

PUBLIC NOTICE

AGENDA

LOCKHART CITY COUNCIL

September 3, 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 by Public Works and discussion regarding updates on Rise Broadband Fiber Installation. **6-26**
- B. Presentation and discussion of Raftelis Water and Wastewater Rate Study and Financial Plan Update. **27-58**
- C. Discuss City Council minutes of the November 21, 2023 and December 3, 2023 meetings. **59-75**
- D. Discussion regarding Resolution 2024-21 accepting a petition for and calling a public hearing on the advisability of public improvements and creation of Seawillow Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code. **76-94**
- E. Discuss the Annual Service Agreement with Motorola Solutions, Inc. and authorize the City Manager to execute the Service Agreement for FY 2024-2025. **95-104**
- F. Discuss Agreement Order from the Texas Commission on Environmental Quality (TCEQ) regarding Docket Number 2023-1209-PST-E involving underground storage tank (UST) testing and authorizing the City Manager to sign the agreement order. **105-126**
- G. Discussion regarding Ordinance 2024-23 adopting the City of Lockhart's Annual Operating Budget for Fiscal Year 2024-2025 and appropriating resources, beginning October 1, 2024, ending September 30, 2025, 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. **127-129**

- H. Discussion regarding Ordinance 2024-24 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 2025, beginning October 1, 2024 and ending September 30, 2025. **130-133**
- I. Discussion regarding Ordinance 2024-25 repealing uncodified Ordinance 2023-19 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. **134-143**
- J. Discussion regarding Ordinance 2024-26 repealing un-codified Ordinance 2018-23 and adopting this ordinance regarding establishing the classifications within the Fire Department and authorizing the number of employees in each classification. **144-149**
- K. Discuss Resolution 2024-22, denying Texas Gas Service Company's requested rate increase; requiring the company to reimburse the City's reasonable ratemaking expenses; and, requiring notice of this resolution to the company and the City's legal counsel. **150-153**
- L. Discussion regarding the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election for Places 11 - 14. **154-160**
- M. Discussion and possible direction to staff regarding creating zoning overlays to regulate design standards in the entrance corridors along highway entrances into Lockhart, as requested by Mayor White. **161-173**

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 regarding application ZC - 24-06 by the Marilyn Riddle Trust, and discussion and/or action to consider Ordinance 2024-22 for a ZONING CHANGE from AO Agricultural-Open Space District to 27.9955 acres of CMB Commercial Medium Business District, 17.7206 acres of RHD Residential High Density District and 132.0719 acres of RMD Residential Medium Density District on 177.78 acres in the James George Survey, Abstract Number 9, located in the 1500, 1600, and 1700 blocks of South Commerce Street. **174-211**
- B. Hold a Public hearing for the City of Lockhart and the Lockhart Economic Development Corporation Fiscal Year 2024-2025 Budget. **212-224**
- C. Hold Public Hearing on Proposed Tax Rate for 2024. **225-228**

5. CONSENT AGENDA

- A. Approve City Council minutes of the November 21, 2023 and December 3, 2023 meetings. **229-245**
- B. Approve Resolution 2024-21 accepting a petition for and calling a public hearing on the advisability of public improvements and creation of Seawillow Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code. **246-264**
- C. Approve the Annual Service Agreement with Motorola Solutions, Inc. and authorize the City Manager to execute the Service Agreement for FY 2024-2025. **265-274**
- D. Approve Resolution 2024-22, denying Texas Gas Service Company's requested rate increase; requiring the company to reimburse the City's reasonable ratemaking expenses; and, requiring notice of this resolution to the company and the City's legal counsel. **275-278**

6. DISCUSSION/ACTION ITEMS

- A. Discussion and/or action regarding Agreement Order from the Texas Commission on Environmental Quality (TCEQ) regarding Docket Number 2023-1209-PST-E involving underground storage tank (UST) testing and authorizing the City Manager to sign the agreement order. **279-300**
- B. Discussion and/or action regarding Ordinance 2024-23 adopting the City of Lockhart's Annual Operating Budget for Fiscal Year 2024-2025 and appropriating resources, beginning October 1, 2024, ending September 30, 2025, 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. **301-303**

- C. Discussion and/or action regarding Ordinance 2024-24 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 2025, beginning October 1, 2024 and ending September 30, 2025. 304-307
- D. Discussion and/or action regarding Ordinance 2024-25 repealing uncodified Ordinance 2023-19 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. 308-317
- E. Discussion and/or action regarding Ordinance 2024-26 repealing uncodified Ordinance 2018-23 and adopting this ordinance regarding establishing the classifications within the Fire Department and authorizing the number of employees in each classification. 318-323
- F. Discussion and/or action regarding the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election for Places 11 - 14. 324-330
- G. Discussion and possible direction to staff regarding creating zoning overlays to regulate design standards in the entrance corridors along highway entrances into Lockhart, as requested by Mayor White. 331-343

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

- Construction for the Downtown Revitalization Project is beginning this week in the areas north of W. San Antonio St, between Hwy 183 and S. Main St, and some areas of Church St.
- Update regarding final draft of the Comprehensive Plan.
- Update regarding campaign to educate the community about illegal discharge of firearms.
- National Night Out is scheduled for October 1st.
- City Pool closed for the season on September 1st.
- Splash Pads are currently still open, scheduled to close October 27th.

8. COUNCIL AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST

9. 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 August 30, 2024 at 4:45 p.m.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Presentation by Public Works and discussion regarding updates on Rise Broadband Fiber Installation.

ORIGINATING DEPARTMENT AND CONTACT: Public Works - Sean Kelley

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: On May 21, 2024, City Council heard a presentation regarding the future residential and non-residential installation of fiber internet services by Rise Broadband. Following that meeting, staff finalized installation protocols and issued the attached ROW permit dated June 14, 2024.

On July 8th, Rise Broadband began installing components of their fiber network. Public Works presentation tonight includes updates on the progress of Rise's installation and will address a number of operational disruptions. Representatives from Rise Broadband and Rockport Construction will also be available for questions.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Report only, at this time.

LIST OF SUPPORTING DOCUMENTS: Rise Broadband Permit June 14 2024, Rise Lockhart 6.12.2024 Letter, Updated Rise Broadband Information, Rise Update Sept 3 Powerpoint

June 13, 2024

Re: Notice to Proceed for Right-of-Way Excavation, Rise Broadband

In accordance with the City of Lockhart Code of Ordinances, including, but not limited to Chapter 50 of the City of Lockhart Code of Ordinances and the Rise Broadband Compliance with City Process letter dated June 12, 2024, the City of Lockhart authorizes Rise Broadband to begin installation of Fiber Network in Lockhart starting on June 17, 2024. The City of Lockhart has the right to revoke or deny permitting if in the best interest of public infrastructure and the public.

We look forward to working with you to accomplish this city-wide project to improve connectivity in Lockhart.

Kind regards,



Sean Kelley
Public Works Director

Cc: Steven Lewis, City Manager
Brad Bullock, City Attorney
Julie Bowermon, City Secretary

CITY OF LOCKHART
RIGHT OF WAY EXCAVATION PERMIT
See Attachment Regarding Requirements

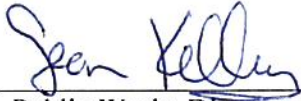
Date application received: June 13, 2024

Received by (Public Works Employee): Sean Kelley

Application Approved: YES X NO

If not approved, state reason: _____

SPECIAL PROVISIONS: Permit is subject to the terms and conditions set forth in Rise Broadband letter dated 6/12/24, attached as Ex. A hereto. Rise Broadband agrees to be bound by the terms therein, perform work in conformity therewith.
Rise Broadband will start in Zone 3. Rise Broadband shall separately obtain authorization for each new zone from the Public Works Director prior to commencement of work in said zone.



Public Works Director or designee

June 13, 2024

Date

Revocation Notice

This permit is hereby revoked in accordance with the City of Lockhart Ordinance, Section 50-37, for the following reasons:

Reasons: _____

Public Works Director or designee

Date

**CITY OF LOCKHART
PUBLIC WORKS DEPARTMENT
RIGHT OF WAY EXCAVATION APPLICATION**

NOTICE: This application must be signed and approved before excavation(s) can begin, except when a valid and verifiable emergency exists. Applicant must possess a copy of the approved permit at the proposed excavation job site. Application should be submitted for consideration three (3) workdays in advance, except in cases of verifiable emergencies.

**A LOCATION MAP SHOWING THE PROPOSED EXCAVATION MUST BE
ATTACHED TO THE APPLICATION**

Chad Mueller -
Applicant Name: Air Canopy Internet Services, Inc. dba Rise Broadband Date: 3/20/2024
Applicant Address: 61 Inverness Drive East Suite #250, Phone #: 682-710-7187
Englewood, CO 80112
Applicant is: Property Owner ☐ Contractor ☐ Utility ☒ Other ☐
Name and Address of Contractor if different from above: _____
Phone #: _____

Notification of all utility entities prior to excavation is required by STATE LAW-HOUSE BILL 2295 and by City Ordinance Section 50-38.

Have all utility entities been notified about this proposed excavation? Yes ☐ No ☒
If not, state reason(s): Locates will be called before construction starts

The proposed excavation is for: Curb Cut ☐ Access Driveway ☐ Utility Repair ☐ Utility Installation ☒
Other ☐ _____

Address of proposed excavation: 510 Wichita Street, Lockhart, TX 78644
Actual excavation location if different: _____

Right of way area of proposed excavation is: Pavement ☐ Behind Curb ☐ Bar Ditch ☐ Driveway ☐
Easement ☐ Other ☒ In City ROW _____

*****STATE RIGHT OF WAY EXCAVATION REQUIRES TXDOT PERMIT*****

Approximate depth, width and length of proposed excavation: _____
What type of compacting equipment will be used? _____
What type of backfill material will be used? _____

City Ordinance, Section 50-40 requires that all backfilling of excavations be subject to inspection and approval by the Public Works Department of the City of Lockhart.

Proposed Starting Date: 4/22/2024 Finishing Date: 11/01/2024

Will complete street be closed? Yes ☐ No ☒ If yes, how long? _____
Will part of the street be closed? Yes ☐ No ☒ if yes, how long? _____

City Ordinance, Section 50-38(b) requires notification of all emergency service providers such as the Fire, EMS and Police Departments if street is closed or partially closed. This permit can be faxed to the Public Works Office at (512)398-9134.

Trench Repair Details and General Specifications are included with this Application

Applicant Signature: Chad Mueller VP Network Deployment



June 12, 2024

Dear City of Lockhart,

As your dedicated Launch Manager and your representative at Rise Broadband, and on behalf of our dedicated team, I am excited to outline our intent to collaborate with the City of Lockhart (City) for the deployment of our advanced fiber-optic network. Our goal is to enhance digital connectivity and support the city's economic and technological growth.

1. Compliance with City Processes: Rise Broadband is committed to aligning with all required processes and regulations agreed upon with Public Works

- Boring limited to weekdays only from 8 AM and until 4PM.
- Restoration work will be performed from 8 AM until 6 PM on weekdays, excluding any utility work needed to restore disrupted services.
- Rise Broadband will phase in its boring drills based only on the City's ability to handle workload.
- Rise Broadband will be working on not more than 2 of the 12 zones at a time, and the City will have the ability to approval additional zones for fiber installation or reduced zones as necessary.
- Rise Broadband will restore any excavation or damage to roads following the City's construction standards.
- Rise Broadband will work in accordance of the City Code of Ordinances, including, but not limited to Chapter 50 of the City of Lockhart Code of Ordinances.
- Rise Broadband will work with the City to determine the best depth, including shallow trench methods for fiber placement to minimize conflicts with existing utilities and on proposed City projects within the rights-of-way.
- The City has the right to deny and revoke permitting if in the best interest of public infrastructure and the general public, in conformity with the City's right-of-way ordinance.
- Rise Broadband will have basic materials on hand to make repairs to damaged utilities at the time of occurrence, for example but not limited to repair clamps, couplings, pipe(s), etc.
- Rise Broadband will maintain fiber network facilities in good and safe condition not to cause a public nuisance.
- If damage requires assistance from City workers, Rise Broadband will be on location to assist with anything needed until the damage is repaired.
- Rise Broadband will provide traffic control or signage along areas where excavations are taking place in accordance with the Texas Manual on Uniform Traffic Control Devices.

EXHIBIT A

- Rise Broadband will use ground penetrating radar for locates to minimize damage where applicable.
- Rise Broadband will provide weekly updates to the City for progress and damages if any.
- Public notification along the excavation route must be given to residents 72 hours prior to excavation in right-of-way along residents' properties, by way of door hangers in English/Spanish and will include Rise Broadband's call center number.
- Placement of "Bandit Signs" shall not be allowed in the public right-of-way.
- The construction team will work hand-in-hand with Public Works in all areas to ensure a smooth construction process and address any concerns in the area prior to beginning construction.
- Rise Broadband, and its contractors performing work on Rise Broadband's behalf, shall continuously maintain adequate general liability insurance coverage while working in City rights-of-way.
- **RISE BROADBAND SHALL AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF LOCKHART, ITS AGENTS, EMPLOYEES, OFFICIALS, AND OFFICERS AGAINST ANY AND ALL CLAIMS, DEMANDS, DAMAGES, LIABILITIES, AND COSTS THAT DIRECTLY OR INDIRECTLY RESULT FROM, OR ARISE IN CONNECTION WITH WORK RELATED IN ANY WAY TO THE DEPLOYMENT OF FIBER-OPTIC NETWORKS BEING INSTALLED IN CITY RIGHTS-OF-WAY BY RISE BROADBAND, INCLUDING CONTRACTORS OR SUB-CONTRACTORS ACTING ON RISE BROADBAND'S BEHALF.**
- Rise Broadband agrees that the terms and requirements contained in this letter are incorporated into the City of Lockhart Right-of-Way Permit by reference and that the permit is granted pursuant to Rise Broadband's acceptance of these terms.
- Rise Broadband will provide the City as built records showing the location of all the fiber network components.
- All construction workers and people placing door hangers will be wearing a badge and safety vests identifying themselves as a Rise Broadband employee or an authorized contractor of Rise Broadband.

2. Construction Expectations: Rise Broadband's construction standards are designed to ensure minimal impact on the City infrastructure and environment. Rise Broadband adheres to best practices in industry and regulatory compliance, providing detailed schedules and impact assessments.

3. Construction Support Fund: Rise Broadband has earmarked up to \$25,000 for a Construction Support Fund that is available upon request through detailed invoices to facilitate

EXHIBIT A

smooth construction operations and minimize any disruptions to the local community. These funds can be used as assistance to the City of Lockhart for labor cost, repairs to unmarked and/or missed marked city owned utilities. Any remaining funds at the end of construction will be donated to the City of Lockhart.

Rise Broadband believes this partnership will be mutually beneficial, bringing state-of-the-art digital infrastructure to Lockhart and fostering a technologically enabled future. Rise Broadband looks forward to your positive response and to setting a foundation for a robust partnership.

I will be your primary point of contact throughout the fiber deployment process. Please feel free to contact me if any questions or concerns arise. Contact number during regular hours and afterhours.

Warm regards,

Jeremy McDonald
Rise Broadband Launch Manager
jmcdonald@risebroadband.com
(806) 646-0053



Adam Wolk
Director of Investment Programs
awolk@risebroadband.com
(385)333-9644



July 25, 2024

Information Regarding Recent Rise Broadband Work and High-Speed Internet Installation

We understand that the recent contract work around the city, particularly the installation of high-speed internet conduits, has raised concerns among residents. We appreciate your patience and wish to provide you with detailed information to address any concerns or questions you may have.

Here are some key points regarding the ongoing installation:

Q: What is Rise Broadband doing?

A: Rise Broadband is installing a private fiber optic broadband network in Lockhart. This network will be able to deliver high-speed internet using fiber-to-the-home technology.

Q: How long will the installation take?

A: Fiber network installation is an ongoing process as fiber is expanded to include more potential customers. We anticipate that the work will be completed by the end of July 2025.

Q: How will I know when the installation crews are coming to my street?

A: Before the installation occurs, crews will notify residents along the excavation route 72 hours prior to excavation in the right-of-way along residents' properties.

Q: Will my city utilities or gas services be interrupted during the installation process?

A: Utility companies will be notified before excavation begins, and they will have the opportunity to mark their underground lines. There may be occasional instances where utilities might be disrupted during the project. In these instances, the respective utility company will respond promptly to restore services.

Q: Will the crews come onto my property during installation?

A: Crews will stay on the public right-of-way, where the installation will take place. If the public right-of-way is fenced off, they will contact you to request access. Crews will not enter your property without your permission.

Q: How will I know that the crews working are legitimate since I'm worried about scammers?

A: Any utility vehicles that come to your area will be marked with the name of the contractor crew or the internet provider. If you are unsure whether a crew is legitimate, you can reach out to Rise Broadband at 833-839-3821 for verification.

Q: What are Rise Broadband's working hours?

A: Work will be limited to weekdays from 8 a.m.- 4 p.m. Restoration work will be performed from 8 a.m.-6 p.m. on weekdays.

Q: How do I handle personal property damage caused by the fiber installation?

A: Please contact Rise Broadband at 833-839-3821 if the damage is attributed to the contractor, they will swiftly address the situation and carry out repairs.

Q: How do I handle water and wastewater damage?

A: In the event of any water and/or wastewater issues that arise due to contractor activities, please contact the City of Lockhart Public Works Department at 512-398-6452. The City will handle those issues/repairs.

Q: What permitting approval/authority does Rise Broadband work under?

A: Any utility/company that intends to provide local exchange telephone service, basic local telecommunications service, or switched access service to customers besides itself must obtain certification from the Texas Public Utilities Commission. There are two categories of certification: Certificate of Operating Authority (COA) and Service Provider Certificate of Operating Authority (SPCOA.) These certifications must be renewed once every ten years. Rise Broadband operates under an SPCOA.

Q: Are Rise Broadband and its contractors licensed and bonded?

A: Yes, they are required to be licensed, bonded and permitted through The Public Utility Commission.

Q: How will the network be installed?

A: Rise Broadband is installing 1 ½ inch conduits and cables, two feet deep underground (in the public right-of-way along streets), to enhance high-speed internet services across the city.

Q: Is the City paying for this installation?

A: No. This is a private investment by private internet providers.

Q: Who is this benefiting?

A: This endeavor is city-wide in scope, aiming to benefit all residents. You can contact Rise Broadband directly at 833-839-3821 to determine whether your neighborhood is included in their network plans. If services are available for your area, they are voluntary. The City of Lockhart does not have jurisdiction over Rise subscriber fees for service.

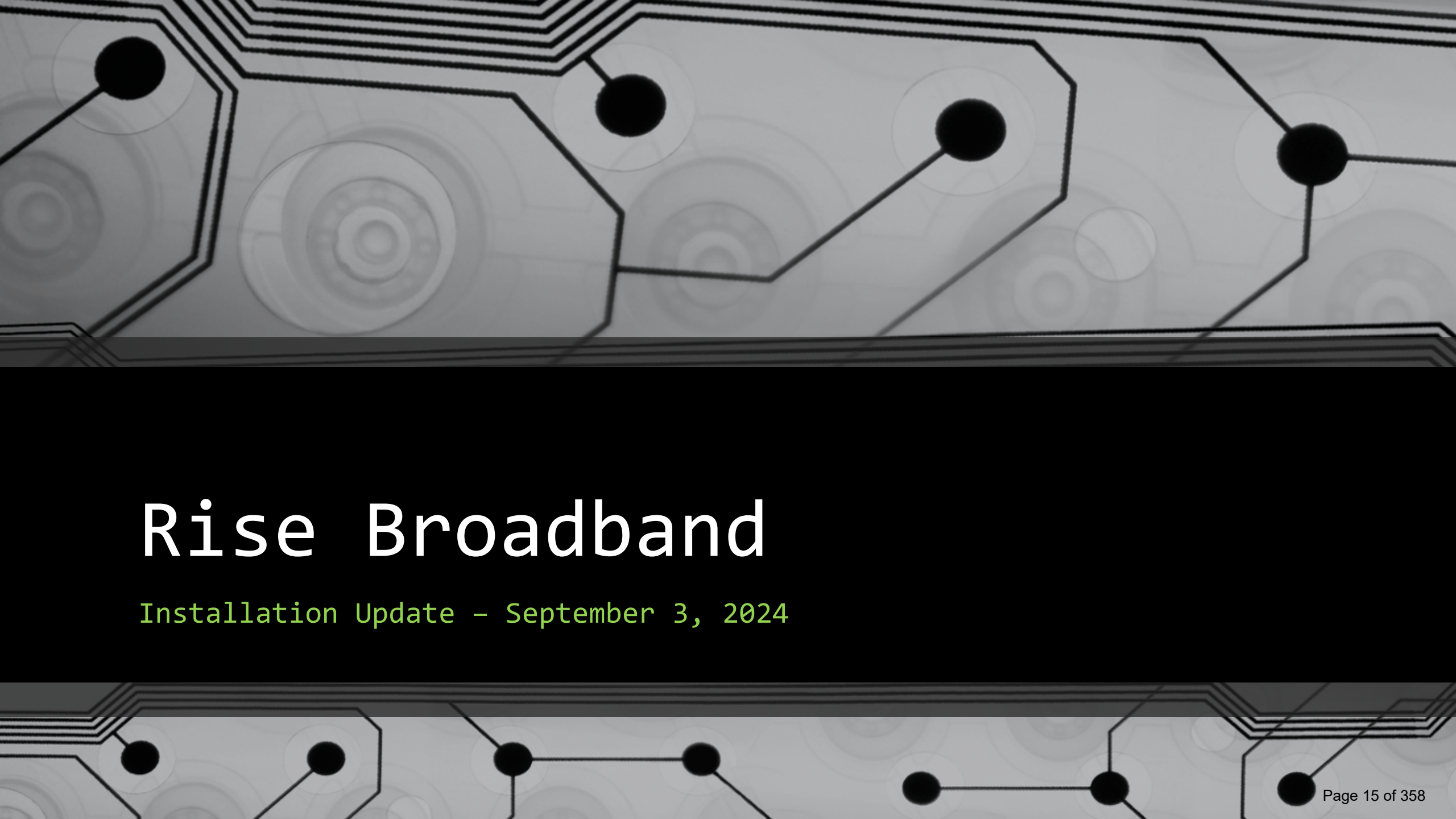
Q: Who should I contact if I have any questions?

A: Because the network is being installed by a private company, you should reach out to Rise Broadband directly at 833-839-3821 if you have any questions pertaining to their installation or services. For water and/or wastewater questions, please contact Public Works at 512- 398-6452 during regular business hours (8 a.m.-5 p.m., Monday through Friday). For water and/or wastewater issues that occur after-work hours, weekends, or holidays, please reach out to the Lockhart Police Department's non-emergency line at 512-398-4401 and they will promptly connect with the on-call Water Department Personnel.

Q: Where can a complaint against Rise Broadband be filed?

A: Typically, the first step in the complaint process is to contact the provider. Rise Broadband can be contacted at 833-839-3821. However, Rise Broadband customers can also file formal and informal complaints with PUC by contacting their Consumer Complaint Hotline at 888-782-8477 or by email at customer@puc.texas.gov.

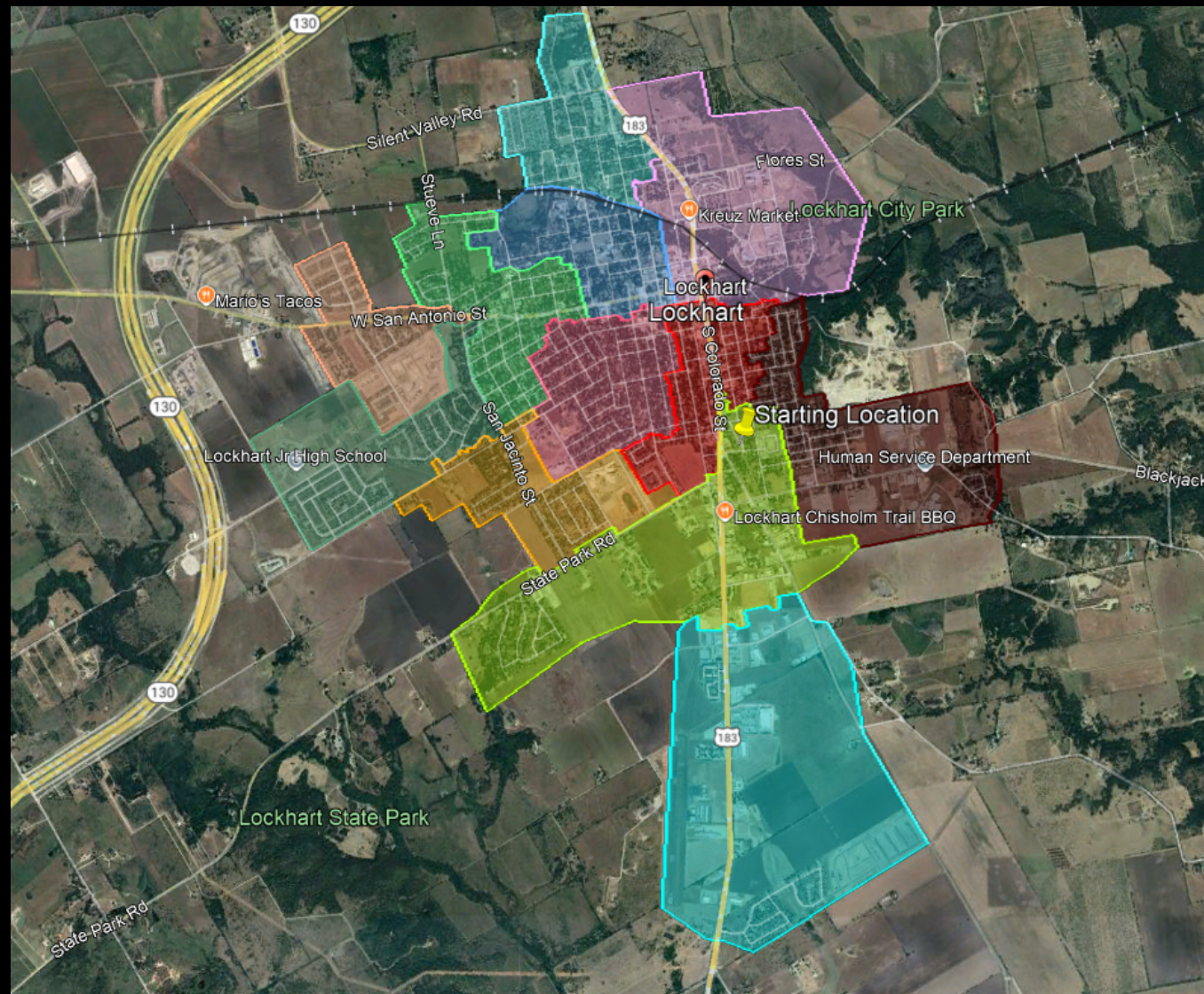
We emphasize that the work conducted by the contractors is not reflective of the City of Lockhart. However, we are fully committed to addressing any challenges swiftly and in accordance with our high standards. Your understanding and cooperation during this process is greatly appreciated.



Rise Broadband

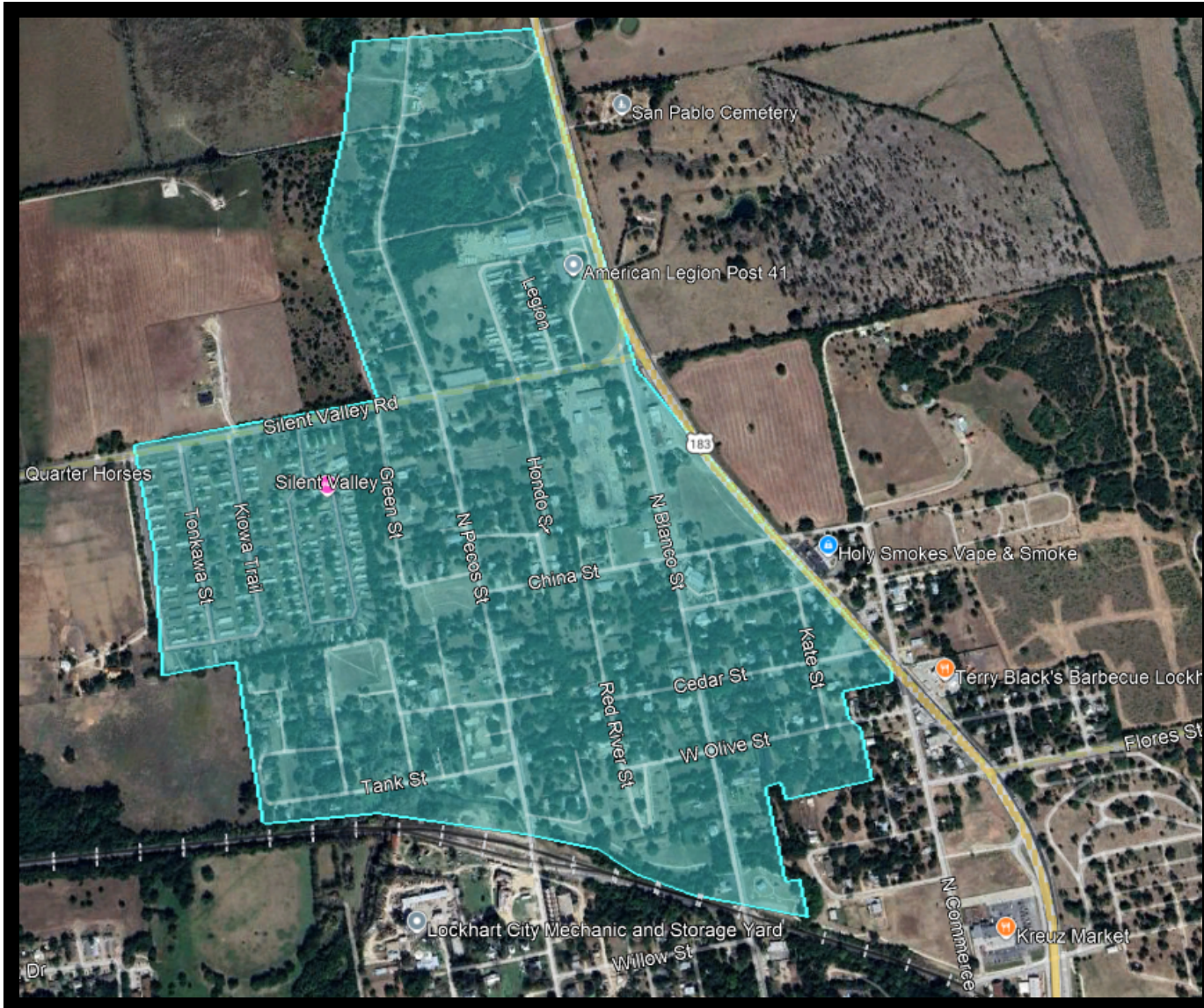
Installation Update – September 3, 2024

- June 14, 2024-Rise was issued a Conditional Right-of-Way Excavation Permit
- July 8, 2024 to Present- Rise has been installing fiber conduits and utility hand-holes in right-of-way
- Rise created twelve geographic sections.
- Rise has been limited to working in two sections simultaneously, a condition of the conditional permit acceptance.



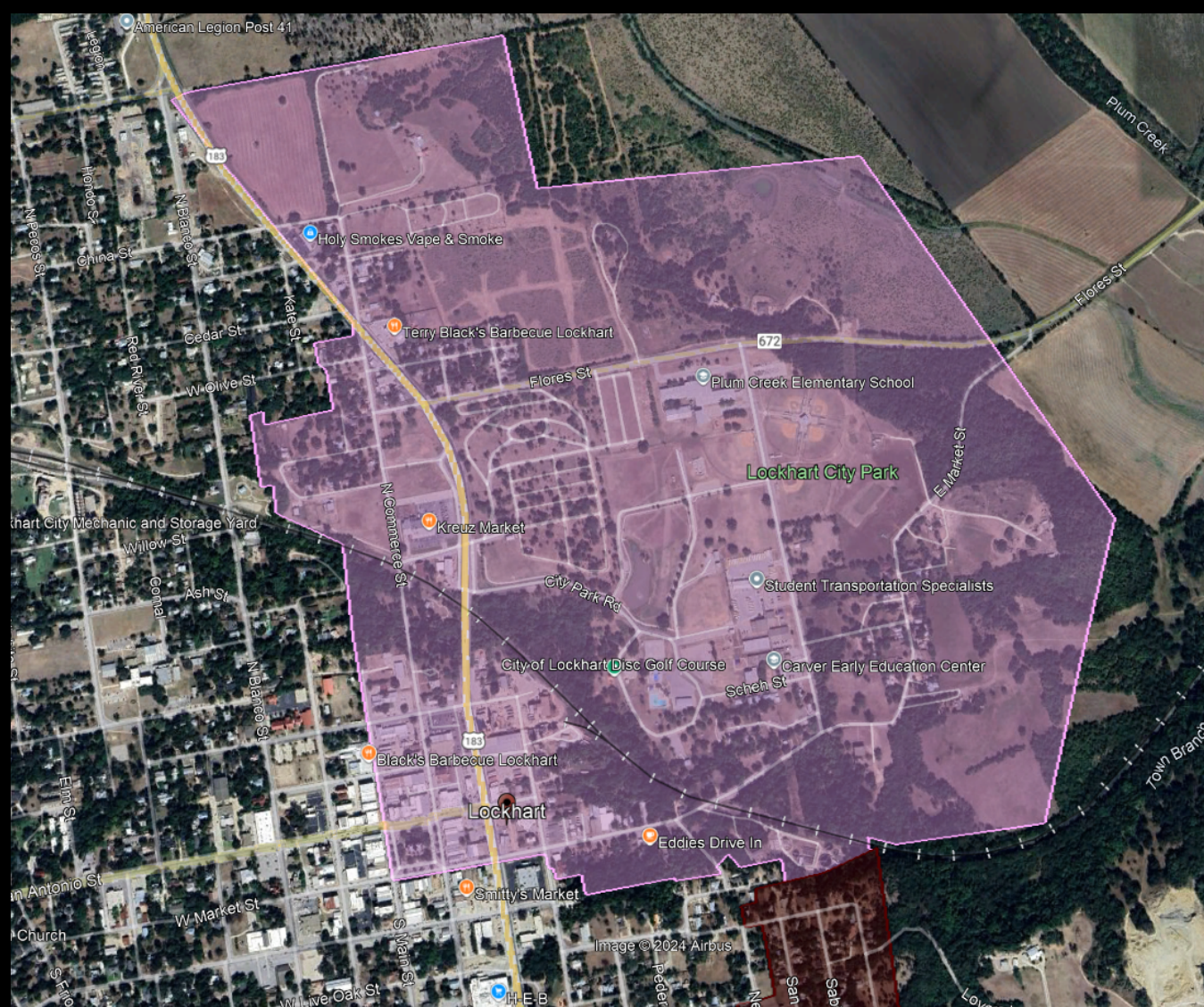
Rise's Fiber Installation Sections

Current Progress



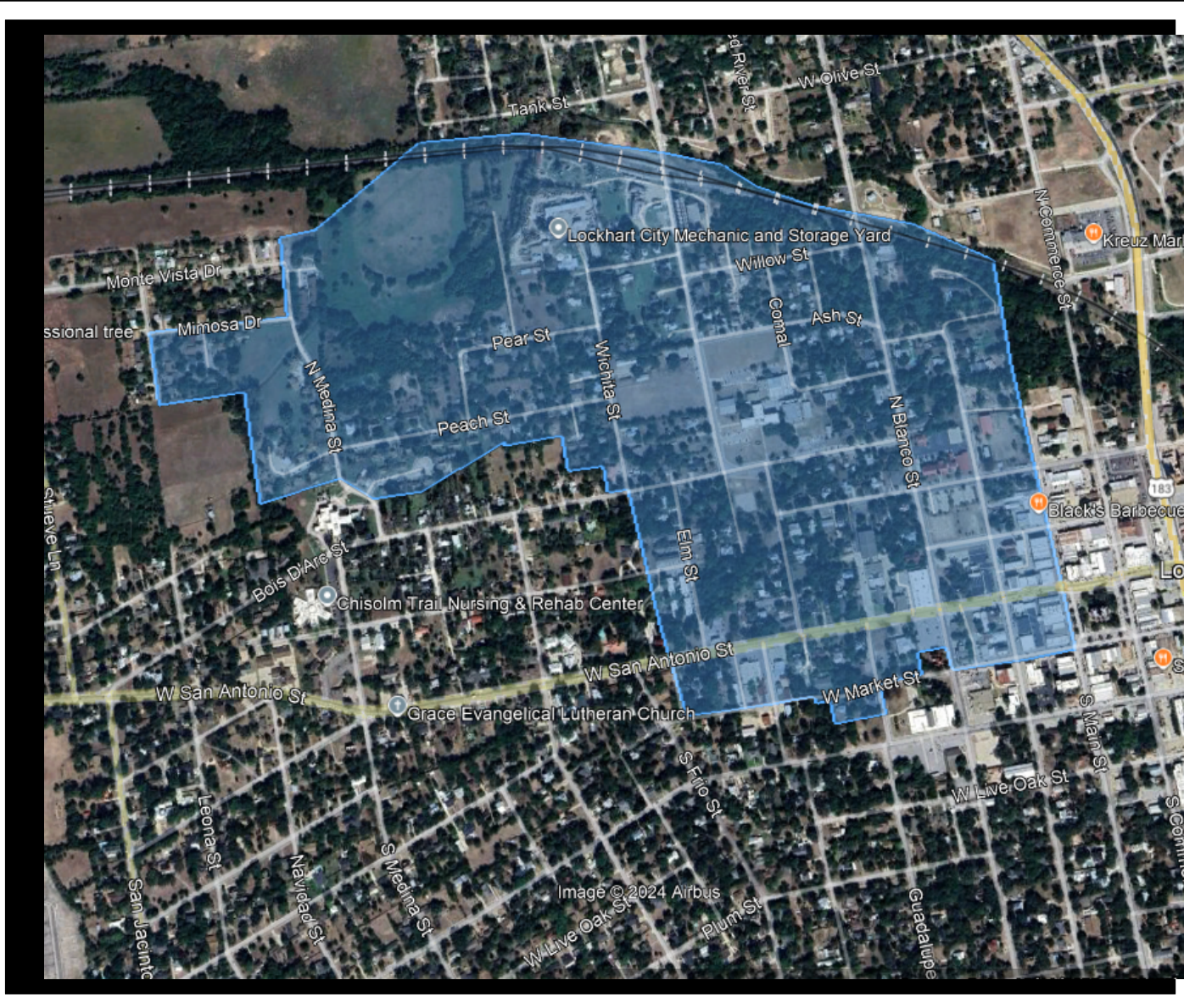
Section No.1

- 40% Completed with underground installation of conduits and handholes.
- Section installation is anticipated to be completed by September 30th.



Section No.2

- 80% Completed with underground installation
- Section area was delayed due to movie production conflict.
- Installation will resume upon completion of Section No. 3.
- Anticipated completion of Section No. 2 is September 13th.



Section No.3

- 90% Completed with underground installation.
- Installation is anticipated to be completed by September 6th.

Rise is coordinating efforts to connect the near completed sections to existing fiber lines south of Lockhart. This would allow for residents in completed areas to begin high-speed internet service should they choose. The date for connection is TBD.



Rise's goal is to have 4,934 initial homes/businesses with access to the new high-speed fiber by installing approximately 75 miles of fiber lines.

Installing utilities City-Wide, comes with challenges

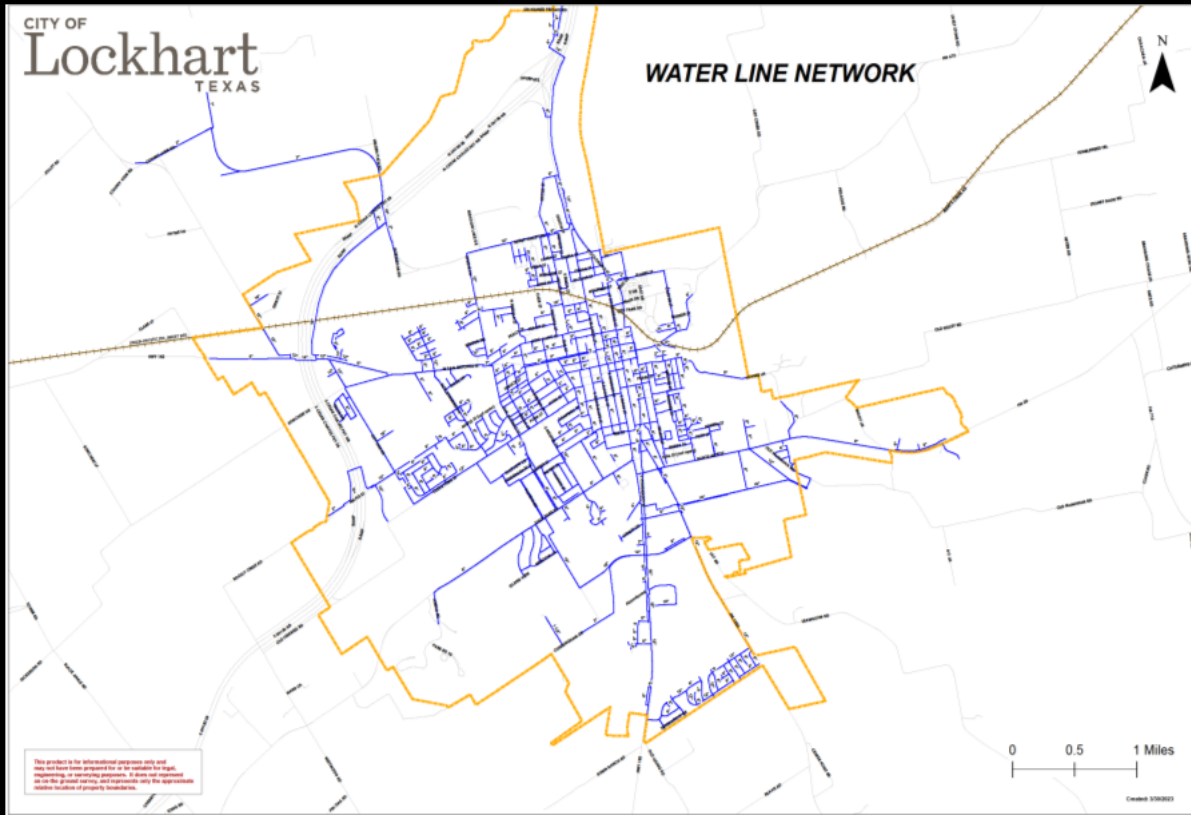
Rise Broadband Complaint and Utility Disruption Log Summary
Issues Reported Between July 8th and August 30th

- Unmarked or unknown existing utility locations
- Limited right-of-way to work within
- The risk of installing utilities with similar depths
- Excavator inexperience or error

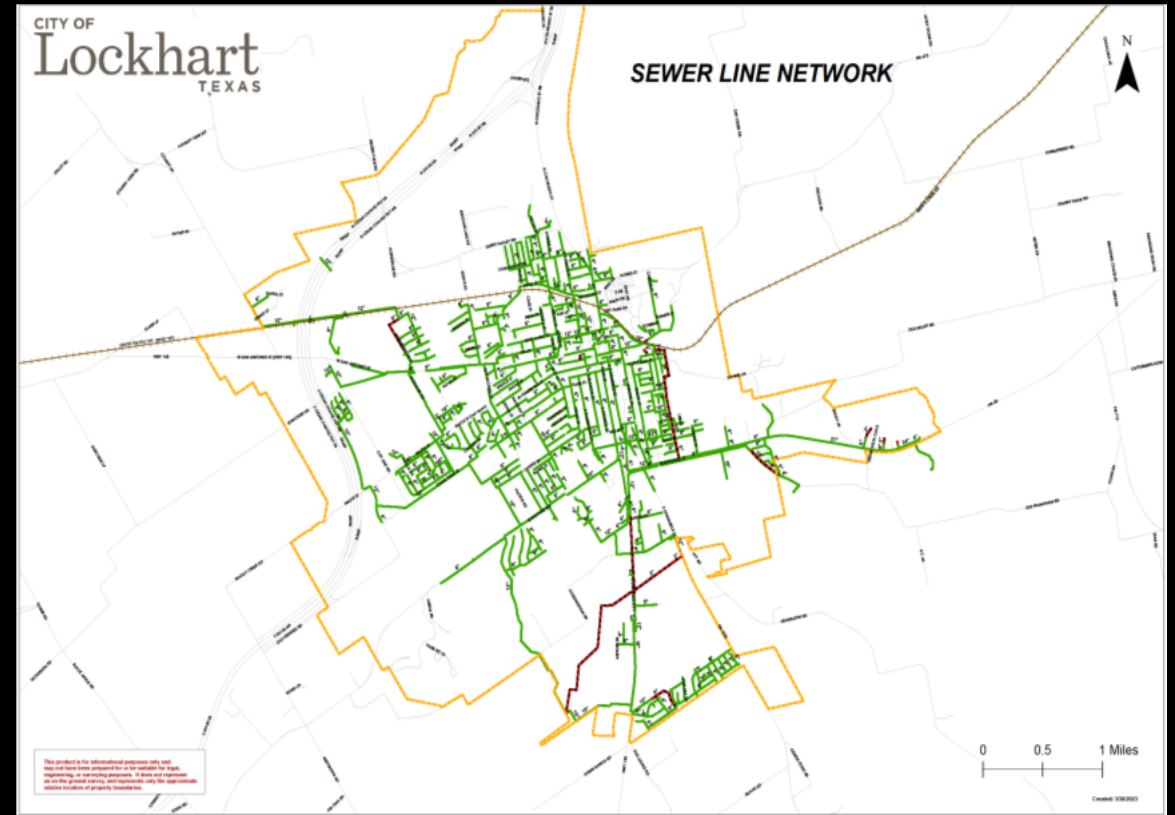
Water Main Breaks (2"-8")	Water Service Breaks	Sewer Service Breaks	Gas Leaks	Various Customer Complaints (Irrigation, restoration, backfill, etc.)
4	5	4	3	8

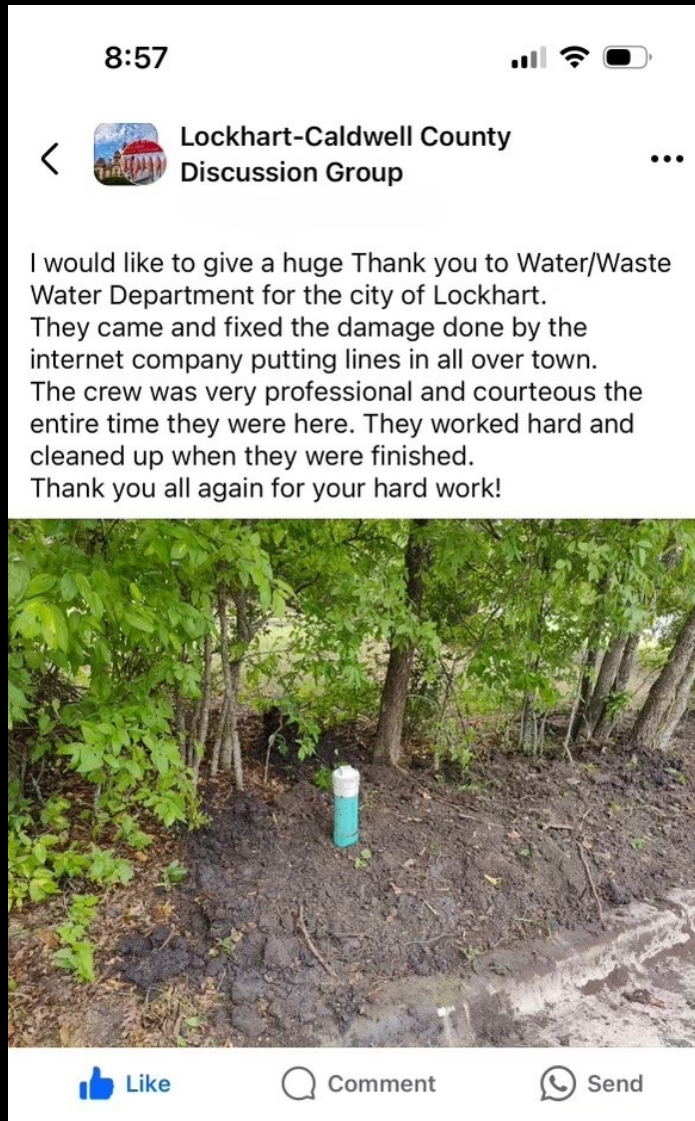
The City of Lockhart maintenance responsibilities include:

- 6,184 Water Services
- 106 miles of Water Mains



- 5,672 Wastewater Services
- 85 miles of Wastewater Mains





The Water and Wastewater Department are dedicated to restoring utility services promptly to minimize disruptions

Moving Forward

- Continue utilizing and abiding by the protocols in the permit
- Maintaining effective level of communication between the City and the Contractors
- Promptly identifying issues with contractors so they can be corrected with the project manager

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Presentation and discussion of Raftelis Water and Wastewater Rate Study and Financial Plan Update.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Joseph Resendez, Keeli Michna

ACTION REQUESTED: Direction

BACKGROUND/SUMMARY/DISCUSSION: On February 2, 2021, the City Council approved the City Manager to enter into an agreement with Raftelis Financial Consultants, Inc. to provide the City of Lockhart with a water and wastewater study. The purpose of the study was to determine the total cost of providing water and wastewater services, equitably distribute costs to customers, and design rates to safeguard the financial integrity of the city utility systems.

Besides monitoring the City's current capital needs and increasing demand against its current supply, other factors to determine if rates are meeting the needs of the systems include maintaining current infrastructure and meeting debt obligations. The rate study helped the City develop a multi-year financial plan that met anticipated debt payments for all Water and Wastewater obligations including the Carrizo Groundwater Project while preparing for any future capital improvement projects.

At the August 3, 2021 and August 17, 2021 Council meetings, Raftelis' consultant provided the results of the rate study and presented three rate adjustment scenarios over a 3-year phase-in period. According to the consultant, in order to recover costs for water supply land leases, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers, the City should set rates according to the different sizes of the customers' meters and their usage, which is common among municipal utility providers.

The Council approved and implemented the scenario 2 rate plan with a three-year phase-in at the September 21, 2021 Council meeting. The scenario 2 phase-in plan included 6% annual increases to water rates and 7% annual increases to wastewater rates beginning with the second billing cycle in November 2021 and through the second billing cycle in November 2023. This plan also included the option to reevaluate the water and wastewater rates after November 2023 to incorporate any changes to the operating and maintenance costs and debt service requirements of the water and wastewater utility systems.

City staff reengaged with Raftelis consultants in August 2023 to reevaluate the water and wastewater rates due to updates in the Carrizo Groundwater Project operating and maintenance costs and debt service requirements and wholesale water costs from the Luling Water Treatment Plant. The attached presentation from Raftelis provides recommended adjustments to the water and wastewater rates for Fiscal year 2024-2025 and Fiscal Year 2025-2026 to account for these updated revenue and expenditure requirements.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: To receive direction from Council concerning water and wastewater rates for Fiscal Year 2024-2025; direction to staff to prepare city code amendments,

LIST OF SUPPORTING DOCUMENTS: City of Lockhart Water and Wastewater Rate Study Presentation

City of Lockhart

2024 Water and Wastewater Rate Update

September 3, 2024





Agenda



Rate Study Process



Financial Plan Assumptions



Utility Financial Plan



Cost of Service Results



Rate and Typical bill comparison

City of Lockhart rates and fees must:



Fund Operations



Fund Capital Projects



Maintain Reserves & Debt



Service Coverage

Fund Growth



Ensure Customer Rate Equity

How we'll get there



Fund Operations



Fund Capital Projects



Maintain Reserves and DSC



Fund Growth



Ensure Customer Rate Equity

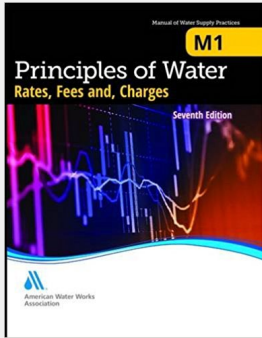


Financial Plan



Rate Design

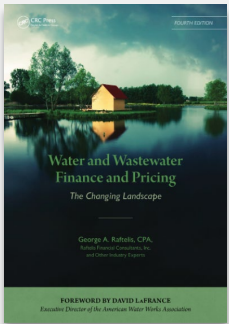
Guided by industry-standard financial planning and rate-setting approaches



American Water Works Association,
Manual M-1, Principles of Rates, Fees, and Charges

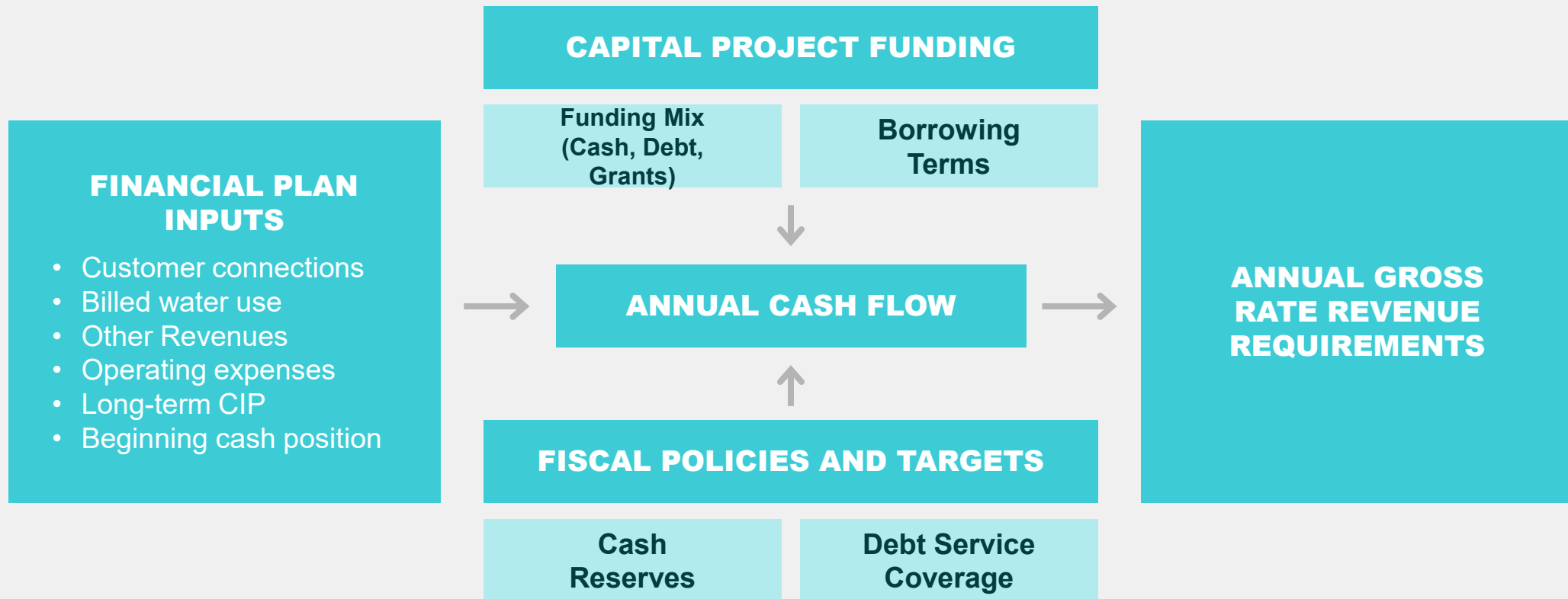


Water Environment Federation
Financing and Charges for Wastewater Systems



Raftelis Financial Consultants
Water and Wastewater Finance and Pricing

Financial Plan Elements



Financial Plan Drivers



Long-Range Financial Plan Drivers



Inflationary
Pressures



Water Supply Sources
and Costs



Capital
Investment



Debt Coverage
Requirements



Cash
Reserves



Fixed GBRA Costs Imposed
on Water Operations

City of Lockhart Operating Expenses



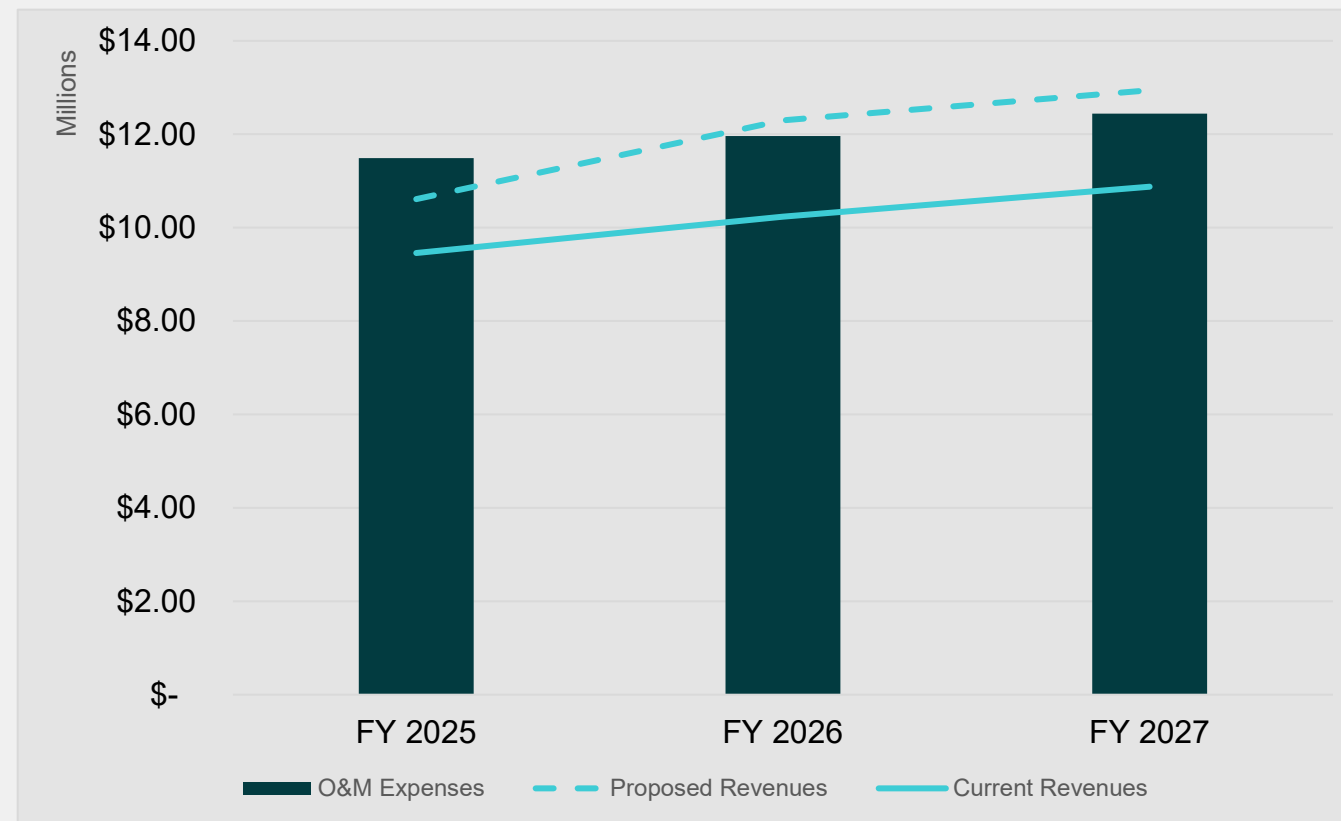
Utility Financial Plan



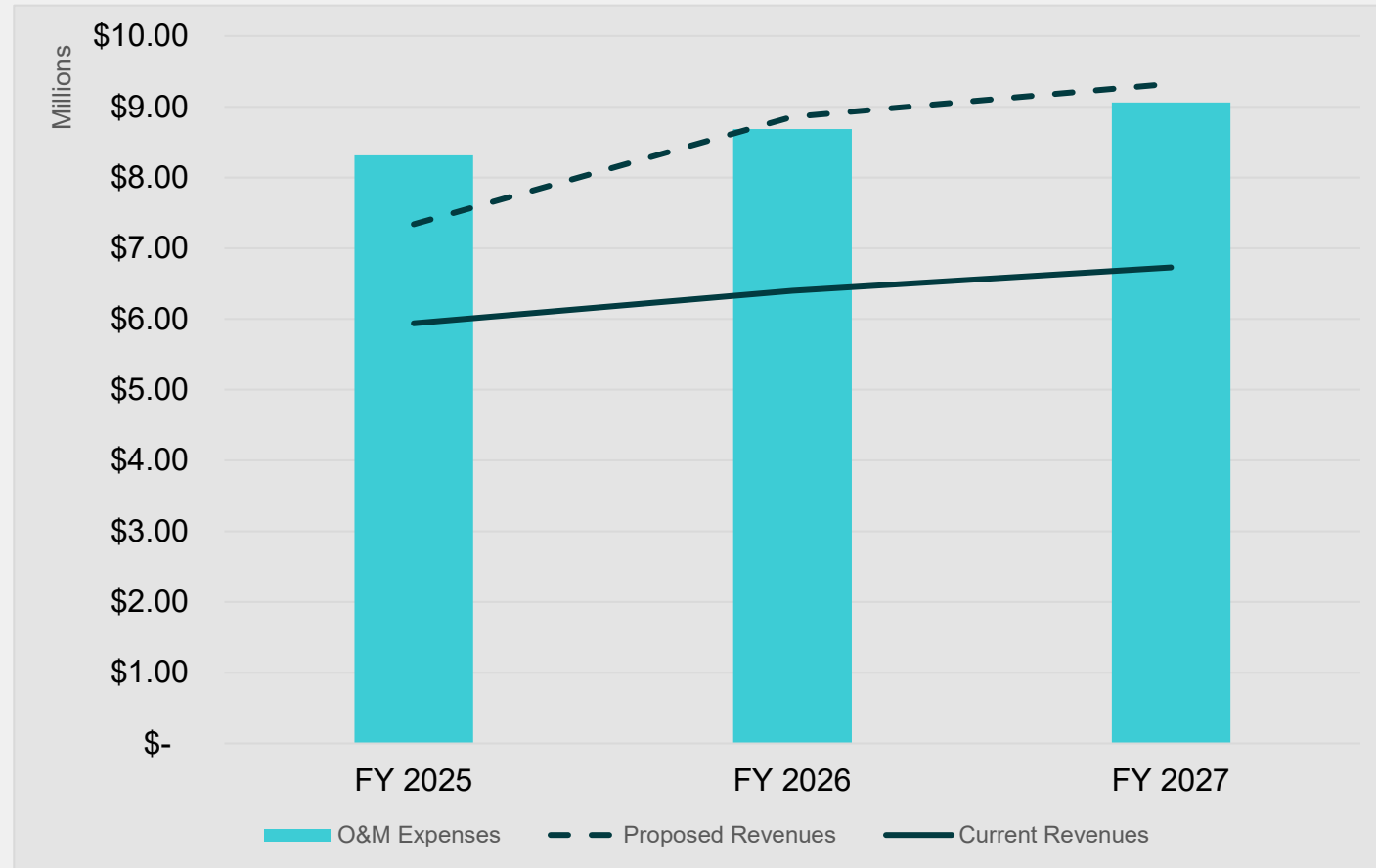
Water 2-Year Financial Plan Revenue Adjustments

	<i>Recommended 2-Yr Revenue Adjustments</i>	
	FY 2025	FY 2026
Water Revenue Adjustment	35%	20%
<i>Effective Month</i>	<i>November</i>	<i>November</i>
Utility Surplus/(Deficit)	(\$612,208)	\$622,204

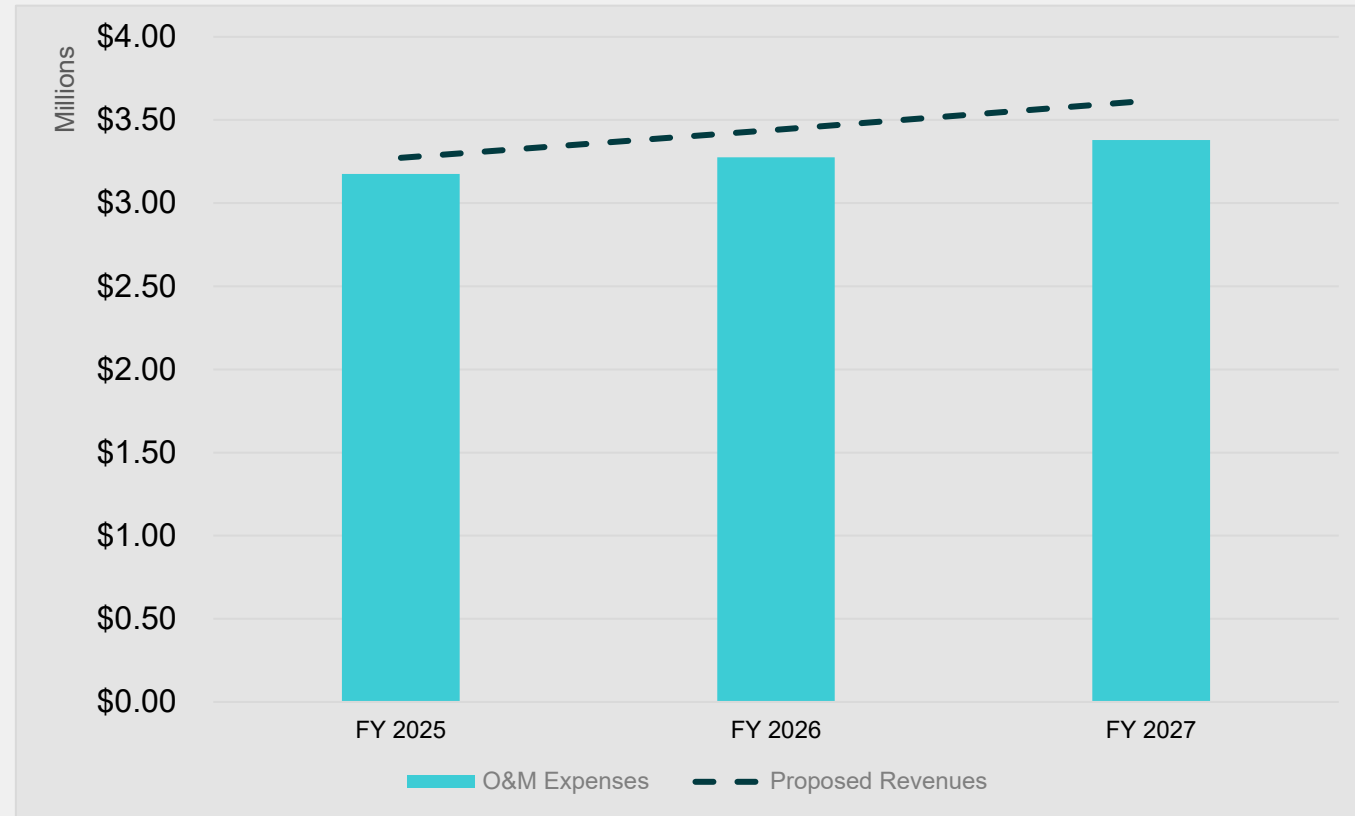
3-year Combined W/WW Cash Flow Results



Water 3-Year Financial Plan



Sewer 3-Year Financial Plan



2024 Cost of Service Analysis and Rates



Financial Plan vs. Cost of Service

Financial Plan

- Determines the TOTAL amount of revenue required from water rates each year (i.e., how large of a pie do we need?)

