

**LOCKHART CITY COUNCIL
REGULAR MEETING**

JANUARY 6, 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. Director

Connie Ortiz, City Secretary
Jeff Hinson, Finance Director

Citizens/Visitors Addressing the Council: Ronda Reagan of the Brock Cabin Committee; Glen Alden, Architect; Christine Davis of Austin Light Artillery; and, Dyral Thomas of District 1 Pride.

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 DECEMBER 16, 2008.

Mayor Bertram requested corrections to the City Council minutes for December 16, 2008. There were corrections.

B. DISCUSS REPORT FROM BROCK CABIN COMMITTEE REGARDING THEIR FINDINGS AND RECOMMENDATIONS FOR THE STRUCTURE AND CONSIDER ANY ACTIONS REGARDING THE STRUCTURE AND/OR ITS LOCATION.

Ronda Reagan of the Brock Cabin Committee distributed a petition signed by 197 citizens (in and outside of Caldwell County) that support the restoration of the Brock Cabin.

Ms. Reagan provided information and there was discussion regarding the following:

- Named Committee members.
- Explained the purpose of restoring the Brock Cabin that included historical significance, present condition, current location, and solutions.
- Historical significance for restoration and preservation of the Brock Cabin.
- Information regarding "Brock" – The Inventor.
- Information regarding when the cabin was moved (1975).
- Mentioned concerned citizens/sponsors.
- Phase 2 of the restoration of the Brock Cabin was in 1993.
- Professional opinions are in favor of restoring the Brock Cabin.
- Viewed different pictures that showed the present condition of the cabin.
- Condition of foundation, which is in need of repair.
- Condition of roof, which needs to be replaced.
- Addition to the back of the cabin.
- Condition of several sides of the cabin and historic furniture that was part of the cabin.
- Proposal of present site versus new site for the cabin.
- Site identification and solutions.

- Estimated costs from Professionals, which was estimated at approximately \$100,000 to move in tact and repair on new site without re-assembly or \$100 per square foot to dismantle, re-assemble and reconstruct to another location.
- Funding options that include grants, fund raising projects, and City contribution.
- Discussion regarding benefits of restoring the Cabin such as increasing historic tourism to Lockhart that would be an economic benefit to the City.
- Comparison of historic cabins that have been currently housed in other cities.

Ms. Reagan stated that the Committee was requesting the following:

- Additional time to review and coordinate funding options.
- Requesting permission to relocate/move the cabin.
- Requesting permission to restore the cabin.

There was discussion regarding the history of fundraising efforts in the past.

Councilmember Roland expressed concern about the safety issues of the cabin at the current location (Lions Park). He suggested that it be dismantled and stored in another location other than the Lions Park.

Mayor Bertram suggested that the City assist in relocating the cabin to another location within the City as well as assisting in funding of the rehabilitation. Mr. Rodgers suggested that if the Council chooses to keep the cabin, that it is dismantled and rebuilt at another location unless it could be moved in tact by removing the front porch, back room and restructure support for the cabin itself.

There was discussion regarding temporarily moving the cabin to the City property at 1914 West San Antonio Street and funding options.

Mayor Bertram asked the Committee for their input regarding moving the cabin to the City property at 1914 West San Antonio Street. Ms. Reagan replied that she believed that it was a good solution to temporarily house or store the cabin to provide the Committee time to work on fundraising efforts and to search for another location.

There was discussion regarding funding options, possible fees for dismantling and restoring the cabin, and a possible new site for the cabin.

Glen Alden, Architect, stated that the preference historically would be to leave the structure of the cabin in tact when moving it. He suggested that the cabin not be dismantled. He stated that through past experience, dismantling historic structures and storing them tended to be a problem because some of the pieces of wood might get damaged or lost during the storage period.

Christine Davis of Austin Light Artillery offered the organization's assistance in fundraising efforts since many of the members of her organization had both time and the desire to save the Brock Cabin for historical purposes. Mayor Bertram suggested that Ms. Davis consult with the Brock Cabin Committee regarding future plans for raising funds and suggestions for moving the structure. Ms. Davis also suggested that the cabin is moved in tact without dismantling it.

Councilmember White suggested that the Committee be allowed the opportunity to raise funds and requested a commitment on an amount to be obtained by both the Committee and the City.

