

**LOCKHART CITY COUNCIL
REGULAR MEETING**

NOVEMBER 4, 2009

6:30 P.M.

Council present:

Mayor Pro-Tem Frank Estrada
Councilmember Lew White
Councilmember Kenny Roland (arrived at 6:40 p.m.)

Mayor James Bertram
Councilmember Paul Gomez (arrived at 6:39 pm)
Councilmember Richard Wieland

Council absent:

Councilmember Richard Banks

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
M.L. Richards, Electric Superintendent

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

Citizens/Visitors Addressing the Council: Craig Kolls, President of the Caldwell County Medical Assist Team; Bill Coleman, Maintenance Manager of the Lockhart Independent School District; and Cliff Gardner, Assistant Superintendent of the Lockhart Independent School District.

Work Session 6:30 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 OCTOBER 7, 2009 MEETING.

Mayor Bertram requested corrections to the City Council minutes for the October 7, 2009 meeting. There were none.

B. DISCUSS RESOLUTION 2009-17 COMMITTING THE CITY OF LOCKHART TO MAINTAINING ANY INFRASTRUCTURE, INCLUDING BUT NOT LIMITED TO, SIDEWALKS, TRAILS, STREET MARKINGS AND TRAFFIC SIGNAGE THAT MAY BE CONSTRUCTED UNDER A SAFE ROUTES TO SCHOOL (SRTS) GRANT AWARD.

Mr. Rodgers stated that as part of SRTS grant application to be filed by November 30, 2009, the Texas Department of Transportation requires that a resolution be passed by the Lockhart City Council committing to maintaining any infrastructure, including, but not limited to, sidewalks, trails, street markings and traffic signage that may be constructed under a Safe Routes to School grant award.

C. DISCUSS RESOLUTION 2009-19 APPROVING THE CITY OF LOCKHART'S 2009 APPRAISAL ROLL AND TAX AMOUNTS.

Mr. Hinson stated that the State Property Tax Code requires the Council to approve the Appraisal Roll and tax amounts for the current year as entered by the assessor. He provided brief information regarding the tax roll and there was brief discussion.

D. DISCUSS AWARDING BID TO ASPHALT PAVING COMPANY OF AUSTIN, INC., IN THE AMOUNT OF \$1,537,314.34 FOR STREET IMPROVEMENTS TO BE PAID FOR WITH 2009 CERTIFICATE OF OBLIGATION FUNDS RECEIVED LATE THIS PAST SUMMER.

Mr. Rodgers stated that public bids were sought for the paving of several streets within the City. A total of seven bids were received that ranked from \$1,537,314.34 to \$2,194,784.00. The lowest bid submitted was by Asphalt Paving Company of Austin. Mr. Rodgers stated that the references of this company are good and that this company has performed work for the City of Lockhart. City Engineer, Charles Scheler recommended approval of the bid award to Asphalt Paving Co. of Austin.

There was discussion regarding the streets that would be paved in the project.

E. DISCUSS AWARDING BID TO JOHNSON OIL COMPANY, INC., OF GONZALES, TEXAS, TO SUPPLY AND DELIVER DIESEL AND GASOLINE TO THE CITY OF LOCKHART FOR THE NEXT YEAR AT A PROFIT MARGIN OF 6.25 CENTS PER GALLON ABOVE THE WEEKLY POSTED OIL PRICE INFORMATION SERVICE (OPIS) PRICE AT AUSTIN, TEXAS, REFERRED TO AS RACK PRICE.

Mr. Rodgers stated that public bids were sought to supply and deliver diesel and gasoline with the bid award to be based on the lowest profit margin above the OPIS price. Two bids were received with Sanford Oil submitting 8.5 cents and Johnson Oil Company at 6.25 cents per gallon profit. Johnson Oil has the current contract and has performed well. The term of the proposed contract is for one year from approval by the City Council.

There was brief discussion.

F. DISCUSS AWARD OF CONTRACT WITH GENE BAGWELL, DBA, MAINTENANCE MANAGEMENT OF SAN MARCOS, TEXAS, FOR BASE BID OF \$52,200 FOR ANNUAL MAINTENANCE OF THE OLDER PORTIONS OF THE LOCKHART CEMETERY ON US HIGHWAY 183.

