

PUBLIC NOTICE

AGENDA

LOCKHART CITY COUNCIL

September 21, 2021

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 issues discussed or reviewed during the work session.

**DISCUSSION ONLY**

- A. Presentation of a proclamation declaring Hispanic Heritage Month. 4
- B. Discuss an Economic Development Performance Agreement with Westy's Pharmacy for a BIG Grant. 5-16
- C. Discuss City Council minutes of the September 7, 2021 meeting. 17-26
- D. Discuss Ordinance 2021-30 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Section 58-141, entitled "Definitions" and Section 58-142, Entitled "Water Rates", adjusting the water base charge to cover increased costs in water supply, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers. 27-31
- E. Discuss Ordinance 2021-31 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Article 2, Division 3, Section 58-106, entitled "Definitions"; Section 58-108(b), 58-108(c), 58-108(c)(2), and 58-108(d) entitled "Schedule of Charges" to recover costs for wastewater debt payments and maintenance and operations of the collection and treatment system and transporting wastewater to said collection and treatment system. 32-38
- F. Discuss Resolution 2021-12 establishing fees to reflect the newly negotiated solid waste contract with Central Texas Refuse (CTR) for residential and commercial solid waste collection, disposal, and recycling services. 39-44
- G. Discuss Resolution 2021-13 amending charges for cemetery spaces sold in the Lockhart Municipal Burial Park. 45-48
- H. Discuss Resolution 2021-16 naming City of Lockhart nominations for directors of the Caldwell County Appraisal District for the 2022-2023 term. 49-57

- I. Discuss the Lockhart Economic Development Corporation bylaws, providing amendments and clarifications, as outlined in Resolution 2021-14. 58-85
- J. Discussion to consider amending Ordinances, Procedures, and Policies involving sidewalk installation, repairs, maintenance and creating a comprehensive policy. 86-97
- K. Discussion regarding matters related to COVID-19. 98-114

**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. PUBLIC COMMENT**

The purpose of this item is to allow the public an opportunity to address the City Council on issues that are or are not on the agenda. No discussion can be carried out on the citizen/visitor comment about items not on the agenda. Comments are limited to three minutes per speaker.

**4. CONSENT AGENDA**

A. Approve an Economic Development Performance Agreement with Westy's Pharmacy for a BIG Grant. 115-126

B. Approve City Council minutes of the September 7, 2021 meeting. 127-136

**5. DISCUSSION/ACTION ITEMS**

A. Discussion and/or action to consider approval of Ordinance 2021-30 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Section 58-141, entitled "Definitions" and Section 58-142, Entitled "Water Rates", adjusting the water base charge to cover increased costs in water supply, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers. 137-141

B. Discussion and/or action to consider approval of Ordinance 2021-31 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Article 2, Division 3, Section 58-106, entitled "Definitions"; Section 58-108(b), 58-108(c), 58-108(c)(2), and 58-108(d) entitled "Schedule of Charges" to recover costs for wastewater debt payments and maintenance and operations of the collection and treatment system and transporting wastewater to said collection and treatment system. 142-148

- C. Discussion and/or action to consider Resolution 2021-12 establishing fees to reflect the newly negotiated solid waste contract with Central Texas Refuse (CTR) for residential and commercial solid waste collection, disposal, and recycling services. 149-154
- D. Discussion and/or action to consider Resolution 2021-13 amending charges for cemetery spaces sold in the Lockhart Municipal Burial Park. 155-158
- E. Discussion and/or action to consider Resolution 2021-16 naming City of Lockhart nominations for directors of the Caldwell County Appraisal District for the 2022-2023 term. 159-167
- F. Discussion and/or action regarding the Lockhart Economic Development Corporation bylaws, providing amendments and clarifications, as outlined in Resolution 2021-14. 168-195
- G. Discussion to consider amending Ordinances, Procedures, and Policies involving sidewalk installation, repairs, maintenance and creating a comprehensive policy. 196-207
- H. Discussion regarding matters related to COVID-19. 208-224
- I. Discussion and/or action regarding appointments to various boards, commissions or committees. 225-233

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

- Paving of the Lockhart Municipal Court parking lot is complete.
- Library Updates.

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

**8. ADJOURNMENT**

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.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 17th day of September, 2021 at 4:30 p.m.

# Proclamation

**WHEREAS**, Hispanic Heritage Month was originally observed in 1968 as “Hispanic Heritage Week” by President Lyndon Johnson, and later extended to a month during President Ronald Reagan’s term in 1988, and the terms Latino, Hispanic and Latinx are often used interchangeably to categorize those with ancestry from Spanish-speaking territories or who can trace their heritage to the original Indigenous communities of Latin America and Africa; and

**WHEREAS**, Tejano descendants of the first Spanish, Mexican, and Indigenous families in Texas are also considered the first families of Texas and lived in this area nearly 150 years prior to the Texas Revolution, creating the area’s first missions, towns, governments, ranches, and roads; and

**WHEREAS**, Recent census data indicates that persons of Latin American heritage account for 51.1% of the country’s population growth, including the 11,441,717 who call Texas home; and 53.3% of Lockhart’s residents identify as Hispanic.

**NOW, THEREFORE**, I, Lew White, by authority vested in me as Mayor of the City of Lockhart, Texas do hereby proclaim

***September 15, 2021 thru Friday, October 15, 2021***

as

***“Hispanic Heritage Month 2021”***

And I invite our citizens to increase their awareness of the under-told legacy of contributions made by residents of Hispanic American origins in Texas and in our nation.

**IN TESTIMONY WHEREOF**, I have set my hand and caused to be affixed the Seal of the City of Lockhart, Texas, this 21<sup>st</sup> day of September 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White  
Mayor

ATTEST:

\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discuss an Economic Development Performance Agreement with Westy's Pharmacy for a BIG Grant.

**ORIGINATING DEPARTMENT AND CONTACT:** Economic Development - Michael Kamerlander

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** Attached is the resolution and performance agreement offering a BIG Grant to Westy's Pharmacy.

Westy's replaced its awning with a brand new one. The owner has met with LEDC and submitted their BIG grant application which provides a 50% rebate for the façade improvements up to \$20,000.

The attached economic development performance agreement outlines the work to be done on the building, the rebate the owner would be entitled to should the work be completed as stated and paid as required. The expected 50% rebate is \$1,528.75 on the \$3,057.50 worth of work on the façade. Of note, the owner has complete the work and provided the paperwork to show payment has been received by the contractor.

**PROJECT SCHEDULE (if applicable):**

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:**

**COMMITTEE/BOARD/COMMISSION ACTION:** The LEDC Board voted unanimously to pass this economic development performance agreement at its regular board meeting on September 13, 2021.

**STAFF RECOMMENDATION/REQUESTED MOTION:** I move to approve Resolution 2021-15 with Westy's Pharmacy providing a 50% rebate of the amount paid for the project, not to exceed \$1,528.75 with proof of payment and project completion.

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

**LIST OF SUPPORTING DOCUMENTS:** Council Resolution - Westys, Westy's BIG Grant Performance Agreement, LEDC Board Resolution - Westys, LEDC Draft Minutes 9.13.21

**RESOLUTION NO. 2021-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH WESTY’S PHARMACY FOR A BUSINESS IMPROVEMENT & GROWTH PROGRAM GRANT AS AN AUTHORIZED PROJECT PURSUANT TO CHAPTERS 501 AND 505, TEXAS LOCAL GOVERNMENT CODE**

**WHEREAS**, the City of Lockhart (“City”) is a Type B corporation operating pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, Westy’s Pharmacy has applied to LEDC for a grant pursuant to the LEDC’s Business Improvement & Growth Program in order to make improvements and repairs to its facility at an estimated cost of \$3,100; and

**WHEREAS**, the City finds that the project will promote new or expanded business development in the City of Lockhart and the surrounding area and that it qualifies as a project pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, the City is of the opinion that approving an Economic Development Performance Agreement (“EDPA”) for the project and providing financial incentives for its implementation is in the best interests of the LEDC and the City of Lockhart;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS**, that:

1. The foregoing recitals are adopted and incorporated herein for all purposes.
2. The EDPA by and between the LEDC and Westy’s Pharmacy is attached hereto as Exhibit “A” and incorporated herein, the same and the Project described therein being hereby approved and authorized.
3. The Executive Director of the LEDC is directed to take such steps as are necessary to obtain approval of the City Council of Lockhart for the project and Performance Agreement, in the manner required by law, and to take such other steps, including the issuance of notice and the holding of a public hearing, that will authorize and implement the project and performance agreement and payment of financial incentives thereunder.

**Approved and adopted** on this, the \_\_\_\_ day of \_\_\_\_\_, 2021.

**City of Lockhart, Texas**

\_\_\_\_\_  
Lew White, Mayor

**Attest:**

**Approved as to form:**

\_\_\_\_\_  
Connie Constancio, City Secretary

\_\_\_\_\_  
Monte Akers, City Attorney

## **ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT**

This Economic Development Performance Agreement (“EDPA” or “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 WESTY’S PHARMACY (“WESTY’S”)

### **RECITALS**

**WHEREAS**, WESTY’S is an existing business in the City of Lockhart located at 113 S. Main Street, the owner of which desires to make repairs and improvements, expand its operations to the City of Lockhart, Texas (“City”), and retain primary jobs (“the Improvements”); and

**WHEREAS**, WESTY’S intends to invest approximately \$3,100 in the Improvements; and

**WHEREAS**, the LEDC is a Texas Type B economic development corporation located in a city with a population of less than 20,000, operating pursuant to the applicable provisions of the Texas Local Government Code, as amended, and the Texas Non-Profit Corporation Act, as amended; and

**WHEREAS**, the LEDC desires to assist WESTY’S and offer financial incentives as part of LEDC’s Business Improvement & Growth (“BIG”) Economic Development Program in the City; and

**WHEREAS**, the LEDC Board finds that the Project as herein described and carried out will promote new or expanded business development and is an “Authorized Project” as that term is defined in Chapter 505 of the Texas Local Government Code, as amended; and

**WHEREAS**, the LEDC Board will hold at least one public hearing on the Project prior to spending funds in accordance with Sections 505.159(a) of the Texas Local Government Code, as amended; and

**WHEREAS**, the LEDC Board finds that this EDPA is conditional in the event the City of Lockhart, Texas (City) receives a petition no later than the 60th day after the date notice of the Project was published, which is duly certified and accepted by the City Council, from more than 10% of the registered voters of the City of Lockhart, Texas, requesting that an election be held before the Project is undertaken in accordance with Section 505.160 of the Texas Local Government Code, as amended; and,

**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 WESTY’S 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 two (2) years from the effective date of this EDPA.

### **Section 3. WESTY'S Performance Requirements**

In consideration of LEDC agreeing to provide the Grant described below in Section 4, WESTY'S agrees to perform the following:

- (a) To make the improvements and repairs described in the BIG Program Application filed by the owners of WESTY'S PHARMACY, which is attached hereto as Exhibit "A" and incorporated herein for all purposes ("the Improvements).
- (b) Commence construction of the Improvements within one hundred twenty (120) days after the City's approval of the construction plans and issuance of a building permit for the same.
- (c) Complete construction of the Improvements, at a cost estimated at \$3,057.50 within eighteen (18) months after the issuance of the aforesaid building permit.
- (d) WESTY'S shall provide LEDC with proof of making the Improvements by submitting copies of receipts for expenditures satisfactory to LEDC, which shall be provided within thirty (30) days of completion of the Improvements.
- (e) Keep current in the payment of taxes owed for the facility to any taxing jurisdiction in which the Property is located unless such taxes are being legally contested by WESTY'S.

### **Section 4. LEDC Requirements**

In consideration of WESTY'S's agreement to locate its business within the City and to perform the other acts hereinafter described, LEDC agrees it will:

- (a) Provide a Grant to WESTY'S of not more than \$1,528.75 of the cost of making the Improvements.

- (b) Provide the Grant to WESTY'S within fourteen (14) days of receiving satisfactory proof of WESTY'S's completion of construction of the Improvements and payment of WESTY'S's payment to its architect, contractor, and vendors in full.

Section 5. Termination and Recapture

- (a) In the event that WESTY'S discontinues operations for a period of more than one hundred eighty (180) days during the duration of this Agreement, then in such event WESTY'S shall be required to repay to LEDC any monies expended by LEDC under Section 4 of this Agreement within thirty (30) days of written demand from LEDC therefore following the expiration of such period; provided however that WESTY'S shall not be required to repay such monies if such discontinuation of operations is caused by force majeure.

For the purposes of this Agreement, "force majeure" shall be defined as fire, explosion, natural disaster or other act of God, war, pandemic, or civil unrest, taking under eminent domain, regulatory restrictions or action of any applicable governmental entity, or other event or action that makes the conduct of the WESTY'S illegal or economically unsustainable is beyond the reasonable control of WESTY'S. WESTY'S shall not be required to repay such amounts so long as it is, in the opinion of the LEDC, diligently taking action(s) to renew or continue operations.

- (b) In the event, that WESTY'S shall fail to repay LEDC within thirty (30) days of the date such repayment is due according to the written demand from LEDC, WESTY'S hereby agrees that LEDC may enforce all of its rights and remedies available at law and in equity against WESTY'S.

Section 6. Entire Agreement

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

Section 7. Successors and Assigns

Neither party shall assign its rights, obligations, or interest in this Agreement without the prior written consent of the other party. In the event of consent to such assignment or in the event of legal succession of WESTY'S's 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 8. 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:

WESTY'S: WESTY'S PHARMACY  
Attn: Brad Westmoreland  
113 S. Main Street  
Lockhart, TX 78644

Lockhart Economic Development Corporation:

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

#### Section 9. 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 nor against either party.

#### Section 10. 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 11. Mutual Assistance

LEDC and WESTY'S 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.

#### Section 12. Representations and Warranties of LEDC.

LEDC hereby represents, warrants, and covenants that:

- (a) It is a Type B Economic Development Corporation, duly organized and validly existing under the laws of the State, particularly Sections 501 and 505 of the Texas Local Government Code.

- (b) The facility constitutes a “project” as defined in Sections 501.101 and 505.155 of the Texas Local Government Code.
- (c) All requirements related to public notice of the project, particularly those included in Section 505.160 of the Texas Local Government Code, have been satisfied.
- (d) The person executing this Agreement on behalf of the LEDC is fully authorized to do so.

Section 13. Representations and Warranties of WESTY’S.

- (a) It is a duly incorporated business entity with full authority to enter into this Agreement.
- (b) The person executing this Agreement on behalf of WESTY’S is fully authorized to do so.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION:**

\_\_\_\_\_  
Steven Lewis, LEDC President

**ATTEST:**

\_\_\_\_\_  
Michael Kamerlander, LEDC Secretary

WESTY’S PHARMACY

\_\_\_\_\_  
Brad Westmoreland

**RESOLUTION NO. 2021-05**

**A RESOLUTION OF THE BOARD OF DIRECTORS FOR THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION APPROVING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH WESTY’S PHARMACY FOR A BUSINESS IMPROVEMENT & GROWTH PROGRAM GRANT AS AN AUTHORIZED PROJECT PURSUANT TO CHAPTERS 501 AND 505, TEXAS LOCAL GOVERNMENT CODE**

**WHEREAS**, the City of Lockhart (“City”) is a Type B corporation operating pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, Westy’s Pharmacy has applied to LEDC for a grant pursuant to the LEDC’s Business Improvement & Growth Program in order to make improvements and repairs to its facility at an estimated cost of \$3,100; and

**WHEREAS**, the City finds that the project will promote new or expanded business development in the City of Lockhart and the surrounding area and that it qualifies as a project pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, the City is of the opinion that approving an Economic Development Performance Agreement (“EDPA”) for the project and providing financial incentives for its implementation is in the best interests of the LEDC and the City of Lockhart;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION**, that:

1. The foregoing recitals are adopted and incorporated herein for all purposes.
2. The EDPA by and between the LEDC and Westy’s Pharmacy is attached hereto as Exhibit “A” and incorporated herein, the same and the Project described therein being hereby approved and authorized.
3. The Executive Director of the LEDC is directed to take such steps as are necessary to obtain approval of the City Council of Lockhart for the project and Performance Agreement, in the manner required by law, and to take such other steps, including the issuance of notice and the holding of a public hearing, that will authorize and implement the project and performance agreement and payment of financial incentives thereunder.

**Approved and adopted** on this, the \_\_\_\_ day of \_\_\_\_\_, 2021.

**Lockhart Economic Development Corporation**

\_\_\_\_\_  
Alan Fielder, Board Chairman

**Attest:**

**Approved as to form:**

\_\_\_\_\_  
Michael Kamerlander, Board Secretary

\_\_\_\_\_  
Monte Akers, Board Attorney

DRAFT MINUTES

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

MONDAY, SEPTEMBER 13, 2021  
6:00 P.M.

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

Board Members Present: Alan Fielder, Chairman; Sally Daniel; Alfredo Muñoz; Frank Estrada; Doug Foster; Jesse Maciel

Board Members Absent: Dyral Thomas

Staff Present: Mike Kamerlander, Director of Economic Development; Steve Lewis, President; Pam Larison, Treasurer; Armando Morales

**1. CALL TO ORDER**

The meeting was called to order by Alan Fielder, Chairman at 6:01 pm

**2. PUBLIC HEARING - 6:00 PM**

2.1 Hold a public hearing regarding Westy's Pharmacy BIG Grant performance agreement pursuant to Sec. 505.159, Local Government Code.

Public hearing was opened at 6:01 PM

No public comments

Public hearing was closed at 6:02 PM

**3. PUBLIC COMMENTS**

No public comments

**4. DISCUSSION AND/OR ACTION**

4.1 Discussion and/or action regarding minutes from the August 9, 2021 meeting.

No Discussion.

Motion to approve the minutes from the August 9, 2021 meeting.

Motion: Alfredo Muñoz                      Second: Sally Daniel                      Vote: 5 of 6  
New board member Jesse Maciel abstained from voting on this item.

4.2 Discussion and/or action regarding sales tax and financial statements for August 2021.

Ms. Larison went over the financials with the board reporting August's sales tax collections remained strong. The year-to-date collections are higher than FY 2020's and mentioned some reconciliation will occur within the next month but that collections were higher than budgeted this fiscal year.

Ms. Larison pointed out that there were some construction expenses associated with the new industrial park that went through in August and are reflected in the financial reports.

Motion to approve the August 2021 sales tax and financial statements as presented.

Motion: Alfredo Muñoz

Second: Sally Daniel

Vote: 6 of 6

4.3 Discussion and/or action moving the October 2021 LEDC Regular Meeting date from Columbus Day, October 11, 2021.

The LEDC Board's regular October meeting is scheduled on Columbus Day/Indigenous People's Day and should move it to avoid the holiday to stay consisted with previous years.

Motion to move the LEDC Board's Regular Board meeting from October 11, 2021 to October 4, 2021.

Motion: Alfredo Muñoz

Second: Doug Foster

Vote: 6 of 6

4.4 Discussion and/or action regarding LEDC Resolution 2021-05 for an economic development performance agreement with Westy's Pharmacy for a BIG Grant.

Westy's replaced its awning with a brand new one. The owner has met with LEDC and submitted their BIG grant application which provides a 50% rebate for the façade improvements up to \$20,000. The project requires approval by the Historical Commission and must be permitted by the city.

The attached economic development performance agreement outlines the work to be done on the building, the rebate the owners would be entitled to should the work be completed as stated and paid as required. The expected 50% rebate is \$1,528.75 on the \$3,057.50 worth of work on the façade.

Motion to approve LEDC Resolution 2021-05 with Westy's Pharmacy providing a 50% rebate of the amount paid for the project, not to exceed \$1,528.75 with proof of payment and project completion.

Motion: Sally Daniel

Second: Alfredo Muñoz

Vote: 6 of 6

4.5 Discussion and/or action amending the LEDC Bylaws regarding Board of Directors residency requirement.

The LEDC Board has had some new Directors appointed by City Council over the past year. Throughout these appointments, the question of residency is a recurring one.

State law allows for EDC Board of Directors, in City's a fewer than 20,000 people, to serve from as far as 10 miles from the corporate boundaries and in a neighboring county as long as it is within the distance requirement.

It is staff's interpretation that Directors in places 1-4 are to be Councilmembers from those districts. If the councilmembers choose to appoint someone, they should reside in their district. The at-large and Mayoral appointees may be city-wide. To clarify this intent the recommended changes would need to be added:

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council") of the City and reside within the City Limits of Lockhart, Texas. Each director shall occupy a place (individually, the "Place" and collectively, the

"Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

**5. Executive Session (Entered at 6:17 PM; Ended at 7:00 PM)**

5.1 Close Open Session and Convene Executive Session pursuant to Secs. 551.071 (consultation with attorney), 551.072 (real estate) and 551.087 (Economic Development) of the Texas Open Meetings Act. Gov't Code Ch. 551, to discuss the following:

- Dynamo
- Summertime
- Specs
- Hyperion
- CIP

Board Action from Executive Session

Motion to extend an offer of incentives to Project Summertime as discussed in Executive session

Motion: Sally Daniel

Second: Alfredo Muñoz

Vote: 6 of 6

**6. DISCUSSION ONLY**

6.1 Activity Updates

Mr. Kamerlander gave an update on the LEDC Staff activities for August 2021.

ADJOURN

Motion to Adjourn.

Motion: Alfredo Muñoz

Second: Sally Daniel

Vote: 6 of 6

LEDC Board of Directors Adjourned at 7:06 PM.

Minutes approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Alan Fielder, Chairman LEDC

\_\_\_\_\_  
Michael Kamerlander, Secretary LEDC



**REGULAR MEETING  
LOCKHART CITY COUNCIL**

**SEPTEMBER 7, 2021**

**6:30 P.M.**

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

**Council present:**

Mayor Lew White	Councilmember Derrick David Bryant
Councilmember Juan Mendoza	Councilmember Kara McGregor (arrived at 6:35 p.m.)
Councilmember Jeffry Michelson	Councilmember Brad Westmoreland
Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 6:50 p.m.)	

**Staff present:**

Steven Lewis, City Manager	Connie Constancio, City Secretary
Monte Akers, City Attorney	Victoria Maranan, Public Information Officer
Bob Leos, Electric Superintendent	Dan Gibson, City Planner
Pam Larison, Finance Director	Sean Kelley, Public Works Director
Julie Bowermon, Civil Service/HR Director	Randy Jenkins, Fire Chief
Mike Kamerlander, Economic Development Dir.	Bertha Martinez, Library Director

**Citizens/Visitors Addressing the Council:** Citizens: Nita McBride, Terry Black, and Elida Castillo.

**Work Session 6:30 p.m.**

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

Mayor White announced that Mayor Pro-Tem Sanchez and Councilmember McGregor will be late.

**DISCUSSION ONLY**

**A. DISCUSS CITY COUNCIL MINUTES OF THE AUGUST 17, 2021 MEETING.**

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

**B. DISCUSS COMPLETING ELECTRIC DISTRIBUTION UPGRADE TO LK30 AND LK40 (PROJECT #11) AS PART OF THE LOWER COLORADO RIVER AUTHORITY (LCRA) FIVE-YEAR SYSTEM STUDY.**

Mr. Leos stated that Techline Construction is LCRA's preferred contractor for projects because they are experienced with high voltage line repairs. Techline has conducted the majority of LCRA projects for the City of Lockhart since 1995. Project #11 is part of the LCRA's five-year System Study that includes electric construction which will upgrade the double circuit, LK30 and LK40 to 795 MCM ACSR. This project includes taller poles with pole framing to increase separation and install separate neutrals on each circuit. This project will reduce simultaneous feeder faults. Starting from the substation (LK30) to the intersection of Blackjack and Commerce and from the substation (LK40) to the intersection of S Main and Blackjack to upgrade the section of overhead conductor (1350 ft) from 336 MCM ACSR to 795 MCM ACSR. Mr. Leos recommended approval. There was discussion.

**C. DISCUSS UTILIZATION OF TREE TRIMMING SERVICE THROUGH THE LOWER COLORADO RIVER AUTHORITY (LCRA) AND MCCOY TREE SURGERY, CO. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CUSTOMER SERVICE CONTRACT.**

Mr. Leos stated that staff recommends that the city continue the tree trimming program with McCoy Tree Surgery in an effort to reduce voltage flicker, outages, losses, and improve public safety and satisfaction. Tree and tree limbs falling onto power lines is the most common cause of power outages. Downed power lines caused by falling trees are a public safety hazard. Utilities that fail to maintain a tree trimming program frequently experience higher than normal expenses during severe storm conditions, which include overtime, purchase of additional inventory to replace damaged poles, and wire and electric equipment. McCoy was first awarded this project in FY 2019. There was no renewal clause in the contract, but staff was very satisfied with the tree trimming service. McCoy Tree Surgery specializes in vegetation management for the electric utility industry. Their pruning methods comply with industry standards for safety and tree care and are endorsed by the International Society of Arboriculture and Tree Care Industry. There is no charge to the customer for these services. The City contracts with vegetation management companies to assist with the tree trimming program. Prior to trimming, door hangers (in English and Spanish) are left at the residences in the area and provide the name and phone number of the City's contractor. Mr. Leos recommended approval. There was discussion.

Councilmember Mendoza asked if the cost increased. Mr. Leos replied that the fees will remain as the city has paid the past three years.

Mr. Leos provided details about the areas of town where the trees will be trimmed.

Councilmember McGregor arrived (6:35 p.m.)

**D. DISCUSS LOCKHART LITTLE LEAGUE (LLL) FIVE (5) YEAR CONTRACT RENEWAL REQUEST FOR USE OF THE CITY'S SPORTS COMPLEX AND FIELDS ON CARVER STREET.**

Mr. Kelley stated that the current agreement with Lockhart Little League (LLL) for use of the Sports Complex is set to expire on September 7, 2021 and does allow for a five -year extension. LLL met to discuss the five-year extension of the Sports Complex Agreement and has submitted for consideration renewal of the agreement with no requested changes. The Parks and Recreation Board has reviewed LLL's request and unanimously voted in favor to recommend approval to City Council for the renewal of the Sports Complex Agreement with LLL. Mr. Kelley recommended approval. There was discussion.

**E. DISCUSS EASEMENT AGREEMENT FOR PUBLIC UTILITIES FOR THE WASTEWATER MAIN EXTENSION FOR FUTURE LINCOLN LANE RIGHT-OF-WAY AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.**

Mr. Akers stated that this is an easement from the Manumit Investment Group comprising 3.453 acres out of a tract of 56.691 acres in the Frances Berry Survey, Abstract A-2 in the City of Lockhart, for the installation and maintenance of water and wastewater lines for Lincoln Lane and the senior housing project. All of the utilities for Lincoln Lane have been installed but the road ROW has not been dedicated to the city yet because that public infrastructure improvement has not been constructed. This easement will take care of that issue. There was discussion regarding the development of Maple Park that would encompass Lincoln Lane.

**F. DISCUSS ORDINANCE 2021-26 ADOPTING THE CITY MANAGER'S ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2021-2022 AND APPROPRIATING RESOURCES, BEGINNING OCTOBER 1, 2021 ENDING SEPTEMBER 30, 2022 FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AND READOPTING THE CITY'S INVESTMENT AND STRATEGIES POLICY AND FUND BALANCE - STABILIZATION AND EXCESS OF RESERVES POLICIES.**

Ms. Larison stated that in accordance with the provisions of Article IX, Section 9.09 of the City of Lockhart Charter - A vote is required for adoption; the budget shall be adopted by the favorable vote of a majority of the members of the whole city council. This budget sets forth the fiduciary policies for the City of Lockhart and the Lockhart Economic Development Corporation for the fiscal year October 1, 2021 and ending September 30, 2022. This ordinance will readopt the City's Investment Policy and Fund Balance - Stabilization and Excess of Reserve Policy. This agenda item allows for Council to suggest any budget allocations or deletions to the budget before a vote is taken. If no allocations or deletions are presented, action can be taken to adopt the Fiscal Year 2021-2022 Annual Operating Budget for the City of Lockhart, Caldwell County, Texas and the Lockhart Economic Development Corporation. There was discussion.

Mayor Pro-Tem Angie Gonzales-Sanchez arrived (6:50 p.m.)

**G. DISCUSS ORDINANCE 2021-27 LEVYING MAINTENANCE AND OPERATIONS PROPERTY TAXES FOR THE USE AND SUPPORT OF THE CITY OF LOCKHART, TEXAS AND INTEREST AND SINKING PROPERTY TAXES FOR THE DEBT SERVICE OBLIGATIONS OF THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS FOR FISCAL YEAR 2021, BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022.**

Ms. Larison stated that a proposed tax rate is \$0.6354 per \$100 of assessed value. The Ordinance describes the two required components of the tax rate: Maintenance and Operations (M&O) and Interest and Sinking (I&S). State law requires a statement regarding the amount by which taxes for maintenance and operations on a \$100,000 home will be raised. Based on the proposed tax rate, the maintenance and operations portion of the rate will be \$0.5297 per \$100 assessed value compared to last year's maintenance and operation rate of \$0.5521 per \$100, resulting in a decrease of \$0.0224 or 4.06%. The interest and sinking portion of the tax rate increased from \$0.0833 to \$0.1057 per \$100 of assessed value, resulting in an increase of \$0.0224 or 26.9%. Therefore, there will be no increase in the maintenance and operations tax due on a \$100,000 home. The City of Lockhart's portion of a homeowner's property tax bill is only 27% of their total bill based on current tax rates. The remaining 73% of the tax bill is for property taxes charged by the other taxing jurisdictions including the Lockhart Independent School District (42%), Caldwell County (29%), Farm-to-Market (0.004%), and Plum Creek Conservation District and Groundwater tax (2.0%). Property taxes paid to the City of Lockhart make up approximately 37% of the City's General Fund revenues. Sales tax revenue makes up another 15%, while other fees and services cover the remaining 48%. The revenues from the General Fund provide maintenance and support for infrastructure that includes city streets and parks and also allows the City to provide public safety for its citizens by way of fire and police protection. The verbiage contained within the Ordinance is in strict compliance with requirements of Section 26.05(b)(1)(B) of the Texas Tax Code. There was discussion.

**H. DISCUSS ORDINANCE 2021-29 REPEALING UNCODIFIED ORDINANCE 2020-22 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING THE CITY PERSONNEL POLICY MANUAL; REMOVING PERFORMANCE OR MERIT PAY FOR POLICE AND FIRE PERSONNEL AND ADOPTING A STEP PAY PLAN FOR POLICE AND FIRE DEPARTMENTS UNDER CIVIL SERVICE.**

Ms. Bowermon stated that the Fiscal Year 2021-2022 budget includes a 3% pay increase for all full-time and part-time regular City of Lockhart employees. In compliance with Civil Service, classified police and fire positions are paid per a step pay plan, which is set by ordinance. The proposed ordinance reflects increasing the step plans as included in the budget. In addition to the 3% increase, it is also proposed to adjust the tenure progression for the rank of Fire Fighter. Currently, newly hired fire fighters must complete 2 years of service before moving up on the step plan. The proposed change would allow for a newly hired fire fighter to receive a step increase after the completion of their first year of service. The intent of this adjustment is to enhance not only recruitment, but also retention of fire fighters and it only applies to the rank of Fire Fighter. This "step-at-one-year" design mirrors the practice in the Police Department. Lastly, the proposed ordinance includes a salary adjustment for the rank of Assistant Fire Chief. The Fire Chief has recommended an adjustment that will help relieve compression between other Fire ranks and address internal equity. The 2020 Evergreen Solutions compensation study did identify this salary as being below market average. The proposed adjustments to the fire step pay plan, as well as the 3% pay increase, are included in the proposed Fiscal Year 2021-2022 budget. There was discussion.

**I. DISCUSS A ONE-TIME PREMIUM PAYMENT TO CITY OF LOCKHART EMPLOYEES UTILIZING FUNDS FROM AMERICAN RESCUE PLAN ACT (ARPA) AND THE CITY OF LOCKHART AS PRESENTED.**

Ms. Bowermon stated that ARPA funds are federal dollars being distributed to cities in response to the COVID-19 pandemic. The funding is not from locally collected tax dollars. There are certain options that the federal funds can be used for, premium pay for essential workers is one. Premium pay is a direct payment to an essential worker that was involved in regular in-person interactions or regular physical handling of items that were also handled by others. Premium pay can be retroactive. The United States Treasury encourages cities to prioritize retrospective premium pay when possible, recognizing that many essential workers have not yet received additional pay for work that they conducted throughout the pandemic. Premium pay cannot be paid to teleworkers. Premium pay is limited to only employees that are below 150% percent of the state average income. The City of Lockhart has approximately 13 employees that may fall above the 150% state average income and cannot be paid with ARPA funding. These employees are essential workers and could still receive premium pay, funded by the City instead of ARPA. These employees worked well beyond their normal work schedule and duties, frequently meeting in-person with residents, staff, and business owners to ensure the continuation of essential City operations during the pandemic. The proposed one-time premium payment to City of Lockhart employees would be administered based on the eligibility criteria presented in the agenda packet attachment for employees that worked during March 1, 2020 - February 28, 2021. There was discussion.

**J. DISCUSSION REGARDING MATTERS RELATED TO COVID-19 INCLUDING, BUT NOT LIMITED TO, THE USE OF CITY FACILITIES FOR UPCOMING COMMUNITY EVENTS SUCH AS EVENING WITH THE AUTHORS, NATIONAL NIGHT OUT, HILL COUNTRY BARBECUE COOKOFF, SPEAKING OF THE DEAD, COURTHOUSE NIGHTS, AND DICKENS.**

There was discussion about whether to allow events to continue due to the increase in COVID-19 cases.

There was discussion regarding the Council requiring a strict COVID plan from each event holder that is to be approved by staff.

Nita McBride, Chair of Evening with the Authors, provided information about why the Evening with the Authors decided to host their 2021 event in the Clark Library instead of outdoors at a residence.

There was discussion.

CONSENSUS: After discussion, the consensus of the Council was to review each event's COVID policy that promotes social distancing, hand sanitizers, facial coverings, and consideration of limiting attendance. The Fire Chief and Dr. Laurence will approve each event plan.

RECESS: Mayor White announced that the Council would recess for a break at 7:34 p.m.

**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order at 7:50 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-A. HOLD PUBLIC HEARING ON THE CITY OF LOCKHART AND LOCKHART ECONOMIC DEVELOPMENT CORPORATION FY 2021-2022 BUDGETS.**

Mayor White opened the public hearing at 7:51 p.m.

Ms. Larison stated that the City Charter requires that the City Council hold a public hearing for the Fiscal Year 2021-2022 City of Lockhart Budget. On August 3, 2021, the City Council approved two public hearings on the budget for the Fiscal Year October 1, 2021 to September 30, 2022. Notice of public hearings for the City of Lockhart and the Lockhart Economic Development Corporation Fiscal Year 2021-2022 were published in the Lockhart Post Register on August 12, 2021 and September 2, 2021. According to the City of Lockhart Charter, Article 9, Section 9.07, Public Hearing on Budget, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

Mayor White requested citizens to address the Council in favor of or against the budgets. There were none. He closed the public hearing at 7:53 p.m.

**ITEM 3-B. HOLD PUBLIC HEARING ON PROPOSED TAX RATE FOR 2021.**

Mayor White opened the public hearing at 7:53 p.m.

Ms. Larison stated that City Council is required to hold a public hearing on the proposal to increase the tax revenues if the proposed tax rate exceeds the No New revenue rate proposed by the Caldwell County Appraisal District. This public hearing is required by the Truth-In-Taxation laws of the State of Texas.

Mayor White requested citizens to address the Council in favor of or against the budgets. There were none. He closed the public hearing at 7:54 p.m.

**ITEM 3-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-21-11 BY BERK RE, LLC, ON BEHALF OF TERRY BLACK, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-28, FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT ON 1.022 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT 17, LOCATED AT 900 NORTH COLORADO STREET (US 183).**

Mayor White opened the public hearing at 7:55 p.m.

Mr. Gibson stated that the subject property was recently purchased by the owner. It's a land-locked parcel that abuts a tract at 900 North Colorado Street that already belongs to the owner. That tract currently contains a small warehouse building that will be modified to be part of a new restaurant planned for the property. Ultimately, both tracts will be platted to become one large lot. Because the original parcel is already zoned CHB, the applicant is proposing the same classification for the subject property so that it will be available for development of a food processing and preparation facility for off-site sales of products associated with the restaurant. One person inquired by phone about the proposed zoning and use of the property, but no opposition has been expressed either in writing or in person at the Planning and Zoning Commission hearing. The proposed CHB zoning classification is not consistent with the Land Use Plan map, which designates the subject property as Low Density Residential.

Mayor White requested the applicant to address the Council.

Terry Black, Connolly Circle, stated that the request to rezone to CHB is that it is consistent with the future land use plan and that he would like to rezone it to allow open a restaurant and a wholesale meat product facility.

Mayor White requested citizens in favor of the zoning change to address the Council. There were none.

Elida Castillo, 213 and 317 Laredo Street, expressed opposition. She stated that the new building would be directly behind her home that could create additional drainage problems that might flood her home and that a barbecue restaurant would generate a constant smokey odor.

There was discussion regarding the drainage plans of the new construction and about the required six-foot high screen fence abutting the residential neighborhood.

Mayor White requested additional citizens against the zoning change to address the Council. There were none. He closed the public hearing at 8:10 p.m.

Councilmember McGregor made a motion to approve Ordinance 2021-28, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 4. PUBLIC COMMENT.**

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

**ITEM 5. CONSENT AGENDA.**

Councilmember Michelson made a motion to approve consent agenda items 5A, 5B, 5C, 5D, and 5E. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes of the August 17, 2021 meeting.
- 5B: Approve completing electric distribution upgrade to LK30 and LK40 (Project #11) as part of the Lower Colorado River Authority (LCRA) five-year System Study.
- 5C: Approve utilization of tree trimming service through the Lower Colorado River Authority (LCRA) and McCoy Tree Surgery, Co. and authorizing the City Manager to execute the customer service contract.
- 5D: Approve Lockhart Little League (LLL) five (5) year contract renewal request for use of the City's Sports Complex and fields on Carver Street.
- 5E: Approve Easement Agreement for Public Utilities for the wastewater main extension for future Lincoln Lane right-of-way and to authorize the Mayor to sign the agreement.

**ITEM 6-A. DISCUSSION AND/OR ACTION FOR THE COUNCIL TO CONSIDER ORDINANCE 2021-26 ADOPTING THE CITY MANAGER'S ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2021-2022 AND APPROPRIATING RESOURCES, BEGINNING OCTOBER 1, 2021 ENDING SEPTEMBER 30, 2022 FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AND READOPTING THE CITY'S INVESTMENT AND STRATEGIES POLICY AND FUND BALANCE - STABILIZATION AND EXCESS OF RESERVES POLICIES.**

Councilmember Bryant made a motion to approve Ordinance 2021-26, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION FOR CITY COUNCIL TO CONSIDER ORDINANCE 2021-27 LEVYING MAINTENANCE AND OPERATIONS PROPERTY TAXES FOR THE USE AND SUPPORT OF THE CITY OF LOCKHART, TEXAS AND INTEREST AND SINKING PROPERTY TAXES FOR THE DEBT SERVICE OBLIGATIONS OF THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS FOR FISCAL YEAR 2021, BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022.**

Mayor White made a motion that the maintenance and operation rate be adopted at \$0.5297 per \$100 of assessed value as indicated/listed in Ordinance 2021-27, thereby adopting said ordinance. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

Councilmember McGregor made a motion that the interest and sinking rate be adopted at \$0.1057 per \$100 of assessed value as indicated/listed in Ordinance 2021-27, thereby adopting said ordinance. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-29 REPEALING UNCODIFIED ORDINANCE 2020-22 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING THE CITY PERSONNEL POLICY MANUAL; REMOVING PERFORMANCE OR MERIT PAY FOR POLICE AND FIRE PERSONNEL AND ADOPTING A STEP PAY PLAN FOR POLICE AND FIRE DEPARTMENTS UNDER CIVIL SERVICE.**

Councilmember Westmoreland made a motion to approve Ordinance 2021-29, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER A ONE-TIME PREMIUM PAYMENT TO CITY OF LOCKHART EMPLOYEES UTILIZING FUNDS FROM AMERICAN RESCUE PLAN ACT (ARPA) AND THE CITY OF LOCKHART AS PRESENTED.**

Councilmember Michelson made a motion to approve a one-time premium payment to City of Lockhart employees utilizing funds from American Rescue Plan Act and the City of Lockhart, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

**ITEM 6-E. DISCUSSION REGARDING MATTERS RELATED TO COVID-19 INCLUDING, BUT NOT LIMITED TO, THE USE OF CITY FACILITIES FOR UPCOMING COMMUNITY EVENTS SUCH AS EVENING WITH THE AUTHORS, NATIONAL NIGHT OUT, HILL COUNTRY BARBECUE COOKOFF, SPEAKING OF THE DEAD, COURTHOUSE NIGHTS, AND DICKENS.**

Councilmember McGregor made a motion to authorize events to continue with the provision that each organization submit a COVID policy that promotes social distancing, use of hand sanitizers, facial coverings, and consideration of limiting attendance to the Lockhart Emergency Management Coordinator and Health Director for approval. Councilmember Bryant seconded. The motion passed by a vote of 6-1, with Mayor Pro-Tem Sanchez opposing.

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

Mayor White requested appointments to boards and committees.

Mayor White stated that Councilmember David Bryant appointed a member to the Lockhart Economic Development Corporation (LEDC) that resides outside the city limits. The LEDC will meet to consider whether the residency provision in the LEDC bylaws should be amended to allow members to serve on the LEDC Board of Directors that reside outside the city limits yet within Caldwell County.

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

- Update regarding Fire Department.
- Caldwell County Appraisal District (CCAD) seeking nominations for Directors of the CCAD Board for the 2022-2023 term.
- City Cemetery cleanup begins October 4, 2021.

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

Councilmember Mendoza expressed condolences to the Woodridge and Navarro families for their loss.

Mayor Pro-Tem Sanchez expressed condolences to the families of Andrew Navarro, David Navarro, Mary Peralez, Joe Jennings, Louis Young, Jason Donaldson, Wanda Griffin, Jose “Big Red” Garcia, and Juan Urrutia for their loss.

Councilmember McGregor commended the LISD Board of Directors for implementing a mask mandate in all schools.

Councilmember Bryant thanked Ms. Castillo for expressing comments during the public hearing.

Councilmember Michelson encouraged everyone to stay safe.

Mayor White reminded everyone about the COVID and vaccination sites at the Scott Annex.



Mayor White announced that the Council would enter Executive Session for the following items at 8:29 p.m.

**ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.087 TO DELIBERATE OR FOR 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.**

- A. Discussion regarding Economic Development negotiations with Project Dynamo.
- B. Discussion regarding Economic Development negotiations with Project Evergreen.

**ITEM 10. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, 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.**

- A. Discussion regarding possible land acquisition.

**ITEM 11. OPEN SESSION. 10:01 p.m.**

Mayor White announced the Council would enter Open Session at 10:02 p.m. regarding the following items:

**A. DISCUSSION AND/OR ACTION REGARDING PROJECT DYNAMO.**

Mayor White made a motion to authorize the Lockhart Economic Development Director to proceed as discussed in Executive Session. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**B. DISCUSSION AND/OR ACTION REGARDING PROJECT EVERGREEN.**

Mayor White made a motion to authorize the Lockhart Economic Development Director to proceed as discussed in Executive Session. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**C. DISCUSSION AND/OR ACTION REGARDING POSSIBLE LAND ACQUISITION.**

There was no action.

**ITEM 12. ADJOURNMENT.**

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 10:05 p.m.

PASSED and APPROVED this the 21<sup>st</sup> day of September 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

ATTEST:

\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discuss Ordinance 2021-30 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Section 58-141, entitled "Definitions" and Section 58-142, Entitled "Water Rates", adjusting the water base charge to cover increased costs in water supply, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers.

**ORIGINATING DEPARTMENT AND CONTACT:** Finance - Pam Larison

**ACTION REQUESTED:** Ordinance

**BACKGROUND/SUMMARY/DISCUSSION:** On February 2, 2021, the City Council approved the City Manager to enter into an agreement with Raftelis Financial Consultants, Inc. to provide the City of Lockhart with a water and wastewater study. The purpose of the rate study on water and wastewater rates was to determine the total cost of providing water and wastewater services, equitably distribute costs to customers, and design rates to safeguard the financial integrity of the City.

A presentation of the study and three viable scenarios were presented to Council during the August 3, 2021 regular council meeting. According to the consultant, in order to recover costs for water supply land leases, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers, the City should set rates according to the different sizes of the customers' meters and their usage, which is common among municipal utility providers. During the presentation, all three scenarios were compared to peer cities. The City of Lockhart was slightly higher than Brenham and Luling but less than Seguin, Bastrop, San Marcos and Taylor, even with the new rate increase.

After reviewing each scenario, the Council requested that Raftelis Financial Consultants, Inc. return at a later date with a follow-up presentation using a 3-year phase-in option for rate implementation.

At the August 17, 2021 Council meeting, Raftelis' consultant presented the three scenarios with a 3-year phase-in option. The Council directed staff to implement the scenario 2 rate plan with a three-year phase-in. The scenario 2 phase-in plan will have the least amount of impact on customers during the rate implementation but still allow the City of Lockhart to provide services and maintain financial integrity.

The new water rates will be set according to the customer's meter size and usage. The new rates will be phased in over a three-year period and will begin with the second billing cycle in November 2021.

In addition to the water rate increase, Ordinance 2021-30 will remove and replace definitions

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

that will directly correspond to the new rate structure. The following definitions have been affected:

- Fixed base charge – replaced by **Monthly fixed service charge** shall mean the monthly dollar amount that is charged for water utility service by the size of the meter installed, even if there is no consumption, for all customer classes.
- Water development debt service fee – removed (the new rate structure will contain the cost of debt service).
- Water development lease rate – removed (the new rate structure will contain the cost of debt service).

### **PROJECT SCHEDULE (if applicable):**

### **AMOUNT & SOURCE OF FUNDING:**

Funds Required:

Account Number:

Funds Available:

Account Name:

### **FISCAL NOTE (if applicable):**

### **PREVIOUS COUNCIL ACTION:**

### **COMMITTEE/BOARD/COMMISSION ACTION:**

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff request that Council adopt Ordinance 2021-30.

**LIST OF SUPPORTING DOCUMENTS:** Ordinance 2021-30 - Water rates 2021

## ORDINANCE 2021- 30

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING THE LOCKHART CODE OF ORDINANCES CHAPTER 58, UTILITIES, SECTION 58-141, ENTITLED “DEFINITIONS” AND SECTION 58-142, ENTITLED “WATER RATES” PROVIDING FOR CHANGES IN WATER RATES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Lockhart City Council has determined based on the recommendation of Raftelis Financial Consultants, Inc. that water ordinance definitions need to be amended and city water rate structure needs to be revised to recover costs for water supply land leases, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers; and

**WHEREAS**, the Lockhart City Council has determined that new water definitions and a new rate structure are necessary for the future of the community and the costs of the water supply must be covered in meter service charge and rates for usage as allowed by state law and approved by the City Council in open session; and

**WHEREAS**, the Lockhart City Council finds that this ordinance serves a public purpose by providing for the supply of potable water for future city growth and use, and that is necessary for the health, safety and welfare of the community.

