

**REGULAR MEETING
LOCKHART CITY COUNCIL**

FEBRUARY 21, 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
Mike Kamerlander, Interim Economic Development Director

City Attorney
Sean Kelley, Public Works Director

Citizens/Visitors Addressing the Council: Will Wachel of TRC Engineering; Kylie Mycock of Rialto Studio; Alfonso Sifuentes of Central Texas Refuse; and Citizens: Stephen Woytkewicz, Ricky Seitz, and Joan Gabriel.

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 AND UPDATE BY TRC ENGINEERING AND RIALTO STUDIO REGARDING THE DOWNTOWN REVITALIZATION PROJECT (60% DESIGN REPORT).

Mr. Kelley stated that TRC will be providing a project update regarding the 60% design milestone.

Will Wachel of TRC Engineering and Kylie Mycock of Rialto Studio provided information regarding the topics listed below.

Major design components have been refined in comparison to the 30% design plans, conflicting design elements have been modified, and quantities/probable cost estimates have been updated to reflect the changes.

The progress report will also address the following:

- Completed tasks.
- Comments received during meetings with the County and Texas Department of Transportation.
- Proposed street improvements to eliminate steep steps along roads.

In June of 2023, staff will receive the 100% plans from TRC Engineering. These plans will be used for the permitting, bidding and construction of the Downtown Revitalization Project. An additional update by TRC will follow the release of the 100% plans that will explain the next steps of the project prior to bidding beginning. There was discussion.

B. PRESENTATION BY CENTRAL TEXAS REFUSE REGARDING SOLID WASTE COLLECTION ACTIVITIES, PROGRAMS AND 130 ENVIRONMENTAL PARK.

Mr. Kelley stated that Central Texas Refuse (CTR) will be providing an update regarding solid waste services provided, citizen dropoffs, the new modified residential collection route, and SH130 Environmental Park.

Alfonso Sifuentes of Central Texas Refuse provided information regarding the following topics:

- Historical background.
- Service totals in 2021 and 2022 for Residential and Commercial customers.
- Modified residential collection route.
- Community investments and City co-sponsored events.
- Construction of the Shared Community Center.
- Update regarding the SH130 Environmental Park.

C. PRESENTATION BY INTERIM POLICE CHIEF LUNSFORD REGARDING THE 2022 RACIAL PROFILING REPORT.

The Council received the report in the Council agenda packet. Mayor White announced that Interim Police Chief Lunsford would be present at the next Council meeting to provide a detailed presentation of the report.

D. DISCUSS RESOLUTION 2023-01 REGARDING THE REQUEST OF JES DEV CO, INC. FOR SUPPORT FROM THE CITY OF LOCKHART FOR TAX CREDITS RELATIVE TO THE CONSTRUCTION OF 30 AFFORDABLE SENIOR HOUSING UNITS NAMED MAPLE PARK MANOR TO BE LOCATED NORTH OF CLEARFOK STREET.

Mr. Fowler stated that Jim Markel and Michael P. Ash of JES Development Company, Inc. recently met with the Lockhart City Manager to discuss the proposed construction of 30 senior housing units in Lockhart. A request was made for the city to consider a resolution of support for the development as well as a resolution approving \$250 in local support for the development in the form of a fee waiver. The resolution will be submitted to the Texas Department of Housing and Community Affairs (TDHCA) as evidence of local support to increase chances of receiving funding. The development will be restricted to senior residents and located adjacent to Maple Park Senior Village, a senior apartment complex developed previously by JES Holdings at 1925 Clearfork Street in Lockhart. The proposed building will be a single three-story, elevator-served building and will include 24 1-BR and 6 2-BR units. The one-bedroom units will be approximately 750 square feet while the two-bedroom units will be approximately 880 square feet. The development will include both indoor and outdoor amenities appropriate to the development's residents and size. TDHCA will issue funding commitments in late July. Assuming JES Holdings is approved for financing, they anticipate starting the plan review process with city staff in the winter of 2023-2024, starting construction in late spring of 2024, and finishing sometime in 2025. Mr. Fowler recommended approval. There was discussion.

E. DISCUSS LEASE AGREEMENT BETWEEN THE CITY OF LOCKHART AND NEW CINGULAR WIRELESS PCS, LLC FOR INSTALLATION OF CELLULAR ANTENNA COMPONENTS TO THE MAPLE STREET ELEVATED STORAGE TOWER LOCATED AT 460 CITY LINE ROAD AND AUTHORIZING THE MAYOR TO SIGN THE LEASE DOCUMENTS.

