

PUBLIC NOTICE

AGENDA

LOCKHART CITY COUNCIL

TUESDAY, AUGUST 18, 2009

**CITY HALL – GLOSSERMAN ROOM
308 WEST SAN ANTONIO STREET**

6:30 P.M.

WORK SESSION (No Action)

Work session will be held to receive briefings and to initially discuss all items contained on the Agenda posted for 7:30 p.m. Generally, this work session is to simplify issues as it relates to the agenda items. No vote will be taken on any issue discussed or reviewed during the work session.

DISCUSSION ONLY

- A. Discuss City Council minutes for the July 30, 2009, August 4, 2009, and August 13, 2009 meetings.
- B. Discuss bid and award of contract with Westhill Paving, Inc., of San Marcos, Texas, for crack sealing services for up to 80,000 linear feet for a unit price of \$0.374 cents per linear foot.
- C. Discuss Master Utility Adjustment Agreement contract whereby Central Texas Highway Contractors, LLC, (CTxHC) agrees to pay the City of Lockhart for the replacement, upgrades and any easements for its utility facilities in conflict with the construction of State Highway 130 at and near the intersection of U.S. Highway 183 and approving the Mayor to sign the agreement.
- D. Discuss an appeal by Steven Bitonti for a waiver or reduction of the impact fees charged for a proposed restaurant at 1801 South Colorado Street, as provided in Section 31-13 "Appeals", Chapter 31 "Impact Fees", of the Lockhart Code of Ordinances, and based upon the calculated amount of impact fee due as listed in Section 31-13(a)(2).
- E. Discussion regarding adoption of the 2009 Cemetery Maintenance Trust proposed property tax rate.
- F. Discussion regarding adoption of the 2009 combined maintenance and operation and interest and sinking proposed property tax rate for the City of Lockhart. If proposed tax rate exceeds the rollback rate or the effective tax rate (whichever is lower), a record vote must be taken to place a proposal to adopt the rate on the agenda of a future Council meeting. If motion passes, Council must schedule and announce the date, time and place of two (2) public hearings regarding the proposed tax rate.
- G. Discussion regarding the Fiscal Year 2009-2010 Proposed Budget, tax rate and related information.
- H. Discussion regarding maintenance and operating and capital budgets and funding.
- I. Discussion regarding Tentative Budget and Tax Rate Adoption Calendar.

7:30 P.M. REGULAR MEETING

1. CALL TO ORDER

Mayor James Bertram

2. INVOCATION, PLEDGE OF ALLEGIANCE

Councilman Paul Gomez

3. CITIZENS/VISITORS COMMENTS

(The purpose of this item is to allow citizens an opportunity to address the City Council on issues that are not on the agenda.)

4. PUBLIC HEARING/COUNCIL ACTION

- A. Hold a public hearing on a request by Richard Hernandez for a Zoning Change amending the Official Zoning Map from CHB Commercial Heavy Business District to RMD Residential Medium Density District on 0.2525 acre in the Byrd Lockhart League, Abstract No. 17, located at 110 West China Street. [ZC-09-04]
- B. Consider Ordinance 2009-23 amending the Official Zoning Map of the City of Lockhart, Texas, to reclassify the property known as 0.2525 acre in the Byrd Lockhart League, Abstract No. 17, and located at 110 West China Street, from CHB Commercial Heavy Business District to RMD Residential Medium Density District.

5. CONSENT AGENDA

- A. Approve City Council minutes for the July 30, 2009, August 4, 2009, and August 13, 2009 meetings.
- B. Approve bid and award of contract with Westhill Paving, Inc., of San Marcos, Texas, for crack sealing services for up to 80,000 linear feet for a unit price of \$0.374 cents per linear foot.
- C. Approve Master Utility Adjustment Agreement contract whereby Central Texas Highway Contractors, LLC, (CTxHC) agrees to pay the City of Lockhart for the replacement, upgrades and any easements for its utility facilities in conflict with the construction of State Highway 130 at and near the intersection of U.S. Highway 183 and approving the Mayor to sign the agreement.

6. DISCUSSION/ACTION ITEMS

- A. Consider an appeal by Steven Bitonti for a waiver or reduction of the impact fees charged for a proposed restaurant at 1801 South Colorado Street, as provided in Section 31-13 "Appeals", Chapter 31 "Impact Fees", of the Lockhart Code of Ordinances, and based upon the calculated amount of impact fee due as listed in Section 31-13(a)(2).
- B. Discuss and take appropriate action regarding adoption of the 2009 Cemetery Maintenance Trust proposed property tax rate.

- C. Discuss and take appropriate action regarding adoption of the 2009 combined maintenance and operation and interest and sinking proposed property tax rate for the City of Lockhart. If proposed tax rate exceeds the rollback rate or the effective tax rate (whichever is lower), a record vote must be taken to place a proposal to adopt the rate on the agenda of a future Council meeting. If motion passes, Council must schedule and announce the date, time and place of two (2) public hearings regarding the proposed tax rate.
- D. Appointments to various boards, commissions or committees.
- E. Presentation, workshop, discussion and/or action regarding the Fiscal Year 2009-2010 Proposed Budget, tax rate and related information.
- F. Discussion regarding maintenance and operating and capital budgets and funding.
- G. Discussion and/or action regarding Tentative Budget and Tax Rate Adoption Calendar.

7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION

- City water well conditions.
- Luling water contribution.
- Safe Routes to School Grant – Call for projects at end of August or early September.
- Library architect contract fee negotiations proceeding.
- Keep Lockhart Beautiful – Town Branch cleanup set for Saturday, September 19 at 7:30 am to 1 pm at City Park.
- September 19 at 8:30 pm, Movies in City Park, Kung Fu Panda.

8. COUNCIL COMMENTS

- A. Comments and possible discussion by Mayor James Bertram:
 - Report on Capital Area Council of Government Executive Board meeting.

9. ADJOURNMENT

*** Once approved to be on the agenda, staff requests you register to speak prior to the meeting. Deadline for specific items on the agenda is Noon Tuesday prior to the Regular Meeting.**

If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the City Council will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D to consider one or more matters pursuant to the following:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073. To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.076. To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.086. To deliberate vote or take final action on any competitive matters relating to public power utilities.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

Section 551.088. To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.

After discussion of any matters in executive session, any final action or vote taken will be in public by the City Council.

City Council shall have the right at anytime to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 14th day of August 2009 at _____ . I further certify that the following News Media was properly notified of this meeting as stated above: Lockhart Post-Register

Connie Ortiz, TRMC
City Secretary