

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**JUNE 16, 2009**

**6:30 P.M.**

**Council present:**

Mayor Pro-Tem Frank Estrada (arrived at 7:30 p.m.)  
Councilmember Kenny Roland  
Councilmember Richard Wieland

Mayor James Bertram  
Councilmember Paul Gomez  
Councilmember Lew White  
Councilmember Richard Banks

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Sandra Mauldin, Economic Dev. Coordinator  
Dan Gibson, City Planner  
Michael Lummus, Police Chief

Connie Ortiz, City Secretary  
Jeff Hinson, Finance Director  
M.L. Richards, Electric Superintendent  
Melanie Tucker, Animal Control/EMS Dir.  
Chris Knudsen, Police Lieutenant

**Citizens/Visitors Addressing the Council:** Patty Hickman, Vice-President of Cause for Paws; Leslie Banks, President of Cause for Paws; Honorina Martinez, Citizen; Ronda Reagan, Citizen; Mack McGregor of CNC Rescue; and, Peggy McConnell of Cause for Paws.

**Work Session 6:38 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. DISCUSS CITY COUNCIL MINUTES FOR THE JUNE 2, 2009 MEETING.**

Mayor Bertram requested corrections to the City Council minutes for the June 2, 2009 meeting. There were none.

**B. DISCUSS RATIFYING THE AUTOMATIC REVERSION OF THE MH MANUFACTURED HOME DISTRICT ZONING CLASSIFICATION OF LOT 2, BLOCK 1, SERRANO SUBDIVISION, OWNED BY SIMON D. AND DELFINA SERRANO AND LOCATED AT 605 GARCIA STREET, AS PROVIDED IN SECTION 64-196(M) OF THE LOCKHART CODE OF ORDINANCES, BY ORDERING AN AMENDMENT OF THE OFFICIAL ZONING MAP TO RECLASSIFY FROM MH MANUFACTURED HOME DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT.**

Mr. Gibson stated that Section 64-196(m) of the zoning ordinance provides that individual lots within the city presently zoned MH and not within a manufactured home subdivision or manufactured home park shall revert to the predominant zoning district classification adjacent to said lot upon removal, or by cessation of occupancy by utility disconnection in excess of 30 days, of an existing mobile or manufactured home thereon. It further states that the City Council shall ratify such action by an agenda item ordering a corresponding amendment of the zoning map. No notice or hearing is required other than notification to the owner of the property. In this case, the utilities were disconnected from the home at 605 Garcia Street last March. Since RMD zoning currently abuts the subject property on all sides, it is the classification that is automatically applied to the reversion. Mr. Gibson stated that staff received a complaint about the condition of the vacant manufactured home, but said that it did not appear to be an attractive nuisance. Although it had no skirting and the floor insulation was hanging down underneath, the structure was secure with locked doors and no broken glass.

There was discussion regarding the possibility of allowing another manufactured home on the subject property. Mr. Gibson explained that the existing manufactured home could not be reoccupied, but if it were removed, another one meeting current city standards could be considered as a specific use by the Planning and Zoning Commission.

Mr. Gruning stated that, because the manufactured home on the subject property was in violation of the zoning ordinance, the City could require that it be removed. There was discussion.

**C. DISCUSS THE SUBMITTAL OF A GRANT APPLICATION BY THE LOCKHART FIRE DEPARTMENT FOR A GRANT THROUGH THE 2009 AMERICAN RECOVERY AND REINVESTMENT ACT (PUBLIC LAW 111-5) AND THE DEPARTMENT OF HOMELAND SECURITY.**

Chief Doyle stated that the grant program is part of the \$510 million Stimulus Package. \$210 million is earmarked for modifying, upgrading, or constructing fire stations. Grants awarded under this program shall be to a variety of fire departments including paid, volunteer, and combination departments located in communities of varying sizes in urban, suburban and rural communities. The purpose of SCG is to strategically increase the safety of the firefighters and the communities they serve. As such, all program properties focus on the timeliness of the implementation of the construction project, the effect the new or modified facility will have on the health and safety of the firefighters, the number of firehouses in the surrounding area, as well as the benefits the new or modified facility will have on the protection of the community. He stated that a feasibility study was conducted on the property at the Lockhart Municipal Court at 1914 West San Antonio Street.

Ray Holiday of BRW Architects stated that they conducted the feasibility study that reflected that the new fire station would be feasible on the subject property. He stated that the subject property would be a little small for the new fire station but that it could work. There was discussion regarding the building and other possible locations to build it. Mr. Rodgers stated that his recommendation was to proceed with the new site to possibly be located at 1914 West San Antonio Street.

There was further discussion regarding how the funds would be used towards the new fire station and the grant process.

**D. DISCUSS AMENDING THE EXISTING CONTRACT WITH CENTRAL TEXAS REFUSE, INC. (CTR) PROVIDING FOR AN EXTENSION OF TWO (2) YEARS, AND THEREAFTER WITH AUTOMATIC ONE (1) YEAR RENEWABLE OPTIONS UNLESS EITHER PARTY PROVIDES A 180 DAYS ADVANCE NOTICE OF INTENT TO CANCEL THE CONTRACT OR INTENT TO REBID FOR HAND COLLECT RESIDENTIAL AND COMMERCIAL SERVICES, TRASH BIN SERVICES AND DUMPSTER ROLL-OFF SERVICES.**

Mr. Rodgers stated that at the last Council meeting, it was expressed that Council would support the CTR contract amendment but a majority voted to table the item to give the City Manager time to meet with CTR and negotiate a proposed agreement regarding the subscription of curb side recycling and recycling a single source stream method to bring back to Council. A preliminary negotiated agreement has been discussed however the CTR manager is out of the country and a meeting would be scheduled with the manager to make final negotiations and the resulting amendment for Council consideration. The City Manager would bring back a proposed contract amendment regarding the curb side recycling at the first Council meeting in July 2009. He stated that the CTR manager indicated that in order to provide curbside recycling, they would require at least 200 residents participating and paying for the recycling services. He outlined the proposed fees for garbage collection during the 2009-2010 fiscal year.

There was discussion regarding a survey that was conducted regarding the recycling programs of surrounding cities that indicated that the recycling program was offered to either all or none of the residents.

**E. DISCUSSION REGARDING THE PRELIMINARY BUDGET AND TAX RATE ADOPTION CALENDAR FOR FISCAL YEAR 2009-2010.**

Mr. Hinson stated that the calendar was preliminary and requested direction from the Council in regards to future budget workshops. The dates scheduled for discussion regarding the tax rate adoption were subject to change. There was discussion.

**F. DISCUSSION REGARDING SEVERAL ASPECTS OF THE CITY OF LOCKHART HOSTING THE TEXAS MUNICIPAL LEAGUE REGION X MEETING ON JULY 9, 2009.**

Ms. Ortiz provided an update regarding the meeting.

There was discussion regarding entertainment during social hour.

Mayor Bertram announced there would be a recess at 7:24 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 7:42 p.m.

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

Councilman Kenny Roland requested a moment of silence and led the pledge of allegiance to the United States and Texas flags.

**ITEM 3. CITIZENS/VISITORS COMMENTS.**

Mayor Bertram requested citizens to address the Council.

Patty Hickman, 338 Highway 304, Waelder, TX, Vice-President of Cause for Paws, provided information about how their organization raised and spent funds such as for supplies, food, veterinary expenses, construction of a cat cottage, and much more. She explained several instances where the Animal Control Officer of the Lockhart Animal Shelter did not allow assistance from Cause for Paws. She expressed concern about whether Cause for Paws could continue to assist the Lockhart Animal Shelter with the care of the animals.

Leslie Banks, 525 South Guadalupe, President of Cause for Paws, expressed concern about the relationship with the Director of the Lockhart Animal Shelter and stated that they wanted to continue to assist with the care of the animals at the shelter. She explained how the funds raised by Cause for Paws were used to assist with the care of the animals at the Lockhart Animal Shelter.

Honorina Martinez, 10201 Western Trail, Austin, Texas, explained the services that she offers to many animal shelters that include spaying, neutering, and adoption efforts for cats at many PetsMart Stores. She expressed concerns about several bad experiences at the Lockhart Animal Shelter that recently brought her to decide to cease assisting Lockhart with adopting animals. She stated that she previously worked with the Lockhart Animal Shelter for many years with animal adoption efforts and indicated that she would like to continue those efforts, if staff would allow it.

Ronda Reagan, 412 West San Antonio Street, provided an update regarding their efforts to raise funds to restore the Brock Cabin and information about an architect to begin a preliminary preservation plan for the Brock Cabin.

