

PUBLIC NOTICE
AGENDA
LOCKHART CITY COUNCIL
June 7, 2022

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

6:30 P.M. WORK SESSION (No Action)

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

DISCUSSION ONLY

- A. Presentation by Non-Profit Organizations requesting funding of an annual contribution from the City of Lockhart for Fiscal Year 2022-2023. 6-56
- B. Discuss Ordinance No. 2022-21 authorizing the issuance of City of Lockhart, Texas Limited Tax Note, Series 2022; approval of an official statement and a paying agent/registrar agreement; prescribing the form of the note; levying an ad valorem tax to pay the note; awarding the sale thereof; and enacting other provisions relating thereto. 57-86
- C. Discuss bid from Countywide Builders in the amount of \$93,750.00 to construct an exterior 1,800 square foot building to the adjoining building at 214 Bufkin Lane, Lockhart, Texas, and appointing the City Manager to sign all contractual documents. 87-93
- D. Discuss City Council minutes of the May 17, 2022 meeting. 94-99
- E. Discuss postponing until July 5, 2022 applications ZC-22-08 and PDD-22-01 by James Travis Krause on behalf of Patton 3, LLC, for a **Zoning Change** from *RLD Residential Low Density District* to *PDD Planned Development District*, including a **PDD Development Plan** for *Lockhart Place Townhomes Planned Development*, on 19.798 acres in the Frances Berry Survey, Abstract No. 2, located at 903 State Park Road (FM 20). 100-108
- F. Discuss postponing until July 19, 2022, application ZC-22-12 by Jim Meredith on behalf of Robert A. Schmidt for a **Zoning Change** from *CHB Commercial Heavy Business District* to *RHD Residential High Density District* on 14.57 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 101 East China Street. *Tabled 4-19-22.* 109-119

- G. Discuss postponing until July 19, 2022, application ZC-22-06 by Curtis Thigpen of Paravel Capital for a **Zoning Change** from *RMD Residential Medium Density District* to *RHD Residential High Density District* on 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1900 North Cesar Chavez Parkway Northbound (SH 130). *Tabled 3-15-22* 120-131
- H. Discuss postponing until July 19, 2022, application ZC-22-09 by Chris Bancroft on behalf of Alma Ewald for a **Zoning Change** from 23.064 acres *AO Agricultural--Open Space District* to 18.535 acres *RHD Residential High Density District* and 4.529 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1650 North Colorado Street (US 183). *Tabled 4-5-22* 132-144
- I. Discuss postponing until July 19, 2022, application ZC-22-10 by Chris Bancroft on behalf of Ernest Ewald, Jr., for a **Zoning Change** from 15.906 acres *AO Agricultural--Open Space District* to 12.262 acres *RHD Residential High Density District* and 3.644 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1724 North Colorado Street (US 183). *Tabled 4-5-22* 145-157
- J. Discuss Resolution 2022-26 approving the purchase of body-worn cameras for the Lockhart Police Department using Governor grant funds and authorizing the City Manager to execute the necessary documents on behalf of the city. 158-167
- K. Discuss Ordinance 2022-22 regarding amendment of Section 50-3 of Chapter 50 of the Lockhart Code of Ordinances to establish maintenance responsibilities for public sidewalks and cost sharing programs for sidewalk reconstruction or repairs. 168-172
- L. Discuss Resolution 2022-25 authorizing the City Manager to enter into a Local Transportation Project Advance Funding Agreement (AFA) with TxDOT for bridge replacement or rehabilitation Off the State System for the North Blanco Street Bridge over Town Branch Creek. 173-176
- M. Discussion regarding matters related to COVID-19. 177-198

7:30 P.M. REGULAR MEETING

1. CALL TO ORDER

Mayor Lew White

2. INVOCATION, PLEDGE OF ALLEGIANCE

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

3. **PUBLIC COMMENT**

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

4. **PUBLIC HEARING/COUNCIL ACTION**

- A. Hold a PUBLIC HEARING on applications ZC-22-11 and PD-22-02 by Jim Meredith on behalf of Masonwood Development Corporation, and discussion and/or action to consider Ordinance 2022-22 for a **Zoning Change** from *PDD Planned Development District* to *PDD Planned Development District*, including a **Revised PDD Development Plan** for *Kelly Villas Planned Development*, on 16.31 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1712 West San Antonio Street (SH 142). 199-216
- B. Hold a PUBLIC HEARING on application ZC-22-16 by Daniel Loe, owner of 203 North Commerce Street, and a request by Daniel Loe on behalf of Mireya Vera, Edgar Llamas, Jiovanna Llamas, Robert and Maria Reyna, owners of 115, 117, and 119 East Walnut Street, and discussion and/or action to consider Ordinance 2022-23 for a **Zoning Change** from *CMB Commercial Medium Business District* to *CCB Commercial Central Business District* on a total of 0.246 acre consisting of part of Lots 5 and 6, Block 27, Original Town of Lockhart. 217-235

5. **CONSENT AGENDA**

- A. Award bid to Countywide Builders in the amount of \$93,750.00 to construct an exterior 1,800 square foot building to the adjoining building at 214 Bufkin Lane, Lockhart, Texas, and appointing the City Manager to sign all contractual documents. 236-242
- B. Approve City Council minutes of the May 17, 2022 meeting. 243-248
- C. Postpone until July 5, 2022 applications ZC-22-08 and PDD-22-01 by James Travis Krause on behalf of Patton 3, LLC, for a **Zoning Change** from *RLD Residential Low Density District* to *PDD Planned Development District*, including a **PDD Development Plan** for *Lockhart Place Townhomes Planned Development*, on 19.798 acres in the Frances Berry Survey, Abstract No. 2, located at 903 State Park Road (FM 20). 249-257

- D. Postpone until July 19, 2022, application ZC-22-12 by Jim Meredith on behalf of Robert A. Schmidt for a **Zoning Change** from *CHB Commercial Heavy Business District* to *RHD Residential High Density District* on 14.57 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 101 East China Street. *Tabled 4-19-22. 258-268*
- E. Postpone until July 19, 2022, application ZC-22-06 by Curtis Thigpen of Paravel Capital for a **Zoning Change** from *RMD Residential Medium Density District* to *RHD Residential High Density District* on 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1900 North Cesar Chavez Parkway Northbound (SH 130). *Tabled 3-15-22 269-280*
- F. Postpone until July 19, 2022, application ZC-22-09 by Chris Bancroft on behalf of Alma Ewald for a **Zoning Change** from 23.064 acres *AO Agricultural--Open Space District* to 18.535 acres *RHD Residential High Density District* and 4.529 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1650 North Colorado Street (US 183). *Tabled 4-5-22 281-293*
- G. Postpone until July 19, 2022, application ZC-22-10 by Chris Bancroft on behalf of Ernest Ewald, Jr., for a **Zoning Change** from 15.906 acres *AO Agricultural--Open Space District* to 12.262 acres *RHD Residential High Density District* and 3.644 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1724 North Colorado Street (US 183). *Tabled 4-5-22 294-306*

6. DISCUSSION/ACTION ITEMS

- A. Presentation by Non-Profit Organizations requesting funding and consider allocations of an annual contribution from the City of Lockhart for Fiscal Year 2022-2023. *307-357*
- B. Consideration and action with respect to Ordinance No. 2022-21 authorizing the issuance of City of Lockhart, Texas Limited Tax Note, Series 2022; approval of an official statement and a paying agent/registrar agreement; prescribing the form of the note; levying an ad valorem tax to pay the note; awarding the sale thereof; and enacting other provisions relating thereto. *358-387*
- C. Discussion and/or action to consider Resolution 2022-26 approving the purchase of body-worn cameras for the Lockhart Police Department using Governor grant funds and authorizing the City Manager to execute the necessary documents on behalf of the city. *388-397*
- D. Discussion and/or action to consider Ordinance 2022-22 regarding amendment of Section 50-3 of Chapter 50 of the Lockhart Code of Ordinances to establish maintenance responsibilities for public sidewalks and cost sharing programs for sidewalk reconstruction or repairs. *398-402*

- E. Discussion and/or action to consider Resolution 2022-25 authorizing the City Manager to enter into a Local Transportation Project Advance Funding Agreement (AFA) with TxDOT for bridge replacement or rehabilitation Off the State System for the North Blanco Street Bridge over Town Branch Creek. 403-406
- F. Discussion regarding matters related to COVID-19. 407-428

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

- Central Texas Refuse trash service change goes into effect the week of June 13th.
- June 18th - Movie in the Park, *Encanto*.
- City pool and Splash pad will be closed June 6-13 during Chisholm Trail Roundup events.
- Free swim day on June 18th in observance of the Juneteenth weekend.
- Caldwell County COVID-19 Community Level: Medium.
- Summer Teen Center Recreation Program starts June 6.
- New ambulance status.

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

9. **ADJOURNMENT**

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

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 3rd day of June, 2022 at 2:50 p.m.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Presentation by Non-Profit Organizations requesting funding of an annual contribution from the City of Lockhart for Fiscal Year 2022-2023.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: On April 28, 2022, non-profit organizations that offer services to the City of Lockhart residents were contacted about the upcoming Fiscal Year 2022-23 request for funding.

Each organization was asked to provide the following information:

- Mission and benefit statement.
- Current financial statements.
- Uses of prior City contribution.
- FY 2022-23 request and how those funds are to be spent.

A presentation to the City Council is requested prior to funding determination.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number: 100-5101-700-00

Funds Available: \$36,400

Account Name: Non-Profit Expense

FISCAL NOTE (if applicable): The current funds available are budgeted funds carried over from FY 2021-22.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff request a consensus from City Council on funding for Fiscal Year 2022-23.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: 22-23 Contribution History, Presentations for Council

City of Lockhart
Historical Summary of Contributions to Special Interest Organizations

	FY 19-20	FY 20-21	FY 21-22	2022-23 Request	FY 22-23 Council Allocation	If Council Adds 3% to FY 21-22	If Council Adds 5% to FY 21-22	If Council Adds 10% to FY 21-22
CARTS	6,287.00	6,915.70	7,261.49	6,000.00		7,479.33	7,624.56	7,987.64
Hays-Caldwell Women's Center	4,417.00	4,858.70	5,101.64	7,400.00		5,254.69	5,356.72	5,611.80
Cenikor Foundation	2,548.00	2,802.80	2,942.94	2,000.00		3,031.23	3,090.09	3,237.23
Combined Community Action-Sr. Nutrition	6,910.00	7,601.00	7,981.05	8,000.00		8,220.48	8,380.10	8,779.16
Lockhart Area Senior Citizen Center	3,751.00	4,126.10	4,332.41	4,332.00		4,462.38	4,549.03	4,765.65
CASA of Central Texas, Inc.	3,794.00	4,173.40	4,382.07	12,000.00		4,513.53	4,601.17	4,820.28
Caldwell County Christian Ministries	3,794.00	4,173.40	4,382.07	10,000.00		4,513.53	4,601.17	4,820.28
Totals	\$ 31,501.00	\$ 34,651.10	\$ 36,383.67	\$ 49,732.00	\$ -	\$ 37,475.18	\$ 38,202.85	\$ 40,022.04

\$ -

CARTS

Lyle Nelson

\$6,000.00



May 20, 2022

Mayor Lew White
City of Lockhart
308 W. San Antonio St.
Lockhart TX 78644

Dear Mayor White:

THE CARTS DISTRICT
5300 Tucker Hill Ln
Cedar Creek, TX 78612

PO Box 6050
Austin, TX 78762

512/481 1011
f 512/478 1110

RideCARTS.com

Regional transportation for the
non-urbanized areas of Bastrop,
Blanco, Burnet, Caldwell,
Fayette, Hays, Lee, Travis and
Williamson counties.

The Capital Area Rural Transportation System (CARTS) formally submits this letter as a request for \$6,000.00 to be included in the city budget for the upcoming fiscal year. These funds will be used to support transportation services in the City of Lockhart. CARTS, with your continued support, will continue its mission to provide safe, reliable transportation in its nine-county district.

A CARTS representative will address the city council during the budget process scheduled for next month.

On behalf of CARTS, and the people we serve in your city, thanks for the past assistance and for your consideration of this request. We look forward to presenting at the budget hearings and we can provide additional information about our services prior to that time.

Please feel free to contact me at (512) 505-5678 or Dave@RideCARTS.com.

Sincerely,

David L. Marsh
General Manager

cc: Commissioner Barbara Shelton
cc: Mr. Steve Lewis - City Manager
cc: Ms. Pam Larison, Finance Director

Hays-Caldwell County Women's Center

Holly Cunningham-
Kizer

\$7,400.00

FY 2022-2023 Request for Financial Support-City of Lockhart Hays-Caldwell Women's Center HCWC

Mission

The purpose of the Hays-Caldwell Women's Center is to create an environment where violence and abuse are not tolerated in the communities we serve. The Center will provide education, violence prevention services, and crisis intervention to victims of family violence, dating violence, sexual assault, and child abuse. We will seek the support and resources necessary to achieve this mission.

Benefit to the City of Lockhart of HCWC Services in FY 2021:

- ***A total of 148 Lockhart residents*** received shelter, counseling, legal advocacy and other face-to-face services to help them with issues of family violence, sexual assault, or child abuse. ***This year-to-date (October 1, 2021-April 30, 2022), we have served 101 Lockhart residents.***
- HCWC has maintained on-site, face-to-face services in our Lockhart office for many years. Currently, the Lockhart office is staffed 4 days a week with additional times are available by appointment.
- HCWC coordinates and facilitates the Caldwell County Family Violence Task Force and participates in awareness events.
- In October of 2021, HCWC held our 3rd Annual Purse Bingo at the Luling Civic Center as a fundraiser and Caldwell County community outreach event. The event sold out and raised over \$43,000. Each year we have had the support of the Lockhart Police Department, Luling Police Department and the Caldwell County Sheriff's Office to promote the event and act as our Purse Models.
- Roxanne's House (HCWC's Children's Advocacy Center) provided services to 64 children and 36 protective caregivers in FY2020. HCWC continued to coordinate The Caldwell County Multi-Disciplinary Team for the investigation and prosecution of child abuse cases comprised of the following agencies:
 - Lockhart Police Department
 - Luling Police Department
 - Martindale Police Department
 - Caldwell County Sheriff's Department
 - Caldwell County District Attorney's Office
 - Court Appointed Special Advocates (CASA)
 - Texas Department of Family & Protective Services (CPS)

Services Provided by HCWC.

During the year ending September 30, 2021, HCWC provided face-to-face services to 2,055 (**148 Lockhart residents**) unduplicated victims of family violence, sexual assault and child abuse. ***Please note that 19 Lockhart residents were victims of more than one type of abuse.***

HCWC provides the following services free-of-charge to victims of domestic violence, dating violence, sexual assault & abuse, and child abuse:

- 24-hour HELpline answered by trained advocates
- Emergency shelter for women, men and their children who are victims of family violence and are facing homelessness as result of fleeing a life-threatening situation
- Legal advocacy
- Counseling and support groups
- Special programs and therapy for children who have witnessed violence in the home
- Assist victims in securing resources (e.g. Texas Crime Victims Compensation fund)
- Accompaniment to medical providers, law enforcement and legal proceedings
- Act as a liaison with appropriate agencies on behalf of clients
- Provide information and referral services
- 24-hour Hospital Emergency Advocate Response Team (HEARTeam)
- Accompaniment to medical providers, law enforcement and legal proceedings
- Liaison with appropriate agencies and coordination of Sexual Assault Task Force, Caldwell County Family Violence Task Force, and the Multi-Disciplinary Team.
- Case management, trial preparation, video recorded forensic interviews

FY 2022-2023 Requested Amount & Plan for Funds

Fiscal Year 2022-2023

Request to the City of Lockhart..... \$7,400

Funds will be utilized to help cover the rent of \$1,000/MO for the Lockhart office and to assist with the costs incurred with providing services to Lockhart victims including counseling and advocacy and providing shelter to displaced victims of domestic/sexual violence in the McCoy Family Shelter and providing Forensic Interviews to victims of child abuse from Lockhart. The requested amount from the City of Lockhart represents approximately \$50 per client. We have based our request on providing services to 148 victims from Lockhart last year.

HCWC received \$5,102.00 from the City of Lockhart in FY 2022 and those funds were used to help cover the cost for rent on the Lockhart office.

Hays Caldwell Womens Center
Statement of Financial Position
As of 3/31/2022

	<u>Current Year</u>
Current Assets	
Cash in Bank	1,178,078.92
Cash in Bank-Frost Money Market	0.00
Cash in Bank-Payroll	563.40
Cash in Bank-Pioneer Checking	3,726.95
Cash in Bank-Pioneer Bank	582,257.63
Petty Cash	300.00
Receivables	398,708.08
Total Current Assets	<u>2,163,634.98</u>
Fixed Assets	
Equipment & Fixtures	379,041.55
Capital Improvements	271,140.80
Vehicles	64,309.87
Building	3,528,659.66
Construction in Progress	3,137,882.04
Accumulated Depreciation	<u>(2,465,956.70)</u>
Total Fixed Assets	<u>4,915,077.22</u>
Other Assets	
Capital Campaign Pledges	0.00
Inventory- Donations Center	32,993.72
Prepays	16,993.86
Refundable Deposits	<u>0.00</u>
Total Other Assets	<u>49,987.58</u>
Total Assets	<u><u>7,128,699.78</u></u>
Current Liabilities	
Accounts Payable	0.00
Accrued Vacation	97,259.00
Transitional Housing- Retainage Payable	153,916.90
Transitional Housing- Employee Contributions Payable	450.24
Simple IRA Payable	0.00
Employee Fringe Payable	(2,889.61)
FICA Payable	(206.67)
Health Savings Accounts Payable	215.73
Medicare Payable	(150.29)
Misc. Reimbursable Expenses	(1,683.30)
Withholding Payable	(101.26)
SUTA Payable	<u>13,177.07</u>
Total Current Liabilities	<u>259,987.81</u>
Long-Term Liabilities	
Loan at Bank- PPP	<u>0.00</u>
Total Long-Term Liabilities	<u>0.00</u>
Total Liabilities	<u><u>259,987.81</u></u>
Fund Balances	
Beginning Fund Balance	0.00
Net Assets	7,902,414.18
Current Increase/(Decrease)	<u>(1,033,702.21)</u>
Total Fund Balances	<u>6,868,711.97</u>
Total Liabilities & Fund Balances	<u><u>7,128,699.78</u></u>

Hays Caldwell Womens Center
Statement of Revenues and Expenditures - Statement of Revenues and Expenditures- With TH
From 3/1/2022 Through 3/31/2022

	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>YTD Budget \$ - Original</u>	<u>YTD Budg Variance</u>
SUPPORT & REVENUES				
Government Grants				
EFSP	0.00	10,500.00	0.00	10,500.00
HHSC	27,820.50	139,102.50	166,923.00	(27,820.50)
HHSC CAC	20,860.75	99,075.68	120,639.60	(21,563.92)
HHSC CAC Mental Health	0.00	0.00	48,750.00	(48,750.00)
HHSC EIF	0.00	0.00	0.00	0.00
HHSC PFAF	0.00	0.00	42,376.62	(42,376.62)
HHSC Supplemental	1,342.09	6,710.45	7,381.50	(671.05)
OAG - Block	3,688.97	13,059.77	0.00	13,059.77
OAG - Federal	9,016.64	43,575.41	83,333.38	(39,757.97)
OAG - State	14,803.82	68,397.87	86,103.48	(17,705.61)
OVAG	3,689.72	18,240.32	22,500.00	(4,259.68)
VOCA	95,048.07	476,225.60	656,092.98	(179,867.38)
VOCA CAC	30,609.92	144,456.63	175,746.48	(31,289.85)
Total Government Grants	206,890.48	1,019,344.23	1,409,847.04	(390,502.81)
Local Government Support				
City of Buda	1,250.00	3,000.00	2,500.02	499.98
City of Dripping Springs	0.00	0.00	3,600.00	(3,600.00)
City of Lockhart	0.00	5,227.00	2,551.02	2,675.98
City of San Marcos	0.00	28,204.60	55,877.52	(27,672.92)
City of Wimberley	0.00	0.00	1,000.02	(1,000.02)
County of Caldwell	412.00	422.00	499.98	(77.98)
County of Hays	0.00	46,795.57	40,000.02	6,795.55
Total Local Government Support	1,662.00	83,649.17	106,028.58	(22,379.41)
Local Support				
Individuals	11,321.18	152,801.03	137,500.02	15,301.01
Foundations - Other	266.88	112,414.49	11,657.82	100,756.67
Christus Community Impact Fund	0.00	0.00	24,999.99	(24,999.99)
St David's Foundation	0.00	0.00	307,443.96	(307,443.96)
Companies	4,914.14	302,021.33	96,441.00	205,580.33
Organizations	2,085.00	30,898.82	27,499.98	3,398.84
Total Local Support	18,587.20	598,135.67	605,542.77	(7,407.10)
Miscellaneous Revenues				
Insurance Proceeds- Freeze 2021	0.00	2,709.48	0.00	2,709.48
Divorces Caldwell Family Prot Fees	0.00	414.00	0.00	414.00
Divorces Hays Family Prot Fees	0.00	0.00	0.00	0.00
Misc Other - Contract Services	82.97	602.74	0.00	602.74
Restitution Caldwell FV SH Fees	0.00	0.00	0.00	0.00
Restitution Hays FV SH Fees	0.00	0.00	0.00	0.00
Restitution - Other	0.00	0.00	12,499.98	(12,499.98)
Reserve Funds	0.00	0.00	0.00	0.00
Total Miscellaneous Revenues	82.97	3,726.22	12,499.98	(8,773.76)
COVID-19 Response Funding				
PPP Forgiven	0.00	0.00	0.00	0.00
Total COVID-19 Response Funding	0.00	0.00	0.00	0.00
Total SUPPORT & REVENUES	227,222.65	1,704,855.29	2,133,918.37	(429,063.08)
PROGRAM EXPENDITURES				
Personnel				
Salaries & Wages	233,196.53	1,328,352.12	1,513,515.79	185,163.67
Total Personnel	233,196.53	1,328,352.12	1,513,515.79	185,163.67
Fringes				
Health Insurance	20,865.00	119,807.00	156,924.21	37,117.21

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Hays Caldwell Womens Center
Statement of Revenues and Expenditures - Statement of Revenues and Expenditures- With TH
From 3/1/2022 Through 3/31/2022

	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>YTD Budget \$ - Original</u>	<u>YTD Budg Variance</u>
Payroll Taxes	17,068.43	92,851.01	115,951.10	23,100.09
Life Insurance	379.85	2,291.45	2,202.00	(89.45)
Simple IRA	4,496.99	24,739.51	28,332.00	3,592.49
Worker's Comp Insurance	238.66	1,511.96	4,249.98	2,738.02
Unemployment Insurance	598.24	9,046.27	4,587.88	(4,458.39)
Total Fringes	43,647.17	250,247.20	312,247.17	61,999.97
Supplies				
Advocate Training	0.00	86.92	450.00	363.08
Food	185.04	544.38	1,500.00	955.62
Food-Clients	517.28	3,509.72	4,500.00	990.28
Food-Town Teams	0.00	0.00	250.02	250.02
Miscellaneous	0.00	550.43	1,750.02	1,199.59
Office Supplies	896.56	2,985.80	3,174.99	189.19
Program Supplies	404.29	4,859.68	2,478.93	(2,380.75)
Shelter Supplies	670.72	3,538.28	3,400.02	(138.26)
Special Needs	370.61	2,486.10	1,999.98	(486.12)
Total Supplies	3,044.50	18,561.31	19,503.96	942.65
Facility Expenses				
Facility Repairs/Maintenance	7,599.45	10,337.44	7,275.03	(3,062.41)
Garbage	397.63	2,372.43	1,746.24	(626.19)
Janitorial	950.00	5,375.00	3,212.52	(2,162.48)
Insurance - Building	2,357.00	14,142.00	9,791.94	(4,350.06)
Internet	181.41	696.79	1,000.02	303.23
Rent - Lockhart	1,000.00	6,000.00	6,000.00	0.00
Security	179.80	2,365.00	1,324.98	(1,040.02)
Telephone	1,194.69	7,392.55	4,277.22	(3,115.33)
Utilities	5,324.81	25,524.92	20,999.94	(4,524.98)
Total Facility Expenses	19,184.79	74,206.13	55,627.89	(18,578.24)
Contractual				
Contract-Legal (VOCA)	0.00	0.00	24,585.18	24,585.18
Contract-Legal (Subpoena)	0.00	0.00	2,500.02	2,500.02
Contract-MicroCaption	0.00	0.00	1,150.02	1,150.02
Contract-Technology	0.00	9,317.84	10,350.00	1,032.16
Total Contractual	0.00	9,317.84	38,585.22	29,267.38
Capital Expenditures				
Equipment Purchase	1,476.98	5,626.51	3,729.96	(1,896.55)
Total Capital Expenditures	1,476.98	5,626.51	3,729.96	(1,896.55)
Other Insurances				
Bond (crime)	139.00	834.00	834.00	0.00
Cyber-Insurance	580.41	1,599.06	1,222.38	(376.68)
Directors and Officers	320.09	1,399.69	1,295.52	(104.17)
Employee Practices	0.00	0.00	0.00	0.00
Flood	399.84	1,599.36	2,234.52	635.16
General Liability/Employee Benefits	0.00	0.00	0.00	0.00
Inland Marine	115.42	692.52	692.52	0.00
Professional Liability	0.00	0.00	0.00	0.00
Umbrella	162.08	972.48	972.48	0.00
Vehicle	362.67	2,176.02	2,176.02	0.00
Total Other Insurances	2,079.51	9,273.13	9,427.44	154.31
Other Expenditures				
Advertising/Public Relations	0.00	2,439.64	1,249.98	(1,189.66)
Audit	0.00	8,750.00	9,750.00	1,000.00
Bank Charges/Credit Card Fees	1,006.83	2,334.16	1,999.98	(334.18)

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Hays Caldwell Womens Center
Statement of Revenues and Expenditures - Statement of Revenues and Expenditures- With TH
From 3/1/2022 Through 3/31/2022

	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>YTD Budget \$ -Original</u>	<u>YTD Budg Variance</u>
Copier Rental	477.04	3,694.85	2,449.98	(1,244.87)
Fees & Dues	195.74	5,365.96	6,700.02	1,334.06
Fundraising Expenses	0.00	14,222.27	17,500.02	3,277.75
EFSP- Rent	0.00	0.00	0.00	0.00
HHSC EIF- Childcare Assistance	0.00	0.00	0.00	0.00
HHSC EIF- Rent Assistance	13,006.06	38,327.19	36,033.60	(2,293.59)
HHSC EIF- Transportation Assistance	0.00	0.00	0.00	0.00
PayPal and Stripe Charges	242.10	2,288.08	1,750.02	(538.06)
Postage	175.17	1,850.34	831.46	(1,018.86)
Printing	550.52	2,212.43	2,100.00	(112.43)
Staff Development	1,127.40	3,934.88	16,414.47	12,479.59
Staff Meetings	0.00	478.23	1,000.02	521.79
Staff Recruitment	0.00	781.07	700.02	(81.05)
Technology Resources	1,171.46	14,882.69	21,188.00	6,315.31
Travel Expenses	228.50	2,222.23	3,486.21	1,263.98
Vehicle Expense	117.01	510.16	1,000.02	489.86
Reserves	0.00	0.00	0.00	0.00
Total Other Expenditures	<u>18,297.83</u>	<u>104,294.18</u>	<u>124,183.82</u>	<u>19,889.64</u>
Total PROGRAM EXPENDITURES	<u>320,927.31</u>	<u>1,799,878.42</u>	<u>2,076,801.25</u>	<u>276,922.83</u>
INCREASE/DECREASE IN NET ASSETS- Programs	(93,704.66)	(95,023.13)	57,117.12	(152,140.25)
Town Team Revenues	<u>0.00</u>	<u>1,150.00</u>	<u>0.00</u>	<u>1,150.00</u>
Town Team Expenses	<u>294.40</u>	<u>1,737.91</u>	<u>0.00</u>	<u>(1,737.91)</u>
Special Projects Revenues	<u>10,064.00</u>	<u>57,073.94</u>	<u>0.00</u>	<u>57,073.94</u>
Special Projects Expenses	<u>6,421.18</u>	<u>24,158.71</u>	<u>10,000.02</u>	<u>(14,158.69)</u>
IN-KIND REVENUES				
In-Kind Revenues	<u>39,893.86</u>	<u>311,382.98</u>	<u>0.00</u>	<u>311,382.98</u>
Total IN-KIND REVENUES	<u>39,893.86</u>	<u>311,382.98</u>	<u>0.00</u>	<u>311,382.98</u>
IN-KIND SUPPORT				
In-Kind Support				
IK-Volunteer Time	19,162.79	104,263.77	0.00	(104,263.77)
IK-Food	3,810.00	21,583.73	0.00	(21,583.73)
IK-Shelter Supplies	16,151.18	182,096.04	0.00	(182,096.04)
IK-Travel	<u>769.89</u>	<u>3,439.44</u>	<u>0.00</u>	<u>(3,439.44)</u>
Total In-Kind Support	<u>39,893.86</u>	<u>311,382.98</u>	<u>0.00</u>	<u>(311,382.98)</u>

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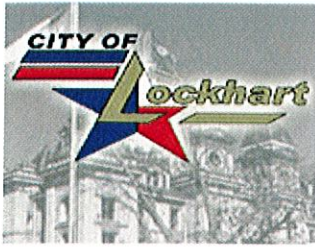
Hays Caldwell Womens Center
Statement of Revenues and Expenditures - Statement of Revenues and Expenditures- With TH
From 3/1/2022 Through 3/31/2022

	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>YTD Budget \$ - Original</u>	<u>YTD Budg Variance</u>
Total IN-KIND SUPPORT	<u>30,893.86</u>	<u>311,382.98</u>	<u>0.00</u>	<u>(311,382.98)</u>
Transitional Housing- Revenues				
	100,349.54	159,211.30	0.00	159,211.30
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Transitional Housing Expenses				
Construction Draws	126,834.86	1,043,264.08	20,000.01	(1,023,254.07)
Architecture and Engineering	250.00	9,113.75	0.00	(9,113.75)
Fees and Permits	0.00	0.00	0.00	0.00
Miscellaneous				
	<u>2,833.91</u>	<u>77,849.87</u>	<u>0.00</u>	<u>(77,849.87)</u>
Total Transitional Housing Expenses	<u>129,918.77</u>	<u>1,130,217.70</u>	<u>20,000.01</u>	<u>(1,110,217.69)</u>
INCREASE/DECREASE IN NET ASSETS- TOTAL	<u>(119,925.47)</u>	<u>(1,033,702.21)</u>	<u>27,117.09</u>	<u>(1,060,819.30)</u>

Cenikor Foundation

Carla Merritt

\$2,000.00



City of Lockhart
2022-2023 Funding
Application

Cenikor Foundation

Date of Application: May 15, 2022

Agency Name: Cenikor

Prevention Director: Carla Merritt, LMSW, LCDC, CPS 512-396-7695 ext. 5225

Prevention and Youth Recovery Community Director email: Cmerritt@cenikor.org

Contact Person other than Prevention Director: Youth Recovery Community Manager
Lori Linn LCDC, RYT

Alternate Contact email: Llinn@cenikor.org

Mailing Address: 1901 Dutton Drive, Suite E

City: San Marcos

State: Texas

Zip: 78666

Phone: 512-396-7695 ext. 5225

Fax: 512-396-7633

Website: www.cenikor.org

Funding Requested \$2,000.00

\$2,000.00

\$1,000.00 Prevention of Substance Use and Misuse

\$1,000.00 Youth Recovery Community

Requested Information

1a. Agency Mission Statement:

Cenikor Foundation is non-profit organization founded in 1963 that provides Prevention of Substance and Misuse services, Detox Services, Inpatient and Outpatient Substance Use Treatment for adults, Residential Substance Use Treatment for Adolescents and Recovery Support Services for youth and adults. The Mission of Cenikor is: **A Place for Change. Better Health. Better Lives.** Our Vision: Cenikor will be a leader in providing quality substance abuse and behavioral health services in the communities we serve through a continuum of care for adults and adolescents. Our Core Values: Health; Wellness; Faith; Work; Recovery; Respect; Accountability; and Education.

1b. Benefits of the agency to the City of Lockhart:

Cenikor provides Prevention of Substance Use Services and Youth Recovery Community (YRC) Services to the youth and their families of Lockhart. The Cenikor San Marcos location has provided Prevention Services in the Lockhart School District (LISD) since 1990 and Youth Recovery Community services for the last six years. The education and resources youth and their families receive from Cenikor provide Lockhart youth and their families members the support needed to face life's challenges successfully. Cenikor Prevention Specialists and Peer Recovery Leaders collaborate with LISD counselors, the Parent Liaisons, Communities in Schools, and other community partners to coordinate services.

Prevention of Substance Use and Misuse

Cenikor Prevention Specialists offer information, resources, and support to LISD School Counselors, LISD Parent Liaisons, and Communities in School representatives, and parents on tobacco/vaping, underage drinking, marijuana, and prescription drugs. In addition, our Prevention Services provide health and wellness information through two evidenced based curriculums, presentations on health and wellness, stress management, healthy coping skills, and positive decision making for 1st-12th grades, positive activities in the summer months to youth of all ages through the LISD summer camp and Lockhart Library. Information dispersed to youth and adults through community meetings and health fairs on consequences of tobacco, alcohol, and other substances along with mental health information.

Youth Recovery Community (YRC)

Cenikor Peer Recovery Leaders are dedicated to empowering youth and young adults to live a substance free and healthy lifestyle. Services are offered to youth ages 13 – 21 who are in or who are seeking recovery from substance use. The mission of the YRC program is to provide a positive recovery community for youth and young adults through individual support, weekly support groups, and fun social and recreational activities throughout the year, all which support the recovery process. Education and support are also provided to parents, grandparents, and other family members through individual and group sessions. It's imperative that both the youth and the entire family receive the support for a healthy family unit.

2. Financial Statements

See Attached Documents

3. Previous year's funding expenditures

The City of Lockhart committed \$2,943.00 to Cenikor for FY 2021-2022. These funds were allocated towards supporting the youth of the Prevention and YRC Programs to purchase items such as snacks, Gatorade and water for after school and weekend events that are not allowable purchases through the Health and Human Service Commission grants as well as towards the required 5% community match to meet all contract requirements that is required from local communities.

4a. 2022-2023 Budget Request and Funds Use

Funding received from the City of Lockhart will be used to reach the required Health and Human Services Commission (HHSC) 5% community match to meet all contract requirements and to purchase items that are not allowable purchases under the HHSC grant.

4b. Requested funds' 2022-2023 Expenditures

Total Funds Requested for 2022-2023- \$2,000.00

\$1,000.00 Prevention of Substance Use and Misuse Program

\$1,000.00 Youth Recovery Community (YRC) Program

Respectfully Submitted,

Carla Merritt, LMSW, LCDC, CPS
Cenikor Prevention and Youth Recovery Community Director

Cenikor Foundation
Fiscal Year 2022 - As of 3/31/2022
Hays Caldwell Council/San Marcos

	FY22 Actual	FY22 Budget
Revenue		
Public Support		
Cash Contributions/Event Income	\$4,007	\$8,100
Direct Government Aid	\$0	\$0
Inkind Contributions	\$0	\$0
Insurance/Medicaid/Private Pay	\$0	\$0
Government Grant Revenue - HHSC	\$305,840	\$672,408
Government Grant Revenue - Other	\$134,800	\$230,066
Other Income	\$2	\$0
Total Revenue	\$444,649	\$910,574
 Expenses		
Direct Resident Expenses	\$11,516	\$14,694
Personnel Expenses	\$267,330	\$712,312
Insurance	\$1,264	\$1,660
Utilities	\$16,656	\$12,878
Bad Debt Expense	\$0	\$0
Marketing/Advertising	\$4,016	\$2,250
Professional Fees & Training	\$21,209	\$675
Rental & Lease	\$56,777	\$50,013
Repairs & Maintenance	\$398	\$1,350
Supplies (Kitchen, Office, Event, Etc)	\$4,144	\$5,805
Travel & Vehicle Maintenance/Fuel	\$5,281	\$7,200
Donated Services & Inkind	\$0	\$0
Other Expenses	\$13,647	\$2,295
Total Operating Expenses	\$402,238	\$811,132
 EBITDA	\$42,411	\$99,442
 Interest	\$0	\$0
Depreciation	\$4,285	\$5,632
Change in Net Assets	\$38,126	\$93,810
 Administrative Overhead (Indirect)	\$26,690	\$30,393
Change in Net Assets after Overhead	\$11,436	\$63,417

* 9 Months Actual - Unaudited

Combined Community Action, Inc.

Summer Cruz
Noelia Buck

\$8,000.00



COMBINED COMMUNITY ACTION, INC.
165 WEST AUSTIN • GIDDINGS, TEXAS 78942
979.540.2980 800.688.9065 Fax 979.542.9565
www.ccaction.com

May 4, 2022

Pam Larison
Finance Director
City of Lockhart
308 W. San Antonio St.
Lockhart, TX 78644

Dear Ms. Larison,

Please find attached the Funding Request for Meals on Wheels Rural Capital Area. Noelia Buck or Summer Cruz will attend the budget workshop on May 17, 2022, at 6:30 p.m.

If you have any questions, please feel free to call me at 979/540-2999 or email at KJFranke@ccaction.com.

Sincerely,

Kelly Franke
Executive Director

**CITY OF LOCKHART
PRESENTATION AND
LOCAL REQUEST**

1) The Mission and benefit of Meals on Wheels of the Rural Capital Area (CCA)

Combined Community Action, Inc. (CCA) was established in 1966 as Bastrop County Community Action. Later the agency added the counties of Austin, Colorado, Fayette, Lee, Blanco, Caldwell and Hays. Since 1978, CCA has sponsored the Meals on Wheels-Rural Capital Area for the six counties of Bastrop, Blanco, Caldwell, Fayette, Hays and Lee.

The Mission of the Meals on Wheels - Rural Capital Area is: "To help the elderly to remain independent and well nourished in their own homes for as long as possible and to maintain their dignity as they grow older." MOWRCA is delivering both hot meals and frozen meals to older adults in Lockhart.

Persons in need of the meals are primarily low income, frail, isolated elderly, income is not a factor in determination of eligibility. To be eligible to receive a meal a person must be 60 years of age or older, or the spouse of a client, regardless of age and certain disabled persons under the age of 60.

2) Current Financial Statements Attached

3) The previous year's contributions from the City of Lockhart were used to purchase additional shelf stable meals as well as the frozen meals for the older adult participants due to COVID 19.

4) Meals on Wheels Rural Capital Area is requesting \$8,000 from the City of Lockhart for 2022-2023. The money received will go directly to provide meals to the clients. CCA provided over 17,000 meals last program year in Lockhart to an average of 60 clients per week. We have 50 active volunteers that help deliver the meals to the homebound. We employ one part-time staff person in Lockhart. Our senior center in Lockhart has re-opened and we are serving the older adults' hot meals and/or frozen meals every week. For those clients receiving hot meals there is daily delivery Monday-Friday and participants who prefer frozen meals, are delivered sets of five once a week.

COMBINED COMMUNITY ACTION (CCAFND)

Detailed Revenue and Expense Report

5/5/2022 2:31:18PM

10/1/2021 to 4/30/2022

Page 1

06 - HOMEBOUND NUTRITION PROGRAM

Revenue

06.000.00.415	INCOME-LOCAL CASH	17,250.00
06.000.00.418	INCOME-UNITED WAY	3,125.00
06.000.00.442	INCOME-AMERIGROUP	6,341.02
06.000.00.445	INCOME-BULK MAILINGS	8,445.00
06.000.00.446	INCOME-NUT ANNUAL FUNDRAISER/COOKOFF	3,249.18
06.000.00.451	INCOME-OAA TITLE 111	746,893.48
06.000.20.448	INCOME-SPONSOR-A-SENIOR / CALDWELL	300.00
06.000.28.408	INCOME-PROGRAM - ALLENWOOD	4,265.00
06.000.26.448	INCOME-SPONSOR-A-SENIOR - ALLENWOOD	2,408.00
06.000.27.408	INCOME-PROGRAM - BASTROP	1,598.50
06.000.27.448	INCOME-SPONSOR-A-SENIOR - BASTROP	1,270.00
06.000.28.408	INCOME-PROGRAM - BLANCO	200.00
06.000.29.408	INCOME-PROGRAM - BUDA	432.00
06.000.29.448	INCOME-SPONSOR-A-SENIOR - BUDA	10.00
06.000.30.408	INCOME-PROGRAM - CARMINE	1,995.00
06.000.31.408	INCOME-PROGRAM - ELGIN	500.00
06.000.31.448	INCOME-SPONSOR-A-SENIOR - ELGIN	875.00
06.000.32.408	INCOME-PROGRAM - FLATONIA	560.00
06.000.32.448	INCOME-SPONSOR-A-SENIOR - FLATONIA	80.00
06.000.34.408	INCOME-PROGRAM - GIDDINGS	1,376.00
06.000.34.448	INCOME-SPONSOR-A-SENIOR - GIDDINGS	1,175.00
06.000.35.408	INCOME-PROGRAM - JOHNSON CITY	81.00
06.000.35.448	INCOME-SPONSOR-A-SENIOR - JOHNSON CITY	750.00
06.000.36.408	INCOME-PROGRAM - KYLE	504.00
06.000.36.448	INCOME-SPONSOR-A-SENIOR-KYLE	310.00
06.000.37.408	INCOME-PROGRAM - LAGRANGE	1,374.45
06.000.37.448	INCOME-SPONSOR-A-SENIOR - LAGRANGE	3,519.00
06.000.38.408	INCOME-PROGRAM - LAVISTA	286.00
06.000.39.408	INCOME-PROGRAM - LOCKHART	40.00
06.000.40.408	INCOME-PROGRAM - LULING	1,230.00
06.000.40.448	INCOME-SPONSOR-A-SENIOR - LULING	300.00
06.000.41.408	INCOME-PROGRAM - PRAIRIE LEA	148.00
06.000.43.408	INCOME-PROGRAM - SCHULENBURG	943.00
06.000.44.408	INCOME-PROGRAM - SMITHVILLE	1,000.00
06.000.44.448	INCOME-SPONSOR-A-SENIOR - SMITHVILLE	12,650.00
06.000.45.448	INCOME-SPONSOR-A-SENIOR - WIMBERLEY	1,600.00
06.000.47.408	INCOME-PROGRAM - CEDAR CREEK	486.00
06.000.47.448	INCOME-SPONSOR-A-SENIOR - CEDAR CREEK	140.00
06.000.48.408	INCOME-PROGRAM - FAYETTEVILLE	219.00
06.000.48.448	INCOME-SPONSOR-A-SENIOR - FAYETTEVILLE	100.00
06.000.50.448	INCOME-SPONSOR-A-SENIOR / FAYETTE	19,600.00
06.000.51.408	INCOME-PROGRAM - McDADE	60.00
06.000.70.448	INCOME-SPONSOR-A-SENIOR / HAYS	3,120.00
06.000.80.448	INCOME-SPONSOR-A-SENIOR / LEE	1,500.00

Total Revenue

\$852,308.63

COMBINED COMMUNITY ACTION (CCAFND)

Detailed Revenue and Expense Report

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10/1/2021 to 4/30/2022

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Expenses

06.203.00.801	SALARIES-SERVICE	125,386.38
06.204.00.821	FRINGE-FICA/TUCA	9,942.78
06.204.00.823	FRINGE-WORKERS COMP INS.	805.94
06.204.00.824	FRINGE-HOSPITALIZATION INS.	17,146.85
06.204.00.825	FRINGE- RETIREMENT	1,824.27
06.205.00.830	TRAVEL-IN AREA	4,742.48
06.205.00.831	TRAVEL-OUT OF AREA	74.25
06.205.00.833	TRAVEL-TRANSSPORTING	506.07
06.205.00.878	TRAVEL-FUEL	27.81
06.205.00.879	TRAVEL-MAINTENANCE	186.78
06.207.00.853	OTHER COST-POSTAGE/FREIGHT	66.66
06.207.00.867	OTHER COST-TELEPHONE	254.75
06.207.00.868	OTHER COST-INTERNET	132.14
06.207.00.871	OTHER COST-INSURANCE/LIABILITY	1,863.81
06.207.00.998	OTHER COST-ADM ALLOC COST	47,218.77
06.208.00.892	PROF DEV-DUES/MEMBERSHIP	3,191.50
06.210.00.903	EQUIPMENT-MAINTENANCE	300.00
06.211.00.839	FOOD-CONSUMABLES	410,773.57
06.212.00.844	SUPPLIES-OFFICE	1,044.31
06.212.00.845	SUPPLIES-OTHER	34.96
06.212.00.852	SUPPLIES-COPYING/PRINTING	1,350.05
06.213.00.859	OCCUPANCY-RENT	3,173.92
06.213.00.864	OCCUPANCY-UTILITIES	2,134.09
06.213.00.904	OCCUPANCY-MAIN/REPAIRS/IMPROVE	3,893.64
06.303.00.801	NUT ED-SALARIES	2,183.99
06.304.00.821	NUT ED-FICA/TUCA	176.58
06.407.00.852	BULK-COPY/PRINT	2,029.75
06.407.00.853	BULK-POSTAGE	1,080.92
06.412.00.845	SUPPLIES-OTHER	139.20

Total Expenses

\$641,686.22

Excess Revenues Over Expenses

\$210,622.41

=====

Lockhart Area Senior Activity Center

Diana Coker

\$4,332.00

Lockhart Area Senior Activity Center

Severo Castillo, Director| 901 Bois D'Arc St.|Lockhart, Tx| 78644| 512-398-6322

Board of Directors: President – Diana Coker, Vice- President- Sherry Nitz, Secretary – Janet O'Dell, Treasurer – Donnie Young, Jo Windham, Carol Olson, Linda Curran, Mary Gail Bartsch, and Pat Schneider.

2022 2023 Mission Statement and benefit of our organization:

Our mission is to provide a pleasant environment/ facility where seniors throughout the community can come and enhance their living experience. Our facility enables seniors to socialize, make new friends, enjoy nutritious and affordable home-cooked meals, as well as participate in an exercise program suited for them.

We provide home delivered lunches M-F to those who are homebound. Seniors also have the opportunity to increase their self-esteem by volunteering in the kitchen or working in our thrift shop as well as contributing to assorted fund-raising activities.

Members benefit from a variety of groups and organizations that come in monthly offering information relevant to seniors: Seniors and Law Enforcement Together (S.A.L.T), Caldwell County Retired Teachers, Central Texas Advocates for Seniors (CTAS) and Caldwell County retired nurses.

We participate in the Community Supervision Restitution program and have assisted many community service workers in complying with their restitution agendas.

We partner with AARP in hiring employees through their program who work for us in the kitchen and thrift shop.

Previous Contributions

Previous year's contribution helped pay for general operating expenses like insurance policies, tax service and monthly and quarterly sales taxes. The funds certainly helped during the pandemic.

2022-2023 budget years

We are very thankful for the City's contribution of \$4,332.00. Your donation will help pay for general operating expenses, such as insurance policies, tax preparation, new flooring in the dining room, fresh paint and appliances as needed and Thrift Shop improvements. The monies also help subsidize our meal expenses so that we can continue to offer meals at a reasonable price.



Lockhart

April 28, 2022

Lockhart Area Senior Citizens Center
901 Bois D' Arc
Lockhart, Texas 78644

To Whom It May Concern:

Non-profit organizations requesting City contributions are asked to make a short presentation to the City Council during the meeting on Tuesday, May 17, 2022. The presentation should include:

- ✓1) The mission and benefit of your organization.
- ✓2) Current financial statements.
- ✓3) How the previous year's contributions from the City (if any) have been spent.
- ✓4) The requested amount for the 2022-23 budget year and how those funds will be spent.

It will only be necessary to submit one copy of the package you wish to present to council. Be sure to include the amount of your request in this package, and please have this in my office by Tuesday, May 10, 2022. Your information will be included in the council's agenda package for the May 17th meeting, so it will not be necessary to bring any additional copies on the day of the meeting.

The workshop where you will be giving your presentations will start at 6:30 P.M. Our council chambers are located on the 3rd floor of the Masonic Building adjacent to and north of our historic library on 217 S. Main.

Should you have any questions, please call me at 398-3461, Ext. 2290.

Sincerely,



Pam M. Larison
Finance Director

Lockhart Area Senior Activity Center, Inc.

Operating Statement for August 1, 2021- March 31, 2022 (unaudited)

Sales

Meals	\$37,864.43
Thrift Shop	\$17,364.00
Miscellaneous	\$1,760.05 (books, coffee, dues, gift shop)
Donations	\$5,977.40

Gross Sales \$62,965.88

Expenses

Administrative	\$1,749.90
Food	\$11,439.90
General Supplies	\$5,037.62
Maintenance	\$2,296.01 (repairs, regular mnt.)
Wages	\$21,146.01
Sales tax paid	\$1,135.61
Insurance	\$2,139.00
Payroll Taxes	\$8,974.57
Kitchen Supplies	\$2,392.25

Total Expenses \$56,310.87

Net Gain/Loss \$6,655.01



COMPTROLLER OF PUBLIC ACCOUNTS

P.O. BOX 13528
AUSTIN, TX 78711-3528

FILE

January 28, 2003

Ms. Mary Ann Wagner
Lockhart Area Senior Activity Center
Post Office Box 673
Lockhart, Texas 78644-0673

RE: Taxpayer Number 3-20065-6493-7

Dear Ms. Wagner:

Lockhart Area Senior Activity Center, Inc. qualifies for exemption from Texas franchise tax under Section 171.063(a)(1) and Texas sales and use tax under Section 151.310(a)(2) of the Texas Tax Code as a 501(c)(3) organization effective June 13, 2002.

The Texas Tax Code is available online at <http://www.capitol.state.tx.us/statutes/txtoc.html>.

The organization may issue a valid exemption certificate in lieu of paying state and local sales tax on taxable items purchased that relate to the purpose of the exempt organization and are not used for the personal benefit of a private member or individual. The enclosed certificate, form 01-339, does not require a number to be valid, and you may reproduce it in any quantity. You may download additional copies of the form online at <http://window.state.tx.us/taxinfo/taxforms/01-3392.pdf>, or call Tax Assistance toll free at 1-800-252-5555.

The exemptions above *do not* extend to the Texas hotel occupancy tax, motor vehicle sales tax or any other tax.

If you receive any franchise tax notices or have any questions regarding sales tax purchases and/or sales of taxable items or services, contact Tax Assistance at the number above.

As a reminder, you must notify the Texas Secretary of State if the organization changes its name, registered agent, or registered office address. The phone number is 512/463-5582.

If you have questions about your exempt status, you may e-mail me at tax.help@cpa.state.tx.us or call me toll free at 1-800-531-5441, extension 5-0252.

Sincerely,

Peter Kevin Hudson
Exempt Organizations Section

CASA of Central Texas, Inc.

Layla Coleman

\$12,000.00



New Braunfels
830.626.2272
FAX: 830.626.3636
1619 E. Common, Suite 301
New Braunfels, Texas 78130

San Marcos
512.392.3578
FAX: 512.392.3702
PO Box 1267
San Marcos, Texas 78667

A Powerful Voice In A Child's Life ®
www.casacentex.org

Serving Caldwell, Comal, Guadalupe & Hays Counties 

May 6, 2022

Mayor Lew White
c/o Pam Larison, Finance Director
City of Lockhart
308 W. San Antonio St
Lockhart, TX 78644

Dear Mayor White & City Council Members:

Thank you for inviting CASA of Central Texas, Inc. to work with the City of Lockhart again this year on a contribution request. We envision a world where every child thrives in a safe, stable and loving home.

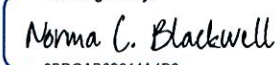
CASA of Central Texas respectfully requests \$12,000 for recruiting, training and supporting more community volunteers to advocate for abused and neglected children in the court system. In 2021, we served 24 children from Caldwell County (14 from Lockhart); however, an additional 116 children (approx. 68 from Lockhart) did not have the voice of a CASA volunteer advocating for their best interests in the courts, schools, and child welfare system.

Per your instructions, our Council presentation materials include the following:

- 1) The mission and benefit of our organization
- 2) Current financial statements
- 3) Previous year's expenditures (P&L Statement)
- 4) Summary of Proposal / Budget Request FY2022-23
- 5) Additional documents
 - IRS 501(c)3 letter,
 - 2021 Annual/Impact Report

Again, we appreciate your consideration and support and we look forward to seeing you for our presentation to the Council on May 17, 2022. Please contact me at 512-392-3578 if you have any questions or require additional information.

Sincerely,

DocuSigned by:

8BDCAB89814A4B2...
Norma Castilla-Blackwell
Chief Executive Officer

NB:ts
Att.



**Court Appointed Special Advocates (CASA)
of Central Texas, Inc.**

City of Lockhart Contribution Request FY2022-23

Lockhart City Council
Tuesday, May 17, 2022 6:30 PM
217 South Main Street, 3rd Floor
Lockhart, Texas

Presentation Contents

1. Mission & Benefit of CASA of Central Texas
2. Current Financial Statements
3. Previous Year Expenditures (P&L Statement)
4. Summary of Proposal / Budget Request FY2022-23
5. Additional Documents
 - 501(c)(3) Certification Letter
 - 2021 Annual/Impact Report

CASA of Central Texas, Inc. (Court Appointed Special Advocates)

Mission & Benefit

We envision a world where every child thrives in a safe, stable and loving home. CASA of Central Texas provides high quality advocacy for children and youth in the child welfare system. We train and empower dedicated CASA volunteers to ensure children's needs are met and their voices lifted. We strengthen the connections and well-being of children in foster care, one family at a time.

When a child enters the foster system because his or her home is no longer safe, a judge may appoint a Court Appointed Special Advocate (CASA). In Caldwell County, CASA of Central Texas is appointed as Guardian ad Litem and we provide an unduplicated service to represent and advocate for a child's best interests. Our volunteers are screened, highly trained and are provided ongoing support from professional staff. The Child Protection Court and District Judges prioritize case assignments and appoint CASA of Central Texas when a trained volunteer advocate is available to take a case.

"To give a child a CASA is to give them a voice. To give them a voice is to give them hope. And to give them hope is to give them the world. I believe this with all my heart."

Pamela Butler, former foster youth.

CASA's core services include advocacy for medical, mental health, education, placement and permanency needs of the children. Trained volunteers bring three critical qualities to their work: they focus on one case at a time; they bring a unique perspective to the court case; and their sole objective is to represent the best interests of the child. CASA is present in every court session, mediation and trial in the suit affecting the child-parent relationship. CASA participates in meetings with Child Protective Services (CPS), treatment centers, foster agencies and schools, and make referrals to community agencies. The advocate stays appointed on a case until the children are placed in a safe, permanent home and the case is closed, a process that lasts at least 12-18 months. CASA's specially designed Pre-Service Volunteer Training and continuing education equips each advocate with the solid base of knowledge needed to powerfully and compassionately advocate for a child that has been abused, neglected or abandoned. In addition to gaining a clear understanding of the child protection system and the CASA volunteer role, volunteers learn about trauma, resilience and cultural experiences in a dynamic and impactful way.

A study by Texas Appleseed, "Improving the Lives of Children in Long-Term Foster Care," reports that "if a child has a CASA, the CASA usually is the only person who truly knows the child and knows how the child is really doing."

A CASA volunteer is assigned to help one child or set of siblings at a time so they can focus on giving that child or sibling group individualized advocacy and attention. Providing a free service to the courts and to the families, CASA volunteers save taxpayers' money and children's futures with the goal of helping them move out of state-funded foster care and into safe, permanent homes as soon as possible. The safety, permanency and well-being of



children and youth are the overarching areas of focus within the child welfare system. CASA volunteers contribute to and play an integral role in advocating for resources within each of these areas.

CASA of Central Texas formed in 1985 by concerned community members and became affiliated with the national CASA® model developed by a family court judge. We have 267 citizen-volunteers who serve children from Caldwell, Comal, Guadalupe and Hays Counties. Last year, we served 620 children who were abused, neglected and abandoned and placed in State custody. However, 420 additional children still needed a CASA.

Volunteers are the heart of the CASA program, and they are trained and supported throughout all stages of a case by a knowledgeable staff team. CASA leverages volunteer support needs with your financial donation. The City of Lockhart can advance the cause of child welfare by volunteering and donating to CASA of Central Texas.

**1 STAFF MEMBER
SUPPORTS
25-30 VOLUNTEERS
WHO SERVE
60-75 CHILD VICTIMS**



CASA OF CENTRAL TEXAS, INC.
Statement of Activity
 July 2021 - March 2022

Revenue	Total	Income %
6000 INCOME		
6100 Contributions		
6110 Individual Contribution	38,408.88	2%
6115 Civic Organization Contribution	116,200.00	6%
6120 Board Member Contribuion	4,476.97	0%
6125 Jury Duty Contribution	5,418.51	0%
6130 Church Contribution	7,305.00	0%
6132 Memorial / In Honor of	1,892.50	0%
6135 Corporate Contribution	89,234.79	5%
6140 Payroll Contribution - External	12,972.21	1%
6145 Payroll Contributions - CASA	1,517.49	0%
6155 Non-CFC Contributions	13,869.74	1%
Total 6100 Contributions	\$ 291,296.09	
6300 Fundraising Event Income	54,031.78	3%
6310 Golf Tournament	42,460.70	2%
6320 Dinner & Auction		0%
6321 Dinner & Auction income	26,564.99	1%
6325 Dinner & Auction Expenses	-681.06	0%
Total 6320 Dinner & Auction	\$ 25,883.93	
6330 Third Party Event	1,619.15	0%
6340 Campaigns	16,734.99	1%
6340.1 EOY Campaign	81,639.93	5%
Total 6340 Campaigns	\$ 98,374.92	
Total 6300 Fundraising Event Income	\$ 222,370.48	
6400 Grant Income		
6410 Federal Grants	561,789.41	31%
6415 State Grants	33,149.91	2%
6420 County Grant	45,516.67	3%
6425 City Grant	18,443.61	1%
6430 United Way Grant	39,252.23	2%
6435 Foundation Grant	591,252.12	33%
Total 6400 Grant Income	\$ 1,289,403.95	
6600 Interest Income	474.37	
Total 6000 INCOME	\$ 1,803,544.89	100%
6650 Miscellaneous Income	1,878.37	
Total Revenue	\$ 1,805,423.26	100%
Gross Profit	\$ 1,805,423.26	
Expenditures		
7000 EXPENSES		
7100 Building & Facility Costs		
7101 Building Maintenance	22,367.83	

7190 Utilities		
7191 Electricity		8,692.42
7192 Water		1,623.74
7197 Telephone/Internet		21,501.44
Total 7190 Utilities	\$	31,817.60
Total 7100 Building & Facility Costs	\$	54,185.43
7200 General Overhead Costs		
7201 Recruiting & Promotion		10,305.45
7206 Bank Service Charges		3,082.11
7207 Conferences/Cont Education		1,500.16
7208 Credit Card & Other Fees		3,722.28
7210 Equipment Rental		9,006.90
7240 Insurance		
7241 Insurance - Dir & Officers		7,284.18
7242 Insurance - Liab & Fidelity		14,180.68
Total 7240 Insurance	\$	21,464.86
7244 Interest Expense		19,781.16
7248 Membership/Subscription		20,520.63
7259 Office Software/Equipment		2,545.17
7260 Office Supplies		5,422.60
7261 Office - General		2,937.89
7268 Postage		640.81
7270 Professional Fees		
7271 Audit/Accounting		7,500.00
7272 Professional Services		37,565.02
7272.1 HR Outsourcing		17,753.01
Total 7270 Professional Fees	\$	62,818.03
7273 Background/Screenings		2,447.23
7275 Training Expenses		1,063.53
7290 Travel/Mileage		
7291 Employee Travel		11,093.08
7292 Advocate Travel		3,067.85
Total 7290 Travel/Mileage	\$	14,160.93
Total 7200 General Overhead Costs	\$	181,419.74
7300 Program Expenses		
7301 Advocate Expenses		11,983.53
7302 Children's Special Needs		1,765.62
7305 Fundraising Expenses		18,048.92
Total 7300 Program Expenses	\$	31,798.07
7500 Salary, Payroll, & Labor Costs		
7545 Health/Life Insurance		40,127.13
7549 Payroll Processing Fee		508.52
7550 Payroll Tax Expense		67,762.91
7556 Pension		37,878.68
7557 PR Tax Exp - Unemployment		9,290.52
7560 Salaries & Wages		889,605.34
7575 Worker's Compensation		3,051.00

Total 7500 Salary, Payroll, & Labor Costs	\$	1,048,224.10
Total 7000 EXPENSES	\$	1,315,627.34
Purchases		0.00
Total Expenditures	\$	1,315,627.34
Net Operating Revenue	\$	489,795.92
Other Revenue		
6700 In-Kind Revenue		177,087.00
6900 Adoption Day		
6901 Adoption Day Income		1,390.56
Total 6900 Adoption Day	\$	1,390.56
6930 Endowments		
6932 Endowment Income/Interest		518.99
6933 Unrealized Endowment Loss/Gain		-3,911.52
6935 Endowment Mgmt Fees/Expenses		1,880.15
Total 6930 Endowments	-\$	1,512.38
Total Other Revenue	\$	176,965.18
Other Expenditures		
6902 Adoption Day Expense		1,390.56
7700 In Kind Expenses		
7702 Donations - In Kind		41,970.64
7703 Mileage - In Kind		4,703.37
7708 Volunteer Hrs - In Kind		130,412.99
Total 7700 In Kind Expenses	\$	177,087.00
Reconciliation Discrepancies-1		1.00
Total Other Expenditures	\$	178,478.56
Net Other Revenue	-\$	1,513.38
Net Revenue	\$	488,282.54

CASA OF CENTRAL TEXAS, INC.
Statement of Financial Position
As of March 31, 2022

	<u>Total</u>
ASSETS	
Current Assets	
Bank Accounts	
1020 OP Acct-Prosperity Bank	191,773.87
1030 ED Acct-Prosperity Bank	3,853.74
1035 Board Designated Reserve Funds	65,490.12
1050 Capital Campaign Checking	0.00
1100 Frost Checking Acct (FDIC)	250,000.00
1150 Broadway Money Market (FDIC)	250,000.00
Total Bank Accounts	\$ 761,117.73
Accounts Receivable	
1200 Accounts Receivable	367,611.03
Total Accounts Receivable	\$ 367,611.03
Other Current Assets	
1450 Prepaid Expenses	5,417.97
1499 Undeposited Funds	25.00
Uncategorized Asset	0.00
Total Other Current Assets	\$ 5,442.97
Total Current Assets	\$ 1,134,171.73
Fixed Assets	
1620 Training & Support Center -SM	2,110,636.44
1630 Construction in Progress - SM	39,682.93
1631 Capital Improvements - NB	23,875.00
1650 Equipment & Fixtures - NB	200,449.43
1651 Equipment & Fixtures - SM	88,864.47
1660 Building - NB	553,302.64
1661 Land - SM	159,900.00
1755 Accumulated Depreciation	-385,558.00
Total Fixed Assets	\$ 2,791,152.91
Other Assets	
1805 NBACF Endowment Fund	72,109.85
1810 Utility Deposits	0.00
Total Other Assets	\$ 72,109.85
TOTAL ASSETS	\$ 3,997,434.49
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2010 Accounts Payable	0.00
Total Accounts Payable	\$ 0.00
Credit Cards	

2090 Chase Preferred Ink Credit Card		2,626.79
Total Credit Cards	\$	2,626.79
Other Current Liabilities		
2100 Payroll Liabilities		0.00
2101 Payroll Payable - G&A		0.00
2105 Payable - TX Unemployment Tax		0.00
2110 Direct Deposit Liabilities		0.00
2114 Payable - Charitable Donation		0.00
2115 Payable - Dental Insurance		0.00
2116 Payable - Health Insurance		0.00
2117 Payable - Annuity		0.00
2118 Payable - Term Life		0.00
2119 Payable - Pension		13,579.40
2150 Accrued Expenses		0.00
2199 PPP - SBA Grant/Loan		0.00
2200 Reserve - Adoption Day		650.49
2210 McKenna IT Services Grant		10,462.50
Direct Deposit Payable		0.00
Total Other Current Liabilities	\$	24,692.39
Total Current Liabilities	\$	27,319.18
Long-Term Liabilities		
2300 Prosperity Bank - Construction		546,247.54
Total Long-Term Liabilities	\$	546,247.54
Total Liabilities	\$	573,566.72
Equity		
3001 Opening Bal Equity		-39,983.40
3010 Unrestricted Net Assets		3,001,565.37
3012 Fund Balance		0.00
3200 Perm Restricted Net Assets		500.00
Net Revenue		461,785.80
Total Equity	\$	3,423,867.77
TOTAL LIABILITIES AND EQUITY	\$	3,997,434.49

Friday, Apr 15, 2022 11:23:35 AM GMT-7 - Accrual Basis

CASA OF CENTRAL TEXAS, INC.

Statement of Activity

July 1, 2021 - April 29, 2022

	TOTAL
Revenue	
6000 INCOME	
6400 Grant Income	
6425 City Grant	4,382.00
Total 6400 Grant Income	4,382.00
Total 6000 INCOME	4,382.00
Total Revenue	\$4,382.00
GROSS PROFIT	\$4,382.00
Expenditures	
7000 EXPENSES	
7500 Salary, Payroll, & Labor Costs	
7560 Salaries & Wages	4,382.00
Total 7500 Salary, Payroll, & Labor Costs	4,382.00
Total 7000 EXPENSES	4,382.00
Total Expenditures	\$4,382.00
NET OPERATING REVENUE	\$0.00
NET REVENUE	\$0.00

Summary of Proposal / Budget Request FY2022-23

CASA of Central Texas respectfully requests \$12,000 from the City of Lockhart toward our general mission for recruiting, training and supporting more volunteers to serve as court-appointed Guardians Ad Litem to children and youth involved in child welfare cases. Funding from the City of Lockhart is critical, as together we endeavor to impact and change the quality of life for children in foster and substitute care. Based on population growth and demand for CASA services – CASA currently serves only 1 of every 6 children from Caldwell County who are eligible for our help – our role is vital to this community. CASA is the only organization that may be legally appointed by judges to represent best interests of children and youth from Caldwell County.

We will provide free and flexible training at no cost to the volunteer, the families, or the courts. Our highly trained and dedicated advocates will each provide 100+ hours of donated casework service hours per year, including at least monthly face-to-face visits with each child, written court reports and court testimony, phone calls and meetings with CPS workers, school professionals, medical and mental health professionals, caregivers, parents, relatives and anyone else with information about the child's well-being. Trained CASA volunteers work the duration of a case, typically 12 to 18 months. One year of CASA advocacy costs less than one month of foster care. Successful outcomes for the children include closed cases of reunification with safe parents, permanent conservatorship with a legal guardian, adoption by relatives, adoption by new families, and preparedness for living as independent, young adults.

PROGRAM ACCOMPLISHMENTS		
LOCKHART	7/1/20 – 6/30/21 (12mos)	7/1/20 – 4/30/22 (10mos)
# children from Lockhart served by CASA	14	15
# advocates on those cases (Lockhart + others)	7	7
# advocates from Lockhart, new	0	1
# children, new (removed from unsafe homes by CPS)	4	3
# children, closed (with safe, stable families)	2	11
Reunification with safe Parents	1	2
PMC with Legal Guardian	1	2
Adoption by Relatives		2
Adoption by New Family		4
Independent Living (age 18)		1



PROGRAM GOALS & PROJECTIONS	
LOCKHART/CALDWELL	7/1/22 - 6/30/23
# children/youth to serve, total	30
# children/youth to serve, new	10
# older youth to serve, new (14+)	2
# advocates, total	7
% of cases served by volunteers	9%
volunteer-to-child ratio (est.)	2.2
% volunteers with more than one case	6%
# volunteers to swear in	3
# PSVT training sessions (Caldwell/Hays)	6
# CE training sessions (Caldwell/Hays)	6
# hrs of CE training to offer (Caldwell/Hays)	10
Topics	LGBTQ Advocacy, ABA Therapy, Trial Preparation & GAL Duties, Early Childhood Intervention, ACES, Mental Health Advocacy, Educational Advocacy, Educational Training Voucher, TBRI, CFE Tools, Psychological Evaluations, Services and Working with Parents
# of community education classes (Caldwell/Hays)	1
Topics	Child Sexual Abuse Prevention (Darkness to Light)
# community presentations	15
# community outreach	20

Every amount contributed to CASA of Central Texas is greatly appreciated. Our goals and projections are presented with a realistic picture of the community need for our services as well as our ability to administer the CASA program. The City of Lockhart is frequently listed on other funding applications to demonstrate local community support. While it is our hope that the city council would award full funding, nonetheless, CASACenTex follows a scalable model which allows us to appropriately manage services based upon all funding amounts received.



CASA of Central Texas endeavors to be a fiscally sound, transparent, and trustworthy charitable organization. To that end, in 2022, CASA of Central Texas again earned a Platinum Seal of Transparency from GuideStar by Candid (<https://www.guidestar.org/profile/74-2403373>). We have been a 501(c)(3) exempt organization since 1986 (IRS certification letter attached).

We are happy to answer questions and provide additional information upon request. Thank you, again, for your past support and for your consideration this year.



CASA of Central Texas, Inc.
FY2021-2022 Budget

INCOME BUDGET	2021-22	Projected 2022-23
Government Grants:		
Federal	408,369.00	428,785.00
State	318,942.64	334,889.00
County	74,500.00	78,225.00
City	54,000.00	56,700.00
United Way	57,000.00	59,850.00
Individual Donations	130,000.00	136,500.00
Board Member Donations	17,000.00	17,850.00
Church & Civic Donations	37,500.00	39,375.00
Corporate Donations	108,000.00	113,400.00
Foundation Donations	557,500.00	585,375.00
Events	262,625.36	275,756.00
TOTAL INCOME	2,025,437.00	2,126,705.00

EXPENSE BUDGET	2021-22	Projected 2022-23
Salaries	1,325,313.00	1,391,578.00
Insurance Benefits		-
Health	54,600.00	57,330.00
Life	2,600.00	2,730.00
Payroll Taxes	98,836.15	103,777.00
Pension	61,941.65	65,038.00
Unemployment Taxes	7,781.20	8,170.00
Workers Comp Insurance	1,915.00	2,010.00
Professional Services - Contractors	40,500.00	42,525.00
HR Outsourcing	31,000.00	32,550.00
Conferences/Education	10,000.00	10,500.00
Travel - Employees	20,500.00	21,525.00
Travel - Advocates	10,500.00	11,025.00
Background Screenings	5,000.00	5,250.00
Equipment/Computer/Software	32,800.00	34,440.00
Equipment Rental	15,000.00	15,750.00
Credit Card & Other Fees	4,500.00	4,725.00
Office - General	10,000.00	10,500.00
Office Supplies	15,000.00	15,750.00
Training Expenses	9,500.00	9,975.00
Special Needs for Children	4,000.00	4,200.00
Advocate Recognition	15,000.00	15,750.00
Audit	10,200.00	10,710.00
Advertising/Recruiting	15,000.00	15,750.00
Fundraising	35,000.00	36,750.00
Insurance Benefits	-	-
Directors & Officers	4,000.00	4,200.00
Liability & Fidelity	17,950.00	18,847.00
Membership & Subscriptions	25,000.00	26,250.00
Postage	6,000.00	6,300.00
Telephone/Internet	30,000.00	31,500.00
Utilities	20,000.00	21,000.00
Building Maintenance	40,000.00	42,000.00
San Marcos Construction Loan P&I	45,000.00	47,250.00
Endowment Fees	1,000.00	1,050.00
TOTAL EXPENSE	2,025,437.00	2,126,705.00

CASA of Central Texas, Inc.
FY2021-2022 Budget

Caldwell County Budget		
INCOME BUDGET	2021-22	Projected 2022-23
Government Grants:		
Federal	16,335.00	20,418.00
State	12,758.00	15,947.00
County	2,980.00	3,725.00
City	2,160.00	2,700.00
United Way	2,280.00	2,850.00
Individual Donations	5,200.00	6,500.00
Board Member Donations	680.00	850.00
Church & Civic Donations	1,500.00	1,875.00
Corporate Donations	4,320.00	5,400.00
Foundation Donations	22,300.00	27,875.00
Events	10,505.00	13,131.00
TOTAL INCOME	81,018.00	101,271.00

EXPENSE BUDGET	2021-22	Projected 2022-23
Salaries	53,013.00	66,264.00
Insurance Benefits	-	-
Health	2,184.00	2,730.00
Life	104.00	130.00
Payroll Taxes	3,953.00	4,942.00
Pension	2,478.00	3,097.00
Unemployment Taxes	311.00	389.00
Workers Comp Insurance	77.00	96.00
Professional Services - Contractors	1,620.00	2,025.00
HR Outsourcing	1,240.00	1,550.00
Conferences/Education	400.00	500.00
Travel - Employees	820.00	1,025.00
Travel - Advocates	420.00	525.00
Background Screenings	200.00	250.00
Equipment/Computer/Software	1,312.00	1,640.00
Equipment Rental	600.00	750.00
Credit Card & Other Fees	180.00	225.00
Office - General	400.00	500.00
Office Supplies	600.00	750.00
Training Expenses	380.00	475.00
Special Needs for Children	160.00	200.00
Advocate Recognition	600.00	750.00
Audit	408.00	510.00
Advertising/Recruiting	600.00	750.00
Fundraising	1,400.00	1,750.00
Insurance Benefits	-	-
Directors & Officers	160.00	200.00
Liability & Fidelity	718.00	898.00
Membership & Subscriptions	1,000.00	1,250.00
Postage	240.00	300.00
Telephone/Internet	1,200.00	1,500.00
Utilities	800.00	1,000.00
Building Maintenance	1,600.00	2,000.00
San Marcos Construction Loan P&I	1,800.00	2,250.00
Endowment Fees	40.00	50.00
TOTAL EXPENSE	81,018.00	101,271.00

Caldwell County Christian Ministries

Meredith Jakovich

\$10,000.00



May 9, 2022

Lockhart City Council
308 W. San Antonio Street
Lockhart, Texas 78644

Dear Council Members:

Over the last year our organization has continued to grow in all areas of programming. Each of our five programs is design to assist Caldwell County residents experiencing food insecurity. While we are a county resource, over 65% of our clients are Lockhart residents. Currently, we distribute approximately 1200 food baskets monthly equating to just under 800 baskets going to families in Lockhart. In addition, our backpack program helps 120 children in LISD schools and over 250 seniors in Lockhart to receive our Healthy Options Program for the Elderly (HOPE) bags each month.

In August of 2021, we added a fifth program to our scope of work. Feeding Lockhart is a weekly free community meal available through partnership with local churches. Currently we provide a Tuesday and Wednesday evening meal and serve over 500 hot meals each week. Over 80% of those meals are going to feed Lockhart residents. We are exceptionally proud of the success of the Feeding Lockhart program and are considering adding a third location within the year.

This year, we are requesting \$10,000 from the City of Lockhart. With rising food and supplies cost we need your support more than ever. These funds would be used to support all our programs including our garden. Our board has just completed a strategic planning process and we have a solid plan for sustaining and expanding our programs and success.

Over the past three years we have enjoyed an exceptional working relationship with the City of Lockhart, and we are extremely grateful for the support we've received from the Council and City staff. We appreciate your help as we work to tirelessly to execute our mission to assist those experiencing food insecurity in our community.

Sincerely,

Meredith Jakovich
Executive Director



Packet Contents

- Mission Statement
- Programs Overview
- Current financial report – February 2022 – presented at March 2022 board meeting
- Proposed Expense Projection FY 2022
- Food received by weight 2021



Mission Statement

*To bring nourishment and hope to
those experiencing food insecurity in
Caldwell County*



Programs

Food Baskets

Grocery basket distribution is our core program. We distribute 100- pound baskets to approximately 900 families per month. Clients are eligible to visit twice per month. We receive two truck deliveries every Monday and dock donations daily. In a four- day period we distribute 15,000 to 20,000 pounds.

HOPE

The Healthy Options Program for the Elderly (HOPE) is a program for anyone 55 years old and over to receive non-perishable items monthly. HOPE bags are assembled every third Monday and are distributed the third and fourth weeks of the month. HOPE is a federally subsidized program, and we receive HOPE food from Central Texas Food Bank (CTFB). Currently we serve over 400 seniors monthly through this program.

Backpacks

Currently we distribute 200 backpacks monthly to six schools in the Lockhart and Luling school districts. Bags contain mostly snack items and easy to prepare items safe for children. Each bag also contains a coupon for the backpack family to receive an additional grocery basket. We have added an onsite pantry at two of our partner schools. Onsite pantries provide food options for counselors to distribute beyond the backpacks. This program runs from September through May each year.

Garden

The pantry garden is located on the CCCM campus. Our garden manager and volunteers work tirelessly to plant and harvest organic produce for our clients. Everything that is produced in the garden goes directly to our pantry families.

Feeding Lockhart

Feeding Lockhart is a new program that began in August 2021. This program provides a free weekly community meal hosted by First United Methodist Church in Lockhart on Wednesdays and at Lockhart Church of Christ on Tuesdays. Feeding Lockhart is a partnership with community churches to provide nourishment and fellowship. Currently we serve over 500 hot meals weekly between the two locations.

