



City of Winters
City Council Regular Meeting Minutes
Council Chambers, City Hall, 310 S. Main, Winters, TX.
Monday, June 27, 2022, 6:00 p.m.

*NOTE: D/A on this agenda stands for Discussion/Action.

Call meeting to order. Mayor Mark Burkhart called the meeting to order at 6:00 p.m.

Quorum Check:

Present: Mayor Mark Burkhart
Attorney Ken Slimp
Alderman Sandee Schneider
Alderman Carolyn DeNigro
Alderman Ursula Estrada
Alderman Elmer Buckelew
Alderman Clayton Woffenden

Pledge of Allegiance and Prayer. Mayor Mark Burkhart led the Pledge of Allegiance and City Secretary, Sheila Lincoln opened in prayer.

Agenda Item # 1. Community input. Ms. Eva Reyna said she only has two questions; one, she has asked for a dumpster to be put at the cemetery for old flowers and trash and second, homestead exemption for the city for persons over sixty-five as the city does not currently have a homestead exemption and it would be nice if we did.

Agenda Item # 2. D/A from Bickerstaff to Discuss and consider adoption of redistricting criteria to apply to development of the City's single member alderman districts.

Mr. Gunnar Seaquist with the Law Firm of Bickerstaff Heath states he is here to assist the city with redistricting after the 2020 Census. Mr. Seaquist handed out some materials showing the Census numbers and maps for the city for the initial assessment. He explained that council members are elected from a single-member district and that Federal Law requires redistricting after each Census comes out. He explains that the main thing we are looking at is to see that the districts are in balance in terms of population and that the city is in compliance with other federal voting standards including the Voting Rights Act, Supreme Court Precedent and laws that govern this process. The Constitution tells us is the one person- one vote standard, which means that in single member districts we have to have roughly proportionate population in

each of the districts. This process of redistricting is to bring the districts back into balance and to have approximately equal populations with a total deviation of less than 10%. To find the total deviation take the total population of the city and divide it across the number of districts to ideally give you an equal number, the total maximum deviation = the difference between most populous and least populous districts (example: most populous is 10% and the least populous is 20% = 30%). Population is broken into two categories: total population and voting age population, voting age population are those who are over the age of 18 and are eligible to vote. When looking to ensure the districts are in balance, only the total population is taken into account. Mr. Seaquist states there are two resolutions before the council for approval; one being Resolution 2022-06, Resolution Adopting Criteria for Use in 2022 Redistricting Process and Resolution 2022-07, Guidelines for Persons Submitting Specific Redistricting Proposals and Providing Comments. The criteria the council is asked to adopt is to use identifiable boundaries, maintaining communities of interest & neighborhoods, using whole voting precincts, if possible, basing plan on existing districts, adopting districts of relatively equal size, drawing districts that are compact and contiguous, keeping existing incumbents in their districts and narrowly tailoring plan to comply with the VRA. Mr. Seaquist stated that the law firm does not draw the districts, the council does and will have opportunity to present to the public for comments at the next meeting. Final adoption deadline is no later than July 22, 2022. The 2020 Census shows the population of Winters is 2,368 and the ideal number of persons divided equally among the five districts would be 474; Districts 1, 3 & 4 are underpopulated and Districts 2 & 5 are overpopulated. District 1 is the most underpopulated at 12.37%, with District 5 being the most overpopulated at 16.13%, to get the total deviation, take the difference between 16.13% and negative 12.37% which gives the total overall deviation of 28.51%, thus the city of Winters is out of balance and needs to redistrict to be in balance and in compliance with federal law. In essence to better balance, you take some of the population from Districts 5 & 2 and add them to District 1 by redrawing the districts.

Alderman Elmer Buckelew made a motion to adopt Resolution 2022-06 Resolution Adopting Criteria for Use in 2022 Redistricting Process. Alderwoman Sandee Schneider seconded the motion, all in favor. Motion carried.

Alderwoman Sandee Schneider made a motion to adopt Resolution 2022-07 Guidelines for Persons Submitting Specific Redistricting Proposals and Providing Comments. Alderwoman Ursula Estrada seconded the motion, all in favor. Motion carried.

Mr. Seaquist went over the options for redistricting on map example 'A' showing the variance with this option showing a deviation of 4.65% with District 5 still being a bit heavy at 2.83% over and District 1 being a bit light at 1.82% under but overall, less than the 10% federal standard. Alderman Elmer Buckelew verified that in this example some of the population from District 5 would be counted in District 1 & District 4 with a little bit of District 3 being counted toward the deficit as well. Mr. Seaquist agreed and stated from a voting standpoint based on the Census, the current map (A), would leave the VAP in the two districts with primarily Hispanic voters unchanged. Mr. Seaquist and council agreed to hold the Public Hearing on Monday, July 18, 2022 at 6:00 p.m.

