

**REGULAR MEETING
LOCKHART CITY COUNCIL**

OCTOBER 15, 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

Mayor Lew White
Councilmember Brad Westmoreland
Councilmember John Lairsen
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
David Fowler, Planning Director
Bob Leos, Electric Superintendent
Travis Hughes, Parks Director
Andrew Devaney, Building Official

Brad Bullock, City Attorney
Julie Bowermon, City Secretary
Sean Kelley, Public Works Director
Keeli Michna, Finance Director
Tatiana Salazar, Public Information Officer

Citizens/Visitors Addressing the Council: Representatives of the Hays-Caldwell Women's Center; and Katilyn Admire and Chance Sparks of Freese and Nichols;

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. PRESENTATION OF A PROCLAMATION DECLARING OCTOBER 2024 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH.

Mayor White presented the proclamation to Representatives of the Hays-Caldwell Women's Center.

B. DISCUSSION REGARDING A FACILITIES USE AGREEMENT BETWEEN THE CITY OF LOCKHART AND DENUCCI CONSTRUCTORS FOR THE TEMPORARY USE OF PROPERTY LOCATED BEHIND 110 NORTH BRAZOS STREET FOR PURPOSES OF A CONSTRUCTION LAYDOWN YARD, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT IF APPROVED.

Mr. Kelley stated that on July 16, 2024, the Downtown Revitalization Project was awarded to DeNucci Constructors. The two-year project consists of water, wastewater, storm drain infrastructure, street improvements and landscaping. As part of this project, the contractor brings in supplies and materials for the construction of the infrastructure that is the Downtown Revitalization Project. When projects have long durations, right-of-way is limited and construction storage limitations exist, contractors utilize temporary laydown yards to store the materials necessary to complete the project. Authorizing the temporary use of the land located behind 110 North Brazos Street (Lockhart Recycling Center) as a laydown yard for "spoil" dirt material, bedding materials, and other various staged materials would benefit the project's functionality. DeNucci Constructors currently has leased property to serve as a laydown yard at the northeast corner of N. Blanco Street and Walnut Street. The primary function of this laydown location will be used as storage for traffic control devices and equipment storage, shifting the more disruptive uses to the location behind 110 North Brazos Street. The term of the proposed temporary use

agreement located at 110 North Brazos Street would be until March 16, 2027, beyond the anticipated completion date of the Downtown Revitalization Project. The contractor will be required to maintain and secure required insurance. They will also be required to keep the site free of trash and must restore the property to its original condition at the end of the agreement term.

C. DISCUSSION REGARDING UPDATED AGREEMENT WITH LOWER COLORADO RIVER AUTHORITY AND MCCOY TREE SURGERY FOR TREE TRIMMING IN THE RIGHT-OF-WAY AND UTILITY EASEMENTS.

Mr. Leos stated that it is recommended that the City continue the tree trimming program with McCoy Tree Surgery (McCoy) in an effort to reduce voltage flicker, outages, losses, and improve public safety and satisfaction. Trees in close contact with power lines and tree limbs falling onto power lines are the most common causes of outages. Downed power lines caused by falling trees are a public safety hazard. Utilities that fail to maintain a tree trimming program frequently experience higher than normal expenses during severe storm conditions, which include overtime, purchase of additional inventory to replace damaged poles, wires and electric equipment. The City's electric utility staff are very satisfied with the work McCoy has completed throughout the city to date. If approved, McCoy advised they can begin pruning in early December 2024. Trimming oak trees during the winter months (December–February) is an industry best practice to mitigate potential causes of Oak Wilt. Staff anticipates funding appropriated in this year's FY 2024-25 budget will continue tree trimming services through April 2025. Prior to trimming, door hangers (in English and Spanish) are left at the residences in the area and provide the name and number of the City's contractor. McCoy was first awarded a Customer Services Contract with the City for tree trimming services in FY 2019-20 during the March 3, 2020 Council meeting. The approved services contract was provided through the Lower Colorado River Authority's (LCRA) competitively procured tree trimming agreement with McCoy Tree Surgery. LCRA advised they will rebid the tree trimming agreement in Fall 2024 for a new term. McCoy Tree Surgery specializes in vegetation management for the electric utility industry. Their pruning methods comply with industry standards for safety and tree care, and are endorsed by the International Society of Arboriculture and Tree Care Ind. Additional information regarding the city's tree trimming program can be found on the city website: www.lockhart-tx.org/page/elec_tree_trimming. Funding for this program is incorporated into the city's existing electric utility rates. There is no additional charge to the customer for these services. There was discussion.

D. DISCUSSION REGARDING THE PROPOSAL AND CONTRACTUAL ENGAGEMENT LETTER BETWEEN BROOKSWATSON AND COMPANY AND THE CITY OF LOCKHART; AND APPOINTING THE MAYOR AND CITY MANAGER TO SIGN THE CONTRACTUAL ENGAGEMENT LETTER.

