

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**APRIL 5, 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 Jeffrey Michelson

Mayor Lew White  
Councilmember John Castillo (arrived at 6:42 p.m.)  
Councilmember Benny Hilburn  
Councilmember Brad Westmoreland

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Michael Lummus, Police Chief  
Bonnie Townsend, Municipal Court Manager

Connie Constancio, City Secretary  
Jeff Hinson, Finance Director  
Dan Gibson, City Planner  
Julie Bowermon, Civil Service Director

**Citizens/Visitors Addressing the Council:** Representatives of Hays-Caldwell Women's Center, CASA of Central Texas, AmeriCorp, Cub Scouts Pack 109, Den 1, and Crossing Guards of the LISD; Jay Monkerud, Caldwell County Juvenile Probation Officer; Citizens, Selena Arizola 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:

**PRESENTATION ONLY**

**C. PRESENTATION OF A PROCLAMATION DECLARING APRIL 2016 AS *SEXUAL ASSAULT AWARENESS & PREVENTION MONTH*.**

Mayor White presented the proclamation to members of the Hays-Caldwell Women's Center and CASA of Central Texas. Representatives of the Hays-Caldwell Women's Center provided information about how they assist the community and invited citizens to volunteer to assist victims in Caldwell County.

**D. PRESENTATION OF A PROCLAMATION DECLARING APRIL 2016 AS *CHILD ABUSE PREVENTION & AWARENESS MONTH*.**

Mayor White presented the proclamation to members of the Hays-Caldwell Women's Center and CASA of Central Texas. Representatives of CASA encouraged citizens to volunteer to assist children in Caldwell County.

**E. PRESENTATION OF A PROCLAMATION DECLARING APRIL 5, 2016 AS *NATIONAL SERVICE RECOGNITION DAY*.**

Mayor White presented the proclamation to members of AmeriCorp . Representatives of AmeriCorp thanked the Council and provided information about their organization.

**A. PRESENTATION OF CERTIFICATES OF RECOGNITION TO PACK 109 CUB SCOUTS, DEN 1 FOR THEIR DEDICATION TO THE COMMUNITY FOR RAISING AWARENESS OF THE NEED AND BENEFIT OF RECYCLING.**

Mayor White presented Certificates of Recognition to Cub Scouts, Pack 109, Den 1 and commended them for helping raise awareness about recycling.

**B. PRESENTATION OF CERTIFICATES OF APPRECIATION TO CROSSING GUARDS OF THE LOCKHART INDEPENDENT SCHOOL DISTRICT FOR THEIR DEDICATION TO THE SAFETY OF OUR CHILDREN WHEN GOING TO AND FROM SCHOOL.**

Mayor White presented Certificates of Appreciation to the LISD Crossing Guards and thanked them for their dedication to keep the children in our community safe.

RECESS: Mayor White announced that the Council would recess for refreshments at 6:50 p.m.

Mayor White announced that the Council would reconvene the work session at 7:10 p.m.

**DISCUSSION ONLY**

**A. DEMONSTRATION BY EZTASK AND DISCUSSION REGARDING A WEBSITE REDESIGN FOR THE CITY OF LOCKHART, TEXAS, AND DISCUSSION ABOUT AWARDED A CONTRACT TO EZTASK OF RICHMOND, TEXAS IN THE AMOUNT OF \$7,990 FOR A WEBSITE REDESIGN.**

Ms. Constancio stated that Council directed staff to survey cities to determine why they chose CivicPlus instead of ezTask. The survey reflects that most cities that use CivicPlus did not obtain a quote from ezTask therefore they were not aware of the services offered by ezTask. Staff also surveyed three cities that use ezTask and asked why they chose ezTask instead of CivicPlus. The survey reflects that ezTask customers did obtain a quote from CivicPlus and chose ezTask because they offer primarily the same features at a lower cost.

Representatives of ezTask provided an on-line demonstration of their website redesign software and services. There was discussion.

