REGULAR MEETING
LOCKHART CITY COUNCIL MARCH 5, 2024 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
Councilmember Brad Westmoreland
Councilmember John Lairsen
Mayor Pro-Tem Angie Gonzales-Sanchez

Council absent:
Mayor Lew White

Staff present:
Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
Sean Kelley, Public Works Director
Randy Jenkins, Fire Chief
David Fowler, Planning Director
Brad Bullock, City Attorney
Julie Bowermon, City Secretary
Travis Hughes, Parks Director
Gary Williamson, Police Chief
Keeli Michna, Finance Director

Citizens/Visitors Addressing the Council: Dave Parkers; Melissa Reese of Texas Monthly;

Work Session 6:30 p.m.
Mayor-Pro-Tem Sanchez stated that Mayor White will not be in attendance. She 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 AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH PROJECT HOLIDAY.
Mr. Lewis stated that Project Holiday is a 90-guestroom Holiday Inn Express planned to be located at the corner of City Line Road and San Antonio Street on Lockhart's west side. One of the recommendations in the 2023 LEDC Strategic Plan Update is to recruit a hotel developer to host business clients and visitors and help stretch any day trips for regional tourism into overnight stays boosting retail and food sales in Lockhart. Specifically, the recommendation was to secure a limited service hotel and include meeting space. The hotel will provide a ground floor meeting room with a minimum of 2,400 gross square feet that will accommodate at least 60 seats. This project will support the needs of new businesses coming to Lockhart as well as a new focus growing the City's tourism industry. The proposed Performance Agreement sets forth the property tax and hotel occupancy tax incentives, project investment, construction timelines, job creation requirements, and other performance measures.

Dave Parker provided information about the hotel. There was discussion.

B. DISCUSS CITY COUNCIL MINUTES OF THE MARCH 7, 2023.
Mayor Pro-Tem Sanchez requested corrections to the minutes. There were none.

C. DISCUSS THE PROPOSED TEXAS MONTHLY 2024 BBQ WORLD'S FAIR EVENT SPONSORSHIP AGREEMENT FOR THE NOVEMBER 2-3, 2024 TEXAS MONTHLY BBQ WORLD'S FAIR EVENT.

Mr. Kelley stated that since 2009, Texas Monthly BBQ Fest has brought together BBQ enthusiasts. In 2022, Texas Monthly held its first BBQ World's Fair in the BBQ Capital of Texas and is seeking to return to Lockhart for a third consecutive year. This event is slated for November 2-3, 2024 to be held on the Historic Courthouse Square and City Park. Texas Monthly will provide the planning, production, staffing, event lineup, marketing, ticketing services and sponsorships.

Other notable details in the agreement include:

- City contribution $25,000 of in-kind support (permit assistance, street closures, police, and fire responders staff, secure shuttle parking area and event locations)
- $20,000 monetary sponsorship for digital promotion and $8,700 payment for (1) full page brand ad in Texas Monthly Magazine
- City logo to be placed on promotional signage
- Minimum general liability insurance requirements

Melissa Reese of Texas Monthly provided statistics about the Texas Monthly event that was held in Lockhart in 2023.

D. DISCUSS THE RELEASE OF A 15-FOOT WIDE BLANKET UTILITY EASEMENT LOCATED AT 1925 FM 2001.

Mr. Kelley stated that the developers of Real Cold Storage located at 1925 FM 2001 expressed to city staff that they would like to resolve issues with a utility easement on the subject property that was original granted to Polonia WSC on June 30, 1971. This utility easement that was granted is a 15ft wide easement and encompasses a 2 1/2" water main that was placed on the property. However, the current easement reads "blanket in nature". In 2021, the City of Lockhart acquired this water service area (CCN-Certification of Convenience and Necessity), which includes this easement along with other previously granted easements in the acquired service area. Terminating this existing easement and reestablishing a new easement for the new 16" water main to be constructed within noted metes and bounds will clear up future confusion of the boundaries of the easement. City staff have no issues with the release of the utility easement and prefer having the easement recorded on the final plat for the property.

E. DISCUSS WORK AUTHORIZATION NO. 5 FOR HALFF ASSOCIATES UNDER THE MASTER GENERAL SERVICES AGREEMENT TO PROVIDE ASSISTANCE IN IDENTIFYING FUNDING OPPORTUNITIES AND POTENTIAL SITE DUE DILIGENCE FOR A PROPOSED AQUATIC FACILITY.

Mr. Hughes stated that due to the age and poor condition of the existing municipal pool, an Aquatics Committee was formed in January 2023 to determine the feasibility of constructing a new aquatic facility, and to determine the scope and programming that would best serve the Lockhart community. In July 2023, Council approved Work Authorization #4 for Halff & Associates and Water Technology Incorporated to develop two project concepts and budgets. The final concept and budget was presented to Council and accepted in October 2023. Council directed staff to determine potential sites for the new facility and potential funding sources.