**ITEM 4. CONSENT AGENDA**

Councilmember White made a motion to approve consent agenda items 4A, 4B, and 4C. Councilmember Roland seconded. The motion carried by a vote of 7-0.

The following are the consent agenda items that were approved:

- 4A: Approve City Council minutes for the June 2, 2009 meeting.
- 4B: Ratify the automatic reversion of the MH Manufactured Home District zoning classification of Lot 2, Block 1, Serrano Subdivision, owned by Simon D. and Delfina Serrano and located at 605 Garcia Street, as provided in Section 64-196(m) of the Lockhart Code of Ordinances, by ordering an amendment of the official zoning map to reclassify from MH Manufactured Home District to RMD Residential Medium Density District.
- 4C. Approve the submittal of a grant application by the Lockhart Fire Department for a grant through the 2009 American Recovery and Reinvestment Act (Public Law 111-5) and the Department of Homeland Security.

**ITEM 5-A. CONSIDER AMENDING THE EXISTING CONTRACT WITH CENTRAL TEXAS REFUSE, INC. (CTR) PROVIDING FOR AN EXTENSION OF TWO (2) YEARS, AND THEREAFTER WITH AUTOMATIC ONE (1) YEAR RENEWABLE OPTIONS UNLESS EITHER PARTY PROVIDES A 180 DAYS ADVANCE NOTICE OF INTENT TO CANCEL THE CONTRACT OR INTENT TO REBID FOR HAND COLLECT RESIDENTIAL AND COMMERCIAL SERVICES, TRASH BIN SERVICES AND DUMPSTER ROLL-OFF SERVICES.**

Councilmember Gomez made a motion to approve the contract, as presented. Councilmember Roland seconded. Councilmember Banks asked if curbside recycling should be included in the contract. Mr. Rodgers replied that the proposed recycling program would be presented during the July 7 meeting and if approved, could be submitted as an amendment to the existing contract. The motion carried by a vote of 7-0.

**ITEM 5-B. PRESENTATION AND DISCUSSION/ACTION REGARDING THE PRELIMINARY BUDGET AND TAX RATE ADOPTION CALENDAR FOR FISCAL YEAR 2009-2010.**

Mr. Hinson stated that the budget workshops would begin on June 25, 2009 from 7-9 p.m. Each budget workshop thereafter would also be held between 7-9 p.m.

**ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING SEVERAL ASPECTS OF THE CITY OF LOCKHART HOSTING THE TEXAS MUNICIPAL LEAGUE REGION X MEETING ON JULY 9, 2009.**

There were no other comments.

**ITEM 5-D. CONSIDER EXPRESSED CONCERNS BY COUNCILMEMBER RICHARD BANKS REGARDING HIS DISSATISFACTION OF THE LOCKHART ANIMAL SHELTER MANAGEMENT, PERSONNEL AND THE EUTHANASIA, ADOPTION AND RESCUE PRACTICES AT THE SHELTER.**

Mr. Banks stated that the item was brought to the Council since several citizens have expressed several issues of concern to him about the Lockhart Animal Shelter.

Mayor Bertram requested the following to address the Council:

Mack McGregor, 1272 Old Lytton Springs Road, of CNC Rescue stated that he has worked with the Lockhart Animal Shelter for the past few years to assist in rescuing and adopting dogs and cats to reduce the euthanasia rate.

Mr. Banks stated that he understood that Mr. McGregor has been falsely accused of neglecting and abusing animals. Mr. McGregor stated that he has been relinquished of the accusations and, as of today, has been reinstated in allowing him to continue taking animals to assist in rescuing them and placing them in homes to avoid euthanasia. Mr. McGregor also stated that their goal was to save animals.

Mayor Bertram stated that he allowed this item to be placed on the agenda to give the issue an opportunity to be discussed and resolved amongst the Council so that the relationship with the volunteers and management at the Lockhart Animal Shelter could continue.

Peggy McConnell, 1274 Old Lytton Springs Road, suggested that the Lockhart Animal Shelter advertise pets for adoption in the Lockhart Post-Register more often.

Mayor Bertram requested that citizens and staff work together on caring for the animals at the shelter.

