

**REGULAR MEETING
LOCKHART CITY COUNCIL**

SEPTEMBER 5, 2023

6:30 P.M.

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

Council present:

Councilmember John Castillo
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White (virtually)
Councilmember Brad Westmoreland
Councilmember Kara McGregor
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
Sean Kelley, Public Works Director
Bob Leos, Electric Superintendent
Gary Williamson, Police Chief
Victoria Burns, Public Information Officer

Brad Bullock, City Attorney
David Fowler, Planning Director
Julie Bowermon, Civil Service/HR Director
Randy Jenkins, Fire Chief
Travis Hughes, Parks Director

Citizens/Visitors Addressing the Council: Citizens: Tony Miller, Mary Wilhelm, Phil Wilhelm, Barbara Wilhelm, Jackie Zapien, Monte Guidry, and Carmen Rangel.

Work Session 6:30 p.m.

Mayor Pro-Tem Sanchez stated that Mayor White will be attending the meeting virtually, therefore she will conduct the meeting on his behalf. She opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. DISCUSSION REGARDING UPDATES ON CITY OF LOCKHART TREE TRIMMING OPERATIONS.

Mr. Resendez stated that on August 15th, local residents along Guadalupe St. appeared before Council and expressed concern for the potential impact recent tree trimming on their street may affect the health of the trimmed trees. Council directed staff to review the current tree trimming program and provide an update at the September 5th Council meeting. This report summarizes regulatory requirements, industry standards, municipal operations, and commonly asked questions related to tree-utility conflicts.

Mr. Resendez and Mr. Leos provided details and there was discussion about the following:

- Regulatory requirements
 - National Electric Safety Code (NESC) Tree Trimming Section 218.A.1 states: "Trees that may interfere with ungrounded supply conductors should be trimmed or removed. Normal tree growth, the combined movement of trees and conductors under adverse weather conditions, voltage, and sagging of conductors at elevated temperatures are among the factors to be considered in determining the extent of trimming required."
 - Occupational Safety and Health Administration (OSHA) OSHA 1910.269 is the vertical standard pertaining to the generation, transmission, and distribution of electricity. These regulations apply for line-clearance tree trimming that is within 10 feet of electric supply

lines for voltages to ground of 50 kilovolts (KV) or less indicating a minimum clearance requirement.

- Industry standards
 - American National Standards Institute (ANSI) Z-133 defines an electric hazard to exist anytime a tree worker, tool, tree, or any other conductive object is closer than 10 feet from an energized conductor with a voltage of 50,000 volts or less.
- Municipal operations
 - Authority of the city to trim trees. "State law, in Ch. 311, Transportation Code, provides that a home rule city, such as Lockhart, has exclusive control over its streets and has authority to remove any encroachments or obstructions."
 - Lower Colorado River Authority System Study, Section 2-10 recommends that the city continue its tree trimming program in an effort to reduce voltage flicker, outages, losses, and to improve public safety and satisfaction. Trees and tree limbs falling into power lines are the most common cause of outages.

B. DISCUSS NOTIFICATION FROM THE CALDWELL COUNTY APPRAISAL DISTRICT REGARDING NOMINATION OF APPRAISAL DISTRICT DIRECTORS FOR THE 2024-2025 TERM.

Mr. Lewis stated that Shanna Ramzinski, Chief Appraiser of the Caldwell County Appraisal District, submitted a notice regarding the nomination of Appraisal District Directors. Nominations for directors for the 2024-2025 term are due to be submitted to the Chief Appraiser by October 15, 2023. If the Council chooses, an agenda item can be placed on the next meeting agenda to consider nominations. There was discussion.

C. DISCUSS RECOMMENDATION TO AWARD BID TO RDC PAVING, LLC OF HUTTO, TEXAS IN THE AMOUNT OF \$776,955.82 FOR THE 2023 STREET IMPROVEMENT PROJECT AND APPOINTING THE MAYOR TO SIGN ALL CONTRACTUAL DOCUMENTS.

Mr. Kelley stated that in Fiscal Budget Year 2023, six streets, East City Park Road and Fire Station #2 Parking Lot were included for resurfacing and treatment methods specific to each street/surface. Paving improvements included in the 2023 Street Improvement Project are:

- Hickory Street from Colorado Street to Brazos Street
- Hickory Street from S. Commerce Street to S. Main Street
- Olive Street from N. Commerce Street to Kate Street
- Kate Street from Apple Street to Olive Street
- Red Bud Street from Stueve Lane to Woodlawn Street
- Atacosa Street from Prairie Lea Street to Maple Street
- S. Medina Street from Live Oak Street to Clearfork Street.
- City Park Road, east of the pond
- Additive Alternate Bid: Fire Station #2 Parking Lot

