

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**APRIL 3, 2018**

**6:30 P.M.**

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3<sup>rd</sup> 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 (arrived at 6:35 p.m.)  
Councilmember Brad Westmoreland

**Staff present:**

Vance Rodgers, City Manager  
Jeff Hinson, Finance Director  
Julie Bowermon, Civil Service Director

Connie Constancio, City Secretary  
Ernest Pedraza, Police Chief  
Dan Gibson, City Planner

**Citizens/Visitors Addressing the Council:** Representatives of the Hays-Caldwell Women’s Center; and John Guttman of JES Holdings.

**Work Session 6:30 p.m.**

Mayor White announced that Councilmember McGregor will be arriving soon. He 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**

**A. PRESENTATION OF TWO PROCLAMATIONS DECLARING APRIL AS *SEXUAL ASSAULT AWARENESS & PREVENTION AND CHILD ABUSE PREVENTION & AWARENESS MONTH.***

Mayor White presented the proclamations to Representatives of the Hays-Caldwell Women’s Center. HCWC announced that there would be a candlelight vigil on April 12, 2018 at City Hall, Glosserman Room to raise awareness of domestic violence and invited everyone to attend the Annual Auction on May 5, 2018 in San Marcos.

Councilmember McGregor arrived at 6:35 p.m.

**B. READING OF A PROCLAMATION DECLARING APRIL 2018 AS *FAIR HOUSING MONTH.***

Mayor White read the proclamation declaring April 2018 as “Fair Housing Month”.

**DISCUSSION ONLY**

**A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF MARCH 20, 2018.**

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

**B. DISCUSS ORDINANCE 2018-05 APPROVING THE LOWERING OF THE TEXAS GAS SERVICES (TGS) RATES TO REFLECT THE FEDERAL INCOME TAX (FIT) CORPORATE TAX REDUCTION FROM 35% TO 21% WHICH WAS EFFECTIVE JANUARY 1, 2018.**

Mr. Rodgers stated that this ordinance approves reduction of gas rates by TGS to reflect the FIT rate reduction from 35% to 21% effective January 1, 2018. All TGS customers will receive a one-time credit for the period of January 1, 2018 through June 28, 2018, which will appear on their July bill. Rates thereafter will reflect this FIT reduction. Mr. Rodgers recommended approval. There was discussion.

**C. DISCUSS ORDINANCE 2018-06 SUSPENDING THE EFFECTIVE DATE OF A TEXAS GAS SERVICES (TGS) GAS RELIABILITY INFRASTRUCTURE PROGRAM ("GRIP") INTERIM RATE ADJUSTMENT INCREASES UNTIL JUNE 15, 2018, WHICH IS THE MAXIMUM NUMBER OF DAYS AS ALLOWED BY LAW TO PERMIT THE CITY OF LOCKHART TIME TO STUDY THE REQUEST.**

Mr. Rodgers stated that Texas Gas Service has filed an interim Rate Adjustment Tariff under Section 104-301 of the Texas Utility Code. The average residential customer increase would be 88 cents per month. Commercial customer rates would increase about \$4.76 per month while industrial customers would increase about \$44.99 per month. These new rates reflect a Federal Income Tax rate decrease from 35% to 21%. This is an interim increase to recover new invested capital funds (\$28.01 million) expended in 2017 as allowed under Section 104.301, the State's Gas Reliability Infrastructure Program (GRIP). The City Manager will discuss the proposed increases with other City Managers/Administrators in the other cities in our group to possibly seek support to hire a utility rate attorney to verify the justifiability of the proposed rate increases. Without the support of a major of those cities, the legal costs borne by Lockhart would be very high. The City can recover those legal costs from TGS but TGS would raise the rates of gas customers to pay the City for those legal costs. Based on legal advice by utility rate attorney firms in the past, there is nothing the cities can do other than delay the increase if the gas company's data shows the interim rate increases are justifiable. Mr. Rodgers recommended approval. There was discussion.

**D. DISCUSS ORDINANCE 2018-07 REPEALING UN-CODIFIED ORDINANCES 2015-18, 2018-2015-21, AND 2018-03 IN THEIR ENTIRETY AND ADOPTING UN-CODIFIED ORDINANCE 2018-07 CREATING "ASSIGNMENT PAY" FOR CERTAIN ASSIGNMENTS WITHIN THE FIRE AND POLICE DEPARTMENTS AND ESTABLISHING "SHIFT DIFFERENTIAL PAY" FOR MEMBERS OF THE POLICE DEPARTMENT.**