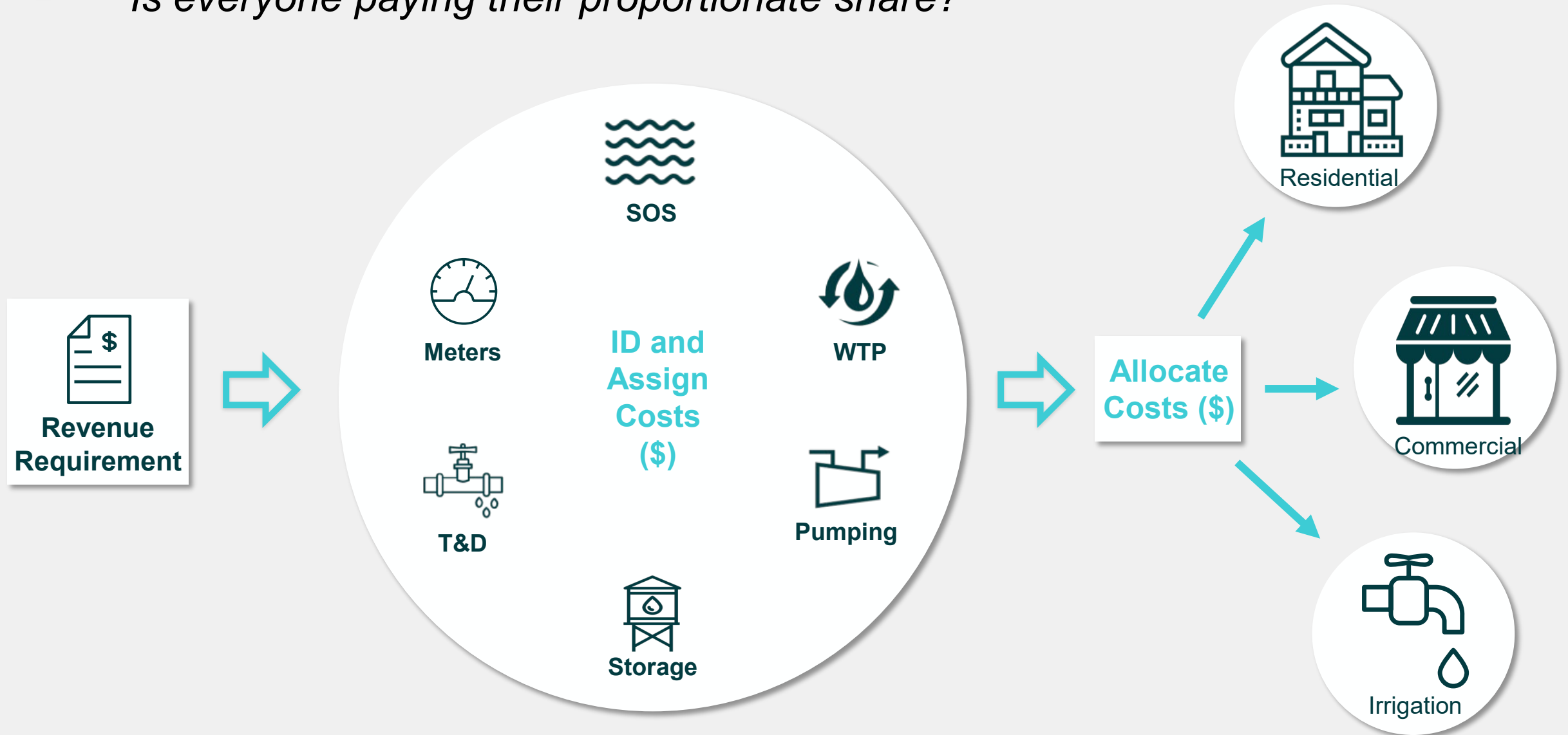
Cost of Service

- Determines how the overall rate revenue requirement is allocated to various customer classes (i.e., how do we slice the pie based on costs incurred?)



Cost of Service Analysis

Is everyone paying their proportionate share?



Recommendations



Current Monthly Residential Water Rates

Customer Class	Fixed Charge	Volumetric Rate per 1,000 Gallons				
		Tier 0	Tier 1	Tier 2	Tier 3	Tier 4
		0 - 2 kgal	2 - 6 kgal	6 - 10 kgal	10 - 20 kgal	20+ kgal
Residential Inside	\$27.45	-	\$4.86	\$6.07	\$7.04	\$7.77

2-Year Monthly Residential Water Rate Schedule

Recommendation

**Increase Pricing Signal 50%
Between Tiers 2 & 3 and 3 & 4**

- 35% rate increase in 2025
- 20% rate increase in 2026

		Current	Recommended 2-Yr Revenue Adjustments	
		FY 2024	FY 2025	FY 2026
Fixed Monthly Service Charge				
Inside City Residential		\$27.45	\$37.05	\$44.46
Volumetric Rates (\$/kgal)				
Inside City Residential				
Tier 0	2 kgal	-	-	-
Tier 1	6 kgal	\$4.86	\$6.56	\$7.87
Tier 2	10 kgal	\$6.07	\$8.20	\$9.84
Tier 3	20 kgal	\$7.04	\$12.30	\$14.75
Tier 4	> 20 kgal	\$7.77	\$18.44	\$22.13

Current Monthly Residential Sewer Rates

Customer Class	Fixed Charge	Volumetric Rate per 1,000 Gallons	
		Tier 0	Tier 1
		0 - 2 kgal	2+ kgal
Residential Inside	\$19.18	-	\$5.77

2-Year Monthly Residential Wastewater Rate Schedule

		Current	Recommended 2-Yr Revenue Adjustments	
		FY 2024	FY 2025	FY 2026
Fixed Monthly Service Charge				
Residential		\$19.18	\$19.76	\$20.35
Volumetric Rates (\$/kgal)				
Tier 0	2 kgal			
Tier 1	>2 kgal	\$5.77	\$5.94	\$6.12

Recommendation
3% rate increase

Bill Impacts

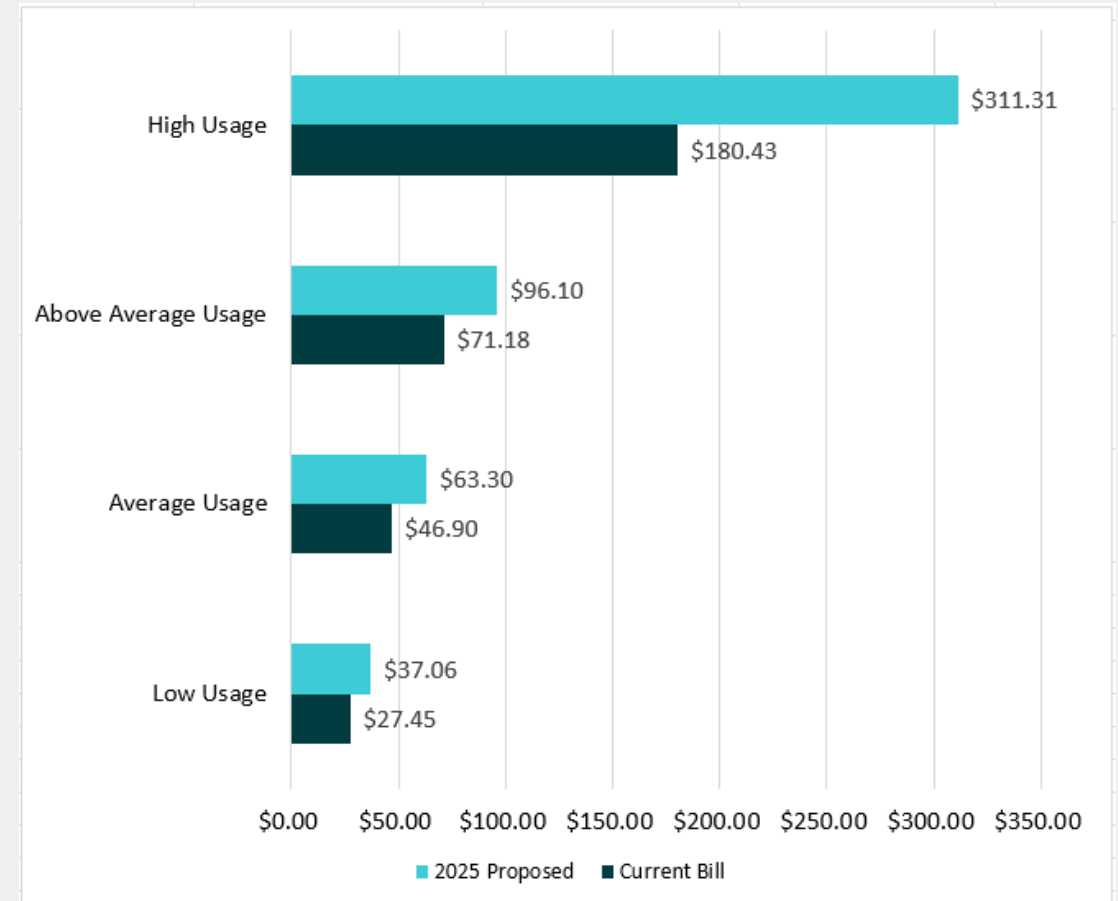


Inside City Residential Customer Water Monthly Bill Impacts

Description	Usage (kgal)	Current Bill	2025 Proposed	Difference - \$
Low Usage	2	\$27.45	\$37.06	\$9.61
Average Usage	6	\$46.90	\$63.30	\$16.40
Above Average Usage	10	\$71.18	\$96.10	\$24.93
High Usage	25	\$180.43	\$311.31	\$130.88

*Average usage consists of 75% of users and Above Average consists of 90%

*Low Usage represents fixed income customers. The City provides a Lifeline rate charging \$0 for the first 2,000 gallons.

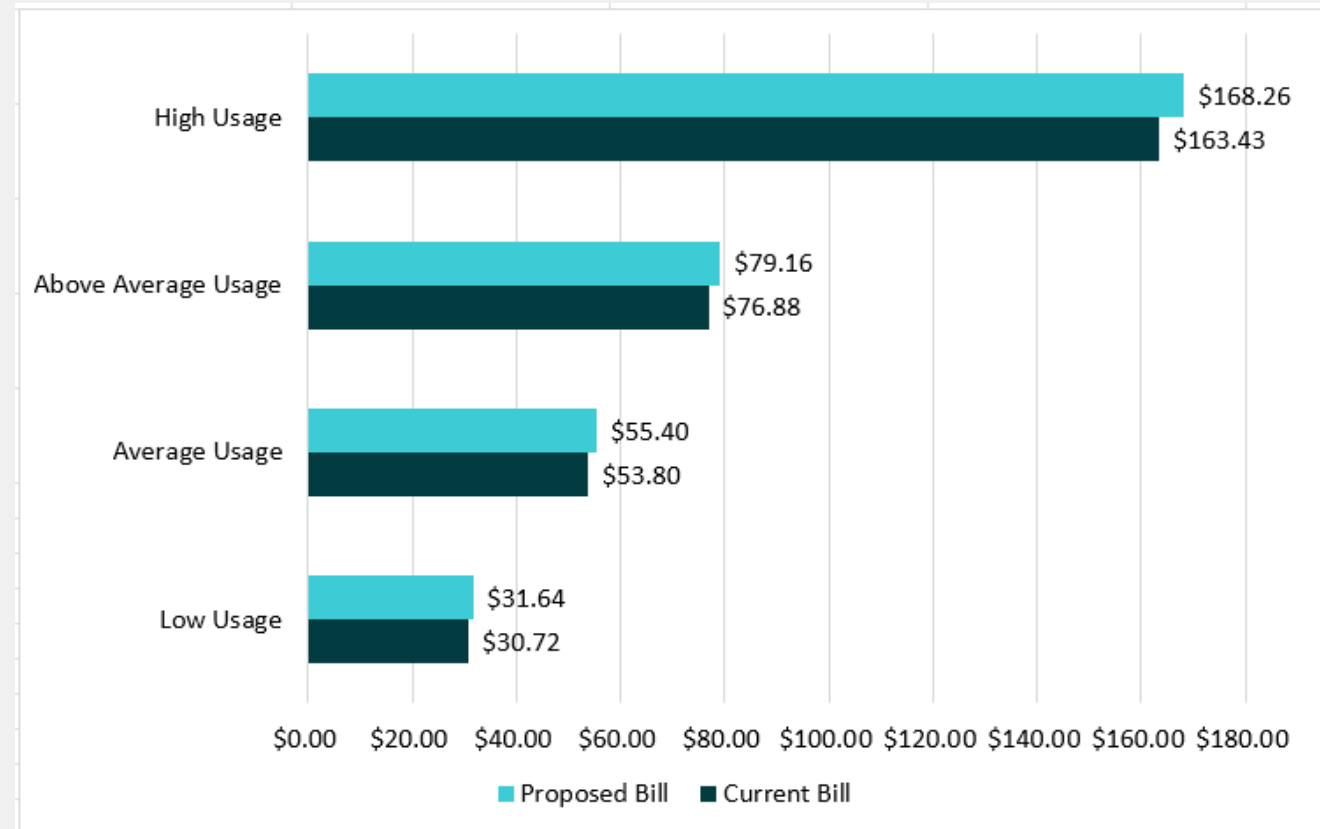


Residential Customer Sewer Monthly Bill Impacts

Description	Usage (kgal)	Current Bill	Proposed Bill	Difference - \$
Low Usage	2	\$19.18	\$19.76	\$0.58
Average Usage	6	\$42.26	\$43.52	\$1.26
Above Average Usage	10	\$65.34	\$67.28	\$1.94
High Usage	25	\$151.89	\$156.38	\$4.49

*Average usage consists of 75% of users and Above Average consists of 90%

*Low Usage represents fixed income customers. The City provides a Lifeline rate charging \$0 for the first 2,000 gallons.

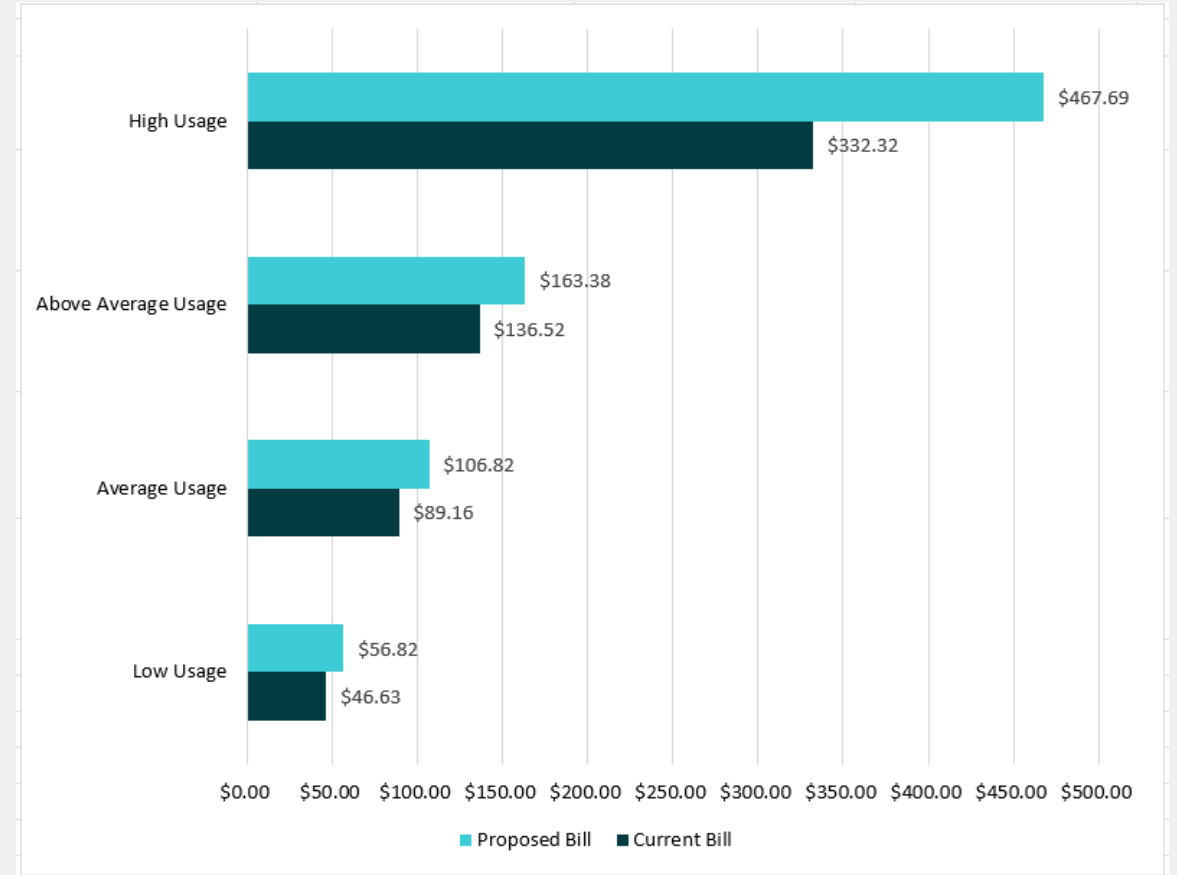


Residential Customer Combined W/WW Monthly Bill Impacts

Description	Usage (kgal)	Current Bill	Proposed Bill	Difference - \$
Low Usage	2	\$46.63	\$56.82	\$10.19
Average Usage	6	\$89.16	\$106.82	\$17.66
Above Average Usage	10	\$136.52	\$163.38	\$26.87
High Usage	25	\$332.32	\$467.69	\$135.37

*Average usage consists of 75% of users and Above Average consists of 90%

*Low Usage represents fixed income customers. The City provides a Lifeline rate charging \$0 for the first 2,000 gallons.

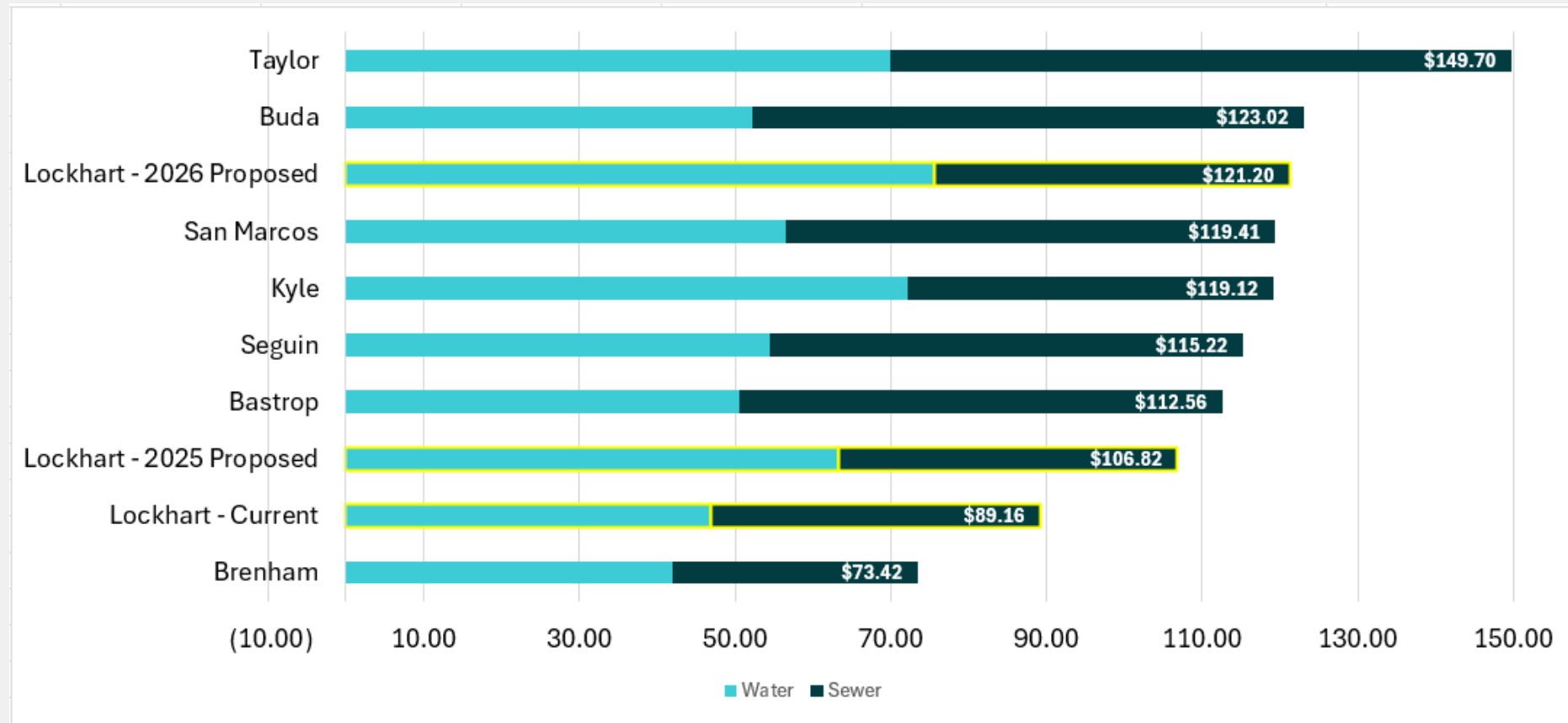


Peer Utility Survey



Peer Utility Survey - Typical Monthly Combined Bill Comparison

5/8" x 3/4" residential (or equivalent) customer (6 kgal)



Next Steps

Seeking Council Approval of Rates Presented at a Future Meeting.



Thank you!

Contact:

Justin Rasor, *Manager*

737 471 0146 / jrasor@raftelis.com

**REGULAR MEETING
LOCKHART CITY COUNCIL**

NOVEMBER 21, 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
Councilmember Brad Westmoreland
Councilmember John Larisen
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
David Fowler, Planning Director
Bertha Martinez, Library Director
Bob Leos, Electric Superintendent
Gary Williamson, Police Chief
Evan Olszewski, Planner

Monte Akers, City Attorney
Julie Bowermon, City Secretary
Sean Kelley, Public Works Director
Travis Hughes, Parks Director
Victoria Burns, Public Information Officer
Kevin Waller, Senior Planner

Citizens/Visitors Addressing the Council: Members of Evening with the Authors; Shiva Shankar of Paradise Engineers; Citizens: Domingo Martinez, Alvino Carrizales, Jesse Martinez, Ben and Laura Siegel, Robert Steinbomer, Chris St. Leger, Mathew Johnson, Jim Guidry, Tony Miller, and Phil Wilhelm.

Work Session 6:30 p.m.

Mayor White opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. CHECK PRESENTATION TO THE CITY OF LOCKHART DR. EUGENE CLARK LIBRARY IN THE AMOUNT OF \$10,000 PRESENTED BY THE EVENING WITH THE AUTHORS.

Members of the Evening with the Authors presented a check in the amount of \$10,000 to the Dr. Eugene Clark Library.

B. DISCUSS RESOLUTION 2023-20 DIRECTING CITY STAFF TO COORDINATE WITH CONSULTING FIRMS AND CITIZEN AQUATICS COMMITTEE TO EVALUATE POTENTIAL FUTURE AQUATICS FACILITY SITES AND RETURN TO COUNCIL WITH RECOMMENDATION.

Mr. Hughes stated that the existing city pool is over 50 years old and has significant unrepairable damage due to ground movement over time. During the November 15, 2022 City Council Meeting, Council directed city staff to form a citizen aquatics committee tasked to develop an action plan for the construction of a new aquatics facility. A committee was formed consisting of LISD, Caldwell County, Parks Board and City Staff members, and began meeting in January 2023. The committee developed general concepts regarding the community needs for a new aquatics facility and explored potential site locations on existing City and LISD property. On July 18, 2023, a work authorization was approved by Council under the existing General Services Contract with the consulting firm Halff & Associates to provide a feasibility study for the construction of a new aquatics facility, including market analysis and cost predictions for construction and operation. Halff & Associates, in collaboration with Water Technology INC, presented

the study results to Council in a Special Work Session on October 23, 2023. Based on the information presented, Council is directing city staff to coordinate with consultant firms and the citizen aquatics committee to make a recommendation on potential site locations. Water Technologies will provide an update to the Council in the near future.

C. DISCUSSION REGARDING UPDATED AGREEMENT WITH LCRA AND MCCOY TREE SERVICE FOR TREE TRIMMING IN THE RIGHT-OF-WAY AND UTILITY EASEMENTS.

Mr. Leos stated that it is recommended that the City continue the tree trimming program with McCoy Tree Service in an effort to reduce voltage flicker, outages, losses, and improve public safety and satisfaction. Trees in close contact with power lines and tree limbs falling onto power lines are the most common causes of outages. Downed power lines caused by falling trees are a public safety hazard. Utilities that fail to maintain a tree trimming program frequently experience higher than normal expenses during severe storm conditions, which include overtime, purchase of additional inventory to replace damaged poles, wires, and electric equipment. McCoy was first awarded this project in FY 2019-2020 during the March 3, 2020 council meeting. There was no renewal clause in the contract but we were very satisfied with the work they completed around the city. If approved, McCoy's Tree Service advised they can begin pruning in early January 2024. Trimming oak trees during the winter months (December - February) is an industry best practice to mitigate potential causes of Oak Wilt. Staff anticipates funding appropriated in this year's adopted FY 2023-24 budget will continue tree trimming services through March 2024. McCoy Tree Service specializes in vegetation management for the electric utility industry. Their pruning methods comply with industry standards for safety and tree care and are endorsed by the International Society of Arboriculture and Tree Care Ind. Additional information regarding the city's tree trimming program can be found on the city website. Funding for this program is incorporated into the city's existing electric utility rates. There is no additional charge to the customer for these services. There was discussion.

D. DISCUSS APPOINTING TWO REPRESENTATIVES OF THE CITY OF LOCKHART TO THE GENERAL ASSEMBLY OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

Mayor White stated that at least 2/3 of the General Assembly's voting representatives must be elected officials. Based on the population estimates of the City of Lockhart, CAPCOG indicates that the city qualifies to have two representatives on the General Assembly. The General Assembly meets at least twice per year. CAPCOG requests that the city update our designated representatives which are currently Mayor Lew White and Councilmember Jeffry Michelson. Other Caldwell County General Assembly members include: Judge Haden, Commissioner Westmoreland, Mayor Watts, (Luling), and Mayor Glaze (Martindale).

E. DISCUSS RESOLUTION 2023-19 CASTING VOTES FOR DIRECTORS TO SERVE ON THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2024 TO DECEMBER 31, 2025.

Mayor White stated that both Alfredo Munoz and Sally Daniel have agreed to serve a two-year term beginning on January 1 of even numbered years. The City of Lockhart is entitled to cast 478 votes. The Council may cast all votes for one candidate or may distribute the votes among any number of candidates up to 478 votes. The deadline to submit the votes to the CCAD is December 15, 2023. Staff will submit the necessary documentation to the CCAD after the Council has cast their vote(s). In 2021, the Council cast 127 votes for Alfredo Munoz and 300 votes for Sally Daniel.

F. DISCUSS ORDINANCE 2023-24 VACATING AND ABANDONING APPROXIMATELY 0.046 ACRES OF UNUSED PUBLIC RIGHT-OF-WAY CONSISTING OF AN ALLEY APPROXIMATELY 7.5 FEET IN WIDTH EXTENDING FROM THE 200 BLOCK OF SOUTH RIO GRANDE STREET TO THE REAR OF THE PROPERTIES ADDRESSED AS 214 AND 218 BLANCO STREET.

Mr. Fowler stated that the requested action would abandon the remainder of the subject alley, which had been partially abandoned in 1976. The alley is approximately 7.5 feet wide and travels approximately 150 feet to the northeast between 218 and 224 South Rio Grande Street and approximately 125 feet to the northwest along the boundary between 114 and 118 South Rio Grande Street and 205 and 211 Concho Street. Because the other half of the alley has previously been abandoned, the property interests of the neighboring parcels are not affected by the proposed abandonment. There are no city utilities in the subject right of way and there is no identified city transportation use for the 7.5 foot remaining alley. The abandoned alley will be deeded to the property owners at 214 and 218 South Rio Grande Street. Both property owners have signed Abandonment Consent Letters that would hold the City harmless from any expenses or damages resulting from the abandonment. There was discussion.

G. DISCUSS ORDINANCE 2023-25 VACATING AND ABANDONING APPROXIMATELY 0.183 ACRES OF UNUSED PUBLIC RIGHT-OF-WAY PROPERTY CONSISTING OF A 40-FOOT WIDE UNOPENED STREET EXTENDING APPROXIMATELY 208 FEET TO THE WEST FROM THE 700 BLOCK OF THE NORTH BLANCO STREET RIGHT-OF-WAY, PARALLEL TO THE UNION PACIFIC RAILROAD RIGHT-OF-WAY.

Mr. Fowler stated that the owner of A Small World Learning Center, the adjacent property to the north of the subject right-of-way, has requested the city abandon the unopened street in order to allow for the additional parking that would be required if the daycare building were expanded. This right-of-way is approximately 40 feet wide by 208 feet deep, for a total area of 0.183 acres. There are no city utilities in the subject right of way and there is no identified City transportation use for the unopened street. The owner has signed the Adjacent Property Owner Agreement that holds the City harmless in the event of any suits, costs, expenses and damages that may arise out of the abandonment.

H. DISCUSS OBTAINING A 15' WIDE UTILITY EASEMENT ON THE PROPERTIES OF LOT 4 AND LOT 5 OF BLOCK C OF THE OAKVIEW ANNEX ADDITION (KNOWN AS 1003 NECHES STREET AND 1005 NECHES STREET) IN THE INTEREST OF PUBLIC PURPOSE AND AUTHORIZING THE CITY MANAGER TO SIGN THE EASEMENT DOCUMENT.

Mr. Kelley stated that the properties known as 1003 and 1005 Neches Street have an existing 12" wastewater main running between the properties. Occasionally, historic utilities built many years ago do not have documented easements, so it is necessary to establish an easement to protect the active utility. Each property is dedicated a 7.5' easement, for a total width of 15'. Trinity Square, the adjacent property, recently dedicated their portion of the easement to the City as well. These easements will create a uniform easement so city staff can provide maintenance of the existing utility.

I. DISCUSS PARTICIPATION IN THE TEXAS DEPARTMENT OF TRANSPORTATION'S ON-GOING GRANT FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SUBMIT REQUIRED DOCUMENTS FOR THE GRANT.

Mr. Kelley stated that the Lockhart Municipal Airport participates in the Texas Department of Transportation Routine Airport Maintenance Program annually. The grant program offers a way for public airports to offset maintenance costs for eligible projects and maintenance expenses. Previous year's projects included fuel terminal replacement, pavement repairs, lighting upgrades and general maintenance.

This year, the Texas Department of Transportation's Commission increased the State's participation from \$50,000 to \$100,000 and decreased the Sponsor's match (City) from 50% to 10%. This increase in funding will allow for more substantial improvements at the airport and allow the Lockhart Municipal Airport to advance projects intended for the near future, such as fencing upgrades and additional lighting/safety improvements. The Lockhart Municipal Airport remains subject to the City's purchasing policy. The grant is a reimbursable program that requires all eligible invoices documented and submitted to the State.

J. DISCUSS CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER APPOINTMENT OF MR. CARL CISNEROS TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF MS. YOLANDA STREY, EXPIRING JANUARY 1, 2024 AND FOR A THREE (3) YEAR TERM OF JANUARY 1, 2024 – DECEMBER 31, 2026 AS RECOMMENDED BY THE CITY MANAGER.

Mr. Lewis stated that Commissioner Yolanda Strey served on the commission for 7 1/2 years. She has resigned from the commission to accept a nomination to serve on the Lockhart Economic Development Board. According to Civil Service regulations, if a vacancy occurs the City manager shall appoint a person to serve for the remainder of the unexpired term. Mr. Carl Cisneros has graciously agreed to serve on the commission for the unexpired term that is set to expire January 1, 2024 as well as an additional three-year term from January 1, 2024 - December 31, 2026. Mr. Cisneros is a lifelong resident of Lockhart and has previously served the community as a member of the LISD School Board, on other various boards, and as a volunteer. His career includes 30 years experience with the United States Postal Service, 27 years of which he served as a union steward in labor relations. Mr. Cisneros has also worked for the State of Texas in asset management for 7 years. Both the City Manager and Civil Service Director concur that he will be an asset to the Civil Service Commission.

K. DISCUSS ORDINANCE 2023-26 REGARDING A BUDGET AMENDMENT TO THE ADOPTED FY 2023-24 BUDGET TO COMPLETE THE PURCHASE OF BODY-WORN CAMERAS RELATED TO STATE GRANT FUNDING.

Mr. Resendez stated that on November 16, 2021, City Council approved a resolution authorizing the submittal of the Body Worn Camera (BWC) Program grant through the Office of the Governor. The grant was awarded to the City of Lockhart and the funds are available for reimbursement. The police department ordered twenty-nine (29) Motorola WaV300 Body Worn Cameras, including cloud storage and accessories, using these grant funds. The body worn cameras have been received and are currently in use. They were procured from Motorola Solutions, Inc., which is an authorized vendor under the Texas BuyBoard Cooperative Purchasing Cooperative and Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. The total cost for the BWC Program is \$85,260.00. The grant will reimburse 75% of the total program cost. Budget Amendment #73 is needed to allocate funding in the FY 2023-24 Adopted Budget for the remaining balance of \$68,208.00 to complete the purchase of the body worn cameras. This budget amendment includes the receipt of grant funds from the Texas Governor's Grant Program in General Fund revenues. A partial payment of \$17,052.00 for the body worn cameras was made in FY 2022-2023.

ITEM 9. 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 - PENDING OR CONTEMPLATED LITIGATION. Discussion with City Attorney regarding potential litigation.

Mayor White announced that the Council would enter Executive Session at 6:57 p.m. to discuss potential litigation.

Mayor White announced that the Council will enter Open Session at 7:20 p.m.

RECESS: Mayor White announced that the Council would recess for a break at 7:20 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:40 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor White gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

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

ITEM 4-A. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION ON AN APPEAL TO THE PLANNING AND ZONING COMMISSION'S APPROVAL OF APPLICATION SUP-23-14 BY SHIVA SHANKAR OF PARADISE ENGINEERS FOR A SPECIFIC USE PERMIT TO ALLOW A MF-2 RESIDENTIAL DEVELOPMENT TYPE ON 13.099 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, ZONED RHD RESIDENTIAL HIGH DENSITY DISTRICT AND LOCATED AT 1000 VALDEZ STREET AND 1325 BLACKJACK STREET (FM 20).

Mayor White opened the public hearing at 7:40 p.m. and requested the staff background report.

Mr. Fowler stated that On October 11, 2023, the Planning and Zoning Commission considered an SUP request for the MF-2 development type on an approximately 13-acre property at 1325 Blackjack Street and 1000 Valdez Street. The proposed development includes 216 garden-style multifamily units on the northern two-thirds of the property and a 2.35-acre commercially-zoned tract along the Blackjack Street frontage. The applicant requested the MF-2 SUP to allow the proposed unit count at a density of 20.1 units/acre. Without the SUP, the property's allowed MF-1 development type limits density to 12 units per acre. City staff reviewed the proposed project and found that it complied with all applicable provisions of the City Code. The proposed intersection improvements and site design should minimize the impact of the development on surrounding properties and the multifamily project would serve as a transitional use between the RMD uses to the west and the industrial uses to the south, east, and north. The Planning and Zoning Commission approved the project (6-0, Peterson abstaining) with the following conditions: (1) The fenced dog park and children's play area shall be located in the center-third of the development, and (2) The required perimeter screening fence shall be built to a height of eight feet adjacent to residential-zoned properties, instead of the required six feet. After the hearing, staff received appeals of the decision from nearby property owners Mr. Jesse Martinez at 1311 Blackjack Street and Mr. Domingo Martinez of 1313 Blackjack Street, following up on their comments regarding potential traffic impacts of the project and their opposition to the apartments being built on the site at the Planning and Zoning Commission's public hearing. The neighbors filed the appeal under the following provision of the zoning ordinance Section 64-127(c)(6)(d,e,f). Staff has not received any additional opposition to the

Commission's decision but have answered questions from members of the public regarding the nature of the proposed development.

Mayor White requested the applicant to address the Council.

Shiva Shankar of Paradise Engineers, 4426 Tiger Run, San Antonio, Texas, provided information about the detention pond, drainage and answered questions about the project.

Mayor White requested citizens to address the Council.

Domingo Martinez, 1313 Blackjack, spoke against the project because of the additional drainage problems that could be caused as a result of the development. He also expressed concern about the additional traffic congestion on Blackjack.

Alvino Carrizales, 1406 4th Street, expressed concern about additional drainage problems with the new development.

Domingo Martinez also expressed concern about fencing to protect his property from potential vandalism.

Jesse Martinez, 1311 Blackjack, expressed concern about additional unsafe traffic congestion as a result of the new development.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:20 p.m.

There was discussion.

Mayor Pro-Tem Sanchez made a motion to deny the appeal of SUP-23-14. Councilmember Larisen seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-22 ON A REQUEST BY LAUREN SIEGEL OF THE JUDGE'S HOUSE, LLC, FOR REMOVAL OF THE HISTORIC LANDMARK DESIGNATION OF A SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE ON LOT 1, BLOCK 1, ARNETTE MCDANIELS SUBDIVISION, LOCATED AT 703 WEST SAN ANTONIO STREET, AND AMENDING THE OFFICIAL ZONING MAP AND HISTORIC OVERLAY ZONING MAP SUPPLEMENT TO THE OFFICIAL ZONING MAP BY REMOVING THE "HL" HISTORIC LANDMARK ZONING OVERLAY CLASSIFICATION, AS PROVIDED IN LOCKHART CODE OF ORDINANCES, CHAPTER 64 "ZONING", SECTION 64-196(N), AND IN CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS", SECTIONS 28-5 AND 28-6.

Mayor White opened the public hearing at 8:38 p.m. and requested the staff background report.

Mr. Fowler stated that the applicant proposes to remove the official City Historic Landmark "HL" designation of a single-family residence on the subject property, which also includes a detached garage in the rear yard. At the Historical Preservation Commission meeting held November 1, 2023, the Commission upheld Staff's recommendation of denial of the proposed landmark designation removal on a 5-1 vote. The subject property received Historic Landmark designation, along with 10 other properties, by City Council action at its September 18, 2018 public hearing, through a voluntary process in which the then-current property owners participated. The property is part of a larger tract that received the landmark

designation, which was later subdivided in February 2022 that created the subject property and two other properties (including the original parcel). The current owner purchased the subject property in June 2022, and received the Commission's approval for a Certificate for Alteration (Case # CFA-23-31) for various improvements to the residence and garage on October 4, 2023, with the exception of the painting of the historically unpainted brick exterior surface of the residence and garage. Subsequently, the owner submitted the current request to remove the historic landmark designation, which, if approved, would allow for the painting of the buildings referenced above and eliminate the requirement for a Certificate for Alteration and Commission review for any future improvements to or partial/full demolitions of the property. Although the owner has claimed to have no knowledge of the landmark status, a map and table identifying all landmark properties has been posted to the City's website since the time of their respective landmark designations. In addition, notice of the landmark status was published in the Lockhart Post-Register after the properties' designations were approved. However, the applicant has correctly stated that the property's historic designation was not recorded onto the deed records of the property, as is required in Section 28-6 of the Lockhart Code of Ordinances. The zoning map also did not show the boundaries of individual landmark properties at the time of the property being purchased. To correct this deficiency, the landmark properties were recently added to the City's official zoning map, and the City Secretary will record the landmark designation with the County Clerk for each affected property. If the Council approves the removal of the historic landmark designation, both the Official Zoning Map and Historic Overlay Zoning Map will be amended to remove the subject property from this designation. Such an action would mean the property would no longer be subject to historic review for any construction, exterior appearance modification, or full or partial demolition of any structure on the site. Additionally, the property would no longer be eligible for the City's historic tax abatement program.

Mayor White requested the applicant to address the Council.

Ben and Lauren Siegel 84 Chalmers Avenue, Austin, requested approval to remove the historic landmark designation of the property. He read part of the city ordinance that allows historic landmark designations to be reversed. There was discussion regarding the proposed renovation of the home.

Mayor White requested citizens to address the Council.

Robert Steinbomer, 321 San Jacinto, Lockhart, spoke in favor of reversing the historic landmark designation.

Chris St. Leger, 205 N. Pecos, Lockhart, stated that as the building contractor for the project, the delays of construction that involves sub-contractors is unfair. He spoke in favor of reversing the historic landmark designation.

Mathew Johnson, 426 W. Prairie Lea, spoke favorably about the Siegel's. He spoke in favor of reversing the historic district landmark.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:15 p.m.

There was discussion.

Councilmember Castillo made a motion to approve Ordinance 2023-22, as presented. Councilmember Larisen seconded. The motion passed by a vote of 4-3, with Mayor White and Councilmembers Michelson and Westmoreland opposing.

ITEM 4-C. RESUME A PUBLIC HEARING ON APPLICATION ZC-23-06 BY MONTE J. GUIDRY, POSTPONED AT THE SEPTEMBER 5, 2023 MEETING, 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 White reconvened the public hearing at 9:28 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. At the public hearing held September 5, 2023, the Council voted to postpone the item until the November 21, 2023 meeting to allow the property line encroachment issues to be worked out between the subject landowner and the property owner to the north. A deed changing the property boundaries has been produced, so this issue has been cleared, which will allow for the property to clear of the encroachment issue as it goes through variance and Specific Use Permit hearings. There was discussion.

Mayor White requested the applicant to address the Council.

Jim Guidry, Seawillow Road, thanked the Council for their consideration of the zoning change.

Mayor White requested citizens to address the Council.

Tony Miller, 1508 W. San Antonio, thanked the Council for tabling the zoning change to allow the Guidry's and Wilhelms the opportunity to resolve the differences.

Phil Wilhelm 510 Bois D'arc, thanked the Council and staff for working with them to resolve differences.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:38 p.m.

Councilmember Michelson made a motion to approve Ordinance 2023-16, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 4-D. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION REGARDING ORDINANCE 2023-23, PROPOSING TEXT AMENDMENTS TO CHAPTER 64 "ZONING," OF THE LOCKHART CODE OF ORDINANCES AS FOLLOWS: AMEND ARTICLE I, "IN GENERAL," SECTION 64-2 "DEFINITIONS;" ARTICLE VII. "ZONING DISTRICTS AND STANDARDS", SECTION 64-166 "PLANNED DEVELOPMENT DISTRICT (PDD)", SECTION 64-196, "ESTABLISHMENT OF ZONING DISTRICTS." SUBSECTION (P) "PLANNED DEVELOPMENT DISTRICT (PDD)," AND SECTION 64-199, "ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT," TO ESTABLISH REVISED REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT (PDD) APPLICATIONS.

Mayor White opened the public hearing at 9:38 p.m. and requested the staff background report.

Mr. Fowler stated that this text amendment is a result of both the discussions held at the second joint meeting of City Council and the Planning and Zoning Commission, as well as numerous discussions regarding the purpose of allowing Planned Development District applications as well as a sense of there being some disappointment with the resulting built products of several PDD projects. An analysis of the PDD processes and requirements in several neighboring communities found that the mission and purpose language in the City's PDD ordinance is weakly stated compared to those in other cities. Similarly, the list of requirements for a PDD submission is also less extensive than other cities, negatively affecting the level of detail in PDD submissions and ultimately the quality and predictability of the development resulting from a given PDD application.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:46 p.m.

Councilmember Larisen made a motion to approve Ordinance 2023-23, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

- 5-A: Approve Ordinance 2023-24 vacating and abandoning approximately 0.046 acres of unused public right-of-way consisting of an alley approximately 7.5 feet in width extending from the 200 block of South Rio Grande Street to the rear of the properties addressed as 214 and 218 Blanco Street.
- 5-B: Approve Ordinance 2023-25 Vacating and abandoning approximately 0.183 acres of unused public right-of-way property consisting of a 40-foot wide unopened street extending approximately 208 feet to the west from the 700 Block of the North Blanco Street right-of-way, parallel to the Union Pacific Railroad right-of-way.
- 5-C: Approve obtaining a 15' wide utility easement on the properties of Lot 4 and Lot 5 of Block C of the Oakview Annex Addition (known as 1003 Neches Street and 1005 Neches Street) in the interest of public purpose and authorizing the City Manager to sign the easement document.
- 5-D: Approve participation in the Texas Department of Transportation's on-going grant for the Routine Airport Maintenance Program (RAMP) and authorizing the Public Works Director to submit required documents for the grant.
- 5-E: Approve updated agreement with LCRA and McCoy Tree Service for tree trimming in the right-of-way and utility easements.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2023-20 DIRECTING CITY STAFF TO COORDINATE WITH CONSULTING FIRMS AND CITIZEN AQUATICS COMMITTEE TO EVALUATE POTENTIAL FUTURE AQUATICS FACILITY SITES AND RETURN TO COUNCIL WITH RECOMMENDATION.

Councilmember Michelson made a motion to approve Resolution 2023-20, as presented. Councilmember Larisen seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING APPOINTING TWO REPRESENTATIVES OF THE CITY OF LOCKHART TO THE GENERAL ASSEMBLY OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

Mayor Pro-Tem Sanchez made a motion to appoint Mayor Lew White and Councilmember Jeffry Michelson. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2023-19 CASTING VOTES FOR DIRECTORS TO SERVE ON THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2024 TO DECEMBER 31, 2025.

Councilmember Michelson made a motion to approve Resolution 2023-13, as presented and allocating 300 votes to Sally Daniel and 178 votes to Alfredo Munoz. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER APPOINTMENT OF MR. CARL CISNEROS TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF MS. YOLANDA STREY, EXPIRING JANUARY 1, 2024 AND FOR A THREE (3) YEAR TERM OF JANUARY 1, 2024 – DECEMBER 31, 2026 AS RECOMMENDED BY THE CITY MANAGER.

Mayor Pro-Tem Sanchez made a motion to confirm the appointment of Carl Cisneros, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER ADOPTION OF ORDINANCE 2023-26 REGARDING A BUDGET AMENDMENT TO THE ADOPTED FY 2023-24 BUDGET TO COMPLETE THE PURCHASE OF BODY-WORN CAMERAS RELATED TO STATE GRANT FUNDING.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2023-26, as presented. Councilmember Larison seconded. The motion passed by a vote of 7-0.

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

- City offices closed for Thanksgiving Day (November 23) and the day after (November 24).
- Christmas Tree Lighting (December 1).
- A Christmas to Remember Lighted Christmas Parade (December 2).
- The Comprehensive Plan Steering Committee and consultants will provide a progress report during the December 5, 2023 regular City Council meeting.

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

Councilmember Mendoza thanked District 4 for their public meeting and State Park for holding a turkey trot event.

Mayor Pro-Tem Sanchez expressed condolences to families that have lost a loved one.

Councilmember Castillo wished city staff a Happy Thanksgiving. He thanked businesses that provide a service to the public. He wished everyone a safe and happy holiday.

Councilmember Michelson wished everyone a safe and Happy Thanksgiving.

Mayor White expressed condolences to the Hinnenkamp family for their loss. He thanked city staff for working hard on the Christmas light displays. He welcomed John Larisen to the Lockhart City Council. He wished everyone a safe and Happy Thanksgiving.

ITEM 9. 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 - PENDING OR CONTEMPLATED LITIGATION. Discussion with City Attorney regarding Cause No. D-1-GN-007785, City of Grand Prairie v. State of Texas, 261st Judicial District, Travis County, Texas.

Mayor White announced that the Council would enter Executive Session at 10:00 p.m.

OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 10:30 p.m.

ITEM 10-A. DISCUSSION AND/OR ACTION REGARDING CAUSE NO. D-1-GN-007785, CITY OF GRAND PRAIRIE V. STATE OF TEXAS, 261ST JUDICIAL DISTRICT, TRAVIS COUNTY, TEXAS.

Mayor White made a motion to authorize an expenditure of \$5,000 from the City of Lockhart to contribute towards the legal expenses of the Grand Prairie lawsuit. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 11. ADJOURNMENT

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 10:32 p.m.

PASSED and APPROVED this the 20th day of August, 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Julie Bowermon
City Secretary

**REGULAR MEETING
LOCKHART CITY COUNCIL**

DECEMBER 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
Councilmember Brad Westmoreland
Councilmember John Lairsen
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
David Fowler, Planning Director
Victoria Burns, Public Information Officer
Randy Jenkins, Fire Chief

Monte Akers, City Attorney
Julie Bowermon, City Secretary
Sean Kelley, Public Works Director
Will Wachel, City Engineer – TRC
Daniel Williams, Police Captain

Citizens/Visitors Addressing the Council: Representatives of Freese and Nichols.

Work Session 6:30 p.m.

Mayor White opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. BRIEFING FROM FREESE AND NICHOLS, INC. AND DISCUSSION REGARDING COMPREHENSIVE PLAN ACTIVITIES.

Mr. Fowler stated that Freese and Nichols, Inc., the consultant for the comprehensive planning process, will present an update on the activities conducted as part of the Comprehensive Planning process. Work began on the plan starting in May 2023 and is expected to be completed late in Fiscal Year 2023-24. Initial activities involved researching existing population and demographic conditions to provide an understanding of the current state of the community. Public or small group participation activities to date have included assembling a Steering Committee which has held three meetings, the circulation of a stakeholder survey, holding four focus group meetings, holding a public future land use workshop, and two on-site public outreach events. Through these activities, the consultants and the steering community have worked to create a Community Snapshot chapter which will inform many of the other products of the plan and includes the Guiding Principles, which will underlie the more detailed goals and objectives to be developed. The other main product that has so far emerged from the planning activities is the future land use mapping concept, which will be discussed as part of this agenda item. This concept is based on the products from the mapping exercise at the Community Workshop held October 16th and subsequent discussions at the Steering Committee meeting held November 15.

Freese and Nichols representatives provided information regarding the following topics about the Comprehensive Plan activities:

- Project schedule
- Community engagement
- Online mapping exercise
- Investing exercise

- Survey results
- Age trends
- Vision statement
- Community goals/guiding principles
- Public land use workshop
- Trade offs and considerations
- Population projections
- Commute trends
- Community created scenarios
- Land use alternatives
- Future land use plans
- Next steps
 - Drafting Future Land Use Chapter through EOY
 - Additional recommendations in Q1/Q2 of 2024
 - Next major public engagement in the Spring of 2024

There was discussion.

B. DISCUSS AWARDING AN ANNUAL FUEL BID TO GOLDEN WEST OIL, OF NEW BRAUNFELS, TEXAS WITH A PROFIT MARGIN OF \$0.0445 CENTS PER GALLON OF GASOLINE AND \$0.495 CENTS PER GALLON FOR DIESEL OVER THE OIL PRICE INFORMATION SERVICES (OPIS) PRICE FROM AUSTIN, TEXAS RACK, POSTED WEEKLY.

Mr. Kelley stated that the City uses approximately 45,000 gallons of gasoline and 26,000 gallons of diesel per year. Fuel bids were sought in compliance with State Law. Four bids were received from oil companies interested in delivering Unleaded Gasoline and Diesel to the Public Works Yard. The attached synopsis shows the overall best bid was submitted by Golden West Oil, of New Braunfels, Texas at \$0.0445 profit per gallon of gasoline and \$0.0495 profit per gallon of diesel. Golden West Oil has previously been the City's fuel distributor and provided the City with exceptional service. The contract for this fuel services is from January 1, 2024 until December 31, 2024, if approved. The price includes delivery to the Public Works yard.

C. DISCUSS RESOLUTION 2023-21 AUTHORIZING THE FILING OF A GRANT APPLICATION WITH CAPCOG FOR A REGIONAL SOLID WASTE PROGRAM GRANT; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY OF LOCKHART IN ALL MATTERS RELATED TO THE APPLICATION.

Mr. Kelley stated that the Capital Area Council Of Governments is currently accepting applications for the 2024/2025 Solid Waste Program Grant. This grant opportunity becomes available every two years. Eligible projects include solid waste programming and equipment related to solid waste. During this grant cycle there are \$274,000 grant funds available, with a maximum award of \$40,000 each. There is also a minimum 10% grant match requirement. In this year's solid waste grant application, City Staff is seeking to purchase twenty-five new commercial grade trash/recycling receptacles for the Downtown Revitalization Project. As part of the project, staff would work with Keep Lockhart Beautiful to inform the public of the new receptacles and the new availability of recycling downtown. If awarded the grant, funds will need to be used prior to the end of 2025.

D. DISCUSS RESOLUTION 2023-22 APPOINTING MAYOR LEW WHITE AS THE CITY OF LOCKHART'S CLEAN AIR COALITION REPRESENTATIVE, AS REQUIRED IN ARTICLE II OF THE CLEAN AIR COALITION OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS BY-LAWS.

Mayor White stated that the City Council initially appointed Mayor White in March 2018, and reappointed him in February 2020 and January 2022, as the City's representative to the Capital Area Council of Governments (CAPCOG) Clean Air Coalition (CAC). Their by-laws indicate that Representatives to the CAC will include elected officials appointed by governing bodies for the general members of the CAC. Each general member's governing body appoints by resolution one elected official to serve on the Coalition and shall provide written notification to the CAPCOG staff liaison. The term of appointment for a member of the CAC shall begin on the date of appointment by the member's governing body and will terminate December 31st in odd-numbered years. Mayor White stated that the current term ends in December 2023 and if approved, he would continue until December 2025.

E. DISCUSSION OF PROPOSAL FROM COUNCILMEMBER LAIRSEN FOR CREATION OF AN ANIMAL SHELTER ADVISORY BOARD.

Mr. Lairsen stated that he requests that an Animal Shelter Advisory Committee be added to the City of Lockhart boards. He stated that the goal is to provide advice and recommendations to the city council related to the Animal Shelter and general animal control throughout the community. Animal shelters are ambassadors for healthy animals, helping to stabilize the pet population and increasing the wellbeing of the animals and our citizens. He recommended that the members consist of a city representative, a Caldwell County representative, a member from a local animal advocate group, two citizens, a veterinarian that will collaborate and identify solutions for any challenges that the animal shelter and the community may be facing regarding animal welfare. There was discussion.

F. DISCUSSION ON UPDATES RELATED TO THE FIRE STATION NO. 1 CONDITION REPORT AND CONSTRUCTION PROJECT.

Mr. Resendez stated that the City's architects prepared a condition report in 2021. The recommendations in the report are intended not to alter the historic aspects of the building, which was built in 1912 with additions in 1950, and limited to primarily inside the walls. Highlights of the report include:

Life Safety Upgrades

Automatic fire sprinkler suppression system throughout the building, fire/smoke sensing and alarm system, upgrades to hazardous electrical panels and switchgear, new air scrubbers for noxious gases in apparatus bays below sleeping areas, enhanced fire/smoke barrier between apparatus bays and sleeping area above, and enhanced emergency exiting from second floor.

Enhanced Living and Working Quarters for Firefighters

Restroom on first floor renovated including exhaust air vent and reduced trip hazard, restroom on second floor completely renovated with new shower, finishes, and removal of existing furnace system, kitchen renovation to replace cabinets, appliances, and reorganize, relocation of furnace and ductwork from bathroom, remodel one bunk room sleeping quarters into three separate sleeping quarters, a new drop ceiling and LED lights throughout the remodel area and new floor finishes.