**B. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF MARCH 12, 2016 AND MARCH 15, 2016.**

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

**C. ACKNOWLEDGE PROCLAMATION DECLARING APRIL 2016 AS *FAIR HOUSING MONTH*.**

Mayor White read a proclamation declaring April 2016 as "Fair Housing Month".

**D. DISCUSS ANNUAL SERVICES AGREEMENT WITH MOTOROLA, INC., IN THE AMOUNT OF \$128,611.92 OF WHICH \$53,588.30 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, 2016, THROUGH SEPTEMBER 30, 2017 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. [1295-2016-04-05-11]**

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 City of Martindale. The Concession Group (SH 130) now has 6 radios in the system as approved by the Lockhart City Council and will pay for its fair share. The warranty for this Motorola equipment ended in February of 2012. The proposed agreement covers maintenance, repairs, and replacement for the radio system from October 1, 2016 through September 30, 2017. The cost of \$128,611.92 will be shared by all entities that benefit from the radio system based on the number of radio units in service. The cost under this agreement for Lockhart's 215 radios is \$53,588.30 for the Fiscal Year 2016-2017 budget period. Mr. Rodgers recommended approval.

**E. DISCUSS MAJOR REPAIRS TO WATER WELL NUMBER 11 COSTING AN ESTIMATED \$120,000 WHICH WILL EXTEND THE LIFE AND PRODUCTIVITY OF THE WELL USING 2015 CERTIFICATES OF OBLIGATION FUNDS.**

Mr. Rodgers stated that Well number 11 normally has a capacity to pump about 864,000 gallons of water per day; the pumping capacity of the well has dropped significantly over the past two months to around 200,000 gallons per day and is at times pumping a lot of water sand. This is one of Lockhart's best water wells. A major overhaul of the well by the Guadalupe-Blanco River Authority engineers is strongly recommended to recover the desired well productivity and to extend the life of the well. The estimated cost is \$120,000. Mr. Rodgers recommended approval. There was discussion.

**F. DISCUSSION AFTER REPORT BY CITY MANAGER REGARDING TREATED WATER CAPACITIES AND WASTEWATER TREATMENT CAPACITIES.**

Mr. Rodgers gave an update about Lockhart's treated water capacities and wastewater treatment capacities.

**G. DISCUSS USE OF UNRESTRICTED FUND BALANCES AS RECOMMENDED BY THE CITY MANAGER DURING THE GOALS MEETING FOR THE PURCHASE OF TWO POLICE CARS, TWO PICKUP TRUCKS IN PUBLIC WORKS, AND A ONE TIME PAYMENT OF \$1,500 TO EACH FULL TIME NON-CIVIL SERVICE EMPLOYEE AND A \$750 ONE TIME PAYMENT TO EACH PART-TIME NON-CIVIL SERVICE EMPLOYEE THAT IS EMPLOYED BY THE CITY ON APRIL 22, 2016.**

Mr. Rodgers provided information about the unrestricted fund balances and the proposed use. The consensus of the Council was to bring an item back at the first meeting in April for consideration. When Council granted a pay increase for civil service employees earlier this year, a commitment by the City Manager was made to come back to Council after the Fiscal Year 2014-2015 audit with a plan that would consider additional compensation for non-civil service employees. Data was also to be provided regarding non-civil service employee turn-over for the past two years. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 8:00 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 8:05 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 citizens to address the Council. There were none.

### **ITEM 4-A. HOLD A PUBLIC HEARING REGARDING THE CURFEW ORDINANCE AND DISCUSS ADDING A DAYTIME JUVENILE CURFEW.**

Mayor White opened the public hearing at 8:12 p.m. and requested the staff report.

Chief Lummus stated that the proposed ordinance adds a daytime curfew for minors. He stated that he recommends the juvenile daytime curfew because approximately 75% of the daytime burglaries for the past year have been that of juveniles. He believes that the curfew would assist in reducing those crimes. He provided details about the daytime juvenile curfew as outlined in the proposed ordinance and stated that he would also like to continue the nighttime juvenile curfew. He stated that holding the parent's responsible for the child's whereabouts is important. A person who violates the daytime or and/or nighttime curfew would be guilty of a misdemeanor. Each day or part of a day during which the violation is committed, continued, or permitted is a separate offence. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

There was discussion about the difference between a minor's age of 16 or 17. Mr. Gruning explained that dependent upon the criminal offense, the law defines a person 17 years or older as an adult.

