

PUBLIC NOTICE

AGENDA

LOCKHART CITY COUNCIL

TUESDAY, APRIL 17, 2018

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

6:30 P.M.

WORK SESSION (No Action)

Work session will be held to receive briefings and to initially discuss all items contained on the Agenda posted for 7:30 p.m. Generally, this work session is to simplify issues as it relates to the agenda items. No vote will be taken on any issue discussed or reviewed during the work session.

PRESENTATION ONLY

- A. Presentation of a plaque and Certificates of Appreciation to members of S.A.F.E. Refuge of Central Texas.
- B. Presentation of a proclamation declaring April 30 – May 4, 2018 as National Air Quality Awareness Week.
- C. Presentation by the Lockhart Post-Register of “Best Policeman” award in Caldwell County 2018.

DISCUSSION ONLY

- A. Discussion regarding Resolution 2018-08 approving incentives up to \$491,049 contingent on creating up to 75 new full-time equivalent (FTE) jobs, with an average annual wage of \$35,000 and a \$15 million capital investment, \$5 million of which is for land, for the FreshBox Farms project as recommended by the Lockhart Economic Development Corporation for the building infrastructure, impact fees and other related improvements that are required or suitable for the development, retention, or expansion of facilities to promote or develop new or expanded business enterprises, and to create or maintain new jobs. 68-97
- B. Discuss minutes of the City Council meetings of March 29, 2018 and April 3, 2018. 98-106
- C. Discuss Community Development Management Co., Inc. of Lockhart to be considered for Grant Administrative services for any Texas Capital Fund grants for the Fiscal Year 2017-2018. 107-121
- D. Discussion regarding Parks Master Plan after presentation by Burditt Consultants. 152-153
- E. Discuss Fiscal Year 2017-2018 Street Improvement Program Plan. 154-170

7:30 P.M. REGULAR MEETING

1. CALL TO ORDER

Mayor Lew White

2. INVOCATION, PLEDGE OF ALLEGIANCE

Invocation.

Pledge of Allegiance to the United States and Texas flags.

3. CITIZENS/VISITORS COMMENTS

(The purpose of this item is to allow citizens an opportunity to address the City Council on issues that are not on the agenda. No discussion can be carried out on the citizen/visitor comment.)

4. PUBLIC HEARING/COUNCIL ACTION

- A. Hold a public hearing on application ZC-18-04 by Jose Nolasco for a Zoning Change from AO Agricultural-Open Space District to RLD Residential Low Density District for 0.372 acre in the James George Survey, Abstract No. 9, located at 1621 Old McMahan Trail.
- B. Discussion and/or action to consider Ordinance 2018-08 amending the Official Zoning Map of the City of Lockhart, Texas, to reclassify the property known as 0.372 acre in the James George Survey, Abstract No. 9, located at 1621 Old McMahan Trail, from AO Agricultural-Open Space District to RLD Residential Low Density District. 6-15
- C. Hold a public hearing on application ZC-18-05 by Meredith Knight on behalf of 2HK, LLC. for a Zoning Change from RLD Residential Low Density District and RMD Residential Medium Density District to CMB Commercial Medium Business District for 2.63 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1601 West San Antonio Street (SH 142). 16-47
- D. Discussion and/or action to consider Ordinance 2018-09 amending the Official Zoning Map of the City of Lockhart, Texas, to reclassify the property known as 2.63 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1601 West San Antonio Street (SH 142), from RLD Residential Low Density District and RMD Residential Medium Density District to CMB Commercial Medium Business District.
- E. Hold a public hearing on application ZC-18-06 by Meredith Knight on behalf of 2HK, LLC. for a Zoning Change from RLD Residential Low Density District and RMD Residential Medium Density District to 1.688 acres CMB Commercial Medium Business District and 0.556 acre PI Public and Institutional District in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1511 West San Antonio Street (SH 142). 48-67
- F. Discussion and/or action to consider Ordinance 2018-10 amending the Official Zoning Map of the City of Lockhart, Texas, to reclassify the property known as 2.244 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1511 West San Antonio Street (SH 142), from RLD Residential Low Density District and RMD Residential Medium Density District to 1.688 acres CMB Commercial Medium Business District and 0.556 acres PI Public and Institutional District.

5. **DISCUSSION**

- A. Conduct first reading and discussion regarding Resolution 2018-08 approving incentives up to \$491,049 contingent on creating up to 75 new full-time equivalent (FTE) jobs, with an average annual wage of \$35,000 and a \$15 million capital investment, \$5 million of which is for land, for the FreshBox Farms project as recommended by the Lockhart Economic Development Corporation for the building infrastructure, impact fees and other related improvements that are required or suitable for the development, retention, or expansion of facilities to promote or develop new or expanded business enterprises, and to create or maintain new jobs.

68-97

6. **CONSENT AGENDA**

- A. Approve minutes of the City Council meetings of March 29, 2018 and April 3, 2018.
B. Approve Community Development Management Co., Inc. of Lockhart to be considered for Grant Administrative services for any Texas Capital Fund grants for the Fiscal Year 2017-2018.

98-106

107-121

7. **DISCUSSION/ACTION ITEMS**

- A. Conduct second reading and discussion and/or action to consider Resolution 2018-08 approving incentives up to \$491,049 contingent on creating up to 75 new full-time equivalent (FTE) jobs, with an average annual wage of \$35,000 and a \$15 million capital investment, \$5 million of which is for land, for the FreshBox Farms project as recommended by the Lockhart Economic Development Corporation for the building infrastructure, impact fees and other related improvements that are required or suitable for the development, retention, or expansion of facilities to promote or develop new or expanded business enterprises, and to create or maintain new jobs.
B. Discussion and/or action regarding Parks Master Plan after presentation by Burditt Consultants.
C. Discussion and/or action to consider approval of Fiscal Year 2017-2018 Street Improvement Program Plan.
D. Discussion and/or action regarding appointments to various boards, commissions or committees.

122-151

152-153

154-170

171-186

8. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION

- Update: St. Paul United Church of Christ property-Preliminary Estimates are as high as \$200,000 for asbestos/lead abatement, rehabilitation and accommodations for Art Group and Central Texas Meals on Wheels; quotes from contractors to be taken after scopes developed.
- Update: Maple Street east of Junior High School down to Sports Complex is complete along with the Phase III of Meadows at Clearfork; building permits should be issued within next 45 days; Phase II should start soon.
- Update: Staff continues to meet with Texas Heritage residential home developer of properties located east of Mockingbird and South of Bluebonnet School.
- Update: Staff reviewing plans for extending Summerside Residential subdivision to FM 1322 (Brownsboro Road).
- Update: Windsor Ave. north of SH 142 where convenience store and apartment are going in is complete.
- Update: Design of realignment of City Line Road is about 50% complete.
- Update: Bids will be advertised soon for water mains on MLK to Patton Road, pump system for water tower at Maple Water Tower, water main along SH 130, and new water tower on FM 2001 at SH 130.
- Reminder: Residential City Wide Cleanup Event started first Wednesday in April and each Wednesday following in April with NE and SE sections of city remaining.
- Reminder: Residential Household Hazardous Waste Collection Event to be held Saturday, April 28, at City Park.
- Reminder; Annual Fiesta del Mariachi event at Clark Library on Saturday, April 21 starting at 7 pm.
- Reminder: Splash pad opens May 1.
- Report: Siren testing held on April 16 at 1:00 pm.
- Reminder: Cinco de Mayo event downtown first weekend in May.

9. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST

*(**Items of Community Interest defined below)*

10. ADJOURNMENT

*** Items of Community Interest includes: 1) expressions of thanks, congratulations or condolence; 2) information regarding holiday schedules; 3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; 4) a reminder about an upcoming event organized or sponsored by the governing body; 5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official employee of the municipality; and 6) announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda. (SB 1182 - effective 09/01/2009)*

* Once approved to be on the agenda, staff requests you register to speak prior to the meeting. Deadline for specific items on the agenda is Noon Tuesday prior to the Regular Meeting.

If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the City Council will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D to consider one or more matters pursuant to the following:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073. To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.076. To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.086. To deliberate vote or take final action on any competitive matters relating to public power utilities.

Section 551.087. To deliberate or discussion regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

Section 551.088. To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.

After discussion of any matters in executive session, any final action or vote taken will be in public by the City Council.

City Council shall have the right at anytime to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 13th day of April 2018 at 4:35 pm. I further certify that the following News Media was properly notified of this meeting as stated above: Lockhart Post-Register

Connie Constancio

Connie Constancio, TRMC
City Secretary



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	Reviewed by Legal <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	
Council Meeting Date: April 17, 2018			
Department: Planning		Initials	Date
Department Head: Dan Gibson	Asst. City Manager		
Dept. Signature: <u>Dan Gibson</u>	City Manager	<u>[Signature]</u>	<u>4-13-2018</u>
Agenda Coordinator/Contact (include phone #): Dan Gibson 398-3461, x236			
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Hold a PUBLIC HEARING on application ZC-18-04 by Jose Nolasco, and discussion and/or action to consider Ordinance 2018-08, for a Zoning Change from AO Agricultural–Open Space District to RLD Low Density Residential District for 0.372 acre in the James George Survey, Abstract No. 9, located at 1621 Old McMahan Trail.			
FINANCIAL SUMMARY			
<input checked="" type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
SUMMARY OF ITEM			
<p>The applicant proposes to construct a single-family dwelling on the subject parcel. The current AO zoning allows one single-family dwelling per lot or parcel, but this property is only 0.372 acre, which is nonconforming in the AO district where the minimum lot area is one acre. Rezoning to RLD eliminates the nonconformity because it allows a much smaller lot size of only 8,500 square feet, which is 0.195 acre. There is existing RLD zoning adjacent to the north and east, so this zoning change would simply expand the existing area zoned RLD to include the subject property. There are already single-family homes along both sides of Old McMahan Trail, so another home would be compatible with the existing uses. The requested RLD zoning classification is consistent with the Lockhart 2020 Land Use Plan map designation of Low Density Residential for the area where the subject property is located. The owner of adjacent residential property next door spoke in opposition at the Planning and Zoning Commission public hearing because he thought that the minimum lot size allowed in the RLD district is not consistent with the existing larger lots containing single-family homes on the west side of Old McMahan Trail. More detailed information is included in the attached staff report.</p>			
STAFF RECOMMENDATION			
Staff recommends APPROVAL of Ordinance 2018-08.			
Supporting Documents: Ordinance Legal description Maps Staff report Application form	Board or Commission Recommendation: At their April 11 th meeting, the Planning and Zoning Commission voted unanimously to recommend APPROVAL.		

[Handwritten mark]

ORDINANCE 2018-08

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 0.372 ACRE IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, LOCATED AT 1621 OLD MCMAHAN TRAIL, FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RLD RESIDENTIAL LOW DENSITY DISTRICT.

WHEREAS, on April 10, 2018, the Planning and Zoning Commission held a public hearing and voted unanimously to recommend approval of said change; and,

WHEREAS, the City Council desires to amend the zoning map accordingly as provided in Section 64-128 of the Code of Ordinances; and,

WHEREAS, a public hearing was held in conformance with applicable law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT:

I. The above-referenced property described in Zoning Change request ZC-18-04 as 0.372 acre in the James George Survey, Abstract No. 9, more particularly described in Exhibit A and located at 1621 Old McMahan Trail, will be reclassified from AO Agricultural-Open Space District to RLD Residential Low Density District.

II. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or unenforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.

III. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

IV. Publication: That the City Secretary is directed to cause this ordinance caption to be published in a newspaper of general circulation according to law.

V. Effective Date: That this ordinance shall become effective and be in full force immediately upon and from the date of its passage.

PASSED, APPROVED, AND ADOPTED AT A REGULAR MEETING OF THE LOCKHART CITY COUNCIL ON THIS THE 17th DAY OF APRIL, 2018.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie A. Constancio, TRMC, City Secretary

Peter Gruning, City Attorney

7

EXHIBIT "A"

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of the James George Survey Abstract No. 9 and being also a part of a 2.5 acre tract of land conveyed to Walter Rector by deed recorded in Volume 165 Page 146 of the Deed Records of Caldwell County, Texas and being also a part of a tract of land conveyed to Walter Rector by deed recorded in Volume 191 Page 131 of the said Deed Records and being more particularly described as follows:

BEGINNING at an iron pin set in the Southwest line of County Road #202 and in the East corner of a 1.079 acre tract of land conveyed to Jessie Rector by deed recorded in Volume 507 Page 537 of the said Deed Records and in the Northeast line of the said 2.5 acre tract for the North corner this tract.

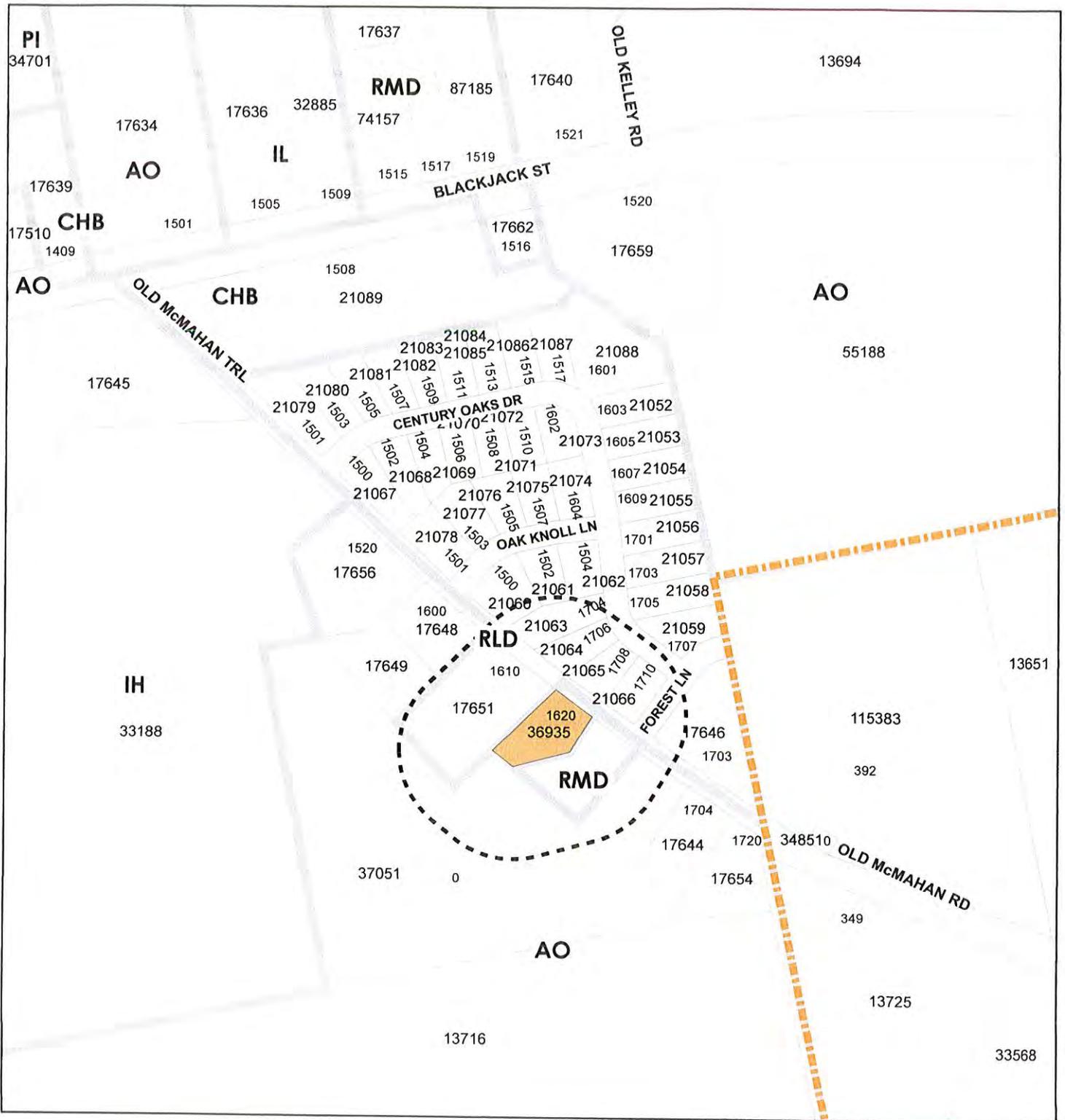
THENCE South $54^{\circ} 30' 32''$ East with the Southwest line of County Road 202 and the Northeast line of the said 2.5 acre tract 93.49 feet to a 60d nail set in a 24" Pecan for the East corner this tract.

THENCE South $29^{\circ} 09' 36''$ West 78.28 feet to a 60d nail set in a 30" Pecan for an angle point.

THENCE South $71^{\circ} 18' 07''$ West 127.85 feet to a 60d nail set in a 10" Pecan for the South corner this tract.

THENCE North $49^{\circ} 53' 21''$ West 48.83 feet to an iron pin set in the Southeast line of the above mentioned 1.079 acre tract for the West corner this tract.

THENCE North $42^{\circ} 21' 05''$ East with the Southeast line of the said 1.079 acre tract 178.83 feet to the place of beginning containing 0.372 acres of land, as surveyed by Claude F. Hinkle, R.P.L.S. #1612 on December 20, 1995.



ZC-18-04

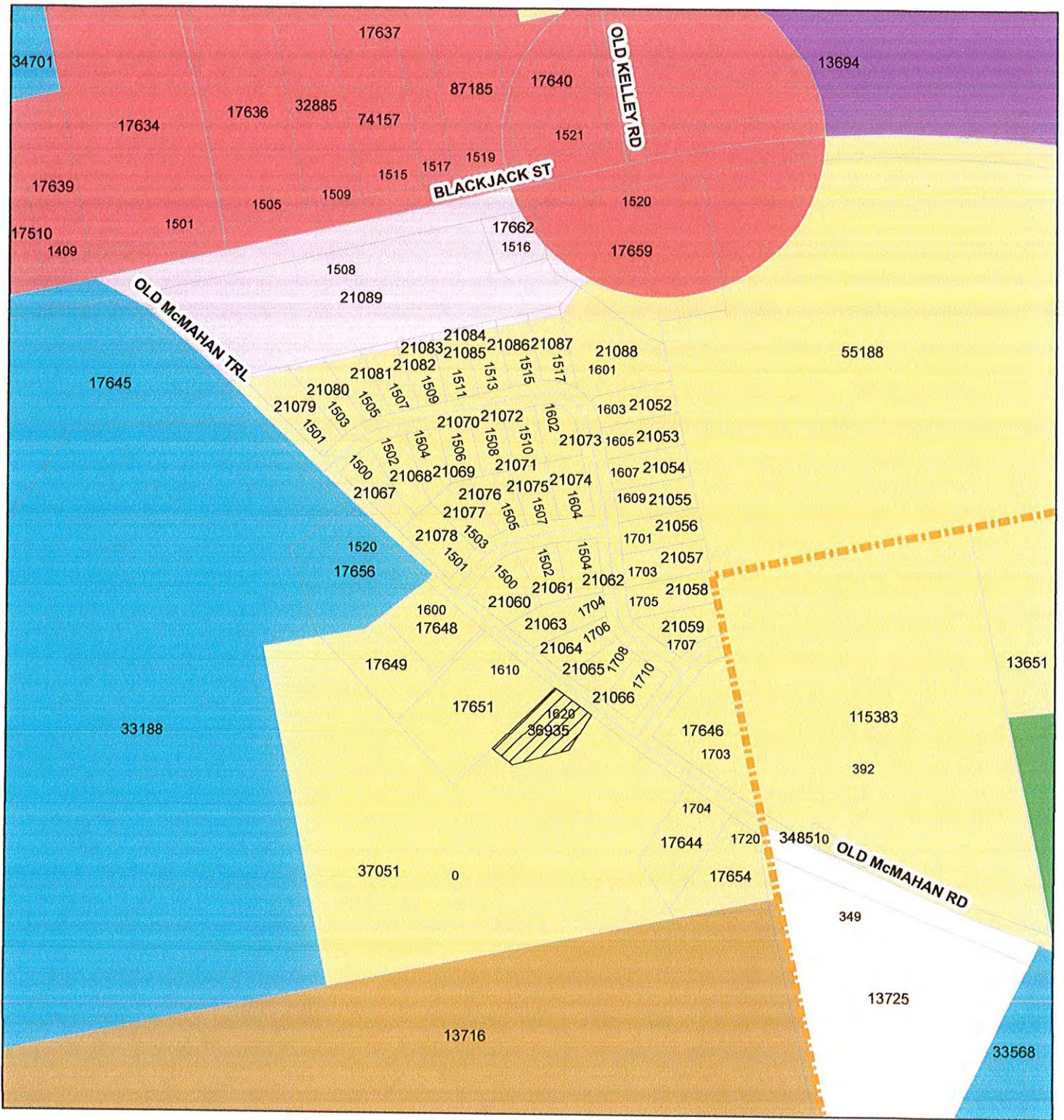
AO TO RLD

1621 OLD McMAHAN TRAIL



-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  CITY LIMITS

scale 1" = 300'



FUTURE LANDUSE

AO TO RLD

1621 OLD MCMAHAN TRAIL



scale 1" = 300'

- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- MIXED RETAIL, OFFICE, RESIDENTIAL
- PARKS AND OPEN SPACE
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- LOCKHART CITY LIMITS

CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-18-04

REPORT DATE: April 5, 2018 [Updated 4-12-18]

PLANNING AND ZONING COMMISSION HEARING DATE: April 11, 2018

CITY COUNCIL HEARING DATE: April 17, 2018

REQUESTED CHANGE: AO to RLD

STAFF RECOMMENDATION: **Approval**

PLANNING AND ZONING COMMISSION RECOMMENDATION: **Approval**

BACKGROUND DATA

APPLICANT AND OWNER: Jose Nolasco

SITE LOCATION: 1621 Old McMahan Trail

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 0.372 acre

EXISTING USE OF PROPERTY: Vacant except for two small pole-sheds

LAND USE PLAN DESIGNATION: Low Density Residential

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The applicant proposes to construct a single-family dwelling on the subject parcel. The current AO zoning allows one single-family dwelling per lot or parcel, but this property is only 0.372 acre, which is nonconforming in the AO district where the minimum lot area is one acre. Rezoning to RLD eliminates the nonconformity because it allows a much smaller lot size of only 8,500 square feet, which is 0.195 acre.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	single-Family residential	RLD, AO	Low Density Residential, Public and Institutional
East	single-family residential	RLD	Low Density Residential
South	vacant, single family residential, manufactured home	RMD, AO	Low Density Residential, High Density Residential
West	vacant, prison	AO, IH	Low Density Residential, Public and Institutional

TRANSITION OF ZONING DISTRICTS: There is existing RLD zoning adjacent to the north and east, so this zoning change would simply expand the existing area zoned RLD to include the subject property.

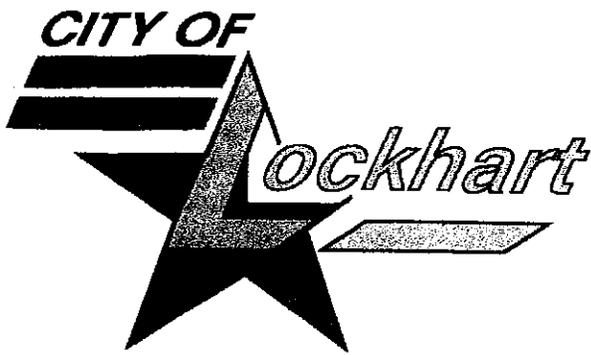
ADEQUACY OF INFRASTRUCTURE: There is a City sewer line along Old McMahan Trail, and the parcel has adequate frontage for access to the public street. However, there is no water line immediately adjacent to the property. Extension from an existing line at the intersection of Old McMahan Trail and Forest Lane will be required. Because it is less than 100 feet, the City will provide the extension at no cost to the property owner.

POTENTIAL NEIGHBORHOOD IMPACT: There are already single-family homes along both sides of Old McMahan Trail, so another home would be compatible with the existing uses.

CONSISTENCY WITH COMPREHENSIVE PLAN: The requested RLD zoning classification is consistent with the Lockhart 2020 Land Use Plan map designation of Low Density Residential for the area where the subject property is located.

ALTERNATIVE CLASSIFICATIONS: The RMD zoning district would also allow the proposed use, but also allows more intensive uses such as a duplex or, upon approval of a specific use permit, a three- or four-plex.

RESPONSE TO NOTIFICATION: The owner of adjacent residential property next door spoke in opposition at the Planning and Zoning Commission public hearing because he thought that the minimum lot size allowed in the RLD district is not consistent with the existing larger lots containing single-family homes on the west side of Old McMahan Trail.



ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME José Fernando Nolasco ADDRESS 4802 Putters Ct. #B
 DAY-TIME TELEPHONE (512) 945-7948 Austin TX.
 E-MAIL Jdmnolasco@yahoo.com 78744

OWNER NAME Same ADDRESS _____
 DAY-TIME TELEPHONE Same _____
 E-MAIL Same _____

PROPERTY

ADDRESS OR GENERAL LOCATION 1621 Old McHahan Trail
 LEGAL DESCRIPTION (IF PLATTED) Medals & Bonds
 SIZE 0.372 ACRE(S) LAND USE PLAN DESIGNATION Low Density Residential
 EXISTING USE OF LAND AND/OR BUILDING(S) Vacant land
 PROPOSED NEW USE, IF ANY Single-Family Dwelling

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION AO
 TO PROPOSED ZONING CLASSIFICATION R-LD
 REASON FOR REQUEST The dimensions of the parcel do not meet the minimum requirements for the existing AO zoning. The proposed R-LD zoning would make the parcel conforming and is more consistent with the land use plan designation.

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

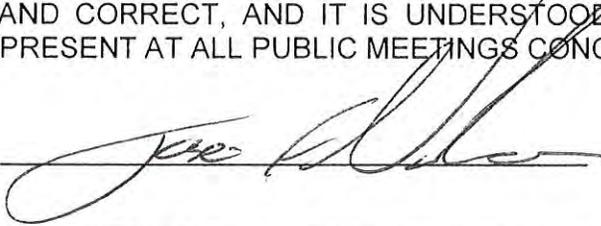
IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 150.00 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE



DATE

03-13-18

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 737464

DATE SUBMITTED 3/13/18

CASE NUMBER ZC - 18 - 04

DATE NOTICES MAILED 3-26-18

DATE NOTICE PUBLISHED 03-29-2018

PLANNING AND ZONING COMMISSION MEETING DATE 4/11/18

PLANNING AND ZONING COMMISSION RECOMMENDATION Approval 5-0

CITY COUNCIL MEETING DATE 4-17-18

DECISION _____



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: April 17, 2018			
Department: Planning		Initials	Date
Department Head: Dan Gibson	Asst. City Manager		
Dept. Signature: <i>Dan Gibson</i>	City Manager	<i>[Signature]</i>	4-13-2018
Agenda Coordinator/Contact (include phone #): Dan Gibson 398-3461, x236			
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Hold a PUBLIC HEARING on application ZC-18-05 by Meredith Knight on behalf of 2HK, LLC, and discussion and/or action to consider Ordinance 2018-09, for a Zoning Change from RLD Residential Low Density District and RMD Residential Medium Density District to CMB Commercial Medium Business District for 2.63 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1601 West San Antonio Street (SH 142).			
FINANCIAL SUMMARY			
<input checked="" type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
SUMMARY OF ITEM			
<p>The applicant proposes to develop commercial uses on the subject property, consistent with the Lockhart 2020 Future Land Use Plan map. Starting in 2000, there have been multiple unsuccessful attempts to rezone this parcel, as well as the vacant parcel across North Mockingbird Lane which is under the same ownership, to a commercial zoning classification. The last time was less than a year ago, in June 2017, when the Planning and Zoning Commission had unanimously recommended approval, but the City Council failed to make a decision on a motion and second to deny the rezoning due to a split vote of three in favor, three opposed, and one abstention. There is CLB zoning directly across San Antonio Street, and the tract directly across Mockingbird Lane to the east is proposed to be rezoned primarily to CMB, so the proposed commercial zoning of the subject tract would be not be isolated from other commercial zoning. All of the tracts with existing and proposed commercial zoning classifications are designated for future commercial development by the Lockhart 2020 Future Land Use Plan map. A traffic study commissioned by the applicant is attached. Fifteen letters of protest are attached, and seven citizens spoke in opposition at the Planning and Zoning Commission public hearing. Four of the seven citizens had submitted protest letters that are included in the total of 15. All of the letters and speakers in opposition were against both this zoning change and the concurrent application ZC-18-06 for a zoning change on the vacant parcel on the east side of North Mockingbird Lane. One citizen other than the applicant spoke in favor. More detailed information is included in the attached staff report.</p>			
STAFF RECOMMENDATION			
Staff recommends APPROVAL of Ordinance 2018-09.			
Supporting Documents: Ordinance, Legal description, Maps, Staff report, Traffic study, Protest letters, Application form	Board or Commission Recommendation: At their April 11 th meeting, the Planning and Zoning Commission voted 4-1 to recommend APPROVAL.		

ORDINANCE 2018-09

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 2.63 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1601 WEST SAN ANTONIO STREET (SH 142), FROM RLD RESIDENTIAL LOW DENSITY DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT.

WHEREAS, on April 10, 2018, the Planning and Zoning Commission held a public hearing and voted to recommend approval of said change; and,

WHEREAS, the City Council desires to amend the zoning map accordingly as provided in Section 64-128 of the Code of Ordinances; and,

WHEREAS, a public hearing was held in conformance with applicable law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT:

I. The above-referenced property described in Zoning Change request ZC-18-05 as 2.63 acres in the Cornelius Crenshaw Survey, Abstract No. 68, more particularly described in Exhibit A and located at 1601 West San Antonio Street (SH 142), will be reclassified from RLD Residential Low Density District and RMD Residential Medium Density District to CMB Commercial Medium Business District.

II. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or unenforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.

III. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

IV. Publication: That the City Secretary is directed to cause this ordinance caption to be published in a newspaper of general circulation according to law.

V. Effective Date: That this ordinance shall become effective and be in full force immediately upon and from the date of its passage.

PASSED, APPROVED, AND ADOPTED AT A REGULAR MEETING OF THE LOCKHART CITY COUNCIL ON THIS THE 17th DAY OF APRIL, 2018.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie A. Constancio, TRMC, City Secretary

Peter Gruning, City Attorney

Exhibit A**HOLT CARSON, INC.**
PROFESSIONAL LAND SURVEYORS1904 FORTVIEW ROAD
AUSTIN, TEXAS 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084April 27th, 2010

TRACT 1

FIELD NOTE DESCRIPTION OF 2.63 ACRES OF LAND OUT OF THE CORNELIUS CRENSHAW SURVEY, ABSTRACT No. 68 IN CALDWELL COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (2.635 ACRE) TRACT OF LAND AS CONVEYED TO RANDY MORINE BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 252 PAGE 171 OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found with a plastic cap imprinted with "McAngus" in the North right-of-way line of State Highway No. 142, and in the South line of that certain (72.57 acre) tract of land as conveyed to Don B. Parker and Kathryn A. Parker by deed recorded in Volume 470 Page 21 of the Deed Records of Caldwell County, Texas, for the Southwest corner of that certain (2.635 Acre) tract of land as conveyed to Randy Morine by Special Warranty Deed recorded in Volume 252 Page 171 of the Official Public Records of Caldwell County, Texas and being the Southwest corner and **PLACE OF BEGINNING** of the herein described tract, and from which a ½" iron rod found with a plastic cap imprinted with "McAngus", in concrete, in the North right-of-way line of State Highway No. 142 bears S 85 deg. 23' 25" W 189.11 ft.;

THENCE leaving the North right-of-way line of State Highway No. 142, and entering the interior of said Parker (72.57 Acre) tract, and with the West line of said Morine (2.635 Acre) tract, N 04 deg. 37' 04" W 249.69 ft. to a ½" iron rod found with a plastic cap (unreadable) in concrete for the Southeast corner of Lot 9, Block 4, Windridge Addition, Section 3, a subdivision in Caldwell County, Texas, according to the map or plat thereof recorded in Cabinet B Slide 16 of the Plat Records of Caldwell County, Texas, and being the Southwest corner of Lot 8, Block 4, Windridge Addition, Section 1 & 2, a subdivision in Caldwell County, Texas, according to the map or plat thereof recorded in Cabinet A Slide 191 of the Plat Records of Caldwell County, Texas, and being the Northwest corner of said Morine (2.635 Acres) tract, and being the Northwest corner of this tract;

THENCE with the common line of said Windridge Addition, Section 1 & 2 and said Morine (2.635 Acre) tract, N 85 deg. 21' 36" E 450.84 ft. to a ½" iron rod found with a plastic cap imprinted with "Arpenteurs" in concrete in the curving West right-of-way line of North Mockingbird Lane and being the Southeast corner of Lot 1, Block A, Windridge Addition, Section 1 & 2 and being the Northeast corner of said Morine (2.635 Acre) tract and being the Northeast corner of this tract;

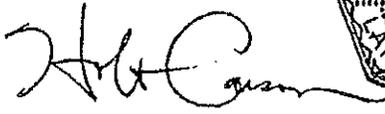
THENCE with the curving West right-of-way line of North Mockingbird Lane and with the East line of said Morine (2.635 Acre) tract with a curve to the right, having a radius of 963.31 ft., an arc length of 172.19 ft., and a chord bearing of S 07 deg. 52' 25" E 171.96 ft. to a 1/2" iron rod found in concrete for a point of tangency;

THENCE continuing with the West right-of-way line of North Mockingbird Lane and the East line of said Morine (2.635 Acre) tract, S 04 deg. 38' 52" E 78.26 ft. to a 1/2" iron rod found with a plastic cap imprinted with "Wallace Group" in concrete in the North right-of-way line of State Highway No. 142 and being the Southeast corner of said Morine (2.635 Acre) tract and being the Southeast corner of this tract, and from which a 1/2" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." at the point of intersection of the East right-of-way line of North Mockingbird Lane and the North right-of-way line of State Highway No. 142 bears N 85 deg. 21' 05" E 90.00 ft.;

THENCE with the North right-of-way line of State Highway No. 142 and with the South line of said Morine (2.635 Acre) tract S 85 deg. 23' 33" W 460.65 ft. to the PLACE OF BEGINNING and containing 2.63 Acres of land.

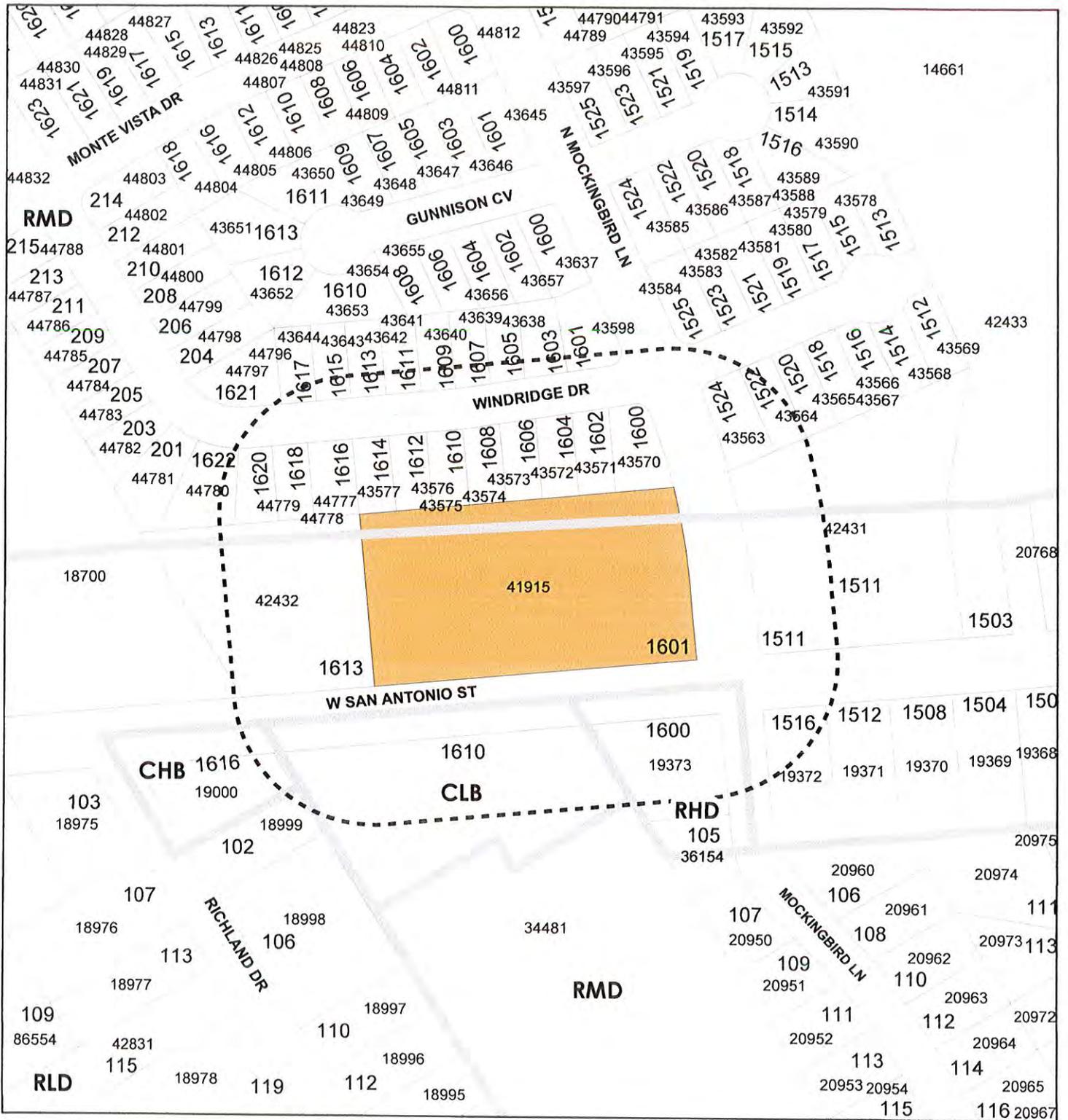
SURVEYED: April 27th, 2010

BY:



Holt Carson
Registered Professional Land Surveyor No. 5166

see accompanying map: B 849142



ZC-18-05



 SUBJECT PROPERTY

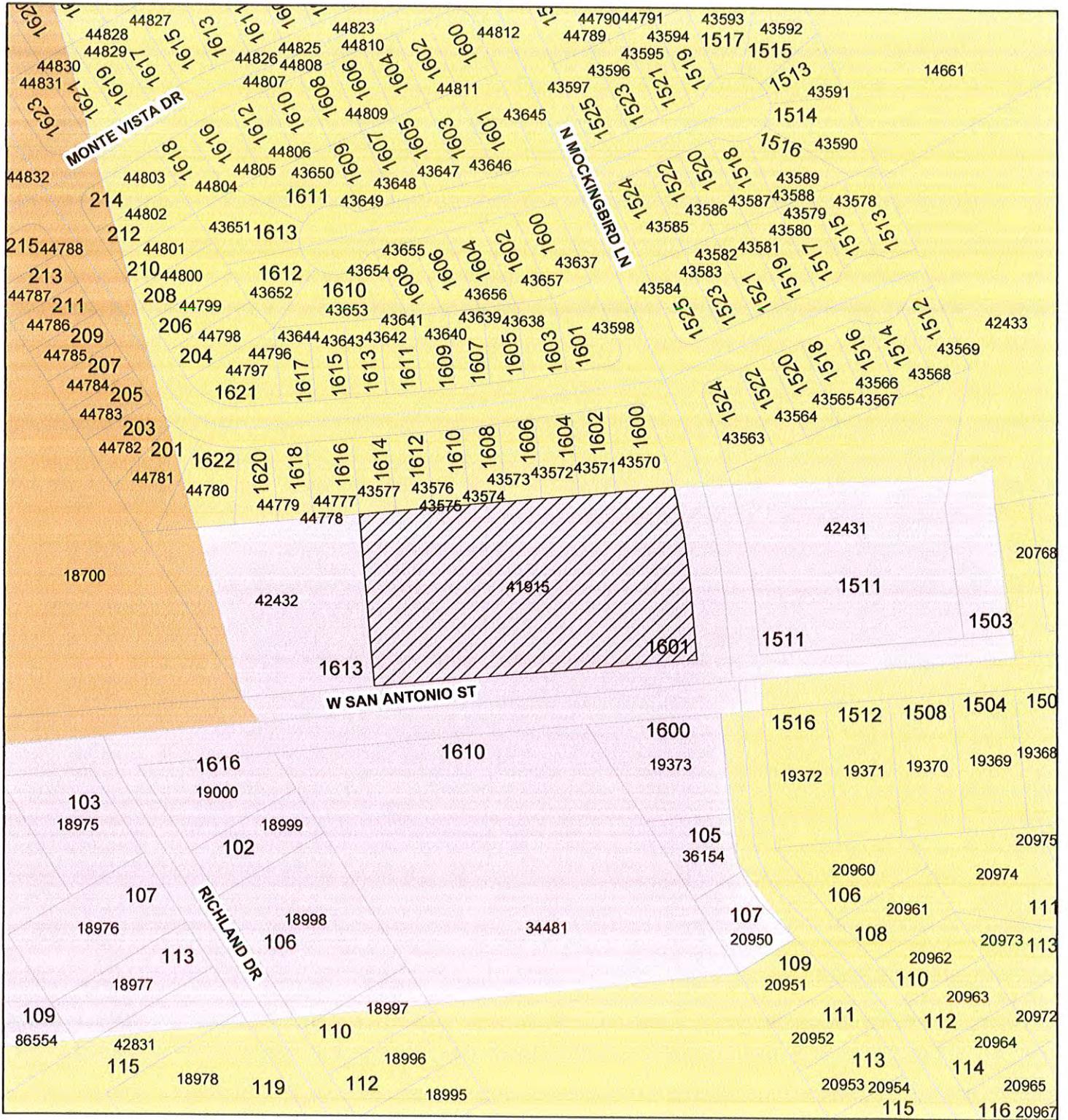
 ZONING BOUNDARY

RLD & RMD TO CMB

1601 W SAN ANTONIO ST

scale 1" = 200'

20



FUTURE LANDUSE

RLD & RMD TO CMB

1601 W SAN ANTONIO ST



- LIGHT-MEDIUM COMMERCIAL
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY

scale 1" = 200'

22

CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-18-05

REPORT DATE: April 5, 2018 [Updated 4-12-18]

PLANNING AND ZONING COMMISSION HEARING DATE: April 11, 2018

CITY COUNCIL HEARING DATE: April 17, 2018

REQUESTED CHANGE: RLD and RMD to CMB

STAFF RECOMMENDATION: *Approval*

PLANNING AND ZONING COMMISSION RECOMMENDATION: *Approval*

BACKGROUND DATA

APPLICANT: Meredith Knight

OWNER: 2HK, LLC

SITE LOCATION: 1601 W. San Antonio Street

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 2.63 acres

EXISTING USE OF PROPERTY: Vacant

LAND USE PLAN DESIGNATION: Light-Medium Commercial

ANALYSIS OF ISSUES

REASON FOR REQUESTED CHANGE: The applicant proposes to develop commercial uses on the subject property, consistent with the Lockhart 2020 Future Land Use Plan map. Starting in 2000, there have been multiple unsuccessful attempts to rezone this parcel, as well as the vacant parcel across North Mockingbird Lane which is under the same ownership, to a commercial zoning classification. The last time was less than a year ago, in June 2017, when the Planning and Zoning Commission had unanimously recommended approval, but the City Council failed to make a decision on a motion and second to deny the rezoning due to a split vote of three in favor, three opposed, and one abstention.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Single-family residential	RMD	Low Density Residential
East	Vacant	RLD, RMD	Light-Medium Commercial
South	Duplexes, Vacant	RHD, CLB	Light-Medium Commercial
West	Vacant	RLD, RMD	Medium Density Residential

TRANSITION OF ZONING DISTRICTS: There is CLB zoning directly across San Antonio Street, and the tract directly across Mockingbird Lane to the east is proposed to be rezoned primarily to CMB, so the proposed commercial zoning of the subject tract would be not be isolated from other commercial zoning. All of the tracts with existing and proposed commercial zoning classifications are designated for future commercial development by the Lockhart 2020 Future Land Use Plan map. According to the policies of the Lockhart 2020 Comprehensive Plan, a commercial node such as this is appropriate at the intersection of arterial streets. The Lockhart 2020 Thoroughfare Plan map identifies both San Antonio Street and North Mockingbird Lane as arterial streets, while Mockingbird Lane south of San Antonio Street is designated as a collector street. In addition, there is a lot zoned RHD and containing two duplexes on directly across San Antonio Street from the subject tract.