Exterior Upgrades

Repaint wood trim, touch up some brick masonry as needed.

Recent Updates

An Asbestos Survey Report is underway. The recent adoption of the 2018 International Existing Building Code (IEBC) and additional restroom, window, garage door, and signage recommendations are considerations for a revised Scope of Work.

The Architect has provided a proposal to include these updates to the Current Drawing and Construction Documentation and Construction Phase Services. City staff will present this proposal for City Council consideration at the December 19, 2023 City Council Meeting.

Fire Station No. 1 is located within the Lockhart Historical District. The Lockhart Historical Preservation Commission (LHPC) will review any proposed changes to the exterior of the building, as well as any interior work that impacts load-bearing walls.

There was discussion.

DISCUSSION OF PROPOSAL FROM COUNCILMEMBER LAIRSEN FOR CREATION OF AN ANIMAL SHELTER ADVISORY BOARD.

Mr. Akers requested direction from the Council about the proposed Animal Shelter Advisory Board. There was discussion.

Mayor White directed staff to return with documentation and/or information about the purpose, duties, guidelines, membership and state laws for Council's consideration at a future meeting.

G. DISCUSS RESCHEDULING CITY COUNCIL MEETINGS IN 2024 DUE TO CONFLICTS WITH A CITY HOLIDAY OR EVENT.

Ms. Bowermon stated that annually reviewing council meeting dates for conflicts is important to provide Development Services with an accurate Council meeting schedule when publishing public notice information about public hearings, such as zoning change applications.

The 2024 calendar reflects meeting conflicts as listed below:

Tuesday:

- October 1 – National Night Out
- November 5 - Election Day - The City of Lockhart is not scheduled to hold an Election on November 5, 2024 therefore it is not listed as a date conflict. *(History: In 2021 the City Council did not have an election scheduled and did hold a City Council meeting on election day.)*

The 2024 TML Annual Conference will be held on October 9-11 in Houston.

There was discussion.

H. DISCUSSION REGARDING THE SELECTION OF MAYOR PRO-TEM OF THE LOCKHART CITY COUNCIL AS REQUIRED BY SECTION 3.05 OF THE CITY CHARTER.

Mayor White stated that Councilmember Sanchez has expressed interest to continue serving as Mayor Pro-Tem. There were no additional nominations for Mayor Pro-Tem.

RECESS: Mayor White announced that the Council would recess for a break at 7:35 p.m.

ITEM 1. CALL TO ORDER,

Mayor Lew White called the meeting to order at 7:50 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Sanchez gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

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

ITEM 4. CONSENT AGENDA

Councilmember Michelson made a motion to approve consent agenda items 4A, 4B, and 4C. Councilmember Lairsen seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 4A: Approve awarding an annual fuel bid to Golden West Oil, of New Braunfels, Texas with a profit margin of \$0.0445 cents per gallon of gasoline and \$0.495 cents per gallon for diesel over the Oil Price Information Services (OPIS) price from Austin, Texas RACK, posted weekly.
- 4B: Approve Resolution 2023-21 authorizing the filing of a grant application with CAPCOG for a regional solid waste program grant; authorizing the Mayor to act on behalf of the City of Lockhart in all matters related to the application.
- 4C: Approve Resolution 2023-22 appointing Mayor Lew White as the City of Lockhart's Clean Air Coalition Representative, as required in Article II of the Clean Air Coalition of the Capital Area Council of Governments by-laws.

ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING RESCHEDULING CITY COUNCIL MEETINGS IN 2024 DUE TO CONFLICTS WITH A CITY HOLIDAY OR EVENT.

Mayor Pro-Tem Sanchez made a motion to hold the October 1, 2024 and November 5, 2024 Council meetings as scheduled. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING THE SELECTION OF MAYOR PRO-TEM OF THE LOCKHART CITY COUNCIL AS REQUIRED BY SECTION 3.05 OF THE CITY CHARTER.

Councilmember Lairsen made a motion to nominate Angie Gonzales-Sanchez as Mayor Pro-Tem. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

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

- Hansford Subdivision Phase 2 has completed their public improvements and have been accepted by the City.
- In December, City staff will begin disassembling the temporary downtown park on the Square in preparation for private development of the site.
- Update regarding the establishment of Caldwell County ESD No. 5.

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

Councilmember Mendoza thanked the Coleman Unit for hosting a volunteer appreciation dinner. He thanked the Friends of the Library and Irving Club for the successful *A Christmas to Remember* event.

Mayor Pro-Tem Sanchez thanked all involved with the successful Tree of Angels ceremony. She congratulated all involved with the successful *A Christmas to Remember* event. She congratulated college graduates. She encouraged citizens to be involved with the Coats for Kids events.

Councilmember Lairsen thanked all involved with the successful *A Christmas to Remember* event.

Councilmember Castillo thanked all involved with the successful *A Christmas to Remember* event. He requested an update about public safety and a warming center in the event of a freeze with the upcoming freezing weather.

Mayor White commended all involved with the successful Tree of Angels, *A Christmas to Remember*, First Friday, and Lighting ceremony events. He provided a brief update about the ETJ reversal petition and homeless shelters. A short reception will be held honoring the retirement of Monte Akers, City Attorney before the next Council meeting.

ITEM 8. ADJOURNMENT

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 8:12 p.m.

PASSED and APPROVED this the 3rd day of September, 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Julie Bowermon
City Secretary

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion regarding Resolution 2024-21 accepting a petition for and calling a public hearing on the advisability of public improvements and creation of Seawillow Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code.

ORIGINATING DEPARTMENT AND CONTACT: City Attorney - Brad Bullock

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: As Council recalls, the City previously approved the Seawillow Development Agreement, which provides that the City will take steps to authorize the creation of a public improvement district ("PID"), created pursuant to Chapter 372 of the Texas Local Government Code. Chapter 372 sets forth the steps necessary to establish the creation of a PID, and this resolution is one of the first required steps. The purpose of a PID is to allow development to pay for itself and reimburse a developer for funding certain approved costs related to infrastructure and similar items that benefit the new development. This resolution is required to be approved so that the PID may continue in the creation process and thereafter be formed and an assessment may be levied against the development for the eventual reimbursement of approved costs.

The attached Resolution 2024-21 accepts the petition submitted by the developer for the PID, calls for a public hearing (required by law) and makes findings that its creation is advisable. A second resolution authorizing the creation of the PID will be presented to Council for consideration at a future meeting after publication of the required public hearing notices.

Resolution 2024-21 supersedes Resolution 2024-19, which was approved at the August 6, 2024 Council meeting. Resolution 2024-19 had the incorrect location for the public hearing. This new resolution corrects the location and sets a new public hearing date.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval. This has been reviewed by the City Attorney in consultation with the developer's attorney.

LIST OF SUPPORTING DOCUMENTS: Resolution 2024-21 - Accepting Petition and Calling Public Hearing on Seawillow PID Creation

RESOLUTION NO. 2024-21

RESOLUTION ACCEPTING A PETITION FOR AND CALLING A PUBLIC HEARING ON THE ADVISABILITY OF THE PUBLIC IMPROVEMENTS AND CREATION OF SEAWILLOW PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY OF LOCKHART, TEXAS PURSUANT TO CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE MAILING AND PUBLICATION OF NOTICE OF THE PUBLIC HEARING RELATED THERETO; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Lockhart, Texas (the “City”), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the “Act”), to create a public improvement district within its corporate limits and/or its extraterritorial jurisdiction; and

WHEREAS, the City Council of the City (the “City Council”) of Lockhart, Texas (the “City”) has received a petition (the “Petition”), requesting creation of a public improvement district to be named Seawillow Public Improvement District (the “District”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Caldwell County) in the proposed District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment in the proposed District; and

WHEREAS, on August 6, 2024, the City Council adopted Resolution 2024-19 which accepted the Petition and authorized the mailing and publication of notice of the public hearing related thereto, but the location for the public hearing was incorrect; and

WHEREAS, Resolution 2024-21 supersedes Resolution 2024-19, corrects the public hearing location and sets a new public hearing date; and

WHEREAS, the Petition, a copy of which is attached hereto as Exhibit A, has been examined, verified, previously accepted and found to meet the requirements of Section 372.005(b) of the Act and to be sufficient for consideration by the City Council; and

WHEREAS, the boundaries of the proposed District are described in the attachment to the Petition, said area for the District being partially located within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City; and

WHEREAS, the City Council acknowledges the acceptance of the Petition and desires to schedule a public hearing to consider the advisability of the improvements and creation of the District;

WHEREAS, the general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District and which shall promote the interests of the City and confer a special benefit upon the Property, may include:

(i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) acquisition of real property, interests in real property, or contract rights in connection with the Authorized Improvements; (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) projects similar to those listed in subsections (i) - (v) above or authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (viii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (ix) payment of costs associated with developing and financing the public improvements listed in (i) - (viii) above, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued for the purposes described in (i) through (viii) above, and costs of establishing, administering and operating the District (collectively, the “Authorized Improvements”).

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

Section 1: THAT the public hearing is hereby scheduled at or after 7:30 p.m., on October 15, 2024, at Clark Library Annex, 217 South Main Street, 3rd Floor, Lockhart, Texas 78644 to receive public comment on the advisability of the improvements, nature of the improvements, estimated costs of the improvements, boundaries of the District, the method of assessment, and the apportionment of costs and creation of the District in the area described in the Petition attached as Exhibit A, pursuant to the Act; and

Section 2: THAT notice of said hearing, in the substantially final form presented herewith in Exhibit B with such changes as may be approved by the City’s counsel, shall be published in a newspaper of general circulation in the City before the 15th day prior to the date of the hearing as required by the Act; and

Section 3: THAT written notice, in the substantially final form presented herewith in Exhibit B with such changes as may be approved by the City’s counsel, shall be mailed to each property owner, as reflected on the tax rolls, of property subject to assessment within the proposed District before the 15th day prior to the date set for the hearing.

Section 4: THAT the recitals contained in the preamble hereof are found to be true and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgement and findings of the City Council.

Section 5: THAT it is officially found, determined, and declared that the meetings at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 6: THAT this Resolution shall be in force and effect from and after its final passage and it is so resolved.

[Signatures to follow]

**DULY RESOLVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
LOCKHART, TEXAS ON SEPTEMBER 3, 2024**

CITY OF LOCKHART, TEXAS

APPROVED:

Lew White, Mayor

ATTEST:

Julie Bowermon, City Secretary

APPROVED AS TO FORM:

Bradford E. Bullock, City Attorney

Signature Page to Resolution Accepting District Petition

EXHIBIT A

PETITION
(see attached Petition)

A-1

**PETITION FOR CREATION OF THE SEAWILLOW PUBLIC IMPROVEMENT
DISTRICT WITHIN THE CITY OF LOCKHART, TEXAS**

TO THE HONORABLE MAYOR AND CITY COUNCIL, CITY OF LOCKHART, TEXAS:

COMES NOW RODG DT SEAWILLOW PROPCO LLC, a Texas limited liability company, DAVID ACEVEDO, an individual, EDUARDO ACEVEDO, an individual, as a representative of the Leandro Acevedo Estate, DAVID ACEVEDO, an individual, a representative of the Leandro Acevedo Estate, VIRGINIA VILLARREAL, an individual, a representative of the Leandro Acevedo Estate, MARGARITA BRITT, an individual, a representative of the Leandro Acevedo Estate (collectively, the “Petitioners”), the owners of certain taxable real property, and pursuant to Chapter 372 of the Texas Local Government Code, as amended (the “Act”), hereby petitions the City of Lockhart, Texas (“City”) to establish the Seawillow Public Improvement District to include property owned by the Petitioners and located partially within the City and partially within the extraterritorial jurisdiction of the City (the “District”). In support of same, Petitioners would respectfully show the following:

I.

The boundaries of the proposed District are set forth in Exhibit A attached hereto and incorporated by reference herein.

II.

The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District and which shall promote the interests of the City and confer a special benefit upon the Property, may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, and construction of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) acquisition of real property, interests in real property, or contract rights in connection with the Authorized Improvements; (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) projects similar to those listed in subsections (i) - (v) above or authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (viii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (ix) payment of costs associated with developing and financing the public improvements listed in (i) - (viii) above, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued

for the purposes described in (i) through (viii) above, and costs of establishing, administering and operating the District (collectively, the “Authorized Improvements”).

III.

The current estimated total cost of the proposed Authorized Improvements is \$150,000,000.

IV.

The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. Each assessment may be paid in part or in full at any time (including interest), and certain assessments may be paid in annual installments (including interest). If the City allows an assessment to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessment and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

V.

The City will not be obligated to provide any funding to finance the Authorized Improvements, other than from assessments levied in the District. No City property in the District shall be assessed. The Petitioners may fund certain improvements from other funds available to the Petitioners.

VI.

The management of the District will be by the City, with the assistance of one or more consultants, who shall, from time to time, advise the City regarding certain operations of the District.

VII.

The persons or entities (through authorized representatives) signing this Petition concur with the establishment of the District and have the corporate or individual authority to execute and deliver the Petition.

VIII.

The Petitioners propose that the District be established and managed without the creation of an advisory board. However, if an advisory board is created, the Petitioners request a representative of the Petitioners be appointed to the advisory board.

IX.

The persons or entities (through authorized representatives) signing this Petition are also owners of taxable real property representing more than fifty percent (50%) of the appraised value of taxable real property liable for assessment under the proposal as determined by the current roll of the appraisal district in which the property is located; and the record owners of real property liable for assessment under the proposal who (a) constitute more than fifty percent (50%) of all record owners of property that is liable for assessment under the

proposal, and (b) own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment under the proposal.

X.

This Petition will be filed with the City Secretary, City of Lockhart, Texas, in support of the creation of the District by the City Council of the City as herein provided.

[Signatures to follow]

EXECUTED on this July 3, 2024.

PETITIONERS:

**RODG DT SEAWILLOW PROPCO
LLC, a Texas limited liability company**

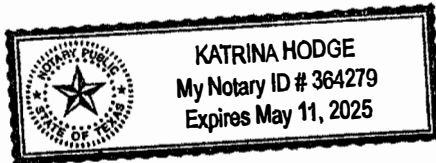
By: [Signature]
Name: Thomas Staub
Title: CEO

STATE OF TEXAS §
 §
COUNTY OF Caldwell §

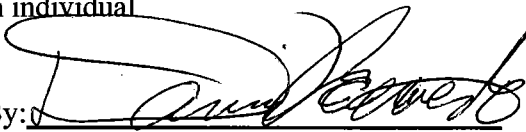
This instrument was acknowledged before me on July 3, 2024
by Thomas on behalf of said company listed above.

Staub

[Signature]
Notary Public, State of Texas



DAVID ACEVEDO,
an individual

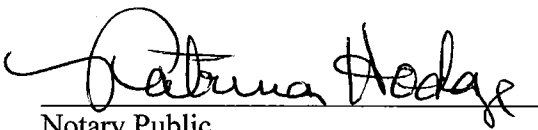
By: 

STATE OF TEXAS §
COUNTY OF Caldwell §

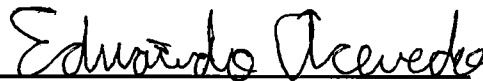
Before me, on this day personally appeared the foregoing individual, known to me to be the person whose name was subscribed in my presence to the foregoing instrument.

[SEAL]




Notary Public
Commission Expires: _____

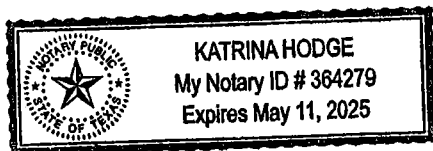
EDUARDO ACEVEDO,
an individual, a representative of the Leandro
Acevedo Estate

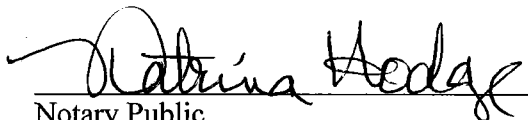
By: 

STATE OF TEXAS §
COUNTY OF Caldwell §

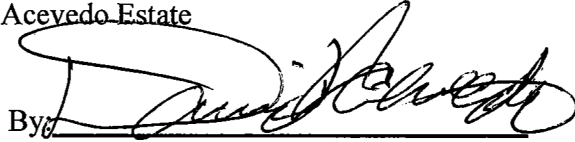
Before me, on this day personally appeared the foregoing individual, known to me to be the person whose name was subscribed in my presence to the foregoing instrument.

[SEAL]



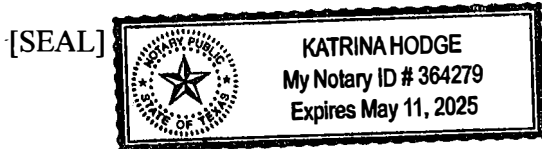

Notary Public
Commission Expires: _____

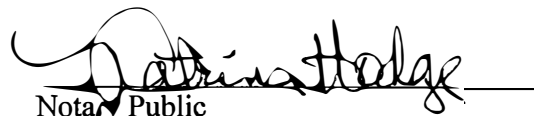
DAVID ACEVEDO,
an individual, a representative of the Leandro
Acevedo Estate

By: 

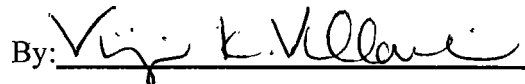
STATE OF TEXAS §
COUNTY OF Caldwell §

Before me, on this day personally appeared the foregoing individual, known to me to be
the person whose name was subscribed in my presence to the foregoing instrument.




Notary Public
Commission Expires: _____

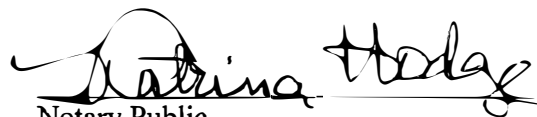
VILLARREAL
VIRGINIA VILLARREAL,
an individual, a representative of the Leandro
Acevedo Estate

By: 

STATE OF TEXAS §
COUNTY OF Caldwell §

Before me, on this day personally appeared the foregoing individual, known to me to be
the person whose name was subscribed in my presence to the foregoing instrument.




Notary Public
Commission Expires: _____

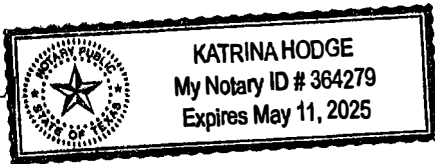
MARGARITA BRITT,
an individual, a representative of the Leandro
Acevedo Estate

By: Margarita Britt

STATE OF TEXAS §
COUNTY OF Caldwell §

Before me, on this day personally appeared the foregoing individual, known to me to be
the person whose name was subscribed in my presence to the foregoing instrument.

[SEAL]



Katrina Hodge
Notary Public
Commission Expires: _____

EXHIBIT A

Legal Description

LEGAL DESCRIPTION

BEING a 588.547 acre tract of land situated in the JOHN A. NEILL SURVEY, ABSTRACT No. 20, Caldwell County, Texas, and being all of the called 89.769 acres of land as described in deed as recorded in Document Number 2021-006882, Real Property Records, Caldwell County, Texas, and a portion of the called 160.00 acres of land described in deed as recorded in Volume 28, Page 146 of the Real Property Records, Caldwell County, Texas, SAVE & EXCEPT the called 3.007 acres of land described in deed recorded in Instrument Number 2018-003545 Real Property Records, Caldwell County, Texas, and all of the 358.536 acres of land as described in deed as recorded in Volume 209, Page 425, Official Public Records, Caldwell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch capped iron rod found, marked Hinkle Surveying, on the Northeast Right-of-Way line of Farm to Market Road 1322, an 80 foot Right-of-Way, and for the Northwest corner of a called 85.00 acre tract of land as described in a deed to Charles D. Spillmann and Jane Spillmann as recorded in Document Number 2016-005533 of said Official Public Records, same being the Southwest corner of said 169.811 acre tract and the of this herein described tract;

THENCE North 31° 43' 06" West, along said Right-of-Way and the Southwest line of said 89.775 acre tract, a distance of **2,572.95 feet** to a 1/2 inch capped iron rod found, marked Jones Carter Prop Corner, for the Southwest corner of a called 80.04 acre tract of land as described in deed to Vema Investments, LLC. as recorded in Instrument 2021-007855 of said Official Public Records, same being a Northwest corner of said 89.775 acre tract;

THENCE North 78° 46' 11" East, along the common line of said 80.04 acres and said 89.775 acres, a distance of **1,665.32 feet** to a 1/2 inch iron rod found on the Southwest line of a called 358.536 acre tract of land as described in a deed to David V. Acevedo and Marge Margarita Acevedo as recorded in Volume 209, Page 425 of said Official Public Records, and being the Southeast corner of said 80.04 acres;

THENCE North 29°54'41" West, along the common line of said 358.536 acres and said 80.04 acres, a distance of **956.23 feet** to a 1/2 inch iron rod found for an interior angle point in the West line of a called 2.606 acre tract of land described in deed to Ray C. Nash and wife, Helen K. Nash as recorded in Volume 76, Page 743 of said Official Public Records, same being a Northwest corner of said 358.536 acres;

THENCE North 12°42'23" East, along the common line of said 358.536 acres and said 2.606 acres, a distance of **100.55 feet** to a 1 inch iron pipe found on the South Right-of-Way line of County Road 205, a.k.a. Seawillow Road, a variable width Right-of-Way;

THENCE along the South Right-of-way and the North line of said 358.536 acres the following bearings and distances:

South 72°03'50" East, a distance of **65.07 feet** to a 1/2 inch iron rod found capped;

South 86°16'07" East, a distance of **189.45 feet** to a 1/2 inch iron rod found capped;

North 79°02'20" East, a distance of **350.87 feet** to a three way fence corner post found;

North 78°34'18" East, a distance of **1,963.89 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

South 64°47'06" East, a distance of **592.08 feet** to a 1/2" iron rod found capped for the North corner of a called 3.07 acre tract of land described in deed to Chris C. Chapman and Kimberly K. Hoffman Chapman as recorded in Instrument Number 2018-003545 of said Official Public Records;

THENCE departing said South Right-of-Way, along the common line of said 3.07 acres and said 358.536 acres the following bearings and distances:

South 24°46'35" West, a distance of **365.69 feet** to a 1/2 inch iron rod found capped;

South 62°46'06" East, a distance of **358.21 feet** to a fence corner post found;

North 24°38'27" East, a distance of **366.83 feet** to a 5/8 inch iron rod found on said South Right-of-Way, for the East corner of said 3.07 acres;

THENCE South 61°15'06" East, along said South Right-of-Way line, a distance of **472.51 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set for the North corner of the 20.000 acre remainder of said 160 acre tract;

THENCE over and across, said 160 acres the following three (3) courses and distances:

South 32°22'32" West, a distance of **639.03 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

South 24°59'14" East, a distance of **617.22 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

North 82°35'38" East, a distance of **1096.03 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set on the West Right-of-Way line of said CR 205 and the East line of said 160 acres;

THENCE South 14°17'18" East, a distance of **970.10 feet** to a "L" bracket with flagging found for the Northwest corner of a called 1.997 acre tract of land as described in deed to Russell A. Nickel, a single man, as recorded in Instrument Number 2020-003246 of said Official Public Records, and being on the East line of said 358.536 acres;

THENCE South 11°10'32" East, along the East line of said 358.536 acres, passing a 5/8 inch iron rod found for the Northwest corner of a called 9.152 acre tract of land as described in the deed to Brenda Gayle Bagwell Hagan, a married person, as her separate property and estate as recorded in Instrument Number 2021004181 of said Official Public Records, same being the Southwest corner of said 1.997 acres, continuing a total distance of **935.26 feet** to a 6 inch wood fence corner post found for the Southwest corner of said 9.152 acres, same being an interior ell corner of said 358.536 acres;

THENCE North 78°31'19" East, along a North line of said 358.536 and along the South line of said 9.152 acres and a called 9.152 acres of land as described in deed to William R Hagan and Brenda G Hagan, husband and wife, as recorded in Volume 273, Page 537 of said Official Public Records, and the South line of a called 9.15 acres of land described in deed to Delores Stanton Revocable Trust as recorded in Instrument Number 2023-003597 of said Official Public Records, a distance of **2095.92 feet** to a 6 inch wood fence corner post found on the West Right-of-Way line of said CR 205 for a Northeast corner of said 358.536 acres, same being the Southeast corner of said 9.15 acres;

THENCE along the West Right-of-Way line of said CR 205 the following bearings and distances:

South 09°58'20" East, a distance of **1445.88 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

South 13°05'03" East, a distance of **202.27 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

South 23°19'16" East, a distance of **157.39 feet** to a 1/2 inch iron rod found capped for the Northeast corner of Lot 1, 2 and 3, Commanche Hill, Section One, a Subdivision in Caldwell County, Texas according to the Map or Plat of Records in Plat Cabinet A, Slide 28, Plat Records of Caldwell County, as described in deed to Beatrice Madrigal, a single person and John S. Rosales, a single person as recorded in Instrument Number 126568 of Official Public Records, same being the Southernmost Southeast corner of said 358.536 acres;

THENCE South 78°28'58" West, along the South line of said 358.536 acres, a distance of **4735.83 feet** to a 1 inch iron pipe found for the Southeast corner of said 85.00 acres and being the Southernmost Southwest corner of said 358.536 acres, from which a 1/2 inch iron rod found for the Southwest corner of said 85.00 acres bears South 78° 47' 06" West, a distance of 1,503.48 feet;

THENCE North 29°54'41" West, along the common line of said 85.00 acres and said 358.536 acres, a distance of **2533.18 feet** to a calculated point from which a 1/2 inch iron rod found capped "Hinkle Surveying" bears, South 78° 48' 18" West, a distance of 0.35 feet for the Northeast corner of said 85.00 acres and being the Southeast corner of said 89.775 acres;

THENCE South 78°46'18" West, along the South line of said 89.775 acres and the North line of said 85.00 acres, a distance of **1579.70 feet** to the **POINT OF BEGINNING**, containing an area of 25,637,112 Square Feet and/or **588.547 Acres** of land, more or less.

EXHIBIT B

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LOCKHART TO CONSIDER THE ADVISABILITY OF THE IMPROVEMENTS AND CREATION OF A PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE CITY

NOTICE IS HEREBY GIVEN THAT the City Council of the City of Lockhart, Texas (the “City”), pursuant to Chapter 372.009 of the Texas Local Government Code, as amended, (the “Act”), will hold a public hearing at or after 7:30 p.m., on October 15, 2024, at Clark Library Annex, 217 South Main Street, 3rd Floor, Lockhart, Texas 78644 for the purpose of considering the establishment of a public improvement district partially located within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City.

In accordance with the Act, the City Secretary has received a petition (the “Petition”) from certain property owners within the City that request the establishment of the Seawillow Public Improvement District.

The Petition and the legal description of the properties to be included in the public improvement district are on file and open for public inspection in the office of the City Secretary at the address stated above. The public hearing is being held with respect to the advisability of creating Seawillow Public Improvement District and the respective improvements to be made therein.

The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District and which shall promote the interests of the City and confer a special benefit upon the Property, may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) acquisition of real property, interests in real property, or contract rights in connection with the Authorized Improvements; (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) projects similar to those listed in subsections (i) - (v) above or authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (viii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security,

business recruitment, development, recreation, and cultural enhancement; and (ix) payment of costs associated with developing and financing the public improvements listed in (i) - (viii) above, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued for the purposes described in (i) through (viii) above, and costs of establishing, administering and operating the District (collectively, the “Authorized Improvements”).

The current estimated cost to fund the Authorized Improvements is \$150,000,000.

The boundaries of the proposed Seawillow Public Improvement District are approximately 588.547 acres partially located within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City, located north of County Road 197 between Farm to Market Road 1322 and Seawillow Road. A full description of the boundaries of the proposed Seawillow Public Improvement District is available at Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas 78644.

The City shall levy assessments on each lot within the public improvement district in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including accrued and unpaid interest), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed in part by the assessment, and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the public improvement district and/or from other sources of funds of the developer.

All interested persons are invited to attend such public hearings to express their views with respect to the establishment of Seawillow Public Improvement District and the respective Authorized Improvements to be made therein. Questions or requests for additional information may be directed to Drew Slone, Locke Lord LLP, dslone@lockelord.com; (214) 740-8094.

Any interested persons unable to attend the hearing may submit their views in writing to the City Secretary prior to the date scheduled for the hearing.

This Notice of Public Hearing is given and the public hearing is being held pursuant to the requirements of the Act.

THE CITY OF LOCKHART, TEXAS

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discuss the Annual Service Agreement with Motorola Solutions, Inc. and authorize the City Manager to execute the Service Agreement for FY 2024-2025.

ORIGINATING DEPARTMENT AND CONTACT: Fire - Randy Jenkins

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: The City of Lockhart and Caldwell County are currently on the Greater Austin-Travis Regional Radio System (GATRRS). The City of Lockhart annually reviews and renews a service agreement with Motorola Solutions, Inc. for the maintenance and repair of the 700/800 MHz radio system (GATRRS) infrastructure which supports emergency radio communications for the City of Lockhart, Caldwell County, City of Luling, and the City of Martindale.

According to an existing interlocal agreement with each entity, the City of Lockhart is responsible for billing each entity quarterly according to the number of radio units owned and in operation on the radio system. The current total number of radios on the system is 799, of which the City of Lockhart owns 208 radios (26.03%) and our share of the service agreement for FY 2024-2025 would be approximately \$42,362. The attached service agreement is for the fiscal year from October 1, 2024, through September 30, 2025, and is the same cost as last year's agreement.

Due to the county wide transition to a new Lower Colorado River Authority (LCRA) voice radio communication system estimated to be completed in early 2025, the service agreement with Motorola Solutions, Inc. will be a month-to-month agreement and will be terminated upon successful transition to the new LCRA system. The maintenance of the LCRA system will be achieved through an interlocal agreement with LCRA and a monthly fee per radio.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$162,744.08

Account Number: 231-5314-226-00

Funds Available: \$163,000

Account Name: Radio and Communications

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff request City Council to accept the Annual Service Agreement with Motorola and authorize the City Manager to sign.

LIST OF SUPPORTING DOCUMENTS: QUOTE-2661828 Lockhart renewal, Caldwell County Radio Count 7-24



SERVICE AGREEMENT

500 W Monroe Street
Chicago, IL. 60661
(888) 325-9336

Quote Number : QUOTE-2661828
Contract Number: USC000003451
Contract Modifier: R02-JUN-24 04:56:57

Date:06/01/2024

Company Name: LOCKHART, CITY OF
Attn:
Billing Address: P O BOX 239
City, State, Zip: LOCKHART , TX, 78644
Customer Contact:
Phone:

Required P.O. :
PO # :
Customer # :1012875136
Bill to Tag # :
Contract Start Date :01-Oct-2024
Contract End Date :30-Sep-2025
Payment Cycle :MONTHLY

Qty	Service Name	Service Description	Extended Amt
	SVC02SVC0201A	ASTRO SUA II UO IMPLEMENTATION SERVICES	\$0.00
	SVC02SVC0344A	RELEASE IMPLEMENTATION TRAINING	\$0.00
	SVC01SVC0335A	NETWORK PREVENTIVE MAINT-LEVEL 1	\$10,364.21
	SVC02SVC0343A	RELEASE IMPACT TRAINING	\$0.00
	SVC01SVC1413C	ONSITE INFRASTRUCTURE RESPONSE-PREMIER	\$68,879.39
	SVC01SVC1103C	ASTRO NETWORK MONITORING	\$10,556.26
	SVC01SVC1104C	ASTRO TECHNICAL SUPPORT	\$4,056.64
	SVC04SVC0169A	SYSTEM UPGRADE AGREEMENT II	\$52,832.20
	SVC04SVC0016C	SUS	\$11,234.39
	SVC01SVC1102C	ASTRO DISPATCH SERVICE	\$2,075.30
	SVC02SVC0433A	ASTRO SUA II FIELD IMPLEMENTATN SVC	\$2,745.69
	SVC01SVC1105C	ASTRO CUSTOMER TECHNICIAN DISPATCH	\$0.00
	SVC01SVC0032C	ASTRO NETWORK MONITORING-CTD	\$0.00
		Subtotal - Recurring Services	\$13,562.01
			\$162,744.08
		Subtotal - One-Time Event Services	\$0.00
			\$0.00
		Total	\$162,744.08
		THIS SERVICE AMOUNT IS SUBJECT TO STATE AND LOCAL TAXING JURISDICTIONS WHERE APPLICABLE, TO BE VERIFIED BY MOTOROLA	

SPECIAL INSTRUCTIONS:

I have received Applicable Statements of Work which describe the Services and cybersecurity services provided on this Agreement. Motorola's Terms and Conditions, including the Cybersecurity Online Terms Acknowledgement, are attached hereto and incorporate the Cyber Addendum (available at https://www.motorolasolutions.com/en_us/managed-support-services/cybersecurity.html) by reference. By signing below Customer acknowledges these terms and conditions govern all Services under this Service Agreement.



SERVICE AGREEMENT

500 W Monroe Street
Chicago, IL. 60661
(888) 325-9336

Quote Number : QUOTE-2661828
Contract Number: USC000003451
Contract Modifier: R02-JUN-24 04:56:57

AUTHORIZED CUSTOMER SIGNATURE	TITLE	DATE
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CUSTOMER (PRINT NAME)

MOTOROLA REPRESENTATIVE(SIGNATURE)	TITLE	DATE
------------------------------------	-------	------

MOTOROLA REPRESENTATIVE(PRINT NAME)	PHONE
-------------------------------------	-------

Company Name : LOCKHART, CITY OF
Contract Number : USC000003451
Contract Modifier : R02-JUN-24 04:56:57
Contract Start Date : 01-Oct-2024
Contract End Date : 30-Sep-2025

500 W Monroe Street
Chicago, IL. 60661
(888) 325-9336

Quote Number : QUOTE-2661828
Contract Number: USC000003451
Contract Modifier: R02-JUN-24 04:56:57

Service Terms and Conditions

Motorola Solutions Inc. ("Motorola") and the customer named in this Agreement ("Customer") hereby agree as follows:

Section 1. APPLICABILITY

These Maintenance Service Terms and Conditions apply to service contracts whereby Motorola will provide to Customer either (1) maintenance, support, or other services under a Motorola Service Agreement, or (2) installation services under a Motorola Installation Agreement.

Section 2. DEFINITIONS AND INTERPRETATION

2.1 "Agreement" means these Maintenance Service Terms and Conditions; the cover page for the Service Agreement or the Installation Agreement, as applicable; and any other attachments, all of which are incorporated herein by this reference. In interpreting this Agreement and resolving any ambiguities, these Maintenance Service Terms and Conditions take precedence over any cover page, and the cover page takes precedence over any attachments, unless the cover page or attachment states otherwise.

2.2 "Equipment" means the equipment that is specified in the attachments or is subsequently added to this Agreement.

2.3 "Services" means those installation, maintenance, support, training, and other services described in this Agreement.

Section 3. ACCEPTANCE

Customer accepts these Maintenance Service Terms and Conditions and agrees to pay the prices set forth in the Agreement. This Agreement becomes binding only when accepted in writing by Motorola. The term of this Agreement begins on the "Start Date" indicated in this Agreement.

Section 4. SCOPE OF SERVICES

4.1 Motorola will provide the Services described in this Agreement or in a more detailed statement of work or other document attached to this Agreement. At Customer's request, Motorola may also provide additional services at Motorola's then-applicable rates for the services.

4.2 If Motorola is providing Services for Equipment, Motorola parts or parts of equal quality will be used; the Equipment will be serviced at levels set forth in the manufacturer's product manuals; and routine service procedures that are prescribed by Motorola will be followed.

4.3 If Customer purchases from Motorola additional equipment that becomes part of the same system as the initial Equipment, the additional equipment may be added to this Agreement and will be billed at the applicable rates after the warranty for that additional equipment expires.

4.4 All Equipment must be in good working order on the Start Date or when additional equipment is added to the Agreement. Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment. Customer must promptly notify Motorola in writing when any Equipment is lost, damaged, stolen or taken out of service. Customer's obligation to pay Service fees for this Equipment will terminate at the end of the month in which Motorola receives the written notice.

4.5 Customer must specifically identify any Equipment that is labeled intrinsically safe for use in hazardous environments.

4.6 If Equipment cannot, in Motorola's reasonable opinion, be properly or economically serviced for any reason, Motorola may modify the scope of Services related to that Equipment; remove that Equipment from the Agreement; or increase the price to Service that Equipment.

4.7 Customer must promptly notify Motorola of any Equipment failure. Motorola will respond to Customer's notification in a manner consistent with the level of Service purchased as indicated in this.

Section 5. EXCLUDED SERVICES

5.1 Service excludes the repair or replacement of Equipment that has become defective or damaged from use in other than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

5.2 Unless specifically included in this Agreement, Service excludes items that are consumed in the normal operation of the Equipment, such as batteries or magnetic tapes; upgrading or reprogramming Equipment; accessories, belt clips, battery chargers, custom or special products, modified units, or software; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no obligations for any transmission medium, such as telephone lines, computer networks, the internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

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Section 6. TIME AND PLACE OF SERVICE

Service will be provided at the location specified in this Agreement. When Motorola performs service at Customer's location, Customer will provide Motorola, at no charge, a non-hazardous work environment with adequate shelter, heat, light, and power and with full and free access to the Equipment. Waivers of liability from Motorola or its subcontractors will not be imposed as a site access requirement. Customer will provide all information pertaining to the hardware and software elements of any system with which the Equipment is interfacing so that Motorola may perform its Services. Unless otherwise stated in this Agreement, the hours of Service will be 8:30 a.m. to 4:30 p.m., local time, excluding weekends and holidays. Unless otherwise stated in this Agreement, the price for the Services exclude any charges or expenses associated with helicopter or other unusual access requirements; if these charges or expenses are reasonably incurred by Motorola in rendering the Services, Customer agrees to reimburse Motorola for those charges and expenses.

Section 7. CUSTOMER CONTACT

Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable Customer's personnel to maintain contact, as needed, with Motorola.

Section 8. INVOICING AND PAYMENT

8.1 Customer affirms that a purchase order or notice to proceed is not required for the duration of this service contract and will appropriate funds each year through the contract end date. Unless alternative payment terms are stated in this Agreement, Motorola will invoice Customer in advance for each payment period. All other charges will be billed monthly, and Customer must pay each invoice in U.S. dollars within twenty (20) days of the invoice date.

8.2 Customer will reimburse Motorola for all property taxes, sales and use taxes, excise taxes, and other taxes or assessments that are levied as a result of Services rendered under this Agreement (except income, profit, and franchise taxes of Motorola) by any governmental entity. The Customer will pay all invoices as received from Motorola. At the time of execution of this Agreement, the Customer will provide all necessary reference information to include on invoices for payment in accordance with this Agreement.

8.3 For multi-year service agreements, at the end of the first year of the Agreement and each year thereafter, a CPI percentage change calculation shall be performed using the U.S. Department of Labor, Consumer Price Index, all Items, Unadjusted Urban Areas (CPI-U). Should the annual inflation rate increase greater than 3% during the previous year, Motorola shall have the right to increase all future maintenance prices by the CPI increase amount exceeding 3%. All items, not seasonally adjusted shall be used as the measure of CPI for this price adjustment. Measurement will take place once the annual average for the new year has been posted by the Bureau of Labor Statistics. For purposes of illustration, if in year 5 the CPI reported an increase of 8%, Motorola may increase the Year 6 price by 5% (8%-3% base).

Section 9. WARRANTY

Motorola warrants that its Services under this Agreement will be free of defects in materials and workmanship for a period of ninety (90) days from the date the performance of the Services are completed. In the event of a breach of this warranty, Customer's sole remedy is to require Motorola to re-perform the non-conforming Service or to refund, on a pro-rata basis, the fees paid for the non-conforming Service. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Section 10. DEFAULT/TERMINATION

10.1 If either party defaults in the performance of this Agreement, the other party will give to the non-performing party a written and detailed notice of the default. The non-performing party will have thirty (30) days thereafter to provide a written plan to cure the default that is acceptable to the other party and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement the cure plan, then the injured party, in addition to any other rights available to it under law, may immediately terminate this Agreement effective upon giving a written notice of termination to the defaulting party.

10.2 Any termination of this Agreement will not relieve either party of obligations previously incurred pursuant to this Agreement, including payments which may be due and owing at the time of termination. All sums owed by Customer to Motorola will become due and payable immediately upon termination of this Agreement. Upon the effective date of termination, Motorola will have no further obligation to provide Services.

10.3 If the Customer terminates this Agreement before the end of the Term, for any reason other than Motorola default, then the Customer will pay to Motorola an early termination fee equal to the discount applied to the last three (3) years of Service payments for the original Term.

Section 11. LIMITATION OF LIABILITY

Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of twelve (12) months of Service provided under this Agreement.

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ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT. No action for contract breach or otherwise relating to the transactions contemplated by this Agreement may be brought more than one (1) year after the accrual of the cause of action, except for money due upon an open account. This limitation of liability will survive the expiration or termination of this Agreement and applies notwithstanding any contrary provision.

Section 12. EXCLUSIVE TERMS AND CONDITIONS

12.1 This Agreement supersedes all prior and concurrent agreements and understandings between the parties, whether written or oral, related to the Services, and there are no agreements or representations concerning the subject matter of this Agreement except for those expressed herein. The Agreement may not be amended or modified except by a written agreement signed by authorized representatives of both parties.

12.2 Customer agrees to reference this Agreement on any purchase order issued in furtherance of this Agreement, however, an omission of the reference to this Agreement will not affect its applicability. In no event will either party be bound by any terms contained in a Customer purchase order, acknowledgement, or other writings unless: the purchase order, acknowledgement, or other writing specifically refers to this Agreement; clearly indicate the intention of both parties to override and modify this Agreement; and the purchase order, acknowledgement, or other writing is signed by authorized representatives of both parties.

Section 13. PROPRIETARY INFORMATION; CONFIDENTIALITY; INTELLECTUAL PROPERTY RIGHTS

13.1 Any information or data in the form of specifications, drawings, reprints, technical information or otherwise furnished to Customer under this Agreement will remain Motorola's property, will be deemed proprietary, will be kept confidential, and will be promptly returned at Motorola's request. Customer may not disclose, without Motorola's written permission or as required by law, any confidential information or data to any person, or use confidential information or data for any purpose other than performing its obligations under this Agreement. The obligations set forth in this Section survive the expiration or termination of this Agreement.

13.2 Unless otherwise agreed in writing, no commercial or technical information disclosed in any manner or at any time by Customer to Motorola will be deemed secret or confidential. Motorola will have no obligation to provide Customer with access to its confidential and proprietary information, including cost and pricing data.

13.3 This Agreement does not grant directly or by implication, estoppel, or otherwise, any ownership right or license under any Motorola patent, copyright, trade secret, or other intellectual property, including any intellectual property created as a result of or related to the Equipment sold or Services performed under this Agreement.

Section 14. FCC LICENSES AND OTHER AUTHORIZATIONS

Customer is solely responsible for obtaining licenses or other authorizations required by the Federal Communications Commission or any other federal, state, or local government agency and for complying with all rules and regulations required by governmental agencies. Neither Motorola nor any of its employees is an agent or representative of Customer in any governmental matters.

Section 15. COVENANT NOT TO EMPLOY

During the term of this Agreement and continuing for a period of two (2) years thereafter, Customer will not hire, engage on contract, solicit the employment of, or recommend employment to any third party of any employee of Motorola or its subcontractors without the prior written authorization of Motorola. This provision applies only to those employees of Motorola or its subcontractors who are responsible for rendering services under this Agreement. If this provision is found to be overly broad under applicable law, it will be modified as necessary to conform to applicable law.

Section 16. MATERIALS, TOOLS AND EQUIPMENT

All tools, equipment, dies, gauges, models, drawings or other materials paid for or furnished by Motorola for the purpose of this Agreement will be and remain the sole property of Motorola. Customer will safeguard all such property while it is in Customer's custody or control, be liable for any loss or damage to this property, and return it to Motorola upon request. This property will be held by Customer for Motorola's use without charge and may be removed from Customer's premises by Motorola at any time without restriction.

Section 17. GENERAL TERMS

17.1 If any court renders any portion of this Agreement unenforceable, the remaining terms will continue in full force and effect.

17.2 This Agreement and the rights and duties of the parties will be interpreted in accordance with the laws of the State in which the Services are performed.

17.3 Failure to exercise any right will not operate as a waiver of that right, power, or privilege.



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17.4 Neither party is liable for delays or lack of performance resulting from any causes that are beyond that party's reasonable control, such as strikes, material shortages, or acts of God.

17.5 Motorola may subcontract any of the work, but subcontracting will not relieve Motorola of its duties under this Agreement.

17.6 Except as provided herein, neither Party may assign this Agreement or any of its rights or obligations hereunder without the prior written consent of the other Party, which consent will not be unreasonably withheld. Any attempted assignment, delegation, or transfer without the necessary consent will be void. Notwithstanding the foregoing, Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer. In addition, in the event Motorola separates one or more of its businesses (each a "Separated Business"), whether by way of a sale, establishment of a joint venture, spin-off or otherwise (each a "Separation Event"), Motorola may, without the prior written consent of the other Party and at no additional cost to Motorola, assign this Agreement such that it will continue to benefit the Separated Business and its affiliates (and Motorola and its affiliates, to the extent applicable) following the Separation Event.

17.7 THIS AGREEMENT WILL RENEW, FOR AN ADDITIONAL ONE (1) YEAR TERM, ON EVERY ANNIVERSARY OF THE START DATE UNLESS EITHER THE COVER PAGE SPECIFICALLY STATES A TERMINATION DATE OR ONE PARTY NOTIFIES THE OTHER IN WRITING OF ITS INTENTION TO DISCONTINUE THE AGREEMENT NOT LESS THAN THIRTY (30) DAYS OF THAT ANNIVERSARY DATE. At the anniversary date, Motorola may adjust the price of the Services to reflect its current rates.

17.8 If Motorola provides Services after the termination or expiration of this Agreement, the terms and conditions in effect at the time of the termination or expiration will apply to those Services and Customer agrees to pay for those services on a time and materials basis at Motorola's then effective hourly rates.

17.9 This Agreement may be executed in one or more counterparts, all of which shall be considered part of the Agreement. The parties may execute this Agreement in writing, or by electronic signature, and any such electronic signature shall have the same legal effect as a handwritten signature for the purposes of validity, enforceability and admissibility. In addition, an electronic signature, a true and correct facsimile copy or computer image of this Agreement shall be treated as and shall have the same effect as an original signed copy of this document.

Revised Sept 03, 2022



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Cybersecurity Online Terms Acknowledgement

This Cybersecurity Online Terms Acknowledgement (this "Acknowledgement") is entered into between Motorola Solutions, Inc. ("Motorola") and the entity set forth in the signature block below ("Customer").

1. Applicability and Self Deletion. This Cybersecurity Online Terms Acknowledgement applies to the extent cybersecurity products and services, including Remote Security Update Service, Security Update Service, and Managed Detection & Response subscription services, are purchased by or otherwise provided to Customer, including through bundled or integrated offerings or otherwise.

NOTE: This Acknowledgement is self deleting if not applicable under this Section 1.

2. Online Terms Acknowledgement. The Parties acknowledge and agree that the terms of the *Cyber Subscription Renewals and Integrations Addendum* available at <http://www.motorolasolutions.com/cyber-renewals-integrations> are incorporated in and form part of the Parties' agreement as it relates to any cybersecurity products or services sold or provided to Customer. By signing the signature block below, Customer certifies that it has read and agrees to the provisions set forth and linked on-line in this Acknowledgement. To the extent Customer is unable to access the above referenced online terms for any reason, Customer may request a paper copy from Motorola. The signatory to this Acknowledgement represents and warrants that he or she has the requisite authority to bind Customer to this Acknowledgement and referenced online terms.

3. Entire Agreement. This Acknowledgement supplements any and all applicable and existing agreements and supersedes any contrary terms as it relates to Customer's purchase of cybersecurity products and services. This Acknowledgement and referenced terms constitute the entire agreement of the parties regarding the subject matter hereof and as set out in the referenced terms, and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to this subject matter.

4. Execution and Amendments. This Acknowledgement may be executed in multiple counterparts, and will have the same legal force and effect as if the Parties had executed it as a single document. The Parties may sign in writing or by electronic signature. An electronic signature, facsimile copy, or computer image of a signature, will be treated, and will have the same effect as an original signature, and will have the same effect, as an original signed copy of this document. This Acknowledgement may be amended or modified only by a written instrument signed by authorized representatives of both Parties. The Parties hereby enter into this Acknowledgement as of the last signature date below.

Revised Sept 03, 2022

2024 CALDWELL COUNTY RADIO TOTALS BY DEPARTMENT
ACTIVE USERS ON GATRRS AS OF 07/2024

TOTAL ACTIVE RADIOS 799

COUNTY FIRE	195	<u>OTHER</u>	<u>21</u>
DALE FIRE 33			
DELHI FIRE 19		SETON EBD	5
CC ESD #1 0			
MAXWELL FIRE 39		SH 130	6
MARTINDALE FIRE 29			
MCMAHAN FIRE 27		MEDICAL	1
MID-CO FIRE 25			
TRI-COM FIRE 13		RADIO SYSTEM	3
SOUTHEAST CC FIRE 10			
		MICS. INTEROP	6
CALDWELL CO.	263		
CC JPO 4			
CCSO 98			
CC UNIT RD 50			
CONSTABLES 55			
CC EOC 56			
CITY OF LOCKHART	208		
LK ACO 7			
LK CITY HALL 10			
LK COURT 3			
LK ELECTRIC 13			
LK EMS 14			
LK EOC 0			
LK FIRE 38			
LK PD 84			
LK PW 24			
LK WATER 15			
CITY OF LULING	96		
LU FIRE 29			
LU EMS 26			
LU PD 41			
CITY OF MARTINDALE	16		
MARTINDALE PD 16			

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discuss Agreement Order from the Texas Commission on Environmental Quality (TCEQ) regarding Docket Number 2023-1209-PST-E involving underground storage tank (UST) testing and authorizing the City Manager to sign the agreement order.

ORIGINATING DEPARTMENT AND CONTACT: Public Works - Sean Kelley

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: On April 3, 2023, the Texas Commission on Environmental Quality conducted a routine inspection of the City of Lockhart Public Works and Airport underground fuel storage tanks. During the routine inspection, the inspector notified the City that during the COVID-19 pandemic timeframe, they failed to order release detention testing for the tanks based on the triennial requirement of October 10, 2021, along with the newly implemented spill bucket testing due every three years. Although the City has a long history of compliance with TCEQ testing requirements and the City's tanks are regularly maintained, resulting in no leakage or negative environmental impact, the mandatory tank testing was not completed during the pandemic.

After the inspection, staff immediately obtained all required testing, came into compliance within three days of the inspection and submitted all required passing tests to TCEQ on April 6, 2023, prior to notice of enforcement. However, TCEQ sent notice of an Agreement Order to expedite enforcement action by way of an administrative penalty of \$3,001 on July 29, 2024. Currently, all testing for the underground storage tanks is in compliance with testing requirements and inventory history is up-to-date.

Staff has implemented new testing protocols with a single testing company to ensure compliance. The new company offers automatic reminders prior to expiration of tests and submits documentation on behalf of entities. Staff have also internally made adjustments to align the testing schedule to coincide with the multiple site testing requirements.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Staff respectfully recommends authorizing the proposed agreement order.

LIST OF SUPPORTING DOCUMENTS: TCEQ Agreement Order Dated July 29, 2024

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 29, 2024

The Honorable Lew White, Mayor
City of Lockhart
PO Box 239
Lockhart, Texas 78644

Re: Proposed Agreed Order
City of Lockhart; RN102004967; TCEQ PST ID No. 25059
Docket No. 2023-1209-PST-E; Enforcement Case No. 64655
FOR SETTLEMENT PURPOSES ONLY

Dear Mayor White:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against the City of Lockhart for violations of the Texas Water Code and/or Commission Rules. These violations were discovered during an investigation conducted on April 3, 2023, and documented in a letter dated May 18, 2023, from the TCEQ Austin Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$3,751. We are proposing a one-time offer to defer \$750 of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is \$3,001. The order includes a payment plan option to first make a payment of \$101 and the remaining amount of \$2,900 shall be paid in 29 monthly payments of \$100 each. The order also identifies the violations that we are addressing.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save the City of Lockhart and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order and the penalty payment (check payable to "TCEQ" and referencing City of Lockhart, Docket No. 2023-1209-PST-E) to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 15 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 15 days of receipt of this proposed order.**

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <https://www.tceq.texas.gov/compliance/enforcement/sep> or contact the Enforcement Coordinator listed below.

Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 Tex. Admin. Code ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 30 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <https://www.tceq.texas.gov>

The Honorable Lew White
Page 3

for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Faye Renfro of my staff at (512) 239-1833 or at Faye.Renfro@tceq.texas.gov.

Sincerely,

Madelyn A Flanagan

Madelyn A. Flanagan, P.G.
Waste Section Manager
Enforcement Division
Texas Commission on Environmental Quality

MAF/fr

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet,
Site Compliance History

cc: Mr. Sean Kelly, Director of Public Works, City of Lockhart, 705 Wichita St,
Lockhart, Texas 78644

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LOCKHART
RN102004967

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1209-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Lockhart (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a fleet refueling facility located at 705 Wichita Street in Lockhart, Caldwell County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$3,751 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$101 of the penalty and \$750 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$2,900 of the undeferred penalty shall be paid in 29 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately

due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Conducted the triennial piping tightness test for the suction piping associated with the UST system with passing results on April 6, 2023;
 - b. Conducted the annual operability testing of the release detection equipment with passing results on April 6, 2023; and
 - c. Conducted the triennial testing of the spill prevention equipment and the triennial inspection of the overfill prevention equipment with passing results on April 6, 2023.

II. ALLEGATIONS

During an investigation at the Facility conducted on April 3, 2023, an investigator documented that the Respondent:

1. Failed to provide release detection for the suction piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(B) and TEX. WATER CODE § 26.3475(b). Specifically, the Respondent did not conduct the triennial piping tightness testing for the suction piping associated with the UST system by the October 10, 2021 due date.
2. Failed to conduct the annual operability testing of the release detection equipment to ensure it is operating properly, in violation of 30 TEX. ADMIN. CODE § 334.48(e)(1) and

TEX. WATER CODE § 26.3475(c)(1). Specifically, the Respondent did not conduct the annual operability testing of the release detection equipment for the UST system.

3. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2).
4. Failed to inspect the overfill prevention equipment at least once every three years to ensure that the equipment is set to activate at the correct level and will activate when a regulated substance reaches that level, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(B) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the Respondent had not conducted the triennial inspection of the overfill prevention equipment.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Lockhart, Docket No. 2023-1209-PST-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's

jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)
Authorized Representative of
City of Lockhart

Title

☐ *If mailing address has changed, please check this box and provide the new address below:*

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jul-2023
	PCW	24-Apr-2024
	Screening	31-Aug-2023
	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Lockhart
Reg. Ent. Ref. No.	RN102004967
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64655	No. of Violations	2
Docket No.	2023-1209-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Faye Renfro
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.

Compliance History **0.0%** Adjustment **Subtotals 2, 3, & 7** **\$0**

Notes: No adjustment for Compliance History.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$1,249**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$109**
Estimated Cost of Compliance **\$443**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$3,751**

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$3,751**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$3,751**

DEFERRAL

20.0%

Reduction Adjustment **-\$750**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$3,001

Screening Date 31-Aug-2023

Docket No. 2023-1209-PST-E

PCW

Respondent City of Lockhart

Policy Revision 5 (January 28, 2021)

Case ID No. 64655

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102004967

Media Petroleum Storage Tank

Enf. Coordinator Faye Renfro

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 31-Aug-2023
Respondent City of Lockhart
Case ID No. 64655

Docket No. 2023-1209-PST-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102004967

Media Petroleum Storage Tank

Enf. Coordinator Faye Renfro

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 334.50(b)(2)(B) and 334.48(e)(1) and Tex. Water Code § 26.3475(b) and (c)(1)

Violation Description

Failed to provide release detection for the suction piping associated with the underground storage tank ("UST") system. Specifically, the Respondent did not conduct the triennial piping tightness testing for the suction piping associated with the UST system by the October 10, 2021 testing due date. Also, failed to conduct the annual operability testing of the release detection equipment to ensure it is operating properly. Specifically, the Respondent did not conduct the annual operability testing of the release detection equipment for the UST system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

3 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance by conducting the triennial piping tightness test and annual operability test on April 6, 2023, before the May 18, 2023 Notice of Enforcement ("NOE").

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$109

Violation Final Penalty Total \$2,813

This violation Final Assessed Penalty (adjusted for limits) \$2,813

Economic Benefit Worksheet

Respondent City of Lockhart
Case ID No. 64655
Reg. Ent. Reference No. RN102004967
Media Petroleum Storage Tank
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	3-Apr-2023	6-Apr-2023	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$118	10-Oct-2021	6-Apr-2023	1.49	\$9	n/a	\$9
Notes for DELAYED costs Estimated delayed cost to conduct the annual operability testing of the release detection equipment for the UST system at the Facility (\$100) and to conduct the triennial piping tightness testing for the suction piping associated with the UST system at the Facility (\$118). The Dates Required are the investigation date and the expiration date of the last triennial piping tightness testing, respectively, and the Final Dates are the date of compliance.							
Avoided Costs							
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	3-Apr-2023	6-Apr-2023	0.01	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs Estimated avoided cost to conduct the annual operability testing of the release detection equipment for the UST at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.							
Approx. Cost of Compliance				\$318		TOTAL \$109	

Screening Date 31-Aug-2023
Respondent City of Lockhart
Case ID No. 64655
Reg. Ent. Reference No. RN102004967
Media Petroleum Storage Tank
Enf. Coordinator Faye Renfro
Violation Number 2
Rule Cite(s)

Docket No. 2023-1209-PST-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

30 Tex. Admin. Code §§ 334.48(g)(1)(A)(II) and (g)(1)(B) and Tex. Water Code § 26.3475(c)(2)

Violation Description

Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Also, failed to inspect the overfill prevention equipment at least once every three years to ensure that the equipment is set to activate at the correct level and will activate when a regulated substance reaches that level. Specifically, the Respondent had not conducted the triennial inspection of the overfill prevention equipment.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

3 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$312

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance by conducting the triennial testing of the spill prevention equipment and triennial inspection of the overfill prevention equipment on April 6, 2023, before the May 18, 2023 NOE.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

Economic Benefit Worksheet

Respondent City of Lockhart
Case ID No. 64655
Reg. Ent. Reference No. RN102004967
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	3-Apr-2023	6-Apr-2023	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to conduct the triennial testing of the spill prevention equipment (\$25 per spill bucket) and the triennial inspection of the overfill prevention equipment for the UST system at the Facility (\$100 per overfill prevention device). The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

TOTAL

\$0



Compliance History Report

Compliance History Report for CN600245195, RN102004967, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600245195, City of Lockhart	Classification:	SATISFACTORY	Rating:	1.09
Regulated Entity:	RN102004967, City of Lockhart Public Works Facility	Classification:	SATISFACTORY	Rating:	5.00
Complexity Points:	3	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	705 Wichita Street, Lockhart, Caldwell County, Texas 78644-2011				
TCEQ Region:	REGION 11 - AUSTIN				

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 25059

TIRES REGISTRATION 3785

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: July 24, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 24, 2019 to July 24, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Faye Renfro

Phone: (512) 239-1833

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/24/2019 and 7/24/2024

N/A

Appendix B

All Investigations Conducted During Component Period July 24, 2019 and July 24, 2024

Item 1	June 16, 2021**	(1723725)
Item 2	May 18, 2023**	(1887175)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion regarding Ordinance 2024-23 adopting the City of Lockhart's Annual Operating Budget for Fiscal Year 2024-2025 and appropriating resources, beginning October 1, 2024, ending September 30, 2025, 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.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Joseph Resendez, Keeli Michna

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: 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, 2024 and ending September 30, 2025. 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 2024-2025 Annual Operating Budget for the City of Lockhart, Caldwell County, Texas and the Lockhart Economic Development Corporation.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: Ordinance 2024-23 - Annual Budget 2025

ORDINANCE 2024-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS ADOPTING THE BUDGET AND APPROPRIATING RESOURCES FOR THE FISCAL YEAR 2024-2025, BEGINNING OCTOBER 1, 2024, FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS; ADOPTING THE FUND BALANCE-STABILIZATION OF EXCESS OF RESERVE POLICY, FINANCIAL POLICY, AND CITY OF LOCKHART INVESTMENT POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the laws of the State of Texas for Home Rule cities and the City Charter for the City of Lockhart, Texas, the budget covering proposed estimated revenues and expenditures for Fiscal Year 2025, beginning October 1, 2024 and ending September 30, 2025, was filed with the City Secretary and notice of public hearing was provided as required, and,

WHEREAS, a public hearing was held by the City Council of the City of Lockhart, Texas, on said budget on August 20, 2024 and September 3, 2024 at which time said budget was presented and considered, and interested citizens were provided an opportunity to be heard by the City Council of the City of Lockhart, and,

WHEREAS, the City Council has reviewed and adopted a fiscal policy titled "Fund Balance-Stabilization of Excess of Reserve Policy"; and

WHEREAS, the City Council has reviewed and adopted a fiscal policy titled "Financial Policy"; and

WHEREAS, the City Council has reviewed and adopted an investment policy titled "City of Lockhart Investment Policy" and has conducted an annual review of the City's Investment Policy, as required by Chapter 2256, Texas Government Code; and

WHEREAS, the City Council, City Manager and staff, after careful deliberate study and considerable debate, have determined the appropriate revenues and expenditures necessary for the maintenance and operations of the City of Lockhart for Fiscal Year 2025.