Mr. Kelley stated that New Cingular Wireless PCS (AT&T) approached the City in 2022 to seek lease space on the Maple Street Elevated Storage Tower for use for antenna space. The proposed antennas would be located beneath the bowl of the tower as depicted in Exhibit 1 of the packet. The lease would grant

AT&T use of the premises for the transmission and reception of communications signals. The lease would also grant 24/7 access, so AT&T may install, build, maintain, operate, repair, and replace communication fixtures. The initial lease term would be five (5) years, and the agreement will automatically renew for five (5) additional (5) year term(s). The rent for tower lease space would initially be \$2,000.00/ month (\$24,000.00/ annually) for the first five years. At each five year renewal anniversary, rent will increase by three percent (3%) over the rent paid during the previous five (5) year term. Over the entire 30 year lease, the revenue from the lease would be \$776,208.00. Upon expiration of the lease, the tenant would be required to repair any damage to the property resulting from removing the communication components. Mr. Kelley recommended approval. There was discussion.

F. DISCUSS AWARDING BID TO 304 CONSTRUCTION, LLC OF CEDAR CREEK, TEXAS IN THE AMOUNT OF \$199,600 FOR THE CONSTRUCTION OF THE 2023 SIDEWALK IMPROVEMENTS PROJECT.

Mr. Kelley stated that in 2022, City staff evaluated sidewalk conditions within the city and determined that deficiencies within the sidewalk system. It was decided by Council to unanimously approve the use of up to \$350,000 from the Series 2022 Tax Note to remedy the worst sidewalk deficiencies first. Sidewalk Improvements Project consists of approximately 1,456 square yards of concrete sidewalk replacement, and 21 concrete ramp replacements, which is approximately 3,250 linear feet of sidewalks of various widths in various locations throughout town. Ten (10) bids for the project were received, ranging from \$199,600 to \$438,484. The lowest bid was submitted by 304 Construction, LLC in the amount of \$199,600. TRC has conducted reference checks on 304 Construction and found that all references that were contacted recommended this contractor for future work. Mr. Kelley recommended approval. There was discussion.

G. DISCUSS SECOND AMENDMENT OF 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOCKHART, TEXAS AND VISIONARY FIBER TECHNOLOGIES, INC.

Mr. Kamerlander stated that Visionary Fiber Technologies, Inc. ("VFT") is commercializes Texas State University technology called "Fiber Reactors". The reactors allow for the rapid combination of solutions to react and separate faster than established methods traditionally used. VFT established its operations in Lockhart in 2018 with incentives from the City of Lockhart, LEDC, and Caldwell County. VFT has approached the City for incentives for an expansion of operations including a new 6,800 SF office located on the corner of SH 20 and E. MLK Industrial Blvd. This additional office space to the company's headquarters will free up space in the main building to build additional lab and manufacturing space. The investment number is twice as much as the original investment by the company and the new and reconfigured space allows for more jobs to be created to facilitate the growth of the company in the future.

Mr. Kamerlander provided an explanation regarding the project details as listed below:

Timing:

Immediately

Employment:

Additional 25 above current incentive requirements at \$75,000 average salary

New Investment:

\$9,960,210

Status:

VFT currently has building permits under review with the City of Lockhart. Project is funded and ready to go.

Recommended Incentives:

Year	Current	Proposed
1 (2019)	100%	N/A
2 (2020)	75%	N/A
3 (2021)	75%	N/A
4 (2022)	75%	N/A
5 (2023)	75%	75%
6 (2024)	50%	66%
7 (2025)	50%	66%
8 (2026)	50%	50%
9 (2027)	50%	50%
10 (2028)	50%	50%

Total Current Incentive with expansion: \$561,238.

New Incentive: \$606,328 (+\$45,090)

Mr. Kamerlander recommended approval. There was discussion.

H. DISCUSS PROPOSAL TO ASSIGN RECENTLY-ANNEXED AREAS TO CITY COUNCIL DISTRICTS AND DISCUSS ORDINANCE 2023-05, ADOPTING REVISED CITY COUNCIL DISTRICT BOUNDARIES.