ADEQUACY OF INFRASTRUCTURE: Vehicular access is available from Mockingbird Lane and San Antonio Street. Water and wastewater utilities are available, but short wastewater line extensions will be necessary along San Antonio Street.

POTENTIAL NEIGHBORHOOD IMPACT: Any commercial development of the site could have a potentially significant adverse impact on abutting or nearby residential development, in the form of noise, lights, and traffic. In this case, the abutting residences in the Windridge Subdivision face away from the subject tract, and an existing privacy fence provides the required screening along the north side of the property. A new screening fence or wall will be required along the west property line. Also, the traffic light at the intersection of Mockingbird Lane and West San Antonio Street will help control any additional traffic generated by new development at this location. A traffic study commissioned by the applicant is attached. Since the previous attempts at rezoning this property to a commercial classification, many more homes have been built in the Windridge Subdivision, thereby providing more customer base for a small neighborhood commercial development.

CONSISTENCY WITH COMPREHENSIVE PLAN: The requested CMB zoning classification is consistent with the Lockhart 2020 Future Land Use Plan map designation of Light-Medium Commercial.

ALTERNATIVE CLASSIFICATIONS: The CLB zoning classification is more restrictive than the CMB classification, but would still allow some light commercial uses such as child care center, bed and breakfast inn, offices, barber/beauty shops, art/music/dance studios, and educational facilities by-right. Retail, restaurants, and financial institutions are allowed only upon approval of a specific use permit by the Planning and Zoning Commission. However, one of the proposed uses is a convenience store, which would not be allowed in the CLB zoning district because vehicle fuel sales are prohibited.

RESPONSE TO NOTIFICATION: Fifteen letters of protest are attached, and seven citizens spoke in opposition at the Planning and Zoning Commission public hearing. Four of the seven citizens had submitted protest letters that are included in the total of 15. All of the letters and speakers in opposition were against both this zoning change and the concurrent application ZC-18-06 for a zoning change on the vacant parcel on the east side of North Mockingbird Lane. One citizen other than the applicant spoke in favor.

Traffic Study
Ternus Consulting Services
November 17, 2017

November 17, 2017

Ms. Meredith Knight
Knight Real Estate
307 E. 2nd Street
Austin, Texas 78701

Ref: Pedestrian Crossing Safety Study

Dear Ms. Knight,

Ternus Consulting Services is pleased to provide this Report on pedestrian and vehicular traffic at the intersection of Mockingbird Lane and San Antonio Street (SH 142), east of Hwy 130 in Lockhart, Texas (Attachment A). Neither of these streets have lane markings. The purpose of this study is to determine if there are any additional measures that would make it safer for pedestrians on Mockingbird Lane to cross San Antonio Street.

AREA STREETS

San Antonio Street (SH 142) is a 24' wide street with one lane in each direction and traverses thru the center of Lockhart to Brazos Street, east of US 183. The speed limit in the study area is 45 miles per hour (mph). The street also has a long "30 mph when flashing" school zone. This street has span-wire traffic signals at its intersection with Mockingbird Lane.

Mockingbird Lane is 50' wide north of San Antonio Street and 40' wide south of the highway. This street extends from the Windridge subdivision in the north to Clear Fork Street (CR 217) in the south. Bluebonnet Elementary School is located on this street south of Dove Lane. There are sidewalks along Mockingbird Lane on both sides of the street within the subdivision to the north and along the west side, south of San Antonio Street, to south of the school. In the subdivision north of Clear Fork Street, there are sidewalks on both sides of Mockingbird Lane. The speed limit along this street is 30 mph with a 20 mph school zone (7am – 4pm) from north of Dove Lane to south of the school.

TRAFFIC CONDITIONS

Manual traffic counts of pedestrians and vehicles were conducted at the intersection of Mockingbird Lane and San Antonio Street (SH 142) on September 27, 2017 (Attachment B).

Pedestrian Traffic

During the morning peak hour (7:15 am – 8:15a m), there were seven south-bound students counted crossing San Antonio Street. There were two students counted crossing north-bound during the afternoon peak hour of (2:30 pm – 3:30 pm). It is recognized that students may have come from east or west on San Antonio Street or crossed the highway on Mockingbird Lane during other time periods.

Vehicular Traffic

During the same peak hours, there were 418 west-bound vehicles and 338 east-bound vehicles traveling on San Antonio Street in the morning. During the afternoon period, there were 352 west-bound vehicles and 360 east-bound vehicles traveling thru the intersection.

Signs, Signals and Markings

Based on existing traffic control devices, the method/system for students to cross San Antonio is to travel along the west side of Mockingbird Lane where there are continuous sidewalk paths and use the one crosswalk on San Antonio Street. This procedure allows students to have safe walking areas.

At the crosswalk, the traffic signal poles on the west side of the intersection have “Push Buttons” on them for student to call in the “Walk-Wait” lights to cross the road. There are also unique signs warning motorist to yield to people in the crosswalk.

Even though the speed limit on both sides of San Antonio Street is 30 mph, there are different type signs, on Mockingbird Lane, with 30 mph, School and specific times (north of the highway, for example, the times are 7:05 – 7:50 & 3:30 – 4:00). This type of sign looks confusing. These signs should be replaced with standard 30 mph speed limit signs or install a normal 20mph school zone.

FUTURE DEVELOPMENTS

The open spaces along the north side of San Antonio Street allows commercial projects to be platted as the area develops. Currently, there are planned developments on the north-west corner of the studied intersection with access from both SH 142 and Mockingbird Lane. As indicated, there is a specific site plan and also a future unknown development tract. To help separate the traffic flows on Mockingbird Lane north of San Antonio, it would be desirable to stripe this street

section as a south-bound bike lane, a left turn lane and a right turn lane. This layout will provide for a wide north-bound lane with space for residents to use the mail boxes.

Based on Trip Generation's Computer Program, the proposed development will generate 133 unadjusted morning trips per hour and 153 unadjusted evening trips per hour. These ITE traffic estimates are based on total entering and exiting traffic from driveways for individual uses. ITE also includes adjustment factors for calculating "pass-by" trips. The "pass-by" trips reflect the individual trip characteristics of existing drivers that are diverted from the adjacent traffic flow. These existing trips that are diverted include 84 trips during the AM peak period and 101 trips during the PM peak period.

Of significant to area residents, there are 49 new trips during the morning peak period and 52 new trips during the evening peak period that would be attracted to the site's development.

SUMMARY

The existing traffic controls system supports a good process for students who cross San Antonio Street for school. There is not a need to change the basics of this program; it is an effective system. However, there are some traffic signal and striping additions at and in the area that could add to this school safety program.

RECOMMENDATIONS

The following recommendations are proposed for consideration by City and State agencies with financial support from developers.

Speed Zones

Since the speed limit on Mockingbird Lane both sides of San Antonio Street is 30mph, the 30 mph static school signs with different specific times are confusing. These signs should be replaced with standard 30 mph signs or install a normal 20 mph school zone with consistent school times on both sides of San Antonio Street.

Street Striping

To provide more clarity, the wide (50') width of Mockingbird Lane, north of San Antonio Street, be stripe for a south-bound bike (along with the appropriate signs and/or markings), a right turn lane and a left turn lane leaving a wide north-bound lane.

Traffic Signals

A 3-6 second “head start” for students/pedestrians during an “All Red” period between the east-west phase and the north-south phase is proposed. This advance “walk” indication would only be used when student use the push button to cross the street. This recommendation has been installed by TxDOT in another City at a heavy pedestrian intersection.

Respectfully Submitted

Joe S. Ternus, P.E. (#27427)

Principal

Ternus Consulting Services

(Firm # F-8861)

Traffic Generation

7:15am - 8:15am		
Existing Total	756	
Total to Commercial	133	17.59%
Existing Diversion to Commercial	84	11.11%
New to Commercial	49	6.48%

2:30pm - 3:30pm		
Existing Total	712	
Total to Commercial	153	21.49%
Existing Diversion to Commercial	101	14.19%
New to Commercial	52	7.30%

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Sonia Moya
(PLEASE PRINT)

HOME ADDRESS 11621 Windridge Drive, Lockhart

I AM OPPOSED TO ZONING CHANGE # ZC 18-05 & 18-06

I AM THE OWNER OF 11621 Windridge Drive, Lockhart
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)

WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY

WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

will lead to more accidents, injuries, and deaths.

REASON FOR OPPOSITION (OPTIONAL)

- ① ^{Increase} traffic congestion at intersection
- ② Safety of children walking to school would be at risk.
- ③ There is a reason the current zoning is in place. Commercial structures are inappropriate for this neighborhood.
- ④ A great number of residents living 200 ft. from proposed rezoning properties are against rezoning.

SIGNATURE Sonia Moya

DATE 4/12/18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Justin Becio
(PLEASE PRINT)

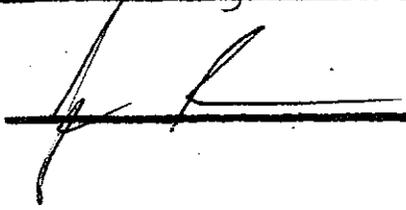
HOME ADDRESS 1518 Windridge DR

I AM OPPOSED TO ZONING CHANGE # ZC — 18-05 & 18-06

I AM THE OWNER OF 1518 Windridge DR
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

The traffic at ~~mockingbird~~ mockingbird LN + 142 is already
crazy with the schools being so close. Also with the
people that leave town back and forth from work does not
help either. There are alot of kids in this neighborhood
which is one reason we do not need any more traffic
in this area. It's a safety concern with having kids
in the neighborhood with the extra attention that these
businesses ^{would} ~~would~~ bring.

SIGNATURE 

DATE 4-11-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Jesus Mendiola
(PLEASE PRINT)

HOME ADDRESS 1519 Windridge Dr. Lockhart Texas

I AM OPPOSED TO ZONING CHANGE # ZC 18-05 & 18-06

I AM THE OWNER OF 1519 Windridge Drive Lockhart TX
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)

WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

I Believe there will be too much traffic
also there will be too much noise
and also possibility of raise in crime
in the neighborhood. Rise of taxes
and other things

SIGNATURE Jesus Mendiola

DATE 4-12-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Lonna Fleming
(PLEASE PRINT)

HOME ADDRESS 1602 Windridge Dr

I AM OPPOSED TO ZONING CHANGE # ZC — 18-058/18-06

I AM THE OWNER OF A home
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

This will be 40 ft from my back yard.
I am simply opposed to this being built
in my back yard.

SIGNATURE Lonna Fleming

DATE 4-9-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Cody Seibert
(PLEASE PRINT)

HOME ADDRESS 1516 Windridge Dr.

I AM OPPOSED TO ZONING CHANGE # ZC — 18-05 & 18-06

I AM THE OWNER OF 1516 Windridge Dr.
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

It's Ridiculous

SIGNATURE 

DATE 4-11-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Brandon McCauley
(PLEASE PRINT)

HOME ADDRESS 1578 Windridge Dr

I AM OPPOSED TO ZONING CHANGE # ZC 18-05 & 18-06

I AM THE OWNER OF 1578 Windridge Dr
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

Unsafe nature of uncertainty of
what these changes will actually
bring.

SIGNATURE Brandon McCauley

DATE 4-11-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Anthony Miller
(PLEASE PRINT)

HOME ADDRESS 1508 W. San Antonio St.

I AM OPPOSED TO ZONING CHANGE # ZC 18-05 & 18-06

I AM THE OWNER OF 1508 W. San Antonio St.
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

Child safety relating to increased car traffic
in the area of Hwy 142 & Mockingbird and
increased activity relating to proposed rezoning
trash - vandalism - unwanted overhead lighting
No need for commercial business in single family
zoned area - late night people hanging out
in parking lots already have stores within
1/2 mile in each direction with more proposed
at 130 & 142.

SIGNATURE Anthony Miller

DATE 4-11-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME William + Terri Tedford
(PLEASE PRINT)

HOME ADDRESS 1601 Windridge Dr. Lockhart, Tx.

I AM OPPOSED TO ZONING CHANGE # ZC — 18-05 & 18-06

I AM THE OWNER OF 1601 Windridge Drive
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS X (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

- * Loss of
- * 1) SAFETY FOR RESIDENTS, WOMEN + CHILDREN WALKING TO school etc.
 - * 2) INCREASED "CRIMINAL ACTIVITY" WITHIN CLOSE PROXIMITY TO ESTABLISHED HOMES.
 - * 3) DECREASE IN "HOME" VALUE.
 - * 4) INCREASE IN TRAFFIC.
 - * 5) "INCREASE NOISE" + BUSINESS TRAFFIC.
 - * 6) LIGHT POLLUTION
 - * 7) TRASH SMELL + INCREASE IN LITTER.
 - * 8) PROPOSED PARK PROBLEMS, "CRIMINAL ACTIVITY," UPKEEP WITH MAINTENANCE TRASH ETC.
 - * 9) INCREASED POLICE CALLS.
 - * 10) INCREASE OF POLICE BUDGET + TAXES FOR RESPONSE'S AND ADDITIONAL NEED FOR POLICE PATROLS OF AREA ETC.

SIGNATURE William Tedford

DATE 04/06/2018

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Scott Dillon
(PLEASE PRINT)

HOME ADDRESS 1606 Windridge Dr

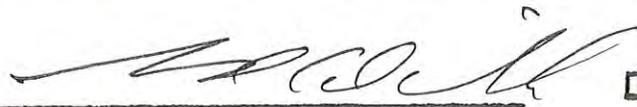
I AM OPPOSED TO ZONING CHANGE # ZC — 18-05 & 18-06

I AM THE OWNER OF 1606 Windridge Dr
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

The intersection of Mockingbird #142 is not
ready for businesses. It is the only entry/exit
for the sub division. The committee claims it is
TxDOT's problem. No it's ours & yours. The idea
of the park is just to placate. Who will
maintain the park or accept injury
liability? Parking for the park on the
entrance street of the sub division won't work.

SIGNATURE



DATE

4-6-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Sean & Amy White
(PLEASE PRINT)

HOME ADDRESS 206 Windndge Dr N Lockhart, TX 78640

I AM OPPOSED TO ZONING CHANGE # ZC — 18-05 & 18-06

I AM THE OWNER OF 206 Windndge Dr N
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT X LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

increased traffic, increased crime,
smell / sound from gas station,
safety of children who walk to
school - those who go early or stay
late, congestion at intersection

SIGNATURE Amy White

DATE 4.10.18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME James A. AIBERT
(PLEASE PRINT)

HOME ADDRESS 102 Hummingbird Ln

I AM OPPOSED TO ZONING CHANGE # ZC 18-05 & 18-06

I AM THE OWNER OF _____
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS ___ (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

(Traffic Congestion) Danger for kids
Dont need Another Quick mart

SIGNATURE James A. Aibert

DATE 4-10-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Jim Albert
(PLEASE PRINT)

HOME ADDRESS 1404 Devel

I AM OPPOSED TO ZONING CHANGE # ZC 18-05 & 18-06

I AM THE OWNER OF 1404 Devel Ln
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

Commercial property to close
Traffic already congested

SIGNATURE [Signature]

DATE 4-10-18

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME DAVID STUDER
(PLEASE PRINT)

HOME ADDRESS 100 Hummingbird Ln.

I AM OPPOSED TO ZONING CHANGE # ZC — 18-05 & 18-06

I AM THE OWNER OF 100 Hummingbird Ln.
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS ___ (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

We have enough TRAFFIC on Hwy 142 due to
to schools in our area. The property should
be used for single family residences.

SIGNATURE D. Studer

DATE 4-11-2018

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Wayne Flores
(PLEASE PRINT)

HOME ADDRESS 1420 W. San Antonio, Lockhart

I AM OPPOSED TO ZONING CHANGE # ZC 18-05 & 18-06

I AM THE OWNER OF 1420 W. San Antonio, Lockhart
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

Traffic congestion
Noise
lowers ~~the~~ Value of property

SIGNATURE Wayne Flores

DATE 4-11-2018

WRITTEN PROTEST OF PROPOSED ZONING CHANGE

City of Lockhart

NAME Tracy Martin
(PLEASE PRINT)

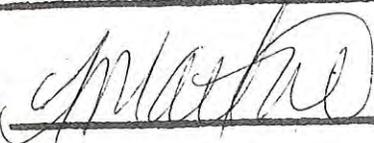
HOME ADDRESS 1612 Wedge Wood Trl
Lockhart TX 78644

I AM OPPOSED TO ZONING CHANGE # ZC — 18-05 & 18-06

I AM THE OWNER OF 1612 Wedge Wood Trl Lockhart TX
(PROPERTY ADDRESS OR LEGAL DESCRIPTION)
WHICH IS (OR) IS NOT LOCATED WHOLLY OR PARTIALLY 78644
WITHIN 200 FEET OF THE PROPOSED ZONING CHANGE.

REASON FOR OPPOSITION (OPTIONAL)

Increase in traffic @ the light of
Mockingbird + 142
Increase traffic in to the Windridge
Neighborhood.
Possible decrease home value
Possible increase in crime in neighborhood
Increase in pollution in neighborhood
both trash & due to smell of gasoline

SIGNATURE 

DATE 4-11-18



ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Meredit Knight
DAY-TIME TELEPHONE 512-964-1523
E-MAIL mknight@kreaustin.com

ADDRESS 307 E 2nd St
Austin, Tx 78701

OWNER NAME ZHK, LLC
DAY-TIME TELEPHONE 512-964-1523
E-MAIL mknight@kreaustin.com

ADDRESS Same

PROPERTY

ADDRESS OR GENERAL LOCATION North side 1600 Block w. San Antonio St ¹⁶⁰¹
LEGAL DESCRIPTION (IF PLATTED) Metes + Bounds
SIZE 2.63 ACRE(S) LAND USE PLAN DESIGNATION Light-med, commercial
EXISTING USE OF LAND AND/OR BUILDING(S) vacant land
PROPOSED NEW USE, IF ANY Commercial

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION RLD + RMD
TO PROPOSED ZONING CLASSIFICATION CMB
REASON FOR REQUEST Achieve consistency with the city's
Future Land Use Plan

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 202.60 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE

M. Knight

DATE

3/19/18

OFFICE USE ONLY

ACCEPTED BY

Dan Gibson

RECEIPT NUMBER

790230

DATE SUBMITTED

3-19-18

CASE NUMBER ZC -

18 - 05

DATE NOTICES MAILED

03-26-2018

DATE NOTICE PUBLISHED

03-29-2018

PLANNING AND ZONING COMMISSION MEETING DATE

4-11-18

PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval 4-1

CITY COUNCIL MEETING DATE

4-17-18

DECISION



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: April 17, 2018			
Department: Planning		Initials	Date
Department Head: Dan Gibson	Asst. City Manager		
Dept. Signature: <u>Dan Gibson</u>	City Manager	<u>[Signature]</u>	<u>4-13-2018</u>
Agenda Coordinator/Contact (include phone #): Dan Gibson 398-3461, x236			
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Hold a PUBLIC HEARING on application ZC-18-06 by Meredith Knight on behalf of 2HK, LLC, and discussion and/or action to consider Ordinance 2018-10, for a Zoning Change from RLD Residential Low Density District and RMD Residential Medium Density District to 1.688 acres CMB Commercial Medium Business District and 0.556 acre PI Public and Institutional District in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1511 West San Antonio Street (SH 142).			
SUMMARY OF ITEM			
The applicant proposes to develop commercial uses on the subject property, consistent with the Lockhart 2020 Future Land Use Plan map. Starting in 2000, there have been multiple unsuccessful attempts to rezone this parcel, as well as the vacant parcel across North Mockingbird Lane which is under the same ownership, to a commercial zoning classification. The last time was less than a year ago, in June 2017, when the Planning and Zoning Commission had unanimously recommended approval, but the City Council failed to make a decision on a motion and second to deny the rezoning due to a split vote of three in favor, three opposed, and one abstention. This time, a 1.688-acre portion is proposed to be rezoned to CMB, while the remaining 0.556-acre portion behind the commercial area is proposed to be rezoned to PI and be developed as a public park. The nearest commercial zoning is one-half block to the west on the opposite side of San Antonio Street, approximately 250 feet from the subject property. However, the tract directly across Mockingbird Lane to the west is also proposed to be rezoned to CMB, and both tracts are designated for future commercial development by the Lockhart 2020 Future Land Use Plan map. A traffic study commissioned by the applicant is attached to the concurrent application ZC-18-05, and a diagram of the proposed park lot with a tentative layout plan for park improvements, is attached to this application. Fifteen letters of protest are attached to the staff report for the concurrent application ZC-18-05. Seven citizens spoke in opposition at the Planning and Zoning Commission public hearing, and four of the seven citizens had submitted letters of protest that are included in the total of 15. All of the letters and speakers in opposition were against both this zoning change and the concurrent application ZC-18-05 for a zoning change on the vacant parcel on the west side of North Mockingbird Lane. One citizen other than the applicant spoke in favor. More detailed information is included in the attached staff report.			
STAFF RECOMMENDATION			
Staff recommends APPROVAL of Ordinance 2018-10.			
Supporting Documents: Ordinance, Legal description, Maps, Staff report, Park survey and layout, Application form	Board or Commission Recommendation: At their April 11 th meeting, the Planning and Zoning Commission voted 4-1 to recommend APPROVAL. <div style="text-align: right; font-size: 2em; margin-top: 10px;">48</div>		

ORDINANCE 2018-10

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 2.244 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1511 WEST SAN ANTONIO STREET (SH 142), FROM RLD RESIDENTIAL LOW DENSITY DISTRICT AND RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO 1.688 ACRES CMB COMMERCIAL MEDIUM BUSINESS DISTRICT AND 0.556 ACRES PI PUBLIC AND INSTITUTIONAL DISTRICT.

WHEREAS, on April 10, 2018, the Planning and Zoning Commission held a public hearing and voted to recommend approval of said change; and,

WHEREAS, the City Council desires to amend the zoning map accordingly as provided in Section 64-128 of the Code of Ordinances; and,

WHEREAS, a public hearing was held in conformance with applicable law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT:

I. The above-referenced property described in Zoning Change request ZC-18-06 as 2.244 acres in the Cornelius Crenshaw Survey, Abstract No. 68, more particularly described in Exhibit A and Exhibit B, and located at 1511 West San Antonio Street (SH 142), will be reclassified from RLD Residential Low Density District and RMD Residential Medium Density District to 1.688 acres CMB Commercial Medium Business District and 0.556 acre to PI Public and Institutional District.

II. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or unenforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.

III. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

IV. Publication: That the City Secretary is directed to cause this ordinance caption to be published in a newspaper of general circulation according to law.

V. Effective Date: That this ordinance shall become effective and be in full force immediately upon and from the date of its passage.

PASSED, APPROVED, AND ADOPTED AT A REGULAR MEETING OF THE LOCKHART CITY COUNCIL ON THIS THE 17th DAY OF APRIL, 2018.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie A. Constancio, TRMC, City Secretary

Peter Gruning, City Attorney

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EXHIBIT "A"

LEGAL DESCRIPTION FOR A 1.688 ACRE TRACT

LEGAL DESCRIPTION OF A 1.688 ACRE (73,516 SQUARE FEET) TRACT OR PARCEL OF LAND, BEING A PORTION OF A 2.244 ACRE TRACT CONVEYED TO 2HK LLC IN VOLUME 608, PAGES 508-515, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS; SAID 1.688 ACRE TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped 1/2" iron rod found stamped "HOLT" at the intersection of the north right-of-way (R.O.W.) line of State Highway No. 142, also known as West San Antonio Street (80' R.O.W.), and the east R.O.W. line of North Mockingbird Lane (R.O.W. varies) being the southwest corner of said 2.244 acre tract, and the southwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, N 5°20'19" W along the east R.O.W. line of said North Mockingbird Lane a distance of **82.32'** to a capped 1/2" iron rod found stamped "WALLACE" for a point of curvature on said east R.O.W. line of North Mockingbird Lane and the west line of said 2.244 acre tract;

THENCE, curving to the left along the east R.O.W. line of said North Mockingbird Lane and the west line of said 2.244 acre tract an arc length of **149.40'**, a radius of **1045.00'**, and a chord that bears **N 10°58'58" W** a distance of **149.27'** to a capped 1/2" iron rod set stamped "P Flugel 5096" for the northwest corner of the herein described tract, from which a 1/2" iron rod found in concrete on the east R.O.W. line of said North Mockingbird Lane being the northwest corner of said 2.244 acre tract bears an arc length 35.00', a radius of 1045.00', and a chord that bears **N 16°02'17" W** a distance of 35.00';

THENCE, N 77°13'21" E through and across said 2.244 acre tract a distance of **322.60'** to a capped 1/2" iron rod set stamped "P Flugel 5096" on the east line of said 2.244 acre tract and the west line of a called 25.42 acre tract conveyed to Don B. & Kathryn A. Parker in Volume 470, Page 21, Official Public Records, Caldwell County, Texas, for the northeast corner of the herein described tract, from which a bent 1/2" iron rod found in concrete being the southeast corner of Lot 7, Block 3, Windridge Addition Sections 1 & 2, recorded in Cabinet A, Slide 191, Plat Records, Caldwell County, Texas, an angle point in the west line of said called 25.42 acre tract, and the northeast corner of said 2.244 acre tract bears **N 10°18'36" E** a distance of 119.00';

THENCE, S 10°18'36" W along the west line of said 25.42 acre tract and the east line of said 2.244 acre tract a distance of **83.61'** to a 1/2" iron rod found for an angle point in the west line of said 25.42 acre tract, the east line of said 2.244 acre tract, and the east line of the herein described tract;

THENCE, S 7°46'57" E along the west line of said 25.42 acre tract and the east line of said 2.244 acre tract a distance of **192.32'** to a capped 1/2" iron rod found stamped "WALLACE" on the north R.O.W. line of said State Highway No. 142 for the southwest corner of said called 25.42 acre tract, the southeast corner of said 2.244 acre tract, and the southeast corner of the herein described tract;

THENCE, S 84°39'53" W along the north R.O.W. line of said State Highway No. 142 and the south line of said 2.244 acre tract a distance of **290.85'** to the **POINT OF BEGINNING** and containing **1.688 acres (73,516 square feet)** of land, more or less.

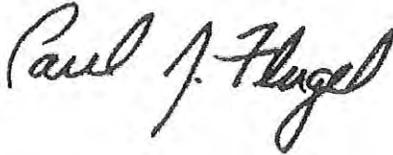


BASIS OF BEARINGS:

Bearings are based on NAD '83 State Plane Coordinates.
(Texas Central 4203)

I do hereby certify that this description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

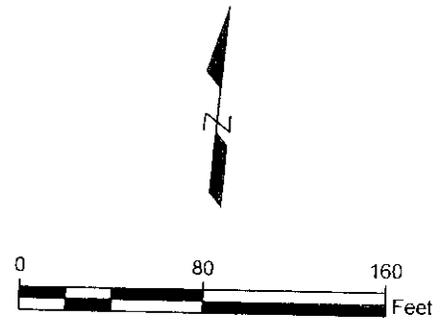
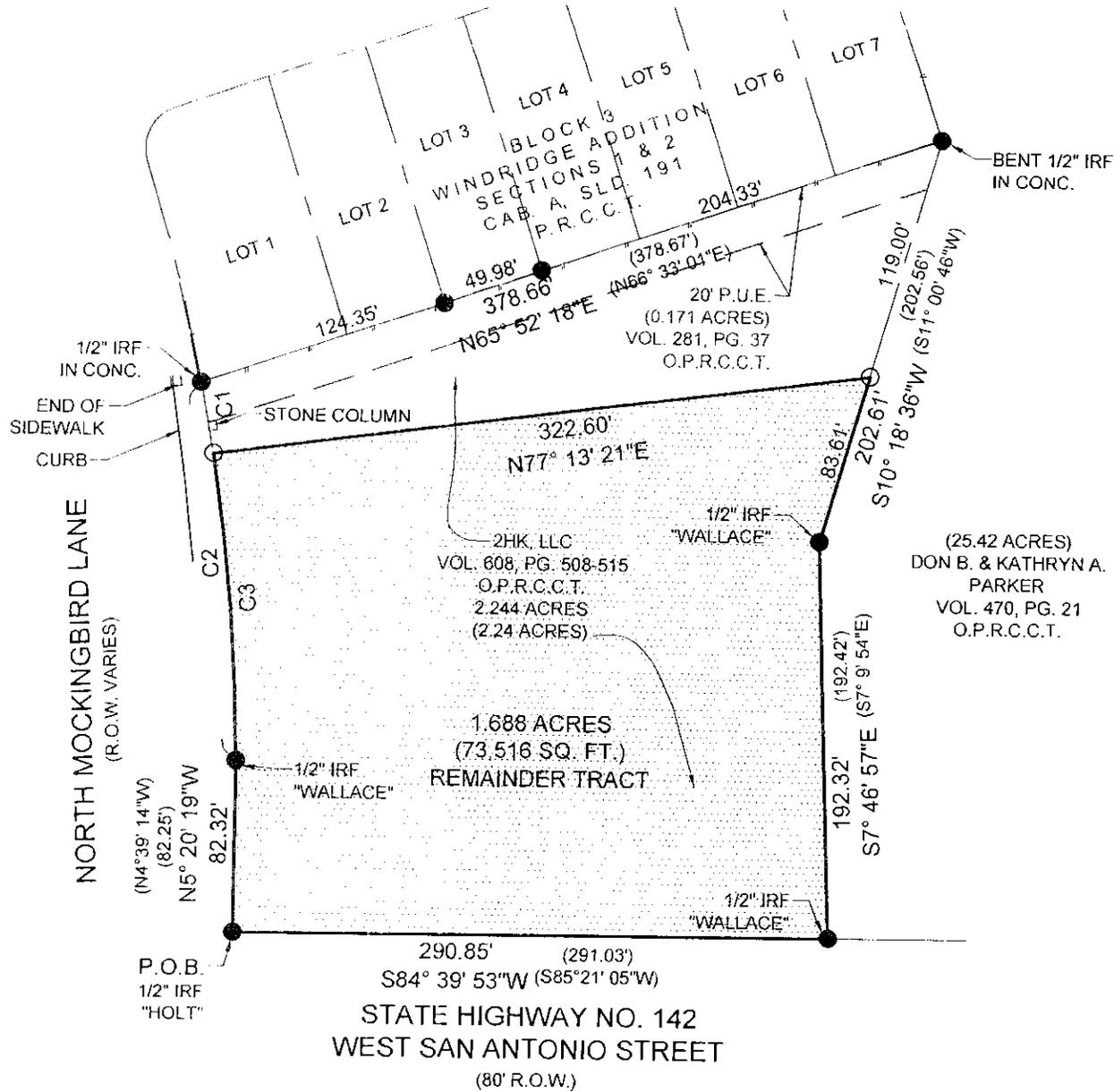
As Prepared by
WF Land Solutions
Firm Registration No. 10193837



Paul J. Flugel
RPLS No. 5096

Date of Survey: 2/21/2018
Date of Field Notes: 3/20/2018

SURVEY OF
A 1.688 ACRE TRACT OR PARCEL OF LAND, BEING A PORTION OF A 2.244
ACRE TRACT CONVEYED TO 2HK LLC IN VOL. 608, PG. 508-515, O.P.R.C.C.T.



1601 W SAN ANTONIO
 MARCH, 2018
 PROJECT NO. 584-002

WF LAND SOLUTIONS
 FIRM NO. 10193837



ENGINEERING & DESIGN
 FIRM # F-15324
 2007 S 1ST STREET, SUITE 103
 AUSTIN, TEXAS 78704
 (512)394-1900
SHEET
3 OF 4

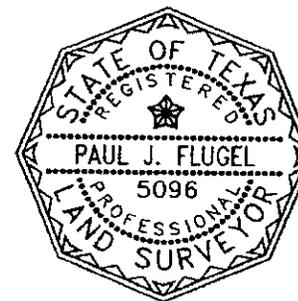
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ACRE TRACT CONVEYED TO 2HK LLC IN VOL. 608, PG. 508-515, O.P.R.C.C.T.

<u>LEGEND</u>	
●	1/2" IRON ROD FOUND
○	CAPPED 1/2" IRON ROD SET STAMPED "P FLUGEL 5096"
----	WOOD FENCE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
P.R.C.C.T.	PLAT RECORDS, CALDWELL COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS

CURVE TABLE			
CURVE #	LENGTH	RADIUS	CHORD
C1	35.00'	1045.00'	N16° 02' 17"W 35.00'
C2	184.40' (184.44')	1045.00' (1045.00')	N11° 56' 32"W 184.16' (N11° 15' 20"W 184.20')
C3	149.40'	1045.00'	N10° 58' 58"W 149.27'

AS SURVEYED BY:

Paul J. Flugel



PAUL J. FLUGEL
 RPLS NO. 5096
 FIRM NO. 10193837

DATE OF FIELD SURVEY:
 2-21-2018
 DATE OF PLAT:
 3-20-2018

HORIZONTAL DATUM:

TEXAS STATE PLANE COORDINATES
 NAD '83 (SOUTH CENTRAL ZONE 4204)

1601 W SAN ANTONIO

MARCH, 2018

PROJECT NO. 584-002

WF LAND SOLUTIONS
 FIRM NO. 10193837



ENGINEERING & DESIGN

FIRM # F-15324
 2007 S 1ST STREET, SUITE 103
 AUSTIN, TEXAS 78704
 (512)394-1900

SHEET

4 OF 4

59

WF LAND SOLUTIONS
PROFESSIONAL LAND SURVEYORS
Firm No. 10193837

EXHIBIT "B"

LEGAL DESCRIPTION FOR A 0.556 ACRE TRACT

LEGAL DESCRIPTION OF A 0.556 ACRE TRACT OR PARCEL OF LAND, BEING A PORTION OF A 2.244 ACRE TRACT CONVEYED TO 2HK LLC IN VOLUME 608, PAGES 508-515, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS; SAID 0.556 ACRE TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found in concrete on the curved east right-of-way (R.O.W.) line of North Mockingbird Lane (R.O.W. varies) being the southwest corner of Lot 1, Block 3, Windridge Addition, Sections 1 and 2, recorded in Cabinet A, Slide 191, Plat Records, Caldwell County, Texas, the northwest corner of said 2.244 acre tract, and the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, N 65°52'18" E along the north line of said 2.244 acre tract a distance of 124.35' to a 1/2" iron rod found being the southeast corner of Lot 2 and the southwest corner of Lot 3, both of said Windridge Addition, and continuing 49.98' to a 1/2" iron rod found being the southeast corner of said Lot 3 and the southwest corner of Lot 4 of said Windridge Addition, and continuing 204.33' for a total distance of **378.66'** to a bent 1/2" iron rod found in concrete being the southeast corner of Lot 1 of said Windridge Addition, an angle point in the west line of a called 25.42 acre tract conveyed to Don B. & Kathryn A. Parker in Volume 470, Page 21, Official Public Records, Caldwell County, Texas, and the northeast corner of said 2.244 acre tract and the herein described tract;

THENCE, S 10°18'36" W along the west line of said 25.42 acre tract and the east line of said 2.244 acre tract a distance of **119.00'** to a capped 1/2" iron rod set stamped "P Flugel 5096" for the southeast corner of the herein described tract, from which a capped 1/2" iron rod found stamped "Wallace" for and angle point in the east line of said 2.244 acre tract and the west line of said 25.42 acre tract bears S 10°18'36" W a distance of 83.61';

THENCE, S 77°13'21" W through and across said 2.244 acre tract a distance of **322.60'** to a capped 1/2" iron rod set stamped "P Flugel 5096" on the curved east R.O.W. line of said North Mockingbird Lane and the west line of said 2.244 acre tract for the southwest corner of the herein described tract, from which, curving to the right along the east R.O.W. line of North Mockingbird Lane, a capped 1/2" iron rod found stamped "Wallace" being a point of tangency in the east line of said North Mockingbird Lane and the west line of said 2.244 acre tract bears an arc length 149.40', a radius of 1045.00', and a chord that bears S 10°58'58" E a distance of 149.27';

THENCE, curving to the left along the east R.O.W. line of said North Mockingbird Lane and the west line of said 2.244 acre tract and arc length of **35.00'**, a radius of **1045.00'**, and a chord that bears **N 16°02'17" W** a distance of **35.00'** the **POINT OF BEGINNING** and containing **0.556 acres** of land, more or less.