F. DISCUSS THE PROPOSED FIRST ADDENDUM TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN LOCKHART INDEPENDENT SCHOOL DISTRICT (LISD) AND THE CITY OF LOCKHART REGARDING SCHOOL RESOURCE OFFICERS (SRO) TO INCLUDE REIMBURSEMENT FROM LISD TO THE CITY FOR SRO SPECIAL ASSIGNMENT STIPEND.

Chief Williamson stated that the City of Lockhart and the Lockhart Independent School District (LISD) currently have an Interlocal Cooperation Agreement (ILA) for the Lockhart Police Department to provide School Resource Officers (SRO) to LISD throughout the calendar school year. The agreement details the SRO program structure, services to be provided, general duties and responsibilities, training, financial responsibilities and equipment, and the relationship between the parties. At the request of LISD, the purpose of the proposed First Addendum to the current ILA is to provide for reimbursement from LISD to the City for the amount of the SRO special assignment stipend paid to SROs from March 25th, 2024, through May 26th, 2024; the end of the 2023-24 school year. LISD is requesting and will fund a temporary increase in the current SRO special assignment stipend to provide a parity pay rate consistent with rates paid to off-duty officers providing similar services to the school district. The current stipend is $200 per month. The proposed temporary increase will provide an additional $1,080 per week for nine weeks. This addendum is expected to be considered by the LISD Board soon. Amendments to Ordinance 2018-07 will be considered on a separate agenda item which follows.

G. DISCUSS ORDINANCE 2024-07 AMENDING UN-CODIFIED ORDINANCE 2018-07 SECTION II (F) REGARDING THE ASSIGNMENT OF SCHOOL RESOURCE OFFICER WITHIN THE LOCKHART POLICE DEPARTMENT WITH ALL OTHER SECTIONS OF ORDINANCE 2018-07 REMAINING UNCHANGED.

Ms. Bowermon stated that the Lockhart Independent School District (LISD) has proposed to temporarily increase the assignment pay of Lockhart Police Officers assigned by the Police Chief as School Resource Officers at LISD campuses from March 25, 2024 through May 26, 2024. LISD will cover the expense of this increase as stated in the "First Addendum of the Interlocal Cooperation Agreement between Lockhart Independent School District and the City of Lockhart." Civil Service - Local Government Code Chapter 143, permits an ordinance to establish assignment pay and shift differential pay for fire fighters and police officers that perform specialized assignments such as School Resource Officer. This was done by passing Ordinance 2018-07 which includes a $200 per month school resource officer assignment pay. The proposed amendment authorizes an additional assignment payment of $1,080 per week, as proposed by LISD, to be paid to Lockhart Police Officers assigned as SROs. Currently, the Lockhart Police Department has one SRO assigned to LISD campuses. LISD currently utilizes off-duty Lockhart Police Officers as well as officers from other law enforcement agencies for additional staffing. These officers are paid a premium off-duty hourly rate and do not receive the SRO assignment pay. The additional pay is proposed to be for a term of March 25, 2024 - May 26, 2024. After May 26, 2024, SRO assignment pay would return to the current $200 per month. Discussions are ongoing regarding possible additional SRO assignment pay for the 2024-2025 school year. If there is future additional pay proposed by LISD for 2024-2025, it will be presented to City Council at a later date. In accordance with the "First Addendum of the Interlocal Cooperation Agreement between Lockhart Independent School District and the City of Lockhart," the proposed temporary additional SRO assignment pay would be funded by LISD. Therefore, the additional pay should not have a financial impact on the City. There was discussion.

H. DISCUSS A PROPOSAL FROM STUDIO STEINBOMER TO PROVIDE CONSTRUCTION DOCUMENTATION AND CONSTRUCTION PHASE SERVICES FOR THE RENOVATION OF FIRE STATION NO. 1 AT 201 W. MARKET ST.

