

PUBLIC NOTICE

AGENDA

**LOCKHART CITY COUNCIL
and
LOCKHART ECONOMIC DEVELOPMENT CORPORATION**

TUESDAY, SEPTEMBER 5, 2017

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

6:30 P.M.

WORK SESSION (No Action)

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

DISCUSSION ONLY

- A. Discuss minutes of the City Council meeting of August 15, 2017. 50-58
- B. Discuss Memorandum of Understanding Agreement between the City of Lockhart and Connections which is a non-profit individual and family counseling agency funded by the United Way and Texas Network of Youth Services and appointing the City Manager to sign the agreements, if approved. 59-66
- C. Discuss Ordinance 2017-31 amending Chapter 20, Fire Prevention and Protection, to change, add or delete certain sections between Section 20-01 through Section 20-101 of the Code of Ordinances and adopting the International Fire Code, 2015 Edition with amendments. 67-116
- D. Discuss, after report by City Manager, the Insurance Services Office, Inc., (ISO) initial preliminary fire insurance classification ranking of 9/9X in April 2017, which has been upgraded to a much better classification of 4/4X by adopting new building and fire codes and appealing some of the initial gradings; this better classification tremendously helps residents and businesses that have insurance companies that use the ISO system to determine fire insurance rates. 117-126
- E. Discuss Ordinance 2017-32 amending Chapter 57, Transportation Infrastructure Utility fees, Section 57-1, Rates and Charges of Transportation Infrastructure Utility fees, providing a repealer, providing for publication, and establishing an effective date. 127-131
- F. Discuss Ordinance 2017-33 changing certain City Election polling places and changing the hours of early voting for the Joint Election of the City of Lockhart and Caldwell County to be held on November 7, 2017 in order to comply with the consolidation of precincts and polling places by Caldwell County. 132-144

WORK SESSION continued...

- G. Discuss Interlocal Cooperation Agreement between the Lockhart Police Department and the Lockhart Independent School District for two School Resource Officers for the 2017-2018 school year. 145-159
- H. Discuss use of up to \$100,000 of Unrestricted General Fund Balance for water and wind damages at the Clark Annex, Municipal Court, and Police Department buildings. 160-164
- I. Discuss request by Lockhart Partners II for an extension of the City's funding commitment in an amount not to exceed \$75,000 for drainage improvements on Maple Street east of The Meadows at Clearfork Phase III subdivision development, and appointing the City Manager to sign the letter of extension, if approved. 165-168
- J. Discuss Professional Services Agreement with Schneider Engineering to prepare all compliance documents required under recently passed Senate Bill 1004 which allows wireless networks to place network nodes in the public right-of-way on city-owned structures, mandates the necessity to update pole attachment policies, preparation of a technical design manual, and to identify areas to be exempt from small area cell deployment including but not limited to parks, residential, and historical district areas, and appointing the City Manager to sign the agreement, if approved. 169-186
- K. Discuss Resolution 2017-10 approving a Type 4B Project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, to fund up to \$393,000 for incentives to Lockhart Emergency Care Center, LLC. for infrastructure and other development related costs which are found by the Lockhart Economic Development Corporation (LEDC) Board of Directors to be allowable costs as an incentive to attract the business which will have an estimated initial investment of \$5.8 million excluding land and will initially create and maintain throughout the agreement a minimum of 30 full-time equivalent (FTE) jobs averaging \$30.00 per hour and have at least 39 FTE by the 10th year in business. (Second reading) 187-189
- L. Discuss proposed 380 Economic Development Program Agreement between the City of Lockhart and Lockhart Emergency Care Center, LLC whereby the company agrees to expand its business into the City of Lockhart and to invest an estimated \$5.8 million in buildings, equipment and infrastructure, excluding land, and to employ a minimum of thirty (30) new full-time equivalent (FTE) jobs with an average wage of \$30.00 per hour throughout the term of the agreement and employ at least 39 FTE jobs by the 10th year in exchange for property tax rebates potentially amounting to \$264,625 over a ten (10) year period. 190-198
- M. Discuss appointment of Parks Master Plan Steering Committee members at the September 19 meeting made up of Councilmembers, City staff, two Parks Advisory Board members, business and civic organization members, and other as determined by Council to serve as a sounding board for recommendations made by the consultant. 199-206
- N. Discuss appointment of a temporary ad-hoc committee to determine a priority list for possible uses of the donated St. Paul United Church of Christ property. 207
- O. Discussion and/or action to consider Resolution 2017-11 naming an individual as the City of Lockhart's nominee to fill a vacant position to the Board of Directors of the Caldwell County Appraisal District. 208-213
- P. Discuss the City Council's selection with up to 457 votes of a nominee or nominees to the Caldwell County Appraisal District (CCAD) Board of Directors for the Fiscal Year 2018-2019 period to be approved by a Council Resolution at the September 19, 2017 meeting. 214-222
- Q. Discuss re-appointments of Mayor Lew White and Councilmember John Castillo to the Capital Area Council of Governments General Assembly. 223

7:30 P.M. REGULAR MEETING

1. CALL TO ORDER

City Council - Mayor Lew White
Lockhart Economic Development Corporation – Fermin Islas

2. INVOCATION, PLEDGE OF ALLEGIANCE

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

3. CITIZENS/VISITORS COMMENTS

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

4. PUBLIC HEARING – DISCUSSION AND/OR ACTION - LOCKHART CITY COUNCIL AND LOCKHART ECONOMIC DEVELOPMENT CORPORATION

- A. Hold public hearings on the City of Lockhart and Lockhart Economic Development Corporation Fiscal Year 2017-2018 budgets. 7-21
- B. Presentation, discussion and/or action to consider approval of the Lockhart Economic Development Corporation's Multi-Year Financial Plan. 8

LOCKHART ECONOMIC DEVELOPMENT CORPORATION TO ADJOURN

LOCKHART CITY COUNCIL TO CONTINUE MEETING

- C. City Council to hold the first of two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding year by 6.062820 percent. 22-25

Announce that the date of the second public hearing will be September 19, 2017 at 7:30 p.m. and the vote on the tax rate will be September 26, 2017 at 6:30 p.m. at the Clark Library Annex – Council Chambers, 217 South Main Street, 3rd Floor, Lockhart, Texas 78644.

5. DISCUSSION

- A. Discussion regarding Resolution 2017-10 approving a Type 4B Project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, to fund up to \$393,000 for incentives to Lockhart Emergency Care Center, LLC. for infrastructure and other development related costs which are found by the Lockhart Economic Development Corporation (LEDC) Board of Directors to be allowable costs as an incentive to attract the business which will have an estimated initial investment of \$5.8 million excluding land and will initially create and maintain throughout the agreement a minimum of 30 full-time equivalent (FTE) jobs averaging \$30.00 per hour and have at least 39 FTE by the 10th year in business. (First reading)

26-49

6. **CONSENT AGENDA**

- A. Approve minutes of the City Council meeting of August 15, 2017. 50-58
- B. Approve Memorandum of Understanding Agreement between the City of Lockhart and Connections which is a non-profit individual and family counseling agency funded by the United Way and Texas Network of Youth Services and appointing the City Manager to sign the agreements, if approved. 59-66
- C. Approve Ordinance 2017-31 amending Chapter 20, Fire Prevention and Protection, to change, add or delete certain sections between Section 20-01 through Section 20-101 of the Code of Ordinances and adopting the International Fire Code, 2015 Edition with amendments. 67-116
- D. Approve, after report by City Manager, the Insurance Services Office, Inc., (ISO) initial preliminary fire insurance classification ranking of 9/9X in April 2017, which has been upgraded to a much better classification of 4/4X by adopting new building and fire codes and appealing some of the initial gradings; this better classification tremendously helps residents and businesses that have insurance companies that use the ISO system to determine fire insurance rates. 117-126
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- G. Approve Interlocal Cooperation Agreement between the Lockhart Police Department and the Lockhart Independent School District for two School Resource Officers for the 2017-2018 school year. 145-159
- H. Approve use of up to \$100,000 of Unrestricted General Fund Balance for water and wind damages at the Clark Annex, Municipal Court, and Police Department buildings. 160-164
- I. Approve request by Lockhart Partners II for an extension of the City's funding commitment in an amount not to exceed \$75,000 for drainage improvements on Maple Street east of The Meadows at Clearfork Phase III subdivision development, and appointing the City Manager to sign the letter of extension, if approved. 165-168
- J. Approve Professional Services Agreement with Schneider Engineering to prepare all compliance documents required under recently passed Senate Bill 1004 which allows wireless networks to place network nodes in the public right-of-way on city-owned structures, mandates the necessity to update pole attachment policies, preparation of a technical design manual, and to identify areas to be exempt from small area cell deployment including but not limited to parks, residential, and historical district areas, and appointing the City Manager to sign the agreement, if approved. [Form 1295=2017-09-05-28] 169-186

7. **DISCUSSION/ACTION ITEMS**

- A. Discussion and/or action to consider Resolution 2017-10 approving a Type 4B Project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, to fund up to \$393,000 for incentives to Lockhart Emergency Care Center, LLC. for infrastructure and other development related costs which are found by the Lockhart Economic Development Corporation (LEDC) Board of Directors to be allowable costs as an incentive to attract the business which will have an estimated initial investment of \$5.8 million excluding land and will initially create and maintain throughout the agreement a minimum of 30 full-time equivalent (FTE) jobs averaging \$30.00 per hour and have at least 39 FTE by the 10th year in business. (Second reading) 187-189
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- C. Discussion and/or action to consider appointment of Parks Master Plan Steering Committee members at the September 19 meeting made up of Councilmembers, City staff, two Parks Advisory Board members, business and civic organization members, and other as determined by Council to serve as a sounding board for recommendations made by the consultant. 199-206
- D. Discussion and/or action regarding appointment of a temporary ad-hoc committee to determine a priority list for possible uses of the donated St. Paul United Church of Christ property. 207
- E. Discussion and/or action to consider Resolution 2017-11 naming an individual as the City of Lockhart's nominee to fill a vacant position to the Board of Directors of the Caldwell County Appraisal District. 208-213
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- G. Discussion and/or action regarding re-appointments of Mayor Lew White and Councilmember John Castillo to the Capital Area Council of Governments General Assembly. 223
- H. Discussion and/or action regarding appointments to various boards, commissions or committees. 224-238
- I. Presentation, discussion and/or action regarding Fiscal Year 2017-2018 proposed budget, tax rate and related information.
- J. Discussion and/or action regarding maintenance, operational and capital budgets and funding possibilities.
- K. Discussion and/or action regarding Budget and Tax Rate Adoption Calendar, if necessary. 239-240

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

- Update: Work has begun by Smith Contracting on Ash, Comal, Pine Street drainage project putting in storm water system first.
- Update: Work has begun by Evans Constructions installation of the large wastewater main along the north side of the railroad tracks near SH 130, north of SH 142.
- Update: Work has begun on replacing the bad 18" raw water transmission main in the well fields.
- Update: Design/engineering work for the Jason K. LaFleur Sports Complex parking and field lighting is complete; City crew will do much of the parking lot work.
- Reminder: Diez Y Seis Celebration downtown Sept 15 and 16.
- Reminder: Movies in the Park
Sept 23, The Jungle Book (rescheduled from July rainout).
- Commend: All City employees that worked during the recent storm events.

9. COUNCIL AND STAFF COMMENTS – ITEMS OF COMMUNITY INTEREST

(**Items of Community Interest defined below)

10. ADJOURNMENT

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

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

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

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

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

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

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

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

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

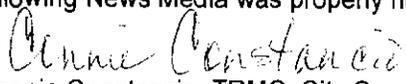
Section 551.087. To deliberate or discussion regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental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

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

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

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

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 13th day of September 2017 at 3:30 pm. I further certify that the following News Media was properly notified of this meeting as stated above: Lockhart Post-Register


Connie Constancio, TRMC, City Secretary



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY	Reviewed by Finance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: September 5, 2017			
Department: Finance		Initials	Date
Department Head: Jeff Hinson	Asst. City Manager		
Dept. Signature: <i>Jeff Hinson</i>	City Manager	<i>JH</i>	<i>8.31.17</i>
Agenda Item Coordinator/Contact (include phone #): Jeff Hinson / 398-3461 x232			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER			
CAPTION			
Public Hearing for the City of Lockhart and Lockhart Economic Development Corporation FY 2017-2018 Budgets.			
FINANCIAL SUMMARY			
x N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
The City Charter requires the City Council hold a public hearing for the Fiscal Year 2017-2018 City of Lockhart Budget.			
STAFF RECOMMENDATION			
N/A			
List of Supporting Documents: Main Funds Budget Summary, LEDC Budget and 3 Year Plan, Miscellaneous Funds Budget		Other Departments, Boards, Commissions or Agencies:	

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
MULTI-YEAR FINANCIAL PLAN**

	<u>FY 2016-2017 BUDGET</u>	<u>YTD ACTUAL 07/31/2017</u>	<u>FY 2017-2018 BUDGET</u>	<u>FY 2018-2019 BUDGET</u>	<u>FY 2019-2020 BUDGET</u>
Revenues					
Fund Balance Forward	\$ 1,981,524	\$ 2,048,391	\$ 2,590,000	\$ 476	\$ 3,845
Sales Tax	729,567	634,407	768,494 (1)	791,549	815,295
Other Income	73,140	60,937	73,140 (2)	73,140	73,140
Miscellaneous		1,776,957			
Interest	<u>4,000</u>	<u>10,287</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>
Total Revenues	<u>\$ 2,788,231</u>	<u>\$ 4,530,979</u>	<u>\$ 3,435,634</u>	<u>\$ 869,165</u>	<u>\$ 898,280</u>
Expenditures					
Salaries & Benefits	\$ 134,629	\$ 85,112	\$ 148,859	\$ 156,302	\$ 164,117
Audit, Financial & Accounting	2,500	-	4,000 (3)	4,400	4,840
Liability Insurance	6,000	-	4,000 (4)	4,200	4,410
Marketing & Public Relations	34,200	12,723	34,200 (5)	36,000	36,000
Legal Services	4,000	469	4,000 (6)	4,000	4,000
Contract Services	10,750	2,338	15,500 (7)	15,500	15,500
Computer Hardware/Software	3,600	4,137	3,600 (8)	4,500	4,500
Building Maint & Utilities	4,500	14,911	2,500 (13)	2,500	2,500
Dues & Subscriptions	15,510	13,553	15,465 (9)	17,500	18,500
Travel & Training	3,000	1,395	10,000 (10)	10,000	10,000
Administration	38,421	32,890	38,421 (11)	38,805	39,193
Transfer to Debt Service	48,093	14,246	48,093 (12)	48,093	48,093
Note Pmts	90,948	30,579	26,520 (14)	26,520	26,520
Park Project	-	6,324	- (15)	-	-
Economic Development	<u>2,390,000</u>	<u>1,196,297</u>	<u>3,080,000 (16)</u>	<u>497,000</u>	<u>510,000</u>
Total Expenditures	<u>\$ 2,786,151</u>	<u>\$ 1,414,974</u>	<u>\$ 3,435,158</u>	<u>\$ 865,320</u>	<u>\$ 888,173</u>
Encumbrances	<u>-</u>	<u>33,847</u>	<u>-</u>	<u>-</u>	<u>-</u>
Ending Fund Balance	<u>\$ 2,080</u>	<u>\$ 3,082,158</u>	<u>\$ 476</u>	<u>\$ 3,845</u>	<u>\$ 8,107</u>

Major Assumptions for 3 Year Plan:

- Sales Tax is based on the sales tax budgeted for the City.
- Lease Income
- Estimated audit fee.
- Estimated liability insurance for building.
- BRE, marketing/communications plan, other; joint marketing (\$10,000); special projects (\$10,000).
- Estimated legal fees.
- Landscaping (\$2,000), GSMP contract (\$10,000) and misc contract services (\$3500).
- ED Suite licensing, software and website improvement.
- GSMP (\$10,000), Lockhart Chamber (\$325), Hispanic Chamber (\$500), Austin Chamber (\$450), Opportunity Austin (\$2,000), Texas Downtown Association (\$245), Kiwanis (\$445) and contingency (\$1,500).
- Estimated travel and training costs to attend professional development conferences and marketing trips with GSMP and Opportunity Austin.
- City administrative charges consisting of 15% CM+ 5% FD salary & benefits, Rent (\$3600), Utilities (\$2400), Phones (\$1602) and Office Supplies (\$ 1371).
- Transfer to Debt Service Fund is for payment of the 2015 C.O. bonds.
- Estimated maintenance and utilities on building.
- Loan payments for buildings.
- Park improvements.

16. Economic Development Projects:	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
Debt	<u>33,847</u>			
Future Projects	<u>-</u>	<u>3,080,000</u>	<u>497,000</u>	<u>510,000</u>
Total	<u>\$ 33,847</u>	<u>\$ 3,080,000</u>	<u>\$ 497,000</u>	<u>\$ 510,000</u>

8

**100-GENERAL FUND
PROPOSED BUDGET
FISCAL YEAR 2017-2018**

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
REVENUE SUMMARY		
PROPERTY TAXES	3,525,392	3,172,771
OTHER TAXES	1,871,048	1,792,517
LICENSES & PERMITS	110,499	175,000
INTERGOVERNMENTAL	211,850	166,224
FINES & FEES	283,164	297,006
LEASES & RENTS	2,011	2,011
INTEREST	19,632	11,000
MISCELLANEOUS	58,340	44,000
OP TRANSFERS & OTHER REV	<u>3,327,850</u>	<u>2,953,967</u>
TOTAL REVENUES	<u>9,409,786</u>	<u>8,614,496</u>
EXPENDITURE SUMMARY		
GENERAL ADMINISTRATION		
MAYOR/COUNCIL	257,834	237,911
TAX	121,433	118,092
CITY MANAGER	381,506	354,692
ECONOMIC DEVELOPMENT	45,700	-
FINANCE	289,311	278,364
INFORMATION SYSTEMS	105,210	105,210
CIVIL SERVICE	<u>49,828</u>	<u>49,616</u>
TOTAL GENERAL ADMINISTRATION	<u>1,250,822</u>	<u>1,143,885</u>
HEALTH		
COMMUNITY FACILITY	<u>10,682</u>	<u>10,682</u>
TOTAL HEALTH	<u>10,682</u>	<u>10,682</u>

**100-GENERAL FUND
PROPOSED BUDGET
FISCAL YEAR 2017-2018**

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
PUBLIC SAFETY		
COMMUNICATIONS	537,815	523,310
ANIMAL CONTROL	316,028	334,137
MUNICIPAL COURT	248,879	227,412
POLICE	2,506,905	2,346,109
FIRE	<u>1,269,714</u>	<u>1,223,595</u>
TOTAL PUBLIC SAFETY	<u>4,879,341</u>	<u>4,654,563</u>
CULTURE & RECREATION		
LIBRARY	512,360	490,412
PARKS & RECREATION	<u>432,614</u>	<u>402,682</u>
TOTAL CULTURE & RECREATION	<u>944,974</u>	<u>893,094</u>
BUILDING & DEVELOPMENT		
PLANNING & DEVELOPMENT	334,413	310,102
BLDG INSP & ENFORCEMENT	<u>233,828</u>	<u>212,433</u>
TOTAL BUILDING & DEVELOPMENT	<u>568,241</u>	<u>522,535</u>
PUBLIC WORKS		
PUBLIC WORKS	178,209	175,100
GARAGE MAINTENANCE	196,878	184,821
CEMETERY	110,240	101,580
STREETS AND ROW	<u>986,201</u>	<u>757,315</u>
TOTAL PUBLIC WORKS	<u>1,471,528</u>	<u>1,218,816</u>
NON-DEPARTMENTAL		
NON-DEPARTMENTAL	<u>284,198</u>	<u>170,921</u>
TOTAL NON-DEPARTMENTAL	<u>284,198</u>	<u>170,921</u>
TOTAL EXPENDITURES	<u>9,409,786</u>	<u>8,614,496</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u>-</u>	<u>-</u>

**300-DEBT SERVICE
PROPOSED BUDGET
FISCAL YEAR 2017-2018**

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
<hr/>		
REVENUE SUMMARY		
<hr/>		
PROPERTY TAXES	685,808	658,181
INTEREST	-	-
OP TRANSFERS & OTHER REV	<u>386,206</u>	<u>386,272</u>
TOTAL REVENUES	<u>1,072,014</u>	<u>1,044,453</u>
EXPENDITURE SUMMARY		
<hr/>		
CONTRACTS & SERVICES	-	-
DEBT SERVICE	<u>1,085,477</u>	<u>1,088,508</u>
TOTAL EXPENDITURES	<u>1,085,477</u>	<u>1,088,508</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u><u>(13,463)</u></u>	<u><u>(44,055)</u></u>

**500-ELECTRIC UTILITY
 PROPOSED BUDGET
 FISCAL YEAR 2017-2018**

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
REVENUE SUMMARY		
SERVICES & FEES	10,575,546	11,934,943
MISCELLANEOUS	4,800	4,485
OP TRANSFERS & OTHER REV	130,000	130,000
INTEREST	1,800	2,339
TOTAL REVENUES	<u>10,712,146</u>	<u>12,071,767</u>
EXPENDITURE SUMMARY		
BILLING	767,290	695,194
DISTRIBUTION	1,225,235	1,270,530
NON DEPARTMENTAL	8,719,621	10,106,043
TOTAL EXPENDITURES	<u>10,712,146</u>	<u>12,071,767</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u><u>-</u></u>	<u><u>-</u></u>

**520-WATER UTILITY
PROPOSED BUDGET
FISCAL YEAR 2017-2018**

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
<hr/>		
REVENUE SUMMARY		
<hr/>		
SERVICES & FEES	3,117,616	3,147,329
INTEREST	4,500	5,285
MISCELLANEOUS	261,073	246,086
OP TRANSFERS & OTHER REV	-	-
TOTAL REVENUES	<u>3,383,189</u>	<u>3,398,700</u>
EXPENDITURE SUMMARY		
<hr/>		
WATER DISTRIBUTION	1,358,631	1,210,315
WATER TREATMENT	669,149	661,860
NON DEPARTMENTAL	<u>1,355,409</u>	<u>1,522,922</u>
TOTAL EXPENDITURES	<u>3,383,189</u>	<u>3,395,097</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u><u>-</u></u>	<u><u>3,603</u></u>

540-WASTEWATER UTILITY
PROPOSED BUDGET
FISCAL YEAR 2017-2018

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
<hr/>		
REVENUE SUMMARY		
<hr/>		
SERVICES & FEES	2,132,168	2,235,530
MISCELLANEOUS	-	-
INTEREST	4,500	2,840
TOTAL REVENUES	<u>2,136,668</u>	<u>2,238,370</u>
EXPENDITURE SUMMARY		
<hr/>		
WASTEWATER COLLECTION	702,334	421,836
WASTEWATER TREATMENT	697,131	841,418
NON DEPARTMENTAL	737,203	827,946
TOTAL EXPENDITURES	<u>2,136,668</u>	<u>2,091,200</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u><u>-</u></u>	<u><u>147,170</u></u>

560-SOLID WASTE UTILITY
 PROPOSED BUDGET
 FISCAL YEAR 2017-2018

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
REVENUE SUMMARY		
SERVICES & FEES	1,609,483	1,464,247
INTEREST	2,000	1,242
MISCELLANEOUS	6,850	13,161
TOTAL REVENUES	<u>1,618,333</u>	<u>1,478,650</u>
EXPENDITURE SUMMARY		
HAND COLLECTIONS	845,038	808,596
BIN COLLECTIONS	462,331	442,482
RECYCLING	56,145	32,829
LANDFILL	700	750
NON DEPARTMENTAL	254,119	193,993
TOTAL EXPENDITURES	<u>1,618,333</u>	<u>1,478,650</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u><u>-</u></u>	<u><u>-</u></u>

**570-EMERGENCY MEDICAL SERVICE
PROPOSED BUDGET
FISCAL YEAR 2017-2018**

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
<hr/>		
REVENUE SUMMARY		
<hr/>		
INTERGOVERNMENTAL	-	-
FINES & FEES	1,179,290	1,179,290
INTEREST	-	-
OP TRANSFERS & OTHER REV	-	-
	<hr/>	<hr/>
TOTAL REVENUES	<u>1,179,290</u>	<u>1,179,290</u>
EXPENDITURE SUMMARY		
<hr/>		
EMS OPERATIONS	1,179,290	1,179,290
NON DEPARTMENTAL	-	-
	<hr/>	<hr/>
TOTAL EXPENDITURES	<u>1,179,290</u>	<u>1,179,290</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u><u>-</u></u>	<u><u>-</u></u>

580-AIRPORT
PROPOSED BUDGET
FISCAL YEAR 2017-2018

	<u>PROPOSED BUDGET</u>	<u>FY 2016-2017 BUDGET</u>
<hr/>		
REVENUE SUMMARY		
<hr/>		
FINES & FEES	73,234	73,234
INTEREST	50	50
OP TRANSFERS & OTHER REV	-	-
TOTAL REVENUES	<u>73,284</u>	<u>73,284</u>
EXPENDITURE SUMMARY		
<hr/>		
AIRPORT OPERATIONS	36,573	21,573
NON DEPARTMENTAL	-	-
TOTAL EXPENDITURES	<u>36,573</u>	<u>21,573</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u><u>36,711</u></u>	<u><u>51,711</u></u>

**SPECIAL REVENUE FUNDS
FY 2017-2018
PROPOSED BUDGETS**

	Fund #	Beginning Fund Balance	Revenue	Expenditures	Ending Fund Balance
Radio Comm Tower Replacement	205	64,289	\$ 500	\$ (64,789)	\$ -
Sidewalk Fund	213	31,816	300	(32,116)	-
Miscellaneous Special Revenue	215	147,936	50,000	(197,936)	-
Forfeited Property	218	3,656	3,500	(7,156)	-
Hotel Motel Occupancy	220	1,000	100,000	(101,000)	-
TCEQ NPS Grant	221	5,897	30	(5,927)	-
Road Impact Fee	222	458,927	50,000	(508,927)	-
Revolving Loan	225	259,279	2,000	(261,279)	-
Court Technology	230	8,186	5,000	(13,186)	-
Radio System Maintenance	231	116,576	215,000	(331,576)	-
Court Security	240	11,053	4,000	(15,053)	-
Road Impact Fee 2	242	5,228	50,000	(55,228)	-
Child Safety	245	18,818	2,500	(21,318)	-
Court Efficiency	250	9,359	1,000	(10,359)	-
Juvenile Case Manager	251	8,800	5,500	(14,300)	-
Truancy Court	252	352	150	(502)	-
Lockhart Industrial Park	261	316,972	1,500	(318,472)	-
Cable Education Fund	262	13,161	7,000	(20,161)	-
Transportation	270	113,422	390,000	(503,422)	-
Drainage	275	24,191	180,000	(204,191)	-
LEOSE Fund	280	14,256	4,000	(18,256)	-
TOTAL SPECIAL REVENUE FUNDS		\$ 1,633,174	\$ 1,071,980	\$ (2,705,154)	\$ -

**CAPITAL FUNDS
FY 2017-2018
PROPOSED BUDGETS**

	Fund #	Beginning Fund Balance	Revenue	Expenditures	Ending Fund Balance
Meadows @ Clearfork Sec B Detn	408	4,134	17,550	(21,684)	-
Meadows @ Clearfork Sidewalk	409	3,127	13,200	(16,327)	-
09 Cert of Oblig	414	353,799	2,500	(356,299)	-
Series 2015 Capital Proj	416	5,237,102	35,000	(5,272,102)	-
TOTAL CAPITAL FUNDS		\$ 5,598,162	\$ 68,250	\$ (5,666,412)	\$ -

**MISC UTILITY FUNDS
FY 2017-2018
PROPOSED BUDGETS**

	Fund #	Beginning Fund Balance	Revenue	Expenditures	Ending Fund Balance
Electric Distribution Upgrades/Ext	503	\$ 1,334,612	\$ 210,000	\$ (1,544,612)	\$ -
Electric Mitigation Fund	505	651,610	250,000	(901,610)	-
Electric - 183 Relocation	509	198,308	200	(198,508)	-
2008 Water Development	522	558,406	4,000	(562,406)	-
Water Impact Fee	525	425,164	40,000	(465,164)	-
Series 2015 Water Proj	526	8,118,897	50,000	(8,168,897)	-
2008 Wastewater Develop	542	53,523	500	(54,023)	-
Wastewater Impact Fee	545	494,241	40,000	(534,241)	-
Series 2015 W Wtr Proj	546	618,534	4,000	(622,534)	-
Wastewater - 183 Relocation	549	14,206	100	(14,306)	-
Solid Waste Grants	569	-	20,000	(20,000)	-
TOTAL MISC UTILITY FUNDS		\$ 12,467,501	\$ 618,800	\$ (13,086,301)	\$ -

**TRUST AND AGENCY FUNDS
FY 2017-2018
PROPOSED BUDGETS**

	Fund #	Beginning Fund Balance	Revenue	Expenditures	Ending Fund Balance
Glosserman Trust	700	\$ 512	\$ 2	\$ (514)	-
Bicycle Helmet	720	1,061	4,000	(5,061)	-
Brock Cabin	725	1,197	5	(1,202)	-
Police Evidence Property	730	2,473	22	(2,495)	-
TOTAL TRUST AND AGENCY FUNDS		\$ 5,243	\$ 4,029	\$ (9,272)	-



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY	Reviewed by Finance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: September 5, 2017			
Department: Finance		Initials	Date
Department Head: Jeff Hinson	Asst. City Manager		
Dept. Signature: <i>Jeff Hinson</i>	City Manager	<i>JH</i>	<i>8.31.17</i>
Agenda Item Coordinator/Contact (include phone #): Jeff Hinson / 398-3461 x232			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER			
CAPTION			
City Council will hold the first of two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding year by 6.062820 percent. The date of the second public hearing will be September 19, 2017 at 7:30 p.m. and the vote on the tax rate will be September 26, 2017 at 6:30 p.m. at the Clark Library Annex – Council Chambers, 217 South Main St., 3 rd Floor, Lockhart, TX 78644.			
FINANCIAL SUMMARY			
x N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
This is the first of two public hearings concerning the increase of tax revenues. These public hearings are required by state law if your proposed tax rate exceeds the effective tax rate.			
STAFF RECOMMENDATION			
N/A			
List of Supporting Documents: Publication Notices		Other Departments, Boards, Commissions or Agencies:	

Notice of Public Hearing on Tax Increase

The City of Lockhart will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 6.062820 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on September 5, 2017 at 7:30 PM at Clark Library Annex-Council Chambers, 217 South Main St. 3rd Floor, Lockhart, TX.

The second public hearing will be held on September 19, 2017 at 7:30 PM at Clark Library Annex-Council Chambers, 217 South Main St. 3rd Floor, Lockhart, TX.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR:	Lew White-Mayor, Angie Gonzales Sanchez-Mayor Pro-Tem, Jeffry Michelson-Councilmember, Benny Hilburn-Councilmember, Brad Westmoreland-Councilmember, John Castillo-Councilmember, Juan Mendoza-Councilmember
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AGAINST:
 PRESENT and not voting:
 ABSENT:

The average taxable value of a residence homestead in City of Lockhart last year was \$116,851. Based on last year's tax rate of \$0.733300 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$856.87.

The average taxable value of a residence homestead in City of Lockhart this year is \$127,370. If the governing body adopts the effective tax rate for this year of \$0.684500 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$871.85.

If the governing body adopts the proposed tax rate of \$0.726000 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$924.71.

Members of the public are encouraged to attend the hearings and express their views.

* "Appraised value" is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code.
 ** "New property" is defined by Section 26.012(17), Tax Code.
 *** "Taxable value" is defined by Section 1.04(10), Tax Code.

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2017 Property Tax Rates in City of Lockhart

This notice concerns 2017 property tax rates for City of Lockhart. It presents information about three tax rates. Last year's tax rate is the actual rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers can start tax rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$3,181,993
Last year's debt taxes	\$685,661
Last year's total taxes	\$3,867,654
Last year's tax base	\$454,092,363
Last year's total tax rate	0.733300/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$3,330,758
÷ This year's adjusted tax base (after subtracting value of new property)	\$486,558,656
= This year's effective tax rate	0.684500/\$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate and/or enhanced indigent health care expenditures)	\$2,740,279
÷ This year's adjusted tax base	\$486,558,656
= This year's effective operating rate	0.563100/\$100
× 1.08 = this year's maximum operating rate	0.608100/\$100
+ This year's debt rate	0.118300/\$100
= This year's rollback rate	0.726400/\$100

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Statement of Increase/Decrease

If City of Lockhart adopts a 2017 tax rate equal to the effective tax rate of 0.684500 per \$100 of value, taxes would increase compared to 2016 taxes by \$ 117,011.

Schedule A: Unencumbered Fund Balances:

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
Maintenance & Operations	1,715,121
Interest & Sinking Fund	0

Schedule B: 2017 Debt Service:

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
2006 Tax & Revenue Co's	40,000	7,175	0	47,175
2006A Tax & Revenue Co's	227,850	40,040	0	267,890
2009 Tax & Revenue Co's	101,668	4,422	0	106,090
2015 Tax & Revenue Co's	50,400	67,379	0	117,779
2016 60 Refunding	0	171,056	0	171,056
Total required for 2017 debt service				\$709,990
- Amount (if any) paid from funds listed in Schedule A				\$0
- Amount (if any) paid from other resources				\$0
- Excess collections last year				\$136,207
= Total to be paid from taxes in 2017				\$573,783
+ Amount added in anticipation that the unit will collect only 96.000000% of its taxes in 2017				\$23,908
= Total Debt Levy				\$597,691

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 211 Bufkin Ln., Lockhart, TX 78644.

Name of person preparing this notice: Vicki Schneider

Title: Deputy Tax Assessor/Collector

Date prepared: August 2, 2017

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CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: September 5, 2017			
Department: Lockhart Economic Development		Initials	Date
LEDC Director: Robert Tobias	Asst. City Manager		8-18-2017
Dept. Signature:	City Manager		
Agenda Item Coordinator/Contact (include phone #): Robert Tobias Cell: 512-376-0856			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION NO. 2017-10 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE 4B PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, TO FUND UP TO \$393,000 FOR INCENTIVES TO LOCKHART EMERGENCY CARE CENTER, LLC FOR INFRASTRUCTURE AND OTHER DEVELOPMENT RELATED COSTS WHICH ARE FOUND BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) BOARD OF DIRECTORS TO BE ALLOWABLE COSTS AS AN INCENTIVE TO ATTRACT THE BUSINESS WHICH WILL HAVE AN ESTIMATED INITIAL INVESTMENT OF \$5.8 MILLION EXCLUDING LAND AND WILL INITIALLY CREATE AND MAINTAIN THROUGHOUT THE AGREEMENT A MINIMUM OF 30 FULL TIME EQUIVALENT JOBS AVERAGING \$30.00 PER HOUR AND HAVE AT LEAST 39 FTE BY THE 10 TH YEAR IN BUSINESS (<i>FIRST READING</i>)			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS TOTALS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
The Board of Directors of the LEDC wish to work with the City of Lockhart in a cooperative effort to use up to \$393,000.00 of 4B funds for infrastructure and other development related costs to construct a facility that will require an estimated initial investment of \$5.8 million and will create and maintain throughout the five-year agreement a minimum of 30 full time equivalent jobs averaging \$30.00 per hour and have a minimum of 39 FTE by the 10 th year in business. LEDC approved the original project on January 11, 2017, after a public hearing. There was no opposition voiced by the public. LEDC amended the project name and reduced the incentives on August 22, 2017. LEDC has determined that the funds could be used under its discretion to promote or develop new or expanded business enterprises that create or retain jobs. (<i>A SECOND READING IS REQUIRED BEFORE COUNCIL CAN VOTE ON THIS</i>)			
STAFF RECOMMENDATION			
First reading to take place regarding Resolution No. 2017-10 of The City of Lockhart, Texas approving a Type 4B Project under Section 4B of The Texas Economic Development Corporation Act Of 1979, Amended, to Fund up to \$393,000 for infrastructure and other related development costs.			
List of Supporting Documents: <ul style="list-style-type: none"> • Resolution No. 2017-10 • LEDC Draft Minutes • LEDC Resolution No. 2017-08 • LEDC Performance Agreement 	Other Departments, Boards, Commissions or Agencies: Lockhart Economic Development Corporation		

The information on this project was provided during the work session. Two readings of the Resolution No. 2017-10 are required if the Type 4B project is approved.

RESOLUTION NO. 2017-10

A RESOLUTION OF THE CITY COUNCIL OF LOCKHART, TEXAS APPROVING FUNDING UP TO \$393,000 CONTINGENT ON CREATING AND MAINTAINING A MINIMUM OF 30 NEW FTE JOBS WITH AN AVERAGE ANNUAL WAGE OF \$30,000 FOR THE LOCKHART EMERGENCY CARE CENTER, LLC PROJECT AS RECOMMENDED BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, FOR THE BUILDING, INFRASTRUCTURE, AND RELATED IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN NEW JOBS.

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

WHEREAS, Lockhart Economic Development Corporation (LEDC) proposes project in an amount not to exceed \$393,000 in funds for building, infrastructure and other costs associated with this development to initially create and maintain a minimum of 30 new FTE jobs with an average hourly wage of \$30.00 and to have at least 39 FTE by the 10th year in business; and

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

WHEREAS, the LEDC held a public hearing and discussed and approved this project on January 11, 2017

NOW, THEREFORE, BE IT RESOLVED, by the Lockhart City Council as follows:

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

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

The LEDC shall reimburse incentives up to \$393,000 for building, infrastructure and other development costs as set out in attached EXHIBIT A, and subject to the conditions set out herein and in Chapter 501, 504, and 505 of the Texas Economic Development Corporation Act of 1979 and subject to conditions stated in LEDC Performance Agreement.

SECTION 3. That the Lockhart Economic Development Corporation proposes the project to the Lockhart City Council for approval of building, infrastructure and related improvements and professional services in an amount not to exceed \$393,000 in consideration of initially creating and maintaining a minimum of 30 new FTE jobs with an average hourly wage of \$30.00 and to have at least 39 FTE by the 10th year in business and for the development and retention which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart City Council held on this 5TH day of September , 2017.

City of Lockhart

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

CITY OF LOCKHART

380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT
Revised Scope 8-15-2017

This Economic Development Agreement (“Agreement”) is made and entered into by and between THE CITY OF LOCKHART, TEXAS (“City”), a Texas home-rule municipal corporation, and Lockhart Emergency Care Center, LLC, a Texas limited liability company.

RECITALS

LECC desires to expand and locate its new facility in the City of Lockhart and to participate in the Economic Development Program established in this Agreement.

LECC intends to make a total investment of more than \$5.8 million in equipment, personal property, inventory, real property, and improvements to real property over the 10 year period of this Agreement.

City desires to establish the Economic Development Program outlined herein and offer incentives to LECC to locate its facility in the City.

City is authorized by §380.001, et seq., Texas Local Government Code, to promote state and local economic development and to stimulate business and commercial activity within the City. City has determined that a substantial economic benefit and the creation of new opportunities of employment will accrue to the City and the surrounding area if its facility is successfully developed on the Property.

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

AGREEMENTS

Section 1. Recitals

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

Section 2: Term

The term of this Agreement shall be ten (10) years from the 1st day of _____ next following the date of execution of this Agreement.

Section 3. City Requirements

(a) In consideration of LECC's agreement to locate its expansion facility within the City and to perform the other acts hereinafter described, City agrees:

To rebate to LECC an amount of money each year equal to a percentage of the property tax paid for the facilities and improvements by LECC during that year according to Attachment A (\$5.8 million excluding land) and the following schedule:

Year 1	75%
Year 2	75%
Year 3	75%
Year 4	75%
Year 5	75%
Year 6	50%
Year 7	50%
Year 8	50%
Year 9	50%
Year 10	50%

The total City property tax rebate shall not be more than. \$264,625 during the ten (10) year period and not more than the amount stated for each year in Attachment A. Tax rebates on any existing buildings and real property are not allowed.

Section 4. LECC's Requirements

Company hereby agrees that it will pay lawful City property taxes on or before January 31 of each year of this ten (10) year agreement and the Company will submit within 90 days of January 31 a rebate request for applicable City taxes paid and provide sufficient proof in the form of payroll registers that all job requirements have been satisfied. Failure to submit the rebate request with all required paperwork within the 90 days will result in no City rebate for the period of time under consideration.

In consideration of the City agreeing to perform the foregoing, LECC agrees:

- (a) To locate an expansion facility within the City that will employ the Full Time Equivalent (FTE) of thirty employees (30) from the date that LECC opens for business throughout the term of this agreement and also agrees to have at least 39 (FTE) employees by the 10th year of this agreement. The term "Full Time Equivalent," as used in this Agreement, shall mean employment worked by one or more people during a calendar year that is equal to a total of 2080 hours. The average wage of the FTE employees shall not be less than \$30.00 per hour.
- (b) To employ a minimum of thirty (30) FTEs after the time period described in section 4(a) above, and to continue employing at least that number for the term of this Agreement, provided however that LECC shall be allowed a twenty-five percent (25%) grace factor in the number of FTE employees

employed in any single year, or thirty (30) FTE employees, during the term of this Agreement as a condition of receiving the reimbursement payment from the City pursuant to Section 3(a) for that year. In the event that the average FTEs drops below the grace factor number of thirty (30) FTEs in any year, LECC will forfeit the reimbursement payment described in Sections 3(a) above for that year without affecting any other act or incentive agreed to by City.

- (c) To keep current in the payment of taxes owed to any taxing jurisdiction in which the Property is located.

Section 5. Recapture/Termination

(a) In the event that LECC begins operating at its facility in the City, but subsequently discontinues operating such facility for any reason, excepting fire, explosion or other casualty or accident or natural disaster or other event beyond the reasonable control of LECC for a period of 180 days during the term of this Agreement, then in such event the City will no longer be obligated to expend any further funds for sales tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sections 3(a) of this Agreement within 30 days of the expiration of the 180 days.

(b) In the event that LECC shall fail to repay the City within 30 days of the date such repayment is due, LECC hereby agrees that the City may place a lien on the property where its expanded facility is located for full payment of such monies. The burden shall be upon LECC to prove to the satisfaction of the City that the discontinuance of operating the distribution facility was as a result of fire, explosion, or other casualty or accident or natural disaster or other event beyond the control of LECC. In the event LECC meets this burden and the City is satisfied that the discontinuance of the operation of the its facility was the result of events beyond the control of LECC, then LECC shall have a period of one (1) year in which to resume the operation of its facility.

(c) In the event that LECC fails to resume its operations at the facility within one (1) year, then in such event the City will no longer be obligated to expend any further monies for tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sections 3(a) of this Agreement within 30 days of the expiration of the one year period. In the event that LECC shall fail to repay the City within 30 days of the date such repayment is due, LECC hereby agrees that the City may place a lien on the Property for full payment of such monies.

(d) In the event that LECC allows ad valorem taxes on property, or business personal property, or inventory owed to the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, then in such event the City will no longer be obligated to expend any further monies for sales tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sections 3(a) of this Agreement within 30 days of such event. In the event that LECC shall fail to repay the City within 30 days of the date such

repayment is due, LECC hereby agrees that the City may place a lien on the property where the facility is located for full payment of such monies.

(e) In the event that LECC relocates the business to a location outside of the City of Lockhart, then in such event the City will no longer be obligated to expend any further monies for tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sections 3(a) of this agreement within 30 days of the relocation. In the event that LECC shall fail to repay the City within 30 days of the date such repayment is due, LECC hereby agrees that the City may place a lien on the property to which LECC has relocated its facilities for full payment of such monies.

(f) In the event that the City determines that LECC is in default of any of the terms or conditions contained in this Agreement, then in such event the City shall give LECC thirty (30) days written notice to cure such default. In the event such default is not cured to the satisfaction of the City within the thirty (30) days notice period, then in such event the City will no longer be obligated to expend any further monies for tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sects 3(a) of this Agreement within 30 days of the default. In the event that LECC shall fail to repay the City within 30 days of the date such repayment is due, LECC hereby agrees that the City may place a lien on the property where its is located for full payment of such monies.

Section 6. Certification of Compliance

On or before March 1 of each year that this Agreement is in effect, LECC shall certify in writing to the City its compliance with all provisions of this Agreement. Such certification shall include any and all documentation required by the City establishing that LECC has met the annual employment requirement for the previous year and that all taxes related to the Property have been paid in full as required by law. The City, at any reasonable time, shall have the right to review any and all records of LECC related to the provisions of this Agreement.

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

(a) Any controversy or claim arising out of or relating to this Agreement or the breach of this Agreement shall be settled by alternative dispute resolution. City and LECC expressly waive any statutory or other legal requirement that may exist for serving notices or engaging in alternative dispute resolution prior to doing so.

(b) In the event that the claim or controversy is not settled by alternative dispute resolution, or in the event the parties are unable to agree upon an alternative dispute resolution agreeable to both parties, this Agreement shall be enforceable by law in a court of competent jurisdiction according to the laws of the State of Texas. Venue shall lie in Caldwell County, Texas. The prevailing party in any litigation arising out of this Agreement shall be entitled to recover its reasonable and necessary costs and attorney's fees from the non-prevailing party pursuant to applicable law.

Section 8. Entire Agreement

This Agreement contains the entire agreement between the City and LECC with respect to the transactions contemplated herein. This Agreement may be amended, altered, or revoked only by written instrument signed by the City and LECC.

Section 9. Successors and Assigns

This Agreement may not be assigned to any third party by LECC without the written consent of the City; no reasonable request that protects the interests of the City will be denied. In the event of such assignment or in the event of legal succession of LECC's interest in this Agreement by operation of law, this Agreement shall be binding on and inure to the benefit of such assign or successor.

