

**LOCKHART CITY COUNCIL
REGULAR MEETING**

AUGUST 4, 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
Dan Gibson, City Planner
Michael Catching, Building Official

Connie Ortiz, City Secretary
Jeff Hinson, Finance Director
M.L. Richards, Electric Superintendent
Michael Lummus, Police Chief
Jerry Doyle, Fire Chief

Citizens/Visitors Addressing the Council: Steven Botani of Huddle House Restaurant.

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. DISCUSS MINUTES FOR THE JULY 16, 2009 AND JULY 21, 2009 COUNCIL MEETINGS.

Mayor Bertram requested corrections to the City Council minutes for the July 16, 2009 and July 21, 2009 meetings. There were none.

B. DISCUSS MEMORANDUM OF UNDERSTANDING BETWEEN LOCKHART POLICE DEPARTMENT AND LOCKHART INDEPENDENT SCHOOL DISTRICT FOR ONE SCHOOL RESOURCE OFFICER FOR THE 2009-2010 SCHOOL YEAR.

Chief Lummus stated that the Memorandum of Understanding would allow the City to provide a School Resource Officer for the Lockhart Independent School District (LISD) for the 2009-2010 school year.

There was discussion regarding how a police officer is selected to serve as the School Resource Officer.

Mayor Bertram suggested that the City of Lockhart Police Department consider beginning negotiations with the LISD regarding the 2010-2011 school year. During a previous school board meeting, the LISD Board of Trustees mentioned that they would compare the costs between the City of Lockhart Police Department and the Caldwell County Sheriff for the School Resource Officer. There was discussion.

C. DISCUSS ORDINANCE 2009-22 AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, ELECTRICAL CODE, DIVISION 4, TECHNICAL STANDARDS, CREATING SECTION 12-205, ELECTRICAL SERVICE FOR TRAVEL TRAILERS/RECREATIONAL VEHICLES.

Mr. Catching stated that there currently was no electric service standard for travel trailers/recreational vehicles. The proposed Ordinance would provide a construction standard. There are several unsafe services that were installed without permits and inspections. The Examining and Supervising Board of Electricians and Appeals reviewed and recommended approval of the ordinance.

Mr. Rodgers pointed out several typographical errors to the ordinance.

D. DISCUSS RECOMMENDATION BY THE CITY MANAGER OF NORMAN ALSTON ARCHITECTS AS THE FIRM TO PROVIDE ARCHITECTURAL SERVICES FOR THE RESTORATION AND REHABILITATION OF THE 2ND AND 3RD FLOORS OF THE DR. EUGENE CLARK MASONIC BUILDING LIBRARY ANNEX AND TO ALLOW THE CITY MANAGER TO NEGOTIATE THE FEES FOR THESE SERVICES SUBJECT TO APPROVAL BY THE CITY COUNCIL.

Mr. Rodgers stated that a total of eight firms responded to the publicly advertised Request for Proposals (RFP) for this project. RFP submittals were reviewed and ranked by staff. Based on the matrix ranking criteria, Norman Alston Architects had the highest ranking score of 760. The firm of Volz & Associates was a close second. If negotiations are not successful with Norman Alston Architects, then Volz & Associates would be approached about providing the professional services subject to the same approval by the Council.

There was discussion regarding the ranking process.

E. DISCUSSION REGARDING POSSIBLY RESCHEDULING THE NOVEMBER 3, 2009 COUNCIL MEETING DUE TO A POSSIBLE CONFLICT WITH THE STATE ELECTION.

Ms. Ortiz requested direction from the Council in regards to possibly rescheduling the November 3, 2009 Council meeting since the State will hold a Constitutional amendment election on November 3. Due to the possibility of a zoning issue requiring the Council's consideration in November, the City Planner would need to know if the meeting is cancelled or rescheduled well in advance for possible public hearing publication requirements.