Financial Report FY21-22				
Feb-22				
Presented to the board 3/10/22				
Bank Balance 2/28/2022		\$258,888.63		
Expense	Budgeted FY21-22	Expenses YTD	Feb 22 Expenses	Remaining FY21-22
Board Administration	\$600.00	\$0.00	\$0.00	\$600.00
Building Maintenance and Repair	\$2,500.00	\$587.88	\$291.01	\$1,912.12
Consumable Supplies (w/Cleaning Supplies)	\$3,500.00	\$4,945.49	\$505.77	(\$1,445.49)
Equipment and Furniture (w/Computers)	\$12,500.00	\$9,450.90	(\$1,035.10)	\$3,049.10
Food	\$85,000.00	\$28,734.87	\$9,596.38	\$56,265.13
Garden Expenses	\$5,000.00	\$1,202.93	\$0.00	\$3,797.07
Insurance	\$2,700.00	\$444.00	\$444.00	\$2,256.00
Marketing (w/Chamber dues)	\$6,500.00	\$5,202.41	\$401.90	\$1,297.59
Office Supplies	\$4,500.00	\$2,418.59	\$207.34	\$2,081.41
Payroll (includes employee withholding)	\$122,000.00	\$48,593.10	\$9,760.62	\$73,406.90
Payroll taxes (employer 7.65%)	\$9,500.00	\$3,717.36	\$746.67	\$5,782.64
Professional Services	\$9,500.00	\$8,255.00	\$200.00	\$1,245.00
Staff Retention	\$2,000.00	\$1,100.00	\$0.00	\$900.00
Information Technology	\$6,000.00	\$1,712.99	\$410.97	\$4,287.01
Training	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Uniforms and Accessories	\$7,000.00	\$2,664.02	\$94.75	\$4,335.98
Utilities	\$7,000.00	\$3,027.02	\$699.84	\$3,972.98
Van	\$1,000.00	\$185.00	\$65.00	\$815.00
Volunteer Retention	\$5,000.00	\$2,247.64	\$78.00	\$2,752.36
Totals	\$292,800.00	\$124,489.20	\$22,467.15	\$168,310.80
Notes: Equipment and Furniture - Freezer Purchased 1/26/2022 returned to Home Depot 2/2/22 - Full refund of \$1,152.36				
Consumable Supplies - Paper Bags Purchased 2/2/2022 returned to Uline 2/28/22 - Full refund of \$534.21				
Prior to February, Payroll not shown as Total Gross Wages + Employer Payroll Taxes paid. Figures adjusted Oct-Jan.				

**Caldwell County Christian Ministries
FY 2022**

PROPOSED Expense Projection

Category of Expense	FY 2021 Projected	FY 2021 Actual	FY 2022 Projected
Board Administration	N/A	N/A	\$600.00
Building Maintenance and Repair	\$2,500.00	\$2,302.96	\$2,500.00
Consumable Supplies	\$2,200.00	\$6,446.22	\$3,500.00
Equipment and Furniture	\$6,500.00	\$13,501.63	\$12,500.00
Food	\$55,000.00	\$44,623.08	\$85,000.00
Garden Expenses	N/A	N/A	\$5,000.00
Insurance	\$1,700.00	\$2,652.00	\$2,700.00
Marketing	\$5,000.00	\$6,532.26	\$6,500.00
Office Supplies	\$3,500.00	\$4,306.68	\$4,500.00
Payroll (includes Employee Withholding)	\$102,165.00	\$91,523.29	\$122,000.00
Payroll Taxes (Employer 7.65%)	\$6,126.00	\$7,540.53	\$9,500.00
Professional Services	\$3,250.00	\$2,170.00	\$9,500.00
Staff Retention	\$1,400.00	\$1,285.95	\$2,000.00
Information Technology	\$4,200.00	\$6,444.59	\$6,000.00
Training	\$850.00	\$500.00	\$1,000.00
Uniforms and Accessories	\$5,750.00	\$5,929.65	\$7,000.00
Utilities	\$7,000.00	\$6,496.42	\$7,000.00
Van	\$1,030.00	\$589.61	\$1,000.00
Volunteer Retention	\$2,200.00	\$2,794.06	\$5,000.00
TOTAL	\$210,371.00	\$205,638.93	\$292,800.00

NOTE: FY2020 actual expenditures were \$158,334.54.

NOTE: CTFB reduced the cost of food expenses in FY 2021 by issuing credits to CCCM in the amount of \$21,855.94. Had these credits not been received, the total cost for the Food Category would have been \$66,479.02 instead of \$44,623.08.

NOTE: CTFB issued additional credits in the amount of \$7,391.59 that were not used by CCCM in FY 2021 and which will carry over for use in FY 2022. It is not known whether additional credits will be issued to CCCM in FY 2022.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss Ordinance No. 2022-21 authorizing the issuance of City of Lockhart, Texas Limited Tax Note, Series 2022; approval of an official statement and a paying agent/registrar agreement; prescribing the form of the note; levying an ad valorem tax to pay the note; awarding the sale thereof; and enacting other provisions relating thereto.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: On May 17, 2022, the City Council directed staff to work with the City's Financial Advisor, Jennifer Ritter from Specialized Public Finance, Inc. (SPFI) and the City's Bond Counsel, Bart Fowler from McCall Parkhurst & Horton to secure funding for several capital projects for Fiscal Year 2022-23.

The capital projects approved by the City Council on May 17, 2022:

1. Extend the city's wastewater line down FM 1322 south of Blackjack St. up to 12,000' and add a sustainable lift station to support new development - \$1,300,000.
2. Complete architectural and engineering design work on City Line Rd. and Clearfork St. - \$750,000.
3. Provide additional funds for sidewalk restoration - \$350,000.
4. Purchase a new high ranger bucket truck for Electric department - \$400,000.
5. Purchase a new ladder truck for the Fire department - \$1,200,000.

On May 19, 2022, Ms. Ritter distributed the term sheet and financial information to potential bank bidders.

On Monday, June 6, 2022, Specialized Public Finance will receive and verify bids.

Ordinance 2022-21 will award the winning bidder of Series 2022 Tax Notes, approve the official statement and paying agent/registrar agreement, and levy an ad valorem tax to pay the note.

On June 30, 2022, the closing of Series 2022 Tax Notes will be funded, delivered, and proceeds distributed in accordance with Closing Instructions.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): No funds are required for the approval of Ordinance 2022-21. Upon execution of an agreement with the paying agent/registrar, the City of Lockhart will be responsible for \$55,000, which will be paid from funds received from the sale of Series 2022 Tax Notes.

The \$55,000 will cover the professional services of the City's financial advisor, the City's Bond Counsel, the bidding agent, and additional fees due to the Texas Attorney General and other miscellaneous agencies.

PREVIOUS COUNCIL ACTION: On May 17th, the City Council designated projects for the City of Lockhart, Texas Limited Tax Note, Series 2022 and directed staff to proceed with the sale of said tax notes.

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Staff respectfully request the consideration and approval of Ordinance No. 2022-21.

LIST OF SUPPORTING DOCUMENTS: Ordinance No. 2022-21

ORDINANCE NO. 2022-21

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LOCKHART,
TEXAS LIMITED TAX NOTE, SERIES 2022; APPROVING A PAYING
AGENT/REGISTRAR AGREEMENT; PRESCRIBING THE FORM OF THE NOTE;
LEVYING AN AD VALOREM TAX TO PAY THE NOTE; AWARDED THE SALE
THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO**

Adopted June 7, 2022

Ordinance No. 2022-21

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LOCKHART,
TEXAS LIMITED TAX NOTE, SERIES 2022; APPROVING A PAYING
AGENT/REGISTRAR AGREEMENT; PRESCRIBING THE FORM OF THE NOTE;
LEVYING AN AD VALOREM TAX TO PAY THE NOTE; AWARDING THE SALE
THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO**

**THE STATE OF TEXAS
COUNTY OF CALDWELL
CITY OF LOCKHART**

☐
☐
☐

WHEREAS, the City Council of the City of Lockhart, Texas (the "City") deems it advisable to issue tax notes (the "Notes") for the purpose of (i) waste water system improvements, (ii) acquiring and equipping a bucket truck, (iii) public safety improvement, including acquisition of a fire truck, (iv) street and sidewalk improvements; and, (v) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes; and

WHEREAS, the Notes hereinafter authorized and designated are to be issued and delivered pursuant Chapter 1431, Texas Government Code, as amended; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, it is considered to be in the best interest of the City that the interest bearing Notes be issued.

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

Section 1. RECITALS, AMOUNT, PURPOSE OF THE NOTES AND DEFINITIONS. (a) Recitals and Purpose. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The Notes of the City of Lockhart, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount of \$4,055,000 (the "Notes") for the purpose of (i) waste water system improvements, (ii) acquiring and equipping a bucket truck, (iii) public safety improvement, including acquisition of a fire truck, (iv) street and sidewalk improvements; and, (v) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes.

(b) Definitions. For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in Exhibit A to this Ordinance have the meanings assigned to them in Exhibit A.

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITY OF NOTES. The Note shall have the Dated Date of June 30, 2022, shall be in fully registered form, without coupons, and initially there shall be issued, sold, and delivered hereunder one fully registered Note, in the denomination of \$4,055,000, numbered R-1 with notes issued in replacement thereof being in a like denomination and numbered consecutively from R-2 upward, payable to the registered owner thereof, or to the registered assignee or assignees of the Note or any portion or portions thereof (in each case, the "Registered Owner"), and the Note shall mature and be payable in annual installments as set forth in the FORM OF NOTE set forth in this Ordinance. The term "Note" as used in this Ordinance shall mean and include collectively the note initially issued and delivered pursuant to this Ordinance and all substitute notes exchanged therefor, as well as all other substitute notes and replacement notes issued pursuant hereto.

Section 3. INTEREST. The Note shall bear interest on the unpaid balance of the principal amount thereof from the Dated Date to the date of maturity or redemption prior to maturity at the respective rates for each outstanding principal installment as set forth in the FORM OF NOTE contained in this Ordinance. Said interest shall be payable in the manner provided and on the dates stated in the FORM OF NOTE set forth in this Ordinance.

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

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Note, date and manually sign said Note, and no such Note shall be deemed to be issued or outstanding unless such Note is so executed. The Paying Agent/Registrar promptly shall cancel all paid Note and Note surrendered

for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Note or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Note in the manner prescribed herein, and said Note shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Note as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Note, the converted and exchanged Note shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Note which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) Payment of Note and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Note, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Note, and of all conversions and exchanges of the Note, and all replacements of the Note, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Note (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Note to be payable only to the Registered Owners thereof, (ii) may be converted and exchanged for other Note, (iii) may be transferred and assigned, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) the principal of and interest on the Note shall be payable, and (vii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Note, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance. The Note initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in conversion of and exchange for any Note issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owner of the Note that at all times while the Note is outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Note under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting

as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Note, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Note, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

Section 5. FORM OF NOTE. The form of the Note, including the form of Paying Agent/Registrar's Authentication Note, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Note issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF NOTE

NO. R-	UNITED STATES OF AMERICA	PRINCIPAL
	STATE OF TEXAS	AMOUNT
	CITY OF LOCKHART, TEXAS	\$ _____,000
	LIMITED TAX NOTE	
	SERIES 2022	

DATED DATE: **JUNE 30, 2022**

REGISTERED OWNER:

PRINCIPAL AMOUNT: **THOUSAND DOLLARS**

INTEREST RATE: _____

MATURITY DATE: **FEBRUARY 1, 2029**

LOCKHART, TEXAS (the "City"), being a political subdivision of the State of Texas, for value received, promises to pay, from the sources described herein, to the registered owner specified above, or registered assigns, the principal amount specified above, and to pay interest thereon, from the Dated Date set forth above (calculated on the basis of a 360-day year of twelve 30-day months), on the balance of said principal amount from time to time remaining unpaid, at the applicable rates per annum for each outstanding principal installment as set forth below on each February 1 and August 1 of each year commencing February 1, 2023. The principal of this

Note shall be paid in installments on each February 1 in the years and in the amounts and bearing interest at the respective per annum rates, all as set forth above.

THE PRINCIPAL OF AND INTEREST ON the Notes are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Note shall be paid to the Registered Owner hereof upon presentation and surrender of this Note at maturity, at _____, which is the "Paying Agent/Registrar" for this Note at its designated office in _____, Texas (the "Designated Payment/Transfer Office). The payment of interest on this Note shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the Ordinance authorizing the issuance of this Note (the "Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the fifteenth day of the preceding month each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Note appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

ANY ACCRUED INTEREST due at maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Note for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Note that on or before each principal payment date, interest payment date, and accrued interest payment date for this Note it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Notes, when due.

IF THE DATE for the payment of the principal of or interest on this Note shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the City where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS NOTE is dated June 30, 2022, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$4,055,000, for the purpose of: (i) waste water system improvements, (ii) acquiring and equipping a bucket truck, (iii) public safety improvement, including acquisition of a fire truck, (iv) street and sidewalk improvements; and, (v) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes.

THE NOTES are not subject to redemption prior to stated maturity.

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

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

IT IS HEREBY certified, recited and covenanted that this Note has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Note have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law.

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

IN WITNESS WHEREOF, the City has caused this Note to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of said City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Note.

City Secretary, City of Lockhart, Texas

Mayor, City of Lockhart, Texas

(CITY SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

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

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

Dated

_____,
Paying Agent/Registrar

By _____
Authorized Representative

FORM OF PAYMENT RECORD

PAYMENT RECORD

<u>Date of Payment</u>	<u>Principal Payment (amount and installment(s) to which payment is applied)</u>	<u>Remaining Principal Balance</u>	<u>Name and Title of Authorized Officer making Entry</u>	<u>Signature of Authorized Officer</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

FORM OF ASSIGNMENT

ASSIGNMENT

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

Please insert Social Security or Taxpayer
Identification Number of Transferee

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

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

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

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

FORM OF REGISTRATION CERTIFICATE OF THE COMPTROLLER OF PUBLIC ACCOUNTS

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

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

Witness my signature and seal this

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

Section 6. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Note. All ad valorem taxes levied and collected for and on account of said Notes shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Notes are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Notes as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Notes as such principal matures (but never less than 2% of the original principal amount of said Notes as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Notes are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Notes, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Notes shall be deposited in the Interest and Sinking Fund and used to pay interest on the Notes.

Section 7. ESTABLISHMENT OF PROJECT FUND. (a) Project Fund. The City's Tax Notes Series 2022 Project Fund is hereby created and shall be established and maintained by the City at an official depository bank of the City. Proceeds from the sale of the Notes, including any premium, but excluding accrued interest, shall be deposited into the Project Fund.

(b) Investment of Funds. The City hereby covenants that the proceeds of the sale of the Notes will be used as soon as practicable for the purposes for which the Notes are issued. Obligations purchased as an investment of money in any fund shall be deemed to be a part of such fund. Any money in any fund created by this Ordinance may be invested as permitted by the Texas Public Funds Investment Act, as amended.

(c) Security for Funds. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.

(d) Maintenance of Funds. Any funds created pursuant to this Ordinance may be created as separate funds or accounts or as subaccounts of the City's General Fund held by the

City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such funds or of such funds and the City shall keep full and complete records indicating the monies and investments credited to each such fund.

(e) Interest Earnings. Interest earnings derived from the investment of proceeds from the sale of the Notes shall be used along with the Note proceeds for the purpose for which the Notes are issued as set forth in Section 1 hereof or to pay principal or interest payments on the Notes; provided, however, that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on note proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Notes from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

(f) Perfection. Chapter 1208, Texas Government Code, applies to the issuance of the Notes and the pledge of the ad valorem taxes granted by the City under this Section, and is therefore valid, effective, and perfected. If Texas law is amended at any time while the Notes are outstanding and unpaid such that the pledge of the ad valorem taxes granted by the City under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Owners of the Notes the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 8. DEFEASANCE OF NOTES. (a) The Notes and the interest thereon shall be deemed to be paid, retired and no longer outstanding ("Defeased Notes") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Notes, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Notes shall have become due and payable or (3) any combination of (1) and (2). At such time as Notes shall be deemed to be a Defeased Notes hereunder, as aforesaid, such Notes and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of Notes as aforesaid when proper notice of redemption of such Notes shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may, at the discretion of the City Council, also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Notes and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

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

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section for the payment of the Notes and the Notes shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of the Notes affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Notes to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Notes for redemption in accordance with the provisions of the Ordinance authorizing its issuance, the City may call such Defeased Notes for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Notes as though it was being defeased at the time of the exercise of the option to redeem the Defeased Notes and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Notes.

Section 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTES. (a) Replacement Note. In the event any outstanding Note is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Note of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Note, in replacement for such Note in the manner hereinafter provided.

(b) Application for Replacement Note. Application for replacement of a damaged, mutilated, lost, stolen or destroyed Note shall be made by the Registered Owner thereof to the

Paying Agent/Registrar. In every case of loss, theft or destruction of a Note, the Registered Owner applying for a replacement Note shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Note, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Note, as the case may be. In every case of damage or mutilation of a Note, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Note so damaged or mutilated.

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

(d) Charge for Issuing Replacement Note. Prior to the issuance of any replacement Note, the Paying Agent/Registrar shall charge the Registered Owner of such Note with all legal, printing, and other expenses in connection therewith. Every replacement Note issued pursuant to the provisions of this Section by virtue of the fact that any Note is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Note shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Notes duly issued under this Ordinance.

(e) Authority for Issuing Replacement Note. In accordance with Subchapter B of Texas Government Code, Chapter 1206, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Note without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Note is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Note in the form and manner and with the effect, as provided in Section 9(a) of this Ordinance for Note issued in conversion and exchange for other Note.

Section 10. CUSTODY, APPROVAL, AND REGISTRATION OF NOTE; BOND COUNSEL'S OPINION; AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Notes issued and delivered hereunder and all necessary records and proceedings pertaining to the Notes pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Notes said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Notes attached to the Note, and the seal of said Comptroller shall be impressed, or placed in facsimile, on the Note. The approving legal opinion of the City's Bond Counsel may, at the option of the City, be printed on the Note issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the

Registered Owners of the Note. In addition, if bond insurance is obtained, the Note may bear an appropriate legend as provided by the insurer.

Section 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Notes as an obligation described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Notes, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Notes (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Notes being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Notes being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Notes, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Notes, other than investment property acquired with --

(A) proceeds of the Notes invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the Notes are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Notes;

(7) to otherwise restrict the use of the proceeds of the Notes or amounts treated as proceeds of the Notes, as may be necessary, so that the Notes does not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Notes) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Notes have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Noteholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Notes. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Notes, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Notes, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, Notes or reports required by the Code and to make such elections, on behalf of the City, which may be permitted

by the Code as are consistent with the purpose for the issuance of the Notes. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Notes, or (2) the date the Notes is retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Notes. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Notes. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

Section 12. SALE OF NOTES. The Notes are hereby sold to the bidder whose bid produced the lowest net effective interest rate, pursuant to the taking of public bids therefor, on this date, and shall be delivered to a syndicate of the purchaser represented by _____ (the "Purchaser") at a price of \$_____, representing the par amount of the Notes, plus accrued interest of \$_____, less an underwriter's discount of \$_____, plus a reoffering premium of \$_____. The Notes shall initially be registered in the name of _____.

In consultation with, and reliance upon the advice of the financial advisor for the City, the City Council hereby finds the terms and sale of the Notes are the most advantageous reasonably available on the date and time of the pricing of the Notes given the then existing market conditions and the stated terms of sale on such date and time and accordingly that such terms are in the best interest of the City.

Section 13. NO CONTINUING DISCLOSURE UNDERTAKING. The placement of the Note is exempt from SEC Rule 15c2-12; however, the City will provide for the benefit of the purchaser of the Note the City's most current audited financial information upon written request.

Section 14. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, (v) obtain insurance or ratings on the Notes, (vi) obtain the approval of the Attorney General of the State Texas, or (vii) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Notes aggregating in principal amount 51% of the aggregate principal amount of then outstanding Notes that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Notes, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Notes so as to:

- (1) Make any change in the maturity of any of the outstanding Notes;
- (2) Reduce the rate of interest borne by any of the outstanding Notes;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Notes;
- (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Notes or any of them or impose any condition with respect to such payment; or

- (5) Change the minimum percentage of the principal amount of any series of Notes necessary for consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Notes a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Notes.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Notes then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Notes shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Note pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Note during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Notes then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

Section 15. DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Notes when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Notes, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Notes then outstanding.

(c) Remedies Not Exclusive.

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

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Note authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 16. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT. Attached hereto as Exhibit C is a substantially final form of Paying Agent/Registrar Agreement. Each of the Mayor, the City Manager and the Director of Finance are hereby authorized to amend, complete or modify such agreement as necessary and are further authorized to execute such agreement.

Section 17. NO PERSONAL LIABILITY. No covenant or agreement contained in the Notes, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Notes shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Notes.

Section 18. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Note, the initial sale and delivery of the Note, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Note, the City Manager or Assistant City Manager are each hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement or (ii) obtain the approval of the Note by the Texas Attorney General's office.

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

Section 19. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Note and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Note.

Section 20. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 21. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the

City and the registered owners of the Note, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Note.

Section 22. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 23. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 24. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 25. EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Section 26. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Note and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Note is outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Note the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 27. REIMBURSEMENT. The City expects to pay expenditures in connection with the purposes set forth in the Section 1 of this Ordinance prior to the issuance of the Notes. The City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Notes to accomplish the purposes set forth in Section 1 of this Ordinance. All costs to be reimbursed pursuant hereto will be capital expenditures. No Notes will be issued by the City in furtherance of this Ordinance after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service. The foregoing notwithstanding, no Notes will be

issued pursuant to this Ordinance more than three years after the date any expenditure which is to be reimbursed is paid.

Section 28. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Notes or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Notes.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 7th day of June, 2022.

Mayor
City of Lockhart, Texas

ATTEST:

City Secretary
City of Lockhart, Texas

EXHIBIT A

DEFINITIONS

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Notes and in the denomination of \$5,000 in maturity amount or any integral multiple thereof with respect to the Notes.

"*Note Insurer*" or "*Insurer*" means the provider of a municipal bond insurance policy for the Notes or any other entity that insures or guarantees the payment of principal and interest on any Notes.

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

"*Business Day*" means any day which is not a Saturday, Sunday or a day on which the Paying Agent/Registrar is authorized by law or executive order to remain closed.

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

"*City*" and "*Issuer*" mean the City of Lockhart, Texas, and where appropriate, the City Council.

"*City Council*" means the governing body of the City.

"*Closing Date*" means the date of initial delivery of and payment for the Notes.

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

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

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

"*DTC Participant*" means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

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

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

"*Holder*," "*Holders*," "*Owners*" or "*Registered Owners*" means any person or entity in whose name a Note is registered in the Security Register.

"*Initial Note*" means the Note authorized, issued, and initially delivered as provided in Section 3 of this Ordinance.

"*Insurance Policy*" means an insurance policy issued by any Insurer guaranteeing the scheduled principal of and interest on the Notes when due.

"*Interest and Sinking Fund*" means the special fund maintained by the provisions of Section 5 of this Ordinance.

"*Interest Payment Date*" means a date on which interest on the Notes is due and payable.

"*Issuance Date*" means the date of delivery of the Notes.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Notes*" means the "City of Lockhart, Texas Tax Notes, Series 2022."

"*Ordinance*" means this ordinance finally adopted by the City Council on June 7, 2022.

"*Outstanding*", when used with respect to Notes, means, as of the date of determination, all Notes theretofore delivered under this Ordinance, except:

(1) Notes theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;

(2) Notes deemed paid pursuant to the provisions of Section 9 of this Ordinance;

(3) Notes upon transfer of or in exchange for and in lieu of which other Notes have been authenticated and delivered pursuant to this Ordinance

(4) Notes under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

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

"*Record Date*" means Record Date as defined in Section 4 the Form of Notes.

"*Redemption Date*" means a date fixed for redemption of any Note pursuant to the terms of this Ordinance.

"*Register*" or "*Registration Books*" means the registry system maintained on behalf of the City by the Registrar in which are listed the names and addresses of the Registered Owners and the principal amount of Notes registered in the name of each Registered Owner.

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

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

EXHIBIT B

NOTE PURCHASE AGREEMENT

EXHIBIT C

PAYING AGENT\REGISTRAR AGREEMENT

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss bid from Countywide Builders in the amount of \$93,750.00 to construct an exterior 1,800 square foot building to the adjoining building at 214 Bufkin Lane, Lockhart, Texas, and appointing the City Manager to sign all contractual documents.

ORIGINATING DEPARTMENT AND CONTACT: Electric - Bobby Leos

ACTION REQUESTED: Approval of Bid

BACKGROUND/SUMMARY/DISCUSSION: An expansion of physical building storage space at the City of Lockhart Electric Distribution Department was approved in the FY 21-22 budget. The expansion is necessary to ensure adequate storage space, protected from the weather, for both City equipment and electric distribution supply material. This protected storage space reduces costly damage caused by storms and the sun. The storage space better positions the City to meet the power needs of our growing community.

To complete this project, bids were sought in compliance with State Law to construct an exterior 1,800 square foot metal building to the adjoining building at 214 Bufkin Lane, Lockhart, Texas. One bid was received from Countywide Builders in the amount of \$93,750. Countywide has successfully completed prior construction projects for the City.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$93,750.00

Account Number: 500-5745-910

Funds Available: \$150,000.00

Account Name: Buildings & Structure

FISCAL NOTE (if applicable): This is a budgeted item approved by the City Council for FY 21-22.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Electric Superintendent recommends approval.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Proposed Construction Contract with Countywide
Builders

COUNTYWIDE BUILDERS
Construction Contract

This Construction Contract (the "Contract") is made as of this _____ day of _____, 2022 (the "Effective Date") by and between "Client" (City of Lockhart Electric Dept.) of PO Box 239, Lockhart, TX 78644 and Countywide Builders (Contractor) of P. O. Box 1 117 Lockhart, TX 78644. (Contractor) desires to provide Construction services for "Client and "Client" desires to obtain such services from (Contractor).

THEREFORE, in consideration of the mutual promises set forth below, the parties agree as follows:

1. **DESCRIPTION OF SERVICES.** (Contractor) will provide to (Client) the services described in the attached Exhibit A (collectively, the "Services")
2. **SCOPE OF WORK.** (Contractor) will provide all services, materials and labor for the construction of an Exterior 1800 sq. ft. Metal Building w/Non-Engineered Matching Metal to adjoining building as discussed per (Client) of the property at (Clients) location: 214 Bufkin Ln., Lockhart, TX 78644, hereinafter referred to as "the worksite". This includes building and construction materials, necessary labor and site security, and all required tools and machinery needed for completion of construction as agreed upon sketches and submittals.
3. **COMPLIANCE WITH LAWS.** (Contractor) shall provide the Services in a workmanlike manner, and in compliance with all applicable federal, state and local laws and regulations, including, but not limited to all provisions of the Fair Labor Standards Act, the Americans with Disabilities Act, and the Federal Family and Medical Leave Act.
4. **WORK SITE.** (Client) warrants that (Client) has full possession and improvement Rights. Prior to the start of construction, (Client) shall provide an easily accessible building site, which meets all zoning requirements for the structure.
5. **PAYMENT.** Payment shall be made to (Contractor), Lockhart, and TX 78644. (Client) agrees to pay the sum of \$93,750.00 in two draws.

Draw #1- Metal Building, Delivery & Foundation Pour	\$36,000.00
Draw #2- Building Erection and Completion	\$57,780.00

In addition to any other right or remedy provided by law, if (Client) fails to pay for the Services when due, (Contractor) has the option to treat such failure to pay as a material breach of this Contract and may cancel this Contract and/or seek legal remedies.

6. **TERM.** (Contractor) shall commence the work to be performed within 30 days of closing and shall complete the work on or before 60 days from start of Foundation Pour.
7. **CHANGE ORDER.** (Client) may make changes to the scope of the work from time to time during the term of this Contract. However, any such change or modification shall only be made in a written "Change Order" which is signed and dated by both parties. Such Change Orders shall become part of this Contract. (Client) agrees to pay any increase in the cost of the Construction work as a result of any written, dated and signed Change Order plus a General Contracting fee of 10% of the cost of the change. In the event the cost of a Change Order is not known at the time

a Change Order is executed, (Contractor) shall estimate the cost thereof and (Client) shall pay the actual cost whether or not this cost is in excess of the estimated cost. If Change Order resolves in decreased of cost to owner, Change Order decrease will be noted to reflect decrease of payment.

8. **PERMITS.** (Client) shall obtain all necessary building compliance permits. (Contractor) shall apply for and obtain any other necessary permits and licenses required by the local municipal/county government to do the work, the cost thereof shall be included as part of the Payment to (Contractor) under this Contract – **ALL PERMITS AND IMPACT FEES ARE WAIVED BY THE CITY OF LOCKHART.**

9. **INSURANCE.** Before work begins under this Contract, (Contractor) shall furnish certificates of insurance substantiating that (Contractor) has placed in force valid insurance covering its full liability under the Workers' Compensation laws of the State of Texas and shall furnish and maintain general liability insurance, and builder's risk insurance for personal injury or death suffered in any construction related accident and property damage incurred in rendering the Services.

Countywide Builders Carries a Minimum applicable Limits of Insurance.
Employers Liability: \$1,000,000 each Accident, Employee and limit Commercial
Auto Liability: \$1,000,000 Commercial General Liability \$1,000,000
General Aggregate per project \$2,000,000 Umbrella Liability: \$2,000,000 each
Occurrence, Additional Insured with automatic wavier of subrogation in favor of the
owner. Builders Risk Premium earned report, Coverage up to \$1,000,000 any one
building or structure inside or outside of the city limits.

10. **CONFIDENTIALITY.** (Contractor), and its employees, agents, or representatives will not at any time or in any manner, either directly or indirectly, use for the personal benefit of (Contractor), or divulge, disclose, or communicate in any manner, any information that is proprietary to (Client). (Contractor) and its employees, agents, and representatives will protect such information and treat it as strictly confidential. This provision will continue to be effective after the termination of this Contract.

11. **INDEMNIFICATION.** With the exception that this Section shall not to be to require indemnification by (Contractor) to a greater extent than permitted under the public policy of the State of Texas, (Contractor) shall indemnify (Client) against, hold it harmless from and defend (Client) from all claims, loss, liability, and expense, including actual attorneys' fees, arising out of or in connection with (Contractor) Services performed under this Contract. This indemnity shall be provided even if (Client) is partly responsible for the claim, damage, injury or loss, but (Contractor) shall not provide indemnity against claims or losses deemed to be caused by the sole negligence or willful misconduct of (Clients) or (Clients) agents or employees.

12. **WARRANTY.** (Contractor) shall provide its services and meet its obligations under this Contract in a timely and workmanlike manner, using knowledge and recommendations for performing the services which meet generally acceptable standards in (Contractor) community and region, and will provide a standard of care equal to, or superior to, care used by service providers similar to (Contractor) on similar projects. (Contractor) shall construct the structure in conformance with the plans, specifications, and any breakdown and binder receipt signed by (Contractor) and (Client). (Contractor) will provide 1 year warranty on materials and labor.

13. **FREE ACCESS TO WORKSITE.** (Client) will allow free access to work areas for workers and vehicles and will allow areas for the storage of materials and debris. Driveways will be kept clear for the movement of vehicles during work hours. (Contractor) will make reasonable efforts to protect driveways, lawns, shrubs, and other vegetation (Contractor), also agrees to keep the worksite clean and orderly and to remove all debris as needed during the hours of work in order to maintain work conditions which do not cause health or safety hazards.

14. **UTILITIES.** (Client) shall provide and maintain water and electrical service, connect permanent electrical service, gas service or oil service, whichever is applicable, and tanks and lines to the building constructed under this Contract after an acceptable cover inspection has been completed, and prior to the installation of any inside wall cover. (Client) shall, at (Clients) expense, connect sewage disposal and water lines to said building prior to the start of construction, and at all times maintain sewage disposal and water lines during construction as applicable. (Client) shall permit (Contractor), to use, at no cost, any electrical power and water use necessary to carry out and complete the work.

15. **INSPECTION.** (Client), shall have the right to inspect all work performed under this Contract. All work that needs to be inspected or tested and certified by an engineer as a condition of any government departments or other state agency, or inspected and certified by the local health officer, shall be done at each necessary stage of construction and before further construction can continue. All inspection and certification will be done at (Clients) expense.

16. **REMEDIES.** In addition to any and all other rights a party may have available according to law of the State of Texas, if a party defaults by failing to substantially perform any provision, term or condition of this Contract (including without limitation the failure to make a monetary payment when due), the other party may terminate the Contract by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving said notice shall have 45 days from the effective date of said notice to cure the default(s). Unless waived by a party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Contract.

17. **FORCE MAJEURE.** If performance of this Contract or any obligation under this Contract is prevented, restricted, or interfered with by causes beyond either party's reasonable control ("Force Majeure"), and if the party unable to carry out its obligations and gives the other party prompt notice of such event, then the obligations of the party invoking this provision shall be suspended to the extent necessary by such event. The term Force Majeure shall include, without limitation, acts of God, fire, explosion, vandalism, storm, casualty, illness, injury, general unavailability of materials or other similar occurrence, orders or acts of military or civil authority, or by national emergencies, insurrections, riots, or wars, or strikes, lockouts, work stoppages. The excused party shall use reasonable efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such causes are removed or ceased. An act or omission shall be deemed within the reasonable control of a party if committed, omitted, or caused by such party, or its employees, officers, agents, or affiliates.

18. **ENTIRE CONTRACT.** This Contract contains the entire Contract of the parties, and there are no other promises or conditions in any other contract whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral agreements between the parties.

19. **SEVERABILITY.** If any provision of this Contract will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

20. **AMENDMENT.** This Contract may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

21. **GOVERNING LAW.** This Contract shall be construed in accordance with and governed by the laws of the State of Texas, regardless of the choice of law provisions of Texas or any other jurisdiction.

22. **NOTICE.** Any notice or communication required or permitted under this Contract shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such other address as one party may have furnished to the other in writing.

23. **WAIVER OF CONTRACTUAL RIGHT.** The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

Attachments Include:

Exhibit A—Proposal Services

Certificate of General Liability

Certificate of Builders Risk

Client:

"City of Lockhart"

Sign: _____ Date: _____

Steve Lewis, Lockhart City Manager
City of Lockhart (Electric Department)
P.O. Box 234
Lockhart, Texas 78644

Contractor:

"Countywide Builders"

Sign: _____ Date: _____

James W. Smith, Owner
P.O. Box 1117
Lockhart, Texas 78644
jim@countywidere.com

EXHIBIT A

SCOPE OF SERVICES

Construction of an exterior 1800 sq. ft. metal building with non-engineered matching metal to adjoining building including:

- Three bays 30' deep by 20' adding three steel stalls with concrete floors
- 14' tall 1/12 pitch to match adjoining buildings
- Sides and rear with R panel installed-no insulation
- Roof Panel- no insulation
- Fully concrete engineered foundation
- Two 3x5 windows installed
- Installation and erection provided

Construction and Services includes:

- All Engineering necessary to complete project
- Insurance-Builders Risk, Workman's comp and general liability
- All General Contractor General Conditions, OH & Profit

Excludes:

- City of Lockhart permit and impact fees

**REGULAR MEETING
LOCKHART CITY COUNCIL**

MAY 17, 2022

6:30 P.M.

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

Council present:

Councilmember Derrick David Bryant

Councilmember Kara McGregor

Councilmember Brad Westmoreland

Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 6:35 p.m.)

Mayor Lew White

Councilmember Juan Mendoza

Councilmember Jeffry Michelson

Staff present:

Steven Lewis, City Manager

Monte Akers, City Attorney

Dan Gibson, City Planner

Sean Kelley, Public Works Director

Mike Kamerlander, Economic Development Dir.

David Fowler, Senior Planner

Connie Constancio, City Secretary

Victoria Maranan, Public Information Officer

Pam Larison, Finance Director

Bob Leos, Electric Superintendent

Randy Jenkins, Fire Chief

Citizens/Visitors Addressing the Council: Syd Falk of Bickerstaff, Heath, Delgado & Acosta; Bart Fowler of McCall, Parkhurst & Horton; and Citizens: John Castillo, Patrick Davis, and Riley Baldus.

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:

A. DISCUSSION REGARDING CAPITAL PROJECTS AND IMPROVEMENTS TO FINANCE THROUGH THE ISSUANCE OF DEBT, POSSIBLY TAX NOTE, BY THE CITY.

Ms. Larison stated that the tax notes (also known as anticipation notes) are a debt instrument that a city may sell to finance the construction of public works, the purchase of supplies, land, and rights of way for public works, to pay for professional services, to pay for operating expenses, or to pay off cash flow deficits. Tax notes used to pay for public works or professional services must mature before the seventh anniversary after the notes are approved by the attorney general. Tax notes can be paid from and secured by taxes, revenues (as from a utility), a combination of taxes and revenues, or the proceeds of bonds to be issued by the city. The City Council must adopt an ordinance to authorize the issuance of anticipation notes. And all public securities, unless specifically excepted, must receive attorney general approval.

The following is a timetable for Issuance of Limited Tax Notes Series 2022:

- Thursday, May 19, 2022 - Specialized Public Finance Inc. (SPFI) distributes term sheets and financial information to potential bank bidders.
- Monday, June 6, 2022 - Receive bids from banks. Bids are verified by SPFI.
- Tuesday, June 7, 2022 - Sale. Series 2022 Tax Notes are awarded by City Council to the winning bidder.
- Thursday, June 30, 2022 - Closing. Series 2022 Tax Notes are delivered, and proceeds distributed in accordance with closing information.

The proposed funding of potential projects is at a cost of \$3.5million for a term of seven years at an estimated interest rate of 3%.

The recommended potential projects to be funded include the following:

	Project	Cost	Funding Source
1	12,000' of wastewater line, lift station, design, and contingencies - FM1322 - developmental growth	\$1,300,000	Utility revenue - Wastewater fund
2	High Ranger - Electric Dept.	\$ 500,000	Utility revenue - Electric fund
3	Ladder truck - Fire Dept.	\$1,200,000	I & S Debt Service
4	Clearfork Street Reconstruction - engineering & design services	\$ 500,000	I & S Debt Service

There was discussion about including costs for the engineering and the right-of-way acquisition for City Line Road and costs for repairing sidewalks.

Ms. Larison introduced Bart Fowler of McCall, Parkhurst & Horton to provide details about funding options.

Bart Fowler explained the issuance of debt process.

B. DISCUSSION REGARDING COMMENTS RECEIVED FROM THE PUBLIC REGARDING REDISTRICTING PLANS FOR CITY COUNCIL DISTRICTS, PLANS PROPOSED BY THE PUBLIC, INCLUDING POSSIBLE AMENDMENTS TO A PROPOSED PLAN. *The City Council may go into executive session pursuant to Texas Government Code, Section 551.071 to receive advice from legal counsel regarding the City's redistricting obligations.*

Mayor White announced that the Council would go into Executive Session at 6:53 p.m.

Mayor White stated that the Council would enter Open Session at 7:23 p.m.

E. DISCUSS CITY COUNCIL MINUTES FOR THE APRIL 9, 2022, APRIL 19, 2022 AND MAY 3, 2022 MEETINGS.

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

F. DISCUSS SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.

Mr. Gibson stated that in accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the water, wastewater, and road impact fee capital improvement plans (CIP's), and submitting semi-annual reports to the City Council. The Committee met on May 11th to consider their 40th semi-annual report since impact fees were originally adopted on January 15, 2002. The total impact fee revenue during the period covered by this report was \$644,508, and there were no expenditures of impact fees in any of the accounts during that time. Because the Committee previously recommended that the city undertake the statutory five-year update of the impact fee land use assumptions, capital improvement plans, and fees, and the Council agreed and subsequently voted at the December 21, 2021, Council meeting to direct staff to retain consultants for the update, there are no new recommendations from the Committee. The semi-annual report is for the period from October 1, 2021, to April 1, 2022.

G. DISCUSS ORDINANCE 2022-20 APPROVING BUDGET AMENDMENT NO. 69 INCREASING THE CAPITAL EXPENDITURE LINE ITEM FOR THE PURCHASE OF PIERCE FIRE PUMPER, ENGINE 1.

Ms. Larison stated that during the preparation of the Annual Operating Budget for the City of Lockhart's fiscal year ending 2022, the City Council approved the use of one-time expenditures from the General Fund balance for the purchase of a new Pierce Fire Pumper, Engine 9. One-time expenditures require an amendment by ordinance according to the City Charter, Chapter 9 - *Municipal Finance, Section 9.16 - Other Necessary Appropriations*, and according to the City's Fund Balance Policy. The policy states that one-time expenditures that are not recurring in nature or which will not require additional future expense outlays for maintenance, additional staffing, or other recurring expenditures that cannot be funded through current revenues. The payment for this item was pre-paid in full on November 23, 2020. Due to the arrival of the capital asset (10/02/2021), the expense must be documented in the current fiscal year. This Ordinance and Budget Amendment is a formality to bring into policy and required for transparency during the audit process. Ms. Larison recommended approval.

H. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:33 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:45 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

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

ITEM 3. PUBLIC COMMENT.

Mayor White requested citizens to address the Council.

John Castillo, 1106 Red River, stated that the redistricting process is important and that he appreciated LULAC's proposed redistricting plans being considered. He thanked Mr. Falk for meeting with the organization, which resulted in Revised Plan B. He spoke in favor of approving Revised Plan B.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-15 BY NANDA MUTALA ON BEHALF OF SUBURBAN PROPANE, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-19 FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT FOR 3.496 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, LOCATED AT 2001 BLACKJACK STREET (FM 20).

Mayor White opened the public hearing at 7:50 p.m.

Mr. Fowler stated that commercial development is desired on this property. The specific type of commercial development has been described as retail or office. To allow a greater number of potential commercial uses, the requested zoning change to CHB Commercial Heavy Business has been proposed. The proposed CHB zoning is consistent with the General-Heavy Commercial designation for the property found on the Future Land Use Plan map. Surrounding properties are mostly designated for

residential or mixed uses on the Future Land Use map. No citizens spoke regarding this application at the Planning and Zoning Commission meeting. Mr. Fowler stated that the Planning and Zoning Commission and staff recommended approval.

Mayor White requested the applicant to address the Council.

Patrick Davis, 120 Blackjack Road, spoke in favor of the zoning change.

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

Councilmember McGregor made a motion to approve Ordinance 2022-19, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0,

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

5A: Approve City Council minutes for the April 9, 2022, April 19, 2022 and May 3, 2022 meetings.

5B: Accept semi-annual report from the Impact Fee Advisory Committee concerning the status of implementation of Chapter 31 "Impact Fees" of the Lockhart Code of Ordinances with regard to water, wastewater, and road impact fees.

ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING COMMENTS RECEIVED FROM THE PUBLIC REGARDING REDISTRICTING PLANS FOR CITY COUNCIL DISTRICTS, PLANS PROPOSED BY THE PUBLIC, INCLUDING POSSIBLE AMENDMENTS TO A PROPOSED PLAN. *The City Council may go into executive session pursuant to Texas Government Code, Section 551.071 to receive advice from legal counsel regarding the City's redistricting obligations.* There was no discussion during this agenda item.

ITEM 6-C. DISCUSSION AND POSSIBLE ADOPTION OF A REDISTRICTING PLAN FOR CITY COUNCIL DISTRICTS AS OUTLINED IN RESOLUTION 2022-24.

Mayor White stated that they will consider Revised Plan B.

Mayor Pro-Tem Sanchez thanked Mr. Falk for working with LULAC on preparing Revised Plan B as well as the Council for allowing consideration of the public's interest in a new redistricting plan.

Councilmember Mendoza also thanked the Council for considering Revised Plan B which he was in favor of.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2022-24 with the adoption of Revised Plan B to be effective immediately. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING AN EFFECTIVE DATE FOR A REDISTRICTING PLAN FOR CITY COUNCIL DISTRICTS.

The motion was made during the previous agenda item that the redistricting plan would be effective immediately.

ITEM 6-D. CONSIDERATION AND POSSIBLE ACTION WITH RESPECT TO DETERMINING CAPITAL PROJECTS AND IMPROVEMENTS TO FINANCE THROUGH THE ISSUANCE OF DEBT, POSSIBLY TAX NOTE, BY THE CITY.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to proceed with applying for funds for the capital projects as discussed in work session in addition to adding funds for engineering and right-of-way acquisition of City Line Road and funds for sidewalk improvements for a total of \$4 million.

Mayor White requested the following to address the Council:

Riley Baldus, 601 Flores, spoke about the proposed Lockhart Ridge Garden Home development that he believes is exempt from zoning regulations. He provided brief details about revenue that the project would generate for the city.

ITEM 9. 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.

Mayor White announced that the Council would enter Executive Session at 8:20 p.m.

ITEM 10. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 8:47 p.m. There was no action.

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-20 APPROVING BUDGET AMENDMENT NO. 69 INCREASING THE CAPITAL EXPENDITURE LINE ITEM FOR THE PURCHASE OF PIERCE FIRE PUMPER, ENGINE 1.

Councilmember Michelson made a motion to approve Ordinance 2022-20, as presented. Councilmember Westmoreland seconded. The motion passed by a 7-0.

ITEM 6-F. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

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

- Summer Fan Program begins on May 16.
- Update regarding November 8, 2022 City of Lockhart General Election.
- Update regarding Citywide Bulk Clean-up.

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

Councilmember Mendoza congratulated the Hispanic Chamber of Commerce for a successful Cinco de Mayo event. He congratulated Councilmember Bryant for being awarded the *Man in Me* award.

Mayor Pro-Tem Sanchez expressed condolences to the families of Francisco Frank Vasquez and Angel Castillo, Sr. for their loss. She congratulated the Hispanic Chamber of Commerce and the Chairman of the 5K run for a successful Cinco de Mayo event and 5K run. She wished Mayor White a Happy Birthday and congratulated Mr. and Mrs. Michelson on their anniversary. She wished Blacks Barbecue a 90th Happy Anniversary.

Councilmember McGregor congratulated the 2022 High School graduating class.

Councilmember Bryant congratulated the 2022 High School graduating class and he wished them well in their future endeavors. He thanked Councilmember Mendoza for acknowledging his accomplishment. He congratulated the Hispanic Chamber of Commerce for a well-attended Cinco de Mayo event.

Councilmember Michelson congratulated the Hispanic Chamber of Commerce on a successful Cinco de Mayo event. He also congratulated the 2022 High School graduating class.

Mayor White congratulated the Hispanic Chamber of Commerce for a successful Cinco de Mayo event. He congratulated Johnny & Sons Body Shop on their 55th Anniversary. He thanked the Retired Nurses for hosting a Health Fair event and congratulated Blacks Barbecue on their 90th Anniversary. He congratulated the 2022 High School graduates.

ITEM 11. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 8:55 p.m.

PASSED and APPROVED this the 7th day of June 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC
City Secretary

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss postponing until July 5, 2022 applications ZC-22-08 and PDD-22-01 by James Travis Krause on behalf of Patton 3, LLC, for a **Zoning Change** from *RLD Residential Low Density District* to *PDD Planned Development District*, including a **PDD Development Plan** for *Lockhart Place Townhomes Planned Development*, on 19.798 acres in the Frances Berry Survey, Abstract No. 2, located at 903 State Park Road (FM 20).

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: This item requests a rezoning of the subject property from Residential Low Density District (RLD) to Planned Development District (PDD). The PDD development plan and the associated preliminary plat have been withdrawn to address comments which City planning staff issued on those submissions prior to the scheduled Planning and Zoning Commission hearing. These comments created the need to revise both the PDD plan and preliminary plat in a manner that would cause both submissions to exceed the 30 day time limit (with one 30-day extension) allowed by the Texas Local Government Code. As such, the two submissions were withdrawn and are anticipated to be heard along with the requested zoning change at the June 22, 2022 Planning and Zoning Commission meeting. This would result in the need to postpone City Council consideration of the item until July 5, 2022.

PROJECT SCHEDULE (if applicable): To be heard at the June 22, 2022, Planning and Zoning Commission meeting. Recommended to be postponed until July 5 Council meeting in order to receive Planning and Zoning Commission recommendation on the proposed zoning change.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: None.

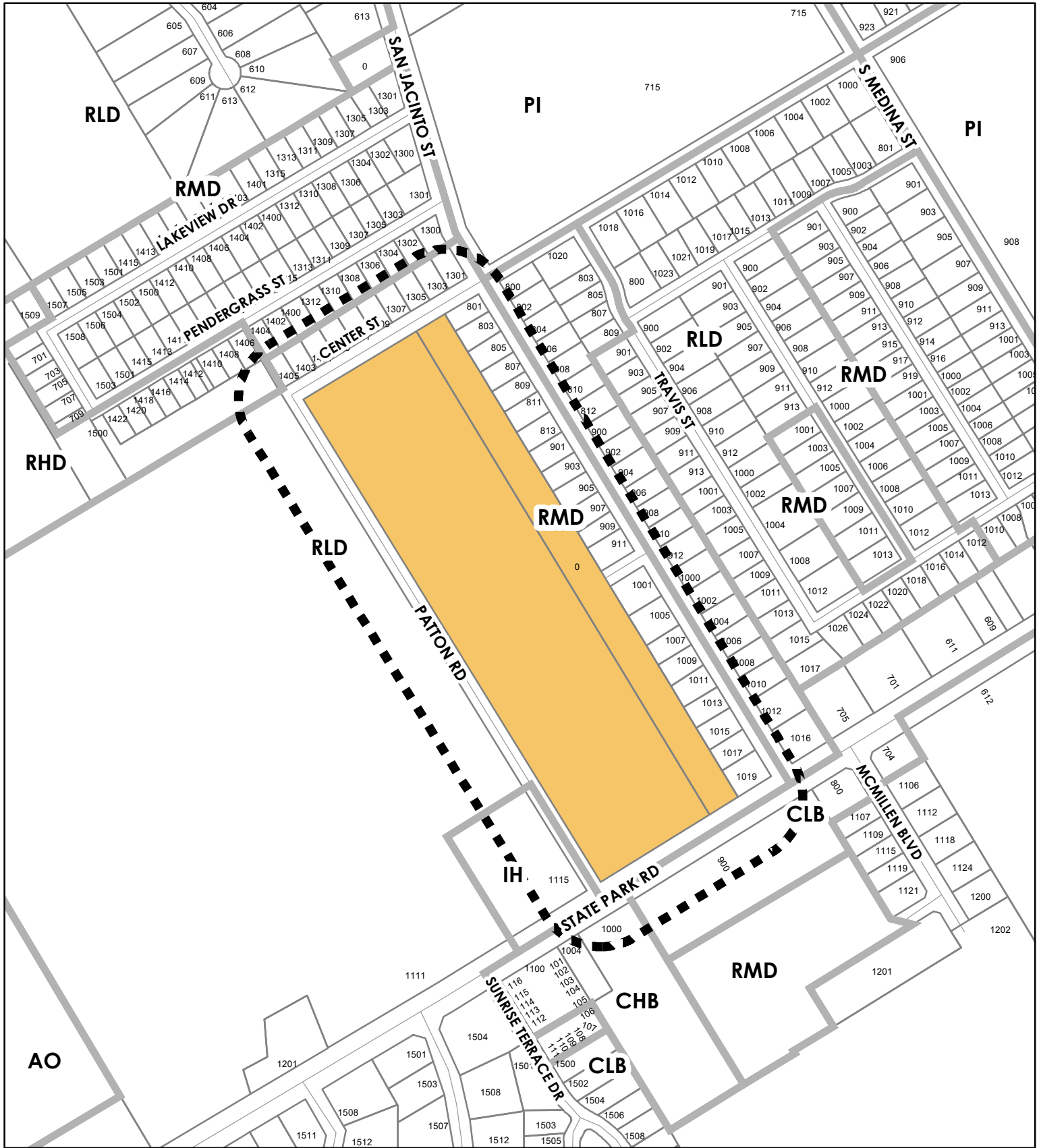
City of Lockhart, Texas

Council Agenda Item Cover Sheet

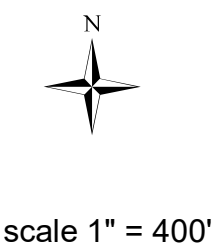
COMMITTEE/BOARD/COMMISSION ACTION: On May 25, the Planning and Zoning Commission postponed the zoning change request and PDD development plan until their June 22, 2022, meeting by a vote of 5-1.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends postponing consideration of Zoning Change ZC-22-08 from RLD to PDD and the related PDD development Plan PDD-22-01 for 19.798 acres located at 903 State Park Road until the July 5, 2022, City Council meeting.

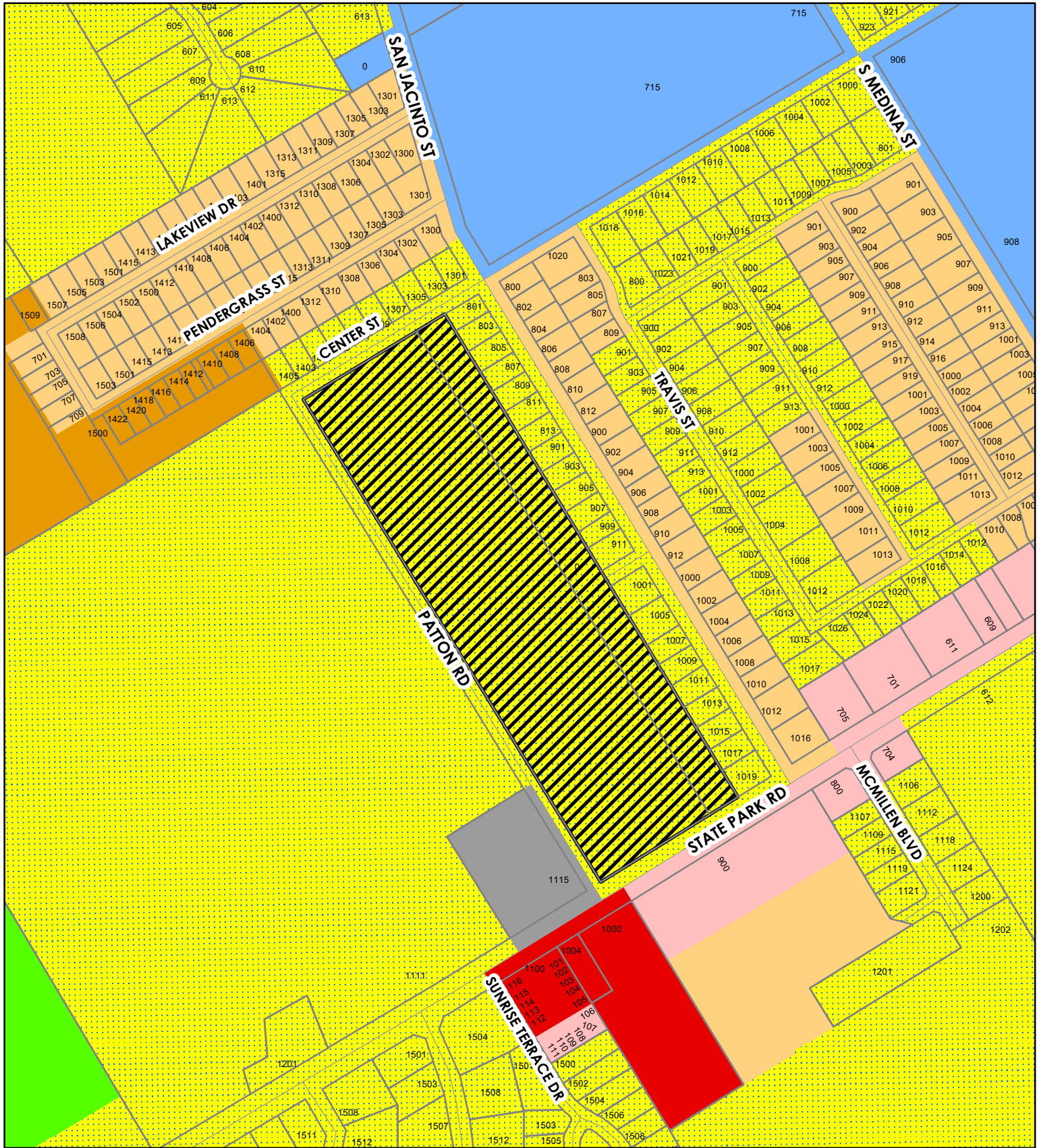
LIST OF SUPPORTING DOCUMENTS: ZC2208 case map, ZC2208 zoning, ZC2208 future landuse, ZC2208 aerial, 06-01-22 postpone ZC-22-08 memo to council--city letterhead, ZC2208 application



ZC-22-08 & PDD-22-01
 LOCKHART PLACE TOWNHOMES
 RLD TO PDD
 903 STATE PARK RD



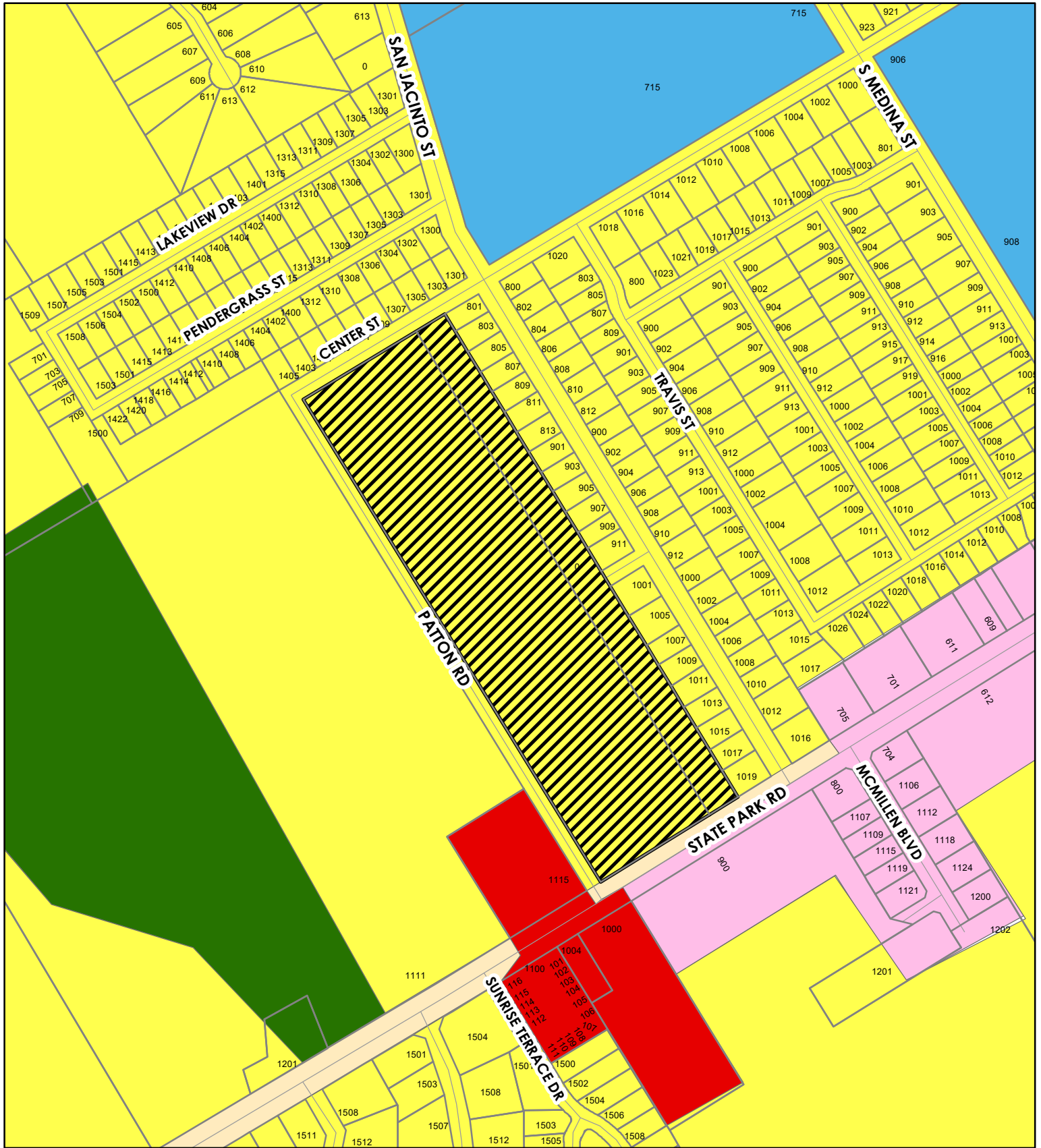
- SUBJECT PROPERTY
- ZONING BOUNDARY
- 200 FT BUFFER



ZC-22-08 & PDD-22-01
 LOCKHART PLACE TOWNHOMES
 RLD TO PDD
 903 STATE PARK RD

scale 1" = 400'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL LIGHT BUSINESS
 - INDUSTRIAL HEAVY
 - PUBLIC AND INSTITUTIONAL
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

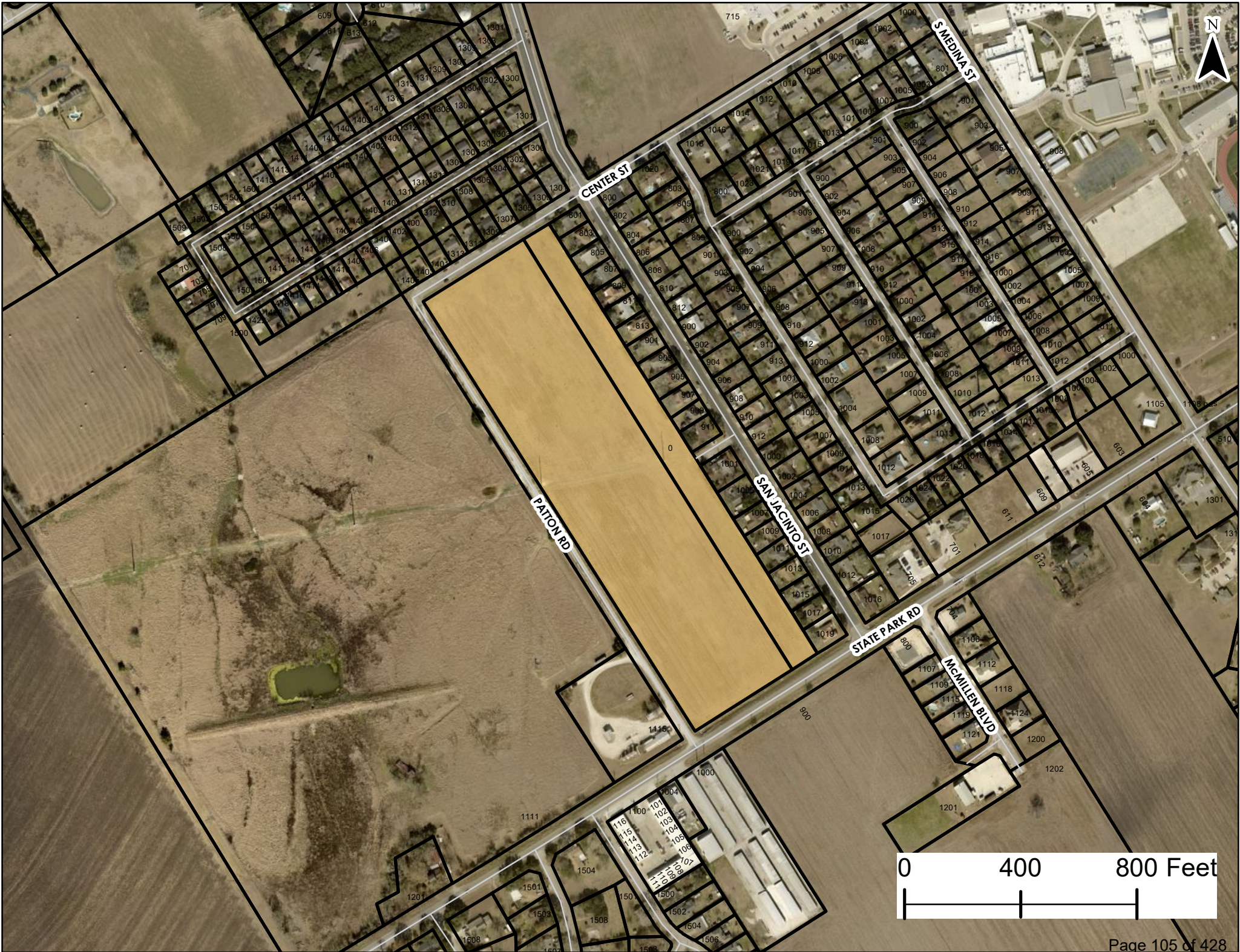
RLD TO PDD

903 STATE PARK RD



scale 1" = 400'

- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- PARKS AND OPEN SPACE
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, LOW DENSITY



TO: City Council

THROUGH: Dan Gibson, City Planner

FROM: David Fowler, Senior Planner

SUBJECT: Postpone ZC-22-08 and PDD 22-01

DATE: June 1, 2022

James Krause, the applicant, proposes a zoning change and development plan for 17.798 acres of land on the east side of Patton Road, and between State Park Road and Center Street, from RLD to PDD. The property is addressed as 903 State Park Road. The proposal is to build a townhouse development. This agenda item encompasses both ZC-22-08 for the zoning change and PDD-22-01 for the Development Plan, as listed in the public hearing notice for consideration at this meeting.

City staff has been reviewing the PDD development plan and preliminary plat for the proposed development. As the advertised public hearing date approached, it became clear that correction of deficiencies, particularly on the PDD development plan, would not be completed by the deadline for the Commission agenda packet. Because the maximum 60-day period for approval or denial of both the PDD development plan and the preliminary plat will expire before the next Commission meeting, they have been withdrawn by the applicant to stop the “shot clock” imposed by State law. If the applications were not withdrawn, staff would be obligated to recommend denial due to the incomplete PDD plan and preliminary plat. New applications will be submitted for those items, and the review process will continue without interruption.

Because zoning changes are not subject to the 30-day (or 60 day, with one 30-day extension) period for approval or denial, the zoning portion of this application was not withdrawn. However, in the case of PDD zoning, the zoning change cannot proceed without the PDD development plan or preliminary plat. With this in mind, City staff recommended the requested zoning change to PDD be postponed to the June 22nd Planning and Zoning Commission meeting, to allow time for all deficiencies to be addressed. The Planning and Zoning Commission agreed to postpone the item, and as a result City staff now recommends the zoning change be postponed until the July 5, 2022 City Council meeting, in order to allow Planning and Zoning Commission to make a recommendation based on the revised PDD plan.

CITY OF
Lockhart
TEXAS

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 James Travis Krause
DAY-TIME TELEPHONE 254 537 3623
E-MAIL travis@kbargroup.com

ADDRESS 1950 County Road 146
Georgetown TX 78633

OWNER NAME Patton 3 LLC
DAY-TIME TELEPHONE 254 218 5846
E-MAIL Legal@kbargroup.com

ADDRESS 1950 County Road 146
Georgetown TX 78633

PROPERTY

ADDRESS OR GENERAL LOCATION Patton Rd and State Park Rd
LEGAL DESCRIPTION (IF PLATTED) A002 BERRY, FRANCIS, ACRES 3.3 and A002 BERRY, FRANCIS, ACRES 16.5
SIZE 19.8 ^{19.798} ACRE(S) LAND USE PLAN DESIGNATION Housing development
EXISTING USE OF LAND AND/OR BUILDING(S) Crop land
PROPOSED NEW USE, IF ANY housing developement

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION LDR ^{RLD}
TO PROPOSED ZONING CLASSIFICATION PDD
REASON FOR REQUEST Provide more housing opportunities for families and adults in the City of Lockhart.

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 \$ ~~570.00~~ ^{546.00} 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 _____

DATE 2/16/22

OFFICE USE ONLY

ACCEPTED BY Dan Gibson & Kevin Waller RECEIPT NUMBER R01137669

DATE SUBMITTED 2-17-22 CASE NUMBER ZC - 22 - 08

DATE NOTICES MAILED 5-9-22 DATE NOTICE PUBLISHED 5-12-2022

PLANNING AND ZONING COMMISSION MEETING DATE 5-25-2022

PLANNING AND ZONING COMMISSION RECOMMENDATION 5-25-2022 postpone until 6-22-22

CITY COUNCIL MEETING DATE 6-7-2022

DECISION _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss postponing until July 19, 2022, application ZC-22-12 by Jim Meredith on behalf of Robert A. Schmidt for a **Zoning Change** from *CHB Commercial Heavy Business District* to *RHD Residential High Density District* on 14.57 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 101 East China Street. *Tabled 4-19-22.*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The purpose of the zoning change is to allow future residential development of 14.57 acres at the northeast corner of the intersection of East China Street and North Colorado Street. The proposed RHD zoning classification is not entirely consistent with the Mixed Use future land use designation shown on the Land Use Plan map. The only zoning classification that would be consistent with the Land Use Plan map for a true mixed use development would be the PDD Planned Unit Development District. There is a 12" water main along China Street that is adequate to serve the property. However, the closest wastewater mains are only six inches in size and may not have adequate capacity to handle higher density residential development. The wastewater impact fee CIP does propose a system of wastewater mains extending northward from an existing main at the railroad track where it would serve the North Colorado Street area, including the subject property. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the city. More time is needed to expand the study to include the North Colorado Street Corridor. An expanded study is underway to determine whether or not the proposed wastewater infrastructure will be adequate for higher land use intensities on the subject property and others along North Colorado Street. Such a study would confirm the size and cost of the new wastewater mains and associated lift station. Impact fees can be used to pay for up to half of the cost, but the remainder would have to come from other sources. There currently is no time-line or source of funding identified other than impact fees. Three recent requests for a zoning change to RHD in the northwest quadrant of the city and the North Colorado Street areas were previously tabled to the May 25th Planning and Zoning Commission meeting and the June 7th City Council meeting due to inadequate wastewater infrastructure to serve the higher land use intensities proposed for those areas. The Council should again postpone this application because the Planning and Zoning Commission postponed further consideration of this application until their July 13th meeting. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached. Thus far, one citizen has spoken in favor of the application at a Planning and Zoning Commission meeting.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

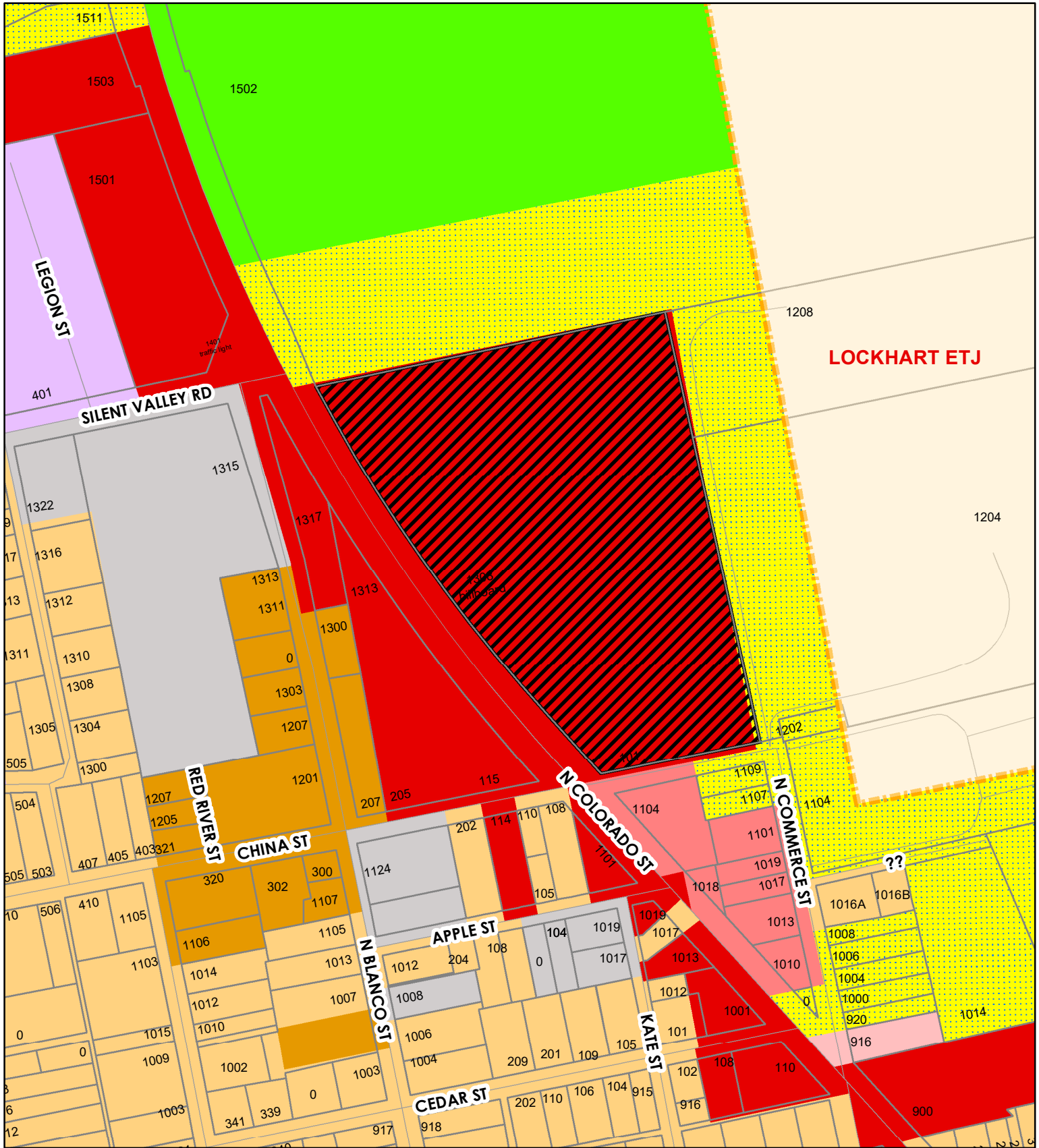
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: Tabled at the April 19, 2022, City Council meeting.

COMMITTEE/BOARD/COMMISSION ACTION: On May 25, the Planning and Zoning Commission voted 5-1 in favor of postponing consideration of this item until their July 13, 2022, meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends postponing consideration of Zoning Change ZC-22-12 from CHB to RHD on 14.57 acres located at 101 East China Street until the July 19th City Council meeting.

LIST OF SUPPORTING DOCUMENTS: ZC2212 case map, ZC2212 zoning, ZC2212 future landuse, ZC2212 aerial, zc2212 staff report for 6-7-22 Council, zc2212 application form and owner's letter



ZC-22-12

CHB TO RHD

101 EAST CHINA STREET



scale 1" = 300'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL LIGHT BUSINESS
 - COMMERCIAL MEDIUM BUSINESS
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



CASE SUMMARY

STAFF: David Fowler, Senior Planner

CASE NUMBER: ZC-22-12

REPORT DATE: April 7 2022 [Updated 6-1-22]

PLANNING AND ZONING COMMISSION HEARING DATE: April 13 [Tabled to May 25]

CITY COUNCIL HEARING DATE: April 19, 2022 [Tabled to 6-7-22]

REQUESTED CHANGE: CHB to RHD

STAFF RECOMMENDATION: **Postpone to July 19th City Council meeting.**PLANNING AND ZONING COMMISSION RECOMMENDATION: **Pending****BACKGROUND DATA**

APPLICANT: Jim Meredith

OWNER: Bobby Schmidt

SITE LOCATION: 101 E. China Street

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 14.57 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Mixed Retail/Office/Residential.***ANALYSIS OF ISSUES**

PREVIOUS ACTION: This item was tabled by the Planning and Zoning Commission on April 13th, and by the City Council on April 19th, due to concerns about the lack of wastewater service and to allow time for the city engineer to conduct a study to determine the size and cost of necessary wastewater line extensions. A draft copy of the study was provided to staff on May 18th. However, it covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers.

REASON FOR REQUESTED ZONING CHANGE: The owner wishes to construct a residential development on the site that may be of a type or density that requires the RHD zoning classification. As this use is not permitted in the CHB zoning district, a rezoning has been requested.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant	RLD, AO	<i>General-Heavy Commercial, Light-Medium Commercial</i>
East	Vacant, Large lot residential in ETJ	RLD	<i>Agricultural Development, Light-Medium Commercial</i>
South	Single-family residential, commercial,	RMD, RLD, CHB, CMB	<i>Residential Medium Density, Public and Institutional</i>
West	Commercial, TxDOT maintenance, Single-family residential, church	CHB, RHD, IL	<i>General-Heavy Commercial, Medium Density Residential</i>

TRANSITION OF ZONING DISTRICTS: This zoning change will create an area of RHD that is not contiguous to other areas with the same zoning. The nearest RHD-zoned area is north of the intersection of West China Street and North Blanco Street, across North Colorado Street from the subject parcel.

ADEQUACY OF INFRASTRUCTURE: Vehicular access is available from East China Street and North Colorado Street. Additionally, extension of the Silent Valley Road arterial is planned along the north and east sides of the subject property, as shown on the Thoroughfare Plan map. Any new driveway onto North Colorado Street will require approval from TxDOT. Water is available and adequate, with the site being served by a 12" line along East China and North Colorado Streets. Wastewater service is not adequate as the nearest connection points to the site are a 6" wastewater line at the northern end of Commerce St. and potentially a 6" wastewater line at the southwest corner of West China and North Colorado Streets. The closest wastewater main of sufficient size is located approximately 2,000 feet south of the site near the railroad track and Town Branch Creek. The wastewater impact fee CIP does propose a system of wastewater mains extending from that point northward, along with a lift-station, where it would serve the North Colorado Street corridor area, including the subject property. Because the proposed RHD and CMB zoning classifications in this case would allow a much higher intensity of development than anticipated by the land use assumptions that were the basis of the current impact fee CIP, a study is being conducted to determine if the pipe sizes need to be larger than planned, and to estimate the total cost of the project. This information will be used to allocate funds from different sources, including developer participation, that will be needed to design and construct the necessary wastewater infrastructure. The study was expected to be completed by now, but the information available thus far focused on the northwest quadrant of the city, and the study still needs to be expanded to include the North Colorado Street corridor.

POTENTIAL NEIGHBORHOOD IMPACT: The surrounding area is a mixture of commercial, church, and residential development, with some vacant lots. Higher intensity zoning is appropriate when located along an arterial street such as Colorado Street and the future Silent Valley Road extension. There are single-family lots in the RMD and RLD zoning districts south of East China Street. As the existing CHB district allows several high-intensity uses, the proposed RHD zoning should not have an adverse impact compared to existing zoning.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD zoning classification is not entirely consistent with the *Mixed Retail/Office/Residential* future land use that is designated for the subject lot, as the proposed development concept only includes residential uses. Mixed-use buildings containing commercial and residential are allowed by right in the existing CHB zoning district. However, high density development allowed in the proposed RHD zoning classification could contribute to the overall mixed-use development of the US 183 corridor.

ALTERNATIVE CLASSIFICATIONS: Either CHB or PDD involving mixed-use development would be consistent with the Land Use Plan map.

RESPONSE TO NOTIFICATION: On resident spoke in favor of the zoning change at the May 25th Planning and Zoning Commission meeting.

STAFF RECOMMENDATION: Staff recommends postponing this application again to the July 19th meeting so that we will have a final report available regarding the cost of all wastewater projects in the northern part of the city. As the Planning and Zoning Commission voted to postpone consideration of the item, the Commission has not made a recommendation regarding the proposed zoning change. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

CITY OF
Lockhart
TEXAS

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 Jim Meredith
DAY-TIME TELEPHONE (512)306-8300
E-MAIL jim@masonwoodtx.com

ADDRESS 4301 Westbank Dr.
Bldg A, Suite 110
Austin, TX 78746

OWNER NAME Bobby Schmidt
DAY-TIME TELEPHONE (512)924-0387
E-MAIL bobby@schmidttranch.net & aanton@antonauctions-service.com

ADDRESS 3595 Schuelke Rd.
Niederwald, TX 78640

PROPERTY

ADDRESS OR GENERAL LOCATION 101 E. China St.
LEGAL DESCRIPTION (IF PLATTED) N/A - Metes & Bounds
SIZE 14.57 ACRE(S) LAND USE PLAN DESIGNATION Mixed Retail, Office, Residential
EXISTING USE OF LAND AND/OR BUILDING(S) N/A
PROPOSED NEW USE, IF ANY Residential High Density

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Commercial Heavy Business
TO PROPOSED ZONING CLASSIFICATION Residential High Density
REASON FOR REQUEST To gain the desired density for multifamily and
/or single family condominium style development

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.

