

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**OCTOBER 18, 2016**

**6:30 P.M.**

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

**Council present:**

Councilmember John Castillo  
Councilmember Juan Mendoza  
Councilmember Jeffry Michelson

Mayor Lew White  
Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 6:35 p.m.)  
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:** Charles Johnson and Janey Mae Evans, Citizens; Margaret Moore, Travis County District Attorney; and, LeeAnn Callaway of Congressman Lloyd Doggett's Office.

**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 OCTOBER 4, 2016.**

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

**B. DISCUSS PROPOSED CLINICAL AFFILIATION AGREEMENT BETWEEN THE TEXAS A&M ENGINEERING EXTENSION SERVICE (TEEX) AND THE CITY OF LOCKHART – CALDWELL COUNTY EMERGENCY MEDICAL SERVICES (EMS) TO ALLOW STUDENTS TO RIDE ON EMS UNITS FOR REQUIRED CLINICAL EXPERIENCE TO PROMOTE EXCELLENCE IN PATIENT CARE, TO ENSURE PROFESSIONAL COMPETENCE, AND TO PROVIDE MAXIMUM UTILIZATION OF COMMUNITY RESOURCES, AND APPOINTING THE CITY MANAGER TO SIGN THE AGREEMENT, IF APPROVED.**

Mr. Rodgers stated that the proposed agreement allows TEEX students to ride with Lockhart EMS units to gain required experience in pursuing excellence in patient care, to promote professional competence, and to provide maximum utilization of community resources. Mr. Rodgers recommended approval and stated that these students could be our next generation of Paramedics. There was discussion.

**C. DISCUSS RECOMMENDATION TO THE CALDWELL COUNTY COMMISSIONER'S COURT TO CONSIDER APPOINTMENT OF DAN GIBSON, CITY PLANNER, TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) TECHNICAL ADVISORY COMMITTEE AS THE REPRESENTATIVE FROM CITIES WITHIN CALDWELL COUNTY.**

Mr. Rodgers stated that recent changes at CAMPO result in only one appointment on the Technical Advisory Committee from cities within Caldwell County with that appointment coming from the Caldwell County Commissioner's Court. Dan Gibson, City Planner, has served commendably on the Technical Advisory Committee. Mr. Rodgers requested that Council consider recommending to the Commissioner's Court that Mr. Gibson be appointed to serve on the Technical Advisory Committee. There was discussion.

**D. DISCUSS THE 4TH QUARTER FISCAL YEAR 2016 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 information and there was brief discussion about the 4<sup>th</sup> Quarter 2016 Investment report ending September 30, 2016.

**E. DISCUSS ANNUAL AUDIT OF CHAPTER 59 ASSET FORFEITURE FUNDS OF THE LOCKHART POLICE DEPARTMENT 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 Procedures is required to file an annual asset 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 and receive property. The Lockhart Police Department fits that definition. The report must account for every seizure, forfeiture, receipt, and specific expenditure of all proceeds in an annual audit. Mr. Hinson recommended approval of the report that would include the activity of interest and one asset forfeiture for the period beginning October 1, 2015 and ending September 30, 2016. There was discussion.

**F. DISCUSS CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER; REAPPOINTMENT OF DOUG SHOMETTE FOR A THREE YEAR TERM AS RECOMMENDED BY THE CITY MANAGER.**

Mr. Rodgers stated that Mr. Shomette has served on the Commission for the past 10 years. According to Civil Service regulations, he can be reappointed for an additional 3-year term if the appointment is confirmed by a two-third majority vote of the City Council. Mr. Shomette has graciously agreed to continue serving on the commission. Mr. Rodgers stated that he and the Civil Service Director concurs that Mr. Shomette has been an asset to the Commission and recommends reappointed.

