

**REGULAR MEETING
LOCKHART CITY COUNCIL**

JANUARY 15, 2019

6:30 P.M.

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3rd FLOOR,
LOCKHART, TEXAS**

Council present:

Councilmember John Castillo
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White
Councilmember Brad Westmoreland
Councilmember Kara McGregor

Council Absent:

Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

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

Connie Constancio, City Secretary
Randy Jenkins, Fire Chief
Ryan Bergerson, Assistant Fire Chief

Citizens/Visitors Addressing the Council: Robert Steinbomer of Steinbomer, Bramwell and Vrazel; Dan Tracy of Austin Community College; Christie Pruitt of the Lockhart Chamber of Commerce; Jared Jacovich of Jacovich & Perry Capital Partners; and, Tony Corbett, Attorney.

Work Session 6:30 p.m.

Mayor White stated that Mayor Pro-Tem Sanchez was absent due to a loss in her family. He 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. DISCUSSION AND PRESENTATION OF THE PROPOSED LOCKHART FIRE STATION #2 AT 1916 W. SAN ANTONIO STREET AS DESIGNED BY THE ARCHITECT FIRM OF STEINBOMER, BRAMWELL, AND VRAZEL. (PRINCIPAL IS ROBERT STEINBOMER).

Robert Steinbomer of Steinbomer, Bramwell and Vrazel and Chief Jenkins provided information about the project. There was discussion regarding the project and estimated costs to build the second Fire Station, which could be up to \$600,000. Chief Jenkins stated that after Fire Station No. 2 is built, staff proposes to move all fire personnel and equipment to Station No. 2 to begin renovation at Fire Station No. 1. There was discussion.

B. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF DECEMBER 11, 2018 AND DECEMBER 18, 2018.

Mayor White requested corrections. There were none.

C. DISCUSS RESOLUTION 2019-01 AMENDING RESOLUTION 2018-18 TO CORRECT THE AMOUNT OF THE DISCOUNT LISTED IN SECTIONS II AND III OF EXHIBIT "A" FOR SENIOR RESIDENTIAL AND RESIDENTIAL DISABLED SOLID WASTE HAND COLLECTION, DISPOSAL, AND RECYCLING SERVICES AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Lewis stated that the Resolution corrects the language regarding the senior citizen discount to reference that a discount is available without listing a dollar figure as established through the contract with Central Texas Refuse. Mr. Lewis recommended approval.

D. DISCUSS THE GRANT AGREEMENT WITH THE ST. DAVID'S FOUNDATION FOR THE GRANT FOR HEALTHIEST PLACES PROJECT AWARDED TO THE CITY OF LOCKHART IN THE AMOUNT OF \$250,000 FOR THE CREATION OF THE TOWN BRANCH TRAIL, AND IF APPROVED APPOINTING THE MAYOR TO SIGN ALL DOCUMENTS AND ACT AS THE AUTHORIZED REPRESENTATIVE IN ALL MATTERS REGARDING THIS GRANT.

Mr. Kelley stated that the grant application for St. David's Healthiest Places was submitted back in September 2018. The grant was formally awarded to the City of Lockhart on December 10, 2018 for the creation of the town Branch Trail within the Lockhart Municipal Park. The Mayor's signature was required before the formal announcement date of December 18, 2018. Mr. Kelley recommended that the agreement be confirmed by the Council. There was discussion.

E. DISCUSS RESOLUTION 2019-03 APPROVING THE TRANSFER OF SPECIAL FUNDS DONATED SOLELY FOR THE SUPPORT OF THE ANNUAL SIP AND STROLL FESTIVAL HELD IN THE CITY TO THE LOCKHART DOWNTOWN BUSINESS ASSOCIATION.

Ms. Larison stated that the City received funds by the Lockhart Downtown Business Association (DBA) specifically to support the annual Sip and Stroll Festival. These funds were placed into a special revenue account for the sole purpose of supporting the Sip and Stroll event. Since the DBA has now received their IRS 501(c)(6), they have requested to be solely responsible for the funds. Since the City finds that the Sip and Stroll event serves a direct and legitimate public purpose by promoting tourism and economic development, this transfer would be considered legal according to Opinion Texas Attorney General No. LO 94-008 (1994). There was discussion.

F. DISCUSS 1ST QUARTER FISCAL YEAR 2019 INVESTMENT REPORT.

Ms. Larison 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. She provided information and there was brief discussion regarding the following topics of the 1st Quarter for Fiscal Year 2019, ending December 31, 2018:

- Quarterly Investment Report
- Investment Portfolio Summary
- Cash Accounts
- Marketable Securities Transaction Summary
- Investment Pool Transactions Summary
- Certificates of Deposit Transaction Summary
- Investment Pools
- Bank of the Ozarks Collateralization

G. DISCUSS UTILITY PAYMENT ASSISTANCE AGREEMENT WITH COMMUNITY ACTION.

Ms. Larison stated that annually, the City's utility department will sign a contract with Community Action to receive payments for assistance to approved citizens' accounts. In the contract for 2019, Community Action has added a new clause that states that any deposits will be returned to Community Action. According to the city's policy, deposits are returned only to account holders; therefore, since Community Action is not listed as an account holder, they would not be eligible to receive deposit refunds unless the policy is changed.