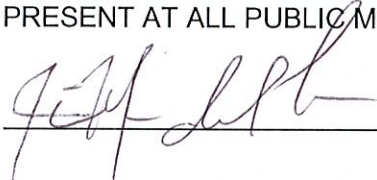
IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 441.40 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



DATE

3/16/2022

OFFICE USE ONLY

ACCEPTED BY

Kevin Waller

RECEIPT NUMBER

0143300
R-0443132

DATE SUBMITTED

3/16/22

CASE NUMBER ZC -

22 - 12

DATE NOTICES MAILED

3-29-2022

DATE NOTICE PUBLISHED

3-31-2022

PLANNING AND ZONING COMMISSION MEETING DATE

4/13/22

PLANNING AND ZONING COMMISSION RECOMMENDATION

Tabled 4-13-22

CITY COUNCIL MEETING DATE

4-19-22

DECISION

Robert A. Schmidt
3595 Schuelke Rd
Niederwald, Tx 78640
(512) 924-0387
bobby@schmidtranch.net

March 16, 2022

Mr. Dan Gibson
City of Lockhart, Developmental Services
308 W. San Antonio Street
Lockhart, Texas 78644

RE: Property known as 102 East China St. Lockhart, Tx 78644; 14.65 Acres PID # 18458

Dear Mr. Gibson,

I authorize Mr. Jim Meredith/Moody Engineering to apply with the City of Lockhart for purposes of changing the zoning, submitting and processing a final plat, construction plans, site plans and any other required plan/documents to include corrections and revisions needed to proceed with their development of the subject property. The processes will all be at the applicant's expense.

You may reach me at the above phone number if there are any questions.

Sincerely,


Robert A. Schmidt

CC: Amy Anton

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss postponing until July 19, 2022, application ZC-22-06 by Curtis Thigpen of Paravel Capital for a **Zoning Change** from *RMD Residential Medium Density District* to *RHD Residential High Density District* on 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1900 North Cesar Chavez Parkway Northbound (SH 130). *Tabled 3-15-22*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The subject property is part of a 50.77-acre tract that was rezoned from AO to RMD in October 2021 for the stated purpose of developing a duplex subdivision. However, the applicant for this zoning change proposes a multifamily development, which is allowed only in the RHD district. The proposed development is the upper portion of the attached concept plan labeled "*Medium Density Residential Development*", which also includes a proposed duplex subdivision in the lower portion. The proposed RHD zoning classification is **not** consistent with the *Medium Density Residential* future land use designation shown on the land use plan map. As explained in great detail in the attached staff report, there is currently a total lack of sanitary sewer service in the Silent Valley Road area, while we continue to receive applications for zoning changes and specific use permits that will potentially increase residential densities in that area above those anticipated by the comprehensive plan. The land use plan map was the basis for the sizing of proposed wastewater lines included in the wastewater impact fee CIP. It became apparent that the 12-inch line proposed to serve the Silent Valley Road area (northwest quadrant) may not be large enough for the increased densities being requested, and an increase to a larger size would require not only an extension from Tank Street, but also replacement and upgrading of an existing 12-inch line. This item was tabled at the Council's March 15th meeting, and was most recently postponed for the third time by the Planning and Zoning Commission at their meeting on May 25th. The city engineer submitted a report in mid-May, which did recommend increasing the sizes of planned wastewater line extensions, as well as upsizing the existing trunk main all the way to the treatment plant. The total cost was estimated to be \$6.1 million. However, there has been no determination yet as to how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by the developers. Because a similar wastewater study is needed for the North Colorado Street corridor, and it may also affect the sizing of the larger trunk main that both the northwest lines and the North Colorado Street corridor lines will share, the two studies are interrelated and we won't know the final cost for both combined until the North Colorado Street corridor study is completed. That is estimated to take another six weeks or so, which would be in time for the July 13th Planning and Zoning Commission meeting, and the July 19th City Council meeting. So far, there has been no public opposition to this zoning change.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

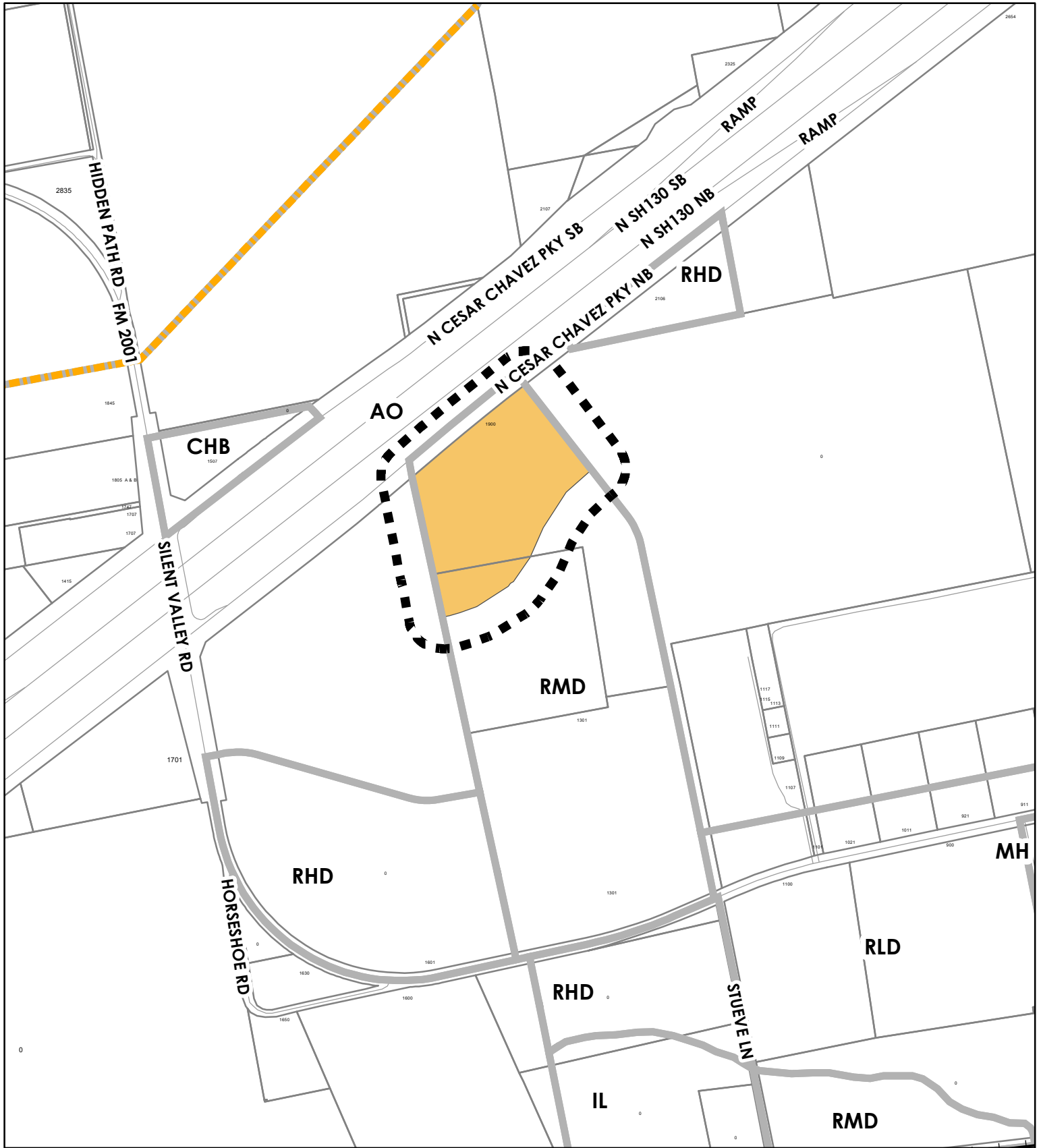
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: This item was previously tabled by the Council on February 15th to the March 15th meeting, and tabled again on March 15th to the June 7th meeting.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission voted on February 9th to table this item to their March 9th meeting, and tabled it again at the March 9th meeting to their May 25th meeting. The unanimous vote on May 25th was to postpone a final recommendation to their July 13th meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: The suggested motion is to once again postpone further consideration of Zoning Change ZC-22-06 from RMD to RHD on 19.906 acres located at 1900 North Cesar Chavez Parkway Northbound until the July 19th City Council meeting because there is no recommendation from the Planning and Zoning Commission yet. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LIST OF SUPPORTING DOCUMENTS: ZC2206 case map, ZC2206 zoning, ZC2206 future landuse, ZC2206 aerial, zc2206 staff report for 6-7-22 CC, sup2203 & zc2206 concept plan, zc2206 updated application



ZC-22-06

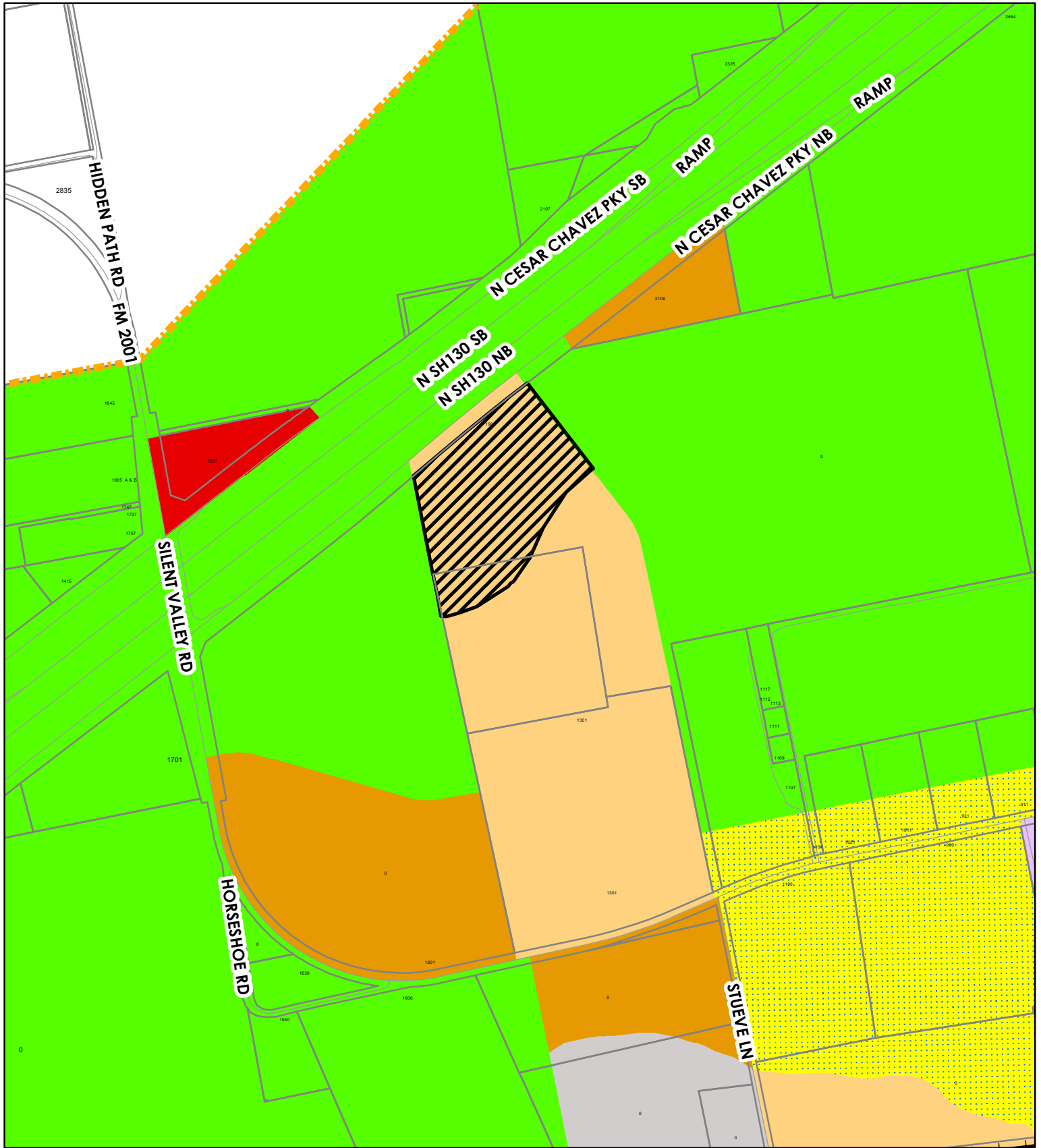
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS
- 200 FT BUFFER



ZC-22-06

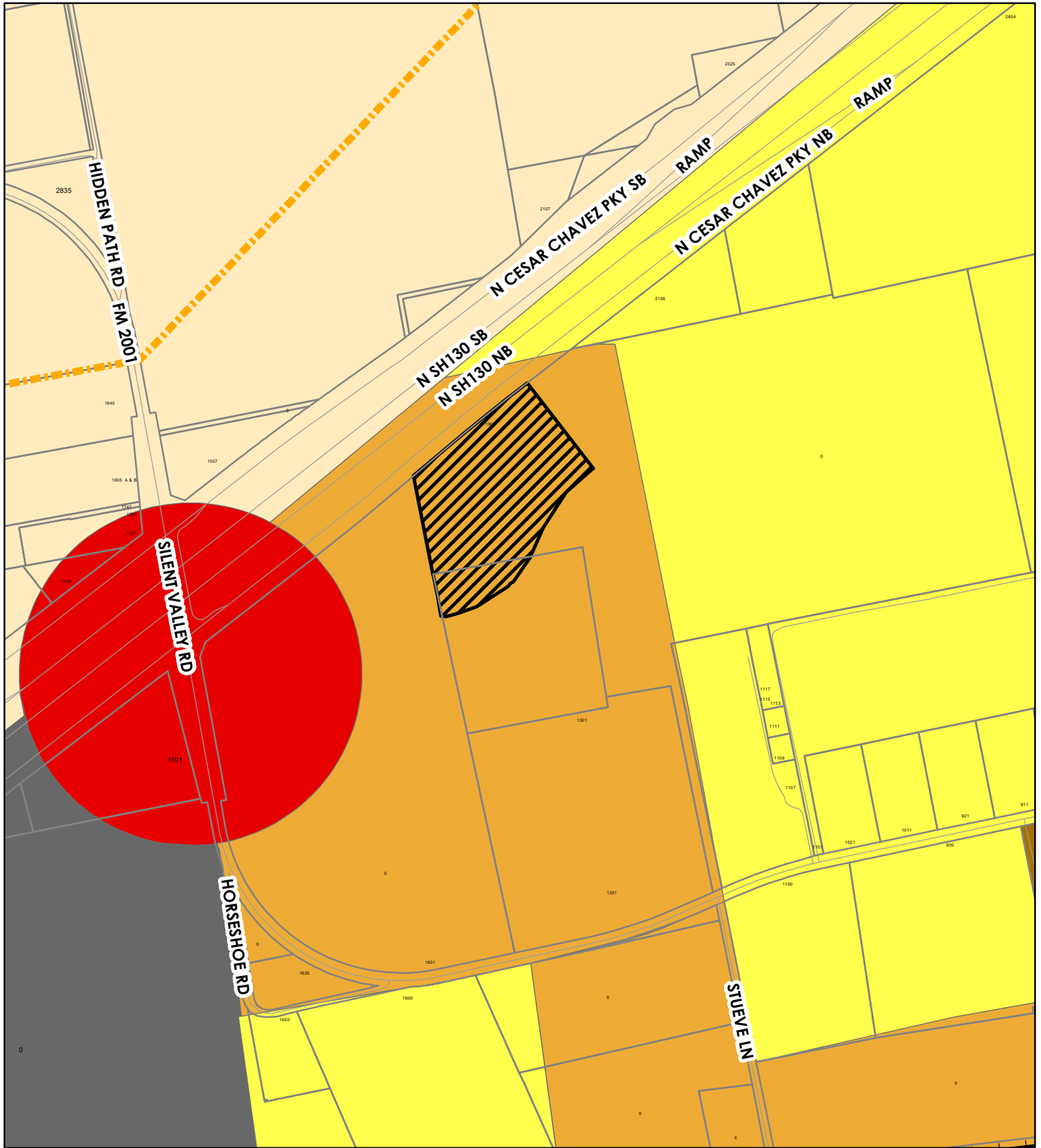
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

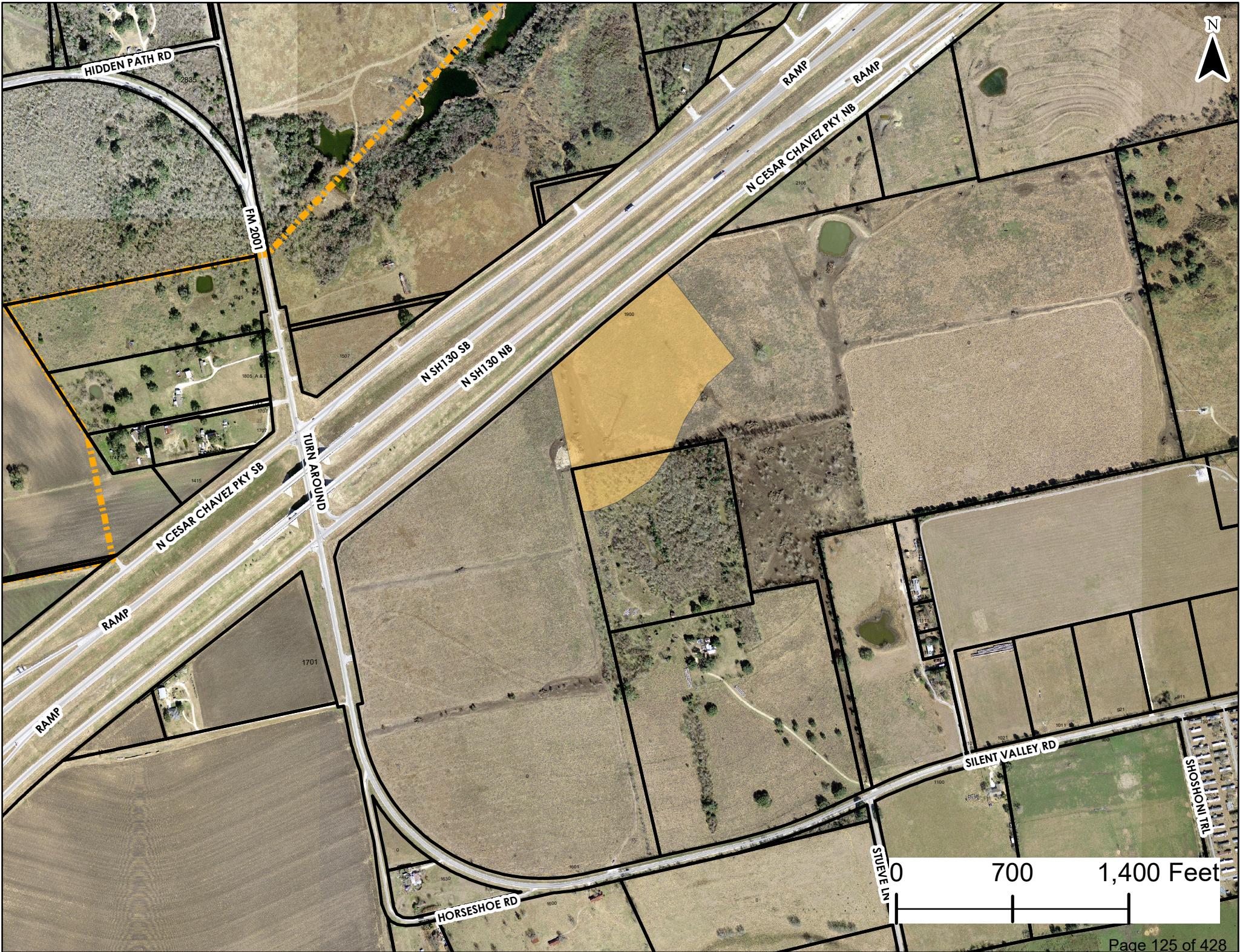
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- INDUSTRY
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-22-06

REPORT DATE: February 4, 2022 [Updated 2-10-22, 3-2-22, 3-10-22, 5-18-22, 6-1-22]

PLANNING AND ZONING COMMISSION HEARING DATE: March 9, 2022 [Tabled to 5-25-22, 7-13-22]

CITY COUNCIL HEARING DATE: February 15, 2022 [Tabled to 3-15-22, 6-7-22]

REQUESTED CHANGE: RMD to RHD

STAFF RECOMMENDATION: ***Postpone to July 19th Council meeting.***

PLANNING AND ZONING COMMISSION RECOMMENDATION: ***Postponed to July 13th Commission meeting.***

BACKGROUND DATA

APPLICANT: Paravel Capital

OWNER: Curtis Thigpen

SITE LOCATION: 1900 North Cesar Chavez Parkway (SH 130). [Final address to be assigned later.]

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 19.906 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Medium Density Residential*

ANALYSIS OF ISSUES

PREVIOUS ACTION: This item was tabled multiple times previously by the Planning and Zoning Commission and the City Council due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. The last action by the Council was to table it to this June 7th meeting. The most recent action by the Planning and Zoning Commission on May 25th was to table this zoning change again to their July 13th meeting. The city engineers report, which was received in mid-May, does recommend increasing the sizes of planned wastewater line extensions, as well as upsizing the existing trunk main all the way to the treatment plant, and the total cost was estimated in the report to be \$6.1 million. However, there has been no determination yet as to how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers. As of April 1, 2022, the balance in the wastewater impact fee account was \$1,014,365. No time-frame has been established for completion of design and construction of the project yet.

REASON FOR REQUESTED ZONING CHANGE: The subject property is part of a 50.77-acre tract that was rezoned from AO to RMD in October 2021 for the stated purpose of developing a duplex subdivision. However, the applicant for this zoning change proposes a multifamily development, which is allowed only in the RHD district. The proposed development is the upper portion of the attached concept plan labeled "*Medium Density Residential Development*", which also includes a proposed duplex subdivision in the lower portion.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	SH 130	AO	<i>Agricultural/Rural Development (north side of SH 130)</i>
East	Vacant land	AO	<i>Medium Density Residential, Low Density Residential</i>
South	Vacant land	RMD	<i>Residential Medium Density</i>
West	Vacant land	AO	<i>Medium Density Residential, General-Heavy Commercial</i>

TRANSITION OF ZONING DISTRICTS: The subject property does not abut any other RHD zoning, although there are two parcels nearby to the northeast and southwest that were recently rezoned from AO to RHD. RHD is one step up in land use intensity from the RMD classification, which abuts the south boundary of this property. Higher density land uses are sometimes used as a buffer or transition from lower density uses to a major highway.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be available from the Stueve Lane extension as well as another new east-west collector street that will follow the southern boundary of the subject property. Water service will likely be obtained by an extension from an existing line at the intersection of Silent Valley Road and Cesar Chavez Parkway (SH 130). The main issue with regard to infrastructure, though, is the total lack of sanitary sewer service to the entire area north of the railroad track in the Silent Valley Road area. The impact fee CIP includes a future 12-inch sewer main that would serve the area but, at the rate that zoning changes and specific use permits are being requested to increase the density, larger pipes will be needed to serve the northwest quadrant of the city. That will trigger the requirement that all planned wastewater line extensions and existing lines downstream also be larger. The study provides a total cost of construction, but the City will still need to make a determination as to how the project will be funded, including approximately what the developer's share of the expense will be after the City's contribution from impact fees and the EDA grant. Because a similar wastewater study is needed for the North Colorado Street corridor, and it may also affect the sizing of the larger trunk main that both the northwest lines and Colorado Street corridor lines will connect to, the two studies are interrelated and we won't know the final cost for both combined until the Colorado Street corridor study is completed. That is estimated to take another six weeks or so, which would be in time for the July 13th Planning and Zoning Commission meeting, and the July 19th City Council meeting.

POTENTIAL NEIGHBORHOOD IMPACT: The surrounding area is currently vacant, but there have been a couple of recent zoning changes to RHD for apartments, and there are other developments on the horizon that would add both commercial development and residential subdivisions. The same applicant who submitted this request also applied for a specific use permit (SUP) to allow the DF-2 residential development type on the remaining 30.864 acres of the original 50.77-acre tract, adjacent to the south of the subject property. The DF-2 development type allows duplexes on smaller lots, thereby resulting in a higher density. After voting to table the SUP at their February 9th meeting, the Planning and Zoning Commission approved it at their March 9th meeting subject to the residential density not exceeding ten dwelling units per acre, which is considered medium density and is consistent with the City's land use plan map. This zoning change, however, will automatically increase the potential for higher density development in the area above the medium density threshold.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD zoning classification is **not** consistent with the *Medium Density Residential* future land use designation of the land use plan map.

ALTERNATIVE CLASSIFICATIONS: The existing RMD zoning is already consistent with the *Medium Density Residential* designation shown on the land use plan map, so there is no better classification at this time.

RESPONSE TO NOTIFICATION: None as of the date of this report. The properties within the 200-foot public hearing notification area are currently vacant and are either owned by the applicant or are owned by others who are also proposing new developments.

STAFF RECOMMENDATION: Staff recommends postponing this application again to the July 19th City Council meeting so that we will have a final report available regarding the cost of all wastewater projects in the north part of the city. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

Medium Density Residential Development
Lockhart, TX

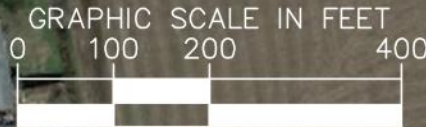
Land Use Summary

MF Total Acreage (~18.0 Acres)

- MF Building Coverage (~3.8 Acres)
- MF Open Space (~7.0 Acres)
- Parking/Drive (~7.2 Acres)
- 60' Collector ROW (~1.9 Acres)

DF-2 Total Acreage (~31 Acres)

- DF-2 Lots (~17.9 Acres)
50'x105' (Typ.) - 119 Lots / 238 Units
- DF-2 Open Space (~3.5 Acres)
- 50' Residential ROW (~5.7 Acres)
- 25' Alley ROW (~3.9 Acres)





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 Paravel Capital
DAY-TIME TELEPHONE (512) 934-8923
E-MAIL cthigpen@paravelcap.com

ADDRESS 1509 Old W 38th St. Ste., 3
Austin, TX 78731

OWNER NAME Curtis Thigpen
DAY-TIME TELEPHONE (512) 934-8923
E-MAIL cthigpen@paravelcap.com

ADDRESS _____

PROPERTY

1900 N Cesar Chavez Pky NB

ADDRESS OR GENERAL LOCATION Between 1301 Silent Valley Rd. & Toll Road 130, Lockhart, TX 78644

LEGAL DESCRIPTION (IF PLATTED) See metes & bounds description

SIZE 19.906 ACRE(S) LAND USE PLAN DESIGNATION Residential Medium Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agriculture

PROPOSED NEW USE, IF ANY Residential High Density (MF-2)

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Residential Medium Density RMD

TO PROPOSED ZONING CLASSIFICATION Residential High Density (MF-2) RHD

REASON FOR REQUEST To allow for the development of two and three story apartments of up to 24 DU/AC

in order to provide a wider variety of housing options at multiple price points for all residents in the area.

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 \$ 548.12 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 

DATE 1/19/2022

OFFICE USE ONLY

ACCEPTED BY 

RECEIPT NUMBER 01132778

DATE SUBMITTED 1-19-22

CASE NUMBER ZC - 22 - 06

DATE NOTICES MAILED 01-24-22

DATE NOTICE PUBLISHED 1-27-2022

PLANNING AND ZONING COMMISSION MEETING DATE 2-9-22

PLANNING AND ZONING COMMISSION RECOMMENDATION Table to 3-9-22 meeting.

CITY COUNCIL MEETING DATE 2-15-2022

Tabled to 5-25-22 meeting. Tabled to 7-13-22

DECISION 3-15-22 Tabled to 6-7-22

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss postponing until July 19, 2022, application ZC-22-09 by Chris Bancroft on behalf of Alma Ewald for a **Zoning Change** from 23.064 acres *AO Agricultural--Open Space District* to 18.535 acres *RHD Residential High Density District* and 4.529 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1650 North Colorado Street (US 183). *Tabled 4-5-22*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The purpose of the zoning change is to allow future development of 4.529 acres of general commercial land uses along the Colorado Street frontage, and 18.535 acres of apartment housing behind the commercial area. Although the tract extends eastward to Plum Creek, the zoning change is only for the portion of the tract that is in the city limits, which is roughly 27 percent of the original tract. The Plum Creek floodplain encroaches slightly into the rear of the area proposed to be zoned RHD. This item was tabled by the Planning and Zoning Commission on March 23rd, and again on May 25th, and on April 5th the City Council tabled it to this June 7th meeting, due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers. The new study is estimated to take another six weeks or so, which would be in time for the July 13th Planning and Zoning Commission meeting, and the July 19th City Council meeting.

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

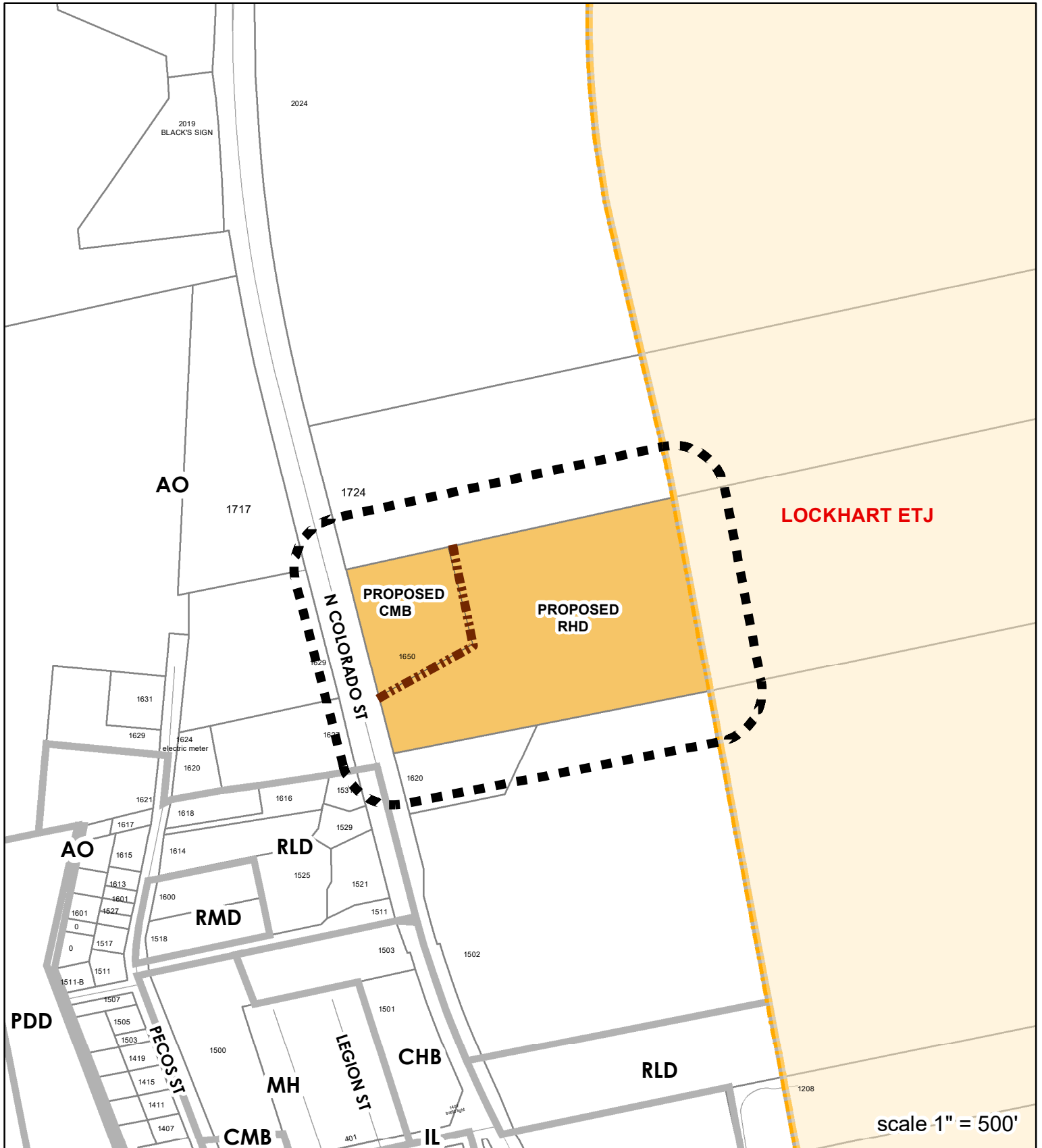
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: This item was previously tabled by the Council on April 5th to this June 7th meeting.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission voted on March 23rd to table this item to their May 25th meeting, and voted unanimously at the May 25th meeting to postpone a final recommendation to their July 13th meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: The suggested motion is to once again postpone further consideration of Zoning Change ZC-22-09 from AO to RHD and CMB on 23.064 acres located at 1650 North Colorado Street until the July 19th City Council meeting because there is no recommendation from the Planning and Zoning Commission yet. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LIST OF SUPPORTING DOCUMENTS: ZC2209 case map, ZC2209 zoning, ZC2209 future landuse, ZC2209 aerial, zc2209 staff report for 6-7-22 CC, 21-9147 1650 North Colorado CAD_7gen Zoning Boundaries_11x17, zc2209 updated application and owner's letter



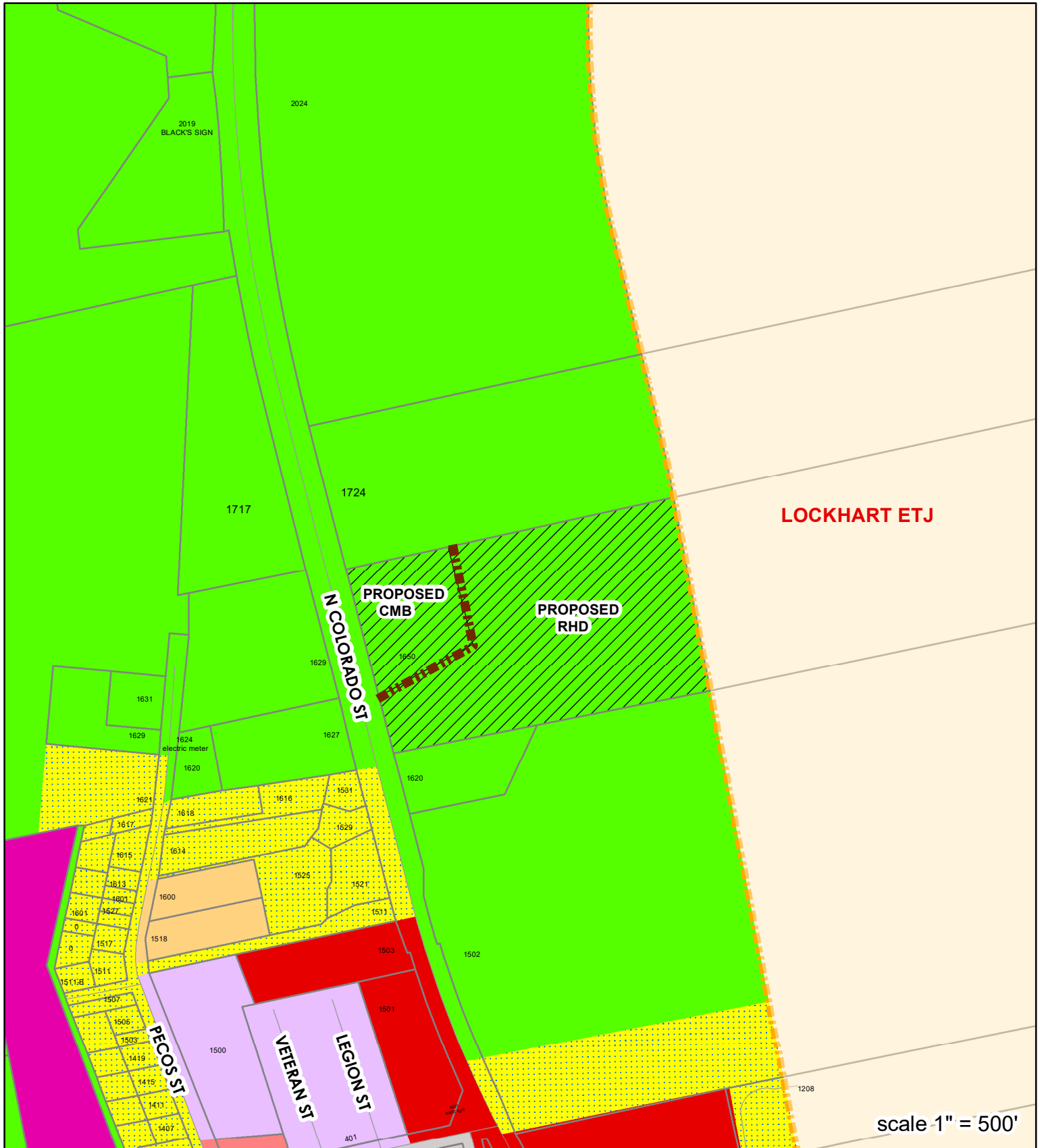
ZC-22-09

AO TO RHD & CMB

1650 N COLORADO ST (HWY 183)



- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS
- 200 FT BUFFER



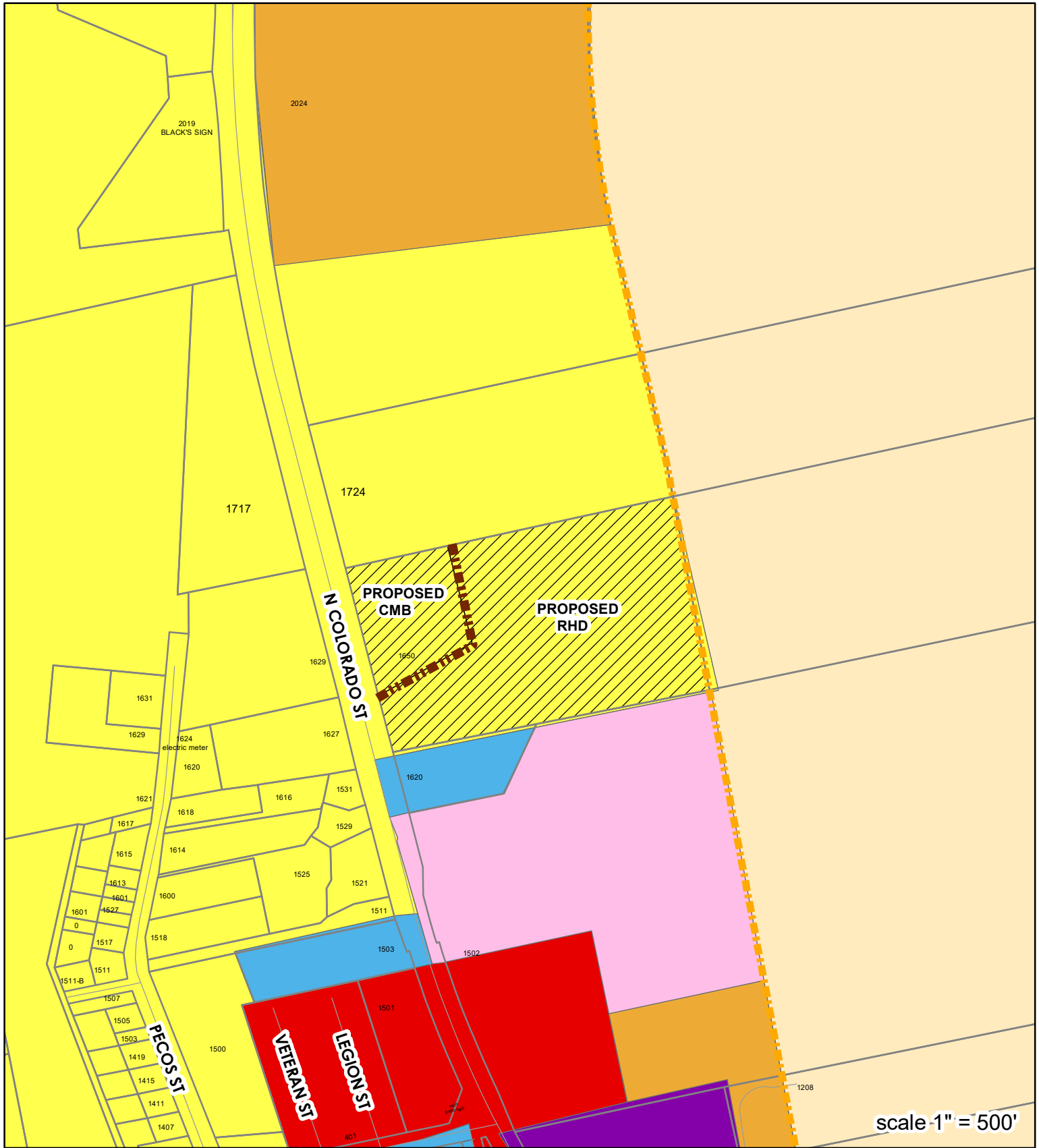
ZC-22-09

AO TO RHD & CMB

1650 N COLORADO ST (HWY 183)



- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL MEDIUM BUSINESS
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - PLANNED DEVELOPMENT
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



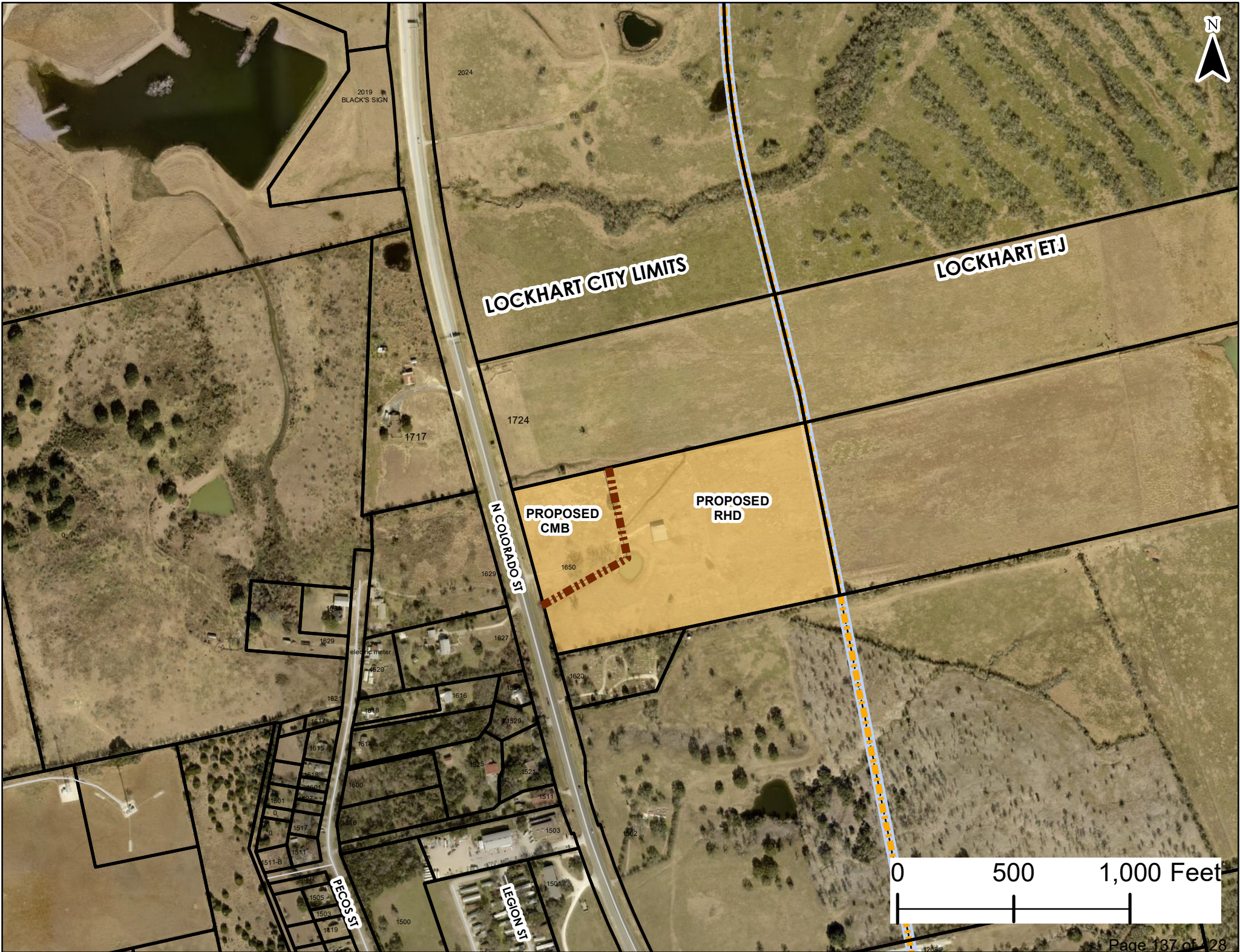
FUTURE LANDUSE

AO TO RHD & CMB

1650 N COLORADO ST (HWY 183)



- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- MIXED RETAIL, OFFICE, RESIDENTIAL
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-22-09

REPORT DATE: March 18, 2022 [Updated 3-29-22, 5-18-22, 6-1-22]

PLANNING AND ZONING COMMISSION HEARING DATE: March 23, 2022 [Tabled to 5-25-22, 7-13-22]

CITY COUNCIL HEARING DATE: April 5, 2022 [Tabled to 6-7-22]

REQUESTED CHANGE: AO to RHD and CMB

STAFF RECOMMENDATION: ***Postpone to July 19th Council meeting.***

PLANNING AND ZONING COMMISSION RECOMMENDATION: ***Postponed to July 13th Commission meeting.***

BACKGROUND DATA

APPLICANT: Chris Bancroft

OWNER: Alma Ewald

SITE LOCATION: 1650 North Colorado Street (US 183)

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 23.064 acres inside the city limits

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Low Density Residential*

ANALYSIS OF ISSUES

PREVIOUS ACTION: This item was tabled by the Planning and Zoning Commission on March 23rd, and again on May 25th, and on April 5th the City Council tabled it to this June 7th meeting, due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers.

REASON FOR REQUESTED ZONING CHANGE: The purpose of the zoning change is to allow future development of 4.529 acres of general commercial land uses along the Colorado Street frontage, and 18.535 acres of apartment housing behind the commercial area. Although the tract extends eastward to Plum Creek, the zoning change is only for the portion of the tract that is in the city limits, which is roughly 27 percent of the original tract. There is a pond located in the area proposed to be rezoned, and the Plum Creek floodplain slightly encroaches into the rear of the area proposed to be zoned RHD.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant land	AO	<i>Low Density Residential</i>
East	Vacant land	Not zoned	<i>Agriculture/Rural Development</i>
South	Small cemetery, Vacant land	AO	<i>Public and Institutional, Light-Medium Commercial</i>
West	Sparce single-family residential, Vacant land	AO	<i>Low Density Residential</i>

TRANSITION OF ZONING DISTRICTS: The subject property currently does not abut any other residential or commercial zoning, although a concurrent zoning change request for the adjacent property to the north would result in the same RMD and CMB zoning pattern as proposed for the subject tract.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be from Colorado Street and, because of the high speed limit, TxDOT will likely require that the developer widen the highway to provide a center left-turn land and right turn deceleration or transition lane for any street or driveway intersections into the development. There is a 12" water main along the east side of the highway that is adequate to serve the property. However, the closest wastewater main of sufficient size is located approximately one mile south near the railroad track and Town Branch Creek. The wastewater impact fee CIP does propose a system of wastewater mains extending from that point northward, along with a lift-station, where it would serve the North Colorado Street corridor area, including the subject property. Because the proposed RHD and CMB zoning classifications in this case would allow a much higher intensity of development than anticipated by the land use assumptions that were the basis of the current impact fee CIP, a study is being conducted to determine if the pipe sizes need to be larger than planned, and to estimate the total cost of the project. This information will be used to allocate funds from different sources, including developer participation, that will be needed to design and construct the necessary wastewater infrastructure. The study was expected to be completed by now, but the information available thus far focused on the northwest quadrant of the city, and still needs to be expanded to include the North Colorado Street corridor.

POTENTIAL NEIGHBORHOOD IMPACT: The subject property is in a largely undeveloped area of the city where there are no immediate neighbors that would be impacted by development allowed by the proposed zoning district classifications. A regional impact will be additional traffic on North Colorado Street, but that is bound to occur where there is potential for additional development, and can be mitigated by a center turn lane and right-turn deceleration lanes.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD and CMB zoning classifications are **not** consistent with the *Low Density Residential* future land use designation shown on the Land Use Plan map.

ALTERNATIVE CLASSIFICATIONS: The only zoning classification that would be consistent with the Land Use Plan map is the *RLD Residential Low Density District*.

RESPONSE TO NOTIFICATION: Citizens who previously appeared at the first Planning and Zoning Commission public hearing expressed concerns about flooding on the subject property, additional runoff from the property as a result of development, and traffic hazards due to the high speed limit on Colorado Street in that area.

STAFF RECOMMENDATION: Staff recommends postponing this application again to the July 19th City Council meeting so that we will have a final report available regarding the cost of all wastewater projects in the north part of the city. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LAND USE SCHEDULE

LOCKHART CITY LIMITS

PROPOSED USE	ACREAGE
CMB	4.529 AC.
RHD	18.535 AC.
SUBTOTAL	23.064 AC.

ETJ	ACREAGE
CURRENT USE	60.815± AC.
OVERALL TOTAL	83.879 AC.

SCALE: 1" = 400'

0 200 400 800

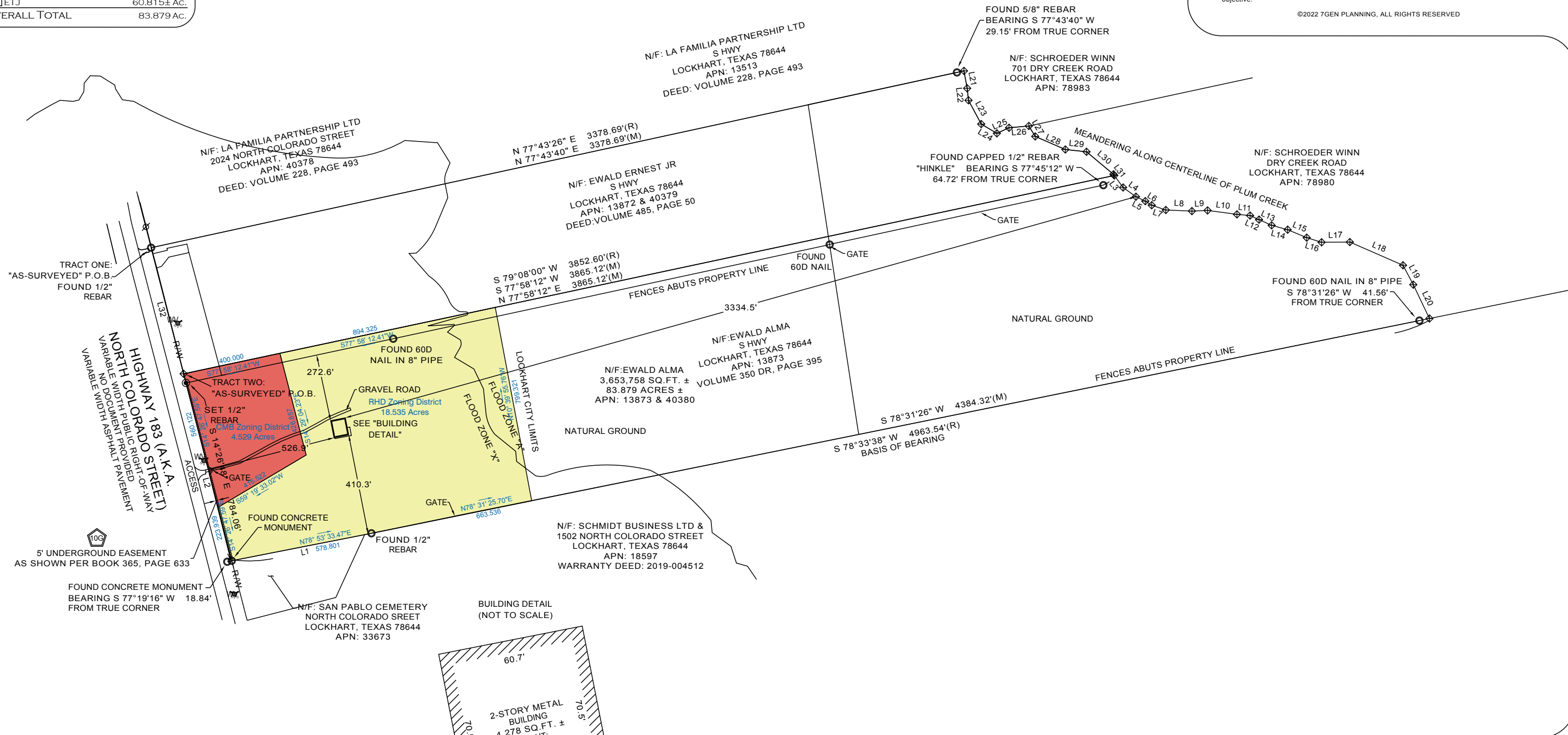
DATE: 03-02-2022



NORTH

All information furnished regarding this property is from sources deemed reliable. However, 7gen Planning has not made an independent investigation of these sources and no warranty or representation is made by 7gen Planning as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Land plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

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TEXAS
MULT-FAMILY
CAPITAL

REQUESTED REZONING BOUNDARY
1650 NORTH COLORADO STREET
LOCKHART, TEXAS 78644

7gen
PLANNING

PLANNING & LANDSCAPE ARCHITECTURE
2107 CITYWEST BLVD, SUITE 400 | 9050 N CAPITAL OF TX HWY., BLDG. 3, STE 390
HOUSTON, TEXAS 77042 | AUSTIN, TEXAS 78759
713.343.0394 | 512.646.3454



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	<u>Chris Bancroft</u>	ADDRESS	<u>1515 S. Capital of Texas Hwy</u>
DAY-TIME TELEPHONE	<u>512-705-0212</u>		<u>Suite 405</u>
E-MAIL	<u>chris.b@texasmfc.com</u>		<u>Austin, TX 78746</u>
OWNER NAME	<u>Alma Ewald</u>	ADDRESS	<u>1609 MEADOW LN</u>
DAY-TIME TELEPHONE	<u></u>		<u>LOCKHART, TX 78644-3801</u>
E-MAIL	<u></u>		<u></u>

PROPERTY

ADDRESS OR GENERAL LOCATION 1650 N. Colorado St. Lockhart, Tx 78644

LEGAL DESCRIPTION (IF PLATTED) Metes and Bounds

SIZE 23.06 ACRE(S) LAND USE PLAN DESIGNATION Residential, Low Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agricultural - Open Space

PROPOSED NEW USE, IF ANY Commercial, Residential

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION AO

TO PROPOSED ZONING CLASSIFICATION RHD, CMB

REASON FOR REQUEST To allow for future development
of general commercial and apartment housing

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.

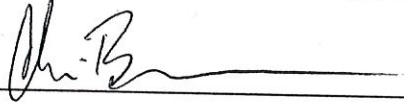
IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 611.20 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:
 $\$170 + (\$20 \times 22.06) = \$611.20$

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.

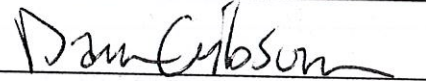
SIGNATURE



DATE 3/2/22

OFFICE USE ONLY

ACCEPTED BY



RECEIPT NUMBER 1140273

DATE SUBMITTED

3-2-22

CASE NUMBER ZC - 22 - 09

DATE NOTICES MAILED

3-8-22

DATE NOTICE PUBLISHED

3-10-22

PLANNING AND ZONING COMMISSION MEETING DATE

3-23-22

PLANNING AND ZONING COMMISSION RECOMMENDATION

Tabled to 5-25-22, Tabled to 7-13-22

CITY COUNCIL MEETING DATE

4-5-22

DECISION

Tabled to 6-7-22.

February 2, 2022

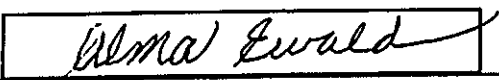
Texas Multifamily Capital, LLC
5900 Balcones Drive, Suite 100
Austin, Texas 78731

Subject: Entitlement of the following property ("Property")
1650 N. Colorado Lockhart, TX 78644
Alma Ewald

Dear Texas Multifamily Capital, LLC:

I, Alma Ewald, owner of the above referenced Property, authorize you, and more specifically **Christopher Bancroft and Matthew Chase**, as well as any agents and consultants appointed by you, to act as my **Agent** to submit applications, drawings, zoning changes, and other applicable documents for the purpose of obtaining approval from the City of Lockhart for a zoning change and associated permits related to the proposed purchase of the Property by you, and subsequent development by you.

Sincerely,



Printed Name: Alma Ewald

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss postponing until July 19, 2022, application ZC-22-10 by Chris Bancroft on behalf of Ernest Ewald, Jr., for a **Zoning Change** from 15.906 acres AO *Agricultural--Open Space District* to 12.262 acres *RHD Residential High Density District* and 3.644 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1724 North Colorado Street (US 183). *Tabled 4-5-22*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The purpose of the zoning change is to allow future development of 3.644 acres of general commercial land uses along the Colorado Street frontage, and 12.262 acres of apartment housing behind the commercial area. Although the tract extends eastward to Plum Creek, the zoning change is only for the portion of the tract that is in the city limits, which is roughly 36 percent of the original tract. The Plum Creek floodplain encroaches slightly into the rear of the area proposed to be zoned RHD. This item was tabled by the Planning and Zoning Commission on March 23rd, and again on May 25th, and on April 5th the City Council tabled it to this June 7th meeting, due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers. The new study is estimated to take another six weeks or so, which would be in time for the July 13th Planning and Zoning Commission meeting, and the July 19th City Council meeting.

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

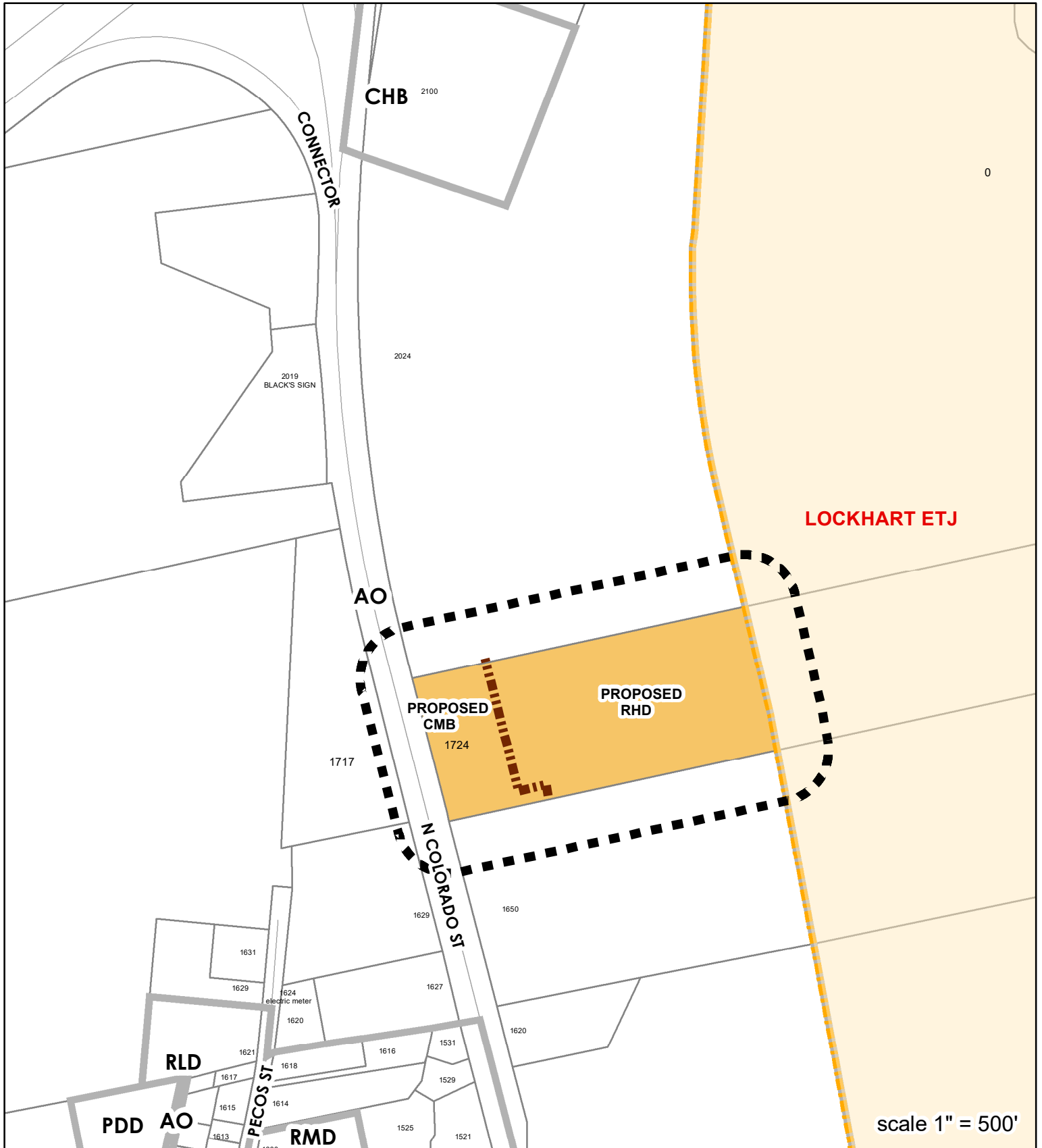
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: This item was previously tabled by the Council on April 5th to this June 7th meeting.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission voted on March 23rd to table this item to their May 25th meeting, and voted unanimously at the May 25th meeting to postpone a final recommendation to their July 13th meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: The suggested motion is to once again postpone further consideration of Zoning Change ZC-22-09 from AO to RHD and CMB on 15.906 acres located at 1724 North Colorado Street until the July 19th City Council meeting. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LIST OF SUPPORTING DOCUMENTS: ZC2210 case map, ZC2210 zoning, ZC2210 future landuse, ZC2210 aerial, zc2210 staff report for 6-7-22 CC, 21-9147 1724 North Colorado CAD_7gen Zoning Boundaries_11x17, zc2210 updated application and owner's letter



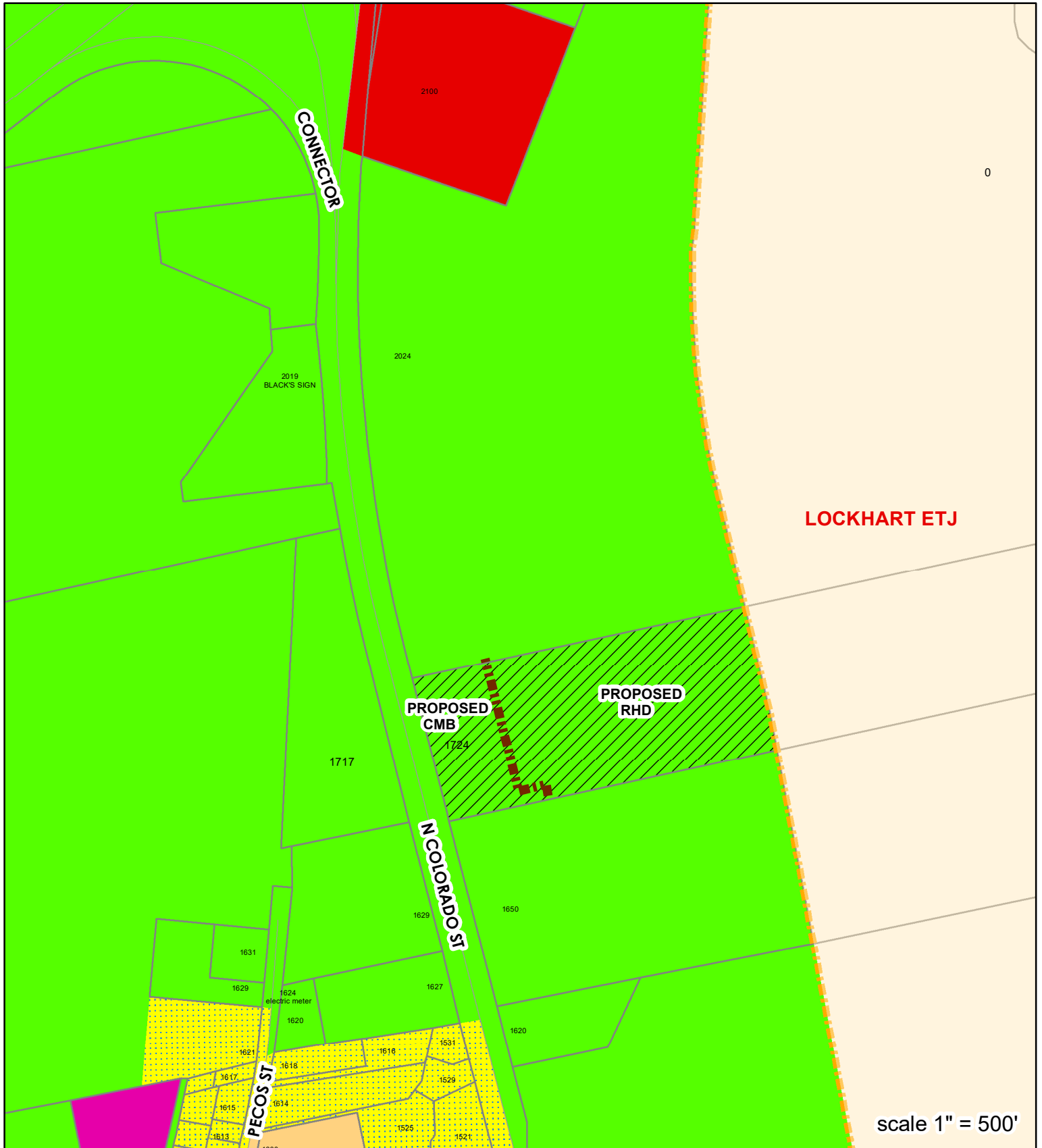
ZC-22-10

AO TO RHD & CMB

1724 N COLORADO ST (HWY 183)



- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS
- 200 FT BUFFER



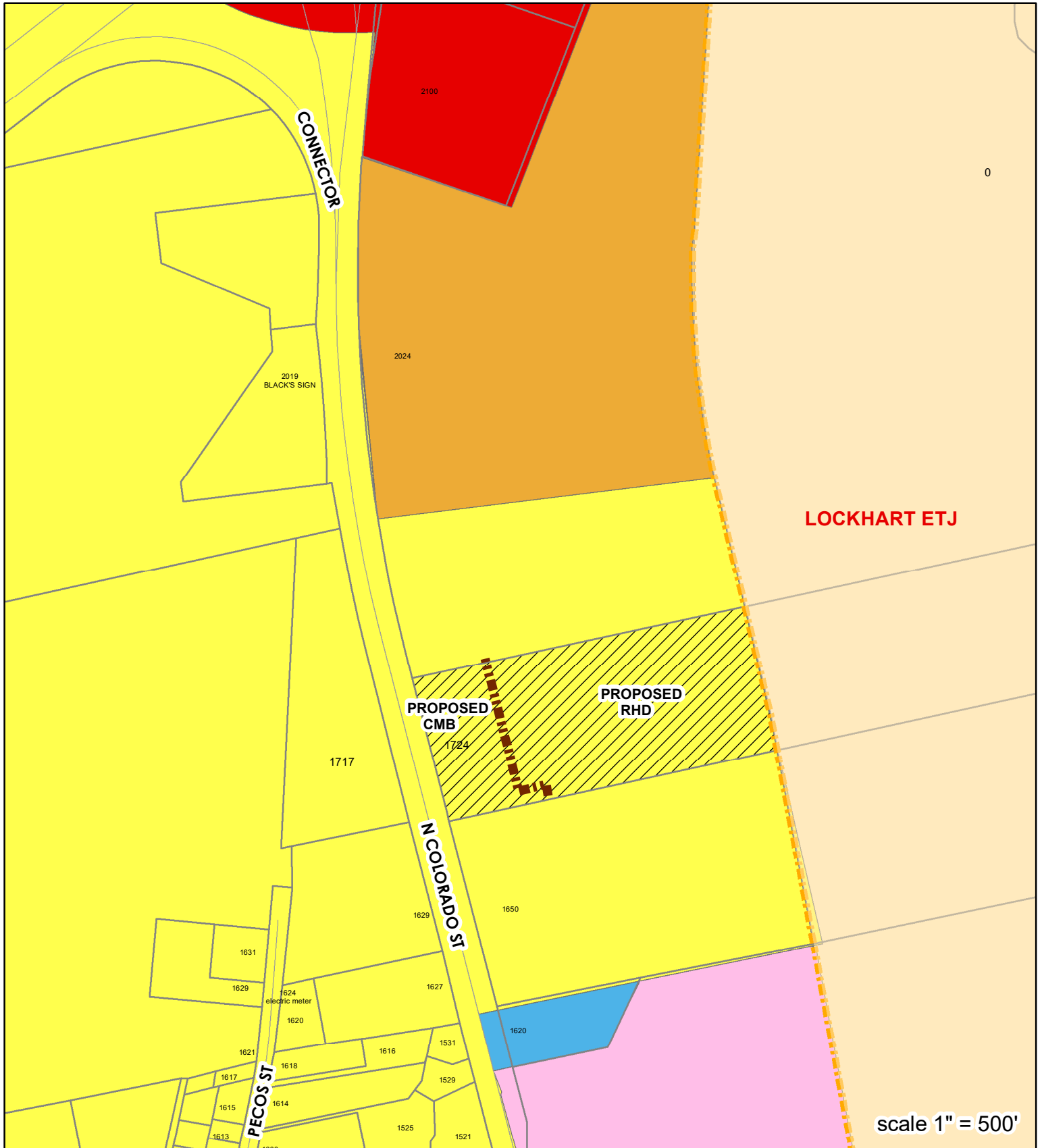
ZC-22-10

AO TO RHD & CMB

1724 N COLORADO ST (HWY 183)



- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - PLANNED DEVELOPMENT
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



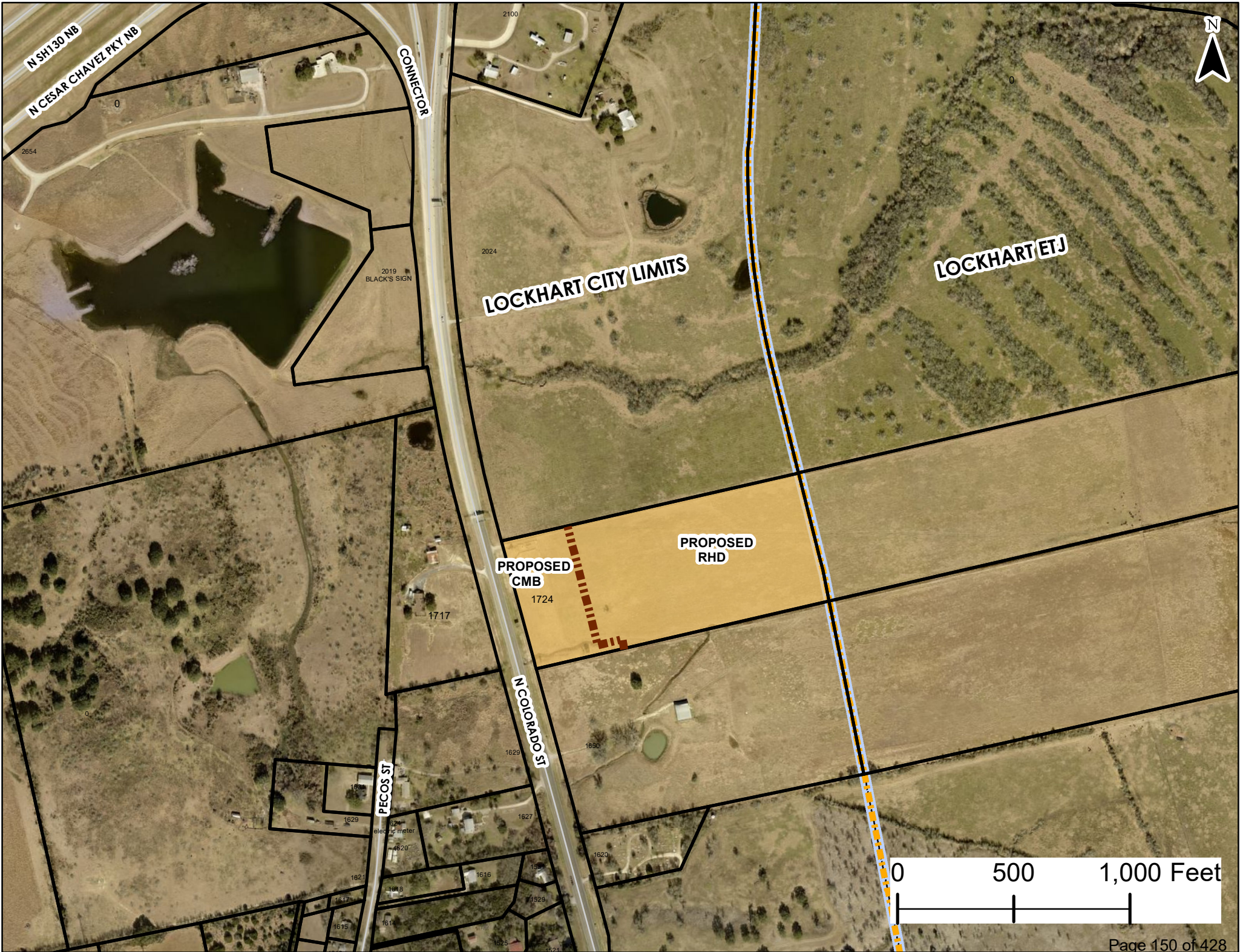
FUTURE LANDUSE

AO TO RHD & CMB

1724 N COLORADO ST (HWY 183)



- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-22-10

REPORT DATE: March 18, 2022 [Updated 3-29-22, 5-18-22, 6-1-22]

PLANNING AND ZONING COMMISSION HEARING DATE: March 23, 2022 [Tabled to 5-25-22, 7-13-22]

CITY COUNCIL HEARING DATE: April 5, 2022 [Tabled to 6-7-22]

REQUESTED CHANGE: AO to RHD and CMB

STAFF RECOMMENDATION: ***Postpone to July 19th Council meeting.***

PLANNING AND ZONING COMMISSION RECOMMENDATION: ***Postponed to July 13th Commission meeting.***

BACKGROUND DATA

APPLICANT: Chris Bancroft

OWNER: Ernest Ewald, Jr.

SITE LOCATION: 1724 North Colorado Street (US 183)

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 15.906 acres inside the city limits

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Low Density Residential*

ANALYSIS OF ISSUES

PREVIOUS ACTION: This item was tabled by the Planning and Zoning Commission on March 23rd, and again on May 25th, and on April 5th the City Council tabled it to this June 7th meeting, due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers.

REASON FOR REQUESTED ZONING CHANGE: The purpose of the zoning change is to allow future development of 3.644 acres of general commercial land uses along the Colorado Street frontage, and 12.262 acres of apartment housing behind the commercial area. Although the tract extends eastward to Plum Creek, the zoning change is only for the portion of the tract that is in the city limits, which is roughly 36 percent of the original tract. The Plum Creek floodplain slightly encroaches into the rear of the area proposed to be zoned RHD.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant land	AO	<i>Low Density Residential, Medium Density Residential</i>
East	Vacant land	Not zoned	<i>Agriculture/Rural Development</i>
South	Vacant land	AO	<i>Low Density Residential</i>
West	Single-family dwelling and accessory buildings, Vacant land	AO	<i>Low Density Residential</i>

TRANSITION OF ZONING DISTRICTS: The subject property currently does not abut any other residential or commercial zoning, although a concurrent zoning change request for the adjacent property to the south would result in the same RMD and CMB zoning pattern as proposed for the subject tract.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be from Colorado Street, and because of the high speed limit TxDOT will likely require that the developer widen the highway to provide a center left-turn lane and right turn deceleration or transition lane for any street or driveway intersections into the development. There is a 12" water main along the east side of the highway that is adequate to serve the property. However, the closest wastewater main of sufficient size is located approximately one mile south near the railroad track and Town Branch Creek. The wastewater impact fee CIP does propose a system of wastewater mains extending from that point northward, along with a lift-station, where it would serve the North Colorado Street corridor area, including the subject property. Because the proposed RHD and CMB zoning classifications in this case would allow a much higher intensity of development than anticipated by the land use assumptions that were the basis of the current impact fee CIP, a study is being conducted to determine if the pipe sizes need to be larger than planned, and to estimate the total cost of the project. This information will be used to allocate funds from different sources, including developer participation, that will be needed to design and construct the necessary wastewater infrastructure. The study was expected to be completed by now, but the information available thus far focused on the northwest quadrant of the city, and still needs to be expanded to include the North Colorado Street corridor.

POTENTIAL NEIGHBORHOOD IMPACT: The subject property is in a largely undeveloped area of the city where there are no immediate neighbors that would be impacted by development allowed by the proposed zoning district classifications. A regional impact will be additional traffic on North Colorado Street, but that is bound to occur where there is potential for additional development, and can be mitigated by a center turn lane and right-turn deceleration lanes.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD and CMB zoning classifications are **not** consistent with the *Low Density Residential* future land use designation shown on the Land Use Plan map.

ALTERNATIVE CLASSIFICATIONS: The only zoning classification that would be consistent with the Land Use Plan map is the *RLD Residential Low Density District*.

RESPONSE TO NOTIFICATION: Citizens who previously appeared at the first Planning and Zoning Commission public hearing expressed concerns about flooding on the subject property, additional runoff from the property as a result of development, and traffic hazards due to the high speed limit on Colorado Street in that area.

STAFF RECOMMENDATION: Staff recommends postponing this application again to the July 19th City Council meeting so that we will have a final report available regarding the cost of all wastewater projects in the north part of the city. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LAND USE SCHEDULE

LOCKHART CITY LIMITS

PROPOSED USE	ACREAGE
CMB	3.644 Ac.
RHD	12.262 Ac.
SUBTOTAL	15.906 Ac.

