

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**OCTOBER 6, 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  
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

**Citizens/Visitors Addressing the Council:** Rene Rayos and Frank Estrada of the Greater Caldwell County Hispanic Chamber of Commerce.

**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 PROCLAMATION DECLARING SEPTEMBER 15 – OCTOBER 15, 2015 AS “HISPANIC HERITAGE MONTH” IN LOCKHART.**

Mayor White presented the proclamation to members of the Greater Caldwell County Hispanic Chamber of Commerce.

**B. PRESENTATION OF A PROCLAMATION DECLARING OCTOBER 2015 AS “NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH”.**

Mayor White read the proclamation as a request of the Hays-Caldwell Women’s Center.

**DISCUSSION ONLY**

**A. DISCUSS MINUTES OF THE CITY COUNCIL MEETINGS OF SEPTEMBER 15, 2015 AND SEPTEMBER 22, 2015.**

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

**B. DISCUSS INTERLOCAL CONTRACT FOR PUBLIC SERVICE ANSWERING POINTS (PSAP) MAINTENANCE, EQUIPMENT UPGRADE, AND TRAINING WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) AND APPOINTING MAYOR TO SIGN THE CONTRACT.**

Mr. Rodgers stated that staff seeks approval of Council for this interlocal contract agreement which allows CAPCOG to perform maintenance, equipment upgrades and training for the PSAP located in the Public Safety building at 214 Bufkin Lane. The PSAP accommodates the 9-1-1 emergency telephone system for the City of Lockhart. This agreement is for one year and has been used for several years. Mr. Rodgers recommended approval.

**C. DISCUSS POSSIBLE GRANT THROUGH THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION (EDA), AND POSSIBLE MATCH FUNDING FROM THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) ALONG WITH POSSIBLE PUBLIC-PRIVATE PARTNERSHIP FUNDING PARTICIPATION TO EXTEND WATER AND SEWER UTILITY INFRASTRUCTURE TO POTENTIAL BUSINESS AND INDUSTRIAL AREAS ALONG THE SH 130 CORRIDOR TO ENCOURAGE DEVELOPMENTS THAT WOULD PROVIDE LOCAL JOBS AND IMPROVE THE LOCAL ECONOMY.**

Mr. Rodgers stated that this grant would help fund up to 80 percent of the costs for the extension of water and sewer infrastructure to target areas along the SH 130 corridor. The EDA grant match funding sources could be from LEDC and also possibly through public-private partnership funding agreements. The goal is to encourage developments that will provide local jobs and improve the local economy. Mr. Rodgers recommended approval. There was discussion.

**D. DISCUSS THE FINAL AGREEMENT TO SECURE A STORM WATER DRAINAGE EASEMENT FROM THE PROPERTY OWNER AT 219 RICHLAND DRIVE.**

Mr. Rodgers stated that the Council gave the City Manager permission to obtain the needed storm water drainage easement from the property owner at 219 Richland Drive. The final agreement terms are within the limits established by Council. The amount paid to the property owner was \$3,852. A metal building will also be provided to the property owner at a cost of \$1,975 to replace a shed that must be torn down because it is partially in the required easement. Council had previously approved up to \$8,000 for both. Mr. Rodgers recommended approval.

**E. DISCUSS ANNUAL AUDIT OF CHAPTER 59 ASSET FORFEITURE FUNDS OF THE LOCKHART POLICE DEPARTMENT AND AUTHORIZE RESULTS TO BE REPORTED TO THE TEXAS ATTORNEY GENERAL.**

Mr. Hinson stated that any law enforcement agency that has the authority to receive property forfeited under Chapter 59 of the Code of Criminal Procedure is required to file an annual audit forfeiture reporting form with the Office of the Attorney General. The statutory definition of law enforcement agency includes any agency that has the authority to hire peace officers or receive property. The agency must account for every seizure, forfeiture, receipt, and specific expenditure of all proceeds in an annual audit. Mr. Hinson recommended approval. There was discussion.

