

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**APRIL 21, 2015**

**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

Mayor Lew White  
Councilmember John Castillo  
Councilmember Jeffry Michelson

**Council absent:**

Councilmember Benny Hilburn

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Sandra Mauldin, Economic Dev. Director  
Dan Gibson, City Planner

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

**Citizens/Visitors Addressing the Council:** Philip Ruiz of Community Development Management.

**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 CITY COUNCIL MINUTES OF THE APRIL 7, 2015 MEETING.**

Mayor White requested corrections to the City Council minutes of the April 7, 2015 meeting. There were none.

**B. DISCUSS RESOLUTION 2015-05 AUTHORIZING THE MAYOR TO SIGN AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR ASSISTANCE UNDER THE TEXAS DEPARTMENT OF TRANSPORTATION ALTERNATIVES PROGRAM (TAP), 2015, CALL FOR PROJECTS, AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S CHIEF EXECUTIVE OFFICER, AND PROVIDING FOR A LOCAL MATCH.**

Mr. Rodgers stated that Council authorized the submission of the TAP grant on March 17, 2015, to extend the North Town Branch walkway into City Park and to existing schools. This resolution is required to submit the grant application. The total amount of the grant is \$466,369 which includes a 15% TxDOT administrative fee. Local match funds are required for grant administration at \$48,600, \$57,934 for engineering, and a 20% local match of the construction costs reduced to \$12,127 since Lockhart is in an economically disadvantaged county. Mr. Rodgers requested approval.

Philip Ruiz of Community Development Management provided brief details about the grant application process.

There was discussion.

**C. DISCUSS ORDINANCE 2015-12 AMENDING CHAPTER 58, UTILITIES, ARTICLE IV, SEWAGE DISPOSAL, SECTION 58-243, - SAME—PERMIT, SUBSECTION (B) (3) ESTABLISHING THAT WHERE A DISCHARGER DISCHARGES OR PLANS TO DISCHARGE 10,000 GALLONS OR MORE DAILY, THE STRENGTH SHALL BE BASED ON ACTUAL SAMPLES FROM POINTS OF DISCHARGE.**

Mr. Rodgers stated that the ordinance lowers the discharge amount from 20,000 gallons or more per day to 10,000 gallons or more per day to improve discharge quality to protect the City's collection system, wastewater treatment plants, and eventually the quality of the plant discharges into waterways. Mr. Rodgers recommended approval.

**D. DISCUSS ADOPTION OF PROPOSED WASTEWATER DISCHARGE PERMIT APPLICATION WHICH UPDATES REQUIREMENTS TO ENHANCE THE PROTECTION OF THE CITY'S PUBLIC WASTEWATER SYSTEM.**

Mr. Rodgers stated that the City needs to know what businesses are and plan to discharge into the public wastewater system. The City's current application does not provide sufficient information to evaluate existing and/or proposed discharges. The proposed permit application requires more information regarding the type and quantities of discharges into the City's wastewater system. This information is essential to identify possible "pre-treatment" requirements of discharges. Pre-treatment would be required where discharges are determined to be potentially harmful to the wastewater treatment plant operations and subsequent plant treated discharges into waterways. Mr. Rodgers recommended approval.

**E. DISCUSS RESOLUTION 2015-06 AUTHORIZING THE CITY MANAGER, WHEN A PROMOTIONAL VACANCY EXISTS OR UNDER OTHER NECESSARY CIRCUMSTANCES, TO OVER-HIRE ENTRY LEVEL CIVIL SERVICE POSITIONS.**

Ms. Bowermon stated that Civil Service, Chapter 143.021(a) mandates that the City Council have an ordinance that establishes the number of positions in each civil service classification, which is referred to as the Strength of Force. This was previously done by Ordinances 2007-28 and 2010-32. When a promotional vacancy occurs, the position is filled from lower classifications within the department. As a result of this promoting from a lower classification, there is then a vacancy in that lower classification which can be filled. The promotional process typically takes a minimum of 30 days to complete. During this time, there is a vacancy within the department (one less employee). The proposed resolution authorizes the City Manager to hire an entry level position in anticipation of the entry level vacancy that will exist once the promotional process is complete. This over-hiring does not exceed the total number of employees or increase the total authorized Strength of Force because there is an actual vacancy at the promotional level. This over-hiring does not have a budgetary impact as funding for the promotional vacancy is available. There was discussion.

