

PUBLIC NOTICE

AGENDA

LOCKHART CITY COUNCIL

TUESDAY, MAY 17, 2016

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

6:30 P.M.

WORK SESSION (No Action)

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

PRESENTATION ONLY

- A. Presentation of Certificates of Recognition to participants of the Keep Lockhart Beautiful programs, planting, and clean-up activities.

DISCUSSION ONLY

- A. Discuss minutes of the City Council meeting of May 3, 2016. 35-38
- B. Discuss Joint Election Interlocal Government Contract with the Caldwell County Elections Administrator to conduct Election Services for the City of Lockhart's General Election on November 8, 2016. 39-43
- C. Discuss Ordinance 2016-14 ordering a General Election on November 8, 2016 for the purpose of electing one Councilmember District 1; one Councilmember District 2; and two Councilmembers At-Large; providing for Joint Election with Caldwell County; establishing early voting locations and polling places; ordering Notice of Election to be given as prescribed by law; and making provisions for the conduct of the election. 44-54
- D. Discuss the Caldwell County Uniform Truancy Plan as recommended by the Caldwell County Truancy Committee. 55-69
- E. Discussion after presentation by City Manager regarding detention ponds requiring Council approval to be constructed in SH 130 right of way to reduce adverse drainage conditions downstream. 70-77
- F. Discuss Resolution 2016-07 rescinding Resolution No. 2014-13 funding a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, for funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period. 11-24

WORK SESSION – DISCUSSION ONLY continued...

- G. Discuss Resolution 2016-08 of the City Council of the City of Lockhart, Texas, regarding a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for Pure Castings Company on 112 E. MLK, Jr. Industrial Blvd. in an amount not to exceed \$483,250 including the cost of improvements to the property and/or equipment infrastructure costs and professional services. 78-82
- H. Discuss Chapter 380 Rebate of City Property Tax to Pure Castings Company on their new facility located in the City of Lockhart at 112 E. MLK, Jr. Industrial Blvd. proposed to be offered to the company for locating their facility in Lockhart and crating 48 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council. 83-97
- I. Discuss Resolution 2016-09 of the City Council of the City of Lockhart, Texas, regarding a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for Pure Castings Company on 119 E. MLK, Jr. Industrial Blvd., in an amount not to exceed \$268,550 including the lease of the property, infrastructure costs, and professional services. 98-102
- J. Discuss Chapter 380 Rebate of City Property Tax to Pure Castings Company on their new facility located in the City of Lockhart at 119 E. MLK, Jr. Industrial Blvd. proposed to be offered to the company for locating their facility in Lockhart and creating 14 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council. 103-117

7:30 P.M. REGULAR MEETING

1. **CALL TO ORDER**
Mayor Lew White

2. **INVOCATION, PLEDGE OF ALLEGIANCE**
Invocation - Ministerial Alliance.
Pledge of Allegiance to the United States and Texas flags.

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

4. **PUBLIC HEARING/COUNCIL ACTION**

- A. Hold public hearing in regards to amending Chapter 28 "Historic Districts and Landmarks", Section 28-3 "Historical Preservation Commission", to authorize the Commission to review and submit recommendations pertaining to proposed public streetscape elements in historic districts. 6-10
- B. Discussion and/or action to consider Ordinance 2016-13 amending Chapter 28 "Historic Districts and Landmarks", of the Code of Ordinances, Section 28-3 "Historical Preservation Commission", to provide for Commission review of public streetscape elements in historic districts.

5. DISCUSSION/ACTION ITEMS

- A. Discussion and/or action to consider Resolution 2016-07 of the City Council of the City of Lockhart, Texas, rescinding Resolution No. 2014-13 funding a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, for funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period. 11-24
- B. Conduct the first of two required readings of Resolution 2016-08, in its entirety, of the City Council of the City of Lockhart, Texas, and discuss approving a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for Pure Castings Company on 112 E. MLK, Jr. Industrial Blvd. in an amount not to exceed \$483,250 including the cost of improvements to the property and/or equipment infrastructure costs and professional services. 25-29
- C. Conduct the first of two required readings of Resolution 2016-09, in its entirety, of the City Council of the City of Lockhart, Texas, and discuss approving a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for Pure Castings Company on 119 E. MLK, Jr. Industrial Blvd., in an amount not to exceed \$268,550 including the lease of the property, infrastructure costs, and professional services. 30-34

6. CONSENT AGENDA

- A. Approve minutes of the City Council meeting of May 3, 2016. 35-38
- B. Approve Joint Election Interlocal Government Contract with the Caldwell County Elections Administrator to conduct Election Services for the City of Lockhart's General Election on November 8, 2016. 39-43
- C. Approve Ordinance 2016-14 ordering a General Election on November 8, 2016 for the purpose of electing one Councilmember District 1; one Councilmember District 2; and two Councilmembers At-Large; providing for Joint Election with Caldwell County; establishing early voting locations and polling places; ordering Notice of Election to be given as prescribed by law; and making provisions for the conduct of the election. 44-54
- D. Approve the Caldwell County Uniform Truancy Plan as recommended by the Caldwell County Truancy Committee. 55-69
- E. Approve detention ponds requiring Council approval to be constructed in SH 130 right of way to reduce adverse drainage conditions downstream. 70-77

7. **DISCUSSION/ACTION ITEMS**

- A. Conduct the second of two required readings of Resolution 2016-08, in its entirety, of the City Council of the City of Lockhart, Texas, and discussion and/or action to consider approving a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for Pure Castings Company on 112 E. MLK, Jr. Industrial Blvd. in an amount not to exceed \$483,250 including the cost of improvements to the property and/or equipment infrastructure costs and professional services. 78-82
- B. Discussion and/or action to consider Chapter 380 Rebate of City Property Tax to Pure Castings Company on their new facility located in the City of Lockhart at 112 E. MLK, Jr. Industrial Blvd. proposed to be offered to the company for locating their facility in Lockhart and crating 48 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council. 83-97
- C. Conduct the second of two required readings of Resolution 2016-09, in its entirety, of the City Council of the City of Lockhart, Texas, and discussion and/or action to consider approving a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for Pure Castings Company on 119 E. MLK, Jr. Industrial Blvd., in an amount not to exceed \$268,550 including the lease of the property, infrastructure costs, and professional services. 98-102
- D. Discussion and/or action to consider Chapter 380 Rebate of City Property Tax to Pure Castings Company on their new facility located in the City of Lockhart at 119 E. MLK, Jr. Industrial Blvd. proposed to be offered to the company for locating their facility in Lockhart and creating 14 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council. 103-117
- E. Discussion and/or action regarding appointments to various boards, commissions or committees. 118-123

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

- Update- US 183 widening project, Hickory to Blackjack: west side drainage truck main started between Hickory and Blackjack; some rain delays; some challenges for driveways.
- Update: Contracts with Qro-Mex Construction on Richland Drive.
- Update: Preparation for Chisholm Trail Annual Event.
- Report: Leftovers group.
- Report: Cinco de Mayo Celebration with 5k and 10k events held May 6th & 7th.
- Report: Special Residential Household Hazardous Waste Collection event held Saturday, May 14, at City Park from 9 am until noon for Lockhart residents only.
- Reminder: Fireworks Display in the City Park to be held Sunday, July 3rd.

- Report: Splash Pad to open Saturday, May 21st, 11 am – 8 pm; closed on all Mondays and closed May 31 – June 13.
- Report: City Pool to open Memorial Day weekend, 12pm - 8 pm; closed on all Mondays and closed May 31 – June 13.
- Report: Movies in the Park to be held June 18th, July 16th, and August 13th.
- New faces since April 2016:
 Madalyn Voight – promoted from part-time Library Clerk to full-time Library Assistant,
 Jimmy Bowen – Water/Wastewater Dept.

9. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST (**Items of Community Interest defined below)

10. ADJOURNMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 13th day of May, 2016 at 4:28 pm. I further certify that the following News Media was properly notified of this meeting as stated above: Lockhart Post-Register

Connie Constancio
 Connie Constancio, TRMC, City Secretary



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: May 17, 2016			<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department: Planning			Initials	Date
Department Head: Dan Gibson		Asst. City Manager		
Dept. Signature: <i>Dan Gibson</i>		City Manager <i>[Signature]</i>		
Agenda Coordinator/Contact (include phone #): Dan Gibson 398-3461, x236				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER <input type="checkbox"/> NONE				
CAPTION				
Hold a PUBLIC HEARING and discussion and/or action to consider Ordinance 2016-13 amending Chapter 28 "Historic Districts and Landmarks", Section 28-3 "Historical Preservation Commission", to authorize the Commission to review and submit recommendations pertaining to proposed public streetscape elements in historic districts.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
SUMMARY OF ITEM				
<p>The Historical Preservation Commission is empowered only with regard to specific functions pertaining to private property that is in a historic district or which is a historic landmark outside of a historic district. Currently the courthouse square area is the only historic district in Lockhart. On the Council's April 5th agenda, you considered a letter from the Chair of the Historical Preservation Commission recommending that Chapter 28 of the Code of Ordinances be amended to formally provide authority for Commission review of street furniture and other public improvements in the courthouse square area, and you voted to direct staff to submit possible wording of such an amendment. Staff drafted a simple amendment to Section 28-3, as provided in the proposed Ordinance 2016-13, which the Historical Preservation Commission has voted unanimously to recommend to you. It simply adds a 19th item to the list of functions for which the Commission is authorized. The wording is intentionally vague because there are a variety of circumstances to which it could apply. For example, improvements to the public streetscape might be initiated by the Council, the city manager, the director of economic development, or a committee appointed by the Council. The Historical Preservation Commission's role would be limited to reviewing the proposed changes and making a recommendation to the "city government", which could be any of those same entities. Section 28-26 states that if the Council determines that Chapter 28 should be amended, the Council must hold a public hearing, take citizen comment, and amend the ordinance as needed. No public hearing notice is required other than being labeled as such on the posted agenda.</p>				
STAFF RECOMMENDATION				
Staff recommends APPROVAL of Ordinance 2016-13.				
List of Supporting Documents:		Other Board or Commission Recommendation:		
Ordinance 2016-13. Copy of current Section 28-3.		The Historical Preservation Commission unanimously voted at their May 4th meeting to recommend APPROVAL.		

6

ORDINANCE 2016-13

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS" OF THE CODE OF ORDINANCES, SECTION 28-3 "HISTORICAL PRESERVATION COMMISSION", TO PROVIDE FOR COMMISSION REVIEW OF PUBLIC STREETSCAPE ELEMENTS IN HISTORIC DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 28-3 of Chapter 28 provides for the establishment and authority of the Historical Preservation Commission; and,

WHEREAS, Subsection 28-3(e) lists 18 functions of the Commission, none of which include authority to participate in the review of proposed changes or improvements to permanent features commonly associated with the public street right-of-way streetscape in historic districts such as sidewalks, benches, planters, waste receptacles, and lighting, etc.; and,

WHEREAS, the Historical Preservation Commission has voted to recommend that a new function be added to the list in Subsection 28-3(e), providing authority for the Commission to review proposed public streetscape elements in historic districts and recommend appropriate action to the city government; and,

WHEREAS, the City Council has determined that such amendment serves a public purpose and desires to amend the Code of Ordinances accordingly;

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

I. Chapter 28 "Historic Districts and Landmarks", Section 28-3, is hereby amended as follows, with all existing text not shown remaining unchanged:

Sec. 28-3. Historical Preservation Commission.

(e) The legislative functions of the city council shall in no way be delegated to the historical preservation commission. The commission, with review and approval by the city council, shall be empowered to:

(19) Review proposed public streetscape elements in historic districts and recommend appropriate action to the city government.

II. 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 of any other portion, provision or regulation.

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

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

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

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS,
ON THIS THE 17th DAY OF MAY, 2016.**

CITY OF LOCKHART

Lew White
Mayor

ATTEST:


APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

8


Sec. 28-3. - Historical preservation commission.

- (a) There is hereby created a commission to be known as the Lockhart Historical Preservation Commission, hereafter referred to as the "commission."
- (b) The commission shall consist of seven members, appointed by the city council in accordance with chapter 2, article IV of the Code of Ordinances, who shall whenever possible meet one or more of the following qualifications:
 - (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.
- (c) Commission members shall serve terms of three years each, such terms to coincide with the council position making the appointment.
- (d) The chairman and vice-chairman of the commission shall be elected by and from the members of the commission.
-  (e) The legislative functions of the city council shall in no way be delegated to the historical preservation commission. The commission, with review and approval by the city council, shall be empowered to:
 - (1) Assist in applying for preservation and rehabilitation grants and by making recommendations to the city government concerning the utilization of state, federal, or private funds to promote the preservation of historic landmarks and historic districts within the city.
 - (2) Prepare rules and procedures as necessary to carry out the business of the commission which shall be reviewed and ratified by the council.
 - (3) Adopt detailed criteria forthwith for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts which shall be reviewed and ratified by the council.
 - (4) Assist individual property owners to preserve and enhance historic landmark and historic district property by review of applications for alteration and demolition pursuant to this chapter.
 - (5) Recommend the designation of resources as historic landmarks and historic districts.
 - (6) Create committees from among its membership and delegate to these committees responsibilities to carry out the purposes of this chapter.
 - (7) Maintain written minutes which record all actions taken by the commission and the reasons for taking such actions.
 - (8) Establish a formal process of commendation and recommend conferral of recognition upon the owners of historic landmarks or properties within the historic districts by means of certificates, plaques, or markers.
 - (9) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

- (10) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the city.
- (11) Prepare and submit annually to the council a report summarizing the work completed during the previous year.
- (12) Prepare an historic preservation plan which shall be reviewed and adopted by the city council forthwith as part of the comprehensive master plan.
- (13) Recommend the acquisition of a landmark structure by the city government or other organization where its preservation is essential to the purpose of this chapter and where private preservation is not feasible.
- (14) Review and propose tax abatement for qualified historic landmarks or historic districts.
- (15) Recommend action to the city government regarding the donation of preservation easements and development rights as well as any other gift of value for the purpose of historical preservation, subject to the approval of the city council.
- (16) Formulate detailed design review guidelines and procedures addressing alterations of designated properties which shall be reviewed and ratified by the city council forthwith. The design guidelines shall be formulated such that the historic preservation officer may approve certain routine certificate for alteration and certificate for demolition applications prior to review by the commission to reduce delays in obtaining a building permit.
- (17) Prepare a detailed tax abatement program following the guidelines and criteria set by the city council to be reviewed and ratified by the council forthwith.
- (18) Prepare a detailed list of activities which qualify as ordinary maintenance and do not require prior review by the commission.

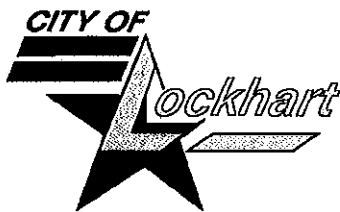
(19) → (f) Members of the commission shall serve without compensation.

- (g) Vacancies on the commission shall be filled by the city council within 30 days of vacancy for the unexpired term of the vacancy.
- (h) The commission shall meet at least monthly, if there is a case to be heard or if other commission business is at hand. Special meetings may be called at any time by the mayor, the chairman, or on the written request of any two commission members. All meetings shall be held in conformance with the Texas Open Meetings Act (V.T.C.A., Government Code ch. 551).
- (i) A quorum for the transaction of business shall consist of not less than a majority of the full voting membership. All issues shall be decided by a simple majority vote of the commission members present.
- (j) The historical preservation officer shall be a nonvoting, ex officio member of the commission and shall attend all commission meetings.

(Ord. No. 93-19, pt. 3, 9-21-93; Code 1982, § 12.5-3; Ord. No. 97-12, § I(C), 6-18-97; Ord. No. 98-36, § 2, 12-15-98; Ord. No. 2012-17, § II, 9-4-12)

Cross reference— Boards, commissions and committees, § 2-206 et seq.

10



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Finance		<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Legal		<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: May 17, 2016					
Department: Economic Development Department				Initials	Date
Department Head: Sandra F. Mauldin		Asst. City Manager			
Dept. Signature: <i>Sandra F. Mauldin</i>		City Manager		<i>SP</i>	<i>5.13.2016</i>
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER					
CAPTION					
Resolution No. 2016-07 A resolution of the City Council of the City of Lockhart, Texas, Rescinding Resolution No. 2014-13 funding a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, for funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period.					
FINANCIAL SUMMARY					
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED					
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS	
Budget				\$0.00	
Budget Amendment Amount				\$0.00	
Encumbered/Expended Amount				\$0.00	
This Item				\$0.00	
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00	
FUND(S):					
SUMMARY OF ITEM					
On December 8, 2014 Pure Castings Co. was approved as a Type A Project under 4B. The project included purchase of 9.20 acres of land in Lockhart Industrial Park II to build a 40,000SF facility for the management and production of precision castings in ferrous and non-ferrous materials and to create and maintain 75 new primary jobs during the initial five year period, for extension of natural gas infrastructure to the property, development fees and impact fees to the City of Lockhart, for a total project value not to exceed \$464,966.43. The decline in the oil industry initiated a change in business plan for Pure Castings. The company continues its expansion into Lockhart under new plans. We chose to completely rescind the previous project and to move forward with two new Type B projects.					
STAFF RECOMMENDATION					
Approval					
List of Supporting Documents: LEDC Res. No. 2016-02 City Council Res. No. 2016-07 Resolution No. 2014-13 City Council Minutes of December 16, 2014			Other Departments, Boards, Commissions or Agencies: City Manager, Finance Department LEDC		

RESOLUTION NO. 2016-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, RESCINDING RESOLUTION NO. 2014-13 FUNDING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY PROJECT IN AN AMOUNT NOT TO EXCEED \$464,966.43 INCLUDING THE COST OF LAND AND IMPROVEMENTS, INFRASTRUCTURE IMPROVEMENTS, DEVELOPMENT AND IMPACT FEES, AND/OR BUILDING PERMIT FEES THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN AN AVERAGE OF AT LEAST 75 NEW PRIMARY JOBS DURING THE INITIAL FIVE YEAR PERIOD.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY wished to build and locate in a facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed **PURE CASTINGS COMPANY** facility in Lockhart is proposed to create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, the Lockhart Economic Development Corporation (LEDC) worked cooperatively with the City of Lockhart to locate **PURE CASTINGS COMPANY** in the Lockhart Industrial Park II and proposed a Type 4A project in an amount not to exceed \$464,966.43 to include the cost of land and improvements, infrastructure improvements, development and impact fees, and or building permit fees with **PURE CASTINGS COMPANY**; and

WHEREAS, PURE CASTINGS COMPANY proposed to create and maintain at least 75 new primary jobs during the initial five year period in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC determined that the proposed **PURE CASTINGS COMPANY** (a) met the criteria for a Type 4A project under Section 4B of the Texas Economic Development Corporation Act of 1979; (b) serves as a public purpose by contributing to the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote primary jobs within the City, County and State; and (c) was approved and funded pursuant to the Act; and

WHEREAS, the LEDC posted and held an open meeting on December 8, 2014. If **PURE CASTINGS COMPANY** chose to purchase property in the Lockhart Industrial Park II and to build a facility for the management and production of precision castings in ferrous and non-ferrous materials in the minimum amount of 40,000 square feet of building(s) on the property, increasing value to the City's tax rolls and sales tax revenues, to create and maintain an average of at least 75 new primary jobs during the initial five year period in the Lockhart area to work at the proposed facility that the LEDC will reduce the price of 9.20 acres of land in the Lockhart Industrial Park II by \$42,500 per acre and use project funds, not to exceed \$73,966.43, for Texas Gas Service extension connection costs of natural gas infrastructure to the property, development fees and impact fees to the City of Lockhart, for a total project value not to exceed \$464,966.43 subject to the conditions set out herein and Section 4B of the Texas Economic Development Corporation Act of 1979, the amount of financial benefit that **PURE CASTINGS COMPANY** could retain from LEDC project funds was to be determined by the number of primary jobs created subject to approval by the Lockhart City Council; and

WHEREAS, based on the results of the open meeting the LEDC approved the **PURE CASTINGS COMPANY** project for presentation to the Lockhart City Council for approval; and

WHEREAS, the Lockhart City Council approved the Type 4A project in a regular meeting held on the 16th day of December, 2014 in an amount up to \$464,966.43 of Type 4A funds for the project and to be used for assistance to promote or develop the new or expanded business enterprise that creates or retains primary jobs.

WHEREAS, **PURE CASTINGS COMPANY** notified the LEDC and Lockhart City Council that while the company is still committed to expanding into the City of Lockhart there has been a downturn in the oil industry that resulted in a negative impact on sales of oil field related products, that the company has restructured their business focus to accommodate for this state-wide economic impact, and needs to restructure their business plans for the Lockhart expansion.

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

SECTION 1. The Lockhart City Council rescinds Resolution No. 2014-13 Proposing a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, for assistance up to \$464,966.43 for project development and the creation of primary jobs by **PURE CASTINGS COMPANY** at Lockhart Industrial Park II.

PASSED AND ADOPTED at a regular meeting of the Lockhart City Council held on this ____ day of _____, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

RESOLUTION NO. 2016-02

A RESOLUTION OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION RESCINDING RESOLUTION NO. 2014-05 FUNDING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY PROJECT IN AN AMOUNT NOT TO EXCEED \$464,966.43 INCLUDING THE COST OF LAND AND IMPROVEMENTS, INFRASTRUCTURE IMPROVEMENTS, DEVELOPMENT AND IMPACT FEES, AND/OR BUILDING PERMIT FEES THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN AN AVERAGE OF AT LEAST 75 NEW PRIMARY JOBS DURING THE INITIAL FIVE YEAR PERIOD.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY wished to build and locate in a facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart is proposed to create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, the Lockhart Economic Development Corporation (LEDC) worked cooperatively with the City of Lockhart to locate PURE CASTINGS COMPANY in the Lockhart Industrial Park II and proposed a Type 4A project in an amount not to exceed \$464,966.43 to include the cost of land and improvements, infrastructure improvements, development and impact fees, and or building permit fees with PURE CASTINGS COMPANY; and

WHEREAS, PURE CASTINGS COMPANY proposed to create and maintain at least 75 new primary jobs during the initial five year period in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC determined that the proposed PURE CASTINGS COMPANY (a) met the criteria for a Type 4A project under Section 4B of the Texas Economic Development

Corporation Act of 1979; (b) serves as a public purpose by contributing to the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote primary jobs within the City, County and State; and (c) was approved and funded pursuant to the Act; and

WHEREAS, the LEDC posted and held an open meeting on December 8, 2014. If PURE CASTINGS COMPANY chose to purchase property in the Lockhart Industrial Park II and to build a facility for the management and production of precision castings in ferrous and non-ferrous materials in the minimum amount of 40,000 square feet of building(s) on the property, increasing value to the City's tax rolls and sales tax revenues, to create and maintain an average of at least 75 new primary jobs during the initial five year period in the Lockhart area to work at the proposed facility that the LEDC will reduce the price of 9.20 acres of land in the Lockhart Industrial Park II by \$42,500 per acre and use project funds, not to exceed \$73,966.43, for Texas Gas Service extension connection costs of natural gas infrastructure to the property, development fees and impact fees to the City of Lockhart, for a total project value not to exceed \$464,966.43 subject to the conditions set out herein and Section 4B of the Texas Economic Development Corporation Act of 1979. the amount of financial benefit that PURE CASTINGS COMPANY could retain from LEDC project funds was to be determined by the number of primary jobs created subject to approval by the Lockhart City Council; and

WHEREAS, based on the results of the open meeting the LEDC approved the PURE CASTINGS COMPANY project for presentation to the Lockhart City Council for approval; and

WHEREAS, the LEDC proposed the Type 4A project for approval at joint meeting in a regular meeting of the City Council of the City of Lockhart held on the 8th day of December, 2014 in an amount up to \$464,966.43 of Type 4A funds be approved for the project and to be used for assistance to promote or develop the new or expanded business enterprise that creates or retains primary jobs.

WHEREAS, PURE CASTINGS COMPANY notified the City of Lockhart that while the company is still committed to expanding into the City of Lockhart there has been a downturn in the oil industry that resulted in a negative impact on sales of oil field related products, that the company has restructured their business focus to accommodate for this state-wide economic impact, and needs to restructure their business plans for the Lockhart expansion.

