

**REGULAR MEETING
LOCKHART CITY COUNCIL**

MARCH 7, 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 Kara McGregor
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Sean Kelley, Public Works Director
Julie Bowermon, Civil Service/HR Director
Kevin Lunsford, Interim Police Chief

Monte Akers, City Attorney
Randy Jenkins, Fire Chief
Pam Larison, Finance Director
Travis Hughes, Parks Director

Citizens/Visitors Addressing the Council: Gary Dickenson and Katy Kemp of the Farmers Market; Kim Clifton of the Lockhart Chamber of Commerce; Jonathan Gonzales of the Greater Caldwell County Hispanic Chamber of Commerce; Jason Jones of the Gaslight-Baker Theater; Coyle Buhler of the Caldwell County Museum; James Jimenez of Halff Associates; and, Suzy Falgout of Caldwell County Animal Coalition.

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. DISCUSS CITY COUNCIL MINUTES OF THE FEBRUARY 11, 2023 MEETING.

Mayor White requested corrections. There were none.

G. DISCUSS THE STATE OF THE LOCKHART FARMERS' MARKET.

Mr. Kelley stated that it has come to the City of Lockhart's attention that the organization operating the Lockhart Farmer's Market has dissolved. Since then, a new group of organizers comprised of Gary Dickenson, Katy Kemp and Tara Bittner have stepped forward and are interested in continuing the Farmer's Market held downtown each Saturday. The new organizers also expressed interest in extending the operating hours to 3pm on Saturdays and plan on discussing this request with the downtown businesses.

The new group is also seeking 6-month temporary authorization to operate the Farmers Market so that they may address the following actions:

- Pursue 501 (c)(4) non-profit status
- Establish themselves as a Certified Farmer's Market with the State
- Prepare new bylaws, and
- Change their name from "Lockhart Farmer's Market" to "Farmers and Artisans Market of Lockhart"

The Lockhart Farmer's Market has been conducting themselves under the following conditions established by the interlocal agreement between the City and Caldwell County:

- Obtain/maintain non-profit status
- Certified Farmer's Market with the State
- Use of the inner lanes of the streets on the east, west, and south sides of the Square
- Furnish two restroom facilities, one of which being ADA-compliant (when public restrooms are not available)
- Have market vendors park off the Square, except when loading and unloading
- Operate between the hours of 8am-2pm on Saturdays, setup beginning no earlier than 7:30am with all vendors gone by 2:30pm
- Operate at the Caldwell County Justice Center when conflicting events are held on the Square

Should Council desire to move forward with an interim agreement, staff seeks direction on any amendments to the conditions found in the existing Interlocal Agreements.

Mayor White requested the following to address the Council:

Gary Dickenson, 5211 Seawillow Road, stated that he is involved in continuing the Farmers Market. The organization is working on the 501C4 to continue the market and stated that considering their request to keep the market open until 3:00 p.m. could wait until after they obtain the 501C4.

Katy Kemp, 10823 FM 621, Staples, Texas, explained the difference between a 501C3 and 501C4. The Farmers Market cannot operate under a 501C3 and make a profit. Obtaining a 501C4 would allow the market to give back to the community.

There was discussion.

C. PRESENTATION BY INTERIM POLICE CHIEF LUNSFORD REGARDING THE 2022 RACIAL PROFILING REPORT.

Chief Lunsford stated that State law requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made because of those stops.

In addition, State law requires the following:

1. A comparative analysis of the information compiled;
2. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
3. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
4. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered during those searches and whether the individual detained consented to the search;
5. Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling;
6. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

7. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
8. Location of the stops; and
9. The reason for the stops.

There was discussion.

