

**LOCKHART CITY COUNCIL
REGULAR MEETING**

JANUARY 5, 2010

6:30 P.M.

Council present:

Mayor Pro-Tem Frank Estrada
Councilmember Kenny Roland

Mayor James Bertram
Councilmember Paul Gomez
Councilmember Lew White

Council absent:

Councilmember Richard Wieland
Councilmember Richard Banks

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Sandra Mauldin, Economic Dev. Coordinator
Dan Gibson, City Planner
Jerry Doyle, Fire Chief

Connie Ortiz, City Secretary
Jeff Hinson, Finance Director
M.L. Richards, Electric Superintendent
Stephanie House, Controller
John Roescher, Police Captain

Citizens/Visitors Addressing the Council: Wayne Bock of the Lockhart Chamber of Commerce; Rebecca Juarez of the Caldwell County Hispanic Chamber of Commerce; David Schneider of the Baker/Gaslight Theatre; Stephanie Schunick of the Caldwell County Museum; Ronnie Duesterheft of the Maxwell Volunteer Fire Department; David Leclerc of the Maxwell Volunteer Fire Department; and David Moore, Citizen.

Work Session 6:30 p.m.

Mayor Bertram opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

A. PRESENTATION BY ENTITIES REQUESTING HOTEL OCCUPANCY TAX FOR FY 2009-2010.

Mayor Bertram requested the following to address the Council:

LOCKHART CHAMBER OF COMMERCE

Wayne Bock of the Lockhart Chamber of Commerce provided information regarding the following:

- Description of several brochures and items mailed to prospective and local visitors that visit the Chamber office.
- Lockhart Chamber of Commerce account detail pertaining to the hotel/motel tax.
- Different methods used to promote tourism to Lockhart.
- Expenses to repair the float that is used throughout the year to attend parades to many other cities.

Mr. Bock stated that the Lockhart Chamber of Commerce was requesting hotel/motel tax funds in the amount of \$29,800 or 59 percent.

There was further discussion regarding how the Lockhart Chamber of Commerce promoted tourism to Lockhart.

CALDWELL COUNTY HISPANIC CHAMBER OF COMMERCE

Rebecca Juarez of the Hispanic Chamber of Commerce provided information regarding how their organization promoted tourism to Lockhart and provided details about their proposed budget for the year 2010. Ms. Juarez stated that the Hispanic Chamber of Commerce was requesting hotel/motel tax funds in the amount of \$15,000.

Mr. Hinson stated that the proposed budget presented by the Hispanic Chamber was \$14,265 therefore they could not request dollars more than their proposed budget.

Ms. Juarez stated that their request would be amended to \$14,265 or 19 percent of the hotel/motel tax funds.

There was brief discussion regarding their budget.

GASLIGHT/ BAKER THEATRE

David Schneider of the Gaslight Baker Theatre provided information regarding how their entity promoted tourism, created heads in beds during 2009, and about their proposed 2010 budget. He stated that Gaslight/Baker Theatre was requesting hotel/motel tax funds in the amount of \$10,000 or 15 percent.

CALDWELL COUNTY MUSEUM

Stephanie Schunick of the Caldwell County Museum provided information regarding how their entity promoted tourism and provided details about their proposed budget for 2010. Ms. Schunick stated that the Caldwell County Museum was requesting hotel/motel tax funds in the amount of \$2,736 or 5 percent.

SOUTHWEST MUSEUM OF CLOCKS & WATCHES

There was no one available from this entity to address the Council.

Mayor Bertram suggested that since this entity chose not to attend the meeting to request hotel/motel tax funds, even after proper notification, that the funds that were allocated to the Southwest Museum of Clocks & Watches during the previous fiscal year is distributed equally amongst the entities that addressed the Council tonight.

Mayor Bertram announced that the allocation of funds would be determined by the Council at a future meeting.