Mr. Kelley stated that the selected improvement methods for the 2023 Street Improvements Project consist of approximately 14,295 SY of 6" Mill and Overlay, approximately 1,000 SY of Flexible Base and Subgrade Excavation and Reconstruction, adjusting Manholes and Water Valves as required on various City streets. Bids for the two Additive Alternate paving locations consisted of the rear parking lot of the Community Facility located at 901 Bois D' Arc Street and the parking lot of Fire Station #2. At this time, staff recommends proceeding with the repaving of Fire Station #2 parking lot (ADD ALT P.A.1) and

recommends considering paving the Community Facility parking lot at another time due to the higher than anticipated unit price per square yard. Bids for the project were advertised in compliance with State Law for the construction of the 2023 Street Improvement Project. Nine (9) bids were received ranging \$680,479.32 to \$1,163,600.00 for the Base Bid. It is recommended that the bid be awarded to the lowest qualified bidder, RDC Paving, LLC, in the amount of \$680,479.37 for the Base Bid amount and \$96,476.45 for Fire Station #2 parking lot, for a total of \$776,955.82. There was discussion.

D. DISCUSSION REGARDING ORDINANCE 2023-17 ADOPTING THE CITY OF LOCKHART'S ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2023-2024 AND APPROPRIATING RESOURCES, BEGINNING OCTOBER 1, 2023, ENDING SEPTEMBER 30, 2024, FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AND ADOPTING THE CITY'S INVESTMENT POLICY, FINANCIAL POLICY, AND FUND BALANCE - STABILIZATION AND EXCESS OF RESERVES POLICIES.

Mr. Resendez stated that in accordance with the provisions of Article IX, Section 9.09 of the City of Lockhart Charter - a vote is required for adoption; the budget shall be adopted by the favorable vote of a majority of the members of the whole City Council. This budget also sets forth the fiduciary policies for the City of Lockhart and the Lockhart Economic Development Corporation for the fiscal year October 1, 2023 and ending September 30, 2024. This ordinance will adopt the City's Investment Policy, Financial Policy, and the Fund Balance - Stabilization and Excess of Reserve Policy. The City of Lockhart's Investment Policy must be adopted annually by ordinance according to the City's Charter, Chapter 2256, Section 2256.005. This agenda item allows for the City Council to suggest any budget allocations or deletions to the budget before a vote is taken. If no additional allocations or deletions are presented, action can be taken to adopt the Fiscal Year 2023-2024 Annual Operating Budget for the City of Lockhart, Caldwell County, Texas and the Lockhart Economic Development Corporation. He provided details. There was discussion.

Chief Jenkins provided details and there was discussion about the capital items allocated for the Fire Department.

Chief Williamson provided details about the upgrades needed at the Lockhart Animal Shelter.

Councilmember Michelson requested that staff research and report on the option to lease new vehicles prior to adoption of the budget.

Mr. Hughes provided details about a potential aquatics facility.

Councilmember Castillo recommended that employee wage increases be considered prior to allocating funds towards a new aquatics facility.

RECESS: Mayor White announced that the Council would recess for a break at 7:34 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Pro-Tem Angie Gonzales-Sanchez called the meeting to order at 7:49 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember Castillo gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

Mayor Pro-Tem Sanchez requested citizens to address the Council. There were none.

ITEM 4-A HOLD A PUBLIC HEARING ON APPLICATION ZC-23-06 BY MONTE J. GUIDRY AND DISCUSSION AND OR ACTION TO CONSIDER ORDINANCE 2023-16 FOR A ZONING CHANGE FROM CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON A TOTAL OF 0.216 ACRES IN THE BYRD LOCKHART LEAGUE, ABSTRACT NO. 17, LOCATED AT 1013 NORTH COLORADO STREET (US 183).

Mayor Pro-Tem Sanchez opened the public hearing at 7:53 p.m.

Mr. Fowler stated that this is a reapplication for the zoning change originally requested in ZC-23-03, which had been administratively withdrawn after being incomplete for over three months. The applicant proposes to rezone the subject property for the purpose of permitting the structure on the rear of the lot as an Accessory Dwelling Unit, General. This structure had been illegally converted to a residential dwelling by the prior owner of the property between 2020 and 2022. The existing main house is allowed to be occupied as an existing nonconforming use. However, accessory dwelling units would only be allowed if the property were rezoned to a residential zoning district which allows accessory dwelling units. The subject property has several issues which need to be addressed, including structures encroaching neighboring lots, setback violations, lack of required parking, and unpermitted construction. The proposed RMD zoning is consistent with the *Medium Density Residential* designation for the property on the future Land Use Plan map. However, the site's commercial zoning along the North Colorado Street Corridor is consistent with neighboring properties. The proposed zoning change would only be the first of several steps required to make the property fully compliant with city codes and to allow the legal use of the accessory dwelling unit. Additional steps would be obtaining a variance, clearing all building code violations and successfully applying for a Specific Use Permit for an Accessory Dwelling Unit-General. He stated that the Planning and Zoning Commission and staff recommend approval.