ETJ	ACREAGE
CURRENT USE	27.813± Ac.
OVERALL TOTAL	43.719 Ac.

SCALE : 1" = 400'

0 200 400 800

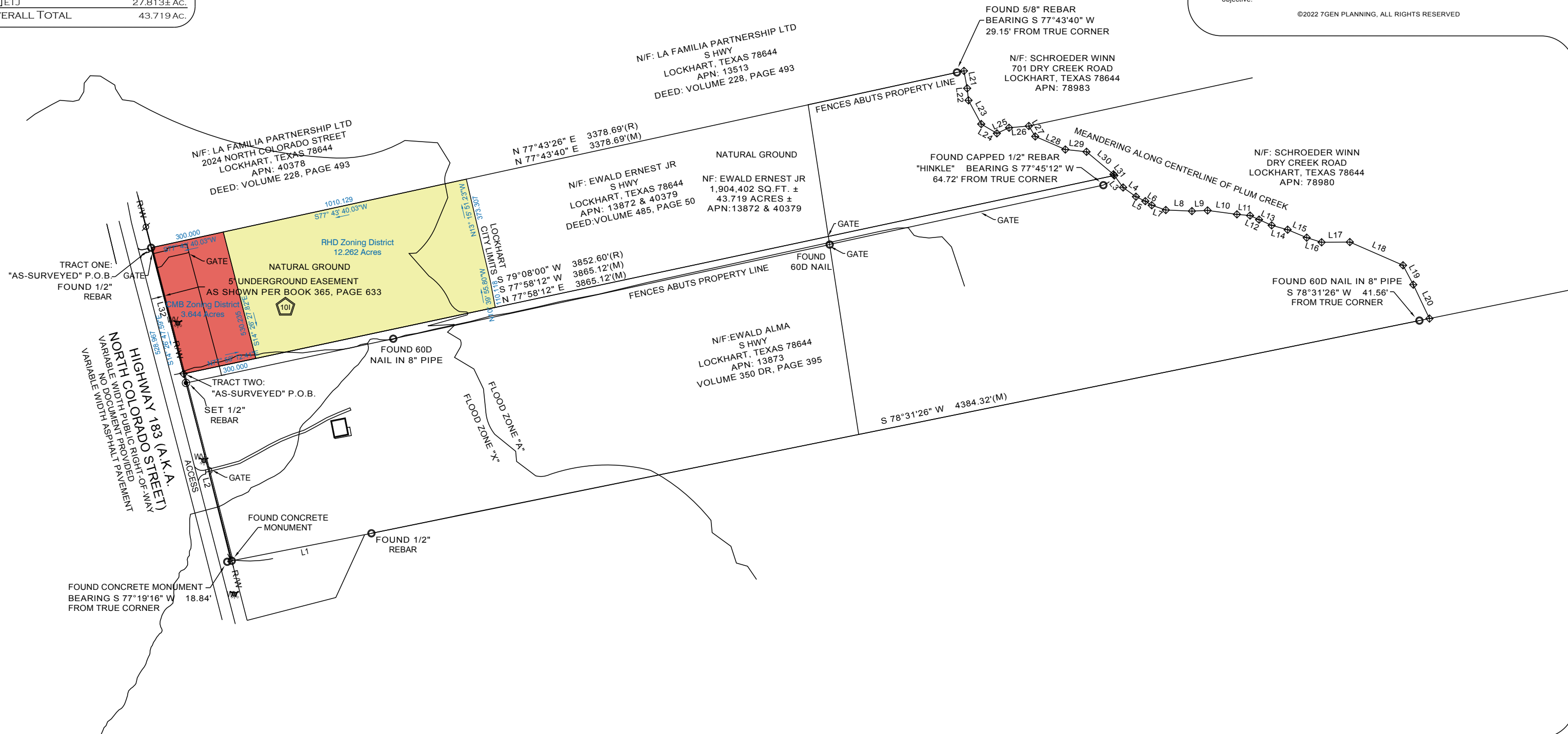
DATE : 03-02-2022



NORTH

All information furnished regarding this property is from sources deemed reliable. However, 7gen Planning has not made an independent investigation of these sources and no warranty or representation is made by 7gen Planning as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Land plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

©2022 7GEN PLANNING, ALL RIGHTS RESERVED

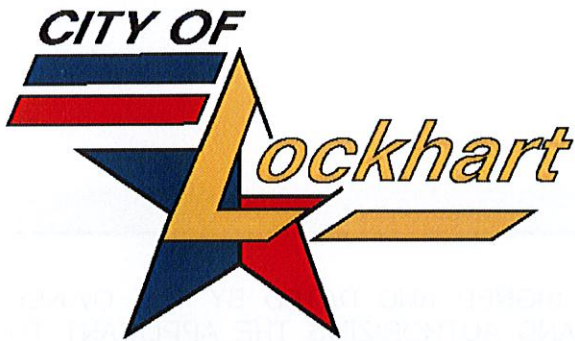


**TEXAS
MULT-FAMILY
CAPITAL**

REQUESTED REZONING BOUNDARY
1724 NORTH COLORADO STREET
LOCKHART, TEXAS 78644

7gen
PLANNING

PLANNING & LANDSCAPE ARCHITECTURE
2107 CITYWEST BLVD, SUITE 400 HOUSTON, TEXAS 77042 713.343.0394
9050 N CAPITAL OF TX HWY., BLDG. 3, STE 390 AUSTIN, TEXAS 78759 512.646.3454



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	<u>Chris Bancroft</u>	ADDRESS	<u>1515 S. Capital of Texas Hwy</u>
DAY-TIME TELEPHONE	<u>512-705-0212</u>		<u>Suite 405</u>
E-MAIL	<u>chris.b@texasmfc.com</u>		<u>Austin, TX 78746</u>
OWNER NAME	<u>Ernest Ewald, Jr.</u>	ADDRESS	<u>PO Box 1016</u>
DAY-TIME TELEPHONE	<u></u>		<u>Lockhart, Tx 78644-1016</u>
E-MAIL	<u></u>		<u></u>

PROPERTY

ADDRESS OR GENERAL LOCATION 1724 N. Colorado St. Lockhart, Tx 78644

LEGAL DESCRIPTION (IF PLATTED) Metes and Bounds

SIZE 15.90 ACRE(S) LAND USE PLAN DESIGNATION Residential, Low Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agricultural - Open Space

PROPOSED NEW USE, IF ANY Commercial, Residential

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION AO

TO PROPOSED ZONING CLASSIFICATION RHD, CMB

REASON FOR REQUEST To allow for future development
of general commercial and apartment housing

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.

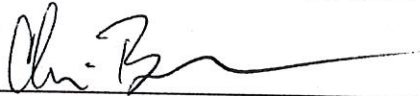
IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ \$468 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

	$\$170 + (\$20 \times 14.90) = \$468$
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

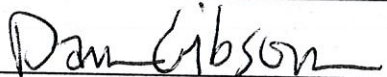


DATE

3/2/22

OFFICE USE ONLY

ACCEPTED BY



RECEIPT NUMBER

1140273

DATE SUBMITTED

3-2-22

CASE NUMBER ZC -

22 - 10

DATE NOTICES MAILED

3-8-22

DATE NOTICE PUBLISHED

3-10-22

PLANNING AND ZONING COMMISSION MEETING DATE

3-23-22

PLANNING AND ZONING COMMISSION RECOMMENDATION

Tabled to 5-25-22, Tabled to 7-13-22

CITY COUNCIL MEETING DATE

4-5-22

DECISION

Tabled to 6-7-22.

February 2, 2022

Texas Multifamily Capital, LLC
5900 Balcones Drive, Suite 100
Austin, Texas 78731

Subject: Entitlement of the following property ("Property")
1724 N. Colorado Lockhart, TX 78644
Ernest Ewald

Dear Texas Multifamily Capital, LLC:

I, Ernest Ewald, Jr, owner of the above referenced Property, authorize you, and more specifically **Christopher Bancroft** and **Matthew Chase**, as well as any agents and consultants appointed by you, to act as my **Agent** to submit applications, drawings, zoning changes, and other applicable documents for the purpose of obtaining approval from the City of Lockhart for a zoning change and associated permits related to the proposed purchase of the Property by you, and subsequent development by you.

Sincerely,

<i>Ernest Ewald Jr</i>	dotloop verified 02/14/22 10:50 AM CST OLQQ-RUHE-HEVN-F8UB
------------------------	--

Printed Name: Ernest Ewald, Jr

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss Resolution 2022-26 approving the purchase of body-worn cameras for the Lockhart Police Department using Governor grant funds and authorizing the City Manager to execute the necessary documents on behalf of the city.

ORIGINATING DEPARTMENT AND CONTACT: Police - Ernest Pedraza

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION:

The City Council approved Resolution No. 2021-20, approving the submission of an application for a grant from the Texas Governor's grant program for the purchase of body-worn cameras. The approval included a 25% fund match and a budgetary amendment.

The grant was awarded to the City of Lockhart and the funds are now available for use and the body-worn cameras are available from Motorola Solutions, Inc., which is an authorized vendor under the Texas BuyBoard Cooperative Purchasing Cooperative.

The purchase of body-worn cameras, as described in the agenda packet for November 16, 2021, is hereby authorized, using grant funds and matching funds for a total of \$85,260. This resolution authorizes the City Manager to execute the necessary documents to acquire the body-worn cameras from Motorola Solutions, Inc.

PROJECT SCHEDULE (if applicable): June 2022

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$85,260.00

Account Number: 100-5317-926-00

Funds Available: 0

Account Name: Radio & Communication Equipment

FISCAL NOTE (if applicable): This resolution allows for the City Manager to sign an agreement with Motorola for the purchase and annual maintenance with Motorola. A budget amendment will need to be processed once the equipment has been received and an invoice has been issued. The budget amendment will include the receipt of unexpected funds from the Texas Governor's Grant Program in General Fund revenues.

PREVIOUS COUNCIL ACTION: Council approved Resolution No. 2021-20 on November 16, 2021 that authorized submission of the grant application to the Office of the Governor for the body worn cameras.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: The staff is recommending approval of the resolution.

LIST OF SUPPORTING DOCUMENTS: Bill

Online Terms Acknowledgement

This Online Terms Acknowledgement (this "Acknowledgement") is entered into between Motorola Solutions, Inc. ("Motorola") and the entity set forth in the signature block below ("Customer").

1. **Online Terms Acknowledgement.** The Parties acknowledge and agree that the applicable terms available at <https://www.motorolasolutions.com/product-terms> are incorporated in and form part of the Parties' agreement as it relates to any Products or Services sold or provided to Customer. By signing the signature block below, Customer certifies that it has read and agrees to the provisions set forth and linked on-line in this Acknowledgement. To the extent Customer is unable to access the above referenced online terms for any reason, Customer may request a paper copy from Motorola. The signatory to this Acknowledgement represents and warrants that he or she has the requisite authority to bind Customer to this Acknowledgement and referenced online terms.

2. **Entire Agreement.** This Acknowledgement supplements any and all applicable and existing agreements, and supersedes any contrary terms as it relates Customer's purchase of products and services. This Acknowledgement and referenced terms constitutes the entire agreement of the Parties regarding the subject matter hereof and as set out in the referenced terms, and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to this subject matter.

3. **Execution and Amendments.** This Acknowledgement may be executed in multiple counterparts, and will have the same legal force and effect as if the Parties had executed it as a single document. The Parties may sign in writing or by electronic signature. An electronic signature, facsimile copy, or computer image of a signature, will be treated, and will have the same effect as an original signature, and will have the same effect, as an original signed copy of this document. This Acknowledgement may be amended or modified only by a written instrument signed by authorized representatives of both Parties.

4. Upon signature, Customer authorizes Motorola to proceed with all deliverables of this order for an order value of \$85,260.00.

5. **Purchase Order Requirements (Customer check one only)**

☐ Purchase Order is issued and attached.

☐ No Purchase Order is required. Customer affirms that this ordering document is the only notice to proceed required, no further purchase orders will be issues against this order, and that funding has been encumbered for this order in its entirety.

6. Ship to, bill to and Ultimate Destination addresses are provided on the quote , attached to this letter or included on the Purchase Order.

The Parties hereby enter into this Acknowledgement as of the last signature date below.

Motorola Solutions, Inc.

Customer:

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____

Date: _____ Date: _____



New Customer Set Up Form

Company Name: Lockhart Police Department

Sales Person: Payeton Schnell

NOTE: Please provide tax exempt certificate with first order to be exempted from tax charges.

Primary Contact Information

Contact Name: Mark Mayberry

Title: Lieutenant

Phone Number: 512-398-4401

Address: 214 Bufkin Lane

Suite:

City: Lockhart

State: Texas

Zip Code: 78644

Email Address: mmayberry@ps.lockhart-tx.org

Shipping Contact Information

Contact Name: Mark Mayberry

Title: Lieutenant

Phone Number: 5123984401

Address: 214 Bufkin Lane

Suite:

City: Lockhart

State: Texas

Zip Code: 78644

Email Address: mmayberry@ps.lockhart-tx.org

Billing Contact Information

Finance Contact Name: Pam Larison

Phone Number: 512-398-3461

Finance Email Address: plarison@lockhart-tx.org

Accounts Payable Contact Name: Same As Above

Phone Number:

Accounts Payable Email Address: plarison@lockhart-tx.org

Street Address: 308 W. San Antonio

Suite:

City: Lockhart

State: Texas

Zip Code: 78644

Method of Payment: ☐ Completed App ☒ Credit Card Only (Processing fees may be applied to credit card payments)
☒ Law Enforcement

Method of Invoice: ☐ Email ☒ Mail **Tax Exempt:** ☒ Yes ☐ No **PO Required:** ☐ Yes ☐ No

FOR ACCOUNTING

**Credit
Limit:**

**Confirmed
Payment Method:**

**Confirmed
Payment Terms:**

Remittance Address: WatchGuard Video
P.O. Box 677996
Dallas, TX 75267-7996
(800) 605-6734 Ext. 3

Please email completed form to SSupport@watchguardvideo.com with all supporting documentation

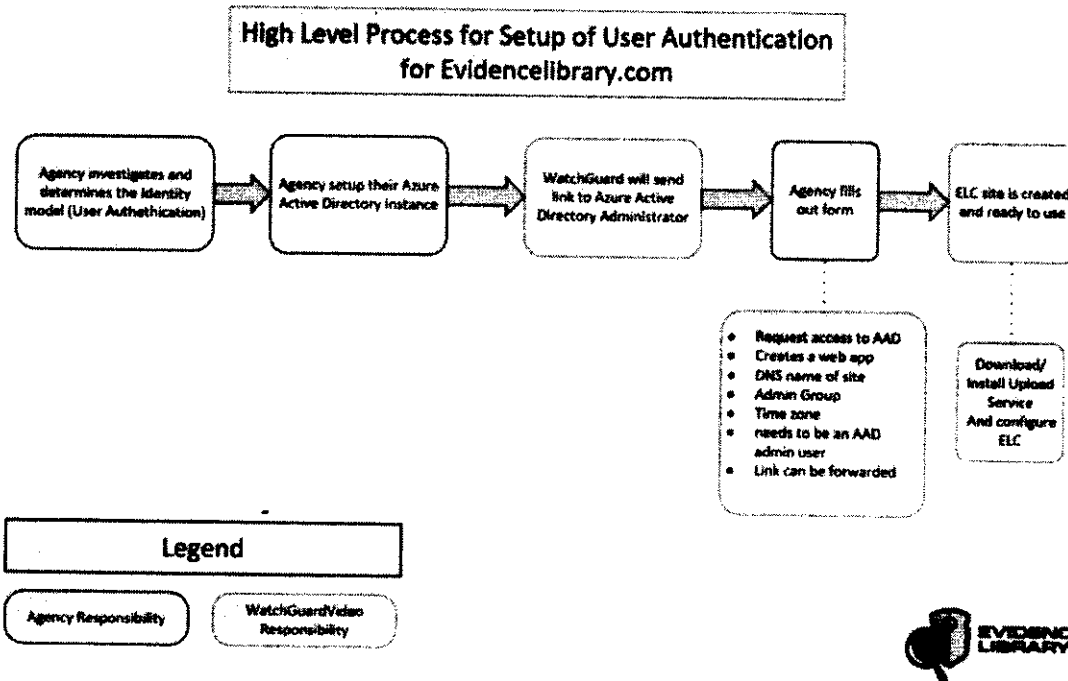
COMMAND CENTRAL EVIDENCE / EVIDENCELIBRARY.COM IT INFORMATION

Before scheduling your deployment, we need some additional information. Please fill out this form, save and email to WGVTSMPG@motorolasolutions.com as soon as possible. If you have any questions let your Sales Representative know.

1. Agency Name and State: City of Lockhart Police	
2. Who is the designated IT Point of Contact?	
Phone Number	IT Contact Name Email
3. Provide the Name, Phone Number and Email of the person that will be managing the software for the agency.	
Admin Name	
Phone Number	Email
4. EvidenceLibrary.com requires Commercial Azure Active Directory to authenticate users. Let us know if we will synchronize with an existing instance or a new standalone instance.	Integrate with an existing Azure Active Directory instance. ▼
5. Provide your domain name if integrating with an existing domain.	lockhart-tx.org

EvidenceLibrary.com (ELC) must be connected to an Azure Active Directory (AAD). This Azure Active Directory can either be synchronized with a customer's on-premise Active Directory or completely standalone. If the customer is using Office 365, it is likely we can integrate with that existing Azure Active Directory.

Below is an overview of the user authentication setup and responsibility.



6. Please ensure the internet speeds to MS Azure are sufficient for a good upload and playback experience. https://www.azure.speed.com/Azure/Latency	Upload Mbps 8.2	Download Mbps 120
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Upload Speed Requirements: 5 Mbps base (plus 3 Mbps per addl device), assuming 8hrs to upload video with approx 5GB to upload or 40-50 Mbps per concurrent uploading device, assuming video is required to upload within 30-40mins with approx 5GB to upload.

Download Speed Requirements: 5 Mbps per video stream.

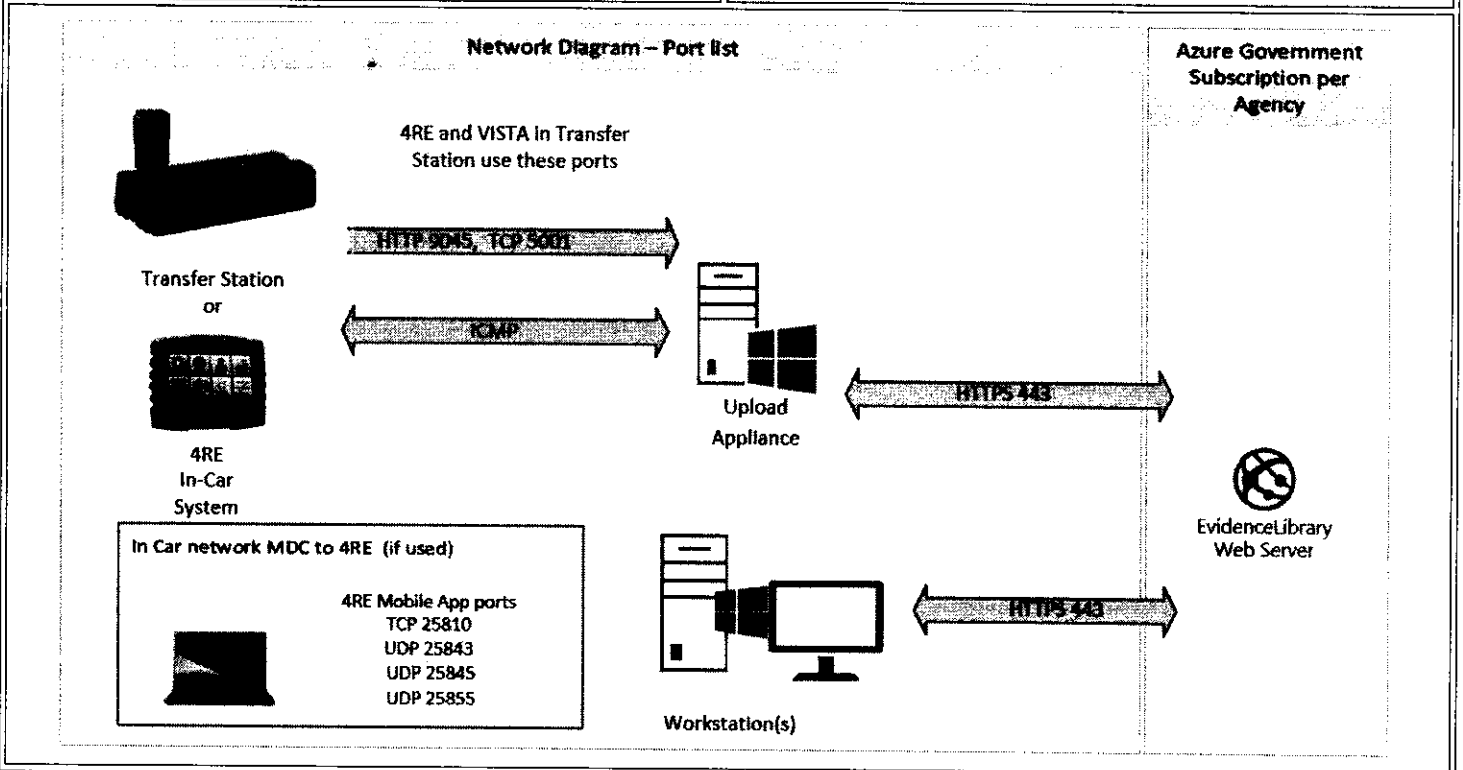
7. What is the name of your CAD/RMS vendor?	Tyler Technologies
8. If you are supplying an upload appliance to temporarily stage video, please verify the server complies with the specifications below and select <u>Yes</u> on this form.	Upload appliance complies with specifications. ☐

Upload Appliance Specifications	
Minimum Hardware Requirements The upload appliance can support up to 120 connected devices and 60 uploading devices. CPU: 4 core 4 Thread RAM: 8 GB Network: 1 Gbps (2 recommended) Volumes: OS 80GB or more (RAID1) Staging 4TB or more (RAID 6) (To accommodate an internet outage over the weekend.) The upload appliance can be a virtual machine.	Minimum Software Requirements An account with local Administrative level permissions is required to install the WatchGuard Evidence Library software on the server. Additionally, the system requires the following software components. Operating System: NOTE: One of the options below must be used. - Windows 10 Professional 64-bit - Windows Server 2016 64-bit - Windows Server 2019 64-bit *Windows updates should be applied per agency policy.

Client workstations We do not support Virtual Desktops.

- Supported OS versions for the client are Win 7 32 bit, Win 7 64 bit, Win 8.1 and Win 10.
- Supported Web Browsers are Chrome v.45 or higher, IE 10 or higher, Edge

9. Specify the version of OS you will provide on the upload appliance if you are using your own box.	OS Windows Server 2019 64-bit ☐
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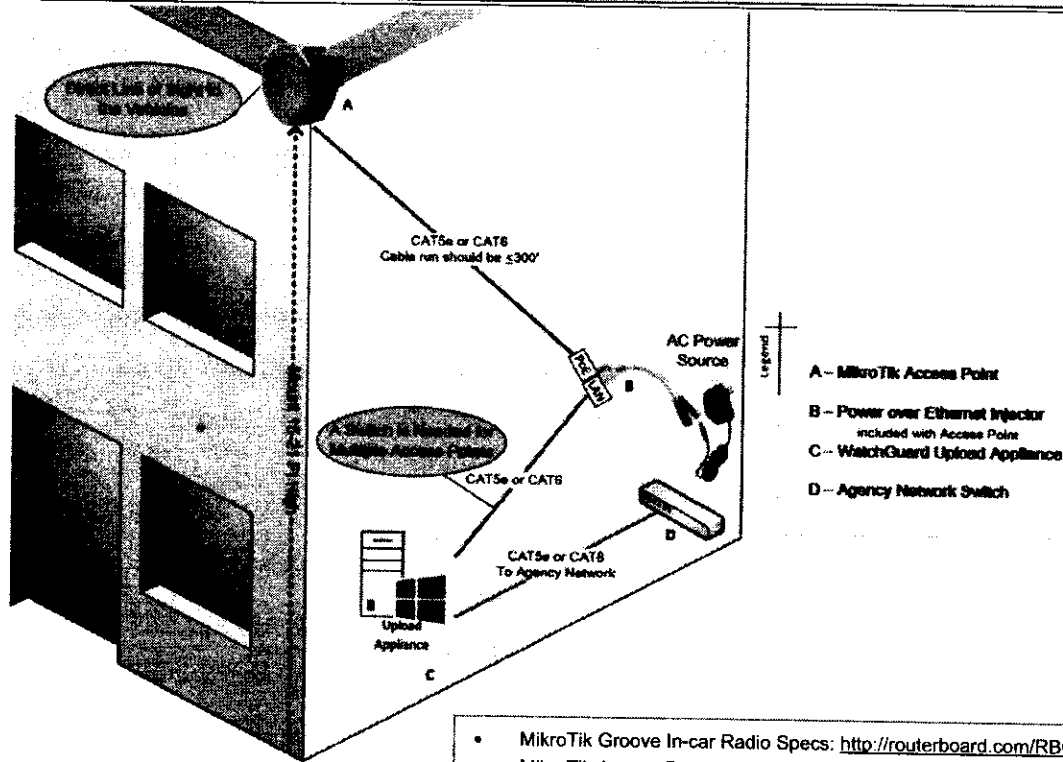
COMMAND CENTRAL EVIDENCE / EVIDENCELIBRARY.COM IT INFORMATION

WIRELESS TRANSFER – These questions are only applicable if you purchased camera hardware with wireless upload.

1. The preferred system configuration for WatchGuard servers utilizes two Network Interface Cards (NICs) on the server. One is for connectivity to the agency network for users needing access to Evidence Library. The second NIC is for secure wireless connectivity through which evidence is transferred from the vehicles to the video server. This configuration keeps the wireless network isolated and provides an additional level of network security.

Is this acceptable to you?

Agencies that choose to use only 1 NIC will need to provide an IP address for each vehicle wireless radio and Access Points.



Wireless components are configured with a hidden SSID and WPA2-AES Security with a 128-bit Pre-Shared Key. If another type of security is desired, the department may be responsible for configuration of in-car wireless radios. If supplying your own Access Point it must be 5GHz 802.11n compatible.

2. Provide a Network to use for the Wireless Upload.
Please choose one or type your own.

3. What type of in-car wireless device will be used?

4. If WatchGuard is not providing the Access Point(s), please provide a SSID and Pre-Shared Key below.
Or send via other methods (phone/email) WGVTSMPMG@motorolasolutions.com

SSID:

Pre-Shared Key:

5. Who will be installing the network cabling and Access Points for the wireless network?

Access point & Cabling Installer - Company Name

Contact Name

Phone Number

**COMMAND CENTRAL EVIDENCE / EVIDENCELIBRARY.COM IT INFORMATION****CELLULAR UPLOAD – These questions are only applicable if you want to upload video via a Cellular connection.**

1. Who is your cellular provider?	
2. What type of cellular network?	
3. Please confirm your data plan is unlimited. This is required for cellular upload.	
4. What type of device will be used for cellular upload? <i>Requires Ethernet connection to Smart Switch from router and MDC (need available port). Both upload paths cannot be implemented simultaneously in the same car. Windows 10 is required to support cellular upload through MDC.</i>	
5. If providing a cellular router, please specify what brand.	
6. If providing a MiFi device, please specify what type.	
7. What device do you desire to use for WIFI upload? <i>A router or MDC with WIFI modem is recommended. If a MikroTik radio is used with a router, an Ethernet connection is required from the Smart Switch to the MDC (need available MDC port).</i>	
8. How would you like to encrypt video upload over cellular?	
9. If using VPN, what is your VPN system?	
10. If using VPN, what is the IP range for that network?	

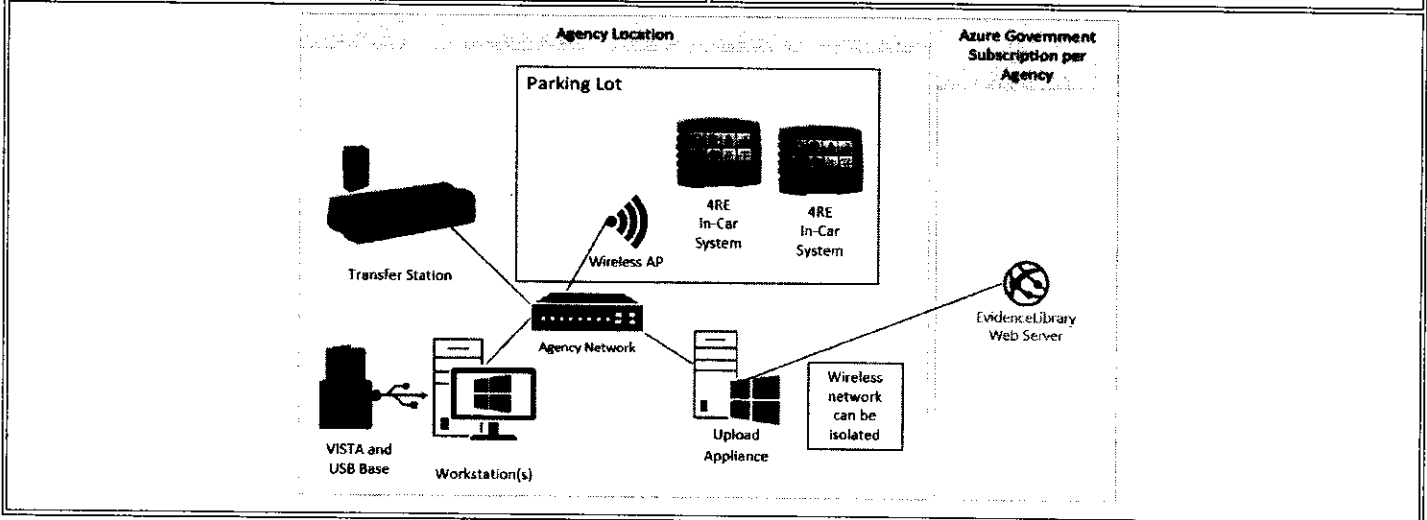
COMMAND CENTRAL EVIDENCE / EVIDENCELIBRARY.COM IT INFORMATION

TRANSFER STATION – These questions are **only applicable** if you purchased a VISTA or V300 Transfer Station.
The information below is needed to configure the Transfer Station(s) prior to shipment.

1. Provide the server IP address for the Transfer Station to upload. Can be on the agency or wireless network*	10.100.6.51
<i>*The Transfer Station does not have wireless capabilities but can be wired into your 4RE Wireless Network. If you have multiple Transfer Stations they can be placed on the Agency and Wireless Network if needed.</i>	
2. Would you like to use DHCP or assign Static IP addresses for the Transfer Station(s) and camera slots? We recommend using a Static IP address for the Transfer Station.	Static for Transfer Station and DHCP for camera slots.
3. Please indicate a range of IP Addresses to use for the Transfer Station(s). Each station will require 9 total IP addresses; 1 for the station and 1 for each of the 8 camera slots.	10.100.6.80 - 10.100.6.89
4. Provide the Gateway IP address to the WatchGuard server.	10.100.6.1
5. List a Name for each Transfer Station. The 8 slots are hard numbered 1-8 therefore we recommend using A, B, C, etc. for the Name instead of Numbers.	CamaraTS-A
6. List the Transfer Station locations. (e.g. Room 523, Building 224) The same location name is recommended if multiple Transfer Stations are in the same location.	

The questions below are only required for the V300 Transfer Station

7. Provide your DNS Server IP address.	10.100.6.21
8. Provide the Primary & Secondary Hostname. Secondary is optional. If uploading directly to ELC the Hostname will be device.tx.evidencelibrary.com.	EFORCE-APP1.colpd.org
9. Tenant ID This is found within your Azure Active Directory.	e5d79945-8b2a-48f4-a352-26284de77728



Signature:

Email: plarison@lockhart-tx.org

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss Ordinance 2022-22 regarding amendment of Section 50-3 of Chapter 50 of the Lockhart Code of Ordinances to establish maintenance responsibilities for public sidewalks and cost sharing programs for sidewalk reconstruction or repairs.

ORIGINATING DEPARTMENT AND CONTACT: Public Works - Sean Kelley

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: Staff has received increasing inquiries about sidewalk replacement and maintenance. Unfortunately, current policies and ordinances lack the provisions to perform, delegate, and facilitate these requests. With the growing demand of the community, City Council has also been approached with requests to improve deteriorating sidewalks.

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

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

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

The Lockhart Code states the following:

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

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

City of Lockhart, Texas

Council Agenda Item Cover Sheet

from trees or plants of any type planted on public right-of-way maintain a height of not less than 13 feet six inches above the surface of any street.

The proposed ordinance amendment to Section 50-3 of the Lockhart Code of Ordinances clarifies:

1. Sidewalk maintenance responsibility.
2. Establishes a procedure to identify eligible sidewalk projects.
3. Creates a cost sharing program.

During the City Council Meeting held on May 17, 2022, Council designated projects that included deficient sidewalks for funding and directed staff to begin the process of funding with the City's Financial Advisor and the City's Bond Counsel by way of a tax note. Upto \$300,000 of the assumed tax note could be used to participate in a potential cost-sharing program or could be used to fund deficient sidewalks that are in the most critical need of repair.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

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

LIST OF SUPPORTING DOCUMENTS: Sidewalk Maint. and Cost Sharing Policy Ord 2022-22

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SECTION 50-3 OF CHAPTER 50 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH MAINTENANCE RESPONSIBILITIES FOR PUBLIC SIDEWALKS AND COST SHARING PROGRAM FO SIDEWALK RECONSTRUCTION OR REPAIRS; PROVIDING FOR PENALTIES FOR VIOLATION AND CLAUSES FOR REPEALER, SEVERABILITY, SAVINGS, PUBLICATION, AND EFFECTIVE DATE

WHEREAS, the City of Lockhart has sidewalks located throughout the City that provide access to schools, parks, and communities; and

WHEREAS, the City Council believes that these sidewalks enhance the beauty of the city and the quality of life for its citizens and visitors; and

WHEREAS, the City Council now deems it necessary to establish and clarify maintenance responsibilities for sidewalks within the City;

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

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

SECTION 2: Amendment. Section 50-3 of Chapter 50 of the Lockhart Code of Ordinances is hereby amended so that it shall hereafter read in its entirety as follows:

Sec. 50-3. Maintenance of sidewalk and street appurtenances: City cost share program.

- (a) **Duty of Owner.** It shall be the duty and obligation of all owners and occupants, of real property which abuts or upon which a sidewalk, driveway, or other way is located and used by the public, to keep and maintain such sidewalk, driveway, or way in a safe condition for use. Such sidewalks, driveway, or ways shall be maintained by the owner or occupant of such real property so as to be free of depressions, excavations, inequalities, obstacles, obstructions, encroachments, and tall weeds or grass located between the person's front property line and the curb and/or street.
- (b) **City cost share program.** If revenues are available, the City may participate in the reconstruction or repair of a sidewalk with an eligible property owner on a 50/50 basis.
- (c) **Policies and procedures of the cost share program.** The City's 50/50 cost share program ("the program") shall operate as follows:
 - (1) **Eligible properties:** Property owners of the following types of owner-occupied properties are eligible to participate in the program: Single-family residents, duplexes, town homes and condominiums. Only sidewalks in City's public right-of-way are eligible. In no event will the City's cost share cover reconstruction or repairs to be performed on private property.
 - (2) **Eligible projects.** Sidewalk must contain 1 ½" or greater vertical trip hazard between panels, 1" or greater width separation between panels, and/or structural damage through the entire depth of the sidewalk panel. Cosmetic damages that are neither

structural failures or trip hazards are not eligible. Each project must be approved by the Public Works Director or designee.

- (3) Cost: The property owner's share of the cost under the program shall be one-half (1/2) of the total cost for the requested improvement, excluding cost for non-barrier ramps.
- (4) Trees: All trees located in the City's right-of-way shall be removed in conjunction with each project unless retention of a tree or tree in the right-of-way is approved by the Public Works Director or designee. The cost of removal shall be included in the estimate for each project.
- (5) Damage to improvements: The City shall not be responsible for damage that occurs to sprinkler systems, trees, shrubs, or other improvements in the City's right-of-way. It shall be the responsibility of the property owner to protect these improvements before and during reconstruction or repair.
- (6) Method of payment and assessment: The City or the City's contractor will perform the work and assess cost for assess the eligible project. The property owner shall make payment to the City in the full amount of their share before work commencement of reconstruction or repair or, alternatively, pursuant to a payment agreement, in 12 or 24 monthly payments. Payment agreements made through the public works department with the first payment due and paid before commencement of the construction or repair, to the agreed schedule. If a balance remains unpaid at the end of the agreed schedule, interest will be charged on an annual rate of the lesser of six percent of the maximum rate allowed by law, until the unpaid balance is paid.
- (7) Lien: Where the abutting property owner makes payment agreement with the public works department, their share of the cost of the reconstruction/repair performed by the City, together with interest shall constitute a personal claim against them and shall be secured by a lien on such property which may be enforced against the owner in the manner provided by law. Upon full payment of such cost, the City will release the lien.
- (8) Rework: In the event the replaced sidewalk reconstructed through the program fails within one year of the completion of the replacement under the program, the City shall make the appropriate repairs, as determined to be necessary by the City, to the failed section at no additional cost to the property owner.
- (9) Refund and reimbursement:
 - (a) Refund. An abutting property owner may make a written request for a refund before initiation of the reconstruction or repair. In no event shall a refund be made after the City begins work.
 - (b) Reimbursement. Property owner shall be eligible for reimbursement of the portion of the cost of replacement or repair for work done in connection with the program if within two years of the completion of the replacement or repair, the City undertakes a capital improvement project and the sidewalk reconstructed or repaired through the program is replaced in connection with the capital improvement project. Reimbursement under this paragraph is available only in areas included in the capital improvement project on a pro rata basis.
- (d) Notice of Violation. Whenever it is determined that there are grounds for violation of any provision of this chapter, the building official shall give notice of such violation to the property owner, as hereinafter provided. Such notice shall:
 - (1) Be in writing;

- (2) Include a statement of the reason for its issuance; and
- (3) Allow a reasonable time for the performance of the act it requires.
- (e) **Penalty.** Any person violating the provisions in this section shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500 for each day of such violation
- (f) **Remedy by the City.** In addition to the penalty provisions above provided for, resulting from violation of the provisions of this section, the City shall be entitled to enter upon and remove and/or trim as necessary eliminate any such public sidewalk from such obstruction and/or declare a sidewalk in violation of this section a public nuisance. City cost for labor, benefits, equipment, and materials associated with removing and/or replacing public sidewalks shall be invoiced to the property owner of record. Should the property owner fail to pay the incurred City cost within 30 days of invoice, a lien shall be filed on the property for such amount plus ten percent of the amount of the invoice, plus the cost of the then current filing fee.

SECTION 3. Repealer. All provisions of the Code of Ordinances of the City of Lockhart in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Code of Ordinances of the City of Lockhart codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Severability. It is hereby declared to be the intention of the City Council that the components of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining component of this Ordinance.

SECTION 5. Publication. The City Secretary shall cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

SECTION 6. Effective Date. This ordinance shall become effective and be in full force from the date of its passage.

PASSED AND ADOPTED on this the ____ day of _____, 2021.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discuss Resolution 2022-25 authorizing the City Manager to enter into a Local Transportation Project Advance Funding Agreement (AFA) with TxDOT for bridge replacement or rehabilitation Off the State System for the North Blanco Street Bridge over Town Branch Creek.

ORIGINATING DEPARTMENT AND CONTACT: Public Works - Sean Kelley

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: During a routine inspection by TxDOT in December 2019, the North Blanco Street Bridge was found to have scouring, settling, and cracks that would require action. The City worked with TxDOT to create an Action Plan that included frequent routine inspections to monitor the bridge, along with TxDOT's biannual inspections.

Staff has been working with TxDOT to fund the full replacement of the North Blanco Street Bridge using their Highway Bridge Replacement and Rehabilitation Program (HBRRP). Resolution 2022-25 authorizes the City Manager to enter into an Advance Funding Agreement (AFA) with TxDOT. The AFA will require the City to match 0.5% of the total estimated cost and the remaining 99.5% to be federally funded using the Highway Bridge Replacement and Rehabilitation Program (HBRRP). Once the Resolution is approved, TxDOT will be scheduling the bridge design and replacement for FY 2026.

TxDOT inspected the bridge this spring and rated the condition the same. However, the inspector made the recommendation to have the bridge require a load posting of 24,000lbs per tandem axel to prolong the integrity of the bridge until the full replacement takes place.

PROJECT SCHEDULE (if applicable): FY 2026-TxDOT's projected schedule for the design and replacement for the North Blanco Street Bridge

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$5,500.00

Account Number: 100-5633-911-00

Funds Available: \$40,000.00

Account Name: Construction/Project Improvement

FISCAL NOTE (if applicable): Annually, the Street Department budgets \$440,000 towards street improvements. This line item has an additional \$40,000 for miscellaneous projects which will cover the 0.5% match towards the North Blanco Street Bridge replacement or rehabilitation project.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval of Resolution 2022-25.

LIST OF SUPPORTING DOCUMENTS: Resolution 2022-25 North Blanco Bridge , N. Blanco St. Bridge Map

Resolution 2022-25

A RESOLUTION OF THE CITY OF LOCKHART, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT (AFA) WITH TXDOT FOR BRIDGE REPLACEMENT OR REHABILITATION OFF THE STATE SYSTEM (North BLANCO STREET BRIDGE OVER TOWN BRANCH CREEK)

WHEREAS, a Master Agreement between Local Government and the State has been adopted May 23, 1969, and states the general terms and conditions for transportation projects developed through the LPAFA; and

WHEREAS, TITLE 23 United States Code Section 144 authorizes federal funds to assist the states in the replacement or rehabilitation of deficient bridges located on public highways, roads, and streets, including those under the jurisdiction of local governments; and

WHEREAS, the Local Government owns one or more bridges on a public road or street located at North Blanco Street over Town Branch Creek, and the bridge is included in the current approved off-state system federal aid Highway Bridge Replacement and Rehabilitation Program (HBRRP) as authorized by the Texas Transportation Commission Minute Order Number 116073, Dated August 31, 2021; and

WHEREAS, HBRRP will fund ninety-nine and a half percent (99.5%) of the estimated project costs of \$1,100,000 and the City of Lockhart will fund the remaining half percent (0.5%) in the estimated cost of \$5,500.

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

Section 1. The City Manager is hereby authorized to enter into a local transportation project Advance Funding Agreement (AFA) to provide funding for Bridge Replacement or Rehabilitation Off the State System for the North Blanco Street Bridge over Town Branch Creek.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TX ON THIS THE 7TH DAY OF JUNE 2022.

APPROVED:

Lew White, Mayor

Attest:

Connie Constancio, City Secretary

North Blanco Street Bridge

Legend

-  N. Blanco Street Bridge
 Navarro Springs Park



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

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

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

ACTION REQUESTED: Other

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

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

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

Open Meetings Act Suspensions Terminate effective September 1, 2021

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

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

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

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

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

City of Lockhart, Texas

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On October 11, 2021, Governor Abbott issued GA-40 prohibiting vaccine mandates, subject to legislative action.

On February 25, 2022, the CDC updated its framework on monitoring the level of COVID-19 in communities. The new framework moves beyond just looking at cases and testing positivity to evaluation factors that also include hospitalizations and hospital capacity. These factors combined are used to determine whether COVID-19 and severe disease are low, medium or high in a community. The CDC also updated its recommendations for wearing face coverings and respirators. Recommendations are now connected to the community's current level of COVID-19 and severe disease.

On May 26, 2022, the CDC upgraded Caldwell County's COVID-19 Community Risk level to "Medium." This is the first time Caldwell County's community risk level has been elevated from "Low" risk since late February. The COVID-19 Community Level is determined by the higher of the new admissions and inpatient beds metrics, based on the current level of new cases per 100,000 population in the past seven days.

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

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None.

LIST OF SUPPORTING DOCUMENTS: Update of COVID-19 orders and Council actions, GA-39, GA-38, Governor Abbott proclamation renewing the Declaration of Disaster, GA 40, Memorandum COVID19 level medium

HISTORY OF COVID-19 ORDERS/COUNCIL ACTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On **October 11, 2021**, Governor Abbott issued GA-40 relating to prohibiting all entities of compelling receipt of a COVID-19 vaccine until the issue has been considered through legislation.

On **February 25, 2022**, the CDC updated its framework on monitoring the level of COVID-19 in communities. The new framework moves beyond just looking at cases and testing positivity to evaluation factors that also include hospitalizations and hospital capacity. These factors combined are used to determine whether COVID-19 and severe disease are low, medium or high in a community. The CDC also updated its recommendations for wearing face coverings and respirators. Recommendations are now connected to the community's current level of COVID-19 and severe disease.



GOVERNOR GREG ABBOTT

August 25, 2021

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

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

AUG 25 2021

Secretary of State

Dear Deputy Secretary Esparza:

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

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

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

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
August 25, 2021

EXECUTIVE ORDER GA 39

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

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

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

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

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

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

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

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

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

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

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

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AUG 25 2021

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

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

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

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

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

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

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AUG 25 2021

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

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



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

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Joe A. Esparza".
JOE A. ESPARZA
Deputy Secretary of State

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

AUG 25 2021



GOVERNOR GREG ABBOTT

July 29, 2021

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JUL 29 2021

Secretary of State

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

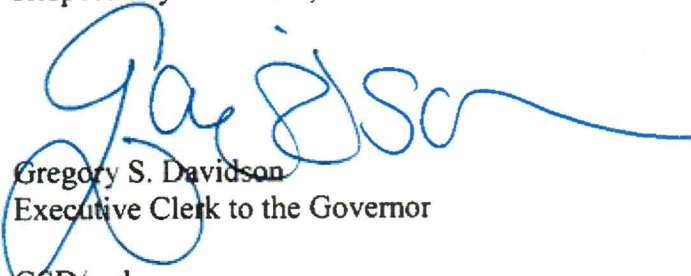
Dear Deputy Secretary Esparza:

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

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

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

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 29, 2021

EXECUTIVE ORDER GA 38

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

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

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

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

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

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

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

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

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

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

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

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

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SECRETARY OF STATE
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JUL 29 2021

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

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

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

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

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JUL 29 2021

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

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SECRETARY OF STATE
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JUL 29 2021

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

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

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

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COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

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

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



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

A handwritten signature in black ink, reading "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Joe A. Esparza".
JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

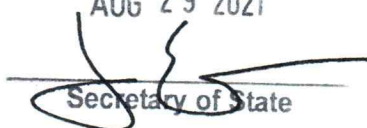


GOVERNOR GREG ABBOTT

August 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK

AUG 29 2021


Secretary of State

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

Dear Mr. Deputy Secretary:

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

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

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

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

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

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

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

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

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of August, 2021.

A handwritten signature in black ink, reading "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
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AUG 29 2021

Governor Greg Abbott
August 29, 2021

Proclamation
Page 2

ATTESTED BY:



JOE ESPARZA
Deputy Secretary of State

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SECRETARY OF STATE
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AUG 29 2021



GOVERNOR GREG ABBOTT

October 11, 2021

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SECRETARY OF STATE
4:30 PM 'CLOCK

OCT 11 2021

Secretary of State

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

Dear Deputy Secretary Esparza:

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

Executive Order No. GA-40 relating to prohibiting vaccine mandates, subject to legislative action.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "G. Davidson", with a long horizontal flourish extending to the right.

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
October 11, 2021

EXECUTIVE ORDER GA 40

*Relating to prohibiting vaccine mandates,
subject to legislative action.*

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

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

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

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

WHEREAS, I issued Executive Orders GA-35, GA-38, and GA-39 to prohibit governmental entities and certain others from imposing COVID-19 vaccine mandates or requiring vaccine passports; and

WHEREAS, in yet another instance of federal overreach, the Biden Administration is now bullying many private entities into imposing COVID-19 vaccine mandates, causing workforce disruptions that threaten Texas's continued recovery from the COVID-19 disaster; and

WHEREAS, countless Texans fear losing their livelihoods because they object to receiving a COVID-19 vaccination for reasons of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19; and

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

WHEREAS, the legislature has taken care to provide exemptions that allow people to opt out of being forced to take a vaccine for reasons of conscience or medical reasons; and

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

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

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SECRETARY OF STATE
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OCT 11 2021

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

1. No entity in Texas can compel receipt of a COVID-19 vaccine by any individual, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19. I hereby suspend all relevant statutes to the extent necessary to enforce this prohibition.
2. The maximum fine allowed under Section 418.173 of the Texas Government Code and the State's emergency management plan shall apply to any "failure to comply with" this executive order. Confinement in jail is not an available penalty for violating this executive order.
3. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.

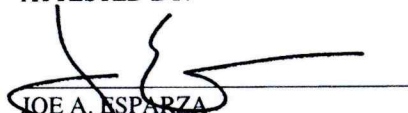
This executive order does not supersede Executive Orders GA-13, GA-37, GA-38, or GA-39. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.

Given under my hand this the 11th
day of October, 2021.



GREG ABBOTT
Governor

ATTESTED BY:


JOE A. ESPARZA
Deputy Secretary of State

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SECRETARY OF STATE
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OCT 11 2021



Memorandum

To: Mayor Lew White, Mayor Pro-Tem Angie Sanchez, Councilmembers Bryant, Michelson, Westmoreland, McGregor, and Mendoza
From: Steven Lewis, City Manager
Date: June 2, 2022
Re: County COVID-19 level update

Mayor and Council,

The Centers of Disease Control and Prevention (CDC) reported Caldwell County's COVID-19 Community Level has been upgraded to *Medium* this week. This is the first time Caldwell County's community risk level has been elevated from *Low* risk since late February. The COVID-19 Community Level is determined by the higher of the new admissions and inpatient beds metrics, based on the current level of new cases per 100,000 population in the past seven days. **Here are the latest numbers on Caldwell County from the CDC:**

Case Rate per 100,000 population	206.12
New COVID-19 admissions per 100,000 population	2.9
% Staffed inpatient beds in use by patients with confirmed COVID-19	0.1%

Based on the CDC's calculations, due to more than 200 new COVID-19 cases, Caldwell County's risk level has been upgraded to *Medium*. With this classification, the CDC recommends increased accessibility to vaccination, testing, and treatment, along with maintaining improved ventilation in public indoor spaces. As of this time, the Caldwell County Office of Emergency Management is not planning on issuing an advisory regarding the county's updated COVID-19 status.

The CDC has the following recommendations for people depending on which COVID-19 Community Level their county is in:

- Low Risk
 - Stay up-to-date with COVID vaccines
 - Get tested if you have symptoms
- Medium Risk

- Same precautions as low risk and:
 - Talk to your healthcare provider about whether you should wear a mask and take other precautions if you are at high risk for severe illness
- High Risk
 - Same precautions as medium risk and:
 - Wear a mask indoors in public
 - Additional precautions may be needed for people at high risk for severe illness

This information is also available through the [CDC's Data Tracker: Integrated County View](#), which is updated every Thursday.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Hold a PUBLIC HEARING on applications ZC-22-11 and PD-22-02 by Jim Meredith on behalf of Masonwood Development Corporation, and discussion and/or action to consider Ordinance 2022-22 for a **Zoning Change** from *PDD Planned Development District* to *PDD Planned Development District*, including a **Revised PDD Development Plan** for *Kelley Villas Planned Development*, on 16.31 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1712 West San Antonio Street (SH 142).

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: This item represents the revision of the PDD Plan for Kelley Villas, a 160-unit duplex condominium development located at 1712 West San Antonio Street. The original version of the PDD was approved December 14, 2021. The PDD was revised in order to meet TxDOT's requirement that the entrance drive be relocated from its location of the approved PDD plan. Otherwise, the application is similar to the originally approved layout. The Planning and Zoning Commission recommended approval of both the zoning change request and the revised PDD plan by a vote of 5-1 at its May 25, 2022 meeting. No opposition has been expressed to this item.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: Approved ZC-21-20 and PDD-21-03 December 14, 2021.

COMMITTEE/BOARD/COMMISSION ACTION: At its May 25th meeting, the Planning and Zoning Commission recommended approval of both items by a vote of 5-1.

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of Ordinance 2022-22 changing the zoning from PDD to PDD with a revised PDD development plan for Kelley Villas Planned Development consisting of 16.31 acres located at 1712 West San Antonio Street.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: zc2211 ordinance, zc2211 exhibit A, ZC2211 case map, ZC2211 zoning, ZC2211 future landuse, ZC2211 aerial, zc2211 staff report--Council, ZC2211 application, PDD-22-02 Staff Report, Kelley Villas PDD-2022-5-18, PDD-22-02 application

ORDINANCE 2022-22

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 16.31 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1712 WEST SAN ANTONIO STREET (SH 142), FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING BY-REFERENCE ADOPTION OF A REVISED PDD DEVELOPMENT PLAN FOR KELLEY VILLAS PLANNED DEVELOPMENT.

WHEREAS, on May 25, 2022, the Planning and Zoning Commission held a public hearing and voted to recommend approval of said change; and,

WHEREAS, the City Council desires to amend the zoning map 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 foregoing recitals are approved and adopted herein for all purposes.

II. The above-referenced property described in Zoning Change request ZC-22-11 and PDD Development Plan PDD-22-02 as 16.31 acres in the Cornelius Crenshaw Survey, Abstract No. 68, more particularly described in Exhibit "A" and located at 1712 West San Antonio Street (SH 142), will be reclassified from PDD Planned Development District, to PDD Planned Development District, including by-reference adoption of a PDD Development Plan for Kelley Villas Planned Development.

III. 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.

IV. 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.

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

VI. Effective Date: That this ordinance shall become effective 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, 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney

EXHIBIT "A"

Kelly Villas
1712 San Antonio St.
Metes and Bounds Description

DESCRIPTION OF 16.31 ACRES:

DESCRIPTION OF 16.31 ACRES (710,580 SQUARE FEET) OF LAND, MORE OR LESS, OUT OF THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, CALDWELL COUNTY, TEXAS, AND BEING ALL OF THAT TRACT DESCRIBED AS 16.37 ACRES CONVEYED TO QUINCY A. KELLEY BY PROBATE CASE NO. P7639 DATED SEPTEMBER 17, 2004, AS RECORDED IN VOLUME 396, PAGE 218, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, CALDWELL COUNTY, TEXAS, SAID 16.37 ACRES BEING FURTHER DESCRIBED IN VOLUME 293, PAGE 387, DEED RECORDS, CALDWELL COUNTY, TEXAS; SAID 16.31 ACRES (710,580 SQUARE FEET) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-iron rod with "Byrn Survey" cap found at the northeast corner of this tract and said 16.37 acre Kelley tract, being at the southwest corner of Lot 1, Masur Addition, a subdivision of record in Cabinet 8, Slide 139, Plot Records, Coldwell County, Texas, said Lot 1 conveyed to Michael Wes Masur and Mondy Masur Holcomb by Special Warranty Gift Deed, as recorded in Instrument No. 2021-001465, Official Public Records, Caldwell County, Texas, and being in the existing south right-of-way line of State Highway 142 (S.H. 142, varying width), said POINT OF BEGINNING having Grid Coordinate of N=13,870,620.30 E=2,380,324.54;

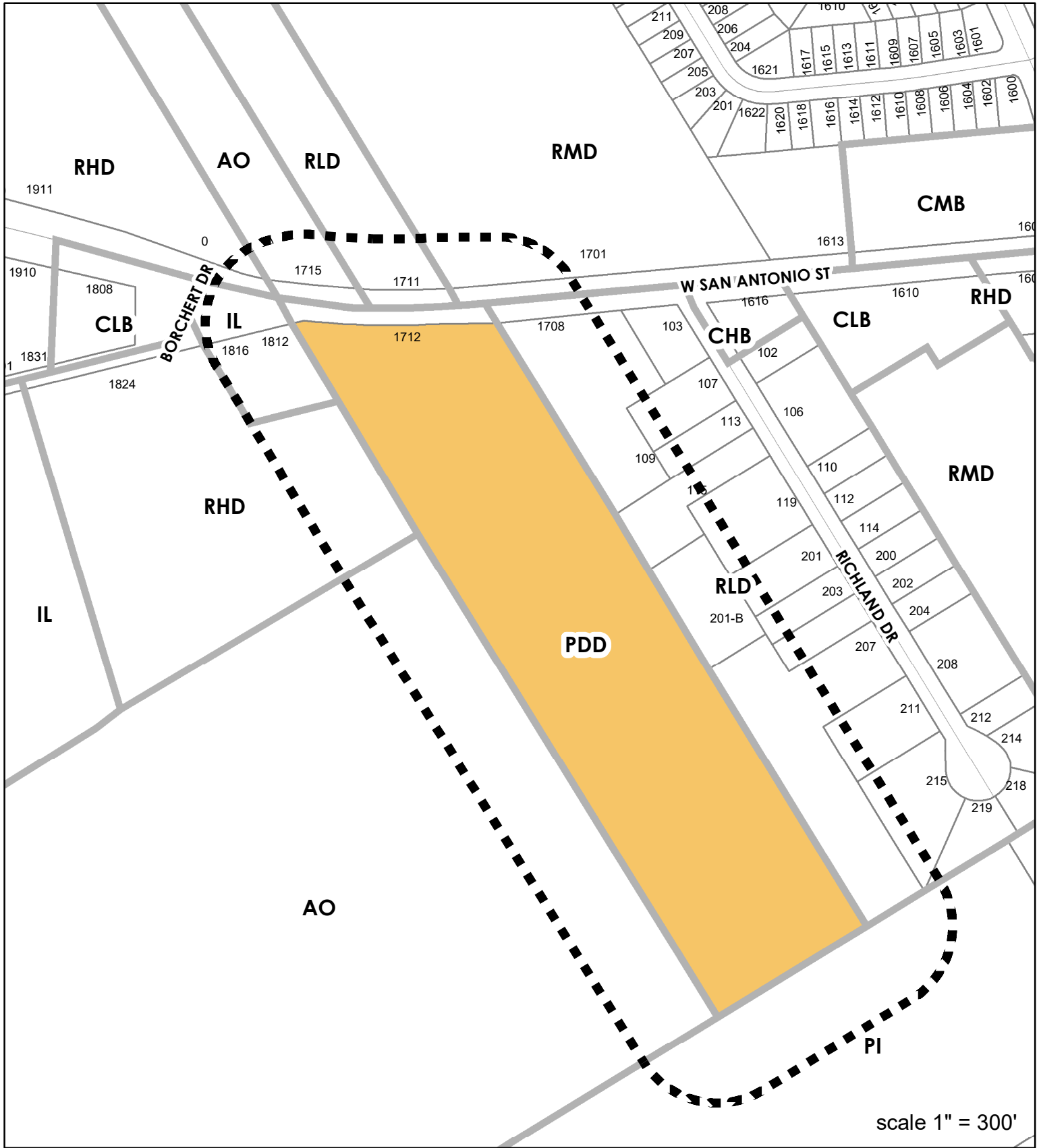
THENCE, along the east line of this tract and said 16.37 acre Kelley tract, the west line of said Lot 1, Masur Addition and said Masur tract, the west line of that tract described as Tract 2 conveyed to Angelica M. Cedano and Celso Cedano by General Warranty Deed, as recorded in Instrument No. 2017-002193, Official Public Records, Coldwell County, Texas, the west line of that tract being described as 1 acre (Tract Two) conveyed to Paul Ybarra, Jr. by General Warranty Deed, as recorded in Instrument No. 2017-000346, Official Public Records, Caldwell County, Texas, and the west line of Lot 1, Block 1, Domchez Addition, o subdivision of record in Cabinet 8, Slide 173, Plat Records, Caldwell County, Texas, said Lot 1, Domchez Addition conveyed to Fernando E. Mendez, Jr. and wife, Janey Mendez, and Thomas A. Mendez and wife, Marissa Mendez by Warranty Deed with Vendor's Lien, as recorded in Instrument No. 2015-002879, Official Public Records, Caldwell County, Texas, South 31°28'35" East 1,641.10 feet to a 1/2-inch iron pipe in concrete found at the southeast corner of this tract and said 16.37 acre Kelley tract, and at the southwest corner of said Lot 1, Domchez Addition and said Mendez et al. tract, being in the north line of that tract described as 15.00 acres (Tract One), 17.34 acres (Tract Two), 31.97 acres (Tract Three) and 31.87 acres (Tract Four) conveyed to Lockhart Independent School District by Cash Warranty Deed, as recorded in Volume 155, Page 870, Official Public Records, Caldwell County, Texas, from which a 3/8-inch Eye Bolt found bears North 57°57'26" East 155.99 feet;

THENCE, along the south line of this tract and said 16.37 acre Kelley tract, and the north line of said Lockhart Independent School District tract, South 58°35'05" West 405.66 feet to a 1/2-inch iron rod found at the southwest corner of this tract and said 16.37 Kelley acre, being at the southeast corner of that tract described as 90.51 acres conveyed to O.G. Coe Limited Partnership by Warranty Deed, as recorded in Volume 383, Page 636, Official Public Records of Real Property, Caldwell County, Texas;

THENCE, along the west line of this tract and said 16.37 acre Kelley tract, the east line of said 90.51 acre O.G. Coe Limited tract, and the east line of that tract described as 1 acre conveyed by Deed to Lucy Serrato, as recorded in Volume 367, Page 27, Deed Records, Caldwell County, Texas, North 31°28'04" West 1,881.29 feet to a 1/2-inch iron rod with "McGray McGray" cap set at the northwest corner of said 16.37 acre Kelley tract. and at the northeast corner of said 1 acre Serrato tract. being in the existing south right-of-way line of S.H. 142, on a curve to the left.

THENCE, along the north line of this tract and said 16.37 acre Kelley tract. and the existing south right-of-way line of S.H. 142, with said curve to the left. whose delta angle is 09°15'30", radius is 2,414.00 feet, an arc distance of 390.07 feet, and the chord of which bears South 89°47'35" East 389.64 feet to a 1/2-inch iron rod with "McGray McGray" cap set, from which a 1/2-inch iron rod found bears North 43°33'14" East 3.58 feet;

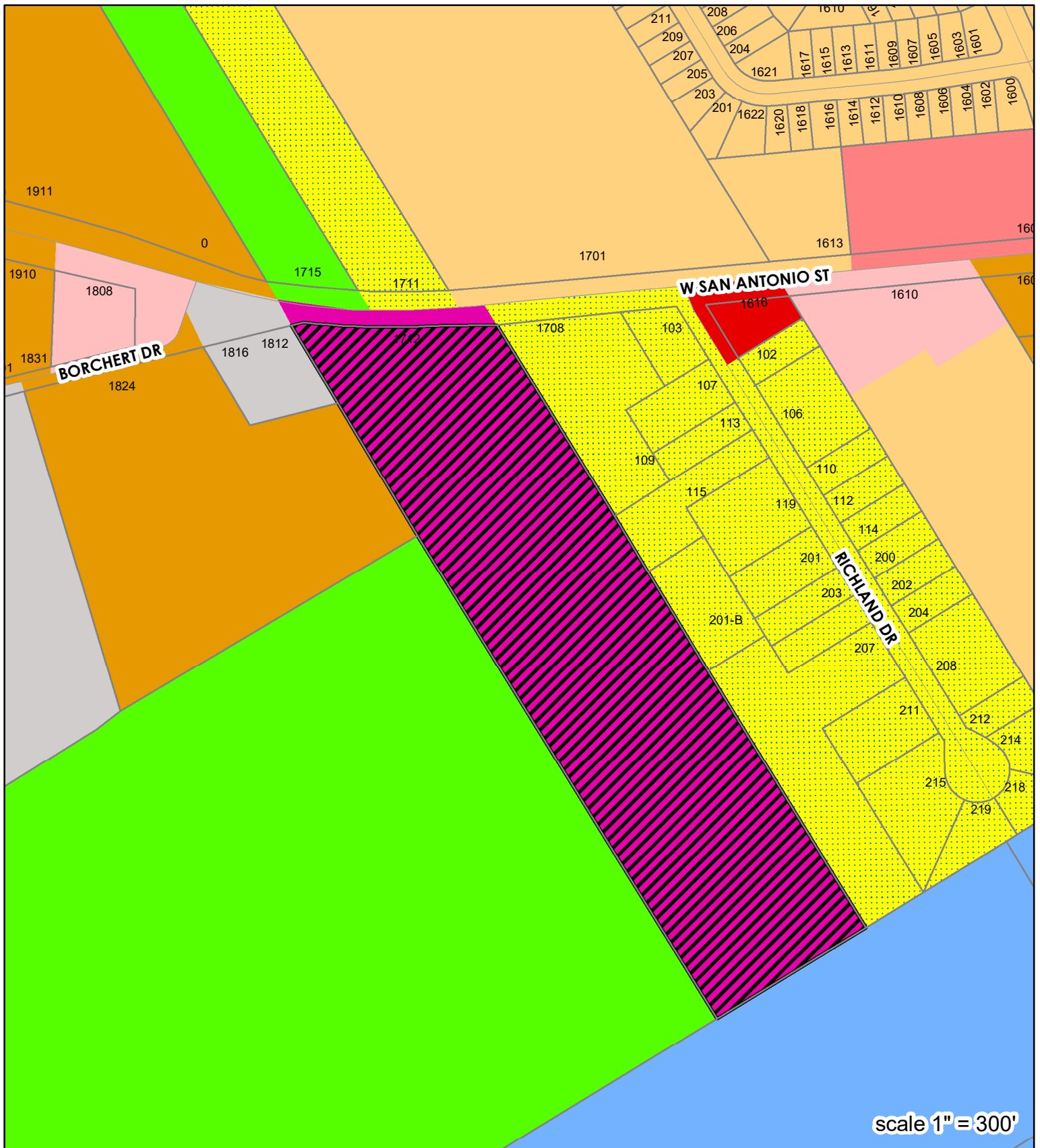
THENCE, continuing along the north line of this tract and said 16.37 acre Kelley tract, and the existing south right-of-way line of S.H. 142, North 84°30'16" East 82.10 feet to the POINT OF BEGINNING and containing 16.31 acres (710, 580 square feet) of land within these metes and bounds, more or less.



ZC-22-11 & PDD-22-02
 KELLEY VILLAS
 PDD TO PDD
 1712 W SAN ANTONIO ST (SH 142)



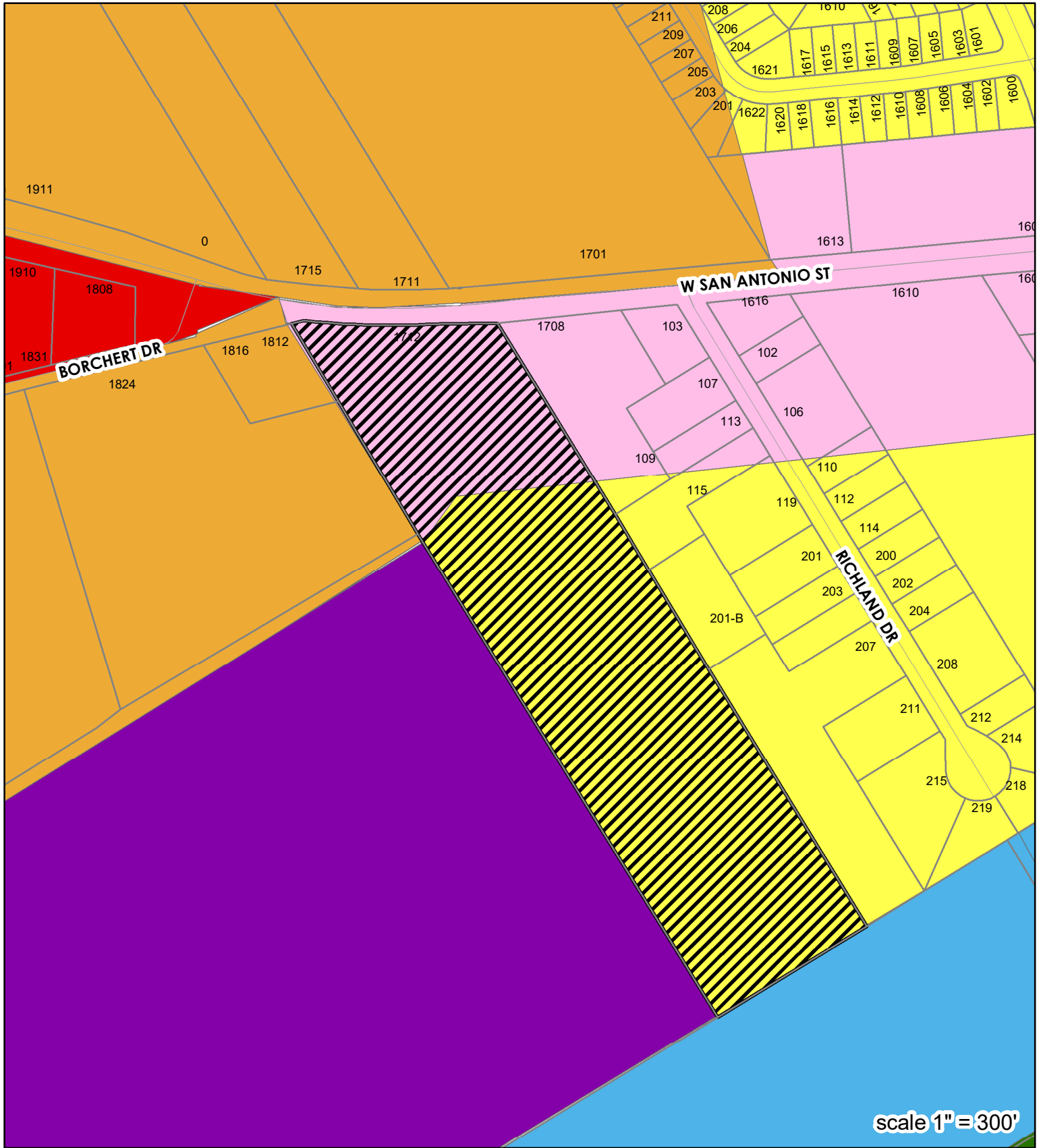
- SUBJECT PROPERTY
- ZONING BOUNDARY
- 200 FT BUFFER



ZC-22-11 & PDD-22-02
 KELLEY VILLAS
 PDD TO PDD
 1712 W SAN ANTONIO ST (SH 142)



- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL LIGHT BUSINESS
 - COMMERCIAL MEDIUM BUSINESS
 - INDUSTRIAL LIGHT
 - PLANNED DEVELOPMENT
 - PUBLIC AND INSTITUTIONAL
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

PDD TO PDD

1712 W SAN ANTONIO ST (SH 142)



- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- MIXED RETAIL, OFFICE, RESIDENTIAL
- PARKS AND OPEN SPACE
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: David Fowler, Senior Planner

CASE NUMBER: ZC-22-11

REPORT DATE: May 19, 2022

PLANNING AND ZONING COMMISSION HEARING DATE: May 25, 2022

CITY COUNCIL HEARING DATE: June 7, 2022

REQUESTED CHANGE: PDD to PDD

STAFF RECOMMENDATION: ***Approval***

PLANNING AND ZONING COMMISSION RECOMMENDATION: ***Approval***

BACKGROUND DATA

APPLICANT: Jim Meredith

OWNER: Jim Meredith

SITE LOCATION: 1712 West San Antonio St. (SH 142)

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 16.31 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Light-Medium Commercial, Low Density Residential*

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: This application represents a revision of Kelley Villas, an approved PDD development consisting of 160 dwelling units in the form of 80 duplex condominiums whereby the owner/residents will own their individual structures, while all the land area will be owned and maintained in common by a property owners' association. The duplexes would not be on individual lots, though, so the entire development is one large lot and, therefore, comparable to a multifamily development. The internal street will be private, similar to the internal circulation in a large apartment complex. The proposed density of ten units per acre is relatively high, so the best option for accommodating the condominium style of duplexes subject to a specific layout and density is the PDD classification. PDD is useful for developments that have unusual characteristics and may require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more of an advance commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications, which cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan. The zoning change is adopted subject to the approved PDD development plan, and the development plan thereafter cannot be changed except through the normal rezoning process. The previous zoning change (ZC 21-20), PDD development plan (PDD-21-03), and preliminary plat (PP-21-08), had been approved or recommended for approval by the Planning and Zoning Commission, and the zoning change and PDD development plan were approved by the City Council on December 14, 2021. The current PDD zoning case is being considered concurrently with PDD 22-02.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Single-family dwellings, vacant land	AO, RLD, RMD, RHD	<i>Medium Density Residential</i>
East	Single-family residential	RLD	<i>Light-Medium Commercial, Low Density Residential</i>
South	Soccer fields	PI	<i>Public and Institutional</i>
West	Vacant land	IL, RHD, AO	<i>Medium Density Residential, Mixed Use</i>

TRANSITION OF ZONING DISTRICTS: Because PDD is not a conventional zoning classification, the basis for comparison to other zoning districts would be the development plan, which in this case shows 80 duplex dwellings that could be roughly compared to either a duplex subdivision or a multi-family complex. The subject project is residential, which is compatible with much of the surrounding conventional zoning districts. The project's higher density would be more like the proposed apartment complexes that will be constructed in the RHD-zoned areas adjacent to the west and across West San Antonio Street to the northwest. The total of 160 units on roughly 16 acres results in a gross density of ten units per acre, which is considered to be in the medium to high density range. With six different zoning classifications currently in the area around the subject property, there isn't any zoning classification, either PDD or conventional district, that would make a perfect transition on all sides.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be provided with a divided entrance from West San Antonio Street. The need for an adjustment in the location of the proposed driveway is what prompted the need for a revised development plan, which also required a new PDD case to be created. Adequate City utility service is available, although an off-site wastewater line extension may be required from south of the property.

POTENTIAL NEIGHBORHOOD IMPACT: The proposed use and density is a good compromise between the existing low density single-family subdivision east of the subject property and the high-density apartments proposed along a portion of the west side of the property. Adverse impacts will be negligible since the proposed development will not be connected in any way to adjacent properties and will have a perimeter privacy fence at least six feet high. Extra turn lanes in West San Antonio Street, as shown on the PDD development plan, will be constructed by the developer at the developer's expense to mitigate the traffic impact of the development.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed PDD zoning is not consistent with either the *Light-Medium Commercial* designation at the north end of the property along West San Antonio Street, or the *Low-Density Residential* designation for the remainder of the property on the Land Use Plan map. In general, the PDD will be less intense than the commercial designation, but more intense than the low-density residential designation. Overall, the proposed development represents a relatively minor deviation in terms of land use intensity.

ALTERNATIVE CLASSIFICATIONS: No other zoning district would be more appropriate except, perhaps, for the commercial and residential classifications that would be consistent with the current future land use designations.

RESPONSE TO NOTIFICATION: None as of the date of this report.

STAFF RECOMMENDATION: Approval.

CITY OF

Lockhart

TEXAS

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 Jim Meredith
DAY-TIME TELEPHONE 512-306-8300
E-MAIL jim@masonwoodtx.com

ADDRESS 4301 Westbank Dr
Bldg. A, Ste. 110
Austin, TX 78746

OWNER NAME Jim Meredith
DAY-TIME TELEPHONE 512-306-8300
E-MAIL jim@masonwoodtx.com

ADDRESS 4301 Westbank Dr
Bldg. A, Ste. 110
Austin, TX 78746

PROPERTY

ADDRESS OR GENERAL LOCATION 1712 West San Antonio St.

LEGAL DESCRIPTION (IF PLATTED) _____

SIZE 16.31 ACRE(S) LAND USE PLAN DESIGNATION _____

EXISTING USE OF LAND AND/OR BUILDING(S) open field

PROPOSED NEW USE, IF ANY residential, condo arrangement of duplexes

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION PDD

TO PROPOSED ZONING CLASSIFICATION PDD

REASON FOR REQUEST TXDOT required driveway to move location from
location approved with original PDD

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.

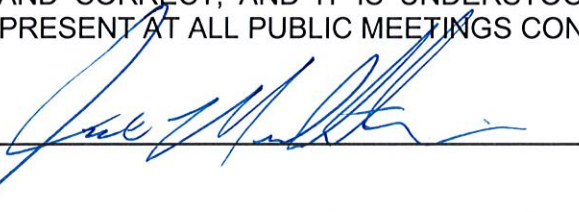
IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 476.20 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



DATE

3/1/2022

OFFICE USE ONLY

ACCEPTED BY

Kevin Waller

RECEIPT NUMBER

R01140943

DATE SUBMITTED

3/7/22

CASE NUMBER ZC -

22 - 11

DATE NOTICES MAILED

5-9-2022

DATE NOTICE PUBLISHED

5-12-22

PLANNING AND ZONING COMMISSION MEETING DATE

5-25-22

PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval

CITY COUNCIL MEETING DATE

6-7-22

DECISION

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

CASE NUMBER: PDD-22-02

REPORT DATE: May 19, 2022

PLANNING & ZONING COMMISSION DATE: May 25, 2022

CITY COUNCIL DATE: June 7, 2022

STAFF RECOMMENDATION: **Approval**

SUGGESTED CONDITIONS: None

PLANNING & ZONING COMMISSION ACTION: Recommended approval by a vote of 5-1 at their May 25, 2022 meeting

BACKGROUND DATA

SURVEYOR: Chris Conrad, P.L.S., McGray & McGray Land Surveyors, Inc.

ENGINEER: Denny Givens, P.E., Moody Engineering, Inc.

OWNER: Jim Meredith, Masonwood Lockhart 1, LLC

SITE LOCATION: 1712 West San Antonio Street

SUBDIVISION NAME: **Kelley Villas Planned Development District**

SIZE OF PROPERTY: 16.31 acres

NUMBER OF LOTS: One lot to contain 160 duplex-style condominium units

EXISTING USE OF PROPERTY: Vacant/Seasonal Agricultural Use

ZONING CLASSIFICATION: PDD (Planned Development District)

ANALYSIS OF ISSUES

PROPOSED DEVELOPMENT: This development plan accompanies the Zoning Change request (ZC-22-11) from PDD to PDD, as well as the Final Plat (FP-22-03), for the same property. Unlike conventional zoning classifications, which cannot have conditions attached, the Planned Development District (PDD) classification is subject to the conditions represented by the development plan. The development plan is adopted with the zoning change, and thereafter cannot be changed except through the normal rezoning process. The PDD zoning classification is intended to accommodate developments that have unusual characteristics that might require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more of an advance commitment on the part of the developer in terms of the site layout, land uses, and amenities. The zoning change and PDD development plan must be considered concurrently, since the zoning is conditional upon the project being developed as depicted on the plan. The proposal is for a total of 160 dwelling units in the form of 80 duplex-style condominium buildings. The units will each have three bedrooms, two and one-half bathrooms, and a two-car garage within one of three different floor plans ranging from 1,500 to 1,575 square feet. There are multiple open space areas in the planned development that will include one or more playscapes, picnic facilities, and sports courts. Sidewalks will be provided on both sides of all internal streets, as well as along West San Antonio Street. All facilities, other than the individual dwelling units, will be privately owned and maintained by a property owner's association. The initial PDD Development Plan was approved by the City Council on December 21, 2021, which changed the zoning of the property to PDD at that time. According to direction from TxDOT following that approval, the road approach onto West San Antonio Street has been relocated from the northeast corner of the property to the central portion of the property frontage. That revision has been reflected on the development plan, as well as minor

revisions to the configuration of open space and drainage lots in the southern portion of the property.

NEIGHBORHOOD COMPATIBILITY: The proposed use and density of ten units per acre is a reasonable compromise between the existing low density single-family subdivision east of the subject property and the high density apartments proposed along a portion of the west side of the property. Adverse impacts will be negligible since the proposed development will not be connected in any way to adjacent properties, and will have a perimeter privacy fence at least six feet high. Extra turn lanes in West San Antonio Street, as shown on the PDD development plan, will be constructed by the developer at the developer's expense to mitigate the traffic impact of the development.

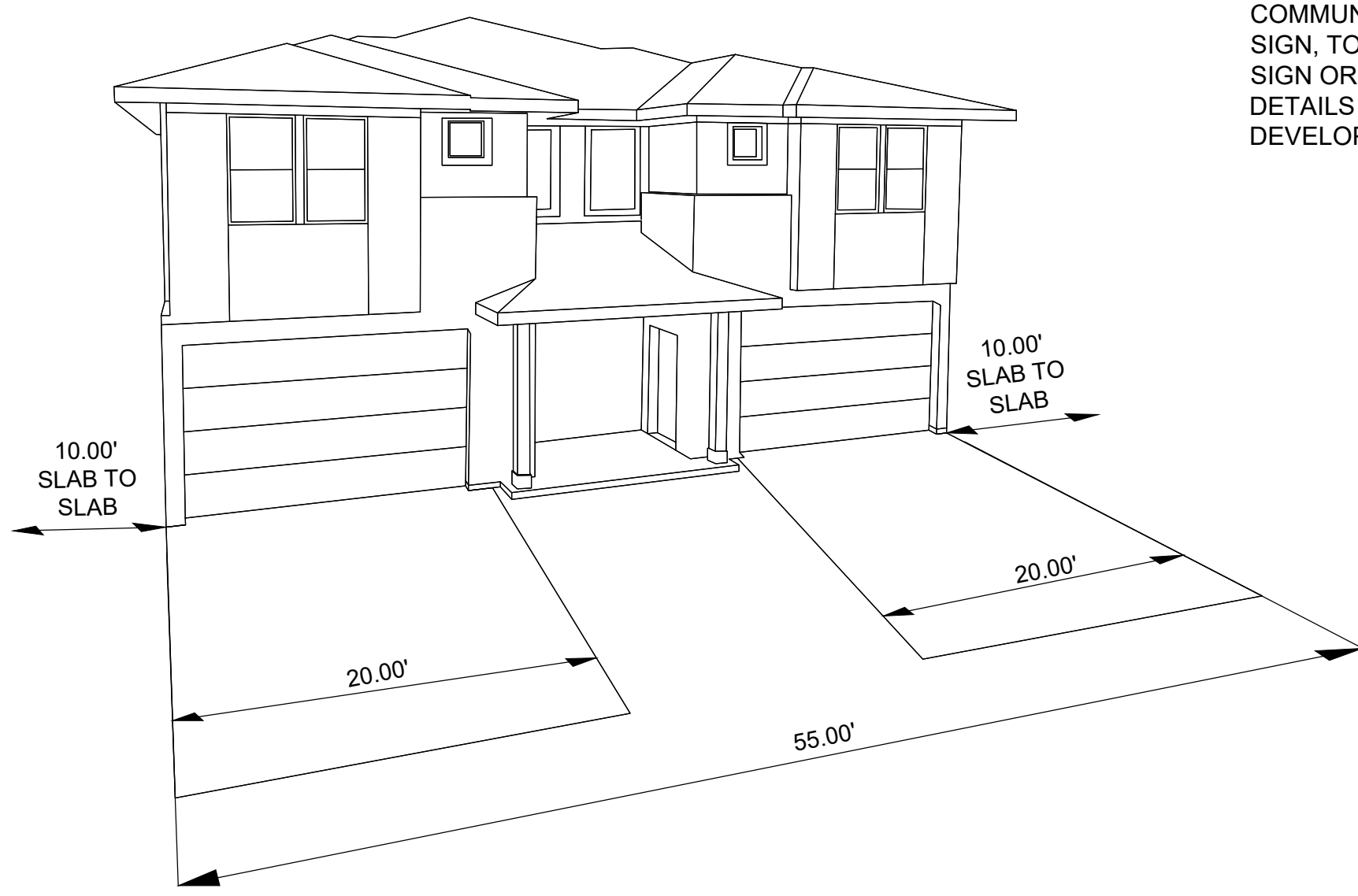
FORM AND CONTENT: The PDD Development Plan conforms to all minimum requirements for form and content.

COMPLIANCE WITH STANDARDS: The proposed development will comply with all applicable subdivision standards, including sidewalks, utilities, stormwater drainage, and parkland.

ADDITIONAL REQUIREMENTS: None

STAFF RECOMMENDATION: Staff believes that the project will add to the diversity of housing types in Lockhart.

TYPICAL SITE LAYOUT



LOT AND BUILDING DATA

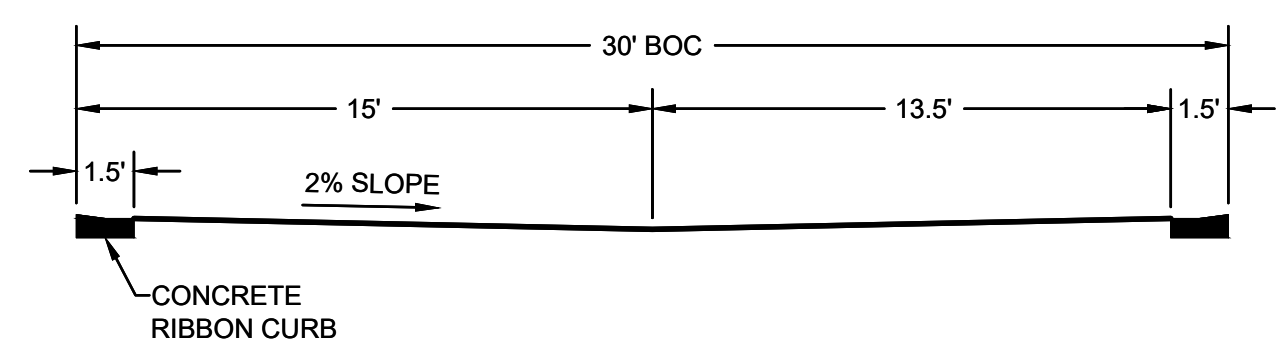
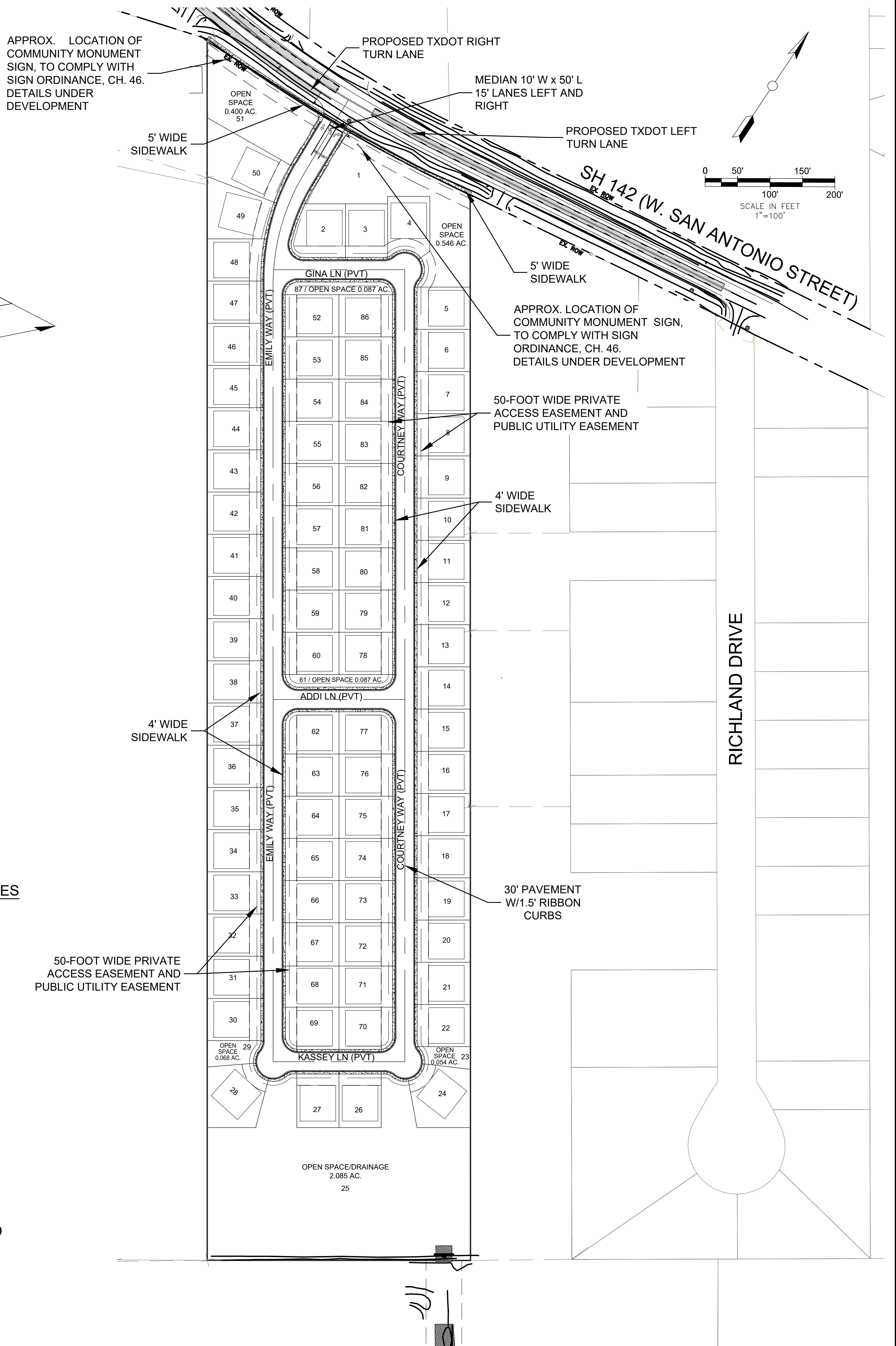
MAX HOME PAD: 55' W x 55' D
 TYPICAL HOME SITE: 65' W x 85' D
 DENSITY: 10 UNITS/AC.
 UNIT LAYOUT: 3 BEDROOM / 2.5 BATH / 2 CAR GARAGE
 UNIT VARIATION: 3 FLOOR PLANS RANGING FROM 1,500 - 1,575 SF

PARKING DATA

REQUIRED OFF-STREET PARKING (2 PER DWELLING UNIT) = 320 SPACES
 OFF-STREET PARKING PROVIDED = 640 SPACES

NOTES:

1. OPEN SPACES TO INCLUDE LANDSCAPING AND COMMUNITY AMENITIES. AMENITIES TO INCLUDE A COMBINATION OF PLAYSCAPES, PICNIC BENCHES / BBQ GRILLS, SPORTS COURT AND/OR SIDEWALKS.
2. PROPOSED STREETS, RECREATIONAL/OPEN SPACE, STORM WATER FACILITIES, AND WATER AND WASTEWATER UTILITIES, TO BE OWNED AND MAINTAINED BY HOME OWNERS ASSOCIATION.
3. A FIVE-FOOT WIDE PUBLIC SIDEWALK SHALL BE CONSTRUCTED ALONG THE PROPERTY'S WEST SAN ANTONIO STREET FRONTAGE BY THE LANDOWNER AS A SUBDIVISION IMPROVEMENT, PRIOR TO RECORDATION OF THE FINAL PLAT. FOUR-FOOT WIDE PRIVATE SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF ALL INTERNAL, PRIVATE STREETS BY THE LAND OWNER, AT THE TIME THOSE STREETS ARE CONSTRUCTED.
4. THE LANDOWNER SHALL GRANT THE CITY OF LOCKHART AND ALL OTHER UTILITY PROVIDERS A RIGHT-OF-ACCESS ALONG ALL PRIVATE STREETS WITHIN THE DEVELOPMENT UPON THE RECORDING OF THE FINAL PLAT.
5. PERIMETER SCREENING FENCING TO BE PROVIDED. MINIMUM OF 6 FOOT TALL AND AT LEAST 90 PERCENT OPAQUE.



TYPICAL ROAD SECTION



MOODY ENGINEERING, INC.

9225 BEE CAVES ROAD
 BLDG A, SUITE 200
 AUSTIN, TEXAS 78733
 (512) 502-8333
 TBPE FIRM REG. NO. F-18320

KELLEY VILLAS PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN

1712 WEST SAN ANTONIO STREET
 LOCKHART TEXAS, 78644

03/04/2022

2021-517

CITY OF

Lockhart
TEXAS

PDD DEVELOPMENT PLAN APPLICATION

APPLICANT/OWNER

APPLICANT NAME Jim Meredith

DAY-TIME TELEPHONE 512-306-8300

E-MAIL jim@masonwoodtx.com

OWNER NAME Jim Meredith

DAY-TIME TELEPHONE 512-306-8300

E-MAIL jim@masonwoodtx.com

(512) 398-3461 • FAX (512) 398-3833

P.O. Box 239 • Lockhart, Texas 78644

ADDRESS 308 West San Antonio Street

4301 Westbank Dr, Bldg. A, Ste. 110

Austin, TX 78746

ADDRESS 4301 Westbank Dr, Bldg. A, Ste. 110

Austin, TX 78746

PROPERTY

ADDRESS OR GENERAL LOCATION 1712 West San Antonio St

LEGAL DESCRIPTION (IF PLATTED) Unplatted currently - Cornelius Crenshaw Survey

PROPOSED SUBDIVISION NAME, IF NOT PLATTED Kelley Villas Planned Abstract 68

SIZE 16.31 ACRE(S) ZONING CLASSIFICATION PDD Development District

EXISTING USE OF LAND AND BUILDINGS Open Field

PROPOSED DEVELOPMENT

PROPOSED USE OF LAND AND BUILDINGS condominium arrangement of 80 duplex (two-family) plots (residential)

NUMBER OF LOTS 1 TOTAL NUMBER OF DWELLING UNITS, IF ANY 160

RESIDENTIAL DENSITY 10 UNITS/ACRE

TOTAL LAND AREA ALLOCATED TO RESIDENTIAL USE, IF ANY 16.31 ACRE(S)

TOTAL LAND AREA ALLOCATED TO NON-RESIDENTIAL USE, IF ANY — ACRE(S)

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.

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

PROPOSED DECLARATION OF COVENANTS AND RESTRICTIONS ESTABLISHING AND GOVERNING ANY LEGAL ENTITY THAT MAY BE REQUIRED TO OWN, OPERATE, AND/OR MAINTAIN PRIVATE STREETS, UTILITIES, OR OTHER FACILITIES PROVIDED FOR THE COMMON USE OF ALL PROPERTY OWNERS.

PROPOSED WRITTEN AGREEMENT BETWEEN THE CITY AND THE LEGAL ENTITY TO BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF PRIVATE STREETS AND ALLEYS, PERMITTING ACCESS AND USE WITHOUT LIABILITY BY CITY VEHICLES AND PERSONNEL ON OFFICIAL BUSINESS.

PDD DEVELOPMENT PLAN, AS FOLLOWS, INDICATING THE SCALE AND NORTH ARROW, PROPOSED USE(S) OF ALL PARTS OF THE DEVELOPMENT, BOUNDARIES OF PROPOSED PHASES, IF ANY, AND CONTAINING THE INFORMATION REQUIRED IN SECTION 64-166(b).

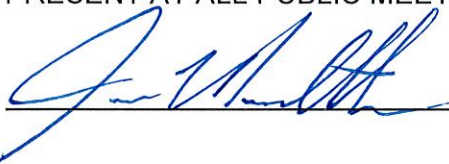
Four copies for initial staff review.

Ten copies after initial staff review.

One mylar reproducible (two if applicant wants to keep one), plus two copies, of approved PDD Development Plan.

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



DATE 3/1/2022

OFFICE USE ONLY

ACCEPTED BY

Kevin Waller

DATE SUBMITTED

3/7/22

ZONING CASE NUMBER ZC - 22 - 11

PLAN CASE NUMBER PDD - 22 - 02

PLANNING AND ZONING COMMISSION MEETING DATE

5/25/22

DECISION

Recommend approval to City Council by P&Z on 5/25/22.

CONDITIONS

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Hold a PUBLIC HEARING on application ZC-22-16 by Daniel Loe, owner of 203 North Commerce Street, and a request by Daniel Loe on behalf of Mireya Vera, Edgar Llamas, Jiovanna Llamas, Robert and Maria Reyna, owners of 115, 117, and 119 East Walnut Street, and discussion and/or action to consider Ordinance 2022-23 for a **Zoning Change** from *CMB Commercial Medium Business District* to *CCB Commercial Central Business District* on a total of 0.246 acre consisting of part of Lots 5 and 6, Block 27, Original Town of Lockhart.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: This is a request to change the zoning for two commercial buildings and one related lot at the northwest corner of North Commerce and East Market Streets from Commercial Medium Business District to Commercial Central Business District. The subject parcels include one vacant building facing Commerce Street that the owner wishes to remodel and expand, and two restaurants facing Walnut Street. In both cases, the buildings are constructed to the front and side lot lines (no building setback), and have very little off-street parking. This configuration creates nonconformities with the standards of the existing CMB zoning of the parcels that would be resolved by rezoning to the CCB classification.

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: None.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission recommended approval by a vote of 6-0 at its May 25, 2022, meeting.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends Approval of Ordinance 2022-23 changing the zoning from CMB to CCB for 0.246 acre located at 203 North Commerce Street and 115, 117, and 119 East Walnut Street.

LIST OF SUPPORTING DOCUMENTS: zc2216 ordinance, zc2216 exhibit A, ZC2216 case map, ZC2216 zoning, ZC2216 future landuse, ZC2216 aerial, zc2216 staff report--Council, ZC2216 application and owners' letter

ORDINANCE 2022-23

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 PART OF LOTS 5 AND 6, BLOCK 27, OF THE ORIGINAL TOWN OF LOCKHART, CONSISTING OF 0.246-ACRE LOCATED AT 203 NORTH COMMERCE STREET AND 115, 117 AND 119 EAST WALNUT STREET, FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT TO CCB COMMERCIAL CENTRAL BUSINESS DISTRICT

WHEREAS, on May 25, 2022, the Planning and Zoning Commission held a public hearing and voted to recommend approval of said change; and,

WHEREAS, the City Council desires to amend the zoning map 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 foregoing recitals are approved and adopted herein for all purposes.
- II. The above-referenced property described in Zoning Change request ZC-22-16 as Part of Lots 5 and 6, Block 27, Original Town of Lockhart, consisting of 0.246-acre more particularly described in Exhibit A and located at 203 North Commerce Street and 115, 117 and 119 East Walnut Street will be reclassified from CMB Commercial Medium Business District to CCB Commercial Central Business District.
- III. 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.
- IV. 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.
- V. Publication: That the City Secretary is directed to cause this ordinance caption to be published in a newspaper of general circulation according to law.
- VI. Effective Date: That this ordinance shall become effective 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, 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney



HINKLE SURVEYORS

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of Lots 5 and 6 in Block 27 of the Original Town of Lockhart as recorded in Volume Q Page 507 of the Deed Records of Caldwell County, Texas and being also all of a tract of land conveyed to Jose Alfredo Tamayo by deed recorded in Volume 176 Page 36 of the said Deed Records and being more particularly described as follows:

BEGINNING at a capped iron pin found stamped HINKLE SURVEYORS used for basis of bearing in the NE corner the above mentioned Tamayo tract and the West line of N. Commerce St. in the apparent SE corner of a tract of land conveyed to Jesus José Lujan et ux by deed recorded in Volume 64 Page 474 of the Official Public Records of Caldwell County, Texas and in the East line of the above mentioned Lot 5 for the North East corner this tract.

THENCE S 10 degrees 00 minutes 00 seconds E with the East line the said Tamayo tract and the East line of the said lots 5 and 6 and the West line of N. Commerce St. **32.81 feet** to a capped ½" iron pin set stamped Hinkle surveyors in the SE corner the said Tamayo tract and the apparent NE corner of a tract of land conveyed to Robert A. Reyna et ux by deed recorded in Volume 483 Page 916 of the said Official Public Records for the SE corner this tract.

THENCE S 80 degrees 00 minutes 00 seconds W with the South line the said Tamayo tract and entering the said Lot 6 and partially along the North line of the above mentioned Reyna tract and partially along the North line of tract of land conveyed to Edgar Llamas et ux by deed recorded in Instrument number 2019-005990 of the said Official Public Records and described in Instrument number 2019-003720 of the said Official Public Records called 1459 ft.² and partially along the North line of a tract of land called 1473 ft.² and conveyed to Mireya Vera by deed recorded in Instrument number 2018-002998 of the said Official Public Records and described in Instrument number 126625 of the said Official Public Records **61.95 feet** to a 1" bolt found used for basis of bearing in the SW corner the said Tamayo tract and the apparent East line of tract of land also described in the said instrument number 126625 Official Public Records for the SW corner this tract.

THENCE N 10 degrees 00 minutes 00 seconds W with the West line the said Tamayo tract and the East line the above mentioned 4172 square-foot tract described in the said instrument number 126625 **32.81 feet** to a capped ½" iron pin set stamped HINKLE SURVEYORS in the NW corner the said Tamayo tract and the apparent South line the above mentioned Lujan tract for the NW corner this tract.

THENCE N 80 degrees 00 minutes 00 seconds E with the North line the said Tamayo tract and the apparent South line the above mentioned Lujan tract **61.95 feet** to the place of **BEGINNING** containing **0.047 acres** of land more or less.

I hereby certify that the foregoing field notes are a true and correct description of a survey made under my direct supervision on November 22, 2021. **THESE FIELD NOTES ARE CERTIFIED AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.



Jerry L. Hinkle, R.P.S.#5459

©Hinkle Surveyors 2021 Firm Registration No. 100866-00

P.O. BOX 1027 LOCKHART, TEXAS 78644 PHONE 512-398-2000 EMAIL:
CONTACT@HINKLESURVEYORS.COM



Claude Hinkle Surveyors

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of Lot 6 in Block 27 of the Original Town of Lockhart as recorded in Volume Q Page 538 of the Deed Records of Caldwell County, Texas and being all of a tract of land designated as Tract 1 and conveyed to Carlos S. Mayo by deed recorded in Volume 68 Page 498 of the Official Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found used for basis of bearing in the SW corner of the above mentioned Tract 1 and the South line of the said Lot 6 and in the North line of East Walnut Street and in the apparent SE corner of a tract of land conveyed to Northside Grocery & Market, Inc. by deed recorded in Volume 102 Page 454 of the Deed of Trust Records of Caldwell County, Texas for the SW corner this tract.

THENCE N 10 degrees 00 minutes 00 seconds W with the West line of the said Tract 1 and the apparent East line of the above mentioned Northside Grocery tract **105.75 feet** to a capped 1/2" iron pin set in the North line of the said Lot 6 and the South line of Lot 5 in the said Block 27 and the NW corner of Tract 1 and the apparent South line of a tract of land conveyed to Jesus LuJan et ux by deed recorded in Volume 64 Page 474 of the said Official Records for the NW corner this tract.

THENCE N 80 degrees 00 minutes 00 seconds E with the North line of Tract 1 and the North line of the said Lot 6 and the South line of the said Lot 5 and the apparent South line of the above mentioned LuJan tract **39.45 feet** to a capped 1/2" iron pin set in the apparent NW corner of a tract of land conveyed to Oscar Antonio Tamayo by deed recorded in Volume 176 Page 36 of the said Deed Records and in the NE corner of the said Tract 1 for the NE corner this tract.

THENCE S 10 degrees 00 minutes 00 seconds E with the East line of the said Tract 1 and the apparent West line of the above mentioned Tamayo tract at 32.81 feet pass a 1" bolt found in gravel in the apparent SW corner of the said Tamayo tract and the NW corner of Tract 2 as described in the said Volume 68 Page 498 and continue with the West line of the above mentioned Tract 2 72.94 feet and continue for a total distance of **105.75 feet** to a calculated point in the South line of the said Lot 6 and the North line of East Walnut Street and the SE corner of the said Tract 1 and the SW corner of the said Tract 2 for the SE corner this tract and from which point a building corner found used for basis of bearing bears N 80 degrees 00 minutes 00 seconds E 61.95 feet.

THENCE S 80 degrees 00 minutes 00 seconds W with the South line of the said Lot 6 and the North line of East Walnut Street and the South line of the said Tract 1 **39.45 feet** to the place of beginning containing **4172 sq ft** of land more or less.

I hereby certify that the foregoing field notes are a true and correct description of a survey made under my direct supervision on December 4, 2012. **THESE FIELD NOTES ARE CERTIFIED AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.



Jerry L. Hinkle, R.P.L.S. #5459

©Claude Hinkle Surveyors, 2012

P.O. Box 1027 – Lockhart, Texas 78644 – Phone (512) 398-2000 – Fax (512) 398-7683



Claude Hinkle Surveyors

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of Lot 6 in Block 27 of the Original Town of Lockhart as recorded in Volume Q Page 538 of the Deed Records of Caldwell County, Texas and being all of a tract of land designated as Tract 2 and conveyed to Carlos S. Mayo by deed recorded in Volume 68 Page 498 of the Official Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a capped 1/2" iron pin set in the interior of the said Lot 6 and in the NE corner of the above mentioned Tract 2 and the apparent South line of a tract of land conveyed to Oscar Antonio Tamayo by deed recorded in Volume 176 Page 36 of the said Deed Records and in the apparent NW corner of a tract of land conveyed to Sterling Trust Co., by deed recorded in Volume 493 Page 445 of the said Official Records for the NE corner this tract.

THENCE S 10 degrees 00 minutes 00 seconds E with the East line of the said Tract 2 and the apparent West line of the above mentioned Sterling tract **72.94 feet** to a calculated point in the South line of the said Lot 6 and the SE corner of the said Tract 2 and the apparent SW corner of the said Sterling tract and the North line of East Walnut Street for the SE corner this tract and from which point a building corner found used for basis of bearing bears N 80 degrees 00 minutes 00 seconds E 41.75 feet and also from the said SE corner a hole drilled in concrete used for reference bears S 10 degrees 00 minutes 00 seconds E 3.00 feet.

THENCE S 80 degrees 00 minutes 00 seconds W with the South line of the said Tract 2 and the South line of Lot 6 and the North line of East Walnut Street **20.20 feet** to a calculated point in the SW corner of the said Tract 2 and the SE corner of Tract 1 of the above mentioned Volume 68 Page 498 for the SW corner this tract and from which point a 1/2" iron pin found used for basis of bearing bears S 80 degrees 00 minutes 00 seconds W 39.45 feet.

THENCE N 10 degrees 00 minutes 00 seconds W with the West line of the said Tract 2 and the East line of the above mentioned Tract 1 **72.94 feet** to a 1" bolt found in gravel in the NW corner of the said Tract 2 and the apparent SW corner of the above mentioned Tamayo tract for the NW corner this tract.

THENCE N 80 degrees 00 minutes 00 seconds E with the North line of the said Tract 2 and the apparent South line of the said Tamayo tract **20.20 feet** to the place of beginning containing **1473 sq ft** of land more or less.

I hereby certify that the foregoing field notes are a true and correct description of a survey made under my direct supervision on December 4, 2012. **THESE FIELD NOTES ARE CERTIFIED AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.

Jerry L. Hinkle / P.P.L.S. #5459



©Claude Hinkle Surveyors, 2012

P.O. Box 1027 – Lockhart, Texas 78644 – Phone (512) 398-2000 – Fax (512) 398-7683

Being a tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of Lot 6 in Block 27 of the Original Town of Lockhart as recorded in Volume Q Page 538 of the Deed Records of Caldwell County, Texas and being all of a tract of land conveyed to Sterling Trust Company by deed recorded in Volume 493 Page 445 of the Official Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a building corner found in the SW corner of the above mentioned Sterling tract and in the North line of E Walnut Street and in the apparent SE corner of a tract of land designated as Exhibit "B" 1473 sq ft and conveyed to Mireya C. Vera by deed recorded in Instrument #2018-002998 of the said Official Records for the SW corner this tract and from which point a hole drilled in concrete for reference bears S 10 degrees 00 minutes 00 seconds E 5.00 feet and also from the said building corner a 1/2" iron pin found used for basis of bearing bears S 80 degrees 00 minutes 00 seconds W 59.65 feet

THENCE N 10 degrees 00 minutes 00 seconds W with the West line of the said Sterling tract and the apparent East line of the above mentioned Vera tract 72.94 feet to a capped iron pin found stamped "HINKLE SURVEYORS" in the NW corner of the said Sterling tract and the apparent NE corner of the said Vera tract and the apparent South line of a tract of land conveyed to Oscar Antonio Tamayo by deed recorded in Volume 176 Page 36 of the said Deed Records for the NW corner this tract.

THENCE N 80 degrees 00 minutes 00 seconds E with the North line of the said Sterling tract and the apparent South line of the above mentioned Tamayo tract 20.00 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the NE corner of the said Sterling tract and the apparent NW corner of a tract of land conveyed to Robert Reyna et ux by deed recorded in Volume 483 Page 916 of the said Official Records for the NE corner this tract.

THENCE S 10 degrees 00 minutes 00 seconds E with the East line of the said Sterling tract and the apparent West line of the above mentioned Reyna tract 72.94 feet to a building corner found in the SE corner of the said Sterling tract and the apparent SW corner of the said Reyna tract and the North line of E Walnut Street for the SE corner this tract and from which point a building corner found used for basis of bearing bears N 80 degrees 00 minutes 00 seconds E 21.75 feet and also from the said building corner a hole drilled in concrete for reference bears S 10 degrees 00 minutes 00 seconds E 5.00 feet

THENCE S 80 degrees 00 minutes 00 seconds W with the North line of E Walnut Street and the South line of the said Sterling tract 20.00 feet to the place of beginning containing 1459 sq ft of land more or less.

VOL. 483 PAGE 918

BEING a part of Lot No. Six (6) in Block No. Twenty-Seven (27) in the City of Lockhart, in Caldwell County, Texas; and

BEGINNING at the Southeast corner of said Lot No. Six (6) in Block No. Twenty-Seven (27) at the intersection of Walnut and Commerce Streets;

THENCE North 10 deg. West with the East line of Lot No. Six (6) and the West line of Commerce Street 72-9/12 feet to corner;

THENCE South 80 deg. West 21.8 feet to corner;

THENCE South 10 deg. East 72-9/12 feet to the North line of Walnut Street;

THENCE North 80 deg. East along the North line of Walnut Street 21.8 feet to the Place of Beginning; and

BRING the same premises described in deed from Roy D. Stephens and wife, Thelma Stephens, to Lonie Estelle Lay, dated August 27, 1976, and recorded in Volume 379 at Page 590 of the Caldwell County Deed Records.

Any provisions herein which restrict the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law.
STATE OF TEXAS
COUNTY OF CALDWELL
I hereby certify that this instrument was FILED in the Public Records on the date and time stamped herein by me and was duly RECORDED in Original Public Records of Real Property of Caldwell County, Texas on

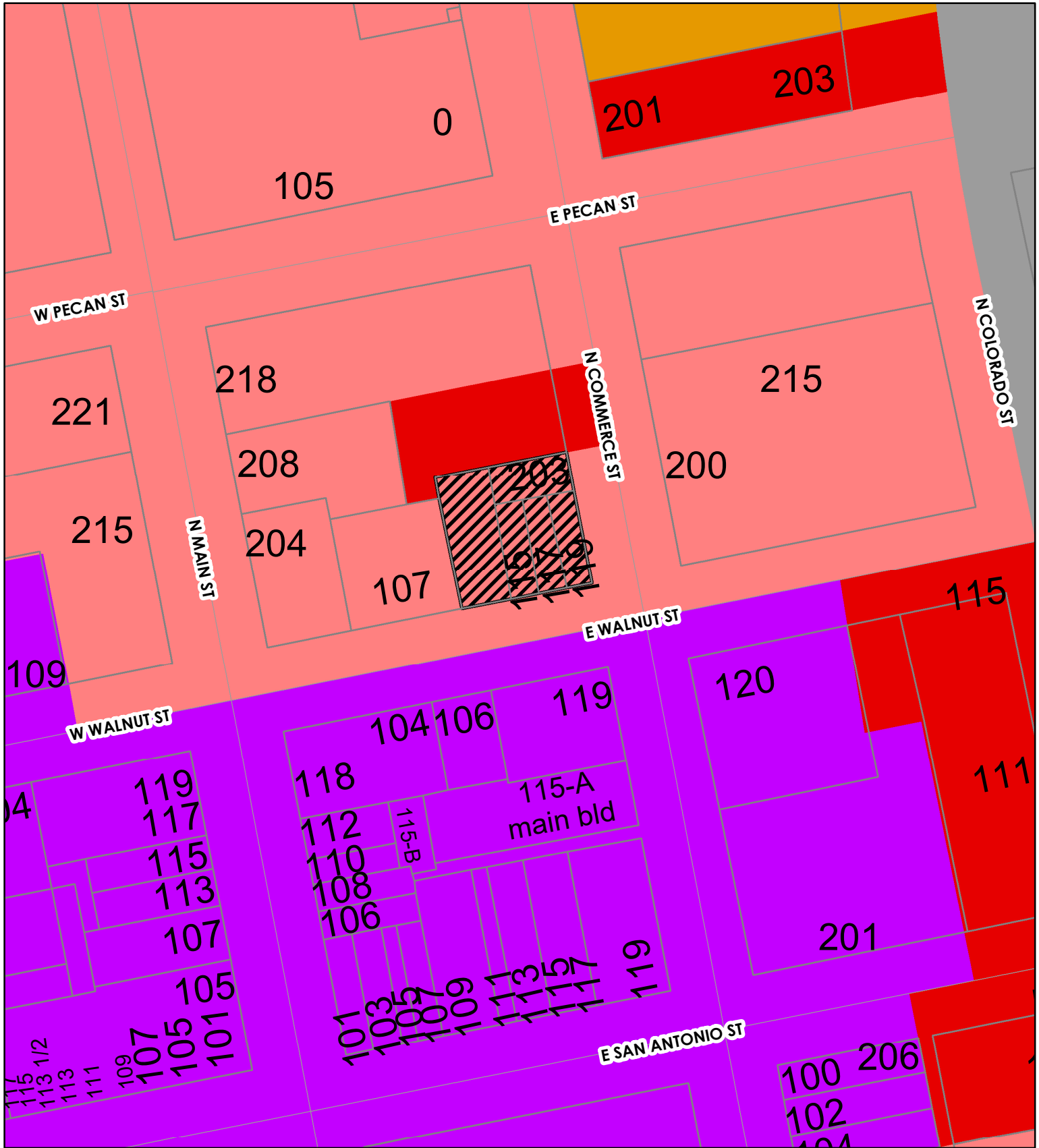
FILED this 25th day of Jan: 2007
9:05 A M

NINA S. SELLS
COUNTY CLERK CALDWELL COUNTY, TEXAS
By Teresa Rodriguez deputy

JAN 25 2007



Nina S. Sells
COUNTY CLERK
CALDWELL COUNTY, TEXAS



ZC-22-16

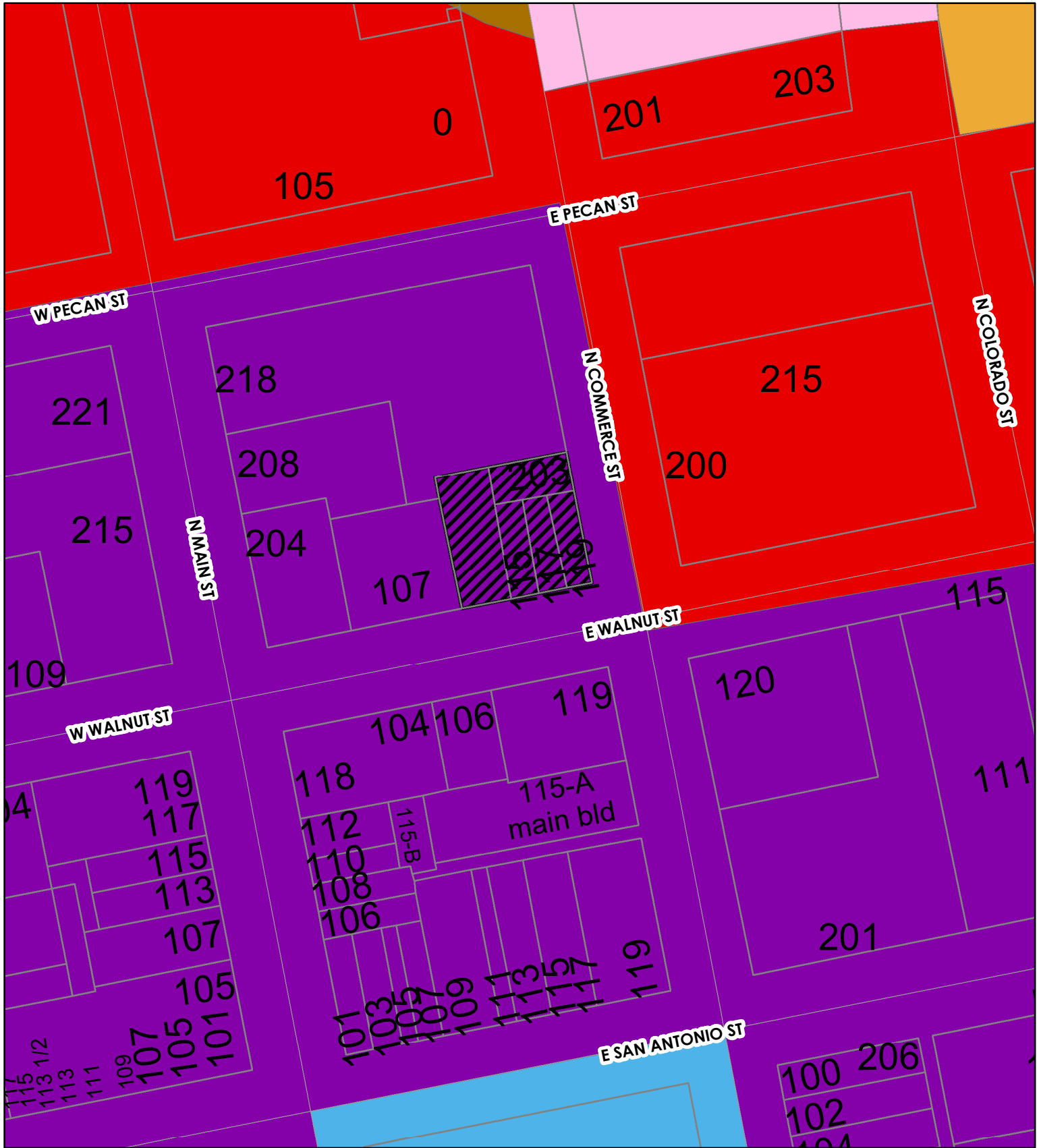
CMB TO CCB

203 N COMMERCE ST
 115, 117, & 119 E WALNUT ST



scale 1" = 100'

- ZONING DISTRICTS
- COMMERCIAL CENTRAL BUSINESS
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL MEDIUM BUSINESS
 - INDUSTRIAL HEAVY
 - RESIDENTIAL HIGH DENSITY



FUTURE LANDUSE

CMB TO CCB

203 N COMMERCE ST
115, 117, & 119 E WALNUT ST



scale 1" = 100'

- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- MIXED RETAIL, OFFICE, RESIDENTIAL
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: David Fowler, City Planner

CASE NUMBER: ZC-22-16

REPORT DATE: May 19, 2022

PLANNING AND ZONING COMMISSION HEARING DATE: May 25, 2022

CITY COUNCIL HEARING DATE: June 7, 2022

REQUESTED CHANGE: CMB to CCB

STAFF RECOMMENDATION: **Approval**

PLANNING AND ZONING COMMISSION RECOMMENDATION: **Approval**

BACKGROUND DATA

APPLICANT: Daniel Loe

OWNERS: Daniel Loe and James Smith, Mireya Viera, Edgar and Jiovanna Llamas, Robert and Maria Reyna.

SITE LOCATION: 203 North Commerce Street, 115 East Walnut Street, 117 East Walnut Street, 119- East Walnut Street

LEGAL DESCRIPTION: Original Town of Lockhart, Block 27, Parts of Lots 5 and 6

SIZE OF PROPERTY: 0.245 acres

EXISTING USE OF PROPERTY: One vacant building, Two restaurants, One small parking lot

LAND USE PLAN DESIGNATION: *Mixed Retail/Office/Residential*

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The subject parcels include one vacant building facing Commerce Street that the owner wishes to remodel and expand, and two restaurants facing Walnut Street. In both cases, the buildings are constructed to the front and side lot lines (no building setback), and have very little off-street parking. This configuration creates nonconformities with the standards of the existing CMB zoning of the parcels that would be resolved by rezoning to the CCB classification.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Commercial, Auto Body Shop	CMB	<i>Mixed Retail/Office/Residential</i>
East	Automotive sales and garage	CHB	<i>General-Heavy Commercial</i>
South	Retail	CCB	<i>Commercial Central Business</i>
West	Parking Lot, Church, Office	CMB	<i>Mixed Retail/Office/Residential</i>

TRANSITION OF ZONING DISTRICTS: This zoning change simply adjusts the current transition by moving the boundary between the adjacent CCB and CMB districts northward across Walnut Street to include parcels with existing development that is more consistent with building forms in the CCB district than in the CMB district.

ADEQUACY OF INFRASTRUCTURE: Vehicular access is available from West Walnut Street and North Commerce Street. Water and wastewater utilities are available and adequate.

POTENTIAL NEIGHBORHOOD IMPACT: In some ways, the proposed CCB zoning is more restrictive in terms of uses allowed than the current CMB zoning, and will better accommodate the existing development, so there shouldn't be a negative impact on neighboring properties.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed CCB zoning classification is consistent with the *Mixed Retail/Office/Residential* future land use shown on the Land Use Plan map for these parcels and the surrounding area.

ALTERNATIVE CLASSIFICATIONS: None.

RESPONSE TO NOTIFICATION: None to date.

STAFF RECOMMENDATION: Approval.

CITY OF
Lockhart
TEXAS

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 Daniel Loe
DAY-TIME TELEPHONE 512.434.9046
E-MAIL dan@forsitestudio.com

ADDRESS 1205 E. Cesar Chavez
Austin, TX 78702

OWNER NAME See Attached Sheet
DAY-TIME TELEPHONE _____
E-MAIL _____

ADDRESS _____

PROPERTY

ADDRESS OR GENERAL LOCATION See Attached Sheet *in the 100 block of E. Walnut St.*
LEGAL DESCRIPTION (IF PLATTED) Meters & Bounds (Original Town of Lockhart)
SIZE 0.245 ACRE(S) LAND USE PLAN DESIGNATION Mixed Retail, office, Residential
EXISTING USE OF LAND AND/OR BUILDING(S) Commercial
PROPOSED NEW USE, IF ANY N/A

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION CMB - Commercial Medium Business
TO PROPOSED ZONING CLASSIFICATION CCB - Commercial Central Business
REASON FOR REQUEST The current lots preempted zoning regulations and consequently the structures are legal but noncomplying with regards to building setbacks.
Significant destruction to any structure would require a variance to rebuild.
The requested zoning would allow the structures to be compliant.

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 \$ 125 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 _____

DATE 4.22.22

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 0149919

DATE SUBMITTED 4/22/22

CASE NUMBER ZC - 22 - 16

DATE NOTICES MAILED 5-9-22

DATE NOTICE PUBLISHED 5-12-22

PLANNING AND ZONING COMMISSION MEETING DATE 5/25/22

PLANNING AND ZONING COMMISSION RECOMMENDATION Approval

CITY COUNCIL MEETING DATE 6/7/22

DECISION _____

OWNER'S AUTHORIZATION

Owner: Mireya Vera
Owner Address: 5601-B SUNSET RIDGE, Austin, TX 78735
Property Legal Description(s): O.T. LOCKHART, BLOCK 27, LOT PT 6 (0.096)
O.T. LOCKHART, BLOCK 27, LOT PT 6 (0.033)
Property Address: E. Walnut Street, Lockhart, TX 78644
115 E Walnut Street, Lockhart, TX 78644
Applicant: Daniel Loe

I certify that I am the owner of the properties mentioned above. With regards to the City of Lockhart zoning change application, I authorize the applicant to represent my interests.

Mireya C. Vera
Signed

04-13-2022
Date

OWNER'S AUTHORIZATION

Owner: Robert Reyna
Owner Address: PO Box 930 Lockhart, TX 78644

Property Legal Description(s): O.T. LOCKHART, BLOCK 27, LOT PT 6 (0.036)
Property Address: 119 E. Walnut St, Lockhart, TX 78644

Applicant: Daniel Loe

I certify that I am the owner of the property mentioned above. With regards to the City of Lockhart zoning change application, I authorize the applicant to represent my interests.


Signed

4/22/22
Date

OWNER'S AUTHORIZATION

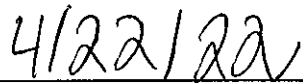
Owner: Jiovanna Llamas
Owner Address: 350 Old Luling Rd, Lockhart, TX 78644

Property Legal Description(s): O.T. LOCKHART, BLOCK 27, LOT PT 6 (0.033)
Property Address: 117 E. Walnut St, Lockhart, TX 78644

Applicant: Daniel Loe

I certify that I am the owner of the property mentioned above. With regards to the City of Lockhart zoning change application, I authorize the applicant to represent my interests.


Signed


Date

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Award bid to Countywide Builders in the amount of \$93,750.00 to construct an exterior 1,800 square foot building to the adjoining building at 214 Bufkin Lane, Lockhart, Texas, and appointing the City Manager to sign all contractual documents.

ORIGINATING DEPARTMENT AND CONTACT: Electric - Bobby Leos

ACTION REQUESTED: Approval of Bid

BACKGROUND/SUMMARY/DISCUSSION: An expansion of physical building storage space at the City of Lockhart Electric Distribution Department was approved in the FY 21-22 budget. The expansion is necessary to ensure adequate storage space, protected from the weather, for both City equipment and electric distribution supply material. This protected storage space reduces costly damage caused by storms and the sun. The storage space better positions the City to meet the power needs of our growing community.

To complete this project, bids were sought in compliance with State Law to construct an exterior 1,800 square foot metal building to the adjoining building at 214 Bufkin Lane, Lockhart, Texas. One bid was received from Countywide Builders in the amount of \$93,750. Countywide has successfully completed prior construction projects for the City.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$93,750.00

Account Number: 500-5745-910

Funds Available: \$150,000.00

Account Name: Buildings & Structure

FISCAL NOTE (if applicable): This is a budgeted item approved by the City Council for FY 21-22.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Electric Superintendent recommends approval.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Proposed Construction Contract with Countywide
Builders

COUNTYWIDE BUILDERS
Construction Contract

This Construction Contract (the "Contract") is made as of this _____ day of _____, 2022 (the "Effective Date") by and between "Client" (City of Lockhart Electric Dept.) of PO Box 239, Lockhart, TX 78644 and Countywide Builders (Contractor) of P. O. Box 1 117 Lockhart, TX 78644. (Contractor) desires to provide Construction services for "Client and "Client" desires to obtain such services from (Contractor).

THEREFORE, in consideration of the mutual promises set forth below, the parties agree as follows:

1. **DESCRIPTION OF SERVICES.** (Contractor) will provide to (Client) the services described in the attached Exhibit A (collectively, the "Services")
2. **SCOPE OF WORK.** (Contractor) will provide all services, materials and labor for the construction of an Exterior 1800 sq. ft. Metal Building w/Non-Engineered Matching Metal to adjoining building as discussed per (Client) of the property at (Clients) location: 214 Bufkin Ln., Lockhart, TX 78644, hereinafter referred to as "the worksite". This includes building and construction materials, necessary labor and site security, and all required tools and machinery needed for completion of construction as agreed upon sketches and submittals.
3. **COMPLIANCE WITH LAWS.** (Contractor) shall provide the Services in a workmanlike manner, and in compliance with all applicable federal, state and local laws and regulations, including, but not limited to all provisions of the Fair Labor Standards Act, the Americans with Disabilities Act, and the Federal Family and Medical Leave Act.
4. **WORK SITE.** (Client) warrants that (Client) has full possession and improvement Rights. Prior to the start of construction, (Client) shall provide an easily accessible building site, which meets all zoning requirements for the structure.
5. **PAYMENT.** Payment shall be made to (Contractor), Lockhart, and TX 78644. (Client) agrees to pay the sum of \$93,750.00 in two draws.

Draw #1- Metal Building, Delivery & Foundation Pour	\$36,000.00
Draw #2- Building Erection and Completion	\$57,780.00

In addition to any other right or remedy provided by law, if (Client) fails to pay for the Services when due, (Contractor) has the option to treat such failure to pay as a material breach of this Contract and may cancel this Contract and/or seek legal remedies.

6. **TERM.** (Contractor) shall commence the work to be performed within 30 days of closing and shall complete the work on or before 60 days from start of Foundation Pour.
7. **CHANGE ORDER.** (Client) may make changes to the scope of the work from time to time during the term of this Contract. However, any such change or modification shall only be made in a written "Change Order" which is signed and dated by both parties. Such Change Orders shall become part of this Contract. (Client) agrees to pay any increase in the cost of the Construction work as a result of any written, dated and signed Change Order plus a General Contracting fee of 10% of the cost of the change. In the event the cost of a Change Order is not known at the time

a Change Order is executed, (Contractor) shall estimate the cost thereof and (Client) shall pay the actual cost whether or not this cost is in excess of the estimated cost. If Change Order resolves in decreased of cost to owner, Change Order decrease will be noted to reflect decrease of payment.

8. **PERMITS.** (Client) shall obtain all necessary building compliance permits. (Contractor) shall apply for and obtain any other necessary permits and licenses required by the local municipal/county government to do the work, the cost thereof shall be included as part of the Payment to (Contractor) under this Contract – **ALL PERMITS AND IMPACT FEES ARE WAIVED BY THE CITY OF LOCKHART.**

9. **INSURANCE.** Before work begins under this Contract, (Contractor) shall furnish certificates of insurance substantiating that (Contractor) has placed in force valid insurance covering its full liability under the Workers' Compensation laws of the State of Texas and shall furnish and maintain general liability insurance, and builder's risk insurance for personal injury or death suffered in any construction related accident and property damage incurred in rendering the Services.

Countywide Builders Carries a Minimum applicable Limits of Insurance.
Employers Liability: \$1,000,000 each Accident, Employee and limit Commercial
Auto Liability: \$1,000,000 Commercial General Liability \$1,000,000
General Aggregate per project \$2,000,000 Umbrella Liability: \$2,000,000 each
Occurrence, Additional Insured with automatic wavier of subrogation in favor of the
owner. Builders Risk Premium earned report, Coverage up to \$1,000,000 any one
building or structure inside or outside of the city limits.

10. **CONFIDENTIALITY.** (Contractor), and its employees, agents, or representatives will not at any time or in any manner, either directly or indirectly, use for the personal benefit of (Contractor), or divulge, disclose, or communicate in any manner, any information that is proprietary to (Client). (Contractor) and its employees, agents, and representatives will protect such information and treat it as strictly confidential. This provision will continue to be effective after the termination of this Contract.

11. **INDEMNIFICATION.** With the exception that this Section shall not to be to require indemnification by (Contractor) to a greater extent than permitted under the public policy of the State of Texas, (Contractor) shall indemnify (Client) against, hold it harmless from and defend (Client) from all claims, loss, liability, and expense, including actual attorneys' fees, arising out of or in connection with (Contractor) Services performed under this Contract. This indemnity shall be provided even if (Client) is partly responsible for the claim, damage, injury or loss, but (Contractor) shall not provide indemnity against claims or losses deemed to be caused by the sole negligence or willful misconduct of (Clients) or (Clients) agents or employees.

12. **WARRANTY.** (Contractor) shall provide its services and meet its obligations under this Contract in a timely and workmanlike manner, using knowledge and recommendations for performing the services which meet generally acceptable standards in (Contractor) community and region, and will provide a standard of care equal to, or superior to, care used by service providers similar to (Contractor) on similar projects. (Contractor) shall construct the structure in conformance with the plans, specifications, and any breakdown and binder receipt signed by (Contractor) and (Client). (Contractor) will provide 1 year warranty on materials and labor.

13. **FREE ACCESS TO WORKSITE.** (Client) will allow free access to work areas for workers and vehicles and will allow areas for the storage of materials and debris. Driveways will be kept clear for the movement of vehicles during work hours. (Contractor) will make reasonable efforts to protect driveways, lawns, shrubs, and other vegetation (Contractor), also agrees to keep the worksite clean and orderly and to remove all debris as needed during the hours of work in order to maintain work conditions which do not cause health or safety hazards.

14. **UTILITIES.** (Client) shall provide and maintain water and electrical service, connect permanent electrical service, gas service or oil service, whichever is applicable, and tanks and lines to the building constructed under this Contract after an acceptable cover inspection has been completed, and prior to the installation of any inside wall cover. (Client) shall, at (Clients) expense, connect sewage disposal and water lines to said building prior to the start of construction, and at all times maintain sewage disposal and water lines during construction as applicable. (Client) shall permit (Contractor), to use, at no cost, any electrical power and water use necessary to carry out and complete the work.

15. **INSPECTION.** (Client), shall have the right to inspect all work performed under this Contract. All work that needs to be inspected or tested and certified by an engineer as a condition of any government departments or other state agency, or inspected and certified by the local health officer, shall be done at each necessary stage of construction and before further construction can continue. All inspection and certification will be done at (Clients) expense.

16. **REMEDIES.** In addition to any and all other rights a party may have available according to law of the State of Texas, if a party defaults by failing to substantially perform any provision, term or condition of this Contract (including without limitation the failure to make a monetary payment when due), the other party may terminate the Contract by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving said notice shall have 45 days from the effective date of said notice to cure the default(s). Unless waived by a party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Contract.

17. **FORCE MAJEURE.** If performance of this Contract or any obligation under this Contract is prevented, restricted, or interfered with by causes beyond either party's reasonable control ("Force Majeure"), and if the party unable to carry out its obligations and gives the other party prompt notice of such event, then the obligations of the party invoking this provision shall be suspended to the extent necessary by such event. The term Force Majeure shall include, without limitation, acts of God, fire, explosion, vandalism, storm, casualty, illness, injury, general unavailability of materials or other similar occurrence, orders or acts of military or civil authority, or by national emergencies, insurrections, riots, or wars, or strikes, lockouts, work stoppages. The excused party shall use reasonable efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such causes are removed or ceased. An act or omission shall be deemed within the reasonable control of a party if committed, omitted, or caused by such party, or its employees, officers, agents, or affiliates.

18. **ENTIRE CONTRACT.** This Contract contains the entire Contract of the parties, and there are no other promises or conditions in any other contract whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral agreements between the parties.

19. **SEVERABILITY.** If any provision of this Contract will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

20. **AMENDMENT.** This Contract may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

21. **GOVERNING LAW.** This Contract shall be construed in accordance with and governed by the laws of the State of Texas, regardless of the choice of law provisions of Texas or any other jurisdiction.

22. **NOTICE.** Any notice or communication required or permitted under this Contract shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such other address as one party may have furnished to the other in writing.

23. **WAIVER OF CONTRACTUAL RIGHT.** The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

Attachments Include:

Exhibit A—Proposal Services

Certificate of General Liability

Certificate of Builders Risk

Client:

"City of Lockhart"

Sign: _____ Date: _____

Steve Lewis, Lockhart City Manager
City of Lockhart (Electric Department)
P.O. Box 234
Lockhart, Texas 78644

Contractor:

"Countywide Builders"

Sign: _____ Date: _____

James W. Smith, Owner
P.O. Box 1117
Lockhart, Texas 78644
jim@countywidere.com

EXHIBIT A

SCOPE OF SERVICES

Construction of an exterior 1800 sq. ft. metal building with non-engineered matching metal to adjoining building including:

- Three bays 30' deep by 20' adding three steel stalls with concrete floors
- 14' tall 1/12 pitch to match adjoining buildings
- Sides and rear with R panel installed-no insulation
- Roof Panel- no insulation
- Fully concrete engineered foundation
- Two 3x5 windows installed
- Installation and erection provided

Construction and Services includes:

- All Engineering necessary to complete project
- Insurance-Builders Risk, Workman's comp and general liability
- All General Contractor General Conditions, OH & Profit

Excludes:

- City of Lockhart permit and impact fees

**REGULAR MEETING
LOCKHART CITY COUNCIL**

MAY 17, 2022

6:30 P.M.

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

Council present:

Councilmember Derrick David Bryant

Councilmember Kara McGregor

Councilmember Brad Westmoreland

Mayor Pro-Tem Angie Gonzales-Sanchez (arrived at 6:35 p.m.)

Mayor Lew White

Councilmember Juan Mendoza

Councilmember Jeffry Michelson

Staff present:

Steven Lewis, City Manager

Monte Akers, City Attorney

Dan Gibson, City Planner

Sean Kelley, Public Works Director

Mike Kamerlander, Economic Development Dir.

David Fowler, Senior Planner

Connie Constancio, City Secretary

Victoria Maranan, Public Information Officer

Pam Larison, Finance Director

Bob Leos, Electric Superintendent

Randy Jenkins, Fire Chief

Citizens/Visitors Addressing the Council: Syd Falk of Bickerstaff, Heath, Delgado & Acosta; Bart Fowler of McCall, Parkhurst & Horton; and Citizens: John Castillo, Patrick Davis, and Riley Baldus.

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:

A. DISCUSSION REGARDING CAPITAL PROJECTS AND IMPROVEMENTS TO FINANCE THROUGH THE ISSUANCE OF DEBT, POSSIBLY TAX NOTE, BY THE CITY.

Ms. Larison stated that the tax notes (also known as anticipation notes) are a debt instrument that a city may sell to finance the construction of public works, the purchase of supplies, land, and rights of way for public works, to pay for professional services, to pay for operating expenses, or to pay off cash flow deficits. Tax notes used to pay for public works or professional services must mature before the seventh anniversary after the notes are approved by the attorney general. Tax notes can be paid from and secured by taxes, revenues (as from a utility), a combination of taxes and revenues, or the proceeds of bonds to be issued by the city. The City Council must adopt an ordinance to authorize the issuance of anticipation notes. And all public securities, unless specifically excepted, must receive attorney general approval.

The following is a timetable for Issuance of Limited Tax Notes Series 2022:

- Thursday, May 19, 2022 - Specialized Public Finance Inc. (SPFI) distributes term sheets and financial information to potential bank bidders.
- Monday, June 6, 2022 - Receive bids from banks. Bids are verified by SPFI.
- Tuesday, June 7, 2022 - Sale. Series 2022 Tax Notes are awarded by City Council to the winning bidder.
- Thursday, June 30, 2022 - Closing. Series 2022 Tax Notes are delivered, and proceeds distributed in accordance with closing information.

The proposed funding of potential projects is at a cost of \$3.5million for a term of seven years at an estimated interest rate of 3%.

The recommended potential projects to be funded include the following:

	Project	Cost	Funding Source
1	12,000' of wastewater line, lift station, design, and contingencies - FM1322 - developmental growth	\$1,300,000	Utility revenue - Wastewater fund
2	High Ranger - Electric Dept.	\$ 500,000	Utility revenue - Electric fund
3	Ladder truck - Fire Dept.	\$1,200,000	I & S Debt Service
4	Clearfork Street Reconstruction - engineering & design services	\$ 500,000	I & S Debt Service

There was discussion about including costs for the engineering and the right-of-way acquisition for City Line Road and costs for repairing sidewalks.

Ms. Larison introduced Bart Fowler of McCall, Parkhurst & Horton to provide details about funding options.

Bart Fowler explained the issuance of debt process.

B. DISCUSSION REGARDING COMMENTS RECEIVED FROM THE PUBLIC REGARDING REDISTRICTING PLANS FOR CITY COUNCIL DISTRICTS, PLANS PROPOSED BY THE PUBLIC, INCLUDING POSSIBLE AMENDMENTS TO A PROPOSED PLAN. *The City Council may go into executive session pursuant to Texas Government Code, Section 551.071 to receive advice from legal counsel regarding the City's redistricting obligations.*

Mayor White announced that the Council would go into Executive Session at 6:53 p.m.

Mayor White stated that the Council would enter Open Session at 7:23 p.m.

E. DISCUSS CITY COUNCIL MINUTES FOR THE APRIL 9, 2022, APRIL 19, 2022 AND MAY 3, 2022 MEETINGS.

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

F. DISCUSS SEMI-ANNUAL REPORT FROM THE IMPACT FEE ADVISORY COMMITTEE CONCERNING THE STATUS OF IMPLEMENTATION OF CHAPTER 31 "IMPACT FEES" OF THE LOCKHART CODE OF ORDINANCES WITH REGARD TO WATER, WASTEWATER, AND ROAD IMPACT FEES.

Mr. Gibson stated that in accordance with State law, the Impact Fee Advisory Committee has an ongoing role in monitoring and evaluating implementation of the water, wastewater, and road impact fee capital improvement plans (CIP's), and submitting semi-annual reports to the City Council. The Committee met on May 11th to consider their 40th semi-annual report since impact fees were originally adopted on January 15, 2002. The total impact fee revenue during the period covered by this report was \$644,508, and there were no expenditures of impact fees in any of the accounts during that time. Because the Committee previously recommended that the city undertake the statutory five-year update of the impact fee land use assumptions, capital improvement plans, and fees, and the Council agreed and subsequently voted at the December 21, 2021, Council meeting to direct staff to retain consultants for the update, there are no new recommendations from the Committee. The semi-annual report is for the period from October 1, 2021, to April 1, 2022.

G. DISCUSS ORDINANCE 2022-20 APPROVING BUDGET AMENDMENT NO. 69 INCREASING THE CAPITAL EXPENDITURE LINE ITEM FOR THE PURCHASE OF PIERCE FIRE PUMPER, ENGINE 1.

Ms. Larison stated that during the preparation of the Annual Operating Budget for the City of Lockhart's fiscal year ending 2022, the City Council approved the use of one-time expenditures from the General Fund balance for the purchase of a new Pierce Fire Pumper, Engine 9. One-time expenditures require an amendment by ordinance according to the City Charter, Chapter 9 - *Municipal Finance, Section 9.16 - Other Necessary Appropriations*, and according to the City's Fund Balance Policy. The policy states that one-time expenditures that are not recurring in nature or which will not require additional future expense outlays for maintenance, additional staffing, or other recurring expenditures that cannot be funded through current revenues. The payment for this item was pre-paid in full on November 23, 2020. Due to the arrival of the capital asset (10/02/2021), the expense must be documented in the current fiscal year. This Ordinance and Budget Amendment is a formality to bring into policy and required for transparency during the audit process. Ms. Larison recommended approval.

H. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:33 p.m.

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:45 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

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

ITEM 3. PUBLIC COMMENT.

Mayor White requested citizens to address the Council.

John Castillo, 1106 Red River, stated that the redistricting process is important and that he appreciated LULAC's proposed redistricting plans being considered. He thanked Mr. Falk for meeting with the organization, which resulted in Revised Plan B. He spoke in favor of approving Revised Plan B.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-15 BY NANDA MUTALA ON BEHALF OF SUBURBAN PROPANE, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-19 FOR A ZONING CHANGE FROM AO AGRICULTURAL-OPEN SPACE DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT FOR 3.496 ACRES IN THE JAMES GEORGE SURVEY, ABSTRACT NO. 9, LOCATED AT 2001 BLACKJACK STREET (FM 20).

Mayor White opened the public hearing at 7:50 p.m.

Mr. Fowler stated that commercial development is desired on this property. The specific type of commercial development has been described as retail or office. To allow a greater number of potential commercial uses, the requested zoning change to CHB Commercial Heavy Business has been proposed. The proposed CHB zoning is consistent with the General-Heavy Commercial designation for the property found on the Future Land Use Plan map. Surrounding properties are mostly designated for

residential or mixed uses on the Future Land Use map. No citizens spoke regarding this application at the Planning and Zoning Commission meeting. Mr. Fowler stated that the Planning and Zoning Commission and staff recommended approval.

Mayor White requested the applicant to address the Council.

Patrick Davis, 120 Blackjack Road, spoke in favor of the zoning change.

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

Councilmember McGregor made a motion to approve Ordinance 2022-19, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0,

ITEM 5. CONSENT AGENDA.

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

The following are the consent agenda items that were approved:

5A: Approve City Council minutes for the April 9, 2022, April 19, 2022 and May 3, 2022 meetings.

5B: Accept semi-annual report from the Impact Fee Advisory Committee concerning the status of implementation of Chapter 31 "Impact Fees" of the Lockhart Code of Ordinances with regard to water, wastewater, and road impact fees.

ITEM 6-A. DISCUSSION AND/OR ACTION REGARDING COMMENTS RECEIVED FROM THE PUBLIC REGARDING REDISTRICTING PLANS FOR CITY COUNCIL DISTRICTS, PLANS PROPOSED BY THE PUBLIC, INCLUDING POSSIBLE AMENDMENTS TO A PROPOSED PLAN. *The City Council may go into executive session pursuant to Texas Government Code, Section 551.071 to receive advice from legal counsel regarding the City's redistricting obligations.* There was no discussion during this agenda item.

ITEM 6-C. DISCUSSION AND POSSIBLE ADOPTION OF A REDISTRICTING PLAN FOR CITY COUNCIL DISTRICTS AS OUTLINED IN RESOLUTION 2022-24.

Mayor White stated that they will consider Revised Plan B.

Mayor Pro-Tem Sanchez thanked Mr. Falk for working with LULAC on preparing Revised Plan B as well as the Council for allowing consideration of the public's interest in a new redistricting plan.

Councilmember Mendoza also thanked the Council for considering Revised Plan B which he was in favor of.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2022-24 with the adoption of Revised Plan B to be effective immediately. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION REGARDING AN EFFECTIVE DATE FOR A REDISTRICTING PLAN FOR CITY COUNCIL DISTRICTS.

The motion was made during the previous agenda item that the redistricting plan would be effective immediately.

ITEM 6-D. CONSIDERATION AND POSSIBLE ACTION WITH RESPECT TO DETERMINING CAPITAL PROJECTS AND IMPROVEMENTS TO FINANCE THROUGH THE ISSUANCE OF DEBT, POSSIBLY TAX NOTE, BY THE CITY.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to proceed with applying for funds for the capital projects as discussed in work session in addition to adding funds for engineering and right-of-way acquisition of City Line Road and funds for sidewalk improvements for a total of \$4 million.

Mayor White requested the following to address the Council:

Riley Baldus, 601 Flores, spoke about the proposed Lockhart Ridge Garden Home development that he believes is exempt from zoning regulations. He provided brief details about revenue that the project would generate for the city.

ITEM 9. 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.

Mayor White announced that the Council would enter Executive Session at 8:20 p.m.

ITEM 10. OPEN SESSION.

Mayor White announced that the Council would enter Open Session at 8:47 p.m. There was no action.

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-20 APPROVING BUDGET AMENDMENT NO. 69 INCREASING THE CAPITAL EXPENDITURE LINE ITEM FOR THE PURCHASE OF PIERCE FIRE PUMPER, ENGINE 1.

Councilmember Michelson made a motion to approve Ordinance 2022-20, as presented. Councilmember Westmoreland seconded. The motion passed by a 7-0.

ITEM 6-F. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

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

- Summer Fan Program begins on May 16.
- Update regarding November 8, 2022 City of Lockhart General Election.
- Update regarding Citywide Bulk Clean-up.

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

Councilmember Mendoza congratulated the Hispanic Chamber of Commerce for a successful Cinco de Mayo event. He congratulated Councilmember Bryant for being awarded the *Man in Me* award.

Mayor Pro-Tem Sanchez expressed condolences to the families of Francisco Frank Vasquez and Angel Castillo, Sr. for their loss. She congratulated the Hispanic Chamber of Commerce and the Chairman of the 5K run for a successful Cinco de Mayo event and 5K run. She wished Mayor White a Happy Birthday and congratulated Mr. and Mrs. Michelson on their anniversary. She wished Blacks Barbecue a 90th Happy Anniversary.

Councilmember McGregor congratulated the 2022 High School graduating class.

Councilmember Bryant congratulated the 2022 High School graduating class and he wished them well in their future endeavors. He thanked Councilmember Mendoza for acknowledging his accomplishment. He congratulated the Hispanic Chamber of Commerce for a well-attended Cinco de Mayo event.

Councilmember Michelson congratulated the Hispanic Chamber of Commerce on a successful Cinco de Mayo event. He also congratulated the 2022 High School graduating class.

Mayor White congratulated the Hispanic Chamber of Commerce for a successful Cinco de Mayo event. He congratulated Johnny & Sons Body Shop on their 55th Anniversary. He thanked the Retired Nurses for hosting a Health Fair event and congratulated Blacks Barbecue on their 90th Anniversary. He congratulated the 2022 High School graduates.

ITEM 11. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 8:55 p.m.

PASSED and APPROVED this the 7th day of June 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC
City Secretary

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Postpone until July 5, 2022 applications ZC-22-08 and PDD-22-01 by James Travis Krause on behalf of Patton 3, LLC, for a **Zoning Change** from *RLD Residential Low Density District* to *PDD Planned Development District*, including a **PDD Development Plan** for *Lockhart Place Townhomes Planned Development*, on 19.798 acres in the Frances Berry Survey, Abstract No. 2, located at 903 State Park Road (FM 20).

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: This item requests a rezoning of the subject property from Residential Low Density District (RLD) to Planned Development District (PDD). The PDD development plan and the associated preliminary plat have been withdrawn to address comments which City planning staff issued on those submissions prior to the scheduled Planning and Zoning Commission hearing. These comments created the need to revise both the PDD plan and preliminary plat in a manner that would cause both submissions to exceed the 30 day time limit (with one 30-day extension) allowed by the Texas Local Government Code. As such, the two submissions were withdrawn and are anticipated to be heard along with the requested zoning change at the June 22, 2022 Planning and Zoning Commission meeting. This would result in the need to postpone City Council consideration of the item until July 5, 2022.

PROJECT SCHEDULE (if applicable): To be heard at the June 22, 2022, Planning and Zoning Commission meeting. Recommended to be postponed until July 5 Council meeting in order to receive Planning and Zoning Commission recommendation on the proposed zoning change.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: None.

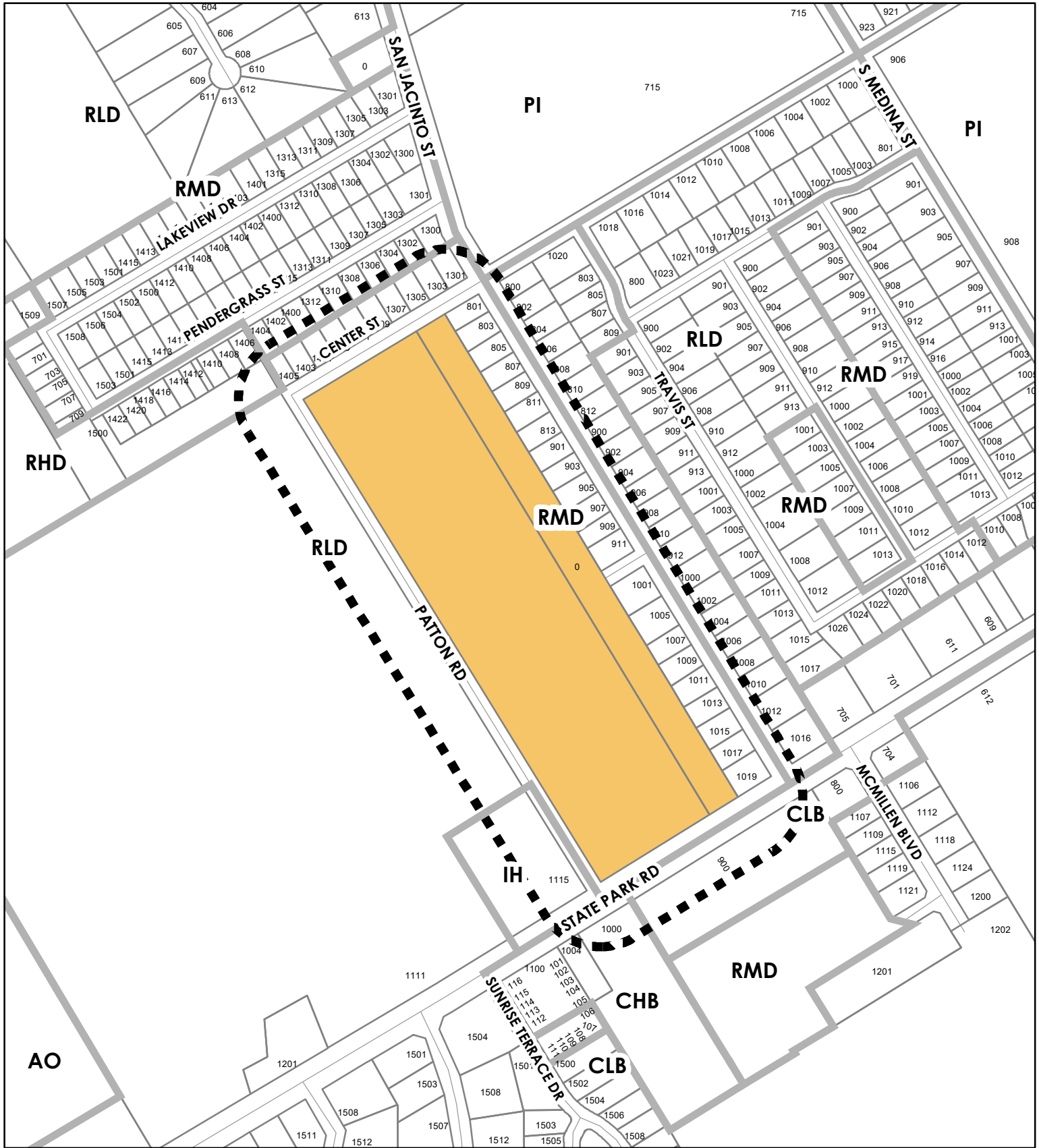
City of Lockhart, Texas

Council Agenda Item Cover Sheet

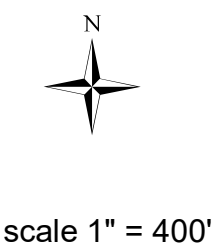
COMMITTEE/BOARD/COMMISSION ACTION: On May 25, the Planning and Zoning Commission postponed the zoning change request and PDD development plan until their June 22, 2022, meeting by a vote of 5-1.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends postponing consideration of Zoning Change ZC-22-08 from RLD to PDD and the related PDD development Plan PDD-22-01 for 19.798 acres located at 903 State Park Road until the July 5, 2022, City Council meeting.