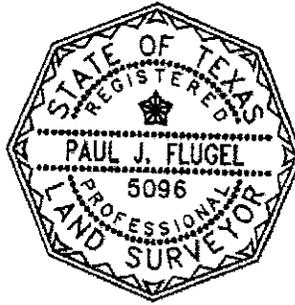
BASIS OF BEARINGS:

Bearings are based on NAD '83 State Plane Coordinates.
(Texas Central 4203)



I do hereby certify that this description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

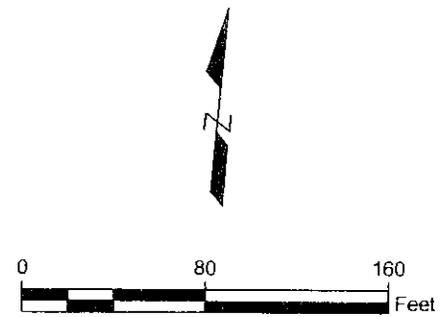
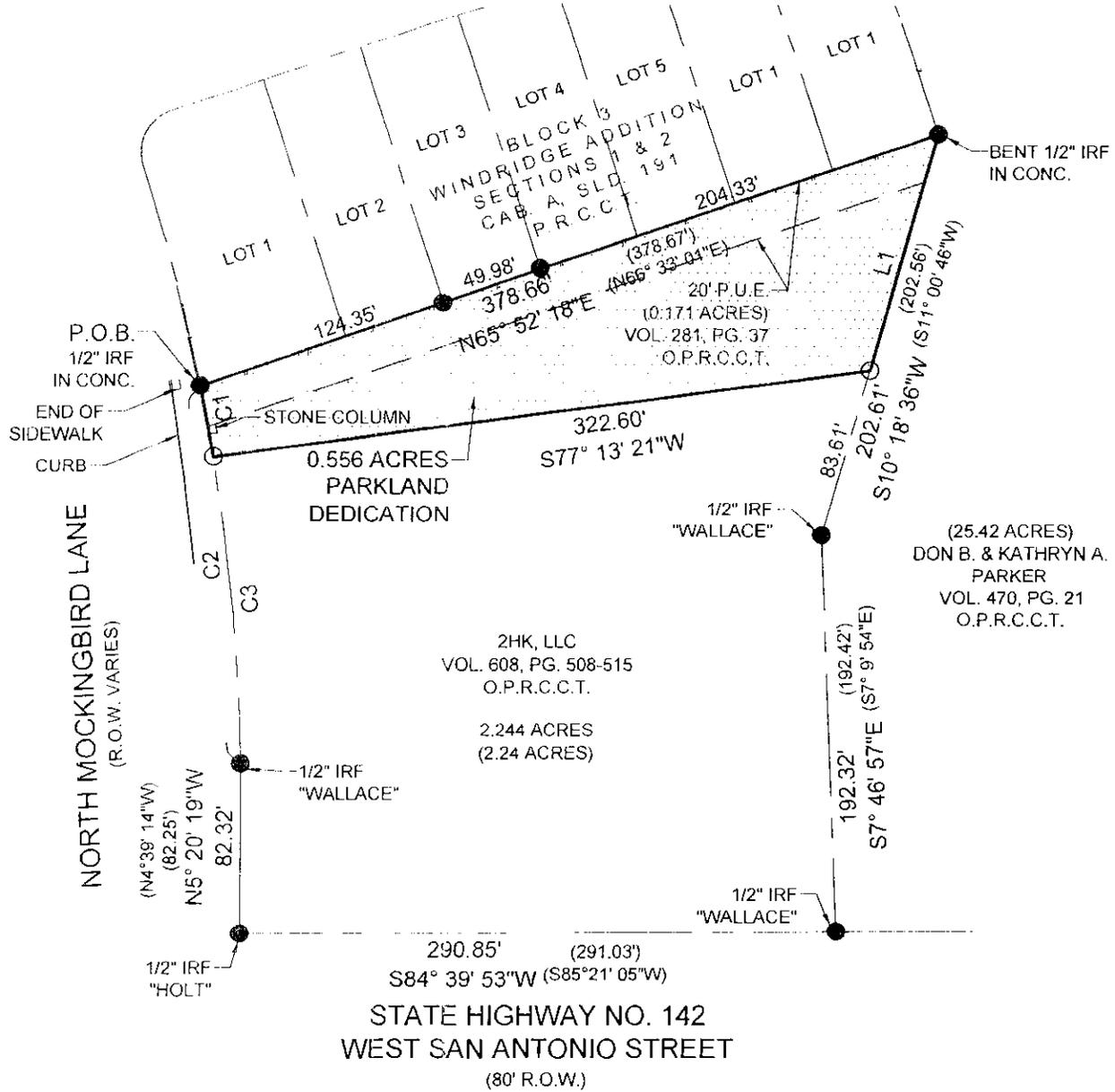
As Prepared by
WF Land Solutions
Firm Registration No. 10193837



Paul J. Flugel
RPLS No. 5096

Date of Survey: 2/21/2018
Date of Field Notes: 2/23/2018

SURVEY OF
A 0.556 ACRE TRACT OR PARCEL OF LAND, BEING A PORTION OF A 2.244
ACRE TRACT CONVEYED TO 2HK LLC IN VOL. 608, PG. 508-515, O.P.R.C.C.T.



1601 W SAN ANTONIO
 FEBRUARY, 2018
 PROJECT NO. 584-002

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ENGINEERING & DESIGN

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SHEET
3 OF 4

9/5

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<u>LEGEND</u>	
●	1/2" IRON ROD FOUND
○	CAPPED 1/2" IRON ROD SET STAMPED "P FLUGEL 5096"
---	WOOD FENCE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
P.R.C.C.T.	PLAT RECORDS, CALDWELL COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S10° 18' 36"W	119.00'

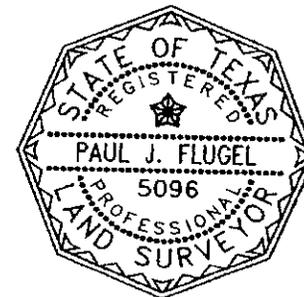
CURVE TABLE			
CURVE #	LENGTH	RADIUS	CHORD
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C2	184.40' (184.44')	1045.00' (1045.00')	N11° 56' 32"W 184.16' (N11° 15' 20"W 184.20')
C3	149.40'	1045.00'	S10° 58' 58"E 149.27'

HORIZONTAL DATUM:

TEXAS STATE PLANE COORDINATES
 NAD '83 (SOUTH CENTRAL ZONE 4204)

AS SURVEYED BY:

Paul J. Flugel



PAUL J. FLUGEL
 RPLS NO. 5096
 FIRM NO. 10193837

DATE OF FIELD SURVEY:
 2-21-2018
 DATE OF PLAT:
 2-23-2018

1601 W SAN ANTONIO

FEBRUARY, 2018
 PROJECT NO. 584-002

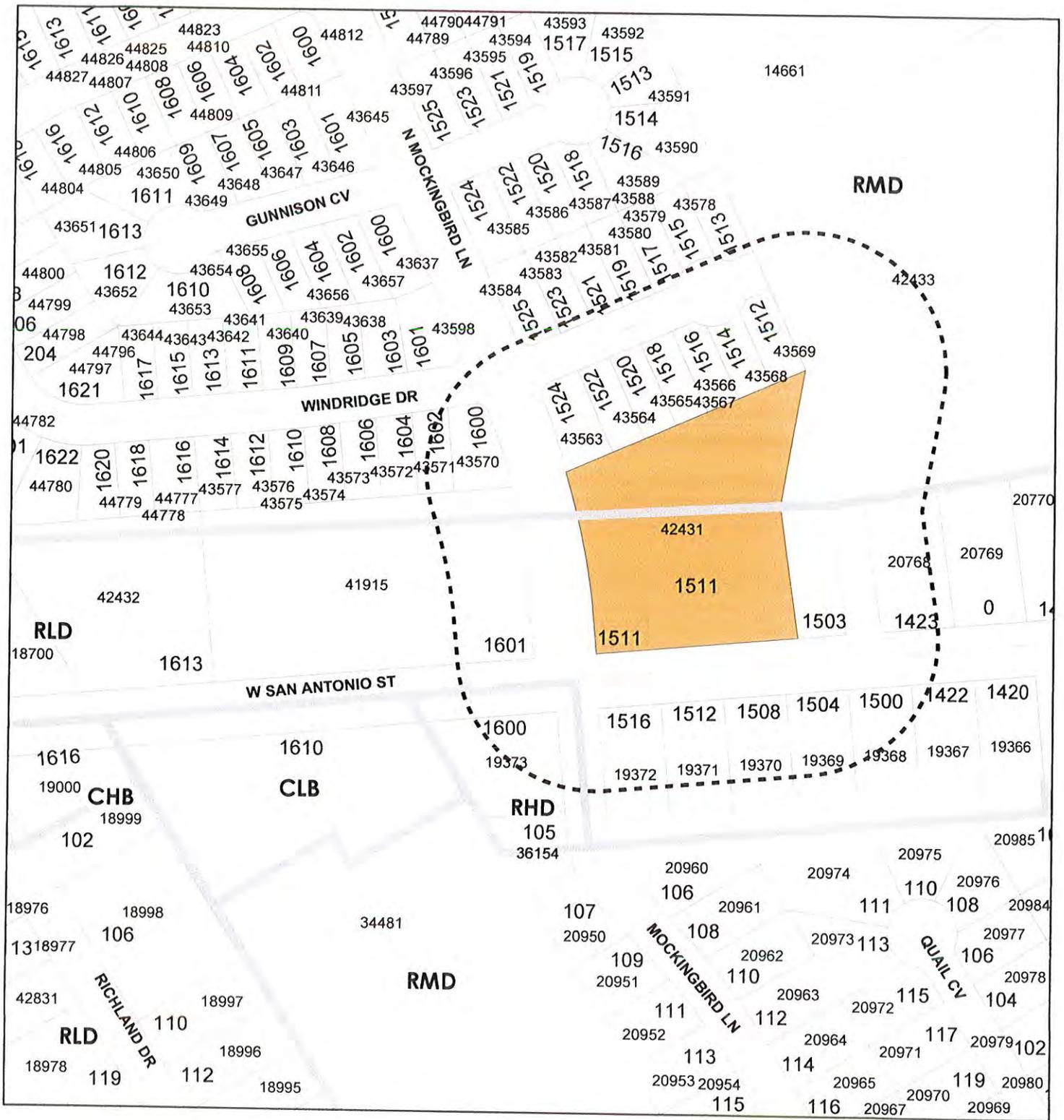
WF LAND SOLUTIONS
 FIRM NO. 10193837



ENGINEERING & DESIGN
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 2007 S 1ST STREET, SUITE 103
 AUSTIN, TEXAS 78704
 (512)394-1900

SHEET
 4 OF 4

57



ZC-18-06



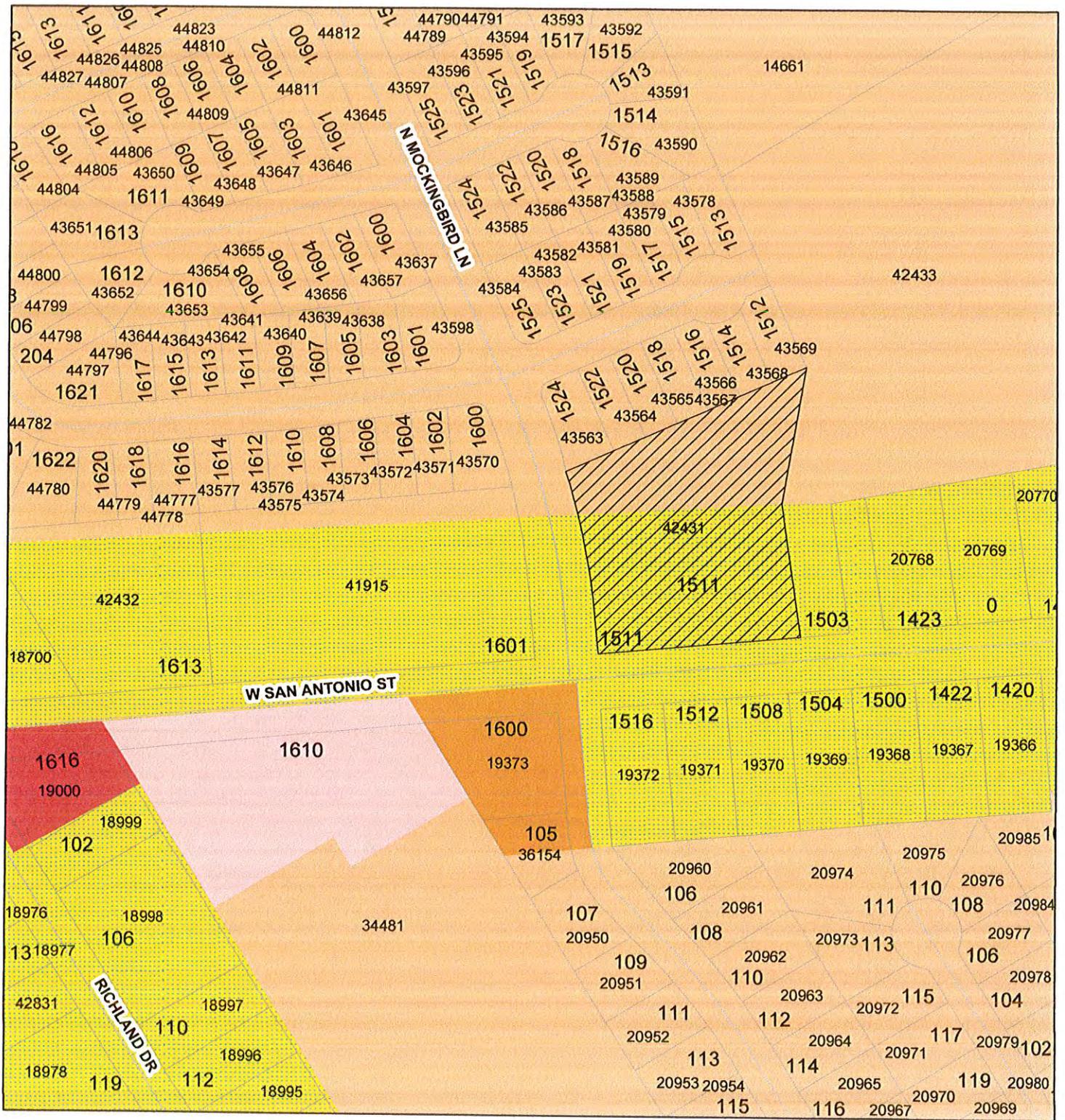
 SUBJECT PROPERTY

 ZONING BOUNDARY

RLD & RMD TO CMB & PI

1511 W SAN ANTONIO ST

scale 1" = 200'



ZC-18-06

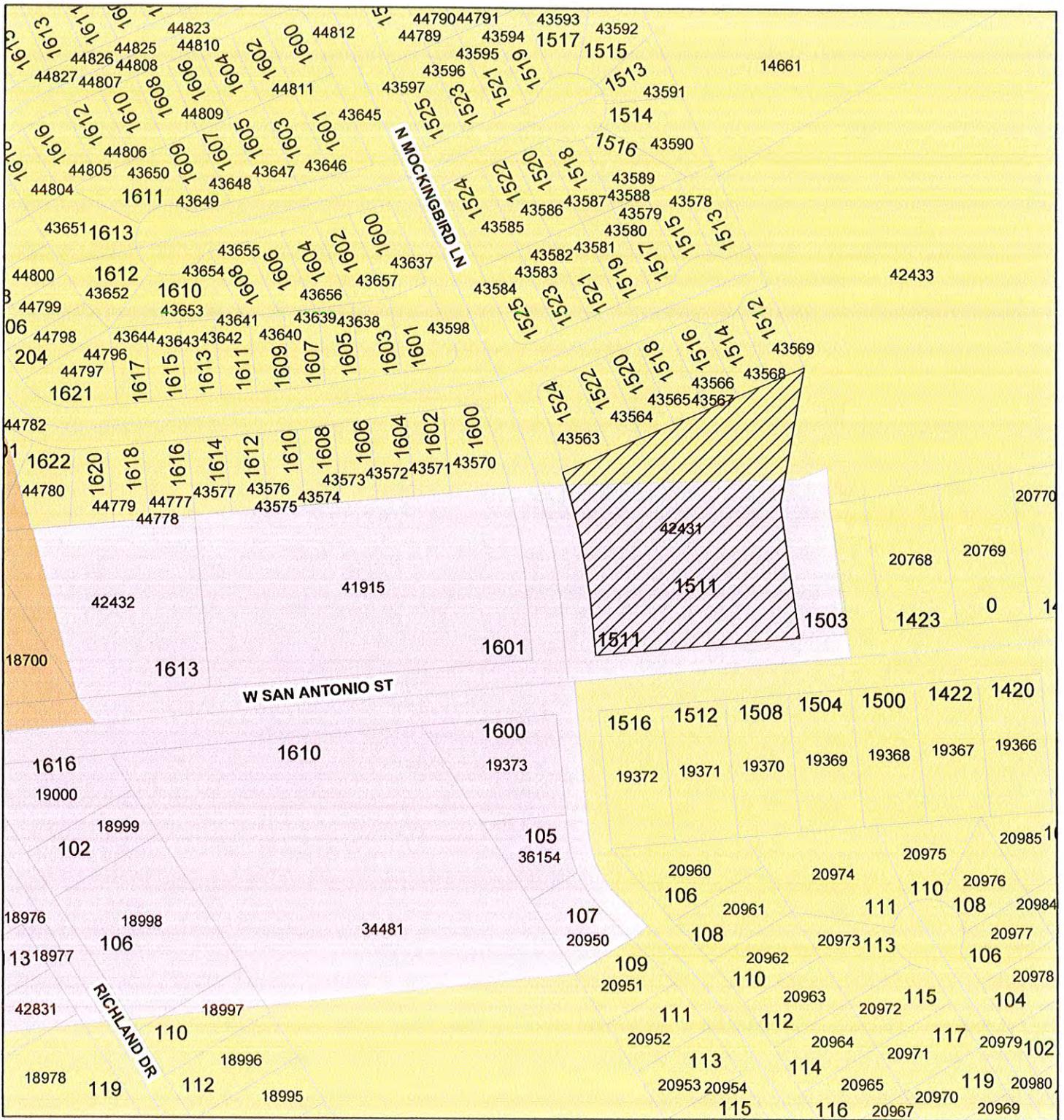
RLD & RMD TO CMB & PI
 1511 W SAN ANTONIO ST



scale 1" = 200'

ZONING DISTRICTS

- COMMERCIAL HEAVY BUSINESS
- COMMERCIAL LIGHT BUSINESS
- RESIDENTIAL HIGH DENSITY
- RESIDENTIAL LOW DENSITY
- RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

RLD & RMD TO CMB & PI

1511 W SAN ANTONIO ST



- LIGHT-MEDIUM COMMERCIAL
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY

scale 1" = 200'

60

CASE SUMMARY

STAFF: Dan Gibson, City Planner CASE NUMBER: ZC-18-06
 REPORT DATE: April 5, 2018 [Updated 4-12-18]
 PLANNING AND ZONING COMMISSION HEARING DATE: April 11, 2018
 CITY COUNCIL HEARING DATE: April 17, 2018
 REQUESTED CHANGE: RLD and RMD to CMB and PI
 STAFF RECOMMENDATION: **Approval**
 PLANNING AND ZONING COMMISSION RECOMMENDATION: **Approval**

BACKGROUND DATA

APPLICANT: Meredith Knight
 OWNER: 2HK, LLC
 SITE LOCATION: 1511 W. San Antonio Street
 LEGAL DESCRIPTION: Metes and bounds
 SIZE OF PROPERTY: 2.244 acres
 EXISTING USE OF PROPERTY: Vacant
 LAND USE PLAN DESIGNATION: Light-Medium Commercial, Low Density Residential

ANALYSIS OF ISSUES

REASON FOR REQUESTED CHANGE: The applicant proposes to develop commercial uses on the subject property, consistent with the Lockhart 2020 Future Land Use Plan map. Starting in 2000, there have been multiple unsuccessful attempts to rezone this parcel to a commercial zoning classification. The last time was less than a year ago, in June 2017, when the Planning and Zoning Commission had unanimously recommended approval, but the City Council failed to make a decision on a motion and second to deny the rezoning due to a split vote of three in favor, three opposed, and one abstention. This time, a 1.688-acre portion is proposed to be rezoned to CMB, while the remaining 0.556-acre portion behind the commercial area is proposed to be rezoned to PI and be developed as a public park.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Single-family residential	RMD	Low Density Residential
East	Single-family residential, Vacant	RLD, RMD	Low Density Residential, Light-Medium Commercial
South	Single-family residential, Duplex	RLD, RMD	Low Density Residential
West	Vacant	RLD, RMD	Light-Medium Commercial

TRANSITION OF ZONING DISTRICTS: The nearest commercial zoning is one-half block to the west on the opposite side of San Antonio Street, approximately 250 feet from the subject property. However, the tract directly across Mockingbird Lane to the west is also proposed to be rezoned to CMB, and both tracts are designated for future commercial development by the Lockhart 2020 Future Land Use Plan map. According to the policies of the Lockhart 2020 Comprehensive Plan, a commercial node such as this is appropriate at the intersection of arterial streets. The Lockhart 2020 Thoroughfare Plan identifies both San Antonio Street and North Mockingbird Lane as arterial streets.

ADEQUACY OF INFRASTRUCTURE: Vehicular access is available from Mockingbird Lane. TxDOT driveway access separation standards may prohibit a driveway on San Antonio Street. Water and wastewater utilities are available, but short wastewater line extensions will be necessary along San Antonio Street.

POTENTIAL NEIGHBORHOOD IMPACT: Any commercial development of the site could have a potentially significant adverse impact on abutting or nearby residential development, in the form of noise, lights, and traffic. In this case, the abutting residences in the Windridge Subdivision face away from the subject tract, and an existing privacy fence provides the required screening along the north side of the property. A new screening fence or wall will be required along the east property line. Also, the traffic light at the intersection of Mockingbird Lane and West San Antonio Street will help control any additional traffic generated by new development at this location. A traffic study commissioned by the applicant is attached to the staff report for the concurrent application ZC-18-05, which was submitted by the same applicant for the vacant property on the west side of North Mockingbird Lane. Since the previous attempts at rezoning this property to a commercial classification, many more homes have been built in the Windridge Subdivision, thereby providing more customer base for a small neighborhood commercial development. In addition, because the neighborhood has complained that there is no public park in this area, the owner of the subject property has offered to dedicate land for a park, and is working with various entities to acquire funding for vehicle parking, internal sidewalks, and recreational equipment. A diagram of the proposed park lot, and a tentative layout plan for park improvements, is attached.

CONSISTENCY WITH COMPREHENSIVE PLAN: The requested CMB zoning classification is consistent with the Lockhart 2020 Future Land Use Plan map designation of Light-Medium Commercial.

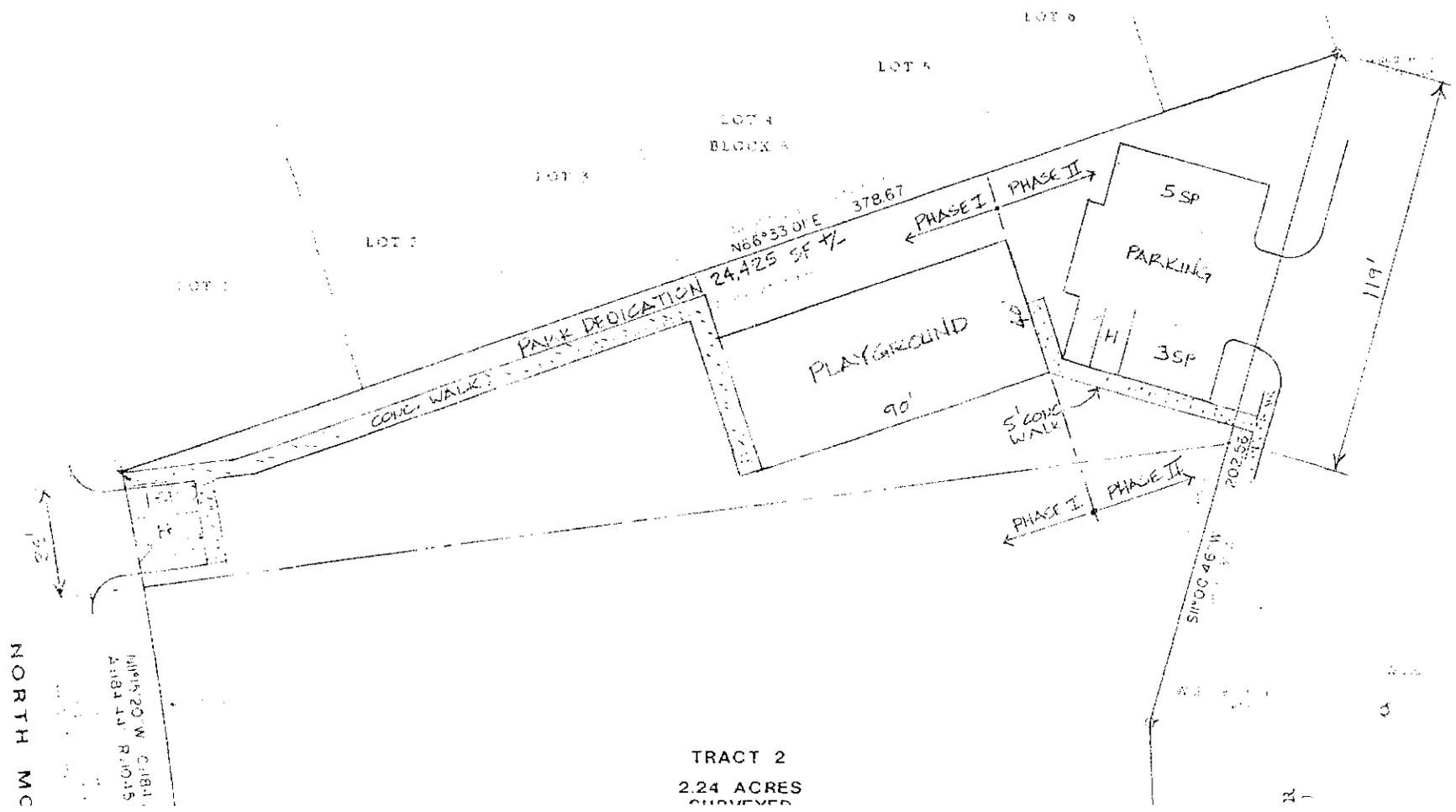
ALTERNATIVE CLASSIFICATIONS: The CLB zoning classification is more restrictive than the CMB classification, but would still allow some light commercial uses such as child care center, bed and breakfast inn, offices, barber/beauty shops, art/music/dance studios, and educational facilities by-right. Retail, restaurants, and financial institutions are allowed only upon approval of a specific use permit by the Planning and Zoning Commission. However, drive-up windows and vehicle fuel sales are prohibited for all uses in the CLB district.

RESPONSE TO NOTIFICATION: Fifteen letters of protest are attached to the staff report for the concurrent application ZC-18-05, which was submitted by the same applicant for the vacant property on the west side of North Mockingbird Lane. Seven citizens spoke in opposition at the Planning and Zoning Commission public hearing, and four of the seven citizens had submitted letters of protest that are included in the total of 15. All of the letters and speakers in opposition were against both this zoning change and the concurrent application ZC-18-05 for a zoning change on the vacant parcel on the west side of North Mockingbird Lane. One citizen other than the applicant spoke in favor.

Parkland Dedication
1511 W San Antonio St
0.556 Ac

5079523

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TRACT 2
 2.24 ACRES
 SURVEYED

PARK PLAN

2/12/18

SCALE 30 FT



ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Maudith Knight
DAY-TIME TELEPHONE 512-964-1523
E-MAIL mknight@kreaustin.com

ADDRESS 307 E 2nd St
Austin, Tx 78701

OWNER NAME JHK, LLC
DAY-TIME TELEPHONE 512-964-1523
E-MAIL mknight@kreaustin.com

ADDRESS Same

PROPERTY

ADDRESS OR GENERAL LOCATION North side ^{15th} 1500 Block W San Antonio St.

LEGAL DESCRIPTION (IF PLATTED) Metes + Bounds

SIZE 2.244 ACRE(S) LAND USE PLAN DESIGNATION Light-Med, Commercial

EXISTING USE OF LAND AND/OR BUILDING(S) Vacant Land

PROPOSED NEW USE, IF ANY Commercial

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION RLD + RMD

TO PROPOSED ZONING CLASSIFICATION CMB + PI

REASON FOR REQUEST Achieve consistency with the city's Future Land Use Plan.

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 194.80 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE *AMMight*

DATE 3/19/18

OFFICE USE ONLY

ACCEPTED BY *Don Gibson*

RECEIPT NUMBER 740230

DATE SUBMITTED 3-19-18

CASE NUMBER ZC - 18 - 06

DATE NOTICES MAILED 3-26-18

DATE NOTICE PUBLISHED 3-29-2018

PLANNING AND ZONING COMMISSION MEETING DATE 4-11-18

PLANNING AND ZONING COMMISSION RECOMMENDATION Approval 4-1

CITY COUNCIL MEETING DATE 4-17-18

DECISION _____



**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date: April 17, 2018				
Department: Economic Development		Initials	Date	
Department Head: Robert Tobias	Asst. City Manager			
Dept. Signature:	City Manager	CC for VR	4-13-2018	
Agenda Item Coordinator/Contact (include phone #): Robert Tobias (512) 376-0856				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action to consider Resolution 2018-08 of the City Council of the City of Lockhart, Texas approving incentives up to \$491,049 contingent on creating up to 75 new full-time equivalent (FTE) jobs with an average annual wage of \$35,000 and a \$15 million capital investment, \$5 million of which is for land, for the FreshBox Farms project as recommended by the Lockhart Economic Development Corporation for the building, infrastructure, impact fees and other related improvements that are required or suitable for the development, retention, or expansion of facilities to promote or develop new or expanded business enterprises, and to create or maintain new jobs. (FIRST READING)				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S): LEDC, Texas Capital Fund, other				
SUMMARY OF ITEM				
The Lockhart Economic Development Corporation (LEDC) will consider approval of LEDC Resolution 2018-01 at its board meeting on April 16, 2018. A notice of the public hearing was published in the newspaper as required and a public hearing will be hosted by the LEDC Board, at which FreshBox Farms will share their comments on the company's plans for its proposed business in Lockhart. LEDC will consider if these funds can be used to promote or develop new or expanded business enterprises that create or retain new jobs. (A SECOND READING IS REQUIRED BEFORE CITY COUNCIL CAN VOTE ON THIS PROJECT)				
STAFF RECOMMENDATION				
First reading regarding Resolution 2018-08 of the City of Lockhart, Texas approving a Project under Section 4B of The Texas Economic Development Corporation Act of 1979, to fund up to \$491,049 for the building, infrastructure, impact fees and other related improvements related to the FreshBox Farms Project.				
List of Supporting Documents: Resolution 2018-08, LEDC Resolution 2018-01, LEDC Agenda, Public Hearing Notice and Lockhart Incentive Application		Other Departments, Boards, Commissions or Agencies: Lockhart Economic Development Corporation		

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RESOLUTION NO. 2018-08

A RESOLUTION OF THE CITY COUNCIL OF LOCKHART, TEXAS PROVIDING UP TO \$491,049 OF INCENTIVES FOR THE FRESHBOX FARMS PROJECT UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR LAND AND INFRASTRUCTURE IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN NEW JOBS

WHEREAS, the Lockhart Economic Development Corporation (“LEDC”) is a Type B corporation created and operated pursuant to the Texas Economic Development Act of 1979, as amended (“the Act”); and

WHEREAS, the Act provides for the funding of certain projects for the development, retention, or expansion of facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, create or retain jobs within the state, promote new or expanded business development, and construct infrastructural improvements for new or expanded business enterprises; and

WHEREAS, LEDC approved a project named FRESHBOX FARMS after proper public notice and a public hearing on April 16, 2018, for an incentive amount not to exceed \$491,049 based on a \$15 million investment (includes \$5 million of land purchase) in the project with a minimum of 75 new full-time equivalent (FTE) jobs at an average annual wage of \$35,000 to be created and retained for a minimum of five years; and

WHEREAS, the LEDC has determined that the FRESHBOX FARMS project (a) meets the requirements for a project under the Act; (b) serves as a public purpose by contributing to the development, retention, or expansion facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to the creation or retention of jobs within the City, County and State; and (c) should be approved and funded.

NOW, THEREFORE, BE IT RESOLVED BY THE LOCKHART CITY COUNCIL THAT:

SECTION 1. The facts and findings described in the preamble of this resolution are incorporated herein as if fully set out.

SECTION 2. The infrastructure improvements project costs and other associated development costs are HEREBY APPROVED as follows:

The LEDC shall provide up to \$491,049 of incentives for land, infrastructure and other development costs subject to the conditions as set out in Exhibit A Economic Development

Performance Agreement attached hereto and in Chapters 501, 504, and 505 of the Texas Economic Development Corporation Act of 1979.

PASSED AND ADOPTED at a meeting of the Lockhart City Council held on this _____ day of _____, 2018.

City of Lockhart

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning, City Attorney

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EXHIBIT A

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT

This Economic Development Performance Agreement (“Agreement”) is made and entered into by and between THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION OF LOCKHART, TEXAS (“LEDC”), a Type B Economic Development Corporation and FRESHBOX FARMS.

RECITALS

WHEREAS, FRESHBOX FARMS desires to expand to the City of Lockhart, Texas (“City”) and participate in the Economic Development Program established in this Agreement; and

WHEREAS, the LEDC desires to establish the Economic Development Program outlined herein and to offer incentives to FRESHBOX FARMS to locate such business in the City; and

WHEREAS, LEDC is authorized to promote state and local economic development and to stimulate business and commercial activity within the City, and LEDC has determined that substantial economic benefits, including an increase in the City’s tax rolls, an increase in sales tax revenues, and the creation of new opportunities for local employment, will accrue to the City and the surrounding area, if such business is successfully developed on such property; and

WHEREAS, LEDC and FRESHBOX FARMS desire to enter into this Agreement in order to comply with Sec. 501.158, Texas Local Government Code, which requires an economic development corporation, in order to offer incentives or make expenditures on behalf of a business enterprise under a project, to enter into a performance agreement that addresses a schedule of jobs created or retained, capital investment to be made, direct incentives provided, and the terms under which repayment shall be made in the event a business enterprise does not meet the requirements specified in the Agreement;

NOW THEREFORE, in consideration of the foregoing and the covenants, agreements, representations, and warranties hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LEDC and FRESHBOX FARMS agree as follows:

AGREEMENTS

Section 1. Recitals

The recitals set forth above are incorporated herein by reference as if fully set forth in their entirety.

Section 2: Term

The term of this Agreement shall be five (5) years from the 1st day of the month following the beginning of business operations by FRESHBOX FARMS. When used hereafter, the phrase “duration of this Agreement” shall mean the term as defined above.

Section 3. LEDC Requirements

In consideration of FRESHBOX FARMS agreement to locate its business within the City and to perform the other acts hereinafter described, LEDC agrees it will provide incentives up to \$491,049 for land, building, infrastructure, and other associated development costs in consideration of FRESHBOX FARMS creating up to 75 FTE jobs with an average annual wage of \$35,000 per year which are subject to the conditions set out herein and in Chapter 505 of the Local Government Code (formerly Section 4B, of the Texas Economic Development Corporation Act of 1979). The amount of financial incentive benefits that FRESHBOX FARMS will retain from the LEDC project funds is subject to the number of jobs created, as described in 4(b) below.

Section 4. FRESHBOX FARMS Requirements

In consideration of LEDC agreeing to perform the foregoing, FRESHBOX FARMS agrees:

- (a) To locate and construct a building and other improvements in City of Lockhart;
- (b) To employ up to 75 Full Time Equivalent (“FTE”) employees at an average annual wage of \$35,000 from the date that FRESHBOX FARMS opens for business and to continue employing at least that number thereafter until the end of the term of this Agreement. The term “Full Time Equivalent,” as used in this Agreement, shall mean employment worked by one or more people during a calendar year that is equal to a total of at least 2,080 hours;
- (c) To keep current in the payment of taxes owed to any taxing jurisdiction in which the Property is located.

Section 5. Recapture/Termination

(a) In the event that FRESHBOX FARMS begins operating its business, but subsequently discontinues operating its business in such for any reason (a “Business Interruption”), except as a result of fire, explosion, or other casualty or accident, force majeure or other natural disaster, war or civil unrest, a taking under eminent domain, regulatory restrictions of any applicable governmental entity which makes conduct of the FRESHBOX FARMS illegal or economically untenable, or other event beyond the reasonable control of FRESHBOX FARMS: (the “Business Interruption Exceptions”) for a period of more than one hundred eighty (180) days during the duration of this Agreement, then in such event FRESHBOX FARMS shall be required to repay to LEDC

any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of such period.

(b) In the event that FRESHBOX FARMS shall fail to repay the LEDC within thirty (30) days of the date such repayment is due, FRESH BOX FARMS hereby agrees that the LEDC may place a lien on the Properties for full repayment of any monies expended. The burden shall be upon FRESHBOX FARMS to prove to the satisfaction of the LEDC that the discontinuance of operating its business was a result of one of the Business Interruption Exceptions. In the event FRESHBOX FARMS meets this burden and the LEDC is satisfied that the discontinuance of the operation of the manufacturing facility was the result of events beyond the control of FRESHBOX FARMS, the parties shall commemorate such satisfaction in a document signed and dated by the Parties. FRESHBOX FARMS shall then have a period of one (1) year from the date operations of its business were discontinued in which to resume business operations.

(c) In the event that following a Business Interruption which may reasonably be cured within one year of the cessation of business operations, business operations fail to resume within one (1) year, FRESHBOX FARMS shall be required to repay LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of the one year period. In the event that FRESHBOX FARMS shall fail to timely repay the LEDC, FRESHBOX FARMS hereby agrees that the LEDC may place a lien on the Properties for full payment of such monies.

(d) In the event that FRESHBOX FARMS allows ad valorem taxes owed to the City of Lockhart, Texas on the Property, or its business personal property or inventory to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, FRESHBOX FARMS shall be required to repay LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following such event. In the event that FRESHBOX FARMS shall fail to timely repay the LEDC, FRESHBOX FARMS hereby agrees that the LEDC may place a lien on FRESHBOX FARMS assets for full payment of such monies.

