

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**JULY 7, 2009**

**6:30 P.M.**

**Council present:**

Mayor Pro-Tem Frank Estrada  
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  
Jerry Doyle, Fire Chief

Connie Ortiz, City Secretary  
Jeff Hinson, Finance Director  
M.L. Richards, Electric Superintendent  
Stephanie House, Controller

**Citizens/Visitors Addressing the Council:** Donald Hill of CARTS, Darla Johnson of Hays-Caldwell Women's Center; Sue Cohen of Hays-Caldwell Council on Alcohol & Drug Abuse; Rhoda Gersch of Combined Community Action-Senior Nutrition; Ella Hurst of Combined Community Action-Homemaker Program; Craig Hunter of the Lockhart Area Senior Citizen Center; Norma Blackwell of CASA of Central Texas; Rosa Hernandez of CASA of Central Texas; Rose Turner of Caldwell County Christian Ministries; Cynthia Barrera of Community Health Coalition of Caldwell County; James Fleming, Citizen; David Studer, Citizen; and, Wayne Bock of the Lockhart Chamber of Commerce.

**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. PRESENTATION BY NONPROFIT ORGANIZATIONS REQUESTING CONTRIBUTIONS FROM THE CITY FOR THE FISCAL YEAR 2009-2010 BUDGET.**

Mayor Bertram requested the following entities to make their presentation:

**Caldwell County Medical Assist Team (CCMAT)**

Mayor Bertram announced that CCMAT was not able to attend and that they requested to be allowed to make their presentation at a future meeting. The presentation would be made during the July 21, 2009 meeting.

Mayor Pro-Tem Estrada and Councilmember Gomez requested that CCMAT is informed that they should be prepared to make their presentation during the initially scheduled meeting date for future budgets. After discussion, the Council agreed that CCMAT would be able to reschedule the presentation this last time and that they would not be given authorization to reschedule it in the future.

**Capital Area Rural Transportation System (CARTS)**

Donald Hill of CARTS provided information about the transportation services that they provide to the Lockhart area. Mr. Hill stated that CARTS was requesting a contribution in the amount of \$5,000.

Mayor Bertram asked if CARTS received contributions from Caldwell County. Mr. Hill replied that they did and invited the Council and staff to contact him if additional questions should arise.

**Hays-Caldwell Women's Center (HCWC)**

Darla Johnson of HCWC provided information about the services that they provide to assist women and families of domestic violence. Ms. Johnson stated that HCWC was requesting a contribution of \$10,600. She stated that they also requested the same contribution amount from several other surrounding cities. Their goal was to budget approximately \$100 per victim that is served in Lockhart.

Ms. Johnson invited all to attend a grand opening for their new facility that would be held on October 2, 2009.

There was discussion regarding the funding provided by the City of San Marcos and surrounding cities.

**Hays-Caldwell Council on Alcohol & Drug Abuse (HCCADA)**

Sue Cohen of HCCADA provided information about the services that they offer to residents of Lockhart which consist of students and adults. Ms. Cohen stated that the HCCADA was requesting a contribution in the amount of \$4,000.

Ms. Cohen stated that they also request funds from surrounding cities and Caldwell County.

Mayor Pro-Tem Estrada asked if HCCADA requested funding from the Lockhart Independent School District. Ms. Cohen replied that they have not in the past and that they would in the future.

**Combined Community Action-Homemaker (CAAH)**

Rhoda Gersch of CAAH provided detailed information about the services that they provide to the elderly to assist with daily tasks that they are no longer able to do themselves. Ms. Gersch requested a contribution in the amount of \$1,800.

**Combined Community Action- Sr. Nutrition (CCASN)**

Ella Hurst of CCASN provided information about the meals that they provide to senior citizens (Meals on Wheels). There was brief discussion regarding the lack of volunteers. Ms. Hurst stated that they also receive funding from Caldwell County. Ms. Hurst stated that they were requesting a contribution in the amount of \$5,000.

