

**REGULAR MEETING
LOCKHART CITY COUNCIL**

DECEMBER 15, 2009

6:30 P.M.

Council present:

Councilmember Paul Gomez
Councilmember Lew White

Mayor James Bertram
Councilmember Kenny Roland
Councilmember Richard Banks

Council absent:

Mayor Pro-Tem Frank Estrada
Councilmember Richard Wieland

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Dan Gibson, City Planner
Melanie Tucker, EMS Director
Clint Browning, Fire Marshal

Connie Ortiz, City Secretary
Jeff Hinson, Finance Director
Jerry Doyle, Fire Chief
Julie Bowermon, Civil Service Director
Aaron Slaughter, Fire Captain

Citizens/Visitors Addressing the Council: Kerry Gaddis, Citizen; Rose Dunn-Turner of the Caldwell County Christian Ministries; and Diane Dietz of the Caldwell County Christian Ministries.

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 MINUTES FOR THE DECEMBER 1, 2009 CITY COUNCIL MEETING.

Mayor Bertram requested corrections to the minutes for the December 1, 2009 City Council meeting. There were none.

B. DISCUSS BID FOR THE PURCHASE OF ONE (1) CUSTOM CAB AND CHASSIS, 1250 GPM CAFS PUMPER, APPARATUS TO BE USED BY THE CITY OF LOCKHART FIRE RESCUE.

Chief Doyle stated that selected bids were requested for the purchase of this specific type of fire apparatus. Bids were due by December 9, 2009 at 2:00 p.m. A total of three (3) bids were received. Of those, one was not received until 2:47 p.m. Two bids were opened and reviewed by the apparatus truck committee appointed by the Fire Chief. The apparatus truck committee recommended one bid which was less than the budgeted amount. A summary of the bids will be provided by the Fire Chief to Council during the meeting.

There was discussion regarding the equipment and how it would be utilized.

C. DISCUSS CONTRACT AGREEMENT WITH SCHNEIDER ENGINEERING TO PROVIDE PROFESSIONAL ELECTRICAL ENGINEERING AND ELECTRIC UTILITY CONSULTING SERVICES AT NEGOTIATED RATES ACCORDING TO THE REQUEST FOR QUALIFICATIONS (RFQ) APPROVED BY COUNCIL ON DECEMBER 1, 2009, AND ALLOWING THE CITY MANAGER TO SIGN THE AGREEMENT FOR THE PROFESSIONAL SERVICES TO BE USED AS NEEDED.

Mr. Rodgers stated that a Request for Qualifications was advertised for professional electrical engineering utility consulting services. On December 1, 2009, at the recommendation of the City

Manager, the Council approved the RFQ submitted by Schneider Engineering for these professional services to particularly deal with NERC, FERC and ERCOT audits and requirements. The approval allowed the City Manager to negotiate fees for services with Schneider Engineering. The rates recommended in the agreement are well within industry standards.

D. DISCUSS BID TO ROCKIN Q CONSTRUCTION, LLC, OF SAN MARCOS, TEXAS, IN THE AMOUNT OF \$141,160 FOR THE PLACEMENT OF WATER MAINS, SERVICES AND FIRE HYDRANTS ON WEST MARKET, LOCUST, NORTH CHURCH, ALEX, RED RIVER, GARCIA, AND PEREZ STREETS TO BE FUNDED WITH TEXAS DEPARTMENT OF RURAL AFFAIRS (TDRA) GRANT AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT DOCUMENTS.

Mr. Rodgers stated that public notice of receiving bids for these projects was advertised in compliance with State law. The sixteen bids received ranged from a low \$141,160 to a high of \$377,488. Charles Scheler, City contract engineer, recommends the award of the contract to Rockin Q Construction, LLC after having checked the references on this company.

There was brief discussion regarding the projects.

Mr. Rodgers informed the Council that a portion of the funds awarded from the TDRA grant would be used towards the project and that the remaining funds would be used towards a future water project within the city limits.

E. DISCUSS ORDINANCE 2009-35 AMENDING THE CODE OF ORDINANCES, CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, REPEALING ENTIRELY THE EXISTING ARTICLE VII, UNSAFE BUILDING ABATEMENT, SECTIONS 12-436 THROUGH 12-455 AND ADOPTING A NEW ARTICLE VI, UNSAFE AND/OR PUBLIC NUISANCE BUILDING ABATEMENT, SECTIONS 12-442 THROUGH 12-455 REGARDING DEFINITIONS, UNSAFE BUILDINGS AND/OR PUBLIC NUISANCE BUILDINGS AND ABATEMENT.

Mayor Bertram requested that the item is pulled from the agenda. He stated that it would be scheduled for a future Council meeting date.

F. DISCUSS THE CALDWELL COUNTY CHRISTIAN MINISTRIES (CCCM) USING THE BOTTOM FLOOR OF THE EAST WING OF THE OLD LOCKHART HOSPITAL FOR A NEW LOCATION OF THE FOOD PANTRY AND DISCUSS CONDITIONS OF AGREEMENT FOR USE, REQUIRED IMPROVEMENTS AND ASSOCIATED COSTS.