Section 10. Notices

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

Lockhart Emergency Care Center, LLC:

Brian Johnson
Chief Operating Officer
Lockhart Emergency Care Center, LLC
22100 Bulverde Road
Suite 108
San Antonio, Texas 78259

City:

City Manager, City of Lockhart
308 W. San Antonio
P.O. Box 239
Lockhart, TX 78644

Section 11. Interpretation

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

Section 12. Severability

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

Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

Section 13. Mutual Assistance

City and LECC agree to do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____ day of _____, 2017.

THE CITY OF LOCKHART :

ATTEST:

Lew White, Mayor

Connie Constancio, TRMC, City Secretary

Lockhart Emergency Care Center, LLC:

Brian Johnson
Representing Lockhart Emergency
Care Center, LLC.

Chief Operating Officer
Title

State of Texas)
)
County of Caldwell)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Lew White, known to me to be the Mayor of the City of Lockhart, Texas.

Notary Public

My Commission expires:

State of Texas)(
)(
County of Caldwell)(

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Brian Johnson, known to me to be the Chief Operating Officer of Lockhart Emergency Care Center, LLC

Notary Public

My Commission expires:

Lockhart Emergency Care Center, LLC
LEDC New Project Incentives
Aug 15, 2017

ATTACHMENT A

<u>Type</u>	<u>Est Up To</u>	<u>Reimbursement Notes</u>
Impact Fees	\$ 40,000	Road, Water, Sewer Impact Fees
Bldg Permit Fees	\$ 18,000	<u>Based on \$5.8 million dollar facility</u>
Utility Taps	\$ 5,000	Water, Sewer, Electric
Transformers (primary)	\$ 30,000	Electric Service
Infrastructure (other)	\$ 300,000	*Drainage and other infrastructure
Total Potential Incentives	\$ 393,000	

* All potential incentives subject to approval by governing entities which will consider the investment amount and the number of new jobs created including their average wage. 30 jobs initially and 34 jobs at end of 5th year with average wage of \$30 per hour

* \$100,000 Toward City Line Road realignment

LG

for infrastructure improvements and related development costs that are required or suitable for the development, retention, or expansion of facilities to promote or develop new or expanding business enterprises, and to create and maintain new jobs.

Mr. Rodgers presented the LEDC Board with an overview of the new project and its scope, as well as an outline of the total incentives reducing the total amount proposed to \$393,000.

Tim Condon stated that based on the past projects that he has been involved with, that the incentive package is fair and proportional. He stated they are pleased with the efforts Lockhart is making to bring this facility to town.

Mr. Rodgers presented and reviewed the layouts of the building noting that the prior project was two stories. The new project being proposed is one story. This new facility will house an emergency room and imaging facility. On the other side of the facility will be an acute care facility. The emergency care facility will be open 24 hours a day. The urgent care will close late in the evening.

Mr. Condon noted that there is sufficient land on the 16-acre tract on which to expand or build complementary healthcare facilities.

Mr. Rodgers stated there is a requirement that this project must be started within 18 months of the approval of the Resolution and Performance Agreement.

Motion to approve LEDC Resolution 2017-08

Motion: Frank Estrada Second: Alfredo Munoz Vote: 6 of 6

Mr. Rodgers stated there was a typo in the Performance Agreement. The requirement should be 30 jobs. The Performance Agreement in the packet noted 35 jobs.

Motion to approve the Performance Agreement as amended

Motion: Alfredo Munoz Second: Nic Irwin Vote 6 of 6

- D.** Discussion and/or action regarding sponsorship of up to \$10,000 for certain marketing and promotion initiatives for a planned Western Swing Festival to be held in the spring of 2018.

Mr. Tobias presented background information on a meeting that was held regarding this event that has been held in San Marcos for a number of years. He noted that the initial budget for this San Marcos event was \$35,000. He stated over the years the budget was cut and is most recently been reduced to \$5,000. So the event coordinator has reached out to Lockhart officials to explore relocating this event here.

Mr. Islas stated that the City already has a number of annual events already taking place in Lockhart. He expressed concerns regarding businesses having to close due to these events taking place, as well as what the money was going to be used for and what would happen to the profits. There was discussion from others.

Mr. Islas directed Mr. Tobias to bring more information back to the LEDC Board to decide in the future.

3. DISCUSSION ONLY

- A. Joint meeting with Lockhart City Council on the proposed LEDC Fiscal Year 2017-2018 budget on September 5, 2017.

Mr. Hinson reminded the LEDC board of the joint meeting with the City to conduct a Public Hearing related to the proposed LEDC budget. The board is required to vote on this matter and was asked to arrive near 7:30pm. He also noted once this action is taken, the board is free to leave.

4. **ADJOURN**

Motion to adjourn

Motion: Nic Irwin _____ *Second: Alfredo Munoz* _____ *Vote: 6 of 6*

Minutes approved this the _____ day of _____, 201____.

Fermin T. Islas, Chairman

Vance Rodgers, President, LEDC

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2017-08**

A RESOLUTION OF THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) FOR FUNDING UP TO \$393,000 FOR THE LOCKHART EMERGENCY CARE CENTER, LLC, PROJECT UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR INFRASTRUCTURE IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN NEW JOBS

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

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

WHEREAS, LEDC proposes project in an amount not to exceed \$393,000.00 in funds for infrastructure improvements and other costs associated with the development to create new jobs; and

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

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

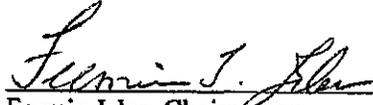
SECTION 1. The facts and findings described in the preamble of this resolution are incorporated herein as if fully set out.

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

The LEDC shall pay up to \$ 393,000.00 for infrastructure and other development costs subject to the conditions as set out in Exhibit A Economic Development Performance Agreement attached hereto and in Chapters 501, 504, and 505 of the Texas Economic Development Corporation Act of 1979.

PASSED AND ADOPTED at a meeting of the Lockhart Economic Development Corporation held on this 22 day of Aug, 2017.

Lockhart Economic Development Corporation



Fermin Islas, Chairperson



Vance Rodgers, President

Attest:



Robert Tobias, Secretary

EXHIBIT A

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT

This Economic Development Performance Agreement ("Agreement") is made and entered into by and between THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION OF LOCKHART, TEXAS ("LEDC"), a Type B Economic Development Corporation, and Lockhart Emergency Care Center, a Texas limited liability corporation referenced as LECC in this document.

RECITALS

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

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

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

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

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

AGREEMENTS

Section 1. Recitals

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

Section 2: Term

The term of this Agreement shall be three (3) years from the 1st day of the month following the beginning of business operations by LECC. When used hereafter, the phrase "duration of this Agreement" shall mean the term as defined above.

Section 3. LEDC Requirements

In consideration of LECC agreement to locate its business within the City and to perform the other acts hereinafter described, LEDC agrees it will pay up to \$393,000 for building, infrastructure, and other associated development costs which will create 30 FTE jobs with an average annual wage of \$50,000 per year which are subject to the conditions set out herein and in Chapter 505 of the Local Government Code (formerly Section 4B, of the Texas Economic Development Corporation Act of 1979). The amount of financial benefit that LECC will retain from the LEDC project funds is subject to the number of jobs created, as described in 4(c) below and as stated in Attachment A attached hereto and part of the Agreement.

Section 4. LECC: Requirements

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

- (a) To locate, purchase land, and invest a minimum of \$5.8 million to construct a building, other improvements, and equipment within 18 months of approval by LEDC.
- (b) To employ a minimum of thirty (30) Full Time Equivalent ("FTE") employees from the date that LECC opens for business and to continue employing at least that number thereafter until the end of the term of this Agreement. The term "Full Time Equivalent," as used in this Agreement, shall mean employment worked by one or more people during a calendar year that is equal to a total of at least 2,080 hours; provisions in Attachment A are applicable.
- (c) Pursuant to Section 3, the yearly proportion of financial benefit that LECC will retain from the LEDC project funds expended will be determined by the number of FTE employees during each year of the agreement divided by thirty (30) up to 100%. The minimum number of FTE employees that must be maintained from Year One (1) through Year Three (3) of this Agreement to retain all of the financial benefit is thirty (30); provisions in Attachment A are applicable.
- (d) Pursuant to Attachment A requirements for jobs and investment, LECC will submit reimbursement requests with sufficient proof as stated in the attachment within 90 days after being open 1 year, within 90 days after being open 2 years, and within 90 days after being open 3 years. Failure to submit the reimbursement requests within the day periods will result in no reimbursement.
- (e) To keep current in the payment of taxes owed to any taxing jurisdiction in which the Property is located.

Section 5. Recapture/Termination

(a) In the event that LECC begins operating its business, but subsequently discontinues operating its business in such for any reason (a "Business Interruption"), except as a result of fire, explosion, or other casualty or accident, force majeure or other natural disaster, war or civil unrest, a taking under eminent domain, regulatory restrictions of any applicable governmental entity which makes conduct of the LECC illegal or economically untenable, or other event beyond the reasonable control of LECC: (the "Business Interruption Exceptions") for a period of more than one hundred eighty (180) days during the duration of this Agreement, then in such event LECC shall be required to repay to LEDC any monies expended by the LEDC under Section 3 of this Agreement within thirty (30) days of written demand therefore following the expiration of such period.

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

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

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

Section 6. Certification of Compliance by LECC

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

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

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

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

Section 8. Entire Agreement

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

Section 9. Successors and Assigns

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

Section 10. Notices

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

Lockhart Emergency Care Center, LLC.:

Brian Johnson
Chief Operating Officer
Lockhart Emergency Care Center, LLC.
22,100 Bulverde Road
Suite 108
San Antonio, Texas 78259

Lockhart Economic Development Corporation:

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

Section 11. Interpretation

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

Section 12. Severability

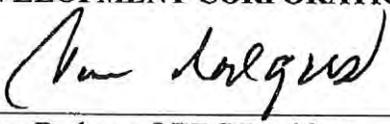
In the event that any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then and in that event it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this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

Section 13. Mutual Assistance

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

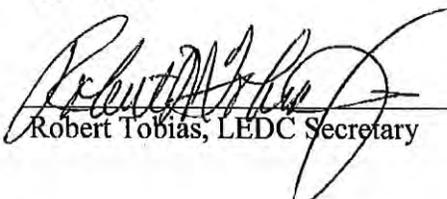
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the 22 day of Aug., 2017.

**THE LOCKHART ECONOMIC
DEVELOPMENT CORPORATION:**



Vance Rodgers, LEDC President

ATTEST:



Robert Tobias, LEDC Secretary

**LOCKHART EMERGENCY CARE CENTER
, LLC**

Brian Johnson, Chief Operating Officer

State of Texas)
)
County of Caldwell)

The foregoing instrument was acknowledged before me this 22nd day of August, 2017, by Vance Rodgers, known to me to be the President of the Lockhart Economic Development Corporation of Lockhart, Texas.



Connie Constancio
Notary Public State of Texas

My Commission expires:
May 25, 2021

State of Texas)
)
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Brian Johnson, known to me to be the Chief Operating Officer of Lockhart Emergency Care Center, a Texas Limited Liability Corporation, acting on behalf of such corporation.

Notary Public State of Texas

My Commission expires:

**Lockhart Emergency Care Center, LLC
LEDC New Project Incentives
Aug 15, 2017**

ATTACHMENT A

<u>Type</u>		<u>Est Up To</u>	<u>Reimbursement Notes</u>
Impact Fees	\$	40,000	Road, Water, Sewer Impact Fees
Bldg Permit Fees	\$	18,000	<u>Based on \$5.8 million dollar facility</u>
Utility Taps	\$	5,000	Water, Sewer, Electric
Transformers (primary)	\$	30,000	Electric Service
Infrastructure (other)	\$	300,000	*Drainage and other infrastructure
Total Potential Incentives	\$	393,000	

* All potential incentives subject to approval by governing entities which will consider the investment amount and the number of new jobs created including their average wage. 30 jobs initially and 34 jobs at end of 5th year with average wage of \$30 per hour

* \$100,000 Toward City Line Road realignment

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**LOCKHART CITY COUNCIL
REGULAR MEETING**

AUGUST 15, 2017

6:30 P.M.

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

Council present:

Mayor Lew White	Councilmember John Castillo
Councilmember Juan Mendoza	Councilmember Benny Hilburn
Councilmember Jeffrey Michelson	Councilmember Brad Westmoreland
Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 7:15 p.m.)	

Staff present:

Vance Rodgers, City Manager	Connie Constancio, City Secretary
Peter Gruning, City Attorney	Jeff Hinson, Finance Director

Citizens/Visitors Addressing the Council: James Jewell, EMS Director and Rudy Schroeder, Citizen.

Work Session 6:30 p.m.

Mayor White announced that Mayor Pro-Tem Sanchez would be late to the meeting due to unexpected transportation issues. He 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 MEETINGS OF JULY 27, 2017 AND AUGUST 1, 2017.

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

B. DISCUSS ORDINANCE 2017-22 AMENDING THE CITY CHARTER AMENDMENTS ON THE NOVEMBER 7, 2017 SPECIAL ELECTION BALLOT TO ASSIGN A LETTER OF THE ALPHABET TO THE MEASURE THAT CORRESPONDS TO ITS ORDER ON THE BALLOT AS REQUIRED BY SENATE BILL 957.

Ms. Constancio stated that the City Council approved Ordinance 2017-16 on June 20, 2017 ordering a General Election to fill the positions of Mayor, Councilmember District 3 and Councilmember District 4 and to hold a Special Election to submit Charter Amendment Propositions to the voters on November 7, 2017.

Staff thereafter received legislative information from the Secretary of State that indicated the 85th Legislation adopted SB 957 that amends the Texas Election Code with respect to propositions. SB 957 requires local political subdivisions (cities/schools) to identify their propositions by assigning a unique letter of the alphabet to each local proposition that will appear on the ballot. Only statewide Constitutional amendment propositions will be using numbers to identify propositions. Ordinance 2017-22 corrects the assignment of letters of the alphabet to each proposition instead of by a number. Ms. Constancio recommended approval.

C. DISCUSS ORDINANCE 2017-23 AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. BUILDING CODE OF THE CODE OF ORDINANCES, ADOPTING THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS, 2015 EDITION WITH AMENDMENTS, AND PROVIDING FOR SEVERABILITY, PENALTY, AND PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Rodgers stated that the city's current adopted code is a 2009 edition. In order to comply with current code requirements and to assist with better Insurance Service Office (ISO) insurance ratings, the International Building Code and the International Residential Code for One and Two family dwellings, 2015 Edition needs to be adopted along with recommended local amendments. The new code will take effect 30 days after passage. Most contractors and design specialists are already using the new code. Mr. Rodgers recommended approval.

D. DISCUSS ORDINANCE 2017-24 AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III., ELECTRIC CODE OF THE CODE OF ORDINANCES, ADOPTING THE NATIONAL ELECTRIC CODE, 2014 EDITION WITH AMENDMENTS, AND PROVIDING FOR SEVERABILITY, PENALTY, AND PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Rodgers stated that the city's current adopted code is several years old. In order to comply with current code requirements and assist with better ISO insurance ratings, the National Electric Code, 2014 Edition needs to be adopted along with recommended local amendments. The new code will take effect 30 days after passage. Most contractors and design specialists are already using the new code. Mr. Rodgers stated that the Electric Board and staff recommended approval.

E. DISCUSS ORDINANCE 2017-25 AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV., GAS CODE OF THE CODE OF ORDINANCES, ADOPTING THE INTERNATIONAL FUEL GAS CODE, 2015 EDITION WITH AMENDMENTS, AND PROVIDING FOR SEVERABILITY, PENALTY, AND PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Rodgers stated that the city's current adopted code is a 2009 edition. In order to comply with current code requirements and assist with better ISO insurance ratings, the new 2015 Gas code needs to be adopted along with recommended local amendments. The new code will take effect 30 days after passage. Most contractors and design specialists are already using the new code. Mr. Rodgers recommended approval with typographical corrections to Section I from what was provided in the council packet.

F. DISCUSS ORDINANCE 2017-26 AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V., MECHANICAL CODE OF THE CODE OF ORDINANCES, ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION WITH AMENDMENTS, AND PROVIDING FOR SEVERABILITY, PENALTY, AND PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Rodgers stated that the city's current code is a 2009 edition. In order to comply with current code requirements and assist with better ISO insurance ratings, the new 2015 Mechanical code needs to be adopted along with recommended local amendments. The new code will take effect 30 days after passage. Most contractors and design specialists are already using the new code. Mr. Rodgers recommended approval.

G. DISCUSS ORDINANCE 2017-27 AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI., PLUMBING CODE OF THE CODE OF ORDINANCES, ADOPTING THE INTERNATIONAL PLUMBING CODE, 2015 EDITION WITH AMENDMENTS, AND PROVIDING FOR SEVERABILITY, PENALTY, AND PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Rodgers stated that the city's current code is a 2009 edition. In order to comply with current code requirements and assist with better ISO insurance ratings, the new 2015 Plumbing code needs to be adopted along with recommended local amendments. The new code will take effect 30 days after passage. Most contractors and design specialists are already using the new code. Mr. Rodgers recommended approval with typographical corrections to Section I from what was provided in the council packet.

H. DISCUSS ORDINANCE 2017-28 AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX., ENERGY CONSERVATION CODE OF THE CODE OF ORDINANCES, ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION WITH AMENDMENTS, AND PROVIDING FOR SEVERABILITY, PENALTY, AND PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Rodgers stated that the city's current code is a 2009 edition. In order to comply with current code requirements and assist with better ISO insurance ratings, the new 2015 Energy code needs to be adopted along with recommended local amendments. The new code will take effect 30 days after passage. Most contractors and design specialists are already using the new code. Mr. Rodgers recommended approval.

I. DISCUSS ORDINANCE 2017-29 AMENDING CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII., UNSAFE AND/OR PUBLIC NUISANCE BUILDING ABATEMENT OF THE CODE OF ORDINANCES, CHANGING REFERENCES TO THE 2006 CODE EDITION TO THE INTERNATIONAL BUILDING CODE, 2015 EDITION WITH AMENDMENTS, AND PROVIDING FOR SEVERABILITY, PENALTY, AND PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

The city's current ordinance references the 2006 code edition. This ordinance amends the references to the 2006 edition to the International Building Code, 2015 Edition. The new amendments will take effect 30 days after passage. Mr. Rodgers recommended approval.

J. DISCUSS ORDINANCE 2017-30 AMENDING CHAPTER 20, FIRE PREVENTION AND PROTECTION, SECTION 20-35, LIFE SAFETY CODE OF THE CODE OF ORDINANCES TO ADOPT THE LIFE SAFETY CODE, 2015 AND LOCAL AMENDMENTS, AND PROVIDING FOR SEVERABILITY, PENALTY, AND PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Rodgers stated that this ordinance amends Chapter 20, Fire Prevention and Protection, adopting the Life Safety Code 2015 with local amendments. The current ordinance was adopted in 2009. Mr. Rodgers recommended approval.

K. DISCUSS SOCCER LEAGUE PLAY LIGHTING SYSTEM MATERIALS IN THE AMOUNT OF \$132,000 UNDER THE CURRENT LOWER COLORADO RIVER AUTHORITY (LCRA) CONTRACT BY WHICH TECHLINE, INC. SUPPLIES MATERIALS AT A DISCOUNT RATE.

Mr. Rodgers stated that 70-foot high poles with designed foundations are required to provide Soccer League Play lighting at 30 foot-candle intensity. The poles must be similar to the poles on US 183 except higher. This purchase is under an existing contract with LCRA by which Techline, Inc. supplies materials at a discounted rate. LCRA publicly solicits bids for materials and labor. Other vendor prices for materials usually range from 15 to 20% higher. Mr. Rodgers recommended approval. There was discussion.

L. DISCUSSION REGARDING POSSIBLE USE OF THE SAINT PAUL UNITED CHURCH OF CHRIST BUILDING AND PROPERTY AT 728 SOUTH MAIN STREET IF DONATED TO THE CITY OF LOCKHART.

Mr. Rodgers stated that it has been indicated that the Church is being considered for donation to the City of Lockhart. Council requested that this item be placed on the agenda for consideration for possible action. The property is about 1/3 of an acre. The sanctuary is about 3,000 square feet and the other adjacent building to the south has 4,300 square feet according to appraisal district records. There is also another unattached 560 square foot storage building at the southeast corner of the property. The parking lot has about 20 parking spaces if street right-of-way behind the curb is considered. Mr. Rodgers requested direction from Council regarding the building and property.

The Council thanked member of The Saint Paul United Church of Christ for their generosity. There was discussion about accepting the building.

M. DISCUSSION REGARDING ADOPTION OF THE 2017 COMBINED MAINTENANCE AND OPERATION AND INTEREST AND SINKING PROPOSED PROPERTY TAX RATE FOR THE CITY OF LOCKHART. IF PROPOSED TAX RATE EXCEEDS THE ROLLBACK RATE OR THE EFFECTIVE TAX RATE (WHICHEVER IS LOWER), A RECORD VOTE MUST BE TAKEN TO PLACE A PROPOSAL TO ADOPT THE RATE ON THE AGENDA OF A FUTURE COUNCIL MEETING. IF MOTION PASSES, COUNCIL MUST SCHEDULE AND ANNOUNCE THE DATE, TIME AND PLACE OF TWO (2) PUBLIC HEARINGS REGARDING THE PROPOSED TAX RATE.

Mr. Hinson stated that the action taken by the Council is required by the State for adherence with the Truth-In-Taxation laws. As directed by Council, a record vote will need to be taken regarding the proposed 2017 tax rate and the dates of the public hearings should be announced. The public hearings are scheduled on September 5, 2017 at 7:30 p.m. and September 19, 2017 at 7:30 p.m. at the Clark Library Annex-Council Chambers, 217 South Main Street, 3rd Floor, Lockhart, Texas. There was discussion.

N. DISCUSSION REGARDING NAMING AN INDIVIDUAL AS THE CITY OF LOCKHART'S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT (CCAD).

Mr. Rodgers stated that on July 31, 2017, the City of Lockhart received notice that a vacancy exists on the CCAD Board of Directors. The deadline to submit the Resolution with a nomination to the CCAD is September 8, 2017. If the Council chooses to make a nomination of an individual to fill the vacancy, a name will be voted on during the September 5 meeting in addition to a Resolution which the City of Lockhart's nominee will be added. The Resolution will thereafter be sent to the CCAD to place the City's nominee on a ballot that the Council will vote on in the future. Mr. Rodgers stated that Frank Hinds resigned from the CCAD board. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:05 p.m.

Mayor Pro-Tem Sanchez arrived at the meeting at 7:15 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

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

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Invocation – Councilmember Hilburn.

Pledge of Allegiance to the United States and Texas flags.

Mayor White introduced James Jewel, EMS Director. Mr. Jewell introduced himself and stated that he has been with the EMS department for a few weeks. He thanked the Council and staff for their support.

ITEM 3. CITIZENS/VISITORS COMMENTS.

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

ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING POSSIBLE USE OF THE SAINT PAUL UNITED CHURCH OF CHRIST BUILDING AND PROPERTY AT 728 SOUTH MAIN STREET IF DONATED TO THE CITY OF LOCKHART. ITEM 5-A. DISCUSSION AND/OR ACTION REGARDING POSSIBLE USE OF THE SAINT PAUL UNITED CHURCH OF CHRIST BUILDING AND PROPERTY AT 728 SOUTH MAIN STREET IF DONATED TO THE CITY OF LOCKHART.

There was discussion regarding the City of Lockhart's acceptance of the building and property and regarding the possibility of establishing a committee to recommend several types of uses of the building and property.

Rudy Schroeder, 2742 FM 1322, member of the Saint Paul United Church, spoke in favor of the City of Lockhart accepting the donation.

Councilmember Hilburn made a motion to accept the donation of the building and property, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 4. CONSENT AGENDA.

Councilmember Westmoreland made a motion to approve consent agenda items 4A, 4B, 4C, 4D, 4E with amendment, 4F, 4G with amendment, 4H, 4I, 4J, and 4K. Councilmember Michelson seconded. The motion passed by a vote of 6-0-1, with Mayor Pro-Tem Sanchez abstaining.

Mayor Pro-Tem Sanchez stated that she abstained from the vote because she was not present during the work session.

The following are the consent agenda items that were approved:

- 4A: Approve minutes of the City Council meetings of July 27, 2017 and August 1, 2017.
- 4B: Approve Ordinance 2017-22 amending the City Charter Amendments on the November 7, 2017 Special Election ballot to assign a letter of the alphabet to the measure that corresponds to its order on the ballot as required by Senate Bill 957.
- 4C: Approve Ordinance 2017-23 amending Chapter 12, Buildings and Building Regulations, Article II. Building Code of the Code of Ordinances, adopting the International Building Code and the International Residential Code for One and Two Family Dwellings, 2015 Edition with amendments, and providing for severability, penalty, and publication and establishing an effective date.
- 4D: Approve Ordinance 2017-24 amending Chapter 12, Buildings and Building Regulations, Article III., Electric Code of the Code of Ordinances, adopting the National Electric Code, 2014 Edition with amendments, and providing for severability, penalty, and publication and establishing an effective date.
- 4E: Approve Ordinance 2017-25 amending Chapter 12, Buildings and Building Regulations, Article IV., Gas Code of the Code of Ordinances, adopting the International Fuel Gas Code, 2015 Edition with amendments, and providing for severability, penalty, and publication and establishing an effective date, with amendments.
- 4F: Approve Ordinance 2017-26 amending Chapter 12, Buildings and Building Regulations, Article V., Mechanical Code of the Code of Ordinances, adopting the International Mechanical Code, 2015 Edition with amendments, and providing for severability, penalty, and publication and establishing an effective date.
- 4G: Approve Ordinance 2017-27 amending Chapter 12, Buildings and Building Regulations, Article VI., Plumbing Code of the Code of Ordinances, adopting the International Plumbing Code, 2015 Edition with amendments, and providing for severability, penalty, and publication and establishing an effective date, with amendments.
- 4H: Approve Ordinance 2017-28 amending Chapter 12, Buildings and Building Regulations, Article IX., Energy Conservation Code of the Code of Ordinances, adopting the International Energy Conservation Code, 2015 Edition with amendments, and providing for severability, penalty, and publication and establishing an effective date.
- 4I: Approve Ordinance 2017-29 amending Chapter 12, Buildings and Building Regulations, Article VII., Unsafe and/or Public Nuisance Building Abatement of the Code of Ordinances, changing references to the 2006 Code Edition to the International Building Code, 2015 Edition with amendments, and providing for severability, penalty, and publication and establishing an effective date.
- 4J: Approve Ordinance 2017-30 amending Chapter 20, Fire Prevention and Protection, Section 20-35, Life Safety Code of the Code of Ordinances to adopt the Life Safety Code, 2015 and local amendments, and providing for severability, penalty, and publication and establishing an effective date.
- 4K: Approve Soccer League Play Lighting System materials in the amount of \$132,000 under the current Lower Colorado River Authority (LCRA) contract by which Techline, Inc. supplies materials at a discount rate.

ITEM 5-B. DISCUSSION AND/OR ACTION REGARDING ADOPTION OF THE 2017 COMBINED MAINTENANCE AND OPERATION AND INTEREST AND SINKING PROPOSED PROPERTY TAX RATE FOR THE CITY OF LOCKHART. IF PROPOSED TAX RATE EXCEEDS THE ROLLBACK RATE OR THE EFFECTIVE TAX RATE (WHICHEVER IS LOWER), A RECORD VOTE MUST BE TAKEN TO PLACE A PROPOSAL TO ADOPT THE RATE ON THE AGENDA OF A FUTURE COUNCIL MEETING. IF MOTION PASSES, COUNCIL MUST SCHEDULE AND ANNOUNCE THE DATE, TIME AND PLACE OF TWO (2) PUBLIC HEARINGS REGARDING THE PROPOSED TAX RATE.

Mr. Hinson stated that during the August 1, 2017 meeting, the Council's consensus was to set the tax rate at 0.7260 cents per \$100 valuation. He stated that a record vote is required to publish in the August 17 newspaper publication and two public hearings will be held on the proposed tax rate. There was discussion. City Manager Rodgers explained that the additional \$72,640 in General Fund revenue had been placed in Street Maintenance, but that Council has the authority to reallocate the funds by a budget amendment if chosen to do so in the future.

Mayor White made a motion to set the 2017 property tax rate at 0.7260 cents per \$100 valuation. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

The record vote is as follows:

Councilmember Brad Westmoreland – yes
 Councilmember Juan Mendoza – yes
 Mayor Pro-Tem Angie Gonzales-Sanchez – yes
 Mayor Lew White - yes
 Councilmember Benny Hilburn - yes
 Councilmember John Castillo - yes
 Councilmember Jeffrey Michelson - yes

Mr. Hinson announced that public hearings will be held on September 5, 2017 at 7:30 p.m. and September 19, 2017 at 7:30 p.m. in the Council Chambers located at the Clark Library Annex-Council Chambers, 217 South Main Street, 3rd Floor, Lockhart, Texas.

Mayor Pro-Tem Sanchez made a motion to approve the public hearings to be held on September 5, 2017 at 7:30 p.m. and September 19, 2017 at 7:30 p.m. in the Council Chambers located at the Clark Library Annex-Council Chambers, 217 South Main Street, 3rd Floor, Lockhart, Texas. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-C. DISCUSSION AND/OR ACTION TO CONSIDER NAMING AN INDIVIDUAL AS THE CITY OF LOCKHART'S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT.

Councilmember Hilburn made a motion to table the item until the September 5, 2017 Council meeting. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

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

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

ITEM 5-E. PRESENTATION, DISCUSSION AND/OR ACTION REGARDING FISCAL YEAR 2017-2018 PROPOSED BUDGET, TAX RATE AND RELATED INFORMATION.

There was no discussion.

ITEM 5-F. DISCUSSION AND/OR ACTION REGARDING MAINTENANCE, OPERATIONAL AND CAPITAL BUDGETS AND FUNDING POSSIBILITIES.

There was no discussion. City Manager Rodgers again reminded Council that the additional \$72,640 in General Fund revenue had been placed in Street Maintenance, but that Council has the authority to reallocate the funds by a budget amendment if chosen to do so in the future.

ITEM 5-G. DISCUSSION AND/OR ACTION REGARDING BUDGET AND TAX RATE ADOPTION CALENDAR, IF NECESSARY.

There was no discussion.

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

- Update: Work has begun by Smith Contracting on Ash, Comal, Pine Street drainage project putting in storm water system first.
- Update: Work has begun by Evans Constructions installation of the large wastewater main along the north side of the railroad tracks near SH 130, north of SH 142.
- Update: Design/engineering work for the Jason K. LaFleur Sports Complex parking and field lighting is complete; City crew will do much of the parking lot work.
- Update: Utility Customer Service has 1 employee out due to health issue and retirement of Ms. Nancy Tamayo; other personnel filling in; patience is respectfully requested.
- Update: Preparation for the Diez Y Seis Celebration underway.
- Reminder: Movies in the Park
 - August 12, Finding Dory
 - Sept 23, The Jungle Book (rescheduled from July rainout)
- Announcement: Last day pool open was Sunday, Aug 13.
- Commend: Library Director Bertha Martinez and staff along with all the volunteers involved with the 2017 Summer Reading Program.

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

Councilmember Westmoreland thanked city staff for conducting in-house work on city projects, which saves the city money.

Councilmember Mendoza thanked the Lifeguards for their service this summer. He stated that tomorrow is the first day of school and reminded everyone to be safe.

Mayor Pro-Tem Sanchez wished students good luck for a successful school year. She wished the Lockhart Lion football teams luck this year.

Councilmember Castillo wished the 2017-2018 teachers and students luck this year. He congratulated the City Manager and his wife for their 50th Anniversary and he wished his father a Happy 82nd Birthday. He expressed get well wishes to employees that are out ill and he thanked staff for covering to keep the utility department operational.

Councilmember Michelson wished students good luck this school year. He thanked staff for street work.

Mayor White wished students good luck this school year.

ITEM 8. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.074, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE. - Discussion regarding the City Manager's evaluation.

Mayor White announced that the Council would enter Executive Session at 8:05 p.m.

ITEM 9. OPEN SESSION - Discussion and/or action regarding the City Manager's evaluation.

Mayor White announced that the Council would enter Open Session at 8:50 p.m.

Mayor Pro-Tem Sanchez made a motion to approve the 3% wage increase as proposed in the Fiscal Year 2017-2018 budget. Councilmember Hilburn seconded. The motion carried by a vote of 7-0.

ITEM 10. ADJOURNMENT

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 8:51 p.m.

PASSED and APPROVED this the 5th day of September 2017.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC
City Secretary



Work Session Item # _____

Reg. Mtg. Item # _____

CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>		City Manager		<i>VR</i> <i>8-17-17</i>
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action regarding Memorandum of Understanding Agreement between the City of Lockhart and Connections which is a non-profit individual and family counseling agency funded by the United Way and Texas Network of Youth Services and appointing the City Manager to sign the agreements if approved.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> XN/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
This agency has been providing these counseling services, especially for youth at the library, for several years. Ms. Anita DeLeon, Specialist, will be present during the Council work session to explain their role in the Lockhart Community.				
STAFF RECOMMENDATION				
City Manager recommends approval of the agreements.				
List of Supporting Documents: Copies of agreements and letter of explanation.			Other Departments, Boards, Commissions or Agencies:	

Travis Wommack
Board President

CONNECTIONS

INDIVIDUAL AND FAMILY SERVICES

Kellie Stallings
Executive Director

To: Whom It May Concern
Re: EYPU/EYPS MOUS to be signed

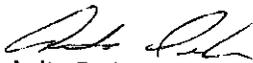
Thank you in advance for collaborating with our agency to assist youth and families in our communities.

Attached you will find two documents-one for EYPU (*Positive Actions*) and one for EYPS (CBSG).

Please sign both documents and return to Anita De Leon, Prevention Specialist, (512)2-667-0663.

Upon receipt of these forms, our Executive Director, Kellie Stallings will provide her signature and a final copy will be mailed back to your agency or hand delivered.

Please contact me as needed with questions or concerns at 512-667-0663, and thank you once again for working in partnership with our agency, Connections Individual and Family Services.



Anita De Leon,
Prevention Specialist
1022 State Park Rd.
Lockhart, TX 78644
Phone: (512) 398-6833
Fax: (512) 398-5933
adeleon@connectionsnonprofit.org
24 Hour Crisis Hotline (800) 532-8192



Memorandum of Understanding

This Memorandum of Understanding is entered between Dr. Eugene Clark Library and the Selective Substance Abuse Prevention (YPS) Program, *Curriculum Based Support Group (CBSG)*, provided by Connections Individual and Family Services, Inc., for the purpose of integrating Dr. Eugene Clark Library services with YPS services. The services provided by the YPS program will benefit eligible at-risk youth ages 6-17.

Connections' YPS Program will provide prevention activities focusing on reducing risk factors and increasing protective factors linked to substance abuse and related problem behaviors by the use of evidenced based curriculum and prevention related strategies. The activities include but are not limited to: Prevention Education/Skills Training in schools and community programs through the use of a curriculum; Alternative Activities focusing on teaching recreational alternatives to youth and families, (games such as bean bag toss, bowling, coloring pages, etc.); participation in community activities such as but not limited to: Fall Festival, Great American Smoke-Out; Red Ribbon Week and Tobacco Free Day; parent education and skills training; Prevention Presentations; Minors and Tobacco Education and Presentations (such as the Tar Jar, "Big Cigarette" which displays Chemicals, Poisons and Cancerous Agents in a Cigarette, etc.); and problem identification and referral services.

Dr. Eugene Clark Library will provide referrals for YPS services and assistance in obtaining consent forms Dr. Eugene Clark Library will facilitate the access of YPS services to individuals who meet YPS admission criteria. This agreement will benefit the community by enabling residents to obtain prevention services in a more effective manner and to assist at-risk youth and families to develop more positive skills for living.

Term and Termination:

The terms of this memorandum of understanding shall begin **September 1, 2017** and will end on **August 31, 2018**.

Amendment and Modification:

This agreement may be amended by the mutual agreement of the parties hereto in writing and to be attached and incorporated into this agreement.

In witness whereof, this memorandum of understanding has been executed by the authorized representative on the _____ day of _____ 2017.

Kellie Stallings, Executive Director
Connections Individual & Family Services, Inc.

Vance Rodgers, Date
City Manager



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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered between Dr. Eugene Clark Library and the Universal Substance Abuse Prevention (YPU) Program, *Positive Action*, provided by Connections Individual and Family Services, Inc., for the purpose of integrating Dr. Eugene Clark Library services with YPU services. The services provided by the YPU program will benefit eligible at-risk youth ages 6-18.

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Kellie Stallings, Executive Director
Connections Individual & Family Services, Inc.

Vance Rodgers,
City Manager

Date

Travis Wommack
Board President

CONNECTIONS

INDIVIDUAL AND FAMILY SERVICES

Kellie Stallings
Executive Director

To: Whom It May Concern
Re: EYPU/EYPS MOUS to be signed

Thank you in advance for collaborating with our agency to assist youth and families in our communities.

Attached you will find two documents-one for EYPU (*Positive Actions*) and one for EYPS (CBSG).

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Upon receipt of these forms, our Executive Director, Kellie Stallings will provide her signature and a final copy will be mailed back to your agency or hand delivered.

Please contact me as needed with questions or concerns at 512-667-0663, and thank you once again for working in partnership with our agency, Connections Individual and Family Services.



Anita De Leon,
Prevention Specialist
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Memorandum of Understanding

This Memorandum of Understanding is entered between **Lockhart Parks and Recreation** and the Selective Substance Abuse Prevention (YPS) Program, *Curriculum Based Support Group (CBSG)*, provided by Connections Individual and Family Services, Inc., for the purpose of integrating **Lockhart Parks and Recreation** services with YPS services. The services provided by the YPS program will benefit eligible at-risk youth ages 6-17.

Connections' YPS Program will provide prevention activities focusing on reducing risk factors and increasing protective factors linked to substance abuse and related problem behaviors by the use of evidenced based curriculum and prevention related strategies. The activities include but are not limited to: Prevention Education/Skills Training in schools and community programs through the use of a curriculum; Alternative Activities focusing on teaching recreational alternatives to youth and families, (games such as bean bag toss, bowling, coloring pages, etc.); participation in community activities such as but not limited to: Fall Festival, Great American Smoke-Out; Red Ribbon Week and Tobacco Free Day; parent education and skills training; Prevention Presentations; Minors and Tobacco Education and Presentations (such as the Tar Jar, "Big Cigarette" which displays Chemicals, Poisons and Cancerous Agents in a Cigarette, etc.); and problem identification and referral services.

Lockhart Parks and Recreation will provide referrals for YPS services and assistance in obtaining consent forms **Lockhart Parks and Recreation** will facilitate the access of YPS services to individuals who meet YPS admission criteria. This agreement will benefit the community by enabling residents to obtain prevention services in a more effective manner and to assist at-risk youth and families to develop more positive skills for living.

Term and Termination:

The terms of this memorandum of understanding shall begin **September 1, 2017** and will end on **August 31, 2018**.

Amendment and Modification:

This agreement may be amended by the mutual agreement of the parties hereto in writing and to be attached and incorporated into this agreement.

In witness whereof, this memorandum of understanding has been executed by the authorized representative on the _____ day of _____ 2017.

Kellie Stallings, Executive Director
Connections Individual & Family Services, Inc.

Vance Rodgers, Date
City Manager



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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered between **Lockhart Parks and Recreation** and the Universal Substance Abuse Prevention (YPU) Program, *Positive Action*, provided by Connections Individual and Family Services, Inc., for the purpose of integrating **Lockhart Parks and Recreation** services with YPU services. The services provided by the YPU program will benefit eligible at-risk youth ages 6-18.

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Term and Termination:

The terms of this memorandum of understanding shall begin **September 1, 2017** and will end on **August 31, 2018**.

Amendment and Modification:

This agreement may be amended by the mutual agreement of the parties hereto in writing and to be attached and incorporated into this agreement.

In witness whereof, this memorandum of understanding has been executed by the authorized representative on the _____ day of _____ 2017.

Kellie Stallings, Executive Director
Connections Individual & Family Services, Inc.

Vance Rodgers,
City Manager
Date



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TEXAS SALES AND USE TAX RESALE CERTIFICATE

Name of purchaser, firm or agency as shown on permit Connections Individual and Family Services, Inc.	Phone (Area code and number) 830-629-6571
Address (Street & number, P.O. Box or Route number) P.O. Box 311268	
City, State, ZIP code New Braunfels, Texas 78131-1268	
Texas Sales and Use Tax Permit Number (must contain 11 digits) 71421178116911	
Out-of-state retailer's registration number or Federal Taxpayers Registry (RFC) number for retailers based in Mexico (Retailers based in Mexico must also provide a copy of their Mexico registration form to the seller.)	

I, the purchaser named above, claim the right to make a non-taxable purchase (for resale of the taxable items described below or on the attached order or invoice) from:

Seller: _____

Street address: _____

City, State, ZIP code: _____

Description of items to be purchased on the attached order or invoice:

Description of the type of business activity generally engaged in or type of items normally sold by the purchaser:
Since January 16, 1981, Connections(formerly Teen Connection) qualifies for an exemption from th IRS under Section 501(c) (3) of the IRS code and continues to be recognized under the state sales tax statute as an exempt organization (74-2179169)

The taxable items described above, or on the attached order or invoice, will be resold, rented or leased by me within the geographical limits of the United States of America, its territories and possessions or within the geographical limits of the United Mexican States, in their present form or attached to other taxable items to be sold.

I understand that if I make any use of the items other than retention, demonstration or display while holding them for sale, lease or rental, I must pay sales tax on the items at the time of use based upon either the purchase price or the fair market rental value for the period of time used.

I understand that it is a criminal offense to give a resale certificate to the seller for taxable items that I know, at the time of purchase, are purchased for use rather than for the purpose of resale, lease or rental, and depending on the amount of tax evaded, the offense may range from a Class C misdemeanor to a felony of the second degree.

sign here	Purchaser <i>Kelli Holt</i>	Title <i>Executive Director</i>	Date <i>4/13/10</i>
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Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>[Signature]</i>		City Manager		<i>[Signature]</i> 8-31-2017
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
DISCUSSION AND/OR ACTION REGARDING ORDINANCE 2017-31 OF CITY COUNCIL OF LOCKHART, TEXAS, AMENDING CHAPTER 20, FIRE PREVENTION AND PROTECTION, TO CHANGE, ADD OR DELETE CERTAIN SECTIONS BETWEEN SECTION 20-01 THROUGH SECTION 20-101 OF THE CODE OF ORDINANCES AND ADOPTING THE INTERNATIONAL FIRE CODE, 2015 EDITION WITH AMENDMENTS				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
The current International Fire Prevention Code is out of date. This ordinance adopts the International Fire Code, 2015 Edition, with local amendments as recommended by Interim Fire Chief Jerry Doyle and the City Manager. Adoption of the new code helps with insurance ratings.				
STAFF RECOMMENDATION				
Respectfully recommend approval of the ordinance as presented.				
List of Supporting Documents: Current local ordinance with amendments mark up; Proposed Ordinance 2017-31		Other Departments, Boards, Commissions or Agencies:		

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ORDINANCE NO.: 2017-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING THE LOCKHART CODE OF ORDINANCES, CHAPTER 20, FIRE PREVENTION AND PROTECTION, TO ADOPT AND APPLY THE INTERNATIONAL FIRE CODE, 2015 EDITION WITH LOCAL AMENDMENTS AND TO UPDATE THE CHAPTER; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Lockhart Building Official and the Lockhart Fire Chief recommend that the Lockhart Code of Ordinances, Chapter 20, Fire Prevention and Protection, be updated to adopt and apply the International Fire Code, 2015 Edition with local amendments, and to further update the Chapter to provide for more efficient fire prevention and protection; which edition and amendments are generally used in building trades and practices in Texas; and

WHEREAS, the Lockhart City Council desires to amend Chapter 20, Fire Prevention and Protection Code, to change, add, and delete certain sections as requested by the Lockhart Building Official and the Lockhart Fire Chief; and

WHEREAS, the Lockhart City Council finds that proposed changes, additions and deletions of the City's Fire Prevention and Protection Code are necessary for the health, safety and welfare of the community.

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

I. Sections 20-1, 20-3 through 20-5, 20-7 & 20-8, 20-31 through 20-35, 20-61, and 20-63 through 20-65, of Chapter 20, Fire Prevention and Protection, are hereby amended to change section numbers, delete certain sections, and add amendments as follows, and all other sections shall remain unchanged:

Chapter 20 - FIRE PREVENTION AND PROTECTION ARTICLE I. - IN GENERAL

Sec. 20-1. Fire marshal.

(a) The fire marshal shall be appointed and removed by the fire chief, with the approval of the city manager. The State Fire Marshal Office or other qualified contract person shall be used in the absence of a Fire Marshal.

Sec. 20-3. Duty to investigate fires.

Section 104.10, International Fire Code, 2015 Edition, shall be adopted by reference as written.

Sec. 20-4. Powers and duty of fire marshal.

Section 104.1, International Fire Code, 2015 Edition, shall be amended as follows.

The Code Official of the City of Lockhart shall have all powers enumerated by the International Fire Code, 2015 Edition as existing or as subsequently amended, so long as those powers enumerated in the

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International Fire Code do not conflict with the laws of the United States, or the State of Texas, or with ordinances passed by the City Council of the City of Lockhart.

Section 110, International Fire Code, shall be adopted by reference as written.

Sec. 20-5. Inspection of premises, removal or repair of dangerous conditions.

Section 106, International Fire Code, 2015 Edition, shall be adopted by reference as written.

Sec. 20-7. - Fire code board of appeals.

Section 108 together with Appendix A, International Fire Code, 2015 Edition, Board of Appeals shall be adopted by reference with the below amendments:

Section 108.1 Board of appeals established shall be amended to add the following sentence at the beginning of that section.

The Construction Boards of Appeals shall serve as the Fire Code of Appeals.

