

**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**OCTOBER 7, 2009**

**6:30 P.M.**

**Council present:**

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

Councilmember Paul Gomez  
Councilmember Richard Wieland

**Council absent:**

Mayor James Bertram  
Councilmember Kenny Roland

**Staff present:**

Vance Rodgers, City Manager  
Peter Gruning, City Attorney  
Sandra Mauldin, Economic Dev. Coordinator  
Jerry Doyle, Fire Chief

Connie Ortiz, City Secretary  
Jeff Hinson, Finance Director  
M.L. Richards, Electric Superintendent  
Melanie Tucker, EMS Director

**Citizens/Visitors Addressing the Council:** Philip Ruiz, Chair of the Impact Fee Advisory Committee; Wayne Bock, President of the Lockhart Chamber of Commerce; and, Craig Coles, President of Caldwell County Medical Assist Team.

**Work Session 6:30 p.m.**

Mayor Pro-Tem Estrada 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 OF A PROCLAMATION DECLARING OCTOBER 4-10, 2009 AS "FIRE PREVENTION WEEK".**

Mayor Pro-Tem Estrada presented a proclamation to the Lockhart Fire Department declaring October 4-10, 2009 as "Fire Prevention Week". Chief Doyle provided information to the public regarding methods to stay safe and about fire prevention methods.

**B. DISCUSS CITY COUNCIL MINUTES FOR THE SEPTEMBER 8, 2009, SEPTEMBER 15, 2009, AND SEPTEMBER 29, 2009 MEETINGS.**

Mayor Pro-Tem Estrada requested corrections to the City Council minutes. There were none.

**C. DISCUSS RESOLUTION 2009-15 PROVIDING NOMINATIONS FOR DIRECTOR(S) TO SERVE ON THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE 2010-2011 TERM.**

Mayor Pro-Tem Estrada stated that the Council nominated Benny Hilburn to the Caldwell County Appraisal District (CCAD) Board during the previous meeting. The Resolution would be submitted to the CCAD with the nomination.

**D. DISCUSS RESOLUTION 2009-16 AUTHORIZING THE FILING OF GRANT APPLICATIONS WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR REGIONAL SOLID WASTE GRANTS PROGRAM GRANTS, AUTHORIZING MAYOR JAMES BERTRAM TO ACT ON BEHALF OF THE CITY OF LOCKHART IN ALL MATTERS RELATED TO THE APPLICATIONS, AND PLEDGING THAT IF A GRANT IS RECEIVED, THE CITY OF LOCKHART WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.**

Mr. Rodgers stated that the grant if awarded would provide funding to hold a 2010 citywide household hazardous waste pickup event (\$12,548), purchase 500 each 30 gallon carts for curbside recycling (\$25,000), fund a recycling education program for LISD 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> graders (\$3,270), encourage and expand the curbside recycling program by offering customers an incentive of six months free curbside recycling if signed up by May 1, 2010 for the first 500 customers – customers would still be required to make a 12 month commitment and would be expected to cover the fee for the remaining six months. Customers who signed up before the grant would still be eligible for the incentive (\$17,820). A total of \$58,638 will be requested if submission is approved by the Council. The grant match required by the City is \$1,000 which is budgeted in the current budget.

**E. DISCUSS MUTUAL-AID AGREEMENT BETWEEN THE CITY OF LOCKHART AND TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #11 (TRAVIS COUNTY FIRE RESCUE) FOR SERVICES AS REQUESTED.**

Mayor Pro-Tem Estrada stated that the Agreement was a renewal from the original agreement that was approved two years prior. He requested questions from the Council for staff. There were none.

**F. DISCUSS CITY OF LOCKHART EMERGENCY MEDICAL AND FIRE DEPARTMENT SERVICES ENTERING INTO A MEMORANDUM OF AGREEMENT FOR EMERGENCY MEDICAL CARE AND FIRE SERVICES WITH THE LOCKHART SECURE WORK PROGRAM FACILITY (GEO).**

Mayor Pro-Tem stated that the item was presented to the Council during the previous meeting. Issues of concern were addressed in the updated agreement, as presented. He requested questions from Council for staff. There were none.

