

**REGULAR MEETING
LOCKHART CITY COUNCIL**

FEBRUARY 1, 2022

6:30 P.M.

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

Council present:

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

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

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Sean Kelley, Public Works Director
Kevin Waller, Assistant City Planner

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Dan Gibson, City Planner
Tina Ramsey, Victim Assistance Coordinator

Citizens/Visitors Addressing the Council: Representatives of Hays-Caldwell Women's Center; Syd Falk of Bickerstaff, Heath, Delgado & Acosta; and Citizens: Roy Watson and Matthew Johnson.

Work Session 6:30 p.m.

Mayor White announced that Mayor Pro-Tem Sanchez would be late arriving at the meeting. He opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. PRESENTATION OF A PROCLAMATION DECLARING FEBRUARY AS DATING VIOLENCE AWARENESS MONTH.

Ms. Ramsey encouraged teens and young adults to be aware of Dating Violence and to speak up if an individual is a victim or a witness of Dating Violence.

Yvette Mireles of Hays-Caldwell Women's Center also encouraged teens and young adults to report dating violence.

B. RECEIVE INITIAL ASSESSMENT REGARDING WHETHER REDISTRICTING IS REQUIRED CONSIDERING THE NEW 2020 CENSUS DATA; AND, IF SO, CONSIDER ADOPTION OF CRITERIA TO APPLY TO DEVELOPMENT OF NEW DISTRICTING PLANS, AND GUIDELINES FOR PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS. *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.*

Syd Falk of Bickerstaff, Heath, Delgado & Acosta provided information and there was discussion regarding the following topics involving the Redistricting process because of the new 2020 Census data:

Mayor Pro-Tem Sanchez arrived at the meeting.

- One Person – One Vote: U.S. Constitution states that single-member districts must have approximately equal populations. Rule of thumb provides for a total deviation less than 10 percent.
- Available Census data: Census block level includes total population, voting age population, race, and Hispanic origin.
- Section 2 of the Voting Rights Act. No discrimination on basis of race or language minority status and generally avoid cracking or packing. Cracking or fracturing is dividing minority voters to fragment their voting power. Packing is concentrating minority voters when dividing them would permit the group to elect their candidates of choice in more than one district. Other practices can also violate Section 2.
- 14th Amendment (*Shaw v. Reno*). Limits race-based decision making, including redistricting. Was race the predominant consideration in drawing a redistricting plan? If so, is the plan a narrowly tailored means of addressing a compelling government interest?
 - Usually, race may not be the predominant factor to the subordination of traditional districting principles.
 - But is it ok to be aware of race and to consider race to satisfy Section 2 and Section 5.
 - To narrowly tailor, use race no more than necessary.
 - Bizarrely shaped district not unconstitutional per se yet bizarre shape may be evidence that race predominated.
- Section 5 of the Voting Rights Act. Preclearance no longer required (*Shelby County v. Holder-2013*). Section 5 standard is retrogression.
- The 2020 Census data reflects a population of 14,371 for the City of Lockhart. The ideal size of each single-member district should be 3,593 of voter age population. City of Lockhart's overall deviation for single-member districts is 16.34 percent.

Mr. Falk stated that since the overall deviation for single-member districts is higher than 10 percent, the City of Lockhart should proceed with drawing sessions to determine single-member districts that will abide by the three basic legal principles that govern the redistricting process: (1) the "one person-one vote" (equal population) principle; (2) the non-discrimination standard of Section 2 of the Voting Rights Act; and (3) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting.

The Redistricting timeline is as follows:

- February 8, 2022 – First Drawing Workshop
- February 22, 2022 – Second Drawing Workshop (special meeting)
- March 8, 2022 – Third Drawing Workshop (if needed - special meeting)
- March 15, 2022 – Public hearing regarding redistricting
- March 29, 2022 – Fourth Drawing Workshop (if needed – special meeting)
- April 5, 2022 – Adoption of the new Redistricting plan.

C. RECEIVE THE FINAL REPORT BY THE WAYFINDING COMMITTEE.

Roy Watson, of the Wayfinding Committee gave the final report that reflected several options for signage at the entrances to Lockhart as well as wayfinding signs throughout the community. There was discussion.

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

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:50 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Sanchez 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. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-05 BY MATTHEW JOHNSON AND MILL SCALE ON BEHALF OF KEITH SCHMIDT, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-06 FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT AND CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT, ON LOT 1-A, BLOCK 1, BARCLAY ADDITION, CONSISTING OF 1.363 ACRES LOCATED 711 NORTH COLORADO STREET (US 183).