E. DISCUSS HOTEL OCCUPANCY TAX (HOT) ALLOCATIONS AS RECOMMENDED BY THE HOT ADVISORY BOARD FOR THE 2023 FUNDING YEAR.

Ms. Larison stated that on February 15, 2023, the HOT Advisory Board met to discuss allocations for the 2023 funding year. Organizations were allowed to make presentations to the Board. The following three organizations made formal presentations: Lockhart Chamber of Commerce, the Gaslight-Baker Theatre, and Caldwell County Jail Museum. The total amount requested was \$165,000. After much consideration and discussion, the Board recommended to the Council that the historical recipients receive their total requested amounts. There was discussion about providing additional funding to the Caldwell County Jail Museum in order for them to complete their renovations; an additional \$7,000 was approved by the HOT Board by unanimous vote. Ms. Larison recommended approval.

Ms. Larison stated that the following organizations would make their presentation about how their organization promotes tourism to Lockhart:

Kim Clifton of the Lockhart Chamber of Commerce provided information about how the Chamber promotes tourists to stay in hotels overnight in Lockhart.

Jonathan Gonzales of the Greater Caldwell County Hispanic Chamber of Commerce provided information about how the Chamber promotes tourists to stay in hotels overnight in Lockhart.

Jason Jones of the Gaslight-Baker Theater provided information about how the Theater promotes tourists to stay in hotels overnight in Lockhart.

Coyle Buhler of the Caldwell County Museum provided information about how the Museum promotes tourists to stay in hotels overnight in Lockhart.

There was discussion.

I. DISCUSS MASTER SERVICE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF LOCKHART AND HALFF ASSOCIATES FOR LOCKHART PARKS & RECREATION DEPARTMENT GENERAL SERVICES AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT FOR PROFESSIONAL SERVICES, IF APPROVED.

Mr. Hughes stated that the City received six responses to the RFP and interviewed three finalists. Halff Associates was selected as the finalist for RFQ 2023-01. If approved, they will be awarded a one-year contract to serve as the Lockhart Parks & Recreation General Services Provider and will be tasked with the renovation of Lockhart's (10) city parks. This Agreement serves as a Master Service Agreement and then individual work authorizations for the specific work to be done that will include the associated fees.

The anticipated immediate projects include:

1. 5-year update to the Parks, Recreation and Open Space Master Plan 2018.
2. Assistance as needed with existing splash pad integration into Lafleur Park, skate park repairs, and aquatics facility planning.
3. Lions Park renovations.

Mr. Hughes recommended approval.

James Jimenez of Halff Associates provided information about how their organization assists municipalities with park renovations and capital improvements projects. He thanked the Council for allowing their firm to work in Lockhart.

There was discussion.

B. DISCUSS ANNUAL REVIEW OF THE CITY OF LOCKHART EMERGENCY WARNING SYSTEM POLICIES WHICH INCLUDES THE OUTDOOR WARNING SIRENS (OWS) AND THE REGIONAL NOTIFICATION SYSTEM (RNS) IN PARTNERSHIP WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

Chief Jenkins stated that severe weather is common in Central Texas from March through November. This includes the typical, peak severe thunderstorm and tornado months from March to June, and it includes the Atlantic hurricane season from June 1 to November 30. The purpose of this agenda item is to complete a routine annual review of the policy and make any needed amendments before the upcoming severe weather season. The current emergency warning system includes both outdoor and indoor warning methods. The Outdoor Warning Sirens (OWS) consist of five (5) electro-mechanical rotating sirens strategically located throughout the city. The sirens are tested on the 1st Monday of each month at 1 p.m. And are maintained through an annual maintenance contract. Due to population growth on the west side, a 6th siren location may be needed in the future (see attached map) at an estimated cost of \$35,000. The OWS system is also in need of an upgrade to the server and software located at dispatch. The estimated cost is \$16,000. Indoor warnings are managed through the CAPCOG Regional Notification System (warncentraltexas.org), which has been implemented for citizens to receive warnings and important information by phone (call or text), and computer (Email), to include automated weather warnings from the National Weather Service (NWS). The current warning system was adopted by Resolution No. 2019-14 on July 2, 2019. Key points of the emergency warning system include the outdoor warning sirens are tested the first Monday of each month; dispatch staff conducts monthly tests in the event of a manual activation; and activation criteria for the sirens was adopted. Outdoor Warning Sirens were activated twice by staff in 2022 for severe weather. The City of Lockhart currently has 11,767 contacts in warncentraltexas.org.

