

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**OCTOBER 16, 2018**

**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  
Councilmember Kara McGregor  
Councilmember Brad Westmoreland

**Staff present:**

Steve Lewis, City Manager  
Peter Gruning, City Attorney  
Sean Kelley, Public Works Director

Connie Constancio, City Secretary  
Dan Gibson, City Planner

**Citizens/Visitors Addressing the Council:** Christie Pruitt, President of the Lockhart Chamber of Commerce and Chamber members; Michael Capello, President of the Greater Caldwell County Hispanic Chamber of Commerce and Chamber members; and, Lori Daves of the Daves Law Firm.

**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 OCTOBER 15-19, 2018 AS "CHAMBER OF COMMERCE WEEK".**

Mayor White presented the proclamation to Representatives of the Lockhart Chamber of Commerce and the Greater Caldwell County Hispanic Chamber of Commerce. He commended the Chambers for their continued efforts in promoting tourism to Lockhart.

Christie Pruitt, President of the Lockhart Chamber of Commerce, thanked the City Council for the proclamation and, she also thanked the Hispanic Chamber of Commerce for working with them on events.

Michael Capello, President of the Hispanic Chamber of Commerce, also thanked the City Council and the Lockhart Chamber for their cooperation with several events.

**DISCUSSION ONLY**

**A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF SEPTEMBER 25, 2018 AND OCTOBER 2, 2018.**

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

**B. DISCUSS RESOLUTION 2018-19 ADOPTING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN CALDWELL COUNTY AND THE CITY OF LOCKHART FOR THE REGULATION OF SUBDIVISIONS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LOCKHART, PURSUANT TO SECTION 242.001(D)(1) OF THE TEXAS LOCAL GOVERNMENT CODE.**

Mr. Gibson stated that when first codified, Section 242.001 of the Texas Local Government Code required that by April 1, 2002, cities and counties develop written agreements that provide unified administration of subdivision regulations in the Extraterritorial Jurisdiction (ETJ) of cities. Previously, subdivision plats for property in the ETJ were subject to review by both the County and the City. On March 19, 2002, the City Council approved an interlocal agreement that was approved by the County. The term of that agreement expired ten years later, in 2012. Attempts to extend or replace the agreement with the County have resulted in a considerable amount of changes negotiated throughout an extended period with successive County officials. The City has been without a formal written agreement for six years, but the current County official who reviewed the proposed agreement has indicated that they are now ready to submit it for approval by the City Council and County Commissioner's Court. The agreement is more extensive than the original one because experience with the old one revealed deficiencies that needed to be addressed. It still basically gives the City the sole authority to regulate subdivisions in the Lockhart ETJ according to our standards and platting and requiring administrative approval by County officials under certain circumstances. One key difference is that the new agreement applies only to Lockhart's statutory one-mile ETJ. Subdivisions in the northern extension shall now be under the sole authority of the County. Mr. Gibson stated that staff recommends approval. There was discussion.

**C. DISCUSS THE EFFECTIVE DATE OF THE LOCKHART AIRPORT FIXED BASED OPERATOR (FBO) LEASE AGREEMENT FROM MR. STANLEY MARTIN TO MARTIN & MARTIN AVIATION, INC., COMPRISED OF JOHN CYRIER, KEITH UHLS, AND REINE (KEN) SMITH, FROM OCTOBER 1, 2018 TO JANUARY 1, 2019 BECAUSE OF EXTENUATING CIRCUMSTANCES.**

Mr. Lewis stated that during the September 18, 2018 meeting, the Council approved Stanley Martin assigning the Fixed Base Operator (FBO) of the Lockhart Municipal Airport to Martin & Martin Aviation, LLC comprised of members John Cyrier, Ken (Reine) Smith, and Keith Uhls to be effective October 1, 2018. Shortly thereafter, Martin & Martin Aviation was informed that Stanley Martin's legal counsel was not going to be able to complete the FBO transfer documents due to extenuating circumstances. All parties have agreed to revise the transfer date from October 1, 2018 to January 1, 2019. Cheryl Burrier, Stanley Martin's assistant, confirmed that they will be able to continue to do business and maintain the FBO at the Airport until January 1, 2019. There was discussion.

