

**LOCKHART CITY COUNCIL
REGULAR MEETING**

MAY 7, 2019

6:30 P.M.

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

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Mayor Lew White
Councilmember Juan Mendoza
Councilmember Jeffry Michelson
Councilmember John Castillo (arrived at 7:06 p.m.)

Staff present:

Steve Lewis, City Manager
Dan Gibson, City Planner
EMS Paramedics
Pam Larison, Finance Director

Connie Constancio, City Secretary
Randy Jenkins, Fire Chief
Sean Kelley, Public Works Director

Citizens/Visitors Addressing the Council: John Ellis of the Greater San Marcos Partnership; Rachel Steele of Capital Area Council of Governments; and Citizens, Phyllis Metcalfe, Rebecca Allen, Billy Fogle, Kevin Smith, and Mike Natal.

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:

PRESENTATION ONLY

PRESENTATION OF A CERTIFICATE OF RECOGNITION TO THE LOCKHART ELITE UNDER 11 SOCCER TEAM FOR WINNING STATE CHAMPIONSHIPS.

Mayor White presented a certificate to the Lockhart Elite Soccer team for winning State Championship. The Council commended the team for their accomplishment.

PRESENTATION OF A PROCLAMATION DECLARING MAY 19-25, 2019 AS "EMS WEEK".

Mayor White presented a proclamation to the City of Lockhart EMS team. The Council commended EMS for their dedication to public safety.

PRESENTATION OF A PROCLAMATION DECLARING MAY 6-11, 2019 AS "ECONOMIC DEVELOPMENT WEEK IN LOCKHART".

Mayor White presented a proclamation to a Representative of the Greater San Marcos Partnership (GSMP). John Ellis of the GSMP thanked the Council for being a part of the GSMP and provided information about upcoming economic development events.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF APRIL 2, 2019, APRIL 16, 2019, AND APRIL 29, 2019.

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

B. DISCUSS SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.

Mr. Gibson stated that in accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the impact fee capital improvement plans, and submitting semi-annual reports to City Council. The Committee met on April 24, 2019 to consider their 34th semi-annual report since impact fees were originally adopted on January 15, 2002. The current total balance of all impact fee accounts is \$1,851,949. Total impact fee revenue during this six-month period was \$219,332, which is the fourth highest since impact fees were originally adopted. A total of \$7,065 was spent on eligible water projects during this period. He provided the status report for the six-month period from October 1, 2018 to April 1, 2019. The update to the impact fee capital improvement plans that was adopted on April 4, 2017, eliminated projects that had been accomplished and shows only projects that were not yet funded, so the tracking of revenue and expenditures effectively started over at zero. The fund balances carried over, but the exhibits were based on the newly adopted Capital Improvement Plans. Mr. Gibson recommended acceptance of the report.

C. DISCUSS INTERLOCAL AGREEMENT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR PROJECT OVERSIGHT OF A 2019/2020 FIRE, AMBULANCE, SERVICE TRUCK (FAST) GRANT ADMINISTERED BY THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG) PROGRAM. THE GRANT APPLICATION WILL BE FOR THE PURCHASE OF A 2019 PIERCE CUSTOM FIRE APPARATUS AND EQUIPMENT WITH AN ESTIMATED TOTAL PROJECT COST OF \$585,000.

Chief Jenkins and Rachel Steele of the Capital Area Council of Governments (CAPCOG) provided information regarding the interlocal agreement. He stated that FAST grant provides funds for eligible vehicles to provide emergency response and special services to rural communities. The FAST grant requires a certified grant administrator to manage the grant. The CAPCOG meets and/or exceeds the requirements to administer the grant. Part A of the grant application process is at no cost to the city. If funded and accepted, Part B, project administration, will be agreed upon by both parties with an amendment to the interlocal agreement. The FAST grant provides up to \$35,000 for project administration costs. The maximum award is \$500,000 with a minimum grant match of \$85,000. There was discussion.

Ms. Steele explained the grant application process. CAPCOG will not charge a fee for submission of the grant application. If the state deems the application responsive and funded, the CAPCOG interlocal agreement will be amended to reflect their fees to proceed with the grant requirements.

D. DISCUSS PRELIMINARY BUDGET AND TAX RATE CALENDAR FOR FISCAL YEAR 2019-2020.

Ms. Larison provided information regarding the budget and tax rate calendar and the proposed certified property tax increase. There was discussion.

E. DISCUSS BID TO CORE AND MAIN OF KYLE, TEXAS IN THE AMOUNT OF \$86,391 FOR MATERIALS AND RELATED FITTINGS INCLUDING 4,000 LINEAR FEET OF 12" C-900 DR-18 PVC TO BE USED FOR INSTALLATION OF A NEW WATER MAIN ON FM 1322.

