

PUBLIC NOTICE

AGENDA

LOCKHART CITY COUNCIL

TUESDAY, JUNE 7, 2016

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

6:30 P.M.

WORK SESSION (No Action)

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

PRESENTATION ONLY

- A. Presentation of Certificate acknowledging the Lockhart Lady Varsity Softball Team for winning the District 27 5A Championship.
- B. Presentation of a Certificate acknowledging Caldwell County EMS for receiving the *American Heart Association's 2016 Mission: EMS Lifeline-GOLD Achievement Award* – EMS Agency.

DISCUSSION ONLY

- A. Discuss minutes of the City Council meeting of May 17, 2016. **24-33**
- B. Discuss agreement by the Caldwell County Appraisal District's (CCAD) Attorney whereby the City of Lockhart agrees to accept a bid of \$1,735.44 as settlement for a City tax debt of \$4,394.03 on the property at 739 Pear Street that was foreclosed on, and appointing the Mayor to sign the agreement, if approved. **34-40**
- C. Discuss bid award to Nighthawk Construction of Lockhart, Texas, for installation of 18" water transmission main from the Lockhart Water Treatment Plant for approximately 2,800 linear feet, including addendum footage, to the west in the amount of \$249,157.50, and authorizing the Mayor to sign all contractual documents, if approved. **41-50**
- D. Discuss recommendation by Guadalupe-Blanco River Authority (GBRA) to award bid in the amount of \$79,485 to Advanced Water Well Technologies of Converse, Texas, for major repairs to Lockhart Water Well Number 11 that will extend the life and productivity of the well. **51-55**

WORK SESSION-DISCUSSION ONLY continued...

- E. Discuss Resolution 2016-11 rescinding, in its entirety, Resolution No. 2006-26 that approved American Pew & Bench, LLC as a project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, and proposed funding in an amount not to exceed \$75,000 for project development, construction, maintenance or operating services suitable for the development, retention or expansion of manufacturing and industrial facilities as allowed by the 4B law and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises. **56-66**
- F. Discuss Resolution 2016-10 rescinding, in its entirety, Resolution 2014-13 funding a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, that proposed funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period. **67-80**
- G. Discussion regarding the current restrictions applicable to flagpole heights, sizes of flags, and possible direction to staff regarding an amended ordinance. **81-84**
- H. Discuss Resolution 2016-12 approving a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, funding Hill Country Foodworks, LLC in an amount not to exceed \$95,000 including building and land located at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as lots 4A and 4B, of the amending plat for the Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the amending plat for the Resubdivision plat of Lockhart Industrial Park II, Revision No. 2, improvements and professional services. **85-89**
- I. Discuss Chapter 380 Rebate of City Property Tax to Hill Country Foodworks LLC on their new facility located in the City of Lockhart at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as lots 4A and 4B, of the amending plat for Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the Amending Plat for the Resubdivison Plat Lockhart Industrial Park II, Revision No. 2., proposed to be offered to the company for locating their facility in Lockhart and creating 25 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council. **90-104**

7:30 P.M. REGULAR MEETING

- 1. **CALL TO ORDER**
Mayor Lew White
- 2. **INVOCATION, PLEDGE OF ALLEGIANCE**
Invocation - Ministerial Alliance.
Pledge of Allegiance to the United States and Texas flags.

3. CITIZENS/VISITORS COMMENTS

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

4. PUBLIC HEARING/COUNCIL ACTION

A. Hold a public hearing on application ZC-16-03 by Cruz Reyna for a Zoning Change from AO Agricultural-Open Space District to RLD Residential Low Density District for 5.01 acres in the James George Survey, Abstract No. 9, located at 1545 Lover's Lane. **7-12**

B. Discussion and/or action to consider Ordinance 2016-15 amending the Official Zoning Map of the City of Lockhart, Texas, to reclassify the property known as 5.01 acres in the James George Survey, Abstract Number 9, located at 1545 Lover's Lane, from AO Agricultural-Open Space District to RLD Residential Low Density District.

5. DISCUSSION/ACTION ITEMS

A. Conduct the first of two required readings of Resolution 2016-12, in its entirety, and discussion regarding approving a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, funding Hill Country Foodworks LLC in an amount not to exceed \$95,000 including building and land located at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as Lots 4A and 4B of the amending plat for the Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the Amending Plat for the Resubdivision Plat of Lockhart Industrial Park II, Revision No. 2, improvements, and professional services.

19-23

6. CONSENT AGENDA

A. Approve minutes of the City Council meeting of May 17, 2016. **24-33**

B. Approve agreement by the Caldwell County Appraisal District's (CCAD) Attorney whereby the City of Lockhart agrees to accept a bid of \$1,735.44 as settlement for a City tax debt of \$4,394.03 on the property at 739 Pear Street that was foreclosed on, and appointing the Mayor to sign the agreement, if approved. **34-40**

C. Approve bid award to Nighthawk Construction of Lockhart, Texas, for installation of 18" water transmission main from the Lockhart Water Treatment Plant for approximately 2,800 linear feet, including addendum footage, to the west in the amount of \$249,157.50, and authorizing the Mayor to sign all contractual documents, if approved. **41-50**

D. Approve recommendation by Guadalupe-Blanco River Authority (GBRA) to award bid in the amount of \$79,485 to Advanced Water Well Technologies of Converse, Texas, for major repairs to Lockhart Water Well Number 11 that will extend the life and productivity of the well. **51-55**

- E. Approve Resolution 2016-11 rescinding, in its entirety, Resolution No. 2006-26 that approved American Pew & Bench, LLC as a project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, and proposed funding in an amount not to exceed \$75,000 for project development, construction, maintenance or operating services suitable for the development, retention or expansion of manufacturing and industrial facilities as allowed by the 4B law and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises. **56-66**
- F. Approve Resolution 2016-10 rescinding, in its entirety, Resolution 2014-13 funding a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, that proposed funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period. **67-80**

7. DISCUSSION/ACTION ITEMS

- A. Discussion and/or action regarding the current restrictions applicable to flagpole heights, sizes of flags, and possible direction to staff regarding an amended ordinance. **81-84**
- B. Conduct the second of two required readings, and discussion and/or action to consider approval of Resolution 2016-12 approving a Type A project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, funding Hill Country Foodworks, LLC in an amount not to exceed \$95,000 including building and land located at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as lots 4A and 4B, of the amending plat for the Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the amending plat for the Resubdivision plat of Lockhart Industrial Park II, Revision No. 2, improvements and professional services. **85-89**
- C. Discussion and/or action regarding Chapter 380 Rebate of City Property Tax to Hill Country Foodworks LLC on their new facility located in the City of Lockhart at 215 E. MLK, Jr. Industrial Blvd. and that certain 1.806 acres adjacent to the east both of which are described as lots 4A and 4B, of the amending plat for Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the Amending Plat for the Resubdivison Plat Lockhart Industrial Park II, Revision No. 2., proposed to be offered to the company for locating their facility in Lockhart and creating 25 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council. **90-104**
- D. Discussion and/or action regarding appointments to various boards, commissions or committees. **105-120**

8. **CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE DISCUSSION**
- Update- US 183 widening project, Hickory to Blackjack: west side drainage truck main started between Hickory and Blackjack; some rain delays.
 - Update: Contracts with Qro-Mex Construction on Richland Drive and rain delays; most rain May in history at Austin-Bergstrom Regional Airport.
 - Update: Preparation for Chisholm Trail Annual Event in City Park and parade on Saturday, June 11.
 - Update: BBQ Cook-off to be rescheduled due to rain events.
 - Update: Summer Reading Program at Library.
 - Update: Leaks in exterior brick walls at Clark Library Annex.
 - Update: Water crew replacing and put in new water mains on Walnut and North Church Streets.
 - Reminder: Movie in the Park – “Minions”, June 18th at City Park.

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

10. **EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.072, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.** **121**
- A. Discussion regarding the purchase of right of way and drainage easement for reconstruction of East Walnut Street west of Carver Street.
- B. Discussion regarding the purchase of utility easements needed north and south of the railroad right of way east and west of SH 130. **122**
11. **EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071, PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT PENDING OR CONTEMPLATED LITIGATION; AND/OR SETTLEMENT OFFER; (2) AND/OR A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**
- A. Discussion with City Attorney regarding pending or contemplated litigation and to receive legal advice while preserving the attorney-client privilege.

12. OPEN SESSION

- A. Discussion and/or action regarding needed right of way and drainage easement for reconstruction of East Walnut Street west of Carver Street and granting approval to the City Manager to negotiate under specified terms for obtaining the right of way and drainage easement in the interest of a public purpose.
- B. Discussion and/or action regarding utility easements needed north and south of the railroad right of way east and west of SH 130 and granting approval to the City Manager to negotiate under specified terms the obtaining of the easements as discussed in executive session in the interest of a public purpose.
- C. Discussion and/or action regarding pending or contemplated litigation and to receive legal advice while preserving the attorney-client privilege.

13. ADJOURNMENT

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

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

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

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

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

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

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

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

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


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

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

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

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

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 3rd day of June 2016 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



**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: June 7, 2016				
Department: Planning			Initials	Date
Department Head: Dan Gibson		Asst. City Manager		
Dept. Signature: <i>Dan Gibson</i>		City Manager		<i>[Signature]</i> <i>6-2-2016</i>
Agenda Coordinator/Contact (include phone #): Dan Gibson 398-3461, x236				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
Hold a PUBLIC HEARING on application ZC-16-03 by Cruz Reyna for a Zoning Change, and discussion and/or action to consider Ordinance 2016-15 for a Zoning Change from AO Agricultural-Open Space District to RLD Residential Low Density District for 5.01 acres in the James George Survey, Abstract No. 9, located at 1545 Lover's Lane.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
SUMMARY OF ITEM				
The subject property currently contains one single-family dwelling. The applicant wishes to subdivide the property into two or more lots, which would allow the construction of additional single-family dwellings. The property is not wide enough to accommodate more than one lot having the minimum lot width of 200 feet required by the existing AO zoning. The requested RLD zoning has a much narrower minimum lot width of 65 feet, which would provide more flexibility in the layout of lots. The size and shape of the property is such that a subdivision consisting of 14 or 15 lots served by a new interior street could be developed if the owner desired. Such a street is shown in brown on an attached illustration. There is existing RLD zoning adjacent to the west portion of the south property line. The remainder of the area around the property is zoned AO but is designated on the Land Use Plan map as future low density residential, which corresponds to the requested RLD zoning classification. The requested RLD zoning classification is consistent with the Low Density Residential future land use map designation of the property. If the zoning change is denied, the tract would remain zoned AO and be limited to only the existing house unless a zoning variance is requested and approved to reduce the 200-foot minimum lot width standard, or unless a new internal street is constructed to provide access to another lot that is at least 200 feet wide. One letter of opposition was received from an owner of property across the street. However, no one other than the applicant appeared at the Planning and Zoning Commission public hearing. More complete information is in the attached staff report.				
STAFF RECOMMENDATION				
Staff recommends APPROVAL of Ordinance 2016-15.				
List of Supporting Documents:		Other Board or Commission Recommendation:		
Ordinance, legal description, map, staff report, application form, owner's letter of authorization.		At their May 25 th , 2016, meeting, the Planning and Zoning Commission voted unanimously to recommend APPROVAL.		
		007		

ORDINANCE 2016-15

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 5.01 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NUMBER 9, LOCATED AT 1545 LOVER'S LANE, FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO RLD RESIDENTIAL LOW DENSITY DISTRICT.

WHEREAS, on May 25, 2016, the Planning and Zoning Commission held a public hearing and voted unanimously to recommend approval of said change; and,

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

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

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

I. The above-referenced property described in Zoning Change request ZC-16-03 as a total of 5.01 acres in the James George Survey, Abstract Number 9, more particularly described in two attached parts – Exhibit A as 2.236 acres and in Exhibit B as 2.774 acres – and located at 1545 Lover's Lane, will be reclassified from AO Agricultural-Open Space District to RLD Residential Low Density District.

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

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

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

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

PASSED, APPROVED, AND ADOPTED AT A REGULAR MEETING OF THE LOCKHART CITY COUNCIL ON THIS THE 7th DAY OF JUNE, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Peter Gruning, City Attorney

EXHIBIT "A"

All of a certain tract or parcel of land situated in Caldwell County, Texas, and being a part of the James George Survey and being also all of a 0.516 acre tract of land conveyed to Garden Gate Nursery by deed recorded in Volume 306, Page 177 of the Deed Records of Caldwell County, Texas, and being also all of a 0.754 acre tract of land conveyed to Garden Gate Nursery by deed recorded in Volume 350, Page 174 of the said Deed Records and being also a part of a 3.00 acre tract of land conveyed to Garden Gate Nursery by deed recorded in Volume 342, Page 282 of the said Deed Records and being more particularly described as follows:

BEGINNING at a fence corner post found in the West line of County Road #187 and in the common line of the Byrd Lockhart Survey, A-17, and the above mentioned James George Survey and in the Northeast corner of the above mentioned 0.516 acre tract and in the Southeast corner of a tract of land conveyed to W. H. Havard by deed recorded in Volume 403, Page 698 of the said Deed Records for the Northeast corner this tract;

THENCE with the West line of the County Road #187 for the following three (3) courses:

- (1) South 16° 12' 37" East 125.94 feet to a 60d set in a 12" live oak for an angle point;
- (2) South 20° 35' 17" East 55.89 feet to a 60d set in a 20" live oak for an angle point;
- (3) South 40° 06' 07" East 179.29 feet to an iron pin set in the East line of the above mentioned 3.00 acre tract for the Southeast corner this tract;

THENCE South 71° 40' 45" West entering the said 3.00 acre tract 172.26 feet to an iron pin set for an angle point;

THENCE South 83° 41' 12" West 182.28 feet to an iron pin set in the West line of the said 3.00 acre tract and the East line of a tract of land conveyed to Thomas J. Finfrock by Contract of Sale recorded in Volume 408, Page 674 of the said Deed Records for the Southwest corner this tract;

THENCE North 09° 38' 00" West with the East line of the above mentioned Finfrock tract 345.62 feet to an iron pin set in the Northwest corner of the said 0.754 acre tract and in the South line of the above mentioned Havard tract for the Northwest corner this tract;

THENCE North 79° 18' 43" East with the South line of the said Havard tract 236.34 feet to the PLACE OF BEGINNING containing 2.236 acres of land. As surveyed by Claude F. Hinkle, R.P.L.S. #1612 on March 29, 1995.

EXHIBIT "B"

All of a certain tract or parcel of land situated in Caldwell County, Texas, and being a part of the James George Survey and being also a part of a tract of land conveyed to Thomas J. Finfrock by Contract of Sale recorded in Volume 408, Page 674 of the said Deed Records and being more particularly described as follows:

BEGINNING at an iron pin found in the Northwest corner of the above mentioned Finfrock tract and in the Northeast corner of a tract of land conveyed to Melvin H. Alex by deed recorded in Volume 410, Page 307 of the said Deed Records and in the common Byrd Lockhart Survey line and the above mentioned James George Survey and the South line of a tract of land conveyed to W. H. Havard by deed recorded in Volume 403, Page 698 of the said Deed Records for the Northwest corner this tract;

THENCE North $79^{\circ} 18' 43''$ East with the said common survey line 317.84 feet to an iron pin set in the Northeast corner of the above mentioned Finfrock tract and in the Northwest corner of a 0.754 acre tract of land conveyed to Finfrock Gardengate Nursery by deed recorded in Volume 350, Page 174 of the said Deed Records for the Northeast corner this tract;

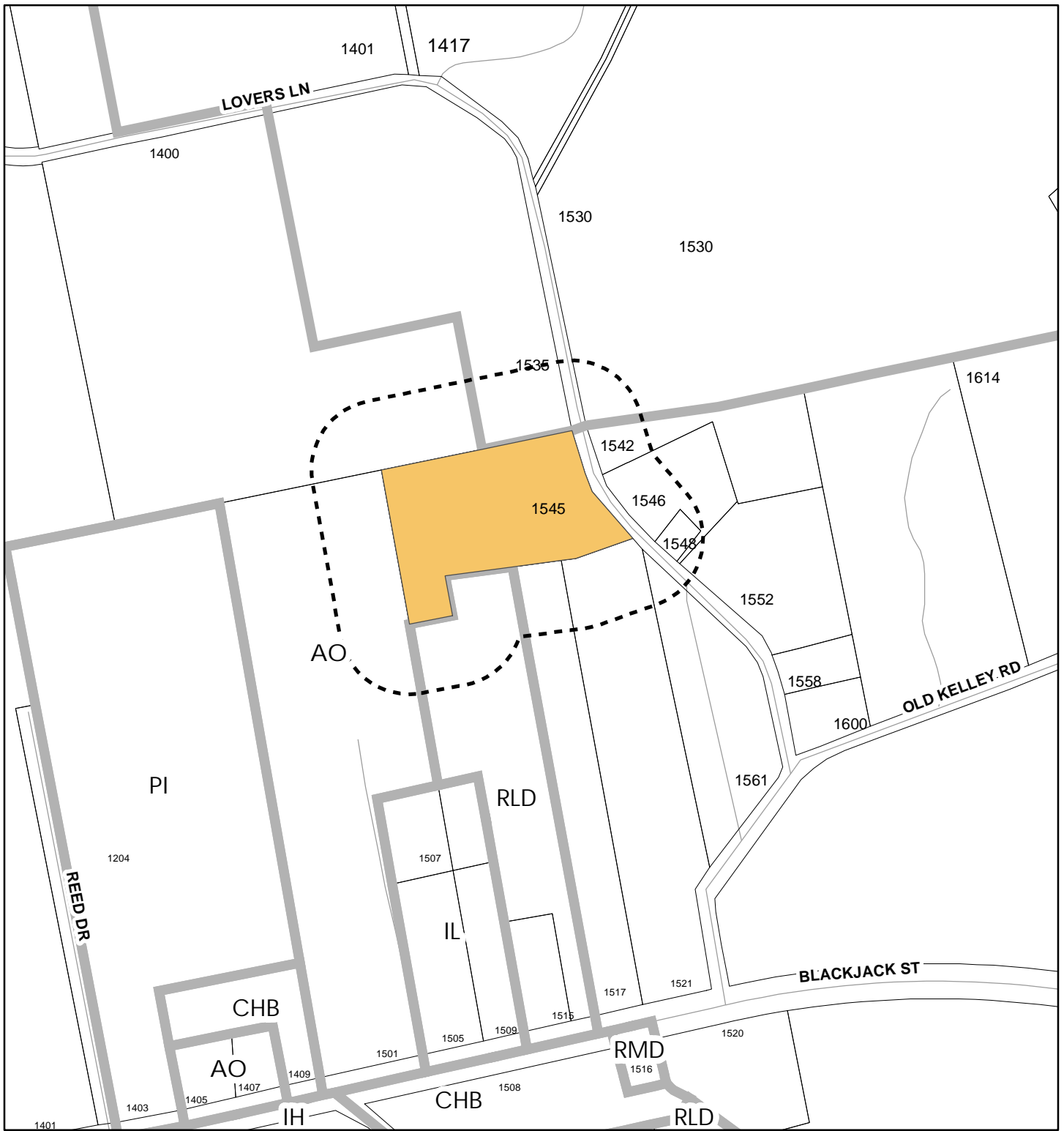
THENCE South $09^{\circ} 38' 00''$ East with the East line of the said Finfrock tract 345.62 feet to an iron pin set for a reentrant corner this tract;

THENCE South $83^{\circ} 41' 12''$ West entering the said Finfrock tract 192.67 feet to an iron pin set for an ell corner this tract;

THENCE South $09^{\circ} 43' 34''$ East 116.16 feet to an iron pin set for an ell corner this tract;

THENCE South $80^{\circ} 16' 26''$ West 124.91 feet to an iron pin set in the West line of the said Finfrock tract and in the East line of the above mentioned Alex tract for the Southwest corner this tract;

THENCE North $09^{\circ} 43' 34''$ West with the West line of the said Finfrock tract and the East line of the above mentioned Alex tract 444.98 feet to the **PLACE OF BEGINNING** containing 2.774 acres of land. As surveyed by Claude F. Hinkle, R.P.L.S. #1612 on March 29, 1995.



ZC-16-03

AO TO RLD

1545 LOVER'S LANE



scale 1" = 400'



Zoning Boundary

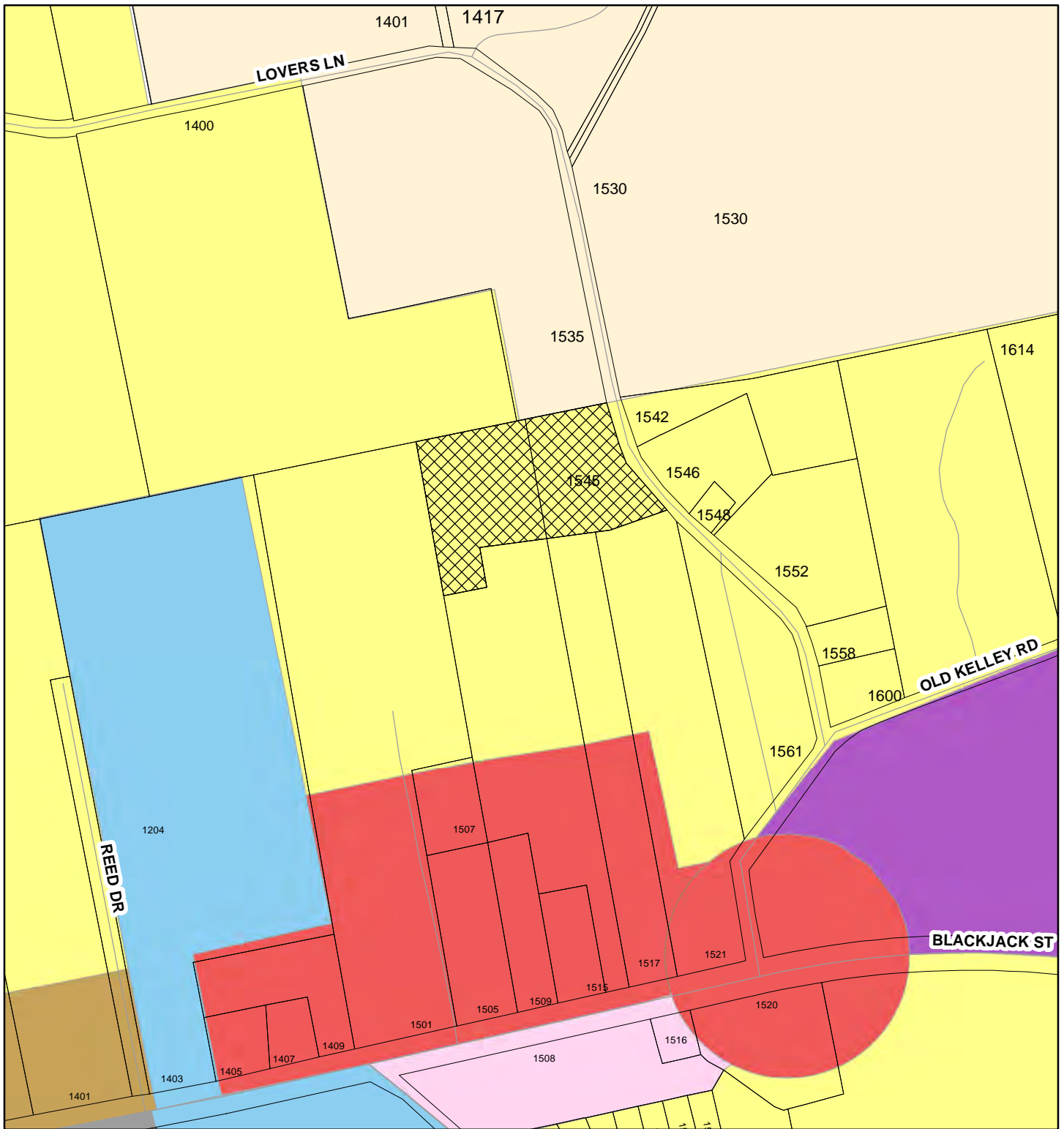


Subject Property



200 ft property notification area

011

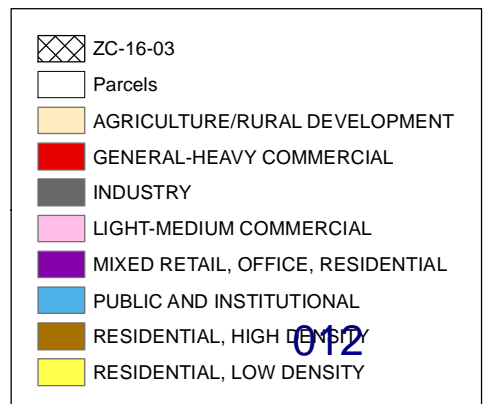


FUTURE LANDUSE

1545 LOVER'S LANE



scale 1" = 400'



012

CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-16-03

REPORT DATE: April 19, 2016 (Updated 5-26-16)

PLANNING AND ZONING COMMISSION HEARING DATE: May 11, 2016

REQUESTED CHANGE: AO to RLD

STAFF RECOMMENDATION: *Approval*

BACKGROUND DATA

APPLICANT(S): Cruz Reyna

OWNER(S): Same

SITE LOCATION: 1545 Lover’s Lane

LEGAL DESCRIPTION: Two tracts in James George Survey, Abstract No. 9

SIZE OF PROPERTY: 5.01 acres total

EXISTING USE OF PROPERTY: Single-family dwelling

LAND USE PLAN DESIGNATION: Low Density Residential

ANALYSIS OF ISSUES

REASON FOR REQUESTED CHANGE: The applicant wishes to subdivide the property into two or more lots, which would allow the construction of additional single-family dwellings. The property is not wide enough to accommodate two lots having the minimum lot width of 200 feet required by the existing AO zoning. The requested RLD zoning has a much narrower minimum lot width of 65 feet, which would provide more flexibility in the layout of lots. The size and shape of the property is such that a subdivision consisting of 14 or 15 lots served by a new interior street could be developed if the owner desired. Such a street is shown in brown on an attached illustration.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Land Use Plan
North	Vacant	AO, Outside city limits	Low Density Residential, Agricultural/Rural Development
East	Single-family residential	AO	Low Density Residential
South	Cemetery, Vacant	AO, RLD	Low Density Residential
West	Vacant	AO	Low Density Residential

TRANSITION OF ZONING DISTRICTS: There is existing RLD zoning adjacent to the west portion of the south property line. The remainder of the area around the property is zoned AO but is designated on the Land Use Plan map as future low density residential, which corresponds to the requested RLD zoning classification.

ADEQUACY OF INFRASTRUCTURE: Access is provided by the paved portion of Lover’s Lane. There is a six-inch water main and an eight-inch sewer main to the property, although the sewer line ends at the existing house and will have to be extended northward when the property is subdivided.

POTENTIAL NEIGHBORHOOD IMPACT: The requested RLD zoning would allow single-family homes on lots having a minimum size of 8,500 square feet, which is smaller than the existing residential parcels along Lover's Lane. Nevertheless, the length of the street frontage would limit the number of potential lots unless a new internal street is constructed. The owner's intent is to subdivide the property into just two large lots, one of which will contain the existing house.

CONSISTENCY WITH COMPREHENSIVE PLAN: The requested RLD zoning classification is consistent with the Low Density Residential future land use map designation of the property.

ALTERNATIVE CLASSIFICATIONS: If the zoning change is denied, the tract would remain zoned AO and be limited to only the existing house unless a zoning variance is requested and approved to reduce the 200-foot minimum lot width standard, or unless a new internal street is constructed to provide access to another lot that is at least 200 feet wide.

PRECEDENT: The existing and proposed single-family residential use on large lots is compatible with others in the area and, furthermore, the low density zoning classification is a good precedent since it's consistent with the Land Use Plan map.

RESPONSE TO NOTIFICATION: Staff mailed public hearing notices to the owners of eleven parcels within 200 feet of the subject property. The owner of 1546 Lover's Lane submitted a protest letter (attached) due to their concern that a manufactured or modular home could be placed on the property. Their concern about manufactured homes is unwarranted because the proposed RLD zoning does not allow manufactured homes at all. Modular homes are allowed by-right subject to certain standards in all of the residential districts, and in the current AO classification of the property, because they are constructed to comply with the same codes that apply to site-built homes. Therefore, the change from AO to RLD has no affect on whether or not manufactured or modular homes would be allowed.

Protest of Proposed Zoning Change

Barrera, Oscar

Sent: Saturday, May 21, 2016 9:35 AM

To: CConstancio@Lockhart-tx.org

Cc: Barrera, Oscar

City Secretary
Lockhart, Texas 78644
20 May, 2016

Dear Ms. Constancio,

I and my wife are protesting the proposed zoning change described below:

ZC-16-03 A request by Cruz Reyna for a Zoning Change from AO Agriculture-Open Space District to RLD Residential Low Density for 5.01 acres in the James George Survey, Abstract No. 9, located at 1545 Lover's Lane (Lockhart, Texas 78644).

This is the reason why;

Even though the request is for RLD and not for a Manufactured Home Zone, there seems to be No guarantee that a mobile home, modular home or similar type of home will not be brought in or built on the land in question. Property values have fallen in this zoning area in recent months and the building of the type of homes I am referring to above would not bring the property values up in the long term or years into the future. Mobile homes, modular homes and the like DO NOT increase in value in the long term.

We would not have any problem to a normal site-built (slab foundation, pier and beam) single family home being built on the property if it was certain that no other type of housing would be built on the property in question.

We are at 1546 Lovers Ln and " are owners of at least 20 per cent of the land area within a 200-foot radius of the boundary of the proposed change."

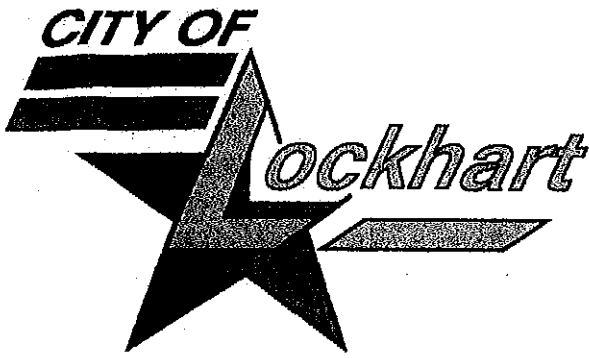
Thank you for your time,

Oscar and Esperanza Barrera



1546 Lovers Ln
Lockhart, Texas 78644

512-665-0686
ob01@TxState.Edu



ZONING CHANGE APPLICATION

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

APPLICANT/OWNER

APPLICANT NAME Cruz Reyna
DAY-TIME TELEPHONE (512) 308-5413
E-MAIL None

ADDRESS 111 Frio St.
Lockhart, TX 78644

OWNER NAME Cruz Reyna
DAY-TIME TELEPHONE (512) 308-5413
E-MAIL None

ADDRESS 111 Frio St.
Lockhart, TX 78644

PROPERTY

ADDRESS OR GENERAL LOCATION 1545 Lover's Lane Lockhart, TX 78644
LEGAL DESCRIPTION (IF PLATTED) Metes & bounds
SIZE 5.01 ACRE(S) LAND USE PLAN DESIGNATION Low Density Residential
EXISTING USE OF LAND AND/OR BUILDING(S) Residential - Single-Family
PROPOSED NEW USE, IF ANY Residential

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION A-O
TO PROPOSED ZONING CLASSIFICATION RLD
REASON FOR REQUEST Intent is to keep the existing residence as is, but subdivide the 5 acre parcel to sell off a portion of the land.

SUBMITTAL REQUIREMENTS

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

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

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

APPLICATION FEE OF \$ 250. PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

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

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

SIGNATURE Craig Ruzma

DATE 4-21-2016

OFFICE USE ONLY

ACCEPTED BY Laura Rouse-DeVore

RECEIPT NUMBER 662897

DATE SUBMITTED 4.21.16

CASE NUMBER ZC - 16 - 03

DATE NOTICES MAILED 5-9-2016

DATE NOTICE PUBLISHED 5-12-2016

PLANNING AND ZONING COMMISSION MEETING DATE May 25, 2016 - 7pm

PLANNING AND ZONING COMMISSION RECOMMENDATION Approval

CITY COUNCIL MEETING DATE June 7, 2016 - 7:30pm

DECISION _____

RESOLUTION NO. 2016-12

A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FUNDING HILL COUNTRY FOODWORKS, LLC IN AN AMOUNT NOT TO EXCEED \$95,000 INCLUDING BUILDING AND LAND LOCATED AT 215 E. MLK, JR. INDUSTRIAL BLVD. AND THAT CERTAIN 1.806 ACRES ADJACENT TO THE EAST BOTH OF WHICH ARE DESCRIBED AS LOTS 4A AND 4B, OF THE AMENDING PLAT FOR THE RESUBDIVISION OF LOT 4, BLOCK I, AND LOTS 6, 7 AND 15, BLOCK 2, OF THE AMENDING PLAT FOR THE RESUBDIVISION PLAT OF LOCKHART INDUSTRIAL PARK II, REVISION NO. 2, IMPROVEMENTS, AND PROFESSIONAL SERVICES.

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

WHEREAS, HILL COUNTRY FOODWORKS, LLC provides food processing services, and related services and products; and

WHEREAS, HILL COUNTRY FOODWORKS, LLC desires to locate a manufacturing facility for the management, development and/or production of its food processing and related services and products within the city limits of Lockhart; and

WHEREAS, the location of the proposed **HILL COUNTRY FOODWORKS, LLC** facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, HILL COUNTRY FOODWORKS, LLC proposes to create at least 25 new Full Time Equivalent jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed **HILL COUNTRY FOODWORKS, LLC** facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 6,900 square feet at 215 E. MLK, Jr. Industrial Blvd became available in the Lockhart Industrial Park II, and

WHEREAS, the Lockhart Economic Development Corporation proposes to sell to **HILL COUNTRY FOODWORKS, LLC** that certain building located at 215 E MLK, JR Industrial

Blvd. at a purchase price of \$380,000 and that certain 1.806 acres of land at a purchase price of \$75,000, both of which are described in the caption of this resolution, shall use additional project funds of up to \$30,000 to help pay, and/or reimburse **HILL COUNTRY FOODWORKS, LLC**, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$65,000 to employ a minimum of 25 Full Time Equivalent (“FTE”) employees, for a total project value not to exceed \$95,000.

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

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

SECTION 2. The **HILL COUNTRY FOODWORKS LLC**. project is **HEREBY APPROVED** as follows:

A) the LEDC shall propose to work with **HILL COUNTRY FOODWORKS, LLC** under the conditions set out as follows:

1) If **HILL COUNTRY FOODWORKS, LLC** chooses to purchase that certain building located 215 E MLK, JR Industrial Blvd. at a purchase price of \$380,000 and that certain 1.806 acres of land at a purchase price of \$75,000, both of which are located in the Lockhart Industrial Park II, shall use additional project funds of up to \$30,000 to help pay, and/or reimburse **HILL COUNTRY FOODWORKS, LLC**, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$65,000 to employ a minimum of 25 Full Time Equivalent (“FTE”) employees, for a total project value not to exceed \$95,000 for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart city Council held on this 7th day of June, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2016-06**

A RESOLUTION OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION APPROVING A 4A TYPE PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF HILL COUNTRY FOODWORKS, LLC IN AN AMOUNT NOT TO EXCEED \$95,000 INCLUDING LAND, BUILDING LOCATED AT 215 E. MLK, JR. INDUSTRIAL BLVD. AND THAT CERTAIN 1.806 ACRES OF LAND TO THE EAST BOTH OF WHICH ARE DESCRIBED AS LOTS 4A AND 4B, BLOCK 1, RESUBDIVISION #2 LOCKHART INDUSTRIAL PARK II, IMPROVEMENTS, AND PROFESSIONAL SERVICES.

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

WHEREAS, HILL COUNTRY FOODWORKS, LLC provides food processing services, and related services and products; and

WHEREAS, HILL COUNTRY FOODWORKS, LLC desires to locate a manufacturing facility for the management, development and/or production of its food processing and related services and products within the city limits of Lockhart; and

WHEREAS, the location of the proposed **HILL COUNTRY FOODWORKS, LLC** facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, HILL COUNTRY FOODWORKS, LLC proposes to create at least 25 new Full Time Equivalent jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed **HILL COUNTRY FOODWORKS, LLC** facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 6,900 square feet at 215 E. MLK, Jr. Industrial Blvd that became available in the Lockhart Industrial Park II, and

WHEREAS, the Lockhart Economic Development Corporation proposes to sell to **HILL COUNTRY FOODWORKS, LLC** that certain building located at 215 E MLK, JR Industrial Blvd. at a purchase price of \$380,000 and that certain 1.806 acres of land to the east at a purchase price of \$75,000 both of which are described as Lots 4A and 4B, Block 1,

Resubdivision #2 Lockhart Industrial Park II, shall use additional project funds of up to \$30,000 to help pay, and/or reimburse **HILL COUNTRY FOODWORKS, LLC**, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$65,000 to employ a minimum of 25 Full Time Equivalent (“FTE”) employees, for a total project value not to exceed \$95,000.

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

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

SECTION 2. That Lockhart Economic Development Corporation proposes the project to the City Council of the City of Lockhart for approval of the sale of land, building, building improvements, and professional services in an amount not to exceed \$95,000; for the creation 25 primary jobs; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart Economic Development Corporation held on this 6th day of June, 2016.

Lockhart Economic Development Corp.

ATTEST:

Fermin T. Islas, Chairperson

Sandra Mauldin, Secretary

Vance Rodgers, President

**LOCKHART CITY COUNCIL
REGULAR MEETING**

MAY 17, 2016

6:30 P.M.

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

Council present:

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

Mayor Lew White
Councilmember John Castillo
Councilmember Benny Hilburn
Councilmember Brad Westmoreland

Staff present:

Vance Rodgers, City Manager
Peter Gruning, City Attorney
Sandra Mauldin, Economic Dev. Director
Bonnie Townsend, Municipal Court Manager

Connie Constancio, City Secretary
Jeff Hinson, Finance Director
Dan Gibson, City Planner

Citizens/Visitors Addressing the Council: Volunteers and organizations involved with Keep Lockhart Beautiful events; Ray Monkerud, Caldwell County Juvenile Probation Officer; and, Greg Patek of Pure Castings Company.

Work Session 6:30 p.m.

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

PRESENTATION ONLY

A. PRESENTATION OF CERTIFICATES OF RECOGNITION TO PARTICIPANTS OF THE KEEP LOCKHART BEAUTIFUL PROGRAMS, PLANTING, AND CLEAN-UP ACTIVITIES.

Mayor White presented a proclamation to several citizens that participated in Keep Lockhart Beautiful events and programs.

Mayor White and the Council commended the volunteers for their commitment to the community.

Members of Keep Lockhart Beautiful presented an apron signed by the Downtown Revitalization Beautification Committee to Mayor White as a token of their appreciation for his support of their beautification projects.

DISCUSSION ONLY

A. DISCUSS MINUTES OF THE CITY COUNCIL MEETING OF MAY 3, 2016.

Mayor White requested corrections. There were none.

B. DISCUSS JOINT ELECTION INTERLOCAL GOVERNMENT CONTRACT WITH THE CALDWELL COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT ELECTION SERVICES FOR THE CITY OF LOCKHART'S GENERAL ELECTION ON NOVEMBER 8, 2016.

Ms. Constancio stated that the four City Council positions up for election on November 8, 2016 are District 1, District 2 and two At-Large positions. The Caldwell County Elections Administrator (County EA) is conducting several Elections on November 8, 2016 for entities such as the United States, State of Texas, Caldwell County, and Lockhart ISD. Staff is proposing that the County EA also include the City of Lockhart positions on the Caldwell County ballot to enable voters to mark one ballot for all propositions/election official positions. The proposed contract outlines the aspects of the joint election.

The contract provides that the City of Lockhart shall reimburse the County EA for expenses incurred during the 2016 City of Lockhart General election at a percentage that is dependent upon the number of entities participating in the November 8, 2016 Election. The percentage shall be equally prorated between the participating entities. In addition, City of Lockhart shall pay an administrative fee of 10% of the total cost of the election. Ms. Constancio recommended approval.

C. DISCUSS ORDINANCE 2016-14 ORDERING A GENERAL ELECTION ON NOVEMBER 8, 2016 FOR THE PURPOSE OF ELECTING ONE COUNCILMEMBER DISTRICT 1; ONE COUNCILMEMBER DISTRICT 2; AND TWO COUNCILMEMBERS AT-LARGE; PROVIDING FOR JOINT ELECTION WITH CALDWELL COUNTY; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

Ms. Constancio stated that the Ordinance provides details about the November 8, 2016 Election for City Council positions of District 1, District 2 and two At-Large positions and provides that the City will contract with the County EA to conduct the election. The City Secretary will, among many election duties, receive applications for a place on the ballot, post and publish notices, prepare ballot language, and be available to direct voters to the correct polling locations.

Ms. Constancio provided details about the dates and times of early voting which will be conducted October 24 – November 4 at the Scott Annex Building at 1403 Blackjack Street in Lockhart and the Election Day polling locations that will be open 7 a.m. to 7 p.m.

D. DISCUSS THE CALDWELL COUNTY UNIFORM TRUANCY PLAN AS RECOMMENDED BY THE CALDWELL COUNTY TRUANCY COMMITTEE.

Ray Monkerud, Caldwell County Juvenile Probation Officer, stated that during the 84th Legislative Session, House Bill 2398 was adopted to create the Truancy Reform Bill, which amended Section 25.0916 of the Texas Education Code that required entities to create a committee to make recommendations to the County and the City to implement Uniform Truancy Policies. The proposed Caldwell County Uniform Truancy Plan is a result of the plan recommended by the Committee. Ms. Townsend addressed the Council about the court process of truancy cases.

After discussion, the Council requested that Ms. Townsend return to Council with statistics about truancy cases.

E. DISCUSSION AFTER PRESENTATION BY CITY MANAGER REGARDING DETENTION PONDS REQUIRING COUNCIL APPROVAL TO BE CONSTRUCTED IN SH 130 RIGHT OF WAY TO REDUCE ADVERSE DRAINAGE CONDITIONS DOWNSTREAM.

Mr. Rodgers stated that the Texas Department of Transportation (TxDOT) has presented approved plans for detention ponds to be constructed within the SH 130 right of way. These ponds, as designed, will reduce the velocity of drainage waters adversely affecting the North Town Branch natural drainage ways. The cubic feet per second (cfs) reduction as shown in the specifications is less than before SH 130 was constructed. Mr. Rodgers recommended approval. There was discussion.

F. DISCUSS RESOLUTION 2016-07 RESCINDING RESOLUTION NO. 2014-13 FUNDING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY PROJECT IN AN AMOUNT NOT TO EXCEED \$464,966.43 INCLUDING THE COST OF LAND AND IMPROVEMENTS, INFRASTRUCTURE IMPROVEMENTS, DEVELOPMENT AND IMPACT FEES, AND/OR BUILDING PERMIT FEES THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN AN AVERAGE OF AT LEAST 75 NEW PRIMARY JOBS DURING THE INITIAL FIVE YEAR PERIOD.

Ms. Mauldin stated that this item would be pulled from the agenda. She stated that several provisions changed from what is outlined in Resolution 2014-13 for the business prospect to locate in Lockhart. The following Resolutions (2016-08 and 2016-09) provide details about the revised incentive package for Pure Castings Company.

G. DISCUSS RESOLUTION 2016-08 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, REGARDING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR PURE CASTINGS COMPANY ON 112 E. MLK, JR. INDUSTRIAL BLVD. IN AN AMOUNT NOT TO EXCEED \$483,250 INCLUDING THE COST OF IMPROVEMENTS TO THE PROPERTY AND/OR EQUIPMENT INFRASTRUCTURE COSTS AND PROFESSIONAL SERVICES.

Ms. Mauldin stated that the Lockhart Economic Development Corporation (LEDC) voted on May 16, 2016 to take steps for two Type 4A projects. The first Type 4A project for Pure Castings Company is their proposal to purchase the 20,000 square foot building at 112 E. MLK, Jr. Industrial Blvd. at a purchase price of \$1,260,000 and the adjacent 4.206 acres of land for \$135,210 in Industrial Park II, to use project funds up to \$281,250 for costs of improvements to the properties and/or equipment, to use \$58,000 to pay for transformer costs for 4,000 amp service, and \$144,000 to employ a minimum of 48 employees for a total project not to exceed \$483,250. Ms. Mauldin stated that the Resolution was amended to add Exhibit A that reflects the five year tax abatement requirements. She recommended approval. There was discussion.

H. DISCUSS CHAPTER 380 REBATE OF CITY PROPERTY TAX TO PURE CASTINGS COMPANY ON THEIR NEW FACILITY LOCATED IN THE CITY OF LOCKHART AT 112 E. MLK, JR. INDUSTRIAL BLVD. PROPOSED TO BE OFFERED TO THE COMPANY FOR LOCATING THEIR FACILITY IN LOCKHART AND CREATING 48 PRIMARY JOBS TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY, AND TO APPOINT THE MAYOR TO SIGN ALL CONTRACTS FOR THE COUNCIL.

Ms. Mauldin stated that by locating the Pure Castings facility in the City of Lockhart, the Company will create new jobs, generate new sales tax revenues, and add improvements to real property and personal property and inventory subject to ad valorem tax assessment. Providing an economic development program to the Company pursuant to Texas Local Government Code, Chapter 380 is an incentive to locate its Central Texas operations in the City of Lockhart that will serve a public purpose by promoting local economic development and stimulating business and commercial activity in the City. There were amendments to Exhibit A of the 380 Rebate Agreement.

Ms. Mauldin stated that the Chapter 380 Rebate Agreement outlined the five year tax abatement of property taxes as follows:

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

Ms. Mauldin recommended approval as amended. There was discussion.

I. DISCUSS RESOLUTION 2016-09 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, REGARDING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR PURE CASTINGS COMPANY ON 119 E. MLK, JR. INDUSTRIAL BLVD., IN AN AMOUNT NOT TO EXCEED \$268,550 INCLUDING THE LEASE OF THE PROPERTY, INFRASTRUCTURE COSTS, AND PROFESSIONAL SERVICES.

Ms. Mauldin stated that the second Type 4A project for Pure Castings Company is for 119 E. MLK, Jr. Industrial Blvd., and proposes the sale of land, lease purchase of the building, infrastructure costs, and professional services in an amount not to exceed \$268,550 for the creation of 14 primary jobs identified as full-time equivalent employees, excluding supervisors and management, with an average salary of \$38,500; for the development, retention, or expansion of a manufacturing and industrial facility. Ms. Mauldin stated that the Resolution was amended to add Exhibit A that reflects the five year tax abatement requirements. She recommended approval. There was discussion.

Greg Patek of Pure Castings Company thanked the Council for considering the changes to the scope of locating their business to Lockhart. He provided information about their staffing process.

J. DISCUSS CHAPTER 380 REBATE OF CITY PROPERTY TAX TO PURE CASTINGS COMPANY ON THEIR NEW FACILITY LOCATED IN THE CITY OF LOCKHART AT 119 E. MLK, JR. INDUSTRIAL BLVD. PROPOSED TO BE OFFERED TO THE COMPANY FOR LOCATING THEIR FACILITY IN LOCKHART AND CREATING 14 PRIMARY JOBS TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY, AND TO APPOINT THE MAYOR TO SIGN ALL CONTRACTS FOR THE COUNCIL.

Ms. Mauldin stated that by locating the Pure Castings Company facility in the City of Lockhart, the Company will create new jobs, generate new sales tax revenues, and add improvements to real property and personal property and inventory subject to ad valorem tax assessment. Providing an economic development program to the Company pursuant to the Texas Local Government Code, Chapter 380 as an incentive to locate its Central Texas operations in the City of Lockhart will serve a public purpose by promoting local economic development and stimulating business and commercial activity in the City. There were amendments to Exhibit A of the 380 Rebate Agreement.

Ms. Mauldin stated that the Chapter 380 Rebate Agreement included Exhibit A that outlines the five year tax abatement of property taxes as follows:

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

Ms. Mauldin recommended approval. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:35 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the regular meeting of the Lockhart City Council to order on this date at 7:50 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Invocation - Ministerial Alliance.

Pledge of Allegiance to the United States and Texas flags.

ITEM 3. CITIZENS/VISITORS COMMENTS.

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

ITEM 4-A. HOLD PUBLIC HEARING IN REGARDS TO AMENDING CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS", SECTION 28-3 "HISTORICAL PRESERVATION COMMISSION", TO AUTHORIZE THE COMMISSION TO REVIEW AND SUBMIT RECOMMENDATIONS PERTAINING TO PROPOSED PUBLIC STREETSCAPE ELEMENTS IN HISTORIC DISTRICTS.

Mayor White opened the public hearing at 7:54 p.m. and requested the staff report.

Mr. Gibson stated that the Historical Preservation Commission is empowered only with regard to specific functions pertaining to private property that is in a historic district or which is a historic landmark outside of a historic district. Currently, the courthouse square area is the only historic district in Lockhart. On the Council's previous meeting agenda, the Council considered a letter from the Chair of the Lockhart Historical Preservation Commission (LHPC) that requested Chapter 28 of the Code of Ordinances to be amended to formally provide authority for the Commission's review of street furniture and other public improvements in the courthouse square area. The Council voted to direct staff to submit possible wording of such an amendment. Staff drafted a simple amendment to Section 28-3 which the Historical Preservation Commission voted unanimously to recommend to the Council. The proposed amendment adds a 19th item to the list of functions for which the Commission is authorized. The wording is intentionally vague because there are a variety of circumstances to which it could apply. For example, improvements to the public streetscape might be initiated by the Council, the City Manager, the Director of Economic Development, or a committee appointed by the Council. The Historical Preservation Commission's role would be limited to reviewing the proposed changes and making a recommendation to the "city government", which could be any of those same entities. Section 28-26 states that if the Council determines that Chapter 28 should be amended, the Council must hold a public hearing, take citizen comment, and amend the ordinance as needed. No public hearing notice is required other than being labeled as such on the posted agenda. There was discussion.

There was discussion about the duties of the LHPC.

Mayor White requested citizens in favor of or against the Ordinance amendment to address the Council. There were none. He closed the public hearing at 8:06 p.m.

ITEM 4-B. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2016-13 AMENDING CHAPTER 28 "HISTORIC DISTRICTS AND LANDMARKS", OF THE CODE OF ORDINANCES, SECTION 28-3 "HISTORICAL PRESERVATION COMMISSION", TO PROVIDE FOR COMMISSION REVIEW OF PUBLIC STREETScape ELEMENTS IN HISTORIC DISTRICTS.

Councilmember Hilburn made a motion to approve Ordinance 2016-13, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 6-1, with Councilmember Castillo opposing.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2016-07 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, RESCINDING RESOLUTION NO. 2014-13 FUNDING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, FOR FUNDING OF THE PURE CASTINGS COMPANY PROJECT IN AN AMOUNT NOT TO EXCEED \$464,966.43 INCLUDING THE COST OF LAND AND IMPROVEMENTS, INFRASTRUCTURE IMPROVEMENTS, DEVELOPMENT AND IMPACT FEES, AND/OR BUILDING PERMIT FEES THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, AND TO CREATE AND MAINTAIN AN AVERAGE OF AT LEAST 75 NEW PRIMARY JOBS DURING THE INITIAL FIVE YEAR PERIOD.

Mayor White announced that the item was pulled from the agenda and will be placed on an agenda of a future Council meeting.

ITEM 5-B. CONDUCT THE FIRST OF TWO REQUIRED READINGS OF RESOLUTION 2016-08, IN ITS ENTIRETY, OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AND DISCUSS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR PURE CASTINGS COMPANY ON 112 E. MLK, JR. INDUSTRIAL BLVD. IN AN AMOUNT NOT TO EXCEED \$483,250 INCLUDING THE COST OF IMPROVEMENTS TO THE PROPERTY AND/OR EQUIPMENT INFRASTRUCTURE COSTS AND PROFESSIONAL SERVICES.

Ms. Mauldin explained that a Type 4A project process under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, provides for the creation of primary jobs. The legislature removed the less competitive requirement of publishing notice for Type 4B Corporations, but replaced it with the requirement of two readings of the Resolution. Prior to this change, the publishing requirement delayed the process for the Type B Corporations, while the Type A Corporation was able to move forward quickly to complete their process. Staff will read the resolution twice in its entirety as required by law.

Ms. Mauldin conducted the first reading of Resolution 2016-08, in its entirety.

ITEM 5-C. CONDUCT THE FIRST OF TWO REQUIRED READINGS OF RESOLUTION 2016-09, IN ITS ENTIRETY, OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AND DISCUSS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR PURE CASTINGS COMPANY ON 119 E. MLK, JR. INDUSTRIAL BLVD., IN AN AMOUNT NOT TO EXCEED \$268,550 INCLUDING THE LEASE OF THE PROPERTY, INFRASTRUCTURE COSTS, AND PROFESSIONAL SERVICES.

Mr. Hinson conducted the first reading of Resolution 2016-09, in its entirety.

ITEM 6. CONSENT AGENDA.

Mayor Pro-Tem Sanchez made a motion to approve consent agenda items 6A, 6B, 6C, 6D, and 6E. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

The following are the consent agenda items that were approved:

- 6A: Approve minutes of the City Council meeting of May 3, 2016.
- 6B: Approve Joint Election Interlocal Government Contract with the Caldwell County Elections Administrator to conduct Election Services for the City of Lockhart's General Election on November 8, 2016.
- 6C: Approve Ordinance 2016-14 ordering a General Election on November 8, 2016 for the purpose of electing one Councilmember District 1; one Councilmember District 2; and two Councilmembers At-Large; providing for Joint Election with Caldwell County; establishing early voting locations and polling places; ordering Notice of Election to be given as prescribed by law; and making provisions for the conduct of the election.
- 6D: Approve the Caldwell County Uniform Truancy Plan as recommended by the Caldwell County Truancy Committee.
- 6E: Approve detention ponds requiring Council approval to be constructed in SH 130 right of way to reduce adverse drainage conditions downstream.

ITEM 7-A. CONDUCT THE SECOND OF TWO REQUIRED READINGS OF RESOLUTION 2016-08, IN ITS ENTIRETY, OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AND DISCUSSION AND/OR ACTION TO CONSIDER APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR PURE CASTINGS COMPANY ON 112 E. MLK, JR. INDUSTRIAL BLVD. IN AN AMOUNT NOT TO EXCEED \$483,250 INCLUDING THE COST OF IMPROVEMENTS TO THE PROPERTY AND/OR EQUIPMENT INFRASTRUCTURE COSTS AND PROFESSIONAL SERVICES.

Mr. Hinson conducted the second reading of Resolution 2016-08, in its entirety.

ITEM 7-B. DISCUSSION AND/OR ACTION TO CONSIDER CHAPTER 380 REBATE OF CITY PROPERTY TAX TO PURE CASTINGS COMPANY ON THEIR NEW FACILITY LOCATED IN THE CITY OF LOCKHART AT 112 E. MLK, JR. INDUSTRIAL BLVD. PROPOSED TO BE OFFERED TO THE COMPANY FOR LOCATING THEIR FACILITY IN LOCKHART AND CREATING 48 PRIMARY JOBS TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY, AND TO APPOINT THE MAYOR TO SIGN ALL CONTRACTS FOR THE COUNCIL.

Councilmember Michelson made a motion to approve the Chapter 380 rebate, with amendments, of City property tax to Pure Castings Company on their new facility located in the City of Lockhart at 112 E. MLK, Jr. Industrial Blvd. proposed to be offered to the company for locating their facility in Lockhart and creating 48 primary jobs to stimulate business and commercial activity in the city, and to appoint the Mayor to sign all contracts for the Council. Councilmember Hilburn seconded. The motion passed by a vote of 7-0.

ITEM 7-C. CONDUCT THE SECOND OF TWO REQUIRED READINGS OF RESOLUTION 2016-09, IN ITS ENTIRETY, OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AND DISCUSSION AND/OR ACTION TO CONSIDER APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR PURE CASTINGS COMPANY ON 119 E. MLK, JR. INDUSTRIAL BLVD., IN AN AMOUNT NOT TO EXCEED \$268,550 INCLUDING THE LEASE OF THE PROPERTY, INFRASTRUCTURE COSTS, AND PROFESSIONAL SERVICES.

Ms. Mauldin conducted the second reading of Resolution 2016-09, in its entirety.

ITEM 7-A. CONDUCT THE SECOND OF TWO REQUIRED READINGS OF RESOLUTION 2016-08, IN ITS ENTIRETY, OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AND DISCUSSION AND/OR ACTION TO CONSIDER APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR PURE CASTINGS COMPANY ON 112 E. MLK, JR. INDUSTRIAL BLVD. IN AN AMOUNT NOT TO EXCEED \$483,250 INCLUDING THE COST OF IMPROVEMENTS TO THE PROPERTY AND/OR EQUIPMENT INFRASTRUCTURE COSTS AND PROFESSIONAL SERVICES.

Councilmember Michelson made a motion to approve Resolution 2016-08, with amendments, approving a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, as amended, for Pure Castings Company on 112 E. MLK, Jr. Industrial Blvd. in an amount not to exceed \$483,250 including the cost of improvements to the property and/or equipment infrastructure costs and professional services. Councilmember Castillo seconded. The motion passed by a vote of 7-0.

ITEM 7-D. DISCUSSION AND/OR ACTION TO CONSIDER CHAPTER 380 REBATE OF CITY PROPERTY TAX TO PURE CASTINGS COMPANY ON THEIR NEW FACILITY LOCATED IN THE CITY OF LOCKHART AT 119 E. MLK, JR. INDUSTRIAL BLVD. PROPOSED TO BE OFFERED TO THE COMPANY FOR LOCATING THEIR FACILITY IN LOCKHART AND CREATING 14 PRIMARY JOBS TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY, AND TO APPOINT THE MAYOR TO SIGN ALL CONTRACTS FOR THE COUNCIL.

Councilmember Hilburn made a motion to approve the Chapter 380 Rebate, with amendments, of City property tax to Pure Castings Company on their new facility located in the City of Lockhart at 119 E. MLK, Jr. Industrial Blvd. proposed to be offered to the company for locating their facility in Lockhart and creating 14 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 7-E. DISCUSSION AND/OR ACTION REGARDING APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS OR COMMITTEES.

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

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

- Update- US 183 widening project, Hickory to Blackjack: west side drainage truck main started between Hickory and Blackjack; some rain delays; some challenges for driveways.
- Update: Contracts with Qro-Mex Construction on Richland Drive.
- Update: Preparation for Chisholm Trail Annual Event.
- Report: Leftovers group.
- Report: Cinco de Mayo Celebration with 5k and 10k events held May 6th & 7th.
- Report: Special Residential Household Hazardous Waste Collection event held Saturday, May 14, at City Park from 9 am until noon for Lockhart residents only,
- Reminder: Fireworks Display in the City Park to be held Sunday, July 3rd.
- Report: Splash Pad to open Saturday, May 21st, 11 am – 8 pm; closed on all Mondays and closed May 31 – June 13.
- Report: City Pool to open Memorial Day weekend, 12pm - 8 pm; closed on all Mondays and closed May 31 – June 13.
- Report: Movies in the Park to be held June 18th, July 16th, and August 13th.
- New faces since April 2016:
 - Madalyn Voight – promoted from part-time Library Clerk to full-time Library Assistant,
 - Jimmy Bowen – Water/Wastewater Dept.

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

Councilmember Westmoreland congratulated the Hispanic Chamber for a successful Cinco de Mayo event. He announced the outcome of a golf tournament held at State Park this past weekend, which raised funds for a scholarship fund. He congratulated the Lions softball team for their efforts at the championship.

Councilmember Mendoza congratulated the Hispanic Chamber for a successful Cinco de Mayo event. He thanked the Electric Department for working to restore power for citizens as quickly as possible during the recent storm.

Mayor Pro-Tem Sanchez congratulated the Hispanic Chamber and all involved for a successful Cinco de Mayo event. She expressed condolences to the families of Pastor Viola Vi and Alfred Thompson for their loss.

Councilmember Hilburn also congratulated those involved with the gold tournament and the Hispanic Chamber for the successful Cinco de Mayo event.

Councilmember Castillo expressed condolences to families that have lost a loved one. He congratulated the Hispanic Chamber for the successful Cinco de Mayo event. Thank you businesses in the downtown square for their patience with the Texas Department of Transportation's construction project of the ADA ramps downtown and during the filming of "The Leftovers". He congratulated the High School graduating class of 2016 and wished them success in their future endeavors. He thanked the veterans that lost their lives fighting for our freedom. Happy Memorial Day to all.

Councilmember Michelson congratulated the Hispanic Chamber for a successful Cinco de Mayo event. He thanked Mr. Harry Hilgers for purchasing and installing a new sign at the City Cemetery. Congratulations to Nate Moore and Robert Orr for making it to the University of Texas State 12 Conference Championship Team. He expressed condolences to the family of Tommy Lowe family for this loss.

Mayor White congratulated the Hispanic Chamber for a successful Cinco de Mayo event. He congratulated Lydia Serna for opening Lilly's Café that will serve their famous hamburgers. Congratulations to the Lockhart High School softball team for their accomplishment to playing at the championship. A Memorial Day service will be held at the County Courthouse on May 30 at 12(noon). He suggested that an item be placed on a future agenda to consider amending the sign ordinance to allow flag poles up to 50 feet. Mayor White suggested that the Lockhart Softball Team be acknowledged at the June 7 Council meeting for their athletic accomplishment.

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 8:56 p.m.

PASSED and APPROVED this the 7th day of June 2016.

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	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: June 7, 2016			
Department: City Manager		Initials	Date
Department Head: Vance Rodgers	Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>	City Manager	<i>VR</i>	5-30-2016
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input 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 agreement by the Caldwell County Appraisal District's (CCAD) Attorney whereby the City of Lockhart agrees to accept a bid of \$1,735.44 as settlement for a City tax debt of \$4,394.03 on the property at 739 Pear Street that was foreclosed on, and appointing the Mayor 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
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 property was foreclosed on for non-payment of taxes and several times was put up for sale, but no bids were received. A bid has now been received that would allocate \$1,735.44 to the City of Lockhart of the \$4,394.03 due the City.			
STAFF RECOMMENDATION			
City Manager respectfully recommends approval of the proposed agreement and amount. The City has no use for the property and getting it back on the tax rolls would be beneficial.			
List of Supporting Documents: Letter, tax information, and agreement proposed		Other Departments, Boards, Commissions or Agencies:	

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

June 7

ATTORNEYS AT LAW
The Terrace II
2700 Via Fortuna Drive, Suite 400
P. O. BOX 17428
AUSTIN, TEXAS 78760

512/447-6675 ext 3833
FAX 512/443-3494

Douglas Steven Bird, Partner

email to steve.bird@lgbs.com

May 16, 2016

RECEIVED
CITY OF LOCKHART

MAY 17 2016

Mr. Vance Rodgers, City Manager
City of Lockhart
P.O. Box 239
Lockhart, Texas 78644

RCVD. BY: _____
TIME RECVD: _____

Re: Tax Resale Bid

Dear Mr. Rodgers:

The attached represents a property within the City of Lockhart that we have received a bid on. This property was foreclosed on for non-payment of property taxes and we have attempted several times to auction this property at a public auction but have received no bids. The total bid amount we have now received is \$6,250. The City's share of that would be \$1,735.44. The enclosed documents provide additional information regarding this property including a map showing a portion of the property within a local flood zone.

Please place this on the agenda at the next available opportunity so that the Council may consider this bid and take action. If accepted a deed to the bidder will need to be executed and I am enclosing a proposed deed as well. Should the Council approve this bid please have the Mayor execute the deed and then contact me so that I can arrange for the deed to be picked up there at your offices. Do not hesitate to contact me should you have any questions or if you would like for me to attend City Council in order to answer any possible questions.

Very Truly Yours,



Douglas Steven Bird
Attorney at Law

Xc: Ms. Mary LaPoint, Chief Appraiser
Caldwell County Appraisal District
P.O. Box 59
Lockhart, Texas 78644

CITY OF LOCKHART / CITY AREA PROPERTIES

STRUCK OFF BID RECEIVED

Property ID Suit #	Description Address	Bid	City Tax Due Per Judgment	City Actual Recovery
PID 18023 Suit # 6576	.25 acres, more or less, Byrd Lockhart League, Town of Lockhart, Pear Street	\$6,250.00	\$4,394.03	\$1,735.44

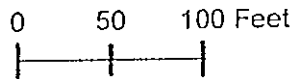
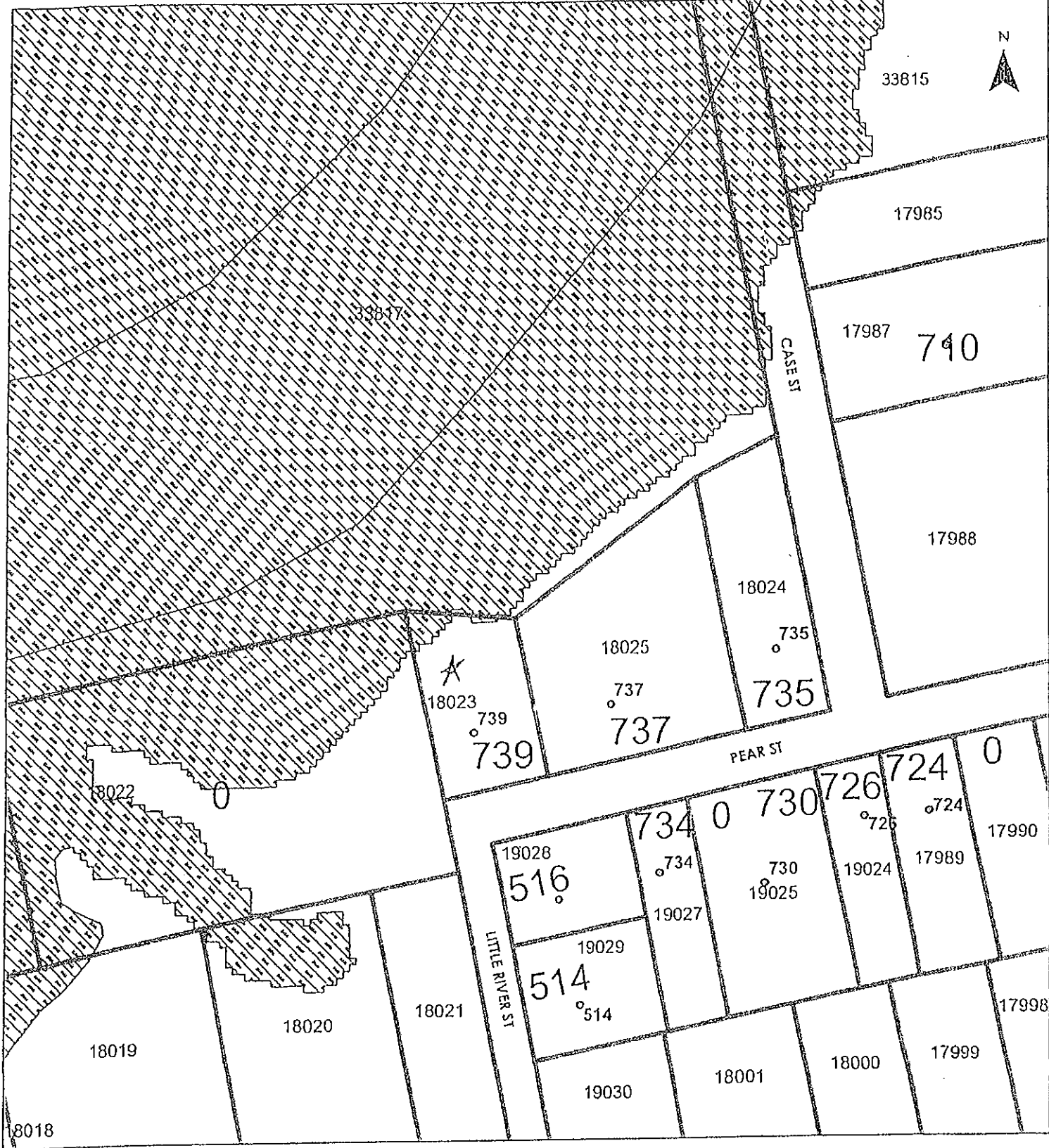
TOTAL RECOVERY BREAKDOWN

SUIT 6576 – BID AMOUNT \$6,250.00

Fee	Amount Due
Court Costs	\$380.00
Ad Litem Fee	\$300.00
Abstract Fee	\$175.00
Publication Fee	\$150.00
Sheriff Fee	\$80.00
Fee Total	\$1,085.00

Bid Amount \$6,250.00 – Fee Amount \$1,085.00 = \$5,165.00

Entity	Judgment Amnt. \$13,050.41	Judgment %	Recovery Amount \$5,165.00
Caldwell County	\$4,879.43	37.5%	\$1,936.87
City of Lockhart	\$4,394.03	33.6%	\$1,735.44
Lockhart ISD	\$3,550.01	27.2%	\$1,404.88
Plum Creek CD	\$165.83	1.2%	\$61.98
Plum Creek UW	\$61.11	0.5%	\$25.83
TOTALS	\$13,050.41	100.00%	\$5,165.00



Legend

- Property Boundary
- Lockhart City Limits
- FLOOD ZONE**
- AE - 100Yr Elev Study

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

Created: 3/9/2016

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.

TAX RESALE DEED

STATE OF TEXAS X

X **KNOW ALL MEN BY THESE PRESENTS**

COUNTY OF CALDWELL X

That Caldwell County Appraisal District, organized and existing as an appraisal district under the laws of the State of Texas, which brings this action on behalf of and as collecting agent for Caldwell County, City of Lockhart, Lockhart Independent School District and Plum Creek Conservation District and Plum Creek Underground Water District whose taxes it collects, acting through the presiding officer of its governing body, hereunto duly authorized by resolution and order of each respective governing body which is duly recorded in their official Minutes, hereinafter called grantors, for and in consideration of the sum of \$6,250.00 cash in hand paid by

**Mary Amanda West
P.O. Box 41
Lockhart, TX 78644**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents do quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under **Suit No. 6576, Caldwell County Appraisal District vs. Ramon Sanchez, Jr.**, in the district court of said county, said property being located in Caldwell County, Texas, and described as follows:

0.22 Acre, more or less, situated in the Byrd Lockhart League, Town of Lockhart, Caldwell County, Texas and described in deed dated June 21, 1972, from Juanita Sanchez to Ramon Sanchez, Jr., recorded in Volume 349, Page 644, Deed Records of Caldwell County, Texas.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantors, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to any existing right of redemption remaining in the former owner of the property under the provisions of law and also subject to any recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

IN TESTIMONY WHEREOF City of Lockhart has caused these presents to be executed this
_____ day of _____, 2016.

City of Lockhart

BY: _____
Lew White
City Mayor

STATE OF TEXAS X

COUNTY OF CALDWELL X

This instrument was acknowledged before me on this _____ day of
_____, 2016, by Lew White, Mayor of the City of Lockhart.

Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____

ADVERTISEMENT AND INVITATION FOR BIDS

Sealed proposals addressed to the Mayor and City Council of City of Lockhart, Texas will be received at the City Hall, 308 West San Antonio, Lockhart, Texas 78644, until 11:00 A.M., May 26, 2016, for construction of the 2015 CDBG Water Improvements, TxCDBG Contract No. 7215300, at which time and place will be publicly opened and read aloud. Any bid received after closing time will be returned unopened. Bids are invited for several items and quantities of work as follows:

Principal items of construction 2,400 feet of 18" PVC water main and all necessary appurtenances.

Bidders shall submit a bid bond by an acceptable surety in the amount of five percent (5%) of the bid issued with each bid for contracts greater than \$100,000.00. A certified check or bank draft payable to the locality or negotiable U.S. Government Bonds (as par value) may be submitted in lieu of the Bid Bond.

The successful Bidder must furnish Performance and Payments Bonds each in the amount of 100% of the contract price from an approved Surety Company holding a permit from the State of Texas to act as Surety and acceptable according to the latest list of companies holding certificates of authority from the Secretary of Treasury of the United States, or other Surety or Sureties acceptable to the Owner.

Attention is called to the fact that not less than, the federally determined prevailing (Davis-Bacon and Related Acts) wage rate, as issued by the Texas Department of Agriculture and contained in the contract documents, must be paid on this project. In addition, the successful bidder must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, sexual identity, gender identity, or national origin. Adherence to the grant recipient's Section 3 Policy is required for contracts and subcontracts in excess of \$100,000.00.

All contractors/subcontractors which are debarred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project.

Plans and specifications may be examined without charge at Lockhart City Hall. Bid Documents and Construction Drawings for the project may be viewed and downloaded free of charge (with the option to purchase hard copies) at www.civcastusa.com. Bidders must register on this website in order to view and/or download specifications, plans and other related documents for this project. Printed copies of the specifications and drawings may also be viewed at the Engineer's office, TRC Engineers, Inc., 505 East Huntland Drive, Suite 250, Austin, Texas 78752, (512) 454-8716.

Please submit questions for this project seven (7) days prior to bid opening through www.civcastusa.com in the Q&A portal. All addenda issued for this project will be posted on www.civcastusa.com. It is the responsibility of the Contractor bidding to use proper scaling, paper width and length, etc. Failure to do so may result in error in the Unit Bid Quantities and/or Bid Amounts.

The Council of the City of Lockhart reserves the right to reject any or all bids or to waive formalities in the bidding. Bids may be held by the City for a period not to exceed 60 days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidder's qualifications prior to the contract award.

CITY OF LOCKHART, TEXAS

Lew White, Mayor

City of Lockhart
 2015 CDBG Water Improvements
 Bid Tabulation
 May 26, 2016 - 11:00 AM



				Nighthawk Construction 1420 S Commerce Street Lockhart, Texas 78644		Herschap Backhoe & Ditching, Inc. P.O. Drawer 489 Bastrop, Texas 78602		Smith Contracting Co., Inc. 15308 Ginger Street Austin, Texas 78728		Qro Mex Construction Co. Inc. 2801 Prairie Creek Road Granite Shoals, Texas 78654		Wauters Engineering, LLC 12870 Adkins St. Hedwig Roa St. Hedwig, Texas 78152	
Item	Item Description	Qty.	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID PROPOSAL													
P.1	6" DI Fire Hydrant Leads	5	LF	\$185.80	\$929.00	\$20.00	\$100.00	\$80.00	\$400.00	\$60.00	\$300.00	\$30.05	\$150.25
P.2	12" C900 DR18 PVC Pipe	6	LF	\$161.33	\$967.98	\$25.00	\$150.00	\$50.00	\$300.00	\$70.00	\$420.00	\$28.93	\$173.58
P.3	18" C905 DR 18 PVC Pipe	2,400	LF	\$62.75	\$150,600.00	\$55.00	\$132,000.00	\$65.00	\$156,000.00	\$75.00	\$180,000.00	\$78.29	\$187,896.00
P.4	Fire Hydrants	1	EA	\$5,543.00	\$5,543.00	\$4,500.00	\$4,500.00	\$3,000.00	\$3,000.00	\$4,500.00	\$4,500.00	\$2,688.75	\$2,688.75
P.5	DI Main Line Fittings	1	TON	\$6,411.00	\$6,411.00	\$4,000.00	\$4,000.00	\$4,600.00	\$4,600.00	\$7,000.00	\$7,000.00	\$7,612.00	\$7,612.00
P.6	6" AWWA C515 Gate Valve	1	EA	\$1,490.00	\$1,490.00	\$1,000.00	\$1,000.00	\$1,400.00	\$1,400.00	\$850.00	\$850.00	\$1,031.82	\$1,031.82
P.7	18" AWWA C504 Butterfly Valve	3	EA	\$4,296.00	\$12,888.00	\$10,000.00	\$30,000.00	\$4,600.00	\$13,800.00	\$6,500.00	\$19,500.00	\$5,070.91	\$15,212.73
P.8	Tapping Sleeve 12"x12"	1	EA	\$8,396.00	\$8,396.00	\$15,000.00	\$15,000.00	\$11,000.00	\$11,000.00	\$5,000.00	\$5,000.00	\$5,197.86	\$5,197.86
P.9	Tapping Sleeve 24"x18"	1	EA	\$23,275.00	\$23,275.00	\$35,000.00	\$35,000.00	\$34,000.00	\$34,000.00	\$25,000.00	\$25,000.00	\$20,048.40	\$20,048.40
P.10	OSHA Trench Excavation Protection	2,400	LF	\$3.50	\$8,400.00	\$0.50	\$1,200.00	\$1.00	\$2,400.00	\$1.00	\$2,400.00	\$1.14	\$2,736.00
P.11	Pollution Prevention Plan	1	LS	\$2,300.00	\$2,300.00	\$3,000.00	\$3,000.00	\$10,000.00	\$10,000.00	\$8,500.00	\$8,500.00	\$13,970.00	\$13,970.00
TOTAL PROPOSAL I					\$221,199.98		\$225,950.00		\$236,900.00		\$253,470.00		\$256,717.39
ADDITIVE ALTERNATIVE													
P.A.1	18" C905 DR 18 PVC Pipe	422	LF	\$62.75	\$26,480.50	\$55.00	\$23,210.00	\$65.00	\$27,430.00	\$65.00	\$27,430.00	\$73.50	\$31,017.00
P.A.2	OSHA Trench Excavation Protection	422	LF	\$3.50	\$1,477.00	\$0.50	\$211.00	\$1.00	\$422.00	\$1.00	\$422.00	\$1.14	\$481.08
TOTAL PROPOSAL II					\$27,957.50		\$23,421.00		\$27,852.00		\$27,852.00		\$31,498.08
TOTAL PROPOSAL I & II					\$249,157.48		\$249,371.00		\$264,752.00		\$281,322.00		\$288,215.47

City of Lockhart
 2015 CDBG Water Improvements
 Bid Tabulation
 May 26, 2016 - 11:00 AM



				Central Road & Utility, LTD 8760A Research Blvd Austin, Texas 78758		Nelson Lewis, Inc. P.O. Box 235 Marble Falls, Texas 78654		SBS Construction, Inc. P.O. Box 473 La Grange, Texas 78945	
Item	Item Description	Qty.	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID PROPOSAL									
P.1	6" DI Fire Hydrant Leads	5	LF	\$93.40	\$467.00	\$100.00	\$500.00	\$60.00	\$300.00
P.2	12" C900 DR18 PVC Pipe	6	LF	\$105.70	\$634.20	\$110.00	\$660.00	\$60.00	\$360.00
P.3	18" C905 DR 18 PVC Pipe	2,400	LF	\$73.00	\$175,200.00	\$75.00	\$180,000.00	\$83.00	\$199,200.00
P.4	Fire Hydrants	1	EA	\$8,305.70	\$8,305.70	\$6,000.00	\$6,000.00	\$5,000.00	\$5,000.00
P.5	DI Main Line Fittings	1	TON	\$7,702.90	\$7,702.90	\$3,500.00	\$3,500.00	\$10,000.00	\$10,000.00
P.6	6" AWWA C515 Gate Valve	1	EA	\$2,867.60	\$2,867.60	\$1,200.00	\$1,200.00	\$1,500.00	\$1,500.00
P.7	18" AWWA C504 Butterfly Valve	3	EA	\$6,126.00	\$18,378.00	\$6,000.00	\$18,000.00	\$5,000.00	\$15,000.00
P.8	Tapping Sleeve 12"x12"	1	EA	\$9,720.00	\$9,720.00	\$9,500.00	\$9,500.00	\$10,000.00	\$10,000.00
P.9	Tapping Sleeve 24"x18"	1	EA	\$29,280.00	\$29,280.00	\$37,000.00	\$37,000.00	\$35,000.00	\$35,000.00
P.10	OSHA Trench Excavation Protection	2,400	LF	\$1.20	\$2,880.00	\$1.00	\$2,400.00	\$1.00	\$2,400.00
P.11	Pollution Prevention Plan	1	LS	\$4,890.70	\$4,890.70	\$6,500.00	\$6,500.00	\$5,000.00	\$5,000.00
TOTAL PROPOSAL I					\$260,326.10		\$265,260.00		\$283,760.00
ADDITIVE ALTERNATIVE									
P.A.1	18" C905 DR 18 PVC Pipe	422	LF	\$74.50	\$31,439.00	\$75.00	\$31,650.00	\$83.00	\$35,026.00
P.A.2	OSHA Trench Excavation Protection	422	LF	\$2.50	\$1,055.00	\$1.00	\$422.00	\$1.00	\$422.00
TOTAL PROPOSAL II					\$32,494.00		\$32,072.00		\$35,448.00
TOTAL PROPOSAL I & II					\$292,820.10		\$297,332.00		\$319,208.00



T.B.P.E. #F-8632

505 East Huntland Drive
Suite 250
Austin, TX 78752

512.454.8716 PHONE
512.454.2433 FAX

www.TRCSolutions.com

June 1, 2016

Mr. Vance Rodgers, City Manager
City of Lockhart
P.O. Box 239
Lockhart, Texas 78644

RE: 2015 CDBG Water Improvements Project
Bid Award Consideration

Dear Vance:

The bid opening for the above referenced project was held on May 26, 2016. The bids range from a low of 249,157.48 to a high of \$319,208.00 as shown on the attached bid tabulation for the base bid plus alternate. The project consists of the installation of 2,822 feet of 18" PVC water main beginning at the water treatment plant and proceeding cross country toward the City.

TRC has had very little previous experience with the low bidder, NightHawk Construction. This precious experience was positive. They have completed many small projects in the Lockhart area with local builders and a project for the Plum Creek Water Conservation District. I understand from contact with references that these projects have been completed satisfactorily.

The project is being funded by a grant for the Texas Department Agriculture with a construction budget of \$269,000.

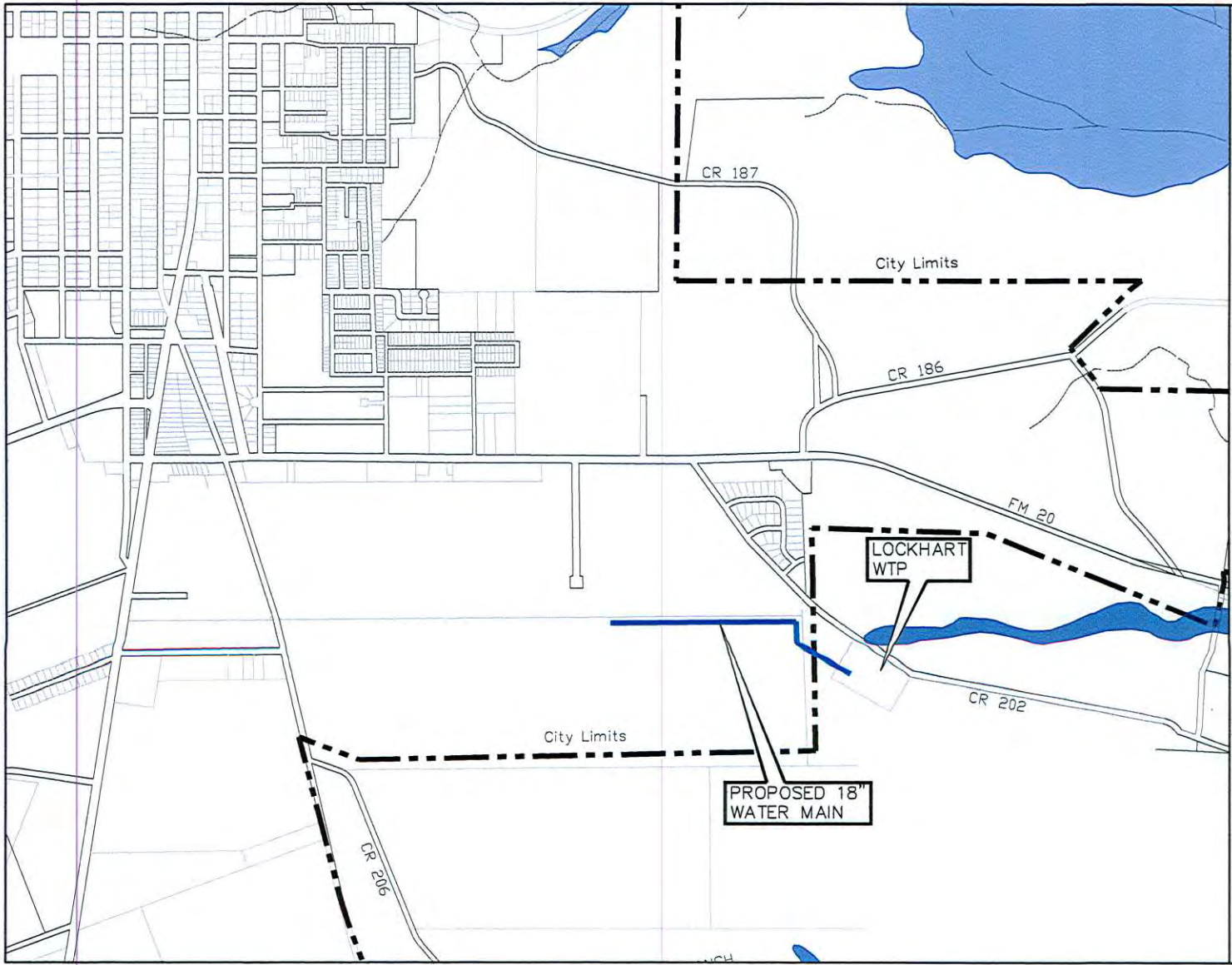
With the above items considered, it is recommended that NightHawk Construction be awarded a contract in the amount of \$249,157.48 for the 2015 CDBG Water Project, to include both the base and alternate bid. The contractor has provided a bid bond and will be required to furnish a Performance Bond and Payment Bond to the City.

If you have any questions regarding this information, please feel free to contact this office.




Sincerely,
TRC Engineers, Inc.

Charles W. Scheler, P.E.
Senior Project Manager

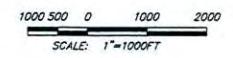
Enclosures Bid Tab



LEGEND

-  PROPOSED 18" WATER MAIN
-  100 YEAR FLOODPLAIN

FEMA FLOOD PLAIN MAP
PANEL FM48055C0235E



2015 CDBG GRANT APPLICATION
FLOOD PLAIN MAP
LOCKHART, TEXAS
JANUARY 2015



Authority to Use Grant Funds	Texas Department of Agriculture P.O. Box 12847 Austin, TX 78711
The Honorable Lew White Mayor, City of Lockhart P.O. Box 239 Lockhart, Texas 78644	Mr. Philip A. Ruiz Community Development Man. Co., Inc. 317 South Main Street Lockhart, Texas 78644
We received your Request for Release of Funds and Certification, form HUD-7015.15 on:	January 19, 2016
Your Request was for State Identification Number:	CD 7215300
All objections, if received, have been considered. And the minimum waiting period has transpired. You are hereby authorized to use funds provided to you under the above HUD/State Identification Number. File this form for proper record keeping, audit, and inspection purposes.	
This is to inform you that as of February 4, 2016 the city of Lockhart, upon execution of an official contract, is hereby authorized, according to the terms of such contract, to use funds provided to you under the above State Identification Number. The specific activities of this project identified below required a full Environmental Assessment under 24 CFR Part Sec. 58.36 Environmental Assessments and 58.40 Preparing the environmental assessment.	
<p>Project/Activity: Contractor shall install an additional water main to improve the City's distribution capacity. Contractor shall install approximately two thousand one hundred fifty linear feet (2,150 l.f.) of eighteen-inch (18") water main, hydrants, valves and fittings, and all associated appurtenances. Construction shall take place cross-country, from the water treatment plant located at 547 Old McMahan Trail to a point southeast of the end of Industrial Blvd.</p>	
<p>Concerns: Due to a recent HUD finding the project locations must be very specific. In this case the publication and Request for Release of Funds (RROF) did not include the route of the line work. The direction and end point of the line work was provided by the Performance Statement and the address of the WTP was provided in the RROF. In the future use the most specific information possible even if the PS is not as detailed.</p>	
<p>The original RROF that was submitted was not a single two sided document. Per a HUD Directive in 2015 all original RROFs must be a single two sided document. In the future any RROF received that is not a single page document will have to be re-submitted per HUD directive.</p>	
<p>According to the documents provided by the city of Lockhart, all conditions requiring review under the National Environmental Policy Act for these activities have been met. If all other special conditions have been met, the city of Lockhart is authorized to use Texas Community Development Block Grant Program funds in the amount of \$275,000 made available to the city of Lockhart by the Texas Department of Agriculture for the approved project activities.</p>	
<p>TDA is aware that a Performance Statement Amendment, Modification or Change Order could affect this Release of Funds. The City is advised that this Release of Funds is only valid for the project activities noted above and associated Environmental Review Record. If the Performance Statement or contract activities change as a result of an amendment, change order or modification, a re-evaluation letter or a new Environmental Review may be required under 24CFR58.47 and/or a review by TDA.</p>	
<p>Thank you for your efforts to ensure compliance with all federal, state and program requirements. If you have any questions regarding environmental issues or if we can provide any further assistance, please do not hesitate to contact me at 512-936-6724 or you can email me at david.brown@TexasAgriculture.gov.</p>	


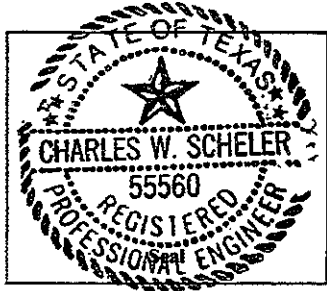
Typed Name & Title of Authorizing Officer:	Signature of Authorizing Officer:	Date Signed:
David B. Brown, Environmental Regulatory Officer		2/4/16

TABLE 2 - BUDGET JUSTIFICATION OF RETAIL COSTS

Activity Description	HUD Act #	Materials/Facilities/Services	S/Unit	Unit	Qty	Construction	Engineering	Acquisition	Total
Water Improvements	03J	18" Water Main	\$95.00	LF	2,150	\$204,250.00	\$0.00	\$0.00	\$204,250.00
Water Improvements	03J	18" Valves	\$5,000.00	EA	4	\$20,000.00	\$0.00	\$0.00	\$20,000.00
Water Improvements	03J	Fittings	\$5,050.00	EA	5	\$25,250.00	\$0.00	\$0.00	\$25,250.00
Water Improvements	03J	Fire Hydrants	\$3,000.00	EA	4	\$12,000.00	\$0.00	\$0.00	\$12,000.00
Water Improvements	03J	Connections to Mains	\$3,750.00	EA	2	\$7,500.00	\$0.00	\$0.00	\$7,500.00
Water Improvements	03J	Surveying Services	\$0.00		0	\$0.00	\$8,000.00	\$0.00	\$8,000.00
Water Improvements	03J	Engineering Services	\$0.00		0	\$0.00	\$40,000.00	\$0.00	\$40,000.00
						\$269,000.00	\$48,000.00	\$0.00	\$317,000.00



Charles W. Scheler
 Signature of Registered Engineer/Architect Responsible For Budget Justification:

1/22/15
 Date:

+1 (512) 454-8716
 Phone Number

City of Lockhart, Texas 2015 CDBG Water Improvements



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: February 17, 2015				
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 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 regarding Resolution 2015-04 authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund, and authorizing the Mayor to act as the City's Executive Officer and authorized Representative in all matters pertaining to the City's participation in the Community Development Block Grant Program				
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): \$80,000 from Water Unrestricted Fund Balance if approved and awarded				
SUMMARY OF ITEM				
This grant is for \$275,000 and would be for a treated water transmission line from the Lockhart Water Plant to near the Serta Manufacturing Plant on Blackjack. If approved by Council, and if the grant is awarded, the local match of \$80,000 will come from the Water Unrestricted Fund Balance.				
STAFF RECOMMENDATION				
City Manager respectfully recommends approval of the resolution as presented.				
List of Supporting Documents: Resolution 2015-04, Map showing treated water transmission line		Other Departments, Boards, Commissions or Agencies:		



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: June 7, 2016				
Department: City Manager			Initials	Date
Department Head: Vance Rodgers		Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>		City Manager		<i>[Signature]</i> 5-30-2016
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" 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 recommendation by Guadalupe- Blanco River Authority (GBRA) to award bid in the amount of \$ 79,485 to Advanced Water Well Technologies of Converse, Texas, for major repairs to Lockhart Water Well Number 11 that will extend the life and productivity of the well.				
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): 2015 CO Funds				
SUMMARY OF ITEM				
Water Well Number 11 normally has a capacity to pump about 864,000 gallons of water per day; the pumping capacity of the well has dropped significantly over the past two months to around 200,000 gallons per day and is at times pumping a lot of water sand. This is one of Lockhart's best water wells. A major overhaul of the well by the Guadalupe-Blanco River Authority engineers was strongly recommended to recover the desired well productivity and to extend the life of the well. Advertisements for bids were completed by GBRA in compliance with State Law. Five (5) bids were submitted with the highest bid being \$89,800 and the lowest bid of \$79,485 submitted by Advanced Water Well Technologies. According to GBRA representatives, this company is well qualified to perform the work as specified.				
STAFF RECOMMENDATION				
City Manager respectfully requests approval of GBRA's recommendation to award the bid for water well #11 rehab work to Advanced Water Well Technologies in the amount of \$ 79,485.				
List of Supporting Documents: History, bid tab, recommendation email			Other Departments, Boards, Commissions or Agencies:	



**GBRA / CITY OF LOCKHART
WELL #11 REHABILITATION PROJECT 2016
2:00 PM on Tuesday, May 17, 2016**

<u>Company</u>		<u>Total Base Bid</u>	<u>Received Addendum</u>				<u>Bid Bond</u>
			<u>No. 1</u>	<u>No. 2</u>	<u>No. 3</u>	<u>No. 4</u>	
Hydro Resources	5/12/2016 @ 2:44pm	\$89,800. ⁰⁰	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	yes
Wayne	5/17/2016 @ 12:28pm	\$81,400. ⁰⁰	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	yes
Peerless Equipment	5/17/2016 @ 12:52pm	\$82,840. ⁰⁰	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	yes
Advanced Water Well Tech	5/17/2016 @ 1:38pm	\$79,485. ⁰⁰	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	yes
Always Inc.	5/17/2016 @ 1:52pm	\$85,626. ⁰⁰	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	yes
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Vance Rodgers

From: Juan Pena <jpena@gbra.org>
Sent: Thursday, May 26, 2016 9:47 AM
To: Vance Rodgers
Cc: Edward Montana
Subject: RE: Lockhart #11 Well rehab

Vance,
Eduardo and I have met and discussed the opened bid packages. We are going to move forward with Advanced Water Well Technologies, let us know if you have any questions.

Thanks,
Juan

From: Vance Rodgers [<mailto:vrodgers@lockhart-tx.org>]
Sent: Wednesday, May 25, 2016 7:26 PM
To: Juan Pena
Cc: Vance Rodgers
Subject: Re: Lockhart #11 Well rehab

No I don't need to have input just want best job for best price.

From: Juan Pena [<mailto:jpena@gbra.org>]
Sent: Wednesday, May 25, 2016 02:57 PM
To: Vance Rodgers
Cc: Sean Kelley; Edward Montana <emontana@gbra.org>
Subject: RE: Lockhart #11 Well rehab

Vance,
Sorry for the delayed response. The Procurement Standard for GBRA requires that the lowest bid be scrutinized to insure it meets the specifications. We can make the recommendations, do want input prior to contact with the perspective contractor?

Thanks,
Juan

From: Vance Rodgers [<mailto:vrodgers@lockhart-tx.org>]
Sent: Monday, May 23, 2016 3:54 PM
To: Juan Pena
Cc: Sean Kelley
Subject: FW: Lockhart #11 Well rehab

Juan:

Who will your recommendation be?

Vance Rodgers
City Manager
(512) 398-3461, ext 224



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Dates: April 5, 2016					
Department: City Manager				Initials	Date
Department Head: Vance Rodgers		Asst. City Manager			
Dept. Signature:		City Manager			3-21-2016
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER					
CAPTION					
Discussion and/or action regarding major repairs to water well number 11 costing an estimated \$120,000 which will extend the life and productivity of the well using 2015 Certificates of Obligation Funds					
FINANCIAL SUMMARY					
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" 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):\$100,000 2015 CO Funds					
SUMMARY OF ITEM					
Well number 11 normally has a capacity to pump about 864,000 gallons of water per day; the pumping capacity of the well has dropped significantly over the past two months to around 200,000 gallons per day and is at times pumping a lot of water sand. This is one of Lockhart's best water wells. A major overhaul of the well by the Guadalupe-Blanco River Authority engineers is strongly recommended to recover the desired well productivity and to extend the life of the well. The estimated cost is \$120,000.					
STAFF RECOMMENDATION					
City Manager and Water Superintendent respectfully request approval to authorize GBRA to proceed with the major repairs as soon as possible.					
List of Supporting Documents: Pumping record and current problems.			Other Departments, Boards, Commissions or Agencies:		

Vance Rodgers

From: Vance Rodgers
Sent: Monday, May 30, 2016 12:28 PM
To: 'Juan Pena'
Subject: RE: Lockhart #11 Well rehab

Juan

Yes Council already approved the funding for the project.

I will take to the Council on June 7 for informational purposes and recommend they approve your recommended bid award to Advanced Water Well Technologies in the amount of \$79,485.

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.

From: Juan Pena [<mailto:jpena@qbra.org>]
Sent: Thursday, May 26, 2016 9:47 AM
To: Vance Rodgers
Cc: Edward Montana
Subject: RE: Lockhart #11 Well rehab

Vance,
Eduardo and I have met and discussed the opened bid packages. We are going to move forward with Advanced Water Well Technologies, let us know if you have any questions.

Thanks,
Juan

From: Vance Rodgers [<mailto:vrodgers@lockhart-tx.org>]
Sent: Wednesday, May 25, 2016 7:26 PM
To: Juan Pena



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: June 7, 2016				
Department: Economic Development Department			Initials	Date
Department Head: Sandra F. Mauldin		Asst. City Manager		
Dept. Signature: <i>[Signature]</i>		City Manager		<i>[Signature]</i> <i>6-1-2016</i>
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION				
RESOLUTION 2016-11 OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS RESCINDING IN ITS ENTIRETY RESOLUTION NO. 2006-26 THAT APPROVED AMERICAN PEW & BENCH LLC AS A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, AND PROPOSED FUNDING IN AN AMOUNT NOT TO EXCEED \$75,000 FOR PROJECT DEVELOPMENT, CONSTRUCTION, MAINTENANCE OR OPERATING SERVICES SUITABLE FOR THE DEVELOPMENT, RETENTION OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES AS ALLOWED BY THE 4B LAW AND THAT MAY INCLUDE EXPENDITURES REQUIRED OR SUITABLE FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.				
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				
American Pew & Bench LLC wished to purchase 3.022 acres in Lockhart Industrial Park II from the City of Lockhart on which to build a 20,000 square foot building for furniture manufacturing facility. A Section 4B project of the Economic Development Corporation Act of 1979, as amended, was approved for funding up to \$75,000.00 toward the costs of the building permit and impact fees for the facility and to grant inducements to hire and retain a minimum of 21 full-time employees. The first phase of inducements were met with the completion of the building, the second phase was met with the hiring of the first seven employees, however, the national economic downturn of 2009 had an impact on the sales, and the next phases of the 4B Project were never met. These funds remain encumbered in LEDC and these are steps to remove them. American Pew & Bench is no longer leasing 215 E. MLK, Jr. Ind. Blvd nor are they operating in the City of Lockhart.				
STAFF RECOMMENDATION				
Respectfully recommend approval				
List of Supporting Documents: Res. No. 2006-26 LEDC Res. No. 2016-05 City Council Minutes November 6, 2006			Other Departments, Boards, Commissions or Agencies: City Manager, Finance Department LEDC	

RESOLUTION NO. 2016-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS RESCINDING IN ITS ENTIRETY RESOLUTION NO. 2006-26 APPROVING AMERICAN PEW & BENCH LLC AS A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, AND THAT FUNDED IN AN AMOUNT NOT TO EXCEED \$75,000 FOR PROJECT DEVELOPMENT, CONSTRUCTION, MAINTENANCE OR OPERATING SERVICES SUITABLE FOR THE DEVELOPMENT, RETENTION OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES AS ALLOWED BY THE 4B LAW AND THAT MAY INCLUDE EXPENDITURES REQUIRED OR SUITABLE FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.