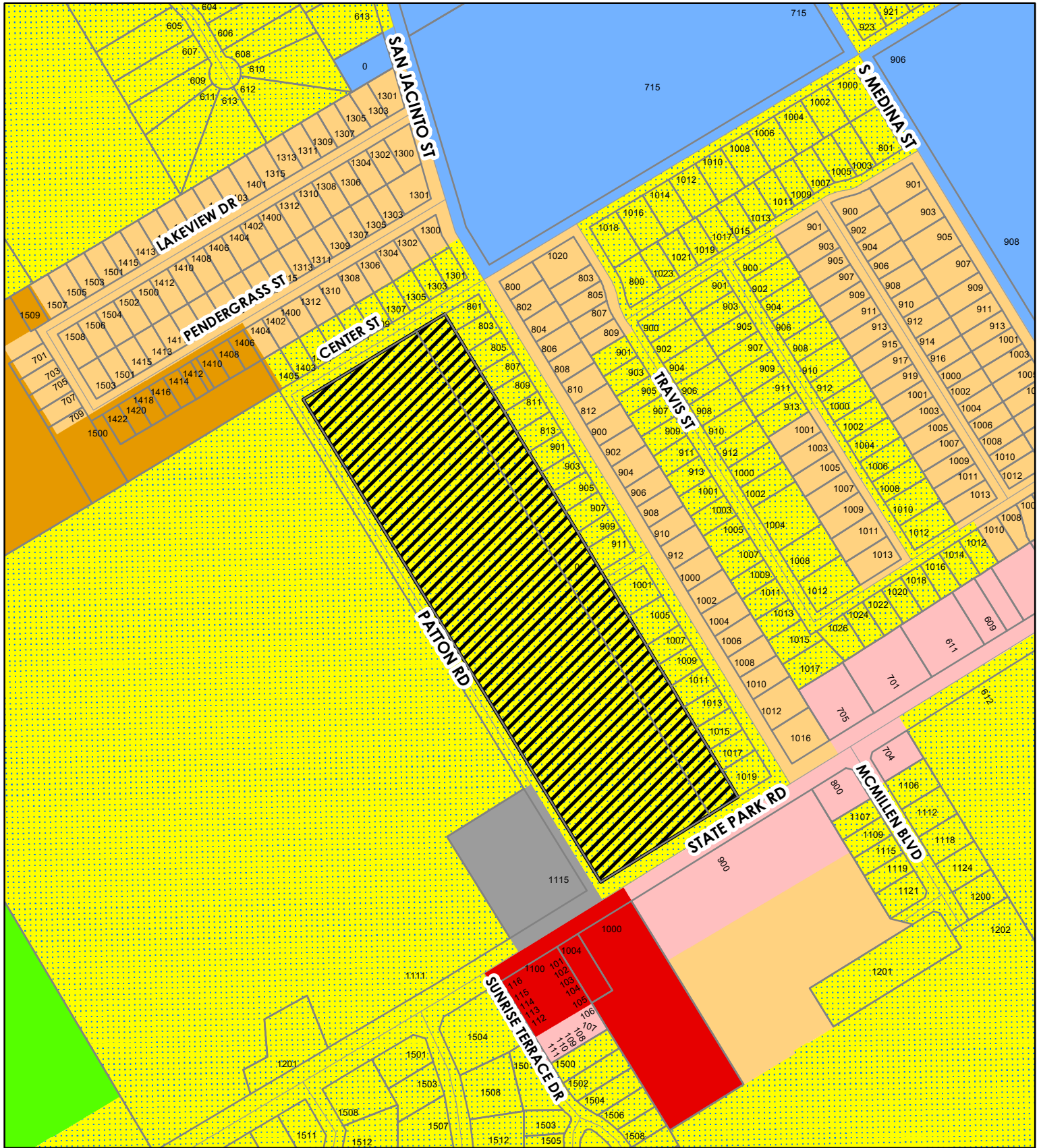
LIST OF SUPPORTING DOCUMENTS: ZC2208 case map, ZC2208 zoning, ZC2208 future landuse, ZC2208 aerial, 06-01-22 postpone ZC-22-08 memo to council--city letterheard, ZC2208 application



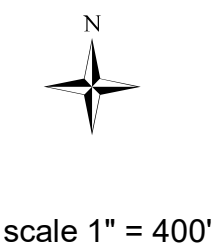
ZC-22-08 & PDD-22-01
 LOCKHART PLACE TOWNHOMES
 RLD TO PDD
 903 STATE PARK RD



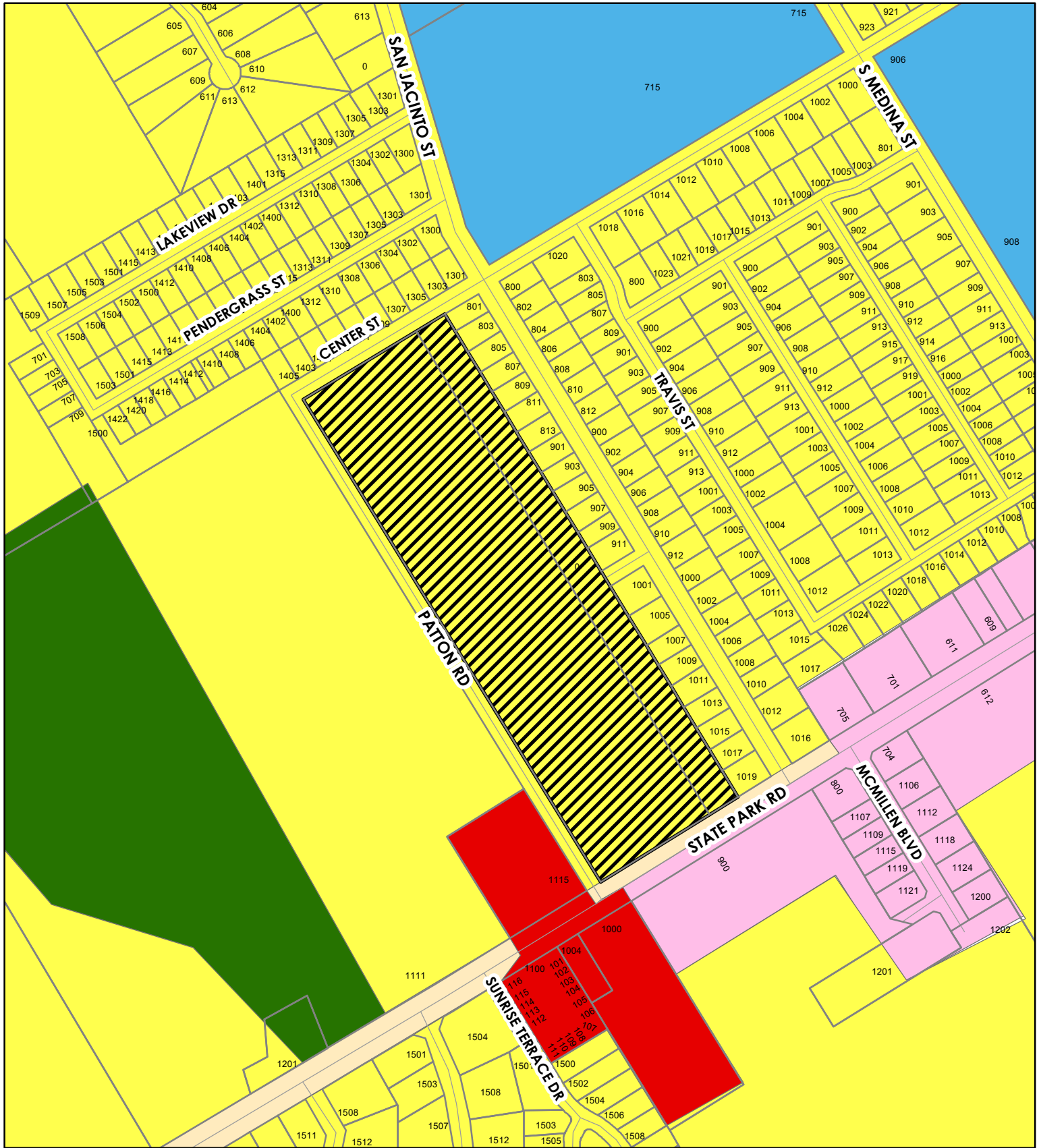
- SUBJECT PROPERTY
- ZONING BOUNDARY
- 200 FT BUFFER



ZC-22-08 & PDD-22-01
 LOCKHART PLACE TOWNHOMES
 RLD TO PDD
 903 STATE PARK RD



- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL LIGHT BUSINESS
 - INDUSTRIAL HEAVY
 - PUBLIC AND INSTITUTIONAL
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

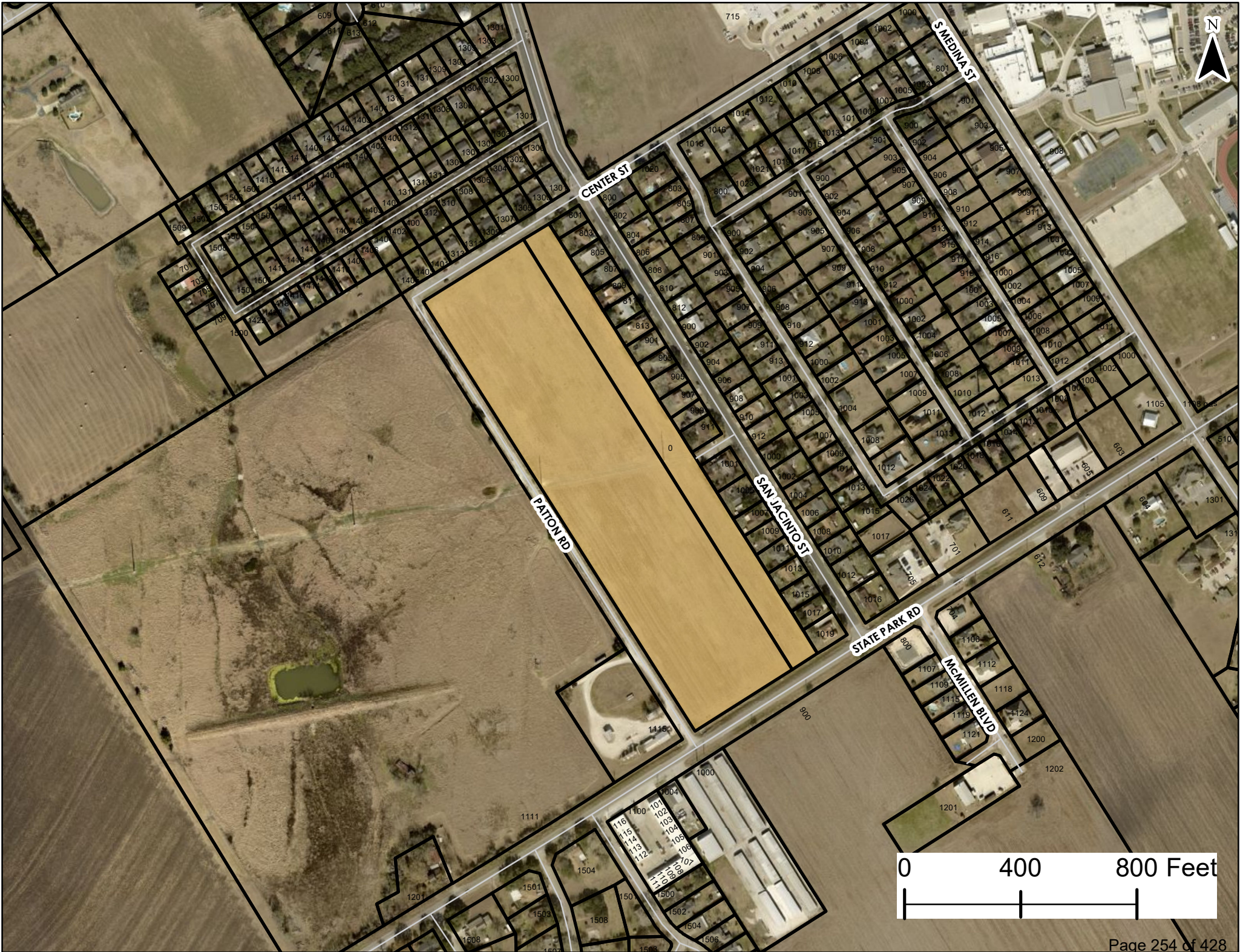
RLD TO PDD

903 STATE PARK RD



scale 1" = 400'

- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- PARKS AND OPEN SPACE
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, LOW DENSITY



TO: City Council

THROUGH: Dan Gibson, City Planner

FROM: David Fowler, Senior Planner

SUBJECT: Postpone ZC-22-08 and PDD 22-01

DATE: June 1, 2022

James Krause, the applicant, proposes a zoning change and development plan for 17.798 acres of land on the east side of Patton Road, and between State Park Road and Center Street, from RLD to PDD. The property is addressed as 903 State Park Road. The proposal is to build a townhouse development. This agenda item encompasses both ZC-22-08 for the zoning change and PDD-22-01 for the Development Plan, as listed in the public hearing notice for consideration at this meeting.

City staff has been reviewing the PDD development plan and preliminary plat for the proposed development. As the advertised public hearing date approached, it became clear that correction of deficiencies, particularly on the PDD development plan, would not be completed by the deadline for the Commission agenda packet. Because the maximum 60-day period for approval or denial of both the PDD development plan and the preliminary plat will expire before the next Commission meeting, they have been withdrawn by the applicant to stop the “shot clock” imposed by State law. If the applications were not withdrawn, staff would be obligated to recommend denial due to the incomplete PDD plan and preliminary plat. New applications will be submitted for those items, and the review process will continue without interruption.

Because zoning changes are not subject to the 30-day (or 60 day, with one 30-day extension) period for approval or denial, the zoning portion of this application was not withdrawn. However, in the case of PDD zoning, the zoning change cannot proceed without the PDD development plan or preliminary plat. With this in mind, City staff recommended the requested zoning change to PDD be postponed to the June 22nd Planning and Zoning Commission meeting, to allow time for all deficiencies to be addressed. The Planning and Zoning Commission agreed to postpone the item, and as a result City staff now recommends the zoning change be postponed until the July 5, 2022 City Council meeting, in order to allow Planning and Zoning Commission to make a recommendation based on the revised PDD plan.

CITY OF
Lockhart
TEXAS

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 James Travis Krause
DAY-TIME TELEPHONE 254 537 3623
E-MAIL travis@kbargroup.com

ADDRESS 1950 County Road 146
Georgetown TX 78633

OWNER NAME Patton 3 LLC
DAY-TIME TELEPHONE 254 218 5846
E-MAIL Legal@kbargroup.com

ADDRESS 1950 County Road 146
Georgetown TX 78633

PROPERTY

ADDRESS OR GENERAL LOCATION Patton Rd and State Park Rd
LEGAL DESCRIPTION (IF PLATTED) A002 BERRY, FRANCIS, ACRES 3.3 and A002 BERRY, FRANCIS, ACRES 16.5
SIZE 19.8 ^{19.798} ACRE(S) LAND USE PLAN DESIGNATION Housing development
EXISTING USE OF LAND AND/OR BUILDING(S) Crop land
PROPOSED NEW USE, IF ANY housing developement

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION LDR ^{RLD}
TO PROPOSED ZONING CLASSIFICATION PDD
REASON FOR REQUEST Provide more housing opportunities for families and adults in the City of Lockhart.

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 \$ ~~570.00~~ ^{546.00} 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 _____

DATE 2/16/22

OFFICE USE ONLY

ACCEPTED BY Dan Gibson & Kevin Waller RECEIPT NUMBER R01137669

DATE SUBMITTED 2-17-22 CASE NUMBER ZC - 22 - 08

DATE NOTICES MAILED 5-9-22 DATE NOTICE PUBLISHED 5-12-2022

PLANNING AND ZONING COMMISSION MEETING DATE 5-25-2022

PLANNING AND ZONING COMMISSION RECOMMENDATION 5-25-2022 postpone until 6-22-22

CITY COUNCIL MEETING DATE 6-7-2022

DECISION _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Postpone until July 19, 2022, application ZC-22-12 by Jim Meredith on behalf of Robert A. Schmidt for a **Zoning Change** from *CHB Commercial Heavy Business District* to *RHD Residential High Density District* on 14.57 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 101 East China Street. *Tabled 4-19-22.*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The purpose of the zoning change is to allow future residential development of 14.57 acres at the northeast corner of the intersection of East China Street and North Colorado Street. The proposed RHD zoning classification is not entirely consistent with the Mixed Use future land use designation shown on the Land Use Plan map. The only zoning classification that would be consistent with the Land Use Plan map for a true mixed use development would be the PDD Planned Unit Development District. There is a 12" water main along China Street that is adequate to serve the property. However, the closest wastewater mains are only six inches in size and may not have adequate capacity to handle higher density residential development. The wastewater impact fee CIP does propose a system of wastewater mains extending northward from an existing main at the railroad track where it would serve the North Colorado Street area, including the subject property. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the city. More time is needed to expand the study to include the North Colorado Street Corridor. An expanded study is underway to determine whether or not the proposed wastewater infrastructure will be adequate for higher land use intensities on the subject property and others along North Colorado Street. Such a study would confirm the size and cost of the new wastewater mains and associated lift station. Impact fees can be used to pay for up to half of the cost, but the remainder would have to come from other sources. There currently is no time-line or source of funding identified other than impact fees. Three recent requests for a zoning change to RHD in the northwest quadrant of the city and the North Colorado Street areas were previously tabled to the May 25th Planning and Zoning Commission meeting and the June 7th City Council meeting due to inadequate wastewater infrastructure to serve the higher land use intensities proposed for those areas. The Council should again postpone this application because the Planning and Zoning Commission postponed further consideration of this application until their July 13th meeting. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached. Thus far, one citizen has spoken in favor of the application at a Planning and Zoning Commission meeting.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

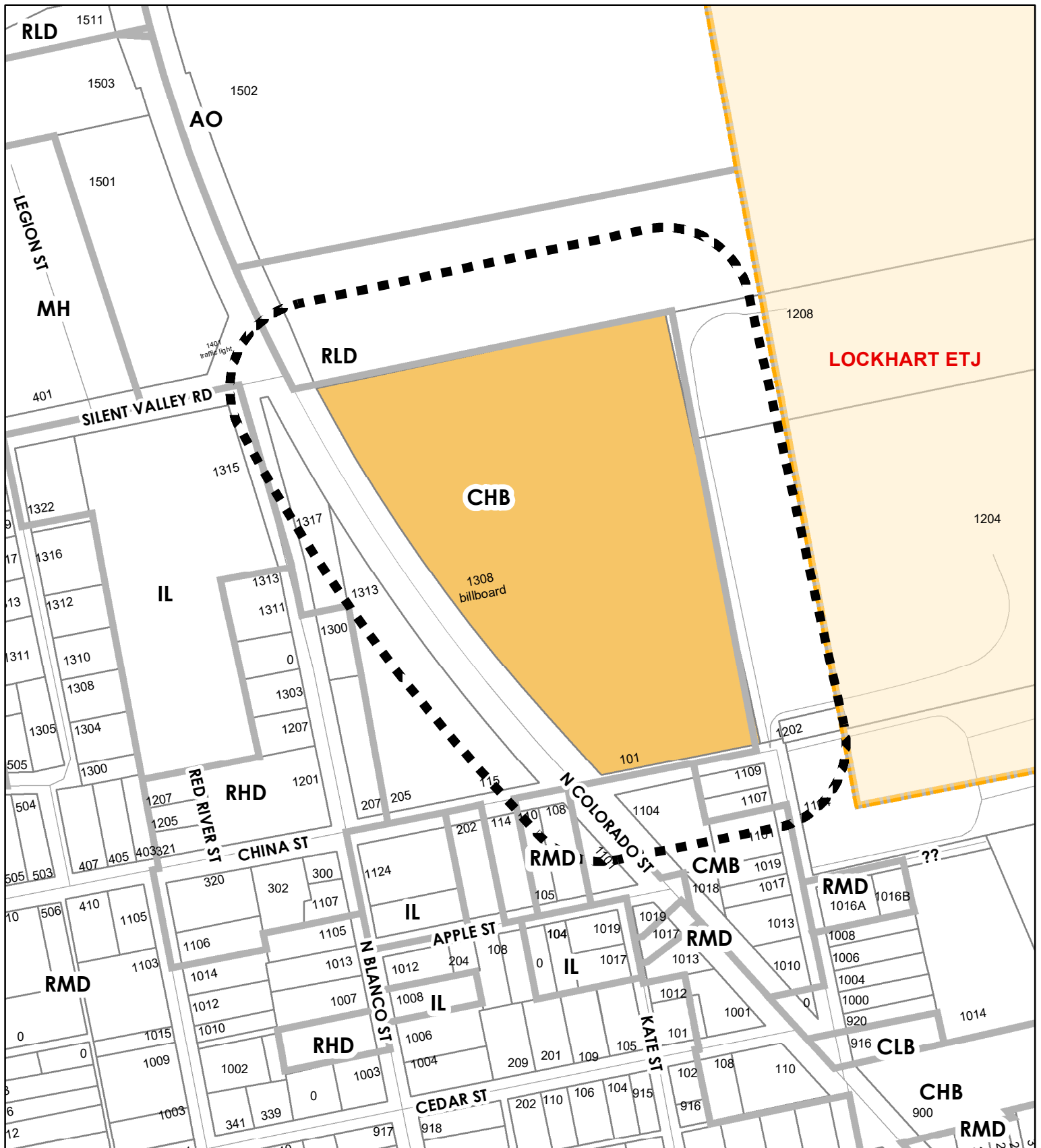
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: Tabled at the April 19, 2022, City Council meeting.

COMMITTEE/BOARD/COMMISSION ACTION: On May 25, the Planning and Zoning Commission voted 5-1 in favor of postponing consideration of this item until their July 13, 2022, meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends postponing consideration of Zoning Change ZC-22-12 from CHB to RHD on 14.57 acres located at 101 East China Street until the July 19th City Council meeting.

LIST OF SUPPORTING DOCUMENTS: ZC2212 case map, ZC2212 zoning, ZC2212 future landuse, ZC2212 aerial, zc2212 staff report for 6-7-22 Council, zc2212 application form and owner's letter



ZC-22-12

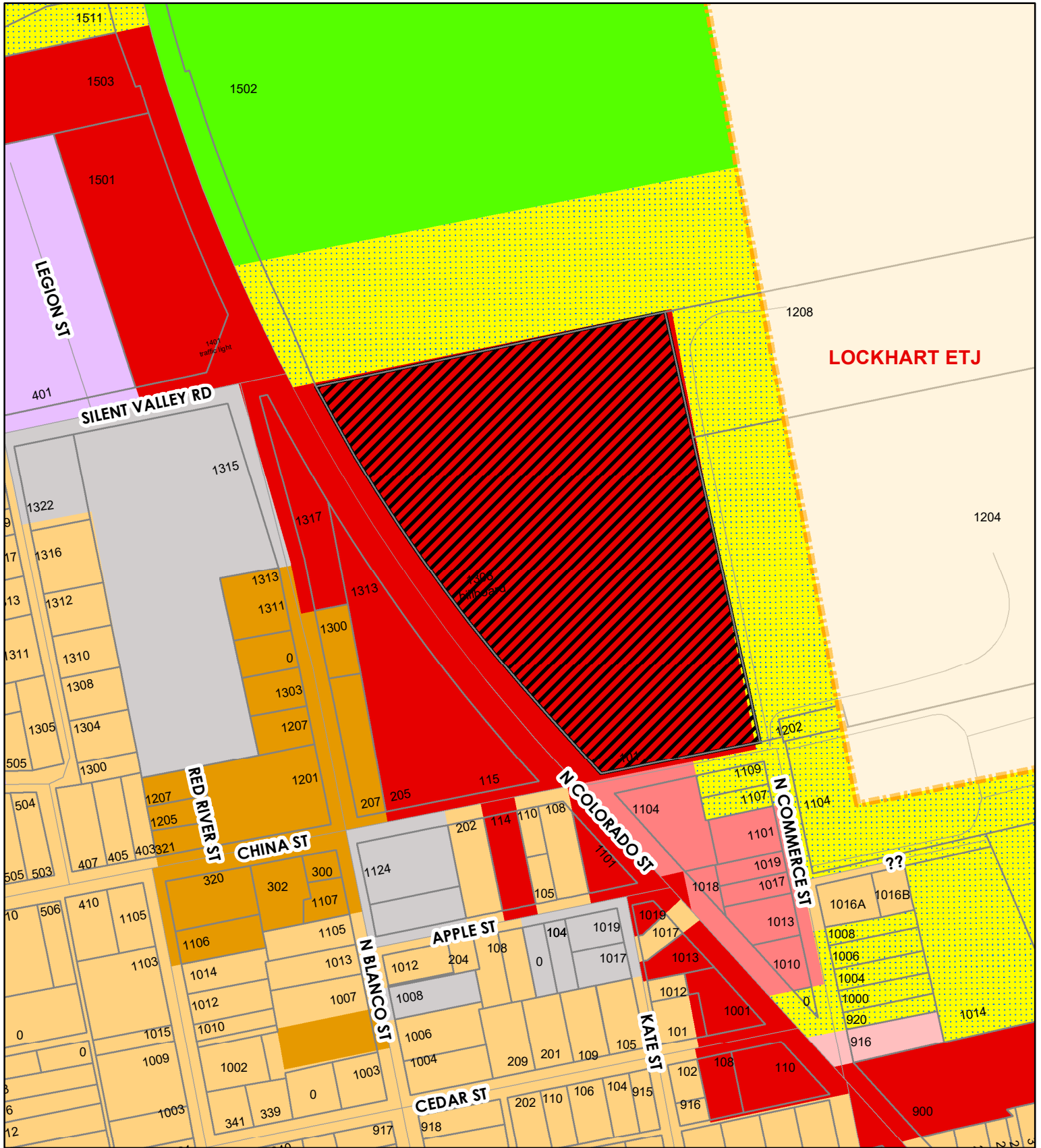
CHB TO RHD

101 EAST CHINA STREET



scale 1" = 300'

- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS
- 200 FT BUFFER



ZC-22-12

CHB TO RHD

101 EAST CHINA STREET



scale 1" = 300'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL LIGHT BUSINESS
 - COMMERCIAL MEDIUM BUSINESS
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



CASE SUMMARY

STAFF: David Fowler, Senior Planner

CASE NUMBER: ZC-22-12

REPORT DATE: April 7 2022 [Updated 6-1-22]

PLANNING AND ZONING COMMISSION HEARING DATE: April 13 [Tabled to May 25]

CITY COUNCIL HEARING DATE: April 19, 2022 [Tabled to 6-7-22]

REQUESTED CHANGE: CHB to RHD

STAFF RECOMMENDATION: **Postpone to July 19th City Council meeting.**PLANNING AND ZONING COMMISSION RECOMMENDATION: **Pending****BACKGROUND DATA**

APPLICANT: Jim Meredith

OWNER: Bobby Schmidt

SITE LOCATION: 101 E. China Street

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 14.57 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Mixed Retail/Office/Residential.***ANALYSIS OF ISSUES**

PREVIOUS ACTION: This item was tabled by the Planning and Zoning Commission on April 13th, and by the City Council on April 19th, due to concerns about the lack of wastewater service and to allow time for the city engineer to conduct a study to determine the size and cost of necessary wastewater line extensions. A draft copy of the study was provided to staff on May 18th. However, it covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers.

REASON FOR REQUESTED ZONING CHANGE: The owner wishes to construct a residential development on the site that may be of a type or density that requires the RHD zoning classification. As this use is not permitted in the CHB zoning district, a rezoning has been requested.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant	RLD, AO	<i>General-Heavy Commercial, Light-Medium Commercial</i>
East	Vacant, Large lot residential in ETJ	RLD	<i>Agricultural Development, Light-Medium Commercial</i>
South	Single-family residential, commercial,	RMD, RLD, CHB, CMB	<i>Residential Medium Density, Public and Institutional</i>
West	Commercial, TxDOT maintenance, Single-family residential, church	CHB, RHD, IL	<i>General-Heavy Commercial, Medium Density Residential</i>

TRANSITION OF ZONING DISTRICTS: This zoning change will create an area of RHD that is not contiguous to other areas with the same zoning. The nearest RHD-zoned area is north of the intersection of West China Street and North Blanco Street, across North Colorado Street from the subject parcel.

ADEQUACY OF INFRASTRUCTURE: Vehicular access is available from East China Street and North Colorado Street. Additionally, extension of the Silent Valley Road arterial is planned along the north and east sides of the subject property, as shown on the Thoroughfare Plan map. Any new driveway onto North Colorado Street will require approval from TxDOT. Water is available and adequate, with the site being served by a 12" line along East China and North Colorado Streets. Wastewater service is not adequate as the nearest connection points to the site are a 6" wastewater line at the northern end of Commerce St. and potentially a 6" wastewater line at the southwest corner of West China and North Colorado Streets. The closest wastewater main of sufficient size is located approximately 2,000 feet south of the site near the railroad track and Town Branch Creek. The wastewater impact fee CIP does propose a system of wastewater mains extending from that point northward, along with a lift-station, where it would serve the North Colorado Street corridor area, including the subject property. Because the proposed RHD and CMB zoning classifications in this case would allow a much higher intensity of development than anticipated by the land use assumptions that were the basis of the current impact fee CIP, a study is being conducted to determine if the pipe sizes need to be larger than planned, and to estimate the total cost of the project. This information will be used to allocate funds from different sources, including developer participation, that will be needed to design and construct the necessary wastewater infrastructure. The study was expected to be completed by now, but the information available thus far focused on the northwest quadrant of the city, and the study still needs to be expanded to include the North Colorado Street corridor.

POTENTIAL NEIGHBORHOOD IMPACT: The surrounding area is a mixture of commercial, church, and residential development, with some vacant lots. Higher intensity zoning is appropriate when located along an arterial street such as Colorado Street and the future Silent Valley Road extension. There are single-family lots in the RMD and RLD zoning districts south of East China Street. As the existing CHB district allows several high-intensity uses, the proposed RHD zoning should not have an adverse impact compared to existing zoning.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD zoning classification is not entirely consistent with the *Mixed Retail/Office/Residential* future land use that is designated for the subject lot, as the proposed development concept only includes residential uses. Mixed-use buildings containing commercial and residential are allowed by right in the existing CHB zoning district. However, high density development allowed in the proposed RHD zoning classification could contribute to the overall mixed-use development of the US 183 corridor.

ALTERNATIVE CLASSIFICATIONS: Either CHB or PDD involving mixed-use development would be consistent with the Land Use Plan map.

RESPONSE TO NOTIFICATION: On resident spoke in favor of the zoning change at the May 25th Planning and Zoning Commission meeting.

STAFF RECOMMENDATION: Staff recommends postponing this application again to the July 19th meeting so that we will have a final report available regarding the cost of all wastewater projects in the northern part of the city. As the Planning and Zoning Commission voted to postpone consideration of the item, the Commission has not made a recommendation regarding the proposed zoning change. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

CITY OF
Lockhart
TEXAS

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 Jim Meredith
DAY-TIME TELEPHONE (512)306-8300
E-MAIL jim@masonwoodtx.com

ADDRESS 4301 Westbank Dr.
Bldg A, Suite 110
Austin, TX 78746

OWNER NAME Bobby Schmidt
DAY-TIME TELEPHONE (512)924-0387
E-MAIL bobby@schmidttranch.net & aantoni@antonauctions-service.com

ADDRESS 3595 Schuelke Rd.
Niederwald, TX 78640

PROPERTY

ADDRESS OR GENERAL LOCATION 101 E. China St.
LEGAL DESCRIPTION (IF PLATTED) N/A - Metes & Bounds
SIZE 14.57 ACRE(S) LAND USE PLAN DESIGNATION Mixed Retail, Office, Residential
EXISTING USE OF LAND AND/OR BUILDING(S) N/A
PROPOSED NEW USE, IF ANY Residential High Density

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Commercial Heavy Business
TO PROPOSED ZONING CLASSIFICATION Residential High Density
REASON FOR REQUEST To gain the desired density for multifamily and
/or single family condominium style development

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.

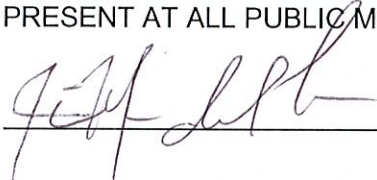
IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 441.40 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



DATE

3/16/2022

OFFICE USE ONLY

ACCEPTED BY

Kevin Waller

RECEIPT NUMBER

0143300
R-0443132

DATE SUBMITTED

3/16/22

CASE NUMBER ZC -

22 - 12

DATE NOTICES MAILED

3-29-2022

DATE NOTICE PUBLISHED

3-31-2022

PLANNING AND ZONING COMMISSION MEETING DATE

4/13/22

PLANNING AND ZONING COMMISSION RECOMMENDATION

Tabled 4-13-22

CITY COUNCIL MEETING DATE

4-19-22

DECISION

Robert A. Schmidt
3595 Schuelke Rd
Niederwald, Tx 78640
(512) 924-0387
bobby@schmidtranch.net

March 16, 2022

Mr. Dan Gibson
City of Lockhart, Developmental Services
308 W. San Antonio Street
Lockhart, Texas 78644

RE: Property known as 102 East China St. Lockhart, Tx 78644; 14.65 Acres PID # 18458

Dear Mr. Gibson,

I authorize Mr. Jim Meredith/Moody Engineering to apply with the City of Lockhart for purposes of changing the zoning, submitting and processing a final plat, construction plans, site plans and any other required plan/documents to include corrections and revisions needed to proceed with their development of the subject property. The processes will all be at the applicant's expense.

You may reach me at the above phone number if there are any questions.

Sincerely,


Robert A. Schmidt

CC: Amy Anton

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Postpone until July 19, 2022, application ZC-22-06 by Curtis Thigpen of Paravel Capital for a **Zoning Change** from *RMD Residential Medium Density District* to *RHD Residential High Density District* on 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1900 North Cesar Chavez Parkway Northbound (SH 130).
Tabled 3-15-22

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The subject property is part of a 50.77-acre tract that was rezoned from AO to RMD in October 2021 for the stated purpose of developing a duplex subdivision. However, the applicant for this zoning change proposes a multifamily development, which is allowed only in the RHD district. The proposed development is the upper portion of the attached concept plan labeled "*Medium Density Residential Development*", which also includes a proposed duplex subdivision in the lower portion. The proposed RHD zoning classification is **not** consistent with the *Medium Density Residential* future land use designation shown on the land use plan map. As explained in great detail in the attached staff report, there is currently a total lack of sanitary sewer service in the Silent Valley Road area, while we continue to receive applications for zoning changes and specific use permits that will potentially increase residential densities in that area above those anticipated by the comprehensive plan. The land use plan map was the basis for the sizing of proposed wastewater lines included in the wastewater impact fee CIP. It became apparent that the 12-inch line proposed to serve the Silent Valley Road area (northwest quadrant) may not be large enough for the increased densities being requested, and an increase to a larger size would require not only an extension from Tank Street, but also replacement and upgrading of an existing 12-inch line. This item was tabled at the Council's March 15th meeting, and was most recently postponed for the third time by the Planning and Zoning Commission at their meeting on May 25th. The city engineer submitted a report in mid-May, which did recommend increasing the sizes of planned wastewater line extensions, as well as upsizing the existing trunk main all the way to the treatment plant. The total cost was estimated to be \$6.1 million. However, there has been no determination yet as to how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by the developers. Because a similar wastewater study is needed for the North Colorado Street corridor, and it may also affect the sizing of the larger trunk main that both the northwest lines and the North Colorado Street corridor lines will share, the two studies are interrelated and we won't know the final cost for both combined until the North Colorado Street corridor study is completed. That is estimated to take another six weeks or so, which would be in time for the July 13th Planning and Zoning Commission meeting, and the July 19th City Council meeting. So far, there has been no public opposition to this zoning change.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

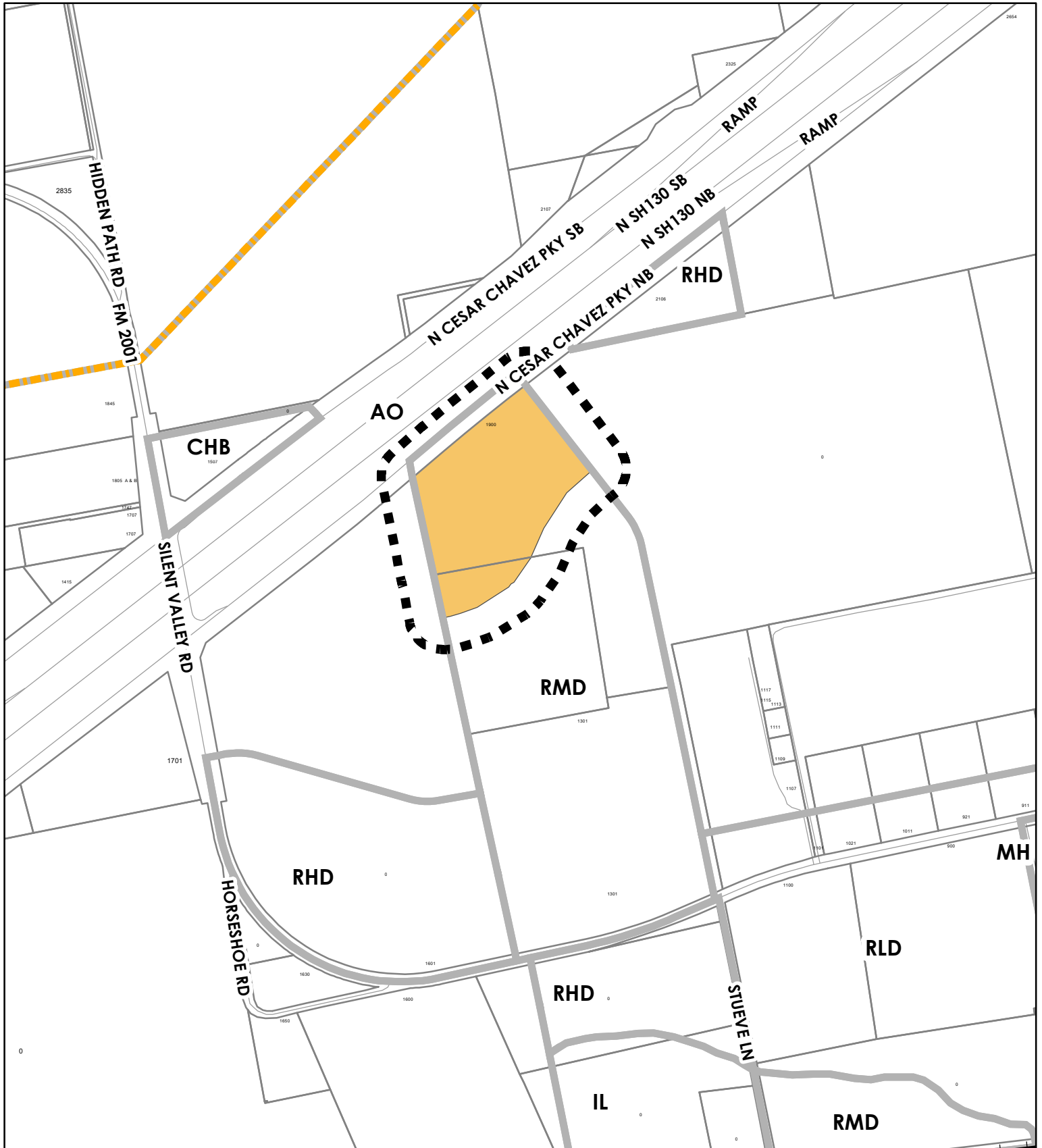
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: This item was previously tabled by the Council on February 15th to the March 15th meeting, and tabled again on March 15th to the June 7th meeting.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission voted on February 9th to table this item to their March 9th meeting, and tabled it again at the March 9th meeting to their May 25th meeting. The unanimous vote on May 25th was to postpone a final recommendation to their July 13th meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: The suggested motion is to once again postpone further consideration of Zoning Change ZC-22-06 from RMD to RHD on 19.906 acres located at 1900 North Cesar Chavez Parkway Northbound until the July 19th City Council meeting because there is no recommendation from the Planning and Zoning Commission yet. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LIST OF SUPPORTING DOCUMENTS: ZC2206 case map, ZC2206 zoning, ZC2206 future landuse, ZC2206 aerial, zc2206 staff report for 6-7-22 CC, sup2203 & zc2206 concept plan, zc2206 updated application



ZC-22-06

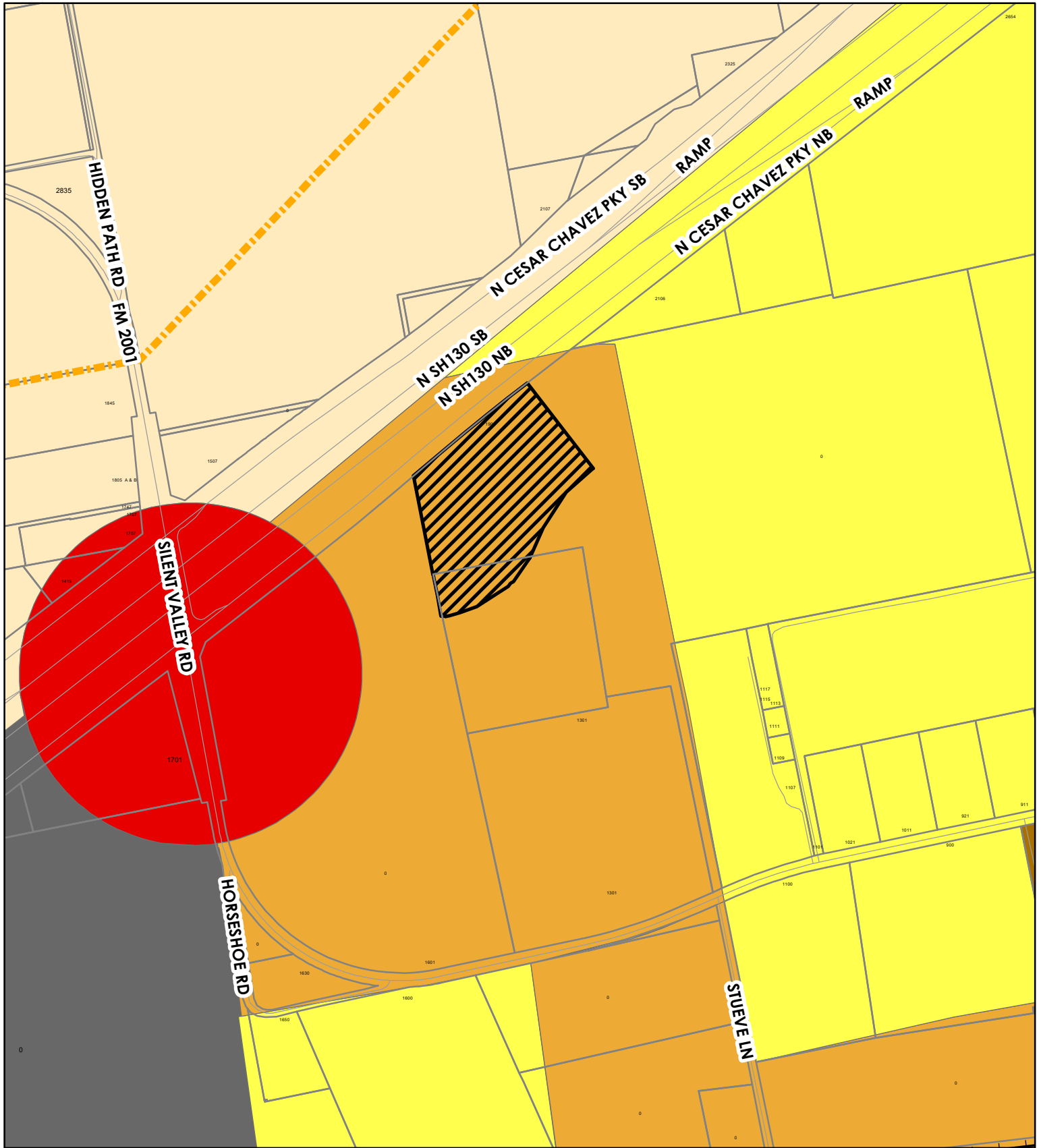
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS
- 200 FT BUFFER



FUTURE LANDUSE

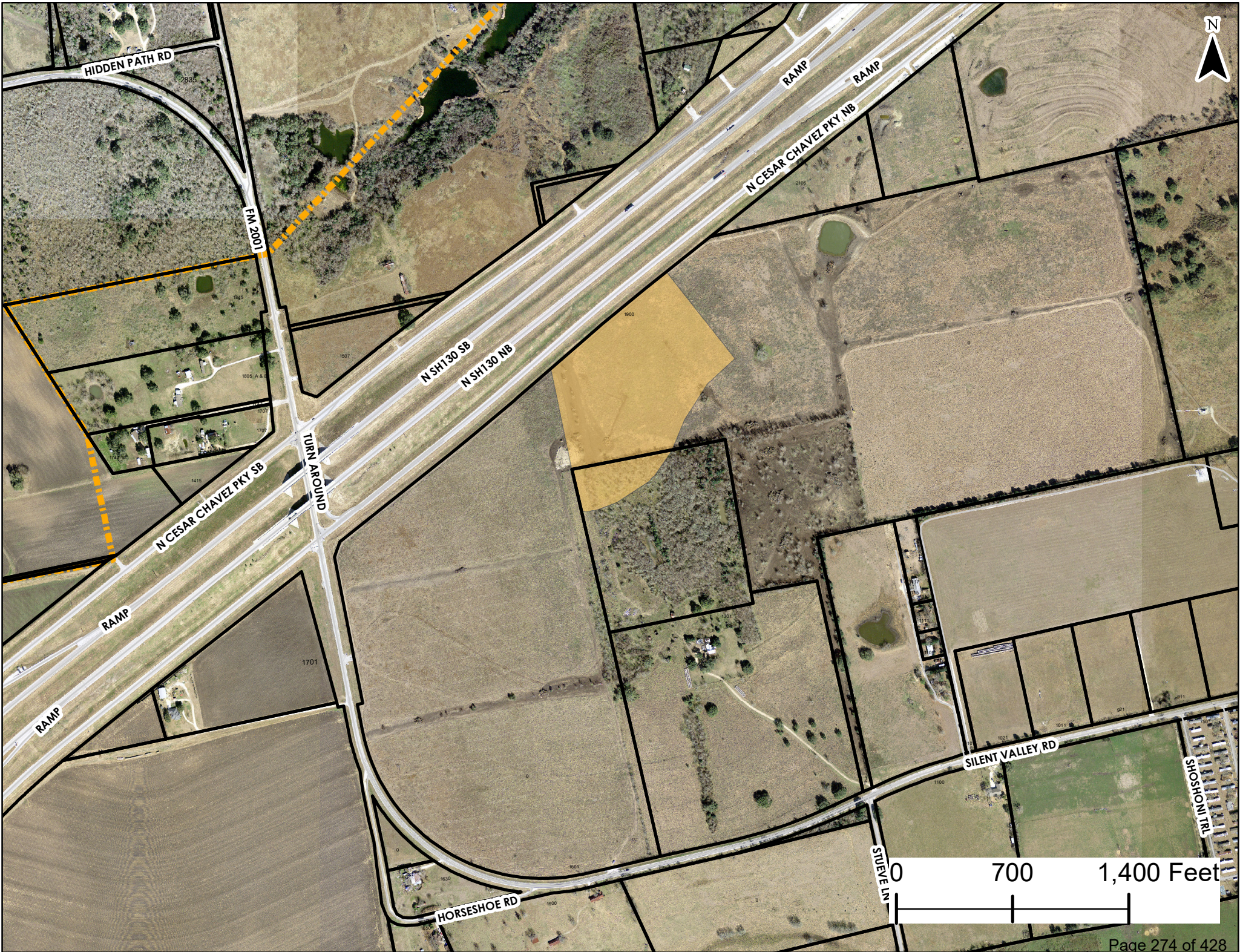
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- INDUSTRY
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-22-06

REPORT DATE: February 4, 2022 [Updated 2-10-22, 3-2-22, 3-10-22, 5-18-22, 6-1-22]

PLANNING AND ZONING COMMISSION HEARING DATE: March 9, 2022 [Tabled to 5-25-22, 7-13-22]

CITY COUNCIL HEARING DATE: February 15, 2022 [Tabled to 3-15-22, 6-7-22]

REQUESTED CHANGE: RMD to RHD

STAFF RECOMMENDATION: ***Postpone to July 19th Council meeting.***

PLANNING AND ZONING COMMISSION RECOMMENDATION: ***Postponed to July 13th Commission meeting.***

BACKGROUND DATA

APPLICANT: Paravel Capital

OWNER: Curtis Thigpen

SITE LOCATION: 1900 North Cesar Chavez Parkway (SH 130). [Final address to be assigned later.]

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 19.906 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Medium Density Residential*

ANALYSIS OF ISSUES

PREVIOUS ACTION: This item was tabled multiple times previously by the Planning and Zoning Commission and the City Council due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. The last action by the Council was to table it to this June 7th meeting. The most recent action by the Planning and Zoning Commission on May 25th was to table this zoning change again to their July 13th meeting. The city engineers report, which was received in mid-May, does recommend increasing the sizes of planned wastewater line extensions, as well as upsizing the existing trunk main all the way to the treatment plant, and the total cost was estimated in the report to be \$6.1 million. However, there has been no determination yet as to how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers. As of April 1, 2022, the balance in the wastewater impact fee account was \$1,014,365. No time-frame has been established for completion of design and construction of the project yet.

REASON FOR REQUESTED ZONING CHANGE: The subject property is part of a 50.77-acre tract that was rezoned from AO to RMD in October 2021 for the stated purpose of developing a duplex subdivision. However, the applicant for this zoning change proposes a multifamily development, which is allowed only in the RHD district. The proposed development is the upper portion of the attached concept plan labeled "*Medium Density Residential Development*", which also includes a proposed duplex subdivision in the lower portion.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	SH 130	AO	<i>Agricultural/Rural Development (north side of SH 130)</i>
East	Vacant land	AO	<i>Medium Density Residential, Low Density Residential</i>
South	Vacant land	RMD	<i>Residential Medium Density</i>
West	Vacant land	AO	<i>Medium Density Residential, General-Heavy Commercial</i>

TRANSITION OF ZONING DISTRICTS: The subject property does not abut any other RHD zoning, although there are two parcels nearby to the northeast and southwest that were recently rezoned from AO to RHD. RHD is one step up in land use intensity from the RMD classification, which abuts the south boundary of this property. Higher density land uses are sometimes used as a buffer or transition from lower density uses to a major highway.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be available from the Stueve Lane extension as well as another new east-west collector street that will follow the southern boundary of the subject property. Water service will likely be obtained by an extension from an existing line at the intersection of Silent Valley Road and Cesar Chavez Parkway (SH 130). The main issue with regard to infrastructure, though, is the total lack of sanitary sewer service to the entire area north of the railroad track in the Silent Valley Road area. The impact fee CIP includes a future 12-inch sewer main that would serve the area but, at the rate that zoning changes and specific use permits are being requested to increase the density, larger pipes will be needed to serve the northwest quadrant of the city. That will trigger the requirement that all planned wastewater line extensions and existing lines downstream also be larger. The study provides a total cost of construction, but the City will still need to make a determination as to how the project will be funded, including approximately what the developer's share of the expense will be after the City's contribution from impact fees and the EDA grant. Because a similar wastewater study is needed for the North Colorado Street corridor, and it may also affect the sizing of the larger trunk main that both the northwest lines and Colorado Street corridor lines will connect to, the two studies are interrelated and we won't know the final cost for both combined until the Colorado Street corridor study is completed. That is estimated to take another six weeks or so, which would be in time for the July 13th Planning and Zoning Commission meeting, and the July 19th City Council meeting.

POTENTIAL NEIGHBORHOOD IMPACT: The surrounding area is currently vacant, but there have been a couple of recent zoning changes to RHD for apartments, and there are other developments on the horizon that would add both commercial development and residential subdivisions. The same applicant who submitted this request also applied for a specific use permit (SUP) to allow the DF-2 residential development type on the remaining 30.864 acres of the original 50.77-acre tract, adjacent to the south of the subject property. The DF-2 development type allows duplexes on smaller lots, thereby resulting in a higher density. After voting to table the SUP at their February 9th meeting, the Planning and Zoning Commission approved it at their March 9th meeting subject to the residential density not exceeding ten dwelling units per acre, which is considered medium density and is consistent with the City's land use plan map. This zoning change, however, will automatically increase the potential for higher density development in the area above the medium density threshold.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD zoning classification is **not** consistent with the *Medium Density Residential* future land use designation of the land use plan map.

ALTERNATIVE CLASSIFICATIONS: The existing RMD zoning is already consistent with the *Medium Density Residential* designation shown on the land use plan map, so there is no better classification at this time.

RESPONSE TO NOTIFICATION: None as of the date of this report. The properties within the 200-foot public hearing notification area are currently vacant and are either owned by the applicant or are owned by others who are also proposing new developments.

STAFF RECOMMENDATION: Staff recommends postponing this application again to the July 19th City Council meeting so that we will have a final report available regarding the cost of all wastewater projects in the north part of the city. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

Medium Density Residential Development
Lockhart, TX

Land Use Summary

MF Total Acreage (~18.0 Acres)

- MF Building Coverage (~3.8 Acres)
- MF Open Space (~7.0 Acres)
- Parking/Drive (~7.2 Acres)
- 60' Collector ROW (~1.9 Acres)

DF-2 Total Acreage (~31 Acres)

- DF-2 Lots (~17.9 Acres)
50'x105' (Typ.) - 119 Lots / 238 Units
- DF-2 Open Space (~3.5 Acres)
- 50' Residential ROW (~5.7 Acres)
- 25' Alley ROW (~3.9 Acres)





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 Paravel Capital
DAY-TIME TELEPHONE (512) 934-8923
E-MAIL cthigpen@paravelcap.com

ADDRESS 1509 Old W 38th St. Ste., 3
Austin, TX 78731

OWNER NAME Curtis Thigpen
DAY-TIME TELEPHONE (512) 934-8923
E-MAIL cthigpen@paravelcap.com

ADDRESS _____

PROPERTY

1900 N Cesar Chavez Pky NB

ADDRESS OR GENERAL LOCATION Between 1301 Silent Valley Rd. & Toll Road 130, Lockhart, TX 78644

LEGAL DESCRIPTION (IF PLATTED) See metes & bounds description

SIZE 19.906 ACRE(S) LAND USE PLAN DESIGNATION Residential Medium Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agriculture

PROPOSED NEW USE, IF ANY Residential High Density (MF-2)

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Residential Medium Density RMD

TO PROPOSED ZONING CLASSIFICATION Residential High Density (MF-2) RHD

REASON FOR REQUEST To allow for the development of two and three story apartments of up to 24 DU/AC

in order to provide a wider variety of housing options at multiple price points for all residents in the area.

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 \$ 548.12 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 

DATE 1/19/2022

OFFICE USE ONLY

ACCEPTED BY 

RECEIPT NUMBER 01132778

DATE SUBMITTED 1-19-22

CASE NUMBER ZC - 22 - 06

DATE NOTICES MAILED 01-24-22

DATE NOTICE PUBLISHED 1-27-2022

PLANNING AND ZONING COMMISSION MEETING DATE 2-9-22

PLANNING AND ZONING COMMISSION RECOMMENDATION Table to 3-9-22 meeting.

CITY COUNCIL MEETING DATE 2-15-2022

Tabled to 5-25-22 meeting. Tabled to 7-13-22

DECISION 3-15-22 Tabled to 6-7-22

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Postpone until July 19, 2022, application ZC-22-09 by Chris Bancroft on behalf of Alma Ewald for a **Zoning Change** from 23.064 acres *AO Agricultural--Open Space District* to 18.535 acres *RHD Residential High Density District* and 4.529 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1650 North Colorado Street (US 183). *Tabled 4-5-22*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The purpose of the zoning change is to allow future development of 4.529 acres of general commercial land uses along the Colorado Street frontage, and 18.535 acres of apartment housing behind the commercial area. Although the tract extends eastward to Plum Creek, the zoning change is only for the portion of the tract that is in the city limits, which is roughly 27 percent of the original tract. The Plum Creek floodplain encroaches slightly into the rear of the area proposed to be zoned RHD. This item was tabled by the Planning and Zoning Commission on March 23rd, and again on May 25th, and on April 5th the City Council tabled it to this June 7th meeting, due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers. The new study is estimated to take another six weeks or so, which would be in time for the July 13th Planning and Zoning Commission meeting, and the July 19th City Council meeting.

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

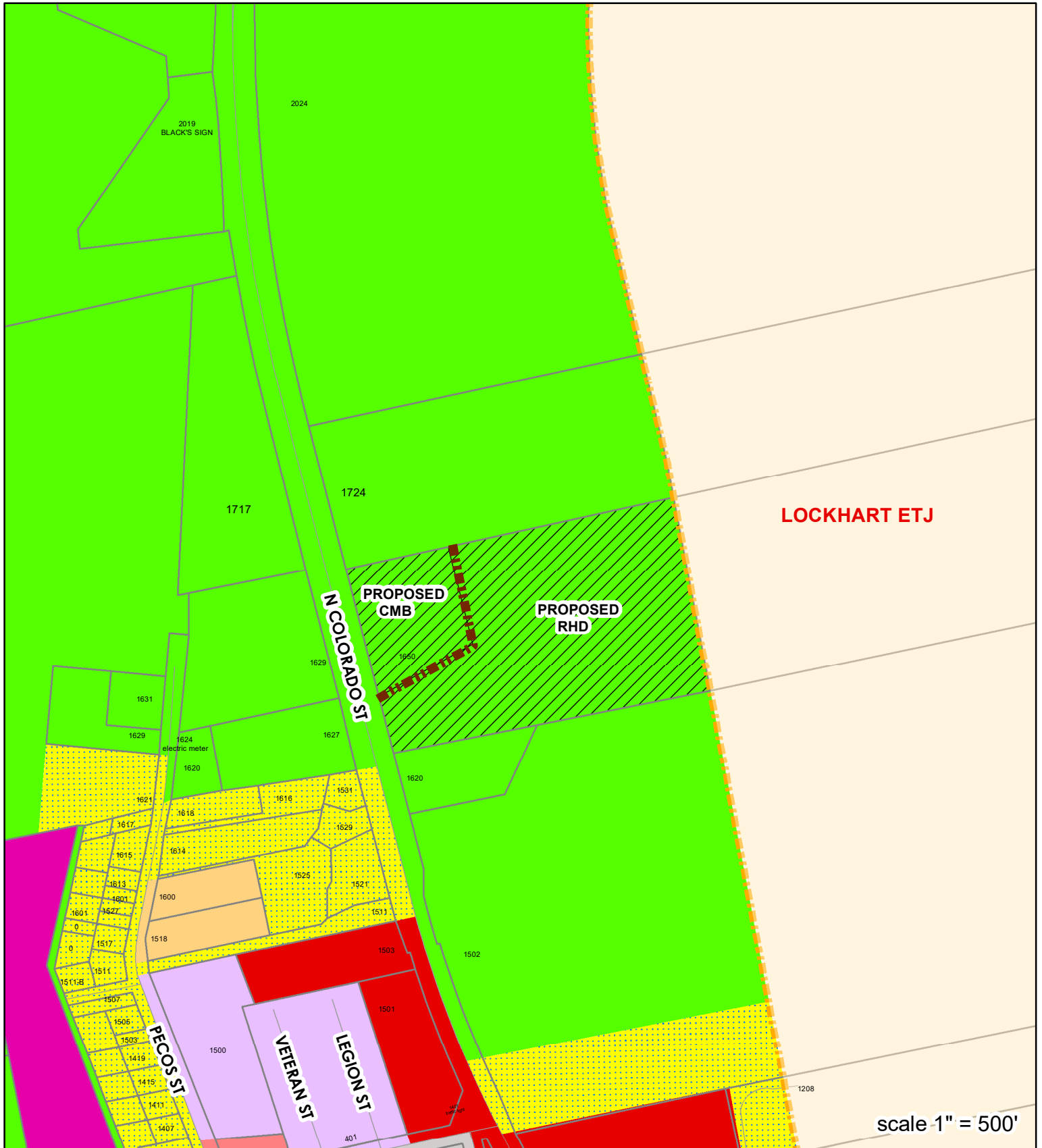
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: This item was previously tabled by the Council on April 5th to this June 7th meeting.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission voted on March 23rd to table this item to their May 25th meeting, and voted unanimously at the May 25th meeting to postpone a final recommendation to their July 13th meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: The suggested motion is to once again postpone further consideration of Zoning Change ZC-22-09 from AO to RHD and CMB on 23.064 acres located at 1650 North Colorado Street until the July 19th City Council meeting because there is no recommendation from the Planning and Zoning Commission yet. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LIST OF SUPPORTING DOCUMENTS: ZC2209 case map, ZC2209 zoning, ZC2209 future landuse, ZC2209 aerial, zc2209 staff report for 6-7-22 CC, 21-9147 1650 North Colorado CAD_7gen Zoning Boundaries_11x17, zc2209 updated application and owner's letter



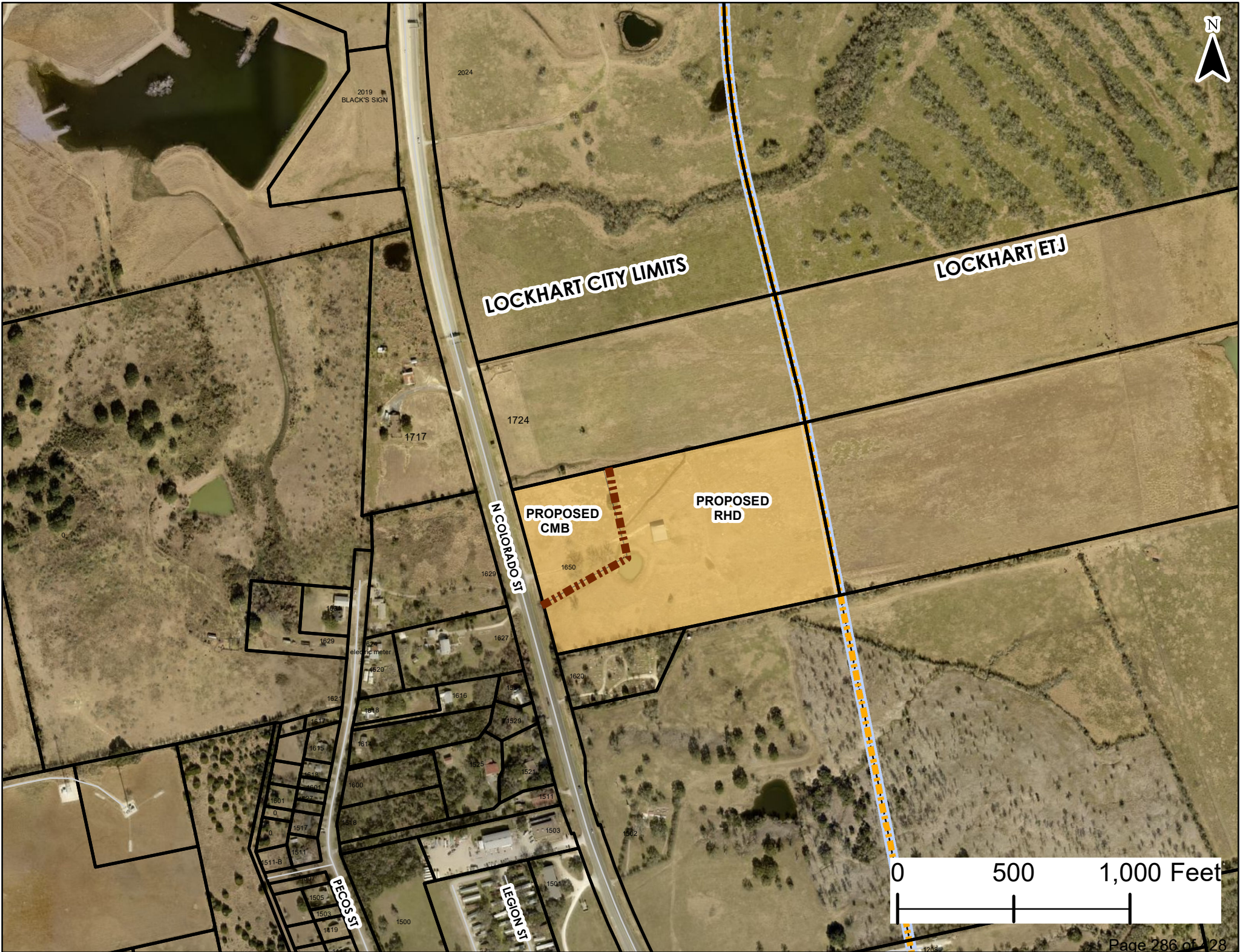
ZC-22-09

AO TO RHD & CMB

1650 N COLORADO ST (HWY 183)



- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL MEDIUM BUSINESS
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - PLANNED DEVELOPMENT
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-22-09

REPORT DATE: March 18, 2022 [Updated 3-29-22, 5-18-22, 6-1-22]

PLANNING AND ZONING COMMISSION HEARING DATE: March 23, 2022 [Tabled to 5-25-22, 7-13-22]

CITY COUNCIL HEARING DATE: April 5, 2022 [Tabled to 6-7-22]

REQUESTED CHANGE: AO to RHD and CMB

STAFF RECOMMENDATION: ***Postpone to July 19th Council meeting.***

PLANNING AND ZONING COMMISSION RECOMMENDATION: ***Postponed to July 13th Commission meeting.***

BACKGROUND DATA

APPLICANT: Chris Bancroft

OWNER: Alma Ewald

SITE LOCATION: 1650 North Colorado Street (US 183)

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 23.064 acres inside the city limits

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Low Density Residential*

ANALYSIS OF ISSUES

PREVIOUS ACTION: This item was tabled by the Planning and Zoning Commission on March 23rd, and again on May 25th, and on April 5th the City Council tabled it to this June 7th meeting, due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers.

REASON FOR REQUESTED ZONING CHANGE: The purpose of the zoning change is to allow future development of 4.529 acres of general commercial land uses along the Colorado Street frontage, and 18.535 acres of apartment housing behind the commercial area. Although the tract extends eastward to Plum Creek, the zoning change is only for the portion of the tract that is in the city limits, which is roughly 27 percent of the original tract. There is a pond located in the area proposed to be rezoned, and the Plum Creek floodplain slightly encroaches into the rear of the area proposed to be zoned RHD.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant land	AO	<i>Low Density Residential</i>
East	Vacant land	Not zoned	<i>Agriculture/Rural Development</i>
South	Small cemetery, Vacant land	AO	<i>Public and Institutional, Light-Medium Commercial</i>
West	Sparce single-family residential, Vacant land	AO	<i>Low Density Residential</i>

TRANSITION OF ZONING DISTRICTS: The subject property currently does not abut any other residential or commercial zoning, although a concurrent zoning change request for the adjacent property to the north would result in the same RMD and CMB zoning pattern as proposed for the subject tract.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be from Colorado Street and, because of the high speed limit, TxDOT will likely require that the developer widen the highway to provide a center left-turn land and right turn deceleration or transition lane for any street or driveway intersections into the development. There is a 12" water main along the east side of the highway that is adequate to serve the property. However, the closest wastewater main of sufficient size is located approximately one mile south near the railroad track and Town Branch Creek. The wastewater impact fee CIP does propose a system of wastewater mains extending from that point northward, along with a lift-station, where it would serve the North Colorado Street corridor area, including the subject property. Because the proposed RHD and CMB zoning classifications in this case would allow a much higher intensity of development than anticipated by the land use assumptions that were the basis of the current impact fee CIP, a study is being conducted to determine if the pipe sizes need to be larger than planned, and to estimate the total cost of the project. This information will be used to allocate funds from different sources, including developer participation, that will be needed to design and construct the necessary wastewater infrastructure. The study was expected to be completed by now, but the information available thus far focused on the northwest quadrant of the city, and still needs to be expanded to include the North Colorado Street corridor.

POTENTIAL NEIGHBORHOOD IMPACT: The subject property is in a largely undeveloped area of the city where there are no immediate neighbors that would be impacted by development allowed by the proposed zoning district classifications. A regional impact will be additional traffic on North Colorado Street, but that is bound to occur where there is potential for additional development, and can be mitigated by a center turn lane and right-turn deceleration lanes.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD and CMB zoning classifications are **not** consistent with the *Low Density Residential* future land use designation shown on the Land Use Plan map.

ALTERNATIVE CLASSIFICATIONS: The only zoning classification that would be consistent with the Land Use Plan map is the *RLD Residential Low Density District*.

RESPONSE TO NOTIFICATION: Citizens who previously appeared at the first Planning and Zoning Commission public hearing expressed concerns about flooding on the subject property, additional runoff from the property as a result of development, and traffic hazards due to the high speed limit on Colorado Street in that area.

STAFF RECOMMENDATION: Staff recommends postponing this application again to the July 19th City Council meeting so that we will have a final report available regarding the cost of all wastewater projects in the north part of the city. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LAND USE SCHEDULE

LOCKHART CITY LIMITS

PROPOSED USE	ACREAGE
CMB	4.529 AC.
RHD	18.535 AC.
SUBTOTAL	23.064 AC.

ETJ	ACREAGE
CURRENT USE	60.815± AC.
ETJ	60.815± AC.
OVERALL TOTAL	83.879 AC.

SCALE: 1" = 400'

0 200 400 800

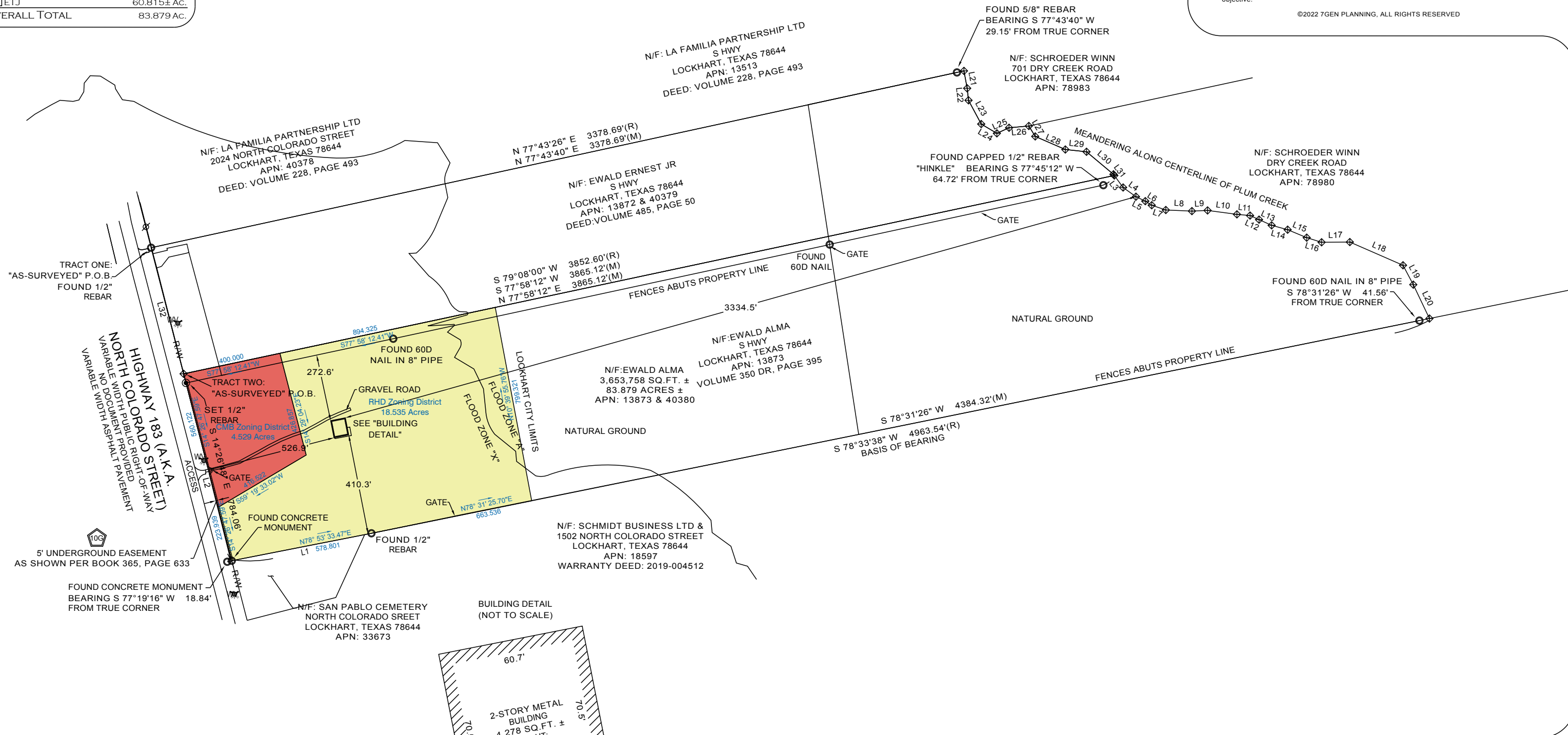
DATE: 03-02-2022



NORTH

All information furnished regarding this property is from sources deemed reliable. However, 7gen Planning has not made an independent investigation of these sources and no warranty or representation is made by 7gen Planning as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Land plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

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TEXAS
MULT-FAMILY
CAPITAL

REQUESTED REZONING BOUNDARY
1650 NORTH COLORADO STREET
LOCKHART, TEXAS 78644

7gen
PLANNING

PLANNING & LANDSCAPE ARCHITECTURE
2107 CITYWEST BLVD, SUITE 400 HOUSTON, TEXAS 77042 713.343.0394
9050 N CAPITAL OF TX HWY., BLDG. 3, STE 390 AUSTIN, TEXAS 78759 512.646.3454



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	Chris Bancroft	ADDRESS	1515 S. Capital of Texas Hwy
DAY-TIME TELEPHONE	512-705-0212		Suite 405
E-MAIL	chris.b@texasmfc.com		Austin, TX 78746
OWNER NAME	Alma Ewald	ADDRESS	1609 MEADOW LN
DAY-TIME TELEPHONE			LOCKHART, TX 78644-3801
E-MAIL			

PROPERTY

ADDRESS OR GENERAL LOCATION 1650 N. Colorado St. Lockhart, Tx 78644

LEGAL DESCRIPTION (IF PLATTED) Metes and Bounds

SIZE 23.06 ACRE(S) LAND USE PLAN DESIGNATION Residential, Low Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agricultural - Open Space

PROPOSED NEW USE, IF ANY Commercial, Residential

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION AO

TO PROPOSED ZONING CLASSIFICATION RHD, CMB

REASON FOR REQUEST To allow for future development
of general commercial and apartment housing

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.

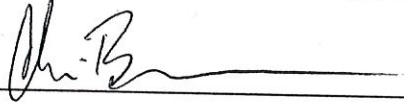
IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 611.20 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:
 $\$170 + (\$20 \times 22.06) = \$611.20$

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.

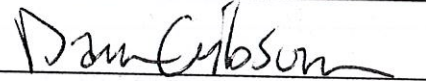
SIGNATURE



DATE 3/2/22

OFFICE USE ONLY

ACCEPTED BY



RECEIPT NUMBER 1140273

DATE SUBMITTED

3-2-22

CASE NUMBER ZC - 22 - 09

DATE NOTICES MAILED

3-8-22

DATE NOTICE PUBLISHED

3-10-22

PLANNING AND ZONING COMMISSION MEETING DATE

3-23-22

PLANNING AND ZONING COMMISSION RECOMMENDATION

Tabled to 5-25-22, Tabled to 7-13-22

CITY COUNCIL MEETING DATE

4-5-22

DECISION

Tabled to 6-7-22.

February 2, 2022

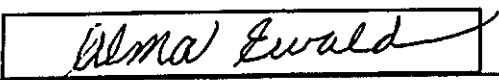
Texas Multifamily Capital, LLC
5900 Balcones Drive, Suite 100
Austin, Texas 78731

Subject: Entitlement of the following property ("Property")
1650 N. Colorado Lockhart, TX 78644
Alma Ewald

Dear Texas Multifamily Capital, LLC:

I, Alma Ewald, owner of the above referenced Property, authorize you, and more specifically **Christopher Bancroft and Matthew Chase**, as well as any agents and consultants appointed by you, to act as my **Agent** to submit applications, drawings, zoning changes, and other applicable documents for the purpose of obtaining approval from the City of Lockhart for a zoning change and associated permits related to the proposed purchase of the Property by you, and subsequent development by you.

Sincerely,



Printed Name: Alma Ewald

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Postpone until July 19, 2022, application ZC-22-10 by Chris Bancroft on behalf of Ernest Ewald, Jr., for a **Zoning Change** from 15.906 acres AO *Agricultural--Open Space District* to 12.262 acres *RHD Residential High Density District* and 3.644 acres *CMB Commercial Medium Business District* in the Byrd Lockhart League, Abstract No. 17, located at 1724 North Colorado Street (US 183). *Tabled 4-5-22*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The purpose of the zoning change is to allow future development of 3.644 acres of general commercial land uses along the Colorado Street frontage, and 12.262 acres of apartment housing behind the commercial area. Although the tract extends eastward to Plum Creek, the zoning change is only for the portion of the tract that is in the city limits, which is roughly 36 percent of the original tract. The Plum Creek floodplain encroaches slightly into the rear of the area proposed to be zoned RHD. This item was tabled by the Planning and Zoning Commission on March 23rd, and again on May 25th, and on April 5th the City Council tabled it to this June 7th meeting, due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers. The new study is estimated to take another six weeks or so, which would be in time for the July 13th Planning and Zoning Commission meeting, and the July 19th City Council meeting.

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

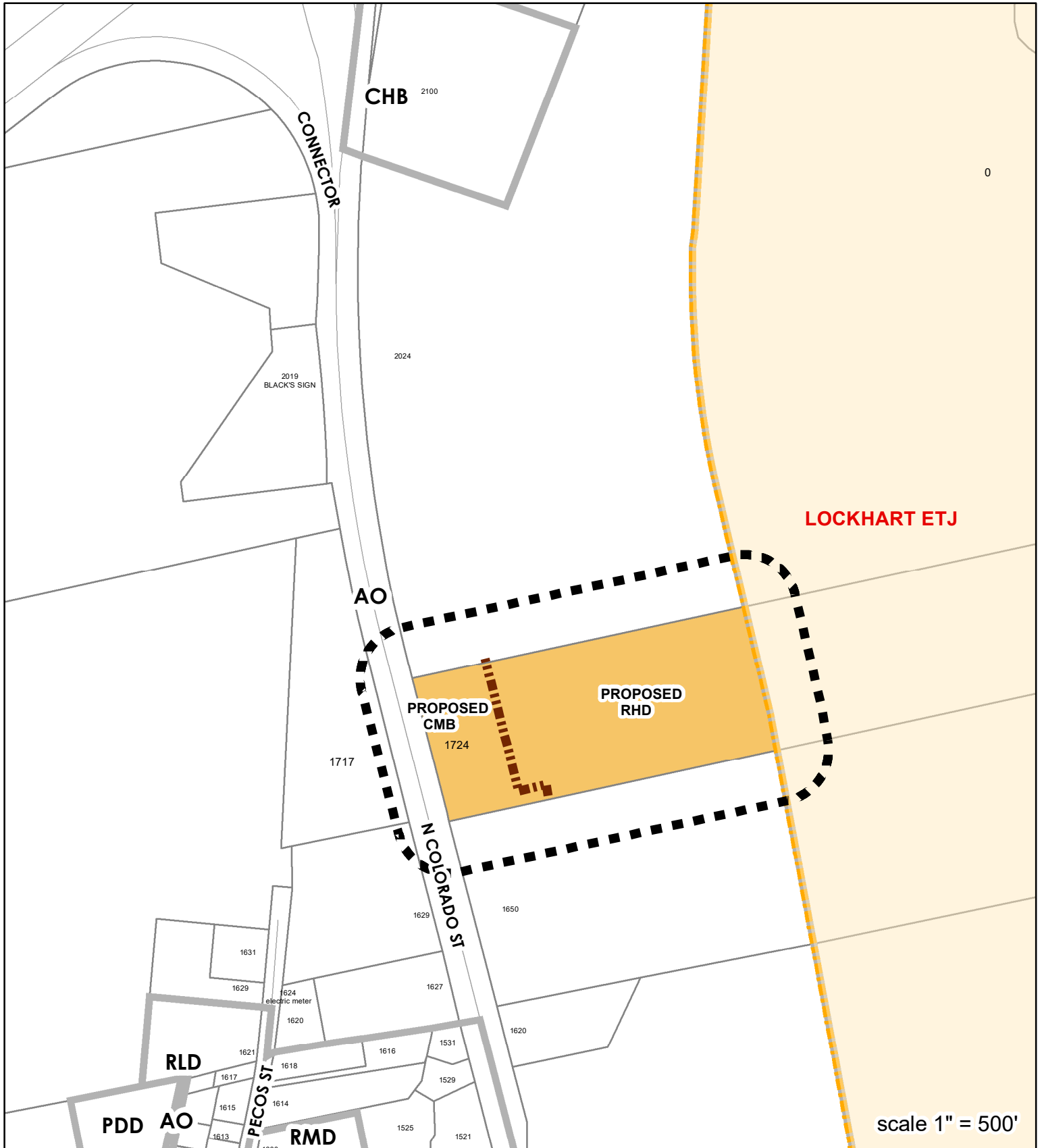
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: This item was previously tabled by the Council on April 5th to this June 7th meeting.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission voted on March 23rd to table this item to their May 25th meeting, and voted unanimously at the May 25th meeting to postpone a final recommendation to their July 13th meeting.

