

**REGULAR MEETING
LOCKHART CITY COUNCIL**

JANUARY 18, 2024

6:30 P.M.

NOTE: The January 16, 2024 City Council meeting was postponed to January 18, 2024 at 6:30 p.m. due to a catastrophe as defined by TOMA, Section 551.0411(c).

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

Council absent:

Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
David Fowler, Planning Director
Randy Jenkins, Fire Chief
Kevin Waller, Senior Planner

Brad Bullock, City Attorney
Julie Bowermon, City Secretary
Sean Kelley, Public Works Director
Gary Williamson, Police Chief
Victoria Burns, Public Information Officer

Citizens/Visitors Addressing the Council: Representatives of District 1 Pride; Khalil Coltrain of the Lower Colorado River Authority; and Pam Madir Jackson Walker.

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

Mayor White presented a proclamation to Representatives of District 1 Pride declaring January 15, 2024 as Martin Luther King, Jr. Day.

A. DISCUSS ENTERING INTO AN INTERLOCAL AGREEMENT (ILA) WITH THE LOWER COLORADO RIVER AUTHORITY (LCRA) TO BECOME A PARTICIPATING MEMBER OF A NEW EMERGENCY COMMUNICATION VOICE RADIO SYSTEM AND CO-LOCATED DISPATCH CENTER BEING BUILT FOR CALDWELL COUNTY.

Chief Jenkins stated that the City of Lockhart and Caldwell County are currently on the Greater Austin-Travis Regional Radio System (GATRRS). The GATRRS system is operated by the City of Austin and provides voice communications for public safety and other public service organizations in the central Texas region. Due to GATRRS system reliability, radio coverage, and system maintenance, Caldwell County has contracted with LCRA to create a new voice radio communication system in Caldwell County for public safety using two existing towers, one new tower and all new infrastructure. Current end user portable and mobile radios will be reprogrammed for use on the new system. All voice radio communication systems involve the use of a combination of radio towers, FCC licensed radio frequencies,

software, specialized radio equipment, portable and mobile radios, maintenance, programming, monitoring, and support. The current Federal Communications Commission (FCC) licensed radio frequencies issued to the City of Lockhart will be deployed on the new system if approved. An authorization letter is included in this item to allow the City Manager to legally sign for the City of Lockhart on any FCC Form 601 application to the federal government for 700/800 radio frequencies. A co-located 911 emergency dispatch center at the Caldwell County Justice Center is also in the development phase for use with the new LCRA system. The completion of the new tower, infrastructure, 911 dispatch center, programming and training is estimated for summer 2024. City staff is in communication with the City of Austin, Texas Department of Public Safety (TxDPS), and Texas Department of Transportation (TxDOT) to discuss the possible transition from GATRRS to the LCRA system if approved.

Khalil Coltrain of LCRA provided information about LCRA's plans to construct new communication towers throughout the region.

Mr. Fowler provided information about the development services protocols to consider the construction of the new communication towers.

There was discussion.

B. DISCUSS REQUEST BY RONDA REAGAN OF 7G TEXAN, LLC, FOR A DETERMINATION OF ELIGIBILITY FOR A TAX ABATEMENT (TA-23-02) PURSUANT TO CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS" DIVISION 2 "TAX ABATEMENT", OF THE LOCKHART CODE OF ORDINANCES, FOR VARIOUS INTERIOR IMPROVEMENTS TO A BUILDING IN THE HISTORIC DISTRICT, LOCATED AT 112 NORTH MAIN STREET.

Mr. Waller stated that Division 2 of the Historic Districts and Landmarks Ordinance provides for tax abatements to mitigate the cost of eligible improvements to structures that are within a historic district or that are a City-designated historic landmark. The owner of a commercial building within the Historic District, located at 112 North Main Street, has applied for a tax abatement for interior improvements to the building, including reorganizing interior walls, expanding the bathrooms to be ADA-compliant, connecting the subject property to the adjacent building under the same ownership by re-opening a boarded archway and installing a door, and installing a 208 square-foot stage and accompanying lighting. The changes will include the necessary plumbing and electrical upgrades to support the new facilities. A Tax Abatement application must first be considered by the Historical Preservation Commission for a recommendation to the City Council, which will in turn make a determination of eligibility for the tax abatement. In addition, a Certificate for Alteration must be considered by the Commission along with the Tax Abatement application. A Certificate for Alteration was approved by the Commission for the project on January 3, 2024. The Tax Abatement application was recommended for approval at the same meeting of the Commission on January 3, 2024.