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

SECTION 1. The Lockhart Economic Development Corporation rescinds Resolution No. 2014-05 Proposing a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, for assistance up to \$464,966.43 for project development and the creation of primary jobs by PURE CASTINGS COMPANY at Lockhart Industrial Park II.

SECTION 2. The real property and LEDC funds described above will continue to be used to induce job creation and investment in Lockhart.

PASSED AND ADOPTED at a regular meeting of the Lockhart Economic Development Corporation held on this ____ day of _____, 2016.

Lockhart Economic Development Corp.

Fermin T. Islas, Chairperson

Vance Rodgers, President

ATTEST:

Sandra F. Mauldin, Secretary

HISTORY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY PROJECT IN AN AMOUNT NOT TO EXCEED \$464,966.43 INCLUDING THE COST OF LAND AND IMPROVEMENTS, INFRASTRUCTURE IMPROVEMENTS, DEVELOPMENT AND IMPACT FEES, AND /OR BUILDING PERMIT FEES THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN AN AVERAGE OF AT LEAST 75 NEW PRIMARY JOBS DURING THE INITIAL FIVE YEAR PERIOD.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY wishes to build and locate in a facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, the Lockhart Economic Development Corporation has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, PURE CASTINGS COMPANY proposes to create and maintain an average of at least 75 new primary jobs during the initial five year period in the Lockhart area to work at the proposed facility; and

WHEREAS, the Lockhart Economic Development Corporation proposes a Type 4A project in an amount not to exceed \$464,966.43 to include the cost of land in Lockhart Industrial Park II and infrastructure improvements, development and impact fees on the construction of improvements, and/or building permit fees with PURE CASTINGS COMPANY; and

WHEREAS, the City Council has determined PURE CASTINGS COMPANY a project that (a) meets the requirements for a Type 4A project under Section 4B of the Texas Economic Development Corporation Act of 1979; (b) serves as a public purpose by contributing to the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or

expanded business enterprises, and to the creation or retention of primary jobs within the City, County and State; (c) the Lockhart City Council has determined that providing an economic development program for PURE CASTINGS COMPANY, and funding the PURE CASTINGS COMPANY project, serves a public purpose by promoting local economic development and stimulating business and commercial activity in the City; and (d) should be approved and funded.

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

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

SECTION 2. The PURE CASTINGS COMPANY project is HEREBY APPROVED as follows:

- A) The LEDC shall propose to work with PURE CASTINGS COMPANY under the conditions set out as follows:
- 1) If PURE CASTINGS COMPANY chooses to purchase property in the Lockhart Industrial Park II and to build a facility for the management and production of precision castings in ferrous and non-ferrous materials in the minimum amount of 40,000 square feet of building(s) on the property, increasing value to the City's tax rolls and sales tax revenues, to create and maintain an average of at least 75 new primary jobs during the initial five year period in the Lockhart area to work at the proposed facility that the LEDC will reduce the price of 9.20 acres of land in the Lockhart Industrial Park II by \$42,500 per acre and use project funds, not to exceed \$73,966.43, for Texas Gas Service extension connection costs of natural gas infrastructure to the property, development fees and impact fees to the City of Lockhart, for a total project value not to exceed \$464,966.43 subject to the conditions set out herein and Section 4B of the Texas Economic Development Corporation Act of 1979. The amount of financial benefit that PURE CASTINGS COMPANY will retain from the LEDC project funds will be determined by the number of primary jobs created.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lockhart held on this 16th day of December, 2014.

CITY OF LOCKHART

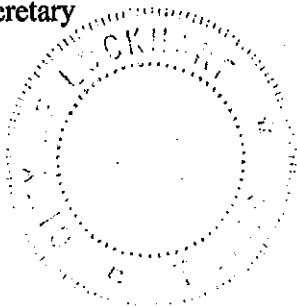
Lew White
Lew White, Mayor

ATTEST:

Connie Constancio
Connie Constancio, TRMC
City Secretary

APPROVED AS TO FORM:

Peter Gruning
Peter Gruning
City Attorney



RESOLUTION NO. 2014-13
CCRes2014-13PureCastings 12-1-14j(2)(3)

HISTORY

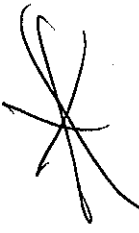
J. DISCUSS FIVE YEAR RENEWAL OF THE EXISTING CONTRACT WHICH EXPIRES JANUARY 1, 2015, WITH GENE BAGWELL, DBA, MAINTENANCE MANAGEMENT OF SAN MARCOS, TEXAS, FOR CEMETERY MAINTENANCE MOWING SERVICES IN THE OLDER PORTIONS OF THE LOCKHART CEMETERY ON US HIGHWAY 183 IN THE AMOUNT OF \$52,930.80 PER YEAR AND APPOINTING THE CITY MANAGER TO SIGN THE EXTENSION, IF APPROVED.

Mr. Rodgers stated that the existing contract was awarded in 2009. The contract does have cost adjustments to the base bid based on the annual June Consumer Price Index, Employment Cost Index each year with a maximum up or down adjustment of 3 percent. Any other proposed increases, such as for fuel adjustments, would have to be submitted in writing 90 days prior for City Council consideration. Mr. Bagwell has maintained this cemetery for the past 10 years and has done a commendable job and especially in the area of customer service since there have been very few complaints over the past 10 years about their work. The company has multiple year contracts for cemetery mowing maintenance including City of San Marcos, City of Austin, and the State Veteran's Land Board. The City can cancel the proposed multi-year contract with a 30 day written notice to the contractor as reflected in Section 12 of the existing contract. General liability and workers compensation insurance that covers the City of Lockhart is required in the contract. Mr. Rodgers stated that the company has provided exemplary service to the City cemetery for the past few years. He recommended approval.

K. DISCUSS STAFF'S PROPOSAL TO PROVIDE FREE ADOPTIONS, RABIES SHOTS, AND SPAY/NEUTER SERVICES FOR ANIMALS IN THE SHELTER ADOPTED DURING THE MONTH OF JANUARY, 2015, USING DONATED FUNDS IN THE INTEREST OF A PUBLIC PURPOSE.

Mr. Rodgers stated that sufficient donated funds have been received to provide these services for animals in the shelter during the month of January 2015. This would be done in the interest of a public purpose. There was discussion about the fees and costs to adopt a pet and potential cost for the month of January 2015. Mr. Rodgers recommended approval.

Jeanne Pendergrass, Supervisor of the Lockhart Animal Shelter provided information about the animal adoption goals which is to utilize donated funds to adopt out the longer term animals to avoid euthanizing them. The estimated costs are approximately \$5,600.

**L. DISCUSS RESOLUTION 2014-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY PROJECT IN AN AMOUNT NOT TO EXCEED \$464,966.43 INCLUDING THE COST OF LAND AND IMPROVEMENTS, INFRASTRUCTURE IMPROVEMENTS, DEVELOPMENT AND IMPACT FEES, AND/OR BUILDING PERMIT FEES THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN AN AVERAGE OF AT LEAST 75 NEW PRIMARY JOBS DURING THE INITIAL FIVE YEAR PERIOD.**

Ms. Mauldin stated that on December 8, 2014, the Lockhart Economic Development Corporation (LEDC) approved LEDC Resolution 2014-05 that approved a Type 4A project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, proposing a project for Pure Castings Company in an amount not to exceed \$464,966.43 to include land and improvements, development and

impact fees, and/or building permit fees and to create and retain an average of 75 primary jobs. Legislation removed the requirement of publishing notices for a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, to make the Type B Corporation as competitive as the Type A Corporation. However, the Legislation requires two readings of the Resolution that will be conducted during this meeting. There was discussion. Ms. Mauldin recommended approval.

Andy Edgerton, so-owner of Pure Castings Company, thanked the Council and stated that they have looked into the cities of Buda, Kyle, San Marcos, Luling and Bastrop. He stated that they chose Lockhart because of the availability of the land and the infrastructure that exists on the property.

Greg Patek, co-owner of Pure Castings Company stated that he looked forward to locating in Lockhart.

John Cyrier, Citizen, spoke in support of the company locating to Lockhart.

Ms. Mauldin stated that the Resolution was revised to add additional information about how supporting the project serves a public purpose, as recommended by the City Attorney. She stated that staff recommends approval with revisions.

M. DISCUSS CHAPTER 380 REBATE OF CITY REAL PROPERTY TAXES AND PERSONAL PROPERTY TAXES GENERATED BY THE BUSINESS FROM THEIR NEW FACILITY TO BE LOCATED IN THE LOCKHART INDUSTRIAL PARK II IN THE CITY OF LOCKHART PROPOSED TO BE OFFERED TO THE COMPANY FOR LOCATING THEIR FACILITY IN LOCKHART AND CREATING AN AVERAGE OF 75 PRIMARY JOBS TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY, AND TO APPOINT THE MAYOR TO SIGN ALL CONTRACTS FOR THE COUNCIL.

Ms. Mauldin stated that the Lockhart Economic Development Corporation (LEDC) has been working with Lockhart Economic Development Corporation to locate Pure Castings Company to Lockhart to create and maintain an average of 75 primary jobs in five years and to develop a new and expanded business enterprise to enhance the economic growth and opportunities in the City and surrounding area. The company is interested in located in Lockhart Industrial Park II. They propose to build a facility at least 40,000 square feet in size to include offices, manufacturing, and distribution facilities. Staff recommends a five year rebate of property tax at 50 percent for Year 1; 40 percent for Year 2; 30 percent for Year 3; 20 percent for Year 4; and 10 percent for Year 5 based on the transfer in and creation of a total average of 75 jobs to be maintained during the Term of the Agreement. There was discussion. Ms. Mauldin recommended approval.

RECESS: Mayor White announced that the Council would recess for a break at 7:06 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the regular meeting of the Lockhart City Council to order on this date at 7:30 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Invocation - Ministerial Alliance. Pledge of Allegiance to the United States and Texas flags.

HISTORY

ITEM 5-A. CONDUCT THE FIRST OF TWO REQUIRED READINGS AND DISCUSSION AND/OR ACTION REGARDING RESOLUTION 2014-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY PROJECT IN AN AMOUNT NOT TO EXCEED \$464,966.43 INCLUDING THE COST OF LAND AND IMPROVEMENTS, INFRASTRUCTURE IMPROVEMENTS, DEVELOPMENT AND IMPACT FEES, AND/OR BUILDING PERMIT FEES THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN AN AVERAGE OF AT LEAST 75 NEW PRIMARY JOBS DURING THE INITIAL FIVE YEAR PERIOD.

Ms. Mauldin conducted the first of two required readings of Resolution 2014-13, as amended, in its entirety.

ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2014-12 SUSPENDING THE EFFECTIVE DATE (FEBRUARY 2, 2015) OF THE TEXAS GAS SERVICE COMPANY (TGS) REQUESTED INTERIM RATE CHANGE FOR THE MAXIMUM NUMBER OF DAYS AS ALLOWED BY LAW TO PERMIT THE CITY OF LOCKHART TIME TO STUDY THE REQUEST; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2014-12 suspending the effective date (February 2, 2015) of the Texas Gas Service Company (TGS) requested interim rate change for the maximum number of days as allowed by law to permit the City of Lockhart time to study the request; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel. Councilmember Hilburn seconded. The motion carried by a vote of 7-0.

ITEM 5-C. DISCUSSION AND/OR ACTION REGARDING FIVE YEAR RENEWAL OF THE EXISTING CONTRACT WHICH EXPIRES JANUARY 1, 2015, WITH GENE BAGWELL, DBA, MAINTENANCE MANAGEMENT OF SAN MARCOS, TEXAS, FOR CEMETERY MAINTENANCE MOWING SERVICES IN THE OLDER PORTIONS OF THE LOCKHART CEMETERY ON US HIGHWAY 183 IN THE AMOUNT OF \$52,930.80 PER YEAR AND APPOINTING THE CITY MANAGER TO SIGN THE EXTENSION, IF APPROVED.

Mayor Pro-Tem Sanchez made a motion to approve the five year renewal of the existing contract which expires January 1, 2015, with Gene Bagwell, DBA, Maintenance Management of San Marcos, Texas, for cemetery maintenance mowing services in the older portions of the Lockhart Cemetery on US Highway 183 in the amount of \$52,930.80 per year and appointing the City Manager to sign the extension. Councilmember Castillo seconded. The motion carried by a vote of 7-0.

HISTORY

ITEM 5-D. DISCUSSION AND/OR ACTION REGARDING STAFF'S PROPOSAL TO PROVIDE FREE ADOPTIONS, RABIES SHOTS, AND SPAY/NEUTER SERVICES FOR ANIMALS IN THE SHELTER ADOPTED DURING THE MONTH OF JANUARY, 2015, USING DONATED FUNDS IN THE INTEREST OF A PUBLIC PURPOSE.

Mayor Pro-Tem Sanchez made a motion to approve staff's proposal to provide free adoptions, rabies shots, and spay/neuter services for animals in the shelter adopted during the month of January 2015, using donated funds in the interest of a public purpose. Councilmember Michelson seconded. The motion carried by a vote of 7-0.

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

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


ITEM 5-F. CONDUCT SECOND OF TWO REQUIRED READINGS AND DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2014-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY PROJECT IN AN AMOUNT NOT TO EXCEED \$464,966.43 INCLUDING THE COST OF LAND AND IMPROVEMENTS, INFRASTRUCTURE IMPROVEMENTS, DEVELOPMENT AND IMPACT FEES, AND/OR BUILDING PERMIT FEES THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN AN AVERAGE OF AT LEAST 75 NEW PRIMARY JOBS DURING THE INITIAL FIVE YEAR PERIOD.

Ms. Mauldin conducted the second of two required readings of Resolution 2014-13, as amended, in its entirety.

Mayor White made a motion to approve Resolution 2014-13, as amended approving a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, for funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period. Councilmember Roland seconded. The motion carried by a vote of 7-0.

ITEM 5-G. DISCUSSION AND/OR ACTION TO CONSIDER CHAPTER 380 REBATE OF CITY REAL PROPERTY TAXES AND PERSONAL PROPERTY TAXES GENERATED BY THE BUSINESS FROM THEIR NEW FACILITY TO BE LOCATED IN THE LOCKHART INDUSTRIAL PARK II IN THE CITY OF LOCKHART PROPOSED TO BE OFFERED TO THE COMPANY FOR LOCATING THEIR FACILITY IN LOCKHART AND CREATING AN AVERAGE OF 75 PRIMARY JOBS TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY, AND TO APPOINT THE MAYOR TO SIGN ALL CONTRACTS FOR THE COUNCIL.

23

 Councilmember Michelson made a motion to approve the Chapter 380 Rebate of City real property taxes and personal property taxes generated by the business from their new facility to be located in the Lockhart Industrial Park II in the City of Lockhart proposed to be offered to the company for locating their facility in Lockhart and creating an average of 75 primary jobs to stimulate business and commercial activity in the city, and to appoint the Mayor to sign all contracts for the Council. Mayor Pro-Tem Sanchez seconded. The motion carried by a vote of 7-0.

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

- Update: US Hwy 183 expansion project: water and waste-water work process; City electric work complete; AT&T and TWC still in progress.
- Update: Fashion Glass & Mirror Project.
- Update: New Businesses Construction.
- Update: FEMA grant not approved.
- Report: 25th Annual Dickens Event in Lockhart.
- Reminder: City Employee longevity recognition and appreciation luncheon on December 19 at noon at City Hall, Glosserman Room.
- Future Agenda Items: Solid waste contract extension with Central Texas Refuse; Drainage Projects for neighborhoods and Downtown; Water and Sewer Major Projects and Funding; Mr. Patel's New Hotel Project; Ordinance Changes regarding concrete slab designs and banner/sail banner signage.

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

Mayor Pro-Tem Sanchez expressed condolences to the family of Guadalupe Cruz, Sr. for their loss. She congratulated those that were involved in the successful Dickens' Christmas event. She congratulated the City employees that will receive tenure awards and thanked all City employees for their hard work. She wished everyone a Merry Christmas and Happy New Year.

Councilmember Mendoza thanked all involved with the successful Dickens' Christmas event. Merry Christmas and Happy New Year to all.

Councilmember Hilburn thanked Pure Castings Company for choosing Lockhart to establish their business. He thanked all involved with the successful Dickens' Christmas event. He wished all a Merry Christmas and Happy New Year.

Councilmember Castillo wished all a Merry Christmas and Happy New Year. He expressed words of encouragement of the New Year that will continue to show prosperity. He thanked all involved with the successful Dickens' Christmas event.

Councilmember Roland wished all Happy Holidays. He requested that the City Manager consider scheduling the street sweeper to maintain all of the streets before the holidays.

Councilmember Michelson thanked all involved with the successful Dickens' Christmas event. He welcomed Pure Castings Company to Lockhart and thanked staff for their hard work. He wished all Happy Holidays.



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: May 17, 2016				
Department: Economic Development Department			Initials	Date
Department Head: Sandra F. Mauldin		Asst. City Manager		
Dept. Signature: <i>Sandra F. Mauldin</i>		City Manager <i>[Signature]</i>		
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Conduct the required two readings of Lockhart City Council Resolution No. 2016-08, in its entirety, approving a Type 4A project under Section 4B of the Texas Economic Development Corporation Act of 1979, Amended for Pure Castings Company on 112 E. MLK, Jr. Industrial Blvd. in an amount not to exceed \$483,250 including the cost of improvements to the property and/or equipment, infrastructure costs, and Professional Services. <i>(First Reading)</i>				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
A Type 4A project process under Section 4B of the Texas Economic Development Corporation Act of 1979, Amended provides for the creation of primary jobs. The legislature removed the less competitive requirement of publishing notice for Type 4B Corporations, but replaced it with the requirement of two readings of the Resolution. Prior to this change the publishing requirement delayed the process for the Type B Corporations while the Type A Corporation was able to move forward quickly to complete their process. Staff will read the resolution twice in its entirety as required.				
STAFF RECOMMENDATION				
None				
List of Supporting Documents: LEDC Res. No. 2016-04		Other Departments, Boards, Commissions or Agencies: City Manager Finance Director Lockhart Economic Development Corporation Board		

RESOLUTION NO. 2016-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY IN AN AMOUNT NOT TO EXCEED \$483,250 INCLUDING THE COST OF LAND, BUILDING IMPROVEMENTS ON THE LAND, BUILDING, INFRASTRUCTURE IMPROVEMENTS, AND PROFESSIONAL SERVICES.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY desires to locate a manufacturing facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, PURE CASTINGS COMPANY proposes to create at least 48 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 20,000 square feet at 112 E. MLK, Jr. Industrial Blvd. has become available in the Lockhart Industrial Park II, and

WHEREAS, the Lockhart Economic Development Corporation proposes to sell to PURE CASTINGS COMPANY that certain building located at 112 E. MLK Jr. Industrial Blvd. at a purchase price of \$1,260,000 and that certain 4.206 acres of land at a purchase price of \$135,210, both of which are located in the Lockhart Industrial Park II, shall use additional project funds of up to \$281,250 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$58,000 to pay for transformer costs for 4,000 amp service, and shall use additional funds of up to \$144,000 to employ a minimum of forty-eight Full Time Equivalent ("FTE") employees, for a total project value not to exceed \$483,250.

WHEREAS, the City Council has determined that PURE CASTINGS COMPANY is a project that (a) meets the requirements for a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979; (b) serves as a public purpose by contributing to the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to the creation or retention of primary jobs within the City, Council and State; (c) the Lockhart City Council has determined that providing an economic development program for PURE CASTINGS COMPANY, and funding the PURE CASTINGS COMPANY project, serves a public purpose by promoting local economic development and stimulating business and commercial activity in the City; and (d) should be approved and funded.

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

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

SECTION 2. The PURE CASTINGS COMPANY project is HEREBY APPROVED as follows:

- A) The LEDC shall propose to work with PURE CASTINGS COMPANY under the conditions set out as follows:
 - 1) If PURE CASTINGS COMPANY chooses to purchase that certain building located at 112 E. MLK Jr. Industrial Blvd. at a purchase price of \$1,260,000 and that certain 4.206 acres of land at a purchase price of \$135,210, both of which are located in the Lockhart Industrial Park II, shall use additional project funds of up to \$281,250 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$58,000 to pay for transformer costs for 4,000 amp service, and shall use additional funds of up to \$144,000 to employ a minimum of forty-eight Full Time Equivalent ("FTE") employees, for a total project value not to exceed \$483,250; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart City Council held on this 17th day of May, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2016-04**

A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION APPROVING A 4A TYPE PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY IN AN AMOUNT NOT TO EXCEED \$483,250 INCLUDING THE COST OF LAND, BUILDING IMPROVEMENTS ON THE LAND, BUILDING, INFRASTRUCTURE IMPROVEMENTS, AND PROFESSIONAL SERVICES.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY desires to locate a manufacturing facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, PURE CASTINGS COMPANY proposes to create at least 48 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 20,000 square feet at 112 E. MLK, Jr. Industrial Blvd. has become available in the Lockhart Industrial Park II, and

WHEREAS, the Lockhart Economic Development Corporation proposes to sell to Pure Castings Company that certain building located at 112 E MLK Jr. Industrial Blvd. at a purchase price of \$1,260,000 and that certain 4.206 acres of land at a purchase price of \$135,210, both of which are located in the Lockhart Industrial Park II, shall use additional project funds of up to \$281,250 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$58,000 to pay for

transformer costs for 4,000 amp service, and shall use additional funds of up to \$144,000 to employ a minimum of forty-eight Full Time Equivalent ("FTE") employees, for a total project value not to exceed \$483,250.

NOW, THEREFORE, BE IT RESOLVED by the Lockhart Economic Development Corporation as follows:

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

SECTION 2. That real property located in Lockhart Industrial Park II described above is to be purchased and used to induce job creation and investment in Lockhart.

SECTION 3. That Lockhart Economic Development Corporation proposes the project to the City Council of the City of Lockhart for approval of the sale of land, building, building improvements, infrastructure costs, and professional services in an amount not to exceed \$483,250; for the creation of 48 primary jobs; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a special meeting of the Lockhart Economic Development Corporation held on this 16th day of May, 2016.

LOCKHART ECONOMIC DEVELOPMENT CORP.

Fermin T. Islas, Chairperson

Vance Rodgers, President

ATTEST:

Sandra Mauldin, Secretary



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable Reviewed by Legal <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable																														
Council Meeting Date: May 17, 2016																																
Department: Economic Development Department		Initials Date																														
Department Head: Sandra F. Mauldin	Asst. City Manager																															
Dept. Signature: <i>Sandra F. Mauldin</i>	City Manager	<i>[Signature]</i> 5.13.2016																														
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856																																
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER																																
<div style="text-align: center;">CAPTION</div> Conduct the required two readings of Lockhart City Council Resolution No. 2016-09, in its entirety, approving a Type 4A project under Section 4B of the Texas Economic Development Corporation Act of 1979, Amended for Pure Castings Company on 119 E. MLK, Jr. Industrial Blvd. in an amount not to exceed \$268,550 including lease purchase of the property, infrastructure costs, and professional services. <div style="text-align: center;"><i>(First Reading)</i></div>																																
<div style="text-align: center;">FINANCIAL SUMMARY</div> <div style="display: flex; justify-content: space-between; font-size: small;"> <input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED </div> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th style="width: 40%;">FISCAL YEAR:</th> <th style="width: 15%;">PRIOR YEAR (CIP ONLY)</th> <th style="width: 15%;">CURRENT YEAR</th> <th style="width: 15%;">FUTURE YEARS</th> <th style="width: 15%;">TOTALS</th> </tr> </thead> <tbody> <tr> <td>Budget</td> <td></td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>Budget Amendment Amount</td> <td></td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>Encumbered/Expended Amount</td> <td></td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>This Item</td> <td></td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>BALANCE</td> <td>\$0.00</td> <td>\$0.00</td> <td>\$0.00</td> <td>\$0.00</td> </tr> </tbody> </table>			FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS	Budget				\$0.00	Budget Amendment Amount				\$0.00	Encumbered/Expended Amount				\$0.00	This Item				\$0.00	BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
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Budget				\$0.00																												
Budget Amendment Amount				\$0.00																												
Encumbered/Expended Amount				\$0.00																												
This Item				\$0.00																												
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00																												
<div style="text-align: center;">SUMMARY OF ITEM</div> A Type 4A project process under Section 4B of the Texas Economic Development Corporation Act of 1979, Amended provides for the creation of primary jobs. The legislature removed the less competitive requirement of publishing notice for Type 4B Corporations, but replaced it with the requirement of two readings of the Resolution. Prior to this change the publishing requirement delayed the process for the Type B Corporations while the Type A Corporation was able to move forward quickly to complete their process. Staff will read the resolution twice in its entirety as required.																																
<div style="text-align: center;">STAFF RECOMMENDATION</div> <div style="height: 40px; vertical-align: top;">None</div>																																
List of Supporting Documents: LEDC Res. No. 2016-03	Other Departments, Boards, Commissions or Agencies: City Manager Finance Director Lockhart Economic Development Corporation Board																															

RESOLUTION NO. 2016-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY IN AN AMOUNT NOT TO EXCEED \$268,550 INCLUDING THE COST OF LAND AND BUILDING, INFRASTRUCTURE IMPROVEMENTS, AND PROFESSIONAL SERVICES.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY wishes to locate offices, warehouse, machine shop and related metal work activities in a facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, PURE CASTINGS COMPANY proposes to create at least 14 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 12,000 square feet at 119 E. MLK, Jr. Industrial Blvd. has become available in the Lockhart Industrial Park II, and

WHEREAS, , the Lockhart Economic Development Corporation proposes to sell to Pure Castings Company that certain building located at 119 E. MLK Jr. Industrial Blvd. at a purchase price of \$660,000 and is located in the Lockhart Industrial Park II, shall use additional project funds of up to \$90,500 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Property and/or equipment, and shall use additional funds of up to \$8,550 to pay for an electric upgrade from 400 to 800 amp service, and shall use additional funds of up to \$42,000 to employ a minimum of fourteen (14) Full Time Equivalent ("FTE") employees, apply \$33,000 of previously paid lease payments to the new lease purchase, and abate \$127,500 of potential interest charges on the lease purchase, for a total project value not to exceed \$268,550.

