

**LOCKHART CITY COUNCIL
REGULAR MEETING**

DECEMBER 1, 2015

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 Benny Hilburn
Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Shane Mondin, Building Official
Dan Gibson, City Planner

Connie Constancio, City Secretary
Jeff Hinson, Finance Director
Lee Weatherford, Public Works Director

Citizens/Visitors Addressing the Council: David Schneider, Director of the Gaslight-Baker Theatre; Rene Rayos, President and Frank Estrada, Economic Development of the Greater Caldwell County Hispanic Chamber of Commerce; Angela Rawlinson, President and Keith Hester, Chair of the Board of Directors of the Lockhart Chamber of Commerce; Kei LaFleur, Citizen; and Doug Shomette of the Caldwell County Historical Commission/County Museum.

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 BY AND DISCUSSION WITH ENTITIES REQUESTING HOTEL OCCUPANCY TAX FOR FISCAL YEAR 2015-2016.

Mayor White requested the following entities to make a presentation:

CALDWELL COUNTY MUSEUM (CCM)

No one was present during the work session to make a presentation on behalf of the CCM.

SOUTHWEST MUSEUM OF CLOCKS & WATCHES (SMCW)

No one was present during the work session to make a presentation on behalf of the SMCW.

GASLIGHT-BAKER THEATRE (BGT)

David Schneider, Artistic Director of the BGT, provided information about how their organization promotes tourism to Lockhart. He stated that the Gaslight-Baker Theater is requesting hotel/motel occupancy tax funds in the amount of \$10,000 or 15%, whichever is less.

GREATER CALDWELL COUNTY HISPANIC CHAMBER OF COMMERCE (GCCHCC)

Rene Rayos, President of the GCCHCC, provided information about how their organization promotes tourism to Lockhart. He stated that the GCCHCC is requesting hotel/motel occupancy tax funds in the amount of \$28,696.50 or 25%, whichever is less.

LOCKHART CHAMBER OF COMMERCE (LCC)

Angela Rawlinson, President of the LCC, provided information about how their organization promotes tourism to Lockhart. She stated that the LCC is requesting hotel/motel occupancy tax funds in the amount of \$65,192.73 or 59% of the available funds.

Mayor Pro-Tem Sanchez requested information about whether the Lockhart Chamber recruits new businesses. Ms. Rawlinson replied that the Lockhart Chamber does respond to some inquiries from new businesses and also works with Sandra Mauldin, Economic Development Director, with providing information to possible new businesses.

Councilmember Hilburn stated that a couple of years ago, the Council requested that both the Lockhart Chamber and the Hispanic Chamber meet to discuss the possibility of merging into one Chamber to recruit tourism. Ms. Rawlinson, Mr. Rayos and Keith Hester, Chair of LCC Board of Directors stated that the Chambers have discussed the possibility of working together with upcoming events yet a collaboration has not been taken to a vote by the Board of each entity.

Councilmember Hilburn stated that he would like to see a collaboration of both Chambers.

Councilmember Castillo stated that he did not believe that the collaboration was a good idea.

There was discussion.

Frank Estrada, 407 China Street, Economic Development Director of the Hispanic Chamber of Commerce stated that many other cities have separate chambers to assist in promoting tourism.

B. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF NOVEMBER 3, 2015.

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

C. DISCUSS SITE PLAN FOR THE REMOVAL OF TWO PROTECTED TREES TO BUILD A NEW COMMERCIAL BUILDING AT 700 S. COLORADO STREET.

Mr. Mondin stated that Advance Auto Parts is requesting approval to remove two protected pecan trees to build a 6,800 square foot building and associated parking lot and driveways. He stated that Vazquez Engineering had a scheduling conflict and that they would not be able to attend today's meeting. An e-mail from the organization provides information from the engineer. A protected tree is a tree having a circumference of 72 inches or more measured four and one half feet above the natural grade. The pecan trees measure 88 inches and 80 inches in circumference. Article II, Section 67-27 (b) states "No approval for removing a protected tree shall be necessary when the actual or schematic locations of existing protected trees are shown on site plans submitted for approval by the City Council, and the site plan clearly indicates which protected trees are proposed to be removed." Advance Auto Parts intends to remove a total of ten trees as indicated on the site plan; only two of the trees are protected and therefore require approval of the site plan from the City Council. Mr. Mondin recommended approval based upon their intent to plant replacement trees and shrubs.