Ms. Michna stated that the City of Lockhart's Charter requires that *"the City shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit. The City Council shall employ a certified public accountant who holds a permit to practice from the Texas State Board of Public Accountancy." Additionally, "the accountant shall not maintain or keep any of the City's accounts or records and shall not perform the City's annual audit for more than five (5) consecutive years in succession" (Section 3.14).* On April 21, 2021, the City of Lockhart, Texas entered into a contract with BrooksWatson and Company for auditing services for a term of three (3) years with the option to extend an additional two years. At the end of fiscal year 09/30/2023, BrooksWatson and Company fulfilled their three-year term with the City of Lockhart. BrooksWatson and Company has recommended the implementation of updated financial policies and procedures to ensure compliance and safekeeping of City funds. It is the recommendation of staff to extend the auditing services contract for the two additional years for the fiscal year ending September 2024 and 2025.

E. DISCUSS AN INTER-LOCAL AGREEMENT WITH TXDOT TO FACILITATE THE INSTALLATION OF THE CITY'S APPROVED GATEWAY MONUMENT SIGNS WITHIN THE TXDOT HIGHWAY 183 AND HIGHWAY 130 RIGHT-OF-WAYS.

Mr. Hughes stated that the City adopted a Wayfinding Master Plan on February 1, 2022 that includes Gateway Monument Signs located within the Texas Department of Transportation (TxDOT) right-of-way on Highway 183 and Highway 130. TxDOT has specific guidelines for Gateway Monument Signs that are included in the Inter-local Gateway Monument Agreement. It is a TxDOT requirement that the City submit this signed agreement along with all relevant designs, plans, and details for approval prior to installation. There was discussion regarding updated signs and new pricing of the Gateway signs.

F. DISCUSS RENEWAL OF THE CEMETERY MAINTENANCE AGREEMENT WITH MAINTENANCE MANAGEMENT, LLC.

Mr. Hughes stated that the City has an annually renewable Cemetery Maintenance Agreement with Maintenance Management, LLC to conduct mowing, tree trimming and general maintenance of the City Burial Park and Hooks Cemetery. The service area is approximately 35.6 acres and is to be mowed and trimmed 22–24 times per year. This has been a satisfactory agreement. City staff recommends renewal of the contract. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:00 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. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION ON ORDINANCE 2024-31 AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LOCKHART ENTITLED "LOCKHART LOOKING FORWARD," PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mayor White opened the public hearing at 7:38 p.m. and requested the staff background report.

Mr. Fowler stated that the public hearing is for the review, public comment, and possible adoption of the Lockhart Looking Forward Comprehensive Plan. The planning process began with the awarding of the contract for professional services for Freese and Nichols Inc to Write a Comprehensive Plan in April 2023. Since then, Freese and Nichols and City staff have held focus groups, steering committee meetings, public workshops, and provided online interaction activities to gather the input of the community. The consultant has also presented several updates to City Council and the Planning and Zoning Commission regarding research findings and presenting in-progress draft plan assumptions and strategies. The Planning and Zoning Commission has recommended approval, while also providing a few comments which Freese and Nichols and staff have incorporated in creating the revised draft that has been submitted for public

hearing. The draft also incorporated many of the suggestions received in public comments posted on the plan's website as well as comments City staff has received from interested parties.

Katilyn Admire and Chance Sparks of Freese and Nichols presented information and there was discussion about the Comprehensive Plan.

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

Mayor White made a motion at 8:20 p.m. to table the public hearing and to table the public hearing until November 7, 2024 at 7:30 p.m. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION ON RESOLUTION 2024-26 AUTHORIZING AND CREATING THE SEAWILLOW PUBLIC IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE.

Mayor White opened the public hearing at 8:21 p.m.

Mr. Bullock stated that as Council recalls, the City previously approved the Seawillow Development Agreement, which provides that the City will take steps to authorize the creation of a public improvement district ("PID"), created pursuant to Chapter 372 of the Texas Local Government Code. Chapter 372 sets forth the steps necessary to establish the creation of a PID. At the September 3rd Council Meeting, Council adopted a resolution accepting a petition for and calling a public hearing on the advisability of public improvements and creation of Seawillow Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code. That resolution was the first required step in the PID creation process. The second required step is to hold a public hearing on the advisability of the improvements and services, and publish notices for the public hearing. All required notices have been published and distributed via mail to affected property owners. The last step is to pass a resolution authorizing and creating the PID. The purpose of a PID is to allow development to pay for itself and reimburse a developer for funding certain approved costs related to infrastructure and similar items that benefit the new development. The attached Resolution 2024-26 creates the Seawillow Public Improvement District in accordance with Chapter 372.