F. DISCUSSION REGARDING SEVERAL ASPECTS REGARDING THE TEXAS MUNICIPAL LEAGUE ANNUAL CONFERENCE TO BE HELD IN FORT WORTH, TEXAS ON OCTOBER 20-23, 2009.

Ms. Ortiz requested direction from the Council regarding the order in which to reserve a hotel through the Texas Municipal League Housing Bureau. There was discussion regarding the number of days to stay in the hotel and regarding the conference registration deadline.

G. DISCUSS ACCEPTING THE CITY OF LOCKHART'S 2009 CERTIFIED PROPERTY TAX ROLL.

Mr. Hinson stated that a budget workshop would be scheduled for August 13, 2009 to allow the Council to discuss the tax rate in detail.

Mr. Hinson provided information and details about the Certified Property Tax Roll for 2009.

There was discussion.

H. DISCUSS FORMING AN AD-HOC COMMITTEE TO BRING HIGHER EDUCATION TO LOCKHART AND APPOINTING COMMITTEE MEMBERS, AS NECESSARY.

Mr. Rodgers stated that Councilman Richard Banks requested that this issue is brought to the Council to allow that a Committee is possibly established to bring higher education to Lockhart.

Councilman Banks suggested that a committee is established or re-appointed to allow them the ability to research the possibility of recruiting a Junior College to Lockhart.

Councilman White suggested that the Superintendent or School Board of the Lockhart Independent School District is approached with the issue and that they are requested to assist in the research.

Ms. Mauldin stated that surrounding cities were also having issues with education standards in working on reaching out to the community. She stated that recruiting a Junior College would create an additional tax to the citizens. There was discussion.

Councilman Wieland suggested that City staff consult with the Lockhart Independent School District in regards to whether the City or they should seek recruitment of a Junior College.

Mayor Bertram announced there would be a 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 7:50 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilman Richard Banks 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.

Steven Botanti of Huddle House Restaurant requested that the Council consider waiving the impact fees for the construction of the restaurant. He stated that he would submit a formal request to City staff within the next one or two days, and he provided brief details about the restaurant.

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

ITEM 4-A. HOLD A PUBLIC HEARING ON A REQUEST BY BOBBY MENDEZ FOR A ZONING CHANGE AMENDING THE OFFICIAL ZONING MAP FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CLB COMMERCIAL LIGHT BUSINESS DISTRICT FOR LOT 2, BLOCK 1, MENDEZ SUBDIVISION, LOCATED AT 908 SOUTH MAIN STREET. [ZC-09-03]

Mayor Bertram opened the public hearing at 7:55 p.m. and requested the staff background report.

Mr. Gibson stated that the owner wishes to convert the existing residence into a commercial office building, which is not allowed in the RMD District. The most restrictive district classification that allows offices is the CLB, which would be an expansion of the area already zoned CLB adjacent to the north. Also, it would be an appropriate transition between the more intense existing CHB zoning adjacent to the east and the less intense residential zoning to the west and south. An office building generally does not generate as much traffic and other impacts as most other commercial uses, and there is usually very little activity beyond normal business hours. However, depending on the type of office, there could be more traffic than the current residential uses. If the use is changed from residential to office, an off-street parking lot meeting City standards would be required, and the driveway entrance would have to be widened to at least 25 feet for two-way commercial access. Although the requested CLB zoning is not consistent with the Low Density Residential designation of the subject property on the future land use plan map, the lot is in an area of transition where the map indicates Light-Medium Commercial future land use adjacent to the east and extending along the west side of Commerce Street and Colorado Street. There has been no opposition expressed. Mr. Gibson stated that the Planning and Zoning Commission and staff recommended approval of the requested zoning change.

Mayor Bertram requested citizens to address the Council. There were none. He closed the public hearing at 8:03 p.m.

ITEM 4-B. CONSIDER APPROVAL OF ORDINANCE 2009-21 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS LOT 2, BLOCK 1, MENDEZ SUBDIVISION, LOCATED AT 908 SOUTH MAIN STREET, FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CLB COMMERCIAL LIGHT BUSINESS DISTRICT.

