

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 Derrick David Bryant
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Sean Kelley, Public Works Director
Dan Gibson, City Planner

Connie Constancio, City Secretary
Miles Smith, Public Information Officer
Randy Jenkins, Fire Chief

Citizens/Visitors Addressing the Council: Citizens; Marcos Villalobos, Rob Ortiz, Pedro Arriniega, and, Parind Vora; Alfonso Sifuentes of Central Texas Refuse; and, Jay Howard of Texas Disposal Systems.

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 MINUTES OF THE CITY COUNCIL MEETING OF NOVEMBER 5, 2020.

Mayor White requested corrections. There were none.

B. DISCUSS BID TO LONE STAR PAVING OF AUSTIN, TEXAS, IN THE AMOUNT OF \$310,070.00 FOR THE 2020 STREET IMPROVEMENTS PROJECT PHASE II TO INCLUDE STREET IMPROVEMENTS TO WEST MARKET STREET, FRIO STREET, CLEARFORK STREET, FARMER STREET, LEE LANE, LUANNE LANE, WILSON STREET, WARD STREET, MONTE VISTA STREET, APPLE STREET AND ELM STREET, AND APPOINTING THE MAYOR TO SIGN ALL CONTRACTUAL DOCUMENTS.

Mr. Kelley stated that on September 17, 2019, City Council authorized the use of \$400,000 in Unassigned Fund Balance one-time expenditures as part of the 2020 Street Improvements Project 3-year plan to make enhancements on various streets. This second phase of street improvements will include street resurfacing on the following streets:

- West Market Street from Frio St. to Guadalupe St.
- Frio Street from W. Market St. to Plum St.
- Clearfork Street form Frio St. to Rio Grande St.
- Farmer Street from Carver St. to E. Market St.
- Lee Lane
- Luanne Lane
- Wilson Street
- Ward Street
- Monte Vista Street from Stueve Ln. to Ward St.
- Apple Street
- Elm Street

Bids were advertised in compliance with State law for the construction of the 2020 Street Improvements Project Phase II. Four (4) bids were received ranging from \$310,070.00 to \$648,131.50. The lowest bid was submitted by Lone Star Paving. This company has a commendable reputation in the construction business. Bids for this project were lower than anticipated allowing remaining funds to be considered for additional street work as a change order under this contract. The change order will be brought to Council at a future meeting. Mr. Kelley recommended approval. There was discussion.

C. DISCUSS RENEWING THE CONTRACT WITH GENE BAGWELL, DBA, MAINTENANCE MANAGEMENT OF SAN MARCOS, TEXAS FOR ONE-YEAR FOR CEMETERY MAINTENANCE MOWING SERVICES IN THE WEST SECTION OF THE LOCKHART MUNICIPAL BURIAL PARK ON NORTH COLORADO STREET IN THE AMOUNT OF \$53,248.40, AND APPOINTING THE MAYOR TO SIGN THE CONTRACT DOCUMENT IF APPROVED.

Mr. Kelley stated that Maintenance Management has maintained the cemetery for the past 11 years and has done a commendable job. This company has multiple cemetery mowing maintenance contracts including the City of San Marcos, City of Austin and the State Veteran's Land Board. The annual fee for the service increased from \$52,930.80 to \$53,248.40 which is based on the annual June Consumer Price Index. Maintenance Management maintains general liability and workers compensation coverage, as required by the contract. The term of the contract is for the year 2021. Mr. Kelley recommended approval.

D. DISCUSS THE PURCHASE OF A 2021 PIERCE MANUFACTURING CUSTOM PUMPER FIRE APPARATUS THROUGH SIDDONS-MARTIN EMERGENCY GROUP UTILIZING TEXAS BUYBOARD PURCHASING COOPERATIVE AND TO CONSIDER ORDINANCE 2020-27 APPROVING BUDGET AMENDMENT #50 INCREASING EXPENDITURES IN THE GENERAL FUND BY \$599,990 TO PURCHASE A 2021 PIERCE CUSTOM PUMPER FIRE APPARATUS.

