

**REGULAR MEETING
LOCKHART CITY COUNCIL**

NOVEMBER 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 Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White
Councilmember John Castillo
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Miles Smith, Public Information Officer
Pam Larison, Finance Director

Connie Constancio, City Secretary
Shane Mondin, Building Official
Ernest Pedraza, Police Chief
Sean Kelley, Public Works Director

Citizens/Visitors Addressing the Council: Citizens: Linda Barron, John Paul Barron, and Sonia Hernandez.

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 OCTOBER 15, 2019.

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

B. DISCUSS THE 4TH QUARTER FISCAL YEAR 2019 INVESTMENT REPORT.

Ms. Larison stated that the Texas Public Funds Act requires local governments to review and accept Quarterly Investment Reports for each quarterly reporting period of the year. She provided information and there was discussion regarding the following:

- Quarterly Investment Report.
- Investment Portfolio Summary.
- Cash Accounts.
- Marketable Securities Transaction Summary.
- Investment Pool Transactions Summary.
- Certificates of Deposit Transaction Summary.
- Investment Pools.
- Banks of the Ozarks Collateralization.

C. DISCUSS RESCINDING RESOLUTION 2019-25 AND ADOPTING RESOLUTION 2019-28 ESTABLISHING FEES TO REFLECT THE RECOVERY OF REVENUES DUE TO THE 4.1% VENDOR RATE INCREASE ACCORDING TO CONTRACT WITH CENTRAL TEXAS REFUSE (CTR), FOR RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL, RECYCLING SERVICES, AND COMMERCIAL WASTE COLLECTION/DISPOSAL SERVICES AND ESTABLISHING FEES FOR OTHER SOLID WASTE SERVICES REFLECTING LANDFILL AND DISPOSAL RATE INCREASES.

Ms. Larison stated that Resolution 2019-25 was adopted on October 15, 2019. Finance thereafter realized that there were a few errors on fees involving senior/disabled citizen rates as outlined in the exhibits of the Resolution. Staff recommends rescinding Resolution 2019-25 in its entirety to replace with Resolution 2019-28 which has the correct rates. There was discussion.

D. DISCUSS RESOLUTION 2019-30 APPROVING THE CERTIFIED PROPERTY TAX ROLL FOR THE 2019 TAX YEAR.

Ms. Larison stated that Section 26.09 of the Property Tax Code requires approval by the City Council of the Property Tax Roll, with the tax amount presented by the Caldwell County Appraisal District for the 2019 tax year. The 2019 Property Tax Roll contains final amounts due totaling \$5,013,497.97. This amount is \$233,075 in excess of the budgeted amount of \$4,780,423 with \$1,107,543 being for debt service. Ms. Larison recommended approval. There was discussion.

E. DISCUSS ORDINANCE 2019-26 VACATING THE 20-FOOT PUBLIC UTILITY EASEMENT LOCATED ALONG THE REAR OF LOT ONE AND LOT TWO, BLOCK NINE OF THE WINDRIDGE ADDITION, SECTION 3 AT 301 AND 303 WINDRIDGE DRIVE NORTH.

Mr. Mondin stated that Mrs. Evette Hernandez contacted city staff to request that the public utility easement be removed from the rear yard of her residence at 301 Windridge Drive North for the installation of an inground pool. Written approval has been received from utility entities and city staff. All utilities are located in the front of the properties. The utility companies and city staff have no objections to the removal of the utility easement at the rear of the lot, located at 301 and 303 Windridge Drive North. Mr. Mondin recommended approval. There was brief discussion.

F. DISCUSS ORDINANCE 2019-27 AMENDING CHAPTER 56, ARTICLE IX, WRECKERS, DIVISION 4, LIMITATIONS ON RATES FOR NON-CONSENT TOWS, INCREASING FEES FOR POLICE AUTHORIZED TOWS FROM AN ACCIDENT SCENE, POLICE AUTHORIZED TOW-IMPOUNDS AND ALL OTHER NON-CONSENT TOWS, AND ADDING A SECTION TO ESTABLISH PROCEDURES BY WHICH A TOWING COMPANY MAY REQUEST THAT A TOWING FEE STUDY BE PERFORMED.

Chief Pedraza stated that the local towing companies requested that a study be conducted to increase towing fees to be more in line with current rates and due to the increase in costs to do business, such as increased insurance premiums, wrecker maintenance, storage facility fees/personnel and continuing education. The last increase of the non-consent towing fees was in 2006. There was discussion regarding the difference of consent and non-consent tows. Chief Pedraza stated that based on the market analysis, the information provided by the Lockhart towing companies and the projected 12-year consumer Price-Index (CPI) increase, the Lockhart Police Department recommends that fees be increased based on a fair market value as listed in the proposed ordinance.