Mr. Rodgers stated that requests for proposals were sought for maintenance of the older sections of the Highway 183 City Cemetery. Three proposals were received with the bids ranging from \$51,600 to \$63,500. The lowest bid was submitted by Universal Landscape Services of New Braunfels, Texas, but this company has no cemetery maintenance experience especially when it comes to dealing with the owners of cemetery plots and the customer service sensitivity that is involved. The best qualified contractor by far as indicated by the packet rankings is Gene Bagwell, dba Maintenance Management of San Marcos, Texas, who submitted a higher bid in the amount of \$600. Mr. Bagwell only does cemetery maintenance and has current 10 year contracts with several cities including San Marcos and Austin. His company also does all of the cemetery maintenance for Texas Veteran Cemetery system. His bid is approximately \$3,500 lower than his current contract with the City of Lockhart. Any cost adjustments to the base bid would be based on the annual June Consumer Price Index, Employment Cost Index, each year with a maximum up or down adjustment of 3 percent. Any other proposed increases, such as for fuel adjustments, would have to be submitted in writing 90 days prior for City Council's consideration. Mr. Bagwell has maintained the City Cemetery for the past five years and has done a commendable job and especially in the area of customer service. The City can cancel the proposed multi-year contract with a 30-day written notice to the contractor as reflected in Section 12. General liability and workers compensation insurance provided by Maintenance Management covers the City of Lockhart.

There was discussion regarding the current services and positive customer service experiences with Gene Bagwell/Maintenance Management

G. DISCUSS AUTHORIZING STAFF TO APPLY FOR ENERGY AND CONSERVATION BLOCK GRANT (EECBG) FUNDS UP TO \$50,000 THAT WERE ALLOCATED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA).

Mr. Rodgers stated that the Texas Comptroller of Public Accounts office notified the City that these funds were available for certain projects. Staff would, with the permission of the Council, attempt to identify eligible projects and come back to Council with a resolution of participation and recommendations for the use of the funds if there are not too many strings attached to the funds. There is no grant match.

He briefly explained the methods that the City would propose to implement energy conservation for street lights within the city limits. The grant would assist in funding the purchase of bulbs for the street lights.

H. DISCUSS ORDINANCE 2009-31 AMENDING CHAPTER 46 "SIGNS" OF THE LOCKHART CODE OF ORDINANCES, REVISING SECTION 46-7 "SIGNS EXEMPT FROM SECTION 46-11".

Mr. Gibson stated that scoreboards and sponsor advertising for athletics or special events are commonly expected in athletic stadiums and fields, as well as rodeo arenas and fairgrounds, even though they may not fall within the normal standards for commercial signage. Our sign ordinance exempts signs that are not visible from a public street, but it's possible that signs in the facilities noted above might also be visible from outside. A recent request by the Lockhart Independent School District (LISD) to replace the softball field scoreboard with a larger one in a new location has brought this to staff's attention. The proposed scoreboard would be less than the maximum height allowed for a medium profile sign, but would exceed the total sign area limitation for medium profile signs in the PI district, which is the zoning that applies to most locations that would have scoreboards and sponsor advertising. Without an exemption, the new softball scoreboard would require a variance from the Zoning Board of Adjustment for the sign size, as well as a specific use permit from the Planning and Zoning Commission for a medium profile sign. Since our research reveals that it is common for cities to simply exempt such signs entirely, staff believes the preferred course of action is to amend the sign ordinance. While amending Section 46-7 to add this new exemption, we also propose to simplify the title, which contains redundant language contained in the text immediately following it. Staff and the Planning and Zoning Commission recommend approval.

There was discussion regarding the height and about the possibility of increasing the height limit to 30 feet instead of 20 feet, as proposed by staff and the Planning and Zoning Commission. Councilmembers asked representatives of the LISD what height limit would work best for them. Their reply was that 20 feet would be sufficient. Mayor Bertram indicated that this item could be removed from the consent agenda and discussed further in the regular meeting.

