

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**FEBRUARY 2, 2016**

**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 Benny Hilburn  
Councilmember Brad Westmoreland

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Dan Gibson, City Planner

Connie Constancio, City Secretary  
Jeff Hinson, Finance Director  
Michael Lummus, Police Chief

**Citizens/Visitors Addressing the Council:** Jennifer Douglas of Specialized Public Finance; and, Citizens Heidi Burton, Doug Phelan, Randy Frye and Mary Burrier.

**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 JANUARY 19, 2016.**

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

**B. DISCUSS THE LOCKHART POLICE DEPARTMENT - 2015 RACIAL PROFILING REPORT.**

Chief Lummus gave the Racial profiling report. There was discussion.

**C. DISCUSS AGREEMENT WITH GERMER ELECTRONICS, LIC., CHRISTOPHER GERMER OF KYLE, TO PROVIDE MOBILE AND HAND RADIO REPAIRS, MAINTENANCE, REMOVALS, PROGRAMMING, AND INSTALLATIONS FOR THE CITY OF LOCKHART, AND ASSIGNING THE CITY MANAGER TO SIGN THE AGREEMENT IF APPROVED.**

Mr. Rodgers stated that with the recent departure of a Captain in the Fire Department who had been assigned the Radio Coordinator position duties, a person is needed to provide mobile/hand radios and emergency vehicles' light bar repairs, maintenance, removals, programming, and installations for the City of Lockhart. Staff currently has to send programming and repairs to Austin or Hallettsville. Several alternatives and persons were considered, but Mr. Germer seems to have the best qualifications. He has done work for the County and other volunteer fire departments. Mr. Germer would report to the Fire Chief. The monthly fee of \$250 includes five hours of services per month. Any additional hours required will be at \$50 per hour. Mr. Germer must provide all testing equipment and normal maintenance materials. He also has general liability insurance to protect the City. Mr. Rodgers recommended approval. There was discussion.

**D. DISCUSS RESOLUTION 2016-02 INCREASING THE EXISTING DRAINAGE UTILITY FEES TO PROVIDE STREET SWEEPING SERVICES TO IMPROVE RAIN RUN-OFF WATER QUALITY THAT ENDS UP IN AREA CREEKS AND EVENTUALLY IN LOCAL AQUIFERS, AND AT THE SAME TIME MAKE LOCKHART A CLEANER CITY; IT IS PROPOSED THAT THE RESIDENTIAL PER UNIT DRAINAGE FEE OF \$2.00 BE RAISED 50 CENTS AND THE NON-RESIDENTIAL PER UNIT DRAINAGE FEE OF \$4.00 BE RAISED \$1.25 PER MONTH.**

Mr. Rodgers stated that curbed streets need to be swept so that drainage water can flow properly protecting asphalt surfaces, to help avoid standing water, and to help with the quality of the rain water run-off that eventually ends up in local creeks and eventually in local drinking water aquifers; it also greatly improves the appearance of the community. Lockhart has a street sweeper that is more than 10 years old and it is impossible to keep up with sweeping schedules because of repairs, downtime and the lack of dedicated personnel to stay on the sweeper; usually all such personnel are needed for street repairs and paving projects. It would take a full-time new employee to sweep all 100 miles of curbed streets once per month. A new sweeper with the needed capacity would cost about \$150,000 and would have a 10 year life. A cost analysis comparing outsourcing the service to in-house estimated costs was provided. Sweep Across Texas was the company that submitted the best quote of \$3,120 per month; this company provides sweeping services for many area cities and SH 130; references were very good. If approved, the old sweeper would be kept for special sweeping needs on an as needed basis. Mr. Rodgers stated that these fees have not been raised in 15 years and recommended approval. There was discussion.

**E. DISCUSS AGREEMENT WITH SWEEP ACROSS TEXAS OF AUSTIN, TEXAS, TO PROVIDE MONTHLY SWEEPING SERVICES FOR UP TO 100 MILES OF CURBED STREETS FOR \$3,120 PER MONTH INCLUDING WORKERS' COMPENSATION AND GENERAL LIABILITY INSURANCE AND ALLOWING THE CITY MANAGER TO SIGN THE AGREEMENT.**

Mr. Rodgers stated that quotes were sought for street sweeping services. Sweep Across Texas of Austin, Texas, submitted the best quote. The company, which provides such services for several surrounding communities, will provide once a month sweeping of all 100 miles of curbed streets for \$3,120 per month; they will provide proof of workers' compensation and general liability insurance naming the City of Lockhart as an additional insured. The company references that were checked in San Marcos, Austin, Round Rock, and Hutto were very positive. Mr. Rodgers recommended approval.