**F. DISCUSS ORDINANCE 2015-11 AUTHORIZING THE OFFERING OF HEALTH COVERAGE TO CITY RETIREES.**

Mr. Hinson stated that Ordinance 2015-11 offers City health insurance to pre-65 retirees based on certain qualifications as approved by Council on March 17, 2015. The ordinance will become effective June 1, 2015.

He provided details about the coverage options to retirees in the Ordinance as follows:

Retiree Qualifications:

1. Current Under Age 65 Retirees are grandfathered under the terms of Ordinance Number 2012-28 and pay the active employee rate as stated in that ordinance.
2. New Employees who are hired after May 31, 2015, will be offered 195% of the employee premium at retirement with a minimum of 20 years of continuous service.
3. Current Employees with continuous years of service at the City of Lockhart will be offered coverage at retirement at the following rates:

Continuous Years of Service	Pre-65 Health Insurance Coverage Period	After Coverage Period
15-19 years	Offer up to 2 years at employee premium	Offer 195% of employee premium
20-24 years	Offer up to 5 years at employee premium	Offer 195% of employee premium
25+ years	Offer up to 10 years at employee premium	Offer 195% of employee premium

4. Age 65 and Over Retirees will be offered the Medicare Supplement Plan at retirement, or when they turn age 65 if they are already retired.
5. Other coverages will be established annually by the TML Intergovernmental Employee Benefits Pool Board of Trustees.

There was discussion about concerns expressed by several current employees with a long tenure in regards to the retiree health insurance coverage. Mr. Rodgers indicated that he addressed questions and/or concerns with several employees to assure that they understood what is proposed to be offered.

**G. DISCUSS THE 2ND QUARTER FISCAL YEAR 2015 INVESTMENT REPORT.**

Mr. Hinson stated that the Texas Public Investment Act requires local governments to review and accept a Quarterly Investment Report for each quarterly reporting period of the year. He provided detailed information, and there was discussion, about the 2<sup>nd</sup> quarter fiscal year 2015, ending March 31, 2015 as follows:

- Quarterly investment report.
- Investment portfolio summary.
- Cash accounts.
- Marketable securities transaction summary.
- Investment pool transactions summary.
- Certificates of deposit transaction summary.
- Investment pools (Standards and Poor's Ratings).
- First Lockhart National Bank Collateralization (Standard and Poor's Ratings).

**H. DISCUSS THE GENERAL, UTILITIES AND AIRPORT FUNDS' SIX MONTHS REVENUES, EXPENDITURES AND FUND BALANCE ANALYSIS.**

Mr. Hinson provided an update and there was discussion about the mid-year revenues and expenditures for the following budgets:

- General fund
- Electric utility fund
- Water utility fund
- Wastewater utility fund
- Solid waste utility fund
- Airport fund
- Fund balance analysis – major funds

**I. DISCUSS ORDINANCE 2015-13 WHICH TEMPORARILY ESTABLISHES AN ELECTRIC, WATER, AND WASTEWATER INFRASTRUCTURE REIMBURSEMENT PROGRAM FOR THE PERIOD OF MAY 1, 2015, THROUGH MAY 31, 2017, TO PROMOTE SINGLE FAMILY RESIDENTIAL HOME SUBDIVISION DEVELOPMENT WITHIN THE CITY LIMITS OF LOCKHART.**

Mr. Rodgers stated that single family residential lots are needed to provide housing for growth and the influx of new businesses and their employees. Developers are required to place all infrastructures at their cost for new subdivisions. Part of that infrastructure provides water, wastewater, and electric utility revenues. In order to promote the development of single family residential subdivisions, this ordinance proposes a program which reimburses \$2,000 between May 1, 2015 and May 31, 2017, to developers for each single family residence issued a Certificate of Occupancy in subdivisions containing 10 lots or more completed after May 1, 2015 where the developer was required to install the utilities infrastructure. There was discussion about Impact Fees. Mr. Rodgers explained that it would not be legal to use Impact Fee funds in this manner. He also explained that other cities such as San Marcos, New Braunfels, and Seguin participate in new subdivision infrastructure costs which averaged about \$3,500 per lot; they participate up front before a house is built. He further explained that according to his proposal that the \$2,000 would not be paid to the developer until a house was built and a certificate of occupancy issued. There was discussion.