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

WHEREAS, AMERICAN PEW & BENCH LLC wished to purchase 3.022 acres in Lockhart Industrial Park II from the City of Lockhart on which to build a 20,000 square foot building for furniture manufacturing within the city limits of Lockhart; and

WHEREAS, the location of the proposed AMERICAN PEW & BENCH LLC facility in Lockhart is proposed to create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, the Lockhart Economic Development Corporation (LEDC) worked cooperatively with the City of Lockhart to locate AMERICAN PEW & BENCH LLC in the Lockhart Industrial Park II and proposed a project under Section 4B of the Economic Development Corporation Act of 1979, as amended, for funding up to \$75,000.00 toward the costs of the building permit and impact fees for the facility and to grant inducements to hire and retain a minimum of 21 full-time employees; and

WHEREAS, AMERICAN PEW & BENCH LLC proposed to create and maintain at least 21 new primary jobs in the Lockhart area to work at the proposed facility; and

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

WHEREAS, the LEDC posted a Public Hearing held October 2, 2006 during which the proposed project was discussed. If **AMERICAN PEW & BENCH LLC** chooses to purchase property in the Lockhart Industrial Park II and to build a facility for the management and production for furniture manufacturing in the minimum amount of 20,000 square feet of building(s) on the property, increasing value to the City's tax rolls and sales tax revenues, to create and maintain an average of at least 21 new full-time jobs in the Lockhart area to work at the proposed facility that the LEDC would have provided funding and economic incentives up to \$75,000 to American Pew 1) toward the cost of the building permit and impact fees for the Facility and to grant inducements to hire and retain a minimum 21 full-time employees 2) to rebate \$9895.75 (the amount of the Building Permit for the Facility) to American Pew upon completion of the construction of the building and receipt of Certificate of Occupancy 3) rebate the remainder of the project funds or \$65,104.25, to American Pew in four payments, subject to the employment and construction requirements 4) the second rebate of \$16,276.06 shall be paid upon proof that the first 7 of the pledged 21 full-time jobs had been filled and maintained for the remainder of the 30-month term of the project 5) the third, fourth and fifth and final payments were to be paid upon proof of creation and maintenance of each additional seven employees until the maximum of 21 positions had been hired and retained for the balance of the 30 month term or 12 months, whichever was longer subject to approval by the Lockhart City Council; and

WHEREAS, based on the results of the open meeting the LEDC approved the **AMERICAN PEW & BENCH LLC** project for presentation to the Lockhart City Council for approval; and

WHEREAS, the LEDC proposed the project for approval at a regular meeting of the City Council of the City of Lockhart held on the 6TH day of November, 2006 in an amount up to \$75,000.00 of 4B funds be approved for the project and to be used for assistance to promote or develop the new or expanded business enterprise that creates or retains primary jobs; and

WHEREAS, following the required two readings of Resolution 2006-26 as required by Section 4B (a) (3), as added by Texas House Bill 2928, 79th Legislature, Regular Session (2005) effective date September 1, 2005) the Lockhart City Council declared **AMERICAN PEW & BENCH LLC** as a project under Section 4B of the Economic Development Corporation Act of 1979, as amended, for funding up to an amount of \$75,000.00 for project development, construction, or maintenance and operating services that create or retain primary jobs that are required or suitable for the development, retention or expansion of manufacturing and industrial facilities as allowed by the 4B law; and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises.

WHEREAS, **AMERICAN PEW & BENCH LLC** notified the City of Lockhart in January 2014 that while the company was still committed to expanding into the City of Lockhart there has been a downturn in the National economy that resulted in a negative impact on furniture sales, the company restructured their business focus to accommodate for this state-wide economic impact, downsized from the 20,000 square foot facility and restructured their business plans for the Lockhart location; and;

WHEREAS, the requirement of job creation for the third, fourth and fifth rebates were never met and **AMERICAN PEW & BENCH LLC** did not request the job creation inducement, and

WHEREAS, **AMERICAN PEW & BENCH LLC** moved its operations out of the City of Lockhart and no longer own or lease any facility.

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

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

SECTION 2. The City Council of the City of Lockhart, Texas rescinds Resolution No. 2006-26 in its entirety approving of the Project under Section 4B of the Texas Economic Development Corporation Act of 1979, and any and all remaining payments up to a total of \$75,000 awarded for project development and the creation of primary jobs by **AMERICAN PEW & BENCH LLC** at Lockhart Industrial Park II.

PASSED AND ADOPTED at a regular meeting of the City of Lockhart held on this 7th day of June, 2016.

CITY OF LOCKHART

Lew White, Mayor

APPROVED AS TO FORM:

ATTEST:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2016-05**

A RESOLUTION OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION (LEDC) RESCINDING APPROVAL OF AMERICAN PEW & BENCH LLC AS A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AMENDED, AND FUNDING IN AN AMOUNT NOT TO EXCEED \$75,000 FOR PROJECT DEVELOPMENT, CONSTRUCTION, MAINTENANCE OR OPERATING SERVICES SUITABLE FOR THE DEVELOPMENT, RETENTION OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES AS ALLOWED BY THE 4B LAW AND THAT MAY INCLUDE EXPENDITURES REQUIRED OR SUITABLE FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.

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

WHEREAS, AMERICAN PEW & BENCH LLC wished to purchase 3.022 acres in Lockhart Industrial Park II from the City of Lockhart on which to build a 20,000 square foot building for furniture manufacturing within the city limits of Lockhart; and

WHEREAS, the location of the proposed **AMERICAN PEW & BENCH LLC** facility in Lockhart is proposed to create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, the Lockhart Economic Development Corporation (LEDC) worked cooperatively with the City of Lockhart to locate **AMERICAN PEW & BENCH LLC** in the Lockhart Industrial Park II and proposed a project under Section 4B of the Economic Development Corporation Act of 1979, as amended, for funding up to \$75,000.00 to American Pew toward the costs of the building permit and impact fees for the Facility and to grant inducements to hire and retain a minimum of 21 full-time employees; and

WHEREAS, AMERICAN PEW & BENCH LLC proposed to create and maintain at least 21 new primary jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC determined that the proposed **AMERICAN PEW & BENCH LLC (a)** met the criteria under Section 4B of the Texas Economic Development Corporation Act of 1979; (b) serves as a public purpose by contributing to the development, retention, or expansion of manufacturing and industrial facilities, including expenditures required or suitable for

infrastructure necessary to promote primary jobs within the City, County and State; and (c) was approved and funded pursuant to the Act; and

WHEREAS, the LEDC published and posted a Public Hearing to be held October 2, 2006 during which the proposed project was discussed. If **AMERICAN PEW & BENCH LLC** chooses to purchase property in the Lockhart Industrial Park II and to build a facility for the management and production for furniture manufacturing in the minimum amount of 20,000 square feet of building(s) on the property, increasing value to the City's tax rolls and sales tax revenues, to create and maintain an average of at least 21 new full-time jobs in the Lockhart area to work at the proposed facility that the LEDC will provide funding and economic incentives up to \$75,000 to American Pew 1) toward the cost of the building permit and impact fees for the Facility and to grant inducements to hire and retain a minimum 21 full-time employees 2) to rebate \$9895.75 (the amount of the Building Permit for the Facility) to American Pew upon completion of the construction of the building and receipt of Certificate of Occupancy 3) rebate the remainder of the project funds or \$65,104.25, to American Pew in four payments, subject to the employment and construction requirements 4) the second rebate of \$16,276.06 shall be paid upon proof that the first 7 of the pledged 21 full-time jobs had been filled and maintained for the remainder of the 30-month term of the project 5) the third, fourth and fifth and final payments were to be paid upon proof of creation and maintenance of each additional seven employees until the maximum of 21 positions had been hired and retained for the balance of the 30 month term or 12 months, whichever was longer subject to approval by the Lockhart City Council; and

WHEREAS, based on the results of the open meeting the LEDC approved the **AMERICAN PEW & BENCH LLC** project for presentation to the Lockhart City Council for approval; and

WHEREAS, the LEDC proposed the project for approval at a regular meeting of the City Council of the City of Lockhart held on the 6TH day of November, 2006 in an amount up to \$75,000.00 of 4B funds be approved for the project and to be used for assistance to promote or develop the new or expanded business enterprise that creates or retains primary jobs; and

WHEREAS, following the required two readings of Resolution 2006-26 as required by Section 4B (a) (3), as added by Texas House Bill 2928, 79th Legislature, Regular Session (2005) effective date September 1, 2005) the Lockhart city Council declared **AMERICAN PEW & BENCH LLC** as a project under Section 4B of the Economic Development Corporation Act of 1979, as amended, for funding up to an amount of \$75,000.00 for project development, construction, or maintenance and operating services that create or retain primary jobs that are required or suitable for the development, retention or expansion of manufacturing and industrial facilities as allowed by the 4B law; and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises.

WHEREAS, **AMERICAN PEW & BENCH LLC** notified the City of Lockhart in January 2014 that while the company was still committed to expanding into the City of Lockhart there has been a downturn in the National economy that resulted in a negative impact on furniture sales, the company restructured their business focus to accommodate for this state-wide economic impact, downsized from the 20,000 square foot facility and restructured their business plans for the Lockhart location; and;

WHEREAS, the requirement of job creation for the third, fourth and fifth rebates were never met and **AMERICAN PEW & BENCH LLC** did not request the job creation inducement, and

WHEREAS, **AMERICAN PEW & BENCH LLC** moved operation out of the City of Lockhart and no longer own or lease any facility.

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

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

SECTION 2. The Lockhart Economic Development Corporation rescinds approval of the Project under Section 4B of the Texas Economic Development Corporation Act of 1979, and any and all remaining payments up to a total of \$75,000 awarded for project development and the creation of primary jobs by **AMERICAN PEW & BENCH LLC** at Lockhart Industrial Park II.

PASSED AND ADOPTED at a regular meeting of the Lockhart Economic Development Corporation held on this 6th day of June, 2016.

LOCKHART ECONOMIC DEVELOPMENT CORP.

Fermin T. Islas, Chairperson

Vance Rodgers, President

ATTEST:

Sandra F. Mauldin, Secretary

HISTORY

RESOLUTION NO. 06-26

A RESOLUTION APPROVING AMERICAN PEW, LLC AS A PROJECT UNDER SECTION 4B OF THE ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING UP TO \$75,000.00 FOR PROJECT DEVELOPMENT, CONSTRUCTION, MAINTENANCE OR OPERATING SERVICES THAT CREATE OR RETAIN PRIMARY JOBS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES AS ALLOWED BY THE 4B LAW AND THAT MAY INCLUDE EXPENDITURES REQUIRED OR SUITABLE FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.

BE IT RESOLVED by the City Council of the City of Lockhart as follows:

SECTION 1.

The Lockhart City Council has reviewed and hereby approves American Pew, LLC as a project under Section 4B of the Economic Development Corporation Act of 1979, as amended, for funding up to \$75,000.00 for project development, construction, maintenance, or operating services that create or retain primary jobs that are identified to be suitable for the development, retention, or expansion of a manufacturing and industrial facility; and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises.

SECTION 2.

The Lockhart Economic Development Corporation Board of Directors unanimously approved a Motion by Board of Director Colleen Rowland and seconded by Director Ray Sanders in a recent meeting of Lockhart Economic Development Corporation Board of Directors dated 2006 proposing to declare American Pew, LLC a 4B Economic Development project and proposing to award up to \$75,000.00 towards costs of the project.

SECTION 3.

The Board of Directors encouraged citizen input by publishing a public notice in a local newspaper dated September 28, 2006 announcing a public hearing set for Monday, October 2, 2006 at City Hall, 308 W. San Antonio Street at 6:00 p.m. The Directors held a public hearing describing the proposed project, setting out the maximum award, and discussing the particulars of the project. There were no comments in opposition to the project during the public hearing.

HISTORY

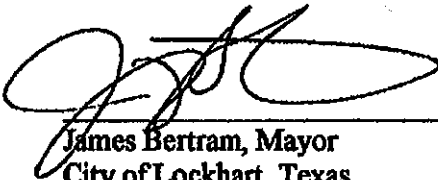
SECTION 4.

Based on the results of the Public Hearing the following motion was made by Board of Director Colleen Rowland, seconded by Director Ray Sanders and unanimously approved by the Board to declare American Pew, LLC a project under the 4B law and to present the project to the Lockhart City Council for funding up to an amount of \$75,000 for project development, construction, maintenance, or operating services that create or retain primary jobs that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities as allowed by the 4B law; and that may include expenditures required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises.

SECTION 5.

The Lockhart City Council has reviewed and hereby approves the process of proposing and presenting American Pew, LLC as a 4B project by the Lockhart Economic Development Corporation.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lockhart, Texas, following the required two readings, held on this 6th day of November, 2006.



James Bertram, Mayor
City of Lockhart, Texas

ATTEST:



Connie Ortiz, City Secretary
City of Lockhart, Texas

I. FIRST READING AND DISCUSSION OF RESOLUTION 06-26 APPROVING AMERICAN PEW, LLC AS A PROJECT UNDER SECTION 4B OF THE ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING UP TO \$75,000.00 FOR PROJECT DEVELOPMENT, CONSTRUCTION, MAINTENANCE OR OPERATING SERVICES THAT CREATE OR RETAIN PRIMARY JOBS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES AS ALLOWED BY THE 4B LAW AND THAT MAY INCLUDE EXPENDITURES REQUIRED OR SUITABLE FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.

Ms. Mauldin stated that American Pew was planning to locate to Lockhart and that they were interested in building a 20,000 square foot manufacturing warehouse/office facility. They proposed to create 15-50 jobs in the first five years. The Lockhart Economic Development Corporation has proposed participating in the project up to \$75,000 to be used to negotiate inducements toward the success of the project and to the best benefit of the City.

Ms. Maudlin read Resolution 06-26 in its entirety, which constituted the first reading.

There was discussion about the proposed project.

J. DISCUSS IDENTIFYING A PRICE PER ACRE PROPOSED TO BE BELOW AN INDEPENDENT APPRAISAL VALUE FOR LOT 4, BLOCK 1, OF LOCKHART INDUSTRIAL PARK II BASED ON THE LOCATION AND OTHER ADVERSE IMPACTS UPON THE PROPERTY.

Ms. Mauldin stated that CTA, PLLC was interested in building a 10,000 square foot facility in Lockhart and proposed to create approximately five to eight jobs. They plan to purchase Lot 4, Block 1 of Lockhart Industrial Park II, but because of the 70-foot easement that impacts some 36 percent of the property and the inability to build under the transmission line, they would be forced to purchase adjoining property. In addition, the appraised property located along MLK, Jr. Industrial Blvd. which is curbed and guttered, but the property along FM 1322 is not. Ms. Mauldin stated that staff was changing their recommendation to request that staff be authorized to hire an independent appraiser and to sell the property as indicated by the appraiser.

There was discussion about the appraisal of the property.

Mr. Rodgers requested approval to sell the adjacent property at the same price as that was in the same situation as the subject property.

K. CONSIDER PARTICIPATION/SPONSORSHIP IN THE GREATER CALDWELL COUNTY HISPANIC CHAMBER OF COMMERCE QUARTERLY MEETING AND THE ECONOMIC FORUM OF THE TEXAS ASSOCIATION OF MEXICAN-AMERICAN CHAMBERS OF COMMERCE (TAMACC) TO BE HELD IN LOCKHART ON NOVEMBER 16-18, 2006.

Rudy Ruiz of the Caldwell County Hispanic Chamber of Commerce (CCHCC) requested that the City sponsor the Greater Caldwell County Hispanic Chamber of Commerce quarterly meeting and Economic Forum of TAMACC. The original sponsorship request was for the amount of \$2,500 but due to increased sponsorship from other entities, the request was decreased to \$1,500.

HISTORY

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

The consent agenda items that were approved are as follows:

- 5A: Approve City Council minutes for October 17, 2006.
- 5B: Approve Ordinance 06-39 amending Chapter 58, Article II, Division 2, Electric Rates Computation, reducing electric rates.
- 5C: Approve Ordinance 06-40 authorizing the issuance of "CITY OF LOCKHART, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2006A", specifying the terms and features of said certificates; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues from the operation of the City's combined utility system; and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said Certificates, including the approval and execution of a Paying Agent/Registrar Agreement; and providing an effective date.
- 5D: Approve a lease with IKON to lease a copier for the Public Safety building.
- 5E: Approve Interlocal Agreement with Caldwell County for placement of a hospitality sign on county property and authorizing Mayor to sign the agreement.

ITEM 5-F. AWARD BID FOR THE FISCAL YEAR 2006-2007 STREET OVERLAY PAVING PROJECTS, PHASE 1, TO WESTHILL PAVING, INC., OF SAN MARCOS, TEXAS, IN THE AMOUNT OF \$178,178.60.

Councilmember White stated that he pulled this item from the consent agenda to allow it to be considered after the Ordinance authorizing the Certificates of Obligation.

Councilmember White made a motion to award the bid for fiscal year 2006-2007 Street Overlay Paving Projects, Phase I, to Westhill Paving, Inc. of San Marcos, Texas, in the amount of \$178,178.60. Councilmember Wieland seconded. The motion carried by a vote of 7-0.

ITEM 6-A. SECOND READING AND CONSIDERATION OF RESOLUTION 06-26 APPROVING AMERICAN PEW, LLC AS A PROJECT UNDER SECTION 4B OF THE ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING UP TO \$75,000.00 FOR PROJECT DEVELOPMENT, CONSTRUCTION, MAINTENANCE OR OPERATING SERVICES THAT CREATE OR RETAIN PRIMARY JOBS THAT ARE REQUIRED OR SUITABLE FOR THE DEVELOPMENT, RETENTION, OR EXPANSION OF MANUFACTURING AND INDUSTRIAL FACILITIES AS ALLOWED BY THE 4B LAW AND THAT MAY INCLUDE EXPENDITURES REQUIRED OR SUITABLE FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.

Ms. Mauldin conducted the second reading of Resolution 06-26 in its entirety.

Mayor Pro-Tem Estrada made a motion to approve Resolution 06-26, as presented. Councilmember Roland seconded. The motion carried by a vote of 7-0.