WHEREAS, the City Council has determined that PURE CASTINGS COMPANY is a project that (a) meets the requirements for a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979; (b) serves as a public purpose by contributing to the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to the creation or retention of primary jobs within the City, Council and State; (c) the Lockhart City Council has determined that providing an economic development program for PURE CASTINGS COMPANY, and funding the PURE CASTINGS COMPANY project, serves a public purpose by promoting local economic development and stimulating business and commercial activity in the City; and (d) should be approved and funded.

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

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

SECTION 2. The PURE CASTINGS COMPANY project is HEREBY APPROVED as follows:

- A) The LEDC shall propose to work with PURE CASTINGS COMPANY under the conditions set out as follows:
 - 1) If PURE CASTINGS COMPANY chooses to purchase that certain building located at 119 E. MLK Jr. Industrial Blvd. at a purchase price of \$660,000 and is located in the Lockhart Industrial Park II, shall use additional project funds of up to \$90,500 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Property and/or equipment, and shall use additional funds of up to \$8,550 to pay for an electric upgrade from 400 to 800 amp service, and shall use additional funds of up to \$42,000 to employ a minimum of fourteen (14) Full Time Equivalent ("FTE") employees, apply \$33,000 of previously paid lease payments to the new lease purchase, and abate \$127,500 of potential interest charges on the lease purchase, for a total project value not to exceed \$268,550; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart City Council on this 17th day of May, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Peter Gruning, City Attorney

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2016-03**

A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION APPROVING A 4A TYPE PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY IN AN AMOUNT NOT TO EXCEED \$268,550 INCLUDING THE COST OF LAND AND BUILDING, INFRASTRUCTURE IMPROVEMENTS, AND PROFESSIONAL SERVICES.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY wishes to locate offices, warehouse, machine shop and related metal work activities in a facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, PURE CASTINGS COMPANY proposes to create at least 14 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 12,000 square feet at 119 E. MLK, Jr. Industrial Blvd has become available in the Lockhart Industrial Park II, and

WHEREAS, , the Lockhart Economic Development Corporation proposes to sell to Pure Castings Company that certain building located at 119 E MLK Jr. Industrial Blvd. at a purchase price of \$660,000 is located in the Lockhart Industrial Park II, shall use additional project funds of up to \$90,500 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Property and/or equipment, and shall use additional funds of up to \$8,550 to

pay for an electric upgrade from 400 to 800 amp service, and shall use additional funds of up to \$42,000 to employ a minimum of fourteen (14) Full Time Equivalent ("FTE") employees, apply \$33,000 of previously paid lease payments to the new lease purchase, and abate \$127,500 of potential interest charges on the lease purchase, for a total project value not to exceed \$268,550.

NOW, THEREFORE, BE IT RESOLVED by the Lockhart Economic Development Corporation as follows:

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

SECTION 2. That real property located in Lockhart Industrial Part II is to be purchased through a lease purchase agreement and used to induce job creation and investment in Lockhart.

SECTION 3. That Lockhart Economic Development Corporation proposes the project to the City Council of the City of Lockhart for approval of the sale of land, building, infrastructure costs, and professional services in an amount not to exceed \$268,550; for the creation 14 primary jobs; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a special meeting of the Lockhart Economic Development Corporation held on this 16 day of May, 2016.

LOCKHART ECONOMIC DEVELOPMENT CORP.

Fermin T. Islas, Chairperson

Vance Rodgers, President

ATTEST:

Sandra Mauldin, Secretary

**LOCKHART CITY COUNCIL
REGULAR MEETING**

MAY 3, 2016

6:30 P.M.

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

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza

Mayor Lew White
Councilmember John Castillo
Councilmember Benny Hilburn

Council absent:

Councilmember Jeffry Michelson
Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney

Connie Constancio, City Secretary

Citizens/Visitors Addressing the Council: Chris Schexnayder, Citizen.

Work Session 6:30 p.m.

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

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF APRIL 19, 2016.

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

B. DISCUSSION REGARDING CITY MANAGER'S RECOMMENDATION FOR THE CITY TO PAY UP TO \$96,000 FOR OVERSIZING OF A WASTEWATER MAIN FROM THE NEEDED 8" LINE TO A 12" LINE FOR THE HIGH RUSTLER VENTURE DEVELOPMENT ON WEST SAN ANTONIO STREET JUST EAST OF SH 130.

Mr. Rodgers stated that City ordinance requires that costs associated with the extension of utility mains be borne by the developer. Oversizing of the mains is a common practice when considering future developments. The High Rustler Venture Development needs an 8" sewer main, however, for future development, a 12" main needs to be installed. Considering the additional costs of the oversizing and oversized bores under the railroad right of way, the City's portion is estimated at \$96,000 or less. The developer costs are estimated at \$243,200. Mr. Rodgers recommended approval. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 6:35 p.m.

REGULAR MEETING**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the regular meeting of the Lockhart City Council to order on this date at 7:30 p.m.

Mayor White announced that Councilmembers Michelson and Westmoreland would not be at today's meeting.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Invocation – Mayor White

Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.

Mayor White requested the following citizen to address the Council:

Chris Schexnayder, 1004 W. Live Oak, requested that the Council consider that the housing, smoking, abandoned homes, and lawn maintenance nuisance ordinances be considered for review and possible amendments.

There were no additional citizens present to address the Council.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-16-02 BY MAGESH GURUNATH ON BEHALF OF OM HOLDINGS, LLC, AND DISCUSSION AND/OR ACTION TO CONSIDER ZONING CHANGE FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT TO CMB COMMERCIAL MEDIUM BUSINESS DISTRICT PART OF LOT 1, BLOCK 48, ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.492 ACRE LOCATED AT 601 WEST SAN ANTONIO STREET (SH 142).

Mayor White announced that the applicant submitted a letter withdrawing the zoning change application. There was no discussion.

ITEM 5. CONSENT AGENDA

Councilmember Castillo made a motion to approve consent agenda item 5A. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 5-0.

The following is the consent agenda item that was approved:

5-A: Approve minutes of the City Council meeting of April 19, 2016.

ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING CITY MANAGER'S RECOMMENDATION FOR THE CITY TO PAY UP TO \$96,000 FOR OVERSIZING OF A WASTEWATER MAIN FROM THE NEEDED 8" LINE TO A 12" LINE FOR THE HIGH RUSTLER VENTURE DEVELOPMENT ON WEST SAN ANTONIO STREET JUST EAST OF SH 130.

Councilmember Castillo made a motion to authorize the city to pay up to \$96,000 for oversizing of a wastewater main from an 8" line to a 12" line for the High Rustler Venture Development on West San Antonio Street just East of SH 130. Councilmember Hilburn seconded. The motion passed by a vote of 5-0.

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

Mayor White requested appointments to various boards, commissions or committees.

Councilmember Castillo made a motion to appoint Rudy Ruiz to the Lockhart Economic Development Revolving Loan Committee. Councilmember Mendoza seconded. The motion passed by a vote of 5-0.

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

- Update- US 183 widening project, Hickory to Blackjack: west side drainage truck main started between Hickory and Blackjack; some rain delays; some challenges for driveways.
- Update: Contracts with Qro-Mex Construction putting in utility lines on Richland Drive.
- Update: Development Services busy with subdivisions, rezoning, and SUP requests.
- Update: Preparation for Chisholm Trail Annual Event.
- Report: Annual Fiesta Del Mariachi event held April 30.
- Report: Leftovers group back for about 15 days.
- Report: Annual Residential Spring Clean Up Event held each Wednesday in April.
- Reminder: Cinco de Mayo Celebration with 5k and 10k events to be held May 6 and 7th.
- Reminder: Special Residential Household Hazardous Waste Collection event to be held Saturday, May 14, at City Park from 9 am until noon for Lockhart residents only.
- TxDOT is working on installing ADA compliant ramps downtown.
- City Pool may not open on Memorial Day because of the shortage of lifeguards.

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

Councilmember Mendoza expressed condolences to the family of Daniel Head for their loss. He congratulated the Softball team and wished them good luck at their next game.

Mayor Pro-Tem Sanchez expressed condolences to the family of Eddie Tamayo for their loss. Good luck to Lockhart softball team.

Councilmember Hilburn invited all to the National Day of Prayer event on the Courthouse lawn on Thursday, May 5 at 12(noon).

Councilmember Castillo expressed condolences to the Tamayo family for their loss. He thanked all involved with the very successful Mariachi event last Saturday. He thanked staff for their work and invited everyone to attend the Cinco de Mayo event on the downtown square this weekend. Good luck to the Lion's softball team. Happy Mother's Day!

Mayor White congratulated both John Andrew Sanchez and to the Kimbrough family's daughter's for their recent marriages. He thanked Council for assisting him with representing the City at several upcoming events while he is out of town the end of this week. Congratulations and good luck to the softball team. He also invited all to the Cinco de Mayo event that will be held downtown this weekend. Happy Mother's Day. There was brief discussion about the emergency siren that should be installed in June.

ITEM 9. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded.
The motion passed by a vote of 5-0. The meeting was adjourned at 7:56 p.m.

PASSED and APPROVED this the 17th day of May 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC
City Secretary



CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	
		Reviewed by Legal <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	
Council Meeting Date: May 17, 2016			
Department: City Secretary		Initials	Date
Department Head: Connie Constancio		Asst. City Manager	
Dept. Signature: <i>Connie Constancio</i>		City Manager	<i>CP</i> <i>5.13.2016</i>
Agenda Item Coordinator/Contact (include phone #): Connie Constancio, 398-3461 ext. 235			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION Discussion and/or action to consider approval of the Joint Election Interlocal Government Contract with the Caldwell County Elections Administrator to conduct Election Services for the City of Lockhart's General Election on November 8, 2016.			
FINANCIAL SUMMARY <input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input checked="" type="checkbox"/> BUDGETED <input type="checkbox"/> NOT-BUDGETED			
SUMMARY OF ITEM The Caldwell County Elections Administrator (County EA) is conducting Elections on November 8, 2016 for positions up for election for several entities such as the United States, State of Texas, Caldwell County, Lockhart ISD, and City of Lockhart. In the interest of a public purpose, the City of Lockhart has contracted with the County EA to conduct City Elections since 2010 to enable all propositions and public official positions to be on one ballot for voters within Caldwell County. City of Lockhart shall reimburse the County EA expenses for the 2016 City of Lockhart General election at a percentage that is dependent upon the number of entities participating in the November 8, 2016 Election. The costs/percentage shall be equally prorated between the participating entities. In addition, City of Lockhart shall pay an administrative fee of 10% of the total cost of the election. Staff recommends approval.			
STAFF RECOMMENDATION Staff recommends approval of the Joint Election Interlocal Government Contract with the Caldwell County Elections Administrator to conduct Election Services for the City of Lockhart's General Election on November 8, 2016.			
List of Supporting Documents: <ul style="list-style-type: none">• Joint Election Agreement		Other Departments, Boards, Commissions or Agencies: <ul style="list-style-type: none">• Caldwell County Commissioners Court• Caldwell County Elections Administrator	

29

STATE OF TEXAS §
COUNTY OF CALDWELL §

CONTRACT FOR ELECTION SERVICES

KNOW ALL PERSONS BY THESE PRESENTS:

THIS CONTRACT, made this _____ day of _____, 2016, by and between the City of Lockhart, a political subdivision located in Caldwell County, Texas, and the Caldwell County Elections Administrator, (the "**OFFICER**"). The City of Lockhart and the OFFICER are sometimes hereinafter collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, the OFFICER and the City of Lockhart, both of which are situated in Caldwell County, Texas, are authorized to execute this Contract pursuant to the provisions of the Texas Election Code, Chapter 31, Subchapter D, for the conduct and supervision of the City of Lockhart General Election to be held on November 8, 2016; and

WHEREAS, the City of Lockhart and the OFFICER have determined that it is in the public interest of the inhabitants of the City of Lockhart that the following contract be made and entered into for the purpose of having the OFFICER furnish to the City of Lockhart certain election services and equipment needed for the City of Lockhart election.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the Parties hereby contract, covenant and agree as follows:

Article 1. OFFICER'S DUTIES AND SERVICES. The OFFICER agrees to undertake certain responsibilities and perform the following services for the City of Lockhart in connection with the General Election to be held on November 8, 2016 (the "Election"):

1. Recruit and appoint qualified persons to serve as presiding election judges, alternate judges and train the judges and clerks, and arrange for the use of polling places.
2. Procure and distribute election supplies, including preparation, printing and distribution of ballots.
3. Compile lists of eligible registered voters to be used in conducting the Election, including lists for early voting and for each precinct established for the Election.
4. Procure, prepare, and distribute election equipment, transport equipment to and from the polling places, and issue election supplies to the precinct judges.

5. Supervise the conduct of early voting by personal appearance and by mail, and supply personnel to serve as deputy early voting clerks.
6. Assist in providing general overall supervision of the Election and provide advisory services in connection with the decisions to be made and actions to be taken by officers of the City of Lockhart who are responsible for holding the Election.
7. Other incidental related services as may be necessary to effectuate the Election.
8. Remit to the City of Lockhart a detailed listing of expenses incurred to conduct the Election for payment within the time period set forth in Article 4. (Cost of Services).

NOTHING IN THIS AGREEMENT IS INTENDED TO LIMIT THE DISCRETION OF THE OFFICER IN THE EXECUTION OF HER DUTIES. IT IS FOR THE OFFICER, IN THE EXERCISE OF REASONABLE DISCRETION, TO DETERMINE HOW THE EFFORTS OF HER OFFICE SHOULD BE ALLOCATED THROUGHOUT THE COUNTY.

Article 2. CITY OF LOCKHART DUTIES AND SERVICES. The City of Lockhart agrees to perform the following duties:

1. Prepare and adopt all orders and resolutions necessary to conduct the election.
2. Prepare and publish all required election notices.
3. Deliver to the OFFICER as soon as possible, but not later than legally required before the Election, the ballot language including the list of candidates, or any measures that are to be printed on the ballot with the exact form, wording and spelling that is to be used.
4. Provide the services necessary to translate any election documents into Spanish.
5. Pay any additional costs incurred by the OFFICER if a recount for said Election is required, or the election is contested in any manner.
6. Provide technical assistance requested by the OFFICER.

Article 3. ADMINISTRATION. The OFFICER will be responsible for administering this Agreement and providing supervisory control and command over all agents, officers, and other personnel performing services pursuant to this Agreement. The contact person and representative for the Elections Office is the OFFICER, or her designee, and the contact person and representative for City of Lockhart is Connie Constancio, City Secretary.

Article 4. COST OF SERVICES. City of Lockhart shall reimburse the OFFICER expenses for the 2016 City of Lockhart General election at a percentage that is dependent upon the number of entities participating in the November 8, 2016 Election. The costs/percentage shall be equally prorated between the participating entities. In addition, City of Lockhart shall pay an administrative fee of **10%** of the total cost of the election. An itemized list of estimated elections expenses is attached as Exhibit "A" and incorporated by reference for all purposes. A runoff election shall be treated as a separate election. Within 20 days of the completion of the election, the OFFICER shall submit a statement to City of Lockhart listing all of the expenses and the administrative fee. City of Lockhart shall pay the total amount within 45 days of receiving the statement of expenses.

Article 5. LIABILITY. City of Lockhart shall be responsible for any actual expenses for repairs for any damage that occurs to the DRE machines by City of Lockhart to the extent that any such repairs are not covered under the vendor's warranty. City of Lockhart shall not be liable for any damage to a DRE machine that is caused by a third party outside of the control of City of Lockhart.

Article 6. GENERAL CONDITIONS. The following general conditions shall apply:

1. Nothing contained in this contract shall authorize or permit a change in the office with whom or the place at which any document or record relating to the election is to be filed, or place at which any function of the canvass of the election returns is to be performed, or the OFFICER to serve as custodian of voted ballots or other election records.
2. The OFFICER may assign deputies to perform any of the contracted services.
3. The OFFICER may contract with third persons for Election services and supplies; and the OFFICER will pay the claims for those election expenses, and shall remain responsible for the supervision and conduct of such third parties.
4. This contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Caldwell County, Texas.
5. In case any one or more of the provisions contained in this contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
6. No amendment, modification, or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the parties hereof.

Article 7. MISCELLANEOUS. Nothing in this Agreement shall be deemed to waive, modify or amend any legal defenses available at law or in equity to the County, City of Lockhart or the OFFICER, or to create any legal rights or claim on behalf of any third party. Neither the County, City of Lockhart, nor the OFFICER waives any defenses whatsoever, including, but not limited to, governmental immunity.

Article 8. NOTICE. Any notice provided for under this Agreement shall be forwarded to the following addresses:

Caldwell County
Elections Administrator
1403 Blackjack St., Suite C
Lockhart, TX 78644

City of Lockhart
City Secretary
308 W. San Antonio St.
Lockhart, TX 78644

CALDWELL COUNTY ELECTIONS ADMINISTRATOR

SIGNED AND AGREED UPON THIS THE ____ DAY OF _____, 2016.

Pamela Ohlendorf

CITY OF LOCKHART

SIGNED AND AGREED UPON THIS THE ____ DAY OF _____, 2016.

Lew White, Mayor



CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance Reviewed by Legal	<input type="checkbox"/> Yes <input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Not Applicable
Council Meeting Date: May 17, 2016			
Department: City Secretary		Initials	Date
Department Head: Connie Constancio	Asst. City Manager		
Dept. Signature: <i>Connie Constancio</i>	City Manager	<i>PC</i>	<i>5.13.2016</i>
Agenda Item Coordinator/Contact (include phone #): Connie Constancio, 398-3461 ext. 235			
ACTION REQUESTED: X ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action to consider Ordinance 2016-14 ordering a General Election on November 8, 2016 for the purpose of electing one Councilmember District 1; one Councilmember District 2; and two Councilmembers At-Large; providing for Joint Election with Caldwell County; establishing early voting locations and polling places; ordering Notice of Election to be given as prescribed by law; and making provisions for the conduct of the election.			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input checked="" type="checkbox"/> BUDGETED <input type="checkbox"/> NOT-BUDGETED			
SUMMARY OF ITEM			
The City Council positions up for election on November 8, 2016 are District 1, District 2 and two At-Large positions. The Caldwell County Elections Administrator (County EA) will be conducting the November 8, 2016 election for several entities that includes City of Lockhart. The Ordinance provides details about the election and indicates that the City will contract with the County EA to conduct the election. City of Lockhart will receive applications for a place on the ballot, post and publish notices, prepare ballot language, and be available to direct voters to the correct polling locations.			
The filing period for a place on the ballot is July 23 – August 22. Early voting will be conducted October 24 – November 4 at the Scott Annex Building at 1403 Blackjack Street in Lockhart during the hours as listed in the attached ordinance.			
STAFF RECOMMENDATION			
Staff recommends approval of Ordinance 2016-14 ordering a General Election on November 8, 2016 for the purpose of electing one Councilmember District 1; one Councilmember District 2; and two Councilmembers At-Large; providing for Joint Election with Caldwell County; establishing early voting locations and polling places; ordering Notice of Election to be given as prescribed by law; and making provisions for the conduct of the election.			
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies:	
• Joint Election Agreement		• Caldwell County Elections Administrator	

44

ORDINANCE 2016-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ORDERING A GENERAL ELECTION ON NOVEMBER 8, 2016 FOR THE PURPOSE OF ELECTING ONE COUNCILMEMBER DISTRICT 1; ONE COUNCILMEMBER DISTRICT 2; AND TWO COUNCILMEMBERS AT-LARGE; PROVIDING FOR JOINT ELECTION WITH CALDWELL COUNTY; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

WHEREAS, state and city law provide that on November 8, 2016 there shall be a general election for the purpose of electing one (1) Councilmember District 1; one (1) Councilmember District 2; and two (2) Councilmembers At-Large.

WHEREAS, state law further provides that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, a city Ordinance should be passed designating the voting places for said election.

WHEREAS, the City Council also has the authority pursuant to Chapter 271, Texas Election Code, to enter into a joint election agreement with Caldwell County, which is a political subdivision that is also holding an election on the same date.

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

Section 1. Call of Elections: Date: Eligible Electors: and Hours. A General Election shall be held on Tuesday, November 8, 2016, which is seventy eight (78) or more days from the date of the adoption of this order (the "Order") within the entire territory of CITY at which all resident, qualified voters of CITY shall be entitled to vote to fill two (2) Councilmember At-Large positions. A general election shall be held also in CITY Single-member Council Districts One (1) and Two (2) for the election of council members from these Single-member districts, at which all resident, qualified voters of each single-member district shall be entitled to vote for candidates for City Council Member from their respective districts. The City Council hereby finds that holding these elections (collectively referred to herein as "Elections") on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Elections shall be from 7 a.m. to 7 p.m.

Section 2. Ballots. The ballot for Elections shall conform to the requirements of the Texas Election Code so as to permit the electors to vote on the aforesaid candidates.

Section 3. Conduct of Elections, Joint Election Agreement and Appointment of Election Officers. The Elections shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. A ballot shall be utilized for the Elections as administered by Caldwell County (the "COUNTY") and it is specifically sufficient that the races in the City Elections may appear on a ballot combined with the races involved in the Joint Election with the other participating entity for Caldwell County Precincts within the city limit boundaries.

Pursuant to Chapter 271 of the Texas Election Code, the Council orders that this Election be conducted under the terms and conditions of the Agreement to Conduct Joint Elections between City of Lockhart and Caldwell County. Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the City Council is expressly authorizing this action. As authorized by Chapter 271 of the Texas Election Code, the CITY appoints Pamela Ohlendorf, COUNTY Elections Administrator, as the Joint Election Officer to perform the duties set forth therefore in the Joint Election Agreement ("Exhibit A") for conducting the November 8, 2016 Election.

The COUNTY further appoints the presiding election judges and alternate presiding election judges identified in and on the terms set forth in the Joint Election Agreement.

Section 4. Voting Precincts. Except as otherwise provided herein, the presently existing boundaries and territory of the respective Caldwell County Election Precincts, that are wholly or partially within the territorial boundaries of the CITY are hereby designated as the voting precincts of CITY for the Election.