**D. DISCUSS ORDINANCE 2018-29, ON A REQUEST BY COMMERCE PARK 183, LLC, TO RELEASE 100.367 ACRES LOCATED BETWEEN US 183 / SH 130 AND HOMANNVILLE TRAIL (CR 179) IN THE ISAAC JACKSON SURVEY, ABSTRACT NO. 157, IN CALDWELL COUNTY, TEXAS, FROM THE CITY OF LOCKHART EXTENDED (VOLUNTARY) EXTRATERRITORIAL JURISDICTION.**

Mr. Gibson stated that the owner of a 100.367-acre tract located within the extended Lockhart extraterritorial jurisdiction (ETJ) is requesting that the tract be released from the City's ETJ. That portion of the Lockhart ETJ was created in 1985 when the owners of contiguous tracts petitioned the City to include their property beyond our statutory one-mile ETJ north of the city. The original extension reached all the way to SH 21.

Subsequently, the City of Mustang Ridge was incorporated, and in 2004 the city council approved a request for removal of certain tracts from the north end of the extended ETJ because they would more logically be part of Mustang Ridge. This tract is approximately four and one-half miles north of the Lockhart city limits and abuts the east US 183 / SH 130 right-of-way line. It is connected to the remainder of the Lockhart ETJ only for a distance of approximately 900 feet along Homannville Trail. Unless it is released from our ETJ, any subdivision of the property is subject to Lockhart's subdivision procedures and standards, which are different than the County subdivision standards that apply to most of the surrounding area, and which would apply if the property were not in our ETJ. Because it is so remote from the current Lockhart city limits, and compliance with our subdivision standards is not possible without multiple variances, the owner is requesting that their property be released from the Lockhart extended ETJ, which will continue to be connected by other contiguous tracts to the east of the subject property. Mr. Gibson stated that staff recommended approval. There was discussion.

Mayor White requested the following to address the Council:

Lori Daves, 1904 Ringtail Ridge, Austin, Daves Law Firm, stated she represents the owner, Commerce Park 183, LLC. The applicant is requesting that the property be removed from the City's ETJ because part of their property on Homannville Trail is within the Lockhart's ETJ and the other part is not. They request that the entire parcel be outside the Lockhart ETJ.

Mayor White stated that Council would consider the item during the regular meeting.

**E. DISCUSSION AFTER PRESENTATION BY MARK AND/OR GINA FRENCH ABOUT THE POSSIBILITY OF BRINGING THE KART RACES BACK TO LOCKHART.**

Mayor White stated that Mark and Gina French regret to inform Council that they were not able to travel to Lockhart due to flooding in their area. The presentation will be rescheduled.

**F. DISCUSSION REGARDING THE TEXAS GAS SERVICE COLLECTIONS RECONCILIATION AUDIT UNDER THE COST OF GAS CLAUSE IN THE CONTRACT THAT REQUIRES THE RETURN OF EXCESS REVENUES TO GAS RATE PAYERS IN LOCKHART; THIS APPEARS TO LOWER THE AVERAGE CUSTOMER'S BILL BY 3 TO 5 PERCENT BEGINNING IN OCTOBER 2018 AND CONTINUING THROUGH JUNE 2019.**

Mr. Gruning stated that under the Cost of Gas Clause, Texas Gas Service is required to conduct the audit. The outcome of the audit resulted in decreasing rates to return excess revenue to customers for a nine-month period.

**G. DISCUSSION REGARDING NOT OPPOSING TEXAS GAS SERVICE TARIFF CHANGES RELATED TO THE PROPOSED REVISED CONSERVATION ADJUSTMENT CLAUSE WHICH THE COMPANY ANTICIPATES WILL LOWER GAS RATES FOR THE AVERAGE RESIDENTIAL GAS CUSTOMER.**

Mr. Gruning stated that a tariff is charged to Texas Gas Service (TGS) customers to assist with purchases made by TGS to pay for rebates and equipment. TGS submitted a letter indicating that the proposed tariff changes will not result in a new Conservation Adjustment Clause Tariff rate charge to customers. The tariff will require TGS to update these rate components every three years rather than annually. If cities do not oppose the tariff change, the average residential customer will experience a rate decrease.

Mr. Lewis clarified that the Kart Race representatives requested to reschedule their presentation to the November 6, 2018 meeting.

#### **H. MEET AND GREET CITY MANAGER.**

RECESS: Mayor White announced that the Council would recess for a break and to host a meet and greet for Steve Lewis, City Manager at 7:10 p.m.

### **REGULAR MEETING**

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

Mayor Lew White called the meeting of the Lockhart City Council to order at 7:30 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. There were none.