C. DISCUSS THE 1ST QUARTER FISCAL YEAR 2024 INVESTMENT REPORT.

Mr. Resendez stated that the Texas Public Funds Investment Act requires local governments to review and accept the quarterly investment reports for each quarterly reporting period of the fiscal year. He provided details about the 1st Quarter Investment Report of Fiscal Year 2024, ending December 31st, 2023.

D. FURTHER DISCUSSION OF GRANT APPLICATION FOR FUNDING ALLOCATED FROM THE TEXAS GENERAL LAND OFFICE (GLO) FOR HAZARD MITIGATION PROJECTS.

Mr. Resendez stated that the City Council provided staff direction at the January 2, 2024, City Council meeting after discussing potential projects for further consideration.

The previously discussed projects and additional projects are as listed below:

- FY 2024 Street Overlay Appropriation (\$650,000 - Design & Construction)
 - Bois D'Arc (Pecos to Wichita)
 - Prairie Lea (Frio to Rio Grande)
 - Rosewood (US183 to Brazos)
 - Red River (Cedar to Olive)
 - Sunrise Terrace (FM20 to Sundown)
 - Concho (Prairie Lea to Plum)
 - Red River (China to Dead-end)
 - Plum (Cibolo to Guadalupe)
- Bois D'Arc Street Overlay - Starting from N Medina St. to N Blanco St. (\$750,000 - Design & Construction - 3,100 LF)
- N Blanco Street Overlay - Starting from China St. to Bois D'Arc St. (\$552,000 - Design & Construction - 2,400 LF)
- N Pecos Street Overlay with Curb and Gutter - Starting from Silent Valley Rd. to N Dead-End (\$207,000 - Design & Construction for Overlay Only - 1,800 LF)
- Peach Street Overlay with Curb and Gutter - Starting from N Medina St. to Wichita St. (\$207,000 - Design & Construction for Overlay Only - 1,500 LF)
- N Church Street with Curb and Gutter - Starting from Creek to Pecan St. (\$94,000 - Design & Construction for Overlay Only - 515 LF)
- Bois D'Arc St. Waterline Replacement - Starting from Elm St. to N Blanco St. (\$665,000 - Design & Construction - 1,300 Linear Feet)
- N. Blanco St. Waterline Replacement - Starting from W Olive St. to Willow St. (\$595,000 - Design & Construction - 830 LF)
- 50% Design Costs for Clear Fork St. and City Line Rd. (\$300,000; Remaining 50% from Impact Fees)
- SH-142 x Mockingbird Ln Intersection Improvements (\$1M - Construction)
- Fire Station No. 1 Remodel (\$637,000 - Design & Construction)

Further, staff discussed the above projects with GLO and grant administrators in comparison to other successful regional project applications for insight into the application review process. For example, a Fire Station Remodel project would be a unique submission; Projects consisting of Design-only (Engineering and other Professional Services) are frequently unsuccessful; and clarification regarding street Overlay projects vs. street Reconstruction projects.

As previously discussed with City Council during the FY 2023-24 budget workshops, the City was appropriated \$1,889,900 from the Texas General Land Office (GLO) for mitigation projects. Additional requirements mandate at least 50% of total funds (\$945,000) must be spent on projects that directly benefit Low-and-Moderate-Income (LMI) persons within the city and a minimum 14-day public participation period. Funds have been appropriated to the City for eligible projects. However, an application must be submitted to access this funding. The project application deadline is Thursday, February 29, 2024.

There was discussion.

E. DISCUSS APPOINTING TWO MEMBERS TO THE LOCKHART-CALDWELL COUNTY JOINT AIRPORT ZONING BOARD TO HEAR VARIANCE REQUESTS REGARDING THE LOCKHART MUNICIPAL AIRPORT HAZARD ZONING MAP.

Mr. Kelley stated that recently, an application to build a new communication tower was received by the planning department. During the review process, it was discovered that the height of the tower exceeds the height limitations found in the Lockhart Hazard Zoning Map. Ordinance 91-01 established the Lockhart Municipal Hazard Zoning Map on December 18, 1991. The zoning map identifies height restrictions based on the proximity to the Lockhart Municipal Airport and is centered around a model FAA zoning ordinance. Projects and/or towers seeking to exceed the height limitations found in the zoning map must file for a variance prior to the construction of the project. The adopted ordinance describes the process for variances regarding the limitation of the zoning map. In order to hear variance requests and make a recommendation to the Board of Adjustments, the Joint Airport Zoning Board must reconvene. Since the Joint Airport Board only meets to hear items related to the Airport Hazard Zoning Map, there are no current board members, so they must be selected.