Mayor White requested Linda Barron of Barron's Towing to address the Council.

Linda Barron, 1608 Meadow Lane, stated that she was speaking on behalf of all towing companies in Lockhart. Since fees have not been increased since 2006, they are requesting that the towing fees be increased to \$200 per non-consent tow and \$250 per consent tow. She stated that the cost to perform towing services is much higher because of the cost of fuel, insurance, vehicle maintenance, etc. The towing companies request that the fees be itemized to be the same as Caldwell County.

John Paul Barron, Barron's Towing, addressed the Council and requested that the towing fees be increased due to the high costs of doing business.

There was discussion.

Mayor White requested that Ms. Barron and the towing companies revise their request to be updated to provide specific fees for each service.

Sonia Hernandez of Henry's Towing requested that the fees be increased as mentioned by Mrs. Barron.

G. DISCUSS RESOLUTION 2019-29 ADOPTING A PROCESS FOR PUBLIC COMMENT DURING AN OPEN MEETING.

Ms. Constancio stated that HB 2840 was adopted during the 86th Legislative Session which authorizes Council to adopt reasonable rules regarding the public's right to address the governing body, including rules that limit the total amount of time that a member of the public may address the body on a given item. The Council has traditionally allotted the public a maximum time limit of three minutes to speak during citizens comments. The bill also provides that if a speaker requires assistance of a translator, the speaker will be allowed double the time than a speaker that does not require translation assistance, thereby allowing the speaker requiring assistance up to six minutes to address the Council. The Resolution generally codifies current practice but clarifies a few named exceptions. An updated Speaker Form provides the details about the public's right to speak at meetings as provided by the Texas Open Meetings Act. There was discussion.

H. DISCUSS RESOLUTION 2019-32 CASTING VOTES FOR DIRECTOR(S) TO SERVE ON THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2020 TO DECEMBER 31, 2021.

Mayor White stated that the Council previously voted to nominate Alfredo Munoz to be included on the ballot. The Caldwell County Appraisal District provided the ballot requesting that each taxing entity cast votes for the CCAD Board of Directors for the term of office of January 1, 2020 to December 31, 2021. The City of Lockhart is entitled to 453 votes of which the Council may cast all votes for one candidate or votes may be distributed among any number of candidates. The deadline to submit the ballot to the CCAD is December 15, 2019. There was discussion regarding casting 453 votes to Alfredo Munoz.

I. DISCUSSION REGARDING MONTHLY COMPENSATION FOR MUNICIPAL COURT JUDGE FRANK COGGINS.

Mayor White stated that he received a request from Judge Coggins about an amount for the salary increase. He asked the Council if they wanted to discuss during the open meeting or in Executive Session.

Mr. Akers clarified that if the Council chose to speak about the Judge's duties, they could discuss it during executive session but if they chose to speak about the amount of the increase, that must be done during open session. After discussion, the Council decided to discuss the Judge's duties in executive session later in the meeting.

J. DISCUSS RESCHEDULING COUNCIL MEETINGS IN 2020 DUE TO A POSSIBLE CONFLICT WITH OTHER EVENTS.

Ms. Constancio requested that the Council consider rescheduling the following meetings due to possible conflicts:

- March 17 – Spring Break
- October 6 – National Night Out
- November 3 – Election Day

After discussion, the Council suggested the following meetings to be rescheduled:

- March 17 will not be rescheduled
- October 6 will be rescheduled to October 8
- November 3 will be rescheduled to November 5

K. DISCUSSION REGARDING ESTABLISHING A HOTEL OCCUPANCY TAX (HOT) FUND BOARD AND APPOINTING MEMBERS.

Ms. Larison stated that during the October 15 Council meeting, the Council discussed proposed changes about how the City distributes HOT funds. Mayor White stated that he contacted several other cities and compared their hotel occupancy tax distribution process. The most common process is that the proposed distributions were determined by a Board, not the Council. Mayor White suggested that a Board assist with determining several options, such as saving funds towards a visitor's center. He recommended that a committee be established to consist of five members that are not associated with a HOT fund recipient organization.

Mayor White suggested that the formulation of the committee and appointments be brought back in December.

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

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 8:05 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. CITIZENS/VISITORS COMMENTS.