Mayor asked if the City should change the policy regarding the deposit. Ms. Larison replied that Community Action does not pay a deposit on behalf of an account holder. They pay a monthly utility bill that is due; not a deposit for new utility accounts. She did not believe that changing the policy regarding deposits was necessary at this point.

H. DISCUSS RESOLUTION 2019-02 APPROVING A TYPE B PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF AUSTIN COMMUNITY COLLEGE IN THE AMOUNT OF \$32,000 TO PURCHASE EQUIPMENT USED TO TEACH HEATING, VENTILATION AND AIR CONDITIONING (HVAC), WELDING, ELECTRICAL, PLUMBING AND OTHER HIGH DEMAND OCCUPATIONS AT THE LOCKHART ISD CISNEROS CAMPUS.

Dan Tracy of Austin Community College stated that they are working with the City of Lockhart, the Lockhart Chamber of Commerce and the Lockhart Independent School District to offer HVAC classes at the Cisneros campus in Lockhart beginning February 2019. The class schedule remains to be set and is dependent upon the number of students that enroll. The first classes are intended to be on Tuesday and Thursday from 6:30-9:30 p.m. and some Saturdays from 8:30 a.m. until 2:00 p.m. for approximately 16-20 weeks. ACC's goal is to have 12-16 students in the class. ACC is also working with the Rural Capital Area Workforce Solutions Board to assist with recruiting students and to assist the students with financial aid. Job placement assistance will also be provided.

There was discussion regarding adding classes for other trades such as welding, electrical, and plumbing in the near future.

I. DISCUSS RESOLUTION 2019-04 GRANTING WRITTEN CONSENT TO THE CREATION OF THE CLEAR FORK RANCH MUNICIPAL UTILITY DISTRICT (M.U.D.), and J. DISCUSS CONSENT AGREEMENT FOR CLEAR FORK RANCH MUNICIPAL UTILITY DISTRICT (M.U.D.).

Mr. Gibson stated that during the October 2, 2018 City Council meeting, the Council was informed about a proposal for the creation of a municipal utility district, a portion of which will be in the City of Lockhart extraterritorial jurisdiction (ETJ). The Clear Fork Ranch M.U.D. will be located along both sides of the north/south portion of Borchert Loop, adjacent to the west city limits of Lockhart. It will consist primarily of single-family homes and an elementary school site, with the possibility of commercial development along the south side of SH 142. The City has the option to consent or object to the creation of the portion within our ETJ. Multiple meetings between the City staff and the developers have resulted in a negotiated consent agreement. The agreement protects the City's interests by: 1) ensuring that the development will meet City standards, comply with our thoroughfare plan and other plans, as applicable; and be subject to review and inspections by the City; and, 2) providing for future annexation of the M.U.D. by the City. There was discussion.

Mr. Gruning clarified that the consent to the creation of the M.U.D. is the City's authorization to initiate the proceedings and it indicates that the City does not oppose the M.U.D. There is a possibility that the City might want to annex a portion of property in the M.U.D., and the consent agreement assures that when the city annexes in the future, both parties understand what is expected during the annexation process. There was discussion.

Jared Jacovich of Jacovich & Perry Capital Partners stated that the discussions held during the Council meeting in October 2018 remain. The developer wants to work with the City and the County to assure that all entities are agreeable with the M.U.D. He stated that, as requested by the city, a future arterial street as shown on the City's thoroughfare plan has been added alongside the proposed Kinder Morgan pipeline that has slightly reduced the residential lots to approximately 1,700. He reminded the Council that they are offering to donate approximately 12 acres of property for a new elementary school. He thanked city staff for working with them regarding the M.U.D. There was discussion.

Tony Corbett provided information regarding how the M.U.D is created, which will begin with filing a notice of intent during this legislative session in addition to all other required steps. If all goes as anticipated, the district should be created during this legislative session. If the legislature does not approve the creation of the district, the alternative would be to file an application with the Texas Commission on Environmental Quality. If the legislature approves the creation of the M.U.D., the creation of any district would be subject to the confirmation at an election held in the district in a uniform election, which is anticipated to be November 5, 2019.

Mr. Jacovich stated that the development of the district would begin shortly after the election.