Councilmember Banks thanked the Brock Cabin Committee for their efforts in preserving it and expressed support of restoring the cabin.

Councilmember Gomez stated that his main concern was the safety of the community and that he supported the restoration of the cabin.

Mayor Bertram announced that there would be a recess at 7:33 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 7:54 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember Richard Banks requested a moment of silence 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.

Dyral Thomas of District 1 Pride invited the Council, staff, and all citizens to attend the Martin Luther King, Jr. March that would be held on Monday, January 19, 2009. The March will begin at City Hall at 10 a.m. and end at Martin Luther King, Jr. Industrial Blvd. followed with a reception at the Lions Club.

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

ITEM 4. CONSENT AGENDA.

Councilmember White made a motion to approve consent agenda item 3A, with corrections. Councilmember Gomez seconded. The motion carried by a vote of 7-0.

The following is the consent agenda item that was approved:

3A: Approve City Council minutes for December 16, 2008.

ITEM 5-A. PRESENTATION AND DISCUSSION OF REPORT FROM BROCK CABIN COMMITTEE REGARDING THEIR FINDINGS AND RECOMMENDATIONS FOR THE STRUCTURE AND CONSIDER ANY ACTIONS REGARDING THE STRUCTURE AND/OR ITS LOCATION.

Mayor Bertram suggested that the Committee and staff be allowed more time to research several options regarding the cabin that include funding, restoration efforts, and a new location.

There was discussion regarding the process to move the cabin and possible timelines on taking action.

Councilmember Roland made a motion to allow that the Brock Cabin is moved to a location as designated by the City Manager, to allow the Brock Cabin Committee one and one-half (1 ½) year to report back their status of fundraising efforts, costs for rehabilitation, etc. and that the Council look into how the City would contribute to funding the move and restoration. Councilmember Gomez seconded. There was further discussion. The motion carried by a vote of 7-0.

ITEM 5-B. PRESENTATION AND DISCUSSION OF UPDATED REPORT REGARDING STATE HIGHWAY 130 WATER AND WASTEWATER UTILITY SLEEVE CONDUITS TO BE PLACED PRIOR TO THE BEGINNING OF HIGHWAY CONSTRUCTION.

Mr. Rodgers stated that staff met with the Texas Department of Transportation and Central Texas Highway Constructors regarding utility sleeve conduits to be placed under SH 130 right of way for future water and wastewater service mains. Staff has also met with Polonia Water Supply Corporation representatives seeking their participation in the placement of at least two of the proposed water sleeve conduits and one water main line extension. He explained the process of installing the conduit and his negotiation efforts with Polonia Water Supply Corporation. Staff is currently reviewing the contract with Central Texas Highway Constructors regarding the installation of the conduits, which would also be reviewed by the City Attorney. The contract would be presented to the Council once staff and the City Attorney have reviewed and approved all aspects of it.

Councilmember Roland suggested that staff seek quotes from other contractors to install the conduit. Mr. Rodgers replied that in lieu of requests for proposals, the public bid process would be followed once the project was ready for construction. He also explained that the TRC figures were considered engineer estimates only.

Councilmember Wieland asked if other entities such as cable were interested in assisting in payment of the installation of the conduit. Mr. Rodgers replied that since the Texas Commission of Environmental Quality does not allow wet utilities and dry utilities to be located in the same location, other franchise entities could not share in the costs since they would be required to install their lines at their expense.

There was discussion regarding the installation process and the estimated costs associated with the installation of the conduits, which was approximately \$2.2 million.

ITEM 5-C. CONSIDER APPROVAL OF ORDINANCE 09-01 AMENDING THE CODE OF ORDINANCES CHAPTER 18, ENVIRONMENT, SECTION 18-81 DEFINITIONS, SECTION 18-82 PROHIBITED AND SECTION 18-83 NOTICE TO OWNER AND/OR OCCUPANT TO REMEDY OR REMOVE; SUCH AMENDMENTS ADD DEFINITIONS, DEFINE VIOLATIONS, STATE NOTICE REQUIREMENTS FOR VIOLATIONS AND THE CITY'S RIGHT TO REMEDY, REQUIRE FIREBREAKS AND A CITY AGRICULTURE PERMIT FOR PROPERTIES NOT ZONED AGRICULTURE-OPEN WHERE PLANTING AND/OR HARVESTING OF AGRICULTURAL RELATED PRODUCTS IS PLANNED.

