REGULAR MEETING
LOCKHART CITY COUNCIL   DECEMBER 17, 2024   6:30 P.M.

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

Council present:
Mayor Lew White
Councilmember John Castillo
Councilmember Brad Westmoreland
Councilmember Juan Mendoza
Councilmember John Lairsen
Councilmember Jeffry Michelson
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:
Brad Bullock, City Attorney
Joseph Resendez, Assistant City Manager
Julie Bowermon, City Secretary
David Fowler, Planning Director
Sean Kelley, Public Works Director
Bob Leos, Electric Superintendent
Randy Jenkins, Fire Chief
Tatiana Salazar, Public Information Officer

Citizens/Visitors Addressing the Council: Pat Stroka, Citizen.

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. DISCUSSION REGARDING CONSTRUCTION AGREEMENT WITH TECHLINE CONSTRUCTION, LLC FOR PROJECT #5C AS PART OF THE CITY OF LOCKHART'S FIVE-YEAR SYSTEM STUDY AND CAPITAL PLAN AS PREPARED BY THE LOWER COLORADO RIVER AUTHORITY (LCRA).

Mr. Leos stated that Techline Construction is the Lower Colorado River Authority's (LCRA) preferred contractor for projects because they are experienced with high voltage line repairs. Techline has conducted the majority of LCRA projects for the City of Lockhart since 1995. Project #5C is a "System Rehabilitation" project and part of the LCRA's five-year system study that will replace single-strand copper conductor. These conductors have been shown to become brittle and break with age, causing outages. Project #5C will rebuild approximately 800 ft. of three-phase power line on circuit LK30, from Ash and Pecos, west to Comal, and then south on Comal to Pine St. If approved, Project #5C will begin in the first quarter of 2025 with an estimated completion date of the second quarter of 2025. Techline cost for labor and travel is an estimated total of $254,750 for the project. Projects #5A and #5B were approved at the January 2, 2024 and March 19, 2024 Council meetings, respectively. Both projects are complete. There was discussion.

B. DISCUSSION REGARDING ENGINEERING SERVICES AGREEMENT WITH M&S ENGINEERING FOR PROJECT #7 AS PART OF THE CITY OF LOCKHART'S FIVE-YEAR SYSTEM STUDY AND CAPITAL PLAN AS PREPARED BY THE LOWER COLORADO RIVER AUTHORITY (LCRA).

Mr. Leos stated that M&S Engineering is a multi-service utility engineering firm headquartered in Spring Branch, Texas with seven offices in Texas. M&S provides engineering services to several municipal owned utilities (MOU's) and electric cooperatives in Texas, among other clients. This includes the cities of San Marcos, New Braunfels, and previous City of Lockhart projects. Project #7 is a "System Rehabilitation" project and part of the LCRA's five-year system study that will replace single-strand copper conductors. These conductors have been shown to become brittle and break with age, causing outages. Project #7 will rebuild approximately 6,000 ft. of three-phase power line on circuit LK20, along E Live Oak, Neches, San Saba, and Sabine streets. M&S Engineering design services for Project #7 has an estimated cost of $73,500, and not to exceed $75,000. If approved, the design for Project #7 will begin in the first quarter of 2025 with an estimated completion date of the third quarter of 2025. Once the project completes the design phase, staff will return to Council at a later date to review and approve the construction agreement to commence work on the project.

C. DISCUSS SEMI-ANNUAL REPORT CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31, "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES, AND ADVISE OF THE NEED TO UPDATE THE ORDINANCE, LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS, OR IMPACT FEES.

Mr. Fowler stated that the report covers April-September 2024. New impact fee studies for water-wastewater and roads were adopted on May 2, 2023. As such, the most recent reporting period reflects a shift towards collecting at current impact fee rates as projects commenced under the previous impact fee rates are mostly complete. The vast majority of the fees were received from the 71 new houses permitted during the six-month reporting period, with the rest coming from commercial projects. This is lower activity than the previous two semi-annual periods, but the transition to collecting the new fees has resulted in strong collection of fees and the City now has a record balance for the four impact fee accounts (water, wastewater, and two roadway service areas). There was discussion.

D. DISCUSS RESOLUTION 2024-38 APPROVING THE CITY OF LOCKHART'S PARTICIPATION IN THE KROGER SETTLEMENT RELATED TO THE STATEWIDE GLOBAL OPIOID SETTLEMENT.

Mr. Resendez stated that the State of Texas reached a proposed settlement with Kroger, another company alleged to have contributed to the opioid crisis. The Texas Attorney General's Office is urging all municipalities and counties in the State to approve of this new settlement which will add funds to the overall pool of money available to municipalities and counties that have previously adopted the Texas Term Sheet. As part of this new settlement, the municipality must agree not to sue Kroger or drop any pending lawsuits of which Lockhart is not currently pursuing. Previously, the State of Texas reached a proposed settlement with Endo/Par and Teva, other companies alleged to have contributed to the opioid crisis. On February 15, 2022, the City of Lockhart approved Resolution 2022-10 to execute the "Texas Subdivision and Special District Election and Release Forms" for settlement with Endo/Par and Teva.