#### **ITEM 4. CONSENT AGENDA.**

Mayor Pro-Tem Sanchez requested that consent agenda item 4A be pulled. She stated that she was not present at the September 25, 2018 meeting therefore she will abstain from voting on those minutes.

Councilmember Michelson made a motion to approve consent agenda items 4B and 4C. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

4-B. Approve Resolution 2018-19 adopting an Interlocal Cooperative Agreement between Caldwell County and the City of Lockhart for the regulation of subdivisions within the Extraterritorial Jurisdiction of the City of Lockhart, pursuant to Section 242.001(d)(1) of the Texas Local Government Code.

4-C. Approve the effective date of the Lockhart Airport Fixed Based Operator (FBO) Lease Agreement from Mr. Stanley Martin to Martin & Martin Aviation, Inc., comprised of John Cyrier, Keith Uhls, and Reine (Ken) Smith, from October 1, 2018 to January 1, 2019 because of extenuating circumstances.

#### **ITEM 4-A. APPROVE MINUTES OF THE CITY COUNCIL MEETING OF SEPTEMBER 25, 2018 AND OCTOBER 2, 2018.**

Mayor Pro-Tem Sanchez requested the ability to vote on the October 2, 2018 minutes.

Councilmember McGregor made a motion to approve the City Council meeting minutes of September 25, 2018. Councilmember Mendoza seconded. The motion passed by a vote of 6-0-1, with Mayor Pro-Tem Sanchez abstaining.

Mayor Pro-Tem Sanchez made a motion to approve the City Council meeting minutes of October 2, 2018. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 5A: DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2018-29, ON A REQUEST BY COMMERCE PARK 183, LLC, TO RELEASE 100.367 ACRES LOCATED BETWEEN US 183 / SH 130 AND HOMANNVILLE TRAIL (CR 179) IN THE ISAAC JACKSON SURVEY, ABSTRACT NO. 157, IN CALDWELL COUNTY, TEXAS, FROM THE CITY OF LOCKHART EXTENDED (VOLUNTARY) EXTRATERRITORIAL JURISDICTION (ETJ).**

There was discussion regarding the status of the ETJ regulations on the other properties that are further than the one-mile radius of the city limits. Mr. Gibson clarified that if the Council denies releasing the proposed property from the Lockhart ETJ, the city would continue to have authority to regulate the subdivision and sign regulations. If the Council approves releasing the property from Lockhart's ETJ, the city will lose the regulatory authority. There was discussion.

Councilmember Castillo made a motion to deny Ordinance 2018-29, as presented. Mayor Pro-Tem Sanchez seconded. The motion failed by a vote of 2-5, with Mayor White and Councilmembers Westmoreland, Mendoza, McGregor and Michelson opposing.

Councilmember McGregor made a motion to approve Ordinance 2018-29, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 5-2, with Mayor Pro-Tem Sanchez and Councilmember Castillo opposing.

**ITEM 5-B. DISCUSSION AND/OR ACTION AFTER PRESENTATION BY MARK AND/OR GINA FRENCH ABOUT THE POSSIBILITY OF BRINGING THE KART RACES BACK TO LOCKHART.**

Mayor White announced that the item would be tabled until the November 6, 2018 meeting as requested by Mark and Gina French.

**ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING THE TEXAS GAS SERVICE (TGS) COLLECTIONS RECONCILIATION AUDIT UNDER THE COST OF GAS CLAUSE IN THE CONTRACT THAT REQUIRES THE RETURN OF EXCESS REVENUES TO GAS RATE PAYERS IN LOCKHART; THIS APPEARS TO LOWER THE AVERAGE CUSTOMER'S BILL BY 3 TO 5 PERCENT BEGINNING IN OCTOBER 2018 AND CONTINUING THROUGH JUNE 2019.**

Mayor Pro-Tem Sanchez made a motion to approve the Texas Gas Service collections reconciliation audit that resulted in a reduced rate for Texas Gas Service customers. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER NOT OPPOSING TEXAS GAS SERVICE TARIFF CHANGES RELATED TO THE PROPOSED REVISED CONSERVATION ADJUSTMENT CLAUSE WHICH THE COMPANY ANTICIPATES WILL LOWER GAS RATES FOR THE AVERAGE RESIDENTIAL GAS CUSTOMER.**

Mayor Pro-Tem Sanchez made a motion not to oppose the Texas Gas Service tariff changes that will lower gas rates to residential customers. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

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

Mayor White requested appointments to boards and commissions. There were none.