**Lockhart Area Senior Citizen Center (LASCC)**

Craig Hunter of LASCC provided information about how they utilized their funds this year, which included a savings in personnel costs. He stated that they were requesting a contribution in the amount of \$3,200.

**CASA of Central Texas (CASA)**

Norma Blackwell of CASA provided information about the services that they offer children in the Lockhart area. Ms. Blackwell stated that CASA was requesting a contribution in the amount of \$5,000.

Rosa Hernandez, Volunteer of CASA, provided information about how she assists children in need and what her role is as a volunteer. She also invited the Council and citizens to upcoming fundraising events.

Ms. Blackwell provided information regarding several Senate Bills that were passed through the recent Legislation that benefitted CASA.

**Caldwell County Christian Ministries (CCCM)**

Rose Turner of CCCM provided information about how they assist in feeding the needy through the food pantry. Ms. Turner stated that CCCM was requesting a contribution in the amount of \$2,000.

There was discussion regarding how a citizen qualified to receive food from their organization. Ms. Turner replied that the citizen must show proof of residency within Caldwell County.

There was also discussion regarding other organizations that provide either funding or food donations to CCCM.

Ms. Turner stated that they do not currently receive funding from Caldwell County and that they would seek funding from them during future budgets.

**Community Health Coalition of Caldwell County (CHCCC)**

Cynthia Barrera of CHCCC provided information about how they assist in serving health services to Caldwell County, which includes a Durable Medical Equipment Program and a Pharmacy Assistance Program. Ms. Barrera stated that CHCCC was requesting a contribution in the amount of \$2,500. She stated that the City of Luling and Caldwell County also provided a contribution to the CHCCC.

Mayor Bertram announced that the allocations would be determined during a future meeting. The total combined funding requested by all entities was a total of \$39,100.

There was discussion regarding funds that were held in contingency which would cover an unexpected request for a contribution.

Mayor Bertram announced that there would be a recess at 7:33 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 7:54 p.m.

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

Mayor Pro-Tem Frank Estrada gave the invocation 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.

James Fleming thanked the Council for their work. He also thanked the City staff for enforcing the tall weed ordinance since tall weeds have been an issue of concern of residents in the Windridge Subdivision for many years. He suggested that the City consider creating a continuing education class to teach the Spanish language and suggested that a civic center be a priority for the Council. Mayor Bertram explained that an ad-hoc civic center committee was created a couple of years ago and that they had completed their review and made recommendations to the Council about several options for a civic center. Due to budget constraints, a civic center was planned to be incorporated in a budget sometime in the near future.

David Studer, 100 Hummingbird Lane, suggested that the Council considering hiring an Assistant City Manager to assist the City Manager with duties.

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

**ITEM 4-A. HOLD A PUBLIC HEARING TO CONSIDER RE-ESTABLISHING TAX ABATEMENT POLICY AND GUIDELINES OF THE CITY COUNCIL FOR THE CITY OF LOCKHART, TEXAS.**

Mayor Bertram opened the public hearing at 8:01 p.m. and requested the staff background report.

Ms. Mauldin stated that all reinvestment zones and tax abatement agreements that are created must be reviewed by the City at the end of two years to determine whether the goals have been achieved. Based on the review, the Guidelines and Criteria are to be renewed, modified or eliminated. Tax abatements are one of the top requests by companies interested in expansion or relocation. The current policy and guidelines of abatement allows the City to be competitive in retail, commercial and industrial projects for new or expanded business. She provided examples of recent tax abatements that were awarded to new businesses such as Serta and Walgreens. Ms. Mauldin requested approval of re-establishing the tax abatement policy.

There was discussion regarding the types of businesses that might qualify for a tax abatement as outlined in the Resolution.

Mayor Bertram requested citizens to address the Council. There were none. He closed the public hearing at 8:13 p.m.

**ITEM 4-B. CONSIDER APPROVAL OF RESOLUTION 2009-11 RE-ESTABLISHING A TAX ABATEMENT POLICY AND GUIDELINES FOR RETAIL, COMMERCIAL AND INDUSTRIAL BUSINESS.**

Councilmember Wieland made a motion to approve Resolution 2009-11, as presented. Councilmember White seconded. The motion carried by a vote of 7-0.

**ITEM 4-C. HOLD A PUBLIC HEARING ON A REQUEST BY JACOB MACIEL, JR. AND MONICQUE Y. GOMEZ FOR A ZONING CHANGE.**

Mayor Bertram opened the public hearing at 8:14 p.m. and requested the staff background report.

Mr. Gibson stated that the request for a zoning change was in connection to Item 4-D, which seeks consideration of a zoning change from Industrial Light District to RMD Residential Medium Density District. He stated that the requested zoning was in compliance with the future land use plan map and that the Planning and Zoning Commission and staff recommended approval.

There was discussion regarding whether the utility services would be billed at a commercial rate instead of a residential rate for home occupations.

Mayor Bertram requested citizens to address the Council. There were none. He closed the public hearing at 8:21 p.m.

**ITEM 4-D. CONSIDER APPROVAL OF ORDINANCE 2009-19 AMENDING THE OFFICIAL ZONING MAP FROM IL INDUSTRIAL LIGHT DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT FOR 0.424 ACRE IN THE BYRD LOCKHART LEAGUE ABSTRACT NO. 17, LOCATED AT 108 APPLE STREET. [ZC-09-02]**

Mayor Pro-Tem Estrada made a motion to approve Ordinance 2009-19, as presented. Councilmember Banks seconded. The motion carried by a vote of 5-1-1, with Councilmember White opposing and Councilmember Gomez abstaining.

**ITEM 5-A. PRESENTATION BY NONPROFIT ORGANIZATIONS REQUESTING CONTRIBUTIONS FROM THE CITY FOR THE FISCAL YEAR 2009-2010 BUDGET.**

Mayor Bertram stated that the presentations were made during the work session and that allocations would be made during a future Council meeting.

**ITEM 5-B. CONSIDER CITY COUNCIL MINUTES FOR THE JUNE 16, 2009 MEETING.**

Mayor Bertram requested corrections to the City Council minutes for the June 16, 2009 meeting. There were none.

Councilmember Gomez made a motion to approve City Council minutes for the June 16, 2009 meeting. Councilmember White seconded. The motion carried by a vote of 7-0.

**ITEM 5-C. CONSIDER ORDINANCE 2009-20 AMENDING CHAPTER 52 "SUBDIVISION REGULATIONS" OF THE LOCKHART CODE OF ORDINANCES, REVISING ARTICLE III "DESIGN STANDARDS" WITH REGARD TO SIDEWALK STANDARDS IN SECTION 52-77.**

Mr. Gibson stated that on May 19, the Council adopted comprehensive amendments to Chapter 52, completing a multi-year effort to revise and update our Subdivision Regulations. Since then, staff discovered an error caused by an attempt to clean up some language for consistency with the definitions of street classifications in Section 52-2. A critical phrase was inadvertently left out of Section 52-77(b) that caused an unintended substantive change to the sidewalk standards. This amendment simply restores the original standard, but with slightly different wording. An additional amendment is proposed in subsection (9)(3) of the same section to be consistent with other provisions in Chapter 52. It has the effect of slightly expanding the scope of an exemption, thereby making the affected standard less strict.

There was discussion regarding the classifications of streets within the city, such as a "minor street".

Councilmember Roland expressed concern about the sidewalk construction standards.

Councilmember Gomez made a motion to approve Ordinance 2009-20, as presented. Councilmember Wieland seconded. The motion carried by a vote of 6-1, with Councilmember Roland opposing.

**ITEM 5-F. CONSIDER REQUEST BY THE LOCKHART CHAMBER OF COMMERCE FOR THE CITY TO PAY FOR HALF OF THE PROJECTED COSTS OF \$15,000 TO REHABILITATE THE PARADE FLOAT.**

Wayne Bock, President/CEO of the Lockhart Chamber of Commerce, requested that the City of Lockhart contribute to half of the cost to rehabilitate the Chisholm Trail parade float that is taken to many parades throughout the year. He provided details about the repairs that were necessary.

There was discussion regarding alternatives to repair the float that included utilizing different types of materials and possibly utilizing volunteers or local merchants to make the repairs to save funds.

**CONSENSUS:** After discussion, the consensus of the Council was to request staff to work with the Lockhart Chamber of Commerce to possibly find alternatives to repair the parade float.

**ITEM 5-D. CONSIDER APPLICATION FOR PARTICIPATION IN THE TEXAS SHORT TERM ASSET RESERVE PROGRAM (TEXSTAR).**

Mr. Hinson stated that the City of Lockhart currently participates in two investment pools, TexPool and MBIA. The funds the City received from the recent issue of certificates of obligation facilitates the need to participate in an additional investment pool for safety, liquidity, and yield purposes. Mr. Hinson stated that he conducted research and recommended approval of participating in the Texas Short Term Asset Reserve Program (TexStar).

Councilmember Banks made a motion to approve submission of the application in the Texas Short Term Asset Reserve Program. Councilmember White seconded. The motion carried by a vote of 7-0.

**ITEM 5-E. CONSIDER REQUEST TO SOLICIT BIDS AND/OR PROPOSALS FOR THIRD PARTY BILLING AND/OR COLLECTION SERVICES FOR THE CITY OF LOCKHART EMERGENCY MEDICAL SERVICES DEPARTMENT.**

Ms. Tucker stated that the Request for Proposal would allow staff to solicit third party billing and/or collections services for the Emergency Medical Services Department. Seeking this service would allow for a more efficient use of staff resources within the department, as well as improve the timeliness and effectiveness of fee for services collection, which would increase revenue.

Councilmember Roland made a motion to authorize staff to solicit bids and/or proposals, as presented. Councilmember Gomez seconded. The motion carried by a vote of 7-0.

**ITEM 5-G. CONSIDER GRANTING CITY MANAGER APPROVAL TO SIGN A FEDERAL AVIATION ADMINISTRATION AGREEMENT FOR TRANSFER OF ENTITLEMENT FUNDS IN THE AMOUNT OF \$150,000 TO THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION TO FACILITATE FUTURE AIRPORT IMPROVEMENTS.**

Mr. Rodgers stated that the United States Department of Transportation, Federal Aviation Administration, through the Texas Department of Transportation has requested that the City of Lockhart waive receipt of funds apportioned to it in the amount of \$150,000 for year of 2005 so that the funds can be allocated to future airport improvements. The City of Lockhart did not have a qualifying project during the 2005 year or today because of 20 percent to 50 percent match requirement. If approved, the Texas Department of Transportation can use the funds for design and engineering associated with future airport project.

Councilmember Roland made a motion to authorize the City Manager to sign the Agreement, as presented. Councilmember Gomez seconded. The motion carried by a vote of 7-0.

**ITEM 5-H. CONSIDER RECYCLING AGREEMENT WITH CENTRAL TEXAS RECYCLING ASSOCIATION (CTRA) FOR SALE OF CERTAIN RECYCLABLES AND APPROVING THE CITY MANAGER TO SIGN THE AGREEMENT.**

Mr. Rodgers stated that Central Texas Recycling Association negotiations contract market prices with wholesale and processing recycling companies for several small Central Texas cities. Some of the companies with whom market prices are established include GreenStar, Vista Fibers, and MidAmerica. CTRA charges 10 percent for the services.

Mr. Rodgers provided information about the types of materials that are recycled.

Mayor Bertram suggested that the item is tabled to allow the name of the Association to be corrected on the future agenda.

Mayor Pro-Tem Estrada made a motion to table the item to the July 21, 2009 Council meeting. Councilmember Gomez seconded. The motion carried by a vote of 7-0.

**ITEM 5-I. CONSIDER AMENDMENT TO EXISTING RESIDENTIAL AND COMMERCIAL TRASH SERVICE CONTRACT WITH CENTRAL TEXAS REFUSE, INC., (CTR) TO INCLUDE SUBSCRIPTION CURBSIDE SINGLE STREAM RECYCLING TO START IN OCTOBER 2009, IF AT LEAST 175 CUSTOMERS SIGN UP FOR THE VOLUNTARY SERVICE OR REQUIRING CTR TO BEGIN SERVICE WITHIN 30 DAYS OF WRITTEN NOTICE BY THE CITY TO START THE SERVICE AFTER THE FIRST WEDNESDAY IN OCTOBER 2009.**

Mr. Rodgers stated that after negotiations with CTR, the existing residential and commercial trash pickup service contract with CTR would include subscription curbside single stream recycling to start October 1, 2009, if at least 175 customers sign up for the voluntary service. The negotiations were completed and a recommended contract was presented. Provided the minimum number of customers (175) sign up, the beginning date of the service would be October 1, 2009, and would continue in accordance with the current CTR contract terms.

Mr. Rodgers provided different methods that would be used to advertise the voluntary curbside recycling service. He stated that the service would begin upon the Council approving an Ordinance outlining the fees and regulations since rates would be contingent upon the number of customers who sign up for the service. A minimum of one year of customer service and fees would be recommended in the future ordinance.

Councilmember Banks made a motion to authorize the amendment to the contract, as presented. Councilmember Wieland seconded. The motion carried by a vote of 7-0.

**ITEM 5-J. DISCUSS PROPOSED FISCAL YEAR 2009-2010 BUDGETS AND RELATED INFORMATION.**

Mr. Hinson provided an amendment with the change in a meeting date to the Budget and Tax Rate Adoption Calendar.

**ITEM 5-K. DISCUSSION REGARDING MAINTENANCE AND OPERATION AND CAPITAL BUDGETS AND FUNDING.**

Mr. Hinson provided an update regarding the proposed method to calculate the proposed tax rate for fiscal year 2009-2010.

**ITEM 5-L. 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.**

- Water crew has completed 30% of the 18" raw water transmission main.
- 5<sup>th</sup> Annual Economic Development Summit on July 31 at American Legion from 9 am to 1 pm (see flyers).
- Received 12 Request for Proposal for architectural services for the Library expansion and historical preservation project; recommendation to Council at the July 21 meeting.
- Budget workshop calendar.
- Central Texas Highway Constructors has started construction of the next segment of SH 130.
- Design of utility sleeves and water main upgrades for SH 130 at US Highway 183 interchange underway.
- Final contract negotiations with Central Texas Highway Constructors regarding Master Utility Agreement almost complete.
- Office of Rural Community Affairs (ORCA)- \$250,000 grant for replacement of small water mains and providing more fire hydrants on Market Street, N Church, Locust, Garcia, Red River, and Alex Streets; Ranked 4<sup>th</sup> in the State for cities our size.

**ITEM 7. COUNCIL COMMENTS.**

A. Comments and possible discussion by Mayor James Bertram:

- Discussion regarding 4<sup>th</sup> of July Event.
- Discussion regarding Park Crew and City Pool.
- Discussion regarding Skatepark Construction and \$25,000 LCRA grant.

B. Comments and possible discussion by Councilmember Richard Banks:

- Discussion regarding junior colleges in Lockhart.

**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 9:25 p.m.

PASSED and APPROVED this the 21<sup>st</sup> day of July 2009.

CITY OF LOCKHART

ATTEST:

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James Bertram, Mayor

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Connie Ortiz, TRMC, City Secretary