

**REGULAR MEETING
LOCKHART CITY COUNCIL**

AUGUST 15, 2023

6:30 P.M.

CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR, LOCKHART, TEXAS

Council present:

Councilmember John Castillo
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White
Councilmember Brad Westmoreland
Councilmember Kara McGregor
Mayor Pro-Tem Angie Gonzales-Sanchez

Staff present:

Steve Lewis, City Manager
Joseph Resendez, Assistant City Manager
Randy Jenkins, Fire Chief
Gary Williamson, Police Chief
David Fowler, Planning Director

Monte Akers, City Attorney
Julie Bowermon, Civil Service/HR Director
Sean Kelley, Public Works Director
Victoria Burns, Public Information Officer

Citizens/Visitors Addressing the Council: Dave Marsh of CARTS; Citizens: Gillian Robb, Mary Johnson, Rebecca Buckner, Donna Daniels, and Carrie Wells.

Work Session 6:30 p.m.

Mayor White opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. DISCUSS AN INTERLOCAL AGREEMENT BETWEEN CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) AND THE CITY OF LOCKHART.

Mr. Resendez stated that on April 21st, CARTS General Manager, Dave Marsh, contacted the City Manager to request funding for FY 2023-24 be allocated via an interlocal agreement (ILA). Historically, CARTS has received funding from the City Council through the Non-Profit and Human Services Organizational line item in the General Fund. During the July 18th City Council meeting, Mr. Marsh and Ms. Dana Platt, CARTS Community Services Director, gave a presentation to City Council with additional information associated with their increased funding allocation request. Staff was directed to perform additional review and return to City Council for consideration. CARTS and Mr. Marsh provided their current agency budget (09/01/2022 - 08/31/2023) and a financial statement of current revenues and expenditures from 9/01/2022 - 6/30/2023. The statement includes projected year-end expenditures of approximately \$380,000. In 2022, CARTS introduced their CARTS Now service. The added costs for this service require off setting additional funding. CARTS is requesting \$40,000 be approved by the City for the upcoming Fiscal Year 2023-2024 city budget to fund an approximately 10% share of both CARTS Now and Interurban services expenses. At this time, other CARTS communities are evaluating similar requests.

There was discussion with Dave Marsh of CARTS about funding received from other cities and how the additional funds requested from Lockhart would be utilized to continue providing bus transportation services in Lockhart.

B. DISCUSSION REGARDING SETTING THE 2023 COMBINED MAINTENANCE AND OPERATIONS AND INTEREST AND SINKING PROPOSED PROPERTY TAX RATE OF THE CITY OF LOCKHART.

Mr. Resendez stated that the action taken by the City Council is required by the State of Texas in adherence with the Truth-In-Taxation laws. If the proposed tax rate exceeds either the no new revenue rate or voter approval rate, a record vote must be taken to place a proposal to adopt the rate on the agenda for a future Council meeting. If the motion passes, the Council must schedule and announce the date, time, and location of one (1) public hearing regarding the proposed tax rate set by the Council. As directed by Council, the aforementioned public hearing is scheduled on September 5, 2023, at 7:30 p.m. in the Council Chambers located in the Clark Library Annex - Council Chambers, 217 South Main Street, 3rd floor, Lockhart, Texas. Senate Bill 2 has limited the percentage increase from No New Revenue to Voter Approval Rate by 3.5% but has added a new unused incremental rate adjustment. The 2023 voter-approved tax rate, as prepared by the Caldwell Appraisal District, is 0.5348/\$100 assessed valuation. This rate includes the unused increment rate. There was discussion.

C. DISCUSS THE 3RD QUARTER FISCAL YEAR 2023 INVESTMENT REPORT.

Mr. Resendez stated that the Texas Public Funds Investment Act requires local governments to review and accept the quarterly investment reports for each quarterly reporting period of the fiscal year. He provided details about the 3rd Quarter Investment Report of Fiscal Year 2023, ending June 30, 2023.

D. DISCUSS ADOPTING ORDINANCE 2023-15 DESIGNATING LOCKHART INDUSTRIAL DISTRICT NO. 1 IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

Mr. Akers stated that Section 42.044, Local Government Code, authorizes the governing body of a city to designate any part of its ETJ as an industrial district and to treat the designated area in a manner considered by the governing body to be in the best interests of the municipality. The designation authorizes the making of contracts with owners in the district that the parties agree to be reasonable, appropriate, and not unduly restrictive of business activities. The designation does not restrict use of the land to industrial, and all present uses may continue. It also does not change any property rights of people who own land in the area, and has no relation to zoning, which does not apply in the ETJ. Additionally, and significantly, SB 2038, the new legislation which creates a procedure for the release of areas from the ETJ of a city and which becomes effective Sept. 1, 2023, provides that the ETJ release procedure does not apply to areas of the ETJ designated as an industrial district under Section 42.044. Ordinance No. 2023-15 designates an area as Lockhart Industrial District No. 1. There was discussion.

E. DISCUSS RESOLUTION 2023-13 REGARDING A CONTRACT FOR MEDICAL DIRECTOR SERVICES FOR LOCKHART EMS BETWEEN TRAVIS COUNTY EMERGENCY PHYSICIANS, P.A. DBA US ACUTE CARE SOLUTIONS (USAC) EFFECTIVE OCTOBER 1, 2023.