Mr. Rodgers stated that CCCM wrote a letter requesting that the City Council consider allowing it to use the first floor of the east wing of the old Lockhart Hospital as a new location of the Food Pantry that they operate. This area would be more than twice the size of the current location that they occupy. Should Council approve, there are several improvements that are needed before this area could be used. The City Manager has met with the group and discussed the necessary improvements. They have verbally committed to obtaining volunteers and skilled/licensed professionals to donate or at a reduced rate perform the majority of the needed improvements. No City funds were allocated for such a project.

Rose Dunn-Turner and Dianne Dietz of the Caldwell County Christian Ministries Food Pantry addressed the Council regarding the possible use of the old Hospital. Ms. Dietz stated that the rent at the facility that they currently use will increase dramatically beginning in May 2010. They requested that the Council authorize the use of the old Hospital to be the location of the new food pantry station.

Ms. Dietz explained how weather conditions throughout the year made it difficult for both the volunteers and the needy during the times that they exchange goods.

Ms. Turner provided information about how they receive funds to purchase the food and about the number of needy citizens that they assist.

There was discussion regarding the current lease costs that CCCM pays at their current location. Mr. Rodgers stated that staff would return with a lease agreement between the City of Lockhart and the Caldwell County Christian Ministries for Council's consideration if the use of the old Hospital is approved tonight.

G. DISCUSS STAFF ENTERING INTO AN AFFILIATE CLINICAL AGREEMENT WITH KYLE FIRE DEPARTMENT TRAINING CENTER.

Ms. Tucker stated that the purpose of the affiliate agreement was to allow EMT-B students to ride with Lockhart Emergency Medical Services to obtain their Clinical hours required for certification by the Texas Department of State Health Services.

H. DISCUSS MAYOR BERTRAM'S REQUEST THAT COUNCIL GRANT CITY EMPLOYEES, AS APPLICABLE, DECEMBER 31, 2009, NEW YEAR'S EVE, AS AN ADDITIONAL HOLIDAY FOR 2009 ONLY.

Mayor Bertram suggested that the Council consider allowing December 31, 2009, New Year's Eve, as an additional holiday for City employees for 2009 only.

Mayor Bertram announced there would be a recess at 7:20 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 7:32 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilman Lew White 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.

Kerry Gaddis, 826 Trinity, stated that due to the drought this summer, dead trees have accumulated on his property and requested that the City consider allowing him to burn brush and tree limbs in the city limits. His permit to burn was denied because the property is not zoned Open Agriculture.

ITEM 4-A. HOLD A PUBLIC HEARING ON A REQUEST BY GREG GORDON FOR A ZONING CHANGE AMENDING THE OFFICIAL ZONING MAP FROM CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO IL INDUSTRIAL LIGHT DISTRICT ON PART OF LOT 2, BLOCK 43, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.407 ACRE LOCATED AT 503 EAST MARKET STREET. [ZC-09-05]

Mayor Bertram opened the public hearing at 7:40 p.m. and requested the staff background report.

Mr. Gibson stated that the new owner of the subject property wishes to use the building as a distribution warehouse for machines that output special effects such as air bubbles, foam and snow. Although a customer could come to the door to buy or order a product, the business is set up primarily as an internet-based mail-order company. Therefore, the proposed use is primarily an industrial activity and should be in an area zoned accordingly. The requested IL classification would abut the existing area zoned IH to the north. The nearest IL zoning is the City's recycling drop-off facility to the northwest along Brazos Street. This is a relevant concern, since there are houses directly across the street, and it is the reason that the IL light industrial classification is proposed instead of the heavy industrial classification, IH, even though IH might seem more logical since it is already prevalent in the area. The requested IL zoning is consistent with the Industry designation of the subject property on the Lockhart 2020 Future Land Use Plan map. There have been no objections to the rezoning, although one citizen suggested that the entire area on the north side of this portion of Market Street should be zoned industrial. Mr. Gibson stated that staff and the Planning and Zoning Commission recommended approval.

Mayor Bertram requested citizens to address the Council regarding the zoning change. There were none. He closed the public hearing at 7:48 p.m.

ITEM 4-B. CONSIDER APPROVAL OF ORDINANCE 2009-34 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS PART OF LOT 2, BLOCK 43, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.407 ACRE AND LOCATED AT 503 EAST MARKET STREET, FROM CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO IL INDUSTRIAL LIGHT DISTRICT.

Councilmember White made a motion to approve Ordinance 2009-23, as presented. Councilmember Gomez seconded. The motion carried by a vote of 5-0.

ITEM 5. CONSENT AGENDA.

Mayor Bertram stated that consent agenda items 5C and 5E would be pulled for further discussion.