THEREFORE, BE IT RESOLVED, that the City Council of the CITY OF LOCKHART hereby adopts the Fund Balance-Stabilization of Excess of Reserve Policy; Financial Policy; City of Lockhart Investment Policy; and the Fiscal Year 2025 Annual Budget providing for revenues and expenditures as follows:

Name	Revenues	Expenditures	Difference
General Fund	16,036,006	15,966,212	69,794
Debt Service Fund	1,899,172	1,659,937	239,235
Electric Fund	14,107,185	14,066,017	41,168
Water Fund	8,815,987	8,759,361	56,626
Wastewater Fund	3,390,060	3,360,153	29,907
Solid Waste Fund	2,220,485	2,210,620	9,865
Emergency Medical Service	668,733	979,236	-310,503
Airport Fund	179,550	116,616	62,934
LEDC	1,234,140	1,171,498	62,642
Hotel Occupancy Tax Fund	249,000	222,500	40,820

PASSED, APPROVED, ADOPTED and EFFECTIVE this the 3rd day of September 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon
City Secretary

Bradford E. Bullock
City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion regarding Ordinance 2024-24 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 2025, beginning October 1, 2024 and ending September 30, 2025.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Joseph Resendez, Keeli Michna

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: The proposed tax rate is \$0.5093 per \$100 of assessed value. The Ordinance describes the two required components of the tax rate; Maintenance and Operations (M&O) and Interest and Sinking (I&S).

State law requires a statement regarding the amount by which taxes for maintenance and operations on a \$100,000 home will be raised. Based on the proposed tax rate, the maintenance and operations portion of the rate will be \$0.4067 per \$100 assessed value compared to last year's maintenance and operations rate of \$0.4136 per \$100 assessed value, resulting in a decrease of \$0.0069 or 1.7%. The interest and sinking portion of the tax rate decreased from \$0.1212 to \$0.1026 per \$100 assessed value, resulting in a decrease of \$0.0186 or 15.3%. Therefore, there will be no increase in the maintenance and operations tax due on a \$100,000 home.

The City of Lockhart's portion of a homeowner's property tax bill is 26% of their total bill based on current tax rates. The remaining 74% of the tax bill is for property taxes charged by the other taxing jurisdictions, including the Lockhart Independent School District (46%), Caldwell County (22%), ESD #5 (4.8%), Plum Creek Conservation District and Groundwater tax (1.4%), and Farm-to-Market (0.005%).

Property taxes paid to the City of Lockhart make up approximately 36% of the City's General Fund revenues. Sales tax revenue makes up another 19%, while other fees and services cover the remaining 45%. The revenues from the General Fund provide maintenance and operational support for streets, drainage, parks, infrastructure, police and fire protection. The verbiage contained within this ordinance is in compliance with requirements of Section 26.05(b)(1)(B) of the Texas Tax Code.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: State law requires that **two separate motions and two separate record votes be made to adopt these tax rates:**

"I MOVE THAT THE MAINTENANCE AND OPERATIONS RATE BE ADOPTED AT \$0.4067 PER \$100 OF ASSESSED VALUE AS INDICATED/LISTED IN ORDINANCE 2024-24, THEREBY ADOPTING SAID ORDINANCE."

"I MOVE THAT THE INTEREST AND SINKING RATE BE ADOPTED AT \$0.1026 PER \$100 OF ASSESSED VALUE AS INDICATED/LISTED IN ORDINANCE 2024-24, THEREBY ADOPTING SAID ORDINANCE."

LIST OF SUPPORTING DOCUMENTS: Ordinance 2024-24 - Tax Levy 2024

ORDINANCE 2024-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS 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 FOR FISCAL YEAR 2024-2025, BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025, AND APPROPRIATING EACH PART THEREOF FOR THE SPECIFIC PURPOSES, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Legislature enacted Senate Bill 18, which mandated that municipal ordinances establishing annual tax rates must describe an increase in total maintenance and operations taxes compared to the previous year, and the rise of such taxes on a \$100,000 home compared to the previous year.

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

1. There is hereby levied and shall be collected a maintenance and operations (M&O) property tax for the use and support of the municipal government of the City of Lockhart, Texas and there is hereby levied and shall be collected an interest and sinking (I&S) property tax to provide for the debt service obligations of the City of Lockhart for Fiscal Year 2025, beginning October 1, 2024, upon all taxable property, within the corporate limits of the City of Lockhart, Texas, as follows:
 - a. For the maintenance and operations needs of the City of Lockhart the maintenance and operations (M&O) property tax is hereby adopted as 40.67 cents per each 100 dollars of property valuation. The tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be decreased by 1.7 percent and will decrease taxes for maintenance and operations on a \$100,000 home; and,
 - b. For the debt service obligations of the City of Lockhart interest and sinking (I&S) property tax is hereby adopted as 10.26 cents per each 100 dollars of property valuation. The tax rate will raise less taxes for interest and sinking than last year's tax rate. The tax rate will effectively be decreased by 15.3 percent and will decrease taxes to meet debt obligations for Fiscal Year 2024-2025.
2. All taxes levied under the Ordinance for the specific purposes named herein shall be and is hereby approved to be collected and appropriated to the account(s) of the City of Lockhart for the specific purpose indicated in each items a and b above, by the Property Tax Assessor/Collector of the City of Lockhart.
3. Severability: if any provision, section, clause, sentence or phrase of this Ordinance is for any reason held to be unconstitutional, void, invalid, or unenforceable, 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 approving this ordinance that no portion, provision, or regulation contained herein shall be inoperative or fail by any reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.
4. Repeal: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with provisions set out above in this ordinance are hereby repealed or amended as indicated.

5. Effective date: This ordinance shall become effective and be in full force immediately upon its passage.

PASSED, APPROVED and ADOPTED this the 3rd day of September 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon
City Secretary

Bradford E. Bullock
City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion regarding Ordinance 2024-25 repealing uncodified Ordinance 2023-19 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.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Julie Bowermon

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: The FY 24-25 Budget includes a 4% pay increase for all full-time and part-time regular City of Lockhart employees. It also includes an additional 1% pay increase to the civil service pay step plans for police officers and fire fighters, for a total of a 5% 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 5% adjustment is being proposed to enhance Lockhart's ability to recruit and retain qualified police officers and fire fighters. The City will continue to offer the \$10,000 hiring incentive to police officers as well as the lateral entry pay program. Staff is currently exploring the possibility of proposing a lateral entry pay program for fire fighters in the future.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): The 5% pay increase is included in the proposed FY 24-25 budget.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Proposed Ordinance 2024-25, Ordinance 2023-19

ORDINANCE NO. 2024-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS; REPEALING UN-CODIFIED ORDINANCE 2023-19 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; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart adopted a personnel policy manual on April 8, 1986; and

WHEREAS, certain sections address pay issues; and

WHEREAS, due to the implementation of Chapter 143 of the Texas Local Government Code for the Police Officers and Fire Fighters, “merit” pay for classified police officers and fire fighters was abolished; and

WHEREAS, due to a four (4) percent pay increase for all full-time and part-time regular City of Lockhart employees approved by City Council effective October 1, 2024 and including an additional one (1) percent pay increase specifically for police officers and fire fighters, due to challenges in hiring and retaining qualified police officers and fire fighters, the City believes that public safety will best be served by adjusting step pay plans for police and fire classified personnel; and

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

- I. The matters and facts set forth in the preamble are hereby found to be true.
- II. The following Step Pay Plans for the Fire Department (Exhibit “A”) and Police Department (Exhibit “B”) are expressly incorporated by reference and adopted for classified members of the Lockhart Fire Department and Lockhart Police Department.
- III. 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.

IV. Repealer: That all other ordinances, section, 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 the caption of this ordinance to be published in a newspaper of general circulation according to law.

VI. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VII. Effective Date: That this ordinance shall become effective on October 1, 2024 beginning with work shifts starting after 12:00 A.M. on October 1, 2024.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 3rd DAY OF SEPTEMBER, 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, City Secretary

Brad Bullock, City Attorney

Fire Department Step Pay Plan Civil Service Personnel Rate Per Hour <i>*Effective October 1, 2024</i>						
<u>Tenure¹</u>						
Firefighter/EMT Per Hour	0	1	3	5	7+	
	\$19.11	\$19.81	\$20.76	\$21.69	\$22.19	
<u>Tenure</u>						
Fire Engineer Per Hour	0	3	6	9	12+	
	\$21.23	\$21.69	\$22.65	\$23.12	\$23.59	
<u>Tenure</u>						
Captain Per Hour	0	3	6	9	12+	
	\$23.59	\$24.54	\$25.01	\$25.46	\$25.97	
<u>Tenure²</u>						
Assistant Chief Per Hour	0	3	6	9	12+	
	\$37.71	\$38.35	\$38.99	\$39.64	\$42.09	

EXHIBIT “A”

¹ “Tenure” is tenure from the hire date. Therefore, step progression is based on years with the Department, not time in rank.

² The Assistant Fire Chief will be exempt from overtime and will be paid on a salary basis.

Police Department Civil Service Personnel Rate Per Hour <i>Effective October 1, 2024</i>								
<u>Tenure¹</u>								
Police Cadet Per Hour	0							
	\$23.34							
<u>Tenure</u>								
Police Officer Per Hour	0	1	2	4	6	8	10	12+
	\$30.60	\$31.40	\$32.20	\$33.01	\$34.01	\$35.02	\$36.09	\$37.17
<u>Tenure</u>								
Sergeant Per Hour	2	4	6	8	10+			
	\$37.88	\$38.66	\$39.94	\$41.23	\$42.57			
<u>Tenure</u>								
Lieutenant Per Hour	4	6	8+					
	\$43.16	\$44.64	\$46.21					
<u>Tenure</u>								
Captain Per Hour	4	6+						
	\$46.37	\$49.13						

EXHIBIT “B”

¹ “Tenure” is tenure from the hire date. Therefore, step progression is based on years with the Department, not time in rank.

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS; REPEALING UN-CODIFIED 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; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart adopted a personnel policy manual on April 8, 1986; and

WHEREAS, certain sections address pay issues; and

WHEREAS, due to the implementation of Chapter 143 of the Texas Local Government Code for the Police Officers and Fire Fighters, "merit" pay for classified police officers and fire fighters was abolished; and

WHEREAS, due to a five (5) percent pay increase for all full-time and part-time regular City of Lockhart employees approved by City Council effective October 1, 2023 and including an additional two (2) percent pay increase specifically for police officers and fire fighters, due to challenges in hiring and retaining qualified police officers and fire fighters, the City believes that public safety will best be served by adjusting step pay plans for police and fire classified personnel; and

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

- I. The matters and facts set forth in the preamble are hereby found to be true.
- II. The following Step Pay Plans for the Fire Department (Exhibit "A") and Police Department (Exhibit "B") are expressly incorporated by reference and adopted for classified members of the Lockhart Fire Department and Lockhart Police Department.
- III. 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.

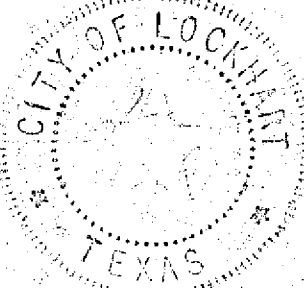
IV. Repealer: That all other ordinances, section, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

V. Publication: That the City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

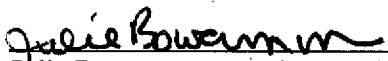
VI. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VII. Effective Date: That this ordinance shall become effective on October 1, 2023 beginning with work shifts starting after 12:00 A.M. on October 1, 2023.

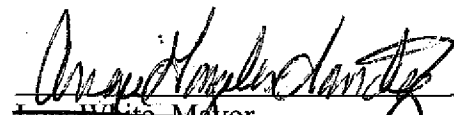
PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 5th DAY OF SEPTEMBER, 2023.



ATTEST:


Julie Bowermon, Assistant City Secretary

CITY OF LOCKHART


~~Lew White, Mayor~~
ANGIE GONZALES-SANCHEZ, MAYOR PRO-TEM

APPROVED AS TO FORM:


Monte Akers, City Attorney

Fire Department Step Pay Plan Civil Service Personnel Rate Per Hour <i>*Effective October 1, 2023</i>						
Tenure¹						
Firefighter/EMT Per Hour	0	1	3	5	7+	
	\$18.20	\$18.87	\$19.77	\$20.66	\$21.13	
Tenure						
Fire Engineer Per Hour	0	3	6	9	12+	
	\$20.22	\$20.66	\$21.57	\$22.02	\$22.47	
Tenure						
Captain Per Hour	0	3	6	9	12+	
	\$22.47	\$23.37	\$23.82	\$24.25	\$24.73	
Tenure²						
Assistant Chief Per Hour	0	3	6	9	12+	
	\$35.91	\$36.52	\$37.13	\$37.75	\$40.09	

EXHIBIT “A”

¹ “Tenure” is tenure from the hire date. Therefore, step progression is based on years with the Department, not time in rank.

² The Assistant Fire Chief will be exempt from overtime and will be paid on a salary basis.

Police Department Civil Service Personnel Rate Per Hour <i>Effective October 1, 2023</i>								
Tenure¹								
Police Cadet Per Hour	0							
	\$22.23							
Tenure								
Police Officer Per Hour	0	1	2	4	6	8	10	12+
	\$29.14	\$29.90	\$30.67	\$31.44	\$32.39	\$33.35	\$34.37	\$35.40
Tenure								
Sergeant Per Hour	2	4	6	8	10+			
	\$36.08	\$36.82	\$38.04	\$39.27	\$40.54			
Tenure								
Lieutenant Per Hour	4	6	8+					
	\$41.10	\$42.51	\$44.01					
Tenure								
Captain Per Hour	4	6+						
	\$44.16	\$46.79						

EXHIBIT “B”

¹ “Tenure” is tenure from the hire date. Therefore, step progression is based on years with the Department, not time in rank.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion regarding Ordinance 2024-26 repealing un-codified Ordinance 2018-23 and adopting this ordinance regarding establishing the classifications within the Fire Department and authorizing the number of employees in each classification.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Julie Bowermon, Randy Jenkins

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: In compliance with civil service, the number of classified police and fire positions are set by an ordinance, which is referred to as the "Strength of Force." Proposed Ordinance 2024-26 reflects reducing the number of firefighters by one (from 7 to 6) and increasing the number of fire engineers (apparatus operators) from 3 to 6.

In the FY 23-24 Budget this change in staffing was approved to start around mid-April 2024. The increase in staffing, specifically fire engineers, was desired due to the purchase of an aerial apparatus (ladder truck) and the growth within the community. Fire engineers have additional training to safely and efficiently operate complex fire suppression systems on equipment such as ladder trucks. The ladder truck is anticipated to arrive by the end of 2024, therefore it is now the appropriate time to finalize the staffing changes authorized in the FY 23-24 Budget.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff respectfully recommends approval of Ordinance 2024-26.

City of Lockhart, Texas

Council Agenda Item

Cover Sheet

LIST OF SUPPORTING DOCUMENTS: ORD 2024-26 Fire Strength of Force, Ordinance
2018-13

ORDINANCE NO. 2024-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS REPEALING UN-CODIFIED ORDINANCE 2018-13 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING ESTABLISHING THE CLASSIFICATIONS WITHIN THE FIRE DEPARTMENT AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Fire and Police Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to §143.021(a) of the Texas Local Government Code; and

WHEREAS, pursuant to §143.021, the Lockhart Civil Service Commission established a new rank structure for the Lockhart Fire Department on May 21, 2018; and

WHEREAS, due to the recent purchase of an aerial apparatus (ladder truck) as well as growth and development within the community, the City Council recognizes the need for additional fire engineer/apparatus operators in the Lockhart Fire Department; and

WHEREAS, due to personnel staffing needs, growth and equipment, the City Council recognizes the need to reduce the number of firefighters by one (1) within the department and increase the number of engineer/apparatus operators by three (3), thus increasing the overall number of employees within the department; and

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

I. The classifications and number of positions in each classification in the Fire Department as set forth in ORDINANCE NO. 2018-13 will be repealed as of September 29, 2024 at 11:59 p.m. As of September 30, 2024, the current classifications and number of positions in each classification in the Fire Department are as of follows:

Effective September 30, 2024

1. Fire Chief – 1
2. Assistant Chief – 1
3. Captain – 3
4. Engineer/Apparatus Operator – 6
5. Firefighter/EMT – 6

Total 17

Note: Position of Assistant Chief will be appointed in accordance with §143.014 of the Texas Local Government Code

II. 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.

III. Repealer: That all other ordinances, section, 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.

IV. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

V. 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.

VI. This ordinance shall become effective and be in full force on September 30, 2024.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 3rd DAY OF SEPTEMBER, 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, City Secretary

Brad Bullock, City Attorney

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS REPEALING UN-CODIFIED ORDINANCE 2016-06 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING ESTABLISHING THE CLASSIFICATIONS WITHIN THE FIRE DEPARTMENT AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Fire and Police Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to §143.021(a) of the Texas Local Government Code; and

WHEREAS, pursuant to §143.021, the Lockhart Civil Service Commission established a new rank structure for the Lockhart Fire Department on May 21, 2018; and

WHEREAS, due to personnel staffing issues, the City Council recognizes the need to restructure services in the Lockhart Fire Department by abolishing the Fire Prevention/Fire Marshal position and creating the rank of Assistant Chief; and

WHEREAS, due to personnel staffing needs, the City Council recognizes the need to reduce the number of firefighters within the department;

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

I. The classifications and number of positions in each classification in the Fire Department as set forth in ORDINANCE NO. 2016-06 is abolished and the current classifications and number of positions in each classification in the Fire Department as of June 30, 2018 are as follows:

Effective June 30, 2018

1. Fire Chief – 1
2. Assistant Chief – 1
3. Captain – 3
4. Engineer/Apparatus Operator – 3
5. Firefighter/EMT – 7

Note: Position of Assistant Chief will be appointed in accordance with §143.014 of the Texas Local Government Code

II. 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.

III. Repealer: That all other ordinances, section, 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.

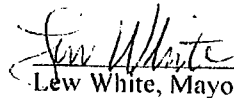
IV. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

V. 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.

VI. This ordinance shall become effective and be in full force on June 30, 2018.

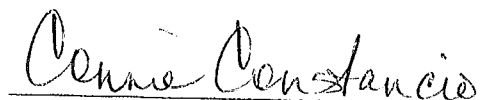
**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE
CITY OF LOCKHART, TEXAS, ON THIS THE 5th DAY OF JUNE, 2018.**

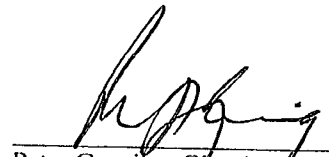
CITY OF LOCKHART

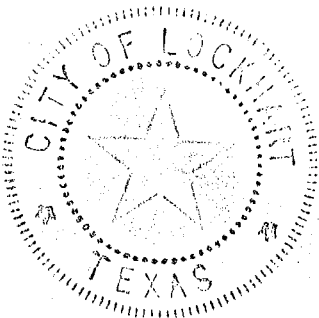

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:


Connie Constancio, TRMC, City Secretary


Peter Gruning, City Attorney



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discuss Resolution 2024-22, denying Texas Gas Service Company's requested rate increase; requiring the company to reimburse the City's reasonable ratemaking expenses; and, requiring notice of this resolution to the company and the City's legal counsel.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Steven Lewis

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: On June 3, 2024, Texas Gas Service Company ("TGS" or "Company"), a Division of ONE Gas, Inc., pursuant to Gas Utility Regulatory Act § 104.102, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas ("RRC") and in all municipalities exercising original jurisdiction within the incorporated areas of the Central-Gulf Service Area ("CGSA"), effective July 8, 2024.

In a prior City action, TGS's rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law, until October 4, 2024. This time period has permitted the City, through its participation in a coalition of similarly situated cities ("TGS Cities"), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by TGS Cities, TGS's request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by TGS.

Explanation of "Be It Resolved" Sections:

Section 1. This section finds that the Company's application is unreasonable and should be denied.

Section 2. This section requires TGS to maintain its existing rates within the City.

Section 3. This section states that City's reasonable rate case expenses shall be reimbursed by TGS within 30 days of presentation of an invoice to TGS.

Section 4. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that the City will notify counsel for TGS and counsel for TGS Cities of the City's action by sending a copy of the approved and signed Resolution to each counsel.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: June 18, 2024 Council meeting: Council approved Resolution 2024-15 suspending a rate increase request.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

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

LIST OF SUPPORTING DOCUMENTS: Proposed Resolution 2024-22 TGS Denial

RESOLUTION NO. 2024-22

RESOLUTION OF THE CITY OF LOCKHART, TEXAS DENYING TEXAS GAS SERVICE COMPANY'S REQUESTED RATE INCREASE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND THE CITY'S LEGAL COUNSEL

WHEREAS, the City of Lockhart, Texas ("City") is a gas utility customer of Texas Gas Service Company ("TGS" or "Company"), a Division of ONE Gas, Inc., and is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and has exclusive original jurisdiction over TGS's rates, operations, and services within the City; and

WHEREAS, the City cooperated with a coalition of similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in TGS's Central-Gulf Service Area ("TGS Cities"); and

WHEREAS, on or about June 3, 2024, the Company filed a Statement of Intent to increase gas rates in all municipalities exercising original jurisdiction within the incorporated areas of the Central-Gulf Service Area; and

WHEREAS, TGS proposed July 8, 2024, as the effective date for its requested increase in rates; and

WHEREAS, the City passed resolution No. 2024-15 to suspend the effective date of TGS's requested rate increase for the maximum period allowed by law, until October 4, 2024; and

WHEREAS, TGS Cities hired and directed legal counsel and consultants to prepare a common response to the Company's requested system-wide rate increase, which resulted in a conclusion that TGS's rates are not reasonable and a recommendation that the rate request be denied; and

WHEREAS, the GURA § 103.022 provides that costs incurred by TGS Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the rates proposed by TGS to be recovered through its gas rates charged to customers located within the City limits are hereby found to be unreasonable and shall be denied.

2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

3. That the City's reasonable rate case expenses shall be reimbursed by the Company.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to TGS representatives Judy Hitchye and Anthony Brown, Texas Gas Service Company, Barton Skyway IV, 1301 S. Mopac, Suite 400, Austin, Texas 78746 (Judy.Hitchye@onegas.com; Anthony.Brown@onegas.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this 3rd day of September, 2024.

Lew White
Mayor, City of Lockhart

ATTEST:

Julie Bowermon, City Secretary

APPROVED AS TO FORM:

Brad Bullock, City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion regarding the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election for Places 11 - 14.

ORIGINATING DEPARTMENT AND CONTACT: Council - Mayor Lew White

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: The City of Lockhart has received the official ballot for the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) Board of Trustees Election for Places 11, 12, 13, and 14. Each member of the pool is entitled to vote for Board of Trustee members. The officials listed on the ballot have been nominated to serve a six-year term on the TMLIRP Board of Trustees which includes workers' compensation and property/liability. The candidate names are listed in alphabetical order and incumbents are identified.

Ballot submission deadline is September 30, 2024.

PROJECT SCHEDULE (if applicable): N/A

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: TMLIPR Ballot for Places 11 - 14

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 11 – 14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees. The names of the candidates for each Place on the Board of Trustees are listed in alphabetical order on this ballot.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2024. Ballots received after September 30, 2024, cannot be counted. **The ballot must be properly signed, and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P.O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 11

- ☐ **Randy Criswell.** (Incumbent) Randy Criswell is currently the City Manager of Wolfforth (Region 3), a position he's held since 2022. He has served on the TML Risk Pool Board of Trustees since 2015 and as Chair of the Board from 2020 to 2022. He has been in public service since 1994, having served the City of Canyon in three administrative roles including City Manager, the City of Mineral Wells as City Manager, and his current position. Mr. Criswell has a Bachelor of Science Degree from Texas Tech University in Engineering Technology and is a Certified Public Manager. He is a member of TCMA and a past member of the TCMA Board of Directors. He and his wife Janie have three grown children, and he enjoys golf, his Harley Davidson motorcycle, and spending time with Janie.
- ☐ **Robert S. Davis.** Robert Davis serves as the City Attorney for the City of Bullard (Region 15). He is a Senior Partner at Flowers Davis PLLC in Tyler and oversees the Business and Commercial Litigation, Insurance Defense, Defense of Governmental Entities, Employment Law, and Medical Liability Sections of the law firm. Mr. Davis has extensive experience in representing governmental entities and government officials in all types of litigation. He also has extensive experience in litigation for major insurance carriers and drafting coverage opinions for insurance carriers. Through the years, he has written many papers for and made numerous presentations to Texas Sheriff's Association, Texas Association of Counties, Texas Jail Association, and Texas Chief Deputies' Association.

WRITE IN CANDIDATE:

PLACE 12

- ☐ **Cedric Davis, Sr.** Cedric Davis is the City Manager of the City of Mathis (Region 11). He joined the city's administration team on January 3, 2024, and has more than three decades of experience as a public servant. He served as the City Manager of Mathis for over four years, and is a former Chief of Police and Public Educator. He is a graduate of Law Enforcement Management Institute of Texas and the Advanced Military Academy of Texas. He has a Bachelor of Science degree in Criminal Justice Administration from Sam Houston State University. He is a licensed Master Peace Officer, Police Instructor, Investigator, and holds certifications in Public Management, Smart City Practitioner, and Public Finance Investment Officer. In 2008 he served as Mayor of Balch Springs.
- ☐ **Rocky Hawkins.** Rocky Hawkins is a Councilmember for the City of Gladewater (Region 15), and served as such for four years. He has also served on the Gladewater Lake Board for 10 years, as a Chamber of Commerce Volunteer, as a member of the "Friends of the Library" at the Lee-Bardwell Public Library in Gladewater, and on various boards and committees at First Baptist Church for 30 years. Mr. Hawkins began his career with a brief stint as a Parole Officer for Gregg County; later spent almost 15 years in the Hospitality/Restaurant Business; and finished his career with 30 years at Eastman Chemical Co. He holds an associate's degree in business management from Kilgore College and a B.S. degree in Criminal Justice from Sam Houston State University.
- ☐ **Allison Heyward.** (Incumbent) Allison Heyward has served as Councilmember for the City of Schertz (Region 7) since 2018. She also serves on the TML Board of Directors and is currently the TML President Elect. She previously served in 2022 on the TMLIRP Board as the TML Board representative. In January 2023, she was appointed to Place 12 on the TMLIRP Board to fill a vacancy. She holds a Bachelor's Degree in Accounting from Texas Southern University, and is a 2020 graduate of the Chamber Leadership Core Program. Mrs. Heyward is also a TML Leadership Fellow and a Certified Municipal Officer (CMO), having received the TMLI CMO (Certified Municipal Official Designation) Award of Excellence for maintaining the designation for 5 continuous years. She has also been recognized with the President's Award for being one of the top 2 highest earners of Continuing Education Units.
- ☐ **Rudy Zepeda.** Rudy Zepeda has served as the Finance Director for the City of Santa Fe (Region 14) since 2021. Before joining Santa Fe, Mr. Zepeda served eight years in Dayton, Texas, as Assistant City Manager and Finance Director. He holds a degree in Classics from the University of Arizona and certification in Certified Public Management from Stephen F. Austin University. While Finance Director in Santa Fe, the city earned the Government Finance Officers Association (GFOA) Budget Presentation Award and the Excellence in Financial Reporting award. This year, the city was recognized by the State Comptroller's Office with its Traditional Finances Star Award. Mr. Zepeda's career spans 30 years, with significant experience in both public and private sectors, including 14 years in local government.

WRITE IN CANDIDATE:

PLACE 13

- ☐ **Harlan Jefferson.** (Incumbent) Deputy City Manager for the City of Burleson (Region 13). Mr. Jefferson has been in public service for 41 years, serving as a Risk Manager for the City of Denton early in his career and serving as Town Manager for Flower Mound and Prosper, Texas. Mr. Jefferson is an active member of the Texas City Management Association (TCMA), having served on its Board of Directors and is a Past President of the North Texas City Manager Association. He holds a Bachelor of Arts in Political Science and a Master of Public Administration from the University of North Texas. Additionally, he is an Adjunct Faculty member in the Master of Public Administration Program at the University of North Texas.

- ☐ **James Quin.** City Administrator for the City of Hutchins (Region 13) since March 2022. He served as City Administrator of Haslet for 8 years and City Manager for Richland Hills for 16 years. Mr. Quin earned a Bachelor of Science Education degree and a Master of Public Administration degree from Missouri State University. He is a member of the International City/County Management Association (ICMA) and maintains the ICMA Credentialed Manager (CM) designation. In April 2022, he was awarded the High Performance Leadership Academy Certificate issued by ICMA Professional Development Academy. Also, he is a full member of TCMA, and previously served on the HCA Medical City Alliance Hospital Board for 6 years.

WRITE IN CANDIDATE:

PLACE 14

- ☐ **Mike Land (Incumbent)** City Manager for the City of Coppell (Region 13) since 2017, and Deputy City Manager from 2012-2017. Previously, he was Town Manager for Prosper, City Manager for Gainesville, and Executive Director for the Southwestern Diabetic Foundation. Mr. Land serves on the International City/County Management (ICMA) Board of Directors and is the 2024-25 ICMA President-Elect. Additionally, he serves on the Texas Women's Leadership Institute Advisory Board, the Texas A&M University's Development Industry Advisory Council, and the UTA MPA Advisory Board. He has also served as School Board Trustee for Gainesville Independent School District and as President of TCMA.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness my hand, this _____ day of _____, 2024.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed Name of Political Entity

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion and possible direction to staff regarding creating zoning overlays to regulate design standards in the entrance corridors along highway entrances into Lockhart, as requested by Mayor White.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: Mayor White has suggested the City look into creating zoning overlays to protect the appearance and character of the entrance corridors in order to protect selected areas from possible negative effects of future development along those corridors. Typically, corridor zoning overlays involve additional regulations for a defined area in order to approve the appearance of new development, define allowable uses, and create additional regulations designed to refine the character of development within the overlay district. In addition to restricting uses, overlays will often have enhanced setback requirements, height or density limits, architectural standards, signage restrictions, landscaping requirements, site design standards, screening requirements, and site layout requirements. In order to craft a successful corridor zoning overlay, a city should determine the areas in which the overlay should be applied, the character of that area that is desired to be created or preserved, and the additional regulations that should be applied to the area to achieve the desired effects. If City Council expresses interest in creating corridor overlays, staff will work to craft a list of elements that could potentially be incorporated into overlays of each of the areas for which interest in creating an overlay is expressed. The resulting product would be one or more zoning overlay districts that would create additional regulations to which affected properties would be subject. To provide some background to the practice of applying zoning overlays to corridors, an introductory document defining overlay districts is attached, as is an example of an overlay ordinance from San Antonio.

PROJECT SCHEDULE (if applicable): None at this time.

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: None.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: Direct staff regarding the possibility of amending Chapter 64, Zoning, to create design requirements to enhance the appearance of new developments along the city's highway entrance corridors. This direction could include a preferred approach for reviewing draft work products, including a future workshop to determine

City of Lockhart, Texas

Council Agenda Item Cover Sheet

preferred overlay sites and regulations before draft text amendments are written.

LIST OF SUPPORTING DOCUMENTS: What Is an Overlay District__ Planetizen
Planopedia, Hill Country Gateway Corridor Standards - San Antonio

Planopedia

Clear, accessible definitions for common urban planning terms.

What Is an Overlay District?

4 Minute Read

A zoning overlay district superimposes an additional set of regulations over an existing zoning district, or multiple zoning districts.



melissamn / [Historic district sign](#)

An overlay district, sometimes known as an overlay zone, is a geographic zoning district layered on top of another existing zoning district, or districts, that [implements additional regulations](#). [Overlay districts](#) are frequently used in [zoning codes](#) to protect sensitive environmental features, preserve historic buildings, prevent development on unstable or vulnerable land features, or promote specific types of development such as transit-oriented development. Like other zoning regulations, overlay districts can control building codes and urban design, permitted [land use](#), [density](#), and other factors.

The overlay district often fills a gap where traditional zoning does not address specific or complicated local conditions or multi-jurisdictional issues. For example, an overlay district protecting a rivershed along a river that flows through several different zoning districts would protect land along the entire river with one set of rules that applies across districts. Overlay districts can streamline the implementation of additional regulations in all applicable areas without having to amend the codes for multiple districts and maintain consistency across multijurisdictional natural, historic, or infrastructural features.

Types of Overlay Districts

Common overlay district types and purposes include:

- [Affordable housing](#)
- Airport zones
- Flood plains, coastal zones, or river sheds

- Seismic hazards
- Agriculture or livestock
- Historic or cultural resources
- Sensitive habitats
- Transit-oriented development
- Pedestrian districts
- Sign districts
- Economic development or craft districts

In addition to environmental protection districts, historic overlay districts are one of the most common uses of the overlay district model. A historic zone will often impose strict regulations relating to the aesthetics of buildings in the neighborhood, making it difficult to make changes to the established look of the area.

The city of [Los Angeles](#) has ten different types of overlay district, including: Certified Coastal Use Plan, Community Design Overlay (CDO), Historical Protection Overlay Zone (HPOZs), and Commercial and Artcraft District (CAD). The latter of these allows artisans to live, work, and sell their work without the restrictions on commercial activities common in other residential districts. Cities like [Oakley, California](#) have implemented affordable housing districts to mandate more affordable housing in neighborhoods with high demand. As housing activists sounded the alarm about the proliferation of short-term rentals and their impact on the housing market, [Steamboat, Colorado](#) proposed an overlay zone to regulate the number of short-term rentals in various parts of the city. [Highway overlay districts](#) are an increasingly popular tool for promoting certain types of growth and uses along major transportation corridors. In [Norfolk, Nebraska](#), the city council approved a highway corridor overlay district to guide development along two major highways in the city.

According to the [Center for Land Use Education](#), creating an overlay district involves three basic steps: defining the purpose of the district, identifying the areas the district will contain, and developing the rules that will apply to the district. The process of creating and approving overlay districts usually mirrors the creation of any zoning district. Like other zoning districts, most overlay districts include the possibility for [variances](#) or waivers on a case-by-case basis.

Critiques of Overlay Districts

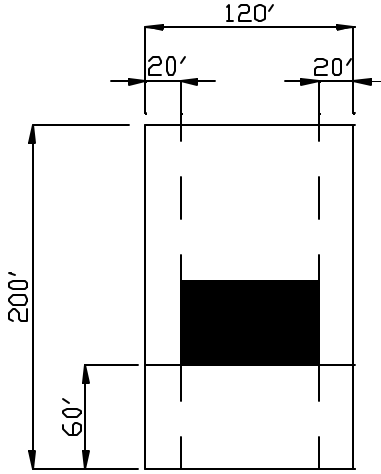
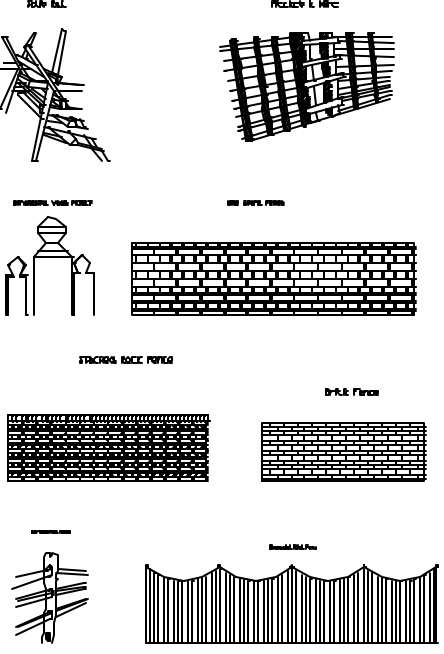
The use of overlay districts raises concerns among some experts, who caution that overlay districts [can become overused](#) as a policy tool when simpler zoning mechanisms would suffice. If a proposed overlay district only covers one other zoning district, for example, it may be easier to simply amend the regulations for the existing district. Otherwise, multiple layers of regulation can lead to longer permitting times and increased costs for developers, city agencies, and property owners.

Overlay districts are also accused of blocking new housing construction, hindering development and growth, keeping housing costs high, raising home maintenance and utility costs, and preventing cities from adjusting their built environment to meet current conditions. Because they frequently uphold the status quo and block affordable housing efforts, some critics fear that overlay districts too easily become a tool of [exclusionary zoning](#), using historic or environmental designations to reject development proposals and avoid state housing mandates. In one prominent example, the California town of Woodside attempted to designate the entire city as [mountain lion habitat](#) to skirt state housing laws. (It should be noted that the proposal, widely ridiculed in the press, was [quickly retracted](#).)

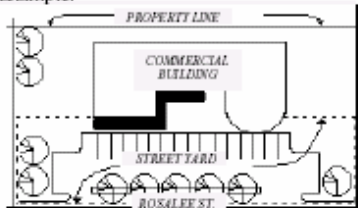
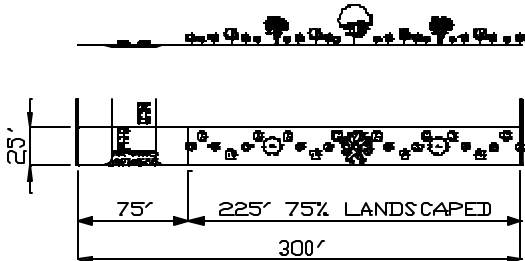
However, zoning can and does function as an [exclusionary tool](#) with or without intent: many opponents of [single-family zoning](#) argue that the designation prevents the construction of multifamily buildings in desirable areas and forces low-income families farther from job centers and economic opportunities. Historic overlay districts, by essentially freezing a neighborhood in one specific form, can have a similar effect by limiting development in often highly desirable, central locations that could benefit from increased density. Historic designations can also [hinder the modernization of homes](#), preventing homeowners from adding solar panels or other efficiency features that don't comply with the district's historical requirements.

Used wisely, overlay districts give planners a tool for implementing targeted regulations that accommodate local conditions, guide development, and protect natural and cultural resources. Taken too far, they can hinder development, keep housing costs high, and delay essential projects necessary for keeping up with the shifting needs of modern cities.

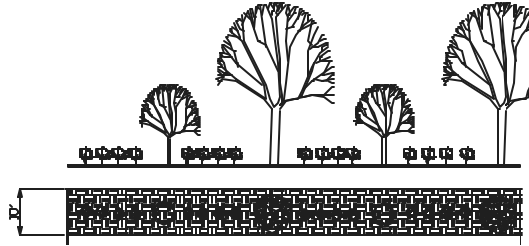
Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Front and side yard setbacks	Front and side yard setbacks shall only apply to properties or portions of properties within ninety (90) feet of the IH-10 West right-of-way line as it exists at the effective date of this ordinance. The minimum front building setback along IH-10 shall be sixty (60) feet as measured from the outer IH-10 right-of-way line. Setbacks other than those along IH-10 shall include at least twenty (20) feet as measured from the side property line in common with adjacent property.	
Fences and walls	Fences and walls within ninety (90) feet of the IH-10 right of way shall be one of the following styles: A. Wooden split rail (<i>Riegelfens</i>) B. Wooden mortised rail C. Wood picket and wire D. Ornamental wood picket (jigsaw) E. Rock, stone or stucco fence F. Brick G. Ornamental metal for use in entrances/gateways H. Other appropriate materials approved by the Board of Adjustment. The primary materials of solid screen fencing and walls are encouraged to remain unpainted and natural in appearance, however, if painted, painting shall be limited to earth tone colors. For properties which require the front natural buffer, fences and walls shall be located behind the front natural buffer.	

Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:								
Landscaping	In addition to the mandatory landscaping requirements established by §35-511, landscape plans shall be required to earn a minimum of 85 points as awards for elective requirements. Existing trees and understory plants may be preserved to meet this requirement. [note: Tree preservation = 2 to 40 points; Parking lot screening = 25 points; Parking lot shading = 20 to 35 points; Street trees = 25 points; Understory preservation 15 to 30 points – point awarding specified in §35-511]	Example:  Example: Tabulation of Points <table><tr><th>Electives</th><th>Points</th></tr><tr><td>Street trees</td><td>25 pts.</td></tr><tr><td>Screening of surface parking</td><td>25 pts.</td></tr><tr><td>Parking lot shading</td><td>20 pts.</td></tr></table>	Electives	Points	Street trees	25 pts.	Screening of surface parking	25 pts.	Parking lot shading	20 pts.
Electives	Points									
Street trees	25 pts.									
Screening of surface parking	25 pts.									
Parking lot shading	20 pts.									
Parking Lot Screening	All parking areas within ninety (90) feet of the outer IH-10 right-of-way line shall be screened to a minimum height of four (4) feet with earthen berms and/or dense landscaping. This screening shall count as twenty-five (25) points toward the landscaping required.									
Front natural buffers	Along IH-10, at least seventy-five percent (75%) of the first twenty-five (25) feet of the property must be landscaped with native plant material and native trees. At least seventy-five percent (75%) of trees six inch (6") DBH or greater must be preserved within the first twenty-five (25) feet of the property. Detention and sedimentation filtration areas may be located within the front natural buffer, however, they must be fully screened from public view unless used as a landscape feature. Native understory and tree preservation within the front natural buffer shall count toward the minimum landscaping required above.									

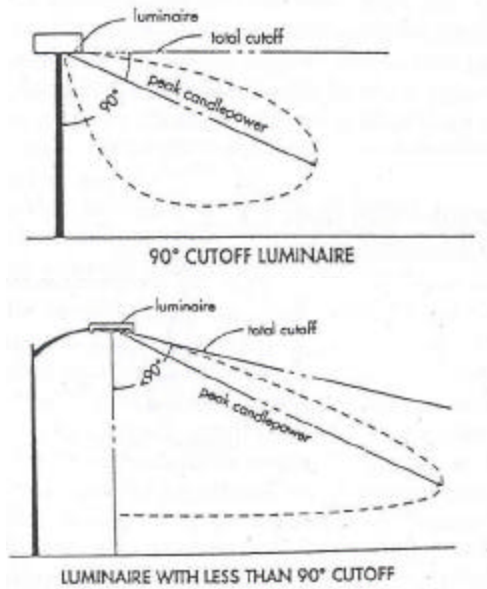
Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Buffers (Rear)	Rear buffer yards shall be required in accordance with §35-510, however, a minimum ten (10) foot buffer yard shall be provided at the rear property line of adjoining uses for which a Type A, B or C Buffer is required in addition to any requirement to fence the property.	
Building Materials - Permitted	The following material lists may be chosen to apply to the exterior surfaces of primary buildings and accessory buildings located within the corridor district that are visible from IH-10. To the greatest extent feasible, building materials shall be used that are compatible with the existing properties located in a corridor district or to portray the corridor theme. a. Masonry consisting of stone, brick, glass block, or decorative concrete panel. b. Glass curtain wall consisting of seventy percent (70%) or less glass or combination of glass, metal, or other material in a metal framework. c. Brick or brick veneer. d. Stucco or concrete masonry unit. e. Cement fiber board. f. Other appropriate materials approved by the Board of Adjustment. Brick, brick veneer, stone, concrete masonry, cementitious stucco may only be painted in earth tone colors. Concrete finish must be profiled, sculptured, fluted, exposed aggregate or other architectural concrete finish.	

Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Building Materials - prohibited	The following provisions apply to the primary wall finish of the principal building and accessory buildings visible from IH-10. For the purposes of this subsection the primary wall finish shall refer to the treatment applied to twenty-five percent (25%) or more of a building elevation. - Siding made of vinyl, wood fiber hardboard, oriented strand board, plastic or fiberglass panels. - Corrugated, ribbed, galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finished. This prohibition does not include metals used on roofs, awnings or canopies. - Unfired or underfired clay, sand, or shale brick. - Unfinished concrete masonry units (i.e. cinderblock). - Smooth or untextured concrete finishes. - Mirrored glass with a reflectance of greater than twenty percent (20%).	
Trash receptacles, utility boxes	In order to minimize the visual impact of unsightly objects or uses, elements such as outside storage, off-street loading areas, refuse storage areas, air conditioning and heating equipment, utility boxes, utility pillars, utility vaults, utility cabinets, solar systems and components and microwave and satellite antennas (greater than 2 meters in diameter) are required to be completely screened from public view at ground level at a minimum height of six (6) feet. Screening may be achieved by construction of a solid wall of rock, stone, stucco, or brick with wooden gates, evergreen plant materials with irrigation, or landscaped earthen berm. Walls are encouraged to remain unpainted and natural in appearance, however if painted, painting shall be limited to earth tone colors.	

Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Utilities	On-site utilities shall be located underground unless required by the utility to be otherwise located. This requirement does not apply to electrical transmission or distribution lines.	
Lighting	a. Exterior lighting fixtures for entrances, parking lots or walkways shall not emit a significant amount of the fixture's total output above a vertical cut-off angle of ninety degrees (90°). Any structural part of the fixture providing this cut-off angle shall be permanently affixed. b. Lighting of building exteriors (uplighting or downlighting) that is positioned to highlight a building or outdoor artwork shall be aimed at the object to be illuminated, not pointed into the sky. Flood lamps should be shielded so that the light sources are not visible from a public right-of-way. <i>(Both types illustrated are acceptable)</i>	
On-premises Signage	Expressway: 35' height/200 square feet single tenant 40' height/250 square feet dual tenant 40' height/300 square feet multiple tenant Arterial A: 25' height/65 square feet single tenant 30' height/150 square feet dual tenant 40' height/200 square feet multiple tenant Up to an additional 10 feet of height may be added if the adjacent grade is elevated. 200' spacing between signs. No provision in this section may be construed to prohibit a Sign Master Plan Development Agreement as defined by §28-244 of the Municipal Code. Signs prohibited by §28-220 of the Municipal Code shall be prohibited within this Corridor.	

Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Off-premises Signage	Off premises advertising signs and billboards are prohibited.	
Wall signs	Maximum allowable sign area, as a percentage of the area of each building elevation: 15% cabinet sign; painted or flat sign 20% channel letters raised or incised	
Definitions <i>Earth Tone Colors</i> – colors that are predominant in the surrounding landscape including desert and woodlands and shall be low reflectance, subtle or neutral colors. Earth tone colors shall not include primary colors, black, metallic or fluorescent colors. <i>Native plants and trees</i> – those species listed in Appendix E of the Unified Development Code. <i>Understory</i> – assemblages of natural low level woody, herbaceous and ground cover species.		

AN ORDINANCE **97656**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING AND CLASSIFICATION OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended so that it shall include the following described changes of zoning and classification of the following property:

CASE NO. Z 2003077

The rezoning and reclassification of property from DR, C-1, C-2, C-2 ERZD, C-3, C-3 NA, C-3 R ERZD, C-3 NA, C-3 PUD ERZD, C-3 ERZD, O-2, C-2 R, C-3 C, C-3 R, ED, ED ERZD, QD S ERZD, I-1 ERZD, I-1, R-6, R-20, MH, R-6 ERZD, R-6, R-6 PUD to (DR, C-1, C-2, C-2 ERZD, C-3, C-3 NA, C-3 R ERZD, C-3 NA, C-3 PUD ERZD, C-3 ERZD, O-2, C-2 R, C-3 C, C-3 R, ED, ED ERZD, QD S ERZD, I-1 ERZD, I-1, R-6, R-20, MH, R-6 ERZD, R-6, R-6 PUD) Hill Country Gateway Corridor District, (GC-1) on the property listed as follows:

Beginning at the intersection of the centerlines of Interstate Highway 10 and UTSA Boulevard; Thence, west following the centerline of UTSA Boulevard to a point 1000 feet west of the west right of way of Interstate Highway 10;

Thence, meandering north following a line located at a distance of 1000 feet from the west right of way line of Interstate Highway 10 to a point located on the city limit line of the City of San Antonio;

Thence, following the city limit line east to a point 1000 feet east of the east right of way of Interstate Highway 10;

Thence, meandering south following a line located at a distance of 1000 feet from the east right of way line of Interstate Highway 10 to the centerline of UTSA Boulevard;

Thence, to the point of beginning.

SECTION 2. A map of the properties attached as Exhibit "A" and Corridor Standards attached as Exhibit "B" are made a part hereof and are incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this

ordinance shall remain in full force and effect, including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective June 1, 2003.

PASSED AND APPROVED this 22nd Day of May 2003.



M A Y O R

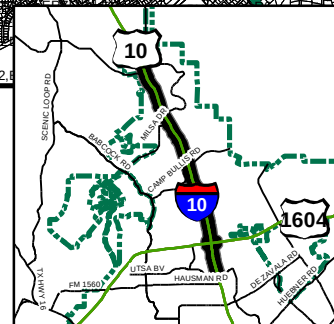
EDWARD D. GARZA

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Hold a PUBLIC HEARING and discussion regarding application ZC -24-06 by the Marilyn Riddle Trust, and discussion and/or action to consider Ordinance 2024-22 for a ZONING CHANGE from AO Agricultural-Open Space District to 27.9955 acres of CMB Commercial Medium Business District, 17.7206 acres of RHD Residential High Density District and 132.0719 acres of RMD Residential Medium Density District on 177.78 acres in the James George Survey, Abstract Number 9, located in the 1500, 1600, and 1700 blocks of South Commerce Street.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: This zoning change request proposes to change the zoning for a 177.78-acre parcel from its current AO Agricultural-Open Space zoning to a mix of three different zoning districts. The proposed zoning would include CMB Commercial Medium Density zoning along South Commerce Street with Residential High Density to the east of the commercial zoning proposed along South Commerce Street and Residential Medium Density taking up most of the remainder of the site. To avoid placing single-family homes in an area abutting the Coleman Unit prison, an additional area of Commercial Medium Business zoning has been proposed for the area immediately south of the prison. The future land use map shows both East Martin Luther King Jr. Industrial Boulevard (MLK) and Bufkin Lane continuing through the property, meeting south of the current section of MLK that terminates south of Blackjack Street. The proposed zoning district boundaries have been designed to carry these streets through the site. The site is mostly flat with a slight downward grade to the south and east. There are no areas of floodplain on the site. The site is crossed by several utility and pipeline easements, which may present a challenge in designing a subdivision on the property.

Staff received a letter from the owners of the concrete plant to the north of the site expressing concern regarding the impact of potential residential development near their site. However, a representative of the batch plant has said that the location of commercial zoning adjacent to their property has at least partially addressed their concerns.

PROJECT SCHEDULE (if applicable): None.

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: The subject property was annexed on December 15, 1998, and was assigned to AO zoning district upon annexation.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission

City of Lockhart, Texas

Council Agenda Item Cover Sheet

unanimously recommended approval of the proposed zoning change at its August 28, 2024 meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of Ordinance 2024-22 Changing the zoning for 177.78 acres located on the 1500-1700 blocks of South Commerce Street.

LIST OF SUPPORTING DOCUMENTS: ZC-24-06 Ordinance 2024-22, Ordinance 2024-24 Exhibits A-D, ZC2406 case map, ZC2406 aerial, ZC2406 zoning, ZC2406 flu thoroughfares, ZC2406 Staff Report--council, ZC2406 application, Trust Marilyn Trust Authorization Letter, Letter to Mr. Fowler City of Lockhart 8.23.2024(730379.1)s(730654.1) (002)

ORDINANCE 2024-22

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 177.78 ACRES IN THE JAMES GEORGE SURVEY ABSTRACT NO. 9 LOCATED ON THE 1500, 1600, AND 1700 BLOCKS OF SOUTH COMMERCE STREET, FROM AO AGRICULTURAL-OPEN SPACE TO DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT, RHD RESIDENTIAL HIGH DENSITY DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.

WHEREAS, on August 28, 2024, the Planning and Zoning Commission held a public hearing and voted to recommend approval of a zoning change to CMB Commercial Medium Business District, RHD Residential High Density District, and RMD Residential Medium Density District ; 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-24-06, known as 177.78 acres in the James George Survey, Abstract No. 9, and more particularly described in Exhibits A-D and located on the 1500, 1600, and 1700 blocks of South Commerce Street, will be reclassified from AO Agricultural-Open Space District to 27.9955 acres of CMB Commercial Medium Business District, 17.7206 acres of RHD Residential High Density District and 132.0719 acres of RMD Residential Medium Density 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 3rd DAY OF SEPTEMBER, 2024

CITY OF LOCKHART

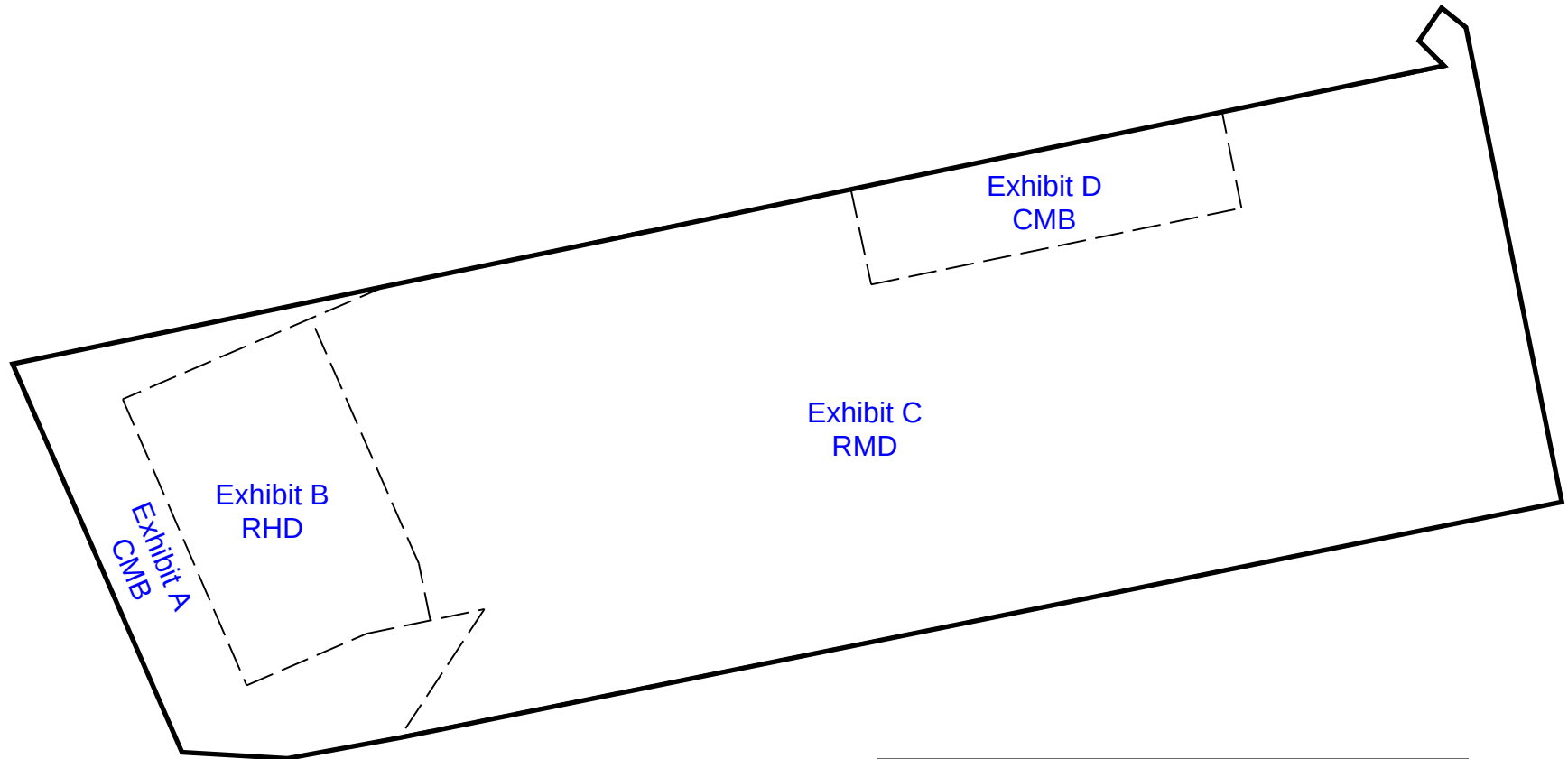
Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, City Secretary

Brad Bullock, City Attorney



CMB - Commercial Medium Business

RMD - Residential, Medium Density

RHD - Residential, High Density

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 17.8117 ACRES (775,877 SQUARE FEET) OUT OF THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 178.42 ACRES TRACT (FIRST TRACT) CONVEYED TO KENNETH RIDDLE IN VOLUME 314, PAGE 206 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS (D.R.C.C.T.), SAID 17.8117 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

BEGINNING, at an iron rod with “Tri-Tech” cap found for the intersection of the east right-of-way line of F.M. 1322 (80’ right-of-way) and the north right-of-way line of Lay Road (right-of-way width varies), being the southwest corner of said Riddle tract and being the southwest corner and **POINT OF BEGINNING** hereof;

THENCE, leaving the north right-of-way line of said Lay Road, with the east right-of-way line of said F.M. 1322 and the west line of said Riddle tract, **N23°24’32”W**, a distance of **1,465.17** feet to an iron rod with “Tri-Tech” cap found for the northwest corner hereof, being the common west corner of said Riddle tract and a called 4.0302 acres tract conveyed to TXI Operations, L.P. in Document No. 112247 of the Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.), from which a Texas Department of Transportation (TxDOT) Type I concrete monument found bears, **N23°24’32”W**, a distance of 50.59 feet;

THENCE, leaving the east right-of-way line of said F.M. 1322, with the common line of said Riddle tract and said TXI Operations tract, **N78°13’54”E**, a distance of **1,000.06** feet to a 1/2-inch iron rod found for an angle point hereof, being the common south corner of said TXI Operations tract and a called 9.858 acres tract conveyed to Christopher R. Martin and Spouse, Amy Foley-Martin in Document No. 2015-004262 (O.P.R.C.C.T.) as described in Document No. 140176 (O.P.R.C.C.T.);

THENCE, leaving the east line of said TXI Operations tract, with the north line of said Riddle tract and in part with the south line of said Martin tract, **N78°18’00”E**, a distance of **320.82** feet to a calculated point for the northeast corner hereof, from which a 1/2-inch iron rod found for the common south corner of said Martin tract and a called 30.473 acres conveyed to Economy Realty, Ltd. in Volume 419, Page 550 (D.R.C.C.T.) bears, **N78°18’00”E**, a distance of 368.97 feet;

THENCE, leaving the south line of said Martin tract, over and across said Riddle tract the following five (5) courses and distances:

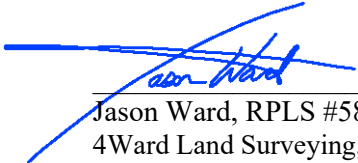
- 1) **S66°44’03”W**, a distance of **992.76** feet to a calculated point for an angle point hereof,
- 2) **S23°24’04”E**, a distance of **1,080.96** feet to a calculated point for an angle point hereof,
- 3) **N66°35’28”E**, a distance of **452.09** feet to a calculated point for an angle point hereof,
- 4) **N78°18’27”E**, a distance of **416.94** feet to a calculated point for an angle point hereof,
- 5) **S33°31’40”W**, a distance of **527.71** feet to a calculated point for the southeast corner hereof, being in the south line of said Riddle tract and the north line of a called 53.00 acres tract conveyed to Lockhart 1322, LLC in Document No. 2022-004872 (O.P.R.C.C.T.);

THENCE, with the south line of said Riddle tract, in part with the north line of said Lockhart 1322 tract, in part with the north line of a called 1.07 acre tract conveyed to Patricia Woytkewicz in Volume 366, Page 943 (D.R.C.C.T.), **S78°34’13”W**, passing at a distance of 72.76 feet the common north corner of said Lockhart 1322 tract and said Woytkewicz tract, in all a distance of a distance of **389.33** feet to an iron rod with “Tri-Tech” cap found for an angle point hereof, being the northwest corner of said Woytkewicz tract and an angle point in the north right-of-way line of said Lay Road;

THENCE, leaving the west line of said Woytkewicz tract, with the south line of said Riddle tract and the north right-of-way line of said Lay Road, **N86°26'34"W**, a distance of **379.19** feet to the **POINT OF BEGINNING** and containing 17.8117Acres (775,877 Sq. Ft.) of land more or less.