Mayor Pro-Tem Sanchez and Councilmember Castillo spoke against the temporary reimbursement program.

**J. DISCUSS PROPOSED AGREEMENT WITH USFon, INC., OF AUSTIN, TEXAS, TO INSTALL AND MAINTAIN FIBER COMMUNICATION SERVICES AS NEEDED BETWEEN CITY FACILITIES IN LIEU OF USING TIME WARNER CABLE AT A COST SAVINGS FOR THE CITY AND AUTHORIZING THE MAYOR TO SIGN THE FINAL AGREEMENT.**

Mr. Rodgers stated that USFon, Inc., has been contracted by the Lockhart Independent School District to install fiber communication between school campuses. The same company will extend the fiber to include fiber service between city offices at City Hall, Police Department, Electric Department, Fire Department, Library, Public Works, Water-Wastewater Department, and Municipal Court at a cost of \$51,070 which can be paid out over a five year period for \$851 per month. The new fiber system would be paid for in five years and would provide much faster and more dependable service. Time Warner service to these facilities now costs about \$10,000 per year which usually goes up each year. There was discussion. Mr. Rodgers recommended approval.

RECESS: Mayor White announced that the Council would recess for a break at 8:10 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 8:30 p.m.

**ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.**

Invocation – Mayor Lew White.

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. CONSENT AGENDA.**

Councilmember Michelson made a motion to approve consent agenda items 4A, 4B, 4C (with correction), 4D, 4E, 4F, and 4G. Councilmember Mendoza seconded. The motion passed by a vote of 5-0.

The following are the consent agenda items that were approved:

- 4A: Approve City Council minutes of the April 7, 2015 meeting.
- 4B: Approve Resolution 2015-05 authorizing the Mayor to sign an application to the Texas Department of Transportation (TxDOT) for assistance under the Texas Department of Transportation Alternatives Program (TAP), 2015, Call for Projects, and authorizing the Mayor to act as the City's Chief Executive Officer, and providing for a local match.
- 4C: Approve Ordinance 2015-12 amending Chapter 58, Utilities, Article IV, Sewage Disposal, Section 58-243, - Same—Permit, Subsection (b) (3) establishing that where a discharger discharges or plans to discharge 10,000 gallons or more daily, the strength shall be based on actual samples from points of discharge, with correction.
- 4D: Approve adoption of proposed Wastewater Discharge Permit Application which updates requirements to enhance the protection of the City's public wastewater system.
- 4E: Approve Resolution 2015-06 authorizing the City Manager, when a promotional vacancy exists or under other necessary circumstances, to over-hire entry level civil service positions.
- 4F: Approve Ordinance 2015-11 authorizing the offering of health coverage to City retirees.
- 4G: Accept the 2<sup>nd</sup> Quarter Fiscal Year 2015 Investment Report.

**ITEM 5-A. DISCUSSION AND/OR ACTION AFTER PRESENTATION OF THE GENERAL, UTILITIES AND AIRPORT FUNDS' SIX MONTHS REVENUES, EXPENDITURES AND FUND BALANCE ANALYSIS.**

Mayor Pro-Tem Sanchez made a motion to approve the report as presented. Councilmember Mendoza seconded. The motion passed by a vote of 5-0.

**ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2015-13 WHICH TEMPORARILY ESTABLISHES AN ELECTRIC, WATER, AND WASTEWATER INFRASTRUCTURE REIMBURSEMENT PROGRAM FOR THE PERIOD OF MAY 1, 2015, THROUGH MAY 31, 2017, TO PROMOTE SINGLE FAMILY RESIDENTIAL HOME SUBDIVISION DEVELOPMENT WITHIN THE CITY LIMITS OF LOCKHART.**

There was brief discussion.

Councilmember Castillo made a motion to deny Ordinance 2015-13. Mayor Pro-Tem Sanchez seconded. The motion failed by a vote of 2-3, with Mayor White, Councilmember Michelson and Councilmember Mendoza opposing.

Councilmember Michelson made a motion to approve Ordinance 2015-13, which temporarily establishes an electric, water, and wastewater infrastructure reimbursement program for the period of May 1, 2015 through May 31, 2017, to promote single family residential home subdivision development within the city limits of Lockhart. Councilmember Mendoza seconded. The motion passed by a vote of 3-2, with Mayor Pro-Tem Sanchez and Councilmember Castillo opposing.

**ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING PROPOSED AGREEMENT WITH USFon, INC., OF AUSTIN, TEXAS, TO INSTALL AND MAINTAIN FIBER COMMUNICATION SERVICES AS NEEDED BETWEEN CITY FACILITIES IN LIEU OF USING TIME WARNER CABLE AT A COST SAVINGS FOR THE CITY AND AUTHORIZING THE MAYOR TO SIGN THE FINAL AGREEMENT.**

Mayor Pro-Tem Sanchez made a motion to approve the Agreement with USFon, Inc., of Austin, Texas, to install and maintain fiber communication services as needed between city facilities in lieu of using Time Warner Cable at a cost savings for the City and authorizing the Mayor to sign the final agreement. Councilmember Mendoza seconded. The motion passed by a vote of 5-0.

**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.

Councilmember Mendoza made a motion to replace Raymond Mendez with Neto Madrigal to the Sign Review Committee. Councilmember Castillo seconded. The motion passed by a vote of 5-0.

There was brief discussion about a possible meeting schedule of the Sign Review Committee.

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

- Update: US Hwy 183 expansion project: water and waste-water work process; City electric work complete; Gas, AT&T and TWC work still in progress; storm water contractor work. Pre-construction meeting held earlier. Lane Closures information for concrete work in Lions Park.
- Report: The filming of the HBO series "Leftovers" will begin in about 2 weeks and could last until October of this year.
- Report: Fashion Glass and Mirror grand opening being scheduled.
- Report : Sip, Stroll and Art Walk (Mayor).
- Report: Vietnam Veterans Special Recognition Event (40 years since end of Vietnam War) held on Saturday, April 18.
- Report: Habitat for Humanity raising walls at home on Sycamore Street.

- Reminder: Fiesta del Mariachi Event to be held on Saturday, April 25, 2015, at the Clark Library, 7 to 10 pm.
- Reminder: The annual city-wide residential cleanup continues on in the SE section of the City on Wednesday.
- Update: Railroad crossing quiet zone report.
- City crews behind on mowing and pot hole repairs due to the rain.

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

Mayor Pro-Tem Sanchez expressed condolences to the families of Carmelo Martinez, Francisca Molina, and Benito Aguilar for their loss. Congratulations to all involved with the Vietnam Veterans' Welcome Home ceremony and to the Gaslight-Baker Theater for their successful Annual Gala.

Councilmember Mendoza congratulated those involved with the Vietnam Veterans' Welcome Home event. He also invited everyone to attend the raising of the wall on a new Habitat for Humanity home on Sycamore Street. He thanked a traffic engineer with the Texas Department of Transportation for working with him about a few intersections in town that he believes could use a traffic light.

Councilmember Castillo thanked the Police Department for allowing him to observe and ride in a police vehicle. He commended the police officers for their service. He congratulated those involved with the Vietnam Veterans' Welcome Home ceremony. He invited all to attend the Cinco de Mayo event on May 1 and May 2 on the downtown square.

Councilmember Michelson congratulated all for a successful Vietnam Veterans' Welcome Home ceremony and to the Gaslight Baker Theater for their annual gala. He announced that he will not be able to attend the May 5, 2015 meeting. He requested that the sweepers clean the streets. Mr. Rodgers replied that staff will continue sweeping streets soon and that the weather has been the reason that sweeping is behind schedule.

Mayor White thanked all for their patience during the construction on Highway 183. Fashion Glass and Mirror will host ribbon cutting soon. He stated that the Sip and Stroll event held on April 11 and the Vietnam Veterans' Welcome Home ceremony were a great success. He encouraged everyone to help with the Habitat for Humanity project. Fiesta del Mariachi event will be held on April 25 at the Clark Library. Lockhart Chamber hosting golf club event this weekend.

**ITEM 8. ADJOURNMENT.**

Mayor Pro Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 5-0. The meeting was adjourned at 8:55 p.m.

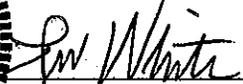
PASSED and APPROVED this the 5<sup>th</sup> day of May 2015.

ATTEST:

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



CITY OF LOCKHART

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