

**REGULAR MEETING
LOCKHART CITY COUNCIL**

JULY 5, 2022

6:30 P.M.

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

Council present:

Mayor Lew White
Councilmember Derrick David Bryant
Councilmember Jeffry Michelson

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza
Councilmember Brad Westmoreland

Council absent:

Councilmember Kara McGregor

Staff present:

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Dan Gibson, City Planner
Sean Kelley, Public Works Director
Ernest Pedraza, Police Chief

Monte Akers, City Attorney
Travis Hughes, Parks Director
Mike Kamerlander, Economic Development Dir.
Alexis Flores, Economic Development Specialist

Citizens/Visitors Addressing the Council: Bryan Baynton of Titan Development; Tyler Alley of RCM Acquisitions; and Dan Ross of Red Oak Development.

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:

A. DISCUSS CITY COUNCIL MINUTES OF THE JUNE 7, 2022, JUNE 14, 2022 AND JUNE 15, 2022 MEETINGS.

Mayor White requested corrections to the minutes. There were none.

B. DISCUSS POSTPONING UNTIL AUGUST 16, 2022, APPLICATIONS ZC-22-08 AND PDD 22-01 BY JAMES TRAVIS KRAUSE ON BEHALF OF PATTON 3, LLC FOR A ZONING CHANGE FROM *RLD RESIDENTIAL LOW DENSITY DISTRICT* TO *PDD PLANNED DEVELOPMENT DISTRICT*, INCLUDING A PDD DEVELOPMENT PLAN FOR *LOCKHART PLACE TOWNHOMES PLANNED DEVELOPMENT*, ON 19.798 ACRES IN THE FRANCES BERRY SURVEY, ABSTRACT NO. 2, LOCATED AT 903 STATE PARK ROAD (FM 20).

Mayor White announced that the item would be postponed to the August 16, 2022 Council meeting.

C. DISCUSS RENEWAL OF THE LOCKHART YOUTH SOCCER ASSOCIATION (LYSA) CONTRACT, AS RECOMMENDED BY THE PARKS ADVISORY BOARD.

Mr. Hughes stated that the existing LYSA contract requires renewal every five years and is currently due. This agreement specifies the conditions for the utilization of the Cpl. Jason K. LeFleur Soccer Complex located at 1507 Maple Street in Lockhart by the LYSA. The only change to this agreement is the insertion of Section 3.1.f on page 4. This addition provides up to a maximum of \$5,000 annually for the maintenance of the field irrigation system. This amount was tentatively approved as an added line item to the Parks & Recreation Budget during the budget workshop on June 14, 2022. The Parks Board voted unanimously on June 16, 2022, to submit this contract to the City Council to recommend renewal. Mr. Hughes recommended approval. There was discussion.

D. DISCUSSION ORDINANCE 2022-27 ORDERING A GENERAL ELECTION ON NOVEMBER 8, 2022 FOR THE PURPOSE OF ELECTING ONE COUNCILMEMBER DISTRICT 1; ONE COUNCILMEMBER DISTRICT 2; AND TWO COUNCILMEMBERS AT-LARGE; PROVIDING FOR JOINT ELECTION WITH CALDWELL COUNTY; ESTABLISHING EARLY VOTING LOCATIONS AND HOURS; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; AND MAKING PROVISION FOR THE CONDUCT OF THE ELECTION.

Ms. Constancio stated that the City Council positions up for election on November 8, 2022 are District 1, District 2 and Two At-Large Councilmembers. The Caldwell County Elections Administrator (County EA) will be conducting the November 8, 2022 election for several entities which includes the City of Lockhart. The Ordinance provides details about the election and indicates that the City will contract with the County EA to conduct the election. The City Secretary's office will receive applications for a place on the ballot, post and publish notices, prepare ballot language, and be available to direct voters to the correct polling locations. The filing period for a place on the ballot is July 23 – August 22. Early voting will be conducted October 24 – November 4 at the Scott Annex Building at 1403 Blackjack Street, Suite C in Lockhart. The County EA reported that she will assign Election Day polling locations sometime in August 2022. Staff will return with an ordinance providing the detailed list of Election Day polling locations when they are assigned and confirmed by the County EA. The costs associated with the election will depend on the number of entities involved in Caldwell County's November 8, 2022 General Election. Several entities that will be on the November 8 ballot include State of Texas, Caldwell County, City of Lockhart, and Lockhart ISD, to name a few. Ms. Constancio recommended approval. There was discussion.