Chief Pedraza stated that Civil Service, Chapter 143, permits an ordinance to establish assignment pay and shift differential pay for fire fighters and police officers. This was done by passing Ordinance 2015-18, Ordinance 2015-21, and Ordinance 2018-03. The proposed Ordinance 2018-07 would combine all the previous ordinances into one document and establish an assignment pay of \$200 a month for School Resource Officers (SRO). The Police Department currently has two SROs, one at the junior high campus and one at the high school campus. An SRO is a specialized assignment that involves building a working relationship with schools, students, and parents, addresses onsite security; maintains safe schools; serves as a positive role-model for students; and is a direct link with the Police Department. SRO's are required to have additional certifications and training from the Texas Commission on Law Enforcement. SRO's typically work an 8:45 am-4:45 pm; Monday thru Friday schedule to be available during school hours. This schedule reduces the officer's opportunity to work extra shifts and earn over-time like other officers. The proposed assignment pay would compensate the SRO for accepting the specialized assignment. Currently, officers assigned to Criminal Investigator-Detective and Bailiff Warrant Officer receive a \$200 per month assignment pay. Mr. Rodgers recommended approval. There was discussion regarding the recruitment of officers and regarding a correction on the agenda to repeal ordinances 2015-18, 2015-21, and 2018-03, not 2015-18, 2018-21 and 2018-03.

**E. DISCUSS REVISED STREET LIGHTING POLICY AS AUTHORIZED BY SECTION 52-78, STREETLIGHTS, OF THE CODE OF ORDINANCES.**

Mr. Rodgers stated that the current streetlight policy needs to be updated. This proposed policy provides responsibilities of developers and the City of Lockhart. It also addresses minimum watts/lumens standards for different street classifications and other lighting safety concerns in curves, intersections, marked crosswalks, cul-de-sacs, and bulb outs. The policy also states requirements and responsibilities in newly annexed areas and existing subdivisions. Mr. Rodgers recommended approval. There was discussion.

**F. DISCUSS ANNUAL SERVICES AGREEMENT WITH MOTOROLA, INC., IN THE AMOUNT OF \$140,418.50 OF WHICH \$58,507.70 IS FOR THE 215 CITY OF LOCKHART RADIOS TO COVER MAINTENANCE, REPAIRS, AND REPLACEMENT OF THE 700/800 MHZ RADIO INFRASTRUCTURE SYSTEM WHICH SUPPORTS RADIO COMMUNICATIONS FOR THE CITY OF LOCKHART, CONCESSIONS GROUP, CALDWELL COUNTY, CITY OF LULING, AND THE CITY OF MARTINDALE FROM OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019 WITH EACH ENTITY PAYING ITS SHARE OF THE COSTS BASED ON THE NUMBER OF RADIOS USING THE SYSTEM ACCORDING TO THE EXISTING INTERLOCAL AGREEMENT, AND APPOINTING THE MAYOR TO SIGN CONTRACT AGREEMENT. [FORM 1295=2018-04-03-41]**

Mr. Rodgers stated that the City of Lockhart and Caldwell County have more than \$1 million dollars in radio communications equipment. This system provides radio communication capabilities for the City of Lockhart, Caldwell County, City of Luling, and the City of Martindale. The Concession Group (SH 130) now has six radios in the system as approved by the Lockhart City Council and will pay its fair share. The warranty for this Motorola equipment ended in February 2012. The proposed agreement covers maintenance, repairs, and replacements for the radio system with 24 hours response from October 1, 2018 through September 30, 2019. The cost of \$140,418.50 will be shared by all entities who benefit from the radio system based on the number of radio units in service. The cost under the Motorola Agreement for Lockhart's 215 radios is \$58,507.70 for the Fiscal Year 2018-2019 budget period. Mr. Rodgers recommended approval. There was discussion.

**G. DISCUSS RESOLUTION 2018-07 NAMING THE CITY OF LOCKHART'S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT.**

Mr. Rodgers stated that staff informed the Council about a vacancy to the CCAD Board of Directors during the March 20 Council meeting. Due to the 45-day notification deadline to submit a name, and if the Council chooses to make a nomination of an individual to fill the vacancy, a name should be voted on to add to the Resolution that staff will submit to the CCAD on April 4. The appointment is for the remainder of a two-year term ending December 2019. There was discussion.

**H. DISCUSS RECOMMENDATIONS BY CITY MANAGER FOR USE OF UNRESTRICTED GENERAL FUND BALANCE IN THE AMOUNT OF \$499,500.**

Mr. Rodgers stated that the completed Fiscal Year 2016-2017 audit was presented to the Council at the March 20 meeting. The audit reflected unrestricted fund balances for the General Fund and major utility or enterprise funds. During the Fiscal Year 2017-2018 budget process last summer, several items needed by department heads were unfunded and deferred until the Fiscal Year 2016-2017 audit was completed and fund balances confirmed. There was discussion regarding the City Manager's recommendation for use of part of the Unrestricted General Fund balance as listed below:

| 3-Apr-18 Requested Use of Unrestricted General Fund Balance |   |                   |
|---|---|-------------------|
| FY 17-18  |   |                   |
| DEPARTMENT  | Needed  | \$ Amount         |
| Police Dept   | 3 patrol cars 2 officers being added; replacement of 1  | \$ 142,500        |
| Parks   | Heavy Duty Haul Trailer to large transport mowers   | \$ 5,000          |
| Streets   | Tractor to pull large mowers in rights of way and large parcels of property belonging to City-Must start mowing State ROW inside City | \$ 39,000         |
| Streets   | Skid Steer Load for cleaning drainage ditches, surface milling, street excavations, drilling, and broom sweep activities              | \$ 78,000         |
| Streets   | 8 cubic yard dump truck for hauling materials   | \$ 60,000         |
| Streets   | Utility Bed for hauling signs, sign posts, concrete, grave, barricades, etc... to be mounted on existing vehicle                      | \$ 8,000          |
| Streets   | Brush and log Chipper   | \$ 60,000         |
| Streets   | 3/4 ton pickup replace 11 year old model  | \$ 28,000         |
| City Hall   | Time Clock System-Replace almost 20 year old system   | \$ 35,000         |
| Mayor/Council   | Professional services: Search for City Manager +expenses  | \$ 44,000         |
| <b>Total</b>  |   | <b>\$ 499,500</b> |

RECESS: Mayor White announced that the Council would recess for a break at 7:36 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 7:53 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 citizens to address the Council. There were none.

### **ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-18-03 BY JES HOLDINGS, LLC, ON BEHALF OF MANUMIT INVESTMENT GROUP, INC., FOR A ZONING CHANGE FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING PDD-18-01, A REVISED PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN FOR MAPLE PARK, CONSISTING OF A PROPOSED MIXED-USE DEVELOPMENT ON 56.239 ACRES IN THE FRANCES BERRY SURVEY, ABSTRACT NO. 2, LOCATED ALONG THE WEST SIDE OF THE 700-1000 BLOCKS OF CITY LINE ROAD.**

Mayor White opened the public hearing at 7:56 p.m. and requested the staff report.

Mr. Gibson stated that the PDD zoning classification is intended to accommodate development with characteristics that may deviate from the normal zoning and subdivision standards. In return for such flexibility, the PDD requires an early commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications that cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan, which is adopted by-reference and cannot be changed except through the rezoning process. The subject property was rezoned from AO to PDD in 2012 concurrently with adoption of the associated PDD Development Plan for a mixed-use project. In addition, a preliminary plat was approved, and a final plat was approved for the portion between Cesar Chavez Parkway (SH 130) and the proposed new Lincoln Lane in February 2013. Construction of improvements for that section have not been completed so, therefore, the final plat is not yet recorded. In July 2017, the Council approved a zoning change and revised PDD development plan to change some land uses, the most significant of which was replacing the previous area designated as apartments to 103 small single-family homes on very small lots that were well below the minimum size required in the conventional zoning districts. The owner now wishes to make another change to the proposed land uses, which then alters the PDD Development Plan and requires rezoning from the original PDD to the revised PDD. The area previously designated for office/warehouse buildings is proposed to be changed to multi-family residential for possible senior housing, and the number of single-family lots has been reduced to 100. All other uses remain the same. Mr. Gibson stated that staff and the Planning and Zoning Commission recommend approval.

Mayor White requested the applicant to address the Council.

John Guttman of JES Holdings, applicant, stated that the PDD was revised to allow for a 48-unit senior community. He requested approval.

Mayor White requested citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 8:15 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2018-04 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 56.239 ACRES IN THE FRANCES BERRY SURVEY, ABSTRACT NO. 2, LOCATED ALONG THE WEST SIDE OF THE 700-1000 BLOCKS OF CITY LINE ROAD, FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT.**

Councilmember Michelson made a motion to approve Ordinance 2018-04, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 5. CONSENT AGENDA**

Mayor Pro-Tem Sanchez requested that consent agenda item 5A be pulled to allow her to abstain from voting on the item because she was not present at the March 20, 2018 meeting.

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

The following are the consent agenda items that were approved:

- 5B: Approve Ordinance 2018-05 approving the lowering of the Texas Gas Services (TGS) rates to reflect the Federal Income Tax (FIT) corporate tax reduction from 35% to 21% which was effective January 1, 2018.
- 5C: Approve Ordinance 2018-06 suspending the effective date of a Texas Gas Services (TGS) Gas Reliability Infrastructure Program (“GRIP”) interim rate adjustment increases until June 15, 2018, which is the maximum number of days as allowed by law to permit the City of Lockhart time to study the request.
- 5D: Approve Ordinance 2018-07 repealing un-codified Ordinances 2015-18, 2015-21, and ~~2018~~2015-03 in their entirety and adopting un-codified Ordinance 2018-07 creating “Assignment Pay” for certain assignments within the Fire and Police Departments and establishing “Shift Differential Pay” for members of the Police Department.
- 5E: Approve revised Street Lighting Policy as authorized by Section 52-78, Streetlights, of the Code of Ordinances.
- 5F: Approve Annual Services Agreement with Motorola, Inc., in the amount of \$140,418.50 of which \$58,507.70 is for the 215 City of Lockhart radios to cover maintenance, repairs, and replacement of the 700/800 MHz radio infrastructure system which supports radio communications for the City of Lockhart, Concessions Group, Caldwell County, City of Luling, and the City of Martindale from October 1, 2018 through September 30, 2019 with each entity paying its share of the costs based on the number of radios using the system according to the existing interlocal agreement, and appointing the Mayor to sign contract agreement. [FORM 1295=2018-04-03-41]