B. DISCUSS MINUTES FOR THE DECEMBER 15, 2009 CITY COUNCIL MEETING.

Mayor Bertram requested corrections to the City Council minutes for the December 15, 2009 meeting. There were none.

C. DISCUSS ORDINANCE 2010-01 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS AMENDING CHAPTER 50, ARTICLE IV OF THE CODE OF ORDINANCES, CAPTIONED "STREET/ALLEY/PUBLIC RIGHTS-OF-WAY CLOSURES FOR FILMING OR MOVIE MAKING" TO EXPAND THE AREAS, TYPES OF PROJECTS, RIGHTS-OF-WAY CLOSURES, NOTICE OF PERMIT DENIALS, AND SUSPENSION/REVOCAION OF PERMITS FOR FILMING AND MOVIE MAKING; PROVIDE FOR SEVERABILITY; PROVIDE A REPEALER; PROVIDE FOR PUBLICATION; AND ESTABLISH AN EFFECTIVE DATE.

Ms. Mauldin stated that in an effort to create a Film Friendly State, the Texas Film Commission is providing training and guidance on how communities can effectively deal with on-location filming and put their best foot forward in marketing their resources. The Commission wants each community to be ready to welcome filmmakers in a way that also benefits residents, businesses, and communities in general. The current guidelines and fees pertaining to filming were established in 1997. Staff has attended the Film Friendly training and is taking steps to position Lockhart for this designation. We used the States Guidelines and adjusted them to Lockhart. The current ordinance has been rewritten to include new guidelines, a new resolution adds new fees and amends the fees as set in 1997, and the manual for day to day use has been rewritten to reflect the changes and additions.

Ms. Mauldin indicated that there was an amendment to the effective date. Since there is a penalty provision in the ordinance, it will become effective within ten days after the date of passage, if the ordinance is approved by the Council. Mr. Gruning explained the reason for the change of the passage date.

D. DISCUSS RESOLUTION 2010-01 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS ESTABLISHING AND AMENDING FEES FOR USE OF A PUBLIC BUILDING, PARK, CEMETERY, PUBLIC STREET/ROAD, RIGHT-OF-WAY/EASEMENT, AND/OR ALLEYWAY DURING MOVIE, PHOTOGRAPHY PROJECT AND/OR OTHER FILMMAKING AND REPEALING RESOLUTION 97-14 ADOPTED JULY 1, 1997.

Ms. Mauldin stated that in an effort to create a Film Friendly State, the Texas Film Commission is providing training and guidance on how communities can effectively deal with on-location filming and put their best foot forward in marketing their resources. The Commission wants each community to be ready to welcome filmmakers in a way that also benefits residents, businesses, and communities in general. The current fees pertaining to filming were established in 1997. The proposed Resolution establishes new and amended fees as suggested by the Texas Film Commission.

There was discussion regarding the fees.

E. DISCUSS THE SALE OF LOT 12-A, BLOCK 1, LOCKHART INDUSTRIAL PARK II BEING 1.5 ACRES OF LAND FOR A FAIR MARKET VALUE BASED ON INDEPENDENT APPRAISALS.

Ms. Mauldin stated that the Lockhart Economic Development Corporation awarded a 4A type project to AdviTech, Inc. and wishes to purchase a lot in Lockhart Industrial Park II and build a building to lease to the company for engineering and manufacturing of their products. It was originally believed that the sale would have to be by a bid process; however, the City Attorney believes that a plan for the property as required by the Local Government Code is in place. This is further based on the Resolution providing for the tax abatement policy which also sets out the industrial investment zone. An appraisal dated February 10, 2009 on Lot 12 (2.468 acre) places the value at \$161,300 or \$65,356.56 per acre. Based on that appraisal, 1.5 acres of land is estimated at \$98,034.84. An appraisal on Lot 4B, Block 1, Lockhart Industrial Park II dated December 23, 2009 helps establish a fair market price.

There was discussion regarding the proposed project.

