

**LOCKHART CITY COUNCIL
REGULAR MEETING**

MARCH 4, 2010

6:30 P.M.

Council present:

Councilmember Paul Gomez
Councilmember Lew White
Councilmember Richard Wieland

Mayor James Bertram
Councilmember Richard Banks
Councilmember Kenny Roland (arrived at
7:10 p.m.)

Council absent:

Mayor Pro-Tem Estrada

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Sandra Mauldin, Economic Dev. Coordinator
Dan Gibson, City Planner
Michael Catching, Building Official
Stephanie House, Controller

Connie Rodriguez, City Secretary
Jeff Hinson, Finance Director
M.L. Richards, Electric Superintendent
Melanie Tucker, EMS Director
Julie Bowermon, Civil Service Dir.

Citizens/Visitors Addressing the Council: Jose Garza of the Law Office of Rolando Rios; David Mendez of Bickerstaff, Heath, Delgado & Acosta; Steven Van Mannin of Harrison, Waldrop & Uherek; Coyle Buhler, Chair of the Lockhart Historical Preservation Commission; Kathy McCormick, Vice-Chair of the Lockhart Historical Preservation Commission; Claire Brice, Citizen; Jeff Gibeaux, Citizen, Gina Jacobs Lozano, member of the Lockhart Historical Preservation Commission; John Stumpf, Citizen; Doug Fallin, Citizen; Stanley Lindsey, Citizen; Donna Votee, Citizen; Carlton Pape of the Caldwell County Appraisal District; Ronda Reagan, Citizen; and, Joan Meadows Brock Bostic, Citizen.

Work Session 6:40 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 FIRMS THAT RESPONDED TO A REQUEST FOR PROPOSAL FOR THE UPCOMING REDISTRICTING PROCESS FOR THE CITY OF LOCKHART.

Mayor Bertram requested that the following address the Council to make their presentation:

Jose Garza of the Law Office of Rolando Rios made a presentation that included information about the services that their firm would provide to assist, prepare and establish a final redistricting plan for the City of Lockhart. Mr. Garza provided estimated costs that their firm would charge as associated with the project. He also stated that they would make a presentation to Caldwell County in reference to redistricting and that they would work with surrounding entities on creating voting district boundaries that are very similar within the city limits. There was brief discussion about the process.

David Mendez of Bickerstaff, Heath, Delgado & Acosta made a presentation that included information about the services that their firm would provide to assist, prepare and establish a final redistricting plan for the City of Lockhart. Mr. Mendez pointed out that their firm would work with Caldwell County and the Lockhart Independent School District on creating boundaries that are very similar within the city limits. There was brief discussion about the process.

The Council briefly discussed the redistricting issues that included possibly working jointly with the Lockhart Independent School District and Caldwell County in creating similar districts that would serve a public interest by making the voting process easier for citizens.

I. PRESENTATION OF THE CITY OF LOCKHART'S AND COMPONENT UNIT'S FISCAL YEAR 2008-2009 FINANCIAL AUDIT BY HARRISON, WALDROP & UHEREK, LLP.

Steven Van Mannin of Harrison, Waldrop & Uherek provided information and there was discussion about the following factors of the City of Lockhart's and component unit's Fiscal Year 2008-2009 audit:

- Financial highlights.
- Overview of basic financial statements.
- Capital assets, lease obligations, long-term debt, deposits and investments, and other financial statements.
- Combining fund statements for non-major governmental funds, fiduciary funds, and private purpose trusts.

After discussion, Mr. Van Mannin stated that the audit did not identify any deficiencies in internal control over financial reporting that were considered as a material weakness and that the results of their tests disclosed no instances of noncompliance that are required to be reported under Government Audit Standards. He also stated that the audit reflected that the financial statements, the respective financial position of the governmental activities, the business type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2009, and the respective changes in financial position and, where applicable, cash flows thereof, and the budgetary comparison for the general fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

B. DISCUSS CITY COUNCIL MINUTES FOR THE FEBRUARY 16, 2010 MEETING.

Mayor Bertram requested corrections to the City Council minutes for the February 16, 2010 meeting. There were none.

C. DISCUSS STAFF TO RE-ENTERING INTO AN AFFILIATE CLINICAL AGREEMENT WITH LONGHORN TRAINING CENTER THAT WOULD ALLOW EMT-B I, AND P STUDENTS TO RIDE WITH LOCKHART EMS FOR CERTIFICATION PURPOSES.

Ms. Tucker stated that the purpose of this affiliate agreement is to allow EMT-B I, and P students to ride with Lockhart EMS to obtain their Clinical hours required for certification by the Texas Department of State Health Services and the National Registry. There was brief discussion.

D. DISCUSS RESOLUTION 2010-04 SUPPORTING THE TEXAS STATE UNIVERSITY CENTER FOR RESEARCH AND COMMERCIALIZATION AND SUPPORTING THE SUBMISSION OF AN ECONOMIC DEVELOPMENT AGENCY GRANT TO FUND A BUSINESS INCUBATOR FOR A SCIENCE PARK.

Ms. Mauldin stated that Texas State University is applying for an Economic Development agency grant to fund a business incubator in a science park that the University is developing. The University is applying for this grant which will benefit our community since the City of Lockhart is a part of the Greater San Marcos Regional Plan. Texas State University hosted a round table

discussion and gave a presentation on the Science Park and how it will benefit the communities involved. There was brief discussion.

E. DISCUSS RESOLUTION 2010-05 AUTHORIZING THE SUBMISSION OF A CONTRACT AMENDMENT TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS (TDRA) CONTRACT, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM NUMBER 729459 AND AUTHORIZING THE MAYOR TO SIGN ALL REQUIRED DOCUMENTS.

Mr. Rodgers stated that on December 15, 2009, Council awarded a contract for water main/service replacements under this grant in the amount of \$14,160 to Rockin Q Construction. The very low bid left over \$100,000 of available grant funds. Approving this TDRA submission for a contract amendment would allow staff to pursue additional bids for the same type of work on Bois D'Arc, Pedernales, and Juarez Streets.

F. DISCUSS A NET INCREASE CHANGE ORDER TO THE EXISTING CONTRACT WITH ROCKIN Q CONSTRUCTION, INC., IN THE AMOUNT OF \$93,900 FOR ADDITIONAL WATER AND WASTEWATER SLEEVES AT FM 2001 AND A WASTEWATER SLEEVE AT MAPLE STREET.

Mr. Rodgers stated that Council recently approved a contract in the amount of \$402,762 with Rockin Q Construction to place water utility sleeves along the SH 130 road project. A secondary project was to add a water and sewer sleeve at FM 2001 and a sewer sleeve at Maple Street, if funds were available. The submitted contract prices are so good on the current contract that the City Manager believes that the City should allow staff to pursue a change order to put the additional sleeves in an estimated cost of \$125,000. With a deduction of \$20,000 because of some work we will no longer have to do under the current contract, the net increase change order will be \$93,900 making the new contract \$476,662 reflecting an 18 percent increase. State law allows up to a 25 percent increase in a contract without having to rebid. The estimated savings with this change order is about \$130,000 verses doing these sleeves separately. If done after the road is complete, then the costs could be \$900,000.

G. DISCUSS ORDINANCE 2010-10 ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 1, 2010 FOR THE PURPOSE OF FILLING THE UNEXPIRED TERM OF THE POSITION OF MAYOR, ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; PROVIDING FOR DESIGNATION OF OFFICERS FOR SUCH ELECTION; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

Ms. Rodriguez stated that the Ordinance orders a Special Election to fill the vacancy for the Office of Mayor and provides the filing dates, early voting dates, polling locations, appoints election judges and alternate judges, etc. The unexpired term will be filled from May 2010 until November 2011. Filing period for a place on the ballot is from March 16, 2010 until March 31, 2010 at 5:00 p.m. As required by the Texas Election Code, two 12-hour weekdays are scheduled on April 22 and April 27. Also, one Saturday is voluntarily scheduled on April 24 from the hours of 8 a.m. until 1 p.m.

Ms. Rodriguez requested that the name of the early voting clerk is corrected since it is reflected as a grammatical error.

H. DISCUSS ORDINANCE 2010-11 AMENDING CHAPTER 28, HISTORICAL DISTRICTS AND LANDMARKS, SECTION 28-10, ORDINARY MAINTENANCE, SUBSECTION (E) AND SECTION 28-11, CERTIFICATE FOR ALTERATIONS FOR HISTORICAL LANDMARKS OR HISTORICAL DISTRICTS EXPANDING THE LIST OF EXEMPTIONS NOT REQUIRED TO FOLLOW THE CERTIFICATE OF ALTERATION (CFA) PROCESS.

Councilmember Banks requested that members of the Lockhart Historical Preservation Commission be given the opportunity to review the recommended amendments prior to the Council's decision.

Councilmember Gomez requested that the Council consider a vote on the proposed Ordinance without the Lockhart Historical Preservation Commission's recommendation or review.

Councilmember White suggested that a solution be reached between the Council and the Lockhart Historical Preservation Commission.

Mayor Bertram stated that the item would be pulled from the consent agenda for further discussion in the regular meeting.

Mayor Bertram stated that there would be a recess at 8:00 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor James Bertram called the regular meeting of the Lockhart City Council to order on this date at 8:12 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor James Bertram gave the invocation and led the pledge of allegiance to the United States and Texas flags.