Section 108.3 Qualifications shall be amended to read as follows:

Section 108.3 Qualifications and Appeal of Decisions. Board members shall be qualified to examine the fire code and to make decisions as to the validity of interpretations of the fire code by the fire code official, but shall not have the authority to waive fire code requirements. Any appeal to the decision of the Fire Code Board of Appeals shall be to City Council in writing addressed to the City Secretary within ten (10) days of such decision by the Board of Appeals. The appeal shall appear as a City Council agenda item within a reasonable time frame of such notice of appeal. The City Council shall decide the validity of the interpretation by the fire code official of the fire code issues being appealed, but shall not have the authority to waive fire code requirements except as may be duly amended by ordinance.

ARTICLE II. - FIRE PREVENTION CODE

Sec. 20-31. - Adopted; violations and penalties.

(a) The International Fire Code, 2015 Edition, together with Appendices is adopted by reference, as hereafter amended and/or revised, to the same extent as though such code were copied at length herein, all as recommended by the International Code Council, and is designated as the fire prevention and protection code of the city, a copy of which is on file in the office of the Fire Code Official of the City of Lockhart Fire Department.

(b) The Life Safety Code (NFPA 101), 2015 Edition, together with Annexes is adopted by reference, as hereafter amended and/or revised, to the same extent as though such code were copied at length herein, all as recommended by the National Fire Protection Association, and is designated as the life safety code of the city, a copy of which is on file in the office of the Fire Code Official of the City of Lockhart Fire Department.

Sec. 20-32. - Definitions.

As the fire hose is laid of the truck means the distance along the route the fire truck will travel from the principal entrance(s) of the structure (the driveway entrance to the property for buildings within 150

feet of a public right-of-way) to the nearest fire hydrant. The total distance shall include the radial distance from said entrance and may utilize public and private streets, approved fire lanes and/or drive access ways, parking lot lanes and other access roadways, but in no case shall the truck travel route be measured across grass, wooded or landscaped areas, over curbs, through fences or ditches.

(all other definitions remain unchanged)

Sec. 20-34. - International Fire Code amendments.

Section 107.5. Rendering equipment inoperable.

(a) Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

(b) No fire protection system may be taken out of service or allowed to remain out of service beyond normal working hours without the prior approval of the fire code official. The fire code official shall be notified prior to any fire sprinkler or standpipe system being temporarily or permanently removed from service. No operation protected by a fire suppression system may be used or operated while the fire suppression system is out of service.

Sec. 108, International Fire Codes, Board of Appeals, together with Appendix A, shall be adopted by reference as written except as provided in Sec. 20-7 of the Code of Ordinances.

Section 111.4. Failure to comply. Any person who continues work after having been served with a stop work order, except such work the Fire Code Official has directed to be performed to remedy a violation or unsafe condition, shall be liable for a fine not to exceed \$2,000.00. Each day that a violation continues after notice of violation has been served shall be deemed a separate offense.

Sec. 503.3, International Fire Code, Marking, shall have new sections added to read as follows:

Sec. 503.3.1 Marking of Fire Lanes (No Curb Areas).

In areas where fire lanes are required but no continuous curb is available, the following method will be used to mark the fire lanes.

From the point the fire lane begins to the point at which the fire lane ends, including the area of the parking surface behind designated parking spaces which adjoin a fire lane, there shall be marked a continuous eight (8") inch red stripe with the wording "FIRE LANE — TOW AWAY ZONE" in white letters at least three inches tall at intervals not exceeding fifty (50') feet.

Sec. 503.3.2 Destruction of Fire Lane or Tow Away Signs.

"It is hereby unlawful for any person, without lawful authority to alter, destroy, deface, injure, knock down, or remove any sign designating a fire lane or tow away zone erected under the terms of this code, or to deface a curb marking in any manner".

Section 503.6.1 Gates. All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the Fire Code Official. All gates or obstructions must comply with written installation standards and maintenance requirements as set forth by the Fire Code Official.

Section 503.6.2 Access. All gates that have access codes, locks, key controls, or other obstructions shall be maintained in an operable condition so that they can be opened by the fire department or other emergency service when needed. Failure to maintain these gates in an operable condition may result in the imposition of a fine and/or revocation of the gate permit.

Sec. 505, International Fire Code, Premises Identification (Addresses), shall be amended by adding new Sections 505.1.2; and 505.1.3 to read as follows:

Sec. 505.1.2 Addresses for Multiple Building Complexes.

For the purposes of life safety protection, approved building numbers shall be required for all new/existing building complexes composed of multiple structures so that the number is plainly visible and legible from the parking surface roadway after upon entering the complex. Arabic numerals or Alphabet letters on individual buildings shall not be smaller than twelve (12") inches, and shall be in contrasting colors to the background to which they are attached. Signs are also to be affixed to the exterior of each building denoting the individual unit numbers and/or letters assigned to each building, or side of a building within the complex. Numbers and/or letters are to be a minimum of four (4") inches in height. All residential structures which provide for rear vehicular access from a dedicated public street and/or alleyway shall conspicuously post the designated number so that it is visible from the alleyway.

Sec. 505.1.3 Responsibility to Maintain Addresses.

It shall be the responsibility of the person in charge or owner of the premises to maintain all numbers and/or letters required under the provisions of this ordinance.

Section 506 is amended by adding the following subsection to read as follows:

Section 506.3. Location. Lock boxes approved by the Fire Code Official shall be installed in all new buildings that have fire sprinkler systems, alarm systems, or other fire protection systems that are connected to an alarm service.

Section 507.2.1 is amended to read as follows:

Section 507.2.1. Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 and local jurisdiction construction standards.

Section 507.3 is amended to read as follows:

Section 507.3. Fire flow. The purpose of this section is to provide direction for the design and installation of fire service and water utilities. This section shall be used in conjunction with all other adopted and referenced codes and standards. If this section conflicts with other codes or standards, the most restrictive shall apply.

507.3.1. Definitions. For the purposes of this section, the following words shall have the meanings shown herein:

Commercial means the use of a building or structure for commercial operations including, but not limited to, hotels, motels, apartments, and dwellings excluding one- and two-family dwellings.

Residential means a one- or two-family dwelling.

507.3.2. Fire flows required.

(a) Every fire hydrant shall be capable of providing a minimum flow of 500 gpm in areas used for residential and 1,500 gpm in areas used for commercial or industrial.

(b) Fire hydrant flows determined by the Insurance Services Organization's (ISO) Fire Suppression Rating Schedule shall be provided for all new buildings and changes of occupancy classification in existing buildings. Calculations are in Appendix B.

(c) Fire hydrant flows for buildings provided with fire sprinkler systems shall either meet the requirements of subsection (b) or not be less than the required flow of the sprinkler system plus 500 gpm.

(d) The flow requirements listed in this section shall be met with a minimum of 20 pounds per square inch residual. This residual must be maintained in residential, commercial, and industrial areas. Flow in residential areas is to be calculated at 1.5 gpm per living unit.

(e) If the Fire Code Official determines that an occupancy is of a hazardous nature, or if special hazards exist in addition to the normal hazard of the occupancy, section 901 of the International Fire Code, 2009 Edition shall apply.

Section 507.5 is amended to read as follows:

Section 507.5. Fire hydrant systems.

(a) A fire hydrant is an approved national standard three-way hydrant connected to six-inch or larger water mains.

(b) A two-way hydrant is not recognized unless it was installed before January 1, 1985, or it was installed in conjunction with nationally approved sprinkler systems.

(c) Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.

(d) Fire hydrants shall have one, 4.5 inch steamer and two, 2.5 inch side connections with National Standard threads. The centerline of the steamer connection shall be a minimum of 18 inches above the ground surface.

(e) Hydrants must be located so that no portion of any new structure is more than 500 feet, as the hose lies, on accessible approved roadways.

(f) Hydrants shall be spaced no less than every 500 feet in residentially zoned areas and no less than one every 300 feet in commercially and industrially zoned areas.

(g) The City of Lockhart Water Department shall have the authority to develop and approve new fire hydrant installation methods and standards consistent with the application of this section.

(h) Hydrants shall be installed in accordance with local jurisdiction construction standards.

Section 507.5.2 is amended by adding the following:

Section 507.5.2.1. Cost. The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.

Section 507.5.3 is amended by adding the following:

Section 507.5.3.1. Water mains required.

(a) Water mains shall be at least eight inches and large enough to supply the required fire flows. All developers shall provide an engineer certified computer model or hand calculation to the fire and engineering departments. The model or calculation shall indicate the minimum fire flows that will be met. Existing mains shall come into compliance with this requirement when they undergo major repairs or when the fire flow demands of new construction or new occupancy classifications in existing construction exceed the existing fire flows.

(b) New eight-inch dead-end main more than 1,320 feet long must be looped.

(c) New eight-inch looped main shall not exceed 2,500 feet, unless approved by the fire and engineering departments.

(d) Any six-inch lead lines for hydrants cannot exceed 100 feet and, in no case, reduce the amount of required fire flow. Six-inch lines are not permitted for use as a utility line or fire line for fire hydrants for commercial structures.

(e) Private fire service mains and water tanks shall be periodically inspected, periodically tested, and maintained in accordance with NFPA 25. Reports for the inspection or test shall be on a form as specified by the fire code official.

Section 507.5.4 is amended to read as follows:

Section 507.5.4. Obstruction. Posts, fences, vehicles, growth, trash, storage, and other materials or objects shall neither be placed within five feet of nor kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. No person shall place or maintain an obstruction near fire protection equipment or a fire hydrant so that the fire department is deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.5 is amended to read as follows:

Section 507.5.5. Clear space around hydrants. A 5-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

Section 507 is amended by adding the following:

Section 507.5.7. Marking. The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.

Sec. 508, International Fire Code, Fire Protection Water Supplies, together with Appendix B and C, and Texas Transportation Code, Subchapter G, Stopping, Standing and Parking, Section 545.302, shall be adopted by reference as written.

Exception 1 to Section 603.4 is amended to read as follows:

Exceptions:

1. Unvented fuel-fired heaters that are listed and approved for installation in one- and two-family dwellings may be used therein.

Section 605 is amended by adding the following:

Section 605.13. Labels for disconnecting means. Each disconnecting means for each service feeder, or branch circuit shall be legibly marked to indicate its purpose at the point where it originates. Where the service feeder or branch is located on a building or other structure, a description of the device and address of the building must be prominently displayed utilizing a marking of sufficient durability to withstand the environment involved. A list of acceptable marking devices and labels can be obtained through the electric utility department.

Section 903.2.14 is amended as follows:

Section 903.2.14. Additions and Expansions. Any building constructed after July 26, 2013, which with attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 15,000 sq. ft. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

Section 903.3.1.2 is amended by adding the following:

Section 903.3.1.2.3. Exterior closets. Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.

Sec. 906, International Fire Code, Portable Fire Extinguishers, shall be adopted by reference as written.

Section 906.3.1.2.1 is added.

Section 906.3.1.2.1 Fire Extinguishers minimum standards - Fire extinguishers are required for all multifamily dwellings new and existing.

A. Outside - if fire extinguishers are located outside the individual unit(s), one shall be on each level (if a multi-level building). The maximum travel distance (the furthest point to reach the extinguisher) shall not exceed 75 feet. If this distance is exceeded, another extinguisher shall be provided. The size and type of these extinguishers shall be a minimum 2A-10BC (≈5 lb.).

B. Inside - if fire extinguishers are located inside each unit, only one 1A-5BC (≈2½ lb.) is required.

1. When mounting extinguishers, they must be no less than 4 inches from the floor, nor higher than 5 feet from the ground. The recommended height is about 3½ feet, measured to the top of the extinguisher. If located outside, an approved container is required.

2. The property owner shall be responsible for the inspection, maintenance, and recharging or refilling of the extinguishers located on their property. Units shall be mounted per NFPA standards. This inspection and maintenance shall be completed each year by a trained licensed technician.

Section 907.2.6.1.1 is amended by adding the following:

Where more than one smoke alarm is required to be installed in an existing dwelling unit, existing units interconnection is required based the year of the original installation. In occupancies where new fire alarms are being installed based on code required upgrades or to new building code standards, they must meet interconnectivity standards in the residential and building codes respectively.

Sec. 1003, International Fire Code, 2015 Edition, General Means of Egress. Sections 1003.2.2.5.1; and 1003.2.2.5.2 shall be removed.

Section 503 is amended to add as follows: (Applies to buildings under construction).

Section 503.4.2 Required access. Approved vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 50 feet of temporary or permanent fire department connections. Vehicle access shall be provided to within 150 feet of all portions of the exterior wall of the first story of each building prior to the erection of combustible material within that building. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

Section 507.1 is amended to read as follows: (Applies to buildings under construction).

Section 507.1.1 . When required. Water supply complying with Section 507 shall be provided within 500 feet of all portions of the exterior wall of the first story of each building prior to the erection of combustible material for that building.

Section 610.1 is amended to add as follows:

Section 601.1.1 Operations such as the warming of foods, cooking demonstrations, and similar operations that use solid flammables, butane, or other similar devices which do not pose an ignition hazard may be approved by the fire code official.

Sec. 1004, International Fire Code, General Means of Egress, shall be amended by adding new Sections 1004.3.1; and 1004.3.2 to read as follows:

Sec. 1004.3.1.

Such sign shall read as follows: OCCUPANCY BY MORE THAN _____ PERSONS IS DANGEROUS AND UNLAWFUL.

It shall be unlawful to remove or deface this Notice.

Sec. 1004.3.2.

When the code official determines that any building or other structure is in violation of the posted capacity, he shall temporarily order the establishment closed, and may obtain the assistance of other law enforcement agencies to enforce his order. The temporary closure of such a building or structure shall be limited to a period of time sufficient to evacuate the building and count the total number of

occupants therein (including employees), and to reduce the actual number of occupants to constitute compliance with the building and fire codes.

Chapter 37 International Fire Code, Combustible Fibers, shall be amended by adding a new Section 3703.4.1 . (Agricultural Products) to read as follows:

- a. Storage of agricultural bales shall not be located within 25 feet to a structure or building;
- b. Storage of agricultural bales shall not be located within 25 feet to any property line, easement or right-of-way;
- c. Hay, straw or similar agricultural products stored in open fields or lots shall be stored in the following manner:
 1. Storage of agricultural bales shall be limited in stack or pile size where the dimensions are limited to no more than 7 feet in height, 12 feet in width, and 100 feet in length (8,400 cubic feet);
 2. Storage arrangements of stacks or piles shall be such where there is a separation of at least 25 feet between stacks or piles.
- d. Seed cotton, baled cotton, mote baled cotton, sisal, or similar agricultural products stored in open fields or lots shall be stored in the following manner:
 1. Storage of mote bale cotton shall be limited in stack or pile size where the dimensions are limited to no more than 8 feet in height, 8 feet in width, and 40 feet in length (2,560 cubic feet). Storage arrangements of stacks or piles shall be such where there is a separation of at least 10 feet between stacks or piles.
 2. Storage of module baled cotton shall be limited in stack or pile size where the height is limited to no more than 8 feet and the length is no more than 33 feet, and the storage arrangements of stacks or piles shall be such where there is a separation of at least 10 feet between stacks or piles.

Chapter 33, International Fire Code, Explosives and Fireworks shall be adopted by reference as written.

Sec. 20-35. - Life Safety Code amendments.

Sec. 4.6.4.1, Life Safety Code (NFPA 101) shall be amended to read "Rehabilitation projects in historic buildings may comply with the provisions of Chapter 43".

Sec. 12.3.5, Life Safety Code, NFPA 101), Existing Assembly Occupancies, Sprinkler Requirements, shall be removed as a reference is hereby amended to read as follows:

Sec. 12.3.5, Life Safety Code, NFPA 101), Existing Assemblies shall not be made to comply unless modifications are made to the existing building which in the opinion of the Fire Code Official constitutes a threat to Life Safety.

Sec. 24.1.3.2.1 Life Safety Code, (NFPA 101), One and Two Family Dwellings, is hereby amended to read as follows:

A requirement of this state or of an ordinance or order of a political subdivision that an automatic fire sprinkler system be installed in a new one-family or two-family dwelling may not be enforced with respect to a dwelling under 7,500 square feet in size.

A prospective owner of a one-family or two-family dwelling under 7,500 square feet in size in a jurisdiction in which an automatic fire sprinkler system would otherwise be required to be installed in the home may choose whether or not to have the system installed.

A builder in a jurisdiction in which an automatic fire sprinkler system is required to be installed in any new one-family or two-family dwelling shall offer a person with whom the builder contracts for the construction of a new one-family or two-family dwelling under 7,500 square feet in size the option of installing an approved automatic fire sprinkler system in accordance with the International Residential Code applicable to the construction under V.T.C.A., Property Code § 430.001.

ARTICLE III. - LIQUEFIED PETROLEUM GAS[2]

Sec. 20-61. - Definitions.

Sec. 5801.2 of the International Fire Code 2015 Edition shall be amended to include the following:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Equipment shall mean and include all that equipment designed to use as a fuel any form of manufactured or liquefied petroleum gases.

Standard grade shall mean that grade of article which is accepted by dealers in such equipment and recognized as complying with all fire and life safety regulations.

Liquefied petroleum gas (LP—Gas) shall mean a material which is composed predominantly of the following hydrocarbons or mixtures of them: propane, propylene, butane (normal butane or isobutene) and butylenes.

Reference —Chapter 58 , Definitions, International Fire Code, 2015 Edition

Cross reference— Definitions generally, § 1-2.

Sec. 20-63. - Installation, use of equipment.

(a) Any equipment shall be installed or repaired in a workman like manner which shall comply with the provisions of the Texas Liquefied Petroleum Gas Code (V.C.T.A., Natural Resources Code, 113.001 et seq.), International Fuel Gas Code, Chapter 38, Section 3803, International Fire Code, and NFPA 58, International Fire Code 2015 Edition.

(b) When any equipment is installed, it shall not be placed in operation or used unless and until such installation has been approved by the city inspector.

(c) Any person installing any equipment shall, upon requesting such inspection for approval, pay an inspection fee as established by ordinance or resolution for each piece of equipment, to cover cost of inspection.

State Law reference— Liquefied Petroleum Gas Code, V.T.C.A., Natural Resources Code § 113.001 et seq.; rules and standards, V.T.C.A., Natural Resources Code § 113.051 et seq.

Sec. 20-64. - Storage, prohibited locations.

Sec. 6104.2 of the International Fire Code, 2015 Edition shall be amended to include Sec. 6104.2.1 as follows:

(a) No equipment using liquefied petroleum gases shall be permitted within the established fire limits of the city.

(b) Equipment used for the purposes of storing wholesale quantities of such gases within the city for the specific purposes of resale to the general public, shall meet all requirements as outlined in Chapter 58. 2015 International Fire Code, Liquefied Petroleum Gases.

(c) All persons who reside in areas within the city that are served by the company providing natural gas service, may as an option have liquefied petroleum gas service only if such installations are underground.

Sec. 20-65. - Construction, operation, inspection and maintenance of tank trucks and trailers.

(a) All tank trucks and tank trailers used for the transportation of liquefied petroleum gases within the city shall be so constructed and operated so as to comply with the provisions of the Texas Liquefied Petroleum Gas Code (V.C.T.A., Natural Resources Code 113.001 et seq.), International Fuel Gas Code and NFPA 58.

(b) Any person who shall operate or cause to be operated any such tank truck or tank trailer within the city shall keep such equipment in good condition at all times, and upon the development of any defect(s) that would create a hazard to persons or property, such tank truck or tank trailer shall be removed from the streets of the city until such defect(s) have been repaired or faulty equipment replaced. Any such tank trucks and tank trailers shall be subject to inspection by the proper authorities at any time.

(c) Parking and Garaging of tank trucks and/or tank trailers shall comply with all requirements as specified in Section 3811, International Fire Code, and NFPA 58.

State Law reference— Liquefied Petroleum Gas Code, V.T.C.A., Natural Resources Code § 113.001 et seq.; motor vehicles and testing laboratories, V.T.C.A., Natural Resources Code § 113.131 et seq.

II. Penalty: Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-8 of the City Code. Nothing in this ordinance will limit the ability of the city to pursue any and all claims and

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remedies available to it in law or equity in regard to the subject matter of this ordinance.

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

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

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

VI. Effective Date: That this ordinance shall become effective thirty (30) days after passage.

Passed, approved and adopted this _____ day of September, 2017.

CITY OF LOCKHART, TEXAS

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, City Secretary

Peter Gruning, City Attorney

- **Chapter 20 - FIRE PREVENTION AND PROTECTION**^[1]

- **ARTICLE I. - IN GENERAL**

- **Sec. 20-1. - Fire marshal.**

(a)

The fire marshal shall be appointed and removed by the fire chief, with the approval of the city manager. The State Fire Marshall Office or other qualified contract person shall be used in the absence of a Fire Marshall.

(Code 1966, §§ 11-21, 11-32; Code 1982, § 9-1; Ord. No. 87-15, § 1, 9-28-87; Ord. No. 00-15, § I, 7-18-00; Ord. No. 02-48, § I, 11-19-02)

- **Sec. 20-2. - Arson reward.**

(a)

The mayor of the city is hereby required, authorized and empowered to offer a reward of not less than \$1,000.00, payable to the person or persons who shall be responsible for the arrest and conviction of any person committing in the city the crime of arson as the same is now defined by the state penal code.

(b)

Whenever the mayor shall be informed that any fire occurring in said city was of an incendiary origin, he shall call for a report on the same by the city fire marshal, and if the marshal shall report that such fire was caused by the commission of the crime of arson, it shall become the duty of the mayor to offer the reward prescribed in subsection (a) of this section, which reward shall be in the form of a proclamation duly issued by the mayor under his official signature and attested by the seal of the city, and which shall be posted upon conspicuous places, one of which shall be the city hall in accordance with the regulations of the state insurance department.

(c)

Upon information being given by any person causing the arrest and conviction of any person guilty of the specific crime of arson, and upon the final conviction of such person, the person giving such information shall be entitled to receive the reward offered in subsection (a) of this section from the city.

(Code 1966, §§ 11-8—11-10; Code 1982, § 9-2; Ord. No. 90-04, pt. 1, 3-6-90)

- **Sec. 20-3. - Duty to investigate fires.**

Section 104.10, International Fire Code, shall be adopted by reference as written.

(Ord. No. 00-15, § I, 7-18-00; Ord. No. 02-48, § I, 11-19-02)

- **Sec. 20-4. - Powers and duty of fire marshal.**

Section 104.1, International Fire Code, shall be amended as follows.

The Code Official of the City of Lockhart shall have all powers enumerated by the International Fire Code, 2015_09 Edition as existing or as subsequently amended, so long as those powers enumerated in the International Fire Code do not conflict with the laws of the United States, or the State of Texas, or with ordinances passed by the City Council of the City of Lockhart.

(Ord. No. 00-15, § I, 7-18-00; Ord. No. 02-48, § I, 11-19-02; Ord. No. 06-20, § I, 5-2-06; Ord. No. 2013-22, § I, 7-16-13)

- **Sec. 20-5. - Inspection of premises, removal or repair of dangerous condition.**

Section 106, International Fire Code, shall be adopted by reference as written.

(Ord. No. 00-15, § I, 7-18-00; Ord. No. 02-48, § I, 11-19-02)

- **Sec. 20-6. - Unlawful to maintain fire hazards.**

Section 110, International Fire Code, shall be adopted by reference as written.

(Ord. No. 00-15, § I, 7-18-00; Ord. No. 02-48, § I, 11-19-02)

- **Sec. 20-7. - Fire code board of appeals.**

Section 108 together with Appendix A, International Fire Code, Board of Appeals shall be adopted by reference with the below amendments:

Section 108.1 Board of appeals established shall be amended to add the following sentence at the beginning of that section.

The Construction Boards of Appeals shall serve as the Fire Code of Appeals.

Section 108.3 Qualifications shall be amended to read as follows:

Section 108.3 Qualifications and Appeal of Decisions. Board members shall be qualified to examine the fire code and to make decisions as to the validity of interpretations of the fire code by the fire code official, but shall not have the authority to waive fire code requirements. Any appeal to the decision of the Fire Code Board of Appeals shall be to City Council in writing addressed to the City Secretary within ten (10) days of such decision by the Board of Appeals. The appeal shall appear as a City Council agenda item within a reasonable time frame of such notice of appeal. The City Council shall decide the validity of the interpretation by the fire code official of the fire code issues being appealed, but shall not have the authority to waive fire code requirements except as may be duly amended by ordinance.

(Ord. No. 00-36, § I, 11-21-00; Ord. No. 02-48, § I, 11-19-02; Ord. No. 2010-08, § I, 2-16-10)

- **Secs. 20-8—20-30. - Reserved.**

- **ARTICLE II. - FIRE PREVENTION CODE**

- **Sec. 20-31. - Adopted; violations and penalties.**

(a)

The International Fire Code, 2015 09 Edition, together with applicable Appendices A—J is adopted by reference, as hereafter amended and/or revised, to the same extent as though such code were copied at length herein, all as recommended by the International Code Council, and is designated as the fire prevention and protection code of the city, a copy of which is on file in the office of the Fire Code Official of the City of Lockhart Fire Department.

(b)

The Life Safety Code (NFPA 101), 2015 09 Edition, together with applicable Annexes A—D, is adopted by reference, as hereafter amended and/or revised, to the same extent as though such code were copied at length herein, all as recommended by the National Fire Protection Association, and is designated as the life safety code of the city, a copy of which is on file in the office of the Fire Code Official of the City of Lockhart Fire Department.

(c)

Violations and penalties. Any person, firm, corporation, or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws, and in accordance with section 1-8.

(d)

The provisions of this chapter are applicable within both the city limits and within 5,000 feet outside the city limits. The doing or performing of any act in violation of this chapter is additionally defined as a nuisance and hereby prohibited. The fire marshal shall enforce this chapter as it may be necessary to prevent and summarily abate and remove the nuisance in accordance with V.T.C.A., Local Government Code § 217.042. This subsection shall not apply within the corporate limits, limited purpose annexation areas, or extraterritorial jurisdiction (ETJ) of another municipality as defined in V.T.C.A., Local Government Code § 1.005.

(Code 1966, § 11-1; Code 1982, § 9-16; Ord. No. 93-06, pt. 1, 7-6-93; Ord. No. 94-04, pt. 1, 2-15-94; Ord. No. 00-15, § I, 7-18-00; Ord. No. 02-48, § I, 11-19-02; Ord. No. 06-20, § I, 5-2-06; Ord. No. 2013-22, § I, 7-16-13)

- **Sec. 20-32. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

As the fire hose is laid off the fire truck means the distance along the route the fire truck will travel from the principal entrance(s) of the structure (the driveway entrance to the

property for buildings within 150 feet of a public right-of-way) to the nearest fire hydrant. The total distance shall include the radial distance from said entrance and may utilize public and private streets, approved fire lanes and/or drive access ways, parking lot lanes and other access roadways, but in no case shall the truck travel route be measured across grass, wooded or landscaped areas, over curbs, through fences or ditches.

Code official meaning the fire chief, fire marshal, code enforcement officer, or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or a duly authorized representative, shall be removed.

Fire apparatus access road means a road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Reference: [Chapter 2](#), International Fire Code, 201500, Edition.

Fire chief means the chief officer of the fire department serving the jurisdiction, or a duly authorized representative.

Reference: [Chapter 2](#), International Fire Code, 201500, Edition.

Fire code official means the fire chief, fire marshal, code enforcement officer, or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or a duly authorized representative.

Fire lane means a road or other passageway developed to allow the passage of fire apparatus. The fire lane is not necessarily intended for vehicular traffic other than fire apparatus. It shall also mean the area of the surface of a parking facility including curbing, having a minimum unobstructed width of not less than twenty (20) feet, and located at points of egress and ingress of any building adjacent to a parking facility.

Municipality means the City of Lockhart, Texas.

Parking facility means a private property adjacent to (front, sides and rear) and usable for vehicular parking by customers of any building.

Parking facility owner shall mean the owner or lessee of a parking facility if such owner or lessee is operating a business located in a building the entrances (front, rear and sides) are adjacent to the parking facility.

(Code 1966, §§ 11-1.1, 11-2, 11-3; Code 1982, § 9-17; Ord. No. 00-15, § 1, 7-18-00; Ord. No. 02-48, § 1, 11-19-02; Ord. No. 06-20, § 1, 5-2-06; Ord. No. 2013-22, § 1, 7-16-13)

Cross reference— Definitions generally, [§ 1-2](#).

• ~~Sec. 20-33. - Fire hazard prohibited. Reserved~~

— ~~Sec. 308.3.1, International Fire Code, Open Flame Cooking Devices, shall be adopted by reference as written.~~

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~~Section 307.5, International Fire Code, 2000 Edition, Open Flame Cooking Devices, shall be removed.~~

(Ord. No. 94-04, pt. 2, 2-15-94; Code 1982, § 9-18; Ord. No. 02-48, § I, 11-19-02; Ord. No. 06-20, § I, 5-2-06; Ord. No. 2013-22, § I, 7-16-13)

• **Sec. 20-34. - International Fire Code amendments.**

Section 107.54 is amended to read as follows:

Section 107.54. *Rendering equipment inoperable.*

(a)

Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperable or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

(b)

No fire protection system may be taken out of service or allowed to remain out of service beyond normal working hours without the prior approval of the fire code official. The fire code official shall be notified prior to any fire sprinkler or standpipe system being temporarily or permanently removed from service. No operation protected by a fire suppression system may be used or operated while the fire suppression system is out of service.

Sec. 108, *International Fire Codes, Board of Appeals, together with Appendix A*, shall be adopted by reference as written except as provided in [Sec. 20-7](#) of the Code of Ordinances.

Section 111.4 is amended to read as follows:

Section 111.4. *Failure to comply.* Any person who continues work after having been served with a stop work order, except such work the Fire Code Official has directed to be performed to remedy a violation or unsafe condition, shall be liable for a fine not to exceed \$2,000.00. Each day that a violation continues after notice of violation has been served shall be deemed a separate offense.

~~Sec. 304, International Fire Code, Combustible Waste Material, shall be adopted by reference as written.~~

~~Section 403 is amended by adding the following:~~

~~Section 403.2.2. *Enforceability.* The public safety plan, as described in 403.2 and approved by the Fire Code Official, shall be complied with and is enforceable under provisions of this code. Any violation of the plan shall be punishable by a fine of at least \$500.00.~~

Sec. 503, *International Fire Code, Fire Apparatus Access Roads*, Sec. 503.1; 503.1.1; 503.1.2; 503.1.3; and Appendix D, shall be adopted by reference as written.

Sec. 503.3.1 *International Fire Code, Fire Apparatus Access Roads, (Fire Lanes)*, Sections 503.2; 503.2.1; 503.2.2; 503.2.3; 503.2.4; 503.2.5; 503.2.5; 503.2.6; 503.2.7; 505.3; 503.4; 503.5; 503.5.1; 503.6. Appendix D, and Texas Transportation Code

Subchapter B, Unauthorized Vehicles, Section 684.011, and Subchapter G, Stopping, Standing and Parking, Section, 545.302, shall be adopted by reference as written.

Sec. 503.3, *International Fire Code, Marking*, shall have a new section added to read as follows:

Sec. 503.3.1 *Marking of Fire Lanes (No Curb Areas)*.

"In areas where fire lanes are required but no continuous curb is available, the following method will be used to mark the fire lanes".

From the point the fire lane begins to the point at which the fire lane ends, including the area of the parking surface behind designated parking spaces which adjoin a fire lane, there shall be marked a continuous eight (8") inch red stripe with the wording "FIRE LANE — TOW AWAY ZONE" in white letters at least three inches tall at intervals not exceeding fifty (50') feet.

~~Sec. 503.3, *International Fire Code, Marking*, shall have a new section added to read as follows:~~

Sec. 503.3.2 *Destruction of Fire Lane or Tow Away Signs*.

"It is hereby unlawful for any person, without lawful authority to alter, destroy, deface, injure, knock down, or remove any sign designating a fire lane or tow away zone erected under the terms of this code, or to deface a curb marking in any manner".

Section 503.6 is amended by adding the following to read as follows:

Section 503.6.1 *Gates*. All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the Fire Code Official. All gates or obstructions must comply with written installation standards and maintenance requirements as set forth by the Fire Code Official.

Section 503.6.2 *Access*. All gates that have access codes, locks, key controls, or other obstructions shall be maintained in an operable condition so that they can be opened by the fire department or other emergency service when needed. Failure to maintain these gates in an operable condition may result in the imposition of a fine and/or revocation of the gate permit.

Sec. 505, *International Fire Code, Premises Identification*, shall be adopted by reference as written.

Sec. 505, *International Fire Code, Premises Identification (Addresses)*, shall be amended by adding a new Sections 505.1.2; and 505.1.3 to read as follows:

Sec. 505.1.2 *Addresses for Multiple Building Complexes*.

"For the purposes of life safety protection, approved building numbers shall be required for all new/existing building complexes composed of multiple structures so that the number is plainly visible and legible from the parking surface roadway after upon entering the complex. Arabic numerals or Alphabet letters on individual buildings shall not be smaller than twelve (12") inches, and shall be in contrasting colors to the background to which they are attached. Signs are also to be affixed to the exterior of each building denoting the individual unit numbers and/or letters assigned to each building, or side of a building within the complex. Numbers and/or letters are to be a

minimum of four (4") inches in height. All residential structures which provide for rear vehicular access from a dedicated public street and/or alleyway shall conspicuously post the designated number so that it is visible from the alleyway".

Sec. 505.1.3 Responsibility to Maintain Addresses.

"It shall be the responsibility of the person in charge or owner of the premises to maintain all numbers and/or letters required under the provisions of this ordinance".

Section 506 is amended by adding the following subsection to read as follows:

Section 506.3. Location. Lock boxes approved by the Fire Code Official shall be installed in all new buildings that have fire sprinkler systems, alarm systems, or other fire protection systems that are connected to an alarm service.

Section 507.2.1 is amended to read as follows:

Section 507.2.1. Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 and local jurisdiction construction standards.

Section 507.3 is amended to read as follows:

Section 507.3. Fire flow. The purpose of this section is to provide direction for the design and installation of fire service and water utilities. This section shall be used in conjunction with all other adopted and referenced codes and standards. If this section conflicts with other codes or standards, the most restrictive shall apply.

507.3.1. Definitions. For the purposes of this section, the following words shall have the meanings shown herein:

Commercial means the use of a building or structure for commercial operations including, but not limited to, hotels, motels, apartments, and dwellings excluding one- and two-family dwellings.

Residential means a one- or two-family dwelling.

507.3.2. Fire flows required.

- (a) Every fire hydrant shall be capable of providing a minimum flow of 500 gpm in areas used for residential and 1,500 gpm in areas used for commercial or industrial.
- (b) Fire hydrant flows determined by the Insurance Services Organization's (ISO) Fire Suppression Rating Schedule shall be provided for all new buildings and changes of occupancy classification in existing buildings. Calculations are in Appendix B.
- (c) Fire hydrant flows for buildings provided with fire sprinkler systems shall either meet the requirements of subsection (b) or not be less than the required flow of the sprinkler system plus 500 gpm.
- (d)

The flow requirements listed in this section shall be met with a minimum of 20 pounds per square inch residual. This residual must be maintained in residential, commercial, and industrial areas. Flow in residential areas is to be calculated at 1.5 gpm per living unit.

- (e) If the Fire Code Official determines that an occupancy is of a hazardous nature, or if special hazards exist in addition to the normal hazard of the occupancy, section 901 of the International Fire Code, 2009 Edition shall apply.

Section 507.5 is amended to read as follows:

Section 507.5. Fire hydrant systems.

- (a) A fire hydrant is an approved national standard three-way hydrant connected to six-inch or larger water mains.
- (b) A two-way hydrant is not recognized unless it was installed before January 1, 1985, or it was installed in conjunction with nationally approved sprinkler systems.
- (c) Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.
- (d) Fire hydrants shall have one, 4.5 inch steamer and two, 2.5 inch side connections with National Standard threads. The centerline of the steamer connection shall be a minimum of 18 inches above the ground surface.
- (e) Hydrants must be located so that no portion of any new structure is more than 500 feet, as the hose lies, on accessible approved roadways.
- (f) Hydrants shall be spaced no less than every 500 feet in residentially zoned areas and no less than one every 300 feet in commercially and industrially zoned areas.
- (g) The City of Lockhart Water Department shall have the authority to develop and approve new fire hydrant installation methods and standards consistent with the application of this section.
- (h) Hydrants shall be installed in accordance with local jurisdiction construction standards.

Section 507.5.2 is amended by adding the following:

Section 507.5.2.1. Cost. The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.

Section 507.5.3 is amended by adding the following:

Section 507.5.3.1. Water mains required.

- (a)

Water mains shall be at least eight inches and large enough to supply the required fire flows. All developers shall provide an engineer certified computer model or hand calculation to the fire and engineering departments. The model or calculation shall indicate the minimum fire flows that will be met. Existing mains shall come into compliance with this requirement when they undergo major repairs or when the fire flow demands of new construction or new occupancy classifications in existing construction exceed the existing fire flows.

- (b) New eight-inch dead-end main more than 1,320 feet long must be looped.
- (c) New eight-inch looped main shall not exceed 2,500 feet, unless approved by the fire and engineering departments.
- (d) Any six-inch lead lines for hydrants cannot exceed 100 feet and, in no case, reduce the amount of required fire flow. Six-inch lines are not permitted for use as a utility line or fire line for fire hydrants for commercial structures.
- (e) Private fire service mains and water tanks shall be periodically inspected, periodically tested, and maintained in accordance with NFPA 25. Reports for the inspection or test shall be on a form as specified by the fire code official.

Section 507.5.4 is amended to read as follows:

Section 507.5.4. Obstruction. Posts, fences, vehicles, growth, trash, storage, and other materials or objects shall neither be placed within five feet of nor kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. No person shall place or maintain an obstruction near fire protection equipment or a fire hydrant so that the fire department is deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.5 is amended to read as follows:

Section 507.5.5. Clear space around hydrants. A 5-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

Section 507 is amended by adding the following:

Section 507.5.7. Marking. The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.

Sec. 508, *International Fire Code, Fire Protection Water Supplies*, together with Appendix B and C, and Texas Transportation Code, Subchapter G, Stopping, Standing and Parking, Section 545.302, shall be adopted by reference as written.

Exception 1 to Section 603.4 is amended to read as follows

Exceptions:

1. Unvented fuel-fired heaters that are listed and approved for installation in one- and two-family dwellings may be used therein.

Section 604.2.14.3 is amended to read as follows:

~~Section 604.2.14.3. Emergency systems. Exit signs, exit illumination as required by Chapter 10, and elevator car lighting are classified as emergency systems and shall operate within 10 seconds of failure of the normal power supply for egress lighting and shall be capable of being transferred to the standby source.~~

~~Section 605.5.1 is amended to read as follows:~~

~~Section 605.5.1. Power supply. Extension cords shall be plugged directly into an approved receptacle and, except for approved multiplug extension cords, shall serve only one portable appliance.~~

~~Section 605.9 is amended to read as follows:~~

~~Section 605.9. Temporary wiring. Temporary wiring for electrical power and lighting installations is not allowed to exceed a period of 90 days. This includes decorative holiday lighting, carnivals and similar purposes. Temporary wiring methods shall meet the applicable provisions of the ICC International Electrical Code or National Electrical Code as adopted. Temporary wiring for construction purposes shall be removed at the end of construction.~~

~~Section 605 is amended by adding the following:~~

~~Section 605.131. Labels for disconnecting means. Each disconnecting means for each service feeder, or branch circuit shall be legibly marked to indicate its purpose at the point where it originates. Where the service feeder or branch is located on a building or other structure, a description of the device and address of the building must be prominently displayed utilizing a marking of sufficient durability to withstand the environment involved. A list of acceptable marking devices and labels can be obtained through the electric utility department.~~

~~Section 807.4.3.2 is amended to read as follows: (Applies to Schools)~~

~~Section 807.4.3.2 Artwork. Flammable or combustible materials posted on walls shall be limited to not more than 20 percent of the wall area in corridors and not more than 50 percent of the wall area of each wall in classrooms. Artwork and teaching materials are not an exception to this requirement.~~

~~Section 807.4.4.2 is amended to read as follows: (Applies to Day-Care facilities)~~

~~Section 807.4.4.2 Artwork. Flammable or combustible materials posted on walls shall be limited to not more than 20 percent of the wall area in corridors and not more than 50 percent of the wall area of each wall in classrooms. Artwork and teaching materials are not an exception to this requirement.~~

~~Sec. 903, International Fire Code, Automatic Sprinkler Systems, shall be adopted by reference as written.~~

~~Section 903.1 is amended by adding the following:~~

~~Section 903.1.2. More restrictive section applies. Where fire sprinklers are required in other sections of this code, the most restrictive requirement will apply to methods of construction, installation, or other system requirements.~~

~~903.2.10 is amended to read as follows:~~

~~Section 903.2.10. Group S-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy where one of the following conditions exist:~~

- ~~1. Where a Group S-2 fire area exceeds 18,000 square feet; Exception: Open parking garages.~~
- ~~2. Where the fire area of an enclosed parking garage exceeds 12,000 square feet; or~~
- ~~3. Where enclosed parking garages are located beneath other groups.
Exception: Enclosed parking garages located beneath Group R-3 occupancies.~~

Section 903.2 is amended by adding the following:

~~Section 903.2.13. Other occupancy classifications. An automatic sprinkler system shall be provided throughout all buildings classified as Group B with the exception of Group B ambulatory health care facilities, and Group F-2 having a fire area exceeding 15,000 square feet.~~

Section 903.2.14. Additions and Expansions. Any building constructed after July 26, 2013, which with attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 15,000 sq. ft. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

~~Section 903.2.16. International Fire Code, 2000 Edition, Chapter 9, Fire Protection Systems, (Existing Buildings), shall be removed.~~

Section 903.3.1.2 is amended by adding the following:

Section 903.3.1.2. **32. Exterior closets.** Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.

Sec. 906, *International Fire Code, Portable Fire Extinguishers*, shall be adopted by reference as written.

Section 906.3.1. **12** is added.

Section 906.3.1.2. **1 Fire Extinguishers minimum standards** - Fire extinguishers are required for all multifamily dwellings new and existing.

- A. Outside - if fire extinguishers are located outside the individual unit(s), one shall be on each level (if a multi-level building). The maximum travel distance (the furthest point to reach the extinguisher) shall not exceed 75 feet. If this distance is exceeded, another extinguisher shall be provided. The size and type of these extinguishers shall be a minimum 2A-10BC (≈5 lb.)
- B. Inside - if fire extinguishers are located inside each unit, only one 1A-5BC (≈2½ lb.) is required.
 - 1.

When mounting extinguishers, they must be no less than 4 inches from the floor, nor higher than 5 feet from the ground. The recommended height is about 3½ feet, measured to the top of the extinguisher. If located outside, an approved container is required.

2.

The property owner shall be responsible for the inspection, maintenance, and recharging or refilling of the extinguishers located on their property. Units shall be mounted per NFPA standards. This inspection and maintenance shall be completed each year by a trained licensed technician.

C.

~~Exception—The above requirements can be met by installation according to NFPA 10 adopted addition.~~

Section 907.2.6.1.1 is amended by adding the following:

Where more than one smoke alarm is required to be installed in an existing dwelling unit, existing units interconnection is required based the year of the original installation. In occupancies where new fire alarms are being installed based on code required upgrades or to new building code standards, they must meet interconnectivity standards in the residential and building codes respectively.

Sec. 1003, *International Fire Code, 2000 Edition, General Means of Egress*. Sections 1003.2.2.5.1; and 1003.2.2.5.2 shall be removed.

~~Section 1404.7 is amended to read as follows:~~

~~Section 1404.7. Electrical. Temporary wiring for electrical power and lighting installations used in connection with the construction, alteration or demolition of buildings, structures, equipment or similar activities shall comply with the Section 605.9 and NFPA 70.~~

Section ~~503.1410.1~~ is amended to add read as follows: (Applies to buildings under construction)

~~Section 503.4.2.1410.1. Required access.~~ Approved vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 50 feet of temporary or permanent fire department connections. Vehicle access shall be provided to within 150 feet of all portions of the exterior wall of the first story of each building prior to the erection of combustible material within that building. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

Section ~~507.1.1412.1~~ is amended to read as follows: (Applies to buildings under construction).

~~Section 507.1.1.1412.1. When required.~~ Water supply complying with Section 507 shall be provided within 500 feet of all portions of the exterior wall of the first story of each building prior to the erection of combustible material for that building.

Section ~~610.1.2404.15.4~~ is amended to add read as follows:

Section ~~601.1.1 2404.15.4~~. Operations such as the warming of foods, cooking demonstrations, and similar operations that use solid flammables, butane, or other similar devices which do not pose an ignition hazard may be approved by the fire code official.

~~Section 3301.2.4 is amended to read as follows: (Applies to Explosives and Fireworks).~~

~~Section 301.2.4. Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond or a public liability insurance policy in such form, amount and coverage as determined by the jurisdiction to be adequate in each case, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.~~

~~Section 3308 is amended by adding the following:~~

~~Section 3308.11. Retail display and sale. Fireworks shall not be displayed for retail sale nor made available to the public.~~

~~Appendix B is amended to read as follows:~~

~~Appendix B-
Fire Flow Calculations~~

~~The following information is a summary and is provided to assist in understanding the required fire flow calculation method. Refer to the Insurance Services Organization's (ISO) Fire Suppression Rating Schedule for actual calculations. Where any question or discrepancy exists Fire Suppression Rating Schedule should be followed.~~

~~The ISO's method for calculation of fire flows consider the square footage, type of construction, type of occupancy, exposure, and communication of the building to be protected. The required fire flow ("F") is determined as follows where:~~

~~A = effective area~~

~~C = construction coefficient*~~

~~O = occupancy factor*~~

~~E = exposure factor*~~

~~M = communication factor*~~

~~F = required flow~~

~~$F = 18(O)(E)(M)(C)(\sqrt{A})$~~

~~The effective area is the sum of 100% of the ground floor and 50% of all additional floors. The final result is rounded to the nearest 250 gpm up to 2,500 gpm and to the nearest 500 gpm beyond 2,500 gpm.~~

*See the ISO Fire Suppression Rating Schedule for details on calculation.