There was discussion about where the replacement trees would be planted.

There was discussion about tabling the item until a revised site plan is received that reflects the location of where the replacement trees and shrubs will be added.

D. DISCUSS CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER REAPPOINTMENT OF MS. WORLANDA NEAL FOR A THREE (3) YEAR TERM AS RECOMMENDED BY THE CITY MANAGER.

Mr. Rodgers stated that Ms. Neal has served on the commission for the past 9 years (three 3-year terms). According to Civil Service regulations, she can be reappointed for additional terms (3 years long) if the appointment is confirmed by a two-thirds majority vote of the City Council. Ms. Neal has graciously agreed to continue serving on the commission. Both the City Manager and the Civil Service Director concur that she has been an asset to the Civil Service Commission.

E. DISCUSS RESOLUTION 2015-14 AUTHORIZING THE FILING OF GRANT APPLICATIONS WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR REGIONAL SOLID WASTE GRANTS PROGRAM GRANTS; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY OF LOCKHART, TEXAS IN ALL MATTERS RELATED TO THE APPLICATIONS; AND PLEDGING THAT IF A GRANT IS RECEIVED, THE CITY OF LOCKHART, TEXAS WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

Mr. Rodgers stated that the grants would provide funding to hold two city wide residential household hazardous waste (HHW) collection events for approximately \$19,350 each (\$2,500 city match plus \$16,850 grant funding totaling \$19,350 per event). CAPCOG determines whether the grant funding is allocated for the 2016 or 2017 grant period. It will be noted in the City's grant applications that it is preferred to hold one collection event in Spring 2016 and one event in Spring 2017. It will also be noted that the \$2,500 match for Fiscal Year 2016-2017 is contingent upon the future City budget of Fiscal Year 2016-2017. Mr. Rodgers recommended approval.

F. DISCUSS BID TO PURCHASE A NEW BRUSH CHIPPER THROUGH THE BUY BOARD FROM BANDIT INDUSTRIES, INC. IN THE AMOUNT OF \$46,096.30 TO REPLACE THE CURRENT OLD UNIT.

Mr. Rodgers stated that the current brush chipper is more than five years old. Because of the frequent storms and the resulting chipping requirements, the chipper has been out of service often over the past six months. The new Bandit chipper unit has more safety features and should provide a longer service life because of its design. The older unit will be kept and used as needed for back up. Mr. Rodgers recommended approval.

G. DISCUSS THE PURCHASE OF A USED STREET CHIP SEAL SPREADER MACHINE FOR CHIP SEAL OPERATIONS THROUGH BUY BOARD FROM COOPER EQUIPMENT COMPANY IN THE AMOUNT OF \$46,250 INCLUDING DELIVERY AND TRAINING.

Mr. Rodgers stated that a chip spreader is a large machine that applies small rock material at specific rates on liquid asphalt during the chip seal paving process. Earlier this year, City crews prepared and chip sealed Patton Road between Park Road and Center Street. Contracting out Patton Road would have cost an additional \$30,000. A chip spreader machine was rented for Patton Road that cost almost \$5,000 to rent for just two days. Because there are commitments to pave several other gravel roadways (Lovers Lane, Old Kelley Road, Shady Lane, Horseshoe Bend) in a similar manner, the purchase of a used chip spreader is reasonable to avoid paying high rental prices each time it is needed. The used machine, if purchased, will also be used in the future to chip seal existing paved streets to seal off surface cracks which prevents water from damaging the base support structure. A chip seal costs about \$2.60 per square yard and if a street must be rebuilt because water has damaged the base structure, the cost is more than \$20.00 a square yard. The machine has been checked out and appears to be in good condition with less

than 800 hours to use. The company has agreed to replace high maintenance items on the machine before it is delivered if we purchase it. A similar new machine would cost more than \$160,000. Mr. Rodgers stated that the purchase of the machine can be paid out of the certificates of obligations funds. He recommended approval.

H. DISCUSS AWARDING BID TO BILLY HOUSTON OF LOCKHART, TEXAS, TO PROVIDE MOWING MAINTENANCE SERVICES FOR THE LOCKHART MUNICIPAL AIRPORT DURING THE 2015-2016 FISCAL YEAR.

Mr. Weatherford stated that public bids were sought to provide mowing services for the Lockhart Municipal Airport with only one bid being received by Billy Houston in the amount of \$1,250.00 per complete all area mowing. The term of the contract is for one year from the date of approval by the City Council. Services will be used as needed. There was discussion.