F. DISCUSS AWARDING BID TO UNIFIRST FOR MONTHLY RENTAL SERVICES FOR UNIFORMS, HAND SANITIZER UNITS, SHOP TOWELS AND FLOOR MATS.

Mr. Rodgers stated that bids were sought for monthly uniform, hand sanitizer/towel and floor mat services. Three bids were received. UniFirst had the best price and had good in-house service reference. The cost of uniform rentals, hand sanitizer units, show towels, and floor mat services is less than \$17,000 per year for the Public Works, Utility Departments, Library, City Hall and Utility Billing departments. Mr. Rodgers requested approval.

G. DISCUSS REQUEST FROM THE MAXWELL VOLUNTEER FIRE DEPARTMENT (MVFD) TO INCLUDE THE WESTERLY EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF LOCKHART IN A PROPOSED CALDWELL COUNTY EMERGENCY SERVICES DISTRICT NO. 2 (ESD NO. 2).

Ronnie Duesterheft and Donald Leclerc of the Maxwell Volunteer Fire Department requested consent from the Lockhart City Council to include in its proposed Caldwell County Emergency Services District No. 2 the westerly extraterritorial jurisdiction of Lockhart. If Council grants consent, it is the intent of the MVFD to put the issue up for a vote in May 2010. Approval by the voters in the proposed district would be required before the district could be formed. Approval by the voters would allow the new ESD No. 2 to tax all property owners within the district for fire services. If City annexes a portion of the ESD in the future, the City would have to pay proportionately for debt incurred by the ESD based on the size of the annexed area.

There was discussion regarding the deadlines for Council's consideration.

Mayor Bertram announced that there would be a recess at 7:40 p.m.

ITEM 1. CALL TO ORDER.

Mayor James Bertram 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.

Councilman Gomez gave the invocation and led the pledge of allegiance to the United States and Texas flags.

ITEM 3-A. PRESENTATION BY ENTITIES REQUESTING HOTEL OCCUPANCY TAX FOR FY 2009-2010.

Mayor Bertram announced that the presentations were made during the work session.

Item 4. CITIZENS/VISITORS COMMENTS.

Mayor Bertram requested David Moore to address the Council.

David Moore, 1023 Bowie, provided information regarding a situation with the Lockhart Historic Preservation Commission of which he suggested that the current Historic Preservation Ordinance is amended.

Mayor Bertram informed Mr. Moore that the Historic Preservation Commission could recommend amendments to the ordinance to the Council for final approval.

ITEM 5. CONSENT AGENDA.

Mayor Bertram announced that consent agenda item 5D would be pulled for further discussion.

Councilmember White made a motion to approve consent agenda items 5A, 5B, 5C, 5E, and 5F. Councilmember Roland seconded. The motion carried by a vote of 5-0.

The following are the consent agenda items that were approved:

5A: Approve minutes for the December 15, 2009 City Council meeting.

5B: Approve Ordinance 2010-01 of the City Council of the City of Lockhart, Texas amending Chapter 50, Article IV of the Code of Ordinances, captioned "Street/Alley/Public Rights-of-way Closures for Filming or Movie Making" to expand the areas, types of projects, rights-of-way closures, notice of permit denials, and suspension/revocation of permits for filming and movie making; provide for severability; provide a repealer; provide for publication; and establish an effective date, as amended.

5C: Approve Resolution 2010-01 of the City Council of the City of Lockhart, Texas establishing and amending fees for use of a public building, park, cemetery, public street/road, right-of-way/easement, and/or alleyway during movie, photography project and/or other filmmaking and repealing Resolution 97-14 adopted July 1, 1997.

5E: Approve awarding bid to Unifirst for monthly rental services for uniforms, hand sanitizer units, shop towels and floor mats.

5F: Approve request from the Maxwell Volunteer Fire Department (MVFD) to include the westerly extraterritorial jurisdiction (ETJ) of the City of Lockhart in a proposed Caldwell County Emergency Services District No. 2 (ESD No. 2).

