EVANGELICAL LUTHERAN CHURCH
919 W. San Antonio St.
Lockhart, Texas 78644-1920
(512) 398-6490

Parking Lot

REQUEST FORM

Please print or type legibly.

Date Form is Submitted: _____

Name: _____

Address: _____

Phone Number: _____

Dates Parking Lot is to be Used: _____

Times Parking Lot is to be Used: From _____ To: _____

Purpose of Use: _____

Signature of Responsible Party: _____

Approved By: _____

Fee Received: _____

Date of Approval: _____



February 9, 2024

To Whom It May Concern:

We have been retained as the exclusive valet vender for Lauren Siegel's venue located at 703 West San Antonio Street in Lockhart, Texas. We are excited to be a part of their great venue.

Since 2006, we have been providing the best in valet and parking management throughout the State of Texas. In addition, we were party of the committee that wrote the valet ordinances for the City of Austin. With this experience, we know the importance of working closely with municipalities to make a safe and fair service for every resident and visitor.

Please let me know if you need anything further.

Sincerely,

Corey Evers

Founder and President

Central Texas Valet LLC

(512) 665-2185

corey@centraltexasvalet.com

2/8/2024

Preferred Vendor Agreement - Ninja Buses LLC

It is the explicit intent of Ninja Buses LLC to partner with The Judges House LLC as their official transportation/ shuttle partner for Austin based events. The guest count of the event will dictate the size and amount of transportation provided. Ninja Buses is licensed and insured. We have met on site with the event company and our fleet of buses/ shuttles can handle all of their needs.



2/8/24

Michael Tashnick (Owner/ Operator of Ninja Buses LLC)

512-593-1214

austin@ninjauses.com

www.ninjauses.com



LOCKHART POLICE DEPARTMENT

214 Bufkin Lane
Lockhart, Texas 78644
Phone: 512-398-4401
Fax: 512-398-3393
police@ps.lockhart-tx.org

Gary P. Williamson
Chief of Police

Daniel Williams
Captain of Police

February 8, 2024

To Whom it may concern,

I have discussed working in partnership with Lauren Siegel and their property at 703 W. San Antonio. During the development/construction phase we have offered to advise on safety planning. Once the venue is open, we have discussed the option of having an officer on site (current rate is \$65/hour-minimum of 4 hours, but that is subject to change) during events to help reduce sound ordinance complaints and mitigate any possible public disturbances.

Respectfully,

Captain Daniel Williams

Rebecca Marshall Hawener
625 West San Antonio Street
Lockhart, Texas 78644

January 15, 2024

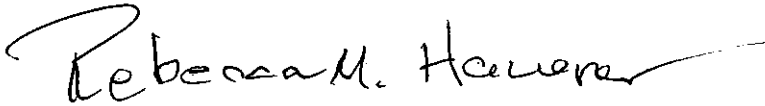
RE: Appeal of Lockhart Planning and Zoning Commission SUP-23-19

Mr. David Fowler, City Planning Director
308 W San Antonio Street
Lockhart, Texas 78644

Dear Mr. Fowler:

I wish to file an appeal of the decision of the Planning and Zoning Commission's approval of granting SUP-23-19. According to the application, the request is in compliance with "Lockhart Looking Forward." Additionally, all but one property within the 200 foot buffer are residential in nature. 617 W San Antonio Street is the exception, as a B&B. 610 W San Antonio Street is Senior Citizen apartment units. There are additional concerns with the approval of P&Z including but not limited to parking, noise and liability.

Sincerely,

A handwritten signature in black ink that reads "Rebecca M. Hawener". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rebecca M. Hawener

From: Michel Royal <[REDACTED]>
Sent: Saturday, January 20, 2024 10:30 AM
To: David Fowler <dfowler@lockhart-tx.org>
Cc: [REDACTED]
Subject: Planning and Zoning for 703 W. San Antonio St Lockhart TX

My husband, Ronnie Royal is a life long resident of Lockhart and I have lived here for over 50 years.

We want to express our concern over the recent approval of a Special Use Permit for an Event Venue.

Lockhart is losing its small-town appeal at an astonishing rate. While growth is certainly necessary and inevitable, we would like to see it achieved with the historical consideration that is so important to us.

Event venues are all over the area at this time which is wonderful, but most of them are in a country setting. Allowing one to be created in a neighborhood along a main thoroughfare does not keep with the hometown feel that we are known for. There are so many reasons for this not to happen they are really too numerous to list. This would not be fair to the neighbors and the citizens that travel the street to have to contend with higher traffic volume on these occasions

We are urging the decision to be reconsidered.

Respectfully,
Ronnie and Michel Royal
629 Cibilo St
Lockhart TX

ANDERSON HOMES

Rental Properties in Lockhart

**125 S Rio Grande St
Lockhart, TX 78644**

Dorothy Anderson 512 787-7310

Brett Anderson 737 357-2004

danderson6769@gmail.com or Fax 512 668-4445

January 31, 2024

To: David Fowler, City Planner
City of Lockhart
308 W San Antonio St
Lockhart, TX 78644

From: Dorothy Anderson
125 S Rio Grande St
Lockhart, TX 78644

I have rental property in Lockhart and owned and operated the Greens Retirement Community beginning in 1986 where we have housed many senior citizens. We had the main complex -13 units on the east side of Rio Grande St plus 7 more units across the street and 12 additional rental houses spread out in town. I recently sold the 13 units to someone else who planned to keep it like I had even though it is more difficult because they just use a management company out of town.

I continue to live in and manage the ones on the west side of the street. During the past 37 years, I have been able to see the changes in Lockhart specifically the traffic on W San Antonio St. There were expected traffic increases as Hwy 130 came in and two schools were added to the west. We have all had to be extra careful about turning onto W San Antonio St and even elected to change our usual route.

Although I am not surprised and even support that more businesses will be replacing current residential locations on W San Antonio St, I predict most of them would be having a small number of customers for short periods of time.

I object to a venue being opening at 703 W San Antonio St. which may be having events which could have up to 200 persons present. The only way that can be successful if they have space to park a minimum of 100 cars. I do not think that is possible with the location of the current structure on that property. Besides the parking, events that large will add to the current congestion and noise along the street. Venues who plan to host that many people usually locate to a site made up of several acres with access in and out on more than one street. Even if they only operated the site for lodging or boarding customers, they would need at least 10-15 parking places to accommodate residents.

For those of us who love the City of Lockhart and want it to progress and add new facilities for our residents, we want the City Council to carefully screen changes to maintain the ambiance of our town.

Thank you for your anticipated cooperation.

Dear Mr. David Fowler,

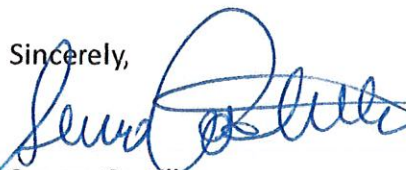
I write this letter in protest of the current legislation approving a Special Use Permit for 703 West San Antonio Street. I currently manage 2 senior citizen apartment complexes, Lockhart Senior Apartments located at 610 West San Antonio Street and Vintage Apartments located at 717 West San Antonio Street. Both of these senior complexes are located within a block of the proposed wedding venue.

I live on Prairie Lea Street and cross San Antonio Street intersection multiple times daily and have recognized the increase in traffic. I believe the traffic will continue to increase with the additional building taking place west of town. The movie business working on San Antonio Street creates a traffic nightmare. We already have a variety of city factors contributing to traffic congestion, not to mention regular garage sales on San Antonio Street.

In my opinion additional people driving and walking across a busy street only increases the opportunity for accidents. The additional stress on San Antonio Street will impact vital services like EMS and fire protection, that we all rely on. Noise factor is another valid concern as well as vandalism.

Please reverse your decision for Special Use Permit for the above-mentioned address for the safety of our neighborhoods.

Sincerely,



Severo Castillo

Manager

January 30, 2024

Mr. David Fowler, City Planner
308 West San Antonio Street
Lockhart, TX 78644

Dear Mr. Fowler,

This letter is in opposition to the event venue specifically addressing noise issues, parking liability, congestion and commercialization of the residential neighborhood of which I am a member.

It is my most concern as to the intentions of the owners of the facility are going to be able to control the above mentioned, therefore, I am opposing asking the reconsideration of the vote.

Sincerely,


Linda Curran

Barbara Gilmer
614/618 Bois D' Arc Street
Lockhart, Texas 78644

David Fowler
City Planner
308 West San Antonio Street
Lockhart, Texas 78644

Please treat this as confidential; the intended recipients are City Staff, Mayor White and the Lockhart City Council Members. Please do not share my contact information unless it involves including this in an informational packet in preparation for the meeting of the aforementioned attendees.

I am writing to you to oppose the Specific Use Permit (SUP), approved by Planning and Zoning on January 10, 2024. I was not aware of the plans to allow operation of a lodging/boarding house and to build a 200-guest event center at the back of the home at 703 West San Antonio Street. I was recently made aware of these plans and how they could impact my current home as the back of the property in question is one street over from the rear of my property.

There are several issues with creating this venue; parking and traffic being the main concerns. Due to the location, there are only 4 parking spaces allotted and there is no evident solution to accommodate more guest/visitor parking that would not create traffic issues on San Antonio Street. If there was offsite parking available, there would need to be transportation to the location which would not cause unsafe traffic situations as San Antonio Street is a major thoroughfare. With the increased commercial and visitor traffic from vendors, etc., there would be additional stress on the traffic patterns before, during, and after events.

I have been a long-time resident of Lockhart, and enjoy the growth that our small community has experienced in recent years. There have been many positive changes and thankfully, most of the growth has been planned with forethought based on what the infrastructure that our small town can reasonably handle. I enjoy the peace and quiet of the residential area that I live in and would not like to see that peace disrupted by the added traffic on San Antonio and surrounding streets.

In closing, please consider the negative impact that the approval of this Special Use Permit would have on our community, our traffic and our safety.

Thank you for your time and consideration.


Barbara Gilmer

David Fowler

From: Laura Grim [REDACTED]
Sent: Saturday, February 10, 2024 3:23 PM
To: David Fowler
Subject: Feb 20th hearing re: 703 West San Antonio Street

Mr. Fowler,

I am writing because I will not be able to attend the February 20th city council hearing. My father lives in my home at 714 West San Antonio Street. His residence that I own is directly across the street from the property we are discussing at 703 West San Antonio. I am opposed to the request for a specific use permit at 703 West San Antonio Street.

My father is 76 years old. I purchased this home for him because it is in a single family, stable neighborhood. I have the expectation of this continuing to be a single family neighborhood. This "Special use permit," is effectively rezoning the property in question.

Decisions to rezone a single home in a neighborhood should be made by an entire neighborhood.

The inevitable noise and increase in traffic with this "special permit" is a harm to the neighbors. It is a walking neighborhood, lots of people walk the sidewalk in front of that house.

From what I understand, this rezoning proposal is designed to permit his neighbor to have regular parties and events for 200 guests. The noise and traffic would create a terrible disruption to daily life for my father. I can imagine this number being much higher when accounting for all the staff involved in an event for 200 people. One year ago we bought this home for him in a single family neighborhood. Regular parties/ events for 100 people or 200 people should not occur in a single family neighborhood.

If the whole block or neighborhood were to choose to be rezoned, other people might stand to gain financially, but to rezone one home, due to a request from that property owner, only harms all of the other residents in the single family neighborhood.

Rezoning a single house is poor city planning and should not be granted. I am opposed to the request for a specific use permit at 703 West San Antonio Street.

Laura Grim
3001 Washington Sq.
Austin, TX 78705
[REDACTED]
512-784-8151

David Fowler

From: Kara McGregor <[REDACTED]>
Sent: Friday, February 9, 2024 6:02 PM
To: Juan Mendoza; Angie Sanchez; John Castillo; John Laisen; Brad Westmoreland; Jeffry Michelson; Lew White
Cc: Steven Lewis; David Fowler; Julie Bowermon
Subject: Agenda item - 703 W San Antonio

Hello all,

I'm writing as a neighbor to this property and a concerned citizen of Lockhart to oppose the approval of the SUP for 703 W. San Antonio, called "The Judge's House" by new owners Lauren and Ben Siegel. I have supported the Siegels in their previous petitions related to rehabilitation of the home, but since then, they have changed their plans. Originally described to me as a now-and-then AirBnB where the Siegel family would stay often for retreats to Lockhart (and possibly move here), the plans now are to use the property as a business that hosts large events 50+ times per year, in conflict with the residential use all around them, and without adequate off-street parking. Per the current zoning map online, the property is zoned Residential Medium Density (all surrounding properties have residential zoning) which does not allow for even a Bed & Breakfast by right.

I am stunned that P&Z approved the SUP, and thankful that council has the opportunity to make a different decision. They have in the past denied permits or zoning changes for properties that do not have enough on-site parking for the desired use, as required by our city ordinances. And they have denied requests where "arrangements" for parking were negotiated with neighbors, when those arrangements were not in perpetuity and could be withdrawn in the future.

San Antonio Street past Elm remains mostly residential, including apartments, senior living communities, and single family homes. It is also a highway/through-way, and the route to the nearest hospital in Kyle. Parking on the street creates problems with visibility and safety, and leaves no room to pull over for EMS, which travels down San Antonio Street multiple times per day.

To be clear, my own home at 604 W. San Antonio has guest bedrooms listed on AirBnB, available per night about 15% of the year. The only events outside of my own personal gatherings have been micro-weddings (mostly during the pandemic) for 12 or fewer people, and my parking meets city requirements both for residential and short-term room rentals. "Birdie House" is first and foremost my homestead — I live here full time with family, dogs, and cats — and I do not intend to use the property in any other way.

In the long term, decisions that put businesses in historic homes sets up a conflict down the road where owners and investors find that the property is better monetized by tearing old homes down to make room for purpose-built restaurants, hotels, office space, etc. Austin's downtown and historic neighborhoods have been gutted this way, and we have a chance to protect what's left of Lockhart's architectural heritage.

In short, the proposed use of the residential property at 703 W San Antonio amounts to a business use, and the SUP granted by P&Z would allow this without holding owners accountable for abiding by city ordinances that apply to other businesses. The proposed "valet services" along with potential parking arrangements with commercial properties down the road are not long-term solutions, and do not solve the problems for the neighbors. Any decision that would regularly bring as many as 100+ people and 75+ cars to a residential property with no parking is unacceptable to neighbors, and a very bad precedent for Lockhart. It would also amount to an uneven application of law that disadvantages other business who are held to a different standard.

I am happy to talk one-on-one if any wants to give me a call.

Thank you for your consideration

Kara McGregor

604 W. San Antonio Street
Lockhart TX 78644
512-944-5272

David Fowler

From: MC Lowrance <[REDACTED]>
Sent: Sunday, February 11, 2024 12:03 PM
To: David Fowler
Subject: 703 W San Antonio St Lockhart Tx 78644

Greetings,

My name is Mary Rucker Lowrance and I live at 4434 Harlanwood Dr, 123, Fort Worth TX 76109. My family moved to Lockhart in 1973. I attended elementary, intermediate, jr high and Lockhart High School from which I graduated in 1982.

Recently, I became aware of a zoning change to allow an event center in 703 W. San Antonio St in Lockhart. I write to encourage the council to reconsider this action.

This private residence was a special place for me. We would gather for holiday celebrations, birthdays and yearly watch parties for the Chisholm Trail Round Up Parade.

Additionally, I am not an occasional visitor to Lockhart. I have participated in community events and my parents still live here.

With all due respect, an event center on the central thoroughfare through Lockhart poses concerns on two levels.

First of all, this is a historic neighborhood and an event center of this caliber would potentially lead to a disturbance of peace for the surrounding neighbors.

Secondly, it is literally on the main street through town and traffic and parking challenges could be significant.

Thank you for your time and due diligence to this. I respectfully ask that you reconsider this zoning change.

Sincerely,

Mary Rucker Lowrance, M.Div, CDP

To David Fowler:

I am writing with my concerns about the proposed wedding venue located at 703 W. San Antonio St. This would be across the street from the Lockhart Senior Apartments- an elderly living complex. As there would be no where for guests at this venue to park, all the parking would be on San Antonio Street and all around this complex. This would make it difficult for the residents to "come and go" from their homes. San Antonio Street is already one of our busiest streets and more parking on it will only make it worse.

Please vote against this.

Thank you,

Susan Patton, Secretary

Board of Directors

Caldwell County Senior Citizens Center, Inc.

(Owners of the Lockhart Senior Apartments)

David Fowler

From: Joanne Stevenson [REDACTED]
Sent: Thursday, February 8, 2024 3:42 PM
To: David Fowler
Subject: Fw: letter for events center

Dear Sirs,

I am writing to you today in behalf of my wife and I, Joanne and Mike Stevenson, in reference to the Planning and Zoning Commission's decision to allow operation of a lodging house and special event center on West San Antonio St.

