

**LOCKHART CITY COUNCIL
REGULAR MEETING**

JANUARY 5, 2016

6:30 P.M.

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3rd 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 6:32 p.m.)
Councilmember Benny Hilburn
Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Sandra Mauldin, Economic Dev. Director
Michael Lummus, Police Chief

Connie Constancio, City Secretary
Jeff Hinson, Finance Director
Bonnie Townsend, Municipal Court Manager
Joseph Gorman, Fire Chief

Citizens/Visitors Addressing the Council: Richard Anzaldua, Citizen.

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 MINUTES OF THE CITY COUNCIL MEETING OF DECEMBER 15, 2015.

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

B. DISCUSS ORDINANCE 2016-01 AUTHORIZING THE LOCKHART MUNICIPAL COURT TO EMPLOY ONE OR MORE JUVENILE CASE MANAGERS AND ESTABLISHING A JUVENILE CASE MANAGER FEE AND FUND.

Ms. Townsend stated that Article 45.056 of the Code of Criminal Procedure authorizes a municipality to employ a Juvenile Case Manager (JCM) and Article 102.0174 of the Code of Criminal Procedure (CCP) provides for an additional Court Cost of up to \$5.00 to support funding for the JCM position. With new legislation being passed each session regarding juveniles, these cases are becoming increasingly complex in nature and require the court to monitor cases to the completion. The JCM provides services in juvenile cases consistent with the court's statutory powers and reports information/recommendations to the judge in making decisions in the best interest of a child. The court's juvenile caseload is increasing and an existing Deputy Clerk could be appointed as the part-time JCM as their primary position while still performing regular clerical duties. Ms. Townsend recommended approval. There was discussion.

C. DISCUSS RESOLUTION 2016-01 ADOPTING ETHICAL AND TRAINING STANDARDS FOR JUVENILE CASE MANAGERS EMPLOYED BY THE CITY, AND PROVIDING FOR THE IMPLEMENTATION AND REVIEW OF THE STANDARDS.

Ms. Townsend stated that Article 45.056 of the Code of Criminal Procedure mandates that the governing body employing a Juvenile Case Manager (JMC) shall adopt reasonable rules that provide a code of ethics and appropriate educational pre-service and in-service training standards. To ensure that a JCM is training properly and is aware of what is expected, the ethical rules and training standards will be reviewed annually with the JCM appointed to the court. Ms. Townsend recommended approval.

D. DISCUSS RECOMMENDED FUELS BID AWARD TO SCHMIDT & SONS, INC. OF LOCKHART WITH A PROFIT MARGIN OF 4 CENTS FOR GASOLINE AND 5 CENTS FOR DIESEL OVER THE OIL PRICE INFORMATION SERVICES (OPIS) PRICE FROM AUSTIN, TEXAS, RACK, POSTED WEEKLY.

Mr. Rodgers stated that fuel bids were sought in compliance with State law. The City uses about 40,000 gallons of gasoline and 26,000 gallons of diesel per year. Bids were received from Johnson Oil of Gonzales, Texas, and Schmidt & Sons, Inc., of Lockhart. The best bid was submitted by Schmidt & Sons, Inc. of Lockhart. Local companies were also allowed an additional 5% consideration in their bid submittals. Besides being a local company, Schmidt & Sons have a long history of timely deliveries when the fuel is needed by the City. The company also provides 24 hour emergency fuel supplies from their facility on Patton Road when the City fuel systems are down due to maintenance or repairs. Mr. Rodgers recommended approval.

E. DISCUSS THE CITY MANAGER'S RECOMMENDED STEP PAY PLAN INCREASES ESTIMATED AT \$144,909 FOR THE POLICE AND FIRE DEPARTMENTS TO HELP ATTRACT NEW HIRES AND RETAIN EMPLOYEES TO BE EFFECTIVE LAST PAYROLL PERIOD IN FEBRUARY, 2016.

Mr. Rodgers stated that the Step Pay Plan for police and fire departments needs to be increased to help attract new employees and to help retain employees. Lockhart is losing officers to Buda, San Marcos, and other cities. The proposed adjustments will raise starting wages by \$1 per hour and also adjust and extend the pay steps. The tenure steps in the current Step Pay Plan have not been adjusted since Civil Service was passed by voters almost 10 years ago. The Step Pay Plans have been COLA adjusted over the past four years when granted by Council. Mr. Rodgers stated that the City Manager, Police Chief, and Fire Chief recommend approval.

There was discussion about the Council's regret of not being able to also award pay increases to non civil service employees.