Residential Construction

—For one- and two-family dwellings not exceeding two stories in height, the following fire flows shall be used:

Distance between buildings	Required fire flow
Over 100 feet	500 gpm
31—100 feet	750 gpm
11—30 feet	1,000 gpm
10 feet or less	1,500 gpm

Commercial Construction

—Maximum square footage by construction type and gpm fire flow (without modification for occupancy and exposures):

GPM	Fire-Resistive		Non-Combustible		Ordinary
1,500	22,611	12,719	8,140	3,618	
1,750	30,109	16,936	10,839	4,817	

GPM	Fire-Resistive		Non-Combustible		Ordinary
2,000	38,678	21,756	13,924	6,188	
2,250	48,319	27,179	17,395	7,731	
2,500	59,031	33,205	21,251	9,445	
3,000	83,671	47,065	30,122	13,387	
3,500	112,598	63,336	40,535	18,016	
4,000	145,811	82,019	52,492	23,330	
4,500	183,311	103,112	65,992	29,330	
5,000	225,098	126,617	81,035	36,016	

The square footage is the total of 100% of the first floor and 50% of each additional floor up to and including the 4th floor.

Appendix D is amended to read as follows:

APPENDIX D-
FIRE APPARATUS ACCESS ROADS

Section D101-General:

D101.1. Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code as adopted herein.

Section D102 Minimum specifications.

D102.1. Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as approved by the fire chief or designee.

D102.2. Turning radius. The minimum turning radius shall be determined by the Fire Code Official.

D102.3. Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D102.3.

D102.4. Access and Loading. Facilities, buildings, or portions of buildings hereinafter constructed shall be accessible to fire department apparatus by way of a fire apparatus access road with an asphalt, concrete, or other driving surface approved by the Fire Code Official which is capable of supporting the fire apparatus manufacturer's specifications, but not less than 75,000 pounds (34,050 kg.).

D103 Aerial Fire Apparatus Access Roads.

D103.1. Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9,144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7,925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9,144 mm) in height.

D105.3. Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4,572 mm) and a maximum of 30 feet (9,144 mm) from the building, and shall be positioned parallel to one entire side of the building.

Table D102.3 Requirements for Dead-end Fire Apparatus Access Roads

Length (feet)		Width (feet)	Turnarounds required
0—150	20	None required	
151—500	20	Shown in Figure D102.3	

Length (feet)	Width (feet)	Turnarounds required
501—750	24	Shown in Figure D102.3
Over 750		Special approval required

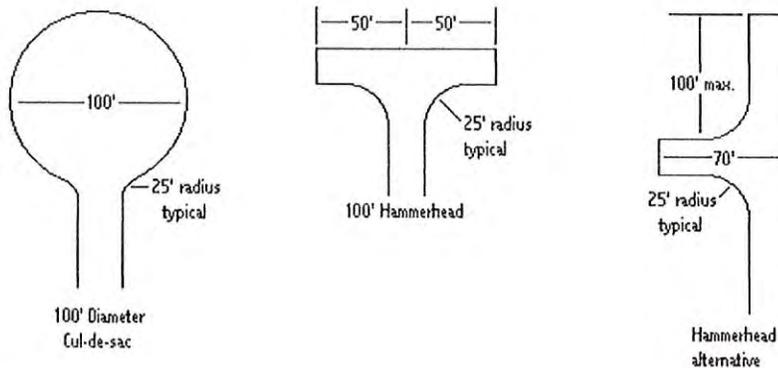


Figure D102.3 Dead-end Fire Apparatus Access Road Turnaround

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Sec. 1004, *International Fire Code, General Means of Egress*, shall be amended by adding new Sections 1004.3.1; and 1004.3.2 to read as follows:

Sec. 1004.3.1.

"Such sign shall read as follows: OCCUPANCY BY MORE THAN _____ PERSONS IS DANGEROUS AND UNLAWFUL.

"It shall be unlawful to remove or deface this Notice".

Sec. 1004.3.2.

"When the code official determines that any building or other structure is in violation of the posted capacity, he shall temporarily order the establishment closed, and may obtain

the assistance of other law enforcement agencies to enforce his order. The temporary closure of such a building or structure shall be limited to a period of time sufficient to evacuate the building and count the total number of occupants therein (including employees), and to reduce the actual number of occupants to constitute compliance with the building and fire codes."

Chapter 37, *International Fire Code, Combustible Fibers*, shall be amended by adding a new Section 3703.4.1-2903.4 (Agricultural Products) to read as follows:

- a. Storage of agricultural bales shall not be located within 25 feet to a structure or building;
- b. Storage of agricultural bales shall not be located within 25 feet to any property line, easement or right-of-way;
- c. Hay, straw or similar agricultural products stored in open fields or lots shall be stored in the following manner:
 1. Storage of agricultural bales shall be limited in stack or pile size where the dimensions are limited to no more than 7 feet in height, 12 feet in width, and 100 feet in length (8,400 cubic feet);
 2. Storage arrangements of stacks or piles shall be such where there is a separation of at least 25 feet between stacks or piles.
- d. Seed cotton, baled cotton, mote baled cotton, sisal, or similar agricultural products stored in open fields or lots shall be stored in the following manner:
 1. Storage of mote bale cotton shall be limited in stack or pile size where the dimensions are limited to no more than 8 feet in height, 8 feet in width, and 40 feet in length (2,560 cubic feet). Storage arrangements of stacks or piles shall be such where there is a separation of at least 10 feet between stacks or piles.
 2. Storage of module baled cotton shall be limited in stack or pile size where the height is limited to no more than 8 feet and the length is no more than 33 feet, and the storage arrangements of stacks or piles shall be such where there is a separation of at least 10 feet between stacks or piles.

Chapter 33, *International Fire Code, Explosives and Fireworks* shall be adopted by reference as written.

~~Chapter 33, *International Fire Code, Explosives and Fireworks* shall be amended by adding a new Section 3304.1.3.1, *Fireworks (Restrictions)*, to read as follows:~~

~~"Except as herein provided, it shall be unlawful for any person to possess, store, offer for sale, sell at retail, or use or explode any fireworks within the corporate limits of, or within 5,000 feet of the city. The presence of any fireworks as defined in Sec. 3302 of~~

~~this code within the jurisdiction of the city, and within 5,000 feet of the city limits, without appropriate license and permit, is hereby declared to be a public nuisance".~~

~~Chapter 33, International Fire Code; Explosives and Fireworks shall be amended under Section 3301.7 Fireworks (Seizure); to read as follows:~~

~~"The code official, and/or any peace officer commissioned by the city are directed to seize, take, remove, and cause to be removed at the expense of the owner, all stocks of fireworks offered for sale, stored, held or otherwise found in violation of this article".~~

~~"The code official, and/or any peace officer commissioned by the city shall have the authority to stop the transportation of any fireworks and detain the person found to be transporting illegally, or to close any building where any fireworks are stored illegally.~~

~~Chapter 33, International Fire Code, Explosives and Fireworks shall be amended by adding a new Section 3301.1.3.2 (Transportation), to read as follows:~~

~~Notwithstanding any penal provisions of this article, the city attorney is authorized to file suit on behalf of the city, code official, or commissioned peace officer, for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks within the jurisdiction of the city and to aid the code official and/or any peace officer commissioned by the city in the discharge of duties and to particularly prevent any person from interfering with the seizure and destruction of such illegal fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction".~~

~~Chapter 34, International Fire Code, Flammable and Combustible Liquids, shall be adopted by reference as written.~~

(Ord. No. 00-15, § I, 7-18-00; Ord. No. 00-36, § II, 11-21-00; Ord. No. 00-34, § I, 11-13-00; Ord. No. 02-48, § I, 11-19-02; Ord. No. 06-20, § I, 5-2-06; Ord. No. 08-01, § I, 2-5-08; Ord. No. 2010-08, § II, 2-16-10; Ord. No. 2013-22, § I, 7-16-13)

• **Sec. 20-35. - Life Safety Code amendments.**

| ~~Sec. 4.6.43.1, Life Safety Code (NFPA 101) shall be amended to read "Rehabilitation projects in historic buildings may comply with the provisions of Chapter 43".~~

| ~~Sec. 123.3.5, Life Safety Code, NFPA 101), Existing Assembly Occupancies, Sprinkler Requirements, shall be removed as a reference is hereby amended to read as follows:~~

| ~~Sec. 123.3.5, Life Safety Code, NFPA 101), Existing Assemblies shall not be made to comply unless modifications are made to the existing building which in the opinion of the Fire Code Official constitutes a threat to Life Safety.~~

| ~~Sec. 24.1.3.2.1, Chapter 24, Life Safety Code, (NFPA 101), One and Two Family Dwellings, shall be removed as a reference is hereby amended to read as follows:~~

A requirement of this state or of an ordinance or order of a political subdivision that an automatic fire sprinkler system be installed in a new one-family or two-family dwelling may not be enforced with respect to a dwelling under 7,500 square feet in size.

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A prospective owner of a one-family or two-family dwelling under 7,500 square feet in size in a jurisdiction in which an automatic fire sprinkler system would otherwise be required to be installed in the home may choose whether or not to have the system installed.

A builder in a jurisdiction in which an automatic fire sprinkler system is required to be installed in any new one-family or two-family dwelling shall offer a person with whom the builder contracts for the construction of a new one-family or two-family dwelling under 7,500 square feet in size the option of installing an approved automatic fire sprinkler system in accordance with the International Residential Code applicable to the construction under V.T.C.A., Property Code § 430.001.

(Ord. No. 06-20, § I, 5-2-06; Ord. No. 2013-22, § I, 7-16-13)

- **Secs. 20-36—20-60. - Reserved.**
- **ARTICLE III. - LIQUEFIED PETROLEUM GAS**[2]

Amend this Article to read Chapter 58, International Fire Code 2015 Edition to add the following changes:

- **Sec. 5802.1 20-61. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Equipment shall mean and include all that equipment designed to use as a fuel any form of manufactured or liquefied petroleum gases.

Standard grade shall mean that grade of article which is accepted by dealers in such equipment and recognized as complying with all fire and life safety regulations.

Liquefied petroleum gas (LP—Gas) shall mean a material which is composed predominantly of the following hydrocarbons or mixtures of them: propane, propylene, butane (normal butane or isobutene) and butylenes.

Reference —~~Chapter 58 Section 3802~~, Definitions, International Fire Code, 2015 2000 Edition (Code 1966, § 11-43; Code 1982, § 9-31; Ord. No. 02-48, § I, 11-19-02)

Cross reference— Definitions generally, § 1-2.

- **Sec. 20-62. - Piping, appliances; minimum standards.**

All persons who may install or equip any residence, business, house, apartment house, or any other building located and situated within the city with any installation of equipment shall use in any such installation, whether for domestic or industrial use, only a standard grade of pipe or piping. All appliances used in connection with any such installation shall be a standard grade and type of equipment. Any system which uses any form of

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manufactured or liquefied petroleum gases must bear the label of approval or listing of the Underwriters' Laboratories, Inc.

(Code 1966, § 11-44; Code 1982, § 9-32)

• **Sec. 20-63. - Installation, use of equipment.**

- (a) Any equipment shall be installed or repaired in a workman like manner which shall comply with the provisions of the Texas Liquefied Petroleum Gas Code (V.C.T.A., Natural Resources Code, 113.001 et seq.), International Fuel Gas Code, [Chapter 38](#), Section 3803, International Fire Code, and NFPA [58, National Fire Code 2015 Edition](#).
- (b) When any equipment is installed, it shall not be placed in operation or used unless and until such installation has been approved by the city inspector.
- (c) Any person installing any equipment shall, upon requesting such inspection for approval, pay an inspection fee as established by ordinance or resolution for each piece of equipment, to cover cost of inspection.

(Code 1966, § 11-45; Code 1982, § 9-33; Ord. No. 02-48, § I, 11-19-02)

State Law reference— Liquefied Petroleum Gas Code, V.T.C.A., Natural Resources Code § 113.001 et seq.; rules and standards, V.T.C.A., Natural Resources Code § 113.051 et seq.

• **Sec. 20-64. - Storage, prohibited locations.**

- (a) No equipment using liquefied petroleum gases shall be permitted within the established fire limits of the city.
- (b) Equipment used for the purposes of storing wholesale quantities of such gases within the city for the specific purposes of resale to the general public, shall meet all requirements as outlined in [Chapter 58.38, Section 3809, 2015](#) International Fire Code, Liquefied Petroleum Gases.
- (c) All persons who reside in areas within the city that are served by the company providing natural gas service, may as an option have liquefied petroleum gas service only if such installations are underground.

(Code 1966, § 11-46; Code 1982, § 9-34; Ord. No. 02-48, § I, 11-19-02)

• **Sec. 20-65. - Construction, operation, inspection and maintenance of tank trucks and trailers.**

- (a)

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All tank trucks and tank trailers used for the transportation of liquefied petroleum gases within the city shall be so constructed and operated so as to comply with the provisions of the Texas Liquefied Petroleum Gas Code (V.C.T.A., Natural Resources Code 113.001 et seq.), International Fuel Gas Code and NFPA 58, 58.

(b)

Any person who shall operate or cause to be operated any such tank truck or tank trailer within the city shall keep such equipment in good condition at all times, and upon the development of any defect(s) that would create a hazard to persons or property, such tank truck or tank trailer shall be removed from the streets of the city until such defect(s) have been repaired or faulty equipment replaced. Any such tank trucks and tank trailers shall be subject to inspection by the proper authorities at any time.

(c)

Parking and Garaging of tank trucks and/or tank trailers shall comply with all requirements as specified in Section 3811, International Fire Code, and NFPA 58, 58. (Code 1966, § 11-47; Code 1982, § 9-35; Ord. No. 02-48, § I, 11-19-02)

State Law reference— Liquefied Petroleum Gas Code, V.T.C.A., Natural Resources Code § 113.001 et seq.; motor vehicles and testing laboratories, V.T.C.A., Natural Resources Code § 113.131 et seq.

- **Sec. 20-66. - Treatment of gas for odor.**

All liquefied petroleum gas sold within the city shall be treated with a malodorant in such quantities as required by state law to create an odor easily detected in case of leaks in piping or equipment.

(Code 1966, § 11-48; Code 1982, § 9-36)

State Law reference— Malodorants, Vernon's Ann. Civ. St. art. 6053, § 2.

- **Secs. 20-67—20-89. - Reserved.**

- **ARTICLE IV. - HAZARDOUS MATERIALS SPILLS**

- **Sec. 20-90. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hazardous materials means any substance or materials in a quantity or form which, in the determination of the fire chief or his authorized representative, pose an unreasonable risk of life, health or safety of persons, property or the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.

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(Ord. No. 00-05, § I, 2-15-00)

• **Sec. 20-91. - Abatement, responsibility.**

Any individual, agency, firm or party who accidentally, negligently, or intentionally causes or is responsible for a release or spill of hazardous material affecting property within the city or its extraterritorial jurisdiction, the "responsible party" shall be responsible for the abatement, control, capture and proper disposal of such hazardous material and for all associated costs. The remedy provided by this section shall be in addition to any other remedies provided by law. Such individual agency, firm or party will have the option to secure and hire a firm qualified to abate, control, capture and dispose of these substances or request city forces to handle the spill. City departments may proceed beyond containment provided it is specifically requested by the responsible party and provided that city personnel are properly trained to the appropriate certification level, provided with the proper resources necessary to control the incident and provide for lawful disposal. City costs will be computed as outlined in [section 20-92](#).

(Ord. No. 00-05, § I, 2-15-00)

State Law reference— Extent of extraterritorial jurisdiction, V.C.T.A., Local Government Code 42.021

• **Sec. 20-92. - Costs incurred by the city to control hazardous materials.**

(a)

For purposes of this article, costs incurred by the fire, police, EMS and street departments and/or any other departments of the city, "recovery costs" shall include, but not be limited to, all actual out-of-pocket expenses attributable to the response, control, or abatement of any hazardous material incident, including costs of equipment operations and personnel, costs of materials utilized, meals for personnel involved in the incident, costs of specialists, medical expenses for exposures, injuries, or illnesses resulting from an incident, experts or other contract labor not in the full-time employment of the city, costs incurred by area fire departments requested through a mutual-aid agreement with the city, and any other incidental costs incurred by the city as a result of such incident. The following fee schedule may serve as a guideline for calculating expenses:

HAZMAT RECOVERY FEES

CATEGORY	DESCRIPTION	COST	UNIT
Operations	Incident Commander	\$ 50.00	per hour
	Engine, Pumper	\$ 500.00	per hour

	Rescue	\$ 400.00	per hour
	EMS Unit (Rehab)	\$ 150.00	per hour
	Police Patrol Vehicle	\$ 75.00	per hour
	Air Cascade System	\$ 75.00	per hour
	Incident Command Vehicle	\$ 200.00	per hour
	Fire Marshal's Vehicle	\$ 75.00	per hour
	Communications Dispatch Fee	\$ 75.00	per incident
	Administration Fee		15% of invoice total
PPE	Self Contained Breathing Apparatus	\$ 75.00	per use
	Nomex Gloves	\$ 35.00	per use
	Structural Fire Fighting Gear (per person)	\$ 60.00	per use
	Highway Safety Vest	\$ 3.00	per use

	Nomex Jump Suit	\$ 30.00	per use
Supplies	Foam	\$ 50.00	per gal
	Portable Fire Extinguisher	\$ 50.00	per use
	Absorbent	\$ 15.00	per bag
	Sand Bags-Full	\$ 10.00	per bag
	Radiation Detector-Alpha	\$ 20.00	per use
	Tri-Gas Detector	\$ 25.00	per use
	Air Bag (each)	\$ 50.00	per use
	Barrier Tape	\$ 20.00	per roll
	Camera	\$ 10.00	per use
	Film	\$ 12.00	per roll
	Film (Compact Flash/Digital)	\$ 75.00	per cd

	Cell Phone	\$ 25.00	per use
	Generator (On Board or Portable)	\$ 50.00	per hour
	Incident Accountability	\$ 10.00	per use
	Portable Lighting	\$ 15.00	per use
	Portable Radio	\$ 5.00	per use
	Traffic Cones	\$ 1.00	per use
	Traffic Control Point	\$ 15.00	per hour
	Extrication Tool	\$ 100.00	each
	Salvage Covers	\$ 25.00	each
	Thermal Imaging Camera	\$ 200.00	per incident
	PPV Fan	\$ 50.00	per hour
Personnel	Police (Traffic Control and Overtime)	Current Salary	

	Firefighters (Off Duty Personnel Used)	Current Salary	
	EMS Personnel (Off Duty Personnel Used)	Current Salary	

(b)

Equipment damaged or destroyed during a call. Should fire department equipment be damaged or destroyed during the course of responding to an emergency incident which is the result of an accidental, careless, negligent, or intentional act, the person responsible for the spill or emergency incident shall be responsible for the costs of repair or current replacement cost of any such damaged or destroyed equipment, and shall be billed accordingly.

(Ord. No. 00-05, § I, 2-15-00; Ord. No. 07-25, § I, 7-17-07)

• **Sec. 20-93. - Services not related to hazardous materials control.**

The authority to recover costs under this article shall not include actual fire suppression, rescue, medial services, etc., which are normally or usually provided by the fire, police, EMS, street and/or other city departments and are unrelated to a particular hazardous materials incident.

(Ord. No. 00-05, § I, 2-15-00)

• **Sec. 20-94. - Recovery costs to be placed in the general fund.**

For the purposes of this article, recovery costs under this article incurred by the fire, police, EMS, street and/or other city departments shall be placed in the general fund of the city.

(Ord. No. 00-05, § I, 2-15-00)

• **Sec. 20-95. - Enforcement.**

(a)

Any responsible party violating any provision of this article, shall be guilty of a misdemeanor. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this article.

(b)

Any violation of this article is hereby declared to public nuisance, and the council may institute any action which may be deemed necessary to restrain or abate such violation.

(Ord. No. 00-05, § I, 2-15-00)

- Secs. 20-96—20-100. - Reserved.
- **ARTICLE V. - OUTDOOR BURNING**

- **Sec. 20-101. - Outdoor burning.**

(a)

Purpose. This section is adopted pursuant to regulations adopted by the Texas Commission on Environmental Quality (TCEQ) under the provisions of the Texas Clean Air Act (V.T.C.A., Health and Safety Code § 382.001 et seq.), which grant to cities certain powers to enact and enforce ordinances regulating air contaminants and air pollution, and is further adopted to promote fire prevention within the city.

(b)

Burning prohibited. No person shall burn or cause to be burned any grass, trash, garbage, junk, rubble, rubbish, or waste within the city.

(Ord. No. 06-43, § I, 12-5-06)

- **Sec. 20-102. - Definitions.**

For the purpose of this section, the following definitions shall apply:

Brush means cuttings or trimmings from trees, shrubs, gardens or lawns, or similar materials.

Combustible material means magazines, books, brush, pasteboard boxes, rags, paper, straw, sawdust, packing material, shavings, boxes and all rubbish and refuse that will ignite through contact with flames of ordinary temperatures.

Combustible unit means any boiler plant, furnace, incinerator, domestic fireplace, flare, engine or other device used to oxidize solid, liquid or gaseous fuels.

Domestic waste means waste normally resulting from the function of life within a residence that can be burned include such things as kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics and rubber), clothing, grass, leaves, and branch trimmings.

Garbage means animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods and shall include all putrescent wastes, including vegetables, animal and poultry offal, and carcasses of small animals and dead fowls, and shall include all substances from all public and private establishments and from all residences.

Junk includes junked automobiles, used automobile tires and damaged or used household furnishings, as well as, non-wood construction debris, furniture, carpet, electrical wire, and appliances.

Outdoor burning means any fire or smoke producing process that is not conducted in a combustion unit.

Person means any individual, corporation, organization, partnership, business trust, association or any other legal entity.

Practical alternative means an economically, technologically, ecologically and logistically viable option. Practical alternatives may include recycling, composting, mechanical chipping or mulching, landfilling, logging, or using a state registered forced air burner system or air curtain destructor.

Property development means the uprooting, cutting or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access or production.

Residential area includes two or more occupied dwellings or buildings located within 100 feet of each other.

Rubbish means nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, food, excelsior, furniture, plastics, yard trimmings, leaves, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

Rubble includes debris resulting from construction, reconstruction or repair of buildings, and includes all waste building materials.

Solid waste means garbage, rubbish, combustible materials, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste.

Structure containing sensitive receptor(s) means a manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "manmade structure" does not include such things as range fences, roads, bridges, hunting blinds or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation that has potential to be damaged by smoke and heat, examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

Sunrise and Sunset means the times when the upper edge of the disk of the Sun is on the horizon, considered unobstructed relative to the location of interest. Atmospheric conditions are assumed to be average, and the location is in a level region on the Earth's surface.

Uncontrolled outdoor burning means any outdoor burning that is not conducted pursuant to an exemption provided in this article.

(Ord. No. 06-43, § 1, 12-5-06)

• **Sec. 20-103. - Declaration of nuisance.**

Uncontrolled outdoor burning of rubbish, garbage, brush, combustible materials and all other solid waste within the city limits is hereby declared to be and within 5,000 feet of the

city limits is a nuisance that creates conditions that are detrimental to the lives, health and property of the citizens of the city and interferes with the enjoyment of property and the public peace and comfort.

(Ord. No. 06-43, § I, 12-5-06)

• **Sec. 20-104. - Uncontrolled outdoor burning prohibited.**

No person may cause, suffer, allow or permit any uncontrolled outdoor burning of rubbish, garbage, brush, combustible materials or solid waste within the city limits or within 5,000 feet of the city limits.

Exceptions. The provisions of this section shall not apply to the following:

- (a) Outdoor burning in connection with the preparation of food.
- (b) Campfires and fires used solely for recreational purposes or for ceremonial occasions.
- (c) Domestic burning for heat and cooking within any dwelling unit when contained in an approved fireplace. Barbeque pits, smokers, L.P. cookers, or similar open flame cooking equipment shall not be used within ten feet of any structure.
- (d) Burning within an incinerator constructed and maintained in accordance with the most current editions of the standards and specifications of the National Fire Protection Association. Burning for the purpose of property development or land clearing operations shall be by trench burner or air curtain operations.
- (e) Fires set for the purpose of training firefighting personnel associated with the city.
- (f) Burning for the purpose of removing fire hazards on written approval of the fire marshal, or burning when the mayor of the city has issued an emergency disaster declaration.
- (g) Agricultural burning for the removal crops, grass and other vegetable matter when zoned agricultural open space located more than 1,000 feet from a residential area or another location containing sensitive receptors, and upon permit from the fire marshal.
- (h) Burning of brush in areas that are zoned agricultural open space when located more than 250 feet from a residential area or another location containing sensitive receptors, and upon permit from the fire marshal.

(Ord. No. 06-43, § I, 12-5-06)

• **Sec. 20-105. - Permit requirements.**

Nothing contained in this section shall be construed as permitting any burning in violation of any rule, regulation or order of the Texas Clean Air Act or TCEQ rules and regulations.

- (a) Any person desiring to conduct outdoor burning under the preceding [section 20-104](#) of this section shall apply for and obtain a permit from the Lockhart Fire Marshal. Applications for outdoor burning shall be submitted to the city at least five working days prior to the requested burn day. A detailed and accurate site plan shall be submitted for approval. A copy of the permit and all required paperwork shall be maintained at the burn site for the duration of the permit. Burning for personal use identified in [section 20-104\(c\)](#) does not need a permit. Permits may only be used by the original applicant, and may not be assigned or otherwise transferred.
- (b) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water or off-site structure containing sensitive receptor(s). Wind speed shall be a minimum of six miles per hour and a maximum of 23 miles per hour.
- (c) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag persons on affected roads in accordance with the requirements of the Texas Department of Transportation and the Texas Department of Public Safety.
- (d) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions or in areas covered by a current air stagnation advisory.
 - 1. The initiation of burning shall commence no earlier than one hour after sunrise.
 - 2. Burning shall be completed and the fire completely extinguished on the same day not later than one hour before sunset.
 - 3. The permitted open burn shall be attended by a responsible party at all times. In no case shall the extent of the burn area be allowed to increase after this time period. A permit period shall be commensurate with the projected time period necessary for the outdoor burning and the expiration date shall be stated on the permit.

(Ord. No. 06-43, § I, 12-5-06)

• **Sec. 20-106. - Outdoor burning.**

- (a) Only material derived from the burn site may be burned on that site. Materials may not be brought in from other sites to be burned.
- (b)

Electrical insulation, treated lumber, plastics, non-wood construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber shall not be burned.

(c)

Burning of brush may be permitted provided the brush pile is no closer than 50 feet from a public roadway or property line. A brush pile cannot be larger than 25 feet in diameter and not higher than 15 feet. Piles may not be spaced closer than 50 feet between piles. Only one pile may be burned at a time. At least one serviceable portable fire extinguisher with a rating of 4A:10B:C rating shall be within 30 feet of the burn pile.

(Ord. No. 06-43, § I, 12-5-06)

• **Sec. 20-107. - Trench burners and air curtain operations.**

The city may issue a permit for trench burning (air curtain incineration) during non-emergency periods provided that all regulations contained in this division are met and a valid burn permit has been secured from the city. Materials to be burned in a trench shall be limited to trees, brush and untreated lumber. Only material derived from the burn site may be burned on that site. Materials may not be brought in from other sites to be burned.

(a)

Trench burning or air curtain operations must be conducted downwind of or at least 1,000 feet from any residential area, or structure containing sensitive receptor(s) located on adjacent properties.

(b)

A trench-burning machine carrying a current burning permit issued by the state air control board shall be used. Proof of such permit shall be submitted in a manner acceptable to the city.

(c)

A site-specific permit may also be issued by the county pollution control department. Proof of such permit shall be submitted in a manner acceptable to the city.

(d)

Operation of the equipment and burning procedures shall conform to the most restrictive provisions of the state air control board's permits and the special conditions listed in this division.

(e)

Liability insurance in the minimum amount of \$500,000.00 shall be carried by the operator of the trench burning equipment. Proof of such liability insurance must be submitted in a manner acceptable to the city.

(f)

The owner of the property on which the burning is to take place shall give written permission to the operator to conduct the trench burning on his property.

(g)

Both the property owner and the equipment operator shall agree to the conditions established by this division and by all permits.

(h)

Starting the fire. Opacity of emissions from the trench and from the operation of the blower shall not exceed 20 percent averaged over a five-minute period, except

for a start-up period, which shall not exceed 20 minutes. Opacity shall be measured as outlined in [Chapter 13](#), "Visible Emissions Evaluation" of the Commission Sampling Procedures Manual, as published in January 1983, and as subsequently revised.

1. Fill pit to a level no more than two feet below bottom of manifold with small trees and brush, if possible.
2. Use propane or other LPG fire torch or commercial flamethrower to ignite materials.
3. Engage burner. Allow pit to completely ignite and reach operating temperature before loading more material into the pit.

(i)

Capping the pit at the end of each day shall be required. Materials shall not be added to the trench such that the materials will not be consumed by the one hour before sunset time limit. The blower shall remain in the on position until all material is consumed so that any remaining material in the trench will not smoke or smolder when the blower is turned off.

1. Using spoils (dirt) from pit excavation cover pit with a minimum of one foot of dirt.
2. Using trackhoe compact pit cap, using more material if needed, until no visible smoke can be detected.
3. Extinguish any isolated residual fires or smoldering objects that could cause a nuisance or hazard.

(Ord. No. 06-43, § I, 12-5-06)

- **Sec. 20-108. - General requirements for allowable outdoor burning.**

Outdoor burning that is authorized pursuant to the preceding subsection (f) of this section shall be subject to the following requirements:

- (a) Burning shall not be conducted during periods of: (1) "Red Flag" warnings as issued by the Texas Forest Service and National Weather Service, (2) actual or predicted persistent low-level atmospheric temperature inversions or in areas covered by a current air stagnation advisory.
- (b) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

(Ord. No. 06-43, § I, 12-5-06)

- **Sec. 20-109. - Permit revocation.**

A permit shall be denied or revoked by the fire marshal upon occurrence of any one or more of the following:

- (a) The permittee provides false information on the permit application.
- (b) The permittee does not comply with requirements of this article.
- (c) The permittee adds garbage, rubbish, brush, combustible materials or any other solid waste to the permitted burn site for which the permit has not been issued.

(Ord. No. 06-43, § I, 12-5-06)

• **Sec. 20-110. - Responsibility for consequences of outdoor burning.**

- (a) The authority to conduct outdoor burning under this section does not exempt, nor excuse the person who is issued the permit, from the consequences, damages, or injuries resulting from the burning. And, it does not exempt nor excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction even though the burning is otherwise conducted in compliance with the section.
- (b) Cost recovery. Any person who conducts outdoor burning, whether permitted outdoor burning or not-permitted outdoor burning, will be liable for the recovery of costs associated with emergency responders, police, fire and EMS departments, or mutual aid fire departments who respond to extinguish an unwanted or out of control fire.

(Ord. No. 06-43, § I, 12-5-06)

Secs. 18-162—18-185. - Reserved.

(Code 1966, § 11-43; Code 1982, § 9-31; Ord. No. 02-48, § I, 11-19-02)

Cross reference— Definitions generally, § 1-2.

• **Sec. 20-62. - Piping, appliances; minimum standards.**

All persons who may install or equip any residence, business, house, apartment house, or any other building located and situated within the city with any installation of equipment shall use in any such installation, whether for domestic or industrial use, only a standard grade of pipe or piping. All appliances used in connection with any such installation shall be a standard grade and type of equipment. Any system which uses any form of manufactured or liquefied petroleum gases must bear the label of approval or listing of the Underwriters' Laboratories, Inc.

(Code 1966, § 11-44; Code 1982, § 9-32)

• **Sec. 20-63. - Installation, use of equipment.**

(a)

Any equipment shall be installed or repaired in a workman like manner which shall comply with the provisions of the Texas Liquefied Petroleum Gas Code (V.T.C.A., Natural Resources Code, 113.001 et seq.), International Fuel Gas Code, Chapter 38, Section 3803, International Fire Code, and NFPA 58.

(b)

When any equipment is installed, it shall not be placed in operation or used unless and until such installation has been approved by the city inspector.

(c)

Any person installing any equipment shall, upon requesting such inspection for approval, pay an inspection fee as established by ordinance or resolution for each piece of equipment, to cover cost of inspection.

(Code 1966, § 11-45; Code 1982, § 9-33; Ord. No. 02-48, § I, 11-19-02)

State Law reference— Liquefied Petroleum Gas Code, V.T.C.A., Natural Resources Code § 113.001 et seq.; rules and standards, V.T.C.A., Natural Resources Code § 113.051 et seq.

Sec. 20-64. - Storage, prohibited locations.

(a)

No equipment using liquefied petroleum gases shall be permitted within the established fire limits of the city.

(b)

Equipment used for the purposes of storing wholesale quantities of such gases within the city for the specific purposes of resale to the general public, shall meet all requirements as outlined in Chapter 38, Section 3809, International Fire Code, Liquefied Petroleum Gases.

(c)

*I'll
SEC 604.1*

Section 605.9 of the current local ordinance is hereby deleted

Section 605 is amended by adding the following:

Section 605.13. Labels for disconnecting means. Each disconnecting means for each service feeder, or branch circuit shall be legibly marked to indicate its purpose at the point where it originates. Where the service feeder or branch is located on a building or other structure, a description of the device and address of the building must be prominently displayed utilizing a marking of sufficient durability to withstand the environment involved. A list of acceptable marking devices and labels can be obtained through the electric utility department.

Section 807 of the current local ordinance is hereby deleted.

Sec. 903, *International Fire Code, Automatic Sprinkler Systems*, shall be adopted by reference as written.

Section 903.1 is amended by adding the following:

Section 903.1.2. More restrictive section applies. Where fire sprinklers are required in other sections of this code, the most restrictive requirement will apply to methods of construction, installation, or other system requirements.

903.2.10 is amended to read as follows:

Section 903.2.10. Group S-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy where one of the following conditions exist:

1. Where a Group S-2 fire area exceeds 18,000 square feet; Exception: Open parking garages.
2. Where the fire area of an enclosed parking garage exceeds 12,000 square feet; or
3. Where enclosed parking garages are located beneath other groups.
Exception: Enclosed parking garages located beneath Group R-3 occupancies.

Section 903.2 is amended by adding the following:

~~**Section 903.2.13. Other occupancy classifications.** An automatic sprinkler system shall be provided throughout all buildings classified as Group B with the exception of Group B ambulatory health care facilities, and Group F-2 having a fire area exceeding 15,000 square feet.~~

Section 903.2.14. Additions and Expansions. Any building constructed after July 26, 2013, which with attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 15,000 sq. ft. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

Section 903.2.16. *International Fire Code, 2000 Edition, Chapter 9, Fire Protection Systems, (Existing Buildings)*, shall be removed.

"It shall be unlawful to remove or deface this Notice".

Sec. 1004.3.2.

"When the code official determines that any building or other structure is in violation of the posted capacity, he shall temporarily order the establishment closed, and may obtain the assistance of other law enforcement agencies to enforce his order. The temporary closure of such a building or structure shall be limited to a period of time sufficient to evacuate the building and count the total number of occupants therein (including employees), and to reduce the actual number of occupants to constitute compliance with the building and fire codes."

Shall be Amended by Adding a New Section

³⁷
~~Chapter 20, International Fire Code, Combustible Fibers, shall be amended by adding a new Section 2903.4. (Agricultural Products) to read as follows:~~

~~Section 3703.4.1~~

- 3703.4.1
- a. Storage of agricultural bales shall not be located within 25 feet to a structure or building;
 - b. Storage of agricultural bales shall not be located within 25 feet to any property line, easement or right-of-way;
 - c. Hay, straw or similar agricultural products stored in open fields or lots shall be stored in the following manner:
 1. Storage of agricultural bales shall be limited in stack or pile size where the dimensions are limited to no more than 7 feet in height, 12 feet in width, and 100 feet in length (8,400 cubic feet);
 2. Storage arrangements of stacks or piles shall be such where there is a separation of at least 25 feet between stacks or piles.
 - d. Seed cotton, baled cotton, mote baled cotton, sisal, or similar agricultural products stored in open fields or lots shall be stored in the following manner:
 1. Storage of mote bale cotton shall be limited in stack or pile size where the dimensions are limited to no more than 8 feet in height, 8 feet in width, and 40 feet in length (2,560 cubic feet). Storage arrangements of stacks or piles shall be such where there is a separation of at least 10 feet between stacks or piles.
 2. Storage of module baled cotton shall be limited in stack or pile size where the height is limited to no more than 8 feet and the length is no more than 33 feet, and the storage arrangements of stacks or piles shall be such where there is a separation of at least 10 feet between stacks or piles.

Chapter 33, International Fire Code, Explosives and Fireworks shall be adopted by reference as written.

Chapter 33, International Fire Code, Explosives and Fireworks shall be amended by adding a new Section 3301.1.3.1, Fireworks (Restrictions), to read as follows:



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>		City Manager		<i>VR</i> 8-31-2017
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action after report by City Manager regarding the Insurance Services Office, Inc., (ISO) initial preliminary fire insurance classification ranking of 9/9X in April, 2017 which has been upgraded to a much better classification of 4/4X by adopting new building and fire codes and appealing some of the initial gradings; this better classification tremendously helps residents and businesses that have insurance companies that use the ISO system to determine fire insurance rates				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
Lockhart's Public Protection System Classification (PPC System) was initially ranked by ISO as a Class 9 in April, 2017, but will be changed to a Class 4 beginning April 1, 2018. The Class 9 ranking was appealed by staff which resulted in a much better ranking of Class 4; the passage of new building and fire codes helped a lot. Class 1 is the best. Information from ISO is often used by companies to determine fire insurance rates for residential and commercial policies. Very few cities with less than 20,000 population have an ISO ranking of 4 or better.				
STAFF RECOMMENDATION				
City Manager requests that the ISO Classifications as presented be accepted.				
List of Supporting Documents: Current and previous ISO ranking information			Other Departments, Boards, Commissions or Agencies:	

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Class 4
1000 Bishops Gate Blvd. Suite 300
Mt. Laurel, NJ 08054
tel. 1 800 444-4554

August 28, 2017

Mr. Shane Mondin, Building Official
Lockhart
308 West San Antonio Street
P.O. Box 239
Lockhart, TX 78644

Re: Notification of Publication of BCEGS Classification

Dear Mr. Mondin:

ISO has completed our analysis of the building code adoption and/or enforcement program improvements Lockhart has made and as a result of those improvements; the Building Code Effectiveness Grading Schedule (BCEGS) Classification that ISO will implement for Lockhart is a **Class 4 for 1&2 family residential property and a Class 4 for commercial and industrial property.** The BCEGS classification will apply to new buildings receiving a Certificate of Occupancy during or after January 1 of the year 2017.

We have enclosed a copy of ISO's report which will provide you additional information about the classification process and how ISO evaluated various aspects of your community's building codes and their enforcement. We want to emphasize that the ISO Building Code Effectiveness Grading program is an advisory insurance underwriting information and rating tool. It is not intended to analyze all aspects of a comprehensive building code enforcement program. BCEGS is not for purposes of determining compliance with any state or local law nor is it for making loss prevention or loss safety recommendations.

ISO reviews a community's BCEGS classification approximately every five years. If a community significantly changes its building code adoption and/or enforcement program within that time period and ISO is made aware of this, a reevaluation will be scheduled.

Thank you once again for your cooperation in this important project. Please feel free to contact ISO at any time for answers to your questions about the BCEGS program.

Sincerely,

Esther Solá

Esther Solá, BCEGS Community Mitigation/Technical Analyst
Cell (312) 241-7297
Email: esola@verisk.com

cc: Mr. Vance Rodgers, City Manager

Enclosure

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Building Code Enforcement Evaluation Report

Selections from the reviews of the

Lockhart

Building Code Enforcement Agency

In the County of Caldwell

In the State of Texas

8/25/2017 Evaluation

 **ISO Building Code Effectiveness Grading Schedule (BCEGS®)**

Table of Contents

<u>Tab</u>	<u>Description</u>
Section 1	Executive Summary
Section 2	Background Information
Section 3	Code Adoption
Section 4	Education, Training and Certification
Section 5	Staffing Levels
Section 6	BCEGS Point Analysis
Section 7	Natural Hazards
Appendix A	Natural Hazard General Information

Section 1 Executive Summary

Not all communities have rigorous building codes, nor do all communities enforce their codes with equal commitment. Yet the effectiveness of local building codes can have a profound effect on how the structures in your community will fare in a hurricane, earthquake, or other natural disaster.

Studies conducted following recent natural disasters concluded that total losses might have been as much as 50% less if all structures in the area had met current building codes. Building-code enforcement can have a major influence on the economic well-being of a municipality and the safety of its citizens. Insurance Services Office (ISO) helps distinguish amongst communities with effective building-code adoption and enforcement through comprehensive program called the Building Code Effectiveness Grading Schedule (BCEGS®).

ISO is an independent statistical, rating, and advisory organization that serves the property/casualty insurance industry. ISO collects information on a community's building-code adoption and enforcement services, analyzes the data, and then assigns a Building Code Effectiveness Classification from 1 to 10. Class 1 represents exemplary commitment to building-code enforcement. The concept behind BCEGS is simple. Municipalities with well-enforced, up-to-date codes demonstrate better loss experience, and their citizens' insurance rates can reflect that. The prospect of minimizing catastrophe-related damage and ultimately lowering insurance costs gives communities an incentive to enforce their building codes rigorously.

The following management report was created specifically for Lockhart based on a BCEGS survey conducted on 8/25/2017. This report can help you evaluate your community's building-code enforcement services utilizing benchmarking data collected throughout the country. The report is designed to give your management team an expanded perspective for dealing with the important issues surrounding effective building code enforcement. This is accomplished through comparisons of your code enforcement to that of others in your area and state. The analysis goes further to allow you to compare your jurisdiction to others across the country with similar permit, plan review and inspection activity. ISO thanks you for your participation and we encourage you to take advantage of the information contained in this report to assist in making decisions regarding the level of code enforcement best suited for Lockhart.

The survey conducted has resulted in BCEGS class of 4 for 1 and 2 family dwellings and a class 4 for all other construction. More information regarding how this recent survey compares to previous surveys is provided below.

Table 1 details the points your department earned during the most recent survey as well as the points earned in the previous survey including a comparison of the two. This information may be used to track local trends or pin-point improvement target areas.

Table 1

Building Code Effectiveness Grading Point Comparison							
	Point Totals						
	Current Grading Yr:		Maximum Point Possible	Previous Grading Yr:		Difference	
	2017			2013			
	Com	Res		Com	Res	Com	Res
Section I - Administration of Codes	34.35	33.75	54.00	41.63	41.03	-7.28	-7.28
Section 105 - Adopted Codes	8.00	7.60	8.00	8.00	7.60	0.00	0.00
Section 108 - Additional Code Adoptions	3.35	3.35	4.00	2.86	2.86	0.49	0.49
Section 110 - Modification to Adopted Codes	4.00	3.80	4.00	4.00	3.80	0.00	0.00
Section 112 Method of Adoption	0.00	0.00	1.00	0.00	0.00	0.00	0.00
Section 115 - Training	7.35	7.35	13.00	10.93	10.93	-3.58	-3.58
Section 120 - Certification	5.83	5.83	12.00	8.03	8.03	-2.20	-2.20
Section 125 - Building Official's Qualification / Exp/ Education	1.90	1.90	4.00	3.40	3.40	-1.50	-1.50
Section 130 - Selection Procedure for Building Official	0.25	0.25	0.50	0.00	0.00	0.25	0.25
Section 135 - Design Professionals	0.00	0.00	2.00	0.00	0.00	0.00	0.00
Section 140 - Zoning Provisions	1.00	1.00	1.00	1.00	1.00	0.00	0.00
Section 145 - Contractor / Builder Licensing & Bonding	1.00	1.00	1.00	0.90	0.90	0.10	0.10
Section 155 - Public Awareness Programs	1.47	1.47	2.50	1.91	1.91	-0.44	-0.44
Section 160 - Participation in Code Development Activities	0.00	0.00	0.50	0.50	0.50	-0.50	-0.50
Section 165 - Administrative Policies & Procedures	0.20	0.20	0.50	0.10	0.10	0.10	0.10

Building Code Effectiveness Grading Point Comparison (continued)

	Point Totals						
	Current Grading Yr:		Maximum Point Possible	Previous Grading Yr:		Difference	
	2017			2013			
	Com	Res	Com	Res	Com	Res	
Section II - Plan Review	18.94	15.37	23.00	15.98	16.85	2.96	-1.48
Section 205 - Existing Staffing	5.09	1.52	9.00	5.23	6.10	-0.14	-4.58
Section 210 - Experience of Personnel	1.35	1.35	1.50	1.50	1.50	-0.15	-0.15
Section 215 - Detail of Plan Review	11.50	11.50	11.50	8.50	8.50	3.00	3.00
Section 220 - Performance Evaluation for Quality Assurance	1.00	1.00	1.00	0.75	0.75	0.25	0.25
Section III - Field Inspection	23.00	19.73	23.00	17.71	19.15	5.29	0.58
Section 305 - Existing Staffing	9.00	5.73	9.00	7.56	9.00	1.44	-3.27
Section 310 - Experience of Personnel	3.00	3.00	3.00	3.00	3.00	0.00	0.00
Section 315 - Managing Inspection and Re-inspection activity	1.00	1.00	1.00	1.00	1.00	0.00	0.00
Section 320 - Inspection Checklist	2.00	2.00	2.00	0.00	0.00	2.00	2.00
Section 325 - Special Inspections	1.00	1.00	1.00	0.90	0.90	0.10	0.10
Section 330 - Inspections for Natural Hazard Mitigation	1.50	1.50	1.50	0.00	0.00	1.50	1.50
Section 335 - Final Inspections	2.50	2.50	2.50	2.50	2.50	0.00	0.00
Section 340 - Certificate of Occupancy	2.00	2.00	2.00	2.00	2.00	0.00	0.00
Section 345 - Performance Evaluations for Quality Assurance	1.00	1.00	1.00	0.75	0.75	0.25	0.25
Subtotal:	76.29	68.85	100.00	75.32	77.03	0.97	-8.18
The final score is determined by a relationship between Item 105 and the balances of the scoring.							
Final Score:	76.29	65.79	100.00	75.32	73.56	0.97	-7.77

Section 2 Background Information

Introduction

ISO collects information from communities in the United States on their adoption and enforcement of building codes. ISO analyzes the data using its Building Code Effectiveness Grading Schedule (BCEGS) and then assigns a BCEGS Classification number to the community. The classification number-which ranges from 1 to 10-measures a jurisdiction's commitment to the adoption and enforcement of building codes affecting the construction of new buildings. Class 1 indicates the most favorable classification of commitment to the adoption and enforcement of building codes.