Mayor White requested citizens to address the Council. There were none. He closed the public hearing at 8:25 p.m.

Councilmember Lairsen made a motion to approve Resolution 2024-26, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING A FACILITIES USE AGREEMENT BETWEEN THE CITY OF LOCKHART AND DENUCCI CONSTRUCTORS FOR THE TEMPORARY USE OF PROPERTY LOCATED BEHIND 110 NORTH BRAZOS STREET FOR PURPOSES OF A CONSTRUCTION LAYDOWN YARD, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT IF APPROVED.

Councilmember Lairsen made a motion to approve a Facilities Use Agreement with Denucci Constructors, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION ON UPDATED AGREEMENT WITH LOWER COLORADO RIVER AUTHORITY AND MCCOY TREE SURGERY FOR TREE TRIMMING IN THE RIGHT-OF-WAY AND UTILITY EASEMENTS.

Councilmember Michelson made a motion to approve the updated Agreement with the Lower Colorado River Authority and McCoy Tree Surgery, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING THE PROPOSAL AND CONTRACTUAL ENGAGEMENT LETTER BETWEEN BROOKSWATSON AND COMPANY AND THE CITY OF LOCKHART; AND APPOINTING THE MAYOR AND CITY MANAGER TO SIGN THE CONTRACTUAL ENGAGEMENT LETTER.

Councilmember Westmoreland made a motion to approve the Proposal and Contractual Engagement Letter with Brooks Watson and Company, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER AN INTER-LOCAL AGREEMENT WITH TXDOT TO FACILITATE THE INSTALLATION OF THE CITY'S APPROVED GATEWAY MONUMENT SIGNS WITHIN THE TXDOT HIGHWAY 183 AND HIGHWAY 130 RIGHT-OF-WAYS.

Councilmember Michelson made a motion to approve the inter-local agreement with TxDOT regarding installation of the approved Gateway Monument signs, as presented. Councilmember Lairsen seconded. The motion passed by a vote of 7-0.

ITEM 5-E. DISCUSSION AND/OR ACTION TO CONSIDER RENEWAL OF THE CEMETERY MAINTENANCE AGREEMENT WITH MAINTENANCE MANAGEMENT, LLC.

Councilmember Lairsen requested that this service goes out for bid next year.

Councilmember Lairsen made a motion to approve renewal of the Cemetery Maintenance Agreement with Maintenance Management, LLC and that the cemetery maintenance service goes out for bid in 2025. Councilmember Castillo seconded. The motion passed by a vote of 4-3, with Councilmember Westmoreland, Councilmember Michelson and Mayor White opposing.

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

- New population estimates for Lockhart.
- Coffee with A Cop event to be held October 22, 2024 from 8:30 am – 10:00 am at the Randolph Brooks Federal Credit Union in Lockhart.
- Public hearing for Noise Standards scheduled for October 23rd (Planning and Zoning Commission) and November 7th (City Council).
- Splash pads closing on October 28th.
- Recommendations from the Animal Shelter Advisory Board regarding animal limitations on residential property and microchipping regulations will be discussed at the November 7th City Council meeting.
- Reminder: There will not be a City Council meeting on the first Tuesday of November. The meeting has been moved to Thursday, November 7, 2024.

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

Councilmember Mendoza announced that the blood drive will be in Lockhart on October 26th.

Mayor Pro-Tem Sanchez expressed condolences to families that have lost a loved one. She wished the Lockhart High School football best on their next game. Early voting begins soon. She encouraged everyone to stay safe during Halloween.

Councilmember Lairsen encouraged everyone to vote.

Councilmember Castillo encouraged everyone to vote. He thanked staff for coordinating accommodations for the TML Conference.

Mayor White announced that the Children's Care-a-Van will be at Commerce Café next week.

EXECUTIVE SESSIONS

Mayor White announced that the Council would enter Executive Session at 8:35 p.m. to discuss items 8A and 9A.

ITEM 8-A. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.074 - TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE. CONDUCT ANNUAL CITY ATTORNEY'S EVALUATION.

ITEM 9-A. 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 LAND ACQUISITION.

OPEN SESSION

Mayor White announced that the Council would enter Open Session at 10:00 p.m.

ITEM 10-A. DISCUSSION AND/OR ACTION REGARDING ANNUAL CITY ATTORNEY'S EVALUATION.

Mayor White made a motion to extend the Messer Fort contract for another year. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 10-B. DISCUSSION AND/OR ACTION REGARDING POSSIBLE LAND ACQUISITION.
There was no action.

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 10:04 p.m.

PASSED and APPROVED this the 9th day of October, 2025.

CITY OF LOCKHART

Lew White
Lew White, Mayor

ATTEST:

Julie Bowermon
Julie Bowermon
City Secretary