I. DISCUSS RENEWAL OF INTERLOCAL AGREEMENT WITH CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) TO CONTINUE USE OF CITY FACILITY TO MONITOR AIR QUALITY AND APPOINTING THE CITY MANAGER TO SIGN THE AGREEMENT, IF APPROVED.

Mr. Rodgers stated that CAPCOG keeps an air quality monitoring unit at 214 Bufkin Lane. It has been in place for two years. Data collected provided CAPCOG information about local air quality. The agreement, if approved, will extend the existing agreement for another three years. Mr. Rodgers recommended approval.

J. DISCUSS REQUEST BY THE GREATER CALDWELL COUNTY HISPANIC CHAMBER OF COMMERCE TO AMEND THEIR 2015 HOTEL TAX BUDGET AND TO AMEND THE CONTRACT FOR THE YEAR TO REFLECT THE AMENDMENT, IF APPROVED.

Mr. Hinson stated that the budget amount requested of the Greater Caldwell County Hispanic Chamber of Commerce (GCCHCC) for 2015 was \$9,800, which is the amount that they have been paid to date. The GCCHCC has spent substantially more than this amount and the City has an additional amount available to distribute to them based on the contract percentage that the Council had approved. The GCCHCC is requesting an amendment to increase their budget from \$9,800 to \$22,681.26 for Fiscal Year 2014-2015. If approved, their allocation will increase above \$9,800, which is what the GCCHCC has already received to date. If the Council chooses not to allocate the additional hotel occupancy tax to the GCCHCC, the Council can choose what to do with those funds.

There was discussion.

K. DISCUSS RE-SCHEDULING THE AUGUST 2, 2016 COUNCIL MEETING (NATIONAL NIGHT OUT) AND ANY OTHER COUNCIL MEETING(S) IN 2016 DUE TO A POSSIBLE CONFLICT WITH OTHER EVENTS.

After discussion, Ms. Constancio recommended that August 2, 2016 is rescheduled due to National Night Out and that the Council canvass the November 8, 2016 election on November 22, 2016, which is the third Tuesday of November. The Council discussed rescheduling the November 15, 2016 meeting to November 22, 2016. Mayor White announced that the Council would vote on the issue during the regular meeting.

RECESS: Mayor White announced that the Council would recess for a break at 8:10 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 8:28 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Invocation - Ministerial Alliance.

Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.

Mayor White requested the following citizen to address the Council:

Kei LaFleur, 598 Pearl Street, requested that the Lockhart City Council consider displaying a painted portrait in the Library in memory of her son Corporal Jason LaFleur. There was discussion. Mayor White requested that the item be returned during the December 15, 2015 meeting for consideration.

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

ITEM 4-A. PRESENTATION BY AND DISCUSSION WITH ENTITIES REQUESTING HOTEL OCCUPANCY TAX FOR FISCAL YEAR 2015-2016.

Mayor White announced that several presentations were made during the work session.

He requested a representative of the Caldwell County Museum to address the Council:

CALDWELL COUNTY MUSEUM (CCM)

Doug Shomette of the Caldwell County Historical Commission provided information about how the organization promotes tourism to Lockhart. He stated that the CCM is requesting hotel occupancy tax in the amount of \$4,400.

ITEM 5. CONSENT AGENDA.

After discussion, Mayor Pro-Tem Sanchez requested that consent agenda item 5A, 5B and 5C be pulled for further discussion.

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

The following are the consent agenda items that were approved:

- 5D: Approve Resolution 2015-14 authorizing the filing of grant applications with the Capital Area Council of Governments for Regional Solid Waste Grants Program Grants; authorizing the Mayor to act on behalf of the City of Lockhart, Texas in all matters related to the applications; and pledging that if a grant is received, the City of Lockhart, Texas will comply with the grant requirements of the Capital Area Council of Governments, the Texas Commission on Environmental Quality and the State of Texas.
- 5E: Approve bid to purchase a new brush chipper through the Buy Board from Bandit Industries, Inc. in the amount of \$46,096.30 to replace the current old unit.