Chief Jenkins stated that Lockhart EMS is currently managed by Ascension Seton through a "Lockhart EMS Staffing and Management Services Agreement" between the City of Lockhart and Ascension Seton effective August 1, 2015 with amendments on October 1, 2018 and February 1, 2023. As part of this agreement, medical direction was provided by Ascension Seton. Dr. Hala Ashraf, through US Acute Care Solutions (USAC), is an emergency medicine physician and is the current Medical Director provided by Ascension Seton for Lockhart EMS and also serves as Associate Medical Director for San Marcos - Hays County EMS. Beginning October 1, 2023, the City of Lockhart will be responsible for providing medical direction for Lockhart EMS. The Texas Department of State Health Services (DSHS) requires an

ambulance transport service to employ the services of a medical director. Medical control / direction is a planned approach to the provision of advanced life support services in an out-of-hospital setting. Under this approach, paramedic staff are viewed as surrogates of a designated hospital and a designated medical director in that hospital. The medical director seeks to assure that patients treated by paramedics and transported receive appropriate care in all cases. The medical director also reviews the training program, skills maintenance, continuing education programs and retraining program. Dr. Ashraf will serve as the primary Medical Director for Lockhart EMS as provided in the attached agreement. When Dr. Ashraf is not available, the emergency department physicians at the receiving hospitals will provide the medical direction, with the vast majority being USAC physicians. Dr. Ashraf currently provides monthly training to Lockhart EMS staff regarding EMS protocols which outlines the approved treatment procedures. The continuation of her medical direction services will ensure a seamless transition. There was discussion.

F. DISCUSS CONTRACT FOR ELECTION SERVICES WITH THE CALDWELL COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE CITY OF LOCKHART'S GENERAL ELECTION ON NOVEMBER 7, 2023.

Ms. Bowermon stated that the Caldwell County Elections Administrator (County EA) is conducting Elections on November 7, 2023. The City of Lockhart will hold a General election for the positions of Mayor, Councilmember District 3, and Councilmember District 4. Since 2010, in the interest of a public purpose, the City of Lockhart has contracted with the County EA to conduct City Elections to enable all propositions and public official positions to be on one ballot for voters within Caldwell County. The City of Lockhart shall pay an administrative fee of 10% of the total cost of the election and any runoff election or \$75, whichever is greater. In the event the services are provided for a joint election, the cost shall be equally prorated between the participating entities. A runoff Election shall be treated as a separate election. The City of Lockhart ordered the November 7, 2023 General Election during the previous Council meeting held on August 1, 2023. The candidate filing period is July 22, 2023 through August 21, 2023. City staff currently has candidate packets available for distribution to potential candidates, which are also available on the City website. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:15 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER

Mayor Lew White called the meeting to order at 7:30 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember Mendoza gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

Mayor White requested citizens to address the Council.

Gillian Robb, 417 S. Guadalupe, thanked the police department for responding to the neighbor's concern about the speedy traffic in their neighborhood. She expressed concern about the city's tree trimming protocol on trees during the fruiting season, such as Pecan trees. She suggested that the tree trimming along power lines be conducted during the dormant season.

Mary Johnson, 736 S. Guadalupe, expressed concern about the city's tree trimming protocol. She suggested that the tree trimming along power lines be conducted during the dormant season and requested that the city consult with an arborist about when or how to trim trees along the power lines.

Rebecca Buckner, 760 S. Guadalupe, expressed concern about the city's tree trimming process. She stated that she hired an arborist that confirmed that the city's tree trimming should be conducted during the dormant season to avoid killing trees. She stated that large trees are dying because of the city trimming trees during the fruiting season.

Donna Daniels, 420 W. Prairie Lea Street, stated that she agrees with the neighborhood about the city's tree trimming protocols. She stated that she hires an arborist annually to trim the live oak trees on her property to assure that they stay healthy. She suggested that the city also consult with an arborist prior to trimming trees.

Carrie Wells, 915-A Crocket Street, expressed concern about the lack of support of the Lockhart Animal Shelter. She suggested that the city consider allocating additional funds to increase staff and a volunteer coordinator.

ITEM 4-A. HOLD A PUBLIC HEARING REGARDING WHETHER THE CITY COUNCIL OF THE CITY OF LOCKHART SHOULD ENACT AN ORDINANCE REGULATING THE INSTALLATION AND USE OF ON-SITE SEWAGE FACILITIES IN THE CITY OF LOCKHART AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-14 ADOPTING RULES AND REQUIREMENTS FOR ON-SITE SEWAGE FACILITIES.

Mayor White opened the public hearing at 7:50 p.m. He requested the staff background report.