Mr. Resendez stated that Studio Steinbomer prepared a Fire Station No. 1 condition report, structural condition survey, and preliminary design drawings in 2021. An asbestos survey and report was completed on February 14, 2024, by an environmental services contractor. The Studio Steinbomer architectural services proposal for the renovation of Fire Station No. 1 will provide design and construction observation services to include Design Development, Construction Documents, and Construction Observation Services. The updated proposal also includes Hazardous Materials Abatement Coordination services to assist the environmental services contractor in coordinating asbestos abatement. In addition, the proposal anticipates a Construction Manager at-Risk (CMAR) delivery method for construction and will not be publicly bid through the typical competitive sealed bidding process. Studio Steinbomer recommended this delivery method due to the project being a remodel of an existing building with historic preservation considerations as opposed to a new build construction project. The CMAR delivery method provides for the general contractor to assume the risk for construction at the contracted price/Guranteed Maximum Price (GMP) and provide consultation to the City regarding construction during and after the design of the project. Benefits of this method include proactive modifications during the design phase, which are more cost-effective than making changes on the construction site. This will also mitigate potential delays due to any design changes during construction. In comparison, the competitive sealed bidding process requires all drawings and specifications by the design team to be completed prior to the publishing of the bid. Studio Steinbomer will assist the City in developing and publishing the Request for Proposal (RFP) for procuring a CMAR contractor and provide input as needed during the selection process. Award of the CMAR contract will be presented to Council at a later date. The Fire Station No. 1 project scope includes life safety upgrades such as fire sprinklers, fire alarm system, diesel exhaust removal, enhanced living and working quarters on the second floor, exterior upgrades, and abatement of asbestos containing materials identified in the asbestos survey and impacted by remodel construction. Fire Station No. 1 is located within the Lockhart Historical District. The Lockhart Historical Preservation Commission (LHPC) will review any proposed changes to the exterior of the building, as well as any interior work that impacts load-bearing walls. The consulting services for the asbestos abatement specifications, on-site project management, and PCM air monitoring will be provided by an environmental services contractor in a separate agenda item.

I. DISCUSS A PROPOSAL FROM BURCHAM ENVIRONMENTAL SERVICES, L.L.C. TO PROVIDE CONSULTING SERVICES FOR THE ASBESTOS ABATEMENT FOR THE RENOVATION OF FIRE STATION NO. 1 AT 201 W. MARKET ST.

Mr. Resendez stated that in preparation for a renovation project at Fire Station #1 at 201 W. Market St., an asbestos survey began on December 5, 2023, with a second visit on February 14, 2024, by Burcham Environmental Services. A report of the results of the asbestos survey was included in the agenda item packet material. The consulting services for the asbestos abatement specifications, on-site project management, and PCM air monitoring must be provided by an qualified environmental services contractor. Based on the asbestos survey, a plan will be developed for the abatement of asbestos by an approved asbestos removal contractor. The estimated cost of the abatement at the current proposed scope of work is $33,000. These costs are included in Studio Steinbomer's Opinion of Probable Costs for the Fire Station No. 1 renovation. The asbestos abatement would be scheduled first, and the fire station renovation would be scheduled thereafter. There was discussion.

J. DISCUSSION REGARDING RESOLUTION 2024-08, SUSPENDING THE APRIL 9, 2024, EFFECTIVE DATE OF THE PROPOSAL BY TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC., CENTRAL-GULF SERVICE AREA, TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2023.

Mr. Lewis stated that this is an annual interim rate adjustment and that the purpose of the resolution is to suspend the effective date of the rate increase by 45 days. Further, the Texas Supreme Court has determined that the City has no authority to take additional action or undertake a substantive examination of the request.

K. DISCUSSION REGARDING OF NOMINATION OF ARNOLD PROCTOR TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS BY COUNCILMEMBER BRAD WESTMORELAND FOR A TERM TO EXPIRE IN NOVEMBER 2025.
Councilmember Westmoreland requested the appointment of Arnold Proctor during the regular meeting.

RECESS: Mayor Pro-Tem Sanchez announced that the Council would recess for a break at 7:30 p.m.

ITEM 1. CALL TO ORDER.
Mayor Pro-Tem Sanchez 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 Pro-Tem Sanchez requested citizens to address the Council. There were none.

ITEM 4. CONSENT AGENDA.
Councilmember Westmoreland made a motion to approve consent agenda items 4A and 4B. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

The following are the consent agenda items that were approved:
4-A. Approve City Council minutes of March 7, 2023.
4-B: Approve Resolution 2024-08, suspending the April 9, 2024, effective date of the proposal by Texas Gas Service Company, a division of One Gas, Inc., Central-Gulf Service Area, to implement interim GRIP rate adjustments for gas utility investment in 2023.

ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH PROJECT HOLIDAY.
Councilmember Michelson made a motion to approve the Economic Development Performance Agreement with Project Holiday, as presented. Councilmember Lairsen seconded. The motion passed by a vote of 5-1, with Councilmember Castillo opposing.

There was discussion.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING THE PROPOSED TEXAS MONTHLY 2024 BBQ WORLD'S FAIR EVENT SPONSORSHIP AGREEMENT FOR THE NOVEMBER 2-3, 2024 TEXAS MONTHLY BBQ WORLD'S FAIR EVENT.

Councilmember Lairsen made a motion to approve the Texas Monthly 2024 BBQ World's Fair event sponsorship agreement, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

ITEM 5-C. DISCUSSION AND/OR ACTION TO CONSIDER THE RELEASE OF A 15-FOOT WIDE BLANKET UTILITY EASEMENT LOCATED AT 1925 FM 2001.