**F. DISCUSS WITHDRAWAL OF ACCEPTANCE OF THE APPLICATION FROM SAGE CAPITAL BANK AS THE BANK DEPOSITORY FOR THE CITY OF LOCKHART, TEXAS AND ACCEPT THE APPLICATION FROM BANK OF THE OZARKS AS THE BANK DEPOSITORY FOR THE CITY OF LOCKHART, TEXAS.**

Mr. Hinson 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". First Lockhart National Bank, the City's current bank depository, opted out of the 5<sup>th</sup> year of the contract, so a request for proposal was advertised. Staff received three proposals. The first choice, approved at the September 22, 2015 Council meeting, was Sage Capital Bank. During discussions with Sage concerning the requirements to open an account, it was determined that they could not accept a resolution stating that the City required two signatures on a check. After reviewing the analysis again, staff believes that Bank of the Ozarks was the best alternative for the City's bank depository. There was discussion.

**G. DISCUSS RESOLUTION 2015-11 AUTHORIZING THE BANK OF THE OZARKS TO ACCEPT DESIGNATED SIGNERS OF THE CITY'S GENERAL OPERATING ACCOUNT.**

Mr. Hinson stated that the Resolution was presented for consideration if the Bank of the Ozarks is approved as the city's bank depository. The Resolution provides that two signers are required on all transactions and who is authorized to sign the checks.

**H. DISCUSSION REGARDING NOTICE RECEIVED FROM THE COMPTROLLER OF PUBLIC ACCOUNTS OF A PAYMENT DUE FOR A SALES TAX REFUND IN THE AMOUNT OF \$182,412.15 TO REIMBURSE A VENDOR'S SALES TAX OVERPAYMENT.**

Mr. Hinson stated that the City received a letter from the Comptroller of Public Accounts to notify the City about the amount owed. The total amount was \$273,618.22. The City will pay two-thirds of the amount and the Lockhart Economic Development Corporation (LEDC) will pay one-third. The time periods of the collections took place were January 2008 to December 2011 and December 2009 to January 2012. Staff recommends that the refund be paid within a five year period to be taken out of sales tax receipts. There was discussion.

**I. DISCUSS POSSIBLE DIRECTION TO STAFF TO APPROACH THE PLANNING AND ZONING COMMISSION ABOUT AN ORDINANCE AMENDMENT BY WHICH A SPECIFIC USE PERMIT WOULD BE REQUIRED FOR A DUPLEX IN RESIDENTIAL MEDIUM DENSITY ZONED AREAS.**

Mr. Rodgers stated that Councilmember Mendoza received a consensus approval from Council to bring this item to Council for consideration. Staff understands that Councilmember Mendoza wants the Planning and Zoning Commission to consider an ordinance amendment that would require a Specific use Permit for a duplex in Residential Medium Density (RMD) zoned areas. A majority of the Council can direct staff to take the issue before the Planning and Zoning Commission.

Councilmember Mendoza stated that citizens have requested that Council consider requiring specific use permits for all new duplexes in RMD zoned areas.

Mr. Gibson clarified the following regulations in regards to duplexes in RMD zoned areas:

- Duplexes allowed by-right (without specific use permit):
  - Lot size must be a minimum of 8,500 square feet, 65 feet width/120 feet depth.
- Duplexes allowed upon approval of a specific use permit:
  - Lot size must be a minimum of 5,500 square feet, 50 feet width/105 feet depth.

There was discussion.