Councilmember White made a motion to approve Ordinance 2009-21, as presented. Councilmember Wieland seconded. The motion carried by a vote of 5-0-1, with Councilmember Gomez abstaining.

ITEM 5. CONSENT AGENDA.

Councilmember Banks made a motion to approve consent agenda items 5A, 5B, and 5C. Councilmember White 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 July 16, 2009 and July 21, 2009 Council meetings.
- 5B: Approve Memorandum of Understanding between Lockhart Police Department and Lockhart Independent School District for one School Resource Officer for the 2009-2010 school year.
- 5C: Approve Ordinance 2009-22 amending Chapter 12, Buildings and Building Regulations, Article III, Electrical Code, Division 4, Technical Standards, creating Section 12-205, Electrical Service for travel trailers/recreational vehicles.

ITEM 6-A. CONSIDER APPROVAL OF RECOMMENDATION BY THE CITY MANAGER OF NORMAN ALSTON ARCHITECTS AS THE FIRM TO PROVIDE ARCHITECTURAL SERVICES FOR THE RESTORATION AND REHABILITATION OF THE 2ND AND 3RD FLOORS OF THE DR. EUGENE CLARK MASONIC BUILDING LIBRARY ANNEX AND TO ALLOW THE CITY MANAGER TO NEGOTIATE THE FEES FOR THESE SERVICES SUBJECT TO APPROVAL BY THE CITY COUNCIL.

Councilmember Banks made a motion to approve the recommendation by the City Manager to contract Norman Alston Architects as the firm to provide the architectural services for the restoration and rehabilitation of the second and third floors of the Dr. Eugene Clark Masonic Building Library Annex and allow the City Manager to negotiate the fees for these services, subject to approval by the City Council. Mayor Pro-Tem Estrada seconded. The motion carried by a vote of 6-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING POSSIBLY RESCHEDULING THE NOVEMBER 3, 2009 COUNCIL MEETING DUE TO A POSSIBLE CONFLICT WITH THE STATE ELECTION.

CONSENSUS: After discussion, the consensus of the Council was to reschedule the November 3, 2009 Council meeting to Wednesday, November 4, 2009.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING SEVERAL ASPECTS REGARDING THE TEXAS MUNICIPAL LEAGUE ANNUAL CONFERENCE TO BE HELD IN FORT WORTH, TEXAS ON OCTOBER 20-23, 2009.

Mayor Bertram stated that the item was discussed during the work session.

ITEM 6-D. CONSIDER ACCEPTING THE CITY OF LOCKHART'S 2009 CERTIFIED PROPERTY TAX ROLL.

Councilmember Wieland made a motion to accept the City of Lockhart's 2009 Certified Property Tax Roll. Councilmember Gomez seconded. The motion carried by a vote of 6-0.

ITEM 6-E. CONSIDER FORMING AN AD-HOC COMMITTEE TO BRING HIGHER EDUCATION TO LOCKHART AND APPOINTING COMMITTEE MEMBERS, AS NECESSARY.

CONSENSUS: After discussion, the Council requested that Mayor Bertram discuss the issue with the Lockhart Independent School District Board of Trustee President.

ITEM 6-F. APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

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

ITEM 7. COUNCIL COMMENTS.

A. Comments and possible discussion by Mayor Bertram:

- Update regarding the Economic Development Summit held on July 31, 2009.
- Update regarding the Mayor's reception held in San Marcos for Mayor Lee Levenwell.
- Update regarding Lockhart Independent School District Board meetings.
- Update regarding combined dispatch between the City of Lockhart and Caldwell County.

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 8:11 p.m.

PASSED and APPROVED this the 18th day of August 2009.

CITY OF LOCKHART

James Bertram, Mayor

ATTEST:

Connie Ortiz, TRMC, City Secretary