The COUNTY has the following Election Precincts within the City limits and said election shall be held at the following polling places in said City on election day:

County Precinct Numbers	City District Number	Polling Location/Address
105 109 110 401 407 410 411	1	St. Marks Methodist Church Hall 602 East Live Oak St. Lockhart, TX 78644
107 108 115 402	2	St. Mary's Catholic Church Hall 205 West Pecan Lockhart, TX 78644
103 112 113 117 400 412	3	City Hall – Glosserman Room 308 West San Antonio Street Lockhart, TX 78644
100 101 111 408	4	First Lockhart Baptist Church Hall 305 West Prairie Lea St. Lockhart, TX 78644

46

Section 271.003 of the Texas Election Code provides that voters of a particular election precinct or a political subdivision may be served in a joint election by a common polling place located outside the boundary of the election precinct or political subdivision if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the elections and the CITY hereby finds that the polling places established for the Elections adequately and conveniently serve the voters of the CITY.

Section 5. Appointment of Custodian of Records. To the extent not otherwise provided for in the Joint Election Agreement, the CITY appoints Pamela Ohlendorf, Caldwell County Elections Administrator of the COUNTY, as the Custodian of Records ("Custodian") to perform the duties related to the conduct and maintenance of records of the Elections as required under the Texas Election Code.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Custodian shall post notice of the location and hours of her office as required by the Texas Election Code. The Custodian shall maintain in her office, the documents, records and other items relating to the election and shall be the person designated to receive documents on behalf of CITY that are required by the Texas Election Code.

Notwithstanding the foregoing, pursuant to Sections 66.058 and 271.010 of the Texas Election Code, the city council appoints Pamela Ohlendorf as the Joint Custodian of Records ("Joint Custodian") for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the period for preservation required by the Texas Election Code.

Section 6. Election Information to be provided in Spanish. Each entity shall be responsible for the preparation of notices, instructions, orders, ballot language and other written material pertaining to the Elections to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the Custodian is hereby authorized and directed to make available to the voters having the need, an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

Section 7. Early Voting by Mail. The Council appoints Pamela Ohlendorf as the Early Voting Clerk. Ballot applications and ballots voted by mail shall be addressed to the Early Voting Clerk at the address indicated immediately below:

Early Voting Clerk
Caldwell County Elections Administrator
1403 Blackjack St., Suite C
Lockhart, Texas 78644

Section 8. Early Voting. The Joint Early Voting Clerk for all purposes other than accepting applications for ballots by mail shall be Pamela Ohlendorf under the terms of the Joint Election Agreement.

Main Early Voting Polling Place

The Main Early Voting Polling Place is hereby designated as:

Caldwell County Elections Administrator's Office
1403 Blackjack St.
Lockhart, Texas 78644

Early voting by personal appearance at the Main Early Voting location shall be conducted as follows:

Monday, October 24, 2016	8:00 a.m. - 5:00 p.m.
Tuesday, October 25, 2016	8:00 a.m. - 5:00 p.m.
Wednesday, October 26, 2016	8:00 a.m. - 5:00 p.m.
Thursday, October 27, 2016	8:00 a.m. - 5:00 p.m.
Friday, October 28, 2016	8:00 a.m. - 5:00 p.m.
Saturday, October 29, 2016	7:00 a.m. - 7:00 p.m.
Sunday, October 30, 2016	10:00 a.m. - 3:00 p.m.
Monday, October 31, 2016	7:00 a.m. - 7:00 p.m.
Tuesday, November 1, 2016	7:00 a.m. - 7:00 p.m.
Wednesday, November 2, 2016	7:00 a.m. - 7:00 p.m.
Thursday, November 3, 2016	7:00 a.m. - 7:00 p.m.
Friday, November 4, 2016	7:00 a.m. - 7:00 p.m.

Temporary Early Voting Branch Polling Place

The Temporary Branch Polling Place is hereby designated as:

Luling Civic Center
300 East Austin Street
Luling, TX 78648

Early voting by personal appearance at the Temporary Early Voting Branch shall be conducted as follows:

Monday, October 24, 2016	8:00 a.m. - 5:00 p.m.
Tuesday, October 25, 2016	8:00 a.m. - 5:00 p.m.
Wednesday, October 26, 2016	8:00 a.m. - 5:00 p.m.
Thursday, October 27, 2016	8:00 a.m. - 5:00 p.m.
Friday, October 28, 2016	8:00 a.m. - 5:00 p.m.
Monday, October 31, 2016	8:00 a.m. - 5:00 p.m.
Tuesday, November 1, 2016	8:00 a.m. - 5:00 p.m.
Wednesday, November 2, 2016	8:00 a.m. - 5:00 p.m.
Thursday, November 3, 2016	7:00 a.m. - 7:00 p.m.
Friday, November 4, 2016	7:00 a.m. - 7:00 p.m.

The Main Early Voting Polling Place shall also remain open on the day of the Election during the hours the polls are required to be open for voting by the Texas Election Code.

Section 9. Delivery of Voted Ballots; Counting. In accordance with the requirements of the Texas Election Code, after the close of voting on Election Day, the presiding election judges for each respective precinct shall deliver the ballot boxes and returns for their respective precinct to the Return Center. The early voting ballot board, at a time and in the manner permitted under the Texas Election Code, shall deliver the early voting ballots and returns to the Return Center.

Section 10. Canvassing of Returns: Declaring Results. The Joint Election Officer, as CITY's designated election officer under the Joint Election Agreement, shall make a written return of the Election results to CITY in accordance with the Texas Election Code. The City Council shall canvass the returns and declare the results of the Election.

Section 11. Notice of Election. Notice of the Election, stating in substance the contents of this Ordinance, shall be published in the English and Spanish languages at least once in a newspaper published within CITY's territory at least 10 days and no more than 30 days, prior to the election, and as otherwise may be required by the Texas Election Code and Texas Local Government Code. Notice of the Elections shall also be posted on the bulletin board used by the Council to post notices of the Council's meetings no later than the 21st day before the Elections, or if the 21st day before the Elections falls on a weekend or holiday, on the first business day thereafter.

Section 12. Training of Election Officials. Pursuant to the Texas Election Code, a public school of instruction for all election officers shall be held as arranged or contracted by the Joint Election Officer.

Section 13. Authorization to Execute. The Mayor of the CITY is authorized to execute and the City Secretary of the CITY is authorized to attest this Ordinance on behalf of the City Council; and the Mayor of the City Council is authorized to do all other things legal and necessary in connection with the holding and consummation of the Elections.

Section 14. Effective Date. This Ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED on May 17, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Peter Gruning, City Attorney

"EXHIBIT A"

STATE OF TEXAS §

COUNTY OF CALDWELL §

CONTRACT FOR ELECTION SERVICES

KNOW ALL PERSONS BY THESE PRESENTS:

THIS CONTRACT, made this ____ day of _____, 2016, by and between the City of Lockhart, a political subdivision located in Caldwell County, Texas, and the Caldwell County Elections Administrator, (the "**OFFICER**"). The City of Lockhart and the Officer are sometimes hereinafter collectively referred to as the "**Parties**".

WITNESSETH:

WHEREAS, the Officer and the City of Lockhart, both of which are situated in Caldwell County, Texas, are authorized to execute this Contract pursuant to the provisions of the Texas Election Code, Chapter 31, Subchapter D, for the conduct and supervision of the City of Lockhart General Election to be held on November 8, 2016; and

WHEREAS, the City of Lockhart and the Officer have determined that it is in the public interest of the inhabitants of the City of Lockhart that the following contract be made and entered into for the purpose of having the Officer furnish to the City of Lockhart certain election services and equipment needed for the City of Lockhart election.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the Parties hereby contract, covenant and agree as follows:

Article 1. OFFICER'S DUTIES AND SERVICES. The Officer agrees to undertake certain responsibilities and perform the following services for the City of Lockhart in connection with the General Election to be held on November 8, 2016 (the "Election"):

1. Recruit and appoint qualified persons to serve as presiding election judges and alternate judges and train the judges and clerks; and arrange for the use of polling places.
2. Procure and distribute election supplies, including preparation, printing and distribution of ballots.
3. Compile lists of eligible registered voters to be used in conducting the Election, including lists for early voting and for each precinct established for the Election.
4. Procure, prepare, and distribute election equipment, transport equipment to and from the polling places, and issue election supplies to the precinct judges.
5. Supervise the conduct of early voting by personal appearance and by mail, and supply personnel to serve as deputy early voting clerks.
6. Assist in providing general overall supervision of the Election and provide advisory services in connection with the decisions to be made and actions to be taken by officers of the City of Lockhart who are responsible for holding the Election.
7. Other incidental related services as may be necessary to effectuate the Election.
8. Remit to the City of Lockhart a detailed listing of expenses incurred to conduct the Election for payment within the time period set forth in Article 4. (Cost of Services).

NOTHING IN THIS AGREEMENT IS INTENDED TO LIMIT THE DISCRETION OF THE OFFICER IN THE EXECUTION OF HER DUTIES. IT IS FOR THE OFFICER, IN THE EXERCISE OF REASONABLE DISCRETION, TO DETERMINE HOW THE EFFORTS OF HER OFFICE SHOULD BE ALLOCATED THROUGHOUT THE COUNTY.

Article 2. CITY OF LOCKHART DUTIES AND SERVICES. The City of Lockhart agrees to perform the following duties:

1. Prepare and adopt all orders and resolutions necessary to conduct the election.
2. Prepare and publish all required election notices.
3. Deliver to the Officer as soon as possible, but not later than legally required before the Election, the ballot language including the list of candidates, or any measures that are to be printed on the ballot with the exact form, wording and spelling that is to be used.
4. Provide the services necessary to translate any election documents into Spanish.
5. Pay any additional costs incurred by the Officer if a recount for said Election is required, or the election is contested in any manner.
6. Provide technical assistance requested by the Officer.

Article 3. ADMINISTRATION. The Officer will be responsible for administering this Agreement and providing supervisory control and command over all agents, officers, and other personnel performing services pursuant to this Agreement. The contact person and representative for the Elections Office is the Officer, or her designee, and the contact person and representative for City of Lockhart is Connie Constancio, City Secretary.

Article 4. COST OF SERVICES. City of Lockhart shall reimburse the OFFICER expenses for the 2016 City of Lockhart General election at a percentage that is dependent upon the number of entities participating in the November 8, 2016 Election. The costs/percentage shall be equally prorated between the participating entities. In addition, City of Lockhart shall pay an administrative fee of **10%** of the total cost of the election. An itemized list of estimated elections expenses is attached as Exhibit "A" and incorporated by reference for all purposes. A runoff election shall be treated as a separate election. Within 20 days of the completion of the election, the OFFICER shall submit a statement to City of Lockhart listing all of the expenses and the administrative fee. City of Lockhart shall pay the total amount within 45 days of receiving the statement of expenses.

Article 5. LIABILITY. City of Lockhart shall be responsible for any actual expenses for repairs for any damage that occurs to the DRE machines by City of Lockhart to the extent that any such repairs are not covered under the vendor's warranty. City of Lockhart shall not be liable for any damage to a DRE machine that is caused by a third party outside of the control of City of Lockhart.

Article 6. GENERAL CONDITIONS. The following general conditions shall apply:

1. Nothing contained in this contract shall authorize or permit a change in the office with whom or the place at which any document or record relating to the election is to be filed, or place at which any function of the canvass of the election returns is to be performed, or the officer to serve as custodian of voted ballots or other election records.
2. The Officer may assign deputies to perform any of the contracted services.
3. The Officer may contract with third persons for Election services and supplies; and the Officer will pay the claims for those election expenses, and shall remain responsible for the supervision and conduct of such third parties.
4. This contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Caldwell County, Texas.

5. In case any one or more of the provisions contained in this contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
6. No amendment, modification, or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the parties hereof.

Article 7. MISCELLANEOUS. Nothing in this Agreement shall be deemed to waive, modify or amend any legal defenses available at law or in equity to the County, City of Lockhart or the Officer, or to create any legal rights or claim on behalf of any third party. Neither the County, City of Lockhart, nor the Officer waives any defenses whatsoever, including, but not limited to, governmental immunity.

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Caldwell County
Elections Administrator
1403 Blackjack St., Suite C
Lockhart, TX 78644

City of Lockhart
City Secretary
308 W. San Antonio St.
Lockhart, TX 78644

CALDWELL COUNTY ELECTIONS ADMINISTRATOR

SIGNED AND AGREED UPON THIS THE ____ DAY OF _____, 2016.

Pamela Ohlendorf

CITY OF LOCKHART

SIGNED AND AGREED UPON THIS THE ____ DAY OF _____, 2016.

Lew White, Mayor



Pamela Ohlendorf
Elections Administrator /Voter Registrar
Caldwell County Elections Office
1403 Blackjack St
Lockhart, Texas 78644

ESTIMATED COST FOR ELECTION EXPENSES

	Estimate
1. Electronic voting system programming and testing	
A. General	\$
2. Rental of voting equipment (Election Day & Early Voting)	
A. General	
a. Number of DREs/eSlate systems	
X rental rate of \$75.00 =	\$
b. Number of DAUs/Disable Access Units	
X rental rate of \$100.00 =	\$ N/A
c. Number of JBCs/ Judges Booth Comptroller	
X rental rate of \$100.00 =	\$ N/A
3. Election kits and other election supplies	
A. General	\$
4. Precinct election judges and clerks	
A. Election Day X =	\$
number of election \$8.00 hourly rate (max. \$10.00)	
judges and clerks	
B. Early Voting X (days) =	\$
number of early \$8.00 hourly rate (max. \$10.00)	
voting clerks	
5. Election judges/clerk's fee for pickup & delivery of supplies	
A. Election Day X =	\$
number of workers fee (max. \$25.00)	
6. Early Voting Ballot Board Personnel (§ 81.121*)	
A. General X =	\$
number of workers hourly rate (\$8.00)	
7. Central Counting Station Personnel (§ 81.121*)	
A. General X =	\$
number of workers hourly rate (\$10.00)	
a .Manager and technical support personnel	\$
8. Miscellaneous election costs	
A. General	\$
sample ballots, processing payroll, postage, telephone,	
travel , additional supplies, training of poll workers,	
public testing (notice, etc.)	
9. County Election Services Contract Administrative Fee (§81.132)	
A. General	\$
10. Total Cost of General ES&S	\$
11. Grand Total	\$



CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance Reviewed by Legal	Yes Yes	X Not Applicable X Not Applicable
Council Meeting Date: May 17, 2016			
Department: Municipal Court		Initials	Date
Department Head: Bonnie Townsend	Asst. City Manager		
Dept. Signature: <i>[Signature]</i>	City Manager	<i>[Signature]</i>	5-13-2016
Agenda Coordinator/Contact (include phone #): Bonnie Townsend, 376-9469			
ACTION REQUESTED: ORDINANCE RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS X OTHER			
CAPTION			
Presentation by Jay Monkerud, Caldwell County Chief Juvenile Probation Officer and discussion and/or action to consider approval of the Caldwell County Truancy Committee's recommended Caldwell County Uniform Truancy Plan.			
FINANCIAL SUMMARY			
X N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S): N/A			
SUMMARY OF ITEM			
During the 84 th Legislative Session, House Bill 2398 was adopted to create the Truancy Reform Bill, which amended Section 25.0916 of the Texas Education Code that required entities to create a committee to make recommendations to the County and the City to implement Uniform Truancy Policies. The proposed Caldwell County Uniform Truancy Plan is a result of the plan recommended by the Committee.			
STAFF RECOMMENDATION			
Staff recommends that Council approve the Caldwell County Uniform Truancy Plan.			
List of Supporting Documents: Caldwell County Truancy Plan		Other Departments, Boards, Commissions or Agencies: Caldwell County Juvenile Probation Department	

RECEIVED
CITY OF LOCKHART

MAY 05 2016

MEMORANDUM

RCVD. BY: [Signature]
TIME RECVD: 4:36pm

TO: Caldwell County Commissioners Court
Lockhart City Council

FROM: Jay Monkerud, Chief Juvenile Probation Officer [Signature]

DATE: May 2, 2016

RE: H.B. 2398 – Caldwell County Truancy Committee recommendations

Pursuant to H.B. 2398 passed in the last legislative session, attached are the recommendations of the Caldwell County Truancy committee for a Uniform Truancy Policy.

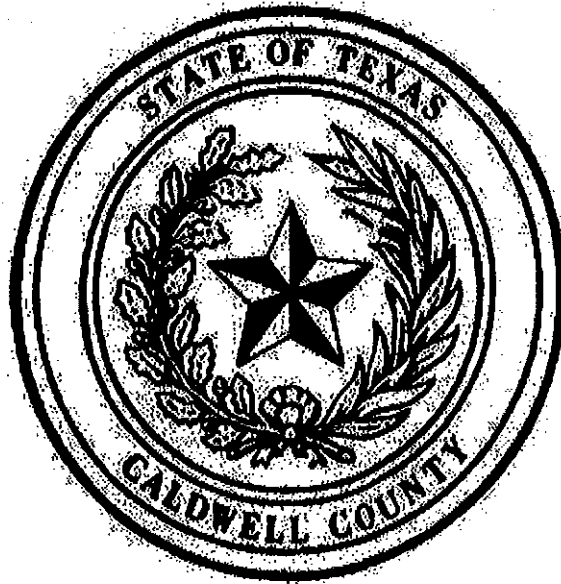
Truancy committee members were comprised of the following individuals:

Jay Monkerud – Caldwell County Juvenile Probation Department
Marissa Mendez – Caldwell County Juvenile Probation Department
Donna Moore – Caldwell County Juvenile Probation Department
Honorable Homer Horne – Justice of the Peace – Precinct 2
Honorable Johnny Lee Spriggs – Luling Municipal Court
Bonnie Townsend – Lockhart Municipal Court
Larry Ramirez – Lockhart Independent School District
Joseph Alvarez – Luling Independent School District
Larry Markert – Prairie Lea Independent School District
Susanna Meringola – Caldwell County District Attorney's Office

The committee held several meetings since February to discuss the truancy issues within our local school districts in deriving at the recommendations found within the proposed Caldwell County Uniform Truancy Policy.

The committee recommends that the County adopt the Uniform Truancy Policy as attached.

If there are any questions or I may be of further assistance please feel free to contact me.



Caldwell County Uniform Truancy Policy

The main goal of the Caldwell County Uniform Truancy Policy is :

- ### Geographic Areas Represented

Caldwell County

Map Legend

Major Roads

Trans City Limited

Released under E.O. 14176, 10/16/2002. This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

School district responsibilities and process

Preventative measures:

Beginning of school year:

- Send notice to parents/guardians if student is absent 10 or more days without excuse within 6 months:
 - Parent/guardian is subject to possible prosecution
 - Student is subject to referral to truancy court
- Each school district will determine the most appropriate method of notifying parents of absences from school:
 - Automated phone call systems
 - Campus staff contacting parent/guardian

Three unexcused absences in a 4-week period:

- Warning letter sent to parent/guardian
- School district must request conference between school officials and parent/guardian
 - Make available copy of warning letter for parent/guardian, signature – evidence parent was aware of truancy
 - Inform students' parent/guardian:
 - ✓ Of unexcused absences
 - ✓ Duty to monitor attendance
 - ✓ Duty to require student to attend school
 - ✓ Student is subject to truancy prevention measures

Truancy prevention measures implemented by truancy prevention facilitator:

- Prevention measures to document actions taken
- Impose Behavior Improvement Plan
- Referrals to possible community resource agencies:
 - Communities in Schools
 - Connections
 - Hays/Caldwell Council on Alcohol and Drug Abuse (HCCADA)
 - Bluebonnet Trails MHMR

Truancy court referral:

Student fails to attend school without excuse on 10 or more days or parts of days within a 6 month period:

- Shall refer student ages 12 to 19 to truancy court within 10 school days of the student's 10th absence
- May file in justice or municipal court
- School must present evidence:
 - Documentation of warning notices
 - Parent/guardian conference confirmation
 - Truancy Prevention Measures (TPM)

- Implementation of behavior improvement plan
- Other information demonstrating attempts
- Exceptions for referring:
 - School is applying truancy prevention measure and
 - School determines truancy prevention measures are successful and
 - Delay is in the best interest of the student
 - Pursuant to Sec. 25.091 of the Texas Education Code, the school must fully document any truancy referral delayed or not made.
- Court referral documentation:
 - School certified TPM were applied
 - School certifies TPM failed
 - Certify whether student is eligible or receives special education services

School may file against parent / guardian for contributing to non-attendance after 10 unexcused absences:

- In justice court
- In municipal court or
- In county court
- All the same rules apply for filing on parent/guardian as they do for student
- Must be evidence that the parent is contributing to the non-attendance

Tracking and sharing truancy information

- Absences are recorded and maintained in district student information systems.
- Attendance/truancy plans will be shared via the TRex System for students withdrawn from one school and enrolled in another.
- School districts shall maintain statistical data of students (by campus) that are placed on TPM and students referred to truancy courts.
- School districts shall maintain statistical data of parents (by campus) filed on for contributing to non-attendance.

60

Truancy court responsibilities and process

Information needed to accept truancy case and file petition

In order to file a truancy case (Petition for Adjudication of a Child for Truant Conduct, hereafter "Petition"), five conditions must exist:

1. **The referral from the school district must be timely** (the school district is required to make the referral "within 10 days of the student's 10th absence." Tex. Ed. Code § 25.0951(a). Exceptions to this requirement are set out in Section 25.0951(d) of the Code);
2. **The referral must not be for a student whose truancy is the result of: (a) pregnancy; (b) being in the state foster program; (c) homelessness; or (d) being the principle income earner for the student's family** (the prosecutor will look for the school's determination regarding this condition);
3. **The referral specifies whether the student is eligible for (or receives) special education services under Subchapter A of Section 29 of the Code** (the prosecutor will look for the school's statement regarding this condition);
4. **The referral is accompanied by a statement from the student's school certifying that the school applied the "truancy prevention measures" adopted under Subsection (a) or (a-4) of Tex. Ed. Code, § 25.0915; and**
5. **The referral is accompanied by a statement from the student's school certifying that the truancy prevention measures failed to meaningfully address the student's school attendance.**

The prosecutor makes his/her determination by reviewing the facts described in the referral (Tex. Fam. Code § 65.053(a)), so the more facts provided in the referral regarding the above conditions the better. As a practical matter, if the school will include, along with its referral papers, a separate form addressing the above conditions, it will streamline the prosecutor review process. See Referral Forms.

The school should include in its referral papers an actual explanation of the specific ten or more days or parts of days within a six-month period in the school year that the student is alleged to have been truant. In other words, list the dates and whether the absence was a whole day or a part day, rather than simply including a computer generated attendance record.

61

Case referred to the truancy prosecutor

Upon receiving a referral from the truancy court, the prosecutor must "promptly review the facts described in [the] referral." Tex. Fam. Code § 65.053(a).

There is no set period of time within which the prosecutor must perform this review, but a prompt review is necessary because any petition alleging that the child has engaged in truant conduct must be filed with the truancy court within a short time period. Specifically, a petition must be filed no later than the 45th day after the last absence giving rise to the act of truant conduct. Tex. Fam. Code § 65.055.

Upon receiving a referral from the truancy court, the prosecutor will review the referral file in its entirety and do one of the following:

- The prosecutor will draft and file with the truancy court a Petition, or
- The prosecutor will send a "Notice to Truancy Court and School District of Prosecutorial Decision not to File Petition". See e.g., "Decline to File Forms".

The decision to prosecute is a matter of prosecutorial discretion, but if the prosecutor declines to file a petition and sends the above Notice, it will specify the reason for the prosecutor's decision.

Petition filed with the truancy court

1. **The Truancy Court will direct the issuance of a summons** to: (1) the student; (2) the student's parent, guardian, or custodian; (3) the student's *guardian ad litem*, if any; and (4) any other proper or necessary party. The Truancy Court may endorse on the summons an order directing the person having physical custody or control of the student to bring the child to the hearing. See Tex. Fam. Code § 65.057(a), (c).
 - A copy of the Petition must accompany the summons.
 - As a necessary party, the school will be notified of the adjudication hearing.
2. **The summons will require the student to appear before the court for an adjudication hearing.** The place, date, and time of the adjudication hearing will be noted on the summons.
3. **The Truancy Court holds the hearing.**
 - The student must be personally present or the hearing must be rescheduled. Tex. Fam. Code §65.062(a).
 - The student may answer the Petition (admit or deny) prior to the hearing or at the time of the hearing.
 - The law envisions a hearing in every case involving allegations of truant conduct. See Tex. Fam. Code §§ 65.056, 65.062, 65.101. This means that a student may not simply plead true to the allegations and avoid showing up in court.