Section 6. Certification of Compliance by FRESHBOX FARMS

On or before March 1 of each year that this Agreement is in effect, FRESHBOX FARMS shall upon request certify in writing to the LEDC that it is in compliance with all provisions of this Agreement. Such certification shall include any and all documentation required by the LEDC establishing that FRESHBOX FARMS has met the annual employment requirement for the previous year and that all taxes related to the Property have been paid in full as required by law. The LEDC, upon reasonable notice and at any reasonable time, shall have the right to review any and all records of related to the provisions of this Agreement, including but not limited to FTE positions created or retained, capital investments made, and use or distribution of and direct incentives received.

Section 7. Dispute Resolution, Applicable Law, Venue, and Attorneys Fees

(a) In the event of any controversy or claim arising out of or relating to this Agreement or the breach of this Agreement, the parties shall attempt in good faith to resolve the same by good faith mediation before a mediator agreed to by the parties. LEDC and FRESHBOX FARMS expressly waive any statutory or other legal requirement that may exist for serving notices or engaging in alternative dispute resolution prior to doing so.

(b) In the event that the claim or controversy is not settled by mediation or any other alternative dispute resolution method agreed to by the parties, either party may file suit in a court of competent jurisdiction sitting in the State of Texas. Venue shall lie in Caldwell County, Texas. The prevailing party in any litigation arising out of this Agreement shall be entitled to recover its reasonable and necessary costs and attorney's fees from the non-prevailing party pursuant to applicable law.

Section 8. Entire Agreement

This Agreement, when executed, contains the entire agreement between the LEDC and FRESHBOX FARMS with respect to the transactions contemplated herein. This Agreement may be amended, altered, or revoked only by written instrument signed by the LEDC and FRESHBOX FARMS.

Section 9. Successors and Assigns

This Agreement may not be assigned to any third party by FRESHBOX FARMS without the written consent of LEDC. In the event of such assignment or in the event of legal succession of FRESHBOX FARMS interest in this Agreement by operation of law, this Agreement shall be binding on and inure to the benefit of such assign or successor.

Section 10. Notices

Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such addresses provided by the parties in writing hereafter:

FRESHBOX FARMS:

Chief Financial Officer
FreshBox Farms
2076 Zanker Road
San Jose, CA 95131

Lockhart Economic Development Corporation:
President
Lockhart Economic Development Corporation
308 W. San Antonio
P.O. Box 239
Lockhart, TX 78644

Section 11. Interpretation

Regardless of the actual drafter of this Agreement, this Agreement shall in the event of dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against either party.

Section 12. Severability

In the event that any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then and in that event it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

Section 13. Mutual Assistance

LEDC and FRESHBOX FARMS agree to do all things reasonably necessary and appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____ day of _____, 2018.

THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION: **ATTEST:**

Vance Rodgers, LEDC President

Robert Tobias, LEDC Secretary

FreshBox Farms:

Chief Financial Officer

State of Texas)
)
County of Caldwell)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Vance Rodgers, known to me to be the President of the Lockhart Economic Development Corporation of Lockhart, Texas.

Notary Public State of Texas

My Commission expires:

State of Texas)
)
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Dave Vosburg, known to me to be the Chief Financial Officer of FreshBox Farms, acting on behalf of such corporation.

Notary Public State of Texas

My Commission expires:

PUBLIC NOTICE
LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC)
AGENDA
Monday – April 16, 2018 – 6:00 P.M.
CITY HALL – GLOSSERMAN ROOM
308 W. SAN ANTONIO STREET, LOCKHART TEXAS

1. **CALL TO ORDER**

2. **DISCUSSION AND/OR ACTION**

- A. Discussion and/or action to consider approval of the minutes of March 19, 2018 meeting.
- B. Discussion and/or action regarding the sales tax and financial report.

EXECUTIVE SESSION in accordance with the provisions of the Government Code, Title 5, Subchapter D. **Section 551.087 to deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental bodies and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.**

3. **OPEN EXECUTIVE SESSION**

- A. Discussion regarding FreshBox Farms and proposed incentive to expand its business to Lockhart with an estimated initial investment of \$15 million investment (includes \$5 million for purchase of land) and creating and maintaining up to 75 new full time equivalent jobs with an average annual wage of \$35,000.

4. **CLOSE EXECUTIVE SESSION**

Note: LEDC will consider items discussed in Executive Session after holding the public hearing.

5. **PUBLIC HEARING**

- A. Hold a public hearing regarding the proposed development of FreshBox Farms that includes an initial estimated investment of \$15 million (includes \$5 million for purchase of land) and the employment of up to 75 full time equivalent employees with an average annual wage of \$35,000 to be maintained over the five (5) year agreement period with reimbursable incentives worth up to \$99,009 (\$491,049 - \$392,040-land).

6. **DISCUSSION AND/OR ACTION**

- A. Discussion and/or action to consider the approval of LEDC Resolution 2018-01 related to the FreshBox Farms project and associated Performance Agreement funding up to \$491,049 for land, infrastructure improvements, and related development costs that are required or suitable for the development, retention or expansion of facilities to promote or develop new or expanded business enterprises, and to create and maintain new jobs.

7. **PROJECT UPDATES**

8. **ADJOURN**

If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Lockhart Economic Development Corporation will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D) to consider one or more matters pursuant to the following:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and or settlement offer; (2) and or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073. To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.076. To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.086. To deliberate vote or take final action on any competitive matters relating to public power utilities.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

Section 551.088. To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.

After discussion of any matters in executive session, any final action or vote taken will be in public by the Lockhart Economic Development Corporation.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 W. San Antonio Street, Lockhart, Texas, on the 13th day of April 2018 at 12:05 pm.

Robert Tobias, Secretary
LEDC

LEDC Agenda
April 16, 2018
2 of 2

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**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2018-01**

A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) FOR PROVIDING UP TO \$491,049 OF INCENTIVES FOR THE FRESHBOX FARMS PROJECT UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR LAND AND INFRASTRUCTURE IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN NEW JOBS

WHEREAS, the Lockhart Economic Development Corporation (“LEDC”) is a Type B corporation created and operated pursuant to the Texas Economic Development Act of 1979, as amended (“the Act”); and

WHEREAS, the Act provides for the funding of certain projects for the development, retention, or expansion of facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, create or retain jobs within the state, promote new or expanded business development, and construct infrastructural improvements for new or expanded business enterprises; and

WHEREAS, LEDC approved a project named FRESHBOX FARMS after proper public notice and a public hearing on April 17, 2018, for an incentive amount not to exceed \$491,049 based on a \$15 million investment (includes \$5 million of land purchase) in the project with a minimum of 75 new full-time equivalent (FTE) jobs at an average annual wage of \$35,000 to be created and retained for a minimum of five years; and

WHEREAS, the LEDC has determined that the FRESHBOX FARMS project (a) meets the requirements for a project under the Act; (b) serves as a public purpose by contributing to the development, retention, or expansion facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to the creation or retention of jobs within the City, County and State; and (c) should be approved and funded.

NOW, THEREFORE, BE IT RESOLVED BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION THAT:

SECTION 1. The facts and findings described in the preamble of this resolution are incorporated herein as if fully set out.

SECTION 2. The infrastructure improvements project costs and other associated development costs are HEREBY APPROVED as follows:

The LEDC shall provide up to \$491,049 of incentives for land, infrastructure and other development costs subject to the conditions as set out in Exhibit A Economic Development

Performance Agreement attached hereto and in Chapters 501, 504, and 505 of the Texas Economic Development Corporation Act of 1979.

PASSED AND ADOPTED at a meeting of the Lockhart Economic Development Corporation held on this _____ day of _____, 2018.

Lockhart Economic Development Corporation

Fermin T. Islas, Chairperson

Attest:

Vance Rodgers, President

Robert Tobias, Secretary

EXHIBIT A

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT

This Economic Development Performance Agreement (“Agreement”) is made and entered into by and between THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION OF LOCKHART, TEXAS (“LEDC”), a Type B Economic Development Corporation and FRESHBOX FARMS.

RECITALS

WHEREAS, FRESHBOX FARMS desires to expand to the City of Lockhart, Texas (“City”) and participate in the Economic Development Program established in this Agreement; and

WHEREAS, the LEDC desires to establish the Economic Development Program outlined herein and to offer incentives to FRESHBOX FARMS to locate such business in the City; and

WHEREAS, LEDC is authorized to promote state and local economic development and to stimulate business and commercial activity within the City, and LEDC has determined that substantial economic benefits, including an increase in the City’s tax rolls, an increase in sales tax revenues, and the creation of new opportunities for local employment, will accrue to the City and the surrounding area, if such business is successfully developed on such property; and

WHEREAS, LEDC and FRESHBOX FARMS desire to enter into this Agreement in order to comply with Sec. 501.158, Texas Local Government Code, which requires an economic development corporation, in order to offer incentives or make expenditures on behalf of a business enterprise under a project, to enter into a performance agreement that addresses a schedule of jobs created or retained, capital investment to be made, direct incentives provided, and the terms under which repayment shall be made in the event a business enterprise does not meet the requirements specified in the Agreement;

NOW THEREFORE, in consideration of the foregoing and the covenants, agreements, representations, and warranties hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LEDC and FRESHBOX FARMS agree as follows:

AGREEMENTS

Section 1. Recitals

The recitals set forth above are incorporated herein by reference as if fully set forth in their entirety.

Section 2: Term

The term of this Agreement shall be five (5) years from the 1st day of the month following the beginning of business operations by FRESHBOX FARMS. When used hereafter, the phrase "duration of this Agreement" shall mean the term as defined above.

Section 3. LEDC Requirements

In consideration of FRESHBOX FARMS agreement to locate its business within the City and to perform the other acts hereinafter described, LEDC agrees it will provide incentives up to \$491,049 for land, building, infrastructure, and other associated development costs in consideration of FRESHBOX FARMS creating up to 75 FTE jobs with an average annual wage of \$35,000 per year which are subject to the conditions set out herein and in Chapter 505 of the Local Government Code (formerly Section 4B, of the Texas Economic Development Corporation Act of 1979). The amount of financial incentive benefits that FRESHBOX FARMS will retain from the LEDC project funds is subject to the number of jobs created, as described in 4(b) below.

Section 4. FRESHBOX FARMS Requirements

In consideration of LEDC agreeing to perform the foregoing, FRESHBOX FARMS agrees:

- (a) To locate and construct a building and other improvements in City of Lockhart;
- (b) To employ up to 75 Full Time Equivalent ("FTE") employees at an average annual wage of \$35,000 from the date that FRESHBOX FARMS opens for business and to continue employing at least that number thereafter until the end of the term of this Agreement. The term "Full Time Equivalent," as used in this Agreement, shall mean employment worked by one or more people during a calendar year that is equal to a total of at least 2,080 hours;
- (c) To keep current in the payment of taxes owed to any taxing jurisdiction in which the Property is located.

Section 5. Recapture/Termination

(a) In the event that FRESHBOX FARMS begins operating its business, but subsequently discontinues operating its business in such for any reason (a "Business Interruption"), except as a result of fire, explosion, or other casualty or accident, force majeure or other natural disaster, war or civil unrest, a taking under eminent domain, regulatory restrictions of any applicable governmental entity which makes conduct of the FRESHBOX FARMS illegal or economically untenable, or other event beyond the reasonable control of FRESHBOX FARMS: (the "Business Interruption Exceptions") for a period of more than one hundred eighty (180) days during the duration of this Agreement, then in such event FRESHBOX FARMS shall be required to repay to LEDC

any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of such period.

(b) In the event that FRESHBOX FARMS shall fail to repay the LEDC within thirty (30) days of the date such repayment is due, FRESH BOX FARMS hereby agrees that the LEDC may place a lien on the Properties for full repayment of any monies expended. The burden shall be upon FRESHBOX FARMS to prove to the satisfaction of the LEDC that the discontinuance of operating its business was a result of one of the Business Interruption Exceptions. In the event FRESHBOX FARMS meets this burden and the LEDC is satisfied that the discontinuance of the operation of the manufacturing facility was the result of events beyond the control of FRESHBOX FARMS, the parties shall commemorate such satisfaction in a document signed and dated by the Parties. FRESHBOX FARMS shall then have a period of one (1) year from the date operations of its business were discontinued in which to resume business operations.

(c) In the event that following a Business Interruption which may reasonably be cured within one year of the cessation of business operations, business operations fail to resume within one (1) year, FRESHBOX FARMS shall be required to repay LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of the one year period. In the event that FRESHBOX FARMS shall fail to timely repay the LEDC, FRESHBOX FARMS hereby agrees that the LEDC may place a lien on the Properties for full payment of such monies.

(d) In the event that FRESHBOX FARMS allows ad valorem taxes owed to the City of Lockhart, Texas on the Property, or its business personal property or inventory to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, FRESHBOX FARMS shall be required to repay LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following such event. In the event that FRESHBOX FARMS shall fail to timely repay the LEDC, FRESHBOX FARMS hereby agrees that the LEDC may place a lien on FRESHBOX FARMS assets for full payment of such monies.

Section 6. Certification of Compliance by FRESHBOX FARMS

On or before March 1 of each year that this Agreement is in effect, FRESHBOX FARMS shall upon request certify in writing to the LEDC that it is in compliance with all provisions of this Agreement. Such certification shall include any and all documentation required by the LEDC establishing that FRESHBOX FARMS has met the annual employment requirement for the previous year and that all taxes related to the Property have been paid in full as required by law. The LEDC, upon reasonable notice and at any reasonable time, shall have the right to review any and all records of related to the provisions of this Agreement, including but not limited to FTE positions created or retained, capital investments made, and use or distribution of and direct incentives received.

Section 7. Dispute Resolution, Applicable Law, Venue, and Attorneys Fees

(a) In the event of any controversy or claim arising out of or relating to this Agreement or the breach of this Agreement, the parties shall attempt in good faith to resolve the same by good faith mediation before a mediator agreed to by the parties. LEDC and FRESHBOX FARMS expressly waive any statutory or other legal requirement that may exist for serving notices or engaging in alternative dispute resolution prior to doing so.

(b) In the event that the claim or controversy is not settled by mediation or any other alternative dispute resolution method agreed to by the parties, either party may file suit in a court of competent jurisdiction sitting in the State of Texas. Venue shall lie in Caldwell County, Texas. The prevailing party in any litigation arising out of this Agreement shall be entitled to recover its reasonable and necessary costs and attorney's fees from the non-prevailing party pursuant to applicable law.

Section 8. Entire Agreement

This Agreement, when executed, contains the entire agreement between the LEDC and FRESHBOX FARMS with respect to the transactions contemplated herein. This Agreement may be amended, altered, or revoked only by written instrument signed by the LEDC and FRESHBOX FARMS.

Section 9. Successors and Assigns

This Agreement may not be assigned to any third party by FRESHBOX FARMS without the written consent of LEDC. In the event of such assignment or in the event of legal succession of FRESHBOX FARMS interest in this Agreement by operation of law, this Agreement shall be binding on and inure to the benefit of such assign or successor.

Section 10. Notices

Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such addresses provided by the parties in writing hereafter:

FRESHBOX FARMS:

Chief Financial Officer
FreshBox Farms
2076 Zanker Road
San Jose, CA 95131

Lockhart Economic Development Corporation:

President
Lockhart Economic Development Corporation
308 W. San Antonio
P.O. Box 239
Lockhart, TX 78644

Section 11. Interpretation

Regardless of the actual drafter of this Agreement, this Agreement shall in the event of dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against either party.

Section 12. Severability

In the event that any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then and in that event it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

Section 13. Mutual Assistance

LEDC and FRESHBOX FARMS agree to do all things reasonably necessary and appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____ day of _____, 2018.

**THE LOCKHART ECONOMIC
DEVELOPMENT CORPORATION:**

ATTEST:

Vance Rodgers, LEDC President

Robert Tobias, LEDC Secretary

FreshBox Farms:

Chief Financial Officer

State of Texas)
)
County of Caldwell)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Vance Rodgers, known to me to be the President of the Lockhart Economic Development Corporation of Lockhart, Texas.

Notary Public State of Texas

My Commission expires:

State of Texas)
)
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Dave Vosburg, known to me to be the Chief Financial Officer of FreshBox Farms, acting on behalf of such corporation.

Notary Public State of Texas

My Commission expires:

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
 POTENTIAL VALUE OF INCENTIVES PACKAGE
 PROSPECT: PROJECT SOAR**

RECOMMENDED 4-10-2018

Incentives to locate \$15 million project (includes \$5 million for land purchase) to Lockhart with 75 FTE jobs with an average annual wage of \$35,000; total payroll of \$3.5 million

LEDC INCENTIVES PROPOSED:	INCENTIVE AMOUNTS UP TO:	
* Purchase and gift 5 acres of land adjacent to SH 130 frontage north bound just north of railroad line including surveying, subdividing, and legal fees	\$	392,040
** Reimburse impact, building/inspection fees, water/sewer taps	\$	59,009
Transformers (with proof of cost to company)	\$	40,000
LEDC INCENTIVES PROPOSED UP TO:	\$	491,049
* Lien on land by LEDC until Certificate of Occupancy issued		
** Reimbursement to be pro-rated based on % of investment completed and job requirements		
Extension of Water/Sewer Mains Value by City of Lockhart most of which to be paid by Texas Capital Grant	\$	414,000
Balance of \$750,000 Texas Capital Fund Grant could come in form of 0% loan	\$	336,000

All above potential incentives subject to approval by LEDC and City Council

According to State officials, TEF fund very unlikely
 Checking w ACC re value of Skills Development Fund
 Checking w State officials re Enterprise Zone designation and value
 Bluebonnet Electric will offer LCRA ED electric incentive rate

Lindsay Dennis, Gov Ofc
 Hector Aguilar, ACC
 Zach Scott, Gov Ofc
 Wesley Brinkmeyer, BEC

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**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
PUBLIC HEARING NOTICE**

The Directors of the Lockhart Economic Development Corporation (LEDC) will conduct a public hearing on Tuesday, April 10, 2018, at 6:00 p.m. in the Glosserman Room at Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas to discuss a project under Section 4B of the Texas Economic Development Corporation Act of 1979.

The Public Hearing is to consider a new project, Project Soar, which is considering an expansion to Lockhart. The company plans to purchase property on which to build a manufacturing facility. The initial capital investment is estimated at \$15,000,000 and the company will create up to 75 new jobs. The LEDC will be considering possible reimbursable incentives to be offered to the company to help facilitate their investment and expansion to Lockhart.

All interested parties are encouraged to attend and present their views. Persons with disabilities that plan to attend this meeting should contact the City Secretary's office to arrange for assistance. Individuals who require aids or services for this meeting should contact City Hall at least two days before the meeting.

Lockhart Economic Development Corporation

Lockhart

Economic  Development

Business Information Form

Date Received: _____ Project: Project Soar

INSTRUCTIONS

The Business Information Form is intended for internal economic development analysis and efforts will be made to restrict circulation of the information included on the form to appropriate members of Caldwell County. However, please note that the Texas Open Records Act provides that information collected, assembled, or maintained by the County under a law or ordinance or in connection with the transaction of official business is generally considered to be public information. However, the Texas Public Information Act does provide that information relating to economic development negotiations with a business prospect is withheld from disclosure unless and until an agreement is reached. If an agreement has been reached and is ready for Caldwell County consideration, this document may be posted to Caldwell County's website for public disclosure.

Questions or Comments

Please contact
Director of Economic Development, City of Lockhart
rtobias@lockhart-tx.org
308 W. San Antonio
Lockhart, TX 78644
(P) 512-398-3461 x233

CERTIFICATION OF APPLICATION – BUSINESS

Authorized Business Representative (This is the Applicant)

First Name Dave Last Name Vosburg
Title CFO & SVP
Organization Crop One Holdings, Inc., dba FreshBox Farms
Street Address 2076 Zanker Road
Mailing Address _____
City San Jose State CA Zip 95131 - _____
Phone Number 650-713-7086 Fax Number _____
Mobile Number 650-713-7086 Website https://freshboxfarms.com/
Email Address DVosburg@freshboxfarms.com

The following consultant is authorized to provide and obtain information related to this application. However, the City of San Marcos reserves the right to contact the applicant business directly at any time.

Consultant Name Larry Kramer, Incentis Group Phone Number 216-408-1133
Consultant Email LKramer@incentisgroup.com

To the best of my knowledge and belief, the information contained in this Caldwell County Application is true and correct, as evidenced by my signature below. I further certify that the business entity is in good

standing under the laws of the state in which the entity was organized and that no delinquent taxes are owed to any taxing entity within Caldwell County, TX.

Signature _____ Date _____
(Primary Business Representative)

BUSINESS APPLICANT INFORMATION

1A. Exact legal name of the entity applying to the Caldwell County incentive.

For New Markets Tax Credit purposes, the real estate and machinery and equipment investment may be made by an SPE that is wholly-owned by Crop One Holdings, Inc., dba FreshBox Farms. The employer at the facility, Crop One Holdings, Inc., dba FreshBox Farms, will be the tenant who leases property from the SPE.

1B. In addition to the Applicant, list all corporate subsidiaries under which jobs will be reported for this project.

Crop One Holdings, Inc. dba FreshBox Farms

Federal Tax ID number 45-4103947 Comptroller of Public Accounts number N/A Will be a new entity in TX

Corporate credit rating and source N/A Service / product produced Hydroponic Leafy Greens

Will the Business be required to pay state sales and use tax on equipment? Yes No Undetermined

NAICS Code 311991 Perishable Prepared Food Manufacturing

INDUSTRY CLUSTER

If applicable, identify the targeted industry cluster within which this project falls.

- Advanced Technologies and Manufacturing, including four sub-clusters: Nanotechnology and Materials; Micro-electromechanical Systems; Semiconductor Manufacturing; Automotive Manufacturing
- Aerospace, Aviation and Defense
- Biotechnology and Life Sciences, not including medical services
- Information and Computer Technology, including three sub-clusters: Communications Equipment; Computing Equipment and Semiconductors; Information Technology
- Petroleum Refining and Chemical Products
- Energy, including three sub-clusters: Oil and Gas Production; Power Generation and Transmission; Manufactured Energy Systems
- None apply

PROJECT INFORMATION

Please describe the Project:

FreshBox Farms specializes in hydroponically grown, eco-friendly and hyper-local food. We use our patented indoor hydroponics technologies processes to grow cleaner, safer, greener produce in a fraction of the time and at a fraction of the costs associated with other types of farming.

Hydroponic is a growing method where roots sit in filtered circulating water that delivers the nutrients needed for growth instead of the plant's roots burrowing through soil to find nutrients. Being able to provide the plants exactly what they need during growth ensures ultimate freshness, no exposure to pesticides or herbicides, and consistently tasty greens. FreshBox Farms uses its patented Hydroponic process to grow spinach, kale, arugula, rainbow chard, romaine and other blends of healthy greens. It is estimated that within five years that 50% or more of leafy greens grown and processed in the U.S. will be done in hydroponically or using similar technologies.

We use modular enclosures to grow our produce. Each enclosure is outfitted with high tech growing equipment that creates a hyper-growth-controlled environment. These enclosures are grouped into multiple units called "Box Farms". Each enclosure can produce between 2 and 18 acres of produce, with one of our farms in a 100,000 square foot building producing the equivalent of 400 to 3,600 acres of food. Our strategy is to place a group of units (a Box-Farm) at or as close to our local customers as possible, which allows us to pass our produce directly to our transport providers to ensure the freshest greens possible.

In keeping with our strategy to place our hydroponic facilities in close proximity to our customers, FreshBox Farms is proposing to expand its service territory with the opening of a new vertical growing facility covering approximately 70,000-100,000 square feet in a new facility in Lockhart, TX to serve the Austin, San Antonio, and Houston markets.

The construction of a new facility in Lockhart will require investment of approximately \$15.5 Million in improvements that will be made in the construction and equipping of a new facility. The building construction will include high quality HVAC and air filtration systems, including Carbon Dioxide controls. Equipment will include shelves, racking, production lighting, HVAC, control systems, etc. The facility will produce the cleanest, freshest lettuces and herbs in the state for local consumption

Is the company considering other Texas Locations? Yes No

Is the company considering other U.S. Locations? Yes No

Is the company considering other Global Locations? Yes No

Market for Product of Activity: Local State U.S. Global

Location of Planned Investment:

The company is proposing investment in a new facility in Caldwell County, in northwest Lockhart. There is no street address for the undeveloped land. The proposed project site is bordered to the west by TX-130 and to the South by the railroad tracks. The site is southwest of Silent Valley Road. The Company will purchase 5 to 10 acres.

Project Timeline

Expected Start Date: August 2018 (Property Acquisition)

Expected Complete Date: Q2 2019

Project Capital Investment (U.S. Dollars)

Leasing Plans: Yes No

Land: TBD Total Acres: 5-10 Acres

Building: \$5,000,000 Square Feet: 70,000-100,000

Investment Schedule

(Please provide a 10-year list of the following items.) All figures below are estimates.

<u>Year</u>	<u>Land</u>	<u>Building</u>	<u>M&E</u>	<u>FF&E</u>	<u>Taxable Inventory</u>	<u>Labor</u>	<u>Total</u>
2018	TBD	\$4,000,000	\$2,000,000	TBD	\$0	\$140,000	\$6,140,000
2019	\$0	\$1,000,000	\$8,000,000	TBD	TBD	\$1,295,000	\$10,295,000
2020	\$0	\$0	\$0	\$0	TBD	\$1,890,000	\$2,278,500
2021	\$0	\$0	\$0	\$0	TBD	\$2,415,000	\$2,803,500
2022	\$0	\$0	\$0	\$0	TBD	\$2,870,000	\$3,258,500
TOTALS	TBD	\$5,000,000	\$10,000,000	TBD	TBD, under review	\$8,610,000	\$24,919,750

PROJECT TOTAL \$24,919,750

Depreciation Schedule

<u>Item</u>	<u>Years</u>	<u>Percent per Year</u>	<u>Item</u>	<u>Years</u>	<u>Percent per Year</u>
Machinery	_____	_____	Building	_____	_____
Equipment	_____	_____	Other	_____	_____

Job Categories and Wage Distributions

Job Category	Number of Jobs (employed by company)	Number of Jobs (vendor or contract)	Average Annual Wages	Percent to be Locally Hired
Management	1	N/A	\$70,000	TBD
Sales	3	N/A		30-60%
Plant Scientists	3	N/A		TBD
Administrative	1	N/A	\$25,000-45,000	50-100%
Maintenance	2	N/A		50-100%
Harvesters & Pickers	65	N/A		30-60%
Total	75	N/A		

Note: We have assumed local hiring to be based on hiring County residents. The above figures are estimates which will be refined as operations commence and we determine the quantity of eligible applicants within the local market.

What is the expected average wage for the lowest paid 10% of local workers? Approximately \$8-10/hr for entry-level positions.

JOB CREATION & INVESTMENT SCHEDULE

Year	Existing Jobs On Site	New Jobs	Total
1 (2018)	0	2	2
2 (2019)	2	30	32
3 (2020)	32	15	47
4 (2021)	47	15	62
5 (2022)	62	13	75
6			
7			
8			
9			
10			
Total		75	75

Note: A breakdown of the types of new full-time jobs to be created by classification, title, and the salary may be requested

Number of new full-time jobs to be included in City Agreement 50, by 2022

Estimated annual *median* wage of new jobs to be created \$35,000

Note: The median wage is determined by listing all salaries in ascending order and selecting the value with equal number of salaries above and below its value, or with an average of the two middle values if there is no middle number.

SERVICE REQUIREMENTS

Electric

Peak Monthly Demand in Kilowatts (KW): Estimated 3,000

Average Monthly Usage in Kilowatt Hours (kWh): Estimated 1,000,000

Average Monthly Load Factor: Estimated 0.46

Dual Feed Required: Yes No Dual Feed is preferred but not required.

Current Rate (cents per kWh): N/A

Water

Average Monthly Usage: Approximately 750,000 liters/month

Meter Size: TBD, No known requirements for meter to exceed standard industrial size

Waste Water

Average Monthly Discharge: Approximately 700,000 liters/month

Miscellaneous

Building Size: 70,000-100,000 square feet Manufacturing Space: 65,000-90,000

Office Space: 5,000-10,000 Ceiling Heights: 20+

Acres: 5-10 Docks/Type: 2 dock-high roller doors and one drive-in roller-door

Parking Requirements: approximately 75 spaces plus truck staging

Rail: Yes No Interstate: Yes No

Commercial Airport: Yes No Fiber: Yes

ECONOMIC IMPACT OF PROJECT

Will the Project Generate:

Property Tax:
Land: Yes No
Building: Yes No
M&E: Yes No

Inventory: Yes No TBD, This is under review.
 Local Sales Tax: Yes No
 State Sales Tax: Yes No

Total annual company purchases subject to local sales tax: Approximately \$300,000 of general office materials and marketing materials. We are still working to quantify the total utility spending and what portion of it, if any, would be subject to local tax.

(For example: office supply purchases, operating expenses, and taxable professional services)

Indirect Local Revenue: Yes No

Describe:

Based on the investment of the proposed Project, the total estimated annual impact of the operations of the FreshBox Farms facility within Caldwell County would be approximately 93 jobs, including direct, indirect and induced positions, and total annual direct, indirect and induced earnings of nearly \$4,499,000 within the County. The total estimated annual economic output created by the project is \$6,200,00 within the County, with much of it occurring within the project LIC and immediately surrounding LICs.

Additionally, the construction of the facility will have a substantial one-time impact on the County and LIC as well. We estimate the construction will support approximately 111 jobs, including direct, indirect and induced positions, and total direct, indirect and induced earnings of nearly \$4,700,000 within the City during the construction period. The total estimated annual economic output created by the project construction is estimated to be \$12,370,000 within the County, with much of it occurring within the project LIC and immediately surrounding LICs.

FreshBox Farms' operations are hyper-local. While some companies define local as within up to 1,000 miles, we define local as within 100 miles of our farm. This allows FreshBox farms to deliver its produce to the stores and restaurants within 24 hours of harvest, to partner with nearby distributors, retailers and restaurants and to create more impact and more jobs within the direct communities and regions in which we operate. The facility in Lockhart will serve the San Antonio, Austin, and Houston MSAs.

Other Local Revenue: Yes No

Describe:

In addition to the meaningful economic benefits the proposed FreshBox Farms project would create in Caldwell County, FreshBox Farms is committing to significant community participation including:

- Offering its excess greens and produce to address food insecurity in the County
- Working with local food banks on workforce training and referrals
- Partnering with the local foodbanks to start up/enhance local Farmer's Market(s) and mobile markets projects
 - These will bring shoppers to central locations and create opportunities for local farmers and entrepreneurs to connect with local customers.

Does the company have either of the following: (1) Historical data that demonstrates that the company has been successful in achieving diversity in vendor contracting through its existing programs or policies, or (2) A policy or plan for establishing goals for diversity in vendor contracting:

Yes No

If so, please describe the historical data or policy/plan and attach the historical data or policy/plan:

We have not yet established this but would be happy to co-develop such a policy.

COMPANY FINANCIAL DATA

The applicant company is asked to provide three consecutive years of financial data in the form of independent, audited financial statements containing, at a minimum, the following categories:

- Current Assets
- Inventories
- Total Assets
- Current Liabilities
- Total Liabilities
- Total Equity
- Net Income
- Revenue
- Cost of Goods Sold
- Current Accounts Receivable

Note: Audited financial statements are required from the Applicant company, as listed on page 4, line 1A of this application. If financial statements are provided from a parent entity, the parent will be required to guarantee any economic development agreement with Caldwell County, should one result from this application.

LOCKHART CITY COUNCIL
SPECIAL MEETING

MARCH 29, 2018

6:30 P.M.

CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3rd FLOOR,
FIREPLACE ROOM, LOCKHART, TEXAS

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White
Councilmember John Castillo
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager

Connie Constancio, City Secretary

Citizens/Visitors Addressing the Council: Larry Gilley of Strategic Government Resources.

ITEM 1. CALL TO ORDER

Mayor Lew White called the special meeting of the Lockhart City Council to order on this date at 6:33 p.m. He announced that the Council would meet in the Council Chambers instead of the Fireplace Room in the next room.

ITEM 2. 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. DISCUSSION WITH A REPRESENTATIVE OF STRATEGIC GOVERNMENT RESOURCES TO REVIEW AND DISCUSS CITY MANAGER CANDIDATES AND THEIR APPLICATIONS.

Mayor White announced that the Council would enter Executive Session at 6:36 p.m. Larry Gilley of Strategic Government Resources joined the Council during the Executive Session.

ITEM 3. OPEN SESSION - DISCUSSION AND/OR ACTION REGARDING CITY MANAGER CANDIDATES AND THEIR APPLICATIONS.

Mayor White announced that the Council would enter Open Session at 8:18 p.m.

Mayor Pro-Tem Sanchez made a motion to proceed with the City Manager application process as discussed in Executive Session. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 4. 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 8:20 p.m.

PASSED and APPROVED this the 17th day of April 2018.

CITY OF LOCKHART

ATTEST:

Lew White, Mayor

Connie Constancio, TRMC, City Secretary

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**LOCKHART CITY COUNCIL
REGULAR MEETING**

APRIL 3, 2018

6:30 P.M.

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

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza
Councilmember Jeffrey Michelson

Mayor Lew White
Councilmember John Castillo
Councilmember Kara McGregor (arrived at 6:35 p.m.)
Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager
Jeff Hinson, Finance Director
Julie Bowermon, Civil Service Director

Connie Constancio, City Secretary
Ernest Pedraza, Police Chief
Dan Gibson, City Planner

Citizens/Visitors Addressing the Council: Representatives of the Hays-Caldwell Women’s Center; and John Guttman of JES Holdings.

Work Session 6:30 p.m.

Mayor White announced that Councilmember McGregor will be arriving soon. He opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

PRESENTATION ONLY

A. PRESENTATION OF TWO PROCLAMATIONS DECLARING APRIL AS SEXUAL ASSAULT AWARENESS & PREVENTION AND CHILD ABUSE PREVENTION & AWARENESS MONTH.

Mayor White presented the proclamations to Representatives of the Hays-Caldwell Women’s Center. HCWC announced that there would be a candlelight vigil on April 12, 2018 at City Hall, Glosserman Room to raise awareness of domestic violence and invited everyone to attend the Annual Auction on May 5, 2018 in San Marcos.

Councilmember McGregor arrived at 6:35 p.m.

B. READING OF A PROCLAMATION DECLARING APRIL 2018 AS FAIR HOUSING MONTH.

Mayor White read the proclamation declaring April 2018 as “Fair Housing Month”.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF MARCH 20, 2018.

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

B. DISCUSS ORDINANCE 2018-05 APPROVING THE LOWERING OF THE TEXAS GAS SERVICES (TGS) RATES TO REFLECT THE FEDERAL INCOME TAX (FIT) CORPORATE TAX REDUCTION FROM 35% TO 21% WHICH WAS EFFECTIVE JANUARY 1, 2018.

Mr. Rodgers stated that this ordinance approves reduction of gas rates by TGS to reflect the FIT rate reduction from 35% to 21% effective January 1, 2018. All TGS customers will receive a one-time credit for the period of January 1, 2018 through June 28, 2018, which will appear on their July bill. Rates thereafter will reflect this FIT reduction. Mr. Rodgers recommended approval. There was discussion.

C. DISCUSS ORDINANCE 2018-06 SUSPENDING THE EFFECTIVE DATE OF A TEXAS GAS SERVICES (TGS) GAS RELIABILITY INFRASTRUCTURE PROGRAM (“GRIP”) INTERIM RATE ADJUSTMENT INCREASES UNTIL JUNE 15, 2018, WHICH IS THE MAXIMUM NUMBER OF DAYS AS ALLOWED BY LAW TO PERMIT THE CITY OF LOCKHART TIME TO STUDY THE REQUEST.

Mr. Rodgers stated that Texas Gas Service has filed an interim Rate Adjustment Tariff under Section 104-301 of the Texas Utility Code. The average residential customer increase would be 88 cents per month. Commercial customer rates would increase about \$4.76 per month while industrial customers would increase about \$44.99 per month. These new rates reflect a Federal Income Tax rate decrease from 35% to 21%. This is an interim increase to recover new invested capital funds (\$28.01 million) expended in 2017 as allowed under Section 104.301, the State’s Gas Reliability Infrastructure Program (GRIP). The City Manager will discuss the proposed increases with other City Managers/Administrators in the other cities in our group to possibly seek support to hire a utility rate attorney to verify the justifiability of the proposed rate increases. Without the support of a major of those cities, the legal costs borne by Lockhart would be very high. The City can recover those legal costs from TGS but TGS would raise the rates of gas customers to pay the City for those legal costs. Based on legal advice by utility rate attorney firms in the past, there is nothing the cities can do other than delay the increase if the gas company’s data shows the interim rate increases are justifiable. Mr. Rodgers recommended approval. There was discussion.

D. DISCUSS ORDINANCE 2018-07 REPEALING UN-CODIFIED ORDINANCES 2015-18, 2018-2015-21, AND 2018-03 IN THEIR ENTIRETY AND ADOPTING UN-CODIFIED ORDINANCE 2018-07 CREATING “ASSIGNMENT PAY” FOR CERTAIN ASSIGNMENTS WITHIN THE FIRE AND POLICE DEPARTMENTS AND ESTABLISHING “SHIFT DIFFERENTIAL PAY” FOR MEMBERS OF THE POLICE DEPARTMENT.

Chief Pedraza stated that Civil Service, Chapter 143, permits an ordinance to establish assignment pay and shift differential pay for fire fighters and police officers. This was done by passing Ordinance 2015-18, Ordinance 2015-21, and Ordinance 2018-03. The proposed Ordinance 2018-07 would combine all the previous ordinances into one document and establish an assignment pay of \$200 a month for School Resource Officers (SRO). The Police Department currently has two SROs, one at the junior high campus and one at the high school campus. An SRO is a specialized assignment that involves building a working relationship with schools, students, and parents, addresses onsite security; maintains safe schools; serves as a positive role-model for students; and is a direct link with the Police Department. SRO’s are required to have additional certifications and training from the Texas Commission on Law Enforcement. SRO’s typically work an 8:45 am-4:45 pm; Monday thru Friday schedule to be available during school hours. This schedule reduces the officer’s opportunity to work extra shifts and earn over-time like other officers. The proposed assignment pay would compensate the SRO for accepting the specialized assignment. Currently, officers assigned to Criminal Investigator-Detective and Bailiff Warrant Officer receive a \$200 per month assignment pay. Mr. Rodgers recommended approval. There was discussion regarding the recruitment of officers and regarding a correction on the agenda to repeal ordinances 2015-18, 2015-21, and 2018-03, not 2015-18, 2018-21 and 2018-03.

E. DISCUSS REVISED STREET LIGHTING POLICY AS AUTHORIZED BY SECTION 52-78, STREETLIGHTS, OF THE CODE OF ORDINANCES.

Mr. Rodgers stated that the current streetlight policy needs to be updated. This proposed policy provides responsibilities of developers and the City of Lockhart. It also addresses minimum watts/lumens standards for different street classifications and other lighting safety concerns in curves, intersections, marked crosswalks, cul-de-sacs, and bulb outs. The policy also states requirements and responsibilities in newly annexed areas and existing subdivisions. Mr. Rodgers recommended approval. There was discussion.