ITEM 3. PRESENTATION AND DISCUSSION BY FIRMS THAT RESPONDED TO A REQUEST FOR PROPOSAL FOR THE UPCOMING REDISTRICTING PROCESS FOR THE CITY OF LOCKHART.

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

ITEM 4. CITIZENS/VISITORS COMMENTS

Mayor Bertram requested citizens to address the Council.

Coyle Buhler, Chair of the Lockhart Historical Preservation Commission, requested that the item regarding the proposed amendment to the Lockhart Historic Preservation ordinance be pulled from the consent agenda to allow further discussion. He requested that Section 28-26 of the Code of Ordinances be followed. It requires that any amendments or revisions to the historic ordinances be reviewed by the Lockhart Historical Preservation Commission and that a public hearing be held in regards to the proposed amendments prior to its adoption. He also requested additional time to review the proposed ordinance.

After discussion between the Mayor and City Attorney, it was determined that the Historic Ordinance should follow Section 28-26 of the Lockhart Code of Ordinances. Mayor Bertram stated that the item regarding Ordinance 2010-11 would be pulled from the agenda.

Kathy McCormick expressed concern about the proposed ordinance amendments, which she stated that she did not believe the revisions would abide by the historical preservation standards.

Claire Brice informed the Council that Lockhart's Downtown District is on the list of National Historic Districts and requested that the Ordinance remain as currently written to provide regulations in maintaining historical structures to keep the historic integrity.

Jeff Gibeaux provided information regarding several aspects of renovating historic structures.

Gina Jacobs Lozano spoke in favor of allowing the Lockhart Historical Preservation Commission and the public to review the amendments as proposed by staff.

John Stump stated that he believed that the Historic Ordinance should be amended to give the property owners back some of their rights. He spoke against most of the existing regulations in the Historic ordinance.

Doug Fallin stated that he is the owner of two historic structures and requested that the property owners be invited to be involved in the Historic Ordinance amendment process.

Stanley Lindsey expressed concern about a house on Bois D'Arc that is vacant and requested that the owner of the property is required to install windows or remodel the vacant house or require that it is demolished. He stated that he has rental property next to the vacant home that is not safe for his renters.

Donna Votee spoke against Mayor Bertram issuing a Proclamation declaring March 2, 2010 as "Charlie Hodge Day" and for giving Mr. Hodge a key to the City. She requested that the proclamation be rescinded.

ITEM 5. CONSENT AGENDA

Mayor Bertram stated that consent agenda item 5G would be pulled from the agenda.

Councilmember Gomez requested that consent agenda item 5B be pulled from the agenda for further discussion.

ITEM 5-G. APPROVE ORDINANCE 2010-11 AMENDING CHAPTER 28, HISTORICAL DISTRICTS AND LANDMARKS, SECTION 28-10, ORDINARY MAINTENANCE, SUBSECTION (E) AND SECTION 28-11, CERTIFICATE FOR ALTERATIONS FOR HISTORICAL LANDMARKS OR HISTORICAL DISTRICTS EXPANDING THE LIST OF EXEMPTIONS NOT REQUIRED TO FOLLOW THE CERTIFICATE OF ALTERATION (CFA) PROCESS.

Mayor Bertram announced that a public hearing would be held during the May 4, 2010 Council meeting in regards to the proposed amendments to Chapter 28 in regards to the Historical District.

Councilmember White made a motion to approve consent agenda items 5A, 5C, 5D, 5E and 5F. Councilmember Gomez seconded. The motion carried by a vote of 6-0.

ITEM 5-B. AUTHORIZE STAFF TO RE-ENTER INTO AN AFFILIATE CLINICAL AGREEMENT WITH LONGHORN TRAINING CENTER THAT WOULD ALLOW EMT-B I, AND P STUDENTS TO RIDE WITH LOCKHART EMS FOR CERTIFICATION PURPOSES.

There was brief discussion regarding the agreement in regards to the students riding with Lockhart EMS for certification purposes.

Councilmember Gomez made a motion to approve the Affiliate Clinical Agreement, as presented. Councilmember White seconded. The motion carried by a vote of 6-0.