E. DISCUSS CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER REAPPOINTMENT OF MS. WORLANDA NEAL FOR A THREE (3) YEAR TERM AS RECOMMENDED BY THE CITY MANAGER.

Mr. Resendez stated that Ms. Neal has served on the commission for the past 18 years (six 3-year terms), and as the commission chairman since 2017. According to Civil Service regulations, she can be reappointed for additional terms (3 years long) if the appointment is confirmed by a two-thirds majority of the City Council. Ms. Neal has graciously agreed to continue serving on the commission. Both the City Manager and Civil Service Director concur that she has been, and will continue to be, an asset to the Civil Service Commission. There was discussion about the requirement that the Commission members reside within the city limits of Lockhart.

F. DISCUSSION REGARDING A COUNCILMEMBER APPOINTMENT TO THE COMMUNITY ACTION, INC. OF CENTRAL TEXAS BOARD OF DIRECTORS.

Mr. Resendez stated that one third of the Community Action Board of Directors shall be elected public officials. The directors serve five-year terms, not to exceed a total of 10 years (or 2 terms). Councilmember Mendoza, who is currently appointed to the Community Action Board of Directors, has reached the ten-year limit of service. Community Action, Inc. of Central Texas has invited the City of Lockhart to appoint a new representative to serve on the board. The board typically meets on Thursdays 6 times per year in San Marcos. The meetings, on average, last approximately one and a half hours and are held in person. However, they do offer a virtual option through Zoom for those who cannot attend in person.

The board is scheduled to meet in 2025 as follows:
January 16, 2025
March 27, 2025
May 15, 2025
July 17, 2025
September 18, 2025
November 20, 2025

Community Action provides a variety of community services ranging from early childhood education, adult literacy programming, and health services, among other programs.

Mayor White announced that Mayor Pro-Tem Sanchez agreed to be appointed.

RECESS: Mayor White announced that the Council would recess for a break at 6:50 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:30 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.

Pat Stroka, 1204 Sierra Vista Cove, expressed concern about the actions that the Council about (Proposition A) decriminalization of marijuana. He expressed concern about the City Attorney's recommendation to meet in closed session after the Council voted in favor of Proposition A and then the Council rescinding the favorable vote and thereafter voting against Proposition A. He does not believe that the Council took the appropriate action regarding Proposition A.

ITEM 4-A. HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF ORDINANCE 2024-37, ANNEXING 84.981 ACRES OUT OF THE JOHN A. NEILL SURVEY, ABSTRACT 20, CALDWELL COUNTY, TEXAS, LOCATED EAST OF THE INTERSECTION OF FM 1322 AND CENTERPOINT ROAD AND ADDRESSED AS 2500 FM 1322.

Mayor White opened the public hearing at 7:36 p.m.
Mr. Fowler stated that the applicant requested that this item be postponed to the February 4, 2025 meeting.

Mr. Fowler stated that the public hearing for the annexation of nearly 85 acres south of Seawillow Section One subdivision, located east of the intersection of FM1322 and Centerpoint Road. The intended land use is single-family residential. Although the property will be assigned an initial zoning of AO Agricultural-Open Space District, the next item on the agenda will be the public hearing regarding the proposed zoning of the property to RMD Residential Medium Density District. The property is currently located in the CCN for Aqua Texas Water. The applicant plans to petition to leave the Aqua CCN to allow connection to City water and wastewater services, both of which will require extension to reach the property. In addition to the petition materials, the ordinance contains the annexation service agreement for the property. Most notably, the service agreement reflects that the property is not currently in the City water CCN and would require a release from the current CCN to facilitate City water service. The annexation service agreement has also been update to reflect the adoption of the Lockhart Looking Forward Comprehensive Plan in November 2024.

Mayor White closed the public hearing at 7:37 p.m. He announced that the public hearing will be postponed to the February 4, 2025 meeting.

ITEM 4-B. HOLD A PUBLIC HEARING ON APPLICATION ZC-24-08 BY TALLEY J. WILLIAMS ON BEHALF OF BLACKJACK BLOCK, LLC AND DISCUSSION AND/OR ACTION ON ORDINANCE 2024-38 FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON 84.981 ACRES IN THE JOHN A. NEILL SURVEY, ABSTRACT NO. 20, LOCATED LAST OF THE INTERSECTION OF FM 1322 AND CENTERPOINT ROAD AND ADDRESSED AS 2500 FM 1322.

Mayor White opened the public hearing at 7:37 p.m. He announced that the public hearing will be postponed to the February 4, 2025 meeting. He closed the public hearing at 7:38 p.m.

ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING CONSTRUCTION AGREEMENT WITH TECHLINE CONSTRUCTION, LLC FOR PROJECT #5C AS PART OF THE CITY OF LOCKHART'S FIVE-YEAR SYSTEM STUDY AND CAPITAL PLAN AS PREPARED BY THE LOWER COLORADO RIVER AUTHORITY (LCRA).