Mr. Kelley stated that staff is prepared to install a water line on FM 1322. The project will continue the 12" water main that terminates in front of 1721 South Commerce Street then continues to the rear of the Summerside Subdivision. Currently, the Summerside neighborhood only has a single water feed coming into the neighborhood. This improvement will increase water reliability and fire protection capabilities. Four bids were received for the materials ranging from \$86,391 to \$235,983.45. The lowest bid was submitted by Core and Main. Staff has confidence in completing this project but, if staff gets behind on the obligatory duties of the project, consideration would be given to contracting the remaining installation of the water main. This improvement is identified as a Water Impact Project and is eligible to be partly funded by the Water Impact Fees. The impact fee amount cannot exceed 50%. Mr. Kelley recommended approval. There was discussion.

F. DISCUSS CITY-OWNED FACILITIES, RECREATION AREAS AND PARKS NAMING/RENAMING POLICY.

Mr. Lewis outlined the proposed policy that provides for guidelines to follow for all future naming requests of city-owned facilities, recreation areas and parks. The City Attorney also reviewed the proposed Naming Policy. The proposed policy discourages renaming of City properties.

After discussion, the Council requested that staff name the Advisory Board(s) that would consider the naming/renaming requests and to clarify the criteria. Mr. Lewis invited the Council to provide him with suggested changes.

Councilmember Castillo arrived at 7:06 p.m.

RECESS: Mayor White announced that the Council would recess for a break at 7:18 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting of the Lockhart City Council to order at 7:35 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember Mendoza gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.

Mayor White requested the following citizens to address the Council:

Phyllis Metcalf, 1608 State Park Road, spoke against the Kinder Morgan Gas Pipeline going through Lockhart and requested that the City join in a lawsuit with other entities against the pipeline going through Lockhart. She believed it was best that Kinder Morgan utilize their existing pipelines instead of creating a new path.

Rebecca Allen, 515 Wichita, spoke against the Kinder Morgan Gas Pipeline going through Lockhart and, also requested that the City join in the lawsuit with other entities against the pipeline. She agreed that Kinder Morgan should use their existing pipeline route for their new project.

Billy Fogle, 5231 State Park Road, spoke against the Kinder Morgan Gas Pipeline going through Lockhart. He stated that the pipeline is proposed to be too close to his home and that it is not safe. He suggested that the pipeline be routed away from residential homes and stated that Kinder Morgan could not guarantee safety measures in the event of a leak or explosion. He requested that the Council deny the pipeline going through Lockhart and that Lockhart joins in the lawsuit to prohibit the pipeline through our community.

Kevin Smith, 1525 N. Colorado Street, spoke about the poor drainage in his neighborhood. He stated that water runs off onto his property causing flooding as a result of the Lockhart Independent School District's expansion to their maintenance facility. He believes that chemicals are leaking into the creek and causing contamination. He suggested that a detention pond be created in the area. Mayor White requested staff to research the drainage issues.

Mike Natal, 1100 Monte Vista, expressed concerned about the Lockhart Fire Department's (LFD) response to the fire that occurred on his home on February 12, 2019. He requested a report of the LFD's response time to the fire. Mayor White requested that staff present a report during the next meeting.

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

ITEM 4. CONSENT AGENDA.

Mayor Pro-Tem Sanchez requested that consent agenda item 4A be pulled for discussion.

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

The following are the consent agenda items that were approved:

- 4B: Accept semi-annual report from the Impact Fee Advisory Committee concerning the status of implementation of Chapter 31 "Impact Fees" of the Lockhart Code of Ordinances with regard to water, wastewater, and road impact fees.
- 4C: Approve interlocal agreement with the Capital Area Council of Governments (CAPCOG) for project oversight of a 2019/2020 Fire, Ambulance, Service Truck (FAST) grant administered by the Texas Community Development Block Grant (TxCDBG) program. The grant application will be for the purchase of a 2019 Pierce custom fire apparatus and equipment with an estimated total project cost of \$585,000.
- 4D: Approve Preliminary Budget and Tax Rate Calendar for Fiscal Year 2019-2020.
- 4E: Award bid to Core and Main of Kyle, Texas in the amount of \$86,391 for materials and related fittings including 4,000 linear feet of 12" C-900 Dr-18 PVC to be used for installation of a new water main on FM 1322.

ITEM 4-A. APPROVE MINUTES OF THE CITY COUNCIL MEETING OF APRIL 2, 2019, APRIL 16, 2019, AND APRIL 29, 2019.