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

ITEM 5-E. APPROVE ORDINANCE 2019-26 VACATING THE 20-FOOT PUBLIC UTILITY EASEMENT LOCATED ALONG THE REAR OF LOT ONE AND LOT TWO, BLOCK NINE OF THE WINDRIDGE ADDITION, SECTION 3 AT 301 AND 303 WINDRIDGE DRIVE NORTH.

There was discussion regarding the method to contact the property owners abutting the easement. Mr. Mondin stated that staff would work with the property owners and answer questions about the process to vacate a utility easement.

Councilmember Castillo made a motion to approve Ordinance 2019-26, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-19-10 BY SUZY FALGOUT AND DISCUSSION AND/OR ACTION TO CONSIDER A ZONING CHANGE FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT AND CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT ON 0.426 ACRE IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 710 SOUTH COMMERCE STREET. [WITHDRAWN]

Mayor White announced that the applicant withdrew the request therefore, a public hearing will not be held.

ITEM 5-F. APPROVE ORDINANCE 2019-27 AMENDING CHAPTER 56, ARTICLE IX, WRECKERS, DIVISION 4, LIMITATIONS ON RATES FOR NON-CONSENT TOWS, INCREASING FEES FOR POLICE AUTHORIZED TOWS FROM AN ACCIDENT SCENE, POLICE AUTHORIZED TOW-IMPOUNDS AND ALL OTHER NON-CONSENT TOWS, AND ADDING A SECTION TO ESTABLISH PROCEDURES BY WHICH A TOWING COMPANY MAY REQUEST THAT A TOWING FEE STUDY BE PERFORMED.

Mayor White announced that consideration of amendments to the towing ordinance would be considered during the next Council meeting.

ITEM 5. CONSENT AGENDA.

Mayor White announced that consent agenda items 5E and 5F were considered earlier in the meeting.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A, 5B, 5C, 5D, 5G, and 5H. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the City Council meeting of October 15, 2019.
- 5B: Accept the 4th Quarter Fiscal Year 2019 Investment Report.
- 5C: Approve rescinding Resolution 2019-25 and adopting Resolution 2019-28 establishing fees to reflect the recovery of revenues due to the 4.1% vendor rate increase according to contract with Central Texas Refuse (CTR), for residential solid waste collection, disposal, recycling services, and commercial waste collection/disposal services and establishing fees for other solid waste services reflecting landfill and disposal rate increases.
- 5D: Approve Resolution 2019-30 approving the certified property tax roll for the 2019 tax year.
- 5G: Approve Resolution 2019-29 adopting a process for public comment during an open meeting.
- 5H: Approve Resolution 2019-32 casting votes for Director(s) to serve on the Caldwell County Appraisal District Board of Directors for the term of office from January 1, 2020 to December 31, 2021.

ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING MONTHLY COMPENSATION FOR MUNICIPAL COURT JUDGE FRANK COGGINS.

Mayor White announced that the item would be considered during Executive Session.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER RESCHEDULING COUNCIL MEETINGS IN 2020 DUE TO A POSSIBLE CONFLICT WITH OTHER EVENTS.

Councilmember McGregor made a motion to reschedule the October 6, 2020 Council meeting to October 8, 2020 and the November 3, 2020 Council meeting to November 5, 2020. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ESTABLISHING A HOTEL OCCUPANCY TAX (HOT) FUND BOARD AND APPOINTING MEMBERS.

Mayor White announced that the appointments would be considered during a meeting in December 2019.

ITEM 6-D. 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 concerning Caldwell County Commissioners Court discussion of forming a 2020 Census Complete Count Committee.
- Update regarding the LCRA wildlife protection project at the FM 20 substation.
- 12th Annual Keep Lockhart Beautiful Clean-up – November 9 at 9 a.m. at City Park.
- Speaking of the Dead Cemetery tours held on October 25 and 26 was a success.
- Día de los Muertos event - November 1st during First Friday.
- Staff is preparing community service projects for LCRA Steps Forward Day. The event will be held on April 3, 2020.
- Meadows at Clearfork Section 2 has opened. Eight permits to KB Homes have been issued for new home construction.
- Review of the September monthly financial report.
- Firefighter entrance exam - Saturday, November 2. There are currently three firefighter vacancies.
- Two new police officers were hired in early November and have started the Police Department's field training. There are currently three police officer vacancies.
- Police entrance exam will be held Saturday, November 16.
- The RFP process to select a consultant for the upcoming Classification and Compensation Study has started. RFPs are due by November 14. Staff has received one sealed proposal and has had contact with three other interested firms.
- Contractors are 75% complete with the SH130 Phase II 18" water main project.
- Contractors have started work at the new elevated water tank site on SH 130 and FM 2001. This project should be completed on or before October 2020.
- Electrical improvements at the water plant continue. Contractors have placed the new electrical panels.
- City staff is about 70% complete laying the 12" water main along FM1322. The total length of the project is about 4,000' long.
- The new traffic signal at the intersection of South Colorado Street and Walmart has been completed. TxDOT will be conducting a speed study at this intersection to see if a reduced speed is necessary. Staff has also been working with TxDOT to design the portion of sidewalk that will connect the crosswalk to the end of the existing sidewalk in front of South Park Village Apts.
- On December 1st, the Utility Customer Services will be capable of "going green". The City will have the ability of offering paperless billing to customers. Customers will soon receive a notice in their monthly bill giving them the ability to opt-in. Paperless statements are free, safe, convenient, and reduce mailbox clutter.
- Garbage schedule during the Thanksgiving holiday will change. No garbage pick-up on Thanksgiving Day; Nov 28 and Nov 29 will slide to pick up the next day.