Mr. Catching explained and clarified the following:

- Definition of a "weed". There was discussion regarding how the definition could be expanded.
- Height of a tall weed is designated to be at or above one foot tall.
- Explanation regarding the 15 foot firebreak requirement if properties that are zoned other than Agriculture-Open are adjacent to other structures.
- Clarifies the storage of hay bales.
- Clarifies the notification process which would allow notification by regular mail with a notice published in the local paper or a sign be placed on the property notifying the owner of the violation on the property, and allow the property owner ten days to respond to the City. The notification process would be in compliance with the Texas Health and Safety Code, Section 342.006.

Councilmember Banks suggested that the definition of a "weed" be clarified in the Ordinance. There was discussion.

Councilmember Banks made a motion to amend the height limit of “grass” to six inches and “weeds” to 12 inches. The motion died for the lack of a second vote.

There was further discussion regarding different types of grass and how to limit the height.

Councilmember Banks requested that the definition of “weed” is clarified to allow staff the ability to enforce violations. He suggested language for the definition.

Councilmember Roland made a motion to approve Ordinance 09-01 as presented, which included the language for the definition of a “weed” as presented by Councilmember Banks and as approved by the City Attorney. Councilmember Gomez seconded. The motion carried by a vote of 7-0.

ITEM 5-D. CONSIDER APPROVAL OF ORDINANCE 09-02 REPEALING ORDINANCE 89-08 TAXING CERTAIN GOODS, WARES, MERCHANDISE, ORES, AND OTHER TANGIBLE PERSONAL PROPERTY THAT IS FORWARDED OUT OF THIS STATE WITHIN 175 DAYS OF ITS ACQUISITION OR IMPORTATION INTO THIS STATE.

Mr. Hinson stated that the proposed Ordinance would discontinue the City’s ability to tax certain goods, wares, merchandise, ores, and other tangible personal property that is forwarded out of this state within 175 days of its acquisition or importation into this state, which would help promote economic development. Mr. Hinson stated that he believed that removing the freeport tax would allow local businesses to store their goods, which would benefit them financially. If the Council chooses not to tax, it cannot be rescinded. He stated that the Caldwell County Appraisal District had indicated that about \$7,000 a year was being collected now.

Mayor Pro-Tem Estrada made a motion to approve Ordinance 09-02, as presented. Councilmember Roland seconded. The motion carried by a vote of 7-0.

ITEM 5-E. CONSIDER APPROVAL OF ORDINANCE 09-03 OF THE CITY OF LOCKHART, TEXAS AMENDING CHAPTER 48 SOLID WASTE, SECTION 48-36 MANDATORY, ALLOWING UTILITY SERVICES WITHOUT SOLID WASTE SERVICE FOR SEASONAL BUSINESSES THAT ARE CLOSED SIX MONTHS OR MORE PER CALENDAR YEAR WHERE NO SOLID WASTE IS GENERATED.

Mr. Rodgers stated that several seasonal businesses are closed and shut down continuously for six months or more to keep electrical and/or water services on to maintain their appliances and in some cases for alarm systems. During this period of time, no solid waste is generated. This ordinance would allow the electrical and/or water services to remain on without charging a solid waste fee for such businesses that are shut down continuously for six months or more. Any such seasonal business structures under construction and/or rehabilitation will be charged normal solid waste rates.

There was discussion regarding the solid waste (garbage) collection rates.

Councilmember Gomez made a motion to approve Ordinance 09-03, as presented. Mayor Pro-Tem Estrada seconded. The motion carried by a vote of 7-0.

ITEM 5-F. APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor Bertram requested appointments to various Boards, Commissions or Committees.

Councilmember Banks made a motion to appoint Maxine Goodman to the Community/Civic Recreation Ad-hoc Committee. Councilmember Roland seconded. The motion carried by a vote of 7-0.

ITEM 6. 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 9:10 p.m.

PASSED and APPROVED this the 20th day of January 2009.

CITY OF LOCKHART

James Bertram, Mayor

ATTEST:

Connie Ortiz, TRMC, City Secretary