

**MINUTES OF REGULAR MEETING OF THE GOVERNING BODY  
OF THE CITY OF LAMPASAS, TEXAS  
CITY COUNCIL CHAMBERS  
302 E THIRD STREET  
Monday, March 23, 2020**

The City Council of the City of Lampasas met in regular session on the above date with Mayor Talbert presiding.

Council Members present:

T.J. Monroe, Mayor Pro Tem  
Chuck Williamson  
Randy Clark  
Cathy Kuehne  
Delana Toups  
Mike White

Council Members absent:

None

City Staff Present:

Finley deGraffenried, City Manager  
Christina Marez, City Secretary  
Monica Wright, Information Systems Director  
Kristy Acevedo, Network Administrator  
Jeffry Smith, Fire Chief  
Sammy Bailey, Police Chief

**WORKSHOP SESSION  
5:30 p.m.**

1. Call to order Workshop Session

Mayor Talbert called the workshop session to order at 5:30 p.m.

2. Discussion regarding response and impacts of Covid-19.

Dr. James Cain provided an update of the cases and deaths due to this Covid-10 virus. He said that everyone should take a moment and realize the following:

- First, we live in Texas, this state knows how to handle disasters such as hurricanes every other year. There is plenty of food and toilet paper, so stop raiding the stores and hoarding.
- Second, most Americans are going to be fine, but those over the age of 50 and with health issues could get hit very hard.
- Third, this is not the flu. This is something new and it will be some time before we know how it behaves, but we know it can hit fast and very hard. What is different here is the flu kills many people each year and affects millions, but it does it over many months. This virus could make many sick in a short period of time overwhelming our health systems ability to respond. This is why health care professionals and scientists are concerned.

- So what can we do? Social spacing, washing hands, covering coughs, stay home if you are sick. Stay home if you are not. Stop shaking hands and avoid high volume surfaces. If we can just spread out a little, for just a little while, we can slow this down and give our health care professionals, health systems and scientists time to develop treatments and vaccinations. It also gives us time to increase testing and identify where these cases are in our communities. These are the steps we can take to protect our older and most vulnerable community members.
- If you have a cough or fever, call your doctor's office. You may be fine to just stay home. Remember, most people with Covid-19 will recover just fine with rest and treating symptoms.

Ashley Underwood, Advent Health Hospital Administrator, provided information on the number of rooms available to house anyone with the virus and that their staff is prepared. As of date, there have not been any confirmed cases by the hospital.

Jeff Smith, Fire Chief, also provided an update and reiterated the same advice that Dr. Cain had just provided.

3. Discussion regarding Tractor/Trailer Parking in Residential Areas.

Mayor Talbert explained that this item would not be discussed and moved to the next Council meeting.

4. Discussion regarding any item on the regular agenda

There was no discussion.

5. Adjourn Workshop Session

Council member Kuehne moved to adjourn the workshop session at 6:25 p.m. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

A break was taken before going into regular session.

<p><b>REGULAR SESSION</b> <b>6:00 p.m.</b></p>
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**ANNOUNCEMENTS**

A. Call to Order

Mayor Talbert called the regular session to order at 6:35 p.m.

She also announced that in accordance with Governor Abbott's Executive Order, issued on March 18<sup>th</sup>, limiting gatherings to no more than 10 people, only necessary City Staff is present and the public is encouraged to participate in Council meetings by video access rather than attending the meeting in person. Should the public have any questions or comments, they may call in at 512-564-1383.

B. Invocation and Pledge of Allegiance

Finley deGraffenried, City Manager, gave the invocation and the Pledge of Allegiance to the U.S. and Texas flags were recited.

C. Proclamations- *Fair Housing Month*

Mayor Talbert read out loud the proclamation and declared April as Fair Housing Month.

	<b>PUBLIC HEARINGS/CITIZEN COMMENTS</b>
1.1	Citizen comments – Any citizen who desires to address the City Council on a matter <b>not included</b> on the Agenda may do so at this time. The City Council may not deliberate on items presented under this Agenda Item.

There were no citizen comments.

1.2	Citizen comments- Any citizen who desires to address the City Council on a matter <b>that is included</b> on the Agenda may do so at this time.
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There were no citizen comments.

1.3	Public Hearing to receive citizen comments regarding the first reading of an Ordinance to re-adopt Chapter 50, Offenses, Article II Curfew for Minors” of the Code of Ordinances of the City of Lampasas, Texas.
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Mayor Talbert opened the public hearing for any citizen comments.

There were no citizen comments.

Mayor Pro Tem Monroe moved to close the public hearing. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

2.0	<b>MINUTES</b>
2.1	Discussion and possible action concerning approval of minutes of the Regular Meeting on March 9, 2020.