**F. DISCUSS ORDINANCE 2016-05 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF LOCKHART, TEXAS, GENERAL OBLIGATION REFUNDING BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE BONDS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT".**

Mr. Hinson stated that the City of Lockhart has received calculations to support an approximate savings by refunding the Series 2009 Combination Tax and Revenue Certificates of Obligation and Series 2009 General Obligations Refunding Bonds.

Jennifer Douglas of Specialized Public Finance provided information about the timetable for issuance of the general obligation refunding bonds. sources and uses. debt services comparison and the debt service schedule.

**G. DISCUSS VARIANCE REQUEST FROM A BUSINESS PROPERTY OWNER'S REPRESENTATIVE AT 119 W. SAN ANTONIO STREET THAT DESIRES TO HAVE THE RIGHT TO HAVE "ON PREMISE CONSUMPTION OF ALCOHOL" AT A POSSIBLE RESTAURANT THAT WOULD BE WITHIN 300' OF CHURCHES OR PUBLIC OR PRIVATE SCHOOLS; A BAR WOULD NOT BE ALLOWED AT THIS LOCATION WITHOUT AN APPROVED SPECIFIC USE PERMIT.**

Mr. Rodgers stated that a variance request from the 300' separation requirement of a property where "on premise consumption of alcohol" is proposed has been received from Conley A. Covert, a representative of the property owner at 119 W. San Antonio Street. Ordinance 2016-04 allows Council's consideration of the variance in compliance with State law. A particular business has not been identified, but the current zoning of Commercial Central Business (CCB) District would only allow "on premise consumption of alcohol" for a restaurant where food sales must exceed any alcohol sales. Under current ordinances, a bar would not be allowed at 119 W. San Antonio Street unless a specific use permit was approved. Because the zoning is CCB, there are no off-street parking requirements.

Mayor White requested Conley Covert to address the Council.

Conley Covert, applicant, requested approval of the variance. He stated that if the variance to allow the sale and consumption of alcohol is approved, his company would begin to work on recruiting a business for the building.

There was discussion.

**H. DISCUSS CITY CELL PHONES FOR MAYOR AND COUNCIL.**

Mr. Gruning stated that the Attorney General provided a ruling that the Mayor's cell phone records are public information in regards to telephone communication pertaining to communication about city business.

Mayor White explained that an open records request was submitted to the City requesting the past three years of the Mayor's cell phone records. The Attorney General ruling has determined that his personal cell phone records are public information because he also uses it for city business calls.

Mayor White requested that the City pay for a cell phone for the Mayor and Councilmember(s) who would like to use for city business.

RECESS: Mayor White announced that the Council would recess for a break at 7:15 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 7:30 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 citizens to address the Council:

Heidi Burton, spoke in favor of the variance to serve alcohol at 119 W. San Antonio Street as long as the establishment was not a "bar".

Doug Phelan, Austin, spoke in favor of the variance to serve alcohol at 119 W. San Antonio Street.

Randy Frye, 810 Vogel and Pastor of First Christian Church, spoke in favor of the variance to serve alcohol at 119 W. San Antonio Street.

Mary Burrier, Dale, spoke against the sign ordinance and requested that the Council consider revisiting it to amend several sections, such as banners, that would accommodate all businesses. Mayor White requested that Ms. Burrier present the recommended amendments to the City Manager.

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

**ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING VARIANCE REQUEST FROM A BUSINESS PROPERTY OWNER'S REPRESENTATIVE AT 119 W. SAN ANTONIO STREET THAT DESIRES TO HAVE THE RIGHT TO HAVE "ON PREMISE CONSUMPTION OF ALCOHOL" AT A POSSIBLE RESTAURANT THAT WOULD BE WITHIN 300' OF CHURCHES OR PUBLIC OR PRIVATE SCHOOLS; A BAR WOULD NOT BE ALLOWED AT THIS LOCATION WITHOUT AN APPROVED SPECIFIC USE PERMIT.**

There was brief discussion.

Mayor Pro-Tem Sanchez made a motion to approve the variance request from a business property owner's Representatives at 119 W. San Antonio Street that desires to have the right to have "on premise consumption of alcohol" at a possible restaurant that would be within 300' of churches or public or private schools; a bar would not be allowed at this location without an approved specific use permit. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 4. CONSENT AGENDA.**

Councilmember Michelson made a motion to approve consent agenda items 4A, 4B, 4C, 4D, and 4E. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 4A: Approve minutes of the City Council meeting of January 19, 2016.
- 4B: Approve Lockhart Police Department - 2015 Racial Profiling Report.
- 4C: Approve agreement with Germer Electronics, Lic., Christopher Germer of Kyle, to provide mobile and hand radio repairs, maintenance, removals, programming, and installations for the City of Lockhart, and assigning the City Manager to sign the agreement if approved.
- 4D: Approve Resolution 2016-02 increasing the existing drainage utility fees to provide street sweeping services to improve rain run-off water quality that ends up in area creeks and eventually in local aquifers, and at the same time make Lockhart a cleaner City; it is proposed that the residential per unit drainage fee of \$2.00 be raised 50 cents and the non-residential per unit drainage fee of \$4.00 be raised \$1.25 per month.
- 4E: Approve agreement with Sweep Across Texas of Austin, Texas, to provide monthly sweeping services for up to 100 miles of curbed streets for \$3,120 per month including workers' compensation and general liability insurance and allowing the City Manager to sign the agreement.