- As a general rule, truancy courts are required to be open to the public. There is an exception to this general open-court rule if the court determines that the public should be excluded. Tex. Fam. Code § 65.015(a).
 - The Truancy Court will determine whether a student's parent or guardian appears and is capable and willing of making decisions in the best interest of the child.
 - The Court may appoint a *guardian ad litem* and/or an attorney for child if court determines such appointment is in the best interest of child.
4. **If the student elects a jury trial at the hearing, the hearing is rescheduled for a jury trial. See Tex. Fam. Code §65.062(a).**
5. **If the student waives a jury trial, the adjudication hearing is held as scheduled.**
- State puts on evidence. Child puts on evidence. Both sides argue.
 - Judge (or jury) must determine whether child has (beyond a reasonable doubt) engaged in truant conduct.

Proving the student engaged in truant conduct

The following must *be proven at the time of the hearing or jury trial*:

1. The referral and Petition were timely filed;
2. The student was absent from school without a valid excuse for ten (10) or more days or parts of ten (10) or more days within a six (6) month period in the same school year;

To demonstrate the absences were w/o excuse, the prosecutor will need to establish:

- The truancy was not the result of: (a) pregnancy; (b) being in the state foster program; (c) homelessness; or (d) being the principle income earner for the student's family.
 - The school applied its truancy prevention methods adopted pursuant to state law.
 - The truancy prevention methods failed to solve the problem of truancy.
3. The student is between the ages of 12 and 19;

Witnesses necessary for court

Person(s) who can testify from *first-hand* knowledge to the following:

1. The identity of the minor who is in court.
2. The school has adopted truancy prevention measures that were followed.
3. There were no valid excuses for any of the alleged unexcused absences.
4. Absences alleged were reported to the parents/guardians.
5. Conferences and/or conference attempts.

6. All school and district level efforts have failed to correct the truancy problem.

Tracking and sharing truancy information

- Truancy courts shall maintain statistical data of students (by district) that are referred to truancy courts.
- Justice, municipal and county courts shall maintain statistical data of parents (by district) filed on for contributing to non-attendance.

64

65

SCHOOL DISTRICT REFERRAL (SEC. 25.0915, EDUCATION CODE)

Referring School	Parent/ Guardian Name
Student Name	P/G Relationship to student
Student Initials (First, Last)	Home Address
Student ID#	City, State, Zip
Student DOB (month, day, year)	P/G Phone #
Student Age	Other Parent or Guardian

TO THE TRUANT CONDUCT PROSECUTOR:

In Care of: ☐ City of _____ Municipal Court, _____ County, Texas
☐ Justice Court, Precinct _____, _____ County, Texas

I, THE UNDERSIGNED, CERTIFY THAT EACH OF THE FOLLOWING IS TRUE AND CORRECT:

- The above named student is a "child," per Section 65.002 of the Family Code, who is 12 years of age or older and younger than 19 years of age and is required to attend school under Section 25.085 of the Education Code.
- The school district has adopted truancy prevention measures per Section 25.0915 of the Education Code that are designed to address student conduct related to truancy in the school setting before the student engages in truant conduct and designed to minimize the need for referrals to truancy court for truant conduct. (Sec. 25.091 (a), Education Code)
- The student failed to attend school without excuse on 3 or more days (or parts of days) within a 4-week period.
- Thereafter, the school district notified the student's parent or guardian of: (1) the student's absence; (2) the parent's/guardian's duty to monitor the student's school attendance and require the student to attend school; and (3) that the student is subject to truancy prevention measures. The school district requested a conference between school officials and the parent to discuss the absences. (Sec. 25.095 (b), Education Code) *(Attach notice and supporting documentation)*
- The truancy prevention measures were implemented by a: ☐ truancy prevention facilitator, ☐ juvenile case manager ☐ designated existing employee of the school district. (Sec. 25.0915 (d)-(e), Education Code)
- The school district took at least one of the following truancy prevention measures the district was required to adopt *(check all that apply and attach supporting documentation)*:
☐ Imposed a "behavior improvement plan" on the student (Sec. 25.0915 (a-1)(1)(A), Education Code);
☐ Imposed "school-based community service" on the student (Sec. 25.0915 (a-1)(1)(B), Education Code.);
☐ Referred the student to *(circle all that apply)* (a) counseling, (b) mediation, (c) mentoring, (d) a teen court program, (e) community-based services, or (f) other in-school or out-of-school services aimed at preventing student's truancy (specifically: _____) (Sec. 25.0915 (a-1)(2), Education Code)
- The school district has determined that the student's truancy is **NOT** the result of: (1) pregnancy; (2) being in the state foster program; (3) homelessness; or (4) being the principal income earner for the student's family. (Sec. 25.0915 (a-3), Education Code)
- The student failed to attend school as required on 10 or more days (or parts of days) within a six-month period in the same school year. *(Attach attendance records)*
- This filing of this referral ☐ was ☐ was not delayed for reasons authorized by Sec. 25.0951(d), Education Code.
- A. The school district applied the adopted truancy prevention measures to the student.

B. The truancy prevention measures failed to meaningfully address the student's school attendance.

C. The student ☐ is ☐ is not eligible for and ☐ does ☐ does not receive special education services under Subchapter A, Chapter 29 of the Education Code.

Printed Name _____

Signature _____

Date _____

DATE RECEIVED BY TRUANCY COURT:	DATE TRANSMITTED TO PROSECUTOR:	DATE REVIEWED BY PROSECUTOR:
------------------------------------	------------------------------------	---------------------------------

66

PETITION FOR ADJUDICATION OF TRUANT CONDUCT (SEC. 65.054, FAMILY CODE)

CAUSE NO. _____

IN THE MATTER OF Child's Initials,
A CHILD

§

IN THE TRUANCY COURT

§

§

§

§

§

CITY OF _____, or

PRECINCT NO. _____

_____ COUNTY, TEXAS

COMES NOW the State of Texas, by its representative, the undersigned Truant Conduct Prosecutor, and files this Petition on information and belief that Insert Child's Name ("Child"), who is required to attend school under Section 25.085 of the Education Code and was 12 years of age or older and younger than 19 years of age at the time of the commission of the alleged conduct, is alleged to have engaged in TRUANT CONDUCT, and in support would show as follows:

1. Child is required to attend school under Section 25.085 of the Education Code and on or about the (insert Day) day of (insert Month), (insert Year), in _____ County, Texas, did intentionally or knowingly fail to attend school on ten (10) or more days or parts of days within a six-month period in the same school year. The times, dates, place, and manner of the unexcused days or parts of days were as follows: (insert Time, Dates, Place (i.e., School), and Manner of absences).
2. Child, age _____, resides at Insert Residence Address of Child, in _____ County, Texas, and may be served with a Summons at that address. *[Alternatively, if Child's address is unknown, use the following sentence: The residence address of the Child, age _____, is unknown.]*
3. *[Choose one of the following two paragraphs:]*
Insert Name of Adult is the Child's ☐ PARENT, ☐ GUARDIAN, ☐ CUSTODIAN and may be served with a Summons at the following address: Insert Residence Address of Adult. *[If Child has a spouse, the following sentence is also required: Insert Name of Child's Spouse is the Child's spouse and may be served with a Summons at the following address: Insert Residence Address of Spouse.]*
[OR]
 The Child's parent, guardian, or custodian ☐ DOES NOT RESIDE IN TEXAS ☐ CANNOT BE FOUND IN TEXAS
☐ HAS AN UNKNOWN RESIDENCE and _____ is an adult relative of the Child residing ☐ IN THE COUNTY or ☐ NEAREST TO THE LOCATION OF THE COURT, who may be served with a Summons at the following address: _____
4. This Petition is filed on or before the 45th day after Child's last absence giving rise to the act of TRUANT CONDUCT.
5. The school district's referral, SEE ATTACHMENT, certified that (1) the Child's school applied the truancy prevention measures adopted under Section 25.0915(a) or (a-4) of the Education Code to the Child, (2) the truancy prevention measures failed to meaningfully address the student's school attendance, and (3) specified whether the child is eligible for or receives special education services.

PRAYER: The State requests: (1) an Adjudication Hearing be set no earlier than the eleventh day from the date of the filing of this Petition; (2) that Summons(es) issue for the individuals named in the enumerated provisions above and any other person who appears to the Court to be a proper or necessary party to the proceeding; and (3) If, after the Adjudication Hearing, the Child is found to have engaged in TRUANT CONDUCT, that the Court consider all appropriate remedial actions and enter all orders against the Child, the Child's parent or guardian, and any other person as authorized by law.

Respectfully,

Truant Conduct Prosecutor

Address

City, Texas Zip Code

State Bar No.:

Tel.:

Fax:

E-Mail:

67

NOTICE OF DECISION NOT TO FILE PETITION (SEC. 65.053(b), FAMILY CODE)

TO THE _____ SCHOOL DISTRICT and _____ TRUANCY COURT

IN RE: Insert Child's Name

Per Section 65.053 of the Family Code, I have promptly reviewed the facts of the school district referral, dated __/__/__, and received by me on __/__/__, for the above named child who is a student in your school district.

After review of the school district referral, I have decided to **NOT FILE** a petition with the Truancy Court requesting an adjudication of the child for truant conduct.

My decision is based on the following:

☐ The referral is not made in compliance with Section 25.0915 of the Education Code.

A referral complies with Section 25.0915 if the referral:

1. is not for a student whose truancy is determined by the school to be the result of: (a) pregnancy; (b) being in the state foster program; (c) homelessness; or (d) being the principle income earner for the student's family;
2. specifies whether the student is eligible for (or receives) special education services under Subchapter A of Chapter 29 of the Education Code;
3. is accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures adopted under Subsection (a) or (a-4) of Section 25.0915; and
4. is accompanied by a statement from the student's school certifying that the truancy prevention measures failed to meaningfully address the student's school attendance.

Comments:

☐ Other Reason(s): _____

Comments:

Printed Name: Truant Conduct Prosecutor

Date _____

Signature _____

68

ORDER DISMISSING PETITION FOR ADJUDICATION OF TRUANT CONDUCT (SEC. 25.0915(e), EDUCATION CODE)

CAUSE NO. _____

IN THE MATTER OF Child's Initials,
A CHILD

§
§
§
§
§
§

IN THE TRUANCY COURT

CITY OF _____ or
PRECINCT NO. _____

_____ COUNTY, TEXAS

ORDER DISMISSING PETITION FOR ADJUDICATION OF TRUANT CONDUCT

On this the _____ day of _____, 20____, the Truant Conduct Prosecutor, _____, with the City of/Precinct No. _____, _____ County, Texas, filed a Petition for Adjudication of Truant Conduct in this Court after reviewing the referral by the following school district: _____, such referral being filed with this Court on the _____ day of _____, 20____.

This Court determines that the above-named school district's referral:

- ☐ Does not comply with Section 25.0915(b), Education Code, to wit: _____
- ☐ Does not satisfy the elements required for truant conduct, to wit: _____
- ☐ Is not timely filed and the above-named school district did not delay the referral under Section 25.0915(d).
- ☐ Is otherwise substantively defective, to wit: _____

-or-

- ☐ This Court determines that the Petition for Adjudication of Truant Conduct was not filed within 45 days of the date of the last absence giving rise to the act of truant conduct.

It is, therefore, hereby **ORDERED** that the above styled and-numbered cause is **DISMISSED**.

Signed and entered this _____ day of _____, 20____.

(court seal)

Judge, Truancy Court
City of _____

County, Texas

69



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: May 17, 2016				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>[Signature]</i>		City Manager		<i>[Signature]</i> May 13, 2016
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action after presentation by City Manager regarding detention ponds requiring Council approval to be constructed in SH 130 right of way to reduce adverse drainage conditions downstream				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
The Texas Department of Transportation (TxDOT) has presented approved plans for detention ponds to be constructed within SH 130 right of way. These ponds as designed will reduce the velocity of drainage waters adversely affecting the North Town Branch natural drainage ways. The cubic feet per second (cfs) reduction as shown in the specifications is less than before SH 130 was constructed.				
STAFF RECOMMENDATION				
City Manager respectfully requests approval for TxDOT to proceed with the construction of the detention ponds as designed.				
List of Supporting Documents: Location map, pond design, and design summary letter		Other Departments, Boards, Commissions or Agencies:		

**State Highway 130 Drainage Impact Analysis
Contract No. 48-1IDP5071; WA #1, SWA#2
Downstream Hydraulic Report**

Caldwell County, Texas

**Prepared for:
Texas Department of Transportation
Hydraulic Branch Design Division**

Prepared by Baker

In Association

**Civil
Associates,
Inc.**

**C
A
I**

And

HUNT-ZOLLARS

October 22, 2013

TBPE No. 2677

Baker

Michael Baker Jr., Inc.
101 South Locust Street
Suite 300
Denton, Texas 76201
(940) 783-4132

October 22, 2013

Amy J. Ronnfeldt, P.E.
Chief Hydraulics Engineer
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701-2483

RE: Contract No. 48-1IDP5071; WA #1, SWA#2 - Final Downstream Hydraulic Report

Dear Ms. Ronnfeldt,

We are transmitting four original copies of the Final Downstream State Highway 130 drainage investigation along Town Branch located in the City of Lockhart and Caldwell County, Texas. This report incorporated comments received from TxDOT. Each report includes a CD with the report, models, and mapping shapefiles. Field survey data was obtained by Surveying and Mapping, Inc., the hydrologic analysis was prepared by Civil Associates, Inc. and the hydraulic analysis was performed by Huitt Zollars, Inc.

Based upon the HEC-RAS analysis, the existing 5-8'x5' box culverts under SH-130 have sufficient capacity to convey the 100-year flow without overtopping the SH-130 frontage roads or main lanes.

The HEC-RAS and HEC-HMS models of Town Branch Creek show that the SH-130 improvements (without detention) increased the peak runoff flows upstream of Stueve Lane during 10-, 25-, 50- and 100-year storm events. The Post-Project 100-year and 10-year peak runoff flows at this location increased by 5 and 37 cfs, respectively. The Post-Project 10-year WSE increased by 0.01 feet.

To mitigate the impact of Post-Project improvements, we recommend 12.7 acre-feet of excavation between the SH-130 frontage roads and main lanes near the SH-130 culverts acting as inline detention and 0.8 acre-feet of onsite detention beneath SH-130 at SH-142 within the frontage road drainage swale.

Baker

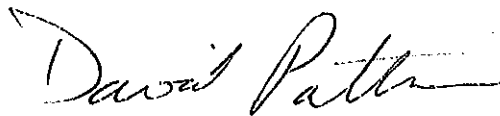
Amy J. Ronmfeldt, P.E.

October 22, 2013

Page 2

We appreciate the opportunity to provide this important evaluation to TxDOT. Please let me know if you have any questions or need additional information.

Sincerely,



David A. Patterson, P.E., CFM, D.WRE
Project Manager
Michael Baker Jr., Inc.
TBPE No. 2677



cc: William Pearce, PE
Austin District Hydraulic Engineer

13

Table of Contents

Report

1	Introduction.....	1
1.1	Purpose and Scope	1
1.2	Project Description and Background.....	1
1.3	Methodology	1
2	Pre-Project Model	2
2.1	Preliminary Analysis Using USGS Regression Equations	3
2.2	Pre-Project HEC-HMS Model	3
2.3	Pre-Project HEC-RAS Model	5
3	Post-Project Model.....	7
4	Mitigation Options	10
4.1	Detention South of UPRR Bridge	10
4.2	Detention North of UPRR Bridge	12
5	Preliminary Construction Cost Estimate.....	15
6	Conclusions & Recommendations.....	16

List of Tables

Table 1.	Discharges from FEMA FIS	2
Table 2.	USGS Rainfall Data for Caldwell County, Texas	3
Table 3.	Peak Runoff Flow Summary (Pre-Project).....	5
Table 4.	Pre-Project 100-yr, 50-yr, 25-yr and 10-yr WSE.....	6
Table 5.	Peak Runoff Flow Summary (Post-Project)	7
Table 6.	Post-Project 100-yr, 50-yr, 25-yr and 10-yr WSE	8
Table 7.	Pre-Project and Post-Project 100-yr WSE	9
Table 8.	Pre-Project and Post-Project 10-yr WSE.....	10
Table 9.	Pre-Project Sub-Basin Parameters	11
Table 10.	Post-Project Sub-Basin Parameters	11
Table 11.	Elevation/Area Curve for Det-6.....	11
Table 12.	Pre-Project and Post-Project Peak Discharge Flows	12
Table 13.	Pre-Project and Post-Project Peak Discharge Flows (With Detention).....	13
Table 14.	Pre-Project and Post-Project (with Detention) 100-yr WSE	14
Table 15.	Pre-Project and Post-Project (with Detention) 10-yr WSE	15

Appendices

- Appendix A Exhibits
- Appendix B Hydrologic Analysis
- Appendix C Hydraulic Analysis
- Appendix D Preliminary Construction Cost Estimate

Compact Disk

- HEC-HMS Models
- HEC-RAS Models
- GIS Shapefiles

Executive Summary

SH-130 improvements within Town Branch Creek watershed consist of 17 acres of new pavement and 5-8'x5' box culverts crossing under the roadway at Town Branch Creek. The scope of this Drainage Impact Analysis was to perform hydrologic and hydraulic analyses to determine the impacts of SH-130 improvements on water surface elevations in Town Branch Creek.

Based upon the enclosed HEC-RAS and HEC-HMS analyses, The 5-8'x5' Box Culverts under SH-130 have sufficient capacity to convey the 100-yr flow without overtopping the SH-130 frontage roads or main lanes during a 100-yr storm.

According to the HEC-HMS and HEC-RAS models, the Post-Project 100-yr peak discharge value downstream of the culverts at Station 20697 (FEMA Limit of Detailed Study) is higher than the Pre-Project condition for 10-yr through 100-yr storm events. Without mitigation, the SH-130 constructed improvements will have a negative impact on discharge values, WSEs, and velocities in Town Branch Creek.

In order to mitigate the impact of SH-130 constructed improvements, this report recommends 12.7 acre-feet of excavation between SH-130 frontage roads and main lanes near the SH-130 culverts (Detention 1 through 5) acting as inline detention and 0.8 acre-feet of onsite detention (Detention 6) underneath the SH-142 Bridge within the frontage road drainage swale. The approximate construction cost estimate for the proposed detention ponds is \$956,400 (see Appendix D).

Based upon the enclosed HEC-RAS and HEC-HMS analysis, the Post-Project peak runoff flows with detention are less than the Pre-Project peak runoff flows in Town Branch Creek downstream of the SH-130 culverts; therefore, there would be no increase in WSE, velocity and FIS floodplain or floodway boundaries downstream of SH-130. The Post-Project improvements with the recommended detention ponds would result in no negative impact to the Town Branch Creek WSE downstream of SH-130.

1 Introduction

1.1 Purpose and Scope

The purpose of the analyses contained in this report was to perform an investigation of drainage concerns expressed as a result of construction of SH-130 within the Town Branch Creek watershed in the City of Lockhart and Caldwell County, Texas. The scope of work consisted of hydrologic and hydraulic analyses to determine the impacts of SH-130 improvements on Town Branch Creek up to the end of the Flood Insurance Study limits upstream of Stueve Ln. This report also investigated the capacity of the existing culverts under SH-130 and includes conceptual plans for the potential mitigation measures.

1.2 Project Description and Background

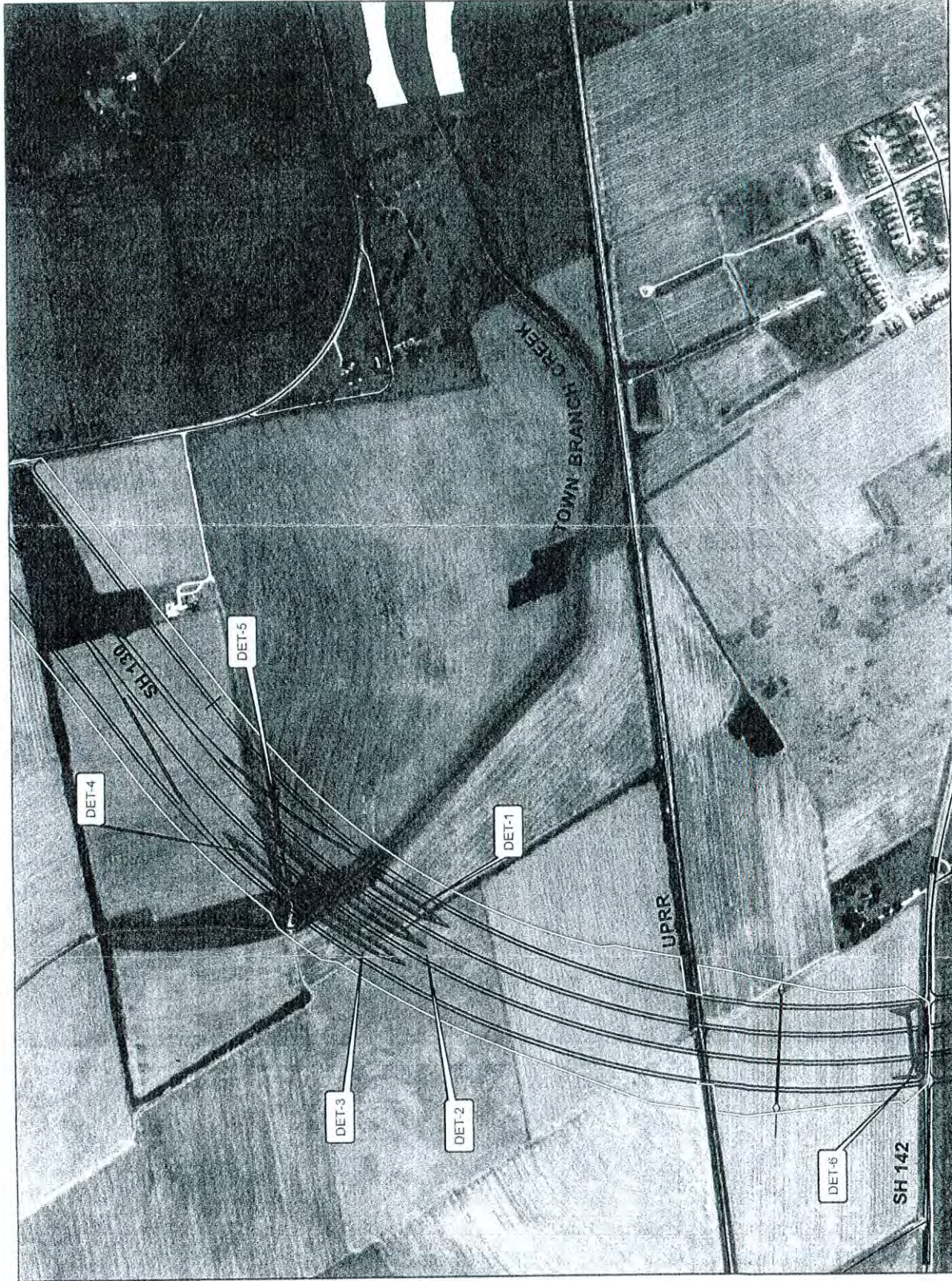
SH-130 improvements within the Town Branch Creek watershed consist of 17 acres of new pavement for the frontage roads and main lanes which were completed in October 2012. The SH-130 crossing over the upper reach of Town Branch Creek consists of 5-8'x5' box culverts with open ditches in the areas between the main lanes and frontage roads. The offsite drainage area west of SH-130, between Union Pacific Railroad (UPRR) and SH-142, drains through 2-4'x2' box culverts, then into Town Branch Creek after crossing UPRR about 2,000 feet east of SH-130.

All of the drainage improvements constructed for the SH-130 project within the Town Branch Creek Watershed were completed prior to preparation of this report. During the site visit, no significant erosion or sedimentation problems at the intake or outlet of the culverts were observed. The area upstream and immediately downstream of the culverts is open farmland. Town Branch Creek between SH-130 and Stueve Ln consists of flat terrain with no clear side slope or top bank. There are no existing structures near the creek between SH-130 and Stueve Ln.

1.3 Methodology

This report analyzes the Pre-Project and Post-Project condition HEC-HMS version 3.5 and HEC-RAS version 4.1 models for 10-yr, 25-yr, 50-yr and 100-yr storm events. The Pre-Project model represents the watershed conditions that existed prior to the construction of SH-130. The Post-Project models include the SH-130 improvements in and across Town Branch Creek.