ISO's commitment to polling each building code enforcement agency on a regular basis is important to the program - periodic surveying helps determine if a community has made any significant changes since its last field evaluation. This ongoing effort is designed to re-evaluate each community at approximate 5-year intervals or sooner if changes indicate a potential revision to the classification number.

The purpose of this report is fourfold:

1. To summarize a community's scoring under the criterion contained in the BCEGS program.
2. To identify opportunities for communities desiring to improve their BCEGS classification number.
3. To assist a community in understanding how other jurisdictions with similar needs address building code adoption and enforcement.
4. To provide hazard mapping information important in planning and developing a sustainable community.

Data Collection and Analysis

ISO has evaluated over 14,000 code enforcement departments across the United States. In each of these communities, three elements of building code adoption and enforcement are reviewed. These three elements are the administration of codes, plan review and field inspection.

Administration of Codes:

ISO evaluates the administrative support for code enforcement within the jurisdiction -- the adopted building codes and the modifications of those codes through ordinance, code enforcer qualifications, experience and education, zoning provisions, contractor/builder licensing requirements, public awareness programs, the building department's participation in code development activities, and the administrative policies and procedures. This section represents 54% of the analysis in the BCEGS program.



History
Notice 4 to 9
1000 Bishops Gate Blvd., Suite 300
Mt. Laurel, NJ 08054
tel. 1 800 444-4554

April 24, 2017

Mr. Michael Mondin, Building Official
Lockhart
308 West San Antonio Street
P.O. Box 239
Lockhart, TX 78644

RECEIVED
CITY OF LOCKHART
APR 28 2017

RCVD. BY: _____
TIME RECVD: _____

Re: Building Code Effectiveness Grading Schedule Survey Results
Lockhart, Caldwell County, TX

Dear Mr. Mondin:

We wish to thank you for the cooperation given to us during our recent Building Code Effectiveness Grading Schedule (BCEGS) survey. Insurance Services Office, Inc. (ISO) is the leading supplier of statistical data, underwriting information, and actuarial analysis to the property/casualty insurance industry in the United States. The BCEGS classifications are distributed by ISO for use by property/casualty insurers to assist in their insurance underwriting and premium development programs for residential and commercial properties. Insurers can use the BCEGS classification number to offer insurance premium discounts to eligible properties in Lockhart.

ISO has completed its analysis of the building codes adopted by your community and the effort put forth to enforce those codes. **The resulting BCEGS Classification is a Class 9 for 1 & 2 family residential property and a Class 9 for commercial and industrial property.**

The new Classification is a regression from the former Class 4 for 1 & 2 family residential property and a Class 4 for commercial and industrial property. The attached table details opportunities for improvement to regain your prior classification.

A revised BCEGS classification would apply to new buildings receiving a Certificate of Occupancy during or after the calendar year in which the revision takes place.

Before we re-classify your community to reflect this change, we would like to know if Lockhart desires to develop a program to regain Class PL 4 and CL 4. If this letter is acknowledged by May 27, 2017 advising us that this matter will be reviewed, we will postpone the implementation of the classification changes.

After review, if it is your decision to begin an improvement program to regain PL Class 4 and CL class 4, we will need to receive, by July 24, 2017, a list of the changes you intend to make. Additionally, we would appreciate your estimate of the amount of time needed to complete each item. No re-classifying action will be taken if changes are implemented to regain the current classification within one year of the receipt of this letter.

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We want to highlight the fact that the ISO Building Code Effectiveness Grading program is an advisory insurance underwriting information and rating tool. It is not intended to analyze all aspects of a comprehensive building code enforcement program. It is not for purposes of determining compliance with any state or local law nor is it for making loss prevention or loss safety recommendations.

If you have any questions about the classification that was developed, please let us know.

Sincerely,

Esther Solá

Esther Solá, BCEGS Community Mitigation/Technical Analyst

Cell (312) 241-7297

Fax (201) 748-7082

Email: esola@iso.com

cc: Mr. Vance Rodgers, City Manager

Enclosure



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>		City Manager		<i>VR</i> 8-26-2017
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 57, TRANSPORTATION INFRASTRUCTURE UTILITY FEES, SEC. 57-1. RATES AND CHARGES OF TRANSPORTATION INFRASTRUCTURE UTILITY FEES. ; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
During the FY 17-18 City Council Goals process, one of the priorities of the Council was to increase street maintenance and repair funding to help protect the vast investment in City streets. As a result, staff recommended increasing the current Transportation Infrastructure Utility fee by \$2 per month from \$4 to \$6 for each dwelling and business unit. The additional estimated \$130,000 would be used to purchase more repair and maintenance materials. The current fee of \$4 per month has been the same since 2005.				
STAFF RECOMMENDATION				
City Manager respectfully recommends approval of Ordinance 2017-32 as presented.				
List of Supporting Documents: Current Ordinance; Proposed Ordinance		Other Departments, Boards, Commissions or Agencies:		

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ORDINANCE 2017-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 57, TRANSPORTATION INFRASTRUCTURE UTILITY FEES, SEC. 57-1. RATES AND CHARGES OF TRANSPORTATION INFRASTRUCTURE UTILITY FEES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, City staff has reviewed the Transportation Infrastructure Utility Fees ordinance and has found that amendments are necessary to help achieve one of the main FY 17-18 Budget Goals of the City Council; and

WHEREAS, the City Council has received recommended changes of the Transportation Infrastructure Utility Fees from City staff; and

WHEREAS, the Lockhart City Council recognizes the need to increase the Transportation Infrastructure Utility Fees to provide sufficient funding for maintenance and repairs of City streets especially since the fees have not been increased since 2005; and

WHEREAS, the Lockhart City Council finds that such amendments serve a public purpose by helping to provide maintenance funds to help keep City public streets safe for the citizens of Lockhart and visitors;

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

I. Sec. 57-1. Rates and charges of Transportation Infrastructure Utility Fees, is hereby amended to read as follows:

Except as otherwise prohibited by law, the city council shall fix and approve rates charged under the transportation infrastructure utility fee structure. Such fees shall be charged to each residential dwelling unit and to each commercial business unit within the corporate city limits of the City of Lockhart receiving any type of utility service or garbage collection service provided by the City of Lockhart. The rate structure shall be as follows:

Each Dwelling Unit	\$6.00 per month
Each Business Unit	\$6.00 per month

(all other sections remain as previously adopted)

II. Findings and Recitations: The findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes

III. Open Meetings Act: The meeting at which this ordinance was passed was open to

the public as required by law.

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

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

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

VII. Effective Date: This ordinance shall become effective with first cycle utility billing of Fiscal Year 2017-2018.

PASSED, APPROVED, AND ADOPTED this the _____ day of _____, 2017.

CITY OF LOCKHART

LEW WHITE, MAYOR

ATTEST:

Connie Constancio, TRMC
City Secretary

APPROVED AS TO FORM:

Peter Gruning
City Attorney

History

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING AND RENAMING CHAPTER 57, TRANSPORTATION INFRASTRUCTURE FEE, CODE OF ORDINANCES, AS APPLICABLE FOR ALL RESIDENTIAL UNITS AND COMMERCIAL BUSINESS UNITS RECEIVING ANY TYPE OF UTILITY OR GARBAGE COLLECTION SERVICES PROVIDED BY THE CITY OF LOCKHART; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council hereby declares that all City streets comprise a transportation utility system and in the interest of maintaining the streets within said transportation utility system that are used directly or indirectly by all residents within the City of Lockhart, the Council hereby desires to amend the existing ordinance and re-establish new fees to supplement funding for streets maintenance.

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

- 1. **The Code of Ordinances, City of Lockhart, Texas, Chapter 57, TRANSPORTATION INFRASTRUCTURE FEES, is hereby amended and re-named as follows:**

Chapter 57

TRANSPORTATION INFRASTRUCTURE UTILITY FEES

Article I. In General

- Sec. 57-1. Rates and charges of the Transportation Infrastructure Utility Fees
- Sec. 57-2. Collection fees, charges and methods

Chapter 57

ARTICLE I. IN GENERAL

Sec. 57-1. Rates and charges of Transportation Infrastructure Utility Fees.

Except as otherwise prohibited by law, the City Council shall fix and approve rates charged under the transportation infrastructure utility fee structure. Such fees shall be charged to each residential dwelling unit and to each commercial business unit within the corporate city limits of the City of Lockhart receiving any type of utility service or garbage collection service provided by the City of Lockhart. The rate structure shall be as follows:

Each Dwelling Unit	\$ 4.00 per month
Each Business Unit	\$ 4.00 per month

.All other sections remain as previously adopted

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

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

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

5. Effective Date. That this ordinance shall become effective and be in full force with the October, 2005, utility billing cycles.

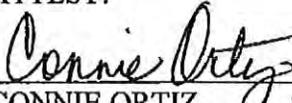
6. Penalty.

(a) Any person who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-8.

PASSED, APPROVED AND ADOPTED this the 20th day of September 2005.

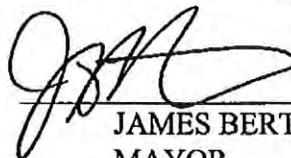


ATTEST:



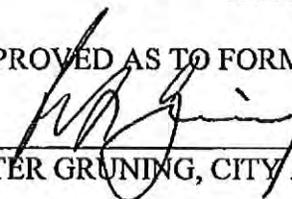
CONNIE ORTIZ,
CITY SECRETARY

CITY OF LOCKHART



JAMES BERTRAM
MAYOR

APPROVED AS TO FORM:



PETER GRUNING, CITY ATTORNEY



CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: September 5, 2017			
Department: City Secretary		Initials	Date
Department Head: Connie Constancio	Asst. City Manager		
Dept. Signature: <i>Connie Constancio</i>	City Manager	<i>[Signature]</i>	<i>8-31-2017</i>
Agenda Item Coordinator/Contact (include phone #): Connie Constancio, 398-3461 ext. 235			
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action to consider Ordinance 2017-33 changing certain City Election polling places and changing the hours of early voting for the Joint Election of the City of Lockhart and Caldwell County to be held on November 7, 2017 in order to comply with the consolidation of precincts and polling places by Caldwell County.			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input checked="" type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
<p>The City Council approved Ordinance 2017-16 on June 20, 2017 ordering a General Election and a Special Election to be held on November 7, 2017 and to contract with the Caldwell County Elections Administrator (CCEA) to conduct a joint election.</p> <p>On August 28, 2017, the Caldwell County Commissioners Court approved the polling locations and early voting hours that are slightly different than what was presented to the Council on June 20, 2017.</p> <p>Pam Ohlendorf, CCEA, stated that the First Lockhart Baptist Church Connection Center was not available on November 7 yet the church hall is. The Commissioners Court also decreased the early voting hours for Saturday, October 28, 2017 from 7am-7pm to 12pm-7pm. A Notice of Election will be posted to reflect the correct election information at City Hall and on social media, TV channel, website, etc. Staff recommends approval.</p>			
STAFF RECOMMENDATION			
Staff recommends approval of Ordinance 2017-33, as presented.			
List of Supporting Documents: <ul style="list-style-type: none"> Ordinance 2017-33 Ordinance 2017-16 with annotations of revisions. County's Notice of Election & list of voters in each County precinct within city limits. 	Other Departments, Boards, Commissions or Agencies: <p style="text-align: center; margin-left: 40px;">Caldwell County Elections Administration</p>		

ORDINANCE 2017-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, CHANGING CERTAIN CITY ELECTION POLLING PLACES AND CHANGING THE HOURS OF EARLY VOTING FOR THE JOINT ELECTION OF THE CITY OF LOCKHART AND CALDWELL COUNTY TO BE HELD ON NOVEMBER 7, 2017 IN ORDER TO COMPLY WITH THE CONSOLIDATION OF PRECINCTS AND POLLING PLACES BY CALDWELL COUNTY.

WHEREAS, state and city law provide that on November 7, 2017 there shall be a general election for the purpose of electing Mayor; Councilmember District 3; and, Councilmember District 4.

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

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

WHEREAS, on June 20, 2017, the City Council approved Ordinance 2017-16 ordering the November 7, 2017 General Election and approved the Joint Election Agreement between the City of Lockhart and Caldwell County.

WHEREAS, on August 28, 2017, the Caldwell County Commissioners Court approved the consolidation of the polling locations to be used during the November 7, 2017 General/Joint election, and established the hours of which the early voting by personal appearance will be conducted at the Main and Temporary Branch early voting locations.

WHEREAS, Section 42.008 of the Texas Election Code allows a commissioners court to consolidate election precincts during an election in November if the polling place is located so it will adequately serve the voters of the consolidated precinct.

WHEREAS, pursuant to the Texas Election Code, polling places selected by a county for county election precincts that are within a city are also the polling places for city elections that are held on the November uniform election date.

WHEREAS, the consolidation of Caldwell County polling places within the City of Lockhart for the November 7, 2017 elections requires the City to change its polling places for said election to conform with County polling places within the City.

WHEREAS, the City exercises no discretion with regard to the use of the County's voting precincts and polling places for the November 7, 2017 joint election.

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

Section 1. Partial Repeal of Ordinance 2017-16. Lockhart Ordinance No. 2017-16, regarding the City's November 7, 2017 election, is amended only regarding the City's polling place for each voting precinct and for each combined voting precinct that is wholly or partially within single-member districts that are affected by the County's consolidation of precincts and polling places, as described below and regarding the hours of which the Main and Temporary Branch early voting locations will be available for citizens to vote early by personal appearance.

Section 2. Voting Precincts. Except as otherwise provided herein, the presently existing boundaries and territory of the respective Caldwell County Election Precincts that are wholly or partially within the territorial boundaries of the CITY are hereby designated as the joint voting precincts of the CITY for the November 7, 2017 Election.

The COUNTY has the following Election Precincts within the City limits and said election shall be held at the following polling places in said City on November 7, 2017:

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

For this election, the territory of the Caldwell County Election Precincts is combined as described in Exhibit "A". The polling place for each voting precinct and for each combined voting precinct that is wholly or partially within affected single-member districts will be those utilized by the City.

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Section 271.003 of the Texas Election Code provides that voters of a particular election precinct or a political subdivision may be served in a joint election by a common polling place located outside the boundary of the election precinct or political subdivision if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the elections. The Lockhart City Council finds that the polling places established for the November 7, 2017 election, including those described hereinabove, adequately and conveniently serve the voters of the City.

Section 3. Early Voting. The Joint Early Voting Clerk for all purposes other than accepting applications for ballots by mail shall be Pamela Ohlendorf under the terms of the Joint Election Agreement.

Main Early Voting Polling Place

The Main Early Voting Polling Place is hereby designated as:

Scott Annex Building
1403 Blackjack St.
Lockhart, Texas 78644

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

Monday, October 23, 2017	8:00 a.m. - 5:00 p.m.
Tuesday, October 24, 2017	8:00 a.m. - 5:00 p.m.
Wednesday, October 25, 2017	8:00 a.m. - 5:00 p.m.
Thursday, October 26, 2017	8:00 a.m. - 5:00 p.m.
Friday, October 27, 2017	8:00 a.m. - 5:00 p.m.
Saturday, October 28, 2017	12:00 p.m. - 7:00 p.m.
Sunday, October 29, 2017	10:00 a.m. - 3:00 p.m.
Monday, October 30, 2017	7:00 a.m. - 7:00 p.m.
Tuesday, October 31, 2017	7:00 a.m. - 7:00 p.m.
Wednesday, November 1, 2017	7:00 a.m. - 7:00 p.m.
Thursday, November 2, 2017	7:00 a.m. - 7:00 p.m.
Friday, November 3, 2017	7:00 a.m. - 7:00 p.m.

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

Section 4. Authorization to Execute. The Mayor of the City is authorized to execute and the City Secretary of the CITY is authorized to attest this Ordinance on behalf of the City Council; and the Mayor of the City Council is authorized to do all other things legal and necessary in connection with the holding and consummation of the Elections.

Section 5. Severability. If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 6. Repealer. That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

Section 7. Publication. That the City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

Section 8. Effective Date. This Ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED September 5, 2017.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning, City Attorney

EXHIBIT "A"

County Precinct Number	City District Number	<u>Polling Location/Address</u>	County Precinct Number	City District Number	<u>Polling Location/Address</u>
100	4	First Lockhart Baptist Church Hall 305 W. Prairie Lea Street Lockhart, TX 78644	206	N/A	Luling Civic Center 300 East Austin St. Luling, TX 78648
101	4	First Lockhart Baptist Church Hall 305 W. Prairie Lea Street Lockhart, TX 78644	301	N/A	City Hall 409 Main St. Martindale, TX 78655
102	N/A	VFW Post 8927 7007 S. U.S. Hwy 183 Lockhart, TX 78644	302	N/A	Maxwell Firehouse 9655 TX 142 Maxwell, TX 78656
103	3	City Hall Glosserman Room Basement 308 W. San Antonio St. Lockhart, TX 78644	303	N/A	Uhland Community Center 15 North Old Spanish Trail Uhland, TX 78640
104	N/A	VFW Post 8927 7007 S. U.S. Hwy 183 Lockhart, TX 78644	305	N/A	Fentress Community Church Hwy 20/Barber St. Fentress, TX 78622
105	1	St. Mark's Methodist Church Hall 602 East Live Oak St. Lockhart, TX 78644	306	N/A	Lytton Springs Chisholm Fire & Rescue 9839 FM 1854 Dale, TX 78616
108	2	St. Mary's Catholic Church Hall 205 West Pecan St. Lockhart, TX 78644	400	3	City Hall Glosserman Room Basement 308 W. San Antonio St. Lockhart, TX 78644
109	1	St. Mark's Methodist Church Hall 602 East Live Oak St. Lockhart, TX 78644	401	1	St. Mark's Methodist Church Hall 602 East Live Oak St. Lockhart, TX 78644
110	1	St. Mark's Methodist Church Hall 602 East Live Oak St. Lockhart, TX 78644	402	2	St. Mary's Catholic Church Hall 205 West Pecan St. Lockhart, TX 78644
111	4	First Lockhart Baptist Church Hall 305 W. Prairie Lea Street Lockhart, TX 78644	404	N/A	Lytton Springs Chisholm Trail Fire & Rescue 9839 FM 1854 Dale, TX 78616
118	N/A	Maxwell Firestation 9655 FM 142 Maxwell, TX 78656	405	N/A	Lytton Springs Chisholm Fire & Rescue 9839 FM 1854 Dale, TX 78616
201	N/A	Southside Community Center 1000 S. Magnolia Luling, TX 78648	407	1	St. Mark's Methodist Church Hall 602 East Live Oak St. Lockhart, TX 78644
202	N/A	Southside Community Center 1000 S. Magnolia Luling, TX 78648	408	4	First Lockhart Baptist Church Hall 305 W. Prairie Lea Street Lockhart, TX 78644
203	N/A	Luling Civic Center 300 East Austin St. Luling, TX 78648	409	N/A	St. Mary's Catholic Church Hall 205 West Pecan St. Lockhart, TX 78644
204	N/A	McMahan Community Center 6022 FM 713 McMahan, TX 78616	412	3	City Hall Glosserman Room Basement 308 W. San Antonio St. Lockhart, TX 78644
205	N/A	McMahan Community Center 6022 FM 713 McMahan, TX 78616			

As of 8-24-2017

	Total Voters
County=CALDWELL	<u>7627</u>
C4 Precinct=100	457
C4 Precinct=101	756
C3 Precinct=103	1906
C1 Precinct=105	109
C2 Precinct=108	102
C1 Precinct=109	34
C1 Precinct=110	154
C4 Precinct=111	990
C3 Precinct=400	61
C1 Precinct=401	958
C2 Precinct=402	1807
C1 Precinct=407	5
C4 Precinct=408	12
C3 Precinct=412	276

NOTICE OF CONSTITUTIONAL ELECTION
ANUNCIO DE ELECCIONES CONSTITUCIONALES

To the registered voters of the County of Caldwell, Texas:
 (A los votantes registrados del Condado de Caldwell, Texas:)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on
 November 7, 2017, for voting in a Constitutional Election.

Se que los centros de votación a continuación estará abierto desde las 7:00 a.m. a 7:00 p.m., el 7 de noviembre
 de 2017, para votar en el Elección Constitucional

On Election Day, voters must vote in their precinct where registered to vote.
 (El Día de Elección, los votantes deberán votar en su precinto donde están inscritos para votar.)

Location of Election Day Polling Places (Ubicación de las casillas electorales el Día de Elección)	Precinct (precinto)
First Lockhart Baptist Church Hall 305 W. Prairie Lea St. Lockhart, TX 78644	100, 101, 111 & 408 <i>City District 4</i>
City Hall-Glosserman Room Basement 308 West San Antonio Street Lockhart, TX 78644	103, 400 & 412 <i>City District 3</i>
VFW Post 8927 7007 S. U.S. Hwy 183 Lockhart, TX 78644	102 & 104
Luling Civic Center 300 E. Austin St. Luling, TX 78648	201, 202, 203 & 206
McMahan Community Center 6022 FM 713 McMahan, TX 78616	204 & 205
City Hall Martindale 409 Main St. Martindale, TX 78655	301
Maxwell Firestation 9655 FM 142 Maxwell, TX 78656	118 & 302
Fentress Community Church Hwy 20/Barber St. Fentress, TX 78622	305
Uhland Community Center 15 North Old Spanish Trail Uhland, TX 78640	303
St. Marks Church Hall 602 E. Live Oak St. Lockhart, TX 78644	105, 109, 110, 401 & 407 <i>City District 1</i>
St. Marys Catholic Church Hall 205 W. Pecan St. Lockhart, TX 78644	108, 402 & 409 <i>City District 2</i>
Lytton Springs Chisholm Fire & Rescue 9839 FM 1854 Dale, TX 78616	306, 404 & 405

For early voting, a voter may vote at any of the locations listed below:

(Para votación adelantada, los votantes podrán votar en cualquiera de las ubicaciones nombradas abajo.)

Locations for Early Voting Polling Places (Ubicación de las casillas electorales de votación adelantada)	Days and Hours of Operation Días y Horas Hábiles
<p>Scott Annex Bldg 1403 Blackjack St. Lockhart, TX 78644</p>	<p>Monday through Friday, Oct. 23-Oct. 27, 2017 De lunes a Viernes, El 23 de octubre al 27 de octubre, 2017 8:00 a.m. – 5:00 p.m.</p>
	<p>Saturday, Oct. 28, 2017 Sábado, Octubre 28, 2017 12:00 p.m. – 7:00 p.m.</p>
	<p>Sunday, Oct. 29, 2017 Domingo, 29 de octubre, 2017 10:00 a.m. – 3:00 p.m.</p>
	<p>Monday through Friday, Oct. 30 – Nov. 3, 2017 De lunes a viernes, 30 de octubre - 3 de noviembre, 2017 7:00 a.m. – 7:00 p.m.</p>
<p>Luling Civic Center 300 E. Austin St. Luling, TX 78648</p>	<p>Monday through Friday, Oct. 23-Oct. 27, 2017 De lunes a Viernes, El 23 de octubre al 27 de octubre, 2017 8:00 a.m. – 5:00 p.m.</p>
	<p>CLOSED SATURDAY AND SUNDAY Cerrado sábado y domingo</p>
	<p>Monday through Wednesday, Oct. 30-Nov. 1, 2017 De lunes a miércoles, 30 de octubre-noviembre 1, 2017 8:00 a.m. – 5:00 p.m.</p>
	<p>Thursday through Friday, Nov. 2-Nov. 3, 2017 De Jueves a Viernes, Noviembre 2 de nov. 3, 2017 7:00 a.m. – 7:00 p.m.</p>

Applications for ballot by mail shall be mailed or email to:

(Las solicitudes de voto por correo shall será enviada por correo postal o por correo electrónico a:)

Pamela Ohlendorf, R.E.O.

Caldwell County Elections Administrator

1403-C Blackjack St.

Lockhart, TX 78644

pamela.ohlendorf@co.caldwell.tx.us

Applications for ballots by mail must be received no later than the close of business on: October 27, 2017

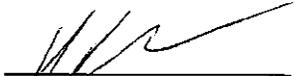
(Las solicitudes para boletas de votación adelantada por correo deberán recibirse para el fin de las horas de negocio el: octubre 27, 2017)

Issued this the 28 day of Aug., 2017.

(Emitida este día 28 de agosto, 2017.)

Pamela Ohlendorf, R.E.O.

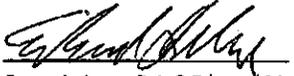
Caldwell County Elections Administrator


County Judge Ken Schawe

Vote: Yes


Commissioner Pct. 1 Hoppy Haden

Vote: Yes


Commissioner Pct. 2 Edward Moses

Vote: Yes


Commissioner Pct. 3 Edward Theriot

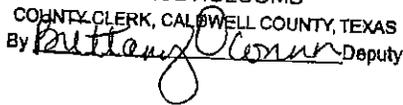
Vote: yes.


Commissioner Pct. 4 Joe Roland

Vote: Yes



FILED this 24th day of August 2017
1:30 PM

CAROL HOLCOMB
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By  Deputy

HISTORY

- on County Precinct reflects no voters

County Precinct Numbers	City District Number	Polling Location/Address
105 109 110 401 407 410 411	1	St. Marks Methodist Church Hall 602 East Live Oak St. Lockhart, TX 78644
107 108 115 402	2	St. Mary's Catholic Church Hall 205 West Pecan Lockhart, TX 78644
103 112 113 117 400 412	3	City Hall – Glosserman Room Basement 308 West San Antonio Street Lockhart, TX 78644
100 101 111 408	4	First Lockhart Connection Center 200 S. Blanco Street Lockhart, TX 78644 <i>Baptist Church Hall 305 W. Prairie Leas St</i>

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

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

Section 7. Appointment of Custodian of Records. To the extent not otherwise provided for in the Joint Election Agreement, the CITY appoints Pamela Ohlendorf, Elections Administrator of the COUNTY, as the Custodian of Records ("Custodian") to perform the duties related to the conduct and maintenance of records of the Elections as required under the Texas Election Code.

HISTORY

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

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

Section 8. Early Voting by Mail. The Council appoints Pamela Ohlendorf as the Early Voting Clerk. Ballot applications and ballots voted by mail shall be addressed to the Early Voting Clerk at the address indicated immediately below:

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

Section 9. Early Voting. The Joint Early Voting Clerk for all purposes other than accepting applications for ballots by mail shall be Pamela Ohlendorf under the terms of the Joint Election Agreement.

Main Early Voting Polling Place

The Main Early Voting Polling Place is hereby designated as:

~~Caldwell County Election Administrator's Office~~
Scott Annex Building
1403 Blackjack St.
Lockhart, Texas, 78644

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

HISTORY

Monday, October 23, 2017	8:00 a.m. - 5:00 p.m.
Tuesday, October 24, 2017	8:00 a.m. - 5:00 p.m.
Wednesday, October 25, 2017	8:00 a.m. - 5:00 p.m.
Thursday, October 26, 2017	8:00 a.m. - 5:00 p.m.
Friday, October 27, 2017	8:00 a.m. - 5:00 p.m.
Saturday, October 28, 2017 <i>12pm</i>	7:00 a.m. - 7:00 p.m.
Sunday, October 29, 2017	10:00 a.m. - 3:00 p.m.
Monday, October 30, 2017	7:00 a.m. - 7:00 p.m.
Tuesday, October 31, 2017	7:00 a.m. - 7:00 p.m.
Wednesday, November 1, 2017	7:00 a.m. - 7:00 p.m.
Thursday, November 2, 2017	7:00 a.m. - 7:00 p.m.
Friday, November 3, 2017	7:00 a.m. - 7:00 p.m.

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

Section 10. Delivery of Voted Ballots; Counting. In accordance with the requirements of the Texas Election Code, after the close of voting on election day, the presiding election judges for each respective precinct shall deliver the ballot boxes and returns for their respective precinct to the Return Center. The early voting ballot board, at a time and in the manner permitted under the Texas Election Code, shall deliver the early voting ballots and returns to the Return Center.

Section 11. Canvassing of Returns: Declaring Results. The Joint Election Officer, as CITY's designated election officer under the Joint Election Agreement, shall make a written return of the Election results to CITY in accordance with the Texas Election Code. The City Council shall canvass the returns and declare the results of the Elections.

Section 12. Notice of Elections. Notice of the Elections, stating in substance the contents of this Ordinance, shall be published on the same day in each of two successive weeks in the English and Spanish languages, in a newspaper published within CITY's territory at least 10 days and no more than 30 days, prior to the election, and as otherwise may be required by the Texas Election Code and Texas Local Government Code. Notice of the Elections shall also be posted on the bulletin board used by the Council to post notices of the Council's meetings no later than the 21st day before the Elections, or if the 21st day before the Elections falls on a weekend or holiday, on the first business day thereafter.

Section 13. Training of Election Officials. Pursuant to the Texas Election Code, a public school of instruction for all election officers shall be held as arranged or contracted by the Joint Election Officer.

Section 14. Authorization to Execute. The Mayor of the CITY is authorized to execute and the City Secretary of the CITY is authorized to attest this Ordinance on behalf of the City Council; and the Mayor of the City Council is authorized to do all other things legal and necessary in connection with the holding and consummation of the Elections.



**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: September 05, 2017			
Department: Police	Initials	Date	
Department Head: Ernest Pedraza	Asst. City Manager		
Dept. Signature: <i>Ernest Pedraza</i>	City Manager	<i>[Signature]</i>	<i>8.31.17</i>
Agenda Item Coordinator/Contact (include phone #): Connie Constancio, 398-3461 ext. 235			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Memorandum of Understanding (MOU) between Lockhart Police Dept. and Lockhart ISD for two School Resource Officers (SROs).			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
MOU submitted for approval outlining the role and responsibilities of the Lockhart Police Department and Lockhart ISD with respect to one officer housed at the High School and one officer housed at the Junior High as roving SROs assigned to the ISD.			
STAFF RECOMMENDATION			
Approval for two School Resource Officers assigned to the ISD.			
List of Supporting Documents: Memorandum of Understanding for SROs assigned to Lockhart ISD housed at the High School and at the Junior High School.		Other Departments, Boards, Commissions or Agencies:	

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
LOCKHART INDEPENDENT SCHOOL DISTRICT and the CITY OF LOCKHART**

This Interlocal Cooperation Agreement (“Agreement”) is made and entered into by and between Lockhart Independent School District (“Lockhart ISD”), a political subdivision acting through its Board of Trustees, and the City of Lockhart (hereinafter referred to as “the City”). Collectively, Lockhart ISD and the City may be referred to as the “Parties.”

PREMISES

WHEREAS, Chapter 791 of the Texas Government Code, as amended, entitled Interlocal Cooperation Contracts, authorizes contracts between political subdivisions for the performance of governmental functions and services;

WHEREAS, Lockhart ISD is a public school district with campuses located within the jurisdictional boundaries of the City where the City presently provides law enforcement services;

WHEREAS, Lockhart ISD and the City each find that contracting for and with respect to the governmental services described herein will result in increased efficiency, economy, and enhanced public safety for the constituents of both Lockhart ISD and the City;

WHEREAS, Lockhart ISD and the City warrant that both possess adequate legal authority to enter into this Interlocal Agreement and their respective governing bodies have authorized each signatory official to enter into this Agreement and bind the local governments to the terms of this Agreement and any subsequent amendments hereto;

NOW THEREFORE, in consideration of the mutual covenants and agreements of the Parties, it is agreed as follows:

**Article 1
LEGAL AUTHORITY AND PURPOSE**

- 1.1 The legal authority for the City of Lockhart and the Lockhart Independent School District to enter into this agreement is the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code. The purpose, terms, rights, and duties of the parties are stated below.
- 1.2 The purpose of this Agreement is to set forth guidelines to ensure that Lockhart Police Department (“LPD”) and Lockhart ISD have a shared understanding of the role and responsibility of each in maintaining safe schools, improving climate, and supporting educational opportunities for all students.
- 1.3 The mission of the SRO program is to place a community law enforcement officer in the Lockhart ISD campuses to build working relationships with schools, students, and parents; to address on-

site security; to maintain safe schools; to serve as a positive role-model for students; and to provide a direct link with the LPD.

Article 2
SRO PROGRAM STRUCTURE

- 2.1 Under this framework, the SROs are first and foremost law enforcement officers for the City of Lockhart. The SROs shall be responsible for carrying out all duties and responsibilities of a law enforcement officer and shall remain at all times under the control, through the chain of command, of the Lockhart Police Department (the LPD). School officials should ensure that non-criminal student disciplinary matters remain the responsibility of school staff and not the SROs. Enforcement of the Student Code of Conduct is the responsibility of teachers and administrators. The SROs shall refrain from being involved in the enforcement of disciplinary rules that do not constitute violations of law, except to support staff in maintaining a safe school environment.
- 2.2 Although the SROs have been placed in a formal educational environment, the SROs retain official duties of law enforcement officers. The SROs shall intervene when it is necessary to prevent any criminal act or maintain a safe school environment. Citations shall be issued and arrests made when appropriate and in accordance with Texas law and LPD policy. The SROs or the LPD will have the final decision on whether criminal charges shall be filed. The LPD reserves the right to temporarily remove the SROs in the event that additional officers are needed during a critical incident, natural disaster or for immediate service of public safety.
- 2.3 The SROs are not formal counselors or educators, and will not act as such. However, with the agreement of the LPD, the SROs may be used as a law enforcement resource to assist students, faculty, staff, and all persons involved with the school. The SROs can be utilized to help instruct students and staff on a variety of subjects, ranging from alcohol and drug education to formalized academic classes. The SROs may use these opportunities to build rapport between the students and the staff.
- 2.4 The SROs will confer with the principal, as needed, to develop plans and strategies to prevent and/or minimize dangerous situations and criminal activity on or near the campus or involving students at school-related activities.
- 2.5 The SROs will notify the campus principal if it is necessary for them to be out-of-district during regular school hours during non-emergency situations.

Article 3
SERVICES TO BE PROVIDED

The City, through its Police Department, will be responsible for the following:

- 3.1. Providing police officers licensed by the State of Texas for service as school resource officer (SROs) to be assigned to the Lockhart High School and Lockhart Junior High School campuses for the 2017-2018 school year.
- 3.2. SROs will be assigned on a full-time basis, forty (40) hours each work week, according to the daily schedules agreed upon by the Parties, less any scheduled vacation time, sick time, training time, court time, or any other law enforcement related activity, including emergencies.
- 3.3. The Parties acknowledge the importance of having the same SROs present in Lockhart ISD on a day-to-day basis in order to promote continuity and familiarity with Lockhart ISD and its students. To that end, the Parties agree that every effort should be made to schedule and/or designate the SROs vacation days, compensatory time, and other days off at times when school is not in session or at other times when the SROs' absences will not otherwise create an unnecessary risk or hamper school operations. The SROs will coordinate vacation hours with the principal of the school to which each SRO is assigned.
- 3.4. Should any officer assigned as an SRO during the active school year be absent for more than two consecutive school days, the LPD shall notify principal of the campus to which the SRO is assigned with the name of the officer substituting during the absence. Lockhart ISD must approve of the officer who is assigned as a substitute.
- 3.5. The SROs shall follow the policies and procedures of Lockhart ISD to the extent those policies do not conflict with the policies and procedures of the City or LPD.
- 3.6. The SROs will coordinate and cooperate with the Lockhart ISD Superintendent and other Lockhart ISD administrative staff in carrying out their day-to-day duties as SROs. The City retains final authority over the SROs' law enforcement responsibilities. The SROs may, however, take the school's wishes into consideration, as the officer deems appropriate.
- 3.7. The duties, schedule, and responsibilities of SROs on days when school is not in session shall be determined solely at the discretion of the LPD.
- 3.8. **SROs DUTIES:** The ultimate goal of the SRO is to maintain a peaceful environment that allows the learning process to continue uninterrupted. The duties to be performed by the SROs include, but are not limited to, the following:
 - a. Establish a bond and act as liaison between the LPD and school administrators and student in an effort to reduce or eliminate the opportunity for crime, project a positive image of the LPD and improve the quality of life within the school and community.
 - b. Patrolling areas within or in the vicinity of the geographical boundaries of Lockhart ISD to protect all students, personnel, and visitors.
 - c. Being a visible presence during the school day in order to assist the Lockhart ISD administration with general public safety services during school hours.

- d. Helping Lockhart ISD administrators maintain the peace and/or address a breach of the peace as needed.
- e. Engaging in all law enforcement activities arising from the enforcement of criminal laws or Lockhart ISD policies and rules, including, but not limited to, intervening in and investigating alleged crimes or violations of Lockhart ISD rules, issuing citations, transporting arrested persons, completing follow-up activities, filing of affidavits and complaints, and participating in legal proceedings resulting from the law enforcement services provided in accordance with this Agreement. However, violations of Lockhart ISD policies and rules that are strictly personnel matters and non-criminal in nature will only be assigned to the SROs for investigation at the specific direction of the Lockhart ISD Superintendent.
- f. Responding to calls for services during the course of the regular school day or when serving in support of an official Lockhart ISD extracurricular or after-school activity.
- g. Assisting in providing security as needed for after-hour activities and events taking place at Lockhart ISD facilities.
- h. Mediating disputes on campus, including working with students to help solve disputes in a non-violent manner.
- i. Accompanying outside service providers during random canine searches conducted on Lockhart ISD property.
- j. Preventing property loss due to theft or vandalism.
- k. Providing traffic control as needed.
- l. Assisting Lockhart ISD with its Emergency Operation Plan.
- m. Assisting with school safety projects, scheduling and maintaining emergency drills, emergency response, and after-action reviews within Lockhart ISD.
- n. Providing training for staff as requested by the Lockhart ISD Superintendent.
- o. Serving as a resource for law enforcement education at the request of the Lockhart Superintendent, such as speaking to classes on the law, search and seizure, drugs, or motor vehicle laws.
- p. Maintaining the confidentiality of student records as required by the Family Educational Rights and Privacy Act. The SROs shall not disclose to the City or the LPD any other third party education records of a student which the SROs obtain by virtue of the SROs' position with the school unless such information is obtained by the SROs in the course and scope of performing their duties in accordance with this Agreement. The SROs shall not provide

student education records to other law enforcement agencies informally for external investigations.

- q. Preparing reports and documentation related to events occurring within the geographic boundaries of the City of Lockhart.
- r. Performing other duties that may be assigned from time to time by Lockhart ISD, provided that the duty is legitimately and reasonably related to the services as described herein and is consistent with Federal and State law, local ordinances and orders, laws applicable to Lockhart ISD, Lockhart ISD's policies, procedures, rules, or regulations relating to the subject matter of this Agreement, and the policies, procedures, rules, and regulations of the City.

3.9 When the SROs take a person into custody in the course of performing their duties on behalf of Lockhart ISD under this Agreement, Lockhart ISD shall receive notification of the incident from the City within the timeframe required by law and of the disposition of the individual to the extent allowed by law.

3.10 REPORTING DUTIES: Lockhart ISD and LPD shall maintain records of every campus-based incident resulting in police involvement. The records shall be disaggregated by:

- Description of the incident
- Names of the officials involved
- Name of student involved
- Manner in which the LPD was notified
- Searches/questioning of students
- Tickets, citations, or summonses issued
- Arrests made
- Filing of delinquency petitions, referrals to a probation officer, and other referrals to the juvenile justice system, and
- Any police action the SRO took relative to the offense.

Data shall also be disaggregated by:

- Race
- Ethnicity
- Age
- Grade
- Gender
- Disability
- English-language learner status, and
- Economically disadvantaged status.

3.11 If it is necessary to question or interview a student at school for any purpose other than a child abuse investigation, the SROs will contact the campus principal of the student's campus. The principal will:

- a. Verify and record the identity of the officer or other authority and request an explanation of the need to arrest the student at school.

- b. Make reasonable efforts to notify the student's parents or other person having lawful control of the student. If the SRO/designee raises criminal allegations against the student's family members, campus administration will be prohibited by the SRO/designee to notify parents/family members.
 - c. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer presents what the principal considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence.
- 3.12 If a student at school is arrested or taken into custody by an SRO, the principal shall immediately notify the Lockhart Superintendent and ordinarily notify the parent or other person having lawful control of the student. If the SRO raises what the principal considers to be a valid objecting to notifying the parent at that time, the principal shall not notify the parent.
- 3.13 The School District and the LPD agree that canine contraband services will be conducted by a LPD Narcotic Drug Detection Dog. The Canine Handler will coordinate with campus administration and the SRO to plan dates for the canine searches. The School District and LPD agree to conduct ten (10) searches throughout the school year for the School District at no cost to the school district. The procedures for the searches will be determined by the LPD, with input from the School District.

Article 4
GENERAL DUTIES AND RESPONSIBILITIES

- 4.1 The City agrees to perform any obligations required to maintain the SROs as commissioned law enforcement officers with full Texas peace officer status; including but not limited to, providing the SROs with any and all continuing training necessary to maintain their TCLEOSE certification.
- 4.2 The SROs assigned to Lockhart ISD shall be subject to the approval of the Lockhart ISD Superintendent and LPD. Lockhart ISD understands that the City or LPD may rotate or change any officer assigned to serve as an SRO; provided, however, that Lockhart ISD may refuse any particular officer assigned as an SRO and request assignment of a different officer.
- 4.3 Any properly licensed officer providing SRO services under this Agreement shall be vested with all powers, privileges, and immunities of a peace officer within all territory contained in the boundaries of Lockhart ISD and while on any property under the control and jurisdiction of Lockhart ISD or otherwise in the performance of his/her duties under the guidelines of Lockhart ISD policies and regulations.
- 4.4 The City will authorize the SROs to carry a weapon and act as a peace officer at all times, so long as the officer is acting under his/her official capacity. Likewise, Lockhart ISD specifically authorizes each SRO to carry a weapon in performing services at all schools and property within Lockhart ISD. When not on duty as SROs, the officers' rights to carry a firearm will be governed

by provisions and rules set forth by TCOLE and the City and District Policies CKE (Legal) and GKA (Legal).

- 4.5 As City employees, any disciplinary action taken against the SROs shall follow the policy and procedure set forth in the employee handbook of the City.
- 4.6 Lockhart ISD will report all required student misconduct to the City in accordance with Texas Education Code § 37.015. The City will make all reports regarding students as required by Texas Code of Criminal Procedure Art. 15.27.
- 4.7 Subject to its obligations under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, Lockhart ISD agrees to provide the SROs with (a) unrestricted access to student and personnel records as necessary for the investigation of criminal offenses that occur on school property or in conjunction with a school event or activity, to collect certain incident-based data, or to ensure the safety and security of school campuses or events, and (b) unrestricted access to technology installed at Lockhart ISD, including surveillance cameras, to provide for safety and security. SROs shall be designated as “school officials” under Lockhart ISD Policy FL (local) for purposes of access to student records to enable the SROs to perform the duties set out in this Agreement.
- 4.8 The Parties shall each monitor, review and provide oversight and supervision of the services as they are provided and each agree to notify the other as soon as reasonably possible in the event the level or quality of any scheduling, operating, service or performance issue becomes unsatisfactory.
- 4.9 The Parties recognize that the services to be provided by the City may be limited to the extent that said services conflict with or compromise the City’s ability to provide effective law enforcement services to the City generally; and, should a conflict arise between the policies of Lockhart ISD and the City, the City policy shall prevail. The Parties agree to work in good faith to resolve conflicts with their best reasonable efforts; however, should such conflicts occur which prevent the City from meeting its obligations under this Agreement, the City acknowledges such conflict constitutes good cause to terminate the Agreement.
- 4.10 The Parties agree that they will use their best reasonable efforts to coordinate media relations pertaining to law enforcement incidents and investigations occurring pursuant to this Agreement prior to the release of information whenever possible. Information will only be released by a Party in accordance with established law and its existing policies and procedures.
- 4.11 Nothing in this Agreement prevents Lockhart ISD from continuing its practice of hiring off-duty police officers to provide security at sporting events, after-hour activities, or other events. This Agreement shall not govern off-duty peace officers hired for these purposes.

