

**REGULAR MEETING
LOCKHART CITY COUNCIL**

FEBRUARY 7, 2023

6:30 P.M.

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

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White
Councilmember John Castillo
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Julie Bowermon, Civil Service/HR Director
David Fowler, Senior Planner

Pam Larison, Finance Director
Sean Kelley, Public Works Director

Citizens/Visitors Addressing the Council: Representative of Hays-Caldwell Women's Center, Representative of Lockhart ISD, Rachael Lingvai, and Will Rhodes.

Work Session 6:30 p.m.

Mayor White announced that Mayor Pro-Tem Sanchez would be late arriving at the meeting. He 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. PRESENTATION OF A PROCLAMATION DECLARING FEBRUARY 2023 AS DOMESTIC VIOLENCE AWARENESS MONTH.

Ms. Ashley Rios of Hays-Caldwell Women's Center thanked the community for their support to spread the message that dating violence is not acceptable.

Mayor Pro-Tem Sanchez arrived at 6:36 p.m.

B. PRESENTATION OF A PROCLAMATION PROCLAIMING FEBRUARY 1-28, 2023 AS CAREER AND TECHNICAL EDUCATION MONTH IN LOCKHART.

Ms. Rachael Sotelo of the Lockhart ISD described the career and technical opportunities currently at LISD and encouraged students to continue participation.

C. DISCUSS CITY COUNCIL MINUTES OF THE JANUARY 3, 2023, JANUARY 12, 2023 AND JANUARY 17, 2023 MEETINGS.

Mayor White requested corrections to the minutes. There were none.

D. DISCUSS 1ST QUARTER INVESTMENT REPORT FOR FISCAL YEAR 2022-23.

Ms. Larison stated that the Texas Public Funds Investment Act requires local governments to review and accept Quarterly Investment Reports for each quarterly reporting period of the year. She provided details regarding the 1st Quarter for Fiscal Year 2023 Investment Report, ending December 21, 2023.

E. DISCUSS 1ST QUARTER FINANCIAL REPORT FOR FY2023.

Ms. Larison stated in an effort to keep the City Council updated and informed on the City of Lockhart's budget, a quarterly financial status report is presented that focuses on the financial and operational performance and provides updates on revenues and expenditures for the remainder of the fiscal year. This financial management practice is recommended by the GFOA. She provided details regarding the 1st Quarter for Fiscal Year 2023 Financial Report.

F. DISCUSS AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE COMMERCIAL LEASE BETWEEN THE CITY OF LOCKHART AND GRAIN AND SEED, LLC.

Ms. Larison stated on or about July 28, 2022, the City of Lockhart and Grain and Seed, LLC entered into a Commercial Lease Agreement for premises located at 105 South Colorado St., Lockhart, Texas. The parties intended to include within the lease a Special Conditions Addendum, but said Special Conditions Addendum was not included in the Lease and the parties wish to amend the Lease to include such an addendum. The addendum clarifies that the City is responsible for paying the cost of utilities at the location, as is done at all other City facilities.

G. DISCUSS IN-KIND SUPPORT AND APPROVAL OF COURTHOUSE NIGHTS EVENT TO BE HELD DOWNTOWN FROM APRIL TO AUGUST, 2023.

Mr. Kelley stated Rach and Rhodes Presents was seeking the City Council's approval and in-kind support for their "Courthouse Nights" events. This year, Courthouse Nights proposed a few changes to their event for this season:

- Expanding the road closures to include the interior of Commerce Street (Market to San Antonio) and both interior and exterior lanes of Market Street (Main to Commerce).
- Reducing the events from seven events in 2022 to five events for 2023.
- Extending the hours for amplified music from 7pm-10pm to 6pm-11pm.

Historical practices for in-kind support have included barricading street closures and extra trash cans for the event. The street closures for last year's events comprised of the interior lanes of both Commerce Street (Market to San Antonio) and Market Street (Main to Commerce).

Mr. Kelley stated Courthouse Nights is also seeking City Sponsorship for the event to assist with expenses for the concert series and asking that the City provide/cover the cost of a portable restroom if the downtown park restroom is removed. Mr. Kelley stated the Sponsorship information was included the packet and Rachel Lingvai and Will Rhodes would be addressing the Council to further explain their request. Mr. Kelley stated he obtained quotes for portable restrooms that ranged from between \$200 - \$400 per month. Staff had also been exploring a possible sponsor to cover the cost of the portable restrooms. There was further discussion regarding portable restrooms, restroom trailer and sewer access in the downtown area.