F. DISCUSS ORDINANCE 2016-03 REPEALING UN-CODIFIED ORDINANCE 2014-20 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING THE CITY PERSONNEL POLICY MANUAL REMOVING PERFORMANCE OR MERIT PAY FOR POLICE AND FIRE PERSONNEL AND ADOPTING A STEP PAY PLAN FOR POLICE AND FIRE DEPARTMENTS UNDER CIVIL SERVICE WITH ADJUSTMENTS AS APPROVED BY THE CITY COUNCIL DURING THE FISCAL YEAR 2015-2016 BUDGET OF THE CITY OF LOCKHART.

Mr. Rodgers stated that the Ordinance is presented for consideration if the Step Pay Plan for Police and Fire Departments is approved to be increased as recommended in the previous item. The Ordinance carries out the increases as discussed.

G. DISCUSS FORMAL REQUEST FROM THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) FOR THE CITY COUNCIL TO CONSIDER UNDER TEXAS LOCAL GOVERNMENT CODE, SEC. 253.012 CONVEYING LOTS 12-A AND 12-B IN BLOCK 1, REPLAT OF LOT 12, OF THE LOCKHART INDUSTRIAL PARK II (APPROX. 2.5 ACRES) TO LEDC WITH A REQUIREMENT THAT LEDC USE THE PROPERTY TO PRIMARILY PROMOTE A PUBLIC PURPOSE BY BENEFITING ECONOMIC DEVELOPMENT WITHIN THE CITY OR BE SUBJECT TO REVERSION BACK TO THE CITY, INSTRUCTING THE CITY MANAGER TO WORK WITH THE CITY ATTORNEY TO PREPARE THE NECESSARY CONVEYANCE LEGAL DOCUMENTS THAT SHALL INCLUDE THE REVERSION LANGUAGE, AND APPOINTING THE MAYOR TO SIGN ALL FINAL LEGAL DOCUMENTS.

Mr. Rodgers stated that a formal letter was approved by LEDC on Monday, January 4, 2016, that requests the City Council to consider transferring to LEDC, with reversion rights, Lots 12-A and 12-B, Block 1, Replat of Lot 12, in the industrial park. LEDC would sell or lease the property in the interest of a public purpose that primarily promotes economic development within the City. This can be done with the approval of the Council according to the Texas Local Government Code, Sec. 253.012. If LEDC fails to ensure that the sale or lease does not promote economic development, the property will revert back to the City. LEDC, being a non-profit corporation, can more efficiently market the property by offering it at a reduced cost as long as the buyer or lessee provides job creation and/or other verifiable economic development that benefits the City. Council has previously done this for other lots in the Industrial Park which helped to attract a large business. Mr. Rodgers recommended approval. There was discussion.

H. DISCUSS ORDINANCE 2016-02 AMENDING THE LOCKHART CODE OF ORDINANCES, CHAPTER 32, ARTICLE II, CAPTION "EUGENE CLARK LIBRARY" TO CREATE A QUIET ZONE IN THE INTEREST OF A PUBLIC PURPOSE.

Mr. Gruning stated that the purpose of this ordinance is to help control unwanted noise in and around the library so that library patrons and those attending meetings can use and enjoy the library in peace and quiet. It will also help staff in performing their normal library duties because it will reduce the amount of time spent dealing with patrons and/or visitors creating noise which unreasonably interferes with persons properly using the library. It requires that signs are displayed throughout the library to inform patrons about the quiet zone regulations. Mr. Gruning recommended approval. There was discussion.

I. DISCUSSION REGARDING \$200,000 IN FEDERAL FUNDS THROUGH CAPITAL AREA METROPOLITAN ORGANIZATION (CAMPO) ALLOCATED BY CALDWELL COUNTY COMMISSIONERS' COURT FOR ENGINEERING, DESIGN, AND SURVEYING COSTS INVOLVED WITH THE RECONSTRUCTION OF CITY LINE ROAD BETWEEN SH 142 AND CLEARFORK STREET.

Mr. Rodgers stated that Mayor White visited with Judge Schawe about this project. City Manager requested on behalf of the City Council that the Commissioners' Court consider allocating \$200,000 toward the engineering, design, and surveying costs associated with reconstruction of City Line Road between SH 142 and Clearfork. This allocation was graciously and unanimously approved by the Commissioners' Court at the December 28, 2015 meeting. There is a 20% match required for these STMP MM transportation funds through CAMPO. The match can be cash or toll road credits based on volumes which we will explore. These funds will help Lockhart to have a "shovel ready project" should additional funding become available to reconstruct City Line Road. Mr. Rodgers recommended approval. There was discussion.