F. DISCUSS ANNUAL SERVICES AGREEMENT WITH MOTOROLA, INC., IN THE AMOUNT OF \$140,418.50 OF WHICH \$58,507.70 IS FOR THE 215 CITY OF LOCKHART RADIOS TO COVER MAINTENANCE, REPAIRS, AND REPLACEMENT OF THE 700/800 MHZ RADIO INFRASTRUCTURE SYSTEM WHICH SUPPORTS RADIO COMMUNICATIONS FOR THE CITY OF LOCKHART, CONCESSIONS GROUP, CALDWELL COUNTY, CITY OF LULING, AND THE CITY OF MARTINDALE FROM OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019 WITH EACH ENTITY PAYING ITS SHARE OF THE COSTS BASED ON THE NUMBER OF RADIOS USING THE SYSTEM ACCORDING TO THE EXISTING INTERLOCAL AGREEMENT, AND APPOINTING THE MAYOR TO SIGN CONTRACT AGREEMENT. [FORM 1295=2018-04-03-41]

Mr. Rodgers stated that the City of Lockhart and Caldwell County have more than \$1 million dollars in radio communications equipment. This system provides radio communication capabilities for the City of Lockhart, Caldwell County, City of Luling, and the City of Martindale. The Concession Group (SH 130) now has six radios in the system as approved by the Lockhart City Council and will pay its fair share. The warranty for this Motorola equipment ended in February 2012. The proposed agreement covers maintenance, repairs, and replacements for the radio system with 24 hours response from October 1, 2018 through September 30, 2019. The cost of \$140,418.50 will be shared by all entities who benefit from the radio system based on the number of radio units in service. The cost under the Motorola Agreement for Lockhart's 215 radios is \$58,507.70 for the Fiscal Year 2018-2019 budget period. Mr. Rodgers recommended approval. There was discussion.

G. DISCUSS RESOLUTION 2018-07 NAMING THE CITY OF LOCKHART'S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT.

Mr. Rodgers stated that staff informed the Council about a vacancy to the CCAD Board of Directors during the March 20 Council meeting. Due to the 45-day notification deadline to submit a name, and if the Council chooses to make a nomination of an individual to fill the vacancy, a name should be voted on to add to the Resolution that staff will submit to the CCAD on April 4. The appointment is for the remainder of a two-year term ending December 2019. There was discussion.

H. DISCUSS RECOMMENDATIONS BY CITY MANAGER FOR USE OF UNRESTRICTED GENERAL FUND BALANCE IN THE AMOUNT OF \$499,500.

Mr. Rodgers stated that the completed Fiscal Year 2016-2017 audit was presented to the Council at the March 20 meeting. The audit reflected unrestricted fund balances for the General Fund and major utility or enterprise funds. During the Fiscal Year 2017-2018 budget process last summer, several items needed by department heads were unfunded and deferred until the Fiscal Year 2016-2017 audit was completed and fund balances confirmed. There was discussion regarding the City Manager's recommendation for use of part of the Unrestricted General Fund balance as listed below:

3-Apr-18 Requested Use of Unrestricted General Fund Balance		
FY 17-18		
<u>DEPARTMENT</u>	<u>Needed</u>	<u>\$ Amount</u>
Police Dept	3 patrol cars 2 officers being added; replacement of 1	\$ 142,500
Parks	Heavy Duty Haul Trailer to large transport mowers	\$ 5,000
	Tractor to pull large mowers in rights of way and large parcels of property belonging to City-Must start mowing State ROW inside City	
Streets		\$ 39,000
Streets	Skid Steer Load for cleaning drainage ditches, surface milling, street excavations, drilling, and broom sweep activities	\$ 78,000
Streets	8 cubic yard dump truck for hauling materials	\$ 60,000
Streets	Utility Bed for hauling signs, sign posts, concrete, grave, barricades, etc... to be mounted on existing vehicle	\$ 8,000
Streets	Brush and log Chipper	\$ 60,000
Streets	3/4 ton pickup replace 11 year old model	\$ 28,000
City Hall	Time Clock System-Replace almost 20 year old system	\$ 35,000
Mayor/Council	Professional services: Search for City Manager +expenses	\$ 44,000
Total		\$ 499,500

RECESS: Mayor White announced that the Council would recess for a break at 7:36 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the regular meeting of the Lockhart City Council to order on this date at 7:53 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. CITIZENS/VISITORS COMMENTS.

Mayor White requested citizens to address the Council. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-18-03 BY JES HOLDINGS, LLC, ON BEHALF OF MANUMIT INVESTMENT GROUP, INC., FOR A ZONING CHANGE FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING PDD-18-01, A REVISED PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN FOR MAPLE PARK, CONSISTING OF A PROPOSED MIXED-USE DEVELOPMENT ON 56.239 ACRES IN THE FRANCES BERRY SURVEY, ABSTRACT NO. 2, LOCATED ALONG THE WEST SIDE OF THE 700-1000 BLOCKS OF CITY LINE ROAD.

Mayor White opened the public hearing at 7:56 p.m. and requested the staff report.

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Mr. Gibson stated that the PDD zoning classification is intended to accommodate development with characteristics that may deviate from the normal zoning and subdivision standards. In return for such flexibility, the PDD requires an early commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications that cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan, which is adopted by-reference and cannot be changed except through the rezoning process. The subject property was rezoned from AO to PDD in 2012 concurrently with adoption of the associated PDD Development Plan for a mixed-use project. In addition, a preliminary plat was approved, and a final plat was approved for the portion between Cesar Chavez Parkway (SH 130) and the proposed new Lincoln Lane in February 2013. Construction of improvements for that section have not been completed so, therefore, the final plat is not yet recorded. In July 2017, the Council approved a zoning change and revised PDD development plan to change some land uses, the most significant of which was replacing the previous area designated as apartments to 103 small single-family homes on very small lots that were well below the minimum size required in the conventional zoning districts. The owner now wishes to make another change to the proposed land uses, which then alters the PDD Development Plan and requires rezoning from the original PDD to the revised PDD. The area previously designated for office/warehouse buildings is proposed to be changed to multi-family residential for possible senior housing, and the number of single-family lots has been reduced to 100. All other uses remain the same. Mr. Gibson stated that staff and the Planning and Zoning Commission recommend approval.

Mayor White requested the applicant to address the Council.

John Guttman of JES Holdings, applicant, stated that the PDD was revised to allow for a 48-unit senior community. He requested approval.

Mayor White requested citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 8:15 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2018-04 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 56.239 ACRES IN THE FRANCES BERRY SURVEY, ABSTRACT NO. 2, LOCATED ALONG THE WEST SIDE OF THE 700-1000 BLOCKS OF CITY LINE ROAD, FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT.

Councilmember Michelson made a motion to approve Ordinance 2018-04, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 5. CONSENT AGENDA

Mayor Pro-Tem Sanchez requested that consent agenda item 5A be pulled to allow her to abstain from voting on the item because she was not present at the March 20, 2018 meeting.

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

The following are the consent agenda items that were approved:

- 5B: Approve Ordinance 2018-05 approving the lowering of the Texas Gas Services (TGS) rates to reflect the Federal Income Tax (FIT) corporate tax reduction from 35% to 21% which was effective January 1, 2018.
- 5C: Approve Ordinance 2018-06 suspending the effective date of a Texas Gas Services (TGS) Gas Reliability Infrastructure Program ("GRIP") interim rate adjustment increases until June 15, 2018, which is the maximum number of days as allowed by law to permit the City of Lockhart time to study the request.
- 5D: Approve Ordinance 2018-07 repealing un-codified Ordinances 2015-18, 2015-21, and ~~2018~~2015-03 in their entirety and adopting un-codified Ordinance 2018-07 creating "Assignment Pay" for certain assignments within the Fire and Police Departments and establishing "Shift Differential Pay" for members of the Police Department.
- 5E: Approve revised Street Lighting Policy as authorized by Section 52-78, Streetlights, of the Code of Ordinances.
- 5F: Approve Annual Services Agreement with Motorola, Inc., in the amount of \$140,418.50 of which \$58,507.70 is for the 215 City of Lockhart radios to cover maintenance, repairs, and replacement of the 700/800 MHz radio infrastructure system which supports radio communications for the City of Lockhart, Concessions Group, Caldwell County, City of Luling, and the City of Martindale from October 1, 2018 through September 30, 2019 with each entity paying its share of the costs based on the number of radios using the system according to the existing interlocal agreement, and appointing the Mayor to sign contract agreement. [FORM 1295=2018-04-03-41]

ITEM 5-A. APPROVE MINUTES OF THE CITY COUNCIL MEETING OF MARCH 20, 2018.

Councilmember McGregor made a motion to approve the minutes. Councilmember Westmoreland seconded. The motion passed by a vote of 5-0-2, with Mayor Pro-Tem Sanchez and Councilmember Castillo abstaining.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2018-07 NAMING THE CITY OF LOCKHART'S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT.

Councilmember McGregor made a motion to approve Resolution 2018-07 naming Lucy Knight as the City of Lockhart's nominee pending Ms. Knight's acceptance. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER RECOMMENDATIONS BY CITY MANAGER USE OF UNRESTRICTED GENERAL FUND BALANCE IN THE AMOUNT OF \$499,500.

Mayor Pro-Tem Sanchez made a motion to approve the recommendations by the City Manager regarding the use of Unrestricted General Fund balance in the amount of \$499,500. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards or commissions. There were none.

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

- Update: St. Paul United Church of Christ property.
- Update: Acting Public Works Director Sean Kelley and his staff beginning to meet with Greater Caldwell County Hispanic Chamber to prepare for the Cinco de Mayo celebration event to be held the first weekend in May.
- Reminder: Burditt Consultants held meeting with Parks Master Plan Committee and is incorporating the meeting comments and any new comments received by April 6 for presentation to the Council possibly at the April 17 meeting.
- Reminder: Semi-annual cleanup in the Lockhart Cemetery beginning March 26.
- Reminder: Sip-n-Stroll event, downtown on April 7 from 1-7 p.m.
- Reminder: Residential City Wide Cleanup Event starting first Wednesday in April and each Wednesday following in April.
- Reminder: Residential Household Hazardous Waste Collection Event to be held Saturday, April 28, 2018.
- Report: Storms.
- Report: Kiwanis 5K event on March 31.
- Report: Preparation for Cinco de Mayo event downtown first weekend in May.
- Announcement: Santiago Gonzales, a long-time employee, in Vehicle Maintenance and the Water-Wastewater Department, is retiring.
- Announcement: Applications for Police Officer of certified and/or non-certified applicants are currently being accepted, deadline to apply is April 23.
- Greater Caldwell County Hispanic Chamber, Lockhart Chamber and the Luling Chamber will host a National Lineman Recognition Day event on Wednesday April 18 from 12-1 pm in Luling at Zedler Mills.

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

Councilmember Westmoreland congratulated the Lockhart High School band for being awarded the Sweepstakes award at regionals, the Relay team for being awarded 10th place, and the softball team for doing well.

Councilmember Mendoza thanked Santiago Gonzales for his service to the community. He thanked the Electric Department employees for working hard to restore power during storms. He announced that the Lockhart Little League will kick-off the season on Saturday.

Mayor Pro-Tem Sanchez congratulated Kiwanis for the 5K Run and to the Lockhart High School for obtaining the award. She expressed condolences to the families of Pete Juarez and Connie Hinkle for their loss.

Councilmember McGregor congratulated Mayor Pro-Tem Sanchez for the new addition to their family. She congratulated Santiago Gonzales on his retirement and thanked him for his service to the community. She thanked the Electric department for restoring power so quickly during the recent storm. She invited everyone to the Sip-n-Stroll event downtown this weekend.

Councilmember Castillo thanked Santiago Gonzales for his service and all employees for their hard work. He wished Little League the best during the baseball season and to a successful Sip-n-Stroll event. He thanked public safety employees for their service.

Councilmember Michelson thanked the electric and public safety personnel for being out during the recent heavy storms. He invited everyone to the Sip-n-Stroll event this weekend and to the "First Friday" events downtown.

Mayor White thanked all city employees and public safety personnel for working to restore city service and keeping the city a safe place. He thanked the downtown revitalization group for coordinating the Sip-n-Stroll event this weekend. He congratulated the Kiwanis Club and volunteers for the successful 5K run of which proceeds are used towards scholarships to high school graduates. He also congratulated Benny Boyd on their grand opening and Caracara Brewing for their soft opening. Schlotzsky's will be opening soon. He thanked all local businesses for being a part of the community.

ITEM 9. 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 8:15 p.m.

PASSED and APPROVED this the 17th day of April 2018.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC
City Secretary



CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable

Council Meeting Date: April 17, 2018			
Department: Economic Development		Initials	Date
Department Head: Robert Tobias	Asst. City Manager		
Department Signature	City Manager		4-13-18

Agenda Item Coordinator/Contact (include phone #): Robert Tobias Cell: 512-376-0856

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT CONSENSUS OTHER

CAPTION

DISCUSSION AND/OR ACTION REGARDING COMMUNITY DEVELOPMENT MANAGEMENT CO., INC. OF LOCKHART TO BE CONSIDERED FOR GRANT ADMINISTRATIVE SERVICES FOR ANY TEXAS CAPITAL FUND GRANTS FOR THE FISCAL YEAR 2017-2018.

N/A GRANT FUNDS OPERATING EXPENSE	FINANCIAL SUMMARY			
	REVENUE	CIP	BUDGETED	NON-BUDGETED
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00

FUND(S): Texas Capital Fund grant

SUMMARY OF ITEM

Staff has been working with a number of manufacturing companies considering either relocations or expansions to our community. Capital investments range in amount from \$3-6 million and plans are to employ from 50-100 jobs each. The Texas Department of Agriculture administers the Texas Capital Fund, Infrastructure Development Grant to facilitate development in rural counties. As Caldwell County is a rural county, these incentive programs can contribute to the funding of public infrastructure that encourages new business development or expansion. The grant also provides for the contracting of a pre-approved grant administrator to assure that the funds are administered and implemented according to the federal CDBG guidelines. The City can only receive up to two awards per calendar year. After soliciting four pre-approved firms the evaluation committee recommends contracting with Community Development Management to serve as the grant administrator for up to two Texas Capital Fund grant applications for the fiscal year of 2017-2018.

STAFF RECOMMENDATION

Staff respectfully recommends approval and authorization to select Community Development Management Co, Inc., of Lockhart, for two Texas Capital Fund applications for the fiscal year of 2017-2018.

List of Supporting Documents: <ul style="list-style-type: none"> Background from Texas Department of Agriculture, Texas Capital Fund, Infrastructure Development Program Form A506 and cover letter Evaluation of Proposals Agenda, Minutes from March 6, 2018 City Council Meeting 	Other Departments, Boards, Commissions or Agencies: <div style="text-align: right; font-size: 2em; margin-top: 20px;">107</div>
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Texas Department of Agriculture
Texas Capital Fund
Infrastructure Development

The Texas Capital Fund infrastructure development program is an economic development tool designed to provide financial resources to non-entitlement communities. Funds from this program can be utilized for public infrastructure needed to assist a business that commits to create and/or retain permanent jobs, primarily for low and moderate income persons. This program encourages new business development and expansions.

Use of Proceeds

Funds may be used for the following public infrastructure:

- water and sewer lines and facilities
- road/street improvements
- natural gas lines
- electric, telephone, and fiber optic lines
- harbor/channel dredging
- purchase of real estate related to infrastructure
- drainage channels and ponds
- pre-treatment facilities
- traffic signals and signs
- railroad spurs

Eligibility

Eligible applicants are *non-entitlement cities or counties* only. Businesses or individuals may not directly submit applications. Projects must demonstrate project feasibility and financial capability.

Projects are evaluated by using a scoring system based on three major criteria:

- community need
- jobs
- economic impact

Terms

The minimum award is \$100,000 and the maximum is \$1,500,000 inclusive of administration costs. Awards of more than \$750,000 require a greater level of job creation/retention and matching funds, and are limited to two (2) per year. The award may not exceed fifty percent (50%) of the total project cost.

Process

The Infrastructure Program will have an open application period wherein applications received on or before the 20th of each month will be reviewed for funding based on competitive scoring criteria and funding availability. A site visit will be conducted to view the project area and discuss award requirements.

For more information, contact:
Texas Capital Fund
Chris Reynolds
(512)936-8163
Chris.Reynolds@TexasAgriculture.gov
<http://www.TexasAgriculture.gov>



COMMISSIONER SID MILLER

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**Texas Community Development Block Grant
Phase Two Solicitation for Administrative Services
Request for Project-Specific Proposal**

Applicant Community:			
Name of Firm Solicited:			
Firm Address:			
Date Phase 2 Solicitation Sent:		Date Response Due:	
Description of Anticipated Project:			
Anticipated Scope of Work: (check services requested)	<input type="checkbox"/> Application Preparation Services <input checked="" type="checkbox"/> Basic Contract Implementation Services <input type="checkbox"/> Assistance for Acquisition of Real Property <input type="checkbox"/> Compliance with federal Labor Standards (for construction contracts) <input type="checkbox"/> Section 106 compliance <input type="checkbox"/> Other _____		
Evaluation Criteria (provide for each): <ul style="list-style-type: none"> • the maximum number of points; • categories such as Very Important, Somewhat Important, or Minor Importance; or • other indication of the relative importance of the criteria 	Criteria	Maximum Score or Relative Importance	Not Used
	Experience		
	Prior Work Performance		
	Capacity to Perform		
	Proposed Cost (required)		
	Other _____		
	Other _____		
Send Response to:	Name		
	Address		

Lockhart

Economic  Development

March 29, 2018

Folks,

Attached is a Texas Community Development Block Grant, Phase Two Solicitation for Administrative Services, form A506 for the City of Lockhart. While we have no specific project in hand, we are considering the use of Texas Capital Fund grants to facilitate the attraction of a number of manufacturing projects.

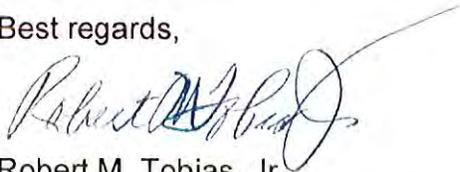
The City of Lockhart City Council has authorized the staff to issue one solicitation that would provide for the selected grant administrator to service up to two applications for the balance of the fiscal year. We anticipate that the City will follow this process in future years as well.

Caldwell County officials are following a similar process to be better prepared to respond to manufacturing concerns considering locations throughout Caldwell County. We both are anticipating that we will have an opportunity to submit two Texas Capital Fund grant applications per year.

The City of Lockhart and Caldwell County are preparing to attract quality manufacturing concerns that will diversify and expand our economic base. Therefore, we look forward to building a relationship with our future grant administrators.

Should you have any questions, please advise, and thanks for considering your response to our solicitation.

Best regards,



Robert M. Tobias, Jr.
Director of Economic Development

Lockhart Economic Development Corporation
308 W. San Antonio Street, Lockhart, Texas 78644
(512) 398-3461
www.lockhartedc.com

**Texas Community Development Block Grant
Phase Two Solicitation for Administrative Services
Request for Project-Specific Proposal**

Applicant Community:	City of Lockhart			
Name of Firm Solicited:	Community Development Management			
Firm Address:	rvdyr@ccaustin.com			
Date Phase 2 Solicitation Sent:	3-29-18	Date Response Due:	4-6-18	
Description of Anticipated Project:	See attached			
Anticipated Scope of Work: (check services requested)	<input checked="" type="checkbox"/> Application Preparation Services <input checked="" type="checkbox"/> Basic Contract Implementation Services <input checked="" type="checkbox"/> Assistance for Acquisition of Real Property <input checked="" type="checkbox"/> Compliance with federal Labor Standards (for construction contracts) <input checked="" type="checkbox"/> Section 106 compliance <input checked="" type="checkbox"/> Other <u>as needed</u>			
Evaluation Criteria (provide for each):	Criteria		Maximum Score or Relative Importance	Not Used
	Experience		25	
	Prior Work Performance		25	
	Capacity to Perform		15	
	Proposed Cost (required)		20	
	Other <u>TCF success rate</u>		10	
	Other <u>Local</u>		5	
Send Response to:	Name	Robert M Tobias Jr		
	Address	rtobias@lockhart-tx.org		

Robert Tobias

From: Robert Tobias
Sent: Wednesday, April 11, 2018 10:58 AM
To: City of Lockhart (jmichelson@lockhart-tx.org); Fermin Islas (f_t_islas@yahoo.com)
Cc: Vance Rodgers
Subject: FW: TCF grant administrator

As you know, we sent out four solicitations related to seeking a grant administrator for up to two Texas Capital Fund grants.

Grant Development Services and Traylor & Associates did not respond, although Gary Traylor had contacted me to note he planned to respond.

GrantWorks declined to submit based upon heavy workload on Harvey Disaster Relief work.

Based upon these responses, staff recommends that we contract with CDM.

The next step would be to take the evaluation committee recommendations to the City Council for their consideration ASAP, as we have a number of potential grant opportunities emerging.

Any questions, please advise.

Rob Tobias
City of Lockhart
512-376-0856 cell
Sent from my iPad

Texas Community Development Block Grant

Phase Two Solicitation for Administrative Services

Evaluation of Proposals

Applicant Community: <i>City of Lockhart</i>	<i>City of Lockhart</i>						
Evaluation Team: (at least three persons required, including one local official)	Name of Evaluator			Title			
	<i>Jeffrey Michelson</i>			<i>City Council</i>			
	<i>Ferdin Islas</i>			<i>LEDC Chair</i>			
	<i>Rob Tobias</i>			<i>Director Economic Development</i>			
Description of Anticipated Project:	<i>Relocation of company to greenfield site</i>						
Date Solicitation Sent:							
Responses received:	Name of Firm			Date Response Received			
	<i>Community Development Mgt</i>			<i>4-6-18</i>			
	<i>Grant Works</i>			<i>4-9-18; declined to submit</i>			
	<i>Grant Development Svcs</i>			<i>No response.</i>			
	<i>Traylor & Associates</i>			<i>No response; anticipated response</i>			
Evaluation of Proposals:	Enter for each criterion and proposal: <ul style="list-style-type: none"> • Points awarded (if scoring was used on Form P506), or • Evaluation such as Highly Advantageous (H), Advantageous (A), Not Advantageous (N), or Unacceptable (U). 						
Name of Firm	Experience	Prior Work Performance	Capacity to Perform	Proposed Cost	Other	Other	Notes
<i>Community Development Mgt</i>	<i>25</i>	<i>25</i>	<i>15</i>	<i>50,000</i>	<i>HUB</i>	<i>MBE</i>	<i>Local company with extensive experience</i>
Firm Recommended:	<i>Community Development Management</i>						
Firm Selected:	<i>Community Development Management</i>						
	* If Firm Selected differs from Firm recommended by Evaluators, provide explanation						
Conflict of Interest Evaluated by:	<i>4-10-18</i>	<input checked="" type="checkbox"/> No conflict exists		<input type="checkbox"/> Request for waiver submitted to TDA			
Date Awarded by Governing Body:	<i>4-17-18</i>						
Signature of Lead Evaluator:							

Robert Tobias

From: Robert Tobias
Sent: Monday, April 09, 2018 10:08 AM
To: Jeffrey Michelson; Fermin Islas
Cc: Vance Rodgers; Andrea Davila
Subject: Fwd: TCF solicitation

See note below from one of the firms solicited to serve as grant administrator for the City.

Rob Tobias
City of Lockhart
512-376-0856 cell
Sent from my iPad

Begin forwarded message:

From: Bruce Spitzengel <bruce@grantworks.net>
Date: April 9, 2018 at 10:01:56 AM CDT
To: Robert Tobias <rtobias@lockhart-tx.org>
Subject: Re: TCF solicitation

Rob,
Due to the impact on a large number of our clients from the 2015 and 2016 flood disasters as well as Hurricane Harvey we are unable to respond to Texas Capital Fund solicitations at this time. The TCF application and management process has become over the years more complex and time consuming while the management fees allowed have not increased proportionally to match the demands of the this State managed Fund.
Bruce

Bruce Spitzengel | President | (512) 420-0303 x 309 | Mobile (713) 252-5872 | bruce@grantworks.net

GrantWorks, Inc. | 2201 Northland Drive, Austin TX 78756 | www.grantworks.net



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On Mon, Apr 9, 2018 at 4:47 AM, Robert Tobias <rtobias@lockhart-tx.org> wrote:
Please consider sending brief response as to reason for not responding to our recent solicitation. Thks

Rob Tobias
City of Lockhart
512-376-0856 cell
Sent from my iPad



COMMUNITY DEVELOPMENT Management Co., Inc.

April 5, 2018

Robert M. Tobias Jr.
Director Economic Development Department
City of Lockhart
308 West San Antonio
Lockhart, Texas 78644

Dear Mr. Tobias:

As requested attached is Form A507 - Phase II Solicitation for Administrative Services for the City of Lockhart.

We are a local firm located here in Lockhart that specializes in economic development projects. Our specialty is being able to connect business with local government by forming public/private partnerships that can be successful.

No two Texas Capital Fund (TCF) projects are ever alike. Through our extensive experience we have learned how to navigate through the intricacies of this very complicated program and we are keenly aware of the consequences if the project fails. Every applicant applying for Texas Capital Fund must compete statewide for a limited amount of funds and funding is not automatic.

Unequivocally, we funded and successfully closed more Texas Capital Fund projects in Caldwell County and the immediate Lockhart area than anyone else who does this type of work. This following is a partial list of some of the more prominent public/private partnerships in the immediate area.

Texas Capital Fund	Texas Capital Fund	Pre-Capital Fund projects funded by HUD
Love's - Luling	Smith Farms, Inc. - Caldwell County	Iron Foundry - Luling
Buc-ee's - Luling	Cal Maine, Inc. - Caldwell County	Steel Foundry - Luling
Energy Automation Inc. - Luling	Security Cameras Direct. - Luling	
Northern Video Systems, Inc. - Lockhart*		

*Not funded

Thank you for the opportunity of allowing us to be considered for work on the proposed Texas Capital Fund projects. We are available to answer any questions that may arise during this process.

Sincerely,

Rudy Ruiz, President
CDMC, Inc.

Texas Community Development Block Grant

2018 TxCDBG Program Year

Phase Two Solicitation for Administrative Services

Response from Service Provider (Optional Format)

Applicant Community:	City of Lockhart	Name of Firm Providing Proposal:	Community Development Management Co. Inc. (CDMC)
Fund Category:	Texas Capital Fund	Firm Point of Contact:	Rudy Ruiz
Date Proposal Submitted:	April 6, 2018	Total Proposed Cost:	\$50,000.00
Conflict of Interest: (identify any actual or potential conflict of interest that must be addressed)	<input checked="" type="checkbox"/> No employee, officer or agent of the Grant Recipient or Applicant/Service Provider shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. <input type="checkbox"/> The following potential or actual conflict of interest must be addressed: <ul style="list-style-type: none"> o Owner or employee of the firm has a familial relationship with a local official, including the utility provider. o Owner or employee of the firm has financial interest in the utility provider intended to benefit from the project. o Other _____ 		

Cost Category	Proposed Fee	Self-Performed or Subcontracted
Pre-application Costs (not payable or reimbursable with TxCDBG funds)		
Preparation and submittal of grant application	0	
Basic Services (all grant administration contracts)		
Environmental review	30%**	
Assistance in procurement process	5%**	
Preparation and submittal of drawdown requests	15%**	
Record keeping	10%**	
Preparation and submittal of reports as required	5%**	
Contract management	10%**	
Preparation and submittal of close-out documents	5%**	
Other Services (include only applicable services)		
Housing activities	N/A	
OSSF activities	N/A	
Acquisition of real property services	5%**	
Labor standards	15%**	

TxCDBG Applicant: [Name of City/County]

Firm Responding: [Name of Firm]

2018 Phase Two Solicitation for Administrative Services – Response

Other Fees

List any other fees necessary to successfully complete a project (add rows as necessary).

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Proposed Scope of Services

Check services proposed for the anticipated TxCDBG project (add rows as necessary).

Application Preparation Services

- Provide general advice and technical assistance in preparing the application in conformance with TxCDBG program requirements;
 - Prepare beneficiary documentation in conformance with TxCDBG program requirements; and
 - Ensure the completed application is submitted to TDA on or before the application deadline.
- Other:

Basic Contract Implementation Services

- Provide general advice and technical assistance on regulatory matters and implementing project activities included in the approved grant application in conformance with TxCDBG program requirements;
 - Assist in the procurement process such as preparing notices and solicitation of bids for engineering, construction activities, or other grant-related services;
 - Assist in meeting financial, administrative, and bookkeeping requirements of the TxCDBG program, including review of invoices received for payment, preparation of grant fund drawdown requests and retention of all pertinent records and documents sufficient to reflect all charges submitted;
 - Assist in meeting record keeping requirements of the TxCDBG program, including the establishment and maintenance of an acceptable filing system;
 - Assist in contract administration and monitoring requirements of the TxCDBG program, including enforcement of compliance requirements;
 - Assist in the environmental review process for the proposed project, including preparing and submitting necessary documentation to the appropriate agency for clearance or approval, and preparing Request for Release of Funds and required certifications and submitting them to TDA;
 - Assist in meeting all special condition requirements stipulated in the grant contract;
 - Act as a liaison between the local government, construction contractors, and TDA to ensure an efficient, smoothly managed program;
 - Monitor the work of authorized contractors and subcontractors.
 - Furnish necessary forms and submit all required reports as outlined in the grant contract;
 - Prepare and submit any program amendments, including re-assessments of environmental clearances, as necessary during the duration of the project; and
 - Prepare and coordinate the submission of appropriate documents for TxCDBG contract close-out and completion.
 - Assist in developing, implementing and documenting new activities to affirmatively further fair housing during the grant term;
- Other:

Assistance for Acquisition of Real Property

- Provide guidance regarding real property acquisition activities and assistance in meeting real property acquisition/URA requirements, including preparation of correspondence to property owners, and preparation and submission of required reports to TDA.

TxCDBG Applicant: [Name of City/County]

Firm Responding: [Name of Firm]

2018 Phase Two Solicitation for Administrative Services – Response

Page 2

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Other:

Compliance with federal Labor Standards

- Provide guidance regarding federal labor standards and assistance in meeting Davis-Bacon Act and related federal labor laws; and
- Serve as Labor Standards Officer for the project.
- Other: As applicable per funded project

****NOTE Regarding Proposed FEE:** This is a general response for an un-identified project. Acquisition activity may or may not be required. The list of services identified on this response is typically adjusted by TDA at the time the contract for the project is developed. The dollar amount of the fee that is paid by TDA is determined by the size of the project, and the standards in effect at the time the application is submitted to TDA.

Community Development Management Co. Inc. (CDMC) is certified as:

- Historically Underutilized Business (HUB),
- Minority-Owned Enterprise (MBE),
- Disadvantaged Business Enterprise (DBE),
- Small Business Enterprise (SBE),
- U.S. Department of Housing and Urban Development (HUD) Section 3 Business.

Community Development Management Co. Inc. (CDMC) is certified by the Texas Department of Agriculture (TDA) to administer and implement the Texas Community Development Block Grant Programs and Texas Capital Fund Projects.

Community Development Management Co. Inc. (CDMC) is identified as a "Pre-qualified" firm listed on the Texas Department of Agriculture (TDA) website.

B. DISCUSS A BUY BOARD PURCHASE OF A 2018 INSULATED ARTICULATED OVER-CENTER AERIAL MATERIALS LIFT TRUCK FOR A PRICE OF \$112,083 TO BE PAID FOR WITH EXISTING ELECTRIC UTILITY CAPITAL FUNDS TO REPLACE A UNIT THAT IS 15 YEARS OLD.

Mr. Rodgers stated that 2.25 mills or 0.00225 cents per kilowatt hour of electric utility rates goes into an Electric Utility Capital Fund which is used for equipment replacement, new electric feeder lines/poles, and large transformers. The truck to be replaced is 15 years old and handles very heavy items such as transformers to lift into place on high utility poles. The hydraulics and lifting capabilities must be in very good condition to remove and replace heavy transformers on 40 and 50-foot high poles. The safety of employees is a major factor for the replacement. Because of its' age, the current truck needs to be retired to being used for trimming trees; it can be safely and dependably used in the Street Department for such non-strenuous tasks. The best price for the value is through the Buy Board which has already gone through the public bid process. The price for the unit is \$112,083. Mr. Rodgers recommended approval.

C. DISCUSS A BUY BOARD PURCHASE OF A 2017 ALTEC 47-FOOT DIGGER DERRICK TRUCK FOR A PRICE OF \$173,860 TO BE PAID WITH EXISTING ELECTRIC UTILITY CAPITAL FUNDS TO REPLACE A UNIT THAT IS MORE THAN 20 YEARS.

Mr. Rodgers stated that as stated in the previous item, a portion of the electric utility rates goes into an Electric Utility Capital Fund which is used for equipment replacement, new electric feeder lines/poles, and large transformers. It is essential to keep our electric department employees safe and a big component of safety is to have dependable and efficient working equipment especially working around high voltage lines. The digger vehicle to be replaced is 20 years old and the wear and tear is evident. This truck drills all the holes for placement of poles of all sizes and must have telescoping features to meet the needs of the electric department. The best price for the value is through the Buy Board which has already gone through the public bid process. The price for the unit is \$173,860. Mr. Rodgers recommended approval. There was discussion.

D. DISCUSSION REGARDING AUTHORIZING STAFF TO SOLICIT AND SELECT A GRANT ADMINISTRATOR VIA A REQUEST FOR PROPOSAL PROCESS FOR TWO TEXAS CAPITAL FUND APPLICATIONS FOR THE 2017-2018 FISCAL YEAR.

Mr. Tobias stated that staff has been working with many manufacturing companies considering either relocations or expansions to our community. Capital Investments range in amounts from \$3-6 million and plans are to employ from 50-100 jobs each. The Texas Department of Agriculture administers the Texas Capital Fund, Infrastructure Development Grant to facilitate development in rural counties. As Caldwell County is a rural county, these incentive programs can contribute to the funding of public infrastructure that encourages new business development or expansion. The grant also provides for the contracting of a pre-approved grant administrator to assure that the funds are administered and implemented according to the federal CDBG guidelines. The City can only receive up to two awards per year. Mr. Tobias recommended approval. There was discussion.

Councilmember McGregor arrived at 6:46 p.m.

E. DISCUSSION REGARDING AUTHORIZING STAFF TO SOLICIT AND SELECT AN ENGINEER CONSULTANT VIA A REQUEST FOR PROPOSAL PROCESS FOR TWO TEXAS CAPITAL FUND APPLICATIONS FOR THE 2017-2018 FISCAL YEAR.

Mr. Tobias stated that the request to authorize staff to solicit Request for Proposals for Engineer Consultants would be the second step to the grant submission process as discussed regarding the Request for Proposals for a Grant Administrator. Mr. Tobias recommended approval. There was brief discussion.

J. DISCUSS APPOINTMENT TO THE CAPITAL AREA PLANNING COUNCIL OF GOVERNMENTS (CAPCOG) CLEAN AIR COALITION COMMITTEE.

Mayor White stated that he has served on the committee for the past six years. There was discussion regarding a nomination.

K. DISCUSSION AFTER UPDATE REGARDING WAYFINDING AND BRANDING COMMITTEE.

Councilmember McGregor gave an update and announced that the committee would hold their first meeting on March 8, 2018 at 5:00 p.m. in the Glosserman Room.

Mayor White stated that Chief Pedraza would introduce newly hired Police Officers.

Chief Pedraza introduced the following new Police Officers:

Janie Santos
Zachary Castilleja
Byron Powe

Mayor White and the Councilmembers welcomed the officers to the Lockhart Police Department.

RECESS: Mayor White announced that the Council would recess for a break at 6:40 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the regular meeting of the Lockhart City Council to order on this date 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. CITIZENS/VISITORS COMMENTS.

Mayor White requested citizens to address the Council.

Harry Loep, 322 Rocky Road, Lockhart, expressed concerns about the safety and lack of courtesy by patrons that visit the Library. He stated that he believes that the rules and regulations posted in the Library should also be in Spanish and stated that he does not believe the rules are being followed by most patrons.

Mayor White requested additional citizens to address the Council. There were one.

ITEM 4. CONSENT AGENDA.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 4A, 4B, 4C, 4D, 4E, 4F and 4G. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

HISTORY

The following are the consent agenda items that were approved:

- 4A: Approve minutes of the City Council meeting of January 30, 2018 and February 6, 2018.
- 4B: Approve a Buy Board purchase of a 2018 Insulated Articulated Over-Center Aerial Materials Lift Truck for a price of \$112,083 to be paid for with existing Electric Utility Capital Funds to replace a unit that is 15 years old.
- 4C: Approve a Buy Board purchase of a 2017 Altec 47-foot Digger Derrick Truck for a price of \$173,860 to be paid with existing Electric Utility Capital Funds to replace a unit that is more than 20 years.
- * 4D: Approve and authorize staff to solicit and select a Grant Administrator via a request for proposal process for two Texas Capital Fund applications for the 2017-2018 Fiscal Year.
- * 4E: Approve and authorize staff to solicit and select an Engineer Consultant via a request for proposal process for two Texas Capital Fund applications for the 2017-2018 Fiscal Year.
- 4F: Approve Grant Development Services of Austin and Hays County to serve as the Grant Management Services to provide all Professional Services required to implement the Texas Commission on Environmental Quality (TCEQ) Grant awarded to the City of Lockhart to restore and preserve riparian areas and water quality conditions bordering North Town Branch for a fee not to exceed \$32,000 as negotiated and appointing the Mayor to sign all necessary documents.
- 4G: Approve agreement with Gifford Electric, Inc. to provide annual preventive maintenance of outdoor warning system with batteries (sirens) in an amount not to exceed \$4,825 for services stated in the agreement and appointing the Mayor to sign the agreement, if approved.

ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING THE 2017 RACIAL PROFILING REPORT.

Mayor White stated that the item has been pulled and is scheduled to return to the first Council meeting in March.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING THE 2017 RECAP OF ANNOUNCEMENTS AND RELATED ECONOMIC DEVELOPMENT ACTIVITIES.

Mayor White announced that the report was made during the work session. No action taken.

ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING APPOINTMENT TO THE CAPITAL AREA PLANNING COUNCIL OF GOVERNMENTS (CAPCOG) CLEAN AIR COALITION COMMITTEE.

Mayor Pro-Tem Sanchez made a motion to appoint Mayor Lew White. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 5-D. DISCUSSION AND/OR ACTION AFTER UPDATE REGARDING WAYFINDING AND BRANDING COMMITTEE.

Councilmember McGregor stated that the committee will hold their first meeting on March 8, 2018 at 5:00 p.m. in the Glosserman Room. She will provide an update after that meeting.

ITEM 5-E. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

Mayor White requested appointments to boards and commissions. There were none.

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**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: April 17, 2018			
Department: Economic Development		Initials	Date
Department Head: Robert Tobias	Asst. City Manager		
Dept. Signature:	City Manager	<i>CC for VR</i>	<i>4-13-2018</i>
Agenda Item Coordinator/Contact (include phone #): Robert Tobias (512) 376-0856			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action to consider Resolution 2018-08 of the City Council of the City of Lockhart, Texas approving incentives up to \$491,049 contingent on creating up to 75 new full-time equivalent (FTE) jobs with an average annual wage of \$35,000 and a \$15 million capital investment, \$5 million of which is for land, for the FreshBox Farms project as recommended by the Lockhart Economic Development Corporation for the building, infrastructure, impact fees and other related improvements that are required or suitable for the development, retention, or expansion of facilities to promote or develop new or expanded business enterprises, and to create or maintain new jobs. (SECOND READING)			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S): LEDC, Texas Capital Fund, other			
SUMMARY OF ITEM			
The Lockhart Economic Development Corporation (LEDC) will consider approval of LEDC Resolution 2018-01 at its board meeting on April 16, 2018. A notice of the public hearing was published in the newspaper as required and a public hearing will be hosted by the LEDC Board, at which FreshBox Farms will share their comments on the company's plans for its proposed business in Lockhart. LEDC will consider if these funds can be used to promote or develop new or expanded business enterprises that create or retain new jobs.			
STAFF RECOMMENDATION			
Second reading regarding Resolution 2018-08 of the City of Lockhart, Texas approving a Project under Section 4B of The Texas Economic Development Corporation Act of 1979, to fund up to \$491,049 for the building, infrastructure, impact fees and other related improvements related to the FreshBox Farms Project.			
List of Supporting Documents: Resolution 2018-08, LEDC Resolution 2018-01, LEDC Agenda, Public Hearing Notice and Lockhart Incentive Application		Other Departments, Boards, Commissions or Agencies: Lockhart Economic Development Corporation	

RESOLUTION NO. 2018-08

A RESOLUTION OF THE CITY COUNCIL OF LOCKHART, TEXAS PROVIDING UP TO \$491,049 OF INCENTIVES FOR THE FRESHBOX FARMS PROJECT UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR LAND AND INFRASTRUCTURE IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN NEW JOBS

WHEREAS, the Lockhart Economic Development Corporation (“LEDC”) is a Type B corporation created and operated pursuant to the Texas Economic Development Act of 1979, as amended (“the Act”); and

WHEREAS, the Act provides for the funding of certain projects for the development, retention, or expansion of facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, create or retain jobs within the state, promote new or expanded business development, and construct infrastructural improvements for new or expanded business enterprises; and

WHEREAS, LEDC approved a project named FRESHBOX FARMS after proper public notice and a public hearing on April 16, 2018, for an incentive amount not to exceed \$491,049 based on a \$15 million investment (includes \$5 million of land purchase) in the project with a minimum of 75 new full-time equivalent (FTE) jobs at an average annual wage of \$35,000 to be created and retained for a minimum of five years; and

WHEREAS, the LEDC has determined that the FRESHBOX FARMS project (a) meets the requirements for a project under the Act; (b) serves as a public purpose by contributing to the development, retention, or expansion facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to the creation or retention of jobs within the City, County and State; and (c) should be approved and funded.