**G. DISCUSS CHANGE ORDER #1 FOR QRO-MEX CONSTRUCTION COMPANY, INC., TO INCREASE THE CURRENT CONTRACT BY \$359,412 MAKING THE NEW CONTRACT AMOUNT \$2,108,665 FOR DRAINAGE, UTILITY, AND ROAD IMPROVEMENTS ON EAST WALNUT STREET BETWEEN CITY PARK AND CARVER STREET AND ON THE EAST MARKET STREET DRAINAGE AREA, AND APPOINTING THE MAYOR TO SIGN THE CHANGE ORDER, IF APPROVED.**

Mr. Rodgers stated that Qro-Mex Construction Company, Inc. has the current contract to perform utility, drainage, and street improvements on the Richland Drive project and on the Mesquite-Braden-Vega-Wichita Street project; the unit prices for the week were very good. The contractor has agreed to

extend the same unit prices for the proposed change order. The total current contract is \$1,749,253. The proposed Change Order #1 would add \$359,412 to the current contract to construct drainage and street improvements on East Walnut Street, West of Carver Street and to make drainage improvements on the south side of East Market Street east of the railroad tracks. The increase in the contract, if approved, would be 20.5% (State law allows up to 25% increase without re-bidding). The new contract amount, if change order #1 is approved, will then be \$2,108,665. Mr. Rodgers recommended approval.

**H. DISCUSS ADDITIONAL FUNDS AMENDMENT (AFA) FOR US 183 CSJS 0152-02-070 WIDENING PROJECT WHICH INCLUDES FUNDING FROM CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) AND FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT, IF APPROVED.**

Mr. Rodgers stated that the construction change order to place all drainage underground for Phase II, Blackjack to Walmart on US 183, is estimated at \$2.35 million by TxDOT. With the additional \$2.8 million in CAMPO funding and the additional \$1.0 million in TxDOT support funding, the change order should be covered. The amended agreement reflects these figures. If for some reason the project exceeds the amount of funding available, the City of Lockhart will be responsible for the overage. TxDOT will keep the City aware of any additional change orders and provide the City with an opportunity for review and/or possible changes to reduce any projected overages. Mr. Rodgers recommended approval.

**PRESENTATION ONLY**

**A. PRESENTATION OF APPRECIATION TO POLICE CHIEF MICHAEL LUMMUS FOR HIS SERVICE AND TO WISH HIM WELL IN HIS FUTURE ENDEAVORS AFTER HIS RETIREMENT EFFECTIVE OCTOBER 31, 2016.**

Mayor White and the Council presented a shadow box to Michael Lummus thanking him for his service as the Chief of Police for the past 10 years and wished him well in his future endeavors.

Chief Lummus thanked the Council, the Lockhart Police Department, EMS, Fire, City staff, and many other state, county and local elected officials for their support during his tenure.

Margaret Moore, Travis County District Attorney, presented Chief Lummus with a proclamation on behalf of Kirk Watson, State Senator recognizing Chief Lummus' dedication and extensive experience in law enforcement.

LeeAnn Callaway of Congressman Lloyd Doggett's office thanked Chief Lummus for his service.

RECESS: Mayor White announced that the Council would recess for refreshments at 7:02 p.m.

The Council briefly left the Council Chambers during the break to see the new ambulance that was located outside of the building.

**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 7:33 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.

Charles Johnson, 717 Trinity Street, requested that Trinity Street be patrolled more often to diminish or stop speeding. He stated that because the drivers are using Trinity Street as an alternate to Highway 183, traffic has increased and has become more dangerous with drivers speeding and being careless.

Mayor White requested additional citizens to address the Council. There were none.

**ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-16-06 BY JANEY MAE EVANS FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT FOR 11.133 ACRES IN THE ESTHER BERRY SURVEY, ABSTRACT NO. 1, LOCATED AT 2112 SOUTH COLORADO STREET (US 183).**

Mayor White opened the public hearing at 7:40 p.m. and requested the staff report.