E. DISCUSS PROPERTY SALE AGREEMENT FOR 31.485 ACRES IN LOCKHART INDUSTRIAL PARK III WITH TITAN DEVELOPMENT.

Mr. Kamerlander stated that the land purchase agreement is with Titan Development out of Albuquerque, NM. Titan Development is one of the Southwest's largest and most active real estate development and investment firms. Titan offers real estate services for a variety of asset classes to take projects from inception to completion, as well as an in-house private equity fund management platform to better respond to their investor's needs. Titan Development expanded into other strategic and high growth markets including Texas, Arizona, Colorado, and Florida. Over the past 22 years, Titan Development has established a proven track record across a diversified class of real estate investments including: multifamily, senior living, office, industrial, retail, and single-family lots. Since its inception, the firm has completed over \$2.4B in real estate development by the partners with \$375.5M of assets under management, and over 15.5M square feet of developed real estate. The Lockhart Economic Development Corporation (LEDC) is currently under contract on 13.6 acres of land in Lockhart Industrial Park III with Titan on Block A, Lot 2. This 31.485 acres is being considered as part of the Right of First Refusal provision in the property currently under contract with Titan. This contract rolls in Block C, Lot 2 of 11.82 acres already approved by City Council. Attached is the site flyer from Aquila Commercial for the industrial park. This tract shows three buildings totaling 461,760 SF.

Information of note:

1. Site under the contract: Block C, Lots 2, 3 & 4 (31.485 acres) (See Map)
2. Purchase Price: \$2.75/SF or \$3,125,000.00 (only the 26.095 acres is being "purchased" as Lot 4 is drainage which Titan is accepting as part of the deal.)
3. Earnest Money: \$62,700.00
4. Due Diligence Period: Titan shall have 180 days to complete its Due Diligence related to the site.

Titan's receipt of site plan approval for buyer's intended use of the property from the City of Lockhart is a condition of closing.

Bryan Baynton of Titan Development provided details about the project.

F. DISCUSS PROPERTY SALE AGREEMENT FOR 5.352 ACRES IN LOCKHART INDUSTRIAL PARK III WITH RCM ACQUISITIONS, LLC.

Mr. Kamerlander stated that the attached property sale agreement is for 5.352 acres in Lockhart's new industrial park. The parcel is Block B, Lot 2 of the industrial park. RCM proposes construction of 50,000-100,000 square feet of speculative space for future industrial usage. RCM Acquisitions, LLC is a development company out of Plano, TX. Rose City has done work throughout the State of Texas and the Austin region, most recently in Cedar Park where the Type A Economic Development Corporation (EDC) board is working with them to develop office space. RCM is familiar with the region and very comfortable working with EDCs.

Property sale agreement Details:

1. \$2.75/square foot or \$641,116.08 for Block B, Lot 2
2. \$20,000 earnest money.
3. 4-month review period.
4. 2% broker fee to Cantera Real Estate Group. Total: \$12,822.33.
5. Company would abide by same CCRs and restrictions placed on Titan Development.

Tyler Alley of RCM Acquisitions provided information regarding the development of the industrial project. There was discussion.

G. DISCUSS ORDINANCE 2022-28 ESTABLISHING AND REGULATING A TRUCK TRAFFIC ROUTE WITHIN THE CITY OF LOCKHART, TEXAS; PROHIBITING TRUCK TRAFFIC ON STATE HIGHWAY 142/WEST SAN ANTONIO STREET; AND PROVIDING PENALTIES FOR VIOLATION THEREOF BY A FINE OF NOT MORE THAN \$500.

Mr. Kelley stated that on October 29, 2021, a traffic study was prepared by the City Engineer for the Downtown Revitalization project. During the study, high volumes of truck traffic was observed downtown on West San Antonio Street (SH142). Trucks are defined in the study as vehicles with trailers, delivery vehicles (like a service industry delivery truck) and larger vehicles. A pickup truck was not considered a truck for the study. In urban areas, the truck percent is usually 2-5% of the total vehicle traffic. The study found that 36% of traffic on West San Antonio Street north of the courthouse was truck traffic. It was recommended that providing an alternate route (a truck route) as part of the revitalization effort would improve pedestrian safety and improve overall traffic flow. The optimal solution is to provide a truck route for through traffic (through trucks and through cars) that relocates them away from pedestrian activity. Signs will be posted indicating truck routes to alert trucks to avoid downtown urban areas or areas with high pedestrian activity. Diverting truck traffic will improve safety, entice tourists to safely shop at local businesses, and allow the city to concentrate on improving the downtown experience. Since the study, the City Engineer and staff have been working with both Texas Department of Transportation (TxDOT) and SH130 Concession to develop a truck route within the city limits. Ordinance 2022-28 creates a truck route on both SH130/Cesar Chavez Pkwy and US183/Colorado Street. Creating this truck route will restrict trucks from traveling on SH142/San Antonio Street. A "Truck" is defined in the Ordinance 2022-28 as every motor vehicle which is designed, used, or maintained primarily for the transportation of property having a weight of 30,000 (thirty thousand) pounds Gross Vehicle Weight Rating (GVWR) or more including the load carried.

Exemptions to the ordinance include:

- Trucks delivering goods and services.
- Pick-up trucks or vans designed so as to carry loads of no more than one ton.
- Vehicles carrying or designated to carry passengers.
- Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property.
- Implements of husbandry incidentally moved upon a road.
- Road repair, construction or maintenance vehicles while involved in the repair, construction, or maintenance of roads within the city.
- Trash and/or Recycling Collection service vehicles while involved in the provision of services to residents of the city.
- All governmentally owned or leased vehicles and public utility vehicles.
- Motor homes, recreational vehicles or vehicles used exclusively to transport personal possessions or family members for non-business purposes.

Mr. Kelley stated that if approved, the City Engineer and staff will work with TxDOT and the SH130 Concession to create a detailed design for traffic control including a signage plan for the truck route, along with cost estimates and any remaining feasibility for the project. SH130 Concession/TxDOT will be responsible for installation of all necessary signs to create the proposed truck route, with the City's responsibility being to purchase signage for the project.

Mr. Kelley provided details about the vehicles that will be prohibited from driving in the downtown area on Highway 142.

There was discussion regarding enforcement. There would be a 30-day grace period followed by warnings prior to issuing citations.

H. DISCUSS PETITION FOR ANNEXATION FROM THOMAS STAUB ON BEHALF OF ROED PROP CO, LLC AND DISCUSS RESOLUTION 2022-28, SETTING THE DATE FOR THE PUBLIC HEARING FOR THE ANNEXATION OF 89.775 ACRES OUT OF THE J.A NEILL SURVEY, ABSTRACT NUMBER 20, CALDWELL COUNTY, TEXAS, LOCATED ON THE EAST SIDE OF FM 1322 APPROXIMATELY 2,600 FEET SOUTH OF SEAWILLOW ROAD.

Mr. Gibson stated that this item is the review of a petition, and the adoption of a resolution setting a public hearing date for adoption of an ordinance, for the annexation of 89.775 acres located on the east side of FM 1322, south of Seawillow Road. The property is proposed to be developed as a residential subdivision with the possible inclusion of a site for a private school. The site is not currently served by City of Lockhart water and wastewater utilities. As such, the extension of such services will be at the owner's expense, with possible contribution by the city for a portion of the cost of the necessary wastewater line extension. He provided brief details about the petition for annexation with associated exhibits. If the resolution is adopted, a public hearing for adoption of the annexation ordinance will be scheduled for the August 2, 2022 City Council meeting. Notifications must take place no earlier than 20 days before the hearing and no later than 10 days before the hearing.

Dan Ross of Red Oak Development Group stated that they have been working on residential development in Caldwell County, surrounding cities and now within the City of Lockhart. He stated that they develop subdivisions with homes averaging \$350,000. He provided details about several projects that they are working on within Caldwell County.

I. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

Mayor White encouraged everyone to stay safe and to get vaccinated.

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

Mayor White 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. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-29 FOR A ZONING TEXT AMENDMENT REVISING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS", SUBSECTION (G)(2) "ADDITIONAL PARKING REQUIREMENTS WITHIN RESIDENTIAL DISTRICTS", TO MODIFY THE COVERED-PARKING REQUIREMENTS FOR DETACHED SINGLE-FAMILY DWELLINGS; EXTEND COVERED-PARKING STANDARDS TO INCLUDE DUPLEXES, TWO-UNIT CONDOMINIUMS, AND TWO-UNIT TOWNHOUSES; AND ADD AN EXEMPTION FOR DWELLINGS CONSTRUCTED ON NONCONFORMING LOTS LESS THAN 50 FEET WIDE THAT WERE PLATTED PRIOR TO APRIL 15, 1990. PROPOSED TO BE POSTPONED TO JULY 19TH CITY COUNCIL MEETING.

Mayor White announced that Councilmember McGregor requested that the item be tabled for consideration during the July 19, 2022 Council meeting.

Councilmember Mendoza made a motion to postpone the public hearing until the July 19, 2022 Council meeting. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

ITEM 5. CONSENT AGENDA.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 5A, 5B and 5C. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes of the June 7, 2022, June 14, 2022 and June 15, 2022 meetings.
- 5B: Postpone until August 16, 2022, applications ZC-22-08 and PDD 22-01 by James Travis Krause on behalf of Patton 3, LLC for a **Zoning Change** from *RLD Residential Low Density District* to *PDD Planned Development District*, including a **PDD Development Plan** for *Lockhart Place Townhomes Planned Development*, on 19.798 acres in the Frances Berry Survey, Abstract No. 2, located at 903 State Park Road (FM 20).
- 5C: Approve renewal of the Lockhart Youth Soccer Association (LYSA) contract, as recommended by the Parks Advisory Board.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-27 ORDERING A GENERAL ELECTION ON NOVEMBER 8, 2022 FOR THE PURPOSE OF ELECTING ONE COUNCILMEMBER DISTRICT 1; ONE COUNCILMEMBER DISTRICT 2; AND TWO COUNCILMEMBERS AT-LARGE; PROVIDING FOR JOINT ELECTION WITH CALDWELL COUNTY; ESTABLISHING EARLY VOTING LOCATIONS AND HOURS; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; AND MAKING PROVISION FOR THE CONDUCT OF THE ELECTION.

Councilmember Bryant made a motion to approve Ordinance 2022-27, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 6-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING A PROPERTY SALE AGREEMENT FOR 31.485 ACRES IN LOCKHART INDUSTRIAL PARK III WITH TITAN DEVELOPMENT.

Councilmember Michelson made a motion to approve a property sale agreement for 31.485 acres in the Lockhart Industrial Park III with Titan Development, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING A PROPERTY SALE AGREEMENT FOR 5.352 ACRES IN LOCKHART INDUSTRIAL PARK III WITH RCM ACQUISITIONS, LLC.

Mayor Pro-Tem Sanchez made a motion to approve a property sale agreement for 5.352 acres in the Lockhart Industrial Park III with RMC Acquisitions, LLC, as presented. Councilmember Michelson seconded. The motion passed by a vote of 6-0.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING ORDINANCE 2022-28 ESTABLISHING AND REGULATING A TRUCK TRAFFIC ROUTE WITHIN THE CITY OF LOCKHART, TEXAS; PROHIBITING TRUCK TRAFFIC ON STATE HIGHWAY 142/WEST SAN ANTONIO STREET; AND PROVIDING PENALTIES FOR VIOLATION THEREOF BY A FINE OF NOT MORE THAN \$500.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-28, as presented. Councilmember Bryant seconded. The motion passed by a vote of 6-0.

ITEM 6-E. REVIEW OF PETITION FOR ANNEXATION FROM THOMAS STAUB ON BEHALF OF ROED PROP CO, LLC AND CONSIDER POSSIBLE ADOPTION OF RESOLUTION 2022-28, SETTING THE DATE FOR THE PUBLIC HEARING FOR THE ANNEXATION OF 89.775 ACRES OUT OF THE J.A NEILL SURVEY, ABSTRACT NUMBER 20, CALDWELL COUNTY, TEXAS, LOCATED ON THE EAST SIDE OF FM 1322 APPROXIMATELY 2,600 FEET SOUTH OF SEAWILLOW ROAD.

Councilmember Michelson made a motion to approve Resolution 2022-28, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 6-0.

ITEM 6-F. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

ITEM 7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE ACTION.

- 2nd Movies in the Park on July 9: Spider-Man: No Way Home.
- Update regarding Civil Service examinations for Public Safety positions.

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

Councilmember Mendoza invited council to a Hog Wild Government Educational seminar on July 29th in San Antonio hosted by Rampage Law Firm. He thanked the Lockhart Chamber for a successful 4th of July fireworks extravaganza. He enjoyed the informative TML Region 10 meeting that he attended last week. He expressed condolences to the family of Rathers Asberry, Jr. for their loss.

Mayor Pro-Tem Sanchez expressed condolences to the families of Guadalupe Eureste Fernandez, Manuel Castillo, Gilbert Perez, Primitivo "Primo" Moreno, Christal "Cookey" Eckford, and Rathers Asberry, Jr. for their loss. She thanked the Lockhart Chamber of Commerce for a successful 4th of July fireworks extravaganza and to the Abundant Church and the VFW for also sponsoring fireworks shows.

Councilmember Bryant thanked the entities that sponsored fireworks shows in the community. He thanked the Library staff for their summer events and to the Parks Department for resurfacing the Splash Pad and for maintaining city parks.

Mayor White wished everyone a safe summer. There was brief discussion regarding the summer fan program. He expressed get well wishes to Mr. and Mrs. Lewis and Councilmember McGregor.

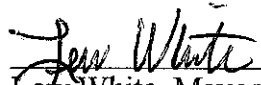
Councilmember Mendoza announced that the Library would be celebrating their 100th Anniversary on July 6th where cake will be served at 2:00 p.m.

ITEM 9. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 6-0. The meeting was adjourned at 7:46 p.m.

PASSED and APPROVED this the 19th day of July 2022.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:



Connie Constancio, TRMC
City Secretary