NOW, THEREFORE, BE IT RESOLVED BY THE LOCKHART CITY COUNCIL THAT:

SECTION 1. The facts and findings described in the preamble of this resolution are incorporated herein as if fully set out.

SECTION 2. The infrastructure improvements project costs and other associated development costs are HEREBY APPROVED as follows:

The LEDC shall provide up to \$491,049 of incentives for land, infrastructure and other development costs subject to the conditions as set out in Exhibit A Economic Development

Performance Agreement attached hereto and in Chapters 501, 504, and 505 of the Texas Economic Development Corporation Act of 1979.

PASSED AND ADOPTED at a meeting of the Lockhart City Council held on this _____ day of _____, 2018.

City of Lockhart

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning, City Attorney

EXHIBIT A

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT

This Economic Development Performance Agreement ("Agreement") is made and entered into by and between THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION OF LOCKHART, TEXAS ("LEDC"), a Type B Economic Development Corporation and FRESHBOX FARMS.

RECITALS

WHEREAS, FRESHBOX FARMS desires to expand to the City of Lockhart, Texas ("City") and participate in the Economic Development Program established in this Agreement; and

WHEREAS, the LEDC desires to establish the Economic Development Program outlined herein and to offer incentives to FRESHBOX FARMS to locate such business in the City; and

WHEREAS, LEDC is authorized to promote state and local economic development and to stimulate business and commercial activity within the City, and LEDC has determined that substantial economic benefits, including an increase in the City's tax rolls, an increase in sales tax revenues, and the creation of new opportunities for local employment, will accrue to the City and the surrounding area, if such business is successfully developed on such property; and

WHEREAS, LEDC and FRESHBOX FARMS desire to enter into this Agreement in order to comply with Sec. 501.158, Texas Local Government Code, which requires an economic development corporation, in order to offer incentives or make expenditures on behalf of a business enterprise under a project, to enter into a performance agreement that addresses a schedule of jobs created or retained, capital investment to be made, direct incentives provided, and the terms under which repayment shall be made in the event a business enterprise does not meet the requirements specified in the Agreement;

NOW THEREFORE, in consideration of the foregoing and the covenants, agreements, representations, and warranties hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LEDC and FRESHBOX FARMS agree as follows:

AGREEMENTS

Section 1. Recitals

The recitals set forth above are incorporated herein by reference as if fully set forth in their entirety.

Section 2: Term

The term of this Agreement shall be five (5) years from the 1st day of the month following the beginning of business operations by FRESHBOX FARMS. When used hereafter, the phrase “duration of this Agreement” shall mean the term as defined above.

Section 3. LEDC Requirements

In consideration of FRESHBOX FARMS agreement to locate its business within the City and to perform the other acts hereinafter described, LEDC agrees it will provide incentives up to \$491,049 for land, building, infrastructure, and other associated development costs in consideration of FRESHBOX FARMS creating up to 75 FTE jobs with an average annual wage of \$35,000 per year which are subject to the conditions set out herein and in Chapter 505 of the Local Government Code (formerly Section 4B, of the Texas Economic Development Corporation Act of 1979). The amount of financial incentive benefits that FRESHBOX FARMS will retain from the LEDC project funds is subject to the number of jobs created, as described in 4(b) below.

Section 4. FRESHBOX FARMS Requirements

In consideration of LEDC agreeing to perform the foregoing, FRESHBOX FARMS agrees:

- (a) To locate and construct a building and other improvements in City of Lockhart;
- (b) To employ up to 75 Full Time Equivalent (“FTE”) employees at an average annual wage of \$35,000 from the date that FRESHBOX FARMS opens for business and to continue employing at least that number thereafter until the end of the term of this Agreement. The term “Full Time Equivalent,” as used in this Agreement, shall mean employment worked by one or more people during a calendar year that is equal to a total of at least 2,080 hours;
- (c) To keep current in the payment of taxes owed to any taxing jurisdiction in which the Property is located.

Section 5. Recapture/Termination

(a) In the event that FRESHBOX FARMS begins operating its business, but subsequently discontinues operating its business in such for any reason (a “Business Interruption”), except as a result of fire, explosion, or other casualty or accident, force majeure or other natural disaster, war or civil unrest, a taking under eminent domain, regulatory restrictions of any applicable governmental entity which makes conduct of the FRESHBOX FARMS illegal or economically untenable, or other event beyond the reasonable control of FRESHBOX FARMS: (the “Business Interruption Exceptions”) for a period of more than one hundred eighty (180) days during the duration of this Agreement, then in such event FRESHBOX FARMS shall be required to repay to LEDC

any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of such period.

(b) In the event that FRESHBOX FARMS shall fail to repay the LEDC within thirty (30) days of the date such repayment is due, FRESH BOX FARMS hereby agrees that the LEDC may place a lien on the Properties for full repayment of any monies expended. The burden shall be upon FRESHBOX FARMS to prove to the satisfaction of the LEDC that the discontinuance of operating its business was a result of one of the Business Interruption Exceptions. In the event FRESHBOX FARMS meets this burden and the LEDC is satisfied that the discontinuance of the operation of the manufacturing facility was the result of events beyond the control of FRESHBOX FARMS, the parties shall commemorate such satisfaction in a document signed and dated by the Parties. FRESHBOX FARMS shall then have a period of one (1) year from the date operations of its business were discontinued in which to resume business operations.

(c) In the event that following a Business Interruption which may reasonably be cured within one year of the cessation of business operations, business operations fail to resume within one (1) year, FRESHBOX FARMS shall be required to repay LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of the one year period. In the event that FRESHBOX FARMS shall fail to timely repay the LEDC, FRESHBOX FARMS hereby agrees that the LEDC may place a lien on the Properties for full payment of such monies.

(d) In the event that FRESHBOX FARMS allows ad valorem taxes owed to the City of Lockhart, Texas on the Property, or its business personal property or inventory to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, FRESHBOX FARMS shall be required to repay LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following such event. In the event that FRESHBOX FARMS shall fail to timely repay the LEDC, FRESHBOX FARMS hereby agrees that the LEDC may place a lien on FRESHBOX FARMS assets for full payment of such monies.

Section 6. Certification of Compliance by FRESHBOX FARMS

On or before March 1 of each year that this Agreement is in effect, FRESHBOX FARMS shall upon request certify in writing to the LEDC that it is in compliance with all provisions of this Agreement. Such certification shall include any and all documentation required by the LEDC establishing that FRESHBOX FARMS has met the annual employment requirement for the previous year and that all taxes related to the Property have been paid in full as required by law. The LEDC, upon reasonable notice and at any reasonable time, shall have the right to review any and all records of related to the provisions of this Agreement, including but not limited to FTE positions created or retained, capital investments made, and use or distribution of and direct incentives received.

Section 7. Dispute Resolution, Applicable Law, Venue, and Attorneys Fees

(a) In the event of any controversy or claim arising out of or relating to this Agreement or the breach of this Agreement, the parties shall attempt in good faith to resolve the same by good faith mediation before a mediator agreed to by the parties. LEDC and FRESHBOX FARMS expressly waive any statutory or other legal requirement that may exist for serving notices or engaging in alternative dispute resolution prior to doing so.

(b) In the event that the claim or controversy is not settled by mediation or any other alternative dispute resolution method agreed to by the parties, either party may file suit in a court of competent jurisdiction sitting in the State of Texas. Venue shall lie in Caldwell County, Texas. The prevailing party in any litigation arising out of this Agreement shall be entitled to recover its reasonable and necessary costs and attorney's fees from the non-prevailing party pursuant to applicable law.

Section 8. Entire Agreement

This Agreement, when executed, contains the entire agreement between the LEDC and FRESHBOX FARMS with respect to the transactions contemplated herein. This Agreement may be amended, altered, or revoked only by written instrument signed by the LEDC and FRESHBOX FARMS.

Section 9. Successors and Assigns

This Agreement may not be assigned to any third party by FRESHBOX FARMS without the written consent of LEDC. In the event of such assignment or in the event of legal succession of FRESHBOX FARMS interest in this Agreement by operation of law, this Agreement shall be binding on and inure to the benefit of such assign or successor.

Section 10. Notices

Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such addresses provided by the parties in writing hereafter:

FRESHBOX FARMS:

Chief Financial Officer
FreshBox Farms
2076 Zanker Road
San Jose, CA 95131

Lockhart Economic Development Corporation:

President

Lockhart Economic Development Corporation

308 W. San Antonio

P.O. Box 239

Lockhart, TX 78644

Section 11. Interpretation

Regardless of the actual drafter of this Agreement, this Agreement shall in the event of dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against either party.

Section 12. Severability

In the event that any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then and in that event it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

Section 13. Mutual Assistance

LEDC and FRESHBOX FARMS agree to do all things reasonably necessary and appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____ day of _____, 2018.

**THE LOCKHART ECONOMIC
DEVELOPMENT CORPORATION:**

ATTEST:

Vance Rodgers, LEDC President

Robert Tobias, LEDC Secretary

FreshBox Farms:

Chief Financial Officer

State of Texas)
)
County of Caldwell)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Vance Rodgers, known to me to be the President of the Lockhart Economic Development Corporation of Lockhart, Texas.

Notary Public State of Texas

My Commission expires:

State of Texas)
)
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Dave Vosburg, known to me to be the Chief Financial Officer of FreshBox Farms, acting on behalf of such corporation.

Notary Public State of Texas

My Commission expires:

PUBLIC NOTICE
LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC)
AGENDA
Monday – April 16, 2018 – 6:00 P.M.
CITY HALL – GLOSSERMAN ROOM
308 W. SAN ANTONIO STREET, LOCKHART TEXAS

1. **CALL TO ORDER**

2. **DISCUSSION AND/OR ACTION**

- A. Discussion and/or action to consider approval of the minutes of March 19, 2018 meeting.
- B. Discussion and/or action regarding the sales tax and financial report.

EXECUTIVE SESSION in accordance with the provisions of the Government Code, Title 5, Subchapter D. Section 551.087 to deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental bodies and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

3. **OPEN EXECUTIVE SESSION**

- A. Discussion regarding FreshBox Farms and proposed incentive to expand its business to Lockhart with an estimated initial investment of \$15 million investment (includes \$5 million for purchase of land) and creating and maintaining up to 75 new full time equivalent jobs with an average annual wage of \$35,000.

4. **CLOSE EXECUTIVE SESSION**

Note: LEDC will consider items discussed in Executive Session after holding the public hearing.

5. **PUBLIC HEARING**

- A. Hold a public hearing regarding the proposed development of FreshBox Farms that includes an initial estimated investment of \$15 million (includes \$5 million for purchase of land) and the employment of up to 75 full time equivalent employees with an average annual wage of \$35,000 to be maintained over the five (5) year agreement period with reimbursable incentives worth up to \$99,009 (\$491,049 - \$392,040-land).

6. **DISCUSSION AND/OR ACTION**

- A. Discussion and/or action to consider the approval of LEDC Resolution 2018-01 related to the FreshBox Farms project and associated Performance Agreement funding up to \$491,049 for land, infrastructure improvements, and related development costs that are required or suitable for the development, retention or expansion of facilities to promote or develop new or expanded business enterprises, and to create and maintain new jobs.

7. **PROJECT UPDATES**

8. **ADJOURN**

If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Lockhart Economic Development Corporation will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D) to consider one or more matters pursuant to the following:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and or settlement offer; (2) and or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073. To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.076. To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

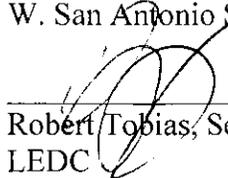
Section 551.086. To deliberate vote or take final action on any competitive matters relating to public power utilities.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

Section 551.088. To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.

After discussion of any matters in executive session, any final action or vote taken will be in public by the Lockhart Economic Development Corporation.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 W. San Antonio Street, Lockhart, Texas, on the 13th day of April 2018 at 12:05 pm.



Robert Tobias, Secretary
LEDC

LEDC Agenda
April 16, 2018
Zafz

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**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2018-01**

A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) FOR PROVIDING UP TO \$491,049 OF INCENTIVES FOR THE FRESHBOX FARMS PROJECT UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR LAND AND INFRASTRUCTURE IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN NEW JOBS

WHEREAS, the Lockhart Economic Development Corporation (“LEDC”) is a Type B corporation created and operated pursuant to the Texas Economic Development Act of 1979, as amended (“the Act”); and

WHEREAS, the Act provides for the funding of certain projects for the development, retention, or expansion of facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, create or retain jobs within the state, promote new or expanded business development, and construct infrastructural improvements for new or expanded business enterprises; and

WHEREAS, LEDC approved a project named FRESHBOX FARMS after proper public notice and a public hearing on April 17, 2018, for an incentive amount not to exceed \$491,049 based on a \$15 million investment (includes \$5 million of land purchase) in the project with a minimum of 75 new full-time equivalent (FTE) jobs at an average annual wage of \$35,000 to be created and retained for a minimum of five years; and

WHEREAS, the LEDC has determined that the FRESHBOX FARMS project (a) meets the requirements for a project under the Act; (b) serves as a public purpose by contributing to the development, retention, or expansion facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to the creation or retention of jobs within the City, County and State; and (c) should be approved and funded.

NOW, THEREFORE, BE IT RESOLVED BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION THAT:

SECTION 1. The facts and findings described in the preamble of this resolution are incorporated herein as if fully set out.

SECTION 2. The infrastructure improvements project costs and other associated development costs are HEREBY APPROVED as follows:

The LEDC shall provide up to \$491,049 of incentives for land, infrastructure and other development costs subject to the conditions as set out in Exhibit A Economic Development

Performance Agreement attached hereto and in Chapters 501, 504, and 505 of the Texas Economic Development Corporation Act of 1979.

PASSED AND ADOPTED at a meeting of the Lockhart Economic Development Corporation held on this ____ day of _____, 2018.

Lockhart Economic Development Corporation

Fermin T. Islas, Chairperson

Attest:

Vance Rodgers, President

Robert Tobias, Secretary

EXHIBIT A

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT

This Economic Development Performance Agreement ("Agreement") is made and entered into by and between THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION OF LOCKHART, TEXAS ("LEDC"), a Type B Economic Development Corporation and FRESHBOX FARMS.

RECITALS

WHEREAS, FRESHBOX FARMS desires to expand to the City of Lockhart, Texas ("City") and participate in the Economic Development Program established in this Agreement; and

WHEREAS, the LEDC desires to establish the Economic Development Program outlined herein and to offer incentives to FRESHBOX FARMS to locate such business in the City; and

WHEREAS, LEDC is authorized to promote state and local economic development and to stimulate business and commercial activity within the City, and LEDC has determined that substantial economic benefits, including an increase in the City's tax rolls, an increase in sales tax revenues, and the creation of new opportunities for local employment, will accrue to the City and the surrounding area, if such business is successfully developed on such property; and

WHEREAS, LEDC and FRESHBOX FARMS desire to enter into this Agreement in order to comply with Sec. 501.158, Texas Local Government Code, which requires an economic development corporation, in order to offer incentives or make expenditures on behalf of a business enterprise under a project, to enter into a performance agreement that addresses a schedule of jobs created or retained, capital investment to be made, direct incentives provided, and the terms under which repayment shall be made in the event a business enterprise does not meet the requirements specified in the Agreement;

NOW THEREFORE, in consideration of the foregoing and the covenants, agreements, representations, and warranties hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LEDC and FRESHBOX FARMS agree as follows:

AGREEMENTS

Section 1. Recitals

The recitals set forth above are incorporated herein by reference as if fully set forth in their entirety.

Section 2: Term

The term of this Agreement shall be five (5) years from the 1st day of the month following the beginning of business operations by FRESHBOX FARMS. When used hereafter, the phrase “duration of this Agreement” shall mean the term as defined above.

Section 3. LEDC Requirements

In consideration of FRESHBOX FARMS agreement to locate its business within the City and to perform the other acts hereinafter described, LEDC agrees it will provide incentives up to \$491,049 for land, building, infrastructure, and other associated development costs in consideration of FRESHBOX FARMS creating up to 75 FTE jobs with an average annual wage of \$35,000 per year which are subject to the conditions set out herein and in Chapter 505 of the Local Government Code (formerly Section 4B, of the Texas Economic Development Corporation Act of 1979). The amount of financial incentive benefits that FRESHBOX FARMS will retain from the LEDC project funds is subject to the number of jobs created, as described in 4(b) below.

Section 4. FRESHBOX FARMS Requirements

In consideration of LEDC agreeing to perform the foregoing, FRESHBOX FARMS agrees:

- (a) To locate and construct a building and other improvements in City of Lockhart;
- (b) To employ up to 75 Full Time Equivalent (“FTE”) employees at an average annual wage of \$35,000 from the date that FRESHBOX FARMS opens for business and to continue employing at least that number thereafter until the end of the term of this Agreement. The term “Full Time Equivalent,” as used in this Agreement, shall mean employment worked by one or more people during a calendar year that is equal to a total of at least 2,080 hours;
- (c) To keep current in the payment of taxes owed to any taxing jurisdiction in which the Property is located.

Section 5. Recapture/Termination

(a) In the event that FRESHBOX FARMS begins operating its business, but subsequently discontinues operating its business in such for any reason (a “Business Interruption”), except as a result of fire, explosion, or other casualty or accident, force majeure or other natural disaster, war or civil unrest, a taking under eminent domain, regulatory restrictions of any applicable governmental entity which makes conduct of the FRESHBOX FARMS illegal or economically untenable, or other event beyond the reasonable control of FRESHBOX FARMS: (the “Business Interruption Exceptions”) for a period of more than one hundred eighty (180) days during the duration of this Agreement, then in such event FRESHBOX FARMS shall be required to repay to LEDC

any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of such period.

(b) In the event that FRESHBOX FARMS shall fail to repay the LEDC within thirty (30) days of the date such repayment is due, FRESH BOX FARMS hereby agrees that the LEDC may place a lien on the Properties for full repayment of any monies expended. The burden shall be upon FRESHBOX FARMS to prove to the satisfaction of the LEDC that the discontinuance of operating its business was a result of one of the Business Interruption Exceptions. In the event FRESHBOX FARMS meets this burden and the LEDC is satisfied that the discontinuance of the operation of the manufacturing facility was the result of events beyond the control of FRESHBOX FARMS, the parties shall commemorate such satisfaction in a document signed and dated by the Parties. FRESHBOX FARMS shall then have a period of one (1) year from the date operations of its business were discontinued in which to resume business operations.

(c) In the event that following a Business Interruption which may reasonably be cured within one year of the cessation of business operations, business operations fail to resume within one (1) year, FRESHBOX FARMS shall be required to repay LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of the one year period. In the event that FRESHBOX FARMS shall fail to timely repay the LEDC, FRESHBOX FARMS hereby agrees that the LEDC may place a lien on the Properties for full payment of such monies.

(d) In the event that FRESHBOX FARMS allows ad valorem taxes owed to the City of Lockhart, Texas on the Property, or its business personal property or inventory to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, FRESHBOX FARMS shall be required to repay LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following such event. In the event that FRESHBOX FARMS shall fail to timely repay the LEDC, FRESHBOX FARMS hereby agrees that the LEDC may place a lien on FRESHBOX FARMS assets for full payment of such monies.

Section 6. Certification of Compliance by FRESHBOX FARMS

On or before March 1 of each year that this Agreement is in effect, FRESHBOX FARMS shall upon request certify in writing to the LEDC that it is in compliance with all provisions of this Agreement. Such certification shall include any and all documentation required by the LEDC establishing that FRESHBOX FARMS has met the annual employment requirement for the previous year and that all taxes related to the Property have been paid in full as required by law. The LEDC, upon reasonable notice and at any reasonable time, shall have the right to review any and all records of related to the provisions of this Agreement, including but not limited to FTE positions created or retained, capital investments made, and use or distribution of and direct incentives received.

Section 7. Dispute Resolution, Applicable Law, Venue, and Attorneys Fees

(a) In the event of any controversy or claim arising out of or relating to this Agreement or the breach of this Agreement, the parties shall attempt in good faith to resolve the same by good faith mediation before a mediator agreed to by the parties. LEDC and FRESHBOX FARMS expressly waive any statutory or other legal requirement that may exist for serving notices or engaging in alternative dispute resolution prior to doing so.

(b) In the event that the claim or controversy is not settled by mediation or any other alternative dispute resolution method agreed to by the parties, either party may file suit in a court of competent jurisdiction sitting in the State of Texas. Venue shall lie in Caldwell County, Texas. The prevailing party in any litigation arising out of this Agreement shall be entitled to recover its reasonable and necessary costs and attorney's fees from the non-prevailing party pursuant to applicable law.

Section 8. Entire Agreement

This Agreement, when executed, contains the entire agreement between the LEDC and FRESHBOX FARMS with respect to the transactions contemplated herein. This Agreement may be amended, altered, or revoked only by written instrument signed by the LEDC and FRESHBOX FARMS.

Section 9. Successors and Assigns

This Agreement may not be assigned to any third party by FRESHBOX FARMS without the written consent of LEDC. In the event of such assignment or in the event of legal succession of FRESHBOX FARMS interest in this Agreement by operation of law, this Agreement shall be binding on and inure to the benefit of such assign or successor.

Section 10. Notices

Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such addresses provided by the parties in writing hereafter:

FRESHBOX FARMS:

Chief Financial Officer
FreshBox Farms
2076 Zanker Road
San Jose, CA 95131

Lockhart Economic Development Corporation:

President

Lockhart Economic Development Corporation

308 W. San Antonio

P.O. Box 239

Lockhart, TX 78644

Section 11. Interpretation

Regardless of the actual drafter of this Agreement, this Agreement shall in the event of dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against either party.

Section 12. Severability

In the event that any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then and in that event it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

Section 13. Mutual Assistance

LEDC and FRESHBOX FARMS agree to do all things reasonably necessary and appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____ day of _____, 2018.

**THE LOCKHART ECONOMIC
DEVELOPMENT CORPORATION:**

ATTEST:

Vance Rodgers, LEDC President

Robert Tobias, LEDC Secretary

FreshBox Farms:

Chief Financial Officer

State of Texas)
)
County of Caldwell)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Vance Rodgers, known to me to be the President of the Lockhart Economic Development Corporation of Lockhart, Texas.

Notary Public State of Texas

My Commission expires:

State of Texas)
)
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Dave Vosburg, known to me to be the Chief Financial Officer of FreshBox Farms, acting on behalf of such corporation.

Notary Public State of Texas

My Commission expires:

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
 POTENTIAL VALUE OF INCENTIVES PACKAGE
 PROSPECT: PROJECT SOAR
 RECOMMENDED 4-10-2018**

Incentives to locate \$15 million project (includes \$5 million for land purchase) to Lockhart with 75 FTE jobs with an average annual wage of \$35,000; total payroll of \$3.5 million

LEDC INCENTIVES PROPOSED:	INCENTIVE AMOUNTS UP TO:		
* Purchase and gift 5 acres of land adjacent to SH 130 frontage north bound just north of railroad line including surveying, subdividing, and legal fees	\$	392,040	\$65,340
** Reimburse impact, building/inspection fees, water/sewer taps	\$	59,009	
Transformers (with proof of cost to company)	\$	40,000	
LEDC INCENTIVES PROPOSED UP TO:	\$	491,049	
* Lien on land by LEDC until Certificate of Occupancy issued			
** Reimbursement to be pro-rated based on % of investment completed and job requirements			
Extension of Water/Sewer Mains Value by City of Lockhart most of which to be paid by Texas Capital Grant	\$	414,000	
Balance of \$750,000 Texas Capital Fund Grant could come in form of 0% loan	\$	336,000	

All above potential incentives subject to approval by LEDC and City Council

According to State officials, TEF fund very unlikely
 Checking w ACC re value of Skills Development Fund
 Checking w State officials re Enterprise Zone designation and value
 Bluebonnet Electric will offer LCRA ED electric incentive rate

Lindsay Dennis, Gov Ofc
 Hector Aguilar, ACC
 Zach Scott, Gov Ofc
 Wesley Brinkmeyer, BEC

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**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
PUBLIC HEARING NOTICE**

The Directors of the Lockhart Economic Development Corporation (LEDC) will conduct a public hearing on Tuesday, April 10, 2018, at 6:00 p.m. in the Glosserman Room at Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas to discuss a project under Section 4B of the Texas Economic Development Corporation Act of 1979.

The Public Hearing is to consider a new project, Project Soar, which is considering an expansion to Lockhart. The company plans to purchase property on which to build a manufacturing facility. The initial capital investment is estimated at \$15,000,000 and the company will create up to 75 new jobs. The LEDC will be considering possible reimbursable incentives to be offered to the company to help facilitate their investment and expansion to Lockhart.

All interested parties are encouraged to attend and present their views. Persons with disabilities that plan to attend this meeting should contact the City Secretary's office to arrange for assistance. Individuals who require aids or services for this meeting should contact City Hall at least two days before the meeting.

Lockhart Economic Development Corporation

Lockhart

Economic  Development

Business Information Form

Date Received: _____ Project: Project Soar

INSTRUCTIONS

The Business Information Form is intended for internal economic development analysis and efforts will be made to restrict circulation of the information included on the form to appropriate members of Caldwell County. However, please note that the Texas Open Records Act provides that information collected, assembled, or maintained by the County under a law or ordinance or in connection with the transaction of official business is generally considered to be public information. However, the Texas Public Information Act does provide that information relating to economic development negotiations with a business prospect is withheld from disclosure unless and until an agreement is reached. If an agreement has been reached and is ready for Caldwell County consideration, this document may be posted to Caldwell County's website for public disclosure.

Questions or Comments

Please contact
Director of Economic Development, City of Lockhart
rtobias@lockhart-tx.org
308 W. San Antonio
Lockhart, TX 78644
(P) 512-398-3461 x233

CERTIFICATION OF APPLICATION – BUSINESS

Authorized Business Representative (This is the Applicant)

First Name Dave Last Name Vosburg
Title CFO & SVP
Organization Crop One Holdings, Inc., dba FreshBox Farms
Street Address 2076 Zanker Road
Mailing Address _____
City San Jose State CA Zip 95131
Phone Number 650-713-7086 Fax Number _____
Mobile Number 650-713-7086 Website https://freshboxfarms.com/
Email Address DVosburg@freshboxfarms.com

The following consultant is authorized to provide and obtain information related to this application. However, the City of San Marcos reserves the right to contact the applicant business directly at any time.

Consultant Name Larry Kramer, Incentis Group Phone Number 216-408-1133
Consultant Email LKramer@incentisgroup.com

To the best of my knowledge and belief, the information contained in this Caldwell County Application is true and correct, as evidenced by my signature below. I further certify that the business entity is in good

standing under the laws of the state in which the entity was organized and that no delinquent taxes are owed to any taxing entity within Caldwell County, TX.

Signature _____ Date _____
(Primary Business Representative)

BUSINESS APPLICANT INFORMATION

1A. Exact legal name of the entity applying to the Caldwell County incentive.

For New Markets Tax Credit purposes, the real estate and machinery and equipment investment may be made by an SPE that is wholly-owned by Crop One Holdings, Inc., dba FreshBox Farms. The employer at the facility, Crop One Holdings, Inc., dba FreshBox Farms, will be the tenant who leases property from the SPE.

1B. In addition to the Applicant, list all corporate subsidiaries under which jobs will be reported for this project.

Crop One Holdings, Inc. dba FreshBox Farms

Federal Tax ID number 45-4103947 Comptroller of Public Accounts number N/A Will be a new entity in TX

Corporate credit rating and source N/A Service / product produced Hydroponic Leafy Greens

Will the Business be required to pay state sales and use tax on equipment? Yes No Undetermined

NAICS Code 311991 Perishable Prepared Food Manufacturing

INDUSTRY CLUSTER

If applicable, identify the targeted industry cluster within which this project falls.

- Advanced Technologies and Manufacturing, including four sub-clusters: Nanotechnology and Materials; Micro-electromechanical Systems; Semiconductor Manufacturing; Automotive Manufacturing
- Aerospace, Aviation and Defense
- Biotechnology and Life Sciences, not including medical services
- Information and Computer Technology, including three sub-clusters: Communications Equipment; Computing Equipment and Semiconductors; Information Technology
- Petroleum Refining and Chemical Products
- Energy, including three sub-clusters: Oil and Gas Production; Power Generation and Transmission; Manufactured Energy Systems
- None apply

PROJECT INFORMATION

Please describe the Project:

FreshBox Farms specializes in hydroponically grown, eco-friendly and hyper-local food. We use our patented indoor hydroponics technologies processes to grow cleaner, safer, greener produce in a fraction of the time and at a fraction of the costs associated with other types of farming.

Hydroponic is a growing method where roots sit in filtered circulating water that delivers the nutrients needed for growth instead of the plant's roots burrowing through soil to find nutrients. Being able to provide the plants exactly what they need during growth ensures ultimate freshness, no exposure to pesticides or herbicides, and consistently tasty greens. FreshBox Farms uses its patented Hydroponic process to grow spinach, kale, arugula, rainbow chard, romaine and other blends of healthy greens. It is estimated that within five years that 50% or more of leafy greens grown and processed in the U.S. will be done in hydroponically or using similar technologies.

We use modular enclosures to grow our produce. Each enclosure is outfitted with high tech growing equipment that creates a hyper-growth-controlled environment. These enclosures are grouped into multiple units called "Box Farms". Each enclosure can produce between 2 and 18 acres of produce, with one of our farms in a 100,000 square foot building producing the equivalent of 400 to 3,600 acres of food. Our strategy is to place a group of units (a Box-Farm) at or as close to our local customers as possible, which allows us to pass our produce directly to our transport providers to ensure the freshest greens possible.

In keeping with our strategy to place our hydroponic facilities in close proximity to our customers, FreshBox Farms is proposing to expand its service territory with the opening of a new vertical growing facility covering approximately 70,000-100,000 square feet in a new facility in Lockhart, TX to serve the Austin, San Antonio, and Houston markets.

The construction of a new facility in Lockhart will require investment of approximately \$15.5 Million in improvements that will be made in the construction and equipping of a new facility. The building construction will include high quality HVAC and air filtration systems, including Carbon Dioxide controls. Equipment will include shelves, racking, production lighting, HVAC, control systems, etc. The facility will produce the cleanest, freshest lettuces and herbs in the state for local consumption

Is the company considering other Texas Locations? Yes No

Is the company considering other U.S. Locations? Yes No

Is the company considering other Global Locations? Yes No

Market for Product of Activity: Local State U.S. Global

Location of Planned Investment:

The company is proposing investment in a new facility in Caldwell County, in northwest Lockhart. There is no street address for the undeveloped land. The proposed project site is bordered to the west by TX-130 and to the South by the railroad tracks. The site is southwest of Silent Valley Road. The Company will purchase 5 to 10 acres.

Project Timeline

Expected Start Date: August 2018 (Property Acquisition)

Expected Complete Date: Q2 2019

Project Capital Investment (U.S. Dollars)

Leasing Plans: Yes No

Land: TBD Total Acres: 5-10 Acres

Building: \$5,000,000 Square Feet: 70,000-100,000

Investment Schedule

(Please provide a 10-year list of the following items.) All figures below are estimates.

<u>Year</u>	<u>Land</u>	<u>Building</u>	<u>M&E</u>	<u>FF&E</u>	<u>Taxable Inventory</u>	<u>Labor</u>	<u>Total</u>
2018	TBD	\$4,000,000	\$2,000,000	TBD	\$0	\$140,000	\$6,140,000
2019	\$0	\$1,000,000	\$8,000,000	TBD	TBD	\$1,295,000	\$10,295,000
2020	\$0	\$0	\$0	\$0	TBD	\$1,890,000	\$2,278,500
2021	\$0	\$0	\$0	\$0	TBD	\$2,415,000	\$2,803,500
2022	\$0	\$0	\$0	\$0	TBD	\$2,870,000	\$3,258,500
TOTALS	TBD	\$5,000,000	\$10,000,000	TBD	TBD, under review	\$8,610,000	\$24,919,750

PROJECT TOTAL \$24,919,750

Depreciation Schedule

<u>Item</u>	<u>Years</u>	<u>Percent per Year</u>	<u>Item</u>	<u>Years</u>	<u>Percent per Year</u>
Machinery	_____	_____	Building	_____	_____
Equipment	_____	_____	Other	_____	_____

Job Categories and Wage Distributions

Job Category	Number of Jobs (employed by company)	Number of Jobs (vendor or contract)	Average Annual Wages	Percent to be Locally Hired
Management	1	N/A	\$70,000	TBD
Sales	3	N/A		30-60%
Plant Scientists	3	N/A		TBD
Administrative	1	N/A	\$25,000-45,000	50-100%
Maintenance	2	N/A		50-100%
Harvesters & Pickers	65	N/A		30-60%
Total	75	N/A		

Note: We have assumed local hiring to be based on hiring County residents. The above figures are estimates which will be refined as operations commence and we determine the quantity of eligible applicants within the local market.

What is the expected average wage for the lowest paid 10% of local workers? Approximately \$8-10/hr for entry-level positions.

JOB CREATION & INVESTMENT SCHEDULE

Year	Existing Jobs On Site	New Jobs	Total
1 (2018)	0	2	2
2 (2019)	2	30	32
3 (2020)	32	15	47
4 (2021)	47	15	62
5 (2022)	62	13	75
6			
7			
8			
9			
10			
Total		75	75

Note: A breakdown of the types of new full-time jobs to be created by classification, title, and the salary may be requested

Number of new full-time jobs to be included in City Agreement 50, by 2022

Estimated annual *median* wage of new jobs to be created \$35,000

Note: The median wage is determined by listing all salaries in ascending order and selecting the value with equal number of salaries above and below its value, or with an average of the two middle values if there is no middle number.

SERVICE REQUIREMENTS

Electric

Peak Monthly Demand in Kilowatts (KW): Estimated 3,000

Average Monthly Usage in Kilowatt Hours (kWh): Estimated 1,000,000

Average Monthly Load Factor: Estimated 0.46

Dual Feed Required: Yes No Dual Feed is preferred but not required.

Current Rate (cents per kWh): N/A

Water

Average Monthly Usage: Approximately 750,000 liters/month

Meter Size: TBD, No known requirements for meter to exceed standard industrial size

Waste Water

Average Monthly Discharge: Approximately 700,000 liters/month

Miscellaneous

Building Size: 70,000-100,000 square feet Manufacturing Space: 65,000-90,000

Office Space: 5,000-10,000 Ceiling Heights: 20+

Acres: 5-10 Docks/Type: 2 dock-high roller doors and one drive-in roller-door

Parking Requirements: approximately 75 spaces plus truck staging

Rail: Yes No Interstate: Yes No

Commercial Airport: Yes No Fiber: Yes

ECONOMIC IMPACT OF PROJECT

Will the Project Generate:

Property Tax:

Land:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Building:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
M&E:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Inventory: Yes No TBD, This is under review.
 Local Sales Tax: Yes No
 State Sales Tax: Yes No

Total annual company purchases subject to local sales tax: Approximately \$300,000 of general office materials and marketing materials. We are still working to quantify the total utility spending and what portion of it, if any, would be subject to local tax.

(For example: office supply purchases, operating expenses, and taxable professional services)

Indirect Local Revenue: Yes No
 Describe:

Based on the investment of the proposed Project, the total estimated annual impact of the operations of the FreshBox Farms facility within Caldwell County would be approximately 93 jobs, including direct, indirect and induced positions, and total annual direct, indirect and induced earnings of nearly \$4,499,000 within the County. The total estimated annual economic output created by the project is \$6,200,00 within the County, with much of it occurring within the project LIC and immediately surrounding LICs.

Additionally, the construction of the facility will have a substantial one-time impact on the County and LIC as well. We estimate the construction will support approximately 111 jobs, including direct, indirect and induced positions, and total direct, indirect and induced earnings of nearly \$4,700,000 within the City during the construction period. The total estimated annual economic output created by the project construction is estimated to be \$12,370,000 within the County, with much of it occurring within the project LIC and immediately surrounding LICs.

FreshBox Farms' operations are hyper-local. While some companies define local as within up to 1,000 miles, we define local as within 100 miles of our farm. This allows FreshBox farms to deliver its produce to the stores and restaurants within 24 hours of harvest, to partner with nearby distributors, retailers and restaurants and to create more impact and more jobs within the direct communities and regions in which we operate. The facility in Lockhart will serve the San Antonio, Austin, and Houston MSAs.

Other Local Revenue: Yes No
 Describe:

In addition to the meaningful economic benefits the proposed FreshBox Farms project would create in Caldwell County, FreshBox Farms is committing to significant community participation including:

- Offering its excess greens and produce to address food insecurity in the County
- Working with local food banks on workforce training and referrals
- Partnering with the local foodbanks to start up/enhance local Farmer's Market(s) and mobile markets projects
 - These will bring shoppers to central locations and create opportunities for local farmers and entrepreneurs to connect with local customers.

Does the company have either of the following: (1) Historical data that demonstrates that the company has been successful in achieving diversity in vendor contracting through its existing programs or policies, or (2) A policy or plan for establishing goals for diversity in vendor contracting:

Yes No

If so, please describe the historical data or policy/plan and attach the historical data or policy/plan:

We have not yet established this but would be happy to co-develop such a policy.

COMPANY FINANCIAL DATA

The applicant company is asked to provide three consecutive years of financial data in the form of independent, audited financial statements containing, at a minimum, the following categories:

- Current Assets
- Inventories
- Total Assets
- Current Liabilities
- Total Liabilities
- Total Equity
- Net Income
- Revenue
- Cost of Goods Sold
- Current Accounts Receivable

Note: Audited financial statements are required from the Applicant company, as listed on page 4, line 1A of this application. If financial statements are provided from a parent entity, the parent will be required to guarantee any economic development agreement with Caldwell County, should one result from this application.



