

**REGULAR MEETING  
LOCKHART CITY COUNCIL**

**DECEMBER 1, 2009**

**6:30 P.M.**

**Council present:**

Mayor Pro-Tem Frank Estrada  
Councilmember Kenny Roland  
Councilmember Richard Wieland

Mayor James Bertram  
Councilmember Paul Gomez  
Councilmember Lew White  
Councilmember Richard Banks

**Staff present:**

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

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

**Citizens/Visitors Addressing the Council:** Erik Andersen, Chief Executive Officer of AdviTech, Inc.

**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. PRESENTATION BY AND DISCUSSION WITH ADVITECH, INC., AND ERIK L. ANDERSEN, CHIEF EXECUTIVE OFFICER REGARDING THEIR PLAN TO LOCATE THEIR ENGINEERING OFFICE AND ASSEMBLY FACILITY IN LOCKHART'S INDUSTRIAL PARK II.**

Ms. Mauldin stated that introduced Erik Andersen and stated that he would make the presentation.

Erik Andersen, Chief Executive Officer of AdviTech, Inc., provided information regarding the products that the company will manufacture and about their plan to locate their engineering office and assembly facility to the Lockhart Industrial Park II. The company would initially have 30 primary jobs.

There was brief discussion regarding the product that they will manufacture.

**B. DISCUSS MINUTES FOR THE NOVEMBER 17, 2009 CITY COUNCIL MEETING.**

Mayor Bertram requested corrections to the minutes for the November 17, 2009 City Council meeting. There were none.

**C. DISCUSS CONFIRMATION OF CIVIL SERVICE COMMISSION MEMBER RE-APPOINTMENT OF MS. WORLANDA NEAL FOR A THREE (3) YEAR TERM AS RECOMMENDED BY THE CITY MANAGER.**

Mr. Rodgers stated that Ms. Neal has served on the commission for the past three years. According to Civil Service regulations, she can be reappointed for a second three year term. Ms. Neal has graciously agreed to continue serving on the commission. Both the City Manager and the Civil Service Director concur that she has been an asset to the Civil Service Commission.

**D. DISCUSS RESOLUTION 2009-23 FORGIVING IN THE INTEREST OF A PUBLIC PURPOSE ALL CURRENT COLLECTIBLE CITY PROPERTY LIENS, PENALTIES, AND INTEREST IN THE AMOUNT OF \$6,845.39 FILED AGAINST LOTS 11 AND 12 OF THE GREENHILL ANNEX ADDITION IN THE CITY OF LOCKHART.**

Mr. Rodgers stated that that the City Council recently approved the trade of the above Habitat for Humanities lots located on Scheh Street for two City owned lots on Sycamore Street. This was approved in the interest of the public purpose of obtaining the two Scheh Street lots that are adjacent to City Park. Staff discovered there are liens filed on the two Scheh Street lots. With penalties and interest, the total current collectible amount is \$685.39 which staff respectfully requests that Council forgive in the interest of the public purpose of completing the trade of properties with Habitat for Humanities.

Mr. Rodgers stated that the amount that is listed on the agenda was not correct. The amount that staff is requesting to be forgiven is \$685.39, not \$6,845.39.

**E. DISCUSS REQUEST FOR QUALIFICATIONS (RFQ) FOR PROFESSIONAL ELECTRICAL ENGINEERING AND ELECTRIC UTILITY CONSULTING SERVICES AS PRESENTED BY SCHNEIDER ENGINEERING OF BOERNE, TEXAS AND APPROVING THE CITY MANAGER TO USE THE SERVICES OF THIS COMPANY AS NEEDED.**

Mr. Rodgers stated that with the increasing work demands by the Northern Electrical Reliability Corporation (NERC), the Federal Electrical Reliability Commission (FERC) and the Electric Reliability Council of Texas (ERCOT), professional services are a necessity to keep up with compliance issues. An RFQ was advertised requesting for submissions of qualifications to provide professional electrical engineering and electrical utility consulting services. Three companies inquired, but Schneider Engineering was the only one that submitted an RFQ. The company is one of the largest in central Texas and has a very commendable working relationship with many Central Texas cities and coops that own their own electric distribution system.