The HEC-HMS model utilized SCS Loss and Transform Methods for the sub-basins and Modified Puls method for the reach routing. The peak flow discharge values from the HEC-HMS model were compared with the results from the USGS regression method and the FEMA Flood Insurance Study (FIS) data. Table 1 presents the peak flow values used in FEMA FIS dated June 19, 2012. This revision to the FIS is based on NAVD 88.



BAKER IN ASSOCIATION WITH HUETT-ZOLLARS	
SH 140 - TADDE TOWN BRANCH CREEK	
PROPOSED DETENTION	
Scale: 1" = 600'	Exhibit 4
Drawn by: BH	
Date: 04/01/13	



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date: May 17, 2016			
Department: Economic Development Department		Initials	Date
Department Head: Sandra F. Mauldin	Asst. City Manager		
Dept. Signature: <i>Sandra F. Mauldin</i>	City Manager	<i>SP</i>	<i>5.13.2016</i>
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Resolution No. 2016-08 a resolution of the City Council of the City of Lockhart approving a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for funding of the Pure Castings Company in an amount not to exceed \$483,250 including the cost of land, building improvements on the land, building, infrastructure improvements, and professional services.			
<i>2nd Reading</i>			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			TOTALS
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
Following rescinding of the original Pure Casting Company Type A project, LEDC took steps for two Type 4A projects. Pure proposes to purchase the 20,000SF building at 112 E. MLK at a purchase price of \$1,260,000 and the adjacent 4.206 acres of land for \$135,210 in Industrial Park II, to use project funds up to \$281,250 for costs of improvements to the properties and/or equipment, to use \$58,000 to pay for transformer costs for 4,000 amp service, and \$144,000 to employ a minimum of 48 employees for a total project not to exceed \$483,250.			
STAFF RECOMMENDATION			
Approval			
List of Supporting Documents: LEDC Res. No. 2016-04 City Council Resolution 2016-08		Other Departments, Boards, Commissions or Agencies: City Manager Finance Department Lockhart Economic Development Corporation	

RESOLUTION NO. 2016-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY IN AN AMOUNT NOT TO EXCEED \$483,250 INCLUDING THE COST OF LAND, BUILDING IMPROVEMENTS ON THE LAND, BUILDING, INFRASTRUCTURE IMPROVEMENTS, AND PROFESSIONAL SERVICES.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY desires to locate a manufacturing facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, PURE CASTINGS COMPANY proposes to create at least 48 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 20,000 square feet at 112 E. MLK, Jr. Industrial Blvd. has become available in the Lockhart Industrial Park II, and

WHEREAS, the Lockhart Economic Development Corporation proposes to sell to PURE CASTINGS COMPANY that certain building located at 112 E. MLK Jr. Industrial Blvd. at a purchase price of \$1,260,000 and that certain 4.206 acres of land at a purchase price of \$135,210, both of which are located in the Lockhart Industrial Park II, shall use additional project funds of up to \$281,250 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$58,000 to pay for transformer costs for 4,000 amp service, and shall use additional funds of up to \$144,000 to employ a minimum of forty-eight Full Time Equivalent ("FTE") employees, for a total project value not to exceed \$483,250.

WHEREAS, the City Council has determined that PURE CASTINGS COMPANY is a project that (a) meets the requirements for a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979; (b) serves as a public purpose by contributing to the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to the creation or retention of primary jobs within the City, Council and State; (c) the Lockhart City Council has determined that providing an economic development program for PURE CASTINGS COMPANY, and funding the PURE CASTINGS COMPANY project, serves a public purpose by promoting local economic development and stimulating business and commercial activity in the City; and (d) should be approved and funded.

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

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

SECTION 2. The PURE CASTINGS COMPANY project is HEREBY APPROVED as follows:

- A) The LEDC shall propose to work with PURE CASTINGS COMPANY under the conditions set out as follows:
 - 1) If PURE CASTINGS COMPANY chooses to purchase that certain building located at 112 E. MLK Jr. Industrial Blvd. at a purchase price of \$1,260,000 and that certain 4.206 acres of land at a purchase price of \$135,210, both of which are located in the Lockhart Industrial Park II, shall use additional project funds of up to \$281,250 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$58,000 to pay for transformer costs for 4,000 amp service, and shall use additional funds of up to \$144,000 to employ a minimum of forty-eight Full Time Equivalent ("FTE") employees, for a total project value not to exceed \$483,250; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart City Council held on this 17th day of May, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2016-04**

A RESOLUTION OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION APPROVING A 4A TYPE PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY IN AN AMOUNT NOT TO EXCEED \$483,250 INCLUDING THE COST OF LAND, BUILDING IMPROVEMENTS ON THE LAND, BUILDING, INFRASTRUCTURE IMPROVEMENTS, AND PROFESSIONAL SERVICES.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY desires to locate a manufacturing facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, PURE CASTINGS COMPANY proposes to create at least 48 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 20,000 square feet at 112 E. MLK, Jr. Industrial Blvd that became available in the Lockhart Industrial Park II, and

WHEREAS, the Lockhart Economic Development Corporation proposes to sell to Pure Castings that certain building located at 112 E MLK JR Industrial Blvd. at a purchase price of \$1,260,000 and that certain 4.206 acres of land at a purchase price of \$135,210, both of which are located in the Lockhart Industrial Park II, shall use additional project funds of up to \$281,250 to help pay, and/or reimburse Pure Castings, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$58,000 to pay for transformer costs for 4,000 amp

service ,and shall use additional funds of up to \$144,000 to employ a minimum of forty-eight Full Time Equivalent ("FTE") employees, for a total project value not to exceed \$483,250.

NOW, THEREFORE, BE IT RESOLVED by the Lockhart Economic Development Corporation as follows:

SECTION 1. That real property located in Lockhart Industrial Part II is to be purchased and used to induce job creation and investment in Lockhart.

SECTION 2. That Lockhart Economic Development Corporation proposes the project to the City Council of the City of Lockhart for approval of the sale of land, building, building improvements, infrastructure costs, and professional services in an amount not to exceed \$483,250; for the creation 48 primary jobs; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart Economic Development Corporation held on this 16 day of May, 2016.

Lockhart Economic Development Corp.

ATTEST:

Fermin T. Islas, Chairperson

Sandra Mauldin, Secretary

Vance Rodgers, President



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Not Applicable
Council Meeting Date: May 17, 2016			
Department: Economic Development Department		Initials	Date
Department Head: Sandra F. Mauldin	Asst. City Manager		
Dept. Signature: <i>Sandra F. Mauldin</i>	City Manager	<i>SM</i>	<i>5-13-2016</i>
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action regarding Chapter 380 Rebate of City Property Tax to Pure Castings Company on their new facility located in the City of Lockhart at 112 E. MLK, Jr. Ind. Blvd proposed to be offered to the company for locating their facility in Lockhart and creating 48 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council.			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
By locating the Pure Castings facility in the City of Lockhart, the Company will create new jobs, generate new sales tax revenues, and add improvements to real property and personal property and inventory subject to ad valorem tax assessment. Providing an economic development program to the Company pursuant to Texas Local Government Code, Chapter 380 as an incentive to locate its Central Texas operations in the City of Lockhart will serve a public purpose by promoting local economic development and stimulating business and commercial activity in the City.			
STAFF RECOMMENDATION			
Approval of the Chapter 380 agreement with Pure Castings Company on 112 E. MLK, Jr. Industrial Blvd property.			
List of Supporting Documents: Chapter 380 Agreement on 112 E. MLK, Jr. Ind. Blvd.		Other Departments, Boards, Commissions or Agencies: Lockhart Economic Development Corporation City Manager and Finance Department	

83

STATE OF TEXAS

COUNTY OF CALDWELL

)
)
)

CITY OF LOCKHART

CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Agreement (the “**Agreement**”) is entered into by and between the City of Lockhart, Texas (the “**CITY**”), a Texas Home Rule City, and Pure Castings Company, a Texas Corporation duly authorized to conduct business in the State of Texas (“**Company**”). The CITY and Company may also be referred to collectively as the “**Parties**” or individually as a “**Party**.”

PART 1. RECITALS

Section 1.01. Company produces precision castings in ferrous and non-ferrous materials.

Section 1.02. Company has informed the CITY that financial incentives from the CITY would induce the company to locate a manufacturing and distribution center in the City of Lockhart.

Section 1.03. By locating the facility in the City of Lockhart, the Company will create new jobs, generate new sales tax revenues, and add improvements to real property and personal property and inventory subject to ad valorem tax assessment.

Section 1.04. The CITY is authorized under Chapter 380 of the Texas Local Government Code to offer certain economic development incentives for public purposes, including the promotion of local economic development and the stimulation of business and commercial activity in the City.

Section 1.05. The CITY has determined that providing an economic development program to Company pursuant to Texas Local Government Code, Chapter 380 as an incentive to locate its Central Texas operations in the City of Lockhart will serve a public purpose by

promoting local economic development and stimulating business and commercial activity in the City.

Section 1.06. For the reasons stated in these Recitals and in consideration of the mutual benefits to and promises of the Parties set forth below, the Parties enter into this Agreement and agree to the terms and conditions set forth in this Agreement.

ARTICLE II DEFINITIONS

Section 2.01. “Business” means the business activities of Company conducted in the City of Lockhart, Texas on the Land (as defined below) to include and related to the manufacturing and distribution of precision castings of parts to supply various industries.

Section 2.02. “Grant Payments” means CITY’s Real Property Taxes and Personal Property Taxes generated by the Business on the Land. The real property and personal property tax portions of Grant Payments shall be paid in amounts equal to 20 - 100 percent of the Real Property Taxes, as defined herein, paid to CITY, and 20 – 100 percent of the Personal Property Taxes, as defined herein, paid to CITY, for the tax years described herein (see: Exhibit “A”).

Section 2.03. “Job” means a permanent, full time equivalent employment position (a minimum of 30 hours per week) resulting from and located at the Project, and meeting the criteria in section 3.01. Any other position does not qualify as a “Job” for purposes of this Agreement.

Section 2.04. “Land” means the real property within the city limits of the City of Lockhart, Texas upon which the Project shall be constructed and operated, commonly known as 112 E. MLK, JR. Industrial Blvd., Lockhart, Caldwell County, Texas, and further described as Lot 7B , Block 2, Lockhart Industrial Park II (4.206 acres) Lockhart, Caldwell County, Texas.

Section 2.05. "Personal Property" means all materials, supplies, equipment, inventory or other personal property attributable to the Business on the Land subject to ad valorem taxes.

Section 2.06. "Personal Property Taxes" are the City's share of the ad valorem taxes received from the Caldwell County Tax Assessor-Collector on the value of all Company Personal Property subject to personal property taxes in Caldwell County.

Section 2.07. "Project" means the construction and operation of the Business on the Land and the addition of Real Property Improvements (as defined below) and the creation and maintenance of new Jobs.

Section 2.08. "Real Property Improvements" means a building located at 112 E. MLK, JR. Industrial Blvd. and a facility constructed on the Land and having a minimum of 15,000 square feet for the operation of the Business.

Section 2.09. "Real Property Taxes" are the City's share of the ad valorem taxes received from the Caldwell County Tax Assessor-Collector on the value of the Company's real property subject to real property taxes in Caldwell County.

Section 2.10. The **"Term"** of this Agreement shall commence on the Effective Date and continue until all parties' obligations in this Agreement have been met. The Effective Date of this Agreement will be the date of signature of the second party to execute the Agreement.

ARTICLE III COMPANY'S OBLIGATIONS

Section 3.01. Job Creation. Company shall create 48 Jobs in the first year of operation of the Business and keep an average of 48 such Jobs filled each year during the Term. Should company fail to maintain the average of 48 jobs in any one year, the tax rebate shall be reduced by the same equivalent ratio.

(a) Nondiscrimination. Company agrees to ensure that no discrimination will occur in the Creation of Jobs on the basis of race, creed, color, national origin, sex or disability.

(b) Minimum Job Requirements. All Jobs must be full-time equivalent positions with an average annual salary for all Jobs at a minimum of \$38,500 .

Section 3.02. Addition of Real Property Improvements. Company shall complete the construction of the Real Property Improvements within 60 months of the effective date of this Agreement. Completion of the Real Property Improvements shall be evidenced by a certificate of occupancy issued by CITY.

Section 3.03. Operation of Business. Company shall begin operation of the Business within 24 months of the effective date of this Agreement, and shall continuously operate, maintain and manage the Business for the duration of the Term.

Section 3.04. Compliance with Laws. In performing its obligations under this Article, Company shall comply with all applicable federal, state and local laws, regulations and ordinances.

ARTICLE IV GRANT PAYMENTS FROM THE CITY

Section 4.01. Grant Payments. Subject to the requirements and limitations of this Article, other terms and conditions of this Agreement, and Company's compliance with this Agreement, the CITY will make Grant Payments to Company in the manner set forth in this Article.

Section 4.02. Five-Year Payment Period. Provided Company has timely completed construction of the Real Property Improvements and created and maintained at least the number of Jobs required by this Agreement each year, the CITY shall make Grant Payments to Company once per year for a period of five (5) years.

Section 4.03. Time for Payment. Grant Payments will be made by the CITY on or before March 31 in the calendar year immediately following the full calendar year in which the property taxes upon which the Grant Payment amount is based are generated. Notwithstanding the foregoing, the CITY shall not be required to make Grant Payment during any applicable year unless and until:

(a) Company has submitted all information required under this Agreement, and/or reasonably requested by the CITY, necessary to verify its compliance;

(b) The Property Taxes for the prior year are received by the City from the Caldwell County Tax Assessor-Collector; and

(d) Funds are appropriated by the Lockhart City Council for the specific purpose of making a Grant Payment under this Agreement as part of the City's ordinary budget and appropriations approval process.

ARTICLE V REPRESENTATIONS AND WARRANTIES OF COMPANY

As of the Effective Date, Company represents and warrants to the CITY, as follows:

Section 5.01. Organization. Company is a **Texas Corporation** duly organized, validly existing and in good standing under the laws of the State of Texas and authorized to conduct business in the State of Texas. The activities that company proposes to carry on at the Land may lawfully be conducted by Company.

Section 5.02. Authority. The execution, delivery and performance by Company of this Agreement are within Company's powers and have been duly authorized.

Section 5.03. Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Company, enforceable against Company in accordance with its terms except as limited by applicable relief, liquidation, conservatorship, bankruptcy, moratorium,

rearrangement, insolvency, reorganization or similar laws affecting the rights or remedies of creditors generally, as in effect from time to time.

Section 5.04. No Defaults. Company is not in default in the performance, observance or fulfillment of any of the obligations, covenants or conditions contained in any Agreement or instrument to which Company is a party or by which Company or any of its property is bound that would have any material adverse effect on Company's ability to perform under this Agreement.

Section 5.05 Full Disclosure. Neither this Agreement nor any schedule or exhibit attached hereto or provided by Company in connection with the negotiations of this Agreement contains any untrue statement of a material fact or omits to state any material fact necessary to keep the statements contained herein or therein, in the light of the circumstances in which they were made, from being misleading.

ARTICLE VI PERSONAL LIABILITY OF PUBLIC OFFICIALS AND LIMITATIONS ON CITY OBLIGATIONS

Section 6.01. Personal Liability of Public Officials. No officer, employee, agent or elected official of the CITY shall be personally liable for any liability arising under or growing out of this Agreement.

Section 6.02. Limitations on CITY Obligations. The Grant Payments made and any other financial obligation of the CITY hereunder shall be paid solely from lawfully available funds that have been budgeted and appropriated each year during the Term by the CITY as provided in this Agreement. Under no circumstances shall the CITY's obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. Consequently, notwithstanding any other provision of this Agreement, the CITY shall have no

obligation or liability to pay any Grant Payments or other payments unless the CITY budgets and appropriates funds to make such payments during the CITY's fiscal year in which such Grant Payment(s) or other payments are payable under this Agreement. If the CITY fails to appropriate funds for a Grant Payment, Company may at its option terminate this Agreement effective upon written notice to the CITY as provided herein.

Section 6.03. No Recourse. Company shall have no recourse against the CITY for the CITY's failure to budget and appropriate funds during the fiscal year to meet the purposes and satisfy its obligations under this Agreement.

ARTICLE VII INFORMATION

Section 7.01. Information. Company shall, at such times and in such form as the CITY may reasonably request from Company, provide information concerning the performance of Company's obligations under this Agreement.

Section 7.02. Annual Certification Related to Jobs and Compliance with Agreement. Beginning in the year the Company receives its certificate of occupancy and continuing each year thereafter during the term of this Agreement, Company shall submit to the CITY, on or before January 31, a certified statement acceptable to the city manager of the CITY, signed by an authorized officer or employee of Company, providing the following information:

(a) the total number of Jobs created in Lockhart in the preceding calendar year and cumulatively since the effective Date, together with the annual average salary for such Jobs; and

(b) a statement that it is in full compliance with its obligations under this Agreement or, if not in full compliance, a statement disclosing the nature of any noncompliance and any reasons therefore. After receiving a timely submitted certified statement, the CITY shall

have 60 calendar days to notify Company in writing of any questions that the CITY may have concerning any of the information provided by Company, and Company shall diligently work in good faith to respond to such questions to the CITY's reasonable satisfaction within 10 business days of receiving such questions.

Section 7.03. Review of Company Records. Company agrees that the CITY will have the right to review the business records of Company that relate to the Project and Company's compliance with the terms of this Agreement at any reasonable time and upon at least 7 days' prior notice to Company in order to determine compliance with this Agreement. To the extent reasonably possible, Company shall make all such records available in electronic form or otherwise available to be accessed through the internet.

ARTICLE VIII DEFAULT, TERMINATION AND REMEDIES

Section 8.01. Remedies for Noncompliance with Jobs Obligations. If, at the end of any applicable year during the Term, and subject to Sec. 3.01 above, Company is not in compliance with the obligations to create Jobs as provided in this Agreement, the CITY may, at its option, terminate the Agreement by sending written notice of termination to Company or withhold Grant Payments that would otherwise be due to Company for that year. If the CITY elects to withhold Grant Payments, the CITY will resume Grant Payments for any subsequent years during the Term in which Company is in compliance; however, any Grant Payments withheld by the CITY for any years during which Company is not in compliance shall be deemed forfeited by Company and the CITY shall not be liable for payment of such Grant Payments.

Section 8.02. Notice of Default. At any time during the Term of this Agreement that Company is not in compliance with its obligations under this Agreement other than its obligations to create Jobs, the CITY may send Company notice of such non-compliance. If such

non-compliance is not cured within 60 days after Company's receipt of such notice or, if non-compliance is not reasonably susceptible to cure within 60 days as determined by the CITY, a cure is not begun within such 60-day period and thereafter continuously and diligently pursued to completion (in either event, a "**Cure**"), then the CITY may, at its option, terminate this Agreement or withhold Grant Payments until such Cure occurs. Except as provided under section 8.01, upon a Cure by Company, the Grant Payments shall automatically and immediately resume except any Grant Payments withheld by the CITY for any years during which Company is not in compliance shall be deemed forfeited by Company and the CITY shall not be liable for payment of such Grant Payments. Except as to circumstances arising from an Event of *force majeure*, the Term shall not be extended as a result of any Cure period under this section.

Section 8.03. Remedies. Upon breach of any obligation under this Agreement, in addition to any other remedies expressly set forth in this Agreement with respect to such breach, the aggrieved party shall have such remedies as are available in law or equity for breach of contract; provided, however, that no party shall be liable to any other party for incidental or consequential damages. Notwithstanding the foregoing, the CITY, in entering into this Agreement, does not waive its immunity from suit or any other limitations on its liability, contractual or otherwise, as granted by the Texas Constitution or applicable laws of the State of Texas.

Section 8.04. Delinquent Fees/Taxes. The City may deduct from any Grant Payments, as an offset, any delinquent and unpaid fees, sums of money or other fees, charges or taxes assessed and owed by Company to or for the benefit of the City of Lockhart.

Section 8.05. Force Majeure. *Force majeure* means an event beyond the reasonable control of a Party obligated to perform an act or take some action under this Agreement

including, but not limited to, acts of God, earthquake, fire, explosion, war, civil insurrection, acts of public enemy, act of civil or military authority, sabotage, terrorism, floods, lightning, hurricanes, tornadoes, severe snow storms or utility disruption, strikes, lockouts, major equipment failure or the failure of any major supplier to perform its obligations.

Section 8.06. Indemnification. The CITY shall not be obligated to pay any indebtedness or obligations of Company. Company hereby agrees to indemnify and hold the CITY, and the CITY's elected officials, officers, employees, agents and officials harmless from and against (i) any indebtedness or obligations of Company, Business, the Project and any improvements to the Land, or any other obligation of Company as provided herein, and (ii) breach of any representation, warranty, covenant or Agreement of company contained in this Agreement, without regard to any notice or cure provisions. Company's indemnification obligation hereunder shall include payment of the CITY's reasonable attorneys' fees, costs and expenses with respect thereto.

ARTICLE IX MISCELLANEOUS

Section 9.01. Entire Agreement. This Agreement, including any exhibits hereto, contains the entire Agreement between the parties with respect to the transactions contemplated herein.

Section 9.02. Amendments. This Agreement may only be amended, altered, or terminated by written instrument signed by both parties.

Section 9.03. Assignment. Company may not assign any of its rights, or delegate or subcontract any of its duties under this Agreement, in whole or in part, without prior written consent of the CITY.

Section 9.04. Waiver. No term or condition of this Agreement shall be deemed to have been waived, nor shall there be any estoppel to enforce any provision of this Agreement, except by written instrument of the Party charged with such waiver or estoppel.

Section 9.05. Notices. Any notice, statement and/or communication required and/or permitted to be delivered hereunder shall be in writing and shall be mailed by first-class mail, postage prepaid, or delivered by hand, messenger, telecopy, or reputable overnight carrier, and shall be deemed delivered when received at the addresses of the Parties set forth below, or at such other address furnished in writing to the other parties thereto:

Company: Pure Castings Company
P. O. Box 6497
2110 E. 4th Street
Austin, Texas 78762
Telephone: 512-472-1330
Facsimile: 512-472-1322

City: CITY OF LOCKHART
308 W. San Antonio St.
Lockhart, Texas 78644
Telephone: (512) 398-3461
Facsimile: (512) 398-5103

Either Party may change the address and contact information for notices under this section by providing written notice of such change to the other Party.

Section 9.06. Applicable Law and Venue. This Agreement is made and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in State courts located in Caldwell County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas in Austin, Texas.

Section 9.07. Severability. In the event any provision of this Agreement is illegal, invalid, or unenforceability under the applicable present of future laws, then, and in that event, it is the intention of the Parties 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 enforceability and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

Section 9.08. Third Parties. The CITY and Company intend that this Agreement shall not benefit or create any right or cause of action in and on behalf of any third-party beneficiary, or any individual or entity other than the CITY and Company or permitted assignees of the CITY and Company, except that the indemnification and hold harmless obligations by Company provided for in this Agreement shall inure to the benefit of the indemnities named therein.

Section 9.09. No Joint Venture. Nothing contained in this Agreement is intended by the parties to create a partnership or joint venture between the Parties, and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint either Party as an agent of the other for any purpose whatsoever. Except as otherwise specifically provided herein, neither Party shall in any way assume any of the liability of the other for acts of the other or obligations of the other.

Section 9.10. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which constitute one instrument.

EXECUTED in duplicate originals to be effective as of the Effective Date.

CITY OF LOCKHART, TEXAS

By: _____
Lew White, Mayor

Date: _____

ATTEST:

By: _____
Connie Constancio, City Secretary

Date: _____

PURE CASTINGS COMPANY

By: _____
Name: _____
Title: _____

Date: _____

EXHIBIT "A"

Staff recommends a five year tax abatement of property taxes at 100% for Year 1, 80% for Year 2, 60% for Year 3, 40% for Year 4, & 20% for Year 5, based on the Company locating, constructing and operating a manufacturing and distribution center in the City of Lockhart, and creating 48 new full-time equivalent jobs at the center in the first year and maintaining an average of 48 such jobs each year for the term of the Agreement:

<u>City Ad Valorem Taxes</u>	<u>Tax Abatement</u>	<u>Jobs Created/Retained</u>
Year 1	100%	48 created
Year 2	80%	48 average retained
Year 3	60%	48 average retained
Year 4	40%	48 average retained
Year 5	20%	48 average retained

Should company fail to maintain the average of 48 jobs in any one year, the tax rebate shall be reduced by the same equivalent ratio. For example, if in any one year, the average number of jobs is 42, the rebate will be reduced by 12.5% ($6/48=12.5\%$).