Chief Jenkins stated that the pumper fire apparatus will be deployed as a response vehicle to fires, medical calls, wrecks, etc., and it will replace Engine 4, a 2010 Pierce, as the front-line pumper at Fire Station No. 1. Engine 4 will be utilized as the primary reserve pumper for Fire Station Nos. 1 and 2. The best practice is for a pumper to serve approximately 10 years as a front-line and 10 years as a reserve. The pumper fire apparatus will meet or exceed the current NFPA 1901, Standard for Automotive Fire Apparatus and enhance our Fire Suppression Rating Schedule (FSRS) as established by Insurance Services Office (ISO). The cost of the pumper fire apparatus is \$599,815.84 which includes pumper fire apparatus and associated equipment such as fire hose, axes, nozzles, appliances, adapters, etc. Budget Amendment #50 will increase expenditures in the general fund by \$599,990.00. The General Fund budget will reflect total revenues at \$11,299,889 and total expenditures at \$11,754,052. During the 2020-2021 budget allocations, Council approved the one-time expenditure of fund balance to purchase a new fire apparatus. Chief Jenkins recommended approval.

E. DISCUSS ROAD CONSTRUCTION AND REIMBURSEMENT AGREEMENT BETWEEN CONTINENTAL HOMES OF TEXAS, L.P., AND THE CITY OF LOCKHART, FOR AN EXTENSION OF MAPLE STREET IN CONJUNCTION WITH THE DEVELOPMENT OF THE PROPOSED VINTAGE SPRINGS SUBDIVISION.

Mr. Gibson stated that the proposed Vintage Springs Subdivision (Planned Development District) will be platted in phases, and each phase will include constructing a portion of Maple Street. The first phase will include the extension of Maple Street from its current dead end at the northeast corner of the Meadows at Clear Fork Subdivision, Section 3, to Mockingbird Lane. That extension will have two segments. The eastern segment, connecting to Mockingbird Lane, is adjacent to Section 1A of the Vintage Springs

Subdivision and is the responsibility of the developer. The western segment connects the existing dead end to the west end of the eastern segment, and is the responsibility of the City since it does not abut any portion of the Vintage Springs Subdivision. This agreement provides for the developer to construct the City's portion subject to reimbursement by the City for the engineering and construction costs of that segment. This Agreement was first introduced to the Council on April 2, 2019. At that time, the Council took no action on the Agreement pending the receipt of construction bids and the agreement of the parties as to the City's share of the Maple Street construction costs. This item comes forward now with the favorable recommendation of the City Engineer. There was discussion.

F. DISCUSS CONTRACT FOR SOLID WASTE SERVICES.

Mr. Lewis stated that the City of Lockhart began utilizing solid waste services with Central Texas Refuse (CTR) on April 3, 1988 with a 3-year contract. Since 1991, the contract with CTR was amended or extended prior to each expiration date, with the latest occurring in 2015. The current contract is dated January 2015 and was scheduled to expire on September 30, 2020. At CTR's request, the current contract was assigned to "CTR Acquisition Sub, LLC", which was approved by Council on March 31, 2020 and was extended through March 31, 2021. Staff recommends that Council consider options in regard to a solid waste management contract as follows: (1) utilize a 3-year extension with CTR; (2) direct negotiations with CTR to enhance contract; (3) seek competitive request for proposal (RFP); or, (4) conduct request for information (RFI) process (and then consider options 1, 2 or 3). Staff requests direction on preparing for a new solid waste contract that will take effect on or before April 1, 2021 at the conclusion of the current assignment/transfer agreement with CTR. There was discussion.

Mayor White requested the following citizens to address the Council:

Marcos Villalobos, 637 Trinity, spoke in favor of keeping CTR for solid waste service.

Alfonso Sifuentes, Director of Marketing, Central Texas Refuse, requested that the City of Lockhart renew the contract with CTR for solid waste service.

Jay Howard of Texas Disposal Systems requested that Lockhart open the solid waste services for other companies to submit a quote for service.

Rob Ortiz, 1004 S. Commerce, spoke in favor of keeping CTR for solid waste service.