**NOW, THEREFORE**, be it ordained by the City Council for the City of Lockhart, Texas, that Chapter 58, Utilities, Section 58-141 and Section 58-142 of the Code of Ordinances, City of Lockhart, Texas, are hereby amended to read as follows:

### **Sec. 58-141. Definitions.**

For the purpose of this division, certain terms are hereafter defined:

*Residential customers* shall mean to consist of single-family residential customer and multifamily residential customers for all domestic residential water use. This class shall include duplexes up to and including apartment residential units.

*All other non-residential customers* shall mean to consist of all of the customers, whether small business or commercial/industrial, which are not classified as residential customers.

*Monthly Fixed Service Charge* shall mean that monthly dollar amount that is charged for water utility service by the size of the meter installed even if there is no consumption, for all customer classes.

*Consumption charge* shall mean the amount of customer usage per month and billed per thousand (1000) gallons.

### **Sec. 58-142.- Water rates.**

(a)The charges for water services furnished by the city for all residential and non-residential customers shall be as follows:

- (1) A *monthly fixed service charge* per residential and non-residential customer per month according to the size of water meter installed. Meters larger than 5/8” will adjust over 3-year phase in period to their respective meter capacity ratios.

**Schedule "A"**

<b>End of 3-year Phase-In</b>
-------------------------------

<i>Meter Size</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
5/8"	\$ 24.43	\$ 25.89	\$27.45	\$ 29.09	\$ 30.26
1"	\$46.09	\$57.35	\$68.61	\$72.73	\$75.64
1-1/2"	\$68.96	\$103.09	\$137.23	\$145.46	\$151.28
2"	\$96.41	\$157.98	\$219.56	\$232.73	\$242.04
3"	\$160.45	\$286.06	\$411.68	\$436.38	\$453.83
4"	\$251.93	\$469.03	\$686.13	\$727.29	\$756.39

(2) A consumption charge per 1,000 gallons:

**Residential**

<i>Per Thousand Gallons</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
Tier 0 (0-1,999)	\$ -	\$ -	\$-	\$ -	\$ -
Tier 1 (2-5,999)	\$4.32	\$4.58	\$4.86	\$5.15	\$5.35
Tier 2 (6-9,999)	\$5.40	\$5.73	\$6.07	\$6.44	\$6.69
Tier 3 (10-19,999)	\$6.27	\$6.64	\$7.04	\$7.47	\$7.76
Tier 4 (20+)	\$6.92	\$7.33	\$7.77	\$8.24	\$8.57

**Non-Residential (all usage)**

<i>Per Thousand Gallons</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
All Usage	\$4.47	\$ 4.74	\$5.02	\$ 5.33	\$ 5.54

II. Repealer: All other ordinances, section, 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.

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

IV. It is hereby officially found and determined that the meeting at which this ordinance was passed was open in the public as required by law.

V. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, 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 or any other portion, provision or regulation.

VI. Effective Date: This ordinance shall become effective with the second utility billing cycle in November 2021.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

Attest:

APPROVED AS TO FORM:

\_\_\_\_\_  
Connie Constancio, TRMC, City Secretary

\_\_\_\_\_  
Monte Akers, City Attorney

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discuss Ordinance 2021-31 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Article 2, Division 3, Section 58-106, entitled "Definitions"; Section 58-108(b), 58-108(c), 58-108(c)(2), and 58-108(d) entitled "Schedule of Charges" to recover costs for wastewater debt payments and maintenance and operations of the collection and treatment system and transporting wastewater to said collection and treatment system.

**ORIGINATING DEPARTMENT AND CONTACT:** Finance - Pam Larison

**ACTION REQUESTED:** Ordinance

**BACKGROUND/SUMMARY/DISCUSSION:** On February 2, 2021, the City Council approved the City Manager to enter into an agreement with Raffelis Financial Consultants, Inc. to provide the City of Lockhart with a water and wastewater study. The purpose of the rate study on water and wastewater rates was to determine the total cost of providing water and wastewater services, equitably distribute costs to customers, and design rates to safeguard the financial integrity of the City.

At the August 3, 2021 Council meeting, a presentation of the wastewater study determined that the current minimum base rates for residential and non-residential customers and the price per \$1000 gallons were not sustainable to meet current financial obligations incurred from the contractual services provided by GBRA to maintain our wastewater system and plant operations. The current rates have not been increased in eight years, since October 2013. The City of Lockhart has witnessed substantial growth since that time.

Raffelis' consultant presented a wastewater rate increase to the current minimum base charges for both residential and non-residential customers, along with an 8% increase (\$0.37/1000 gal.) in usage per 1000 gallons. Similar to the water rate increase, the City of Lockhart was slightly higher in wastewater rates than Brenham and Luling but less than Seguin, Bastrop, San Marcos and Taylor. The new suggested increase in rates will not change where the City of Lockhart ranks among its peers.

The current wastewater base charge is set according to the customer's winter average, which is implemented annually on the first billing cycle in April.

The new wastewater minimum base charge will still use a customer's winter average to calculate the monthly billing for wastewater services. The customer's bill will include the new minimum base charge and their winter average usage multiplied by the new usage rate. The new rates will become effective in the second billing cycle of November 2021.

In addition to the wastewater rate increase, Ordinance 2021-31 will remove, replace or add definitions that will directly correspond to the new rate structure. The following definitions have been affected:

- User charge – replaced by **Monthly fixed service charge** shall mean that a portion of the total wastewater service charge is levied by meter size for the cost of operation, maintenance, and replacement of the wastewater treatment and collection system for all customers.
- **Non-residential customer** - added - shall mean any customer that does not qualify as



# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

a single-family residential customer or a multifamily residential customer.

- Multifamily residential customers and single-family residential customers have been replaced by:

**Residential customer** shall mean any customer that has a single living unit served by a single lateral line transporting wastewater to the collection system and a domestic residential customer that has more than a single residential living unit that is served by the city's wastewater collection system.

This class shall include residential duplexes up to and including residential apartment housing units. Residential rates shall apply. Non-residential rates shall apply for offices in this class of customer. The owner(s) of this class must pay all applicable wastewater charges for each occupant if the occupants do not pay water or electric service charges directly to the city. Where there is one or more common occupant water meter and the occupants do not pay the city directly for electric service, the owner(s) of the unit(s) must pay all applicable wastewater charges for each occupant.

### **PROJECT SCHEDULE (if applicable):**

### **AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **FISCAL NOTE (if applicable):**

### **PREVIOUS COUNCIL ACTION:**

### **COMMITTEE/BOARD/COMMISSION ACTION:**

### **STAFF RECOMMENDATION/REQUESTED MOTION:**

**LIST OF SUPPORTING DOCUMENTS:** Ordinance 2021-31 - Wastewater rates 2021

## ORDINANCE 2021-31

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING THE LOCKHART CODE OF ORDINANCES CHAPTER 58, UTILITIES, ARTICLE II, DIVISION 3, SECTION 58-106, ENTITLED DEFINITIONS; AND SECTION 58-108(b), 58-108(c), 58-108(c)(2), and 58-108(d), ENTITLED "SCHEDULE OF CHARGES", PROVIDING FOR CHANGES IN DEFINITIONS AND SEWER RATES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Lockhart City Council has determined based on the recommendation of Raftelis Financial Consultants, Inc. that wastewater ordinance definitions need to be amended and city wastewater rate structure needs to be revised to recover costs for wastewater debt payments, and maintenance and operations of supplying residential and non-residential wastewater services to its customers; and

**WHEREAS**, the Lockhart City Council has determined that new wastewater definitions and a new rate structure are necessary for the future of the community and the costs of wastewater services and debt obligations must be met by a fixed service charge and rates for usage as allowed by state law and approved by the City Council in open session; and

**WHEREAS**, the Lockhart City Council finds that this ordinance serves a public purpose by providing for the wastewater collection and treatment for future city growth and use, and that is necessary for the health, safety and welfare of the community.

**NOW, THEREFORE**, be it ordained by the City Council for the City of Lockhart, Texas, that Chapter 58, Utilities, Section 58-106, Section 58-108(b), Section 58-108(c), Section 58-108(c)(2), and Section 58-108(d) of the Code of Ordinances, City of Lockhart, Texas, are hereby amended to read as follows:

### **Sec. 58-106. - Definitions.**

For the purpose of this division, certain terms and words are hereafter defined:

*City* shall mean the City of Lockhart.

*Monthly Fixed Service Charge* shall mean that portion of the total wastewater service charge that is levied by meter size for the cost of operation, maintenance, and replacement of the wastewater treatment and collection system for all customer classes.

*Distribution charge* shall mean that portion that is levied for capital costs, investment in plant facilities, depreciation, and other costs excluding operation, maintenance and replacement costs and determined by the amount of customer usage per month and billed per thousand (1000) gallons.

*Residential customer* shall mean any customer that has a single living unit served by a single lateral line transporting wastewater to the collection system and a domestic residential customer that has more than a single residential living unit that is served by the city's wastewater collection system.

- This class shall include residential duplexes up to and including residential apartment housing units. Residential rates shall apply. Non-residential rates shall apply for offices in this class of customer. The owner(s) of this class must pay all applicable wastewater charges for each occupant if the occupants do not pay water or electric service charges directly to the city. Where there is one or more common occupant water meter and the occupants do not pay the city directly for electric service, the owner(s) of the unit(s) must pay all applicable wastewater charges for each occupant.

*Non-residential customer* shall mean any customer that does not qualify as a single-family residential customer or a multifamily residential customer.

*Living unit* shall mean a residential unit providing complete independent living facilities for one family, including permanent provisions for living, sleeping, cooking, eating and sanitation.

*Normal sewage* shall mean sewage that when analyzed shows a daily average concentration of not more than 300 mg/l of BOD and 300 mg/l of SS is otherwise acceptable for collection and treatment.

*Surcharge* shall mean a charge added to the normal user charge when the BOD, SS or other pollutant concentration from a user exceeds the range of concentration of these pollutants in normal domestic sewage.

*Suspended solids (SS)* shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and that are removable by laboratory filtering.

*Wastewater treatment system* shall mean the facilities used to transport wastewaters from individual homes or buildings to a plant or facility where treatment of the wastewater is accomplished. The objective of such treatment is to remove pollutants and to dispose, recycle, or reuse the treated wastewaters and residues that result from the treatment process.

**Sec. 58-108. - Schedule of charges.**

(a) There is hereby levied on all persons, firms, corporations, organizations, political units and political subdivisions, and all other entities using the wastewater collection system of the city, a schedule of charges as hereinafter provided.

(b) Users connected to and served by the wastewater treatment system of the city shall be classified as residential and non-residential.

(c) The following schedule of charges for residential and non-residential customers will be implemented effective with the first sewer bill rendered from and after final passage of this section. The monthly fixed service charge and the consumption charge is to be for the payment of the expenses associated with the costs of operation and maintenance of the wastewater collection and treatment system and debt service for treatment plant operations.

**Schedule "A"**

**Residential Fixed Charge**

**End of 3-year Phase-In**

<i>Meter Size</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
5/8"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
1"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
1-1/2"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
2"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
3"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
4"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96

**Non Residential Fixed Charge**

<i>Meter Size</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
5/8"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
1"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
1-1/2"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
2"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
3"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
4"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08

**Variable Charge For Residential And Non Residential**

<i>Per Thousand Gallons</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
Tier 0 (0-1,999)	\$ -	\$ -	\$-	\$ -	\$ -
Tier 1 (2+)	\$5.04	\$5.40	\$5.77	\$6.18	\$6.61

(1) The total monthly wastewater billing rate for residential city water and wastewater users shall be the sum of the user's capacity fee plus the discharge fee times the user's wastewater volume determined as follows:

a. The monthly volume of wastewater generated by a residential utility customer shall be assumed to equal the average monthly water consumption for that customer for the immediate preceding billings in January (consumption period: November 16—December 31), February (consumption period: December 16—January 31), and March (consumption period: January 16—February 28 or 29).

b. Upon request of the residential customer, the customer's previous year's water use for these three months may be considered collectively or individually for wastewater rate adjustments when outside water leaks or other outside water uses not contributing to wastewater treatment quantities have caused the high water consumption(s). Other factors, such as a plumber's invoice or plumbing parts receipts showing that water line or plumbing repairs were made at the customer's address during the high consumption periods also may be considered in adjusting the consumption rate.

c. For new residential accounts and those residential accounts for which an average monthly water consumption has not been previously calculated, the monthly volume of wastewater shall be assumed to be 3,000 gallons. Adjusted wastewater rates for the forthcoming year shall start with the second billing cycle in April and the first billing cycle in May of each year.

(2) The monthly volume of wastewater generated by a residential and a non-residential user shall be assumed to be equivalent to the water consumption for the month.

(d) The rates set forth in subsection (c) are applicable to each residential and non-residential customer per month or for any part of a month for which water is used at the same location.

II. Repealer: All other ordinances, section, 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.

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

IV. It is hereby officially found and determined that the meeting at which this ordinance was passed was open in the public as required by law.

V. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, 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 or any other portion, provision or regulation.

VI. Effective Date: This ordinance shall become effective with the second utility billing cycle in November 2021.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

Attest:

APPROVED AS TO FORM:

\_\_\_\_\_  
Connie Constancio, TRMC, City Secretary

\_\_\_\_\_  
Monte Akers, City Attorney

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discuss Resolution 2021-12 establishing fees to reflect the newly negotiated solid waste contract with Central Texas Refuse (CTR) for residential and commercial solid waste collection, disposal, and recycling services.

**ORIGINATING DEPARTMENT AND CONTACT:** Finance - Pam Larison

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** During a special called Council Meeting on May 25, 2021, the City Council awarded a new 5-year contract to Central Texas Refuse (CTR) for solid waste collection and recycling services. This newly revised contract has allowed for the Council to provide new lower rates for its citizens in terms of residential, senior citizens/disabled, recycling and additional residential carts. Commercial accounts will not see an increase nor a decrease in their current fees.

On August 17, 2021, staff provided the City Council with four options to pass through the cost savings to its residential customers. The overall discounts ranged between \$5.50 to \$6.25. The City Council decided to provide the best cost savings of \$6.25, providing a \$2.70 decrease in all residential accounts; \$1.05 additional discount for all senior/disabled accounts; and lowering recycling services from \$5.87 to \$3.50.

Being able to provide solid waste collection and disposal services for the citizens of Lockhart is necessary for the health, safety, and welfare of the community.

This resolution will go into effect on the first billing cycle in October 2021.

**PROJECT SCHEDULE (if applicable):**

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:**

**COMMITTEE/BOARD/COMMISSION ACTION:**

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

**STAFF RECOMMENDATION/REQUESTED MOTION:**

**LIST OF SUPPORTING DOCUMENTS:** RESOLUTION 2021-12 solid waste rates



**RESOLUTION 2021-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ESTABLISHING FEES TO REFLECT NEW VENDOR RATES FOR RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES AND COMMERCIAL WASTE COLLECTION AND DISPOSAL SERVICES**

**WHEREAS**, the Lockhart City Council finds that providing solid waste collection and disposal services for the citizens of Lockhart is necessary for the health, safety and welfare of the community; and

**WHEREAS**, the Lockhart City Council recognizes that fees must be established and collected for the use of City/Contractor supplied trash carts/bins to pay for the services to collect, transport, and dispose of solid waste for Lockhart residents and businesses.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT THE FOLLOWING RATES FOR SOLID WASTE COLLECTION, TRANSPORTING AND DISPOSAL ARE HEREBY ADOPTED AND SHALL BE EFFECTIVE STARTING THE 1<sup>ST</sup> BILLING CYCLE IN OCTOBER 2021.**

	<u><b>RATES</b></u>
I. Residential Hand Collection fee per month with 95-gallon cart (each dwelling unit)	\$18.50
II. Residential Senior Hand Collection fee per month with 95-gallon cart	\$12.10
III. Residential Disabled Hand Collection fee per month with 95-gallon cart	\$12.10
IV. Residential, Senior, & Disabled fee per month for <u>extra</u> 95-gallon cart	\$ 6.05
V. Commercial Hand Collection fee per month with 95-gallon cart (each commercial unit)	\$34.04
VI. Commercial Hand Collection fee per month with extra 95-gallon cart (each commercial unit)	\$34.04
VII. Recycling Services	\$ 3.50
VIII. Residential solid waste requiring special handling:	
1. Rate for bundle waste:	
i. Minimum one-fourth hour	\$ 6.00
ii. One-Half hour	\$12.00
iii. Three-fourths hour	\$18.00
iv. Hourly rate	\$24.00

- 2. Rates for bulky waste:
  - i. Minimum (bulky with refrigerant gases) each item \$38.00
  - ii. Minimum (bulky without refrigerant gases) each item \$12.00
  - iii. Minimum ½ hour other bulky including large limbs \$20.00
  - iv. Three-fourths hour \$30.00
  - v. Each hour \$40.00
- 3. Brush Chipping Services (not to exceed 12 cubic yard per visit; Limbs not over 8" in diameter, otherwise bulky rates apply)
  - i. Minimum per 1/4 hour \$10.00

- IX. Trash Bin Service Fees See Attachment A
- X. Roll Off Trash Container Services See Attachment B

Passed and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary

\_\_\_\_\_  
Monte Akers  
City Attorney

**ATTACHMENT A**  
**CITY OF LOCKHART**  
**COMMERCIAL TRASH BIN CHARGES**  
**EFFECTIVE DATE**  
**FIRST BILLING IN OCTOBER 2021**

CONTAINER SIZE CUBIC YARD	FREQUENCY TIMES PER WK	CUSTOMER BILLINGS AS OF OCTOBER 1, 2021
2	EOW	\$69.51
2	1	\$83.15
2	2	\$115.22
2	3	\$136.59
2	4	\$174.94
EACH EXTRA DUMP		\$22.12
3	EOW	\$74.59
3	1	\$93.87
3	2	\$136.59
3	3	\$168.67
3	4	\$218.72
EACH EXTRA DUMP		\$25.07
4	EOW	\$81.75
4	1	\$104.51
4	2	\$147.28
4	3	\$200.67
4	4	\$262.39
EACH EXTRA DUMP		\$33.14
6	EOW	\$97.40
6	1	\$119.50
6	2	\$186.19
6	3	\$263.97
6	4	\$348.74
EACH EXTRA DUMP		\$44.24
8	EOW	\$111.94
8	1	\$141.72
8	2	\$219.49
8	3	\$297.28
8	4	\$394.19
EACH EXTRA DUMP		\$55.29
10	EOW	\$130.10
10	1	\$164.20
10	2	\$252.82
10	3	\$341.78
10	4	\$473.68
10	5	\$587.35
EACH EXTRA DUMP		\$66.36
*EOW-Every Other Week		
Trash bins with locks: Additional Charge is \$10 per bin per month		
Minimum charge for each commercial account is \$34.04 for bin use		
Minimum charge for each residential dwelling unit is \$18.50 for bin use		
Hand collection: Residential \$18.50 Commercial \$34.04		

**ATTACHMENT B**

**CTR ROLL -OFF RATES EFFECTIVE OCT 2021**

<b>Service Size</b>	<b>Price</b>	<b>Description</b>
Delivery Fee	\$ -	Included in roll-off price
Daily Rental Fee for All Sizes	\$ 3.75	Per day if hauled twice monthly
20 CY	\$475.00	Per haul
30 CY	\$540.00	Per haul
40 CY	\$605.00	Per haul
Above rates subject to be multiplied by 1.08 to result in rates charged by the Contractor sufficient to fund City of Lockhart administrative and pay franchise fees. A fuel charge approved by the City Manager or designee shall be applicable to the above rates.		

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discuss Resolution 2021-13 amending charges for cemetery spaces sold in the Lockhart Municipal Burial Park.

**ORIGINATING DEPARTMENT AND CONTACT:** Public Works - Sean Kelley

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** The City Council has statutory authority to regulate and improve the City Cemetery. Resolution 2021-13 amends charges for cemetery spaces sold in the Lockhart Municipal Burial Park. Current fees for cemetery spaces sold are \$500 for Lockhart residents, \$600 for Caldwell County residents and \$1,200 for non-residents of Caldwell County. Resolution 2021-13 would increase cemetery plot sale fees to \$800 for Lockhart residents, \$900 for Caldwell County residents and \$1,500 for non-residents of Caldwell County. Section 14-4 of the Code of Ordinance authorizes City Council to amend and establish the price of cemetery lots. Cemetery rates are raised from time to time to assist with increasing maintenance and administrative costs and to be commensurate with other municipal cemeteries. In fact, the price of lots was last adjusted in 1999.

The burial or interment permit fees will remain the same as adopted in 1999.

In addition to established costs for the purchase of burial spaces, Section 14-33 requires a permit be obtained and paid prior to each burial or interment.

**PROJECT SCHEDULE (if applicable):**

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:** N/A

**COMMITTEE/BOARD/COMMISSION ACTION:** N/A

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff recommends approval of Resolution 2021-13 amending rates and fees for the Lockhart Municipal Burial Park.

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

**LIST OF SUPPORTING DOCUMENTS:** Resolution 2021-13 Cemetery Rates, Cemetery Rate Comparison Chart

**RESOLUTION 2021-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING CHARGES FOR CEMETERY SPACES SOLD IN THE LOCKHART MUNICIPAL BURIAL PARK**

**WHEREAS**, the City Council is authorized under Section 14-4 of the Code of Ordinances, from time to time, amend and establish charges for City services; and

**WHEREAS**, the City Council is authorized under Section 14-33 to establish a burial or interment permit and appropriate fees; and

**WHEREAS**, the City Council desires to amend charges for cemetery spaces in the Lockhart Municipal Burial Park; and

**WHEREAS**, the City Council desires that the burial or interment permit fees remain the same.

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

I. Pricing per cemetery space in the Municipal Burial Park shall be as follows:

Lockhart Residents	\$800
Caldwell County Residents	\$900
Non-Residents of Caldwell County	\$1,500

II. Pricing for each burial or interment permit in the Municipal Burial Park shall remain as follows:

Lockhart Residents	\$100
Caldwell County Residents	\$250
Non-Residents of Caldwell County	\$600

The City Council of the City of Lockhart, Texas, hereby amends and establishes the charges for the services as stated herein with said charges become effective upon passage of this resolution.

**PASSED, APPROVED, and ADOPTED** this the 21<sup>st</sup> day of September, 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary

\_\_\_\_\_  
Monte Akers  
City Attorney

### CEMETERY RATE COMPARISON

	CEMETERY SPACES		BURIAL OR INTERMENT PERMIT	
	Current Rates	Amended Rates	Current Rates	Amended Rates
Lockhart Residents	\$500	\$800	\$100	\$100
Caldwell County Residents	\$600	\$900	\$250	\$250
Non-Residents of Caldwell County	\$1,200	\$1,500	\$600	\$600



# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discuss Resolution 2021-16 naming City of Lockhart nominations for directors of the Caldwell County Appraisal District for the 2022-2023 term.

**ORIGINATING DEPARTMENT AND CONTACT:** Administration - Steven Lewis

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** The City of Lockhart received a notice from the Caldwell County Appraisal District (CCAD) for nominations of up to five director positions for the 2022-2023 term. Nominations are to be submitted by written resolution by October 15, 2021. Qualifications are that a director must reside in the appraisal district for at least two years immediately preceding the date he or she takes office, and must not have delinquent property taxes. An employee of a taxing unit is not eligible to serve as a director unless the employee is also an elected official.

If the Council chooses to make a nomination(s) to the CCAD BOD, staff requests that nominees be named during the September 21 or October 5 Council meeting. A Resolution is attached that will be amended to reflect the nominee(s) that will thereafter be submitted to the CCAD to place the City's nominee(s) on a ballot that the Council will vote on in the future. The City of Lockhart's previous nominee (Alfredo Munoz) remains on the CCAD Board of Directors.

**PROJECT SCHEDULE (if applicable):** N/A

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**FISCAL NOTE (if applicable):** N/A

**PREVIOUS COUNCIL ACTION:** N/A

**COMMITTEE/BOARD/COMMISSION ACTION:** N/A

**STAFF RECOMMENDATION/REQUESTED MOTION:** Council to make nomination(s), if desired, that will be inserted on attached Resolution 2021-16 that will thereafter be provided to the CCAD.

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

**LIST OF SUPPORTING DOCUMENTS:** 2021-16 CCAD Bd nomination, Letter from CCAD re  
BD Director, Current CCAD Board of Directors

**RESOLUTION 2021-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS NAMING THE CITY OF LOCKHART'S NOMINEE(S) TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT FOR THE 2022-2023 TERM**

**WHEREAS**, the City of Lockhart is entitled to cast 436 votes to serve on the Caldwell County Appraisal District Board of Directors; and,

**WHEREAS**, the City of Lockhart City Council has been notified and requested to make up to five nominations to the Caldwell County Appraisal District Board of Directors; and,

**WHEREAS**, the City Council has duly considered the nominations and taken a vote in a public setting at a regular meeting of the City Council.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Lockhart City Council hereby nominates the following to serve on the Caldwell County Appraisal District Board of Directors:

This Resolution shall be in full force and effect immediately upon its passage, approval and adoption on this the 21<sup>st</sup> day of September 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Monte Akers  
City Attorney

ATTEST:

\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary

# Caldwell County Appraisal District

RECEIVED  
CITY OF LOCKHART

SEP 01 2021

DATE: August 24, 2021  
TO: Taxing Unit Presiding Officers  
FROM: Shanna Ramzinski, Chief Appraiser  
RE: Nomination of Appraisal District Directors

RECVD. BY: \_\_\_\_\_  
TIME RECVD: \_\_\_\_\_

*C: Mayor  
Steve  
Pam*

Dear Members:

Nominations for directors of the Caldwell County Appraisal District for the 2022-2023 term are to be submitted to the chief appraiser on or before **October 15, 2021**. Each taxing unit may nominate one candidate for each position to be filled. All five positions are available for selection, therefore, each unit may nominate up to five candidates.

A director must reside in the appraisal district for at least two years immediately preceding the date he or she takes office, and must not have delinquent property taxes. An employee of a taxing unit is not eligible to serve as a director unless the employee is also an elected official.

The presiding officer of the taxing unit submits the names and addresses of the nominees by written resolution to the chief appraiser by October 15, 2021. Names submitted after this date will not be listed on the ballot. The resolution must be adopted by majority vote of your taxing unit's governing body. Each unit will then receive a ballot before October 30, 2021.

Enclosed you will find the voting entitlement for each of the voting taxing units. Please submit nominees only at this time.

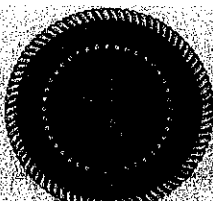
I have enclosed a document outlining the steps in the selection process and a copy of the Property Tax Code regarding eligibility

Please call on me if you have any questions about the selection process.

Sincerely,

*Shanna Ramzinski*  
Shanna Ramzinski  
Chief Appraiser

Encl; Vote allocation  
Process letter  
Tax Code §6.03



211 Bufkin Ln  
P.O. Box 900  
Lockhart, Texas 78644  
United States

PHONE (512) 398-5550  
FAX (512) 398-5551  
E-MAIL [general@caldwellcad.org](mailto:general@caldwellcad.org)  
WEB SITE [www.caldwellcad.org](http://www.caldwellcad.org)

**CALDWELL COUNTY APPRAISAL DISTRICT  
VOTE ALLOCATION FOR BOARD OF DIRECTORS SELECTION 2022-2023 TERM**

TAXING UNIT	2020	/	ALL LEVIES	=	Quotient	X	1000	=	Product	X	# Members	=	VOTES	ROUNDED VOTES
CALDWELL COUNTY	\$20,341,323.35	/	\$59,516,208.45	=	0.34177788	X	1000	=	341.8	X	5	=	1708.9	1709
CITY LOCKHART	\$5,196,719.41	/	\$59,516,208.45	=	0.08731604	X	1000	=	87.3	X	5	=	436.6	437
CITY LULING	\$1,450,967.59	/	\$59,516,208.45	=	0.02437937	X	1000	=	24.4	X	5	=	121.9	122
CITY MARTINDALE	\$344,303.27	/	\$59,516,208.45	=	0.00578503	X	1000	=	5.8	X	5	=	28.9	29
CITY MUSTANG RIDGE	\$131,501.89	/	\$59,516,208.45	=	0.00220951	X	1000	=	2.2	X	5	=	11.0	11
CITY NIEDERWALD	\$36,528.99	/	\$59,516,208.45	=	0.00061377	X	1000	=	0.6	X	5	=	3.1	3
CITY OF SAN MARCOS	\$212,978.92	/	\$59,516,208.45	=	0.0035785	X	1000	=	3.6	X	5	=	17.9	18
CITY OF UHLAND	\$28,604.42	/	\$59,516,208.45	=	0.00048062	X	1000	=	0.5	X	5	=	2.4	2
LOCKHART ISD	\$20,925,978.58	/	\$59,516,208.45	=	0.35160134	X	1000	=	351.6	X	5	=	1758.0	1758
LULING ISD	\$6,129,059.23	/	\$59,516,208.45	=	0.10298135	X	1000	=	103.0	X	5	=	514.9	515
PRAIRIE LEA ISD	\$1,133,406.29	/	\$59,516,208.45	=	0.01904366	X	1000	=	19.0	X	5	=	95.2	95
HAYS ISD	\$577,289.35	/	\$59,516,208.45	=	0.0096997	X	1000	=	9.7	X	5	=	48.5	48
GONZALES ISD	\$408,611.73	/	\$59,516,208.45	=	0.00686555	X	1000	=	6.9	X	5	=	34.3	34
SAN MARCOS ISD	\$2,284,118.71	/	\$59,516,208.45	=	0.0383781	X	1000	=	38.4	X	5	=	191.9	192
WEALDER ISD	\$271,864.71	/	\$59,516,208.45	=	0.00456791	X	1000	=	4.6	X	5	=	22.8	23
AUSTIN COM COLLEGE	\$42,952.01	/	\$59,516,208.45	=	0.00072169	X	1000	=	0.7	X	5	=	3.6	4
TOTAL	\$59,516,208.45		\$59,516,208.45										5000	5000

\* = Not including Plumcreek Conservation and Plumcreek Underground  
Caldwell-Hays ESD1, Gonzales UWD, Caldwell ESD2, Caldwell ESD3, Caldwell ESD4

\* = Only Levy within Caldwell County PTC 6.03d

## **STEPS IN THE VOTING PROCESS TO ELECT DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT**

- 1 Chief appraiser delivers written notice of nominations process and voting entitlement before October 1, 2021 to:
  - County Judge
  - County Commissioners
  - Mayors
  - City Managers
  - City Secretaries (if no city manager)
  - School Board Presidents
  - School Superintendents
- 2 Governing body adopts resolution nominating from one to five candidates for directors.
- 3 Presiding officer of governing body submits the resolution naming the unit's nominees to the chief appraiser no later than October 15, 2021.
- 4 Chief Appraiser delivers ballot to the presiding officer of each governing body before October 30, 2021.
- 5 Governing body determines its vote by resolution and submits it to the chief appraiser no later than December 15, 2021.
- 6 Chief appraiser counts the votes, declares the five candidates who receive the most votes elected, and submits the results to the governing bodies and the candidates before December 31, 2021.

minerals for purposes of ad valorem taxation by calculating the percentage of surface acres in the county and applying that percentage to the mineral interest; its burden under Tex. Tax Code Ann. § 21.01 to prove the situs of the taxable property allowed it to tax only minerals actually in the county, in accordance with the provisions of Tex. Const. art. VIII, § 11 and Tex. Const. art. VIII, § 20 for property to be assessed at fair market

value in the county where situated, and of Tex. Tax Code Ann. § 6.01(a), (b) and Tex. Tax Code Ann. § 6.02(a) for an appraisal district in each county. *Devon Energy Prod., L.P. v. Hockley County Appraisal Dist.*, 178 S.W.3d 879, 169 Oil & Gas Rep. 78, 2005 Tex. App. LEXIS 9177 (Tex. App. Amarillo Nov. 3, 2005, no pet.).

#### ATTORNEY GENERAL OPINIONS

##### Analysis

Jurisdiction.  
Savings Clause.

##### Jurisdiction.

Despite the enactment of House Bill 1010 by the Eightieth Legislature, an appraisal district operating in overlapping territory by operation of Tex. Tax Code Ann. § 6.02(b) retains authority to hear and determine pending corrective motions and taxpayer protests concerning property in that territory that relate to the 2007, or prior, tax year. 2008 Tex. Op. Att'y Gen. GA-0631, 2008 Tex. AG LEXIS 45.

##### Savings Clause.

After the 2007 legislation that altered the legal framework for appraising property for ad valorem taxation in taxing units located in more than one county, an appraisal district is still responsible for litigation filed against it prior to January 1, 2008, and involving property that is no longer in its appraisal district; the general savings clause continues in effect relevant portions of Tex. Tax Code Ann. § 6.02, such that a taxing district has continuing authority to defend itself in the pending litigation, and a taxing unit has a continuing obligation to pay the related costs. 2008 Tex. Op. Att'y Gen. GA-0590, 2008 Tex. AG LEXIS 2.

#### Sec. 6.025. Overlapping Appraisal Districts; Joint Procedures [Repealed].

Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(3), effective January 1, 2008.

**HISTORY:** Enacted by Acts 1995, 74th Leg., ch. 186 (H.B. 623), § 1, effective January 1, 1996; am. Acts 1997, 75th Leg., ch. 1357 (H.B. 670), § 1, effective January 1, 1998; am. Acts 1999, 76th Leg., ch. 250 (H.B. 1037), § 1, 2, effective January 1, 2000; am. Acts 2003, 78th Leg., ch. 455 (H.B. 703), § 1, effective January 1, 2004; am. Acts 2003, 78th Leg., ch. 1041 (H.B. 1082), § 1, effective January 1, 2004.

#### ATTORNEY GENERAL OPINIONS

##### Overlapping Districts.

With respect to property lying in overlapping appraisal districts, section 6.025(d) of the Tax Code requires the chief appraiser of each of the overlapping districts to enter in the

appraisal records the lowest values, appraised and market, listed by any of the overlapping districts. 2004 Tex. Op. Att'y Gen. GA-0283.

#### Sec. 6.03. Board of Directors.

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director. The county assessor-collector is ineligible to serve if the board enters into a contract under Section 6.05(b) or if the commissioners court of the county enters into a contract under Section 6.24(b). To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, the junior college districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

(1) to the county judge and each commissioner of the county served by the appraisal district;

(2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager;

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and

(4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

(f) The chief appraiser shall calculate the number of votes to which each conservation and reclamation district entitled to vote for district directors is entitled and shall deliver written notice to the presiding officer of each conservation and reclamation district of its voting entitlement and right to nominate a person to serve as a director of the district before July 1 of each odd-numbered year.

(g) Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15.

(h) Each conservation and reclamation district entitled to vote may nominate by resolution adopted by its governing body one candidate for the district's board of directors. The presiding officer of the conservation and reclamation district's governing body shall submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year. Before August 1, the chief appraiser shall prepare a nominating ballot, listing all the nominees of conservation and reclamation districts alphabetically by surname, and shall deliver a copy of the nominating ballot to the presiding officer of the board of directors of each district. The board of directors of each district shall determine its vote by resolution and submit it to the chief appraiser before August 15. The nominee on the ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district if the nominee received more than 10 percent of the votes entitled to be cast by all of the conservation and reclamation districts in the appraisal district, and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(i) If no nominee of the conservation and reclamation districts receives more than 10 percent of the votes entitled to be cast under Subsection (h), the chief appraiser, before September 1, shall notify the presiding officer of the board of directors of each conservation and reclamation district of the failure to select a nominee. Each conservation and reclamation district may submit a nominee by September 15 to the chief appraiser as provided by Subsection (h). The chief appraiser shall submit a second nominating ballot by October 1 to the conservation and reclamation districts as provided by Subsection (h). The conservation and reclamation districts shall submit their votes for nomination before October 15 as provided by Subsection (h). The nominee on the second nominating ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(j) Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

(m) [Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008.]

**HISTORY:** Enacted by Acts 1979, 66th Leg., ch. 841 (S.B. 621), § 1; am. Acts 1981, 67th Leg., 1st C.S., ch. 13 (H.B. 30), §§ 15, 167(a), effective January 1, 1982; am. Acts 1987, 70th Leg., ch. 59 (S.B. 469), § 1, effective September 1, 1987; am. Acts 1987, 70th Leg., ch. 270 (H.B. 268), § 1, effective August 31, 1987; am. Acts 1989, 71st Leg., ch. 1123 (H.B. 2301), § 2, effective January 1, 1990; am. Acts 1991, 72nd Leg., ch. 20 (S.B. 351), § 15, effective August 26, 1991; am. Acts 1991, 72nd Leg., ch. 371 (H.B. 864), § 1, effective



## Board of Directors

Board Member	Location
Sally Daniel	Lockhart
Kathy Haigler	Dale
Alfredo Munoz	Lockhart
Lee Rust	Luling
Sonja Villalobos	Martindale

### The Appraisal District Board of Directors Role in the Property Tax System

The local property tax system follows the principle of checks and balances.

An appraisal district board of directors hires the chief appraiser, sets the budget and appoints the appraisal review board members.

The directors have no authority to set values or appraisal methods.

The chief appraiser carries out the appraisal district's legal duties, hires the staff, makes the appraisals and operates the appraisal office.

Regular board meetings take place on the 4th Tuesday of the month at 6:00 p.m. located in the Caldwell County Appraisal District office.

 [Appraisal District's Board of Directors Requirements](#)

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discuss the Lockhart Economic Development Corporation bylaws, providing amendments and clarifications, as outlined in Resolution 2021-14.

**ORIGINATING DEPARTMENT AND CONTACT:** Economic Development - Michael Kamerlander

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** The LEDC Board has had some new Directors appointed by City Council over the past year. Throughout these appointments, the question of residency is a recurring one. The LEDC Bylaws state in Article II, Section 1, Subsection (b) the following for Board of Directors Requirements:

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council) of the City. Each director shall occupy a place (individually, the "Place" and collectively, the "Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

State law allows for EDC Board of Directors, in City's a fewer than 20,000 people, to serve from as far as 10 miles from the corporate boundaries and in a neighboring county as long as it is within the distance requirement.

It is staff's interpretation that Directors in places 1-4 are to be Councilmembers from those districts. If the councilmembers choose to appoint someone, they should reside in their district. The at-large and Mayoral appointees may be city-wide. To clarify this intent the recommended changes would need to be added:

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council) of the City and reside within the City Limits of Lockhart, Texas. Each director shall occupy a place (individually, the "Place" and collectively, the "Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

To change the bylaws, according to the Articles of Incorporation in Article Ten, Section (b), the "Board of Directors of the corporation shall make application to the City Council for the

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

approval of any proposed amendments, but the same shall not become effective until or unless the same shall be approved by resolution adopted by the City Council.”

The Lockhart EDC Board of Directors voted to amend the bylaws by unanimous vote at its regular board meeting on September 13, 2021.

### **PROJECT SCHEDULE (if applicable):**

### **AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:** None

**COMMITTEE/BOARD/COMMISSION ACTION:** The Lockhart EDC Board of Directors voted to amend the bylaws by unanimous vote at its regular board meeting on September 13, 2021.

**STAFF RECOMMENDATION/REQUESTED MOTION:** Motion to adopt Resolution 2021-14 amending the Lockhart Economic Development Corporation Bylaws to require Directors on the Corporation Board be residents of the City of Lockhart.

**LIST OF SUPPORTING DOCUMENTS:** Council Resolution Re LEDC By Law amendments 2021, LEDC Bylaws amendment 9.16.21, Articles of Incorporation, LEDC Draft Minutes 9.13.21

**RESOLUTION NO. 2021-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, LOCKHART COUNTY, TEXAS, APPROVING AMENDMENTS TO THE BYLAWS OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Lockhart Economic Development Corporation (“LEDC”) is a Type B Economic Development Corporation and non-profit corporation, created and operating under the Development Corporation Act of 1979, codified at Chapter 501, et seq, Texas Local Government Code; and

**WHEREAS**, the Board of Directors of the LEDC and the City Council of the City of Lockhart desire to amend the bylaws of the LEDC to clarify the residency requirements for members of the Board of Directors, and desire to approve an amendment containing such clarification;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, LOCKHART COUNTY, TEXAS, THAT:**

**SECTION 1.** The foregoing recitals are adopted and incorporated herein for all purposes.

**SECTION 2.** The City Council of the City of Lockhart hereby adopts and approves the amended Bylaws of the LEDC, being those attached to this Resolution as Exhibit “A.”

**SECTION 3.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, LOCKHART COUNTY, TEXAS, ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**APPROVED:**

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

**ATTEST:**

\_\_\_\_\_  
Connie Constancio, City Secretary

BYLAWS OF  
LOCKHART ECONOMIC DEVELOPMENT CORPORATION

ARTICLE 1  
PURPOSE AND POWERS

Section 1. Purpose. The Corporation is incorporated for the purposes set forth in Article Four of its Articles of Incorporation, the same to be accomplished on behalf of the City of Lockhart, Texas (the "City") as its duly constituted authority and instrumentality in accordance with the Development Corporation Act of 1979, as amended, codified as Chapters 501-505, Texas Local Government Code (formerly Article 5190.6, Vernon's Ann. Civ. St., as amended), (the "Act"), and other applicable laws.

Section 2. Powers. In the fulfillment of its corporate purpose, the Corporation shall be governed by Chapters 501 and 505 of the Act as a Type B Economic Development Corporation, and shall have all powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof.

ARTICLE II  
BOARD OF DIRECTORS

Section 1. Powers, Number and Term of Office.

(a) The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") under the guidance and direction of the Lockhart City Council and, subject to the restrictions imposed by law, by the Articles of Incorporation and by these Bylaws, the Board shall exercise all of the powers of the Corporation.

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council") of the City and reside within the City Limits of Lockhart, Texas. Each director shall occupy a place (individually, the "Place" and collectively, the "Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

(c) The directors constituting the first Board shall be those directors named in the Articles of Incorporation. Successor directors shall have the qualifications, shall be of the classes of directors, and shall be appointed to the terms set forth in the Articles of Incorporation.

(d) Any director may be removed from office by the City Council at will.

Section 2. Meetings of Directors.

(a) The directors may hold their meetings at such place or places in the City as the Board may from time to time determine provided, however, in the absence of any such determination by the Board, the meetings shall be held at the principal office of the Corporation as specified in Article V of these Bylaws.

(b) Any director who is absent from any three consecutive regular meetings, or any four non-consecutive regular meetings of the Board during any twelve-month period, shall forfeit his or her office and the vacancy occurring shall be filled by the City Council.

Section 3. Notice of Meetings.

a) Regular meetings of the Board shall be held at such times and places as shall be designated from time to time by the Board. Special meetings of the Board shall be held whenever called the Chairman of the Board, a majority of the directors, or by a majority of the City Council

(b) The secretary shall give seventy-two (72) hours' notice to each director of each regular or special meeting in person or by mail, telephone, email, or by facsimile. The secretary shall give at least two (2) hours' notice to each director of each emergency meeting in person or by telephone, email, facsimile. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special meeting.

(c) Whenever any notice is required to be given to the Board, said notice shall be deemed to be sufficient if delivered to their home address in a sealed wrapper addressed to the person entitled thereto or by depositing same in a post office box in a sealed post-paid wrapper addressed to his or her post office address as it appears on the books of the Corporation, and such shall be deemed to have been given on the day of such mailing or delivery. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting need be specified in the notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or person entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 4. Open Meetings Act. All meetings and deliberations of the Board shall be called, convened, held, and conducted, and notice shall be given to the public, in accordance with the Texas Open Meetings Act, Government Code, Chapter 551.

Section 5. Quorum. A majority of the directors shall constitute a quorum to conduct official business of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law.

Section 6. Conduct of Business.

(a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board.

(b) At all meetings of the Board, the Chairman of the Board shall preside. In the absence of the Chairman, the Vice Chairman shall preside.

(c) The Chairman will be a voting member of the Board.

(d) The Secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 7. Committees of the Board. The Board may designate two (2) or more directors to constitute an official committee of the Board to exercise such authority of the Board. It is provided, however, that all final, official actions of the Corporation may be exercised only by a quorum of the Board. Each committee so designated shall keep regular minutes of the transactions of its meeting and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 8. Compensation of Directors. Directors shall not receive any salary or compensation for their services as directors. However, they shall be reimbursed for their actual expenses incurred in the performance of their official duties as directors.

### ARTICLE III

#### OFFICERS

Section 1. Titles and Terms of Office.

(a) The officers of the Corporation shall be a chairman and vice-chairman of the board directors, a president, a vice president, a secretary and a

treasurer, and such other officers as the Board may from time to time elect or appoint. Terms of office shall be two (2) years. Officers may be reappointed.

(b) A vacancy in the office of chairman or vice-chairman shall be filled by a vote of a majority of the directors.

Section 2. Powers and Duties of the President. The president shall be the chief operating/executive officer of the Corporation, and, subject to the authority of the Board, the president shall be in general charge of the properties and affairs of the Corporation, and execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation. The City Manager of the City of Lockhart shall be president.

Section 3. Vice President. The vice president shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the president during that officer's absence or inability to act, in their respective order. Any action taken by the vice president in the performance of the duties of the president shall be conclusive evidence by the absence or inability to act of the president at the time such action was taken. The City Manager of the City of Lockhart shall designate an appropriate City employee to be vice-president.

Section 4. Treasurer. The treasurer shall have the responsibility to see to the handling, custody, and security of all funds and securities of the Corporation in accordance with these bylaws. When necessary or proper, the treasurer may endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes, and other obligations in or drawn upon such bank, banks, or depositories as shall be designated by the Board consistent with these Bylaws. The treasurer shall see to the entry in the books of the Corporation full and accurate accounts of all monies received and paid out on account of the Corporation. The treasurer shall, at the expense of the Corporation, give such bond for the faithful discharge of his/her duties in such form and amount as the Board or the City Council may require. The City Manager of the City of Lockhart shall designate an appropriate City employee to be treasurer. All check writing authority will all applicable City policies concerning authorizations, signatures and disbursements.

Section 5. Secretary. The secretary shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during business hours, and shall in general perform all duties incident to the office of secretary subject to the control of the Board. The City Manager of the City of Lockhart shall designate an appropriate City employee to be secretary.



Section 6. Legal counsel shall be the attorney for the City and he or she shall recommend any other attorney needed by the Corporation.

Section 7. Compensation. Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties as officers.

## ARTICLE IV

### FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

#### Section 1. Lockhart Capital Improvement Plan.

(a) It shall be the duty and obligation of the Board to assist in the financing and maintenance of the Lockhart Capital Improvement Plan as adopted by the City of Lockhart.

(b) In carrying out its obligations under subsection (a), the Corporation shall be authorized to establish an enterprise fund for approved projects pursuant to the Lockhart Capital Improvement Plan. Proceeds in said enterprise fund shall be transferred to the City's appropriate fund or funds for the purposes of debt service under certificates of obligation issued pursuant to the Capital Improvement Plan as adopted by the City Council, on projects not inconsistent with Proposition Ten passed by the voters of the City of Lockhart on May 4, 1996, and not inconsistent with Article 5190.6, Section 4B, Texas Revised Civil Statutes.