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	Reviewed by Legal <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date: May 17, 2016			
Department: Economic Development Department		Initials	Date
Department Head: Sandra F. Mauldin	Asst. City Manager		
Dept. Signature: <i>Sandra F. Mauldin</i>	City Manager	<i>SP</i>	<i>5.13.2016</i>
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Resolution No. 2016-09 a Resolution of the City Council of the City of Lockhart, Texas, approving a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for funding of the Pure Castings Company in an amount not to exceed \$268,550 including the cost of land and building, infrastructure improvements, and professional fees. <i>2nd Reading</i>			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			TOTALS
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
The second Type A project for Pure Casting Company is for the 119 E. MLK, and proposes the sale of land, lease purchase of the building, infrastructure costs, and professional services in an amount not to exceed \$268,550; for the creation 14 primary jobs identified as Full Time Equivalent employees, excluding supervisors and management, with an average salary of \$38,500; for the development, retention, or expansion of a manufacturing and industrial facility.			
STAFF RECOMMENDATION			
Approval			
List of Supporting Documents: LEDC Res. No. 2016-03		Other Departments, Boards, Commissions or Agencies:	

RESOLUTION NO. 2016-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY IN AN AMOUNT NOT TO EXCEED \$268,550 INCLUDING THE COST OF LAND AND BUILDING, INFRASTRUCTURE IMPROVEMENTS, AND PROFESSIONAL SERVICES.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY wishes to locate offices, warehouse, machine shop and related metal work activities in a facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, PURE CASTINGS COMPANY proposes to create at least 14 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 12,000 square feet at 119 E. MLK, Jr. Industrial Blvd. has become available in the Lockhart Industrial Park II, and

WHEREAS, , the Lockhart Economic Development Corporation proposes to sell to Pure Castings Company that certain building located at 119 E. MLK Jr. Industrial Blvd. at a purchase price of \$660,000 and is located in the Lockhart Industrial Park II, shall use additional project funds of up to \$90,500 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Property and/or equipment, and shall use additional funds of up to \$8,550 to pay for an electric upgrade from 400 to 800 amp service, and shall use additional funds of up to \$42,000 to employ a minimum of fourteen (14) Full Time Equivalent ("FTE") employees, apply \$33,000 of previously paid lease payments to the new lease purchase, and abate \$127,500 of potential interest charges on the lease purchase, for a total project value not to exceed \$268,550.

WHEREAS, the City Council has determined that PURE CASTINGS COMPANY is a project that (a) meets the requirements for a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979; (b) serves as a public purpose by contributing to the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to the creation or retention of primary jobs within the City, Council and State; (c) the Lockhart City Council has determined that providing an economic development program for PURE CASTINGS COMPANY, and funding the PURE CASTINGS COMPANY project, serves a public purpose by promoting local economic development and stimulating business and commercial activity in the City; and (d) should be approved and funded.

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

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

SECTION 2. The PURE CASTINGS COMPANY project is HEREBY APPROVED as follows:

- A) The LEDC shall propose to work with PURE CASTINGS COMPANY under the conditions set out as follows:
 - 1) If PURE CASTINGS COMPANY chooses to purchase that certain building located at 119 E. MLK Jr. Industrial Blvd. at a purchase price of \$660,000 and is located in the Lockhart Industrial Park II, shall use additional project funds of up to \$90,500 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Property and/or equipment, and shall use additional funds of up to \$8,550 to pay for an electric upgrade from 400 to 800 amp service, and shall use additional funds of up to \$42,000 to employ a minimum of fourteen (14) Full Time Equivalent ("FTE") employees, apply \$33,000 of previously paid lease payments to the new lease purchase, and abate \$127,500 of potential interest charges on the lease purchase, for a total project value not to exceed \$268,550; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart City Council on this 17th day of May, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Peter Gruning, City Attorney

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2016-03**

A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION APPROVING A 4A TYPE PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY IN AN AMOUNT NOT TO EXCEED \$268,550 INCLUDING THE COST OF LAND AND BUILDING, INFRASTRUCTURE IMPROVEMENTS, AND PROFESSIONAL SERVICES.

WHEREAS, the Texas Economic Development Act of 1979 (the Act) provides for the funding of certain projects for the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, and to create or retain primary jobs within the state; and

WHEREAS, PURE CASTINGS COMPANY produces precision investment castings in ferrous and non-ferrous materials; and

WHEREAS, PURE CASTINGS COMPANY wishes to locate offices, warehouse, machine shop and related metal work activities in a facility for the management, development and/or production of its precision castings in ferrous and non-ferrous materials within the city limits of Lockhart; and

WHEREAS, the location of the proposed PURE CASTINGS COMPANY facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, PURE CASTINGS COMPANY proposes to create at least 14 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed PURE CASTINGS COMPANY facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 12,000 square feet at 119 E. MLK, Jr. Industrial Blvd has become available in the Lockhart Industrial Park II, and

WHEREAS, , the Lockhart Economic Development Corporation proposes to sell to Pure Castings Company that certain building located at 119 E MLK Jr. Industrial Blvd. at a purchase price of \$660,000 is located in the Lockhart Industrial Park II, shall use additional project funds of up to \$90,500 to help pay, and/or reimburse Pure Castings Company, for costs of improvements to the Property and/or equipment, and shall use additional funds of up to \$8,550 to

pay for an electric upgrade from 400 to 800 amp service, and shall use additional funds of up to \$42,000 to employ a minimum of fourteen (14) Full Time Equivalent ("FTE") employees, apply \$33,000 of previously paid lease payments to the new lease purchase, and abate \$127,500 of potential interest charges on the lease purchase, for a total project value not to exceed \$268,550.

NOW, THEREFORE, BE IT RESOLVED by the Lockhart Economic Development Corporation as follows:

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

SECTION 2. That real property located in Lockhart Industrial Part II is to be purchased through a lease purchase agreement and used to induce job creation and investment in Lockhart.

SECTION 3. That Lockhart Economic Development Corporation proposes the project to the City Council of the City of Lockhart for approval of the sale of land, building, infrastructure costs, and professional services in an amount not to exceed \$268,550; for the creation 14 primary jobs; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a special meeting of the Lockhart Economic Development Corporation held on this 16 day of May, 2016.

LOCKHART ECONOMIC DEVELOPMENT CORP.

Fermin T. Islas, Chairperson

Vance Rodgers, President

ATTEST:

Sandra Mauldin, Secretary



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	Reviewed by Legal <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable																														
Council Meeting Date: May 17, 2016																																	
Department: Economic Development Department		Initials	Date																														
Department Head: Sandra F. Mauldin		Asst. City Manager																															
Dept. Signature: <i>Sandra F. Mauldin</i>		City Manager: <i>[Signature]</i>	Date: <i>5.13.2016</i>																														
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856																																	
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER																																	
<p style="text-align: center;">CAPTION</p> <p>Discussion and/or action regarding Chapter 380 Rebate of City Property Tax to Pure Castings Company on their new facility located in the City of Lockhart at 119 E. MLK, Jr. Ind. Blvd. proposed to be offered to the company for locating their facility in Lockhart and creating 14 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council.</p>																																	
<p style="text-align: center;">FINANCIAL SUMMARY</p> <p> <input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED </p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">FISCAL YEAR:</th> <th style="width: 15%;">PRIOR YEAR (CIP ONLY)</th> <th style="width: 15%;">CURRENT YEAR</th> <th style="width: 15%;">FUTURE YEARS</th> <th style="width: 15%;">TOTALS</th> </tr> </thead> <tbody> <tr> <td>Budget</td> <td></td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>Budget Amendment Amount</td> <td></td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>Encumbered/Expended Amount</td> <td></td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>This Item</td> <td></td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>BALANCE</td> <td>\$0.00</td> <td>\$0.00</td> <td>\$0.00</td> <td>\$0.00</td> </tr> </tbody> </table>				FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS	Budget				\$0.00	Budget Amendment Amount				\$0.00	Encumbered/Expended Amount				\$0.00	This Item				\$0.00	BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS																													
Budget				\$0.00																													
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BALANCE	\$0.00	\$0.00	\$0.00	\$0.00																													
FUND(S):																																	
<p style="text-align: center;">SUMMARY OF ITEM</p> <p>By locating the Pure Castings facility in the City of Lockhart, the Company will create new jobs, generate new sales tax revenues, and add improvements to real property and personal property and inventory subject to ad valorem tax assessment. Providing an economic development program to the Company pursuant to Texas Local Government Code, Chapter 380 as an incentive to locate its Central Texas operations in the City of Lockhart will serve a public purpose by promoting local economic development and stimulating business and commercial activity in the City.</p>																																	
<p style="text-align: center;">STAFF RECOMMENDATION</p> <p>Approval of the Chapter 380 agreement with Pure Castings Company on 119 E. MLK, Jr. Industrial Blvd property.</p>																																	
List of Supporting Documents: Chapter 380 Agreement on 119 E. MLK, Jr. Ind. Blvd.		Other Departments, Boards, Commissions or Agencies: Lockhart Economic Development Corporation City Manager and Finance Department																															

STATE OF TEXAS

COUNTY OF CALDWELL

)
)
)

CITY OF LOCKHART

CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Agreement (the “**Agreement**”) is entered into by and between the City of Lockhart, Texas (the “**CITY**”), a Texas Home Rule City, and Pure Castings Company, a Texas Corporation duly authorized to conduct business in the State of Texas (“**Company**”). The CITY and Company may also be referred to collectively as the “**Parties**” or individually as a “**Party**.”

PART 1. RECITALS

Section 1.01. Company produces precision castings in ferrous and non-ferrous materials.

Section 1.02. Company has informed the CITY that financial incentives from the CITY would induce the company to locate a manufacturing and distribution center in the City of Lockhart.

Section 1.03. By locating the facility in the City of Lockhart, the Company will create new jobs, generate new sales tax revenues, and add improvements to real property and personal property and inventory subject to ad valorem tax assessment.

Section 1.04. The CITY is authorized under Chapter 380 of the Texas Local Government Code to offer certain economic development incentives for public purposes, including the promotion of local economic development and the stimulation of business and commercial activity in the City.

Section 1.05. The CITY has determined that providing an economic development program to Company pursuant to Texas Local Government Code, Chapter 380 as an incentive to locate its Central Texas operations in the City of Lockhart will serve a public purpose by

promoting local economic development and stimulating business and commercial activity in the City.

Section 1.06. For the reasons stated in these Recitals and in consideration of the mutual benefits to and promises of the Parties set forth below, the Parties enter into this Agreement and agree to the terms and conditions set forth in this Agreement.

ARTICLE II DEFINITIONS

Section 2.01. “Business” means the business activities of Company conducted in the City of Lockhart, Texas on the Land (as defined below) to include and related to the manufacturing and distribution of precision castings of parts to supply various industries.

Section 2.02. “Grant Payments” means CITY’s Real Property Taxes and Personal Property Taxes generated by the Business on the Land. The real property and personal property tax portions of Grant Payments shall be paid in amounts equal to 20 - 100 percent of the Real Property Taxes, as defined herein, paid to CITY, and 20 – 100 percent of the Personal Property Taxes, as defined herein, paid to CITY, for the tax years described herein (see: Exhibit “A”).

Section 2.03. “Job” means a permanent, full time equivalent employment position (a minimum of 30 hours per week) resulting from and located at the Project, and meeting the criteria in section 3.01. Any other position does not qualify as a “Job” for purposes of this Agreement.

Section 2.04. “Land” means the real property within the city limits of the City of Lockhart, Texas upon which the Project shall be constructed and operated, commonly known as 119 E. MLK, JR. Industrial Blvd., Lockhart, Caldwell County, Texas

Section 2.05. “Personal Property” means all materials, supplies, equipment, inventory or other personal property attributable to the Business on the Land subject to ad valorem taxes.

Section 2.06. "Personal Property Taxes" are the City's share of the ad valorem taxes received from the Caldwell County Tax Assessor-Collector on the value of all Company Personal Property subject to personal property taxes in Caldwell County.

Section 2.07. "Project" means the construction and operation of the Business on the Land and the addition of Real Property Improvements (as defined below) and the creation and maintenance of new Jobs.

Section 2.08. "Real Property Improvements" means a building located at 119 E. MLK, JR. Industrial Blvd.

Section 2.09. "Real Property Taxes" are the City's share of the ad valorem taxes received from the Caldwell County Tax Assessor-Collector on the value of the Company's real property subject to real property taxes in Caldwell County.

Section 2.10. The "**Term**" of this Agreement shall commence on the Effective Date and continue until all parties' obligations in this Agreement have been met. The Effective Date of this Agreement will be the date of signature of the second party to execute the Agreement.

ARTICLE III COMPANY'S OBLIGATIONS

Section 3.01. Job Creation. Company shall create 14 Jobs in the first year of operation of the Business and keep an average of 14 such Jobs filled each year during the Term. Should company fail to maintain the average of 14 jobs in any one year, the tax rebate shall be reduced by the same equivalent ratio.

(a) Nondiscrimination. Company agrees to ensure that no discrimination will occur in the Creation of Jobs on the basis of race, creed, color, national origin, sex or disability.

(b) Minimum Job Requirements. All Jobs must be full-time equivalent positions with an average annual salary for all Jobs at a minimum of \$38,500.00

Section 3.02. Addition of Real Property Improvements. Company shall complete the construction of the Real Property Improvements within 60 months of the effective date of this Agreement. Completion of the Real Property Improvements shall be evidenced by a certificate of occupancy issued by CITY.

Section 3.03. Operation of Business. Company shall begin operation of the Business within 24 months of the effective date of this Agreement, and shall continuously operate, maintain and manage the Business for the duration of the Term.

Section 3.04. Compliance with Laws. In performing its obligations under this Article, Company shall comply with all applicable federal, state and local laws, regulations and ordinances.

ARTICLE IV GRANT PAYMENTS FROM THE CITY

Section 4.01. Grant Payments. Subject to the requirements and limitations of this Article, other terms and conditions of this Agreement, and Company's compliance with this Agreement, the CITY will make Grant Payments to Company in the manner set forth in this Article.

Section 4.02. Five-Year Payment Period. Provided Company has timely completed construction of the Real Property Improvements and created and maintained at least the number of Jobs required by this Agreement each year, the CITY shall make Grant Payments to Company once per year for a period of five (5) years.

Section 4.03. Time for Payment. Grant Payments will be made by the CITY on or before March 31 in the calendar year immediately following the full calendar year in which the property taxes upon which the Grant Payment amount is based are generated. Notwithstanding

the foregoing, the CITY shall not be required to make Grant Payment during any applicable year unless and until:

(a) Company has submitted all information required under this Agreement, and/or reasonably requested by the CITY, necessary to verify its compliance;

(b) The Property Taxes for the prior year are received by the City from the Caldwell County Tax Assessor-Collector; and

(d) Funds are appropriated by the Lockhart City Council for the specific purpose of making a Grant Payment under this Agreement as part of the City's ordinary budget and appropriations approval process.

ARTICLE V REPRESENTATIONS AND WARRANTIES OF COMPANY

As of the Effective Date, Company represents and warrants to the CITY, as follows:

Section 5.01. Organization. Company is a **Texas Corporation** duly organized, validly existing and in good standing under the laws of the State of Texas and authorized to conduct business in the State of Texas. The activities that company proposes to carry on at the Land may lawfully be conducted by Company.

Section 5.02. Authority. The execution, delivery and performance by Company of this Agreement are within Company's powers and have been duly authorized.

Section 5.03. Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Company, enforceable against Company in accordance with its terms except as limited by applicable relief, liquidation, conservatorship, bankruptcy, moratorium, rearrangement, insolvency, reorganization or similar laws affecting the rights or remedies of creditors generally, as in effect from time to time.

Section 5.04. No Defaults. Company is not in default in the performance, observance or fulfillment of any of the obligations, covenants or conditions contained in any Agreement or instrument to which Company is a party or by which Company or any of its property is bound that would have any material adverse effect on Company's ability to perform under this Agreement.

Section 5.05 Full Disclosure. Neither this Agreement nor any schedule or exhibit attached hereto or provided by Company in connection with the negotiations of this Agreement contains any untrue statement of a material fact or omits to state any material fact necessary to keep the statements contained herein or therein, in the light of the circumstances in which they were made, from being misleading.

ARTICLE VI PERSONAL LIABILITY OF PUBLIC OFFICIALS AND LIMITATIONS ON CITY OBLIGATIONS

Section 6.01. Personal Liability of Public Officials. No officer, employee, agent or elected official of the CITY shall be personally liable for any liability arising under or growing out of this Agreement.

Section 6.02. Limitations on CITY Obligations. The Grant Payments made and any other financial obligation of the CITY hereunder shall be paid solely from lawfully available funds that have been budgeted and appropriated each year during the Term by the CITY as provided in this Agreement. Under no circumstances shall the CITY's obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. Consequently, notwithstanding any other provision of this Agreement, the CITY shall have no obligation or liability to pay any Grant Payments or other payments unless the CITY budgets and appropriates funds to make such payments during the CITY's fiscal year in which such Grant

Payment(s) or other payments are payable under this Agreement. If the CITY fails to appropriate funds for a Grant Payment, Company may at its option terminate this Agreement effective upon written notice to the CITY as provided herein.

Section 6.03. No Recourse. Company shall have no recourse against the CITY for the CITY's failure to budget and appropriate funds during the fiscal year to meet the purposes and satisfy its obligations under this Agreement.

ARTICLE VII INFORMATION

Section 7.01. Information. Company shall, at such times and in such form as the CITY may reasonably request from Company, provide information concerning the performance of Company's obligations under this Agreement.

Section 7.02. Annual Certification Related to Jobs and Compliance with Agreement. Beginning in the year the Company receives its certificate of occupancy and continuing each year thereafter during the term of this Agreement, Company shall submit to the CITY, on or before January 31, a certified statement acceptable to the city manager of the CITY, signed by an authorized officer or employee of Company, providing the following information:

(a) the total number of Jobs created in Lockhart in the preceding calendar year and cumulatively since the effective Date, together with the annual average salary for such Jobs; and

(b) a statement that it is in full compliance with its obligations under this Agreement or, if not in full compliance, a statement disclosing the nature of any noncompliance and any reasons therefore. After receiving a timely submitted certified statement, the CITY shall have 60 calendar days to notify Company in writing of any questions that the CITY may have concerning any of the information provided by Company, and Company shall diligently work in

good faith to respond to such questions to the CITY's reasonable satisfaction within 10 business days of receiving such questions.

Section 7.03. Review of Company Records. Company agrees that the CITY will have the right to review the business records of Company that relate to the Project and Company's compliance with the terms of this Agreement at any reasonable time and upon at least 7 days' prior notice to Company in order to determine compliance with this Agreement. To the extent reasonably possible, Company shall make all such records available in electronic form or otherwise available to be accessed through the internet.

ARTICLE VIII DEFAULT, TERMINATION AND REMEDIES

Section 8.01. Remedies for Noncompliance with Jobs Obligations. If, at the end of any applicable year during the Term, and subject to Sec. 3.01 above, Company is not in compliance with the obligations to create Jobs as provided in this Agreement, the CITY may, at its option, terminate the Agreement by sending written notice of termination to Company or withhold Grant Payments that would otherwise be due to Company for that year. If the CITY elects to withhold Grant Payments, the CITY will resume Grant Payments for any subsequent years during the Term in which Company is in compliance; however, any Grant Payments withheld by the CITY for any years during which Company is not in compliance shall be deemed forfeited by Company and the CITY shall not be liable for payment of such Grant Payments.

Section 8.02. Notice of Default. At any time during the Term of this Agreement that Company is not in compliance with its obligations under this Agreement other than its obligations to create Jobs, the CITY may send Company notice of such non-compliance. If such non-compliance is not cured within 60 days after Company's receipt of such notice or, if non-compliance is not reasonably susceptible to cure within 60 days as determined by the CITY, a

cure is not begun within such 60-day period and thereafter continuously and diligently pursued to completion (in either event, a “Cure”), then the CITY may, at its option, terminate this Agreement or withhold Grant Payments until such Cure occurs. Except as provided under section 8.01, upon a Cure by Company, the Grant Payments shall automatically and immediately resume except any Grant Payments withheld by the CITY for any years during which Company is not in compliance shall be deemed forfeited by Company and the CITY shall not be liable for payment of such Grant Payments. Except as to circumstances arising from an Event of *force majeure*, the Term shall not be extended as a result of any Cure period under this section.

Section 8.03. Remedies. Upon breach of any obligation under this Agreement, in addition to any other remedies expressly set forth in this Agreement with respect to such breach, the aggrieved party shall have such remedies as are available in law or equity for breach of contract; provided, however, that no party shall be liable to any other party for incidental or consequential damages. Notwithstanding the foregoing, the CITY, in entering into this Agreement, does not waive its immunity from suit or any other limitations on its liability, contractual or otherwise, as granted by the Texas Constitution or applicable laws of the State of Texas.

Section 8.04. Delinquent Fees/Taxes. The City may deduct from any Grant Payments, as an offset, any delinquent and unpaid fees, sums of money or other fees, charges or taxes assessed and owed by Company to or for the benefit of the City of Lockhart.

Section 8.05. Force Majeure. *Force majeure* means an event beyond the reasonable control of a Party obligated to perform an act or take some action under this Agreement including, but not limited to, acts of God, earthquake, fire, explosion, war, civil insurrection, acts of public enemy, act of civil or military authority, sabotage, terrorism, floods, lightning,

hurricanes, tornadoes, severe snow storms or utility disruption, strikes, lockouts, major equipment failure or the failure of any major supplier to perform its obligations.

Section 8.06. Indemnification. The CITY shall not be obligated to pay any indebtedness or obligations of Company. Company hereby agrees to indemnify and hold the CITY, and the CITY's elected officials, officers, employees, agents and officials harmless from and against (i) any indebtedness or obligations of Company, Business, the Project and any improvements to the Land, or any other obligation of Company as provided herein, and (ii) breach of any representation, warranty, covenant or Agreement of company contained in this Agreement, without regard to any notice or cure provisions. Company's indemnification obligation hereunder shall include payment of the CITY's reasonable attorneys' fees, costs and expenses with respect thereto.

ARTICLE IX MISCELLANEOUS

Section 9.01. Entire Agreement. This Agreement, including any exhibits hereto, contains the entire Agreement between the parties with respect to the transactions contemplated herein.

Section 9.02. Amendments. This Agreement may only be amended, altered, or terminated by written instrument signed by both parties.

Section 9.03. Assignment. Company may not assign any of its rights, or delegate or subcontract any of its duties under this Agreement, in whole or in part, without prior written consent of the CITY.

Section 9.04. Waiver. No term or condition of this Agreement shall be deemed to have been waived, nor shall there be any estoppel to enforce any provision of this Agreement, except by written instrument of the Party charged with such waiver or estoppel.

Section 9.05. Notices. Any notice, statement and/or communication required and/or permitted to be delivered hereunder shall be in writing and shall be mailed by first-class mail, postage prepaid, or delivered by hand, messenger, telecopy, or reputable overnight carrier, and shall be deemed delivered when received at the addresses of the Parties set forth below, or at such other address furnished in writing to the other parties thereto:

Company: Pure Castings Company
P. O. Box 6497
2110 E. 4th Street
Austin, Texas 78762
Telephone: 512-472-1330
Facsimile: 512-472-1322

City: City of Lockhart
308 W. San Antonio St.
Lockhart, Texas 78644
Telephone: (512) 398-3461
Facsimile: (512) 398-5103

Either Party may change the address and contact information for notices under this section by providing written notice of such change to the other Party.

Section 9.06. Applicable Law and Venue. This Agreement is made and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in State courts located in Caldwell County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas in Austin, Texas.

Section 9.07. Severability. In the event any provision of this Agreement is illegal, invalid, or unenforceability under the applicable present of future laws, then, and in that event, it is the intention of the Parties 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 enforceability and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

Section 9.08. Third Parties. The CITY and Company intend that this Agreement shall not benefit or create any right or cause of action in and on behalf of any third-party beneficiary, or any individual or entity other than the CITY and Company or permitted assignees of the CITY and Company, except that the indemnification and hold harmless obligations by Company provided for in this Agreement shall inure to the benefit of the indemnities named therein.