Jay Monkerud, Caldwell County Juvenile Probation Officer and member of the Caldwell County Truancy Committee, spoke in favor of adding the daytime juvenile curfew. He stated that the cities of Kyle, San Marcos, and Luling also enforce a juvenile daytime curfew. He stated that he believes that the daytime curfew would help deter truancy and that it would give police officers the tool to be able to confront and question a person 17 years or younger when out in the public during the juvenile daytime curfew hours.

Mr. Gruning pointed out typographical corrections to the ordinance.

Mayor White requested citizens to address the Council that were in favor of the daytime or nighttime juvenile curfew ordinance. There were none.

Mayor White requested citizens to address the Council that were in opposition of the daytime or nighttime juvenile curfew ordinance. There were none.

Elena Arizola, 416 Trinity, requested information about statistics that prove the reduction of burglaries in cities that enforce a daytime juvenile curfew, and she questioned the amount of the fine and how the offense would be reflected on a juvenile's criminal record. Mr. Monkerud and Ms. Townsend responded to Mr. Arizola.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 9:00 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-09 AMENDING CHAPTER 36 OF THE CODE OF ORDINANCES, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS", PROVIDING A MORE COMPREHENSIVE CURFEW FOR MINORS; PROVIDING FOR PARENT RESPONSIBILITY; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR PENALTY FOR VIOLATIONS.**

Councilmember Castillo asked if there has been an increase in truancy or criminal activity by minors in Municipal Court to warrant the need of the daytime juvenile curfew.

Ms. Townsend replied that the juvenile violations have increased by 17% compared to 2014-2015.

Mr. Gruning pointed out that not all of the juvenile crimes conducted during the daytime are taken to Municipal Court because there are times that the juvenile criminal offense is a violation higher than a Class C misdemeanor.

There was discussion.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2016-09, with corrections. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

**ITEM 5. CONSENT AGENDA.**

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A, 5B, 5C, and 5D. Councilmember Hilburn 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 March 12, 2016 and March 15, 2016.
- 5B: Acknowledge Proclamation declaring April 2016 as *Fair Housing Month*.
- 5C: Approve annual services agreement with Motorola, Inc., in the amount of \$128,611.92 of which \$53,588.30 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, 2016, through September 30, 2017 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. [1295-2016-04-05-11]
- 5D: Approve major repairs to water well number 11 costing an estimated \$120,000 which will extend the life and productivity of the well using 2015 Certificates of Obligation Funds.

**ITEM 6-G. DISCUSSION AND/OR ACTION REGARDING LETTER FROM MS. MARY BURRIER IN WHICH SHE WANTS CHANGES TO ORDINANCE 2015-20 WHICH AMENDED CHAPTER 46, SIGNS, PLACING RESTRICTIONS ON INFLATABLE SIGNS, TETHERED BALLOONS, PENNANTS AND STREAMERS, AND STRINGS OF LIGHTS AND FLAGS.**

Mr. Rodgers stated that the contents of the ordinance was a product of the Council's appointments to an ad-hoc committee made of six business owners that reviewed changes to the City's regulation of certain temporary signs. The changes as determined by that committee were submitted to the Council in September of 2015, and the Council passed the ordinance. Ms. Burrier, who is in the business of supplying pennants, banners, and streamers, approached the Council at the February 2, 2016 meeting to express her concerns about the ordinance. She was asked to submit a letter to the City Manager with suggested changes to the ordinance. The City Manager and City Planner have reviewed her comments and see no reason to recommend to the Council that any changes are made to the ordinance as passed by the Council especially since an ad-hoc committee appointed by the Council came up with the contents of the ordinance after eight meetings. There was discussion.

