

**LOCKHART CITY COUNCIL
REGULAR MEETING**

APRIL 6, 2010

6:35 P.M.

Council present:

Mayor James Bertram
Councilmember Kenny Roland
Councilmember Richard Wieland

Councilmember Paul Gomez
Councilmember Lew White
Councilmember Richard Banks

Council absent:

Mayor Pro-Tem Frank Estrada

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Sandra Mauldin, Economic Dev. Coordinator
Dan Gibson, City Planner
Melanie Tucker, Animal Control Supervisor
Mark Diaz, Library
Mary McHaney, Library

Connie Rodriguez, City Secretary
Jeff Hinson, Finance Director
M.L. Richards, Electric Superintendent
Bertha Martinez, Library Director
Jeanna Trejo, Circulation/Library
Jerry Doyle, Fire Chief
Lee Weatherford, Public Works Dir.

Citizens/Visitors Addressing the Council: Norman Alston of Norman Alston Architects; David Kristynik, Citizen; Roxanne Rix, Citizen; Angie Gonzales-Sanchez, Citizen/Library Advisory Board; Kathy McCormick, Chair of the Lockhart Historical Preservation Commission; Clair Brice, Citizen; Mary Vance, Citizen/Lockhart Historical Preservation Commission; Michael Laird, Citizen; and, Stephanie Riffin, Chair of the Lockhart Library Advisory Board.

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 OF A PROCLAMATION DECLARING "APRIL 10, 2010 AS CENSUS 2010 AWARENESS WEEK".

Mayor Bertram presented a proclamation declaring April 10, 2010 as Census 2010 Awareness Week. Ms. Mauldin provided information about a Census Awareness event that would be held on April 10, 2010 at Lion's Park from 8:00 am until noon.

B. READING OF A PROCLAMATION DECLARING APRIL AS FAIR HOUSING MONTH.

Mayor Bertram read a proclamation declaring April as Fair Housing Month.

C. DISCUSS MINUTES FOR THE MARCH 16, 2010 CITY COUNCIL MEETING.

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

D. DISCUSS STANDARD TERMS OF ENGAGEMENT AGREEMENT BETWEEN THE CITY OF LOCKHART AND BICKERSTAFF, HEATH, DELGADO & ACOSTA TO PROVIDE LEGAL SERVICES FOR ALL ASPECTS ASSOCIATED WITH THE REDISTRICTING PROCESS.

Ms. Rodriguez stated that during the March 16 Council meeting, the Council voted to obtain the legal services of Bickerstaff, Heath, Delgado & Acosta for the upcoming redistricting process. The Agreement provides details about their services, which was estimated to cost a total of approximately \$12,000. Ms. Rodriguez recommended approval.

E. DISCUSS PROPOSAL BY AUSTIN WOOD RECYCLING OF CEDAR PARK, TEXAS, IN THE AMOUNT OF \$10,000 TO PROVIDE TUB GRINDING SERVICES TO PULVERIZE APPROXIMATELY 10,000 CUBIC YARDS OF TREE TRUNKS/STUMPS/LARGE LIMBS AND HAUL THE PROCESSED MATERIAL AWAY.

Mr. Rodgers stated that proposals were sought for tub grinding services to pulverize tree trunks/stumps/large limbs and haul the processed material off. These items have accumulated over the past 6 years. Three companies expressed interest with only two submitting proposals. The best qualified and lowest proposal was from Austin Wood Recycling with a bid of \$10,000, which includes the hauling.

F. DISCUSS BID IN THE AMOUNT OF \$45,400 BY COUNTYWIDE BUILDERS OF LOCKHART TO MAKE MAJOR CONCRETE REPAIRS IN THE CITY LITTLE LEAGUE EAST PARKING LOT ACROSS FROM PLUM CREEK ELEMENTARY SCHOOL ON CARVER STREET.

Mr. Rodgers stated that the parking lot was severely damaged by Lockhart Independent School District (LISD) bus traffic which had been rerouted to use it due to child safety factors in the school zone. The City had scheduled repairs to the parking lot before LISD started using it at an estimated cost of \$10,000. This parking lot is used by City ball field patrons and teachers at the school. An LISD committal letter for payment of the \$35,400 was obtained before beginning the work. Since LISD buses need to continue using the parking lot for safety reasons, a thick concrete section will be placed to handle the additional loadings. City staff prepared the bids and specifications to assist LISD, which had committed to taking care of the repairs. Two bids were received with the lowest qualified bidder being Countywide Builders in the amount of \$45,400.

G. RECEIVE REPORT FROM LIBRARY ARCHITECT NORMAN ALSTON, REGARDING PROPOSED DESIGN OF DR. EUGENE CLARK LIBRARY RESTORATION, CHANGES, AND ANNEX EXPANSION.

Mr. Alston provided information and presented floor plans of the preliminary design for the Dr. Eugene Clark Library restoration, changes, and annex expansion. The proposed floor plans consisted of the Library's Annex First, Second and Third Floors. There was discussion regarding several aspects of the proposed restoration. Mayor Bertram stated that the item would be continued for further discussion during the regular meeting.