ITEM 5-D. APPROVE THE SALE OF LOT 12-A, BLOCK 1, LOCKHART INDUSTRIAL PARK II BEING 1.5 ACRES OF LAND FOR A FAIR MARKET VALUE BASED ON INDEPENDENT APPRAISALS.

Councilmember Gomez made a motion to approve the sale of Lot 12-A, Block 1, Lockhart Industrial Park II, being 1.5 acres of land for a fair market value of \$98,034.84 based on independent appraisals. Mayor Bertram seconded. The motion carried by a vote of 5-0.

ITEM 6-A. CONSIDER ORDINANCE 2010-02 WHICH PROHIBITS THE DELIBERATE DISPOSAL EITHER BY MECHANICAL OR ANY OTHER MEANS OF NATURAL YARD WASTES INTO STREETS AND/OR DRAINAGE FACILITIES.

Mr. Rodgers stated that often streets and/or drainage facilities are used as disposal areas for natural yard wastes. When disposal of these occurs in streets and/or drainage facilities they often inhibit proper storm water drainage and in many cases stop up or decrease the flow rates in drainage facilities. This proposed ordinance prohibits the deliberate disposal of natural yard wastes such as grass, weeds, plants, clippings, thereof, leaves, and any other natural yard plant/tree trimmings into streets and/or drainage facilities such as but not limited to drainage ditches, pipes, and storm water inlets.

Mr. Gruning explained that the penalty that could be charged for violators ranges from \$1.00 to \$2,000 per incident.

Mr. Rodgers stated that staff would work with citizens on their disposal options before issuing citations.

There was discussion regarding different instances that would determine a violation of the proposed ordinance.

Councilmember Roland suggested that the Ordinance is tabled for a future meeting to allow consideration by Councilmember's Wieland and Banks.

Councilmember Gomez made a motion to approve Ordinance 2010-02, as presented. Mayor Pro-Tem Estrada seconded. The motion carried by a vote of 3-2, with Councilmember Roland and Councilmember White opposing.

ITEM 6-B. APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor Bertram requested appointments to various boards, commissions or committees. There were none.

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

- Raw water transmission main replacements start this month.
- Raw water transmission main valve replacements start in February.
- Cibolo and Nixon - Water and Wastewater Mains/Services Work.
- AdviTech – Meeting regarding possible grant.
- Library Rehab and Restoration- Tasks list.
- Street Contract Work – Rain delays.
- Lockhart Chamber Annual Banquet, Saturday, January 23, 2010, in Creedmoor.
- Thanks to Connie, Yvette, Julie, Sandra and Parks crew- help with Dec Employee Party.
- Relay For Life Kick Off Event, Saturday January 9, 2010 11:00am – 1:00pm - Main St, (east side of roadway only) in front of courthouse will be closed for event.
- Councilmember Richard Wieland (message from him).

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

A. Comments and possible discussion by Councilmember Roland:

- MLK, Jr. Celebration Day, Monday, January 18, 2010.
- Progressive Club Annual Banquet, Saturday, February 20, 2010, at Lions Club here in Lockhart.

Mayor Bertram announced that he has officially filed for another position with another entity of which a special election would be held to fill the position of City of Lockhart's Mayor within 120 days.

ITEM 9. ADJOURNMENT.

Councilmember White made a motion to adjourn the meeting. Councilmember Roland seconded. The motion carried by a vote of 5-0. The meeting was adjourned at 9:05 p.m.

PASSED and APPROVED this the 19th day of January 2010.

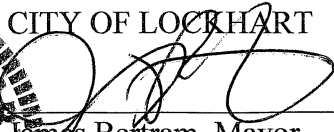
ATTEST:



Connie Ortiz, TRMC, City Secretary



CITY OF LOCKHART



James Bertram, Mayor