**J. DISCUSS CURBSIDE RECYCLING AND RECYCLING CENTER PROGRAMS.**

Mr. Rodgers stated that the estimated volumes of recyclables from the Recycling Center and the Public Works site kept about 125 garbage truck loads out of the landfill over the past 12 months. Curbside recycling with an average of 260 customers and special Recycling Center pickups produced only enough volumes to keep about 26 trash loads out of the landfill over the past 12 months. Increasing curbside recycling participation is challenging since so many customers obviously choose to use the Recycling Center. Most cities polled do not go to mandatory curbside without at least 40% of their customers already participating in the program. Sufficient public education about the importance of recycling is a key factor. Staff will re-evaluate the current information and education efforts provided to the public about this issue. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:42 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 8:00 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. CONSENT AGENDA.**

Mayor White pulled consent agenda items 4F and 4G for further discussion.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 4A, 4B, 4C, 4D, and 4E. Councilmember Hilburn 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 meetings of September 15, 2015 and September 22, 2015.
- 4B: Approve Interlocal Contract for Public Service Answering Points (PSAP) Maintenance, Equipment Upgrade, and Training with the Capital Area Council of Governments (CAPCOG) and appointing Mayor to sign the contract.
- 4C: Approve possible grant through the U.S. Department of Commerce, Economic Development Administration (EDA), and possible match funding from the Lockhart Economic Development Corporation (LEDC) along with possible public-private partnership funding participation to extend water and sewer utility infrastructure to potential business and industrial areas along the SH 130 corridor to encourage developments that would provide local jobs and improve the local economy.
- 4D: Approve the final agreement to secure a storm water drainage easement from the property owner at 219 Richland Drive.
- 4E: Approve annual audit of Chapter 59 Asset Forfeiture Funds of the Lockhart Police Department and authorize results to be reported to the Texas Attorney General.

### **ITEM 4-F. APPROVE WITHDRAWAL OF ACCEPTANCE OF THE APPLICATION FROM SAGE CAPITAL BANK AS THE BANK DEPOSITORY FOR THE CITY OF LOCKHART, TEXAS AND ACCEPT THE APPLICATION FROM BANK OF THE OZARKS AS THE BANK DEPOSITORY FOR THE CITY OF LOCKHART, TEXAS.**

Councilmember Michelson announced that he would abstain from the vote due to a conflict of interest.

Mayor Pro-Tem Sanchez made a motion to approve withdrawal of acceptance of the application from Sage Capital Bank as the bank depository for the City of Lockhart, Texas and accept the application from Bank of the Ozarks as the bank depository for the City of Lockhart, Texas. Councilmember Castillo seconded. The motion passed by a vote of 6-1, with Councilmember Michelson abstaining

**ITEM 4-G. APPROVE RESOLUTION 2015-11 AUTHORIZING THE BANK OF THE OZARKS TO ACCEPT DESIGNATED SIGNERS OF THE CITY'S GENERAL OPERATING ACCOUNT.**

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

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2015-11 authorizing the Bank of the Ozarks to accept designated signers of the City's general operating account and authorizing the City Manager to sign the Resolution. Councilmember Hilburn seconded. The motion passed by a vote of 6-1, with Councilmember Michelson abstaining.

**ITEM 5-A. DISCUSSION REGARDING NOTICE RECEIVED FROM THE COMPTROLLER OF PUBLIC ACCOUNTS OF A PAYMENT DUE FOR A SALES TAX REFUND IN THE AMOUNT OF \$182,412.15 TO REIMBURSE A VENDOR'S SALES TAX OVERPAYMENT.**

Councilmember Michelson made a motion that the State Comptroller be reimbursed within a 60 month period with a monthly deduction from sales tax in the amount of \$4,561 for 59 months with a final deduction in the amount of \$4,519.22. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING POSSIBLE DIRECTION TO STAFF TO APPROACH THE PLANNING AND ZONING COMMISSION ABOUT AN ORDINANCE AMENDMENT BY WHICH A SPECIFIC USE PERMIT WOULD BE REQUIRED FOR A DUPLEX IN RESIDENTIAL MEDIUM DENSITY ZONED AREAS.**

After discussion, the following was a consensus:

Councilmember Mendoza and Councilmember Castillo recommended that the Planning and Zoning Commission be directed to create an ordinance amendment to require a specific use permit for a duplex in the Residential Medium Density zoned areas.

