REGULAR MEETING
LOCKHART CITY COUNCIL OCTOBER 17, 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
David Fowler, Planning Director
Julie Bowermon, Civil Service/HR Director
Gary Williamson, Police Chief
Joseph Resendez, Assistant City Manager
Victoria Burns, Public Information Officer
Brad Bullock, City Attorney
Sean Kelley, Public Works Director
Randy Jenkins, Fire Chief
Mike Kamerlander, Interim Economic Dev. Dir.
Cean Charles, EMS Director

Citizens/Visitors Addressing the Council: Representatives of the Hays-Caldwell Women's Center; Khalil Coltrain of the Lower Colorado River Authority; Ivan Karpov of F3 Lockhart; and Citizen, Donna Daniels.

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. PRESENTATION OF A PROCLAMATION DECLARING OCTOBER 2023 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH.
Mayor White presented the proclamation to Representatives of the Hays-Caldwell Women's Center.

D. DISCUSSION AND A PRESENTATION FROM THE LOWER COLORADO RIVER AUTHORITY (LCRA) ON THE CREATION OF A NEW EMERGENCY COMMUNICATION VOICE RADIO SYSTEM FOR CALDWELL COUNTY.
Chief Jenkins stated that the City of Lockhart and Caldwell County are currently on the Greater Austin-Travis Regional Radio System (GATRRS). The GATRRS system is operated by the City of Austin and provides voice communications for public safety and other public service organizations in the central Texas region. Participating counties include Bastrop, Blanco, Burnet, Caldwell, Lee, Llano, Travis, and Williamson counties. All voice radio communication systems involve the use of a combination of radio towers, FCC licensed radio frequencies, software, specialized radio equipment, portable and mobile radios, maintenance, programming, monitoring, and support. Due to GATRRS system reliability, radio coverage, and system maintenance, Caldwell County has contracted with LCRA to create a new voice radio communication system in Caldwell County for public safety using two existing towers, one new tower and all new infrastructure. Current end user portable and mobile radios will be reprogrammed for use on the new system. The City of Lockhart will be asked to enter into an Interlocal Agreement (ILA)

with LCRA to become a participating member of the new LCRA system. A combined 911 emergency dispatch facility for Caldwell County at the Justice Center is also in the development phase for use with the new LCRA system. It is yet to be determined if it will be a centralized (one agency) or co-located (multiple agencies) facility. City staff is in communication with the City of Austin, Texas Department of Public Safety (TxDPS), and Texas Department of Transportation (TxDOT) to assume the tower leases, equipment, and maintenance costs associated with the current GATRRS system.

Khalil Coltrain of the Lower Colorado River Authority provided information and there was discussion regarding the Communication Voice Radio System.

E. DISCUSS RESOLUTION 2023-15 DESIGNATING THE CHIEF OF POLICE AS THE AUTHORIZED OFFICIAL ON THE POLICE DEPARTMENT'S BODY WORN CAMERA PROGRAM GRANT THROUGH THE OFFICE OF THE GOVERNOR.

Chief Williamson stated that on November 16, 2021, Council approved a resolution authorizing the submittal of the Body Worn Camera (BWC) Program grant through the Office of the Governor. The resolution also named the former police chief as the Authorized Official. With the departure of the former police chief, a new resolution naming the position of Chief of Police as the Authorized Official is needed to come in compliance with the grant requirements and receive reimbursement. The police department's Body Worn Camera Program grant purchased replacement body cameras. The cost for the BWC program is $85,260.00. The grant requires a 25% match. Twenty-nine(29) Motorola WaV300 Body Worn Cameras, including cloud storage and accessories, were purchased.

F. DISCUSSION REGARDING AMENDMENT NUMBER 3 TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS' (CAPCOG) LEASE OF SITE FOR AIR QUALITY MONITORING AND APPOINTING THE CITY MANAGER TO SIGN THE AMENDMENT IF APPROVED.

Mr. Kelley stated that CAPCOG stores an Air Quality Monitoring Station at 214 Bufkin Lane, behind the City's Electric Department. The monitoring unit has been in place since 2013 and collects data regarding local air quality, such as ground-level Ozone, and reports data back to CAPGOG. The collected data can then be used for the Air Quality Index (AQI) in real-time and Forecast AQI in order to plan outdoor activities, especially for sensitive groups. The purpose of this Amendment Number 3 is to extend the Term of the Amendment 2 of the Original Lease from its current end date of December 31, 2023, to December 31, 2026, in order to enable continued collection of ambient air quality data at the site through the expiration date of CAPCOG's 2019-2026 Air Quality Monitoring Network Plan Addendum. There was discussion.