Joanne and I moved to Lockhart in 1975 and have spent the last 49 years of our lives totally enjoying being residents of 415 W. San Antonio St. and members of the wonderful Lockhart Community.

Our two sons, Anthony and Nicholas were born here and raised in the delightful Lockhart environment and attended all of their education in the healthy Lockhart I.S.D. school structure and atmosphere. We loved attending their numerous sporting endeavors and band events, and the numerous cultural events that Lockhart annually provides.

In the half century that we have been Lockhart residents, we have seen many changes and additions to the local structures in Lockhart, which is only natural and is welcomed by the community.

However, we disagree with the recent decision to put a Special Events Center in the middle of a residential area. We are totally for having this center come to Lockhart. We just want it to be located in a different

location so as not to disrupt or disturb the neighboring residents in that area. We hope that the center can be located in a more appropriate area in Lockhart.

Thank you for your time,

Mike and Joanne Stevenson

415 W. San Antonio St.

Lockhart, Texas 78644

[REDACTED]

[REDACTED]

David Fowler

From: brenda.roberson. [REDACTED]
Sent: Thursday, February 1, 2024 12:20 PM
To: David Fowler
Subject: Special use permit for 703 West SanAntonio

City Planner David Fowler I am Brenda Willenberg and I live at 707 West SanAnotio apartment 6 I have lived at this address for 13 years minus 2 months I have seen the traffic flow grow more and more every year I face the street on the corner of Rio Grand so you can see how I can see the traffic Sometimes I use to park in front of my apartment tounload my groceries with my flashers on but this got to dangerous with the cars coming into the right side to go around cars turning left on to Rio Grand but I have a heart condition and sometimes I have to do this We already have one B@B across the street from 703 West SanAntonio plus already get traffic and noise for there so why do we need to add more problems to this area Also where are there handicap people supposed to park please reconsider this permit Thank You Brenda Willenberg

Sent from my Galaxy

!! TO: WHOM IT MAY CONCERN!!

TWO HUNDRED people in one place

Will bring COAS to this—

NeBORHOOD - DRINKING, DRUGS—

STEALING, FIGHTS, VANDALIZING
of CARS, PROPERTY, People.

NO PARKING FOR THE PEOPLE THAT

HAVE COST OVER - CARS will be

Parked EVERYWHERE - SOME LEGAL -

SOME NOT SO LEGAL.

(T HUMBS DOWN)

WAS NICE QUIT
NEBORHOOD

February 7, 2024

City Planner David Fowler

dfowler@lockhart-tx.org

Re: Proposed Special Events Center on San Antonio Street

Dear Mr. Fowler:

I live at the Lockhart Senior Apartments across the street from the proposed event center. My neighborhood has already experienced one of those "events." It happened soon after the property changed hands and was neither requested nor approved.

Late one afternoon cars were suddenly buzzing the street looking for parking places. They ended up filling the street down the block, around the corner and out of sight. People showed up on the sidewalks, talking loudly and laughing. Who could blame them? They had bought tickets and were there to have a good time. This went on well into the evening.

Can you imagine large groups of people walking like this through the neighborhood all the way from the Baptist Church parking lot? And on a regular basis? You can't ask them to be quiet. They have purchased the right to be there and most likely to enjoy themselves.

My question is – do the people who voted to allow this want it to happen in *their* neighborhood? The out-of-town investors won't feel the consequences of this decision. For them this is merely a money-making proposition. I promise you they wouldn't want it in their neighborhood!

Another question: What if a couple of these events accidentally happen to coincide with church functions and the congregation has to compete for a place in their own parking lot? It's not inconceivable that the church might withdraw its permission to allow the event center to use the lot. Then *can we withdraw our permission* for events to be held at this location?

I haven't even addressed the issue of traffic backups. Traffic is increasing constantly now, due to town and tourist growth, as well as the addition of the new traffic light at SH 130. We're spending more time sitting in our cars waiting to get onto the road. It behooves us not to complicate matters. And that without a doubt is what will happen.

This is a residential neighborhood. The house chosen for this use was built as a residence. Many people have bought and paid for homes here in good faith. Two groups of senior apartments have been here for forty years. Yet some people see no problem disturbing their peace for commercial reasons.

The decision to allow this enterprise was made in haste – *and if those who made it don't regret it there are many who will.* I guarantee that they will feel that big money ruined their neighborhood! Our small-town charm and easy lifestyle can be corrupted, one bad decision at a time.

All citizens should in fairness be considered!

Respectfully,

Mr & Mrs David Eaker

Anita Baldino

Gloria McKean

Lamela Wicks

Douglas Duvall

Lupe Aguilar

Alfreda P. De Cecca

Joy #22

Laura T. Roberts

Hallie Flores

Mike Bell

Julia Gorea

Vickie D. Reuss
Homer L. Shaw JR.

Ronda A. Reagan
412 W San Antonio St
Lockhart, Texas 78644

February 13, 2024

David Fowler
Lockhart, Texas 78644AICP Planning Director
City of Lockhart

RE: SUP Appeal for 703 W. San Antonio, Letter for Council Packet

HAND DELIVERED

I am writing to express my support of the appeal of P&Z's approval of a Specific Use Permit (SUP) for a Lodging House or Boarding House and Special Events Center for two-hundred (200) guests at 703 W San Antonio St on .925 acres. The event center would be predominantly focused on weddings.

I am speaking from personal experience living two-doors down from The Caroline which hosts weddings, events, filming of commercials and movies as well as serving as a large AirBnB. There have been times that the neighbors have had to call the police because of the loud music in the backyard. The many guests for weddings take up parking on the street on both sides of my driveway. Lighting in the backyard is often offensive and certainly ruins dark skies.

Here are some of the reasons I object to the SUP:

- The City approved only FOUR (4) ONSITE parking spaces.
- This home and all directly surrounding properties are residential, including a dense population of our senior community in three separate properties (see attached).
- This is a "commercial" venue in this Single Family Residential (SFR) home and neighborhood. While it will financially benefit predominately the owners, the drawbacks are traffic, noise, safety and quality of life for reasonable enjoyment of homes within 200 feet and beyond.
- There is already high traffic due to the addition of multi-family and single family new homes near Mockingbird and just beyond--and more yet to come. With this event center, imagine the current number of cars, police cars, ambulances, fire trucks and 18-wheelers sharing this street with proposed golf carts shuttling 200 guests from offsite parking at Ace Hardware and the First Baptist Church and on-street parking in front of it and beyond. And even if golf carts are not use, they will have to walk across the street.
- Not only will guests attempt to park on the street (both sides and side streets) but also delivery (box) trucks will unload equipment for florists, decorators, bands and caterers.

From personal experience, one can't see over or beyond the big trucks to back out of an adjacent driveway safely.

- We have been told the developers plan to host 25 events like this a year to make their business plan work. That's 25 200-person events with at least 100 cars on an already busy street.
- Do not forget that TXDOT has already submitted their plans to Council in Dec. 2022 (see attached) to widen San Antonio Street from Hwy 183 to SH 130 from 2-lane undivided to 4-lane undivided. That will likely remove on-street parking.
- It's sad that the Siegel's did not contract to purchase this historic home with the contingency to verify the use they wanted before closing on the property.
- One of their biggest supporters, Len Gabbay and his wife Donna (who sold the Siegel's 703 W San Antonio St without disclosing it was an Historic Landmark, own the 25-foot driveway to the east that goes to a white house known as Casa Blanca as well as the lot behind it that fronts Fir Street. (See attached subdivision plat/survey.) Let's be realistic--they stand to gain financially should the Siegel's want to purchase these two pieces to add on-site parking or more venue space.

Please listened to all the voting residents who have sent letters supporting the appeal and who will speak at the council meeting. Search your inner heart for the right thing to do as you have done in the past. Reverse the P&Z's decision on this SUP. This kind of event center should be located on larger acreage out of town a bit.

And know that I and many others supporting the appeal are not against development, but rather, support responsible growth and development. It's okay to say "NO" and still support this ever changing, vibrant community.

Respectfully,



Ronda Reagan

Attachments:

Arnette McDaniels Subdivision Plat; SUP 200' Radius Map with Senior Residential Marked; Special City Council P&Z Commission Recap Dec. 13, 2022, TXDOT Proposal; Asbestos Test Guidelines Flow Chart showing this property is subject to testing; 2-page quotes from Ben Siegel in Voyage Austin stating he found out that the property he bought on Rainey St. was in the National Historic District--not the first time they have done this.

2022-001264 D-51

ARNETTE MCDANIELS SUBDIVISION

A subdivision of a 0.945 acre tract and a 0.487 acre tract out of the Byrd Lockhart Survey A-17 in the City of Lockhart, Caldwell County, Texas

SURVEYOR'S NOTES:

- 1) The Lots shown lie in Flood Zone "X" according to FEMA Panel #48055CD102E effective date June 19, 2012. FLOOD ZONE "X" is areas determined to be outside the 0.2% annual chance floodplain.
- 2) Lot 1, Lot 2 and Lot 3 Block 1 are currently zoned Residential Medium Density (RMD) and surrounding lots are zoned Residential Medium Density (RMD) as shown on plat.
- 3) A four-foot wide public sidewalk shall be constructed along the south side of Fir Lane by the owner of Lot 3, Block 1, prior to issuance of a Certificate of Occupancy for any structure on that lot.
- 4) A 20-foot front building setback on each lot and other setbacks shall be in accordance with City of Lockhart Zoning Ordinance.
- 5) RECORD OWNERS OF LAND: Leonard Gabbay and Donna Daniel's DESIGNER OF PLAT: Hinkle Surveyors, PO Box 1027, Lockhart TX 78644 (512) 398-2000 DATE OF PREPARATION: October 2021 SURVEYOR: Jerry L. Hinkle, R.P.L.S. #5459 PO Box 1027, Lockhart TX 78644 (512) 398-2000
- 6) Boundary Closure: 1 in 85338' Lot Closures: Lot 1-1' in 203961'; Lot 2-1' in 66090'; Lot 3-1 in 66385'

STATE OF TEXAS
COUNTY OF Caldwell

I, WE, the undersigned owner(s) of the tract(s) of land shown on this plat designated as Tract I called 0.945 acres and Tract II called 0.487 acres recorded in Instrument #2020-005259 of the Official Public Records of Caldwell County, Texas and described and designated as ARNETTE MCDANIELS SURV 0.945 AC. LOT 1, LOT 2, and LOT 3 in BLOCK 1 in the City of Lockhart, Caldwell County, Texas do hereby subdivide such property and further reserve to the public all easements for the mutual use of all public utilities dealing to use the same; that any public utility shall have the right to remove and keep removed all or any part of any growth or construction for maintenance or efficient use of its respective system in such easements.

2-17-2022
DATE

LEONARD GABBY
703 W. SAN ANTONIO STREET
LOCKHART, TEXAS 78644

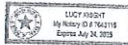
2-17-2022
DATE

DONNA DANIELS
703 W. SAN ANTONIO STREET
LOCKHART, TEXAS 78644

STATE OF TEXAS
COUNTY OF Caldwell

Before me, the undersigned authority, personally appeared Leonard Gabbay, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration stated herein.

Given under my hand and seal of office this the 17th day of February, 2022



Lucy Knight
Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF Caldwell

Before me, the undersigned authority, personally appeared Donna Daniels, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration stated herein.

Given under my hand and seal of office this the 17th day of February, 2022



Lucy Knight
Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF CALDWELL

I, Jerry L. Hinkle, registered professional land surveyor, State of Texas, hereby certify that this plat is a true and correct representation of a survey made on the ground and all monuments and markers were properly placed under my direct supervision and is true and correct to the best of my knowledge.

IN WITNESS THEREOF, my hand and seal, this the 15th day of Feb, 2022



Jerry L. Hinkle
Registered Professional
Land Surveyor #5459

STATE OF TEXAS
COUNTY OF CALDWELL

I, Steve Lewis, City Manager of the City of Lockhart, do hereby certify that this plat was approved by the City of Lockhart, Caldwell County, Texas, on the 18th day of February, 2022.

Steve Lewis
CITY OF LOCKHART, MANAGER

STATE OF TEXAS
COUNTY OF CALDWELL

I, Teresa Rodriguez, County Clerk in and for Caldwell County, Texas do hereby certify that the foregoing instrument with its certificates of authentication was filed for record in my office the 15 day of February, 2022, at 2:11 o'clock P.M., and duly recorded on the 15 day of February, 2022, in the Plat Records of Caldwell County, Texas in Plat Cabinet D at Slide 37.

Teresa Rodriguez
County Clerk, Caldwell County, Texas

LEGAL DESCRIPTION

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of the Byrd Lockhart Survey A-17 and being also a part of Lot 1 in Block 48 of the Original Town of Lockhart as recorded in Volume Q Page 507 of the Deed Records of Caldwell County, Texas and being also a part of Lot 1 in Block 8 of North's Addition as recorded in Volume Q Page 498 of the Deed Records and being also a part of a tract of land designated as Tract II called 0.487 acres and a part of a tract of land designated as Tract I called 0.945 acres and conveyed to Leonard Gabbay et al by deed recorded in Instrument #2020-005259 of the Official Public Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a to a concrete monument set in the East line of the said 0.487 acre tract and adjacent West line of a tract of land designated as Tract I called 0.487 acres and conveyed to Rebecca M. Haverly TTEE by deed recorded in Instrument #111512 of the Official Public Records of Caldwell County, Texas for the NE corner this tract and from which point a capped iron pin found marking the NE corner of the said 0.487 acre tract bears N 09°49'23" W 15.00 feet.

THENCE S 09 degrees 49 minutes 23 seconds E with the East line of the said 0.487 acre tract and the adjacent West line of the above mentioned 0.487 acre tract and over and across the South line of the said 0.945 acre tract and partially over and across the said Lot 1 North's Addition 178.28 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the West line of the said Lot 1 Block 8 and the North line of the said 0.945 acre tract and from which point a 1/2" iron pin found marking the SW corner of the said Lot 1 Block 8 and the SE corner of Lot 2 in Block 8 of North's Addition and the SW corner of the above mentioned 0.945 acre tract bears S 10°00'00" E 5.38'.

THENCE S 79 degrees 47 minutes 31 seconds W with the North line of W. San Antonio Street (as now dedicated by this plat) and over and across the said 0.487 acre tract and over and across the South line of the said 0.945 acre tract and partially over and across the said Lot 1 North's Addition 178.28 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the West line of the said Lot 1 Block 8 and the North line of the said 0.945 acre tract and from which point a 1/2" iron pin found marking the SW corner of the said Lot 1 Block 8 and the SE corner of Lot 2 in Block 8 of North's Addition and the SW corner of the above mentioned 0.945 acre tract bears S 10°00'00" E 5.38'.

THENCE N 10 degrees 00 minutes 00 seconds W with the West line of the said Lot 1 in Block 8 and the East line of the said Lot 2 in Block 8 of the said North's Addition and with the West line of the said 0.945 acre tract 298.34 feet to a 5/8" iron pin found in the NW corner of the said 0.945 acre tract and in the SW corner of a tract of land called 0.282 acres and conveyed to Gerald A. Drew et ux by deed recorded in Volume 243 Page 445 of the Official Public Records of Caldwell County, Texas for the NW corner this tract.