The process for member selection found in the ordinance is as follows:

Joint Airport Zoning Board-Means a board consisting of five (5) members, two (2) members appointed by the City Council of the City of Lockhart, Texas and two (2) members appointed by the Commissioners Court of Caldwell County, Texas. The four (4) members so appointed shall elect a fifth (5th) member who shall serve as chairman of said Lockhart-Caldwell County Airport Zoning Board.

Mr. Kelley stated that the purpose for the joint City/County Board is due to the contour lines of the Lockhart Municipal Hazard Zoning Map stretching outside the City Limits of Lockhart.

F. DISCUSS RESOLUTION 2024-02 OF THE CITY OF LOCKHART, TEXAS ESTABLISHING AND CLARIFYING AN ADMINISTRATIVE PROCEDURE FOR THE NOMINATION OF MEMBERS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES.

Mr. Lewis stated that on January 18, 2022, the City Council adopted a resolution establishing an administrative procedure for appointing members to city boards and committees. On December 19, 2023, the City Council directed staff to clarify that the procedure for appointing members to city boards and committees will include a two-step process.

Resolution 2024-02 includes detail that the administrative procedure will include a two-step process: *Nominations will be placed on agendas in a two step process. First, listed as "announcement of nomination" to provide adequate time for Councilmembers to consider the nomination followed by subsequent meeting listed as "discussion and/or action to consider nomination."*

On January 2, 2024, the City Council directed staff to provide additional clarification that the procedure for appointing members to city boards and committees will include detail on the application of the two-step process regarding nomination categories.

Resolution 2024-02 includes detail on the application of the two-step process regarding nomination categories:

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The two-step process set forth in Section 7 does not apply to the renomination of the same person to the same board position for a new term. Council action on such renominations can occur at one meeting.

The two-step process set forth in Section 7 does apply to the nomination of a currently serving board member if the nominee is changing board positions or is being nominated to serve on a different City board.

The two-step process set forth in Section 7 does apply to the nomination of a person who currently holds an alternate position if the purpose of the nomination is to elevate them to a regular position on the same board.

G. DISCUSS MOVING THE APPOINTMENT OF FRANK GOMILLION FROM THE ELECTRIC BOARD TO THE HISTORICAL PRESERVATION COMMISSION BY MAYOR LEW WHITE WITH A TERM TO EXPIRE NOVEMBER 2026.

Mayor White stated that the appointment is to replace John Lairsen on the Historical Preservation Commission.

H. DISCUSS MOVING THE APPOINTMENT OF MARICA PROCTOR FROM THE ZONING BOARD OF ADJUSTMENT AND APPEALS TO THE HISTORICAL PRESERVATION COMMISSION BY COUNCILMEMBER JEFFRY MICHELSON WITH A TERM TO EXPIRE IN NOVEMBER 2026.

Councilmember Michelson requested the appointment of Marcia Proctor to the Historical Preservation Commission.

I. DISCUSS REQUEST FROM MAYOR WHITE TO REAPPOINT HIS NOMINATIONS FOR APPOINTMENTS TO CITY BOARDS AND COMMISSIONS.

Mayor White stated that he requests to re-appoint the following:

- Airport Board: Benny Hilburn
- Board of Adjustment: Mike Annas
- Construction Board: Raymond DeLeon
- Lockhart Economic Development Corporation: Alan Fielder
- Electric Board: No Nomination made at this time
- Historical Preservation: (currently on the Jan. 16th agenda to consider appointing Frank Gomillion)
- Library Board: Stephanie Riggin
- Parks and Recreation: Karla Tate
- Planning & Zoning: Ron Peterson
- Impact Fee Adv. Comm: Larry Metzler

J. DISCUSS THE NOMINATION OF NIGEL GUSDORF TO THE AIRPORT ADVISORY BOARD BY MAYOR WHITE FOR A TERM TO EXPIRE IN NOVEMBER 2026.

Mayor White requested the nomination of Nigel Gusdorf to the Airport Advisory Board. He provided a brief background of Mr. Gusdorf. The appointment will be considered during the first meeting in February.

RECESS: Mayor White announced that the Council would recess for a break at 7:30 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:45 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

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

ITEM 3. PUBLIC COMMENT.

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

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-23-10 BY PAUL GINSBERG AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2024-02 FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON APPROXIMATELY 0.371 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT A-17, LOCATED AT 1107 AND 1109 NORTH COMMERCE STREET.

Mayor White opened the public hearing at 7:48 p.m. and requested the staff background report.