Rachel Lingvai and Will Rhoades requested support to hold the 3rd Season of Courthouse Nights (April 21st, May 12th, June 16th, July 21st, and August 18th) with in-kind support similar to the previous 2 seasons and additional support from the City during the 2023 season which is shown in detail in the agenda packet. Ms. Lingvai discussed the safety need to close Market Street (Main to Commerce). Also, a request to have the City cover the expense of having public portable restrooms available during the event. Ms. Lingvai also requested the City contribute a monetary sponsorship to the event. She stated the event would continue to not serve or sell alcohol or food or have vendors. There was further discussion.

H. DISCUSS AUTHORIZING THE CREATION OF A COMMITTEE ON HOUSING AND DEVELOPMENT ISSUES.

Mr. Fowler stated the Mayor had proposed creating a committee on housing and development to address the issues discussed at the joint workshops of City Council and the Planning and Zoning Commission held in December 2022 and January 2023. The committee would consist of 4 members: 2 members from the City Council and 2 members from the Planning and Zoning Commission. The mission of the Committee would be to reflect upon the discussions at the joint workshops and decide which policy priorities City staff and the Planning and Zoning Commission should work on to address the city's development-related issues, and set the order and timing of the work items that could be assigned following the Committee's discussions. Any policies the Committee would recommend that would involve a change to City ordinances would be subject to City Council approval as well as review by the Planning and Zoning Commission and/or the Historic Preservation Commission where required. The scope and pace of work products resulting from Committee discussions would also be subject to legal review and the possible need for outside area experts to draft specialized code language. As an appointed City committee, the group's meetings would be subject to public notice requirements.

Mayor White stated he was recommending the 4 members be City Councilmembers John Castillo and Kara McGregor and the Planning and Zoning Commission members be Philip McBride and Rick Arnic. There was further discussion.

I. DISCUSS ENTERING A CONTRACT WITH TRC ENGINEERING RELATIVE TO THE U.S. DEPARTMENT OF COMMERCE - ECONOMIC DEVELOPMENT ADMINISTRATION GRANT (08-79-05656) TO PROVIDE PROFESSIONAL SERVICES TO DESIGN AND CONSTRUCT APPROXIMATELY 2.5 MILES OF WASTEWATER LINE TO THE LOCKHART INDUSTRIAL PARK III AND APPOINTING THE CITY MANAGER TO SIGN THE CONTRACTUAL DOCUMENT, IF APPROVED.

Mr. Kelley stated that during the previous Council meeting, TRC was selected as the project engineering firm. The proposed contract is a result of selecting TRC. The contract is for \$207,000 which would be paid from the Economic Development Administration (EDA) Grant (08-79-05656) in the amount of \$2,100,000. TRC has been evaluating the size of pipe needed for the project considering the amount of development occurring in the area. Completion of this project would also see the decommission and demolition of the Windridge Lift Station. Mr. Kelley stated staff anticipates a bid date of August 2023 with construction to take place September 2023 – January 2024, weather permitting. There was further discussion.

J. DISCUSS APPROVING THE SECOND AMENDMENT TO THE LOCKHART EMS STAFFING AND MANAGEMENT SERVICES AGREEMENT WITH ASCENSION SETON.

Mr. Lewis stated effective August 1, 2015, the City contracted with Ascension Seton ("Seton") for the provision of emergency medical services ("EMS") whereby Seton provided ambulance and other assistance to the City in return for the City's payment of Seton's operating expenses and an administration fee. Recently, Seton notified the City of its intent to terminate the agreement in March 2023, due in part to budgetary shortfalls and that Seton currently only provides EMS services to one city, that being Lockhart. The City and Seton have subsequently negotiated an amendment to the Agreement, now before the Council, whereby Seton will continue providing EMS services through October 1, 2023, in order for the City to secure or provide alternative EMS services, in return for the City's payment of Seton's monthly shortfall of up to \$23,000 in addition to the operating expense and administration fee. If approved, the amendment would go into effect February 1, 2023 expiring October 1, 2023. However, the City could

provide notice to end the agreement prior to October 1, 2023. Mr. Lewis stated that staff recommend approval.

RECESS: Mayor White announced that the Council would recess for a break at 7:39 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:55 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember McGregor 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, 4C, and 4D. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

4A: Approve City Council minutes of the January 3, 2023, January 12, 2023 and January 17, 2023 meetings.

4B: Approve 1st Quarter Investment Report for Fiscal Year 2022-23.

4C: Accept 1st Quarter Financial Report for FY2023.