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

The following are the consent agenda items that were approved:

- 5A: Approve minutes for the December 1, 2009 City Council meeting.
- 5B: Award bid for the purchase of one (1) Custom Cab and Chassis, 1250 gpm CAFS Pumper, apparatus to be used by the City of Lockhart Fire Rescue.
- 5D: Award bid to Rockin Q Construction, LLC, of San Marcos, Texas, in the amount of \$141,160 for the placement of water mains, services and fire hydrants on West Market, Locust, North Church, Alex, Red River, Garcia, and Perez Streets to be funded with Texas Department of Rural Affairs (TDRA) Grant and authorizing the Mayor to sign the contract documents.
- 5F: Authorize the Caldwell County Christian Ministries (CCCM) to use the bottom floor of the east wing of the old Lockhart Hospital for a new location of the Food Pantry and discuss conditions of agreement for use, required improvements and associated costs.
- 5G: Authorize staff to enter into an Affiliate Clinical Agreement with Kyle Fire Department Training Center.

ITEM 5-C. APPROVE CONTRACT AGREEMENT WITH SCHNEIDER ENGINEERING TO PROVIDE PROFESSIONAL ELECTRICAL ENGINEERING AND ELECTRIC UTILITY CONSULTING SERVICES AT NEGOTIATED RATES ACCORDING TO THE REQUEST FOR QUALIFICATIONS (RFQ) APPROVED BY COUNCIL ON DECEMBER 1, 2009, AND ALLOWING THE CITY MANAGER TO SIGN THE AGREEMENT FOR THE PROFESSIONAL SERVICES TO BE USED AS NEEDED.

Mayor Bertram asked an amount for the project should be designated and included in the motion. There was discussion regarding City staff's qualifications in regards to working on electric utility.

Mayor Bertram made a motion to approve the contract agreement, as presented, not to exceed \$50,000 and that the funds would come out of the Energy Savings Account (TexasWise). Councilmember Gomez seconded. The motion carried by a vote of 5-0.

ITEM 5-E: APPROVE ORDINANCE 2009-35 AMENDING THE CODE OF ORDINANCES, CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, REPEALING ENTIRELY THE EXISTING ARTICLE VII, UNSAFE BUILDING ABATEMENT, SECTIONS 12-436 THROUGH 12-455 AND ADOPTING A NEW ARTICLE VI, UNSAFE AND/OR PUBLIC NUISANCE BUILDING ABATEMENT, SECTIONS 12-442 THROUGH 12-455 REGARDING DEFINITIONS, UNSAFE BUILDINGS AND/OR PUBLIC NUISANCE BUILDINGS AND ABATEMENT.

Mayor Bertram stated that this item was pulled from the agenda and that it would be returned for the Council's consideration during the second meeting in January 2010 as requested by Mayor Pro-tem Estrada.

ITEM 6-A. CONSIDER MAYOR BERTRAM'S REQUEST THAT COUNCIL GRANT CITY EMPLOYEES, AS APPLICABLE, DECEMBER 31, 2009, NEW YEAR'S EVE, AS AN ADDITIONAL HOLIDAY FOR 2009 ONLY.

Councilmember Gomez made a motion to grant city employees, as applicable, December 31, 2009, New Year's Eve, as an additional holiday for 2009 only. Councilmember White seconded. The motion carried by a vote of 5-0.

Mayor Bertram requested that the paychecks for City employees are issued on and dated December 30, 2009.

ITEM 6-B. 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, PRESENTATION AND POSSIBLE DISCUSSION.

- Dickens in Lockhart 2009- Dedication in Memory of former City Manager Joe Michie.
- \$275,000 Texas Commission on Environmental Storm Water Quality Grant.
- Huddle House opened November 30, 2009.
- Skate Park Accolades.
- Food/Supplies Drive (Fill a truck) for Lockhart Animal Shelter at Walnut held last Saturday.
- Water transmission main work, valve replacement, redesign to provide alternate supply line capacity.
- Electric Contractor starting upgrades on East Market (Carver to 672), FM 672 (Carver to 183), 183 to 2001, San Antonio to Stueve to 2001- 7 poles, Insulators, cross arms, 336 wire.

- Nine (9) vehicles purchase from local vendor under the lease program.
- Interview for Public Works Director scheduled this week.
- Finalizing details with Central Texas Highway Constructors on utility sleeves.

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

Councilmember Banks announced that the Sundance Apartments were officially open for rental. He provided information about the project.

Mayor Bertram thanked the Library staff, Library Board and Friends of the Library for their work on hosting and working the Dickens event last week. He wished everyone Happy Holidays.

ITEM 9. ADJOURNMENT.

Councilmember White made a motion to adjourn the meeting. Councilmember Roland seconded. The motion carried by a vote of 5-0. The meeting was adjourned at 8:05 p.m.

PASSED and APPROVED this the 5th day of January 2010.

CITY OF LOCKHART

James Bertram, Mayor

ATTEST:

Connie Ortiz, TRMC, City Secretary