Mayor Bertram announced there would be a recess at 7:25 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 7:40 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

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

ITEM 3-A. PRESENTATION OF A PROCLAMATION DECLARING "APRIL 10, 2010 AS CENSUS 2010 AWARENESS WEEK".

Mayor Bertram announced that the proclamation was presented during the work session.

ITEM 3-B. READING OF A PROCLAMATION DECLARING APRIL AS FAIR HOUSING MONTH.

Mayor Bertram announced that the proclamation was read during the work session.

ITEM 4. CITIZENS/VISITORS COMMENTS.

Mayor Bertram requested citizens to address the Council.

David Kristynik, 762 South Guadalupe, requested that a four-way stop sign be placed on the corner of Guadalupe and Center Streets since he believed that it is a dangerous intersection.

Roxanne Rix, 1203 Maple Street, spoke against the location of the children's area in the proposed plan of the renovation of the Clark Library. She suggested that the Clark Library be renovated to accommodate adults and that the Library Annex accommodate children.

Angie Gonzales-Sanchez, 321 Plum, stated that the reason that volunteers and members of the Library Advisory Board and Friends of the Library suggested that the children's area be located in the Clark Library was due to the safety of the children. The original plan was to have the children's area on the third floor of the Library Annex but after considering fire precautions, etc, it was determined that the third floor was not a safe place for the children.

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

ITEM 5. CONSENT AGENDA.

Councilmember Wieland requested that consent agenda item 5D be pulled for further discussion.

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

The following are the consent agenda items that were approved:

5A: Approve minutes for the March 16, 2010 City Council meeting.

5B: Approve Standard Terms of Engagement Agreement between the City of Lockhart and Bickerstaff, Heath, Delgado & Acosta to provide legal services for all aspects associated with the redistricting process.

5C: Approve proposal by Austin Wood Recycling of Cedar Park, Texas, in the amount of \$10,000 to provide tub grinding services to pulverize approximately 10,000 cubic yards of tree trunks/stumps/large limbs and haul the processed material away.

ITEM 5-D. APPROVE BID IN THE AMOUNT OF \$45,400 BY COUNTYWIDE BUILDERS OF LOCKHART TO MAKE MAJOR CONCRETE REPAIRS IN THE CITY LITTLE LEAGUE EAST PARKING LOT ACROSS FROM PLUM CREEK ELEMENTARY SCHOOL ON CARVER STREET.

Councilmember Wieland suggested that the motion includes the letter of commitment from the Lockhart Independent School District (LISD).

Councilmember Wieland made a motion to approve the bid in the amount of \$45,400 by Countywide Builders to make major concrete repairs in the City Little League East parking lot across from Plum Creek Elementary School on Carver Street. The City's cost would be \$10,000 and the LISD cost would be \$35,400. Councilmember Gomez seconded. The motion carried by a vote of 6-0.

ITEM 6-A. RECEIVE REPORT FOR DISCUSSION AND/OR ACTION FROM LIBRARY ARCHITECT NORMAN ALSTON, REGARDING PROPOSED DESIGN OF DR. EUGENE CLARK LIBRARY RESTORATION, CHANGES, AND ANNEX EXPANSION.

Mayor Bertram explained the process that the Council would take to involve other boards or commissions in reference to the proposed renovation.

Mayor Bertram requested the following to address the Council:

Kathy McCormick, 703 West San Antonio Street, provided information about the history of the Clark Library and stated that she did not believe that it was safe to have the children's area in the Clark Library. She suggested that the children's area be moved to the Masonic Building on the first floor.

Clare Brice, 731 South Commerce, provided her suggestions about the renovation and spoke against the children's area being located in the Clark Library.

Mary Vance, 407-A South Church Street, spoke against the children's area being in the Clark Library since she believed that it would lose the historical aesthetic.

Michael Laird, 335 West Pecan Street, spoke against the children's area being located in the Clark Library and suggested that the children's area is moved to another area in the proposed renovation plan.

Stephanie Riggin, 1165 FM 671, President of the Lockhart Library Advisory Board, provided information about the proposed plan and reasons behind the plan.

Mayor Bertram provided some history about the use of the Clark Library and suggested that the Council consider allowing the renovation of the Clark Library to be renovated as planned by staff. He also requested the Council's decision about directing the architect to design alternative plans to move the children's area. There was discussion.

Councilmember White requested that the architect be requested to create additional floor plans for Council's consideration that would include moving the children's area to the Masonic Building.

Councilmember Gomez spoke in favor of the children's area remaining in the Clark Library, as suggested by staff.

Councilmember Banks spoke against the plan and stated that the Clark was for adults not for a daycare.

Mr. Rodgers suggested that staff meet to consider all inquiries from citizens and the Council to revise or create other proposed plans that would possibly accommodate the suggestions.