**F. DISCUSS ORDINANCE 2009-33 AMENDING CHAPTER 18-82 OF THE CODE OF ORDINANCES TO ADOPT BY REFERENCE THE LEGAL PROCEDURES FOR GRAFFITI REMOVAL FROM PRIVATE PROPERTY IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 250, SECTION 250.006 GRAFFITI REMOVAL AS MAY BE AMENDED FROM TIME TO TIME AND IN ACCORDANCE WITH THE STATE LAW AUTHORIZING RESOLUTIONS ESTABLISHING FEE SCHEDULES TO RECOVER EXPENSES FOR REMOVAL OF GRAFFITI ON PRIVATE PROPERTIES AS ADOPTED FROM TIME TO TIME BY THE LOCKHART CITY COUNCIL.**

Mr. Rodgers stated that in September 2009, House Bill 2086 was passed that included an amendment to Chapter 250 of the Texas Local Government Code, adding Section 250.006 which states the procedures municipalities must follow in addressing graffiti on private properties. The City must first offer to remove the graffiti free of charge and if the owner of the premises refuses, then the City or its contractor can enter the property with a prescribed noticed to the owner, remove the graffiti, and then bill the owner for all costs involved with the graffiti removal. This proposed ordinance adopts by reference the state law procedures and authorizes the passage of resolutions to recover expense for graffiti removal as provided in the state law.

There was brief discussion regarding how graffiti removal would be implemented.

**G. DISCUSS RESOLUTION 2009-24 ESTABLISHING FEES TO COVER COSTS INVOLVED WHEN THE CITY OR ITS CONTRACTOR MUST REMOVE GRAFFITI FROM PRIVATE PROPERTY AS PROVIDED FOR IN THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 250, SECTION 250.006.**

Mr. Rodgers stated that the Resolution establishes the fees to cover costs involved when the City or its contractor must remove graffiti from private property as provided for in the Texas Local Government Code, Chapter 25, Subsection 250.006. These fees would be implemented if the Council approves Ordinance 2009-33.

**H. DISCUSS RESOLUTION 2009-22 APPROVING ADVITECH, INC. AS A 4A TYPE PROJECT UNDER SECTION 4B OF THE ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING UP TO \$600,000 FOR PROJECT DEVELOPMENT, CONSTRUCTION, MAINTENANCE OR OPERATING SERVICES TO CREATE OR RETAIN 30 PRIMARY JOBS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES AND THAT MAY INCLUDE EXPENDITURES REQUIRED OR SUITABLE FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.**

Ms. Mauldin stated that the Resolution would declare AdviTech, Inc. as a 4a type project under Section 4B of the Economic Development Corporation Act of 1979, as amended, for funding up to \$600,000 for project development, construction, maintenance or operating services to create or retain 30 primary jobs that are required or suitable for the development, retention or expansion of manufacturing and industrial facilities and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises.

Ms. Mauldin also stated that the Lockhart Economic Development Corporation met on November 30 and also approved a Resolution declaring AdviTech as a 4A Type project.

There was discussion regarding the proposed project and about the job creation process.

**I. DISCUSS AUTHORIZING STAFF TO PURSUE SALE OF PART OF LOT 12, BLOCK 1, LOCKHART INDUSTRIAL PARK II THROUGH A BID PROCESS.**

Ms. Mauldin stated that the Lockhart Economic Development Corporation was interested in constructing a building approximately 3,888 square feet on part of Lot 12, Block 1 of Lockhart Industrial Park II to lease the building to AdviTech, Inc. creating approximately 30 jobs. The bid process is required to allow all interested parties an opportunity to bid on the property.