**ITEM 5-A. APPROVE MINUTES OF THE CITY COUNCIL MEETING OF MARCH 20, 2018.**

Councilmember McGregor made a motion to approve the minutes. Councilmember Westmoreland seconded. The motion passed by a vote of 5-0-2, with Mayor Pro-Tem Sanchez and Councilmember Castillo abstaining.

**ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2018-07 NAMING THE CITY OF LOCKHART’S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT.**

Councilmember McGregor made a motion to approve Resolution 2018-07 naming Lucy Knight as the City of Lockhart’s nominee pending Ms. Knight’s acceptance. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER RECOMMENDATIONS BY CITY MANAGER USE OF UNRESTRICTED GENERAL FUND BALANCE IN THE AMOUNT OF \$499,500.**

Mayor Pro-Tem Sanchez made a motion to approve the recommendations by the City Manager regarding the use of Unrestricted General Fund balance in the amount of \$499,500. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

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

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

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

- Update: St. Paul United Church of Christ property.
- Update: Acting Public Works Director Sean Kelley and his staff 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.
- Reminder: Burditt Consultants held meeting with Parks Master Plan Committee and is incorporating the meeting comments and any new comments received by April 6 for presentation to the Council possibly at the April 17 meeting.
- Reminder: Semi-annual cleanup in the Lockhart Cemetery beginning March 26.
- Reminder: Sip-n-Stroll event, downtown on April 7 from 1-7 p.m.
- 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: Storms.
- Report: Kiwanis 5K event on March 31.
- Report: Preparation for Cinco de Mayo event downtown first weekend in May.
- Announcement: Santiago Gonzales, a long-time employee, in Vehicle Maintenance and the Water-Wastewater Department, is retiring.
- Announcement: Applications for Police Officer of certified and/or non-certified applicants are currently being accepted, deadline to apply is April 23.
- Greater Caldwell County Hispanic Chamber, Lockhart Chamber and the Luling Chamber will host a National Lineman Recognition Day event on Wednesday April 18 from 12-1 pm in Luling at Zedler Mills.

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

Councilmember Westmoreland congratulated the Lockhart High School band for being awarded the Sweepstakes award at regionals, the Relay team for being awarded 10<sup>th</sup> place, and the softball team for doing well.

Councilmember Mendoza thanked Santiago Gonzales for his service to the community. He thanked the Electric Department employees for working hard to restore power during storms. He announced that the Lockhart Little League will kick-off the season on Saturday.

Mayor Pro-Tem Sanchez congratulated Kiwanis for the 5K Run and to the Lockhart High School for obtaining the award. She expressed condolences to the families of Pete Juarez and Connie Hinkle for their loss.

Councilmember McGregor congratulated Mayor Pro-Tem Sanchez for the new addition to their family. She congratulated Santiago Gonzales on his retirement and thanked him for his service to the community. She thanked the Electric department for restoring power so quickly during the recent storm. She invited everyone to the Sip-n-Stroll event downtown this weekend.

Councilmember Castillo thanked Santiago Gonzales for his service and all employees for their hard work. He wished Little League the best during the baseball season and to a successful Sip-n-Stroll event. He thanked public safety employees for their service.

Councilmember Michelson thanked the electric and public safety personnel for being out during the recent heavy storms. He invited everyone to the Sip-n-Stroll event this weekend and to the "First Friday" events downtown.

Mayor White thanked all city employees and public safety personnel for working to restore city service and keeping the city a safe place. He thanked the downtown revitalization group for coordinating the Sip-n-Stroll event this weekend. He congratulated the Kiwanis Club and volunteers for the successful 5K run of which proceeds are used towards scholarships to high school graduates. He also congratulated Benny Boyd on their grand opening and Caracara Brewing for their soft opening. Schlotsky's will be opening soon. He thanked all local businesses for being a part of the community.

**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 8:15 p.m.

PASSED and APPROVED this the 17<sup>th</sup> day of April 2018.

**CITY OF LOCKHART**

  
\_\_\_\_\_  
Lew White, Mayor

ATTEST:



\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary