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: June 7, 2016					
Department: Economic Development Department				Initials	Date
Department Head: Sandra F. Mauldin		Asst. City Manager			
Dept. Signature: <i>By Vance Rodgers</i>		City Manager		<i>[Signature]</i>	<i>6-2-2016</i>
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER					
CAPTION					
Resolution No. 2016-10 a resolution of the City Council of the City of Lockhart, Texas, Rescinding in its entirety Resolution No. 2014-13 funding a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, amended, that proposed funding of the Pure Castings Company project in an amount not to exceed \$464,966.43 including the cost of land and improvements, infrastructure improvements, development and impact fees, and/or building permit fees that are required or suitable for the development, retention, or expansion of manufacturing and industrial facilities to promote or develop new or expanded business enterprises, and to create and maintain an average of at least 75 new primary jobs during the initial five year period.					
FINANCIAL SUMMARY					
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED					
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	TOTALS	
Budget				\$0.00	
Budget Amendment Amount				\$0.00	
Encumbered/Expended Amount				\$0.00	
This Item				\$0.00	
BALANCE	\$0.00	\$0.00	\$0.00	\$0.00	
FUND(S):					
SUMMARY OF ITEM					
On December 8, 2014 Pure Castings Co. was approved as a Type A Project under 4B. The project included purchase of 9.20 acres of land in Lockhart Industrial Park II to build a 40,000SF facility for the management and production of precision castings in ferrous and non-ferrous materials and to create and maintain 75 new primary jobs during the initial five year period, for extension of natural gas infrastructure to the property, development fees and impact fees to the City of Lockhart, for a total project value not to exceed \$464,966.43. The decline in the oil industry initiated a change in business plan for Pure Castings. The company continues its expansion into Lockhart under new plans. We chose to completely rescind the previous project and to move forward with two new Type A projects that were approved in the previous Council meeting of May 17, 2016.					
STAFF RECOMMENDATION					
Approval					
List of Supporting Documents: LEDC Res. No. 2016-02 City Council Res. No. 2016-10 Resolution No. 2014-13 City Council Minutes of December 16,2014			Other Departments, Boards, Commissions or Agencies: City Manager, Finance Department LEDC		

RESOLUTION NO. 2016-10

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

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

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

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

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

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

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

WHEREAS, the City Council proposed a Type 4A project in an amount not to exceed \$464,966.43 to include the cost of land in Lockhart Industrial Park II and infrastructure

improvements, development and impact fees on the construction of improvements, and/or building permit fees with **PURE CASTINGS COMPANY**; and

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

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

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

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

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

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

SECTION 2. That the Lockhart City Council rescinds Resolution No. 2014-13 proposing a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, for assistance up to \$464,966.43 for project development and the creation of primary jobs by PURE CASTINGS COMPANY at Lockhart Industrial Park II.

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

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2016-02

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. The facts and findings described in the preamble of its resolution are as follows:

SECTION 2. The Lockhart Economic Development Corporation rescinds in its entirety Resolution No. 2014-05 proposing a Type A Project under Section 4B of the Texas Economic Development Corporation Act of 1979, for assistance up to \$464,966.43 for project development and the creation of primary jobs by **PURE CASTINGS COMPANY** at Lockhart Industrial Park II.

SECTION 3. The real property and LEDC funds described above will continue to be used to induce job creation and investment in Lockhart.

PASSED AND ADOPTED at a regular meeting of the Lockhart Economic Development Corporation held on this 6th day of June, 2016.

Lockhart Economic Development Corp.

Fermin T. Islas, Chairperson

Vance Rodgers, President

ATTEST:

Sandra F. Mauldin, Secretary

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

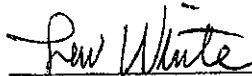
SECTION 2. The PURE CASTINGS COMPANY project is HEREBY APPROVED as follows:

A) The LEDC shall propose to work with PURE CASTINGS COMPANY under the conditions set out as follows:

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

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

CITY OF LOCKHART



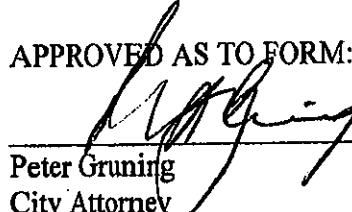
Lew White, Mayor

ATTEST:

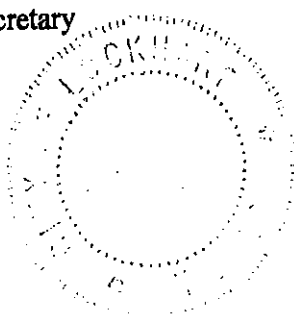


Connie Constancio, TRMC
City Secretary

APPROVED AS TO FORM:



Peter Gruning
City Attorney



HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REGULAR MEETING

ITEM 1. CALL TO ORDER.

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

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

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

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

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

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY <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: June 7, 2016			
Department: City Manager		Initials	Date
Department Head: Yance Rodgers	Asst. City Manager		
Dept. Signature: <i>[Signature]</i>	City Manager	<i>[Signature]</i>	5-30-2016
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action regarding the current restrictions applicable to flagpole heights, sizes of flags, and possible direction to staff regarding an amended ordinance.			
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			
Mayor requested this item be placed on the next agenda after a consensus of Council approved. History regarding this issue is attached.			
STAFF RECOMMENDATION			
None			
List of Supporting Documents: Current Ordinance. History.		Other Departments, Boards, Commissions or Agencies:	

Section 46-10 Signs-Type Standards

(g) *Banner Signs.*

(3) One or more banner signs, not including sail banners or light pole banners, are allowed per street frontage provided that the total square footage of all banner signs does not exceed 48 square feet per street frontage of each business or agency occupancy. **Flags** that display a business logo, name, or other message related specifically to a business are considered a banner sign with respect to this limit.

(i) **Flags and flag poles.**

(1) A **flag** consists of a non-rigid material attached on one edge to a staff or other structure, with or without a cord, such that it can wave in the wind. Official **flags** of the city, county, state, or federal government, Armed Forces, or local school district or nonprofit agency, not exceeding 24 square feet per side are allowed in the AO, RLD, RMD, and MH zoning districts, and such **flags** not exceeding 48 square feet per side are allowed in all other zoning districts. **Flags** that display a business logo, name or other message related specifically to a business are regulated as banner signs with respect to the maximum total sign area allowed per street frontage as provided for banner signs in subsection (g)(3) of this section.

(2) There shall be no more than three **flag** poles per lot or parcel, except on the premises of a city, county, state or federal facility, where there is no limit. In the AO, RLD, RMD and MH zoning districts, the maximum pole height is 20 feet and the minimum pole setback from any property line is five feet. In all other districts the maximum pole height is 30 feet and the minimum pole setback from any property line is ten feet. A permit is required for each freestanding **flag** pole.

20' + 30 SUP

BACKGROUND INFORMATION FOR FLAG STANDARDS AMENDMENT DISCUSSION

Current Standard

1. In the spring of 2015 the City Council appointed a committee consisting of seven representatives of the local business community to review and consider changes to the standards of Chapter 46 "Signs" of the Lockhart Code of Ordinances pertaining to pennants, streamers, flags, balloons, banners, and strings of lights. The committee met with staff throughout the summer to review our current standards, research how other cities regulate such signs, and recommend amending our sign ordinance where appropriate.
2. On September 1, 2015, the City Council passed Ordinance 2015-20 adopting comprehensive amendments addressing those types of signage. Included was Section 46-10(i), which contains the standards for flags and flag poles.
 - The size of flags is regulated by the zoning district where located, and are defined as being official flags of the city, county, state, or federal government, armed forces, or local school district or non-profit agency. Such flags in the nonresidential districts are limited to a maximum of 48 square feet per side. Flags that display a business logo, name, or other message related specifically to a business are regulated as banner signs in terms of the amount of signage allowed.
 - A maximum of three flag poles is allowed per lot or parcel, and the height of flag poles is regulated by the zoning district where located. In the nonresidential districts, flag poles are limited to a maximum of 30 feet in height. Flag poles are allowed up to 30 feet in height by-right, even though free-standing signs over 20 feet and up to 30 feet high (except for property abutting SH 130 where flag poles may be up to 40 feet high) require approval of a specific use permit by the Planning and Zoning Commission. Therefore, flag poles are already regulated less strictly than freestanding signs allowed in the same locations.
3. Ordinance 2015-20 was the latest of 22 amendments to the sign ordinance starting in 1997. It is perhaps the most amended chapter of the code other than the zoning ordinance.

Subsequent Actions

1. At the City Council meeting of April 5, 2016, there was an agenda item to discuss a letter from Ms. Mary Burrier who was requesting that the sign ordinance be amended with regard to the regulation of pennants and streamers, which her business sells to other businesses. The new standards adopted in Ordinance 2015-20 allow them only for grand openings or re-openings of businesses, and for a maximum of 30 days per calendar year. She wanted the standard to be changed so that her products could be used more often by her customers. The Council declined to proceed with the requested amendment to the sign ordinance, explaining that it was too soon to make changes again after the sign ordinance was just amended in accordance with a comprehensive review and unanimous recommendation by the committee that met during the summer of 2015.
2. On May 2, 2016, the Zoning Board of Adjustment, whose authority includes variances to Chapter 46 "Signs", considered a request by the owner of a used car business located at 215 North Colorado Street for a variance to allow a 50-foot tall flag pole, which would be a 20-foot deviation from the 30-foot maximum allowed for flag poles in the commercial zoning districts. All variances are subject to six criteria, and if the Board finds that a requested variance fails to meet any one or more of the criteria they must deny the variance. Approval of a variance requires a $\frac{3}{4}$ majority, or a minimum of six votes out of seven possible.
3. After considering all evidence presented, including photographs taken by staff from various vantage points and comparisons with the measured heights of features on the Livengood Feeds structures across the street, and rather vehement opposition expressed by a citizen who spoke in the public hearing, the Board determined that the variance failed to meet at least two, and possibly three, of the criteria, and voted unanimously to deny it. Considerations included that: **a)** a flag pole taller than 30 feet was not necessary to identify the used car lot to oncoming traffic, including over the Colorado Street overpass; **b)** because only patriotic flags are allowed, the flag would not in any way actually advertise the business; **c)** a large flag on a pole 50 feet tall in that location would visually compete with the downtown skyline and courthouse building; **d)** the Livengood Feeds structure, with a portion over 50 feet tall, is not relevant justification for the variance because it has an established historical significance that is unique to Lockhart; and, **e)** approval of the variance would set a precedent that would allow any other business on a similarly zoned property to justify one or more flag poles 50 feet tall. The flags to be displayed on the pole were viewed simply as a patriotic decoration that could easily be seen at any height by motorists passing by. The applicant's permanent free-standing signs, which do identify the business, are approximately 20 feet tall and can be seen from the crest of the Colorado Street overpass 1,000 feet away which, at the posted speed limit gives drivers plenty of time to slow down and enter the business if they wish to.



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: June 7, 2016				
Department: Economic Development Department			Initials	Date
Department Head: Sandra F. Mauldin		Asst. City Manager		
Dept. Signature: <i>by Vance Rodgers</i>		City Manager <i>(Signature)</i>		
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input type="checkbox"/> OTHER				
CAPTION <i>2nd Reading</i>				
RESOLUTION NO. 2016-12 A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FUNDING HILL COUNTRY FOODWORKS, LLC IN AN AMOUNT NOT TO EXCEED \$95,000 INCLUDING BUILDING AND LAND LOCATED AT 215 E. MLK, JR. INDUSTRIAL BLVD. AND THAT CERTAIN 1.806 ACRES ADJACENT TO THE EAST BOTH OF WHICH ARE DESCRIBED AS LOTS 4A AND 4B, OF THE AMENDING PLAT FOR THE RESUBDIVISION OF LOT 4, BLOCK I, AND LOTS 6, 7 AND 15, BLOCK 2, OF THE AMENDING PLAT FOR THE RESUBDIVISION PLAT OF LOCKHART INDUSTRIAL PARK II, REVISION NO. 2, IMPROVEMENTS, AND PROFESSIONAL SERVICES.				
SUMMARY OF ITEM				
This Type A project for Hill Country Foodworks LLC is for the building at 215 E. MLK, Jr. Industrial Blvd and that certain 1.806 acres of land adjacent to the east property line and proposes the sale of land, purchase of the building, and professional services in an amount not to exceed \$95,000; for the creation of 25 primary jobs identified as Full Time Equivalent employees, for the development, retention, or expansion of a manufacturing and industrial facility necessary to promote or develop a new or expanded business enterprise.				
STAFF RECOMMENDATION				
Staff respectfully recommends approval				
List of Supporting Documents: LEDC Res. No. 2016-06 RES. NO. 2016-12		Other Departments, Boards, Commissions or Agencies: City Manager, Finance Department, Lockhart Economic Development Corporation		

RESOLUTION NO. 2016-12

A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS APPROVING A TYPE A PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FUNDING HILL COUNTRY FOODWORKS, LLC IN AN AMOUNT NOT TO EXCEED \$95,000 INCLUDING BUILDING AND LAND LOCATED AT 215 E. MLK, JR. INDUSTRIAL BLVD. AND THAT CERTAIN 1.806 ACRES ADJACENT TO THE EAST BOTH OF WHICH ARE DESCRIBED AS LOTS 4A AND 4B, OF THE AMENDING PLAT FOR THE RESUBDIVISION OF LOT 4, BLOCK I, AND LOTS 6, 7 AND 15, BLOCK 2, OF THE AMENDING PLAT FOR THE RESUBDIVISION PLAT OF LOCKHART INDUSTRIAL PARK II, REVISION NO. 2, IMPROVEMENTS, AND PROFESSIONAL SERVICES.

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

WHEREAS, **HILL COUNTRY FOODWORKS, LLC** provides food processing services, and related services and products; and

WHEREAS, **HILL COUNTRY FOODWORKS, LLC** desires to locate a manufacturing facility for the management, development and/or production of its food processing and related services and products within the city limits of Lockhart; and

WHEREAS, the location of the proposed **HILL COUNTRY FOODWORKS, LLC** facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, **HILL COUNTRY FOODWORKS, LLC** proposes to create at least 25 new Full Time Equivalent jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed **HILL COUNTRY FOODWORKS, LLC** facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 6,900 square feet at 215 E. MLK, Jr. Industrial Blvd became available in the Lockhart Industrial Park II, and

WHEREAS, the Lockhart Economic Development Corporation proposes to sell to **HILL COUNTRY FOODWORKS, LLC** that certain building located at 215 E MLK, JR Industrial

Blvd. at a purchase price of \$380,000 and that certain 1.806 acres of land at a purchase price of \$75,000, both of which are described in the caption of this resolution, shall use additional project funds of up to \$30,000 to help pay, and/or reimburse **HILL COUNTRY FOODWORKS, LLC**, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$65,000 to employ a minimum of 25 Full Time Equivalent ("FTE") employees, for a total project value not to exceed \$95,000.

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

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

SECTION 2. The **HILL COUNTRY FOODWORKS LLC** project is HEREBY APPROVED as follows:

A) the LEDC shall propose to work with **HILL COUNTRY FOODWORKS, LLC** under the conditions set out as follows:

1) If **HILL COUNTRY FOODWORKS, LLC** chooses to purchase that certain building located 215 E MLK, JR Industrial Blvd. at a purchase price of \$380,000 and that certain 1.806 acres of land at a purchase price of \$75,000, both of which are located in the Lockhart Industrial Park II, shall use additional project funds of up to \$30,000 to help pay, and/or reimburse **HILL COUNTRY FOODWORKS, LLC**, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$65,000 to employ a minimum of 25 Full Time Equivalent ("FTE") employees, for a total project value not to exceed \$95,000 for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart city Council held on this 7th day of June, 2016.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney

**LOCKHART ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2016-06**

A RESOLUTION OF LOCKHART ECONOMIC DEVELOPMENT CORPORATION APPROVING A 4A TYPE PROJECT UNDER SECTION 4B OF THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED, FOR FUNDING OF HILL COUNTRY FOODWORKS, LLC IN AN AMOUNT NOT TO EXCEED \$95,000 INCLUDING BUILDING AND LAND LOCATED AT 215 E. MLK, JR. INDUSTRIAL BLVD. AND THAT CERTAIN 1.806 ACRES OF LAND TO THE EAST BOTH OF WHICH ARE DESCRIBED AS LOTS 4A AND 4B, OF THE AMENDING PLAT FOR THE RESUBDIVISION OF LOT 4, BLOCK I, AND LOTS 6, 7 AND 15, BLOCK 2, OF THE AMENDING PLAT FOR THE RESUBDIVISION PLAT OF LOCKHART INDUSTRIAL PARK II, REVISION NO. 2, IMPROVEMENTS, AND PROFESSIONAL SERVICES.

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

WHEREAS, HILL COUNTRY FOODWORKS, LLC provides food processing services, and related services and products; and

WHEREAS, HILL COUNTRY FOODWORKS, LLC desires to locate a manufacturing facility for the management, development and/or production of its food processing and related services and products within the city limits of Lockhart; and

WHEREAS, the location of the proposed HILL COUNTRY FOODWORKS, LLC facility in Lockhart will create primary jobs and expand economic growth and opportunities in the City, the surrounding area, and the State; and

WHEREAS, HILL COUNTRY FOODWORKS, LLC proposes to create at least 25 new Full Time Equivalent jobs in the Lockhart area to work at the proposed facility; and

WHEREAS, the LEDC has determined that the proposed HILL COUNTRY FOODWORKS, LLC facility meets the criteria for a project pursuant to the Act; and

WHEREAS, an existing metal building owned by Lockhart Economic Development Corporation with a footprint of approximately 6,900 square feet at 215 E. MLK, Jr. Industrial Blvd that became available in the Lockhart Industrial Park II, and

WHEREAS, the Lockhart Economic Development Corporation proposes to sell to **HILL COUNTRY FOODWORKS, LLC** that certain building located at 215 E MLK, JR Industrial Blvd. at a purchase price of \$380,000 and that certain 1.806 acres of land to the east at a purchase price of \$75,000 both of which are described as Lots 4A and 4B, and further described in caption of this resolution, shall use additional project funds of up to \$30,000 to help pay, and/or reimburse **HILL COUNTRY FOODWORKS, LLC**, for costs of improvements to the Properties and/or equipment, and shall use additional funds of up to \$65,000 to employ a minimum of 25 Full Time Equivalent (“FTE”) employees, for a total project value not to exceed \$95,000.

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

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

SECTION 2. That Lockhart Economic Development Corporation proposes the project to the City Council of the City of Lockhart for approval of the sale of land, building, building improvements, and professional services in an amount not to exceed \$95,000; for the creation 25 primary jobs; for the development, retention, or expansion of a manufacturing and industrial facility which may include expenditures required or suitable for infrastructure necessary to promote or develop a new or expanded business enterprise.

PASSED AND ADOPTED at a regular meeting of the Lockhart Economic Development Corporation held on this 6th day of June, 2016.

Lockhart Economic Development Corp.

ATTEST:

Fermin T. Islas, Chairperson

Sandra Mauldin, Secretary

Vance Rodgers, President



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: June 7, 2016				
Department: Economic Development Department			Initials	Date
Department Head: Sandra F. Mauldin		Asst. City Manager		
Dept. Signature: <i>[Signature]</i>		City Manager <i>[Signature]</i> <i>6-1-2016</i>		
Agenda Item Coordinator/Contact (include phone #): Sandra F. Mauldin Cell: 512-376-0856				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER				
CAPTION				
Discussion and/or action regarding Chapter 380 Rebate of City Property Tax to Hill Country Foodworks LLC on their new facility located in the City of Lockhart at 215 E. MLK, Jr. Ind. Blvd and that certain 1.806 acres adjacent to the east both of which are described as Lots 4A and 4B, of the amending plat for Resubdivision of Lot 4, Block I, and Lots 6, 7 and 15, Block 2, of the Amending Plat for the Resubdivison Plat Lockhart Industrial Park II, Revision No. 2., proposed to be offered to the company for locating their facility in Lockhart and creating 25 primary jobs to stimulate business and commercial activity in the City, and to appoint the Mayor to sign all contracts for the Council.				
FINANCIAL SUMMARY				
<input type="checkbox"/> N/A <input type="checkbox"/> GRANT FUNDS <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP <input type="checkbox"/> BUDGETED <input type="checkbox"/> NON-BUDGETED				
FISCAL YEAR:	PRIOR YEAR (CIP ONLY)	CURRENT YEAR	FUTURE YEARS	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				
By locating the Hill Country Foodworks, LLC in the City of Lockhart, the Company will create new jobs, generate new sales tax revenues, and add improvements to real property and personal property and inventory subject to ad valorem tax assessment. Providing an economic development program to the Company pursuant to Texas Local Government Code, Chapter 380 as an incentive to locate its Central Texas operations in the City of Lockhart will serve a public purpose by promoting local economic development and stimulating business and commercial activity in the City.				
STAFF RECOMMENDATION				
Approval of the Chapter 380 agreement with Hill Country Foodworks, LLC located at 215 E. MLK, Jr. Industrial Blvd.				
List of Supporting Documents: Chapter 380 Agreement on 215 E. MLK, Jr. Ind. Blvd. Resolution 2016-12 LEDC Resolution 2016-06		Other Departments, Boards, Commissions or Agencies: Lockhart Economic Development Corporation City Manager and Finance Department		

STATE OF TEXAS

COUNTY OF CALDWELL

)
)
)

CITY OF LOCKHART

CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

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

PART 1. RECITALS

Section 1.01. Company produces food products. .