Mr. Fowler stated that this item is a discussion of a proposed assignment of three recently-annexed areas to City Council districts. The properties requiring assignment are the Red Oak Seawillow property, covering 89.775 acres and annexed on September 6, 2022; the former southwest development agreement (or "Donut Hole") properties, covering 197 acres south of State Park Road, annexed December 6, 2022; and the Austin Davis property, located east of Lay Road near the intersection with FM 1322, annexed January 3, 2023. Using the principle that all city council districts should be contiguous, the proposal would assign the Red Oak annexation and the Southwest annexation to District 4, while assigning the Austin Davis annexation to District 1. With the exception of three properties in the southwest annexation area, all of the properties are vacant, so there should be minimal impact on the current population balance of the council districts. The development of these parcels, along with development activity in other parts of the city, will likely cause significant council district boundary adjustments after the release of the 2030 Census. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:40 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:55 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Sanchez 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. HOLD A PUBLIC HEARING ON APPLICATION ZC-23-01 FROM AUSTIN DAVIS OF LOCKHART 1322 LLC AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-04, FOR A ZONING CHANGE FROM AO AGRICULTURAL – OPEN SPACE DISTRICT TO RMD RESIDENTIAL MEDIUM DENSITY DISTRICT ON 92.52 ACRES IN THE JAMES GEORGE LEAGUE, ABSTRACT NO. 9. LOCATED ON THE EAST SIDE OF LAY ROAD APPROXIMATELY 530 FEET EAST OF FM 1322.

Mayor White opened the public hearing at 7:58 p.m. He requested that staff background report.

Mr. Fowler stated that the applicant has requested to rezone the property in order to develop a single-family residential neighborhood. The property has been zoned AO Agricultural-Open Space District since its annexation on January 3, 2023. The proposed rezoning would allow development of the Single Family 2 (SF-2) development type on the property, which is not permitted within the AO zoning district. The applicant has estimated that the subdivision could contain approximately 380 residences. The proposed zoning is consistent with the Future Land Use Map designation for the parts of the property that are closest to FM 1322/Lay Road. Areas further out from the city limits at the time of the adoption of the most recent Future Land Use Map were usually designated Agriculture/Rural Development rather than being designated as a more specific future use. The property is located within a short distance from city water, but would require a force main to connect to the wastewater system at Blackjack Street. The property is located off Lay Road, which would need to be improved to handle the increased traffic which a residential subdivision would provide. Two nearby residents spoke at the Planning and Zoning Commission meeting, expressing concerns regarding increased traffic on Lay Road. City staff has received two letters of opposition since the meeting, also expressing opposition based upon traffic concerns and other effects on surrounding property owners.

Mayor White requested the applicant to address the Council.

Brett Corwin of Austin Davis of Lockhart 1322, LLC provided information regarding the project. There was discussion regarding the traffic concerns.

Mayor White requested citizens against the zoning change to address the Council.

Stephen Woytkewicz, 70 Lay Road, expressed concern about the new development encroaching on his property which will decrease the front yard to his house from 30 to 15 feet from his house.

Ricky Seitz, 420 Lay Road, expressed concern about the existing utility lines such as fuel and water being damaged and creating a hazard in the neighborhood.

Joan Gabriel, 93 Seawillow Road, expressed concern about the utility lines and about the additional flooding and traffic congestion with a new subdivision.

Mayor White requested additional citizens to address the Council. There were none. He closed the public hearing at 8:22 p.m.

Mayor White asked Will Wachel of TRC Engineering about the utility line, drainage and traffic congestion concerns. Mr. Wachel responded that TRC would investigate the issues of concern during the construction planning meetings as directed by staff.

There was discussion.

Councilmember Mendoza made a motion to approve Ordinance 2023-04/ZC-23-01, as presented. Councilmember McGregor seconded. The motion passed by a vote of 5-2, with Councilmember Castillo and Councilmember Westmoreland opposing.

ITEM 5-A. DISCUSSION AND OR ACTION OF RESOLUTION 2023-01 REGARDING THE REQUEST OF JES DEV CO, INC. FOR SUPPORT FROM THE CITY OF LOCKHART FOR TAX CREDITS RELATIVE TO THE CONSTRUCTION OF 30 AFFORDABLE SENIOR HOUSING UNITS NAMED MAPLE PARK MANOR TO BE LOCATED NORTH OF CLEARFOK STREET.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2023-01, as presented. Councilmember Castillo seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND CONSIDERATION OF THE 2022 RACIAL PROFILING REPORT.