NOTE:

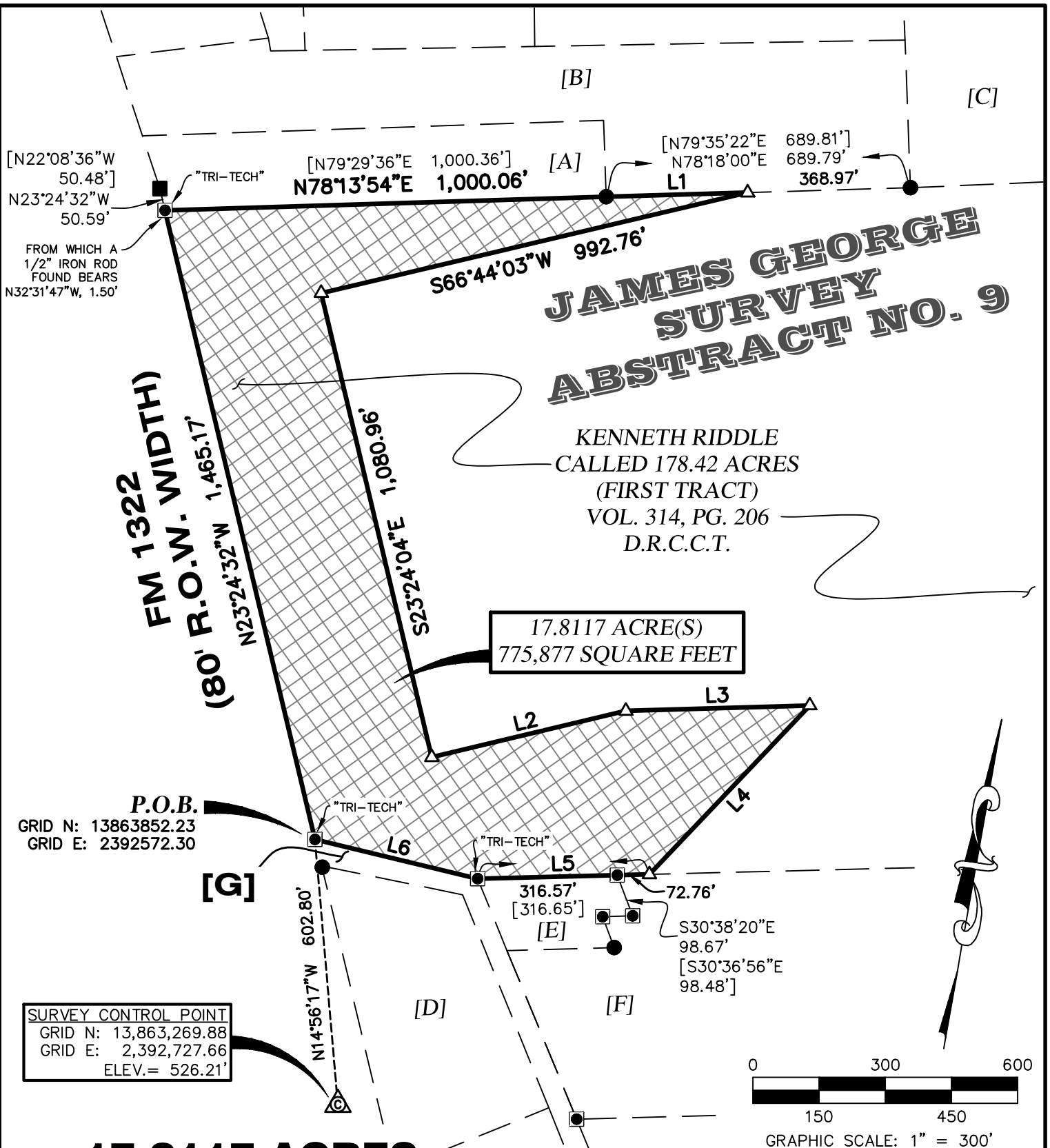
All bearings are based on the Texas State Plane Coordinate System, Grid North, South Central Zone (4204); all distances were adjusted to surface using a combined scale factor of 1.000119814433. See attached sketch (reference drawing: 01622-177AC TRACT_ZE-1.dwg)



Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

7/22/24





**17.8117 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas**

4WARD
Land Surveying
A Limited Liability Company

PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/21/2024
Project:	01622
Scale:	1" = 300'
Reviewer:	PRB
Tech:	EBD
Field Crew:	NH/JC
Survey Date:	JUN. 2024
Sheet:	1 OF 3

[A]
TXI OPERATIONS, L.P.,
CALLED 4.0302 ACRES
DOC. NO. 112247,
O.P.R.C.C.T.

[B]
CHRISTOPHER R. MARTIN AND
SPOUSE, AMY FOLEY-MARTIN
CALLED 9.858 ACRES
DOC. NO. 2015-004262
O.P.R.C.C.T
(AS DESCRIBED
IN DOC. NO. 140176
O.P.R.C.C.T)

[C]
ECONOMY REALTY, LTD.,
CALLED 30.473 ACRES
VOL. 419, PG. 550
D.R.C.C.T.

[D]
ALVIN FOGLE & LOIS FOGLE
CALLED 4.67 ACRES
VOL. 334, PG. 390
O.P.R.C.C.T.

[E]
PATRICIA WOYTKIEWICZ
CALLED 1.07 ACRES
VOL. 366, PG. 943
D.R.C.C.T.

[F]
LOCKHART1322, LLC
CALLED 53.00 ACRES
DOC. NO. 2022-004872
O.P.R.C.C.T.

[G]
LAY ROAD
(R.O.W. WIDTH VARIES)

17.8117 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas

 A Limited Liability Company PO Box 90876, Austin Texas 78709 INFO@4WARDLS.COM (512) 537-2384 TBPELS FIRM #10174300	Date:	7/21/2024
	Project:	01622
	Scale:	N/A
	Reviewer:	PRB
	Tech:	EBD
	Field Crew:	NH/JC
	Survey Date:	JUN. 2024
Sheet:	2 OF 3	

LEGEND

	PROPERTY LINE	VOL. /PG.	VOLUME, PAGE
	EXISTING PROPERTY LINES	DOC. NO.	DOCUMENT NUMBER
	CALCULATED POINT	R.O.W.	RIGHT-OF-WAY
	1/2" IRON ROD FOUND (UNLESS NOTED)	D.R.C.C.T.	DEED RECORDS CALDWELL COUNTY, TEXAS
	IRON ROD WITH "HINKLE SURVEYOR" CAP FOUND (UNLESS NOTED)	O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS
	TXDOT TYPE I CONCRETE MONUMENT FOUND (UNLESS NOTED)	[.....]	RECORD INFORMATION PER ADJACENT PROPERTIES
	SURVEY CONTROL POINT		

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N78°18'00"E	320.82'
L2	N66°35'28"E	452.09'
L3	N78°18'27"E	416.94'
L4	S33°31'40"W	527.71'
L5	S78°34'13"W	389.33'
L6	N86°26'34"W	379.19'

NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000119814433.

2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.




7/19/2024

17.8117 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas



4WARD
Land Surveying
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PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/21/2024
Project:	01622
Scale:	N/A
Reviewer:	PRB
Tech:	EBD
Field Crew:	NH/JC
Survey Date:	JUN. 2024
Sheet:	3 OF 3

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 17.7206 ACRES (771,908 SQUARE FEET) OUT OF THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 178.42 ACRES TRACT (FIRST TRACT) CONVEYED TO KENNETH RIDDLE IN VOLUME 314, PAGE 206 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS (D.R.C.C.T.), SAID 17.7206 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

COMMENCING, at an iron rod with “Tri-Tech” cap found for the intersection of the east right-of-way line of F.M. 1322 (80’ right-of-way) and the north right-of-way line of Lay Road (right-of-way width varies), being the southwest corner of said Riddle tract, from which an iron rod with “Tri-Tech” cap found for the northwest corner hereof, being the common west corner of said Riddle tract and a called 4.0302 acres tract conveyed to TXI Operations, L.P. in Document No. 112247 of the Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.) bears, N23°24’32”W, a distance of 1,465.17 feet;

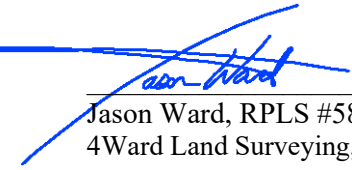
THENCE, leaving the east right-of-way line of said F.M. 1322 and the north right-of-way line of said Lay Road, over and across said Riddle tract, N44°52’11”E, a distance of 323.72 feet to the southwest corner and **POINT OF BEGINNING** hereof;

THENCE, continuing over and across said Riddle tract the following six (6) courses and distances:

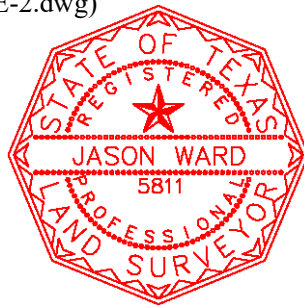
- 1) N23°24’04”W, a distance of 1,080.96 feet to a calculated point for the northwest corner hereof,
- 2) N66°44’03”E, a distance of 708.37 feet to a calculated point for the northeast corner hereof,
- 3) S23°47’38”E, a distance of 928.74 feet to a calculated point for an angle point hereof,
- 4) S11°28’20”E, a distance of 200.67 feet to a calculated point for the southeast corner hereof,
- 5) S78°18’27”W, a distance of 225.87 feet to a calculated point for an angle point hereof,
- 6) S66°35’28”W, a distance of 452.09 feet to the **POINT OF BEGINNING** and containing 17.7206 Acres (771,908 Sq. Ft.) of land more or less.

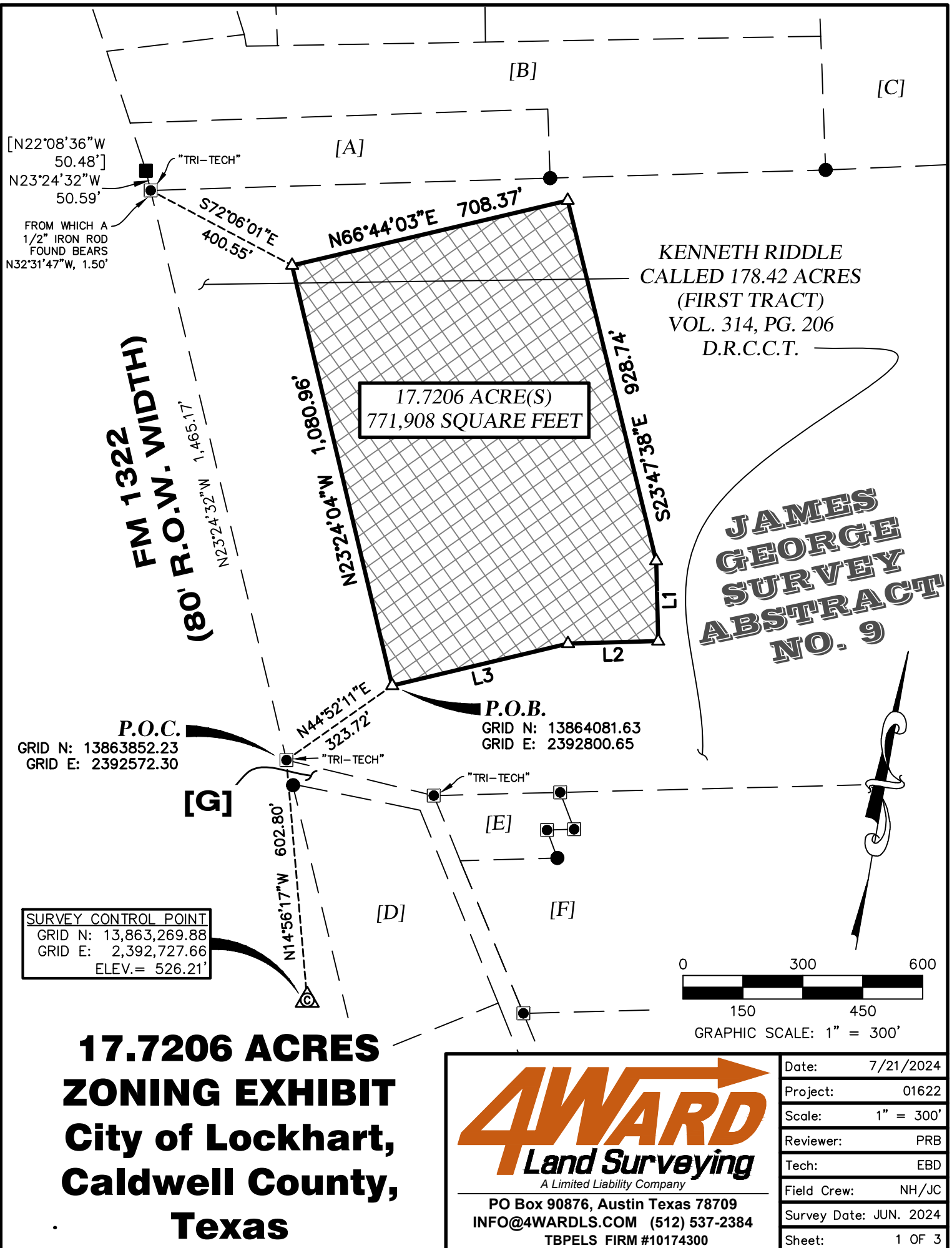
NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, South Central Zone (4204); all distances were adjusted to surface using a combined scale factor of 1.000119814433. See attached sketch (reference drawing: 01622-177AC TRACT_ZE-2.dwg)


Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

7/22/24





[A]
TXI OPERATIONS, L.P.,
CALLED 4.0302 ACRES
DOC. NO. 112247,
O.P.R.C.C.T.

[B]
CHRISTOPHER R. MARTIN AND
SPOUSE, AMY FOLEY-MARTIN
CALLED 9.858 ACRES
DOC. NO. 2015-004262
O.P.R.C.C.T
(AS DESCRIBED
IN DOC. NO. 140176
O.P.R.C.C.T)

[C]
ECONOMY REALTY, LTD.,
CALLED 30.473 ACRES
VOL. 419, PG. 550
D.R.C.C.T.

[D]
ALVIN FOGLE & LOIS FOGLE
CALLED 4.67 ACRES
VOL. 334, PG. 390
O.P.R.C.C.T.

[E]
PATRICIA WOYTKIEWICZ
CALLED 1.07 ACRES
VOL. 366, PG. 943
D.R.C.C.T.

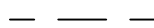
[F]
LOCKHART1322, LLC
CALLED 53.00 ACRES
DOC. NO. 2022-004872
O.P.R.C.C.T.

[G]
LAY ROAD
(R.O.W. WIDTH VARIES)

17.7206 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas

 A Limited Liability Company PO Box 90876, Austin Texas 78709 INFO@4WARDLS.COM (512) 537-2384 TBPELS FIRM #10174300	Date:	7/21/2024
	Project:	01622
	Scale:	N/A
	Reviewer:	PRB
	Tech:	EBD
	Field Crew:	NH/JC
	Survey Date:	JUN. 2024
Sheet:	2 OF 3	

LEGEND

	PROPERTY LINE	VOL. /PG.	VOLUME, PAGE
	EXISTING PROPERTY LINES	DOC. NO.	DOCUMENT NUMBER
	CALCULATED POINT	R.O.W.	RIGHT-OF-WAY
	1/2" IRON ROD FOUND (UNLESS NOTED)	D.R.C.C.T.	DEED RECORDS CALDWELL COUNTY, TEXAS
	IRON ROD WITH "HINKLE SURVEYOR" CAP FOUND (UNLESS NOTED)	O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS
	TXDOT TYPE I CONCRETE MONUMENT FOUND (UNLESS NOTED)	[.....]	RECORD INFORMATION PER ADJACENT PROPERTIES
	SURVEY CONTROL POINT		

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S11°28'20"E	200.67'
L2	S78°18'27"W	225.87'
L3	S66°35'28"W	452.09'

NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000119814433.

2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.




7/19/2024

17.7206 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas



4WARD
Land Surveying
A Limited Liability Company

PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/21/2024
Project:	01622
Scale:	N/A
Reviewer:	PRB
Tech:	EBD
Field Crew:	NH/JC
Survey Date:	JUN. 2024
Sheet:	3 OF 3

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 132.0719 ACRES (5,753,050 SQUARE FEET) OUT OF THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 178.42 ACRES TRACT (FIRST TRACT), ALL OF A CALLED 0.4965 ACRE TRACT (SECOND TRACT) AND A ALL OF A CALLED 0.20 ACRE TRACT (THIRD TRACT), CONVEYED TO KENNETH RIDDLE IN VOLUME 314, PAGE 206 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS (D.R.C.C.T.), SAID 132.0719 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

BEGINNING, at a calculated point in the south line of said Riddle (First tract) and the north line of a called 53.00 acres tract conveyed to Lockhart 1322, LLC in Document No. 2022-004872 (O.P.R.C.C.T.), and being the southwest corner and **POINT OF BEGINNING** hereof, from which an iron rod with “Hinkle Surveyor” cap found for the common north corner of said Lockhart 1322 53.00 acres tract and a called 1.07 acre tract conveyed to Patricia Woytkewicz in Volume 366, Page 943 (D.R.C.C.T.) bears, S78°34’13”W, a distance of 389.33 feet;

THENCE, leaving the north line of said Lockhart 1322 53.00 acres tract, over and across said Riddle First tract the following five (5) courses and distances:

- 1) **N33°31’40”E**, a distance of **527.71** feet to a calculated point for an angle point hereof,
- 2) **S78°18’27”W**, a distance of **191.07** feet to a calculated point for an angle point hereof,
- 3) **N11°28’20”W**, a distance of **200.67** feet to a calculated point for an angle point hereof,
- 4) **N23°47’38”W**, a distance of **928.74** feet to a calculated point for an angle point hereof,
- 5) **N66°44’03”E**, a distance of **284.38** feet to a calculated point for the northwest corner hereof, being in the north line of said Riddle First tract and the south line of a called 9.858 acres tract conveyed to Christopher R. Martin and Spouse, Amy Foley-Martin in Document No. 2015-004262 (O.P.R.C.C.T.) as described in Document No. 140176 (O.P.R.C.C.T.), from which a 1/2-inch iron rod found for the common south corner of said Martin tract and a called 4.0302 acres tract conveyed to TXI Operations, L.P. in Document No. 112247 of the Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.) bears, S78°18’00”W, a distance of 320.82 feet;

THENCE, with the north line of said Riddle First tract, in part with the south line of said Martin tract, in part with the south line of a called 30.473 acres conveyed to Economy Realty, Ltd. in Volume 419, Page 550 (D.R.C.C.T.), in part with the south line of a called 9.067 acres tract conveyed to DGG Holding, LLC in Document No. 2020-00557 (O.P.R.C.C.T.) the following four (4) courses and distances:

- 1) **N78°18’00”E**, a distance of **368.97** feet to a 1/2-inch iron rod found for an angle point hereof, being the common south corner of Said Martin tract and said Economy Realty tract,
- 2) **N77°32’49”E**, a distance of **526.04** feet to an 8” cedar tree found for an angle point hereof,
- 3) **N79°11’12”E**, a distance of **565.86** feet to a 1/2-inch iron rod found for an angle point hereof, being the common south corner of said Economy Realty tract and said DGG Land Holding tract,
- 4) **N77°51’24”E**, a distance of **183.09** feet to a Mag nail found for an angle point hereof, from which a 1/2-inch iron rod found for the common south corner of said DGG Land Holdings tract and a called 6.818 acres tract conveyed to Texas Department of Criminal Justice in Document No. 2023-003068 (O.P.R.C.C.T.) bears, N71°51’24”E, a distance of 0.12 feet;

THENCE, leaving the south line of said DGG Land Holdings tract, over and across said Riddle First tract the following three (3) courses and distances:

- 1) **S11°59'30"E**, a distance of **335.62** feet to a calculated point for an angle point hereof,
- 2) **N78°18'27"E**, a distance of **1,309.55** feet to a calculated point for an angle point hereof,
- 3) **N11°28'26"W**, a distance of **337.47** feet to a calculated point for an angle point hereof, being in the north line of said Riddle First tract and the south line of Lot 8, Block A, Alta One Subdivision, a subdivision recorded in Cabinet D, Slide 153 of the Plat Records of Caldwell County, Texas (P.R.C.C.T.);

THENCE, with the north line of said Riddle First tract and the south line of said Lots 1 through 8 of said Block A, Alta One Subdivision, **N78°31'31"E**, a distance of **682.91** feet to a Texas Department of Transportation (TxDOT) Type II concrete monument with brass disc found for an angle point hereof, being the common south corner of said Lot 1 and said Riddle Third tract;

THENCE, leaving the north line of said Riddle First tract, in part with the west and northwest line of said Riddle Third tract, in part with the northwest line of said Riddle Second tract, in part with the east line of said Lot 1 and in part with the southeast line of a called 0.52 acre tract conveyed to Richard Ainsworth in Document No. 2020-002505 (O.P.R.C.C.T.) the following two (2) courses and distances:

- 1) **N41°14'09"W**, a distance of **49.40** feet to a calculated point for an angle point hereof, being the south corner of said Ainsworth tract,
- 2) **N33°26'55"E**, a distance of **219.64** feet to a calculated point for an angle point hereof, being in the southwest right-of-way line of Old McMahan Trail (County Road 208 – right-of-way varies), being the common east corner of said Riddle Second tract and said Ainsworth tract;

THENCE, leaving the southeast line of said Ainsworth tract, with the southwest right-of-way line of said Old McMahan Trail and the northeast line of said Riddle Second tract, **S57°12'47"E**, a distance of **103.71** feet to a calculated point for the northeast corner hereof, being the common north corner of said Riddle Second tract and a called 49.781 acres tract conveyed to Ashley Hatcher in Document No. 2023-004801 (O.P.R.C.C.T.);

THENCE, leaving the southwest right-of-way line of said McMahan Trail, with the west line of said Hatcher tract, in part with the east line of said Riddle Second tract and in part with the east line of said Riddle First tract the following two (2) courses and distances:

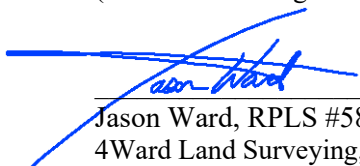
- 1) **S08°39'30"E**, a distance of **124.73** feet to a 3/4-inch iron pipe found for an angle point hereof being the common east corner of said Riddle Second tract and said Riddle First tract,
- 2) **S11°43'23"E**, a distance of **1,556.75** feet to an iron rod with "Hinkle Surveyor" cap found for the southeast corner hereof, being the common south corner of said Riddle First tract and said Hatcher tract, and being in the north line of a called 85.898 acres tract conveyed to Chad Smith in Document No. 2017-001589 (O.P.R.C.C.T.);

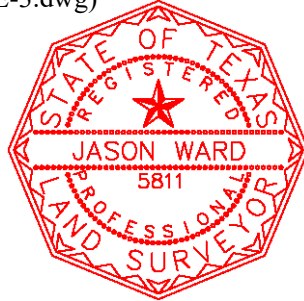
THENCE, leaving the west line of said Hatcher tract, with the common line of said Riddle First tract and said Smith tract, **S78°36'36"W**, a distance of **938.16** feet to a calculated point for an angle point hereof, being the common north corner of said Smith tract and said Lockhart 1322 tract;

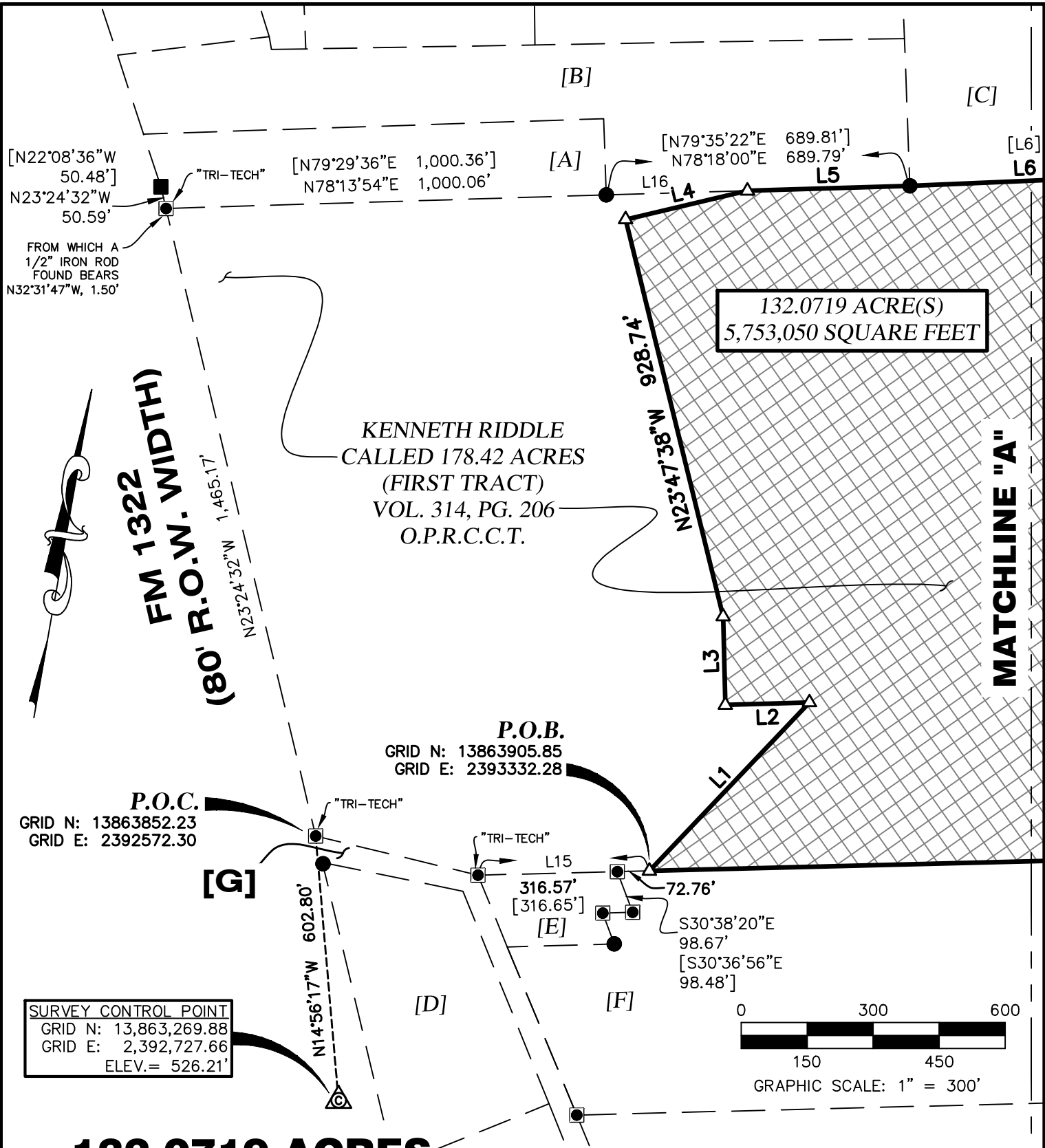
THENCE, leaving the west line of said Smith tract, with the common line of said Riddle First tract and said Lockhart 1322 tract, **S78°34'13"W**, a distance of **3,168.96** feet to the **POINT OF BEGINNING** and containing 132.0719 Acres (5,753,050 Sq. Ft.) of land more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, South Central Zone (4204); all distances were adjusted to surface using a combined scale factor of 1.000119814433. See attached sketch (reference drawing: 01622-177AC TRACT_ZE-3.dwg)


7/22/24
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC



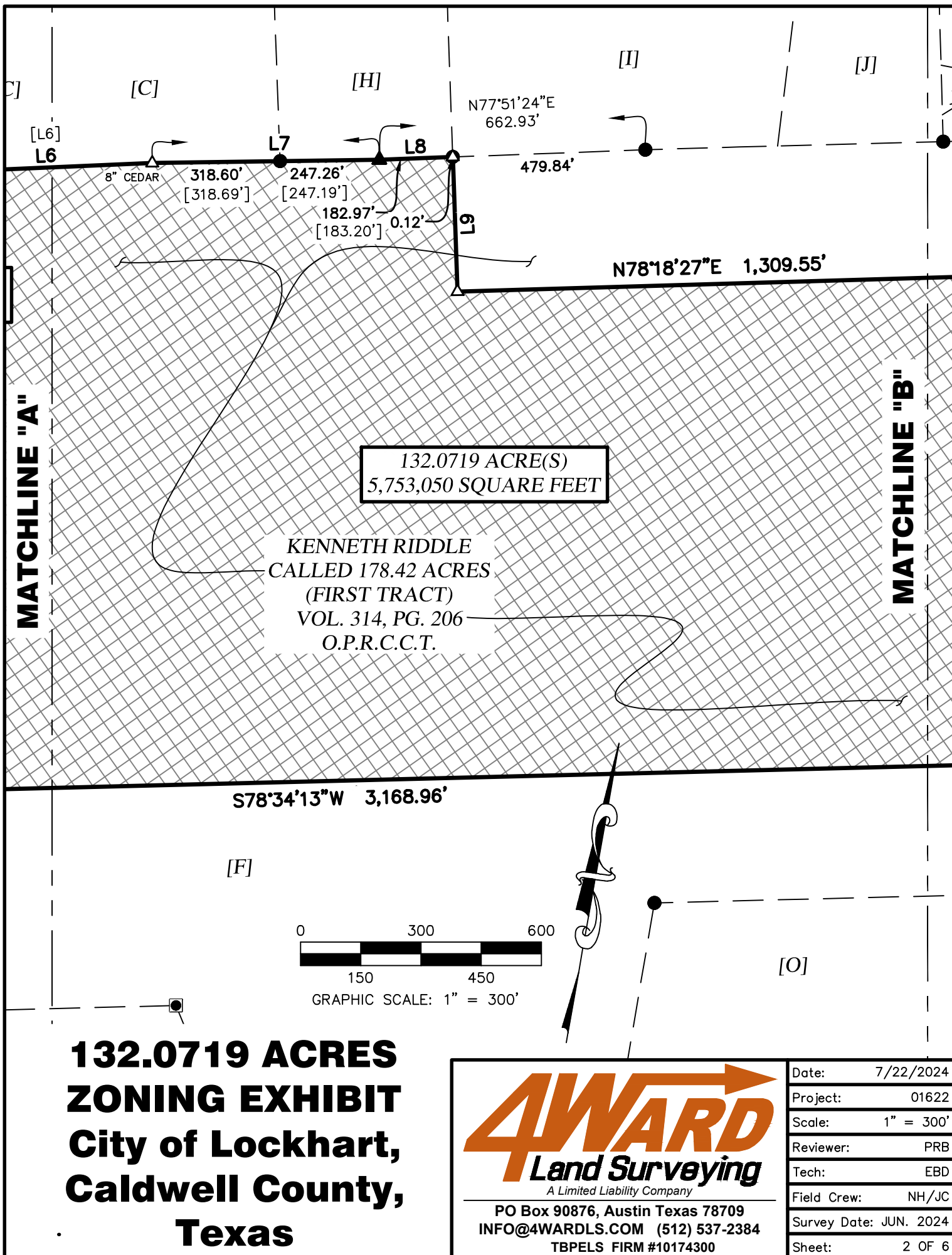


**132.0719 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas**



PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/22/2024
Project:	01622
Scale:	1" = 300'
Reviewer:	PRB
Tech:	EBD
Field Crew:	NH/JC
Survey Date:	JUN. 2024
Sheet:	1 OF 6

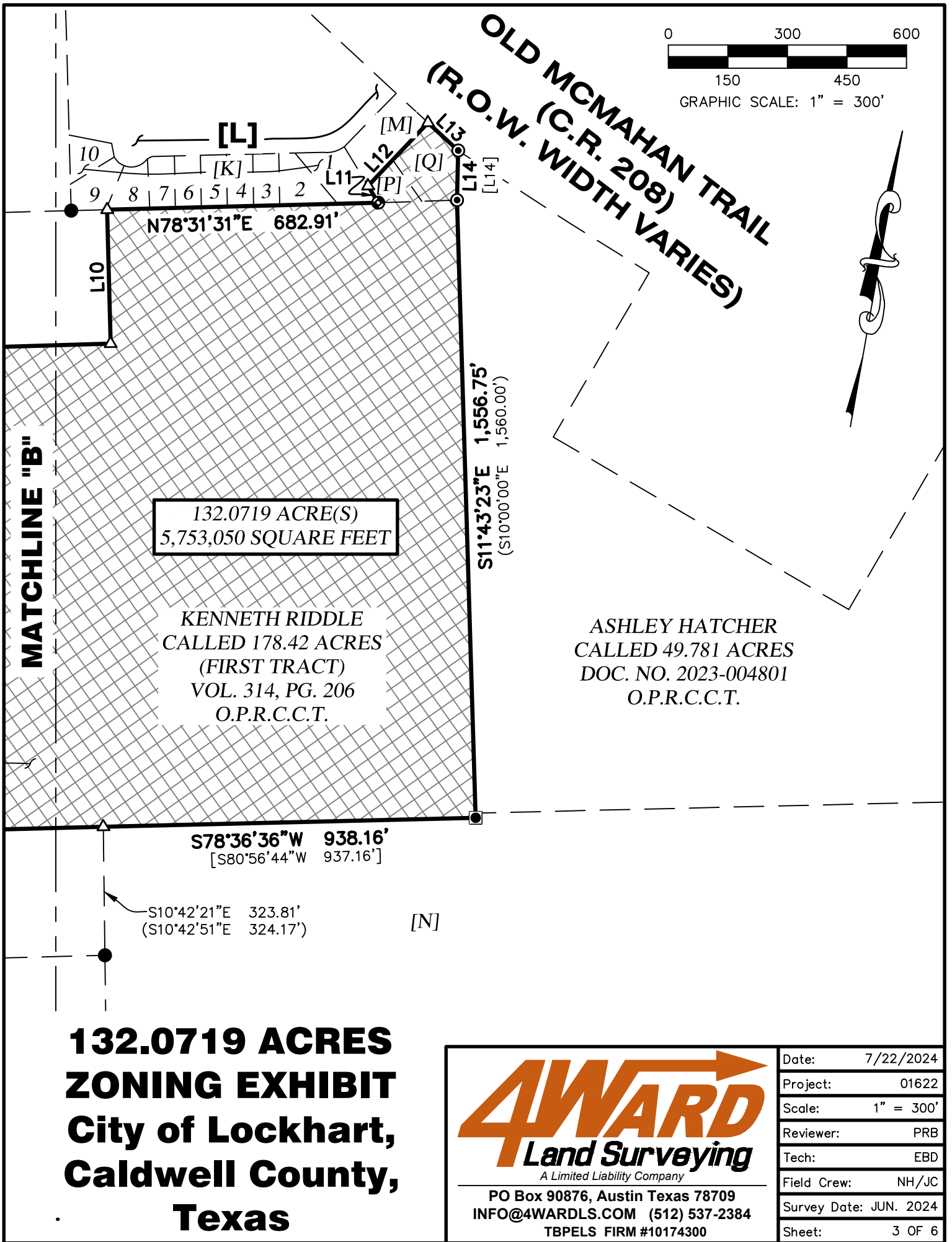


**132.0719 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas**



PO Box 90876, Austin Texas 78709
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Date:	7/22/2024
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Survey Date:	JUN. 2024
Sheet:	2 OF 6



[A]
TXI OPERATIONS, L.P.,
CALLED 4.0302 ACRES
DOC. NO. 112247,
O.P.R.C.C.T.

[B]
CHRISTOPHER R. MARTIN AND
SPOUSE, AMY FOLEY-MARTIN
CALLED 9.858 ACRES
DOC. NO. 2015-004262
O.P.R.C.C.T
(AS DESCRIBED
IN DOC. NO. 140176
O.P.R.C.C.T)

[C]
ECONOMY REALTY, LTD.,
CALLED 30.473 ACRES
VOL. 419, PG. 550
D.R.C.C.T.

[D]
ALVIN FOGLE & LOIS FOGLE
CALLED 4.67 ACRES
VOL. 334, PG. 390
O.P.R.C.C.T.

[E]
PATRICIA WOYTKIEWICZ
CALLED 1.07 ACRES
VOL. 366, PG. 943
D.R.C.C.T.

[F]
LOCKHART1322, LLC
CALLED 53.00 ACRES
DOC. NO. 2022-004872
O.P.R.C.C.T.

[G]
LAY ROAD
(R.O.W. WIDTH VARIES)

132.0719 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas

 A Limited Liability Company PO Box 90876, Austin Texas 78709 INFO@4WARDLS.COM (512) 537-2384 TBPELS FIRM #10174300	Date:	7/22/2024
	Project:	01622
	Scale:	N/A
	Reviewer:	PRB
	Tech:	EBD
	Field Crew:	NH/JC
	Survey Date:	JUN. 2024
Sheet:	4 OF 6	

[H]
DGG LAND
HOLDING, LLC
CALLED 9.067 ACRES
DOC. NO. 2020-00557
O.P.R.C.C.T.

[I]
TEXAS DEPARTMENT
OF CRIMINAL JUSTICE
CALLED 24.314 ACRES
DOC. NO. 2023-003067
O.P.R.C.C.T.

[J]
TEXAS DEPARTMENT
OF CRIMINAL JUSTICE
CALLED 6.818 ACRES
DOC. NO. 2023-003068
O.P.R.C.C.T.

[K]
BLOCK A
ALTA ONE SUBDIVISION
CAB. D, SLD. 153
P.R.C.C.T.

[L]
**BLACK FALCON STREET
(50' R.O.W.)**

[M]
RICHARD AINSWORTH
CALLED 0.52 ACRES
DOC. NO. 2020-002505
O.P.R.C.C.T.

[N]
CHAD SMITH
CALLED 85.898 ACRES
DOC. NO. 2017-001589
O.P.R.C.C.T.

[O]
LOCKHART1322, LLC
CALLED 39.52 ACRES
DOC. NO. 2022-006907
O.P.R.C.C.T.

[P]
KENNETH RIDDLE
CALLED 0.20 ACRES
(THIRD TRACT)
VOL. 314, PG. 206
D.R.C.C.T.

[Q]
KENNETH RIDDLE
CALLED 0.4965 ACRES
(SECOND TRACT)
VOL. 314, PG. 206
D.R.C.C.T.

**132.0719 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas**

 A Limited Liability Company PO Box 90876, Austin Texas 78709 INFO@4WARDLS.COM (512) 537-2384 TBPELS FIRM #10174300	Date:	7/22/2024
	Project:	01622
	Scale:	N/A
	Reviewer:	PRB
	Tech:	EBD
	Field Crew:	NH/JC
	Survey Date:	JUN. 2024
Sheet:	5 OF 6	

LEGEND

	PROPERTY LINE		NAIL FOUND AS NOTED
	EXISTING PROPERTY LINES		1/2" IRON PIPE FOUND (UNLESS NOTED)
	CALCULATED POINT		TXDOT TYPE II BRASS DISC FOUND (UNLESS NOTED)
	1/2" IRON ROD FOUND (UNLESS NOTED)	VOL./PG.	VOLUME, PAGE
	IRON ROD WITH "HINKLE SURVEYOR" CAP FOUND (UNLESS NOTED)	DOC. NO.	DOCUMENT NUMBER
	TXDOT TYPE I CONCRETE MONUMENT FOUND (UNLESS NOTED)	R.O.W.	RIGHT-OF-WAY
	SURVEY CONTROL POINT	D.R.C.C.T.	DEED RECORDS CALDWELL COUNTY, TEXAS
		O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS
		[.....]	RECORD INFORMATION PER ADJACENT PROPERTIES

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N33°31'40"E	527.71'
L2	S78°18'27"W	191.07'
L3	N11°28'20"W	200.67'
L4	N66°44'03"E	284.38'
L5	N78°18'00"E	368.97'
L6	N77°32'49"E	526.04'
L7	N79°11'12"E	565.86'
L8	N77°51'24"E	183.09'
L9	S11°59'30"E	335.62'
L10	N11°28'26"W	337.47'
L11	N41°14'09"W	49.40'
L12	N33°26'55"E	219.64'
L13	S57°12'47"E	103.71'
L14	S08°39'30"E	124.73'
L15	S78°34'13"W	389.33'
L16	N78°18'00"E	320.82'

RECORD LINE TABLE		
LINE #	DIRECTION	LENGTH
[L6]	N78°37'06"E	525.89'
[L14]	N07°14'20"W	124.82'

NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000119814433.

2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.



Jason Ward
7/22/2024

**132.0719 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas**

4WARD
Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/22/2024
Project:	01622
Scale:	N/A
Reviewer:	PRB
Tech:	EBD
Field Crew:	NH/JC
Survey Date:	JUN. 2024
Sheet:	6 OF 6

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 10.1838 ACRES (443,607 SQUARE FEET) OUT OF THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 178.42 ACRES TRACT (FIRST TRACT) CONVEYED TO KENNETH RIDDLE IN VOLUME 314, PAGE 206 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS (D.R.C.C.T.), SAID 10.1838 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

BEGINNING, at a calculated point in the north line of said Riddle (First tract) and the south line of a called 9.067 acres tract conveyed to DGG Land Holdings, LLC in Document No. 2020-00557 of the Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.), and being the northwest corner and **POINT OF BEGINNING** hereof, from which a Mag nail found for an angle point in the common line of said DGG Land Holdings tract and said Riddle First tract bears, S77°51'24"W, a distance of 182.97 feet;

THENCE, with the north line of said Riddle First tract and in part with the south line of said DGG Land Holdings tract, in part with the south line of a called 24.314 acres tract conveyed to Texas Department of Criminal Justice in Document No. 2023-003067 (O.P.R.C.C.T.), in part with the south line of a called 6.818 acres tract conveyed to Texas Department of Criminal Justice in Document No. 2023-003068 (O.P.R.C.C.T.), in part with the south line of Lots 8 and Lot 9, Block A, Alta One Subdivision, a subdivision recorded in Cabinet D, Slide 153 of the Plat Records of Caldwell County, Texas (P.R.C.C.T.) the following four (4) courses and distances:

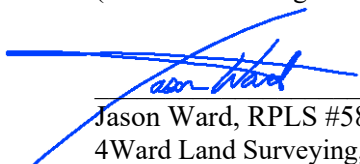
- 1) **N77°51'24"E**, passing at a distance of 0.12 feet a 1/2-inch iron rod found, in all a distance of **479.84** feet to a 1/2-inch iron rod found for an angle point hereof,
- 2) **N78°14'14"E**, a distance of **234.79** feet to a 5" Bumelia Tree found for an angle point hereof,
- 3) **N78°31'02"E**, a distance of **507.35** feet to a 1/2-inch iron rod found for an angle point hereof,
- 4) **N78°31'31"E**, a distance of **90.62** feet to a calculated point for an angle point hereof,

THENCE, leaving the south line of said Lot 8, over and across said Riddle First tract the following three (3) courses and distances:

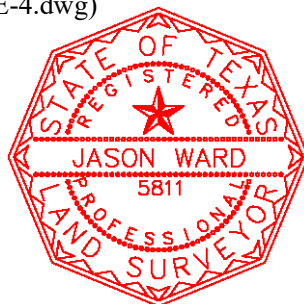
- 1) **S11°28'26"E**, a distance of **337.47** feet to a calculated point for an angle point hereof,
- 2) **S78°18'27"W**, a distance of **1,309.55** feet to a calculated point for an angle point hereof,
- 3) **N11°59'30"W**, a distance of **335.62** feet to the **POINT OF BEGINNING** and containing 10.1838 Acres (443,607 Sq. Ft.) of land more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, South Central Zone (4204); all distances were adjusted to surface using a combined scale factor of 1.000119814433. See attached sketch (reference drawing: 01622-177AC TRACT_ZE-4.dwg)


Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

7/22/24



TEXAS DEPARTMENT
OF CRIMINAL JUSTICE
CALLED 24.314 ACRES
DOC. NO. 2023-003067
O.P.R.C.C.T.

[A]

[B]

P.O.B.

GRID N: 13865798.53
GRID E: 2394892.89

N77°51'24"E 662.93'

N77°51'24"E 479.84'

[N79°17'48"E
235.09']

N78°14'14"E
234.79'

N78°31'02"E
507.35'

182.97'
[183.20']

0.12'

N11°59'30"W 335.62'

5" BUMELIA TREE

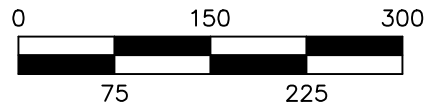
10.1838 ACRE(S)
443,607 SQUARE FEET

S78°18'27"W 1,309.55'

N45°26'46"E
3,136.74'

SURVEY CONTROL POINT
GRID N: 13,863,269.88
GRID E: 2,392,727.66
ELEV.= 526.21'

KENNETH RIDDLE
CALLED 178.42 ACRES
(FIRST TRACT)
VOL. 314, PG. 206
O.P.R.C.C.T.



GRAPHIC SCALE: 1" = 150'

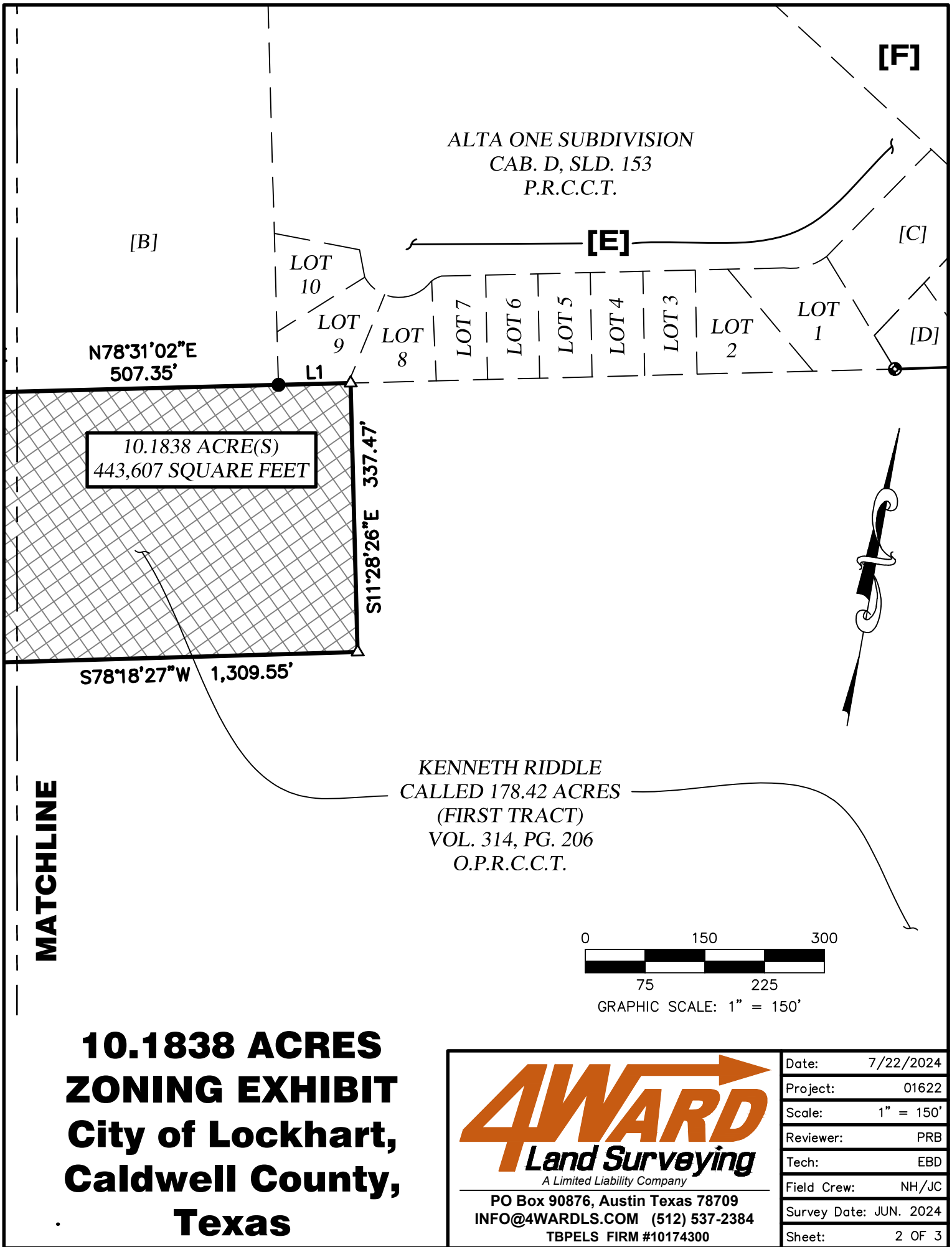
MATCHLINE

**10.1838 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas**

4WARD
Land Surveying
A Limited Liability Company

PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/22/2024
Project:	01622
Scale:	1" = 150'
Reviewer:	PRB
Tech:	EBD
Field Crew:	NH/JC
Survey Date:	JUN. 2024
Sheet:	1 OF 3



LEGEND

	PROPERTY LINE	VOL./PG.	VOLUME, PAGE
	EXISTING PROPERTY LINES	DOC. NO.	DOCUMENT NUMBER
	CALCULATED POINT	R.O.W.	RIGHT-OF-WAY
	1/2" IRON ROD FOUND (UNLESS NOTED)	D.R.C.C.T.	DEED RECORDS CALDWELL COUNTY, TEXAS
	60D NAIL FOUND IN 9" WOOD POST	O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS
	2.5" BRASS DISC FOUND (UNLESS NOTED)	P.R.C.C.T.	PLAT RECORDS, CALDWELL COUNTY, TEXAS
	SURVEY CONTROL POINT	[.....]	RECORD INFORMATION PER ADJACENT PROPERTIES

[A]
DGG LAND
HOLDING, LLC
CALLED 9.067 ACRES
DOC. NO. 2020-00557
O.P.R.C.C.T.

[B]
TEXAS DEPARTMENT
OF CRIMINAL JUSTICE
CALLED 6.818 ACRES
DOC. NO. 2023-003068
O.P.R.C.C.T.

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N78°31'31"E	90.62'

[C]
RICHARD AINSWORTH
CALLED 0.52 ACRES
DOC. NO. 2020-002505
O.P.R.C.C.T.

[D]
KENNETH RIDDLE
CALLED 0.20 ACRES
(THIRD TRACT)
VOL. 314, PG. 206
D.R.C.C.T.

[E]
BLACK FALCON STREET
(50' R.O.W.)

NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000119814433.

2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.

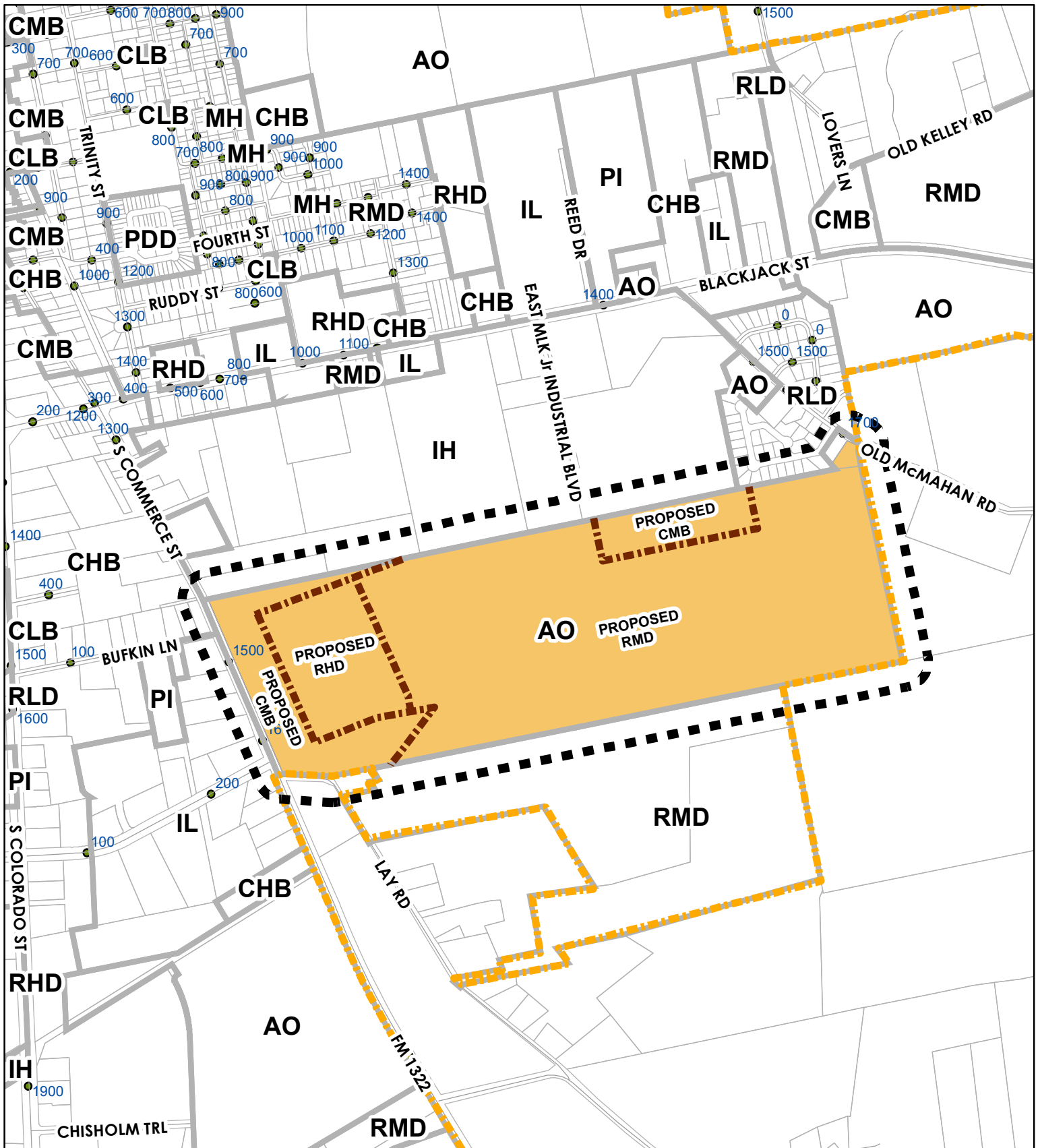
[F]
OLD MCMAHAN TRAIL
(C.R.208)
R.O.W. WIDTH VARIES)



7/22/2024

10.1838 ACRES
ZONING EXHIBIT
City of Lockhart,
Caldwell County,
Texas

 A Limited Liability Company PO Box 90876, Austin Texas 78709 INFO@4WARDLS.COM (512) 537-2384 TBPELS FIRM #10174300	Date:	7/22/2024
	Project:	01622
	Scale:	N/A
	Reviewer:	PRB
	Tech:	EBD
	Field Crew:	NH/JC
	Survey Date:	JUN. 2024
	Sheet:	3 OF 3



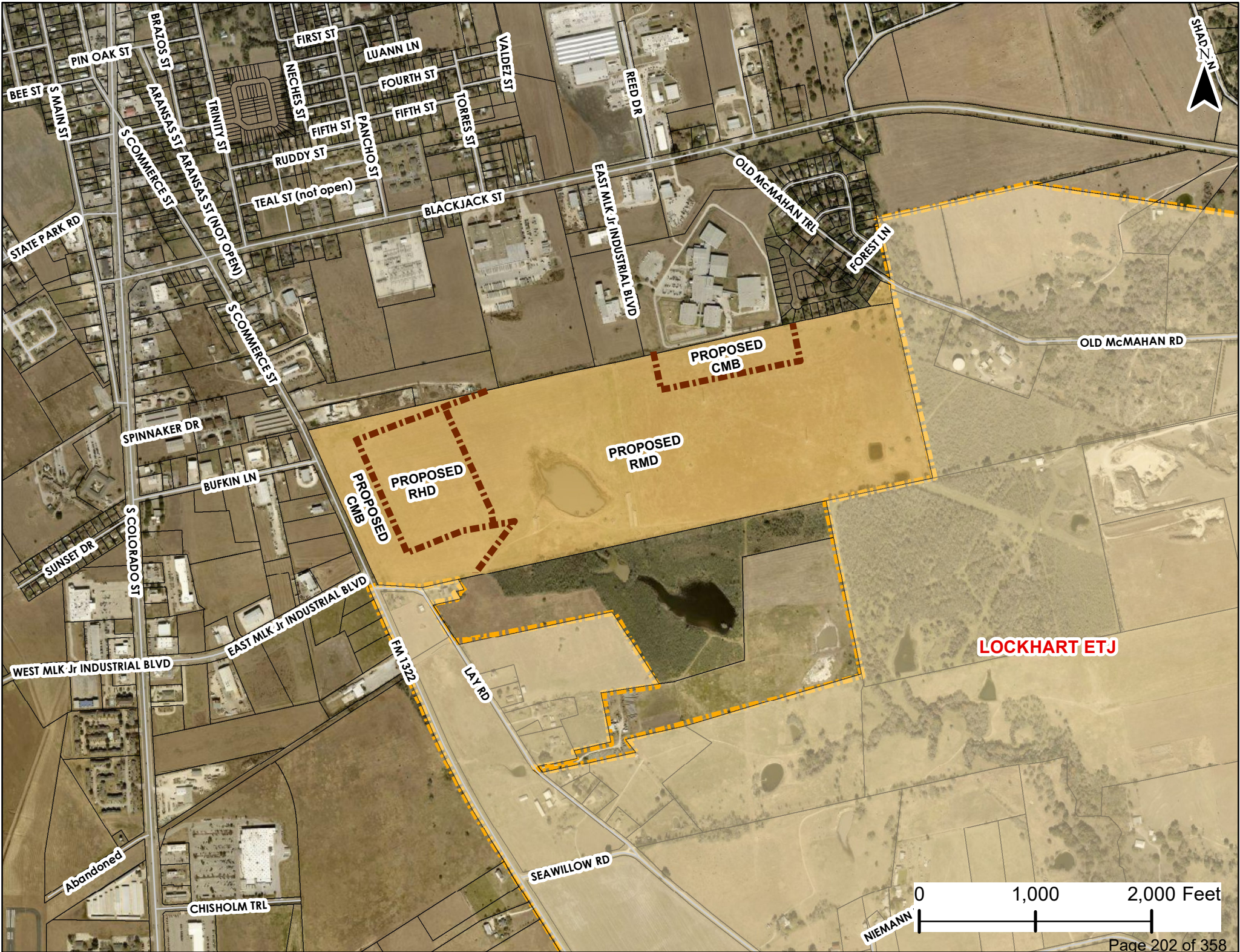
ZC-24-06

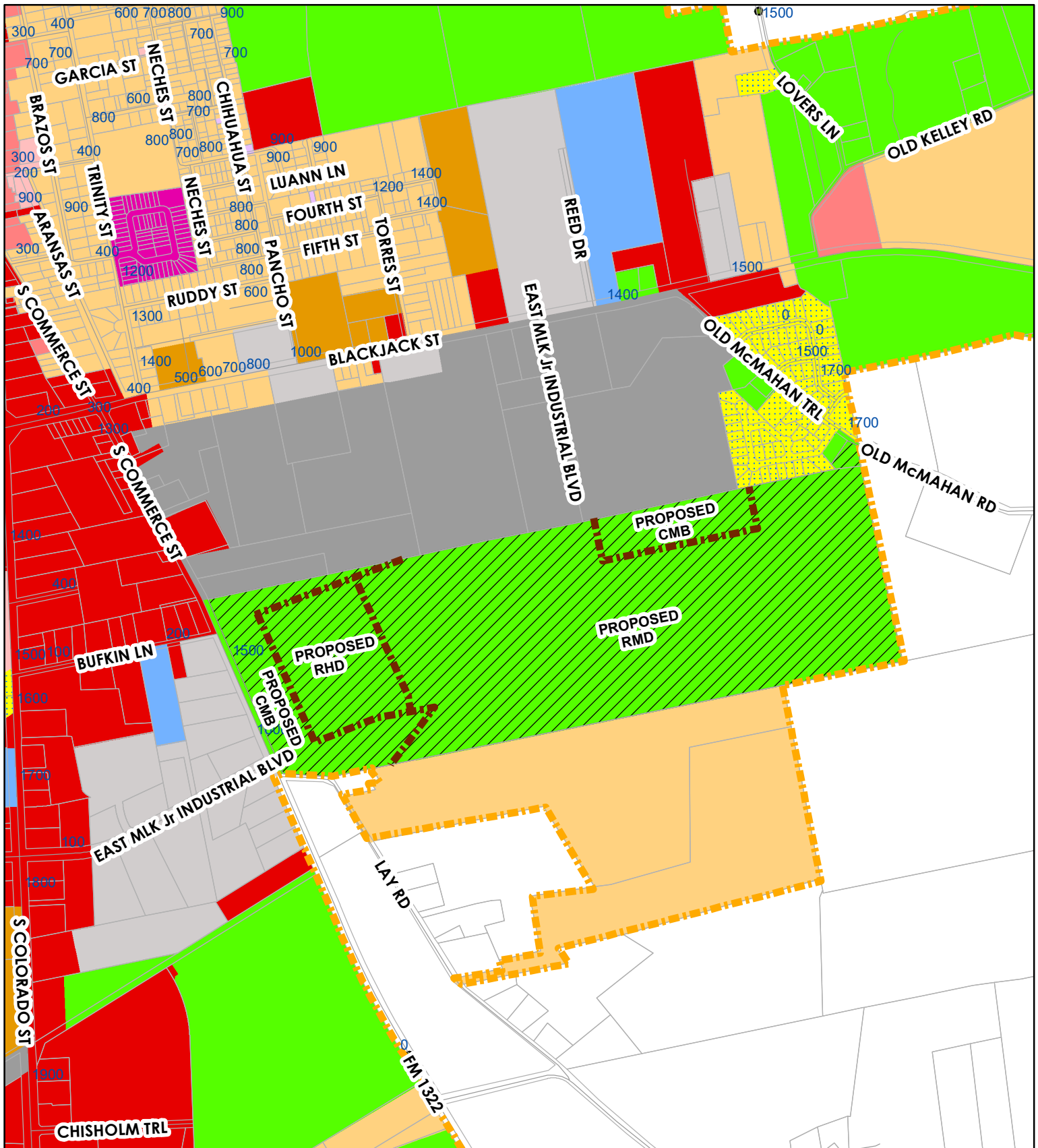
AO TO CMB, RHD AND RMD

1500, 1600, 1700 BLK S COMMERCE ST



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





ZC-24-06

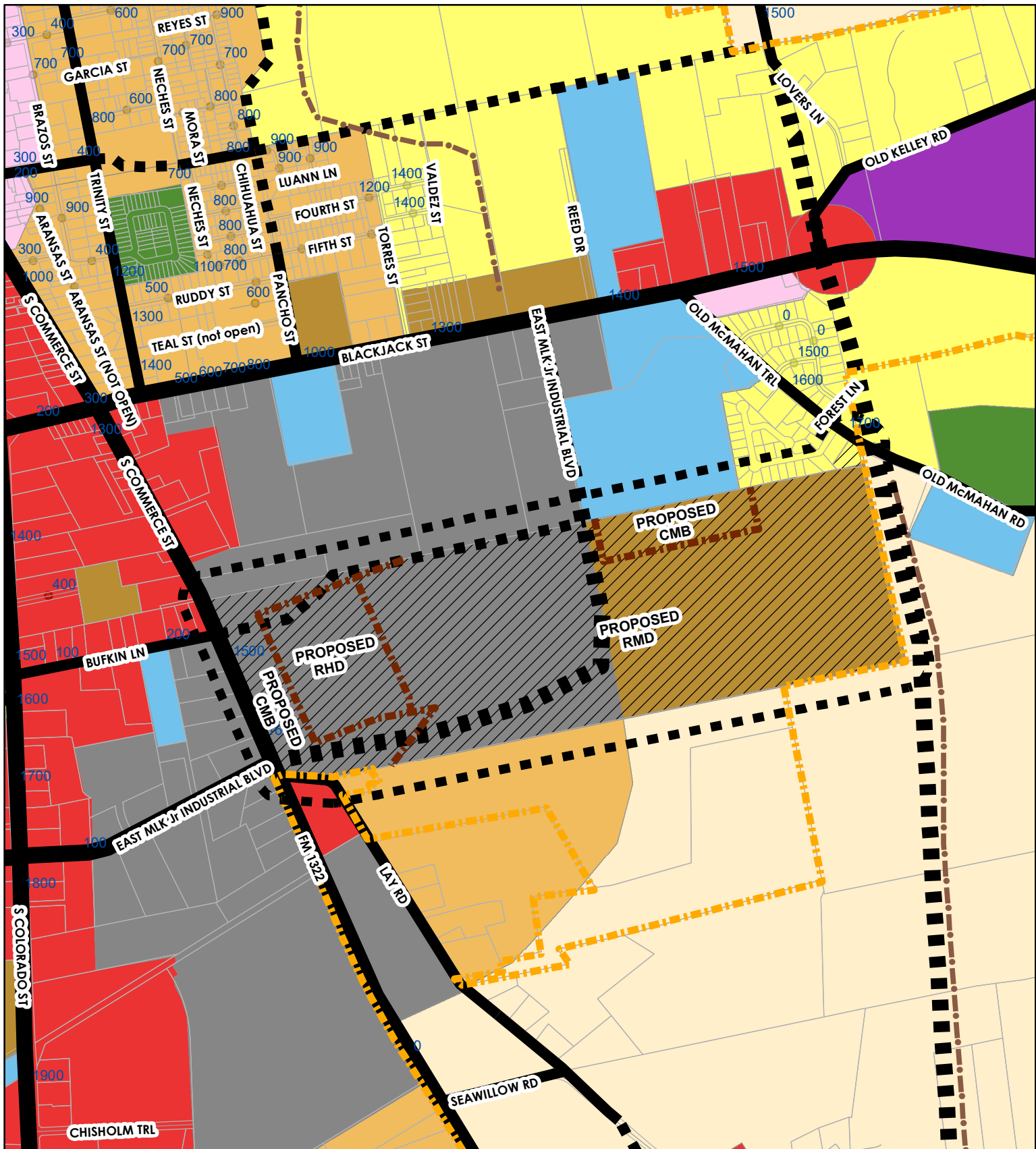
AO TO CMB, RHD AND RMD

1500, 1600, 1700 BLK S COMMERCE ST



scale 1" =1,000'

- ZONING DISTRICTS
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL LIGHT BUSINESS
 - COMMERCIAL MEDIUM BUSINESS
 - INDUSTRIAL HEAVY
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - PLANNED DEVELOPMENT
 - PUBLIC AND INSTITUTIONAL
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE & THOROUGHFARES

AO TO CMB, RHD AND RMD

1500, 1600, 1700 BLK S COMMERCE ST

scale 1" = 1,000'



- HIKE/BIKE TRAIL
- EXISTING COLLECTOR
- EXISTING ARTERIAL
- FUTURE COLLECTOR
- FUTURE ARTERIAL
- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- INDUSTRY
- LIGHT-MEDIUM COMMERCIAL
- MIXED RETAIL, OFFICE, RESIDENTIAL
- PARKS AND OPEN SPACE
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY

CASE SUMMARY

STAFF: David Fowler, Planning Director

CASE NUMBER: ZC-24-06

REPORT DATE: August 21, 2024

PLANNING AND ZONING COMMISSION HEARING DATE: August 28, 2024

CITY COUNCIL HEARING DATE: September 3, 2024

REQUESTED CHANGE: Agricultural-Open Space AO to CMB Commercial Medium Business, RHD Residential High Density, and RMD Residential Medium Density

STAFF RECOMMENDATION: **Approval**

BACKGROUND DATA

APPLICANT: Marilyn Riddle Trust

OWNER: Marilyn Riddle Trust

SITE LOCATION: 1500, 1600, and 1700 blocks of South Commerce Street

LEGAL DESCRIPTION: Metes and bounds within the Jame George Survey, Abstract Number 9

SIZE OF PROPERTY: 177.78 acres

EXISTING USE OF PROPERTY: Vacant

LAND USE PLAN DESIGNATION: *Industrial and High Density Residential*

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The Applicant seeks a zoning change to a combination of three zoning districts to create a mix of uses including single and multi-family residential and medium intensity commercial. The site's current Agricultural-Open Space zoning district does not allow these uses.