**G. DISCUSSION REGARDING A NEGOTIATED ARCHITECTURAL SERVICES DRAFT CONTRACT WITH NORMAN ALSTON ARCHITECTS FOR THE RESTORATION AND EXPANSION OF THE DR. EUGENE CLARK LIBRARY MASONIC BUILDING ANNEX AND APPOINTING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.**

Mr. Rodgers stated that Peter Gruning, City Attorney, has reviewed the contract and comments were also sought from the Texas Municipal League Intergovernmental Risk Pool regarding liability portions of the proposed contract. The fee proposed is 8.455 percent of the total projected costs of the project of \$1.8 million. Fee curves for such architectural services commonly range from 4 percent to 12 percent depending on the size of the project, complexities, and whether it is a new structure, rehabilitation or a rehabilitation project such as this one. Mr. Rodgers recommended approval of the draft contract.

There was discussion regarding the timeline to complete the project, which Mr. Rodgers indicated should take approximately 18 to 24 months.

**H. RECEIVE SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.**

Mr. Rodgers stated that the current total balance of all impact fee accounts is \$916,891. He requested Philip Ruiz, Chair of the Impact Fee Advisory Committee, to address the Council.

Philip Ruiz, Chair of the Impact Fee Advisory Committee, stated that the Committee recommended that the City Council continue charging 50 percent of the normal amount of road impact fees for commercial uses, and increasing the rate for all other uses from 25 percent to 50 percent for the next six months. The Committee also recommends that at least some funds from each of the three impact fee accounts be spent on eligible projects within the next year.

There was discussion regarding the method that the impact fees are calculated and charged for new construction projects.

Mayor Pro-Tem Estrada, Councilmember Gomez and Councilmember White expressed their opposition about increasing impact fees.

Councilmember Banks and Councilmember Wieland expressed concern about not increasing impact fees since the underbudgeted funds for future roads and infrastructure repairs would eventually need to be obtained from certificates of obligation funds or from the City's future budgets.

Mr. Ruiz provided additional explanation about why the Impact Fee Advisory Committee recommends that the fees be increased.

Councilmember Wieland recommended that the expenses associated with future infrastructure needs are paid by the developers instead of that expense eventually being burdened by the taxpayers. Mr. Rodgers explained that developers do not contribute to new development demands placed on the sewer and water plants except through impact fees and further that over-sized lines are required.

There was further discussion.

**I. DISCUSS ORDINANCE 2009-29 AMENDING CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES, REVISING SECTION 31-19 "EXCEPTIONS" TO EXTEND OR MODIFY A TEMPORARY REDUCTION IN THE RATE CHARGED FOR ROAD IMPACT FEES.**

Mayor Pro-Tem Estrada stated that the Council had two ordinances to choose, which was to either leave the impact fees as currently set or to increase them as recommended by the Impact Fee Advisory Committee.

**J. DISCUSS NOMINATIONS TO THE NATIONAL LEAGUE OF CITIES BOARD AND/OR COMMITTEES.**

Ms. Ortiz requested nominations to a National League of Cities Committee. There were none.

Mayor Pro-Tem Estrada announced that there would be a recess at 7:05 p.m.

**REGULAR MEETING**

**ITEM 1. CALL TO ORDER.**

Mayor Pro-Tem Estrada called the regular meeting of the Lockhart City Council to order on this date at 7:30 p.m. He stated that Mayor James Bertram was ill and would not attend the meeting.

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

Councilman Richard Wieland gave the invocation and led the pledge of allegiance to the United States and Texas flags.

**ITEM 3-A. PRESENTATION OF A PROCLAMATION DECLARING OCTOBER 4-10, 2009 AS "FIRE PREVENTION WEEK".**

Mayor Pro-Tem Estrada stated that the proclamation was presented during the work session.

**ITEM 4. CITIZENS/VISITORS COMMENTS.**

Mayor Bertram requested citizens to address the Council.

Wayne Bock, 919 Merritt Drive, invited the Council, staff and citizens to the First Annual Barbecue Bowl in Elgin on October 23 at 7:30 p.m.

Craig Coles, 1307 Davis Road, President of the Caldwell County Medical Assist Team, provided an update about their budget, membership, bylaws, and other issues pertaining to their non-profit organization. He provided information about how funds have been spent to improve their services to Caldwell County residents. He stated that he would also attend the November 4, 2009 Council meeting to allow discussion of their continued efforts with the Council.

**ITEM 5. CONSENT AGENDA.**

Councilmember White made a motion to approve consent agenda items 5A, 5B, 5C, 5D, and 5E. Councilmember Banks seconded. The motion carried by a vote of 5-0.

