

PUBLIC NOTICE

AGENDA

LOCKHART CITY COUNCIL

TUESDAY, JANUARY 19, 2010

CITY HALL – GLOSSERMAN ROOM
308 WEST SAN ANTONIO STREET

6:30 P.M.

WORK SESSION (No Action)

Work session will be held to receive briefings and to initially discuss all items contained on the Agenda posted for 7:30 p.m. Generally, this work session is to simplify issues as it relates to the agenda items. No vote will be taken on any issue discussed or reviewed during the work session.

DISCUSSION ONLY

- A. Lockhart Post-Register to present a check as a donation to support animal care.
- B. Presentation by Southwest Museum of Clocks and Watches requesting Hotel Occupancy Tax for Fiscal Year 2009-2010.
- C. Discuss minutes for the January 5, 2010 City Council meeting.
- D. Discuss bid to Asplundh Tree Expert Company for trimming trees in various locations around high voltage and secondary power lines in the City's right of ways and trimming trees in back yard utility easements.
- E. Discuss bid to Westhill Paving, Inc., of San Marcos for preparation work and placement of approximately 1650 linear feet of 24" valley gutter for \$36,348.75.
- F. Discuss 1st Quarter Fiscal Year 2010 Investment Report.
- G. Discuss appeal by Zach Potts, d/b/a Terra Vista J.V., of the Planning and Zoning Commission denial of Variances to Section 52-76(a) to allow lot widths less than the 200-foot minimum required in the AO district, and to Section 52-113(a & b) waiving the parkland dedication and fee requirement for residential subdivisions, of Chapter 52 "Subdivision Regulations" of the Lockhart Code of Ordinances, for three proposed subdivisions in the Lockhart Territorial Jurisdiction.
- H. Discuss Ordinance 2010-03 amending Chapter 12, Buildings and Building Regulations, Article VII. Unsafe Building Abatement, Sections 12-436 through 12-455, of the Code of Ordinances, and providing a new title for Article VII. to be "Unsafe and/or Public Nuisance Building Abatement".
- I. Discuss Ordinance 2010-04 amending the Code of Ordinances, Chapter 26, Section 26-61, subsection (a), adopting the current rules or rules as may be amended by the Texas Board of Health, Title 25 of the Texas Administrative Code, Chapter 229, Sections 161 through 171 and Sections 173 through 175 regarding the regulation of all food establishments in the City of Lockhart and thereby adopting the current and any amended Texas Food Establishment Rules (TFER) and adding Section 26-74, Permanent Food Service Facility Standards, establishing facility standards for the storage, preparation, and serving of food.
- J. Discuss allocation of Hotel Occupancy Taxes to entities requesting distributions.
- K. Discuss re-scheduling Council meetings in 2010 due to possible conflicts with either a holiday or special event.

7:30 P.M. REGULAR MEETING

1. CALL TO ORDER

Mayor James Bertram

2. INVOCATION, PLEDGE OF ALLEGIANCE

Councilman Paul Gomez

3. PRESENTATION

A. Lockhart Post-Register to present a check as a donation to support animal care.

B. Presentation by Southwest Museum of Clocks and Watches requesting Hotel Occupancy Tax for Fiscal Year 2009-2010.

4. CITIZENS/VISITORS COMMENTS

(The purpose of this item is to allow citizens an opportunity to address the City Council on issues that are not on the agenda.)

5. CONSENT AGENDA

A. Approve minutes for the January 5, 2010 City Council meeting.

B. Award bid to Asplundh Tree Expert Company for trimming trees in various locations around high voltage and secondary power lines in the City's right of ways and trimming trees in back yard utility easements.

C. Award bid to Westhill Paving, Inc., of San Marcos for preparation work and placement of approximately 1650 linear feet of 24" valley gutter for \$36,348.75.

D. Review and accept 1st Quarter Fiscal Year 2010 Investment Report.

6. DISCUSSION/ACTION ITEMS

A. Consider an appeal by Zach Potts, d/b/a Terra Vista J.V., of the Planning and Zoning Commission denial of Variances to Section 52-76(a) to allow lot widths less than the 200-foot minimum required in the AO district, and to Section 52-113(a & b) waiving the parkland dedication and fee requirement for residential subdivisions, of Chapter 52 "Subdivision Regulations" of the Lockhart Code of Ordinances, for three proposed subdivisions in the Lockhart Territorial Jurisdiction.

B. Consider Ordinance 2010-03 amending Chapter 12, Buildings and Building Regulations, Article VII. Unsafe Building Abatement, Sections 12-436 through 12-455, of the Code of Ordinances, and providing a new title for Article VII. to be "Unsafe and/or Public Nuisance Building Abatement".

C. Consider Ordinance 2010-04 amending the Code of Ordinances, Chapter 26, Section 26-61, subsection (a), adopting the current rules or rules as may be amended by the Texas Board of Health, Title 25 of the Texas Administrative Code, Chapter 229, Sections 161 through 171 and Sections 173 through 175 regarding the regulation of all food establishments in the City of Lockhart and thereby adopting the current and any amended Texas Food Establishment Rules (TFER) and adding Section 26-74, Permanent Food Service Facility Standards, establishing facility standards for the storage, preparation, and serving of food.

- D. Discussion and consider allocation of Hotel Occupancy Taxes to entities requesting distributions.
- E. Consider re-scheduling Council meetings in 2010 due to possible conflicts with either a holiday or special event.
- F. Appointments to various boards, commissions or committees.

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

- Lockhart Chamber Annual Banquet, Saturday, January 23, 2010, in Creedmoor.
- Effects of extreme cold weather of December and early January; water mains, utility bills.
- Lockhart is now a Certified Film Friendly Texas City; received certificate signed by the governor; film friendly logo will be on our website.
- Negotiations are near complete with Central Texas Highway Constructors regarding the water lines for the interchange at Hwy 183 and SH 130; bids to go out soon for this work.
- SH 130 utility sleeves design work underway now that we have final elevations for subgrade work.
- Meeting with architect and library staff later this week to plan construction phases and discuss tasks to be completed in-house.
- Report on Councilmember Wieland.

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

*(**Items of Community Interest defined below)*

9. **COUNCIL COMMENTS**

A. Comments and possible discussion by Councilmember Roland:

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

10. **ADJOURNMENT**

*** Items of Community Interest includes: 1) expressions of thanks, congratulations or condolence; 2) information regarding holiday schedules; 3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; 4) a reminder about an upcoming event organized or sponsored by the governing body; 5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official employee of the municipality; and 6) announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda. (SB 1182 - effective 09/01/2009)*

*** Once approved to be on the agenda, staff requests you register to speak prior to the meeting. Deadline for specific items on the agenda is Noon Tuesday prior to the Regular Meeting.**

If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the City Council will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D to consider one or more matters pursuant to the following:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073. To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.076. To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.086. To deliberate vote or take final action on any competitive matters relating to public power utilities.


Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

Section 551.088. To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.

After discussion of any matters in executive session, any final action or vote taken will be in public by the City Council.

City Council shall have the right at anytime to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 15th day of January 2010 at 3:20 pm. I further certify that the following News Media was properly notified of this meeting as stated above: Lockhart Post-Register



Connie Ortiz, TRMC
City Secretary