

## PUBLIC NOTICE

### AGENDA

#### LOCKHART CITY COUNCIL and LOCKHART ECONOMIC DEVELOPMENT CORPORATION

TUESDAY, DECEMBER 1, 2020

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

#### COUNCILMEMBER VIDEO AND AUDIO CONFERENCE PARTICIPATION

*Pursuant to Section 551.127 of the Texas Government Code, one or more members of the Lockhart City Council may participate in a meeting remotely, following certain guidelines and notice requirements. The member of the Council presiding over the meeting will be physically present at the above public location. Video and audio conference equipment providing two-way video/audio communication with each member participating remotely will be made available, and each portion of the meeting held by video/audio conference that is required to be open to the public can be heard by the public at the location specified.*

#### CITIZEN AND COUNCILMEMBER VIDEO/AUDIO VOLUNTARY CONFERENCE PARTICIPATION

- *Join virtual meetings via Zoom.*
- *Mayor will call upon each citizen registered to address the Council during the agenda item.*
- *Attendees may also call in to listen only.*
- *Council agenda packets can be reviewed at [http://www.lockhart-tx.org/page/gov\\_agendas\\_minutes](http://www.lockhart-tx.org/page/gov_agendas_minutes)*
- *Individuals may watch the Council meeting online at [http://www.lockhart-tx.org/page/gov\\_meeting\\_videos](http://www.lockhart-tx.org/page/gov_meeting_videos)*

#### PUBLIC COMMENT

Persons wishing to "speak" during the public comment period of a public meeting must submit their written comments to [cconstancio@lockhart-tx.org](mailto:cconstancio@lockhart-tx.org) no later than 12 p.m. (noon) on the day of the meeting. Timely submitted comments will be read aloud by the Mayor during the public comment portion of the meeting.

#### PUBLIC HEARINGS

Persons wishing to participate in any public hearing item listed on the agenda may do so as follows:

- Send written comments which will be read aloud; or
- Request a link to join the public hearing portion of the virtual meeting.  
Written comments or requests to join a public hearing by virtual meeting must be sent to [cconstancio@lockhart-tx.org](mailto:cconstancio@lockhart-tx.org) no later than 12 p.m. (Noon) on the day of the hearing. Comments shall have a time limit of three minutes each. Citizens who join the public hearing virtually will be provided a link and call-in number to participate remotely.

Comments whether during public hearings or public comment periods, shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments are prohibited.

**6:30 P.M.**

**1. CALL CITY COUNCIL MEETING TO ORDER**

Mayor Lew White

**2. CALL LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) MEETING TO ORDER**

Chairman Alan Fielder

**3. INVOCATION, PLEDGE OF ALLEGIANCE**

Invocation.

Pledge of Allegiance to the United States and Texas flags.

**4. PUBLIC COMMENT**

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

**5. LOCKHART CITY COUNCIL PRESENTATION ONLY**

A. Presentation of a proclamation declaring December 1-5, 2020 as Tree of Angels Week.

B. Presentation and update by the Guadalupe-Blanco River Authority (GBRA) and HDR Engineering regarding Carrizo Groundwater Supply Project.

5-10

**6. LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) DISCUSSION AND ACTION**

A. Public hearing to solicit input prior to expending funds for the following proposed economic development projects: the acquisition of approximately 75 acres located near the northwest corner of the intersection of SH 142 and FM 2720 (the "land") including the construction, replacement and/or possible improvement to the land consisting of buildings, equipment, facilities, targeted infrastructure or other expenditures connected therewith to promote new or expanded business development for an industrial park, and the issuance of approximately \$1,500,000 of sales tax revenue bonds to finance the aforementioned projects.

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B. Consideration and action with respect to "RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, SERIES 2020; AUTHORIZING THE AMOUNT, THE INTEREST RATES, THE DATE, PAYMENT DATES, REDEMPTION PRICE, AND CERTAIN OTHER TERMS OF THE BONDS; APPROVING PROCEDURES AND DOCUMENTS RELATED TO THE SALE OF THE BONDS AND OTHER MATTERS RELATED THERETO."

12-64

C. Discussion and/or action regarding an economic development agreement between the Lockhart Economic Development Corporation and Caldwell County for the County's contribution of \$1,500,000 towards the total cost to develop a property for economic purposes within the City of Lockhart and the repayment of those funds.

65-71

- D. Consideration and action with respect to RESOLUTION 2020-03 OF THE BOARD OF DIRECTORS OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING ITS PRESIDENT TO NEGOTIATE AND PURCHASE LAND FOR A PROJECT OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION BEING KNOWN AS "PROJECT FUTURE". 72-73
- E. Consideration and possible action with respect to any other matters, including any agreements, related to the proposed industrial park project and the related issuance of sales tax revenue bonds 74

**7. LOCKHART CITY COUNCIL DISCUSSION/ACTION ITEMS**

- A. Lockhart City Council discussion and/or action with respect to "RESOLUTION 2020-28 APPROVING A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, TAXABLE SERIES 2020; AUTHORIZING THE AMOUNT, THE INTEREST RATES, THE DATE, PAYMENT DATES, REDEMPTION PRICE, AND CERTAIN OTHER TERMS FOR THE BONDS; APPROVING PROCEDURES AND DOCUMENTS RELATED TO THE SALE OF THE BONDS AND OTHER MATTERS RELATED THERETO." 75-131
- B. Discussion and/or action regarding an economic development agreement between the Lockhart Economic Development Corporation and Caldwell County for the County's contribution of \$1,500,000 towards the total cost to develop a property for economic purposes within the City of Lockhart and the repayment of those funds. 132-138
- C. Consideration and action with respect to RESOLUTION 2020-29 APPROVING A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING ITS PRESIDENT TO NEGOTIATE AND PURCHASE LAND FOR A PROJECT OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION BEING KNOWN AS "PROJECT FUTURE". 139-141
- D. Consideration and possible action with respect to any other matters, including any agreements, related to the proposed industrial park project and the related issuance of sales tax revenue bonds 142
- E. **Lockhart Economic Development Corporation to adjourn.**
- F. Discussion and/or action regarding minutes of the City Council meeting of November 17, 2020. 143-149
- G. Discussion and/or action to consider authorizing staff to pursue a 2021 Community Development Block Grant (CDBG) and to select one elected official to work with two City employees recommended by the Public Works Director to serve on an evaluation team to review qualified vendor applications and proposals to be the Grant Administrator for an application funded under the Texas Department of Agriculture (TDA). 150
- H. Discussion and/or action to approve recommendation of Change Order #1 to Lone Star Paving of Austin, Texas in the amount of \$77,490.00 for street repairs and paving on Pecan Street from North Blanco Street to North Colorado Street and appointing the Mayor to sign all contractual documents. 151-152

- I. Receive and consider acceptance of semi-annual report from the Impact Fee Advisory Committee concerning the status of implementation of Chapter 31 "Impact Fees" of the Lockhart Code of Ordinances with regard to water, wastewater, and road impact fees. 153-158
- J. Discussion and/or action to approve Coronavirus Relief Fund Spending Plan and give the City Manager the authority to approve purchases over the \$50,000 threshold set by the City of Lockhart's Purchasing Policy. 159-161
- K. Discussion and/or action to consider selection of Mayor-Pro Tem as required by Section 3.05 of the City Charter. 162-163
- L. Discussion and/or action to consider the Mayor's declaration of local disaster regarding requiring face coverings, and addressing other matters related to COVID-19, if necessary. 164-178
- M. Discussion and/or action regarding appointments to various boards, commissions or committees. 179-194

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

- Update regarding traffic collisions at SH 130 and FM 2001 and possible SH 130 Concession Company responses.
- Update regarding a preconstruction meeting for Summerside Sections 3A & 3B held on November 30<sup>th</sup>.
- A preconstruction meeting for the construction of Vintage Springs PDD is scheduled on December 10<sup>th</sup>.
- Review of 2020 Financial Report.
- Update regarding Hotel Occupancy Tax (HOT) Funds.
- Dickens Reverse Lighted Parade will be held on Saturday, December 5 from 7:00 to 8:30 p.m. on downtown square.

**9. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST**

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

**10. ADJOURNMENT**

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

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

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 25<sup>th</sup> day of November 2020 at 3:35pm.



# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:** Presentation and update by GBRA and HDR Engineering regarding Carrizo Groundwater Supply Project.

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

**ACTION REQUESTED:**

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

**BACKGROUND/SUMMARY/DISCUSSION:**

Representatives of GBRA and HDR Engineering will be present to provide an update regarding the Carrizo Groundwater Supply project.

**PROJECT SCHEDULE (if applicable):** Project Completion Spring 2023.

**AMOUNT & SOURCE OF FUNDING:**

Finance Review initials \_\_\_\_\_

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Previous Council Action: N/A

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

**STAFF RECOMMENDATION/REQUESTED MOTION:** This is a progress report. No formal action is required.

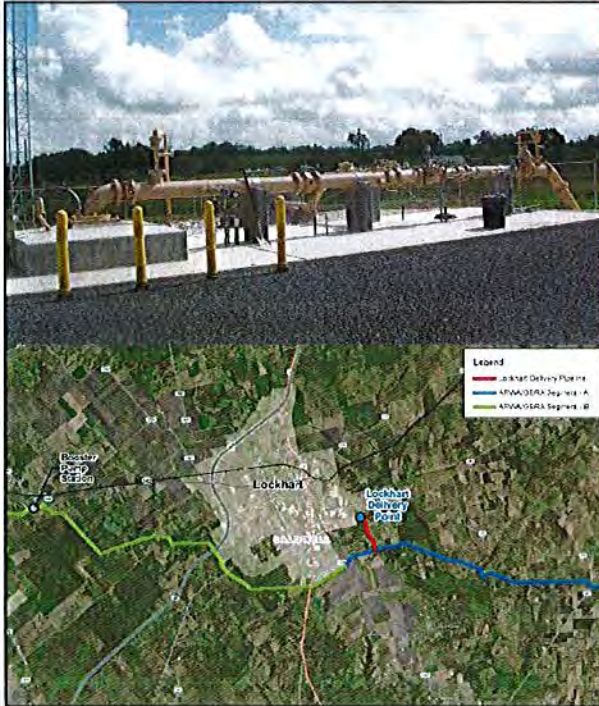
**LIST OF SUPPORTING DOCUMENTS:** GBRA Powerpoint.

Department Head initials:

\_\_\_\_\_

City Manager's Review:

  
\_\_\_\_\_



# LOCKHART CITY COUNCIL PRESENTATION

GBRA Carrizo Groundwater Supply Project  
December 1, 2020



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## Project Overview

1. Project will provide water to:
  - a) City of Lockhart
  - b) Goforth SUD
  - c) New Braunfels Utilities
  - d) 6 ARWA Customers
2. Lockhart: 3,000 ac-ft/yr
3. GBRA – ARWA Combined Project
  - a) Shared Facilities: WTP, Transmission, & Booster PS
4. Water Delivered in 2023
5. SWIFT Funding

December 1, 2020

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# Schedule

Phase ● Preliminary Design ● Final Design ● Construction



December 1, 2020

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## GBRA Wellfield and Raw Water Transmission

1. Wellfield in Gonzales and Caldwell Counties
  - a) 7 Carrizo Wells, ~1800 gpm
  - b) Permitted production: 15,000 ac-ft/yr
  - c) Under construction
2. Raw Water Transmission
  - a) 4.3-mile, 30-in dia transmission to WTP
  - b) TCEQ / TWDB reviewing 100% Design
  - c) Bid phase April 2021



December 1, 2020

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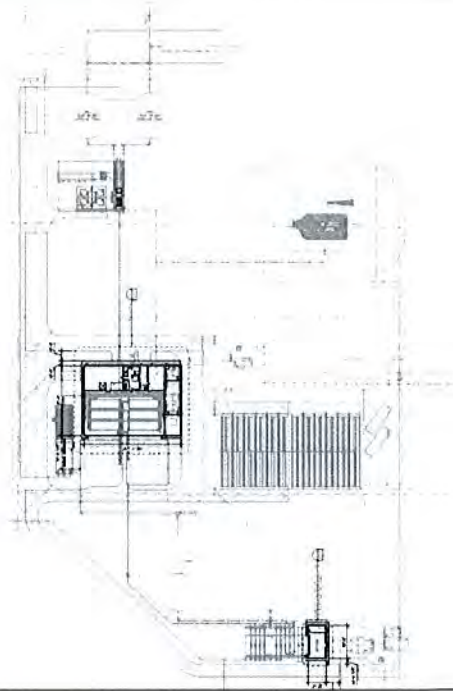
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## Water Treatment Plant

1. ARWA/GBRA WTP to be located in eastern Caldwell County
  - a) Designed for GBRA's full 15,000 ac-ft/yr and ARWA phased expansions
  - b) Treat water from ARWA and GBRA Carrizo Aquifer wellfields
2. Project to be bid in February 2021
  - a) Final design being completed now
  - b) Evaluated blending of each customer's water with source water to identify optimal treated water characteristics
  - c) Evaluations will be updated once wells drilled, sampled, and tested



December 1, 2020

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## Shared Pipeline Segments



1. Segment A (WTP to Lockhart)
  - a) 42-in diameter
  - b) Final Design to be completed in Dec 2020
  - c) 15 of 39 properties acquired
2. Segment B1 (Lockhart to BPS)
  1. 42-in diameter
  2. Final design to be completed in Jan 2021
  3. 2 of 28 properties acquired
3. ARWA is working with landowners along final alignments to acquire easements for shared and future pipelines

December 1, 2020

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## Lockhart Delivery Pipeline

1. Southern end begins at Segment A connection
2. 5,600 LF, 16-in diameter PVC
3. 75% Design in Feb 2021
4. 100% Design in June 2021
5. Bid Phase in Dec 2021
6. Appraisals underway: 5 property owners including City of Lockhart
7. Maintenance
  - a) GBRA will maintain Lockhart Delivery Line
  - b) Surface maintenance in easement

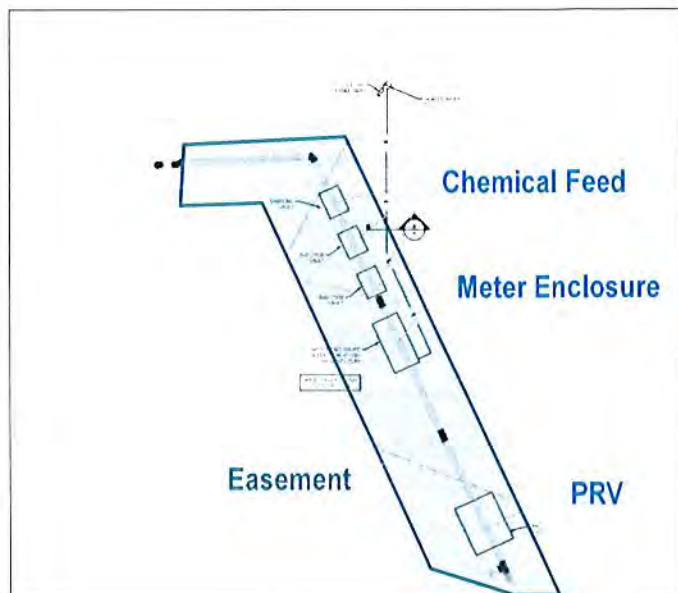
December 1, 2020



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## Lockhart Delivery Point

1. PRV Vault
2. Meter Enclosure
3. Chemical Feed Vaults (convert free chlorine to chloramine)
4. Connection to Existing 2 MG Finished Water Tank
5. Easement for Pipeline and Appurtenances



December 1, 2020

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## Lockhart Delivery Line Easement Acquisition Process

1. Engineering Analysis
2. Rights of Entry
3. Alignment Confirmation
4. Easement Survey
5. Appraisal Development ←
6. Initial Offer
7. Finalize Easement
8. Condemnation, if necessary



December 1, 2020

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## Discussion

### KEY CONTACTS

Darrell Nichols (GBRA)  
Sr. Deputy General Manager  
(830) 379-5822  
dnichols@gbra.org

Brian Perkins, P.E. (GBRA)  
Sr. Water Resource Engineer  
(830) 560-3983  
bperkins@gbra.org

Graham Moore, P.E. (ARWA)  
Executive Director  
(512) 294-3214  
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Sam Vaughn, P.E. (HDR)  
Program Manager  
(512) 912-5142  
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Peter Newell, P.E. (HDR)  
Program Manager  
(512) 498-4703  
Peter.Newell@hdrinc.com



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## AGENDA MEMORANDUM

Meeting Date: December 1, 2020

Agenda Item: Public hearing to solicit input prior to expending funds for the following proposed economic development projects: the acquisition of approximately 75 acres located near the northwest corner of the intersection of SH 142 and FM 2720 (the "land") including the construction, replacement and/or possible improvement to the land consisting of buildings, equipment, facilities, targeted infrastructure or other expenditures connected therewith to promote new or expanded business development for an industrial park, and the issuance of approximately \$1,500,000 of sales tax revenue bonds to finance the aforementioned projects.

Prepared by: Mike Kamerlander, Director, Economic Development

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Hold a public hearing regarding the agenda item above.

Attachments:  
None

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Recommendation - None

[RECOMMENDED MOTION] - None



## AGENDA MEMORANDUM

Meeting Date: December 1, 2020

Agenda Item: Consideration and action with respect to RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, SERIES 2020; AUTHORIZING THE AMOUNT, THE INTEREST RATES, THE DATE, PAYMENT DATES, REDEMPTION PRICE, AND CERTAIN OTHER TERMS OF THE BONDS; APPROVING PROCEDURES AND DOCUMENTS RELATED TO THE SALE OF THE BONDS AND OTHER MATTERS RELATED THERETO.

Prepared by: Mike Kamerlander, Director, Economic Development

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The Lockhart Economic Development Corporation is considering the purchase of 75.04 acres within the "Centerpoint" area identified as the Cornelius Crenshaw Survey, Abstract 68, City of Lockhart, Caldwell County, Texas to develop Lockhart's next industrial park which would be able to accommodate industrial, manufacturing, and distribution prospects. An industrial park at this location fits the current zoning and use ordinances for the City of Lockhart.

This new industrial park will offer shovel-ready sites, meaning all infrastructure such as water, sewer, and roads are in place, which are larger than what is available in either of Lockhart's current industrial parks. These larger parcels are needed to be able to compete for larger economic development projects. If won, these larger projects have the ability to create jobs, increase and diversify the City's property tax base, and provide more corporate community partners.

The LEDC's new Target Industry Strategy, which was adopted in October 2020, states the development of land to be ready for prospects is critical to the future success of Lockhart's economic development efforts. Currently there is no tract of land, greater than 20 acres, that would be considered "shovel-ready" within the city limits for industrial purposes. The Target Industrial Strategy recommended LEDC acquire a site of 100 acres or more to develop its next industrial park. While this site is 75 acres initially, there is ample land around the site to expand in the future should it be needed. This acquisition and subsequent land development would provide the necessary land business prospects are looking for and allow LEDC to compete.

The purchase and development of the property would be funded through 3 main sources:

1. LEDC Fund balance: \$1,500,000
2. Caldwell County Contribution: \$1,500,000
3. LEDC Sales Tax Revenue Bonds: \$1,600,000 (est.)

These three sources will pay for the initial purchase of the land and a phase 1 development which would open at least half the acreage to development. Phase 2 would commence once land sale proceeds are enough to pay for those improvements without additional credit.

The \$1.5 million from LEDC fund balance is roughly half of the current fund balance for the corporation. The LEDC is funded through a half-cent sales tax collection local option that was established by the voters in 1995 for the purpose of economic development. As a Type B corporation, the development of an industrial park is possible with the use of these funds without any help from the City's general revenue fund. This has been done twice before in Lockhart with Industrial Parks I and II. The staff and board feel it is important to keep a healthy fund balance for future needs.

Caldwell County's contribution is a big help in allowing the LEDC to keep its portion as well as the sales tax revenue bonds as low as possible. The \$1.5 million from the County will be paid back mainly through the sale of land. The next item on the agenda will go through the economic development agreement with the County in greater detail as it requires both LEDC board and City Council action.

Finally, the sales tax revenue bonds are needed to cover the remaining cost of the project. The basic premise of the sales tax revenue bond is that LEDC will be pledging its sales tax revenue to the repayment of this 15-year bond note. At the time of writing this cover sheet, the total cost is not known as the winning bid is expected to be received the day before this City Council meeting. The winning bid will be presented and discussed at the meeting and those numbers and entity will be added to the blanks in this resolution to reflect the decision of the LEDC board and City Council.

The note will be 15 years with an expected low interest rate. The estimated annual note payment is estimated to be around \$150,000 over the term of the bond. Again, the actual payment amount will be presented and discussed at the City Council meeting.

LEDC hired the City's financial advisor, Jennifer Ritter with Specialized Public Finance to facilitate the bond sale. Ms. Ritter has been the lead working on a bond proposal and shopping it to prospective banks that would buy it based on LEDC's financial strengths. She will be presenting the winning bid at the meeting including which bank and the terms of the purchase. LEDC has also been working bond counsel Bart Fowler with McCall, Parkhurst, & Horton to make sure the proceedings were all done properly and legally in conjunction with the City and LEDC attorney.

Should this bond sale be approved by LEDC board and City Council, LEDC will move quickly to close on the real property and begin development. Subsequent agenda items at this meeting will address those next steps.

Attachments: Project Scope Presentation

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Recommendation - Staff recommends approval of the LOCKHART ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, TAXABLE SERIES 2020

[RECOMMENDED MOTION] - Move to approve THE ISSUANCE OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, TAXABLE SERIES 2020; AUTHORIZING THE AMOUNT, THE INTEREST RATES, THE DATE, PAYMENT DATES, REDEMPTION PRICE, AND CERTAIN OTHER TERMS FOR THE BONDS; APPROVING PROCEDURES AND DOCUMENTS RELATED TO THE SALE OF THE BONDS AND OTHER MATTERS RELATED THERETO.





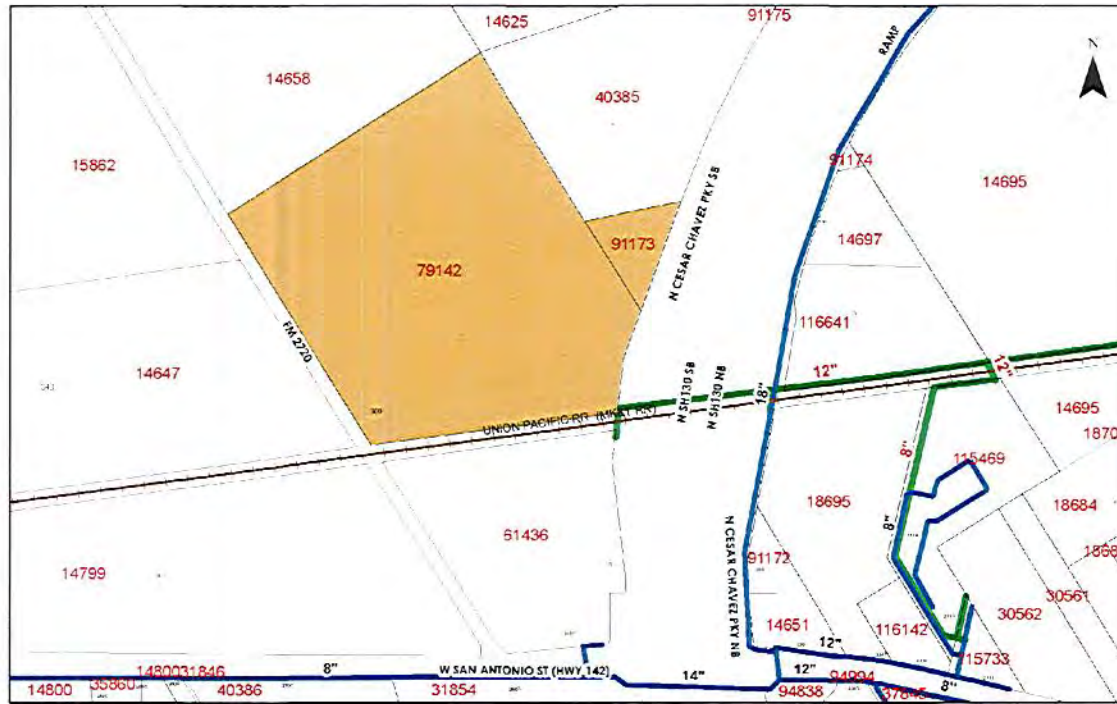
CITY OF  
**Lockhart**  
ECONOMIC DEVELOPMENT

# PROJECT FUTURE



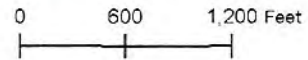


# LOCATION



CITY OF  
**Lockhart**  
TEXAS

This product is for informational purposes only and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend	
	WATERLINES
	SEWERLINES
	PARCEL BOUNDARY
	Force Main
	Gravity



# Centerpoint Industrial Park – 75.04 Acres



CENTERPOINT INDUSTRIAL PARK - CONCEPT C

- Location: 11-100
- September 17, 2004
- 2004-100
- City of Lubbock Economic Development





# Centerpoint Industrial Park

Price/SF                      Price/Acre              75.04 Acres  
 \$                              0.90 \$              39,204.00      \$              2,941,868.16

Scenario	Land	Infrastructure	Incentive Recap	Total	Per SF	Per Acre
Phase 1	\$ 2,941,868.16	\$ 1,746,454.08	\$ 348,302.64	\$ 5,036,624.88	\$ 1.93	\$ 83,943.75
Phase 2	-	\$ 1,662,864.38		\$ 1,662,864.38	\$ 0.64	
<b>Total Project</b>	<b>2,941,868.16</b>	<b>\$ 3,409,318.46</b>	<b>\$ 348,302.64</b>	<b>\$ 6,699,489.26</b>	<b>\$ 2.56</b>	<b>\$ 111,658.15</b>

## Revenue

10 acres to Crimson Tide at \$1.25/SF	\$ 544,500.00
LEDC Fund Balance	\$ 1,500,000.00
Caldwell County Participation	\$ 1,500,000.00
Sales Tax Revenue Bonds	<b>\$ 1,592,124.88</b>
<b>Total Revenue</b>	<b>\$ 5,136,624.88</b>

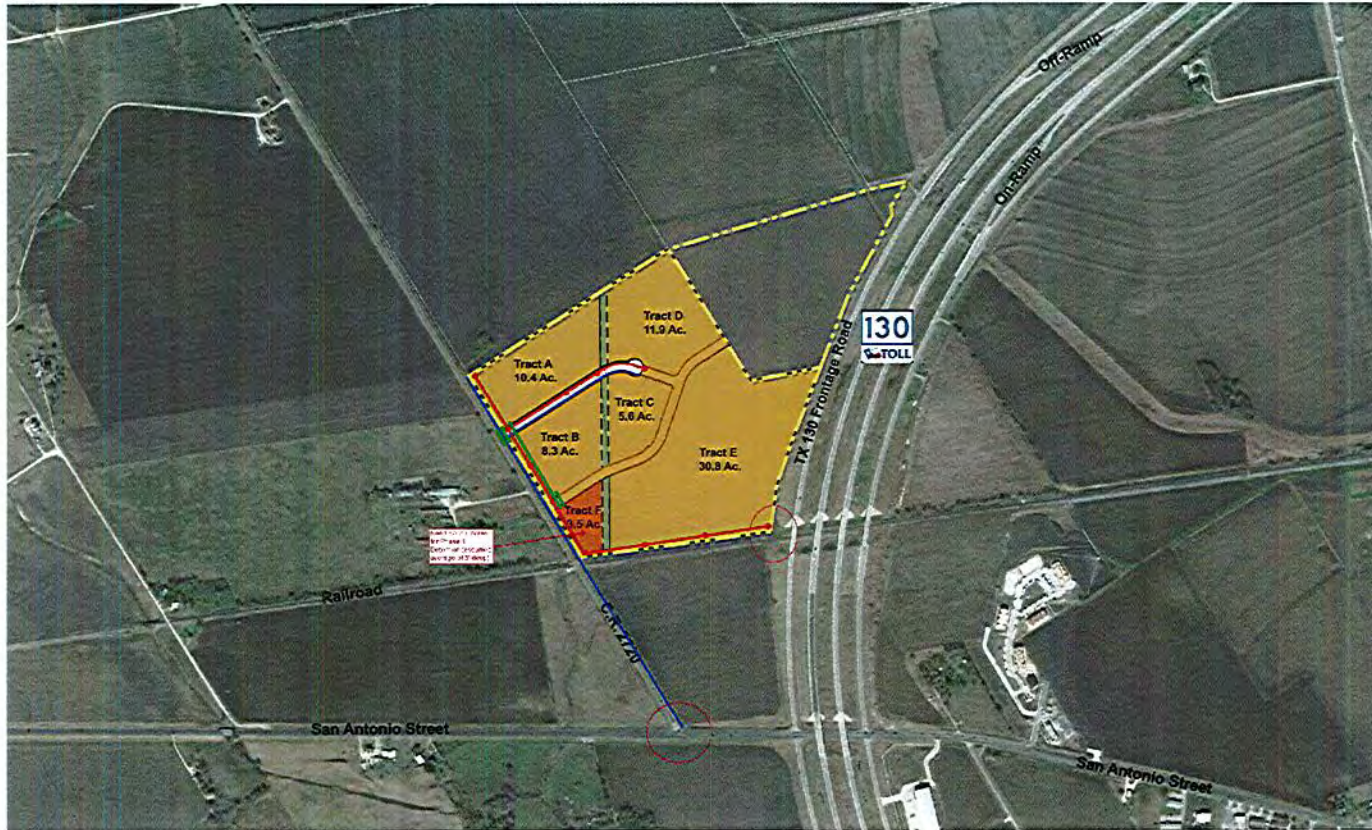
## Liabilities

Purchase 75 Acres from Centerpoint	\$ 2,941,868.16
Install Phase 1 Infrastructure	\$ 1,746,454.08
Miscellaneous	\$ 100,000.00
Crimson Tide Incentive	\$ 348,302.64
<b>Total Liabilities</b>	<b>\$ 5,136,624.88</b>

**Net Cost**                      \$                      -



# Centerpoint Industrial Park – Phase 1





# Centerpoint Industrial Park – Phase 2



# Centerpoint Industrial Park

- Estimated Final Sale Price of land = \$2.56/SF
  - Break-even price.
- Competing Land Tract Prices:
  - 20 acre tract in Seguin = \$3.10/SF
  - 20 acres in San Marcos = \$3.50/SF
  - 25.98 acres in Kyle = \$3.75/SF



# Next Steps

Tuesday, 12/1:

Joint LEDC/City Council meeting.

Award. Bonds are awarded by corporation and City Council to winning bank; ILA is passed; authorization to execute purchase contract.

Thursday, 12/10:

Bond Closing (est.). Funds delivered.

ASAP:

Close on the land and begin development



**BOND RESOLUTION**

**of**

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION**

**Pertaining to**

**Lockhart Economic Development Corporation  
Sales Tax Revenue Bond, Taxable Series 2020  
and such other series or subseries  
as may be designated**

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**RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
AUTHORIZING THE ISSUANCE OF LOCKHART ECONOMIC DEVELOPMENT  
CORPORATION SALES TAX REVENUE BOND, TAXABLE SERIES 2020;  
AUTHORIZING THE BOARD TO APPROVE THE AMOUNT, THE INTEREST  
RATES, THE DATE, PAYMENT DATES, REDEMPTION PRICE, AND CERTAIN  
OTHER TERMS OF THE BOND; APPROVING PROCEDURES AND DOCUMENTS  
RELATED TO THE SALE OF THE BOND AND OTHER MATTERS RELATED  
THERE TO**

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**THE STATE OF TEXAS**  
**LOCKHART ECONOMIC DEVELOPMENT**  
**CORPORATION**

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**WHEREAS**, Section 505.158, Texas Local Government Code, provides that a "Type B Corporation" authorized to be created by a municipality with a population of 20,000 or less may determine that a project includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development; and

**WHEREAS**, the 2010 federal census reflects that the City of Lockhart, Texas (the "City") had a population of less than 20,000, and the Lockhart Economic Development Corporation (the "Corporation" or "Issuer") is a Corporation as such term is used in the Economic Development Corporation Act, specifically Chapters 501, 502 and 505 of the Texas Local Government Code (the "Act"); and

**WHEREAS**, since 1996, a sales and use tax in the amount of one-half of one percent (0.05%) has been levied and collected within the City for the benefit of the Lockhart Economic Development Corporation (the "Corporation"), and pursuant to an Election (as defined herein) held on May 4, 1996; and

**WHEREAS**, on May 7, 1996, the City adopted Resolution No. 96-18 canvassing the returns and declaring the results of the Election approving the imposition of the replacement one-half of one percent (0.5%) sales and use tax for the benefit of the Corporation; and

**WHEREAS**, the Board of Directors of the Corporation (the "Board" or "Board of Directors"), by adopting this resolution (this "Resolution"), finds that the "Project" (as defined herein) will promote new or expanded business development in the City; and

**WHEREAS**, proceeds from the sale of the Bonds (as defined herein) will be used to provide funds for projects authorized by the Act and includes acquisition of land for an industrial park and may include related water and sewer facilities, street and roads, drainage and related improvements,

general municipal buildings, and public park purposes and park facilities, including the maintenance and operating costs of any such projects mentioned above and other expenditures connected therewith (the "Project"); and

**WHEREAS**, the City, along with the Corporation, are prepared to offer incentives to commercial enterprises to locate within the proposed industrial park when the availability of land within the proposed industrial park is assured by the acquisition of the land by the Corporation; and

**WHEREAS**, the Board further finds that the Project will promote new or expanded business development, including but not limited to manufacturing, transportation and warehousing, by allowing the Corporation to: (1) hold free and clear title to the proposed industrial park; and (2) allow the Corporation to market the proposed industrial park to commercial enterprises; and

**WHEREAS**, as a condition to the issuance of the Bonds hereinafter authorized, the provisions of Section 505.159 and 505.160 of the Texas Local Government Code have been satisfied; and

**WHEREAS**, the Board desires to have the Corporation undertake such Project according to the Act; and

**WHEREAS**, the Lockhart City Council (the "Council") has approved the Corporation to undertake such Project; and

**WHEREAS**, in satisfaction of the requirements set forth in Subchapter D of Chapter 505, Texas Local Government Code, a notice describing the projects proposed to be financed was published in the *Lockhart Post-Register* on October 1, 2020, and the Corporation has not received a petition from more than ten percent (10%) of the registered voters of the City requesting that an election be held before such projects may be undertaken; and

**WHEREAS**, in accordance with the provisions of Section 505.302 of the Texas Local Government Code, the City shall timely transfer to the Corporation the proceeds of the sales tax, in accordance with the terms and conditions of the Sales Tax Remittance Agreement, dated as of December 1, 2020; and

**WHEREAS**, the Bonds hereinafter authorized and designated are to be issued and delivered pursuant to the Act.

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

**Section 1. RECITALS, AMOUNT AND PURPOSE OF THE BONDS.** The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this section. The Bonds of the Corporation are hereby authorized to be issued and delivered in an aggregate principal amount of \$\_\_\_\_\_, to provide funds for the following projects: (i)

acquisition, construction and development of an industrial park, including the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development; and (ii) paying costs associated with the issuance of the Bond.

**Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS AND MATURITIES OF THE BOND.** The Bonds issued pursuant to this Ordinance shall be designated: "**LOCKHART ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BOND, TAXABLE SERIES 2020**" and initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, dated December 10, 2020, in the maturity amounts stated in the table below and in denominations of \$5,000 or any multiple thereof, numbered consecutively from R-1 upward (except the initial Bond delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the registered owner thereof, or to the registered assignee or assignees of the Bond or any portion or portions thereof (in each case, the "Registered Owner"), and the Bond shall mature and be payable as set forth in the table below. The term "Bond" as used in this Resolution shall mean and include collectively the bonds initially issued and delivered pursuant to this Resolution and all substitute bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto.

<u>August 1</u> <u>Year</u>	<u>Maturity</u> <u>Amount</u>	<u>August 1</u> <u>Year</u>	<u>Maturity</u> <u>Amount</u>
2021		2029	
2022		2030	
2023		2031	
2024		2032	
2025		2033	
2026		2034	
2027		2035	
2028			

**Section 3. INTEREST.** The Bond shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Order to their respective dates of maturity at the following rates per annum:

<u>Year</u>	<u>Interest</u> <u>Rates</u>	<u>Year</u>	<u>Interest</u> <u>Rates</u>
2021		2029	
2022		2030	
2023		2031	
2024		2032	
2025		2033	
2026		2034	
2027		2035	
2028			

Said interest shall be payable in the manner provided and on the dates stated in the FORM OF BOND set forth in this Resolution.

**Section 4. CHARACTERISTICS OF THE BOND.** (a) Registration, Transfer; Authentication. The Issuer shall keep or cause to be kept at the principal corporate trust or other office of \_\_\_\_\_, \_\_\_\_\_, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer and exchange of the Bond (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers and exchanges under such reasonable regulations as the Issuer and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of the Bonds to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of the Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, exchange and delivery of a substitute Bonds. Registration of assignments, transfers and exchanges of the Bond shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel the paid Bond or any Bond surrendered for transfer and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the Issuer or any other body or person so as to accomplish the foregoing transfer and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bond in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, as amended, the duty of transfer and exchange of the Bond as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the transferred and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bond which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(b) Payment of the Bond and Interest. The Paying Agent/Registrar shall further act as the paying agent for paying the principal of and interest on the Bond, all as provided in this Resolution. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the

Paying Agent/Registrar with respect to the Bond, and of all exchanges of the Bond, and all replacements of Bonds, as provided in this Resolution. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Bond (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the Issuer at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Bonds, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed (if applicable), executed and authenticated, (vii) the principal of and interest on the Bond shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Resolution. The Bond initially issued and delivered pursuant to this Resolution are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in exchange for any Bond or Bonds issued under this Resolution the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND.

(d) Substitute Paying Agent/Registrar. The Issuer covenants with the Registered Owners of the Bonds that at all times while the Bonds are Outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Resolution, and that the Paying Agent/Registrar will be one entity. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or Interest Payment Date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Resolution. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing

as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Resolution, and a certified copy of this Resolution shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Bond issued in exchange for the Bond initially issued as provided in Section 3(a) shall be issued in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co. as nominee of DTC and except as provided in subsection (f) hereof, all of the Outstanding Parity Obligations shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to any Bond registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bond, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Bond, including any notice of redemption, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Resolution to the contrary, but to the extent permitted by law, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bonds, and for all other purposes of registering transfers with respect to such Bonds, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the Issuer to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Resolution with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Resolution shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the Issuer determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Bond, the Issuer shall either (i)



appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Bonds shall designate, in accordance with the provisions of this Resolution.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Blanket Issuer Letter of Representations to DTC.

(h) Initial Bond. The Bond herein authorized shall be initially issued as a fully registered Bond, and the Initial Bond shall be registered in the name of the initial purchaser. The Initial Bond shall be the Bond submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller and delivered to the Underwriters. Immediately after the delivery of the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond delivered hereunder and exchange therefor Bonds in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(a), all of the Outstanding Parity Obligations shall be registered in the name of Cede & Co., as nominee of DTC.

(i) The officers of the Issuer are herein authorized for and on behalf of the Issuer and as officers of the Issuer to enter into one or more Blanket Issuer Letter of Representations with DTC establishing the book-entry-only system with respect to the Bonds.

**Section 5. FORM OF BOND.** The FORM OF BOND, including the FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, THE FORM OF ASSIGNMENT and THE FORM OF REGISTRATION CERTIFICATE OF THE COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS to be attached only to the Bond initially issued and delivered pursuant to this Resolution, shall be, respectively, substantially as set forth in Exhibit "B" attached hereto.

**Section 6. PLEDGE.** The Bond and any interest payable thereon, and any Additional Parity Obligations which may be issued in accordance herewith and any interest payable thereon, are and shall be secured by and payable from a first lien on and irrevocable pledge of the Pledged Revenues, which lien on and pledge is prior in right and claim to any lien and pledge on the Pledged Revenues securing the payment of any Junior Lien Obligations and any Subordinate Lien Obligations hereafter issued; and the Pledged Revenues are further pledged to the establishment and maintenance of the

Debt Service Fund and the Reserve Fund as hereinafter provided. The Bonds are and will be secured by and payable only from the Pledged Revenues and amounts on deposit in the Debt Service Fund and the Reserve Fund, and not from amounts on deposit in any other funds or accounts of the Issuer, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the Project.

**Section 7. SPECIAL FUNDS.** The below listed special funds ("Funds") are hereby created and shall be established and maintained on the books of the Issuer, so long as any of the Bonds are outstanding and unpaid:

(a) *Lockhart Economic Development Corporation Revenue Fund*, hereinafter called the "Revenue Fund."

(b) *Lockhart Economic Development Corporation Debt Service Fund*, hereinafter called the "Debt Service Fund."

(c) *Lockhart Economic Development Corporation Reserve Fund*, hereinafter called the "Reserve Fund."

(d) *Lockhart Economic Development Corporation Operating Fund*, hereinafter called the "Operating Fund."

(e) *Lockhart Economic Development Corporation Project Fund*, hereinafter called the "Project Fund."

Though all of such funds may be subaccounts of the Issuer's Funds held by the Depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such Funds or of such Funds and the Issuer shall keep full and complete records indicating the monies and investments credited to each of such Funds.

**Section 8. REVENUE FUND.** All Pledged Revenues shall be credited to the Revenue Fund immediately upon receipt as provided in the Sales Tax Remittance Agreement.

**Section 9. FLOW OF FUNDS.** All Pledged Revenues deposited and credited to the Revenue Fund shall be pledged and appropriated to the extent required for the following uses and in the order of priority shown:

**FIRST:** To the payment of the amounts required to be deposited in the Debt Service Fund for the payment of debt service on the Parity Obligations as the same becomes due and payable:

**SECOND:** On a pro rata basis, to (i) each debt service reserve fund, created by this Resolution or any Additional Parity Obligations Resolution, which contains less than the

amount to be accumulated and/or maintained therein, as provided in this Resolution or such Additional Parity Obligations Resolutions;

**THIRD:** To the payment of the amounts required to be deposited in the debt service fund for the payment of debt service on the Junior Lien Obligations as the same becomes due and payable;

**FOURTH:** On a pro rata basis, to each debt service reserve fund created by a Junior Lien Obligation Resolution which contains less than the amount to be accumulated and/or maintained therein as provided in the Junior Lien Obligation Resolution;

**FIFTH:** To the payment of amounts required to be deposited in any other fund or account required by any Additional Parity Obligations Resolution;

**SIXTH:** To any fund or account held at any place or places, or to any payee, required by any other resolution of the Board which authorized the issuance of Subordinate Lien Obligations; and

**SEVENTH:** To the payment of the amounts required for any lawful purpose.

Any Pledged Revenues remaining in the Revenue Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, shall be transferred to the Operating Fund and may be appropriated and used for any other lawful purpose now or hereafter permitted by law.