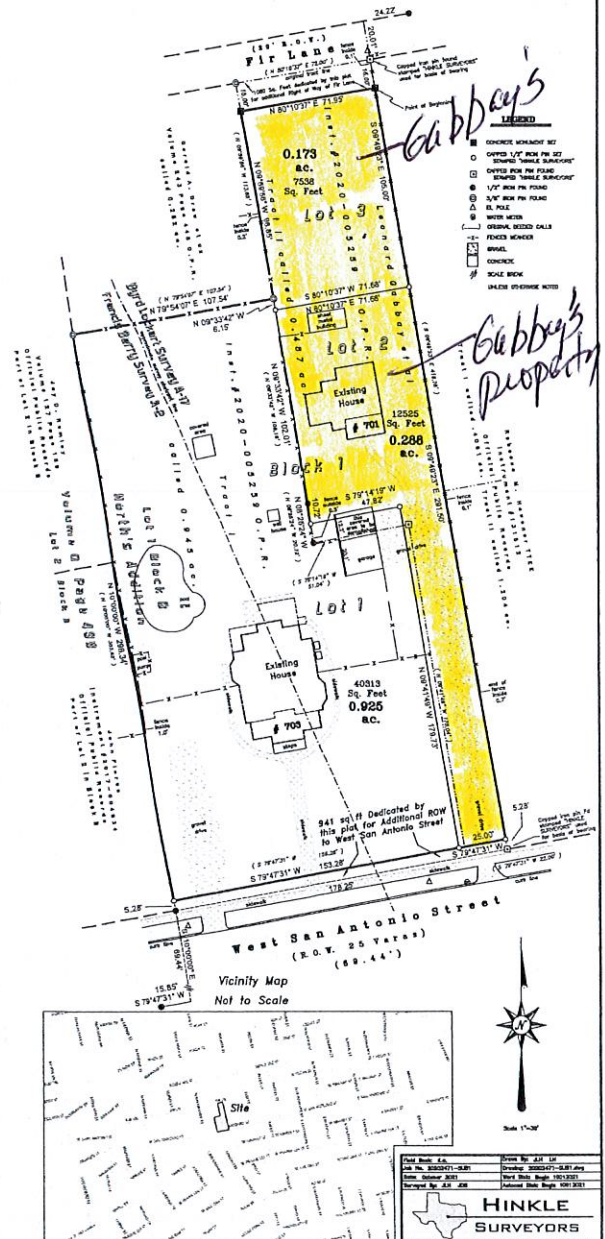
THENCE N 79 degrees 54 minutes 07 seconds E with the South line of the said 0.282 acre tract and over and across the said Lot 1 in Block 8 and entering the said Lot 1 in Block 48 and crossing the common line of the said Byrd and Lockhart Surveys and with the North line of the said 0.945 acre tract and the South line of the above mentioned 0.282 acre tract 107.54 feet to a 5/8" iron pin found in the SE corner of the said 0.282 acre tract and the NE corner of the said 0.945 acre tract and the West line of the said Tract II called 0.487 acres for an all corner this tract.

THENCE N 09 degrees 59 minutes 56 seconds W with the East line of the said 0.282 acre tract and with the West line of the said 0.487 acre tract 98.85 feet to a concrete monument set for the NW corner this tract and from which point a 5/8" iron pin found in the NW corner of the said 0.487 acre tract bears N 09°59'56" W 15.00 feet.

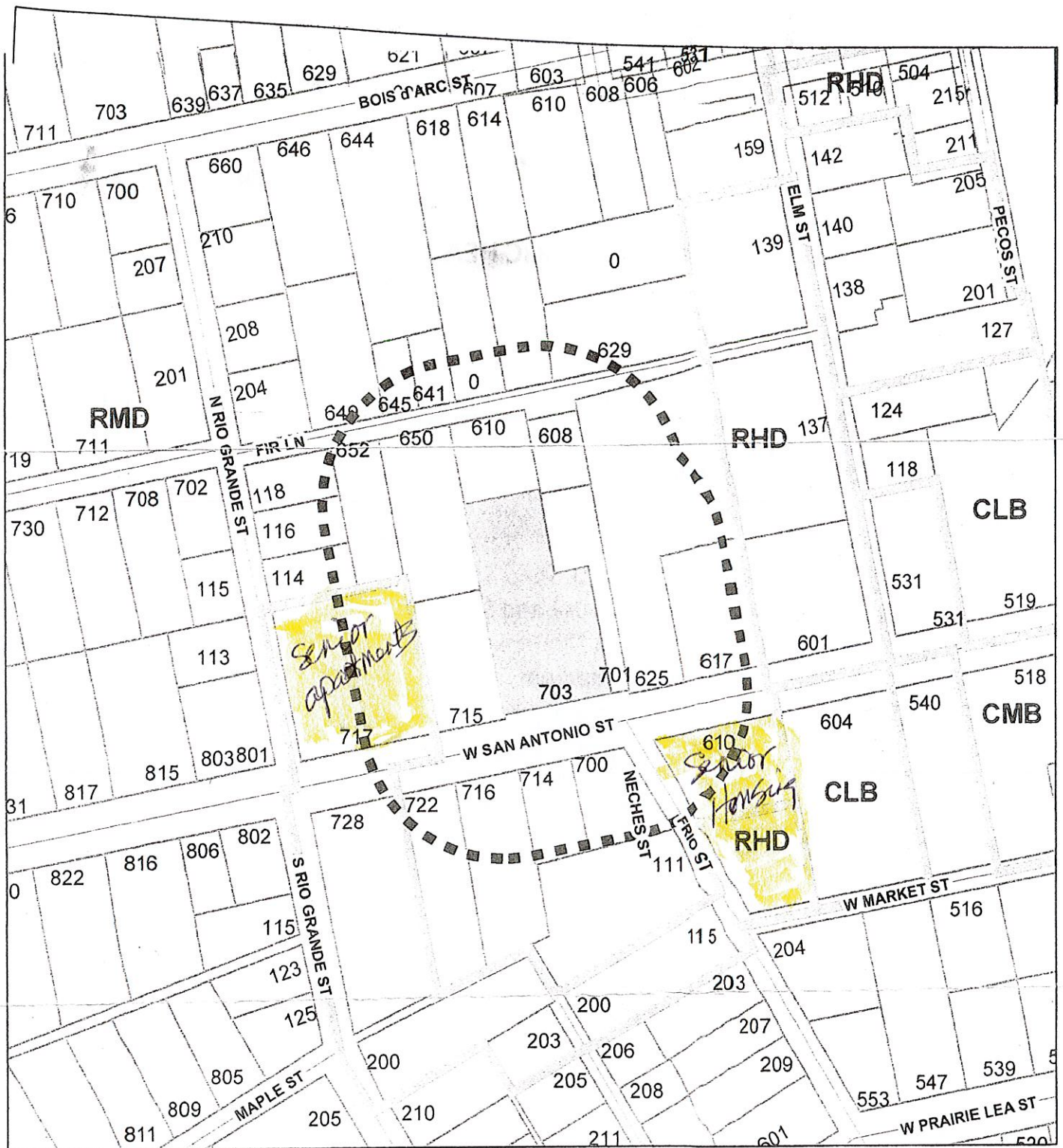
THENCE N 80 degrees 10 minutes 37 seconds E over and across the said 0.487 acre tract 71.95 feet to the place of beginning containing 1.386 acres of land more or less.



Hinkle Surveys, 2021



HINKLE SURVEYORS
P.O. Box 1027, 1108 S. Main Street, Lockhart, TX 78644
Ph: (512) 398-2000 Fax: (512) 398-7885 Email: jhinkle@hinklesurveyors.com
Survey Registration No. 130606-00



SUP-23-19

703 W SAN ANTONIO ST

**LODGING & BOARDING HOUSE
& SPECIAL EVENTS CENTER**



scale 1" = 200'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  200 FT. BUFFER

Special City Council/Planning and Zoning Commission Recap: December 13, 2022 12/16/2022

Special City Council/Planning and Zoning Commission Recap: December 13, 2022

TxDOT representatives and City Staff provided updates on State Highway projects and City utilities, planning, and capital improvements, respectively, in Tuesday night's joint City Council/Planning and Zoning Commission work session.

City Manager's Remarks: The City Manager addressed City Council, the Planning and Zoning Commission, and City Staff noting that the workshop will promote the City's goal to make intentional decisions on how and where Lockhart grows, along with which areas are protected and preserved—specifically referring to environmentally sensitive areas (flood plains, streams), historical preservation, etc. Growth is managed through policies and implementation in these areas:

- Land use decisions – new development proposals, zoning, and re-zoning applications.
- Facility and service access—service areas for water, sewer, and power utilities.
- Capital projects—City Council determines where new capital investments should be made for infrastructure and facilities, such as roads, sidewalks, etc.

TRANSPORTATION

TxDOT: TxDOT representatives, including the area engineer overseeing the Lockhart-Caldwell County area, presented average daily traffic counts on Lockhart's state roads and explained how Traffic Impact Analysis (TIA) can identify the effects of a new development on the operation of the adjacent state roadways and any remedies necessary to address these issues. TxDOT representatives highlighted upcoming projects:

- Short term:
 - Pavement repairs and overlay repairs on SH 142 from U.S. 183 – Borchert Loop (Dec. 2024)
 - Bridge replacement for Town Creek Bridge on Blanco St. (Jan. 2026)

- FM 20/FM 1322 traffic signal project (estimated 2026)
- Long term:
 - Feasibility study for SH 142 (not scheduled at this time)
- Discussion of Project Responsibilities:
 - Right of Way (ROW) – for a new roadway—typically a 10% match from the City or County.
 - Utilities – relocation of existing utilities in the existing ROW – non reimbursable; City responsibility
- **2045 CAMPO Regional Transportation Plan:** Every five years, metropolitan planning organizations are required by federal law to adopt a long-range transportation plan, commonly known as the Regional Transportation Plan (RTP). The CAMPO 2045 Transportation Plan was adopted May 4, 2020.

Highlights include:

- SH 142, from U.S. 183 to SH 80, is on the unconstrained list in the CAMPO 2045, which means that there is no funding at this time to work on this project.
- However, TxDOT officials partner with communities to make short-term improvements to alleviate bottlenecks on identified state road segments.
- Caldwell County projects included in the 2045 CAMPO Regional Transportation Plan:

County	Sponsor/ Co-Sponsor	Roadway/ Facility Name	Description	Limits From	Limits To
Caldwell	TxDOT	U.S. 183	Reconstruct existing 4-lane to 4-lane divided	U.S. 90	FM 20
Caldwell	TxDOT	SH 80	Widen from 2-lane undivided to 4-lane divided	SH 21	U.S. 183
Caldwell	TxDOT	SH 142	Widen from 2-lane undivided to 4-lane undivided	SH 80	SH 130
Caldwell	TxDOT	SH 142	Widen from 2-lane undivided to 4-lane with continuous left turn lane	SH 130	U.S. 183

- **Western Caldwell County Transportation Plan:**
 - **SH 142:** Proposed 4-lane rural divided roadway
 - **CR 238:** Proposed 4-lane rural divided roadway
- **FM 2720:** FM 2720 is under consideration for widening/improvements to a 4-lane divided highway with a continuous left turn lane and shoulders on both sides from SH 21 to approximately 500 feet south of Buda Court.

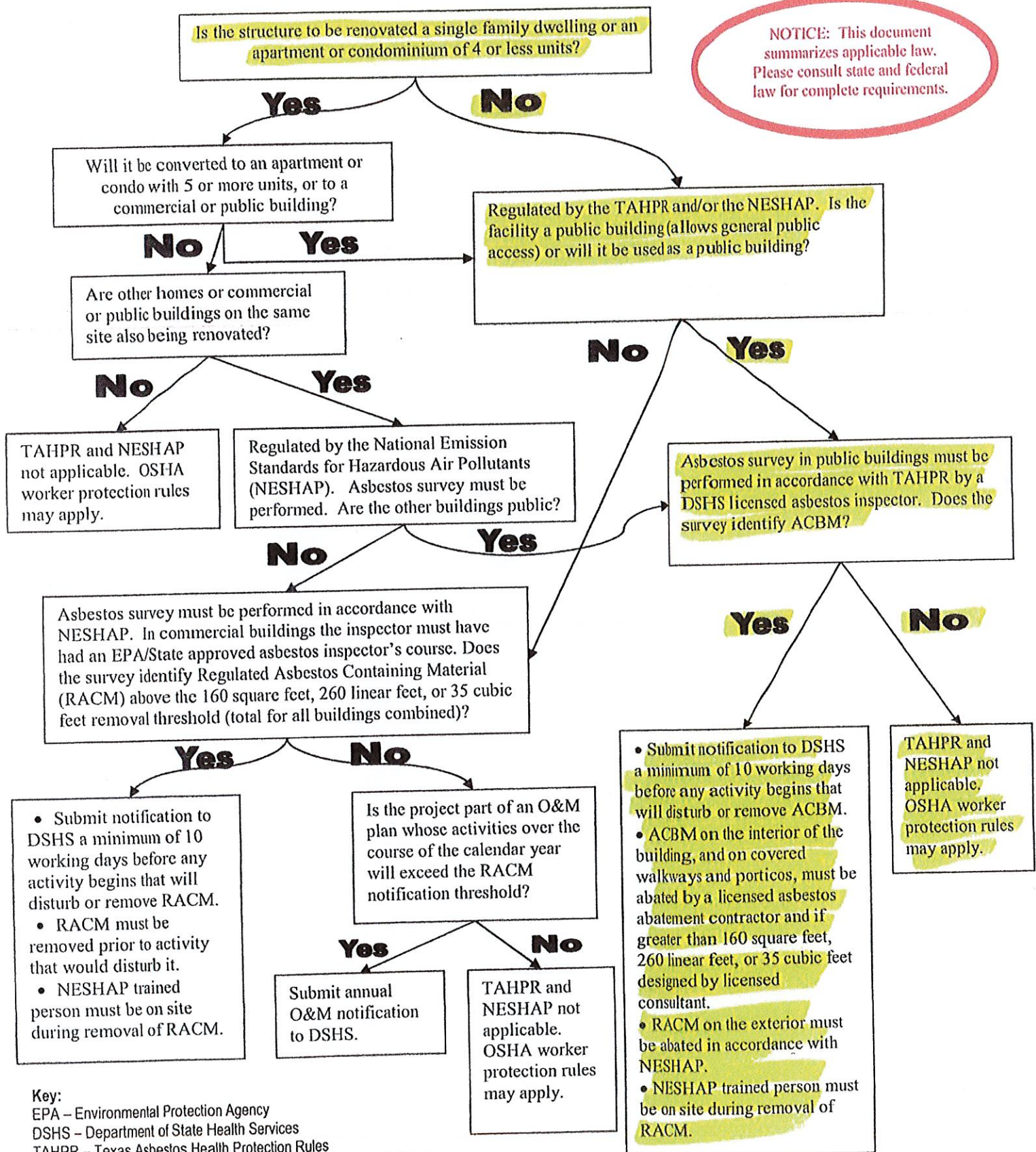


Texas Department of State Health Services Asbestos Survey and Notification Requirements for Renovation of Buildings Decision Tree Flowchart



Texas Department of State
Health Services

NOTICE: This document summarizes applicable law. Please consult state and federal law for complete requirements.



Key:
EPA – Environmental Protection Agency
DSHS – Department of State Health Services
TAHPR – Texas Asbestos Health Protection Rules
NESHAP – National Emission Standards for Hazardous Air Pollutants
OSHA – Occupational Health and Safety Administration
RACM – Regulated Asbestos Containing Material
ACBM – Asbestos Containing Building Materials

Spectrum

11:59 PM



VoyageAustin



the space. Somehow, my entire design team and I missed the fact that our restaurant was located in a National Historic District and what that meant. Long story short, it meant we had to throw the plans away that I had already paid for and come up with an entirely new set of plans. None of that was free. Fast forward to January of 2019. We had

Rainey
Street
"Burger's"
Restaurant

If You Purchased PORK PRODUCTS
for Personal Consumption
YOUR RIGHTS MAY BE AFFECTED

[Learn More](#)

VoyageAustin



forward to January of 2019. We had just completed a multi-million dollar expansion of the restaurant in December that took more than four years to complete (plenty of problems that could be discussed in that process). Suddenly four members of my leadership team, all of who had been with me an average of five years, either quit or were let go. That was a tough one to navigate! There are far too many to name them all but that should give

**If You Purchased PORK PRODUCTS
for Personal Consumption**

YOUR RIGHTS MAY BE AFFECTED

 
Learn More

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discussion and consideration of the 2023 Racial Profiling Report.

ORIGINATING DEPARTMENT AND CONTACT: Police - Gary Williamson

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: State law requires collection of information relating to motor vehicle stops in which a citation or warning is issued and for arrests made due to traffic stops. In addition, State law requires the following:

1. A comparative analysis of the information compiled;
2. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and person who are not recognized as racial or ethnic minorities;
3. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including searches resulting from stops within the applicable jurisdiction;
4. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered during those searches and whether the individual detained consented to the search;
5. Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency was engaged in racial profiling;
6. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual;
7. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
8. Location of the stops; and
9. The reason for the stops.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Motion to acknowledge receipt of the 2023 Racial Profiling Report and place it on file.

LIST OF SUPPORTING DOCUMENTS: 2023 Racial Profiling Report, Racial Profiling Law, LPD Bias-Based Profiling Policy, Racial Profiling Analysis Letter

Racial Profiling Report | Full

Agency Name: LOCKHART POLICE DEPARTMENT
Reporting Date: 01/29/2024
TCOLE Agency Number: 055201

Chief Administrator: GARY P. WILLIAMSON

Agency Contact Information:

Phone: (512) 398-4401

Email: gwilliamson@ps.lockhart-tx.org

Mailing Address:

214 BUFKIN LN

LOCKHART, TX 78644-4006

This Agency filed a full report

LOCKHART POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the LOCKHART POLICE DEPARTMENT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the LOCKHART POLICE DEPARTMENT if the individual believes that a peace officer employed by the LOCKHART POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the LOCKHART POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the LOCKHART POLICE DEPARTMENT policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The LOCKHART POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in

Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: DANIEL E. WILLIAMS
CAPTAIN

Date: 01/29/2024

Total stops: 3711

Street address or approximate location of the stop

City street	3467
US highway	186
County road	15
State highway	40
Private property or other	3

Was race or ethnicity known prior to stop?