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

Councilmember Mendoza thanked citizens for voting.

Mayor Pro-Tem Sanchez thanked the citizens for voting and congratulated the re-elected and newly elected officials. She expressed condolences to the families of Eron Mendez, Fred Bell, Julie Jennings, Josefa Trelles Michaelson, Rudy Trejo and Mark Trejo for their loss.

Councilmember McGregor congratulated the re-elected and newly elected officials and she thanked outgoing Councilmember John Castillo for his service to the community. She thanked the Lockhart Police Department for keeping everyone safe.

Councilmember Castillo congratulated the re-elected and newly elected officials. He thanked the Council and citizens for working with him during his tenure as a Councilmember. He expressed condolences to those that have lost a loved one. He congratulated the Lockhart athletic teams that made it to playoffs and good luck to the Lockhart Lions football team. He congratulated Coach Hippensteel and the Cross-Country team for advancing in the competition.

Councilmember Michelson thanked Councilmember Castillo for his service to the community the past nine years. He congratulated the re-elected and newly elected officials. He welcomed Visionary Fiber as a new business in town and congratulated the Cross-Country team for their accomplishments. He also wished the Lockhart Football team luck.

Mayor White expressed condolences to the family of Fred Bell for their loss. He thanked Councilmember Castillo for his service to the community during his tenure. He congratulated re-elected and newly elected officials. He congratulated Visionary Fiber for locating their headquarters to Lockhart. He wished the Lockhart Cross-Country and Football teams luck.

ITEM 9. EXECUTIVE SESSION.

Mayor White announced that the Council would enter Executive Session to discuss the following at 8:30 p.m.

EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071- TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE. Discussion regarding the monthly compensation for Municipal Court Judge Frank Coggins.

EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.086- TO DELIBERATE, VOTE, OR TAKE FINAL ACTION ON ANY COMPETITIVE MATTERS RELATING TO PUBLIC POWER UTILITIES. Discussion of the purchase of wholesale power and options for modification of customers' supply obligation commitment.

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 a contract received offering to purchase city owned property and discussion regarding possible purchase of property.

ITEM 10. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 9:42 p.m. to take action, if any, regarding matters discussed in executive session.

A. DISCUSSION AND/OR ACTION REGARDING THE MONTHLY COMPENSATION FOR MUNICIPAL COURT JUDGE FRANK COGGINS.

Councilmember McGregor made a motion to approve a 4% monthly increase for Municipal Court Judge Frank Coggins effective October 1, 2019. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

B. DISCUSSION AND/OR ACTION REGARDING THE PURCHASE OF WHOLESALE POWER AND OPTIONS FOR MODIFICATION OF CUSTOMERS' SUPPLY OBLIGATION COMMITMENT.

Councilmember Michelson made a motion to increase the wholesale customer supply obligation from 25% to 35%, to decrease the alternate rate option to 0% and direct the City Manager to negotiate a customer supplies obligation contract with AEP. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

C. DISCUSSION AND/OR ACTION REGARDING A CONTRACT RECEIVED OFFERING TO PURCHASE CITY OWNED PROPERTY.

Mayor Pro-Tem Sanchez made a motion to prepare 728 South Main to go out for bid. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

D. DISCUSSION AND/OR ACTION REGARDING POSSIBLE PURCHASE OF PROPERTY.

No action was taken.

ITEM 11. ADJOURNMENT.


Councilmember Castillo made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:50 p.m.

PASSED and APPROVED this the 3rd day of December 2019.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