B. DISCUSS RESOLUTION 2023-16 APPROVING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH F3 LOCKHART OWNER LLC TO AUTHORIZE THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE A REBATE OF UP TO $1,000,000 FOR REIMBURSEMENT OF IN-GROUND UTILITIES TO SERVE THE PROJECT OVER A 10-YEAR TERM.

Mr. Kamerlander stated that Project Apple Pie is a refrigerated warehouse and cold chain logistics operator, sponsored by Related Fund Management (RFM). Founded in 2009, RFM has established itself over more than a decade as a highly skilled and differentiated real estate investment manager with approximately $10.9 billion of assets under management. RFM has demonstrated a successful track record of investing across all portions of the real estate capital stack and in all major sectors. The project plans to acquire and develop a ground-up, Class A, energy-efficient public refrigerated warehouse to support the Austin-San Antonio corridor, as well as the greater Central Texas market, with a focus on the rapidly growing subsector of direct-to-consumer ("D2C") grocery deliveries. The initial facility would be approximately 310,000 SF. The facility plans to store frozen and refrigerated foods. As a full-service cold chain provider, the company serves food producers and manufacturers, grocery retailers, and food service companies. The company plans to have a Lockhart-based staff of 100+ employees in year 4 with an average annual wage of $38,480. All jobs included in the 380 agreement and economic development performance agreement require benefits. While the total proposed site is approximately 53 acres, the company will operate on approximately 25 acres with the opportunity to expand by 50%. The excess land allows for additional buildable SF on which they may develop into another cold storage facility or traditional "dry" industrial warehouses totaling 877,900 SF. The land owner and company have initiated the voluntary annexation process with the City which is a requirement in this performance agreement.

Mr. Kamerlander provided details about the following Investment:
> $65 million in real property. The application does not include the value of the inventory since it is not currently known. Inventory is taxed at the same rate as real and personal property based on the value of the inventory at the end of each year.

Incentives:
The Economic Development Performance Agreement up for consideration is for rebate for the construction of in-ground utilities (water and wastewater lines) not to exceed $1,000,000.

Ivan Karpov of F3 Lockhart provided details about the project as indicated above.

C. DISCUSS A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH F3 LOCKHART OWNER LLC PROVIDING A REAL AND PERSONAL PROPERTY TAX REBATE OVER A 10-YEAR TERM.
Mr. Kamerlander stated that Project Apple Pie is a refrigerated warehouse and cold chain logistics operator, sponsored by Related Fund Management (RFM). Founded in 2009, RFM has established itself over more than a decade as a highly skilled and differentiated real estate investment manager with approximately $10.9 billion of assets under management. RFM has demonstrated a successful track record of investing across all portions of the real estate capital stack and in all major sectors.

Mr. Kamerlander stated that the incentives of property tax rebate is as follows:
The Chapter 380 agreement provides a 5-year rebate of real and personal property taxes within a 10-year term. The rebate term will run for five sequential years and offer the following schedule:
Year 1: 85% Rebate
Year 2: 70%
Year 3: 55%
Year 4: 40%
Year 5: 25%

G. RECEIVE AND DISCUSS THE 4TH 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 presented the 4th Quarter Investment Report of Fiscal Year 2023, ending September 30, 2023.

H. DISCUSSION REGARDING ENGAGEMENT LETTER WITH THE LAW FIRM OF MESSER FORT FOR LEGAL SERVICES.

Mr. Lewis stated that the current City Attorney, Monte Akers, has announced his retirement at the end of 2023, and this amended engagement letter with his law firm provides that Brad Bullock will succeed Mr. Akers. Legal services provided will be those as city attorney, municipal court prosecutor, and economic development corporation attorney. As discussed with the Council, the rates for legal services will remain at $185/hr. through the end of Fiscal Year 2025, and travel will be at no cost.

J. DISCUSS THE PURCHASE OF A 2023 FORD F-450 DIESEL AMBULANCE CHASSIS THROUGH STERLING MCCALL FORD UTILIZING THE HOUSTON GALVESTON AREA COUNCIL (HGAC) PURCHASING COOPERATIVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE AMBULANCE CHASSIS.

Mr. Charles stated that the 2023 Ford F-450 diesel chassis will be used to power a new Frazer custom ambulance to be built for Lockhart EMS. Due to the short supply of ambulance chassis, it must be guaranteed with a purchase order as soon as a chassis becomes available. A new Type I 14' Module (patient transport area) will be constructed to mount on the Ford F-450 chassis. The Module and related expenses will be requested with a separate purchase order when it is time to begin construction of the Module. The new Frazer ambulance, when completed, will be deployed by Lockhart EMS to respond to emergency medical calls and non-emergency transport in the City of Lockhart, the northern portions of Caldwell County, and mutual aid requests. The new Frazer ambulance, when completed, will replace Medic 2, a 2017 Ford Demers with approximately 260,000 miles. Best practice is to move an ambulance from the front-line to reserve at approximately 125,000 miles and replace or remount at 250,000 to 300,000 miles. The cost of the Ford F-450 Chassis, including HGAC fees, is $72,250. The total cost of the ambulance when completed will be approximately $300,000. Caldwell County has agreed to reimburse Lockhart for one-half of the total cost of the new ambulance. The delivery time of the Ford F-450 chassis is November 2023. The Frazer ambulance manufactured in Houston, Texas will be completed by late summer/fall 2024. There was discussion.

I. DISCUSS AN INTERLOCAL AGREEMENT WITH CALDWELL COUNTY FOR EMERGENCY MEDICAL SERVICES.

Mr. Lewis stated that following termination of the City's EMS contract with Seton, the City and County negotiated this Interlocal Agreement (ILA) whereby the City will provide EMS services in the City and that portion of the County previously served by Seton (designated Lockhart 1 and Lockhart 2). Under the ILA, which was adopted by the Caldwell County Commissioners Court on October 10, 2023, the City will provide EMS services in the designated service area, for which the County will pay the City $350,000 annually, plus up to $200,000 for capital expenses. The County and City will meet informally to produce a mutually agreeable budget for EMS. The term of the ILA is from October 1, 2023, to September 30, 2024, and will automatically extend for an additional year unless a party provides the other party with notice of termination by July 1, 2024. Either Party may terminate the ILA for convenience by providing the other party with 30 days' notice of termination.

RECESS: Mayor White announced that the Council would recess for a break at 7:30 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:49 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Councilmember McGregor 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.

Donna Daniels, 420 W. Prairie Lea Street, expressed appreciation to the Lockhart public Library staff for a great

ITEM 4-A. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION REGARDING ORDINANCE 2023-21, PROPOSING TEXT AMENDMENTS TO CHAPTER 64, "ZONING," OF THE OF THE LOCKHART CODE OF ORDINANCES, AMENDING ARTICLE VII, "ZONING DISTRICTS AND STANDARDS," SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS," AMENDING SUBSECTION (I) "RESIDENTIAL DESIGN," AMENDING SUBSECTION (1) "SINGLE-FAMILY DESIGN," ADDING SUBSECTION B., "RESIDENTIAL DESIGN OPTIONS," ADDING A NEW SUBSECTION (2) "MULTIFAMILY DESIGN," AND AMENDING APPENDIX I., "SPECIFIC REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT TYPES," TO REVISE PARKING REQUIREMENTS FOR MULTIFAMILY LAND USE TYPES.

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

Mr. Fowler stated that the proposed changes are the product of the work of the Housing and Development Committee, formed earlier this year. These proposed amendments will complement the recent revisions in residential landscaping requirements and the anti-repetition requirements which were adopted in June of this year. These additional standards would create design options for new houses in both new subdivisions as well as houses built on infill lots. New houses in subdivisions of greater than four units would be required to include four of the options, while infill residences and houses in subdivisions created through minor plats would be required to include two elements. The proposed design standards for multifamily developments include building design options similar to the single-family-standards while also containing two new site-design requirements as well as a requirement for elevators in four-story buildings. As a result of discussion at the Planning and Zoning Commission meeting held October 11, 2023, the parking requirement for multifamily development is recommended to be reduced to two spaces per residential unit while increasing the required recreational space to eight percent of the overall site area of a multifamily development.

Mayor White requested citizens to address the Council. There were none. He closed the public hearing at 8:06 p.m.

Councilmember McGregor made a motion to approve Ordinance 2023-21, as presented. Councilmember Castillo seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A, 5B and 5C. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:
5A: Approve Resolution 2023-15 designating the Chief of Police as the Authorized Official on the police department's Body Worn Camera Program grant through the Office of the Governor.
5B: Approve Amendment Number 3 to the Capital Area Council of Governments' (CAPCOG) Lease of Site For Air Quality Monitoring and appointing the City Manager to sign the amendment.
5C: Accept the 4th Quarter Fiscal Year 2023 Investment Report.

ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING RESOLUTION 2023-16 APPROVING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH F3 LOCKHART OWNER LLC TO AUTHORIZE THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE A REBATE OF UP TO $1,000,000 FOR REIMBURSEMENT OF IN-GROUND UTILITIES TO SERVE THE PROJECT OVER A 10-YEAR TERM.
Councilmember Michelson made a motion to approve Resolution 2023-16, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH F3 LOCKHART OWNER LLC PROVIDING A REAL AND PERSONAL PROPERTY TAX REBATE OVER A 10-YEAR TERM.
Councilmember Michelson made a motion to approve the Chapter 380 Economic Development Agreement with F3 Lockhart Owner, LLC, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING ENGAGEMENT LETTER WITH THE LAW FIRM OF MESSER FORT FOR LEGAL SERVICES.
Councilmember Mendoza suggested that the item be tabled to give him an opportunity to meet with Brad Bullock, Attorney prior to voting on the engagement letter. There was discussion.

Councilmember Michelson made a motion to approve the engagement letter with the Law Firm of Messer Fort for legal services, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-1, with Councilmember Mendoza opposing.

ITEM 6-D. DISCUSSION AND/OR ACTION TO ADOPT AN INTERLOCAL AGREEMENT WITH CALDWELL COUNTY FOR EMERGENCY MEDICAL SERVICES.
Councilmember McGregor made a motion to approve the Interlocal Agreement with Caldwell County for Emergency Medical Services. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER THE PURCHASE OF A 2023 FORD F-450 DIESEL AMBULANCE CHASSIS THROUGH STERLING MCCALL FORD UTILIZING THE HOUSTON GALVESTON AREA COUNCIL (HGAC) PURCHASING COOPERATIVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE AMBULANCE CHASSIS.
There was discussion.

Councilmember McGregor made a motion to approve the purchase of a 2023 Ford F-450 Diesel ambulance chassis, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-F. CONSIDERATION AND ACTION ON PETITION FOR RELEASE OF 389.249 ACRES FROM THE CITY'S ETJ FILED BY PHAU-LOCKHART 450, LLC.
Mayor White stated that the item would be considered after discussed in Executive Session.

ITEM 7. CITY MANAGER'S REPORT

- Update on annual street paving projects.
- Update on the Texas Historical Commission grant to restore the Carver High School Building.
- Texas Monthly BBQ Fest on November 4 and 5.
- A Christmas to Remember in Lockhart will be held on December 1st and 2nd. The Lighted Parade will be held on Saturday, December 2, 2023.
- ESD No. 5 election will be held November 7th.
- ESD No. 5 public informational townhall event will be held October 19th at 7:00 p.m. in the City Council Chambers.

ITEM 8. COUNCIL AND STAFF COMMENTS-ITEMS OF COMMUNITY INTEREST
Councilmember Mendoza thanked all that attended an event at the Old Carver School. He thanked all involved with the Soccer Association.

Mayor Pro-Tem Sanchez expressed condolences to the families that have lost a loved one.

Councilmember McGregor wished everyone a safe Halloween. She stated that a free event will be held on November 3rd during the Monthly BBQ Fest.

Councilmember Castillo congratulated the downtown businesses for a successful First Friday event. He invited everyone to attend the meeting about the Emergency Services District to get better informed.

Councilmember Michelson thanked all involved and who attended the Comprehensive Plan meeting.

Mayor White welcomed Ziegenfelder to the community. He reminded everyone that early voting begins on October 23, 2023.

EXECUTIVE SESSIONS

Mayor White announced that the Council would enter Executive Session at 8:26 p.m. to discuss the following:
ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071, PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE. Discussion with City Attorney regarding a petition for release of property from the extraterritorial jurisdiction of the City of Lockhart.

ITEM 10. 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. Conduct annual City Manager's evaluation.

OPEN SESSION
Mayor White announced that the Council would enter Open Session at 10:10 p.m.

ITEM 11-A. DISCUSSION AND/OR ACTION REGARDING A PETITION FOR RELEASE OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LOCKHART.
Mayor White made a motion to table consideration until the October 30, 2023 special meeting. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 11-B. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2023-17 AUTHORIZING A SALARY ADJUSTMENT FOR CITY MANAGER STEVEN LEWIS AND ADDENDUM TO THE CITY MANAGER AGREEMENT DATED EFFECTIVE AUGUST 18, 2018 BY AND BETWEEN THE CITY OF LOCKHART AND STEVEN LEWIS.
Mayor White made a motion to approve Resolution 2023-17, as presented, with a five percent cost of living wage increase retroactive to October 1, 2023. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 12. 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 10:13 p.m.

PASSED and APPROVED this the 16th day of July, 2024.

CITY OF LOCKHART

Lew White
Lew White, Mayor

ATTEST:

Julie Bowermon
Julie Bowermon
City Secretary

CITY OF LOCKHART TEXAS