

**LOCKHART CITY COUNCIL
REGULAR MEETING**

MARCH 20, 2018

6:30 P.M.

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

Council present:

Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Council absent:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember John Castillo

Staff present:

Vance Rodgers, City Manager
Dan Gibson, City Planner
Jeff Hinson, Finance Director
Julie Bowermon, Civil Service Director
Erin Westmoreland, Municipal Court Administrator

Connie Constancio, City Secretary
Frank Coggins, Municipal Court Judge
Ernest Pedraza, Police Chief
Sean Kelley, Water/Wastewater Superintendent
Rob Tobias, Economic Development Director

Citizens/Visitors Addressing the Council: Stephen Van Manen of Harrison, Waldrop & Uherek; and, Joan Marie MacCoy, Citizen.

Work Session 6:30 p.m.

Mayor White announced that Councilmember Castillo would not be at the meeting and that Mayor Pro-Tem Sanchez would be arriving late if she is able to attend. 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 AND DISCUSSION REGARDING THE CITY OF LOCKHART'S AND COMPONENT UNIT'S FISCAL YEAR 2016-2017 FINANCIAL AUDIT BY HARRISON, WALDROP & UHEREK, LLP.

Mr. Hinson introduced Stephen Van Manen of Harrison, Waldrop & Uherek who will present the audit.

Stephen Van Manen of Harrison, Waldrop & Uherek presented information and there was discussion regarding the audit. He stated that it is the firms' opinion, the financial statements referred to in the report fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2017, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Mr. Rodgers commended the finance department for their hard work in acquiring the favorable audit results.

B. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF MARCH 6, 2018.

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

C. DISCUSS RESOLUTION 2018-06 AMENDING TEXPOOL AUTHORIZED REPRESENTATIVES.

Mr. Hinson stated that TexPool requires a Council resolution to change personnel authorized to transact business with TexPool Participant Services. This resolution will delete retired Controller Stephanie House and add current Controller Pam Larison. All other representatives remain unchanged from the prior authorization. He stated that for internal control, two signatures are required to authorize and to verify a wire transfer. Mr. Hinson recommended approval.

D. DISCUSS AUTHORIZING THE FINANCE DIRECTOR TO SIGN THE CITY OF LOCKHART FISCAL YEAR 2017 AMBULANCE SERVICES SUPPLEMENTAL PAYMENT PROGRAM (ASSPP) GRANT SUBMISSION.

Mr. Hinson stated that the Ambulance Services Supplemental Payment Program is a grant that supplements the City of Lockhart EMS for unreimbursed costs. The representative of the City must attend one training seminar every two years to be allowed to sign the grant. Staff recommended approval.

E. DISCUSS ORDINANCE 2018-02 ESTABLISHING THE CLASSIFICATIONS WITHIN THE POLICE DEPARTMENT AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION.

Chief Pedraza stated that in compliance with civil service, the number of classified police and fire positions are set by an ordinance, which is referred to as the "Strength of Force". The proposed ordinance reflects the increase of police officers.

Judge Frank Coggins explained that the Department of Justice, Civil Rights Division and the State of Texas Office of Court Administration provided Municipal Court guidelines to advise individuals that they can inform the Court about low income, disability or receiving State benefits. These factors must be evaluated when serving warrants to allow the individual the opportunity to do "time served" or "community service" as a method to clear the outstanding fine.

Mr. Rodgers commented that now a patrol officer has to be pulled from the streets for Municipal Court duties. He recommended approval of an additional officer to be assigned as a full-time Bailiff Warrant Officer at the Municipal Court.

Judge Coggins stated that a police officer is necessary to provide security at the Municipal Court to protect the Municipal Court Judge and Court Clerks in the event of an individual retaliating or wanting to harm a member of the Court.

F. DISCUSS ORDINANCE 2018-03 AMENDING UN-CODIFIED ORDINANCE 2015-18, SECTION II, ADDING SECTION II (E) REGARDING THE ASSIGNMENT OF BAILIFF WARRANT OFFICER WITHIN THE LOCKHART POLICE DEPARTMENT WITH ALL OTHER SECTIONS OF ORDINANCE 2015-18 REMAINING UNCHANGED.