Mr. Corbett also stated that, upon request by the Council, a Strategic Partnership Agreement would also be entered into between the M.U.D. and the City of Lockhart as a mechanism to allow the city to collect sales tax from the commercial development within the district even though the district is not within the city limits.

There was discussion regarding the residential development.

Councilmember Castillo questioned whether the M.U.D. is in a floodplain and if the City would eventually be responsible for providing utilities. Mr. Gibson clarified that the city would not provide electric, water or wastewater to the MUD because it is outside of the city's utility service area. Other companies would provide electric, water, and wastewater to the new district. Mr. Jacovich stated that they would make sure that no homes are built within the floodplain area as well as following requirements to develop infrastructure to be able to accommodate heavy rain. As mentioned earlier, the district will donate property to allow a new school to be built to accommodate growth.

K. DISCUSS UPDATE ON THE STATUS OF THE NEW CITY BRANDING EFFORT.

Mayor White stated that at the last meeting, the Council agreed to dissolve the Branding Committee and allow citizens to work on a proposed new logo. He stated that the individuals that are working on a proposal regarding a new logo requested additional time. There was discussion.

Mayor White stated that Councilmember Michelson would join him and the other individuals to work on a proposed city logo to present at a future meeting.

RECESS: Mayor White announced that the Council would recess for a break at 7:43 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.

Councilmember Castillo 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 regarding items that are not on the agenda. There were none.

ITEM 4-A. CONDUCT FIRST READING AND DISCUSSION REGARDING RESOLUTION 2019-02 APPROVING A TYPE B PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF AUSTIN COMMUNITY COLLEGE IN THE AMOUNT OF \$32,000 TO PURCHASE EQUIPMENT USED TO TEACH HEATING, VENTILATION AND AIR CONDITIONING (HVAC), WELDING, ELECTRICAL, PLUMBING AND OTHER HIGH DEMAND OCCUPATIONS AT THE LOCKHART ISD CISNEROS CAMPUS.

Mr. Lewis conducted the first reading. He read Resolution 2019-02 in its entirety.

Councilmember Mendoza asked if classes for a Certified Nurse Assistant (CNA) would also be offered in the future. Mr. Tracy responded that ACC would review adding CNA classes.

ITEM 5. CONSENT AGENDA.

Councilmember McGregor made a motion to approve consent agenda items 5A, 5B, 5C, 5D, 5E, and 5F. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the City Council meeting of December 11, 2018 and December 18, 2018.
- 5B: Approve Resolution 2019-01 amending Resolution 2018-18 to correct the amount of the discount listed in Sections II and III of Exhibit "A" for senior residential and residential disabled solid waste hand collection, disposal, and recycling services and establishing an effective date.
- 5C: Approve the Grant Agreement with the St. David's Foundation for the grant for Healthiest Places Project awarded to the City of Lockhart in the amount of \$250,000 for the creation of the Town Branch Trail, and if approved appointing the Mayor to sign all documents and act as the authorized Representative in all matters regarding this grant.
- 5D: Approve Resolution 2019-03 approving the transfer of special funds donated solely for the support of the Annual Sip and Stroll Festival held in the City to the Lockhart Downtown Business Association.
- 5E: Accept 1st Quarter Fiscal Year 2019 Investment Report.
- 5F: Approve Utility Payment Assistance Agreement with Community Action.

ITEM 6-A. CONDUCT SECOND READING AND DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2019-02 APPROVING A TYPE B PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF AUSTIN COMMUNITY COLLEGE IN THE AMOUNT OF \$32,000 TO PURCHASE EQUIPMENT USED TO TEACH HEATING, VENTILATION AND AIR CONDITIONING (HVAC), WELDING, ELECTRICAL, PLUMBING AND OTHER HIGH DEMAND OCCUPATIONS AT THE LOCKHART ISD CISNEROS CAMPUS.

Mr. Lewis conducted the second reading. He read Resolution 2019-02 in its entirety.

Councilmember Michelson made a motion to approve Resolution 2019-02, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2019-04 GRANTING WRITTEN CONSENT TO THE CREATION OF THE CLEAR FORK RANCH MUNICIPAL UTILITY DISTRICT (M.U.D.).

Councilmember McGregor made a motion to approve Resolution 2019-04, as presented. Councilmember Michelson seconded. The motion passed by a vote of 5-1, with Councilmember Castillo opposing.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER APPROVAL OF CONSENT AGREEMENT FOR CLEAR FORK RANCH MUNICIPAL UTILITY DISTRICT (M.U.D.).

Councilmember Michelson made a motion to approve the consent agreement for Clear Fork Ranch Municipal Utility District, as presented. Councilmember McGregor seconded. The motion passed by a vote of 5-1, with Councilmember Castillo opposing.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING AN UPDATE ON THE STATUS OF THE NEW CITY BRANDING EFFORT.