Mr. Gibson stated that the subject property, which is located across the highway from the municipal airport and livestock auction barn, was formerly the site of an automobile salvage yard that is now closed. The applicant anticipates a variety of future uses that will require a commercial zoning classification. There is a single-family dwelling on property currently zoned AO adjacent to the north, but the remainder of the land uses in the area are commercial or institutional in nature. Although not immediately abutting the subject property, there is existing CHB zoning nearby, both to the north and to the south. The CHB classification is consistent with the Lockhart 2020 Land Use Plan map, which shows a strip along the east side of the highway designated as future General-Heavy Commercial. The eastern corner of the subject property extends beyond that strip into an area designated as future Medium Density Residential, so that would be a minor deviation from the land use plan. Thus far, there has been no opposition to this proposed zoning change. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Janey Mae Evans, 7052 Highway 142, stated that she proposes to build a commercial business park to offer a variety of businesses, including a daycare. She requested approval.

Mayor White requested citizens in favor of or against the proposed zoning change to address the Council. There were none. He closed the public hearing at 7:42 p.m.

**ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-27 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 11.133 ACRES IN THE ESTHER BERRY SURVEY, ABSTRACT NUMBER 1, LOCATED AT 2112 SOUTH COLORADO STREET (US 183), FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT.**

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2016-27, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 5. CONSENT AGENDA.**

Mr. Gruning requested that consent agenda item 5B be pulled for further discussion.

Councilmember Castillo made a motion to approve consent agenda items 5A, 5C, 5D, 5E, 5F, 5G and 5H. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 5A: Approve minutes of the City Council meeting of October 4, 2016.
- 5C: Approve recommendation to the Caldwell County Commissioner's Court to consider appointment of Dan Gibson, City Planner, to the Capital Area Metropolitan Planning Organization (CAMPO) Technical Advisory Committee as the representative from cities within Caldwell County.
- 5D: Accept the 4<sup>th</sup> Quarter Fiscal Year 2016 Investment Report.
- 5E: Approve annual audit of Chapter 59 Asset Forfeiture Funds of the Lockhart Police Department to be reported to the Texas Attorney General.
- 5F: Approve confirmation of Civil Service Commission member; reappointment of Doug Shomette for a three year term as recommended by the City Manager.
- 5G: Approve Change Order #1 for Qro-Mex Construction Company, Inc., to increase the current contract by \$359,412 making the new contract amount \$2,108,665 for drainage, utility, and road improvements on East Walnut Street between City Park and Carver Street and on the East Market Street drainage area, and appointing the Mayor to sign the change order, if approved.
- 5H: Approve Additional Funds Amendment (AFA) for US 183 CSJs 0152-02-070 widening project which includes funding from Capital Area Metropolitan Planning Organization (CAMPO) and from the Texas Department of Transportation (TxDOT), and appointing the Mayor to sign the agreement, if approved.

**ITEM 5-B: APPROVE PROPOSED CLINICAL AFFILIATION AGREEMENT BETWEEN THE TEXAS A&M ENGINEERING EXTENSION SERVICE (TEEX) AND THE CITY OF LOCKHART – CALDWELL COUNTY EMERGENCY MEDICAL SERVICES (EMS) TO ALLOW STUDENTS TO RIDE ON EMS UNITS FOR REQUIRED CLINICAL EXPERIENCE TO PROMOTE EXCELLENCE IN PATIENT CARE, TO ENSURE PROFESSIONAL COMPETENCE, AND TO PROVIDE MAXIMUM UTILIZATION OF COMMUNITY RESOURCES, AND APPOINTING THE CITY MANAGER TO SIGN THE AGREEMENT, IF APPROVED.**

Mr. Gruning recommended a correction to paragraph 20 of the contract.