Mary Burrier requested that the sign ordinance is amended to allow banners, pennants and streamers. There was discussion.

CONSENSUS: After discussion, the consensus of the Council was to leave the sign ordinance as it is currently written.

**ITEM 6-A. DEMONSTRATION BY EZTASK AND DISCUSSION ABOUT A WEBSITE REDESIGN FOR THE CITY OF LOCKHART, AND DISCUSSION AND/OR ACTION TO CONSIDER AWARDING A CONTRACT TO EZTASK OF RICHMOND, TEXAS IN THE AMOUNT OF \$7,990 FOR A WEBSITE REDESIGN.**

Councilmember Castillo made a motion to approve awarding a contract to ezTask of Richmond, Texas in the amount of \$7,990 for a website redesign. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION AFTER REPORT BY CITY MANAGER REGARDING TREATED WATER CAPACITIES AND WASTEWATER TREATMENT CAPACITIES.**

Mayor White announced that there was no action to be taken on this item.

**ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER USE OF UNRESTRICTED FUND BALANCES AS RECOMMENDED BY THE CITY MANAGER DURING THE GOALS MEETING FOR THE PURCHASE OF TWO POLICE CARS, TWO PICKUP TRUCKS IN PUBLIC WORKS, AND A ONE TIME PAYMENT OF \$1,500 TO EACH FULL TIME NON-CIVIL SERVICE EMPLOYEE AND A \$750 ONE TIME PAYMENT TO EACH PART-TIME NON-CIVIL SERVICE EMPLOYEE THAT IS EMPLOYED BY THE CITY ON APRIL 22, 2016.**

Councilmember Castillo made a motion to approve the use of unrestricted fund balances as recommended by the City Manager during the goals meeting for the purchase of two police cars, two pickup trucks in public works, and a one time payment of \$1,500 to each full-time non-civil service employee and a \$750 one time payment to each part time non-civil service employee that is employed by the City on April 22, 2016. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 6-D. DISCUSSION AND/OR POSSIBLE ACTION REGARDING LETTER FROM THE LOCKHART HISTORICAL PRESERVATION COMMISSION (LHPC) REQUESTING A CHANGE IN THE CURRENT ORDINANCE TO ALLOW THEIR REVIEW AND/OR PARTICIPATION IN CHANGES OR IMPROVEMENTS IN THE PUBLIC STREET RIGHT OF WAY AND TO OTHER PUBLIC PROPERTY IN THE HISTORIC DISTRICT.**

Mr. Rodgers stated that the LHPC sent a letter requesting a change in the current ordinance to allow their review and/or participation in changes or improvements in the public street right of way and to other public property in the Historic District. Mr. Rodgers recommended that the LHPC is authorized to review the City's Historic Preservation ordinance and make recommended amendments to the Council.

Councilmember Castillo made a motion to request that the Lockhart Historical Preservation Commission clarify their request about amendments to the historic preservation ordinance. Councilmember Hilburn seconded. The motion passed by a vote of 6-1, with Mayor Pro-Tem Sanchez opposing.

**ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-11 AMENDING CHAPTER 10 OF THE LOCKHART CODE OF ORDINANCES, CAPTIONED "ANIMALS AND BEEKEEPING" TO PROVIDE FOR RESTRICTIONS ON TYPE, SIZE AND LOCATIONS FOR KEEPING CERTAIN LIVESTOCK AND FOWL.**

Mr. Gruning stated that the proposed Ordinance is the result of the Council's request that he prepare an ordinance to address the nuisance issues regarding large animals and fowl kept in the city limits. There was discussion.

Elena Arizola, 416 Trinity, asked about regulations in regards to having chickens. Mr. Gruning replied that hens are allowed. Roosters or the male species are not allowed in residential neighborhoods.