Mayor Pro-Tem Sanchez requested that the minutes be approved separately because she was not present at the April 16, 2019 meeting.

Councilmember Michelson made a motion to approve the April 2, 16 and 29, 2019 minutes with reference that Mayor Pro-Tem Sanchez was absent during the April 2, 2019 meeting. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER CITY-OWNED FACILITIES, RECREATION AREAS AND PARKS NAMING/RENAMING POLICY.

Councilmember Michelson made a motion to table the item until the next meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

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

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

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

- Events:
 - Cinco de Mayo and Fiesta del Mariachi events at the Library were a success.
- Residential City-wide clean up report.
- Bids being advertised for the following projects:
 - City Line Road Pump Station
 - SH 130 18 inch Water Main – Phase 2
 - FM 2001 500,000 Gallon Elevated Water Storage Tank
- Library Activities:
 - Friends of the Library book sale Friday, May 10, 2019 from 12:00-5:00 p.m. and on Saturday, May 11, 2019 from 9:00 a.m. to 2:00 p.m. with a bargain sale on Monday, May 13, 2019 9 a.m. to noon.
- Fiscal Year 2019-2020 budget preparation underway.
- Public Safety staffing update.
- Updated Library policies scheduled for May 21st.
- Update on the contract with MuniServices/Avenu Insights regarding the HOT tax audit on local hotels and discovery services for short term rentals.

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

Councilmember Westmoreland congratulated the Greater Caldwell County Hispanic Chamber of Commerce (GCCHCC) for a successful Cinco de Mayo event regardless of the weather conditions.

Councilmember Mendoza also congratulated the GCCHCC for a successful Cinco de Mayo event.

Mayor Pro-Tem Sanchez congratulated the GCCHCC for a successful Cinco de Mayo event and she thanked the Library and City staff for the successful Dia de los Ninos event. She expressed condolences to the families of Vicky Garcia, Guadalupe Perez, Dora Hurtado and Betty Johnson for their loss.

Councilmember McGregor thanked all for a successful Cinco de Mayo event. She expressed appreciation to the citizens that expressed their concerns during tonight's meeting and thanked City staff for being alert during storms.

Councilmember Castillo thanked all involved in the successful Cinco de Mayo event and several events in the community. He encouraged the Council to consider taking a position on the Kinder Morgan Gas Pipeline to open communication efforts to learn about the project to assure the safety of the community. Councilmember McGregor stated that she would support joining other entities in formally expressing opposition of the gas pipeline.

Councilmember Michelson congratulated the GCCHCC for a successful Cinco de Mayo event.

Mayor White thanked the GCCHCC for a successful Cinco de Mayo event in addition to other entities for successful events the past couple of weeks. He provided a brief legislative update and an update about the Caldwell County Commissioners Court's efforts to oppose the Kinder Morgan Gas Pipeline going through Caldwell County that he believes the City of Lockhart could join.

ITEM 8. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE 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 - Deliberate the appointment of a new City Attorney.

AND

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.

Mayor White announced that the Council would enter Executive Session for the items listed above at 8:16 p.m.

ITEM 9. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 9:08 p.m. for discussion and/or action regarding the following:

ITEM 9-A. Discussion and/or action to consider appointment of a new city attorney.

Councilmember Michelson made a motion to hire Monte Akers of Akers & Akers as the new City Attorney for the City of Lockhart. Councilmember Castillo seconded. The motion passed by a vote of 7-0.

ITEM 9-B. Discussion and/or action to approve a law firm/client engagement agreement.

Councilmember Michelson made a motion to approve the Law Firm/Client Engagement Agreement with Monte Akers of Akers & Akers. Councilmember Castillo seconded. The motion passed by a vote of 7-0.

ITEM 9-C. Discussion and/or action regarding possible land acquisition.

Councilmember McGregor made a motion to authorize the City Manager to pursue with an appraisal and Phase I of an environmental study on a piece of property. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 10. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Castillo seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:11 p.m.

PASSED and APPROVED this the 21st day of May 2019.

CITY OF LOCKHART

Lew White

Lew White, Mayor

ATTEST:

Connie Constancio

Connie Constancio, TRMC
City Secretary




ITEM 10. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Castillo seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:11 p.m.

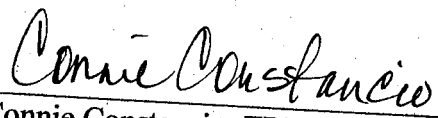
PASSED and APPROVED this the 21st day of May 2019.

CITY OF LOCKHART



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