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Dates: April 17, 2018					
Department: City Manager			Initials	Date	
Department Head: Vance Rodgers		Asst. City Manager			
Dept. Signature: <i>[Signature]</i>		City Manager		<i>[Signature]</i>	4-13-2018
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER					
CAPTION					
Discussion and/or action after Parks Master Plan presentation by Burditt Consultants					
FINANCIAL SUMMARY					
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED					
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS	
Budget				\$0.00	
Budget Amendment Amount				\$0.00	
Encumbered/Expended Amount				\$0.00	
This Item				\$0.00	
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00	
FUND(S):					
SUMMARY OF ITEM					
Burditt Consultants will present a summary of the process and the final Parks Master Plan report. There were very few changes since the last presentation to the Parks Master Plan Advisory Committee. Council was provided link of final report March 22 for comments to be sent to Burnditt. Consultant will bring sufficient copies to meeting.					
STAFF RECOMMENDATION					
Staff recommends acceptance of the plan					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies: Parks Master Plan Steering Committee		

Vance Rodgers

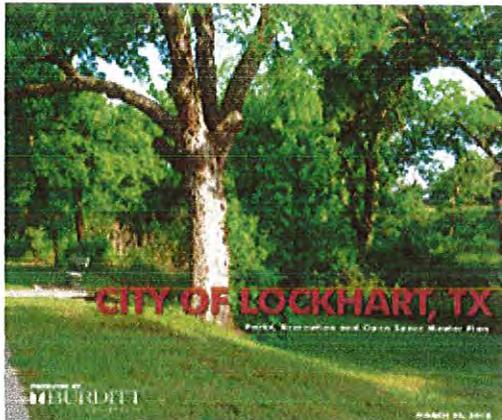
From: Vance Rodgers
Sent: Thursday, March 22, 2018 6:44 AM
To: 'Angie Gonzales-Sanchez, Mayor Pro-tem, Councilmember at Large'; 'Brad Westmoreland, Councilmember at Large'; 'Jeffrey Michelson, Councilmember Dist 4'; 'John G Castillo Councilmember Dist 2'; 'Juan Mendoza Councilmember Dist 1'; 'Kara McGregor, Councilmember Dist 3'; 'Lew White, Mayor'
Subject: Final Draft : Lockhart Parks Master Plan March 22, 2018

For informational purposes only

From: Paul Howard [mailto:PHoward@burditt.com]
Sent: Wednesday, March 21, 2018 2:08 PM
To: Vance Rodgers; Chris Sager
Subject: Lockhart Parks Master Plan

Vance,
We have revised the Parks Master Plan with consideration of the input from the Steering Committee. We are ready to move things forward at your direction. Please find the final draft by the link below. Let us know when you're ready to take it to City Council.

https://burdittconsultants-my.sharepoint.com/:b:/g/personal/phoward_burditt_com/EWvvVvyhg81lvaDwRScYzW8B7YdC1ttaA68LEKDSVe4Wsg?e=26hnDY



Lockhart Master Plan_3-20-18

Shared via OneDrive

Sincerely,

Paul S. Howard
Planner



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: April 17, 2018				
Department: Streets			Initials	Date
Department Head: Sean Kelley (Interim PW Director)		Asst. City Manager		
Dept. Signature: <i>Sean Kelley</i>		City Manager		<i>[Signature]</i> 4-12-2018
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action to consider approval of FY 17-18 Street Improvement Program Plan				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S): FY 17-18 Budget				
SUMMARY OF ITEM				
Staff has prepared a list of streets to be improved this summer. The total estimated costs are about \$300,000. Projects include those to be contracted because of special processes required and those projects to be done by City Crews. Streets with higher traffic counts are given priority because of higher usage and frequencies by the public.				
STAFF RECOMMENDATION				
Interim Public Works Director and City Manager respectfully request approval of the plan as presented				
List of Supporting Documents: Work Project Plan with estimated costs		Other Departments, Boards, Commissions or Agencies:		



CITY OF LOCKHART
FY 17-18 STREET PROJECT PLAN

CITY OF LOCKHART			
FY 17-18 STREET PROJECT PLAN			
PROJECT	ESTIMATED COST	PROCESS	CONTRACT OR CITY CREW
S MOCKINGBIRD, SH 142 TO DOVE LANE			
PRAIRIE LEA, US 183 TO BRAZOS			
CIBILO, SH 142 TO PRAIRIE LEA	\$ 131,616.00	MILL, SEAL, OVERLAY	CONTRACT
CENTURY OAKS DRIVE			
OAK KNOLL			
FOREST			
SAN JACINTO, CLEARFORK TO STATE PARK RD			
COMMERCE N, US 183 TO PECAN			
CEMETERY, COMMERCE TO OVERPASS			
FLORES, US 183 TO COMMERCE	\$ 38,062.40	ONYX	CONTRACT
BEE ST, COMMERCE TO GUADALUPE			
MARKET ST, CIBILO TO FRIO STREET			
CENTER, CIBILO TO LION COUNTRY			
PECOS, BOIS D ARC TO SOUTH END			
KATE, APPLE TO OLIVE			
MEDINA, HARPERS TRAIL TO HUNTER	\$ 47,000.00	OVERLAY	CITY CREW
MARKET, RADIO TOWER TO FM 672			
CHAPARREL, BRAZOS TO TRINITY			
PEARL, BRAZOS TO TRINITY			
PLUM, CIBILO TO FRIO	\$ 25,000.00	CHIP SEAL COAT	CITY CREW
CRACK SEAL PROJECTS	\$ 12,000.00	CRACK SEAL	CITY CREW
POTHoles / FAILURES	\$ 30,794.00	REPAIRS	CITY CREW
ENGINEERING FOR CONTRACT PROJECTS	\$ 5,500.00		
CONTINGENCY	\$ 11,000.00		
ESTIMATE TOTAL	\$ 300,972.40		

FY 17-18 Streets by Contract

Process: Mill, Seal, Overlay

S Mockingbird (1,650 cars a day-Bluebonnet School)

SH 142 to just south of Dove Lane

$1,090' \times 36' = 4,360 \text{ SY}$

Prairie Lea (1,250 cars a day)

US 183 to Brazos

$285' \times 49' = 1,552 \text{ SY}$

Cibilo (325 cars a day- Two businesses)

SH 142 to Prairie Lea

$600' \times 21' = 1,400 \text{ SY}$

Total Square Yards: 7,312

Est Cost Per SY : \$18

Estimate: \$131,616

2017-2018 Budget for 100-5633-433

Spray .3 tenths of Onyx

This work will go out for bids.

1	Century Oaks; Limits Forest to McMahan	3,720sy
1	Oak Knoll; Limits Century to McMahan	1065sy
1	Forest; Limits McMahan to Dead-end	825sy
4	San Jacinto; Limits FM 20 to Clear Fork	7,991sy
2	N. Commerce; Limits US 183 to Pecan	8,207sy
2	Cemetery; Limits Commerce to Overpass	1,054sy
2	Flores; Limits US 183 to Commerce	927sy
	Total	23,789sy

Price for Onyx is \$1.60 per SY.

$$23,789\text{sy} \times 1.60 \text{ per SY} = \$38,062.40$$

2017-2018 Budget for 100-5633-433

Dollar amount for City Crews \$114,794.00

Hot Mix Projects	\$47,000.00
Seal Coat Projects	\$25,000.00
Crack Seal Projects	\$12,000.00
Potholes / Base Failures	\$30,794.00
Total	\$114,794.00

2017-2018 Budget for 100-5633-433

Hot Mix Projects Done by City Crews

- 421 Bee Street; Limits Commerce to Guadalupe
- 3 Market; Limits W. of Cilibo to Frio
- 423 Center; Limits Cilibo to Lion Country
- 2 Kate; Limits Apple to Olive
- 4 Medina; Limits Harpers Trail to Hunter Rd

Approximately \$47,000.00 (level up / Overlay)

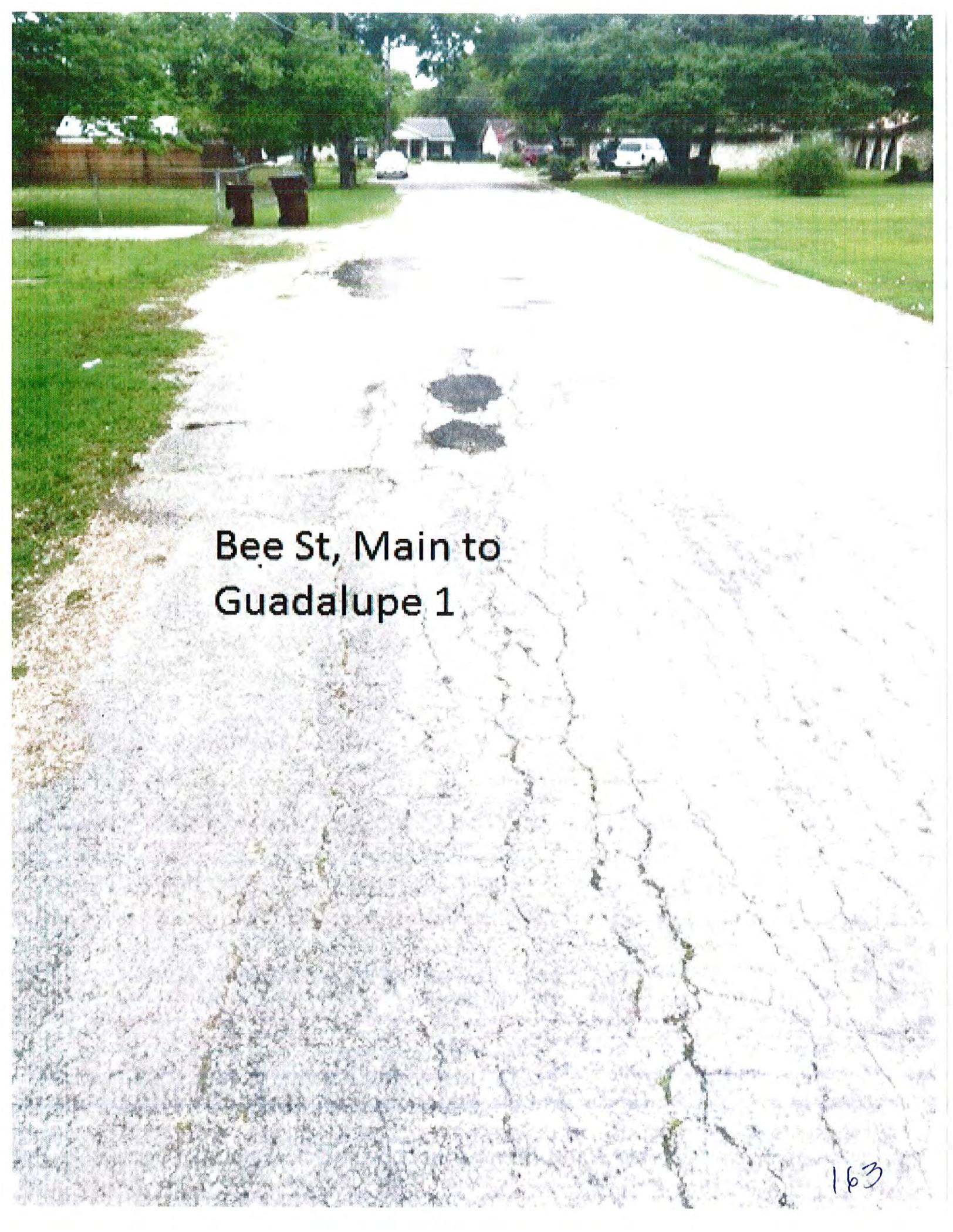
2017-2018 Budget for 100-5633-433

Seal Coat Projects Done by City Crews

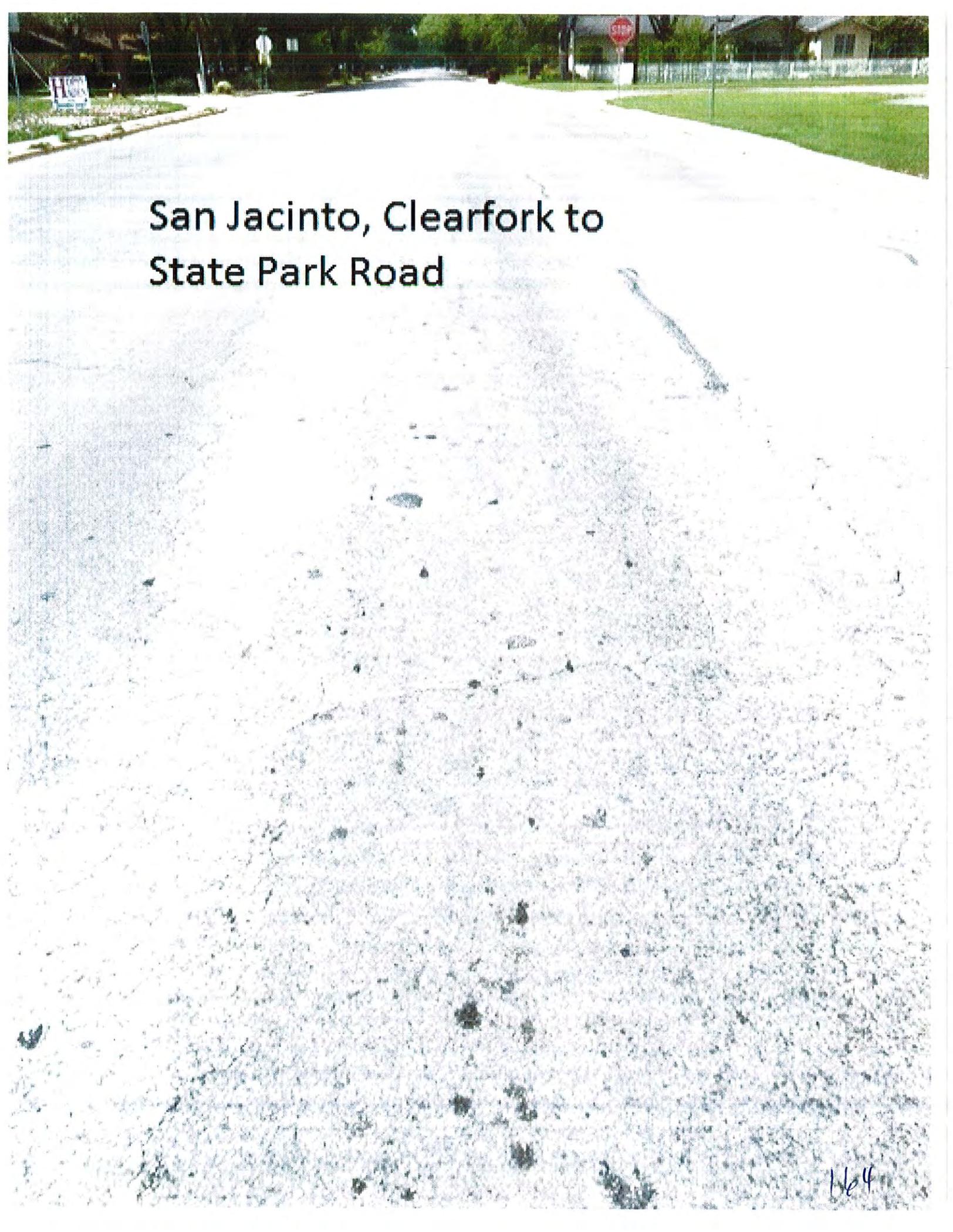
- 2 Market; Limits FM 672 to Radio Tower
- 1 Chaparral; Limits Brazos to Trinity
- 1 Pearl; Limits Brazos to Trinity
- 3 Plum; Limits Cilibo to Frio

Approximately \$25,000.00 (for 2 course seal)

CITY OF LOCKHART
FY 17-18 STREET PROJECT PLAN
PICTURES: TYPICAL STREETS

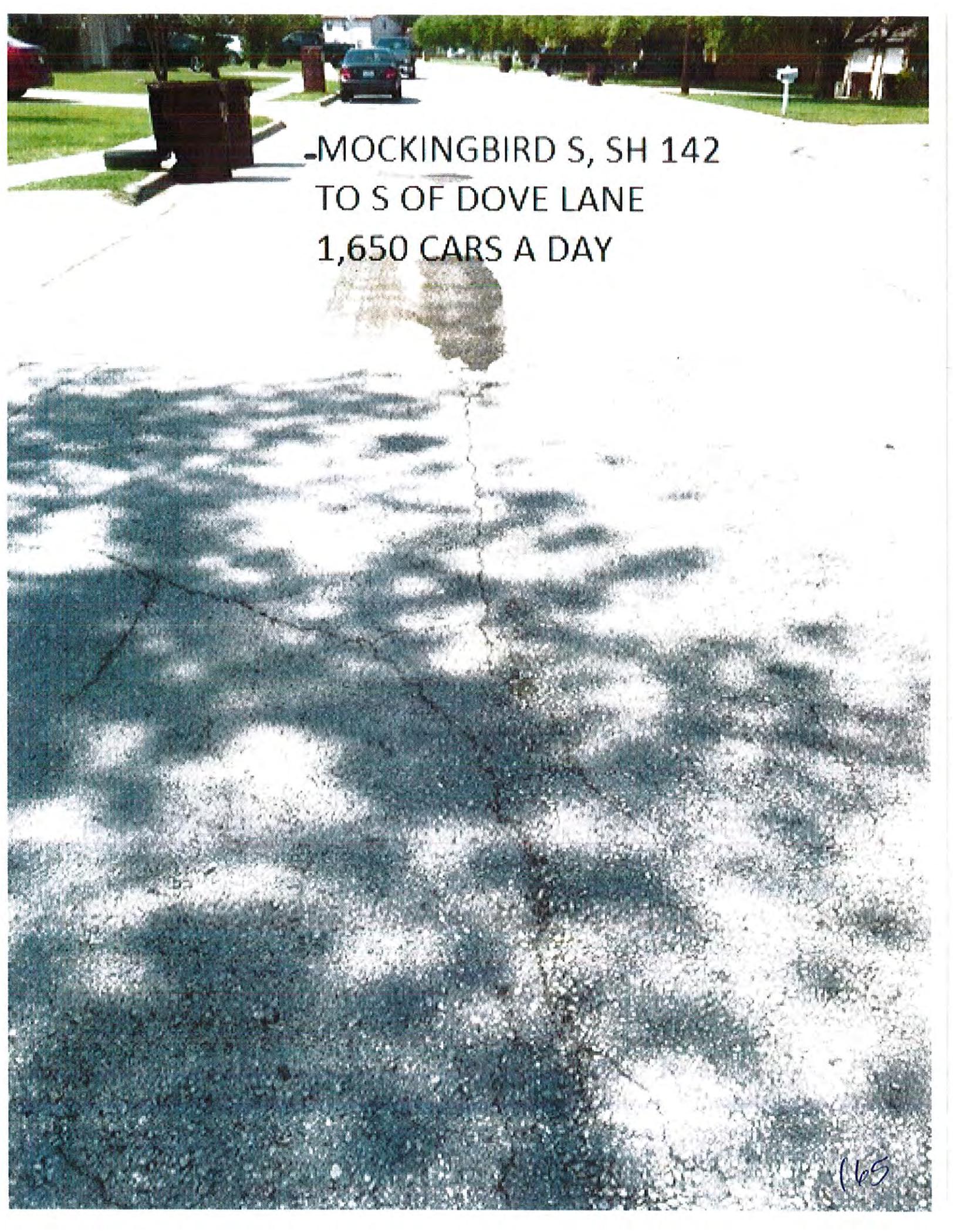


**Bee St, Main to
Guadalupe 1**



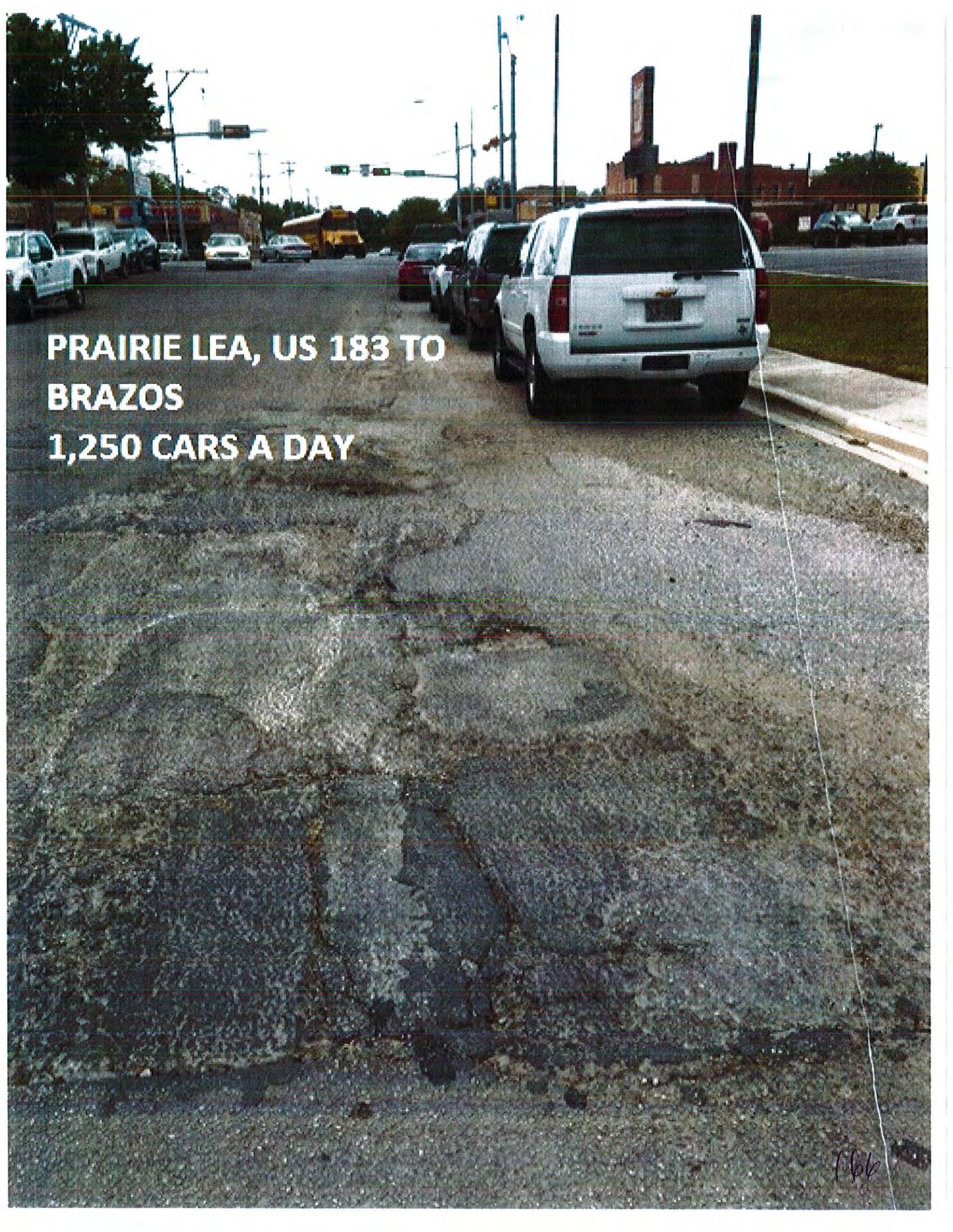
**San Jacinto, Clearfork to
State Park Road**

164



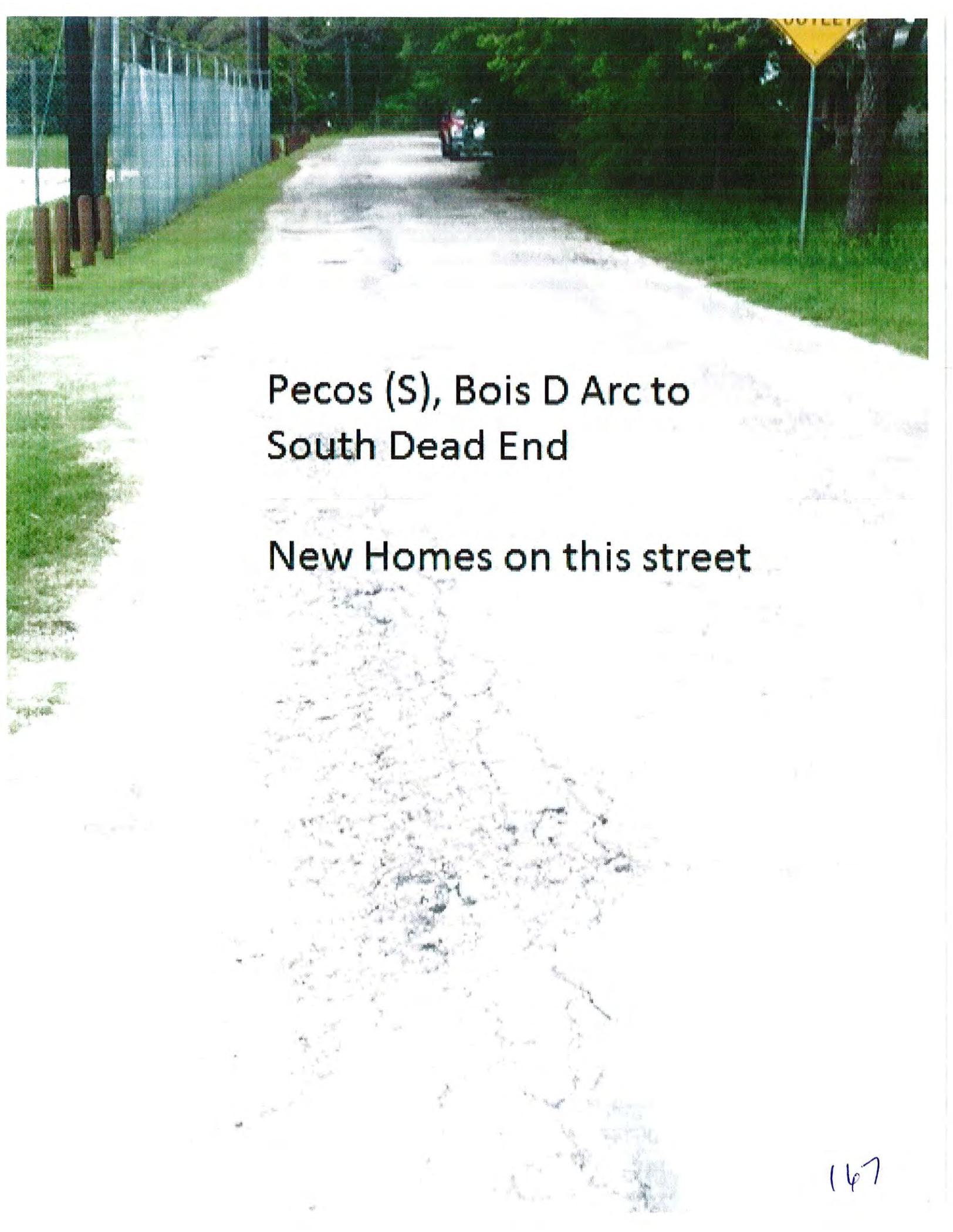
-MOCKINGBIRD S, SH 142
TO S OF DOVE LANE
1,650 CARS A DAY

165



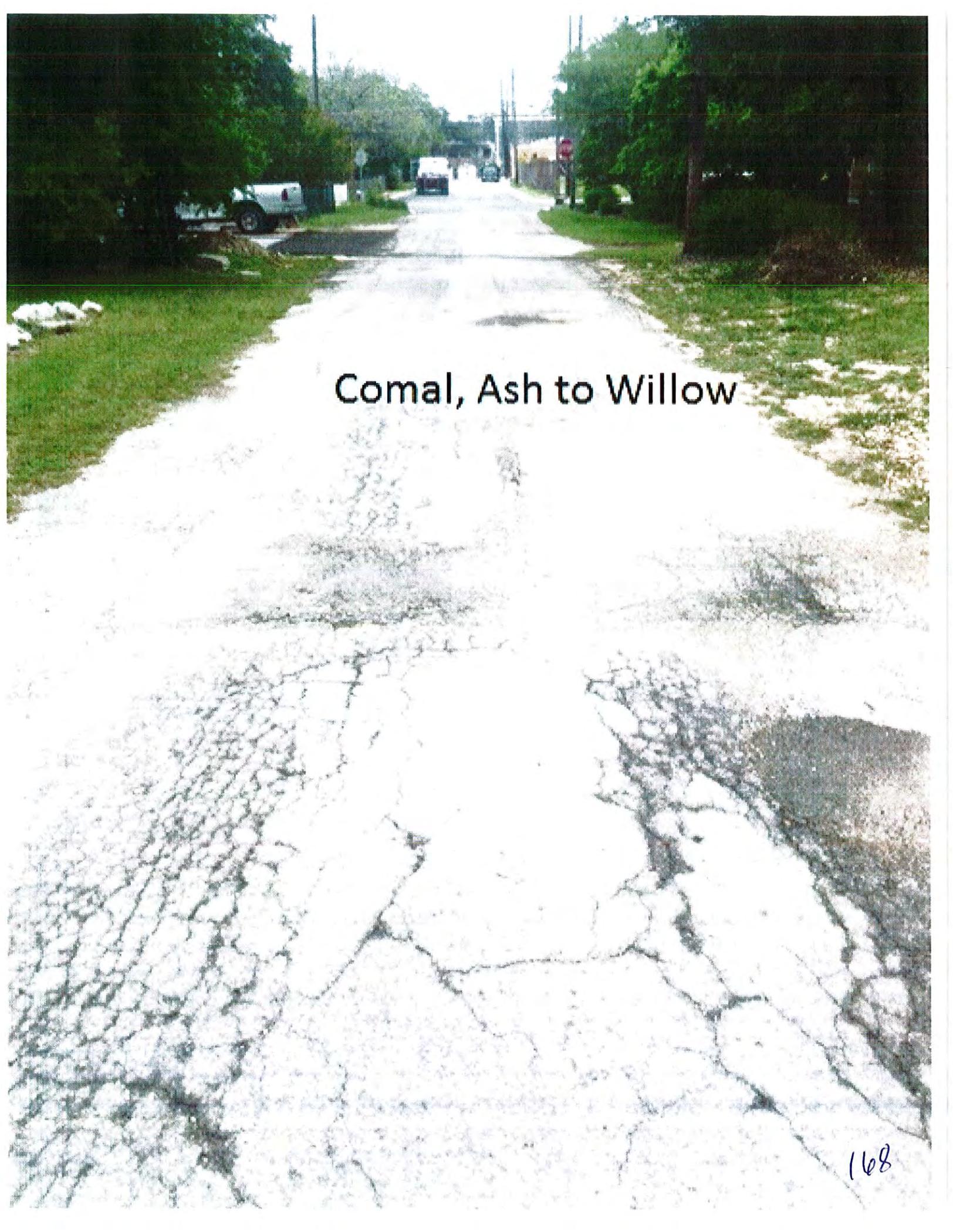
**PRAIRIE LEA, US 183 TO
BRAZOS
1,250 CARS A DAY**

fbk



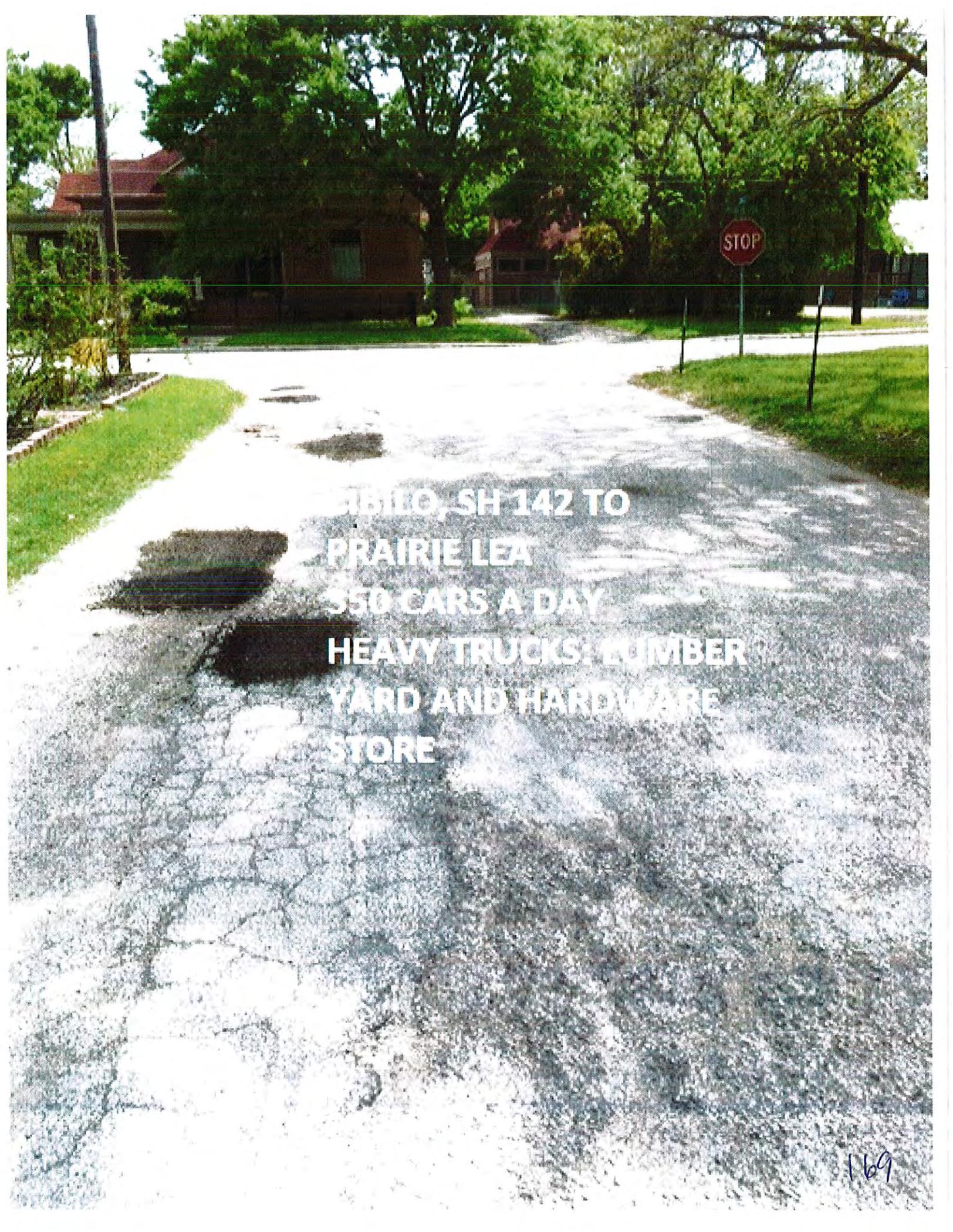
**Pecos (S), Bois D Arc to
South Dead End**

New Homes on this street



Comal, Ash to Willow

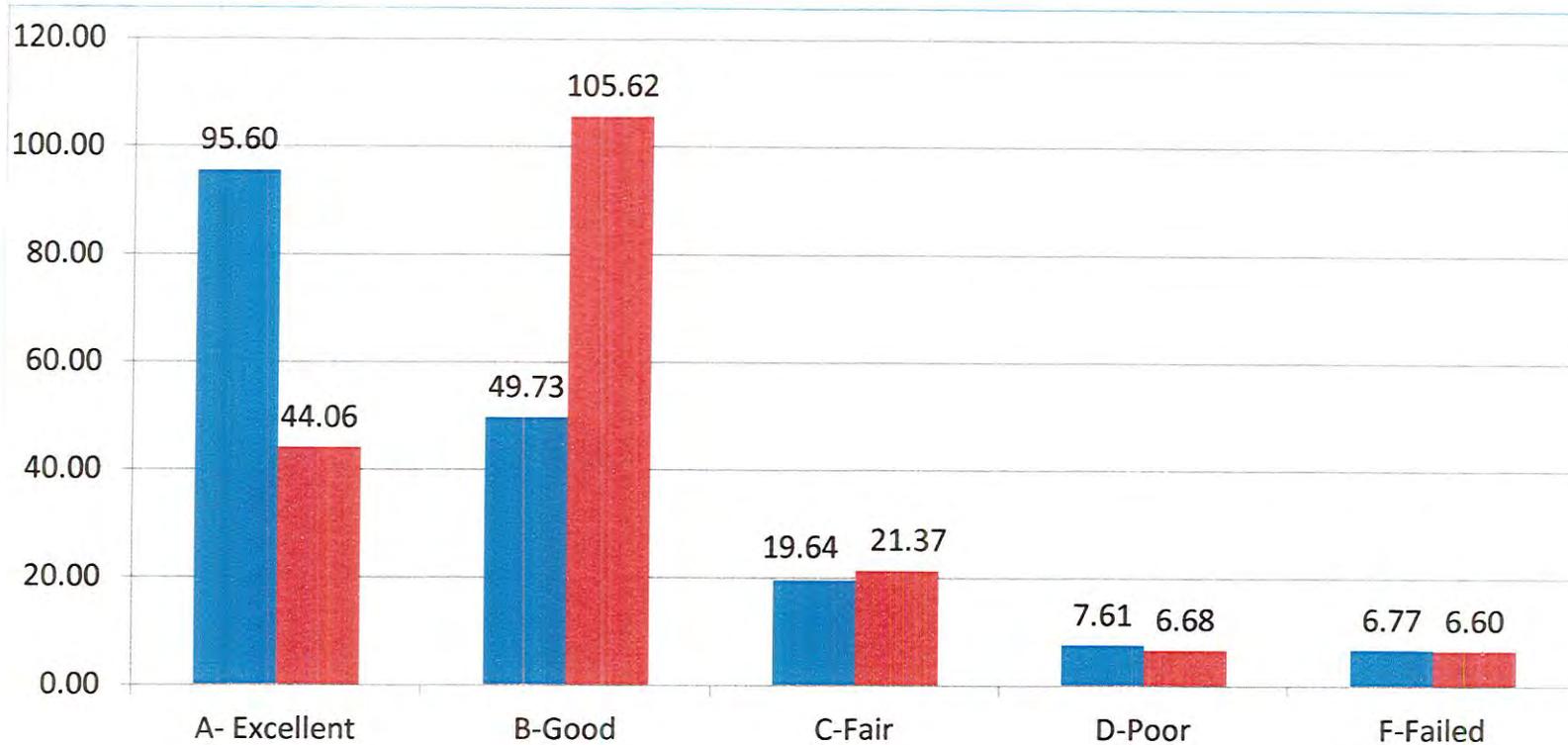
168



WABELO, SH 142 TO
PRAIRIE LEA
350 CARS A DAY
HEAVY TRUCKS: LUMBER
YARD AND HARDWARE
STORE

STREET NETWORK A-F SURFACE RATINGS

Lane Miles: **2010** Compared to **2016**



If the A&B streets are NOT maintained, there will never be enough funds to fix the C, D, and F streets. \$400,000 for paving/repair materials are needed each year for 5 years. Current budget is only \$100,000 for materials. A \$2 increase in the transportation fee will provide an additional \$130,000 for materials.