Article 5
FINANCIAL RESPONSIBILITIES & EQUIPMENT

- 5.1 The City shall provide the SROs with all wages, salaries, or other compensation, and benefits of similarly-situated and classified employees of the City. The City shall also be directly responsible for the payment of all payroll taxes, bond costs, retirement contributions, overtime, social security taxes, if any, and all other payroll expenses.
- 5.2 Lockhart ISD will be responsible for reimbursing the City at the end of school year for the SROs' salary for 174 days, as set out in **Exhibit A**.
- 5.3 The City shall keep and maintain accurate records of dates of service and the hours served by the SROs. The City shall be responsible for calculating and documenting the charge for services rendered pursuant to this Agreement. With 48-hour notice, the City shall promptly provide Lockhart ISD with access to all time calculation records maintained by the City for any SRO services provided pursuant to this Agreement.
- 5.4 Overtime hours that relate to SRO duties must be authorized and approved by the Lockhart ISD Superintendent prior to the performance of the overtime work and will be paid in accordance with procedures established by the City. The Parties acknowledge that emergency situations or unscheduled events may require overtime hours for the SROs without advanced notice. Should such emergency or unplanned event occur, the SROs shall notify the Superintendent the next work day, or as soon as practicable. Excluding emergencies and unplanned events, if the SROs fail to obtain such permission for overtime hours, the City will be responsible for the costs of any overtime compensation to the SROs.
- 5.5 Lockhart ISD will pay for any additional SRO training that Lockhart ISD may require unrelated to TCOLE training requirements.
- 5.6 The Parties agree to provide the following equipment and materials to the SROs:
- a. At its own cost, the City shall furnish the SROs with all equipment routinely assigned to law enforcement personnel who serve the City. The City will maintain and service all equipment used by the SROs in providing services to Lockhart ISD. Equipment includes, but is not limited to, uniforms, computers and computer equipment, firearms, radios, and all other devices used by the City law enforcement personnel in the performance of their duties.
 - b. Lockhart ISD will provide the SROs with office space on school property, a telephone, computer, and other office equipment to perform duties under this Agreement, and as mutually agreed by the Parties. Lockhart ISD will provide the SROs with a map and personnel roster for each campus and Central Office. City will also provide a fully equipped patrol car to each SRO at no cost to Lockhart ISD.

- c. The Lockhart ISDr will provide the SROs with access to its facilities as needed to conduct law enforcement business regarding the securing of evidence in crimes and interviewing individuals in connection with a criminal investigation into crimes conducted on school property on in conjunction with a school event or activity.

Article 6
RELATIONSHIP BETWEEN THE PARTIES

- 6.1 Notwithstanding any provision to the contrary herein, this Agreement is a contract for and with respect to the performance of governmental functions by governmental entities. The relationship of Lockhart ISD and the City shall, with respect to that part of any service or function undertaken as a result of or pursuant to this Agreement, be that of independent contractors.
- 6.2 Nothing contained herein shall be deemed or construed by the Parties, or by any third party, as creating the relationship of principal and agent, partners, joint venturers, or any other similar such relationship.
- 6.3 Officers employed by the City and assigned by the LPD to serve as SROs at Lockhart ISD are and will remain City employees.
- 6.4 The City shall have no liability whatsoever for or with respect to Lockhart ISD's use of any Lockhart ISD property or facility, or the actions of, or failure to act by, any employees, subcontractors, agents or assigns of Lockhart ISD. Lockhart ISD covenants and agrees that:
 - a. Lockhart ISD shall be solely responsible, as between Lockhart ISD and the City and the agents, officers and employees of the City, for and with respect to any claim or cause of action arising out of or with respect to any act, omission, or failure to act by Lockhart ISD or its agents, officers, employees, and subcontractors, while on Lockhart ISD property or while using any Lockhart ISD facility or performing any function or providing or delivering any service undertaken by Lockhart ISD pursuant to this Agreement.
 - b. For and with respect to the services to be provided by the City to Lockhart ISD pursuant to this Agreement, Lockhart ISD hereby contracts, covenants, and agrees to obtain and maintain in full force and effect, during the term of this Agreement, a policy or policies of insurance, or risk pool coverage, reasonably expected to insure Lockhart ISD and its agents, officers, and employees from any and against any claim, cause of action or liability arising out of or from the action, omission, or failure to act by Lockhart ISD, its agents, officers, employees, and subcontractors in the course of their duties.
- 6.5 Lockhart ISD shall have no liability whatsoever for or with respect to the City's use of any City property or facility, or the actions of, or failure to act by, any employees, subcontractors, agents, or assigns of the City. The City covenants and agrees that:

- a. The City shall be solely responsible, as between the City and Lockhart ISD and the agents, officers, and employees of the Lockhart ISD, for and with respect to any claim or cause of action arising out of or with respect to any act, omission, or failure to act by the City or its agents, officers, employees, and subcontractors, while on the City's property or while using the any of the City's facilities or performing any function or providing or delivering any service undertaken by the City pursuant to this Agreement.
 - b. For and with respect to the services to be provided by the City to Lockhart ISD pursuant to this Agreement, the City hereby contracts, covenants, and agrees to obtain and maintain in full force and effect, during the term of this Agreement, a policy or policies of insurance, or risk pool coverage, in the amounts sufficient to insure the City and its agents, officers, and employees from and against any claim, cause of action, or liability arising out of or from the action, omission, or failure to act by the City, its agents, officers, employees, and subcontractors in the course of their duties.
- 6.6 It is specifically agreed that, as between the Parties, each party to this Agreement shall be individually and respectively responsible for responding to, dealing with, insuring against, defending, and otherwise handling and managing liability and potential liability pursuant to this Agreement.
- 6.7 Each party hereto reserves and does not waive any immunity or defense available to it at law or in equity as to any claim or cause of action whatsoever that may arise or result from the services provided and/or any circumstance arising under the Agreement. Neither Lockhart ISD nor the City waive, modify, or alter to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas on behalf of itself, its trustees, council members, officers, employees, and agents.
- 6.8 No term or provision of this Agreement shall benefit or obligate any person or entity not a party to it. This Agreement shall not be interpreted nor construed to give to any third party the right to any claim or cause of action, and neither the City nor Lockhart ISD shall be held legally liable for any claim or cause of action arising pursuant to, or out of the services provided under, this Agreement except as specifically provided herein or by law. The Parties hereto shall cooperate fully in opposing any attempt by any third person or entity to claim any benefit, protection, release, or other consideration under this Agreement.
- 6.9 Nothing in this Agreement shall be deemed to extend, increase or limit the jurisdiction or authority of any of the City or Lockhart ISD except as necessary to implement, perform and obtain the services and duties provided for in this Agreement. Save and except only as specifically provided in this Agreement, all governmental functions and services traditionally provided by Lockhart ISD, and all governmental and proprietary functions and services traditionally provided by the City, shall be and remain the sole responsibility of each such party.

Article 7
TERM

- 7.1 The initial term of this Agreement shall commence on August 1, 2017, and continue through June 30, 2018, and shall automatically renew for an annual term commencing on August 1st thereafter, unless terminated earlier, in writing, by either party.
- 7.2 If the City wishes to renew this Agreement subject to a change in Lockhart ISD's annual payment for the SROs' salaries and related costs, the City shall provide Lockhart ISD with written notice of that requested change, including a revised Summary of Calculations for Costs, no later than April 1st of the calendar year. Unless Lockhart ISD notifies the City in writing of its agreement to the change in annual payment by June 15th, the Agreement between the City and Lockhart ISD shall terminate at the end of the term.
- 7.3 After the initial annual term of this Agreement, Lockhart ISD and the City will agree on the annual amount payable for the SROs' salaries and related costs by executing an agreed upon Summary of Calculations for Costs.
- 7.4 This Agreement may be terminated at any time by either Party, without cause, by giving the other party a minimum of sixty (60) days written notice of its intention to terminate, such notice to be delivered by hand or U.S. Certified Mail to the other party.
- 7.5 This Agreement may be terminated by either Party, for cause, by the giving the other party a minimum of thirty (30) days written notice of its intention to terminate, such notice to be delivered by hand or U.S. Certified Mail to the other party.
- 7.6 In the event the Parties are unable to reach a mutual agreement on the terms of the Memorandum of Understanding described in Article 3 above by August 1st of the annual term, any Party will have cause to terminate its participation in the Interlocal Agreement by giving the other Parties a minimum of thirty (30) days written notice of its intention to terminate, such notice to be delivered by hand or U.S. Certified Mail to the other party.
- 7.7 Termination will not relieve Lockhart ISD of its obligation to pay the City for any amounts due and payable for services performed prior to termination. Lockhart ISD is not obligated for any costs or payments that accrue after the termination of this Agreement.

ARTICLE 8
NOTIFICATIONS

8.1 All correspondence and communications regarding this Agreement shall be directed to:

CITY OF LOCKHART
Attn: Chief of Police

LOCKHART INDEPENDENT SCHOOL DISTRICT
Attn: Superintendent of School

8.2 Notices provided pursuant to this Agreement must be in writing and hand-delivered or sent by certified mail, return receipt requested.

ARTICLE 9
MISCELLANEOUS PROVISIONS

- 9.1 If any portion of this Agreement shall be deemed void or invalid, the remaining portions of the Agreement shall continue in full force and effect.
- 9.2 This Agreement represents the entire Agreement between the Parties, and it supersedes any prior understanding or written or oral agreement relating to the subject matter herein. This Agreement may not be modified, altered, changed, or amended, except by written agreement of the Parties.
- 9.3 This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and venue shall be in Caldwell County, Texas unless otherwise mandated by law.
- 9.4 No Party shall assign or otherwise transfer its interest in this Agreement without the express written permission of the other Party.
- 9.5 This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall be considered fully executed when all parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart.
- 9.6 By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by their governing body in order to enter into and perform the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the _____ day of August, 2017.

CITY OF LOCKHART, TEXAS

By _____
Lew White, Mayor, City of Lockhart

ATTEST:

By _____
Connie Constancio, TRMC
City Secretary/Administration Services Mgr.

LOCKHART INDEPENDENT SCHOOL DISTRICT

By Brenda Spillmann
Brenda Spillmann, President, LISD School Board

ATTEST:

By [Signature]
Tom Guyton, Secretary, LISD School Board

2017-2018 SRO Cost Summary
Exhibit A

	Officer #1	Officer #2	Supervisor	Total
Salary	\$ 45,386.00	\$ 51,438.00	\$ 65,874.00	\$ 162,698.00
Benefits	\$ 17,945.00	\$ 19,474.00	\$ 23,232.00	\$ 60,651.00
12 month total cost	\$ 63,331.00	\$ 70,912.00	\$ 89,106.00	\$ 223,349.00
Percent LISD: 66.9% (1,392 hrs/2,080 hours)	\$ 42,368.44	\$ 47,440.13	\$ 59,611.91	\$ 149,420.48
Times percent of time charged to LISD:	100%	100%	30%	
Total LISD Salary/benefits costs	\$ 42,368.44	\$ 47,440.13	\$ 17,883.57	\$ 107,692.14
Cost per hour	\$ 30.44	\$ 34.08	\$ 42.82	
Vehicle Costs (\$45,436/8 years + \$1,360.45 maint)	\$ 7,039.95	\$ 7,039.95	\$ -	\$ 14,079.90
Uniforms and equipment				
12 month costs	\$ 5,051.00	\$ 5,051.00	\$ -	\$ 10,102.00
Divided by 5 years useful life	\$ 1,010.20	\$ 1,010.20	\$ -	\$ 2,020.40
Grand Total	\$ 50,418.59	\$ 55,490.28	\$ 17,883.57	\$ 123,792.44
Cost per hour:	\$ 36.22	\$ 39.86	\$ 42.82	\$ 44.47



Work Session Item # _____

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**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>		City Manager		<i>VR</i>
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action regarding use of up to \$100,000 of unrestricted General Fund Balance for water and wind damages at the Clark Annex, Municipal Court, and Police Department buildings				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S): General Fund Unrestricted Fund Balance (for one time use only)				
SUMMARY OF ITEM				
The high wind driven rain caused leaks and damages in three City owned structures including the Clark Annex with some damage on all floors, Municipal Court building, and the Police Department. Major sealing of windows and brick mortar, door replacements/re-settings, replacement of some carpet, wood flooring repairs, shelf restoration, and repainting in several areas will be required in the Clark Annex. Municipal Court windows must be sealed, carpet replaced, ceiling tile removed and replaced, and some painting. The Police Department building roof ridge vent will need repair and several windows need to be removed and sealed properly. The City Manager will keep Council informed about final repair expenses. Any unused funds will stay in the unrestricted funds balance and will not be transferred out for any other uses other than approved by the Council.				
STAFF RECOMMENDATION				
City Manager respectfully requests approval of the use of the Unrestricted General Fund Balance as stated.				
List of Supporting Documents: Rough Estimates Talley			Other Departments, Boards, Commissions or Agencies:	

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Harvey Storm Damage Assessment
August 30, 2017

The assessment only points out deficiencies found when inspecting for damage and does not have a cost associated with the damage for repairs. Due to the storm damage in the surrounding communities, (reputable) contractors are very busy and booked up for at least the next 30 – 45 days. Contacted ServePro on Monday, August 28th and was told a Technician would be contacting me, this has not occurred yet.

Municipal Court / EMS Station 2 : Preliminary Estimate: \$ 20,000

- A screw hole (screw backed out) has been located on the roof, which caused a leak in the courtroom. A new screw has been inserted into the hole and NP-1 has been used to seal around the screw. Two ceiling tile have been replaced as well.
- Most of the water leaks occurred on the East wall where high wind driven rain penetrated the exterior wall panels at the top where the gutter meets the roof and wall. This is typically where leaks occur with metal buildings when high winds are involved. Maintenance Technician (MT) has already caulked areas where water intrusion has occurred.
- East side windows were noted not having window trim/flashing as is typical of metal buildings. MT re-caulked around the window to prevent further water intrusion in the future. No damage has occurred to flooring since linoleum tile was installed. Tile typically pop loose if water is allowed to stand for an indefinite period of time. EMS personnel were good about keeping it soaked up, which helped to prevent tile from turning loose and popping up. This does not mean they will not come loose a week or so later. There will be a waiting process to see if they do turn loose. Tiles can be re-glued if necessary.
- Carpet in the Municipal Courtroom is glued down to the slab without padding. Fans were set up to dry out the carpet, but this did not occur until Monday morning, so mildew had a couple days to develop in the carpet and the building does have a strong mildew odor when entering the facility. If carpet is not to be removed, it is highly recommended that the carpet be thoroughly steamed cleaned by a reputable company to eliminate the odor. Carpet will need to be re-glued at one seam.
- Electrical backup generator worked as intended supplying emergency power to the Municipal Court. One problem noted is that the EMS Station II was not on the loop for backup. Backup system is a 10 KV system which supplies only 100 watts of power, which basically runs lighting and refrigerator's only. Grumbles Electric will look at rewiring the system to include EMS Station 2 and the Ambulance bay's.

Library: Preliminary Estimate: \$ 70,000

Clark Building

- Wood floors suffered some buckling and water stains around the older doors. I noted that weather stripping and threshold sweeps are not present or not properly installed. Recommend new weather stripping and sweeps be installed to prevent further water intrusion in the future.

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- There is a minor water leak in the Clark Building roof system that is very difficult to determine the location due to the type roof coverage. Leaks only seem to occur when medium to high winds are involved, which means it is a location that is not visible to the naked eye or relatively easy to locate. May require being there at the time it is leaking to locate source.

Masonic Lodge

Building of this age and height utilized double wall construction to support beams carrying the upper floors. During that period, they did not have moisture barriers at the time of construction and relied on the double walls as a method of preventing water intrusion into the interior of the buildings. Support beams would sit on the brick columns (now steel) within the walls. As the building has aged mortar and brick cracks have developed over time and allowed penetration into the interior of the double wall following the beams to the interior walls and inside the finished wall area itself. This may be a major factor with the leaks that continue to occur. Mortar cracks have been sealed, but brick fractures still exist allowing wind-blown rain to enter the wall and eventually flowing down the interior of the walls. This is something that cannot be repaired from the inside and may require the sealing of the brick facade to eliminate this from occurring in the future.

1st Floor

- Children area experienced leaks on the North and East wall. This occurred at the windows and doors during the event until sand bags were placed to reduce intrusion of the rain water.
- Carpet did get wet and fans were used to dry carpet out. Recommend steam cleaning to eliminate mildew odor.
- After hours door did have water penetrate at the bottom of the door, but no damage occurred to the interior. Weather stripping and outside sweeps should be installed to assist in deterring water intrusion.

2nd Floor

- As in the past, water entered through the glazing of the windows. Windows will need to re-glazed using current materials available on the market. The old-style glaze is the problem since it is a mortar based type material. Mortar based material does not adhere well to a glass surface and this is where water is entering with the assistance of the wind and running down the window onto the sash, then to the floor saturating the carpet. Quote was submitted for re-glazing of the windows. Fans have been set up to dry out the carpet, but this occurred Monday afternoon, so mildew had time to develop in the carpet. Steam cleaning should help in eliminating the odor. Water stains on the sash of the windows will need to be primed with an Oil base primer, preferably a Kilz product to kill the stain and then a good coat of a latex paint to complete the process.
- Emergency Exit door will require removal and trimming down of the door to create more space between the jamb and door itself. The doors were not properly painted for an

exterior door, catching tops and bottom of the door before installing. The door was only primed which allow the doors to soak up water causing it to swell, thus making it very difficult to open. After trimming down, door needs to be primed on any surface planed and the top and bottom need to be painted with a top-quality paint to create a barrier and eliminate the ability of the rain to contact the top surface of the door to eliminate the problem of swelling of the door.

- Buckled flooring at the Emergency Door will require a flooring installer to make repairs. An additional door sweep needs to be installed on the outside of the door to prevent any further intrusion at the floor elevation. Weather stripping on the door will need to be re-evaluated as well, once the doors are able to be opened and repaired.

3rd Floor

- Same as 2nd floor windows.
- 3rd Floor Emergency Door (Same as second floor)
- Carpet will need to be steamed cleaned and padding replaced to eliminate mildew odors.
- Re-caulking of trim may be necessary if cracks begin to develop at the miter joints of the trim
- Some drywall repairs may also be necessary to eliminate bubbling of the painted surfaces noted on the certain areas of the walls

Public Safety Building-Preliminary Estimate \$ 10,000

- Wind driven rains were forcing water to enter at all the affected windows facing North and East. The rubber splines used to hold the glass in place needs to be replaced to prevent further intrusion. Splines have become old and brittle due to UV rays of the sun.
- Water intrusion from the roof is occurring only when high winds are forcing the water through the ridge vent. Foam material used to prevent this is most likely non-existent on the existing roof now due to the heat a metal roof experiences not to mention the age of the material. A metal roofing company will need to be brought in to pull the ridge vents if necessary and re-install new type material on the market today to prevent intrusion during windy rain events.

**FUND BALANCE ANALYSIS
MAJOR FUNDS FY2017**

	<u>General Fund</u>	<u>Electric Fund</u>	<u>Water Fund</u>	<u>Wastewater Fund</u>	<u>Sanitation Fund</u>	<u>Total</u>
<u>UNRESTRICTED</u>						
2016 Ending Fund Balance*	<u>\$ 3,046,738</u>	<u>\$ 2,610,064</u>	<u>\$ 1,757,295</u>	<u>\$ 935,045</u>	<u>\$ 501,865</u>	<u>\$ 8,851,007</u>
% of Operating Expenses	35.73%	30.22%	61.35%	46.24%	39.04%	37.93%
Required Fund Balance	<u>\$ 2,131,482</u>	<u>\$ 2,591,411</u>	<u>\$ 1,020,743</u>	<u>\$ 606,586</u>	<u>\$ 385,664</u>	<u>\$ 6,735,886</u>
Committed for EMS Expenditure	<u>\$ 150,000</u>					<u>\$ 150,000.00</u>
Committed for Debt Service	<u>\$ 250,000</u>					<u>\$ 250,000.00</u>
Encumbered for Approved Expenditures	<u>\$ 265,000</u>					<u>\$ 265,000.00</u>
Available Fund Balance	<u>\$ 250,256</u>	<u>\$ 18,653</u>	<u>\$ 736,552</u>	<u>\$ 328,459</u>	<u>\$ 116,201</u>	<u>\$ 1,715,121</u>

* Net of restrictions and commitments.

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**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017			
Department: City Manager		Initials	Date
Department Head: Vance Rodgers	Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>	City Manager	<i>VR</i>	8-18-2017
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action regarding a request by Lockhart Partners II for an extension of the City's funding commitment in an amount not to exceed \$75,000 for drainage improvements on Maple Street east of The Meadows at Clearfork Phase III subdivision development, and appointing the City Manager to sign the letter of extension if approved			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			TOTALS
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S): 2009 CO Drainage Funds			
SUMMARY OF ITEM			
Council approved this funding in May of this year. The developer requests an extension until April of 2018 for the funding commitment. They hope to start construction by October, 2017. The construction plans for Phase III of Meadows at Clearfork Subdivision include extending storm water facilities east outside the scope of the development on Maple Street. They will be retrofitting the existing detention pond on the south side of Maple used for soccer practice to accommodate additional storm water demand for Phase III. Funds from Certificates of Obligation up to \$75,000 are available to assist with this project. Doing this now will help reduce costs when Maple Street is widened and extended further to the east in the future. The developer is spending an estimated \$527,800 on Maple Street of which \$100,000 will be funded from Road Impact Fees since Maple St is a high priority on the Impact Fee Road Project list. The funds would be paid upon completion and acceptance of the public improvements and after receiving an invoice from Lockhart Partners II.			
STAFF RECOMMENDATION			
City Manager respectfully recommends approval.			
List of Supporting Documents: History; Extension Request Letter	Other Departments, Boards, Commissions or Agencies:		

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August 11, 2017

City of Lockhart
Mayor and Lockhart City Council
% Mr. Vance Rodgers, City Manager
P.O. Box 239
Lockhart, Texas 78644

Dear Mayor/Council and Mr. Rodgers,

Lockhart II Partners is requesting that the approved funding of \$175,000 from City of Lockhart letter dated May 25, 2017 be reconsidered by the Council to extend the expiration date from September 30, 2017 to April 30, 2018.

The reason for Lockhart II asking for an extension is for the reason so Lockhart II Partners can resolve contract negotiations with the selected home builder who will be building in The Meadows Section 3 and give ample time frame for the infrastructure construction of section 3 and the Maple street extension. We hope to start construction in October, 2017.

Thank you for the consideration of this request for it is a very important decision maker with this development and Maple Street being constructed. Without it the development could very well not move forward.

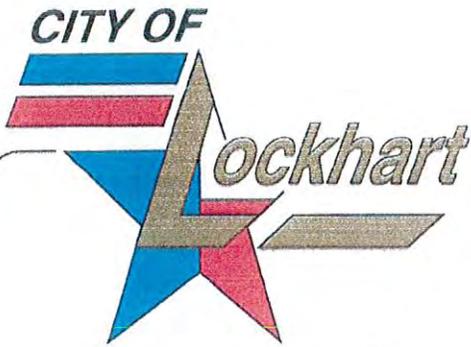
Regards,



Dane Braun
Vice President
Lockhart II Partners

Attachments included

Cc: Mr. Bobby Schmidt



(512) 398-3461 • FAX (512) 398-5103
P.O. Box 239 • Lockhart, Texas 78644

May 25, 2017

Lockhart II Partners LTD
3593 Schuelke Rd.
Niederwald, Texas 78649-4122

Re: Clearfork Meadows, Phase III, Maple Street

Dear Mr. Schmidt and Mr. Braun:

Please find attached the approval of the Lockhart City Council to assist in funding of Maple Street as described in the recent approved construction plans.

The commitment is \$100,000 from Road Impact Fees and \$75,000 from Drainage Funds. The funds are only committed during the current fiscal year which ends September 30, 2017. If the subdivision construction does not start by that time, I will have to go back to Council for re-consideration of approval.

Should there be questions, please let me know.

Sincerely,

Vance Rodgers
City Manager

Attachment

Cc: Clearfork Meadows, Phase III



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**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: May 2, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature:		City Manager		
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action regarding funding participation in an amount not to exceed \$75,000 with Lockhart Partners II for drainage improvements on Maple Street east of the Meadows at Clearfork Phase III subdivision development				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S): 2009 CO Drainage Funds				
SUMMARY OF ITEM				
The construction plans for Phase III of Meadows at Clearfork Subdivision include extending storm water facilities east outside the scope of the development on Maple Street. They will be retrofitting the existing detention pond on the south side of Maple used for soccer practice to accommodate additional storm water demand for Phase III. Funds from Certificates of Obligation up to \$75,000 are available to assist with this project. Doing this now will help reduce costs when Maple Street is widened and extended further to the east in the future. The developer is spending an estimated \$527,800 on Maple Street of which \$100,000 will be funded from Road Impact Fees since Maple St is a high priority on the Impact Fee Road Project list. The funds would be paid upon completion and acceptance of the public improvements and after receiving an invoice from Lockhart Partners II.				
STAFF RECOMMENDATION				
City Manager respectfully recommends approval.				
List of Supporting Documents: Maple Street: Drawing details, Associated Costs		Other Departments, Boards, Commissions or Agencies:		

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**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>[Signature]</i>		City Manager		<i>[Signature]</i> 8-23-2017
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action regarding proposed professional services agreement with Schneider Engineering to prepare all compliance documents required under recently passed Senate Bill 1004 which allows wireless networks to place network nodes in the public right of way on City-owned structures, mandates the necessity to update pole attachment policies, preparation of a technical design manual, and to identify areas to be exempt from small area cell deployment including but not limited to parks, residential, and historical district areas, and appointing the City Manager to sign the agreement if approved.				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
Because of the documents mandated by Senate Bill 1004, it is necessary to acquire professional services to assemble and create documents for compliance. The City already has an existing professional services agreement with Schneider Engineering whereby the firm assists with third party power purchases, ERCOT, FERC, and NERC compliance issues. Under this proposed agreement, Schneider Engineering would address the technical issues and paperwork for compliance with Senate Bill 1004 as stated in the caption above. The fee would be not to exceed \$7,500				
STAFF RECOMMENDATION				
City Manager respectfully recommends approval of the professional services agreement with Schneider Engineering for an amount not to exceed \$7,500.				
List of Supporting Documents: Agreement, Senate Bill 1004 synopsis		Other Departments, Boards, Commissions or Agencies:		

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SCHNEIDER ENGINEERING, LTD.



PROPOSAL

**COMPLIANCE DOCUMENTS AND GUIDANCE FOR CHAPTER 284 - DEPLOYMENT OF
NETWORK NODES IN PUBLIC RIGHT-OF-WAY (SB 1004)**

PREPARED FOR
CITY OF LOCKHART

AUGUST 23, 2017

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Client: City of Lockhart

Proposal: Compliance documents and guidance for Chapter 284 - Deployment of Network Nodes in Public Right-of-Way (SB 1004)

Date: August 23, 2017

Project Information and Assumptions: Chapter 284. Deployment of Network Nodes in Public Right-of-Way / SB 1004 (Chapter 284 / SB 1004), effective September 1, 2017, will allow wireless network companies to place network nodes in the public right of way on City-owned structures. A network provider is required to comply with a design manual in place on the permit application date. Chapter 284 / SB 1004 also includes several provisions for municipalities to exempt certain areas from small cell deployment, including parks, "Design Districts," residential areas, and historic districts.

Scope of Work:

- **Review current pole attachment policies (PAP) and agreements and provide updates to PAP related to SB 1004 provisions.** Because of several nondiscrimination clauses in the legislation, current pole attachment agreements and policies are the place to start for small cell attachment procedures and standards. Updated (Chapter 284 / SB 1004 compliant) PAP and agreements is imperative.
- **Prepare a Technical Design Manual (TDM) for Pole Attachments and Standalone Small Cell Poles.** This will establish standards for small cell attaching entities that ensure the safety and integrity of your system and right of way. The TDM may be a separate document or be appended to existing policies and agreements. The TDM will be written in a nondiscriminatory manner such that small cell attachments are treated similarly to traditional attaching entities.
- **Review current planning and zoning regulations and provide recommendations on modifications to zoning regulations consistent with Chapter 284 / SB 1004.** Chapter 284 / SB 1004 includes several provisions for municipalities to exempt certain areas from small cell deployment, including parks, "Design Districts," residential areas, and historic districts. Reviewing your ordinances will help identify needed zoning restrictions, particularly with the introduction of the term "design districts." These are areas that are "zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards."

Deliverable / Target Schedule:

1. Review of current pole attachment policies (PAP) and agreements and recommendations for modifications delivered within 5 business days from receipt of existing PAP documentation. If the City does not have an existing PAP, SE will provide a ready-to-use PAP template.
2. Draft of Technical Design Manual (TDM) will be ready for review by September 1, 2017. Final version complete by September 20, 2017 based on timely responses and feedback from City of Lockhart.
3. Recommendations on modifications to zoning regulations consistent with Chapter 284 / SB 1004 will be provided by September 1, 2017. SE will be available for follow up discussions and information after the initial recommendations are provided.

Vance Rodgers

From: Ned Brown <nbrown@se-texas.com>
Sent: Wednesday, August 23, 2017 7:56 AM
To: Vance Rodgers; Jeffrey Hinson
Cc: Steve Moffitt
Subject: SB 1004 - MOU Readiness Steps

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Vance / Jeff:

Hope all is going good in Lockhart.

I just wanted to check in you all regarding SB 1004. With the effective date for SB 1004 just around the corner on September 1st, the time has come to make sure that your current codes, policies, applications, and ordinances are in compliance and provide sufficient protection for your system, your facilities, your customers, and your service territory. Below is a Q&A that we put together to lay out the background and the steps that we recommend the City consider to get ready for the implementation of SB 1004.

1. What is SB 1004?

Answer: SB 1004 is bill passed during the 85th regular session of the Texas Legislature. It expressly prohibits municipalities from preventing wireless nodes or small cell antennas from being placed on city facilities. This includes but is not limited to utility poles, street lights, traffic signals, and traffic signs. In doing so, the Legislature sets forth a number of requirements that municipalities must meet to facilitate these nodal deployments, including limiting attachment fees, implementing time lines for application approvals ("shot clock" provisions), and allowing for facilities to be built in the right of way.

2. Who does SB 1004 affect?

Answer: Primarily municipalities, but anybody who owns facilities in the right of way can be potentially subject to the legislation.

3. When does SB 1004 become effective?

Answer: SB 1004 takes effect September 1, 2017.

4. How do I prepare for SB 1004 implementation?

Answer:

- **Review current pole attachment policies and agreements.** Because of several nondiscrimination clauses in the legislation, current pole attachment agreements and policies may be the best place to start for small cell attachment procedures and standards.
- **Review current planning and zoning regulations.** SB 1004 includes several provisions for municipalities to exempt certain areas from small cell deployment, including parks, "Design Districts," residential areas, and historic districts. Reviewing your ordinances will help identify needed zoning restrictions, particularly with the introduction of the term "design districts." These are areas that are "zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards."
- **Prepare a technical design manual.** This will establish standards for small cell attaching entities that ensure the safety and integrity of your system and right of way. This can be either a separate document or be appended to existing policies and agreements. No matter how the design manual is implemented, it will need to be written

in a nondiscriminatory manner such that small cell attachments are treated similarly to traditional attaching entities.

- **Either create a pole attachment policy for non-utility poles or expand current pole attachment policies and agreements** to incorporate non-utility pole attachments. SE recommends expanding your current policies and agreements.
- **Implement zoning requirements** through the usual channels to update zoning ordinances to establish design districts or ensure compliance with other parts of SB 1004.

SE Support: SE can support your efforts to comply with SB 1004 from help relating to updating and implementing new pole attachment policies and agreements, as well as design manuals. SE can also provide a summary of the zoning restrictions for your review.

Please let us know if you would like us to support your City's preparation for this new law and /or if you need a proposal that outlines the support services and project budget estimates related to this project.

Thanks

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AN ACT

relating to the deployment of network nodes in public right-of-way; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 9, Local Government Code, is amended by adding Chapter 284 to read as follows:

CHAPTER 284. DEPLOYMENT OF NETWORK NODES IN PUBLIC RIGHT-OF-WAY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 284.001. FINDINGS AND POLICY. (a) The legislature finds that:

(1) network nodes are instrumental to increasing access to advanced technology and information for the citizens of this state and thereby further an important public policy of having reliable wireless networks and services;

(2) this state has delegated to each municipality the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public, subject to state law;

(3) network nodes often may be deployed most effectively in the public right-of-way;

(4) network providers' access to the public right-of-way and the ability to attach network nodes to poles and structures in the public right-of-way allow network providers to densify their networks and provide next-generation services;

(5) expeditious processes and reasonable and nondiscriminatory terms, conditions, and compensation for use of the public right-of-way for network node deployments are essential to state-of-the-art wireless services and thereby further an important public policy of having reliable wireless networks and services;

(6) network nodes help ensure that this state remains competitive in the global economy;

(7) the timely permitting of network nodes in the public right-of-way is a matter of statewide concern and interest;

(8) requirements of this chapter regarding fees, charges, rates, and public right-of-way management, when considered with fees charged to other public right-of-way users under this code, are fair and reasonable and in compliance with 47 U.S.C. Section 253;

(9) to the extent this state has delegated its fiduciary responsibility to municipalities as managers of a valuable public asset, the public right-of-way, this state is acting in its role as a landowner in balancing the needs of the public and the needs of the network providers by allowing access to the public right-of-way to place network nodes in the public right-of-way strictly within the terms of this chapter; and

(10) as to each municipality, including home-rule municipalities, this state has determined that it is reasonable and necessary to allow access to the public right-of-way for the purposes of deploying network nodes to protect and safeguard the health, safety, and welfare of the public as provided by this chapter.

(b) In order to safeguard the health, safety, and welfare of the public, it is the policy of this state to promote the adoption of and encourage competition in the provision of wireless services by reducing the barriers to entry for providers of services so that the number and types of services offered by providers continue to increase through competition.

(c) It is the policy of this state, subject to state law and

strictly within the requirements and limitations prescribed by this chapter, that municipalities:

(1) retain the authority to manage the public right-of-way to ensure the health, safety, and welfare of the public; and

(2) receive from network providers fair and reasonable compensation for use of the public right-of-way and for collocation on poles.

Sec. 284.002. DEFINITIONS. In this chapter:

(1) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(2) "Applicable codes" means:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with this chapter.

(3) "Collocate" and "collocation" mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

(4) "Decorative pole" means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

(5) "Design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(6) "Historic district" means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

(7) "Law" means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

(8) "Macro tower" means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Section 284.103 and that supports or is capable of supporting antennas.

(9) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

(10) "Municipally owned utility pole" means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

(11) "Municipal park" means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

(12) "Network node" means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

(i) equipment associated with wireless communications;

(ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and

(iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

(i) an electric generator;

(ii) a pole; or

(iii) a macro tower.

(13) "Network provider" means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider;

(i) network nodes; or

(ii) node support poles or any other structure that supports or is capable of supporting a network node.

(14) "Node support pole" means a pole installed by a network provider for the primary purpose of supporting a network node.

(15) "Permit" means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

(16) "Pole" means a service pole, municipally owned utility pole, node support pole, or utility pole.

(17) "Private easement" means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

(18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

(A) a private easement; or

(B) the airwaves above a public right-of-way with regard to wireless telecommunications.

(19) "Public right-of-way management ordinance" means an ordinance that complies with Subchapter C.

(20) "Public right-of-way rate" means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.

(21) "Service pole" means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

(A) a pole that supports traffic control functions;

(B) a structure for signage;

(C) a pole that supports lighting, other than a decorative pole; and

(D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

(22) "Transport facility" means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

(23) "Utility pole" means a pole that provides:

(A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or

(B) services of a telecommunications provider, as defined by Section 51.002, Utilities Code.

(24) "Wireless service" means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

(25) "Wireless service provider" means a person that provides wireless service to the public.

Sec. 284.003. LIMITATION ON SIZE OF NETWORK NODES.

(a) Except as provided by Section 284.109, a network node to which this chapter applies must conform to the following conditions:

(1) each antenna that does not have exposed elements and is attached to an existing structure or pole;

(A) must be located inside an enclosure of not more than six cubic feet in volume;

(B) may not exceed a height of three feet above the existing structure or pole; and

(C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;

(2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:

(A) must fit within an imaginary enclosure of not more than six cubic feet;

(B) may not exceed a height of three feet above the existing structure or pole; and

(C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;

(3) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:

(A) be more than 28 cubic feet in volume; or

(B) protrude from the outer circumference of the existing structure or pole by more than two feet;

(4) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and

(5) pole-mounted enclosures may not be taller than five feet.

(b) The following types of associated ancillary equipment are not included in the calculation of equipment volume under Subsection (a):

(1) electric meters;

(2) concealment elements;

(3) telecommunications demarcation boxes;

(4) grounding equipment;

(5) power transfer switches;

(6) cut-off switches; and

(7) vertical cable runs for the connection of power and other services.

(c) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.

(d) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.

SUBCHAPTER B. USE OF PUBLIC RIGHT-OF-WAY

Sec. 284.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to activities related to transport facilities for network nodes, activities of a network provider collocating network nodes in the public right-of-way or installing, constructing, operating, modifying, replacing, and maintaining node support poles in a public right-of-way, and municipal authority in relation to those activities.

Sec. 284.052. EXCLUSIVE USE PROHIBITED. A municipality may not enter into an exclusive arrangement with any person for use of the public right-of-way for the construction, operation, marketing, or maintenance of network nodes or node support poles.

Sec. 284.053. ANNUAL PUBLIC RIGHT-OF-WAY RATE. (a) A public right-of-way rate for use of the public right-of-way may not exceed an annual amount equal to \$250 multiplied by the number of network nodes installed in the public right-of-way in the municipality's corporate boundaries.

(b) At the municipality's discretion, the municipality may charge a network provider a lower rate or fee if the lower rate or

fee is:

- (1) nondiscriminatory;
- (2) related to the use of the public right-of-way; and
- (3) not a prohibited gift of public property.

Sec. 284.054. PUBLIC RIGHT-OF-WAY RATE ADJUSTMENT. (a) In this section, "consumer price index" means the annual revised Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics.

(b) A municipality may adjust the amount of the public right-of-way rate not more often than annually by an amount equal to one-half the annual change, if any, in the consumer price index. The municipality shall provide written notice to each network provider of the new rate, and the rate shall apply to the first payment due to the municipality on or after the 60th day following that notice.

Sec. 284.055. USE OF PUBLIC RIGHT-OF-WAY AND APPLICABLE RATE. (a) A network provider that wants to connect a network node to the network using the public right-of-way may:

- (1) install its own transport facilities subject to Subsection (b); or
- (2) obtain transport service from a person that is paying municipal fees to occupy the public right-of-way that are the equivalent of not less than \$28 per node per month.

(b) A network provider may not install its own transport facilities unless the provider:

- (1) has a permit to use the public right-of-way; and
- (2) pays to the municipality a monthly public right-of-way rate for transport facilities in an amount equal to \$28 multiplied by the number of the network provider's network nodes located in the public right-of-way for which the installed transport facilities provide backhaul unless or until the time the network provider's payment of municipal fees to the municipality exceeds its monthly aggregate per-node compensation to the municipality.

(c) A public right-of-way rate required by Subsection (b) is in addition to any public right-of-way rate required by Section 284.053.

Sec. 284.056. COLLOCATION OF NETWORK NODES ON SERVICE POLES. A municipality, subject to an agreement with the municipality that does not conflict with this chapter, shall allow collocation of network nodes on service poles on nondiscriminatory terms and conditions and at a rate not greater than \$20 per year per service pole.

Sec. 284.057. PROHIBITION ON OTHER COMPENSATION. A municipality may not require a network provider to pay any compensation other than the compensation authorized by this chapter for the right to use a public right-of-way for network nodes, node support poles, or transport facilities for network nodes.

SUBCHAPTER C. ACCESS AND APPROVALS

Sec. 284.101. RIGHT OF ACCESS TO PUBLIC RIGHT-OF-WAY.

(a) Except as specifically provided by this chapter, and subject to the requirements of this chapter and the approval of a permit application, if required, a network provider is authorized, as a permitted use, without need for a special use permit or similar zoning review and not subject to further land use approval, to do the following in the public right-of-way:

- (1) construct, modify, maintain, operate, relocate, and remove a network node or node support pole;
- (2) modify or replace a utility pole or node support pole; and
- (3) collocate on a pole, subject to an agreement with the municipality that does not conflict with this chapter.

(b) A network provider taking an action authorized by Subsection (a) is subject to applicable codes, including applicable public right-of-way management ordinances.

Sec. 284.102. GENERAL CONSTRUCTION AND MAINTENANCE REQUIREMENTS. A network provider shall construct and maintain network nodes and node support poles described by Section 284.101 in a manner that does not:

- (1) obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
- (2) obstruct the legal use of a public right-of-way by other utility providers;
- (3) violate nondiscriminatory applicable codes;
- (4) violate or conflict with the municipality's publicly disclosed public right-of-way design specifications; or
- (5) violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

Sec. 284.103. GENERAL LIMITATION ON PLACEMENT OF POLES. A network provider shall ensure that each new, modified, or replacement utility pole or node support pole installed in a public right-of-way in relation to which the network provider received approval of a permit application does not exceed the lesser of:

- (1) 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or
- (2) 55 feet above ground level.

Sec. 284.104. INSTALLATION IN MUNICIPAL PARKS AND RESIDENTIAL AREAS. (a) A network provider may not install a new node support pole in a public right-of-way without the municipality's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a municipal park or is adjacent to a street or thoroughfare that is:

- (1) not more than 50 feet wide; and
- (2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

(b) In addition to the requirement prescribed by Subsection (a), a network provider installing a network node or node support pole in a public right-of-way described by Subsection (a) shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

Sec. 284.105. INSTALLATION IN HISTORIC OR DESIGN DISTRICTS. (a) A network provider must obtain advance approval from a municipality before collocating new network nodes or installing new node support poles in an area of the municipality zoned or otherwise designated as a historic district or as a design district if the district has decorative poles. As a condition for approval of new network nodes or new node support poles in a historic district or a design district with decorative poles, a municipality may require reasonable design or concealment measures for the new network nodes or new node support poles. A municipality may request that a network provider comply with the design and aesthetic standards of the historic or design district and explore the feasibility of using certain camouflage measures to improve the aesthetics of the new network nodes, new node support poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in a historic district or on a design district's decorative poles.

(b) This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.

Sec. 284.106. EQUIPMENT CABINETS. A network provider shall ensure that the vertical height of an equipment cabinet installed as part of a network node does not exceed the height limitation

prescribed by Section 284.003, subject to approval of the pole's owner if applicable.

Sec. 284.107. COMPLIANCE WITH UNDERGROUNDING REQUIREMENT.

(a) A network provider shall, in relation to installation for which the municipality approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

(b) A requirement or restriction described by Subsection (a) may not be interpreted to prohibit a network provider from replacing an existing structure.

Sec. 284.108. DESIGN MANUAL. (a) A municipality may adopt a design manual for the installation and construction of network nodes and new node support poles in the public right-of-way that includes additional installation and construction details that do not conflict with this chapter. The design manual may include:

(1) a requirement that an industry standard pole load analysis be completed and submitted to the municipality indicating that the service pole to which the network node is to be attached will safely support the load; and

(2) a requirement that network node equipment placed on new and existing poles be placed more than eight feet above ground level.

(b) A network provider shall comply with a design manual, if any, in place on the date a permit application is filed in relation to work for which the municipality approved the permit application. A municipality's obligations under Section 284.154 may not be tolled or extended pending the adoption or modification of a design manual.

Sec. 284.109. EXCEPTIONS. Subject to Subchapter D, a network provider may construct, modify, or maintain in a public right-of-way a network node or node support pole that exceeds the height or distance limitations prescribed by this chapter only if the municipality approves the construction, modification, or maintenance subject to all applicable zoning or land use regulations and applicable codes.

Sec. 284.110. DISCRIMINATION PROHIBITED. A municipality, in the exercise of the municipality's administrative and regulatory authority related to the management of and access to the public right-of-way, must be competitively neutral with regard to other users of the public right-of-way.

SUBCHAPTER D. APPLICATIONS AND PERMITS

Sec. 284.151. PROHIBITION OF CERTAIN MUNICIPAL ACTIONS.

(a) Except as otherwise provided by this chapter, a municipality may not prohibit, regulate, or charge for the installation or collocation of network nodes in a public right-of-way.

(b) A municipality may not directly or indirectly require, as a condition for issuing a permit required under this chapter, that the applicant perform services unrelated to the installation or collocation for which the permit is sought, including in-kind contributions such as reserving fiber, conduit, or pole space for the municipality.

(c) A municipality may not institute a moratorium, in whole or in part, express or de facto, on:

(1) filing, receiving, or processing applications; or

(2) issuing permits or other approvals, if any, for the installation of network nodes or node support poles.

Sec. 284.152. AUTHORITY TO REQUIRE PERMIT. (a) Except as otherwise provided by this chapter, a municipality may require a network provider to obtain one or more permits to install a network node, node support pole, or transport facility in a public right-of-way if the permit:

(1) is of general applicability to users of the public

right-of-way:

(2) does not apply exclusively to network nodes; and
(3) is processed on nondiscriminatory terms and
conditions regardless of the type of entity submitting the
application for the permit.

(b) A network provider that wants to install or collocate
multiple network nodes inside the territorial jurisdiction of a
single municipality is entitled to file a consolidated permit
application with the municipality for not more than 30 network
nodes and receive permits for the installation or collocation of
those network nodes.

Sec. 284.153. GENERAL PROCESS RELATING TO PERMIT
APPLICATION. (a) Except as otherwise provided by this section, a
municipality may not require an applicant to provide more
information to obtain the permit than a telecommunications utility
that is not a network provider is required to provide unless the
information directly relates to the requirements of this chapter.

(b) As part of the standard form for a permit application, a
municipality may require the applicant to include applicable
construction and engineering drawings and information to confirm
that the applicant will comply with the municipality's publicly
disclosed public right-of-way design specifications and applicable
codes.

(c) A municipality may require an applicant to provide:

(1) information reasonably related to the provider's
use of the public right-of-way under this chapter to ensure
compliance with this chapter;

(2) a certificate that the network node complies with
applicable regulations of the Federal Communications Commission;
and

(3) certification that the proposed network node will
be placed into active commercial service by or for a network
provider not later than the 60th day after the date the construction
and final testing of the network node is completed.