**Section 10. DEBT SERVICE FUND.** The Debt Service Fund is for the sole purpose of paying the principal of and interest on the Parity Obligations Outstanding at any time, as the same come due (including principal coming due as a result of any mandatory redemption of the Parity Obligations). The Issuer covenants that there shall be deposited into the Debt Service Fund prior to each principal and interest payment date from the Pledged Revenues an amount equal to one hundred per cent (100%) of the interest on and the principal of the Parity Obligations then falling due and payable, and such deposits to pay principal and accrued interest on the Parity Obligations shall be made in substantially equal monthly installments on or before the 10th day of each month, beginning on or before the 10th day of the month next following the delivery of the Parity Obligations to the Purchasers thereof; provided, however, that in any Fiscal Year the Issuer may elect to fund the Debt Service Fund on an accelerated basis and at any time when amounts on deposit in the Debt Service Fund are sufficient to make payment of all principal and interest coming due on the Outstanding Parity Obligations within the next twelve months, such deposits of Pledged Revenues to the Debt Service Fund may be discontinued, until there is once again an amount less than the principal and interest coming due on the Outstanding Parity Obligations within the next twelve months, at which time such deposits shall be resumed.

The required deposits to the Debt Service Fund for the payment of principal of and interest on the Parity Obligations shall continue to be made as hereinabove provided until (i) the total

amount on deposit in the Debt Service Fund and the Reserve Fund is equal to the amount required to fully pay and discharge all Parity Obligations (principal and interest) then Outstanding or (ii) the Parity Obligations are no longer Outstanding.

Accrued interest and capitalized interest, if any, received from the purchaser of any Parity Obligation shall be taken into consideration and reduce the amount of the semi-annual deposits and credits hereinabove required into the Debt Service Fund.

**Section 11. RESERVE FUND.** (a) The Issuer may create and establish a debt service reserve fund pursuant to the provisions of any Additional Parity Obligations Resolution for the purpose of securing that particular issue or series of Parity Obligations or any specific group of issues or series of Parity Obligations and the amounts once deposited or credited to said debt service reserve funds shall no longer constitute Pledged Revenues and shall be held solely for the benefit of the owners of the particular Parity Obligations for which such debt service reserve fund was established. Each such debt service reserve fund shall be designated in such manner as is necessary to identify the Parity Obligations it secures and to distinguish such debt service reserve fund from the debt service reserve funds created for the benefit of other Parity Obligations.

(b) For purposes of (i) paying the principal of, premium, if any, and interest on the Bond, when and if amounts on deposit in the Debt Service Fund and available to pay such amounts as the same shall become due are insufficient and (ii) to the extent not required to maintain the 2020 Required Reserve Fund Amount for the Bonds, the Series 2020 Reserve Fund (defined below) may be used to pay, or provide for the payment of, the final principal amount of the Bonds so that they are no longer deemed to be "Outstanding" as such term is defined herein, the Issuer hereby creates and establishes a special account known as the "Lockhart Economic Development Corporation Sales Tax Revenue Bonds, Taxable Series 2020 Reserve Fund" (hereinafter referred to as the "Series 2020 Reserve Fund"), which account shall continue to be kept separate and apart from all other funds or accounts of the Issuer. The Issuer shall maintain an amount equal to the 2020 Required Reserve Fund Amount at all times in or held for the benefit of the Series 2020 Reserve Fund.

During such time as the Series 2020 Reserve Fund contains the 2020 Required Reserve Fund Amount, the Issuer may, at its option, withdraw any amount in the Series 2020 Reserve Fund in excess of the 2020 Required Reserve Fund Amount and deposit such surplus in the Revenue Fund.

The Issuer further covenants and agrees that, subject only to the payment of the Bond and payments to be made to the Debt Service Fund for the benefit of Parity Obligations and to the payments to be made on a pro rata basis to all debt service reserve funds (including the Series 2020 Reserve Fund), the Pledged Revenues shall be applied and appropriated and used to establish and maintain the 2020 Required Reserve Fund Amount or any other reserve fund established by any Additional Parity Obligations Resolution and to cure any deficiency in such amounts as required by the terms of this Resolution and any Additional Parity Obligations Resolution (the "Required Reserve Fund Deposits").

When the Series 2020 Reserve Fund is funded with cash or securities, in whole or in part, the value of the 2020 Required Reserve Fund Amount for the Bonds shall be determined on the basis of cash on deposit therein, the book value of securities in which money in the Series 2020 Reserve Fund are invested or the face value of any Surety Bond held for the benefit of the Series 2020 Reserve Fund, as the case may be.

(c) Notwithstanding the above, the Issuer reserves the right to provide for the debt service reserve funds (including the Series 2020 Reserve Fund) by use of a Surety Bond in lieu of cash, or a combination of cash and Surety Bond, as the Issuer deems reasonable and appropriate; provided, however, that the amount of any such cash and/or the coverage by any Surety Bond when added together shall at least equal the 2020 Required Reserve Fund Amount for the Bonds or any required reserve amount for any Additional Parity Obligations as determined by any Additional Parity Obligation Resolution. Any such Surety Bond provided in lieu of cash shall be issued by an insurance company or association of companies whose insured obligations are rated at the time of issuance by a nationally rated recognized rating agency in its highest rating categories. On the first day following the use of proceeds or amounts available for withdrawal on deposit in the Series 2020 Reserve Fund and continuing each month thereafter for a total of not less than twenty-four (24) payments, the Issuer shall repay all amounts drawn on the Surety Bond and then replenish any cash required in the Series 2020 Reserve Fund to restore the 2020 Required Reserve Fund Amount. In the event a reserve fund surety policy causes the amount then on deposit in the Series 2020 Reserve Fund to exceed the 2020 Required Reserve Fund Amount for the Bonds, such excess amount may be transferred to any fund or account established for the payment or security of the Bonds or used for any lawful purpose; provided, however, to the extent that such excess amount represent bond proceeds, then such amount must be transferred to the Debt Service Fund.

**Section 11. OPERATING FUND.** Amounts on deposit in the Operating Fund may be (i) used to complete and maintain the Project, (ii) applied to pay or redeem any Parity Obligations at the option of the Issuer, or (iii) applied for any other lawful purpose of the Issuer.

**Section 12. TRANSFER.** (a) Pursuant to the provisions of the Sales Tax Remittance Agreement, which is hereby approved in substantially the form attached hereto as Exhibit D, the City has agreed to do any and all things necessary to accomplish the transfer of the Sales Tax collected for the benefit of the Issuer to the Revenue Fund on a monthly basis. The Sales Tax Remittance Agreement shall govern matters with respect to the collection of the Sales Taxes from the Comptroller, credits and refunds due and owing to the Comptroller, and other matters with respect to the collection and transfer of the Sales Tax. The Chairman and Secretary of the Board are hereby authorized to execute the Sales Tax Remittance Agreement on behalf of the Corporation.

(b) The Chairman and the Secretary of the Board are hereby ordered to do any and all things necessary to accomplish the transfer of money to the funds established hereby in ample time to pay the principal of and interest on the Bonds.

**Section 14. INVESTMENTS.** Money in any fund established by this Resolution may, at the option of the Board, be invested in Permitted Investments; provided that all such investments

shall be made in such manner that the money required to be expended from any fund will be available at the proper time or times. Investment earnings realized on investments attributable to the Debt Service Fund shall be retained therein and shall constitute a credit against the amount of money that is required to be on deposit therein for each payment of principal or interest. Investment earnings realized on investments attributable to the Reserve Fund shall be retained therein at all times when there is less than the Required Reserve Amount on deposit therein; at all other times such earnings shall be deposited to the Debt Service Fund. Investment earnings realized on investments attributable to the Operating Fund shall be retained therein. Money in the Reserve Fund shall not be invested in securities maturing later than 18 months from the date of acquisition of such securities by the Issuer. Such investments shall be valued in terms of current market value as of the last day of each Fiscal Year. Such investments shall be sold promptly when necessary to prevent any default in connection with the Parity Obligations.

**Section 15. FUNDS SECURED.** Money in all funds created by this Resolution, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

**Section 16. PAYMENT.** While any of the Parity Obligations are outstanding, the Issuer shall transfer to the respective paying agent/registrars therefor, from funds on deposit in and credited to the Debt Service Fund, and, if necessary, in the Reserve Fund, amounts sufficient to fully pay and discharge promptly the interest on and principal of the Parity Obligations as shall become due on each interest or principal payment date, or date of redemption of the Parity Obligations; such transfer of funds must be made in such manner as will cause immediately available funds to be deposited with each respective paying agent/registrars for the Parity Obligations not later than the business day next preceding the date such payment is due on the Parity Obligations. The Paying Agent/Registrar shall destroy all paid Parity Obligations and furnish the Issuer with an appropriate certificate of cancellation or destruction.

**Section 17. DEFICIENCIES - EXCESS PLEDGED REVENUES.** (a) If on any occasion there shall not be sufficient Pledged Revenues (after making all payments pertaining to all Parity Obligations) to make the required deposits and credits to the Debt Service Fund and the Reserve Fund, then such deficiency shall be cured as soon as possible from the next available unallocated Pledged Revenues, or from any other sources available for such purpose, and such deposits and credits shall be in addition to the amounts otherwise required to be deposited and credited to these Funds.

(b) Subject to making the deposits and credits required by this Resolution, or any Additional Parity Obligations Resolution, or the payments and credits required by the provisions of the resolutions authorizing the issuance of Junior Lien Obligations or Subordinate Lien Obligations hereafter issued by the Issuer, the excess Pledged Revenues may be used for any lawful purpose.

**Section 18. ADDITIONAL PARITY OBLIGATIONS.** The Issuer shall have the right and power at any time and from time to time and in one or more series or issues, to authorize, issue and deliver Additional Parity Obligations, in accordance with law, in any amounts, for any lawful purpose including the refunding of any Parity Obligations, Junior Lien Obligations, Subordinate

Lien Obligations or other obligations of the Issuer. Such Additional Parity Obligations, if and when authorized, issued and delivered in accordance with this Resolution, shall be secured by and made payable equally and ratably on a parity with all other Outstanding Parity Obligations, from the lien on and pledge of the Pledged Revenues herein granted. The Additional Parity Obligations may be issued in one or more installments, provided, however, that none shall be issued unless and until the following conditions have been met:

(a) The Chairman of the Issuer (or other officer of the Issuer then having the primary responsibility for the financial affairs of the Issuer) shall have executed a certificate stating that, to the best of his or her knowledge and belief, the Issuer is not then in default as to any covenant, obligation or agreement contained in this Resolution or any additional Parity Obligation Resolution.

(b) Each of the funds created for the payment, security and benefit of the Parity Obligations contains the amount of money then required to be on deposit therein.

(c) The Issuer has secured from both the chief financial officer of the Issuer and City, which may be member of the Issuer's or City's staff, a certificate to the effect that, according to the books and records of the Issuer, the Pledged Revenues received by the Issuer for either (i) the last completed Fiscal Year next preceding the adoption of the Additional Parity Obligation Resolution or (ii) any twelve (12) consecutive months out of the previous fifteen (15) months next preceding the adoption of the Additional Parity Obligation Resolution equal to not less than 1.30 times the Average Annual Debt Service Requirements for all Parity Obligations then Outstanding after giving effect to the issuance of the Additional Parity Obligations then being issued and 1.0 times the Average Annual Debt Service Requirements (computed in the same manner as for Parity Obligations) of the Junior Lien Obligations and Subordinate Lien Obligations to be outstanding after the issuance of the then proposed Additional Parity Obligations, and to produce an amount sufficient to pay all other debts of the Issuer (including any payments by the Issuer under a contract supporting debt issued on behalf of the Issuer).

(d) The Issuer may create and establish a reserve fund pursuant to the provisions of any resolution authorizing the issuance of Additional Parity Obligations for the purpose of securing that particular issue or series of Parity Obligations or any specific group of issues or series of Parity Obligations and the amounts once deposited or credited to said reserve funds shall no longer constitute Pledged Revenues and shall be held solely for the benefit of the Holders of the particular Parity Obligations for which such reserve fund was established. Each such reserve fund shall be designated in such manner as is necessary to identify the Parity Obligations it secures and to distinguish such reserve fund from the Reserve Fund and the reserve funds created for the benefit of other Parity Obligations.

**Section 19. JUNIOR LIEN AND SUBORDINATE LIEN DEBT.** Except as may be limited by resolution, the Issuer shall have the right to issue or create Junior Lien Obligations or Subordinate Lien Obligations payable from or secured by a lien on all or any part of the Pledged Revenues for any lawful purpose without complying with the provisions of Section 17 hereof, provided the pledge and the lien securing such debt is subordinate to the pledge and lien established.

made and created in Section 5 of this Resolution with respect to the Pledged Revenues to the payment and security of the Parity Obligations.

**Section 20. GENERAL COVENANTS.** The Issuer further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Resolution and in every Bond; it will promptly pay or cause to be paid the principal of and interest on every Bond on the dates and in the places and manner prescribed in this Resolution and the Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Funds created hereby; and any registered owner of the Bonds may require the Issuer, its officials and employees to carry out, respect or enforce the covenants and obligations of this Resolution, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the Issuer, its officials and employees, or by the appointment of a receiver in equity.

(b) It is a duly created and existing economic development corporation, and is duly authorized under the laws of the State of Texas, including the Act, to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken, and that the Bonds in the hands of the registered owners thereof are and will be valid and enforceable special obligations of the Issuer in accordance with their terms.

(c) (i) The Issuer hereby confirms the earlier levy by the City of the Sales Tax at the rate voted at the Election, and the Issuer hereby warrants and represents that the City has duly and lawfully ordered the imposition and collection of the Sales Tax upon all sales, uses and transactions as are permitted by and described in the Act throughout the boundaries of the City as such boundaries existed on the date of said election and as they may be expanded from time to time.

(ii) For so long as any Bond is Outstanding, the Issuer covenants, agrees and warrants to take and pursue all action permissible under applicable law to cause the Sales Tax, at said rate or at a higher rate if permitted by applicable law, to be levied and collected continuously, in the manner and to the maximum extent permitted by applicable law, and to cause no reduction, abatement or exemption in the Sales Tax or rate of tax below the rate stated, confirmed and ordered in subsection (a) of this Section to be ordered or permitted so long as any Bond shall remain Outstanding.

(iii) If the City shall be authorized hereafter by applicable law to apply, impose and levy the Sales Tax on any taxable items or transactions that are not subject to the Sales Tax on the date of the adoption hereof, the Issuer, to the extent it legally may do so, hereby covenants and agrees to use its best efforts to cause the City to take such action as may be required by applicable law to subject such taxable items or transactions to the Sales Tax.

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(iv) The Issuer agrees to take and pursue all action permissible under applicable law to cause the Sales Tax to be collected and remitted and deposited as herein required and as required by the Act, at the earliest and most frequent times permitted by applicable law.

(v) The Issuer agrees and covenants at all times to use its best efforts to cause the City to comply with the Sales Tax Remittance Agreement.

(d) It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the Project, the Pledged Revenues and the funds created pursuant to this Resolution, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(e) It will maintain its corporate existence during the time that any Bonds are Outstanding hereunder.

**Section 21. DEFEASANCE OF THE BOND.** (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Resolution, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until the Defeased Bond shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Resolution, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond as aforesaid when proper notice of redemption of such Bond shall have been given, in accordance with this Resolution. Any money so deposited with the Paying Agent/Registrar as provided in this Section may at the discretion of the Board of Directors also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be turned over to the Board of Directors. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of a Defeased Bond may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the

satisfaction of the requirements specified in subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bond, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) Notwithstanding any provision of any other Section of this Resolution which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bonds and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bonds and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Resolution.

(d) Until the Defeased Bond shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bond the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Resolution..

**Section 22. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BOND.**

(a) In the event any Outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the registered owner applying for a replacement bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Resolution equally and proportionately with any and all other Bonds duly issued under this Resolution.

**Section 23. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND BOND INSURANCE, IF OBTAINED.** The Chairman of the Board of the Issuer is hereby authorized to have control of each Bond issued hereunder and all necessary records and proceedings pertaining to each Bond pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller. Upon registration of each Bond said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate on each Bond, and the seal of said Comptroller shall be impressed, or placed in facsimile, on each Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on each Bond or on any Bonds issued and delivered in conversion of and exchange or replacement of any Bond, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, the form of bond counsel's opinion relating thereto, and an appropriate statement of insurance supplied by a municipal bond insurance company providing insurance, if any, covering all or any part of the Bonds may be printed or attached to the Bonds.

**Section 24. COVENANTS REGARDING TAX EXEMPTION.** The Issuer does not intend to issue the Bond as tax-exempt obligations described in section 103 of the Code.

**Section 25. [RESERVED].**

**Section 26. USE OF BOND PROCEEDS; PROJECT FUND.** The proceeds from the sale of the Bond, except for accrued interest, which shall be deposited to the Debt Service Fund, shall be deposited into the Project Fund of the Issuer and used to pay Costs of the Project. Notwithstanding the provisions of Section 8 hereof, interest earnings on amounts on deposit in the Project Fund shall be used to pay Costs of the Project or, at the option of the Issuer, transferred to the Debt Service Fund and used to pay amounts coming due with respect to the Bonds.

**Section 27. EXECUTION OF DOCUMENTS.** The President, Vice President and Secretary of the Board of the Issuer are hereby authorized to execute, deliver, attest and affix the seal of the Issuer (if applicable) to all documents and instruments necessary and appropriate in connection with the issuance, sale and delivery of the Bond, including, without limitation, the Sales Tax Remittance Agreement, the Paying Agent/Registrar Agreement and the DTC Blanket Issuer Letter of Representations in substantially the forms attached hereto and made a part hereof for all purposes.

**Section 28. CONTINUING DISCLOSURE UNDERTAKING.** None.

**Section 29. DEFAULTS AND REMEDIES.** (a) *Events of Default.* Each of the following occurrences or events for the purposes of this Resolution is hereby declared to be an "Event of Default," to-wit: (i) the failure to make payment of the principal of or interest on the Bonds when the same becomes due and payable; or (ii) default in the performance or observance of any other covenants, agreements or obligations of the Issuer, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Resolution, and the continuation for a period of 60 days after notice of such default is given by any Owner to the Issuer.

(b) *Remedies for Default.* Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the Corporation for the purpose of protecting and enforcing the rights to the Owners under this Resolution, by mandamus or other suit, action or special proceeding in equity or law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies. It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then Outstanding.

(c) *Remedies not Exclusive.* No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided however, that notwithstanding any other provision of this Resolution, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Resolution. The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient.

In determining whether a payment default has occurred or whether payment of the Bonds has been made under the Resolution, no effect shall be given to payments under a bond insurance policy, if any.

**Section 30. NO RECOURSE AGAINST OFFICIALS.** No recourse shall be had for the payment of principal of or interest on any Parity Obligations or for any claim based thereon or on this Resolution against any official of the Issuer or the City or any person executing any Parity Obligations.

**Section 31. FURTHER ACTIONS.** The officers and employees of the Issuer and the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal, if any, and on behalf of the Issuer all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Resolution, the Bonds, the initial sale and delivery of the Bonds, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Bonds, the Mayor, the Chairman of the Board, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Resolution or to any of the instruments authorized and approved by this Resolution necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Resolution and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of a bond insurer, if any, (iii) obtain a surety policy covering the Required Reserve Amount or (iv) obtain the approval of the Bonds by the Texas Attorney General's office.

In case any officer of the Issuer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

**Section 32. AMENDMENT OF RESOLUTION.** (a) The Holders of the Parity Obligations aggregating a majority in principal amount of the aggregate principal amount of then Outstanding Parity Obligations shall have the right from time to time to approve any amendment to this Resolution which may be deemed necessary or desirable by the Issuer, provided, however, that without the consent of the Holders of all of the effected Parity Obligations at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Resolution or in the Parity Obligations so as to:

- (i) Make any change in the maturity of the Outstanding Parity Obligations;
- (ii) Reduce the rate of interest borne by any of the outstanding Parity Obligations;
- (iii) Reduce the amount of the principal payable on the outstanding Parity Obligations;
- (iv) Modify the terms of payment of principal or interest on the outstanding Parity Obligations or impose any conditions with respect to such payment;
- (v) Affect the rights of the Holders of less than all of the Parity Obligations then outstanding;
- (vi) Change the minimum percentage of the principal amount of Parity Obligations necessary for consent to such amendment.

(b) If at any time the Issuer shall desire to amend this Resolution under this Section, the Issuer shall cause notice of the proposed amendment to be delivered to a bond insurer, to the extent the Bonds or any Additional Parity Obligations are insured by a bond insurance policy, and published in a financial newspaper or journal of general circulation in the city of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file for inspection by all registered owners of Parity Obligations at the designated trust office of the registrar for the Parity Obligations. Such publication is not required, however, if notice in writing is given to each registered owner of the Parity Obligations.

(c) Whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the Issuer shall receive an instrument or instruments executed by the Holders of at least a majority in aggregate principal amount of all Parity Obligations then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the Board may pass the amendatory resolution in substantially the same form.

(d) Upon the passage of any amendatory resolution pursuant to the provisions of this Section, this Resolution shall be deemed to be amended in accordance with such amendatory resolution, and the respective rights, duties and obligations under this Resolution of the Issuer and all the Holders of then outstanding Parity Obligations shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) Any consent given by the Registered Owner of a Parity Obligation pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the first publication of the notice provided for in this Section, and shall be conclusive and binding upon all future Holders of the same Parity Obligation during such period. Such consent may be revoked at any time after six months from the date of the first publication of such notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the Paying Agent and the Issuer, but such revocation shall not be effective if the Registered Owners of at least a majority in aggregate principal amount of the then outstanding Parity Obligations as in this Section defined have, prior to the attempted revocation, consented to and approve the amendment.

(f) For the purpose of this Section, the fact of the holding of Parity Obligations issued in registered form without coupons and the amounts and numbers of such Parity Obligations and the date of their holding same shall be proved by the Registration Books of the Paying Agent/Registrar. For purposes of this Section, the holder of a Parity Obligation in such registered form shall be the owner thereof as shown on such Registration Books. The Issuer may conclusively assume that such ownership continues until written notice to the contrary is served upon the Issuer.

(g) The foregoing provisions of this Section notwithstanding, the Issuer by action of the Board may amend this Resolution for any one or more of the following purposes:

(1) To add to the covenants and agreements of the Issuer in this Resolution contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the Issuer;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Resolution, or in regard to clarifying matters or questions arising under this Resolution, as are necessary or desirable and not contrary to or inconsistent with this Resolution and which shall not adversely affect the interests of the Holders of the Parity Obligations;

(3) To make any changes or amendments requested by any Rating Agency, as a condition to the issuance or maintenance of a rating, which changes or amendments do not, in the judgment of the Issuer, materially adversely affect the interests of the owners of the outstanding Parity Obligations;

(4) To modify any of the provisions of this Resolution in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Parity Obligations outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Parity Obligations issued after the date of the adoption of such modification.

Notice of any such amendment may be published or given by the Issuer in the manner described in subsection (b) of this Section; provided, however, that the publication of such notice shall not constitute a condition precedent to the adoption of such amendatory resolution and the failure to publish such notice shall not adversely affect the implementation of such amendment as adopted pursuant to such amendatory resolution.

**Section 33. INTERPRETATIONS.** All terms defined herein and all pronouns used in this Resolution shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Resolution and the Table of Contents of this Resolution have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Resolution and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Bonds.

**Section 34. INCONSISTENT PROVISIONS.** All orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict and the provisions of this Resolution shall be and remain controlling as to the matters contained herein.

**Section 35. INTERESTED PARTIES.** Nothing in this Resolution expressed or implied is



intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer and the Registered Owners of the Bonds, any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer and the registered owners of the Bonds.

**Section 36. INCORPORATION OF RECITALS.** The Issuer hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as a part of this Resolution.

**Section 37. SEVERABILITY.** If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Resolution would have been enacted without such invalid provision.

**Section 38. REPEALER.** All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 39. EFFECTIVE DATE.** This Resolution shall become effective upon adoption and approval by the City.

**Section 40. PREAMBLE.** The findings and preambles set forth in this Resolution are hereby incorporated into this Resolution and made a part hereof for all purposes.

**Section 41. PERFECTION.** Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge on the Pledged Revenues granted by the Issuer under Section 5 of this Resolution, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are Outstanding and unpaid such that the pledge on the Pledged Revenues granted by the Issuer under Section 5 of this Resolution is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the Registered Owners of the Bonds the perfection of the security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

**Section 42. CONFIRMATION AND LEVY OF SALES TAX.** (a) The Issuer hereby represents the City has levied and collected since 1996 when the voters approved at a special election the Sales Tax for the benefit of the Lockhart Economic Development Corporation Type A at the rate of one-half of one percent (0.5%). The Issuer further represents that the Election duly complied with the provisions of the Act for the levy of the Sales Tax at the rate voted at the Election held by and within the City on May 4, 1996, and such Sales Tax is being imposed within the corporate limits of the City and the receipts of such Sales Tax are being remitted to the City by the Comptroller of Public Accounts on a monthly basis for the benefit of the Corporation.

(b) By approval of this Resolution pursuant to Section 505.158 of the Texas Local Government Code, as amended, the Council confirms the results of the Election and desires to confirm the collection and levy of the Sales Tax for the benefit of the Corporation pursuant to the Election and such Sales Tax shall levy.

(c) While any Bond is Outstanding, the Corporation covenants, agrees and warrants to take and pursue all action permissible to cause the Sales Tax, at said rate or at a higher rate if legally permitted, to be levied and collected continuously, in the manner and to the maximum extent permitted by law, and to cause no reduction, abatement or exemption in the Sales Tax or rate of tax below the rate stated, confirmed and ordered in subsection (a) of this Section to be ordered or permitted while any Bond shall remain Outstanding.

**Section 43. REFUNDING BONDS** The Issuer reserves the right to issue refunding bonds to refund all or any part of the Parity Obligations (pursuant to any law then available) upon such terms and conditions as the Board may deem to be in the best interest of the Issuer, and if less than all such Parity Obligations then Outstanding are refunded, the conditions precedent prescribed (for the issuance of Additional Parity Obligations) set forth in Section 17 hereof shall be satisfied, and shall give effect to the refunding.

**Section 44. PAYMENT OF ATTORNEY GENERAL FEE.** The Issuer hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Bonds or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The Corporation's staff is hereby instructed to take the necessary measures to make this payment. The Issuer is also authorized to reimburse the appropriate Issuer funds for such payment from proceeds of the Bonds.

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## EXHIBIT A

### DEFINITIONS

"2020 Required Reserve Fund Amount" shall mean the amount to be maintained on deposit in, or held as securities, a Surety Bond or other similar instrument permitted by State law for the benefit of the 2020 Reserve Fund (as defined in Section 10 hereof) which shall equal or exceed, or have a face value of the Average Annual Debt Service Requirements on the Bonds (but beginning only after Pledged Revenues for any Fiscal Year are less than 1.30 times the Average Annual Debt Service Requirements; provided, however, that in the event Pledged Revenues fall below 1.30 times the Average Annual Debt Service Requirements in a Fiscal Year, the Corporation, in lieu of a Surety Bond or other similar instrument permitted by State law for the benefit of the Bond, may make equal monthly installments of no more than 36 months the amount necessary to bring the Reserve Fund to the 2020 Required Reserve Fund Amount).

"Additional Parity Obligations" shall mean bonds, notes warrants, certificates of obligation or other debt obligations which the Issuer reserves the right to issue or enter into, as the case may be, in the future in accordance with the terms and conditions provided in Section 18 of the Resolution and which, together with the Bonds, are equally and ratably secured by a first lien on and pledge of the Pledged Revenues on a parity with the Bonds under the terms of this Resolution and an Additional Parity Obligation Resolution.

"Additional Parity Obligation Resolution" shall mean any resolution of the Board authorizing and providing the terms and provisions of the Additional Parity Obligations.

"Average Annual Debt Service Requirements" means that average amount which, at the time of computation, will be required to pay the annual debt service requirements when due (either at Stated Maturity or mandatory redemption) and derived by dividing the total of such annual debt service requirements by the number of Fiscal Years then remaining before Stated Maturity of such Parity Obligations. For the purposes of this definition, a fractional period of a Fiscal Year shall be treated as an entire Fiscal Year. Capitalized interest payments provided from bond proceeds, accrued interest on any Debt, and interest earnings thereon shall be excluded in making such computation.

"Blanket Issuer Letter of Representations" means any representation letter of, or agreement delivered by, the Issuer pursuant to this Resolution providing for administration of a book-entry system for the Bonds and any successive arrangement under which the Issuer provides for the administration of a book-entry system for the Bonds or any other Additional Parity Obligations.

"Bond" or "Bonds" shall mean the Lockhart Economic Development Corporation Sales Tax Revenue Bonds, Taxable Series 2020.

"Book-Entry-Only System" means the book-entry system of bond registration provided in Section 3, or any successor system of book-entry registration.

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"Cede & Co." means the designated nominee and its successors and assigns of The Depository Trust Company, New York.

"Chairman of the Board" means the Chairman of the Lockhart Economic Development Corporation Type B or any individual appointed to serve as such capacity by the Issuer.

"City" shall mean the City of Lockhart, Texas.

"City Attorney" means the city attorney for the City or any law firm or individual appointed to serve in such capacity for the City.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas, and any successor official or officer thereto.

"Cost(s)" shall mean with respect to the Project, the cost of acquisition, construction and improvement of the Project as provided in the Act, including, without limitation, the cost of the acquisition of all land, rights-of-way, property rights, easements, and interests, the cost of all machinery and equipment, financing charges, interest during construction, necessary reserve funds, premiums for reserve fund surety policies and municipal bond insurance policies, costs of ratings for the Bonds, cost of estimates and of engineering, accountant, financial advisor and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of acquiring, constructing, reconstructing, improving, and expanding any such Project, administrative expense, and such other expense as may be necessary or incident to the acquisition, construction, reconstruction, improvement and expansion thereof, the placing of the same in operation, and the financing of the Project.

"Debt" means:

(a) all indebtedness payable from Pledged Revenues incurred or assumed by the Issuer for borrowed money and all other financing obligations payable from Pledged Revenues that, in accordance with generally accepted accounting principles, are shown on the liability side of a balance sheet; and

(b) all other indebtedness payable from Pledged Revenues (other than indebtedness otherwise treated as Debt hereunder) for borrowed money or for the acquisition, construction or improvement of property or capitalized lease obligations that is guaranteed, directly or indirectly, in any manner by the Issuer, or that is in effect guaranteed, directly or indirectly, by the Issuer through an agreement, contingent or otherwise, to purchase any such indebtedness or to advance or supply funds for the payment or purchase of any such indebtedness or to purchase property or services primarily for the purpose of enabling the debtor or seller to make payment of such indebtedness, or to assure the owner of the indebtedness against loss, or to supply funds to or in any other manner invest in the debtor (including any agreement to pay for property or services irrespective of whether or not such

property is delivered or such services are rendered), or otherwise.

For the purpose of determining Debt, there shall be excluded any particular Debt if, upon or prior to the Maturity thereof, there shall have been deposited with the proper depository (a) in trust the necessary funds (or investments that will provide sufficient funds, if permitted by the instrument creating such Debt) for the payment, redemption, or satisfaction of such Debt or (b) evidence of such Debt deposited for cancellation; and thereafter it shall not be considered Debt. No item shall be considered Debt unless such item constitutes indebtedness under generally accepted accounting principles applied on a basis consistent with the financial statements of the Issuer in prior Fiscal Years.

"Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the Board of Directors adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, and (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the Board of Directors adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable state law that may be used to defease obligations such as the Bonds.

"Depository" means one or more official depository banks of the Issuer.

"DTC" means The Depository Trust Company, New York, New York and its successors and assigns.

"Election" means the special election held by the City on May 4, 1996 pursuant to the provisions of the Act abolishing the one-half of one percent (0.5%) sales and use tax for the benefit of the Lockhart Economic Development Corporation and subsequent replacement one-half of one percent (0.5%) sales and use tax for the benefit of the Corporation.

"Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"Fiscal Year" means the twelve-month accounting period used by the Issuer currently ending on September 30 of each year, which may be any twelve consecutive month period established by the Issuer, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

"Holder" or "Holders" means the registered owner, whose name appears in the Security Register, for

any Parity Obligation.

"Junior Lien Obligations" means (i) any bonds, notes, warrants, certificates of obligation, contractual obligations or other Debt issued by the Issuer that are payable, in whole or in part, from and equally and ratably secured by a lien on and pledge of the Pledged Revenues, such pledge being subordinate and inferior to the lien on and pledge of the Pledged Revenues that are or will be pledged to the payment of any Parity Obligations issued by the Issuer, and (ii) obligations hereafter issued to refund any of the foregoing if issued in a manner that provides that the refunding bonds are payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Pledged Revenues on a parity with the Junior Lien Obligations.

"Letter of Investment" means the letter agreement between the Issuer and the Purchaser(s) pursuant to which the Bonds are sold to the Purchaser(s).

"Mayor" means the Mayor of the City or any individual elected to serve in such capacity for the City.

"MSRB" means the Municipal Securities Rulemaking Board.

"Maturity" means, when used with respect to any Debt, the date on which the principal of such Debt or any installment thereof becomes due and payable as therein provided, whether at the Stated Maturity thereof or by declaration of acceleration, call for redemption, or otherwise.

"Outstanding" - When used in this Resolution with respect to Parity Obligations means, as of the date of determination, all Bonds and Parity Obligations theretofore sold, issued and delivered by the Issuer, except:

- (a) those Parity Obligations canceled or delivered to the transfer agent or registrar for cancellation in connection with the exchange or transfer of such obligations.
- (b) those Parity Obligations paid or deemed to be paid in accordance with the provisions of Section 21 hereof or similar provisions of any Additional Parity Obligations Resolution.
- (c) those Parity Obligations that have been mutilated, destroyed, lost, or stolen and replacement obligations have been registered and delivered in lieu thereof.

"Parity Obligations" shall mean, collectively, the Bonds and any Additional Parity Obligations.

"Paying Agent/Registrar" shall mean the financial institution so designated herein and any successor thereto.

"Permitted Investments" means, to the extent authorized by the Texas Public Funds Investment Act and the Issuer's investment policy.

"Person" means any individual, partnership, corporation, trust, or unincorporated organization or any governmental entity.

"Pledged Revenues" shall mean all of the Issuer's receipts of the Sales Tax, less any amounts due or owing to the Comptroller as charges for collection or retention by the Comptroller for refunds and to redeem dishonored checks and drafts, to the extent such charges and retentions are authorized or required by law.

"Project" has the meaning given in the recitals of this Resolution.

"Purchaser(s)" means a Person who initially purchases the Bonds from the Issuer pursuant to the Letter of Investment.

"Rating Agency" means any nationally recognized securities rating agency which has assigned, at the request of the Issuer, a rating to the Bonds.

"Record Date" means Record Date as defined in the FORM OF BOND in Exhibit "B" to this Resolution.

"Registration Books" means the books or records for the registration of the transfer and exchange of the Bonds.

"Required Reserve Fund Deposits" means the deposits and credits, if any, required to be made to the Reserve Fund pursuant to the provisions of Section 11 of this Resolution.

"Reserve Fund(s)" means the special funds created, established and maintained by the provisions of Sections 6 and 10 of this Resolution.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"Sales Tax" shall mean the one-half of one percent (0.5%) sales and use tax levied by the City within the boundaries of the City as they now or hereafter exist, less any amounts due and owed to the Comptroller as charges for the collection of the Sales Tax or retention by said Comptroller for refunds and to redeem dishonored checks and drafts, to the extent such charges and retention are authorized or required by law, together with any increases in the aforesaid rate if provided and authorized by the laws of the State of Texas, including specifically the Act, and collected for the benefit of the Issuer, all in accordance with the Act, including particularly Section 505.251 thereof.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of the Board" means the Secretary of the Issuer of the Lockhart Economic Development Corporation Type B or any individual appointed to serve as such capacity by the Issuer.

"Stated Maturity" means the annual principal payments of the Parity Obligations payable on the



respective dates set forth in the resolutions which authorized the issuance of such Parity Obligations.

"Subordinate Lien Obligations" means (i) any bonds, notes, warrants, certificates of obligation, contractual obligations or other Debt issued by the Issuer that are payable, in whole or in part, from and equally and ratably secured by a lien on and pledge of the Pledged Revenues, such pledge being subordinate and inferior to the lien on and pledge of the Pledged Revenues that are or will be pledged to the payment of any Parity Obligations and Junior Lien Obligations issued by the Issuer, and (ii) obligations hereafter issued to refund any of the foregoing if issued in a manner that provides that the refunding bonds are payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Pledged Revenues on a parity with the Subordinate Lien Obligations.

"Surety Bond" shall mean a policy of municipal bond insurance, a surety bond or other obligation permitted by law which is issued by an insurance company or other issuer of such instruments for the purpose of funding all or part of the 2018 Required Reserve Fund Amount; provided that the issuing company or institution shall have a rating in the highest rating category by two nationally recognized rating agencies or services.

"Sales Tax Remittance Agreement" shall mean the Sales Tax Remittance Agreement dated as of December 1, 2020 between the City and the Issuer.

"Texas Constitution" means the Constitution of the State of Texas.

"Texas Public Funds Investment Act" shall mean the Texas Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

"Vice-Chairman" means the Vice-Chairman of the Lockhart Economic Development Corporation or any individual appointed to serve as such capacity by the Issuer.

**EXHIBIT B**  
**FORM OF BOND**

NO. \_\_\_\_\_  
AMOUNT \_\_\_\_\_

PRINCIPAL  
\$ \_\_\_\_\_

**UNITED STATES OF AMERICA**  
**STATE OF TEXAS**  
**LOCKHART ECONOMIC DEVELOPMENT CORPORATION**  
**SALES TAX REVENUE BOND**  
**TAXABLE SERIES 2020**

<u>INTEREST RATE</u>	<u>DATED DATE</u>	<u>MATURITY DATE</u>	<u>CUSIP NO.</u>
	December 10, 2020		

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, Lockhart Economic Development Corporation (the "Board" or "Issuer"), being a nonstock, nonprofit economic development corporation organized and existing under the laws of the State of Texas, including particularly the Development Corporation Act of 1979, specifically Chapters 501, 502 and 505 of the Texas Local Government Code, as amended (the "Act"), and acting on behalf of the City of Lockhart, Texas (the "City"), hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from December 10, 2020, the initial date of delivery of the Bonds, on August 1, 2021, and semiannually on each February 1 and August 1 thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above; except that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged from is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

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THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at \_\_\_\_\_, which is the "Paying Agent/Registrar" for this Bond, at their the office in \_\_\_\_\_ (the "Designated Payment/Transfer Office"). The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the Resolution authorizing the issuance of this Bond (the "Bond Resolution") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the last business day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Registered Owner appearing on the Registration Books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

DURING ANY PERIOD in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Issuer and the securities depository.

Any accrued interest due upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar (unless the redemption date is a regularly scheduled interest payment date, in which case accrued interest on such redeemed Bonds shall be payable in the regular manner described above). The Issuer covenants with the Registered Owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Debt Service Fund" created by the Bond Resolution, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such

payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of an issue of Bonds dated December 10, 2020, authorized in accordance with the Texas Constitution and laws of the State of Texas, including particularly the Act, in the original principal amount of \$ \_\_\_\_\_ (the "Bonds") to provide funds for: the (i) acquisition, construction and development of an industrial park, including the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development; and (ii) paying the costs of issuance of the Bonds.

NO LESS THAN 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity, the Issuer shall cause written notice of such redemption to be sent by United States mail, first class, postage prepaid, to each Registered Owner of a Bond to be redeemed, in whole or in part, at the address of the Registered Owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing of such notice. Any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Registered Owner. By the date fixed for any such redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If such written notice of redemption is mailed and if due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being Outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Resolution. Any notice of redemption shall either (i) explicitly state that the proposed redemption is conditioned on there being on deposit in the Debt Service Fund sufficient money to pay the full redemption price of the Bonds to be redeemed or (ii) be sent only if sufficient money to pay the full redemption price of the Bonds to be redeemed is on deposit in the Debt Service Fund.

ALL BONDS OF THIS SERIES are issuable solely as fully registered Bonds, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Resolution, this Bond, or any unredeemed portion hereof, may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner.



assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Resolution. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond shall be executed by the Registered Owner or its duly authorized attorney or representative to evidence the assignment hereof. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such transfer, but the one requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. The Paying Agent/Registrar shall not be required to make transfers of registration of this Bond or any portion hereof (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or, (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date. The Registered Owner of this Bond shall be deemed and treated by the Issuer and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Bond to the extent of such payment, and the Issuer and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

WITH RESPECT TO any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Bond Resolution have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the Board, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the Board shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Resolution that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the Registered Owners of the Bonds.

IT IS HEREBY certified, recited, and covenanted that this Bond has been duly and validly authorized, issued, sold, and delivered; that all acts, conditions, and things required or proper to be

performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; that this Bond is a special obligation of the Issuer; that neither the State of Texas, the City, nor any political corporation, subdivision, or agency of the State of Texas, nor any member of the Board of Directors of the Issuer, either individually or collectively, shall be obligated to pay the principal of or the interest on this Bond and neither the faith and credit nor the taxing power (except as described below) of the State of Texas, the City, or any other political corporation, subdivision, or agency thereof is pledged to the payment of the principal of or the interest on this Bond; that the principal of and interest on this Bond, together with any Additional Parity Obligations hereafter issued, are secured by and payable from a first lien on and pledge of certain funds created under the Resolution and the revenues defined in the Resolution as the "Pledged Revenues", which include the proceeds of a one-half of one percent sales and use tax levied for the benefit of the Issuer by the City (the "Sales Tax") pursuant to the Act which lien on and pledge is prior in right and claim to the lien and pledge on the Pledged Revenues securing the payment of the Outstanding Junior Lien Obligations and any Subordinate Lien Obligations; and that the Registered Owner hereof shall not have the right to demand payment of the principal of or interest on this Bond from any tax proceeds other than the Sales Tax proceeds levied for the benefit of the Issuer by the City pursuant to the Act, or from any other source.

THE ISSUER HAS RESERVED the right in the Bond Resolution, subject to certain conditions set forth therein, to issue obligations or incur indebtedness from time to time in the future on a parity with the Bonds with respect to the pledge of and lien on the Pledged Revenues which secures the Bonds. The Issuer may also issue obligations or incur indebtedness which is secured on a junior and subordinate lien with respect to the Pledged Revenues. The Bond Resolution further provides that the Issuer may create a debt service reserve fund and fund it or provide for it to be funded in connection with the issuance of any obligations or the incurrence of any indebtedness which possesses a lien on and pledge of the Pledged Revenues on a parity with the Bonds, and that such reserve shall secure only the obligations or indebtedness for which it was funded or is to be funded. The Issuer has created a debt service reserve fund for the benefit of the Bonds.

THE ISSUER ALSO HAS RESERVED THE RIGHT to amend the Bond Resolution as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the Registered Owners of a majority in aggregate principal amount of the Outstanding Bonds.

BY BECOMING the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Resolution, agrees to be bound by such terms and provisions, acknowledges that the Resolution is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Resolution constitute a contract between each Registered Owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Chairman of the Board of Directors of the Issuer and countersigned with the manual or facsimile signature of the Secretary of the Board of Directors of the Issuer on this Bond.

(facsimile signature)  
Secretary, Board of Directors

(facsimile signature)  
Chairman, Board of Directors

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Bond is not accompanied by an  
executed Registration Certificate of the Comptroller  
of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Resolution described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Paying Agent/Registrar

By: \_\_\_\_\_  
Authorized Representative

**FORM OF ASSIGNMENT**

**ASSIGNMENT**

For value received, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_

Please insert Social Security or Taxpayer Identification Number of Transferee

\_\_\_\_\_

(Please print or typewrite name and address, including zip code, of Transferee.)

\_\_\_\_\_

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

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Signature Guaranteed:

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NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

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NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

**FORM OF REGISTRATION CERTIFICATE OF THE COMPTROLLER OF PUBLIC ACCOUNTS**

**COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.**

I hereby certify that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

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Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

**INSERTIONS FOR THE INITIAL BOND**

The Initial Bond shall be in the form set forth in this Section, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted.

**"ON THE MATURITY DATE SPECIFIED ABOVE,** the Lockhart Economic Development Corporation Type B (the "Issuer"), being a nonstock, nonprofit economic development corporation organized and existing under the laws of the State of Texas, including particularly the Development Corporation Act of 1979, specifically Sections 501, 502 and 505 of the Texas Local Government Code, as amended (the "Act"), and acting on behalf of the City of Lockhart, Texas (the "City"), hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on August 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:



<u>Principal</u>	<u>Maturity</u>	<u>Interest</u>	<u>Principal</u>	<u>Maturity</u>	<u>Interest</u>
<u>Amount</u>	<u>( )</u>	<u>Rate</u>	<u>Amount</u>	<u>( )</u>	<u>Rate</u>

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the initial date of delivery of the Bonds, at the respective Interest Rate per annum specified above. Interest is payable on August 1, 2021, and semiannually on each February 1 and August 1 thereafter to the date of payment of the principal installment specified above; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

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**EXHIBIT C**

**DESCRIPTION OF ANNUAL FINANCIAL INFORMATION**

The following information is referred to in Section 27(a) of this Resolution:

**Annual Financial Statements and Operating Data**

The financial information and operating data with respect to the Issuer to be provided annually in accordance with such Section is as specified (and included under the headings of the Official Statement referred to) below:

- (A) The annual audited financial statements of the Issuer, if an audit is conducted separate and independent of the audit of the City of Lockhart, but if the audit of the City of Lockhart includes an audit of the Issuer, then those portions of the City's audit relating to the Issuer, or the unaudited financial statements of the Issuer in the event audited financial statements are not completed within six months after the end of any fiscal year.
- (B) All quantitative financial information and operating data with respect to the Issuer of the general type included in the Official Statement under Tables 1 through 5.

**Accounting Principles**

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in paragraph A above.

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## AGENDA MEMORANDUM

Meeting Date: December 1, 2020

Agenda Item: Discussion and/or action regarding an economic development agreement between the Lockhart Economic Development Corporation and Caldwell County for the County's contribution of \$1,500,000 towards the total cost to develop a property for economic purposes within the City of Lockhart and the repayment of those funds.

Prepared by: Mike Kamerlander, Director, Economic Development

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Attached is an economic development agreement between the Lockhart Economic Development Corporation and Caldwell County. As part of the financing stack for the acquisition of the 75 acres from Centerpoint at FM 2720 and the UP rail line, this agreement provides \$1.5 million from Caldwell County for the purchase and development of the 75 acres to make it "shovel-ready" for economic development prospects.

Under this agreement, LEDC would be required to pay \$500,000 back to Caldwell County within 5 years. Any source of funds may be used including land sale proceeds. The expected break-even sales price for the land includes the entire \$1,500,000 to be paid through land proceeds. If the industrial park sells out within 5 years, the County would be paid back its entire \$1,500,000 through land proceeds alone. If the land does not sell out within 5 year, LEDC would be required to use other fund sources for repayment.

The remaining \$1 million would be paid to Caldwell County through the proceeds of land sales in the industrial park only. An amount per SF price will be set once the project cost is finalized. Once the payback amount per SF is ascertained, Caldwell County will receive that amount at each closing when real property is sold. As an example, if Caldwell County's portion is found to be \$0.85 per SF and a land sale of 20 acres occurred, the County would receive \$740,520 from that transaction. The remaining balance of the original \$1 million would then be \$259,480 which would continue to be paid through future land sales until the \$1 million is repaid.

The purpose of partnering with the County is to keep the LEDC's sales tax bond sale as low as possible. This \$1.5 million from Caldwell County shows the County's commitment as an economic development partner and allows LEDC to keep the bond at a manageable amount.

LEDC's Target Industry Strategy adopted in October 2020 points to a clear disadvantage Lockhart is facing with its dearth of large shovel-

ready sites. Without sites that have infrastructure in place, it is difficult, if not impossible, to attract larger projects which would otherwise be an excellent fit with Lockhart. This \$1.5 million from Caldwell County helps the City of Lockhart achieve the goal of making land ready for prospects.

Attachments:

Proposed Economic Development Agreement with Caldwell County

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Recommendation - Staff recommends approval of the economic development agreement with Caldwell County.

[RECOMMENDED MOTION] - Move to approve the proposed economic development agreement between the Lockhart Economic Development Corporation and Caldwell County for the County's contribution of \$1,500,000 towards the total cost to develop a property for economic purposes within the City of Lockhart and the repayment of those funds.



**RESOLUTION 05-2021**

**RESOLUTION OF CALDWELL COUNTY COMMISSIONERS COURT  
AUTHORIZING COUNTY JUDGE TO EXECUTE ECONOMIC  
DEVELOPMENT AGREEMENT**

**WHEREAS**, Caldwell County is authorized under Chapter 381 of the Texas Local Government Code to administer programs and to contract with other entities in order to stimulate business and commercial activity in the county; and

**WHEREAS**, the Lockhart Economic Development Corporation ("LEDC") is a Type B Economic Development Corporation authorized to promote economic development pursuant to Chapters 501-505, Texas Local Government Code; and

**WHEREAS**, LEDC seeks to facilitate economic development by acquiring property and constructing and/or developing industrial capacity within the City of Lockhart and Caldwell County (the "Project"); and

**WHEREAS**, County has determined that entering into an Economic Development Agreement will promote local economic development and stimulate business and commercial activity in the County.

**NOW THEREFORE, BE IT RESOLVED BY THE CALDWELL COUNTY COMMISSIONERS COURT THAT:**

1. The facts and recitations set forth in the preamble of this Resolution are hereby found to be true and correct.
2. The proposed Economic Development Agreement included in the Agenda backup, incorporated by reference herein for all purposes, is approved as to substance.
3. The Caldwell County Judge is authorized to execute said Economic Development Agreement or any substantially similar Agreement produced as a result of negotiation, cooperation, or coordination with LEDC and in accordance with all applicable State and Federal laws and regulations.

**ORDERED** this the 24th day of November, 2020.

\_\_\_\_\_  
Hoppy Haden  
Caldwell County Judge

\_\_\_\_\_  
B.J. Westmoreland  
Commissioner, Precinct 1

67

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Barbara Shelton  
Commissioner, Precinct 2

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Ed Theriot  
Commissioner, Precinct 3

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Joe Ivan Roland  
Commissioner, Precinct 4

ATTEST:

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Teresa Rodriguez  
Caldwell County Clerk



## ECONOMIC DEVELOPMENT AGREEMENT

**THIS ECONOMIC DEVELOPMENT AGREEMENT** (the "Agreement") by and among Caldwell County, Texas, a political subdivision of the State of Texas (the "County") and Lockhart Economic Development Corporation, a nonprofit local government corporation organized and existing under the laws of the State of Texas ("LEDC"), is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2020 (the "Effective Date"). The County, and LEDC may be individually referred herein as "Party" and collectively as the "Parties."

**WHEREAS**, LEDC is a Type B Economic Development Corporation authorized to promote economic development pursuant to Chapters 501-505, Texas Local Government Code; and

**WHEREAS**, the County is authorized to administer programs and to contract with other entities in order to stimulate business and commercial activity in the county; and

**WHEREAS**, LEDC seeks to facilitate economic development by acquiring property and constructing and/or developing industrial capacity within the City of Lockhart and Caldwell County (the "Project"), as shown on the property map contained in Exhibit "A", attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the Project is to be developed in phases under the administration of LEDC, their partners or assigns, at an estimated total cost of \$3,500,00.00; and

**WHEREAS**, the County find that this Agreement will benefit the residents of the County by promoting local economic development and stimulating business and commercial activity in the County; and

**NOW THEREFORE**, for the reasons state in these Recitals and in consideration of the mutual benefits to and promises of the Parties set forth below, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

### ARTICLE I. DUTIES

- A. The County agrees provide a one-time payment in an amount of one million five hundred thousand dollars (\$1,500,000.00) (the County Contribution) to LEDC to fund a portion of the total cost to develop the property and/or construct improvements associated with the development of the Project. Such payment shall be made in a lump sum payment payable to LEDC not later than the 30<sup>th</sup> day after the effective date of this agreement.
- B. LEDC shall reimburse County one hundred percent (100%) of the County Contribution. Except as provided herein, reimbursement payments shall be made directly to County as follows:
  - a. \$\_\_\_\_\_ per square foot for each square foot of land sold within the Project, until such time as the total cumulative reimbursement payments paid to County are equal to the County Contribution.
  - b. By the fifth anniversary of the effective date, LEDC shall make reimbursement payments to County in a total amount of five hundred thousand dollars (\$500,000.00).

- C. After the County has been reimbursed in full, any subsequent conveyances of an individual tract shall not be subject to the reimbursement payment attributable to County.
- D. LEDC may make full or partial payments to County at any time. There is no prepayment penalty to be imposed on payments made in advance of or in excess of the reimbursement formula or payment schedule.

**ARTICLE II.  
LIABILITY**

- A. The County and LEDC are entitled to the immunities and defenses of the Texas Tort Claims Act. Nothing in this Agreement shall be construed to waive either party's sovereign immunity. Each Party warrants and represents that is insured under a commercial insurance policy or is self-insured for all claims falling within the Texas Tort Claims Act.
- B. To the extent allowed by law, each party agrees to release, defend, indemnify and hold harmless the other (and its officers, agents and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use) and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses in any way arising out of, related to, or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees or any other third parties for whom it is legally responsible in connection with performing this Agreement.

**ARTICLE III.  
GENERAL TERMS**

- A. This Agreement becomes effective on December 1, 2020 and shall remain in effect until LEDC has performed its financial obligations hereunder by reimbursing the County in full.
- B. Each party paying for the performance of governmental functions or services hereunder must make those payments from current revenues available to the paying party.
- C. In addition to specific obligations within this Agreement, each Party generally agrees that it will perform such other acts, and execute, acknowledge, and/or deliver such other instruments, documents, and other materials as the other may reasonably request in order to achieve the intentions and objectives of this Agreement.
- D. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. This Agreement may only be amended by a written instrument signed by both Parties.
- E. The laws of the state of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement is performable in Caldwell County, Texas, and that exclusive venue for any disputes arising under this Agreement shall lie in Caldwell County, Texas.
- F. If any provision contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other

provision and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

G. Any notice, statement and/or communication required and/or permitted to be delivered hereunder shall be in writing and shall be mailed by certified mail with return receipt requested, postage prepaid, or delivered by hand, 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:

a. County: Caldwell County Judge  
110 S. Main Street  
Lockhart, Texas 78644

b. LEDC: Lockhart, Texas EDC  
P.O. Box 239  
Lockhart, Texas 78644

H. This Agreement shall be for the sole and exclusive benefit of the Parties and their successors and assigns and shall not be construed to confer any benefit or right upon any other party, including, without limitation any resident of any Party.

I. Nothing in this Agreement shall be deemed or construed as creating the relationship of principal and agent, partnership, or joint venture between the Parties, or a joint enterprise between the Parties and/or any other parties.

J. The failure of any Party to insist, in any one or more instances, upon performance of any terms, covenants, or conditions of this Agreement shall not be construed as a waiver or relinquishment of the future performance of any such term, covenant, or condition, but the obligation with respect to such future performance shall continue in full force and effect.

K. The governing body of each Party has authorized its execution and the Agreement has been approved at a duly called and posted meeting, as applicable.

**IN TESTIMONY HEREOF**, the Parties have executed this Agreement in multiple Counterparts.

COUNTY

LEDC

\_\_\_\_\_  
Hoppy Haden  
Caldwell County Judge

\_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

## AGENDA MEMORANDUM

Meeting Date: December 1, 2020

Agenda Item: Consideration and action with respect to RESOLUTION 2020-03 OF THE BOARD OF DIRECTORS OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING ITS PRESIDENT TO NEGOTIATE AND PURCHASE LAND FOR A PROJECT OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION BEING KNOWN AS "PROJECT FUTURE".

Prepared by: Mike Kamerlander, Director, Economic Development

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Attached is LEDC Resolution 2020-03 authorizing the President of the LEDC to negotiate and purchase 75.04 acres out of the Cornelius Crenshaw Survey, Abstract 68, City of Lockhart, Caldwell County, Texas ("the Property"), for the purpose of establishing an industrial park for economic development purposes for the City of Lockhart at a price not to exceed ninety cents (.90) per square foot for a total amount of \$2,941,868.16.

Attachments:  
Resolution 2020-03

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Recommendation - Adopt LEDC Resolution 2020-03

[RECOMMENDED MOTION] - Move to adopt Resolution 2020-03 OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING ITS PRESIDENT TO NEGOTIATE AND PURCHASE LAND FOR A PROJECT OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION BEING KNOWN AS "PROJECT FUTURE".

**RESOLUTION NO. 2020-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING ITS PRESIDENT TO NEGOTIATE AND PURCHASE LAND FOR A PROJECT OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION BEING KNOWN AS "PROJECT FUTURE"**

**WHEREAS**, the Lockhart Economic Development Corporation ("LEDC") is a Type B corporation operating pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, the Board of Directors of the LEDC and the City Council of the City of Lockhart have approved the purchase of real property, being 75.04 acres out of the Cornelius Crenshaw Survey, Abstract 68, City of Lockhart, Caldwell County, Texas ("the Property"), for the purpose of establishing an industrial park for economic development purposes for the City of Lockhart; and

**WHEREAS**, the Board of Directors and the City Council have approved the financing of the Property through issuance of sales tax bonds, contribution by Caldwell County, and other available funds; and

**WHEREAS**, the Board of Directors desires to authorize its President to negotiate the purchase of the Property at a price not to exceed ninety cents (.90) per square foot;

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

1. The foregoing recitals are adopted and incorporated herein for all purposes.
2. The President of the LEDC is hereby authorized to negotiate and enter into a sales contract for the purchase of the Property described above for the price stated above.

Approved and adopted on this, the 1st day of December, 2020.

**Lockhart Economic Development Corporation**

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

**Attest:**

\_\_\_\_\_  
Michael Kamerlander  
Economic Development Director

## AGENDA MEMORANDUM

Meeting Date: December 1, 2020

Agenda Item: Consideration and possible action with respect to any other matters, including any agreements, related to the proposed industrial park project and the related issuance of sales tax revenue bonds

Prepared by: Mike Kamerlander, Director, Economic Development

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This item is on the agenda in case something comes up between posting and the meeting to ensure the LEDC Board of Directors may consider such an item.

Attachments:  
None

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Recommendation - None

[RECOMMENDED MOTION] - None



# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:** Lockhart City Council discussion with respect to RESOLUTION 2020-28 APPROVING A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, TAXABLE SERIES 2020; AUTHORIZING THE AMOUNT, THE INTEREST RATES, THE DATE, PAYMENT DATES, REDEMPTION PRICE, AND CERTAIN OTHER TERMS FOR THE BONDS; APPROVING PROCEDURES AND DOCUMENTS RELATED TO THE SALE OF THE BONDS AND OTHER MATTERS RELATED THERETO.

**ORIGINATING DEPARTMENT AND CONTACT:** Mike Kamerlander, Director, Economic Development. [mkamerlander@lockhart-tx.org](mailto:mkamerlander@lockhart-tx.org)

**ACTION REQUESTED:**

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

**BACKGROUND/SUMMARY/DISCUSSION:**

The Lockhart Economic Development Corporation is considering the purchase of 75.04 acres within the "Centerpoint" area identified as the Cornelius Crenshaw Survey, Abstract 68, City of Lockhart, Caldwell County, Texas to develop Lockhart's next industrial park which would be able to accommodate industrial, manufacturing, and distribution prospects. An industrial park at this location fits the current zoning and use ordinances for the City of Lockhart.

This new industrial park will offer shovel-ready sites, meaning all infrastructure such as water, sewer, and roads are in place, which are larger than what is available in either of Lockhart's current industrial parks. These larger parcels are needed to be able to compete for larger economic development projects. If won, these larger projects have the ability to create jobs, increase and diversify the City's property tax base, and provide more corporate community partners.

The LEDC's new Target Industry Strategy, which was adopted in October 2020, states the development of land to be ready for prospects is critical to the future success of Lockhart's economic development efforts. Currently there is no tract of land, greater than 20 acres, that would be considered "shovel-ready" within the city limits for industrial purposes. The Target Industrial Strategy recommended LEDC acquire a site of 100 acres or more to develop its next industrial park. While this site is 75 acres initially, there is ample land around the site to expand in the future should it be needed. This acquisition and subsequent land development would provide the necessary land business prospects are looking for and allow LEDC to compete.

The purchase and development of the property would be funded through 3 main sources:

1. LEDC Fund balance: \$1,500,000
2. Caldwell County Contribution: \$1,500,000
3. LEDC Sales Tax Revenue Bonds: \$1,600,000 (est.)

These three sources will pay for the initial purchase of the land and a phase 1 development which would open at least half the acreage to development. Phase 2 would commence once land sale proceeds are enough to pay for those improvements without additional credit.

The \$1.5 million from LEDC fund balance is roughly half of the current fund balance for the corporation. The LEDC is funded through a half-cent sales tax collection local option that was established by the voters in 1995 for the purpose of economic development. As a Type B corporation, the development of an industrial park is possible with the use of these funds without any help from the City's general revenue fund. This has been done twice before in Lockhart with Industrial Parks I and II. The staff and board feel it is important to keep a healthy fund balance for future needs.

Caldwell County's contribution is a big help in allowing the LEDC to keep its portion as well as the sales tax revenue bonds as low as possible. The \$1.5 million from the County will be paid back mainly through the sale of land. The next item on the agenda will go through the economic development agreement with the County in greater detail as it requires both LEDC board and City Council action.

Finally, the sales tax revenue bonds are needed to cover the remaining cost of the project. The basic premise of the sales tax revenue bond is that LEDC will be pledging its sales tax revenue to the repayment of this 15-year bond note. At the time of writing this cover sheet, the total cost is not known as the winning bid is expected to be received the day before this City Council meeting. The winning bid will be presented and discussed at the meeting and those numbers and entity will be added to the blanks in this resolution to reflect the decision of the LEDC board and City Council.

The note will be 15 years with an expected low interest rate. The estimated annual note payment is estimated to be around \$150,000 over the term of the bond. Again, the actual payment amount will be presented and discussed at the City Council meeting.

LEDC hired the City's financial advisor, Jennifer Ritter with Specialized Public Finance to facilitate the bond sale. Ms. Ritter has been the lead working on a bond proposal and shopping it to prospective banks that would buy it based on LEDC's financial strengths. She will be presenting the winning bid at the meeting including which bank and the terms of the purchase. LEDC has also been working bond counsel Bart Fowler with McCall, Parkhurst, & Horton to make sure the proceedings were all done properly and legally in conjunction with the City and LEDC attorney.

Should this bond sale be approved by LEDC board and City Council, LEDC will move quickly to close on the real property and begin development. Subsequent agenda items at this meeting will address those next steps.

**PROJECT SCHEDULE (if applicable):**

Dec. 1, 2020: Approve sale of bonds  
Dec. 10, 2020: Close on bonds, receive proceeds.  
Dec. XX, 2020: Close on property  
Jan. XX, 2021: Begin infrastructure improvements

**AMOUNT & SOURCE OF FUNDING:**

Finance Review initials



Funds Required: \$1,500,000  
Account Number: 800-3402  
Funds Available: \$3,242,500  
Account Name: LEDC Fund Balance - Unreserved

**FISCAL NOTE (if applicable):** \$1,500,000 from LEDC Fund balance. No fiscal note from any City account including general fund.

**Previous Council Action:** None

**COMMITTEE/BOARD/COMMISSION ACTION:** LEDC Board of Directors will be taking action on this item the same evening.

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff recommends approval of Resolution 2020-28.

**LIST OF SUPPORTING DOCUMENTS:** City Council Resolution 2020-28, LEDC Resolution 2020-03, Project Scope Presentation

Department Head initials:



City Manager's Review:







CITY OF  
**Lockhart**  
ECONOMIC DEVELOPMENT

2720

Texas 130

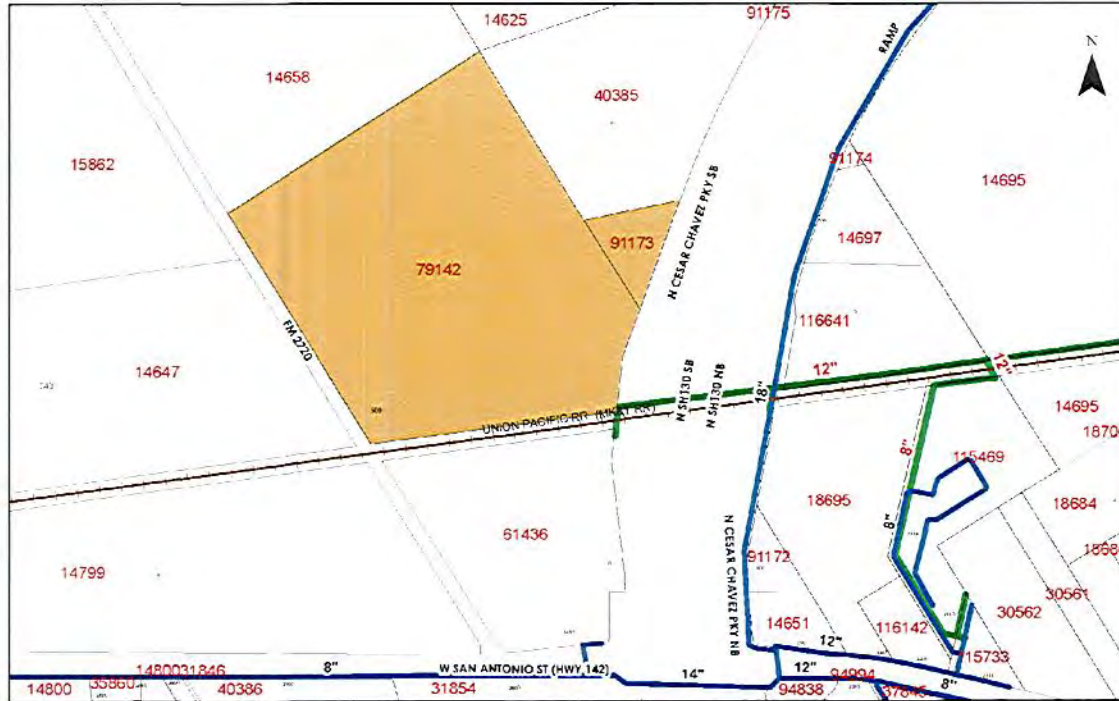


# PROJECT FUTURE



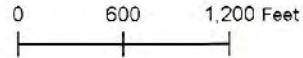


# LOCATION



CITY OF  
**Lockhart**  
TEXAS

This product is for informational purposes only and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey, and represents only the approximate relative location of property boundaries.



Legend	
	WATERLINES
	PARCEL BOUNDARY
	SEWERLINES Type
	Force Main
	Gravity





# Centerpoint Industrial Park – 75.04 Acres



## CENTERPOINT INDUSTRIAL PARK - CONCEPT C

- Location: 11/06
- September 17, 2020
- ▲ 2002248
- ▲ City of Lubbock Economic Development



Scale: 1" = 100'



# Centerpoint Industrial Park

Price/SF                      Price/Acre                      75.04 Acres  
 \$                                      0.90 \$                      39,204.00 \$                      2,941,868.16

Scenario	Land	Infrastructure	Incentive Recap	Total	Per SF	Per Acre
Phase 1	\$ 2,941,868.16	\$ 1,746,454.08	\$ 348,302.64	\$ 5,036,624.88	\$ 1.93	\$ 83,943.75
Phase 2	-	\$ 1,662,864.38		\$ 1,662,864.38	\$ 0.64	
<b>Total Project</b>	<b>2,941,868.16</b>	<b>\$ 3,409,318.46</b>	<b>\$ 348,302.64</b>	<b>\$ 6,699,489.26</b>	<b>\$ 2.56</b>	<b>\$ 111,658.15</b>

## Revenue

10 acres to Crimson Tide at \$1.25/SF	\$ 544,500.00
LEDC Fund Balance	\$ 1,500,000.00
Caldwell County Participation	\$ 1,500,000.00
Sales Tax Revenue Bonds	<b>\$ 1,592,124.88</b>
<b>Total Revenue</b>	<b>\$ 5,136,624.88</b>

## Liabilities

Purchase 75 Acres from Centerpoint	\$ 2,941,868.16
Install Phase 1 Infrastructure	\$ 1,746,454.08
Miscellaneous	\$ 100,000.00
Crimson Tide Incentive	\$ 348,302.64
<b>Total Liabilities</b>	<b>\$ 5,136,624.88</b>

**Net Cost**                                      \$                                      -





# Centerpoint Industrial Park – Phase 1





# Centerpoint Industrial Park – Phase 2



## Centerpoint Industrial Park

- Estimated Final Sale Price of land = \$2.56/SF
  - Break-even price.
- Competing Land Tract Prices:
  - 20 acre tract in Seguin = \$3.10/SF
  - 20 acres in San Marcos = \$3.50/SF
  - 25.98 acres in Kyle = \$3.75/SF



# Next Steps

Tuesday, 12/1:

Joint LEDC/City Council meeting.

Award. Bonds are awarded by corporation and City Council to winning bank; ILA is passed; authorization to execute purchase contract.

Thursday, 12/10:

Bond Closing (est.). Funds delivered.

ASAP:

Close on the land and begin development







Section 2. The Bond Resolution, the Bonds and the expenditure of funds of the Corporation in connection with such Project is hereby approved by the City Council and the City hereby confirms and/or levies the sales and use taxes in connection with Section 40 of the Bond Resolution.

Section 3. This Resolution shall be effective immediately by the City Council.

-----

**READ, APPROVED and ADOPTED** this the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor, City of Lockhart, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary, City of Lockhart, Texas

[CITY SEAL]

**EXHIBIT A**  
**BOND RESOLUTION**

**BOND RESOLUTION**

**of**

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION**

**Pertaining to**

**Lockhart Economic Development Corporation  
Sales Tax Revenue Bond, Taxable Series 2020  
and such other series or subseries  
as may be designated**

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**Section 44. PAYMENT OF ATTORNEY GENERAL FEE.....23**

**RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
AUTHORIZING THE ISSUANCE OF LOCKHART ECONOMIC DEVELOPMENT  
CORPORATION SALES TAX REVENUE BOND, TAXABLE SERIES 2020;  
AUTHORIZING THE BOARD TO APPROVE THE AMOUNT, THE INTEREST  
RATES, THE DATE, PAYMENT DATES, REDEMPTION PRICE, AND CERTAIN  
OTHER TERMS OF THE BOND; APPROVING PROCEDURES AND DOCUMENTS  
RELATED TO THE SALE OF THE BOND AND OTHER MATTERS RELATED  
THERE TO**

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**THE STATE OF TEXAS**  
**LOCKHART ECONOMIC DEVELOPMENT**  
**CORPORATION**

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**WHEREAS**, Section 505.158, Texas Local Government Code, provides that a "Type B Corporation" authorized to be created by a municipality with a population of 20,000 or less may determine that a project includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development; and

**WHEREAS**, the 2010 federal census reflects that the City of Lockhart, Texas (the "City") had a population of less than 20,000, and the Lockhart Economic Development Corporation (the "Corporation" or "Issuer") is a Corporation as such term is used in the Economic Development Corporation Act, specifically Chapters 501, 502 and 505 of the Texas Local Government Code) (the "Act"); and

**WHEREAS**, since 1996, a sales and use tax in the amount of one-half of one percent (0.05%) has been levied and collected within the City for the benefit of the Lockhart Economic Development Corporation (the "Corporation"), and pursuant to an Election (as defined herein) held on May 4, 1996; and

**WHEREAS**, on May 7, 1996, the City adopted Resolution No. 96-18 canvassing the returns and declaring the results of the Election approving the imposition of the replacement one-half of one percent (0.5%) sales and use tax for the benefit of the Corporation; and

**WHEREAS**, the Board of Directors of the Corporation (the "Board" or "Board of Directors"), by adopting this resolution (this "Resolution"), finds that the "Project" (as defined herein) will promote new or expanded business development in the City; and

**WHEREAS**, proceeds from the sale of the Bonds (as defined herein) will be used to provide funds for projects authorized by the Act and includes acquisition of land for an industrial park and may include related water and sewer facilities, street and roads, drainage and related improvements.

general municipal buildings, and public park purposes and park facilities, including the maintenance and operating costs of any such projects mentioned above and other expenditures connected therewith (the "Project"); and

**WHEREAS**, the City, along with the Corporation, are prepared to offer incentives to commercial enterprises to locate within the proposed industrial park when the availability of land within the proposed industrial park is assured by the acquisition of the land by the Corporation; and

**WHEREAS**, the Board further finds that the Project will promote new or expanded business development, including but not limited to manufacturing, transportation and warehousing, by allowing the Corporation to: (1) hold free and clear title to the proposed industrial park; and (2) allow the Corporation to market the proposed industrial park to commercial enterprises; and

**WHEREAS**, as a condition to the issuance of the Bonds hereinafter authorized, the provisions of Section 505.159 and 505.160 of the Texas Local Government Code have been satisfied; and

**WHEREAS**, the Board desires to have the Corporation undertake such Project according to the Act; and

**WHEREAS**, the Lockhart City Council (the "Council") has approved the Corporation to undertake such Project; and

**WHEREAS**, in satisfaction of the requirements set forth in Subchapter D of Chapter 505, Texas Local Government Code, a notice describing the projects proposed to be financed was published in the *Lockhart Post-Register* on October 1, 2020, and the Corporation has not received a petition from more than ten percent (10%) of the registered voters of the City requesting that an election be held before such projects may be undertaken; and

**WHEREAS**, in accordance with the provisions of Section 505.302 of the Texas Local Government Code, the City shall timely transfer to the Corporation the proceeds of the sales tax, in accordance with the terms and conditions of the Sales Tax Remittance Agreement, dated as of December 1, 2020; and

**WHEREAS**, the Bonds hereinafter authorized and designated are to be issued and delivered pursuant to the Act.

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

**Section 1. RECITALS, AMOUNT AND PURPOSE OF THE BONDS.** The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this section. The Bonds of the Corporation are hereby authorized to be issued and delivered in an aggregate principal amount of \$ \_\_\_\_\_, to provide funds for the following projects: (i)

acquisition, construction and development of an industrial park, including the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development; and (ii) paying costs associated with the issuance of the Bond.

**Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS AND MATURITIES OF THE BOND.** The Bonds issued pursuant to this Ordinance shall be designated: "**LOCKHART ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BOND, TAXABLE SERIES 2020**" and initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, dated December 10, 2020, in the maturity amounts stated in the table below and in denominations of \$5,000 or any multiple thereof, numbered consecutively from R-1 upward (except the initial Bond delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the registered owner thereof, or to the registered assignee or assignees of the Bond or any portion or portions thereof (in each case, the "Registered Owner"), and the Bond shall mature and be payable as set forth in the table below. The term "Bond" as used in this Resolution shall mean and include collectively the bonds initially issued and delivered pursuant to this Resolution and all substitute bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto.

<u>August 1</u> <u>Year</u>	<u>Maturity</u> <u>Amount</u>	<u>August 1</u> <u>Year</u>	<u>Maturity</u> <u>Amount</u>
2021		2029	
2022		2030	
2023		2031	
2024		2032	
2025		2033	
2026		2034	
2027		2035	
2028			

**Section 3. INTEREST.** The Bond shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Order to their respective dates of maturity at the following rates per annum:

<u>Year</u>	<u>Interest</u> <u>Rates</u>	<u>Year</u>	<u>Interest</u> <u>Rates</u>
2021		2029	
2022		2030	
2023		2031	
2024		2032	
2025		2033	
2026		2034	
2027		2035	
2028			

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Said interest shall be payable in the manner provided and on the dates stated in the FORM OF BOND set forth in this Resolution.

**Section 4. CHARACTERISTICS OF THE BOND.** (a) Registration, Transfer; Authentication. The Issuer shall keep or cause to be kept at the principal corporate trust or other office of \_\_\_\_\_, \_\_\_\_\_, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer and exchange of the Bond (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers and exchanges under such reasonable regulations as the Issuer and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of the Bonds to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of the Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, exchange and delivery of a substitute Bonds. Registration of assignments, transfers and exchanges of the Bond shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel the paid Bond or any Bond surrendered for transfer and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the Issuer or any other body or person so as to accomplish the foregoing transfer and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bond in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, as amended, the duty of transfer and exchange of the Bond as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the transferred and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bond which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(b) Payment of the Bond and Interest. The Paying Agent/Registrar shall further act as the paying agent for paying the principal of and interest on the Bond, all as provided in this Resolution. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the

Paying Agent/Registrar with respect to the Bond, and of all exchanges of the Bond, and all replacements of Bonds, as provided in this Resolution. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Bond (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the Issuer at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Bonds, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed (if applicable), executed and authenticated, (vii) the principal of and interest on the Bond shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Resolution. The Bond initially issued and delivered pursuant to this Resolution are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in exchange for any Bond or Bonds issued under this Resolution the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND.

(d) Substitute Paying Agent/Registrar. The Issuer covenants with the Registered Owners of the Bonds that at all times while the Bonds are Outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Resolution, and that the Paying Agent/Registrar will be one entity. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or Interest Payment Date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Resolution. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing

as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Resolution, and a certified copy of this Resolution shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Bond issued in exchange for the Bond initially issued as provided in Section 3(a) shall be issued in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co. as nominee of DTC and except as provided in subsection (f) hereof, all of the Outstanding Parity Obligations shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to any Bond registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bond, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Bond, including any notice of redemption, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Resolution to the contrary, but to the extent permitted by law, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bonds, and for all other purposes of registering transfers with respect to such Bonds, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the Issuer to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Resolution with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Resolution shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the Issuer determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Bond, the Issuer shall either (i)



appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Bonds shall designate, in accordance with the provisions of this Resolution.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Blanket Issuer Letter of Representations to DTC.

(h) Initial Bond. The Bond herein authorized shall be initially issued as a fully registered Bond, and the Initial Bond shall be registered in the name of the initial purchaser. The Initial Bond shall be the Bond submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller and delivered to the Underwriters. Immediately after the delivery of the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond delivered hereunder and exchange therefor Bonds in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(a), all of the Outstanding Parity Obligations shall be registered in the name of Cede & Co., as nominee of DTC.

(i) The officers of the Issuer are herein authorized for and on behalf of the Issuer and as officers of the Issuer to enter into one or more Blanket Issuer Letter of Representations with DTC establishing the book-entry-only system with respect to the Bonds.

**Section 5. FORM OF BOND.** The FORM OF BOND, including the FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, THE FORM OF ASSIGNMENT and THE FORM OF REGISTRATION CERTIFICATE OF THE COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS to be attached only to the Bond initially issued and delivered pursuant to this Resolution, shall be, respectively, substantially as set forth in Exhibit "B" attached hereto.

**Section 6. PLEDGE.** The Bond and any interest payable thereon, and any Additional Parity Obligations which may be issued in accordance herewith and any interest payable thereon, are and shall be secured by and payable from a first lien on and irrevocable pledge of the Pledged Revenues, which lien on and pledge is prior in right and claim to any lien and pledge on the Pledged Revenues securing the payment of any Junior Lien Obligations and any Subordinate Lien Obligations hereafter issued; and the Pledged Revenues are further pledged to the establishment and maintenance of the

Debt Service Fund and the Reserve Fund as hereinafter provided. The Bonds are and will be secured by and payable only from the Pledged Revenues and amounts on deposit in the Debt Service Fund and the Reserve Fund, and not from amounts on deposit in any other funds or accounts of the Issuer, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the Project.

**Section 7. SPECIAL FUNDS.** The below listed special funds ("Funds") are hereby created and shall be established and maintained on the books of the Issuer, so long as any of the Bonds are outstanding and unpaid:

(a) *Lockhart Economic Development Corporation Revenue Fund*, hereinafter called the "Revenue Fund."

(b) *Lockhart Economic Development Corporation Debt Service Fund*, hereinafter called the "Debt Service Fund."

(c) *Lockhart Economic Development Corporation Reserve Fund*, hereinafter called the "Reserve Fund."

(d) *Lockhart Economic Development Corporation Operating Fund*, hereinafter called the "Operating Fund."

(e) *Lockhart Economic Development Corporation Project Fund*, hereinafter called the "Project Fund."

Though all of such funds may be subaccounts of the Issuer's Funds held by the Depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such Funds or of such Funds and the Issuer shall keep full and complete records indicating the monies and investments credited to each of such Funds.

**Section 8. REVENUE FUND.** All Pledged Revenues shall be credited to the Revenue Fund immediately upon receipt as provided in the Sales Tax Remittance Agreement.

**Section 9. FLOW OF FUNDS.** All Pledged Revenues deposited and credited to the Revenue Fund shall be pledged and appropriated to the extent required for the following uses and in the order of priority shown:

**FIRST:** To the payment of the amounts required to be deposited in the Debt Service Fund for the payment of debt service on the Parity Obligations as the same becomes due and payable;

**SECOND:** On a pro rata basis, to (i) each debt service reserve fund, created by this Resolution or any Additional Parity Obligations Resolution, which contains less than the

amount to be accumulated and/or maintained therein, as provided in this Resolution or such Additional Parity Obligations Resolutions:

**THIRD:** To the payment of the amounts required to be deposited in the debt service fund for the payment of debt service on the Junior Lien Obligations as the same becomes due and payable;

**FOURTH:** On a pro rata basis, to each debt service reserve fund created by a Junior Lien Obligation Resolution which contains less than the amount to be accumulated and/or maintained therein as provided in the Junior Lien Obligation Resolution;

**FIFTH:** To the payment of amounts required to be deposited in any other fund or account required by any Additional Parity Obligations Resolution;

**SIXTH:** To any fund or account held at any place or places, or to any payee, required by any other resolution of the Board which authorized the issuance of Subordinate Lien Obligations; and

**SEVENTH:** To the payment of the amounts required for any lawful purpose.

Any Pledged Revenues remaining in the Revenue Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, shall be transferred to the Operating Fund and may be appropriated and used for any other lawful purpose now or hereafter permitted by law.

**Section 10. DEBT SERVICE FUND.** The Debt Service Fund is for the sole purpose of paying the principal of and interest on the Parity Obligations Outstanding at any time, as the same come due (including principal coming due as a result of any mandatory redemption of the Parity Obligations). The Issuer covenants that there shall be deposited into the Debt Service Fund prior to each principal and interest payment date from the Pledged Revenues an amount equal to one hundred per cent (100%) of the interest on and the principal of the Parity Obligations then falling due and payable, and such deposits to pay principal and accrued interest on the Parity Obligations shall be made in substantially equal monthly installments on or before the 10th day of each month, beginning on or before the 10th day of the month next following the delivery of the Parity Obligations to the Purchasers thereof; provided, however, that in any Fiscal Year the Issuer may elect to fund the Debt Service Fund on an accelerated basis and at any time when amounts on deposit in the Debt Service Fund are sufficient to make payment of all principal and interest coming due on the Outstanding Parity Obligations within the next twelve months, such deposits of Pledged Revenues to the Debt Service Fund may be discontinued, until there is once again an amount less than the principal and interest coming due on the Outstanding Parity Obligations within the next twelve months, at which time such deposits shall be resumed.

The required deposits to the Debt Service Fund for the payment of principal of and interest on the Parity Obligations shall continue to be made as hereinabove provided until (i) the total

amount on deposit in the Debt Service Fund and the Reserve Fund is equal to the amount required to fully pay and discharge all Parity Obligations (principal and interest) then Outstanding or (ii) the Parity Obligations are no longer Outstanding.

Accrued interest and capitalized interest, if any, received from the purchaser of any Parity Obligation shall be taken into consideration and reduce the amount of the semi-annual deposits and credits hereinabove required into the Debt Service Fund.

**Section 11. RESERVE FUND.** (a) The Issuer may create and establish a debt service reserve fund pursuant to the provisions of any Additional Parity Obligations Resolution for the purpose of securing that particular issue or series of Parity Obligations or any specific group of issues or series of Parity Obligations and the amounts once deposited or credited to said debt service reserve funds shall no longer constitute Pledged Revenues and shall be held solely for the benefit of the owners of the particular Parity Obligations for which such debt service reserve fund was established. Each such debt service reserve fund shall be designated in such manner as is necessary to identify the Parity Obligations it secures and to distinguish such debt service reserve fund from the debt service reserve funds created for the benefit of other Parity Obligations.

(b) For purposes of (i) paying the principal of, premium, if any, and interest on the Bond, when and if amounts on deposit in the Debt Service Fund and available to pay such amounts as the same shall become due are insufficient and (ii) to the extent not required to maintain the 2020 Required Reserve Fund Amount for the Bonds, the Series 2020 Reserve Fund (defined below) may be used to pay, or provide for the payment of, the final principal amount of the Bonds so that they are no longer deemed to be "Outstanding" as such term is defined herein, the Issuer hereby creates and establishes a special account known as the "Lockhart Economic Development Corporation Sales Tax Revenue Bonds, Taxable Series 2020 Reserve Fund" (hereinafter referred to as the "Series 2020 Reserve Fund"), which account shall continue to be kept separate and apart from all other funds or accounts of the Issuer. The Issuer shall maintain an amount equal to the 2020 Required Reserve Fund Amount at all times in or held for the benefit of the Series 2020 Reserve Fund.

During such time as the Series 2020 Reserve Fund contains the 2020 Required Reserve Fund Amount, the Issuer may, at its option, withdraw any amount in the Series 2020 Reserve Fund in excess of the 2020 Required Reserve Fund Amount and deposit such surplus in the Revenue Fund.

The Issuer further covenants and agrees that, subject only to the payment of the Bond and payments to be made to the Debt Service Fund for the benefit of Parity Obligations and to the payments to be made on a pro rata basis to all debt service reserve funds (including the Series 2020 Reserve Fund), the Pledged Revenues shall be applied and appropriated and used to establish and maintain the 2020 Required Reserve Fund Amount or any other reserve fund established by any Additional Parity Obligations Resolution and to cure any deficiency in such amounts as required by the terms of this Resolution and any Additional Parity Obligations Resolution (the "Required Reserve Fund Deposits").

When the Series 2020 Reserve Fund is funded with cash or securities, in whole or in part, the value of the 2020 Required Reserve Fund Amount for the Bonds shall be determined on the basis of cash on deposit therein, the book value of securities in which money in the Series 2020 Reserve Fund are invested or the face value of any Surety Bond held for the benefit of the Series 2020 Reserve Fund, as the case may be.