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes for the September 8, 2009, September 15, 2009, and September 29, 2009 meetings.
- 5B: Approve Resolution 2009-15 providing nominations for Director(s) to serve on the Caldwell County Appraisal District Board of Directors for the 2010-2011 term.
- 5C: Approve Resolution 2009-16 authorizing the filing of grant applications with the Capital Area Council of Governments for Regional Solid Waste Grants Program grants, authorizing Mayor James Bertram to act on behalf of the City of Lockhart in all matters related to the applications, and pledging that if a grant is received, the City of Lockhart will comply with the grant requirements of the Capital Area Council of Governments, the Texas Commission on Environmental Quality and the State of Texas.
- 5D: Approve Mutual-Aid Agreement between the City of Lockhart and Travis County Emergency Services District #11 (Travis County Fire Rescue) for services as requested.
- 5E: Approve City of Lockhart Emergency Medical and Fire Department Services entering into a Memorandum of Agreement for emergency medical care and fire services with the Lockhart Secure Work Program Facility (GEO).

**ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING A NEGOTIATED ARCHITECTURAL SERVICES DRAFT CONTRACT WITH NORMAN ALSTON ARCHITECTS FOR THE RESTORATION AND EXPANSION OF THE DR. EUGENE CLARK LIBRARY MASONIC BUILDING ANNEX AND APPOINTING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.**

Councilmember Banks made a motion to approve the Contract, as presented. Councilmember White seconded. Councilmember Wieland asked if the City Attorney approved the contract. Mr. Gruning replied that he had reviewed and approved it. The motion carried by a vote of 5-0.

**ITEM 6-B. RECEIVE SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.**

Mr. Rodgers stated that as of September 2008, the impact fees collections are as follows:

Water - \$372,075  
Wastewater - \$332,018  
Roads - \$212,798

Mr. Rodgers stated that these funds could only be used for the projects that were identified and approved by the Council in the Capital Improvement Plan.

**ITEM 6-C. CONSIDER APPROVAL OF ORDINANCE 2009-29 AMENDING CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES, REVISING SECTION 31-19 "EXCEPTIONS" TO EXTEND OR MODIFY A TEMPORARY REDUCTION IN THE RATE CHARGED FOR ROAD IMPACT FEES.**

Councilmember White made a motion to approve Ordinance 2009-29, which would leave the impact fees as currently set. Councilmember Gomez seconded. The motion carried by a vote of 4-1, with Councilmember Wieland opposing.

**ITEM 6-D. CONSIDER NOMINATIONS TO THE NATIONAL LEAGUE OF CITIES BOARD AND/OR COMMITTEES.**

Mayor Pro-Tem Estrada requested nominations to the National League of Cities Board and/or Committees. There were none.

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

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

Councilmember White made a motion to appoint Brenda Chambliss to the Planning and Zoning Commission. Councilmember Gomez seconded. The motion carried by a vote of 5-0.

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

- 2<sup>nd</sup> Annual Town Branch and Lockhart Springs Cleanup scheduled for Saturday, September 19.
- Status of Safe Routes to School Grant due November 30, 2009; plan approved in August, 2009.

- Update on subscription residential curbside recycling service to begin today Wednesday, October 7 with containers being delivered last Saturday, October 3 with instructional flyers.
- Green Street wastewater main extension progress.
- Status of flu on workforce.
- No second meeting in October, Texas Municipal League Conference in Ft Worth.
- Next meeting Wednesday, November 4, 2009.
- Advertisement for Public Works Director.

**ITEM 8. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.**

Mayor Pro-Tem Estrada requested members of the Council or staff to comment regarding items of community interest.

Councilmember Wieland commended staff for their work during the Evening with the Authors event. It was a success.

Councilmember Banks commended staff for implementing the Curbside Recycling Program.

Councilmember Gomez stated that he received several comments from citizens that were not pleased with the National Night Out event since it was rescheduled from August to October.

**ITEM 9. COUNCIL COMMENTS.**

A. Comments and possible discussion by Mayor Pro-tem Estrada on behalf of Mayor James Bertram:

- Discuss Texas Municipal League Annual Conference that the Council will attend on October 20-23.
- Update regarding fundraiser at Sirloin Stockade on September 30.
- Discussion regarding National Night Out events held on October 6.
- Discuss process for City Manager's upcoming evaluation in November.

**ITEM 10. ADJOURNMENT.**

Councilmember Wieland made a motion to adjourn the meeting. Councilmember White seconded. The motion carried by a vote of 5-0. The meeting was adjourned at 7:49 p.m.

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

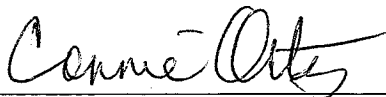
CITY OF LOCKHART



James Bertram, Mayor



ATTEST:



Connie Ortiz, TRMC, City Secretary