Parind Vora of Lockhart Bistro spoke in favor of keeping CTR for solid waste service.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:39 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 8-A. COUNCIL ACTION REGARDING THE NOVEMBER 3, 2020 GENERAL ELECTION. Discussion and/or action to consider Resolution 2020-27 canvassing the General Election held on November 3, 2020 for the election of Mayor, Councilmember District 3, and Councilmember District 4.

Ms. Constancio stated that the Resolution canvasses the November 3, 2020 City of Lockhart General Election for the positions of Mayor, Councilmember District 3 and Councilmember District 4.

Mayor White announced that the following Councilmembers will read the election results:

Councilmember Bryant read results for District 1.

Councilmember Mendoza read results for District 2 and District 3.

Councilmember Westmoreland read results for District 4.

Mayor Pro-Tem Sanchez read the total election results.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2020-27 canvassing the General Election held on November 3, 2020, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 8-B. ADMINISTER OATH OF OFFICE TO NEWLY ELECTED OFFICIALS.

Judge Chris Schneider administered the Oath of Office to the following newly elected officials:

- Mayor – Lew White
- Councilmember District 3 – Kara McGregor
- Councilmember District 4 – Jeffry Michelson

Mayor White announced that the Council would recess for a break at 7:50 p.m.

Mayor White announced that the Council would reconvene the meeting at 8:10 p.m.

ITEM 3. PUBLIC COMMENT.

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

ITEM 4. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

4A: Approve minutes of the City Council meeting of November 5, 2020.

4B: Award bid to Lone Star Paving of Austin, Texas, in the amount of \$310,070.00 for the 2020 Street Improvements Project Phase II to include street improvements to West Market Street, Frio Street, Clearfork Street, Farmer Street, Lee Lane, Luanne Lane, Wilson Street, Ward Street, Monte Vista Street, Apple Street and Elm Street, and appointing the Mayor to sign all contractual documents.

4C: Approve renewing the contract with Gene Bagwell, dba, Maintenance Management of San Marcos, Texas for one-year for cemetery maintenance mowing services in the West Section of the Lockhart Municipal Burial Park on North Colorado Street in the amount of \$53,248.40, and appointing the Mayor to sign the contract document if approved.

4D: Approve the purchase of a 2021 Pierce Manufacturing Custom Pumper Fire Apparatus through Siddons-Martin Emergency Group utilizing Texas BuyBoard Purchasing Cooperative and to consider Ordinance 2020-27 approving Budget Amendment #50 increasing expenditures in the General Fund by \$599,990 to purchase a 2021 Pierce Custom Pumper Fire Apparatus.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER ROAD CONSTRUCTION AND REIMBURSEMENT AGREEMENT BETWEEN CONTINENTAL HOMES OF TEXAS, L.P., AND THE CITY OF LOCKHART, FOR AN EXTENSION OF MAPLE STREET IN CONJUNCTION WITH THE DEVELOPMENT OF THE PROPOSED VINTAGE SPRINGS SUBDIVISION.

Councilmember Michelson made a motion to approve the Road Construction and Reimbursement Agreement between Continental Homes of Texas, L.P., and the City of Lockhart for an extension of Maple Street in conjunction with the development of the proposed Vintage Springs Subdivision, as presented. Councilmember Bryant seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER CONTRACT FOR SOLID WASTE SERVICES.

Mayor Pro-Tem Sanchez stated within the past year, she has received many positive comments from citizens about how they appreciate Central Texas Refuse's (CTR) commendable customer service. She stated that she will recommend renewing the contract with CTR.

Councilmember McGregor stated that she recommends going out for Request for Proposals (RFP). The reason is not to replace CTR yet to review options that other solid waste companies have to offer.

Councilmember Bryant stated that he recommends going out for RFP to see what other solid waste companies have to offer.

Councilmember Michelson suggested that staff be given the opportunity to negotiate rates and service with CTR.

Councilmember Mendoza stated that he recommended renewing the contract with CTR for solid waste service because he does not believe that citizens will be receptive to change.

Mayor White stated that he is in favor of directing staff to negotiate rates and services with CTR.

There was discussion.

Mayor Pro-Tem Sanchez made a motion to direct staff to negotiate a contract renewal with Central Texas Refuse. Councilmember Michelson seconded. The motion passed by a vote of 5-1-1, with Councilmember McGregor opposing and Councilmember Bryant abstaining.