I. PRESENTATION BY CRAIG KOLLS, PRESIDENT OF CALDWELL COUNTY MEDICAL ASSIST TEAM (CCMAT), AND DISCUSSION REGARDING BUDGET REPORT SHOWING PROJECTED REVENUES AND EXPENSES FOR FISCAL YEAR 2010.

Mr. Kolls provided an update regarding their budget that indicated that their current expenditures to upgrade uniforms, purchase supplies, upgrade their communication supplies, training, etc.

Mayor Bertram thanked CCMAT for their quick response to a recent emergency in the Caldwell County area.

There was further discussion regarding proposed future expenditures.

Mr. Hinson stated that CCMAT provided the information that the Council previously requested. He requested that CCMAT provide staff with an updated Financial Activity report from January 2009 until September 2009. He also requested authorization to issues funds in the amount of \$3,000 to CCMAT, as previously allocated in the contribution process.

J. DISCUSS ORDINANCE 2009-30 AMENDING CHAPTER 40, PARKS AND RECREATION OF THE CITY OF LOCKHART CODE OF ORDINANCES, TO ADD SECTION 40-67, SKATE PARK FACILITY, FOR THE PURPOSE OF AUTHORIZING RESOLUTIONS ESTABLISHING RULES AND REGULATIONS AS MAY BE APPROVED BY THE CITY COUNCIL FROM TIME TO TIME FOR USE OF ANY SKATE PARK FACILITY UNDER THE CONTROL OF THE CITY OF LOCKHART AS RECOMMENDED BY THE PARKS ADVISORY BOARD AND ON-A-ROLL, INC.

Mr. Rodgers stated that the Ordinance authorizes Resolutions, with the approval of the City Council, which would establish rules and regulations for the use of any Lockhart Skate Park Facility located in City Park and any other location under the control of the City of Lockhart. The Parks Advisory Board considered, approved, and are now recommending approval of the rules and regulations, as presented.

There was discussion regarding the safety of those that use the facility. Mr. Rodgers indicated that the safety issues and fees were outlined in the Resolution.

There was also discussion regarding the exhibition that was held on Friday, October 30 and about the facility not being able to be used until authorized by the City.

K. DISCUSS RESOLUTION 2009-18 ADOPTING RULES AND REGULATIONS FOR SPECTATORS AND USES OF SKATE PARK FACILITIES UNDER THE CONTROL OF THE CITY OF LOCKHART AS AUTHORIZED BY PASSAGE OF ORDINANCE 2009-30.

There was discussion regarding the safety rules and regulations and how they would be implemented.

Mayor announced there would be a recess at 7:30 p.m.

7:30 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 7:43 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor James Bertram 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 White requested that consent agenda item 4H be pulled from the consent agenda for further discussion.

Councilmember White made a motion to approve consent agenda items 4A, 4B, 4C, 4D, 4E, 4F, and 4G. Councilmember Gomez seconded. 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 October 7, 2009 meeting.
- 4B: Approve Resolution 2009-17 committing the City of Lockhart to maintaining any infrastructure, including but not limited to, sidewalks, trails, street markings and traffic signage that may be constructed under a Safe Routes To School (SRTS) grant award.
- 4C: Approve Resolution 2009-19 approving the City of Lockhart's 2009 Appraisal Roll and Tax Amounts.
- 4D: Award bid to Asphalt Paving Company of Austin, Inc., in the amount of \$1,537,314.34 for street improvements to be paid for with 2009 Certificate of Obligation funds received late this past summer.
- 4E: Award bid to Johnson Oil Company, Inc., of Gonzales, Texas, to supply and deliver diesel and gasoline to the City of Lockhart for the next year at a profit margin of 6.25 cents per gallon above the weekly posted Oil Price Information Service (OPIS) price at Austin, Texas, referred to as RACK price.
- 4F: Approve award of contract with Gene Bagwell, dba, Maintenance Management of San Marcos, Texas, for base bid of \$52,200 for annual maintenance of the older portions of the Lockhart Cemetery on US Highway 183.
- 4G: Authorize staff to apply for Energy and Conservation Block Grant (EECBG) funds up to \$50,000 that were allocated under the American Recovery and Reinvestment Act (ARRA).