J. DISCUSSION REGARDING CITY MANAGER'S PROPOSED POLICY PROHIBITING CITY EMPLOYEES FROM CARRYING GUNS, CONCEALED OR OTHERWISE, WHILE ON DUTY OR IN A CITY VEHICLE OR PRIVATE VEHICLE USED FOR CITY BUSINESS, UNLESS THE EMPLOYEE IS A CERTIFIED LICENSED PEACE OFFICER.

Mr. Rodgers stated that he proposes a policy that prohibits City employees from carrying guns, concealed or otherwise, while on duty or while in a City vehicle or private vehicle used for City business, unless the employee is a certified licensed peace officer. There was discussion. Mr. Rodgers recommended approval.

K. DISCUSSION REGARDING A PROPOSED 5-YEAR CONTRACT WITH THE HILL COUNTRY COOK-OFF ASSOCIATION FOR USE OF CITY PARK FOR ITS ANNUAL EVENT TO BE HELD EACH 2ND WEEKEND IN OCTOBER BEGINNING IN 2016.

Mr. Rodgers stated that several Councilmembers requested that the City Manager meet with Richard Anzaldua and others with the Hill Country Cook-Off Association last week to discuss an annual use agreement of City Park for their cook-off event. The last one held in the park was very well planned, well attended, and economically beneficial to Lockhart area residents and businesses. This group provides all insurance requirements. The event holders did a fantastic job cleaning up after the event. The HCCO has requested a 5-year agreement for use of City Park the 2nd weekend in October beginning in 2016. There was discussion. Mr. Rodgers recommended approval.

Richard Anzaldua, 102 Capistrano, San Marcos, stated that the cook-off event last year was successful and that the cooks enjoyed being in Lockhart. He requested that the future cook-offs continue to be allowed in Lockhart for the next five years and commended Lockhart for being such a friendly community. He suggested that the Council consider putting an environmental friendly weather proof top surface on the ground where they hold their cook-off to eliminate mud and a mess in the event of rainy weather. Mr. Anzaldua also stated that the HCCO is willing to assist with funding the surface improvements.

There was discussion.

L. DISCUSSION AFTER UPDATE REPORT BY CITY MANAGER REGARDING 2015 CERTIFICATES OF OBLIGATION PROJECTS.

Mr. Rodgers provided an update.

M. DISCUSSION REGARDING CITY CELL PHONES FOR MAYOR AND COUNCIL.

Mr. Rodgers stated that Mayor White requested that this item be placed on the agenda for Council's consideration. The estimated annual costs for phone service, texting, and email service is estimated at \$6,300. There was brief discussion. Mayor White suggested that the item be tabled until the next meeting.

RECESS: Mayor White announced that the Council would recess for a break at 7:35 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 7:50 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 Pro-Tem Sanchez made a motion to approve consent agenda items 4A, 4B, 4C, 4D, 4E, 4F, 4G with corrections, and 4H. Councilmember Michelson seconded. The motion carried by a vote of 7-0.

The following are the consent agenda items that were approved:

- 4A: Approve minutes of the City Council meeting of December 15, 2015.
- 4B: Approve Ordinance 2016-01 authorizing the Lockhart Municipal Court to employ one or more Juvenile Case Managers and establishing a Juvenile Case Manager fee and fund.
- 4C: Approve Resolution 2016-01 adopting ethical and training standards for Juvenile Case Managers employed by the City, and providing for the implementation and review of the standards.
- 4D: Approve recommended fuels bid award to Schmidt & Sons, Inc. of Lockhart with a profit margin of 4 cents for gasoline and 5 cents for diesel over the Oil Price Information Services (OPIS) price from Austin, Texas, RACK, posted weekly.
- 4E: Approve the City Manager's recommended step pay plan increases estimated at \$144,909 for the Police and Fire Departments to help attract new hires and retain employees to be effective last payroll period in February, 2016.
- 4F: Approve Ordinance 2016-03 repealing un-codified Ordinance 2014-20 in its entirety and adopting this Ordinance regarding the City Personnel Policy Manual removing Performance or Merit Pay for Police and Fire Personnel and adopting a step pay plan for Police and Fire Departments under Civil Service with adjustments as approved by the City Council during the Fiscal Year 2015-2016 budget of the City of Lockhart.
- 4G: Approve formal request from the Lockhart Economic Development Corporation (LEDC) for the City Council to consider under Texas Local Government Code, Sec. 253.012 conveying Lots 12-A and 12-B in Block 1, Replat of Lot 12, of the Lockhart Industrial Park II (approx. 2.5 acres) to LEDC with a requirement that LEDC use the property to primarily promote a public purpose by benefiting economic development within the City or be subject to reversion back to the City, instructing the City Manager to work with the City Attorney to prepare the necessary conveyance legal documents that shall include the reversion language, and appointing the Mayor to sign all final legal documents, as corrected.
- 4H: Approve Ordinance 2016-02 amending the Lockhart Code of Ordinances, Chapter 32, Article II, Caption "Eugene Clark Library" to create a quiet zone in the interest of a public purpose.

ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING \$200,000 IN FEDERAL FUNDS THROUGH CAPITAL AREA METROPOLITAN ORGANIZATION (CAMPO) ALLOCATED BY CALDWELL COUNTY COMMISSIONERS' COURT FOR ENGINEERING, DESIGN, AND SURVEYING COSTS INVOLVED WITH THE RECONSTRUCTION OF CITY LINE ROAD BETWEEN SH 142 AND CLEARFORK STREET.

Mayor Pro-Tem Sanchez made a motion to approve \$200,000 in Federal Funds through Capital Area Metropolitan Organization (CAMPO) allocated by Caldwell County Commissioners' Court for engineering, design, and surveying costs involved with the reconstruction of City Line Road between SH 142 and Clearfork Street. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING CITY MANAGER'S PROPOSED POLICY PROHIBITING CITY EMPLOYEES FROM CARRYING GUNS, CONCEALED OR OTHERWISE, WHILE ON DUTY OR IN A CITY VEHICLE OR PRIVATE VEHICLE USED FOR CITY BUSINESS, UNLESS THE EMPLOYEE IS A CERTIFIED LICENSED PEACE OFFICER.

Councilmember Michelson made a motion to approve the policy prohibiting City employees from carrying guns, concealed or otherwise, while on duty or in a city vehicle or private vehicle used for city business, unless the employee is a certified licensed peace officer. Councilmember Hilburn seconded. There was discussion. The motion passed by a vote of 7-0.

ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING A PROPOSED 5-YEAR CONTRACT WITH THE HILL COUNTRY COOK-OFF ASSOCIATION FOR USE OF CITY PARK FOR ITS ANNUAL EVENT TO BE HELD EACH 2ND WEEKEND IN OCTOBER BEGINNING IN 2016.

Councilmember Castillo made a motion to accept a 5-year contract with the Hill Country Cook-Off Association for use of City Park for its annual event to be held each 2nd weekend in October beginning in 2016. Mayor Pro-Tem Sanchez seconded. There was discussion about the surface cover. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION AFTER UPDATE REPORT BY CITY MANAGER REGARDING 2015 CERTIFICATES OF OBLIGATION PROJECTS.

There was no action.

ITEM 5-E. DISCUSSION AND/OR ACTION REGARDING CITY CELL PHONES FOR MAYOR AND COUNCIL.

Mayor White made a motion to table the item until the January 19, 2016 meeting. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

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

Mayor White requested appointments to various boards, commissions or committees.

Mayor Pro-Tem Sanchez announced that Jeff Johnson resigned his position on the Parks Advisory Board and that she hopes to replace the vacant position soon.

Mayor White announced that Jeff Gibeaux resigned from the Historical Preservation Commission due to his work schedule. John Lairsen resigned his position on the Construction Board because he would prefer to be a member of the Historical Preservation Commission.

Mayor White made a motion to appoint John Lairsen to the Lockhart Historical Preservation Commission. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

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

- Update- US 183 widening project.
- Update- Police Officer training regarding new firearm laws.

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

Councilmember Westmoreland wished everyone a Happy New year and a prosperous 2016.

Councilmember Mendoza wished everyone a Happy New year.

Mayor Pro-Tem Sanchez wished everyone a Happy New year. She thanked the Lockhart Police Association for delivering gifts to 200+ children during the Christmas holiday. She congratulated Homer and Shirley Williams on their 50th Anniversary. She inquired about the budget retreat of which there was discussion about scheduling the retreat soon.

Councilmember Hilburn wished everyone a Happy New year.

Councilmember Castillo wished everyone a Happy New year. He expressed appreciation to all City employees.

Councilmember Michelson wished everyone a Happy New year.

Mayor White thanked the Council and City staff for their time and for their dedication to the community.

ITEM 8. ADJOURNMENT.

Councilmember Mendoza made a motion to adjourn the meeting. Mayor Pro-Tem Sanchez seconded. The motion carried by a vote of 7-0. The meeting was adjourned at 8:15 p.m.

PASSED and APPROVED this the 19th day of January 2016.


CITY OF LOCKHART



Lew White, Mayor



ATTEST:



Connie Constancio, TRMC
City Secretary