Mayor White stated that the branding effort will be on the first council agenda in February 2019.

ITEM 6-E. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards and commissions.

Councilmember Michelson made a motion to appoint Rick Arnic to the Planning and Zoning Commission. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.

- Events:
 - Annual District 1 PRIDE Martin Luther King, Jr. March will be held on January 21. March route will begin at E. Martin Luther King, Jr. Industrial Blvd. to San Antonio Street to West Prairie Lea St. at the Connections Center. Horses and dogs will be in the march.
 - March 2, 2019, Household Hazardous Waste Collection Event (HHW) will be held at City Park from 9am-12(noon).
- Bids for the City Line Road Realignment project are due on February 7 with the Council award scheduled for February 19.
- Update regarding future Fire Station #2.
- City staff developing Horse-Drawn Carriage rules and regulations for future City Council consideration.
- Submission of the 2018 City Annual Report.

- First Quarter Financial Report for Fiscal Year 2019.
- The City has engaged MuniServices to assist the City in maximizing Hotel Occupancy Tax (HOT) funds it is entitled to through an on-site examination of records for two properties over the next 12 months.
- Development Services Department is offering a workshop regarding historic district local, State, and Federal tax credit and incentives available to owners of certified historic structures on February 6 at 5:30 p.m. at City Hall-Glosserman Room.
- Texas Department of State Health Services announced that the City of Lockhart has been awarded a Water Fluoridation Quality Award from the U.S. Centers for Disease Control and Prevention. The award recognizes communities that maintained a consistent level of optimally fluoridated water throughout 2017.
- The Guadalupe-Blanco River Authority (GBRA) submitted a refund to the City of Lockhart in the amount of \$229,279.48 for operational savings in Fiscal Year 2018.
- ProKart Race has expressed interest in a race in Lockhart in 2020.
- Finance Director interviews will be held on Friday, January 18.
- Library:
 - Tax Aid at the Library- Free AARP Tax aid at the library beginning February 4 on Mondays - 9 a.m. to 12:00 a.m. and Thursdays - 4:00 p.m. to 7:00 p.m.
 - Poetry Night at the Library- Thursday, January 24 from 7 to 8 p.m. Light refreshments will be served.
- Economic Development:
 - The Turner Company should begin construction of their precast concrete plant soon as TXDOT has approved their temporary driveway permit allowing access onto the 31-acre tract off of SH 142. The company will be investing \$3 million and employing up to 100 over a 5-year period.
 - Updates and improvements are being planned for the monument signs and landscaping leading into the Lockhart Industrial Park. Should be completed in 1st quarter.
- Reminder - upcoming special Council meetings: Tuesday, January 22 at 6:30 p.m. to discuss steps to implement the adopted Parks Master Plan and Saturday, February 2 at 8:00 am for a Council Goals workshop.

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

Councilmember Westmoreland expressed condolences to the families of Eulalio Sanchez and Jimmy Hernandez for their loss. He reminded everyone about the Lockhart Chamber of Commerce annual banquet that will be held on January 19.

Councilmember Mendoza expressed condolences to the Sanchez family for their loss. He thanked Fiber Technology for the tour of their new facility.

Councilmember McGregor expressed condolences to the Sanchez family for their loss. She invited everyone to the MLK March that will be held on Monday, January 21st.

Councilmember Castillo expressed condolences to the Hernandez and Sanchez families for their loss. He expressed regrets that he will not be able to attend the Lockhart Chamber of Commerce banquet due to a prior commitment. He thanked the City Manager for assisting with several issues and stated that he looked forward to the council meeting scheduled on February 2.

Councilmember Michelson expressed condolences to the Sanchez family for their loss. He stated that he looks forward to a productive 2019.

Mayor White expressed condolences to the Sanchez, Hernandez and Chesser families for their loss. He stated that he attended the Lockhart Downtown Business Association (DBA) meeting; they discussed several events in 2019. The DBA also discussed open containers on the downtown square during events; staff will research regulations for Council's consideration during a meeting in February.

ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.074 – TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE. DISCUSSION REGARDING THE CITY MANAGER’S THREE-MONTH PERFORMANCE REVIEW.

Mayor White announced that the Council would enter Executive Session at 8:40 p.m.

ITEM 10. OPEN SESSION - DISCUSSION AND/OR ACTION REGARDING THE CITY MANAGER’S THREE-MONTH PERFORMANCE REVIEW.

Mayor White announced that the Council would enter Open Session at 9:30 p.m.

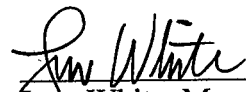
He stated that the City Manager received an excellent three-month review. There was no action taken.

ITEM 11. ADJOURNMENT.


Councilmember McGregor made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 9:30 p.m.

PASSED and APPROVED this the 19th day of February 2019.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