AREA CHARACTERISTICS:

The site is generally flat but does slope downward towards the eastern portion of the site. There are not any FEMA floodplains on the site. There is also a very small pond on the site that is not in a flood zone. The property is also traversed by five easements, including gas, electric and water transmission lines. The surrounding uses are as follow:

	Existing Use	Zoning	Future Land Use Plan
North	Industrial, Institutional, Residential subdivision	HI, PI RLD	<i>Industry, Public and Institutional, Residential Low Density</i>
East	Vacant land	ETJ	<i>Agriculture/Rural Development</i>
South	Vacant land	RMD, ETJ	<i>Residential Medium Density, Agriculture/Rural Development</i>
West	Industrial, Commercial, Vacant land	IL, CHB	<i>Industry, General Heavy Commercial</i>

TRANSITION OF ZONING DISTRICTS: The surrounding properties are agricultural, institutional, industrial, and residential in nature. The area immediately to the north of the subject parcel is the site of a few industrial uses, plus the Coleman Unit prison. The area to the south of the property is zoned RMD and designated for Medium Density Residential and agricultural uses on the Future Land Use Map. The area to the east is mostly zoned Residential Low Density and has a future land use designation of Low Density Residential and Agricultural. To the west, the property abuts South Commerce Street/FM 1322 which has a mix of industrial and commercial-oriented zoning and future land use categories.

The planned residential subdivision to the south of the property is zoned with the requested Residential Medium Density zoning district. The industrial uses to the north typically have a setback between the active parts of the site and subject property. The prison has active areas closer to the subject property, which has led the applicant to choose to place a commercial area adjacent to the prison to buffer the proposed residential areas. The proposed Residential High Density zone would serve as a buffer between the commercial and industrial areas along FM 1322 Commerce Street and the planned single-family residential area to the east.

The applicant proposes a layout including 17.8117 acres of commercial in the CMB Commercial Medium Business District along FM 1322, with an area of 17.7206 acres of RHD Residential High Density District to the east of the FM 1322 frontage. The remainder of the property is proposed to be zoned RMD Residential Medium Density, except for 10.1838 acres of RMD immediately south of the prison.

ADEQUACY OF INFRASTRUCTURE:

POTENTIAL NEIGHBORHOOD IMPACT: As much of the area to the south and east of the property is vacant, the proposed development would not be expected to cause much conflict with uses in those areas. The one potential areas of concern is how the proposed land uses will interact with the industrial and institutional properties to the north. The applicant has used the location of proposed streets to separate the single-family residential uses from the industrial uses to the north. While using an area of proposed commercial zoning to separate the eastern parts of the single-family residential area from the prison property.

Regarding the proximity of the site to amenities, the nearest schools are Navarro Elementary, Lockhart Junior High, and Lockhart High School. The closest park is Ed Braun Park in Summerside Subdivision. Sidewalks are mostly absent in the nearby area, but there are some sidewalks along East Martin Luther King Jr. Industrial Boulevard.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed Residential High Density zoning classification is consistent with the Future Land Use Plan; however, it is in a different location on the Future Land Use map than what the application proposes. The proposed RMD and CMB zoning are not anticipated on the Future Land Use Map but are consistent with what is proposed on the Comprehensive Plan update. The applicant plans to continue both East Martin Luther King Industrial Boulevard (MLK) and Bufkin Lane through the site, in a manner that would make MLK terminate just south of its current terminus south of Blackjack Street, which would be consistent with the future Land Use Map. Bufkin Lane would be located along the site's northern boundary, terminating at a planned intersection with MLK.

ALTERNATIVE CLASSIFICATIONS: The future land use map shows the western half of the property as industry and the eastern half of the property as High-Density Residential. Changing uses nearby and the City's development of industrial areas west of SH 130 makes industrial development of this property less likely.

RESPONSE TO NOTIFICATION: Staff has received a question regarding the proposed development from the owner of a concrete plant located north of the site on the east side of South Commerce Street.

STAFF RECOMMENDATION: Staff believes that the proposed rezoning to CMB, RHD, and RMD is an acceptable solution for the subject property based upon existing adjacent uses and planned uses on nearby parcels.

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 Marilyn Riddle Trust
DAY-TIME TELEPHONE 512-359-0036
E-MAIL kentriddle@gmail.com

ADDRESS 630 Frio St
Lockhart, TX 78644

OWNER NAME Marilyn Riddle Trust
DAY-TIME TELEPHONE 512-359-0036
E-MAIL kentriddle@gmail.com

ADDRESS 630 Frio St
Lockhart, TX 78644

PROPERTY

ADDRESS OR GENERAL LOCATION East of intersection of FM 1322 & E MLK Jr Industrial
LEGAL DESCRIPTION (IF PLATTED) _____
SIZE 177.74 ACRE(S) LAND USE PLAN DESIGNATION Industry, Residential, High Density
EXISTING USE OF LAND AND/OR BUILDING(S) Agricultural - Open Space
PROPOSED NEW USE, IF ANY Commercial and Residential

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Agricultural
TO PROPOSED ZONING CLASSIFICATION Commercial Medium Business (CMB) / Residential, High Density (RHD) / Residential, Medium Density (RMD)
REASON FOR REQUEST New master planned community

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 \$ 3,704.80 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

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.

X SIGNATURE Marilyn Riddle Trustee

DATE 7-19-2024

OFFICE USE ONLY

ACCEPTED BY _____

RECEIPT NUMBER _____

DATE SUBMITTED _____

CASE NUMBER ZC - _____ - _____

DATE NOTICES MAILED _____

DATE NOTICE PUBLISHED _____

PLANNING AND ZONING COMMISSION MEETING DATE _____

PLANNING AND ZONING COMMISSION RECOMMENDATION _____

CITY COUNCIL MEETING DATE _____

DECISION _____

DECLARATION OF TRUST

ARTICLE ONE - INTRODUCTION

1.1. **Declaration.** I, MARILYN RIDDLE, A/K/A MARILYN CLEO ALEXANDER with a Social Security Number of [REDACTED], referred to in this Declaration as "Trustor", "Settlor", "Grantor", "I", "me" or "my" of 630 Frio Street, Lockhart, Texas 78644, Caldwell County, hereby transfer the Cash Sum of Ten Dollars (\$10.00) to myself as Trustee in trust together with any other property that may become subject to this Declaration. All such property (referred to as the "Trust Estate") shall be held, administered, and distributed by the Trustee as provided in this Declaration (referred to as the "Declaration").

1.2. **Beneficiaries.** The following persons are the present beneficiaries of this trust:

<u>NAME</u>	<u>IDENTITY</u>
<u>During the Trustor's Lifetime:</u>	
MARILYN RIDDLE	Trustor
<u>After the Trustor's Death:</u>	
CINDY LYNNE RIDDLE	Trustor's child
KENT ALAN RIDDLE	Trustor's child

All references in this Agreement to "my child(ren)" or "Trustor's child(ren)" shall only include those individuals identified above as such.

1.3. **Identification of Trust.** The trust created by this Trust Agreement may be referred to as, and is sometimes herein called

THE MARILYN RIDDLE TRUST

SELF-PROVING AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared MARILYN RIDDLE,
Michael Jones and
Marcia Lamme known

to me to be the **Trustor** and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of said persons being by me duly sworn, the said **Trustor** declared to me and to the said witnesses in my presence that said instrument is Trustor's **Declaration of Trust**, and that Trustor had willingly made and executed it as Trustor's free act and deed for the purposes therein expressed; and the said witnesses, each on oath stated to me, in the presence and hearing of the said **Trustor**, that the said **Trustor** had declared to them that said instrument is Trustor's **Declaration of Trust**, and that Trustor executed same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said **Trustor** and at their request; that each **Trustor** was at that time eighteen years of age or over and was of sound mind; and that each of said witnesses was at least fourteen (14) years of age.

Marilyn Riddle
MARILYN RIDDLE

Michael Jones
Witness signature

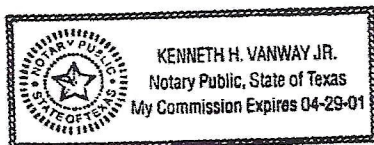
Marcia A. Lamme
Witness signature

STATE OF TEXAS
COUNTY OF TRAVIS

Subscribed and acknowledged before me by the said **MARILYN RIDDLE** this 19 day of
September, 19 97.

(Seal)

[Signature]





CRH Americas, Inc.
900 Ashwood Parkway, Suite 600
Atlanta, Georgia, 30338

C +1 (513) 678-7226
E david.kern@crh.com

David O. Kern
Associate General Counsel

August 23, 2024

City of Lockhart
Attn: David Fowler, AICP
P.O. Box 239
308 West Antonio Street
Lockhart, Texas 78644

Via email only to dfowler@lockhart-tx.org

Re: ZC-24-06 Request by Marilyn Riddle Trustee on behalf of Marilyn Riddle Trust for a Zoning Change from AO Agricultural-Open Space District to CMB Commercial Medium Business District, RHD Residential High Density District, and RMD Residential Medium Density District on a total of 177.78 acres in the James George Survey, Abstract No. 9, located at 1500, 1600, and 1700 Block of South Commerce Street.

Hello Mr. Fowler,

As a point of introduction, my name is David Kern and I serve as counsel to Texas Materials Group, Inc. ("TMGI"). TMGI is the owner of a ready-mix concrete plant next to the property which is the subject of the zoning hearing. The ready-mix concrete operation has been in existence since August 1999. The operation of the facility consists of producing ready-mix concrete, loading mixer trucks and operating other equipment.

TMGI desires to be a good neighbour and member of the community but is concerned about increased traffic and residential housing near its ready-mix concrete operation. Specifically, TMGI is concerned (i) about the safety of its employees and the citizens of Lockhart because of additional residential traffic near its facility, and (ii) that its operation will be subject to complaints from the neighbours. TMGI does not necessarily oppose the rezoning but asks the City of Lockhart to consider TMGI's concerns and help mitigate the potential negative impacts of the rezoning.

A representative of TMGI plans on attending the hearing on August 28, 2024.

Thank you,

Yours truly,

/S/ David O. Kern

David O. Kern

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Hold a Public hearing for the City of Lockhart and the Lockhart Economic Development Corporation Fiscal Year 2024-2025 Budget.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Joseph Resendez, Keeli Michna

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: 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.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: FYE 2025 - Proposed Budget - Fund Summary, FYE 2025 - General Fund Memo, FYE 2025 - Special Revenues and Enterprise Funds Memo, FYE 2025 - Finance Policies Update

**CITY OF LOCKHART
PROPOSED BUDGET
FISCAL YEAR 2024-25**

	FYE 2022	FYE 2023	FYE 2024	FYE 2025
	ACTUAL	ACTUAL	AMENDED	REVISED FINAL
			BUDGET	BUDGET
REVENUE SUMMARY				
GENERAL FUND	12,700,841	15,428,638	15,071,251	16,036,006
DEBT SERVICE FUND	1,231,677	2,065,283	1,738,469	1,899,172
ELECTRIC FUND	12,818,069	15,378,479	13,989,885	14,107,185
WATER FUND	4,505,246	6,863,082	5,754,837	8,815,987
WASTEWATER FUND	2,655,201	5,389,513	3,525,587	3,390,060
SOLID WASTE FUND	1,948,434	2,014,232	2,191,685	2,220,485
EMS FUND	1,338,154	1,891,625	1,523,200	668,733
AIRPORT FUND	108,768	122,326	162,050	179,550
LOCKHART ECO DEV FUND	1,296,355	1,817,686	1,179,140	1,234,140
TOTAL - REVENUES	38,602,745	50,970,864	45,136,104	48,551,318

EXPENSE SUMMARY					DELTA
GENERAL FUND	11,967,139	14,098,675	14,981,004	15,966,212	69,794
DEBT SERVICE FUND	1,290,472	1,662,332	1,654,125	1,659,937	239,235
ELECTRIC FUND	12,050,364	13,278,900	13,881,245	14,066,017	41,168
WATER FUND	5,676,125	6,682,619	5,478,301	8,759,361	56,626
WASTEWATER FUND	2,771,725	2,887,784	3,312,887	3,360,153	29,907
SOLID WASTE FUND	1,935,290	2,119,224	2,071,028	2,210,620	9,865
EMS FUND	1,339,370	1,599,419	2,202,429	979,236	-310,503
AIRPORT FUND	92,834	283,618	139,143	116,616	62,934
LOCKHART ECO DEV FUND	458,921	752,469	1,179,140	1,171,498	62,642
TOTAL - EXPENSES	37,582,240	43,365,040	44,899,302	48,289,650	

MEMORANDUM

To: Mayor & City Council

From: City Manager and Finance Department

Date: September 3, 2024

Re: FYE 2025 Budget – General Fund Summary

Revenues

- 1) Property Taxes – the proposed revenues for this year’s property taxes reflect a projected increase based on the certified appraisal values received from the CCAD. The certified values have increased from last year by 16%. Thus, an increase in appraised values applied to the Voter-Approval Tax Rate will provide an additional \$645,760 of maintenance and operation tax rate revenue.
- 2) Sales Tax, Franchise, and Other Taxes - projections are based on trending analysis performed; a 5.75% increase was used as a conservative forecast to account for potential business disruptions due to upcoming construction projects. Historically, actual collections increased by 10% annually over a five-year average. In addition, the FYE 2024 sales tax collections are projected to meet revenue forecasts in alignment with historic trends. Franchise taxes are stable with no increase in revenues for the upcoming fiscal year. Mixed beverage tax revenue was budgeted to actual revenues from last fiscal year. The housing authority payments are set according to the percentage of occupants and are currently at full occupancy.
- 3) Licenses & Permits – licenses and permits are projected as a 42% increase from the current fiscal year budget due to new and ongoing construction projects. These revenues may continue to increase as new residential and commercial developments are approved.
- 4) Intergovernmental fees – the city/county animal shelter agreement is based on set fees per dog/cat. The City is working with County officials to coordinate the funding appropriations for the animal shelter. The LISD Resource Officer revenue has a slight increase due to the calculations based on the officers’ base salaries for the year plus market adjustments to salaries and equipment.
- 5) Fines and fees remain budgeted as prior fiscal years. Municipal court fines are set by the State and fees associated with City facilities have remained unchanged for the upcoming fiscal year.
- 6) Lease income is from the lease agreement with Livingood Feed from 2012 on the city’s property located adjacent to 110 N. Brazos. This is a land lease to store transport trailers.

- 7) Interest income continues to maintain elevated returns in the last 5 quarters due to the high interest rate environment. The federal government anticipates these rates to remain above 4% in calendar year 2025. This revenue category reflects a budget amount more in line with recent returns.
- 8) Miscellaneous revenue –Miscellaneous revenues include revenues from sale of assets, copies, public information requests, refunds, and rebates from surplus sales.
- 9) Transfers – transfers from utility funds according to policy are preferred equal 25% of total revenues. Transfers from the utility funds total 23.9%. A city is considered in good financial health to stay under 30% in transfer totals. Last year's transfers were 24.9%.

Expenses

Cost Drivers:

Personnel – The FYE 2025 budget includes a 4% pay increase for all full-time and part-time regular City of Lockhart employees. In addition, non-civil service employees will receive an additional \$1,000 salary adjustment to their base annual pay. Civil service employees will receive an additional 1% pay increase for a total of a 5% increase to enhance retention and recruitment.

Medical Insurance – Staff was informed by Texas Health Benefits Pool (THBP) that the City's 24-month loss ratio for the Pool is 135%, driven by an increase in medical and pharmacy claims. The loss ratio should be closer to 85%. To cover the cost of medical care and prescription drugs, THBP advised the City is receiving an 8% increase in insurance premiums. This budget reflects this increase of approximately \$88,500. The City of Lockhart requires no employee cost participation for employee only coverage and no benefit changes to the current plan are planned for FYE 2025.

TMRS - TMRS retirement rates are distributed in June with an effective date of January 1, 2025. Next year's rate is increasing by 7.6%. This budget reflects this increase of approximately \$78,900. The City of Lockhart is 89% funded with TMRS.

Other Benefits – Worker's compensation insurance and general liability insurance were finalized by mid-August; the cost drivers for W/C are increased salary base and number of employees. General liability and property are determined by annual claims history.

Goods and Services – reflected in this budget is a market increase in goods and services. The March consumer price index was 3.6%, which many departments used to increase expenses such as fuel, supplies, and minor tools and equipment.

Departmental Expenses

Mayor/Council – Funding for Wayfinding – Entry signs to City of Lockhart is maintained at \$140,000 in this budget. In addition, non-profit or special interest groups' allocations were updated according to the Council's approved allocations for the FYE 2025 budget.

Tax department —This fee is collected by the appraisal district for distribution and collection of City taxes and is used to fund their annual expenditures. The CCAD adopted budget for FYE 2025 includes a 7% increase from the current fiscal year. These increases are included in the City's FYE 2025 budget.

City Manager – marginal increase to printing and marketing for Annual Report and quarterly newsletter publications.

Economic Dev. – maintain budgeted line-item expenses associated with the City's 380 agreements for new and existing projects.

Finance – slight market adjustments; no significant comments.

Information Svcs. – no change.

Civil Service – no change.

Community Svcs – replace AC unit at hospital facility.

Communications – slight market adjustments; no significant comments.

Animal Control – includes full-year funding for one new full-time Animal Shelter Attendant. In addition, funding includes a new cold storage appliance, new commercial grade washer and dryer, staff and volunteer break table, retractable hoses to assist in shelter maintenance, and up to 30 additional animal crates.

Municipal Court – includes upgrades to cameras and security systems.

Police Dept. – increased funding for hiring incentives. In addition, funding for the recently acquired speed trailer annual software subscription and new annual Policy and Accreditation Management software subscription. Funding to support an internal Homeless Outreach Team is also included in the FYE 2025 budget.

Fire Dept – market adjustments to fuel and goods. In addition, funding for the Fire Station No. 2 generator maintenance contract, Outdoor Warning Siren (OWS) upgrades, and an annual service contract for fire apparatus maintenance. New two-way radios portable radios, an air cylinder fill station with three cascade cylinders, and a new bunker gear storage rack are also included in the FYE 2025 budget.

Library – New computers were purchased in the current fiscal year for technology center with donated funds. Donated restricted funds are often used for digital media, technology upgrades and special events. In addition, upgrades to security cameras are also include in the FYE 2025 budget.

Parks & Rec – one new zero-turn mower included in capital outlay and an increase in contractual costs for a pool chemical service agreement. In addition, funding for an interdepartmental work order management system.

Planning & Dev. – decrease in Contracts & Services costs as staff and planning consultants complete Comprehensive Plan update.

Building Inspections - one new full-time Code Enforcement Officer to begin at mid-year and funding for an upgrade to permit management software are included in the FYE 2025 budget.

Public Works – market adjustments to fuel and goods.

Garage Maint. – market adjustments to fuel and goods.

Cemetery – increase in cemetery maintenance contract.

Streets & ROW – includes funding for street maintenance program, a Pavement Management Systems study (PMS), and updates to the City’s Construction Standards.

MEMORANDUM

To: Mayor & City Council

From: City Manager and Finance Department

Date: September 3, 2024

Re: FYE 2025 Budget –Special Revenue & Enterprise Funds Summary

Cost Drivers:

Personnel – The FYE 2025 budget includes a 4% pay increase for all full-time and part-time regular City of Lockhart employees. In addition, non-civil service employees will receive an additional \$1,000 salary adjustment to their base annual pay.

Medical Insurance – Staff were informed by Texas Health Benefits Pool (THBP) that the City's 24-month loss ratio for the Pool is 135%, driven by an increase in medical and pharmacy claims. The loss ratio should be closer to 85%. To cover the cost of medical care and prescription drugs, THBP advised the City is receiving an 8% increase in insurance premiums. This budget reflects this increase of approximately \$35,400 across all Enterprise funds personnel. The City of Lockhart requires no employee cost participation for employee only coverage and no benefit changes to the current plan are planned for FYE 2025.

TMRS - TMRS retirement rates are distributed in June with an effective date of January 1, 2025. Next year's rate is increasing by 7.6%. This budget reflects this increase of approximately \$34,600 across all Enterprise funds personnel. The City of Lockhart is 89% funded with TMRS.

Other Benefits – Worker's compensation insurance and general liability insurance were finalized by mid-August; the cost drivers for W/C are increased salary base and number of employees. General liability and property are determined by annual claims history.

Goods and Services – reflected in this budget is a market increase in goods and services. The March consumer price index was 3.6%, which many departments used to increase expenses such as fuel, supplies, and minor tools and equipment.

Electric Fund

Revenues

- 1) Credit Card Fees – due to the increase in new accounts and online pay; a 35% increase is projected for this revenue line-item.
- 2) Fuel Sales & Local Sales – fuel sales are projected as a 5% increase from the FYE 2024 budget amount due to increased load demand from new infill development and an increase in LCRA wholesale power costs. Local sales are projected as a 6% increase from the FYE 2023 Actual based on three-year revenue trend. Fuel sales are the cost recovery for purchased power from LCRA and local sales are the amount of revenues to operate and maintain the electric system.
- 3) Tap Fees – slight increase to Tap fees for new anticipated connections.
- 4) Connect Fees – no significant change; this is revenue from re-connections.
- 5) Interest Income – continues to maintain elevated returns in the last 5 quarters due to the high interest rate environment. The federal government anticipates these rates to remain above 4% in calendar year 2025. This revenue category reflects a budget amount more in line with recent returns.
- 6) Other Miscellaneous Revenues – reimbursements are considered minimal revenues to the electric fund.
- 7) Transfer from Rate Mitigation – transfers from the rate mitigation fund to lower electric billings during peak use months for all customers.
- 8) Transfer from Electric Distribution – this transfer will be to absorb costs associated with capital expenditures in FYE 2025.

Expenses

Electric Billing – includes full-year funding for one new full-time Utility Billing Specialist to provide customer service and cashier assistance due to the increase in new utility accounts. This cost will be shared with the Water and Wastewater funds.

Electric Distribution – inflationary increases in goods and services due to CPI. Capital Projects include the LCRA System Study – construction and material costs for Projects 5C and 6 (\$550,000) and engineering and design for the 7-series projects (\$75,000). In addition, funding for tree trimming services, a Cost-of-Service electric utility rate study is also included in this department budget (\$60,000).

Electric Non-Departmental – a projected 4% increase from LCRA for power purchase. This expenditure is offset by the corresponding revenue increase previously mentioned.

Water and Wastewater Rates completed a three-year phase-in process in November 2023 as part of a rate increase implementation plan as recommended by the City's utility financial consultants. Beginning with the second billing cycle in November 2021, the rate increases were structured to have the least impact on customers while still maintaining quality service delivery and financial integrity for the Water and Wastewater utilities. Subsequent increases in these revenues are due in large part to the rate increases and compounded by the growth in new utility accounts.

Water Fund

Revenues

- 1) Sales – Water sales revenues are projected to increase consistent with the Raftelis Utility Rate Study recommendations.
- 2) Tap Fees and Connect Fees – a minor increase is projected for the next fiscal year. However, continued residential and commercial developments will provide additional revenue in this line-item.
- 3) Other Misc Revenue – revenue from GBRA expected annual refund. In addition, half-year revenue from the GBRA treated excess water sharing agreement is projected for next fiscal year (\$175,000).
- 4) Transfers – Transfer of funds from Wastewater for shared debt obligations.

Expenses

Water Distribution – \$50,000 is included for waterline utility relocates for the approved Advanced Funding Agreement (AFA) with TxDOT for the Mockingbird and San Antonio traffic improvements.

Water Treatment – Adjustments for GBRA operating and maintenance costs, wholesale water costs, and Carizzo Groundwater costs are included.

Wastewater Fund

Revenues

- 1) Tap Fees – a minor increase is projected for the next fiscal year. However, continued residential and commercial developments will provide additional revenue in this line-item.
- 2) Other Misc Revenue - revenue from GBRA expected annual refund.

Expenses

Wastewater Collections – Capital expenditures include replacing pump at airport lift station (\$60,000) and a sewer main improvement project on San Antonio St. (\$22,000).

Wastewater Treatment – Adjustments for GBRA operating and maintenance costs are included in the FYE 2025 budget.

Wastewater Non-Departmental – no significant change; maintain funding levels for transfers to Interest & Sinking (I&S) Fund for debt service payments.

Solid Waste Fund

Revenues

- 1) Services & Fees - a projected 7.5% increase from projected FYE 2024 year-end actuals is included in this revenue line-item.
- 2) Miscellaneous – annual donation from CTR (\$27,000).

Expenses

Solid Waste Residential & Commercial Collections – in June 2024, per contract, a 3.8% increase to services due to CPI (5% cap on increase). In addition, funding for Solid Waste RFP consultant services to assist the City in the procurement and negotiation of a competitive solid waste and recycling services contract to take effect in Summer 2026 is included (\$80,000).

Solid Waste Recycling – includes funding for Household Hazardous Waste (HHW) disposal services (\$32,000).

Solid Waste Landfill – increase in capital outlay includes rental costs for tub grinder services for wood and green waste material (\$35,000).

Solid Waste Non-Departmental – no significant change.

EMS Fund

Revenues

- 1) County Reimbursement – partial year funding of \$116,667 from the County for the provision of EMS services in the unincorporated areas of the County according to the adopted interlocal agreement.
- 2) Fees & Charges – no increase in revenues from fees and charges.

Expenses

Expenses include four months of operational funding in anticipation of transferring the City's EMS assets and liabilities to the recently created Caldwell County ESD No. 5. The transition is expected to occur in January 2025.

Airport Fund

Revenues

- 1) Grant – annual RAMP grant from TxDOT.
- 2) Fines & Fees – no significant changes; maintain revenues from t-hanger and land lease contracts.

Expenses

Adjustments in capital projects and improvements; this is matching expenses for grant. Potential grant projects are under review by the Airport Board and staff.

MEMORANDUM

To: Mayor & City Council

From: City Manager and Finance Department

Date: September 3, 2024

Re: FYE 2025 Budget – Recommended Updates to Financial Policy and Investment Policy

Financial Policy – Policy 9 Cash Management and Investment

Current:

10.08 All city bank accounts shall be reconciled and reviewed monthly.

Revised:

10.08 Monthly reconciliations of all cash receipts and deposits to the bank should be performed by finance department staff within 30 days of month end. The Finance Director, or other supervisory personnel, shall adequately review monthly bank statement reconciliations and investigate any discrepancies or irregularities. Timely reconciliation to the general ledger and the bank must occur to detect errors, fraud or misuse.

Financial Policy – Policy 13 Accounting, Auditing and Financial Reporting

Current:

16.03 A system of internal accounting controls and procedures will be maintained to provide reasonable assurance of the safeguarding of assets, the proper recording of financial transactions to the city, and compliance with applicable laws and regulations.

Revised:

16.03 A system of internal accounting controls and procedures will be maintained to provide reasonable assurance of the safeguarding of assets, the proper recording of financial transactions to the city, and compliance with applicable laws and regulations.

- a) Any nonrecurring journal entries processed shall contain proper documentation such as the accounts impacted, amount of the adjustment, purpose of the adjustment, and signature of the initiator and reviewer. All recurring journal entries will be established at the beginning of the fiscal year with Finance Director's approval.

- b) Cash disbursement procedures should ensure that cash is disbursed only for valid city purposes after the proper approval, according to the Purchasing Policy, has been obtained. Supporting documentation must be presented before disbursement and approval of the Finance Director, or other supervisory personnel.
- c) Any wire or ACH initiation from the bank or investment account must contain the amount, supporting documentation and signature of the initiator and reviewer.

Investment Policy -Delegation of Authority

Current:

In accordance with the Act, the City Council designates the City Manager and the Finance Director as the City's Investment Officers.

Revised:

In accordance with the Act, the City Council designates the City Manager, Assistant City Manager, Finance Director and Controller as the City's Investment Officers.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Hold Public Hearing on Proposed Tax Rate for 2024.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Joseph Resendez, Keeli Michna

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: 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.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: City of Lockhart Publication - 2024 Tax Rate

Statements required in notice if the proposed tax rate exceeds the no-new-revenue tax rate but does not exceed the voter-approval tax rate, as prescribed by Tax Code §26.06(b-2).

NOTICE OF PUBLIC HEARING ON TAX INCREASE

This notice only applies to a taxing unit other than a special taxing unit or municipality with a population of less than 30,000, regardless of whether it is a special taxing unit.

PROPOSED TAX RATE	\$	0.5093	per \$100
NO-NEW-REVENUE TAX RATE	\$	0.5058	per \$100
VOTER-APPROVAL TAX RATE	\$	0.5093	per \$100

The no-new-revenue tax rate is the tax rate for the 2024 tax year that will raise the same amount of property tax revenue for City of Lockhart from the same properties in both the 2023 tax year and the 2024 tax year.

(current tax year)
(name of taxing unit)
(preceding tax year) (current tax year)

The voter-approval tax rate is the highest tax rate that City of Lockhart may adopt without holding an election to seek voter approval of the rate.

(name of taxing unit)

The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Lockhart is proposing to increase property taxes for the 2024 tax year.

(current tax year)

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON 09/03/2024 07:30 PM at Clark Library Annex-Council Chambers, 217 S. Main St., 3rd Floor, Lockhart, TX.

(date and time)
(meeting place)

The proposed tax rate is not greater than the voter-approval tax rate. As a result, City of Lockhart is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the Lockhart City Council of City of Lockhart at their offices or by attending the public hearing mentioned above.

(name of taxing unit)
(name of office responsible for administering the election)
(name of taxing unit)

YOUR TAXES OWED UNDER ANY OF THE TAX RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

$$\text{Property tax amount} = (\text{tax rate}) \times (\text{taxable value of your property}) / 100$$

(List names of all members of the governing body below, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating absences.)

FOR the proposal: Mayor - Lew White, Mayor Pro-Tem - Angie Gonzales-Sanchez, At Large - Brad Westmoreland, District 1 - Juan Mendoza, District 2 - John Castillo, District 3 - John Lairsen, District 4 - Jeffrey Michelson

AGAINST the proposal: _____

PRESENT and not voting: _____

ABSENT: _____

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by City of Lockhart last year
(name of taxing unit)
 to the taxes proposed to be imposed on the average residence homestead by City of Lockhart this year.
(name of taxing unit)

	2023	2024	Change
Total tax rate (per \$100 of value)	\$0.5348	\$0.5093	4.76% decrease
Average homestead taxable value	\$237,967	\$265,646	11.63% increase
Tax on average homestead	\$1,272	\$1,352	6.3% increase
Total tax levy on all properties	\$6,511,723	\$7,364,390	13.09% increase

(Include the following text if these no-new-revenue maintenance and operations rate adjustments apply for the taxing unit)

No-New-Revenue Maintenance and Operations Rate Adjustments

State Criminal Justice Mandate (counties)

The _____ County Auditor certifies that _____ County has
(county name) (county name)
 spent \$ _____ in the previous 12 months for the maintenance and operations cost
(amount minus any amount received from state revenue for such costs)
 of keeping inmates sentenced to the Texas Department of Criminal Justice. _____ County
(county name)
 Sheriff has provided _____ County information on these costs, minus the state
(county name)
 revenues received for the reimbursement of such costs.

This increased the no-new-revenue maintenance and operations rate by _____ /\$100.

Indigent Health Care Compensation Expenditures (counties)

The _____ spent \$ _____ from July 1 _____ to June 30 _____
(name of taxing unit) (amount) (prior year) (current year)
 on indigent health care compensation procedures at the increased minimum eligibility standards, less the amount of state
 assistance.

For current tax year, the amount of increase above last year's enhanced indigent health care expenditures is \$ _____.
(amount of increase)

This increased the no-new-revenue maintenance and operations rate by _____ /\$100.

Indigent Defense Compensation Expenditures (counties)

The _____ spent \$ _____ from July 1 _____ to June 30 _____
(name of taxing unit) (amount) (prior year) (current year)
 to provide appointed counsel for indigent individuals in criminal or civil proceedings in accordance with the schedule of fees
 adopted under Article 26.05, Code of Criminal Procedure, and to fund the operations of a public defender's office under Article
 26.044, Code of Criminal Procedure, less the amount of any state grants received. For current tax year, the amount of increase
 above last year's enhanced indigent defense compensation expenditures is \$ _____.
(amount of increase)

This increased the no-new-revenue maintenance and operations rate by _____ /\$100.

Eligible County Hospital Expenditures (cities and counties)

The _____ spent \$ _____ from July 1 _____ to June 30 _____
(name of taxing unit) (amount) (prior year) (current year)
 on expenditures to maintain and operate an eligible county hospital.

For current tax year, the amount of increase above last year's eligible county hospital expenditures is \$ _____.
(amount of increase)

This increased the no-new revenue maintenance and operations rate by _____ /\$100.

(If the tax assessor for the taxing unit maintains an internet website)

For assistance with tax calculations, please contact the tax assessor for _____ City of Lockhart
 at _____ (512) 398-5550 or _____ general@caldwellcad.org, or visit _____
(telephone number) (email address) (name of taxing unit) (internet website address)
 for more information.

(If the tax assessor for the taxing unit does not maintain an internet website)

For assistance with tax calculations, please contact the tax assessor for _____
(name of taxing unit)
 at _____ or _____
(telephone number) (email address)

**REGULAR MEETING
LOCKHART CITY COUNCIL**

NOVEMBER 21, 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
Councilmember Brad Westmoreland
Councilmember John Larisen
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
David Fowler, Planning Director
Bertha Martinez, Library Director
Bob Leos, Electric Superintendent
Gary Williamson, Police Chief
Evan Olszewski, Planner

Monte Akers, City Attorney
Julie Bowermon, City Secretary
Sean Kelley, Public Works Director
Travis Hughes, Parks Director
Victoria Burns, Public Information Officer
Kevin Waller, Senior Planner

Citizens/Visitors Addressing the Council: Members of Evening with the Authors; Shiva Shankar of Paradise Engineers; Citizens: Domingo Martinez, Alvino Carrizales, Jesse Martinez, Ben and Laura Siegel, Robert Steinbomer, Chris St. Leger, Mathew Johnson, Jim Guidry, Tony Miller, and Phil Wilhelm.

Work Session 6:30 p.m.

Mayor White opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. CHECK PRESENTATION TO THE CITY OF LOCKHART DR. EUGENE CLARK LIBRARY IN THE AMOUNT OF \$10,000 PRESENTED BY THE EVENING WITH THE AUTHORS.

Members of the Evening with the Authors presented a check in the amount of \$10,000 to the Dr. Eugene Clark Library.

B. DISCUSS RESOLUTION 2023-20 DIRECTING CITY STAFF TO COORDINATE WITH CONSULTING FIRMS AND CITIZEN AQUATICS COMMITTEE TO EVALUATE POTENTIAL FUTURE AQUATICS FACILITY SITES AND RETURN TO COUNCIL WITH RECOMMENDATION.

Mr. Hughes stated that the existing city pool is over 50 years old and has significant unrepairable damage due to ground movement over time. During the November 15, 2022 City Council Meeting, Council directed city staff to form a citizen aquatics committee tasked to develop an action plan for the construction of a new aquatics facility. A committee was formed consisting of LISD, Caldwell County, Parks Board and City Staff members, and began meeting in January 2023. The committee developed general concepts regarding the community needs for a new aquatics facility and explored potential site locations on existing City and LISD property. On July 18, 2023, a work authorization was approved by Council under the existing General Services Contract with the consulting firm Halff & Associates to provide a feasibility study for the construction of a new aquatics facility, including market analysis and cost predictions for construction and operation. Halff & Associates, in collaboration with Water Technology INC, presented

the study results to Council in a Special Work Session on October 23, 2023. Based on the information presented, Council is directing city staff to coordinate with consultant firms and the citizen aquatics committee to make a recommendation on potential site locations. Water Technologies will provide an update to the Council in the near future.

C. DISCUSSION REGARDING UPDATED AGREEMENT WITH LCRA AND MCCOY TREE SERVICE FOR TREE TRIMMING IN THE RIGHT-OF-WAY AND UTILITY EASEMENTS.

Mr. Leos stated that it is recommended that the City continue the tree trimming program with McCoy Tree Service in an effort to reduce voltage flicker, outages, losses, and improve public safety and satisfaction. Trees in close contact with power lines and tree limbs falling onto power lines are the most common causes of outages. Downed power lines caused by falling trees are a public safety hazard. Utilities that fail to maintain a tree trimming program frequently experience higher than normal expenses during severe storm conditions, which include overtime, purchase of additional inventory to replace damaged poles, wires, and electric equipment. McCoy was first awarded this project in FY 2019-2020 during the March 3, 2020 council meeting. There was no renewal clause in the contract but we were very satisfied with the work they completed around the city. If approved, McCoy's Tree Service advised they can begin pruning in early January 2024. Trimming oak trees during the winter months (December - February) is an industry best practice to mitigate potential causes of Oak Wilt. Staff anticipates funding appropriated in this year's adopted FY 2023-24 budget will continue tree trimming services through March 2024. McCoy Tree Service specializes in vegetation management for the electric utility industry. Their pruning methods comply with industry standards for safety and tree care and are endorsed by the International Society of Arboriculture and Tree Care Ind. Additional information regarding the city's tree trimming program can be found on the city website. Funding for this program is incorporated into the city's existing electric utility rates. There is no additional charge to the customer for these services. There was discussion.

D. DISCUSS APPOINTING TWO REPRESENTATIVES OF THE CITY OF LOCKHART TO THE GENERAL ASSEMBLY OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

Mayor White stated that at least 2/3 of the General Assembly's voting representatives must be elected officials. Based on the population estimates of the City of Lockhart, CAPCOG indicates that the city qualifies to have two representatives on the General Assembly. The General Assembly meets at least twice per year. CAPCOG requests that the city update our designated representatives which are currently Mayor Lew White and Councilmember Jeffry Michelson. Other Caldwell County General Assembly members include: Judge Haden, Commissioner Westmoreland, Mayor Watts, (Luling), and Mayor Glaze (Martindale).

E. DISCUSS RESOLUTION 2023-19 CASTING VOTES FOR DIRECTORS TO SERVE ON THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2024 TO DECEMBER 31, 2025.

Mayor White stated that both Alfredo Munoz and Sally Daniel have agreed to serve a two-year term beginning on January 1 of even numbered years. The City of Lockhart is entitled to cast 478 votes. The Council may cast all votes for one candidate or may distribute the votes among any number of candidates up to 478 votes. The deadline to submit the votes to the CCAD is December 15, 2023. Staff will submit the necessary documentation to the CCAD after the Council has cast their vote(s). In 2021, the Council cast 127 votes for Alfredo Munoz and 300 votes for Sally Daniel.

F. DISCUSS ORDINANCE 2023-24 VACATING AND ABANDONING APPROXIMATELY 0.046 ACRES OF UNUSED PUBLIC RIGHT-OF-WAY CONSISTING OF AN ALLEY APPROXIMATELY 7.5 FEET IN WIDTH EXTENDING FROM THE 200 BLOCK OF SOUTH RIO GRANDE STREET TO THE REAR OF THE PROPERTIES ADDRESSED AS 214 AND 218 BLANCO STREET.

Mr. Fowler stated that the requested action would abandon the remainder of the subject alley, which had been partially abandoned in 1976. The alley is approximately 7.5 feet wide and travels approximately 150 feet to the northeast between 218 and 224 South Rio Grande Street and approximately 125 feet to the northwest along the boundary between 114 and 118 South Rio Grande Street and 205 and 211 Concho Street. Because the other half of the alley has previously been abandoned, the property interests of the neighboring parcels are not affected by the proposed abandonment. There are no city utilities in the subject right of way and there is no identified city transportation use for the 7.5 foot remaining alley. The abandoned alley will be deeded to the property owners at 214 and 218 South Rio Grande Street. Both property owners have signed Abandonment Consent Letters that would hold the City harmless from any expenses or damages resulting from the abandonment. There was discussion.

G. DISCUSS ORDINANCE 2023-25 VACATING AND ABANDONING APPROXIMATELY 0.183 ACRES OF UNUSED PUBLIC RIGHT-OF-WAY PROPERTY CONSISTING OF A 40-FOOT WIDE UNOPENED STREET EXTENDING APPROXIMATELY 208 FEET TO THE WEST FROM THE 700 BLOCK OF THE NORTH BLANCO STREET RIGHT-OF-WAY, PARALLEL TO THE UNION PACIFIC RAILROAD RIGHT-OF-WAY.

Mr. Fowler stated that the owner of A Small World Learning Center, the adjacent property to the north of the subject right-of-way, has requested the city abandon the unopened street in order to allow for the additional parking that would be required if the daycare building were expanded. This right-of-way is approximately 40 feet wide by 208 feet deep, for a total area of 0.183 acres. There are no city utilities in the subject right of way and there is no identified City transportation use for the unopened street. The owner has signed the Adjacent Property Owner Agreement that holds the City harmless in the event of any suits, costs, expenses and damages that may arise out of the abandonment.

H. DISCUSS OBTAINING A 15' WIDE UTILITY EASEMENT ON THE PROPERTIES OF LOT 4 AND LOT 5 OF BLOCK C OF THE OAKVIEW ANNEX ADDITION (KNOWN AS 1003 NECHES STREET AND 1005 NECHES STREET) IN THE INTEREST OF PUBLIC PURPOSE AND AUTHORIZING THE CITY MANAGER TO SIGN THE EASEMENT DOCUMENT.

Mr. Kelley stated that the properties known as 1003 and 1005 Neches Street have an existing 12" wastewater main running between the properties. Occasionally, historic utilities built many years ago do not have documented easements, so it is necessary to establish an easement to protect the active utility. Each property is dedicated a 7.5' easement, for a total width of 15'. Trinity Square, the adjacent property, recently dedicated their portion of the easement to the City as well. These easements will create a uniform easement so city staff can provide maintenance of the existing utility.

I. DISCUSS PARTICIPATION IN THE TEXAS DEPARTMENT OF TRANSPORTATION'S ON-GOING GRANT FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SUBMIT REQUIRED DOCUMENTS FOR THE GRANT.

Mr. Kelley stated that the Lockhart Municipal Airport participates in the Texas Department of Transportation Routine Airport Maintenance Program annually. The grant program offers a way for public airports to offset maintenance costs for eligible projects and maintenance expenses. Previous year's projects included fuel terminal replacement, pavement repairs, lighting upgrades and general maintenance.

This year, the Texas Department of Transportation's Commission increased the State's participation from \$50,000 to \$100,000 and decreased the Sponsor's match (City) from 50% to 10%. This increase in funding will allow for more substantial improvements at the airport and allow the Lockhart Municipal Airport to advance projects intended for the near future, such as fencing upgrades and additional lighting/safety improvements. The Lockhart Municipal Airport remains subject to the City's purchasing policy. The grant is a reimbursable program that requires all eligible invoices documented and submitted to the State.

J. DISCUSS CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER APPOINTMENT OF MR. CARL CISNEROS TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF MS. YOLANDA STREY, EXPIRING JANUARY 1, 2024 AND FOR A THREE (3) YEAR TERM OF JANUARY 1, 2024 – DECEMBER 31, 2026 AS RECOMMENDED BY THE CITY MANAGER.

Mr. Lewis stated that Commissioner Yolanda Strey served on the commission for 7 1/2 years. She has resigned from the commission to accept a nomination to serve on the Lockhart Economic Development Board. According to Civil Service regulations, if a vacancy occurs the City manager shall appoint a person to serve for the remainder of the unexpired term. Mr. Carl Cisneros has graciously agreed to serve on the commission for the unexpired term that is set to expire January 1, 2024 as well as an additional three-year term from January 1, 2024 - December 31, 2026. Mr. Cisneros is a lifelong resident of Lockhart and has previously served the community as a member of the LISD School Board, on other various boards, and as a volunteer. His career includes 30 years experience with the United States Postal Service, 27 years of which he served as a union steward in labor relations. Mr. Cisneros has also worked for the State of Texas in asset management for 7 years. Both the City Manager and Civil Service Director concur that he will be an asset to the Civil Service Commission.

K. DISCUSS ORDINANCE 2023-26 REGARDING A BUDGET AMENDMENT TO THE ADOPTED FY 2023-24 BUDGET TO COMPLETE THE PURCHASE OF BODY-WORN CAMERAS RELATED TO STATE GRANT FUNDING.

Mr. Resendez stated that on November 16, 2021, City Council approved a resolution authorizing the submittal of the Body Worn Camera (BWC) Program grant through the Office of the Governor. The grant was awarded to the City of Lockhart and the funds are available for reimbursement. The police department ordered twenty-nine (29) Motorola WaV300 Body Worn Cameras, including cloud storage and accessories, using these grant funds. The body worn cameras have been received and are currently in use. They were procured from Motorola Solutions, Inc., which is an authorized vendor under the Texas BuyBoard Cooperative Purchasing Cooperative and Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. The total cost for the BWC Program is \$85,260.00. The grant will reimburse 75% of the total program cost. Budget Amendment #73 is needed to allocate funding in the FY 2023-24 Adopted Budget for the remaining balance of \$68,208.00 to complete the purchase of the body worn cameras. This budget amendment includes the receipt of grant funds from the Texas Governor's Grant Program in General Fund revenues. A partial payment of \$17,052.00 for the body worn cameras was made in FY 2022-2023.

ITEM 9. 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 - PENDING OR CONTEMPLATED LITIGATION. Discussion with City Attorney regarding potential litigation.

Mayor White announced that the Council would enter Executive Session at 6:57 p.m. to discuss potential litigation.

Mayor White announced that the Council will enter Open Session at 7:20 p.m.

RECESS: Mayor White announced that the Council would recess for a break at 7:20 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:40 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor White gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

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

ITEM 4-A. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION ON AN APPEAL TO THE PLANNING AND ZONING COMMISSION'S APPROVAL OF APPLICATION SUP-23-14 BY SHIVA SHANKAR OF PARADISE ENGINEERS FOR A SPECIFIC USE PERMIT TO ALLOW A MF-2 RESIDENTIAL DEVELOPMENT TYPE ON 13.099 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, ZONED RHD RESIDENTIAL HIGH DENSITY DISTRICT AND LOCATED AT 1000 VALDEZ STREET AND 1325 BLACKJACK STREET (FM 20).

Mayor White opened the public hearing at 7:40 p.m. and requested the staff background report.

Mr. Fowler stated that On October 11, 2023, the Planning and Zoning Commission considered an SUP request for the MF-2 development type on an approximately 13-acre property at 1325 Blackjack Street and 1000 Valdez Street. The proposed development includes 216 garden-style multifamily units on the northern two-thirds of the property and a 2.35-acre commercially-zoned tract along the Blackjack Street frontage. The applicant requested the MF-2 SUP to allow the proposed unit count at a density of 20.1 units/acre. Without the SUP, the property's allowed MF-1 development type limits density to 12 units per acre. City staff reviewed the proposed project and found that it complied with all applicable provisions of the City Code. The proposed intersection improvements and site design should minimize the impact of the development on surrounding properties and the multifamily project would serve as a transitional use between the RMD uses to the west and the industrial uses to the south, east, and north. The Planning and Zoning Commission approved the project (6-0, Peterson abstaining) with the following conditions: (1) The fenced dog park and children's play area shall be located in the center-third of the development, and (2) The required perimeter screening fence shall be built to a height of eight feet adjacent to residential-zoned properties, instead of the required six feet. After the hearing, staff received appeals of the decision from nearby property owners Mr. Jesse Martinez at 1311 Blackjack Street and Mr. Domingo Martinez of 1313 Blackjack Street, following up on their comments regarding potential traffic impacts of the project and their opposition to the apartments being built on the site at the Planning and Zoning Commission's public hearing. The neighbors filed the appeal under the following provision of the zoning ordinance Section 64-127(c)(6)(d,e,f). Staff has not received any additional opposition to the

Commission's decision but have answered questions from members of the public regarding the nature of the proposed development.

Mayor White requested the applicant to address the Council.

Shiva Shankar of Paradise Engineers, 4426 Tiger Run, San Antonio, Texas, provided information about the detention pond, drainage and answered questions about the project.

Mayor White requested citizens to address the Council.

Domingo Martinez, 1313 Blackjack, spoke against the project because of the additional drainage problems that could be caused as a result of the development. He also expressed concern about the additional traffic congestion on Blackjack.

Alvino Carrizales, 1406 4th Street, expressed concern about additional drainage problems with the new development.

Domingo Martinez also expressed concern about fencing to protect his property from potential vandalism.

Jesse Martinez, 1311 Blackjack, expressed concern about additional unsafe traffic congestion as a result of the new development.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:20 p.m.

There was discussion.

Mayor Pro-Tem Sanchez made a motion to deny the appeal of SUP-23-14. Councilmember Larisen seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-22 ON A REQUEST BY LAUREN SIEGEL OF THE JUDGE'S HOUSE, LLC, FOR REMOVAL OF THE HISTORIC LANDMARK DESIGNATION OF A SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE ON LOT 1, BLOCK 1, ARNETTE MCDANIELS SUBDIVISION, LOCATED AT 703 WEST SAN ANTONIO STREET, AND AMENDING THE OFFICIAL ZONING MAP AND HISTORIC OVERLAY ZONING MAP SUPPLEMENT TO THE OFFICIAL ZONING MAP BY REMOVING THE "HL" HISTORIC LANDMARK ZONING OVERLAY CLASSIFICATION, AS PROVIDED IN LOCKHART CODE OF ORDINANCES, CHAPTER 64 "ZONING", SECTION 64-196(N), AND IN CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS", SECTIONS 28-5 AND 28-6.

Mayor White opened the public hearing at 8:38 p.m. and requested the staff background report.

Mr. Fowler stated that the applicant proposes to remove the official City Historic Landmark "HL" designation of a single-family residence on the subject property, which also includes a detached garage in the rear yard. At the Historical Preservation Commission meeting held November 1, 2023, the Commission upheld Staff's recommendation of denial of the proposed landmark designation removal on a 5-1 vote. The subject property received Historic Landmark designation, along with 10 other properties, by City Council action at its September 18, 2018 public hearing, through a voluntary process in which the then-current property owners participated. The property is part of a larger tract that received the landmark

designation, which was later subdivided in February 2022 that created the subject property and two other properties (including the original parcel). The current owner purchased the subject property in June 2022, and received the Commission's approval for a Certificate for Alteration (Case # CFA-23-31) for various improvements to the residence and garage on October 4, 2023, with the exception of the painting of the historically unpainted brick exterior surface of the residence and garage. Subsequently, the owner submitted the current request to remove the historic landmark designation, which, if approved, would allow for the painting of the buildings referenced above and eliminate the requirement for a Certificate for Alteration and Commission review for any future improvements to or partial/full demolitions of the property. Although the owner has claimed to have no knowledge of the landmark status, a map and table identifying all landmark properties has been posted to the City's website since the time of their respective landmark designations. In addition, notice of the landmark status was published in the Lockhart Post-Register after the properties' designations were approved. However, the applicant has correctly stated that the property's historic designation was not recorded onto the deed records of the property, as is required in Section 28-6 of the Lockhart Code of Ordinances. The zoning map also did not show the boundaries of individual landmark properties at the time of the property being purchased. To correct this deficiency, the landmark properties were recently added to the City's official zoning map, and the City Secretary will record the landmark designation with the County Clerk for each affected property. If the Council approves the removal of the historic landmark designation, both the Official Zoning Map and Historic Overlay Zoning Map will be amended to remove the subject property from this designation. Such an action would mean the property would no longer be subject to historic review for any construction, exterior appearance modification, or full or partial demolition of any structure on the site. Additionally, the property would no longer be eligible for the City's historic tax abatement program.

Mayor White requested the applicant to address the Council.

Ben and Lauren Siegel 84 Chalmers Avenue, Austin, requested approval to remove the historic landmark designation of the property. He read part of the city ordinance that allows historic landmark designations to be reversed. There was discussion regarding the proposed renovation of the home.

Mayor White requested citizens to address the Council.

Robert Steinbomer, 321 San Jacinto, Lockhart, spoke in favor of reversing the historic landmark designation.

Chris St. Leger, 205 N. Pecos, Lockhart, stated that as the building contractor for the project, the delays of construction that involves sub-contractors is unfair. He spoke in favor of reversing the historic landmark designation.

Mathew Johnson, 426 W. Prairie Lea, spoke favorably about the Siegel's. He spoke in favor of reversing the historic district landmark.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:15 p.m.

There was discussion.

Councilmember Castillo made a motion to approve Ordinance 2023-22, as presented. Councilmember Larisen seconded. The motion passed by a vote of 4-3, with Mayor White and Councilmembers Michelson and Westmoreland opposing.

ITEM 4-C. RESUME A PUBLIC HEARING ON APPLICATION ZC-23-06 BY MONTE J. GUIDRY, POSTPONED AT THE SEPTEMBER 5, 2023 MEETING, 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 White reconvened the public hearing at 9:28 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. At the public hearing held September 5, 2023, the Council voted to postpone the item until the November 21, 2023 meeting to allow the property line encroachment issues to be worked out between the subject landowner and the property owner to the north. A deed changing the property boundaries has been produced, so this issue has been cleared, which will allow for the property to clear of the encroachment issue as it goes through variance and Specific Use Permit hearings. There was discussion.

Mayor White requested the applicant to address the Council.

Jim Guidry, Seawillow Road, thanked the Council for their consideration of the zoning change.

Mayor White requested citizens to address the Council.

Tony Miller, 1508 W. San Antonio, thanked the Council for tabling the zoning change to allow the Guidry's and Wilhelms the opportunity to resolve the differences.

Phil Wilhelm 510 Bois D'arc, thanked the Council and staff for working with them to resolve differences.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:38 p.m.

Councilmember Michelson made a motion to approve Ordinance 2023-16, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 4-D. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION REGARDING ORDINANCE 2023-23, PROPOSING TEXT AMENDMENTS TO CHAPTER 64 "ZONING," OF THE LOCKHART CODE OF ORDINANCES AS FOLLOWS: AMEND ARTICLE I, "IN GENERAL," SECTION 64-2 "DEFINITIONS;" ARTICLE VII. "ZONING DISTRICTS AND STANDARDS", SECTION 64-166 "PLANNED DEVELOPMENT DISTRICT (PDD)", SECTION 64-196, "ESTABLISHMENT OF ZONING DISTRICTS." SUBSECTION (P) "PLANNED DEVELOPMENT DISTRICT (PDD)," AND SECTION 64-199, "ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT," TO ESTABLISH REVISED REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT (PDD) APPLICATIONS.

Mayor White opened the public hearing at 9:38 p.m. and requested the staff background report.

Mr. Fowler stated that this text amendment is a result of both the discussions held at the second joint meeting of City Council and the Planning and Zoning Commission, as well as numerous discussions regarding the purpose of allowing Planned Development District applications as well as a sense of there being some disappointment with the resulting built products of several PDD projects. An analysis of the PDD processes and requirements in several neighboring communities found that the mission and purpose language in the City's PDD ordinance is weakly stated compared to those in other cities. Similarly, the list of requirements for a PDD submission is also less extensive than other cities, negatively affecting the level of detail in PDD submissions and ultimately the quality and predictability of the development resulting from a given PDD application.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:46 p.m.