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes for the February 16, 2010 meeting.
- 5C: Approve Resolution 2010-04 supporting the Texas State University Center for research and commercialization and supporting the submission of an Economic Development Agency grant to fund a business incubator for a Science Park.
- 5D: Approve Resolution 2010-05 authorizing the submission of a contract amendment to the Texas Department of Rural Affairs (TDRA) contract, Texas Community Development Block Grant Program number 729459 and authorizing the Mayor to sign all required documents.
- 5E: Approve a net increase change order to the existing contract with Rockin Q Construction, Inc., in the amount of \$93,900 for additional water and wastewater sleeves at FM 2001 and a wastewater sleeve at Maple Street.
- 5F: Approve Ordinance 2010-10 ordering a Special Election to be held on May 1, 2010 for the purpose of filling the unexpired term of the position of Mayor, establishing early voting locations and polling places for this election; providing for designation of officers for such election; ordering notice of election to be given as prescribed by law and making provisions for the conduct of the election.

ITEM 6-A. PRESENTATION AND CONSIDER ACCEPTANCE OF THE CITY OF LOCKHART'S AND COMPONENT UNIT'S FISCAL YEAR 2008-2009 FINANCIAL AUDIT BY HARRISON, WALDROP & UHEREK, LLP.

Councilmember Roland made a motion to accept the City of Lockhart's and Component Unit's fiscal year 2008-2009 financial audit by Harrison, Waldrop & Uherek. Councilmember White seconded. The motion carried by a vote of 6-0.

ITEM 6-B. CONSIDER APPROVAL OF A BUDGET AMENDMENT TO THE CALDWELL COUNTY APPRAISAL DISTRICT'S FISCAL YEAR 2009 BUDGET AS REFLECTED IN A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT.

Mr. Carlton Pape of the Caldwell County Appraisal District stated that the budget amendment moved funds from one line item to another line item. He provided details about the budget amendments. There was discussion.

Councilmember Wieland made a motion to approve the budget amendment as proposed by the Caldwell County Appraisal District for their fiscal year 2009 budget. Councilmember Gomez seconded. The motion carried by a vote of 6-0.

ITEM 6-C. RECEIVE UPDATE REPORT FROM BROCK CABIN COMMITTEE REGARDING PLANS FOR THE CABIN AND DISCUSS POSSIBLE FUNDING SOURCES.

Ronda Reagan provided the update which provided the following:

- photos of the cabin in it's existing condition
- Photos of historic cabins that have been restored in several other cities.
- Possible sites for the historic cabin.
- Committee is suggesting that the cabin remain at the Lions Park and allow tours of it after it is renovated.
- Possible funding options.
- Possible ways to promote tourism.

Joan Meadows Brock Bostic, great granddaughter of the Brock family, provided a brief history about the Brock family. She stated that her family has given donations to the City in the past few years to assist in maintaining the Brock Cabin. She requested that it be rehabilitated.

Ms. Reagan provided background about the committee's efforts to raise funds to rehabilitate and maintain the Brock Cabin.

There was discussion amongst the Council regarding the restoration of the Brock Cabin.

ITEM 6-D. CONSIDER APPROVAL OF DONATING OLD UNUSABLE ELECTRONIC EQUIPMENT TO GOODWILL DURING THE FISCAL YEAR 2010.

Councilmember Gomez made a motion to authorize the donation of old unusable electronic equipment to Goodwill during the fiscal year 2010 and stated that the donation would serve a public purpose. Councilmember Wieland seconded. The motion carried by a vote of 6-0.

ITEM 6-E. 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

- Residential Household Hazardous Waste Collections event set for Saturday, April 10, 2010.
- The 2010 Residential City Wide Clean-up Program will start the first Wednesday in April beginning in the Northwest section of the City and continue each following Wednesday during April.
- Street, drainage, and water main replacement projects have all been adversely affected by the very wet weather.
- New Public Works Director, Garlon Lee Weatherford, will start on Monday, March 15.
- Fir Lane gutter installation about 40% complete to help with drainage in that area.
- Water main replacements under the TDRA formerly ORCA grant have begun Alex Street.
- Update on Animal Shelter design.
- Update on Library Annex design.
- Pre-con meetings held for both contractors doing work for us related to the SH 130 utilities.

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

Mayor Bertram commented regarding the process and the duty that the Council holds in regards to issuing proclamations.

Councilmember Gomez suggested that the Council discuss the redistricting process further prior to deciding on legal services.

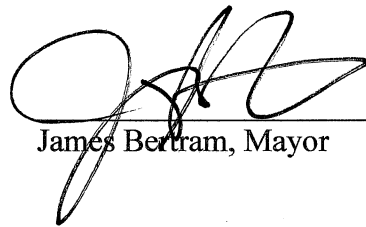
ITEM 9. ADJOURNMENT.

Councilmember Wieland made a motion to adjourn the meeting. Councilmember Roland seconded. The motion carried by a vote of 6-0. The meeting was adjourned at 10:30 p.m.

PASSED and APPROVED this the 16th day of March 2010.



CITY OF LOCKHART


James Bertram, Mayor

ATTEST:


Connie Rodriguez, TRMC, City Secretary