

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**JANUARY 19, 2010**

**6:30 P.M.**

**Council present:**

Mayor Pro-Tem Frank Estrada  
Councilmember Kenny Roland  
Councilmember Richard Banks

Councilmember Paul Gomez  
Councilmember Lew White

**Council absent:**

Mayor James Bertram  
Councilmember Richard Wieland

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Sandra Mauldin, Economic Dev. Coordinator  
Dan Gibson, City Planner  
Melanie Tucker, EMS Director

Connie Ortiz, City Secretary  
Jeff Hinson, Finance Director  
M.L. Richards, Electric Superintendent  
Michael Catching, Building Official  
Jerry Doyle, Fire Chief

**Citizens/Visitors Addressing the Council:** Gene Galbraith of the Southwest Museum of Clocks and Watches;

**Work Session 6:35 p.m.**

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

Mayor Pro-Tem Estrada stated that neither Mayor James Bertram nor Councilman Richard Wieland would be attending tonight's meeting.

**A. LOCKHART POST-REGISTER TO PRESENT A CHECK AS A DONATION TO SUPPORT ANIMAL CARE.**

Mayor Pro-Tem Estrada stated that the presentation would not be made.

**B. PRESENTATION BY SOUTHWEST MUSEUM OF CLOCKS AND WATCHES REQUESTING HOTEL OCCUPANCY TAX FOR FISCAL YEAR 2009-2010.**

Gene Galbraith of the Southwest Museum of Clocks and Watches provided information regarding how their organization promoted tourism to Lockhart and provided details about their proposed budget for the year 2010. Mr. Galbraith stated that the Southwest Museum of Clocks and Watches was requesting hotel/motel tax funds in the amount of \$2,800 or 4.5 percent.

**C. DISCUSS MINUTES FOR THE JANUARY 5, 2010 CITY COUNCIL MEETING.**

Mayor Pro-Tem Estrada requested corrections to the minutes for the January 5, 2010 City Council meeting. There were none.

**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 EASEMENT.**

Mr. Richards stated that staff sought bids for a company to trim trees away from high voltage and secondary power lines. Five companies picked up bid packages and five companies submitted bids.

Asplundh Tree Expert Company of Baytown, Texas, submitted the lowest bid of \$77.60 hourly for 320 hours in the City's various locations for trimming right of ways and \$70.90 per hour for 200 hours trimming trees in back yards. This is a total of 520 hours, not to exceed \$40,000. They also presented the required insurance documentation.

**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.**

Mr. Rodgers stated that bid advertisements were recently publicized for excavation, preparation work and placement of 1650 linear feet (5300 square feet) of 24 inch valley gutter. Three bid packets were picked up, but only two bids were submitted. The lowest bid of \$36,348.75 was submitted by Westhill Paving, Inc., of San Marcos. This company has commendably performed several jobs in the past for the City of Lockhart.

There was discussion regarding the process to install the valley gutter and the area in the City in which the infrastructure would be installed.

**F. DISCUSS 1<sup>ST</sup> QUARTER FISCAL YEAR 2010 INVESTMENT REPORT.**

Mr. Hinson provided the following information regarding the 1<sup>st</sup> Quarter Fiscal Year 2010 Investment Report:

- Quarterly Investment Report.
- Investment Portfolio Summary
- Cash Accounts
- Marketable Securities Transaction Summary
- Investment Pool Transactions Summary
- Certificates of Deposit Transaction Summary

There was discussion regarding several aspects of the investment process.

**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.**

Mr. Gibson stated that Zach Potts proposes to subdivide three separate tracts in the Lockhart extraterritorial jurisdiction (ETJ) into smaller lots for residential development. The tracts are located along Hommanville Trail (County Road 179), near each other but separated by strips of land under different ownership. The area is in the portion of the City's ETJ that extends northward toward

Mustang Ridge, beyond the statutory one-mile ETJ. His plat applications were accompanied by requests for four variances, including waiving the requirement that the subdivider improve the existing unpaved perimeter street (Hommanville Trail) to City standards, and to allow an existing six-inch water line that does not meet City standards to serve the subdivisions, which were approved by the Planning and Zoning Commission. However, a variance to allow lot widths less than the 200-foot minimum required in the AO district was denied due to the failure of a motion for approval to pass, and a variance to waive the parkland dedication and fee requirement was denied on the passage of a motion for denial. Mr. Potts is appealing these denials to the Council as authorized in Section 52-4.

Zach Potts of the Terra Vista 700 Shallow Path, San Marcos, TX provided information about his plans to subdivide and develop the property into a residential community with deed restrictions. He stated that his development plan called for the lot widths to be a minimum of 100 feet. He requested approval of the variances and explained the deed restrictions for the subdivision, if it is approved.

Mr. Gibson stated that if the appeal is denied, that the plats could not be approved unless the lots are redrawn to be at least 200 feet wide.

**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".**

Mr. Catching stated that the proposed ordinance, if approved, would broaden the reasons why an occupied structure could be considered for demolition. The criteria for demolitions as it exists now, only considers the structural integrity of a structure. This ordinance proposes that a structure may be a candidate for demolition as a public nuisance if two of the following criteria exists: 1) structure has not had utilities hooked up within the past 5 years as evidenced by utility records; 2) unoccupied and primary use is storage; 3) meter base and/or meter loop do not meet current electrical code requirements; and, 4) is boarded up to block access to the structure through windows and/or doors.