Mayor White opened the public hearing at 7:53 p.m.

Mr. Gibson stated that a barbecue cooker/smoker business proposes to construct a building on the subject property where they will manufacture and sell their products. Because it includes retail sales, it is allowed in the CMB and CHB zoning districts, but because of the manufacturing aspect, it would be more appropriate in the higher intensity CHB district. The property is partially zoned CMB and partially zoned CHB, so the purpose of the change is to simply make the zoning classification consistent for the entire lot by moving the current boundary between the adjacent CMB and CHB districts to the south property line of the subject lot. The proposed CHB zoning classification is consistent with the *General-Heavy Commercial* future land use that is designated along the entire west side of Colorado Street in the vicinity of the subject lot. At the Planning and Zoning Commission public hearing, two citizens spoke in support of the proposed zoning change, and one resident of the adjacent neighborhood spoke in opposition. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Matthew Johnson, Prairie Lea, of Mill Scale Metalworks provided information about the metal cooking products that they build. He stated that they would like to establish their business in Lockhart and believes that their business will help promote Lockhart as the Barbecue Capital of Texas. He requested approval 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 8:05 p.m.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-06, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-07 FOR A ZONING TEXT AMENDMENT REVISING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS", SUBSECTION (G)(2) "ADDITIONAL PARKING REQUIREMENTS WITHIN RESIDENTIAL DISTRICTS", TO REQUIRE COVERED PARKING FOR DETACHED SINGLE-FAMILY DWELLINGS AND PROVIDE REASONABLE STANDARDS FOR SUCH PARKING; AND, REVISING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, APPENDIX I "SPECIFIC REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT TYPES", TO MODIFY THE HEADING OF THE MINIMUM OFF-STREET PARKING COLUMN TO ALLOW GARAGES TO COUNT TOWARD THE MINIMUM PARKING REQUIREMENT.

Mayor White opened the public hearing at 8:05 p.m.

Mr. Gibson stated that after building permits were submitted by Lennar Homes for houses that did not have either a garage or a carport for construction in the remaining sections of Summerside Subdivision, where all homes in the existing sections have garages, staff prepared the draft ordinance for City Council discussion at the January 4th meeting. The Council directed staff to proceed with the process for zoning text amendments, which includes publishing a notice for public hearings to be held by both the Planning and Zoning Commission and the City Council. The proposed ordinance amends Section 64-197, Subsection (g)(2) "Additional Parking Requirements Within Residential Districts" by revising paragraph (a), where the only existing text is the word "Reserved", to add a provision requiring covered parking for detached single-family dwellings (SF-1 and SF-3 residential development types). It also adds standards for the location and appearance of covered parking that will, in effect, prohibit what is commonly known as "snout houses" (where the garage protrudes closer to the front property line than the remainder of the front of the house). In addition, the proposed ordinance also amends Appendix I "Specific Requirements for Residential Development Types" to modify the heading of the *Minimum Off-Street Parking Spaces per Dwelling Unit* column of the table to be consistent with current practice, which is to allow covered parking to be counted as required off-street parking. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens in favor of or against the zoning text amendment to address the Council. There were none. He closed the public hearing at 8:20 p.m.

Councilmember McGregor made a motion to approve Ordinance 2022-07, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER CITY COUNCIL MINUTES FOR THE JANUARY 4, 2022 AND JANUARY 18, 2022 MEETINGS.

Mayor White requested corrections to the minutes.

Mayor Pro-Tem Sanchez made a correction to indicate in the minutes that she attended the January 18, 2022 meeting virtually.

Councilmember Westmoreland made a motion to approve the January 4, 2022 minutes. Councilmember Mendoza seconded. The motion passed by a vote of 6-0-1, with Mayor Pro-Tem Sanchez abstaining.

Mayor Pro-Tem Sanchez made a motion to approve the January 18, 2022 minutes. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER INTERLOCAL AGREEMENT WITH THE INTERLOCAL PURCHASING SYSTEM(TIPS) PROGRAM FOR COOPERATIVE PURCHASING SERVICES AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT, IF APPROVED.

Mr. Kelley stated that the city filed a claim with the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) for damage to the roof at 901 Bois D' Arc Street after an inspection by a local roofer revealed that the roof had suffered hail damage. The replacement of the roof is estimated at \$46,295.60. After discussing the issue with TML's claims adjuster, they suggest that the City uses their preferred cooperative purchasing program to complete the repairs. There is no cost to the city to become a member.