(c) Notwithstanding the above, the Issuer reserves the right to provide for the debt service reserve funds (including the Series 2020 Reserve Fund) by use of a Surety Bond in lieu of cash, or a combination of cash and Surety Bond, as the Issuer deems reasonable and appropriate; provided, however, that the amount of any such cash and/or the coverage by any Surety Bond when added together shall at least equal the 2020 Required Reserve Fund Amount for the Bonds or any required reserve amount for any Additional Parity Obligations as determined by any Additional Parity Obligation Resolution. Any such Surety Bond provided in lieu of cash shall be issued by an insurance company or association of companies whose insured obligations are rated at the time of issuance by a nationally rated recognized rating agency in its highest rating categories. On the first day following the use of proceeds or amounts available for withdrawal on deposit in the Series 2020 Reserve Fund and continuing each month thereafter for a total of not less than twenty-four (24) payments, the Issuer shall repay all amounts drawn on the Surety Bond and then replenish any cash required in the Series 2020 Reserve Fund to restore the 2020 Required Reserve Fund Amount. In the event a reserve fund surety policy causes the amount then on deposit in the Series 2020 Reserve Fund to exceed the 2020 Required Reserve Fund Amount for the Bonds, such excess amount may be transferred to any fund or account established for the payment or security of the Bonds or used for any lawful purpose; provided, however, to the extent that such excess amount represent bond proceeds, then such amount must be transferred to the Debt Service Fund.

**Section 11. OPERATING FUND.** Amounts on deposit in the Operating Fund may be (i) used to complete and maintain the Project, (ii) applied to pay or redeem any Parity Obligations at the option of the Issuer, or (iii) applied for any other lawful purpose of the Issuer.

**Section 12. TRANSFER.** (a) Pursuant to the provisions of the Sales Tax Remittance Agreement, which is hereby approved in substantially the form attached hereto as Exhibit D, the City has agreed to do any and all things necessary to accomplish the transfer of the Sales Tax collected for the benefit of the Issuer to the Revenue Fund on a monthly basis. The Sales Tax Remittance Agreement shall govern matters with respect to the collection of the Sales Taxes from the Comptroller, credits and refunds due and owing to the Comptroller, and other matters with respect to the collection and transfer of the Sales Tax. The Chairman and Secretary of the Board are hereby authorized to execute the Sales Tax Remittance Agreement on behalf of the Corporation.

(b) The Chairman and the Secretary of the Board are hereby ordered to do any and all things necessary to accomplish the transfer of money to the funds established hereby in ample time to pay the principal of and interest on the Bonds.

**Section 14. INVESTMENTS.** Money in any fund established by this Resolution may, at the option of the Board, be invested in Permitted Investments; provided that all such investments

shall be made in such manner that the money required to be expended from any fund will be available at the proper time or times. Investment earnings realized on investments attributable to the Debt Service Fund shall be retained therein and shall constitute a credit against the amount of money that is required to be on deposit therein for each payment of principal or interest. Investment earnings realized on investments attributable to the Reserve Fund shall be retained therein at all times when there is less than the Required Reserve Amount on deposit therein; at all other times such earnings shall be deposited to the Debt Service Fund. Investment earnings realized on investments attributable to the Operating Fund shall be retained therein. Money in the Reserve Fund shall not be invested in securities maturing later than 18 months from the date of acquisition of such securities by the Issuer. Such investments shall be valued in terms of current market value as of the last day of each Fiscal Year. Such investments shall be sold promptly when necessary to prevent any default in connection with the Parity Obligations.

**Section 15. FUNDS SECURED.** Money in all funds created by this Resolution, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

**Section 16. PAYMENT.** While any of the Parity Obligations are outstanding, the Issuer shall transfer to the respective paying agent/registrars therefor, from funds on deposit in and credited to the Debt Service Fund, and, if necessary, in the Reserve Fund, amounts sufficient to fully pay and discharge promptly the interest on and principal of the Parity Obligations as shall become due on each interest or principal payment date, or date of redemption of the Parity Obligations; such transfer of funds must be made in such manner as will cause immediately available funds to be deposited with each respective paying agent/registrars for the Parity Obligations not later than the business day next preceding the date such payment is due on the Parity Obligations. The Paying Agent/Registrar shall destroy all paid Parity Obligations and furnish the Issuer with an appropriate certificate of cancellation or destruction.

**Section 17. DEFICIENCIES - EXCESS PLEDGED REVENUES.** (a) If on any occasion there shall not be sufficient Pledged Revenues (after making all payments pertaining to all Parity Obligations) to make the required deposits and credits to the Debt Service Fund and the Reserve Fund, then such deficiency shall be cured as soon as possible from the next available unallocated Pledged Revenues, or from any other sources available for such purpose, and such deposits and credits shall be in addition to the amounts otherwise required to be deposited and credited to these Funds.

(b) Subject to making the deposits and credits required by this Resolution, or any Additional Parity Obligations Resolution, or the payments and credits required by the provisions of the resolutions authorizing the issuance of Junior Lien Obligations or Subordinate Lien Obligations hereafter issued by the Issuer, the excess Pledged Revenues may be used for any lawful purpose.

**Section 18. ADDITIONAL PARITY OBLIGATIONS.** The Issuer shall have the right and power at any time and from time to time and in one or more series or issues, to authorize, issue and deliver Additional Parity Obligations, in accordance with law, in any amounts, for any lawful purpose including the refunding of any Parity Obligations, Junior Lien Obligations, Subordinate

Lien Obligations or other obligations of the Issuer. Such Additional Parity Obligations, if and when authorized, issued and delivered in accordance with this Resolution, shall be secured by and made payable equally and ratably on a parity with all other Outstanding Parity Obligations, from the lien on and pledge of the Pledged Revenues herein granted. The Additional Parity Obligations may be issued in one or more installments, provided, however, that none shall be issued unless and until the following conditions have been met:

(a) The Chairman of the Issuer (or other officer of the Issuer then having the primary responsibility for the financial affairs of the Issuer) shall have executed a certificate stating that, to the best of his or her knowledge and belief, the Issuer is not then in default as to any covenant, obligation or agreement contained in this Resolution or any additional Parity Obligation Resolution.

(b) Each of the funds created for the payment, security and benefit of the Parity Obligations contains the amount of money then required to be on deposit therein.

(c) The Issuer has secured from both the chief financial officer of the Issuer and City, which may be member of the Issuer's or City's staff, a certificate to the effect that, according to the books and records of the Issuer, the Pledged Revenues received by the Issuer for either (i) the last completed Fiscal Year next preceding the adoption of the Additional Parity Obligation Resolution or (ii) any twelve (12) consecutive months out of the previous fifteen (15) months next preceding the adoption of the Additional Parity Obligation Resolution equal to not less than 1.30 times the Average Annual Debt Service Requirements for all Parity Obligations then Outstanding after giving effect to the issuance of the Additional Parity Obligations then being issued and 1.0 times the Average Annual Debt Service Requirements (computed in the same manner as for Parity Obligations) of the Junior Lien Obligations and Subordinate Lien Obligations to be outstanding after the issuance of the then proposed Additional Parity Obligations, and to produce an amount sufficient to pay all other debts of the Issuer (including any payments by the Issuer under a contract supporting debt issued on behalf of the Issuer).

(d) The Issuer may create and establish a reserve fund pursuant to the provisions of any resolution authorizing the issuance of Additional Parity Obligations for the purpose of securing that particular issue or series of Parity Obligations or any specific group of issues or series of Parity Obligations and the amounts once deposited or credited to said reserve funds shall no longer constitute Pledged Revenues and shall be held solely for the benefit of the Holders of the particular Parity Obligations for which such reserve fund was established. Each such reserve fund shall be designated in such manner as is necessary to identify the Parity Obligations it secures and to distinguish such reserve fund from the Reserve Fund and the reserve funds created for the benefit of other Parity Obligations.

**Section 19. JUNIOR LIEN AND SUBORDINATE LIEN DEBT.** Except as may be limited by resolution, the Issuer shall have the right to issue or create Junior Lien Obligations or Subordinate Lien Obligations payable from or secured by a lien on all or any part of the Pledged Revenues for any lawful purpose without complying with the provisions of Section 17 hereof, provided the pledge and the lien securing such debt is subordinate to the pledge and lien established.



made and created in Section 5 of this Resolution with respect to the Pledged Revenues to the payment and security of the Parity Obligations.

**Section 20. GENERAL COVENANTS.** The Issuer further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Resolution and in every Bond; it will promptly pay or cause to be paid the principal of and interest on every Bond on the dates and in the places and manner prescribed in this Resolution and the Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Funds created hereby; and any registered owner of the Bonds may require the Issuer, its officials and employees to carry out, respect or enforce the covenants and obligations of this Resolution, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the Issuer, its officials and employees, or by the appointment of a receiver in equity.

(b) It is a duly created and existing economic development corporation, and is duly authorized under the laws of the State of Texas, including the Act, to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken, and that the Bonds in the hands of the registered owners thereof are and will be valid and enforceable special obligations of the Issuer in accordance with their terms.

(c) (i) The Issuer hereby confirms the earlier levy by the City of the Sales Tax at the rate voted at the Election, and the Issuer hereby warrants and represents that the City has duly and lawfully ordered the imposition and collection of the Sales Tax upon all sales, uses and transactions as are permitted by and described in the Act throughout the boundaries of the City as such boundaries existed on the date of said election and as they may be expanded from time to time.

(ii) For so long as any Bond is Outstanding, the Issuer covenants, agrees and warrants to take and pursue all action permissible under applicable law to cause the Sales Tax, at said rate or at a higher rate if permitted by applicable law, to be levied and collected continuously, in the manner and to the maximum extent permitted by applicable law, and to cause no reduction, abatement or exemption in the Sales Tax or rate of tax below the rate stated, confirmed and ordered in subsection (a) of this Section to be ordered or permitted so long as any Bond shall remain Outstanding.

(iii) If the City shall be authorized hereafter by applicable law to apply, impose and levy the Sales Tax on any taxable items or transactions that are not subject to the Sales Tax on the date of the adoption hereof, the Issuer, to the extent it legally may do so, hereby covenants and agrees to use its best efforts to cause the City to take such action as may be required by applicable law to subject such taxable items or transactions to the Sales Tax.

(iv) The Issuer agrees to take and pursue all action permissible under applicable law to cause the Sales Tax to be collected and remitted and deposited as herein required and as required by the Act, at the earliest and most frequent times permitted by applicable law.

(v) The Issuer agrees and covenants at all times to use its best efforts to cause the City to comply with the Sales Tax Remittance Agreement.

(d) It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the Project, the Pledged Revenues and the funds created pursuant to this Resolution, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(e) It will maintain its corporate existence during the time that any Bonds are Outstanding hereunder.

**Section 21. DEFEASANCE OF THE BOND.** (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Resolution, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until the Defeased Bond shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Resolution, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond as aforesaid when proper notice of redemption of such Bond shall have been given, in accordance with this Resolution. Any money so deposited with the Paying Agent/Registrar as provided in this Section may at the discretion of the Board of Directors also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be turned over to the Board of Directors. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of a Defeased Bond may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the

satisfaction of the requirements specified in subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bond, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(e) Notwithstanding any provision of any other Section of this Resolution which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bonds and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bonds and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Resolution.

(d) Until the Defeased Bond shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bond the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Resolution.

**Section 22. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BOND.**

(a) In the event any Outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the registered owner applying for a replacement bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Resolution equally and proportionately with any and all other Bonds duly issued under this Resolution.

**Section 23. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND BOND INSURANCE, IF OBTAINED.** The Chairman of the Board of the Issuer is hereby authorized to have control of each Bond issued hereunder and all necessary records and proceedings pertaining to each Bond pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller. Upon registration of each Bond said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate on each Bond, and the seal of said Comptroller shall be impressed, or placed in facsimile, on each Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on each Bond or on any Bonds issued and delivered in conversion of and exchange or replacement of any Bond, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, the form of bond counsel's opinion relating thereto, and an appropriate statement of insurance supplied by a municipal bond insurance company providing insurance, if any, covering all or any part of the Bonds may be printed or attached to the Bonds.

**Section 24. COVENANTS REGARDING TAX EXEMPTION.** The Issuer does not intend to issue the Bond as tax-exempt obligations described in section 103 of the Code.

**Section 25. [RESERVED].**

**Section 26. USE OF BOND PROCEEDS; PROJECT FUND.** The proceeds from the sale of the Bond, except for accrued interest, which shall be deposited to the Debt Service Fund, shall be deposited into the Project Fund of the Issuer and used to pay Costs of the Project. Notwithstanding the provisions of Section 8 hereof, interest earnings on amounts on deposit in the Project Fund shall be used to pay Costs of the Project or, at the option of the Issuer, transferred to the Debt Service Fund and used to pay amounts coming due with respect to the Bonds.

**Section 27. EXECUTION OF DOCUMENTS.** The President, Vice President and Secretary of the Board of the Issuer are hereby authorized to execute, deliver, attest and affix the seal of the Issuer (if applicable) to all documents and instruments necessary and appropriate in connection with the issuance, sale and delivery of the Bond, including, without limitation, the Sales Tax Remittance Agreement, the Paying Agent/Registrar Agreement and the DTC Blanket Issuer Letter of Representations in substantially the forms attached hereto and made a part hereof for all purposes.

**Section 28. CONTINUING DISCLOSURE UNDERTAKING.** None.

**Section 29. DEFAULTS AND REMEDIES.** (a) *Events of Default.* Each of the following occurrences or events for the purposes of this Resolution is hereby declared to be an "Event of Default." to-wit: (i) the failure to make payment of the principal of or interest on the Bonds when the same becomes due and payable; or (ii) default in the performance or observance of any other covenants, agreements or obligations of the Issuer, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Resolution, and the continuation for a period of 60 days after notice of such default is given by any Owner to the Issuer.

(b) *Remedies for Default.* Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the Corporation for the purpose of protecting and enforcing the rights to the Owners under this Resolution, by mandamus or other suit, action or special proceeding in equity or law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies. It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then Outstanding.

(c) *Remedies not Exclusive.* No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided however, that notwithstanding any other provision of this Resolution, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Resolution. The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient.

In determining whether a payment default has occurred or whether payment of the Bonds has been made under the Resolution, no effect shall be given to payments under a bond insurance policy, if any.

**Section 30. NO RECOURSE AGAINST OFFICIALS.** No recourse shall be had for the payment of principal of or interest on any Parity Obligations or for any claim based thereon or on this Resolution against any official of the Issuer or the City or any person executing any Parity Obligations.

**Section 31. FURTHER ACTIONS.** The officers and employees of the Issuer and the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal, if any, and on behalf of the Issuer all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Resolution, the Bonds, the initial sale and delivery of the Bonds, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Bonds, the Mayor, the Chairman of the Board, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Resolution or to any of the instruments authorized and approved by this Resolution necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Resolution and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of a bond insurer, if any, (iii) obtain a surety policy covering the Required Reserve Amount or (iv) obtain the approval of the Bonds by the Texas Attorney General's office.

In case any officer of the Issuer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

**Section 32. AMENDMENT OF RESOLUTION.** (a) The Holders of the Parity Obligations aggregating a majority in principal amount of the aggregate principal amount of then Outstanding Parity Obligations shall have the right from time to time to approve any amendment to this Resolution which may be deemed necessary or desirable by the Issuer, provided, however, that without the consent of the Holders of all of the effected Parity Obligations at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Resolution or in the Parity Obligations so as to:

- (i) Make any change in the maturity of the Outstanding Parity Obligations;
- (ii) Reduce the rate of interest borne by any of the outstanding Parity Obligations;
- (iii) Reduce the amount of the principal payable on the outstanding Parity Obligations;
- (iv) Modify the terms of payment of principal or interest on the outstanding Parity Obligations or impose any conditions with respect to such payment;
- (v) Affect the rights of the Holders of less than all of the Parity Obligations then outstanding;
- (vi) Change the minimum percentage of the principal amount of Parity Obligations necessary for consent to such amendment.

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(b) If at any time the Issuer shall desire to amend this Resolution under this Section, the Issuer shall cause notice of the proposed amendment to be delivered to a bond insurer, to the extent the Bonds or any Additional Parity Obligations are insured by a bond insurance policy, and published in a financial newspaper or journal of general circulation in the city of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file for inspection by all registered owners of Parity Obligations at the designated trust office of the registrar for the Parity Obligations. Such publication is not required, however, if notice in writing is given to each registered owner of the Parity Obligations.

(c) Whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the Issuer shall receive an instrument or instruments executed by the Holders of at least a majority in aggregate principal amount of all Parity Obligations then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the Board may pass the amendatory resolution in substantially the same form.

(d) Upon the passage of any amendatory resolution pursuant to the provisions of this Section, this Resolution shall be deemed to be amended in accordance with such amendatory resolution, and the respective rights, duties and obligations under this Resolution of the Issuer and all the Holders of then outstanding Parity Obligations shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) Any consent given by the Registered Owner of a Parity Obligation pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the first publication of the notice provided for in this Section, and shall be conclusive and binding upon all future Holders of the same Parity Obligation during such period. Such consent may be revoked at any time after six months from the date of the first publication of such notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the Paying Agent and the Issuer, but such revocation shall not be effective if the Registered Owners of at least a majority in aggregate principal amount of the then outstanding Parity Obligations as in this Section defined have, prior to the attempted revocation, consented to and approve the amendment.

(f) For the purpose of this Section, the fact of the holding of Parity Obligations issued in registered form without coupons and the amounts and numbers of such Parity Obligations and the date of their holding same shall be proved by the Registration Books of the Paying Agent/Registrar. For purposes of this Section, the holder of a Parity Obligation in such registered form shall be the owner thereof as shown on such Registration Books. The Issuer may conclusively assume that such ownership continues until written notice to the contrary is served upon the Issuer.

(g) The foregoing provisions of this Section notwithstanding, the Issuer by action of the Board may amend this Resolution for any one or more of the following purposes:



(1) To add to the covenants and agreements of the Issuer in this Resolution contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the Issuer:

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Resolution, or in regard to clarifying matters or questions arising under this Resolution, as are necessary or desirable and not contrary to or inconsistent with this Resolution and which shall not adversely affect the interests of the Holders of the Parity Obligations;

(3) To make any changes or amendments requested by any Rating Agency, as a condition to the issuance or maintenance of a rating, which changes or amendments do not, in the judgment of the Issuer, materially adversely affect the interests of the owners of the outstanding Parity Obligations:

(4) To modify any of the provisions of this Resolution in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Parity Obligations outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Parity Obligations issued after the date of the adoption of such modification.

Notice of any such amendment may be published or given by the Issuer in the manner described in subsection (b) of this Section; provided, however, that the publication of such notice shall not constitute a condition precedent to the adoption of such amendatory resolution and the failure to publish such notice shall not adversely affect the implementation of such amendment as adopted pursuant to such amendatory resolution.

**Section 33. INTERPRETATIONS.** All terms defined herein and all pronouns used in this Resolution shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Resolution and the Table of Contents of this Resolution have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Resolution and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Bonds.

**Section 34. INCONSISTENT PROVISIONS.** All orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict and the provisions of this Resolution shall be and remain controlling as to the matters contained herein.

**Section 35. INTERESTED PARTIES.** Nothing in this Resolution expressed or implied is

intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer and the Registered Owners of the Bonds, any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer and the registered owners of the Bonds.

**Section 36. INCORPORATION OF RECITALS.** The Issuer hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as a part of this Resolution.

**Section 37. SEVERABILITY.** If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Resolution would have been enacted without such invalid provision.

**Section 38. REPEALER.** All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 39. EFFECTIVE DATE.** This Resolution shall become effective upon adoption and approval by the City.

**Section 40. PREAMBLE.** The findings and preambles set forth in this Resolution are hereby incorporated into this Resolution and made a part hereof for all purposes.

**Section 41. PERFECTION.** Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge on the Pledged Revenues granted by the Issuer under Section 5 of this Resolution, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are Outstanding and unpaid such that the pledge on the Pledged Revenues granted by the Issuer under Section 5 of this Resolution is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the Registered Owners of the Bonds the perfection of the security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

**Section 42. CONFIRMATION AND LEVY OF SALES TAX.** (a) The Issuer hereby represents the City has levied and collected since 1996 when the voters approved at a special election the Sales Tax for the benefit of the Lockhart Economic Development Corporation Type A at the rate of one-half of one percent (0.5%). The Issuer further represents that the Election duly complied with the provisions of the Act for the levy of the Sales Tax at the rate voted at the Election held by and within the City on May 4, 1996, and such Sales Tax is being imposed within the corporate limits of the City and the receipts of such Sales Tax are being remitted to the City by the Comptroller of Public Accounts on a monthly basis for the benefit of the Corporation.

(b) By approval of this Resolution pursuant to Section 505.158 of the Texas Local Government Code, as amended, the Council confirms the results of the Election and desires to confirm the collection and levy of the Sales Tax for the benefit of the Corporation pursuant to the Election and such Sales Tax shall levy.

(c) While any Bond is Outstanding, the Corporation covenants, agrees and warrants to take and pursue all action permissible to cause the Sales Tax, at said rate or at a higher rate if legally permitted, to be levied and collected continuously, in the manner and to the maximum extent permitted by law, and to cause no reduction, abatement or exemption in the Sales Tax or rate of tax below the rate stated, confirmed and ordered in subsection (a) of this Section to be ordered or permitted while any Bond shall remain Outstanding.

**Section 43. REFUNDING BONDS** The Issuer reserves the right to issue refunding bonds to refund all or any part of the Parity Obligations (pursuant to any law then available) upon such terms and conditions as the Board may deem to be in the best interest of the Issuer, and if less than all such Parity Obligations then Outstanding are refunded, the conditions precedent prescribed (for the issuance of Additional Parity Obligations) set forth in Section 17 hereof shall be satisfied, and shall give effect to the refunding.

**Section 44. PAYMENT OF ATTORNEY GENERAL FEE.** The Issuer hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Bonds or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The Corporation's staff is hereby instructed to take the necessary measures to make this payment. The Issuer is also authorized to reimburse the appropriate Issuer funds for such payment from proceeds of the Bonds.

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**READ and APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President,  
Lockhart Economic Development Corporation

**ATTEST:**

\_\_\_\_\_  
Secretary,  
Lockhart Economic Development Corporation

[CITY SEAL]

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## EXHIBIT A

### DEFINITIONS

"2020 Required Reserve Fund Amount" shall mean the amount to be maintained on deposit in, or held as securities, a Surety Bond or other similar instrument permitted by State law for the benefit of the 2020 Reserve Fund (as defined in Section 10 hereof) which shall equal or exceed, or have a face value of the Average Annual Debt Service Requirements on the Bonds (but beginning only after Pledged Revenues for any Fiscal Year are less than 1.30 times the Average Annual Debt Service Requirements; provided, however, that in the event Pledged Revenues fall below 1.30 times the Average Annual Debt Service Requirements in a Fiscal Year, the Corporation, in lieu of a Surety Bond or other similar instrument permitted by State law for the benefit of the Bond, may make equal monthly installments of no more than 36 months the amount necessary to bring the Reserve Fund to the 2020 Required Reserve Fund Amount).

"Additional Parity Obligations" shall mean bonds, notes warrants, certificates of obligation or other debt obligations which the Issuer reserves the right to issue or enter into, as the case may be, in the future in accordance with the terms and conditions provided in Section 18 of the Resolution and which, together with the Bonds, are equally and ratably secured by a first lien on and pledge of the Pledged Revenues on a parity with the Bonds under the terms of this Resolution and an Additional Parity Obligation Resolution.

"Additional Parity Obligation Resolution" shall mean any resolution of the Board authorizing and providing the terms and provisions of the Additional Parity Obligations.

"Average Annual Debt Service Requirements" means that average amount which, at the time of computation, will be required to pay the annual debt service requirements when due (either at Stated Maturity or mandatory redemption) and derived by dividing the total of such annual debt service requirements by the number of Fiscal Years then remaining before Stated Maturity of such Parity Obligations. For the purposes of this definition, a fractional period of a Fiscal Year shall be treated as an entire Fiscal Year. Capitalized interest payments provided from bond proceeds, accrued interest on any Debt, and interest earnings thereon shall be excluded in making such computation.

"Blanket Issuer Letter of Representations" means any representation letter of, or agreement delivered by, the Issuer pursuant to this Resolution providing for administration of a book-entry system for the Bonds and any successive arrangement under which the Issuer provides for the administration of a book-entry system for the Bonds or any other Additional Parity Obligations.

"Bond" or "Bonds" shall mean the Lockhart Economic Development Corporation Sales Tax Revenue Bonds, Taxable Series 2020.

"Book-Entry-Only System" means the book-entry system of bond registration provided in Section 3, or any successor system of book-entry registration.

"Cede & Co." means the designated nominee and its successors and assigns of The Depository Trust Company, New York.

"Chairman of the Board" means the Chairman of the Lockhart Economic Development Corporation Type B or any individual appointed to serve as such capacity by the Issuer.

"City" shall mean the City of Lockhart, Texas.

"City Attorney" means the city attorney for the City or any law firm or individual appointed to serve in such capacity for the City.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas, and any successor official or officer thereto.

"Cost(s)" shall mean with respect to the Project, the cost of acquisition, construction and improvement of the Project as provided in the Act, including, without limitation, the cost of the acquisition of all land, rights-of-way, property rights, easements, and interests, the cost of all machinery and equipment, financing charges, interest during construction, necessary reserve funds, premiums for reserve fund surety policies and municipal bond insurance policies, costs of ratings for the Bonds, cost of estimates and of engineering, accountant, financial advisor and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of acquiring, constructing, reconstructing, improving, and expanding any such Project, administrative expense, and such other expense as may be necessary or incident to the acquisition, construction, reconstruction, improvement and expansion thereof, the placing of the same in operation, and the financing of the Project.

"Debt" means:

(a) all indebtedness payable from Pledged Revenues incurred or assumed by the Issuer for borrowed money and all other financing obligations payable from Pledged Revenues that, in accordance with generally accepted accounting principles, are shown on the liability side of a balance sheet; and

(b) all other indebtedness payable from Pledged Revenues (other than indebtedness otherwise treated as Debt hereunder) for borrowed money or for the acquisition, construction or improvement of property or capitalized lease obligations that is guaranteed, directly or indirectly, in any manner by the Issuer, or that is in effect guaranteed, directly or indirectly, by the Issuer through an agreement, contingent or otherwise, to purchase any such indebtedness or to advance or supply funds for the payment or purchase of any such indebtedness or to purchase property or services primarily for the purpose of enabling the debtor or seller to make payment of such indebtedness, or to assure the owner of the indebtedness against loss, or to supply funds to or in any other manner invest in the debtor (including any agreement to pay for property or services irrespective of whether or not such

property is delivered or such services are rendered), or otherwise.

For the purpose of determining Debt, there shall be excluded any particular Debt if, upon or prior to the Maturity thereof, there shall have been deposited with the proper depository (a) in trust the necessary funds (or investments that will provide sufficient funds, if permitted by the instrument creating such Debt) for the payment, redemption, or satisfaction of such Debt or (b) evidence of such Debt deposited for cancellation; and thereafter it shall not be considered Debt. No item shall be considered Debt unless such item constitutes indebtedness under generally accepted accounting principles applied on a basis consistent with the financial statements of the Issuer in prior Fiscal Years.

"Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the Board of Directors adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, and (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the Board of Directors adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable state law that may be used to defease obligations such as the Bonds.

"Depository" means one or more official depository banks of the Issuer.

"DTC" means The Depository Trust Company, New York, New York and its successors and assigns.

"Election" means the special election held by the City on May 4, 1996 pursuant to the provisions of the Act abolishing the one-half of one percent (0.5%) sales and use tax for the benefit of the Lockhart Economic Development Corporation and subsequent replacement one-half of one percent (0.5%) sales and use tax for the benefit of the Corporation.

"Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"Fiscal Year" means the twelve-month accounting period used by the Issuer currently ending on September 30 of each year, which may be any twelve consecutive month period established by the Issuer, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

"Holder" or "Holders" means the registered owner, whose name appears in the Security Register, for



any Parity Obligation.

"Junior Lien Obligations" means (i) any bonds, notes, warrants, certificates of obligation, contractual obligations or other Debt issued by the Issuer that are payable, in whole or in part, from and equally and ratably secured by a lien on and pledge of the Pledged Revenues, such pledge being subordinate and inferior to the lien on and pledge of the Pledged Revenues that are or will be pledged to the payment of any Parity Obligations issued by the Issuer, and (ii) obligations hereafter issued to refund any of the foregoing if issued in a manner that provides that the refunding bonds are payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Pledged Revenues on a parity with the Junior Lien Obligations.

"Letter of Investment" means the letter agreement between the Issuer and the Purchaser(s) pursuant to which the Bonds are sold to the Purchaser(s).

"Mayor" means the Mayor of the City or any individual elected to serve in such capacity for the City.

"MSRB" means the Municipal Securities Rulemaking Board.

"Maturity" means, when used with respect to any Debt, the date on which the principal of such Debt or any installment thereof becomes due and payable as therein provided, whether at the Stated Maturity thereof or by declaration of acceleration, call for redemption, or otherwise.

"Outstanding" - When used in this Resolution with respect to Parity Obligations means, as of the date of determination, all Bonds and Parity Obligations theretofore sold, issued and delivered by the Issuer, except:

- (a) those Parity Obligations canceled or delivered to the transfer agent or registrar for cancellation in connection with the exchange or transfer of such obligations.
- (b) those Parity Obligations paid or deemed to be paid in accordance with the provisions of Section 21 hereof or similar provisions of any Additional Parity Obligations Resolution.
- (c) those Parity Obligations that have been mutilated, destroyed, lost, or stolen and replacement obligations have been registered and delivered in lieu thereof.

"Parity Obligations" shall mean, collectively, the Bonds and any Additional Parity Obligations.

"Paying Agent/Registrar" shall mean the financial institution so designated herein and any successor thereto.

"Permitted Investments" means, to the extent authorized by the Texas Public Funds Investment Act and the Issuer's investment policy.

"Person" means any individual, partnership, corporation, trust, or unincorporated organization or any governmental entity.

"Pledged Revenues" shall mean all of the Issuer's receipts of the Sales Tax, less any amounts due or owing to the Comptroller as charges for collection or retention by the Comptroller for refunds and to redeem dishonored checks and drafts, to the extent such charges and retentions are authorized or required by law.

"Project" has the meaning given in the recitals of this Resolution.

"Purchaser(s)" means a Person who initially purchases the Bonds from the Issuer pursuant to the Letter of Investment.

"Rating Agency" means any nationally recognized securities rating agency which has assigned, at the request of the Issuer, a rating to the Bonds.

"Record Date" means Record Date as defined in the FORM OF BOND in Exhibit "B" to this Resolution.

"Registration Books" means the books or records for the registration of the transfer and exchange of the Bonds.

"Required Reserve Fund Deposits" means the deposits and credits, if any, required to be made to the Reserve Fund pursuant to the provisions of Section 11 of this Resolution.

"Reserve Fund(s)" means the special funds created, established and maintained by the provisions of Sections 6 and 10 of this Resolution.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"Sales Tax" shall mean the one-half of one percent (0.5%) sales and use tax levied by the City within the boundaries of the City as they now or hereafter exist, less any amounts due and owed to the Comptroller as charges for the collection of the Sales Tax or retention by said Comptroller for refunds and to redeem dishonored checks and drafts, to the extent such charges and retention are authorized or required by law, together with any increases in the aforesaid rate if provided and authorized by the laws of the State of Texas, including specifically the Act, and collected for the benefit of the Issuer, all in accordance with the Act, including particularly Section 505.251 thereof.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of the Board" means the Secretary of the Issuer of the Lockhart Economic Development Corporation Type B or any individual appointed to serve as such capacity by the Issuer.

"Stated Maturity" means the annual principal payments of the Parity Obligations payable on the

respective dates set forth in the resolutions which authorized the issuance of such Parity Obligations.

"Subordinate Lien Obligations" means (i) any bonds, notes, warrants, certificates of obligation, contractual obligations or other Debt issued by the Issuer that are payable, in whole or in part, from and equally and ratably secured by a lien on and pledge of the Pledged Revenues, such pledge being subordinate and inferior to the lien on and pledge of the Pledged Revenues that are or will be pledged to the payment of any Parity Obligations and Junior Lien Obligations issued by the Issuer, and (ii) obligations hereafter issued to refund any of the foregoing if issued in a manner that provides that the refunding bonds are payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Pledged Revenues on a parity with the Subordinate Lien Obligations.

"Surety Bond" shall mean a policy of municipal bond insurance, a surety bond or other obligation permitted by law which is issued by an insurance company or other issuer of such instruments for the purpose of funding all or part of the 2018 Required Reserve Fund Amount; provided that the issuing company or institution shall have a rating in the highest rating category by two nationally recognized rating agencies or services.

"Sales Tax Remittance Agreement" shall mean the Sales Tax Remittance Agreement dated as of December 1, 2020 between the City and the Issuer.

"Texas Constitution" means the Constitution of the State of Texas.

"Texas Public Funds Investment Act" shall mean the Texas Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

"Vice-Chairman" means the Vice-Chairman of the Lockhart Economic Development Corporation or any individual appointed to serve as such capacity by the Issuer.

**EXHIBIT B**  
**FORM OF BOND**

NO. \_\_\_\_\_  
AMOUNT

PRINCIPAL  
\$ \_\_\_\_\_

**UNITED STATES OF AMERICA**  
**STATE OF TEXAS**  
**LOCKHART ECONOMIC DEVELOPMENT CORPORATION**  
**SALES TAX REVENUE BOND**  
**TAXABLE SERIES 2020**

<u>INTEREST RATE</u>	<u>DATED DATE</u>	<u>MATURITY DATE</u>	<u>CUSIP NO.</u>
	December 10, 2020		

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, Lockhart Economic Development Corporation (the "Board" or "Issuer"), being a nonstock, nonprofit economic development corporation organized and existing under the laws of the State of Texas, including particularly the Development Corporation Act of 1979, specifically Chapters 501, 502 and 505 of the Texas Local Government Code, as amended (the "Act"), and acting on behalf of the City of Lockhart, Texas (the "City"), hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from December 10, 2020, the initial date of delivery of the Bonds, on August 1, 2021, and semiannually on each February 1 and August 1 thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above; except that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged from is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

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THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at \_\_\_\_\_, which is the "Paying Agent/Registrar" for this Bond, at their the office in \_\_\_\_\_ (the "Designated Payment/Transfer Office"). The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the Resolution authorizing the issuance of this Bond (the "Bond Resolution") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the last business day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Registered Owner appearing on the Registration Books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

DURING ANY PERIOD in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Issuer and the securities depository.

Any accrued interest due upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar (unless the redemption date is a regularly scheduled interest payment date, in which case accrued interest on such redeemed Bonds shall be payable in the regular manner described above). The Issuer covenants with the Registered Owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Debt Service Fund" created by the Bond Resolution, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such



payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of an issue of Bonds dated December 10, 2020, authorized in accordance with the Texas Constitution and laws of the State of Texas, including particularly the Act, in the original principal amount of \$\_\_\_\_\_ (the "Bonds") to provide funds for: the (i) acquisition, construction and development of an industrial park, including the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development; and (ii) paying the costs of issuance of the Bonds.

NO LESS THAN 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity, the Issuer shall cause written notice of such redemption to be sent by United States mail, first class, postage prepaid, to each Registered Owner of a Bond to be redeemed, in whole or in part, at the address of the Registered Owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing of such notice. Any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Registered Owner. By the date fixed for any such redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If such written notice of redemption is mailed and if due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being Outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Resolution. Any notice of redemption shall either (i) explicitly state that the proposed redemption is conditioned on there being on deposit in the Debt Service Fund sufficient money to pay the full redemption price of the Bonds to be redeemed or (ii) be sent only if sufficient money to pay the full redemption price of the Bonds to be redeemed is on deposit in the Debt Service Fund.

ALL BONDS OF THIS SERIES are issuable solely as fully registered Bonds, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Resolution, this Bond, or any unredeemed portion hereof, may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner.



assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Resolution. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond shall be executed by the Registered Owner or its duly authorized attorney or representative to evidence the assignment hereof. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such transfer, but the one requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. The Paying Agent/Registrar shall not be required to make transfers of registration of this Bond or any portion hereof (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or, (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date. The Registered Owner of this Bond shall be deemed and treated by the Issuer and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Bond to the extent of such payment, and the Issuer and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

WITH RESPECT TO any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Bond Resolution have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the Board, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the Board shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Resolution that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the Registered Owners of the Bonds.

IT IS HEREBY certified, recited, and covenanted that this Bond has been duly and validly authorized, issued, sold, and delivered; that all acts, conditions, and things required or proper to be

performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; that this Bond is a special obligation of the Issuer; that neither the State of Texas, the City, nor any political corporation, subdivision, or agency of the State of Texas, nor any member of the Board of Directors of the Issuer, either individually or collectively, shall be obligated to pay the principal of or the interest on this Bond and neither the faith and credit nor the taxing power (except as described below) of the State of Texas, the City, or any other political corporation, subdivision, or agency thereof is pledged to the payment of the principal of or the interest on this Bond; that the principal of and interest on this Bond, together with any Additional Parity Obligations hereafter issued, are secured by and payable from a first lien on and pledge of certain funds created under the Resolution and the revenues defined in the Resolution as the "Pledged Revenues", which include the proceeds of a one-half of one percent sales and use tax levied for the benefit of the Issuer by the City (the "Sales Tax") pursuant to the Act which lien on and pledge is prior in right and claim to the lien and pledge on the Pledged Revenues securing the payment of the Outstanding Junior Lien Obligations and any Subordinate Lien Obligations; and that the Registered Owner hereof shall not have the right to demand payment of the principal of or interest on this Bond from any tax proceeds other than the Sales Tax proceeds levied for the benefit of the Issuer by the City pursuant to the Act, or from any other source.

THE ISSUER HAS RESERVED the right in the Bond Resolution, subject to certain conditions set forth therein, to issue obligations or incur indebtedness from time to time in the future on a parity with the Bonds with respect to the pledge of and lien on the Pledged Revenues which secures the Bonds. The Issuer may also issue obligations or incur indebtedness which is secured on a junior and subordinate lien with respect to the Pledged Revenues. The Bond Resolution further provides that the Issuer may create a debt service reserve fund and fund it or provide for it to be funded in connection with the issuance of any obligations or the incurrence of any indebtedness which possesses a lien on and pledge of the Pledged Revenues on a parity with the Bonds, and that such reserve shall secure only the obligations or indebtedness for which it was funded or is to be funded. The Issuer has created a debt service reserve fund for the benefit of the Bonds.

THE ISSUER ALSO HAS RESERVED THE RIGHT to amend the Bond Resolution as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the Registered Owners of a majority in aggregate principal amount of the Outstanding Bonds.

BY BECOMING the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Resolution, agrees to be bound by such terms and provisions, acknowledges that the Resolution is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Resolution constitute a contract between each Registered Owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Chairman of the Board of Directors of the Issuer and countersigned with the manual or facsimile signature of the Secretary of the Board of Directors of the Issuer on this Bond.

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(facsimile signature)  
Secretary, Board of Directors

(facsimile signature)  
Chairman, Board of Directors

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Bond is not accompanied by an  
executed Registration Certificate of the Comptroller  
of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Resolution described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Paying Agent/Registrar

By: \_\_\_\_\_  
Authorized Representative

**FORM OF ASSIGNMENT**

**ASSIGNMENT**

For value received, the undersigned hereby sells, assigns and transfers unto  
\_\_\_\_\_.

Please insert Social Security or Taxpayer Identification Number of Transferee  
\_\_\_\_\_

(Please print or typewrite name and address, including zip code, of Transferee.)  
\_\_\_\_\_

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints  
\_\_\_\_\_, attorney, to register the transfer of the within  
Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

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Signature Guaranteed:

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NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

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NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

**FORM OF REGISTRATION CERTIFICATE OF THE COMPTROLLER OF PUBLIC ACCOUNTS**

**COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.**

I hereby certify that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

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Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

**INSERTIONS FOR THE INITIAL BOND**

The Initial Bond shall be in the form set forth in this Section, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted.

**"ON THE MATURITY DATE SPECIFIED ABOVE,** the Lockhart Economic Development Corporation Type B (the "Issuer"), being a nonstock, nonprofit economic development corporation organized and existing under the laws of the State of Texas, including particularly the Development Corporation Act of 1979, specifically Sections 501, 502 and 505 of the Texas Local Government Code, as amended (the "Act"), and acting on behalf of the City of Lockhart, Texas (the "City"), hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on August 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Principal</u>	<u>Maturity</u>	<u>Interest</u>	<u>Principal</u>	<u>Maturity</u>	<u>Interest</u>
<u>Amount</u>	<u>( )</u>	<u>Rate</u>	<u>Amount</u>	<u>( )</u>	<u>Rate</u>

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the initial date of delivery of the Bonds, at the respective Interest Rate per annum specified above. Interest is payable on August 1, 2021, and semiannually on each February 1 and August 1 thereafter to the date of payment of the principal installment specified above; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

## EXHIBIT C

### DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 27(a) of this Resolution:

#### **Annual Financial Statements and Operating Data**

The financial information and operating data with respect to the Issuer to be provided annually in accordance with such Section is as specified (and included under the headings of the Official Statement referred to) below:

- (A) The annual audited financial statements of the Issuer, if an audit is conducted separate and independent of the audit of the City of Lockhart, but if the audit of the City of Lockhart includes an audit of the Issuer, then those portions of the City's audit relating to the Issuer, or the unaudited financial statements of the Issuer in the event audited financial statements are not completed within six months after the end of any fiscal year.
- (B) All quantitative financial information and operating data with respect to the Issuer of the general type included in the Official Statement under Tables 1 through 5.

#### **Accounting Principles**

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in paragraph A above.

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# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:** Discussion and/or action regarding an economic development agreement between the Lockhart Economic Development Corporation and Caldwell County for the County's contribution of \$1,500,000 towards the total cost to develop a property for economic purposes within the City of Lockhart and the repayment of those funds.

**ORIGINATING DEPARTMENT AND CONTACT:** Mike Kamerlander, Director, Economic Development. [mkamerlander@lockhart-tx.org](mailto:mkamerlander@lockhart-tx.org)

**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                |

**BACKGROUND/SUMMARY/DISCUSSION:**

Attached is an economic development agreement between the Lockhart Economic Development Corporation and Caldwell County. As part of the financing stack for the acquisition of the 75 acres from Centerpoint at FM 2720 and the UP rail line, this agreement provides \$1.5 million from Caldwell County for the purchase and development of the 75 acres to make it "shovel-ready" for economic development prospects.

Under this agreement, LEDC would be required to pay \$500,000 back to Caldwell County within 5 years. There is no other provision to the repayment of the \$500,000. Any source of funds may be used including land sale proceeds. The expected break-even sales price for the land includes the entire \$1,500,000 to be paid through land proceeds. If the industrial park sells out within 5 years, the County would be paid back its entire \$1,500,000 through land proceeds alone. If the land does not sell out within 5 year, LEDC would be required to use other fund sources for repayment.


The remaining \$1 million would be paid to Caldwell County through the proceeds of land sales in the industrial park only. An amount per SF price will be set once the project cost is finalized. Once the payback amount per SF is ascertained, Caldwell County will receive that amount at each closing when real property is sold. As an example, if Caldwell County's portion is found to be \$0.85 per SF and a land sale of 20 acres occurred, the County would receive \$740,520 from that transaction. The remaining balance of the original \$1 million would then be \$259,480 which would continue to be paid through future land sales until the \$1 million is repaid.

The purpose of partnering with the County is to keep the LEDC's sales tax bond sale as low as possible. This \$1.5 million from Caldwell County shows the County's commitment as an economic development partner and allows LEDC to keep the bond at a manageable amount.

LEDC's Target Industry Strategy adopted in October 2020 points to a clear disadvantage Lockhart is facing with its dearth of large shovel-ready sites. Without sites that have infrastructure in place, it is difficult, if not impossible, to attract larger projects which would otherwise be an excellent fit with Lockhart. This \$1.5 million from Caldwell County helps the City of Lockhart achieve the goal of making land ready for prospects.