Yes	4
No	3707

Race / Ethnicity

Alaska Native / American Indian	6
Asian / Pacific Islander	38
Black	341
White	1540
Hispanic / Latino	1786

Gender

Female	1330
Alaska Native / American Indian	1
Asian / Pacific Islander	10
Black	108
White	620
Hispanic / Latino	591
Male	2381
Alaska Native / American Indian	5
Asian / Pacific Islander	28
Black	233
White	920
Hispanic / Latino	1195

Reason for stop?

Violation of law	76
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	20

Hispanic / Latino	52
Preexisting knowledge	14
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2
Hispanic / Latino	11
Moving traffic violation	2098
Alaska Native / American Indian	4
Asian / Pacific Islander	26
Black	191
White	888
Hispanic / Latino	989
Vehicle traffic violation	1523
Alaska Native / American Indian	2
Asian / Pacific Islander	12
Black	145
White	630
Hispanic / Latino	734
Was a search conducted?	
Yes	187
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	26
White	37
Hispanic / Latino	124
No	3524
Alaska Native / American Indian	6
Asian / Pacific Islander	38
Black	315
White	1503
Hispanic / Latino	1662
Reason for Search?	
Consent	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1

Hispanic / Latino	3				
Contraband	5				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	2				
Hispanic / Latino	3				
Probable	157				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	25				
White	28				
Hispanic / Latino	104				
Inventory	16				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	1				
White	4				
Hispanic / Latino	11				
Incident to arrest	5				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	2				
Hispanic / Latino	3				
Was Contraband discovered?					
Yes	151				
		Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	0	Yes	0	No	0
Asian / Pacific Islander	0	Yes	0	No	0
Black	23	Yes	3	No	4
White	28	Yes	5	No	18
Hispanic / Latino	100	Yes	14	No	45
No	36				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	3				
White	24				
Hispanic / Latino	9				

Description of contraband	
Drugs	117
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	20
White	21
Hispanic / Latino	76
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Currency	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	1
Alcohol	60
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	6
White	9
Hispanic / Latino	45
Stolen property	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	2
Other	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	8
Result of the stop	
Verbal warning	548

Alaska Native / American Indian	1
Asian / Pacific Islander	7
Black	39
White	244
Hispanic / Latino	257
Written warning	2282
Alaska Native / American Indian	5
Asian / Pacific Islander	21
Black	236
White	972
Hispanic / Latino	1048
Citation	792
Alaska Native / American Indian	0
Asian / Pacific Islander	10
Black	59
White	301
Hispanic / Latino	422
Written warning and arrest	71
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	17
Hispanic / Latino	50
Citation and arrest	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	4
Hispanic / Latino	5
Arrest	8
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	2
Hispanic / Latino	4
Arrest based on	
Violation of Penal Code	73
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	4
White	19
Hispanic / Latino	50
Violation of Traffic Law	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	2
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	13
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	3
Hispanic / Latino	7

Was physical force resulting in bodily injury used during stop?

Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	3711
Alaska Native / American Indian	6
Asian / Pacific Islander	38
Black	341
White	1540
Hispanic / Latino	1786

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	☐
Use Department's submitted analysis	☒

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:
 - (A) the race or ethnicity of the individual detained; and
 - (B) whether a search was conducted and, if so, whether the person detained consented

to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

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policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or

ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

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during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

- (1) a comparative analysis of the information compiled under Article 2.133 to:
 - (A) determine the prevalence of racial profiling by peace officers employed by the agency; and
 - (B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and
- (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
- (e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.
- (f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

- (1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:
 - (A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and
 - (B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or
- (2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public

Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

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(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher

education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

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SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating

to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;

and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic

violation as defined by Chapter 522;

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(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [(7)] the date of conviction; and

(9) [(8)] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and

Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate Speaker of the House

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I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

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Modifications to the Original Law

(H.B. 3389)

Amend CS HB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle[traffic] stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [or] Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the

agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle [traffic] stops in which a citation is issued and to arrests made as a result of [resulting from] those [traffic] stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual [person] detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or

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municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [traffic] stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [traffic] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle [traffic] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [TRAFFIC AND PEDESTRIAN] STOPS. (a) In this article, "race[":

[(1) "Race] or ethnicity" has the meaning assigned by Article 2.132(a).

[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance [regulating traffic or who stops a pedestrian for any suspected offense] shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any [each] person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop [traffic law or ordinance alleged to have been violated or the suspected offense];

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description [the type] of the contraband or evidence [discovered];

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [existed and the facts supporting the existence of that probable cause];

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop[, including a description of the warning or a statement of the violation charged].

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections

(a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) [means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [local] law enforcement agency shall submit a report containing the incident-based data [information] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [in a manner approved by the agency].

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized

as racial or ethnic minorities [determine the prevalence of racial profiling by peace officers employed by the agency]; and

(B) examine the disposition of motor vehicle [traffic and pedestrian] stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [traffic or pedestrian] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

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(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to

make motor vehicle [traffic and pedestrian] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [traffic and pedestrian] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [traffic and pedestrian] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [traffic and pedestrian] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [traffic or pedestrian] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based
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data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and
(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;
(2) the person receives community supervision, including deferred adjudication; or
(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and
(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal

treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT:

CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

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(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [\$5]; [and]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as

reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [\$5]; [and]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

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(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;

(7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; [and]

(8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and

(9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; [and]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed

\$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW

ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

(1) this chapter;

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(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An

offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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Racial and Ethnic Designations

(H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [, Native American, or Middle Eastern descent].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [, or Native American descent].

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following
vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

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The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability

[mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision 51

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a

reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b)

or elects to use the results of a previous determination as described by Subsection (a)(2), the trial

court may, as applicable:

- (1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;
- (2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

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or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

- (3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

- (2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

- (1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
- (2) it is reasonable to divert the person;
- (3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY

COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

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(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

- (1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;
- (2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and
- (3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

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otherwise if the:

- (1) defendant is not charged with and has not been previously convicted of a violent

offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,], at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

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(a) The commission shall:

- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
- (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
- (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
- (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
- (5) revise, amend, or change rules and procedures if necessary;
- (6) provide to local government officials consultation on and technical assistance for county jails;
- (7) review and comment on plans for the construction and major modification or renovation of county jails;
- (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
- (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission

orders, and rules

and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules,

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standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including

rules and procedures that require a county jail to:

- (A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;
- (B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and
- (C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read 57

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

- (1) appropriations of money to the fund by the legislature; and
- (2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a

grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;
- (4) a serious bodily injury, as that term is defined by Section 1.07, Penal Code;
- (5) an assault;
- (6) an escape;
- (7) a sexual assault; and
- (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other
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than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection (a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

- (1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and
- (2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

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section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read 60

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to

the search; [and]

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection

(b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance

shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

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and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

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available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal
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Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and

(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

President of the
Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

	LOCKHART POLICE DEPARTMENT	
	Policy 328 Bias-Based Profiling	
	Effective Date: January 1, 2020	Revision Date: November 1, 2023
	Approved: Gary Williamson, Chief of Police	
	Pages 3	

328 Policy Manual

Bias-Based Profiling

328.1 PURPOSE AND SCOPE

The Lockhart Police Department strives to provide law enforcement services to our diverse community with due regard to the racial, cultural or other inherent differences of those we serve. It shall be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group. Race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be utilized as the basis for providing differing levels of law enforcement service or the enforcement of the law.

328.2 DEFINITION

Bias-Based Profiling - Any pattern or practice that includes, but is not limited to, stopping, detaining, frisking, or searching of subjects by police officers based on an individual's race, ethnicity, nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial Profiling - Bias-based profiling specifically dealing with initiating a law enforcement action based on an individual's race, ethnicity or nationality. (Tex. Code of Crim. Pro. art. 3.05, and 2.132(b) (1)).

328.3 POLICY

Police action must be based upon credible information known to the officer, which leads them to believe that an individual is, has been, or is about to be engaged in activity that is in violation of the law. Any other motivation for such actions is strictly prohibited.

- A. The practice of bias-based profiling shall not be tolerated by the Department.
- B. Officers shall ensure that the stopping, detaining, frisking, and/or searching of residents is based upon solid legal principles that conform to their training in arrest, search, and seizure.
- C. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., subject description is limited to a specific race or group).

328.4 TRAINING

All sworn members of this department will complete all Texas Commission on Law Enforcement (TCOLE) mandated training on the subject of bias-based profiling. All sworn employees are required to receive anti-bias training yearly.

328.5 COMPLIANCE

The Lockhart Police Department will investigate all complaints involving bias-based profiling by any employee as outlined in Policy 902 ([Administrative Investigation Procedures](#)).

328.5.1 DISCIPLINARY ACTION

Officers are not subject to disciplinary action based solely on the statistical data collected as a result of this policy. It is the motivating action(s) and/or inaction(s) of officers that will constitute the basis of any internal disciplinary action.

328.6 REQUIRED DOCUMENTATION

The Lockhart Police Department profoundly rejects the practice of bias-based profiling and attempts to accurately document officer-initiated contacts with the public. Documentation requirements are located in Policy 402 ([Incident Reporting and Documentation](#)).

3.29 ANNUAL REPORT

The Chief of Police shall submit an annual report as required by Tex. Code of Crim. Pro. § 2.132(b) to TCOLE and each governing body served by this agency. Further, unless exempt under Tex. Code of Crim. Pro. art. 2.135, each year prior to March 1, the Chief of Police shall provide to TCOLE and to each governing body served by this agency a report containing an analysis of the information required by Tex. Code of Crim. Pro. art. 2.133 (Tex. Code of Crim. Pro. art. 2.134(b)).



LOCKHART POLICE DEPARTMENT

214 Bufkin Lane
Lockhart, Texas 78644
Phone: 512-398-4401
Fax: 512-398-3393
police@ps.lockhart-tx.org

Gary P. Williamson
Chief of Police

February 14, 2024

Mayor and City Council,

Since 2001, Texas law has required police agencies to gather and report certain statistical data relating to Traffic Contact Reporting, also known as the Racial Profiling Report. This must be done prior to March 1st of each year. By law, this data is to be provided to the City Council and filed with the Texas Commission on Law Enforcement (TCOLE). There is no action to be taken on your part.

The law requires that we document how many motor-vehicle stops resulted in a warning, a citation, or an arrest. Of those stops, we must also track the number of searches that occurred and whether the search was with consent or as the result of probable cause. The law further requires that officers receive training about Racial Profiling / Bias Based Policing and that the Department provide information on how to file a complaint of this nature against a police officer. The Racial Profiling Report for 2023 shows that the Lockhart Police Department has complied with all these requirements, as we have continuously done since the law was enacted.

During the analysis of this report, it became apparent that Lockhart Police Officers do not appear to be engaging in bias-based policing. During 2023 calendar year, LPD conducted a total of 3,711 traffic stops. Of those, there were only four stops in which the officer knew the race or ethnicity of the driver prior to making the traffic stop. That is slightly over 1/10th of a percent. The data reveals that the demographics of individuals stopped was statistically consistent with the demographics of our community. For instance, the US Census Bureau estimates that 54.2% of our population is considered Hispanic compared to LPD traffic stop data that reveals 48.13% of traffic stops were of Hispanic/ Latino drivers. For Black drivers, the population estimates are 5.1% and a traffic stop rate of 9.19%.

Additionally, out of 3,711 stops, only 187 resulted in searches developed from probable cause, violator consent, and other legal methods. 80.75% of those searches (151 out of 187) revealed contraband such as drugs, alcohol, stolen property, etc. Analysis of this data tells me that officers are very familiar with the Fourth Amendment and are not, as a matter of course, involved in unreasonable searches and seizures.

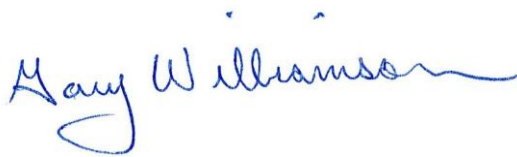
Other information that can be extrapolated from the data is that individuals stopped by Lockhart Police are much more likely to receive a warning rather than a citation. In 2023, warnings were given in 76.26% of the traffic stops. This is important to note for those who erroneously might claim our community as a "speed trap" or some other baseless claim. This demonstrates that LPD officers embrace the view that traffic enforcement

is to educate the public and gain voluntary compliance with the law. If, during a traffic stop, an officer is convinced that a warning is sufficient to gain that compliance, their job can be completed without summoning the violator to court. Our analysis of this data easily shows that our officers are using discretion and that employees do not view traffic stops as a direct or indirect revenue source from the motoring public.

Another important piece of information to glean is that officers are not using unreasonable force in these situations. Of the 3,711 traffic stops, no stops resulted in bodily injury from the use of physical force. Additionally, there were zero complaints received against employees for alleged racial profiling violations.

This 2023 Annual Racial Profiling Report contains copies of the law, our internal policies, and statistical data for motor vehicle contacts in Lockhart. This report has been submitted to, and accepted by, the Texas Commission on Law Enforcement (TCOLE) as required by statute. Again, no action is required on your part.

Respectfully,

A handwritten signature in blue ink that reads "May Williamson". The signature is fluid and cursive, with a large, stylized "M" and a long, sweeping underline.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discussion and/or action to consider contract with Lower Colorado River Authority (LCRA) for electric substation inspection, maintenance, and testing.

ORIGINATING DEPARTMENT AND CONTACT: Electric - Bobby Leos

ACTION REQUESTED: Award of Contract

BACKGROUND/SUMMARY/DISCUSSION: The current contract with LCRA is set to expire March 1, 2024. The contract permits LCRA to provide maintenance, testing and inspections at the FM20 and Clearfork Electric Substations. LCRA will conduct visual inspections of the electric lines and other components, in addition to maintenance of the equipment. Monthly tests of the breakers are conducted to assure that they are operating properly. If extensive repairs are required, LCRA will do the repairs for an additional cost. The cost for service in the proposed agreement is \$9,165 annually, or \$45,823 total over the 5-year agreement.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$9,165.00

Account Number: 500-5799-298

Funds Available: Yes

Account Name: Wholesale Power Purchase

FISCAL NOTE (if applicable): The Substation Inspection, Maintenance, and Testing service is billed as a fixed rate component of the City's monthly wholesale power invoice. The current annual rate is \$5,320. The proposed new agreement will increase the annual rate to \$9,165. The rate increase is due to an LCRA internal review of the program requiring the new rate to cover the administrative and field work costs and an inflationary adjustment.

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval of the contract with LCRA.