Section 9.09. No Joint Venture. Nothing contained in this Agreement is intended by the parties to create a partnership or joint venture between the Parties, and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint either Party as an agent of the other for any purpose whatsoever. Except as otherwise specifically provided herein, neither Party shall in any way assume any of the liability of the other for acts of the other or obligations of the other.

Section 9.10. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which constitute one instrument.

EXECUTED in duplicate originals to be effective as of the Effective Date.

CITY OF LOCKHART, TEXAS

By: _____
Lew White, Mayor

Date: _____

ATTEST:

By: _____
Connie Constancio, City Secretary

Date: _____

PURE CASTINGS COMPANY

By: _____
Name: _____
Title: _____

Date: _____

EXHIBIT "A"

Staff recommends a five year tax abatement of property taxes at 100% for Year 1, 80% for Year 2, 60% for Year 3, 40% for Year 4, & 20% for Year 5, based on the Company locating, constructing and operating a manufacturing and distribution center in the City of Lockhart, and creating 48 new full-time equivalent jobs at the center in the first year and maintaining an average of 48 such jobs each year for the term of the Agreement:

<u>City Ad Valorem Taxes</u>	<u>Tax Abatement</u>	<u>Jobs Created/Retained</u>
Year 1	100%	14 created
Year 2	80%	14 average retained
Year 3	60%	14 average retained
Year 4	40%	14 average retained
Year 5	20%	14 average retained

Should company fail to maintain the average of 48 jobs in any one year, the tax rebate shall be reduced by the same equivalent ratio. For example, if in any one year, the average number of jobs is 10, the rebate will be reduced by 28.6% ($4/14=28.6\%$).

LIST OF BOARD/COMMISSION VACANCIES

Updated: May 5, 2016

8/1

Board Name	Reappointments/Vacancies	Council member
Board of Adjustment	VACANT-(Stephanie Ramirez verbal/e-mail resignation 08/5/2015)	Councilmember Castillo
Impact Fee Advisory Committee	VACANT / ETJ REPRESENTATIVE-(Kasi Miles moved inside city limits 10/9/2015)	Any Councilmember
Parks Advisory Board	VACANT-(Jeff Johnson resigned 01/15/2016)	Mayor Pro-Tem Sanchez

APPLICATIONS RECEIVED TO BE ON A BOARD/COMMISSION

APPLICANT	BOARD REQUESTED	DATE RECEIVED	RESIDENCE DISTRICT
Ron Faulstich	Historical Preservation Commission	December 31, 2015	District 3
Paul Buckner	Parks & Recreation Advisory Board	April 1, 2016	District 2

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

Sec. 2-209. - Rules for appointment.

The city council hereby sets the following rules:

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

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

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

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

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

NOTES:
ORDINANCE
RE: ALL
BOARD,
COMMISSION
APPOINTMENTS

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

PAGE 3

Updated 05/05/2016

121

Councilmember	Board/Commission	Appointee	Date Appointed
Mayor – Lew White	Airport Board	John Hinnnekamp	01/17/12
	Board of Adjustment	Mike Annas	01/17/12
		VACANT-Alternate	04/03/12
	Construction Board	Ralph Gerald	01/17/12
	Ec Dev. Revolving Loan	W.R. Cline	01/17/12
	Ec Dev. Corp. ½ Cent Sales Tax	Alan Fielder, Vice-Chair	01/17/12
	Electric Board	Joe Colley, Chair	01/17/12
	Historical Preservation	John Lairsen	01/05/16
	Library Board	Stephanie Riggins	01/17/12
	Parks and Recreation	Albert Villalpando, Chair	01/17/12
	Planning & Zoning	Bill Faust	03/18/14
District 1 – Juan Mendoza	Airport Board	Larry Burrier	06/19/12
	Board of Adjustment	Lori Rangel	05/01/12
	Construction Board	Aaron Snider	09/06/11
	Eco Dev. Revolving Loan	Ryan Lozano	08/15/06
	Eco Dev. Corp. ½ Cent Sales Tax	Dyral Thomas	04/05/11
	Electric Board	Thomas Herrera	07/17/12
	Historical Preservation	Victor Corpus	06/04/13
	Library Board	Shirley Williams	01/17/12
	Parks and Recreation	Linda Thompson-Bennett	08/19/08
	Planning & Zoning	Adam Rodriguez	12/04/12
District 2– John Castillo	Airport Board	Reed Coats	01/17/12
	Board of Adjustment	VACANT-(S.Ramirez resigned 8/5/2015)	
	Construction Board	Israel Zapien	01/17/12
	EcoDev. Revolving Loan	Rudy Ruiz	05/03/16
	Eco Dev. Corp. ½ Cent Sales Tax	Fermin Islas, Chair	01/04/11
	Electric Board	James Briceno	05/03/11
	Historical Preservation	Richard Mendez, Chair	02/01/11
	Library Board	Donnie Wilson	01/04/11
	Parks and Recreation	James Torres	05/03/11
		Rob Ortiz, Alternate	05/06/08
	Planning & Zoning	Manuel Oliva	05/03/11

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

PAGE 4

Updated 05/05/2016

221

District 3 – Benny Hilburn	Airport Board	Ray Chandler	12/03/13
	Board of Adjustment	Anne Clark, Vice-Chair	12/03/13
		Nic Irwin (Alternate)	12/15/15
	Construction Board	Jerry West, Vice-Chair	12/03/13
	Eco Dev. Revolving Loan	Lew White, Chair	12/03/13
	Eco Dev. Corp. ½ Cent Sales Tax	Ken Doran	12/03/13
	Electric Board	Thomas Stephens	12/03/13
	Historical Preservation	Ronda Reagan	12/03/13
	Library Board	Jean Clark Fox, Chair	12/03/13
	Parks and Recreation	William Burnett	12/03/13
	Planning & Zoning	Philip McBride, Chair	12/03/13
District 4 – Jeffry Michelson	Airport Board	Mark Brown, Vice-Chair	07/01/08
	Board of Adjustment	Wayne Reeder	01/20/15
	Construction Board	Rick Winnett	04/19/16
	Eco Dev. Revolving Loan	Mary Beth Nickels	09/15/15
	Eco Dev. Corp. ½ Cent Sales Tax	Morris Alexander	01/20/15
	Electric Board	James Paul Denny, Vice-Chair	01/20/15
	Historical Preservation	Kathy McCormick	01/20/15
	Library Board	Donaly Brice	01/20/15
	Parks and Recreation	Russell Wheeler	01/20/15
	Planning & Zoning	Steve Visage	01/20/15
Mayor Pro-Tem (At-Large) – Angie Gonzales-Sanchez	Airport Board	Andrew Reyes	12/21/10
	Board of Adjustment	Laura Cline, Chair	02/19/08
	Construction Board	Walter Stephens, Alternate	05/06/08
	Eco Dev. Revolving Loan	Irene Yanez	06/17/08
	Eco Dev. Corp. ½ Cent Sales Tax	Bernie Rangel	07/07/15
	Historical Preservation	Juan Alvarez, Jr.	03/01/11
	Library Board	Jodi King	01/04/11
	Parks and Recreation	VACANT-J. Johnson resigned 01/05/16	
	Planning & Zoning	Philip Ruiz, Vice-Chair	01/04/11

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

PAGE 5

Updated 05/05/2016

123

At-Large - Brad Westmoreland	Airport Board	Jayson "Tex" Cordova	12/01/15
	Board of Adjustment	Severo Castillo	12/01/15
	Construction Board (Alternate)	Gary Shafter	08/18/15
	Eco Dev. Revolving Loan	Edward Strayer	12/01/15
	Eco Dev. Corp. ½ Cent Sales Tax	Frank Estrada	12/01/15
	Historical Preservation	Terrance Gahan	12/01/15
	Library Board	Rebecca Lockhart	12/01/15
	Parks and Recreation	Dennis Placke	11/03/15
	Planning & Zoning	Christina Black	09/15/15
	Charter Review Commission (Five member commission) Term – 24 months after appointment	Ray Sanders	03/01/16 – Michelson
		Bill Hernandez	03/01/16 – Michelson
		Roland Velvin	03/01/16 – Michelson
		Elizabeth Raxter	03/01/16 – Hilburn
		Alan Fielder	03/15/16 – Hilburn
	Sign Review Committee	Gabe Medina	03/17/15 - Mayor Pro-Tem Sanchez
		Neto Madrigal	04/21/15 – Councilmember Mendoza
		Terry Black	03/17/15 – Councilmember Hilburn
		Kenneth Sneed	03/17/15 – Mayor White
		Johnny Barron, Jr.	03/17/15 – Councilmember Castillo
		Tim Clark	03/17/15 – Councilmember Michelson

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 conscentrate 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 maunufacturing
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 maunufacturing
2	Westmoreland	Create a policy for the residency of future admininstrative 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 mintues of City Limis
2	White	Continue street rehab	Need \$ 250,000 annually minimum for street work materials
3	Castillo	City Facilites	Not sure what this includes; can asses all departments for physical needs
3	Gonzales-Sanchez	Economic Development: Recurit more businesses especailly 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 reasonalbe cost per sf plus higher traffic counts.

Lockhart City Council
FY 16-17 Goals
Revised 3-10-2016, 8:30 pm

Priority	Council Person	Goals Submitted	City Manager Comments
3	Hilburn	Continue improving city streets: Increase Transportation Fund	Current transportation monthly rate is \$ 4 for residential and others; \$260,000 annual which helps fund labor and equipment, but is not sufficient for materials. Another \$250,000 for materials is needed annually.
3	Mendoza	Wi-Fi Free Zones Downtown Square. Funding source City Budget, School District, Downtown sponsors	Rough estimate is about \$12,000
3	Michelson	Refurbish City Hall	If atrium removed, add more offices estimated at \$45,000 and more outside landscaping estimated at \$ 5,000; elevator going in with improvements to restrooms and offices
3	Westmoreland	Approach interested and future businesses cordially. Stringent ordinances (and the way they are approached), scare off some businesses. Let's be friendly in a positive way.	City Mgr respectfully requests names of such businesses. He has met with 18 business representatives over past 15 months that were looking at Lockhart but did not come. Except for the non-residential exterior building esthetics ordinance, none of them indicated a problem with the current ordinances or with staff. The main problems were high land prices and the lack of "ready built retail and industrial buildings", and traffic counts were not high enough. Most thought the impact fee schedules were very reasonable compared to other cities. Will continue to work toward friendlier customer service with simplified ordinances.
3	White	Park master plan to consider park bond issue, recreation dept and staff issues	Master Plan estimate: \$ 45,000, recreation dept est at least \$ 60,000 for a recreational professional with another \$30,000 for equipment and materials
4	Castillo	Employees Wages	Est Cost Per % Increase Annually: Gen Fund (Not Civil Serv) \$ 29,000; Gen Fund Civil Serv \$ 24,000; Other/Utilities: \$ 15,000- Add'l Cost FY 16-17 due to Civil Serv Pay Plan Expansions already approved: \$ 132,000
4	Gonzales-Sanchez	Police Task Force: Budget extra funds to bring back a much needed Police Task Force to address any drug and gang related problems this city is being faced with especially on the East side of our city. Possibly ask the County to assist with funding.	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
4	Hilburn	Continue working on bringing industry to Lockhart: Continue supporting Ms. Mauldin	LEDC is will have sufficient funding to be more aggressive starting FY 16-17
4	Mendoza	Training Start up: Neighborhood Watch Training and Program: Police Budget	Have tried Neighborhood Watch Program in past but was not sustained because of lack of participation. Willing to try again.
4	Michelson	Improve signage on HWY 183 as well as SH130 = directing people to Lockhart	Possibly use of some of the KTB grant money
4	Westmoreland	Evaluate and/or change the degree of the angled parking along the 4 blocks off of the square. This would be: Main Street from Market to Prairie Lea Street; Main Street from San Antonio Street to Walnut Street; Commerce Street from Market Street to Prairie Lea Street, and Commerce Street from San Antonio Street to Walnut Street. These parking spaces were made before long vehicles were made! If there are cars parked on both sides of the streets, only one car can pass through at a time. Then it becomes a one lane street. I have witnessed a different angled parking arrangement, and it provides more room and is much safer for the drivers and pedestrians.	Estimate to black out existing thermoplastic markings, redefine layout, and apply new thermoplastic markings with angle parking = \$ 12,000; will probably lose 4 spaces per block. 2 on each side
4	White	Branding and wayfinding—may be included in #1	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
5	Castillo	Parks	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
5	Gonzales-Sanchez	Subdivision development to attract more businesses to Lockhart	Working with 6 more subdivisions, either new or expanding, and possibly one more very large one northwest.
5	Hilburn	Improve tourism in Lockhart - City Council continue to work with and encourage Chambers of Commerce to be more involved	Council can make this directive to Chambers when dividing out HOT funds
5	Mendoza	Finding more funding for Retail Market Study. Zip code demographics with reports. Funding LEDC	LEDC could fund another report but the company says our numbers still should be good. Costs estimated \$22,500 for updating data and recruitment.

Lockhart City Council
FY 16-17 Goals
Revised 3-10-2016, 8:30 pm

Priority	Council Person	Goals Submitted	City Manager Comments
5	Michelson	Work with LEDC or someone equivalent to build a building to help attract business	Need more 12-15,000 sf of retail spaces with reasonable lease per sf. Most softgood retailers want 12-15,000 on Hwy 183 at a reasonable price and increased traffic volumes
5	White	Sidewalks to include lighting	Funding required; for example San Jacinto to Jr High estimate is \$130,000 just for materials along Maple walkway
6	Gonzales-Sanchez	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants)	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000. Chambers could use HOT for more tourism.
6	Michelson	Continue to work on City Park improvements	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
6	White	Pursue possible ESD-EMS district	Legal issue with participation by County and City of Luling preferable
7	Gonzales-Sanchez	Parks Improvemens: Purchase more park equipment to provide safe and fun filled parks for all to use.	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
7	Mendoza	Start Talks With YMCA Austin again. Seek sponsors funding if necessary	Our population hurt in previous discussions, Will pursue again. They usually want commitment for a minimum number of individuals and families depending on population of not only City but its metro area
7	Michelson	Work on building a civic center/ recreation center	\$ 9 million plus land \$ 2.5 million for about 20,000 sf plus about \$240,000 annual maintenance costs and minimum of \$60,000 for utilities; estimated revenues offset is about \$60,000; take out recreation center and cost go down about 20%. It has been reported that Bastrop is spending over \$500,000 per year to operate its civic center. Revenues not covering costs.
7	White	Cemetery maintenance	Cemetery Tax up to 5 cents allowed by State Law
8	Gonzales-Sanchez	City Hall: Refurbish with Improvements and/or Upgrades	Elevator and improvements to restrooms planned; better offices for Connie and Sandra planned also.
9	Gonzales-Sanchez	Convention Center	\$ 9 million plus land \$ 2.5 million for about 20,000 sf plus about \$240,000 annual maintenance costs and minimum of \$60,000 for utilities; estimated revenues offset is about \$60,000; take out recreation center and cost go down about 20%. It has been reported that Bastrop is spending over \$500,000 per year to operate its civic center. Revenues not covering costs.
10	Gonzales-Sanchez	Employee: Possible additional Employee Holiday Time off-Alternating system	City employees now have 12 holidays and 1 personal holiday; time off is granted by seniority with department head responsible for keeping sufficient personnel to serve the public needs. Employees also receive at least 2 weeks of vacation time. Those employees required to work on holidays receive their normal pay plus holiday pay.

City of Lockhart Future Debt Payments as of 9/30/15																						
Description		2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
General Government																						
Hotel Tax Fund																						
2009 Tax & Revenue		40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000								520,000
Total Hotel Tax Fund P & I		40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000								520,000
LEDC																						
2008 GO Refunding	300,000																					300,000
2015 Tax & Revenue		37,357	48,093	48,093	48,044	48,103	48,152	63,645	63,670	63,513	63,543	63,555	63,643	63,687	65,647	65,544	65,575	65,482	65,579	65,538	65,676	1,182,139
Total LEDC Fund P & I		337,357	48,093	48,093	48,044	48,103	48,152	63,645	63,670	63,513	63,543	63,555	63,643	63,687	65,647	65,544	65,575	65,482	65,579	65,538	65,676	1,482,139
2015 Capital Projects Fund																						
2015 Tax & Revenue		122,620																				122,620
Total 2015 Capital Projects Fund		122,620	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	122,620
Drainage																						
2008 GO Refunding	31.00%	100,000																				100,000
2015 Tax & Revenue		100,000	116,289	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	2,016,289
Total Drainage Fund P & I		200,000	116,289	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	2,116,289
General Fund																						
2008 GO Refunding	91,210																					91,210
2015 Tax & Revenue		-																				-
Total General Fund P & I		91,210	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	91,210
Debt Service Fund																						
2009 Tax & Rev CO's	100.00%	333,210	331,060	328,972	327,883	336,575	329,615	737,655	742,642	741,325	743,920	750,210	749,978	753,440								7,206,485
2006 Tax & Rev CO's	100.00%	50,455	48,815	47,175	50,535	48,690	46,845															292,515
2006-A Tax & Rev CO's	93.00%	266,916	267,594	267,890	267,803	267,332	271,128															1,608,664
2015 Tax & Revenue	12.00%	91,487	117,779	117,779	117,659	117,803	117,923	155,867	155,927	155,543	155,615	155,645	155,861	155,969	160,769	160,517	160,592	160,365	160,602	160,502	160,831	2,895,035
Total Debt Service Fund P & I		742,068	765,248	761,816	763,880	770,400	765,511	893,522	898,569	896,868	899,535	905,855	905,839	909,409	160,769	160,517	160,592	160,365	160,602	160,502	160,831	12,002,699
Total General Government		1,533,255	969,630	949,909	951,924	958,503	953,663	1,097,167	1,102,239	1,100,381	1,103,078	1,109,410	1,109,482	1,113,096	326,416	326,061	326,167	325,847	326,181	326,040	326,507	16,334,957

City of Lockhart Future Debt Payments as of 9/30/15																						
Description		2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
Proprietary																						
Electric Fund																						
2008 GO Refunding	3.59%	40,379																				40,379
2013 SIB Loan	30.81%	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,151	71,151	71,152			1,280,721
																						-
Total Electric Fund P & I		111,530	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,151	71,151	71,152	-	-	1,321,100
Water Fund																						
2006A Tax & Rev CO's	7.00%	20,090	20,142	20,164	20,157	20,122	20,408															121,082
2008 GO Refunding	36.38%	409,192																				409,192
2009 GO Refunding	86.69%	165,829	165,775	165,656	165,477	169,357	168,625	167,709	170,852	169,384	171,937	174,082	171,534	177,194								2,203,410
2015 Tax & Revenue	49.60%	378,148	486,818	486,818	486,322	486,917	487,413	644,248	644,496	642,909	643,207	643,331	644,223	644,670	664,510	663,468	663,778	662,842	663,822	663,406	664,800	11,966,146
2013 SIB Loan	35.80%	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676			1,488,169
Total Water Fund P & I		1,055,935	755,411	755,314	754,632	759,071	759,122	894,633	898,024	894,969	897,820	900,089	898,433	904,540	747,186	746,144	746,454	745,518	746,498	663,406	664,800	16,187,999
Sewer Fund																						
2008 GO Refunding	16.36%	183,990																				183,990
2009 GO Refunding	13.31%	25,461	25,452	25,434	25,407	26,002	25,890	25,749	26,232	26,006	26,398	26,728	26,336	27,206								338,302
2015 Tax & Revenue	4.30%	32,783	42,204	42,204	42,161	42,213	42,256	55,852	55,874	55,736	55,752	55,773	55,850	55,889	57,609	57,518	57,545	57,464	57,549	57,513	57,643	1,037,388
2015 Tax & Revenue	TRNSF		170,305	186,594	186,302	186,653	186,945	279,275	279,421	278,487	278,662	278,735	279,261	279,523	291,203	290,590	290,773	290,222	290,798	290,554	291,374	4,905,677
2013 SIB Loan	33.39%	77,102	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102			1,387,844
Total Sewer Fund P & I		319,336	315,064	331,334	330,973	331,971	332,193	437,979	438,629	437,331	437,915	438,338	438,549	439,721	425,914	425,210	425,421	424,788	425,449	348,067	349,017	7,853,201
Airport Fund																						
2000 Airport	100.00%																					-
Total Airport Fund P & I		-	-	-	-	-	-	-														-
Total Proprietary Fund P & I		1,486,801	1,141,626	1,157,799	1,156,757	1,162,193	1,162,466	1,403,764	1,407,804	1,403,451	1,406,887	1,409,579	1,408,133	1,415,412	1,244,252	1,242,505	1,243,026	1,241,458	1,243,099	1,011,473	1,013,817	25,362,300
Grand Total		3,020,056	2,111,256	2,107,708	2,108,681	2,120,696	2,116,129	2,500,931	2,510,043	2,503,832	2,509,965	2,518,989	2,517,615	2,528,508	1,570,668	1,568,566	1,569,193	1,567,305	1,569,280	1,337,513	1,340,324	41,697,257

City of Lockhart
2015 BOND PROGRAM

Cost	Notes	Task Name	Duration	Start	Finish	2015	2016	2017
						FebMarAprMayJunJulAugSepOctNovDecJanFebMarAprMayJunJulAugSepOctNovDecJanFebMarAprMayJunJulAugSepOctNovDecJan		
\$14,124,890.00		TOTAL PROJECT COST						
\$2,068,024.00	1	DRAINAGE IMPROVEMENTS CONTRACT 1 - Mesquite/Wichita Street & Richland Drive						
		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	DRAINAGE IMPROVEMENTS CONTRACT 2 - Century Oaks/Market Street, & Ash/Comal Streets						
		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	DRAINAGE IMPROVEMENTS CONTRACT 3 - Downtown Improvements Project						
		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	DRAINAGE IMPROVEMENTS CONTRACT 4 - Medina & US183 Project						
		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	FM 2001 ELEVATED TANK PROJECT						
		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			

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
		Construction	365 days	Thu 6/30/16	Thu 6/29/17																								
\$1,355,516.00	6	SH130 WATER MAIN PROJECT - City Line Rd. to Existing Tank, SH 130 @ Hwy. 142, Borchert/Mockingbird, Control Valves, FM 2001																											
		Surveying Proposal	15 days	Mon 1/18/16	Mon 2/1/16																								
		Survey	30 days	Tue 2/2/16	Wed 3/2/16																								
		Acquisition	150 days	Thu 3/3/16	Sat 7/30/16																								
		Engineering Design	120 days	Thu 3/3/16	Thu 6/30/16																								
		Bid Ad/NTP	60 days	Fri 7/1/16	Mon 8/29/16																								
		Construction	300 days	Fri 9/2/16	Wed 6/28/17																								
\$470,400.00	7	SH130 PUMP STATION PROJECT																											
		Survey	7 days	Mon 4/25/16	Sun 5/1/16																								
		Engineering Design	90 days	Mon 5/2/16	Sat 7/30/16																								
		Bid Ad/NTP	60 days	Sun 7/31/16	Wed 9/28/16																								
		Construction	270 days	Sun 10/2/16	Wed 6/28/17																								
\$859,186.00	8	SH130/TOWN BRANCH SEWER PROJECT																											
		Surveying Proposal	15 days	Fri 5/20/16	Fri 6/3/16																								
		Survey	30 days	Sat 6/4/16	Sun 7/3/16																								
		Acquisition	120 days	Mon 7/4/16	Mon 10/31/16																								
		Engineering Design	90 days	Mon 7/4/16	Sat 10/1/16																								
		Bid Ad/NTP	60 days	Sun 10/2/16	Wed 11/30/16																								
		Construction	240 days	Mon 12/5/16	Tue 8/1/17																								
\$1,891,126.00	9	WATER TRANSMISSION MAIN PROJECT - Water Plant Transmission Main, MLK to FM 20 West Transmission Main																											
		Surveying Proposal	17 days	Wed 11/16/16	Fri 12/2/16																								
		Survey	30 days	Sat 12/3/16	Sun 1/1/17																								
		Acquisition	120 days	Mon 1/2/17	Mon 5/1/17																								
		Engineering Design	90 days	Mon 1/2/17	Sat 4/1/17																								
		Bid Ad/NTP	60 days	Sun 4/2/17	Wed 5/31/17																								
		Construction	180 days	Mon 6/5/17	Fri 12/1/17																								