Chief Pedraza stated that after discussions with the City Manager, who had consulted with Erin Westmoreland, Municipal Court Administrator and Frank Coggins, Municipal Court Judge, it has been determined that for security reasons, and the need to pursue active warrants totaling more than \$300,000, that a new police officer position is needed which will be assigned to those duties. Currently, a police officer must be pulled from patrol to provide security during Municipal Court trials. The amount of warrant money that can be potentially collected will be more than the annual cost (\$60,000 including benefits) of a new officer position. This ordinance will increase the number of police officers by one. There was discussion.

G. DISCUSS AGREEMENT WITH AUSTIN WOOD RECYCLING TO PROVIDE SUPERVISION, LABOR, EQUIPMENT, TRUCKS, AND THE TUB GRINDER TO GRIND UP LARGE TREE TRUNKS AND LOG STOCKPILES, AND TO HAUL OFF THE GRINDINGS FOR AN AMOUNT NOT TO EXCEED \$19,470, AND APPOINTING THE CITY MANAGER TO SIGN THE AGREEMENT, IF APPROVED. [FORM 1295=2018-03-20-40]

Mr. Rodgers stated that stockpiles of large tree trunks and logs must be removed about every 2 to 3 years from the old landfill. Much of the current pile is a result of the Hurricane Harvey event and is too large for the City's brush chippers to handle. Two companies, after looking at the stockpiles, provided submittals to provide all the services required to grind up the tree trunks and logs, and to haul away the grindings. Austin Wood recycling submitted the best price of \$19,470. Lockhart has used this company before and they did a great job. The Federal Emergency Management Agency (FEMA) is expected to reimburse the City for some expenses associated with Hurricane Harvey. The City is under a mandate by the Texas Commission on Environmental Quality (TCEQ) to remove the stockpile by mid-May, 2018. Mr. Rodgers recommended approval. There was discussion.

H. DISCUSS REQUEST TO EXTEND THE TIME FROM APRIL 30 TO JUNE 15, 2018, TO SUBSTANTIALLY COMPLETE MAPLE STREET WITH DRAINAGE IMPROVEMENTS AS PART OF THE MEADOWS AT CLEARFORK, PHASE III, SUBDIVISION DEVELOPMENT SUBMITTED BY LOCKHART PARTNERS II, AND APPOINTING THE CITY MANAGER TO ISSUE APPROVAL LETTER IF THE EXTENSION IS APPROVED BY COUNCIL.

Mr. Rodgers stated that very wet conditions over the past three months, including up to four inches of snow in December, have caused the subdivision construction to lag behind schedule. Council had approved up to April 30, 2018 for the subdivision to be substantially complete in order to be eligible for supplemental funding. Lockhart Partners II has requested a reasonable extension until June 15, 2018. Phase III of Meadows at Clearfork Subdivision includes extending storm water facilities east outside the scope of the development on Maple Street. They will be retrofitting the existing detention pond on the south side of Maple used for soccer practice to accommodate additional storm water demand for Phase III. Certificates of Obligation funds for drainage up to \$75,000 were approved by Council to assist with this project. Doing this now will help reduce costs when Maple Street is widened and extended further to the east in the future. The developer is spending an estimated \$527,800 on Maple Street of which Council approved the use of \$100,000 in Road Impact Fees since Maple Street is a high priority on public improvements and after receiving an invoice from Lockhart Partners II. The local developer has construction plans for Phase II of Meadows at Clearfork also and is considering more development in the Summerside Subdivision. Mr. Rodgers recommended approval. There was discussion.

I. DISCUSS THE APPOINTMENT OF AN ELECTED CITY COUNCIL OFFICIAL TO SERVE ON THE THREE-MEMBER EVALUATION COMMITTEE THAT WILL DETERMINE WHICH OF THE PRE-APPROVED TEXAS CAPITAL FUND GRANT ADMINISTRATORS ARE SOLICITED AND EVALUATED FOR ANY TEXAS CAPITAL FUND GRANT APPLICATIONS FILED AND FUNDED FOR FISCAL YEAR 2017-2018.