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

**AMOUNT & SOURCE OF FUNDING:**

Finance Review initials 

Funds Required:

Account Number:

Funds Available:

Account Name:

**FISCAL NOTE (if applicable):**

\$1.5 million will be owed to Caldwell County and will be paid back mainly through land sale proceeds. \$500,000 will be due within 5 years with the \$1 million balance due with the sale of land with no term attached. None of these repayment amounts carry interest.

Previous Council Action: None

**COMMITTEE/BOARD/COMMISSION ACTION:**

Under consideration at same meeting on December 1, 2020.

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff recommends approval of the economic development agreement with Caldwell County.

**LIST OF SUPPORTING DOCUMENTS:** Caldwell County Resolution 05-2021; economic development agreement between LEDC and Caldwell County.

Department Head initials:



City Manager's Review:





**RESOLUTION 05-2021**

**RESOLUTION OF CALDWELL COUNTY COMMISSIONERS COURT  
AUTHORIZING COUNTY JUDGE TO EXECUTE ECONOMIC  
DEVELOPMENT AGREEMENT**

**WHEREAS**, Caldwell County is authorized under Chapter 381 of the Texas Local Government Code to administer programs and to contract with other entities in order to stimulate business and commercial activity in the county; and

**WHEREAS**, the Lockhart Economic Development Corporation ("LEDC") is a Type B Economic Development Corporation authorized to promote economic development pursuant to Chapters 501-505, Texas Local Government Code; and

**WHEREAS**, LEDC seeks to facilitate economic development by acquiring property and constructing and/or developing industrial capacity within the City of Lockhart and Caldwell County (the "Project"); and

**WHEREAS**, County has determined that entering into an Economic Development Agreement will promote local economic development and stimulate business and commercial activity in the County.

**NOW THEREFORE, BE IT RESOLVED BY THE CALDWELL COUNTY COMMISSIONERS COURT THAT:**

1. The facts and recitations set forth in the preamble of this Resolution are hereby found to be true and correct.
2. The proposed Economic Development Agreement included in the Agenda backup, incorporated by reference herein for all purposes, is approved as to substance.
3. The Caldwell County Judge is authorized to execute said Economic Development Agreement or any substantially similar Agreement produced as a result of negotiation, cooperation, or coordination with LEDC and in accordance with all applicable State and Federal laws and regulations.

**ORDERED** this the 24th day of November, 2020.

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Hoppy Haden  
Caldwell County Judge

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B.J. Westmoreland  
Commissioner, Precinct 1

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Barbara Shelton  
Commissioner, Precinct 2

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Ed Theriot  
Commissioner, Precinct 3

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Joe Ivan Roland  
Commissioner, Precinct 4

ATTEST:

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Teresa Rodriguez  
Caldwell County Clerk

## ECONOMIC DEVELOPMENT AGREEMENT

**THIS ECONOMIC DEVELOPMENT AGREEMENT** (the "Agreement") by and among Caldwell County, Texas, a political subdivision of the State of Texas (the "County") and Lockhart Economic Development Corporation, a nonprofit local government corporation organized and existing under the laws of the State of Texas ("LEDC"), is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2020 (the "Effective Date"). The County, and LEDC may be individually referred herein as "Party" and collectively as the "Parties."

**WHEREAS**, LEDC is a Type B Economic Development Corporation authorized to promote economic development pursuant to Chapters 501-505, Texas Local Government Code; and

**WHEREAS**, the County is authorized to administer programs and to contract with other entities in order to stimulate business and commercial activity in the county; and

**WHEREAS**, LEDC seeks to facilitate economic development by acquiring property and constructing and/or developing industrial capacity within the City of Lockhart and Caldwell County (the "Project"), as shown on the property map contained in Exhibit "A", attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the Project is to be developed in phases under the administration of LEDC, their partners or assigns, at an estimated total cost of \$3,500,00.00; and

**WHEREAS**, the County find that this Agreement will benefit the residents of the County by promoting local economic development and stimulating business and commercial activity in the County; and

**NOW THEREFORE**, for the reasons state in these Recitals and in consideration of the mutual benefits to and promises of the Parties set forth below, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

### ARTICLE I. DUTIES

- A. The County agrees provide a one-time payment in an amount of one million five hundred thousand dollars (\$1,500,000.00) (the County Contribution) to LEDC to fund a portion of the total cost to develop the property and/or construct improvements associated with the development of the Project. Such payment shall be made in a lump sum payment payable to LEDC not later than the 30<sup>th</sup> day after the effective date of this agreement.
- B. LEDC shall reimburse County one hundred percent (100%) of the County Contribution. Except as provided herein, reimbursement payments shall be made directly to County as follows:
  - a. \$ \_\_\_\_\_ per square foot for each square foot of land sold within the Project, until such time as the total cumulative reimbursement payments paid to County are equal to the County Contribution.
  - b. By the fifth anniversary of the effective date, LEDC shall make reimbursement payments to County in a total amount of five hundred thousand dollars (\$500,000.00).

- C. After the County has been reimbursed in full, any subsequent conveyances of an individual tract shall not be subject to the reimbursement payment attributable to County.
- D. LEDC may make full or partial payments to County at any time. There is no prepayment penalty to be imposed on payments made in advance of or in excess of the reimbursement formula or payment schedule.

**ARTICLE II.  
LIABILITY**

- A. The County and LEDC are entitled to the immunities and defenses of the Texas Tort Claims Act. Nothing in this Agreement shall be construed to waive either party's sovereign immunity. Each Party warrants and represents that is insured under a commercial insurance policy or is self-insured for all claims falling within the Texas Tort Claims Act.
- B. To the extent allowed by law, each party agrees to release, defend, indemnify and hold harmless the other (and its officers, agents and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use) and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses in any way arising out of, related to, or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees or any other third parties for whom it is legally responsible in connection with performing this Agreement.

**ARTICLE III.  
GENERAL TERMS**

- A. This Agreement becomes effective on December 1, 2020 and shall remain in effect until LEDC has performed its financial obligations hereunder by reimbursing the County in full.
- B. Each party paying for the performance of governmental functions or services hereunder must make those payments from current revenues available to the paying party.
- C. In addition to specific obligations within this Agreement, each Party generally agrees that it will perform such other acts, and execute, acknowledge, and/or deliver such other instruments, documents, and other materials as the other may reasonably request in order to achieve the intentions and objectives of this Agreement.
- D. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. This Agreement may only be amended by a written instrument signed by both Parties.
- E. The laws of the state of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement is performable in Caldwell County, Texas, and that exclusive venue for any disputes arising under this Agreement shall lie in Caldwell County, Texas.
- F. If any provision contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other



provision and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

G. Any notice, statement and/or communication required and/or permitted to be delivered hereunder shall be in writing and shall be mailed by certified mail with return receipt requested, postage prepaid, or delivered by hand, 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:

a. County: Caldwell County Judge  
110 S. Main Street  
Lockhart, Texas 78644

b. LEDC: Lockhart, Texas EDC  
P.O. Box 239  
Lockhart, Texas 78644

H. This Agreement shall be for the sole and exclusive benefit of the Parties and their successors and assigns and shall not be construed to confer any benefit or right upon any other party, including, without limitation any resident of any Party.

I. Nothing in this Agreement shall be deemed or construed as creating the relationship of principal and agent, partnership, or joint venture between the Parties, or a joint enterprise between the Parties and/or any other parties.

J. The failure of any Party to insist, in any one or more instances, upon performance of any terms, covenants, or conditions of this Agreement shall not be construed as a waiver or relinquishment of the future performance of any such term, covenant, or condition, but the obligation with respect to such future performance shall continue in full force and effect.

K. The governing body of each Party has authorized its execution and the Agreement has been approved at a duly called and posted meeting, as applicable.

**IN TESTIMONY HEREOF**, the Parties have executed this Agreement in multiple Counterparts.

COUNTY

LEDC

\_\_\_\_\_  
Hoppy Haden  
Caldwell County Judge

\_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:** Consideration and action with respect to RESOLUTION 2020-29 APPROVING A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING ITS PRESIDENT TO NEGOTIATE AND PURCHASE LAND FOR A PROJECT OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION BEING KNOWN AS "PROJECT FUTURE".

**ORIGINATING DEPARTMENT AND CONTACT:** Mike Kamerlander, Director, Economic Development. mkamerlander@lockhart-tx.org

**ACTION REQUESTED:**

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

**BACKGROUND/SUMMARY/DISCUSSION:**

Attached is LEDC Resolution 2020-03 authorizing the President of the LEDC to negotiate and purchase 75.04 acres out of the Cornelius Crenshaw Survey, Abstract 68, City of Lockhart, Caldwell County, Texas ("the Property"), for the purpose of establishing an industrial park for economic development purposes for the City of Lockhart at a price not to exceed ninety cents (.90) per square foot for a total amount of \$2,941,868.16.

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

**AMOUNT & SOURCE OF FUNDING:**

Finance Review initials

**Funds Required:** \$2,941,868.16

**Account Number:** TBD

**Funds Available:** TBD from LEDC Fund balance and sales tax revenue bonds

**Account Name:** N/A

**FISCAL NOTE (if applicable):**

\$2,941,868.16 of LEDC funds from Fund balance and sales tax revenue bonds.

**Previous Council Action:** N/A

**COMMITTEE/BOARD/COMMISSION ACTION:**

Under consideration at same meeting on December 1, 2020.

**STAFF RECOMMENDATION/REQUESTED MOTION:**

Staff recommends approval of Resolution 2020-29

**LIST OF SUPPORTING DOCUMENTS:** LEDC Resolution 2020-03

Department Head initials:



City Manager's Review:



**RESOLUTION NO. 2020-29**

**A RESOLUTION OF THE BOARD OF THE CITY COUNCIL OF THE CITY OF LOCKHART APPROVING THE NEGOTIATION AND PURCHASE LAND FOR A PROJECT OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION BEING KNOWN AS "PROJECT FUTURE"**

**WHEREAS**, the Lockhart Economic Development Corporation ("LEDC") is a Type B corporation operating pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, the Board of Directors of the LEDC has approved the purchase of real property, being 75.04 acres out of the Cornelius Crenshaw Survey, Abstract 68, City of Lockhart, Caldwell County, Texas ("the Property"), for the purpose of establishing an industrial park for economic development purposes for the City of Lockhart; and

**WHEREAS**, the Board of Directors and the City Council have approved the financing of the Property through issuance of sales tax bonds, contribution by Caldwell County, and other available funds; and

**WHEREAS**, the City Council desires to approve such purchase at a price not to exceed ninety cents (.90) per square foot and the authorization of the LEDC president to enter into a sales contract for that purpose;

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

1. The foregoing recitals are adopted and incorporated herein for all purposes.
2. The purchase of the Property described above by the LEDC for the price stated, and entering into a sales contract for that purpose by the LEDC is hereby approved.

**Approved and adopted** on this, the 1st day of December, 2020.

**City of Lockhart**

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

**Attest:**

**Approved as to form:**

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

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

**RESOLUTION NO. 2020-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING ITS PRESIDENT TO NEGOTIATE AND PURCHASE LAND FOR A PROJECT OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION BEING KNOWN AS "PROJECT FUTURE"**

**WHEREAS**, the Lockhart Economic Development Corporation ("LEDC") is a Type B corporation operating pursuant to Chapters 501 and 505, Texas Local Government Code; and

**WHEREAS**, the Board of Directors of the LEDC and the City Council of the City of Lockhart have approved the purchase of real property, being 75.04 acres out of the Cornelius Crenshaw Survey, Abstract 68, City of Lockhart, Caldwell County, Texas ("the Property"), for the purpose of establishing an industrial park for economic development purposes for the City of Lockhart; and

**WHEREAS**, the Board of Directors and the City Council have approved the financing of the Property through issuance of sales tax bonds, contribution by Caldwell County, and other available funds; and

**WHEREAS**, the Board of Directors desires to authorize its President to negotiate the purchase of the Property at a price not to exceed ninety cents (.90) per square foot;

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

1. The foregoing recitals are adopted and incorporated herein for all purposes.
2. The President of the LEDC is hereby authorized to negotiate and enter into a sales contract for the purchase of the Property described above for the price stated above.

Approved and adopted on this, the 1st day of December, 2020.

**Lockhart Economic Development Corporation**

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

**Attest:**

\_\_\_\_\_  
Michael Kamerlander  
Economic Development Director

# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:** Consideration and possible action with respect to any other matters, including any agreements, related to the proposed industrial park project and the related issuance of sales tax revenue bonds

**ORIGINATING DEPARTMENT AND CONTACT:** Mike Kamerlander, Director, Economic Development. mkamerlander@lockhart-tx.org

**ACTION REQUESTED:**

- ORDINANCE       RESOLUTION       CHANGE ORDER       AGREEMENT  
 APPROVAL OF BID       AWARD OF CONTRACT       CONSENSUS       OTHER

**BACKGROUND/SUMMARY/DISCUSSION:**

This item is on the agenda in case something comes up between posting and the meeting to ensure Council may consider such an item.

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

**AMOUNT & SOURCE OF FUNDING:**

Funds Required:  
Account Number:  
Funds Available:  
Account Name:

Finance Review initials



**FISCAL NOTE (if applicable):**

Previous Council Action: N/A

**COMMITTEE/BOARD/COMMISSION ACTION:**

**STAFF RECOMMENDATION/REQUESTED MOTION:**

**LIST OF SUPPORTING DOCUMENTS:** N/A

Department Head initials:



City Manager's Review:



**LOCKHART CITY COUNCIL  
REGULAR MEETING**

**NOVEMBER 17, 2020**

**6:30 P.M.**

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

**Council present:**

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

Mayor Lew White  
Councilmember Derrick David Bryant  
Councilmember Kara McGregor  
Councilmember Brad Westmoreland

**Staff present:**

Steven Lewis, City Manager  
Monte Akers, City Attorney  
Sean Kelley, Public Works Director  
Dan Gibson, City Planner

Connie Constancio, City Secretary  
Miles Smith, Public Information Officer  
Randy Jenkins, Fire Chief

**Citizens/Visitors Addressing the Council:** Citizens; Marcos Villalobos, Rob Ortiz, Pedro Arriniega, and, Parind Vora; Alfonso Sifuentes of Central Texas Refuse; and, Jay Howard of Texas Disposal Systems.

**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 NOVEMBER 5, 2020.**

Mayor White requested corrections. There were none.

**B. DISCUSS BID TO LONE STAR PAVING OF AUSTIN, TEXAS, IN THE AMOUNT OF \$310,070.00 FOR THE 2020 STREET IMPROVEMENTS PROJECT PHASE II TO INCLUDE STREET IMPROVEMENTS TO WEST MARKET STREET, FRIO STREET, CLEARFORK STREET, FARMER STREET, LEE LANE, LUANNE LANE, WILSON STREET, WARD STREET, MONTE VISTA STREET, APPLE STREET AND ELM STREET, AND APPOINTING THE MAYOR TO SIGN ALL CONTRACTUAL DOCUMENTS.**

Mr. Kelley stated that on September 17, 2019, City Council authorized the use of \$400,000 in Unassigned Fund Balance one-time expenditures as part of the 2020 Street Improvements Project 3-year plan to make enhancements on various streets. This second phase of street improvements will include street resurfacing on the following streets:

- West Market Street from Frio St. to Guadalupe St.
- Frio Street from W. Market St. to Plum St.
- Clearfork Street form Frio St. to Rio Grande St.
- Farmer Street from Carver St. to E. Market St.
- Lee Lane
- Luanne Lane
- Wilson Street
- Ward Street
- Monte Vista Street from Stueve Ln. to Ward St.
- Apple Street
- Elm Street



Bids were advertised in compliance with State law for the construction of the 2020 Street Improvements Project Phase II. Four (4) bids were received ranging from \$310,070.00 to \$648,131.50. The lowest bid was submitted by Lone Star Paving. This company has a commendable reputation in the construction business. Bids for this project were lower than anticipated allowing remaining funds to be considered for additional street work as a change order under this contract. The change order will be brought to Council at a future meeting. Mr. Kelley recommended approval. There was discussion.

**C. DISCUSS RENEWING THE CONTRACT WITH GENE BAGWELL, DBA, MAINTENANCE MANAGEMENT OF SAN MARCOS, TEXAS FOR ONE-YEAR FOR CEMETERY MAINTENANCE MOWING SERVICES IN THE WEST SECTION OF THE LOCKHART MUNICIPAL BURIAL PARK ON NORTH COLORADO STREET IN THE AMOUNT OF \$53,248.40, AND APPOINTING THE MAYOR TO SIGN THE CONTRACT DOCUMENT IF APPROVED.**

Mr. Kelley stated that Maintenance Management has maintained the cemetery for the past 11 years and has done a commendable job. This company has multiple cemetery mowing maintenance contracts including the City of San Marcos, City of Austin and the State Veteran’s Land Board. The annual fee for the service increased from \$52,930.80 to \$53,248.40 which is based on the annual June Consumer Price Index. Maintenance Management maintains general liability and workers compensation coverage, as required by the contract. The term of the contract is for the year 2021. Mr. Kelley recommended approval.

**D. DISCUSS THE PURCHASE OF A 2021 PIERCE MANUFACTURING CUSTOM PUMPER FIRE APPARATUS THROUGH SIDDONS-MARTIN EMERGENCY GROUP UTILIZING TEXAS BUYBOARD PURCHASING COOPERATIVE AND TO CONSIDER ORDINANCE 2020-27 APPROVING BUDGET AMENDMENT #50 INCREASING EXPENDITURES IN THE GENERAL FUND BY \$599,990 TO PURCHASE A 2021 PIERCE CUSTOM PUMPER FIRE APPARATUS.**

Chief Jenkins stated that the pumper fire apparatus will be deployed as a response vehicle to fires, medical calls, wrecks, etc., and it will replace Engine 4, a 2010 Pierce, as the front-line pumper at Fire Station No. 1. Engine 4 will be utilized as the primary reserve pumper for Fire Station Nos. 1 and 2. The best practice is for a pumper to serve approximately 10 years as a front-line and 10 years as a reserve. The pumper fire apparatus will meet or exceed the current NFPA 1901, Standard for Automotive Fire Apparatus and enhance our Fire Suppression Rating Schedule (FSRS) as established by Insurance Services Office (ISO). The cost of the pumper fire apparatus is \$599,815.84 which includes pumper fire apparatus and associated equipment such as fire hose, axes, nozzles, appliances, adapters, etc. Budget Amendment #50 will increase expenditures in the general fund by \$599,990.00. The General Fund budget will reflect total revenues at \$11,299,889 and total expenditures at \$11,754,052. During the 2020-2021 budget allocations, Council approved the one-time expenditure of fund balance to purchase a new fire apparatus. Chief Jenkins recommended approval.

**E. DISCUSS ROAD CONSTRUCTION AND REIMBURSEMENT AGREEMENT BETWEEN CONTINENTAL HOMES OF TEXAS, L.P., AND THE CITY OF LOCKHART, FOR AN EXTENSION OF MAPLE STREET IN CONJUNCTION WITH THE DEVELOPMENT OF THE PROPOSED VINTAGE SPRINGS SUBDIVISION.**

Mr. Gibson stated that the proposed Vintage Springs Subdivision (Planned Development District) will be platted in phases, and each phase will include constructing a portion of Maple Street. The first phase will include the extension of Maple Street from its current dead end at the northeast corner of the Meadows at Clear Fork Subdivision, Section 3, to Mockingbird Lane. That extension will have two segments. The eastern segment, connecting to Mockingbird Lane, is adjacent to Section 1A of the

Vintage Springs Subdivision and is the responsibility of the developer. The western segment connects the existing dead end to the west end of the eastern segment, and is the responsibility of the City since it does not abut any portion of the Vintage Springs Subdivision. This agreement provides for the developer to construct the City's portion subject to reimbursement by the City for the engineering and construction costs of that segment. This Agreement was first introduced to the Council on April 2, 2019. At that time, the Council took no action on the Agreement pending the receipt of construction bids and the agreement of the parties as to the City's share of the Maple Street construction costs. This item comes forward now with the favorable recommendation of the City Engineer. There was discussion.

**F. DISCUSS CONTRACT FOR SOLID WASTE SERVICES.**

Mr. Lewis stated that the City of Lockhart began utilizing solid waste services with Central Texas Refuse (CTR) on April 3, 1988 with a 3-year contract. Since 1991, the contract with CTR was amended or extended prior to each expiration date, with the latest occurring in 2015. The current contract is dated January 2015 and was scheduled to expire on September 30, 2020. At CTR's request, the current contract was assigned to "CTR Acquisition Sub, LLC", which was approved by Council on March 31, 2020 and was extended through March 31, 2021. Staff recommends that Council consider options in regard to a solid waste management contract as follows: (1) utilize a 3-year extension with CTR; (2) direct negotiations with CTR to enhance contract; (3) seek competitive request for proposal (RFP); or, (4) conduct request for information (RFI) process (and then consider options 1, 2 or 3). Staff requests direction on preparing for a new solid waste contract that will take effect on or before April 1, 2021 at the conclusion of the current assignment/transfer agreement with CTR. There was discussion.

Mayor White requested the following citizens to address the Council:

Marcos Villalobos, 637 Trinity, spoke in favor of keeping CTR for solid waste service.

Alfonso Sifuentes, Director of Marketing, Central Texas Refuse, requested that the City of Lockhart renew the contract with CTR for solid waste service.

Jay Howard of Texas Disposal Systems requested that Lockhart open the solid waste services for other companies to submit a quote for service.

Rob Ortiz, 1004 S. Commerce, spoke in favor of keeping CTR for solid waste service.

Parind Vora of Lockhart Bistro spoke in favor of keeping CTR for solid waste service.

**REGULAR MEETING**

**ITEM 1. CALL TO ORDER.**

Mayor Lew White called the meeting to order at 7:39 p.m.

**ITEM 2. INVOCATION, PLEDGE OF AULEGIANCE.**

Mayor White gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

**ITEM 8-A. COUNCIL ACTION REGARDING THE NOVEMBER 3, 2020 GENERAL ELECTION. Discussion and/or action to consider Resolution 2020-27 canvassing the General Election held on November 3, 2020 for the election of Mayor, Councilmember District 3, and Councilmember District 4.**

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Ms. Constancio stated that the Resolution canvasses the November 3, 2020 City of Lockhart General Election for the positions of Mayor, Councilmember District 3 and Councilmember District 4.

Mayor White announced that the following Councilmembers will read the election results:

Councilmember Bryant read results for District 1.

Councilmember Mendoza read results for District 2 and District 3.

Councilmember Westmoreland read results for District 4.

Mayor Pro-Tem Sanchez read the total election results.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2020-27 canvassing the General Election held on November 3, 2020, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

**ITEM 8-B. ADMINISTER OATH OF OFFICE TO NEWLY ELECTED OFFICIALS.**

Judge Chris Schneider administered the Oath of Office to the following newly elected officials:

- Mayor – Lew White
- Councilmember District 3 – Kara McGregor
- Councilmember District 4 – Jeffrey Michelson

Mayor White announced that the Council would recess for a break at 7:50 p.m.

Mayor White announced that the Council would reconvene the meeting at 8:10 p.m.

**ITEM 3. PUBLIC COMMENT.**

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

**ITEM 4. CONSENT AGENDA.**

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

The following are the consent agenda items that were approved:

- 4A: Approve minutes of the City Council meeting of November 5, 2020.
- 4B: Award bid to Lone Star Paving of Austin, Texas, in the amount of \$310,070.00 for the 2020 Street Improvements Project Phase II to include street improvements to West Market Street, Frio Street, Clearfork Street, Farmer Street, Lee Lane, Luanne Lane, Wilson Street, Ward Street, Monte Vista Street, Apple Street and Elm Street, and appointing the Mayor to sign all contractual documents.
- 4C: Approve renewing the contract with Gene Bagwell, dba, Maintenance Management of San Marcos, Texas for one-year for cemetery maintenance mowing services in the West Section of the Lockhart Municipal Burial Park on North Colorado Street in the amount of \$53,248.40, and appointing the Mayor to sign the contract document if approved.
- 4D: Approve the purchase of a 2021 Pierce Manufacturing Custom Pumper Fire Apparatus through Siddons-Martin Emergency Group utilizing Texas BuyBoard Purchasing Cooperative and to consider Ordinance 2020-27 approving Budget Amendment #50 increasing expenditures in the General Fund by \$599,990 to purchase a 2021 Pierce Custom Pumper Fire Apparatus.

**ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER ROAD CONSTRUCTION AND REIMBURSEMENT AGREEMENT BETWEEN CONTINENTAL HOMES OF TEXAS, L.P., AND THE CITY OF LOCKHART, FOR AN EXTENSION OF MAPLE STREET IN CONJUNCTION WITH THE DEVELOPMENT OF THE PROPOSED VINTAGE SPRINGS SUBDIVISION.**

Councilmember Michelson made a motion to approve the Road Construction and Reimbursement Agreement between Continental Homes of Texas, L.P., and the City of Lockhart for an extension of Maple Street in conjunction with the development of the proposed Vintage Springs Subdivision, as presented. Councilmember Bryant seconded. The motion passed by a vote of 7-0.

**ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER CONTRACT FOR SOLID WASTE SERVICES.**

Mayor Pro-Tem Sanchez stated within the past year, she has received many positive comments from citizens about how they appreciate Central Texas Refuse's (CTR) commendable customer service. She stated that she will recommend renewing the contract with CTR.

Councilmember McGregor stated that she recommends going out for Request for Proposals (RFP). The reason is not to replace CTR yet to review options that other solid waste companies have to offer.

Councilmember Bryant stated that he recommends going out for RFP to see what other solid waste companies have to offer.

Councilmember Michelson suggested that staff be given the opportunity to negotiate rates and service with CTR.

Councilmember Mendoza stated that he recommended renewing the contract with CTR for solid waste service because he does not believe that citizens will be receptive to change.

Mayor White stated that he is in favor of directing staff to negotiate rates and services with CTR.

There was discussion.

Mayor Pro-Tem Sanchez made a motion to direct staff to negotiate a contract renewal with Central Texas Refuse. Councilmember Michelson seconded. The motion passed by a vote of 5-1-1, with Councilmember McGregor opposing and Councilmember Bryant abstaining.

**ITEM 5-C. DISCUSSION AND/OR ACTION TO CONSIDER THE MAYOR'S DECLARATION OF LOCAL DISASTER REGARDING REQUIRING FACE COVERINGS, AND ADDRESSING OTHER MATTERS RELATED TO COVID-19, IF NECESSARY.**

Mayor White suggested that city staff reach out and visit local businesses where employees are not wearing face coverings. He suggested that the Council consider implementing fines for non-compliance for habitual offenders in the future.

Consensus: After discussion, the consensus of the Council was to receive a report from staff regarding businesses and adherence of employees wearing face coverings.

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

Mayor White requested appointments to boards and committees.

Councilmember Michelson stated that Morris Alexander submitted a verbal resignation as a member of the Lockhart Economic Development Corporation.

Councilmember Michelson made a motion to appoint Doug Foster to the Lockhart Economic Development Corporation. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

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

- Public Works Updates:
  - The new 500,000 gallon elevated water stage tank located on SH 130 and FM 2001 was placed in service on November 9<sup>th</sup>.
  - Update regarding Town Branch Trail - Phase II.
  - Road base additions in the City cemetery.
  - Groundbreaking ceremony for the Carrizo Groundwater Supply Project will be held on Friday, November 20<sup>th</sup> at 2 pm at the location of the well field.
- Library Updates:
  - Dickens Reverse Parade will be held on Saturday, December 5 from 7:00 p.m. to 8:30 p.m.
  - Virtual lighting of the Tree by Most Worthy Citizen, Vance Rodgers will be held on Friday, November 20 at 4:00 p.m. in the Clark Library. Video will be aired on December 5.
- Review of 2020 Financial Report.
- Solid waste collection schedule during the Thanksgiving holiday will change. No collection on Thanksgiving Day; Nov. 26 and Nov. 27 will slide to pick-up the next day.
- Tree of Angels proclamation will be presented during December 1 Council meeting. Video of Tree of Angels events will be aired on Facebook on December 7.

#### **ITEM 7. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST.**

Councilmember Mendoza thanked Friends of the Cemetery for tree work at local cemeteries. He thanked all involved in the clean-up at the old Carver School. He expressed condolences to the family of Juan Silva for their loss.

Mayor Pro-Tem Sanchez expressed condolences to the families of Josie Peralez and Antonio Garcia, Sr. for their loss. She thanked Benny Boyd for their support in local fundraisers. She thanked members of the First Baptist Church for distributing Thanksgiving meals this past weekend. She thanked citizens for staying safe and she wished all a Happy Thanksgiving.

Councilmember McGregor encouraged everyone to stay safe and she wished everyone a Happy Thanksgiving.

Councilmember Bryant congratulated newly elected officials. He thanked everyone who participated in the clean-up at the old Carver School. He wished everyone a safe and Happy Thanksgiving.

Councilmember Michelson wished everyone a safe and Happy Thanksgiving.

Mayor White reminded the Council about the Carrizo Water Project Groundbreaking ceremony on Friday, November 20 followed by filming of the virtual Dickens events. The Lockhart Chamber will host a Leadership Lockhart Program on November 19 in the Council Chambers. He announced that the City of Lockhart has been awarded a water floradation quality award. He mentioned several upcoming items that Council will consider in the new year.

**ITEM 9. EXECUTIVE SESSIONS:**

Mayor White announced that the Council would enter Executive Session to discuss the following items at 8:54 p.m.

**EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071, PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT OFFER; OR LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE. Discussion with City Attorney to receive legal advice regarding the Lockhart Housing Authority structures.**

**EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.087 TO DELIBERATE OR FOR DISCUSSION REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT. Discussion regarding Economic Development negotiations with Project Future, Project Crimson and Project Al.**

**ITEM 10. OPEN SESSION.**

Mayor White announced that the Council would enter Open Session at 9:35 p.m. regarding the following items:

**A. Discussion and/or action regarding Lockhart Housing Authority structures.**

Mayor White announced that there was no action taken.

**B. Discussion and/or action regarding Economic Development negotiations with Project Future, Project Crimson and Project Al.**

Mayor White announced that there was no action taken.

**ITEM 11. ADJOURNMENT.**

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:38 p.m.

PASSED and APPROVED this the 1<sup>st</sup> day of December 2020.

**CITY OF LOCKHART**

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

ATTEST:

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



# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:** Discussion and/or action to consider authorizing staff to pursue a 2021 Community Development Block Grant (CDBG) and to select one elected official to work with two City employees recommended by the Public Works Director to serve on an evaluation team to review qualified vendor applications and proposals to be the Grant Administrator for an application funded under the Texas Department of Agriculture (TDA).

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

**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

**BACKGROUND/SUMMARY/DISCUSSION:**

If awarded, the CDBG grant would be used to replace residential water meters to improve water loss caused by aging meters and to improve overall meter accuracy. The Texas Department of Agriculture will fund up to \$350,000 for eligible projects with a 20% grant match of the amount awarded. The grant match would be funded from FY 2021-2022 Water Distribution Budget.

The grant process requires one elected official and two others to serve on an evaluation team to select from a TDA prequalified Grant Administrator firm list to be contacted for submission of a Request for Project Specific Proposal. Public Works Director, Sean Kelley and Water/Wastewater Supervisor, Joe Chavira would serve as the two City employee team members. A minimum of three prequalified Grant Administrators will be selected for the evaluation team to assess. The Grant Administrator selected by the evaluation team will assist staff in procuring the required engineering firm for the project.

**PROJECT SCHEDULE (if applicable):**

January 2021- Evaluation Team's Recommendation for Grant Administrator  
May 2021-Grant Application Deadline  
Late 2021- Grant Award

**AMOUNT & SOURCE OF FUNDING:**

Finance Review initials \_\_\_\_\_

**Funds Required:** N/A  
**Account Number:** N/A  
**Funds Available:** N/A  
**Account Name:** N/A

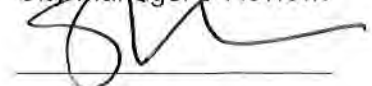
**STAFF RECOMMENDATION/REQUESTED MOTION:** Public Works Director respectfully recommends approval of submission of a 2021 CDBG Grant and requests that the Council appoint one elected official to serve on the CDBG Administrative Services selection review team.

**LIST OF SUPPORTING DOCUMENTS:** None.

Department Head initials:

\_\_\_\_\_

City Manager's Review:



# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:** Discussion and/or action regarding recommendation to approve Change Order #1 to Lone Star Paving of Austin, Texas in the amount of \$77,490.00 for street repairs and paving on Pecan Street from North Blanco Street to North Colorado Street and appointing the Mayor to sign all contractual documents.

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

**ACTION REQUESTED:**

ORDINANCE	RESOLUTION	<input checked="" type="checkbox"/> CHANGE ORDER	AGREEMENT
APPROVAL OF BID	AWARD OF CONTRACT	CONSENSUS	OTHER

**BACKGROUND/SUMMARY/DISCUSSION:** The bid awarded to Lone Star Paving for the 2020 Street Improvements Project Phase II was lower than anticipated. These savings allowed for a change order to use the remaining previously authorized one-time expenditures from the unassigned fund balance.

The change order will include paving Pecan Street from N. Blanco Street to N. Colorado Street. This section was selected because this street had recent drainage/wastewater improvements, is in deteriorating condition, spans several districts, welcomes residents/visitors to the downtown business district, carries traffic that circumvents downtown/residential streets by means of Colorado Street, and according to the street inventory list, it was last paved in 1960.

Lone Star Paving is prepared to add the street to the project, and they anticipate completing Phase II before the end of the calendar year. Jeff Dahm of TRC Engineers recommends approval.

**PROJECT SCHEDULE (if applicable):** Anticipated completion by December 31, 2020.

**AMOUNT & SOURCE OF FUNDING:**

Finance Review initials \_\_\_\_\_

**Funds Required:** \$77,490.00

**Account Number:** 100-5633-433

**Funds Available:** \$83,530.00

**Account Name:** Streets, Maintenance and Resurfacing

**FISCAL NOTE (if applicable):**

**Previous Council Action:** Approval of Street Improvement Project Phase II on November 17, 2020.

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

**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff respectfully recommends approval of Change Order #1 to Lone Star Paving in the amount of \$77,490.00 increasing the total project cost to \$387,560.00.

**LIST OF SUPPORTING DOCUMENTS:** Change Oder #1.

Department Head initials:

City Manager's Review:



**CONTRACT CHANGE ORDER NO. 1  
2020 STREET IMPROVEMENTS PHASE II**

<b>OWNER:</b>	<b>CITY OF LOCKHART</b>
<b>CONTRACTOR:</b>	<b>LONE STAR PAVING</b>
<b>ORIGINAL CONTRACT AMOUNT:</b>	<b>\$310,070.00</b>
<b>PREVIOUSLY APPROVED CHANGE ORDER AMOUNT:</b>	<b>\$0.00</b>
<b>CURRENT CONTRACT AMOUNT:</b>	<b>\$310,070.00</b>
<b>ORIGINAL CONTRACT TIME (DAYS):</b>	<b>60</b>
<b>PREVIOUSLY APPROVED ADJUSTMENT TO CONTRACT TIME (DAYS):</b>	<b>0</b>
<b>CURRENT CONTRACT TIME (DAYS):</b>	<b>60</b>

Item No.	Item Description	Quantity	Units	Unit Price (+) Increase (-) Decrease	Amount (+) Increase (-) Decrease
CO1.1	2" Mill and Overlay of Pecan Street (from Blanco St to Colorado St)	5,740	SY	\$13.50	\$77,490.00
<b>NET CONTRACT INCREASE</b>					<b>\$77,490.00</b>

**THE NET INCREASE IN THE CONTRACT AMOUNTS TO \$77,490.00, WHICH MAKES THE NEW ADJUSTED CONTRACT TOTAL \$387,560.00. NO CHANGES ARE MADE TO THE CONTRACT TIMES. THIS WILL BECOME A SUPPLEMENT TO THE CONTRACT AND ALL PROVISIONS WILL APPLY HERETO.**

\_\_\_\_\_  
Lew White, Mayor  
City of Lockhart

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeff Dahm, P.E., Project Manager  
TRC Engineers, Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Payton Kurio, Project Manager  
Lone Star Paving

\_\_\_\_\_  
Date



# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:**

Accept semi-annual report from the Impact Fee Advisory Committee concerning the status of implementation of Chapter 31 "Impact Fees" of the Lockhart Code of Ordinances with regard to water, wastewater, and road impact fees.

**ORIGINATING DEPARTMENT AND CONTACT:** Planning Department – Dan Gibson, City Planner

**ACTION REQUESTED:**

ORDINANCE                       RESOLUTION                       CHANGE ORDER                       AGREEMENT  
 APPROVAL OF BID               AWARD OF CONTRACT               CONSENSUS                          X OTHER

**BACKGROUND/SUMMARY/DISCUSSION:**

In accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the impact fee capital improvement plans, and submitting semi-annual reports to City Council. The Committee met on November 18<sup>th</sup> to consider their 37<sup>th</sup> semi-annual report since impact fees were originally adopted on January 15, 2002. The current total balance of all impact fee accounts is \$2,144,354. Total impact fee revenue during this six-month period was \$345,128, and there were no expenditures of impact fees in any of the accounts for this period. The attached status report from the Committee is only for the six-month period from April 1, 2020, to September 31, 2020. The update to the impact fee capital improvement plans that was adopted on April 4, 2017, eliminated projects that had been accomplished and shows only projects that were not yet funded, so the tracking of revenue and expenditures effectively started over at zero. The fund balances carried over, of course, and the attached exhibits are based on the newly adopted CIP's.

**FISCAL NOTE (if applicable):**

Impact fees, which are charged at the time that building permits are issued, provide revenue to the City, and are spent only on projects authorized in the water, wastewater, and road impact fee capital improvement plans.

**COMMITTEE/BOARD/COMMISSION ACTION:**

The Impact Fee Advisory Committee voted unanimously to submit the attached report, which recommends that no changes are needed at this time.

**STAFF RECOMMENDATION/REQUESTED MOTION:**

Staff recommends that the Council ACCEPT the Impact Fee Advisory Committee's report.

**LIST OF SUPPORTING DOCUMENTS:**

1) December 2020 status report, including Exhibits A, B, and C.

Department Head initials:

D.G.

City Manager's Review:



**IMPACT FEE REPORT**  
*To Lockhart City Council –December 2020*

**PURPOSE**

State law requires a continuing semi-annual role for the Impact Fee Advisory Committee in monitoring the progress of implementation of the impact fee ordinance, and in advising the City Council on needed revisions. More specifically, State law provides that the Committee:

- 1) Monitor and evaluate implementation of the capital improvements plans;
- 2) File semi-annual reports with respect to the progress of the capital improvements plans and report to City Council any perceived inequities in implementing the plans or imposing the impact fees; and,
- 3) Advise the City Council of the need to update or revise the land use assumptions, capital improvements plans, and impact fees.

This is the 37<sup>th</sup> status report since the impact fee ordinance was originally adopted on January 15, 2002, and is for the period from October 1, 2019, to March 31, 2020. It is the seventh report since the update adopted on April 4, 2017, and is based on the current capital improvement plans and impact fees. The six-month reporting dates align with the fiscal year quarters.

**STATUS OF ACCOUNTS**

As shown in **Exhibit A**, a total of \$345,128 was collected during the period covered by this report. Revenue during the six-month period was from 36 new houses, one manufactured home, a multifamily (senior housing) complex, one office addition, one service commercial addition, and one new retail commercial building. There were no expenditures of impact fees in any of the accounts for this period. The water, wastewater, and road impact fee account balances for the previous semi-annual report, as well as the current balances as of October 1, 2020, including accrued interest, are shown in the table. Please note that the beginning water impact fee balance is greater than the previous period's ending balance due to an auditor's journal entry for reporting purposes that shifted some to the water impact fee account expenses to a different, non-impact fee account.

The total estimated cost of all of the projects in the capital improvement plans in effect during the six-month reporting period was \$58,311,537. However, the City Council adopted one-half that amount as the maximum to be collected by April 1, 2027, which is the end of the ten-year CIP period, so the maximum fees are based on an estimated cost of all three CIP's being \$29,155,769. The total of all impact fees spent on CIP projects so far since the April 4, 2017 update is \$673,073, which does not include payments to impact fee update consultants. That leaves \$28,482,696 to still be spent. The total balance available remaining collectively in the three impact fee accounts that can be used toward meeting that goal, is currently \$2,144,354.



## PROGRESS AND TRENDS

The pie charts in **Exhibit B** graphically summarize the progress in collecting the fees needed to pay for one-half of the estimated cost of all projects in each of the impact fee categories. The bar graph in **Exhibit C** illustrates the impact fee collection trends beginning with the first semi-annual report in July 2003. In recent years, the amount of impact fee revenue collected since the September 2012 report trended upward each six-month period until the September 2015 report, which decreased due primarily to a reduced supply of available vacant lots for new home construction. The revenue in the reporting periods since then trended upward again until the March 2017 reporting period, when building activity fell off considerably and remained about the same for two reporting periods due to another lack of vacant lots for new home construction. However, revenue spiked to a record high amount for the October 2018 reporting period, but has trended considerably lower since then until the current reporting period, which is second only to October 2018 in terms of the highest amount of total revenue.

Construction trends can typically be cyclical, where periods of accelerated growth help offset slow years. Also, the availability of developable lots changes from one period to the next. It is important to build a healthy balance in all of the accounts because there is interest in development along SH 130 where the City does not currently have adequate infrastructure, but where many of the needed projects are already listed in the impact fee CIP's.

## RECOMMENDATION

The Committee met on November 18, 2020, and unanimously voted to forward this semi-annual report to the City Council for the period ending on September 31<sup>st</sup>, recommending that no changes are needed to the current land use assumptions, capital improvement plans, or impact fees at this time.

Respectfully,



Philip Ruiz, Chair  
Impact Fee Advisory Committee



# EXHIBIT A

## **FALL 2020 IMPACT FEE ACCOUNT BALANCES<sup>1</sup>**

	<u>APRIL 1, 2020</u>	+	Revenue <sup>2</sup>	-	Expense	=	<u>OCTOBER 1, 2020</u>
Water <sup>3</sup>	\$365,022		\$129,350		0		\$494,372
Wastewater	\$662,965		\$93,508		0		\$756,473
Roads (Service Area 1)	\$641,093		\$1,439		0		\$642,532
Roads (Service Area 2)	\$130,146		\$120,831		0		\$250,977
<b>TOTAL</b>	<b>\$1,799,226</b>		<b>\$345,128</b>		<b>\$0</b>		<b>\$2,144,354</b>

1. All amounts have been rounded to the nearest dollar.
2. Revenue amounts include accrued interest.
3. The Water Beginning Balance is \$102,711 greater than the Spring 2020 Ending Balance due to an auditor's journal entry for reporting purposes that shifted some expenses during the previous six-month period to a different, non-impact fee, account.