Councilmember Michelson made a motion to approve the Clinical Affiliation Agreement, as amended, between the Texas A&M Engineering Extension Service (TEEX) and the City of Lockhart – Caldwell County Emergency Medical Services (EMS), as presented. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

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

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

Mayor White made a motion to appoint Larry Metzler to the Lockhart ETJ Impact Fee Advisory Committee. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

Councilmember Michelson made a motion to remove Mary Beth Nickel from the Lockhart Economic Development Revolving Loan Committee and to appoint Ms. Nickel to the Planning and Zoning Commission. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

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

- Update: US Hwy 183 expansion project, Hickory to Blackjack.
- Update: City Street Crew chip sealed Old Kelley Road and East portion of Horseshoe Bend gravel sections within the City Limits.
- Update: Richland Drive 98% complete.
- Update: Drainage work continues on Mesquite, Braden, Wichita, and Vega Street areas; detention ponds and other work about 60% complete.
- Update: Still working on final designs for Ash, Comal and Pine Street about complete to address drainage issues; neighborhood meeting will be set up in November.
- Update: Water Well # 11 major rehab complete with good flows.
- Update: City Water Crew extending 18" water main along north side of SH 142 east of City Line Road.
- Report: Hill Country Cook-off Event at City Park.
- Report: 9<sup>th</sup> Annual KLB Cleanup Event and Environmental Fair; 400 volunteers; \$5,000 in cash donations for related expenses.
- Report from Mayor and Council- TML Conference held in Austin.
- Reminder: Annual fund raiser for Caldwell Historical Group- Speaking of the Dead Event, Friday and Saturday, Oct 21st and 22nd at City Cemetery.
- Reminder: Dia De Los Muertos Art and Street Festival Saturday October 29, noon until 7 pm downtown with art show at the Clark Library.

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

Councilmember Westmoreland thanked Ms. Constancio and staff for their work at the TML Annual Conference Booth. He congratulated Chief Lummus for his retirement and wished him the best. He congratulated John Roescher as being appointed as the Interim Police Chief. He expressed words of appreciation to all involved with the drainage improvements on Richland Drive.

Councilmember Mendoza thanked Chief Lummus for his service to the community. He thanked the Streets and Parks Departments for their work. He expressed appreciation to the Hill Country Cook-off (HCCO) coordinators for cleaning up the City Park after their event.

Mayor Pro-Tem Sanchez expressed condolences to the families of Adela Juarez Hernandez and Rudy Gomez, Sr. for their loss. She thanked Chief Lummus for his service and wished him the best. She thanked the HCCO for holding the cook-off in Lockhart. She requested that staff look into a traffic light at Highway 183 and Sunset Drive.

Councilmember Hilburn congratulated Chief Lummus and wished him the best.

Councilmember Castillo thanked the city work crew for their work at the City Park. He thanked the HCCO for hosting the cook-off in Lockhart. He expressed condolences to the Hernandez and Gomez families for their loss. Go Lions! He thanked the citizens for being patient during the road and drainage improvement construction projects.

Councilmember Michelson congratulated Chief Lummus and wished him the best in his future career. He thanked the Council and staff for their persistent in purchasing a new ambulance; it is an investment that he believes will help the community for years to come. Pep rally downtown on Thursday for homecoming. Go Lions! He expressed get well wishes to Bella Herman.

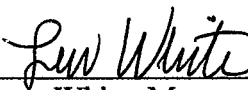
Mayor White thanked Chief Lummus and wished him the best of luck. He thanked the HCCO coordinators and all that participated in the successful event. He thanked all involved with the Richland Drive street and drainage improvement project. Upcoming events: Speaking of the Dead in a Texas Graveyard, October 21-22 at the City Cemetery; and, Dia de Los Muertos, Downtown, October 29. He provided information about upcoming drainage improvement projects. He stated that he will be coordinating an upcoming meeting of the Downtown Development Plan Committee to gather input from downtown business owners and citizens about improvements on the downtown square.

**ITEM 9. ADJOURNMENT.**


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

PASSED and APPROVED this the 1<sup>st</sup> day of November 2016.

**CITY OF LOCKHART**

  
 Lew White, Mayor

ATTEST:

  
 Connie Constancio, TRMC  
 City Secretary