LIST OF SUPPORTING DOCUMENTS: Lockhart Substation Maintenance and Testing 2024-2029

PROJECT PROPOSAL					
LCRA Transmission Strategic Services CUSTOMER SERVICES CONTRACT Form CSC revised 06/22/2020	CUSTOMER: City of Lockhart P.O. Box 239 Lockhart, TX 78644 Attn: Steven Lewis				
<table style="width: 100%;"> <tr> <td style="width: 70%;">PROJECT:</td> <td style="width: 30%; text-align: right;">DATE SUBMITTED</td> </tr> <tr> <td>Lockhart - Substation Inspection, Maintenance and Testing 2024-2029</td> <td style="text-align: right;">February 1, 2024</td> </tr> </table>		PROJECT:	DATE SUBMITTED	Lockhart - Substation Inspection, Maintenance and Testing 2024-2029	February 1, 2024
PROJECT:	DATE SUBMITTED				
Lockhart - Substation Inspection, Maintenance and Testing 2024-2029	February 1, 2024				
SCOPE OF SERVICES: LCRA will perform substation maintainance for the City. Scope of Services and Pricing Sheet Attached. Price will increase in Year 1, Year 2 and Year 3 and then maintain for Years 4 and 5. Monthly amount added to Power Bill. Pricing as follows: Year 1: March 1, 2024 - February 28, 2025 = \$ 575.45 per month Year 2: March 1, 2025 - February 28, 2026 = \$ 708.11 per month Year 3: March 1, 2026 - February 28, 2027 = \$ 845.00 per month Year 4: March 1, 2027 - February 29, 2028 = \$ 845.00 per month Year 5: March 1, 2028 - February 28, 2029 = \$ 845.00 per month					
PROJECT SCHEDULE: Start: Effective Date: March 1, 2024 Complete: Completion Date: February 28 2029	LCRA CONTACT Bill Jerram bill.jerram@lcra.org 512-940-6713 Lower Colorado River Authority 3700 Lake Austin Blvd. Austin, TX 78767-0220 Attn: Transmission Strategic Services				
CONTRACT TYPE & ESTIMATED COST: <table style="width: 100%;"> <tr> <td style="width: 50%;"> Contract Type: Independent Contract </td> <td style="width: 50%;"> Billing Method: Fixed Price </td> </tr> </table> Total Cost: \$45,822.66 Reference Contract: (Please note that if this is an independent contract, terms and conditions should be attached.)		Contract Type: Independent Contract	Billing Method: Fixed Price		
Contract Type: Independent Contract	Billing Method: Fixed Price				
<i>Customer and the Lower Colorado River Authority agree that the work described above shall be performed in accordance with the terms and conditions in this contract. This proposal is valid for 60 days after submittal.</i>					
Parties: <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> City of Lockhart By: _____ Printed Name _____ Title: _____ Date: _____ </td> <td style="width: 50%; vertical-align: top;"> Lower Colorado River Authority By: _____ Printed Name Sam Woolard Title: VP, Transmission Field Service _____ </td> </tr> </table>		City of Lockhart By: _____ Printed Name _____ Title: _____ Date: _____	Lower Colorado River Authority By: _____ Printed Name Sam Woolard Title: VP, Transmission Field Service _____		
City of Lockhart By: _____ Printed Name _____ Title: _____ Date: _____	Lower Colorado River Authority By: _____ Printed Name Sam Woolard Title: VP, Transmission Field Service _____				
OFFICE USE ONLY Job Description: <u>Lockhart - Substation Inspection, Maintenance and Testing 2024-2029</u> Project ID: _____ Work Order: _____ Contract Owner: <u>Bill Jerram</u> Contract Coordinator: <u>Catherine Hempfling</u>					

LOCKHART 5-Year Substation Inspection Maintenance and Testing
EXHIBIT A

Monthly Visual Inspection (11 per year)											
				AMOUNT	Adj Year 1	Adj Year 2	Year 3	Year 4	Year 5		
LOCKHART - (1 each month - total of 11 checks per year for 5 years)				\$9,941.80	\$ 1,498.20	\$ 1,843.60	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	Annual	
CLEAR FORK - (1 each month - total of 11 checks per year for 5 years)				\$4,970.90	\$ 749.10	\$ 921.80	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	Annual	
				\$14,912.70							
Visual Inspection and Trip and Close Breaker on an Annual Basis (1 per year)											
				AMOUNT							
LOCKHART - 4 breakers - once per year for 5 years				\$9,038.00	\$ 1,362.00	\$ 1,676.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	Annual	
CLEAR FORK - 2 breakers - once per year for 5 years				\$4,519.00	\$ 681.00	\$ 838.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	Annual	
				\$13,557.00							
Internal/External Inspection - 1 time over 5 years (includes relay testing)											
				AMOUNT							
LOCKHART - 2 breakers per day - 4 breakers total				\$11,568.64	\$ 1,743.36	\$ 2,145.28	\$ 2,560.00	\$ 2,560.00	\$ 2,560.00	Annual	
CLEAR FORK - 2 breakers per day - 2 breakers total				\$5,784.32	\$ 871.68	\$ 1,072.64	\$ 1,280.00	\$ 1,280.00	\$ 1,280.00	Annual	
				\$17,352.96							
Total # of Breakers	Site 1	4		5-Year TOTAL	\$45,822.66	\$ 6,905.34	\$ 8,497.32	\$ 10,140.00	\$ 10,140.00	\$ 10,140.00	Annual
	Site 2	2			MONTHLY:	\$ 575.45	\$ 708.11	\$ 845.00	\$ 845.00	\$ 845.00	
Monthly Visual Inspection	\$	50.00				Year 1: March 1, 2024 - February 28, 2025	\$	575.45	per month		
Visual Inspection Trip/Close	\$	500.00				Year 2: March 1, 2025 - February 28, 2026	\$	708.11	per month		
Int/Ext Inspection	\$	3,200.00				Year 3: March 1, 2026 - February 28, 2027	\$	845.00	per month		
						Year 4: March 1, 2027 - February 29, 2028	\$	845.00	per month		
						Year 5: March 1, 2028 - February 28, 2029	\$	845.00	per month		

Distribution Breaker Maintenance Scope of Work

This agreement shall cover, Per Distribution Breaker: See attached spreadsheet for details.

1. A monthly visual inspection.
2. A Yearly trip/close check.
3. One internal/external/relay test/inspection every 5 years.

Circuit Breaker Maintenance – Distribution

- Clean components of lift rods/cross-arms, check for wear, damage, looseness and check alignment
- Inspect bushing CT's for damage and loose wiring
- Inspect gaskets
- Perform leak test
- Verify ground connections
- Inspect bushings for damage and clean
- Filter oil
- Tighten high voltage line/load connections
- Hi-pot vacuum bottle
- Measure contact resistance

Relay Circuit Breaker - Distribution

Relay Calibration, including UFLS relays.

- For verification of relay settings the customer must provide the settings unless LCRA TSC Systems Protection has previously provided
- Verify operational settings according to latest transmission system requirements
- Verify relay case grounding
- Verify indication lights
- For non-digital relays test and calibrate if necessary
- Verify proper operation and pickup of trip indications
- Verify timers for correct settings
- Verify correct operations of alarms to SOCC/annunciator
- Verify control, CT, and PT wiring connections on relays and terminal blocks are tight
- Verify the A/D converters, if included, within the relay by testing or comparing values against other devices
- Verify operations of all relay inputs and outputs essential to proper function not covered above
- For instrument transformers verify presence, rotation and direction/polarity of all voltage and current inputs and compare to another instrument transformer on the same circuit
- Verify sync check voltage for applicable automatic reclosing schemes
- For auxiliary equipment check AC and DC voltage inputs to all relays, carrier and aux equipment
- Function test/Trip check
- Verify correct operation of all switching devices under relay control
- Verify proper operation of all relay panel trip/control circuits
- Verify electrical operation of electromechanical lockout
- Verify the pressure or flow sensing mechanism is operable in sudden pressure tripping relays

LCRA SUBSTATION SERVICES

Scope of Services

This Contract shall cover substation services for assets listed in Exhibit A for substation equipment and facilities owned by Customer. All inspections shall be performed in accordance with the Standards for Inspection and Maintenance of LCRA Transmission Services Corporation Equipment and Facilities or the manufacturer's service manual, unless otherwise requested in writing by the Customer. LCRA shall provide copies of all applicable reports to the Customer after work completion. All services will be invoiced after the work is performed. All pricing is based on the attached Schedule (Exhibit A).

Additional maintenance on assets not included in Exhibit A must be requested in writing (email is sufficient) or added as an amendment to this agreement. LCRA Transmission Substation Maintenance personnel may also be available for corrective maintenance and/or emergency repair work depending on availability and LCRA Agreement. This work will be charged at Customer Service prevailing rates. These services will be invoiced each time they are required after the work is performed.

LCRA will perform tests and report findings, following the guidelines of standard testing and best practices.

If applicable, Customer shall remain solely responsible for all liabilities and obligations related to the Bulk Electric System ("BES") protection elements, including any regulatory requirements associated with such elements or any fines or penalties resulting therefrom. Notwithstanding anything to the contrary in this Contract, including the Interlocal, LCRA makes no representations or warranties, express or implied, as to the completeness or accuracy of the BES protection elements test reports or their suitability for a particular purpose, and LCRA will not be liable for errors or omissions in, or delays in providing, the BES protection elements test reports.

Either party may terminate this Contract by giving ninety (90) days advance written notice, which shall include an effective date for termination of the Agreement. Written notice shall be provided by email or mail.

CUSTOMER SERVICES CONTRACT

1. Agreement. This Customer Services Contract, including these terms and conditions, the Project Proposal, and any other documents attached hereto (collectively, the “Contract”), contains the entire agreement and understanding between LCRA and Customer with respect to the subject matter of this Contract and supersedes any and all prior or contemporaneous oral and written agreements and understandings regarding the defined scope of services. Additional terms and conditions on Customer’s forms (including those accompanying any purchase order, invoice or payment) are a material alteration of this Contract and are rejected and null and void unless expressly agreed to by LCRA in writing. In the case of any conflicts between the terms of this Contract and the terms of any applicable Customer form, the terms of this Contract will control.
2. Services. LCRA will perform services for the Customer as detailed in the Scope of Services section of the Project Proposal (“Services”). Customer will review and respond as appropriate to all reports, studies, recommendations, requests and other submissions of LCRA so as not to delay the performance of the Services.
3. Notices. Correspondence, notices and invoices will be in writing and mailed or delivered to the other party as identified in the Customer and LCRA Contact sections of the Project Proposal, or at such other address as a party may from time to time designate in writing. All notices, correspondence or invoices will be effective upon receipt.
4. Changes Orders. Changes in the scope of the Services may only be made by written agreement of the Customer and LCRA. Verbal changes will not be given or accepted, except in cases of emergencies which pose a risk of personal injury or property damage, and such changes will be followed up with a written confirmation as soon as practicable.
5. Term; Termination. This Contract will commence on the date of the last signature by the parties (“Effective Date”) and will govern LCRA’s performance of the Services. Either party may terminate this Contract for its convenience at any time by providing written notice to the other party. In the event of such termination, Customer will pay LCRA for all Services performed up to the date of termination, plus (in the case of termination by Customer) any cancellation charges or other termination expenses as may be reasonably identified by LCRA.
6. Costs; Invoicing. As compensation for the Services, Customer will pay LCRA in accordance with one of the following, as identified in the Price section of the Project Proposal:
 - (a) All (i) direct costs incurred by LCRA in performing the Services, including, (1) costs for materials and supplies, (2) labor costs, including salary and benefits, paid to LCRA employees, (3) travel, meal and lodging expenses reimbursed or paid on behalf of LCRA employees within established LCRA expense guidelines, and (4) any third party costs, plus (ii) indirect costs that LCRA normally applies to Services of this nature, including general and administrative costs and other internal expenses and contributions; or
 - (b) A fixed price. Any changes to the scope of the Services may require an increase in the fixed price. Such change to the scope and the correlating fixed price will be agreed to in writing by the parties.
- LCRA may invoice Customer for progress payments for the Services completed to date during the term of this Contract. All payments by Customer under this Contract will be due and payable within 30 days after receipt of invoice. If payment is not timely made, interest will accrue on the unpaid balance at the lesser of the maximum lawful rate, or one percent per month, from the due date until paid.
7. Warranty; Disclaimer.
 - (a) During the term of this Contract, and for a period of 30 days after completion of the Services, LCRA will correct or re-perform any Services not conforming to the requirements of this Contract. Upon completion of the Services, LCRA will assign to Customer all contractor, manufacturer and supplier warranties related to the Services, to the extent LCRA has the right to do so. After such assignment, LCRA will have no continuing obligations to Customer with respect to the good or service to which the warranty applies, and Customer will look solely to the applicable contractor, manufacturer or supplier for relief regarding any claims or remedies, whether based on a warranty or otherwise.
 - (b) Any law, code or standard referenced in this Contract will refer to the version of such law, code or standard in effect as of the Effective Date.
 - (c) **THE WARRANTIES CONTAINED IN THIS SECTION 7 ARE EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR GOOD AND WORKMANLIKE PERFORMANCE, AND LCRA’S OBLIGATION UNDER SECTION 7(A) IS CUSTOMER’S SOLE AND EXCLUSIVE REMEDY FOR ANY BREACH OR LIABILITY OF LCRA ARISING UNDER THIS CONTRACT.**
8. Environmental Conditions. Prior to LCRA starting any Services on-site, Customer will provide documentation that identifies the presence and condition of any hazardous materials or environmental conditions existing in or about Customer’s equipment or the site that LCRA may encounter while performing the Services, and will keep LCRA informed of changes in any such conditions. If LCRA encounters hazardous materials in Customer’s equipment or on-site, LCRA is not obligated to perform any Services affected by the hazardous conditions. Customer will indemnify and hold LCRA, its affiliates and their respective directors and employees, harmless for any and all claims, damages, losses, and expenses arising out of or relating to any hazardous materials which are or were (i) present in or about Customer’s equipment or the site prior to the commencement of LCRA’s work, (ii) improperly handled or disposed of by Customer or Customer’s employees, agents, contractors or subcontractors, or (iii) brought, generated, produced or released on-site by parties other than LCRA.
9. Schedule. Unless otherwise expressly stated in the Contract documents, time is **not** of the essence and LCRA will not be liable to Customer for any damages arising out of LCRA’s delay in providing the Services, including any failure to meet schedules contained in this Contract.
10. Force Majeure. Neither party will be responsible or liable for any delay or failure in its performance under this Contract to the extent such delay or failure is caused by conditions or events of Force Majeure. The term “Force Majeure” means causes or

CUSTOMER SERVICES CONTRACT

events beyond the reasonable control of, and without the fault or negligence of the party claiming Force Majeure, including (to the extent satisfying the foregoing requirements) (i) acts of God or sudden actions of the elements such as floods, earthquakes, hurricanes, tornadoes, ice storms, or wildfires; (ii) terrorism; war; riots; blockades; insurrection; strike at a regional level; labor disruption at a regional level (even if such difficulties could be resolved by conceding to the demands of a labor group); (iii) any action by a governmental or regulatory entity, including ERCOT or the PUCT; and (iv) pandemic, including the current Coronavirus Disease 2019 outbreak.

11. **LIMITATION OF LIABILITY.** **THE TOTAL LIABILITY OF LCRA ARISING OUT OF THIS CONTRACT AND THE SERVICES WILL NOT EXCEED AN AMOUNT EQUAL TO THE FEES PAID TO LCRA UNDER THIS CONTRACT, AND LCRA WILL NOT BE LIABLE FOR INDIRECT, PUNITIVE, INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS. IN NO EVENT WILL ANY OFFICER, DIRECTOR, EMPLOYEE OR AFFILIATE (OR AFFILIATE'S OFFICER, DIRECTOR OR EMPLOYEE) OF LCRA BE LIABLE TO CUSTOMER UNDER THIS CONTRACT, AND CUSTOMER'S SOLE RECOURSE UNDER THIS CONTRACT WILL BE AGAINST LCRA AND NOT AGAINST SUCH OTHER PERSONS. THE LIMITATIONS ON LIABILITY AND REMEDIES IN THIS PARAGRAPH WILL APPLY REGARDLESS OF WHETHER THE LIABILITY OR CAUSE OF ACTION ARISES IN CONTRACT, WARRANTY, INDEMNITY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE. NOTHING IN THIS CONTRACT WILL BE CONSTRUED TO WAIVE LCRA'S GOVERNMENTAL IMMUNITY.**

12. **Amendment.** This Contract may only be amended or modified through written agreement of the parties signed by an authorized representative of LCRA and by an authorized representative of the Customer.

13. **Assignment.** This Contract will be binding upon and inure to the benefit of the parties and their respective successors and assigns; provided, however, that neither party may assign this Contract, in whole or part, without the prior written consent of the other party.

14. **Non-Waiver.** No failure or delay on the part of a party to exercise any right or remedy will operate as a waiver of such right or remedy, nor will any single or partial exercise of any right or remedy preclude any further or other exercise of any such right or remedy.

15. **Partial Invalidity.** If any section or part of this Contract is declared invalid by any court of competent jurisdiction, the court's decree will not affect the remainder of this Contract, and the remainder of this Contract will remain in full force and effect with the deletion of the part declared invalid.

16. **Choice of Law; Venue; Waiver of Jury Trial.** This Contract will be governed by and construed in accordance with the laws of the State of Texas, without regard to conflict of law principles. Each party irrevocably consents and agrees that any legal action or proceeding arising out of this Contract will be brought exclusively in a court of competent jurisdiction in Travis County, Texas. LCRA AND CUSTOMER IRREVOCABLY WAIVE ALL RIGHT OF TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM ARISING OUT OF OR IN CONNECTION WITH THIS CONTRACT.

17. **Ownership.** Intellectual property and rights to intellectual property owned by any party on the Effective Date will remain the property of that party. All deliverables, including plans, drawings, designs, specifications, computer programs or applications photographs, studies, data, schedules, test readings, technical reports, and calculations developed or utilized by LCRA or its subcontractors which are developed and specified to be delivered under this Contract and which are paid for by Customer are the property of Customer, but subject to LCRA's intellectual property rights. Customer recognizes that no deliverables will be suitable for reuse at any Customer facility or in connection with any project other than that for which the deliverable was prepared. LCRA DISCLAIMS LIABILITY FOR ANY REUSE OF THE DELIVERABLES ON ANY OTHER FACILITY OR PROJECT THAT IS DONE WITHOUT THE EXPLICIT, WRITTEN APPROVAL OF LCRA.