Councilmember Wieland made a motion to table the item and to receive input from staff during the April 20 Council meeting. Councilmember Gomez seconded. The motion died by a vote of 2-4, with Councilmembers Roland, Banks, White and Mayor Bertram opposing.

There was further discussion.

Councilmember White made a motion to direct staff to return additional floor plan drawings during the May 4, 2010 Council meetings for Council's consideration. Councilmember Banks seconded. The motion died for the lack of a vote of 2-4, with Councilmembers Wieland, Roland, Gomez and Mayor Bertram opposing.

Mayor Bertram made a motion to accept the plans for the lyceum concept for the Clark Library with the shelving being along the wall and no or minimum stacks. Councilmember Gomez seconded. The motion carried by a vote of 4-2, with Councilmembers Wieland and Banks opposing.

Councilmember Roland spoke in favor of the plans as recommended by staff.

Councilmember Banks recommended that the plans are reviewed by the Lockhart Historical Preservation Commission (LHPC) before Council considers final approval. Mr. Rodgers explained that LHPC would be involved in the review of the planned external changes as required by the ordinance. There was discussion.

Councilmember Roland made a motion to approve the plans as presented. Councilmember Gomez seconded. The motion died by a vote of 3-3, with Councilmembers Banks, White and Wieland opposing.

Mayor Bertram made a motion to accept the plans for the lyceum concept for the Clark Library, as presented, and to allow the Library Advisory Board to work with City staff and architect and review new concept plans and report possible changes during the May 4, 2010 Council meeting. Councilmember Paul Gomez seconded. The motion carried by a vote of 4-2, with Councilmembers Wieland and Banks opposing. (Mayor Bertram repeated the motion as indicated above with an amendment)

ITEM 6-B. RECEIVE REPORT FOR DISCUSSION AND/OR ACTION REGARDING PROPOSED DESIGN FOR THE NEW LOCKHART ANIMAL SHELTER AS DISCUSSED BY THE ANIMAL SHELTER AD-HOC COMMITTEE.

Ms. Tucker provided information about the proposed design for the new Lockhart Animal Shelter. The Animal Shelter ad-hoc Committee has reviewed and requested the designs as presented. There was discussion.

ITEM 6-C. RECEIVE SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES, AND CONSIDER DIRECTION TO STAFF REGARDING A FUTURE AGENDA ITEM TO AMEND CHAPTER 31 "IMPACT FEES", SECTION 31-19 "EXCEPTIONS", TO CONTINUE OR MODIFY A TEMPORARY REDUCTION IN THE RATE CHARGED FOR ROAD IMPACT FEES.

Mr. Gibson stated that in accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the impact fee capital improvement plans, and filing semi-annual reports to City Council. The committee met on March 24 to consider their sixteenth semi-annual report since impact fees were originally adopted on January 15, 2002. The current total balance of all impact fee accounts is \$923,518. Net revenues during this six months were limited by the temporary reduction in the collection of road impact fees to 50 percent of the normal rate for commercial uses, and to 25 percent of the normal rate for all other uses.

The Committee recommended that the current temporary exception in Section 31-19(b) reducing the amount of road impact fees charged be amended to set the amount charged at 50 percent for all uses. The current temporary waiver expires on April 20, which is the date of the next Council meeting. Staff is seeking direction if the Council wishes to amend Section 31-19(b). Without further amendment, road impact fees will thereafter be automatically collected at the full amount by default.

The Impact Fee Advisory Committee also continues to recommend that the City begin spending some of the collected impact fees. Thus far, no funds have been spent on any of the projects listed in the impact fee water, wastewater, and road capital improvement plans, and we are nearing the end of the ten-year scope of the original CIP. It's becoming more urgent that some of the funds be spend in order to show some results and demonstrate to the public that they are being used for the intended purpose.

There was discussion.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to return with an ordinance that reflects that the impact fees remain as currently set.

ITEM 6-D. 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.

- Update regarding Special Election to be held on May 1, 2010.
- Street Paving updates.
- Household Hazardous Waste collections event.
- Spring Clean Up Program.
- SH 130 Utilities Update.
- Census 2010 Count Information.
- Update regarding Rites of Spring Event.
- Little League Opening Day.
- Update regarding Kid Fish Event.
- Information regarding 5K Run.

- Update regarding Chili Cook Off.
- Update regarding Library Events

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

Mayor Bertram requested comments of community interest from the Council or staff.

Councilmember Gomez announced that he would not be at the April 20 meeting.

Councilmember White commended staff for the work on the street improvements.

Mayor Bertram announced election info for primary run-off election

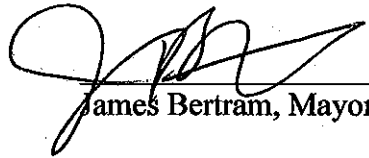
ITEM 9. ADJOURNMENT.

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 9:48 p.m.

PASSED and APPROVED this the 20th day of April 2010.

CITY OF LOCKHART




James Bertram, Mayor

ATTEST:



Connie Rodriguez, TRMC, City Secretary