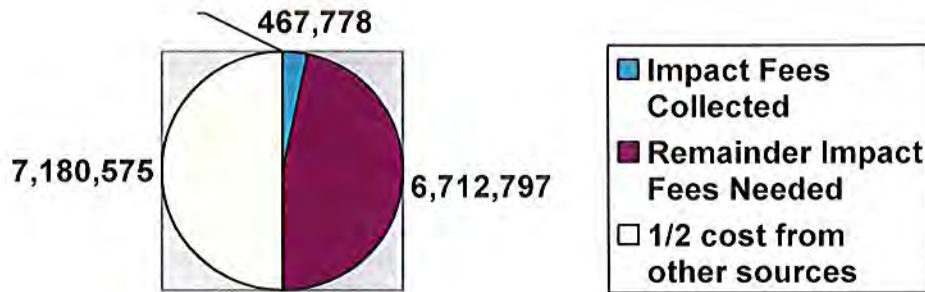
One-half total CIP estimated cost (estimated 100% cost of all projects is \$58,311,537):	\$29,155,769
Total spent on projects since adoption of Ordinance 2017-08 on April 4, 2017:	\$673,073
Remaining amount of 1/2 estimated cost not yet spent:	\$28,482,696
Current balance on October 1, 2020:	\$2,144,354

**NOTE:** The CIP cost information is the total for the capital improvements plans adopted by Ordinance 2017-08 on April 4, 2017, with all amounts rounded to the nearest dollar.

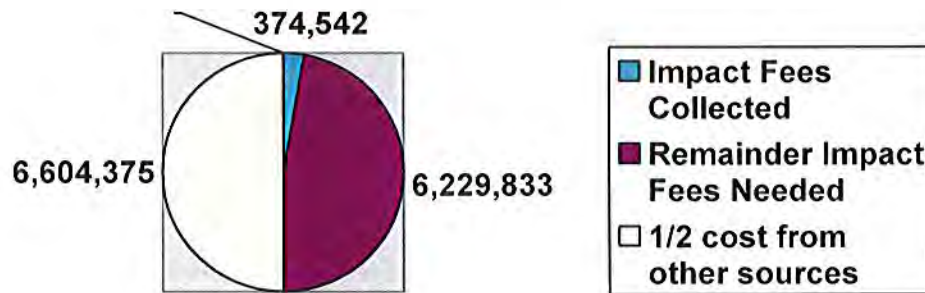
# EXHIBIT B

## FALL 2020 IMPACT FEE PROGRESS SUMMARY

### WATER IMPACT FEES

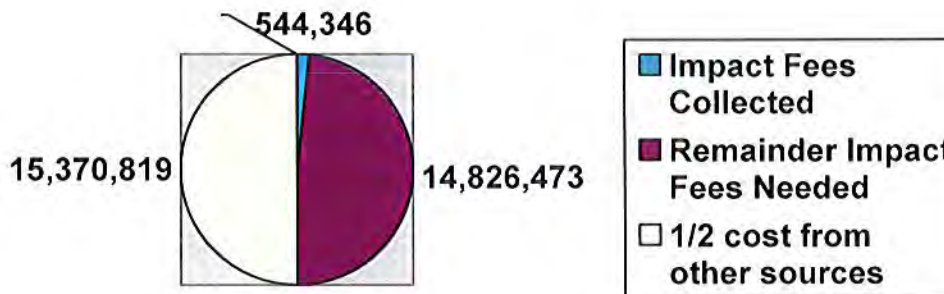


### WASTEWATER IMPACT FEES



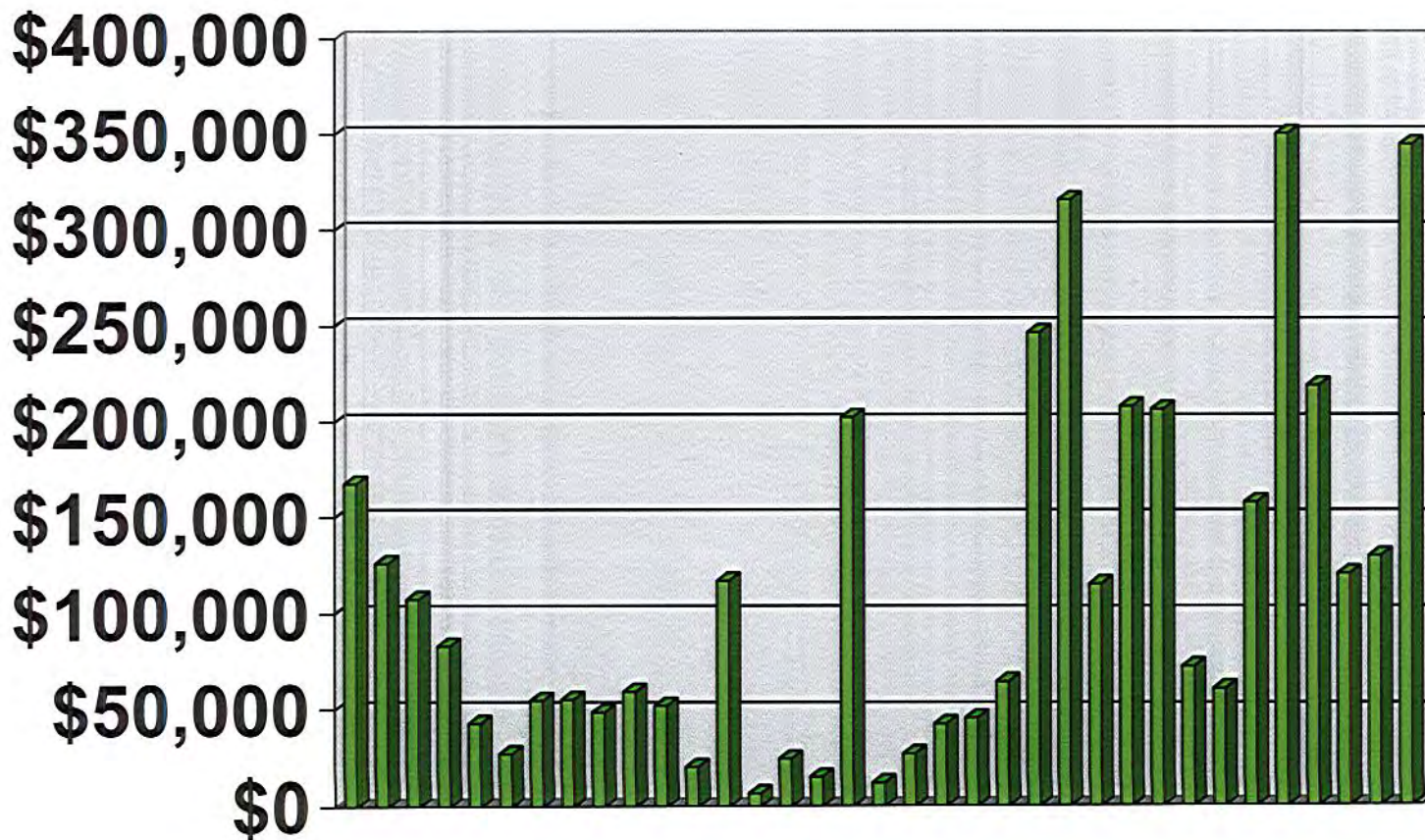
### ROAD IMPACT FEES

Service Areas 1 and 2



*Impact Fees Collected* is the total accrued as of April 1, 2019, since the adoption of Ordinance 2017-08 on April 4, 2017.

**EXHIBIT C**  
***IMPACT FEE SEMI-ANNUAL REVENUE***  
**July 2003 - October 2020**





# City of Lockhart, Tx

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:** Discussion and/or action to approve Coronavirus Relief Fund Spending Plan and give the City Manager the authority to approve purchases over the \$50,000 threshold set by the City of Lockhart's Purchasing Policy.

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

**ACTION REQUESTED:**

- ORDINANCE       RESOLUTION       CHANGE ORDER       AGREEMENT  
 APPROVAL OF BID       AWARD OF CONTRACT       CONSENSUS       OTHER

**BACKGROUND/SUMMARY/DISCUSSION:** On April 22<sup>nd</sup>, the U.S. Department of Treasury issued guidance to State and Local Governments on the Coronavirus Relief Fund; under the CARES/CRF, Lockhart is eligible to receive up to \$763,895 and has received 20% upfront funding (\$152,779).

On November 13, 2020, the City of Lockhart was responsible to file a CRF Spending Plan for the remaining balance of the funds in order to receive reimbursement up to December 30, 2020 expenditures. At this time, the City had expended \$212,171 and was awaiting reimbursement for \$59,392 of those expenditures. The balance on November 13, 2020 of the allocated amount from the U.S. Department of Treasury was \$551,724.00.

The spending plan has a total of \$1,012,181. It also reflects the total amount allocated to the City of Lockhart on April 22, 2020 (\$763,895). This additional amount noted on the spending plan is to cover any changes to the allocation that might be incurred prior to closing of the CRF Fund.

**AMOUNT & SOURCE OF FUNDING:** The funding source for the Emergency Utility Relief Grant Program is from the City of Lockhart's allotment of Coronavirus Relief Fund (CRF) from the Texas Department of Emergency Management (TDEM) authorized under the CARES Act.

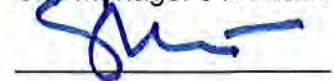
**STAFF RECOMMENDATION/REQUESTED MOTION:** Staff recommends Council provide the City Manager with the authority to approve purchases over the \$50,000 threshold set by the City of Lockhart Purchasing Policy.

**LIST OF SUPPORTING DOCUMENTS:** CRF "Spending Plan Form" submitted on November 11, 2020.

Department Head initials:



City Manager's Review:



# CRF Spending Plan Form

Must be received by November 13, 2020

**Jurisdiction Name:** CITY OF LOCKHART

**Jurisdiction Contact Name:** RANDY JENKINS - EMC

**Contact Email:** RJENKINS@LOCKHART-TX.ORG

**Contact Phone:** 512-398-2321 OFC 512-376-1885 CELL

**Directions:**

Identify anticipated costs in each of the applicable categories below. 75% of total expenditures must be in Categories 1, 2, and 3. For further information on the CRF program including eligible costs, please view the TDEM CRF Webpage at [www.tdem.texas/crf](http://www.tdem.texas/crf)

Category 1: Medical Expenses		
Item Description	Expenditure Amount	Notes
MEDICAL EXPENSES	15,000	
<b>Total Expenditure Category 1</b>	<b>15,000</b>	

Category 2: Public Health Expenses		
Item Description	Expenditure Amount	Notes
INCODE V.10 UPGRADE (CITY SOFTWARE)	66,180	EMAIL CAPABILITIES (SOCIAL DISTANCING)
HVAC SYSTEMS AT POLICE DEPARTMENT	\$50,000	
THERMAL CAMERAS AT DISPATCH	\$5,000	
HANDS-FREE WATER FOUNTAINS	3,000	
PPE EXPENSES - OTHER	22,655	
<b>Total Expenditure Category 2</b>	<b>\$146,835</b>	

Category 3: Payroll Expenses		
Item Description	Expenditure Amount	Notes
POLICE & FIRE PAYROLL	\$611,428	REGULAR PAY PLUS OVERTIME
		APRIL 2020, THRU SEPT. 2020
<b>Total Expenditure Category 3</b>	<b>\$611,428</b>	

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Category 4: Expenses of Actions that Facilitate Compliance with COVID-19 Public Health Measures		
Item Description	Expenditure Amount	Notes
TELEWORKING ENHANCEMENTS	10,000	LAPTOPS, SOFTWARE, WEB CAMERAS
AUDIO-VISUAL EQUIPMENT	105,648	COUNCIL CHAMBERS
PHONE SYTEM - OTHER	30,744	PHONE CONFERENCING
<b>Total Expenditure Category 4</b>	<b>\$146,392</b>	

Category 5: Expenses Associated with the Provision of Economic Support in Connection with the COVID-19 Public Health Emergency.		
Item Description	Expenditure Amount	Notes
UTILITY RELIEF PROGRAM	18,913	
<b>Total Expenditure Category 5</b>	<b>\$18,913</b>	

Category 6: Any Other COVID-19 Related Expenses Reasonably Necessary to the Function of Government that Satisfy the Fund's Eligibility Criteria		
Item Description	Expenditure Amount	Notes
GENERATOR -FIRE STATION #2	30,000	EOC
OTHER EXPENSES	43,613	
<b>Total Expenditure Category 6</b>	<b>\$73,613</b>	

Total of all expenditures (all categories combined): \$1,012,181

Signed: *M. R. Subi* Date: 11-12-20

Title: Fire Chief, EMC



# City of Lockhart, Texas

## Council Agenda Item Briefing Data

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:**

Discussion and/or action regarding the selection of Mayor Pro-Tem of the Lockhart City Council as required by Section 3.05 of the City Charter.

**ORIGINATING DEPARTMENT AND CONTACT:** Connie Constancio, City Secretary

**ACTION REQUESTED:**

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

**BACKGROUND/SUMMARY/DISCUSSION:**

Section 3.05 of the Lockhart City Charter requires that after an election, the Council elect one of its number Mayor Pro-Tem and he/she shall perform all the duties of the Mayor in the absence or disability of the Mayor. This Mayor Pro-Tem selection would serve until December 2022.

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

**AMOUNT & SOURCE OF FUNDING:**

Funds Required: N/A  
Account Number: N/A  
Funds Available: N/A  
Account Name: N/A

Finance Review Initials: \_\_\_\_\_

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

Previous Council Action: N/A

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

**STAFF RECOMMENDATION/REQUESTED MOTION:**

None. Discretion of the Council.

**LIST OF SUPPORTING DOCUMENTS:**

Section 3.05 of the Lockhart City Charter.

Department Head initials:

cc

City Manager's Review:

[Signature]

Sec. 3.05. - Mayor pro tem.

The city council, at its first meeting after election of councilmembers, shall elect one of its number mayor pro tem, and s/he shall perform all the duties of the mayor in the absence or disability of the mayor.

(Ord. No. 07-59, Exh. B, 11-15-07)

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**City of Lockhart, Texas**  
**Council Agenda Item**  
**Briefing Data**

**COUNCIL MEETING DATE:** December 1, 2020

**AGENDA ITEM CAPTION:**

Discussion and/or action to consider the Mayor's declaration of local disaster regarding requiring face coverings, and addressing other matters related to COVID-19, if necessary.

**ORIGINATING DEPARTMENT AND CONTACT:** Mayor Lew White and Steve Lewis, City Manager

**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

**BACKGROUND/SUMMARY/DISCUSSION:**

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

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

Effective October 14, 2020 and pursuant to GA-32, Caldwell County Judge Hoppy Haden elected to allow bars or similar establishments to operate with in-person service up to 50% of the total listed occupancy, provided that the businesses follow the recommended minimum standard health protocols. Consistent with protocols for restaurants, all patrons must be seated while eating or drinking and must wear masks when they are not seated at a table. Additionally, tables must be limited to six individuals or less and all establishments must follow specific curfew guidelines. The COVID-19 safety protocols will be enforced through spot-checks by law enforcement and County officials. If an establishment is not following the protocols established by DSHS and Governor Abbot, it will be closed by the County Judge until further notice.

The consensus of the City Council has been to leave the social gathering limit at 10 individuals and to continue the requirement to post notice of the facial covering requirement.

Additional information providing updates of Caldwell County testing sites, COVID-19 vaccine distribution allocation plans, and a report by Fire Chief Jenkins with an update regarding local businesses complying with COVID-19 protocols are provided.

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

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

**LIST OF SUPPORTING DOCUMENTS:**

Resolution 2020-20, GA-29, GA-32 and Press Release by Judge Hoppy Haden regarding Opening Bars that includes the Texas Department of State Health's Minimum Standard Health Protocols, Governor Abbott's press release regarding availability of COVID-19 treatments, information about Caldwell County COVID-19 testing sites, and a report from Fire Chief Jenkins with an update regarding local businesses complying with COVID-19 protocols.

Department Head initials:

City Manager's Review:





# Lockhart Fire Rescue Memorandum



**To:** Steven Lewis; City Manager  
**From:** Randy Jenkins; Fire Chief  
**Date:** November 25, 2020  
**Subject:** COVID-19 Protocol Compliance Survey

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Public Safety performed a COVID-19 safety protocols compliance survey of restaurants and bars in Lockhart on November 20 thru 24, 2020. Overall, restaurants and bars are complying to the Governor's Executive Order G-29 (face covering, dated July 2, 2020), GA-32 (occupancy limits, dated October 2, 2020), and the cities Resolution (2020-20, dated September 1, 2020) requiring all businesses to post the face covering requirement notice at their entrance. Survey data was collected from 21 restaurants and 5 bars. Surveys were done during the lunch hour or after 5 p.m. Summary of survey data follows;

- Face Covering Sign Posted: Yes: 23 No: 03 Percent Compliance: 88%
- Servers Wearing Mask: Yes: 22 No: 04 Percent Compliance: 84%
- Occupancy # Posted: Yes: 25 No: 01 Percent Compliance: 96%
- Actual Occupancy < 75% Yes: 26 No: 00 Percent Compliance: 100%

The majority of customers seemed to be in compliance with COVID-19 protocols which does allow for no mask while at a table. It was observed that a couple of customers were without a mask while checking out, etc.

W.R. Jenkins  
Fire Chief / EMC  
Lockhart Fire Rescue



# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
July 2, 2020

EXECUTIVE ORDER  
GA 29

*Relating to the use of face coverings during the COVID-19 disaster.*

---

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

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

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

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WHEREAS, the "governor is responsible for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household: provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: [www.tdem.texas.gov/ga29](http://www.tdem.texas.gov/ga29).

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: “, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.”

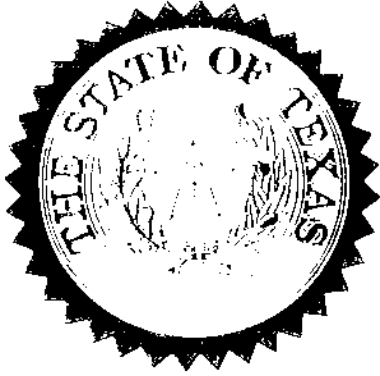
The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

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Given under my hand this the 2nd  
day of July, 2020.

Handwritten signature of Greg Abbott in cursive script.

GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughes in cursive script.

RUTH R. HUGHES  
Secretary of State

FILED IN THE OFFICE OF THE  
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7:30pm O'CLOCK

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**Hoppy Haden**  
County Judge  
512 398-1808

**Angela Rawlinson**  
County Treasurer  
512 398-1800

**Barbara A. Gonzales**  
County Auditor  
512 398-1801

**Caldwell County Courthouse**  
110 South Main Street  
Lockhart, TX 78644  
Fax: 512 398-1828



**B.J. Westmoreland**  
Commissioner Precinct 1

**Barbara Shelton**  
Commissioner Precinct 2

**Edward "Ed" Theriot**  
Commissioner Precinct 3

**Joe Ivan Roland**  
Commissioner Precinct 4

**Judge Hoppy Haden to Open Bars In Caldwell County**  
**October 9, 2020 | Caldwell County, Texas | Press Release**

On Wednesday, Governor Greg Abbott issued an Executive Order to allow certain bars and similar establishments to operate at 50% capacity from permission from the County Judge. The Governor's Executive Order also increases the occupancy levels for all business establishments other than bars to 75%.

Effective October 14, 2020, Caldwell County Judge Hoppy Haden has elected to allow bars or similar establishments to operate with in-person service, provided that the businesses follow the recommended minimum standard health protocols. Under the newest order, dance floors at bars and similar establishments must remain closed. Consistent with protocols for restaurants, all patrons must be seated while eating or drinking and must wear masks when they are not seated at a table. Additionally, tables must be limited to six individuals or less and all establishments must follow specific curfew guidelines. The COVID-19 safety protocols will be enforced through spot-checks by law enforcement and County officials. If an establishment is not following the protocols established by Governor Abbott, it will be closed by the County Judge until further notice.

Opening bars does not mean that COVID-19 is no longer a threat. Caldwell County residents are still susceptible to the virus. As bars and similar businesses begin to open, we must all remain vigilant and show personal responsibility to protect ourselves and our community members. Please continue to observe recommended and common-sense safety practices in all public places.

A handwritten signature in blue ink, likely belonging to Judge Hoppy Haden, is located at the bottom left of the page.



# MINIMUM STANDARD HEALTH PROTOCOLS



## CHECKLIST FOR BARS OR SIMILAR ESTABLISHMENTS

*Effective October 14, 2020, the County Judge of each county may choose to opt in with the Texas Alcoholic Beverage Commission (TABC) to allow bars or similar establishments to operate with in-person service. Bars or similar establishments located in counties that have opted in may operate for in-person service up to 50% of the total listed occupancy inside the bar or similar establishment, but all customers must be seated while eating or drinking at the bar or similar establishment. There is no occupancy limit outdoors at a bar or similar establishment. Bar or similar establishment employees are not counted toward the occupancy limitation. For these purposes, bars or similar establishments are establishments with a permit from TABC that are not otherwise considered restaurants. All employees and customers must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain 6 feet of social distancing from another individual not in the same household, except when seated at the bar or similar establishment to eat or drink.*

*The following are the minimum recommended health protocols for all bars or similar establishments choosing to operate in Texas. Bars or similar establishments may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees, contractors, and customers.*

*The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they could spread it to may become seriously ill or even die, especially if they are 65 or older with pre-existing health conditions that place them at higher risk. Because of the concealed nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including the most vulnerable.*

*Please note, public health guidance cannot anticipate or address every unique situation. Bars or similar establishments should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Bars or similar establishments should also be mindful of federal and state employment and disability laws, workplace safety standards, and accessibility standards to address the needs of both workers and customers.*

### Health protocols for serving your customers:

- Customers may not loiter at the bar or in commonly trafficked areas, and should remain seated at tables at the bar or similar establishment.
  - Only provide service to seated individuals, except as provided below.
  - Breweries, wineries, and distilleries may serve customers standing at a counter if the customers are sampling products from the establishment. Groups at the counter may not exceed 6 individuals, and must be separated from other groups by either 6 feet of separation or an engineering control such as a partition.
- Groups must maintain at least 6 feet of distance from other groups at all times, including while waiting to be seated in the bar or similar establishment. The 6 feet of distance between groups seated at different tables is not required if the bar or similar establishment provides engineering controls, such as a partition, between the tables.
  - A booth may be next to another booth as long as a partition is constructed between the booths, and that partition is at least 6 feet tall above ground level.
  - Tables should generally be at least 6 feet apart from any part of another table. However, a bar or similar establishment may have tables at least 4 feet apart from any part of another table, provided the bar or similar establishment uses a partition between the tables that is at least 6 feet tall and 6 feet wide.



# MINIMUM STANDARD HEALTH PROTOCOLS



## BARS OR SIMILAR ESTABLISHMENTS: Page 2 of 4

- As recommended by the bar and nightclub industry, keep dance floors closed. Activities that enable close human contact are discouraged.
- Pathways for patrons' ingress and egress should be clear and unobstructed.
- Designate staff to ensure customers maintain a 6-foot distance between groups if customers are waiting to enter the bar or similar establishment.
- A hand sanitizing station should be available upon entry to the establishment.
- No tables of more than 6 people.
- Dining:
  - Do not leave condiments, silverware, flatware, glassware, or other traditional table top items on an unoccupied table.
  - Provide condiments only upon request, and in single use (non-reusable) portions or in reusable containers that are cleaned and disinfected after each use.
  - Use disposable menus (new for each patron), or clean and disinfect reusable menus after each use.
  - If a buffet is offered, employees should serve the food to customers.
- Ensure spacing of individuals within the establishment to keep a 6-foot distance between individuals in different groups.**
  - Tables or chairs must be installed to seat all customers to maintain social distancing, and may not be moved.
  - Consider positioning an unoccupied table or other object adjacent to each occupied table, creating space to permanently maintain a 6-foot distance between groups.
  - Take orders from customers seated at a table or by web/phone application.
- Contactless payment is encouraged. Where not available, contact should be minimized. Both parties should wash or sanitize hands after the payment process.

## Health protocols for your employees and contractors:

- Train all employees and contractors on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees and contractors before coming into the bar or similar establishment:
  - Send home any employee or contractor who has any of the following new or worsening signs or symptoms of possible COVID-19:

- Cough	- Sore throat
- Shortness of breath or difficulty breathing	- Loss of taste or smell
- Chills	- Diarrhea
- Repeated shaking with chills	- Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
- Muscle pain	- Known close contact with a person who is lab confirmed to have COVID-19
- Headache	

# MINIMUM STANDARD HEALTH PROTOCOLS



## BARS OR SIMILAR ESTABLISHMENTS: Page 3 of 4

- Do not allow employees or contractors with the new or worsening signs or symptoms listed above to return to work until:
  - In the case of an employee or contractor who was diagnosed with COVID-19, the individual meets all three of the following criteria: at least three days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has *improvement* in symptoms (*e.g.*, cough, shortness of breath); and at least ten days have passed *since symptoms first appeared*; or
  - In the case of an employee or contractor who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual should be assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
  - If the employee or contractor has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- Do not allow an employee or contractor with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14-day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees and contractors wash or sanitize their hands upon entering the bar or similar establishment, and between interactions with customers.
- Have employees and contractors maintain at least 6 feet of separation from other individuals. If this distancing is not feasible, measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.

### Health protocols for your facilities:

- Consider having an employee or contractor manage and control access to the bar or similar establishment, including opening doors to prevent attendees from touching door handles.
- Take steps to ensure 6 feet of social distancing is maintained at the bar or similar establishment between individual patrons, between patrons and waitstaff, and between patrons and bar items such as clean glassware and ice. Such separation may be obtained by ensuring bartenders remain at least 6 feet from customers at the bar, such as by taping off or otherwise blocking bartenders from being within 6 feet of a seated customer, or the use of engineering controls, such as dividers, to keep individuals and/or the bar separate from other individuals.**
- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, and chairs.
- Regularly and frequently clean restrooms, and document the cleanings.
- Disinfect any items that customers contact.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Consider placing [readily visible signs](#) at the bar or similar establishment to remind everyone of best hygiene practices.
- Clean and disinfect the area used by customers (*e.g.*, tables, chairs, etc.) after each group of customers depart, including the disinfecting of tables, chairs, stalls, and countertops.



# MINIMUM STANDARD HEALTH PROTOCOLS



## BARS OR SIMILAR ESTABLISHMENTS: Page 4 of 4

- Clean and sanitize the bar daily.
- For bars or similar establishments with more than 10 employees and/or contractors present at one time, consider having an individual wholly or partially dedicated to ensuring the health protocols adopted by the establishment are being successfully implemented and followed.
- TABC staff should monitor bars throughout the state of Texas to ensure compliance with these protocols. TABC has the authority to suspend any license that poses an immediate threat or danger to public safety. Failure to follow these protocols may result in a 30-day license suspension for the first infraction, and a 60-day suspension for a second infraction.

### If you have video game equipment or other interactive amusements:

- Assign at least one employee or contractor full time to disinfect the video games and other interactive amusements. **Continuous disinfecting is needed to protect customers.**
- Disinfect all gaming equipment before and after customer use.
- Provide equipment disinfecting products throughout facility for use on equipment.
- Ensure only one player can play a game at a time.
- Provide for at least 6 feet of separation between games.

### Health protocols for valet parking services:

- Take the temperature of each employee or contractor at the beginning of each shift.
- Utilize the following personal protective equipment for employees and contractors:
  - Cloth face coverings over the nose and mouth, or, if available, non-medical grade face masks over the nose and mouth
  - Single-use disposable gloves that are changed between every interaction with customers and/or vehicles
- Vehicle door handles, ignition switch, steering wheel, and shift knob should be wiped with disinfectant as the valet employee enters and exits the vehicle.
- All workstations and work equipment should be cleaned at the start and the end of each shift, as well as every hour during the shift. These workstations should include the valet podium, key storage locker, tablets, fee computers, receipt printers, etc.
- Valet parking operators should employ contactless payment whenever possible.
- For high-volume operations, appropriate physical distancing indicators should be established to ensure customers maintain at least 6 feet of distance as they wait for their vehicle.
- Where possible, alternative parking options should be provided for customers who are uncomfortable with valet parking.
- Wash or disinfect hands upon entering a business and after any interaction with employees, other customers, or items in the business.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees, contractors, and customers.
- Have employees and contractors maintain at least 6 feet of separation from other individuals.



## Office of the Texas Governor | Greg Abbott

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[Home](#) [News](#) State Of Texas Prepared To Swiftly Distribute COVID-19 Treatments Becoming Available ()

# State Of Texas Prepared To Swiftly Distribute COVID-19 Treatments Becoming Available

November 10, 2020 | Austin, Texas | [Press Release](#)

Governor Greg Abbott today announced that the State of Texas has prepared allocation plans to swiftly distribute medicines and vaccines that are now becoming available to treat COVID-19.

Yesterday was the first day of what will be many announcements in the coming weeks about the availability of medicines and vaccines to combat COVID-19.

On Monday, the U.S. Food and Drug Administration (FDA) authorized the immediate use of the first medical treatment developed for people who contract COVID-19. An antibody drug by Eli Lilly & Co., called bamlanivimab, has been shown to improve the symptoms of people who contract the virus and prevent hospitalizations.

The FDA said the drug is authorized for patients at high risk of progressing to severe COVID-19, including people 65 and older, or who have certain pre-existing medical conditions.

Lilly is expected to immediately ship approximately 80,000 doses across the country, including Texas, at no cost to the states. Lilly should have up to one million doses by the end of the year.



Similar to the Lilly antibody treatment, Regeneron Pharmaceuticals Inc. also has requested FDA emergency use authorization of its own COVID-19 antibody medical treatment to treat patients before they become seriously ill and aid in reducing hospitalizations, with an announcement of the FDA's decision expected soon. This is the same antibody drug that President Donald Trump took to quickly recover from COVID-19 last month.

The federal government has agreed to buy hundreds of thousands of doses of the two new treatment drugs and will be in charge of allocating supplies to the states, which will in turn determine distribution to hospitals and healthcare facilities. It is likely that the doses will be allocated to states and U.S. territories based on their share of hospitalized and infected patients.

These medical treatments are in addition to the announcement yesterday by Pfizer that its COVID-19 vaccine candidate achieved incredible success in an early analysis — demonstrating over 90% efficacy in preventing COVID-19. It is expected to become available as soon as late November.

The State of Texas has already prepared to distribute the COVID-19 vaccines and medical treatments.

The Department of State Health Services (DSHS) has already developed a Vaccine Distribution Plan and is working with health care providers to enroll in their Immunization Program to be eligible to administer these vaccines once available. Over 2,500 providers have already enrolled in the program. DSHS formed an Expert Vaccine Allocation Panel to develop vaccine allocation strategies.

The Texas Division of Emergency Management (TDEM) is prepared to assist the swift distribution of COVID-19 vaccines and treatments. In late October, TDEM hosted the State of Texas COVID-19 Vaccine Virtual Tabletop Exercise – over 1,000 local, state, federal, and non-governmental organization partners came together to test the state's vaccine support plan, understand its operational procedures, and examine their roles and responsibilities.

"Swift distribution of vaccines and medical treatments will begin to heal those suffering from COVID-19, slow the spread of the virus, and aid in reducing

hospitalizations of Texans," said Governor Abbott. "As we anticipate the arrival of COVID-19 vaccines and treatments, the State of Texas is prepared to quickly distribute those medicines to Texans who voluntarily choose to use them."

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**Office of the Texas Governor**

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## Connie Constancio

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**From:** Hector Rangel <hector.rangel@co.caldwell.tx.us>  
**Sent:** Friday, November 13, 2020 9:54 AM  
**To:** Connie Constancio  
**Subject:** Testing Sites

Good Morning All,

Caldwell County Office of Emergency Management is hosting a COVID-19 Test site in Lockhart and the date are as follows:

All dates or confirmed by TDEM and SOC

The dates for the COVID-19 starts:

Nov 16 thru Nov 24, 2020 / 8 AM to 2 PM

Nov 30 thru Dec 11, 2020 / 8 AM to 2PM

\*\*\*Monday thru Friday testing only\*\*\*

Address: 1403 Blackjack Street

Lockhart, Texas 78644

Type of Test: Mouth Swab / Drive thru / Results in 24 hours / **Cost is Free**

**No Appointment Needed**

Please see the Caldwell County of Emergency Management Facebook Page for more info tomorrow after 2PM.

Hector Rangel  
Interim Chief HSEM  
Caldwell County  
512-398-1822  
Email: [hector.rangel@co.caldwell.tx.us](mailto:hector.rangel@co.caldwell.tx.us)



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

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<p><b>NOTES:</b> Lockhart Economic Dev Corp</p>	<p><b>LEDC Bylaws – Article II. Board of Directors</b>  <b>Section 1. Powers, Number and Term of Office</b>                  a. The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (The "Board") under the guidance and direction of the Lockhart City Council and, subject to the restrictions imposed by law, by the Articles of Incorporation, and by these Bylaws the Board shall exercise all of the powers of the Corporation.                  b. The Board shall consist of seven directors, each of whom shall be appointed by the City Council of the City. Each director shall occupy a place (individually the "Place" and collectively, the "Places") as designated herein. Places 1-4 are designated for Councilmember Directors from Councilmember Districts 1 through 4 respectively. In the event that a particular Councilmember from said District is unable or unwilling to serve in the capacity as a Director, that Councilmember shall have the right to nominate a non-councilmember for approval and appointment. Places 5-7 are designated for Citizen Member Directors.                  c. The directors constituting the first Board shall be those directors named in the Articles of Incorporation. Successor directors shall have the qualifications, shall be of the classes of directors, and shall be appointed to the terms set forth in the Articles of Incorporation.                  d. Any director may be removed from office by the City Council at will.</p>
<p><b>NOTES:</b> ORDINANCE RE: ALL BOARD, COMMISSION APPOINTMENTS</p>	<p><b>Sec. 2-209. - Rules for appointment.</b>                  The city council hereby sets the following rules:                  (1) Except as may be established by existing city ordinances/resolutions the process for selecting members shall be open to all Lockhart citizens, who must apply for appointment, to include those applying for reappointment. Reappointment shall not be deemed automatic.                  (2) Council shall seek to appoint the most qualified or best persons available, while also respecting the need for diverse community opinions.                  (3) No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.                  (4) No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.                  (5) Subject to other qualifications as specifically required for membership on the below boards and commissions, the city council shall have the right (but not the duty) to appoint up to two members who are not Lockhart citizens but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the construction board of appeals.  <b>Section 2-210. Method of selection; number of members; terms.</b>                  (a) The mayor and city councilmembers shall nominate individuals to serve on boards and commissions. Each nomination shall then be confirmed by a simple majority of the entire city council.                  (b) Except as provided herein, there shall be seven members appointed to each board or commission corresponding with the seven members or places of the city council. Each city councilmember, except as provided herein, shall nominate a qualified person to serve in a place on an appointed body corresponding to their place on the council. At-large councilmembers shall be designated as places 5 and 6, and the mayor's position as place 7, for the purpose of this section. Nominations shall be made to fill vacant positions and/or positions whose terms have expired within 90 days of the event, such as a resignation or an election. Should any city councilmember fail to name an appointee to one of his/her corresponding places on any body within the above described 90 days, another councilmember shall then have the privilege to nominate a person to fill that same position, as described in subsection (a). However, once that position becomes vacant again for any reason, the appointment shall revert to the place corresponding with the original city council seat/place number for nominations.                  (c) Beginning with the election in May, 1998, the council shall nominate and confirm four members to serve in places 1, 2, 5, 6 on each board and commission in accordance with subsections (a) and (b) above, and with the standards set in Ordinance Number 97-09, Governance Policies. With the election of May, 1999, the remaining three places shall be filled following the same procedure as above.                  (d) Terms of service on appointed bodies shall be the same three-year terms as the councilmember who nominates a person to serve. However, a person may be appointed to complete the unexpired term of a vacant position, due to a resignation, for example.                  (e) When a person has completed a term, or terms, of service and will be vacating a place, that person may continue to serve until a replacement is nominated and confirmed by the city council.                  (f) At the discretion of the majority of the city council, one Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member to the historical preservation commission.                  (g) Exceptions to the above regulations shall be all volunteer/special purpose/ad hoc committees appointed from time to time by the city council and the zoning board of adjustments, whose members shall serve two-year terms in accordance with V.T.C.A., Local Government Code § 211.008. All other provisions of this section, and ordinance number 97-09 which do not conflict with the chapters establishing these bodies shall be applicable.  <b>Sec. 2-212. Removal and resignation of members.</b>                  (a) All board, commission and committee members serve at the pleasure of the city council and may be removed from office with or without cause at the discretion of the city council.                  (b) Board, commission and committee members may resign from office at any time by filing a written resignation, dated and signed by the member, with the City Secretary. Such resignation shall take effect upon receipt by the City Secretary without further action by the city council. If the city council appoints a new member to replace the resigned member, the new member shall be appointed to serve out the remainder of the resigned member's term.</p>

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<p><b>NOTES:</b>                  PARKS MASTER                  PLAN STEERING                  COMMITTEE                  (Est. 09/05/2017)</p>	<p>Committee to have 8-10 members as follows:</p> <ul style="list-style-type: none"> <li>• Councilmembers</li> <li>• City staff</li> <li>• Two Parks Advisory Board members</li> <li>• Business owners</li> <li>• Civic Organization members</li> </ul> <p>Committee will assist Burditt Consultants to perform tasks outlined in the Parks Master Plan.</p>
<p><b>NOTES:</b>                  AD-HOC                  COMMITTEE – ST.                  PAUL UNITED                  CHURCH OF                  CHRIST PROPERTY                  (Est. 09/05/2017)</p>	<p>Committee will consist of at least one appointment from Mayor and each Councilmember.</p> <p>The Committee will make recommendations to the Council about the use of the property at 728 S. Main.</p>
<p><b>NOTES:</b>                  WAYFINDING                  SIGNAGE AND                  COMMUNITY                  BRANDING                  AD-HOC                  (Est. 01/02/2018)</p>	<p>Committee will assist City Planner/Development Services with wayfinding signage and community branding tasks.</p> <p>Committee will consist of up to five members appointed by the Council.</p> <p>NOTE: First Branding and Wayfinding Committee disbanded/dissolved on December 18, 2018.</p> <p>UPDATE: Second Branding and Wayfinding Committee appointed on March 5, 2019.</p>

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NOTES:  
HOTEL  
OCCUPANCY  
TAX ADVISORY  
BOARD  
(Est. 12-3-  
2019)

Sec. 54-127 MEMBERSHIP AND MEETING FREQUENCY

- a. The HOT Advisory Board should consist of five (5) members.
- b. Members shall consist of the following, the appointment of whom shall be confirmed by the City Council
  - i. A lodging facility representative;
  - ii. The City Manager or his/her designee;
  - iii. A former member of the City Council; and
  - iv. Two citizens nominated by Mayor.
- c. The HOT Advisory Board shall meet at least quarterly for allocation of funds and post-event reviews.
- d. Three Board members shall constitute a quorum.
- e. Each Board member shall serve a term of two years.
- f. Vacancies on the Board shall be filled by appointment by the City Council for the remainder of the existing term.

Sec. 54-128 PURPOSE AND RESPONSIBILITY

- a. The legislative functions of the city council shall in no way be delegated to the HOT Advisory Board. The HOT Advisory Board shall be considered a special purpose advisory committee.
- b. The purposes and responsibility of the HOT Advisory Board shall be:
  - i. To receive, review, and evaluate applications from organizations requesting HOT funds;
  - ii. To recommend allocation of HOT funds (as authorized by the Texas Tax Code, Chapter 351) to the City Council;
  - iii. To review the actual expenditures of HOT Funds;
  - iv. To offer suggestions for improvements or changes to the use or administration of HOT funds; and
  - v. To submit an annual report to the City Council that identifies approved expenditures by the City for the preceding year, reviews such approved expenditures in the context of compliance with state laws regarding the use of HOT funds, and evaluates the effectiveness of the approved HOT expenditures and the program.

Sec. 54-129 HOT FUND GRANT PROCESS AND POST-EVENT REPORTING

- a. Applications for funding will be considered at each meeting. Completed applications must be received ten (10) days prior to a meeting of the Board at which it will be reviewed.
- b. Applicants will be notified of the award of funds following approval by the City Council of the award, at which time one-half of approved funding will be awarded.
- c. The Board shall produce guidelines for approved applicants regarding a post-event report from each such applicant that demonstrates qualified expenditures
- d. A post-event report from each approved applicant is required in order for the applicant to receive final payment.

Sec. 54-130 HOT FUND GRANT PROCESS GUIDELINES.

In considering the grant of HOT Funds, the Board and City Council shall:

- i. Ensure that each funding requests for HOT revenues is for one or more statutorily defined purpose;
- ii. Establish and implement a policy of properly utilizing 100% of available HOT funds each year;
- iii. Consider whether funding should be based on a formula for pre-determined activities consistent with authorized uses (e.g. advertising, arts, signage, historical restoration/preservation);
- iv. Consider funding approaches that will allow for equitable funding
- v. opportunities for new as well as established events and activities; and
- vi. Consider eligibility criteria beyond the Tax Code requirements (e.g. limiting grants to 25% of the total event budget or disallowing/limiting use of HOT funds for events' programs that occur on a regular (e.g. monthly) basis.