(c) The Board shall periodically submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section.

(d) Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law.

Section 2. Multi-year Financial Plan (the "Plan"). Prior to the beginning of the Fiscal Year the president will submit a Multi-year Financial Plan to the City Council for approval. The Plan will detail the utilization, investment and expenditure of funds and Debt scheduling for the Corporation. The Plan will serve as the financial guide for the corporation. The Board will approve the plan prior to the adoption of the Corporation's fiscal budget.

Section 3. Annual Corporate Budget. Prior to the commencement of each Fiscal Year of the Corporation, the Board shall adopt a proposed budget of expected revenues from sources set out in Section 6 of this article and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The president shall submit the budget to the City Council approval prior to submittal to

the Board for final adoption. The projection of revenues and all expenditures in the annual corporate budget will follow the guidelines outlined in the Multi-Year Financial Plan as adopted by the Board and the City Council. The budget will include administrative overhead, expenses and debt service.

#### Section 4. Books Records Audits.

(a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

(b) At the direction of the City Council, the books, records, accounts, and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff and personnel of the City.

(c) The Corporation, or the City if the option described in subsection (b) is selected, shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and accounting firm selected by the City Council and approved by the Board. Such an audit shall be at the expense of the Corporation.

#### Section 5. Deposit and Investment of Corporation Funds.

(a) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

(b) Subject to the requirements of contracts, loan agreements, indentures or other agreements securing Obligations, all other monies of the Corporation, if any, shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City. The Board, with City Council approval, shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the corporation upon the signature of its treasurer and such other persons as the Board designates. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the Department of Finance of the City.

Section 6. Expenditures of Corporate Money. The sales and use taxes collected pursuant to Chapter 505 of the Act and the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:

(i) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted for the approval by the City Council prior to the execution of loan or financing

agreements or the sale and delivery of the Obligations to the purchasers thereof required by Section 7 of this Article;

(ii) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations may be used for the purpose of financing or otherwise providing one or more "Projects", as defined in Chapter 505 of the act. Expenditures shall be detailed in the Corporation's annual budget as approved by City Council and Board resolutions;

(iii) All proposed expenditures shall be made in accordance with and shall be set forth in the Corporation's annual budget required by Section 3 of this Article or in contracts meeting the requirements of Section I(d) of this Article.

Section 7. Issuance of Obligations. No obligations, including refunding obligations, shall be authorized or sold and delivered by the Corporation unless the City Council shall approve such Obligations by action taken prior to the date of sale of the obligations.

## ARTICLE V

### MISCELLANEOUS PROVISIONS

#### Section 1. Principal Office.

(a) The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation.

(b) The Corporation shall have and shall continually designate a registered agent at its office, as required by the Act.

Section 2. Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 3. Seal. The Seal of the corporation shall be determined by the Board of Directors.

Resignations. Any director or officer may resign at any time. Such  
Section 4. resignation shall be made in writing and shall take effect at the time specified therein, or, if no time is specified, at the time of its receipt by the Secretary. The acceptance of resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5. Approval or Advice and Consent of the City Council. To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the City Council, such advice and consent shall be evidenced by one of the following; resolution, minute order or motion duly approved by the City Council.

Section 6. Services of City Staff and Officers. Subject to the authority of the City Manager under the Charter of the City, the Corporation shall utilize the services and the staff employees of the City. All requests for staff time or inquiries of Staff will be requested through the City Manager's Office. The Corporation shall pay reasonable compensation to the City for such services, and the performance of such services does not materially interfere with the other duties of such personnel of the City.

Section 7. Indemnification of Directors, Officers and Employees.

(a) As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.

(b) The Corporation shall indemnify each and every member of the Board, its Officers and its employees, and each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the function; and activities of the Corporation. The attorney for the Corporation is authorized to provide defense for members of the Board, officers, and employees of the Corporation.

ARTICLE VI

EFFECTIVE DATE, AMENDMENTS

Section 1. Effective Date. These Bylaws shall become effective upon the occurrence of the following events:

- (1) the approval of these Bylaws by the City Council; and
- (2) the adoption of these Bylaws by the Corporation Board.

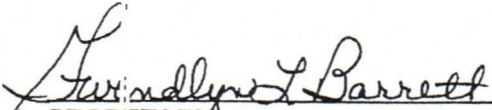
Section 2. Amendments to Articles of Incorporation and Bylaws. The Articles of Incorporation of the Corporation and these Bylaws may be amended only in the manner provided in the Articles of Incorporation and the Act.

These Bylaws were approved this the \_\_\_\_\_ day of August, 1996, by the Board of Directors of the Lockhart Economic Development Corporation.

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

  
CHAIRMAN

ATTEN:

  
\_\_\_\_\_  
SECRETARY

RESOLUTION 96-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, CANVASSING THE SPECIAL ELECTION FOR SUBMITTING ONE PROPOSITION FOR THE ADOPTION OF AN ADDITIONAL ONE-HALF OF ONE PERCENT SALES AND USE TAX TO BE USED FOR ANY PURPOSE AUTHORIZED BY SECTION 4 (B) OF ARTICLE 5190.6 V.T.C.S. AS AMENDED (THE DEVELOPMENT CORPORATION ACT OF 1979), INCLUDING BUT NOT LIMITED TO PROJECTS RELATED TO WATER AND SEWER FACILITIES, STREETS AND ROADS, DRAINAGE AND RELATED IMPROVEMENTS, GENERAL MUNICIPAL BUILDINGS, AND PUBLIC PARK PURPOSES AND PARK FACILITIES, INCLUDING THE MAINTENANCE AND OPERATING COSTS OF ANY SUCH PROJECTS MENTIONED ABOVE

WHEREAS, the City Council of the City of Lockhart, Texas, ordained that an election be held within the City of Lockhart on the 4th day of May, 1996, for the purpose of submitting Proposition 10 the adoption of an additional one-half of one percent sales and use tax within the city pursuant to the provisions in Section 4B of Article 5190.6, V.T.C.S., as amended (The Development Corporation Act of 1979) with proceeds thereof to be used and applied in the manner to the purposes authorized by Section 4B of the Act, including but not limited to projects related to water and sewer facilities, streets and roads, drainage and related improvements, general municipal buildings, public park purposes and park facilities, including the maintenance and operating costs of any such projects mentioned above; and

WHEREAS, the City Council of the City of Lockhart, Texas, desires to canvas returns and declare the results of an election held in the City of Lockhart on the 4th day of May, 1996; and

WHEREAS, it is hereby found and determined that said election was held in accordance with the authorizing proceedings, that notice of election was duly given in the form, manner, and the time required by law, and that said election was in all respects legally held and conducted in accordance with the laws of the State of Texas applicable thereto; and

WHEREAS, the returns of the said election have been made to this governing body and said returns, duly and legally made, shows the following votes were cast for the following individuals running and propositions presented in said election:

Absentee    Dist. 1    Dist. 2    Dist. 3    Dist. 4    Total

**Proposition 10**

The adoption of an additional one-half of one percent sales and use tax to be used for any purpose authorized by Section 4 (B), Article 5190.6, V.T.C.S. as amended (The Development Corporation Act of 1979), including but not limited to projects related to water and sewer facilities, streets and roads, drainage and related improvements, general municipal buildings, and public park purposes and park facilities, including the maintenance and operating costs of any such projects mentioned above.

For	328	55	74	213	126	796
Against	128	23	47	87	77	362

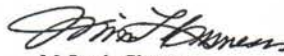
**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS:**

**Section 1.** That all of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its judgment.

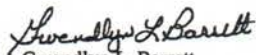
**Section 2.** It is further found and determined that the results of the election as canvassed and tabulated in the preamble hereof reflect the expressed desires of those persons voting at said election.

PASSED, APPROVED and ADOPTED this the 7th day of May, 1996.

CITY OF LOCKHART

  
M. Louis Cisneros  
Mayor

ATTEST:

  
Gwendlyn L. Barrett  
City Secretary



# The State of Texas

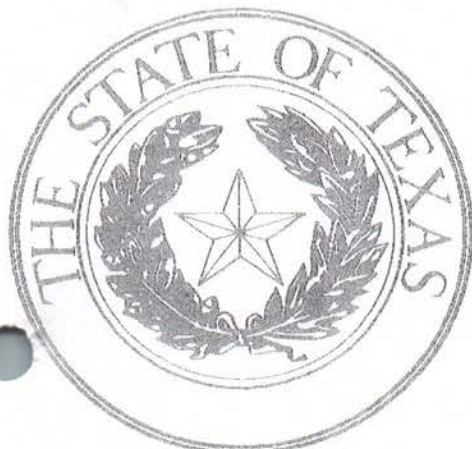
## SECRETARY OF STATE CERTIFICATE OF INCORPORATION OF

LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
CHARTER NUMBER 01405485-01

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above corporation, duly signed pursuant to the provisions of the Development Corporation Act of 1979, have been received in this office and are found to conform to law.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation and attaches hereto a copy of the Articles of Incorporation.

Dated: June 26, 1996



RR

Antonio O. Garza, Jr.  
Secretary of State



Corporations Section  
P.O. Box 13697  
Austin, Texas 78711-3697



RECEIVED  
**Antonio O. Garza, Jr.**

Secretary of State

## Office of the Secretary of State

July 3, 1996

**TODD BLOMERTH (BLOMERTH AND PAYNE)  
103 SOUTH MAIN STREET  
LOCKHART, TEXAS 78644**

**RE: LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
CHARTER NUMBER: 01405485-01**

The following instrument has been filed in this office:

**ARTICLES OF INCORPORATION.**

Enclosed is a copy of this instrument for your files. Receipt of your remittance in payment of the filing fee is acknowledged by this letter. Should you require further information or assistance, please call (512) 463-5583.

Very truly yours,

*Lorna Wassdorf*

**Lorna Wassdorf  
Deputy Assistant Secretary  
Statutory Filings Division**

c: enclosure

RR

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BLOMERTH AND PAYNE

Attorneys at Law  
103 South Main Street  
Lockhart, Texas 78644  
(512) 398-7175  
Fax No. (512) 398-6604



\* Board Certified - Criminal Law  
Texas Board of Legal Specialization

\*TODD BLOMERTH  
PATTI PAYNE

July 15, 1996

Mrs. Gwen Barrett  
City Secretary  
City of Lockhart  
P. O. Box 239  
Lockhart, Texas 78644

**RE: LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
CHARTER NUMBER: 01405485-01**

Dear Gwen:

Enclosed please find the originals of the Articles of Incorporation for the Lockhart Economic Development Corporation under Charter Number 01405485-01. All charter and other pertinent documents to the Corporation need to be kept under separate file. This file will include the By-Laws (when passed by Council) as well as Resolution adopting By-Laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd A. Blomert".

TODD A. BLOMERTH  
City Attorney For The City of Lockhart

TAB/cjw  
Enclosure  
cc: Mr. John Allred  
Mayor, City of Lockhart  
cc: Mr. Philip Cook  
City Manager, City of Lockhart

Corporations Section  
P.O. Box 13697  
Austin, Texas 78711-3697



RECEIVED  
**Antonio O. Garza, Jr.**

Secretary of State

## Office of the Secretary of State

July 3, 1996

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103 SOUTH MAIN STREET  
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Very truly yours,

*Lorna Wassdorf*

**Lorna Wassdorf  
Deputy Assistant Secretary  
Statutory Filings Division**

c: enclosure

RR



# The State of Texas

## SECRETARY OF STATE CERTIFICATE OF INCORPORATION OF

LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
CHARTER NUMBER 01405485-01

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ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation and attaches hereto a copy of the Articles of Incorporation.

Dated: June 26, 1996



RR

Antonio O. Garza, Jr.  
Secretary of State

FILED  
in the Office of the  
Secretary of State of Texas

JUN 26 1996

CORPORATIONS SECTION

**ARTICLES OF INCORPORATION  
OF  
LOCKHART ECONOMIC DEVELOPMENT CORPORATION**

**WE, THE UNDERSIGNED** natural persons, not less than three in number, each of whom is at least 18 years of age and is a qualified elector of the City of Lockhart, Texas (the "City"), acting as incorporators of a public instrumentality and non-profit industrial development corporation (the "Corporation") under the Development Corporation Act of 1979, as amended, Article 5190.6, Tex. Rev. Stat. Ann., as amended (the "Act"), with the approval of the City Council (the "City Council") of the City, do hereby adopt the following Articles of Incorporation for the Corporation.

**ARTICLE ONE**

The name of the corporation is Lockhart Economic Development Corporation.

**ARTICLE TWO**

The Corporation is a non-profit industrial development corporation under the Act and is governed by Section 4B of the Act.

**ARTICLE THREE**

Subject to the provisions of Article Eleven of these Articles, the period of duration of the Corporation is perpetual.

**ARTICLE FOUR**

(a) The purpose of the Corporation is to develop, implement, provide, and finance projects under the act and as defined by Section 4B of the Act.

(b) In the fulfillment of its corporation purpose, the Corporation shall have the power to pay the costs of projects and to provide financing to pay the costs of projects through the issuance or execution of bonds, notes, and other forms of debt instruments, and to acquire, maintain and lease and sell property, and interests therein, all to be done and accomplished on behalf of the City and for its benefit and to accomplish its public and governmental purposes as its duly constituted authority and public instrumentality pursuant to the Act and under, and within the meaning of, the Internal Revenue Code of 1989, as amended, and the applicable regulations of the United States Treasury Department and the ruling of the Internal Revenue Service of the United States prescribed and promulgated thereunder.

(c) In the fulfillment of its corporate purpose, the Corporation shall have and may exercise the powers described in paragraph (b) of this Article, together with all of the other powers granted to corporations that are incorporated under the Act and that are governed by Section 4B thereof, and, to the extent not in conflict with the Act, the Corporation shall additionally have and may exercise all of the rights, powers, privileges, authorities, and functions given by the general laws of the State of Texas to nonprofit corporations under the Texas Non-Profit Corporation Act, as amended, Article 1395-1.01, et seq., Vernon's Ann. Civ. St., as amended.

(d) The Corporation is a corporation having the purposes and powers permitted by the Act pursuant to the authority granted in Article III, Section 52-a of the Texas Constitution, but the Corporation does not have and shall not exercise the powers of sovereignty of the City, including the power to tax (except for the power to receive and use the sales and use taxes specified in Section 4B of the Act) and the police power, except that the Corporation shall have an

may exercise the power of eminent domain when the exercise thereof is approved by the City Council. However, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practice and Remedies Code), the Corporation is a governmental unit and its actions are governmental functions.

(e) No bonds, notes, or other debt instruments or other obligations, contracts, or agreements of the Corporation are or shall ever be deemed to be or constituted the contracts, agreements, bonds, notes, or other debt instruments or other obligations, or the lending of credit, or grant of the public money or things of value, of, belonging to, or by the State of Texas, the City, or any other political corporation, subdivision or agency of the State of Texas, or a pledge of the faith and credit of any of them. Any and all of such contracts, agreements, bonds, notes, and other debt instruments and other obligations, contracts and agreements shall be payable solely and exclusively from the revenues and funds received by the Corporation from the sources authorized by Section 4B of the act and from such other sources as may be otherwise lawfully available and belonging to the Corporation from time to time.

#### **ARTICLE FIVE**

The Corporation has no members and is a non-stock corporation.

#### **ARTICLE SIX**

These Articles of Incorporation may be amended in either one of the methods prescribed in this Article.

(a) Pursuant to the powers of the City contained in Section 17(b) of the Act, the City Council, by resolution, may amend these Articles of Incorporation by filing amendments with the Secretary of State as provided by the Act.

(b) The board of directors of the Corporation may file a written application with the City Council requesting approval of proposed amendments to these Articles of Incorporation, specifying in such application the proposed amendments. If the City Council, by appropriate resolution, finds and determines that it is advisable that the proposed amendments be made, authorizes the same to be made, and approves the form of the proposed amendments, the board of directors of the Corporation may proceed to amend these Articles of Incorporation in the manner provided by the Act.

(c) The board of directors of the Corporation shall not have any power to amend these Articles of Incorporation except in accordance with the procedures established in paragraph (b) of this Article.

#### **ARTICLE SEVEN**

The Street Address of the initial registered office of the Corporation is the City Hall, 308 West San Antonio Street, Lockhart, Texas 78644 and the name of its initial registered agent at such address is Philip Cook, City Manager.

#### **ARTICLE EIGHT**

The affairs of the Corporation shall be managed by a board of directors consisting of seven (7) directors appointed the governing body of the City for two (2) year terms of office. As many as four (4) of the directors may be members of the governing body of the City ("Councilmember Class"), but, at least three (3) directors must be persons who are not employees or officers or members of the governing body of the City ("Citizenmember Class"). The names

and street addresses of the persons who are to serve as the initial directors and the dates of expiration of their initial terms as directors, are as follows:

<b>NAMES</b>	<b>ADDRESSES</b>	<b>DATES OF EXPIRATION OF TERM</b>	<b>CLASS OF DIRECTOR</b>
Frank Estrada	407 W. China Lockhart, Texas 78644	May 31, 1998	Councilmember
Cindy Johnson	1508 Parkview Lockhart, Texas 78644	May 31, 1998	Councilmember
Thomas Lowe	540 W. San Anotonio Lockhart, Texas 78644	May 31, 1998	Citizenmember
Paul O'Balle	902 Neches Lockhart, Texas 78644	May 31, 1998	Citizenmember
Joe Ramirez	635 S. Brazos Lockhart, Texas 78644	May 31, 1998	Councilmember
James Stephens	1220 Maple Lockhart, Texas 78644	May 31, 1998	Citizenmember
Lew White	1215 Plum Lockhart, Texas 78644	May 31, 1998	Citizenmember

Each director shall hold office for the term for which the director is appointed unless sooner removed or resigned. Each director, including the initial directors, shall be eligible for reappointment. Directors are removable by the City Council at will without cause and must be appointed for a term of two (2) years. If a director of the Councilmember Class shall cease to be a member of the City Council, or if a director shall cease being a resident of the city, or if a director of the Citizenmember Class shall become an employee or officer of the City or a member of the City Council, such event shall constitute an automatic resignation as a director and such vacancy shall be filled in the same manner as for other vacancies of the same class. Any vacancy occurring on the board of directors through death, resignation or otherwise shall be filled by appointment by the City Council to hold office until the expiration of the vacating members' term.

#### **ARTICLE NINE**

The name and street address of each incorporator are:

<b>NAME</b>	<b>ADDRESS</b>
John M. Allred	505 South Main Street Lockhart, Texas 78644
Todd A. Blomerth	1105 Spruce Street Lockhart, Texas 78644
Philip Cook	913 Vogel Drive Lockhart, Texas 78644

## ARTICLE TEN

(a) The initial bylaws of the Corporation shall be in the form and substance approved by the City Council by similar resolution as that approving these Articles of Incorporation. Such bylaws shall be adopted by the Corporation's board of directors and shall, together with these Articles of Incorporation, govern the internal affairs of the Corporation until and unless amended in accordance with this Article.

(b) Neither the initial bylaws nor any subsequently effective bylaws of the Corporation may be amended without the consent and approval of the City Council. The board of directors of the corporation shall make application to the City Council for the approval of any proposed amendments, but the same shall not become effective until or unless the same shall be approved by resolution adopted by the City Council.

## ARTICLE ELEVEN

(a) The City Council may, in its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Corporation, and it may terminate or dissolve the Corporation, subject to the provisions of paragraphs (b) and (c) of this Article.

(b) The Corporation shall not be dissolved, and its business shall not be terminated, by act of the City Council or otherwise, so long as the Corporation shall be obligated to pay any bonds, notes, or other obligations and unless the collection of the sales and use tax authorized by Section 4B of the Act is eligible for termination in accordance with the provisions of Section 4B(i) of the Act.

(c) No action shall be taken pursuant to paragraphs (a) and (b) of this Article or pursuant to paragraph (b) of Article Twelve of these Articles, in any manner or at any time that would impair any contract, lease, right, or other obligations theretofore executed, granted, or incurred by the Corporation.

## ARTICLE TWELVE

(a) No dividends shall ever be paid by the Corporation and no part of its net earnings remaining after payment of its expenses and other obligations shall be distributed to or inure to the benefit of its directors or officers, or any individual, private firm, or private corporation or association, except in reasonable amounts for services rendered.

(b) If, after the close of any fiscal year, the board of directors shall determine that sufficient provision has been made for the full payment of all current expenses, together with all amounts payable on the contracts, agreements, bonds, notes, and other obligations of the Corporation, and that all of the terms, provisions, and covenants therein have been met, then any net earnings derived from sources other than the sales and use taxes collected for the account of Corporation pursuant to Section 4B of the Act thereafter accruing and lease payments received in connection with projects financed pursuant to Section 4B of the Act shall be paid to the City. All sales and use taxes collected for the account of the Corporation pursuant to Section 4B of the Act, and lease payments received in connection with projects financed pursuant to Section 4B of the Act will be used solely for the purposes permitted by Section 4B of the Act.

(c) If the Corporation ever should be dissolved when it has, or is entitled to, any interest in any funds or property of any kind, real, personal, or mixed, such funds or property or



rights thereto shall be transferred to private ownership, but shall be transferred and delivered to the City after satisfaction or provision for satisfaction of all debts, claims, and contractual obligations, including any contractual obligations granting rights of purchase of property of the Corporation.

(d) No part of the Corporation's activities shall consist of the carrying on of propoganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in any political campaign of or in opposition to any candidate for public office.

**ARTICLE THIRTEEN**

The City has specifically authorized the Corporation by resolution to act on its behalf to further the public purposes stated in said resolution and in these Articles of Incorporation, and the City has by said resolution approved these Articles of Incorporation. A copy of said resolution is on file among the permanent records of the City and the Corporation.

*John M. Allred*  
\_\_\_\_\_  
JOHN M. ALLRED

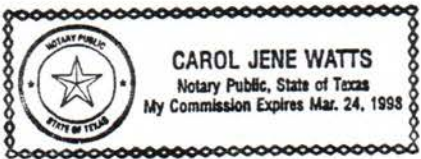
*Todd A. Blomert*  
\_\_\_\_\_  
TODD A. BLOMERTH

*Philip Cook*  
\_\_\_\_\_  
PHILIP COOK

**INCORPORATORS**

THE STATE OF TEXAS     \*  
  \*  
COUNTY OF CALDWELL    \*

I, the undersigned, a Notary of the State of Texas, do hereby certify that on this 25<sup>th</sup> day of June, 1996, personally appeared before me **JOHN M. ALLRED, TODD A. BLOMERTH** and **PHILIP COOK**, who, each being by me first duly sworn, severally declared that they are the persons who signed the foregoing documentation as incorporators, and that the statements therein contained are true and correct.



*Carol Jene Watts*  
\_\_\_\_\_  
NOTARY PUBLIC - STATE OF TEXAS

**RESOLUTION 96-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART,  
TEXAS, APPROVING THE ARTICLE OF INCORPORATION FOR THE  
LOCKHART ECONOMIC DEVELOPMENT CORPORATION**

**WHEREAS**, on May 4, 1996, the registered voters of the City of Lockhart voted to authorize an additional one-half of one percent (1/2%) sales and use tax for economic development under Article 5190.6, Section 4B, V.T.C.S. (the "Act"); and

**WHEREAS**, Directors of the Corporation have been duly appointed to manage the affairs of the Corporation and each Incorporator is duly named within the Articles of Incorporation; and

**WHEREAS**, the purpose of the Corporation is to develop, implement, provide, and finance projects as defined by Section 4B of the Act; and shall have the powers permitted by the Act pursuant to the authority granted in Article III, Section 52-a of the Texas Constitution; and

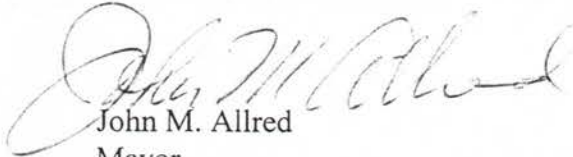
**WHEREAS**, the City Council wishes to authorize the Corporation to act on its behalf;

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

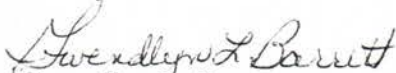
1. The Articles of Incorporation of the Lockhart Economic Development Corporation are hereby approved for the purposes, duties, powers, responsibilities, limitations, appointments, and related provisions such as they are fully described therein.
2. This Resolution shall become effective immediately upon its passage and adoption as written below.

**PASSED, APPROVED, and ADOPTED** this the 18th day of June, 1996.

**CITY OF LOCKHART**

  
John M. Allred  
Mayor

**ATTEST:**

  
Gwendlyn E. Barrett  
City Secretary

DRAFT MINUTES

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

MONDAY, SEPTEMBER 13, 2021  
6:00 P.M.

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

Board Members Present: Alan Fielder, Chairman; Sally Daniel; Alfredo Muñoz; Frank Estrada; Doug Foster; Jesse Maciel

Board Members Absent: Dyral Thomas

Staff Present: Mike Kamerlander, Director of Economic Development; Steve Lewis, President; Pam Larison, Treasurer; Armando Morales

**1. CALL TO ORDER**

The meeting was called to order by Alan Fielder, Chairman at 6:01 pm

**2. PUBLIC HEARING - 6:00 PM**

2.1 Hold a public hearing regarding Westy's Pharmacy BIG Grant performance agreement pursuant to Sec. 505.159, Local Government Code.

Public hearing was opened at 6:01 PM

No public comments

Public hearing was closed at 6:02 PM

**3. PUBLIC COMMENTS**

No public comments

**4. DISCUSSION AND/OR ACTION**

4.1 Discussion and/or action regarding minutes from the August 9, 2021 meeting.

No Discussion.

Motion to approve the minutes from the August 9, 2021 meeting.

Motion: Alfredo Muñoz                      Second: Sally Daniel                      Vote: 5 of 6  
New board member Jesse Maciel abstained from voting on this item.

4.2 Discussion and/or action regarding sales tax and financial statements for August 2021.

Ms. Larison went over the financials with the board reporting August's sales tax collections remained strong. The year-to-date collections are higher than FY 2020's and mentioned some reconciliation will occur within the next month but that collections were higher than budgeted this fiscal year.

Ms. Larison pointed out that there were some construction expenses associated with the new industrial park that went through in August and are reflected in the financial reports.

Motion to approve the August 2021 sales tax and financial statements as presented.

Motion: Alfredo Muñoz

Second: Sally Daniel

Vote: 6 of 6

4.3 Discussion and/or action moving the October 2021 LEDC Regular Meeting date from Columbus Day, October 11, 2021.

The LEDC Board's regular October meeting is scheduled on Columbus Day/Indigenous People's Day and should move it to avoid the holiday to stay consisted with previous years.

Motion to move the LEDC Board's Regular Board meeting from October 11, 2021 to October 4, 2021.

Motion: Alfredo Muñoz

Second: Doug Foster

Vote: 6 of 6

4.4 Discussion and/or action regarding LEDC Resolution 2021-05 for an economic development performance agreement with Westy's Pharmacy for a BIG Grant.

Westy's replaced its awning with a brand new one. The owner has met with LEDC and submitted their BIG grant application which provides a 50% rebate for the façade improvements up to \$20,000. The project requires approval by the Historical Commission and must be permitted by the city.

The attached economic development performance agreement outlines the work to be done on the building, the rebate the owners would be entitled to should the work be completed as stated and paid as required. The expected 50% rebate is \$1,528.75 on the \$3,057.50 worth of work on the façade.

Motion to approve LEDC Resolution 2021-05 with Westy's Pharmacy providing a 50% rebate of the amount paid for the project, not to exceed \$1,528.75 with proof of payment and project completion.

Motion: Sally Daniel

Second: Alfredo Muñoz

Vote: 6 of 6

4.5 Discussion and/or action amending the LEDC Bylaws regarding Board of Directors residency requirement.

The LEDC Board has had some new Directors appointed by City Council over the past year. Throughout these appointments, the question of residency is a recurring one.

State law allows for EDC Board of Directors, in City's a fewer than 20,000 people, to serve from as far as 10 miles from the corporate boundaries and in a neighboring county as long as it is within the distance requirement.

It is staff's interpretation that Directors in places 1-4 are to be Councilmembers from those districts. If the councilmembers choose to appoint someone, they should reside in their district. The at-large and Mayoral appointees may be city-wide. To clarify this intent the recommended changes would need to be added:

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council") of the City and reside within the City Limits of Lockhart, Texas. Each director shall occupy a place (individually, the "Place" and collectively, the

"Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

**5. Executive Session (Entered at 6:17 PM; Ended at 7:00 PM)**

5.1 Close Open Session and Convene Executive Session pursuant to Secs. 551.071 (consultation with attorney), 551.072 (real estate) and 551.087 (Economic Development) of the Texas Open Meetings Act. Gov't Code Ch. 551, to discuss the following:

- Dynamo
- Summertime
- Specs
- Hyperion
- CIP

Board Action from Executive Session

Motion to extend an offer of incentives to Project Summertime as discussed in Executive session

Motion: Sally Daniel

Second: Alfredo Muñoz

Vote: 6 of 6

**6. DISCUSSION ONLY**

6.1 Activity Updates

Mr. Kamerlander gave an update on the LEDC Staff activities for August 2021.

ADJOURN

Motion to Adjourn.

Motion: Alfredo Muñoz

Second: Sally Daniel

Vote: 6 of 6

LEDC Board of Directors Adjourned at 7:06 PM.

Minutes approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Alan Fielder, Chairman LEDC

\_\_\_\_\_  
Michael Kamerlander, Secretary LEDC

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion to consider amending Ordinances, Procedures, and Policies involving sidewalk installation, repairs, maintenance and creating a comprehensive policy.

**ORIGINATING DEPARTMENT AND CONTACT:** Public Works - Sean Kelley

**ACTION REQUESTED:** Direction

**BACKGROUND/SUMMARY/DISCUSSION:** Staff has received increasing inquiries into sidewalk replacement, maintenance, and new installation. Unfortunately, current policies and ordinances lack the guidance needed to perform, delegate, and facilitate these requests. With this growing community demand, City Council has also been approached with requests to improve deteriorating sidewalk and installation of new sidewalk connections to meet the needs of the City.

Creating a comprehensive sidewalk policy would clear up confusion regarding current sidewalk maintenance responsibility, establish guidelines for installation of new sidewalks and the replacement of existing sidewalks, along with allowing the City to take the proper steps to have necessary improvements made. While installation of new sidewalks and the replacement of existing sidewalks is most cost effective when coordinated with the reconstruction of a street project, there is the need for policies to advise on how to determine other replacements, maintenance responsibilities, installation/ replacement priorities, and funding sources for sidewalks.

**PROJECT SCHEDULE (if applicable):**

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:**

**COMMITTEE/BOARD/COMMISSION ACTION:**

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff seeks direction from City Council.

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

**LIST OF SUPPORTING DOCUMENTS:** Sidewalk Memo , New Braunfels Ordinance, Victoria Ordinance, Gonzales Ordinance, San Marcos Ordinance, Seguin Ordinance, Bastrop Ordinance, Kyle Ordinance

**To:** Steve Lewis, City Manager  
**From:** Sean Kelley, Public Works Director  
**Date:** September 16, 2021  
**Subject:** Increasing Need for a Comprehensive Sidewalk Program

## **INTRODUCTION**

Staff has received several inquiries about sidewalk replacement, maintenance, and new installation. Unfortunately, current policies and ordinances lack the guidance needed to perform, delegate, and facilitate these requests. The City Council has also been approached with requests to improve deteriorating sidewalk and to install new sidewalk connections to meet the needs of the City.

## **POLICY GUIDANCE**

State law, Transportation Code Sec. 311.004, gives Home-Rule Municipalities authority to: 1) construct a sidewalk; 2) provide for the improvement of a sidewalk construction of a curb under ordinance enforced by a penal provision; and 3) declare a defective sidewalk to be a public nuisance.

The Lockhart Home Rule Charter, Sec. 3.07(o), provides that the City Council may exercise exclusive dominion, control and jurisdiction, including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city and provide for the improvement of same as provided in V.T.C.A., Transportation Code ch. 313, as now or hereafter amended.

This provision authorizes City Council to create, amend and approve policy that encompasses public sidewalks. These few sidewalk references in are Code of Ordinances are unspecific and lack the details needed for a sidewalk program.

The Lockhart Code states the following:

Sec. 50-3 Curb and gutter standards: The standards for the construction, maintenance and repair of all curbs and gutters and sidewalks within the city shall be as prescribed by the city manager and/or the city engineer from time to time.

Sec. 50-6 Intrusions and obstructions in public sidewalks and streets. (a) No person shall plant or grow any plant, hedge, shrub, or tree so that they or any placed landscaping shall intrude and obstruct any portion of a public sidewalk. All such plants and trees must be kept trimmed as not to cause an obstruction for pedestrians on public sidewalks. Limbs and growth from trees or plants of any type planted on private property shall be maintained by the property owner at a height of not less than seven feet above the public sidewalk and not less than 13 feet six inches in the public street area. The city retains the right to trim any limbs or growth from trees or plants of any type planted on public right-of-way maintain a height of not less than 13 feet six inches above the surface of any street.



The Lockhart 2020 Comprehensive Plan contains a provision added in 2011 showing existing and proposed sidewalks as well as a proposed hike/bike trail system. This was to be used as a guide for requiring construction of sidewalks and trails by the private sector as new development occurs, or by the public sector as existing streets are reconstructed or funding becomes available for trails not associated with new development or existing streets. However, the plan does not offer guidance on how to accomplish sidewalk improvements that do not meet the requirements.

## **POLICIES IN NEARBY CITIES**

Requests for additional sidewalks and sidewalk rehabilitation are not unique to Lockhart, and I have surveyed the policies of several surrounding cities that take a variety of approaches in regard to assigning, funding and maintenance responsibilities for sidewalks. The options include, but are not limited to:

### **City-Owned and Maintained Sidewalks**

- City is responsible for repairs when eligible and/or funds are available
- Property owners are responsible for keeping sidewalk free of obstructions, but City retains right to maintain as well

### **Abutting Property Owner Maintained Sidewalks**

- Abutting property owners are responsible for keeping sidewalk free of obstructions and good repair
- Code Enforcement issues violations for noncompliance and cities will make the repairs at a cost to the abutting property owner if they fail to make the repair

### **Blended Maintenance Responsibilities may include**

- Cost sharing between City and abutting property owner
- Collection of sidewalk development fees
- City maintains sidewalks along arterial and collector streets-all other sidewalks are maintained by the abutting property owner

Creating a comprehensive sidewalk policy should clear up confusion regarding current sidewalk maintenance responsibility, establish guidelines for installation of new sidewalks and the replacement of existing sidewalks, along with allowing the City to take the proper steps to have necessary improvements made. While installation of new sidewalks and the replacement of existing sidewalks is most cost effective when coordinated with the reconstruction of a street project, there is the need for policies to advise on how to determine other replacements, maintenance responsibilities, installation/ replacement priorities, and funding sources for sidewalks.

The direction of Council would be necessary to direct staff in the strategies of the policy, so that the policy may be created along with the accompanying ordinances.

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**New Braunfels, TX**

**Sec. 114-3. Maintenance of sidewalks, driveways and trees by property owners or occupants.**

- (a) It shall be the duty and the obligation of all owners, occupants and users of real property upon which a sidewalk, driveway or other way is located and used by or which may be used by the public to keep and maintain such sidewalk, driveway or way in a safe condition for use. Such sidewalks, driveways or ways shall be maintained so as to be free of depressions, excavations, inequalities, obstacles, obstructions or encroachments by the owner or occupant of such real property.
- (b) It shall be the duty and obligation of the owner and occupant of any property abutting upon any defective, unsafe or hazardous sidewalk, parkway, way or driveway to repair the same at his own expense.
- (c) The city, NBU, or other utilities providers, regulate vegetation in easements and rights-of-way. Notwithstanding the right of the city, NBU or other utility providers to regulate vegetation in easements or rights-of-way, it shall be the duty and the obligation of all owners, occupants and users of real property abutting upon a tree or tree part, including those trees or tree parts situated in the right-of-way, (excluding any median in a street), parkway, utility easement, drainage easement or other public way, to maintain, at the expense of said owner, occupant and/or user of said real property said tree or tree part in a safe condition and to trim, prune or remove any tree or tree part that is in an unsafe or hazardous condition.
- (d) If any injury or damage is occasioned or suffered or inflicted upon any person by reason of the violation of the provisions of this section, primary liability for any loss or damage shall be upon the owner, occupant or user of such property.

(Ord. No. 2005-75, § 1(Exh. A), 10-24-05)

**Sec. 114-4. Duty to keep sidewalk, parkway and alleyway clean.**

It shall be the duty of the owner or occupant of real property within the corporate limits of the city to keep the abutting or adjacent sidewalk, parkway, and alleyway clean and free of all weeds, trash, rubbish, filth and debris which may encumber such sidewalk, parkway, or alleyway and to place such material in trash receptacles as required by this article.

(Ord. No. 2005-75, § 1(Exh. A), 10-24-05)

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**Victoria, TX**

**Sec. 20-60. Owner to construct after notice; supervision; conformance with requirements.**

It is the duty of every person, owning property fronting or abutting on any street, avenue, boulevard or alley in the city to grade and build sidewalks in front of and along the street side and rear of their property, when notified so to do, according to the provisions of this article, and such sidewalks shall be built of such material and of such dimensions as may be required by the city council, under the supervision of the city engineer according to the grade established and furnished by the city engineer, or by any other competent engineer employed by the city.

(Code 1960, § 21-23)

**Sec. 20-64. Notice, publication, delivery, form.**

Whenever the city council determines and requires by ordinance or resolution that sidewalks shall be built upon any street, avenue, boulevard or alley, naming them in the ordinance or resolution, or that sidewalks shall be built upon any part of any street, avenue, boulevard or alley, such ordinance or resolution shall be published in an issue of the official paper, and such publication shall be notice to all property owners fronting on or in any manner abutting on same, to build the sidewalks required therein. In addition to the above notice, the city secretary shall issue a personal notice to the owner of each lot or tract of land fronting on the street, or part of street, avenue, boulevard or alley, upon which the sidewalk is to be built, notifying them that such sidewalk has been determined to be constructed by the city council, and the character of material to be used, and width of sidewalk, and that the work must be commenced within ten (10) days and completed within thirty (30) days, after the service of notice. The following form of notice may be used, and shall be sufficient when used:

"Office of City Secretary, Victoria, Texas, \_\_\_\_\_ 19\_\_

Sir: \_\_\_\_\_

You are hereby notified that the City Council of the City of Victoria, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, passed an ordinance, requiring a sidewalk to be built on \_\_\_\_\_ Street or part of street (describing the part) the sidewalk in front of or abutting your property to be built of \_\_\_\_\_ (naming the material) and is to be \_\_\_\_\_ feet wide. You are required to begin the work of building such sidewalk in front of or abutting your premises within ten days, and have it completed within thirty days after the service of this notice.

Witness my hand and seal of the City of Victoria, day and date above written.

	City Secretary."
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The above notice may be served by the chief of police or any police officer, leaving a copy thereof at the residence of the property owner, with any member of the owner's family, or by delivering a copy of the notice to the owner in person, or to one of the owners, when there is more than one owner, or if the property is owned by a firm, corporation or association of persons, the notice may be served by delivering a copy to any member of such firm, corporation or association of persons, and if the owner is a nonresident, or is absent from the city, the notice may be served by leaving a copy with anyone occupying the premises, or an agent known to the officer to be an agent, the publication of the ordinance or resolution above required shall be notice to all such absentees or

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nonresident. The officer serving the personal notice shall make return, showing how such person has served the same, and file such person's return with the city secretary.

(Code 1960, § 21-25)

**Sec. 20-66. Failure, performance by city, collecting cost.**

If the owners of any lot or tract of land fronting on or along any street, avenue, boulevard or alley, where sidewalks have been ordered to be built by ordinance or resolution of the city council, shall fail or refuse to begin the construction of the same within ten (10) days, or fail to have completed within thirty (30) days after service of notice, as required by section 20-64, then the city council may cause the sidewalk to be built at the expense of the city, by letting the work out on contract to the lowest and best bidder, after advertising a notice of the contract to be let for the space of five (5) days. When any sidewalks are constructed at the expense of the city, the cost of construction assessable against the property owner, together with the cost of collection, shall be a valid charge against the owners of such lot or tract, and a lien and encumbrance upon the lot or tract of land, in front of or along which such sidewalk is constructed, which amount shall be collected from the owners of the property, and unless the same is immediately paid, it shall be the duty of the city attorney, when ordered by the city council, to institute suit against the proper owners of the property for the collection of the cost assessable against the property owner.

(Code 1960, § 21-27)

**Sec. 3.111 Maintenance of Sidewalks; Duty of Owner**

It is the duty and obligation of all owners, occupants, and users of real property abutting upon streets within the city at their own cost and expense, to keep and maintain the sidewalks (and paving laid thereon) bordering their property level, at curb grade, and free to depressions, excavations, elevations, inequalities, obstacles, obstructions, or encroachments, natural or artificial, above or below ground level, or which overlap, impinge upon, or appropriate any part of the sidewalk area or the space up to eight feet above it; and to allow no oils, greases, ice, snow or water to collect or remain thereon; and, generally, in every manner, to keep such sidewalks in a safe adequate, and in defective condition so that they are easily accessible to and may be freely and safely used by the public for travel by foot. (1995 Code of

**Sec. 3.112 Injury to Persons on Sidewalks; Liability of Owner**

Where and when, by reason of a violation of any of the foregoing provisions, injury or damage is occasioned to or inflicted upon any person, whether on the sidewalk or in the street, primary liability for all such injury or damage shall rest upon the owner, occupant, and user of the property abutting upon such defective sidewalk. (1995 Code of Ordinances, Title IX, Chapter 96, Section 96.16)

Ordinances, Title IX, Chapter 96, Section 96.15)

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**San Marcos, TX**

**Sec. 74.122. Maintenance of sidewalk areas by property owners.**

It is unlawful for any person to allow the sidewalk in front of any property owned or controlled by the person, to become or remain in any condition which might endanger a person or interrupt a person's free passage on the sidewalk, or to allow tall weeds or tall grass to grow between the person's front property line and the curb line.

(Code 1970, § 25-6; Ord. No. 1997-33, § 1, 7-28-97)

**Sec. 3.112 Injury to Persons on Sidewalks; Liability of Owner**

Where and when, by reason of a violation of any of the foregoing provisions, injury or damage is occasioned to or inflicted upon any person, whether on the sidewalk or in the street, primary liability for all such injury or damage shall rest upon the owner, occupant, and user of the property abutting upon such defective sidewalk. (1995 Code of Ordinances, Title IX, Chapter 96, Section 96.16)

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**Bastrop, TX**

**Sec. 8.02.007 Duty of adjacent owners and occupants to remove litter, weeds, etc.**

A person owning, occupying, or controlling real property adjacent to a public sidewalk commits an offense if they allow such sidewalk, or any part thereof, to become littered or obstructed by weeds, trash, rubbish, or other items.

(Ord. No. 2019-56 , § 2(Att. B), 11-26-19)



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**Kyle, TX**

**Sec. 38-21. Maintenance of sidewalks on lots required.**

- (a) All persons owning lots in this city upon the streets shall keep the sidewalks around the same in good condition. In failing to do so he shall be fined in any sum not less than \$5.00 nor more than \$100.00.
- (b) The city, at its sole discretion, may elect to facilitate the repair of any sidewalk within the city limits or authorized by agreement. The election of the city to facilitate such a repair does not remove the requirement upon the property owner to properly maintain sidewalks and in no way absolves the property owner from liability.

(Ord. No. 24, art. 62, 7-14-1964; Ord. No. 957 , § 2, 8-15-2017)

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion regarding matters related to COVID-19.

**ORIGINATING DEPARTMENT AND CONTACT:** Administration - Steven Lewis, Monte Akers

**ACTION REQUESTED:** Other

**BACKGROUND/SUMMARY/DISCUSSION:** On May 18, 2021, Governor Abbot issued GA-36 that prohibited governmental entities from mandating face coverings or restricting activities in response to the COVID-19 disaster. As a result, the Lockhart City Council rescinded the Mayor's Declaration to require face coverings and encouraged citizens to continue to follow the CDC guidelines in regard to COVID-19.

Also, as a result of the Governor opening Texas on March 2, 2021 (GA-34), community events are back on schedule such as the Chisholm Trail Roundup, Fireworks show, and City venues such as the city splash pad are open to the public. Face coverings are not required during the events or at city facilities.

An update of COVID-19 orders and Council actions is attached.

### Open Meetings Act Suspensions Terminate effective September 1, 2021

In March 2020, Governor Abbott's office granted the Attorney General's request to suspend certain open meetings statutes. The temporary suspension allows for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings, thereby allowing governmental bodies and/or board commissions to hold a meeting virtually without a quorum being present at the meeting location.

On June 30, 2021, the Governor's office approved a request by the Attorney General to lift the open meetings suspensions effective at 12:01 a.m. on September 1, 2021. All Texas governmental bodies subject to the OMA must thereafter conduct their meetings in full compliance with the OMA as written in state law.

The following are provisions in the OMA suspension that will no longer be allowed effective September 1, 2021:

- 1) Video conferencing capability will change in that a member of the governing body or board can meet virtually but there must be a quorum physically present at the meeting location.
- 2) Telephone conference meetings will not be allowed to continue and are only allowed in an emergency.

On **August 29, 2021**, Governor Abbott issued a Declaration renewing the declaration of disaster stating that COVID-19 poses an imminent threat of disaster for all counties in Texas.

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

This item is returned to Council for consideration, if necessary.

**PROJECT SCHEDULE (if applicable):** N/A

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**FISCAL NOTE (if applicable):** None.

**PREVIOUS COUNCIL ACTION:** N/A

**COMMITTEE/BOARD/COMMISSION ACTION:** N/A

**STAFF RECOMMENDATION/REQUESTED MOTION:** None.

**LIST OF SUPPORTING DOCUMENTS:** Update of COVID-19 orders and Council actions, GA-39, GA-38, Governor Abbott proclamation renewing the Declaration of Disaster.

## HISTORY OF COVID-19 ORDERS/COUNCIL ACTIONS

On **September 1, 2020**, the City Council adopted Resolution 2020-20 renewing and adopting a requirement that commercial establishments in the City post a notice that facial coverings are a requirement of employees and persons entering such establishments. The requirement that such notice be posted shall remain in effect until terminated or amended by the City Council.

On **October 7, 2020**, Governor Greg Abbott issued Executive Order GA-32 to allow certain bars and similar establishments to operate at 50% capacity with permission from the County Judge. GA-32 increased the occupancy levels for all business establishments other than bars to 75%. GA-32 also provides that outdoor gatherings in excess of 10 people is prohibited unless the Mayor of the City in which the gathering is held, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with GA-32.

Mayor's statement on reduced business capacity in Caldwell County. At 12:01 a.m. on Wednesday, January 13, 2021 the provisions of Governor Greg Abbott's Executive Order GA-32 that suspend elective surgeries, close bars and reduce business capacity to 50 percent went into effect in Lockhart and Caldwell County. This was occurring because under GA-32, these specific provisions took effect when a Trauma Service Area had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total capacity exceeded 15 percent. This was the case in Trauma Service Area O, which included Caldwell County.