Councilmember Lairsen made a motion to approve the Construction Agreement with Techline Construction, LLC, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING ENGINEERING SERVICES AGREEMENT WITH M&S ENGINEERING FOR PROJECT #7 AS PART OF THE CITY OF LOCKHART'S FIVE-YEAR SYSTEM STUDY AND CAPITAL PLAN AS PREPARED BY THE LOWER COLORADO RIVER AUTHORITY (LCRA).

Councilmember Michelson made a motion to approve the Engineering Services Agreement with M&S Engineering, as presented. Councilmember Lairsen seconded. The motion passed by a vote of 7-0.

ITEM 5-C. DISCUSSION AND CONSIDERATION TO ACCEPT THE SEMI-ANNUAL REPORT CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31, "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES, AND ADVISE OF THE NEED TO

UPDATE THE ORDINANCE, LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS, OR IMPACT FEES.

Councilmember Westmoreland made a motion to accept the semi-annual impact fee report, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION REGARDING RESOLUTION 2024-38 APPROVING THE CITY OF LOCKHART'S PARTICIPATION IN THE KROGER SETTLEMENT RELATED TO THE STATEWIDE GLOBAL OPIOID SETTLEMENT.

Councilmember Lairsen made a motion to approve Resolution 2024-38, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5-E. DISCUSSION AND/OR ACTION REGARDING CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER REAPPOINTMENT OF MS. WORLANDA NEAL FOR A THREE (3) YEAR TERM AS RECOMMENDED BY THE CITY MANAGER.

Mayor Pro-Tem Sanchez made a motion to approve the reappointment of Worlanda Neal to the Civil Service Commission. Councilmember Castillo. The motion passed by a vote of 7-0.

ITEM 5-F. DISCUSSION AND/OR ACTION TO CONSIDER A COUNCILMEMBER APPOINTMENT TO THE COMMUNITY ACTION, INC. OF CENTRAL TEXAS BOARD OF DIRECTORS.

Mayor White announced that Mayor Pro-Tem Sanchez was recommended and has agreed to serve on the Community Action, Inc. of Central Texas Board of Directors. He thanked Councilmember Mendoza for serving on the Board for the past 10 years.

Mayor White made a motion to appoint Mayor Pro-Tem Angie Gonzales-Sanchez to the Community Action, Inc. of Central Texas Board of Directors. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

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

- Downtown Revitalization Project updates.
- Upcoming Blue Santa event on Dec. 21.
- City offices closed on December 24 & 25 in observance of Christmas holidays and January 1 in observance of New Year's holiday.
- Live Christmas Tree recycling.
- Lockhart ISD collecting donations for Lockhart Animal Shelter.
- Carrizo Water Treatment plan ribbon cutting.

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

Councilmember Mendoza wished everyone a Merry Christmas. He encouraged everyone to visit the Keep Lockhart Beautiful project.

Mayor Pro-Tem Sanchez thanked all involved with the lighting of the Christmas Tree and the lighted Parade. She expressed condolences to the families that have lost a loved one. She expressed appreciation to the organizations and volunteers that assist families in need during the holidays. She wished everyone Happy Holidays and a Happy New Year.

Councilmember Lairsen wished everyone Happy Holidays and a Happy New Year.

Councilmember Castillo wished everyone Happy Holidays and a Happy New Year. He stated that he is hosting a holiday food collection event at the Sports Bar. He requested that directional signs be erected on the downtown square.

Councilmember Michelson wished everyone Happy Holidays and a Happy New Year.

Mayor White asked if the Council is required to follow Roberts Rules of Order. Mr. Bullock replied that the city has adopted Roberts Rules of Order as a guideline and that it is not a statutory requirement. He also stated that he and staff did refer to Roberts Rules of Order prior to the December 3, 2024 meeting to confirm the Council's proposed actions. Mayor White stated that, during the meeting, he approved that the Council enter into closed session about Proposition A to seek advice from the City Attorney. Mr. Bullock stated that a Resolution providing details about the Council's actions on Proposition A will be forthcoming at a future meeting.

EXECUTIVE SESSION

Mayor White announced that the Council would enter Executive Session to discuss items 8 and 9 at 7:52 p.m.

ITEM 8. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON. Discussion regarding possible property acquisition for public facilities.

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. Legal advice related to Emergency Services District No. 5 management services interlocal agreement.

ITEM 10. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 8:32 p.m.

ITEM 10-A. DISCUSSION AND/OR ACTION RELATED TO POSSIBLE PROPERTY ACQUISITION FOR PUBLIC FACILITIES.

No action.

ITEM 10-B. DISCUSSION AND/OR ACTION REGARDING EMERGENCY SERVICES DISTRICT NO. 5 MANAGEMENT SERVICES INTERLOCAL AGREEMENT.

Mayor Pro-Tem Sanchez made a motion to approve the Emergency Services No. 5 Management Services Interlocal Agreement, as presented. Councilmember Lairsen 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 8:35 p.m.

PASSED and APPROVED this the 2nd day of December, 2025.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Julie Bowermon
City Secretary