The TIPS program offers the following services:

- TIPS works with vetted contractors.
- Coordinate the competitive bidding process.
- Check all bids and materials to ensure completeness.
- Maintain files for Due Diligence Documentation.
- TIPS collects fees from vendors to support the cost of their operations.

Councilmember Michelson made a motion to approve the Interlocal Agreement with the Interlocal Purchasing System (TIPS) Program for cooperative purchasing services, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-A. RECEIVE INITIAL ASSESSMENT REGARDING WHETHER REDISTRICTING IS REQUIRED CONSIDERING THE NEW 2020 CENSUS DATA; AND, IF SO, CONSIDER ADOPTION OF CRITERIA TO APPLY TO DEVELOPMENT OF NEW DISTRICTING PLANS, AND GUIDELINES FOR PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS. 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 announced that the Initial Assessment was presented during the work session.

Mayor Pro-Tem Sanchez made a motion to approve Resolutions 2022-07 and 2022-08, as presented (Criteria to apply to development of new districting plans and guidelines for public participation in the redistricting process). Councilmember Bryant seconded. The motion passed by a vote of 7-0.

ITEM 6-B. RECEIVE AND CONSIDER ACCEPTANCE OF THE FINAL REPORT BY THE WAYFINDING COMMITTEE.

Mayor White stated that the report was received during the work session. There was discussion regarding funds allocated in the city budget for the wayfinding project.

Councilmember Michelson made a motion to accept the final report by the Wayfinding Committee. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-08 AMENDING CHAPTER 2, SECTION 2-210(B) TO SPECIFY THE NUMBER OF DAYS FOR NOMINATING AND APPOINTING MEMBERS OF CITY BOARD AND COMMISSIONS FROM 90 DAYS TO 45 DAYS.

Mayor White stated that the issue was discussed during the last meeting. The proposed Ordinance is a result of the Council's consensus.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-08, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING QUALIFICATIONS FOR AN INDIVIDUAL TO SERVE ON A CITY OF LOCKHART BOARD OR COMMISSION.

Ms. Constancio stated that the City Council previously discussed establishing City board/commission qualifications for appointed members. After conducting a comparison of several other cities (Elgin, Waco, San Marcos, Richardson), it was determined that several qualifications are common in most cities. There was discussion regarding a list of Lockhart City Council qualifications as outlined in the City Charter and the list of the State of Texas eligible voter qualifications. If the Council opts to establish qualifications for an individual to serve on a board, staff will return with an ordinance to amend Section 2-209, Rules for Appointment of the Code of Ordinances. The city currently does not have general qualifications to serve on a board/commission, yet some boards have specific qualifications, such as the Airport Advisory Board and Historical Preservation Commission.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to return with an Ordinance amending Chapter 2, Section 2-209 of the Code of Ordinances to include the following qualifications for an individual to serve on a City of Lockhart board or commission:

Residency

- Qualifications must be met by all members of City Boards/Commissions. In addition to any special qualification for service on a particular board, a member must:
 - Be a resident of the State of Texas for at least one year and a resident of the City of Lockhart for at least twelve (12) months preceding their appointment.
 - Registered voters.
- A member who was required to be a resident of the city when appointed and who moves primary residence outside of the city limits vacates the position on the date the residence is moved unless a board's composition allows for a Caldwell County member.

Attendance

- Any member who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of a board/commission during any twelve-month period, shall forfeit his/her position and the vacancy occurring shall be filled by the Council.
- Have not been removed from another City board/commission because of failure to attend meetings within the last three years.

Other

- Be 21 years of age or older.
- No member shall remain in his/her position after being elected to City Council, except the Lockhart Economic Development Corporation.
- Members must maintain the qualifications while serving on a board/commission.
- Members appointed serve without compensation.

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

There was no discussion.

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

- Centerpoint Meadows and Summerside Subdivisions update.
- Parks Board update.
- Sales tax collections.
- Library updates.

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

Councilmember Mendoza stated that Calvary Chapel is opening a warming center during the upcoming inclement weather for individuals that need a warm place to stay.

Mayor Pro-Tem Sanchez expressed condolences to the families of Domingo Zapata, Sr., Edith Barth, Florinda Munoz, Maria Martinez, and Zeth Garcia for their loss. She encouraged everyone to stay safe.

Councilmember McGregor encouraged everyone to stay warm and safe.

Councilmember Bryant thanked the organizations that are planning Black History Month events.

Councilmember Michelson encouraged everyone to be safe, stay warm and shop local.

Mayor White also encouraged everyone to stay safe during the upcoming inclement weather.

ITEM 9. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 9:10 p.m.

PASSED and APPROVED this the 15th day of February 2022.

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