COVID Relief Fund update. On January 19, 2021, the Council voted to offer a six-month forbearance to businesses that received a COVID-19 Recovery Loan in 2020. Council re-opened the COVID Relief Grants to small businesses for \$5,000 per business that qualifies. Restaurants and bars that were affected by the Governor's order earned higher points on the application process.

During the February 23, 2021 meeting, Chief Jenkins provided an update of COVID compliance for local businesses.

On **March 2, 2021**, Governor Abbot issued GA-34 that was effective March 10, 2021. It provides that the State no longer requires face covering and it does not allow local jurisdictions to require face coverings. GA-34 supercedes all orders issued by local officials that conflict with regard to services or local orders and provides that businesses and other establishments may require customers and employees to wear face coverings. The consensus of the Council was to leave the Mayor's Declaration in effect and to encourage citizens to continue to wear face coverings and to maintain a six foot distance.

On **May 13, 2021**, the CDC announced that fully vaccinated individuals no longer need to mask up or social distance indoors and outdoors, including crowds. Attached is information from the CDC about how to stay safe around individuals that are or are not fully vaccinated.

On **June 15, 2021**, the consensus of the Council was to continue virtual attendance at meetings.

On **June 30, 2021**, the Governor's office approved a request by the Attorney General to lift the temporary Open Meetings Act suspensions, effective at 12:01 a.m. on September 1, 2021. The change in virtual meetings is that a member of the governing body or board member may attend a meeting virtually but there must be a quorum physically present at the meeting location.

On **July 29, 2021**, Governor Abbott issued Executive Order 38, that combined several existing COVID-19 executive orders to promote statewide uniformity and certainty in the state's COVID-19 response. Governor Abbott stated that "The new Executive Order emphasizes that the path forward relies on personal responsibility rather than government mandates".

On **August 13, 2021**, TML provided the following information regarding actions taken by governmental entities and the Attorney General in regards to face coverings:

- **Mask Mandate Update:** Tuesday afternoon, two state district court judges in Dallas and Bexar counties granted local authorities in those jurisdictions temporary restraining orders blocking Governor Abbott's ban on mask mandates. In response to the rulings, the City of San Antonio issued a requirement for face coverings inside city facilities, and the Dallas County Judge issued an emergency order on Wednesday related to face coverings. Temporary restraining orders are by definition temporary and require further court proceedings to become permanent. TML will continue to monitor these developments. In related news, Houston's Mayor Sylvester Turner is requiring masks in city facilities when physical distancing is not doable.

Additionally, a number of large school districts ("ISDs") across the state, including Dallas ISD, Houston ISD, Austin ISD, Fort Worth ISD, and San Antonio ISD, are requiring masks on school property.

- **Attorney General Issues Two COVID-related opinions:** On August 11, the Attorney General released two opinions related to mask mandates and vaccines.
  1. In Opinion KP-0379, the Attorney General was asked whether COVID-19 vaccines could be required as a condition to enter a government building. Citing the Governor's Executive Order No. 38 as well as the recently passed S.B. 968, the Attorney General opined that government entities may not require COVID-19 vaccines as a condition to enter a government facility.
  2. In Opinion No. KP-0380, the Attorney General was asked to opine on the effect of the Governor's executive orders on federal requirements related to face coverings on public transit. The AG ultimately opined that he is unconvinced that CDC and TSA rules as well as federal law preempt the Governor's orders prohibiting mask mandates.

Please remember that Attorney General opinion are just that: opinions. They are legal guidance but do not carry the force of law or court order.

- **Counties Across Texas Seeing Rise in COVID-19 Threat Levels:** Over the last few weeks, we have reported on the rise in COVID-19 threat levels in counties and cities across the state. That rise continues, with Travis, Harris, Dallas, and Williamson counties, among others, back at the highest threat levels as the Delta variant spreads across the state and ICU bed availability drops.

On **August 29, 2021**, Governor Abbott issued a proclamation renewing the declaration stating that COVID-19 poses an imminent threat of disease for all counties in Texas.

On **August 25, 2021**, Governor Abbot issued GA-39 (attached), prohibiting governmental entities from compelling an individual to receive a COVID-19 vaccine regardless of full FDA approval, among other things.

The Governor also issued the following call to the Special Session of the Legislature:

*Legislation regarding whether any State or Local Governmental entities in Texas can mandate that an individual receive a COVID-19 vaccine and, if so, what exemption should apply to such mandate.*



GOVERNOR GREG ABBOTT

August 25, 2021

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

AUG 25 2021

A handwritten signature in black ink, appearing to be "Jeffrey C. Wharton", written over a horizontal line. Below the line is the printed text "Secretary of State".

Mr. Joe A. Esparza  
Deputy Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-39 relating to prohibiting vaccine mandates and vaccine passports subject to legislative action.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Gregory S. Davidson", written over a horizontal line.

Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
August 25, 2021

EXECUTIVE ORDER  
GA 39

*Relating to prohibiting vaccine mandates and vaccine passports  
subject to legislative action.*

---

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, I have issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health; and

WHEREAS, COVID-19 vaccines are strongly encouraged for those eligible to receive one, but have always been voluntary for Texans; and

WHEREAS, I issued Executive Orders GA-35 and GA-38, addressing COVID-19 vaccines administered under an "emergency use authorization" by prohibiting vaccine mandates from governmental entities and by prohibiting "vaccine passports" from governmental entities and certain others; and

WHEREAS, subsequently, on August 23, 2021, while the legislature was already convened in a special session, the U.S. Food and Drug Administration (FDA) approved one of the COVID-19 vaccines for certain age groups, such that this vaccine is no longer administered under an emergency use authorization for those age groups; and

WHEREAS, while this COVID-19 vaccine is now FDA-approved for certain age groups, others are not yet approved and still are administered under an emergency use authorization; and

WHEREAS, through Chapter 161 of the Texas Health and Safety Code, as well as other laws including Chapters 38 and 51 of the Texas Education Code, the legislature has established its primary role over immunizations, and all immunization laws and regulations in Texas stem from the laws established by the legislature; and

WHEREAS, in other contexts where the legislature has imposed immunization requirements, it has also taken care to provide exemptions that allow people to opt out of being forced to take a vaccine; and

WHEREAS, given the legislature's primacy and the need to avoid a patchwork of regulations with respect to vaccinations, it is appropriate to maintain the status quo of

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2pm O'CLOCK

AUG 25 2021

prohibiting vaccine mandates through executive order while allowing the legislature to consider this issue while in session; and

WHEREAS, in this instance, given the legislature's prior actions, maintaining the status quo of prohibiting vaccine mandates and ensuring uniformity pending the legislature's consideration means extending the voluntariness of COVID-19 vaccinations to all COVID-19 vaccinations, regardless of regulatory status; and

WHEREAS, I am also adding this issue to the agenda for the Second Called Session of the legislature that is currently convened so that the legislature has the opportunity to consider this issue through legislation; and

WHEREAS, I will rescind this executive order upon the effective date of such legislation;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. No governmental entity can compel any individual to receive a COVID-19 vaccine. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine.
2. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
3. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine. No consumer may be denied entry to a facility financed in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine.
4. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
5. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any

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2:25 P.M. O'CLOCK

AUG 25 2021



other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.

This executive order supersedes only paragraph No. 2 of Executive Order GA-38, and does not supersede or otherwise affect the remaining paragraphs of Executive Order GA-38. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 25th day of August, 2021.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Joe A. Esparza in black ink.  
\_\_\_\_\_  
JOE A. ESPARZA  
Deputy Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2PM O'CLOCK

AUG 25 2021

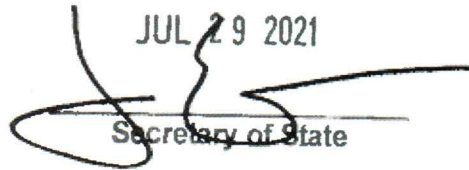


GOVERNOR GREG ABBOTT

July 29, 2021

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SECRETARY OF STATE  
3:15 PM O'CLOCK

JUL 29 2021

  
Secretary of State

Mr. Joe A. Esparza  
Deputy Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-38 relating to the continued response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
July 29, 2021

EXECUTIVE ORDER  
GA 38

*Relating to the continued response to the COVID-19 disaster.*

---

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, from March 2020 through May 2021, I issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing and other mitigation strategies; and

WHEREAS, combining into one executive order the requirements of several existing COVID-19 executive orders will further promote statewide uniformity and certainty; and

WHEREAS, as the COVID-19 pandemic continues, Texans are strongly encouraged as a matter of personal responsibility to consistently follow good hygiene, social-distancing, and other mitigation practices; and

WHEREAS, receiving a COVID-19 vaccine under an emergency use authorization is always voluntary in Texas and will never be mandated by the government, but it is strongly encouraged for those eligible to receive one; and

WHEREAS, state and local officials should continue to use every reasonable means to make the COVID-19 vaccine available for any eligible person who chooses to receive one; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;" and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to

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JUL 29 2021

and from a disaster area and the movement of persons and the occupancy of premises in the area;" and

WHEREAS, under Section 418.173, the legislature authorized as "an offense," punishable by a fine up to \$1,000, any "failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;"

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. To ensure the continued availability of timely information about COVID-19 testing and hospital bed capacity that is crucial to efforts to cope with the COVID-19 disaster, the following requirements apply:
  - a. All hospitals licensed under Chapter 241 of the Texas Health and Safety Code, and all Texas state-run hospitals, except for psychiatric hospitals, shall submit to the Texas Department of State Health Services (DSHS) daily reports of hospital bed capacity, in the manner prescribed by DSHS. DSHS shall promptly share this information with the Centers for Disease Control and Prevention (CDC).
  - b. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to DSHS, as well as to the local health department, daily reports of all test results, both positive and negative. DSHS shall promptly share this information with the CDC.
2. To ensure that vaccines continue to be voluntary for all Texans and that Texans' private COVID-19-related health information continues to enjoy protection against compelled disclosure, in addition to new laws enacted by the legislature against so-called "vaccine passports," the following requirements apply:
  - a. No governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
  - b. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
  - c. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed

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JUL 29 2021

- in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.
- d. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
  - e. This paragraph number 2 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.
3. To ensure the ability of Texans to preserve livelihoods while protecting lives, the following requirements apply:
- a. There are no COVID-19-related operating limits for any business or other establishment.
  - b. In areas where the COVID-19 transmission rate is high, individuals are encouraged to follow the safe practices they have already mastered, such as wearing face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.
  - c. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus).
  - d. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
  - e. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
  - f. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
  - g. As stated above, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials. This paragraph number 3 supersedes any conflicting local order in response to the COVID-19 disaster, and all relevant laws are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

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JUL 29 2021

4. To further ensure that no governmental entity can mandate masks, the following requirements shall continue to apply:
  - a. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; provided, however, that:
    - i. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
    - ii. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
  - b. This paragraph number 4 shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in subparagraph number 4.a. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
    - i. Sections 418.1015(b) and 418.108 of the Texas Government Code;
    - ii. Chapter 81, Subchapter E of the Texas Health and Safety Code;
    - iii. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
    - iv. Chapter 54 of the Texas Local Government Code; and
    - v. Any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

- c. Even though face coverings cannot be mandated by any governmental entity, that does not prevent individuals from wearing one if they choose.
5. To further ensure uniformity statewide:
  - a. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the

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- COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.
- b. Confinement in jail is not an available penalty for violating this executive order. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except that it does not supersede or rescind Executive Orders GA-13 or GA-37. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 29th  
day of July, 2021.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Joe A. Esparza in black ink, written over a horizontal line.

JOE A. ESPARZA  
Deputy Secretary of State

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SECRETARY OF STATE  
3:15 PM O'CLOCK

JUL 29 2021



GOVERNOR GREG ABBOTT

August 29, 2021

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SECRETARY OF STATE  
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AUG 29 2021

  
Secretary of State

Mr. Joe A. Esparza  
Deputy Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Mr. Deputy Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment



**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of August, 2021.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:30pm O'CLOCK

AUG 29 2021

ATTESTED BY:

  
\_\_\_\_\_  
JOE ESPARZA  
Deputy Secretary of State

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AUG 29 2021

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Approve an Economic Development Performance Agreement with Westy's Pharmacy for a BIG Grant.

**ORIGINATING DEPARTMENT AND CONTACT:** Economic Development - Michael Kamerlander

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** Attached is the resolution and performance agreement offering a BIG Grant to Westy's Pharmacy.

Westy's replaced its awning with a brand new one. The owner has met with LEDC and submitted their BIG grant application which provides a 50% rebate for the façade improvements up to \$20,000.

The attached economic development performance agreement outlines the work to be done on the building, the rebate the owner would be entitled to should the work be completed as stated and paid as required. The expected 50% rebate is \$1,528.75 on the \$3,057.50 worth of work on the façade. Of note, the owner has complete the work and provided the paperwork to show payment has been received by the contractor.

**PROJECT SCHEDULE (if applicable):**

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:**

**COMMITTEE/BOARD/COMMISSION ACTION:** The LEDC Board voted unanimously to pass this economic development performance agreement at its regular board meeting on September 13, 2021.

**STAFF RECOMMENDATION/REQUESTED MOTION:** I move to approve Resolution 2021-15 with Westy's Pharmacy providing a 50% rebate of the amount paid for the project, not to exceed \$1,528.75 with proof of payment and project completion.

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

**LIST OF SUPPORTING DOCUMENTS:** Council Resolution - Westys, Westy's BIG Grant Performance Agreement, LEDC Board Resolution - Westys, LEDC Draft Minutes 9.13.21

**RESOLUTION NO. 2021-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH WESTY’S PHARMACY FOR A BUSINESS IMPROVEMENT & GROWTH PROGRAM GRANT AS AN AUTHORIZED PROJECT PURSUANT TO CHAPTERS 501 AND 505, TEXAS LOCAL GOVERNMENT CODE**

**WHEREAS**, the City of Lockhart (“City”) is a Type B corporation operating pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, Westy’s Pharmacy has applied to LEDC for a grant pursuant to the LEDC’s Business Improvement & Growth Program in order to make improvements and repairs to its facility at an estimated cost of \$3,100; and

**WHEREAS**, the City finds that the project will promote new or expanded business development in the City of Lockhart and the surrounding area and that it qualifies as a project pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, the City is of the opinion that approving an Economic Development Performance Agreement (“EDPA”) for the project and providing financial incentives for its implementation is in the best interests of the LEDC and the City of Lockhart;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS**, that:

1. The foregoing recitals are adopted and incorporated herein for all purposes.
2. The EDPA by and between the LEDC and Westy’s Pharmacy is attached hereto as Exhibit “A” and incorporated herein, the same and the Project described therein being hereby approved and authorized.
3. The Executive Director of the LEDC is directed to take such steps as are necessary to obtain approval of the City Council of Lockhart for the project and Performance Agreement, in the manner required by law, and to take such other steps, including the issuance of notice and the holding of a public hearing, that will authorize and implement the project and performance agreement and payment of financial incentives thereunder.

**Approved and adopted** on this, the \_\_\_\_ day of \_\_\_\_\_, 2021.

**City of Lockhart, Texas**

\_\_\_\_\_  
Lew White, Mayor

**Attest:**

**Approved as to form:**

\_\_\_\_\_  
Connie Constancio, City Secretary

\_\_\_\_\_  
Monte Akers, City Attorney

## **ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT**

This Economic Development Performance Agreement (“EDPA” or “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 WESTY’S PHARMACY (“WESTY’S”)

### **RECITALS**

**WHEREAS**, WESTY’S is an existing business in the City of Lockhart located at 113 S. Main Street, the owner of which desires to make repairs and improvements, expand its operations to the City of Lockhart, Texas (“City”), and retain primary jobs (“the Improvements”); and

**WHEREAS**, WESTY’S intends to invest approximately \$3,100 in the Improvements; and

**WHEREAS**, the LEDC is a Texas Type B economic development corporation located in a city with a population of less than 20,000, operating pursuant to the applicable provisions of the Texas Local Government Code, as amended, and the Texas Non-Profit Corporation Act, as amended; and

**WHEREAS**, the LEDC desires to assist WESTY’S and offer financial incentives as part of LEDC’s Business Improvement & Growth (“BIG”) Economic Development Program in the City; and

**WHEREAS**, the LEDC Board finds that the Project as herein described and carried out will promote new or expanded business development and is an “Authorized Project” as that term is defined in Chapter 505 of the Texas Local Government Code, as amended; and

**WHEREAS**, the LEDC Board will hold at least one public hearing on the Project prior to spending funds in accordance with Sections 505.159(a) of the Texas Local Government Code, as amended; and

**WHEREAS**, the LEDC Board finds that this EDPA is conditional in the event the City of Lockhart, Texas (City) receives a petition no later than the 60th day after the date notice of the Project was published, which is duly certified and accepted by the City Council, from more than 10% of the registered voters of the City of Lockhart, Texas, requesting that an election be held before the Project is undertaken in accordance with Section 505.160 of the Texas Local Government Code, as amended; and,

**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 WESTY’S 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 two (2) years from the effective date of this EDPA.

### **Section 3. WESTY'S Performance Requirements**

In consideration of LEDC agreeing to provide the Grant described below in Section 4, WESTY'S agrees to perform the following:

- (a) To make the improvements and repairs described in the BIG Program Application filed by the owners of WESTY'S PHARMACY, which is attached hereto as Exhibit "A" and incorporated herein for all purposes ("the Improvements).
- (b) Commence construction of the Improvements within one hundred twenty (120) days after the City's approval of the construction plans and issuance of a building permit for the same.
- (c) Complete construction of the Improvements, at a cost estimated at \$3,057.50 within eighteen (18) months after the issuance of the aforesaid building permit.
- (d) WESTY'S shall provide LEDC with proof of making the Improvements by submitting copies of receipts for expenditures satisfactory to LEDC, which shall be provided within thirty (30) days of completion of the Improvements.
- (e) Keep current in the payment of taxes owed for the facility to any taxing jurisdiction in which the Property is located unless such taxes are being legally contested by WESTY'S.

### **Section 4. LEDC Requirements**

In consideration of WESTY'S's agreement to locate its business within the City and to perform the other acts hereinafter described, LEDC agrees it will:

- (a) Provide a Grant to WESTY'S of not more than \$1,528.75 of the cost of making the Improvements.

- (b) Provide the Grant to WESTY'S within fourteen (14) days of receiving satisfactory proof of WESTY'S's completion of construction of the Improvements and payment of WESTY'S's payment to its architect, contractor, and vendors in full.

Section 5. Termination and Recapture

- (a) In the event that WESTY'S discontinues operations for a period of more than one hundred eighty (180) days during the duration of this Agreement, then in such event WESTY'S shall be required to repay to LEDC any monies expended by LEDC under Section 4 of this Agreement within thirty (30) days of written demand from LEDC therefore following the expiration of such period; provided however that WESTY'S shall not be required to repay such monies if such discontinuation of operations is caused by force majeure.

For the purposes of this Agreement, "force majeure" shall be defined as fire, explosion, natural disaster or other act of God, war, pandemic, or civil unrest, taking under eminent domain, regulatory restrictions or action of any applicable governmental entity, or other event or action that makes the conduct of the WESTY'S illegal or economically unsustainable is beyond the reasonable control of WESTY'S. WESTY'S shall not be required to repay such amounts so long as it is, in the opinion of the LEDC, diligently taking action(s) to renew or continue operations.

- (b) In the event, that WESTY'S shall fail to repay LEDC within thirty (30) days of the date such repayment is due according to the written demand from LEDC, WESTY'S hereby agrees that LEDC may enforce all of its rights and remedies available at law and in equity against WESTY'S.

Section 6. Entire Agreement

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

Section 7. Successors and Assigns

Neither party shall assign its rights, obligations, or interest in this Agreement without the prior written consent of the other party. In the event of consent to such assignment or in the event of legal succession of WESTY'S's 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 8. 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:

WESTY'S: WESTY'S PHARMACY  
Attn: Brad Westmoreland  
113 S. Main Street  
Lockhart, TX 78644

Lockhart Economic Development Corporation:

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

Section 9. 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 nor against either party.

Section 10. 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 11. Mutual Assistance

LEDC and WESTY'S 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.

Section 12. Representations and Warranties of LEDC.

LEDC hereby represents, warrants, and covenants that:

- (a) It is a Type B Economic Development Corporation, duly organized and validly existing under the laws of the State, particularly Sections 501 and 505 of the Texas Local Government Code.

- (b) The facility constitutes a “project” as defined in Sections 501.101 and 505.155 of the Texas Local Government Code.
- (c) All requirements related to public notice of the project, particularly those included in Section 505.160 of the Texas Local Government Code, have been satisfied.
- (d) The person executing this Agreement on behalf of the LEDC is fully authorized to do so.

Section 13. Representations and Warranties of WESTY’S.

- (a) It is a duly incorporated business entity with full authority to enter into this Agreement.
- (b) The person executing this Agreement on behalf of WESTY’S is fully authorized to do so.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION:**

\_\_\_\_\_  
Steven Lewis, LEDC President

**ATTEST:**

\_\_\_\_\_  
Michael Kamerlander, LEDC Secretary

WESTY’S PHARMACY

\_\_\_\_\_  
Brad Westmoreland

**RESOLUTION NO. 2021-05**

**A RESOLUTION OF THE BOARD OF DIRECTORS FOR THE LOCKHART ECONOMIC DEVELOPMENT COPORATION APPROVING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT WITH WESTY’S PHARMACY FOR A BUSINESS IMPROVEMENT & GROWTH PROGRAM GRANT AS AN AUTHORIZED PROJECT PURSUANT TO CHAPTERS 501 AND 505, TEXAS LOCAL GOVERNMENT CODE**

**WHEREAS**, the City of Lockhart (“City”) is a Type B corporation operating pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, Westy’s Pharmacy has applied to LEDC for a grant pursuant to the LEDC’s Business Improvement & Growth Program in order to make improvements and repairs to its facility at an estimated cost of \$3,100; and

**WHEREAS**, the City finds that the project will promote new or expanded business development in the City of Lockhart and the surrounding area and that it qualifies as a project pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, the City is of the opinion that approving an Economic Development Performance Agreement (“EDPA”) for the project and providing financial incentives for its implementation is in the best interests of the LEDC and the City of Lockhart;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION**, that:

1. The foregoing recitals are adopted and incorporated herein for all purposes.
2. The EDPA by and between the LEDC and Westy’s Pharmacy is attached hereto as Exhibit “A” and incorporated herein, the same and the Project described therein being hereby approved and authorized.
3. The Executive Director of the LEDC is directed to take such steps as are necessary to obtain approval of the City Council of Lockhart for the project and Performance Agreement, in the manner required by law, and to take such other steps, including the issuance of notice and the holding of a public hearing, that will authorize and implement the project and performance agreement and payment of financial incentives thereunder.

**Approved and adopted** on this, the \_\_\_\_ day of \_\_\_\_\_, 2021.

**Lockhart Economic Development Corporation**

\_\_\_\_\_  
Alan Fielder, Board Chairman

**Attest:**

**Approved as to form:**

\_\_\_\_\_  
Michael Kamerlander, Board Secretary

\_\_\_\_\_  
Monte Akers, Board Attorney

DRAFT MINUTES

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

MONDAY, SEPTEMBER 13, 2021  
6:00 P.M.

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

Board Members Present: Alan Fielder, Chairman; Sally Daniel; Alfredo Muñoz; Frank Estrada; Doug Foster; Jesse Maciel

Board Members Absent: Dyral Thomas

Staff Present: Mike Kamerlander, Director of Economic Development; Steve Lewis, President; Pam Larison, Treasurer; Armando Morales

**1. CALL TO ORDER**

The meeting was called to order by Alan Fielder, Chairman at 6:01 pm

**2. PUBLIC HEARING - 6:00 PM**

2.1 Hold a public hearing regarding Westy's Pharmacy BIG Grant performance agreement pursuant to Sec. 505.159, Local Government Code.

Public hearing was opened at 6:01 PM

No public comments

Public hearing was closed at 6:02 PM

**3. PUBLIC COMMENTS**

No public comments

**4. DISCUSSION AND/OR ACTION**

4.1 Discussion and/or action regarding minutes from the August 9, 2021 meeting.

No Discussion.

Motion to approve the minutes from the August 9, 2021 meeting.

Motion: Alfredo Muñoz                      Second: Sally Daniel                      Vote: 5 of 6  
New board member Jesse Maciel abstained from voting on this item.

4.2 Discussion and/or action regarding sales tax and financial statements for August 2021.

Ms. Larison went over the financials with the board reporting August's sales tax collections remained strong. The year-to-date collections are higher than FY 2020's and mentioned some reconciliation will occur within the next month but that collections were higher than budgeted this fiscal year.

Ms. Larison pointed out that there were some construction expenses associated with the new industrial park that went through in August and are reflected in the financial reports.

Motion to approve the August 2021 sales tax and financial statements as presented.

Motion: Alfredo Muñoz

Second: Sally Daniel

Vote: 6 of 6

4.3 Discussion and/or action moving the October 2021 LEDC Regular Meeting date from Columbus Day, October 11, 2021.

The LEDC Board's regular October meeting is scheduled on Columbus Day/Indigenous People's Day and should move it to avoid the holiday to stay consisted with previous years.

Motion to move the LEDC Board's Regular Board meeting from October 11, 2021 to October 4, 2021.

Motion: Alfredo Muñoz

Second: Doug Foster

Vote: 6 of 6

4.4 Discussion and/or action regarding LEDC Resolution 2021-05 for an economic development performance agreement with Westy's Pharmacy for a BIG Grant.

Westy's replaced its awning with a brand new one. The owner has met with LEDC and submitted their BIG grant application which provides a 50% rebate for the façade improvements up to \$20,000. The project requires approval by the Historical Commission and must be permitted by the city.

The attached economic development performance agreement outlines the work to be done on the building, the rebate the owners would be entitled to should the work be completed as stated and paid as required. The expected 50% rebate is \$1,528.75 on the \$3,057.50 worth of work on the façade.

Motion to approve LEDC Resolution 2021-05 with Westy's Pharmacy providing a 50% rebate of the amount paid for the project, not to exceed \$1,528.75 with proof of payment and project completion.

Motion: Sally Daniel

Second: Alfredo Muñoz

Vote: 6 of 6

4.5 Discussion and/or action amending the LEDC Bylaws regarding Board of Directors residency requirement.

The LEDC Board has had some new Directors appointed by City Council over the past year. Throughout these appointments, the question of residency is a recurring one.

State law allows for EDC Board of Directors, in City's a fewer than 20,000 people, to serve from as far as 10 miles from the corporate boundaries and in a neighboring county as long as it is within the distance requirement.

It is staff's interpretation that Directors in places 1-4 are to be Councilmembers from those districts. If the councilmembers choose to appoint someone, they should reside in their district. The at-large and Mayoral appointees may be city-wide. To clarify this intent the recommended changes would need to be added:

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council") of the City and reside within the City Limits of Lockhart, Texas. Each director shall occupy a place (individually, the "Place" and collectively, the

"Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

**5. Executive Session (Entered at 6:17 PM; Ended at 7:00 PM)**

5.1 Close Open Session and Convene Executive Session pursuant to Secs. 551.071 (consultation with attorney), 551.072 (real estate) and 551.087 (Economic Development) of the Texas Open Meetings Act. Gov't Code Ch. 551, to discuss the following:

- Dynamo
- Summertime
- Specs
- Hyperion
- CIP

Board Action from Executive Session

Motion to extend an offer of incentives to Project Summertime as discussed in Executive session

Motion: Sally Daniel

Second: Alfredo Muñoz

Vote: 6 of 6

**6. DISCUSSION ONLY**

6.1 Activity Updates

Mr. Kamerlander gave an update on the LEDC Staff activities for August 2021.

ADJOURN

Motion to Adjourn.

Motion: Alfredo Muñoz

Second: Sally Daniel

Vote: 6 of 6

LEDC Board of Directors Adjourned at 7:06 PM.

Minutes approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Alan Fielder, Chairman LEDC

\_\_\_\_\_  
Michael Kamerlander, Secretary LEDC

**REGULAR MEETING  
LOCKHART CITY COUNCIL**

**SEPTEMBER 7, 2021**

**6:30 P.M.**

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

**Council present:**

Mayor Lew White	Councilmember Derrick David Bryant
Councilmember Juan Mendoza	Councilmember Kara McGregor (arrived at 6:35 p.m.)
Councilmember Jeffry Michelson	Councilmember Brad Westmoreland
Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 6:50 p.m.)	

**Staff present:**

Steven Lewis, City Manager	Connie Constancio, City Secretary
Monte Akers, City Attorney	Victoria Maranan, Public Information Officer
Bob Leos, Electric Superintendent	Dan Gibson, City Planner
Pam Larison, Finance Director	Sean Kelley, Public Works Director
Julie Bowermon, Civil Service/HR Director	Randy Jenkins, Fire Chief
Mike Kamerlander, Economic Development Dir.	Bertha Martinez, Library Director

**Citizens/Visitors Addressing the Council:** Citizens: Nita McBride, Terry Black, and Elida Castillo.

**Work Session 6:30 p.m.**

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

Mayor White announced that Mayor Pro-Tem Sanchez and Councilmember McGregor will be late.

**DISCUSSION ONLY**

**A. DISCUSS CITY COUNCIL MINUTES OF THE AUGUST 17, 2021 MEETING.**

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

**B. DISCUSS COMPLETING ELECTRIC DISTRIBUTION UPGRADE TO LK30 AND LK40 (PROJECT #11) AS PART OF THE LOWER COLORADO RIVER AUTHORITY (LCRA) FIVE-YEAR SYSTEM STUDY.**

Mr. Leos stated that Techline Construction is LCRA's preferred contractor for projects because they are experienced with high voltage line repairs. Techline has conducted the majority of LCRA projects for the City of Lockhart since 1995. Project #11 is part of the LCRA's five-year System Study that includes electric construction which will upgrade the double circuit, LK30 and LK40 to 795 MCM ACSR. This project includes taller poles with pole framing to increase separation and install separate neutrals on each circuit. This project will reduce simultaneous feeder faults. Starting from the substation (LK30) to the intersection of Blackjack and Commerce and from the substation (LK40) to the intersection of S Main and Blackjack to upgrade the section of overhead conductor (1350 ft) from 336 MCM ACSR to 795 MCM ACSR. Mr. Leos recommended approval. There was discussion.

**C. DISCUSS UTILIZATION OF TREE TRIMMING SERVICE THROUGH THE LOWER COLORADO RIVER AUTHORITY (LCRA) AND MCCOY TREE SURGERY, CO. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CUSTOMER SERVICE CONTRACT.**

Mr. Leos stated that staff recommends that the city continue the tree trimming program with McCoy Tree Surgery in an effort to reduce voltage flicker, outages, losses, and improve public safety and satisfaction. Tree and tree limbs falling onto power lines is the most common cause of power outages. Downed power lines caused by falling trees are a public safety hazard. Utilities that fail to maintain a tree trimming program frequently experience higher than normal expenses during severe storm conditions, which include overtime, purchase of additional inventory to replace damaged poles, and wire and electric equipment. McCoy was first awarded this project in FY 2019. There was no renewal clause in the contract, but staff was very satisfied with the tree trimming service. McCoy Tree Surgery specializes in vegetation management for the electric utility industry. Their pruning methods comply with industry standards for safety and tree care and are endorsed by the International Society of Arboriculture and Tree Care Industry. There is no charge to the customer for these services. The City contracts with vegetation management companies to assist with the tree trimming program. Prior to trimming, door hangers (in English and Spanish) are left at the residences in the area and provide the name and phone number of the City's contractor. Mr. Leos recommended approval. There was discussion.

Councilmember Mendoza asked if the cost increased. Mr. Leos replied that the fees will remain as the city has paid the past three years.

Mr. Leos provided details about the areas of town where the trees will be trimmed.

Councilmember McGregor arrived (6:35 p.m.)

**D. DISCUSS LOCKHART LITTLE LEAGUE (LLL) FIVE (5) YEAR CONTRACT RENEWAL REQUEST FOR USE OF THE CITY'S SPORTS COMPLEX AND FIELDS ON CARVER STREET.**

Mr. Kelley stated that the current agreement with Lockhart Little League (LLL) for use of the Sports Complex is set to expire on September 7, 2021 and does allow for a five -year extension. LLL met to discuss the five-year extension of the Sports Complex Agreement and has submitted for consideration renewal of the agreement with no requested changes. The Parks and Recreation Board has reviewed LLL's request and unanimously voted in favor to recommend approval to City Council for the renewal of the Sports Complex Agreement with LLL. Mr. Kelley recommended approval. There was discussion.

**E. DISCUSS EASEMENT AGREEMENT FOR PUBLIC UTILITIES FOR THE WASTEWATER MAIN EXTENSION FOR FUTURE LINCOLN LANE RIGHT-OF-WAY AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.**

Mr. Akers stated that this is an easement from the Manumit Investment Group comprising 3.453 acres out of a tract of 56.691 acres in the Frances Berry Survey, Abstract A-2 in the City of Lockhart, for the installation and maintenance of water and wastewater lines for Lincoln Lane and the senior housing project. All of the utilities for Lincoln Lane have been installed but the road ROW has not been dedicated to the city yet because that public infrastructure improvement has not been constructed. This easement will take care of that issue. There was discussion regarding the development of Maple Park that would encompass Lincoln Lane.



**F. DISCUSS ORDINANCE 2021-26 ADOPTING THE CITY MANAGER'S ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2021-2022 AND APPROPRIATING RESOURCES, BEGINNING OCTOBER 1, 2021 ENDING SEPTEMBER 30, 2022 FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AND READOPTING THE CITY'S INVESTMENT AND STRATEGIES POLICY AND FUND BALANCE - STABILIZATION AND EXCESS OF RESERVES POLICIES.**

Ms. Larison stated that in accordance with the provisions of Article IX, Section 9.09 of the City of Lockhart Charter - A vote is required for adoption; the budget shall be adopted by the favorable vote of a majority of the members of the whole city council. This budget sets forth the fiduciary policies for the City of Lockhart and the Lockhart Economic Development Corporation for the fiscal year October 1, 2021 and ending September 30, 2022. This ordinance will readopt the City's Investment Policy and Fund Balance - Stabilization and Excess of Reserve Policy. This agenda item allows for Council to suggest any budget allocations or deletions to the budget before a vote is taken. If no allocations or deletions are presented, action can be taken to adopt the Fiscal Year 2021-2022 Annual Operating Budget for the City of Lockhart, Caldwell County, Texas and the Lockhart Economic Development Corporation. There was discussion.

Mayor Pro-Tem Angie Gonzales-Sanchez arrived (6:50 p.m.)

**G. DISCUSS ORDINANCE 2021-27 LEVYING MAINTENANCE AND OPERATIONS PROPERTY TAXES FOR THE USE AND SUPPORT OF THE CITY OF LOCKHART, TEXAS AND INTEREST AND SINKING PROPERTY TAXES FOR THE DEBT SERVICE OBLIGATIONS OF THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS FOR FISCAL YEAR 2021, BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022.**

Ms. Larison stated that a proposed tax rate is \$0.6354 per \$100 of assessed value. The Ordinance describes the two required components of the tax rate: Maintenance and Operations (M&O) and Interest and Sinking (I&S). State law requires a statement regarding the amount by which taxes for maintenance and operations on a \$100,000 home will be raised. Based on the proposed tax rate, the maintenance and operations portion of the rate will be \$0.5297 per \$100 assessed value compared to last year's maintenance and operation rate of \$0.5521 per \$100, resulting in a decrease of \$0.0224 or 4.06%. The interest and sinking portion of the tax rate increased from \$0.0833 to \$0.1057 per \$100 of assessed value, resulting in an increase of \$0.0224 or 26.9%. Therefore, there will be no increase in the maintenance and operations tax due on a \$100,000 home. The City of Lockhart's portion of a homeowner's property tax bill is only 27% of their total bill based on current tax rates. The remaining 73% of the tax bill is for property taxes charged by the other taxing jurisdictions including the Lockhart Independent School District (42%), Caldwell County (29%), Farm-to-Market (0.004%), and Plum Creek Conservation District and Groundwater tax (2.0%). Property taxes paid to the City of Lockhart make up approximately 37% of the City's General Fund revenues. Sales tax revenue makes up another 15%, while other fees and services cover the remaining 48%. The revenues from the General Fund provide maintenance and support for infrastructure that includes city streets and parks and also allows the City to provide public safety for its citizens by way of fire and police protection. The verbiage contained within the Ordinance is in strict compliance with requirements of Section 26.05(b)(1)(B) of the Texas Tax Code. There was discussion.

**H. DISCUSS ORDINANCE 2021-29 REPEALING UNCODIFIED ORDINANCE 2020-22 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING THE CITY PERSONNEL POLICY MANUAL; REMOVING PERFORMANCE OR MERIT PAY FOR POLICE AND FIRE PERSONNEL AND ADOPTING A STEP PAY PLAN FOR POLICE AND FIRE DEPARTMENTS UNDER CIVIL SERVICE.**

Ms. Bowermon stated that the Fiscal Year 2021-2022 budget includes a 3% pay increase for all full-time and part-time regular City of Lockhart employees. In compliance with Civil Service, classified police and fire positions are paid per a step pay plan, which is set by ordinance. The proposed ordinance reflects increasing the step plans as included in the budget. In addition to the 3% increase, it is also proposed to adjust the tenure progression for the rank of Fire Fighter. Currently, newly hired fire fighters must complete 2 years of service before moving up on the step plan. The proposed change would allow for a newly hired fire fighter to receive a step increase after the completion of their first year of service. The intent of this adjustment is to enhance not only recruitment, but also retention of fire fighters and it only applies to the rank of Fire Fighter. This "step-at-one-year" design mirrors the practice in the Police Department. Lastly, the proposed ordinance includes a salary adjustment for the rank of Assistant Fire Chief. The Fire Chief has recommended an adjustment that will help relieve compression between other Fire ranks and address internal equity. The 2020 Evergreen Solutions compensation study did identify this salary as being below market average. The proposed adjustments to the fire step pay plan, as well as the 3% pay increase, are included in the proposed Fiscal Year 2021-2022 budget. There was discussion.

**I. DISCUSS A ONE-TIME PREMIUM PAYMENT TO CITY OF LOCKHART EMPLOYEES UTILIZING FUNDS FROM AMERICAN RESCUE PLAN ACT (ARPA) AND THE CITY OF LOCKHART AS PRESENTED.**

Ms. Bowermon stated that ARPA funds are federal dollars being distributed to cities in response to the COVID-19 pandemic. The funding is not from locally collected tax dollars. There are certain options that the federal funds can be used for, premium pay for essential workers is one. Premium pay is a direct payment to an essential worker that was involved in regular in-person interactions or regular physical handling of items that were also handled by others. Premium pay can be retroactive. The United States Treasury encourages cities to prioritize retrospective premium pay when possible, recognizing that many essential workers have not yet received additional pay for work that they conducted throughout the pandemic. Premium pay cannot be paid to teleworkers. Premium pay is limited to only employees that are below 150% percent of the state average income. The City of Lockhart has approximately 13 employees that may fall above the 150% state average income and cannot be paid with ARPA funding. These employees are essential workers and could still receive premium pay, funded by the City instead of ARPA. These employees worked well beyond their normal work schedule and duties, frequently meeting in-person with residents, staff, and business owners to ensure the continuation of essential City operations during the pandemic. The proposed one-time premium payment to City of Lockhart employees would be administered based on the eligibility criteria presented in the agenda packet attachment for employees that worked during March 1, 2020 - February 28, 2021. There was discussion.

**J. DISCUSSION REGARDING MATTERS RELATED TO COVID-19 INCLUDING, BUT NOT LIMITED TO, THE USE OF CITY FACILITIES FOR UPCOMING COMMUNITY EVENTS SUCH AS EVENING WITH THE AUTHORS, NATIONAL NIGHT OUT, HILL COUNTRY BARBECUE COOKOFF, SPEAKING OF THE DEAD, COURTHOUSE NIGHTS, AND DICKENS.**

There was discussion about whether to allow events to continue due to the increase in COVID-19 cases.

There was discussion regarding the Council requiring a strict COVID plan from each event holder that is to be approved by staff.

Nita McBride, Chair of Evening with the Authors, provided information about why the Evening with the Authors decided to host their 2021 event in the Clark Library instead of outdoors at a residence.

There was discussion.

CONSENSUS: After discussion, the consensus of the Council was to review each event's COVID policy that promotes social distancing, hand sanitizers, facial coverings, and consideration of limiting attendance. The Fire Chief and Dr. Laurence will approve each event plan.

RECESS: Mayor White announced that the Council would recess for a break at 7:34 p.m.

**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order at 7:50 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-A. HOLD PUBLIC HEARING ON THE CITY OF LOCKHART AND LOCKHART ECONOMIC DEVELOPMENT CORPORATION FY 2021-2022 BUDGETS.**

Mayor White opened the public hearing at 7:51 p.m.

Ms. Larison stated that the City Charter requires that the City Council hold a public hearing for the Fiscal Year 2021-2022 City of Lockhart Budget. On August 3, 2021, the City Council approved two public hearings on the budget for the Fiscal Year October 1, 2021 to September 30, 2022. Notice of public hearings for the City of Lockhart and the Lockhart Economic Development Corporation Fiscal Year 2021-2022 were published in the Lockhart Post Register on August 12, 2021 and September 2, 2021. According to the City of Lockhart Charter, Article 9, Section 9.07, Public Hearing on Budget, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

Mayor White requested citizens to address the Council in favor of or against the budgets. There were none. He closed the public hearing at 7:53 p.m.

**ITEM 3-B. HOLD PUBLIC HEARING ON PROPOSED TAX RATE FOR 2021.**

Mayor White opened the public hearing at 7:53 p.m.

Ms. Larison stated that City Council is required to hold a public hearing on the proposal to increase the tax revenues if the proposed tax rate exceeds the No New revenue rate proposed by the Caldwell County Appraisal District. This public hearing is required by the Truth-In-Taxation laws of the State of Texas.

Mayor White requested citizens to address the Council in favor of or against the budgets. There were none. He closed the public hearing at 7:54 p.m.

**ITEM 3-C. HOLD A PUBLIC HEARING ON APPLICATION ZC-21-11 BY BERK RE, LLC, ON BEHALF OF TERRY BLACK, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-28, FOR A ZONING CHANGE FROM RLD RESIDENTIAL LOW DENSITY DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT ON 1.022 ACRES IN THE BYRD LOCKHART SURVEY, ABSTRACT 17, LOCATED AT 900 NORTH COLORADO STREET (US 183).**

Mayor White opened the public hearing at 7:55 p.m.

Mr. Gibson stated that the subject property was recently purchased by the owner. It's a land-locked parcel that abuts a tract at 900 North Colorado Street that already belongs to the owner. That tract currently contains a small warehouse building that will be modified to be part of a new restaurant planned for the property. Ultimately, both tracts will be platted to become one large lot. Because the original parcel is already zoned CHB, the applicant is proposing the same classification for the subject property so that it will be available for development of a food processing and preparation facility for off-site sales of products associated with the restaurant. One person inquired by phone about the proposed zoning and use of the property, but no opposition has been expressed either in writing or in person at the Planning and Zoning Commission hearing. The proposed CHB zoning classification is not consistent with the Land Use Plan map, which designates the subject property as Low Density Residential.

Mayor White requested the applicant to address the Council.

Terry Black, Connolly Circle, stated that the request to rezone to CHB is that it is consistent with the future land use plan and that he would like to rezone it to allow open a restaurant and a wholesale meat product facility.

Mayor White requested citizens in favor of the zoning change to address the Council. There were none.

Elida Castillo, 213 and 317 Laredo Street, expressed opposition. She stated that the new building would be directly behind her home that could create additional drainage problems that might flood her home and that a barbecue restaurant would generate a constant smokey odor.

There was discussion regarding the drainage plans of the new construction and about the required six-foot high screen fence abutting the residential neighborhood.

Mayor White requested additional citizens against the zoning change to address the Council. There were none. He closed the public hearing at 8:10 p.m.

Councilmember McGregor made a motion to approve Ordinance 2021-28, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

**ITEM 4. PUBLIC COMMENT.**

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

**ITEM 5. CONSENT AGENDA.**

Councilmember Michelson made a motion to approve consent agenda items 5A, 5B, 5C, 5D, and 5E. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 5A: Approve City Council minutes of the August 17, 2021 meeting.
- 5B: Approve completing electric distribution upgrade to LK30 and LK40 (Project #11) as part of the Lower Colorado River Authority (LCRA) five-year System Study.
- 5C: Approve utilization of tree trimming service through the Lower Colorado River Authority (LCRA) and McCoy Tree Surgery, Co. and authorizing the City Manager to execute the customer service contract.
- 5D: Approve Lockhart Little League (LLL) five (5) year contract renewal request for use of the City's Sports Complex and fields on Carver Street.
- 5E: Approve Easement Agreement for Public Utilities for the wastewater main extension for future Lincoln Lane right-of-way and to authorize the Mayor to sign the agreement.

**ITEM 6-A. DISCUSSION AND/OR ACTION FOR THE COUNCIL TO CONSIDER ORDINANCE 2021-26 ADOPTING THE CITY MANAGER'S ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2021-2022 AND APPROPRIATING RESOURCES, BEGINNING OCTOBER 1, 2021 ENDING SEPTEMBER 30, 2022 FOR THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS AND THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AND READOPTING THE CITY'S INVESTMENT AND STRATEGIES POLICY AND FUND BALANCE - STABILIZATION AND EXCESS OF RESERVES POLICIES.**

Councilmember Bryant made a motion to approve Ordinance 2021-26, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-B. DISCUSSION AND/OR ACTION FOR CITY COUNCIL TO CONSIDER ORDINANCE 2021-27 LEVYING MAINTENANCE AND OPERATIONS PROPERTY TAXES FOR THE USE AND SUPPORT OF THE CITY OF LOCKHART, TEXAS AND INTEREST AND SINKING PROPERTY TAXES FOR THE DEBT SERVICE OBLIGATIONS OF THE CITY OF LOCKHART, CALDWELL COUNTY, TEXAS FOR FISCAL YEAR 2021, BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022.**

Mayor White made a motion that the maintenance and operation rate be adopted at \$0.5297 per \$100 of assessed value as indicated/listed in Ordinance 2021-27, thereby adopting said ordinance. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

Councilmember McGregor made a motion that the interest and sinking rate be adopted at \$0.1057 per \$100 of assessed value as indicated/listed in Ordinance 2021-27, thereby adopting said ordinance. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

**ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2021-29 REPEALING UNCODIFIED ORDINANCE 2020-22 IN ITS ENTIRETY AND ADOPTING THIS ORDINANCE REGARDING THE CITY PERSONNEL POLICY MANUAL; REMOVING PERFORMANCE OR MERIT PAY FOR POLICE AND FIRE PERSONNEL AND ADOPTING A STEP PAY PLAN FOR POLICE AND FIRE DEPARTMENTS UNDER CIVIL SERVICE.**

Councilmember Westmoreland made a motion to approve Ordinance 2021-29, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER A ONE-TIME PREMIUM PAYMENT TO CITY OF LOCKHART EMPLOYEES UTILIZING FUNDS FROM AMERICAN RESCUE PLAN ACT (ARPA) AND THE CITY OF LOCKHART AS PRESENTED.**

Councilmember Michelson made a motion to approve a one-time premium payment to City of Lockhart employees utilizing funds from American Rescue Plan Act and the City of Lockhart, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

**ITEM 6-E. DISCUSSION REGARDING MATTERS RELATED TO COVID-19 INCLUDING, BUT NOT LIMITED TO, THE USE OF CITY FACILITIES FOR UPCOMING COMMUNITY EVENTS SUCH AS EVENING WITH THE AUTHORS, NATIONAL NIGHT OUT, HILL COUNTRY BARBECUE COOKOFF, SPEAKING OF THE DEAD, COURTHOUSE NIGHTS, AND DICKENS.**

Councilmember McGregor made a motion to authorize events to continue with the provision that each organization submit a COVID policy that promotes social distancing, use of hand sanitizers, facial coverings, and consideration of limiting attendance to the Lockhart Emergency Management Coordinator and Health Director for approval. Councilmember Bryant seconded. The motion passed by a vote of 6-1, with Mayor Pro-Tem Sanchez opposing.