ITEM 4-H. APPROVE ORDINANCE 2009-31 AMENDING CHAPTER 46 "SIGNS" OF THE LOCKHART CODE OF ORDINANCES, REVISING SECTION 46-7 "SIGNS EXEMPT FROM SECTION 46-11".

Mr. Gibson proposed that the height limit of the exempt sign be revised to 25 feet as suggested by the Mayor as a compromise instead of 20 feet. He provided the Council with a revised Ordinance that allowed the height to be 25 feet, and required non-scoreboard signs to be attached to a building, grandstand, fence, or wall.

Councilmember Roland made a motion to approve Ordinance 2009-31, as presented, with the amendment that the height limit shall not exceed 25 feet. Councilmember White seconded. The motion carried by a vote of 6-0.

ITEM 5-A. PRESENTATION BY CRAIG KOLLS, PRESIDENT OF CALDWELL COUNTY MEDICAL ASSIST TEAM, AND DISCUSSION REGARDING BUDGET REPORT SHOWING PROJECTED REVENUES AND EXPENSES FOR FISCAL YEAR 2010.

CONSENSUS: After discussion, the consensus of the Council was to authorize the release of the funds as long as the Financial Activity Report is provided to City Staff.

ITEM 5-B. CONSIDER ORDINANCE 2009-30 AMENDING CHAPTER 40, PARKS AND RECREATION OF THE CITY OF LOCKHART CODE OF ORDINANCES, TO ADD SECTION 40-67, SKATE PARK FACILITY, FOR THE PURPOSE OF AUTHORIZING RESOLUTIONS ESTABLISHING RULES AND REGULATIONS AS MAY BE APPROVED BY THE CITY COUNCIL FROM TIME TO TIME FOR USE OF ANY SKATE PARK FACILITY UNDER THE CONTROL OF THE CITY OF LOCKHART AS RECOMMENDED BY THE PARKS ADVISORY BOARD AND ON-A-ROLL, INC.

Councilmember White made a motion to approve Ordinance 2009-30, as presented. Councilmember Gomez seconded. The motion carried by a vote of 6-0.

ITEM 5-C. CONSIDER RESOLUTION 2009-18 ADOPTING RULES AND REGULATIONS FOR SPECTATORS AND USES OF SKATE PARK FACILITIES UNDER THE CONTROL OF THE CITY OF LOCKHART AS AUTHORIZED BY PASSAGE OF ORDINANCE 2009-30.

Mayor Pro-Tem Estrada made a motion to approve Resolution 2009-18, as presented. Councilmember Gomez seconded. There was discussion regarding the safety regulations. Mr. Rodgers stated that if the City required safety gear to be worn at all times, the City would be required to hire staff to be on the property to enforce the regulation.

VOTE: The motion carried by a vote of 6-0.

Mr. Rodgers stated that the skate park facility should be open to the public within two weeks.

ITEM 5-D. DISCUSSION AND/OR ACTION REGARDING POSSIBLE MEASURES TO BE TAKEN TO ENCOURAGE THE TEXAS DEPARTMENT OF TRANSPORTATION TO ADDRESS DRAINAGE AND PEDESTRIAN ISSUES ON FM 20 EAST (BLACKJACK), FM 20 WEST (PARK ROAD), US HIGHWAY 183 (COLORADO ST), SH 142 (SAN ANTONIO ST) AND FM 2001 IN THE CITY LIMITS.

Mr. Rodgers provided information about several areas that have poor drainage along the roadways which are a real concern to businesses and residents. Pedestrian walkways are almost non-existent creating hazardous conditions for pedestrians. He provided information about the Texas Department of Transportation (TXDOT) installing concrete drainage ditches in the TXDOT right of ways in the City of Staples and stated that he would seek assistance from TXDOT for the same type of drainage methods in Lockhart.

There was discussion regarding several drainage issues throughout the City.

Councilmember Roland asked if staff could seek permission from TXDOT to install improved drainage in the TXDOT right of ways.

Mayor Pro-Tem Estrada stated that he believed that TXDOT wanted the City to pay for the drainage improvements so that they did not have to fund the drainage improvements. Mr. Rodgers replied that the City did not have the authority to perform any type of drainage improvements in TXDOT right of ways without receiving approval from TXDOT.