Agenda Item # 3. Discussion from the Winters Hotel Group regarding tax abatement.

Mr. Doug Wheat along with Mr. Randall Conner, Mr. John Long and Mr. Gene Wheat who are all a part of Winters Hotel Group, accompanied by Chris Shelton and Sydney Key of McMahan Surovik Suttle, attorneys from Abilene who have been hired to assist the Hotel Group in the abatement process. Mr. Doug Wheat states they represent a group of eleven investors who are all either Winters residents, grew up in Winters or has ties to Runnels County. This group has

recently formed an LLC. As the Winters Hotel Group and are excited to say they are really close to getting this project underway for community and our county. Mr. Wheat states that approximately fifteen years ago a comprehensive economic survey was conducted in our community completed by Winters resident's and near the top of that survey needed for our community was a nice hotel. Approximately six or seven years ago a group of investors came together led by Mr. Conner and began planning the hotel project seeking out Cobblestone Hotels who headquarter in the Midwest and specialize in hotels in rural communities. Those discussions were delayed by the pandemic but has gained new energy the last nine months and the group is excited to see it become a reality in the near future. The subject property will be on the corner of Hwy 83 and Hwy153. The Winters Hotel Group would be the owner of the hotel and Cobblestone Hotels would handle management and operations. The hotel would create 8-10 jobs and further enhance economic development for our community, in addition, the city and other local taxing entities stand to gain property tax revenue for many years to come including hotel occupancy taxes. The current annual property tax collected by all taxing entities on subject property is less than \$300. Mr. Wheat referred to the handout showing an example of what the hotel would look like and the amenities the hotel would provide. He states the project while exciting has been challenging, the Hotel Group has secured funding assistance from the First Financial Bank of Abilene as well as Security State Bank of Winters overall cost of the project is approximately \$4.1 million dollars. With the concerns and risks of the investors in the way of increased interest rates, escalating construction costs, inflation, etc. In addition to sharing the good news of the project the group is soliciting assistance from the city in the form of tax abatement. Because our city does not collect an economic development sales tax as some cities do the only assistance available for this project is in the form of tax abatement from the city, county, and hospital district. This group of investors have committed this project for our community but are in need of assistance and are asking the council to consider a property tax abatement. Mr. Wheat states that tax abatement is not something that most people have a lot of knowledge of and asked that their attorney Chris Shelton would answer questions anyone might have on the subject. Mr. Shelton asked if there were any questions and states that tax abatement has a lot of moving pieces to it and certain resolutions would need to be passed. Alderwoman Sandee Schneider asked Mr. Shelton to explain what tax abatement is. Mr. Shelton states that you take the property value as of now, which is \$300/year across all entities and figure the cost of a \$4 million dollar hotel and figure what the tax might be and generally abatements are spread out over a ten year period and are generally 80/20 or something like that and say we'll abate 80% but you have to pay the 20%, so the 20% will be a lot more than the \$300 currently collected on the vacant land. He states if the city is interested in doing this then resolutions need to be passed and a contract for approval would need to be presented. He states further that one contact person for the city would be best for him due to the complexity of the process. Alderwoman Sandee Schneider asked if they could express interest at this time, to which Mr. Slimp answered yes, but the council could not take action at this time. Alderwoman Sandee Schneider asked if any others were interested to which Mayor Burkhart stated he was very interested in seeing growth in our community. Attorney Ken Slimp stated that he is not comfortable representing the city with abatement and states he has a name of an attorney which the city could reach out to for representation. Alderwoman Sandee Schneider suggested that City Secretary, Sheila Lincoln be the point of contact for the city.

Agenda Item # 4. D/A from Mr. Bryan Green and Ms. Amy Flippin regarding the implementation of Truancy Court with the Winters Independent School District and the City of Winters Municipal Court.

Mr. Bryan Green states that he is the WISD Jr. High. /High School principal and states he has visited with Judge Richard Humphrey in the spring about truancy and came again with the high school superintendent last week and visited about the truancy issue. He states the school can only do so much about the issue and states the school is looking for something to hold the parents and students responsible for missing. He states this year alone the school lost \$424,000 due to truancy. The average lost per student is \$70 per day. Mr. Green states the only absence where monies are not lost if it is school related. He is asking if the school can work with the city judge to get the students attention, he is not asking for jail time or hefty fines. Judge Humphrey states that when students miss it costs us all money and states he would be happy to assist the school according to the law. Attorney Slimp states several years ago the Texas Education Code required a committee be formed to adopt and form a truancy policy for the county. He states as county attorney he participated in that meeting and there was a plan adopted, a uniform plan as to which courts were going to do this, Municipal or JP Court. He asked if anyone had checked with the other courts to see what was adopted or who was supposed to do this. Mr. Green stated he has checked, and he was told it was the city. Mr. Slimp said he would check into it as he feels it is supposed to be through the JP Court and said to find out check with Christy the judges secretary. He states before moving forward he will check into it as he believes it is the JP and not the city.

Agenda Item # 5. D/A in consideration of the adoption of Ordinance No. 2022-02 regulating peddlers, solicitors, itinerant vendors and replacing current peddler ordinance.

Alderwoman Sandee Schneider asked if it was ever decided who would take the vendors ID and required paperwork, City Secretary Sheila Lincoln stated it was discussed previously that the vendor would present it when they come to City Hall to fill out application for permit. Alderwoman Sandee Schneider said she just wanted to clarify that she remembered correctly. Angela New asked if it had been decided if the city would be charging a fee. To which the answer was yes, back in March. Ms. New said “the meeting after that is when she came in here and Melinda Meyers talked about a conflict of interest and we discussed all of that and Ken Slimp stated that if Ursula voted in it he could see how that would be a conflict of interest, so who all voted in that?” Mr. Slimp was asked if he had stated it would be a conflict to which he stated he remembered the discussion but did not remember the.. at which time Ms. New injected that she had it recorded and showed her phone. Mr. Slimp replied that if she had it recorded, then she has it recorded he was not going to argue but stated he just did not remember exactly what was said. Alderwoman Sandee Schneider stated she believed it was all of the council who voted to which Alderman Elmer Buckelew agreed. Mr. Slimp stated that there are enough on the council that if you want to pull out her vote it is still unanimous. Ms. New stated it is not anything against her or her vote, she doesn't have a problem with that but this helped our community and businesses. If you are not a business owner you don't know how bad businesses are struggling downtown. Last Saturday she stated her store made \$29 and she thinks Blaine

didn't make anything. She states they are shuffling things back and forth trying to help each other out but on the last Market Days she made like \$800. Theresa did good, Blaine did good. Ms. New states y'all should be bringing in tax revenue money from that as well. It gets people out there on the streets, she states the vendors don't make anything some days but like to come. If you start charging like Bronte did we're going to lose it just like Bronte did. Like when we have Dove Fest that is great but its down at the park and not downtown. When there is anything with the Chamber it is generally down at the park and not downtown and the downtown businesses are struggling. Alderwoman Sandee Schneider stated that the council did not implement vendor fees to hurt anyone, for her it was looking at it from a safety perspective. Ms. New states she understands the requirement of licenses and since the meeting she attended when this was discussed they have been asking for licenses and tax IDs as for food vendors she states she knows Danny Martinez came down here and he got his. She says further that there have been food trucks set up 18-22 times and are not paying taxes on it but they are not a part of Main Street Market Days; the trucks are the BBQ truck that sits up at the corner of Hwy 83 and Hwy 153 and Danny Martinez, but adds that Danny has corrected all of that. Ms. New states she thinks it is a good thing to charge the food vendors because they make really good money but the other vendors do not so she does not think it is fair to charge them \$125 a year or whatever was discussed. Ms. New said Danny Martinez said he did not mind paying. Alderwoman Sandee Schneider asked if the city had already set pricing to which the answer was yes. Ms. Schneider reiterated that it was not a personal attack on downtown, Ms. New stated she knows that and wanted Ursula to know when she mentions the Chamber it is not a personal attack on her. She injects that the Chamber has had vendors in that have not been checked and that it pertains to Dove Fest or whoever as well. Ms. New says she would be able to show her books to compare when the vendors are in town vs. when they are not. Alderwoman Carolyn DeNigro made a motion to adopt Ordinance No. 2022-02 pertaining to all vendors. Alderman Clayton Woffenden seconded. Alderman Elmer Buckelew abstained from the vote and Alderwoman Ursula Estrada did not vote. Alderwoman Sandee Schneider asked if the fees could be changed. Ms. Eva Reyna asked if it has already been passed why was there a discussion on the matter. It was explained that the fees had been approved not the ordinance repealing the current peddler's ordinance and replacing with said ordinance if approved. The ordinance was passed with a 3-person vote for with two abstaining.

Agenda Item # 6. D/A regarding the adoption of a fee schedule for solicitation or selling of goods/services.

John Long asked "so it killed Bronte, but you are putting it in?" Ms. Eva Reyna agreed. Alderwoman Sandee Schneider stated that there was already a peddler's ordinance they are just updating it, to which John Long said then make your fee zero, again Ms. Reyna agreed. Mr. Long states that there is a need for the vendors to be inspected but that there should be fees based on what the person sells not just a set rate. Ms. New refers to Coleman's downtown and states the businesses work with the city and the chamber and have a beautiful thing. Alderwoman Sandee Schneider states the city of Coleman has an ordinance as well.

Alderswoman Sandee Schneider made a motion to lower the fees for vendors who are not food vendors. Ms. New stated that she believes that if a place is privately owned you cannot charge them. She does not understand how the city could charge if the church owns the parking lot. The city cannot charge for the use of the parking lot but they can still charge a vendor fee.

Alderswoman Sandee Schneider made a motion to adjust the fees as such: all application fees \$5, \$15/day for permit for nonfood vendors and peddlers and an annual fee of \$50. For food vendors, application fee \$5, \$35/day permit fee and \$125 annually. Ms. New asked if that was for the Chamber and everybody? If we move everyone to the church parking lot, they have to pay too right? Mr. Slimp states they still have to pay. Alderman Elmer Buckelew states that the key word he is hearing is that the vendor owns the property. Ms. New said I get that but if the church allows and they own the parking lot. Mr. Buckelew said they are still vendors who do not own the property. Ms. New states that several years ago they did not have to get anything approved through the city, she understands that there are new employees and what not and maybe things were not by the book in the past but she wants to understand clearly. Alderman Buckelew states he too has been a vendor as well and no matter where he goes he pays a fee. Ms. New states she doesn't have to pay fees. The Mayor stated there is a motion on the table and asks for a second. Alderswoman Carolyn DeNigro seconded the motion, all in favor. Motion carried.

Agenda Item # 7. D/A regarding non-employees riding in city owned vehicles.

The question arose regarding community service workers to which city attorney stated we would need to see if the insurance covered them. Alderswoman Sandee Schneider made a motion to not allow any non-employee to ride in and city vehicles. Alderswoman Carolyn DeNigro seconded the motion. Motion carried with a four member vote, with a no vote from Alderswoman Ursula Estrada.

Agenda Item # 8. D/A regarding Camera with video and audio placed in City Hall.

Mayor Burkhart stated that in case no one knew there was a camera placed in City Hall with audio and video. Alderswoman Sandee Schneider injected that the camera was bought and placed without council knowledge or approval; a conversation could not be private as this camera picks up audio and suggests that the camera be moved to the convenience center. City Secretary, Sheila Lincoln states that the video is a good idea but the audio could be an issue, in addition all audio and video goes to the PD cell phones with no way for City Hall to access or keep records. Alderswoman Sandee Schneider made a motion to remove the camera with video and audio placed in City Hall and move to the convenience center area. Alderman Elmer Buckelew seconded the motion, all in favor. Motion carried.

Agenda Item # 9. D/A regarding TML Health Insurance Renewal.

If the city keeps current coverage for health, vision dental and AD & D for employees the premiums will go up 15%. The city can opt for one of four other options still at an increase to the

city with the lowest being a 10% increase. Out of pocket and deductibles would change with any of the options for city employees at the cost of the employee.

Alderman Clayton Woffenden made a motion to renew with TML with Option 1 which is an 11.34% increase. Alderwoman Carolyn DeNigro seconded the motion, all in favor. Motion carried.

Agenda Item # 10. Monthly Reports for May 2022.

- A. City Hall Reports.** Ms. Lincoln stated the city is still being audited by the Comptrollers office.
- B. Street Department.** Supervisor, David Lara stated that seal-coating will be determined by the gas leak repairs being done by Atmos, he states it will be a waste of city money to seal coat just for them to come in and cut the roads up for gas line repairs.
- C. Animal Control/Code Enforcement.** N/A. Not present.
- D. Chief of Police.** N/A. Not present.
- E. Waterworks.** N/A. Not present.
- F. Municipal Judge.** Judge Richard Humphrey states the State Comptroller audit is going well.

Agenda Item # 11. Consent Items:

A. Approval of Bills.

Alderwoman Sandee Schneider made a motion to pay the bill. Alderwoman Carolyn DeNigro seconded the motion, all in favor. Motion carried.

B. Approval of Minutes from May 23,2022.

Alderman Clayton Woffenden made a motion to approve the minutes from May 23,2022. Alderman Elmer Buckelew seconded, all in favor. Motion carried.

Agenda Item# 12. Adjourn meeting.

Alderman Clayton Woffenden made a motion to adjourn the meeting. Alderman Elmer Buckelew seconded, all in favor. Motion carried. Meeting adjourned at 8:18 p.m.

Attest:



Acting City Secretary
Sheila Lincoln



Mayor Mark Burkhart



Council Meeting Sign In

Date 4/27/2022

Name	Contact Information
Quinn Senguit	Vickerstaff, HeatL,
Chris Shelton	McMahon Suronick Suttle
Sydney Key	McMahon Suronick Suttle
Eva Reyna	
Linda Huckaby	
Ranchell Conner	
J Long	
David Kana J.	
Shawn Miller	
Richard Humphrey	
Gene Wheat	
Angela New	
Amy Flippin	Amy.flippin@wintersisd.org
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