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LIST OF BOARD/COMMISSION VACANCIES

Updated: March 12, 2018

Board Name	Reappointments/Vacancies	Council member
Board of Adjustment	Nic Irwin moved to Lockhart Economic Development Corp.	Any Councilmember

APPLICATIONS RECEIVED TO BE ON A BOARD/COMMISSION

APPLICANT	BOARD REQUESTED	DATE RECEIVED	RESIDENCE DISTRICT
------------------	------------------------	----------------------	---------------------------

NO APPLICATIONS AT THIS TIME

<p>The following are NOTES regarding appointments to several boards that have certain criteria that should be met, such as qualifications or number to serve on the board. Boards that are not listed below have a seven member board and are open to any citizen without qualifications.</p>	
<p>NOTES: AIRPORT ADVISORY BOARD</p>	<p>Sec. 4-26. Membership; appointments. The Lockhart Airport Advisory Board shall be composed of seven members to be appointed in accordance with section 2-210. At least five members must currently be or have been flight rated, and two members may be appointed as at-large members. Members shall serve three-year terms, such terms coinciding with the council position making the appointment.</p> <p>Sec. 4-28. Eligibility for board membership. No person having a financial interest in any commercial carrier by air, or in any concession, right or privilege to conduct any business or render any service for compensation upon the premises of the Lockhart Municipal Airport shall be eligible for membership on the Lockhart Airport Advisory Board.</p> <p>Sec. 4-32. Limitations of authority. The Lockhart Municipal Airport Advisory Board shall not have authority to incur or create any debt in connection with airport operations, nor shall the board be empowered to enter into any contract, leases, or other legal obligations binding upon the City of Lockhart, nor shall the board have authority to hire airport personnel or direct airport personnel in the execution of their duties.</p>
<p>NOTES: CONSTRUCTION BOARD APPOINTMENTS</p>	<p><i>Section B101 4, Board Decision,</i> is amended to read as follows: The construction board of adjustments and appeals shall have the power, as further defined in Appendix B, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes, and to conduct hearings on determinations of the building official regarding unsafe or dangerous buildings, structures and/or service systems, and to issue orders in accordance with the procedures beginning with section 12-442 of this Code [of Ordinances]</p> <p><i>Section B101 2, Membership of Board,</i> is amended to read as follows: Each District Council member and the Mayor shall appoint one member to the Construction Board of Appeals making it a five (5) member board and each Councilmember at Large shall appoint an alternate. The term of office of the board members shall be three (3) years, such terms coinciding with the council position making the appointment. The two (2) alternates shall also serve the term coinciding with the council position making the appointments. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Board members shall consist of members who are qualified by experience and/or training to pass on matters pertaining to building construction and are not employees of the City of Lockhart.</p>
<p>NOTES: ELECTRIC BOARD APPOINTMENTS</p>	<p>Sec. 12-132. Members. (a) Appointments to the examining and supervisory board of electricians and appeals shall conform to section 2-210 except that the board shall consist of five persons with one being appointed by each district council member and one by the mayor. Each member shall serve three-year terms with such terms to coincide with the council position making the appointment. (b) Each board member shall reside within the county and such board shall include one member who shall be a building contractor, one layman, two members shall be master electricians who are currently licensed by the city; and one member shall be either a building contractor or master electrician licensed by the city. There shall be two ex-officio members, one who shall be the city electrical inspector, and one shall be the fire marshal.</p> <p>Sec. 12-133. Officers and quorum. The members of the examining and supervising board of electricians and appeals shall select a chairman and secretary. A quorum shall consist of three members.</p>
<p>NOTES: HISTORIC PRESERVATION COMMISSION</p>	<p>Sec. 28-3. Historical preservation commission. (b) The commission shall consist of seven members, appointed by the city council in accordance with section 2-210, who shall whenever possible meet one or more of the following qualities: (1) A registered architect, planner or representative of a design profession, (2) A registered professional engineer in the State of Texas, (3) A member of a nonprofit historical organization of Caldwell County, (4) A local licensed real estate broker or member of the financial community, (5) An owner of an historic landmark residential building, (6) An owner or tenant of a business property that is an historic landmark or in an historic district, (7) A member of the Caldwell County Historical Commission.</p>
<p>NOTES: PARKS ADVISORY BOARD</p>	<p>Sec. 40-133. Members. (a) The board shall consist of seven members appointed in accordance with section 2-210 to serve three years terms, such terms to coincide with the council position making the appointment and two alternates shall also be appointed by the mayor and mayor pro-tem, one each. The two alternates shall also serve the term coinciding with the council position making the appointments. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. (Ordinance 06-08, adopted February 7, 2006)</p>

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Sec. 2-209 - Rules for appointment

The city council hereby sets the following rules

- (1) Except as may be established by existing city ordinances/resolutions the process for selecting members shall be open to all Lockhart citizens, who must apply for appointment, to include those applying for reappointment. Reappointment shall not be deemed automatic.
- (2) Council shall seek to appoint the most qualified or best persons available, while also respecting the need for diverse community opinions.
- (3) No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- (4) No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- (5) Subject to other qualifications as specifically required for membership on the below boards and commissions, the city council shall have the right (but not the duty) to appoint up to two members who are not Lockhart citizens but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the construction board of appeals.
- (6) Subject to other qualifications as specifically required for membership on the below boards and commissions, the city council shall have the right (but not the duty) to appoint up to two members who are not Lockhart citizens but who are residents of Caldwell County, to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the construction board of appeals.

Section 2-210. Method of selection; number of members; terms.

- (a) The mayor and city councilmembers shall nominate individuals to serve on boards and commissions. Each nomination shall then be confirmed by a simple majority of the entire city council.
- (b) Except as provided herein, there shall be seven members appointed to each board or commission corresponding with the seven members or places of the city council. Each city councilmember, except as provided herein, shall nominate a qualified person to serve in a place on an appointed body corresponding to their place on the council. At-large councilmembers shall be designated as places 5 and 6, and the mayor's position as place 7, for the purpose of this section. Nominations shall be made to fill vacant positions and/or positions whose terms have expired within 90 days of the event, such as a resignation or an election. Should any city councilmember fail to name an appointee to one of his/her corresponding places on any body within the above described 90 days, another councilmember shall then have the privilege to nominate a person to fill that same position, as described in subsection (a). However, once that position becomes vacant again for any reason, the appointment shall revert to the place corresponding with the original city council seat/place number for nominations.
- (c) Beginning with the election in May, 1998, the council shall nominate and confirm four members to serve in places 1, 2, 5, 6 on each board and commission in accordance with subsections (a) and (b) above, and with the standards set in Ordinance Number 97-09, Governance Policies. With the election of May, 1999, the remaining three places shall be filled following the same procedure as above.
- (d) Terms of service on appointed bodies shall be the same three-year terms as the councilmember who nominates a person to serve. However, a person may be appointed to complete the unexpired term of a vacant position, due to a resignation, for example.
- (e) When a person has completed a term, or terms, of service and will be vacating a place, that person may continue to serve until a replacement is nominated and confirmed by the city council.
- (f) At the discretion of the majority of the city council, one Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member to the historical preservation commission.
- (g) Exceptions to the above regulations shall be all volunteer/special purpose/ad hoc committees appointed from time to time by the city council and the zoning board of adjustments, whose members shall serve two-year terms in accordance with V T C.A., Local Government Code § 211.008. All other provisions of this section, and ordinance number 97-09 which do not conflict with the chapters establishing these bodies shall be applicable.

Sec. 2-212. Removal and resignation of members.

- (a) All board, commission and committee members serve at the pleasure of the city council and may be removed from office with or without cause at the discretion of the city council.
- (b) Board, commission and committee members may resign from office at any time by filing a written resignation, dated and signed by the member, with the City Secretary. Such resignation shall take effect upon receipt by the City Secretary without further action by the city council. If the city council appoints a new member to replace the resigned member, the new member shall be appointed to serve out the remainder of the resigned member's term.

NOTES:
ORDINANCE
RE: ALL
BOARD,
COMMISSION
APPOINTMENTS

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<p>NOTES: PARKS MASTER PLAN STEERING COMMITTEE (Est. 09/05/2017)</p>	<p>Committee to have 8-10 members as follows:</p> <ul style="list-style-type: none">• Councilmembers• City staff• Two Parks Advisory Board members• Business owners• Civic Organization members <p>Committee will assist Burditt Consultants to perform tasks outlined in the Parks Master Plan.</p>
<p>NOTES: AD-HOC COMMITTEE ST. PAUL UNITED CHURCH OF CHRIST PROPERTY (Est. 09/05/2017)</p>	<p>Committee will consist of at least one appointment from Mayor and each Councilmember.</p> <p>The Committee will make recommendations to the Council about the use of the property at 728 S. Main.</p>
<p>WAYFINDING SIGNAGE AND COMMUNITY BRANDING AD-HOC (Est. 01/02/2018)</p>	<p>Committee will assist City Planner/Development Services with wayfinding signage and community branding tasks.</p> <p>Committee will consist of up to five members appointed by the Council.</p>

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COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

Councilmember	Board/Commission	Appointee	Date Appointed
Mayor - Lew White	Airport Board	John Hinnekamp	12/19/17
	Board of Adjustment	Mike Annas	12/19/17
	Construction Board	Ralph Gerald	12/19/17
	Ec Dev. Revolving Loan	Barbara Gilmer	12/19/17
	Ec Dev. Corp. ½ Cent Sales Tax	Alan Fielder, Vice-Chair	12/19/17
	Electric Board	Joe Colley, Chair	12/19/17
	Historical Preservation	John Lairsen	12/19/17
	Library Board	Stephanie Riggins	12/19/17
	Parks and Recreation	Albert Villalpando, Chair	12/19/17
	Planning & Zoning	Paul Rodriguez	12/19/17
	ETJ Rep-Impact Fee Adv Comm	Larry Metzler	12/19/17
District 1 - Juan Mendoza	Airport Board	Larry Burrier	03/07/17
	Board of Adjustment	Lori Rangel	03/07/17
	Construction Board	Mike Votee	03/07/17
	Eco Dev. Revolving Loan	Ryan Lozano	03/07/17
	Eco Dev. Corp. ½ Cent Sales Tax	Dyral Thomas	03/07/17
	Electric Board	Thomas Herrera	03/07/17
	Historical Preservation	Victor Corpus	03/07/17
	Library Board	Shirley Williams	03/07/17
	Parks and Recreation	Linda Thompson-Bennett	03/07/17
Planning & Zoning	Marcos Villalobos	03/07/17	
District 2 - John Castillo	Airport Board	Reed Coats	03/07/17
	Board of Adjustment	Juan Juarez	03/07/17
	Construction Board	Israel Zapien	03/07/17
	EcoDev. Revolving Loan	Rudy Ruiz	03/07/17
	Eco Dev. Corp. ½ Cent Sales Tax	Fermin Islas, Chair	03/07/17
	Electric Board	James Briceno	03/07/17
	Historical Preservation	Ron Faulstich	03/07/17
	Library Board	Donnie Wilson	03/07/17
	Parks and Recreation	James Torres	03/07/17
	Planning & Zoning	Rob Ortiz, Alternate Manuel Oliva	03/07/17

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COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

District 3 Kara McGregor	Airport Board	Ray Chandler	02/06/18
	Board of Adjustment	Anne Clark, Vice-Chair	12/19/17
		Kirk Smith (Alternate)	12/05/17
	Construction Board	Jerry West, Vice-Chair	01/02/18
	Eco Dev. Revolving Loan	Lew White, Chair	12/19/17
	Eco Dev. Corp. ½ Cent Sales Tax	Nic Irwin	12/05/17
	Electric Board	Thomas Stephens	12/19/17
	Historical Preservation	Ronda Reagan	12/19/17
	Library Board	Jean Clark Fox, Chair	12/19/17
	Parks and Recreation	Warren Burnett	12/05/17
Planning & Zoning	Philip McBride, Chair	12/19/17	
District 4 - Jeffry Michelson	Airport Board	Mark Brown, Vice-Chair	03/07/17
	Board of Adjustment	Wayne Reeder	12/05/17
	Construction Board	Rick Winnett	12/05/17
	Eco Dev. Revolving Loan	Frank Coggins	12/05/17
	Eco Dev. Corp. ½ Cent Sales Tax	Morris Alexander	12/05/17
	Electric Board	Ian Stowe	03/06/18
	Historical Preservation	Kathy McCormick	12/05/17
	Library Board	Donaly Brice	12/05/17
	Parks and Recreation	Russell Wheeler	12/05/17
	Planning & Zoning	Mary Beth Nickel	12/05/17
Mayor Pro-Tem (At-Large) Angie Gonzales-Sanchez	Airport Board	Andrew Reyes	03/07/17
	Board of Adjustment	Laura Cline, Chair	03/07/17
	Construction Board	Paul Martinez	03/07/17
	Eco Dev. Revolving Loan	Irene Yanez	03/07/17
	Eco Dev. Corp. ½ Cent Sales Tax	Alfredo Munoz	06/06/17
	Historical Preservation	Juan Alvarez, Jr.	03/07/17
	Library Board	Jodi King	03/07/17
	Parks and Recreation	Chris Schexnayder	03/07/17
	Planning & Zoning	Philip Ruiz, Vice-Chair	03/07/17

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

At-Large - Brad Westmoreland	Airport Board Board of Adjustment Construction Board (Alternate) Eco Dev. Revolving Loan Eco Dev. Corp. ½ Cent Sales Tax Historical Preservation Library Board Parks and Recreation Planning & Zoning	Jayson “Tex” Cordova Severo Castillo Gary Shafer Edward Strayer Frank Estrada Richard Thomson Rebecca Lockhart Dennis Placke Christina Black	03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 11/21/17 03/07/17 03/07/17 03/07/17
	Charter Review Commission (Five member commission) Term - 24 months after appointment Sign Review Committee (no longer meeting)	Ray Sanders Bill Hernandez Roland Velvin Elizabeth Raxter Alan Fielder Gabe Medina Neto Madrigal Terry Black Kenneth Sneed Johnny Barron, Jr. Tim Clark	03/01/16 – Michelson 03/01/16 – Michelson 03/01/16 – Michelson 03/01/16 - Hilburn 03/15/16 – Hilburn 03/17/15 - Mayor Pro-Tem Sanchez 04/21/15 – Councilmember Mendoza 12/19/17– Councilmember McGregor 03/17/15 – Mayor White 03/17/15 – Councilmember Castillo 03/17/15-- Councilmember Michelson
	Parks Master Plan Steering Committee (8-10 members)	Albert Villalapando Dennis Placke Nita McBride Rebecca Pulliam Bernie Rangel Derrick David Bryant Beverly Anderson Carl Ohlendorf Beverly Hill	09/05/17 - Parks Bd appointee 09/05/17 - Parks Bd appointee 12/05/17– McGregor 09/19/17-- Michelson 09/19/17 - Castillo 09/19/17 - Sanchez 09/19/17 - Mendoza 09/19/17 - Westmoreland 09/19/17 – Mayor White

	Church Property Ad-hoc Committee (7 members)	Amelia Smith Jackie Westmoreland Todd Blomerth Andy Govea Terry Black Jane Brown Raymond DeLeon Dyrall Thomas	09/05/17 – Westmoreland 09/05/17 – Westmoreland 09/05/17 – Mayor White 09/19/17 – Sanchez 12/19/17 – McGregor 09/19/17 – Michelson 09/20/17 – Castillo 09/22/17 – Mendoza
	Wayfinding Signage and Community Branding Ad-Hoc Committee (5 members)	Kara McGregor Roy Watson Chris St. Leger Taylor Burge Christie Pruitt–Lockhart Chamber Laura Rivera-Hispanic Chamber Vanessa Fischer Kate Collins Katie Westmoreland Mills	01/02/2018 01/02/2018 01/02/2018 02/06/2018 02/08/2018 02/09/2018 02/09/2018 (ex-officio) 02/06/2018 (ex-officio) 02/06/2018 (ex-officio)



**City of Lockhart 2018 Board of Adjustment
Attendance for a 12-Month Period**

Meeting Date:	Chair Cline	Vice-Chair Clark	Annas	Castillo	Reeder	Rangel	Juarez	Smith Alternate
1/8/2018-No Meeting								
2/5/2018 - No Meeting								
3/5/2018 - No Meeting								
April 2, 2018 - No Meeting								

Number of meetings:	0	0	0	0	0	0	0	0
Present:	0	0	0	0	0	0	0	0
% Absent:	#DIV/0!							

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CITY OF LOCKHART
CONSTRUCTION BOARD OF APPEALS
BOARD ATTENDANCE REPORT - 2018
 APPOINTING COUNCIL MEMBER

	JERRY WEST (12/03/13) CHAIR (01/05/2017)	RALPH GERALD (01/17/12)	RICK WINNETT, JR. (04/19/2016) VICE CHAIR (01/05/2017)	GARY SHAFER (08/18/15)	MICHAEL VOETEE 10/04/2016	PAUL MARTINEZ (03/07/17)	ISRAEL ZAPIEN (01/17/12)
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Member Title:

	County Resident		Alternate				
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Meeting Date:	JERRY WEST	RALPH GERALD	RICK WINNETT, JR.	GARY SHAFER	MICHAEL VOETEE	PAUL MARTINEZ	ISRAEL ZAPIEN
January 4, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
January 18, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 1, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 15, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 1, 2018	P	P	A	P	P	P	A
March 15, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 5, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	MOVED OUT OF LOCKHART
April 19, 2018							
May 3, 2018							
May 17, 2018							
June 7, 2018							
June 21, 2018							
July 5, 2018							
July 19, 2018							
August 2, 2018							
August 16, 2018							
September 6, 2018							
September 20, 2018							
October 4, 2018							
October 18, 2018							
November 1, 2018							
November 15, 2018							
December 6, 2018							
December 20, 2018							

Total # Meetings:	1	1	1	1	1	1	1
Present:	1	1	0	1	1	1	0
Absent:	0	0	1	0	0	0	1
Absenteeism %:	0%	0%	100%	0%	0%	0%	100%

LEGEND: PRESENT: P UNEXCUSED ABSENCE: U

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**CITY OF LOCKHART
ELECTRIC BOARD OF REVIEW
BOARD ATTENDANCE REPORT - 2018
APPOINTING COUNCIL MEMBER**

	Joe Colley (6/17/08)	Ian Stowe (03/06/18)	Thomas Herrera (07/17/12)	Tom Stephens (12/03/13)	James Briceno (05/03/11)
Chair					
Meeting Date:					
January 4, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
January 18, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 1, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 15, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 1, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 15, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 5, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 19, 2018					
May 3, 2018					
May 17, 2018					
June 7, 2018					
June 21, 2018					
July 5, 2018					
July 19, 2018					
August 2, 2018					
August 16, 2018					
September 6, 2018					
September 20, 2018					
October 4, 2018					
October 18, 2018					
November 1, 2018					
November 15, 2018					
December 6, 2018					
December 20, 2018					
Total # Meetings:	0	0	0	0	0

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City of Lockhart 2018 -LHPC
Attendance for a 12-Month Period

Meeting Date:	CORPUS	LAIRSEN	ALVAREZ	FAULSTICH	REAGAN	THOMSON	McCORMICK
		CHAIR			VICE-CHAIR		
January 3, 2018	P	P	A	P	P	P	P
January 17, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 7, 2018	A	P	P	P	P	P	P
February 21, 2018	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 7, 2018	P	A	P	P	P	P	P
March 21, 2018	A	P	A	P	P	A	P
April 4, 2018	A	P	P	P	P	P	P
April 18, 2018							
May 2, 2018							
May 16, 2018							
June 6, 2018							
June 20, 2018							
July 4, 2018							
July 18, 2018							
August 1, 2018							
August 15, 2018							
September 5, 2018							
September 19, 2018							
October 3, 2018							
October 17, 2018							
November 7, 2018							
November 21, 2018							
December 5, 2018							
December 19, 2018							
Number of meetings:	5	5	5	5	5	5	5
Present:	2	4	3	5	5	4	5
Absent:	3	1	2	0	0	1	0
% Absent:	60%	20%	40%	0%	0%	20%	0%
MEETINGS HELD THE 1ST & 3RD WEDNESDAY OF THE MONTH @ 5:30PM							

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CITY OF LOCKHART
Library Advisory Board
ATTENDANCE REPORT - 2018
 APPOINTING COUNCIL MEMBER

Angie Gonales Sanchez	Brad Westmoreland	Mayor White	Juan Mendoza	John Castillo	Kara McGregor	Jeffry Michelson
Jody King (01/04/13)	Rebecca Lockhart (11/19/13)	Stephanie Wilson Riffin (06-17-2011)	Shirley Williams (06-15-2007)	Donnie Wilson (10-02-2010)	Jeannie Fox (12-03-2013)	Donaly Brice (7-05-2008)

January	NO MEETING
February	NO MEETING
March	NO MEETING
April	
May	
June	
July	
August	
September	
October	
November	
December	

LEGEND:

COMMENTS:	PRESENT:	P	UNEXCUSED ABSENCE:	U
	EXCUSED ABSENCE:	E	NO MEETING HELD:	

To revise library policy and procedures.

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LOCKHART CITY COUNCIL FY 17-18 GOALS				
Category and Priority Order				
COUNCIL MEMBER	PRIORITY	GOALS IDENTIFIED BY COUNCIL FOR FY 17-18 (as submitted by Councilmembers)	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	CATEGORY
BH	3	Continue Improving City Cemetery	with GF Expiring debt saving and/or Cemetery Tax	CEMETERY
Jeff M	2	Refurbish City Hall in the inside (to make more inviting to the public) as well as doing some landscaping outside	General Fund	CITY BLDGS
BW	3	Spruce up and clean up City properties		CITY BLDGS
BH	4	Improve City Facilities Appearance		CITY BLDGS
JC	4	City Facilities		CITY BLDGS
AGS	10	Convention Center		CONVENTION CTR
JC	2	Crime		CRIME
AGS	4	Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is alot of training that is free but alot additional money for registration fees and course material.		CRIME
Jeff M	4	Work with Police Department to bring back drug enforcement program		CRIME
LW	8	Fund for helping utility customers in need	???	CUSTOMER SERV
BW	2	Continue to change angle parking downtown: 200 Blk S Main, 100 Blk N Main, 100 Blk N Commerce, 200 Blk E Market; little time and expense invovled	??	DOWNTOWN
LW	2	Downtown improvements,bathrooms, electric, pedestrian safety, beautification, wifi, lighting		DOWNTOWN
AGS	9	Parking around and surrounding the square. Issues with larger vehicles parked in areas that are narrow and that make it hard to see oncoming traffic		DOWNTOWN
LW	1	Expanding economic development department, budget, office, staff?, marketing	General fund, LEDC	ECCONOMIC DEV
AGS	3	Economic Development: Recurit more businesses especailly retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and speciality shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city.		ECCONOMIC DEV
JC	3	Economic Development		ECCONOMIC DEV
AGS	5	Subdivision development to attract more businesses to Lockhart.		ECCONOMIC DEV
JM	5	Set up meetings with developers for more retail space shopping centers along US 183		ECCONOMIC DEV

LOCKHART CITY COUNCIL FY 17-18 GOALS				
Category and Priority Order				
COUNCIL MEMBER	PRIORITY	GOALS IDENTIFIED BY COUNCIL FOR FY 17-18 (as submitted by Councilmembers)	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	CATEGORY
AGS	6	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants)		ECONOMIC DEV
AGS	1	All Department Heads to Budget Salary Increases for all City Employees.		EMPLOYEES
JM	1	City Employee Raises		EMPLOYEES
JM	2	House or fund gym membership/space (weight rm) in Senior Center area (cardio machine) for City employees		EMPLOYEES
AGS	8	Employee: Possible additional Employee Holiday Time Off-Alternating System. Even though this has been discussed and the reasons for why it cannot be done, I would like to see a time off alternating system, especailly during the holidays.		EMPLOYEES
BW	1	ENFORCE ordinances that pertain to unsightly properties all over town		ENFORCEMENT
Jeff M	1	Enforce city ordinance regarding residential property		ENFORCEMENT
Jeff M	3	Continue to work on City Park improvements		PARKS
JM	3	Do inventory of City properties to idenify areas for pocket parks	LEDC funds	PARKS
LW	3	Park improvements	General fund	PARKS
BH	5	Parks Improvements	General Fund	PARKS
JC	5	Parks		PARKS
AGS	7	Parks Improvemens: Purchase and update the park equipment to provide safe and fun filled parks for all to use.		PARKS
LW	7	Town branch cleanup and beautification	???	PARKS
JM	4	Start process of Funding Sidewalks east of 183 connecting to the US 183 sidewalks		SIDEWALKS
LW	6	sidewalk repair and expansion	general fund bond	SIDEWALKS
BH	1	IMPLEMENT SIGNAGE IN LOCKHART	General Fund (LEDC) and/or Hotel Tax	SIGNAGE
LW	4	wayfinding, branding	general fund	SIGNAGE
LW	5	Entry signs	general fund	SIGNAGE
Jeff M	6	Signage on Highway 183 and SH130 = directing people to Lockhart		SIGNAGE
BW	4	Pursue oppportunity to move Senior Citizens' Center to St Paul United Church of Christ Property		SR CITIZENS CTR
JC	1	Roads	Grants or impact fees	STREETS/INFRAS
AGS	2	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods		STREETS/INFRAS
BH	2	Continue improving City Streets	Increase Transportation Fund	STREETS/INFRAS
Jeff M	5	Continue to make improvements and redoing our city streets		STREETS/INFRAS

Lockhart City Council
FY 16-17 Goals
Revised 3-10-2016, 8:30 pm

Priority	Council Person	Goals Submitted	City Manager Comments
1	Castillo	Infrastructure	Complete 2015 CO projects and need budget of \$250,000 per year for streets, continue water and sewer main replacements; continue electric distribution maintenance plan-get new substation on line. Replace bad water raw water mains and find additional water for the future.
1	Gonzales-Sanchez	Department Heads to Budget Salary Increases for city employees so that we can keep our current city employees.	Est Cost Per % Increase Annually: Gen Fund (Not Civil Serv) \$ 29,000; Gen Fund Civil Serv \$ 24,000; Other/Utilities: \$ 15,000- Add'l
1	Hilburn	Improve City Cemetery with GF Expiring debt saving and/or Cemetery Tax	Cemetery Tax up to 5 cents allowed by State Law. Expiring GF debt committed to Police and Fire increased pay rates. (\$132,000)
1	Mendoza	Find ways to use activity center for multi-purpose use. (basketball, volleyball). Funding source: Different companies in town	If approved by Council staff would approach local businesses
1	Michelson	Continue to improve infrastructure (drainage, street repairs) throughout the city	Complete 2015 CO and budget \$250,000 per year for street materials
1	Westmoreland	Enforce ordinances that pertain to unsightly properties all over town. Make homeowners/residents (because some may be renters) take pride in their environment. It is an eyesore to drive around town and see overgrown properties, junked cars, and stacks of trash on porches, in yards and driveways. All levels of socio-economic residents in this town have shown evidence of being disrespectful to their environment.	City has no esthetics ordinance currently. The term "unsightly" is subjective and is difficult to prove in court.
1	White	Economic Development-expanding budget to get staff qualified to help Sandra with recruitment, working with LEDC to either build Spec building or invest in more property, Main St program to relieve Sandra of a lot of those duties	Main Street Program would require another person and funding to work with local businesses while Economic Development would concentrate on new businesses and new jobs
2	Castillo	Economic Development	Need 12-15,000 sf of retail spaces with reasonable lease per sf and buildings that are 20 to 50,000 sf for industrial and manufacturing
2	Gonzales-Sanchez	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	Complete 2015 CO projects and need budget of \$250,000 per year for streets, continue water and sewer main replacements; continue electric distribution maintenance plan-get new substation on line. Replace bad water raw water mains and find additional water for the future. Most streets that lack curbing will need to be totally reconstructed. Brighter LED lights being experimented with since costs have come down.
2	Hilburn	Implement City Signage	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
2	Mendoza	New Park equipment. Funding Source: Each Councilmember responsible for a park and finding funding sources	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
2	Michelson	Continue to improve ways to attract businesses to Lockhart	Need more 12-15,000 sf of retail spaces with reasonable lease per sf and buildings that are 20 to 50,000 sf for industrial and manufacturing
2	Westmoreland	Create a policy for the residency of future administrative positions to live within the Lockhart city limits. If an administrator wants to be employed by the City of Lockhart, they need to reside here. Sharing in the daily lives of our citizens seems crucial to making decisions about Lockhart. They are paid by city taxes.	It is not legal to require all department heads to live in the City limits; only the City Manager is required to do so. All non-24 emergency response employees must live within 25 minutes of City Limits
2	White	Continue street rehab	Need \$ 250,000 annually minimum for street work materials
3	Castillo	City Facilities	Not sure what this includes; can assess all departments for physical needs
3	Gonzales-Sanchez	Economic Development: Recruit more businesses especially retail and continue efforts ; contact existing and vacant bldg owners to see if they are willing to work with City to bring these small retail businesses, as well as industrial; possibly purchasing two downtown county buildings when on the market for possible new businesses in the downtown area. Stronger platform with LEDC with methods to sell Lockhart and attract businesses.	LEDC could fund another report but the company says our numbers still should be good. Costs estimated \$22,500 for updating data and recruitment. Prime softgood companies constantly want to be on Highway 183 in 12-15,000 sf and at a reasonable cost per sf plus higher traffic counts.

Lockhart City Council
FY 16-17 Goals
Revised 3-10-2016, 8:30 pm

Priority	Council Person	Goals Submitted	City Manager Comments
3	Hilburn	Continue improving city streets: Increase Transportation Fund	Current transportation monthly rate is \$ 4 for residential and others; \$260,000 annual which helps fund labor and equipment, but is not sufficient for materials. Another \$250,000 for materials is needed annually.
3	Mendoza	Wi-Fi Free Zones Downtown Square. Funding source City Budget, School District, Downtown sponsors	Rough estimate is about \$12,000
3	Michelson	Refurbish City Hall	If atrium removed, add more offices estimated at \$45,000 and more outside landscaping estimated at \$ 5,000; elevator going in with improvements to restrooms and offices
3	Westmoreland	Approach interested and future businesses cordially. Stringent ordinances (and the way they are approached), scare off some businesses. Let's be friendly in a positive way.	City Mgr respectfully requests names of such businesses. He has met with 18 business representatives over past 15 months that were looking at Lockhart but did not come. Except for the non-residential exterior building esthetics ordinance, none of them indicated a problem with the current ordinances or with staff. The main problems were high land prices and the lack of "ready built retail and industrial buildings", and traffic counts were not high enough. Most thought the impact fee schedules were very reasonable compared to other cities. Will continue to work toward friendlier customer service with simplified ordinances.
3	White	Park master plan to consider park bond issue, recreation dept and staff issues	Master Plan estimate: \$ 45,000, recreation dept est at least \$ 60,000 for a recreational professional with another \$30,000 for equipment and materials
4	Castillo	Employees Wages	Est Cost Per % Increase Annually: Gen Fund (Not Civil Serv) \$ 29,000; Gen Fund Civil Serv \$ 24,000; Other/Utilities: \$ 15,000- Add'l Cost FY 16-17 due to Civil Serv Pay Plan Expansions already approved: \$ 132,000
4	Gonzales-Sanchez	Police Task Force: Budget extra funds to bring back a much needed Police Task Force to address any drug and gang related problems this city is being faced with especially on the East side of our city. Possibly ask the County to assist with funding.	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
4	Hilburn	Continue working on bringing industry to Lockhart: Continue supporting Ms. Mauldin	LEDC is will have sufficient funding to be more aggressive starting FY 16-17
4	Mendoza	Training Start up: Neighborhood Watch Training and Program: Police Budget	Have tried Neighborhood Watch Program in past but was not sustained because of lack of participation. Willing to try again.
4	Michelson	Improve signage on HWY 183 as well as SH130 = directing people to Lockhart	Possibly use of some of the KTB grant money
4	Westmoreland	Evaluate and/or change the degree of the angled parking along the 4 blocks off of the square. This would be: Main Street from Market to Prairie Lea Street; Main Street from San Antonio Street to Walnut Street; Commerce Street from Market Street to Prairie Lea Street, and Commerce Street from San Antonio Street to Walnut Street. These parking spaces were made before long vehicles were made! If there are cars parked on both sides of the streets, only one car can pass through at a time. Then it becomes a one lane street. I have witnessed a different angled parking arrangement, and it provides more room and is much safer for the drivers and pedestrians.	Estimate to black out existing thermoplastic markings, redefine layout, and apply new thermoplastic markings with angle parking = \$ 12,000; will probably lose 4 spaces per block. 2 on each side
4	White	Branding and wayfinding—may be included in #1	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
5	Castillo	Parks	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
5	Gonzales-Sanchez	Subdivision development to attract more businesses to Lockhart	Working with 6 more subdivisions, either new or expanding, and possibly one more very large one northwest.
5	Hilburn	Improve tourism in Lockhart - City Council continue to work with and encourage Chambers of Commerce to be more involved	Council can make this directive to Chambers when dividing out HOT funds
5	Mendoza	Finding more funding for Retail Market Study. Zip code demographics with reports. Funding LEDC	LEDC could fund another report but the company says our numbers still should be good. Costs estimated \$22,500 for updating data and recruitment.

Lockhart City Council
FY 16-17 Goals
Revised 3-10-2016, 8:30 pm

Priority	Council Person	Goals Submitted	City Manager Comments
5	Michelson	Work with LEDC or someone equivalent to build a building to help attract business	Need more 12-15,000 sf of retail spaces with reasonable lease per sf. Most softgood retailers want 12-15,000 on Hwy 183 at a reasonable price and increased traffic volumes
5	White	Sidewalks to include lighting	Funding required; for example San Jacinto to Jr High estimate is \$130,000 just for materials along Maple walkway
6	Gonzales-Sanchez	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants)	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000. Chambers could use HOT for more tourism.
6	Michelson	Continue to work on City Park improvements	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
6	White	Pursue possible ESD-EMS district	Legal issue with participation by County and City of Luling preferable
7	Gonzales-Sanchez	Parks Improvemens: Purchase more park equipment to provide safe and fun filled parks for all to use.	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
7	Mendoza	Start Talks With YMCA Austin again. Seek sponsors funding if necessary	Our population hurt in previous discussions, Will pursue again. They usually want commitment for a minimum number of individuals and families depending on population of not only City but its metro area
7	Michelson	Work on building a civic center/ recreation center	\$ 9 million plus land \$ 2.5 million for about 20,000 sf plus about \$240,000 annual maintenance costs and minimum of \$60,000 for utilities; estimated revenues offset is about \$60,000; take out recreation center and cost go down about 20%. It has been reported that Bastrop is spending over \$500,000 per year to operate its civic center. Revenues not covering costs.
7	White	Cemetery maintenance	Cemetery Tax up to 5 cents allowed by State Law
8	Gonzales-Sanchez	City Hall: Refurbish with Improvements and/or Upgrades	Elevator and improvements to restrooms planned; better offices for Connie and Sandra planned also.
9	Gonzales-Sanchez	Convention Center	\$ 9 million plus land \$ 2.5 million for about 20,000 sf plus about \$240,000 annual maintenance costs and minimum of \$60,000 for utilities; estimated revenues offset is about \$60,000; take out recreation center and cost go down about 20%. It has been reported that Bastrop is spending over \$500,000 per year to operate its civic center. Revenues not covering costs.
10	Gonzales-Sanchez	Employee: Possible additional Employee Holiday Time off-Alternating system	City employees now have 12 holidays and 1 personal holiday; time off is granted by seniority with department head responsible for keeping sufficient personnel to serve the public needs. Employees also receive at least 2 weeks of vacation time. Those employees required to work on holidays receive their normal pay plus holiday pay.

City of Lockhart
Future Debt Payments as of 9/30/15

Description		2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
General Government																						
Hotel Tax Fund																						
2009 Tax & Revenue		40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000								520,000
Total Hotel Tax Fund P & I		40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000								520,000
LEDC																						
2008 GO Refunding		300,000																				300,000
2015 Tax & Revenue		37,357	48,093	48,093	48,044	48,103	48,152	63,645	63,670	63,513	63,543	63,555	63,643	63,687	65,647	65,544	65,575	65,482	65,579	65,538	65,676	1,182,139
Total LEDC Fund P & I		337,357	48,093	48,093	48,044	48,103	48,152	63,645	63,670	63,513	63,543	63,555	63,643	63,687	65,647	65,544	65,575	65,482	65,579	65,538	65,676	1,482,139
2015 Capital Projects Fund																						
2015 Tax & Revenue		122,620																				122,620
Total 2015 Capital Projects Fund		122,620	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	122,620
Drainage																						
2008 GO Refunding	31.00%	100,000																				100,000
2015 Tax & Revenue		100,000	116,289	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	2,016,289
Total Drainage Fund P & I		200,000	116,289	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	2,116,289
General Fund																						
2008 GO Refunding		91,210																				91,210
2015 Tax & Revenue		-																				-
Total General Fund P & I		91,210	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	91,210
Debt Service Fund																						
2009 Tax & Rev CO's	100.00%	333,210	331,060	328,972	327,883	336,575	329,615	737,655	742,642	741,325	743,920	750,210	749,978	753,440								7,206,485
2006 Tax & Rev CO's	100.00%	50,455	48,815	47,175	50,535	48,690	46,845															292,515
2006-A Tax & Rev CO's	93.00%	266,916	267,594	267,890	267,803	267,332	271,128															1,608,664
2015 Tax & Revenue	12.00%	91,487	117,779	117,779	117,659	117,803	117,923	155,867	155,927	155,543	155,615	155,645	155,861	155,969	160,769	160,517	160,592	160,365	160,602	160,502	160,831	2,895,035
Total Debt Service Fund P & I		742,068	765,248	761,816	763,880	770,400	765,511	893,522	898,569	896,868	899,535	905,855	905,839	909,409	160,769	160,517	160,592	160,365	160,602	160,502	160,831	12,002,699
Total General Government		1,533,255	969,630	949,909	951,924	958,503	953,663	1,097,167	1,102,239	1,100,381	1,103,078	1,109,410	1,109,482	1,113,096	326,416	326,061	326,167	325,847	326,181	326,040	326,507	16,334,957

City of Lockhart
Future Debt Payments as of 9/30/15

Description		2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
Proprietary																						
Electric Fund																						
2008 GO Refunding	3.59%	40,379																				40,379
2013 SIB Loan	30.81%	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,151	71,151	71,152			1,280,721
Total Electric Fund P & I		111,530	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,151	71,151	71,152	-	-	1,321,100
Water Fund																						
2006A Tax & Rev CO's	7.00%	20,090	20,142	20,164	20,157	20,122	20,408															121,082
2008 GO Refunding	36.38%	409,192																				409,192
2009 GO Refunding	86.69%	165,829	165,775	165,656	165,477	169,357	168,625	167,709	170,852	169,384	171,937	174,082	171,534	177,194								2,203,410
2015 Tax & Revenue	49.60%	378,148	486,818	486,818	486,322	486,917	487,413	644,248	644,496	642,909	643,207	643,331	644,223	644,670	664,510	663,468	663,778	662,842	663,822	663,406	664,800	11,966,146
2013 SIB Loan	35.80%	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676			1,488,169
Total Water Fund P & I		1,055,935	755,411	755,314	754,632	759,071	759,122	894,633	898,024	894,969	897,820	900,089	898,433	904,540	747,186	746,144	746,454	745,518	746,498	663,406	664,800	16,187,999
Sewer Fund																						
2008 GO Refunding	16.36%	183,990																				183,990
2009 GO Refunding	13.31%	25,461	25,452	25,434	25,407	26,002	25,890	25,749	26,232	26,006	26,398	26,728	26,336	27,206								338,302
2015 Tax & Revenue	4.30%	32,783	42,204	42,204	42,161	42,213	42,256	55,852	55,874	55,736	55,752	55,773	55,850	55,889	57,609	57,518	57,545	57,464	57,549	57,513	57,643	1,037,388
2015 Tax & Revenue	TRNSF		170,305	186,594	186,302	186,653	186,945	279,275	279,421	278,487	278,662	278,735	279,261	279,523	291,203	290,590	290,773	290,222	290,798	290,554	291,374	4,905,677
2013 SIB Loan	33.39%	77,102	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102			1,387,844
Total Sewer Fund P & I		319,336	315,064	331,334	330,973	331,971	332,193	437,979	438,629	437,331	437,915	438,338	438,549	439,721	425,914	425,210	425,421	424,788	425,449	348,067	349,017	7,853,201
Airport Fund																						
2000 Airport	100.00%																					-
Total Airport Fund P & I		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Proprietary Fund P & I		1,486,801	1,141,626	1,157,799	1,156,757	1,162,193	1,162,466	1,403,764	1,407,804	1,403,451	1,406,887	1,409,579	1,408,133	1,415,412	1,244,252	1,242,505	1,243,026	1,241,458	1,243,099	1,011,473	1,013,817	25,362,300
Grand Total		3,020,056	2,111,256	2,107,708	2,108,681	2,120,696	2,116,129	2,500,931	2,510,043	2,503,832	2,509,965	2,518,989	2,517,615	2,528,508	1,570,668	1,568,566	1,569,193	1,567,305	1,569,280	1,337,513	1,340,324	41,697,257