Councilmember Larisen made a motion to approve Ordinance 2023-23, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

- 5-A: Approve Ordinance 2023-24 vacating and abandoning approximately 0.046 acres of unused public right-of-way consisting of an alley approximately 7.5 feet in width extending from the 200 block of South Rio Grande Street to the rear of the properties addressed as 214 and 218 Blanco Street.
- 5-B: Approve Ordinance 2023-25 Vacating and abandoning approximately 0.183 acres of unused public right-of-way property consisting of a 40-foot wide unopened street extending approximately 208 feet to the west from the 700 Block of the North Blanco Street right-of-way, parallel to the Union Pacific Railroad right-of-way.
- 5-C: Approve obtaining a 15' wide utility easement on the properties of Lot 4 and Lot 5 of Block C of the Oakview Annex Addition (known as 1003 Neches Street and 1005 Neches Street) in the interest of public purpose and authorizing the City Manager to sign the easement document.
- 5-D: Approve participation in the Texas Department of Transportation's on-going grant for the Routine Airport Maintenance Program (RAMP) and authorizing the Public Works Director to submit required documents for the grant.
- 5-E: Approve updated agreement with LCRA and McCoy Tree Service for tree trimming in the right-of-way and utility easements.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2023-20 DIRECTING CITY STAFF TO COORDINATE WITH CONSULTING FIRMS AND CITIZEN AQUATICS COMMITTEE TO EVALUATE POTENTIAL FUTURE AQUATICS FACILITY SITES AND RETURN TO COUNCIL WITH RECOMMENDATION.

Councilmember Michelson made a motion to approve Resolution 2023-20, as presented. Councilmember Larisen seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING APPOINTING TWO REPRESENTATIVES OF THE CITY OF LOCKHART TO THE GENERAL ASSEMBLY OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

Mayor Pro-Tem Sanchez made a motion to appoint Mayor Lew White and Councilmember Jeffry Michelson. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2023-19 CASTING VOTES FOR DIRECTORS TO SERVE ON THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2024 TO DECEMBER 31, 2025.

Councilmember Michelson made a motion to approve Resolution 2023-13, as presented and allocating 300 votes to Sally Daniel and 178 votes to Alfredo Munoz. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER APPOINTMENT OF MR. CARL CISNEROS TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF MS. YOLANDA STREY, EXPIRING JANUARY 1, 2024 AND FOR A THREE (3) YEAR TERM OF JANUARY 1, 2024 – DECEMBER 31, 2026 AS RECOMMENDED BY THE CITY MANAGER.

Mayor Pro-Tem Sanchez made a motion to confirm the appointment of Carl Cisneros, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER ADOPTION OF ORDINANCE 2023-26 REGARDING A BUDGET AMENDMENT TO THE ADOPTED FY 2023-24 BUDGET TO COMPLETE THE PURCHASE OF BODY-WORN CAMERAS RELATED TO STATE GRANT FUNDING.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2023-26, as presented. Councilmember Larison seconded. The motion passed by a vote of 7-0.

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

- City offices closed for Thanksgiving Day (November 23) and the day after (November 24).
- Christmas Tree Lighting (December 1).
- A Christmas to Remember Lighted Christmas Parade (December 2).
- The Comprehensive Plan Steering Committee and consultants will provide a progress report during the December 5, 2023 regular City Council meeting.

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

Councilmember Mendoza thanked District 4 for their public meeting and State Park for holding a turkey trot event.

Mayor Pro-Tem Sanchez expressed condolences to families that have lost a loved one.

Councilmember Castillo wished city staff a Happy Thanksgiving. He thanked businesses that provide a service to the public. He wished everyone a safe and happy holiday.

Councilmember Michelson wished everyone a safe and Happy Thanksgiving.

Mayor White expressed condolences to the Hinnenkamp family for their loss. He thanked city staff for working hard on the Christmas light displays. He welcomed John Larisen to the Lockhart City Council. He wished everyone a safe and Happy Thanksgiving.

ITEM 9. 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 - PENDING OR CONTEMPLATED LITIGATION. Discussion with City Attorney regarding Cause No. D-1-GN-007785, City of Grand Prairie v. State of Texas, 261st Judicial District, Travis County, Texas.

Mayor White announced that the Council would enter Executive Session at 10:00 p.m.

OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 10:30 p.m.

ITEM 10-A. DISCUSSION AND/OR ACTION REGARDING CAUSE NO. D-1-GN-007785, CITY OF GRAND PRAIRIE V. STATE OF TEXAS, 261ST JUDICIAL DISTRICT, TRAVIS COUNTY, TEXAS.

Mayor White made a motion to authorize an expenditure of \$5,000 from the City of Lockhart to contribute towards the legal expenses of the Grand Prairie lawsuit. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 11. ADJOURNMENT

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 10:32 p.m.

PASSED and APPROVED this the 20th day of August, 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Julie Bowermon
City Secretary

**REGULAR MEETING
LOCKHART CITY COUNCIL**

DECEMBER 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
Councilmember Brad Westmoreland
Councilmember John Lairsen
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
David Fowler, Planning Director
Victoria Burns, Public Information Officer
Randy Jenkins, Fire Chief

Monte Akers, City Attorney
Julie Bowermon, City Secretary
Sean Kelley, Public Works Director
Will Wachel, City Engineer – TRC
Daniel Williams, Police Captain

Citizens/Visitors Addressing the Council: Representatives of Freese and Nichols.

Work Session 6:30 p.m.

Mayor White opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. BRIEFING FROM FREESE AND NICHOLS, INC. AND DISCUSSION REGARDING COMPREHENSIVE PLAN ACTIVITIES.

Mr. Fowler stated that Freese and Nichols, Inc., the consultant for the comprehensive planning process, will present an update on the activities conducted as part of the Comprehensive Planning process. Work began on the plan starting in May 2023 and is expected to be completed late in Fiscal Year 2023-24. Initial activities involved researching existing population and demographic conditions to provide an understanding of the current state of the community. Public or small group participation activities to date have included assembling a Steering Committee which has held three meetings, the circulation of a stakeholder survey, holding four focus group meetings, holding a public future land use workshop, and two on-site public outreach events. Through these activities, the consultants and the steering community have worked to create a Community Snapshot chapter which will inform many of the other products of the plan and includes the Guiding Principles, which will underlie the more detailed goals and objectives to be developed. The other main product that has so far emerged from the planning activities is the future land use mapping concept, which will be discussed as part of this agenda item. This concept is based on the products from the mapping exercise at the Community Workshop held October 16th and subsequent discussions at the Steering Committee meeting held November 15.

Freese and Nichols representatives provided information regarding the following topics about the Comprehensive Plan activities:

- Project schedule
- Community engagement
- Online mapping exercise
- Investing exercise

- Survey results
- Age trends
- Vision statement
- Community goals/guiding principles
- Public land use workshop
- Trade offs and considerations
- Population projections
- Commute trends
- Community created scenarios
- Land use alternatives
- Future land use plans
- Next steps
 - Drafting Future Land Use Chapter through EOY
 - Additional recommendations in Q1/Q2 of 2024
 - Next major public engagement in the Spring of 2024

There was discussion.

B. DISCUSS AWARDING AN ANNUAL FUEL BID TO GOLDEN WEST OIL, OF NEW BRAUNFELS, TEXAS WITH A PROFIT MARGIN OF \$0.0445 CENTS PER GALLON OF GASOLINE AND \$0.495 CENTS PER GALLON FOR DIESEL OVER THE OIL PRICE INFORMATION SERVICES (OPIS) PRICE FROM AUSTIN, TEXAS RACK, POSTED WEEKLY.

Mr. Kelley stated that the City uses approximately 45,000 gallons of gasoline and 26,000 gallons of diesel per year. Fuel bids were sought in compliance with State Law. Four bids were received from oil companies interested in delivering Unleaded Gasoline and Diesel to the Public Works Yard. The attached synopsis shows the overall best bid was submitted by Golden West Oil, of New Braunfels, Texas at \$0.0445 profit per gallon of gasoline and \$0.0495 profit per gallon of diesel. Golden West Oil has previously been the City's fuel distributor and provided the City with exceptional service. The contract for this fuel services is from January 1, 2024 until December 31, 2024, if approved. The price includes delivery to the Public Works yard.

C. DISCUSS RESOLUTION 2023-21 AUTHORIZING THE FILING OF A GRANT APPLICATION WITH CAPCOG FOR A REGIONAL SOLID WASTE PROGRAM GRANT; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY OF LOCKHART IN ALL MATTERS RELATED TO THE APPLICATION.

Mr. Kelley stated that the Capital Area Council Of Governments is currently accepting applications for the 2024/2025 Solid Waste Program Grant. This grant opportunity becomes available every two years. Eligible projects include solid waste programming and equipment related to solid waste. During this grant cycle there are \$274,000 grant funds available, with a maximum award of \$40,000 each. There is also a minimum 10% grant match requirement. In this year's solid waste grant application, City Staff is seeking to purchase twenty-five new commercial grade trash/recycling receptacles for the Downtown Revitalization Project. As part of the project, staff would work with Keep Lockhart Beautiful to inform the public of the new receptacles and the new availability of recycling downtown. If awarded the grant, funds will need to be used prior to the end of 2025.

D. DISCUSS RESOLUTION 2023-22 APPOINTING MAYOR LEW WHITE AS THE CITY OF LOCKHART'S CLEAN AIR COALITION REPRESENTATIVE, AS REQUIRED IN ARTICLE II OF THE CLEAN AIR COALITION OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS BY-LAWS.

Mayor White stated that the City Council initially appointed Mayor White in March 2018, and reappointed him in February 2020 and January 2022, as the City's representative to the Capital Area Council of Governments (CAPCOG) Clean Air Coalition (CAC) . Their by-laws indicate that Representatives to the CAC will include elected officials appointed by governing bodies for the general members of the CAC. Each general member's governing body appoints by resolution one elected official to serve on the Coalition and shall provide written notification to the CAPCOG staff liaison. The term of appointment for a member of the CAC shall begin on the date of appointment by the member's governing body and will terminate December 31st in odd-numbered years. Mayor White stated that the current term ends in December 2023 and if approved, he would continue until December 2025.

E. DISCUSSION OF PROPOSAL FROM COUNCILMEMBER LAIRSEN FOR CREATION OF AN ANIMAL SHELTER ADVISORY BOARD.

Mr. Lairsen stated that he requests that an Animal Shelter Advisory Committee be added to the City of Lockhart boards. He stated that the goal is to provide advice and recommendations to the city council related to the Animal Shelter and general animal control throughout the community. Animal shelters are ambassadors for healthy animals, helping to stabilize the pet population and increasing the wellbeing of the animals and our citizens. He recommended that the members consist of a city representative, a Caldwell County representative, a member from a local animal advocate group, two citizens, a veterinarian that will collaborate and identify solutions for any challenges that the animal shelter and the community may be facing regarding animal welfare. There was discussion.

F. DISCUSSION ON UPDATES RELATED TO THE FIRE STATION NO. 1 CONDITION REPORT AND CONSTRUCTION PROJECT.

Mr. Resendez stated that the City's architects prepared a condition report in 2021. The recommendations in the report are intended not to alter the historic aspects of the building, which was built in 1912 with additions in 1950, and limited to primarily inside the walls. Highlights of the report include:

Life Safety Upgrades

Automatic fire sprinkler suppression system throughout the building, fire/smoke sensing and alarm system, upgrades to hazardous electrical panels and switchgear, new air scrubbers for noxious gases in apparatus bays below sleeping areas, enhanced fire/smoke barrier between apparatus bays and sleeping area above, and enhanced emergency exiting from second floor.

Enhanced Living and Working Quarters for Firefighters

Restroom on first floor renovated including exhaust air vent and reduced trip hazard, restroom on second floor completely renovated with new shower, finishes, and removal of existing furnace system, kitchen renovation to replace cabinets, appliances, and reorganize, relocation of furnace and ductwork from bathroom, remodel one bunk room sleeping quarters into three separate sleeping quarters, a new drop ceiling and LED lights throughout the remodel area and new floor finishes.

Exterior Upgrades

Repaint wood trim, touch up some brick masonry as needed.

Recent Updates

An Asbestos Survey Report is underway. The recent adoption of the 2018 International Existing Building Code (IEBC) and additional restroom, window, garage door, and signage recommendations are considerations for a revised Scope of Work.

The Architect has provided a proposal to include these updates to the Current Drawing and Construction Documentation and Construction Phase Services. City staff will present this proposal for City Council consideration at the December 19, 2023 City Council Meeting.

Fire Station No. 1 is located within the Lockhart Historical District. The Lockhart Historical Preservation Commission (LHPC) will review any proposed changes to the exterior of the building, as well as any interior work that impacts load-bearing walls.

There was discussion.

DISCUSSION OF PROPOSAL FROM COUNCILMEMBER LAIRSEN FOR CREATION OF AN ANIMAL SHELTER ADVISORY BOARD.

Mr. Akers requested direction from the Council about the proposed Animal Shelter Advisory Board. There was discussion.

Mayor White directed staff to return with documentation and/or information about the purpose, duties, guidelines, membership and state laws for Council's consideration at a future meeting.

G. DISCUSS RESCHEDULING CITY COUNCIL MEETINGS IN 2024 DUE TO CONFLICTS WITH A CITY HOLIDAY OR EVENT.

Ms. Bowermon stated that annually reviewing council meeting dates for conflicts is important to provide Development Services with an accurate Council meeting schedule when publishing public notice information about public hearings, such as zoning change applications.

The 2024 calendar reflects meeting conflicts as listed below:

Tuesday:

- October 1 – National Night Out
- November 5 - Election Day - The City of Lockhart is not scheduled to hold an Election on November 5, 2024 therefore it is not listed as a date conflict. *(History: In 2021 the City Council did not have an election scheduled and did hold a City Council meeting on election day.)*

The 2024 TML Annual Conference will be held on October 9-11 in Houston.

There was discussion.

H. DISCUSSION REGARDING THE SELECTION OF MAYOR PRO-TEM OF THE LOCKHART CITY COUNCIL AS REQUIRED BY SECTION 3.05 OF THE CITY CHARTER.

Mayor White stated that Councilmember Sanchez has expressed interest to continue serving as Mayor Pro-Tem. There were no additional nominations for Mayor Pro-Tem.

RECESS: Mayor White announced that the Council would recess for a break at 7:35 p.m.

ITEM 1. CALL TO ORDER,

Mayor Lew White called the meeting to order at 7:50 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Sanchez gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

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

ITEM 4. CONSENT AGENDA

Councilmember Michelson made a motion to approve consent agenda items 4A, 4B, and 4C. Councilmember Lairsen seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 4A: Approve awarding an annual fuel bid to Golden West Oil, of New Braunfels, Texas with a profit margin of \$0.0445 cents per gallon of gasoline and \$0.495 cents per gallon for diesel over the Oil Price Information Services (OPIS) price from Austin, Texas RACK, posted weekly.
- 4B: Approve Resolution 2023-21 authorizing the filing of a grant application with CAPCOG for a regional solid waste program grant; authorizing the Mayor to act on behalf of the City of Lockhart in all matters related to the application.
- 4C: Approve Resolution 2023-22 appointing Mayor Lew White as the City of Lockhart's Clean Air Coalition Representative, as required in Article II of the Clean Air Coalition of the Capital Area Council of Governments by-laws.

ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING RESCHEDULING CITY COUNCIL MEETINGS IN 2024 DUE TO CONFLICTS WITH A CITY HOLIDAY OR EVENT.

Mayor Pro-Tem Sanchez made a motion to hold the October 1, 2024 and November 5, 2024 Council meetings as scheduled. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING THE SELECTION OF MAYOR PRO-TEM OF THE LOCKHART CITY COUNCIL AS REQUIRED BY SECTION 3.05 OF THE CITY CHARTER.

Councilmember Lairsen made a motion to nominate Angie Gonzales-Sanchez as Mayor Pro-Tem. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

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

- Hansford Subdivision Phase 2 has completed their public improvements and have been accepted by the City.
- In December, City staff will begin disassembling the temporary downtown park on the Square in preparation for private development of the site.
- Update regarding the establishment of Caldwell County ESD No. 5.

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

Councilmember Mendoza thanked the Coleman Unit for hosting a volunteer appreciation dinner. He thanked the Friends of the Library and Irving Club for the successful *A Christmas to Remember* event.

Mayor Pro-Tem Sanchez thanked all involved with the successful Tree of Angels ceremony. She congratulated all involved with the successful *A Christmas to Remember* event. She congratulated college graduates. She encouraged citizens to be involved with the Coats for Kids events.

Councilmember Lairsen thanked all involved with the successful *A Christmas to Remember* event.

Councilmember Castillo thanked all involved with the successful *A Christmas to Remember* event. He requested an update about public safety and a warming center in the event of a freeze with the upcoming freezing weather.

Mayor White commended all involved with the successful Tree of Angels, *A Christmas to Remember*, First Friday, and Lighting ceremony events. He provided a brief update about the ETJ reversal petition and homeless shelters. A short reception will be held honoring the retirement of Monte Akers, City Attorney before the next Council meeting.

ITEM 8. ADJOURNMENT

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 8:12 p.m.

PASSED and APPROVED this the 3rd day of September, 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Julie Bowermon
City Secretary

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Approve Resolution 2024-21 accepting a petition for and calling a public hearing on the advisability of public improvements and creation of Seawillow Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code.

ORIGINATING DEPARTMENT AND CONTACT: City Attorney - Brad Bullock

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: As Council recalls, the City previously approved the Seawillow Development Agreement, which provides that the City will take steps to authorize the creation of a public improvement district ("PID"), created pursuant to Chapter 372 of the Texas Local Government Code. Chapter 372 sets forth the steps necessary to establish the creation of a PID, and this resolution is one of the first required steps. The purpose of a PID is to allow development to pay for itself and reimburse a developer for funding certain approved costs related to infrastructure and similar items that benefit the new development. This resolution is required to be approved so that the PID may continue in the creation process and thereafter be formed and an assessment may be levied against the development for the eventual reimbursement of approved costs.

The attached Resolution 2024-21 accepts the petition submitted by the developer for the PID, calls for a public hearing (required by law) and makes findings that its creation is advisable. A second resolution authorizing the creation of the PID will be presented to Council for consideration at a future meeting after publication of the required public hearing notices.

Resolution 2024-21 supersedes Resolution 2024-19, which was approved at the August 6, 2024 Council meeting. Resolution 2024-19 had the incorrect location for the public hearing. This new resolution corrects the location and sets a new public hearing date.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval. This has been reviewed by the City Attorney in consultation with the developer's attorney.

LIST OF SUPPORTING DOCUMENTS: Resolution 2024-21 - Accepting Petition and Calling Public Hearing on Seawillow PID Creation

RESOLUTION NO. 2024-21

RESOLUTION ACCEPTING A PETITION FOR AND CALLING A PUBLIC HEARING ON THE ADVISABILITY OF THE PUBLIC IMPROVEMENTS AND CREATION OF SEAWILLOW PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY OF LOCKHART, TEXAS PURSUANT TO CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE MAILING AND PUBLICATION OF NOTICE OF THE PUBLIC HEARING RELATED THERETO; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Lockhart, Texas (the “City”), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the “Act”), to create a public improvement district within its corporate limits and/or its extraterritorial jurisdiction; and

WHEREAS, the City Council of the City (the “City Council”) of Lockhart, Texas (the “City”) has received a petition (the “Petition”), requesting creation of a public improvement district to be named Seawillow Public Improvement District (the “District”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Caldwell County) in the proposed District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment in the proposed District; and

WHEREAS, on August 6, 2024, the City Council adopted Resolution 2024-19 which accepted the Petition and authorized the mailing and publication of notice of the public hearing related thereto, but the location for the public hearing was incorrect; and

WHEREAS, Resolution 2024-21 supersedes Resolution 2024-19, corrects the public hearing location and sets a new public hearing date; and

WHEREAS, the Petition, a copy of which is attached hereto as Exhibit A, has been examined, verified, previously accepted and found to meet the requirements of Section 372.005(b) of the Act and to be sufficient for consideration by the City Council; and

WHEREAS, the boundaries of the proposed District are described in the attachment to the Petition, said area for the District being partially located within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City; and

WHEREAS, the City Council acknowledges the acceptance of the Petition and desires to schedule a public hearing to consider the advisability of the improvements and creation of the District;

WHEREAS, the general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District and which shall promote the interests of the City and confer a special benefit upon the Property, may include:

(i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) acquisition of real property, interests in real property, or contract rights in connection with the Authorized Improvements; (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) projects similar to those listed in subsections (i) - (v) above or authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (viii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (ix) payment of costs associated with developing and financing the public improvements listed in (i) - (viii) above, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued for the purposes described in (i) through (viii) above, and costs of establishing, administering and operating the District (collectively, the “Authorized Improvements”).

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

Section 1: THAT the public hearing is hereby scheduled at or after 7:30 p.m., on October 15, 2024, at Clark Library Annex, 217 South Main Street, 3rd Floor, Lockhart, Texas 78644 to receive public comment on the advisability of the improvements, nature of the improvements, estimated costs of the improvements, boundaries of the District, the method of assessment, and the apportionment of costs and creation of the District in the area described in the Petition attached as Exhibit A, pursuant to the Act; and

Section 2: THAT notice of said hearing, in the substantially final form presented herewith in Exhibit B with such changes as may be approved by the City’s counsel, shall be published in a newspaper of general circulation in the City before the 15th day prior to the date of the hearing as required by the Act; and

Section 3: THAT written notice, in the substantially final form presented herewith in Exhibit B with such changes as may be approved by the City’s counsel, shall be mailed to each property owner, as reflected on the tax rolls, of property subject to assessment within the proposed District before the 15th day prior to the date set for the hearing.

Section 4: THAT the recitals contained in the preamble hereof are found to be true and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgement and findings of the City Council.

Section 5: THAT it is officially found, determined, and declared that the meetings at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 6: THAT this Resolution shall be in force and effect from and after its final passage and it is so resolved.

[Signatures to follow]

**DULY RESOLVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
LOCKHART, TEXAS ON SEPTEMBER 3, 2024**

CITY OF LOCKHART, TEXAS

APPROVED:

Lew White, Mayor

ATTEST:

Julie Bowermon, City Secretary

APPROVED AS TO FORM:

Bradford E. Bullock, City Attorney

Signature Page to Resolution Accepting District Petition

EXHIBIT A

PETITION
(see attached Petition)

A-1

**PETITION FOR CREATION OF THE SEAWILLOW PUBLIC IMPROVEMENT
DISTRICT WITHIN THE CITY OF LOCKHART, TEXAS**

TO THE HONORABLE MAYOR AND CITY COUNCIL, CITY OF LOCKHART, TEXAS:

COMES NOW RODG DT SEAWILLOW PROPCO LLC, a Texas limited liability company, DAVID ACEVEDO, an individual, EDUARDO ACEVEDO, an individual, as a representative of the Leandro Acevedo Estate, DAVID ACEVEDO, an individual, a representative of the Leandro Acevedo Estate, VIRGINIA VILLARREAL, an individual, a representative of the Leandro Acevedo Estate, MARGARITA BRITT, an individual, a representative of the Leandro Acevedo Estate (collectively, the “Petitioners”), the owners of certain taxable real property, and pursuant to Chapter 372 of the Texas Local Government Code, as amended (the “Act”), hereby petitions the City of Lockhart, Texas (“City”) to establish the Seawillow Public Improvement District to include property owned by the Petitioners and located partially within the City and partially within the extraterritorial jurisdiction of the City (the “District”). In support of same, Petitioners would respectfully show the following:

I.

The boundaries of the proposed District are set forth in Exhibit A attached hereto and incorporated by reference herein.

II.

The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District and which shall promote the interests of the City and confer a special benefit upon the Property, may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, and construction of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) acquisition of real property, interests in real property, or contract rights in connection with the Authorized Improvements; (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) projects similar to those listed in subsections (i) - (v) above or authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (viii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (ix) payment of costs associated with developing and financing the public improvements listed in (i) - (viii) above, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued

for the purposes described in (i) through (viii) above, and costs of establishing, administering and operating the District (collectively, the “Authorized Improvements”).

III.

The current estimated total cost of the proposed Authorized Improvements is \$150,000,000.

IV.

The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. Each assessment may be paid in part or in full at any time (including interest), and certain assessments may be paid in annual installments (including interest). If the City allows an assessment to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessment and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

V.

The City will not be obligated to provide any funding to finance the Authorized Improvements, other than from assessments levied in the District. No City property in the District shall be assessed. The Petitioners may fund certain improvements from other funds available to the Petitioners.

VI.

The management of the District will be by the City, with the assistance of one or more consultants, who shall, from time to time, advise the City regarding certain operations of the District.

VII.

The persons or entities (through authorized representatives) signing this Petition concur with the establishment of the District and have the corporate or individual authority to execute and deliver the Petition.

VIII.

The Petitioners propose that the District be established and managed without the creation of an advisory board. However, if an advisory board is created, the Petitioners request a representative of the Petitioners be appointed to the advisory board.

IX.

The persons or entities (through authorized representatives) signing this Petition are also owners of taxable real property representing more than fifty percent (50%) of the appraised value of taxable real property liable for assessment under the proposal as determined by the current roll of the appraisal district in which the property is located; and the record owners of real property liable for assessment under the proposal who (a) constitute more than fifty percent (50%) of all record owners of property that is liable for assessment under the

proposal, and (b) own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment under the proposal.

X.

This Petition will be filed with the City Secretary, City of Lockhart, Texas, in support of the creation of the District by the City Council of the City as herein provided.

[Signatures to follow]

EXECUTED on this July 3, 2024.

PETITIONERS:

**RODG DT SEAWILLOW PROPCO
LLC, a Texas limited liability company**

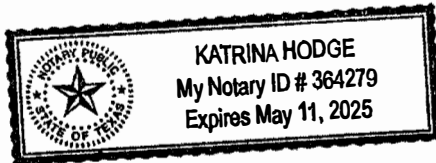
By: [Signature]
Name: Thomas Staub
Title: CEO

STATE OF TEXAS §
 §
COUNTY OF Caldwell §

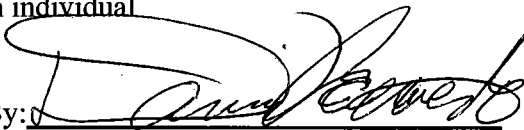
This instrument was acknowledged before me on July 3, 2024
by Thomas on behalf of said company listed above.

Staub

[Signature]
Notary Public, State of Texas



DAVID ACEVEDO,
an individual

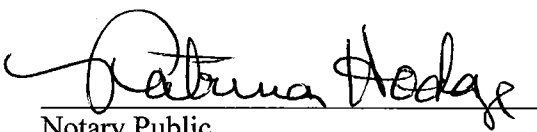
By: 

STATE OF TEXAS §
COUNTY OF Caldwell §

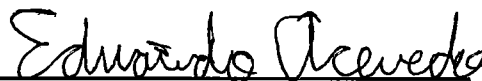
Before me, on this day personally appeared the foregoing individual, known to me to be the person whose name was subscribed in my presence to the foregoing instrument.

[SEAL]




Notary Public
Commission Expires: _____

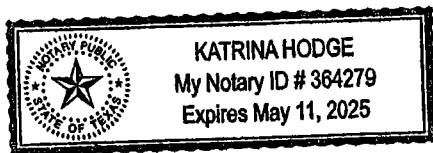
EDUARDO ACEVEDO,
an individual, a representative of the Leandro
Acevedo Estate

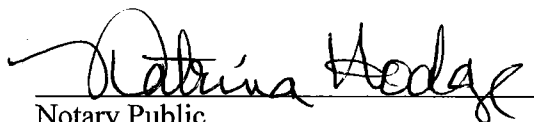
By: 

STATE OF TEXAS §
COUNTY OF Caldwell §

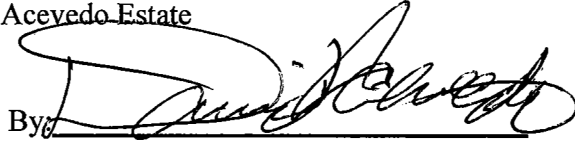
Before me, on this day personally appeared the foregoing individual, known to me to be the person whose name was subscribed in my presence to the foregoing instrument.

[SEAL]



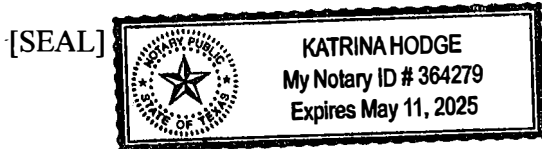

Notary Public
Commission Expires: _____

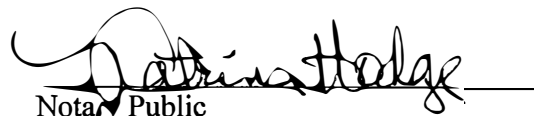
DAVID ACEVEDO,
an individual, a representative of the Leandro
Acevedo Estate

By: 

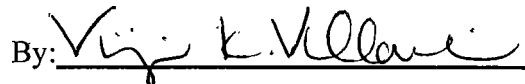
STATE OF TEXAS §
COUNTY OF Caldwell §

Before me, on this day personally appeared the foregoing individual, known to me to be
the person whose name was subscribed in my presence to the foregoing instrument.




Notary Public
Commission Expires: _____

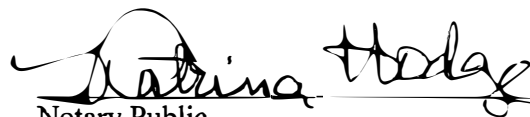
VILLARREAL
VIRGINIA VILLARREAL,
an individual, a representative of the Leandro
Acevedo Estate

By: 

STATE OF TEXAS §
COUNTY OF Caldwell §

Before me, on this day personally appeared the foregoing individual, known to me to be
the person whose name was subscribed in my presence to the foregoing instrument.




Notary Public
Commission Expires: _____

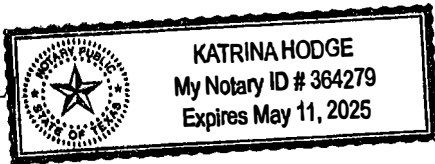
MARGARITA BRITT,
an individual, a representative of the Leandro
Acevedo Estate

By: Margarita Britt

STATE OF TEXAS §
COUNTY OF Caldwell §

Before me, on this day personally appeared the foregoing individual, known to me to be
the person whose name was subscribed in my presence to the foregoing instrument.

[SEAL]



Katrina Hodge
Notary Public
Commission Expires: _____

EXHIBIT A

Legal Description

LEGAL DESCRIPTION

BEING a 588.547 acre tract of land situated in the JOHN A. NEILL SURVEY, ABSTRACT No. 20, Caldwell County, Texas, and being all of the called 89.769 acres of land as described in deed as recorded in Document Number 2021-006882, Real Property Records, Caldwell County, Texas, and a portion of the called 160.00 acres of land described in deed as recorded in Volume 28, Page 146 of the Real Property Records, Caldwell County, Texas, SAVE & EXCEPT the called 3.007 acres of land described in deed recorded in Instrument Number 2018-003545 Real Property Records, Caldwell County, Texas, and all of the 358.536 acres of land as described in deed as recorded in Volume 209, Page 425, Official Public Records, Caldwell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch capped iron rod found, marked Hinkle Surveying, on the Northeast Right-of-Way line of Farm to Market Road 1322, an 80 foot Right-of-Way, and for the Northwest corner of a called 85.00 acre tract of land as described in a deed to Charles D. Spillmann and Jane Spillmann as recorded in Document Number 2016-005533 of said Official Public Records, same being the Southwest corner of said 169.811 acre tract and the of this herein described tract;

THENCE North 31° 43' 06" West, along said Right-of-Way and the Southwest line of said 89.775 acre tract, a distance of **2,572.95 feet** to a 1/2 inch capped iron rod found, marked Jones Carter Prop Corner, for the Southwest corner of a called 80.04 acre tract of land as described in deed to Vema Investments, LLC. as recorded in Instrument 2021-007855 of said Official Public Records, same being a Northwest corner of said 89.775 acre tract;

THENCE North 78° 46' 11" East, along the common line of said 80.04 acres and said 89.775 acres, a distance of **1,665.32 feet** to a 1/2 inch iron rod found on the Southwest line of a called 358.536 acre tract of land as described in a deed to David V. Acevedo and Marge Margarita Acevedo as recorded in Volume 209, Page 425 of said Official Public Records, and being the Southeast corner of said 80.04 acres;

THENCE North 29°54'41" West, along the common line of said 358.536 acres and said 80.04 acres, a distance of **956.23 feet** to a 1/2 inch iron rod found for an interior angle point in the West line of a called 2.606 acre tract of land described in deed to Ray C. Nash and wife, Helen K. Nash as recorded in Volume 76, Page 743 of said Official Public Records, same being a Northwest corner of said 358.536 acres;

THENCE North 12°42'23" East, along the common line of said 358.536 acres and said 2.606 acres, a distance of **100.55 feet** to a 1 inch iron pipe found on the South Right-of-Way line of County Road 205, a.k.a. Seawillow Road, a variable width Right-of-Way;

THENCE along the South Right-of-way and the North line of said 358.536 acres the following bearings and distances:

South 72°03'50" East, a distance of **65.07 feet** to a 1/2 inch iron rod found capped;

South 86°16'07" East, a distance of **189.45 feet** to a 1/2 inch iron rod found capped;

North 79°02'20" East, a distance of **350.87 feet** to a three way fence corner post found;

North 78°34'18" East, a distance of **1,963.89 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

South 64°47'06" East, a distance of **592.08 feet** to a 1/2" iron rod found capped for the North corner of a called 3.07 acre tract of land described in deed to Chris C. Chapman and Kimberly K. Hoffman Chapman as recorded in Instrument Number 2018-003545 of said Official Public Records;

THENCE departing said South Right-of-Way, along the common line of said 3.07 acres and said 358.536 acres the following bearings and distances:

South 24°46'35" West, a distance of **365.69 feet** to a 1/2 inch iron rod found capped;

South 62°46'06" East, a distance of **358.21 feet** to a fence corner post found;

North 24°38'27" East, a distance of **366.83 feet** to a 5/8 inch iron rod found on said South Right-of-Way, for the East corner of said 3.07 acres;

THENCE South 61°15'06" East, along said South Right-of-Way line, a distance of **472.51 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set for the North corner of the 20.000 acre remainder of said 160 acre tract;

THENCE over and across, said 160 acres the following three (3) courses and distances:

South 32°22'32" West, a distance of **639.03 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

South 24°59'14" East, a distance of **617.22 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

North 82°35'38" East, a distance of **1096.03 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set on the West Right-of-Way line of said CR 205 and the East line of said 160 acres;

THENCE South 14°17'18" East, a distance of **970.10 feet** to a "L" bracket with flagging found for the Northwest corner of a called 1.997 acre tract of land as described in deed to Russell A. Nickel, a single man, as recorded in Instrument Number 2020-003246 of said Official Public Records, and being on the East line of said 358.536 acres;

THENCE South 11°10'32" East, along the East line of said 358.536 acres, passing a 5/8 inch iron rod found for the Northwest corner of a called 9.152 acre tract of land as described in the deed to Brenda Gayle Bagwell Hagan, a married person, as her separate property and estate as recorded in Instrument Number 2021004181 of said Official Public Records, same being the Southwest corner of said 1.997 acres, continuing a total distance of **935.26 feet** to a 6 inch wood fence corner post found for the Southwest corner of said 9.152 acres, same being an interior ell corner of said 358.536 acres;

THENCE North 78°31'19" East, along a North line of said 358.536 and along the South line of said 9.152 acres and a called 9.152 acres of land as described in deed to William R Hagan and Brenda G Hagan, husband and wife, as recorded in Volume 273, Page 537 of said Official Public Records, and the South line of a called 9.15 acres of land described in deed to Delores Stanton Revocable Trust as recorded in Instrument Number 2023-003597 of said Official Public Records, a distance of **2095.92 feet** to a 6 inch wood fence corner post found on the West Right-of-Way line of said CR 205 for a Northeast corner of said 358.536 acres, same being the Southeast corner of said 9.15 acres;

THENCE along the West Right-of-Way line of said CR 205 the following bearings and distances:

South 09°58'20" East, a distance of **1445.88 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

South 13°05'03" East, a distance of **202.27 feet** to a 1/2 inch iron rod capped DATAPOINT#10194585 set;

South 23°19'16" East, a distance of **157.39 feet** to a 1/2 inch iron rod found capped for the Northeast corner of Lot 1, 2 and 3, Commanche Hill, Section One, a Subdivision in Caldwell County, Texas according to the Map or Plat of Records in Plat Cabinet A, Slide 28, Plat Records of Caldwell County, as described in deed to Beatrice Madrigal, a single person and John S. Rosales, a single person as recorded in Instrument Number 126568 of Official Public Records, same being the Southernmost Southeast corner of said 358.536 acres;

THENCE South 78°28'58" West, along the South line of said 358.536 acres, a distance of **4735.83 feet** to a 1 inch iron pipe found for the Southeast corner of said 85.00 acres and being the Southernmost Southwest corner of said 358.536 acres, from which a 1/2 inch iron rod found for the Southwest corner of said 85.00 acres bears South 78° 47' 06" West, a distance of 1,503.48 feet;

THENCE North 29°54'41" West, along the common line of said 85.00 acres and said 358.536 acres, a distance of **2533.18 feet** to a calculated point from which a 1/2 inch iron rod found capped "Hinkle Surveying" bears, South 78° 48' 18" West, a distance of 0.35 feet for the Northeast corner of said 85.00 acres and being the Southeast corner of said 89.775 acres;

THENCE South 78°46'18" West, along the South line of said 89.775 acres and the North line of said 85.00 acres, a distance of **1579.70 feet** to the **POINT OF BEGINNING**, containing an area of 25,637,112 Square Feet and/or **588.547 Acres** of land, more or less.

EXHIBIT B

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LOCKHART TO CONSIDER THE ADVISABILITY OF THE IMPROVEMENTS AND CREATION OF A PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE CITY

NOTICE IS HEREBY GIVEN THAT the City Council of the City of Lockhart, Texas (the “City”), pursuant to Chapter 372.009 of the Texas Local Government Code, as amended, (the “Act”), will hold a public hearing at or after 7:30 p.m., on October 15, 2024, at Clark Library Annex, 217 South Main Street, 3rd Floor, Lockhart, Texas 78644 for the purpose of considering the establishment of a public improvement district partially located within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City.

In accordance with the Act, the City Secretary has received a petition (the “Petition”) from certain property owners within the City that request the establishment of the Seawillow Public Improvement District.

The Petition and the legal description of the properties to be included in the public improvement district are on file and open for public inspection in the office of the City Secretary at the address stated above. The public hearing is being held with respect to the advisability of creating Seawillow Public Improvement District and the respective improvements to be made therein.

The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District and which shall promote the interests of the City and confer a special benefit upon the Property, may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) acquisition of real property, interests in real property, or contract rights in connection with the Authorized Improvements; (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) projects similar to those listed in subsections (i) - (v) above or authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (viii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security,

business recruitment, development, recreation, and cultural enhancement; and (ix) payment of costs associated with developing and financing the public improvements listed in (i) - (viii) above, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued for the purposes described in (i) through (viii) above, and costs of establishing, administering and operating the District (collectively, the “Authorized Improvements”).

The current estimated cost to fund the Authorized Improvements is \$150,000,000.

The boundaries of the proposed Seawillow Public Improvement District are approximately 588.547 acres partially located within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City, located north of County Road 197 between Farm to Market Road 1322 and Seawillow Road. A full description of the boundaries of the proposed Seawillow Public Improvement District is available at Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas 78644.

The City shall levy assessments on each lot within the public improvement district in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including accrued and unpaid interest), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed in part by the assessment, and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the public improvement district and/or from other sources of funds of the developer.

All interested persons are invited to attend such public hearings to express their views with respect to the establishment of Seawillow Public Improvement District and the respective Authorized Improvements to be made therein. Questions or requests for additional information may be directed to Drew Slone, Locke Lord LLP, dslone@lockelord.com; (214) 740-8094.

Any interested persons unable to attend the hearing may submit their views in writing to the City Secretary prior to the date scheduled for the hearing.

This Notice of Public Hearing is given and the public hearing is being held pursuant to the requirements of the Act.

THE CITY OF LOCKHART, TEXAS

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Approve the Annual Service Agreement with Motorola Solutions, Inc. and authorize the City Manager to execute the Service Agreement for FY 2024-2025.

ORIGINATING DEPARTMENT AND CONTACT: Fire - Randy Jenkins

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: The City of Lockhart and Caldwell County are currently on the Greater Austin-Travis Regional Radio System (GATRRS). The City of Lockhart annually reviews and renews a service agreement with Motorola Solutions, Inc. for the maintenance and repair of the 700/800 MHz radio system (GATRRS) infrastructure which supports emergency radio communications for the City of Lockhart, Caldwell County, City of Luling, and the City of Martindale.

According to an existing interlocal agreement with each entity, the City of Lockhart is responsible for billing each entity quarterly according to the number of radio units owned and in operation on the radio system. The current total number of radios on the system is 799, of which the City of Lockhart owns 208 radios (26.03%) and our share of the service agreement for FY 2024-2025 would be approximately \$42,362. The attached service agreement is for the fiscal year from October 1, 2024, through September 30, 2025, and is the same cost as last year's agreement.

Due to the county wide transition to a new Lower Colorado River Authority (LCRA) voice radio communication system estimated to be completed in early 2025, the service agreement with Motorola Solutions, Inc. will be a month-to-month agreement and will be terminated upon successful transition to the new LCRA system. The maintenance of the LCRA system will be achieved through an interlocal agreement with LCRA and a monthly fee per radio.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$162,744.08

Account Number: 231-5314-226-00

Funds Available: \$163,000

Account Name: Radio and Communications

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff request City Council to accept the Annual Service Agreement with Motorola and authorize the City Manager to sign.

LIST OF SUPPORTING DOCUMENTS: QUOTE-2661828 Lockhart renewal, Caldwell County Radio Count 7-24



SERVICE AGREEMENT

500 W Monroe Street
Chicago, IL. 60661
(888) 325-9336

Quote Number : QUOTE-2661828
Contract Number: USC000003451
Contract Modifier: R02-JUN-24 04:56:57

Date:06/01/2024

Company Name: LOCKHART, CITY OF

Attn:

Billing Address: P O BOX 239

City, State, Zip: LOCKHART , TX, 78644

Customer Contact:

Phone:

Required P.O. :

PO # :

Customer # :1012875136

Bill to Tag # :

Contract Start Date :01-Oct-2024

Contract End Date :30-Sep-2025

Payment Cycle :MONTHLY

Qty	Service Name	Service Description	Extended Amt
	SVC02SVC0201A	ASTRO SUA II UO IMPLEMENTATION SERVICES	\$0.00
	SVC02SVC0344A	RELEASE IMPLEMENTATION TRAINING	\$0.00
	SVC01SVC0335A	NETWORK PREVENTIVE MAINT-LEVEL 1	\$10,364.21
	SVC02SVC0343A	RELEASE IMPACT TRAINING	\$0.00
	SVC01SVC1413C	ONSITE INFRASTRUCTURE RESPONSE-PREMIER	\$68,879.39
	SVC01SVC1103C	ASTRO NETWORK MONITORING	\$10,556.26
	SVC01SVC1104C	ASTRO TECHNICAL SUPPORT	\$4,056.64
	SVC04SVC0169A	SYSTEM UPGRADE AGREEMENT II	\$52,832.20
	SVC04SVC0016C	SUS	\$11,234.39
	SVC01SVC1102C	ASTRO DISPATCH SERVICE	\$2,075.30
	SVC02SVC0433A	ASTRO SUA II FIELD IMPLEMENTATN SVC	\$2,745.69
	SVC01SVC1105C	ASTRO CUSTOMER TECHNICIAN DISPATCH	\$0.00
	SVC01SVC0032C	ASTRO NETWORK MONITORING-CTD	\$0.00
		Subtotal - Recurring Services	\$13,562.01
			\$162,744.08
		Subtotal - One-Time Event Services	\$0.00
			\$0.00
		Total	\$162,744.08
		THIS SERVICE AMOUNT IS SUBJECT TO STATE AND LOCAL TAXING JURISDICTIONS WHERE APPLICABLE, TO BE VERIFIED BY MOTOROLA	

SPECIAL INSTRUCTIONS:

I have received Applicable Statements of Work which describe the Services and cybersecurity services provided on this Agreement. Motorola's Terms and Conditions, including the Cybersecurity Online Terms Acknowledgement, are attached hereto and incorporate the Cyber Addendum (available at https://www.motorolasolutions.com/en_us/managed-support-services/cybersecurity.html) by reference. By signing below Customer acknowledges these terms and conditions govern all Services under this Service Agreement.



SERVICE AGREEMENT

500 W Monroe Street
Chicago, IL. 60661
(888) 325-9336

Quote Number : QUOTE-2661828
Contract Number: USC000003451
Contract Modifier: R02-JUN-24 04:56:57

AUTHORIZED CUSTOMER SIGNATURE	TITLE	DATE
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CUSTOMER (PRINT NAME)

MOTOROLA REPRESENTATIVE(SIGNATURE)	TITLE	DATE
------------------------------------	-------	------

MOTOROLA REPRESENTATIVE(PRINT NAME)	PHONE
-------------------------------------	-------

Company Name : LOCKHART, CITY OF
Contract Number : USC000003451
Contract Modifier : R02-JUN-24 04:56:57
Contract Start Date : 01-Oct-2024
Contract End Date : 30-Sep-2025



SERVICE AGREEMENT

500 W Monroe Street
Chicago, IL. 60661
(888) 325-9336

Quote Number : QUOTE-2661828
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Contract Modifier: R02-JUN-24 04:56:57

Service Terms and Conditions

Motorola Solutions Inc. ("Motorola") and the customer named in this Agreement ("Customer") hereby agree as follows:

Section 1. APPLICABILITY

These Maintenance Service Terms and Conditions apply to service contracts whereby Motorola will provide to Customer either (1) maintenance, support, or other services under a Motorola Service Agreement, or (2) installation services under a Motorola Installation Agreement.

Section 2. DEFINITIONS AND INTERPRETATION

2.1 "Agreement" means these Maintenance Service Terms and Conditions; the cover page for the Service Agreement or the Installation Agreement, as applicable; and any other attachments, all of which are incorporated herein by this reference. In interpreting this Agreement and resolving any ambiguities, these Maintenance Service Terms and Conditions take precedence over any cover page, and the cover page takes precedence over any attachments, unless the cover page or attachment states otherwise.

2.2 "Equipment" means the equipment that is specified in the attachments or is subsequently added to this Agreement.

2.3 "Services" means those installation, maintenance, support, training, and other services described in this Agreement.

Section 3. ACCEPTANCE

Customer accepts these Maintenance Service Terms and Conditions and agrees to pay the prices set forth in the Agreement. This Agreement becomes binding only when accepted in writing by Motorola. The term of this Agreement begins on the "Start Date" indicated in this Agreement.

Section 4. SCOPE OF SERVICES

4.1 Motorola will provide the Services described in this Agreement or in a more detailed statement of work or other document attached to this Agreement. At Customer's request, Motorola may also provide additional services at Motorola's then-applicable rates for the services.

4.2 If Motorola is providing Services for Equipment, Motorola parts or parts of equal quality will be used; the Equipment will be serviced at levels set forth in the manufacturer's product manuals; and routine service procedures that are prescribed by Motorola will be followed.

4.3 If Customer purchases from Motorola additional equipment that becomes part of the same system as the initial Equipment, the additional equipment may be added to this Agreement and will be billed at the applicable rates after the warranty for that additional equipment expires.

4.4 All Equipment must be in good working order on the Start Date or when additional equipment is added to the Agreement. Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment. Customer must promptly notify Motorola in writing when any Equipment is lost, damaged, stolen or taken out of service. Customer's obligation to pay Service fees for this Equipment will terminate at the end of the month in which Motorola receives the written notice.

4.5 Customer must specifically identify any Equipment that is labeled intrinsically safe for use in hazardous environments.

4.6 If Equipment cannot, in Motorola's reasonable opinion, be properly or economically serviced for any reason, Motorola may modify the scope of Services related to that Equipment; remove that Equipment from the Agreement; or increase the price to Service that Equipment.

4.7 Customer must promptly notify Motorola of any Equipment failure. Motorola will respond to Customer's notification in a manner consistent with the level of Service purchased as indicated in this.

Section 5. EXCLUDED SERVICES

5.1 Service excludes the repair or replacement of Equipment that has become defective or damaged from use in other than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

5.2 Unless specifically included in this Agreement, Service excludes items that are consumed in the normal operation of the Equipment, such as batteries or magnetic tapes; upgrading or reprogramming Equipment; accessories, belt clips, battery chargers, custom or special products, modified units, or software; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no obligations for any transmission medium, such as telephone lines, computer networks, the internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

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Section 6. TIME AND PLACE OF SERVICE

Service will be provided at the location specified in this Agreement. When Motorola performs service at Customer's location, Customer will provide Motorola, at no charge, a non-hazardous work environment with adequate shelter, heat, light, and power and with full and free access to the Equipment. Waivers of liability from Motorola or its subcontractors will not be imposed as a site access requirement. Customer will provide all information pertaining to the hardware and software elements of any system with which the Equipment is interfacing so that Motorola may perform its Services. Unless otherwise stated in this Agreement, the hours of Service will be 8:30 a.m. to 4:30 p.m., local time, excluding weekends and holidays. Unless otherwise stated in this Agreement, the price for the Services exclude any charges or expenses associated with helicopter or other unusual access requirements; if these charges or expenses are reasonably incurred by Motorola in rendering the Services, Customer agrees to reimburse Motorola for those charges and expenses.

Section 7. CUSTOMER CONTACT

Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable Customer's personnel to maintain contact, as needed, with Motorola.

Section 8. INVOICING AND PAYMENT

8.1 Customer affirms that a purchase order or notice to proceed is not required for the duration of this service contract and will appropriate funds each year through the contract end date. Unless alternative payment terms are stated in this Agreement, Motorola will invoice Customer in advance for each payment period. All other charges will be billed monthly, and Customer must pay each invoice in U.S. dollars within twenty (20) days of the invoice date.

8.2 Customer will reimburse Motorola for all property taxes, sales and use taxes, excise taxes, and other taxes or assessments that are levied as a result of Services rendered under this Agreement (except income, profit, and franchise taxes of Motorola) by any governmental entity. The Customer will pay all invoices as received from Motorola. At the time of execution of this Agreement, the Customer will provide all necessary reference information to include on invoices for payment in accordance with this Agreement.

8.3 For multi-year service agreements, at the end of the first year of the Agreement and each year thereafter, a CPI percentage change calculation shall be performed using the U.S. Department of Labor, Consumer Price Index, all Items, Unadjusted Urban Areas (CPI-U). Should the annual inflation rate increase greater than 3% during the previous year, Motorola shall have the right to increase all future maintenance prices by the CPI increase amount exceeding 3%. All items, not seasonally adjusted shall be used as the measure of CPI for this price adjustment. Measurement will take place once the annual average for the new year has been posted by the Bureau of Labor Statistics. For purposes of illustration, if in year 5 the CPI reported an increase of 8%, Motorola may increase the Year 6 price by 5% (8%-3% base).

Section 9. WARRANTY

Motorola warrants that its Services under this Agreement will be free of defects in materials and workmanship for a period of ninety (90) days from the date the performance of the Services are completed. In the event of a breach of this warranty, Customer's sole remedy is to require Motorola to re-perform the non-conforming Service or to refund, on a pro-rata basis, the fees paid for the non-conforming Service. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Section 10. DEFAULT/TERMINATION

10.1 If either party defaults in the performance of this Agreement, the other party will give to the non-performing party a written and detailed notice of the default. The non-performing party will have thirty (30) days thereafter to provide a written plan to cure the default that is acceptable to the other party and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement the cure plan, then the injured party, in addition to any other rights available to it under law, may immediately terminate this Agreement effective upon giving a written notice of termination to the defaulting party.

10.2 Any termination of this Agreement will not relieve either party of obligations previously incurred pursuant to this Agreement, including payments which may be due and owing at the time of termination. All sums owed by Customer to Motorola will become due and payable immediately upon termination of this Agreement. Upon the effective date of termination, Motorola will have no further obligation to provide Services.

10.3 If the Customer terminates this Agreement before the end of the Term, for any reason other than Motorola default, then the Customer will pay to Motorola an early termination fee equal to the discount applied to the last three (3) years of Service payments for the original Term.

Section 11. LIMITATION OF LIABILITY

Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of twelve (12) months of Service provided under this Agreement.

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ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT. No action for contract breach or otherwise relating to the transactions contemplated by this Agreement may be brought more than one (1) year after the accrual of the cause of action, except for money due upon an open account. This limitation of liability will survive the expiration or termination of this Agreement and applies notwithstanding any contrary provision.

Section 12. EXCLUSIVE TERMS AND CONDITIONS

12.1 This Agreement supersedes all prior and concurrent agreements and understandings between the parties, whether written or oral, related to the Services, and there are no agreements or representations concerning the subject matter of this Agreement except for those expressed herein. The Agreement may not be amended or modified except by a written agreement signed by authorized representatives of both parties.

12.2 Customer agrees to reference this Agreement on any purchase order issued in furtherance of this Agreement, however, an omission of the reference to this Agreement will not affect its applicability. In no event will either party be bound by any terms contained in a Customer purchase order, acknowledgement, or other writings unless: the purchase order, acknowledgement, or other writing specifically refers to this Agreement; clearly indicate the intention of both parties to override and modify this Agreement; and the purchase order, acknowledgement, or other writing is signed by authorized representatives of both parties.

Section 13. PROPRIETARY INFORMATION; CONFIDENTIALITY; INTELLECTUAL PROPERTY RIGHTS

13.1 Any information or data in the form of specifications, drawings, reprints, technical information or otherwise furnished to Customer under this Agreement will remain Motorola's property, will be deemed proprietary, will be kept confidential, and will be promptly returned at Motorola's request. Customer may not disclose, without Motorola's written permission or as required by law, any confidential information or data to any person, or use confidential information or data for any purpose other than performing its obligations under this Agreement. The obligations set forth in this Section survive the expiration or termination of this Agreement.

13.2 Unless otherwise agreed in writing, no commercial or technical information disclosed in any manner or at any time by Customer to Motorola will be deemed secret or confidential. Motorola will have no obligation to provide Customer with access to its confidential and proprietary information, including cost and pricing data.

13.3 This Agreement does not grant directly or by implication, estoppel, or otherwise, any ownership right or license under any Motorola patent, copyright, trade secret, or other intellectual property, including any intellectual property created as a result of or related to the Equipment sold or Services performed under this Agreement.

Section 14. FCC LICENSES AND OTHER AUTHORIZATIONS

Customer is solely responsible for obtaining licenses or other authorizations required by the Federal Communications Commission or any other federal, state, or local government agency and for complying with all rules and regulations required by governmental agencies. Neither Motorola nor any of its employees is an agent or representative of Customer in any governmental matters.

Section 15. COVENANT NOT TO EMPLOY

During the term of this Agreement and continuing for a period of two (2) years thereafter, Customer will not hire, engage on contract, solicit the employment of, or recommend employment to any third party of any employee of Motorola or its subcontractors without the prior written authorization of Motorola. This provision applies only to those employees of Motorola or its subcontractors who are responsible for rendering services under this Agreement. If this provision is found to be overly broad under applicable law, it will be modified as necessary to conform to applicable law.

Section 16. MATERIALS, TOOLS AND EQUIPMENT

All tools, equipment, dies, gauges, models, drawings or other materials paid for or furnished by Motorola for the purpose of this Agreement will be and remain the sole property of Motorola. Customer will safeguard all such property while it is in Customer's custody or control, be liable for any loss or damage to this property, and return it to Motorola upon request. This property will be held by Customer for Motorola's use without charge and may be removed from Customer's premises by Motorola at any time without restriction.

Section 17. GENERAL TERMS

17.1 If any court renders any portion of this Agreement unenforceable, the remaining terms will continue in full force and effect.

17.2 This Agreement and the rights and duties of the parties will be interpreted in accordance with the laws of the State in which the Services are performed.

17.3 Failure to exercise any right will not operate as a waiver of that right, power, or privilege.



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17.4 Neither party is liable for delays or lack of performance resulting from any causes that are beyond that party's reasonable control, such as strikes, material shortages, or acts of God.

17.5 Motorola may subcontract any of the work, but subcontracting will not relieve Motorola of its duties under this Agreement.

17.6 Except as provided herein, neither Party may assign this Agreement or any of its rights or obligations hereunder without the prior written consent of the other Party, which consent will not be unreasonably withheld. Any attempted assignment, delegation, or transfer without the necessary consent will be void. Notwithstanding the foregoing, Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer. In addition, in the event Motorola separates one or more of its businesses (each a "Separated Business"), whether by way of a sale, establishment of a joint venture, spin-off or otherwise (each a "Separation Event"), Motorola may, without the prior written consent of the other Party and at no additional cost to Motorola, assign this Agreement such that it will continue to benefit the Separated Business and its affiliates (and Motorola and its affiliates, to the extent applicable) following the Separation Event.

17.7 THIS AGREEMENT WILL RENEW, FOR AN ADDITIONAL ONE (1) YEAR TERM, ON EVERY ANNIVERSARY OF THE START DATE UNLESS EITHER THE COVER PAGE SPECIFICALLY STATES A TERMINATION DATE OR ONE PARTY NOTIFIES THE OTHER IN WRITING OF ITS INTENTION TO DISCONTINUE THE AGREEMENT NOT LESS THAN THIRTY (30) DAYS OF THAT ANNIVERSARY DATE. At the anniversary date, Motorola may adjust the price of the Services to reflect its current rates.

17.8 If Motorola provides Services after the termination or expiration of this Agreement, the terms and conditions in effect at the time of the termination or expiration will apply to those Services and Customer agrees to pay for those services on a time and materials basis at Motorola's then effective hourly rates.

17.9 This Agreement may be executed in one or more counterparts, all of which shall be considered part of the Agreement. The parties may execute this Agreement in writing, or by electronic signature, and any such electronic signature shall have the same legal effect as a handwritten signature for the purposes of validity, enforceability and admissibility. In addition, an electronic signature, a true and correct facsimile copy or computer image of this Agreement shall be treated as and shall have the same effect as an original signed copy of this document.

Revised Sept 03, 2022



SERVICE AGREEMENT

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Quote Number : QUOTE-2661828
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Cybersecurity Online Terms Acknowledgement

This Cybersecurity Online Terms Acknowledgement (this "Acknowledgement") is entered into between Motorola Solutions, Inc. ("Motorola") and the entity set forth in the signature block below ("Customer").

1. Applicability and Self Deletion. This Cybersecurity Online Terms Acknowledgement applies to the extent cybersecurity products and services, including Remote Security Update Service, Security Update Service, and Managed Detection & Response subscription services, are purchased by or otherwise provided to Customer, including through bundled or integrated offerings or otherwise.

NOTE: This Acknowledgement is self deleting if not applicable under this Section 1.

2. Online Terms Acknowledgement. The Parties acknowledge and agree that the terms of the *Cyber Subscription Renewals and Integrations Addendum* available at <http://www.motorolasolutions.com/cyber-renewals-integrations> are incorporated in and form part of the Parties' agreement as it relates to any cybersecurity products or services sold or provided to Customer. By signing the signature block below, Customer certifies that it has read and agrees to the provisions set forth and linked on-line in this Acknowledgement. To the extent Customer is unable to access the above referenced online terms for any reason, Customer may request a paper copy from Motorola. The signatory to this Acknowledgement represents and warrants that he or she has the requisite authority to bind Customer to this Acknowledgement and referenced online terms.

3. Entire Agreement. This Acknowledgement supplements any and all applicable and existing agreements and supersedes any contrary terms as it relates to Customer's purchase of cybersecurity products and services. This Acknowledgement and referenced terms constitute the entire agreement of the parties regarding the subject matter hereof and as set out in the referenced terms, and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to this subject matter.

4. Execution and Amendments. This Acknowledgement may be executed in multiple counterparts, and will have the same legal force and effect as if the Parties had executed it as a single document. The Parties may sign in writing or by electronic signature. An electronic signature, facsimile copy, or computer image of a signature, will be treated, and will have the same effect as an original signature, and will have the same effect, as an original signed copy of this document. This Acknowledgement may be amended or modified only by a written instrument signed by authorized representatives of both Parties. The Parties hereby enter into this Acknowledgement as of the last signature date below.

Revised Sept 03, 2022

2024 CALDWELL COUNTY RADIO TOTALS BY DEPARTMENT
ACTIVE USERS ON GATRRS AS OF 07/2024

TOTAL ACTIVE RADIOS 799

COUNTY FIRE	195	<u>OTHER</u>	<u>21</u>
DALE FIRE 33			
DELHI FIRE 19		SETON EBD	5
CC ESD #1 0			
MAXWELL FIRE 39		SH 130	6
MARTINDALE FIRE 29			
MCMAHAN FIRE 27		MEDICAL	1
MID-CO FIRE 25			
TRI-COM FIRE 13		RADIO SYSTEM	3
SOUTHEAST CC FIRE 10			
		MICS. INTEROP	6
CALDWELL CO.	263		
CC JPO 4			
CCSO 98			
CC UNIT RD 50			
CONSTABLES 55			
CC EOC 56			
CITY OF LOCKHART	208		
LK ACO 7			
LK CITY HALL 10			
LK COURT 3			
LK ELECTRIC 13			
LK EMS 14			
LK EOC 0			
LK FIRE 38			
LK PD 84			
LK PW 24			
LK WATER 15			
CITY OF LULING	96		
LU FIRE 29			
LU EMS 26			
LU PD 41			
CITY OF MARTINDALE	16		
MARTINDALE PD 16			

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Approve Resolution 2024-22, denying Texas Gas Service Company's requested rate increase; requiring the company to reimburse the City's reasonable ratemaking expenses; and, requiring notice of this resolution to the company and the City's legal counsel.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Steven Lewis

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: On June 3, 2024, Texas Gas Service Company ("TGS" or "Company"), a Division of ONE Gas, Inc., pursuant to Gas Utility Regulatory Act § 104.102, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas ("RRC") and in all municipalities exercising original jurisdiction within the incorporated areas of the Central-Gulf Service Area ("CGSA"), effective July 8, 2024.

In a prior City action, TGS's rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law, until October 4, 2024. This time period has permitted the City, through its participation in a coalition of similarly situated cities ("TGS Cities"), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by TGS Cities, TGS's request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by TGS.

Explanation of "Be It Resolved" Sections:

Section 1. This section finds that the Company's application is unreasonable and should be denied.

Section 2. This section requires TGS to maintain its existing rates within the City.

Section 3. This section states that City's reasonable rate case expenses shall be reimbursed by TGS within 30 days of presentation of an invoice to TGS.

Section 4. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that the City will notify counsel for TGS and counsel for TGS Cities of the City's action by sending a copy of the approved and signed Resolution to each counsel.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: June 18, 2024 Council meeting: Council approved Resolution 2024-15 suspending a rate increase request.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

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

LIST OF SUPPORTING DOCUMENTS: Proposed Resolution 2024-22 TGS Denial

RESOLUTION NO. 2024-22

RESOLUTION OF THE CITY OF LOCKHART, TEXAS DENYING TEXAS GAS SERVICE COMPANY'S REQUESTED RATE INCREASE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND THE CITY'S LEGAL COUNSEL

WHEREAS, the City of Lockhart, Texas ("City") is a gas utility customer of Texas Gas Service Company ("TGS" or "Company"), a Division of ONE Gas, Inc., and is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and has exclusive original jurisdiction over TGS's rates, operations, and services within the City; and

WHEREAS, the City cooperated with a coalition of similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in TGS's Central-Gulf Service Area ("TGS Cities"); and

WHEREAS, on or about June 3, 2024, the Company filed a Statement of Intent to increase gas rates in all municipalities exercising original jurisdiction within the incorporated areas of the Central-Gulf Service Area; and

WHEREAS, TGS proposed July 8, 2024, as the effective date for its requested increase in rates; and

WHEREAS, the City passed resolution No. 2024-15 to suspend the effective date of TGS's requested rate increase for the maximum period allowed by law, until October 4, 2024; and

WHEREAS, TGS Cities hired and directed legal counsel and consultants to prepare a common response to the Company's requested system-wide rate increase, which resulted in a conclusion that TGS's rates are not reasonable and a recommendation that the rate request be denied; and

WHEREAS, the GURA § 103.022 provides that costs incurred by TGS Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the rates proposed by TGS to be recovered through its gas rates charged to customers located within the City limits are hereby found to be unreasonable and shall be denied.

2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

3. That the City's reasonable rate case expenses shall be reimbursed by the Company.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to TGS representatives Judy Hitchye and Anthony Brown, Texas Gas Service Company, Barton Skyway IV, 1301 S. Mopac, Suite 400, Austin, Texas 78746 (Judy.Hitchye@onegas.com; Anthony.Brown@onegas.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this 3rd day of September, 2024.

Lew White
Mayor, City of Lockhart

ATTEST:

Julie Bowermon, City Secretary

APPROVED AS TO FORM:

Brad Bullock, City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion and/or action regarding Agreement Order from the Texas Commission on Environmental Quality (TCEQ) regarding Docket Number 2023-1209-PST-E involving underground storage tank (UST) testing and authorizing the City Manager to sign the agreement order.

ORIGINATING DEPARTMENT AND CONTACT: Public Works - Sean Kelley

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: On April 3, 2023, the Texas Commission on Environmental Quality conducted a routine inspection of the City of Lockhart Public Works and Airport underground fuel storage tanks. During the routine inspection, the inspector notified the City that during the COVID-19 pandemic timeframe, they failed to order release detention testing for the tanks based on the triennial requirement of October 10, 2021, along with the newly implemented spill bucket testing due every three years. Although the City has a long history of compliance with TCEQ testing requirements and the City's tanks are regularly maintained, resulting in no leakage or negative environmental impact, the mandatory tank testing was not completed during the pandemic.

After the inspection, staff immediately obtained all required testing, came into compliance within three days of the inspection and submitted all required passing tests to TCEQ on April 6, 2023, prior to notice of enforcement. However, TCEQ sent notice of an Agreement Order to expedite enforcement action by way of an administrative penalty of \$3,001 on July 29, 2024. Currently, all testing for the underground storage tanks is in compliance with testing requirements and inventory history is up-to-date.

Staff has implemented new testing protocols with a single testing company to ensure compliance. The new company offers automatic reminders prior to expiration of tests and submits documentation on behalf of entities. Staff have also internally made adjustments to align the testing schedule to coincide with the multiple site testing requirements.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Staff respectfully recommends authorizing the proposed agreement order.

LIST OF SUPPORTING DOCUMENTS: TCEQ Agreement Order Dated July 29, 2024

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 29, 2024

The Honorable Lew White, Mayor
City of Lockhart
PO Box 239
Lockhart, Texas 78644

Re: Proposed Agreed Order
City of Lockhart; RN102004967; TCEQ PST ID No. 25059
Docket No. 2023-1209-PST-E; Enforcement Case No. 64655
FOR SETTLEMENT PURPOSES ONLY

Dear Mayor White:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against the City of Lockhart for violations of the Texas Water Code and/or Commission Rules. These violations were discovered during an investigation conducted on April 3, 2023, and documented in a letter dated May 18, 2023, from the TCEQ Austin Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$3,751. We are proposing a one-time offer to defer \$750 of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is \$3,001. The order includes a payment plan option to first make a payment of \$101 and the remaining amount of \$2,900 shall be paid in 29 monthly payments of \$100 each. The order also identifies the violations that we are addressing.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save the City of Lockhart and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order and the penalty payment (check payable to "TCEQ" and referencing City of Lockhart, Docket No. 2023-1209-PST-E) to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 15 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 15 days of receipt of this proposed order.**

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <https://www.tceq.texas.gov/compliance/enforcement/sep> or contact the Enforcement Coordinator listed below.

Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 Tex. Admin. Code ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 30 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <https://www.tceq.texas.gov>

The Honorable Lew White
Page 3

for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Faye Renfro of my staff at (512) 239-1833 or at Faye.Renfro@tceq.texas.gov.

Sincerely,

Madelyn A Flanagan

Madelyn A. Flanagan, P.G.
Waste Section Manager
Enforcement Division
Texas Commission on Environmental Quality

MAF/fr

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet,
Site Compliance History

cc: Mr. Sean Kelly, Director of Public Works, City of Lockhart, 705 Wichita St,
Lockhart, Texas 78644

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LOCKHART
RN102004967

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1209-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Lockhart (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a fleet refueling facility located at 705 Wichita Street in Lockhart, Caldwell County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$3,751 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$101 of the penalty and \$750 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$2,900 of the undeferred penalty shall be paid in 29 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately

due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Conducted the triennial piping tightness test for the suction piping associated with the UST system with passing results on April 6, 2023;
 - b. Conducted the annual operability testing of the release detection equipment with passing results on April 6, 2023; and
 - c. Conducted the triennial testing of the spill prevention equipment and the triennial inspection of the overfill prevention equipment with passing results on April 6, 2023.

II. ALLEGATIONS

During an investigation at the Facility conducted on April 3, 2023, an investigator documented that the Respondent:

1. Failed to provide release detection for the suction piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(B) and TEX. WATER CODE § 26.3475(b). Specifically, the Respondent did not conduct the triennial piping tightness testing for the suction piping associated with the UST system by the October 10, 2021 due date.
2. Failed to conduct the annual operability testing of the release detection equipment to ensure it is operating properly, in violation of 30 TEX. ADMIN. CODE § 334.48(e)(1) and

TEX. WATER CODE § 26.3475(c)(1). Specifically, the Respondent did not conduct the annual operability testing of the release detection equipment for the UST system.

3. Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2).
4. Failed to inspect the overfill prevention equipment at least once every three years to ensure that the equipment is set to activate at the correct level and will activate when a regulated substance reaches that level, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(B) and TEX. WATER CODE § 26.3475(c)(2). Specifically, the Respondent had not conducted the triennial inspection of the overfill prevention equipment.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Lockhart, Docket No. 2023-1209-PST-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's

jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)
Authorized Representative of
City of Lockhart

Title

☐ *If mailing address has changed, please check this box and provide the new address below:*

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jul-2023
	PCW	24-Apr-2024
	Screening	31-Aug-2023
	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Lockhart
Reg. Ent. Ref. No.	RN102004967
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64655	No. of Violations	2
Docket No.	2023-1209-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Faye Renfro
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.

Compliance History **0.0%** Adjustment **Subtotals 2, 3, & 7** **\$0**

Notes: No adjustment for Compliance History.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$1,249**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$109**
Estimated Cost of Compliance **\$443**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$3,751**

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$3,751**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$3,751**

DEFERRAL

20.0%

Reduction Adjustment **-\$750**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$3,001

Screening Date 31-Aug-2023

Docket No. 2023-1209-PST-E

PCW

Respondent City of Lockhart

Policy Revision 5 (January 28, 2021)

Case ID No. 64655

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102004967

Media Petroleum Storage Tank

Enf. Coordinator Faye Renfro

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 31-Aug-2023

Docket No. 2023-1209-PST-E

PCW

Respondent City of Lockhart

Policy Revision 5 (January 28, 2021)

Case ID No. 64655

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102004967

Media Petroleum Storage Tank

Enf. Coordinator Faye Renfro

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 334.50(b)(2)(B) and 334.48(e)(1) and Tex. Water Code § 26.3475(b) and (c)(1)

Violation Description

Failed to provide release detection for the suction piping associated with the underground storage tank ("UST") system. Specifically, the Respondent did not conduct the triennial piping tightness testing for the suction piping associated with the UST system by the October 10, 2021 testing due date. Also, failed to conduct the annual operability testing of the release detection equipment to ensure it is operating properly. Specifically, the Respondent did not conduct the annual operability testing of the release detection equipment for the UST system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

3 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance by conducting the triennial piping tightness test and annual operability test on April 6, 2023, before the May 18, 2023 Notice of Enforcement ("NOE").

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$109

Violation Final Penalty Total \$2,813

This violation Final Assessed Penalty (adjusted for limits) \$2,813

Economic Benefit Worksheet

Respondent City of Lockhart
Case ID No. 64655
Reg. Ent. Reference No. RN102004967
Media Petroleum Storage Tank
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	3-Apr-2023	6-Apr-2023	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$118	10-Oct-2021	6-Apr-2023	1.49	\$9	n/a	\$9
Notes for DELAYED costs Estimated delayed cost to conduct the annual operability testing of the release detection equipment for the UST system at the Facility (\$100) and to conduct the triennial piping tightness testing for the suction piping associated with the UST system at the Facility (\$118). The Dates Required are the investigation date and the expiration date of the last triennial piping tightness testing, respectively, and the Final Dates are the date of compliance.							
Avoided Costs							
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	3-Apr-2023	6-Apr-2023	0.01	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs Estimated avoided cost to conduct the annual operability testing of the release detection equipment for the UST at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.							
Approx. Cost of Compliance				\$318		TOTAL \$109	

Screening Date 31-Aug-2023
Respondent City of Lockhart
Case ID No. 64655
Reg. Ent. Reference No. RN102004967
Media Petroleum Storage Tank
Enf. Coordinator Faye Renfro
Violation Number 2
Rule Cite(s)

Docket No. 2023-1209-PST-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

30 Tex. Admin. Code §§ 334.48(g)(1)(A)(II) and (g)(1)(B) and Tex. Water Code § 26.3475(c)(2)

Violation Description

Failed to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight. Also, failed to inspect the overfill prevention equipment at least once every three years to ensure that the equipment is set to activate at the correct level and will activate when a regulated substance reaches that level. Specifically, the Respondent had not conducted the triennial inspection of the overfill prevention equipment.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

3 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$312

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance by conducting the triennial testing of the spill prevention equipment and triennial inspection of the overfill prevention equipment on April 6, 2023, before the May 18, 2023 NOE.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

Economic Benefit Worksheet

Respondent City of Lockhart
Case ID No. 64655
Reg. Ent. Reference No. RN102004967
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	3-Apr-2023	6-Apr-2023	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to conduct the triennial testing of the spill prevention equipment (\$25 per spill bucket) and the triennial inspection of the overfill prevention equipment for the UST system at the Facility (\$100 per overfill prevention device). The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

TOTAL

\$0



Compliance History Report

Compliance History Report for CN600245195, RN102004967, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600245195, City of Lockhart	Classification: SATISFACTORY	Rating: 1.09
Regulated Entity:	RN102004967, City of Lockhart Public Works Facility	Classification: SATISFACTORY	Rating: 5.00
Complexity Points:	3	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	705 Wichita Street, Lockhart, Caldwell County, Texas 78644-2011		
TCEQ Region:	REGION 11 - AUSTIN		
ID Number(s):			
PETROLEUM STORAGE TANK REGISTRATION	TIRES REGISTRATION 3785		
REGISTRATION 25059			
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	July 24, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	July 24, 2019 to July 24, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: Faye Renfro	Phone: (512) 239-1833		

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/24/2019 and 7/24/2024

N/A

Appendix B

All Investigations Conducted During Component Period July 24, 2019 and July 24, 2024

Item 1	June 16, 2021**	(1723725)
Item 2	May 18, 2023**	(1887175)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion and/or action regarding Ordinance 2024-23 adopting the City of Lockhart's Annual Operating Budget for Fiscal Year 2024-2025 and appropriating resources, beginning October 1, 2024, ending September 30, 2025, 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.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Joseph Resendez, Keeli Michna

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: 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, 2024 and ending September 30, 2025. 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 2024-2025 Annual Operating Budget for the City of Lockhart, Caldwell County, Texas and the Lockhart Economic Development Corporation.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: Ordinance 2024-23 - Annual Budget 2025

ORDINANCE 2024-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS ADOPTING THE BUDGET AND APPROPRIATING RESOURCES FOR THE FISCAL YEAR 2024-2025, BEGINNING OCTOBER 1, 2024, FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS; ADOPTING THE FUND BALANCE-STABILIZATION OF EXCESS OF RESERVE POLICY, FINANCIAL POLICY, AND CITY OF LOCKHART INVESTMENT POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the laws of the State of Texas for Home Rule cities and the City Charter for the City of Lockhart, Texas, the budget covering proposed estimated revenues and expenditures for Fiscal Year 2025, beginning October 1, 2024 and ending September 30, 2025, was filed with the City Secretary and notice of public hearing was provided as required, and,

WHEREAS, a public hearing was held by the City Council of the City of Lockhart, Texas, on said budget on August 20, 2024 and September 3, 2024 at which time said budget was presented and considered, and interested citizens were provided an opportunity to be heard by the City Council of the City of Lockhart, and,

WHEREAS, the City Council has reviewed and adopted a fiscal policy titled "Fund Balance-Stabilization of Excess of Reserve Policy"; and

WHEREAS, the City Council has reviewed and adopted a fiscal policy titled "Financial Policy"; and

WHEREAS, the City Council has reviewed and adopted an investment policy titled "City of Lockhart Investment Policy" and has conducted an annual review of the City's Investment Policy, as required by Chapter 2256, Texas Government Code; and

WHEREAS, the City Council, City Manager and staff, after careful deliberate study and considerable debate, have determined the appropriate revenues and expenditures necessary for the maintenance and operations of the City of Lockhart for Fiscal Year 2025.

THEREFORE, BE IT RESOLVED, that the City Council of the CITY OF LOCKHART hereby adopts the Fund Balance-Stabilization of Excess of Reserve Policy; Financial Policy; City of Lockhart Investment Policy; and the Fiscal Year 2025 Annual Budget providing for revenues and expenditures as follows:

Name	Revenues	Expenditures	Difference
General Fund	16,036,006	15,966,212	69,794
Debt Service Fund	1,899,172	1,659,937	239,235
Electric Fund	14,107,185	14,066,017	41,168
Water Fund	8,815,987	8,759,361	56,626
Wastewater Fund	3,390,060	3,360,153	29,907
Solid Waste Fund	2,220,485	2,210,620	9,865
Emergency Medical Service	668,733	979,236	-310,503
Airport Fund	179,550	116,616	62,934
LEDC	1,234,140	1,171,498	62,642
Hotel Occupancy Tax Fund	249,000	222,500	40,820

PASSED, APPROVED, ADOPTED and EFFECTIVE this the 3rd day of September 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon
City Secretary

Bradford E. Bullock
City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion and/or action regarding Ordinance 2024-24 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 2025, beginning October 1, 2024 and ending September 30, 2025.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Joseph Resendez, Keeli Michna

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: The proposed tax rate is \$0.5093 per \$100 of assessed value. The Ordinance describes the two required components of the tax rate; Maintenance and Operations (M&O) and Interest and Sinking (I&S).

State law requires a statement regarding the amount by which taxes for maintenance and operations on a \$100,000 home will be raised. Based on the proposed tax rate, the maintenance and operations portion of the rate will be \$0.4067 per \$100 assessed value compared to last year's maintenance and operations rate of \$0.4136 per \$100 assessed value, resulting in a decrease of \$0.0069 or 1.7%. The interest and sinking portion of the tax rate decreased from \$0.1212 to \$0.1026 per \$100 assessed value, resulting in a decrease of \$0.0186 or 15.3%. Therefore, there will be no increase in the maintenance and operations tax due on a \$100,000 home.

The City of Lockhart's portion of a homeowner's property tax bill is 26% of their total bill based on current tax rates. The remaining 74% of the tax bill is for property taxes charged by the other taxing jurisdictions, including the Lockhart Independent School District (46%), Caldwell County (22%), ESD #5 (4.8%), Plum Creek Conservation District and Groundwater tax (1.4%), and Farm-to-Market (0.005%).

Property taxes paid to the City of Lockhart make up approximately 36% of the City's General Fund revenues. Sales tax revenue makes up another 19%, while other fees and services cover the remaining 45%. The revenues from the General Fund provide maintenance and operational support for streets, drainage, parks, infrastructure, police and fire protection. The verbiage contained within this ordinance is in compliance with requirements of Section 26.05(b)(1)(B) of the Texas Tax Code.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: State law requires that **two separate motions and two separate record votes be made to adopt these tax rates:**

"I MOVE THAT THE MAINTENANCE AND OPERATIONS RATE BE ADOPTED AT \$0.4067 PER \$100 OF ASSESSED VALUE AS INDICATED/LISTED IN ORDINANCE 2024-24, THEREBY ADOPTING SAID ORDINANCE."

"I MOVE THAT THE INTEREST AND SINKING RATE BE ADOPTED AT \$0.1026 PER \$100 OF ASSESSED VALUE AS INDICATED/LISTED IN ORDINANCE 2024-24, THEREBY ADOPTING SAID ORDINANCE."

LIST OF SUPPORTING DOCUMENTS: Ordinance 2024-24 - Tax Levy 2024

ORDINANCE 2024-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS 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 FOR FISCAL YEAR 2024-2025, BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025, AND APPROPRIATING EACH PART THEREOF FOR THE SPECIFIC PURPOSES, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Legislature enacted Senate Bill 18, which mandated that municipal ordinances establishing annual tax rates must describe an increase in total maintenance and operations taxes compared to the previous year, and the rise of such taxes on a \$100,000 home compared to the previous year.

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

1. There is hereby levied and shall be collected a maintenance and operations (M&O) property tax for the use and support of the municipal government of the City of Lockhart, Texas and there is hereby levied and shall be collected an interest and sinking (I&S) property tax to provide for the debt service obligations of the City of Lockhart for Fiscal Year 2025, beginning October 1, 2024, upon all taxable property, within the corporate limits of the City of Lockhart, Texas, as follows:
 - a. For the maintenance and operations needs of the City of Lockhart the maintenance and operations (M&O) property tax is hereby adopted as 40.67 cents per each 100 dollars of property valuation. The tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be decreased by 1.7 percent and will decrease taxes for maintenance and operations on a \$100,000 home; and,
 - b. For the debt service obligations of the City of Lockhart interest and sinking (I&S) property tax is hereby adopted as 10.26 cents per each 100 dollars of property valuation. The tax rate will raise less taxes for interest and sinking than last year's tax rate. The tax rate will effectively be decreased by 15.3 percent and will decrease taxes to meet debt obligations for Fiscal Year 2024-2025.
2. All taxes levied under the Ordinance for the specific purposes named herein shall be and is hereby approved to be collected and appropriated to the account(s) of the City of Lockhart for the specific purpose indicated in each items a and b above, by the Property Tax Assessor/Collector of the City of Lockhart.
3. Severability: if any provision, section, clause, sentence or phrase of this Ordinance is for any reason held to be unconstitutional, void, invalid, or unenforceable, 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 approving this ordinance that no portion, provision, or regulation contained herein shall be inoperative or fail by any reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.
4. Repeal: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with provisions set out above in this ordinance are hereby repealed or amended as indicated.

5. Effective date: This ordinance shall become effective and be in full force immediately upon its passage.

PASSED, APPROVED and ADOPTED this the 3rd day of September 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon
City Secretary

Bradford E. Bullock
City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion and/or action regarding Ordinance 2024-25 repealing uncodified Ordinance 2023-19 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.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Julie Bowermon

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: The FY 24-25 Budget includes a 4% pay increase for all full-time and part-time regular City of Lockhart employees. It also includes an additional 1% pay increase to the civil service pay step plans for police officers and fire fighters, for a total of a 5% 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 5% adjustment is being proposed to enhance Lockhart's ability to recruit and retain qualified police officers and fire fighters. The City will continue to offer the \$10,000 hiring incentive to police officers as well as the lateral entry pay program. Staff is currently exploring the possibility of proposing a lateral entry pay program for fire fighters in the future.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): The 5% pay increase is included in the proposed FY 24-25 budget.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Proposed Ordinance 2024-25, Ordinance 2023-19

ORDINANCE NO. 2024-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS; REPEALING UN-CODIFIED ORDINANCE 2023-19 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; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart adopted a personnel policy manual on April 8, 1986; and

WHEREAS, certain sections address pay issues; and

WHEREAS, due to the implementation of Chapter 143 of the Texas Local Government Code for the Police Officers and Fire Fighters, “merit” pay for classified police officers and fire fighters was abolished; and

WHEREAS, due to a four (4) percent pay increase for all full-time and part-time regular City of Lockhart employees approved by City Council effective October 1, 2024 and including an additional one (1) percent pay increase specifically for police officers and fire fighters, due to challenges in hiring and retaining qualified police officers and fire fighters, the City believes that public safety will best be served by adjusting step pay plans for police and fire classified personnel; and

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

- I. The matters and facts set forth in the preamble are hereby found to be true.
- II. The following Step Pay Plans for the Fire Department (Exhibit “A”) and Police Department (Exhibit “B”) are expressly incorporated by reference and adopted for classified members of the Lockhart Fire Department and Lockhart Police Department.
- III. 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.

IV. Repealer: That all other ordinances, section, 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 the caption of this ordinance to be published in a newspaper of general circulation according to law.

VI. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VII. Effective Date: That this ordinance shall become effective on October 1, 2024 beginning with work shifts starting after 12:00 A.M. on October 1, 2024.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 3rd DAY OF SEPTEMBER, 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, City Secretary

Brad Bullock, City Attorney

Fire Department Step Pay Plan Civil Service Personnel Rate Per Hour <i>*Effective October 1, 2024</i>						
<u>Tenure¹</u>						
Firefighter/EMT Per Hour	0	1	3	5	7+	
	\$19.11	\$19.81	\$20.76	\$21.69	\$22.19	
<u>Tenure</u>						
Fire Engineer Per Hour	0	3	6	9	12+	
	\$21.23	\$21.69	\$22.65	\$23.12	\$23.59	
<u>Tenure</u>						
Captain Per Hour	0	3	6	9	12+	
	\$23.59	\$24.54	\$25.01	\$25.46	\$25.97	
<u>Tenure²</u>						
Assistant Chief Per Hour	0	3	6	9	12+	
	\$37.71	\$38.35	\$38.99	\$39.64	\$42.09	

EXHIBIT “A”

¹ “Tenure” is tenure from the hire date. Therefore, step progression is based on years with the Department, not time in rank.

² The Assistant Fire Chief will be exempt from overtime and will be paid on a salary basis.

Police Department Civil Service Personnel Rate Per Hour <i>Effective October 1, 2024</i>								
<u>Tenure¹</u>								
Police Cadet Per Hour	0							
	\$23.34							
<u>Tenure</u>								
Police Officer Per Hour	0	1	2	4	6	8	10	12+
	\$30.60	\$31.40	\$32.20	\$33.01	\$34.01	\$35.02	\$36.09	\$37.17
<u>Tenure</u>								
Sergeant Per Hour	2	4	6	8	10+			
	\$37.88	\$38.66	\$39.94	\$41.23	\$42.57			
<u>Tenure</u>								
Lieutenant Per Hour	4	6	8+					
	\$43.16	\$44.64	\$46.21					
<u>Tenure</u>								
Captain Per Hour	4	6+						
	\$46.37	\$49.13						

EXHIBIT “B”

¹ “Tenure” is tenure from the hire date. Therefore, step progression is based on years with the Department, not time in rank.

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS; REPEALING UN-CODIFIED 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; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart adopted a personnel policy manual on April 8, 1986; and

WHEREAS, certain sections address pay issues; and

WHEREAS, due to the implementation of Chapter 143 of the Texas Local Government Code for the Police Officers and Fire Fighters, "merit" pay for classified police officers and fire fighters was abolished; and

WHEREAS, due to a five (5) percent pay increase for all full-time and part-time regular City of Lockhart employees approved by City Council effective October 1, 2023 and including an additional two (2) percent pay increase specifically for police officers and fire fighters, due to challenges in hiring and retaining qualified police officers and fire fighters, the City believes that public safety will best be served by adjusting step pay plans for police and fire classified personnel; and

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

- I. The matters and facts set forth in the preamble are hereby found to be true.
- II. The following Step Pay Plans for the Fire Department (Exhibit "A") and Police Department (Exhibit "B") are expressly incorporated by reference and adopted for classified members of the Lockhart Fire Department and Lockhart Police Department.
- III. 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.

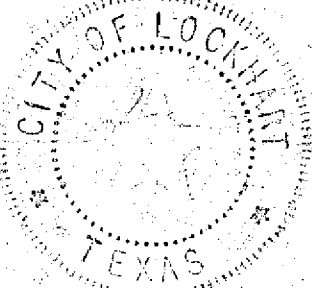
IV. Repealer: That all other ordinances, section, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

V. Publication: That the City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

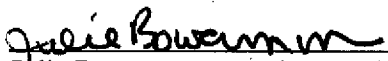
VI. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VII. Effective Date: That this ordinance shall become effective on October 1, 2023 beginning with work shifts starting after 12:00 A.M. on October 1, 2023.

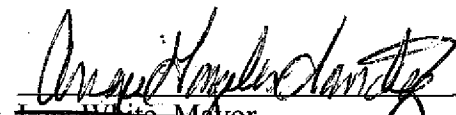
**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE
CITY OF LOCKHART, TEXAS, ON THIS THE 5th DAY OF SEPTEMBER, 2023.**



ATTEST:


Julie Bowermon, Assistant City Secretary

CITY OF LOCKHART


~~Lew White, Mayor~~
ANGIE GONZALES-SANCHEZ, MAYOR PRO-TEM

APPROVED AS TO FORM:


Monte Akers, City Attorney

Fire Department Step Pay Plan Civil Service Personnel Rate Per Hour <i>*Effective October 1, 2023</i>						
Tenure¹						
Firefighter/EMT Per Hour	0	1	3	5	7+	
	\$18.20	\$18.87	\$19.77	\$20.66	\$21.13	
Tenure						
Fire Engineer Per Hour	0	3	6	9	12+	
	\$20.22	\$20.66	\$21.57	\$22.02	\$22.47	
Tenure						
Captain Per Hour	0	3	6	9	12+	
	\$22.47	\$23.37	\$23.82	\$24.25	\$24.73	
Tenure²						
Assistant Chief Per Hour	0	3	6	9	12+	
	\$35.91	\$36.52	\$37.13	\$37.75	\$40.09	

EXHIBIT "A"

¹ "Tenure" is tenure from the hire date. Therefore, step progression is based on years with the Department, not time in rank.

² The Assistant Fire Chief will be exempt from overtime and will be paid on a salary basis.

Police Department Civil Service Personnel Rate Per Hour <i>Effective October 1, 2023</i>								
Tenure¹								
Police Cadet Per Hour	0							
	\$22.23							
Tenure								
Police Officer Per Hour	0	1	2	4	6	8	10	12+
	\$29.14	\$29.90	\$30.67	\$31.44	\$32.39	\$33.35	\$34.37	\$35.40
Tenure								
Sergeant Per Hour	2	4	6	8	10+			
	\$36.08	\$36.82	\$38.04	\$39.27	\$40.54			
Tenure								
Lieutenant Per Hour	4	6	8+					
	\$41.10	\$42.51	\$44.01					
Tenure								
Captain Per Hour	4	6+						
	\$44.16	\$46.79						

EXHIBIT “B”

¹ “Tenure” is tenure from the hire date. Therefore, step progression is based on years with the Department, not time in rank.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion and/or action regarding Ordinance 2024-26 repealing un-codified Ordinance 2018-23 and adopting this ordinance regarding establishing the classifications within the Fire Department and authorizing the number of employees in each classification.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Julie Bowermon, Randy Jenkins

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: In compliance with civil service, the number of classified police and fire positions are set by an ordinance, which is referred to as the "Strength of Force." Proposed Ordinance 2024-26 reflects reducing the number of firefighters by one (from 7 to 6) and increasing the number of fire engineers (apparatus operators) from 3 to 6.

In the FY 23-24 Budget this change in staffing was approved to start around mid-April 2024. The increase in staffing, specifically fire engineers, was desired due to the purchase of an aerial apparatus (ladder truck) and the growth within the community. Fire engineers have additional training to safely and efficiently operate complex fire suppression systems on equipment such as ladder trucks. The ladder truck is anticipated to arrive by the end of 2024, therefore it is now the appropriate time to finalize the staffing changes authorized in the FY 23-24 Budget.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff respectfully recommends approval of Ordinance 2024-26.

City of Lockhart, Texas

Council Agenda Item

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LIST OF SUPPORTING DOCUMENTS: ORD 2024-26 Fire Strength of Force, Ordinance
2018-13

ORDINANCE NO. 2024-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS REPEALING UN-CODIFIED ORDINANCE 2018-13 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING ESTABLISHING THE CLASSIFICATIONS WITHIN THE FIRE DEPARTMENT AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Fire and Police Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to §143.021(a) of the Texas Local Government Code; and

WHEREAS, pursuant to §143.021, the Lockhart Civil Service Commission established a new rank structure for the Lockhart Fire Department on May 21, 2018; and

WHEREAS, due to the recent purchase of an aerial apparatus (ladder truck) as well as growth and development within the community, the City Council recognizes the need for additional fire engineer/apparatus operators in the Lockhart Fire Department; and

WHEREAS, due to personnel staffing needs, growth and equipment, the City Council recognizes the need to reduce the number of firefighters by one (1) within the department and increase the number of engineer/apparatus operators by three (3), thus increasing the overall number of employees within the department; and

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

I. The classifications and number of positions in each classification in the Fire Department as set forth in ORDINANCE NO. 2018-13 will be repealed as of September 29, 2024 at 11:59 p.m. As of September 30, 2024, the current classifications and number of positions in each classification in the Fire Department are as of follows:

Effective September 30, 2024

1. Fire Chief – 1
2. Assistant Chief – 1
3. Captain – 3
4. Engineer/Apparatus Operator – 6
5. Firefighter/EMT – 6

Total 17

Note: Position of Assistant Chief will be appointed in accordance with §143.014 of the Texas Local Government Code

II. 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.

III. Repealer: That all other ordinances, section, 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.

IV. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

V. 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.

VI. This ordinance shall become effective and be in full force on September 30, 2024.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 3rd DAY OF SEPTEMBER, 2024.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, City Secretary

Brad Bullock, City Attorney

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS REPEALING UN-CODIFIED ORDINANCE 2016-06 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING ESTABLISHING THE CLASSIFICATIONS WITHIN THE FIRE DEPARTMENT AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Fire and Police Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to §143.021(a) of the Texas Local Government Code; and

WHEREAS, pursuant to §143.021, the Lockhart Civil Service Commission established a new rank structure for the Lockhart Fire Department on May 21, 2018; and

WHEREAS, due to personnel staffing issues, the City Council recognizes the need to restructure services in the Lockhart Fire Department by abolishing the Fire Prevention/Fire Marshal position and creating the rank of Assistant Chief; and

WHEREAS, due to personnel staffing needs, the City Council recognizes the need to reduce the number of firefighters within the department;

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

I. The classifications and number of positions in each classification in the Fire Department as set forth in ORDINANCE NO. 2016-06 is abolished and the current classifications and number of positions in each classification in the Fire Department as of June 30, 2018 are as follows:

Effective June 30, 2018

1. Fire Chief – 1
2. Assistant Chief – 1
3. Captain – 3
4. Engineer/Apparatus Operator – 3
5. Firefighter/EMT – 7

Note: Position of Assistant Chief will be appointed in accordance with §143.014 of the Texas Local Government Code

II. 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.

III. Repealer: That all other ordinances, section, 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.

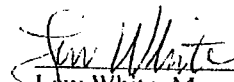
IV. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

V. 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.

VI. This ordinance shall become effective and be in full force on June 30, 2018.

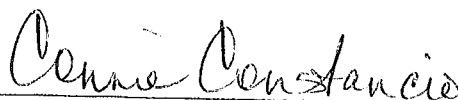
**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE
CITY OF LOCKHART, TEXAS, ON THIS THE 5th DAY OF JUNE, 2018.**

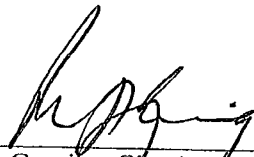
CITY OF LOCKHART

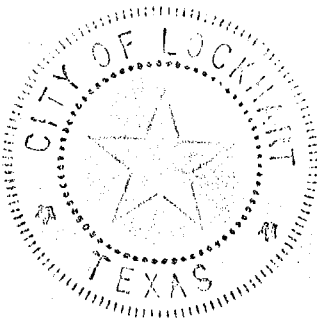

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:


Connie Constancio, TRMC, City Secretary


Peter Gruning, City Attorney



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion and/or action regarding the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election for Places 11 - 14.

ORIGINATING DEPARTMENT AND CONTACT: Council - Mayor Lew White

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: The City of Lockhart has received the official ballot for the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) Board of Trustees Election for Places 11, 12, 13, and 14. Each member of the pool is entitled to vote for Board of Trustee members. The officials listed on the ballot have been nominated to serve a six-year term on the TMLIRP Board of Trustees which includes workers' compensation and property/liability. The candidate names are listed in alphabetical order and incumbents are identified.

Ballot submission deadline is September 30, 2024.

PROJECT SCHEDULE (if applicable): N/A

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: TMLIPR Ballot for Places 11 - 14

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 11 – 14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees. The names of the candidates for each Place on the Board of Trustees are listed in alphabetical order on this ballot.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2024. Ballots received after September 30, 2024, cannot be counted. **The ballot must be properly signed, and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P.O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 11

- ☐ **Randy Criswell.** (Incumbent) Randy Criswell is currently the City Manager of Wolfforth (Region 3), a position he's held since 2022. He has served on the TML Risk Pool Board of Trustees since 2015 and as Chair of the Board from 2020 to 2022. He has been in public service since 1994, having served the City of Canyon in three administrative roles including City Manager, the City of Mineral Wells as City Manager, and his current position. Mr. Criswell has a Bachelor of Science Degree from Texas Tech University in Engineering Technology and is a Certified Public Manager. He is a member of TCMA and a past member of the TCMA Board of Directors. He and his wife Janie have three grown children, and he enjoys golf, his Harley Davidson motorcycle, and spending time with Janie.
- ☐ **Robert S. Davis.** Robert Davis serves as the City Attorney for the City of Bullard (Region 15). He is a Senior Partner at Flowers Davis PLLC in Tyler and oversees the Business and Commercial Litigation, Insurance Defense, Defense of Governmental Entities, Employment Law, and Medical Liability Sections of the law firm. Mr. Davis has extensive experience in representing governmental entities and government officials in all types of litigation. He also has extensive experience in litigation for major insurance carriers and drafting coverage opinions for insurance carriers. Through the years, he has written many papers for and made numerous presentations to Texas Sheriff's Association, Texas Association of Counties, Texas Jail Association, and Texas Chief Deputies' Association.

WRITE IN CANDIDATE:

PLACE 12

- ☐ **Cedric Davis, Sr.** Cedric Davis is the City Manager of the City of Mathis (Region 11). He joined the city's administration team on January 3, 2024, and has more than three decades of experience as a public servant. He served as the City Manager of Mathis for over four years, and is a former Chief of Police and Public Educator. He is a graduate of Law Enforcement Management Institute of Texas and the Advanced Military Academy of Texas. He has a Bachelor of Science degree in Criminal Justice Administration from Sam Houston State University. He is a licensed Master Peace Officer, Police Instructor, Investigator, and holds certifications in Public Management, Smart City Practitioner, and Public Finance Investment Officer. In 2008 he served as Mayor of Balch Springs.
- ☐ **Rocky Hawkins.** Rocky Hawkins is a Councilmember for the City of Gladewater (Region 15), and served as such for four years. He has also served on the Gladewater Lake Board for 10 years, as a Chamber of Commerce Volunteer, as a member of the "Friends of the Library" at the Lee-Bardwell Public Library in Gladewater, and on various boards and committees at First Baptist Church for 30 years. Mr. Hawkins began his career with a brief stint as a Parole Officer for Gregg County; later spent almost 15 years in the Hospitality/Restaurant Business; and finished his career with 30 years at Eastman Chemical Co. He holds an associate's degree in business management from Kilgore College and a B.S. degree in Criminal Justice from Sam Houston State University.
- ☐ **Allison Heyward.** (Incumbent) Allison Heyward has served as Councilmember for the City of Schertz (Region 7) since 2018. She also serves on the TML Board of Directors and is currently the TML President Elect. She previously served in 2022 on the TMLIRP Board as the TML Board representative. In January 2023, she was appointed to Place 12 on the TMLIRP Board to fill a vacancy. She holds a Bachelor's Degree in Accounting from Texas Southern University, and is a 2020 graduate of the Chamber Leadership Core Program. Mrs. Heyward is also a TML Leadership Fellow and a Certified Municipal Officer (CMO), having received the TMLI CMO (Certified Municipal Official Designation) Award of Excellence for maintaining the designation for 5 continuous years. She has also been recognized with the President's Award for being one of the top 2 highest earners of Continuing Education Units.
- ☐ **Rudy Zepeda.** Rudy Zepeda has served as the Finance Director for the City of Santa Fe (Region 14) since 2021. Before joining Santa Fe, Mr. Zepeda served eight years in Dayton, Texas, as Assistant City Manager and Finance Director. He holds a degree in Classics from the University of Arizona and certification in Certified Public Management from Stephen F. Austin University. While Finance Director in Santa Fe, the city earned the Government Finance Officers Association (GFOA) Budget Presentation Award and the Excellence in Financial Reporting award. This year, the city was recognized by the State Comptroller's Office with its Traditional Finances Star Award. Mr. Zepeda's career spans 30 years, with significant experience in both public and private sectors, including 14 years in local government.

WRITE IN CANDIDATE:

PLACE 13

- ☐ **Harlan Jefferson.** (Incumbent) Deputy City Manager for the City of Burleson (Region 13). Mr. Jefferson has been in public service for 41 years, serving as a Risk Manager for the City of Denton early in his career and serving as Town Manager for Flower Mound and Prosper, Texas. Mr. Jefferson is an active member of the Texas City Management Association (TCMA), having served on its Board of Directors and is a Past President of the North Texas City Manager Association. He holds a Bachelor of Arts in Political Science and a Master of Public Administration from the University of North Texas. Additionally, he is an Adjunct Faculty member in the Master of Public Administration Program at the University of North Texas.

- ☐ **James Quin.** City Administrator for the City of Hutchins (Region 13) since March 2022. He served as City Administrator of Haslet for 8 years and City Manager for Richland Hills for 16 years. Mr. Quin earned a Bachelor of Science Education degree and a Master of Public Administration degree from Missouri State University. He is a member of the International City/County Management Association (ICMA) and maintains the ICMA Credentialed Manager (CM) designation. In April 2022, he was awarded the High Performance Leadership Academy Certificate issued by ICMA Professional Development Academy. Also, he is a full member of TCMA, and previously served on the HCA Medical City Alliance Hospital Board for 6 years.

WRITE IN CANDIDATE:

PLACE 14

- ☐ **Mike Land (Incumbent)** City Manager for the City of Coppell (Region 13) since 2017, and Deputy City Manager from 2012-2017. Previously, he was Town Manager for Prosper, City Manager for Gainesville, and Executive Director for the Southwestern Diabetic Foundation. Mr. Land serves on the International City/County Management (ICMA) Board of Directors and is the 2024-25 ICMA President-Elect. Additionally, he serves on the Texas Women's Leadership Institute Advisory Board, the Texas A&M University's Development Industry Advisory Council, and the UTA MPA Advisory Board. He has also served as School Board Trustee for Gainesville Independent School District and as President of TCMA.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness my hand, this _____ day of _____, 2024.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed Name of Political Entity

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: September 3, 2024

AGENDA ITEM CAPTION: Discussion and possible direction to staff regarding creating zoning overlays to regulate design standards in the entrance corridors along highway entrances into Lockhart, as requested by Mayor White.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: Mayor White has suggested the City look into creating zoning overlays to protect the appearance and character of the entrance corridors in order to protect selected areas from possible negative effects of future development along those corridors. Typically, corridor zoning overlays involve additional regulations for a defined area in order to approve the appearance of new development, define allowable uses, and create additional regulations designed to refine the character of development within the overlay district. In addition to restricting uses, overlays will often have enhanced setback requirements, height or density limits, architectural standards, signage restrictions, landscaping requirements, site design standards, screening requirements, and site layout requirements. In order to craft a successful corridor zoning overlay, a city should determine the areas in which the overlay should be applied, the character of that area that is desired to be created or preserved, and the additional regulations that should be applied to the area to achieve the desired effects. If City Council expresses interest in creating corridor overlays, staff will work to craft a list of elements that could potentially be incorporated into overlays of each of the areas for which interest in creating an overlay is expressed. The resulting product would be one or more zoning overlay districts that would create additional regulations to which affected properties would be subject. To provide some background to the practice of applying zoning overlays to corridors, an introductory document defining overlay districts is attached, as is an example of an overlay ordinance from San Antonio.

PROJECT SCHEDULE (if applicable): None at this time.

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: None.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: Direct staff regarding the possibility of amending Chapter 64, Zoning, to create design requirements to enhance the appearance of new developments along the city's highway entrance corridors. This direction could include a preferred approach for reviewing draft work products, including a future workshop to determine

City of Lockhart, Texas

Council Agenda Item Cover Sheet

preferred overlay sites and regulations before draft text amendments are written.

LIST OF SUPPORTING DOCUMENTS: What Is an Overlay District__ Planetizen
Planopedia, Hill Country Gateway Corridor Standards - San Antonio, .

Planopedia

Clear, accessible definitions for common urban planning terms.

What Is an Overlay District?

4 Minute Read

A zoning overlay district superimposes an additional set of regulations over an existing zoning district, or multiple zoning districts.



melissamn / [Historic district sign](#)

An overlay district, sometimes known as an overlay zone, is a geographic zoning district layered on top of another existing zoning district, or districts, that [implements additional regulations](#). [Overlay districts](#) are frequently used in [zoning codes](#) to protect sensitive environmental features, preserve historic buildings, prevent development on unstable or vulnerable land features, or promote specific types of development such as transit-oriented development. Like other zoning regulations, overlay districts can control building codes and urban design, permitted [land use](#), [density](#), and other factors.

The overlay district often fills a gap where traditional zoning does not address specific or complicated local conditions or multi-jurisdictional issues. For example, an overlay district protecting a rivershed along a river that flows through several different zoning districts would protect land along the entire river with one set of rules that applies across districts. Overlay districts can streamline the implementation of additional regulations in all applicable areas without having to amend the codes for multiple districts and maintain consistency across multijurisdictional natural, historic, or infrastructural features.

Types of Overlay Districts

Common overlay district types and purposes include:

- [Affordable housing](#)
- Airport zones
- Flood plains, coastal zones, or river sheds

- Seismic hazards
- Agriculture or livestock
- Historic or cultural resources
- Sensitive habitats
- Transit-oriented development
- Pedestrian districts
- Sign districts
- Economic development or craft districts

In addition to environmental protection districts, historic overlay districts are one of the most common uses of the overlay district model. A historic zone will often impose strict regulations relating to the aesthetics of buildings in the neighborhood, making it difficult to make changes to the established look of the area.

The city of [Los Angeles](#) has ten different types of overlay district, including: Certified Coastal Use Plan, Community Design Overlay (CDO), Historical Protection Overlay Zone (HPOZs), and Commercial and Artcraft District (CAD). The latter of these allows artisans to live, work, and sell their work without the restrictions on commercial activities common in other residential districts. Cities like [Oakley, California](#) have implemented affordable housing districts to mandate more affordable housing in neighborhoods with high demand. As housing activists sounded the alarm about the proliferation of short-term rentals and their impact on the housing market, [Steamboat, Colorado](#) proposed an overlay zone to regulate the number of short-term rentals in various parts of the city. [Highway overlay districts](#) are an increasingly popular tool for promoting certain types of growth and uses along major transportation corridors. In [Norfolk, Nebraska](#), the city council approved a highway corridor overlay district to guide development along two major highways in the city.

According to the [Center for Land Use Education](#), creating an overlay district involves three basic steps: defining the purpose of the district, identifying the areas the district will contain, and developing the rules that will apply to the district. The process of creating and approving overlay districts usually mirrors the creation of any zoning district. Like other zoning districts, most overlay districts include the possibility for [variances](#) or waivers on a case-by-case basis.

Critiques of Overlay Districts

The use of overlay districts raises concerns among some experts, who caution that overlay districts [can become overused](#) as a policy tool when simpler zoning mechanisms would suffice. If a proposed overlay district only covers one other zoning district, for example, it may be easier to simply amend the regulations for the existing district. Otherwise, multiple layers of regulation can lead to longer permitting times and increased costs for developers, city agencies, and property owners.

Overlay districts are also accused of blocking new housing construction, hindering development and growth, keeping housing costs high, raising home maintenance and utility costs, and preventing cities from adjusting their built environment to meet current conditions. Because they frequently uphold the status quo and block affordable housing efforts, some critics fear that overlay districts too easily become a tool of [exclusionary zoning](#), using historic or environmental designations to reject development proposals and avoid state housing mandates. In one prominent example, the California town of Woodside attempted to designate the entire city as [mountain lion habitat](#) to skirt state housing laws. (It should be noted that the proposal, widely ridiculed in the press, was [quickly retracted](#).)

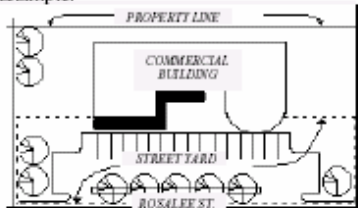
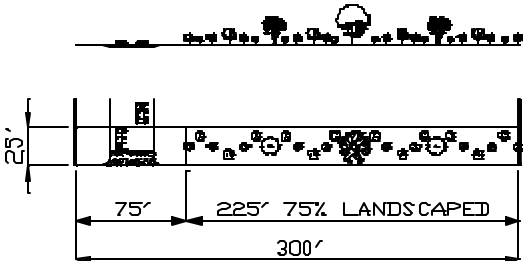
However, zoning can and does function as an [exclusionary tool](#) with or without intent: many opponents of [single-family zoning](#) argue that the designation prevents the construction of multifamily buildings in desirable areas and forces low-income families farther from job centers and economic opportunities. Historic overlay districts, by essentially freezing a neighborhood in one specific form, can have a similar effect by limiting development in often highly desirable, central locations that could benefit from increased density. Historic designations can also [hinder the modernization of homes](#), preventing homeowners from adding solar panels or other efficiency features that don't comply with the district's historical requirements.

Used wisely, overlay districts give planners a tool for implementing targeted regulations that accommodate local conditions, guide development, and protect natural and cultural resources. Taken too far, they can hinder development, keep housing costs high, and delay essential projects necessary for keeping up with the shifting needs of modern cities.

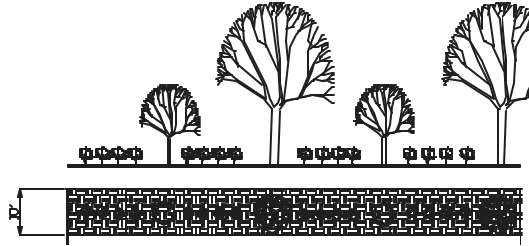
Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Front and side yard setbacks	Front and side yard setbacks shall only apply to properties or portions of properties within ninety (90) feet of the IH-10 West right-of-way line as it exists at the effective date of this ordinance. The minimum front building setback along IH-10 shall be sixty (60) feet as measured from the outer IH-10 right-of-way line. Setbacks other than those along IH-10 shall include at least twenty (20) feet as measured from the side property line in common with adjacent property.	
Fences and walls	Fences and walls within ninety (90) feet of the IH-10 right of way shall be one of the following styles: A. Wooden split rail (<i>Riegelfens</i>) B. Wooden mortised rail C. Wood picket and wire D. Ornamental wood picket (jigsaw) E. Rock, stone or stucco fence F. Brick G. Ornamental metal for use in entrances/gateways H. Other appropriate materials approved by the Board of Adjustment. The primary materials of solid screen fencing and walls are encouraged to remain unpainted and natural in appearance, however, if painted, painting shall be limited to earth tone colors. For properties which require the front natural buffer, fences and walls shall be located behind the front natural buffer.	

Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:								
Landscaping	In addition to the mandatory landscaping requirements established by §35-511, landscape plans shall be required to earn a minimum of 85 points as awards for elective requirements. Existing trees and understory plants may be preserved to meet this requirement. [note: Tree preservation = 2 to 40 points; Parking lot screening = 25 points; Parking lot shading = 20 to 35 points; Street trees = 25 points; Understory preservation 15 to 30 points – point awarding specified in §35-511]	Example:  Example: Tabulation of Points <table><tr><th>Electives</th><th>Points</th></tr><tr><td>Street trees</td><td>25 pts.</td></tr><tr><td>Screening of surface parking</td><td>25 pts.</td></tr><tr><td>Parking lot shading</td><td>20 pts.</td></tr></table>	Electives	Points	Street trees	25 pts.	Screening of surface parking	25 pts.	Parking lot shading	20 pts.
Electives	Points									
Street trees	25 pts.									
Screening of surface parking	25 pts.									
Parking lot shading	20 pts.									
Parking Lot Screening	All parking areas within ninety (90) feet of the outer IH-10 right-of-way line shall be screened to a minimum height of four (4) feet with earthen berms and/or dense landscaping. This screening shall count as twenty-five (25) points toward the landscaping required.									
Front natural buffers	Along IH-10, at least seventy-five percent (75%) of the first twenty-five (25) feet of the property must be landscaped with native plant material and native trees. At least seventy-five percent (75%) of trees six inch (6") DBH or greater must be preserved within the first twenty-five (25) feet of the property. Detention and sedimentation filtration areas may be located within the front natural buffer, however, they must be fully screened from public view unless used as a landscape feature. Native understory and tree preservation within the front natural buffer shall count toward the minimum landscaping required above.									

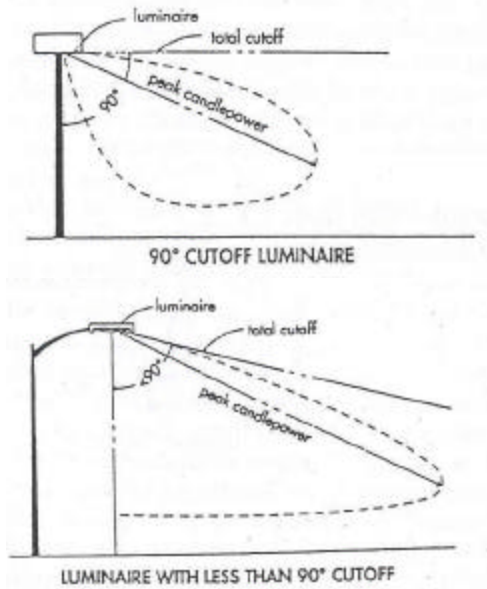
Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Buffers (Rear)	Rear buffer yards shall be required in accordance with §35-510, however, a minimum ten (10) foot buffer yard shall be provided at the rear property line of adjoining uses for which a Type A, B or C Buffer is required in addition to any requirement to fence the property.	 The illustration shows a cross-section of a rear buffer yard. A horizontal line represents the property line. Behind this line, there is a row of various trees and shrubs of different heights and shapes. Below the property line, there is a shaded rectangular area representing the buffer zone. A dimension line with arrows at both ends is positioned to the left of the shaded area, indicating the width of the buffer.
Building Materials - Permitted	The following material lists may be chosen to apply to the exterior surfaces of primary buildings and accessory buildings located within the corridor district that are visible from IH-10. To the greatest extent feasible, building materials shall be used that are compatible with the existing properties located in a corridor district or to portray the corridor theme. a. Masonry consisting of stone, brick, glass block, or decorative concrete panel. b. Glass curtain wall consisting of seventy percent (70%) or less glass or combination of glass, metal, or other material in a metal framework. c. Brick or brick veneer. d. Stucco or concrete masonry unit. e. Cement fiber board. f. Other appropriate materials approved by the Board of Adjustment. Brick, brick veneer, stone, concrete masonry, cementitious stucco may only be painted in earth tone colors. Concrete finish must be profiled, sculptured, fluted, exposed aggregate or other architectural concrete finish.	

Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Building Materials - prohibited	The following provisions apply to the primary wall finish of the principal building and accessory buildings visible from IH-10. For the purposes of this subsection the primary wall finish shall refer to the treatment applied to twenty-five percent (25%) or more of a building elevation. - Siding made of vinyl, wood fiber hardboard, oriented strand board, plastic or fiberglass panels. - Corrugated, ribbed, galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finished. This prohibition does not include metals used on roofs, awnings or canopies. - Unfired or underfired clay, sand, or shale brick. - Unfinished concrete masonry units (i.e. cinderblock). - Smooth or untextured concrete finishes. - Mirrored glass with a reflectance of greater than twenty percent (20%).	
Trash receptacles, utility boxes	In order to minimize the visual impact of unsightly objects or uses, elements such as outside storage, off-street loading areas, refuse storage areas, air conditioning and heating equipment, utility boxes, utility pillars, utility vaults, utility cabinets, solar systems and components and microwave and satellite antennas (greater than 2 meters in diameter) are required to be completely screened from public view at ground level at a minimum height of six (6) feet. Screening may be achieved by construction of a solid wall of rock, stone, stucco, or brick with wooden gates, evergreen plant materials with irrigation, or landscaped earthen berm. Walls are encouraged to remain unpainted and natural in appearance, however if painted, painting shall be limited to earth tone colors.	

Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Utilities	On-site utilities shall be located underground unless required by the utility to be otherwise located. This requirement does not apply to electrical transmission or distribution lines.	
Lighting	a. Exterior lighting fixtures for entrances, parking lots or walkways shall not emit a significant amount of the fixture's total output above a vertical cut-off angle of ninety degrees (90°). Any structural part of the fixture providing this cut-off angle shall be permanently affixed. b. Lighting of building exteriors (uplighting or downlighting) that is positioned to highlight a building or outdoor artwork shall be aimed at the object to be illuminated, not pointed into the sky. Flood lamps should be shielded so that the light sources are not visible from a public right-of-way. <i>(Both types illustrated are acceptable)</i>	 The top diagram, labeled '90° CUTOFF LUMINAIRE', shows a light fixture mounted on a pole. A dashed line indicates the 'total cutoff' at a 90-degree angle from the vertical. The 'peak candlepower' is directed downwards. The bottom diagram, labeled 'LUMINAIRE WITH LESS THAN 90° CUTOFF', shows a similar fixture but with the 'total cutoff' at an angle less than 90 degrees, allowing some light to be directed upwards and the fixture to be visible.
On-premises Signage	Expressway: 35' height/200 square feet single tenant 40' height/250 square feet dual tenant 40' height/300 square feet multiple tenant Arterial A: 25' height/65 square feet single tenant 30' height/150 square feet dual tenant 40' height/200 square feet multiple tenant Up to an additional 10 feet of height may be added if the adjacent grade is elevated. 200' spacing between signs. No provision in this section may be construed to prohibit a Sign Master Plan Development Agreement as defined by §28-244 of the Municipal Code. Signs prohibited by §28-220 of the Municipal Code shall be prohibited within this Corridor.	 The left photograph shows a 'Frost Bank' sign mounted on a building facade. The right photograph shows a large, multi-story building with a prominent 'H-E-B' sign on its roofline.

Hill Country Gateway Corridor District Plan Site Development Standards

Standard:	Requirement:	Illustration:
Off-premises Signage	Off premises advertising signs and billboards are prohibited.	
Wall signs	Maximum allowable sign area, as a percentage of the area of each building elevation: 15% cabinet sign; painted or flat sign 20% channel letters raised or incised	
Definitions <i>Earth Tone Colors</i> – colors that are predominant in the surrounding landscape including desert and woodlands and shall be low reflectance, subtle or neutral colors. Earth tone colors shall not include primary colors, black, metallic or fluorescent colors. <i>Native plants and trees</i> – those species listed in Appendix E of the Unified Development Code. <i>Understory</i> – assemblages of natural low level woody, herbaceous and ground cover species.		

AN ORDINANCE **97656**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING AND CLASSIFICATION OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended so that it shall include the following described changes of zoning and classification of the following property:

CASE NO. Z 2003077

The rezoning and reclassification of property from DR, C-1, C-2, C-2 ERZD, C-3, C-3 NA, C-3 R ERZD, C-3 NA, C-3 PUD ERZD, C-3 ERZD, O-2, C-2 R, C-3 C, C-3 R, ED, ED ERZD, QD S ERZD, I-1 ERZD, I-1, R-6, R-20, MH, R-6 ERZD, R-6, R-6 PUD to (DR, C-1, C-2, C-2 ERZD, C-3, C-3 NA, C-3 R ERZD, C-3 NA, C-3 PUD ERZD, C-3 ERZD, O-2, C-2 R, C-3 C, C-3 R, ED, ED ERZD, QD S ERZD, I-1 ERZD, I-1, R-6, R-20, MH, R-6 ERZD, R-6, R-6 PUD) Hill Country Gateway Corridor District, (GC-1) on the property listed as follows:

Beginning at the intersection of the centerlines of Interstate Highway 10 and UTSA Boulevard; Thence, west following the centerline of UTSA Boulevard to a point 1000 feet west of the west right of way of Interstate Highway 10;

Thence, meandering north following a line located at a distance of 1000 feet from the west right of way line of Interstate Highway 10 to a point located on the city limit line of the City of San Antonio;

Thence, following the city limit line east to a point 1000 feet east of the east right of way of Interstate Highway 10;

Thence, meandering south following a line located at a distance of 1000 feet from the east right of way line of Interstate Highway 10 to the centerline of UTSA Boulevard;

Thence, to the point of beginning.

SECTION 2. A map of the properties attached as Exhibit "A" and Corridor Standards attached as Exhibit "B" are made a part hereof and are incorporated herein for all purposes.

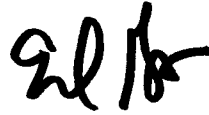
SECTION 3. All other provisions of Chapter 35 except those expressly amended by this

ordinance shall remain in full force and effect, including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective June 1, 2003.

PASSED AND APPROVED this 22nd Day of May 2003.



M A Y O R

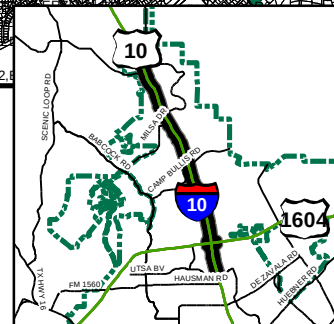
EDWARD D. GARZA

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY





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:

