

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**JULY 21, 2009**

**6:30 P.M.**

**Council present:**

Mayor Pro-Tem Frank Estrada  
Councilmember Lew White  
Councilmember Richard Banks

Mayor James Bertram  
Councilmember Paul Gomez  
Councilmember Richard Wieland

**Council absent:**

Councilmember Kenny Roland

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Sandra Mauldin, Economic Dev. Coordinator

Connie Ortiz, City Secretary  
Jeff Hinson, Finance Director  
Dan Gibson, City Planner

**Citizens/Visitors Addressing the Council:**

Craig Coles, President of the Caldwell County

Medical Assist Team; Michael Laird, Citizen.

**Work Session 6:34 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 25, 2009, JULY 2, 2009, AND JULY 7, 2009 MEETINGS.**

Mayor Bertram requested corrections to the City Council minutes for the June 25, 2009, July 2, 2009 and July 7, 2009 meetings. There were none.

**B. DISCUSS A RECYCLING AGREEMENT WITH COOPERATIVE TEAMWORK AND RECYCLING ASSISTANCE (CTRA) FOR SALE OF CERTAIN RECYCLABLES AND APPROVING THE CITY MANAGER TO SIGN THE AGREEMENT.**

Mr. Rodgers stated that CTRA negotiates 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 their services.

There was discussion regarding the possibility of recycling ink cartridges. Mr. Rodgers replied that Lockhart was not licensed to recycle ink cartridges or oil products.

**C. DISCUSS RESOLUTION 2009-12 RE-ESTABLISHING AN IDENTITY THEFT PREVENTION POLICY FOR THE CITY OF LOCKHART, TEXAS AND REPEALING RESOLUTION 08-21.**

Mr. Hinson stated that in 2008, the Council adopted an identity theft policy. The Fair and Accurate Credit Transactions Act of 2003 requires credit extending entities to adopt and annually review a written identity theft prevention policy and approve any changes to the policy. Resolution 08-21 only applies to the Utility Department, and based on subsequent information, the policy would apply to the City as a whole.

There was brief discussion regarding how the policy is enforced.

**D. DISCUSS ACCEPTANCE OF 3<sup>RD</sup> QUARTER FISCAL YEAR 2009 INVESTMENT REPORT.**

Mr. Hinson provided information about the following topics of the Investment Report:

- Investment Portfolio that includes information about how the City invests funds.
- Marketable Securities Transaction Summary.
- Investment Pool Transactions Summary.
- Investment Portfolio Summary.

**E. DISCUSS DESIGNATING A SEPTEMBER 11 HOLIDAY FOR CITY OF LOCKHART FIRE FIGHTERS IN ACCORDANCE WITH HOUSE BILL 2113 SIGNED ON JUNE 19, 2009 BY THE GOVERNOR OF TEXAS.**

Mr. Rodgers stated that House Bill (HB) 2113 was signed by the Governor of Texas on June 19, 2009 and becomes effective September 1, 2009. This law requires cities to designate a September 11 holiday for firefighters. The law does not require that a holiday be created; only designated. He stated that staff recommended that the already allowed personal holiday for the firefighters be designated as the September 11 holiday in compliance with HB 2113. This designation means that the firefighters will not be able to use the personal holiday except on September 11.

There was discussion regarding how firefighters would be paid if they were required to be on duty on the September 11 holiday, which would be considered overtime pay.

**F. PRESENTATION BY CALDWELL COUNTY MEDICAL ASSIST TEAM REQUESTING A CONTRIBUTION FROM THE CITY FOR THE FISCAL YEAR 2009-2010 BUDGET.**

Craig Coles, President of Caldwell County Medical Assist Team, provided information about their budget and how the funds are used. Mr. Coles stated that CCMAT was requesting a contribution in the amount of \$3,000.

There was further discussion regarding how the funds would be used such as for training citizens and first responders.

Mayor Bertram expressed concern about how CCMAT has not utilized the contributions that have been offered for the past few years. Mr. Coles indicated that as the newly elected President of CCMAT, the funds would be used to better educate their members and the community in health safety and awareness.

There was discussion regarding CCMAT adopting a budget to show proof of how their funds would be utilized.

Mr. Hinson suggested that if the Council chose, they could request a copy of Form 990 from CCMAT that is to be submitted to the Internal Revenue Service that reflects how funds were used by the non-profit organization.

**H. DISCUSSION REGARDING THE COSTS ASSOCIATED WITH PURCHASING IVOTRONIC ELECTRONIC VOTING MACHINES AND DISCUSSION REGARDING HOUSE BILL 401 THAT ALLOWS POLITICAL SUBDIVISIONS TO CHANGE THEIR GENERAL ELECTION DATE TO THE NOVEMBER UNIFORM ELECTION DATE NO LATER THAN DECEMBER 31, 2010.**

Ms. Ortiz provided information regarding the costs associated with purchasing electronic voting machines. Five used ADA compliant iVotronic electronic machines would cost \$11,000 without software and \$26,250 with software. There was discussion regarding the method that the City uses to count ballots in comparison to Caldwell County utilizing the optical scan ballot process. Ms. Ortiz also stated that the Voter Registrar recently indicated that they were considering upgrading the iVotronic electronic voting machines that they currently utilize. If they did upgrade or change their machines soon or in the future to a different type, and if the City had already purchased the iVotronic machines, it would thereafter create the possibility of two different types of electronic voting machines in the City's polling location.

Another consideration about purchasing the machines is in reference to House Bill 401 that allows political subdivisions to change their general election date from May to November, if done by December 31, 2010. If the Council will consider changing the general election date at a future meeting, purchase of the machines may not be necessary since the County would conduct the election on behalf of the City. Staff and the City Attorney are awaiting information from the Elections Division of the Secretary of State to provide an opinion regarding the Councilmember term status for the year to change terms from May to November, if the Council chooses.

Mayor Bertram announced that the Council would recess at 7:34 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 7:48 p.m.

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

Councilman Lew White 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. There were none.

**ITEM 4. CONSENT AGENDA.**

Councilmember Wieland made a motion to approve consent agenda items 5A, 5B, 5C, 5D, and 5E. Councilmember White seconded. There was brief discussion regarding consent agenda item 5E. The motion carried by a vote of 6-0.

The following are the consent agenda items that were approved:

- 4A: Approve City Council minutes for the June 25, 2009, July 2, 2009, and July 7, 2009 meetings.
- 4B: Approve a recycling agreement with Cooperative Teamwork and Recycling Assistance (CTRA) for sale of certain recyclables and approving the City Manager to sign the agreement.
- 4C: Approve Resolution 2009-12 re-establishing an Identity Theft Prevention Policy for the City of Lockhart, Texas and repealing Resolution 08-21.
- 4D: Acceptance of 3<sup>rd</sup> Quarter Fiscal Year 2009 Investment Report.
- 4E: Approve designating a September 11 Holiday for City of Lockhart Fire Fighters in accordance with House Bill 2113 signed on June 19, 2009 by the Governor of Texas.

**ITEM 5-A. PRESENTATION BY CALDWELL COUNTY MEDICAL ASSIST TEAM REQUESTING A CONTRIBUTION FROM THE CITY FOR THE FISCAL YEAR 2009-2010 BUDGET.**

Mayor Bertram announced that the presentation was made during the work session.

**ITEM 5-B. CONSIDER ALLOCATION OF DISTRIBUTIONS FOR FISCAL YEAR 2009-2010 TO THE NONPROFIT ORGANIZATIONS REQUESTING CONTRIBUTIONS.**

Mr. Hinson stated that the current budgeted amount for the allocations to the non-profit organizations totals \$25,276. Should the Council decide to allocate more than what is currently budgeted for the 2009-2010 fiscal year, the additional funds needed would be realized through budget cuts in other line items.

Councilmember Banks made a motion to award the same amounts as last fiscal year without awarding a contribution to CCMAT and to divide that amount amongst the other groups. The motion failed for the lack of a second vote.

Councilmember Gomez made a motion to allocate additional funds to CASA of Central Texas. The motion failed for the lack of a second vote.

Councilmember White made a motion to approve the distribution of funds to the organizations as follows and that CCMAT is not issued funds until they provide a budget and expenditure report/plan for the current fiscal year by the October 6, 2009 Council meeting. Mayor Pro-Tem Estrada seconded.

|   |         |
|---|---------|
| Caldwell County Medical Assist (CCMAT)        | \$3,000 |
| CARTS   | \$4,000 |
| Hays-Caldwell Women's Center                  | \$2,000 |
| Hays-Caldwell Council on Alcohol & Drug Abuse | \$1,000 |
| Combined Community Action-Sr. Nutrition       | \$4,500 |
| Combined Community Action-Homemaker           | \$1,800 |
| Lockhart Area Senior Citizen Center           | \$3,200 |
| CASA of Central Texas                         | \$1,000 |
| Caldwell County Christian Ministries          | \$1,450 |
| Community Health Coalition of Caldwell County | \$2,500 |
| Contingency                                   | \$826   |

The motion carried by a vote of 5-1, with Councilmember Gomez opposing.

**ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING THE COSTS ASSOCIATED WITH PURCHASING IVOTRONIC ELECTRONIC VOTING MACHINES AND DISCUSSION REGARDING HOUSE BILL 401 THAT ALLOWS POLITICAL SUBDIVISIONS TO CHANGE THEIR GENERAL ELECTION DATE TO THE NOVEMBER UNIFORM ELECTION DATE NO LATER THAN DECEMBER 31, 2010.**

Councilmember Banks made a motion to table the item to September 1, 2009. Mayor Pro-Tem Estrada seconded. The motion carried by a vote of 6-0.

**ITEM 5-D. CONSIDER SETTING THE PROPOSED DATES FOR THE PUBLIC HEARINGS REGARDING THE FISCAL YEAR 2009-2010 BUDGET AND, IF REQUIRED, ANY TAX INCREASE.**

Mr. Hinson stated that the City Charter requires that the City Council set a date, time a place for the public hearing for the fiscal year budget process and that the State Property Tax Statutes require public hearings on any tax increases.