Mayor Pro-Tem Sanchez requested the following citizens to address the Council regarding the zoning change.

Tony Miller, 1508 W. San Antonio Street, stated that the Wilhelm family has dealt with property encroachment issues in the area for years. He spoke against the zoning change and suggested that the item be tabled until the Guidry and Wilhelm families settle the encroachment issue.

Mary Wilhelm, 1017 N. Colorado and Phil Wilhelm, 510 Bois D'arc, spoke against the zoning change because of many code violation issues and due to safety concerns.

Barbara Wilhelm, 510 Bois D'arc, spoke against the zoning change. She stated that Mary Wilhelm currently has issues with individuals walking on her property and she requests that a fence be erected to divide the properties. They are concerned about Mary Wilhelm's safety and they would like to resolve the encroachment issue prior to approving any zoning changes.

Jackie Zapien, 4835 Seawillow Road, provided details about several steps that the property owner has taken to comply with city code regulations. She stated that Mr. Guidry would like to work with the Wilhelm's to correct the encroachment issue. The zoning change request is to allow the property owner to use the house on the property for residential use.

Monte Guidry, 4835 Seawillow Road, stated that the Wilhelm's originally owned the entire property. They later subdivided the property and built the house and garage on the property. He stated that the original subdivision survey was executed incorrectly. He stated that he would like to resolve the issue. The dwellings on the property would be rental units.

Mayor Pro-Tem Sanchez requested additional citizens to address the Council. There were none. She closed the public hearing at 8:24 p.m.

There was discussion regarding the lack of compliance of the property with city code regulations. Mr. Fowler clarified that the agenda item is solely about the zoning change and that staff would work with the property owner to bring the property into compliance with code regulations.

Mr. Bullock, City Attorney, clarified that the zoning change is to determine the use of the property.

There was discussion.

Councilmember Castillo made a motion to deny the zoning change. Mayor Pro-Tem Sanchez seconded. The motion failed by a vote of 2-5, with Mayor White and Councilmembers Westmoreland, Mendoza, McGregor and Michelson opposing.

Councilmember Michelson made a motion to table consideration of the zoning change to the first meeting in November 2023. Councilmember Westmoreland seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

Carmen Rangel, 4835 Seawillow Road, stated that the city has not allowed renovations or any construction permits until the property is zoned to residential.

ITEM 4-B. HOLD A PUBLIC HEARING FOR THE CITY OF LOCKHART AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION FISCAL YEAR 2023-2024 BUDGET.

Mayor Pro-Tem Sanchez opened the public hearing at 8:58 p.m.

Mr. Resendez stated that the City Charter requires that the City Council hold one public hearing for the City of Lockhart Budget to allow for public comments. It was staff's recommendation to hold two hearings to allow citizens an additional opportunity to comment on the proposed budget. This is the final public hearing. He provided details about the budget.

Mayor Pro-Tem Sanchez requested citizens to address the Council. There were none. She closed the public hearing at 9:01 p.m.

Mayor White made a motion to approve the Fiscal Year 2023-2024 budget. Councilmember McGregor seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 4-C. HOLD PUBLIC HEARING ON PROPOSED TAX RATE FOR 2023.

Mayor Pro-Tem Sanchez opened the public hearing at 9:05 p.m.

Mr. Resendez stated that the City Council is required to hold a public hearing on the proposal to increase the tax revenues if the proposed tax rate exceeds the No New Revenue rate calculated by the Caldwell County Appraisal District. This public hearing is required by the Truth in Taxation laws of the State of Texas. The proposed tax rate is 0.5348.

ITEM 5-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-18 LEVYING MAINTENANCE AND OPERATIONS PROPERTY TAXES FOR THE USE AND SUPPORT OF THE CITY OF LOCKHART, TEXAS AND INTEREST AND SINKING PROPERTY TAXES FOR THE DEBT SERVICE OBLIGATIONS OF THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS FOR FISCAL YEAR 2024, BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024.

Councilmember McGregor made a motion that the maintenance and operations rate be adopted at \$0.4136 per \$100 of assessed value as indicated/listed in Ordinance 2023-18, thereby adopting said ordinance. Councilmember Westmoreland seconded.