ITEM 5-C. DISCUSSION AND/OR ACTION TO CONSIDER THE MAYOR'S DECLARATION OF LOCAL DISASTER REGARDING REQUIRING FACE COVERINGS, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.

Mayor White suggested that city staff reach out and visit local businesses where employees are not wearing face coverings. He suggested that the Council consider implementing fines for non-compliance for habitual offenders in the future.

Consensus: After discussion, the consensus of the Council was to receive a report from staff regarding businesses and adherence of employees wearing face coverings.

ITEM 5-D. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards and committees.

Councilmember Michelson stated that Morris Alexander submitted a verbal resignation as a member of the Lockhart Economic Development Corporation.

Councilmember Michelson made a motion to appoint Doug Foster to the Lockhart Economic Development Corporation. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

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

- Public Works Updates:
 - The new 500,000 gallon elevated water stage tank located on SH 130 and FM 2001 was placed in service on November 9th.
 - Update regarding Town Branch Trail - Phase II.
 - Road base additions in the City cemetery.
 - Groundbreaking ceremony for the Carrizo Groundwater Supply Project will be held on Friday, November 20th at 2 pm at the location of the well field.
- Library Updates:
 - Dickens Reverse Parade will be held on Saturday, December 5 from 7:00 p.m. to 8:30 p.m.
 - Virtual lighting of the Tree by Most Worthy Citizen, Vance Rodgers will be held on Friday, November 20 at 4:00 p.m. in the Clark Library. Video will be aired on December 5.
- Review of 2020 Financial Report.
- Solid waste collection schedule during the Thanksgiving holiday will change. No collection on Thanksgiving Day; Nov. 26 and Nov. 27 will slide to pick-up the next day.
- Tree of Angels proclamation will be presented during December 1 Council meeting. Video of Tree of Angels events will be aired on Facebook on December 7.

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

Councilmember Mendoza thanked Friends of the Cemetery for tree work at local cemeteries. He thanked all involved in the clean-up at the old Carver School. He expressed condolences to the family of Juan Silva for their loss.

Mayor Pro-Tem Sanchez expressed condolences to the families of Josie Peralez and Antonio Garcia, Sr. for their loss. She thanked Benny Boyd for their support in local fundraisers. She thanked members of the First Baptist Church for distributing Thanksgiving meals this past weekend. She thanked citizens for staying safe and she wished all a Happy Thanksgiving.

Councilmember McGregor encouraged everyone to stay safe and she wished everyone a Happy Thanksgiving.

Councilmember Bryant congratulated newly elected officials. He thanked everyone who participated in the clean-up at the old Carver School. He wished everyone a safe and Happy Thanksgiving.

Councilmember Michelson wished everyone a safe and Happy Thanksgiving.

Mayor White reminded the Council about the Carrizo Water Project Groundbreaking ceremony on Friday, November 20 followed by filming of the virtual Dickens events. The Lockhart Chamber will host a Leadership Lockhart Program on November 19 in the Council Chambers. He announced that the City of

Lockhart has been awarded a water floradation quality award. He mentioned several upcoming items that Council will consider in the new year.

ITEM 9. EXECUTIVE SESSIONS:

Mayor White announced that the Council would enter Executive Session to discuss the following items at 8:54 p.m.

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. Discussion with City Attorney to receive legal advice regarding the Lockhart Housing Authority structures.

EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.087 TO DELIBERATE OR FOR DISCUSSION REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT. Discussion regarding Economic Development negotiations with Project Future, Project Crimson and Project Al.

ITEM 10. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 9:35 p.m. regarding the following items:

A. Discussion and/or action regarding Lockhart Housing Authority structures.

Mayor White announced that there was no action taken.

B. Discussion and/or action regarding Economic Development negotiations with Project Future, Project Crimson and Project Al.

Mayor White announced that there was no action taken.

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 9:38 p.m.

PASSED and APPROVED this the 1st day of December 2020.

CITY OF LOCKHART



Lew White
Lew White, Mayor

ATTEST:

Connie Constancio
Connie Constancio, TRMC, City Secretary