Mr. Tobias stated that the Texas Department of Agriculture requires applicants pursuing Texas Capital Fund grants to appoint three individuals to a committee to complete the Phase II selection process. One of the three must be an elected official. The three-member committee will determine which of the pre-approved Texas Capital Fund grant administrators are solicited and evaluated for the City's consideration to administer future Texas Capital Fund applications. The City Manager and the Lockhart Economic Development Corporation's (LEDC) President has appointed the other two members to be the Chair of the LEDC and the Director of Economic Development. There was discussion.

J. DISCUSS NAMING AN INDIVIDUAL AS THE CITY OF LOCKHART'S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT (CCAD).

Mr. Rodgers stated that on March 2, 2018, the City of Lockhart received notice dated February 27, 2018 informing the City that a vacancy exists on the CCAD Board of Directors. The deadline to submit the Resolution with a nomination to the CCAD is April 13, 2018, which is 45 days after the date on the CCAD's notification letter. Thomas Caffell is the Board member that resigned. If the Council chooses to make a nomination of an individual to fill the vacancy, a name will be voted on during the March 20 or April 3 Council meeting. If the name is voted on during the April 3 council meeting, a Resolution will also be presented of which the City of Lockhart's nominee will be added. The Resolution will thereafter be sent to the CCAD. There was discussion.

Councilmember McGregor requested a list of duties to serve as a CCAD Board of Director.

K. DISCUSS COUNCIL FISCAL YEAR 2018-2019 GOALS SORTED BY TIME FRAME AND SCORES.

There was discussion regarding the goals that were scored by Mayor and each Councilmember and then sorted by time frame.

RECESS: Mayor White announced that the Council would recess for a break at 7:15 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the regular meeting of the Lockhart City Council to order on this date 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. CITIZENS/VISITORS COMMENTS.

Mayor White requested citizens to address the Council regarding an issue that is not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION ON AN APPEAL BY DEWARD CUMMINGS OF THE DECISION BY THE PLANNING AND ZONING COMMISSION ON FEBRUARY 28, 2018, APPROVING SUP-18-02, A REQUEST BY MAVERICK HORSEBACK RIDING FOR A SPECIFIC USE PERMIT TO ALLOW A RIDING FACILITY, BARN AND STABLES, CAMPGROUND, AND SPECIAL EVENTS CENTER ON 105.569 ACRES IN THE BYRD LOCKHART SURVEY, ZONED RLD RESIDENTIAL LOW DENSITY DISTRICT AND AO AGRICULTURAL-OPEN SPACE DISTRICT, AND PARTIALLY OUTSIDE THE CITY LIMITS WITH NO ZONING, AND LOCATED AT 1011 FLORES STREET (FM 672).

Mayor White opened the public hearing at 7:33 p.m. and requested the staff report.

Mr. Gibson stated that appellant, Deward Cummings, is appealing the Commission's decision as provided in Section 64-127(c)(6)(e,f). The Ordinance allows an individual to submit in writing an appeal addressed to the City Council to the zoning administrator within ten calendar days after the Commission's decision.

A public hearing must be held during a city council meeting soon after receipt of the written appeal. The City Council can uphold, modify or reverse the Commission's decision.

Mr. Gibson stated that the appellant owns property adjacent to the west of the Maverick Horseback Riding property and was the only person out of 15 speakers at the Planning and Zoning Commission meeting who was opposed to the specific use permit, which the Commission approved. Additional letters of support were submitted after the council packet was distributed. He stated that the only person in opposition is the appellant. Mr. Gibson stated that at their February 28, 2018 meeting, the Planning and Zoning Commission voted to approve SUP-18-02 to allow a Riding Facility Barn and Stables, Campground, and Special Events Center subject to conditions that the applicant submit a letter from the City or school Lockhart Independent School District approving the use of their parking lots when needed, and within 180 days from the date paved with an alternate surface on the parking area and portion of the driveway as approved by the Board of Adjustment.

Mayor White requested Deward Cummings to address the Council. He was not present. He requested citizens in favor of the appeal to address the Council. There were none.

Mayor White requested Joan MacCoy to address the Council.

Joan Marie MacCoy, 1011 Flores Street, provided information regarding her history of offering horseback riding lessons to children and adults in the community. She would like to soon be a host location for birthday parties and weddings at her business. One of the conditions of the approval of the specific use permit is to obtain a letter from the Lockhart Independent School District (LISD) providing authorization to use the school parking lot when school is not in session when hosting large events where her parking area does not accommodate. She has received verbal approval from the LISD and will present a letter to Mr. Gibson soon.