Mr. Fowler stated that the proposed zoning case is intended to make possible the development of the current property as two lots that would conform with the RMD Residential Medium Density zoning district. Currently, the site has two parcels, both of which are nonconforming within the current RLD Residential Low Density district. Additionally, the one house that sits on the lot encroaches the property line between the two parcels. If the zoning is approved, the applicant would plan to plat the site as two lots oriented towards East China Street. These lots would conform with the dimensional standards of the SF-2 single-family development type. Because the existing house is setback only 10 feet from China Street, a zoning variance would be required to make the plat possible. The only response received following the notification of the public hearings was from the current renter of the property, who asked about the intentions behind the proposed rezoning. Mr. Fowler stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council. The applicant was not present.

Mayor White closed the public hearing at 7:54 p.m.

Councilmember Lairsen made a motion to approve Ordinance 2024-02, as presented. Councilmember Castillo seconded. The motion passed by a vote of 6-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF ORDINANCE 2024-03, ANNEXING 53 ACRES OUT OF THE CORNELIUS CRENSHAW SURVEY, ABSTRACT 68, CALDWELL COUNTY, TEXAS, LOCATED ON THE SOUTH AND WEST SIDES OF FM 2001 APPROXIMATELY 1,060 FEET NORTH OF SH 130.

Mayor White opened the public hearing at 7:55 p.m. and requested the staff background report.

Mr. Fowler stated that this voluntary annexation request proposes to bring 53 acres into the city for the purpose of developing a cold storage facility that is the subject of an approved economic development agreement. The property is located inside the bend south of FM 2001 approximately 1,060 feet northwest of SH 130. The attached annexation service agreement states that water and wastewater service will be

available to the site, the property owner needs to extend wastewater to the site and upsize the existing water lines in order to provide adequate service. All other aspects of the proposed annexation are as expected, with all other city services available upon annexation. Upon annexation, the property will be automatically assigned to the AO Agricultural- Open Space zoning district. A Planned Development District (PDD) designed to accommodate the proposed cold storage business plus additional future tenants has been submitted and is expected to be heard at the February 6, 2024 City Council meeting.

Mayor White requested the applicant to address the Council.

Pam Madir Jackson Walker thanked city staff for working with them on the project.

Mayor White requested citizens in favor of or against the annexation to address the Council. There were none. He closed the public hearing at 8:00 p.m.

Councilmember Michelson made a motion to approve Ordinance 2024-03, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 5-A. PRESENTATION REGARDING SECTION 3 REQUIREMENTS FOR THE RECENTLY AWARDED COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE DEPARTMENT OF AGRICULTURE FOR THE REPLACEMENT OF RESIDENTIAL WATER METERS.

Mr. Kelley requested that the item be postponed to the February 6, 2024 Council meeting.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ENTERING INTO AN INTERLOCAL AGREEMENT (ILA) WITH THE LOWER COLORADO RIVER AUTHORITY (LCRA) TO BECOME A PARTICIPATING MEMBER OF A NEW EMERGENCY COMMUNICATION VOICE RADIO SYSTEM AND CO-LOCATED DISPATCH CENTER BEING BUILT FOR CALDWELL COUNTY.

Councilmember Michelson made a motion to approve the Interlocal Agreement with the Lower Colorado River Authority to become a participating member of a new emergency communication voice radio system and co-located dispatch center being built for Caldwell County, as presented. Councilmember Lairsen seconded. The motion passed by a vote of 6-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING REQUEST BY RONDA REAGAN OF 7G TEXAN, LLC, FOR A DETERMINATION OF ELIGIBILITY FOR A TAX ABATEMENT (TA-23-02) PURSUANT TO CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS" DIVISION 2 "TAX ABATEMENT", OF THE LOCKHART CODE OF ORDINANCES, FOR VARIOUS INTERIOR IMPROVEMENTS TO A BUILDING IN THE HISTORIC DISTRICT, LOCATED AT 112 NORTH MAIN STREET.

Councilmember Lairsen made a motion to approve the request by Ronda Reagan, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO RECEIVE THE 1ST QUARTER FISCAL YEAR 2024 INVESTMENT REPORT.

Councilmember Lairsen made a motion to approve the 1st Quarter Fiscal Year 2024 Investment report, as presented. Councilmember Castillo seconded. The motion passed by a vote of 6-0.

ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER APPOINTING TWO MEMBERS TO THE LOCKHART-CALDWELL COUNTY JOINT AIRPORT ZONING BOARD TO HEAR VARIANCE REQUESTS REGARDING THE LOCKHART MUNICIPAL AIRPORT HAZARD ZONING MAP.