**ITEM 5-A. DISCUSSION AND/OR ACTION WITH RESPECT TO ORDINANCE 2016-05 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF LOCKHART, TEXAS, GENERAL OBLIGATION REFUNDING BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE BONDS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT".**

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2016-05 - an Ordinance of the City Council of the City of Lockhart, Texas, authorizing the issuance and sale of City of Lockhart, Texas, General Obligation Refunding Bonds; providing for the security for and payment of said bonds; prescribing the form of said bonds; approving the Official Statement, bond purchase agreement, paying agent/registrar agreement and escrow agreement; establishing the procedures for selling and delivering the bonds; and enacting other provisions relating to the subject and allow the Mayor to sign the documents. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

**ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING CITY CELL PHONES FOR MAYOR AND COUNCIL.**

Councilmember Hilburn made a motion to approve the purchase of a cell phone for the Mayor and any other Councilmember, if requested in the future. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 5-D. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.**

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

**ITEM 6. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.**

- Update- US 183 widening project, Hickory to Blackjack: east side drainage truck main complete; inlet tops, slotted drains, and curbing being installed; will start on west side within same limits next week; paving.
- Update: Public bids for the Wichita-Braden-Mesquite-Vega and Richland Drive Drainage Projects went out and a recommendation award of a contract is scheduled for Council meeting on March 2.
- Update: Meeting with developers of property on Maple east of SH 130.
- Update: Staff will be putting out more information to emphasize the hazards of trimming trees/shrubs near City power lines by residents, yard maintenance people, and private contractors.
- Report: Annual Lockhart Chamber of Commerce Banquet held Jan 23.
- Reminder: Hot Rods and Hatters downtown event, Saturday, Feb 6, Live Music, Vendors, and many beautiful cars.
- Reminder: Annual Progressive Club Banquet, Saturday, Feb 20 at the Lions Club.
- Lockhart was awarded a grant in the amount of \$16,850 for an annual Household Hazardous Waste Collection event that is scheduled for May at City Park.
- Advertising for Police Officer applicants. Currently have 34 applications submitted.
- Reminder: Submit goals to City Manager for compilation for upcoming workshop in March.
- Discussion about emergency sirens.

**ITEM 7. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.**

Councilmember Westmoreland invited everyone to the Hot Rod & Hatters Car Show in downtown Lockhart on February 6. He thanked Robert Ellis and Pegasus School for being selected as the Business of the Year at the Lockhart Chamber of Commerce Annual Banquet. He thanked the Pegasus crew for always being very helpful during special events. He expressed well wishes to Pat Kirksey during an illness.

Councilmember Mendoza congratulated the Lockhart Chamber of Commerce for a successful annual banquet. He also congratulated the vendors that keep the downtown area busy on weekends.

Mayor Pro-Tem Sanchez expressed condolences to the families of Jean Schaller and Esther Thompson for their loss. She expressed well wishes to Frank Rodriguez during an illness. She thanked the Pegasus students for their hard work and dedication to the community for helping during all special events.

Councilmember Hilburn thanked all and expressed condolences to families that have lost loved ones.

Councilmember Castillo expressed condolences to those that have lost a loved one and get well wishes to those that are ill. He wished Hot Rods & Hatters a successful event and thanked the Lockhart Chamber of Commerce for a successful annual banquet. He thanked city employees for their hard work and thanked public safety for patrolling District S2 to keep everyone safe.

Councilmember Michelson thanked the Lockhart Chamber of Commerce for a successful annual banquet and wished a great turnout at the Hot Rods & Hatters car show. He thanked the street department for sweeping streets and keeping the city clean. He also wished Pat Kirksey get well wishes.

Mayor White thanked all that host events throughout the year. He stated that Lockhart was featured in the Austin Business Journal. He also thanked staff for their efforts to keep Lockhart clean.

**ITEM 8. 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 8:05 p.m.

PASSED and APPROVED this the 16<sup>th</sup> day of February 2016.



**CITY OF LOCKHART**

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

ATTEST:

*Connie Constancio*  
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Connie Constancio, TRMC  
City Secretary