Councilmember Castillo made a motion to approve the release of a 15-foot wide blanket utility easement located at 1925 FM 2001. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER WORK AUTHORIZATION NO. 5 FOR HALFF ASSOCIATES UNDER THE MASTER GENERAL SERVICES AGREEMENT TO PROVIDE ASSISTANCE IN IDENTIFYING FUNDING OPPORTUNITIES AND POTENTIAL SITE DUE DILIGENCE FOR A PROPOSED AQUATIC FACILITY.

Councilmember Lairsen made a motion to approve the work authorization No. 5 for Halff Associates, as presented. Councilmember Michelson seconded. The motion passed by a vote of 5-1, with Councilmember Castillo opposing.

ITEM 5-E. DISCUSSION AND/OR ACTION RELATED TO THE PROPOSED FIRST ADDENDUM TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN LOCKHART INDEPENDENT SCHOOL DISTRICT (LISD) AND THE CITY OF LOCKHART REGARDING SCHOOL RESOURCE OFFICERS (SRO) TO INCLUDE REIMBURSEMENT FROM LISD TO THE CITY FOR SRO SPECIAL ASSIGNMENT STIPEND.

Councilmember Westmoreland made a motion to approve the First Addendum to the Interlocal Cooperation Agreement between LISD and the City of Lockhart regarding School Resource Officers, as presented. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

ITEM 5-F. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2024-07 AMENDING UN-CODIFIED ORDINANCE 2018-07 SECTION II (F) REGARDING THE ASSIGNMENT OF SCHOOL RESOURCE OFFICER WITHIN THE LOCKHART POLICE DEPARTMENT WITH ALL OTHER SECTIONS OF ORDINANCE 2018-07 REMAINING UNCHANGED.

Councilmember Michelson made a motion to approve Ordinance 2024-07, as presented. Councilmember Lairsen seconded. The motion passed by a vote of 6-0.

ITEM 5-G. DISCUSSION AND/OR ACTION TO CONSIDER A PROPOSAL FROM STUDIO STEINBOMER TO PROVIDE CONSTRUCTION DOCUMENTATION AND CONSTRUCTION PHASE SERVICES FOR THE RENOVATION OF FIRE STATION NO. 1 AT 201 W. MARKET ST.

There was discussion about the condition of the roof. Mr. Resendez confirmed that assessing the condition of the roof will be added to the scope of work.

Councilmember Lairsen made a motion to approve the proposal from Studio Steinbomer to provide construction documentation and construction phase services for the renovation of the Fire Station No. 1 at 201 W. Market Street. Councilmember Castillo seconded. The motion passed by a vote of 6-0.

ITEM 5-H. DISCUSSION AND/OR ACTION TO CONSIDER A PROPOSAL FROM BURCHAM ENVIRONMENTAL SERVICES, L.L.C. TO PROVIDE CONSULTING SERVICES FOR THE ASBESTOS ABATEMENT FOR THE RENOVATION OF FIRE STATION NO. 1 AT 201 W. MARKET ST.

Councilmember Castillo made a motion to approve proposal from Burcham Environmental Services, LLC to provide consulting services for the asbestos abatement for the renovation of Fire Station No. 1 at 201 W. Market Street. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 5-I. DISCUSSION AND/OR ACTION REGARDING OF NOMINATION OF ARNOLD PROCTOR TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS BY COUNCILMEMBER BRAD WESTMORELAND FOR A TERM TO EXPIRE IN NOVEMBER 2025.

Councilmember Westmoreland made a motion to appoint Arnold Proctor to the Zoning Board of Adjustment and Appeals, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

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

- KidFish at City Park on March 16th at 9:00 a.m. - 12:00 p.m.
- Citywide Spring Clean Up Program on Saturday, March 23, 2024.
- Water Treatment Plant - Emergency Generator Project Update.
- Appointment of new Finance Director and Building Official.
- Update on the Downtown Revitalization Project - Bidding Phase.

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

Councilmember Mendoza congratulated those that won during tonight's election. He wished students a good spring break.

Councilmember Castillo wished the Hispanic Chamber good luck during next week's event.

Mayor Pro-Tem Sanchez expressed condolences to families that have lost a loved one. She congratulated the Progressive Club for their successful banquet. She thanked all involved with the parent meeting recently held in the Clark Library.

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 LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE. Discussion regarding City of Lockhart Charter matter.

Mayor Pro-Tem Sanchez announced that the Council would enter Executive Session at 8:10 p.m.

ITEM 9. OPEN SESSION

Mayor Pro-Tem Sanchez announced that the Council would enter Open Session at 8:34 p.m.

There was no action.

ITEM 10. ADJOURNMENT

Councilmember Mendoza made a motion to adjourn the meeting. Councilmember Lairsen seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 8:35 p.m.

PASSED and APPROVED this the 4th day of March, 2025.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Julie Bowermon
City Secretary