18. **Confidentiality.** "Confidential Information" means information marked or otherwise designated as "confidential" by a party. Confidential Information may only be used by the parties for purposes related to the performance of this Contract, and each party agrees not to disclose Confidential Information of the other party to any other person (other than its affiliates, and the party's and affiliate's respective employees and directors, or to contractors who agree to be bound by the provisions of this Section), provided that either party may disclose Confidential Information if and to the extent such disclosure is required by law (including the Texas Public Information Act). In the event a party is requested under law to disclose Confidential Information, such party will to the extent possible notify the other party within three business days of such request.

19. **Municipally Owned Utilities.** If Customer is a municipally owned utility, the following additional terms will apply:

- (a) This Contract is entered into under the authority of Chapter 791 of the Texas Government Code;
- (b) Customer pledges the revenues of its electric utility system to pay its obligations under this Contract. In addition, the amounts payable by Customer to LCRA under this Contract are operation and maintenance expenses as contemplated by Section 1502.056 of the Texas Government Code and, as a result, are a first lien against the revenues of Customer to secure the Customer's payment obligations to LCRA hereunder. Customer agrees that it will not request Services for which funds have not been appropriated and are not available.
- (c) Payments made under this Contract (1) are based on cost recovery, (2) will fairly compensate LCRA for the Services, and (3) will be made from current revenues available to Customer.

20. **Survival.** Termination or expiration of this Contract will not relieve, reduce, or impair any rights or obligations of a party which expressly or by implication survive termination or expiration of this Contract. Without limiting the generality of the foregoing, the following sections will survive the termination or expiration of this Contract: Costs; Invoicing, Warranty; Disclaimer, Environmental Conditions, Schedule, Limitation of Liability, Choice of Law; Venue; Waiver of Jury Trial, Ownership, Confidentiality, and Municipally Owned Utilities.



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discussion and/or action to consider Resolution 2024-07 Authorizing Expenditures for Temporary Shelter during extreme weather events and providing a standard Shelter and Care Agreement.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Joseph Resendez, Randy Jenkins

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: A local church opened as a voluntary warming shelter during the recent extreme winter weather experienced the weekend of January 13th, 2024. An informal request for reimbursement for incremental costs incurred for operating as a temporary shelter was requested.

The City's adopted Emergency Management Plan recognizes the need for temporary shelter where "the primary objective is to provide protection from the weather, comfortable seating, and access to restrooms," and identifies "churches are also frequently used as shelters."

Providing financial assistance to defray the incremental costs of **voluntarily** operating as a temporary shelter and adopting a template Shelter and Care Agreement will facilitate the effective implementation of shelters during future extreme weather events.

Eligible costs include, but are not limited to, utility expenses (water, wastewater, electricity, and natural gas), and the provision of food, water, and blankets.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): If approved, a budget adjustment of \$1,000 would be allocated to a new line item in the FYE 2024 Mayor/Council adopted department budget for Emergency Management Expenses.

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval of the proposed resolution.

LIST OF SUPPORTING DOCUMENTS: Resolution 2024-07 - Authorizing Expenditures for Temporary Shelter

RESOLUTION 2024-07

A RESOLUTION OF THE CITY OF LOCKHART, TEXAS AUTHORIZING THE EXPENDITURE OF FUNDS TO DEFRAY INCREMENTAL COSTS INCURRED BY CHURCHES FOR VOLUNTARILY OPERATING AS A TEMPORARY SHELTER DURING EXTREME WEATHER CONDITIONS

WHEREAS, the City of Lockhart's ("City") Emergency Management Plan calls for the need to set up temporary warming and cooling shelters during extreme weather conditions;

WHEREAS, the City finds these temporary shelters necessary to protect the public health and safety of its residents;

WHEREAS, local area churches ("churches") operate facilities sufficient to function as temporary shelters during extreme weather conditions;

WHEREAS, churches have operated as temporary shelters during extreme weather conditions in the past to carry out the functions in the Emergency Management Plan;

WHEREAS, churches have incurred certain costs and expenses during extreme weather conditions to operate a temporary shelter pursuant to the Emergency Management Plan;

WHEREAS, the City finds it reasonable and necessary to defray some of the costs and expenses associated with functioning as a temporary shelter when carrying out the purpose of the Emergency Management Plan;

WHEREAS, pursuant to Lockhart Code of Ordinances Chapter 16-10, approval by the City Council is required for the expenditure of funds in carrying out an emergency management activity;

WHEREAS, the amount in expenditure does not trigger any procurement, notice, or bidding requirements under the laws of the State of Texas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, THAT:

1. The City of Lockhart, acting through its government body, hereby approves the expenditure of funds up to \$1,000 to reimburse churches that have voluntarily operated temporary shelters at the request of the Emergency Management Director or appointed Coordinator during extreme weather conditions for the incremental costs and expenses associated directly with the operation of the temporary shelter. Such costs and expenses shall not include those associated with the normal operation and function of churches that they would incur outside of acting as a temporary shelter. Eligible costs include, but are not limited to, utility expenses (water, wastewater, electric, and natural gas), the provision of food, water, and blankets.
2. At times when the City experiences an emergency weather condition, the City may agree to permit churches to function as temporary shelters pursuant to the Emergency Management Plan.
3. The City may reimburse churches for the certain amounts associated with functioning as temporary shelters to defray the costs and expenses of operating the temporary shelters. Any church staff are considered volunteers and are ineligible for reimbursement.

4. Any cooperating churches must submit a post-event report to the City identifying the use of funds in order to promote a public purpose in compliance with state law.
5. The City may enter into a non-exclusive Shelter and Care Agreement (Exhibit A) with churches in furtherance of achieving the public purposes identified in this resolution.

PASSED AND ADOPTED on this the 20th day of February 2024.

CITY OF LOCKHART, TEXAS

Lew White, Mayor

ATTEST:

Julie Bowermon, City Secretary

Brad Bullock, City Attorney

EXHIBIT A

Shelter and Care Agreement

This Agreement is made and entered into between the City of Lockhart (the “City”) and _____ (the “Church”).

TERMS

The American Red Cross has been chartered under federal law to provide mass care to victims of natural disasters. Due to the scale recent severe weather conditions, the City has assumed responsibility for accepting, sheltering and providing mass care to some of the victims of such events.

The City and the Church desire to reach an understanding that will result in making Church facilities available to shelter and care for victims requiring shelter during severe weather conditions. It is mutually agreed between the parties as follows:

1. The Church offers the use of its physical facilities located at _____, Lockhart, Texas, as a shelter for victims requiring shelter from severe cold or hot weather conditions.
2. For those victims provided shelter, the Church agrees that it will provide temperature-controlled shelter for the duration of the severe weather condition occurring at the time.
3. The City will provide and assist the Church in completing the forms necessary to obtain reimbursement from the federal government for expenses incurred by the Church in providing the facilities and services if the Church seeks federal reimbursement. The City will not guarantee or promise the Church that all or any of its expenses will be reimbursed. It is the responsibility of the Church to maintain complete and accurate records of its expenses.
4. The City, in accordance with Resolution 2024-07, will provide nominal reimbursement of costs and expenses associated directly with the operation of the temporary shelter, as defined in the Resolution.
5. The Church, in accordance with Resolution 2024-07, will provide a post-event accounting report to the City identifying the use of funds provided to the Church by the City as reimbursement of costs and expenses described above.
6. The Church shall not receive compensation for operating as a temporary shelter pursuant to terms of this Agreement, nor will any staff of the Church be eligible for compensation or reimbursement for acts performed pursuant to the terms of this Agreement.
7. The City and the Church and all employees, agents, and representatives of each, assume all rights and liabilities in accordance with Lockhart City Ordinance Section 16-9.
8. The term of this Agreement shall be: _____ (months/years) **OR** _____ until the City chooses to terminate this Agreement pursuant to Paragraph 9.

9. The City may terminate this Agreement for any reason upon thirty (30) days' written notice to the point of contact for the Church. The Church will have no cause of action or claim against the City for termination other than for reimbursement of expenses already accrued and owed by the City under this Agreement.

10. The point of contact for the Church shall be:

Name:

Title:

Address:

Phone Number:

Cell Phone Number:

Fax Number:

11. The point of contact for the City shall be:

Name:

Title:

Address:

Phone Number:

Cell Phone Number:

Fax Number:

Entered into this the _____ day of _____, 20__.

THE CHURCH

CITY OF LOCKHART, TEXAS

Name:

Title:

Name:

Title:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discussion and/or action regarding the nominations to the newly established Animal Shelter Advisory Board.

ORIGINATING DEPARTMENT AND CONTACT: Council - Mayor Lew White

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Council previously adopted Ordinance 2024-01 establishing the creation of a seven member Animal Shelter Advisory Board. Ordinance 2024-01 outlining member eligibility as well as board purpose, scope, and responsibility is attached. Councilmembers were invited to submit names for nominations to the newly established Board. During the February 6, 2024 Council moved to nominate the following to the Animal Shelter Advisory Board:

Susan Falgout (board application attached)
Alexandra Worthington (board application attached)
Adrea Theriot (board application attached)
Morgan Siewert, DVM
Caldwell County Commissioner B.J. Westmoreland
Police Chief Gary Williamson
Lockhart Animal Shelter Supervisor Nikole Lockard

In accordance with Resolution 2024-02 which establishes a 2-step process for board/commission member appointments, the nominations are being included on the February 20, 2024 Council agenda for consideration of appointment to the board.

PROJECT SCHEDULE (if applicable): N/A

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: Approval of Ordinance 2024-01. Nominations of board members made during the February 6, 2024 Council meeting.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: None.

LIST OF SUPPORTING DOCUMENTS: Ordinance 2024-04, Applications: Alex Worthington, Susan Falgout, Andrea Theriot

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SECTION 2.207 OF CHAPTER 2 OF THE LOCKHART CODE OF ORDINANCES AND ADOPTING A NEW SECTION 10-19 OF CHAPTER 10 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH AN ANIMAL SHELTER ADVISORY BOARD; PROVIDING CLAUSES FOR REPEALER, SEVERABILITY, SAVINGS, PUBLICATION, AND EFFECTIVE DATE

WHEREAS, the City of Lockhart is a home rule city located in a county of less than 75,000 population; and

WHEREAS, the City of Lockhart operates an animal shelter and periodically impounds animals to protect the health and safety of the general public and the animal population; and

WHEREAS, the City Council now deems it necessary and advisable to create an Animal Shelter Advisory Board to provide support and advice regarding the City of Lockhart Animal Shelter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS that:

SECTION 1: Recitals adopted. The foregoing recitals are adopted and incorporated herein for all purposes.

SECTION 2: Amendment. Section 2.207 of the Lockhart Code of Ordinances is amended by the addition of a new subsection (2)(f), which shall read as follows:

(f) Animal Shelter Advisory Board

SECTION 3: Adoption of New Section. Chapter 10 of the Lockhart Code of Ordinances is amended by the adoption of new Section 10-19, which shall read as follows:

Sec. 10-19. Animal Shelter Advisory Board

- a) The city council shall appoint an animal shelter advisory board.
- b) The board shall be comprised of not more than seven persons and may include persons who are not residents of the City. To the extent available, membership shall include the following:
 - 1. A licensed veterinarian;
 - 2. A municipal or county official;
 - 3. A person whose duties include operation of an animal shelter;
 - 4. A member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals); and
 - 5. One or more citizens of the City or County.

- c) The purpose and scope of the board shall be the following:
 - 1. Assist the City in the development of the Animal Shelter's mission and policies.
 - 2. Review and recommend long range planning and budgeting for the Shelter.
 - 3. Contribute information relevant to Animal Services program development, policies, and procedures.
 - 4. Promote awareness of the services and procedures of the Shelter.
- d) The Board's authority is as follows:
 - 1. The Board's authority is advisory and is not operational in nature.
 - 2. The Board shall not establish or include formal policies to be followed other than those set forth from time to time by the Council.
 - 3. Neither the Board nor any of its members may commit or expend city funds, direct city staff, or speak for the council or the city without prior council authorization.
 - 4. The Board shall report to the City Manager or his/her designee
 - 5. All recommendations and proposals for action concerning the shelter shall be presented to the Council for approval before any action is taken.
- e) Meetings of the Board shall be as follows:
 - 1) At its first meeting and annually thereafter, the Board shall select one of its members to serve as its chair and one member to serve as its secretary.
 - 2) The Board shall meet at least three times a year or when an additional meeting is called by the chair.
 - 3) Meetings shall be posted, open to the public, and shall comply with the requirements of the Texas Open Meetings Act.
 - 4) Minutes of each meeting shall be kept by the secretary.

SECTION 4. Repealer. All provisions of the Code of Ordinances of the City of Lockhart in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Code of Ordinances of the City of Lockhart codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Severability. It is hereby declared to be the intention of the City Council that the components of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining component of this Ordinance.

SECTION 6. Effective Date. This ordinance shall become effective and be in full force from the date of its passage.

PASSED AND ADOPTED on this the 2nd day of JANUARY, 2024.

CITY OF LOCKHART

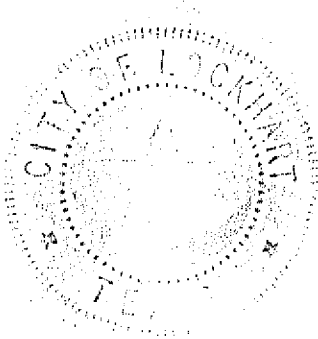
Law White
Law White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon
Julie Bowermon, City Secretary

BB
Brad Bullock, City Attorney



CAPTION PUBLISHED
1.4.24

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

JAN 17 2024

1. PERSONAL INFORMATIONCITY OF LOCKHART
CITY SECRETARY'S OFFICE

Full Legal Name <i>ALEXANDRA WORTHINGTON</i>		Preferred Name <i>ALEX</i>	
Physical Home Address <i>701 CAMPBELL STREET</i>			
Mailing Address (if different)			
City <i>LOCKHART</i>	State <i>TX</i>	Zip <i>78644</i>	
Home Phone <i>512.227.0071</i>		Work Phone <i>512.227.0071</i>	
Mobile Phone <i>512.227.0071</i>			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☐ Historical Preservation Commission
☐ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	☒ <i>Animal Advisory Board</i>

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

I am a volunteer at the Lockhart Animal Shelter and the original organizer and current board President of the Lockhart Fur Ball (Lockhart Animal Foundation). I am a huge animal advocate and feel I would be a good partner on the Animal Advisory Board through my experiences with volunteering and getting to know the needs of the shelter and how to work together with the city, county and community to get the needed improvements made.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

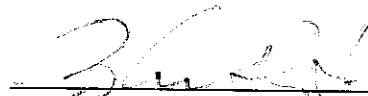
YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.



Applicant's Signature

JANUARY 17, 2024
Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.510
jbowermon@lockhart-tx.org

1/17/24APPLICANT'S NAME: Alexandra WorthingtonBOARD NAME(S): Animal Shelter Advisory Board

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.

Date of residency in Lockhart: 2017

- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.

Date qualified voter in Lockhart: 2020

- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

Removed from another board? YES or NO

If yes, date _____ and board _____

- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

Serves on another board? YES or NO

If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**Animal Shelter Advisory Board**

Y or

N

Licensed veterinarian?

Y or

N

Municipal or county official? _____

Y or

N

Person whose duties include operation of animal shelter?

Y or

N

Member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals?)

Y or

N

Citizen of the City or County? (one or more)

LOCKHART ANIMAL FOUNDATION FILED FOR FORMAL ORGANIZED
IN 2023 - MS. WORTHINGTON ANTICIPATES
PROCESS TO BE COMPLETE IN FEB 2024.