Mr. Rodgers distributed a survey that provided information about the adoption rate versus the euthanasia rate since 2001 at the Lockhart Animal Shelter in comparison to the surrounding cities of San Marcos, New Braunfels and Seguin, which reflected that the City of Lockhart Animal Shelter had a much lower euthanasia rate. For example, San Marcos has a euthanasia rate of 70 percent while Lockhart is less than half that. He stated that staff's goal was to adopt out animals and that euthanasia was a last resort. Each known animal rescue organization would receive an e-mail informing them of the animals that are available for adoption to allow them to work with the animal shelter staff. Mr. Rodgers commended the rescue groups that make Lockhart's euthanasia rate so low. He also publicly apologized to Ms. Martinez regarding the incident where she was offended about the shelter renewing our records regarding rescue groups and assured her it was not meant to be disrespectful. He further stated that as an animal shelter, we must keep current records to ensure we know where the rescued animals are being taken.

There was further discussion regarding efforts made to rescue animals and about the process to place an item on the Council agenda.

**ITEM 5-E. CONSIDER CITY'S RELATIONSHIP WITH THE CAUSE FOR PAWS (CFP) ORGANIZATION INCLUDING BUT NOT LIMITED TO THE RELATIONSHIP BETWEEN THE CITY OF LOCKHART AND THE CAUSE FOR PAWS ORGANIZATION REGARDING ANIMAL ADOPTIONS, GOALS, FUNDING AND CFP FUND RAISING EVENTS THAT WERE ADVERTISED PROMOTING FINANCIAL SUPPORT OF THE LOCKHART ANIMAL SHELTER.**

Mayor Bertram provided information about Cause for Paws' efforts to raise funds and to attempt to find homes for animals at the Lockhart Animal Shelter.

Councilmember Gomez made a motion to require that the funds raised by Cause for Paws is allocated to the City, except for expenses incurred for fundraising events. Councilmember Wieland seconded. The motion carried by a vote of 6-1, with Councilmember Banks abstaining.

Mayor Bertram suggested that the relationship with the CFP is severed.

Councilmember Wieland suggested that the CFP is given an opportunity to prove their efforts to work with the City. Councilmember White agreed.

Mayor Pro-Tem Estrada stated that organizations that assist in funding City causes or departments come and go and that he was against the City relying on non-profit organization funding to making it through a budget cycle.

There was discussion regarding the efforts to be made in regards to the relationship between the Lockhart Animal Shelter and Cause for Paws.

**CONSENSUS:** After discussion, the consensus of the Council was to direct the City Manager to meet with the Cause for Paws (CFP) organization, seek recovering of funds for use at the Lockhart Animal Shelter (LAS) and to make the final decision as to CFP involvement with LAS.

**ITEM 5-F. APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.**

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

**ITEM 6. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION.**

- Scheduling presentation of \$ 25,000 check to City for the Skatepark LCRA.
- New sewer main and services on Live Oak between South Medina and Rio Grande completed.
- Street improvement contracts will be advertised within the next 30 days pending utility clearances from the gas, telephone and cable companies.
- Requests for Qualifications (RFQ) proposals for the library architect will be opened June 23 with the selection process to start immediately.
- Animal Shelter ad-hoc committee continues to meet about the shelter design and will meet tomorrow night at 6:30 pm at the Public Safety Building.
- Commend parks, streets, and electrical crews for all their hard work involved with CTR preparation and parade.
- Continue to meet with TxDOT and Central Texas Highway Constructors about details on SH 130 construction.
- Construction of the Sundance Apartment is progressing very aggressively.
- Fiscal Year 2009-2010 Proposed Budget preparation.

**ITEM 7. COUNCIL COMMENTS.**

- A. Comments and possible discussion by Mayor James Bertram:
- Discussion regarding Chisholm Trail Roundup event.
  - Discussion regarding the unveiling of the directional sign for IH 35 in San Marcos.
  - Update regarding upcoming Juneteenth event.
- B. Comments and possible discussion by Councilmember Richard Banks:
- No comments.

**ITEM 8. ADJOURNMENT.**

Councilmember Wieland made a motion to adjourn the meeting. Councilmember Roland seconded.  
The motion carried by a vote of 7-0. The meeting was adjourned at 9:24 p.m.

PASSED and APPROVED this the 7<sup>th</sup> day of July 2009.

CITY OF LOCKHART

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James Bertram, Mayor

ATTEST:

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Connie Ortiz, TRMC, City Secretary