There was discussion.

D. DISCUSS RESOLUTION NO. 2023-02 TO SUSPEND THE EFFECTIVE DATE OF APRIL 10, 2023, FOR THE TEXAS GAS SERVICE CO. GAS RELIABILITY INFRASTRUCTURE (GRIP) ADJUSTMENT.

Mr. Akers stated that on February, 9, 2023, Texas Gas Service Co. (TGS) notified officials in 27 cities in which TGS operates of a GRIP rate increase for its customers that will total \$11,524,441 on a system-wide basis, which will increase the average residential bill by \$2.49 per month. The Gas Reliability Infrastructure Program ("GRIP") was adopted by the Texas legislature in 2003 to allow gas utilities to increase their rates annually, without going through a contested rate case before the Railroad Commission,

to pay for certain infrastructure purchases and investments. The law does not allow cities to suspend the rates in preparation for filing contest to a proposed rate increase, but it does allow a city to suspend a proposed GRIP increase in order to have adequate time to review the proposed increases, analyze information and take appropriate action related to the proposed increase. The purpose of Resolution No. 2023-02 is to implement that suspension to the extent allowed by the GRIP law (Sec. 104.301 Utilities Code). There was discussion.

F. DISCUSS AUTHORIZING THE MAYOR TO ACKNOWLEDGE AND ACCEPT FUNDING ON BEHALF OF THE CITY FROM THE CDBG-MIT REGIONAL MITIGATION PROGRAM.

Ms. Larison stated that CAPCOG is creating a Method of Distribution (MOD) for \$52,253,000 in Community Development Block Grant (CDBG) Mitigation (MIT) funds for the Texas General Land Office. The funding will provide financial assistance for necessary expenses for activities related to Hurricane Harvey disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, mitigation, and affirmatively furthering fair housing in the most impacted and distressed areas in Bastrop, Caldwell, Fayette, and Lee Counties. CAPCOG advises that the City must indicate our intent in these funds by March 10, 2023. Lockhart is included as a potential recipient of funding in the amount of \$1,889,900. This amount is subject to change due to upcoming public participation process and final MOD approval by the GLO. Due to CDBG-MIT grant requirements, the state is required to reach a certain threshold tied to benefiting low and moderate-income (LMI) persons. Therefore, 50% or \$945,000 of Lockhart's funding must be used for projects that benefit LMI citizens. At this time, staff understands that most infrastructure projects will be eligible. However, the final list of eligible and ineligible projects will be published in May, 2023. The City of Lockhart currently has 9,010 LMI households (57.20%) and qualifies for funding.

Based on a 4-person occupancy (per annum):

Very Low Income base	\$17,850
Low Income	29,750
Low to Moderate	47,600

Ms. Larison recommended approval. There was discussion.

H. DISCUSS PROPOSED RETIREMENT OF POLICE CANINE AND AGREEMENT TO SELL THE RETIRED ANIMAL TO THE HANDLER.

Chief Lunsford stated that the current police canine is between 8-9 years old. Due to age, cost of continuing training / certifications, and current assignment of handler, it is recommended that the dog be retired. It is typical for police dogs to be retired in the 5-7 year old range due to age and diminishing performance. Once retired, the dog must be placed somewhere. Due to the nature of the original training, it is common to sell a retired dog to the handler for a miniscule amount of money and transfer all financial and legal liability to the handler / new owner. The agreement has been reviewed and approved by the City Attorney. Chief Lunsford recommended approval. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 8:10 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 8:25 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.

Suzy Falgout, 710 S. Commerce, Caldwell County Animal Coalition (CCAC), stated that CCAC is sponsoring an "operation cat fix" in April 2023 to spay/neuter community and feral cats. She stated that CCAC is recruiting individuals to sponsor a trap to catch feral cats. She thanked Raquel and Tommy Barron for hosting a CCAC fundraising event on April 1, 2023.