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

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

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

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

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

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

ARTICLE II DEFINITIONS

Section 2.01. “Business” means the business activities of Company conducted in the City of Lockhart, Texas on the Land (as defined below) to include and related to the manufacturing and distribution of food products.

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

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

Section 2.04. “Land” means the real property within the city limits of the City of Lockhart, Texas upon which the Project shall be constructed and operated, commonly known as 215 E. MLK, JR. Industrial Blvd., and the adjacent lot to the east, Lockhart, Caldwell County, Texas.

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

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

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

Section 2.08. "Real Property Improvements" means improvements, expansions, and added manufacturing equipment to the existing building located at 215 E. MLK, JR. Industrial Blvd which is on Lot 4 A and any improvements added to adjacent Lot 4 B., of the amending plat for the Resubdivision of Lot 4, Block 1, and Lots 6, 7 and 15, Block 2, of the Amending Plat for the Resubdivision Plat Lockhart Industrial Park II, Revision No. 2.

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

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

ARTICLE III COMPANY'S OBLIGATIONS

Section 3.01. Job Creation. Company shall create 25 Jobs in the first year of operation of the Business and keep an average of 25 such Jobs filled each year during the Term. Should

company fail to maintain the average of 25 jobs in any one year, the tax rebate shall be reduced by the same equivalent ratio.

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

(b) Minimum Job Requirements. All Jobs must be full-time equivalent positions with an average annual salary for all Jobs at a minimum of **\$30,000** .

Section 3.02. Addition of Real Property Improvements. Company shall complete the construction of the Real Property Improvements, including expansions, and add the required manufacturing equipment within 36 months of the effective date of this Agreement. Completion of the Real Property Improvements shall be evidenced by presentation of associated improvement costs to the CITY.

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

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

ARTICLE IV GRANT PAYMENTS FROM THE CITY

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

Section 4.02. Three-Year Payment Period. Provided Company has timely completed construction of the Real Property Improvements and created and maintained at least the number of Jobs required by this Agreement each year, the CITY shall make Grant Payments to Company once per year for a period of three (3) years.

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

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

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

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

ARTICLE V REPRESENTATIONS AND WARRANTIES OF COMPANY

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

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

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

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

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

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

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

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

Section 6.02. Limitations on CITY Obligations. The Grant Payments made and any other financial obligation of the CITY hereunder shall be paid solely from lawfully available funds that have been budgeted and appropriated each year during the Term by the CITY as provided in this Agreement. Under no circumstances shall the CITY's obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. Consequently, notwithstanding any other provision of this Agreement, the CITY shall have no obligation or liability to pay any Grant Payments or other payments unless the CITY budgets and appropriates funds to make such payments during the CITY's fiscal year in which such Grant Payment(s) or other payments are payable under this Agreement. If the CITY fails to appropriate funds for a Grant Payment, Company may at its option terminate this Agreement effective upon written notice to the CITY as provided herein.

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

ARTICLE VII INFORMATION

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

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

(a) the total number of Jobs created in Lockhart in the preceding calendar year and cumulatively since the Effective Date, together with the annual average salary for each such Job at \$30,000; and

(b) a statement that it is in full compliance with its obligations under this Agreement or, if not in full compliance, a statement disclosing the nature of any noncompliance and any reasons therefore. After receiving a timely submitted certified statement, the CITY shall have 60 calendar days to notify Company in writing of any questions that the CITY may have concerning any of the information provided by Company, and Company shall diligently work in good faith to respond to such questions to the CITY's reasonable satisfaction within 10 business days of receiving such questions.

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

ARTICLE VIII DEFAULT, TERMINATION AND REMEDIES

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

Term in which Company is in compliance; however, any Grant Payments withheld by the CITY for any years during which Company is not in compliance shall be deemed forfeited by Company and the CITY shall not be liable for payment of such Grant Payments.

Section 8.02. Notice of Default. At any time during the Term of this Agreement that Company is not in compliance with its obligations under this Agreement other than its obligations to create Jobs, the CITY may send Company notice of such non-compliance. If such non-compliance is not cured within 60 days after Company's receipt of such notice or, if non-compliance is not reasonably susceptible to cure within 60 days as determined by the CITY, a cure is not begun within such 60-day period and thereafter continuously and diligently pursued to completion (in either event, a "Cure"), then the CITY may, at its option, terminate this Agreement or withhold Grant Payments until such Cure occurs. Except as provided under section 8.01, upon a Cure by Company, the Grant Payments shall automatically and immediately resume except any Grant Payments withheld by the CITY for any years during which Company is not in compliance shall be deemed forfeited by Company and the CITY shall not be liable for payment of such Grant Payments. Except as to circumstances arising from an Event of *force majeure*, the Term shall not be extended as a result of any Cure period under this section.

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

contractual or otherwise, as granted by the Texas Constitution or applicable laws of the State of Texas.

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

Section 8.05. Force Majeure. *Force majeure* means an event beyond the reasonable control of a Party obligated to perform an act or take some action under this Agreement including, but not limited to, acts of God, earthquake, fire, explosion, war, civil insurrection, acts of public enemy, act of civil or military authority, sabotage, terrorism, floods, lightning, hurricanes, tornadoes, severe snow storms or utility disruption, strikes, lockouts, major equipment failure or the failure of any major supplier to perform its obligations.

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

ARTICLE IX MISCELLANEOUS

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

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

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

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

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

Company: Hill Country Foodworks
337 Millennium Drive
Unit 9 A
Neiderwald, Texas 78640

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

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

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

Section 9.07. Severability. In the event any provision of this Agreement is illegal, invalid, or unenforceability under the applicable present of future laws, then, and in that event, it is the intention of the Parties that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable a provision be added to this Agreement which is legal, valid and enforceability and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

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

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

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

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

CITY OF LOCKHART, TEXAS

By: _____
Lew White, Mayor

Date: _____

ATTEST:

By: _____
Connie Constancio, City Secretary

Date: _____

HILL COUNTRY FOODWORKS

By: _____
Kyle Green
President

Date: _____

EXHIBIT "A"

Staff recommends a three year tax rebate of new property taxes on improvements, expansions, and equipment at the location at 100% for Year 1, 50% for Year 2, and 40% for Year 3, based on the Company locating, constructing and operating a manufacturing and distribution center in the City of Lockhart, and creating 25 new full-time equivalent jobs at the center in the first year and maintaining an average of 25 such jobs each year for the term of the Agreement with an average wage of \$30,000 annually.

<u>City Ad Valorem Taxes</u>	<u>Tax Rebate</u>	<u>Jobs Created/Retained</u>
Year 1	100%	25 created
Year 2	80%	25 average retained
Year 3	60%	25 average retained

Should company fail to maintain the average of 25 jobs in any one year, the tax rebate shall be reduced by the same equivalent ratio. For example, if in any one year, the average number of jobs is 10, the rebate will be reduced by 60% ($15/25=60\%$).

Tax rebates can only be considered for new buildings constructed, improvements to the existing building and/or equipment added for manufacturing. The tax rebate will be available during the three year period beginning on January 1, 2017.

LIST OF BOARD/COMMISSION VACANCIES

Updated: May 19, 2016

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

APPLICATIONS RECEIVED TO BE ON A BOARD/COMMISSION

APPLICANT	BOARD REQUESTED	DATE RECEIVED	RESIDENCE DISTRICT
Ron Faulstich	Historical Preservation Commission	December 31, 2015	District 3
Paul Buckner	Parks & Recreation Advisory Board	April 1, 2016	District 2
Chris Schexnayder	Parks & Recreation Advisory Board	May 19, 2016	District 3

New Application Attached

CITY OF LOCKHART

ADVISORY BOARD/COMMISSION QUESTIONNAIRE/APPLICATION

NAME: Chris Schexnayder E-mail: cschexy@gmail.com

ADDRESS: 1004 W. Live Oak ST. HOME#: _____

WORK#: 512-476-8875

OCCUPATION: CONSULTANT CELL# 512-970-0844

EDUCATION (optional): Bachelors of Science, UTSA

How long have you been a resident of Lockhart? Sep 2012

Are you a qualified voter of the City? Yes No _____ VOTER REG. #: _____

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: President of Westroads

NEIGHBORHOOD ASSOCIATION, SECRETARY

ADDITIONAL PERTINENT INFORMATION/REFERENCES: _____

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARDS, COMMISSIONS, OR COMMITTEES:

(Please limit your selection to no more than three. List in order of preference: 1,2,3)

- Airport Advisory Board
- Board of Adjustments & Appeals
- Charter Review Commission
- Construction Board of Appeals
- Economic Development Revolving Loan
- Economic Development Corp (1/2 Cent Sales Tax)
- Electric Board
- Historic Preservation Commission
- Library Advisory Board
- Parks and Recreation Advisory Bd.
- Planning & Zoning Commission

Do you serve on any other board/commission/committee at this time? If so, please list: NO

Do you have any relative working for the City of Lockhart? Yes _____ No

Do you receive any direct compensation or gain from the City of Lockhart? Yes _____ No

Do you receive any direct compensation or gain from any other governmental body? Yes No If yes, what type? _____

[Signature]
(Signature of Applicant)

5-19-16
(Date)

Return application to:
City of Lockhart, City Secretary's Office
PO Box 239
Lockhart, TX 78644
cconstancio@lockhart-tx.org

RECEIVED

MAY 19 2016

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

<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>

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

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

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

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

COUNCILMEMBER BOARD/COMMISSION APPOINTMENTS

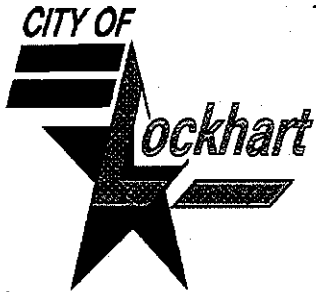
<p>At-Large - Brad Westmoreland</p>	<p>Airport Board Board of Adjustment Construction Board (Alternate) Eco Dev. Revolving Loan Eco Dev. Corp. ½ Cent Sales Tax Historical Preservation Library Board Parks and Recreation Planning & Zoning</p>	<p>Jayson "Tex" Cordova Severo Castillo Gary Shafter Edward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



**City of Lockhart 2016 Board of Adjustment
Attendance for a 12-Month Period**

	Chair Cline	Vice-Chair Clark	Annas	Castillo	Reeder	Rangel	Irwin Alternate	Smith Alternate
Meeting Date:								
January 4, 2016 - No Meeting								
February 1, 2016 - No Meeting								
March 7, 2016	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	
April 11, 2016	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>
May 2, 2016	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Present</i>
June 6, 2016								

Number of meetings:	3	3	3	3	3	3	3	2
Present:	3	3	3	3	3	1	3	2
Excused/Unexcused	0	0	0	0	0	0	0	0
% Absent:	100%	100%	100%	100%	100%	33%	100%	100%

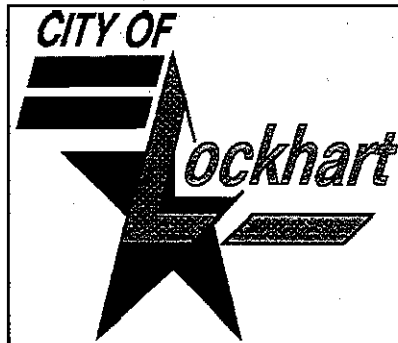


CITY OF LOCKHART							
CONSTRUCTION BOARD OF APPEALS							
BOARD ATTENDANCE REPORT - 2016							
APPOINTING COUNCIL MEMBER							
Member Title:	JERRY WEST (6/17/08) VICE CHAIR	RALPH GERALD	RICK WINNETT, JR.	WALTER STEPHENS (5/06/08)	GARY SHAFER (08/18/15)	AARON SNIDER 09/07/2011	ISRAEL ZAPIEN (01/17/12)
	County Resident			County Resident Alternate	Alternate		
Meeting Date:	Lairson						
January-16	NO MTG	NO MTG	Resigned	NO MTG	NO MTG	NO MTG	NO MTG
February-16	NO MTG	NO MTG	12/22/2015	NO MTG	NO MTG	NO MTG	NO MTG
March-16	P	P	N/A	A	P	A	A
April-16	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
May-16	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG	NO MTG
June-16							
July-16							
August-16							
September-16							
October-16							
November-16							
December-16							
Total # Meetings:	1	1	0	1	1	1	1
Present:	1	1	0	0	1	0	0
Absent:	0	0	0	1	0	1	1
Absenteeism %:	0%	0%	0%	100%	0%	100%	100%
LEGEND:	PRESENT:			P	UNEXCUSED ABSENCE:		U
	EXCUSED ABSENCE:			E	NO MEETING HELD:		NO MTG
COMMENTS:							



CITY OF LOCKHART
LOCKHART ECONOMIC DEVELOPMENT CORPORATION
ATTENDANCE REPORT - 2016
APPOINTING COUNCIL MEMBER

Meeting Date:	ANGIE GONZALES-SANCHEZ	BRAD WESTMORELAND	BENNY HILBURN	JUAN MENDOZA	JOHN CASTILLO	MAYOR WHITE	Jeffry Michelson
	Bernie Rangel Appt - July 2015	Frank Estrada Appt - Dec. 2015	Ken Doran Appt - Dec. 2013	Dyral Thomas Appt - Apr. 2011	Fermin Islas Appt - Jan. 2011	Alan Fielder Appt - Jan. 2012	Morris Alexander Appt - Jan. 2012
January 4, 2016	P	P	P	P	P	P	P
February - No Meeting							
March - No Meeting							
April 4, 2016	P	P	P	P	P	P	P
May 16, 2016	P	P	A	P	A	P	P
LEGEND:	PRESENT:		P	UNEXCUSED ABSENCE:			U
	EXCUSED ABSENCE:		A	NO MEETING HELD:			No Meeting
				APPOINTMENT MODIFICATION:			
COMMENTS:							



CITY OF LOCKHART
ELECTRIC BOARD OF REVIEW
BOARD ATTENDANCE REPORT - 2016
 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-16	no mtg	no mtg	no mtg	no mtg	no mtg
February-16	no mtg	no mtg	no mtg	no mtg	no mtg
March-16	no mtg	no mtg	no mtg	no mtg	no mtg
April-16	no mtg	no mtg	no mtg	no mtg	no mtg
May-16	no mtg	no mtg	no mtg	no mtg	no mtg
June-16					
July-16					
August-16					
September-16					
October-16					
November-16					
December-16					
Total # Meetings:	0	0	0	0	0
Present:	0	0	0	0	0
Absent:	0	0	0	0	0
Absenteeism %:	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
LEGEND:	PRESENT:	P			
	ABSENCE:	A	NO MEETING HELD:		no mtg
COMMENTS:					



**City of Lockhart 2016 -LHPC
Attendance for a 12-Month Period**

	CORPUS	LAIRSEN	ALVAREZ	MENDEZ	REAGAN	GAHAN	McCORMICK
Meeting Date:				Chair	Vice-Chair		
January-16	A	P	P	P	A	A	P
February-16	P	P	A	A	A	A	P
March-16	A	P	A	A	A	A	P
April-16	no mtg	no mtg	no mtg	no mtg	no mtg	no mtg	no mtg
May-16	A	P	P	A	P	A	P
June-16							
July-16							
August-16							
September-16							
October-16							
November-16							
December-16							
Number of meetings:	4	4	4	4	4	4	4
Present:	1	4	2	1	1	0	4
Absent:	3	0	2	3	3	4	0
% Absent:	75%	0%	50%	75%	75%	100%	0%



**CITY OF LOCKHART
PARKS & RECREATION ADVISORY BOARD**

APPOINTING COUNCIL MEMBER

	ANGIE SANCHEZ	BRAD WESTMORELA ND	BENNY HILBURN	JUAN MENDOZA	JOHN CASTILLO	LEW WHITE	Jeffry Michelson	ALTERNATE (Mayor Pro-Tem)
	Jeff Johnson (12/17/13)	Frankie Estrada (12/17/13)/ Denise Placke	Warren Burnett (12/04/12)	Linda Thompson- Bennett (12/07/04)	James Torres (12/18/07)	Albert Villalpando (09/05/06)	Linda Barron (11/14/13)/ Russell Wheeler	Rob Ortiz (05/06/08)
Meeting Date:								
January 28, 2016			P	P	P	P	P	
February 25, 2016		P	P	P	P	P	E	
March 31, 2016		E	P	P	E	P	P	
April 28, 2016	No Meeting							
May 26, 2016		P	P	P	E	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
REVOLVING LOAN FUND COMMITTEE
ATTENDANCE REPORT - 2016**

APPOINTING COUNCIL MEMBER

	ANGIE GONZALES-SANCHEZ	BRAD WESTMORELAND	BENNY HILBURN	JUAN MENDOZA, JR.	JOHN CASTILLO	MAYOR WHITE	JEFFRY MICHELSON
Meeting Date:	Irene Yanez	Ed Strayer	Mayor Lew White - Chairperson	Ryan Lozano	Rudy Ruiz	W. R. Cline	Mary Beth Nickel
Tuesday, January 19, 2016	P	A	P	A	A	P	P
February - No Meeting					Philip Wales resigned		
March - No Meeting							
April - No Meeting							
May - No Meeting					Rudy Ruiz appointed		
LEGEND:	PRESENT:		P	UNEXCUSED ABSENCE:		U	
	EXCUSED ABSENCE:		E	NO MEETING HELD:			
COMMENTS:							
Total Meetings:							
% Present:							
% Excused:							
% Unexcused:							
Absenteeism %:							



Work Session Item # _____

Reg. Mtg. Item # _____

**CITY OF LOCKHART
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY	Reviewed by Finance	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Dates: June 7, 2016			
Department: City Manager		Initials	Date
Department Head: Vance Rodgers	Asst. City Manager		
Dept. Signature: <i>[Signature]</i>	City Manager	<i>[Signature]</i>	5-20-2016
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action after executive session regarding needed right of way and drainage easement for reconstruction of East Walnut Street west of Carver Street and granting approval to the City Manager to negotiate under specified terms for obtaining the right of way and drainage easement in the interest of a public purpose			
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			
Right of way and a drainage easement are needed for the reconstruction of East Walnut Street. City Manager seeks Council's approval to obtain the right of way and drainage easement under terms discussed in executive session in the interest of a public purpose.			
STAFF RECOMMENDATION			
City Manager respectfully requests approval			
List of Supporting Documents: None.	Other Departments, Boards, Commissions or Agencies:		



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: June 7, 2016			
Department: City Manager		Initials	Date
Department Head: Vance Rodgers	Asst. City Manager		
Dept. Signature: <i>Vance Rodgers</i>	City Manager	<i>[Signature]</i>	5-30-2016
Agenda Item Coordinator/Contact (include phone #): Vance Rodgers			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> CONSENSUS <input checked="" type="checkbox"/> OTHER			
CAPTION			
Discussion and/or action after executive session regarding utility easements needed north and south of the railroad right of way east and west of SH 130 and granting approval to the City Manager to negotiate under specified terms the obtaining of the easements as discussed in executive session in the interest of a public purpose			
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			
Utilities easements are needed from several property owners north and south of Union Pacific Railroad right of way east and west of SH 130 for the purpose of installing utility lines at a later date. City Manager seeks Council's approvals to obtain the easements under the terms discussed in executive session in the interest of a public purpose.			
STAFF RECOMMENDATION			
City Manager respectfully requests approval.			
List of Supporting Documents: None	Other Departments, Boards, Commissions or Agencies:		

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