Mr. Akers stated that the purpose of this ordinance is to provide a method for property owners to construct On-Site Sewage Facilities within the City when/where appropriate and to ensure the health and safety of residents of the City and its waterways. The City attempted to enter into an interlocal agreement with Caldwell County in the fall of 2020 to have the County provide On-Site Sewage Facility (OSSF) services to residents in the City of Lockhart. The City Council adopted the agreement but when it went to the Commissioners Court for approval an issue was discovered that would require the City of Lockhart to first become an OSSF "Authorized Agent" prior to entering into any agreements with the County. The Texas Commission on Environmental Quality (TCEQ) has strict requirements for governing bodies who wish to become authorized agents. The proposed ordinance went through a rigorous review process by TCEQ and was finally approved in July of this year. There was discussion.

Mayor White requested citizens to address the Council. There were none. He closed the public hearing at 7:58 p.m.

Councilmember McGregor made a motion to approve Ordinance 2023-14, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING FOR THE PROPOSED CITY OF LOCKHART FISCAL YEAR 2023-2024 BUDGET.

Mayor White opened the public hearing at 8:00 p.m. and requested the staff background report.

Mr. Resendez stated that the City Charter requires that the City Council hold one public hearing for the City of Lockhart Budget to allow for public comments. It was the staff's recommendation to hold two hearings to allow residents two opportunities to comment on the proposed budget. This is the first public hearing. The second public hearing will be held at 7:30 p.m. on September 5, 2023. There was discussion.

Mayor White requested citizens to address the Council. There were none. He closed the public hearing at 8:03 p.m.

ITEM 5-A. DISCUSSION AND CONSIDERATION REGARDING AN INTERLOCAL AGREEMENT BETWEEN CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) AND THE CITY OF LOCKHART.

Mayor White made a motion to approve the Interlocal Agreement with CARTS, with funding \$20,000 in the current fiscal year. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING SETTING THE 2023 COMBINED MAINTENANCE AND OPERATIONS AND INTEREST AND SINKING PROPOSED PROPERTY TAX RATE OF THE CITY OF LOCKHART.

Councilmember McGregor made a motion to set the City of Lockhart's current ad valorem tax rate at 0.5348 which includes a debt rate of 0.1212 and an M&O rate of 0.4136 and authorize staff to place on the agenda for adoption by ordinance on September 5, 2023. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

The record vote is as follows:

Councilmember Brad Westmoreland – Aye

Councilmember Juan Mendoza – Aye

Mayor Pro-Tem Angie Gonzlaes-Sanchez – Aye

Mayor Lew White – Aye

Councilmember John Castillo – Aye

Councilmember Jeffry Michelson - Aye

ITEM 5-C. DISCUSSION AND/OR ACTION TO RECEIVE THE 3RD QUARTER FISCAL YEAR 2023 INVESTMENT REPORT.

Councilmember Michelson made a motion to approve the 3rd Quarter Fiscal Year 2023 Investment report, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION TO CONSIDER ADOPTING ORDINANCE 2023-15 DESIGNATING LOCKHART INDUSTRIAL DISTRICT NO. 1 IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

Councilmember McGregor made a motion to approve Ordinance 2023-15, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 5-E. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2023-13 REGARDING A CONTRACT FOR MEDICAL DIRECTOR SERVICES FOR LOCKHART EMS BETWEEN TRAVIS COUNTY EMERGENCY PHYSICIANS, P.A. DBA US ACUTE CARE SOLUTIONS (USAC) EFFECTIVE OCTOBER 1, 2023.

Councilmember Michelson made a motion to approve Resolution 2023-13, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0-1, with Councilmember McGregor abstaining.

ITEM 5-F. DISCUSSION AND/OR ACTION TO CONSIDER CONTRACT FOR ELECTION SERVICES WITH THE CALDWELL COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE CITY OF LOCKHART'S GENERAL ELECTION ON NOVEMBER 7, 2023.

Councilmember Westmoreland made a motion to approve the contract for Election Services with the Caldwell Council Elections Administrator, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE ACTION

- Update about water conservation.
- Update on TxDOT's plans for future improvements to FM 2720.
- Update on the Aquatics subcommittee visioning process and future City Council workshop.
- Maple Street Splash Pad shade canopy installations update.
- School starts August 16th: City Park Swimming Pool will remain open with modified hours of operation while lifeguards are available.
- Community input sought for City's new Comprehensive Plan.

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

Councilmember Westmoreland encouraged everyone to be safe on the first day of school.

Councilmember Mendoza wished students and teachers a good school year.

Mayor Pro-Tem Sanchez wished students and teachers a good and safe school year. She thanked public safety personnel for their efforts with the recent fires.

Councilmember McGregor encouraged everyone to be kind. She invited everyone to the last Courthouse Nights event.

Councilmember Castillo wished students and teachers a safe and good school year. He encouraged everyone to be safe. He thanked the Fire Department for fighting fires and he encouraged citizens to be mindful of fire safety protocols. He expressed concern about the lack of employees in the public safety departments.

Councilmember Michelson wished students and teachers a safe and good school year. He thanked public safety personnel for their dedication to keeping the community safe.

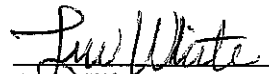
Mayor White wished students and teachers a safe and good school year. He thanked staff for their work.

ITEM 8. ADJOURNMENT

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 8:30 p.m.

PASSED and APPROVED this the 21st day of May, 2024.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Julie Bowermon
City Secretary