Animal Shelter Advisory Board is appointed by the City Council. The board shall be comprised of not more than seven persons and may include persons who are not residents of the City. To the extent available, membership shall include the following: a licensed veterinarian; a municipal or county official; a person whose duties include operation of an animal shelter; a member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals); and one or more citizens of the City or County. The purpose and scope of the board shall be the following: assist the City in the development of the Animal Shelter's mission and policies; review and recommend long range planning and budgeting for the Shelter; contribute information relevant to Animal Services program development, policies, and procedures; and promote awareness of the services and procedures of the Shelter. The Board's authority is as follows: 1. The Board's authority is advisory and is not operational in nature; 2. The Board shall not establish or include formal policies to be followed other than those set forth from time to time by the Council; 3. Neither the Board nor any of its members may commit or expend city funds, direct city staff, or speak for the council or the city without prior council authorization; 4. The Board shall report to the City Manager or his/her designee; 5. All recommendations and proposals for action concerning the shelter shall be presented to the Council for approval before any action is taken. The Board shall meet at least three times a year or when an additional meeting is called.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

YES

NO

DISCRETION OF THE COUNCIL

NOTES: _____

JAN 16 2024

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

CITY OF LOCKHART
CITY SECRETARY'S OFFICE**1. PERSONAL INFORMATION**

Full Legal Name Susan O. Falgout		Preferred Name Suzy	
Physical Home Address 710 S. Commerce Street			
Mailing Address (if different)			
City Lockhart		State Texas	Zip 78644
Home Phone		Work Phone	
Mobile Phone 512-227-1111			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☐ Historical Preservation Commission
☐ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

Not listed: Animal Shelter Advisory Board.

I am the founder of Caldwell County Animal Coalition. I have been doing rescue for nine years. In 2021 I created CCAC to offer welfare to the Caldwell County Community. We provide low cost/no cost services such as sterilization, vaccinations, and microchips to the community. Since November of 2021 we have sterilized over 1000 animals.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.

EMAILED FORM

01/16/2024

Applicant's Signature

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.510
jbowermon@lockhart-tx.org

APPLICANT'S NAME: Susan Falgout

BOARD NAME(S): Animal Shelter Advisory Board

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.

Date of residency in Lockhart: 2021

- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.

Date qualified voter in Lockhart: 2012

- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

Removed from another board? YES or NO

If yes, date _____ and board _____

- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

Serves on another board? YES or NO

If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**Animal Shelter Advisory Board**

Y	or	☒	N	Licensed veterinarian?
Y	or	☒	N	Municipal or county official? _____
Y	or	☒	N	Person whose duties include operation of animal shelter?
☒	or		N	Member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals?)
☒	or		N	Citizen of the City or County? (one or more)

CALDWELL COUNTY ANIMAL COALITION AS OF
APRIL 8, 2021

Animal Shelter Advisory Board is appointed by the City Council. The board shall be comprised of not more than seven persons and may include persons who are not residents of the City. To the extent available, membership shall include the following: a licensed veterinarian; a municipal or county official; a person whose duties include operation of an animal shelter; a member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals); and one or more citizens of the City or County. The purpose and scope of the board shall be the following: assist the City in the development of the Animal Shelter's mission and policies; review and recommend long range planning and budgeting for the Shelter; contribute information relevant to Animal Services program development, policies, and procedures; and promote awareness of the services and procedures of the Shelter. The Board's authority is as follows: 1. The Board's authority is advisory and is not operational in nature; 2. The Board shall not establish or include formal policies to be followed other than those set forth from time to time by the Council; 3. Neither the Board nor any of its members may commit or expend city funds, direct city staff, or speak for the council or the city without prior council authorization; 4. The Board shall report to the City Manager or his/her designee; 5. All recommendations and proposals for action concerning the shelter shall be presented to the Council for approval before any action is taken. The Board shall meet at least three times a year or when an additional meeting is called.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

☒ YES

NO

DISCRETION OF THE COUNCIL

NOTES: _____

JAN 24 2024

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

CITY OF LOCKHART
CITY SECRETARY'S OFFICE**1. PERSONAL INFORMATION**

Full Legal Name Andrea K Theriot		Preferred Name Andrea	
Physical Home Address 120 Lakeview Circle			
Mailing Address (if different) Same			
City Lockhart	State Texas	Zip 78644	
Home Phone		Work Phone	
Mobile Phone 512-665-8911			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☐ Historical Preservation Commission
☐ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

Lockhart Animal Advisory Board. Current volunteer at the Lockhart Animal Shelter. Board member of Take Me Home Advocates for Transport.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

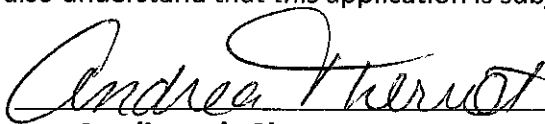
YES	NO	Please answer the following questions about Board/Commission qualifications:
☐	☒	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.


Applicant's Signature

01/23/24

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
 City Secretary's Office
 308 W. San Antonio Street / PO Box 239
 Lockhart, TX 78644

Phone: 512.398.3461
 FAX: 512.398.5103
cconstancio@lockhart-tx.org

APPLICANT'S NAME: Andrea TheriotBOARD NAME(S): Animal Shelter Advisory Board

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.

Date of residency in Lockhart: _____

- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.

Date qualified voter in Lockhart: 2009

- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

Removed from another board? YES or NO

If yes, date _____ and board _____

- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

Serves on another board? YES or NO

If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**Animal Shelter Advisory Board**

Y or

N

Licensed veterinarian?

Y or

N

Municipal or county official? _____

Y or

N

Person whose duties include operation of animal shelter?

Y or

N

Member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals?)

TAKE ME HOME- ADVOCATES FOR TRANSPORTY or

N

Citizen of the City or County? (one or more)

Animal Shelter Advisory Board is appointed by the City Council. The board shall be comprised of not more than seven persons and may include persons who are not residents of the City. To the extent available, membership shall include the following: a licensed veterinarian; a municipal or county official; a person whose duties include operation of an animal shelter; a member of an animal welfare organization (defined as an incorporated or formally organized not-for-profit entity concerned with the health, safety, and wellness of animals); and one or more citizens of the City or County. The purpose and scope of the board shall be the following: assist the City in the development of the Animal Shelter's mission and policies; review and recommend long range planning and budgeting for the Shelter; contribute information relevant to Animal Services program development, policies, and procedures; and promote awareness of the services and procedures of the Shelter. The Board's authority is as follows: 1. The Board's authority is advisory and is not operational in nature; 2. The Board shall not establish or include formal policies to be followed other than those set forth from time to time by the Council; 3. Neither the Board nor any of its members may commit or expend city funds, direct city staff, or speak for the council or the city without prior council authorization; 4. The Board shall report to the City Manager or his/her designee; 5. All recommendations and proposals for action concerning the shelter shall be presented to the Council for approval before any action is taken. The Board shall meet at least three times a year or when an additional meeting is called.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

YES

NO

DISCRETION OF THE COUNCIL

NOTES: _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discussion and/or action regarding the nomination of Patrick Stroka to the Zoning Board of Adjustment and Appeals by Councilmember John Lairsen for a term to expire in November 2026.

ORIGINATING DEPARTMENT AND CONTACT: Council - John Lairsen

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Councilmember John Lairsen has nominated Patrick Stroka to be appointed to the Zoning Board of Adjustment and Appeals.

After reviewing the application, Mr. Stroka meets the qualifications to serve on a city board and on the Commission.

Resolution 2024-02 was adopted in 2024 establishing administrative procedures for the nomination of board and commission members to include a 2-step process. First, the nomination is to be placed on the agenda as "announcement of nomination" followed by a notice on a subsequent agenda as "discussion and/or action on the nomination."

The announcement of nomination occurred during the February 6, 2024 Council meeting.

Action of appointment, should the Council move to do so, will occur during the February 20, 2024 meeting.

PROJECT SCHEDULE (if applicable): N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: February 6, 2024 Council meeting: nomination of Mr. Stroka to the Zoning Board of Adjustment and Appeals was announced.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: Patrick Stroka application - Zoning Board of Adjustment and Appeals, Zoning Board of Adjustment and Appeals Roster

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose. JAN 17 2024

1. PERSONAL INFORMATIONCITY OF LOCKHART
CITY SECRETARY'S OFFICE

Full Legal Name <u>Patrick Edward Stroka</u>		Preferred Name <u>Pat Stroka</u>
Physical Home Address <u>1204 Sierra Vista Cv.</u>		
Mailing Address (if different)		
City <u>Lockhart</u>	State <u>TX</u>	Zip <u>78644</u>
Home Phone		Work Phone
Mobile Phone <u>512-771-8991</u>		
Email Address		
Date of Birth		

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☐ Historical Preservation Commission
☒ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

I am interested in the Zoning Board of Adjustment & Appeals because it allows property owners an impartial way to challenge zoning decisions.
Experience: I served on the Edwards Aquifer Authority Board 2007-2020 and on the Human Development Commission in San Marcos. I understand a board's scope and how to interact with staff and other board members.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.

Applicant's Signature

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.510
jbowermon@lockhart-tx.org

APPLICANT'S NAME: Patrick Stroka**BOARD NAME(S):** Zoning Board of Adjustment & Appeals

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.
Date of residency in Lockhart: JAN 2021
- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.
Date qualified voter in Lockhart: APRIL 2021
- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.
Removed from another board? YES or NO
If yes, date _____ and board _____
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
Serves on another board? YES or NO
If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**Board of Adjustment**

Y or N City Resident? If no, applicant does not qualify.

Zoning Board of Adjustment meets the first Monday at 6:30 p.m. each month if there are items pending the Board's review. The Board hears and decides appeals where the applicant alleges that there is an error in any order, requirement, decision, or determination made by the city staff, the commission, or the city council in the enforcement of the zoning chapter, to hear and decide variances and special exceptions as provided by any provision of the zoning chapter, and to act as the appeal board as specified in Section 22-68, flood hazard areas, of the Lockhart Code of Ordinances. All members must reside within the city limits. The Board consists of seven members that serve a three-year term. The Planning Director is the staff liaison.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

YES

NO

DISCRETION OF THE COUNCIL

NOTES: _____

BOARD OF ADJUSTMENT ROSTER

First Name	Last Name	Address1	Council Member	Exp. Nov
Mike	Annas	914 S. Guadalupe	Mayor White	2026
Laura	Cline	1313 Walter Ellison	Angie Sanchez	2022
Shawn	Martinez	523 Cibilo	David Bryant	2022
VACANT	Severo Castillo resigned 5-2-2022		Brad Westmoreland	
Lori	Rangel	801 W. San Antonio, Apt. A.	Juan Mendoza	2019
Wayne	Reeder	910-F S. Guadalupe	Jeffry Michelson	2022
Lucy	Knight	1532 Parkview Dr.	Jeffry Michelson	2023
VACANT	Marica Proctor moved to LHPC 2/6/24	515 S. Main	John Lairsen	
VACANT	Alternate position			

City Planner - staff liaison

Updated: January 18, 2024

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discussion and/or action to consider request from Councilmember Michelson to reappoint his nominations for appointments to City boards and commissions.

ORIGINATING DEPARTMENT AND CONTACT: Council - Jeffry Michelson

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Following his re-election as Councilmember in 2023, Councilmember Michelson requests to re-appoint the following:

- Airport Board: Jake McCullough
- Board of Adjustment: Wayne Reeder
- Board of Adjustment Alternate: Lucy Knight
- Construction Board: Ian Stowe
- Lockhart Economic Development Corporation: Doug Foster
- Electric Board: No Nomination made at this time
- Historical Preservation: Marica Proctor
- Library Board: Donaly Brice
- Parks and Recreation: Russell Wheeler
- Planning & Zoning: Rick Arnic

In accordance with Resolution 2024-02 which establishes a 2-step process for board/commission member appointments, the 2-step process **does not** apply to the renomination of the same person to the same board position for a new term.

PROJECT SCHEDULE (if applicable):

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: City of Lockhart Code of Ordinances Section 2-210: Method of Selection, Number of Members, Terms

Sec. 2-210. Method of selection; number of members; terms.

- (a) The mayor and city councilmembers shall nominate individuals to serve on boards and commissions. Each nomination shall then be confirmed by a simple majority of the entire city council.
 - (b) Except as provided herein, there shall be seven members appointed to each board or commission corresponding with the seven members or places of the city council. Each city councilmember, except as provided herein, shall nominate a qualified person to serve in a place on an appointed body corresponding to their place on the council. At-large councilmembers shall be designated as places 5 and 6, and the mayor's position as place 7, for the purpose of this section. Nominations shall be made to fill vacant positions and/or positions whose terms have expired within 45 days of the event, such as a resignation or an election. Should any city councilmember fail to name an appointee to one of his/her corresponding places on any body within the above-described 45 days, another councilmember shall then have the privilege to nominate a person to fill that same position, as described in subsection (a). However, once that position becomes vacant again for any reason, the appointment shall revert to the place corresponding with the original city council seat/place number for nominations.
 - (c) Beginning with the election in May, 1998, the council shall nominate and confirm four members to serve in places 1, 2, 5, 6 on each board and commission in accordance with subsections (a) and (b) above, and with the standards set in Ordinance Number 97-09, Governance Policies. With the election of May, 1999, the remaining three places shall be filled following the same procedure as above.
 - (d) Terms of service on appointed bodies shall be the same three-year terms as the councilmember who nominates a person to serve. However, a person may be appointed to complete the unexpired term of a vacant position, due to a resignation, for example.
 - (e) When a person has completed a term, or terms, of service and will be vacating a place, that person may continue to serve until a replacement is nominated and confirmed by the city council.
 - (f) At the discretion of the majority of the city council, one Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member to the historical preservation commission.
 - (g) Exceptions to the above regulations shall be all volunteer/special purpose/ad hoc committees appointed from time to time by the city council and the zoning board of adjustments, whose members shall serve two-year terms in accordance with V.T.C.A., Local Government Code § 211.008. All other provisions of this section, and Ordinance No. 97-09 which do not conflict with the chapters establishing these bodies shall be applicable.
- (Ord. No. 97-10, §§ 1, 2, 6-3-97; Ord. No. 97-12, § I(G), 7-15-97; Ord. No. 98-18, § I, 8-4-98; Ord. No. 98-32, § I, 11-17-98; Ord. No. 98-36, § 1(a), 12-15-98; Ord. No. 00-23, § 1, 9-5-00; Ord. No. 2022-08, § 2, 2-1-22)

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Discussion and/or action to consider request from Councilmember Lairsen to reappoint his nominations for appointments to City boards and commissions.

ORIGINATING DEPARTMENT AND CONTACT: Council - John Lairsen

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Following his election as Councilmember in 2023, Councilmember Lairsen requests to re-appoint the following:

- Airport Board: No Nomination made at this time
- Board of Adjustment: (currently on the Feb. 20th agenda to consider appointing Pat Stroka)
- Construction Board: Jerry West
- Lockhart Economic Development Corporation: Sally Daniel
- Electric Board: John Voight
- Historical Preservation: Jerry Haug (newly appointed on 1/02/24)
- Library Board: Jean Clark Fox
- Parks and Recreation: Warren Burnett
- Planning & Zoning: Philip McBride

In accordance with Resolution 2024-02 which establishes a 2-step process for board/commission member appointments, the 2-step process **does not** apply to the renomination of the same person to the same board position for a new term.

PROJECT SCHEDULE (if applicable):

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: City of Lockhart Code of Ordinances Section 2-210: Method of Selection, Number of Members, Terms

Sec. 2-210. Method of selection; number of members; terms.

- (a) The mayor and city councilmembers shall nominate individuals to serve on boards and commissions. Each nomination shall then be confirmed by a simple majority of the entire city council.
 - (b) Except as provided herein, there shall be seven members appointed to each board or commission corresponding with the seven members or places of the city council. Each city councilmember, except as provided herein, shall nominate a qualified person to serve in a place on an appointed body corresponding to their place on the council. At-large councilmembers shall be designated as places 5 and 6, and the mayor's position as place 7, for the purpose of this section. Nominations shall be made to fill vacant positions and/or positions whose terms have expired within 45 days of the event, such as a resignation or an election. Should any city councilmember fail to name an appointee to one of his/her corresponding places on any body within the above-described 45 days, another councilmember shall then have the privilege to nominate a person to fill that same position, as described in subsection (a). However, once that position becomes vacant again for any reason, the appointment shall revert to the place corresponding with the original city council seat/place number for nominations.
 - (c) Beginning with the election in May, 1998, the council shall nominate and confirm four members to serve in places 1, 2, 5, 6 on each board and commission in accordance with subsections (a) and (b) above, and with the standards set in Ordinance Number 97-09, Governance Policies. With the election of May, 1999, the remaining three places shall be filled following the same procedure as above.
 - (d) Terms of service on appointed bodies shall be the same three-year terms as the councilmember who nominates a person to serve. However, a person may be appointed to complete the unexpired term of a vacant position, due to a resignation, for example.
 - (e) When a person has completed a term, or terms, of service and will be vacating a place, that person may continue to serve until a replacement is nominated and confirmed by the city council.
 - (f) At the discretion of the majority of the city council, one Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member to the historical preservation commission.
 - (g) Exceptions to the above regulations shall be all volunteer/special purpose/ad hoc committees appointed from time to time by the city council and the zoning board of adjustments, whose members shall serve two-year terms in accordance with V.T.C.A., Local Government Code § 211.008. All other provisions of this section, and Ordinance No. 97-09 which do not conflict with the chapters establishing these bodies shall be applicable.
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City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 20, 2024

AGENDA ITEM CAPTION: Announcement of nomination of Arnold Proctor to the Zoning Board of Adjustment and Appeals by Councilmember Brad Westmoreland for a term to expire in November 2025.