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**COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS**

<b>Councilmember</b>	<b>Board/Commission</b>	<b>Appointee</b>	<b>Date Appointed</b>
Mayor – Lew White	Airport Board	John Hinnekamp	12/19/17
	Board of Adjustment	Mike Annas	12/19/17
	Construction Board	Raymond DeLeon	06/04/19
	Ec Dev. Corp. ½ Cent Sales Tax	Alan Fielder, Vice-Chair	12/19/17
	Electric Board	Joe Colley, Chair	12/19/17
	Historical Preservation	John Lairsen	12/19/17
	Library Board	Stephanie Riggins	12/19/17
	Parks and Recreation	Albert Villalpando, Chair	12/19/17
	Planning & Zoning	Paul Rodriguez	12/19/17
	ETJ Rep-Impact Fee Adv Comm	Larry Metzler	12/19/17
District 1 – Juan Mendoza	Airport Board	Larry Burrier	03/07/17
	Board of Adjustment	Lori Rangel	03/07/17
	Construction Board	Mike Votee	12/17/19
	Eco Dev. Corp, ½ Cent Sales Tax	Dyral Thomas	12/17/19
	Electric Board	Frank Gomillion	12/17/19
	Historical Preservation	Christine Ohlendorf	06/02/20
	Library Board	Shirley Williams	12/17/19
	Parks and Recreation	Linda Thompson-Bennett	03/07/17
	Planning & Zoning	Chris St. Leger	12/17/19 CM McGregor on behalf of Councilman Mendoza
District 2– David Bryant	Airport Board	Todd Blomerth	05/05/20
	Board of Adjustment	Juan Juarez	10/20/20
	Construction Board	Oscar Torres	10/20/20
	Eco Dev. Corp. ½ Cent Sales Tax	Umesh Patel	10/20/20
	Electric Board	James Briceno	10/20/20
	Historical Preservation	Ron Faulstich	10/20/20
	Library Board	Quartermetra Hughes	10/20/20
	Parks and Recreation	James Torres	10/20/20
	Planning & Zoning	Manuel Oliva	10/20/20

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**COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS**

District 3 – Kara McGregor	Airport Board Board of Adjustment  Construction Board Eco Dev. Corp. ½ Cent Sales Tax Electric Board Historical Preservation Library Board Parks and Recreation Planning & Zoning	Ray Chandler Anne Clark, Vice-Chair Kirk Smith (Alternate) Jerry West, Vice-Chair Sally Daniel John Voigt Ronda Reagan Jean Clark Fox, Chair Warren Burnett Philip McBride, Chair	02/06/18 12/19/17 12/05/17 01/02/18 06/18/19 09/03/19 12/19/17 12/19/17 12/05/17 12/19/17
District 4 - Jeffry Michelson	Airport Board Board of Adjustment Construction Board Eco Dev. Corp. ½ Cent Sales Tax Electric Board Historical Preservation Library Board Parks and Recreation Planning & Zoning	Mark Brown, Vice-Chair Wayne Reeder Rick Winnett Doug Foster Ian Stowc Michel Royal Donaly Brice Russell Wheeler Rick Arnic	03/07/17 12/05/17 12/05/17 11/17/20 03/06/18 07/07/20 12/05/17 12/05/17 01/15/19
Mayor Pro-Tem (At-Large) – Angie Gonzales-Sanchez	Airport Board Board of Adjustment Construction Board Eco Dev. Corp. ½ Cent Sales Tax Historical Preservation Library Board Parks and Recreation Planning & Zoning	Andrew Reyes Laura Cline, Chair Paul Martinez Alfredo Munoz Ray Ramsey Jodi King Chris Schexnayder Philip Ruiz, Vice-Chair	01/07/20 01/07/20 01/07/20 01/07/20 07/07/20 01/07/20 03/07/17 01/07/20

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**COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS**

<p>At-Large - Brad Westmoreland</p>	<p>Airport Board Board of Adjustment Construction Board (Alternate) Eco Dev. Corp. ½ Cent Sales Tax Historical Preservation Library Board Parks and Recreation Planning &amp; Zoning</p>	<p>Jayson "Tex" Cordova Severo Castillo Gary Shafer Frank Estrada Richard Thomson Rebecca Lockhart Dennis Placke Brad Lingvai</p>	<p>02/04/20 02/04/20 02/04/20 02/04/20 02/04/20 02/04/20 02/04/20 02/04/20</p>
	<p>Charter Review Commission (Five member commission) Term - 24 months after appointment</p>	<p>Ray Sanders Bill Hernandez Roland Velvin Elizabeth Raxter Alan Fielder</p>	<p>03/01/16 - Michelson 03/01/16 - Michelson 03/01/16 - Michelson 03/01/16 - Hilburn 03/15/16 - Hilburn</p>
	<p>Sign Review Committee (no longer meeting)</p>	<p>Gabe Medina Neto Madrigal Terry Black Kenneth Sneed Johnny Barron, Jr. Tim Clark</p>	<p>03/17/15 - Mayor Pro-Tcm Sanchez 04/21/15 - Councilmember Mendoza 12/19/17- Councilmember McGregor 03/17/15 - Mayor White 03/17/15 - Councilmember Castillo 03/17/15- Councilmember Michelson</p>
	<p>Parks Master Plan Steering Committee (8-10 members)</p>	<p>Albert Villalapando Dennis Placke Nita McBride Rebecca Pulliam Bernie Rangel Derrick David Bryant Beverly Anderson Carl Ohlendorf Beverly Hill</p>	<p>09/05/17 - Parks Bd appointee 09/05/17 - Parks Bd appointee 12/05/17- McGregor 09/19/17- Michelson 09/19/17 - Castillo 09/19/17 - Sanchez 09/19/17 - Mendoza 09/19/17 - Westmoreland 09/19/17 - Mayor White</p>

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COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

	<p>Church Property Ad-hoc Committee (7 members)</p>	<p>Amelia Smith Jackie Westmoreland Todd Blomerth Andy Govea Terry Black Jane Brown Raymond DeLeon Dyral Thomas</p>	<p>09/05/17 – Westmoreland 09/05/17 – Westmoreland 09/05/17 – Mayor White 09/19/17 – Sanchez 12/19/17 – McGregor 09/19/17 – Michelson 09/20/17 – Castillo 09/22/17 – Mendoza</p>
	<p>Wayfinding Signage and Community Branding Ad-Hoc Committee (5 members)</p> <p><b>THIS COMMITTEE WAS - RE-ESTABLISHED ON MARCH 5, 2019</b></p>	<p>Roy Watson Ronda Reagan Sally Daniel Rob Ortiz Bobby Herzog</p>	<p>03/05/19 03/05/19 03/05/19 03/05/19 03/05/19 Appointed by Mayor with consensus of Council</p>
	<p>HOT Advisory Bd</p>	<p>Ray Sanders Alfredo Munoz Archana “Archie” Gandhi Roxanne Rix Steve Lewis and Pam Larison Sally Daniel (Alternate) Janet Grigar (Alternate)</p>	<p>All members appointed by consensus of the Council on 12/03/2019</p>

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CITY OF

**Lockhart**  
TEXAS

City of Lockhart 2020 Board of Adjustment  
Attendance for a 12-Month Period

	Chair Cline	Vice-Chair Clark	Annas	Castillo	Reeder	Rangel	Juarez	Smith Alternate
<b>Meeting Date:</b>								
January 6, 2020 - No Meeting								
February 3, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Absent</i>	<i>Present</i>
March 2, 2020 - No Meeting								
April 6, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>
May 4, 2020 - No Meeting								
June 1, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>
July 6, 2020	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>
August 3, 2020 - No Meeting								
August 31, 2020 - No Meeting								
October 5, 2020	<i>Present</i>	<i>Present(by phone)</i>	<i>Present</i>	<i>Present(by phone)</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>
11/2/2020 - No Meeting								
December 7, 2020 - No Meeting								

<b>Number of meetings:</b>	5	5	5	5	5	5	5	5
<b>Present:</b>	5	4	5	4	5	3	4	4
<b>% Absent:</b>	100%	80%	100%	80%	100%	60%	80%	80%

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CITY OF LOCKHART							
CONSTRUCTION BOARD OF APPEALS							
BOARD ATTENDANCE REPORT - 2020							
APPOINTING COUNCIL MEMBER							
	JERRY WEST (12/03/2013) (01/05/2017)	RAYMOND DELEON (6/4/2019)	RICK WINNETT, JR. (04/19/2016) (01/05/2017)	GARY SHAFER (08/18/2015)	MICHAEL VOETEE (10/4/2016)	PAUL MARTINEZ (03/07/2017)	OSCAR TORRES (05/15/2017)
Member Title:	County Resident			Alternate			
<b>Meeting Date:</b>							
January 2, 2016	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
January 16, 2020	P	P	P	A	P	A	A
February 6, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 20, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 5, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 19, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 2, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 16, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 7, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 21, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June 4, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June 18, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
July 2, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
July 16, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
August 6, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
August 20, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
September 3, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
September 17, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
October 1, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
October 15, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
November 5, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
November 19, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
December 3, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
December 17, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
<b>Total # Meetings:</b>	1	1	1	1	1	1	1
<b>Present:</b>	1	1	1	0	1	0	0
<b>Absent:</b>	0	0	0	1	0	1	1
<b>Absenteeism %:</b>	0%	0%	0%	100%	0%	100%	100%
<b>LEGEND:</b>	PRESENT: P UNEXCUSED ABSENCE: A EXCUSED ABSENCE: EA NO MEETING HELD:						
<b>COMMENTS:</b>	NO MEETING HELD FOR THIS MONTH (01/05/2017)						

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**CITY OF LOCKHART  
 LOCKHART ECONOMIC DEVELOPMENT CORPORATION  
 ATTENDANCE REPORT - 2020  
 APPOINTING COUNCIL MEMBER**

<b>ANGIE GONZALES-SANCHEZ</b>	<b>BRAD WESTMORELAND</b>	<b>KARA MCGREGOR</b>	<b>JUAN MENDOZA</b>	<b>DAVID BRYANT</b>	<b>MAYOR WHITE</b>	<b>JEFFRY MICHELSON</b>
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Alfredo Munoz	Frank Estrada	Sally Daniel	Dyral Thomas	Umesh Patel	Alan Fielder	Morris Alexander
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Appt. - July 2019	Appt. - July 2019	Appt - June 2019	Appt. - July 2019	Appt. -August 2018	Appt. - July 2019	Appt. - July 2019
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January 13, 2020	P	P	P	P	P	P	A
February - No Meeting							
March 9, 2020	A	A	P	P	P	P	P
April 13, 2020	A	P	P	A	P	P	A
May 11, 2020	P	P	P	P	P	P	A
June 8, 2020	P	U	P	P	A	P	P
July 13, 2020	P	U	P	P	P	P	A
August 10, 2020	P	P	P	A	A	P	P
September 14, 2020	P	P	P	A	P	P	P
October 19, 2020	P	A	P	P	P	P	A
November 9, 2020	P	P	P	A	P	A	P

<b>LEGEND:</b>	PRESENT: P	UNEXCUSED ABSENCE: U
	EXCUSED ABSENCE: A	NO MEETING HELD: No Meeting
	APPOINTMENT MODIFICATION:	

**COMMENTS:**

*Lockhart*

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	CITY OF LOCKHART				
	ELECTRIC BOARD OF APPEALS				
	BOARD ATTENDANCE REPORT - 2020				
	APPOINTING COUNCIL MEMBER				
	Joe Colley (06/17/2008)	Ian Stowe (03/06/2018)	Frank Gomillion (07/02/2019)	John Voigt (09/03/19)	James Briceno (05/03/2011)
Meeting Date:	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
January 2, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
January 16, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 6, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 20, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 5, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 19, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 2, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 16, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 7, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 21, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June 4, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June 18, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
July 2, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
July 16, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
August 6, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
August 20, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
September 3, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
September 17, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
October 1, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
October 15, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
November 5, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
November 19, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
December 3, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
December 17, 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
<b>Total # Meetings:</b>	0	0	0	0	0
<b>Present:</b>	0	0	0	0	0

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**City of Lockhart 2020 -LHPC  
Attendance for a 12-Month Period**

Meeting Date:	CORPUS	LAIRSEN	ALVAREZ	FAULSTICH	REAGAN	THOMSON	GILLIS	OHLENDORF	RAMSEY	ROYAL	McCORMICK
	RMVD 03/18/2020	APPOINTED 12/19/2017	RESGND 03/17/20	APPOINTED 03/07/17			APPOINTED 4/17/2020	APPOINTED 06/02/2020	APPOINTED 07/07/2020	APPOINTED 07/07/2020	RESIGNED 06/18/2020
January 1 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NOT APPNTED	NOT APPNTED			NO MTG
January 15 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NOT APPNTED	NOT APPNTED			NO MTG
February 5 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NOT APPNTED	NOT APPNTED			NO MTG
February 19 2020	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NOT APPNTED	NOT APPNTED			NO MTG
March 4 2020	A	P	A	P	P	P	NOT APPNTED	NOT APPNTED			A
March 18 2020	A	P		A	P	P	NOT APPNTED	NOT APPNTED			P
April 1 2020		P		A	P	P	NOT APPNTED	NOT APPNTED	NOT APPNTD TO COMMSN	NOT APPNTD TO COMMSN	P
April 15 2020		NO MTG		NO MTG	NO MTG	NO MTG	NOT APPNTED	NOT APPNTED			NO MTG
May 6 2020		NO MTG		NO MTG	NO MTG	NO MTG		NOT APPNTED			NO MTG
May 13 2020		P		P	P	A		NOT APPNTED			P
June 3 2020		P		P	P	A		NEW APPNTED			P
June 17 2020		P		P	P	P		P			P
July 1 2020		NO MTG		NO MTG	NO MTG	NO MTG		NO MTG			
July 15 2020		NO MTG		NO MTG	NO MTG	NO MTG		NO MTG	NO MTG	NO MTG	
August 5 2020	REMVD	P	RESGND	A	P	P		P	P	P	
August 19 2020		NO MTG		NO MTG	NO MTG	NO MTG	DECLINED 04/30/2020	NO MTG	NO MTG	NO MTG	
September 2 2020		P		A	P	A		P	P	P	
September 16 2020		A		A	P	P		P	P	A	
September 30 2020		P		P	P	P		P	P	P	RESGND
October 7 2020		P		P	P	A		P	P	P	
October 21 2020		NO MTG		NO MTG	NO MTG	NO MTG		NO MTG	NO MTG	NO MTG	
November 4 2020		P		A	P	P		P	P	P	
November 18 2020		NO MTG		NO MTG	NO MTG	NO MTG		NO MTG	NO MTG	NO MTG	
December 2 2020											
December 16 2020											
<b>Number of meetings:</b>	2	12	1	12	12	12	0	7	6	6	6
<b>Present:</b>	0	11	0	6	12	8	0	7	6	5	5
<b>Absent:</b>	2	1	1	6	0	4	0	0	0	1	1
<b>% Absent:</b>	100%	8%	100%	50%	0%	33%	#DIV/0!	0%	0%	17%	17%

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**CITY OF LOCKHART**  
**Library Advisory Board**  
**ATTENDANCE REPORT - 2020**  
 APPOINTING COUNCIL MEMBER

CITY OF  
**Lockhart**  
 TEXAS

Angie Gonaes Sanchez	Brad Westmoreland	Mayor White	Juan Mendoza	John Castillo	Kara McGregor	Jeffry Michelson
Jody King (01/04/13)	Rebecca Lockhart (11/19/13)	Stephanie Wilson Riggan (06-17-2011)	Shirley Williams (06-15-2007)	Quartermetra Hughes (06/04/2019)	Jeannie Fox (12-03-2013)	Donaly Brice (7-05-2008)

January	NO MEETING
February	NO MEETING
March	NO MEETING
April	NO MEETING
May	NO MEETING
June	NO MEETING
July	NO MEETING
August	NO MEETING
September	NO MEETING
October	NO MEETING
November	NO MEETING
December	NO MEETING

<b>LEGEND:</b>	<b>PRESENT:</b>						

<b>COMMENTS:</b>	<b>PRESENT:</b>	<b>P</b>	<b>UNEXCUSED ABSENCE:</b>	<b>U</b>
	<b>EXCUSED ABSENCE:</b>	<b>E</b>	<b>NO MEETING HELD:</b>	


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**CITY OF LOCKHART  
PARKS & RECREATION ADVISORY BOARD**

APPOINTING COUNCIL MEMBER

	ANGIE SANCHEZ	BRAD WESTMORELA ND	KARA MCGREGOR	JUAN MENDOZA	David Bryant	LEW WHITE	JEFFRY MICHELSON	ALTERNATE (Mayor Pro-Tem)
	Chris Schexnayder (06/07/16)	Dennis Placke (11/03/15)	Warren Burnett (12/04/12)	Linda Thompson- Bennett (12/07/04)	James Torres (12/18/07)	Albert Villalpando (09/05/06)	Russell Wheeler (01/20/15)	Rob Ortiz (05/06/08)
<b>Meeting Date:</b>								
January 23 2020	E	P	P	P	U	P	P	F
February 27 2020	No Meeting. Little League Presenters were unable to attend due to prior engagements.							
March 26 2020	No Meeting							
April 23 2020	No Meeting							
May 28 2020	No Meeting							
June 25 2020	No Meeting							
July 23, 2020	No Meeting							
August 27, 2020	No Meeting							
September 24, 2020	No Meeting							
October 22, 2020	No Meeting							
November 26, 2020	No Meeting							
<b>LEGEND:</b>	PRESENT:		P	UNEXCUSED ABSENCE:			U	
	EXCUSED ABSENCE:		E	NO MEETING HELD:				
<b>COMMENTS:</b>	* Ordinance 06-08 adopted February 7, 2006 allow two alternate position to be appointed by Mayor and Mayor Pro-Tem							
	* Board meets on the 4th Thursday of each month							

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City of Lockhart 2020 Planning and Zoning Commission  
Attendance for a 12-Month Period

	Ruiz	McBride	Oliva	Rodriguez	Arnic	St. Leger	Lingvai	Black
<b>Meeting Date:</b>								
January 8, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>		<i>Absent</i>
January 22, 2019	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>		<i>Absent</i>
February 12, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Resigned</i>
February 26, 2020 - No Meeting								
March 11, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	
March 25, 2020	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	
April 8, 2020 - No Meeting								
April 22, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present (by phone)</i>	<i>Present (by phone)</i>	<i>Present (by phone)</i>	<i>Present (by phone)</i>	
May 13, 2020	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Absent</i>	<i>Present (by phone)</i>	<i>Absent</i>	<i>Present (by phone)</i>	
May 27, 2020 - No Meeting								
June 10, 2020 - No Meeting								
June 24, 2020	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present (by phone)</i>	<i>Present</i>	<i>Absent</i>	<i>Absent</i>	
July 8, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present (by phone)</i>	<i>Present (by phone)</i>	
July 22, 2020 - No Meeting								
August 12, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present (by phone)</i>	<i>Present</i>	<i>Present (by phone)</i>	<i>Present (by phone)</i>	
August 26, 2020 - No Meeting								
September 9, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present (by phone)</i>	<i>Present</i>	<i>Absent</i>	<i>Present (by phone)</i>	
September 23, 2002	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Absent</i>	<i>Present (by phone)</i>	
October 14, 2020 - No Meeting								
October 28, 2020	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present (by phone)</i>	<i>Present</i>	<i>Present</i>	<i>Present (by phone)</i>	
November 18, 2020	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present (by phone)</i>	<i>Absent</i>	<i>Absent</i>	<i>Present (by phone)</i>	
December 9, 2020								

<b>Number of meetings:</b>	14	14	14	14	14	14	12	2
<b>Present:</b>	14	14	10	9	13	8	11	0
<b>% Absent:</b>	100%	100%	71%	64%	93%	57%	92%	0%

h4



# City of Lockhart

2020-2021 Strategic Priorities

Prepared by:



## **City of Lockhart**

### **Summary**

On January 17 & 18, 2020 the City of Lockhart hosted two half-day planning sessions to develop goals and strategies for the next 2 years. Some of these goal areas were internal, whereas others were external. The following is the process used to reach the conclusions for the plan.

The process began with a preliminary phone meeting between the facilitator and Steve Lewis, City Manager, to go over key issues facing the City, understand the programs and projects underway through the community, and to prepare the agenda and format for the planning retreat.

The first portion of the strategic planning process began on Friday, January 17, 2020 with the City Manager and the City of Lockhart Management Team. The facilitator began by asking the Management Team participants what their expectations for discussion for the day were. She then conducted a group brainstorm exercise called Start/Stop/Continue that lists the things that need to begin happening, stop happening, and are mission-critical and must continue regardless of circumstances.

The facilitator then guided the Management Team through 2020-2021 goal and strategy development to recommend to the City Council the following day.

On Saturday, January 18, 2020, the City Council and City Manager convened to review, revise, and establish priorities related to the recommendations generated the day before by the Management Team. Prior to the review, the facilitator asked the City Council to list their expectations for discussion for the day.

The following are the results.

## Management Team Expectations for the Day's Discussion Topics

- Holistic view of the City
- Understanding other departments better
- Council to continue to be open to new ideas
- As the city grows, facilities and staff must keep up
- Next comprehensive master plan
- Establish an IT 3-5-year plan to keep current
- Replace phone systems and phone equipment
- Discuss records storage
- What is there for teens and tweens to do?
- Need administrative assistance
- Public Information Officer – keep information on point, factual, and streamlining voice: sharing voice vs. many voices
- Law enforcement: recruitment and administrative assistance
- Stick to implementing plan
- Fire equipment replacement plan and funding
- Achieve “needs” so we can work on “wants” for the future
- Customer service needs additional staff – same staffing level as 1000 accounts ago
- Technology training needed in Library (provide for public)
- Additional Library storage needed
- Electric services study needed and replace needed items
- Salary and compensation study to begin soon – want council to support and fund the results of the study

## City Council Expectations for the Day's Discussion Topics

- Improve work environment for staff
- Accomplish unfinished business from last strategic plan
- 142 & I-130 development
- Low-hanging fruit and larger longer-term goals
- Eliminate the red tape
- Look ahead to see what's next
- Balance citizen needs and staff needs
- Keep on track
- Prepare for quality growth
- Neighborhood beautification
- City Hall facilities
- Discuss hospital/after-hours clinic
- Hear staff recommendations

## Start/Stop/Continue

The facilitator guided the Management Team through an exercise that challenged them to brainstorm things that the City really needed to begin doing, what they should stop doing that could be a waste of resources, and what must they continue doing, regardless of circumstances. Below are their responses. Note that there are no right or wrong items; these are merely individuals' opinions about the things that should and shouldn't change in Lockhart. Just because one person has a certain opinion on a topic, that does not imply anyone else shared that opinion.

### Start

- Long-term street paving plan (paving/resurfacing)
- Electrical system study
- Formal grantsmanship program
- Records storage facility
- Digitize public works and utility records/maps
- Establish fee schedule for fire plan reviews and inspections
- Review development related fees
- Improve customer service at Police Department and Utilities Department by increasing administrative staff
- Start a Main Street Program
- New City facilities (abolish sewer smell)
- Consider a 4-day/10-hour work week option
- Annual review of facility maintenance, i.e. HVAC systems, etc.
- Make Parks Department into Parks and Recreation Department (start recreation program)
- Review and fund vehicle replacement fund
- Expand/improve airport facilities
- Figuring out how to generate more general fund revenues to pay for items on this “start” list

## Stop

- Printing reports – use digital reports when we can
- The waste in Archives
- Excessive paperwork related to personnel (consider paper reduction techniques instead)
- Making new employees wait 6 months to take time off/sick days/etc (other cities do 3 months)
- Excessive engine idling of city vehicles
- Worrying about other departments and focus on making your own team better
- Picking up commercial recycling for free
- Hanging highway banners for free
- Circulating city council department head reports monthly (do quarterly instead)
- Workshop portion of council meetings unless needed (they run too long)
- Referencing the past as “we have always done it that way” (we can be more innovative)



## Continue

- Effective communication with customers/website
- Planning for the future
- Maintaining hiring standards
- Improving community amenities finding external funding sources
- Succession planning and cross-training
- Staff meetings
- Learning new ways of doing things
- Employee longevity and retention efforts
- Good customer service
- Acknowledging staff accomplishments
- Great teamwork
- Parks improvements/parks master plan
- Efforts on wayfinding program
- Replacing aged power lines
- Planning and engineering for downtown paving and drainage improvements
- Providing utilities to areas of anticipated future growth and development
- Planning for future industrial parks
- Accreditation for Police and Fire Departments

## Recommendations from Staff:

The following items were recommendations from staff to city council. Items that have a checkbox (R) had agreement of city council the following day. The one item with no checkbox was rolled to consideration for 2022.

- Create and adopt 5-7-year paving/resurfacing plan (roads and sidewalks)
- Lockhart Police Department to conduct Active Shooter training for all City staff and elected officials and review official safety procedures for council meetings
- Explore asking the county for grant writer assistance
- Establish fee schedule for fire plan reviews and inspections
- Considering increasing existing fees for applications and development fees
- Develop an Airport Business Plan
- Research options for additional records storage
- Transition staff department reports from monthly to quarterly
- Pursue agenda management process and software
- Streamline paper processes where possible/evaluate software options
  - Utility billing
  - Applications
  - Council, boards, commissions:
    - Packets
    - Minutes




## **Goal Development from City Council:**

The following items were items identified by council to move forward on for 2020-2021:




- Establish a Hospital with an Emergency Room in town
- Sell church property
- Create resources via Lockhart EDC for proactive outreach to quality builders for additional housing
- Create a Youth Advisory Board to explore options around youth programs/activities
- Adopt a TIF (tax increment financing) policy prior to project being submitted
- Implement downtown drainage improvements
- Develop fiber down 142, 183, and the Central Business District
- Traffic safety improvements: turn lanes and traffic lights
- Consider submitting a multi-year street bond program to voters
- Begin TXDOT safety projects
- Promote a Neighborhood Watch Program
- Promote beautification projects through teamwork
- Clean up trash/enforcement
- Enhance lower income districts/beautification efforts









## Progress Reporting

The following icons are used to document progress of the following goals and strategies:

 = Completed
 = On Target or In Progress
 = Not on Target

### Goal 1: Economic Development / Planning

Strategies	2019-2020 Progress	2020-2021 Progress
1. Continue to partner with LISD and local youth organizations to encourage careers in local emergency services (Fire and Police)	 Partner with Boy Scouts to develop Police Explorer Program. Fire personnel attend and participate in LISD career days.	
2. Better collaborate with downtown stakeholders and both Chambers of Commerce		
3. Complete updating our development ordinances	 Revised Engineering Standards – presented to Council January 2020. Subdivision Regulations to follow.	

<p>4. Consider development tools to facilitate attraction / recruitment to SH 130 corridor</p>	 IEDC business park development study completed. Future consideration by LEDC.	
<p>5. Bring utilities, assist assembling parcels, rezoning tracts along SH 130/142 and become shovel-ready</p>	 Mostly done. Site development will facilitate the remainder.	
<p>6. Pursue prospects and developers and create a BRE (business retention and expansion) program</p>	 Hiring a second Economic Development practitioner.	
<p>7. Start investing in more property for growth</p>	 IEDC study.	
<p>8. Explore next industrial park</p>	 IEDC study.	
<p>9. HOT (Hotel Occupancy Tax) Funds – board to develop and adopt new process to collect payments from B&amp;Bs</p>	 HOT Advisory Board created. Board training and funding processes under review.	
<p>10. Adopt and implement the Economic Development Strategic Plan (currently underway by Garner Economics) by Q4 2020</p>	 LEDC Board hired Garner Economics January 2020	
<p>11. Robust LEDC website</p>	 Underway with EDsuite contract.	
<p>12. Create resources via Lockhart EDC for proactive outreach to quality builders for additional housing</p>	<p><i>N/A Brand new/created in 2020</i></p>	







Strategies	2019-2020 Progress	2020-2021 Progress
13. Adopt a TIF (tax increment financing) policy prior to project being submitted	<i>N/A Brand new/created in 2020</i>	
14. Develop fiber down 142, 183, and the Central Business District	<i>N/A Brand new/created in 2020</i>	

**Goal #1 KPIs / Metrics:**

- Did we partner with LISD & other youth organizations to encourage emergency services careers?
- Did we collaborate with downtown stakeholders and both Chambers of Commerce?
- Did we completely update our development ordinances?
- Did we brainstorm development tools for SH-130 development?
- Did we bring utilities and assemble parcels along SH-130?
- Did we develop shovel-ready development sites?
- Did we market those sites to prospective investors?
- Did we develop plans for our next industrial park?
- Did we revamp the way HOT funds are structured?
- Did we develop and implement an Economic Development Strategic Plan?
- Did the Lockhart EDC revamp their website to better attract investment?
- # of quality home builders the Lockhart EDC proactively reached out to in 2020-2021? \_\_\_\_\_
- Did we adopt a new TIF policy?
- # of miles of new fiber optics laid in Lockhart in 2020-2021? \_\_\_\_\_



**Goal 2: Quality of Life / Quality of Facilities**

Strategies	2019-2020 Progress	2020-2021 Progress
1. Invest money to improve the appearance of our town (streets, parks, entry signs)	 Doubled street resurfacing funds in FY 20; Parks Master Plan projects.	
2. Conduct and implement a Space Study of City Buildings and facilities including City Hall	 Budget established for FY 20 Space Study. RFP under development.	
3. Improve the image of City facilities as needed and conduct cosmetic improvements in the meantime	 See No. 2 above.	
4. Update, renovate, and construct City facilities as needed, based on the space study. Realize that remodel of Central Fire Station is likely next.	 Electrical panel upgrade at the Water Treatment Plant; Budget established for FY 20 Space Study; Fire Station No. 2 completed.	
5. Implement the Parks Master Plan, improving the quality of life for the community. What is in Phase 2: splash pad, restroom renovations, dog park, picnic shelter upgrades, and tree planting initiatives	 Multiple Phase I projects underway.	
6. Conduct a citywide quality of life citizen survey and ask council to fund.	 Allocate funds in FY 20-21; assign project to PIO.	
7. Establish a Hospital with an Emergency Room in town	N/A Brand new/created in 2020	
8. Sell church property	N/A Brand new/created in 2020	
9. Create a Youth Advisory Board to explore options around youth programs/activities	N/A Brand new/created in 2020	
10. Implement downtown drainage improvements	N/A Brand new/created in 2020	

Strategies	2019-2020 Progress	2020-2021 Progress
11. Consider submitting a multi-year street bond program to voters	<i>N/A Brand new/created in 2020</i>	
12. Promote beautification projects through teamwork	<i>N/A Brand new/created in 2020</i>	
13. Clean up trash/enforcement citywide	<i>N/A Brand new/created in 2020</i>	
14. Enhance lower income districts with beautification efforts	<i>N/A Brand new/created in 2020</i>	

**Goal #2 KPIs / Metrics:**

\$ amount invested in streets in 2019? \$ \_\_\_\_\_

\$ amount invested in parks in 2019? \$ \_\_\_\_\_

\$ amount invested in gateway entry signs in 2019? \$ \_\_\_\_\_

\$ amount invested in streets in 2020? \$ \_\_\_\_\_







\$ amount invested in parks in 2020? \$ \_\_\_\_\_




\$ amount invested in gateway entry signs in 2020? \$ \_\_\_\_\_

Which facilities did we improve the image of? \_\_\_\_\_

- Did we implement elements of the Parks Master Plan?
- Did we secure quotes on a Space Study of City buildings including City Hall?
- # of City-owned buildings we renovated or retrofitted? \_\_\_\_\_
- Did we conduct a citywide quality of life citizen survey?
- Did we address levels of service based on the citizen responses we received?
- Did we address levels of satisfaction based on the citizen responses we received?
- Did we address areas for improvement based on the citizen responses we received?
- Did we court hospital providers?
- Did we sell the church property?
- Did we create a Youth Advisory Board?
- Did we implement downtown drainage improvements?
- Did we fully investigate issuing a street bond?
- Did we fully enforce trash clean up around town?
- Did we specifically target lower income neighborhoods for new beautification projects?

**Goal 3: Staffing / Personnel**

Strategies	2019-2020 Progress	2020-2021 Progress
1. Consider hiring additional personnel (engineer, IT, etc.)	 In FY 20, staffing levels were increased by 2 full-time and 1 part-time positions.	
2. Conduct a staffing study that includes evaluating efficiencies and compensation	 Classification and Compensation Study underway.	
3. Right size staffing levels city-wide based on study results	 No funding was allocated for such a study; discuss need/timing of study during FY 20-21 budget process.	
4. Consider starting salaries that compete with surrounding communities	 Classification and Compensation Study underway.	
5. Be consistent with staff development / policies / purchasing procedures	 Comprehensive Purchasing Policy under development (anticipated to be complete 1 <sup>st</sup> quarter of 2020). Revision of City Personnel Policy underway.	
6. Implement a staff development program (be consistent)	 House Bill 3834 mandated cybersecurity training for all employees with computer access and elected officials – cybersecurity training program underway.	

Strategies	2019-2020 Progress	2020-2021 Progress
7. Start developing / preparing current staff to take on leadership roles within the organization in the future. Work on succession planning: add Fire, add Electric, add Streets, and add Animal Control.	 Emphasis on leadership training for police personnel, cross training of job duties underway in Finance Department.	
8. Recruit and attract more bi-lingual staff	 No funding was allocated to recruit bi-lingual staff; explore possible options during FY 20-21 budget process and the classification and compensation study.	
9. Customer service / experience excellence training for the Utility and Planning Development teams	 Training budgeted item in FY 20 for Utility Customer Services staff.	

**Goal #3 KPIs / Metrics:**

# of new positions in 2019? \_\_\_\_\_

# of new positions in 2020 and 2021? \_\_\_\_\_

Did we perform a staffing efficiency/compensation study?

Did we right-size our salaries based on that study by the end of 2020?

Did we develop new consistent policies and procedures regarding professional development of staff?

Did we develop new consistent policies and procedures regarding purchasing/procurement?

Did we create and implement a new staff development program to ensure everyone has training opportunities?







Did we begin grooming current staff for future leadership roles?



How many staff do we have on a leadership track by the end of 2020?

# of new employees added in 2019 through 2021 who are bilingual? \_\_\_\_\_

Did we deliver Customer Experience Excellence training to every City employee?

**Goal 4: Procedures / IT Management and Services**

Strategies	2019-2020 Progress	2020-2021 Progress
1. Improve technology / create specific strategies to have better IT support based on Assessment results	 New outside IT management team hired; Strategic plan for current and emerging issues (cyber) near completion.	
2. Upgrade all technology-related issues as recommended – desktops, servers, software, equipment, and peripherals. \$100K will pay for equipment, \$20K is licensing agreement costs.	 City-wide replacement of desktops with current operating systems complete; new servers in current fiscal year.	
3. Create a 5-year rolling IT equipment replacement plan	 See above notes 1 and 2.	
4. Provide superior service by keeping technology up to date and being able to communicate with the public (keep an open line of communication through website.) Purchase next modules: INCODE	 New PIO hired. Increased social media updates. INCODE permits and inspections software module implemented to track permit and inspections progress; online access to permit applications and tracking underway.	
5. Upgrade the server system	 Desktop operating systems upgrade 100% complete. Server upgrades in progress.	
6. Streamline technology hardware, software processes within the City, based on Assessment recommendations	 Ongoing and FY 20-21.	



Strategies	2019-2020 Progress	2020-2021 Progress
7. Upgrade all equipment and software and be trained on specific software to be used to maximum potential and determine which staff will require which trainings.	 Current year 2020 departmental goal.	
8. Explore implementing downtown Wi-Fi	 To be addressed in 2020 or 2021. Explore options with the Downtown Business Association and both Chambers of Commerce.	





**Goal #4 KPIs / Metrics:**

- Did we secure top quality technology support across all departments by the end of 2020?
- Did we upgrade our desktop computers?
- % of employees who received upgraded computers by the end of 2020 (from 2018 numbers)? \_\_\_\_\_
- Did we upgrade our servers?
- Did we upgrade our computer software, subscriptions, and licenses?
- Did we upgrade our peripherals?
- Did we upgrade our other technology equipment?
- Did we establish an IT policy for updates and replacements that will keep us up-to-date from now through the future?
- Did we upgrade our City server system?
- Did we streamline our City technology processes?
- Did we secure training for staff to use all new equipment properly and efficiently?
- Did we investigate implementing WiFi throughout Downtown Lockhart?



**Goal 5: Public Safety**

Strategies	2019-2020 Progress	2020-2021 Progress
1. Provide quality public safety to all citizens of Lockhart		
a. Develop a specific Retention Strategy first	 City-wide classification and compensation study underway. <b>Fire:</b> Council approved 7% salary adjustment in FY 19-20. <b>Police:</b> all officers to attend leadership training, host ceremonial recognition events, retention strategy under development.	
b. Continue to implement hiring strategies we developed such as Fire and Police.	 <b>Fire:</b> Use of recruitment video; developing recruitment flyer for use with LISD and the public; career day with Lockhart High School students; Fire Chief to serve on LISD Career and Technical Education Advisory Committee. <b>Police:</b> In 2019, Lockhart Police Officers visited with police cadets attending the AACOG Academy and made presentations to 2 classes of prospective candidates. In 1 <sup>st</sup> quarter of 2020, LPD will make presentations to the CAPCOG Academy currently in progress.	

Strategies	2019-2020 Progress	2020-2021 Progress
c. Long-term public safety facility planning for Station #1.	 Completed Fire Station No. 2. Analysis and cost estimate to remodel and upgrade Fire Station No. 1 underway.	
d. Develop an equipment replacement schedule. Seek funding for existing equipment (fire apparatus and patrol cars) replacements.	 Developed an ambulance replacement schedule with Caldwell County and Seton. Upgrades to two-way radios (portables and mobiles) underway.	
e. Continue to ensure use of best practices / standards (research best practices, then implement)	 <b>Fire:</b> Fire Department is preparing an emergency management tabletop exercise for City staff. <b>Police:</b> Upgraded Police Officer body-worn cameras to 3 <sup>rd</sup> generation models.	
f. Evaluate Accreditation opportunities	 <b>Fire:</b> Reviewing the Texas Fire Chief’s Association (TFCA) accreditation process before formal enrollment. <b>Police:</b> Currently reviewing the 166 Texas Law Enforcement Best Practices. Will submit for recognition in the 3 <sup>rd</sup> quarter of 2020.	

Strategies	2019-2020 Progress	2020-2021 Progress
g. Traffic safety improvements: turn lanes and traffic lights	<i>N/A Brand new/created in 2020</i>	
h. Begin TXDOT safety projects	<i>N/A Brand new/created in 2020</i>	
i. Promote a Neighborhood Watch Program	<i>N/A Brand new/created in 2020</i>	

**Goal #5 KPIs / Metrics:**

# of new law enforcement officers hired in 2019? \_\_\_\_\_

# of new law enforcement officers hired in 2020? \_\_\_\_\_

# of new law enforcement officers hired in 2021? \_\_\_\_\_

% law enforcement officers retained? \_\_\_\_\_%

# of new firefighters hired in 2019? \_\_\_\_\_

# of new firefighters hired in 2020? \_\_\_\_\_

# of new firefighters hired in 2021? \_\_\_\_\_

% firefighters retained? \_\_\_\_\_%

- Did we develop a long-term public safety facilities plan?
- Did we develop a public safety equipment replacement schedule?
- Did we implement that new replacement schedule?
- Did we research and record best practices across the country regarding public safety policy?
- Did we make any modifications to our public safety policies based on that research?
- Did we explore and evaluate Accreditation opportunities?
- Did we implement new turn lane and traffic light improvements in 2020-2021?
- Did we begin the TXDOT safety projects?
- Did we proactively promote a Neighborhood Watch Program for Lockhart?

## **Conclusion**

At the end of the planning retreat, the facilitator reminded all the participants that these goals would only be achieved if they held true to their commitments today to implement these specific strategies and tactics.

She reminded them that they are one team working toward one vision. The city council and management team agreed to use this document regularly throughout 2020 and 2021 to track progress and measure accomplishments.



# City of Lockhart

2019-2020 Strategic Priorities

Prepared by:



# City of Lockhart

## Summary

On February 1 & 2, 2019 the City of Lockhart hosted two half-day planning sessions to develop goals and strategies for the next 2 years. Some of these goal areas were internal, whereas others were external. The following is the process used to reach the conclusions for the plan.

The process began with a preliminary phone meeting between the facilitator and Steve Lewis, City Manager, to go over key issues facing the City, understand the programs and projects underway through the community, and to prepare the agenda and format for the planning retreat.

The first portion of the strategic planning process began on Friday, February 1, 2019 with the City Manager and the City of Lockhart Management Team. The facilitator began by asking the Management Team participants what their expectations for discussion for the day were. She then took the team through a SWOT (Strengths, Weaknesses, Opportunities, & Threats) Analysis. The next group exercise was a brainstorm called Start/Stop/Continue that lists the things that need to begin happening, stop happening, and are mission-critical and must continue regardless of circumstances.

The facilitator then guided the Management Team through 2019-2020 goal and strategy development to recommend to the City Council the following day.

On Saturday, February 2, 2019, the City Council and City Manager convened to review, revise, and establish priorities related to the recommendations generated the day before by the Management Team. Prior to the review, the facilitator asked the City Council to list their expectations for discussion for the day.

The following are the results.



## Management Team Expectations for the Day's Discussion Topics

- That City Council will take what we say seriously
- Consider all staff in decisions
- Hear each other's goals
- Live by the plans we create / develop
- That Council develop goals / priorities based on sound data / research
- Focus
- Consider quality of life as over-arching goal
- Discuss business attraction vs. recruitment
- Being prepared for growth
- Facilities improvements
- Facilities maintenance
- How do we give back to those who need extra help?
- Smart land use practices
- Discuss Tourists/Tourism – what is there for kids to do while in town visiting family?

## City Council Expectations for the Day's Discussion Topics

- Capitalize on Tourism
- Discuss Wi-Fi
- Capitalize on BBQ Capital of Texas
- Cleaning up of unsightly properties (residential)
- Work in unity today
- Serve our community
- Focus
- To discuss Economic Development targeting technology jobs
- Industrial Park is full – now what?
- Cleaning up of City properties / facilities
- Actually implement our goals
- Discuss the direction of Economic Development
- Think bigger / think change / embrace change
- Develop our identity
- Attractive gateway signage
- Employee wages
- Technology infrastructure

## SWOT Analysis

The facilitator guided the participants through an analysis of their current Strengths, the current Weaknesses or Challenges they are facing, Opportunities that may come their way in the future, and Threats that are possible to occur in the future. Note that there are no right or wrong answers here and no implication of likelihood. This is simply a brainstorm of the opinions of the participants to get them thinking about goals in the next portion. The Management Team listed their responses first, then the City Council added additional items the following day.

### Strengths

- Historic district
- County seat
- BBQ Capital of Texas
- Location to highways
- Tourism
- Small town (family-oriented)
- Growing – room for more
- Desire to manage growth
- Good development process
- Proximity to Austin
- Comparable housing prices
- Existing capacity of utilities
- Easy mobility
- Economic Development Sales tax
- Clark Library
- Baker Theatre
- Ease of developing land (flat)
- Employees who experience long tenure
- Volunteers
- CTR (Chisholm Trail Roundup) & other local events
- Community support
- Recognizable court house
- Movies / film production (TFC)
- Long-term water planning
- High-level financial planning
- Competitive building / development fees
- “Real” city with well-managed growth
- New energy
- Proximity to large cities / airport
- New residents – new ideas – changing priorities
- Diversity
- First Friday Downtown Event

## Weaknesses / Challenges

- Incentives – Economic Development lack of use
- Technology – aging equipment and software
- Infrastructure
- Facilities – condition / maintenance
- Competitive salaries within region
- Training opportunities
  - Professional development
  - Budget
- Closed minds – have always done it this way
- Tourism
- Managing growth
- Need for succession planning
- Public perception influencing job applicant pool
- Weak tax base
- Limited in-town post-secondary educational opportunities
- Lack of retail
- Lack of entertainment (kids)
- Limited grocery options
- City-owned property
- College
- Venue / convention center
- Lack of hotels
- Entryways to community
- Not using TIF financing
- Emerging downtown organization
- How to effectively support increasing, ever-growing number of festivals
  - Create packages for vendors and festivals
- No city recreation programs
- In-kind services
- Very limited public transportation services
- Outdated web information
- Poor communication with citizens

## Opportunities

- Expand airport (hangars)
  - Install AWOS (Automated Weather Observing System)
- Improve working conditions of employees
- Proximity to Austin
- Implement first phase of parks master plan
- SH-130 has great properties but not city-owned property
- Undeveloped lots on Square and north / northwest of Square
- Long-tenured elected leadership
- Increase community involvement
- To develop positive relationship with County, School, and organizations
- Quality economic growth
- Franchise recreational or entertainment venues (theaters, bowling, outlets, concerts, water parks)
- Community college campus
- Increased communication needed with ISD for school planning, infrastructure, etc.
- Expand walking / biking opportunities for exercise and community involvement
- Lockhart Springs (natural spring)
- Lockhart State Park transfer to City
- Potential residential development around golf course
- Development within historic district
- School district growth
- Housing growth
- Business growth
- St. Paul Church and other redevelopment opportunities
- Hospital / medical facilities
- Public bathrooms downtown
- Develop Industrial Park
- More involvement with San Marcos Greater Partnership
- Partnership with Austin Chamber
- EDC \$ will go further today than in 2 years (spec buildings, parking)

## Threats

- Economic recession
- Voter turnout
- Government shutdown
- Citizen input
- Natural disaster
- Leadership in government
- Lack of economic development direction
- Competition from other cities
- Lack of resources
- Building maintenance
- Technology – cyber security
- Surging population
- Infrastructure improvement
- Maintaining reputation
- Planning without follow through
- Lack of educated workforce – skilled labor
- Crime
- Lack of workforce – people
- Retention and hiring
- Youth retention
- School quality
- Lack of industry
- Lack of racial unity
- Micro-managing
- Other utilities providers
- Homeless services – transportation
- Types of future growth

## Start/Stop/Continue

The facilitator guided the Management Team through an exercise that challenged them to brainstorm things that the City really needed to begin doing, what they should stop doing that could be a waste of resources, and what must they continue doing, regardless of circumstances. Below are their responses. Note that there are no right or wrong items; these are merely individuals' opinions about the things that should and shouldn't change in Lockhart. Just because one person has a certain opinion on a topic, that does not imply anyone else shared that opinion.