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

- Update: GBRA is reviewing bids for the Well # 9 Rehabilitation project. This well was underproducing and will have to have an aggressive screen cleaning. Project funded out of the 2015 Certificates of Obligation Funds. Item proposed to be presented to Council during November 6 meeting.
- Update: The contractor has completed about 90% of the new 18" water main on West Martin Luther King Jr. Industrial Blvd. that connects the water main on State Park Road at Patton Road.
- Update: Good Utility Neighbor Contribution Program Fund/Donation Form have been sent out in the October 5<sup>th</sup> and 20<sup>th</sup> utility bills. The flyer has also been posted on the City website and Facebook. The Utility Customer Service Department is set up to start receiving donations.
- Report: Hill Country Championship BBQ Cook-Off held at the City Park on October 12 and 13.
- Report: Locktoberfest held downtown on October 13.
- Report: Last Emergency Warning Siren test for 2018 - Monday, October 15 at 1:00 pm.
- Reminder: 15<sup>th</sup> Annual Speaking of the Dead – Night Ramblings from Texas Graveyards at City Cemetery, October 19 & 20 hosted by the Caldwell County Historical Commission.
- Reminder: Feria de Culturas – Annual Dia de Los Muertos event downtown square – Friday, November 2 from 6-9 pm,
- Police Chief's Forum - Oct. 18, 6:30 pm Police Dept. Training Room.
- Domestic Violence Walk – October 27 - 9:30 am to 10:30 am Eastside of the Court House.
- Mental Health Stakeholders Meeting – October 26 11:30 at the Caldwell County Criminal Justice Center.
- Officers wearing Purple Uniform Shirts every Friday this month to bring awareness to Domestic Violence.
- Reminder: Keep Lockhart Beautiful - 11<sup>th</sup> Annual Clean-up, Saturday, November 3, 9:00 am at City Park Pavilion.
- Reminder: November 6 Election information - early voting will be held at 1403 Blackjack Street as follows:
  - Oct 22 – 26, 8am-5pm
  - Sat, Oct 27, 10am-6pm
  - Sun, Oct 28, 10 am-3pm
  - Oct 29-Nov 2, 7am-7pm
 Election Day is Tuesday, November 6.
- Update regarding current weather conditions in regards to possible flooding in the area.

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

Councilmember Westmoreland wished those affected by the floods in west Texas well. He welcomed Mr. Lewis to the City of Lockhart staff.

Councilmember Mendoza welcomed Mr. Lewis to the City of Lockhart staff. He also congratulated Hill Country Cookoff for another successful event.

Mayor Pro-Tem Sanchez welcomed Mr. Lewis to the City of Lockhart staff. She expressed condolences to the families of Walter Anton, Freddie DeLeon, Sr. and Estella Moya for their loss. She congratulated the Hill Country Cookoff for a successful event and to all involved with the 1<sup>st</sup> Annual Locktoberfest. She congratulated Reverend Fritz Williams for his 6<sup>th</sup> year Anniversary at the First Baptist Church in Lockhart.

Councilmember McGregor also welcomed Mr. Lewis to the City of Lockhart staff. She invited everyone to attend the Speaking of the Dead event. She congratulated all events that were held downtown this past weekend.

Councilmember Castillo welcomed Mr. Lewis to the City of Lockhart. He expressed condolences to those that have recently lost a loved one. He asked if the LISD could make a presentation with updates about their operations. He thanked staff for putting up barricades in City District 2 where the water is rising due to frequent rain.

Councilmember Michelson expressed condolences to the family of Joe Rector for their loss. He welcomed Mr. Lewis to the City of Lockhart and commended the Locktoberfest on their first successful event.

Mayor White welcomed Mr. Lewis to Lockhart. He expressed condolences to the family of Joe Rector for their loss. He congratulated Councilmember McGregor for her recent performance during a fundraiser for the Clock Museum and to all that were involved with the other events this past weekend. He stated that he has met with the Downtown Merchants group to discuss the issue about open alcohol containers downtown during times when there is not an event. The annual State of the School, City and County Planning meeting will be held on Thursday, October 18<sup>th</sup> to give information about each entity. He wished Mr. Tobias a speedy recovery.

**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 8:00 p.m.

PASSED and APPROVED this the 6<sup>th</sup> day of November 2018.

**CITY OF LOCKHART**



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Lew White, Mayor

ATTEST:



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Connie Constancio, TRMC  
City Secretary