Mayor White stated that several citizens have signed up to address the Council in favor of upholding the Planning and Zoning Commission's approval of SUP-18-02 and asked that everyone in the audience in favor to hold up their hand. Most of the people present raised their hands. The mayor stated that he would like to give everyone the opportunity to address the Council, but requested permission from the citizens and the Council to dispose of the appeal because Deward Cummings, appellant, was not present. Citizens and the Council agreed.

Mayor White closed the public hearing at 7:52 p.m.

Councilmember Michelson made a motion to uphold the Planning and Zoning Commission's approval of SUP-18-02. Councilmember McGregor seconded. The motion passed by a vote of 5-0.

ITEM 5. CONSENT AGENDA

Councilmember McGregor made a motion to approve consent agenda items 5A, 5B, 5C, 5D, 5E, 5F, and 5G. Councilmember Westmoreland seconded. The motion passed by a vote of 5-0.

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the City Council meeting of March 6, 2018.
- 5B: Approve Resolution 2018-06 amending TexPool authorized Representatives.
- 5C: Authorize the Finance Director to sign the City of Lockhart Fiscal Year 2017 Ambulance Services Supplemental Payment Program (ASSPP) Grant submission.

- 5D: Approve Ordinance 2018-02 establishing the classifications within the Police Department and authorizing the number of employees in each classification.
- 5E: Approve Ordinance 2018-03 amending un-codified Ordinance 2015-18, Section II, adding Section II (e) regarding the assignment of Bailiff Warrant Officer within the Lockhart Police Department with all other sections of Ordinance 2015-18 remaining unchanged.
- 5F: Approve Agreement with Austin Wood Recycling to provide supervision, labor, equipment, trucks, and the tub grinder to grind up large tree trunks and log stockpiles, and to haul off the grindings for an amount not to exceed \$19,470, and appointing the City Manager to sign the agreement, if approved. [FORM 1295=2018-03-20-40]
- 5G: Approve request to extend the time from April 30 to June 15, 2018, to substantially complete Maple Street with drainage improvements as part of the Meadows at Clearfork, Phase III, subdivision development submitted by Lockhart Partners II, and appointing the City Manager to issue approval letter if the extension is approved by Council.

ITEM 6-A. DISCUSSION AND/OR ACTION AFTER PRESENTATION TO CONSIDER ACCEPTANCE OF THE CITY OF LOCKHART'S AND COMPONENT UNIT'S FISCAL YEAR 2016-2017 FINANCIAL AUDIT BY HARRISON, WALDROP & UHEREK, LLP.

Councilmember Michelson made a motion to accept the City of Lockhart's and Component Unit's Fiscal Year 2016-2017 financial audit by Harrison, Waldrop & Uherek. Councilmember Mendoza seconded. The motion passed by a vote of 5-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING THE APPOINTMENT OF AN ELECTED CITY COUNCIL OFFICIAL TO SERVE ON THE THREE-MEMBER EVALUATION COMMITTEE THAT WILL DETERMINE WHICH OF THE PRE-APPROVED TEXAS CAPITAL FUND GRANT ADMINISTRATORS ARE SOLICITED AND EVALUATED FOR ANY TEXAS CAPITAL FUND GRANT APPLICATIONS FILED AND FUNDED FOR FISCAL YEAR 2017-2018.

Mayor White made a motion to appoint Councilmember Michelson to the Committee. Councilmember Westmoreland seconded. The motion passed by a vote of 4-0-1, with Councilmember Michelson abstaining.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER NAMING AN INDIVIDUAL AS THE CITY OF LOCKHART'S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT (CCAD).

There was no action.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING COUNCIL FISCAL YEAR 2018-2019 GOALS SORTED BY TIME FRAME AND SCORES.

Councilmember McGregor made a motion to accept the Council Fiscal Year 2018-2019 goals, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 5-0.

ITEM 6-E. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards and commissions. There were none.

ITEM 7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.