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

Mayor White requested appointments to boards and committees.

Mayor White stated that Councilmember David Bryant appointed a member to the Lockhart Economic Development Corporation (LEDC) that resides outside the city limits. The LEDC will meet to consider whether the residency provision in the LEDC bylaws should be amended to allow members to serve on the LEDC Board of Directors that reside outside the city limits yet within Caldwell County.

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

- Update regarding Fire Department.
- Caldwell County Appraisal District (CCAD) seeking nominations for Directors of the CCAD Board for the 2022-2023 term.
- City Cemetery cleanup begins October 4, 2021.

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

Councilmember Mendoza expressed condolences to the Woodridge and Navarro families for their loss.

Mayor Pro-Tem Sanchez expressed condolences to the families of Andrew Navarro, David Navarro, Mary Peralez, Joe Jennings, Louis Young, Jason Donaldson, Wanda Griffin, Jose “Big Red” Garcia, and Juan Urrutia for their loss.

Councilmember McGregor commended the LISD Board of Directors for implementing a mask mandate in all schools.

Councilmember Bryant thanked Ms. Castillo for expressing comments during the public hearing.

Councilmember Michelson encouraged everyone to stay safe.

Mayor White reminded everyone about the COVID and vaccination sites at the Scott Annex.

Mayor White announced that the Council would enter Executive Session for the following items at 8:29 p.m.

**ITEM 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.087 TO DELIBERATE OR FOR 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.**

- A. Discussion regarding Economic Development negotiations with Project Dynamo.
- B. Discussion regarding Economic Development negotiations with Project Evergreen.

**ITEM 10. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, 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.**

- A. Discussion regarding possible land acquisition.

**ITEM 11. OPEN SESSION. 10:01 p.m.**

Mayor White announced the Council would enter Open Session at 10:02 p.m. regarding the following items:

**A. DISCUSSION AND/OR ACTION REGARDING PROJECT DYNAMO.**

Mayor White made a motion to authorize the Lockhart Economic Development Director to proceed as discussed in Executive Session. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**B. DISCUSSION AND/OR ACTION REGARDING PROJECT EVERGREEN.**

Mayor White made a motion to authorize the Lockhart Economic Development Director to proceed as discussed in Executive Session. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

**C. DISCUSSION AND/OR ACTION REGARDING POSSIBLE LAND ACQUISITION.**

There was no action.

**ITEM 12. ADJOURNMENT.**

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 10:05 p.m.

PASSED and APPROVED this the 21<sup>st</sup> day of September 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

ATTEST:

\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary



# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion and/or action to consider approval of Ordinance 2021-30 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Section 58-141, entitled "Definitions" and Section 58-142, Entitled "Water Rates", adjusting the water base charge to cover increased costs in water supply, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers.

**ORIGINATING DEPARTMENT AND CONTACT:** Finance - Pam Larison

**ACTION REQUESTED:** Ordinance

**BACKGROUND/SUMMARY/DISCUSSION:** On February 2, 2021, the City Council approved the City Manager to enter into an agreement with Raftelis Financial Consultants, Inc. to provide the City of Lockhart with a water and wastewater study. The purpose of the rate study on water and wastewater rates was to determine the total cost of providing water and wastewater services, equitably distribute costs to customers, and design rates to safeguard the financial integrity of the City.

A presentation of the study and three viable scenarios were presented to Council during the August 3, 2021 regular council meeting. According to the consultant, in order to recover costs for water supply land leases, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers, the City should set rates according to the different sizes of the customers' meters and their usage, which is common among municipal utility providers. During the presentation, all three scenarios were compared to peer cities. The City of Lockhart was slightly higher than Brenham and Luling but less than Seguin, Bastrop, San Marcos and Taylor, even with the new rate increase.

After reviewing each scenario, the Council requested that Raftelis Financial Consultants, Inc. return at a later date with a follow-up presentation using a 3-year phase-in option for rate implementation.

At the August 17, 2021 Council meeting, Raftelis' consultant presented the three scenarios with a 3-year phase-in option. The Council directed staff to implement the scenario 2 rate plan with a three-year phase-in. The scenario 2 phase-in plan will have the least amount of impact on customers during the rate implementation but still allow the City of Lockhart to provide services and maintain financial integrity.

The new water rates will be set according to the customer's meter size and usage. The new rates will be phased in over a three-year period and will begin with the second billing cycle in November 2021.

In addition to the water rate increase, Ordinance 2021-30 will remove and replace definitions

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

that will directly correspond to the new rate structure. The following definitions have been affected:

- Fixed base charge – replaced by **Monthly fixed service charge** shall mean the monthly dollar amount that is charged for water utility service by the size of the meter installed, even if there is no consumption, for all customer classes.
- Water development debt service fee – removed (the new rate structure will contain the cost of debt service).
- Water development lease rate – removed (the new rate structure will contain the cost of debt service).

### **PROJECT SCHEDULE (if applicable):**

### **AMOUNT & SOURCE OF FUNDING:**

Funds Required:

Account Number:

Funds Available:

Account Name:

### **FISCAL NOTE (if applicable):**

### **PREVIOUS COUNCIL ACTION:**

### **COMMITTEE/BOARD/COMMISSION ACTION:**

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff request that Council adopt Ordinance 2021-30.

**LIST OF SUPPORTING DOCUMENTS:** Ordinance 2021-30 - Water rates 2021

## ORDINANCE 2021- 30

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING THE LOCKHART CODE OF ORDINANCES CHAPTER 58, UTILITIES, SECTION 58-141, ENTITLED “DEFINITIONS” AND SECTION 58-142, ENTITLED “WATER RATES” PROVIDING FOR CHANGES IN WATER RATES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Lockhart City Council has determined based on the recommendation of Raftelis Financial Consultants, Inc. that water ordinance definitions need to be amended and city water rate structure needs to be revised to recover costs for water supply land leases, debt payments, and maintenance and operations of supplying residential, commercial, and industrial water to its customers; and

**WHEREAS**, the Lockhart City Council has determined that new water definitions and a new rate structure are necessary for the future of the community and the costs of the water supply must be covered in meter service charge and rates for usage as allowed by state law and approved by the City Council in open session; and

**WHEREAS**, the Lockhart City Council finds that this ordinance serves a public purpose by providing for the supply of potable water for future city growth and use, and that is necessary for the health, safety and welfare of the community.

**NOW, THEREFORE**, be it ordained by the City Council for the City of Lockhart, Texas, that Chapter 58, Utilities, Section 58-141 and Section 58-142 of the Code of Ordinances, City of Lockhart, Texas, are hereby amended to read as follows:

### **Sec. 58-141. Definitions.**

For the purpose of this division, certain terms are hereafter defined:

*Residential customers* shall mean to consist of single-family residential customer and multifamily residential customers for all domestic residential water use. This class shall include duplexes up to and including apartment residential units.

*All other non-residential customers* shall mean to consist of all of the customers, whether small business or commercial/industrial, which are not classified as residential customers.

*Monthly Fixed Service Charge* shall mean that monthly dollar amount that is charged for water utility service by the size of the meter installed even if there is no consumption, for all customer classes.

*Consumption charge* shall mean the amount of customer usage per month and billed per thousand (1000) gallons.

### **Sec. 58-142.- Water rates.**

(a)The charges for water services furnished by the city for all residential and non-residential customers shall be as follows:

- (1) A *monthly fixed service charge* per residential and non-residential customer per month according to the size of water meter installed. Meters larger than 5/8” will adjust over 3-year phase in period to their respective meter capacity ratios.

**Schedule "A"**

<b>End of 3-year Phase-In</b>
-------------------------------

<i>Meter Size</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
5/8"	\$ 24.43	\$ 25.89	\$27.45	\$ 29.09	\$ 30.26
1"	\$46.09	\$57.35	\$68.61	\$72.73	\$75.64
1-1/2"	\$68.96	\$103.09	\$137.23	\$145.46	\$151.28
2"	\$96.41	\$157.98	\$219.56	\$232.73	\$242.04
3"	\$160.45	\$286.06	\$411.68	\$436.38	\$453.83
4"	\$251.93	\$469.03	\$686.13	\$727.29	\$756.39

(2) A consumption charge per 1,000 gallons:

**Residential**

<i>Per Thousand Gallons</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
Tier 0 (0-1,999)	\$ -	\$ -	\$-	\$ -	\$ -
Tier 1 (2-5,999)	\$4.32	\$4.58	\$4.86	\$5.15	\$5.35
Tier 2 (6-9,999)	\$5.40	\$5.73	\$6.07	\$6.44	\$6.69
Tier 3 (10-19,999)	\$6.27	\$6.64	\$7.04	\$7.47	\$7.76
Tier 4 (20+)	\$6.92	\$7.33	\$7.77	\$8.24	\$8.57

**Non-Residential (all usage)**

<i>Per Thousand Gallons</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
All Usage	\$4.47	\$ 4.74	\$5.02	\$ 5.33	\$ 5.54

II. Repealer: All other ordinances, section, 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.

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

IV. It is hereby officially found and determined that the meeting at which this ordinance was passed was open in the public as required by law.

V. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, 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 or any other portion, provision or regulation.

VI. Effective Date: This ordinance shall become effective with the second utility billing cycle in November 2021.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

Attest:

APPROVED AS TO FORM:

\_\_\_\_\_  
Connie Constancio, TRMC, City Secretary

\_\_\_\_\_  
Monte Akers, City Attorney

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion and/or action to consider approval of Ordinance 2021-31 amending the Lockhart Code of Ordinances, Chapter 58, Utilities, Article 2, Division 3, Section 58-106, entitled "Definitions"; Section 58-108(b), 58-108(c), 58-108(c)(2), and 58-108(d) entitled "Schedule of Charges" to recover costs for wastewater debt payments and maintenance and operations of the collection and treatment system and transporting wastewater to said collection and treatment system.

**ORIGINATING DEPARTMENT AND CONTACT:** Finance - Pam Larison

**ACTION REQUESTED:** Ordinance

**BACKGROUND/SUMMARY/DISCUSSION:** On February 2, 2021, the City Council approved the City Manager to enter into an agreement with Raftelis Financial Consultants, Inc. to provide the City of Lockhart with a water and wastewater study. The purpose of the rate study on water and wastewater rates was to determine the total cost of providing water and wastewater services, equitably distribute costs to customers, and design rates to safeguard the financial integrity of the City.

At the August 3, 2021 Council meeting, a presentation of the wastewater study determined that the current minimum base rates for residential and non-residential customers and the price per \$1000 gallons were not sustainable to meet current financial obligations incurred from the contractual services provided by GBRA to maintain our wastewater system and plant operations. The current rates have not been increased in eight years, since October 2013. The City of Lockhart has witnessed substantial growth since that time.

Raftelis' consultant presented a wastewater rate increase to the current minimum base charges for both residential and non-residential customers, along with an 8% increase (\$0.37/1000 gal.) in usage per 1000 gallons. Similar to the water rate increase, the City of Lockhart was slightly higher in wastewater rates than Brenham and Luling but less than Seguin, Bastrop, San Marcos and Taylor. The new suggested increase in rates will not change where the City of Lockhart ranks among its peers.

The current wastewater base charge is set according to the customer's winter average, which is implemented annually on the first billing cycle in April.

The new wastewater minimum base charge will still use a customer's winter average to calculate the monthly billing for wastewater services. The customer's bill will include the new minimum base charge and their winter average usage multiplied by the new usage rate. The new rates will become effective in the second billing cycle of November 2021.

In addition to the wastewater rate increase, Ordinance 2021-31 will remove, replace or add definitions that will directly correspond to the new rate structure. The following definitions have been affected:

- User charge – replaced by **Monthly fixed service charge** shall mean that a portion of the total wastewater service charge is levied by meter size for the cost of operation, maintenance, and replacement of the wastewater treatment and collection system for all customers.

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

- **Non-residential customer** - added - shall mean any customer that does not qualify as a single-family residential customer or a multifamily residential customer.
- Multifamily residential customers and single-family residential customers have been replaced by:

**Residential customer** shall mean any customer that has a single living unit served by a single lateral line transporting wastewater to the collection system and a domestic residential customer that has more than a single residential living unit that is served by the city's wastewater collection system.

This class shall include residential duplexes up to and including residential apartment housing units. Residential rates shall apply. Non-residential rates shall apply for offices in this class of customer. The owner(s) of this class must pay all applicable wastewater charges for each occupant if the occupants do not pay water or electric service charges directly to the city. Where there is one or more common occupant water meter and the occupants do not pay the city directly for electric service, the owner(s) of the unit(s) must pay all applicable wastewater charges for each occupant.

### **PROJECT SCHEDULE (if applicable):**

### **AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **FISCAL NOTE (if applicable):**

### **PREVIOUS COUNCIL ACTION:**

### **COMMITTEE/BOARD/COMMISSION ACTION:**

### **STAFF RECOMMENDATION/REQUESTED MOTION:**

**LIST OF SUPPORTING DOCUMENTS:** Ordinance 2021-31 - Wastewater rates 2021

## ORDINANCE 2021-31

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING THE LOCKHART CODE OF ORDINANCES CHAPTER 58, UTILITIES, ARTICLE II, DIVISION 3, SECTION 58-106, ENTITLED DEFINITIONS; AND SECTION 58-108(b), 58-108(c), 58-108(c)(2), and 58-108(d), ENTITLED "SCHEDULE OF CHARGES", PROVIDING FOR CHANGES IN DEFINITIONS AND SEWER RATES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Lockhart City Council has determined based on the recommendation of Raftelis Financial Consultants, Inc. that wastewater ordinance definitions need to be amended and city wastewater rate structure needs to be revised to recover costs for wastewater debt payments, and maintenance and operations of supplying residential and non-residential wastewater services to its customers; and

**WHEREAS**, the Lockhart City Council has determined that new wastewater definitions and a new rate structure are necessary for the future of the community and the costs of wastewater services and debt obligations must be met by a fixed service charge and rates for usage as allowed by state law and approved by the City Council in open session; and

**WHEREAS**, the Lockhart City Council finds that this ordinance serves a public purpose by providing for the wastewater collection and treatment for future city growth and use, and that is necessary for the health, safety and welfare of the community.

**NOW, THEREFORE**, be it ordained by the City Council for the City of Lockhart, Texas, that Chapter 58, Utilities, Section 58-106, Section 58-108(b), Section 58-108(c), Section 58-108(c)(2), and Section 58-108(d) of the Code of Ordinances, City of Lockhart, Texas, are hereby amended to read as follows:

### **Sec. 58-106. - Definitions.**

For the purpose of this division, certain terms and words are hereafter defined:

*City* shall mean the City of Lockhart.

*Monthly Fixed Service Charge* shall mean that portion of the total wastewater service charge that is levied by meter size for the cost of operation, maintenance, and replacement of the wastewater treatment and collection system for all customer classes.

*Distribution charge* shall mean that portion that is levied for capital costs, investment in plant facilities, depreciation, and other costs excluding operation, maintenance and replacement costs and determined by the amount of customer usage per month and billed per thousand (1000) gallons.

*Residential customer* shall mean any customer that has a single living unit served by a single lateral line transporting wastewater to the collection system and a domestic residential customer that has more than a single residential living unit that is served by the city's wastewater collection system.

- This class shall include residential duplexes up to and including residential apartment housing units. Residential rates shall apply. Non-residential rates shall apply for offices in this class of customer. The owner(s) of this class must pay all applicable wastewater charges for each occupant if the occupants do not pay water or electric service charges directly to the city. Where there is one or more common occupant water meter and the occupants do not pay the city directly for electric service, the owner(s) of the unit(s) must pay all applicable wastewater charges for each occupant.



*Non-residential customer* shall mean any customer that does not qualify as a single-family residential customer or a multifamily residential customer.

*Living unit* shall mean a residential unit providing complete independent living facilities for one family, including permanent provisions for living, sleeping, cooking, eating and sanitation.

*Normal sewage* shall mean sewage that when analyzed shows a daily average concentration of not more than 300 mg/l of BOD and 300 mg/l of SS is otherwise acceptable for collection and treatment.

*Surcharge* shall mean a charge added to the normal user charge when the BOD, SS or other pollutant concentration from a user exceeds the range of concentration of these pollutants in normal domestic sewage.

*Suspended solids (SS)* shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and that are removable by laboratory filtering.

*Wastewater treatment system* shall mean the facilities used to transport wastewaters from individual homes or buildings to a plant or facility where treatment of the wastewater is accomplished. The objective of such treatment is to remove pollutants and to dispose, recycle, or reuse the treated wastewaters and residues that result from the treatment process.

**Sec. 58-108. - Schedule of charges.**

(a) There is hereby levied on all persons, firms, corporations, organizations, political units and political subdivisions, and all other entities using the wastewater collection system of the city, a schedule of charges as hereinafter provided.

(b) Users connected to and served by the wastewater treatment system of the city shall be classified as residential and non-residential.

(c) The following schedule of charges for residential and non-residential customers will be implemented effective with the first sewer bill rendered from and after final passage of this section. The monthly fixed service charge and the consumption charge is to be for the payment of the expenses associated with the costs of operation and maintenance of the wastewater collection and treatment system and debt service for treatment plant operations.

Schedule "A"

**Residential Fixed Charge**

**End of 3-year Phase-In**

<i>Meter Size</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
5/8"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
1"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
1-1/2"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
2"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
3"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96
4"	\$ 16.75	\$ 17.92	\$19.18	\$ 20.52	\$ 21.96

**Non Residential Fixed Charge**

<i>Meter Size</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
5/8"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
1"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
1-1/2"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
2"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
3"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08
4"	\$ 20.66	\$ 22.11	\$23.65	\$ 25.31	\$ 27.08

**Variable Charge For Residential And Non Residential**

<i>Per Thousand Gallons</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2021</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2022</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2023</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2024</i>	<i>Effective for utility 2<sup>nd</sup> Bill Cycle of November 2025</i>
Tier 0 (0-1,999)	\$ -	\$ -	\$-	\$ -	\$ -
Tier 1 (2+)	\$5.04	\$5.40	\$5.77	\$6.18	\$6.61

(1) The total monthly wastewater billing rate for residential city water and wastewater users shall be the sum of the user's capacity fee plus the discharge fee times the user's wastewater volume determined as follows:

a. The monthly volume of wastewater generated by a residential utility customer shall be assumed to equal the average monthly water consumption for that customer for the immediate preceding billings in January (consumption period: November 16—December 31), February (consumption period: December 16—January 31), and March (consumption period: January 16—February 28 or 29).

b. Upon request of the residential customer, the customer's previous year's water use for these three months may be considered collectively or individually for wastewater rate adjustments when outside water leaks or other outside water uses not contributing to wastewater treatment quantities have caused the high water consumption(s). Other factors, such as a plumber's invoice or plumbing parts receipts showing that water line or plumbing repairs were made at the customer's address during the high consumption periods also may be considered in adjusting the consumption rate.

c. For new residential accounts and those residential accounts for which an average monthly water consumption has not been previously calculated, the monthly volume of wastewater shall be assumed to be 3,000 gallons. Adjusted wastewater rates for the forthcoming year shall start with the second billing cycle in April and the first billing cycle in May of each year.

(2) The monthly volume of wastewater generated by a residential and a non-residential user shall be assumed to be equivalent to the water consumption for the month.

(d) The rates set forth in subsection (c) are applicable to each residential and non-residential customer per month or for any part of a month for which water is used at the same location.

II. Repealer: All other ordinances, section, 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.

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

IV. It is hereby officially found and determined that the meeting at which this ordinance was passed was open in the public as required by law.

V. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, 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 or any other portion, provision or regulation.

VI. Effective Date: This ordinance shall become effective with the second utility billing cycle in November 2021.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

Attest:

APPROVED AS TO FORM:

\_\_\_\_\_  
Connie Constancio, TRMC, City Secretary

\_\_\_\_\_  
Monte Akers, City Attorney

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion and/or action to consider Resolution 2021-12 establishing fees to reflect the newly negotiated solid waste contract with Central Texas Refuse (CTR) for residential and commercial solid waste collection, disposal, and recycling services.

**ORIGINATING DEPARTMENT AND CONTACT:** Finance - Pam Larison

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** During a special called Council Meeting on May 25, 2021, the City Council awarded a new 5-year contract to Central Texas Refuse (CTR) for solid waste collection and recycling services. This newly revised contract has allowed for the Council to provide new lower rates for its citizens in terms of residential, senior citizens/disabled, recycling and additional residential carts. Commercial accounts will not see an increase nor a decrease in their current fees.

On August 17, 2021, staff provided the City Council with four options to pass through the cost savings to its residential customers. The overall discounts ranged between \$5.50 to \$6.25. The City Council decided to provide the best cost savings of \$6.25, providing a \$2.70 decrease in all residential accounts; \$1.05 additional discount for all senior/disabled accounts; and lowering recycling services from \$5.87 to \$3.50.

Being able to provide solid waste collection and disposal services for the citizens of Lockhart is necessary for the health, safety, and welfare of the community.

This resolution will go into effect on the first billing cycle in October 2021.

**PROJECT SCHEDULE (if applicable):**

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:**

# ***City of Lockhart, Texas***

**Council Agenda Item  
Cover Sheet**

**COMMITTEE/BOARD/COMMISSION ACTION:**

**STAFF RECOMMENDATION/REQUESTED MOTION:**

**LIST OF SUPPORTING DOCUMENTS:** RESOLUTION 2021-12 solid waste rates

**RESOLUTION 2021-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ESTABLISHING FEES TO REFLECT NEW VENDOR RATES FOR RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES AND COMMERCIAL WASTE COLLECTION AND DISPOSAL SERVICES**

**WHEREAS**, the Lockhart City Council finds that providing solid waste collection and disposal services for the citizens of Lockhart is necessary for the health, safety and welfare of the community; and

**WHEREAS**, the Lockhart City Council recognizes that fees must be established and collected for the use of City/Contractor supplied trash carts/bins to pay for the services to collect, transport, and dispose of solid waste for Lockhart residents and businesses.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT THE FOLLOWING RATES FOR SOLID WASTE COLLECTION, TRANSPORTING AND DISPOSAL ARE HEREBY ADOPTED AND SHALL BE EFFECTIVE STARTING THE 1<sup>ST</sup> BILLING CYCLE IN OCTOBER 2021.**

	<u><b>RATES</b></u>
I. Residential Hand Collection fee per month with 95-gallon cart (each dwelling unit)	\$18.50
II. Residential Senior Hand Collection fee per month with 95-gallon cart	\$12.10
III. Residential Disabled Hand Collection fee per month with 95-gallon cart	\$12.10
IV. Residential, Senior, & Disabled fee per month for <u>extra</u> 95-gallon cart	\$ 6.05
V. Commercial Hand Collection fee per month with 95-gallon cart (each commercial unit)	\$34.04
VI. Commercial Hand Collection fee per month with extra 95-gallon cart (each commercial unit)	\$34.04
VII. Recycling Services	\$ 3.50
VIII. Residential solid waste requiring special handling:	
1. Rate for bundle waste:	
i. Minimum one-fourth hour	\$ 6.00
ii. One-Half hour	\$12.00
iii. Three-fourths hour	\$18.00
iv. Hourly rate	\$24.00

- 2. Rates for bulky waste:
  - i. Minimum (bulky with refrigerant gases) each item \$38.00
  - ii. Minimum (bulky without refrigerant gases) each item \$12.00
  - iii. Minimum ½ hour other bulky including large limbs \$20.00
  - iv. Three-fourths hour \$30.00
  - v. Each hour \$40.00
- 3. Brush Chipping Services (not to exceed 12 cubic yard per visit; Limbs not over 8" in diameter, otherwise bulky rates apply)
  - i. Minimum per 1/4 hour \$10.00

- IX. Trash Bin Service Fees See Attachment A
- X. Roll Off Trash Container Services See Attachment B

Passed and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
 Lew White  
 Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
 Connie Constancio, TRMC  
 City Secretary

\_\_\_\_\_  
 Monte Akers  
 City Attorney



**ATTACHMENT A**  
**CITY OF LOCKHART**  
**COMMERCIAL TRASH BIN CHARGES**  
**EFFECTIVE DATE**  
**FIRST BILLING IN OCTOBER 2021**

CONTAINER SIZE CUBIC YARD	FREQUENCY TIMES PER WK	CUSTOMER BILLINGS AS OF OCTOBER 1, 2021
2	EOW	\$69.51
2	1	\$83.15
2	2	\$115.22
2	3	\$136.59
2	4	\$174.94
EACH EXTRA DUMP		\$22.12
3	EOW	\$74.59
3	1	\$93.87
3	2	\$136.59
3	3	\$168.67
3	4	\$218.72
EACH EXTRA DUMP		\$25.07
4	EOW	\$81.75
4	1	\$104.51
4	2	\$147.28
4	3	\$200.67
4	4	\$262.39
EACH EXTRA DUMP		\$33.14
6	EOW	\$97.40
6	1	\$119.50
6	2	\$186.19
6	3	\$263.97
6	4	\$348.74
EACH EXTRA DUMP		\$44.24
8	EOW	\$111.94
8	1	\$141.72
8	2	\$219.49
8	3	\$297.28
8	4	\$394.19
EACH EXTRA DUMP		\$55.29
10	EOW	\$130.10
10	1	\$164.20
10	2	\$252.82
10	3	\$341.78
10	4	\$473.68
10	5	\$587.35
EACH EXTRA DUMP		\$66.36
*EOW-Every Other Week		
Trash bins with locks: Additional Charge is \$10 per bin per month		
Minimum charge for each commercial account is \$34.04 for bin use		
Minimum charge for each residential dwelling unit is \$18.50 for bin use		
Hand collection: Residential \$18.50 Commercial \$34.04		

**ATTACHMENT B**

**CTR ROLL -OFF RATES EFFECTIVE OCT 2021**

<b>Service Size</b>	<b>Price</b>	<b>Description</b>
Delivery Fee	\$ -	Included in roll-off price
Daily Rental Fee for All Sizes	\$ 3.75	Per day if hauled twice monthly
20 CY	\$475.00	Per haul
30 CY	\$540.00	Per haul
40 CY	\$605.00	Per haul
Above rates subject to be multiplied by 1.08 to result in rates charged by the Contractor sufficient to fund City of Lockhart administrative and pay franchise fees. A fuel charge approved by the City Manager or designee shall be applicable to the above rates.		

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion and/or action to consider Resolution 2021-13 amending charges for cemetery spaces sold in the Lockhart Municipal Burial Park.

**ORIGINATING DEPARTMENT AND CONTACT:** Public Works - Sean Kelley

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** The City Council has statutory authority to regulate and improve the City Cemetery. Resolution 2021-13 amends charges for cemetery spaces sold in the Lockhart Municipal Burial Park. Current fees for cemetery spaces sold are \$500 for Lockhart residents, \$600 for Caldwell County residents and \$1,200 for non-residents of Caldwell County. Resolution 2021-13 would increase cemetery plot sale fees to \$800 for Lockhart residents, \$900 for Caldwell County residents and \$1,500 for non-residents of Caldwell County. Section 14-4 of the Code of Ordinance authorizes City Council to amend and establish the price of cemetery lots. Cemetery rates are raised from time to time to assist with increasing maintenance and administrative costs and to be commensurate with other municipal cemeteries. In fact, the price of lots was last adjusted in 1999.

The burial or interment permit fees will remain the same as adopted in 1999.

In addition to established costs for the purchase of burial spaces, Section 14-33 requires a permit be obtained and paid prior to each burial or interment.

**PROJECT SCHEDULE (if applicable):**

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:** N/A

**COMMITTEE/BOARD/COMMISSION ACTION:** N/A

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff recommends approval of Resolution 2021-13 amending rates and fees for the Lockhart Municipal Burial Park.

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

**LIST OF SUPPORTING DOCUMENTS:** Resolution 2021-13 Cemetery Rates, Cemetery Rate Comparison Chart

**RESOLUTION 2021-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING CHARGES FOR CEMETERY SPACES SOLD IN THE LOCKHART MUNICIPAL BURIAL PARK**

**WHEREAS**, the City Council is authorized under Section 14-4 of the Code of Ordinances, from time to time, amend and establish charges for City services; and

**WHEREAS**, the City Council is authorized under Section 14-33 to establish a burial or interment permit and appropriate fees; and

**WHEREAS**, the City Council desires to amend charges for cemetery spaces in the Lockhart Municipal Burial Park; and

**WHEREAS**, the City Council desires that the burial or interment permit fees remain the same.

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

I. Pricing per cemetery space in the Municipal Burial Park shall be as follows:

Lockhart Residents	\$800
Caldwell County Residents	\$900
Non-Residents of Caldwell County	\$1,500

II. Pricing for each burial or interment permit in the Municipal Burial Park shall remain as follows:

Lockhart Residents	\$100
Caldwell County Residents	\$250
Non-Residents of Caldwell County	\$600

The City Council of the City of Lockhart, Texas, hereby amends and establishes the charges for the services as stated herein with said charges become effective upon passage of this resolution.

**PASSED, APPROVED, and ADOPTED** this the 21<sup>st</sup> day of September, 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary

\_\_\_\_\_  
Monte Akers  
City Attorney

### CEMETERY RATE COMPARISON

	CEMETERY SPACES		BURIAL OR INTERMENT PERMIT	
	Current Rates	Amended Rates	Current Rates	Amended Rates
Lockhart Residents	\$500	\$800	\$100	\$100
Caldwell County Residents	\$600	\$900	\$250	\$250
Non-Residents of Caldwell County	\$1,200	\$1,500	\$600	\$600

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion and/or action to consider Resolution 2021-16 naming City of Lockhart nominations for directors of the Caldwell County Appraisal District for the 2022-2023 term.

**ORIGINATING DEPARTMENT AND CONTACT:** Administration - Steven Lewis

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** The City of Lockhart received a notice from the Caldwell County Appraisal District (CCAD) for nominations of up to five director positions for the 2022-2023 term. Nominations are to be submitted by written resolution by October 15, 2021. Qualifications are that a director must reside in the appraisal district for at least two years immediately preceding the date he or she takes office, and must not have delinquent property taxes. An employee of a taxing unit is not eligible to serve as a director unless the employee is also an elected official.

If the Council chooses to make a nomination(s) to the CCAD BOD, staff requests that nominees be named during the September 21 or October 5 Council meeting. A Resolution is attached that will be amended to reflect the nominee(s) that will thereafter be submitted to the CCAD to place the City's nominee(s) on a ballot that the Council will vote on in the future. The City of Lockhart's previous nominee (Alfredo Munoz) remains on the CCAD Board of Directors.

**PROJECT SCHEDULE (if applicable):** N/A

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**FISCAL NOTE (if applicable):** N/A

**PREVIOUS COUNCIL ACTION:** N/A

**COMMITTEE/BOARD/COMMISSION ACTION:** N/A

**STAFF RECOMMENDATION/REQUESTED MOTION:** Council to make nomination(s), if desired, that will be inserted on attached Resolution 2021-16 that will thereafter be provided to

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

the CCAD.

**LIST OF SUPPORTING DOCUMENTS:** 2021-16 CCAD Bd nomination, Letter from CCAD re  
BD Director, Current CCAD Board of Directors



**RESOLUTION 2021-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS NAMING THE CITY OF LOCKHART'S NOMINEE(S) TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT FOR THE 2022-2023 TERM**

**WHEREAS**, the City of Lockhart is entitled to cast 436 votes to serve on the Caldwell County Appraisal District Board of Directors; and,

**WHEREAS**, the City of Lockhart City Council has been notified and requested to make up to five nominations to the Caldwell County Appraisal District Board of Directors; and,

**WHEREAS**, the City Council has duly considered the nominations and taken a vote in a public setting at a regular meeting of the City Council.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Lockhart City Council hereby nominates the following to serve on the Caldwell County Appraisal District Board of Directors:

This Resolution shall be in full force and effect immediately upon its passage, approval and adoption on this the 21<sup>st</sup> day of September 2021.

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Connie Constancio, TRMC  
City Secretary

\_\_\_\_\_  
Monte Akers  
City Attorney

# Caldwell County Appraisal District

RECEIVED  
CITY OF LOCKHART

SEP 01 2021

DATE: August 24, 2021  
TO: Taxing Unit Presiding Officers  
FROM: Shanna Ramzinski, Chief Appraiser  
RE: Nomination of Appraisal District Directors

RECVD. BY: \_\_\_\_\_  
TIME RECVD: \_\_\_\_\_

*C: Mayor  
Steve  
Pam*

Dear Members:

Nominations for directors of the Caldwell County Appraisal District for the 2022-2023 term are to be submitted to the chief appraiser on or before **October 15, 2021**. Each taxing unit may nominate one candidate for each position to be filled. All five positions are available for selection, therefore, each unit may nominate up to five candidates.

A director must reside in the appraisal district for at least two years immediately preceding the date he or she takes office, and must not have delinquent property taxes. An employee of a taxing unit is not eligible to serve as a director unless the employee is also an elected official.

The presiding officer of the taxing unit submits the names and addresses of the nominees by written resolution to the chief appraiser by October 15, 2021. Names submitted after this date will not be listed on the ballot. The resolution must be adopted by majority vote of your taxing unit's governing body. Each unit will then receive a ballot before October 30, 2021.

Enclosed you will find the voting entitlement for each of the voting taxing units. Please submit nominees only at this time.

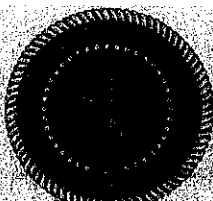
I have enclosed a document outlining the steps in the selection process and a copy of the Property Tax Code regarding eligibility

Please call on me if you have any questions about the selection process.

Sincerely,

*Shanna Ramzinski*  
Shanna Ramzinski  
Chief Appraiser

Encl; Vote allocation  
Process letter  
Tax Code §6.03



211 Bufkin Ln  
P.O. Box 900  
Lockhart, Texas 78644  
United States

PHONE (512) 398-5550  
FAX (512) 398-5551  
E-MAIL [general@caldwellcad.org](mailto:general@caldwellcad.org)  
WEB SITE [www.caldwellcad.org](http://www.caldwellcad.org)

**CALDWELL COUNTY APPRAISAL DISTRICT  
VOTE ALLOCATION FOR BOARD OF DIRECTORS SELECTION 2022-2023 TERM**

<b>TAXING UNIT</b>	<b>2020</b>	<b>/</b>	<b>ALL LEVIES</b>	<b>=</b>	<b>Quotient</b>	<b>X</b>	<b>1000</b>	<b>=</b>	<b>Product</b>	<b>X</b>	<b># Members</b>	<b>=</b>	<b>VOTES</b>	<b>ROUNDED VOTES</b>
CALDWELL COUNTY	\$20,341,323.35	/	\$59,516,208.45	=	0.34177788	X	1000	=	341.8	X	5	=	1708.9	1709
CITY LOCKHART	\$5,196,719.41	/	\$59,516,208.45	=	0.08731604	X	1000	=	87.3	X	5	=	436.6	437
CITY LULING	\$1,450,967.59	/	\$59,516,208.45	=	0.02437937	X	1000	=	24.4	X	5	=	121.9	122
CITY MARTINDALE	\$344,303.27	/	\$59,516,208.45	=	0.00578503	X	1000	=	5.8	X	5	=	28.9	29
CITY MUSTANG RIDGE	\$131,501.89	/	\$59,516,208.45	=	0.00220951	X	1000	=	2.2	X	5	=	11.0	11
CITY NIEDERWALD	\$36,528.99	/	\$59,516,208.45	=	0.00061377	X	1000	=	0.6	X	5	=	3.1	3
CITY OF SAN MARCOS	\$212,978.92	/	\$59,516,208.45	=	0.0035785	X	1000	=	3.6	X	5	=	17.9	18
CITY OF UHLAND	\$28,604.42	/	\$59,516,208.45	=	0.00048062	X	1000	=	0.5	X	5	=	2.4	2
LOCKHART ISD	\$20,925,978.58	/	\$59,516,208.45	=	0.35160134	X	1000	=	351.6	X	5	=	1758.0	1758
LULING ISD	\$6,129,059.23	/	\$59,516,208.45	=	0.10298135	X	1000	=	103.0	X	5	=	514.9	515
PRAIRIE LEA ISD	\$1,133,406.29	/	\$59,516,208.45	=	0.01904366	X	1000	=	19.0	X	5	=	95.2	95
HAYS ISD	\$577,289.35	/	\$59,516,208.45	=	0.0096997	X	1000	=	9.7	X	5	=	48.5	48
GONZALES ISD	\$408,611.73	/	\$59,516,208.45	=	0.00686555	X	1000	=	6.9	X	5	=	34.3	34
SAN MARCOS ISD	\$2,284,118.71	/	\$59,516,208.45	=	0.0383781	X	1000	=	38.4	X	5	=	191.9	192
WEALDER ISD	\$271,864.71	/	\$59,516,208.45	=	0.00456791	X	1000	=	4.6	X	5	=	22.8	23
AUSTIN COM COLLEGE	\$42,952.01	/	\$59,516,208.45	=	0.00072169	X	1000	=	0.7	X	5	=	3.6	4
<b>TOTAL</b>	<b>\$59,516,208.45</b>		<b>\$59,516,208.45</b>										<b>5000</b>	<b>5000</b>

\* = Not including Plumcreek Conservation and Plumcreek Underground  
Caldwell-Hays ESD1, Gonzales UWD, Caldwell ESD2, Caldwell ESD3, Caldwell ESD4

\* = Only Levy within Caldwell County PTC 6.03d

## STEPS IN THE VOTING PROCESS TO ELECT DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT

- 1 Chief appraiser delivers written notice of nominations process and voting entitlement before October 1, 2021 to:
  - County Judge
  - County Commissioners
  - Mayors
  - City Managers
  - City Secretaries (if no city manager)
  - School Board Presidents
  - School Superintendents
- 2 Governing body adopts resolution nominating from one to five candidates for directors.
- 3 Presiding officer of governing body submits the resolution naming the unit's nominees to the chief appraiser no later than October 15, 2021.
- 4 Chief Appraiser delivers ballot to the presiding officer of each governing body before October 30, 2021.
- 5 Governing body determines its vote by resolution and submits it to the chief appraiser no later than December 15, 2021.
- 6 Chief appraiser counts the votes, declares the five candidates who receive the most votes elected, and submits the results to the governing bodies and the candidates before December 31, 2021.

minerals for purposes of ad valorem taxation by calculating the percentage of surface acres in the county and applying that percentage to the mineral interest; its burden under Tex. Tax Code Ann. § 21.01 to prove the situs of the taxable property allowed it to tax only minerals actually in the county, in accordance with the provisions of Tex. Const. art. VIII, § 11 and Tex. Const. art. VIII, § 20 for property to be assessed at fair market

value in the county where situated, and of Tex. Tax Code Ann. § 6.01(a), (b) and Tex. Tax Code Ann. § 6.02(a) for an appraisal district in each county. *Devon Energy Prod., L.P. v. Hockley County Appraisal Dist.*, 178 S.W.3d 879, 169 Oil & Gas Rep. 78, 2005 Tex. App. LEXIS 9177 (Tex. App. Amarillo Nov. 3, 2005, no pet.).

#### ATTORNEY GENERAL OPINIONS

##### Analysis

Jurisdiction.  
Savings Clause.

##### Jurisdiction.

Despite the enactment of House Bill 1010 by the Eightieth Legislature, an appraisal district operating in overlapping territory by operation of Tex. Tax Code Ann. § 6.02(b) retains authority to hear and determine pending corrective motions and taxpayer protests concerning property in that territory that relate to the 2007, or prior, tax year. 2008 Tex. Op. Att'y Gen. GA-0631, 2008 Tex. AG LEXIS 45.

##### Savings Clause.

After the 2007 legislation that altered the legal framework for appraising property for ad valorem taxation in taxing units located in more than one county, an appraisal district is still responsible for litigation filed against it prior to January 1, 2008, and involving property that is no longer in its appraisal district; the general savings clause continues in effect relevant portions of Tex. Tax Code Ann. § 6.02, such that a taxing district has continuing authority to defend itself in the pending litigation, and a taxing unit has a continuing obligation to pay the related costs. 2008 Tex. Op. Att'y Gen. GA-0590, 2008 Tex. AG LEXIS 2.

#### Sec. 6.025. Overlapping Appraisal Districts; Joint Procedures [Repealed].

Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(3), effective January 1, 2008.

**HISTORY:** Enacted by Acts 1995, 74th Leg., ch. 186 (H.B. 623), § 1, effective January 1, 1996; am. Acts 1997, 75th Leg., ch. 1357 (H.B. 670), § 1, effective January 1, 1998; am. Acts 1999, 76th Leg., ch. 250 (H.B. 1037), § 1, 2, effective January 1, 2000; am. Acts 2003, 78th Leg., ch. 455 (H.B. 703), § 1, effective January 1, 2004; am. Acts 2003, 78th Leg., ch. 1041 (H.B. 1082), § 1, effective January 1, 2004.

#### ATTORNEY GENERAL OPINIONS

##### Overlapping Districts.

With respect to property lying in overlapping appraisal districts, section 6.025(d) of the Tax Code requires the chief appraiser of each of the overlapping districts to enter in the

appraisal records the lowest values, appraised and market, listed by any of the overlapping districts. 2004 Tex. Op. Att'y Gen. GA-0283.

#### Sec. 6.03. Board of Directors.

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director. The county assessor-collector is ineligible to serve if the board enters into a contract under Section 6.05(b) or if the commissioners court of the county enters into a contract under Section 6.24(b). To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, the junior college districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

(1) to the county judge and each commissioner of the county served by the appraisal district;

(2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager;

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and

(4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

(f) The chief appraiser shall calculate the number of votes to which each conservation and reclamation district entitled to vote for district directors is entitled and shall deliver written notice to the presiding officer of each conservation and reclamation district of its voting entitlement and right to nominate a person to serve as a director of the district before July 1 of each odd-numbered year.

(g) Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15.

(h) Each conservation and reclamation district entitled to vote may nominate by resolution adopted by its governing body one candidate for the district's board of directors. The presiding officer of the conservation and reclamation district's governing body shall submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year. Before August 1, the chief appraiser shall prepare a nominating ballot, listing all the nominees of conservation and reclamation districts alphabetically by surname, and shall deliver a copy of the nominating ballot to the presiding officer of the board of directors of each district. The board of directors of each district shall determine its vote by resolution and submit it to the chief appraiser before August 15. The nominee on the ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district if the nominee received more than 10 percent of the votes entitled to be cast by all of the conservation and reclamation districts in the appraisal district, and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(i) If no nominee of the conservation and reclamation districts receives more than 10 percent of the votes entitled to be cast under Subsection (h), the chief appraiser, before September 1, shall notify the presiding officer of the board of directors of each conservation and reclamation district of the failure to select a nominee. Each conservation and reclamation district may submit a nominee by September 15 to the chief appraiser as provided by Subsection (h). The chief appraiser shall submit a second nominating ballot by October 1 to the conservation and reclamation districts as provided by Subsection (h). The conservation and reclamation districts shall submit their votes for nomination before October 15 as provided by Subsection (h). The nominee on the second nominating ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(j) Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

(m) [Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008.]

**HISTORY:** Enacted by Acts 1979, 66th Leg., ch. 841 (S.B. 621), § 1; am. Acts 1981, 67th Leg., 1st C.S., ch. 13 (H.B. 30), §§ 15, 167(a), effective January 1, 1982; am. Acts 1987, 70th Leg., ch. 59 (S.B. 469), § 1, effective September 1, 1987; am. Acts 1987, 70th Leg., ch. 270 (H.B. 268), § 1, effective August 31, 1987; am. Acts 1989, 71st Leg., ch. 1123 (H.B. 2301), § 2, effective January 1, 1990; am. Acts 1991, 72nd Leg., ch. 20 (S.B. 351), § 15, effective August 26, 1991; am. Acts 1991, 72nd Leg., ch. 371 (H.B. 864), § 1, effective

## Board of Directors

Board Member	Location
Sally Daniel	Lockhart
Kathy Haigler	Dale
Alfredo Munoz	Lockhart
Lee Rust	Luling
Sonja Villalobos	Martindale

### The Appraisal District Board of Directors Role in the Property Tax System

The local property tax system follows the principle of checks and balances.

An appraisal district board of directors hires the chief appraiser, sets the budget and appoints the appraisal review board members.

The directors have no authority to set values or appraisal methods.

The chief appraiser carries out the appraisal district's legal duties, hires the staff, makes the appraisals and operates the appraisal office.

Regular board meetings take place on the 4th Tuesday of the month at 6:00 p.m. located in the Caldwell County Appraisal District office.



[Appraisal District's Board of Directors Requirements](#)

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion and/or action regarding the Lockhart Economic Development Corporation bylaws, providing amendments and clarifications, as outlined in Resolution 2021-14.

**ORIGINATING DEPARTMENT AND CONTACT:** Economic Development - Michael Kamerlander

**ACTION REQUESTED:** Resolution

**BACKGROUND/SUMMARY/DISCUSSION:** The LEDC Board has had some new Directors appointed by City Council over the past year. Throughout these appointments, the question of residency is a recurring one. The LEDC Bylaws state in Article II, Section 1, Subsection (b) the following for Board of Directors Requirements:

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council) of the City. Each director shall occupy a place (individually, the "Place" and collectively, the "Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

State law allows for EDC Board of Directors, in City's a fewer than 20,000 people, to serve from as far as 10 miles from the corporate boundaries and in a neighboring county as long as it is within the distance requirement.

It is staff's interpretation that Directors in places 1-4 are to be Councilmembers from those districts. If the councilmembers choose to appoint someone, they should reside in their district. The at-large and Mayoral appointees may be city-wide. To clarify this intent the recommended changes would need to be added:

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council) of the City and reside within the City Limits of Lockhart, Texas. Each director shall occupy a place (individually, the "Place" and collectively, the "Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

To change the bylaws, according to the Articles of Incorporation in Article Ten, Section (b), the



# **City of Lockhart, Texas**

## **Council Agenda Item Cover Sheet**

“Board of Directors of the corporation shall make application to the City Council for the approval of any proposed amendments, but the same shall not become effective until or unless the same shall be approved by resolution adopted by the City Council.”

The Lockhart EDC Board of Directors voted to amend the bylaws by unanimous vote at its regular board meeting on September 13, 2021.

### **PROJECT SCHEDULE (if applicable):**

### **AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:** None

**COMMITTEE/BOARD/COMMISSION ACTION:** The Lockhart EDC Board of Directors voted to amend the bylaws by unanimous vote at its regular board meeting on September 13, 2021.