The following is a record vote:

Councilmember McGregor - aye
Councilmember Michelson - aye
Councilmember Castillo - nay
Mayor Pro-Tem Sanchez - aye
Councilmember Mendoza - aye
Councilmember Westmoreland - aye
Mayor White - not present for the vote

The motion passed by a vote of 5-1, with one not present.

Mayor White was disconnected from the virtual meeting connection.

Councilmember McGregor made a motion that the interest and sinking rate be adopted at \$0.1212 per \$100 of assessed value as indicated/listed in Ordinance 2023-18, thereby adopting said ordinance. Councilmember Michelson seconded.

The following is a record vote:

Councilmember Michelson - aye
Councilmember Castillo - nay
Councilmember McGregor - aye
Mayor Pro-Tem Sanchez - aye
Councilmember Mendoza - aye
Councilmember Westmoreland - aye
Mayor White - not present

The motion passed by a vote of 5-1 with Councilmember Castillo opposing and Mayor White not present for the vote.

Mayor White was reconnected virtually to the meeting.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER AWARDED BID TO RDC PAVING, LLC OF HUTTO, TEXAS IN THE AMOUNT OF \$776,955.82 FOR THE 2023 STREET IMPROVEMENT PROJECT AND APPOINTING THE MAYOR TO SIGN ALL CONTRACTUAL DOCUMENTS.

Councilmember Mendoza made a motion to award the bid to RDC Paving, LLC, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-17 ADOPTING THE CITY OF LOCKHART'S ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2023-2024 AND APPROPRIATING RESOURCES, BEGINNING OCTOBER 1, 2023, ENDING SEPTEMBER 30, 2024, FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AND ADOPTING THE CITY'S INVESTMENT POLICY, FINANCIAL POLICY, AND FUND BALANCE - STABILIZATION AND EXCESS OF RESERVES POLICIES.

Councilmember McGregor made a motion to approve Ordinance 2023-17, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-19 REPEALING UNCODIFIED ORDINANCE 2022-42 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING THE CITY PERSONNEL POLICY MANUAL; REMOVING PERFORMANCE OR MERIT PAY FOR POLICE AND FIRE PERSONNEL AND ADOPTING A STEP PAY PLAN FOR POLICE AND FIRE DEPARTMENTS UNDER CIVIL SERVICE.

Ms. Bowermon stated that the Fiscal Year 2023-2024 Budget includes a 5% pay increase for all full-time and part-time regular City of Lockhart employees. It also includes an additional 2% pay increase to the civil service pay step plans for police officers and fire fighters, for a total of a 7% increase for these two departments. In compliance with Civil Service, classified police and fire positions are paid per a step pay plan, which is set by ordinance. The proposed ordinance reflects increasing the step plans as included in the budget. Agencies in central Texas continue to experience unremitting vacancies in public safety positions. Consequently, this 7% adjustment is being proposed to enhance Lockhart's ability to recruit and retain qualified police officers and fire fighters. There was discussion.

Councilmember Castillo made a motion to approve Ordinance 2023-19, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

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

- Texas Monthly has announced the drone show will return for the 2023 BBQ World's Fair.
- Construction for public improvements in Summerside Sections 5 and 6 will begin soon to serve 147 residential lots.
- Election regarding the creation of ESD No. 5 is scheduled for November 7, 2023.
- Update on water conservation efforts.
- Update on Lockhart Industrial Park III projects.
- Update on new traffic signalization at SH 142 and SH 130 and vehicle burglary prevention tips. (Police Chief Williamson)

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

Councilmember Westmoreland expressed condolences to the family of Abel Rodriguez for their loss.

Councilmember Mendoza congratulated the Lockhart ISD on their recent cross country meets. He expressed condolences to families that have lost a loved one.

Councilmember McGregor congratulated downtown business owners for a successful First Friday. She encouraged everyone to consider the proposed Emergency Services District.

Councilmember Castillo expressed condolences to families that have lost a loved one. He welcomed the Mill Scale to the community. He encouraged everyone to vote in the next election and thanked staff for their work on the budget.

Councilmember Michelson thanked staff for their work on the budget. He welcomed the new City Attorney.

Mayor White stated that he is feeling better after his surgery. He thanked Mayor Pro-Tem Sanchez for conducting tonight's meeting. He thanked staff.

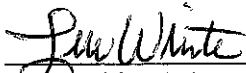
Mayor Pro-Tem Sanchez expressed condolences to families that have lost a loved one. She wished the Lockhart Varsity Football team good luck at their game. She requested a copy of the after action review of the recent fires. She thanked staff for their guidance during tonight's meeting.

ITEM 8. ADJOURNMENT

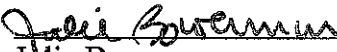
Councilmember McGregor made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:46 p.m.

PASSED and APPROVED this the 18th day of June, 2024.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Julie Bowermon
City Secretary