Mayor White made a motion to appoint Jake McCullough and Dan Covert to the Lockhart-Caldwell County Joint Airport Zoning Board. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

ITEM 6-E. DISCUSSION AND/OR ACTION REGARDING RESOLUTION 2024-02 OF THE CITY OF LOCKHART, TEXAS ESTABLISHING AND CLARIFYING AN ADMINISTRATIVE PROCEDURE FOR THE NOMINATION OF MEMBERS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES.

Councilmember Mendoza made a motion to approve Resolution 2024-02, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 6-F. DISCUSSION AND/OR ACTION TO CONSIDER MOVING THE APPOINTMENT OF FRANK GOMILLION FROM THE ELECTRIC BOARD TO THE HISTORICAL PRESERVATION COMMISSION BY MAYOR LEW WHITE WITH A TERM TO EXPIRE NOVEMBER 2026.

Mayor White made a motion to appoint Frank Gomillion to the Historical Preservation Commission. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

ITEM 6-G. DISCUSSION AND/OR ACTION TO CONSIDER MOVING THE APPOINTMENT OF MARICA PROCTOR FROM THE ZONING BOARD OF ADJUSTMENT AND APPEALS TO THE HISTORICAL PRESERVATION COMMISSION BY COUNCILMEMBER JEFFRY MICHELSON WITH A TERM TO EXPIRE IN NOVEMBER 2026.

Councilmember Michelson made a motion to appoint Marcia Proctor to the Historical Preservation Commission with an effective date of February 6, 2024. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 6-H. DISCUSSION AND/OR ACTION TO CONSIDER REQUEST FROM MAYOR WHITE TO REAPPOINT HIS NOMINATIONS FOR APPOINTMENTS TO CITY BOARDS AND COMMISSIONS.

Mayor White made a motion to re-appoint the individuals as listed below. Councilmember Lairsen seconded. The motion passed by a vote of 6-0.

- Airport Board: Benny Hilburn
- Board of Adjustment: Mike Annas
- Construction Board: Raymond DeLeon
- Lockhart Economic Development Corporation: Alan Fielder
- Electric Board: No Nomination made at this time
- Historical Preservation: (currently on the Jan. 16th agenda to consider appointing Frank Gomillion)
- Library Board: Stephanie Riffin
- Parks and Recreation: Karla Tate
- Planning & Zoning: Ron Peterson
- Impact Fee Adv. Comm: Larry Metzler
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ITEM 6-I. DISCUSSION AND/OR ACTION TO CONSIDER THE NOMINATION OF NIGEL GUSDORF TO THE AIRPORT ADVISORY BOARD BY MAYOR WHITE FOR A TERM TO EXPIRE IN NOVEMBER 2026.

Mayor White announced that the appointment of Nigel Gusdorf will be placed on the next Council agenda for consideration.

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

- Update regarding the formation of Caldwell County ESD No. 5 and efforts by Caldwell County, Lockhart and Luling to defray expenses in establishing the ESD No. 5 Board and operations.
- Update regarding the appointments to the newly created Animal Shelter Advisory Board.
- Tree Trimming Program update.
- Update on electric system rehabilitation project on Willow Street.
- Comprehensive Plan Steering Committee will meet on January 31st to discuss the future land use draft map along with several new topics.

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

Councilmember Westmoreland expressed condolences to the family of Sam Harrison for their loss.

Councilmember Mendoza thanked city staff for their work during the cold storm.

Councilmember Lairsen thanked city staff for their work during the cold storm.

Councilmember Castillo expressed condolences to the family of Sam Harrison for their loss. He thanked city staff for their work.

Councilmember Michelson thanked city staff for their work during the cold storm.

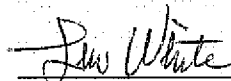
Mayor White stated that the second meeting about homeless issues was held last week. He stated that additional organizations will provide input to assist with the homelessness and that a public meeting about it might be scheduled soon. He provided information about a young individual who is very ill that has requested information and artifacts of Lockhart since he is a distant relative to the Lockhart Byrd family. A ribbon cutting for Mill Scale will be held on Wednesday.

ITEM 9. ADJOURNMENT

Councilmember Mendoza made a motion to adjourn the meeting. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 8:20 p.m.

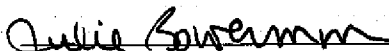
PASSED and APPROVED this the 18th day of February, 2025.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:


Julie Bowermon
City Secretary