4D: Approve authorizing the City Manager to execute the first amendment to the Commercial Lease between the City of Lockhart and Grain and Seed, LLC.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER IN-KIND SUPPORT AND APPROVAL OF COURTHOUSE NIGHTS EVENT TO BE HELD DOWNTOWN FROM APRIL TO AUGUST, 2023.

Councilmember McGregor made a motion to approve a \$2,000 donation for the event Courthouse Nights to be used first for public restrooms with any remainder, if any, going to the organization. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION TO AUTHORIZE THE CREATION OF A COMMITTEE ON HOUSING AND DEVELOPMENT ISSUES.

Councilmember McGregor made a motion to approve the creation of a subcommittee on housing and development issues, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-C. DISCUSSION AND/OR ACTION TO CONSIDER ENTERING A CONTRACT WITH TRC ENGINEERING RELATIVE TO THE U.S. DEPARTMENT OF COMMERCE - ECONOMIC DEVELOPMENT ADMINISTRATION GRANT (08-79-05656) TO PROVIDE PROFESSIONAL SERVICES TO DESIGN AND CONSTRUCT APPROXIMATELY 2.5 MILES OF WASTEWATER LINE TO THE LOCKHART INDUSTRIAL PARK III AND APPOINTING THE CITY MANAGER TO SIGN THE CONTRACTUAL DOCUMENT, IF APPROVED.

Councilmember Mendoza made a motion to approve entering a contract with TRC Engineering relative to the U.S. Department of Commerce - Economic Development Administration Grant (08-79-05656) to provide professional services, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER APPROVING THE SECOND AMENDMENT TO THE LOCKHART EMS STAFFING AND MANAGEMENT SERVICES AGREEMENT WITH ASCENSION SETON.

Councilmember Michaelson made a motion to approve the second amendment to the Lockhart EMS Staffing and Management Services Agreement with Ascension Seton. Councilmember Castillo seconded. The motion passed by a vote of 7-0.

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

- Nueces and Pecos Parks improvements update.
- Update on the newly formed Aquatics Facility Committee.
- Update on selection process for Parks and Recreation General Service Contract Consultant.
- 2022 City Annual Report available.
- Winter Storm Mara update.
- Community Meet and Greet event with Police Chief Finalists on February 11, 2023.

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

Councilmember Westmoreland stated the Lockhart community did well during the recent icy weather and did not receive damage as intense as some other communities.

Councilmember Mendoza thanked first responders and City staff for their efforts during the winter storm.

Mayor Pro-Tem Sanchez thanked City staff and everyone involved with monitoring conditions during the winter storm. She expressed condolences to the families of Domingo Cruz and Rudy Ortiz for their loss. She congratulated the Lockhart Chamber for a successful banquet and for recognizing 2 iconic family businesses: Westy's Pharmacy and Wilson Riggins Lumber.

Councilmember McGregor thanked first responders and City staff for their efforts during the winter storm.

Councilmember Castillo thanked City staff for their efforts during the winter storm. He also thanked the Calvary Church for opening a warming center during the storm and Lockhart Chamber for a successful banquet. He expressed dissatisfaction with the lack of grant writing staff and response from staff and Councilmembers.

Mayor White congratulated the Lockhart Chamber for a successful banquet. He thanked City staff for their efforts during the winter storm as well as Public Works Director Sean Kelley for assistance with a water leak at his home.

ITEM 8. 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 PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT OFFER; OR LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE. Seek legal advice from City Attorney regarding Emergency Medical Services.

No Executive Session was held.

ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.086, FOR DISCUSSION OF A COMPETITIVE MATTER RELATED TO THE CITY'S PUBLIC POWER UTILITY. Discuss a competitive matter related to the City's public power utility regarding the City's contract with AEP.

Mayor White announced that the Council would enter Executive Session at 8:20 p.m.

ITEM 10. OPEN SESSION

Mayor White announced that the Council would enter Open Session at 8:30 p.m.

- A. Discussion and/or action regarding Emergency Medical Services – No Executive Session was held.
- B. Discussion and/or action regarding the City's public power utility and the City's contract with AEP.

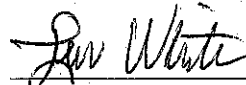
Mayor White made a motion to authorize the City Manager to sign the market based rate requirements agreement with AEP. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

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 8:33 p.m.

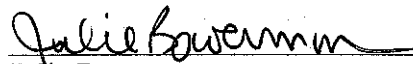
PASSED and APPROVED this the 4th day of April, 2023.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Julie Bowermon
Deputy City Secretary