Mayor White, Mayor Pro-Tem Sanchez, and Councilmembers Westmoreland, Hilburn and Michelson recommended that the ordinance remain as currently written.

Since the majority of the Council voted to leave the ordinance as currently written, there was no direction to staff or the Planning and Zoning Commission.

**ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING CURBSIDE RECYCLING AND RECYCLING CENTER PROGRAMS.**

Councilmember Michelson made a motion to direct staff to create an education program to encourage additional citizens to participate in curbside recycling. Councilmember Castillo 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 Hwy 183 expansion project: Storm water contractor work, curbing, sidewalk, Section 1A, Pecan to Hickory; east side work.
- Update: 2015 CO Drainage Projects; properties and easements.
- Update: \$275,000 CDBG grant award for a portion of the treated water transmission line to be installed from the water plant to the area near Serta.
- Update: Alternate Transportation Grant status.
- Report: 2015 Evening with Authors annual event.
- Reminder: October 9 and 10 in City Park- Hill Country Cook Off with around 300 cooks expected to participate.
- Reminder: October 17, Saturday, 9am to 12(noon) at City Park, 8<sup>th</sup> Annual Keep Lockhart Beautiful Cleanup.
- Reminder: Friday and Saturday, October 23 and 24, Speaking of the Dead annual Caldwell County Historical group fund raiser at City Park and City Cemetery.
- Reminder: Saturday, October 24, Dia de Los Muertos Festival from 12pm-10pm downtown.
- Lockhart Police Department received and will now be using body cameras.
- Fire Academy offered to Lockhart ISD students interested in becoming a paramedic or firefighter.
- Local governing entity officials met to discuss K2 and how they can work together on local issues.

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

Councilmember Westmoreland stated that this week is the last filming dates of the HBO Series "The Leftovers". He thanked the film crew for working with the citizens. Go Lions!

Councilmember Mendoza wished Lockhart Lions good luck at their football games. He also thanked the film crew for filming in Lockhart.

Mayor Pro-Tem Sanchez expressed condolences to the families of Frances Livengood, Frank Schulle, Tony Mosqueda and Oscar Bosque for their loss. She thanked all involved with the successful Evening with the Authors event. Good luck to the Lockhart Lions and announced that a pep rally will be held on Thursday, October 8 at the Lockhart Football Stadium. She provided information about entertainment events during the BBQ Cookoff this weekend. She requested that Lockhart look into having a booth at the 2017 TML Conference in Austin.

Councilmember Hilburn congratulated Mr. David Kristynik for being inducted into the University of Texas Hall of Honor. Go Lions!

Councilmember Castillo thanked all involved with the successful Evening with the Authors event. Good luck to the Lockhart Lions. He thanked the street crews for their work.

Councilmember Michelson congratulated all involved with the successful Evening with the Authors. He requested an update about the future fiber install. Mr. Rodgers stated that Caldwell County is currently negotiating between UFSon and Time Warner yet the City of Lockhart will proceed with the fiber install. He requested that a sign on SH 130 be installed to inform commuters about what Lockhart has to offer such as restaurants and/or gas stations. Good luck Lions.

Mayor White also congratulated David Kristynik. He thanked all involved with the successful Evening with the Authors event. He thanked the Council for attending the TML Conference. He thanked the Caldwell County Historical Society for hosting the annual Speaking with the Dead event that raises funds for the Caldwell County Museum. He invited all to City Park to enjoy the BBQ event this weekend and thanked HBO for working with the community during their filming process. Good luck Lockhart Lions!

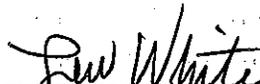
**ITEM 8. ADJOURNMENT.**

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 8:33 p.m.

PASSED and APPROVED this the 20<sup>th</sup> day of October 2015.

CITY OF LOCKHART



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

ATTEST:

  
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Connie Constancio, TRMC  
City Secretary