- Update: St. Paul United Church of Christ property.
- Update: Contractor continues to make good progress in the Meadows at Clearfork Phase III development.
- Update: City Manager and Director of Economic Development have met with owners of the Centerpoint Meadows about development of the site.
- Update: Contractor continues to construct the section of Windsor Avenue north of SH 142.
- Update: Street crew working with contractor to repair header wall between Subway and Lions Park to make it safe.
- Update: Staff continues to work with Federal Emergency Management Agency (FEMA) to close out monetary claims for recovery of expenses.
- Update: Pure Castings, recruited by staff from Austin 2 ½ years ago, has begun production and will be moving all production personnel to the new Lockhart shop.
- Update: Hill Country Foods, recruited from Kyle by staff about 2 years ago, is in production.
- Update: The new facility for Benny Boyd Dealership, with whom staff has been working with for about 2 years, is nearing completion.
- Update: A new pharmacy has opened in the Dollar Tree development site on S. Colorado.
- Update: The concrete foundation has been completed for Dailey Electric and the contractor should start up with the building soon.
- Update: Acting Public Works Director Sean Kelley and his staff are beginning to meet with Greater Caldwell County Hispanic Chamber to prepare for the Cinco de Mayo celebration event to be held the first weekend in May.
- Update: The City Line Road realignment construction plans are about 25% complete.
- Update: Mandated by a new state law, a Municipal Court Security Panel consisting of the Municipal Court Judge, Municipal Court Administrator, the Chief of Police or designee, and the City Manager is formed to address security issues and develop plans of action.
- Reminder: Burditt Consultants held meeting with Parks Master Plan Committee and is incorporating the meeting comments in the document in preparation of presentation to the Council at a later date.
- Reminder: Semi-annual cleanup in the Lockhart Cemetery beginning March 26.
- Reminder: Residential City Wide Cleanup Event starting first Wednesday in April and each Wednesday following in April.
- Reminder: Residential Household Hazardous Waste Collection Event to be held Saturday, April 28, 2018.
- Report: Welcome Spring Day on Saturday, March 17th - Kid Fish and Texas Tolbert Chili Championship & BBQ Cook-off. Appreciation was expressed for Chef Ramon (Raymond DeLeon) and his sister Pat for all their help.

ITEM 8. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.

Councilmember Westmoreland congratulated all involved with the successful Welcome Spring Day and KidFish event. He thanked the Central Texas Tolbert Chili Group for their generous donation to the City of Lockhart. He recognized Miles Smith as the new Editor of the Lockhart Post-Register.

Councilmember Mendoza stated that he could not attend the KidFish due to a prior commitment. He invited everyone to visit the animal shelter to see the recent renovations.

Councilmember McGregor thanked volunteers and staff for the successful event this weekend. She invited everyone to attend the ribbon cutting and reception at the Clock Museum on Saturday. She encouraged everyone to be safe.

Councilmember Michelson thanked all involved with the successful KidFish/Welcome Spring Day event. He thanked the Lockhart Animal Shelter staff for being at the event which resulted in an animal adoption. He thanked the Texas Tolbert Group for recognizing the city. He also encouraged everyone to be safe and to conduct neighborhood watches to report dangerous or suspicious activities.

Mayor White thanked all involved with the very successful Kid Fish/Welcome Spring Day. He reminded citizens that animals are available for adoption at the Lockhart Animal Shelter. He thanked the Tolbert Chili Cookoff Group for their donation to the city. He stated that Pure Castings would be open soon and encouraged attendance at a future ribbon cutting. Upcoming events: Chisholm Trail Roundup, Sip n Stroll, and Cinco de Mayo. He gave a special thank you to Raymond DeLeon and Vance & Diane Rodgers for cooking and serving hot dogs at the Welcome Spring Day event. Wayfinding Committee will meet again on Thursday, March 22. March 23 is the deadline to submit applications or resumes for the City Manager position. Council will meet on Thursday, March 29 at 6:30 p.m. to review the applications.

ITEM 9. ADJOURNMENT.

Councilmember Mendoza made a motion to adjourn the meeting. Councilmember Westmoreland seconded. The motion passed by a vote of 5-0. The meeting was adjourned at 8:13 p.m.


PASSED and APPROVED this the 3rd day of April 2018.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