There was discussion regarding bidding process.

**J. DISCUSS FOR CITY OF LOCKHART EMPLOYEE BENEFITS TO INCLUDE MEDICAL, DENTAL AND LIFE INSURANCE.**

Mr. Hinson stated that staff created a Request for Proposal (RFP) to solicit sealed bids for employee benefits. The Finance Department staff analyzed the costs and benefits for the submitted RFPs and provided the analysis to the City Manager. Mr. Hinson provided information regarding different RFPs that were received. Staff's recommendation was to award the bid to BlueCross and BlueShield for medical benefits, Ameritas for dental benefits, and Lincoln Financial for life benefits.

**K. DISCUSS DRAINAGE PROBLEMS AND ISSUES ALONG TEXAS DEPARTMENT OF TRANSPORTATION HIGHWAYS FM 20 EAST, FM 20 WEST, US HIGHWAY 183, FM 2001, STATE HIGHWAY 142, AND FM 672.**

Mr. Rodgers explained the issues that the City of Lockhart was currently dealing with in regards to the TXDOT not assisting in keeping their right-of-way areas mowed and clear of debris. He stated that he would meet with representatives of TXDOT soon to discuss a participation plan and that he would report the outcome of the meeting to the Council.

Mr. Rodgers described the drainage issues that were to be addressed with TXDOT. This issue would also be discussed with TXDOT during the upcoming meeting.

There was discussion regarding drainage issues in the TXDOT right-of-way areas throughout the city.

**L. DISCUSS RESOLUTION 2009-21 CASTING VOTES FOR THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2010 UNTIL DECEMBER 31, 2011.**

There was brief discussion regarding the method to cast votes.

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

**ITEM 1. CALL TO ORDER.**

Mayor James Bertram called the regular meeting of the Lockhart City Council to order on this date at 7:45 p.m.

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

Mayor Pro-Tem Frank Estrada gave the invocation and led the pledge of allegiance to the United States and Texas flags.

**ITEM 3-A. PRESENTATION BY AND DISCUSSION WITH ADVITECH, INC., AND ERIK L. ANDERSEN, CHIEF EXECUTIVE OFFICER REGARDING THEIR PLAN TO LOCATE THEIR ENGINEERING OFFICE AND ASSEMBLY FACILITY IN LOCKHART'S INDUSTRIAL PARK II.**

Mayor Bertram announced that the presentation and discussion was held during the work session.

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

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

**ITEM 5. CONSENT AGENDA.**

Mayor Bertram requested that consent agenda item 5C be pulled for further discussion.

Councilmember Banks made a motion to approve consent agenda items 5A, 5B, 5D, 5E, and 5F. Councilmember White seconded. The motion carried by a vote of 7-0.

The following are the consent agenda items that were approved:

- 5A: Approve minutes for the November 17, 2009 City Council meeting.
- 5B: Approve confirmation of Civil Service Commission member re-appointment of Ms. Worlanda Neal for a three (3) year term as recommended by the City Manager.
- 5D: Approve Request for Qualifications (RFQ) for professional electrical engineering and electric utility consulting services as presented by Schneider Engineering of Boerne, Texas and approving the City Manager to use the services of this company as needed.
- 5E: Approve Ordinance 2009-33 amending Chapter 18-82 of the Code of Ordinances to adopt by reference the legal procedures for graffiti removal from private property in accordance with the Texas Local Government Code, Chapter 250, Section 250.006 GRAFFITI REMOVAL as may be amended from time to time and in accordance with the state law authorizing resolutions establishing fee schedules to recover expenses for removal of graffiti on private properties as adopted from time to time by the Lockhart City Council.
- 5F: Approve Resolution 2009-24 establishing fees to cover costs involved when the City or its contractor must remove graffiti from private property as provided for in the Texas Local Government Code, Chapter 250, Section 250.006.

**ITEM 5-C. APPROVE RESOLUTION 2009-23 FORGIVING IN THE INTEREST OF A PUBLIC PURPOSE ALL CURRENT COLLECTIBLE CITY PROPERTY LIENS, PENALTIES, AND INTEREST IN THE AMOUNT OF \$6,845.39 FILED AGAINST LOTS 11 AND 12 OF THE GREENHILL ANNEX ADDITION IN THE CITY OF LOCKHART.**

Mayor Bertram stated that he requested the item to be pulled to clarify that the amount to be considered to forgive is \$685.39.

Councilmember Gomez made a motion to approve Resolution 2009-23, with the correction of the amount to be forgiven is \$685.39. Councilmember Roland seconded. The motion carried by a vote of 7-0.

**ITEM 6-A. CONSIDER APPROVAL OF RESOLUTION 2009-22 APPROVING ADVITECH, INC. AS A 4A TYPE PROJECT UNDER SECTION 4B OF THE ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING UP TO \$600,000 FOR PROJECT DEVELOPMENT, CONSTRUCTION, MAINTENANCE OR OPERATING SERVICES TO CREATE OR RETAIN 30 PRIMARY JOBS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES AND THAT MAY INCLUDE EXPENDITURES REQUIRED OR SUITABLE FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.**

Councilmember Wieland made a motion to approve Resolution 2009-22, as presented. Councilmember White seconded. The motion carried by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND ACTION TO CONSIDER AUTHORIZING STAFF TO PURSUE SALE OF PART OF LOT 12, BLOCK 1, LOCKHART INDUSTRIAL PARK II THROUGH A BID PROCESS.**

Councilmember Roland made a motion to authorize staff to pursue sale of part of Lot 12, Block 1, Lockhart Industrial Park II, through a bid process. Councilmember White seconded.

**ITEM 6-C. CONSIDER APPROVAL OF BIDS FOR CITY OF LOCKHART EMPLOYEE BENEFITS TO INCLUDE MEDICAL, DENTAL AND LIFE INSURANCE.**

Councilmember Gomez made a motion to award bids for City of Lockhart employee benefits as follows: BlueCross BlueShield for medical benefits, Ameritas for dental benefits, and Lincoln Financial for life benefits. Councilmember Roland seconded. The motion carried by a vote of 7-0.

**ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING DRAINAGE PROBLEMS AND ISSUES ALONG TEXAS DEPARTMENT OF TRANSPORTATION HIGHWAYS FM 20 EAST, FM 20 WEST, US HIGHWAY 183, FM 2001, STATE HIGHWAY 142, AND FM 672.**

Mayor Bertram stated that there was no action to be taken on the item.

**ITEM 6-E. CONSIDER APPROVAL OF RESOLUTION 2009-21 CASTING VOTES FOR THE CALDWELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF OFFICE FROM JANUARY 1, 2010 UNTIL DECEMBER 31, 2011.**

Councilmember White made a motion to approve Resolution 2009-21 with 526 votes cast for Benny Hilburn. Councilmember Banks seconded. The motion carried by a vote of 7-0.

**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. CITY MANAGER'S REPORT.**

- A. Discussion regarding a ribbon cutting ceremony and Holiday Open House from 1 – 4 pm on December 15 for the Sundance Square Apartments on Guadalupe Street.

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

Mayor Bertram requested comments regarding items of community interest.

There was discussion regarding a ribbon cutting ceremony to be held for Huddle House on December 15.

**ITEM 9. ADJOURNMENT.**

Councilmember Wieland made a motion to adjourn the meeting. Councilmember Roland seconded. The motion carried by a vote of 7-0. The meeting was adjourned at 8:55 p.m.

PASSED and APPROVED this the 15<sup>th</sup> day of December 2009.

CITY OF LOCKHART

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James Bertram, Mayor

ATTEST:

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Connie Ortiz, TRMC, City Secretary