STAFF RECOMMENDATION/REQUESTED MOTION: The suggested motion is to once again postpone further consideration of Zoning Change ZC-22-09 from AO to RHD and CMB on 15.906 acres located at 1724 North Colorado Street until the July 19th City Council meeting. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LIST OF SUPPORTING DOCUMENTS: ZC2210 case map, ZC2210 zoning, ZC2210 future landuse, ZC2210 aerial, zc2210 staff report for 6-7-22 CC, 21-9147 1724 North Colorado CAD_7gen Zoning Boundaries_11x17, zc2210 updated application and owner's letter



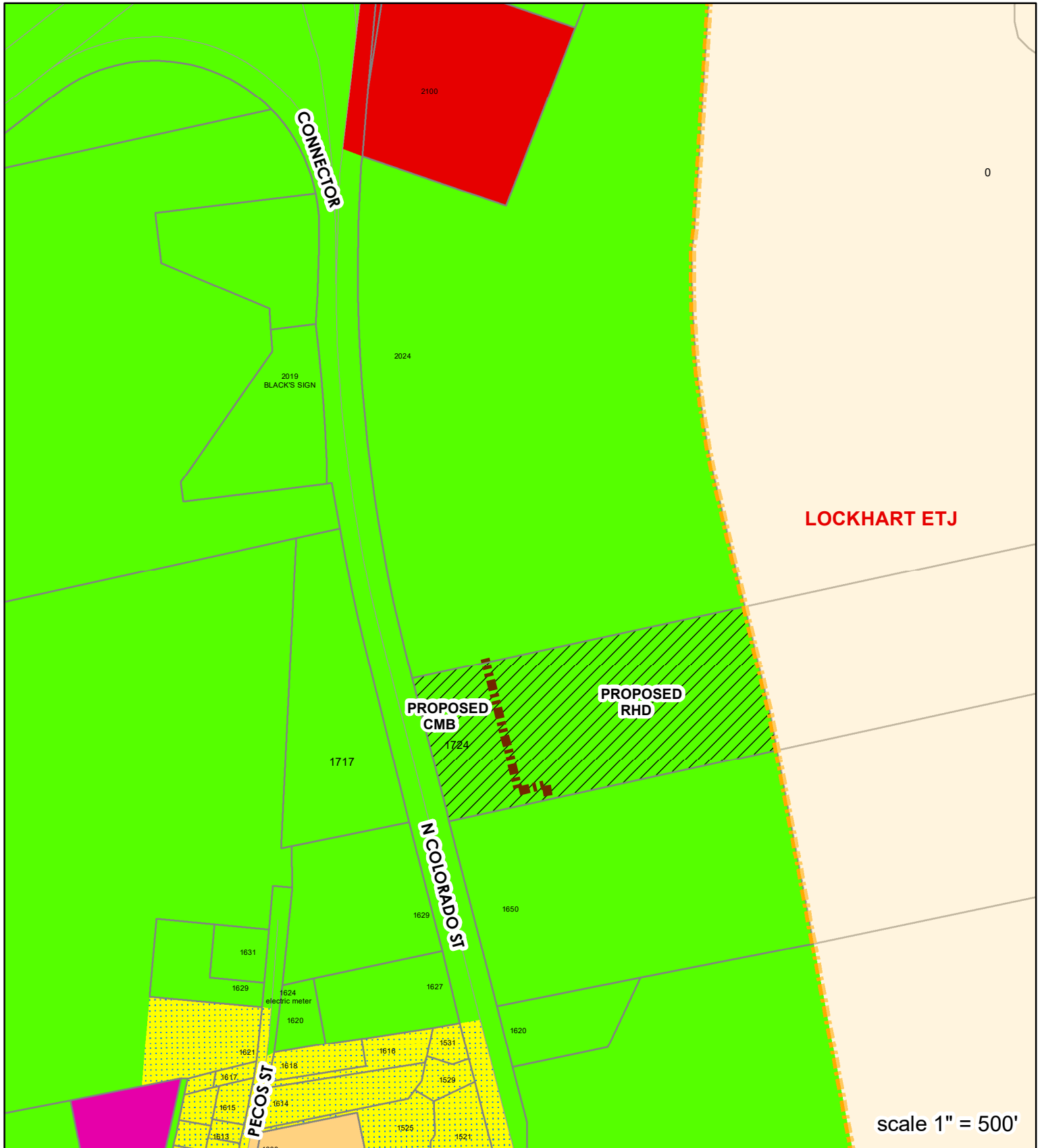
ZC-22-10

AO TO RHD & CMB

1724 N COLORADO ST (HWY 183)



- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS
- 200 FT BUFFER



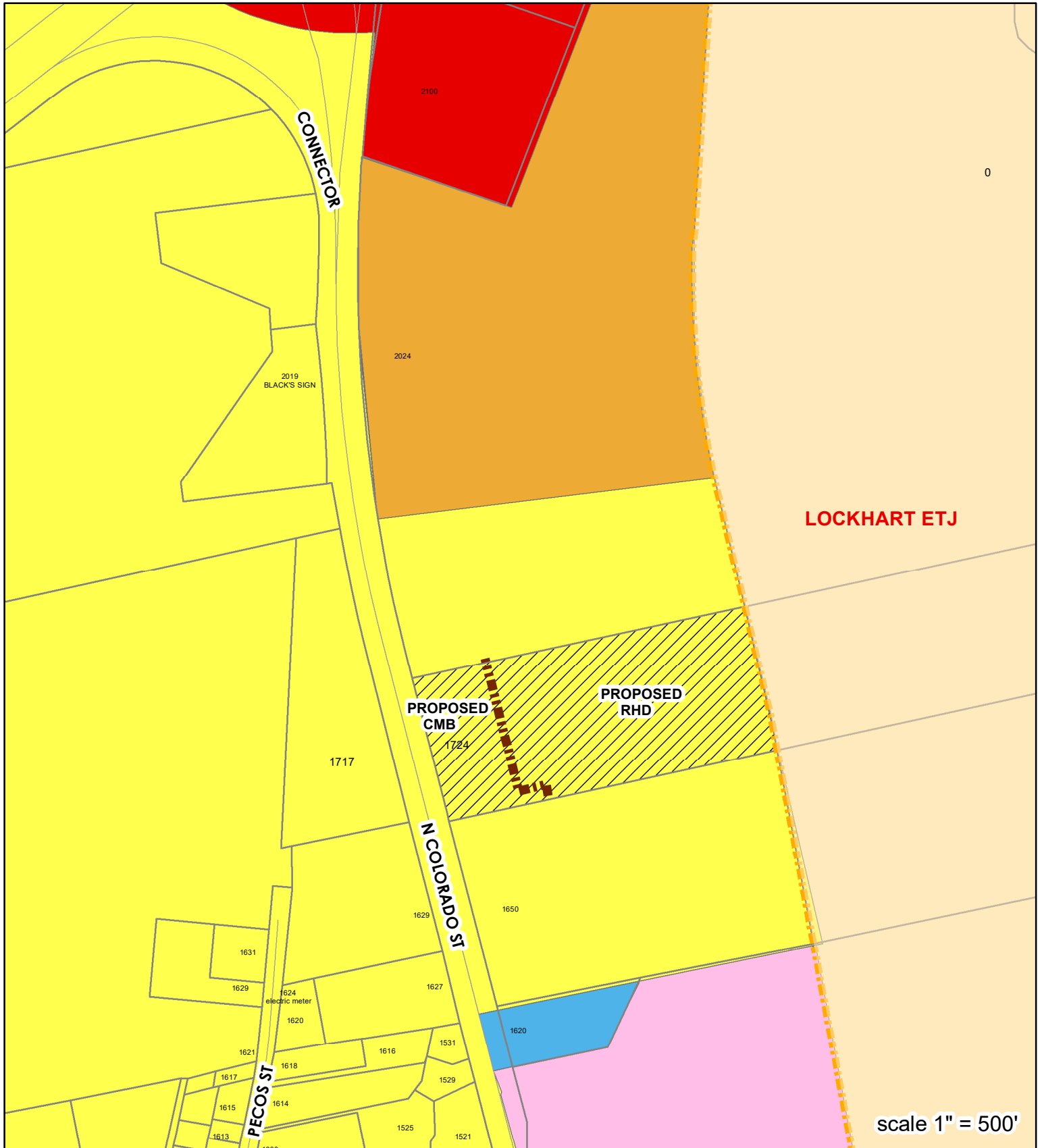
ZC-22-10

AO TO RHD & CMB

1724 N COLORADO ST (HWY 183)



- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - PLANNED DEVELOPMENT
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



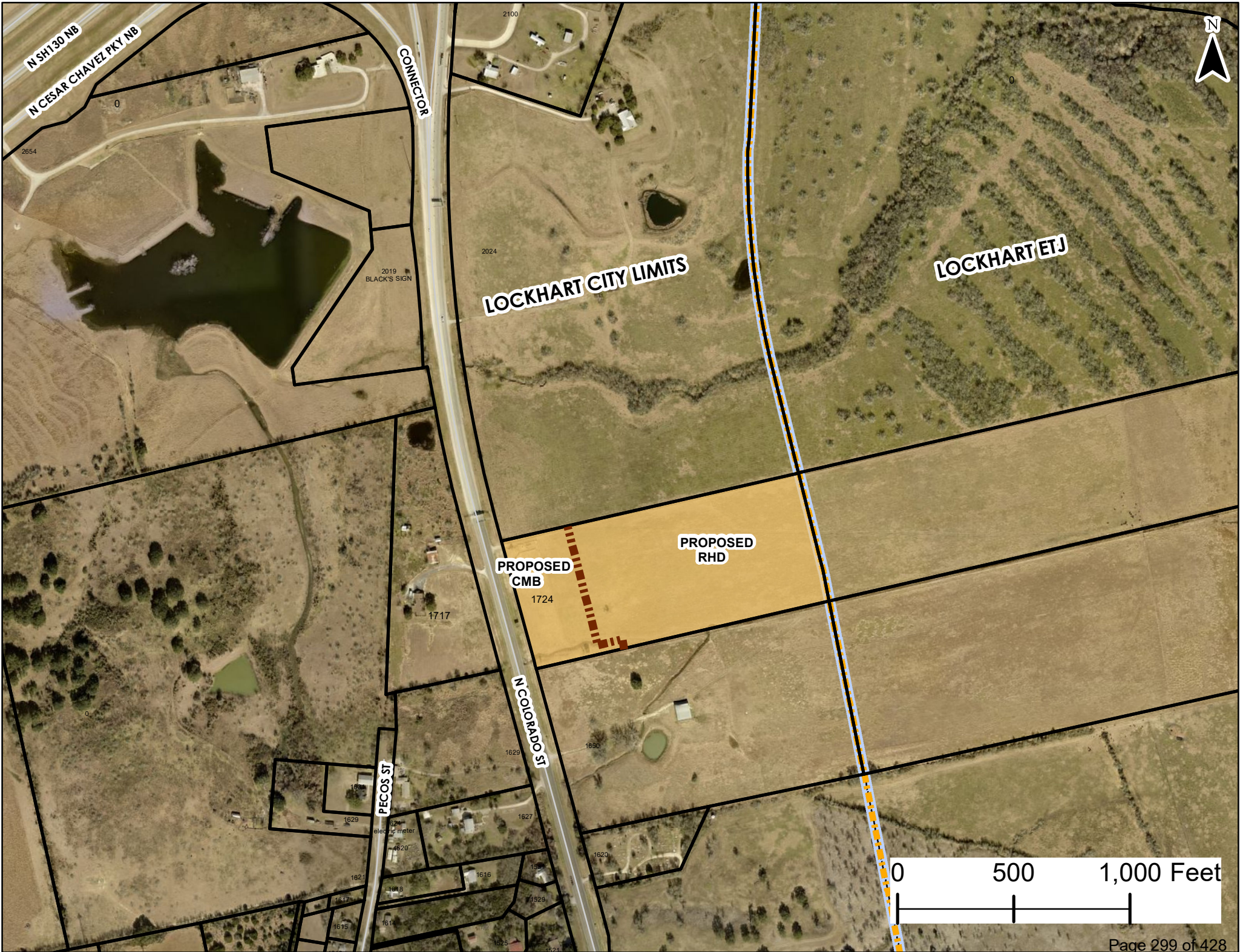
FUTURE LANDUSE

AO TO RHD & CMB

1724 N COLORADO ST (HWY 183)



- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-22-10

REPORT DATE: March 18, 2022 [Updated 3-29-22, 5-18-22, 6-1-22]

PLANNING AND ZONING COMMISSION HEARING DATE: March 23, 2022 [Tabled to 5-25-22, 7-13-22]

CITY COUNCIL HEARING DATE: April 5, 2022 [Tabled to 6-7-22]

REQUESTED CHANGE: AO to RHD and CMB

STAFF RECOMMENDATION: ***Postpone to July 19th Council meeting.***

PLANNING AND ZONING COMMISSION RECOMMENDATION: ***Postponed to July 13th Commission meeting.***

BACKGROUND DATA

APPLICANT: Chris Bancroft

OWNER: Ernest Ewald, Jr.

SITE LOCATION: 1724 North Colorado Street (US 183)

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 15.906 acres inside the city limits

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Low Density Residential*

ANALYSIS OF ISSUES

PREVIOUS ACTION: This item was tabled by the Planning and Zoning Commission on March 23rd, and again on May 25th, and on April 5th the City Council tabled it to this June 7th meeting, due to concerns about the lack of wastewater service, and to allow time for the city engineer to conduct a study for determining the size and cost of necessary wastewater line extensions. A draft report was received from the engineer in mid-May, but due to time constraints and possible miscommunication, the report covered only the northwest quadrant of the City. More time is needed to expand the study to include the North Colorado Street corridor, which is where the subject property in this case is located. The total cost of wastewater line extensions and upgrading of existing pipes required for just the northwest quadrant is estimated to be \$6.1 million. The additional study for the North Colorado Street corridor will obviously increase the total amount required to do both projects. Until then, we are unable to establish how much of the cost can be paid by EDA grant funds, how much can be paid from the wastewater impact fee account, or how much of the cost will need to be reimbursed by developers.

REASON FOR REQUESTED ZONING CHANGE: The purpose of the zoning change is to allow future development of 3.644 acres of general commercial land uses along the Colorado Street frontage, and 12.262 acres of apartment housing behind the commercial area. Although the tract extends eastward to Plum Creek, the zoning change is only for the portion of the tract that is in the city limits, which is roughly 36 percent of the original tract. The Plum Creek floodplain slightly encroaches into the rear of the area proposed to be zoned RHD.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant land	AO	<i>Low Density Residential, Medium Density Residential</i>
East	Vacant land	Not zoned	<i>Agriculture/Rural Development</i>
South	Vacant land	AO	<i>Low Density Residential</i>
West	Single-family dwelling and accessory buildings, Vacant land	AO	<i>Low Density Residential</i>

TRANSITION OF ZONING DISTRICTS: The subject property currently does not abut any other residential or commercial zoning, although a concurrent zoning change request for the adjacent property to the south would result in the same RMD and CMB zoning pattern as proposed for the subject tract.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be from Colorado Street, and because of the high speed limit TxDOT will likely require that the developer widen the highway to provide a center left-turn lane and right turn deceleration or transition lane for any street or driveway intersections into the development. There is a 12" water main along the east side of the highway that is adequate to serve the property. However, the closest wastewater main of sufficient size is located approximately one mile south near the railroad track and Town Branch Creek. The wastewater impact fee CIP does propose a system of wastewater mains extending from that point northward, along with a lift-station, where it would serve the North Colorado Street corridor area, including the subject property. Because the proposed RHD and CMB zoning classifications in this case would allow a much higher intensity of development than anticipated by the land use assumptions that were the basis of the current impact fee CIP, a study is being conducted to determine if the pipe sizes need to be larger than planned, and to estimate the total cost of the project. This information will be used to allocate funds from different sources, including developer participation, that will be needed to design and construct the necessary wastewater infrastructure. The study was expected to be completed by now, but the information available thus far focused on the northwest quadrant of the city, and still needs to be expanded to include the North Colorado Street corridor.

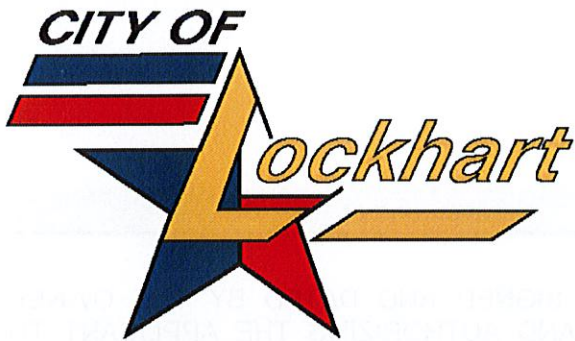
POTENTIAL NEIGHBORHOOD IMPACT: The subject property is in a largely undeveloped area of the city where there are no immediate neighbors that would be impacted by development allowed by the proposed zoning district classifications. A regional impact will be additional traffic on North Colorado Street, but that is bound to occur where there is potential for additional development, and can be mitigated by a center turn lane and right-turn deceleration lanes.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD and CMB zoning classifications are **not** consistent with the *Low Density Residential* future land use designation shown on the Land Use Plan map.

ALTERNATIVE CLASSIFICATIONS: The only zoning classification that would be consistent with the Land Use Plan map is the *RLD Residential Low Density District*.

RESPONSE TO NOTIFICATION: Citizens who previously appeared at the first Planning and Zoning Commission public hearing expressed concerns about flooding on the subject property, additional runoff from the property as a result of development, and traffic hazards due to the high speed limit on Colorado Street in that area.

STAFF RECOMMENDATION: Staff recommends postponing this application again to the July 19th City Council meeting so that we will have a final report available regarding the cost of all wastewater projects in the north part of the city. Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.



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	<u>Chris Bancroft</u>	ADDRESS	<u>1515 S. Capital of Texas Hwy</u>
DAY-TIME TELEPHONE	<u>512-705-0212</u>		<u>Suite 405</u>
E-MAIL	<u>chris.b@texasmfc.com</u>		<u>Austin, TX 78746</u>
OWNER NAME	<u>Ernest Ewald, Jr.</u>	ADDRESS	<u>PO Box 1016</u>
DAY-TIME TELEPHONE	<u></u>		<u>Lockhart, Tx 78644-1016</u>
E-MAIL	<u></u>		<u></u>

PROPERTY

ADDRESS OR GENERAL LOCATION 1724 N. Colorado St. Lockhart, Tx 78644

LEGAL DESCRIPTION (IF PLATTED) Metes and Bounds

SIZE 15.90 ACRE(S) LAND USE PLAN DESIGNATION Residential, Low Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agricultural - Open Space

PROPOSED NEW USE, IF ANY Commercial, Residential

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION AO

TO PROPOSED ZONING CLASSIFICATION RHD, CMB

REASON FOR REQUEST To allow for future development
of general commercial and apartment housing

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.

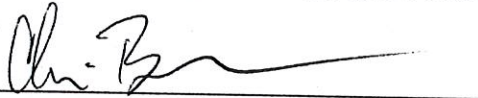
IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ \$468 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

	$\$170 + (\$20 \times 14.90) = \$468$
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



DATE

3/2/22

OFFICE USE ONLY

ACCEPTED BY

Dan Gibson

RECEIPT NUMBER

1140273

DATE SUBMITTED

3-2-22

CASE NUMBER ZC -

22 - 10

DATE NOTICES MAILED

3-8-22

DATE NOTICE PUBLISHED

3-10-22

PLANNING AND ZONING COMMISSION MEETING DATE

3-23-22

PLANNING AND ZONING COMMISSION RECOMMENDATION

Tabled to 5-25-22, Tabled to 7-13-22

CITY COUNCIL MEETING DATE

4-5-22

DECISION

Tabled to 6-7-22.

February 2, 2022

Texas Multifamily Capital, LLC
5900 Balcones Drive, Suite 100
Austin, Texas 78731

Subject: Entitlement of the following property ("Property")
1724 N. Colorado Lockhart, TX 78644
Ernest Ewald

Dear Texas Multifamily Capital, LLC:

I, Ernest Ewald, Jr, owner of the above referenced Property, authorize you, and more specifically **Christopher Bancroft** and **Matthew Chase**, as well as any agents and consultants appointed by you, to act as my **Agent** to submit applications, drawings, zoning changes, and other applicable documents for the purpose of obtaining approval from the City of Lockhart for a zoning change and associated permits related to the proposed purchase of the Property by you, and subsequent development by you.

Sincerely,

Ernest Ewald Jr

dotloop verified
02/14/22 10:50 AM CST
OLQQ-RUHE-HEVN-F8UB

Printed Name: Ernest Ewald, Jr

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Presentation by Non-Profit Organizations requesting funding and consider allocations of an annual contribution from the City of Lockhart for Fiscal Year 2022-2023.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: On April 28, 2022, non-profit organizations that offer services to the City of Lockhart residents were contacted about the upcoming Fiscal Year 2022-23 request for funding.

Each organization was asked to provide the following information:

- Mission and benefit statement.
- Current financial statements.
- Uses of prior City contribution.
- FY 2022-23 request and how those funds are to be spent.

A presentation to the City Council is requested prior to funding determination.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number: 100-5101-700-00

Funds Available: \$36,400

Account Name: Non-Profit Expense

FISCAL NOTE (if applicable): The current funds available are budgeted funds carried over from FY 2021-22.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff request a consensus from City Council on funding for Fiscal Year 2022-23.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: 22-23 Contribution History, Presentations for Council

City of Lockhart
Historical Summary of Contributions to Special Interest Organizations

	FY 19-20	FY 20-21	FY 21-22	2022-23 Request	FY 22-23 Council Allocation	If Council Adds 3% to FY 21-22	If Council Adds 5% to FY 21-22	If Council Adds 10% to FY 21-22
CARTS	6,287.00	6,915.70	7,261.49	6,000.00		7,479.33	7,624.56	7,987.64
Hays-Caldwell Women's Center	4,417.00	4,858.70	5,101.64	7,400.00		5,254.69	5,356.72	5,611.80
Cenikor Foundation	2,548.00	2,802.80	2,942.94	2,000.00		3,031.23	3,090.09	3,237.23
Combined Community Action-Sr. Nutrition	6,910.00	7,601.00	7,981.05	8,000.00		8,220.48	8,380.10	8,779.16
Lockhart Area Senior Citizen Center	3,751.00	4,126.10	4,332.41	4,332.00		4,462.38	4,549.03	4,765.65
CASA of Central Texas, Inc.	3,794.00	4,173.40	4,382.07	12,000.00		4,513.53	4,601.17	4,820.28
Caldwell County Christian Ministries	3,794.00	4,173.40	4,382.07	10,000.00		4,513.53	4,601.17	4,820.28
Totals	\$ 31,501.00	\$ 34,651.10	\$ 36,383.67	\$ 49,732.00	\$ -	\$ 37,475.18	\$ 38,202.85	\$ 40,022.04

\$ -

CARTS

Lyle Nelson

\$6,000.00



May 20, 2022

Mayor Lew White
City of Lockhart
308 W. San Antonio St.
Lockhart TX 78644

Dear Mayor White:

THE CARTS DISTRICT
5300 Tucker Hill Ln
Cedar Creek, TX 78612

PO Box 6050
Austin, TX 78762

512/481 1011
f 512/478 1110

RideCARTS.com

Regional transportation for the
non-urbanized areas of Bastrop,
Blanco, Burnet, Caldwell,
Fayette, Hays, Lee, Travis and
Williamson counties.

The Capital Area Rural Transportation System (CARTS) formally submits this letter as a request for \$6,000.00 to be included in the city budget for the upcoming fiscal year. These funds will be used to support transportation services in the City of Lockhart. CARTS, with your continued support, will continue its mission to provide safe, reliable transportation in its nine-county district.

A CARTS representative will address the city council during the budget process scheduled for next month.

On behalf of CARTS, and the people we serve in your city, thanks for the past assistance and for your consideration of this request. We look forward to presenting at the budget hearings and we can provide additional information about our services prior to that time.

Please feel free to contact me at (512) 505-5678 or Dave@RideCARTS.com.

Sincerely,

David L. Marsh
General Manager

cc: Commissioner Barbara Shelton
cc: Mr. Steve Lewis - City Manager
cc: Ms. Pam Larison, Finance Director

Hays-Caldwell County Women's Center

Holly Cunningham-
Kizer

\$7,400.00

FY 2022-2023 Request for Financial Support-City of Lockhart Hays-Caldwell Women's Center HCWC

Mission

The purpose of the Hays-Caldwell Women's Center is to create an environment where violence and abuse are not tolerated in the communities we serve. The Center will provide education, violence prevention services, and crisis intervention to victims of family violence, dating violence, sexual assault, and child abuse. We will seek the support and resources necessary to achieve this mission.

Benefit to the City of Lockhart of HCWC Services in FY 2021:

- ***A total of 148 Lockhart residents*** received shelter, counseling, legal advocacy and other face-to-face services to help them with issues of family violence, sexual assault, or child abuse. ***This year-to-date (October 1, 2021-April 30, 2022), we have served 101 Lockhart residents.***
- HCWC has maintained on-site, face-to-face services in our Lockhart office for many years. Currently, the Lockhart office is staffed 4 days a week with additional times are available by appointment.
- HCWC coordinates and facilitates the Caldwell County Family Violence Task Force and participates in awareness events.
- In October of 2021, HCWC held our 3rd Annual Purse Bingo at the Luling Civic Center as a fundraiser and Caldwell County community outreach event. The event sold out and raised over \$43,000. Each year we have had the support of the Lockhart Police Department, Luling Police Department and the Caldwell County Sheriff's Office to promote the event and act as our Purse Models.
- Roxanne's House (HCWC's Children's Advocacy Center) provided services to 64 children and 36 protective caregivers in FY2020. HCWC continued to coordinate The Caldwell County Multi-Disciplinary Team for the investigation and prosecution of child abuse cases comprised of the following agencies:
 - Lockhart Police Department
 - Luling Police Department
 - Martindale Police Department
 - Caldwell County Sheriff's Department
 - Caldwell County District Attorney's Office
 - Court Appointed Special Advocates (CASA)
 - Texas Department of Family & Protective Services (CPS)

Services Provided by HCWC.

During the year ending September 30, 2021, HCWC provided face-to-face services to 2,055 (**148 Lockhart residents**) unduplicated victims of family violence, sexual assault and child abuse. ***Please note that 19 Lockhart residents were victims of more than one type of abuse.***

HCWC provides the following services free-of-charge to victims of domestic violence, dating violence, sexual assault & abuse, and child abuse:

- 24-hour HELpline answered by trained advocates
- Emergency shelter for women, men and their children who are victims of family violence and are facing homelessness as result of fleeing a life-threatening situation
- Legal advocacy
- Counseling and support groups
- Special programs and therapy for children who have witnessed violence in the home
- Assist victims in securing resources (e.g. Texas Crime Victims Compensation fund)
- Accompaniment to medical providers, law enforcement and legal proceedings
- Act as a liaison with appropriate agencies on behalf of clients
- Provide information and referral services
- 24-hour Hospital Emergency Advocate Response Team (HEARTeam)
- Accompaniment to medical providers, law enforcement and legal proceedings
- Liaison with appropriate agencies and coordination of Sexual Assault Task Force, Caldwell County Family Violence Task Force, and the Multi-Disciplinary Team.
- Case management, trial preparation, video recorded forensic interviews

FY 2022-2023 Requested Amount & Plan for Funds

Fiscal Year 2022-2023

Request to the City of Lockhart..... \$7,400

Funds will be utilized to help cover the rent of \$1,000/MO for the Lockhart office and to assist with the costs incurred with providing services to Lockhart victims including counseling and advocacy and providing shelter to displaced victims of domestic/sexual violence in the McCoy Family Shelter and providing Forensic Interviews to victims of child abuse from Lockhart. The requested amount from the City of Lockhart represents approximately \$50 per client. We have based our request on providing services to 148 victims from Lockhart last year.

HCWC received \$5,102.00 from the City of Lockhart in FY 2022 and those funds were used to help cover the cost for rent on the Lockhart office.

Hays Caldwell Womens Center
Statement of Financial Position
As of 3/31/2022

	<u>Current Year</u>
Current Assets	
Cash in Bank	1,178,078.92
Cash in Bank-Frost Money Market	0.00
Cash in Bank-Payroll	563.40
Cash in Bank-Pioneer Checking	3,726.95
Cash in Bank-Pioneer Bank	582,257.63
Petty Cash	300.00
Receivables	398,708.08
Total Current Assets	<u>2,163,634.98</u>
Fixed Assets	
Equipment & Fixtures	379,041.55
Capital Improvements	271,140.80
Vehicles	64,309.87
Building	3,528,659.66
Construction in Progress	3,137,882.04
Accumulated Depreciation	<u>(2,465,956.70)</u>
Total Fixed Assets	<u>4,915,077.22</u>
Other Assets	
Capital Campaign Pledges	0.00
Inventory- Donations Center	32,993.72
Prepays	16,993.86
Refundable Deposits	<u>0.00</u>
Total Other Assets	<u>49,987.58</u>
Total Assets	<u><u>7,128,699.78</u></u>
Current Liabilities	
Accounts Payable	0.00
Accrued Vacation	97,259.00
Transitional Housing- Retainage Payable	153,916.90
Transitional Housing- Employee Contributions Payable	450.24
Simple IRA Payable	0.00
Employee Fringe Payable	(2,889.61)
FICA Payable	(206.67)
Health Savings Accounts Payable	215.73
Medicare Payable	(150.29)
Misc. Reimbursable Expenses	(1,683.30)
Withholding Payable	(101.26)
SUTA Payable	<u>13,177.07</u>
Total Current Liabilities	<u>259,987.81</u>
Long-Term Liabilities	
Loan at Bank- PPP	<u>0.00</u>
Total Long-Term Liabilities	<u>0.00</u>
Total Liabilities	<u><u>259,987.81</u></u>
Fund Balances	
Beginning Fund Balance	0.00
Net Assets	7,902,414.18
Current Increase/(Decrease)	<u>(1,033,702.21)</u>
Total Fund Balances	<u>6,868,711.97</u>
Total Liabilities & Fund Balances	<u><u>7,128,699.78</u></u>

Hays Caldwell Womens Center
Statement of Revenues and Expenditures - Statement of Revenues and Expenditures- With TH
From 3/1/2022 Through 3/31/2022

	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>YTD Budget \$ - Original</u>	<u>YTD Budg Variance</u>
SUPPORT & REVENUES				
Government Grants				
EFSP	0.00	10,500.00	0.00	10,500.00
HHSC	27,820.50	139,102.50	166,923.00	(27,820.50)
HHSC CAC	20,860.75	99,075.68	120,639.60	(21,563.92)
HHSC CAC Mental Health	0.00	0.00	48,750.00	(48,750.00)
HHSC EIF	0.00	0.00	0.00	0.00
HHSC PEAR	0.00	0.00	42,376.62	(42,376.62)
HHSC Supplemental	1,342.09	6,710.45	7,381.50	(671.05)
OAG - Block	3,688.97	13,059.77	0.00	13,059.77
OAG - Federal	9,016.64	43,575.41	83,333.38	(39,757.97)
OAG - State	14,803.82	68,397.87	86,103.48	(17,705.61)
OVAG	3,689.72	18,240.32	22,500.00	(4,259.68)
VOCA	95,048.07	476,225.60	656,092.98	(179,867.38)
VOCA CAC	30,609.92	144,456.63	175,746.48	(31,289.85)
Total Government Grants	206,890.48	1,019,344.23	1,409,847.04	(390,502.81)
Local Government Support				
City of Buda	1,250.00	3,000.00	2,500.02	499.98
City of Dripping Springs	0.00	0.00	3,600.00	(3,600.00)
City of Lockhart	0.00	5,227.00	2,551.02	2,675.98
City of San Marcos	0.00	28,204.60	55,877.52	(27,672.92)
City of Wimberley	0.00	0.00	1,000.02	(1,000.02)
County of Caldwell	412.00	422.00	499.98	(77.98)
County of Hays	0.00	46,795.57	40,000.02	6,795.55
Total Local Government Support	1,662.00	83,649.17	106,028.58	(22,379.41)
Local Support				
Individuals	11,321.18	152,801.03	137,500.02	15,301.01
Foundations - Other	266.88	112,414.49	11,657.82	100,756.67
Christus Community Impact Fund	0.00	0.00	24,999.99	(24,999.99)
St David's Foundation	0.00	0.00	307,443.96	(307,443.96)
Companies	4,914.14	302,021.33	96,441.00	205,580.33
Organizations	2,085.00	30,898.82	27,499.98	3,398.84
Total Local Support	18,587.20	598,135.67	605,542.77	(7,407.10)
Miscellaneous Revenues				
Insurance Proceeds- Freeze 2021	0.00	2,709.48	0.00	2,709.48
Divorces Caldwell Family Prot Fees	0.00	414.00	0.00	414.00
Divorces Hays Family Prot Fees	0.00	0.00	0.00	0.00
Misc Other - Contract Services	82.97	602.74	0.00	602.74
Restitution Caldwell FV SH Fees	0.00	0.00	0.00	0.00
Restitution Hays FV SH Fees	0.00	0.00	0.00	0.00
Restitution - Other	0.00	0.00	12,499.98	(12,499.98)
Reserve Funds	0.00	0.00	0.00	0.00
Total Miscellaneous Revenues	82.97	3,726.22	12,499.98	(8,773.76)
COVID-19 Response Funding				
PPP Forgiven	0.00	0.00	0.00	0.00
Total COVID-19 Response Funding	0.00	0.00	0.00	0.00
Total SUPPORT & REVENUES	227,222.65	1,704,855.29	2,133,918.37	(429,063.08)
PROGRAM EXPENDITURES				
Personnel				
Salaries & Wages	233,196.53	1,328,352.12	1,513,515.79	185,163.67
Total Personnel	233,196.53	1,328,352.12	1,513,515.79	185,163.67
Fringes				
Health Insurance	20,865.00	119,807.00	156,924.21	37,117.21

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Page: 1

Hays Caldwell Womens Center
Statement of Revenues and Expenditures - Statement of Revenues and Expenditures- With TH
From 3/1/2022 Through 3/31/2022

	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>YTD Budget \$ - Original</u>	<u>YTD Budg Variance</u>
Payroll Taxes	17,068.43	92,851.01	115,951.10	23,100.09
Life Insurance	379.85	2,291.45	2,202.00	(89.45)
Simple IRA	4,496.99	24,739.51	28,332.00	3,592.49
Worker's Comp Insurance	238.66	1,511.96	4,249.98	2,738.02
Unemployment Insurance	598.24	9,046.27	4,587.88	(4,458.39)
Total Fringes	43,647.17	250,247.20	312,247.17	61,999.97
Supplies				
Advocate Training	0.00	86.92	450.00	363.08
Food	185.04	544.38	1,500.00	955.62
Food-Clients	517.28	3,509.72	4,500.00	990.28
Food-Town Teams	0.00	0.00	250.02	250.02
Miscellaneous	0.00	550.43	1,750.02	1,199.59
Office Supplies	896.56	2,985.80	3,174.99	189.19
Program Supplies	404.29	4,859.68	2,478.93	(2,380.75)
Shelter Supplies	670.72	3,538.28	3,400.02	(138.26)
Special Needs	370.61	2,486.10	1,999.98	(486.12)
Total Supplies	3,044.50	18,561.31	19,503.96	942.65
Facility Expenses				
Facility Repairs/Maintenance	7,599.45	10,337.44	7,275.03	(3,062.41)
Garbage	397.63	2,372.43	1,746.24	(626.19)
Janitorial	950.00	5,375.00	3,212.52	(2,162.48)
Insurance - Building	2,357.00	14,142.00	9,791.94	(4,350.06)
Internet	181.41	696.79	1,000.02	303.23
Rent - Lockhart	1,000.00	6,000.00	6,000.00	0.00
Security	179.80	2,365.00	1,324.98	(1,040.02)
Telephone	1,194.69	7,392.55	4,277.22	(3,115.33)
Utilities	5,324.81	25,524.92	20,999.94	(4,524.98)
Total Facility Expenses	19,184.79	74,206.13	55,627.89	(18,578.24)
Contractual				
Contract-Legal (VOCA)	0.00	0.00	24,585.18	24,585.18
Contract-Legal (Subpoena)	0.00	0.00	2,500.02	2,500.02
Contract-MicroCaption	0.00	0.00	1,150.02	1,150.02
Contract-Technology	0.00	9,317.84	10,350.00	1,032.16
Total Contractual	0.00	9,317.84	38,585.22	29,267.38
Capital Expenditures				
Equipment Purchase	1,476.98	5,626.51	3,729.96	(1,896.55)
Total Capital Expenditures	1,476.98	5,626.51	3,729.96	(1,896.55)
Other Insurances				
Bond (crime)	139.00	834.00	834.00	0.00
Cyber-Insurance	580.41	1,599.06	1,222.38	(376.68)
Directors and Officers	320.09	1,399.69	1,295.52	(104.17)
Employee Practices	0.00	0.00	0.00	0.00
Flood	399.84	1,599.36	2,234.52	635.16
General Liability/Employee Benefits	0.00	0.00	0.00	0.00
Inland Marine	115.42	692.52	692.52	0.00
Professional Liability	0.00	0.00	0.00	0.00
Umbrella	162.08	972.48	972.48	0.00
Vehicle	362.67	2,176.02	2,176.02	0.00
Total Other Insurances	2,079.51	9,273.13	9,427.44	154.31
Other Expenditures				
Advertising/Public Relations	0.00	2,439.64	1,249.98	(1,189.66)
Audit	0.00	8,750.00	9,750.00	1,000.00
Bank Charges/Credit Card Fees	1,006.83	2,334.16	1,999.98	(334.18)

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Hays Caldwell Womens Center
Statement of Revenues and Expenditures - Statement of Revenues and Expenditures- With TH
From 3/1/2022 Through 3/31/2022

	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>YTD Budget \$ - Original</u>	<u>YTD Budg Variance</u>
Copier Rental	477.04	3,694.85	2,449.98	(1,244.87)
Fees & Dues	195.74	5,365.96	6,700.02	1,334.06
Fundraising Expenses	0.00	14,222.27	17,500.02	3,277.75
EFSP- Rent	0.00	0.00	0.00	0.00
HHSC EIF- Childcare Assistance	0.00	0.00	0.00	0.00
HHSC EIF- Rent Assistance	13,006.06	38,327.19	36,033.60	(2,293.59)
HHSC EIF- Transportation Assistance	0.00	0.00	0.00	0.00
PayPal and Stripe Charges	242.10	2,288.08	1,750.02	(538.06)
Postage	175.17	1,850.34	831.46	(1,018.86)
Printing	550.52	2,212.43	2,100.00	(112.43)
Staff Development	1,127.40	3,934.88	16,414.47	12,479.59
Staff Meetings	0.00	478.23	1,000.02	521.79
Staff Recruitment	0.00	781.07	700.02	(81.05)
Technology Resources	1,171.46	14,882.69	21,188.00	6,315.31
Travel Expenses	228.50	2,222.23	3,486.21	1,263.98
Vehicle Expense	117.01	510.16	1,000.02	489.86
Reserves	0.00	0.00	0.00	0.00
Total Other Expenditures	<u>18,297.83</u>	<u>104,294.18</u>	<u>124,183.82</u>	<u>19,889.64</u>
Total PROGRAM EXPENDITURES	<u>320,927.31</u>	<u>1,799,878.42</u>	<u>2,076,801.25</u>	<u>276,922.83</u>
INCREASE/DECREASE IN NET ASSETS- Programs	(93,704.66)	(95,023.13)	57,117.12	(152,140.25)
Town Team Revenues	<u>0.00</u>	<u>1,150.00</u>	<u>0.00</u>	<u>1,150.00</u>
Town Team Expenses	<u>294.40</u>	<u>1,737.91</u>	<u>0.00</u>	<u>(1,737.91)</u>
Special Projects Revenues	<u>10,064.00</u>	<u>57,073.94</u>	<u>0.00</u>	<u>57,073.94</u>
Special Projects Expenses	<u>6,421.18</u>	<u>24,158.71</u>	<u>10,000.02</u>	<u>(14,158.69)</u>
IN-KIND REVENUES				
In-Kind Revenues	<u>39,893.86</u>	<u>311,382.98</u>	<u>0.00</u>	<u>311,382.98</u>
Total IN-KIND REVENUES	<u>39,893.86</u>	<u>311,382.98</u>	<u>0.00</u>	<u>311,382.98</u>
IN-KIND SUPPORT				
In-Kind Support				
IK-Volunteer Time	19,162.79	104,263.77	0.00	(104,263.77)
IK-Food	3,810.00	21,583.73	0.00	(21,583.73)
IK-Shelter Supplies	16,151.18	182,096.04	0.00	(182,096.04)
IK-Travel	<u>769.89</u>	<u>3,439.44</u>	<u>0.00</u>	<u>(3,439.44)</u>
Total In-Kind Support	<u>39,893.86</u>	<u>311,382.98</u>	<u>0.00</u>	<u>(311,382.98)</u>

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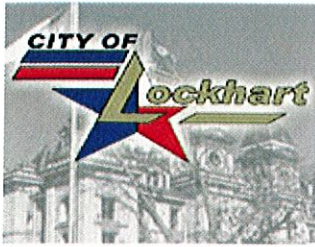
Hays Caldwell Womens Center
Statement of Revenues and Expenditures - Statement of Revenues and Expenditures- With TH
From 3/1/2022 Through 3/31/2022

	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>YTD Budget \$ - Original</u>	<u>YTD Budg Variance</u>
Total IN-KIND SUPPORT	<u>30,893.86</u>	<u>311,382.98</u>	<u>0.00</u>	<u>(311,382.98)</u>
Transitional Housing- Revenues				
	100,349.54	159,211.30	0.00	159,211.30
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Transitional Housing Expenses				
Construction Draws	126,834.86	1,043,264.08	20,000.01	(1,023,254.07)
Architecture and Engineering	250.00	9,113.75	0.00	(9,113.75)
Fees and Permits	0.00	0.00	0.00	0.00
Miscellaneous				
	<u>2,833.91</u>	<u>77,849.87</u>	<u>0.00</u>	<u>(77,849.87)</u>
Total Transitional Housing Expenses	<u>129,918.77</u>	<u>1,130,217.70</u>	<u>20,000.01</u>	<u>(1,110,217.69)</u>
INCREASE/DECREASE IN NET ASSETS- TOTAL	<u>(119,925.47)</u>	<u>(1,033,702.21)</u>	<u>27,117.09</u>	<u>(1,060,819.30)</u>

Cenikor Foundation

Carla Merritt

\$2,000.00



City of Lockhart
2022-2023 Funding
Application

Cenikor Foundation

Date of Application: May 15, 2022

Agency Name: Cenikor

Prevention Director: Carla Merritt, LMSW, LCDC, CPS 512-396-7695 ext. 5225

Prevention and Youth Recovery Community Director email: Cmerritt@cenikor.org

Contact Person other than Prevention Director: Youth Recovery Community Manager
Lori Linn LCDC, RYT

Alternate Contact email: Llinn@cenikor.org

Mailing Address: 1901 Dutton Drive, Suite E

City: San Marcos

State: Texas

Zip: 78666

Phone: 512-396-7695 ext. 5225

Fax: 512-396-7633

Website: www.cenikor.org

Funding Requested \$2,000.00

\$2,000.00

\$1,000.00 Prevention of Substance Use and Misuse

\$1,000.00 Youth Recovery Community

Requested Information

1a. Agency Mission Statement:

Cenikor Foundation is non-profit organization founded in 1963 that provides Prevention of Substance and Misuse services, Detox Services, Inpatient and Outpatient Substance Use Treatment for adults, Residential Substance Use Treatment for Adolescents and Recovery Support Services for youth and adults. The Mission of Cenikor is: **A Place for Change. Better Health. Better Lives.** Our Vision: Cenikor will be a leader in providing quality substance abuse and behavioral health services in the communities we serve through a continuum of care for adults and adolescents. Our Core Values: Health; Wellness; Faith; Work; Recovery; Respect; Accountability; and Education.

1b. Benefits of the agency to the City of Lockhart:

Cenikor provides Prevention of Substance Use Services and Youth Recovery Community (YRC) Services to the youth and their families of Lockhart. The Cenikor San Marcos location has provided Prevention Services in the Lockhart School District (LISD) since 1990 and Youth Recovery Community services for the last six years. The education and resources youth and their families receive from Cenikor provide Lockhart youth and their families members the support needed to face life's challenges successfully. Cenikor Prevention Specialists and Peer Recovery Leaders collaborate with LISD counselors, the Parent Liaisons, Communities in Schools, and other community partners to coordinate services.

Prevention of Substance Use and Misuse

Cenikor Prevention Specialists offer information, resources, and support to LISD School Counselors, LISD Parent Liaisons, and Communities in School representatives, and parents on tobacco/vaping, underage drinking, marijuana, and prescription drugs. In addition, our Prevention Services provide health and wellness information through two evidenced based curriculums, presentations on health and wellness, stress management, healthy coping skills, and positive decision making for 1st-12th grades, positive activities in the summer months to youth of all ages through the LISD summer camp and Lockhart Library. Information dispersed to youth and adults through community meetings and health fairs on consequences of tobacco, alcohol, and other substances along with mental health information.

Youth Recovery Community (YRC)

Cenikor Peer Recovery Leaders are dedicated to empowering youth and young adults to live a substance free and healthy lifestyle. Services are offered to youth ages 13 – 21 who are in or who are seeking recovery from substance use. The mission of the YRC program is to provide a positive recovery community for youth and young adults through individual support, weekly support groups, and fun social and recreational activities throughout the year, all which support the recovery process. Education and support are also provided to parents, grandparents, and other family members through individual and group sessions. It's imperative that both the youth and the entire family receive the support for a healthy family unit.

2. Financial Statements

See Attached Documents

3. Previous year's funding expenditures

The City of Lockhart committed \$2,943.00 to Cenikor for FY 2021-2022. These funds were allocated towards supporting the youth of the Prevention and YRC Programs to purchase items such as snacks, Gatorade and water for after school and weekend events that are not allowable purchases through the Health and Human Service Commission grants as well as towards the required 5% community match to meet all contract requirements that is required from local communities.

4a. 2022-2023 Budget Request and Funds Use

Funding received from the City of Lockhart will be used to reach the required Health and Human Services Commission (HHSC) 5% community match to meet all contract requirements and to purchase items that are not allowable purchases under the HHSC grant.

4b. Requested funds' 2022-2023 Expenditures

Total Funds Requested for 2022-2023- \$2,000.00

\$1,000.00 Prevention of Substance Use and Misuse Program

\$1,000.00 Youth Recovery Community (YRC) Program

Respectfully Submitted,

Carla Merritt, LMSW, LCDC, CPS
Cenikor Prevention and Youth Recovery Community Director

Cenikor Foundation
Fiscal Year 2022 - As of 3/31/2022
Hays Caldwell Council/San Marcos

	FY22 Actual	FY22 Budget
Revenue		
Public Support		
Cash Contributions/Event Income	\$4,007	\$8,100
Direct Government Aid	\$0	\$0
Inkind Contributions	\$0	\$0
Insurance/Medicaid/Private Pay	\$0	\$0
Government Grant Revenue - HHSC	\$305,840	\$672,408
Government Grant Revenue - Other	\$134,800	\$230,066
Other Income	\$2	\$0
Total Revenue	\$444,649	\$910,574
 Expenses		
Direct Resident Expenses	\$11,516	\$14,694
Personnel Expenses	\$267,330	\$712,312
Insurance	\$1,264	\$1,660
Utilities	\$16,656	\$12,878
Bad Debt Expense	\$0	\$0
Marketing/Advertising	\$4,016	\$2,250
Professional Fees & Training	\$21,209	\$675
Rental & Lease	\$56,777	\$50,013
Repairs & Maintenance	\$398	\$1,350
Supplies (Kitchen, Office, Event, Etc)	\$4,144	\$5,805
Travel & Vehicle Maintenance/Fuel	\$5,281	\$7,200
Donated Services & Inkind	\$0	\$0
Other Expenses	\$13,647	\$2,295
Total Operating Expenses	\$402,238	\$811,132
 EBITDA	\$42,411	\$99,442
 Interest	\$0	\$0
Depreciation	\$4,285	\$5,632
Change in Net Assets	\$38,126	\$93,810
 Administrative Overhead (Indirect)	\$26,690	\$30,393
Change in Net Assets after Overhead	\$11,436	\$63,417

* 9 Months Actual - Unaudited

Combined Community Action, Inc.

Summer Cruz
Noelia Buck

\$8,000.00



COMBINED COMMUNITY ACTION, INC.
165 WEST AUSTIN • GIDDINGS, TEXAS 78942
979.540.2980 800.688.9065 Fax 979.542.9565
www.ccaction.com

May 4, 2022

Pam Larison
Finance Director
City of Lockhart
308 W. San Antonio St.
Lockhart, TX 78644

Dear Ms. Larison,

Please find attached the Funding Request for Meals on Wheels Rural Capital Area. Noelia Buck or Summer Cruz will attend the budget workshop on May 17, 2022, at 6:30 p.m.

If you have any questions, please feel free to call me at 979/540-2999 or email at KJFranke@ccaction.com.

Sincerely,

Kelly Franke
Executive Director

**CITY OF LOCKHART
PRESENTATION AND
LOCAL REQUEST**

1) The Mission and benefit of Meals on Wheels of the Rural Capital Area (CCA)

Combined Community Action, Inc. (CCA) was established in 1966 as Bastrop County Community Action. Later the agency added the counties of Austin, Colorado, Fayette, Lee, Blanco, Caldwell and Hays. Since 1978, CCA has sponsored the Meals on Wheels-Rural Capital Area for the six counties of Bastrop, Blanco, Caldwell, Fayette, Hays and Lee.

The Mission of the Meals on Wheels - Rural Capital Area is: "To help the elderly to remain independent and well nourished in their own homes for as long as possible and to maintain their dignity as they grow older." MOWRCA is delivering both hot meals and frozen meals to older adults in Lockhart.

Persons in need of the meals are primarily low income, frail, isolated elderly, income is not a factor in determination of eligibility. To be eligible to receive a meal a person must be 60 years of age or older, or the spouse of a client, regardless of age and certain disabled persons under the age of 60.

2) Current Financial Statements Attached

3) The previous year's contributions from the City of Lockhart were used to purchase additional shelf stable meals as well as the frozen meals for the older adult participants due to COVID 19.

4) Meals on Wheels Rural Capital Area is requesting \$8,000 from the City of Lockhart for 2022-2023. The money received will go directly to provide meals to the clients. CCA provided over 17,000 meals last program year in Lockhart to an average of 60 clients per week. We have 50 active volunteers that help deliver the meals to the homebound. We employ one part-time staff person in Lockhart. Our senior center in Lockhart has re-opened and we are serving the older adults' hot meals and/or frozen meals every week. For those clients receiving hot meals there is daily delivery Monday-Friday and participants who prefer frozen meals, are delivered sets of five once a week.

COMBINED COMMUNITY ACTION (CCAFND)

Detailed Revenue and Expense Report

5/5/2022 2:31:18PM

10/1/2021 to 4/30/2022

Page 1

06 - HOMEBOUND NUTRITION PROGRAM

Revenue

06.000.00.415	INCOME-LOCAL CASH	17,250.00
06.000.00.418	INCOME-UNITED WAY	3,125.00
06.000.00.442	INCOME-AMERIGROUP	6,341.02
06.000.00.445	INCOME-BULK MAILINGS	8,445.00
06.000.00.446	INCOME-NUT ANNUAL FUNDRAISER/COOKOFF	3,249.18
06.000.00.451	INCOME-OAA TITLE 111	746,893.48
06.000.20.448	INCOME-SPONSOR-A-SENIOR / CALDWELL	300.00
06.000.28.408	INCOME-PROGRAM - ALLENWOOD	4,265.00
06.000.26.448	INCOME-SPONSOR-A-SENIOR - ALLENWOOD	2,408.00
06.000.27.408	INCOME-PROGRAM - BASTROP	1,598.50
06.000.27.448	INCOME-SPONSOR-A-SENIOR - BASTROP	1,270.00
06.000.28.408	INCOME-PROGRAM - BLANCO	200.00
06.000.29.408	INCOME-PROGRAM - BUDA	432.00
06.000.29.448	INCOME-SPONSOR-A-SENIOR - BUDA	10.00
06.000.30.408	INCOME-PROGRAM - CARMINE	1,995.00
06.000.31.408	INCOME-PROGRAM - ELGIN	500.00
06.000.31.448	INCOME-SPONSOR-A-SENIOR - ELGIN	875.00
06.000.32.408	INCOME-PROGRAM - FLATONIA	560.00
06.000.32.448	INCOME-SPONSOR-A-SENIOR - FLATONIA	80.00
06.000.34.408	INCOME-PROGRAM - GIDDINGS	1,376.00
06.000.34.448	INCOME-SPONSOR-A-SENIOR - GIDDINGS	1,175.00
06.000.35.408	INCOME-PROGRAM - JOHNSON CITY	81.00
06.000.35.448	INCOME-SPONSOR-A-SENIOR - JOHNSON CITY	750.00
06.000.36.408	INCOME-PROGRAM - KYLE	504.00
06.000.36.448	INCOME-SPONSOR-A-SENIOR-KYLE	310.00
06.000.37.408	INCOME-PROGRAM - LAGRANGE	1,374.45
06.000.37.448	INCOME-SPONSOR-A-SENIOR - LAGRANGE	3,519.00
06.000.38.408	INCOME-PROGRAM - LAVISTA	286.00
06.000.39.408	INCOME-PROGRAM - LOCKHART	40.00
06.000.40.408	INCOME-PROGRAM - LULING	1,230.00
06.000.40.448	INCOME-SPONSOR-A-SENIOR - LULING	300.00
06.000.41.408	INCOME-PROGRAM - PRAIRIE LEA	148.00
06.000.43.408	INCOME-PROGRAM - SCHULENBURG	943.00
06.000.44.408	INCOME-PROGRAM - SMITHVILLE	1,000.00
06.000.44.448	INCOME-SPONSOR-A-SENIOR - SMITHVILLE	12,650.00
06.000.45.448	INCOME-SPONSOR-A-SENIOR - WIMBERLEY	1,600.00
06.000.47.408	INCOME-PROGRAM - CEDAR CREEK	486.00
06.000.47.448	INCOME-SPONSOR-A-SENIOR - CEDAR CREEK	140.00
06.000.48.408	INCOME-PROGRAM - FAYETTEVILLE	219.00
06.000.48.448	INCOME-SPONSOR-A-SENIOR - FAYETTEVILLE	100.00
06.000.50.448	INCOME-SPONSOR-A-SENIOR / FAYETTE	19,600.00
06.000.51.408	INCOME-PROGRAM - McDADE	60.00
06.000.70.448	INCOME-SPONSOR-A-SENIOR / HAYS	3,120.00
06.000.80.448	INCOME-SPONSOR-A-SENIOR / LEE	1,500.00

Total Revenue

\$852,308.63

COMBINED COMMUNITY ACTION (CCAFND)

Detailed Revenue and Expense Report

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10/1/2021 to 4/30/2022

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Expenses

06.203.00.801	SALARIES-SERVICE	125,386.38
06.204.00.821	FRINGE-FICA/TUCA	9,942.78
06.204.00.823	FRINGE-WORKERS COMP INS.	805.94
06.204.00.824	FRINGE-HOSPITALIZATION INS.	17,146.85
06.204.00.825	FRINGE- RETIREMENT	1,824.27
06.205.00.830	TRAVEL-IN AREA	4,742.48
06.205.00.831	TRAVEL-OUT OF AREA	74.25
06.205.00.833	TRAVEL-TRANSPORTING	506.07
06.205.00.878	TRAVEL-FUEL	27.81
06.205.00.879	TRAVEL-MAINTENANCE	186.78
06.207.00.853	OTHER COST-POSTAGE/FREIGHT	66.66
06.207.00.867	OTHER COST-TELEPHONE	254.75
06.207.00.868	OTHER COST-INTERNET	132.14
06.207.00.871	OTHER COST-INSURANCE/LIABILITY	1,863.81
06.207.00.998	OTHER COST-ADM ALLOC COST	47,218.77
06.208.00.892	PROF DEV-DUES/MEMBERSHIP	3,191.50
06.210.00.903	EQUIPMENT-MAINTENANCE	300.00
06.211.00.839	FOOD-CONSUMABLES	410,773.57
06.212.00.844	SUPPLIES-OFFICE	1,044.31
06.212.00.845	SUPPLIES-OTHER	34.96
06.212.00.852	SUPPLIES-COPYING/PRINTING	1,350.05
06.213.00.859	OCCUPANCY-RENT	3,173.92
06.213.00.864	OCCUPANCY-UTILITIES	2,134.09
06.213.00.904	OCCUPANCY-MAIN/REPAIRS/IMPROVE	3,893.64
06.303.00.801	NUT ED-SALARIES	2,183.99
06.304.00.821	NUT ED-FICA/TUCA	176.58
06.407.00.852	BULK-COPY/PRINT	2,029.75
06.407.00.853	BULK-POSTAGE	1,080.92
06.412.00.845	SUPPLIES-OTHER	139.20

Total Expenses

\$641,686.22

Excess Revenues Over Expenses

\$210,622.41

=====

Lockhart Area Senior Activity Center

Diana Coker

\$4,332.00

Lockhart Area Senior Activity Center

Severo Castillo, Director| 901 Bois D'Arc St.|Lockhart, Tx| 78644| 512-398-6322

Board of Directors: President – Diana Coker, Vice- President- Sherry Nitz, Secretary – Janet O'Dell, Treasurer – Donnie Young, Jo Windham, Carol Olson, Linda Curran, Mary Gail Bartsch, and Pat Schneider.

2022 2023 Mission Statement and benefit of our organization:

Our mission is to provide a pleasant environment/ facility where seniors throughout the community can come and enhance their living experience. Our facility enables seniors to socialize, make new friends, enjoy nutritious and affordable home-cooked meals, as well as participate in an exercise program suited for them.

We provide home delivered lunches M-F to those who are homebound. Seniors also have the opportunity to increase their self-esteem by volunteering in the kitchen or working in our thrift shop as well as contributing to assorted fund-raising activities.

Members benefit from a variety of groups and organizations that come in monthly offering information relevant to seniors: Seniors and Law Enforcement Together (S.A.L.T), Caldwell County Retired Teachers, Central Texas Advocates for Seniors (CTAS) and Caldwell County retired nurses.

We participate in the Community Supervision Restitution program and have assisted many community service workers in complying with their restitution agendas.

We partner with AARP in hiring employees through their program who work for us in the kitchen and thrift shop.

Previous Contributions

Previous year's contribution helped pay for general operating expenses like insurance policies, tax service and monthly and quarterly sales taxes. The funds certainly helped during the pandemic.

2022-2023 budget years

We are very thankful for the City's contribution of \$4,332.00. Your donation will help pay for general operating expenses, such as insurance policies, tax preparation, new flooring in the dining room, fresh paint and appliances as needed and Thrift Shop improvements. The monies also help subsidize our meal expenses so that we can continue to offer meals at a reasonable price.



Lockhart

April 28, 2022

Lockhart Area Senior Citizens Center
901 Bois D' Arc
Lockhart, Texas 78644

To Whom It May Concern:

Non-profit organizations requesting City contributions are asked to make a short presentation to the City Council during the meeting on Tuesday, May 17, 2022. The presentation should include:

- ✓1) The mission and benefit of your organization.
- ✓2) Current financial statements.
- ✓3) How the previous year's contributions from the City (if any) have been spent.
- ✓4) The requested amount for the 2022-23 budget year and how those funds will be spent.

It will only be necessary to submit one copy of the package you wish to present to council. Be sure to include the amount of your request in this package, and please have this in my office by Tuesday, May 10, 2022. Your information will be included in the council's agenda package for the May 17th meeting, so it will not be necessary to bring any additional copies on the day of the meeting.

The workshop where you will be giving your presentations will start at 6:30 P.M. Our council chambers are located on the 3rd floor of the Masonic Building adjacent to and north of our historic library on 217 S. Main.

Should you have any questions, please call me at 398-3461, Ext. 2290.

Sincerely,



Pam M. Larison
Finance Director

Lockhart Area Senior Activity Center, Inc.

Operating Statement for August 1, 2021- March 31, 2022 (unaudited)

Sales

Meals	\$37,864.43
Thrift Shop	\$17,364.00
Miscellaneous	\$1,760.05 (books, coffee, dues, gift shop)
Donations	\$5,977.40

Gross Sales \$62,965.88

Expenses

Administrative	\$1,749.90
Food	\$11,439.90
General Supplies	\$5,037.62
Maintenance	\$2,296.01 (repairs, regular mnt.)
Wages	\$21,146.01
Sales tax paid	\$1,135.61
Insurance	\$2,139.00
Payroll Taxes	\$8,974.57
Kitchen Supplies	\$2,392.25

Total Expenses \$56,310.87

Net Gain/Loss \$6,655.01



COMPTROLLER OF PUBLIC ACCOUNTS

P.O. BOX 13528
AUSTIN, TX 78711-3528

January 28, 2003

Ms. Mary Ann Wagner
Lockhart Area Senior Activity Center
Post Office Box 673
Lockhart, Texas 78644-0673

RE: Taxpayer Number 3-20065-6493-7

Dear Ms. Wagner:

Lockhart Area Senior Activity Center, Inc. qualifies for exemption from Texas franchise tax under Section 171.063(a)(1) and Texas sales and use tax under Section 151.310(a)(2) of the Texas Tax Code as a 501(c)(3) organization effective June 13, 2002.

The Texas Tax Code is available online at <http://www.capitol.state.tx.us/statutes/txtoc.html>.

The organization may issue a valid exemption certificate in lieu of paying state and local sales tax on taxable items purchased that relate to the purpose of the exempt organization and are not used for the personal benefit of a private member or individual. The enclosed certificate, form 01-339, does not require a number to be valid, and you may reproduce it in any quantity. You may download additional copies of the form online at <http://window.state.tx.us/taxinfo/taxforms/01-3392.pdf>, or call Tax Assistance toll free at 1-800-252-5555.

The exemptions above *do not* extend to the Texas hotel occupancy tax, motor vehicle sales tax or any other tax.

If you receive any franchise tax notices or have any questions regarding sales tax purchases and/or sales of taxable items or services, contact Tax Assistance at the number above.

As a reminder, you must notify the Texas Secretary of State if the organization changes its name, registered agent, or registered office address. The phone number is 512/463-5582.

If you have questions about your exempt status, you may e-mail me at tax.help@cpa.state.tx.us or call me toll free at 1-800-531-5441, extension 5-0252.

Sincerely,

Peter Kevin Hudson
Exempt Organizations Section

CASA of Central Texas, Inc.

Layla Coleman

\$12,000.00



New Braunfels
830.626.2272
FAX: 830.626.3636
1619 E. Common, Suite 301
New Braunfels, Texas 78130

San Marcos
512.392.3578
FAX: 512.392.3702
PO Box 1267
San Marcos, Texas 78667

A Powerful Voice In A Child's Life ®
www.casacentex.org

Serving Caldwell, Comal, Guadalupe & Hays Counties 

May 6, 2022

Mayor Lew White
c/o Pam Larison, Finance Director
City of Lockhart
308 W. San Antonio St
Lockhart, TX 78644

Dear Mayor White & City Council Members:

Thank you for inviting CASA of Central Texas, Inc. to work with the City of Lockhart again this year on a contribution request. We envision a world where every child thrives in a safe, stable and loving home.

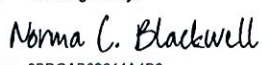
CASA of Central Texas respectfully requests \$12,000 for recruiting, training and supporting more community volunteers to advocate for abused and neglected children in the court system. In 2021, we served 24 children from Caldwell County (14 from Lockhart); however, an additional 116 children (approx. 68 from Lockhart) did not have the voice of a CASA volunteer advocating for their best interests in the courts, schools, and child welfare system.

Per your instructions, our Council presentation materials include the following:

- 1) The mission and benefit of our organization
- 2) Current financial statements
- 3) Previous year's expenditures (P&L Statement)
- 4) Summary of Proposal / Budget Request FY2022-23
- 5) Additional documents
 - IRS 501(c)3 letter,
 - 2021 Annual/Impact Report

Again, we appreciate your consideration and support and we look forward to seeing you for our presentation to the Council on May 17, 2022. Please contact me at 512-392-3578 if you have any questions or require additional information.

Sincerely,

DocuSigned by:

8BDCAB89814A4B2...
Norma Castilla-Blackwell
Chief Executive Officer

NB:ts
Att.



**Court Appointed Special Advocates (CASA)
of Central Texas, Inc.**

City of Lockhart Contribution Request FY2022-23

Lockhart City Council
Tuesday, May 17, 2022 6:30 PM
217 South Main Street, 3rd Floor
Lockhart, Texas

Presentation Contents

1. Mission & Benefit of CASA of Central Texas
2. Current Financial Statements
3. Previous Year Expenditures (P&L Statement)
4. Summary of Proposal / Budget Request FY2022-23
5. Additional Documents
 - 501(c)(3) Certification Letter
 - 2021 Annual/Impact Report

CASA of Central Texas, Inc. (Court Appointed Special Advocates)

Mission & Benefit

We envision a world where every child thrives in a safe, stable and loving home. CASA of Central Texas provides high quality advocacy for children and youth in the child welfare system. We train and empower dedicated CASA volunteers to ensure children's needs are met and their voices lifted. We strengthen the connections and well-being of children in foster care, one family at a time.

When a child enters the foster system because his or her home is no longer safe, a judge may appoint a Court Appointed Special Advocate (CASA). In Caldwell County, CASA of Central Texas is appointed as Guardian ad Litem and we provide an unduplicated service to represent and advocate for a child's best interests. Our volunteers are screened, highly trained and are provided ongoing support from professional staff. The Child Protection Court and District Judges prioritize case assignments and appoint CASA of Central Texas when a trained volunteer advocate is available to take a case.

"To give a child a CASA is to give them a voice. To give them a voice is to give them hope. And to give them hope is to give them the world. I believe this with all my heart."

Pamela Butler, former foster youth.

CASA's core services include advocacy for medical, mental health, education, placement and permanency needs of the children. Trained volunteers bring three critical qualities to their work: they focus on one case at a time; they bring a unique perspective to the court case; and their sole objective is to represent the best interests of the child. CASA is present in every court session, mediation and trial in the suit affecting the child-parent relationship. CASA participates in meetings with Child Protective Services (CPS), treatment centers, foster agencies and schools, and make referrals to community agencies. The advocate stays appointed on a case until the children are placed in a safe, permanent home and the case is closed, a process that lasts at least 12-18 months. CASA's specially designed Pre-Service Volunteer Training and continuing education equips each advocate with the solid base of knowledge needed to powerfully and compassionately advocate for a child that has been abused, neglected or abandoned. In addition to gaining a clear understanding of the child protection system and the CASA volunteer role, volunteers learn about trauma, resilience and cultural experiences in a dynamic and impactful way.

A study by Texas Appleseed, "Improving the Lives of Children in Long-Term Foster Care," reports that "if a child has a CASA, the CASA usually is the only person who truly knows the child and knows how the child is really doing."

A CASA volunteer is assigned to help one child or set of siblings at a time so they can focus on giving that child or sibling group individualized advocacy and attention. Providing a free service to the courts and to the families, CASA volunteers save taxpayers' money and children's futures with the goal of helping them move out of state-funded foster care and into safe, permanent homes as soon as possible. The safety, permanency and well-being of



children and youth are the overarching areas of focus within the child welfare system. CASA volunteers contribute to and play an integral role in advocating for resources within each of these areas.

CASA of Central Texas formed in 1985 by concerned community members and became affiliated with the national CASA® model developed by a family court judge. We have 267 citizen-volunteers who serve children from Caldwell, Comal, Guadalupe and Hays Counties. Last year, we served 620 children who were abused, neglected and abandoned and placed in State custody. However, 420 additional children still needed a CASA.

Volunteers are the heart of the CASA program, and they are trained and supported throughout all stages of a case by a knowledgeable staff team. CASA leverages volunteer support needs with your financial donation. The City of Lockhart can advance the cause of child welfare by volunteering and donating to CASA of Central Texas.

1 STAFF MEMBER
SUPPORTS
25-30 VOLUNTEERS
WHO SERVE
60-75 CHILD VICTIMS



CASA OF CENTRAL TEXAS, INC.
Statement of Activity
 July 2021 - March 2022

Revenue	Total	Income %
6000 INCOME		
6100 Contributions		
6110 Individual Contribution	38,408.88	2%
6115 Civic Organization Contribution	116,200.00	6%
6120 Board Member Contribuion	4,476.97	0%
6125 Jury Duty Contribution	5,418.51	0%
6130 Church Contribution	7,305.00	0%
6132 Memorial / In Honor of	1,892.50	0%
6135 Corporate Contribution	89,234.79	5%
6140 Payroll Contribution - External	12,972.21	1%
6145 Payroll Contributions - CASA	1,517.49	0%
6155 Non-CFC Contributions	13,869.74	1%
Total 6100 Contributions	\$ 291,296.09	
6300 Fundraising Event Income	54,031.78	3%
6310 Golf Tournament	42,460.70	2%
6320 Dinner & Auction		0%
6321 Dinner & Auction income	26,564.99	1%
6325 Dinner & Auction Expenses	-681.06	0%
Total 6320 Dinner & Auction	\$ 25,883.93	
6330 Third Party Event	1,619.15	0%
6340 Campaigns	16,734.99	1%
6340.1 EOY Campaign	81,639.93	5%
Total 6340 Campaigns	\$ 98,374.92	
Total 6300 Fundraising Event Income	\$ 222,370.48	
6400 Grant Income		
6410 Federal Grants	561,789.41	31%
6415 State Grants	33,149.91	2%
6420 County Grant	45,516.67	3%
6425 City Grant	18,443.61	1%
6430 United Way Grant	39,252.23	2%
6435 Foundation Grant	591,252.12	33%
Total 6400 Grant Income	\$ 1,289,403.95	
6600 Interest Income	474.37	
Total 6000 INCOME	\$ 1,803,544.89	100%
6650 Miscellaneous Income	1,878.37	
Total Revenue	\$ 1,805,423.26	100%
Gross Profit	\$ 1,805,423.26	
Expenditures		
7000 EXPENSES		
7100 Building & Facility Costs		
7101 Building Maintenance	22,367.83	

7190 Utilities	
7191 Electricity	8,692.42
7192 Water	1,623.74
7197 Telephone/Internet	21,501.44
Total 7190 Utilities	\$ 31,817.60
Total 7100 Building & Facility Costs	\$ 54,185.43
7200 General Overhead Costs	
7201 Recruiting & Promotion	10,305.45
7206 Bank Service Charges	3,082.11
7207 Conferences/Cont Education	1,500.16
7208 Credit Card & Other Fees	3,722.28
7210 Equipment Rental	9,006.90
7240 Insurance	
7241 Insurance - Dir & Officers	7,284.18
7242 Insurance - Liab & Fidelity	14,180.68
Total 7240 Insurance	\$ 21,464.86
7244 Interest Expense	19,781.16
7248 Membership/Subscription	20,520.63
7259 Office Software/Equipment	2,545.17
7260 Office Supplies	5,422.60
7261 Office - General	2,937.89
7268 Postage	640.81
7270 Professional Fees	
7271 Audit/Accounting	7,500.00
7272 Professional Services	37,565.02
7272.1 HR Outsourcing	17,753.01
Total 7270 Professional Fees	\$ 62,818.03
7273 Background/Screenings	2,447.23
7275 Training Expenses	1,063.53
7290 Travel/Mileage	
7291 Employee Travel	11,093.08
7292 Advocate Travel	3,067.85
Total 7290 Travel/Mileage	\$ 14,160.93
Total 7200 General Overhead Costs	\$ 181,419.74
7300 Program Expenses	
7301 Advocate Expenses	11,983.53
7302 Children's Special Needs	1,765.62
7305 Fundraising Expenses	18,048.92
Total 7300 Program Expenses	\$ 31,798.07
7500 Salary, Payroll, & Labor Costs	
7545 Health/Life Insurance	40,127.13
7549 Payroll Processing Fee	508.52
7550 Payroll Tax Expense	67,762.91
7556 Pension	37,878.68
7557 PR Tax Exp - Unemployment	9,290.52
7560 Salaries & Wages	889,605.34
7575 Worker's Compensation	3,051.00

Total 7500 Salary, Payroll, & Labor Costs	\$	1,048,224.10
Total 7000 EXPENSES	\$	1,315,627.34
Purchases		0.00
Total Expenditures	\$	1,315,627.34
Net Operating Revenue	\$	489,795.92
Other Revenue		
6700 In-Kind Revenue		177,087.00
6900 Adoption Day		
6901 Adoption Day Income		1,390.56
Total 6900 Adoption Day	\$	1,390.56
6930 Endowments		
6932 Endowment Income/Interest		518.99
6933 Unrealized Endowment Loss/Gain		-3,911.52
6935 Endowment Mgmt Fees/Expenses		1,880.15
Total 6930 Endowments	-\$	1,512.38
Total Other Revenue	\$	176,965.18
Other Expenditures		
6902 Adoption Day Expense		1,390.56
7700 In Kind Expenses		
7702 Donations - In Kind		41,970.64
7703 Mileage - In Kind		4,703.37
7708 Volunteer Hrs - In Kind		130,412.99
Total 7700 In Kind Expenses	\$	177,087.00
Reconciliation Discrepancies-1		1.00
Total Other Expenditures	\$	178,478.56
Net Other Revenue	-\$	1,513.38
Net Revenue	\$	488,282.54

CASA OF CENTRAL TEXAS, INC.
Statement of Financial Position
As of March 31, 2022

	<u>Total</u>
ASSETS	
Current Assets	
Bank Accounts	
1020 OP Acct-Prosperity Bank	191,773.87
1030 ED Acct-Prosperity Bank	3,853.74
1035 Board Designated Reserve Funds	65,490.12
1050 Capital Campaign Checking	0.00
1100 Frost Checking Acct (FDIC)	250,000.00
1150 Broadway Money Market (FDIC)	250,000.00
Total Bank Accounts	\$ 761,117.73
Accounts Receivable	
1200 Accounts Receivable	367,611.03
Total Accounts Receivable	\$ 367,611.03
Other Current Assets	
1450 Prepaid Expenses	5,417.97
1499 Undeposited Funds	25.00
Uncategorized Asset	0.00
Total Other Current Assets	\$ 5,442.97
Total Current Assets	\$ 1,134,171.73
Fixed Assets	
1620 Training & Support Center -SM	2,110,636.44
1630 Construction in Progress - SM	39,682.93
1631 Capital Improvements - NB	23,875.00
1650 Equipment & Fixtures - NB	200,449.43
1651 Equipment & Fixtures - SM	88,864.47
1660 Building - NB	553,302.64
1661 Land - SM	159,900.00
1755 Accumulated Depreciation	-385,558.00
Total Fixed Assets	\$ 2,791,152.91
Other Assets	
1805 NBACF Endowment Fund	72,109.85
1810 Utility Deposits	0.00
Total Other Assets	\$ 72,109.85
TOTAL ASSETS	\$ 3,997,434.49
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2010 Accounts Payable	0.00
Total Accounts Payable	\$ 0.00
Credit Cards	

2090 Chase Preferred Ink Credit Card		2,626.79
Total Credit Cards	\$	2,626.79
Other Current Liabilities		
2100 Payroll Liabilities		0.00
2101 Payroll Payable - G&A		0.00
2105 Payable - TX Unemployment Tax		0.00
2110 Direct Deposit Liabilities		0.00
2114 Payable - Charitable Donation		0.00
2115 Payable - Dental Insurance		0.00
2116 Payable - Health Insurance		0.00
2117 Payable - Annuity		0.00
2118 Payable - Term Life		0.00
2119 Payable - Pension		13,579.40
2150 Accrued Expenses		0.00
2199 PPP - SBA Grant/Loan		0.00
2200 Reserve - Adoption Day		650.49
2210 McKenna IT Services Grant		10,462.50
Direct Deposit Payable		0.00
Total Other Current Liabilities	\$	24,692.39
Total Current Liabilities	\$	27,319.18
Long-Term Liabilities		
2300 Prosperity Bank - Construction		546,247.54
Total Long-Term Liabilities	\$	546,247.54
Total Liabilities	\$	573,566.72
Equity		
3001 Opening Bal Equity		-39,983.40
3010 Unrestricted Net Assets		3,001,565.37
3012 Fund Balance		0.00
3200 Perm Restricted Net Assets		500.00
Net Revenue		461,785.80
Total Equity	\$	3,423,867.77
TOTAL LIABILITIES AND EQUITY	\$	3,997,434.49

Friday, Apr 15, 2022 11:23:35 AM GMT-7 - Accrual Basis

CASA OF CENTRAL TEXAS, INC.

Statement of Activity

July 1, 2021 - April 29, 2022

	TOTAL
Revenue	
6000 INCOME	
6400 Grant Income	
6425 City Grant	4,382.00
Total 6400 Grant Income	4,382.00
Total 6000 INCOME	4,382.00
Total Revenue	\$4,382.00
GROSS PROFIT	\$4,382.00
Expenditures	
7000 EXPENSES	
7500 Salary, Payroll, & Labor Costs	
7560 Salaries & Wages	4,382.00
Total 7500 Salary, Payroll, & Labor Costs	4,382.00
Total 7000 EXPENSES	4,382.00
Total Expenditures	\$4,382.00
NET OPERATING REVENUE	\$0.00
NET REVENUE	\$0.00

Summary of Proposal / Budget Request FY2022-23

CASA of Central Texas respectfully requests \$12,000 from the City of Lockhart toward our general mission for recruiting, training and supporting more volunteers to serve as court-appointed Guardians Ad Litem to children and youth involved in child welfare cases. Funding from the City of Lockhart is critical, as together we endeavor to impact and change the quality of life for children in foster and substitute care. Based on population growth and demand for CASA services – CASA currently serves only 1 of every 6 children from Caldwell County who are eligible for our help – our role is vital to this community. CASA is the only organization that may be legally appointed by judges to represent best interests of children and youth from Caldwell County.