Councilmember Mendoza made a motion to accept the 2022 Racial Profiling report, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING A LEASE AGREEMENT BETWEEN THE CITY OF LOCKHART AND NEW CINGULAR WIRELESS PCS, LLC FOR INSTALLATION OF CELLULAR ANTENNA COMPONENTS TO THE MAPLE STREET ELEVATED STORAGE TOWER LOCATED AT 460 CITY LINE ROAD AND AUTHORIZING THE MAYOR TO SIGN THE LEASE DOCUMENTS.

Councilmember Michelson made a motion to approve the lease agreement between the City of Lockhart and New Cingular Wireless, PCS, LLC, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION REGARDING RECOMMENDATION TO AWARD BID TO 304 CONSTRUCTION, LLC OF CEDAR CREEK, TEXAS IN THE AMOUNT OF \$199,600 FOR THE CONSTRUCTION OF THE 2023 SIDEWALK IMPROVEMENTS PROJECT.

Mayor Pro-Tem Sanchez made a motion to award bid to 304 Construction, LLC for the construction of the 2023 sidewalk improvements project, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 5-E. DISCUSSION AND/OR ACTION REGARDING SECOND AMENDMENT OF 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOCKHART, TEXAS AND VISIONARY FIBER TECHNOLOGIES, INC.

Councilmember Michelson made a motion to approve the second amendment of the 380 Economic Development Agreement between the City of Lockhart and Texas and Visional Fiber Technologies, Inc. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5-F. CONSIDERATION OF A PROPOSAL TO ASSIGN RECENTLY-ANNEXED AREAS TO CITY COUNCIL DISTRICTS AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2023-05, ADOPTING REVISED CITY COUNCIL DISTRICT BOUNDARIES.

Councilmember Mendoza made a motion to approve Ordinance 2023-05, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

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

- Progress relative to the upcoming Comprehensive Plan update.
- Council / Planning Zoning Committee on housing and development issues meets on February 27, 2023 at 6:00 p.m. in the Dr. Eugene Clark Library - third floor.
- Update concerning the City's efforts on securing grants for public improvements.
- Update on 2022-2023 Street Resurfacing Projects.
- KidFish at City Park on March 18 at 9:00 a.m.
- Household Hazardous Waste Collection Event will be held Saturday, April 1, 2023 (rain or shine) for Lockhart residents.
- Future City Council Agenda items on March 7, 2023 include:
 - Consulting agreement for Parks and Recreation General Planning Services.
 - Recommendation from the Hotel Occupancy Tax (HOT) Advisory Board for 2023 allocations.
 - Annual Review of the Emergency Outdoor Siren Activation Policy.

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

Councilmember Westmoreland announced that there are 26 ducks in the Lockhart City pond.

Councilmember Mendoza encouraged everyone to keep house and vehicle doors locked and to stay safe.

Mayor Pro-Tem Sanchez expressed condolences to the families of Theresa Ledesma, Joe Davila and Jody Thompson for their loss. She thanked the Progressive Club for a successful annual banquet.

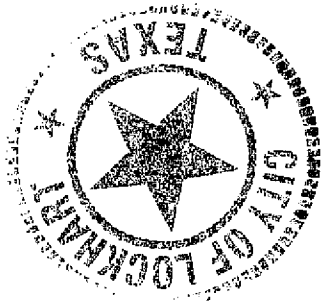
Councilmember Castillo expressed condolences for families that have lost a loved one. He thanked staff for their work. He inquired about staff reminding citizens about the emergency siren protocols and safety precautions to take during an emergency.

Mayor White thanked the Progressive Club for a successful annual banquet. He thanked the sponsors of the 1st Annual Fur Ball event to promote adoption of animals at the Lockhart Animal Shelter and the Take Me Home organization. He thanked staff for the report about grants.

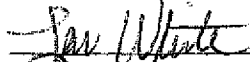
ITEM 11. ADJOURNMENT.

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 8:48 p.m.

PASSED and APPROVED this the 6th day of February, 2024.



CITY OF LOCKHART


Kew White, Mayor

ATTEST:


Julie Bowermon
City Secretary