Councilmember Hilburn made a motion to approve Ordinance 2016-11, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 6-F. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-10 AMENDING CHAPTER 18, ARTICLE III, CAPTIONED "NUISANCES" OF THE LOCKHART CODE OF ORDINANCES, ADDING A DIVISION ENTITLED "RESIDENTIAL OUTDOOR STORAGE", PROHIBITING THE STORAGE OF UNSCREENED ITEMS AND MATERIAL IN RESIDENTIAL DISTRICTS WITHIN THE CITY.**

Mr. Gruning stated that the proposed Ordinance is the result of the Council's request to address concerns about nuisances in regards to outdoor storage. There was discussion.

Councilmember Hilburn made a motion to approve Ordinance 2016-10, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

**ITEM 6-H. PRESENTATION AND DISCUSSION AND/OR ACTION REGARDING THE GENERAL, UTILITIES, AND AIRPORT FUNDS' SIX MONTHS REVENUES, EXPENDITURES AND FUND BALANCE ANALYSIS FOR THE 2015-2016 FISCAL YEAR.**

Mr. Hinson provided the six month reports of revenues and expenditures. There was discussion.

**ITEM 6-I. 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 7. 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; rain delays; first two sections look great...compliments continue to come in!
- Update: Water-Wastewater crews replacing bad clay sewer main line on East Market east of railroad track.
- Update: Contracts with Qro-Mex Construction signed and a pre-construction meeting to held to start the Richland Drive and the Wichita-Braden-Mesquite projects. Meeting with Richland neighborhood held Monday, March 28, with good attendance. Another neighborhood meeting will be held in July for the other project. Starting on Richland because there is only one detention pond on that project whereas the other project has two large detention ponds to construct.
- Update: Public bids should go out within the next 30-45 days for the CDBG Grant Project placing a new 18" water transmission main from Water Plant to near Serta.
- Report: Annual Welcome Spring Event and Lockhart Chamber's Tolbert Chili Cook Off Competition event in City Park held on Saturday, March 19.
- Report: 5<sup>th</sup> Annual Sip and Stroll event, Saturday, April 2.
- Report: Cesar Chavez Day of Service and Learning held Saturday, April 2.
- Report: Kiwanis Annual Stampede Event, April 2.
- Reminder: Don't Mess with Texas Annual Trash Off Event to be held in City Park at main pavilion on Saturday, April 9; volunteers needed to help Keep Lockhart Beautiful.
- Reminder: Annual Residential Spring Clean Up Event each Wednesday in April.
- Reminder: Special Residential Household Hazardous Waste Collection event to be held Saturday, May 14, at City Park from 9 am until noon for Lockhart residents only.
- Reminder: Semi-Annual City Cemetery Clean Up began this week on March 28.

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

Councilmember Westmoreland thanked all involved with the successful Sip n Stroll event. He expressed condolences to the families of Jo Scheulke and Blanche Reeb for their loss.

Councilmember Mendoza thanked all involved in both the Welcome Spring Day and Sip n Stroll events. He expressed condolences to those that have lost a loved one the past few weeks.

Mayor Pro-Tem Sanchez expressed condolences to the families of Jessie Juarez and John Rodriguez for their loss. She thanked Kiwanis, Feria de Culturas and the Downtown Revitalization Committees and supporters of events held this past weekend.

Councilmember Hilburn thanked all involved with each event held the past few weeks.

Councilmember Castillo expressed condolences to the Juarez family for their loss. He thanked all involved with the Sip n Stroll, Cesar Chavez and Kiwanis 5K events. He expressed appreciation for the District 2 drainage projects that are underway.



Councilmember Michelson also thanked all involved with the events held this past weekend. He requested citizens' patience during the current and upcoming highway and drainage improvement construction projects.

Mayor White congratulated volunteers and businesses involved with the events this past weekend. He reminded Council about an upcoming banquet on May 6 honoring Jerry Doyle for receiving the prestigious Lifetime Achievement Award from the 100 Club of Central Texas. He stated that staff is working on repairs at several city facilities to meet the needs of city employees and the public.

**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 9:48 p.m.

PASSED and APPROVED this the 19<sup>th</sup> day of April 2016.



CITY OF LOCKHART

Lew White  
Lew White, Mayor

ATTEST:

Connie Constancio  
Connie Constancio, TRMC  
City Secretary