

**REGULAR MEETING
LOCKHART CITY COUNCIL**

SEPTEMBER 17, 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
Julie Bowermon, Civil Service/HR Director
Sean Kelley, Public Works Director

Connie Constancio, City Secretary
Pam Larison, Finance Director
Mike Kamerlander, Economic Development Dir.
Randy Jenkins, Fire Chief

Citizens/Visitors Addressing the Council: Christy Hall of Muscular Dystrophy Association; Mark Estrada, Superintendent of LISD; and, Rosario Rodriguez, Citizen.

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

A. PRESENTATION OF A PLAQUE TO THE LOCKHART FIRE DEPARTMENT FROM THE MUSCULAR DYSTROPHY ASSOCIATION (MDA) FOR COLLECTING \$3,505.54 IN DONATIONS DURING THE MDA FILL THE BOOT CAMPAIGN.

Christy Hall of the MDA presented a plaque to the Lockhart Fire Department for helping collect fees for the worthy cause. Ms. Hall and the Council commended the LFD for their continued support of the Fill the Boot Campaign.

B. PRESENTATION OF A PROCLAMATION DECLARING SEPTEMBER 2019 AS "NATIONAL PREPAREDNESS MONTH".

Mayor White presented the proclamation to the Lockhart Fire Department. Chief Jenkins provided information about how citizens can sign up for emergency alerts through the *WarnCentralTexas* website.

DISCUSSION ONLY

A. UPDATE BY THE LOCKHART INDEPENDENT SCHOOL DISTRICT (LISD) REGARDING THE UPCOMING LOCKHART INDEPENDENT SCHOOL DISTRICT BOND ELECTION TO BE HELD ON NOVEMBER 5, 2019.

Mark Estrada, Superintendent of the LISD provided details about the LISD bond election that will be held on November 5, 2019.

B. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF AUGUST 20, 2019.

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

C. DISCUSS RESOLUTION 2019-21 DESIGNATING A DEPOSITORY FOR THE CITY OF LOCKHART, TEXAS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEPOSITORY AGREEMENT EFFECTIVE ON OR ABOUT OCTOBER 15, 2019.

Ms. Larison stated that Section 105 of the Local Government Code states that “a municipality may approve, execute, and deliver any depository services contract whose term does not exceed five years”. On August 1, 2019, the City of Lockhart began the process for Request for Proposals (RFP) for Depository Banking Services. The deadline to receive the RFPs was September 4, 2019 by 4:30 p.m. The Finance department received official applications from First Lockhart National Bank and Bank OZK. All applications were evaluated in accordance with the selection criteria that was based on several factors. Ms. Larison recommended the acceptance of First Lockhart National Banks’s application as the City of Lockhart’s depository bank. There was discussion.

D. DISCUSS RESOLUTION 2019-24 AMENDING TEXPOOL AUTHORIZED REPRESENTATIVES, EFFECTIVE SEPTEMBER 17, 2019.

Ms. Larison stated that TexPool requires a Council resolution to change personnel authorized to transact business with TexPool Participant Services. This resolution will add Staff Accountant Keeli Michna as of September 17, 2019. All other representatives remain unchanged from the prior authorization. Ms. Larison recommended approval.

E. DISCUSS ORDINANCE 2019-19 ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2019-2020 AND APPROPRIATING RESOURCES BEGINNING OCTOBER 1, 2019 ENDING SEPTEMBER 30, 2020 FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION, AND RENEWING THE CITY’S INVESTMENT POLICY AND FUND BALANCE – STABILIZATION AND EXCESS OF RESERVE POLICIES.

Ms. Larison stated that in accordance with the provisions of Article IX, Section 9.09 of the Lockhart City Charter, a vote is required for adoption; the budget shall be adopted by the favorable vote of a majority of the members of the whole City Council. This budget sets forth the fiduciary policies for the City of Lockhart and the Lockhart Economic Development Corporation for the Fiscal Year October 1, 2019 and ending September 30, 2020. This budget will renew the City’s Investment Policy and Fund Balance – Stabilization and Excess of Reserve Policies. She requested any budget allocations or deletions from the budget before a vote is taken. If no allocations or deletions are presented, action can be taken to adopt the Fiscal Year 2019-2020 Annual Operating Budget for the City of Lockhart, Caldwell County, Texas. Ms. Larison provided details and there was discussion about the budget.

RECESS: Mayor White announced that the Council would recess for a break at 7:20 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:45 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 on items that were not on the agenda. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-19-07 BY RICARDO RODRIGUEZ ON BEHALF OF ROSARIO RODRIGUEZ FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON 5.001 ACRES IN THE ESTHER BERRY SURVEY, ABSTRACT NO. 1, LOCATED AT 2001 FM 1322.

Mayor White opened the public hearing at 7:50 p.m.

Mr. Gibson stated that the 5.001-acre parcel proposed to be rezoned from AO to RMD is part of a 53.302-acre tract. The applicant requests rezoning to have a zoning classification that allows manufactured homes so that a manufactured home can be placed on the property for his son. The current AO zoning does not allow manufactured homes, but the requested RMD district would allow a manufactured home upon submittal of an application for a specific use permit and approval by the Commission in a separate public hearing. There is no other area of RMD zoning nearby. However, the subject parcel is within an area designated on the Land Use Plan map as Medium Density Residential. Other than the owner's house on the remainder of his 53.302 acres adjacent to the subject parcel, and another single-family dwelling on the north side of Seawillow Road east of the subject parcel, there is no other residential development in the immediate area. The abutting property to the north may ultimately be rezoned and developed for industrial uses, as designated on the Land Use Plan map. The requested RMD zoning classification is consistent with the Medium Density Residential land use designation on the Land Use Plan map. The Planning and Zoning Commission and staff recommend approval. There was discussion.

Mayor White requested the applicant to address the Council.

Rosario Rodriguez, 2058 FM 1322, Lockhart stated that he wishes to gift five acres of his land to his son. He requested approval of the zoning change.

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 7:52 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-23 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 5.001 ACRES IN THE ESTHER BERRY SURVEY, ABSTRACT NO. 1, LOCATED AT 2001 FM 1322, FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2019-23, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

Councilmember Michelson requested that consent agenda item 5B be pulled.

Councilmember Castillo made a motion to approve consent agenda items 5A and 5C. Councilmember Westmoreland 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 August 20, 2019.

5C: Approve Resolution 2019-24 amending TexPool Authorized Representatives, effective September 17, 2019.

ITEM 5-B. APPROVE RESOLUTION 2019-21 DESIGNATING A DEPOSITORY FOR THE CITY OF LOCKHART, TEXAS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEPOSITORY AGREEMENT EFFECTIVE ON OR ABOUT OCTOBER 15, 2019.

Councilmember Michelson stated that he would abstain from discussion and voting on this item.

Councilmember McGregor made a motion to approve Resolution 2019-21 designating First Lockhart National Bank as the City depository bank, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0-1, with Councilmember Michelson abstaining.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-19 ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2019-2020 AND APPROPRIATING RESOURCES BEGINNING OCTOBER 1, 2019 ENDING SEPTEMBER 30, 2020 FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION, AND RENEWING THE CITY'S INVESTMENT POLICY AND FUND BALANCE – STABILIZATION AND EXCESS OF RESERVE POLICIES.

Mr. Kelley provided information about the proposed street paving and maintenance projects proposed in Fiscal Year 2019-2020.

There was discussion regarding adding street and sidewalk repairs, and a new fire truck and apparatus that will be paid out of the EMS budget. Mayor White suggested that the street paving and maintenance projects listed in both the Fiscal Years 2019-2020 and 2020-2021 be included to be budgeted in the Fiscal Year 2019-2020. The fire truck will be purchased over the next two years.

There was discussion regarding one-time expenditures. Ms. Larison stated that the Council could either adopt a Resolution at a future meeting outlining all Fiscal Year 2019-2020 one-time expenditures or each project or one-time expenditure could be returned to the Council for consideration prior to purchasing each item.

Councilmember Michelson made a motion to approve Ordinance 2019-19, as presented and as amended. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-20 RATIFYING A PROPERTY TAX INCREASE OF 6.20925 PERCENT FOR FISCAL YEAR 2019-2020.

Ms. Larison stated that Section 102.007, Section C of the Lockhart Government Code states that "Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code or other law." The proposed tax rate for Fiscal Year 2019-2020 is \$0.6842 per \$100 of assessed value, which is an increase of 6.20925% above the effective rate for 2019. Individual taxes may also be affected by a change in property value. There was brief discussion.

Councilmember McGregor made a motion to approve Ordinance 2019-20, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-21 LEVYING MAINTENANCE AND OPERATIONS PROPERTY TAXES FOR THE USE AND SUPPORT OF THE CITY OF LOCKHART, TEXAS AND INTEREST AND SINKING PROPERTY TAXES FOR THE DEBT SERVICE OBLIGATIONS OF THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS FOR FISCAL YEAR 2020 BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020.

Ms. Larison stated that the proposed tax rate is 68.42 cents per \$100 of assessed value. The increase of 6.20925% required in the motion is the percentage by which the total property tax rate exceeds the effective tax rate. The Ordinance describes the two required components of the tax rate: Maintenance and Operations (M&O) and Interest and Sinking (I&S). State law further requires statements within the Ordinance indicating the percentage by which the tax rate exceeds the effective M&O rate. This increase is 7.32% which is based on the increase in the M&O portion of the tax rate compared to the effective M&O tax rate as calculated in the rollback calculation. State law also requires a statement regarding the amount by which taxes for maintenance and operations on a \$100,000 home will be raised. Based on the proposed tax rate, the maintenance and operations portion of the rate will be 58.62 cents per \$100 of assessed value compared to last year's M&O rate of 60.31 cents per \$100 of assessed value resulting in a decrease of \$16.90. The I&S portion of the tax rate reduced from 10.76 cents to 9.80 cents per \$100 of assessed value resulting in a decrease of \$9.60. The verbiage contained within the Ordinance is in strict compliance with requirements to Section 26.05(b)(1)(B) of the Texas Tax Code. There was discussion.

Councilmember McGregor made a motion that the property tax rate be increased by the adoption of a tax rate of 68.42 cents per \$100 of assessed value, which is effectively a 6.20925% increase in the tax rate, and to approve Ordinance 2019-21, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-22 REPEALING UN-CODIFIED ORDINANCE 2018-27 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING THE CITY PERSONNEL POLICY MANUAL; REMOVING PERFORMANCE OR MERIT PAY FOR POLICE AND FIRE PERSONNEL AND ADOPTING A STEP PAY PLAN FOR POLICE AND FIRE DEPARTMENTS UNDER CIVIL SERVICE.

Ms. Bowermon stated that the Ordinance would adopt the step pay plan for Police and Fire personnel. With the Fiscal Year 2019-2020 budget, Council approved a 3% increase for police officers and a 7% increase for fire fighters effective October 1, 2019. In compliance with Civil Service, classified police and fire positions are paid per a step pay plan, which is set by ordinance. The proposed ordinance reflects increasing the step plans as approved in the budget. There was discussion.

Councilmember Westmoreland made a motion to approve Ordinance 2019-22, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING PROPOSED CONTRACT WITH P1 PROMOTIONS, LLC (P1) OF ROYSE CITY, TEXAS TO PRODUCE AND CONDUCT A KART GRAND PRIX EVENT IN DESIGNATED AREAS OF THE CITY ON SATURDAY, MAY 16 AND SUNDAY, MAY 17, 2020, AND APPOINTING THE MAYOR TO EXECUTE THE AGREEMENT.

Ms. Bowermon stated that Mark and Gina French were not able to attend the meeting. She provided details about the Kart Race and how each party would participate in the event. There was discussion.

Mayor Pro-Tem Sanchez made a motion to approve the contract with P1 Promotions, LLC to produce and conduct a Kart Grand Prix Event in designated areas of the city on May 16 and 17, 2020, and appointing the Mayor to execute the agreement. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-E. UPDATE REGARDING NEW STATE LAWS AFFECTING LOCAL DEVELOPMENT REGULATIONS.

Mr. Gibson provided an update about legislative bills, and outlined how the different sections of the zoning ordinance and subdivision regulations would be amended to be in compliance with State law. There was discussion.

ITEM 6-F. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2019-22 NAMING THE CITY OF LOCKHART'S NOMINEE(S) TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT (CCAD) FOR THE 2019-2020 TERM.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2019-22, as presented naming Alfredo Munoz as the City's nominee. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-G. 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.

- Submission of the August 2019 Revenue and Expenditure Report.
- Library Updates:
 - Wednesday, September 11, 2019 Children's performer Hei Lolly to perform for preschool storytime at 10:00 a.m.
 - Saturday, September 14, 2019 at 7 p.m. Reception in the Clark Building for Mexican Consulate. Sponsored by the Greater Caldwell County Hispanic Chamber of Commerce and City of Lockhart.
 - Evening with the Songwriters at the Library special guest Hogan and Moss, Tuesday, September 23, 2019 at 7 p.m.
- Events:
 - The Hispanic Chamber of Commerce held their annual Diez y Seis celebration downtown this weekend.
 - Texas Swing Festival will be held downtown September 28th. This is the second year that Lockhart has been the host City for the event.
 - The "Big Top" is scheduled for October 2nd. The event which is being billed as Circus "Saurus" will have carnival foods, pond rides, circus entertainment, and DINOSAURS. Two performances at the City Park are scheduled for 4:30 p.m. and 7:30 p.m.
 - Cemetery Clean Up Begins October 1st.
 - National Night Out will be held on October 1st.
- Water Projects:
 - Staff continues to install the new 12" water main of South Commerce Street (FM 1322). They are about 35% complete with the project.
 - Contractors have started mobilizing for Phase II of the 18" SH130 Water Main by installing storm water protection.

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

Councilmember Mendoza congratulated the Hispanic Chamber on a successful Diez y Seis event. He also congratulated the Gutierrez family for opening a second restaurant in Lockhart.

Mayor Pro-Tem Sanchez congratulated the Hispanic Chamber on a successful Diez y Seis event. She expressed condolences to the families of Mike Johnson and Ricky Spencer for their loss.

Councilmember McGregor congratulated the Hispanic Chamber on a successful Diez y Seis event. She expressed condolences to the Collins family for this loss.

Councilmember Castillo expressed condolences to those that have lost a loved one. He congratulated the Hispanic Chamber on a successful Diez y Seis event. He wished several a Happy Birthday this month. He encouraged citizens to get along with and respect their neighbors.

Councilmember Michelson congratulated the Hispanic Chamber on a successful Diez y Seis event.

Mayor White stated that he was out of town during Diez y Seis and he congratulated the Hispanic Chamber on a successful event. He thanked staff for working on the Fiscal Year 2019-2020 budget.

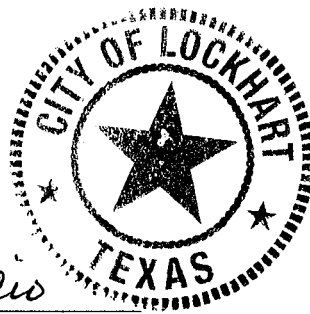
ITEM 9. ADJOURNMENT.

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 9:26 p.m.

PASSED and APPROVED this the 15th day of October 2019.

CITY OF LOCKHART


Lew White, Mayor



ATTEST:



Connie Constancio, TRMC
City Secretary