**STAFF RECOMMENDATION/REQUESTED MOTION:** Motion to adopt Resolution 2021-14 amending the Lockhart Economic Development Corporation Bylaws to require Directors on the Corporation Board be residents of the City of Lockhart.

**LIST OF SUPPORTING DOCUMENTS:** Council Resolution Re LEDC By Law amendments 2021, LEDC Bylaws amendment 9.16.21, Articles of Incorporation, LEDC Draft Minutes 9.13.21

**RESOLUTION NO. 2021-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, LOCKHART COUNTY, TEXAS, APPROVING AMENDMENTS TO THE BYLAWS OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Lockhart Economic Development Corporation (“LEDC”) is a Type B Economic Development Corporation and non-profit corporation, created and operating under the Development Corporation Act of 1979, codified at Chapter 501, et seq, Texas Local Government Code; and

**WHEREAS**, the Board of Directors of the LEDC and the City Council of the City of Lockhart desire to amend the bylaws of the LEDC to clarify the residency requirements for members of the Board of Directors, and desire to approve an amendment containing such clarification;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, LOCKHART COUNTY, TEXAS, THAT:**

**SECTION 1.** The foregoing recitals are adopted and incorporated herein for all purposes.

**SECTION 2.** The City Council of the City of Lockhart hereby adopts and approves the amended Bylaws of the LEDC, being those attached to this Resolution as Exhibit “A.”

**SECTION 3.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, LOCKHART COUNTY, TEXAS, ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**APPROVED:**

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

**ATTEST:**

\_\_\_\_\_  
Connie Constancio, City Secretary

BYLAWS OF  
LOCKHART ECONOMIC DEVELOPMENT CORPORATION

ARTICLE 1  
PURPOSE AND POWERS

Section 1. Purpose. The Corporation is incorporated for the purposes set forth in Article Four of its Articles of Incorporation, the same to be accomplished on behalf of the City of Lockhart, Texas (the "City") as its duly constituted authority and instrumentality in accordance with the Development Corporation Act of 1979, as amended, codified as Chapters 501-505, Texas Local Government Code (formerly Article 5190.6, Vernon's Ann. Civ. St., as amended), (the "Act"), and other applicable laws.

Section 2. Powers. In the fulfillment of its corporate purpose, the Corporation shall be governed by Chapters 501 and 505 of the Act as a Type B Economic Development Corporation, and shall have all powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof.

ARTICLE II  
BOARD OF DIRECTORS

Section 1. Powers, Number and Term of Office.

(a) The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") under the guidance and direction of the Lockhart City Council and, subject to the restrictions imposed by law, by the Articles of Incorporation and by these Bylaws, the Board shall exercise all of the powers of the Corporation.

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council") of the City and reside within the City Limits of Lockhart, Texas. Each director shall occupy a place (individually, the "Place" and collectively, the "Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

(c) The directors constituting the first Board shall be those directors named in the Articles of Incorporation. Successor directors shall have the qualifications, shall be of the classes of directors, and shall be appointed to the terms set forth in the Articles of Incorporation.

(d) Any director may be removed from office by the City Council at will.

Section 2. Meetings of Directors.

(a) The directors may hold their meetings at such place or places in the City as the Board may from time to time determine provided, however, in the absence of any such determination by the Board, the meetings shall be held at the principal office of the Corporation as specified in Article V of these Bylaws.

(b) Any director who is absent from any three consecutive regular meetings, or any four non-consecutive regular meetings of the Board during any twelve-month period, shall forfeit his or her office and the vacancy occurring shall be filled by the City Council.

Section 3. Notice of Meetings.

a) Regular meetings of the Board shall be held at such times and places as shall be designated from time to time by the Board. Special meetings of the Board shall be held whenever called the Chairman of the Board, a majority of the directors, or by a majority of the City Council

(b) The secretary shall give seventy-two (72) hours' notice to each director of each regular or special meeting in person or by mail, telephone, email, or by facsimile. The secretary shall give at least two (2) hours' notice to each director of each emergency meeting in person or by telephone, email, facsimile. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special meeting.

(c) Whenever any notice is required to be given to the Board, said notice shall be deemed to be sufficient if delivered to their home address in a sealed wrapper addressed to the person entitled thereto or by depositing same in a post office box in a sealed post-paid wrapper addressed to his or her post office address as it appears on the books of the Corporation, and such shall be deemed to have been given on the day of such mailing or delivery. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting need be specified in the notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or person entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 4. Open Meetings Act. All meetings and deliberations of the Board shall be called, convened, held, and conducted, and notice shall be given to the public, in accordance with the Texas Open Meetings Act, Government Code, Chapter 551.

Section 5. Quorum. A majority of the directors shall constitute a quorum to conduct official business of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law.

Section 6. Conduct of Business.

(a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board.

(b) At all meetings of the Board, the Chairman of the Board shall preside. In the absence of the Chairman, the Vice Chairman shall preside.

(c) The Chairman will be a voting member of the Board.

(d) The Secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 7. Committees of the Board. The Board may designate two (2) or more directors to constitute an official committee of the Board to exercise such authority of the Board. It is provided, however, that all final, official actions of the Corporation may be exercised only by a quorum of the Board. Each committee so designated shall keep regular minutes of the transactions of its meeting and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 8. Compensation of Directors. Directors shall not receive any salary or compensation for their services as directors. However, they shall be reimbursed for their actual expenses incurred in the performance of their official duties as directors.

### ARTICLE III

#### OFFICERS

Section 1. Titles and Terms of Office.

(a) The officers of the Corporation shall be a chairman and vice-chairman of the board directors, a president, a vice president, a secretary and a

treasurer, and such other officers as the Board may from time to time elect or appoint. Terms of office shall be two (2) years. Officers maybe reappointed.

(b) A vacancy in the office of chairman or vice-chairman shall be filled by a vote of a majority of the directors.

Section 2. Powers and Duties of the President. The president shall be the chief operating/executive officer of the Corporation, and, subject to the authority of the Board, the president shall be in general charge of the properties and affairs of the Corporation, and execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation. The City Manager of the City of Lockhart shall be president.

Section 3. Vice President. The vice president shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the president during that officer's absence or inability to act, in their respective order. Any action taken by the vice president in the performance of the duties of the president shall be conclusive evidence by the absence or inability to act of the president at the time such action was taken. The City Manager of the City of Lockhart shall designate an appropriate City employee to be vice-president.

Section 4. Treasurer. The treasurer shall have the responsibility to see to the handling, custody, and security of all funds and securities of the Corporation in accordance with these bylaws. When necessary or proper, the treasurer may endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes, and other obligations in or drawn upon such bank, hanks, or depositories as shall be designated by the Board consistent with these Bylaws. The treasurer shall see to the entry in the books of the Corporation full and accurate accounts of all movies received and paid out on account of the Corporation. The treasurer shall, at the expense of the Corporation, give such bond for the faithful discharge of his/her duties in such form and amount as the Board or the City Council may require. The City Manager of the City of Lockhart shall designate an appropriate City employee to be treasurer. Ail check writing authority will all applicable City policies concerning authorizations, signatures and disbursements.

Section 5. Secretary. The secretary shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveynces, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during business hours, and shall in general perform all duties incident to the office of secretary subject to the control of the Board. The City Manager of the City of Lockhart shall designate an appropriate City employee to be secretary.

Section 6. Legal counsel shall be the attorney for the City and he or she shall recommend any other attorney needed by the Corporation.

Section 7. Compensation. Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties as officers.

## ARTICLE IV

### FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

#### Section 1. Lockhart Capital Improvement Plan.

(a) It shall be the duty and obligation of the Board to assist in the financing and maintenance of the Lockhart Capital Improvement Plan as adopted by the City of Lockhart.

(b) In carrying out its obligations under subsection (a), the Corporation shall be authorized to establish an enterprise fund for approved projects pursuant to the Lockhart Capital Improvement Plan. Proceeds in said enterprise fund shall be transferred to the City's appropriate fund or funds for the purposes of debt service under certificates of obligation issued pursuant to the Capital Improvement Plan as adopted by the City Council, on projects not inconsistent with Proposition Ten passed by the voters of the City of Lockhart on May 4, 1996, and not inconsistent with Article 5190.6, Section 4B, Texas Revised Civil Statutes.

(c) The Board shall periodically submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section.

(d) Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law.

Section 2. Multi-year Financial Plan (the "Plan"). Prior to the beginning of the Fiscal Year the president will submit a Multi-year Financial Plan to the City Council for approval. The Plan will detail the utilization, investment and expenditure of funds and Debt scheduling for the Corporation. The Plan will serve as the financial guide for the corporation. The Board will approve the plan prior to the adoption of the Corporation's fiscal budget.

Section 3. Annual Corporate Budget. Prior to the commencement of each Fiscal Year of the Corporation, the Board shall adopt a proposed budget of expected revenues from sources set out in Section 6 of this article and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The president shall submit the budget to the City Council approval prior to submittal to

the Board for final adoption. The projection of revenues and all expenditures in the annual corporate budget will follow the guidelines outlined in the Multi-Year Financial Plan as adopted by the Board and the City Council. The budget will include administrative overhead, expenses and debt service.

#### Section 4. Books Records Audits.

(a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

(b) At the direction of the City Council, the books, records, accounts, and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff and personnel of the City.

(c) The Corporation, or the City if the option described in subsection (b) is selected, shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and accounting firm selected by the City Council and approved by the Board. Such an audit shall be at the expense of the Corporation.

#### Section 5. Deposit and Investment of Corporation Funds.

(a) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

(b) Subject to the requirements of contracts, loan agreements, indentures or other agreements securing Obligations, all other monies of the Corporation, if any, shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City. The Board, with City Council approval, shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the corporation upon the signature of its treasurer and such other persons as the Board designates. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the Department of Finance of the City.

Section 6. Expenditures of Corporate Money. The sales and use taxes collected pursuant to Chapter 505 of the Act and the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:

(i) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted for the approval by the City Council prior to the execution of loan or financing



agreements or the sale and delivery of the Obligations to the purchasers thereof required by Section 7 of this Article;

(ii) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations may be used for the purpose of financing or otherwise providing one or more "Projects", as defined in Chapter 505 of the act. Expenditures shall be detailed in the Corporation's annual budget as approved by City Council and Board resolutions;

(iii) All proposed expenditures shall be made in accordance with and shall be set forth in the Corporation's annual budget required by Section 3 of this Article or in contracts meeting the requirements of Section I(d) of this Article.

Section 7. Issuance of Obligations. No obligations, including refunding obligations, shall be authorized or sold and delivered by the Corporation unless the City Council shall approve such Obligations by action taken prior to the date of sale of the obligations.

## ARTICLE V

### MISCELLANEOUS PROVISIONS

#### Section 1. Principal Office.

(a) The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation.

(b) The Corporation shall have and shall continually designate a registered agent at its office, as required by the Act.

Section 2. Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 3. Seal. The Seal of the corporation shall be determined by the Board of Directors.

Resignations. Any director or officer may resign at any time. Such

Section 4. resignation shall be made in writing and shall take effect at the time specified therein, or, if no time is specified, at the time of its receipt by the Secretary. The acceptance of resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5. Approval or Advice and Consent of the City Council. To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the City Council, such advice and consent shall be evidenced by one of the following; resolution, minute order or motion duly approved by the City Council.

Section 6. Services of City Staff and Officers. Subject to the authority of the City Manager under the Charter of the City, the Corporation shall utilize the services and the staff employees of the City. All requests for staff time or inquiries of Staff will be requested through the City Manager's Office. The Corporation shall pay reasonable compensation to the City for such services, and the performance of such services does not materially interfere with the other duties of such personnel of the City.

Section 7. Indemnification of Directors, Officers and Employees.

(a) As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.

(b) The Corporation shall indemnify each and every member of the Board, its Officers and its employees, and each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the function; and activities of the Corporation. The attorney for the Corporation is authorized to provide defense for members of the Board, officers, and employees of the Corporation.

ARTICLE VI

EFFECTIVE DATE, AMENDMENTS

Section 1. Effective Date. These Bylaws shall become effective upon the occurrence of the following events:

- (1) the approval of these Bylaws by the City Council; and
- (2) the adoption of these Bylaws by the Corporation Board.

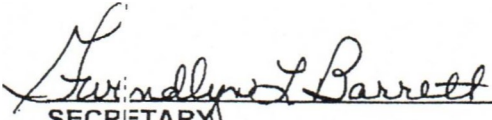
Section 2. Amendments to Articles of Incorporation and Bylaws. The Articles of Incorporation of the Corporation and these Bylaws may be amended only in the manner provided in the Articles of Incorporation and the Act.

These Bylaws were approved this the \_\_\_\_\_ day of August, 1996, by the Board of Directors of the Lockhart Economic Development Corporation.

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

  
CHAIRMAN

ATTEN:

  
SECRETARY

RESOLUTION 96-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, CANVASSING THE SPECIAL ELECTION FOR SUBMITTING ONE PROPOSITION FOR THE ADOPTION OF AN ADDITIONAL ONE-HALF OF ONE PERCENT SALES AND USE TAX TO BE USED FOR ANY PURPOSE AUTHORIZED BY SECTION 4 (B) OF ARTICLE 5190.6 V.T.C.S. AS AMENDED (THE DEVELOPMENT CORPORATION ACT OF 1979), INCLUDING BUT NOT LIMITED TO PROJECTS RELATED TO WATER AND SEWER FACILITIES, STREETS AND ROADS, DRAINAGE AND RELATED IMPROVEMENTS, GENERAL MUNICIPAL BUILDINGS, AND PUBLIC PARK PURPOSES AND PARK FACILITIES, INCLUDING THE MAINTENANCE AND OPERATING COSTS OF ANY SUCH PROJECTS MENTIONED ABOVE

WHEREAS, the City Council of the City of Lockhart, Texas, ordained that an election be held within the City of Lockhart on the 4th day of May, 1996, for the purpose of submitting Proposition 10 the adoption of an additional one-half of one percent sales and use tax within the city pursuant to the provisions in Section 4B of Article 5190.6, V.T.C.S., as amended (The Development Corporation Act of 1979) with proceeds thereof to be used and applied in the manner to the purposes authorized by Section 4B of the Act, including but not limited to projects related to water and sewer facilities, streets and roads, drainage and related improvements, general municipal buildings, public park purposes and park facilities, including the maintenance and operating costs of any such projects mentioned above; and

WHEREAS, the City Council of the City of Lockhart, Texas, desires to canvas returns and declare the results of an election held in the City of Lockhart on the 4th day of May, 1996; and

WHEREAS, it is hereby found and determined that said election was held in accordance with the authorizing proceedings, that notice of election was duly given in the form, manner, and the time required by law, and that said election was in all respects legally held and conducted in accordance with the laws of the State of Texas applicable thereto; and

WHEREAS, the returns of the said election have been made to this governing body and said returns, duly and legally made, shows the following votes were cast for the following individuals running and propositions presented in said election:

Absentee    Dist. 1    Dist. 2    Dist. 3    Dist. 4    Total

**Proposition 10**

The adoption of an additional one-half of one percent sales and use tax to be used for any purpose authorized by Section 4 (B), Article 5190.6, V.T.C.S. as amended (The Development Corporation Act of 1979), including but not limited to projects related to water and sewer facilities, streets and roads, drainage and related improvements, general municipal buildings, and public park purposes and park facilities, including the maintenance and operating costs of any such projects mentioned above.

For	328	55	74	213	126	796
Against	128	23	47	87	77	362

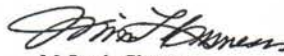
**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS:**

**Section 1.** That all of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its judgment.

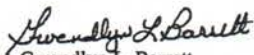
**Section 2.** It is further found and determined that the results of the election as canvassed and tabulated in the preamble hereof reflect the expressed desires of those persons voting at said election.

PASSED, APPROVED and ADOPTED this the 7th day of May, 1996.

CITY OF LOCKHART

  
M. Louis Cisneros  
Mayor

ATTEST:

  
Gwendlyn L. Barrett  
City Secretary



# The State of Texas

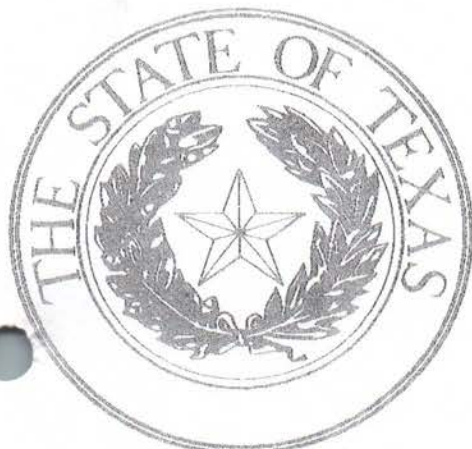
## SECRETARY OF STATE CERTIFICATE OF INCORPORATION OF

LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
CHARTER NUMBER 01405485-01

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above corporation, duly signed pursuant to the provisions of the Development Corporation Act of 1979, have been received in this office and are found to conform to law.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation and attaches hereto a copy of the Articles of Incorporation.

Dated: June 26, 1996



RR

Antonio O. Garza, Jr.  
Secretary of State

Corporations Section  
P.O. Box 13697  
Austin, Texas 78711-3697



RECEIVED  
**Antonio O. Garza, Jr.**

Secretary of State

## Office of the Secretary of State

July 3, 1996

**TODD BLOMERTH (BLOMERTH AND PAYNE)  
103 SOUTH MAIN STREET  
LOCKHART, TEXAS 78644**

**RE: LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
CHARTER NUMBER: 01405485-01**

The following instrument has been filed in this office:

**ARTICLES OF INCORPORATION.**

Enclosed is a copy of this instrument for your files. Receipt of your remittance in payment of the filing fee is acknowledged by this letter. Should you require further information or assistance, please call (512) 463-5583.

Very truly yours,

*Lorna Wassdorf*

**Lorna Wassdorf  
Deputy Assistant Secretary  
Statutory Filings Division**

c: enclosure

RR

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BLOMERTH AND PAYNE

Attorneys at Law  
103 South Main Street  
Lockhart, Texas 78644  
(512) 398-7175  
Fax No. (512) 398-6604



\* Board Certified - Criminal Law  
Texas Board of Legal Specialization

\*TODD BLOMERTH  
PATTI PAYNE

July 15, 1996

Mrs. Gwen Barrett  
City Secretary  
City of Lockhart  
P. O. Box 239  
Lockhart, Texas 78644

**RE: LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
CHARTER NUMBER: 01405485-01**

Dear Gwen:

Enclosed please find the originals of the Articles of Incorporation for the Lockhart Economic Development Corporation under Charter Number 01405485-01. All charter and other pertinent documents to the Corporation need to be kept under separate file. This file will include the By-Laws (when passed by Council) as well as Resolution adopting By-Laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd A. Blomert".

TODD A. BLOMERTH  
City Attorney For The City of Lockhart

TAB/cjw  
Enclosure  
cc: Mr. John Allred  
Mayor, City of Lockhart  
cc: Mr. Philip Cook  
City Manager, City of Lockhart



Corporations Section  
P.O. Box 13697  
Austin, Texas 78711-3697



RECEIVED  
**Antonio O. Garza, Jr.**

Secretary of State

## Office of the Secretary of State

July 3, 1996

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103 SOUTH MAIN STREET  
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Very truly yours,

*Lorna Wassdorf*

**Lorna Wassdorf  
Deputy Assistant Secretary  
Statutory Filings Division**

c: enclosure

RR



# The State of Texas

## SECRETARY OF STATE CERTIFICATE OF INCORPORATION OF

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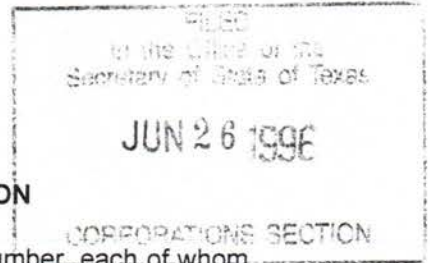
Dated: June 26, 1996



RR

Antonio O. Garza, Jr.  
Secretary of State

**ARTICLES OF INCORPORATION  
OF  
LOCKHART ECONOMIC DEVELOPMENT CORPORATION**



**WE, THE UNDERSIGNED** natural persons, not less than three in number, each of whom is at least 18 years of age and is a qualified elector of the City of Lockhart, Texas (the "City"), acting as incorporators of a public instrumentality and non-profit industrial development corporation (the "Corporation") under the Development Corporation Act of 1979, as amended, Article 5190.6, Tex. Rev. Stat. Ann., as amended (the "Act"), with the approval of the City Council (the "City Council") of the City, do hereby adopt the following Articles of Incorporation for the Corporation.

**ARTICLE ONE**

The name of the corporation is Lockhart Economic Development Corporation.

**ARTICLE TWO**

The Corporation is a non-profit industrial development corporation under the Act and is governed by Section 4B of the Act.

**ARTICLE THREE**

Subject to the provisions of Article Eleven of these Articles, the period of duration of the Corporation is perpetual.

**ARTICLE FOUR**

(a) The purpose of the Corporation is to develop, implement, provide, and finance projects under the act and as defined by Section 4B of the Act.

(b) In the fulfillment of its corporation purpose, the Corporation shall have the power to pay the costs of projects and to provide financing to pay the costs of projects through the issuance or execution of bonds, notes, and other forms of debt instruments, and to acquire, maintain and lease and sell property, and interests therein, all to be done and accomplished on behalf of the City and for its benefit and to accomplish its public and governmental purposes as its duly constituted authority and public instrumentality pursuant to the Act and under, and within the meaning of, the Internal Revenue Code of 1989, as amended, and the applicable regulations of the United States Treasury Department and the ruling of the Internal Revenue Service of the United States prescribed and promulgated thereunder.

(c) In the fulfillment of its corporate purpose, the Corporation shall have and may exercise the powers described in paragraph (b) of this Article, together with all of the other powers granted to corporations that are incorporated under the Act and that are governed by Section 4B thereof, and, to the extent not in conflict with the Act, the Corporation shall additionally have and may exercise all of the rights, powers, privileges, authorities, and functions given by the general laws of the State of Texas to nonprofit corporations under the Texas Non-Profit Corporation Act, as amended, Article 1395-1.01, et seq., Vernon's Ann. Civ. St., as amended.

(d) The Corporation is a corporation having the purposes and powers permitted by the Act pursuant to the authority granted in Article III, Section 52-a of the Texas Constitution, but the Corporation does not have and shall not exercise the powers of sovereignty of the City, including the power to tax (except for the power to receive and use the sales and use taxes specified in Section 4B of the Act) and the police power, except that the Corporation shall have an

may exercise the power of eminent domain when the exercise thereof is approved by the City Council. However, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practice and Remedies Code), the Corporation is a governmental unit and its actions are governmental functions.

(e) No bonds, notes, or other debt instruments or other obligations, contracts, or agreements of the Corporation are or shall ever be deemed to be or constituted the contracts, agreements, bonds, notes, or other debt instruments or other obligations, or the lending of credit, or grant of the public money or things of value, of, belonging to, or by the State of Texas, the City, or any other political corporation, subdivision or agency of the State of Texas, or a pledge of the faith and credit of any of them. Any and all of such contracts, agreements, bonds, notes, and other debt instruments and other obligations, contracts and agreements shall be payable solely and exclusively from the revenues and funds received by the Corporation from the sources authorized by Section 4B of the act and from such other sources as may be otherwise lawfully available and belonging to the Corporation from time to time.

#### **ARTICLE FIVE**

The Corporation has no members and is a non-stock corporation.

#### **ARTICLE SIX**

These Articles of Incorporation may be amended in either one of the methods prescribed in this Article.

(a) Pursuant to the powers of the City contained in Section 17(b) of the Act, the City Council, by resolution, may amend these Articles of Incorporation by filing amendments with the Secretary of State as provided by the Act.

(b) The board of directors of the Corporation may file a written application with the City Council requesting approval of proposed amendments to these Articles of Incorporation, specifying in such application the proposed amendments. If the City Council, by appropriate resolution, finds and determines that it is advisable that the proposed amendments be made, authorizes the same to be made, and approves the form of the proposed amendments, the board of directors of the Corporation may proceed to amend these Articles of Incorporation in the manner provided by the Act.

(c) The board of directors of the Corporation shall not have any power to amend these Articles of Incorporation except in accordance with the procedures established in paragraph (b) of this Article.

#### **ARTICLE SEVEN**

The Street Address of the initial registered office of the Corporation is the City Hall, 308 West San Antonio Street, Lockhart, Texas 78644 and the name of its initial registered agent at such address is Philip Cook, City Manager.

#### **ARTICLE EIGHT**

The affairs of the Corporation shall be managed by a board of directors consisting of seven (7) directors appointed the governing body of the City for two (2) year terms of office. As many as four (4) of the directors may be members of the governing body of the City ("Councilmember Class"), but, at least three (3) directors must be persons who are not employees or officers or members of the governing body of the City ("Citizenmember Class"). The names

and street addresses of the persons who are to serve as the initial directors and the dates of expiration of their initial terms as directors, are as follows:

<b>NAMES</b>	<b>ADDRESSES</b>	<b>DATES OF EXPIRATION OF TERM</b>	<b>CLASS OF DIRECTOR</b>
Frank Estrada	407 W. China Lockhart, Texas 78644	May 31, 1998	Councilmember
Cindy Johnson	1508 Parkview Lockhart, Texas 78644	May 31, 1998	Councilmember
Thomas Lowe	540 W. San Anotonio Lockhart, Texas 78644	May 31, 1998	Citizenmember
Paul O'Balle	902 Neches Lockhart, Texas 78644	May 31, 1998	Citizenmember
Joe Ramirez	635 S. Brazos Lockhart, Texas 78644	May 31, 1998	Councilmember
James Stephens	1220 Maple Lockhart, Texas 78644	May 31, 1998	Citizenmember
Lew White	1215 Plum Lockhart, Texas 78644	May 31, 1998	Citizenmember

Each director shall hold office for the term for which the director is appointed unless sooner removed or resigned. Each director, including the initial directors, shall be eligible for reappointment. Directors are removable by the City Council at will without cause and must be appointed for a term of two (2) years. If a director of the Councilmember Class shall cease to be a member of the City Council, or if a director shall cease being a resident of the city, or if a director of the Citizenmember Class shall become an employee or officer of the City or a member of the City Council, such event shall constitute an automatic resignation as a director and such vacancy shall be filled in the same manner as for other vacancies of the same class. Any vacancy occurring on the board of directors through death, resignation or otherwise shall be filled by appointment by the City Council to hold office until the expiration of the vacating members' term.

#### **ARTICLE NINE**

The name and street address of each incorporator are:

<b>NAME</b>	<b>ADDRESS</b>
John M. Allred	505 South Main Street Lockhart, Texas 78644
Todd A. Blomerth	1105 Spruce Street Lockhart, Texas 78644
Philip Cook	913 Vogel Drive Lockhart, Texas 78644

## ARTICLE TEN

(a) The initial bylaws of the Corporation shall be in the form and substance approved by the City Council by similar resolution as that approving these Articles of Incorporation. Such bylaws shall be adopted by the Corporation's board of directors and shall, together with these Articles of Incorporation, govern the internal affairs of the Corporation until and unless amended in accordance with this Article.

(b) Neither the initial bylaws nor any subsequently effective bylaws of the Corporation may be amended without the consent and approval of the City Council. The board of directors of the corporation shall make application to the City Council for the approval of any proposed amendments, but the same shall not become effective until or unless the same shall be approved by resolution adopted by the City Council.

## ARTICLE ELEVEN

(a) The City Council may, in its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Corporation, and it may terminate or dissolve the Corporation, subject to the provisions of paragraphs (b) and (c) of this Article.

(b) The Corporation shall not be dissolved, and its business shall not be terminated, by act of the City Council or otherwise, so long as the Corporation shall be obligated to pay any bonds, notes, or other obligations and unless the collection of the sales and use tax authorized by Section 4B of the Act is eligible for termination in accordance with the provisions of Section 4B(i) of the Act.

(c) No action shall be taken pursuant to paragraphs (a) and (b) of this Article or pursuant to paragraph (b) of Article Twelve of these Articles, in any manner or at any time that would impair any contract, lease, right, or other obligations theretofore executed, granted, or incurred by the Corporation.

## ARTICLE TWELVE

(a) No dividends shall ever be paid by the Corporation and no part of its net earnings remaining after payment of its expenses and other obligations shall be distributed to or inure to the benefit of its directors or officers, or any individual, private firm, or private corporation or association, except in reasonable amounts for services rendered.

(b) If, after the close of any fiscal year, the board of directors shall determine that sufficient provision has been made for the full payment of all current expenses, together with all amounts payable on the contracts, agreements, bonds, notes, and other obligations of the Corporation, and that all of the terms, provisions, and covenants therein have been met, then any net earnings derived from sources other than the sales and use taxes collected for the account of Corporation pursuant to Section 4B of the Act thereafter accruing and lease payments received in connection with projects financed pursuant to Section 4B of the Act shall be paid to the City. All sales and use taxes collected for the account of the Corporation pursuant to Section 4B of the Act, and lease payments received in connection with projects financed pursuant to Section 4B of the Act will be used solely for the purposes permitted by Section 4B of the Act.

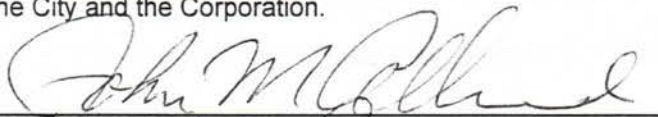
(c) If the Corporation ever should be dissolved when it has, or is entitled to, any interest in any funds or property of any kind, real, personal, or mixed, such funds or property or

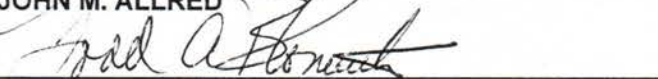
rights thereto shall be transferred to private ownership, but shall be transferred and delivered to the City after satisfaction or provision for satisfaction of all debts, claims, and contractual obligations, including any contractual obligations granting rights of purchase of property of the Corporation.

(d) No part of the Corporation's activities shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in any political campaign of or in opposition to any candidate for public office.

**ARTICLE THIRTEEN**

The City has specifically authorized the Corporation by resolution to act on its behalf to further the public purposes stated in said resolution and in these Articles of Incorporation, and the City has by said resolution approved these Articles of Incorporation. A copy of said resolution is on file among the permanent records of the City and the Corporation.

  
\_\_\_\_\_  
JOHN M. ALLRED

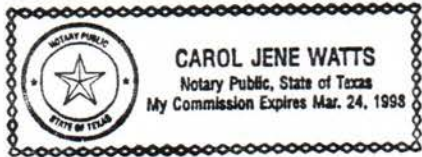
  
\_\_\_\_\_  
TODD A. BLOMERTH

  
\_\_\_\_\_  
PHILIP COOK

**INCORPORATORS**

THE STATE OF TEXAS      \*  
   \*  
COUNTY OF CALDWELL      \*

I, the undersigned, a Notary of the State of Texas, do hereby certify that on this 25<sup>th</sup> day of June, 1996, personally appeared before me **JOHN M. ALLRED, TODD A. BLOMERTH** and **PHILIP COOK**, who, each being by me first duly sworn, severally declared that they are the persons who signed the foregoing documentation as incorporators, and that the statements therein contained are true and correct.



  
\_\_\_\_\_  
NOTARY PUBLIC - STATE OF TEXAS

**RESOLUTION 96-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART,  
TEXAS, APPROVING THE ARTICLE OF INCORPORATION FOR THE  
LOCKHART ECONOMIC DEVELOPMENT CORPORATION**

**WHEREAS**, on May 4, 1996, the registered voters of the City of Lockhart voted to authorize an additional one-half of one percent (1/2%) sales and use tax for economic development under Article 5190.6, Section 4B, V.T.C.S. (the "Act"); and

**WHEREAS**, Directors of the Corporation have been duly appointed to manage the affairs of the Corporation and each Incorporator is duly named within the Articles of Incorporation; and

**WHEREAS**, the purpose of the Corporation is to develop, implement, provide, and finance projects as defined by Section 4B of the Act; and shall have the powers permitted by the Act pursuant to the authority granted in Article III, Section 52-a of the Texas Constitution; and

**WHEREAS**, the City Council wishes to authorize the Corporation to act on its behalf;

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


1. The Articles of Incorporation of the Lockhart Economic Development Corporation are hereby approved for the purposes, duties, powers, responsibilities, limitations, appointments, and related provisions such as they are fully described therein.
2. This Resolution shall become effective immediately upon its passage and adoption as written below.

**PASSED, APPROVED, and ADOPTED** this the 18th day of June, 1996.

**CITY OF LOCKHART**

  
John M. Allred  
Mayor

**ATTEST:**

  
Gwendlyn E. Barrett  
City Secretary



DRAFT MINUTES

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

LOCKHART ECONOMIC DEVELOPMENT CORPORATION

MONDAY, SEPTEMBER 13, 2021  
6:00 P.M.

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

Board Members Present: Alan Fielder, Chairman; Sally Daniel; Alfredo Muñoz; Frank Estrada; Doug Foster; Jesse Maciel

Board Members Absent: Dyral Thomas

Staff Present: Mike Kamerlander, Director of Economic Development; Steve Lewis, President; Pam Larison, Treasurer; Armando Morales

**1. CALL TO ORDER**

The meeting was called to order by Alan Fielder, Chairman at 6:01 pm

**2. PUBLIC HEARING - 6:00 PM**

2.1 Hold a public hearing regarding Westy's Pharmacy BIG Grant performance agreement pursuant to Sec. 505.159, Local Government Code.

Public hearing was opened at 6:01 PM

No public comments

Public hearing was closed at 6:02 PM

**3. PUBLIC COMMENTS**

No public comments

**4. DISCUSSION AND/OR ACTION**

4.1 Discussion and/or action regarding minutes from the August 9, 2021 meeting.

No Discussion.

Motion to approve the minutes from the August 9, 2021 meeting.

Motion: Alfredo Muñoz                      Second: Sally Daniel                      Vote: 5 of 6  
New board member Jesse Maciel abstained from voting on this item.

4.2 Discussion and/or action regarding sales tax and financial statements for August 2021.

Ms. Larison went over the financials with the board reporting August's sales tax collections remained strong. The year-to-date collections are higher than FY 2020's and mentioned some reconciliation will occur within the next month but that collections were higher than budgeted this fiscal year.

Ms. Larison pointed out that there were some construction expenses associated with the new industrial park that went through in August and are reflected in the financial reports.

Motion to approve the August 2021 sales tax and financial statements as presented.

Motion: Alfredo Muñoz

Second: Sally Daniel

Vote: 6 of 6

4.3 Discussion and/or action moving the October 2021 LEDC Regular Meeting date from Columbus Day, October 11, 2021.

The LEDC Board's regular October meeting is scheduled on Columbus Day/Indigenous People's Day and should move it to avoid the holiday to stay consisted with previous years.

Motion to move the LEDC Board's Regular Board meeting from October 11, 2021 to October 4, 2021.

Motion: Alfredo Muñoz

Second: Doug Foster

Vote: 6 of 6

4.4 Discussion and/or action regarding LEDC Resolution 2021-05 for an economic development performance agreement with Westy's Pharmacy for a BIG Grant.

Westy's replaced its awning with a brand new one. The owner has met with LEDC and submitted their BIG grant application which provides a 50% rebate for the façade improvements up to \$20,000. The project requires approval by the Historical Commission and must be permitted by the city.

The attached economic development performance agreement outlines the work to be done on the building, the rebate the owners would be entitled to should the work be completed as stated and paid as required. The expected 50% rebate is \$1,528.75 on the \$3,057.50 worth of work on the façade.

Motion to approve LEDC Resolution 2021-05 with Westy's Pharmacy providing a 50% rebate of the amount paid for the project, not to exceed \$1,528.75 with proof of payment and project completion.

Motion: Sally Daniel

Second: Alfredo Muñoz

Vote: 6 of 6

4.5 Discussion and/or action amending the LEDC Bylaws regarding Board of Directors residency requirement.

The LEDC Board has had some new Directors appointed by City Council over the past year. Throughout these appointments, the question of residency is a recurring one.

State law allows for EDC Board of Directors, in City's a fewer than 20,000 people, to serve from as far as 10 miles from the corporate boundaries and in a neighboring county as long as it is within the distance requirement.

It is staff's interpretation that Directors in places 1-4 are to be Councilmembers from those districts. If the councilmembers choose to appoint someone, they should reside in their district. The at-large and Mayoral appointees may be city-wide. To clarify this intent the recommended changes would need to be added:

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the Council (the "City Council") of the City and reside within the City Limits of Lockhart, Texas. Each director shall occupy a place (individually, the "Place" and collectively, the

"Places") as designated herein. Places 1-4 are designated for Council member Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.

**5. Executive Session (Entered at 6:17 PM; Ended at 7:00 PM)**

5.1 Close Open Session and Convene Executive Session pursuant to Secs. 551.071 (consultation with attorney), 551.072 (real estate) and 551.087 (Economic Development) of the Texas Open Meetings Act. Gov't Code Ch. 551, to discuss the following:

- Dynamo
- Summertime
- Specs
- Hyperion
- CIP

**Board Action from Executive Session**

Motion to extend an offer of incentives to Project Summertime as discussed in Executive session

Motion: Sally Daniel

Second: Alfredo Muñoz

Vote: 6 of 6

**6. DISCUSSION ONLY**

6.1 Activity Updates

Mr. Kamerlander gave an update on the LEDC Staff activities for August 2021.

**ADJOURN**

Motion to Adjourn.

Motion: Alfredo Muñoz

Second: Sally Daniel

Vote: 6 of 6

LEDC Board of Directors Adjourned at 7:06 PM.

Minutes approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Alan Fielder, Chairman LEDC

\_\_\_\_\_  
Michael Kamerlander, Secretary LEDC

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion to consider amending Ordinances, Procedures, and Policies involving sidewalk installation, repairs, maintenance and creating a comprehensive policy.

**ORIGINATING DEPARTMENT AND CONTACT:** Public Works - Sean Kelley

**ACTION REQUESTED:** Direction

**BACKGROUND/SUMMARY/DISCUSSION:** Staff has received increasing inquiries into sidewalk replacement, maintenance, and new installation. Unfortunately, current policies and ordinances lack the guidance needed to perform, delegate, and facilitate these requests. With this growing community demand, City Council has also been approached with requests to improve deteriorating sidewalk and installation of new sidewalk connections to meet the needs of the City.

Creating a comprehensive sidewalk policy would clear up confusion regarding current sidewalk maintenance responsibility, establish guidelines for installation of new sidewalks and the replacement of existing sidewalks, along with allowing the City to take the proper steps to have necessary improvements made. While installation of new sidewalks and the replacement of existing sidewalks is most cost effective when coordinated with the reconstruction of a street project, there is the need for policies to advise on how to determine other replacements, maintenance responsibilities, installation/ replacement priorities, and funding sources for sidewalks.

**PROJECT SCHEDULE (if applicable):**

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**FISCAL NOTE (if applicable):**

**PREVIOUS COUNCIL ACTION:**

**COMMITTEE/BOARD/COMMISSION ACTION:**

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff seeks direction from City Council.

# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

**LIST OF SUPPORTING DOCUMENTS:** Sidewalk Memo , New Braunfels Ordinance, Victoria Ordinance, Gonzales Ordinance, San Marcos Ordinance, Seguin Ordinance, Bastrop Ordinance, Kyle Ordinance

**To:** Steve Lewis, City Manager  
**From:** Sean Kelley, Public Works Director  
**Date:** September 16, 2021  
**Subject:** Increasing Need for a Comprehensive Sidewalk Program

## **INTRODUCTION**

Staff has received several inquiries about sidewalk replacement, maintenance, and new installation. Unfortunately, current policies and ordinances lack the guidance needed to perform, delegate, and facilitate these requests. The City Council has also been approached with requests to improve deteriorating sidewalk and to install new sidewalk connections to meet the needs of the City.

## **POLICY GUIDANCE**

State law, Transportation Code Sec. 311.004, gives Home-Rule Municipalities authority to: 1) construct a sidewalk; 2) provide for the improvement of a sidewalk construction of a curb under ordinance enforced by a penal provision; and 3) declare a defective sidewalk to be a public nuisance.

The Lockhart Home Rule Charter, Sec. 3.07(o), provides that the City Council may exercise exclusive dominion, control and jurisdiction, including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city and provide for the improvement of same as provided in V.T.C.A., Transportation Code ch. 313, as now or hereafter amended.

This provision authorizes City Council to create, amend and approve policy that encompasses public sidewalks. These few sidewalk references in are Code of Ordinances are unspecific and lack the details needed for a sidewalk program.

The Lockhart Code states the following:

Sec. 50-3 Curb and gutter standards: The standards for the construction, maintenance and repair of all curbs and gutters and sidewalks within the city shall be as prescribed by the city manager and/or the city engineer from time to time.

Sec. 50-6 Intrusions and obstructions in public sidewalks and streets. (a) No person shall plant or grow any plant, hedge, shrub, or tree so that they or any placed landscaping shall intrude and obstruct any portion of a public sidewalk. All such plants and trees must be kept trimmed as not to cause an obstruction for pedestrians on public sidewalks. Limbs and growth from trees or plants of any type planted on private property shall be maintained by the property owner at a height of not less than seven feet above the public sidewalk and not less than 13 feet six inches in the public street area. The city retains the right to trim any limbs or growth from trees or plants of any type planted on public right-of-way maintain a height of not less than 13 feet six inches above the surface of any street.

The Lockhart 2020 Comprehensive Plan contains a provision added in 2011 showing existing and proposed sidewalks as well as a proposed hike/bike trail system. This was to be used as a guide for requiring construction of sidewalks and trails by the private sector as new development occurs, or by the public sector as existing streets are reconstructed or funding becomes available for trails not associated with new development or existing streets. However, the plan does not offer guidance on how to accomplish sidewalk improvements that do not meet the requirements.

## **POLICIES IN NEARBY CITIES**

Requests for additional sidewalks and sidewalk rehabilitation are not unique to Lockhart, and I have surveyed the policies of several surrounding cities that take a variety of approaches in regard to assigning, funding and maintenance responsibilities for sidewalks. The options include, but are not limited to:

### **City-Owned and Maintained Sidewalks**

- City is responsible for repairs when eligible and/or funds are available
- Property owners are responsible for keeping sidewalk free of obstructions, but City retains right to maintain as well

### **Abutting Property Owner Maintained Sidewalks**

- Abutting property owners are responsible for keeping sidewalk free of obstructions and good repair
- Code Enforcement issues violations for noncompliance and cities will make the repairs at a cost to the abutting property owner if they fail to make the repair

### **Blended Maintenance Responsibilities may include**

- Cost sharing between City and abutting property owner
- Collection of sidewalk development fees
- City maintains sidewalks along arterial and collector streets-all other sidewalks are maintained by the abutting property owner

Creating a comprehensive sidewalk policy should clear up confusion regarding current sidewalk maintenance responsibility, establish guidelines for installation of new sidewalks and the replacement of existing sidewalks, along with allowing the City to take the proper steps to have necessary improvements made. While installation of new sidewalks and the replacement of existing sidewalks is most cost effective when coordinated with the reconstruction of a street project, there is the need for policies to advise on how to determine other replacements, maintenance responsibilities, installation/ replacement priorities, and funding sources for sidewalks.

The direction of Council would be necessary to direct staff in the strategies of the policy, so that the policy may be created along with the accompanying ordinances.

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## New Braunfels, TX

### **Sec. 114-3. Maintenance of sidewalks, driveways and trees by property owners or occupants.**

- (a) It shall be the duty and the obligation of all owners, occupants and users of real property upon which a sidewalk, driveway or other way is located and used by or which may be used by the public to keep and maintain such sidewalk, driveway or way in a safe condition for use. Such sidewalks, driveways or ways shall be maintained so as to be free of depressions, excavations, inequalities, obstacles, obstructions or encroachments by the owner or occupant of such real property.
- (b) It shall be the duty and obligation of the owner and occupant of any property abutting upon any defective, unsafe or hazardous sidewalk, parkway, way or driveway to repair the same at his own expense.
- (c) The city, NBU, or other utilities providers, regulate vegetation in easements and rights-of-way. Notwithstanding the right of the city, NBU or other utility providers to regulate vegetation in easements or rights-of-way, it shall be the duty and the obligation of all owners, occupants and users of real property abutting upon a tree or tree part, including those trees or tree parts situated in the right-of-way, (excluding any median in a street), parkway, utility easement, drainage easement or other public way, to maintain, at the expense of said owner, occupant and/or user of said real property said tree or tree part in a safe condition and to trim, prune or remove any tree or tree part that is in an unsafe or hazardous condition.
- (d) If any injury or damage is occasioned or suffered or inflicted upon any person by reason of the violation of the provisions of this section, primary liability for any loss or damage shall be upon the owner, occupant or user of such property.

(Ord. No. 2005-75, § 1(Exh. A), 10-24-05)

### **Sec. 114-4. Duty to keep sidewalk, parkway and alleyway clean.**

It shall be the duty of the owner or occupant of real property within the corporate limits of the city to keep the abutting or adjacent sidewalk, parkway, and alleyway clean and free of all weeds, trash, rubbish, filth and debris which may encumber such sidewalk, parkway, or alleyway and to place such material in trash receptacles as required by this article.

(Ord. No. 2005-75, § 1(Exh. A), 10-24-05)



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**Victoria, TX**

**Sec. 20-60. Owner to construct after notice; supervision; conformance with requirements.**

It is the duty of every person, owning property fronting or abutting on any street, avenue, boulevard or alley in the city to grade and build sidewalks in front of and along the street side and rear of their property, when notified so to do, according to the provisions of this article, and such sidewalks shall be built of such material and of such dimensions as may be required by the city council, under the supervision of the city engineer according to the grade established and furnished by the city engineer, or by any other competent engineer employed by the city.

(Code 1960, § 21-23)

**Sec. 20-64. Notice, publication, delivery, form.**

Whenever the city council determines and requires by ordinance or resolution that sidewalks shall be built upon any street, avenue, boulevard or alley, naming them in the ordinance or resolution, or that sidewalks shall be built upon any part of any street, avenue, boulevard or alley, such ordinance or resolution shall be published in an issue of the official paper, and such publication shall be notice to all property owners fronting on or in any manner abutting on same, to build the sidewalks required therein. In addition to the above notice, the city secretary shall issue a personal notice to the owner of each lot or tract of land fronting on the street, or part of street, avenue, boulevard or alley, upon which the sidewalk is to be built, notifying them that such sidewalk has been determined to be constructed by the city council, and the character of material to be used, and width of sidewalk, and that the work must be commenced within ten (10) days and completed within thirty (30) days, after the service of notice. The following form of notice may be used, and shall be sufficient when used:

"Office of City Secretary, Victoria, Texas, \_\_\_\_\_ 19\_\_

Sir: \_\_\_\_\_

You are hereby notified that the City Council of the City of Victoria, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, passed an ordinance, requiring a sidewalk to be built on \_\_\_\_\_ Street or part of street (describing the part) the sidewalk in front of or abutting your property to be built of \_\_\_\_\_ (naming the material) and is to be \_\_\_\_\_ feet wide. You are required to begin the work of building such sidewalk in front of or abutting your premises within ten days, and have it completed within thirty days after the service of this notice.

Witness my hand and seal of the City of Victoria, day and date above written.

	City Secretary."
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The above notice may be served by the chief of police or any police officer, leaving a copy thereof at the residence of the property owner, with any member of the owner's family, or by delivering a copy of the notice to the owner in person, or to one of the owners, when there is more than one owner, or if the property is owned by a firm, corporation or association of persons, the notice may be served by delivering a copy to any member of such firm, corporation or association of persons, and if the owner is a nonresident, or is absent from the city, the notice may be served by leaving a copy with anyone occupying the premises, or an agent known to the officer to be an agent, the publication of the ordinance or resolution above required shall be notice to all such absentees or

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nonresident. The officer serving the personal notice shall make return, showing how such person has served the same, and file such person's return with the city secretary.

(Code 1960, § 21-25)

**Sec. 20-66. Failure, performance by city, collecting cost.**

If the owners of any lot or tract of land fronting on or along any street, avenue, boulevard or alley, where sidewalks have been ordered to be built by ordinance or resolution of the city council, shall fail or refuse to begin the construction of the same within ten (10) days, or fail to have completed within thirty (30) days after service of notice, as required by section 20-64, then the city council may cause the sidewalk to be built at the expense of the city, by letting the work out on contract to the lowest and best bidder, after advertising a notice of the contract to be let for the space of five (5) days. When any sidewalks are constructed at the expense of the city, the cost of construction assessable against the property owner, together with the cost of collection, shall be a valid charge against the owners of such lot or tract, and a lien and encumbrance upon the lot or tract of land, in front of or along which such sidewalk is constructed, which amount shall be collected from the owners of the property, and unless the same is immediately paid, it shall be the duty of the city attorney, when ordered by the city council, to institute suit against the proper owners of the property for the collection of the cost assessable against the property owner.

(Code 1960, § 21-27)

**Sec. 3.111 Maintenance of Sidewalks; Duty of Owner**

It is the duty and obligation of all owners, occupants, and users of real property abutting upon streets within the city at their own cost and expense, to keep and maintain the sidewalks (and paving laid thereon) bordering their property level, at curb grade, and free to depressions, excavations, elevations, inequalities, obstacles, obstructions, or encroachments, natural or artificial, above or below ground level, or which overlap, impinge upon, or appropriate any part of the sidewalk area or the space up to eight feet above it; and to allow no oils, greases, ice, snow or water to collect or remain thereon; and, generally, in every manner, to keep such sidewalks in a safe adequate, and in defective condition so that they are easily accessible to and may be freely and safely used by the public for travel by foot. (1995 Code of

**Sec. 3.112 Injury to Persons on Sidewalks; Liability of Owner**

Where and when, by reason of a violation of any of the foregoing provisions, injury or damage is occasioned to or inflicted upon any person, whether on the sidewalk or in the street, primary liability for all such injury or damage shall rest upon the owner, occupant, and user of the property abutting upon such defective sidewalk. (1995 Code of Ordinances, Title IX, Chapter 96, Section 96.16)

Ordinances, Title IX, Chapter 96, Section 96.15)

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**San Marcos, TX**

**Sec. 74.122. Maintenance of sidewalk areas by property owners.**

It is unlawful for any person to allow the sidewalk in front of any property owned or controlled by the person, to become or remain in any condition which might endanger a person or interrupt a person's free passage on the sidewalk, or to allow tall weeds or tall grass to grow between the person's front property line and the curb line.

(Code 1970, § 25-6; Ord. No. 1997-33, § 1, 7-28-97)

**Sec. 3.112 Injury to Persons on Sidewalks; Liability of Owner**

Where and when, by reason of a violation of any of the foregoing provisions, injury or damage is occasioned to or inflicted upon any person, whether on the sidewalk or in the street, primary liability for all such injury or damage shall rest upon the owner, occupant, and user of the property abutting upon such defective sidewalk. (1995 Code of Ordinances, Title IX, Chapter 96, Section 96.16)

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**Bastrop, TX**

**Sec. 8.02.007 Duty of adjacent owners and occupants to remove litter, weeds, etc.**

A person owning, occupying, or controlling real property adjacent to a public sidewalk commits an offense if they allow such sidewalk, or any part thereof, to become littered or obstructed by weeds, trash, rubbish, or other items.

(Ord. No. 2019-56 , § 2(Att. B), 11-26-19)

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**Kyle, TX**

**Sec. 38-21. Maintenance of sidewalks on lots required.**

- (a) All persons owning lots in this city upon the streets shall keep the sidewalks around the same in good condition. In failing to do so he shall be fined in any sum not less than \$5.00 nor more than \$100.00.
- (b) The city, at its sole discretion, may elect to facilitate the repair of any sidewalk within the city limits or authorized by agreement. The election of the city to facilitate such a repair does not remove the requirement upon the property owner to properly maintain sidewalks and in no way absolves the property owner from liability.

(Ord. No. 24, art. 62, 7-14-1964; Ord. No. 957 , § 2, 8-15-2017)

# City of Lockhart, Texas

## Council Agenda Item Cover Sheet

**COUNCIL MEETING DATE:** September 21, 2021

**AGENDA ITEM CAPTION:** Discussion regarding matters related to COVID-19.

**ORIGINATING DEPARTMENT AND CONTACT:** Administration - Steven Lewis, Monte Akers

**ACTION REQUESTED:** Other

**BACKGROUND/SUMMARY/DISCUSSION:** On May 18, 2021, Governor Abbot issued GA-36 that prohibited governmental entities from mandating face coverings or restricting activities in response to the COVID-19 disaster. As a result, the Lockhart City Council rescinded the Mayor's Declaration to require face coverings and encouraged citizens to continue to follow the CDC guidelines in regard to COVID-19.

Also, as a result of the Governor opening Texas on March 2, 2021 (GA-34), community events are back on schedule such as the Chisholm Trail Roundup, Fireworks show, and City venues such as the city splash pad are open to the public. Face coverings are not required during the events or at city facilities.

An update of COVID-19 orders and Council actions is attached.

### Open Meetings Act Suspensions Terminate effective September 1, 2021

In March 2020, Governor Abbott's office granted the Attorney General's request to suspend certain open meetings statutes. The temporary suspension allows for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings, thereby allowing governmental bodies and/or board commissions to hold a meeting virtually without a quorum being present at the meeting location.

On June 30, 2021, the Governor's office approved a request by the Attorney General to lift the open meetings suspensions effective at 12:01 a.m. on September 1, 2021. All Texas governmental bodies subject to the OMA must thereafter conduct their meetings in full compliance with the OMA as written in state law.

The following are provisions in the OMA suspension that will no longer be allowed effective September 1, 2021:

- 1) Video conferencing capability will change in that a member of the governing body or board can meet virtually but there must be a quorum physically present at the meeting location.
- 2) Telephone conference meetings will not be allowed to continue and are only allowed in an emergency.

On **August 29, 2021**, Governor Abbott issued a Declaration renewing the declaration of disaster stating that COVID-19 poses an imminent threat of disaster for all counties in Texas.



# ***City of Lockhart, Texas***

## **Council Agenda Item Cover Sheet**

This item is returned to Council for consideration, if necessary.

**PROJECT SCHEDULE (if applicable):** N/A

**AMOUNT & SOURCE OF FUNDING:**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**FISCAL NOTE (if applicable):** None.

**PREVIOUS COUNCIL ACTION:** N/A

**COMMITTEE/BOARD/COMMISSION ACTION:** N/A

**STAFF RECOMMENDATION/REQUESTED MOTION:** None.

**LIST OF SUPPORTING DOCUMENTS:** Update of COVID-19 orders and Council actions, GA-39, GA-38, Governor Abbott proclamation renewing the Declaration of Disaster.

## HISTORY OF COVID-19 ORDERS/COUNCIL ACTIONS

On **September 1, 2020**, the City Council adopted Resolution 2020-20 renewing and adopting a requirement that commercial establishments in the City post a notice that facial coverings are a requirement of employees and persons entering such establishments. The requirement that such notice be posted shall remain in effect until terminated or amended by the City Council.

On **October 7, 2020**, Governor Greg Abbott issued Executive Order GA-32 to allow certain bars and similar establishments to operate at 50% capacity with permission from the County Judge. GA-32 increased the occupancy levels for all business establishments other than bars to 75%. GA-32 also provides that outdoor gatherings in excess of 10 people is prohibited unless the Mayor of the City in which the gathering is held, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with GA-32.

Mayor's statement on reduced business capacity in Caldwell County. At 12:01 a.m. on Wednesday, January 13, 2021 the provisions of Governor Greg Abbott's Executive Order GA-32 that suspend elective surgeries, close bars and reduce business capacity to 50 percent went into effect in Lockhart and Caldwell County. This was occurring because under GA-32, these specific provisions took effect when a Trauma Service Area had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total capacity exceeded 15 percent. This was the case in Trauma Service Area O, which included Caldwell County.

COVID Relief Fund update. On January 19, 2021, the Council voted to offer a six-month forbearance to businesses that received a COVID-19 Recovery Loan in 2020. Council re-opened the COVID Relief Grants to small businesses for \$5,000 per business that qualifies. Restaurants and bars that were affected by the Governor's order earned higher points on the application process.

During the February 23, 2021 meeting, Chief Jenkins provided an update of COVID compliance for local businesses.

On **March 2, 2021**, Governor Abbot issued GA-34 that was effective March 10, 2021. It provides that the State no longer requires face covering and it does not allow local jurisdictions to require face coverings. GA-34 supercedes all orders issued by local officials that conflict with regard to services or local orders and provides that businesses and other establishments may require customers and employees to wear face coverings. The consensus of the Council was to leave the Mayor's Declaration in effect and to encourage citizens to continue to wear face coverings and to maintain a six foot distance.

On **May 13, 2021**, the CDC announced that fully vaccinated individuals no longer need to mask up or social distance indoors and outdoors, including crowds. Attached is information from the CDC about how to stay safe around individuals that are or are not fully vaccinated.

On **June 15, 2021**, the consensus of the Council was to continue virtual attendance at meetings.

On **June 30, 2021**, the Governor's office approved a request by the Attorney General to lift the temporary Open Meetings Act suspensions, effective at 12:01 a.m. on September 1, 2021. The change in virtual meetings is that a member of the governing body or board member may attend a meeting virtually but there must be a quorum physically present at the meeting location.

On **July 29, 2021**, Governor Abbott issued Executive Order 38, that combined several existing COVID-19 executive orders to promote statewide uniformity and certainty in the state's COVID-19 response. Governor Abbott stated that "The new Executive Order emphasizes that the path forward relies on personal responsibility rather than government mandates".

On **August 13, 2021**, TML provided the following information regarding actions taken by governmental entities and the Attorney General in regards to face coverings:

- **Mask Mandate Update:** Tuesday afternoon, two state district court judges in Dallas and Bexar counties granted local authorities in those jurisdictions temporary restraining orders blocking Governor Abbott's ban on mask mandates. In response to the rulings, the City of San Antonio issued a requirement for face coverings inside city facilities, and the Dallas County Judge issued an emergency order on Wednesday related to face coverings. Temporary restraining orders are by definition temporary and require further court proceedings to become permanent. TML will continue to monitor these developments. In related news, Houston's Mayor Sylvester Turner is requiring masks in city facilities when physical distancing is not doable.

Additionally, a number of large school districts ("ISDs") across the state, including Dallas ISD, Houston ISD, Austin ISD, Fort Worth ISD, and San Antonio ISD, are requiring masks on school property.

- **Attorney General Issues Two COVID-related opinions:** On August 11, the Attorney General released two opinions related to mask mandates and vaccines.
  1. In Opinion KP-0379, the Attorney General was asked whether COVID-19 vaccines could be required as a condition to enter a government building. Citing the Governor's Executive Order No. 38 as well as the recently passed S.B. 968, the Attorney General opined that government entities may not require COVID-19 vaccines as a condition to enter a government facility.
  2. In Opinion No. KP-0380, the Attorney General was asked to opine on the effect of the Governor's executive orders on federal requirements related to face coverings on public transit. The AG ultimately opined that he is unconvinced that CDC and TSA rules as well as federal law preempt the Governor's orders prohibiting mask mandates.

Please remember that Attorney General opinion are just that: opinions. They are legal guidance but do not carry the force of law or court order.

- **Counties Across Texas Seeing Rise in COVID-19 Threat Levels:** Over the last few weeks, we have reported on the rise in COVID-19 threat levels in counties and cities across the state. That rise continues, with Travis, Harris, Dallas, and Williamson counties, among others, back at the highest threat levels as the Delta variant spreads across the state and ICU bed availability drops.

On **August 29, 2021**, Governor Abbott issued a proclamation renewing the declaration stating that COVID-19 poses an imminent threat of disease for all counties in Texas.

On **August 25, 2021**, Governor Abbot issued GA-39 (attached), prohibiting governmental entities from compelling an individual to receive a COVID-19 vaccine regardless of full FDA approval, among other things.

The Governor also issued the following call to the Special Session of the Legislature:

*Legislation regarding whether any State or Local Governmental entities in Texas can mandate that an individual receive a COVID-19 vaccine and, if so, what exemption should apply to such mandate.*



GOVERNOR GREG ABBOTT

August 25, 2021

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

AUG 25 2021

A handwritten signature in black ink, appearing to be "Jeffrey C. Wharton", written over a horizontal line. Below the line is the printed text "Secretary of State".

Mr. Joe A. Esparza  
Deputy Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-39 relating to prohibiting vaccine mandates and vaccine passports subject to legislative action.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Gregory S. Davidson", written over a horizontal line.

Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
August 25, 2021

EXECUTIVE ORDER  
GA 39

*Relating to prohibiting vaccine mandates and vaccine passports  
subject to legislative action.*

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WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, I have issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health; and

WHEREAS, COVID-19 vaccines are strongly encouraged for those eligible to receive one, but have always been voluntary for Texans; and

WHEREAS, I issued Executive Orders GA-35 and GA-38, addressing COVID-19 vaccines administered under an "emergency use authorization" by prohibiting vaccine mandates from governmental entities and by prohibiting "vaccine passports" from governmental entities and certain others; and

WHEREAS, subsequently, on August 23, 2021, while the legislature was already convened in a special session, the U.S. Food and Drug Administration (FDA) approved one of the COVID-19 vaccines for certain age groups, such that this vaccine is no longer administered under an emergency use authorization for those age groups; and

WHEREAS, while this COVID-19 vaccine is now FDA-approved for certain age groups, others are not yet approved and still are administered under an emergency use authorization; and

WHEREAS, through Chapter 161 of the Texas Health and Safety Code, as well as other laws including Chapters 38 and 51 of the Texas Education Code, the legislature has established its primary role over immunizations, and all immunization laws and regulations in Texas stem from the laws established by the legislature; and

WHEREAS, in other contexts where the legislature has imposed immunization requirements, it has also taken care to provide exemptions that allow people to opt out of being forced to take a vaccine; and

WHEREAS, given the legislature's primacy and the need to avoid a patchwork of regulations with respect to vaccinations, it is appropriate to maintain the status quo of

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2pm O'CLOCK

AUG 25 2021

prohibiting vaccine mandates through executive order while allowing the legislature to consider this issue while in session; and

WHEREAS, in this instance, given the legislature's prior actions, maintaining the status quo of prohibiting vaccine mandates and ensuring uniformity pending the legislature's consideration means extending the voluntariness of COVID-19 vaccinations to all COVID-19 vaccinations, regardless of regulatory status; and

WHEREAS, I am also adding this issue to the agenda for the Second Called Session of the legislature that is currently convened so that the legislature has the opportunity to consider this issue through legislation; and

WHEREAS, I will rescind this executive order upon the effective date of such legislation;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. No governmental entity can compel any individual to receive a COVID-19 vaccine. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine.
2. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
3. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine. No consumer may be denied entry to a facility financed in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine.
4. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
5. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any

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other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.

This executive order supersedes only paragraph No. 2 of Executive Order GA-38, and does not supersede or otherwise affect the remaining paragraphs of Executive Order GA-38. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 25th day of August, 2021.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Joe A. Esparza in black ink.  
JOE A. ESPARZA  
Deputy Secretary of State

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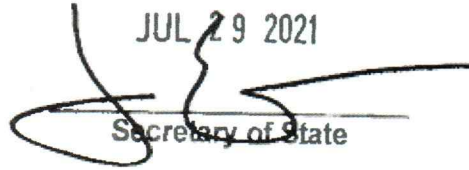


GOVERNOR GREG ABBOTT

July 29, 2021

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3:15 PM O'CLOCK

JUL 29 2021

  
Secretary of State

Mr. Joe A. Esparza  
Deputy Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-38 relating to the continued response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment



# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
July 29, 2021

EXECUTIVE ORDER  
GA 38

*Relating to the continued response to the COVID-19 disaster.*

---

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, from March 2020 through May 2021, I issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing and other mitigation strategies; and

WHEREAS, combining into one executive order the requirements of several existing COVID-19 executive orders will further promote statewide uniformity and certainty; and

WHEREAS, as the COVID-19 pandemic continues, Texans are strongly encouraged as a matter of personal responsibility to consistently follow good hygiene, social-distancing, and other mitigation practices; and

WHEREAS, receiving a COVID-19 vaccine under an emergency use authorization is always voluntary in Texas and will never be mandated by the government, but it is strongly encouraged for those eligible to receive one; and

WHEREAS, state and local officials should continue to use every reasonable means to make the COVID-19 vaccine available for any eligible person who chooses to receive one; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;" and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to

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and from a disaster area and the movement of persons and the occupancy of premises in the area;" and

WHEREAS, under Section 418.173, the legislature authorized as "an offense," punishable by a fine up to \$1,000, any "failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;"

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. To ensure the continued availability of timely information about COVID-19 testing and hospital bed capacity that is crucial to efforts to cope with the COVID-19 disaster, the following requirements apply:
  - a. All hospitals licensed under Chapter 241 of the Texas Health and Safety Code, and all Texas state-run hospitals, except for psychiatric hospitals, shall submit to the Texas Department of State Health Services (DSHS) daily reports of hospital bed capacity, in the manner prescribed by DSHS. DSHS shall promptly share this information with the Centers for Disease Control and Prevention (CDC).
  - b. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to DSHS, as well as to the local health department, daily reports of all test results, both positive and negative. DSHS shall promptly share this information with the CDC.
2. To ensure that vaccines continue to be voluntary for all Texans and that Texans' private COVID-19-related health information continues to enjoy protection against compelled disclosure, in addition to new laws enacted by the legislature against so-called "vaccine passports," the following requirements apply:
  - a. No governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
  - b. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
  - c. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed

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- in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.
- d. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
  - e. This paragraph number 2 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.
3. To ensure the ability of Texans to preserve livelihoods while protecting lives, the following requirements apply:
- a. There are no COVID-19-related operating limits for any business or other establishment.
  - b. In areas where the COVID-19 transmission rate is high, individuals are encouraged to follow the safe practices they have already mastered, such as wearing face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.
  - c. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus).
  - d. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
  - e. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
  - f. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
  - g. As stated above, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials. This paragraph number 3 supersedes any conflicting local order in response to the COVID-19 disaster, and all relevant laws are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

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4. To further ensure that no governmental entity can mandate masks, the following requirements shall continue to apply:
  - a. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; provided, however, that:
    - i. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
    - ii. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
  - b. This paragraph number 4 shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in subparagraph number 4.a. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
    - i. Sections 418.1015(b) and 418.108 of the Texas Government Code;
    - ii. Chapter 81, Subchapter E of the Texas Health and Safety Code;
    - iii. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
    - iv. Chapter 54 of the Texas Local Government Code; and
    - v. Any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.
  - c. Even though face coverings cannot be mandated by any governmental entity, that does not prevent individuals from wearing one if they choose.
5. To further ensure uniformity statewide:
  - a. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the

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- COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.
- b. Confinement in jail is not an available penalty for violating this executive order. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except that it does not supersede or rescind Executive Orders GA-13 or GA-37. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 29th  
day of July, 2021.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Joe A. Esparza in black ink.  
\_\_\_\_\_  
JOE A. ESPARZA  
Deputy Secretary of State

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JUL 29 2021



GOVERNOR GREG ABBOTT

August 29, 2021

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AUG 29 2021

  
Secretary of State

Mr. Joe A. Esparza  
Deputy Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Mr. Deputy Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of August, 2021.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

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ATTESTED BY:

  
\_\_\_\_\_  
JOE ESPARZA  
Deputy Secretary of State

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**LIST OF BOARD/COMMISSION VACANCIES**

*Updated: 08/17/2021*

<b>Board Name</b>	<b>Reappointments/Vacancies</b>	<b>Council member</b>
Board of Adjustment	One Alternate position	Any Councilmember

**APPLICATIONS RECEIVED TO BE ON A BOARD/COMMISSION**

<b>APPLICANT</b>	<b>BOARD REQUESTED</b>	<b>DATE RECEIVED</b>	<b>RESIDENCE DISTRICT</b>
Dennis McCown	LHPC	August 10, 2020	District 2
Anna Lowe	1 <sup>st</sup> - Planning & Zoning 2 <sup>nd</sup> – LHPC	August 13, 2020	Caldwell County Resident
Kristopher Krueger	LHPC Library Parks	December 21, 2020	District 3
Elizabeth Pickett	To be determined	December 21, 2020	District 3
Adella Fernandez	1 <sup>st</sup> - LEDC 2 <sup>nd</sup> - Planning & Zoning 3 <sup>rd</sup> – Parks & Recreation	July 21, 2021	District 3
Lue Edward D. Baker	1 <sup>st</sup> – Historic Preservation Comm. 2 <sup>nd</sup> – Parks & Recreation 3 <sup>rd</sup> – Planning & Zoning	August 18, 2021	District 4

<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><b>NOTES:</b> AIRPORT ADVISORY BOARD</p>	<p><b>Sec. 4-26. Membership; appointments.</b> 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><b>Sec. 4-28. Eligibility for board membership.</b> 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><b>Sec. 4-32. Limitations of authority.</b> 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><b>NOTES:</b> 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><b>NOTES:</b> ELECTRIC BOARD APPOINTMENTS</p>	<p><b>Sec. 12-132. Members.</b> (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><b>Sec. 12-133. Officers and quorum.</b> 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><b>NOTES:</b> HISTORIC PRESERVATION COMMISSION</p>	<p><b>Sec. 28-3. Historical preservation commission.</b> (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><b>NOTES:</b> PARKS ADVISORY BOARD</p>	<p><b>Sec. 40-133. Members.</b> (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>

<p><b>NOTES:</b> Lockhart Economic Dev Corp</p>	<p><b>LEDC Bylaws – Article II. Board of Directors</b>  <b>Section 1. Powers, Number and Term of Office</b>                  a. The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (The “Board”) under the guidance and direction of the Lockhart City Council and, subject to the restrictions imposed by law, by the Articles of Incorporation, and by these Bylaws the Board shall exercise all of the powers of the Corporation.                  b. The Board shall consist of seven directors, each of whom shall be appointed by the City Council of the City. Each director shall occupy a place (individually the “Place” and collectively, the “Places”) as designated herein. Places 1-4 are designated for Councilmember Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.                  c. The directors constituting the first Board shall be those directors named in the Articles of Incorporation. Successor directors shall have the qualifications, shall be of the classes of directors, and shall be appointed to the terms set forth in the Articles of Incorporation.                  d. Any director may be removed from office by the City Council at will.</p>
<p><b>NOTES:</b> ORDINANCE RE: ALL BOARD, COMMISSION APPOINTMENTS</p>	<p><b>Sec. 2-209. - Rules for appointment.</b>                  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.  <b>Section 2-210. Method of selection; number of members; terms.</b>                  (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.  <b>Sec. 2-212. Removal and resignation of members.</b>                  (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.</p>

<p><b>NOTES:</b> 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"> <li>• Councilmembers</li> <li>• City staff</li> <li>• Two Parks Advisory Board members</li> <li>• Business owners</li> <li>• Civic Organization members</li> </ul> <p>Committee will assist Burditt Consultants to perform tasks outlined in the Parks Master Plan.</p>
<p><b>NOTES:</b> 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><b>NOTES:</b> 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> <p>NOTE: First Branding and Wayfinding Committee disbanded/dissolved on December 18, 2018.</p> <p>UPDATE: Second Branding and Wayfinding Committee appointed on March 5, 2019.</p>

**NOTES:**  
HOTEL  
OCCUPANCY  
TAX ADVISORY  
BOARD  
(Est. 12-3-  
2019)

Sec. 54-127 MEMBERSHIP AND MEETING FREQUENCY

- a. The HOT Advisory Board should consist of five (5) members.
- b. Members shall consist of the following, the appointment of whom shall be confirmed by the City Council
  - i. A lodging facility representative;
  - ii. The City Manager or his/her designee;
  - iii. A former member of the City Council; and
  - iv. Two citizens nominated by Mayor.
- c. The HOT Advisory Board shall meet at least quarterly for allocation of funds and post-event reviews.
- d. Three Board members shall constitute a quorum.
- e. Each Board member shall serve a term of two years.
- f. Vacancies on the Board shall be filled by appointment by the City Council for the remainder of the existing term.

Sec. 54-128 PURPOSE AND RESPONSIBILITY

- a. The legislative functions of the city council shall in no way be delegated to the HOT Advisory Board. The HOT Advisory Board shall be considered a special purpose advisory committee.
- b. The purposes and responsibility of the HOT Advisory Board shall be:
  - i. To receive, review, and evaluate applications from organizations requesting HOT funds;
  - ii. To recommend allocation of HOT funds (as authorized by the Texas Tax Code, Chapter 351) to the City Council;
  - iii. To review the actual expenditures of HOT Funds;
  - iv. To offer suggestions for improvements or changes to the use or administration of HOT funds; and
  - v. To submit an annual report to the City Council that identifies approved expenditures by the City for the preceding year, reviews such approved expenditures in the context of compliance with state laws regarding the use of HOT funds, and evaluates the effectiveness of the approved HOT expenditures and the program.

Sec. 54-129 HOT FUND GRANT PROCESS AND POST-EVENT REPORTING

- a. Applications for funding will be considered at each meeting. Completed applications must be received ten (10) days prior to a meeting of the Board at which it will be reviewed.
- b. Applicants will be notified of the award of funds following approval by the City Council of the award, at which time one-half of approved funding will be awarded.
- c. The Board shall produce guidelines for approved applicants regarding a post-event report from each such applicant that demonstrates qualified expenditures
- d. A post-event report from each approved applicant is required in order for the applicant to receive final payment.

Sec. 54-130 HOT FUND GRANT PROCESS GUIDELINES.

- In considering the grant of HOT Funds, the Board and City Council shall:
- i. Ensure that each funding requests for HOT revenues is for one or more statutorily defined purpose;
  - ii. Establish and implement a policy of properly utilizing 100% of available HOT funds each year;
  - iii. Consider whether funding should be based on a formula for pre-determined activities consistent with authorized uses (e.g. advertising, arts, signage, historical restoration/preservation);
  - iv. Consider funding approaches that will allow for equitable funding opportunities for new as well as established events and activities; and
  - vi. Consider eligibility criteria beyond the Tax Code requirements (e.g. limiting grants to 25% of the total event budget or disallowing/limiting use of HOT funds for events' programs that occur on a regular (e.g. monthly) basis.

**COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS**

<b>Councilmember</b>	<b>Board/Commission</b>	<b>Appointee</b>	<b>Date Appointed</b>
Mayor – Lew White	Airport Board Board of Adjustment Construction Board Ec Dev. Corp. ½ Cent Sales Tax Electric Board Historical Preservation Library Board Parks and Recreation Planning & Zoning ETJ Rep-Impact Fee Adv Comm	John Hinnekamp Mike Annas Raymond DeLeon Alan Fielder, Vice-Chair Joe Colley, Chair John Lairsen Stephanie Riggins Karla Tate Ron Peterson Larry Metzler	01/19/21 01/19/21 01/19/21 01/19/21 01/19/21 01/19/21 01/19/21 02/02/21 01/19/21 01/19/21
District 1 – Juan Mendoza	Airport Board Board of Adjustment Construction Board Eco Dev. Corp, ½ Cent Sales Tax Electric Board Historical Preservation Library Board Parks and Recreation Planning & Zoning	Larry Burrier Lori Rangel Mike Votee Dyrall Thomas Frank Gomillion Christine Ohlendorf Shirley Williams Linda Thompson-Bennett Chris St. Leger	03/07/17 03/07/17 12/17/19 12/17/19 12/17/19 06/02/20 12/17/19 03/07/17 12/17/19 CM McGregor on behalf of Councilman Mendoza
District 2– David Bryant	Airport Board Board of Adjustment Construction Board Eco Dev. Corp. ½ Cent Sales Tax Electric Board Historical Preservation Library Board Parks and Recreation Planning & Zoning	Todd Blomerth Shawn Martinez Oscar Torres Jesse Maciel, Jr. James Briceno Ron Faulstich Quartermetra Hughes Lonnie Jones Manuel Oliva	05/05/20 03/17/21 10/20/20 08/17/21 10/20/20 10/20/20 10/20/20 10/20/20 04/06/21 10/20/20

**COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS**

District 3 – Kara McGregor	Airport Board Board of Adjustment  Construction Board Eco Dev. Corp. ½ Cent Sales Tax Electric Board Historical Preservation Library Board Parks and Recreation Planning & Zoning	Ray Chandler Anne Clark, Vice-Chair Kirk Smith (Alternate) Jerry West, Vice-Chair Sally Daniel John Voigt Ronda Reagan Jean Clark Fox, Chair Warren Burnett Philip McBride, Chair	02/06/18 02/23/21 12/05/17 01/19/21 01/05/21 01/19/21 01/19/21 01/19/21 01/19/21 01/19/21
District 4 - Jeffry Michelson	Airport Board Board of Adjustment Construction Board Eco Dev. Corp. ½ Cent Sales Tax Electric Board Historical Preservation Library Board Parks and Recreation Planning & Zoning	Mark Brown, Vice-Chair Wayne Reeder Rick Winnett Doug Foster Ian Stowe Michel Royal Donaly Brice Russell Wheeler Rick Arnic	03/07/17 12/15/20 12/05/17 11/17/20 12/15/20 07/07/20 12/15/20 12/15/20 12/15/20
Mayor Pro-Tem (At-Large) – Angie Gonzales-Sanchez	Airport Board Board of Adjustment Construction Board Eco Dev. Corp. ½ Cent Sales Tax Historical Preservation Library Board Parks and Recreation Planning & Zoning	Andrew Reyes Laura Cline, Chair Paul Martinez Alfredo Munoz Ray Ramsey Jodi King Lee Parra Philip Ruiz, Vice-Chair	01/07/20 01/07/20 01/07/20 01/07/20 07/07/20 01/07/20 08/17/21 01/07/20

**COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS**

<p>At-Large - Brad Westmoreland</p>	<p>Airport Board Board of Adjustment Construction Board (Alternate) Eco Dev. Corp. ½ Cent Sales Tax Historical Preservation Library Board Parks and Recreation Planning &amp; Zoning</p>	<p>Jayson “Tex” Cordova Severo Castillo Gary Shafer Frank Estrada Richard Thomson Rebecca Lockhart Dennis Placke Brad Lingvai</p>	<p>02/04/20 02/04/20 02/04/20 02/04/20 02/04/20 02/04/20 02/04/20 02/04/20</p>
	<p>Charter Review Commission (Five member commission) Term – 24 months after appointment</p>	<p>Ray Sanders Bill Hernandez Roland Velvin Elizabeth Raxter Alan Fielder</p>	<p>03/01/16 – Michelson 03/01/16 – Michelson 03/01/16 – Michelson 03/01/16 – Hilburn 03/15/16 – Hilburn</p>
	<p>Sign Review Committee (no longer meeting)</p>	<p>Gabe Medina Neto Madrigal Terry Black Kenneth Sneed Johnny Barron, Jr. Tim Clark</p>	<p>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</p>
	<p>Parks Master Plan Steering Committee (8-10 members)</p>	<p>Albert Villalapando Dennis Placke Nita McBride Rebecca Pulliam Bernie Rangel Derrick David Bryant Beverly Anderson Carl Ohlendorf Beverly Hill</p>	<p>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</p>



	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 09/1917 – 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)  <b>THIS COMMITTEE WAS -                  RE-ESTABLISHED ON                  MARCH 5, 2019</b>	Roy Watson Ronda Reagan Sally Daniel Rob Ortiz Bobby Herzog	03/05/19 03/05/19 03/05/19 03/05/19 03/05/19 Appointed by Mayor with consensus of Council
	HOT Advisory Bd	Ray Sanders Alfredo Munoz Archana “Archie” Gandhi Roxanne Rix Steve Lewis and Pam Larison Sally Daniel (Alternate) Janet Grigar (Alternate)	All members appointed by consensus of the Council on 12/03/2019



# City of Lockhart

2020-2021 Strategic Priorities

Prepared by:



## City of Lockhart

### Summary

On January 17 & 18, 2020 the City of Lockhart hosted two half-day planning sessions to develop goals and strategies for the next 2 years. Some of these goal areas were internal, whereas others were external. The following is the process used to reach the conclusions for the plan.

The process began with a preliminary phone meeting between the facilitator and Steve Lewis, City Manager, to go over key issues facing the City, understand the programs and projects underway through the community, and to prepare the agenda and format for the planning retreat.

The first portion of the strategic planning process began on Friday, January 17, 2020 with the City Manager and the City of Lockhart Management Team. The facilitator began by asking the Management Team participants what their expectations for discussion for the day were. She then conducted a group brainstorm exercise called Start/Stop/Continue that lists the things that need to begin happening, stop happening, and are mission-critical and must continue regardless of circumstances.

The facilitator then guided the Management Team through 2020-2021 goal and strategy development to recommend to the City Council the following day.

On Saturday, January 18, 2020, the City Council and City Manager convened to review, revise, and establish priorities related to the recommendations generated the day before by the Management Team. Prior to the review, the facilitator asked the City Council to list their expectations for discussion for the day.

The following are the results.

## Management Team Expectations for the Day's Discussion Topics

- Holistic view of the City
- Understanding other departments better
- Council to continue to be open to new ideas
- As the city grows, facilities and staff must keep up
- Next comprehensive master plan
- Establish an IT 3-5-year plan to keep current
- Replace phone systems and phone equipment
- Discuss records storage
- What is there for teens and tweens to do?
- Need administrative assistance
- Public Information Officer – keep information on point, factual, and streamlining voice: sharing voice vs. many voices
- Law enforcement: recruitment and administrative assistance
- Stick to implementing plan
- Fire equipment replacement plan and funding
- Achieve “needs” so we can work on “wants” for the future
- Customer service needs additional staff – same staffing level as 1000 accounts ago
- Technology training needed in Library (provide for public)
- Additional Library storage needed
- Electric services study needed and replace needed items
- Salary and compensation study to begin soon – want council to support and fund the results of the study

## City Council Expectations for the Day's Discussion Topics

- Improve work environment for staff
- Accomplish unfinished business from last strategic plan
- 142 & I-130 development
- Low-hanging fruit and larger longer-term goals
- Eliminate the red tape
- Look ahead to see what's next
- Balance citizen needs and staff needs
- Keep on track
- Prepare for quality growth
- Neighborhood beautification
- City Hall facilities
- Discuss hospital/after-hours clinic
- Hear staff recommendations

## Start/Stop/Continue

The facilitator guided the Management Team through an exercise that challenged them to brainstorm things that the City really needed to begin doing, what they should stop doing that could be a waste of resources, and what must they continue doing, regardless of circumstances. Below are their responses. Note that there are no right or wrong items; these are merely individuals' opinions about the things that should and shouldn't change in Lockhart. Just because one person has a certain opinion on a topic, that does not imply anyone else shared that opinion.

### Start

- Long-term street paving plan (paving/resurfacing)
- Electrical system study
- Formal grantsmanship program
- Records storage facility
- Digitize public works and utility records/maps
- Establish fee schedule for fire plan reviews and inspections
- Review development related fees
- Improve customer service at Police Department and Utilities Department by increasing administrative staff
- Start a Main Street Program
- New City facilities (abolish sewer smell)
- Consider a 4-day/10-hour work week option
- Annual review of facility maintenance, i.e. HVAC systems, etc.
- Make Parks Department into Parks and Recreation Department (start recreation program)
- Review and fund vehicle replacement fund
- Expand/improve airport facilities
- Figuring out how to generate more general fund revenues to pay for items on this “start” list

## Stop

- Printing reports – use digital reports when we can
- The waste in Archives
- Excessive paperwork related to personnel (consider paper reduction techniques instead)
- Making new employees wait 6 months to take time off/sick days/etc (other cities do 3 months)
- Excessive engine idling of city vehicles
- Worrying about other departments and focus on making your own team better
- Picking up commercial recycling for free
- Hanging highway banners for free
- Circulating city council department head reports monthly (do quarterly instead)
- Workshop portion of council meetings unless needed (they run too long)
- Referencing the past as “we have always done it that way” (we can be more innovative)

## Continue

- Effective communication with customers/website
- Planning for the future
- Maintaining hiring standards
- Improving community amenities finding external funding sources
- Succession planning and cross-training
- Staff meetings
- Learning new ways of doing things
- Employee longevity and retention efforts
- Good customer service
- Acknowledging staff accomplishments
- Great teamwork
- Parks improvements/parks master plan
- Efforts on wayfinding program
- Replacing aged power lines
- Planning and engineering for downtown paving and drainage improvements
- Providing utilities to areas of anticipated future growth and development
- Planning for future industrial parks
- Accreditation for Police and Fire Departments

## Recommendations from Staff:

The following items were recommendations from staff to city council. Items that have a checkbox (R) had agreement of city council the following day. The one item with no checkbox was rolled to consideration for 2022.

- Create and adopt 5-7-year paving/resurfacing plan (roads and sidewalks)
- Lockhart Police Department to conduct Active Shooter training for all City staff and elected officials and review official safety procedures for council meetings
- Explore asking the county for grant writer assistance
- Establish fee schedule for fire plan reviews and inspections
- Considering increasing existing fees for applications and development fees
- Develop an Airport Business Plan
- Research options for additional records storage
- Transition staff department reports from monthly to quarterly
- Pursue agenda management process and software
- Streamline paper processes where possible/evaluate software options
  - Utility billing
  - Applications
  - Council, boards, commissions:
    - Packets
    - Minutes






## Goal Development from City Council:

The following items were items identified by council to move forward on for 2020-2021:




- Establish a Hospital with an Emergency Room in town
- Sell church property
- Create resources via Lockhart EDC for proactive outreach to quality builders for additional housing
- Create a Youth Advisory Board to explore options around youth programs/activities
- Adopt a TIF (tax increment financing) policy prior to project being submitted
- Implement downtown drainage improvements
- Develop fiber down 142, 183, and the Central Business District
- Traffic safety improvements: turn lanes and traffic lights
- Consider submitting a multi-year street bond program to voters
- Begin TXDOT safety projects
- Promote a Neighborhood Watch Program
- Promote beautification projects through teamwork
- Clean up trash/enforcement
- Enhance lower income districts/beautification efforts









## Progress Reporting

The following icons are used to document progress of the following goals and strategies:

 = Completed
 = On Target or In Progress
 = Not on Target

### Goal 1: Economic Development / Planning

Strategies	2019-2020 Progress	2020-2021 Progress
1. Continue to partner with LISD and local youth organizations to encourage careers in local emergency services (Fire and Police)	 Partner with Boy Scouts to develop Police Explorer Program. Fire personnel attend and participate in LISD career days.	
2. Better collaborate with downtown stakeholders and both Chambers of Commerce		
3. Complete updating our development ordinances	 Revised Engineering Standards – presented to Council January 2020. Subdivision Regulations to follow.	







<p>4. Consider development tools to facilitate attraction / recruitment to SH 130 corridor</p>	 IEDC business park development study completed. Future consideration by LEDC.	
<p>5. Bring utilities, assist assembling parcels, rezoning tracts along SH 130/142 and become shovel-ready</p>	 Mostly done. Site development will facilitate the remainder.	
<p>6. Pursue prospects and developers and create a BRE (business retention and expansion) program</p>	 Hiring a second Economic Development practitioner.	
<p>7. Start investing in more property for growth</p>	 IEDC study.	
<p>8. Explore next industrial park</p>	 IEDC study.	
<p>9. HOT (Hotel Occupancy Tax) Funds – board to develop and adopt new process to collect payments from B&amp;Bs</p>	 HOT Advisory Board created. Board training and funding processes under review.	
<p>10. Adopt and implement the Economic Development Strategic Plan (currently underway by Garner Economics) by Q4 2020</p>	 LEDC Board hired Garner Economics January 2020	
<p>11. Robust LEDC website</p>	 Underway with EDsuite contract.	
<p>12. Create resources via Lockhart EDC for proactive outreach to quality builders for additional housing</p>	<p><i>N/A Brand new/created in 2020</i></p>	

Strategies	2019-2020 Progress	2020-2021 Progress
13. Adopt a TIF (tax increment financing) policy prior to project being submitted	<i>N/A Brand new/created in 2020</i>	
14. Develop fiber down 142, 183, and the Central Business District	<i>N/A Brand new/created in 2020</i>	

**Goal #1 KPIs / Metrics:**

- Did we partner with LISD & other youth organizations to encourage emergency services careers?
- Did we collaborate with downtown stakeholders and both Chambers of Commerce?
- Did we completely update our development ordinances?
- Did we brainstorm development tools for SH-130 development?
- Did we bring utilities and assemble parcels along SH-130?
- Did we develop shovel-ready development sites?
- Did we market those sites to prospective investors?
- Did we develop plans for our next industrial park?
- Did we revamp the way HOT funds are structured?
- Did we develop and implement an Economic Development Strategic Plan?
- Did the Lockhart EDC revamp their website to better attract investment?
- # of quality home builders the Lockhart EDC proactively reached out to in 2020-2021? \_\_\_\_\_
- Did we adopt a new TIF policy?
- # of miles of new fiber optics laid in Lockhart in 2020-2021? \_\_\_\_\_

**Goal 2: Quality of Life / Quality of Facilities**

Strategies	2019-2020 Progress	2020-2021 Progress
1. Invest money to improve the appearance of our town (streets, parks, entry signs)	 Doubled street resurfacing funds in FY 20; Parks Master Plan projects.	
2. Conduct and implement a Space Study of City Buildings and facilities including City Hall	 Budget established for FY 20 Space Study. RFP under development.	
3. Improve the image of City facilities as needed and conduct cosmetic improvements in the meantime	 See No. 2 above.	
4. Update, renovate, and construct City facilities as needed, based on the space study. Realize that remodel of Central Fire Station is likely next.	 Electrical panel upgrade at the Water Treatment Plant; Budget established for FY 20 Space Study; Fire Station No. 2 completed.	
5. Implement the Parks Master Plan, improving the quality of life for the community. What is in Phase 2: splash pad, restroom renovations, dog park, picnic shelter upgrades, and tree planting initiatives	 Multiple Phase I projects underway.	
6. Conduct a citywide quality of life citizen survey and ask council to fund.	 Allocate funds in FY 20-21; assign project to PIO.	
7. Establish a Hospital with an Emergency Room in town	<i>N/A Brand new/created in 2020</i>	
8. Sell church property	<i>N/A Brand new/created in 2020</i>	
9. Create a Youth Advisory Board to explore options around youth programs/activities	<i>N/A Brand new/created in 2020</i>	
10. Implement downtown drainage improvements	<i>N/A Brand new/created in 2020</i>	

Strategies	2019-2020 Progress	2020-2021 Progress
11. Consider submitting a multi-year street bond program to voters	<i>N/A Brand new/created in 2020</i>	
12. Promote beautification projects through teamwork	<i>N/A Brand new/created in 2020</i>	
13. Clean up trash/enforcement citywide	<i>N/A Brand new/created in 2020</i>	
14. Enhance lower income districts with beautification efforts	<i>N/A Brand new/created in 2020</i>	

**Goal #2 KPIs / Metrics:**

\$ amount invested in streets in 2019? \$ \_\_\_\_\_

\$ amount invested in parks in 2019? \$ \_\_\_\_\_

\$ amount invested in gateway entry signs in 2019? \$ \_\_\_\_\_

\$ amount invested in streets in 2020? \$ \_\_\_\_\_







\$ amount invested in parks in 2020? \$ \_\_\_\_\_




\$ amount invested in gateway entry signs in 2020? \$ \_\_\_\_\_

Which facilities did we improve the image of? \_\_\_\_\_

- Did we implement elements of the Parks Master Plan?
- Did we secure quotes on a Space Study of City buildings including City Hall?
- # of City-owned buildings we renovated or retrofitted? \_\_\_\_\_
- Did we conduct a citywide quality of life citizen survey?
- Did we address levels of service based on the citizen responses we received?
- Did we address levels of satisfaction based on the citizen responses we received?
- Did we address areas for improvement based on the citizen responses we received?
- Did we court hospital providers?
- Did we sell the church property?
- Did we create a Youth Advisory Board?
- Did we implement downtown drainage improvements?
- Did we fully investigate issuing a street bond?
- Did we fully enforce trash clean up around town?
- Did we specifically target lower income neighborhoods for new beautification projects?

**Goal 3: Staffing / Personnel**

Strategies	2019-2020 Progress	2020-2021 Progress
1. Consider hiring additional personnel (engineer, IT, etc.)	 In FY 20, staffing levels were increased by 2 full-time and 1 part-time positions.	
2. Conduct a staffing study that includes evaluating efficiencies and compensation	 Classification and Compensation Study underway.	
3. Right size staffing levels city-wide based on study results	 No funding was allocated for such a study; discuss need/timing of study during FY 20-21 budget process.	
4. Consider starting salaries that compete with surrounding communities	 Classification and Compensation Study underway.	
5. Be consistent with staff development / policies / purchasing procedures	 Comprehensive Purchasing Policy under development (anticipated to be complete 1 <sup>st</sup> quarter of 2020). Revision of City Personnel Policy underway.	
6. Implement a staff development program (be consistent)	 House Bill 3834 mandated cybersecurity training for all employees with computer access and elected officials – cybersecurity training program underway.	

Strategies	2019-2020 Progress	2020-2021 Progress
7. Start developing / preparing current staff to take on leadership roles within the organization in the future. Work on succession planning: add Fire, add Electric, add Streets, and add Animal Control.	 Emphasis on leadership training for police personnel, cross training of job duties underway in Finance Department.	
8. Recruit and attract more bi-lingual staff	 No funding was allocated to recruit bi-lingual staff; explore possible options during FY 20-21 budget process and the classification and compensation study.	
9. Customer service / experience excellence training for the Utility and Planning Development teams	 Training budgeted item in FY 20 for Utility Customer Services staff.	

**Goal #3 KPIs / Metrics:**

# of new positions in 2019? \_\_\_\_\_

# of new positions in 2020 and 2021? \_\_\_\_\_

Did we perform a staffing efficiency/compensation study?

Did we right-size our salaries based on that study by the end of 2020?

Did we develop new consistent policies and procedures regarding professional development of staff?

Did we develop new consistent policies and procedures regarding purchasing/procurement?

Did we create and implement a new staff development program to ensure everyone has training opportunities?

Did we begin grooming current staff for future leadership roles?







How many staff do we have on a leadership track by the end of 2020?



# of new employees added in 2019 through 2021 who are bilingual? \_\_\_\_\_

Did we deliver Customer Experience Excellence training to every City employee?



**Goal 4: Procedures / IT Management and Services**



Strategies	2019-2020 Progress	2020-2021 Progress
1. Improve technology / create specific strategies to have better IT support based on Assessment results	 New outside IT management team hired; Strategic plan for current and emerging issues (cyber) near completion.	
2. Upgrade all technology-related issues as recommended – desktops, servers, software, equipment, and peripherals. \$100K will pay for equipment, \$20K is licensing agreement costs.	 City-wide replacement of desktops with current operating systems complete; new servers in current fiscal year.	
3. Create a 5-year rolling IT equipment replacement plan	 See above notes 1 and 2.	
4. Provide superior service by keeping technology up to date and being able to communicate with the public (keep an open line of communication through website.) Purchase next modules: INCODE	 New PIO hired. Increased social media updates. INCODE permits and inspections software module implemented to track permit and inspections progress; online access to permit applications and tracking underway.	
5. Upgrade the server system	 Desktop operating systems upgrade 100% complete. Server upgrades in progress.	
6. Streamline technology hardware, software processes within the City, based on Assessment recommendations	 Ongoing and FY 20-21.	





Strategies	2019-2020 Progress	2020-2021 Progress
7. Upgrade all equipment and software and be trained on specific software to be used to maximum potential and determine which staff will require which trainings.	 Current year 2020 departmental goal.	
8. Explore implementing downtown Wi-Fi	 To be addressed in 2020 or 2021. Explore options with the Downtown Business Association and both Chambers of Commerce.	

**Goal #4 KPIs / Metrics:**

- Did we secure top quality technology support across all departments by the end of 2020?
- Did we upgrade our desktop computers?
- % of employees who received upgraded computers by the end of 2020 (from 2018 numbers)? \_\_\_\_\_
- Did we upgrade our servers?
- Did we upgrade our computer software, subscriptions, and licenses?
- Did we upgrade our peripherals?
- Did we upgrade our other technology equipment?
- Did we establish an IT policy for updates and replacements that will keep us up-to-date from now through the future?
- Did we upgrade our City server system?
- Did we streamline our City technology processes?
- Did we secure training for staff to use all new equipment properly and efficiently?
- Did we investigate implementing WiFi throughout Downtown Lockhart?

**Goal 5: Public Safety**

Strategies	2019-2020 Progress	2020-2021 Progress
1. Provide quality public safety to all citizens of Lockhart		
a. Develop a specific Retention Strategy first	 <p>City-wide classification and compensation study underway.  <b>Fire:</b> Council approved 7% salary adjustment in FY 19-20.  <b>Police:</b> all officers to attend leadership training, host ceremonial recognition events, retention strategy under development.</p>	
b. Continue to implement hiring strategies we developed such as Fire and Police.	 <p><b>Fire:</b> Use of recruitment video; developing recruitment flyer for use with LISD and the public; career day with Lockhart High School students; Fire Chief to serve on LISD Career and Technical Education Advisory Committee.  <b>Police:</b> In 2019, Lockhart Police Officers visited with police cadets attending the AACOG Academy and made presentations to 2 classes of prospective candidates. In 1<sup>st</sup> quarter of 2020, LPD will make presentations to the CAPCOG Academy currently in progress.</p>	

Strategies	2019-2020 Progress	2020-2021 Progress
c. Long-term public safety facility planning for Station #1.	 Completed Fire Station No. 2. Analysis and cost estimate to remodel and upgrade Fire Station No. 1 underway.	
d. Develop an equipment replacement schedule. Seek funding for existing equipment (fire apparatus and patrol cars) replacements.	 Developed an ambulance replacement schedule with Caldwell County and Seton. Upgrades to two-way radios (portables and mobiles) underway.	
e. Continue to ensure use of best practices / standards (research best practices, then implement)	 <b>Fire:</b> Fire Department is preparing an emergency management tabletop exercise for City staff. <b>Police:</b> Upgraded Police Officer body-worn cameras to 3 <sup>rd</sup> generation models.	
f. Evaluate Accreditation opportunities	 <b>Fire:</b> Reviewing the Texas Fire Chief’s Association (TFCA) accreditation process before formal enrollment. <b>Police:</b> Currently reviewing the 166 Texas Law Enforcement Best Practices. Will submit for recognition in the 3 <sup>rd</sup> quarter of 2020.	

Strategies	2019-2020 Progress	2020-2021 Progress
g. Traffic safety improvements: turn lanes and traffic lights	<i>N/A Brand new/created in 2020</i>	
h. Begin TXDOT safety projects	<i>N/A Brand new/created in 2020</i>	
i. Promote a Neighborhood Watch Program	<i>N/A Brand new/created in 2020</i>	

**Goal #5 KPIs / Metrics:**

# of new law enforcement officers hired in 2019? \_\_\_\_\_

# of new law enforcement officers hired in 2020? \_\_\_\_\_

# of new law enforcement officers hired in 2021? \_\_\_\_\_

% law enforcement officers retained? \_\_\_\_\_%

# of new firefighters hired in 2019? \_\_\_\_\_

# of new firefighters hired in 2020? \_\_\_\_\_

# of new firefighters hired in 2021? \_\_\_\_\_

% firefighters retained? \_\_\_\_\_%

- Did we develop a long-term public safety facilities plan?
- Did we develop a public safety equipment replacement schedule?
- Did we implement that new replacement schedule?
- Did we research and record best practices across the country regarding public safety policy?
- Did we make any modifications to our public safety policies based on that research?
- Did we explore and evaluate Accreditation opportunities?
- Did we implement new turn lane and traffic light improvements in 2020-2021?
- Did we begin the TXDOT safety projects?
- Did we proactively promote a Neighborhood Watch Program for Lockhart?

## **Conclusion**

At the end of the planning retreat, the facilitator reminded all the participants that these goals would only be achieved if they held true to their commitments today to implement these specific strategies and tactics.

She reminded them that they are one team working toward one vision. The city council and management team agreed to use this document regularly throughout 2020 and 2021 to track progress and measure accomplishments.



# City of Lockhart

2019-2020 Strategic Priorities

Prepared by:



# City of Lockhart

## Summary

On February 1 & 2, 2019 the City of Lockhart hosted two half-day planning sessions to develop goals and strategies for the next 2 years. Some of these goal areas were internal, whereas others were external. The following is the process used to reach the conclusions for the plan.

The process began with a preliminary phone meeting between the facilitator and Steve Lewis, City Manager, to go over key issues facing the City, understand the programs and projects underway through the community, and to prepare the agenda and format for the planning retreat.

The first portion of the strategic planning process began on Friday, February 1, 2019 with the City Manager and the City of Lockhart Management Team. The facilitator began by asking the Management Team participants what their expectations for discussion for the day were. She then took the team through a SWOT (Strengths, Weaknesses, Opportunities, & Threats) Analysis. The next group exercise was a brainstorm called Start/Stop/Continue that lists the things that need to begin happening, stop happening, and are mission-critical and must continue regardless of circumstances.

The facilitator then guided the Management Team through 2019-2020 goal and strategy development to recommend to the City Council the following day.

On Saturday, February 2, 2019, the City Council and City Manager convened to review, revise, and establish priorities related to the recommendations generated the day before by the Management Team. Prior to the review, the facilitator asked the City Council to list their expectations for discussion for the day.

The following are the results.



## Management Team Expectations for the Day's Discussion Topics

- That City Council will take what we say seriously
- Consider all staff in decisions
- Hear each other's goals
- Live by the plans we create / develop
- That Council develop goals / priorities based on sound data / research
- Focus
- Consider quality of life as over-arching goal
- Discuss business attraction vs. recruitment
- Being prepared for growth
- Facilities improvements
- Facilities maintenance
- How do we give back to those who need extra help?
- Smart land use practices
- Discuss Tourists/Tourism – what is there for kids to do while in town visiting family?

## City Council Expectations for the Day's Discussion Topics

- Capitalize on Tourism
- Discuss Wi-Fi
- Capitalize on BBQ Capital of Texas
- Cleaning up of unsightly properties (residential)
- Work in unity today
- Serve our community
- Focus
- To discuss Economic Development targeting technology jobs
- Industrial Park is full – now what?
- Cleaning up of City properties / facilities
- Actually implement our goals
- Discuss the direction of Economic Development
- Think bigger / think change / embrace change
- Develop our identity
- Attractive gateway signage
- Employee wages
- Technology infrastructure

## SWOT Analysis

The facilitator guided the participants through an analysis of their current Strengths, the current Weaknesses or Challenges they are facing, Opportunities that may come their way in the future, and Threats that are possible to occur in the future. Note that there are no right or wrong answers here and no implication of likelihood. This is simply a brainstorm of the opinions of the participants to get them thinking about goals in the next portion. The Management Team listed their responses first, then the City Council added additional items the following day.

### Strengths

- Historic district
- County seat
- BBQ Capital of Texas
- Location to highways
- Tourism
- Small town (family-oriented)
- Growing – room for more
- Desire to manage growth
- Good development process
- Proximity to Austin
- Comparable housing prices
- Existing capacity of utilities
- Easy mobility
- Economic Development Sales tax
- Clark Library
- Baker Theatre
- Ease of developing land (flat)
- Employees who experience long tenure
- Volunteers
- CTR (Chisholm Trail Roundup) & other local events
- Community support
- Recognizable court house
- Movies / film production (TFC)
- Long-term water planning
- High-level financial planning
- Competitive building / development fees
- “Real” city with well-managed growth
- New energy
- Proximity to large cities / airport
- New residents – new ideas – changing priorities
- Diversity
- First Friday Downtown Event

## Weaknesses / Challenges

- Incentives – Economic Development lack of use
- Technology – aging equipment and software
- Infrastructure
- Facilities – condition / maintenance
- Competitive salaries within region
- Training opportunities
  - Professional development
  - Budget
- Closed minds – have always done it this way
- Tourism
- Managing growth
- Need for succession planning
- Public perception influencing job applicant pool
- Weak tax base
- Limited in-town post-secondary educational opportunities
- Lack of retail
- Lack of entertainment (kids)
- Limited grocery options
- City-owned property
- College
- Venue / convention center
- Lack of hotels
- Entryways to community
- Not using TIF financing
- Emerging downtown organization
- How to effectively support increasing, ever-growing number of festivals
  - Create packages for vendors and festivals
- No city recreation programs
- In-kind services
- Very limited public transportation services
- Outdated web information
- Poor communication with citizens

## Opportunities

- Expand airport (hangars)
  - Install AWOS (Automated Weather Observing System)
- Improve working conditions of employees
- Proximity to Austin
- Implement first phase of parks master plan
- SH-130 has great properties but not city-owned property
- Undeveloped lots on Square and north / northwest of Square
- Long-tenured elected leadership
- Increase community involvement
- To develop positive relationship with County, School, and organizations
- Quality economic growth
- Franchise recreational or entertainment venues (theaters, bowling, outlets, concerts, water parks)
- Community college campus
- Increased communication needed with ISD for school planning, infrastructure, etc.
- Expand walking / biking opportunities for exercise and community involvement
- Lockhart Springs (natural spring)
- Lockhart State Park transfer to City
- Potential residential development around golf course
- Development within historic district
- School district growth
- Housing growth
- Business growth
- St. Paul Church and other redevelopment opportunities
- Hospital / medical facilities
- Public bathrooms downtown
- Develop Industrial Park
- More involvement with San Marcos Greater Partnership
- Partnership with Austin Chamber
- EDC \$ will go further today than in 2 years (spec buildings, parking)

## Threats

- Economic recession
- Voter turnout
- Government shutdown
- Citizen input
- Natural disaster
- Leadership in government
- Lack of economic development direction
- Competition from other cities
- Lack of resources
- Building maintenance
- Technology – cyber security
- Surging population
- Infrastructure improvement
- Maintaining reputation
- Planning without follow through
- Lack of educated workforce – skilled labor
- Crime
- Lack of workforce – people
- Retention and hiring
- Youth retention
- School quality
- Lack of industry
- Lack of racial unity
- Micro-managing
- Other utilities providers
- Homeless services – transportation
- Types of future growth

## Start/Stop/Continue

The facilitator guided the Management Team through an exercise that challenged them to brainstorm things that the City really needed to begin doing, what they should stop doing that could be a waste of resources, and what must they continue doing, regardless of circumstances. Below are their responses. Note that there are no right or wrong items; these are merely individuals' opinions about the things that should and shouldn't change in Lockhart. Just because one person has a certain opinion on a topic, that does not imply anyone else shared that opinion.

### Start

- Space allocation study
- Renovate City buildings – construct
- Downtown bathrooms
- Improve salaries – salary survey
- Staff development program / policies / procedures
- Consistency in purchasing
  - Revamp purchasing policy
- Replacing capital equipment / vehicles – vehicle fund
- Mandatory single stream recycling
- IT department, in-house City Engineer
- New technology in terms of equipment, network, server, software
- Re-assess who is in charge of downtown redevelopment
  - Name which entity (or entities) funds downtown redevelopment initiatives
  - Name which entity (or entities) manages downtown redevelopment initiatives
- 2020 Comprehensive Master Plan Update that includes a future land use plan and map

## Stop

- In-house utility billing (consider outsourcing)
- Outsourcing IT (consider bringing in-house)
- Repetitive useless paperwork (paperwork/policies must be updated and streamlined)
- Increasing overtime in fire and police (hire more to fix this issue)
- Using outdated equipment
- Hand -picking collections of recycled goods (business pick up)
- Laying asphalt driveway approaches for “free”
- Demolition of condemned houses – stop doing in-house (needs to be outsourced)

## Continue

- Meeting with County, City, School, Chamber, EDC
- Implementing 2020 Plan and Updates
- Attracting businesses – growth
- Providing superior service
- Redeveloping Downtown
- Implement Parks Master Plan
- Being a great place to work
- Public investments along SH-130
- Supporting festivals / movie projects
- Financial planning
- Embracing tourism



**Goal 1: Economic Development / Planning**

<b>Strategies</b>
1. Partner with LISD and local youth organizations to encourage careers in local emergency services (Fire and Police)
2. Reassess who is in charge of managing and funding downtown development and tourism
3. Attract a post-secondary education campus / facility
4. Complete updating our development ordinances
5. Consider development tools to facilitate attraction / recruitment to SH 130 corridor
6. Bring utilities, assist assembling parcels, rezoning tracts along SH 130
a) Shovel ready
b) Pursue prospects
7. Start investing in more property for growth
8. Explore next industrial park
9. HOT (Hotel Occupancy Tax) Funds – revamp structure
10. Economic Development Strategic Plan
11. Robust LEDC website

***Goal #1 KPIs / Metrics:***

- Did we partner with LISD & other youth organizations to encourage emergency services careers?
- Did we reassess downtown development and tourism initiatives and who leads each?
- Did we initiate efforts to attract a post-secondary educational institution or facility to Lockhart?
- Did we completely update our development ordinances?
- Did we brainstorm development tools for SH-130 development?
- Did we bring utilities and assemble parcels along SH-130?
- Did we develop shovel-ready development sites?
- Did we market those sites to prospective investors?
- Did we develop plans for our next industrial park?
- Did we revamp the way HOT funds are structured?
- Did we develop and implement an Economic Development Strategic Plan?
- Did the Lockhart EDC revamp their website to better attract investment?

## Goal 2: Quality of Life / Quality of Facilities

Strategies
1. Invest money to improve the appearance of our town (streets, parks, entry signs)
2. Conduct a Space Study of City Buildings and facilities including City Hall
3. Improve the image of City facilities as needed
4. Update, renovate, and construct City facilities as needed
5. Implement the Parks Master Plan, improving the quality of life for community
6. Conduct a citywide quality of life citizen survey

### Goal #2 KPIs / Metrics:

\$ amount invested in streets in 2019 and 2020? \$ \_\_\_\_\_

\$ amount invested in parks in 2019 and 2020? \$ \_\_\_\_\_

\$ amount invested in gateway entry signs in 2019 and 2020? \$ \_\_\_\_\_

# of City facilities we improved the appearance of? \_\_\_\_\_

- Which facilities did we improve the image of?
- Did we implement elements of the Parks Master Plan?
- Did we secure quotes on a Space Study of City buildings including City Hall?
- How many City-owned buildings did we renovate or retrofit?
- Did we conduct a citywide quality of life citizen survey?
- Did we address levels of service based on the citizen responses we received?
- Did we address levels of satisfaction based on the citizen responses we received?
- Did we address areas for improvement based on the citizen responses we received?

### Goal 3: Staffing / Personnel

Strategies
1. Consider hiring additional personnel (engineer, IT, etc.)
2. Conduct a staffing study that includes evaluating efficiencies and compensations
3. Right size staffing levels city-wide based on study results
3. Consider starting salaries that compete with surrounding communities
4. Be consistent with staff development / policies / purchasing procedures
5. Implement a staff development program (be consistent)
6. Start developing / preparing current staff to take on leadership roles within the organization in the future
7. Bi-lingual staff
8. Customer service / experience excellence training

#### Goal #3 KPIs / Metrics:

# of new positions in 2019 and 2020? \_\_\_\_\_

- Did we perform a staffing efficiency/compensation study?
- Did we right-size our salaries based on that study by the end of 2020?
- Did we develop new consistent policies and procedures regarding professional development of staff?
- Did we develop new consistent policies and procedures regarding purchasing/procurement?
- Did we create and implement a new staff development program to ensure everyone has training opportunities?
- Did we begin grooming current staff for future leadership roles?
- How many staff do we have on a leadership track by the end of 2020?

# of new employees added in 2019 and 2020 who are bilingual? \_\_\_\_\_

- Did we deliver Customer Experience Excellence training to every City employee?

**Goal 4: Procedures / IT / Software and Hardware**

<b>Strategies</b>
1. Conduct a Technology Assessment that yields specific recommendations
2. Improve technology / create specific strategies to have better IT support based on Assessment results
3. Upgrade all technology-related issues as recommended – desktops, servers, software, equipment, and peripherals
4. Start replacing old equipment
5. Provide superior service by keeping technology up to date and being able to communicate with the public (keep an open line of communication through website)
6. Carefully weigh all the pros and cons of considering bringing IT in-house
7. Upgrade the operating system
8. Streamline technology hardware, software processes within the City, based on Assessment recommendations
9. Upgrade all equipment and software and be trained on specific software to be used to maximum potential
10. Explore implementing downtown Wi-Fi

**Goal #4 KPIs / Metrics:**

- Did we conduct a Technology Assessment?
- Did we secure top quality technology support across all departments by the end of 2020?
- Did we upgrade our desktop computers?  
% of employees who received upgraded computers by the end of 2020 (from 2018 numbers)? \_\_\_\_\_
- Did we upgrade our servers?
- Did we upgrade our computer software, subscriptions, and licenses?
- Did we upgrade our peripherals?
- Did we upgrade our other technology equipment?
- Did we establish an IT policy for updates and replacements that will keep us up-to-date from now through the future?
- Did we carefully weigh all the pros and cons of keeping IT outsourced vs. bringing it in-house?
- Did we upgrade our City operating system?
- Did we streamline our City technology processes?
- Did we secure training for staff to use all new equipment properly and efficiently?
- Did we investigate implementing WiFi throughout Downtown Lockhart?

## Goal 5: Public Safety

Strategies
1. Provide quality public safety to all citizens of Lockhart
a) Develop a specific Retention Strategy first
b) Develop a specific Hiring Strategy
c) Long-term public safety facility planning
d) Develop an equipment replacement schedule
e) Ensure use of best practices / standards (research best practices, then implement)
f) Evaluate Accreditation opportunities

### Goal #5 KPIs / Metrics:

# of new law enforcement officers hired in 2019?

# of new law enforcement officers hired in 2020?

% law enforcement officers retained?

# of new firefighters hired in 2019?

# of new firefighters hired in 2020?

% firefighters retained?

Did we develop a long-term public safety facilities plan?

Did we develop a public safety equipment replacement schedule?

Did we implement that new replacement schedule?

Did we research and record best practices across the country regarding public safety policy?

Did we make any modifications to our public safety policies based on that research?

Did we explore and evaluate Accreditation opportunities?

## Conclusion

At the end of the planning retreat, the facilitator reminded all the participants that these goals would only be achieved if they held true to their commitments today to implement these specific strategies and tactics.

She reminded them that they are one team working toward one vision. The participants agreed to use this document regularly throughout 2019 and 2020 to track progress and measure accomplishments.



**CITY COUNCIL FY 18-19 GOALS (FINAL COMBINED)**

**PRIORITY ORDER**

<b>COUNCILMEMBER</b>	<b>PRIORITY</b>	<b>FY 18-19 GOALS</b>
CASTILLO	1	Infrastructure Improvements: streets
GONZALES-SANCHEZ	1	Hire A City Manager
MCGREGOR	1	Economic development, creating and retaining jobs, grocery campaign.
MENDOZA	1	Pay Raise City Employees.
MICHELSON	1	Public relations position/ get the word out about Lockhart (promoting)
WESTMORELAND	1	Infrastructure Improvements: streets
WHITE	1	Economic development, creating and retaining jobs, grocery campaign.
CASTILLO	2	Economic development, creating and retaining jobs, grocery campaign.
GONZALES-SANCHEZ	2	All Department Heads to Budget Salary Increases for all City Employees.
MCGREGOR	2	Work with LISD to establish a community recreation center at the Adams Gym, per under Parks
MENDOZA	2	Economic development, creating and retaining jobs, grocery campaign.
MICHELSON	2	Signage in Lockhart (highway, downtown, and toll) / Wayfinding, branding,,,) )
WESTMORELAND	2	Signage in Lockhart (highway, downtown, and toll) / Wayfinding, branding,,,) )
WHITE	2	Public relations position
CASTILLO	3	Continued police community committee involvement, neighborhood watch, gang awareness
GONZALES-SANCHEZ	3	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods
MCGREGOR	3	Prepare Fire Station #3 (so we can have existing station remodeled)
MENDOZA	3	Continued police community committee involvement, neighborhood watch, gang awareness
MICHELSON	3	Prepare Fire Station #3 (so we can have existing station remodeled)
WESTMORELAND	3	More enforcement of codes directed at unsightly properties
WHITE	3	Wayfinding, branding, develop new entry sign and city markers
CASTILLO	4	City Facilities: Maintenance and repairs Economic Development: Recruit more businesses especially 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 specialty shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city.
GONZALES-SANCHEZ	4	Public relations position work with social media/ get the word out about Lockhart
MCGREGOR	4	Public relations position work with social media/ get the word out about Lockhart
MENDOZA	4	City Facilities: Maintenance and repairs

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**CITY COUNCIL FY 18-19 GOALS (FINAL COMBINED)**

**PRIORITY ORDER**

<b>COUNCILMEMBER</b>	<b>PRIORITY</b>	<b>FY 18-19 GOALS</b>
MICHELSON	4	Refurbish City Hall inside (making it more inviting)
WESTMORELAND	4	Move forward with St Paul property project
WHITE	4	Park improvements- consider medium to long range plan for Town Branch development
CASTILLO	5	Affordable housing 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 a lot of training that is free but a lot additional money for registration fees and course material.
GONZALES-SANCHEZ	5	
MCGREGOR	5	Free public wifi on the square
MENDOZA	5	Parks improvements
MICHELSON	5	Continued police community committee involvement, neighborhood watch, gang awareness
WESTMORELAND	5	Angled parking downtown: N Main and N Commerce Sts(change during downtown drainage project)
WHITE	5	Continued police community committee involvement, neighborhood watch, gang awareness
CASTILLO	6	Wellness for employees

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## CITY COUNCIL FY 18-19 GOALS

### Category Order and Comments by City Manager

Council agreed at February 13 meeting that each Councilmember will submit at least 5 category goals in priority order to the City Manager to be considered by Council at first meeting in March, 2018

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY FINAL LIST BY COUNCIL PRIORITIZED BY CATEGORY: SUBMIT TO CITY MGR BY MARCH 1 PLEASE	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY
		Improve communication between City and Chamber of Commerce	In-House	Chamber
		City Facilities	GF	City Bldgs
		Refurbish City Hall inside (making it more inviting)	Gen Fund	City Bldgs
		Prepare Fire Station 3 (so we can have main station remodeled)	Gen Fund	City Bldgs
		Hire A City Manager. Hire a City Manager that is Well Rounded and Experienced and Will Help our City to Continue to Grow for the right and positive reasons. To hire a City Manager that will allow our Department Heads to Grow and Improve Our Departments with their recommended suggestions not only from our department heads but from our employees. Working Smarter not Harder.	GF	City Manager
		More code enforcement of codes directed at unsightly properties	In-House	Code Enforc
		Continue demo of unsafe structures and pursue liens aggressively	GF	Code Enforc
		Convention Center. Our city is growing and there are too many events, programs and conferences that are going to other surrounding areas to have these events and those surrounding area businesses are benefitting and money is being spent in those areas instead on money being spent in our city. Granted, we do have meeting facilities in our city but these meeting facilities do not accomodate the number of people for the above events that have been mentioned.	GF	Convention Center
		Downtown improvements-lighting, pedestrian safety, south plaza idea? Sculpture? Sidewalk mosaics?	GF	Downtown
		Economic development, creating and retaining jobs, grocery campaign	general fund, LEDC	Econo Devl
		Economic Development	GF	Econo Devl
		Expand economic development (by helping to spread the word & being more involved)	Gen Fund	Econo Devl
		Economic Development: Recruit 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. Art Galleries and Music Venues have increased within our downtown area and though many many not appreciate these type of business and or venues, it is good for our downtown and its livelihood. Let's work on getting more of the speciality shops and boutiques in or around the sqare.	GF	Econo Devl
		Pay raise across the board	GF	Employees
		All Department Heads to Budget Salary Increases for all City Employees.	GF	Employees
		Wellness for employees	GF	Employees
		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 altenating system, especailly during the holidays. I did appreciate that the city employees were allowed to stay home during our icy, sleet and snow days. The safety of our employees is very important.	GF	Employees
		Subdivision developemnt to attract more businesses to Lockhart. Increase the number of homes, apartments, housing. Our city is growing with new citizens wanting to make Lockhart their home but due to the number of housing available, they wait and or possibly lose interest.	GF	Housing
		Infrastructure	GF	Infrastructure
		Infrastructure improvement- uncurbed streets, street rehab	GF	Infrastructure
		Improve Streets (repairs)	In-House	Infrastructure

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		Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	GF	Infrastructure
		Angled parking for N Main and N Commerce Streets (change during downtown project)	In-House	Parking Downtown
		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. Our city is growing and we have been very fortunate with our parking however, it is a concern especially when you have the bigger and wider trucks that are parked in an area that is for a moderate size car. It becomes a hazard and a blind spot when trying to reverse out of the parking space and a blind spot for any and all pedestrians.	GF	Parking Downtown
		Continue to work on City Park improvements	Gen Fund	Parks
		Revive all City parks	Grants	Parks
		Work with LISD to establish a community recreation center at Adams Gym, perhaps under Parks (PUBLIC HEALTH/PARKS)	General Fund/Parks & Rec	Parks
		Add 3 positions to the Parks Department, to help facilitate other improvements (PARKS)	General Fund/Parks & Rec	Parks
		Park improvements - consider medium to long range Town branch development	GF	Parks
		Develop a dog park as part of the Stueve Lane Monte Vista Tract (PARKS/ANIMAL SHELTER/PUBLIC HEALTH)	General Fund/Parks & Rec	Parks
		Parks Improvemens: Purchase and update the park equipment to provide safe and fun filled parks for all to use.	GF	Parks
		Start Planning for 2040 plan	GF	Planning
		Police	GF	Police
		Continued Police Community committee involvement, neighborhood watch, gang awareness	GF	Police
		Work with Police Department to bring back drug enforcement program	Gen Fund	Police
		Get back to Neighborhood Townhall Meetings	GF	Police
		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. I am grateful that the Police Department did invest in our Drug Dog and is being utilized by the school as well.	GF	Police
		High School cadet programs for police, fire, EMS	GF	Police/Fire
		Public relations position to deal with social media	GF	Public Relations
		Get the word out about Lockhart (promoting, hiring a Public Relations person)	Gen Fund	Public Relations
		Sidewalk repair and expansion	GF	Sidewalks
		Signage in Lockhart (highway, downtown, and toll road)	Gen Fund	Signage
		Wayfinding, branding - develop new entry sign and city property markers	GF	Signage
		Move Forward with St Paul property project	In-House	St Paul Gift
		Develop an oral history project to support a future "Walking Tour" app for Lockhart (ECONOMIC DEV/DOWNTOWN)	General Fund/Fundraising	Tourism
		More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants). Added events, especially the events that are free to the public do very well for the city as well as for the businesses and tourism. I welcome new events to the city but need to be selective in the events that we do host.	GF	Tourism
		Create a Good Neighbor program (Lockhart Utility Customers can add an additional amount to utility bill to help others)	GF	Utility Customers

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		Access to Municipal Court for Utility Payments	In-House	Utility Customers
		Free public wifi on the square as part of the redevelopment on the North side (ECONOMIC DEV/DOWNTOWN)	CAPCOG Grant?	Wifi
		Free public wifi on the square as part of the redevelopment on the North side	GF	Wifi

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
BW	7	Improve communication between City and Chamber of Commerce	In-House	Chamber	City Staff works together with Chambers on all their events by being a co-sponsor with many in-kind services. Robert Tobias attends their meetings and periodically makes presentations about Economic Development issues.
JC	4	City Facilities	GF	City Bldgs	Budget for roofs and major repairs
JEFF M	5	Refurbish City Hall inside (making it more inviting)	Gen Fund	City Bldgs	Working on it; repairs to ceiling in progress, restrooms to be refurbished and replace signage with more informative directions.
JEFF M	7	Prepare Fire Station 3 (so we can have main station remodeled)	Gen Fund	City Bldgs	New plans will be prepared working with new Chief who has different ideas than the previous Chief
AGS	1	Hire A City Manager. Hire a City Manager that is Well Rounded and Experienced and Will Help our City to Continue to Grow for the right and positive reasons. To hire a City Manager that will allow our Department Heads to Grow and Improve Our Departments with their recommended suggestions not only from our department heads but from our employees. Working Smarter not Harder.	GF	City Manager	I concur. The current City Mgr has rode back of garbage trucks, climbed electrical poles, worked water/sewer/asphalt/concrete projects, and has been a utility collections clerk, and during these experiences learned the value of suggestions for charge that comes from employees in such positions. All department heads/supervisors are encouraged to listen to employees who have constructive ideas that would benefit in performing assigned tasks. City Mgr has also learned there are employees who keep there hands in their pockets and talk while everyone else is working and these are the same ones who are often found to be dishonest in their paperwork, sleep on the job, and have a poor attendance record.
BW	1	More code enforcement of codes directed at unsightly properties	In-House	Code Enforc	Will continue to address as complaints come in and as found during investigation outings.
LW	8	Continue demo of unsafe structures and pursue liens aggressively	GF	Code Enforc	Will continue to address and City Attorney exploring process to recover demolition costs
AGS	11	Convention Center. Our city is growing and there are too many events, programs and conferences that are going to other surrounding areas to have these events and those surrounding area businesses are benefitting and money is being spent in those areas instead on money being spent in our city. Granted, we do have meeting facilities in our city but these meeting facilities do not accommodate the number of people for the above events that have been mentioned.	GF	Convention Center	HOT funds and/or Bond Issue. Maintenance funds will be a minimum of \$150,000 annually not including director's salary, utilities, and insurance.
LW	9	Downtown improvements-lighting, pedestrian safety, south plaza idea? Sculpture? Sidewalk mosaics?	GF	Downtown	CAPCOG/CO project will address
LW	1	Economic development, creating and retaining jobs, grocery campaign	general fund, LEDC	Econo Devl	Robert Tobias working with several companies now
JC	2	Economic Development	GF	Econo Devl	See above

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
JEFF M	3	Expand economic development (by helping to spread the word & being more involved)	Gen Fund	Econo Devl	Robert Tobias is involved with the San Marcos Partnership, local chambers, and with downtown businesses on a regular basis. Leads from the Governor's office and the Austin Chamber are also pursued as applicable.
AGS	4	Economic Development: Recruit more businesses especially 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 specialty shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city. Art Galleries and Music Venues have increased within our downtown area and though many not appreciate these type of business and or venues, it is good for our downtown and its livelihood. Let's work on getting more of the specialty shops and boutiques in or around the square.	GF	Econo Devl	The problem is that many of the property owners downtown do not have the funds to customize their buildings to support specialty shops which most the time are not willing to spend money on a building. Rob Tobias is exploring ways to address this issue.
JUAN M	1	Pay raise across the board	GF	Employees	Estimated Costs Including Benefits: For each 1% for non-civil service= \$52,000 For each 1% for civil service = \$28,000
AGS	2	All Department Heads to Budget Salary Increases for all City Employees.	GF	Employees	See above
IC	5	Wellness for employees	GF	Employees	City provides good health insurance (\$586 per month each) with wellness plans for employees; many Cities have stopped this benefit and only provide a stipend for insurance.
AGS	9	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, especially during the holidays. I did appreciate that the city employees were allowed to stay home during our icy, sleet and snow days. The safety of our employees is very important.	GF	Employees	City employees with vacation leave and holiday time are off 23 days a year with pay which is more than a month of work days. The only holidays not given that we found are Columbus Day and Texas Independence Day. Employee safety is very important, however, some employees must come in to make conditions safe for residents and to respond to emergency conditions and that responsibility belongs to each department head who determines based on staff levels and skills time off during holiday times.
AGS	6	Subdivision development to attract more businesses to Lockhart. Increase the number of homes, apartments, housing. Our city is growing with new citizens wanting to make Lockhart their home but due to the number of housing available, they wait and or possibly lose interest.	GF	Housing	6 housing projects in place at different phases. City Manager recommended incentives to builders three years ago which Council approved and during the time it was in place it produced more housing. As a result, more engineering of subdivisions has begun.
IC	1	Infrastructure	GF	Infrastructure	\$400,000 or more yearly needed for streets
LW	2	Infrastructure improvement- uncurbed streets, street rehab	GF	Infrastructure	See above. It will take a major bond issue to address all streets that do not have curbs.
BW	3	Improve Streets (repairs)	In-House	Infrastructure	See above.



CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
AGS	3	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	GF	Infrastructure	For streets please see above. Brighter lighting is always a challenge in a city with so many trees. Lockhart still must comply with Senate Bill 5 which regulates power usage. Several cities have passed an ordinance that does not allow for the planting of trees within 15' of the right of way to improve lighting of streets and reduce tree trimming around power lines.
BW	4	Angled parking for N Main and N Commerce Streets (change during downtown project)	Ja-House	Parking Downtown	Scheduled with downtown improvements. Should also consider making 100 Blocks of N Main and N Commerce one-way and possibly consider other blocks downtown especially north/south streets.
AGS	10	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. Our city is growing and we have been very fortunate with our parking however, it is a concern especially when you have the bigger and wider trucks that are parked in an area that is for a moderate size car. It becomes a hazard and a blind spot when trying to reverse out of the parking space and a blind spot for any and all pedestrians.	GF	Parking Downtown	Scheduled with downtown improvements
JEFF M	2	Continue to work on City Park improvements	Gen Fund	Parks	Master Plan near complete
BW	2	Revive all City parks	Grants	Parks	Master Plan near complete
KM	2	Work with LISD to establish a community recreation center at Adams Gym, perhaps under Parks (PUBLIC HEALTH/PARKS)	General Fund/Parks & Rec	Parks	Mayor is visiting with LISD about this
KM	3	Add 3 positions to the Parks Department, to help facilitate other improvements (PARKS)	General Fund/Parks & Rec	Parks	Approx. \$100,000 to budget not including equipment and vehicles
LW	3	Park improvements - consider medium to long range Town branch development	GF	Parks	Bond issue needed
KM	4	Develop a dog park as part of the Stueve Lane Monte Vista Tract (PARKS/ANIMAL SHELTER/PUBLIC HEALTH)	General Fund/Parks & Rec	Parks	Estimate on this property is \$ 25000 using used fencing. Maintenance and insurance are also cost factors
AGS	8	Parks Improvements: Purchase and update the park equipment to provide safe and fun filled parks for all to use.	GF	Parks	Master Plan near complete
JUAN M	3	Start Planning for 2040 plan	GF	Planning	Needs to be done
JC	3	Police	GF	Police	Chief Pedraza is working on these issues. Recently issued update that was sent to Council.
LW	4	Continued Police Community committee involvement, neighborhood watch, gang awareness	GF	Police	See above
JEFF M	4	Work with Police Department to bring back drug enforcement program	Gen Fund	Police	See above
JUAN M	5	Get back to Neighborhood Townhall Meetings	GF	Police	Will get with Chief about this

R:\56 AMU\ Vance Files\1A Public Works\City Council\Goals and Objectives\FY 18-19\COUNCIL COMBINED FY 18-19 Goals

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
AGS	5	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 a lot of training that is free but a lot additional money for registration fees and course material. I am grateful that the Police Department did invest in our Drug Dog and is being utilized by the school as well.	GF	Police	Chief Pedraza reports that Lockhart has two certified mental health officers, and he feels there is sufficient funding for training. He also reports that a new Narcotics Officer would cost about \$90,000 for salary/benefits, training, a vehicle, and all required equipment.
LW	10	High School cadet programs for police, fire, EMS	GF	Police/Fire	Will visit with department heads again about this
LW	6	Public relations position to deal with social media	GF	Public Relations	Position would cost with benefits about \$45,000 annually and would need more tasks to perform.
JEFF M	6	Public relations position to deal with social media	GF	Public Relations	See above
LW	7	Sidewalk repair and expansion	GF	Sidewalks	Costs average about \$25 per linear foot
JEFF M	1	Signage in Lockhart (highway, downtown, and toll road)	Gen Fund	Signage	Wayfinding and Branding Committee in place
LW	5	Wayfinding, branding - develop new entry sign and city property markers	GF	Signage	See above
BW	5	Move Forward with St Paul property project	In-House General	St Paul Gift	Working on costs associated with this projects which involve asbestos/lead paint survey and possible abatement, ADA restrooms, ADA entry ramp, kitchen changes, and other repairs.
KM	5	Develop an oral history project to support a future "Walking Tour" app for Lockhart	Fund/Fundraising	Tourism	Could be part of the Wayfinding and Branding Committee tasks
AGS	7	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants). Added events, especially the events that are free to the public do very well for the city as well as for the businesses and tourism. I welcome new events to the city but need to be selective in the events that we do host.	GF	Tourism	Chambers receive HOT funds for tourism and City co-sponsors events that contribute to tourism.
JUAN M	4	Create a Good Neighbor program (Lockhart Utility Customers can add an additional amount to utility bill to help others)	GF	Utility Customers	Have pursued this in the past. Requires a Board or Committee that is willing to take on the tasks of selecting who and how much help can be provided to customers. Some Cities allocate the funds to existing organization that is willing to take on the project.
BW	6	Access to Municipal Court for Utility Payments	In-House	Utility Customers	Working to this; advertisements and office training needed.
KM	1	Free public Wi-Fi on the square as part of the redevelopment on the North side (ECONOMIC DEV/DOWNTOWN)	CAPCOG Grant?	Wi-Fi	County Judge had indicated to Mayor that the County could do this.
JUAN M	2	Free public wifi on the square as part of the redevelopment on the North side	GF	Wifi	See Above

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 9/30/18

Description		Paid Debt	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
<b>General Government</b>																					
<b>Hotel Tax Fund</b>																					
2016 GO Refunding				40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000								400,000
<b>Total Hotel Tax Fund P &amp; I</b>			-	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	-	-	-	-	-	-	-	400,000
<b>LEDC</b>																					
2015 Tax & Revenue	100.00%		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	1,048,596
<b>Total LEDC Fund P &amp; I</b>			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	1,048,596
<b>2015 Capital Projects Fund</b>																					
2015 Tax & Revenue																					-
<b>Total 2015 Capital Projects Fund Fund P &amp; I</b>			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Drainage</b>																					
2015 Tax & Revenue			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	1,700,000
<b>Total Drainage Fund P &amp; I</b>			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	1,700,000
<b>General Fund</b>																					
2015 Tax & Revenue																					-
<b>Total General Fund P &amp; I</b>			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Debt Service Fund</b>																					
2006 Tax & Rev CO's	100.00%		47,175	50,535	48,690	46,845															146,070
2006-A Tax & Rev CO's	93.00%		267,890	267,803	267,332	271,128															806,264
2015 Tax & Revenue	TRNSF		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	4,548,778
2015 Tax & Revenue	12.00%		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	2,567,990
2016 GO Refunding	74.84%		171,056	346,930	361,150	353,161	656,899	666,927	661,698	666,974	673,111	670,566	678,350	-	-	-	-	-	-	-	5,735,766
<b>Total Debt Service Fund P &amp; I</b>			790,494	969,229	981,628	976,002	1,092,041	1,102,275	1,095,728	1,101,251	1,107,491	1,105,688	1,113,842	451,972	451,107	451,365	450,587	451,400	451,056	452,205	13,804,868
<b>Total General Government</b>			<b>938,587</b>	<b>1,157,273</b>	<b>1,169,731</b>	<b>1,164,154</b>	<b>1,295,686</b>	<b>1,305,945</b>	<b>1,299,241</b>	<b>1,304,794</b>	<b>1,311,046</b>	<b>1,309,331</b>	<b>1,317,529</b>	<b>617,619</b>	<b>616,651</b>	<b>616,940</b>	<b>616,069</b>	<b>616,979</b>	<b>616,594</b>	<b>617,881</b>	<b>16,953,464</b>



Future Debt Payments as of 9/30/18

Description	Paid Debt	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
<b>Proprietary</b>																				
<b>Electric Fund</b>																				
2013 SIB Loan	30.81%	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	-	-	1,067,268
<b>Total Electric Fund P &amp; I</b>	-	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	-	-	1,067,268
<b>Water Fund</b>																				
2006A Tax & Rev CO's	7.00%	20,164	20,157	20,122	20,408															60,687
2015 Tax & Revenue	49.60%	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	10,614,362
2016 GO Refunding	21.81%	49,849	101,103	105,247	102,919	191,435	194,357	192,833	194,371	196,159	195,418	197,686	-	-	-	-	-	-	-	1,671,528
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	1,240,140
<b>Total Water Fund P &amp; I</b>	-	639,507	690,258	694,962	693,416	918,359	921,529	918,418	920,254	922,166	922,317	925,032	747,186	746,144	746,454	745,518	746,498	663,406	664,800	13,586,717
<b>Sewer Fund</b>																				
2015 Tax & Revenue	4.30%	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	920,197
2016 GO Refunding	3.35%	7,657	15,529	16,166	15,808	29,404	29,853	29,619	29,855	30,130	30,016	30,364	-	-	-	-	-	-	-	256,744
2013 SIB Loan	33.39%	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	77,102	77,102	1,156,537
<b>Total Sewer Fund P &amp; I</b>		126,963	134,793	135,481	135,166	162,359	162,829	162,457	162,710	163,005	162,968	163,356	134,711	134,620	134,648	134,566	134,651	57,513	57,643	2,333,478
<b>Total Proprietary Fund P &amp; I</b>	-	837,621	896,203	901,594	899,733	1,151,869	1,155,510	1,152,026	1,154,116	1,156,323	1,156,436	1,159,539	953,049	951,915	952,253	951,236	952,301	720,919	722,443	16,987,463
<b>Grand Total</b>		<b>1,776,208</b>	<b>2,053,476</b>	<b>2,071,326</b>	<b>2,063,887</b>	<b>2,447,555</b>	<b>2,461,455</b>	<b>2,451,267</b>	<b>2,458,910</b>	<b>2,467,369</b>	<b>2,465,767</b>	<b>2,477,068</b>	<b>1,570,668</b>	<b>1,568,566</b>	<b>1,569,193</b>	<b>1,567,305</b>	<b>1,569,280</b>	<b>1,337,513</b>	<b>1,340,324</b>	<b>33,940,927</b>

City of Lockhart  
2015 BOND PROGRAM

Cost	Notes	Task Name	Duration	Start	Finish	2015												2016												2017											
						Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
\$14,124,890.00		<b>TOTAL PROJECT COST</b>																																							
\$2,068,024.00	1	<b>DRAINING IMPROVEMENTS CONTRACT 1 - Mesquite/Wichita Street &amp; Richland Drive</b>																																							
		Surveying Proposal	17 days	Fri 3/6/15	Sun 3/22/15																																				
		Survey	30 days	Mon 3/23/15	Tue 4/21/15																																				
		Acquisition	120 days	Wed 4/22/15	Wed 8/19/15																																				
		Engineering Design	90 days	Wed 4/22/15	Mon 7/20/15																																				
		Bid Ad/NTP	60 days	Tue 7/21/15	Fri 9/18/15																																				
		Construction	180 days	Sat 9/19/15	Wed 3/16/16																																				
\$1,999,200.00	2	<b>DRAINAGE IMPROVEMENTS CONTRACT 2 - Century Oaks/Market Street, &amp; Ash/Comal Streets</b>																																							
		Surveying Proposal	17 days	Fri 3/6/15	Sun 3/22/15																																				
		Survey	30 days	Sat 4/25/15	Sun 5/24/15																																				
		Acquisition	150 days	Mon 5/25/15	Wed 10/21/15																																				
		Engineering Design	120 days	Mon 5/25/15	Mon 9/21/15																																				
		Bid Ad/NTP	60 days	Tue 9/22/15	Fri 11/20/15																																				
		Construction	180 days	Sat 11/21/15	Wed 5/18/16																																				
\$3,394,038.00	3	<b>DRAINAGE IMPROVEMENTS CONTRACT 3 - Downtown Improvements Project</b>																																							
		Surveying Proposal	15 days	Sun 8/2/15	Sun 8/16/15																																				
		Survey	45 days	Mon 8/17/15	Wed 9/30/15																																				
		Engineering Design	180 days	Thu 10/1/15	Mon 3/28/16																																				
		Bid Ad/NTP	60 days	Tue 3/29/16	Fri 5/27/16																																				
		Construction	365 days	Sat 5/28/16	Sat 5/27/17																																				
\$323,400.00	4	<b>DRAINAGE IMPROVEMENTS CONTRACT 4 - Medina &amp; US183 Project</b>																																							
		Surveying Proposal	15 days	Sun 11/1/15	Sun 11/15/15																																				
		Survey	7 days	Mon 11/16/15	Sun 11/22/15																																				
		Acquisition	90 days	Mon 11/23/15	Sat 2/20/16																																				
		Engineering Design	60 days	Mon 11/23/15	Thu 1/21/16																																				
		Bid Ad/NTP	60 days	Fri 1/22/16	Mon 3/21/16																																				
		Construction	90 days	Tue 3/22/16	Sun 6/19/16																																				
\$1,764,000.00	5	<b>FM 2001 ELEVATED TANK PROJECT</b>																																							
		Surveying Proposal	15 days	Sat 1/2/16	Sat 1/16/16																																				
		Survey	15 days	Sun 1/17/16	Sun 1/31/16																																				
		Acquisition	120 days	Mon 2/1/16	Mon 5/30/16																																				
		Engineering Design	90 days	Mon 2/1/16	Sat 4/30/16																																				
		Bid Ad/NTP	60 days	Sun 5/1/16	Wed 6/29/16																																				