ORIGINATING DEPARTMENT AND CONTACT: Council - Brad Westmoreland

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Councilmember Brad Westmoreland has nominated Arnold Proctor to be appointed to the Zoning Board of Adjustment and Appeals.

After reviewing the application, Mr. Proctor meets the qualifications to serve on a city board and on the Commission.

Resolution 2024-02 was adopted in 2024 establishing administrative procedures for the nomination of board and commission members to include a 2-step process. First, the nomination is to be placed on the agenda as "announcement of nomination" followed by a notice on a subsequent agenda as "discussion and/or action on the nomination."

This item is the announcement of nomination. If the Council should move to appoint Mr. Proctor, action of appointment will occur during a subsequent Council meeting.

PROJECT SCHEDULE (if applicable): N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: None.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: Arnold Proctor application - Zoning Board of Adjustment and Appeals, Zoning Board of Adjustment and Appeals Roster, .

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

1. PERSONAL INFORMATION

Full Legal Name <u>ARNOLD G. PROCTOR JR</u>		Preferred Name <u>ANNIE</u>
Physical Home Address <u>515 S. MAIN ST LOCKHART TX 78644</u>		
Mailing Address (if different) <u>PO BOX 435</u>		
City <u>LOCKHART</u>	State <u>TX</u>	Zip <u>78644</u>
Home Phone		Work Phone
Mobile Phone		
Email Address		
Date of Birth		

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☒ Airport Advisory Board	☒ Historical Preservation Commission
☒ Zoning Board of Adjustment & Appeals	☒ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☒ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☒ Planning & Zoning Commission
☒ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

AS A CITIZEN OF LOCKHART FOR OVER 40 YEARS I BELIEVE
IN GIVING BACK TO MY COMMUNITY. I AM A RETIRED ARMY
ENGINEER AND RETIRED SCHOOL BUSINESS OFFICIAL, I
UNDERSTAND ENGINEERING AND BUREAUCRATIC IMPACT.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.



Applicant's Signature

10-12-23

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.5103
jbowermon@lockhart-tx.org

APPLICANT'S NAME: Arnold Proctor

BOARD NAME(S): Zoning Board of Adjustments and Appeals

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.
Date of residency in Lockhart: 2018
- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.
Date qualified voter in Lockhart: 2018
- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.
Removed from another board? YES or NO NO
If yes, date _____ and board _____
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
Serves on another board? YES or NO NO
If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:

Board of Adjustment

Y or N City Resident? If no, applicant does not qualify.

Zoning Board of Adjustment meets the first Monday at 6:30 p.m. each month if there are items pending the Board's review. The Board hears and decides appeals where the applicant alleges that there is an error in any order, requirement, decision, or determination made by the city staff, the commission, or the city council in the enforcement of the zoning chapter, to hear and decide variances and special exceptions as provided by any provision of the zoning chapter, and to act as the appeal board as specified in Section 22-68, flood hazard areas, of the Lockhart Code of Ordinances. All members must reside within the city limits. The Board consists of seven members that serve a three-year term. The City Planner is the staff liaison.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified? YES NO DISCRETION OF THE COUNCIL

NOTES: _____

BOARD OF ADJUSTMENT ROSTER

First Name	Last Name	Address1	Council Member	Exp. Nov
Mike	Annas	914 S. Guadalupe	Mayor White	2026
Laura	Cline	1313 Walter Ellison	Angie Sanchez	2022
Shawn	Martinez	523 Cibilo	David Bryant	2022
VACANT	Severo Castillo resigned 5-2-2022		Brad Westmoreland	
Lori	Rangel	801 W. San Antonio, Apt. A.	Juan Mendoza	2019
Wayne	Reeder	910-F S. Guadalupe	Jeffry Michelson	2022
Lucy	Knight	1532 Parkview Dr.	Jeffry Michelson	2023
VACANT	Marica Proctor moved to LHPC 2/6/24	515 S. Main	John Lairsen	
VACANT	Alternate position			

City Planner - staff liaison

Updated: January 18, 2024



Lockhart

T E X A S

2022-2023 Strategic Work Plan



The Strategic Planning Process

From January through April 2022, the City of Lockhart embarked on a strategic planning process to create strategic priorities for 2022-2023. The following is the process used to reach the conclusions for the plan:

The process kicked off with a preliminary Zoom between the City Manager, Steve Lewis, Mayor Lew White, and professional facilitator Alysia A. Cook, PCED, IOM with Opportunity Strategies LLC. The three met to review key issues facing the city, understand the programs and projects currently underway, and to prepare the process and format for the planning session.

On April 8, 2022, the City of Lockhart Management Team met at the Library for Part 1 of the Strategic Work Planning Session for 2022-2023.

On April 9, 2022, the City of Lockhart City Council and City Manager met at the Library for Part 2 of the Strategic Work Planning Session for 2022-2023.



Day One – Management Team

Day One began with City Manager Steve Lewis reviewing with the Management Team the City of Lockhart's accomplishments and success stories of 2021.

Following that, the City Manager and the facilitator shared some leadership concepts and considerations with the Lockhart Management Team. This led to some group discussions about the importance of continuous learning and leadership development.

The City Manager discussed with the participants that when goals are adopted by the City Council, they provide a positive impact for the Management Team in at least 4 different ways:

- a) Direction is clearly set by City Council
- b) Once that direction is established, differences can be discussed in a more open, less polarizing manner
- c) Saves time in decision making on projects/programs
- d) City Manager's recommendations can be better aligned with ultimate objectives

Mission of Lockhart Management Team

To promote and influence the alignment of organizational resources by focusing on:

- a) Organizational planning and issues
- b) Open communication with elected officials, staff, boards, commissions, and citizens
- c) Ensuring City of Lockhart is a leader in Central Texas regarding issues with community relevance
- d) Implementing programs that derive from the City Council and community's goals

Start – Stop – Continue

The facilitator then engaged the Management Team in a group exercise called *Start – Stop – Continue* which divides participants into small groups and has them offer feedback on what the City needs to start doing, stop doing, and continue doing.

These are individual manager recommendations and not necessarily agreed to by all managers or by City Council members. The responses are as follows:

Start

- Long-term capital planning
- Increasing non-emergency communications
- Administering annual customer service surveys that are statistically valid
- Developing recreation programs
- Indoor community recreation center
- City facilities and community infrastructure improvements
- New spaces for city facilities
- Modernize Human Resources policies including technology
- A vehicle acquisition fund
- Decreasing steps in the hiring process
- Staff planning for future growth
- Modernizing our contracts, best practices, attorney, etc. including reviewing for mutually beneficial language and avoiding one-sided contracts

Stop

- Ineffective/outdated contracts
- Thinking small
- Six-month probationary period for personnel
- Reconnecting customers after 10pm
- Providing free services (such as banners and road closures) and establish a fee schedule for these special requests
- Requiring utility inspections for every change of occupant

Continue

- Longevity pay
- Forward-looking planning for quality growth
- Law enforcement outreach with community
- Contracting (sending RFPs) for solid waste collection
- Supporting tourism
- Modernizing technology, e.g. paperless, Go Green
- Enhancing community investment
- Planning our wayfinding and signage
- Growing events that enhance overnight stays in Lockhart and maximize HOT \$ collections
- Economic growth including considering developing a 4th industrial park
- Striving for improved customer service
- Community engagement including public open houses and social media



Next, the Management Team embarked on a discussion around the following topics which also included some departmental reports on the status of various projects:

- Growth Trends
- Land Development
- Economic Development
- Service Delivery
- Workforce Development
- Long Range Financial Outlook

Following those discussions, the facilitator led the Management Team through a discussion of what they each thought should be the 2022-2023 goals City Council would establish the following day. She recorded those recommendations, then the group reached consensus on what would be put forth to the Council to consider.

The final decisions for 2022-2023 were made by City Council the following day and are listed below.

Day Two – City Council

Day Two began with City Manager Steve Lewis reviewing with City Council the City of Lockhart's accomplishments and success stories of 2021.

Expectations – City Council

Following that, the facilitator asked City Council to share any expectations for the day. Responses were as follows:

- TxDOT – Wayfinding and Signage
- Summerside Subdivision turn lane and traffic light
- Urgent Care facility
- Comprehensive mental health care for first responders
- Keeping City Staff wages competitive
- Need for an Assistant City Manager
- Need for a grantwriter
- Regional animal shelter
- Next industrial park and/or property

The following is the City of Lockhart 2022-2023 Strategic Work Plan.

City of Lockhart Vision:

- To be a first-class community that has maintained its integrity and sense of community characterized by livable neighborhoods and quality schools.
- To be a City that focuses on family by ensuring quality recreational and cultural activities, services, housing, economic, and educational opportunities that promote a well-rounded productive member of the community.
- To be a City that is friendly to visitors and future residents with a spirit of fellowship and cooperation by accommodating their needs and recognizing the wealth in cultural, ethnic and age diversity.
- To be a City committed to sustainability by diligently balancing community needs with available resources and managing growth in a smart and fiscally responsible manner.
- To be a City that celebrates and embraces its long and rich history by reinvesting in neighborhoods, preserving areas and buildings of historic significance and returning the Central Business District to an economically viable and lively activity center.
- To be a City recognized for the quality of its built environment and the integration of the natural landscape throughout the community.
- To be a City that ensures a good balance between residential, commercial, industrial, and public/institutional uses supported by quality infrastructure and transportation systems.
- To be a City known for its innovative solutions to managing growth, progressiveness of City government, and responsiveness to the needs of citizens and businesses.

Source: Lockhart 2020 Comprehensive Plan

Goal #1:

**City
Facilities**

Goal #2:

**Human Resources/
Staffing**

Goal #3:

**Parks &
Recreation**

Goal #4:

Infrastructure

Goal #5:

**Modernization &
Communications**

Goal #6:

**Development &
Quality of Life**

Goal #7:

**Revenue
Sustainability**

2022-2023 Goals:

Each of the following seven goals is guided by the values of diversity and inclusion. Diversity and inclusion are a tapestry that is woven through every goal, every service, and every program.

Goal #1: City Facilities

To begin planning for new city facilities and offices.

Goal #2: Human Resources/Staffing

To enhance our HR services to ensure Lockhart remains a competitive employer.

Goal #3: Parks & Recreation

To develop the Parks & Recreation program and services.

Goal #4: Infrastructure

To enhance physical infrastructure and branded wayfinding throughout Lockhart.

Goal #5: Modernization & Communications

To modernize our in-house and online technology, systems, and communications to serve residents more efficiently and tell the Lockhart story.

Goal #6: Development & Quality of Life

To continually improve the quality of life and employment opportunities of the people of Lockhart.

Goal #7: Revenue Sustainability

To ensure the long-term financial health and sustainability of the City of Lockhart.

Goal #1: City Facilities

To begin planning for new city facilities and offices.

- 1.1 Consider which facilities improvements should be funded by certificates of obligation vs. bonds
- 1.2 Begin plans to replace/update City Hall
- 1.3 Begin plans to replace/update Police/Fire/Training facilities
- 1.4 Begin plans to replace/update Maintenance/City Barn Utilities
- 1.5 Reclaim old space at the hospital
- 1.6 Lease additional space at the EDC building
- 1.7 Conduct a Facilities Study with architects and engineers
- 1.8 Consider Airport improvements (TxDOT Aviation) in the study

Goal #2: Human Resources/Staffing

To enhance our HR services to ensure Lockhart remains a competitive employer.

- 2.1 Hire ACM (Assistant City Manager) immediately
- 2.2 Hire City Manager Support Staff (Executive Assistant or Administrative Assistant)
- 2.3 Once new ACM is hired, assign him/her with developing a Staffing Plan
- 2.4 Once new ACM is hired, assign him/her with developing a Succession Plan
- 2.5 Consider adding additional staff city-wide as needed
- 2.6 Retain law enforcement officers by ensuring compensation competitiveness
- 2.7 Implement a formal EAP (Employee Assistance Program)
- 2.8 Secure a grantwriter (explore opportunities for hiring one vs. contractor)

Goal #3: Parks & Recreation

To develop the Parks & Recreation program and services.

- 3.1 Develop adult and youth programming that utilize existing facilities
- 3.2 Conduct successful outreach to sports leagues across Texas and neighboring states
- 3.3 Consider new Parks & Rec facilities such as pickleball, volleyball, and frisbee golf
- 3.4 Plan for and implement safety improvements of existing facilities
- 3.5 Plan for and implement aesthetic improvements of existing facilities
- 3.6 City Council requests to meet with Parks & Rec Director and City Manager to discuss ideas and brainstorm next steps in the Parks Plan including:
 - Work session, then tour Parks facilities with Parks & Rec Director
 - Discuss short-term vs. long-term Parks & Rec needs
 - Develop plan to survey citizens including bond exploration

Goal #4: Infrastructure

To enhance physical infrastructure and branded wayfinding throughout Lockhart.

- 4.1 Conduct public open houses to determine public wishes for Downtown
- 4.2 Council to approve a final Downtown Conceptual Design and authorize staff to implement
- 4.3 Consider an additional commercial district with retail and mixed-use offerings
- 4.4 Issue the RFP for a Comprehensive Plan update (hire firm by January 2023, then CIP (capital improvement plan) to follow
- 4.5 Explore downtown WiFi options including geofencing

Goal #5: Modernization & Communications

To modernize our in-house and online technology, systems, and communications to serve residents more efficiently and tell the Lockhart story.

- 5.1 PIO (Public Information Officer) to secure proposals for a new website design including:
 - Online forms and application portals (permitting, employment, variance requests, etc.)
 - Must be mobile responsive platform
 - Ensure ease of use and innovative utility of site
 - Include a portal to the Lockhart Economic Development Corporation website
- 5.2 Hire a consultant to 1) build a survey to ask the public what information they seek to find on the City of Lockhart website and 2) compare Lockhart website to other communities with high utilization of an innovative website
- 5.3 Streamline application processes of permits, developer proposals, engineering, employment, etc. to be placed on website (see 5.1)
- 5.4 Verify internet access at all City facilities



Goal #6: Development & Quality of Life

To continually improve the quality of life and employment opportunities of the people of Lockhart.

- 6.1 Consider proposed sidewalk ordinance
- 6.2 Facilitate/incentivize more housing options including:
 - Rental housing options
 - Workforce housing options
 - Higher-income housing
 - Infill/revitalized housing within centers of commerce (existing or planned)
 - Senior/retiree housing
- 6.3 Continue to promote family-friendly events in Downtown
- 6.4 Encourage higher development standards (within state legislature constraints) to research modernization techniques and make recommendations to City Manager for consideration
- 6.5 Continue to implement Animal Control Audit recommendations
- 6.6 Continue to provide concerts on the square

Goal #7: Revenue Sustainability

To ensure the long-term financial health and sustainability of the City of Lockhart.

- 7.1 Explore and increase film production permitting fees
- 7.2 Create and implement fees for banners, road closures, event special requests
- 7.3 Use grantwriter (see 2.8) to find and write grants that benefit the City of Lockhart and its residents
- 7.4 Conduct discussions between City Council and Staff regarding which items can/should be funded by certificates of obligation vs. bonds
- 7.5 Update/increase construction permit fees and impact fees
- 7.6 Explore a bond vote for the items proposed by Parks & Rec and Council from Goal #3
- 7.7 Explore the concept of a Community Foundation with community benefactor options including other communities who have successfully created and implemented a Community Foundation

City of Lockhart Leadership

The 2022 City Council and Management Team participating:

City Council:

Lew White, Mayor
Angie Gonzales-Sanchez, Mayor Pro-Tem
Brad Westmoreland, Councilmember At-Large
Juan Mendoza, Councilmember District 1
David Bryant, Councilmember District 2
Kara McGregor, Councilmember District 3
Jeffrey Michelson, Councilmember District 4

Management Team:

Steve Lewis, City Manager
Julie Bowermon, Director of Human Resources
Connie Constancio, City Secretary
Travis Hughes, Director of Parks & Recreation
Randy Jenkins, Fire Chief
Mike Kamerlander, Economic Development Director
Sean Kelley, Public Works Director
Pam Larison, Director of Finance
Bobby Leos, Electric Superintendent
Victoria Maranan, Public Information Officer
Bertha Martinez, Director of Library Services
Ernest Pedraza, Chief of Police





City of Lockhart

2020-2021 Strategic Priorities

Prepared by:

