

**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 3rd day of September, 2024.

ATTEST:


Julie Bowermon
City Secretary



CITY OF LOCKHART


Lew White, Mayor