### Start

- Space allocation study
- Renovate City buildings – construct
- Downtown bathrooms
- Improve salaries – salary survey
- Staff development program / policies / procedures
- Consistency in purchasing
  - Revamp purchasing policy
- Replacing capital equipment / vehicles – vehicle fund
- Mandatory single stream recycling
- IT department, in-house City Engineer
- New technology in terms of equipment, network, server, software
- Re-assess who is in charge of downtown redevelopment
  - Name which entity (or entities) funds downtown redevelopment initiatives
  - Name which entity (or entities) manages downtown redevelopment initiatives
- 2020 Comprehensive Master Plan Update that includes a future land use plan and map



## Stop

- In-house utility billing (consider outsourcing)
- Outsourcing IT (consider bringing in-house)
- Repetitive useless paperwork (paperwork/policies must be updated and streamlined)
- Increasing overtime in fire and police (hire more to fix this issue)
- Using outdated equipment
- Hand -picking collections of recycled goods (business pick up)
- Laying asphalt driveway approaches for “free”
- Demolition of condemned houses – stop doing in-house (needs to be outsourced)

## Continue

- Meeting with County, City, School, Chamber, EDC
- Implementing 2020 Plan and Updates
- Attracting businesses – growth
- Providing superior service
- Redeveloping Downtown
- Implement Parks Master Plan
- Being a great place to work
- Public investments along SH-130
- Supporting festivals / movie projects
- Financial planning
- Embracing tourism

## Goal 1: Economic Development / Planning

Strategies
1. Partner with LISD and local youth organizations to encourage careers in local emergency services (Fire and Police)
2. Reassess who is in charge of managing and funding downtown development and tourism
3. Attract a post-secondary education campus / facility
4. Complete updating our development ordinances
5. Consider development tools to facilitate attraction / recruitment to SH 130 corridor
6. Bring utilities, assist assembling parcels, rezoning tracts along SH 130
a) Shovel ready
b) Pursue prospects
7. Start investing in more property for growth
8. Explore next industrial park
9. HOT (Hotel Occupancy Tax) Funds – revamp structure
10. Economic Development Strategic Plan
11. Robust LEDC website

***Goal #1 KPIs / Metrics:***

- Did we partner with LISD & other youth organizations to encourage emergency services careers?
- Did we reassess downtown development and tourism initiatives and who leads each?
- Did we initiate efforts to attract a post-secondary educational institution or facility to Lockhart?
- Did we completely update our development ordinances?
- Did we brainstorm development tools for SH-130 development?
- Did we bring utilities and assemble parcels along SH-130?
- Did we develop shovel-ready development sites?
- Did we market those sites to prospective investors?
- Did we develop plans for our next industrial park?
- Did we revamp the way HOT funds are structured?
- Did we develop and implement an Economic Development Strategic Plan?
- Did the Lockhart EDC revamp their website to better attract investment?

## Goal 2: Quality of Life / Quality of Facilities

Strategies
1. Invest money to improve the appearance of our town (streets, parks, entry signs)
2. Conduct a Space Study of City Buildings and facilities including City Hall
3. Improve the image of City facilities as needed
4. Update, renovate, and construct City facilities as needed
5. Implement the Parks Master Plan, improving the quality of life for community
6. Conduct a citywide quality of life citizen survey

### Goal #2 KPIs / Metrics:

\$ amount invested in streets in 2019 and 2020? \$ \_\_\_\_\_

\$ amount invested in parks in 2019 and 2020? \$ \_\_\_\_\_

\$ amount invested in gateway entry signs in 2019 and 2020? \$ \_\_\_\_\_

# of City facilities we improved the appearance of? \_\_\_\_\_

- Which facilities did we improve the image of?
- Did we implement elements of the Parks Master Plan?
- Did we secure quotes on a Space Study of City buildings including City Hall?
- How many City-owned buildings did we renovate or retrofit?
- Did we conduct a citywide quality of life citizen survey?
- Did we address levels of service based on the citizen responses we received?
- Did we address levels of satisfaction based on the citizen responses we received?
- Did we address areas for improvement based on the citizen responses we received?

### Goal 3: Staffing / Personnel

Strategies
1. Consider hiring additional personnel (engineer, IT, etc.)
2. Conduct a staffing study that includes evaluating efficiencies and compensations
3. Right size staffing levels city-wide based on study results
3. Consider starting salaries that compete with surrounding communities
4. Be consistent with staff development / policies / purchasing procedures
5. Implement a staff development program (be consistent)
6. Start developing / preparing current staff to take on leadership roles within the organization in the future
7. Bi-lingual staff
8. Customer service / experience excellence training

#### Goal #3 KPIs / Metrics:

# of new positions in 2019 and 2020? \_\_\_\_\_

- Did we perform a staffing efficiency/compensation study?
- Did we right-size our salaries based on that study by the end of 2020?
- Did we develop new consistent policies and procedures regarding professional development of staff?
- Did we develop new consistent policies and procedures regarding purchasing/procurement?
- Did we create and implement a new staff development program to ensure everyone has training opportunities?
- Did we begin grooming current staff for future leadership roles?
- How many staff do we have on a leadership track by the end of 2020?

# of new employees added in 2019 and 2020 who are bilingual? \_\_\_\_\_

- Did we deliver Customer Experience Excellence training to every City employee?



**Goal 4: Procedures / IT / Software and Hardware**

<b>Strategies</b>
1. Conduct a Technology Assessment that yields specific recommendations
2. Improve technology / create specific strategies to have better IT support based on Assessment results
3. Upgrade all technology-related issues as recommended – desktops, servers, software, equipment, and peripherals
4. Start replacing old equipment
5. Provide superior service by keeping technology up to date and being able to communicate with the public (keep an open line of communication through website)
6. Carefully weigh all the pros and cons of considering bringing IT in-house
7. Upgrade the operating system
8. Streamline technology hardware, software processes within the City, based on Assessment recommendations
9. Upgrade all equipment and software and be trained on specific software to be used to maximum potential
10. Explore implementing downtown Wi-Fi

**Goal #4 KPIs / Metrics:**

- Did we conduct a Technology Assessment?
- Did we secure top quality technology support across all departments by the end of 2020?
- Did we upgrade our desktop computers?  
% of employees who received upgraded computers by the end of 2020 (from 2018 numbers)? \_\_\_\_\_
- Did we upgrade our servers?
- Did we upgrade our computer software, subscriptions, and licenses?
- Did we upgrade our peripherals?
- Did we upgrade our other technology equipment?
- Did we establish an IT policy for updates and replacements that will keep us up-to-date from now through the future?
- Did we carefully weigh all the pros and cons of keeping IT outsourced vs. bringing it in-house?
- Did we upgrade our City operating system?
- Did we streamline our City technology processes?
- Did we secure training for staff to use all new equipment properly and efficiently?
- Did we investigate implementing WiFi throughout Downtown Lockhart?

## Goal 5: Public Safety

Strategies
1. Provide quality public safety to all citizens of Lockhart
a) Develop a specific Retention Strategy first
b) Develop a specific Hiring Strategy
c) Long-term public safety facility planning
d) Develop an equipment replacement schedule
e) Ensure use of best practices / standards (research best practices, then implement)
f) Evaluate Accreditation opportunities

### **Goal #5 KPIs / Metrics:**

# of new law enforcement officers hired in 2019?

# of new law enforcement officers hired in 2020?

% law enforcement officers retained?

# of new firefighters hired in 2019?

# of new firefighters hired in 2020?

% firefighters retained?

Did we develop a long-term public safety facilities plan?

Did we develop a public safety equipment replacement schedule?

Did we implement that new replacement schedule?

Did we research and record best practices across the country regarding public safety policy?

Did we make any modifications to our public safety policies based on that research?

Did we explore and evaluate Accreditation opportunities?

## Conclusion

At the end of the planning retreat, the facilitator reminded all the participants that these goals would only be achieved if they held true to their commitments today to implement these specific strategies and tactics.

She reminded them that they are one team working toward one vision. The participants agreed to use this document regularly throughout 2019 and 2020 to track progress and measure accomplishments.

**CITY COUNCIL FY 18-19 GOALS (FINAL COMBINED)**

**PRIORITY ORDER**

<b>COUNCILMEMBER</b>	<b>PRIORITY</b>	<b>FY 18-19 GOALS</b>
CASTILLO	1	Infrastructure Improvements: streets
GONZALES-SANCHEZ	1	Hire A City Manager
MCGREGOR	1	Economic development, creating and retaining jobs, grocery campaign.
MENDOZA	1	Pay Raise City Employees.
MICHELSON	1	Public relations position/ get the word out about Lockhart (promoting)
WESTMORELAND	1	Infrastructure Improvements: streets
WHITE	1	Economic development, creating and retaining jobs, grocery campaign.
CASTILLO	2	Economic development, creating and retaining jobs, grocery campaign.
GONZALES-SANCHEZ	2	All Department Heads to Budget Salary Increases for all City Employees.
MCGREGOR	2	Work with LISD to establish a community recreation center at the Adams Gym, per under Parks
MENDOZA	2	Economic development, creating and retaining jobs, grocery campaign.
MICHELSON	2	Signage in Lockhart (highway, downtown, and toll) / Wayfinding, branding,...)
WESTMORELAND	2	Signage in Lockhart (highway, downtown, and toll) / Wayfinding, branding,...)
WHITE	2	Public relations position
CASTILLO	3	Continued police community committee involvement, neighborhood watch, gang awareness
GONZALES-SANCHEZ	3	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods
MCGREGOR	3	Prepare Fire Station #3 (so we can have existing station remodeled)
MENDOZA	3	Continued police community committee involvement, neighborhood watch, gang awareness
MICHELSON	3	Prepare Fire Station #3 (so we can have existing station remodeled)
WESTMORELAND	3	More enforcement of codes directed at unsightly properties
WHITE	3	Wayfinding, branding, develop new entry sign and city markers
CASTILLO	4	City Facilities: Maintenance and repairs Economic Development: Recruit more businesses especially retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and specialty shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city.
GONZALES-SANCHEZ	4	Public relations position work with social media/ get the word out about Lockhart
MCGREGOR	4	Public relations position work with social media/ get the word out about Lockhart
MENDOZA	4	City Facilities: Maintenance and repairs

**CITY COUNCIL FY 18-19 GOALS (FINAL COMBINED)**

**PRIORITY ORDER**

<b>COUNCILMEMBER</b>	<b>PRIORITY</b>	<b>FY 18-19 GOALS</b>
MICHELSON	4	Refurbish City Hall inside (making it more inviting)
WESTMORELAND	4	Move forward with St Paul property project
WHITE	4	Park improvements- consider medium to long range plan for Town Branch development
CASTILLO	5	Affordable housing Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is a lot of training that is free
GONZALES-SANCHEZ	5	but a lot additional money for registration fees and course material.
MCGREGOR	5	Free public wifi on the square
MENDOZA	5	Parks improvements
MICHELSON	5	Continued police community committee involvement, neighborhood watch, gang awareness
WESTMORELAND	5	Angled parking downtown: N Main and N Commerce Sts(change during downtown drainage project)
WHITE	5	Continued police community committee involvement, neighborhood watch, gang awareness
CASTILLO	6	Wellness for employees





## CITY COUNCIL FY 18-19 GOALS

### Category Order and Comments by City Manager

Council agreed at February 13 meeting that each Councilmember will submit at least 5 category goals in priority order to the City Manager to be considered by Council at first meeting in March, 2018

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CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY FINAL LIST BY COUNCIL PRIORITIZED BY CATEGORY: SUBMIT TO CITY MGR BY MARCH 1 PLEASE	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY
		Improve communication between City and Chamber of Commerce	In-House	Chamber
		City Facilities	GF	City Bldgs
		Refurbish City Hall inside (making it more inviting)	Gen Fund	City Bldgs
		Prepare Fire Station 3 (so we can have main station remodeled)	Gen Fund	City Bldgs
		Hire A City Manager, Hire a City Manager that is Well Rounded and Experienced and Will Help our City to Continue to Grow for the right and positive reasons. To hire a City Manager that will allow our Department Heads to Grow and Improve Our Departments with their recommended suggestions not only from our department heads but from our employees. Working Smarter not Harder.	GF	City Manager
		More code enforcement of codes directed at unsightly properties	In-House	Code Enforc
		Continue demo of unsafe structures and pursue liens aggressively	GF	Code Enforc
		Convention Center. Our city is growing and there are too many events, programs and conferences that are going to other surrounding areas to have these events and those surrounding area businesses are benefitting and money is being spent in those areas instead on money being spent in our city. Granted, we do have meeting facilities in our city but these meeting facilities do not accommodate the number of people for the above events that have been mentioned.	GF	Convention Center
		Downtown improvements-lighting, pedestrian safety, south plaza idea? Sculpture? Sidewalk mosaics?	GF	Downtown
		Economic development, creating and retaining jobs, grocery campaign	general fund, LEDC	Econo Devl
		Economic Development		Econo Devl
		Expand economic development (by helping to spread the word & being more involved)	Gen Fund	Econo Devl
		Economic Development: Recruit more businesses especially retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and speciality shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city. Art Galleries and Music Venues have increased within our downtown area and though many many not appreciate these type of business and or venues, it is good for our downtown and its livelihood. Let's work on getting more of the speciality shops and boutiques in or around the square.	GF	Econo Devl
		Pay raise across the board	GF	Employees
		All Department Heads to Budget Salary Increases for all City Employees.	GF	Employees
		Wellness for employees	GF	Employees
		Employee: Possible additional Employee Holiday Time Off-Alternating System. Even though this has been discussed and the reasons for why it cannot be done, I would like to see a time off alternating system, especially during the holidays. I did appreciate that the city employees were allowed to stay home during our icy, sleet and snow days. The safety of our employees is very important.	GF	Employees
		Subdivision developemnt to attract more businesses to Lockhart. Increase the number of homes, apartments, housing. Our city is growing with new citizens wanting to make Lockhart their home but due to the number of housing available, they wait and or possibly lose interest.	GF	Housing
		Infrastructure	GF	Infrastructure
		Infrastructure improvement- uncurbed streets, street rehab	GF	Infrastructure
		Improve Streets (repairs)	In-House	Infrastructure

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY FINAL LIST BY COUNCIL PRIORITIZED BY CATEGORY: SUBMIT TO CITY MGR BY MARCH 1 PLEASE	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY
		Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	GF	Infrastructure
		Angled parking for N Main and N Commerce Streets (change during downtown project)	In-House	Parking Downtown
		Parking around and surrounding the square. Issues with larger vehicles parked in areas that are narrow and that make it hard to see oncoming traffic. Our city is growing and we have been very fortunate with our parking however, it is a concern especially when you have the bigger and wider trucks that are parked in an area that is for a moderate size car. It becomes a hazard and a blind spot when trying to reverse out of the parking space and a blind spot for any and all pedestrians.	GF	Parking Downtown
		Continue to work on City Park improvements	Gen Fund	Parks
		Revive all City parks	Grants	Parks
		Work with LISD to establish a community recreation center at Adams Gym, perhaps under Parks (PUBLIC HEALTH/PARKS)	General Fund/Parks & Rec	Parks
		Add 3 positions to the Parks Department, to help facilitate other improvements (PARKS)	General Fund/Parks & Rec	Parks
		Park improvements - consider medium to long range Town branch development	GF	Parks
		Develop a dog park as part of the Stueve Lane Monte Vista Tract (PARKS/ANIMAL SHELTER/PUBLIC HEALTH)	General Fund/Parks & Rec	Parks
		Parks Improvemens: Purchase and update the park equipment to provide safe and fun filled parks for all to use.	GF	Parks
		Start Planning for 2040 plan	GF	Planning
		Police	GF	Police
		Continued Police Community committee involvement, neighborhood watch, gang awareness	GF	Police
		Work with Police Department to bring back drug enforcement program	Gen Fund	Police
		Get back to Neighborhood Townhall Meetings	GF	Police
		Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is alot of training that is free but alot additional money for registration fees and course material. I am grateful that the Police Department did invest in our Drug Dog and is being utilized by the school as well.	GF	Police
		High School cadet programs for police, fire, EMS	GF	Police/Fire
		Public relations position to deal with social media	GF	Public Relations
		Get the word out about Lockhart (promoting, hiring a Public Relations person)	Gen Fund	Public Relations
		Sidewalk repair and expansion	GF	Sidewalks
		Signage in Lockhart (highway, downtown, and toll road)	Gen Fund	Signage
		Wayfinding, branding - develop new entry sign and city property markers	GF	Signage
		Move Forward with St Paul property project	In-House	St Paul Gift
		Develop an oral history project to support a future "Walking Tour" app for Lockhart (ECONOMIC DEV/DOWNTOWN)	General Fund/Fundraising	Tourism
		More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants). Added events, especially the events that are free to the public do very well for the city as well as for the businesses and tourism. I welcome new events to the city but need to be selective in the events that we do host.	GF	Tourism
		Create a Good Neighbor program (Lockhart Utility Customers can add an additional amount to utility bill to help others)	GF	Utility Customers

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY FINAL LIST BY COUNCIL PRIORITIZED BY CATEGORY: SUBMIT TO CITY MGR BY MARCH 1 PLEASE	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY
		Access to Municipal Court for Utility Payments	In-House	Utility Customers
		Free public wifi on the square as part of the redevelopment on the North side (ECONOMIC DEV/DOWNTOWN)	CAPCOG Grant?	Wifi
		Free public wifi on the square as part of the redevelopment on the North side	GF	Wifi

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
BW	7	Improve communication between City and Chamber of Commerce	In-House	Chamber	City Staff works together with Chambers on all their events by being a co-sponsor with many in-kind services. Robert Tobias attends their meetings and periodically makes presentations about Economic Development issues.
JC	4	City Facilities	GF	City Bldgs	Budget for roofs and major repairs
JEFF M	5	Refurbish City Hall inside (making it more inviting)	Gen Fund	City Bldgs	Working on it; repairs to ceiling in progress, restrooms to be refurbished and replace signage with more informative directions.
JEFF M	7	Prepare Fire Station 3 (so we can have main station remodeled)	Gen Fund	City Bldgs	New plans will be prepared working with new Chief who has different ideas than the previous Chief
AGS	1	Hire A City Manager. Hire a City Manager that is Well Rounded and Experienced and Will Help our City to Continue to Grow for the right and positive reasons. To hire a City Manager that will allow our Department Heads to Grow and Improve Our Departments with their recommended suggestions not only from our department heads but from our employees. Working Smarter not Harder.	GF	City Manager	I concur. The current City Mgr has rode back of garbage trucks, climbed electrical poles, worked water/sewer/asphalt/concrete projects, and has been a utility collections clerk, and during these experiences learned the value of suggestions for charge that comes from employees in such positions. All department heads/supervisors are encouraged to listen to employees who have constructive ideas that would benefit in performing assigned tasks. City Mgr has also learned there are employees who keep there hands in their pockets and talk while everyone else is working and these are the same ones who are often found to be dishonest in their paperwork, sleep on the job, and have a poor attendance record.
BW	1	More code enforcement of codes directed at unsightly properties	In-House	Code Enforc	Will continue to address as complaints come in and as found during investigation outings.
LW	8	Continue demo of unsafe structures and pursue liens aggressively	GF	Code Enforc	Will continue to address and City Attorney exploring process to recover demolition costs
AGS	11	Convention Center. Our city is growing and there are too many events, programs and conferences that are going to other surrounding areas to have these events and those surrounding area businesses are benefitting and money is being spent in those areas instead on money being spent in our city. Granted, we do have meeting facilities in our city but these meeting facilities do not accommodate the number of people for the above events that have been mentioned.	GF	Convention Center	HOT funds and/or Bond Issue. Maintenance funds will be a minimum of \$150,000 annually not including director's salary, utilities, and insurance.
LW	9	Downtown improvements-lighting, pedestrian safety, south plaza idea? Sculpture? Sidewalk mosaics?	GF	Downtown	CAPCOG/CO project will address
LW	1	Economic development, creating and retaining jobs, grocery campaign	general fund, LEDC	Econo Devl	Robert Tobias working with several companies now
JC	2	Economic Development	GF	Econo Devl	See above

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
JEFF M	3	Expand economic development (by helping to spread the word & being more involved)	Gen Fund	Econo Devl	Robert Tobias is involved with the San Marcos Partnership, local chambers, and with downtown businesses on a regular basis. Leads from the Governor's office and the Austin Chamber are also pursued as applicable.
AGS	4	Economic Development: Recruit more businesses especially retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and specialty shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city. Art Galleries and Music Venues have increased within our downtown area and though many not appreciate these type of business and or venues, it is good for our downtown and its livelihood. Let's work on getting more of the specialty shops and boutiques in or around the square.	GF	Econo Devl	The problem is that many of the property owners downtown do not have the funds to customize their buildings to support specialty shops which most the time are not willing to spend money on a building. Rob Tobias is exploring ways to address this issue.
JUAN M	1	Pay raise across the board	GF	Employees	Estimated Costs Including Benefits: For each 1% for non-civil service= \$52,000 For each 1% for civil service = \$28,000
AGS	2	All Department Heads to Budget Salary Increases for all City Employees.	GF	Employees	See above
JC	5	Wellness for employees	GF	Employees	City provides good health insurance (\$586 per month each) with wellness plans for employees; many Cities have stopped this benefit and only provide a stipend for insurance.
AGS	9	Employee: Possible additional Employee Holiday Time Off-Alternating System. Even though this has been discussed and the reasons for why it cannot be done, I would like to see a time off alternating system, especially during the holidays. I did appreciate that the city employees were allowed to stay home during our icy, sleet and snow days. The safety of our employees is very important.	GF	Employees	City employees with vacation leave and holiday time are off 23 days a year with pay which is more than a month of work days. The only holidays not given that we found are Columbus Day and Texas Independence Day. Employee safety is very important, however, some employees must come in to make conditions safe for residents and to respond to emergency conditions and that responsibility belongs to each department head who determines based on staff levels and skills time off during holiday times.
AGS	6	Subdivision development to attract more businesses to Lockhart. Increase the number of homes, apartments, housing. Our city is growing with new citizens wanting to make Lockhart their home but due to the number of housing available, they wait and or possibly lose interest.	GF	Housing	6 housing projects in place at different phases. City Manager recommended incentives to builders three years ago which Council approved and during the time it was in place it produced more housing. As a result, more engineering of subdivisions has begun.
JC	1	Infrastructure	GF	Infrastructure	\$400,000 or more yearly needed for streets
LW	2	Infrastructure improvement- uncurbed streets, street rehab	GF	Infrastructure	See above. It will take a major bond issue to address all streets that do not have curbs.
BW	3	Improve Streets (repairs)	In-House	Infrastructure	See above.



CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
AGS	3	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	GF	Infrastructure	For streets please see above. Brighter lighting is always a challenge in a city with so many trees. Lockhart still must comply with Senate Bill 5 which regulates power usage. Several cities have passed an ordinance that does not allow for the planting of trees within 15' of the right of way to improve lighting of streets and reduce tree trimming around power lines.
BW	4	Angled parking for N Main and N Commerce Streets (change during downtown project)	Ja-House	Parking Downtown	Scheduled with downtown improvements. Should also consider making 100 Blocks of N Main and N Commerce one-way and possibly consider other blocks downtown especially north/south streets.
AGS	10	Parking around and surrounding the square. Issues with larger vehicles parked in areas that are narrow and that make it hard to see oncoming traffic. Our city is growing and we have been very fortunate with our parking however, it is a concern especially when you have the bigger and wider trucks that are parked in an area that is for a moderate size car. It becomes a hazard and a blind spot when trying to reverse out of the parking space and a blind spot for any and all pedestrians.	GF	Parking Downtown	Scheduled with downtown improvements
JEFF M	2	Continue to work on City Park improvements	Gen Fund	Parks	Master Plan near complete
BW	2	Revive all City parks	Grants	Parks	Master Plan near complete
KM	2	Work with LISD to establish a community recreation center at Adams Gym, perhaps under Parks (PUBLIC HEALTH/PARKS)	General Fund/Parks & Rec	Parks	Mayor is visiting with LISD about this
KM	3	Add 3 positions to the Parks Department, to help facilitate other improvements (PARKS)	General Fund/Parks & Rec	Parks	Approx. \$100,000 to budget not including equipment and vehicles
LW	3	Park improvements - consider medium to long range Town branch development	GF	Parks	Bond issue needed
KM	4	Develop a dog park as part of the Stueve Lane Monte Vista Tract (PARKS/ANIMAL SHELTER/PUBLIC HEALTH)	General Fund/Parks & Rec	Parks	Estimate on this property is \$ 25000 using used fencing. Maintenance and insurance are also cost factors
AGS	8	Parks Improvements: Purchase and update the park equipment to provide safe and fun filled parks for all to use.	GF	Parks	Master Plan near complete
JUAN M	3	Start Planning for 2040 plan	GF	Planning	Needs to be done
JC	3	Police	GF	Police	Chief Pedraza is working on these issues. Recently issued update that was sent to Council.
LW	4	Continued Police Community committee involvement, neighborhood watch, gang awareness	GF	Police	See above
JEFF M	4	Work with Police Department to bring back drug enforcement program	Gen Fund	Police	See above
JUAN M	5	Get back to Neighborhood Townhall Meetings	GF	Police	Will get with Chief about this

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
AGS	5	Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is a lot of training that is free but a lot additional money for registration fees and course material. I am grateful that the Police Department did invest in our Drug Dog and is being utilized by the school as well.	GF	Police	Chief Pedraza reports that Lockhart has two certified mental health officers, and he feels there is sufficient funding for training. He also reports that a new Narcotics Officer would cost about \$90,000 for salary/benefits, training, a vehicle, and all required equipment.
LW	10	High School cadet programs for police, fire, EMS	GF	Police/Fire	Will visit with department heads again about this
LW	6	Public relations position to deal with social media	GF	Public Relations	Position would cost with benefits about \$45,000 annually and would need more tasks to perform.
JEFF M	6	Public relations position to deal with social media	GF	Public Relations	See above
LW	7	Sidewalk repair and expansion	GF	Sidewalks	Costs average about \$25 per linear foot
JEFF M	1	Signage in Lockhart (highway, downtown, and toll road)	Gen Fund	Signage	Wayfinding and Branding Committee in place
LW	5	Wayfinding, branding - develop new entry sign and city property markers	GF	Signage	See above
BW	5	Move Forward with St Paul property project	In-House General	St Paul Gift	Working on costs associated with this projects which involve asbestos/lead paint survey and possible abatement, ADA restrooms, ADA entry ramp, kitchen changes, and other repairs.
KM	5	Develop an oral history project to support a future "Walking Tour" app for Lockhart	Fund/Fundraising	Tourism	Could be part of the Wayfinding and Branding Committee tasks
AGS	7	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants). Added events, especially the events that are free to the public do very well for the city as well as for the businesses and tourism. I welcome new events to the city but need to be selective in the events that we do host.	GF	Tourism	Chambers receive HOT funds for tourism and City co-sponsors events that contribute to tourism.
JUAN M	4	Create a Good Neighbor program (Lockhart Utility Customers can add an additional amount to utility bill to help others)	GF	Utility Customers	Have pursued this in the past. Requires a Board or Committee that is willing to take on the tasks of selecting who and how much help can be provided to customers. Some Cities allocate the funds to existing organization that is willing to take on the project.
BW	6	Access to Municipal Court for Utility Payments	In-House	Utility Customers	Working to this; advertisements and office training needed.
KM	1	Free public Wi-Fi on the square as part of the redevelopment on the North side (ECONOMIC DEV/DOWNTOWN)	CAPCOG Grant?	Wi-Fi	County judge had indicated to Mayor that the County could do this.
JUAN M	2	Free public wifi on the square as part of the redevelopment on the North side	GF	Wifi	See Above

LOCKHART CITY COUNCIL FY 17-18 GOALS				
Category and Priority Order				
COUNCIL MEMBER	PRIORITY	GOALS IDENTIFIED BY COUNCIL FOR FY 17-18 (as submitted by Councilmembers)	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	CATEGORY
BH	3	Continue Improving City Cemetery	with GF Expiring debt saving and/or Cemetery Tax	CEMETERY
Jeff M	2	Refurbish City Hall in the inside (to make more inviting to the public) as well as doing some landscaping outside	General Fund	CITY BLDGS
BW	3	Spruce up and clean up City properties		CITY BLDGS
BH	4	Improve City Facilities Appearance		CITY BLDGS
JC	4	City Facilities		CITY BLDGS
AGS	10	Convention Center		CONVENTION CTR
JC	2	Crime		CRIME
AGS	4	Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is alot of training that is free but alot additional money for registration fees and course material.		CRIME
Jeff M	4	Work with Police Department to bring back drug enforcement program		CRIME
LW	8	Fund for helping utility customers in need	???	CUSTOMER SERV
BW	2	Continue to change angle parking downtown: 200 Blk S Main, 100 Blk N Main, 100 Blk N Commerce, 200 Blk E Market; little time and expense invovled	??	DOWNTOWN
LW	2	Downtown improvements,bathrooms, electric, pedestrian safety, beautification, wifi, lighting		DOWNTOWN
AGS	9	Parking around and surrounding the square. Issues with larger vehicles parked in areas that are narrow and that make it hard to see oncoming traffic		DOWNTOWN
LW	1	Expanding economic development department, budget, office, staff?, marketing	General fund, LEDC	ECCONOMIC DEV
AGS	3	Economic Development: Recurit more businesses especailly retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and speciality shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city.		ECCONOMIC DEV
JC	3	Economic Development		ECCONOMIC DEV
AGS	5	Subdivision development to attract more businesses to Lockhart.		ECCONOMIC DEV
JM	5	Set up meetings with developers for more retail space shopping centers along US 183		ECCONOMIC DEV

LOCKHART CITY COUNCIL FY 17-18 GOALS				
Category and Priority Order				
COUNCIL MEMBER	PRIORITY	GOALS IDENTIFIED BY COUNCIL FOR FY 17-18 (as submitted by Councilmembers)	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	CATEGORY
AGS	6	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants)		ECONOMIC DEV
AGS	1	All Department Heads to Budget Salary Increases for all City Employees.		EMPLOYEES
JM	1	City Employee Raises		EMPLOYEES
JM	2	House or fund gym membership/space (weight rm) in Senior Center area (cardio machine) for City employees		EMPLOYEES
AGS	8	Employee: Possible additional Employee Holiday Time Off-Alternating System. Even though this has been discussed and the reasons for why it cannot be done, I would like to see a time off alternating system, especailly during the holidays.		EMPLOYEES
BW	1	ENFORCE ordinances that pertain to unsightly properties all over town		ENFORCEMENT
Jeff M	1	Enforce city ordinance regarding residential property		ENFORCEMENT
Jeff M	3	Continue to work on City Park improvements		PARKS
JM	3	Do inventory of City properties to idenify areas for pocket parks	LEDC funds	PARKS
LW	3	Park improvements	General fund	PARKS
BH	5	Parks Improvements	General Fund	PARKS
JC	5	Parks		PARKS
AGS	7	Parks Improvemens: Purchase and update the park equipment to provide safe and fun filled parks for all to use.		PARKS
LW	7	Town branch cleanup and beautification	???	PARKS
JM	4	Start process of Funding Sidewalks east of 183 connecting to the US 183 sidewalks		SIDEWALKS
LW	6	sidewalk repair and expansion	general fund bond	SIDEWALKS
BH	1	IMPLEMENT SIGNAGE IN LOCKHART	General Fund (LEDC) and/or Hotel Tax	SIGNAGE
LW	4	wayfinding, branding	general fund	SIGNAGE
LW	5	Entry signs	general fund	SIGNAGE
Jeff M	6	Signage on Highway 183 and SH130 = directing people to Lockhart		SIGNAGE
BW	4	Pursue oppportunity to move Senior Citizens' Center to St Paul United Church of Christ Property		SR CITIZENS CTR
JC	1	Roads	Grants or impact fees	STREETS/INFRAS
AGS	2	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods		STREETS/INFRAS
BH	2	Continue improving City Streets	Increase Transportation Fund	STREETS/INFRAS
Jeff M	5	Continue to make improvements and redoing our city streets		STREETS/INFRAS

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

Priority	Council Person	Goals Submitted	City Manager Comments
1	Castillo	Infrastructure	Complete 2015 CO projects and need budget of \$250,000 per year for streets, continue water and sewer main replacements; continue electric distribution maintenance plan-get new substation on line. Replace bad water raw water mains and find additional water for the future.
1	Gonzales-Sanchez	Department Heads to Budget Salary Increases for city employees so that we can keep our current city employees.	Est Cost Per % Increase Annually: Gen Fund (Not Civil Serv) \$ 29,000; Gen Fund Civil Serv \$ 24,000; Other/Utilities: \$ 15,000- Add'l
1	Hilburn	Improve City Cemetery with GF Expiring debt saving and/or Cemetery Tax	Cemetery Tax up to 5 cents allowed by State Law. Expiring GF debt committed to Police and Fire increased pay rates. (\$132,000)
1	Mendoza	Find ways to use activity center for multi-purpose use. (basketball, volleyball). Funding source: Different companies in town	If approved by Council staff would approach local businesses
1	Michelson	Continue to improve infrastructure (drainage, street repairs) throughout the city	Complete 2015 CO and budget \$250,000 per year for street materials
1	Westmoreland	Enforce ordinances that pertain to unsightly properties all over town. Make homeowners/residents (because some may be renters) take pride in their environment. It is an eyesore to drive around town and see overgrown properties, junked cars, and stacks of trash on porches, in yards and driveways. All levels of socio-economic residents in this town have shown evidence of being disrespectful to their environment.	City has no esthetics ordinance currently. The term "unsightly" is subjective and is difficult to prove in court.
1	White	Economic Development-expanding budget to get staff qualified to help Sandra with recruitment, working with LEDC to either build Spec building or invest in more property, Main St program to relieve Sandra of a lot of those duties	Main Street Program would require another person and funding to work with local businesses while Economic Development would 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 9/30/18

Description		Paid Debt	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
<b>General Government</b>																					
<b>Hotel Tax Fund</b>																					
2016 GO Refunding			40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000								400,000
<b>Total Hotel Tax Fund P &amp; I</b>			-	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	-	-	-	-	-	-	-	400,000
<b>LEDC</b>																					
2015 Tax & Revenue	100.00%		48,093	48,044	48,103	48,152	63,645	63,670	63,513	63,543	63,555	63,643	63,687	65,647	65,544	65,575	65,482	65,579	65,538	65,676	1,048,596
<b>Total LEDC Fund P &amp; I</b>			48,093	48,044	48,103	48,152	63,645	63,670	63,513	63,543	63,555	63,643	63,687	65,647	65,544	65,575	65,482	65,579	65,538	65,676	1,048,596
<b>2015 Capital Projects Fund</b>																					
2015 Tax & Revenue																					-
<b>Total 2015 Capital Projects Fund Fund P &amp; I</b>			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Drainage</b>																					
2015 Tax & Revenue			100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	1,700,000
<b>Total Drainage Fund P &amp; I</b>			100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	1,700,000
<b>General Fund</b>																					
2015 Tax & Revenue																					-
<b>Total General Fund P &amp; I</b>			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Debt Service Fund</b>																					
2006 Tax & Rev CO's	100.00%		47,175	50,535	48,690	46,845															146,070
2006-A Tax & Rev CO's	93.00%		267,890	267,803	267,332	271,128															806,264
2015 Tax & Revenue	TRNSF		186,594	186,302	186,653	186,945	279,275	279,421	278,487	278,662	278,735	279,261	279,523	291,203	290,590	290,773	290,222	290,798	290,554	291,374	4,548,778
2015 Tax & Revenue	12.00%		117,779	117,659	117,803	117,923	155,867	155,927	155,543	155,615	155,645	155,861	155,969	160,769	160,517	160,592	160,365	160,602	160,502	160,831	2,567,990
2016 GO Refunding	74.84%		171,056	346,930	361,150	353,161	656,899	666,927	661,698	666,974	673,111	670,566	678,350	-	-	-	-	-	-	-	5,735,766
<b>Total Debt Service Fund P &amp; I</b>			790,494	969,229	981,628	976,002	1,092,041	1,102,275	1,095,728	1,101,251	1,107,491	1,105,688	1,113,842	451,972	451,107	451,365	450,587	451,400	451,056	452,205	13,804,868
<b>Total General Government</b>			<b>938,587</b>	<b>1,157,273</b>	<b>1,169,731</b>	<b>1,164,154</b>	<b>1,295,686</b>	<b>1,305,945</b>	<b>1,299,241</b>	<b>1,304,794</b>	<b>1,311,046</b>	<b>1,309,331</b>	<b>1,317,529</b>	<b>617,619</b>	<b>616,651</b>	<b>616,940</b>	<b>616,069</b>	<b>616,979</b>	<b>616,594</b>	<b>617,881</b>	<b>16,953,464</b>

Future Debt Payments as of 9/30/18

Description	Paid Debt	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
<b>Proprietary</b>																				
<b>Electric Fund</b>																				
2013 SIB Loan	30.81%	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,151	71,151	71,152			1,067,268
																				-
<b>Total Electric Fund P &amp; I</b>	-	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,151	71,151	71,152	-	-	1,067,268
<b>Water Fund</b>																				
2006A Tax & Rev CO's	7.00%	20,164	20,157	20,122	20,408															60,687
2015 Tax & Revenue	49.60%	486,818	486,322	486,917	487,413	644,248	644,496	642,909	643,207	643,331	644,223	644,670	664,510	663,468	663,778	662,842	663,822	663,406	664,800	10,614,362
2016 GO Refunding	21.81%	49,849	101,103	105,247	102,919	191,435	194,357	192,833	194,371	196,159	195,418	197,686	-	-	-	-	-	-	-	1,671,528
2013 SIB Loan	35.80%	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676			1,240,140
<b>Total Water Fund P &amp; I</b>	-	639,507	690,258	694,962	693,416	918,359	921,529	918,418	920,254	922,166	922,317	925,032	747,186	746,144	746,454	745,518	746,498	663,406	664,800	13,586,717
<b>Sewer Fund</b>																				
2015 Tax & Revenue	4.30%	42,204	42,161	42,213	42,256	55,852	55,874	55,736	55,752	55,773	55,850	55,889	57,609	57,518	57,545	57,464	57,549	57,513	57,643	920,197
2016 GO Refunding	3.35%	7,657	15,529	16,166	15,808	29,404	29,853	29,619	29,855	30,130	30,016	30,364	-	-	-	-	-	-	-	256,744
2013 SIB Loan	33.39%	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102			1,156,537
<b>Total Sewer Fund P &amp; I</b>		126,963	134,793	135,481	135,166	162,359	162,829	162,457	162,710	163,005	162,968	163,356	134,711	134,620	134,648	134,566	134,651	57,513	57,643	2,333,478
<b>Total Proprietary Fund P &amp; I</b>	-	837,621	896,203	901,594	899,733	1,151,869	1,155,510	1,152,026	1,154,116	1,156,323	1,156,436	1,159,539	953,049	951,915	952,253	951,236	952,301	720,919	722,443	16,987,463
<b>Grand Total</b>		<b>1,776,208</b>	<b>2,053,476</b>	<b>2,071,326</b>	<b>2,063,887</b>	<b>2,447,555</b>	<b>2,461,455</b>	<b>2,451,267</b>	<b>2,458,910</b>	<b>2,467,369</b>	<b>2,465,767</b>	<b>2,477,068</b>	<b>1,570,668</b>	<b>1,568,566</b>	<b>1,569,193</b>	<b>1,567,305</b>	<b>1,569,280</b>	<b>1,337,513</b>	<b>1,340,324</b>	<b>33,940,927</b>

City of Lockhart  
2015 BOND PROGRAM

Cost	Notes	Task Name	Duration	Start	Finish	2015												2016												2017											
						Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
\$14,124,890.00		<b>TOTAL PROJECT COST</b>				[Gantt chart showing total project duration from Feb 2015 to Jan 2017]																																			
\$2,068,024.00	1	<b>DRAINING IMPROVEMENTS CONTRACT 1 - Mesquite/Wichita Street &amp; Richland Drive</b>				[Gantt chart for Contract 1: Surveying Proposal (17 days, Fri 3/6/15 to Sun 3/22/15), Survey (30 days, Mon 3/23/15 to Tue 4/21/15), Acquisition (120 days, Wed 4/22/15 to Wed 8/19/15), Engineering Design (90 days, Wed 4/22/15 to Mon 7/20/15), Bid Ad/NTP (60 days, Tue 7/21/15 to Fri 9/18/15), Construction (180 days, Sat 9/19/15 to Wed 3/16/16)]																																			
\$1,999,200.00	2	<b>DRAINAGE IMPROVEMENTS CONTRACT 2 - Century Oaks/Market Street, &amp; Ash/Comal Streets</b>				[Gantt chart for Contract 2: Surveying Proposal (17 days, Fri 3/6/15 to Sun 3/22/15), Survey (30 days, Sat 4/25/15 to Sun 5/24/15), Acquisition (150 days, Mon 5/25/15 to Wed 10/21/15), Engineering Design (120 days, Mon 5/25/15 to Mon 9/21/15), Bid Ad/NTP (60 days, Tue 9/22/15 to Fri 11/20/15), Construction (180 days, Sat 11/21/15 to Wed 5/18/16)]																																			
\$3,394,038.00	3	<b>DRAINAGE IMPROVEMENTS CONTRACT 3 - Downtown Improvements Project</b>				[Gantt chart for Contract 3: Surveying Proposal (15 days, Sun 8/2/15 to Sun 8/16/15), Survey (45 days, Mon 8/17/15 to Wed 9/30/15), Engineering Design (180 days, Thu 10/1/15 to Mon 3/28/16), Bid Ad/NTP (60 days, Tue 3/29/16 to Fri 5/27/16), Construction (365 days, Sat 5/28/16 to Sat 5/27/17)]																																			
\$323,400.00	4	<b>DRAINAGE IMPROVEMENTS CONTRACT 4 - Medina &amp; US183 Project</b>				[Gantt chart for Contract 4: Surveying Proposal (15 days, Sun 11/1/15 to Sun 11/15/15), Survey (7 days, Mon 11/16/15 to Sun 11/22/15), Acquisition (90 days, Mon 11/23/15 to Sat 2/20/16), Engineering Design (60 days, Mon 11/23/15 to Thu 1/21/16), Bid Ad/NTP (60 days, Fri 1/22/16 to Mon 3/21/16), Construction (90 days, Tue 3/22/16 to Sun 6/19/16)]																																			
\$1,764,000.00	5	<b>FM 2001 ELEVATED TANK PROJECT</b>				[Gantt chart for Contract 5: Surveying Proposal (15 days, Sat 1/2/16 to Sat 1/16/16), Survey (15 days, Sun 1/17/16 to Sun 1/31/16), Acquisition (120 days, Mon 2/1/16 to Mon 5/30/16), Engineering Design (90 days, Mon 2/1/16 to Sat 4/30/16), Bid Ad/NTP (60 days, Sun 5/1/16 to Wed 6/29/16)]																																			