- 5F: Approve the purchase of a used street chip seal spreader machine for chip seal operations through Buy Board from Cooper Equipment Company in the amount of \$46,250 including delivery and training.
- 5G: Approve awarding bid to Billy Houston of Lockhart, Texas, to provide mowing maintenance services for the Lockhart Municipal Airport during the 2015-2016 Fiscal Year.
- 5H: Approve renewal of interlocal agreement with Capital Area Council of Governments (CAPCOG) to continue use of City facility to monitor air quality and appointing the City Manager to sign the agreement, if approved.

ITEM 5-A. APPROVE MINUTES OF THE CITY COUNCIL MEETING OF NOVEMBER 3, 2015.

Councilmember Castillo made a motion to approve minutes of the City Council meeting of November 3, 2015. Councilmember Mendoza seconded. The motion passed by a vote of 6-0-1, with Mayor Pro-Tem Sanchez abstaining because she was not present at that meeting.

ITEM 5-B. APPROVE SITE PLAN FOR THE REMOVAL OF TWO PROTECTED TREES TO BUILD A NEW COMMERCIAL BUILDING AT 700 S. COLORADO STREET.

Mayor Pro-Tem Sanchez made a motion to table the item until the December 15, 2015 Council meeting. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

ITEM 5-C. APPROVE CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER REAPPOINTMENT OF MS. WORLANDA NEAL FOR A THREE (3) YEAR TERM AS RECOMMENDED BY THE CITY MANAGER.

Mayor Pro-Tem Sanchez made a motion to confirm reappointment of Ms. Worlanda Neal for a three year term to the Civil Service Commission. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER A REQUEST BY THE GREATER CALDWELL COUNTY HISPANIC CHAMBER OF COMMERCE TO AMEND THEIR 2015 HOTEL TAX BUDGET AND TO AMEND THE CONTRACT FOR THE YEAR TO REFLECT THE AMENDMENT, IF APPROVED.

Councilmember Castillo made a motion to approve amendment the GCCHCC budget and to amend the contract to reflect the GCCHCC budget from \$9,800 to \$22,681.26. Councilmember Mendoza seconded. The motion failed by a vote of 3-4 with Mayor White, Mayor Pro-Tem Sanchez, Councilmember Hilburn and Councilmember Michelson opposing.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER RE-SCHEDULING THE AUGUST 2, 2016 COUNCIL MEETING (NATIONAL NIGHT OUT) AND ANY OTHER COUNCIL MEETING(S) IN 2016 DUE TO A POSSIBLE CONFLICT WITH OTHER EVENTS.

Mayor Pro-Tem Sanchez made a motion to reschedule the August 2, 2016 meeting to August 4, 2016 and to reschedule the November 15, 2016 meeting to November 22, 2016. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION AFTER REPORT BY CITY MANAGER REGARDING THE INSURANCE SERVICE OFFICE, INC., (ISO) INITIAL FIRE INSURANCE RANKING OF 4/4X WHICH WAS APPEALED AND UPGRADED BY 25% TO 3/3X WHICH IS BETTER FOR RESIDENTS AND BUSINESSES THAT HAVE INSURANCE COMPANIES THAT USE THE ISO SYSTEM TO DETERMINE FIRE INSURANCE RATES.

Mr. Rodgers stated that Lockhart's Public Classification by ISO is now ranked at Class 4 but will be changed to a Class 3 beginning April 1, 2016. Originally, ISO was going to keep the current Class 4 ranking but staff appealed rating points which results in a better ranking of Class 3. Class 1 is the best ranking. Information from ISO is often used by companies to determine fire insurance rates for residential and commercial policies.

Mayor Pro-Tem Sanchez made a motion to approve the updated ISO rating to 3/3X beginning April 1, 2016. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING ORDINANCE 2015-26 AMENDING THE CITY OF LOCKHART CODE OF ORDINANCES TO ADD SECTION 58-177, DISTRIBUTED GENERATION, WHICH ESTABLISHES THE REQUIREMENTS FOR INTERCONNECTIVITY AND PARALLEL OPERATION OF PRIVATE DISTRIBUTED GENERAL FACILITIES WITHIN THE CITY OF LOCKHART AND PROHIBITING PRIVATE INTERCONNECTION AND/OR PARALLEL OPERATION OF DISTRIBUTED GENERATION WITHOUT COMPLIANCE WITH THIS ORDINANCE.

