

**REGULAR MEETING
LOCKHART CITY COUNCIL**

MARCH 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
Pam Larison, Finance Director
Ernest Pedraza, Police Chief

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Dan Gibson, City Planner
Randy Jenkins, Fire Chief

Citizens/Visitors Addressing the Council: Citizens: Len Gabbay, Donna Daniels, Alexandra Worthington, Jason Jones, Suzanne Fulton, Samuel Meneses; and Brad Schwab of Cornerstone Housing Group.

Work Session 6:30 p.m.

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

DISCUSSION ONLY

A. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, 551.071, CONSULTATION WITH THE CITY ATTORNEY REGARDING MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE, AND 551.074, REGARDING THE DUTIES OF COUNCIL MEMBERS.

Mayor White announced that the Council would enter Executive Session at 6:35 p.m.

Mayor White announced that the Council would enter Open Session at 7:50 p.m.

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

REGULAR MEETING

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 8:05 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.

Len Gabbay, 420 W. Prairie Lea Street, spoke in opposition of Councilmember David Bryant's sermon on January 23, 2022, and expressed disappointment that Mr. Bryant refuses to retract the comments against the Jewish religion.

Donna Daniels, 420 W. Prairie Lea Street, spoke in opposition of Councilmember David Bryant's sermon on January 23, 2022, and requested that Councilmember Bryant resign his position as Lockhart City Councilmember.

Alexandra Worthington, 701 Campbell, spoke in opposition of Councilmember David Bryant's sermon on January 23, 2022. She stated that his comments about the Jewish religion were harmful and possibly dangerous.

Jason Jones, 608 Bois D'arc, President of the Gaslight Baker Theatre, thanked the Lockhart City Council for their support of allocating Hotel Occupancy Tax funds to the Theatre.

Suzanne Fulton, 316 Cibilo, spoke in opposition of Councilmember David Bryant's sermon on January 23, 2022. She stated that the antisemitic beliefs that Mr. Bryant expressed in his sermon were uncalled for.

Sam Meneses, 1606 Shenandoah Trail, stated that he commends Councilmember Bryant for making a public apology and stated that Mr. Bryant should remain on the Lockhart City Council.

ITEM 4. DISCUSSION AND/OR ACTION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION.

Mayor White stated that members of the Lockhart City Council expressed concern about the comments made by Councilmember Bryant during a recent sermon of which the City Council is in strong disagreement. The City Charter does not allow the City Council to remove a Councilmember. The City Charter only allows a Councilmember to be removed by a recall election after a certified recall petition that was distributed by voters in the Councilmembers' district.

Mayor White read Resolution 2022-11 in its entirety expressing the Council's opposition to Councilmember David Bryant's position.

Mayor White stated that each Councilmember will sign the Resolution, except Councilmember Bryant.

Mr. Akers stated that the number assigned to the Resolution (2022-11) is incorrect. The correct number of the Resolution is 2022-15.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2022-15, as presented. Councilmember McGregor seconded.

Mayor Pro-Tem Sanchez assured the community that an elected official will be held accountable for their actions and that being a Councilmember is a responsibility to encourage the community to be respectful to each another.

VOTE: The motion passed by vote of 6-1, with Councilmember Bryant opposing.

ITEM 5-A. HOLD PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2022-14 OF NO OBJECTION FOR ATTAINABLE SENIOR HOUSING FOR CORNERSTONE HOUSING GROUP, LLC FOR APARTMENTS NORTH OF SAN ANTONIO STREET, BETWEEN STANTON APARTMENTS AND HIGHWAY 130.

Mayor White opened the public hearing at 8:34 p.m.

Mr. Gibson stated that Cornerstone Housing Group, LLC requests a Resolution of No Objection for their submission of an application to the Texas Department of Housing and Community Affairs (TDHCA). A public hearing is being held about the Resolution of No Objection to abide by TDHCA's requirements of the Governing Body holding a public hearing regarding the development. He requested Brad Schwab to address the Council.

Brad Schwab of Cornerstone Housing Group stated that they propose to develop 160 units of attainable senior housing on 7.5 acres located north of San Antonio St between Stanton Apartments and Hwy 130. All 160 units will be in a single, elevator-served building. Indoor amenities include a community room with a serving kitchen, a game and craft room, a theater, library, and a fitness center. Outdoor amenities include an inground pool, an outdoor kitchen, and two dog parks. An interior courtyard will be landscaped and include a shade structure. The development will be funded using 4% bond tax credits provided by the Texas Department of Housing and Community Affairs (TDHCA). Cornerstone Housing's funding application to TDHCA must include a "Resolution of No Objection" approved by City Council.

Mayor White requested citizens to address the Council. There were none. He closed the public hearing at 8:45 p.m.

Councilmember Michelson made a motion to approve Resolution 2022-14, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-H. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2022-13 SUPPORTING A DEVELOPMENT FOR AFFORDABLE RENTAL HOUSING THAT WILL BE LOCATED NORTH OF SAN ANTONIO STREET BETWEEN STANTON APARTMENTS AND HIGHWAY 130 IN LOCKHART, CALDWELL COUNTY, TEXAS FOR SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2022 HOUSING TAX CREDITS FOR CORNERSTONE HOUSING GROUP, LLC.

Mr. Gibson stated that the Resolution is the same project. The Resolution is a requirement of the TDHCA's application process. There was discussion.

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2022-13, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-A. DISCUSSION AND/OR ACTION TO CONSIDER CONTRACT FOR ELECTION SERVICES WITH THE CALDWELL COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE CITY OF LOCKHART'S GENERAL ELECTION ON NOVEMBER 8, 2022.

Ms. Constancio stated that the Caldwell County Elections Administrator (County EA) is conducting Elections on November 8, 2022. The City of Lockhart will hold a General election on November 8, 2022 for the positions of Councilmember District 1, Councilmember District 2 and Two Councilmembers At-Large. Since 2010, in the interest of a public purpose, the City of Lockhart has contracted with the County EA to conduct City elections to enable all propositions and public official positions to be on one ballot for voters within the City of Lockhart and Caldwell County. The City of Lockhart shall pay an administrative

fee of 10% of the total cost of the election and any runoff election or \$500, whichever is greater. In the event the services are provided for a joint election, the cost shall be equally prorated between the participating entities. A runoff Election shall be treated as a separate election. The City of Lockhart will order the November 8, 2022 General Election in June 2022. The candidate filing period is July 23, 2022 through August 22, 2022. City staff will have candidate packets available for distribution to potential candidates in late May 2022. There was discussion.

Councilmember McGregor made a motion to approve the contract for election services with the Caldwell County Elections Administrator to conduct the City of Lockhart's General election on November 8, 2022. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-B. DISCUSSION AND/OR ACTION TO CONSIDER THE 2021 RACIAL PROFILING REPORT OF THE LOCKHART POLICE DEPARTMENT.

Chief Pedraza stated that State law requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made because of those stops. In addition, State law requires the following:

1. A comparative analysis of the information compiled;
2. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
3. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
4. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered during those searches and whether the individual detained consented to the search;
5. Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling;
6. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
7. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
8. Location of the stops; and
9. The reason for the stops.

Chief Pedraza provided a comparison of stops and searches between 2019, 2022 and 2021. There was discussion.

Mayor Pro-Tem Sanchez made a motion to accept the 2021 Racial Profiling Report of the Lockhart Police Department. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONDUCT AN ANNUAL REVIEW OF THE CITY OF LOCKHART EMERGENCY WARNING SYSTEM POLICIES WHICH INCLUDES THE OUTDOOR WARNING SIRENS (OWS) AND THE REGIONAL NOTIFICATION SYSTEM (RNS) IN PARTNERSHIP WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

Chief Jenkins stated that severe weather is common in Central Texas from March through November. This includes the typical, peak severe thunderstorm and tornado months from March to June, and it includes the Atlantic hurricane season from June 1 to November 30. The purpose of this agenda item is to complete a routine annual review of the policy and to make any necessary amendments before the upcoming severe weather season. The current emergency warning system includes both outdoor and indoor warning methods. Outdoor Warning Sirens (OWS) consisting of five (5) electro-mechanical rotating sirens strategically located throughout the city. The sirens are tested the 1st Monday of each month at 1 p.m. and are maintained through an annual maintenance contract. Indoor warnings are managed through the CAPCOG Regional Notification System (WarnCentralTexas.org) which has been implemented for citizens to receive warnings and important information on a phone (call or text), and computers (Email), to include automated weather warnings from the National Weather Service (NWS). The current warning system was adopted by Resolution No. 2019-14 on July 2, 2019. Key points of the emergency warning system include the outdoor sirens are tested the first Monday of each month; dispatch staff conducts monthly tests in the event of a manual activation; and activation criteria for the sirens was adopted. On August 6, 2019, City Council approved the purchase of an automated Tornado Warning siren activation software that will be automatically activated if the National Weather Service (NWS) issues a tornado warning for the City of Lockhart. Outdoor Warning Sirens were activated once by staff in 2021 for severe weather. The City of Lockhart currently has 11,300 contacts in WarnCentralTexas.org.

There was discussion regarding the difference between an outdoor and indoor warning system and about educating the public about the difference.

Councilmember Michelson made a motion to accept and to continue the City of Lockhart Emergency Warning System Policies which includes the Outdoor Warning Sirens (OWS) and the Regional Notification System (RNA) in partnership with the Capital Area Council of Governments (CAPCOG). Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION TO CONSIDER HOTEL OCCUPANCY TAX (HOT) ALLOCATIONS AS RECOMMENDED BY THE HOT ADVISORY BOARD FOR THE 2022 FUNDING YEAR.

Ms. Larison stated that on February 17, 2022, the HOT Advisory Board met to discuss allocations for the 2022 funding year. Organizations were allowed to make presentations to the Board. There were seven organizations that requested funding; which included the Lockhart Chamber of Commerce, the Greater Caldwell County Hispanic Chamber of Commerce, the Gaslight-Baker Theatre, the Lockhart Downtown Business Association, Caldwell County Jail Museum, Feria De Culturas, and representatives of KOKE FM. The total amount requested was \$264,200, which included the option for marketing from Texas Monthly for the World Series BBQ Festival. After much consideration and discussion, the Board recommended that the historical recipients receive their total requested amounts, a small allocation to Feria De Culturas since this is their first request and to see if their event has any significant impact on the hotel industry. The request by KOKE FM was to hold the first annual Mockingbird Music Festival in Lockhart was not recommended due to the unavailability of funds requested and the magnitude of the event. The Texas Monthly World Series BBQ Festival request was also not recommended, yet the Board understood that this item could reappear to request funding in the future since the event date is later in the year. There was discussion.

Mayor Pro-Sanchez made a motion to approve the HOT allocations as recommended by the HOT Advisory Board for the 2022 funding year. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

The following are the HOT allocations:

Lockhart Chamber of Commerce Visitor's Center	\$50,000
Lockhart Chamber of Commerce Chisholm Trail Roundup	\$40,000
Hispanic Chamber of Commerce Cinco de Mayo	\$6,500
Hispanic Chamber of Commerce Diez y Seis	\$6,500
Gaslight-Baker Theatre	\$15,000
Lockhart Downtown Association Texas Swing	\$12,500
Caldwell County Jail Museum	\$5,000
Feria de Culturas	\$1,000
Texas Monthly – World Series BBQ	0
KOKEFEST	0
TOTAL	\$136,500
CURRENT FUNDS AVAILABLE	\$141,750

ITEM 6-E. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-12 ESTABLISHING A SHORT TERM RENTAL (STR) REGISTRATION PROCESS; ISSUING AN ANNUAL PERMIT AND ANNUAL REGISTRATION FEE; AND RESTRICTIONS AND SAFETY REQUIREMENTS FOR OWNER/OPERATORS.

Ms. Larison stated that due to the increase in short-term rental (STR) properties in the City of Lockhart, research was conducted by staff and a third-party consultant in 2019 to locate owner/operators and have them remit the local HOT tax required by law. Over the past two years, there have been a total of eight properties remitting payments either monthly or quarterly, but it has been determined that there could be as many as a dozen more that are still not reporting revenues. The primary reason for the registration process is: (1) establish a minimal level of regulation for the protection of the health and safety of occupants and to protect the integrity of the neighborhoods in which STR's operate; (2) allow for the management and tracking of units within the City of Lockhart, and (3) offer a primary tool for city enforcement of non-compliant STR units. Ordinance 2022-12 will establish a registration process for STR units, allow the City to enforce the remittance of the HOT taxes, enforce restrictions on owners by way of penalties, and provide safety features for renters.

Ms. Larison stated that the application will require the following information to be eligible for approval:

1. Registration Fee - \$50.00
2. Property owner contact information.
3. Local emergency contact information.
4. Working smoke alarms.
5. Working carbon monoxide alarm.
6. Working fire extinguishers.
7. Maximum occupancy and parking are approved by the Planning and Zoning Department.

Once an application has been approved and the registration fee has been paid, a permit will be issued for one year. The Finance Department will work with the Planning and Zoning Department and the Building Official to ensure owners/operators are following the guidelines set by the ordinance. The Finance department will be responsible for applications, fees, and remittance of tax. The Planning and Zoning will monitor residential dwelling locations to prepare for any future changes in this ordinance. The Building Official will be responsible for initial inspections and any inspections initiated by complaint. It is expected that the registration process will help monitor existing STR's as well as assist new owners/operators to register with the City through a formal process and provide guidelines to operate in a safe and neighborhood-friendly manner.

There was discussion regarding the possibility of Councilmember Kara McGregor having a conflict of interest.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-12, as presented. Councilmember Michelson seconded. The motion passed by a vote of 6-0-1, with Councilmember McGregor abstaining.

ITEM 6-F. DISCUSSION CONCERNING TEXAS SENATE BILL 3 - LOAD SHEDDING NOTIFICATION TO MUNICIPALLY OWNED UTILITY CUSTOMERS.

Ms. Larison stated that Winter Storm Uri exposed critical weaknesses in the state's power grid and regulatory framework. These outages confirmed the lack of coordinated communications among all stakeholders including municipally owned utilities and their customers. Because of this lack of communication, the Texas State Legislature addressed the problem by passing Senate Bill 3, which relates to preparing for, preventing, and responding to weather emergencies and power outages. It calls for more clarity in a municipally owned utility's procedures for the following: (1) implementing involuntary load shedding; (2) identifying critical care residential customers, critical load industrial customers, and chronic-condition residential customers; (3) the procedure as to how to apply to be considered as "critical care" or "chronic-condition" customers; and (4) providing information about reducing electricity use at times when involuntary load shed events may be implemented. The City's utility department will implement the provisions of S.B. 3 starting with the first City newsletter in March 2022. A second notice to customers will be sent in the last quarter of 2022. Load shed notifications will also be available on the City's website under the Utility Billing department, and also on social media. There was discussion.

ITEM 6-G. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 2022-11 IN SUPPORT OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS' APPLICATION FOR ENHANCED FINE PARTICULATE MATTER MONITORING IN CENTRAL TEXAS.

Mr. Lewis stated that the Clean Air Coalition recommended at their last Advisory meeting that CAPCOG apply for an Environmental Protection Agency (EPA) grant to enhance fine particulate matter (PM_{2.5}) monitoring in the region. Part of the application includes a letter or resolution of partnership from member cities that indicates the organization's level of support for the application. The Resolution expresses the City of Lockhart's support of CAPCOG's application for enhanced PM_{2.5} monitoring in Central Texas

Mayor Pro-Tem Sanchez made a motion to approve Resolution 2022-11, as presented. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 6-I. CONSIDER THE NOMINATION OF BENNY HILBURN TO THE AIRPORT ADVISORY BOARD BY MAYOR LEW WHITE FOR A TERM TO EXPIRE IN NOVEMBER 2023.

Mayor White stated that Mr. Hilburn is flight rated, resides within the city limits of Lockhart, and meets all of the requirements to serve on the Board.

Councilmember Michelson made a motion to appoint Benny Hilburn to the Airport Advisory Board. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 7-0.

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

Mayor White stated that the COVID-19 cases are decreasing. He provided details about testing and vaccination sites in Caldwell County. He encouraged everyone to stay safe.

Mr. Lewis provided information regarding the Center for Disease Control and Prevention's (CDC) updated framework on monitoring the level of COVID-19 in communities. Caldwell County is currently rated at "high". There was discussion.

ITEM 6-K. DISCUSSION AND/OR ACTION TO CONSIDER CITY COUNCIL MINUTES OF THE FEBRUARY 8, 2022 AND FEBRUARY 15, 2022 MEETINGS.

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

Mayor Pro-Tem Sanchez made a motion to approve the minutes. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

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

- Downtown Revitalization Project's Second Open House, March 3.
- Redistricting Public Hearing, March 15.
- Household Hazardous Waste Collection Event will be held Saturday, March 26, 2022 (rain or shine) for Lockhart residents.
- KidFish at City Park on March 12 at 9:00 a.m.
- Library Updates.
- Civil Service Examinations for Public Safety positions.

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

Mayor Pro-Tem Sanchez expressed condolences to the families of Abraham Mata, Jose Silva, Martin Alfaro, Dorris Jackson, Gary Cochran, Jacob Maciel, and Marie Miles for their loss. She congratulated Joyce Buckner on her retirement from Bluebonnet Electric Coop after 30+ years and for her involvement in the community. She welcomed Joanna Gillin as Bluebonnet Electric's new Community Coordinator.

Councilmember McGregor encouraged unity in the community.

Councilmember Bryant expressed his appreciation for kindness in the community and he thanked citizens for expressing their concerns.

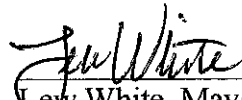
Mayor White thanked Council for their dedication to the community.

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 9:55 p.m.

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

CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC
City Secretary