Mr. Rodgers requested Councilmembers, as well as himself, to seek assistance from State Representatives to push the TXDOT to improve the drainage. He also provided information regarding staff's plan to improve the drainage. Mr. Rodgers stated that he has authorized Charles Scheler, City Engineer, to create engineer specifications to improve the drainage issues throughout the City.

Mayor Bertram suggested that the City send a letter to Carlos Lopez, Engineer with TXDOT in the Austin office, to seek his assistance prior to contacting State Representatives, since TXDOT employees in the TXDOT office in Bastrop have not responded nor taken action.

Councilmember Roland suggested that the letter to TXDOT also is sent to State Representatives.

There was discussion.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to send a letter to Carlos Lopez of the TXDOT Austin office, Engineering Department.

ITEM 5-E. DISCUSSION REGARDING THE PLANNED PRESENTATION BY AUSTIN COMMUNITY COLLEGE AT THE NEXT CITY COUNCIL MEETING ON TUESDAY, NOVEMBER 17, 2009.

Mr. Rodgers stated that the President of the Austin Community College (ACC) Board and the President of ACC would be present to make the presentation. He requested that the regular meeting begin at 6:30 p.m. to allow dialogue with representatives of Austin Community College.

CONSENSUS: The consensus of the Council was to begin the November 17, 2009 Council meeting at 6:30 p.m.

ITEM 5-F. 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.

- Skate Park Facility exhibition on Saturday, October 31.
- Safe Routes to School Plan approved by TxDOT – Finally have call for projects due November 30, 2009.
- 18" raw water main well line work scheduled in December or January.
- Wastewater and water main work on Cibilo and Nixon by City work forces.
- Status of flu on workforce.
- Municipal Court Week: Tuesday November 3rd, Proclamation Read by the Mayor at the Court and Mock Trial for High School Government Class. Thursday, November 5th – VIN Etching by the Sheriff's Combined Auto Theft Task Force. Friday, November 6th – Freedom Trail Chapter of TCCA business meeting, lunch, and educational session at the court. Educational session is "Driving on the Right Side of the Road" presented by TMCEC and TxDOT.
- Sundance Apartments final inspections this week.
- Rain and flooding issues.
- Water well conditions and San Marcos River flows at Luling.
- Carver School Historical Dedication Ceremony Saturday, October 31.
- Crack sealing contractor working in town.
- Dickens preparation underway and event schedules will be e-mailed soon.
- Caldwell County Veterans Council hosting a celebration of Veteran's Day to honor veterans on Saturday, November 7 at Cedar Hall, 11:30 a.m.

ITEM 7. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.

Councilmember Wieland commented about the Veteran's Day event that would be held on November 7 at Cedar Hall at 11:30 a.m. He clarified that Veterans could attend at no cost.

Councilmember White requested information regarding the street improvements.

Mayor Bertram provided information regarding several events that were held during the week.

ITEM 8. EXECUTIVE SESSION in accordance with the provisions of the Government Code, Title 5, Subchapter D, 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 to CONDUCT EVALUATION OF THE CITY MANAGER.

Mayor Bertram announced that the City Council would enter Executive Session at 8:26 p.m.

ITEM 9. OPEN SESSION - DISCUSSION AND/OR ACTION REGARDING THE EVALUATION OF THE CITY MANAGER.

Mayor Bertram announced that the Council would enter Open Session at 9:08 p.m.

Mayor Pro-Tem Estrada made a motion to award the City Manager a five (5) percent salary increase, effective October 1, 2009. Councilmember White seconded. The motion carried by a vote of 6-0.

Several members of the Council commended Mr. Rodgers in regards to his job performance.

ITEM 10. ADJOURNMENT.

Councilmember Wieland made a motion to adjourn the meeting. Councilmember Roland seconded. The motion carried by a vote of 6-0. The meeting was adjourned at 9:09 p.m.

PASSED and APPROVED this the 17th day of November 2009.



CITY OF LOCKHART

James Bertram, Mayor

ATTEST:

Connie Ortiz, TRMC, City Secretary