Mr. Rodgers stated that if the ordinance is passed, it regulates all private distributed general interconnectivity including, but not limited to, generator unit power systems, wind generation power systems, and solar panel power generation systems to the City's electrical distribution system. It establishes the application process, net metering requirements, quality and quantity of power, locations for such systems, engineering requirements for the systems and structures, zoning related requirements, and protects the City's line workers and distribution system from electrical back feed from private power generation systems. Mr. Rodgers recommended approval.

Councilmember Michelson made a motion to approve Ordinance 2015-26, as presented. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

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

Mayor White requested appointments to various boards, commissions or committees.

Councilmember Westmoreland made a motion to reappoint members as listed below. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

- Jayson "Tex" Cordova to Airport Board
- Severo Castillo to the Board of Adjustment
- Edward Strayer to the Economic Development Revolving Loan Committee
- Frank Estrada to the Economic Development Corporation
- Terrance Gahan to the Historical Preservation Commission
- Rebecca Lockhart to the Library Advisory Board

There was discussion about appointments to the Zoning Board of Adjustment and a representative of the City's Extraterritorial Jurisdiction (ETJ) to the Impact Fee Advisory Board.

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

- Update: US Hwy 183 expansion project: Storm water contractor work, curbing, sidewalk, Section 1A, Pecan to Hickory 85% complete; milling and level-up paving in Section 1-B between Hickory and Blackjack has begun. Laying storm water pipe along east side of that section. Paving of a portion of section 1A in mid-December is possible according to the inspector.
- Report: Richland Drive drainage project scheduled to go out for bids in late December and possibly Wichita/Vega/Mesquite if property issue settled.
- Report: Dia de Los Muertos Festival event held Saturday, November 14.
- Report: Lockhart Chamber of Commerce along with the Tastes of the Trail Committee held the 13th Annual Tastes Along the Trail event in the downtown on Saturday, November 14
- Report: Electric Distribution Crew replaced a 12,000 pound 1,500 KVA transformer that costs about \$30,000 last week with the assistance of Austin Energy; doing this in-house saved about \$15,000; the old transformer will be rehabbed for about \$ 6,000 and used as a reserve.
- Reminder: Dickens is the first weekend in December with the Annual Lighted Parade on Friday, Dec 4. Thanks to Ms. Bertha, her staff, and the wonderful volunteers who contribute so much to this community event
- Reminder: Region 10 TML meeting in Bastrop, Wednesday, December 9th.
- Congratulations to Martin Reyes who retired November 30 from the Water-Wastewater Departments. He took early disability retirement due to his health.
- Departure: Wallis Meshier, Associate Planner, has taken another job in Hutto which is much closer to her home and includes much higher pay; applications are being received.
- Welcome New Employees:

Edward Balusek, Jr.	Class A Lineman, Electric Distribution
Andrea E. Davila	Administration Assistant, Economic Development
Johnathon Anzualda	Water-Wastewater System Operation
Ricky New	Heavy Equipment Operator, Streets
Joel B. Gonzales	Lineman II Apprentice, El. Distribution
Kevin LeClerc	Firefighter, EMT
Randy D. Dabbs	Class A Lineman, El. Distribution
Connie Holder	P/T Animal Shelter Attendant
Jim Rodriguez	Firefighter, EMT
- Warren Lay, Fire Marshal, has announced his retirement after 22 years.

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

Councilmember Westmoreland reminded citizens to shop local.

Councilmember Mendoza congratulated the Lockhart Lion football team for their athletic accomplishments. He congratulated the Hispanic Chamber for a successful Dia de los Muertos event. He thanked the Lockhart Animal Shelter for their free adoption event that continues until the end of December.

Mayor Pro-Tem Sanchez expressed condolences to the families of Dana Seitz and Vonne Cheatam for their loss. She thanked the First Baptist Church and Chisholm Trail BBQ for offering a free Thanksgiving meal to all citizens on Thursday, November 26. She announced that the HCCO will be presenting the proceeds of the BBQ cook-off in the amount of \$10,000 to the Make a Wish Foundation on Sunday, December 6 at the Library-Council Chambers, 3rd Floor at 2 p.m. Congratulations to the Lockhart Lions football team.

Councilmember Hilburn congratulated Keep Lockhart Beautiful for receiving the green bag grant award to fund a spring clean up in 2016.

Mayor White thanked Mr. Rodgers and staff for all of the work with the Highway 183 expansion project and thanked citizens for their patience during the construction.

ITEM 9. 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 9:28 p.m.

PASSED and APPROVED this the 15th day of December 2015.


CITY OF LOCKHART





Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary