

**REGULAR MEETING  
LOCKHART CITY COUNCIL**

**OCTOBER 15, 2019**

**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  
Councilmember Brad Westmoreland

**Staff present:**

Steven Lewis, City Manager  
Monte Akers, City Attorney  
Miles Smith, Public Information Officer  
Dan Gibson, City Planner  
Sean Kelley, Public Works Director  
Ernest Pedraza, Police Chief

Connie Constancio, City Secretary  
Pam Larison, Finance Director  
Julie Bowermon, HR/Civil Service Director  
Bertha Martinez, Library Director  
Randy Jenkins, Fire Chief

**Citizens/Visitors Addressing the Council:** Citizens: Rick Thomson, James Tiemann, Coyle Buhler, and Thomas Blauvelt.

**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. RECOGNIZE GIRL SCOUT TROOP #74 FOR WORKING TOWARDS THEIR "GOOD NEIGHBOR" PATCH.**

Mayor White presented a Certificate to Girl Scout Troop #74 recognizing and commending the Troop on their Girl Scout adventures.

**B. PRESENTATION OF A PROCLAMATION DECLARING OCTOBER 2019 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH.**

Mayor White presented a proclamation to members of the Hays-Caldwell Women's Center and the Lockhart Victim Assistance Team. He commended the entities for their dedication to victims.

**C. PRESENTATION OF A PROCLAMATION DECLARING OCTOBER 6-12, 2019 AS FIRE PREVENTION MONTH.**

Mayor White presented the proclamation to the Lockhart Fire Department.

**DISCUSSION ONLY**

**A. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF SEPTEMBER 3, 2019 AND SEPTEMBER 17, 2019.**

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

**B. DISCUSS PROPOSAL BY PREMIER PROTECTIVE SERVICES TO PROVIDE UNARMED, UNIFORMED, STATE LICENSED SECURITY OFFICER SERVICES AT THE CITY OF LOCKHART DR. EUGENE CLARK LIBRARY AT A COST OF \$16.85 PER HOUR AND AUTHORIZING THE MAYOR TO EXECUTE ALL REQUIRED DOCUMENTS.**

Ms. Bowermon stated that security guard services have been in place at the Library since March 2017. When the Lockhart Independent School District (LISD) is in session, the security guard is present in the library in the afternoons and all day on Saturdays. On days that LISD is not in session, for example Spring and Summer breaks, the guard is present for a majority of the hours that the library is opened. 4J Security Services provided security services at the Library in the past year. They elected to end providing security services as of August 2019.

Request for proposals were sought in compliance with State law. Four proposals were received. Universal Security Guard Association submitted the lowest proposal. However, their proposal was incomplete and was therefore rejected. Premier Protective Services submitted the second lowest proposal. Reference checks have been performed and show a history of satisfied customers. The company will provide general liability and workers' compensation insurance. If approved, Premier Protective Services anticipates having a guard in place by October 21, 2019. The proposed agreement allows for termination if services are not satisfactory to the city. Ms. Bowermon recommended approval. There was discussion.

**C. DISCUSS CIVIL SERVICE COMMISSION MEMBER REAPPOINTMENT OF MR. RAYMOND SANDERS FOR A THREE (3) YEAR TERM AS RECOMMENDED BY THE CITY MANAGER.**

Ms. Bowermon stated that in 2017, Mr. Sanders was appointed to fill the unexpired term of long-time Civil Service Commissioner, Mr. Doug Shomette. The term will expire January 1, 2020. Mr. Sanders has graciously agreed to continue serving on the commission for an additional three-year term expiring January 1, 2023. Ms. Bowermon recommended approval.

**D. DISCUSS INTERLOCAL COOPERATION AGREEMENT BETWEEN THE LOCKHART INDEPENDENT SCHOOL DISTRICT (LISD) AND THE CITY OF LOCKHART FOR A SCHOOL RESOURCE OFFICER DURING THE 2019-2020 SCHOOL YEAR.**

Chief Pedraza stated that the interlocal agreement between the LISD and the City of Lockhart is to provide two School Resource Officers (SRO) for the school year 2019-2020. The purpose of this agreement is to set forth guidelines to ensure that the Lockhart Police Department and LISD have a shared understanding of the role and responsibility of each in maintaining safe schools, improving climate, and supporting educational opportunities for all students. One officer will be assigned to the Junior High School and one officer will be assigned to the High School. Chief Pedraza recommended approval. There was discussion.

**E. DISCUSS ORDINANCE 2019-25 AMENDING THE LOCKHART CODE OF ORDINANCES, CHAPTER 58, UTILITIES, SECTION 58-141, ENTITLED "DEFINITIONS" AND SECTION 59-142 ENTITLED "WATER RATES" ADJUSTING WATER RATES TO COVER INCREASED COSTS OF NEW WATER SUPPLY LAND LEASES AND FOR NEW WATER SUPPLY DEBT PAYMENTS. THIS ORDINANCE SHALL BECOME EFFECTIVE WITH THE FIRST UTILITY BILLING CYCLE IN NOVEMBER 2019.**

Ms. Larison stated that the ordinance sets rates to provide revenue that are reflected in the Fiscal Year 2019-2020 budget to cover costs associated with the new water supply land leases and for new water supply debt payments. Information about the new water supply project was provided to Council and the public in September 2018 by the Carrizo Water Supply Project with the Guadalupe-Blanco River Authority (GBRA) and its costs effect on the City of Lockhart. Intermittent rate increases are scheduled until 2034 to cover these costs. The Fiscal Year 2019-2020 water rate increase is no more than 1.67% and varies for residential, commercial and industrial use. Ms. Larison recommended approval. There was discussion.

**F. DISCUSS RESOLUTION 2019-25 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 the resolution is based on a contractual agreement with Central Texas Refuse (CTR) for an annual rate increase of 2.5% plus an additional 1.6% percent according to the June Consumer Price Index (CPI), calculating the increase in services for CTR to be 4.1% for the Fiscal Year 2019-2020. The City of Lockhart's annual operating budget reflects the increase in services and revenues of 4.1%. Ms. Larison recommended approval. There was discussion.

**G. DISCUSS RESOLUTION 2019-26 AUTHORIZING FIRST LOCKHART NATIONAL BANK TO ACCEPT THE FOLLOWING SIGNATORIES FOR THE CITY OF LOCKHART: LEW WHITE, MAYOR; STEVE LEWIS, CITY MANAGER; CONNIE CONSTANCIO, CITY SECRETARY; AND JULIE BOWERMON, HUMAN RESOURCE/CIVIL SERVICE DIRECTOR.**

Ms. Larison stated that during the September 17, 2019 meeting, the Council awarded First Lockhart National Bank (FLNB) as the new depository bank. The Resolution/Entity Authorization form is required by the depository bank to proceed with setting up the new account. Ms. Larison recommended approval. There was discussion.

**H. DISCUSS ANNUAL SERVICE AGREEMENT WITH MOTOROLA, INC., IN THE AMOUNT OF \$144,630.60 OF WHICH \$61,699.36 IS FOR THE 226 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 CITY OF MARTINDALE FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020 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 THE CONTRACT AGREEMENT.**

Ms. Larison stated that the City of Lockhart and Caldwell County have more than \$1 million dollars in radio communication 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 within 24 hours response from October 1, 2019 through September 30, 2020. The cost of \$144,630.60 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 226 radios is \$61,699.36 for the Fiscal Year 2019-2020 budget period. Ms. Larison recommended approval. There was discussion.

**I. DISCUSSION REGARDING THE HOTEL OCCUPANCY TAX DISTRIBUTION PROCESS.**

Mayor White stated that he contacted several other cities and compared their hotel occupancy tax (HOT) distribution process. The most common process is that the distributions were determined by a committee, not the Council.

Ms. Larison suggested that in addition to the suggested committee, the Council consider allocating the hotel occupancy tax funds per event. This method would require the organization to provide qualifying hotel occupancy tax expenses and to prove that their event created heads in beds.

Mayor White stated that a committee would assist with determining several options, such as saving funds towards a visitor's center. He recommended that the committee be established and assist with determining the next fiscal year's HOT distribution. There was discussion regarding appointing members to the committee at a future meeting.

RECESS: Mayor White announced that the Council would recess for a break at 7:25 p.m.

## **REGULAR MEETING**

### **ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order at 7:40 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.

Rick Thomson, 540 W. San Antonio St. expressed concern about Ordinance 50-6b that regulates portable statutes on the sidewalk in the downtown district. He stated that the ordinance provides that there be six feet of unobstructed sidewalk. He stated that his awning is six feet from the building and that his statute is currently required to be out from under the awning. He would like his statute to be under the awning near the building; not out in the open. He requested the opportunity to apply for a variance. Mayor White requested that staff consult with Mr. Thomson if a variance process is available.

James Tiemann, 406 Concho, offered assistance at the Lockhart Animal Shelter (LAS) with the over population of cats and dogs. He suggested that a committee be established to assist the LAS with updating the current animal ordinance and establishing policies about how to maintain cats.

Coyle Buhler, 1000 Magnolia, invited everyone to attend the annual Speaking of the Dead - Night Ramblings at the City Cemetery on October 25-26 with tours beginning at 7:30 p.m. until 10:00 p.m. Free parking at Kreuz Market.

### **ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-19-09 BY THOMAS BLAUVELT ON BEHALF OF RICHARD BLAUVELT FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RLD RESIDENTIAL LOW DENSITY DISTRICT ON 2.749 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 1621 NORTH PECOS STREET.**

Mayor White opened the public hearing at 7:55 p.m.

Mr. Gibson stated that this is the third application submitted for rezoning of the subject property since last July. The first two, which were denied, were for rezoning from AO to RMD. This application is for rezoning to RLD. The 2.749-acre area proposed to be rezoned is part of a 68-acre tract. The applicant desires to construct one or more single-family dwellings on the property. The RLD district allows only one dwelling per lot, so the property will have to be subdivided if there is to be more than one home constructed. The applicant plans to eventually develop the entire 68 acres, which will require extensive public infrastructure, further rezoning, and platting at that time. The proposed rezoning abuts an existing large area already zoned RLD, so it would simply be an expansion of that area. Current traffic is relatively low due to the limited number of homes along North Pecos Street. If rezoned to RLD and subdivided along the North Pecos Street frontage, a maximum of three lots would be possible without constructing an internal public street. Three additional dwelling units would slightly increase traffic on the dead-end street, but the street is currently not congested. A new single-family dwelling would be compatible with the existing homes located along North Pecos Street. The requested RLD zoning classification is consistent with the Lockhart 2020 Land Use Plan map designation of Low Density Residential for the area where the subject property is located. Three letters of support were received from owners of nearby lots, including an adjacent lot, and one owner of property within 200 feet spoke in opposition at the Planning and Zoning Commission meeting. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Thomas Blauvelt, 1602 Magpie Cove, Austin, stated that he intends to build two single-family homes as opposed to his original plan of building a duplex. He requested approval of the zoning change to RLD.

Mayor White requested citizens in favor of and against the zoning change to address the Council. There were none. He closed the public hearing at 8:05 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2019-24 AMENDING PROPERTY KNOWN AS 2.749 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17, LOCATED AT 1621 NORTH PECOS STREET, FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RLD RESIDENTIAL LOW DENSITY DISTRICT.**

Councilmember McGregor made a motion to approve Ordinance 2019-24, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 5. CONSENT AGENDA.**

Councilmember Michelson requested to pull consent agenda item 5G.

Councilmember McGregor made a motion to approve consent agenda items 5A, 5B, 5C, 5D, 5E, 5F, 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 meetings of September 3, 2019 and September 17, 2019.
- 5B: Approve proposal by Premier Protective Services to provide unarmed, uniformed, state licensed security officer services at the City of Lockhart Dr. Eugene Clark Library at a cost of \$16.85 per hour and authorizing the Mayor to execute all required documents.
- 5C: Confirm Civil Service Commission member reappointment of Mr. Raymond Sanders for a three (3) year term as recommended by the City Manager.
- 5D: Approve Interlocal Cooperation Agreement between the Lockhart Independent School District and the City of Lockhart for a School Resource Officer during the 2019-2020 school year.

- 5E: Approve Ordinance 2019-25 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Section 58-141, entitled "Definitions" and Section 59-142 entitled "Water Rates" adjusting water rates to cover increased costs of new water supply land leases and for new water supply debt payments. This ordinance shall become effective with the first utility billing cycle in November 2019.
- 5F: Approve Resolution 2019-25 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.
- 5H: Approve annual service agreement with Motorola, Inc., in the amount of \$144,630.60 of which \$61,699.36 is for the 226 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 City of Martindale from October 1, 2019 through September 30, 2020 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 the contract agreement.

**ITEM 5-G. APPROVE RESOLUTION 2019-26 AUTHORIZING FIRST LOCKHART NATIONAL BANK TO ACCEPT THE FOLLOWING SIGNATORIES FOR THE CITY OF LOCKHART: LEW WHITE, MAYOR; STEVE LEWIS, CITY MANAGER; CONNIE CONSTANCIO, CITY SECRETARY; AND JULIE BOWERMON, HUMAN RESOURCE/CIVIL SERVICE DIRECTOR.**

Councilmember Michelson stated that he would abstain from voting due to a conflict of interest.

Councilmember Westmoreland made a motion to approve Resolution 2019-26, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-0-1, with Councilmember Michelson abstaining.

**ITEM 6-A. DISCUSSION REGARDING THE HOTEL OCCUPANCY TAX DISTRIBUTION PROCESS.**

Mayor White announced that the item would be discussed at a future meeting.

**ITEM 6-B. 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 regarding Homeless Camping Bans.
- Texas Swing and BBQ Festival (September 28), National Night Out block parties (October 1) and Evening with the Authors events (October 5) were a success.
- Outdoor Emergency Warning Siren tests will be conducted at 1:00 p.m. on the first Monday every month. All sirens are operational.
- Cleanup at the City Cemetery was conducted October 1-4. The next cemetery cleanup will be in March of 2020.
- Keep Lockhart Beautiful - 12<sup>th</sup> Annual Cleanup, Saturday, November 9<sup>th</sup> at 9:00 a.m. at City Park.
- Lockhart Chamber hosted the "Heart of Texas Bike Ride" on October 5<sup>th</sup>.
- Staff continues working with Lockhart Grand Prix Kart race promoters for the May 16-17, 2020 event.
- Día de los Muertos event to be held at the library on November 1<sup>st</sup> and 2<sup>nd</sup>.
- Fire Prevention Month begins at LISD schools October 7, 2019.
- New two-way public safety Motorola radios have been received.

- Next firefighter entrance exam scheduled for Saturday November 2, 2019. Two Firefighters were recently hired.
- Contractors are about 50% complete with the SH130 Phase II 18" water main project.
- City staff is about 50% complete with the 12" water main along FM1322.
- Foundation footings have been poured at the new TxDOT traffic signal being installed in front of Wal-Mart.
- Parks improvements. Staff has finalized the locations and placed orders on the Phase I improvements which include 4 new playscapes and 9 new shade structures. Delivery is expected in 6-8 weeks. Staff is also working with the contractors to design new picnic shelters for the parks.
- Contractors recently installed a new fence at the Lockhart Animal Shelter. The fence was funded by local donations to the shelter. The new fencing provides additional security.
- Dickens Christmas in Lockhart Committee met and plans are underway for the 30<sup>th</sup> Annual Dickens Christmas in Lockhart on December 6-7.
- Storytime children will Trick-or-Treat as a group to downtown businesses on Thursday, October 31, 2019.
- November 5, 2019 General Election – Early voting will be held October 21-November 1. Sample ballots available on City or County website, at City Hall, and at the Library. Election Day voting hours are 7:00 a.m. – 7:00 p.m.
- The Wayfinding Committee's first meeting is Thursday, October 24<sup>th</sup>, at 4:00pm in the Glosserman Room, and future meetings will be at the same time and place on the second and fourth Thursdays of each month as needed.

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

Councilmember Mendoza thanked all that hosted National Night Out Block parties. He thanked the City for allowing Council to attend the informative TML conference.

Mayor Pro-Tem Sanchez thanked all involved with the successful Evening with the Authors. She thanked everyone that hosted block parties during National Night Out.

Councilmember McGregor congratulated the Stanton Apartments for their upcoming grand opening. She congratulated the Apothecary for their new location in the downtown square. She also invited everyone to attend the Speaking with the Dead event.

Councilmember Castillo thanked all that hosted block parties during National Night Out. He thanked staff for keeping up with Facebook posts and other staff for their work. He encouraged everyone to vote during the November 5<sup>th</sup> Election.

Councilmember Michelson thanked all that hosted National Night Out block parties. He congratulated everyone involved with the successful Evening with the Authors event. Halloween is coming and asked that everyone stay safe.

Mayor White also congratulated all involved with the successful Evening with the Authors event. He invited everyone to the Speaking of the Dead event.

Mayor Pro-Tem Sanchez wished Ms. Jody King a Happy 90<sup>th</sup> Birthday!

**ITEM 9. 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. Conduct the City Manager evaluation.**

Mayor White announced that the Council would enter Executive Session at 8:25 p.m.

**ITEM 10. OPEN SESSION - Discussion and/or action regarding Resolution 2019-27 authorizing a salary adjustment for City Manager, Steven Lewis and addendum to the City Manager Agreement effective August 28, 2018 by and between the City of Lockhart and Steven Lewis.**

Mayor White announced that the Council would enter Open Session at 9:32 p.m.

Mayor White made a motion to approve Resolution 2019-27, as presented, and to authorize a salary increase of 3% which will amount to a total compensation of \$169,950 per year. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

Mayor White requested the following citizen to address the Council:

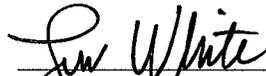
Anna Briceno, 401 Concho Street, stated that she has had problems with her neighbors in regard to their animals. She stated that the Lockhart Animal Shelter has been called to her home on many occasions about her animals and stated that she believes that the complaints against her and her family are not valid.

**ITEM 11. 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 9:41 p.m.

PASSED and APPROVED this the 7<sup>th</sup> day of November 2019.

CITY OF LOCKHART

  
Lew White, Mayor

ATTEST:

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