Sec. 284.154. MUNICIPAL REVIEW PROCESS. (a) A
municipality shall process each permit application on a
nondiscriminatory basis.

(b) Not later than the 30th day after the date the
municipality receives an application for a permit for a network
node or node support pole, or the 10th day after the date the
municipality receives an application for a permit for a transport
facility, the municipality shall determine whether the application
is complete and notify the applicant of that determination. If the
municipality determines that the application is not complete, the
municipality shall specifically identify the missing information.

(c) A municipality shall approve an application that does
not require zoning or land use approval under this chapter unless
the application or the corresponding work to be performed under the
permit does not comply with the municipality's applicable codes or
other municipal rules, regulations, or other law that is consistent
with this chapter.

(d) A municipality must approve or deny an application for a
node support pole not later than the 150th day after the date the
municipality receives the complete application. A municipality
must approve or deny an application for a network node not later
than the 60th day after the date the municipality receives the
complete application. A municipality must approve or deny an
application for a transport facility not later than the 21st day
after the date the municipality receives a complete application.
An application for a permit for a node support pole, network node,
or transport facility shall be deemed approved if the application
is not approved or denied on or before the applicable date for
approval or denial prescribed by this subsection.

(e) A municipality that denies a complete application must
document the basis for the denial, including the specific

applicable code provisions or other municipal rules, regulations, or other law on which the denial was based. The municipality shall send the documentation by electronic mail to the applicant on or before the date the municipality denies the application.

(f) Not later than the 30th day after the date the municipality denies the application, the applicant may cure the deficiencies identified in the denial documentation and resubmit the application without paying an additional application fee, other than a fee for actual costs incurred by the municipality.

Notwithstanding Subsection (d), the municipality shall approve or deny the revised completed application after a denial not later than the 90th day after the date the municipality receives the completed revised application. The municipality's review of the revised application is limited to the deficiencies cited in the denial documentation.

Sec. 284.155. TIME OF INSTALLATION. (a) A network provider shall begin the installation for which a permit is granted not later than six months after final approval and shall diligently pursue the installation to completion.

(b) Notwithstanding Subsection (a), the municipality may place a longer time limit on completion or grant reasonable extensions of time as requested by the network provider.

Sec. 284.156. APPLICATION FEES. (a) A municipality may charge an application fee for a permit only if the municipality requires the payment of the fee for similar types of commercial development inside the municipality's territorial jurisdiction other than a type for which application or permit fees are not allowed by law.

(b) The amount of an application fee charged by a municipality may not exceed the lesser of:

(1) the actual, direct, and reasonable costs the municipality determines are incurred in granting or processing an application that are reasonably related in time to the time the costs of granting or processing an application are incurred; or

(2) \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole.

(c) In determining for purposes of Subsection (b) (1) the amount of the actual, direct, and reasonable costs, the municipality may not:

(1) include costs incurred by the municipality in relation to third-party legal or engineering review of an application; or

(2) direct payments or reimbursement of third-party public right-of-way rates or fees charged on a contingency basis or under a result-based arrangement.

Sec. 284.157. CERTAIN WORK EXEMPTED. (a) Notwithstanding any other provision of this chapter, a municipality may not require a network provider to submit an application, obtain a permit, or pay a rate for:

(1) routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;

(2) replacing or upgrading a network node or pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or

(3) the installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in compliance with the National Electrical Safety Code.

(b) For purposes of Subsection (a) (2):

(1) a network node or pole is considered to be "substantially similar" if:

(A) the new or upgraded network node, including

the antenna or other equipment element, will not be more than 10 percent larger than the existing node, provided that the increase may not result in the node exceeding the size limitations provided by Section 284.003; and

(B) the new or upgraded pole will not be more than 10 percent higher than the existing pole, provided that the increase may not result in the pole exceeding the applicable height limitations prescribed by Section 284.103;

(2) the replacement or upgrade does not include replacement of an existing node support pole; and

(3) the replacement or upgrade does not defeat existing concealment elements of a node support pole.

(c) The determination under Subsection (b)(1) of whether a replacement or upgrade is substantially similar is made by measuring from the dimensions of the network node or node support pole as approved by the municipality.

(d) Notwithstanding Subsection (a):

(1) a municipality may require advance notice of work described by that subsection;

(2) a network provider may replace or upgrade a pole only with the approval of the pole's owner; and

(3) the size limitations may not in any event exceed the parameters prescribed by Section 284.003 without the municipality's approval in accordance with Section 284.109, with the municipality acting on behalf of this state as the fiduciary trustee of public property.

SUBCHAPTER E. ACCESS TO MUNICIPALLY OWNED UTILITY POLES

Sec. 284.201. USE OF MUNICIPALLY OWNED UTILITY POLES.

(a) The governing body of a municipally owned utility shall allow collocation of network nodes on municipally owned utility poles on nondiscriminatory terms and conditions and pursuant to a negotiated pole attachment agreement, including any applicable permitting requirements of the municipally owned utility.

(b) The annual pole attachment rate for the collocation of a network node supported by or installed on a municipally owned utility pole shall be based on a pole attachment rate consistent with Section 54.204, Utilities Code, applied on a per-foot basis.

(c) The requirements of Subchapters B, C, and D applicable to the installation of a network node supported by or installed on a pole do not apply to a network node supported by or installed on a municipally owned utility pole.

SUBCHAPTER F. EFFECT ON OTHER UTILITIES AND PROVIDERS

Sec. 284.251. DEFINITIONS. In this subchapter:

(1) "Cable service" and "video service" have the meanings assigned by Section 66.002, Utilities Code.

(2) "Electric cooperative" has the meaning assigned by Section 11.003, Utilities Code.

(3) "Electric utility" has the meaning assigned by Section 31.002, Utilities Code.

(4) "Telecommunications provider" has the meaning assigned by Section 51.002, Utilities Code.

(5) "Telephone cooperative" has the meaning assigned by Section 162.003, Utilities Code.

Sec. 284.252. EFFECT ON INVESTOR-OWNED ELECTRIC UTILITIES, ELECTRIC COOPERATIVES, TELEPHONE COOPERATIVES, AND TELECOMMUNICATIONS PROVIDERS. Nothing in this chapter shall govern attachment of network nodes on poles and other structures owned or operated by investor-owned electric utilities, electric cooperatives, telephone cooperatives, or telecommunications providers. This chapter does not confer on municipalities any new authority over those utilities, cooperatives, or providers.

Sec. 284.253. EFFECT ON PROVIDERS OF CABLE SERVICES OR VIDEO SERVICES. (a) An approval for the installation, placement, maintenance, or operation of a network node or transport facility under this chapter may not be construed to confer authorization to

provide:

(1) cable service or video service without complying with all terms of Chapter 66, Utilities Code; or

(2) information service as defined by 47 U.S.C. Section 153(24), or telecommunications service as defined by 47 U.S.C. Section 153(53), in the public right-of-way.

(b) Except as provided by this chapter, a municipality may not adopt or enforce any regulations or requirements that would require a wireless service provider, or its affiliate, that holds a cable or video franchise under Chapter 66, Utilities Code, to obtain any additional authorization or to pay any fees based on the provider's provision of wireless service over its network nodes.

SUBCHAPTER G. GENERAL CONDITIONS OF ACCESS

Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS.

(a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

(b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

(c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

Sec. 284.302. INDEMNIFICATION. The indemnification provisions of Sections 283.057(a) and (b) apply to a network provider accessing a public right-of-way under this chapter.

Sec. 284.303. RELOCATION. Except as provided in existing state and federal law, a network provider shall relocate or adjust network nodes in a public right-of-way in a timely manner and without cost to the municipality managing the public right-of-way.

Sec. 284.304. INTERFERENCE. (a) A network provider shall operate all network nodes in accordance with all applicable laws, including regulations adopted by the Federal Communications Commission.

(b) A network provider shall ensure that the operation of a network node does not cause any harmful radio frequency interference to a Federal Communications Commission-authorized mobile telecommunications operation of the municipality operating at the time the network node was initially installed or constructed. On written notice, a network provider shall take all steps reasonably necessary to remedy any harmful interference.

SECTION 2. (a) In this section, "collocation," "network node," "network provider," and "public right-of-way" have the meanings assigned by Section 284.002, Local Government Code, as added by this Act.

(b) Public/private agreements between a municipality and a network provider for the deployment of network nodes in the public right-of-way on fair and reasonable terms as provided by Chapter 284, Local Government Code, as added by this Act, and corresponding ordinances governing that deployment, are necessary to protect the health, safety, and welfare of the public by facilitating robust and dependable wireless networks. Accordingly, those agreements and ordinances shall be conformed as provided by this section.

(c) Subject to Subsection (d) of this section, the rates, terms, and conditions of agreements and ordinances entered into or enacted before the effective date of this Act shall apply to all network nodes installed and operational before the effective date of this Act.

(d) For all network nodes installed and operational on or after the effective date of this Act:

(1) if a rate, term, or condition of an agreement or ordinance related to the construction, collocation, operation,

modification, or maintenance of network nodes does not comply with the requirements of Chapter 284, Local Government Code, as added by this Act, a municipality shall amend the agreement or ordinance to comply with the requirements of Chapter 284, Local Government Code, as added by this Act, and the amended rates, terms, or conditions shall take effect for those network nodes on the six-month anniversary of the effective date of this Act; and

(2) the rates, terms, and conditions of each agreement executed, and each ordinance enacted, on or after the effective date of this Act shall comply with the requirements of Chapter 284, Local Government Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1004 passed the Senate on April 6, 2017, by the following vote: Yeas 29, Nays 0, two present not voting; and that the Senate concurred in House amendment on May 25, 2017, by the following vote: Yeas 29, Nays 0, two present not voting.

Secretary of the Senate

I hereby certify that S.B. No. 1004 passed the House, with amendment, on May 18, 2017, by the following vote: Yeas 140, Nays 6, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor



CITY OF LOCKHART COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: September 5, 2017			
Department: Lockhart Economic Development		Initials	Date
LEDC Director: Robert Tobias	Asst. City Manager		8-18-2017
Dept. Signature:	City Manager		
Agenda Item Coordinator/Contact (include phone #): Robert Tobias Cell: 512-376-0856			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION NO. 2017-10 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE 4B PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, TO FUND UP TO \$393,000 FOR INCENTIVES TO LOCKHART EMERGENCY CARE CENTER, LLC FOR INFRASTRUCTURE AND OTHER DEVELOPMENT RELATED COSTS WHICH ARE FOUND BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) BOARD OF DIRECTORS TO BE ALLOWABLE COSTS AS AN INCENTIVE TO ATTRACT THE BUSINESS WHICH WILL HAVE AN ESTIMATED INITIAL INVESTMENT OF \$5.8 MILLION EXCLUDING LAND AND WILL INITIALLY CREATE AND MAINTAIN THROUGHOUT THE AGREEMENT A MINIMUM OF 30 FULL TIME EQUIVALENT JOBS AVERAGING \$30.00 PER HOUR AND HAVE AT LEAST 39 FTE BY THE 10 TH YEAR IN BUSINESS (<i>SECOND READING</i>)			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS TOTALS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
The Board of Directors of the LEDC wish to work with the City of Lockhart in a cooperative effort to use up to \$393,000.00 of 4B funds for infrastructure and other development related costs to construct a facility that will require an estimated initial investment of \$5.8 million and will create and maintain throughout the five-year agreement a minimum of 30 full time equivalent jobs averaging \$30.00 per hour and have a minimum of 39 FTE by the 10 th year in business. LEDC approved the project on January 11, 2017, after a public hearing. There was no opposition voiced by the public. LEDC amended the project name and reduced the incentives on August 22, 2017. LEDC has determined that the funds could be used under its discretion to promote or develop new or expanded business enterprises that create or retain jobs. (<i>VOTE CAN BE TAKEN AFTER THIS SECOND READING</i>)			
STAFF RECOMMENDATION			
Second reading to take place regarding Resolution No. 2017-10 of The City of Lockhart, Texas approving a Type 4B Project under Section 4B of The Texas Economic Development Corporation Act Of 1979, Amended, to Fund up to \$393,000 for infrastructure and other related development costs.			
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies:	
<ul style="list-style-type: none"> • Resolution No. 2017-10 • Included with First Reading 		Lockhart Economic Development Corporation	

RESOLUTION NO. 2017-10

A RESOLUTION OF THE CITY COUNCIL OF LOCKHART, TEXAS APPROVING FUNDING UP TO \$393,000 CONTINGENT ON CREATING AND MAINTAINING A MINIMUM OF 30 NEW FTE JOBS WITH AN AVERAGE ANNUAL WAGE OF \$30,000 FOR THE LOCKHART EMERGENCY CARE CENTER, LLC PROJECT AS RECOMMENDED BY THE LOCKHART ECONOMIC DEVELOPMENT CORPORATION UNDER THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, FOR THE BUILDING, INFRASTRUCTURE, AND RELATED IMPROVEMENTS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN NEW JOBS.

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

WHEREAS, Lockhart Economic Development Corporation (LEDC) proposes project in an amount not to exceed \$393,000 in funds for building, infrastructure and other costs associated with this development to initially create and maintain a minimum of 30 new FTE jobs with an average hourly wage of \$30.00 and to have at least 39 FTE by the 10th year in business; and

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

WHEREAS, the LEDC held a public hearing and discussed and approved this project on January 11, 2017

NOW, THEREFORE, BE IT RESOLVED, by the Lockhart City Council as follows:

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

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

The LEDC shall reimburse incentives up to \$393,000 for building, infrastructure and other development costs as set out in attached EXHIBIT A, and subject to the conditions set out herein and in Chapter 501, 504, and 505 of the Texas Economic Development Corporation Act of 1979 and subject to conditions stated in LEDC Performance Agreement.

SECTION 3. That the Lockhart Economic Development Corporation proposes the project to the Lockhart City Council for approval of building, infrastructure and related improvements and professional services in an amount not to exceed \$393,000 in consideration of initially creating and maintaining a minimum of 30 new FTE jobs with an average hourly wage of \$30.00 and to have at least 39 FTE by the 10th year in business and for the development and retention which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart City Council held on this 5TH day of September , 2017.

City of Lockhart

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>		City Manager		<i>[Signature]</i> 8-24-2017
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action regarding a proposed 380 Economic Development Program Agreement between the City of Lockhart and Lockhart Emergency Care Center, LLC whereby the company agrees to expand its business into the City of Lockhart and to invest an estimated \$5.8 million in buildings, equipment and infrastructure, excluding land, and to employ a minimum of thirty (30) new full time equivalent (FTE) jobs with an average wage of \$30.00 per hour throughout the term of the agreement and employ at least 39 FTE jobs by the 10 th year in exchange for property tax rebates potentially amounting to \$264,625 over a ten (10) year period.				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
City is authorized by §380.001, et seq., Texas Local Government Code, to promote state and local economic development and to stimulate business and commercial activity within the City. The proposed 380 Economic Development Program Agreement states the maximum amount of property tax rebates by year that will be paid to the company over a ten (10) year period as long as the company complies with creating and maintaining 30 FTE jobs and the average wage of \$30 per hour and to employ at least 39 FTE jobs by the 10 th year of the agreement. Failure to maintain the FTE jobs and the average wage will result in reduction of property tax rebate on a ratio basis. The tax rebate cannot include property tax paid on the land.				
STAFF RECOMMENDATION				
Staff respectfully recommends approval of the 380 Economic Development Program Agreement with Lockhart Emergency Care Center, LLC, as presented to the Council.				
List of Supporting Documents: Proposed 380 Economic Development Program Agreement; back up data		Other Departments, Boards, Commissions or Agencies: 190		

CITY OF LOCKHART

380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT

This Economic Development Agreement ("Agreement") is made and entered into by and between THE CITY OF LOCKHART, TEXAS ("City"), a Texas home-rule municipal corporation, and Lockhart Emergency Care Center, LLC, a Texas limited liability company.

RECITALS

LECC desires to expand and locate its new facility in the City of Lockhart and to participate in the Economic Development Program established in this Agreement.

LECC intends to make a total investment of more than \$5.8 million in equipment, personal property, inventory, and improvements, excluding land, over the 10 year period of this Agreement.

City desires to establish the Economic Development Program outlined herein and offer incentives to LECC to locate its facility in the City.

City is authorized by §380.001, et seq., Texas Local Government Code, to promote state and local economic development and to stimulate business and commercial activity within the City. City has determined that a substantial economic benefit and the creation of new opportunities of employment will accrue to the City and the surrounding area if its facility is successfully developed on the Property.

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

AGREEMENTS

Section 1. Recitals

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

Section 2: Term

The term of this Agreement shall be ten (10) years from the 1st day of ____ next following the date of execution of this Agreement.

Section 3. City Requirements

(a) In consideration of LECC's agreement to locate its expansion facility within the City and to perform the other acts hereinafter described, City agrees:

To rebate to LECC an amount of money each year equal to a percentage of the property tax paid for the facilities and improvements by LECC during that year according to Attachment A (\$5.8 million excluding land) and the following schedule:

Year 1	75%
Year 2	75%
Year 3	75%
<u>Year 4</u>	75%
<u>Year 5</u>	75%
Year 6	50%
Year 7	50%
Year 8	50%
Year 9	50%
Year 10	50%

The total City property tax rebate shall not be more than \$264,625 during the ten (10) year period and not more than the amount stated for each year in Attachment A. Tax rebates on any existing buildings and real property are not allowed.

Section 4. LECC's Requirements

Company hereby agrees that it will pay lawful City property taxes on or before January 31 of each year of this ten (10) year agreement and the Company will submit within 90 days of January 31 a rebate request for applicable City taxes paid and provide sufficient proof in the form of payroll registers that all job requirements have been satisfied. Failure to submit the rebate request with all required paper work within the 90 days will result in no City rebate for the period of time under consideration.

In consideration of the City agreeing to perform the foregoing, LECC agrees:

- (a) To locate an expansion facility within the City that will employ the Full Time Equivalent (FTE) of thirty (30) employees (30) from the date that LECC opens for business throughout the term of this agreement and also agrees to have at least 39 (FTE) employees by the 10th year of this agreement.. The term "Full Time Equivalent," as used in this Agreement, shall mean employment worked by one or more people during a calendar year that is equal to a total of 2080 hours. The average wage of the FTE employees shall not be less than \$30.00 per hour.
- (b) To employ a minimum of thirty (30) FTEs after the time period described in section 4(a) above, and to continue employing at least that number for the term of this Agreement, provided however that LECC shall be allowed a twenty-five percent (25%) grace factor in the number of FTE employees

employed in any single year, or thirty (30) FTE employees, during the term of this Agreement as a condition of receiving the reimbursement payment from the City pursuant to Section 3(a) for that year. In the event that the average FTEs drops below the grace factor number of thirty (30) FTEs in any year, LECC will forfeit the reimbursement payment described in Sections 3(a) above for that year without affecting any other act or incentive agreed to by City.

- (c) To keep current in the payment of taxes owed to any taxing jurisdiction in which the Property is located.

Section 5. Recapture/Termination

(a) In the event that LECC begins operating at its facility in the City, but subsequently discontinues operating such facility for any reason, excepting fire, explosion or other casualty or accident or natural disaster or other event beyond the reasonable control of LECC for a period of 180 days during the term of this Agreement, then in such event the City will no longer be obligated to expend any further funds for sales tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sections 3(a) of this Agreement within 30 days of the expiration of the 180 days.

(b) In the event that LECC shall fail to repay the City within 30 days of the date such repayment is due, LECC hereby agrees that the City may place a lien on the property where its expanded facility is located for full payment of such monies. The burden shall be upon LECC to prove to the satisfaction of the City that the discontinuance of operating the distribution facility was as a result of fire, explosion, or other casualty or accident or natural disaster or other event beyond the control of LECC. In the event LECC meets this burden and the City is satisfied that the discontinuance of the operation of the its facility was the result of events beyond the control of LECC, then LECC shall have a period of one (1) year in which to resume the operation of its facility.

(c) In the event that LECC fails to resume its operations at the facility within one (1) year, then in such event the City will no longer be obligated to expend any further monies for tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sections 3(a) of this Agreement within 30 days of the expiration of the one year period. In the event that LECC shall fail to repay the City within 30 days of the date such repayment is due, LECC hereby agrees that the City may place a lien on the Property for full payment of such monies.

(d) In the event that LECC allows ad valorem taxes on property, or business personal property, or inventory owed to the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, then in such event the City will no longer be obligated to expend any further monies for sales tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sections 3(a) of this Agreement within 30 days of such event. In the event that LECC shall fail to repay the City within 30 days of the date such

repayment is due; LECC hereby agrees that the City may place a lien on the property where the facility is located for full payment of such monies.

(e) In the event that LECC relocates the business to a location outside of the City of Lockhart, then in such event the City will no longer be obligated to expend any further monies for tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sections 3(a) of this agreement within 30 days of the relocation. In the event that LECC shall fail to repay the City within 30 days of the date such repayment is due, LECC hereby agrees that the City may place a lien on the property to which LECC has relocated its facilities for full payment of such monies.

(f) In the event that the City determines that LECC is in default of any of the terms or conditions contained in this Agreement, then in such event the City shall give LECC thirty (30) days written notice to cure such default. In the event such default is not cured to the satisfaction of the City within the thirty (30) days notice period, then in such event the City will no longer be obligated to expend any further monies for tax reimbursement, and LECC shall be required to repay the City for any and all monies expended by the City under sects 3(a) of this Agreement within 30 days of the default. In the event that LECC shall fail to repay the City within 30 days of the date such repayment is due, LECC hereby agrees that the City may place a lien on the property where it is located for full payment of such monies.

Section 6. Certification of Compliance

On or before March 1 of each year that this Agreement is in effect, LECC shall certify in writing to the City its compliance with all provisions of this Agreement. Such certification shall include any and all documentation required by the City establishing that LECC has met the annual employment requirement for the previous year and that all taxes related to the Property have been paid in full as required by law. The City, at any reasonable time, shall have the right to review any and all records of LECC related to the provisions of this Agreement.

Section 7. Dispute Resolution, Applicable Law, Venue, and Attorney's Fees

(a) Any controversy or claim arising out of or relating to this Agreement or the breach of this Agreement shall be settled by alternative dispute resolution. City and LECC expressly waive any statutory or other legal requirement that may exist for serving notices or engaging in alternative dispute resolution prior to doing so.

(b) In the event that the claim or controversy is not settled by alternative dispute resolution, or in the event the parties are unable to agree upon an alternative dispute resolution agreeable to both parties, this Agreement shall be enforceable by law in a court of competent jurisdiction according to the laws of the State of Texas. Venue shall lie in Caldwell County, Texas. The prevailing party in any litigation arising out of this Agreement shall be entitled to recover its reasonable and necessary costs and attorney's fees from the non-prevailing party pursuant to applicable law.

Section 8. Entire Agreement

This Agreement contains the entire agreement between the City and LECC with respect to the transactions contemplated herein. This Agreement may be amended, altered, or revoked only by written instrument signed by the City and LECC.

Section 9. Successors and Assigns

This Agreement may not be assigned to any third party by LECC without the written consent of the City; no reasonable request that protects the interests of the City will be denied. In the event of such assignment or in the event of legal succession of LECC's interest in this Agreement by operation of law, this Agreement shall be binding on and inure to the benefit of such assign or successor.

Section 10. Notices

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

Lockhart Emergency Care Center, LLC:

Brian Johnson
Chief Operating Officer
Lockhart Emergency Care Center, LLC
22100 Bulverde Road
Suite 108
San Antonio, Texas 78259

City:

City Manager, City of Lockhart
308 W. San Antonio
P.O. Box 239
Lockhart, TX 78644

Section 11. Interpretation

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

Section 12. Severability

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

Agreement which is legal, valid, and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

Section 13. Mutual Assistance

City and LECC agree to do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____ day of _____ 2017.

THE CITY OF LOCKHART :

ATTEST:

Lew White, Mayor

Connie Constancio, TRMC, City Secretary

Lockhart Emergency Care Center, LLC:

Brian Johnson

Chief Operating Officer
Title

State of Texas)(
)(
County of Caldwell)(

The foregoing instrument was acknowledged before me this ___ Day of _____, by 2017 Lew White, known to me to be the Mayor of the City of Lockhart, Texas.

Notary Public

My Commission expires:

State of Texas)(
)(
County of Caldwell)(

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Brian Johnson, known to me to be the Chief Operating Officer of Lockhart Emergency Care Center, LLC

Notary Public

My Commission expires:

Lockhart Emergency Care Center, LLC : Potential 380 Tax Rebate: City of Lockhart

Revised Aug 15, 2017

Rebates estimated base on Economic Development Impact information provided by the development.

ATTACHMENT A

***** Cannot rebate property taxes on existing building and property**

Year	No Rebate on Land Value	New Buildings Additions and Improvements	Furniture, Fixtures and Equipment	Total
1	\$ 1,300,000	\$3,400,000	\$2,400,000	\$5,800,000
2				\$0
3				\$0
4				\$0
5				\$0
6				\$0
7				\$0
8				\$0
9				\$0
10				\$0
Total	\$ 1,300,000	\$3,400,000	\$2,400,000	\$5,800,000

Potential Tax Rebate for Years 1 through 10

Tax Year:	Est Rate	Total	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	
City Tax	\$0.7332		75%	75%	75%	75%	75%	\$158,775
			\$31,755.00	\$31,755.00	\$31,755.00	\$31,755.00	\$31,755.00	
			Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	
City Tax	\$0.7332		50%	50%	50%	50%	50%	
			\$ 21,170	\$ 21,170	\$ 21,170	\$ 21,170	\$ 21,170	\$ 105,850

City Potential Tax Rebate: \$264,625

NOTE: Figures are estimates and subject to approval of City Council.
 Tax Rebate based above investments AND creating/maintaining 30 FTE jobs and having at least 39 FTE jobs by the 10th year with an hourly wage average of \$30 per hour. Tax Rebate will be pro-rated based on the investment amount and number of jobs with their verified wages.

198
861



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>		City Manager		<i>AR</i> <i>8-31-17</i>
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action to consider appointment of Parks Master Plan Steering Committee members at the September 19 meeting made up of Councilmembers, City staff, two Parks Advisory Board members, business and civic organization members, and others as determined by Council to serve as a sounding board for recommendations made by the consultant				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
The Parks Master Plan Scope of Work includes appointment by Council of a Steering Committee to perform tasks as outlined in document. The first meeting would be on Thursday, September 28, and the first Public Meeting on Tuesday, October 10; meetings will be held in the Glosserman Room at City Hall and starting a 6 pm.				
STAFF RECOMMENDATION				
N/A				
List of Supporting Documents: Parks Master Plan Scope of Work		Other Departments, Boards, Commissions or Agencies:		

Vance Rodgers

From: Paul Howard <PHoward@burditt.com>
Sent: Thursday, August 31, 2017 9:55 AM
To: Vance Rodgers; Charles Burditt
Cc: Lee Weatherford; Chris Sager
Subject: Re: Parks Master Plan - Public Meeting Schedule

Vance,

With regards to the purpose of each of these meetings, Meeting #1 allows us to introduce the process and report on our observations to date, but most importantly to obtain initial guidance on the priorities for the parks system. Meeting #2 is intended to occur after public input has been received and will include our report of findings from the inventory, standards analysis, demand analysis (public input), and our resulting recommendations. Meeting #3 is the opportunity to present the draft Master Plan and solicit feedback, answer questions, and generally make sure that we 'got it right'. I'm not sure these would be effective as a single meeting, but we can adapt to any schedule.

With regards to scheduling the first Steering Committee meeting, September ²⁸~~26~~ will work. We will be there to facilitate the discussion. our hope is that the Committee will be involved throughout plan development.

Regards,

Paul S. Howard
Planner

BURDITT Consultants LLC

LAND | PLACE STUDIO - *Connecting People to Place*
PLANNING + ARCHITECTURE + URBAN FORESTRY
30 ° 19' 12.95" N. 95 ° 28' 38.67" W

phoward@burditt.com

936.756.3041

From: Vance Rodgers <vrodgers@lockhart-tx.org>
Sent: Thursday, August 31, 2017 9:36 AM
To: Paul Howard
Cc: Lee Weatherford; Chris Sager
Subject: RE: Parks Master Plan - Public Meeting Schedule

Paul:

I am trying combine Meetings 1, 2, 3 that are in the Scope with the Steering Committee into one meeting.

When will the information in 2 and 3 be available to disseminate to the committee? You or someone else attend the meeting?

NOT POSSIBLE
TO COMBINE

SCOPE WORK EXTRACT

9. **Public Outreach:** To assure that ample opportunity is provided for input by the community and project stakeholders, a public process that solicits input from Lockhart residents and constituent groups will be conducted.

- **Steering Committee Meetings:** The Lockhart City Council will establish a project Steering Committee to provide input to the process and serve as a sounding board for our recommendations. Members of the Steering Committee may include Lockhart officials/staff, two Parks Advisory Board members, members of the business community, civic leaders, representatives of recreational associations and others which may be identified. During these meetings the committee will identify key issues, review proposed findings, discuss alternative solutions, and refine the recommendations. At a minimum three Steering Committee publicly posted meetings will occur at the following stages in the design process:

Meeting 1: Introduce project, clarify objectives, gather input as to priorities for evaluating alternatives, and identify resources and challenges.

Meeting 2: Present initial findings and preliminary recommendations, and solicit feedback. *AFTER PUBLIC*

Meeting 3: Present draft Master Plan and solicit feedback on concepts and implementation strategy from: *MTAS*

- **Stakeholder Meetings:** In addition to the input provided by the Steering Committee, one-on-one meetings with stakeholders will be necessary to review specific aspects of the project in detail as the Plan is being developed and refined.
- **Public Meetings:** Two (2) public meetings will be held during the course of the project to present findings and gather community input. One meeting will occur near the beginning of the process to solicit input, and the other will take place near the end of the process as final recommendations are being formulated.
- **Website Support:** To encourage public input and discussion, graphic materials and written project summaries will be provided for Lockhart to post on its website.
- **Public Opinion Survey:** Public opinion surveys are an effective way to reach residents of Lockhart who cannot attend the public meetings. Manage an online survey that will be created to gather public input on planning and revitalization efforts from large audiences.

PLEASE LET ME KNOW ASAP.

THANKS

Vance Rodgers
City Manager
(512) 398-3461, ext 224
Cell (512) 376-8149
Fax (512) 398-5103

The information transmitted in this message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If the reader of this message is not the intended recipient, you are hereby notified that your access is unauthorized, and any review, dissemination, distribution or copying of this message including any attachments is strictly prohibited. If you are not the intended recipient, please contact the sender and delete the material from any computer.

Please note that any correspondence, such as e-mails or letters, sent to the City of Lockhart staff or public officials is public record and may be made available for Public/media review.

PUBLIC OFFICIALS/BOARD-COMMISSION MEMBERS- A "Reply to All" of this e-mail that includes all Councilmembers/Board members could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.



Parks Master Plan

Request of Proposals

Scope of Work

1. **Kick-off Meeting and Project Orientation:** Firm will hold initial kick-off meeting with the Lockhart City Council and staff to confirm project expectations and discuss key issues and expected outcomes. It is anticipated that the ongoing planning efforts and coordination between Lockhart and its residents will yield important information related to specific potential constraints and opportunities. Specific goals for the meeting will include:

- confirm the project objectives;
- identify key project stakeholders;
- identify other relevant prior plans and studies;
- identify communication channels and project personnel;
- outline a community outreach process;
- outline anticipated agency and regulatory coordination and approvals;
- identify targeted project budget and schedules.

2. **Define Goals and Objectives:** Firm will work with Lockhart officials and project stakeholders to define specific goals and objectives for the Plan. This will include a detailed description of the intended purpose of the Plan, and identification of specific outcomes.

3. **Project Background:** To make sure that the recommendations are consistent with established municipal goals, Firm will review and become familiar with previous relevant plans, studies, and information, including the most current Lockhart Comprehensive Plan, and any prior open space and recreation plans and studies. General community information (population, demographics, etc.), to confirm current and projected future needs of Lockhart will also be reviewed.

4. **Parks and Open Space Inventory:** A thorough field inventory of existing parks, playgrounds, and public open space within Lockhart to gain a full understanding of the opportunities, constraints, and physical context will be conducted. Photographs or otherwise record conditions observed in the field will be made. The inventory will include an assessment of existing conditions, such as:

- Size, type, and ownership for each property;
- ADA compliance, including entrances and slopes;
- site access and circulation;
- safety concerns;
- general age and condition of equipment and facilities;
- grading (slopes) and drainage issues.

5. **Base Map Preparation:** Working from existing Lockhart base information, supplemented by aerial photography and field verification, a plan of existing parks, playground, and open space resources will be created, to serve as the working base for planning drawings and diagrams.

6. **Community Needs Assessment:** The current and projected needs of the community for open space and recreation facilities will be evaluated. The degree to which existing facilities meet or fall short of that target will be assessed. This analysis will encompass several factors, including:

- National Standards: Compare existing community resources with accepted national standards. Using established guidelines, a summary of the various types of parks and the recommended minimum/maximum standard sizes and quantities of each type of park; and compare them against the existing acreage and facilities will be performed.
- Recreation Programming: Through discussion with Lockhart officials, stakeholders, and non-profit recreation and athletic associations, compile a list of existing recreation programs available in the community. These programs will be compared with the resources offered by existing facilities, as well as projected future needs and desires for program expansion.
- Americans with Disabilities Act: Existing parks and recreation facilities will be reviewed for accessibility and determine whether reasonable opportunities exist to allow people with disabilities to participate in and benefit from programs. Recommendations for compliance and improvements will be made.

7. **Opportunities:** Identify and evaluate options for expanding Lockhart's existing parks and open space system to better meet the needs of the community. Options to be explored may include:

Vacant/undeveloped land – potential benefits and approximate costs of acquisition.

Potential to expand/renovate existing facilities – opportunities to upgrade or reprogram existing parks and properties with new uses that may be more relevant to current and future needs.

Utility Corridors – Opportunities to utilize existing corridors for development as trails and greenways, for recreation benefit and as connections between other parks and open space resources.

8. **Recommendations:** Based on an assessment of community needs and available opportunities, a coherent set of recommendations for expansion and upgrade of the Lockhart Parks and Open Space system will be developed. This Master Plan will be intended to serve as the documentation of goals and strategies, as well as recommendations for specific improvements. The Master Plan will include:

- Description of proposed improvements for each existing park facility
- Suggested properties for acquisition, and proposed use for each
- Conceptual sketch plans for each property
- Overall Lockhart-wide plan diagram
- Overview of current and projected future recreation programming

9. **Public Outreach:** To assure that ample opportunity is provided for input by the community and project stakeholders, a public process that solicits input from Lockhart residents and constituent groups will be conducted.

- Steering Committee Meetings: The Lockhart City Council will establish a project Steering Committee to provide input to the process and serve as a sounding board for our recommendations. Members of the Steering Committee may include Lockhart officials/staff, two Parks Advisory Board members, members of the business community, civic leaders, representatives of recreational associations and others which may be identified. During these meetings the committee will identify key issues, review proposed findings, discuss alternative solutions, and refine the recommendations. At a minimum three Steering Committee publicly posted meetings will occur at the following stages in the design process:

Meeting 1: Introduce project, clarify objectives, gather input as to priorities for evaluating alternatives, and identify resources and challenges.

Meeting 2: Present initial findings and preliminary recommendations, and solicit feedback.

Meeting 3: Present draft Master Plan and solicit feedback on concepts and implementation strategy from:

- Stakeholder Meetings: In addition to the input provided by the Steering Committee, one-on-one meetings with stakeholders will be necessary to review specific aspects of the project in detail as the Plan is being developed and refined.
- Public Meetings: Two (2) public meetings will be held during the course of the project to present findings and gather community input. One meeting will occur near the beginning of the process to solicit input, and the other will take place near the end of the process as final recommendations are being formulated.
- Website Support: To encourage public input and discussion, graphic materials and written project summaries will be provided for Lockhart to post on its website.
- Public Opinion Survey: Public opinion surveys are an effective way to reach residents of Lockhart who cannot attend the public meetings. Manage an online survey that will be created to gather public input on planning and revitalization efforts from large audiences.

10. **Implementation Plan:** An overall strategy for implementation of the proposed improvements will be developed. This will include:

- *Action Plan:* Identifying responsible parties and roles, and outlining discreet action items and timelines for each leading to project implementation.
- *Phasing Plan:* Prioritized list of projects and actions, broken into short-term, medium-term, and long-term phases, depending on cost, complexity, readiness for implementation, and other relevant factors.
- *Estimated Costs:* Order of magnitude construction cost estimates for recommended improvements.
- *Funding Sources:* Identify specific potential sources for capital funding to make improvements, including eligible grant programs, and other strategies.
- *Recreation Programming:* Summary of recommended programs, as identified during the outreach process.
- *Maintenance Plan:* Identify required maintenance tasks, associated costs, and responsible parties.

11. Final Report Document: All the work products described above will be assembled into a formal bound final report, and furnished as DRAFT for review by the City of Lockhart and Steering Committee (7 copies). After this review, any necessary revisions will be incorporated into the DRAFT and a final report will be issued. Final documents will be furnished in both hardcopy and electronic formats, in quantities and specific electronic formats as desired. Final deliverables comprising of the Plan will include:

- *Narrative Report:* A final narrative report that describes the project goals, methodology, and results. The final report will be submitted to the City Manager for presentation to the City Council for possible adoption/acceptance. The report will include a stand-alone Executive Summary containing the main points of the full document.
- *Maps and Plans:* Key analytical maps and drawings will be provided as presentation-size hard copy originals, as well as in electronic format.
- *Digital CD:* Containing the Study Report and Maps and Plans in a digital, reproducible format.
- *Meeting Minutes* and other records of project correspondence.
- Formal Lockhart Resolution accepting the Report.

Inquiries may be directed only by email: Vance Rodgers, City Manager, at vrodgers@lockhart-tx.org

Nine (9) bound formal proposals must be received by the City of Lockhart by 5 pm on Monday, May 15, 2017.

Proposal must include total cost for the Parks Master Plan.

Vance Rodgers

From: Chris Sager
Sent: Friday, August 25, 2017 9:48 AM
To: Vance Rodgers
Cc: Lee Weatherford
Subject: Parks Board Update August 24 2017

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Vance,

The parks board did not motion anything on Item 3-B because they felt that the city has already done everything in the packet given.

They did appoint Albert Villalpondo and Denise Placke for the steering committee members.



Thank you,

Chris Sager
City of Lockhart
Parks/Cemetery Manager



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>		City Manager		
			<i>VR</i>	<i>8-15-17</i>
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action regarding appointment of a temporary ad-hoc committee to determine a priority list for possible uses of the donated St. Paul United Church of Christ property				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
At the last meeting, Council voted unanimously to accept the donation of property from the St. Paul United Church. Council discussed several possible uses for the property and decided to appoint a temporary ad-hoc committee at the next meeting in September.				
STAFF RECOMMENDATION				
N/A				
List of Supporting Documents: History		Other Departments, Boards, Commissions or Agencies:		

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**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable		Reviewed by Legal <input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	
Council Meeting Date: September 5, 2017				
Department: City Manager		Initials	Date	
Department Head: Vance Rodgers	Asst. City Manager			
Dept. Signature: <i>Vance Rodgers</i>	City Manager	<i>[Signature]</i>	<i>8.30.17</i>	
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers, 376-8149				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action to consider naming an individual as the City of Lockhart's nominee to fill a vacant position to the Board of Directors of the Caldwell County Appraisal District.				
FINANCIAL SUMMARY				
XN/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
During the August 15, 2017 Council meeting, the Council was informed about a vacancy to the CCAD Board of Directors. Due to the 45-day notification and if the Council chooses to make a nomination of an individual to fill the vacancy, a name should be voted on to include in the Resolution that staff will submit to the CCAD on September 6, 2017.				
STAFF RECOMMENDATION				
None.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies:		
<ul style="list-style-type: none"> • CCAD Notice of Vacancy 		Caldwell County Appraisal District		

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RESOLUTION 2017-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, NAMING THE CITY OF LOCKHART'S NOMINEE TO FILL A VACANT POSITION TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT

WHEREAS, the City of Lockhart was notified that a vacancy has occurred on the Caldwell County Appraisal District Board of Directors; and,

WHEREAS, pursuant to Texas Tax Code 6.03(1), each taxing entity may nominate a candidate to fill the vacancy; and,

WHEREAS, the City Council of the City of Lockhart wishes to nominate person(s) from within the City of Lockhart.

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

The City of Lockhart nominates the following citizen for the Caldwell County Tax Appraisal District Board of Directors:

Name to be Inserted Here

PASSED, APPROVED, and ADOPTED this the 5th day of September 2017.

CITY OF LOCKHART

Lew White
Mayor

APPROVED AS TO FORM:

Peter Gruning
City Attorney

ATTEST:

Connie Constancio, TRMC
City Secretary



**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

HISTORY

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date: August 15, 2017					
Department: City Manager				Initials	Date
Department Head: Vance Rodgers		Asst. City Manager			
Dept. Signature: <i>Vance Rodgers</i>		City Manager		<i>AR</i>	<i>8-11-2017</i>
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers, 376-8149					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER					
CAPTION					
Discussion and/or action to consider naming an individual as the City of Lockhart's nominee to fill a vacant position to the Board of Directors of the Caldwell County Appraisal District (CCAD).					
FINANCIAL SUMMARY					
XN/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED					
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS	
Budget				\$0.00	
Budget Amendment Amount				\$0.00	
Encumbered/Expended Amount				\$0.00	
This Item				\$0.00	
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00	
FUND(S):					
SUMMARY OF ITEM					
On July 31, 2017, the City of Lockhart received notice that a vacancy exists on the CCAD Board of Directors. The deadline to submit the Resolution with a nomination to the CCAD is September 8, 2017. If the Council chooses to make a nomination of an individual to fill the vacancy, a name will be voted on during the September 5 meeting in addition to a Resolution which the City of Lockhart's nominee will be added. The Resolution will thereafter be sent to the CCAD to place the City's nominee on a ballot that the Council will vote on in the future.					
STAFF RECOMMENDATION					
None.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies:		
<ul style="list-style-type: none"> • CCAD Notice of Vacancy 			Caldwell County Appraisal District		

Caldwell County Appraisal District

DATE: July 25, 2017
TO: Taxing Unit Presiding Officers
FROM: Hye Brown, Chairman, Board of Directors

RE: Vacancy on Caldwell County Appraisal District Board of Directors

Dear Public Officials:

Pursuant to section 6.03(1) of the Texas Tax Code, please be advised that a vacancy exists on the Board of Directors of the Caldwell County Appraisal District. According to that section, you may nominate a candidate by resolution to fill the vacancy. Section 6.03(1) provides that the deadline to submit the name of your candidate to the chief appraiser of the Caldwell County Appraisal District is 45 days after this notification.

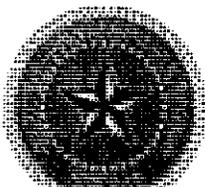
If your entity wishes to make a nomination, please provide a copy of the nominating resolution from your governing body approving that candidate.

Sincerely,



Hye Brown
Chairman, Board of Directors

Encl: Board Resolution
Copy Property Tax Code §6.03



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

PHONE (512) 398-5550
FAX (512) 398-5551
E-MAIL general@caldwellcad.org
WEB SITE www.caldwellcad.org

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STATE OF TEXAS

COUNTY OF CALDWELL

RESOLUTION TO NOTIFY TAXING UNITS OF VACANCY
ON BOARD OF DIRECTORS

WHEREAS, one (1) vacancy has occurred on the Caldwell County Appraisal District Board of Directors; and

WHEREAS, §6.03(l) of the Texas Tax Code provides for notification by the Board of Directors to each taxing unit that is entitled to vote for director of the vacancy; and

WHEREAS, §6.03 of the Code provides that each eligible taxing unit may nominate by resolution adopted by its governing body a candidate to fill the vacancy, and such taxing unit shall submit its nominee to the chief appraiser within 45 days of notification by the Board of Directors;

NOW THEREFORE, be it resolved that each taxing unit entitled to vote as provided by §6.03 of the Texas Tax Code shall be sent notice that there exists a vacancy on the Caldwell County Appraisal District Board of Directors.

Adopted by a majority vote this 25th day of July, 2017.

Hye Brown
BOARD CHAIRMAN

[Signature]
BOARD SECRETARY

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

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

(m) [Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008.]
(Enacted by Acts 1979, 66th Leg., ch. 841 (S.B. 621), § 1; am. Acts 1981, 67th Leg., 1st C.S., ch. 13 (H.B. 30), §§ 15, 167(a), effective January 1, 1982; am. Acts 1987, 70th Leg., ch. 59 (S.B. 469), § 1, effective September 1, 1987; am. Acts 1987, 70th Leg., ch. 270 (H.B. 268), § 1, effective August 31, 1987; am. Acts 1989, 71st Leg., ch. 1123 (H.B. 2301), § 2, effective January 1, 1990; am. Acts 1991, 72nd Leg., ch. 20 (S.B. 351), § 15, effective August 26, 1991; am. Acts 1991, 72nd Leg., ch. 371 (H.B. 864), § 1, effective September 1, 1991; am. Acts 1993, 73rd Leg., ch. 347 (S.B. 7), § 4.06, effective May 31, 1993; am. Acts 1997, 75th Leg., ch. 165 (S.B. 898), § 6.73, effective September 1, 1997; am. Acts 1997, 75th Leg., ch. 1039, § 2, effective January 1, 1998; am. Acts 1999, 76th Leg., ch. 705 (H.B. 834), § 1, effective January 1, 2000; am. Acts 2003, 78th Leg., ch. 629 (H.B. 2043), effective June 20, 2003; am. Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008; am. Acts 2013, 83rd Leg., ch. 1161 (S.B. 359), § 1, effective June 14, 2013.)