ITEM 4. CONSENT AGENDA.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 4A and 4B. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- A. Approve City Council minutes of the February 11, 2023 meeting.
- B. Approve Resolution No. 2023-02 to suspend the effective date of April 10, 2023, for the Texas Gas Service Co. Gas Reliability Infrastructure (GRIP) Adjustment.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER HOTEL OCCUPANCY TAX (HOT) ALLOCATIONS AS RECOMMENDED BY THE HOT ADVISORY BOARD FOR THE 2023 FUNDING YEAR.

Councilmember Michelson made a motion to approve the HOT allocations, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING AUTHORIZING THE MAYOR TO ACKNOWLEDGE AND ACCEPT FUNDING ON BEHALF OF THE CITY FROM THE CDBG-MIT REGIONAL MITIGATION PROGRAM.

Mayor Pro-Tem Sanchez made a motion to approve authorizing the Mayor to acknowledge and accept funding on behalf of the city from the CDBG-MIT Regional Program. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING THE STATE OF THE LOCKHART FARMERS' MARKET.

After discussion, the consensus of the Council was to keep the closing time of the Farmers Market as currently set and to wait to consider the 3:00 p.m. closing until a new interlocal agreement is approved by Council.

Councilmember Michelson made a motion to direct staff to prepare an interlocal agreement with Farmers and Artisans Market of Lockhart consistent with the previous guidelines for Council's consideration. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER PROPOSED RETIREMENT OF POLICE CANINE AND AGREEMENT TO SELL THE RETIRED ANIMAL TO THE HANDLER.

Councilmember Michelson made a motion to approve the retirement of the Police Canine and the agreement to sell the retired animal to the handler. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-E. DISCUSSION AND/OR ACTION TO CONSIDER A MASTER SERVICE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF LOCKHART AND HALFF ASSOCIATES FOR LOCKHART PARKS & RECREATION DEPARTMENT GENERAL SERVICES AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT FOR PROFESSIONAL SERVICES, IF APPROVED.

Mayor Pro-Tem Sanchez made a motion to approve a Master Service Agreement with Halff Associates, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

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

- Council / Planning and Zoning subcommittee on housing/development conducted first meeting.
- New splash pad project on Maple Street.
- Citywide Spring Clean Up Program on Saturday, March 25, 2023.
- Household Hazardous Waste Collection Event will be held Saturday, April 1, 2023 (rain or shine) for Lockhart residents.
- KidFish at City Park on March 18 at 9:00 a.m.
- Cemetery Spring Cleanup will take place March 28 -29, 2023.

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

Councilmember Westmoreland stated that Lockhart State Park has begun the installation of the new irrigation system.

Councilmember Mendoza reminded citizens that the Lockhart Youth Soccer League and Lockhart Little League will begin playing sports soon.

Mayor Pro-Tem Sanchez expressed condolences to the families of Ralph Perez, Sr., Juanita Ignacio, Joni Thompson and the Westmoreland family for their loss. She thanked sponsors of the Lockhart Junior Livestock show.

Councilmember McGregor thanked all involved with the successful Fur Ball fundraising event to benefit the Lockhart Animal Shelter.

Councilmember Michelson congratulated the students that participated in raising funds at the Lockhart Junior Livestock show. He expressed condolences to the Westmoreland family for the loss of a family member.

Mayor White also expressed condolences to families that have lost a loved one. He announced that the recent First Friday had a great turnout.

ITEM 8. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE SECTION 551.074 TO DELIBERATE REGARDING THE APPOINTMENT, EMPLOYMENT, AND DUTIES OF THE LOCKHART CHIEF OF POLICE.

Mayor White announced that the Council would enter Executive Session at 8:43 p.m.

ITEM 9. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 9:10 p.m.

No action taken.

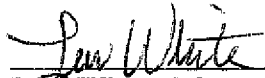
ITEM 10. ADJOURNMENT.

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 9:12 p.m

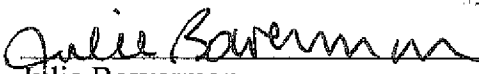
PASSED and APPROVED this the 5th day of March, 2024.



CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Julie Bowermon
City Secretary