Mr. Rodgers explained the process that is currently in effect in regards to cleaning or demolishing dilapidated structures and the process of filing liens on those properties that were designated as "unsafe" of which the City paid a contractor to demolish the unsafe structure.

Mayor Pro-Tem Estrada announced that there would be a recess at 7:35 p.m.

**REGULAR MEETING**

**ITEM 1. CALL TO ORDER.**

Mayor Pro-Tem Estrada called the regular meeting of the Lockhart City Council to order on this date at 7:45 p.m.

**ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.**

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

**ITEM 3-A. LOCKHART POST-REGISTER TO PRESENT A CHECK AS A DONATION TO SUPPORT ANIMAL CARE.**

Mayor Pro-Tem Estrada announced that the presentation would not be made during the meeting.

**ITEM 3-B. PRESENTATION BY SOUTHWEST MUSEUM OF CLOCKS AND WATCHES REQUESTING HOTEL OCCUPANCY TAX FOR FISCAL YEAR 2009-2010.**

Mayor Pro-Tem Estrada announced that the presentation was made during the work session.

**ITEM 4. CITIZENS/VISITORS COMMENTS.**

Mayor Pro-Tem Estrada requested citizens to address the Council.

Ronda Reagan, 412 West San Antonio Street, stated that the Save the Brock Cabin Committee was not notified about making a presentation to request hotel/motel occupancy funds from the City. Ms. Reagan provided information about how their organization would bring heads to beds and promote tourism to Lockhart if the Brock Cabin is rehabilitated. Ms. Reagan requested that the Council allow the Save the Brock Cabin Committee to make an official request to receive hotel/motel tax funds during a future meeting.

There was discussion regarding how to request an item to be placed on a future agenda.

No other citizens addressed the Council.

**ITEM 5. CONSENT AGENDA.**

Councilmember Banks made a motion to approve consent agenda items 5A, 5B, 5C, and 5D. 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 January 5, 2010 City Council meeting.
- 5B: 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.
- 5C: 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.
- 5D: Review and accept 1<sup>st</sup> Quarter Fiscal Year 2010 Investment Report.

**ITEM 6-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.**

There was discussion regarding consideration of the appeal.

Councilmember Gomez made a motion to approve the appeal for both requested variances subject to a width of 150 feet. Councilmember Roland seconded. There was brief discussion regarding the development process of the proposed subdivision. The motion carried by a vote of 4-1, with Councilmember Banks opposing.

**ITEM 6-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".**

Councilmember White made a motion to approve Ordinance 2010-03, as presented. Councilmember Roland seconded. There was brief discussion. The motion carried by a vote of 5-0.

**ITEM 6-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.**

Mr. Catching stated that the proposed ordinance adopts current Texas Food Establishment Rules regulating all food establishments in the City of Lockhart and establishing facility standards for permanent food establishments where food is handled, prepared, and served. The current ordinance has not been amended since 1982. Most of the current food establishments are in compliance with these proposed changes. Staff has and will continue to work closely with those establishments where violations exist. The rules identify food establishment violations for the storing, preparation and serving of food. Businesses with serious violations will be given 48 hours to correct those conditions. An example of a serious violation would be improper food refrigeration temperatures that lead to serious contamination and spoiling of foods putting customers at risk.

There was brief discussion about how the vast majority of the food establishments follow all health and safety regulations.

Councilmember Roland made a motion to approve Ordinance 2010-04, as presented. Councilmember White seconded. The motion carried by a vote of 5-0.

**ITEM 6-D. DISCUSSION AND CONSIDER ALLOCATION OF HOTEL OCCUPANCY TAXES TO ENTITIES REQUESTING DISTRIBUTIONS.**

There was brief discussion regarding the allocation of funds.

Mr. Hinson stated that the Save the Brock Cabin Committee was an entity that worked on restoring property that is owned by the City of Lockhart and he did not believe that the funds could be allocated to this organization

Councilmember White made a motion to award the allocations the same as last fiscal year. Councilmember Roland seconded. The motion carried by a vote of 5-0.

The hotel/motel funds would be allocated as follows:

Lockhart Chamber of Commerce	59%
Hispanic Chamber of Commerce	19%
Gaslight Baker Theater	14.6%
Caldwell County Museum	3.7%
Southwest Museum of Clocks & Watches	3.7%

**ITEM 6-E. CONSIDER RE-SCHEDULING COUNCIL MEETINGS IN 2010 DUE TO POSSIBLE CONFLICTS WITH EITHER A HOLIDAY OR SPECIAL EVENT.**

Ms. Ortiz provided information to the Council regarding several dates that would pose a possible conflict.

**CONSENSUS:** After discussion, the consensus of the Council was to reschedule the following Council meeting dates:

- Tuesday, March 2, 2010 rescheduled to Thursday, March 4, 2010
- Tuesday, August 3, 2010 rescheduled to Thursday, August 5, 2010
- Tuesday, November 2, 2010 rescheduled to Thursday, November 4, 2010

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

Mayor Pro-Tem Estrada requested appointments to various boards, commissions or committees. There were none.

**ITEM 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.

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

There were none.

**ITEM 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.

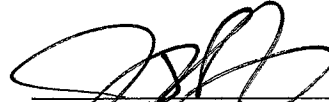
Councilmember Banks announced a free symposium at the Clark Library on Thursday, January 7, 2010.

**ITEM 10. 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 8:25 p.m.

PASSED and APPROVED this the 16<sup>th</sup> day of February 2010.

CITY OF LOCKHART

  
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James Bertram, Mayor

ATTEST:

  
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Connie Ortiz, TRMC, City Secretary