CASE NOTES

CONSTITUTIONAL LAW

•Equal Protection

••**Scope of Protection.** — Judgment that denied a municipal utility district's request to declare Tex. Tax Code Ann. § 6.03(c), (d), (f), (h), (i) unconstitutional was affirmed because a political subdivision did not have any equal protection rights; equal protection rights were vested in persons. *Colony Mun. Util. Dist. v. Appraisal Dist. of Denton County*, 626 S.W.2d 930, 1982 Tex. App. LEXIS 3784 (Tex. App. Fort Worth 1982).

GOVERNMENTS

•Local Governments

••**Finance.** — Appraisal districts were created by statute and constituted political subdivisions of the State and constituted entities independent from the cities and counties within their borders; the McLennan County Appraisal District was neither a city nor a county for purposes of the constitutional provision. *Hoppenstein Props. v. McLennan County Appraisal Dist.*, — S.W.3d —, 2014 Tex. App. LEXIS 5413 (Tex. App. Amarillo May 20, 2014, no pet. h.).

TAX LAW

•State & Local Taxes

••Personal Property Tax

•••**General Overview.** — Court affirmed judgment dismissing the appeal of a property valuation protest for want of jurisdiction because under Tex. Tax Code Ann. §§ 6.01 and 6.03, taxpayer gave notice of appeal to the wrong entity. *Ganassi v. Fort Bend County Appraisal Dist.*, 1987 Tex. App. LEXIS 6792 (Tex. App. Houston 1st Dist. Mar. 26 1987).

Three-fourths of county taxing units was not authorized by Tex. Tax Code Ann. § 6.03 to change method of selecting board of

director members for local tax appraisal district because state legislature provided a clear formula concerning voting entitlement. *Huffman v. Arlington*, 619 S.W.2d 425, 1981 Tex. App. LEXIS 3815 (Tex. Civ. App. Fort Worth 1981).

••Real Property Tax

•••Assessment & Valuation

••••**General Overview.** — Appraisal districts were created by statute and constituted political subdivisions of the State and constituted entities independent from the cities and counties within their borders; the McLennan County Appraisal District was neither a city nor a county for purposes of the constitutional provision. *Hoppenstein Props. v. McLennan County Appraisal Dist.*, — S.W.3d —, 2014 Tex. App. LEXIS 5413 (Tex. App. Amarillo May 20, 2014, no pet. h.).

Provisions of Tex. Tax Code Ann. §§ 6.01, 6.03, 23.01, 25.21 expressly provide the necessary authority for an appraisal review board to ensure that the mineral interests of a county are appraised based on market value, unreduced by fraud, and for local taxing units to bring a challenge, if necessary, to insist that the appraisal review board do so. Therefore, the court issued a writ of mandamus directing a district court to vacate its order denying pleas to jurisdiction and to dismiss an action brought by local taxing units alleging that certain companies owning oil properties in the county committed fraud and conspiracy with respect to the valuation of the oil properties for ad valorem tax purposes. Under Tex. Const. art. V, § 8, the district court did not have subject matter jurisdiction because the legislature had provided that the claim had to be heard before the appraisal review board. *In re ExxonMobil Corp.*, 153 S.W.3d 605, 2004 Tex. App. LEXIS 7811 (Tex. App. Amarillo 2004).

OPINIONS OF ATTORNEY GENERAL

ANTI-NEPOTISM RULE DATES ARE DIRECTORY DEFINITION OF "EMPLOYEE" QUORUM

ANTI-NEPOTISM RULE. —

Texas Tax Code section 6.035(a) does not apply when an

appraisal district board member is married to an employee of the appraisal district. The words in section 6.035(a), "is engaged in the business of appraising property for compensation for use in proceedings under this title," refer to an individual who appraises property for commercial profit. Consequently, a tax assessor-collector is eligible to serve as a nonvoting member of the

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**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: September 5, 2017			
Department: City Manager		Initials	Date
Department Head: Vance Rodgers	Asst. City Manager		
Dept. Signature: <i>V. Rodgers</i>	City Manager	<i>[Signature]</i>	<i>8.30.17</i>
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers, 512-376-8149			
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action regarding the City Council's selection with up to 457 votes of a nominee or nominees to the Caldwell County Appraisal District (CCAD) Board of Directors for the FY 2018-2019 period to be approved by a Council Resolution at the September 19, 2017 meeting.			
FINANCIAL SUMMARY			
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input checked="" type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED			
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS
Budget			\$0.00
Budget Amendment Amount			\$0.00
Encumbered/Expended Amount			\$0.00
This Item			\$0.00
BALANCE	\$0.00	\$0.00	\$0.00
FUND(S):			
SUMMARY OF ITEM			
The City of Lockhart received a notice about nominations for the CCAD Board of Directors FY 2018-2019 period on August 17, 2017. The CCAD indicates that they must receive the nomination(s) on or before October 15, 2017. The City Council only has one meeting in October (Oct 17), therefore if the Council chooses to make a nomination(s), a Resolution will be presented to Council on September 19 or September 26 for consideration. (Sept 26 is a meeting scheduled for budget and tax rate adoptions)			
STAFF RECOMMENDATION			
None.			
List of Supporting Documents: <ul style="list-style-type: none"> • Correspondence from CCAD • List of current CCAD Board of Directors 		Other Departments, Boards, Commissions or Agencies: Caldwell County Appraisal District	

DRAFT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS NAMING _____ AS THE CITY OF LOCKHART'S NOMINEE TO THE BOARD OF DIRECTORS OF THE CALDWELL COUNTY APPRAISAL DISTRICT FOR THE 2018-2019 TERM

WHEREAS, the City of Lockhart is entitled to provide nominations to serve on the Caldwell County Appraisal District Board of Directors; and,

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

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

Lockhart, TX 78644

This Resolution shall be in full force and effect immediately upon its passage, approval and adoption on this the _____ day of October 2017.

CITY OF LOCKHART

Lew White, Mayor

APPROVED AS TO FORM:

Peter Gruning
City Attorney

ATTEST:

Connie Constancio, TRMC
City Secretary

Caldwell County Appraisal District

DATE: August 16, 2017
TO: Taxing Unit Presiding Officers
FROM: Mary LaPoint, Chief Appraiser
RE: Nomination of Appraisal District Directors

Dear Members:

Nominations for directors of the Caldwell County Appraisal District for the 2018-2019 term are to be submitted to the chief appraiser on or before **October 15, 2017**. Each taxing unit may nominate one candidate for each position to be filled. All five positions are available for selection, therefore, each unit may nominate up to five candidates.

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

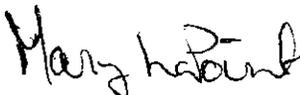
The presiding officer of the taxing unit submits the names and addresses of the nominees by written resolution to the chief appraiser by October 15, 2017. Names submitted after this date will not be listed on the ballot. The resolution must be adopted by majority vote of your taxing unit's governing body. Each unit will then receive a ballot before October 30, 2017.

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

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

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

Sincerely,



Mary LaPoint
Chief Appraiser

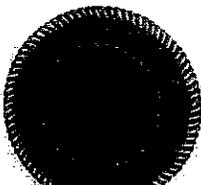
Encl; Vote allocation
Process letter
Tax Code §6.03

RECEIVED
CITY OF LOCKHART

AUG 17 2017

RCVD. BY: _____

TIME RECVD: _____



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

PHONE (512) 398-5550
FAX (512) 398-5551
E-MAIL general@caldwellcad.org
WEB SITE www.caldwellcad.org

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**CALDWELL COUNTY APPRAISAL DISTRICT
VOTE ALLOCATION FOR BOARD OF DIRECTORS SELECTION 2018-2019 TERM**

TAXING UNIT	2016 TAX LEVY	/	ALL LEVIES	=	Quotient	X	1000	=	Product	X	# Members	=	VOTES	ROUNDED VOTES
CALDWELL COUNTY	\$14,833,403.87	/	\$42,612,031.27	=	0.34810366	X	1000	=	348.1	X	5	=	1740.5	1741
CITY LOCKHART	\$3,896,845.37	/	\$42,612,031.27	=	0.09144942	X	1000	=	91.4	X	5	=	457.2	457
CITY LULING	\$1,070,859.40	/	\$42,612,031.27	=	0.02513045	X	1000	=	25.1	X	5	=	125.7	126
CITY MARTINDALE	\$269,737.50	/	\$42,612,031.27	=	0.00633008	X	1000	=	6.3	X	5	=	31.7	30
CITY MUSTANG RIDGE	\$117,131.05	/	\$42,612,031.27	=	0.00274878	X	1000	=	2.7	X	5	=	13.7	14
CITY NIEDERWALD	\$16,126.88	/	\$42,612,031.27	=	0.00037846	X	1000	=	0.4	X	5	=	1.9	2
CITY OF SAN MARCOS	\$79,401.53		\$42,612,031.27		0.00186336	X	1000	=	1.9	X	5	=	9.3	9
CITY OF UHLAND	\$22,997.52		\$42,612,031.27		0.0005397	X	1000	=	0.5	X	5	=	2.7	3
LOCKHART ISD	\$14,659,842.44	/	\$42,612,031.27	=	0.34403059	X	1000	=	344.0	X	5	=	1720.2	1720
LULING ISD	\$3,841,084.84	/	\$42,612,031.27	=	0.09014085	X	1000	=	90.1	X	5	=	450.7	451
PRAIRIE LEA ISD	\$1,110,860.88	/	\$42,612,031.27	=	0.02606918	X	1000	=	26.1	X	5	=	130.3	131
HAYS ISD	\$437,169.51	/	\$42,612,031.27	=	0.0102593	X	1000	=	10.3	X	5	=	51.3	51
GONZALES ISD	\$292,421.79	/	\$42,612,031.27	=	0.00686242	X	1000	=	6.9	X	5	=	34.3	34
SAN MARCOS ISD	\$1,709,720.38	/	\$42,612,031.27	=	0.04012295	X	1000	=	40.1	X	5	=	200.6	201
WEALDER ISD	\$224,540.72	/	\$42,612,031.27	=	0.00526942	X	1000	=	5.3	X	5	=	26.3	26
AUSTIN COM COLLEGE	\$29,887.59		\$42,612,031.27		0.00070139	X	1000	=	0.7	X	5	=	3.5	4
TOTAL	\$42,612,031.27		\$42,612,031.27										5000	5000

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

* = Only Levy within Caldwell County PTC 6.03d

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

- 1 Chief appraiser delivers written notice of nominations process and voting entitlement before October 1st to:
 - County Judge
 - County Commissioners
 - Mayors
 - City Managers
 - City Secretaries (if no city manager)
 - School Board Presidents
 - School Superintendents
- 2 Governing body adopts resolution nominating from one to five candidates for directors.
- 3 Presiding officer of governing body submits the resolution naming the unit's nominees to the chief appraiser not later than October 15, 2017.
- 4 Chief Appraiser delivers ballot to the presiding officer of each governing body before October 30, 2017.
- 5 Governing body determines its vote by resolution and submits it to the chief appraiser not later than December 15, 2017.
- 6 Chief appraiser counts the votes, declares the five candidates who receive the most votes elected, and submits the results to the governing bodies and the candidates before December 31, 2017.

CASE NOTES

ENERGY & UTILITIES LAW**• Oil, Gas & Mineral Interests**

•• **General Overview.** — Where a mineral lease crossed county lines, a county appraisal district incorrectly valued the minerals for purposes of ad valorem taxation by calculating the percentage of surface acres in the county and applying that percentage to the mineral interest; its burden under Tex. Tax Code Ann. § 21.01 to prove the situs of the taxable property allowed it to tax only minerals actually in the county, in accordance with the provisions of Tex. Const. art. VIII, § 11 and Tex. Const. art. VIII, § 20 for property to be assessed at fair market value in the county where situated, and of Tex. Tax Code Ann. § 6.01(a), (b) and Tex. Tax Code Ann. § 6.02(a) for an appraisal district in each county. *Devon Energy Prod., L.P. v. Hockley County Appraisal Dist.*, 178 S.W.3d 879, 2005 Tex. App. LEXIS 9177 (Tex. App. Amarillo 2005).

EVIDENCE**• Procedural Considerations****•• Burdens of Proof**

••• **General Overview.** — Where a mineral lease crossed county lines, a county appraisal district incorrectly valued the minerals for purposes of ad valorem taxation by calculating the percentage of surface acres in the county and applying that percentage to the mineral interest; its burden under Tex. Tax Code Ann. § 21.01 to prove the situs of the taxable property

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TAX LAW**• State & Local Taxes****•• Real Property Tax**

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OPINIONS OF ATTORNEY GENERAL

JURISDICTION**SAVINGS CLAUSE****JURISDICTION. —**

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

SAVINGS CLAUSE. —

After the 2007 legislation that altered the legal framework for

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

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

Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(3), effective January 1, 2008. (Enacted by Acts 1995, 74th Leg., ch. 186 (H.B. 623), § 1, effective January 1, 1996; am. Acts 1997, 75th Leg., ch. 1357 (H.B. 670), § 1, effective January 1, 1998; am. Acts 1999, 76th Leg., ch. 250 (H.B. 1037), § 1, 2, effective January 1, 2000; am. Acts 2003, 78th Leg., ch. 455 (H.B. 703), § 1, effective January 1, 2004; am. Acts 2003, 78th Leg., ch. 1041 (H.B. 1082), § 1, effective January 1, 2004.)

OPINIONS OF ATTORNEY GENERAL

OVERLAPPING DISTRICTS. —

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

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

Sec. 6.03. Board of Directors.

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

board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

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

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

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

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

- (1) to the county judge and each commissioner of the county served by the appraisal district;
- (2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager;
- (3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and
- (4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

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

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

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

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

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

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

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

(m) [Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008.]
(Enacted by Acts 1979, 66th Leg., ch. 841 (S.B. 621), § 1; am. Acts 1981, 67th Leg., 1st C.S., ch. 13 (H.B. 30), §§ 15, 167(a), effective January 1, 1982; am. Acts 1987, 70th Leg., ch. 59 (S.B. 469), § 1, effective September 1, 1987; am. Acts 1987, 70th Leg., ch. 270 (H.B. 268), § 1, effective August 31, 1987; am. Acts 1989, 71st Leg., ch. 1123 (H.B. 2301), § 2, effective January 1, 1990; am. Acts 1991, 72nd Leg., ch. 20 (S.B. 351), § 15, effective August 26, 1991; am. Acts 1991, 72nd Leg., ch. 371 (H.B. 864), § 1, effective September 1, 1991; am. Acts 1993, 73rd Leg., ch. 347 (S.B. 7), § 4.06, effective May 31, 1993; am. Acts 1997, 75th Leg., ch. 165 (S.B. 898), § 6.73, effective September 1, 1997; am. Acts 1997, 75th Leg., ch. 1039, § 2, effective January 1, 1998; am. Acts 1999, 76th Leg., ch. 705 (H.B. 834), § 1, effective January 1, 2000; am. Acts 2003, 78th Leg., ch. 629 (H.B. 2043), effective June 20, 2003; am. Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008; am. Acts 2013, 83rd Leg., ch. 1161 (S.B. 359), § 1, effective June 14, 2013.)

CASE NOTES

CONSTITUTIONAL LAW

• Equal Protection

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••• Assessment & Valuation

•••• **General Overview.** — Appraisal districts were created by statute and constituted political subdivisions of the State and constituted entities independent from the cities and counties within their borders; the McLennan County Appraisal District was neither a city nor a county for purposes of the constitutional provision. *Hoppenstein Props. v. McLennan County Appraisal Dist.*, — S.W.3d —, 2014 Tex. App. LEXIS 5413 (Tex. App. Amarillo May 20, 2014, no pet. h.).

Provisions of Tex. Tax Code Ann. §§ 6.01, 6.03, 23.01, 25.21 expressly provide the necessary authority for an appraisal review board to ensure that the mineral interests of a county are appraised based on market value, unreduced by fraud, and for local taxing units to bring a challenge, if necessary, to insist that the appraisal review board do so. Therefore, the court issued a writ of mandamus directing a district court to vacate its order denying pleas to jurisdiction and to dismiss an action brought by local taxing units alleging that certain companies owning oil properties in the county committed fraud and conspiracy with respect to the valuation of the oil properties for ad valorem tax purposes. Under Tex. Const. art. V, § 8, the district court did not have subject matter jurisdiction because the legislature had provided that the claim had to be heard before the appraisal review board. *In re ExxonMobil Corp.*, 153 S.W.3d 605, 2004 Tex. App. LEXIS 7811 (Tex. App. Amarillo 2004).

OPINIONS OF ATTORNEY GENERAL

ANTI-NEPOTISM RULE DATES ARE DIRECTORY DEFINITION OF "EMPLOYEE" QUORUM

ANTI-NEPOTISM RULE. —

Texas Tax Code section 6.035(a) does not apply when an

appraisal district board member is married to an employee of the appraisal district. The words in section 6.035(a), "is engaged in the business of appraising property for compensation for use in proceedings under this title," refer to an individual who appraises property for commercial profit. Consequently, a tax assessor-collector is eligible to serve as a nonvoting member of the

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Caldwell County Appraisal District

Home | About Us | Board of Directors | Board of Directors | Board of Directors | Board of Directors

Board Members

Board Member - Chairman

Hye Brown Lockhart

Frank Hinds Luling

Bill Watson Luling

Miguel Islas Lockhart

Thomas Caffell Luling

lr

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

The local property tax system follows the principle of checks and balances. An appraisal district board of directors hires the chief appraiser, sets the budget and appoints the appraisal review board members.

The directors have no authority to set values or appraisal methods. The chief appraiser carries out the appraisal district's legal duties, hires the staff, makes the appraisals and operates the appraisal office.

Appraisal District's Board of Directors Requirements

2017 Board of Director Agenda Postings

Board Meeting

Agenda Posting

January 24

January 24

February 28

February 28

March 28

March 28

April 25

April 25

May 23

May 23

June 27

June 27

July 25

July 25

August

August

September

September

October

October

November

November

December

December

2016 Board of Director Agenda Postings

Board Meeting

Agenda Posting

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Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: September 5, 2017				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>[Signature]</i>		City Manager		<i>[Signature]</i> 9-1-2017
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action regarding re-appointments of Mayor Lew White and Councilmember John Castillo to the Capital Area Council of Governments General Assembly				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS
Budget				\$0.00
Budget Amendment Amount				\$0.00
Encumbered/Expended Amount				\$0.00
This Item				\$0.00
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00
FUND(S):				
SUMMARY OF ITEM				
Mayor White asked that this item be placed on the agenda.				
STAFF RECOMMENDATION				
n/a				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies:	

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LIST OF BOARD/COMMISSION VACANCIES

Updated: July 27, 2017

MLC

Board Name	Reappointments/Vacancies	Council member
Board of Adjustment	Nic Irwin moved to Lockhart Economic Development Corp.	Any Councilmember
Electric Board	James Paul Denny – moved to Kyle – 05/04/2017	Michelson
Lockhart Historical Preservation Comm	Terence Gahan resigned 07/26/2017	Westmoreland

APPLICATIONS RECEIVED TO BE ON A BOARD/COMMISSION

APPLICANT	BOARD REQUESTED	DATE RECEIVED	RESIDENCE DISTRICT
Kobe Hurt	Airport Advisory Board	February 3, 2017	County resident

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

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Sec. 2-209. - Rules for appointment.

The city council hereby sets the following rules:

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

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

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

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

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

NOTES:
ORDINANCE
RE: ALL
BOARD,
COMMISSION
APPOINTMENTS

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

LL

Councilmember	Board/Commission	Appointee	Date Appointed
Mayor – Lew White	Airport Board	John Hinnekamp	03/07/17
	Board of Adjustment	Mike Annas	03/07/17
	Construction Board	Ralph Gerald	03/07/17
	Ec Dev. Revolving Loan	Barbara Gilmer	03/07/17
	Ec Dev. Corp. ½ Cent Sales Tax	Alan Fielder, Vice-Chair	03/07/17
	Electric Board	Joe Colley, Chair	03/07/17
	Historical Preservation	John Lairsen	03/07/17
	Library Board	Stephanie Riggins	03/07/17
	Parks and Recreation	Albert Villalpando, Chair	03/07/17
	Planning & Zoning	Paul Rodriguez	06/06/17
	ETJ Rep-Impact Fee Adv Comm	Larry Metzler	03/07/17
District 1 – Juan Mendoza	Airport Board	Larry Burrier	03/07/17
	Board of Adjustment	Lori Rangel	03/07/17
	Construction Board	Mike Votee	03/07/17
	Eco Dev. Revolving Loan	Ryan Lozano	03/07/17
	Eco Dev. Corp. ½ Cent Sales Tax	Dyral Thomas	03/07/17
	Electric Board	Thomas Herrera	03/07/17
	Historical Preservation	Victor Corpus	03/07/17
	Library Board	Shirley Williams	03/07/17
	Parks and Recreation	Linda Thompson-Bennett	03/07/17
	Planning & Zoning	Marcos Villalobos	03/07/17
District 2– John Castillo	Airport Board	Reed Coats	03/07/17
	Board of Adjustment	Juan Juarez	03/07/17
	Construction Board	Israel Zapien	03/07/17
	EcoDev. Revolving Loan	Rudy Ruiz	03/07/17
	Eco Dev. Corp. ½ Cent Sales Tax	Fermin Islas, Chair	03/07/17
	Electric Board	James Briceno	03/07/17
	Historical Preservation	Ron Faulstich	03/07/17
	Library Board	Donnie Wilson	03/07/17
	Parks and Recreation	James Torres	03/07/17
		Planning & Zoning	Rob Ortiz, Alternate
		Manuel Oliva	03/07/17

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

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District 3 – Benny Hilburn	Airport Board Board of Adjustment Construction Board Eco Dev. Revolving Loan Eco Dev. Corp. ½ Cent Sales Tax Electric Board Historical Preservation Library Board Parks and Recreation Planning & Zoning	Ray Chandler Anne Clark, Vice-Chair VACANT - (Alternate) Kirk Smith (Alternate) Jerry West, Vice-Chair Lew White, Chair Nic Irwin Thomas Stephens Ronda Reagan Jean Clark Fox, Chair William Burnett Philip McBride, Chair	03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 07/06/17 03/07/17 03/07/17 03/07/17 03/07/17 03/07/17
District 4 - Jeffry Michelson	Airport Board Board of Adjustment Construction Board Eco Dev. Revolving Loan 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 Frank Coggins Morris Alexander VACANT-Denny resigned 5/4/17 Kathy McCormick Donaly Brice Russell Wheeler Mary Beth Nickel	03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 03/07/17
Mayor Pro-Tem (At-Large) – Angie Gonzales-Sanchez	Airport Board Board of Adjustment Construction Board Eco Dev. Revolving Loan Eco Dev. Corp. ½ Cent Sales Tax Historical Preservation Library Board Parks and Recreation Planning & Zoning	Andrew Reyes Laura Cline, Chair Paul Martinez Irene Yanez Alfredo Munoz Juan Alvarez, Jr. Jodi King Chris Schexnayder Philip Ruiz, Vice-Chair	03/07/17 03/07/17 03/07/17 03/07/17 06/06/17 03/07/17 03/07/17 03/07/17 03/07/17

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

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At-Large - Brad Westmoreland	Airport Board Board of Adjustment Construction Board (Alternate) Eco Dev. Revolving Loan Eco Dev. Corp. ½ Cent Sales Tax Historical Preservation Library Board Parks and Recreation Planning & Zoning	Jayson “Tex” Cordova Severo Castillo Gary Shafer Edward Strayer Frank Estrada VACANT- Gahan resigned 7/26/17 Rebecca Lockhart Dennis Placke Christina Black	03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 03/07/17 03/07/17
	Charter Review Commission (Five member commission) Term – 24 months after appointment	Ray Sanders Bill Hernandez Roland Velvin Elizabeth Raxter Alan Fielder	03/01/16 – Michelson 03/01/16 – Michelson 03/01/16 – Michelson 03/01/16 – Hilburn 03/15/16 – Hilburn
	Sign Review Committee (no longer meeting)	Gabe Medina Neto Madrigal Terry Black Kenneth Sneed Johnny Barron, Jr. Tim Clark	03/17/15 - Mayor Pro-Tem Sanchez 04/21/15 – Councilmember Mendoza 03/17/15 – Councilmember Hilburn 03/17/15 – Mayor White 03/17/15 – Councilmember Castillo 03/17/15 – Councilmember Michelson



**City of Lockhart 2017 Board of Adjustment
Attendance for a 12-Month Period**

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Meeting Date:	Chair Cline	Vice-Chair Clark	Annas	Castillo	Reeder	Rangel	Juarez	Smith Alternate	Irwin Alternate
January 9, 2017 - No Meeting									
February 6, 2017	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>
March 6, 2017	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>
April 3, 2017	<i>Absent</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>
May 1, 2017	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>
June 5, 2017 - No Meeting									
July 10, 2017	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Resigned</i>
August 7, 2017 - No Meeting									
August 28, 2017 - No Meeting									
October 2, 2017									

Number of meetings:	5	5	5	5	5	5	5	5	4
Present:	4	4	5	3	5	2	5	4	4
% Absent:	80%	80%	100%	60%	100%	40%	100%	80%	100%



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CITY OF LOCKHART							
CONSTRUCTION BOARD OF APPEALS							
BOARD ATTENDANCE REPORT - 2017							
APPOINTING COUNCIL MEMBER							
	JERRY WEST (12/03/13) CHAIR (01/05/2017)	RALPH GERALD (01/17/12)	RICK WINNETT, JR. (04/19/2016) VICE CHAIR (01/05/2017)	GARY SHAFER (08/18/15)	MICHAEL VOETEE 10/04/2016	PAUL MARTINEZ (03/07/17)	ISRAEL ZAPIEN (01/17/12)
Member Title:	County Resident			Alternate			
Meeting Date:	P	P	P	P	P	N/A	P
January 5, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	N/A	NO MTG
January 19, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	N/A	NO MTG
February 02,, 2017	P	P	P	P	P	N/A	P
February 16, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	N/A	NO MTG
March 2, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 16, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 6, 2017	P	P	P	P	P	A	A
April 20, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 4, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 18, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June 8, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June 22, 2017	P	P	A	A	P	P	P
July 6, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
July 20, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
August 3, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
August 17, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
September 1, 2017							
October 1, 2017							
November 1, 2017							
December 1, 2017							
Total # Meetings:	4	4	4	4	4	2	4
Present:	4	4	3	3	4	1	3
Absent:	0	0	1	1	0	1	1
Absenteeism %:	0%	0%	0%	25%	0%	50%	25%
LEGEND:	PRESENT:		P UNEXCUSED ABSENCE:			U	
	EXCUSED ABSENCE:		EA NO MEETING HELD:			NO MTG	
COMMENTS:	MEETINGS HELD THE 1ST & 3RD THURSDAY OF THE MONTH @ 9:00AM						



CITY OF LOCKHART
 LOCKHART ECONOMIC DEVELOPMENT CORPORATION
 ATTENDANCE REPORT - 2017
 APPOINTING COUNCIL MEMBER

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	ANGIE GONZALES-SANCHEZ	BRAD WESTMORELAND	BENNY HILBURN	JUAN MENDOZA	JOHN CASTILLO	MAYOR WHITE	JEFFRY MICHELSON
	Alfredo Munoz	Frank Estrada	Nic Irwin	Dyral Thomas	Fermin Islas	Alan Fielder	Morris Alexander
Meeting Date:	Appt. - June 2017	Appt. - March 2017	Appt. - July 2017	Appt. - March 2017	Appt. - March 2017	Appt. - March 2017	Appt. - March 2017
January 11, 2017	P	P	A	P	P	P	P
February - No Meeting							
March 13, 2017	P	P	P	P	P	A	P
April 17, 2017	P	P	P	P	P	P	P
May - No Meeting	Bernie Rangel resigned - 5/24/17						
June - No Meeting			Ken Doran resigned - 6/20/17				
July - No Meeting							
August 7, 2017	P	A	P	P	P	P	P
August 22, 2017	P	P	P	P	P	A	P
LEGEND:	PRESENT:		P	UNEXCUSED ABSENCE:		U	
	EXCUSED ABSENCE:		A	NO MEETING HELD:		No Meeting	
				APPOINTMENT MODIFICATION:			
COMMENTS:							

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**CITY OF LOCKHART
ELECTRIC BOARD OF REVIEW
BOARD ATTENDANCE REPORT - 2017
APPOINTING COUNCIL MEMBER**

	Joe Colley (6/17/08)	James Paul Denny (01/20/15)	Thomas Herrera (07/17/12)	Tom Stephens (12/03/13)	James Briceno (05/03/11)
	Chair	Vice-Chair			
Meeting Date:					
January 5, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
January 19, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 2, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 16, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 2, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 16, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 6, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 20, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 4, 2017	P	A	A	P	P
May 18, 2017	NO MTG	REMOVED FROM BOARD DUE TO MOVE OUT OF COUNTY 05/04/2017	NO MTG	NO MTG	NO MTG
June 1, 2017	NO MTG		NO MTG	NO MTG	NO MTG
June 15, 2017	NO MTG		NO MTG	NO MTG	NO MTG
July 6, 2017	NO MTG		NO MTG	NO MTG	NO MTG
July 20, 2017	NO MTG		NO MTG	NO MTG	NO MTG
August 3, 2017	NO MTG		NO MTG	NO MTG	NO MTG
August 17, 2017	NO MTG		NO MTG	NO MTG	NO MTG
September 7, 2017					
September 21, 2017					
October 5, 2017					
October 19, 2017					
November 2, 2017					
November 16, 2017					
December 7, 2017					
December 21, 2017					
Total # Meetings:	1	1	1	1	1



**City of Lockhart 2017 -LHPC
Attendance for a 12-Month Period**

hce

Meeting Date:	CORPUS	LAIRSEN	ALVAREZ	FAULSTICH	REAGAN	GAHAN	McCORMICK
		CHAIR			VICE-CHAIR		
January 4, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
January 18, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
February 1, 2017	A	P	A	P	P	P	P
February 15, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
March 1, 2017	A	P	P	P	P	A	A
March 15, 2017	P	P	A	A	P	P	P
April 5, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
April 19, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 3, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May 17, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June 7, 2017	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June 21, 2017	A	P	P	P	P	A	P
July 5, 2017	A	A	P	P	P	A	P
July 19, 2017	P	P	A	P	P	A	A
August 2, 2017	P	A	P	P	P		A
August 16, 2017	A	P	A	P	P		P
September 6, 2017							
September 20, 2017							
October 4, 2017							
October 18, 2017							
November 1, 2017							
November 15, 2017							
December 6, 2017						Resigned:	
December 20, 2017						07/26/2017	
Number of meetings:	6	6	6	6	6	6	6
Present:	2	5	3	5	6	2	4
Absent:	4	1	3	1	0	4	2
% Absent:	67%	17%	50%	17%	0%	67%	33%
MEETINGS HELD THE 1ST & 3RD WEDNESDAY OF THE MONTH @ 5:30PM							



**CITY OF LOCKHART
Library Advisory Board
ATTENDANCE REPORT - 2017
APPOINTING COUNCIL MEMBER**

528
235

Angie Gonzales Sanchez	Brad Westmoreland	MAYOR WHITE	Juan Mendoza	John Castillo	Benny Hilburn	Jeffry Michelson
Jody King (01/04/13)	Rebecca Lockhart (11/19/13)	Stephanie Wilson Riffin (06-17-2011)	Shirley Williams (06-15-2007)	Donnie Wilson (10-02-2010)	Jeannie Fox (12-03-2013)	Donaly Brice (7-05-2008)

January	NO MEETING
February	NO MEETING
March	NO MEETING
April	NO MEETING
May	NO MEETING
June	NO MEETING
July	NO MEETING
August	NO MEETING
September	
October	
November	
December	

LEGEND:						
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COMMENTS:	PRESENT:	P	UNEXCUSED ABSENCE:	U
	EXCUSED ABSENCE:	E	NO MEETING HELD:	

To revise library policy and procedures.

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**CITY OF LOCKHART
PARKS & RECREATION ADVISORY BOARD**

APPOINTING COUNCIL MEMBER

236

	ANGIE SANCHEZ	BRAD WESTMORELA ND	BENNY HILBURN	JUAN MENDOZA	JOHN CASTILLO	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)
Meeting Date:								
January 26, 2017	P	U	P	P	P	P	P	
February 23, 2017	U	P	P	P	E	P	E	
March 23, 2017	No Meeting							
April 27, 2017	P	P	E	P	P	E	P	
May 25, 2017	No Meeting							
June 22, 2017	No Meeting							
July 27, 2017	No Meeting							
August 24, 2017	U	P	P	P	U	P	P	
LEGEND:	PRESENT:		P	UNEXCUSED ABSENCE:			U	
	EXCUSED ABSENCE:		E	NO MEETING HELD:				
COMMENTS:	* 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							



**City of Lockhart 2017 Planning and Zoning Commission
Attendance for a 12-Month Period**

237

Meeting Date:	Ruiz	McBride	Oliva	Black	Nickel	Villalobos	Rodriguez	Faust
January 11, 2017	Present	Present	Present	Absent	Absent	Present		Present
January 25, 2017	Present	Present	Present	Present	Present	Present		Present
February 8, 2017 - No Meeting								
February 22, 2017	Present	Present	Absent	Present	Present	Present		Present
March 8, 2017	Present	Present	Present	Present	Present	Present		Present
March 22, 2017	Present	Present	Present	Present	Present	Present		Present
April 12, 2017	Present	Present	Present	Present	Absent	Present		Absent
April 26, 2017	Present	Present	Present	Present	Present	Absent		Present
May 10, 2017	Present	Present	Present	Present	Present	Absent		Present
May 24, 2017	Present	Absent	Present	Absent	Present	Absent		Present
June 14, 2017	Present	Present	Absent	Present	Present	Present		Present
June 28, 2017 - No Meeting								
July 12, 2017	Present	Present	Present	Absent	Present	Present	Present	Resigned
July 26, 2017	Present	Present	Absent	Present	Present	Present	Absent	Resigned
August 9, 2017 - No Meeting								
August 23, 2017	Present	Present	Present	Present	Present	Present	Present	
September 13, 2017								

Number of meetings:	13	13	13	13	13	13	3	10
Present:	13	12	10	10	11	10	1	9
% Absent:	100%	92%	77%	77%	85%	77%	33%	90%

**Members absences are not excused until the next meeting.*

City of Lockhart
FY 2017-2018 Budget
Preliminary Budget & Tax Rate Adoption Calendar

Thursday, July 6, 2017
Regular Council Meeting

Council Budget Workshop/Meeting 6:30 PM
1. Present and Discuss Budget
2. Set Public Hearing Date for Budget - Sept. 5, 2017

Thursday, July 13, 2017

Council Budget Workshop 6:30 PM
1. Discuss Budget
2. Non-Profit Presentations

Tuesday, July 18, 2017
Regular Council Meeting

Council Budget Workshop/Meeting 6:30 PM
1. Discuss Budget

Thursday, July 27, 2017

Council Budget Workshop 6:30 PM
1. Discuss Budget
2. GBRA & CCAD Budgets

Tuesday, August 1, 2017
Regular Council Meeting

Council Budget Workshop/Meeting 6:30 PM
1. Discuss Budget

Thursday, August 10, 2017

Publication of effective and rollback tax rate calculation in local newspaper and posted on website.

Thursday, August 10, 2017

Council Budget Workshop/Meeting 6:30 PM
1. Adopt certified tax property roles for the City of Lockhart
2. Discuss Budget
3. Announce Public Hearing Date - Sept. 5, 2017

Monday, August 14, 2017

Send "Notice of Public Hearing" information to newspaper.

Tuesday, August 15, 2017
Regular Council Meeting

Council Budget Workshop/Meeting 6:30 PM
1. Discuss Tax Rate
2. Take record vote, if motion passes schedule and announce date & time of public hearings on proposed tax rate.
3. Discuss Budget

Thursday, August 17, 2017

Council Budget Workshop 6:30 PM
1. Discuss Budget

Thursday, August 17, 2017

*"Notice of Public Hearings on Tax Increase," if necessary and "Notice of Public Hearing" on budget appears in newspaper.
(At least ten days prior to public hearing.)*

**City of Lockhart
FY 2017-2018 Budget
Preliminary Budget & Tax Rate Adoption Calendar**

Friday, August 25, 2017

Send "Notice of Public Hearing" information to newspaper.

Tuesday, September 5, 2017
Regular Council Meeting

1st Public Hearing on Tax Rate/ Public Hearing on Budget (7:30 PM) and Council Meeting 6:30 PM

1. Hold Public Hearing on Tax Rate and Budget.
2. Budget Workshop - Discuss Budget
3. Budget Workshop - Discuss Tax Rate

Thursday, September 7, 2017

*"Notice of Public Hearings on Tax Increase," if necessary appears in newspaper.
(At least seven days prior to public hearing.)*

Monday, September 18, 2017

Send "Notice of Vote on Tax Rate" information to newspaper.

Tuesday, September 19, 2017
Regular Council Meeting

2nd Public Hearing on Tax Rate (7:30) / Budget Workshop and Council Meeting 6:30 PM

1. Public Hearing on Tax Rate. Schedule and announce date & time of meeting to adopt tax rate and budget, 3-14 days from this date.
2. Budget Workshop - Discuss Budget
3. Budget Workshop - Discuss Tax Rate

Thursday, September 21, 2017

"Notice of Vote on Tax Rate", appears in newspaper.

Tuesday, September 26, 2017

Special Council Meeting to Adopt Budget and Tax Rate 6:30 PM

1. Discuss and take appropriate action on Budget Adoption Resolution.
2. Discuss and take appropriate action on Tax Rate Adoption Resolution

LOCKHART CITY COUNCIL FY 17-18 GOALS				
Category and Priority Order				
COUNCIL MEMBER	PRIORITY	GOALS IDENTIFIED BY COUNCIL FOR FY 17-18 (as submitted by Councilmembers)	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	CATEGORY
BH	3	Continue Improving City Cemetery	with GF Expiring debt saving and/or Cemetery Tax	CEMETERY
Jeff M	2	Refurbish City Hall in the inside (to make more inviting to the public) as well as doing some landscaping outside	General Fund	CITY BLDGS
BW	3	Spruce up and clean up City properties		CITY BLDGS
BH	4	Improve City Facilities Appearance		CITY BLDGS
JC	4	City Facilities		CITY BLDGS
AGS	10	Convention Center		CONVENTION CTR
JC	2	Crime		CRIME
AGS	4	Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is alot of training that is free but alot additional money for registration fees and course material.		CRIME
Jeff M	4	Work with Police Department to bring back drug enforcement program		CRIME
LW	8	Fund for helping utility customers in need	???	CUSTOMER SERV
BW	2	Continue to change angle parking downtown: 200 Blk S Main, 100 Blk N Main, 100 Blk N Commerce, 200 Blk E Market; little time and expense invovled	??	DOWNTOWN
LW	2	Downtown improvements,bathrooms, electric, pedestrian safety, beautification, wifi, lighting		DOWNTOWN
AGS	9	Parking around and surrounding the square. Issues with larger vehicles parked in areas that are narrow and that make it hard to see oncoming traffic		DOWNTOWN
LW	1	Expanding economic development department, budget, office, staff?, marketing	General fund, LEDC	ECCONOMIC DEV
AGS	3	Economic Development: Recurit more businesses especailly retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and speciality shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city.		ECCONOMIC DEV
JC	3	Economic Development		ECCONOMIC DEV
AGS	5	Subdivision development to attract more businesses to Lockhart.		ECCONOMIC DEV
JM	5	Set up meetings with developers for more retail space shopping centers along US 183		ECCONOMIC DEV

LOCKHART CITY COUNCIL FY 17-18 GOALS				
Category and Priority Order				
COUNCIL MEMBER	PRIORITY	GOALS IDENTIFIED BY COUNCIL FOR FY 17-18 (as submitted by Councilmembers)	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	CATEGORY
AGS	6	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants)		ECONOMIC DEV
AGS	1	All Department Heads to Budget Salary Increases for all City Employees.		EMPLOYEES
JM	1	City Employee Raises		EMPLOYEES
JM	2	House or fund gym membership/space (weight rm) in Senior Center area (cardio machine) for City employees		EMPLOYEES
AGS	8	Employee: Possible additional Employee Holiday Time Off-Alternating System. Even though this has been discussed and the reasons for why it cannot be done, I would like to see a time off alternating system, especailly during the holidays.		EMPLOYEES
BW	1	ENFORCE ordinances that pertain to unsightly properties all over town		ENFORCEMENT
Jeff M	1	Enforce city ordinance regarding residential property		ENFORCEMENT
Jeff M	3	Continue to work on City Park improvements		PARKS
JM	3	Do inventory of City properties to idenify areas for pocket parks	LEDC funds	PARKS
LW	3	Park improvements	General fund	PARKS
BH	5	Parks Improvements	General Fund	PARKS
JC	5	Parks		PARKS
AGS	7	Parks Improvemens: Purchase and update the park equipment to provide safe and fun filled parks for all to use.		PARKS
LW	7	Town branch cleanup and beautification	???	PARKS
JM	4	Start process of Funding Sidewalks east of 183 connecting to the US 183 sidewalks		SIDEWALKS
LW	6	sidewalk repair and expansion	general fund bond	SIDEWALKS
BH	1	IMPLEMENT SIGNAGE IN LOCKHART	General Fund (LEDC) and/or Hotel Tax	SIGNAGE
LW	4	wayfinding, branding	general fund	SIGNAGE
LW	5	Entry signs	general fund	SIGNAGE
Jeff M	6	Signage on Highway 183 and SH130 = directing people to Lockhart		SIGNAGE
BW	4	Pursue oppportunity to move Senior Citizens' Center to St Paul United Church of Christ Property		SR CITIZENS CTR
JC	1	Roads	Grants or impact fees	STREETS/INFRAS
AGS	2	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods		STREETS/INFRAS
BH	2	Continue improving City Streets	Increase Transportation Fund	STREETS/INFRAS
Jeff M	5	Continue to make improvements and redoing our city streets		STREETS/INFRAS

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

Priority	Council Person	Goals Submitted	City Manager Comments
1	Castillo	Infrastructure	Complete 2015 CO projects and need budget of \$250,000 per year for streets, continue water and sewer main replacements; continue electric distribution maintenance plan-get new substation on line. Replace bad water raw water mains and find additional water for the future.
1	Gonzales-Sanchez	Department Heads to Budget Salary Increases for city employees so that we can keep our current city employees.	Est Cost Per % Increase Annually: Gen Fund (Not Civil Serv) \$ 29,000; Gen Fund Civil Serv \$ 24,000; Other/Utilities: \$ 15,000- Add'l
1	Hilburn	Improve City Cemetery with GF Expiring debt saving and/or Cemetery Tax	Cemetery Tax up to 5 cents allowed by State Law. Expiring GF debt committed to Police and Fire increased pay rates. (\$132,000)
1	Mendoza	Find ways to use activity center for multi-purpose use. (basketball, volleyball). Funding source: Different companies in town	If approved by Council staff would approach local businesses
1	Michelson	Continue to improve infrastructure (drainage, street repairs) throughout the city	Complete 2015 CO and budget \$250,000 per year for street materials
1	Westmoreland	Enforce ordinances that pertain to unsightly properties all over town. Make homeowners/residents (because some may be renters) take pride in their environment. It is an eyesore to drive around town and see overgrown properties, junked cars, and stacks of trash on porches, in yards and driveways. All levels of socio-economic residents in this town have shown evidence of being disrespectful to their environment.	City has no esthetics ordinance currently. The term "unsightly" is subjective and is difficult to prove in court.
1	White	Economic Development-expanding budget to get staff qualified to help Sandra with recruitment, working with LEDC to either build Spec building or invest in more property, Main St program to relieve Sandra of a lot of those duties	Main Street Program would require another person and funding to work with local businesses while Economic Development would concentrate on new businesses and new jobs
2	Castillo	Economic Development	Need 12-15,000 sf of retail spaces with reasonable lease per sf and buildings that are 20 to 50,000 sf for industrial and manufacturing
2	Gonzales-Sanchez	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	Complete 2015 CO projects and need budget of \$250,000 per year for streets, continue water and sewer main replacements; continue electric distribution maintenance plan-get new substation on line. Replace bad water raw water mains and find additional water for the future. Most streets that lack curbing will need to be totally reconstructed. Brighter LED lights being experimented with since costs have come down.
2	Hilburn	Implement City Signage	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
2	Mendoza	New Park equipment. Funding Source: Each Councilmember responsible for a park and finding funding sources	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
2	Michelson	Continue to improve ways to attract businesses to Lockhart	Need more 12-15,000 sf of retail spaces with reasonable lease per sf and buildings that are 20 to 50,000 sf for industrial and manufacturing
2	Westmoreland	Create a policy for the residency of future administrative positions to live within the Lockhart city limits. If an administrator wants to be employed by the City of Lockhart, they need to reside here. Sharing in the daily lives of our citizens seems crucial to making decisions about Lockhart. They are paid by city taxes.	It is not legal to require all department heads to live in the City limits; only the City Manager is required to do so. All non-24 emergency response employees must live within 25 minutes of City Limits
2	White	Continue street rehab	Need \$ 250,000 annually minimum for street work materials
3	Castillo	City Facilities	Not sure what this includes; can assess all departments for physical needs
3	Gonzales-Sanchez	Economic Development: Recruit more businesses especially retail and continue efforts ; contact existing and vacant bldg owners to see if they are willing to work with City to bring these small retail businesses, as well as industrial; possibly purchasing two downtown county buildings when on the market for possible new businesses in the downtown area. Stronger platform with LEDC with methods to sell Lockhart and attract businesses.	LEDC could fund another report but the company says our numbers still should be good. Costs estimated \$22,500 for updating data and recruitment. Prime softgood companies constantly want to be on Highway 183 in 12-15,000 sf and at a reasonable cost per sf plus higher traffic counts.

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

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

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

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

City of Lockhart
Future Debt Payments as of 9/30/15

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

City of Lockhart
Future Debt Payments as of 9/30/15

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

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