We will provide free and flexible training at no cost to the volunteer, the families, or the courts. Our highly trained and dedicated advocates will each provide 100+ hours of donated casework service hours per year, including at least monthly face-to-face visits with each child, written court reports and court testimony, phone calls and meetings with CPS workers, school professionals, medical and mental health professionals, caregivers, parents, relatives and anyone else with information about the child's well-being. Trained CASA volunteers work the duration of a case, typically 12 to 18 months. One year of CASA advocacy costs less than one month of foster care. Successful outcomes for the children include closed cases of reunification with safe parents, permanent conservatorship with a legal guardian, adoption by relatives, adoption by new families, and preparedness for living as independent, young adults.

PROGRAM ACCOMPLISHMENTS		
LOCKHART	7/1/20 – 6/30/21 (12mos)	7/1/20 – 4/30/22 (10mos)
# children from Lockhart served by CASA	14	15
# advocates on those cases (Lockhart + others)	7	7
# advocates from Lockhart, new	0	1
# children, new (removed from unsafe homes by CPS)	4	3
# children, closed (with safe, stable families)	2	11
Reunification with safe Parents	1	2
PMC with Legal Guardian	1	2
Adoption by Relatives		2
Adoption by New Family		4
Independent Living (age 18)		1



PROGRAM GOALS & PROJECTIONS	
LOCKHART/CALDWELL	7/1/22 - 6/30/23
# children/youth to serve, total	30
# children/youth to serve, new	10
# older youth to serve, new (14+)	2
# advocates, total	7
% of cases served by volunteers	9%
volunteer-to-child ratio (est.)	2.2
% volunteers with more than one case	6%
# volunteers to swear in	3
# PSVT training sessions (Caldwell/Hays)	6
# CE training sessions (Caldwell/Hays)	6
# hrs of CE training to offer (Caldwell/Hays)	10
Topics	LGBTQ Advocacy, ABA Therapy, Trial Preparation & GAL Duties, Early Childhood Intervention, ACES, Mental Health Advocacy, Educational Advocacy, Educational Training Voucher, TBRI, CFE Tools, Psychological Evaluations, Services and Working with Parents
# of community education classes (Caldwell/Hays)	1
Topics	Child Sexual Abuse Prevention (Darkness to Light)
# community presentations	15
# community outreach	20

Every amount contributed to CASA of Central Texas is greatly appreciated. Our goals and projections are presented with a realistic picture of the community need for our services as well as our ability to administer the CASA program. The City of Lockhart is frequently listed on other funding applications to demonstrate local community support. While it is our hope that the city council would award full funding, nonetheless, CASACenTex follows a scalable model which allows us to appropriately manage services based upon all funding amounts received.



CASA of Central Texas endeavors to be a fiscally sound, transparent, and trustworthy charitable organization. To that end, in 2022, CASA of Central Texas again earned a Platinum Seal of Transparency from GuideStar by Candid (<https://www.guidestar.org/profile/74-2403373>). We have been a 501(c)(3) exempt organization since 1986 (IRS certification letter attached).

We are happy to answer questions and provide additional information upon request. Thank you, again, for your past support and for your consideration this year.



CASA of Central Texas, Inc.
FY2021-2022 Budget

INCOME BUDGET	2021-22	Projected 2022-23
Government Grants:		
Federal	408,369.00	428,785.00
State	318,942.64	334,889.00
County	74,500.00	78,225.00
City	54,000.00	56,700.00
United Way	57,000.00	59,850.00
Individual Donations	130,000.00	136,500.00
Board Member Donations	17,000.00	17,850.00
Church & Civic Donations	37,500.00	39,375.00
Corporate Donations	108,000.00	113,400.00
Foundation Donations	557,500.00	585,375.00
Events	262,625.36	275,756.00
TOTAL INCOME	2,025,437.00	2,126,705.00

EXPENSE BUDGET	2021-22	Projected 2022-23
Salaries	1,325,313.00	1,391,578.00
Insurance Benefits		-
Health	54,600.00	57,330.00
Life	2,600.00	2,730.00
Payroll Taxes	98,836.15	103,777.00
Pension	61,941.65	65,038.00
Unemployment Taxes	7,781.20	8,170.00
Workers Comp Insurance	1,915.00	2,010.00
Professional Services - Contractors	40,500.00	42,525.00
HR Outsourcing	31,000.00	32,550.00
Conferences/Education	10,000.00	10,500.00
Travel - Employees	20,500.00	21,525.00
Travel - Advocates	10,500.00	11,025.00
Background Screenings	5,000.00	5,250.00
Equipment/Computer/Software	32,800.00	34,440.00
Equipment Rental	15,000.00	15,750.00
Credit Card & Other Fees	4,500.00	4,725.00
Office - General	10,000.00	10,500.00
Office Supplies	15,000.00	15,750.00
Training Expenses	9,500.00	9,975.00
Special Needs for Children	4,000.00	4,200.00
Advocate Recognition	15,000.00	15,750.00
Audit	10,200.00	10,710.00
Advertising/Recruiting	15,000.00	15,750.00
Fundraising	35,000.00	36,750.00
Insurance Benefits	-	-
Directors & Officers	4,000.00	4,200.00
Liability & Fidelity	17,950.00	18,847.00
Membership & Subscriptions	25,000.00	26,250.00
Postage	6,000.00	6,300.00
Telephone/Internet	30,000.00	31,500.00
Utilities	20,000.00	21,000.00
Building Maintenance	40,000.00	42,000.00
San Marcos Construction Loan P&I	45,000.00	47,250.00
Endowment Fees	1,000.00	1,050.00
TOTAL EXPENSE	2,025,437.00	2,126,705.00

CASA of Central Texas, Inc.
FY2021-2022 Budget

Caldwell County Budget		
INCOME BUDGET	2021-22	Projected 2022-23
Government Grants:		
Federal	16,335.00	20,418.00
State	12,758.00	15,947.00
County	2,980.00	3,725.00
City	2,160.00	2,700.00
United Way	2,280.00	2,850.00
Individual Donations	5,200.00	6,500.00
Board Member Donations	680.00	850.00
Church & Civic Donations	1,500.00	1,875.00
Corporate Donations	4,320.00	5,400.00
Foundation Donations	22,300.00	27,875.00
Events	10,505.00	13,131.00
TOTAL INCOME	81,018.00	101,271.00

EXPENSE BUDGET	2021-22	Projected 2022-23
Salaries	53,013.00	66,264.00
Insurance Benefits	-	-
Health	2,184.00	2,730.00
Life	104.00	130.00
Payroll Taxes	3,953.00	4,942.00
Pension	2,478.00	3,097.00
Unemployment Taxes	311.00	389.00
Workers Comp Insurance	77.00	96.00
Professional Services - Contractors	1,620.00	2,025.00
HR Outsourcing	1,240.00	1,550.00
Conferences/Education	400.00	500.00
Travel - Employees	820.00	1,025.00
Travel - Advocates	420.00	525.00
Background Screenings	200.00	250.00
Equipment/Computer/Software	1,312.00	1,640.00
Equipment Rental	600.00	750.00
Credit Card & Other Fees	180.00	225.00
Office - General	400.00	500.00
Office Supplies	600.00	750.00
Training Expenses	380.00	475.00
Special Needs for Children	160.00	200.00
Advocate Recognition	600.00	750.00
Audit	408.00	510.00
Advertising/Recruiting	600.00	750.00
Fundraising	1,400.00	1,750.00
Insurance Benefits	-	-
Directors & Officers	160.00	200.00
Liability & Fidelity	718.00	898.00
Membership & Subscriptions	1,000.00	1,250.00
Postage	240.00	300.00
Telephone/Internet	1,200.00	1,500.00
Utilities	800.00	1,000.00
Building Maintenance	1,600.00	2,000.00
San Marcos Construction Loan P&I	1,800.00	2,250.00
Endowment Fees	40.00	50.00
TOTAL EXPENSE	81,018.00	101,271.00

Caldwell County Christian Ministries

Meredith Jakovich

\$10,000.00



May 9, 2022

Lockhart City Council
308 W. San Antonio Street
Lockhart, Texas 78644

Dear Council Members:

Over the last year our organization has continued to grow in all areas of programming. Each of our five programs is design to assist Caldwell County residents experiencing food insecurity. While we are a county resource, over 65% of our clients are Lockhart residents. Currently, we distribute approximately 1200 food baskets monthly equating to just under 800 baskets going to families in Lockhart. In addition, our backpack program helps 120 children in LISD schools and over 250 seniors in Lockhart to receive our Healthy Options Program for the Elderly (HOPE) bags each month.

In August of 2021, we added a fifth program to our scope of work. Feeding Lockhart is a weekly free community meal available through partnership with local churches. Currently we provide a Tuesday and Wednesday evening meal and serve over 500 hot meals each week. Over 80% of those meals are going to feed Lockhart residents. We are exceptionally proud of the success of the Feeding Lockhart program and are considering adding a third location within the year.

This year, we are requesting \$10,000 from the City of Lockhart. With rising food and supplies cost we need your support more than ever. These funds would be used to support all our programs including our garden. Our board has just completed a strategic planning process and we have a solid plan for sustaining and expanding our programs and success.

Over the past three years we have enjoyed an exceptional working relationship with the City of Lockhart, and we are extremely grateful for the support we've received from the Council and City staff. We appreciate your help as we work to tirelessly to execute our mission to assist those experiencing food insecurity in our community.

Sincerely,

Meredith Jakovich
Executive Director



Packet Contents

- Mission Statement
- Programs Overview
- Current financial report – February 2022 – presented at March 2022 board meeting
- Proposed Expense Projection FY 2022
- Food received by weight 2021



Mission Statement

*To bring nourishment and hope to
those experiencing food insecurity in
Caldwell County*



Programs

Food Baskets

Grocery basket distribution is our core program. We distribute 100- pound baskets to approximately 900 families per month. Clients are eligible to visit twice per month. We receive two truck deliveries every Monday and dock donations daily. In a four- day period we distribute 15,000 to 20,000 pounds.

HOPE

The Healthy Options Program for the Elderly (HOPE) is a program for anyone 55 years old and over to receive non-perishable items monthly. HOPE bags are assembled every third Monday and are distributed the third and fourth weeks of the month. HOPE is a federally subsidized program, and we receive HOPE food from Central Texas Food Bank (CTFB). Currently we serve over 400 seniors monthly through this program.

Backpacks

Currently we distribute 200 backpacks monthly to six schools in the Lockhart and Luling school districts. Bags contain mostly snack items and easy to prepare items safe for children. Each bag also contains a coupon for the backpack family to receive an additional grocery basket. We have added an onsite pantry at two of our partner schools. Onsite pantries provide food options for counselors to distribute beyond the backpacks. This program runs from September through May each year.

Garden

The pantry garden is located on the CCCM campus. Our garden manager and volunteers work tirelessly to plant and harvest organic produce for our clients. Everything that is produced in the garden goes directly to our pantry families.

Feeding Lockhart

Feeding Lockhart is a new program that began in August 2021. This program provides a free weekly community meal hosted by First United Methodist Church in Lockhart on Wednesdays and at Lockhart Church of Christ on Tuesdays. Feeding Lockhart is a partnership with community churches to provide nourishment and fellowship. Currently we serve over 500 hot meals weekly between the two locations.

Financial Report FY21-22				
Feb-22				
Presented to the board 3/10/22				
Bank Balance 2/28/2022	\$258,888.63			
Expense	Budgeted FY21-22	Expenses YTD	Feb 22 Expenses	Remaining FY21-22
Board Administration	\$600.00	\$0.00	\$0.00	\$600.00
Building Maintenance and Repair	\$2,500.00	\$587.88	\$291.01	\$1,912.12
Consumable Supplies (w/Cleaning Supplies)	\$3,500.00	\$4,945.49	\$505.77	(\$1,445.49)
Equipment and Furniture (w/Computers)	\$12,500.00	\$9,450.90	(\$1,035.10)	\$3,049.10
Food	\$85,000.00	\$28,734.87	\$9,596.38	\$56,265.13
Garden Expenses	\$5,000.00	\$1,202.93	\$0.00	\$3,797.07
Insurance	\$2,700.00	\$444.00	\$444.00	\$2,256.00
Marketing (w/Chamber dues)	\$6,500.00	\$5,202.41	\$401.90	\$1,297.59
Office Supplies	\$4,500.00	\$2,418.59	\$207.34	\$2,081.41
Payroll (includes employee withholding)	\$122,000.00	\$48,593.10	\$9,760.62	\$73,406.90
Payroll taxes (employer 7.65%)	\$9,500.00	\$3,717.36	\$746.67	\$5,782.64
Professional Services	\$9,500.00	\$8,255.00	\$200.00	\$1,245.00
Staff Retention	\$2,000.00	\$1,100.00	\$0.00	\$900.00
Information Technology	\$6,000.00	\$1,712.99	\$410.97	\$4,287.01
Training	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Uniforms and Accessories	\$7,000.00	\$2,664.02	\$94.75	\$4,335.98
Utilities	\$7,000.00	\$3,027.02	\$699.84	\$3,972.98
Van	\$1,000.00	\$185.00	\$65.00	\$815.00
Volunteer Retention	\$5,000.00	\$2,247.64	\$78.00	\$2,752.36
Totals	\$292,800.00	\$124,489.20	\$22,467.15	\$168,310.80
Notes: Equipment and Furniture - Freezer Purchased 1/26/2022 returned to Home Depot 2/2/22 - Full refund of \$1,152.36				
Consumable Supplies - Paper Bags Purchased 2/2/2022 returned to Uline 2/28/22 - Full refund of \$534.21				
Prior to February, Payroll not shown as Total Gross Wages + Employer Payroll Taxes paid. Figures adjusted Oct-Jan.				

Caldwell County Christian Ministries
FY 2022

PROPOSED Expense Projection

Category of Expense	FY 2021 Projected	FY 2021 Actual	FY 2022 Projected
Board Administration	N/A	N/A	\$600.00
Building Maintenance and Repair	\$2,500.00	\$2,302.96	\$2,500.00
Consumable Supplies	\$2,200.00	\$6,446.22	\$3,500.00
Equipment and Furniture	\$6,500.00	\$13,501.63	\$12,500.00
Food	\$55,000.00	\$44,623.08	\$85,000.00
Garden Expenses	N/A	N/A	\$5,000.00
Insurance	\$1,700.00	\$2,652.00	\$2,700.00
Marketing	\$5,000.00	\$6,532.26	\$6,500.00
Office Supplies	\$3,500.00	\$4,306.68	\$4,500.00
Payroll (includes Employee Withholding)	\$102,165.00	\$91,523.29	\$122,000.00
Payroll Taxes (Employer 7.65%)	\$6,126.00	\$7,540.53	\$9,500.00
Professional Services	\$3,250.00	\$2,170.00	\$9,500.00
Staff Retention	\$1,400.00	\$1,285.95	\$2,000.00
Information Technology	\$4,200.00	\$6,444.59	\$6,000.00
Training	\$850.00	\$500.00	\$1,000.00
Uniforms and Accessories	\$5,750.00	\$5,929.65	\$7,000.00
Utilities	\$7,000.00	\$6,496.42	\$7,000.00
Van	\$1,030.00	\$589.61	\$1,000.00
Volunteer Retention	\$2,200.00	\$2,794.06	\$5,000.00
TOTAL	\$210,371.00	\$205,638.93	\$292,800.00

NOTE: FY2020 actual expenditures were \$158,334.54.

NOTE: CTFB reduced the cost of food expenses in FY 2021 by issuing credits to CCCM in the amount of \$21,855.94. Had these credits not been received, the total cost for the Food Category would have been \$66,479.02 instead of \$44,623.08.

NOTE: CTFB issued additional credits in the amount of \$7,391.59 that were not used by CCCM in FY 2021 and which will carry over for use in FY 2022. It is not known whether additional credits will be issued to CCCM in FY 2022.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Consideration and action with respect to Ordinance No. 2022-21 authorizing the issuance of City of Lockhart, Texas Limited Tax Note, Series 2022; approval of an official statement and a paying agent/registrar agreement; prescribing the form of the note; levying an ad valorem tax to pay the note; awarding the sale thereof; and enacting other provisions relating thereto.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: On May 17, 2022, the City Council directed staff to work with the City's Financial Advisor, Jennifer Ritter from Specialized Public Finance, Inc. (SPFI) and the City's Bond Counsel, Bart Fowler from McCall Parkhurst & Horton to secure funding for several capital projects for Fiscal Year 2022-23.

The capital projects approved by the City Council on May 17, 2022:

1. Extend the city's wastewater line down FM 1322 south of Blackjack St. up to 12,000' and add a sustainable lift station to support new development - \$1,300,000.
2. Complete architectural and engineering design work on City Line Rd. and Clearfork St. - \$750,000.
3. Provide additional funds for sidewalk restoration - \$350,000.
4. Purchase a new high ranger bucket truck for Electric department - \$400,000.
5. Purchase a new ladder truck for the Fire department - \$1,200,000.

On May 19, 2022, Ms. Ritter distributed the term sheet and financial information to potential bank bidders.

On Monday, June 6, 2022, Specialized Public Finance will receive and verify bids.

Ordinance 2022-21 will award the winning bidder of Series 2022 Tax Notes, approve the official statement and paying agent/registrar agreement, and levy an ad valorem tax to pay the note.

On June 30, 2022, the closing of Series 2022 Tax Notes will be funded, delivered, and proceeds distributed in accordance with Closing Instructions.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): No funds are required for the approval of Ordinance 2022-21. Upon execution of an agreement with the paying agent/registrar, the City of Lockhart will be responsible for \$55,000, which will be paid from funds received from the sale of Series 2022 Tax Notes.

The \$55,000 will cover the professional services of the City's financial advisor, the City's Bond Counsel, the bidding agent, and additional fees due to the Texas Attorney General and other miscellaneous agencies.

PREVIOUS COUNCIL ACTION: On May 17th, the City Council designated projects for the City of Lockhart, Texas Limited Tax Note, Series 2022 and directed staff to proceed with the sale of said tax notes.

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Staff respectfully request the consideration and approval of Ordinance No. 2022-21.

LIST OF SUPPORTING DOCUMENTS: Ordinance No. 2022-21

ORDINANCE NO. 2022-21

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LOCKHART,
TEXAS LIMITED TAX NOTE, SERIES 2022; APPROVING A PAYING
AGENT/REGISTRAR AGREEMENT; PRESCRIBING THE FORM OF THE NOTE;
LEVYING AN AD VALOREM TAX TO PAY THE NOTE; AWARDED THE SALE
THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO**

Adopted June 7, 2022

Ordinance No. 2022-21

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LOCKHART,
TEXAS LIMITED TAX NOTE, SERIES 2022; APPROVING A PAYING
AGENT/REGISTRAR AGREEMENT; PRESCRIBING THE FORM OF THE NOTE;
LEVYING AN AD VALOREM TAX TO PAY THE NOTE; AWARDING THE SALE
THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO**

**THE STATE OF TEXAS
COUNTY OF CALDWELL
CITY OF LOCKHART**

☐
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☐

WHEREAS, the City Council of the City of Lockhart, Texas (the "City") deems it advisable to issue tax notes (the "Notes") for the purpose of (i) waste water system improvements, (ii) acquiring and equipping a bucket truck, (iii) public safety improvement, including acquisition of a fire truck, (iv) street and sidewalk improvements; and, (v) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes; and

WHEREAS, the Notes hereinafter authorized and designated are to be issued and delivered pursuant Chapter 1431, Texas Government Code, as amended; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, it is considered to be in the best interest of the City that the interest bearing Notes be issued.

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

Section 1. RECITALS, AMOUNT, PURPOSE OF THE NOTES AND DEFINITIONS. (a) Recitals and Purpose. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The Notes of the City of Lockhart, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount of \$4,055,000 (the "Notes") for the purpose of (i) waste water system improvements, (ii) acquiring and equipping a bucket truck, (iii) public safety improvement, including acquisition of a fire truck, (iv) street and sidewalk improvements; and, (v) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes.

(b) Definitions. For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in Exhibit A to this Ordinance have the meanings assigned to them in Exhibit A.

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITY OF NOTES. The Note shall have the Dated Date of June 30, 2022, shall be in fully registered form, without coupons, and initially there shall be issued, sold, and delivered hereunder one fully registered Note, in the denomination of \$4,055,000, numbered R-1 with notes issued in replacement thereof being in a like denomination and numbered consecutively from R-2 upward, payable to the registered owner thereof, or to the registered assignee or assignees of the Note or any portion or portions thereof (in each case, the "Registered Owner"), and the Note shall mature and be payable in annual installments as set forth in the FORM OF NOTE set forth in this Ordinance. The term "Note" as used in this Ordinance shall mean and include collectively the note initially issued and delivered pursuant to this Ordinance and all substitute notes exchanged therefor, as well as all other substitute notes and replacement notes issued pursuant hereto.

Section 3. INTEREST. The Note shall bear interest on the unpaid balance of the principal amount thereof from the Dated Date to the date of maturity or redemption prior to maturity at the respective rates for each outstanding principal installment as set forth in the FORM OF NOTE contained in this Ordinance. Said interest shall be payable in the manner provided and on the dates stated in the FORM OF NOTE set forth in this Ordinance.

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

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Note, date and manually sign said Note, and no such Note shall be deemed to be issued or outstanding unless such Note is so executed. The Paying Agent/Registrar promptly shall cancel all paid Note and Note surrendered

for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Note or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Note in the manner prescribed herein, and said Note shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Note as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Note, the converted and exchanged Note shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Note which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) Payment of Note and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Note, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Note, and of all conversions and exchanges of the Note, and all replacements of the Note, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Note (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Note to be payable only to the Registered Owners thereof, (ii) may be converted and exchanged for other Note, (iii) may be transferred and assigned, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) the principal of and interest on the Note shall be payable, and (vii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Note, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance. The Note initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in conversion of and exchange for any Note issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owner of the Note that at all times while the Note is outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Note under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting

as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Note, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Note, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

Section 5. FORM OF NOTE. The form of the Note, including the form of Paying Agent/Registrar's Authentication Note, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Note issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF NOTE

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS CITY OF LOCKHART, TEXAS LIMITED TAX NOTE SERIES 2022	PRINCIPAL AMOUNT \$ _____,000
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DATED DATE: **JUNE 30, 2022**

REGISTERED OWNER:

PRINCIPAL AMOUNT: **THOUSAND DOLLARS**

INTEREST RATE: _____

MATURITY DATE: **FEBRUARY 1, 2029**

LOCKHART, TEXAS (the "City"), being a political subdivision of the State of Texas, for value received, promises to pay, from the sources described herein, to the registered owner specified above, or registered assigns, the principal amount specified above, and to pay interest thereon, from the Dated Date set forth above (calculated on the basis of a 360-day year of twelve 30-day months), on the balance of said principal amount from time to time remaining unpaid, at the applicable rates per annum for each outstanding principal installment as set forth below on each February 1 and August 1 of each year commencing February 1, 2023. The principal of this

Note shall be paid in installments on each February 1 in the years and in the amounts and bearing interest at the respective per annum rates, all as set forth above.

THE PRINCIPAL OF AND INTEREST ON the Notes are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Note shall be paid to the Registered Owner hereof upon presentation and surrender of this Note at maturity, at _____, which is the "Paying Agent/Registrar" for this Note at its designated office in _____, Texas (the "Designated Payment/Transfer Office). The payment of interest on this Note shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the Ordinance authorizing the issuance of this Note (the "Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the fifteenth day of the preceding month each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Note appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

ANY ACCRUED INTEREST due at maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Note for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Note that on or before each principal payment date, interest payment date, and accrued interest payment date for this Note it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Notes, when due.

IF THE DATE for the payment of the principal of or interest on this Note shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the City where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS NOTE is dated June 30, 2022, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$4,055,000, for the purpose of: (i) waste water system improvements, (ii) acquiring and equipping a bucket truck, (iii) public safety improvement, including acquisition of a fire truck, (iv) street and sidewalk improvements; and, (v) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Notes.

THE NOTES are not subject to redemption prior to stated maturity.

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

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

IT IS HEREBY certified, recited and covenanted that this Note has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Note have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law.

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

IN WITNESS WHEREOF, the City has caused this Note to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of said City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Note.

City Secretary, City of Lockhart, Texas

Mayor, City of Lockhart, Texas

(CITY SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

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

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

Dated

_____,
Paying Agent/Registrar

By _____
Authorized Representative

FORM OF PAYMENT RECORD

PAYMENT RECORD

<u>Date of Payment</u>	<u>Principal Payment (amount and installment(s) to which payment is applied)</u>	<u>Remaining Principal Balance</u>	<u>Name and Title of Authorized Officer making Entry</u>	<u>Signature of Authorized Officer</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

FORM OF ASSIGNMENT

ASSIGNMENT

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

Please insert Social Security or Taxpayer
Identification Number of Transferee

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

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

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

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

FORM OF REGISTRATION CERTIFICATE OF THE COMPTROLLER OF PUBLIC ACCOUNTS

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

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

Witness my signature and seal this

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

Section 6. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Note. All ad valorem taxes levied and collected for and on account of said Notes shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Notes are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Notes as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Notes as such principal matures (but never less than 2% of the original principal amount of said Notes as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Notes are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Notes, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Notes shall be deposited in the Interest and Sinking Fund and used to pay interest on the Notes.

Section 7. ESTABLISHMENT OF PROJECT FUND. (a) Project Fund. The City's Tax Notes Series 2022 Project Fund is hereby created and shall be established and maintained by the City at an official depository bank of the City. Proceeds from the sale of the Notes, including any premium, but excluding accrued interest, shall be deposited into the Project Fund.

(b) Investment of Funds. The City hereby covenants that the proceeds of the sale of the Notes will be used as soon as practicable for the purposes for which the Notes are issued. Obligations purchased as an investment of money in any fund shall be deemed to be a part of such fund. Any money in any fund created by this Ordinance may be invested as permitted by the Texas Public Funds Investment Act, as amended.

(c) Security for Funds. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.

(d) Maintenance of Funds. Any funds created pursuant to this Ordinance may be created as separate funds or accounts or as subaccounts of the City's General Fund held by the

City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such funds or of such funds and the City shall keep full and complete records indicating the monies and investments credited to each such fund.

(e) Interest Earnings. Interest earnings derived from the investment of proceeds from the sale of the Notes shall be used along with the Note proceeds for the purpose for which the Notes are issued as set forth in Section 1 hereof or to pay principal or interest payments on the Notes; provided, however, that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on note proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Notes from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

(f) Perfection. Chapter 1208, Texas Government Code, applies to the issuance of the Notes and the pledge of the ad valorem taxes granted by the City under this Section, and is therefore valid, effective, and perfected. If Texas law is amended at any time while the Notes are outstanding and unpaid such that the pledge of the ad valorem taxes granted by the City under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Owners of the Notes the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 8. DEFEASANCE OF NOTES. (a) The Notes and the interest thereon shall be deemed to be paid, retired and no longer outstanding ("Defeased Notes") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Notes, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Notes shall have become due and payable or (3) any combination of (1) and (2). At such time as Notes shall be deemed to be a Defeased Notes hereunder, as aforesaid, such Notes and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of Notes as aforesaid when proper notice of redemption of such Notes shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may, at the discretion of the City Council, also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Notes and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

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

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section for the payment of the Notes and the Notes shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of the Notes affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Notes to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Notes for redemption in accordance with the provisions of the Ordinance authorizing its issuance, the City may call such Defeased Notes for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Notes as though it was being defeased at the time of the exercise of the option to redeem the Defeased Notes and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Notes.

Section 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTES. (a) Replacement Note. In the event any outstanding Note is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Note of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Note, in replacement for such Note in the manner hereinafter provided.

(b) Application for Replacement Note. Application for replacement of a damaged, mutilated, lost, stolen or destroyed Note shall be made by the Registered Owner thereof to the

Paying Agent/Registrar. In every case of loss, theft or destruction of a Note, the Registered Owner applying for a replacement Note shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Note, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Note, as the case may be. In every case of damage or mutilation of a Note, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Note so damaged or mutilated.

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

(d) Charge for Issuing Replacement Note. Prior to the issuance of any replacement Note, the Paying Agent/Registrar shall charge the Registered Owner of such Note with all legal, printing, and other expenses in connection therewith. Every replacement Note issued pursuant to the provisions of this Section by virtue of the fact that any Note is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Note shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Notes duly issued under this Ordinance.

(e) Authority for Issuing Replacement Note. In accordance with Subchapter B of Texas Government Code, Chapter 1206, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Note without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Note is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Note in the form and manner and with the effect, as provided in Section 9(a) of this Ordinance for Note issued in conversion and exchange for other Note.

Section 10. CUSTODY, APPROVAL, AND REGISTRATION OF NOTE; BOND COUNSEL'S OPINION; AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Notes issued and delivered hereunder and all necessary records and proceedings pertaining to the Notes pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Notes said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Notes attached to the Note, and the seal of said Comptroller shall be impressed, or placed in facsimile, on the Note. The approving legal opinion of the City's Bond Counsel may, at the option of the City, be printed on the Note issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the

Registered Owners of the Note. In addition, if bond insurance is obtained, the Note may bear an appropriate legend as provided by the insurer.

Section 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Notes as an obligation described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Notes, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Notes or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Notes (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Notes being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Notes being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Notes, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Notes, other than investment property acquired with --

(A) proceeds of the Notes invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the Notes are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Notes;

(7) to otherwise restrict the use of the proceeds of the Notes or amounts treated as proceeds of the Notes, as may be necessary, so that the Notes does not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Notes) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Notes have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Noteholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Notes. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Notes, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Notes, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, Notes or reports required by the Code and to make such elections, on behalf of the City, which may be permitted

by the Code as are consistent with the purpose for the issuance of the Notes. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Notes, or (2) the date the Notes is retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Notes. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Notes. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

Section 12. SALE OF NOTES. The Notes are hereby sold to the bidder whose bid produced the lowest net effective interest rate, pursuant to the taking of public bids therefor, on this date, and shall be delivered to a syndicate of the purchaser represented by _____ (the "Purchaser") at a price of \$_____, representing the par amount of the Notes, plus accrued interest of \$_____, less an underwriter's discount of \$_____, plus a reoffering premium of \$_____. The Notes shall initially be registered in the name of _____.

In consultation with, and reliance upon the advice of the financial advisor for the City, the City Council hereby finds the terms and sale of the Notes are the most advantageous reasonably available on the date and time of the pricing of the Notes given the then existing market conditions and the stated terms of sale on such date and time and accordingly that such terms are in the best interest of the City.

Section 13. NO CONTINUING DISCLOSURE UNDERTAKING. The placement of the Note is exempt from SEC Rule 15c2-12; however, the City will provide for the benefit of the purchaser of the Note the City's most current audited financial information upon written request.

Section 14. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, (v) obtain insurance or ratings on the Notes, (vi) obtain the approval of the Attorney General of the State Texas, or (vii) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Notes aggregating in principal amount 51% of the aggregate principal amount of then outstanding Notes that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Notes, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Notes so as to:

- (1) Make any change in the maturity of any of the outstanding Notes;
- (2) Reduce the rate of interest borne by any of the outstanding Notes;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Notes;
- (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Notes or any of them or impose any condition with respect to such payment; or

- (5) Change the minimum percentage of the principal amount of any series of Notes necessary for consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Notes a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Notes.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Notes then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Notes shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Note pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Note during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Notes then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

Section 15. DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Notes when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Notes, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Notes then outstanding.

(c) Remedies Not Exclusive.

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

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Note authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 16. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT. Attached hereto as Exhibit C is a substantially final form of Paying Agent/Registrar Agreement. Each of the Mayor, the City Manager and the Director of Finance are hereby authorized to amend, complete or modify such agreement as necessary and are further authorized to execute such agreement.

Section 17. NO PERSONAL LIABILITY. No covenant or agreement contained in the Notes, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Notes shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Notes.

Section 18. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Note, the initial sale and delivery of the Note, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Note, the City Manager or Assistant City Manager are each hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement or (ii) obtain the approval of the Note by the Texas Attorney General's office.

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

Section 19. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Note and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Note.

Section 20. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 21. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the

City and the registered owners of the Note, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Note.

Section 22. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 23. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 24. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 25. EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Section 26. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Note and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Note is outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Note the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 27. REIMBURSEMENT. The City expects to pay expenditures in connection with the purposes set forth in the Section 1 of this Ordinance prior to the issuance of the Notes. The City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Notes to accomplish the purposes set forth in Section 1 of this Ordinance. All costs to be reimbursed pursuant hereto will be capital expenditures. No Notes will be issued by the City in furtherance of this Ordinance after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service. The foregoing notwithstanding, no Notes will be

issued pursuant to this Ordinance more than three years after the date any expenditure which is to be reimbursed is paid.

Section 28. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Notes or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Notes.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 7th day of June, 2022.

Mayor
City of Lockhart, Texas

ATTEST:

City Secretary
City of Lockhart, Texas

EXHIBIT A

DEFINITIONS

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Notes and in the denomination of \$5,000 in maturity amount or any integral multiple thereof with respect to the Notes.

"*Note Insurer*" or "*Insurer*" means the provider of a municipal bond insurance policy for the Notes or any other entity that insures or guarantees the payment of principal and interest on any Notes.

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

"*Business Day*" means any day which is not a Saturday, Sunday or a day on which the Paying Agent/Registrar is authorized by law or executive order to remain closed.

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

"*City*" and "*Issuer*" mean the City of Lockhart, Texas, and where appropriate, the City Council.

"*City Council*" means the governing body of the City.

"*Closing Date*" means the date of initial delivery of and payment for the Notes.

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

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

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

"*DTC Participant*" means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

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

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

"*Holder*," "*Holders*," "*Owners*" or "*Registered Owners*" means any person or entity in whose name a Note is registered in the Security Register.

"*Initial Note*" means the Note authorized, issued, and initially delivered as provided in Section 3 of this Ordinance.

"*Insurance Policy*" means an insurance policy issued by any Insurer guaranteeing the scheduled principal of and interest on the Notes when due.

"*Interest and Sinking Fund*" means the special fund maintained by the provisions of Section 5 of this Ordinance.

"*Interest Payment Date*" means a date on which interest on the Notes is due and payable.

"*Issuance Date*" means the date of delivery of the Notes.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Notes*" means the "City of Lockhart, Texas Tax Notes, Series 2022."

"*Ordinance*" means this ordinance finally adopted by the City Council on June 7, 2022.

"*Outstanding*", when used with respect to Notes, means, as of the date of determination, all Notes theretofore delivered under this Ordinance, except:

(1) Notes theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;

(2) Notes deemed paid pursuant to the provisions of Section 9 of this Ordinance;

(3) Notes upon transfer of or in exchange for and in lieu of which other Notes have been authenticated and delivered pursuant to this Ordinance

(4) Notes under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

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

"*Record Date*" means Record Date as defined in Section 4 the Form of Notes.

"*Redemption Date*" means a date fixed for redemption of any Note pursuant to the terms of this Ordinance.

"*Register*" or "*Registration Books*" means the registry system maintained on behalf of the City by the Registrar in which are listed the names and addresses of the Registered Owners and the principal amount of Notes registered in the name of each Registered Owner.

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

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

EXHIBIT B

NOTE PURCHASE AGREEMENT

EXHIBIT C

PAYING AGENT\REGISTRAR AGREEMENT

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discussion and/or action to consider Resolution 2022-26 approving the purchase of body-worn cameras for the Lockhart Police Department using Governor grant funds and authorizing the City Manager to execute the necessary documents on behalf of the city.

ORIGINATING DEPARTMENT AND CONTACT: Police - Ernest Pedraza

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION:

The City Council approved Resolution No. 2021-20, approving the submission of an application for a grant from the Texas Governor's grant program for the purchase of body-worn cameras. The approval included a 25% fund match and a budgetary amendment.

The grant was awarded to the City of Lockhart and the funds are now available for use and the body-worn cameras are available from Motorola Solutions, Inc., which is an authorized vendor under the Texas BuyBoard Cooperative Purchasing Cooperative.

The purchase of body-worn cameras, as described in the agenda packet for November 16, 2021, is hereby authorized, using grant funds and matching funds for a total of \$85,260. This resolution authorizes the City Manager to execute the necessary documents to acquire the body-worn cameras from Motorola Solutions, Inc.

PROJECT SCHEDULE (if applicable): June 2022

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$85,260.00

Account Number: 100-5317-926-00

Funds Available: 0

Account Name: Radio & Communication Equipment

FISCAL NOTE (if applicable): This resolution allows for the City Manager to sign an agreement with Motorola for the purchase and annual maintenance with Motorola. A budget amendment will need to be processed once the equipment has been received and an invoice has been issued. The budget amendment will include the receipt of unexpected funds from the Texas Governor's Grant Program in General Fund revenues.

PREVIOUS COUNCIL ACTION: Council approved Resolution No. 2021-20 on November 16, 2021 that authorized submission of the grant application to the Office of the Governor for the

City of Lockhart, Texas

Council Agenda Item Cover Sheet

body worn cameras.

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: The staff is recommending approval of the resolution.

LIST OF SUPPORTING DOCUMENTS: Bill

Online Terms Acknowledgement

This Online Terms Acknowledgement (this "Acknowledgement") is entered into between Motorola Solutions, Inc. ("Motorola") and the entity set forth in the signature block below ("Customer").

1. **Online Terms Acknowledgement.** The Parties acknowledge and agree that the applicable terms available at <https://www.motorolasolutions.com/product-terms> are incorporated in and form part of the Parties' agreement as it relates to any Products or Services sold or provided to Customer. By signing the signature block below, Customer certifies that it has read and agrees to the provisions set forth and linked on-line in this Acknowledgement. To the extent Customer is unable to access the above referenced online terms for any reason, Customer may request a paper copy from Motorola. The signatory to this Acknowledgement represents and warrants that he or she has the requisite authority to bind Customer to this Acknowledgement and referenced online terms.

2. **Entire Agreement.** This Acknowledgement supplements any and all applicable and existing agreements, and supersedes any contrary terms as it relates Customer's purchase of products and services. This Acknowledgement and referenced terms constitutes the entire agreement of the Parties regarding the subject matter hereof and as set out in the referenced terms, and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to this subject matter.

3. **Execution and Amendments.** This Acknowledgement may be executed in multiple counterparts, and will have the same legal force and effect as if the Parties had executed it as a single document. The Parties may sign in writing or by electronic signature. An electronic signature, facsimile copy, or computer image of a signature, will be treated, and will have the same effect as an original signature, and will have the same effect, as an original signed copy of this document. This Acknowledgement may be amended or modified only by a written instrument signed by authorized representatives of both Parties.

4. Upon signature, Customer authorizes Motorola to proceed with all deliverables of this order for an order value of \$85,260.00.

5. **Purchase Order Requirements (Customer check one only)**

☐ Purchase Order is issued and attached.

☐ No Purchase Order is required. Customer affirms that this ordering document is the only notice to proceed required, no further purchase orders will be issues against this order, and that funding has been encumbered for this order in its entirety.

6. Ship to, bill to and Ultimate Destination addresses are provided on the quote , attached to this letter or included on the Purchase Order.

The Parties hereby enter into this Acknowledgement as of the last signature date below.

Motorola Solutions, Inc.

Customer:

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____

Date: _____ Date: _____



New Customer Set Up Form

Company Name: Lockhart Police Department

Sales Person: Payeton Schnell

NOTE: Please provide tax exempt certificate with first order to be exempted from tax charges.

Primary Contact Information

Contact Name: Mark Mayberry

Title: Lieutenant

Phone Number: 512-398-4401

Address: 214 Bufkin Lane

Suite:

City: Lockhart

State: Texas

Zip Code: 78644

Email Address: mmayberry@ps.lockhart-tx.org

Shipping Contact Information

Contact Name: Mark Mayberry

Title: Lieutenant

Phone Number: 5123984401

Address: 214 Bufkin Lane

Suite:

City: Lockhart

State: Texas

Zip Code: 78644

Email Address: mmayberry@ps.lockhart-tx.org

Billing Contact Information

Finance Contact Name: Pam Larison

Phone Number: 512-398-3461

Finance Email Address: plarison@lockhart-tx.org

Accounts Payable Contact Name: Same As Above

Phone Number:

Accounts Payable Email Address: plarison@lockhart-tx.org

Street Address: 308 W. San Antonio

Suite:

City: Lockhart

State: Texas

Zip Code: 78644

Method of Payment: ☐ Completed App ☒ Credit Card Only (Processing fees may be applied to credit card payments)
☒ Law Enforcement

Method of Invoice: ☐ Email ☒ Mail **Tax Exempt:** ☒ Yes ☐ No **PO Required:** ☐ Yes ☐ No

FOR ACCOUNTING

**Credit
Limit:**

**Confirmed
Payment Method:**

**Confirmed
Payment Terms:**

Remittance Address: WatchGuard Video
P.O. Box 677996
Dallas, TX 75267-7996
(800) 605-6734 Ext. 3

Please email completed form to SSupport@watchguardvideo.com with all supporting documentation

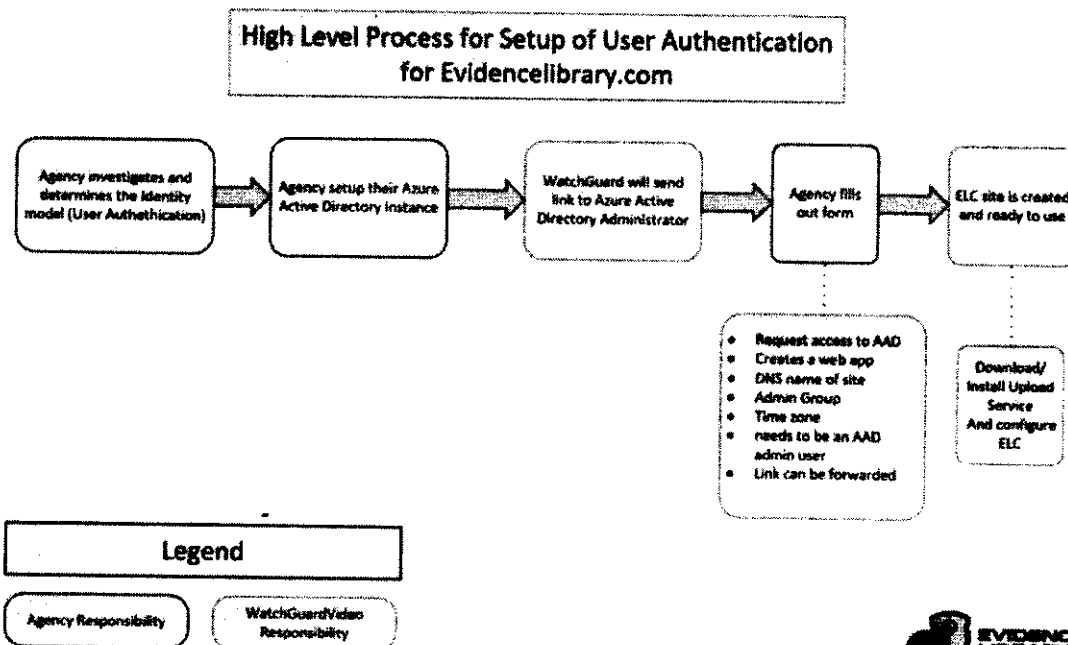
COMMAND CENTRAL EVIDENCE / EVIDENCELIBRARY.COM IT INFORMATION

Before scheduling your deployment, we need some additional information. Please fill out this form, save and email to WGVTSMPG@motorolasolutions.com as soon as possible. If you have any questions let your Sales Representative know.

1. Agency Name and State: City of Lockhart Police	
2. Who is the designated IT Point of Contact?	
IT Contact Name	
Phone Number	Email
3. Provide the Name, Phone Number and Email of the person that will be managing the software for the agency.	
Admin Name	
Phone Number	Email
4. EvidenceLibrary.com requires Commercial Azure Active Directory to authenticate users. Let us know if we will synchronize with an existing instance or a new standalone instance.	Integrate with an existing Azure Active Directory instance. ▼
5. Provide your domain name if integrating with an existing domain.	lockhart-tx.org

EvidenceLibrary.com (ELC) must be connected to an Azure Active Directory (AAD). This Azure Active Directory can either be synchronized with a customer's on-premise Active Directory or completely standalone. If the customer is using Office 365, it is likely we can integrate with that existing Azure Active Directory.

Below is an overview of the user authentication setup and responsibility.



6. Please ensure the internet speeds to MS Azure are sufficient for a good upload and playback experience. https://www.azure.speed.com/Azure/Latency	Upload Mbps 8.2	Download Mbps 120
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Upload Speed Requirements: 5 Mbps base (plus 3 Mbps per addl device), assuming 8hrs to upload video with approx 5GB to upload or 40-50 Mbps per concurrent uploading device, assuming video is required to upload within 30-40mins with approx 5GB to upload.

Download Speed Requirements: 5 Mbps per video stream.

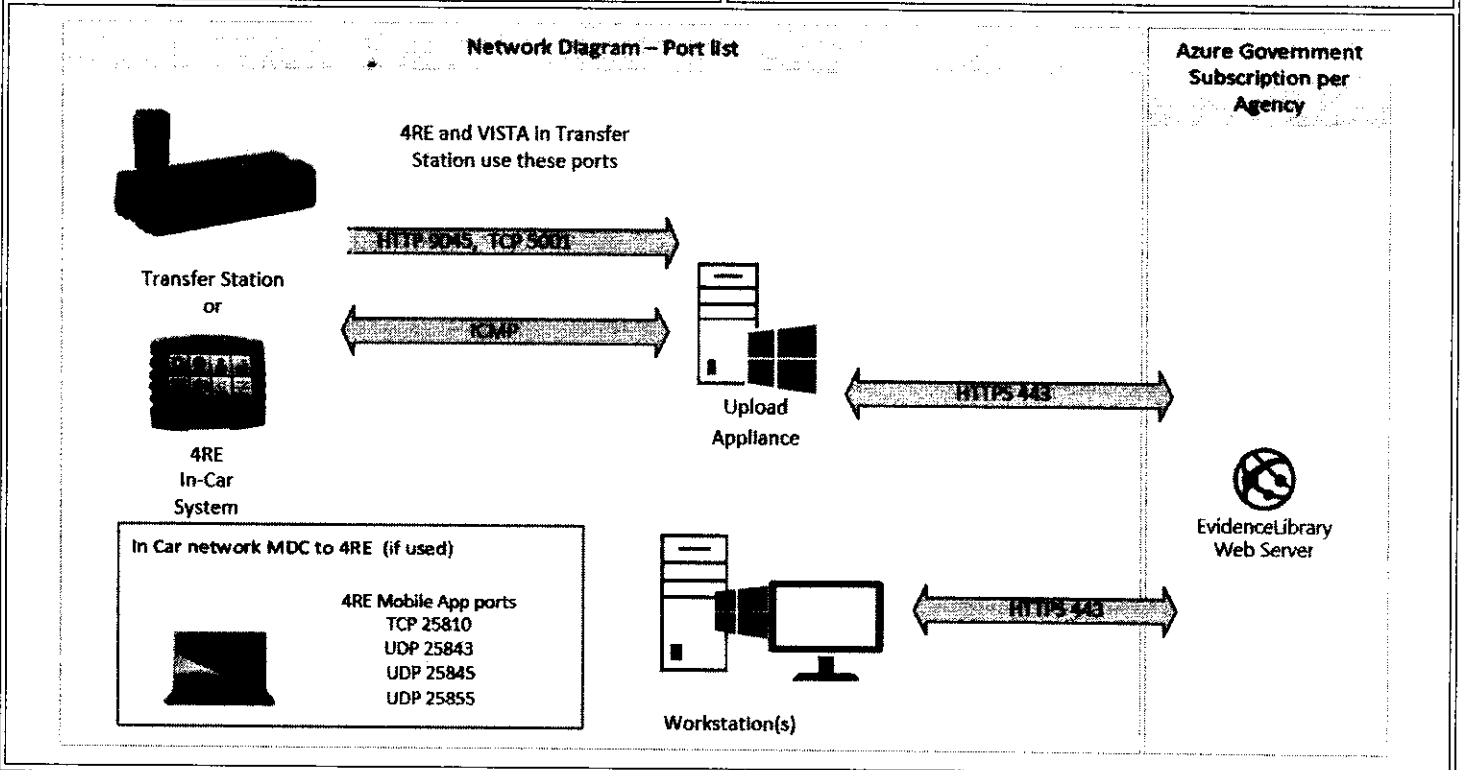
7. What is the name of your CAD/RMS vendor?	Tyler Technologies
8. If you are supplying an upload appliance to temporarily stage video, please verify the server complies with the specifications below and select <u>Yes</u> on this form.	Upload appliance complies with specifications. ☐

Upload Appliance Specifications	
Minimum Hardware Requirements The upload appliance can support up to 120 connected devices and 60 uploading devices. CPU: 4 core 4 Thread RAM: 8 GB Network: 1 Gbps (2 recommended) Volumes: OS 80GB or more (RAID1) Staging 4TB or more (RAID 6) (To accommodate an internet outage over the weekend.) The upload appliance can be a virtual machine.	Minimum Software Requirements An account with local Administrative level permissions is required to install the WatchGuard Evidence Library software on the server. Additionally, the system requires the following software components. Operating System: NOTE: One of the options below must be used. - Windows 10 Professional 64-bit - Windows Server 2016 64-bit - Windows Server 2019 64-bit *Windows updates should be applied per agency policy.

Client workstations We do not support Virtual Desktops.

- Supported OS versions for the client are Win 7 32 bit, Win 7 64 bit, Win 8.1 and Win 10.
- Supported Web Browsers are Chrome v.45 or higher, IE 10 or higher, Edge

9. Specify the version of OS you will provide on the upload appliance if you are using your own box.	OS Windows Server 2019 64-bit ☐
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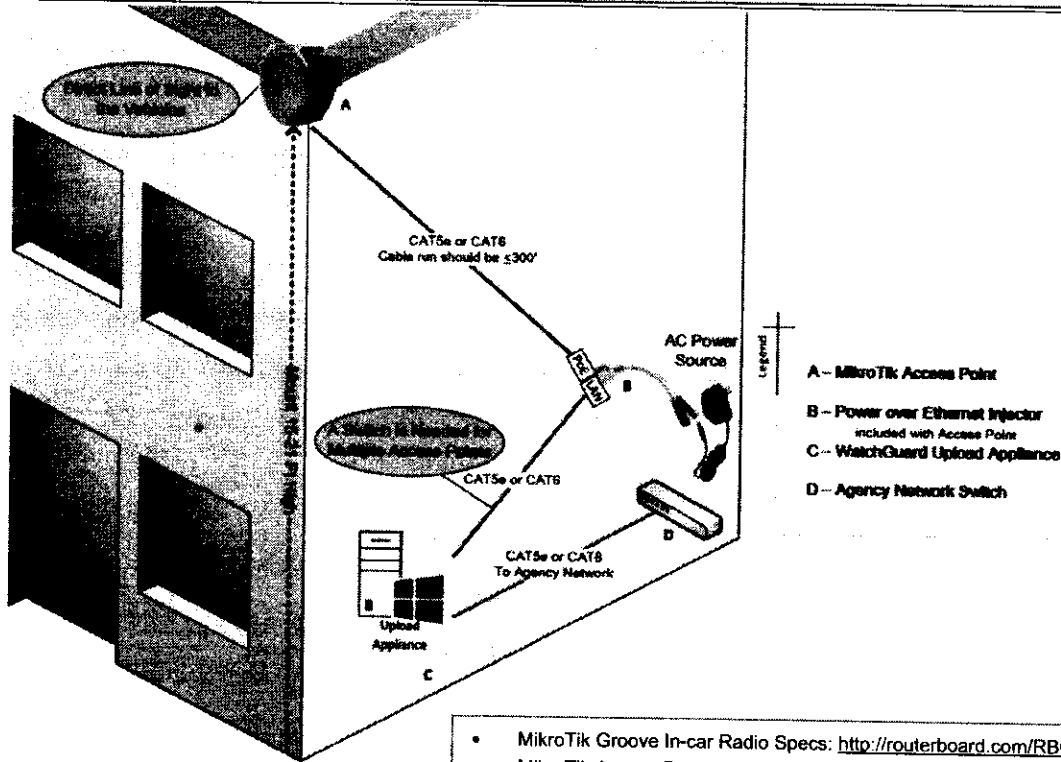
COMMAND CENTRAL EVIDENCE / EVIDENCELIBRARY.COM IT INFORMATION

WIRELESS TRANSFER – These questions are only applicable if you purchased camera hardware with wireless upload.

1. The preferred system configuration for WatchGuard servers utilizes two Network Interface Cards (NICs) on the server. One is for connectivity to the agency network for users needing access to Evidence Library. The second NIC is for secure wireless connectivity through which evidence is transferred from the vehicles to the video server. This configuration keeps the wireless network isolated and provides an additional level of network security.

Is this acceptable to you?

Agencies that choose to use only 1 NIC will need to provide an IP address for each vehicle wireless radio and Access Points.



Wireless components are configured with a hidden SSID and WPA2-AES Security with a 128-bit Pre-Shared Key. If another type of security is desired, the department may be responsible for configuration of in-car wireless radios. If supplying your own Access Point it must be 5GHz 802.11n compatible.

2. Provide a Network to use for the Wireless Upload.
Please choose one or type your own.

3. What type of in-car wireless device will be used?

4. If WatchGuard is not providing the Access Point(s), please provide a SSID and Pre-Shared Key below.
Or send via other methods (phone/email) WGVTSMPMG@motorolasolutions.com

SSID:

Pre-Shared Key:

5. Who will be installing the network cabling and Access Points for the wireless network?

Access point & Cabling Installer - Company Name

Contact Name

Phone Number

**COMMAND CENTRAL EVIDENCE / EVIDENCELIBRARY.COM IT INFORMATION****CELLULAR UPLOAD – These questions are only applicable if you want to upload video via a Cellular connection.**

1. Who is your cellular provider?	
2. What type of cellular network?	
3. Please confirm your data plan is unlimited. This is required for cellular upload.	
4. What type of device will be used for cellular upload? <i>Requires Ethernet connection to Smart Switch from router and MDC (need available port). Both upload paths cannot be implemented simultaneously in the same car. Windows 10 is required to support cellular upload through MDC.</i>	
5. If providing a cellular router, please specify what brand.	
6. If providing a MiFi device, please specify what type.	
7. What device do you desire to use for WIFI upload? <i>A router or MDC with WIFI modem is recommended. If a MikroTik radio is used with a router, an Ethernet connection is required from the Smart Switch to the MDC (need available MDC port).</i>	
8. How would you like to encrypt video upload over cellular?	
9. If using VPN, what is your VPN system?	
10. If using VPN, what is the IP range for that network?	

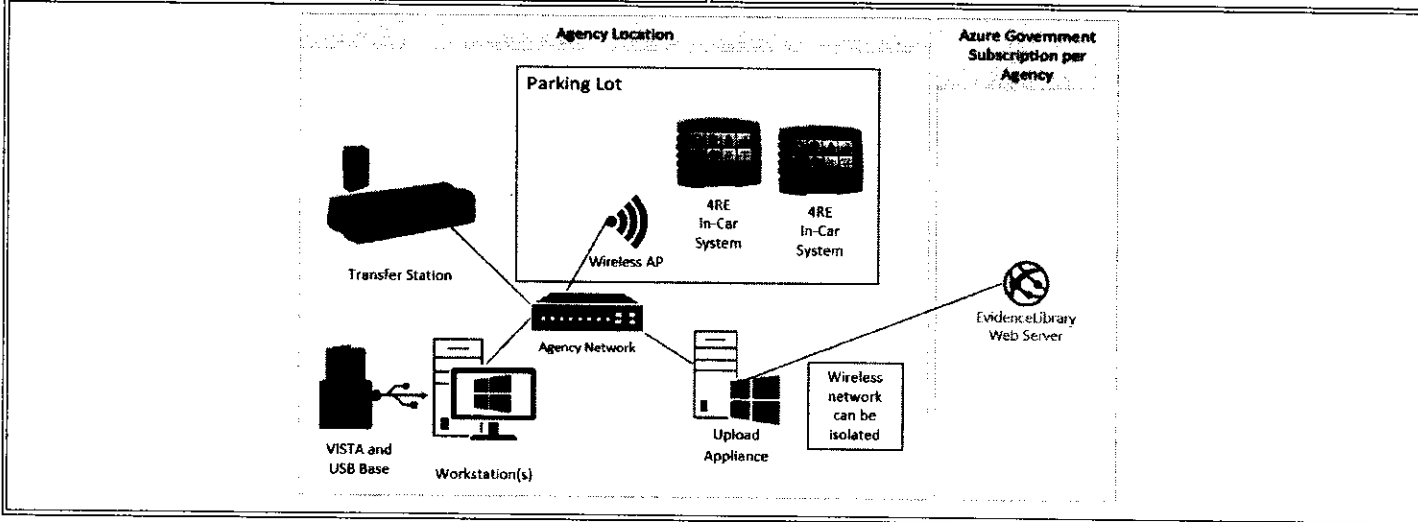
COMMAND CENTRAL EVIDENCE / EVIDENCELIBRARY.COM IT INFORMATION

TRANSFER STATION – These questions are **only applicable** if you purchased a VISTA or V300 Transfer Station.
The information below is needed to configure the Transfer Station(s) prior to shipment.

1. Provide the server IP address for the Transfer Station to upload. Can be on the agency or wireless network*	10.100.6.51
<i>*The Transfer Station does not have wireless capabilities but can be wired into your 4RE Wireless Network. If you have multiple Transfer Stations they can be placed on the Agency and Wireless Network if needed.</i>	
2. Would you like to use DHCP or assign Static IP addresses for the Transfer Station(s) and camera slots? We recommend using a Static IP address for the Transfer Station.	Static for Transfer Station and DHCP for camera slots.
3. Please indicate a range of IP Addresses to use for the Transfer Station(s). Each station will require 9 total IP addresses; 1 for the station and 1 for each of the 8 camera slots.	10.100.6.80 - 10.100.6.89
4. Provide the Gateway IP address to the WatchGuard server.	10.100.6.1
5. List a Name for each Transfer Station. The 8 slots are hard numbered 1-8 therefore we recommend using A, B, C, etc. for the Name instead of Numbers.	CamaraTS-A
6. List the Transfer Station locations. (e.g. Room 523, Building 224) The same location name is recommended if multiple Transfer Stations are in the same location.	

The questions below are only required for the V300 Transfer Station

7. Provide your DNS Server IP address.	10.100.6.21
8. Provide the Primary & Secondary Hostname. Secondary is optional. If uploading directly to ELC the Hostname will be device.tx.evidencelibrary.com.	EFORCE-APP1.colpd.org
9. Tenant ID This is found within your Azure Active Directory.	e5d79945-8b2a-48f4-a352-26284de77728



Signature:

Email: plarison@lockhart-tx.org

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discussion and/or action to consider Ordinance 2022-22 regarding amendment of Section 50-3 of Chapter 50 of the Lockhart Code of Ordinances to establish maintenance responsibilities for public sidewalks and cost sharing programs for sidewalk reconstruction or repairs.

ORIGINATING DEPARTMENT AND CONTACT: Public Works - Sean Kelley

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: Staff has received increasing inquiries about sidewalk replacement and maintenance. Unfortunately, current policies and ordinances lack the provisions to perform, delegate, and facilitate these requests. With the growing demand of the community, City Council has also been approached with requests to improve deteriorating sidewalks.

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

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

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

The Lockhart Code states the following:

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

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

City of Lockhart, Texas

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feet six inches in the public street area. The city retains the right to trim any limbs or growth from trees or plants of any type planted on public right-of-way maintain a height of not less than 13 feet six inches above the surface of any street.

The proposed ordinance amendment to Section 50-3 of the Lockhart Code of Ordinances clarifies:

1. Sidewalk maintenance responsibility.
2. Establishes a procedure to identify eligible sidewalk projects.
3. Creates a cost sharing program.

During the City Council Meeting held on May 17, 2022, Council designated projects that included deficient sidewalks for funding and directed staff to begin the process of funding with the City's Financial Advisor and the City's Bond Counsel by way of a tax note. Upto \$300,000 of the assumed tax note could be used to participate in a potential cost-sharing program or could be used to fund deficient sidewalks that are in the most critical need of repair.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

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

LIST OF SUPPORTING DOCUMENTS: Sidewalk Maint. and Cost Sharing Policy Ord 2022-22

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SECTION 50-3 OF CHAPTER 50 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH MAINTENANCE RESPONSIBILITIES FOR PUBLIC SIDEWALKS AND COST SHARING PROGRAM FOR SIDEWALK RECONSTRUCTION OR REPAIRS; PROVIDING FOR PENALTIES FOR VIOLATION AND CLAUSES FOR REPEALER, SEVERABILITY, SAVINGS, PUBLICATION, AND EFFECTIVE DATE

WHEREAS, the City of Lockhart has sidewalks located throughout the City that provide access to schools, parks, and communities; and

WHEREAS, the City Council believes that these sidewalks enhance the beauty of the city and the quality of life for its citizens and visitors; and

WHEREAS, the City Council now deems it necessary to establish and clarify maintenance responsibilities for sidewalks within the City;

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

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

SECTION 2: Amendment. Section 50-3 of Chapter 50 of the Lockhart Code of Ordinances is hereby amended so that it shall hereafter read in its entirety as follows:

Sec. 50-3. Maintenance of sidewalk and street appurtenances: City cost share program.

- (a) **Duty of Owner.** It shall be the duty and obligation of all owners and occupants, of real property which abuts or upon which a sidewalk, driveway, or other way is located and used by the public, to keep and maintain such sidewalk, driveway, or way in a safe condition for use. Such sidewalks, driveway, or ways shall be maintained by the owner or occupant of such real property so as to be free of depressions, excavations, inequalities, obstacles, obstructions, encroachments, and tall weeds or grass located between the person's front property line and the curb and/or street.
- (b) **City cost share program.** If revenues are available, the City may participate in the reconstruction or repair of a sidewalk with an eligible property owner on a 50/50 basis.
- (c) **Policies and procedures of the cost share program.** The City's 50/50 cost share program ("the program") shall operate as follows:
 - (1) **Eligible properties:** Property owners of the following types of owner-occupied properties are eligible to participate in the program: Single-family residents, duplexes, town homes and condominiums. Only sidewalks in City's public right-of-way are eligible. In no event will the City's cost share cover reconstruction or repairs to be performed on private property.
 - (2) **Eligible projects.** Sidewalk must contain 1 ½" or greater vertical trip hazard between panels, 1" or greater width separation between panels, and/or structural damage through the entire depth of the sidewalk panel. Cosmetic damages that are neither

structural failures or trip hazards are not eligible. Each project must be approved by the Public Works Director or designee.

- (3) Cost: The property owner's share of the cost under the program shall be one-half (1/2) of the total cost for the requested improvement, excluding cost for non-barrier ramps.
- (4) Trees: All trees located in the City's right-of-way shall be removed in conjunction with each project unless retention of a tree or tree in the right-of-way is approved by the Public Works Director or designee. The cost of removal shall be included in the estimate for each project.
- (5) Damage to improvements: The City shall not be responsible for damage that occurs to sprinkler systems, trees, shrubs, or other improvements in the City's right-of-way. It shall be the responsibility of the property owner to protect these improvements before and during reconstruction or repair.
- (6) Method of payment and assessment: The City or the City's contractor will perform the work and assess cost for assess the eligible project. The property owner shall make payment to the City in the full amount of their share before work commencement of reconstruction or repair or, alternatively, pursuant to a payment agreement, in 12 or 24 monthly payments. Payment agreements made through the public works department with the first payment due and paid before commencement of the construction or repair, to the agreed schedule. If a balance remains unpaid at the end of the agreed schedule, interest will be charged on an annual rate of the lesser of six percent of the maximum rate allowed by law, until the unpaid balance is paid.
- (7) Lien: Where the abutting property owner makes payment agreement with the public works department, their share of the cost of the reconstruction/repair performed by the City, together with interest shall constitute a personal claim against them and shall be secured by a lien on such property which may be enforced against the owner in the manner provided by law. Upon full payment of such cost, the City will release the lien.
- (8) Rework: In the event the replaced sidewalk reconstructed through the program fails within one year of the completion of the replacement under the program, the City shall make the appropriate repairs, as determined to be necessary by the City, to the failed section at no additional cost to the property owner.
- (9) Refund and reimbursement:
 - (a) Refund. An abutting property owner may make a written request for a refund before initiation of the reconstruction or repair. In no event shall a refund be made after the City begins work.
 - (b) Reimbursement. Property owner shall be eligible for reimbursement of the portion of the cost of replacement or repair for work done in connection with the program if within two years of the completion of the replacement or repair, the City undertakes a capital improvement project and the sidewalk reconstructed or repaired through the program is replaced in connection with the capital improvement project. Reimbursement under this paragraph is available only in areas included in the capital improvement project on a pro rata basis.
- (d) Notice of Violation. Whenever it is determined that there are grounds for violation of any provision of this chapter, the building official shall give notice of such violation to the property owner, as hereinafter provided. Such notice shall:
 - (1) Be in writing;

- (2) Include a statement of the reason for its issuance; and
- (3) Allow a reasonable time for the performance of the act it requires.
- (e) **Penalty.** Any person violating the provisions in this section shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500 for each day of such violation
- (f) **Remedy by the City.** In addition to the penalty provisions above provided for, resulting from violation of the provisions of this section, the City shall be entitled to enter upon and remove and/or trim as necessary eliminate any such public sidewalk from such obstruction and/or declare a sidewalk in violation of this section a public nuisance. City cost for labor, benefits, equipment, and materials associated with removing and/or replacing public sidewalks shall be invoiced to the property owner of record. Should the property owner fail to pay the incurred City cost within 30 days of invoice, a lien shall be filed on the property for such amount plus ten percent of the amount of the invoice, plus the cost of the then current filing fee.

SECTION 3. Repealer. All provisions of the Code of Ordinances of the City of Lockhart in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Code of Ordinances of the City of Lockhart codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Severability. It is hereby declared to be the intention of the City Council that the components of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining component of this Ordinance.

SECTION 5. Publication. The City Secretary shall cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

SECTION 6. Effective Date. This ordinance shall become effective and be in full force from the date of its passage.

PASSED AND ADOPTED on this the ____ day of _____, 2021.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

AGENDA ITEM CAPTION: Discussion and/or action to consider Resolution 2022-25 authorizing the City Manager to enter into a Local Transportation Project Advance Funding Agreement (AFA) with TxDOT for bridge replacement or rehabilitation Off the State System for the North Blanco Street Bridge over Town Branch Creek.

ORIGINATING DEPARTMENT AND CONTACT: Public Works - Sean Kelley

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: During a routine inspection by TxDOT in December 2019, the North Blanco Street Bridge was found to have scouring, settling, and cracks that would require action. The City worked with TxDOT to create an Action Plan that included frequent routine inspections to monitor the bridge, along with TxDOT's biannual inspections.

Staff has been working with TxDOT to fund the full replacement of the North Blanco Street Bridge using their Highway Bridge Replacement and Rehabilitation Program (HBRRP). Resolution 2022-25 authorizes the City Manager to enter into an Advance Funding Agreement (AFA) with TxDOT. The AFA will require the City to match 0.5% of the total estimated cost and the remaining 99.5% to be federally funded using the Highway Bridge Replacement and Rehabilitation Program (HBRRP). Once the Resolution is approved, TxDOT will be scheduling the bridge design and replacement for FY 2026.

TxDOT inspected the bridge this spring and rated the condition the same. However, the inspector made the recommendation to have the bridge require a load posting of 24,000lbs per tandem axel to prolong the integrity of the bridge until the full replacement takes place.

PROJECT SCHEDULE (if applicable): FY 2026-TxDOT's projected schedule for the design and replacement for the North Blanco Street Bridge

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$5,500.00

Account Number: 100-5633-911-00

Funds Available: \$40,000.00

Account Name: Construction/Project Improvement

FISCAL NOTE (if applicable): Annually, the Street Department budgets \$440,000 towards street improvements. This line item has an additional \$40,000 for miscellaneous projects which will cover the 0.5% match towards the North Blanco Street Bridge replacement or rehabilitation project.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval of Resolution 2022-25.

LIST OF SUPPORTING DOCUMENTS: Resolution 2022-25 North Blanco Bridge , N. Blanco St. Bridge Map

Resolution 2022-25

A RESOLUTION OF THE CITY OF LOCKHART, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT (AFA) WITH TXDOT FOR BRIDGE REPLACEMENT OR REHABILITATION OFF THE STATE SYSTEM (North BLANCO STREET BRIDGE OVER TOWN BRANCH CREEK)

WHEREAS, a Master Agreement between Local Government and the State has been adopted May 23, 1969, and states the general terms and conditions for transportation projects developed through the LPAFA; and

WHEREAS, TITLE 23 United States Code Section 144 authorizes federal funds to assist the states in the replacement or rehabilitation of deficient bridges located on public highways, roads, and streets, including those under the jurisdiction of local governments; and

WHEREAS, the Local Government owns one or more bridges on a public road or street located at North Blanco Street over Town Branch Creek, and the bridge is included in the current approved off-state system federal aid Highway Bridge Replacement and Rehabilitation Program (HBRRP) as authorized by the Texas Transportation Commission Minute Order Number 116073, Dated August 31, 2021; and

WHEREAS, HBRRP will fund ninety-nine and a half percent (99.5%) of the estimated project costs of \$1,100,000 and the City of Lockhart will fund the remaining half percent (0.5%) in the estimated cost of \$5,500.

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

Section 1. The City Manager is hereby authorized to enter into a local transportation project Advance Funding Agreement (AFA) to provide funding for Bridge Replacement or Rehabilitation Off the State System for the North Blanco Street Bridge over Town Branch Creek.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TX ON THIS THE 7TH DAY OF JUNE 2022.

APPROVED:

Lew White, Mayor

Attest:

Connie Constancio, City Secretary

North Blanco Street Bridge

Legend

-  N. Blanco Street Bridge
-  Navarro Springs Park



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: June 7, 2022

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

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

ACTION REQUESTED: Other

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

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

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

Open Meetings Act Suspensions Terminate effective September 1, 2021

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

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

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

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

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

City of Lockhart, Texas

Council Agenda Item Cover Sheet

On October 11, 2021, Governor Abbott issued GA-40 prohibiting vaccine mandates, subject to legislative action.

On February 25, 2022, the CDC updated its framework on monitoring the level of COVID-19 in communities. The new framework moves beyond just looking at cases and testing positivity to evaluation factors that also include hospitalizations and hospital capacity. These factors combined are used to determine whether COVID-19 and severe disease are low, medium or high in a community. The CDC also updated its recommendations for wearing face coverings and respirators. Recommendations are now connected to the community's current level of COVID-19 and severe disease.

On May 26, 2022, the CDC upgraded Caldwell County's COVID-19 Community Risk level to "Medium." This is the first time Caldwell County's community risk level has been elevated from "Low" risk since late February. The COVID-19 Community Level is determined by the higher of the new admissions and inpatient beds metrics, based on the current level of new cases per 100,000 population in the past seven days.

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

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None.

LIST OF SUPPORTING DOCUMENTS: Update of COVID-19 orders and Council actions, GA-39, GA-38, Governor Abbott proclamation renewing the Declaration of Disaster, GA 40, Memorandum COVID19 level medium

HISTORY OF COVID-19 ORDERS/COUNCIL ACTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On **October 11, 2021**, Governor Abbott issued GA-40 relating to prohibiting all entities of compelling receipt of a COVID-19 vaccine until the issue has been considered through legislation.

On **February 25, 2022**, the CDC updated its framework on monitoring the level of COVID-19 in communities. The new framework moves beyond just looking at cases and testing positivity to evaluation factors that also include hospitalizations and hospital capacity. These factors combined are used to determine whether COVID-19 and severe disease are low, medium or high in a community. The CDC also updated its recommendations for wearing face coverings and respirators. Recommendations are now connected to the community's current level of COVID-19 and severe disease.



GOVERNOR GREG ABBOTT

August 25, 2021

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

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

AUG 25 2021

Secretary of State

Dear Deputy Secretary Esparza:

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

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

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

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
August 25, 2021

EXECUTIVE ORDER GA 39

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

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

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

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

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

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

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

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

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

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

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

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SECRETARY OF STATE
2pm O'CLOCK

AUG 25 2021

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

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

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

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

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

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

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2:43 P.M. O'CLOCK

AUG 25 2021

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

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



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

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Joe A. Esparza".
JOE A. ESPARZA
Deputy Secretary of State

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

AUG 25 2021



GOVERNOR GREG ABBOTT

July 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

Secretary of State

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

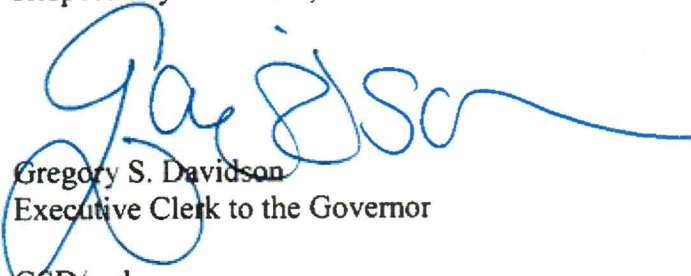
Dear Deputy Secretary Esparza:

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

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

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

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 29, 2021

EXECUTIVE ORDER GA 38

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

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

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

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

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

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

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

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

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

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

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

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

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3:15pm O'CLOCK

JUL 29 2021

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

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

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

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

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

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

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SECRETARY OF STATE
3:15pm O'CLOCK

JUL 29 2021

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

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

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

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COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

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

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



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

A handwritten signature in black ink, reading "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Joe A. Esparza".
JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

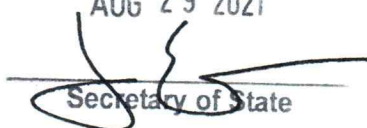


GOVERNOR GREG ABBOTT

August 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK

AUG 29 2021


Secretary of State

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

Dear Mr. Deputy Secretary:

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

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

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

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

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

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

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

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

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of August, 2021.

A handwritten signature in black ink, reading "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30pm O'CLOCK

AUG 29 2021

Governor Greg Abbott
August 29, 2021

Proclamation
Page 2

ATTESTED BY:



JOE ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30pm O'CLOCK
AUG 29 2021



GOVERNOR GREG ABBOTT

October 11, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:30 PM 'CLOCK

OCT 11 2021

Secretary of State

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

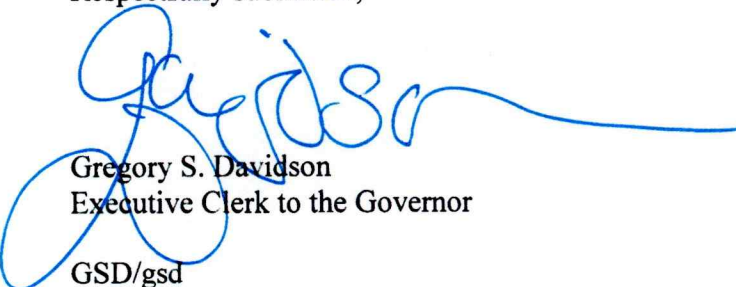
Dear Deputy Secretary Esparza:

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

Executive Order No. GA-40 relating to prohibiting vaccine mandates, subject to legislative action.

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

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
October 11, 2021

EXECUTIVE ORDER GA 40

*Relating to prohibiting vaccine mandates,
subject to legislative action.*

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

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

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

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

WHEREAS, I issued Executive Orders GA-35, GA-38, and GA-39 to prohibit governmental entities and certain others from imposing COVID-19 vaccine mandates or requiring vaccine passports; and

WHEREAS, in yet another instance of federal overreach, the Biden Administration is now bullying many private entities into imposing COVID-19 vaccine mandates, causing workforce disruptions that threaten Texas's continued recovery from the COVID-19 disaster; and

WHEREAS, countless Texans fear losing their livelihoods because they object to receiving a COVID-19 vaccination for reasons of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19; and

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

WHEREAS, the legislature has taken care to provide exemptions that allow people to opt out of being forced to take a vaccine for reasons of conscience or medical reasons; and

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

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

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4:30 PM O'CLOCK

OCT 11 2021

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

1. No entity in Texas can compel receipt of a COVID-19 vaccine by any individual, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19. I hereby suspend all relevant statutes to the extent necessary to enforce this prohibition.
2. The maximum fine allowed under Section 418.173 of the Texas Government Code and the State's emergency management plan shall apply to any "failure to comply with" this executive order. Confinement in jail is not an available penalty for violating this executive order.
3. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.

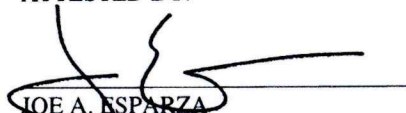
This executive order does not supersede Executive Orders GA-13, GA-37, GA-38, or GA-39. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.

Given under my hand this the 11th
day of October, 2021.



GREG ABBOTT
Governor

ATTESTED BY:


JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:30 PM O'CLOCK

OCT 11 2021



Memorandum

To: Mayor Lew White, Mayor Pro-Tem Angie Sanchez, Councilmembers Bryant, Michelson, Westmoreland, McGregor, and Mendoza
From: Steven Lewis, City Manager
Date: June 2, 2022
Re: County COVID-19 level update

Mayor and Council,

The Centers of Disease Control and Prevention (CDC) reported Caldwell County's COVID-19 Community Level has been upgraded to *Medium* this week. This is the first time Caldwell County's community risk level has been elevated from *Low* risk since late February. The COVID-19 Community Level is determined by the higher of the new admissions and inpatient beds metrics, based on the current level of new cases per 100,000 population in the past seven days. **Here are the latest numbers on Caldwell County from the CDC:**

Case Rate per 100,000 population	206.12
New COVID-19 admissions per 100,000 population	2.9
% Staffed inpatient beds in use by patients with confirmed COVID-19	0.1%

Based on the CDC's calculations, due to more than 200 new COVID-19 cases, Caldwell County's risk level has been upgraded to *Medium*. With this classification, the CDC recommends increased accessibility to vaccination, testing, and treatment, along with maintaining improved ventilation in public indoor spaces. As of this time, the Caldwell County Office of Emergency Management is not planning on issuing an advisory regarding the county's updated COVID-19 status.

The CDC has the following recommendations for people depending on which COVID-19 Community Level their county is in:

- Low Risk
 - Stay up-to-date with COVID vaccines
 - Get tested if you have symptoms
- Medium Risk

- Same precautions as low risk and:
 - Talk to your healthcare provider about whether you should wear a mask and take other precautions if you are at high risk for severe illness
- High Risk
 - Same precautions as medium risk and:
 - Wear a mask indoors in public
 - Additional precautions may be needed for people at high risk for severe illness

This information is also available through the [CDC's Data Tracker: Integrated County View](#), which is updated every Thursday.