Councilmember Gomez made a motion to schedule two public hearings for any tax rate increases on September 1, 2009 and September 15, 2009 and September 15, 2009 for the budget. The public hearing would be held at 7:30 p.m. in the Glosserman Room, 308 West San Antonio Street. Councilmember White seconded. The motion carried by a vote of 6-0.

**ITEM 5-E. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING A JUNIOR COLLEGE IN THE CITY OF LOCKHART.**

Mr. Rodgers stated that Sandra Mauldin, Economic Development Director, conducted a research about information relating to the classes that Austin Community College provides to the citizens of Lockhart.

Councilmember Banks requested that staff look into the possibility of the City becoming affiliated with Texas State or other Junior Colleges.

There was discussion regarding a Junior College other than Austin Community College encroaching on a taxing district if they were to operate in the City of Lockhart.

Mayor Bertram requested Michael Laird to address the Council.

Michael Laird requested that a Junior College is recruited to Lockhart since he stated that it would create jobs, offer educational opportunities to the community, generate revenue, and that he believed that it would be beneficial to Lockhart.

There was discussion regarding the benefits of having a Junior College in Lockhart.

Councilmember Wieland suggested that a citizen committee is established to conduct the research about other Junior Colleges locating in Lockhart, and that the decision of large expenditures waits until the economy improves.

Councilmember Banks suggested that if a Junior College is recruited, that it is established in the Central Business District. There was discussion.

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

Mayor Bertram requested appointments to various boards, commissions or committees.

Councilmember Gomez made a motion to appoint Joe Hunt to the Animal Shelter ad-hoc Committee. Mayor Bertram seconded. The motion carried by a vote of 6-0.

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

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

Mayor Bertram requested information about the following:

**PUBLIC WORKS**

Mr. Rodgers provided information and there was discussion about the following:

- Funds included to hire/fill the position of a Public Works Director. There was discussion regarding the proposed salary range. The Director would oversee the public works, airport, parks, streets, and maintenance departments.
- Increase in maintenance to conduct repairs to the Public Works office.

**STREETS**

Mr. Rodgers provided information and there was discussion about the following:

- Budget decreased since maintenance to streets has reduced slightly as a result of several streets being reconstructed.

**PARKS**

Mr. Rodgers provided information and there was discussion about the following:

- Slight increase due to the cost of employee insurance.
- Discussion regarding the decrease in employee wages. Seasonal workers are utilized more often and the vacant employee position is not to be filled.
- Discussion regarding purchasing additional seating for the soccer and softball fields.

**COMMUNITY FACILITY**

Mr. Rodgers provided information and there was discussion about the following:

- Funds budgeted are for maintenance of the building, since the Senior Citizen Center and Community Action are housed in the building.

**MAINTENANCE**

Mr. Rodgers provided information and there was discussion about the following:

- Replace old tire changing machine.
- Purchase new steam clean machine and pressure washer.
- Increase shop parts inventory.

**CEMETERIES**

Mr. Rodgers provided information and there was discussion about the following:

- Increase in budget due to the rate increase for contract mowing.
- Discussion regarding possibly adding seating for funeral services under the atrium. Mr. Rodgers stated that there is an agreement with the local funeral homes to provide seating during funeral services.
- Discussion regarding House Bill 2927 that allows taxing entities to allocate up to five cents of the tax rate to the cemetery.

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

There was no discussion.

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

- Water Well Conditions, capacities and continued outside water restrictions.
- Sale of water to contractor performing all dirt work in and near City as a customer in our Public Utility Commission assigned certificate of convenience and necessity.
- Raw water transmission main 90% complete by City Water Crew.
- 5<sup>TH</sup> Annual Economic Development Summit, Friday, July 31, 9 am – 1 pm, at American Legion.
- 2<sup>nd</sup> Annual Town Branch and Lockhart Springs Cleanup scheduled for Saturday, September 19.
- Safe Routes to School Plan approved by Texas Department of Transportation.
- Central Texas Highway Constructors Master Utility Contract will come to Council on August 4, if possible.
- Recommendation for the architectural services for the Dr. Eugene Clark project will come to Council on August 4.
- Movies in the Park August 8 (Madagascar) and September 19 (Kung Fu Panda).
- Thursday, July 30, Council Budget Workshop, 7 pm.
- Staff working on ways to advertise and solicit participation in the subscription residential curbside recycling service.

**ITEM 7. COUNCIL COMMENTS.**

A. Comments and possible discussion by Mayor Bertram:

- Wal-Mart Super Center Update.
- Huddle House Restaurant Project.
- CAPCOG Meetings and Events.
- Salmonella Reports.
- Caldwell County Indigent Healthcare Committee.

**ITEM 8. ADJOURNMENT.**

Councilmember Wieland made a motion to adjourn the meeting. Councilmember White seconded. The motion carried by a vote of 6-0. The meeting was adjourned at 9:13 p.m.

PASSED and APPROVED this the 4<sup>th</sup> day of August 2009.

CITY OF LOCKHART

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James Bertram, Mayor

ATTEST:

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Connie Ortiz, TRMC, City Secretary