Mayor Pro Tem Monroe moved to approve the minutes as presented. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

3.0	<b>CONSENT AGENDA</b>
3.1	Discussion and possible action regarding the Monthly Investment report for February 2020.
3.2	Discussion and possible action regarding the second reading of an Ordinance to consider approval, denial, or approval with modification(s) the rezone of .27 acres from Retail “R” to Single Residential Family-6 “SF-6”, Lampasas County, Lampasas, Texas. The property is described as Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5 <sup>th</sup> Street, Lampasas, Texas.
3.3	Discussion and possible action regarding the second reading of an Ordinance to consider approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for an accessory dwelling (garage apartment) in an area zoned Single Residential Family-6 “SF-6”, Lampasas County, Lampasas, Texas. The property is described as Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5 <sup>th</sup> Street, Lampasas, Texas.
3.4	Discussion and possible action regarding the second reading of an Ordinance to consider

	approval, denial or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for Portable Building Sales (outdoor display) in an area zoned Commercial "C". The property is described as 3.15 acres of the Daniel Stanley Survey, Abstract No. 631; being all of lots 1 & 2 and part of lots 3 & 4, Block 14 and 0.41 acres of School Avenue of the S.J. Harrells Addition; commonly known as 1573 Barnes Street, Lampasas Texas, Lampasas County.
3.5	Discussion and possible action regarding the second reading of an Ordinance to consider approval, denial, or approval with modification(s) the rezone of the following tracts from Light Industrial to Multi-Family Residential-2 District "MF-2" (Apartments); generally known as 707 S. Pecan Street, Lampasas, Texas <ul style="list-style-type: none"> <li>• Tract One- .096 acre out of the John Burleson Survey, Abstract No. 42 Lampasas County, Texas and including a part of Seventh Street and Lots 5 &amp; 6 Block 21, Old Town of Lampasas.</li> <li>• Tract Two- 0.32 acre out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Lots 6 &amp; 7 and a part of the alley, Block 21, Old Town of Lampasas.</li> <li>• Tract Three- 1.61 acres out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Elm Street, Lots 7 &amp; 8 and a part of the alley, Block 21, Old Town of Lampasas.</li> </ul>
3.6	Discussion and possible action regarding the second reading of an Ordinance to amend the following text of the Lampasas Zoning Regulations: <ul style="list-style-type: none"> <li>• Section 31.3 -Planned Development Requirements to allow minimum tract area of 2 acres for a single podium structure.</li> </ul>
3.7	Discussion and possible action regarding the second reading of an Ordinance to amend the following text of the Lampasas Zoning Regulations: <ul style="list-style-type: none"> <li>• Section A.3. -Definitions- to define a podium structure as a multi-occupancy, multi-use horizontally separated building typically with more intense land uses on the lower floors and multi-family residential on higher floors. Other combinations of land-uses may be considered as part of a Planned Development</li> </ul>
3.8	Discussion and possible action regarding the second reading of an Ordinance to amend the following text of the Lampasas Zoning Regulations: <ul style="list-style-type: none"> <li>• Section 22.3 MF-2- Multi-Family Residential District (Apartments) to allow structure heights over 35 feet if part of a Planned Development, or no greater than 5 over 2 if a podium building.</li> </ul>

Mayor Pro Tem Monroe moved to approve the consent agenda as presented. The motion was seconded by Council member Williamson and with a unanimous vote, the motion carried.

4.0	BOARDS/DEPARTMENT REPORTS
4.1	<ol style="list-style-type: none"> <li>1. Municipal Court Monthly Report</li> <li>2. City Secretary Monthly Report</li> <li>3. Police Department Monthly Report</li> <li>4. Utility Billing and Collections Monthly Report</li> <li>5. Public Works Monthly Report for Electric, Streets, Water/Wastewater</li> <li>6. Building Official Monthly Report</li> <li>7. Economic Development Monthly Report</li> </ol>

8. Fire Department Monthly Report
9. Parks and Recreation Monthly Report
10. Information Systems Monthly Report
11. Library Monthly Report
12. Golf Course Monthly Report

No Department report was discussed.

5.0	ROUTINE MATTERS
5.1	City Manager’s Operational Report

City Manager deGraffenried reviewed his report:

- Comp Plan - As with all non-Council meetings, the Comprehensive Plan Advisory Committee meeting scheduled for April 7, 2020 has been postponed. According to the attached Progress Report and invoice, HALFF has completed over 63% of their contracted scope, and has provided drafts of four chapters of the Plan to the City for review. City Staff encourages continued input on the drafts, not only observations, but also recommendations related to specific language. City Staff will coordinate a date, hopefully prior to Summer, for the next meeting.
- West Ave E - The City Attorney, Jo Christy Brown, with help from neighbors on Avenue E, has contacted the sole heir to the property required for a drainage easement. Previously, the City had provided the owners of record an appraisal of the easement and a financial offer for the approximately 13 feet x 129 feet area (0.04 acres). Without acknowledgement of receipt, the City was preparing, through a City Council Resolution, to initiate condemnation. With the heir now identified and contacted, the City has verbal agreement for the easement conveyance. The City will prepare and advertise for paving and drainage improvements in the coming weeks.
- Airport - The City has been notified that improvements to the Airport runway and lighting will commence on or about April 13. Additionally, the contractor may begin to mobilize equipment and machinery next week. The scope of improvements includes crack sealing, slurry seal of runway, painting, and improvements to the runway lights. The project was funded 90% through TXDOT and the Federal Aviation Administration through non-primary entitlement funds. During the project, the Airport will likely be closed for 2 to 3 times, for up to 3 days per closure.
- Election - The City was contacted by the Lampasas County Election Administrator, Mark Bishop, regarding his desire to postpone the City election in May. His concern centered on early voting and the number of elderly that would be exposed to/by election employees. Additionally, concerns were raised regarding the possible spread of the virus from voting machines. The State has provided means to conduct the election in November and the City Secretary, Christina Marez, will review the item in regular session for Council consideration.
- Finance Department – Yvonne Moreno, Finance Director, in consultation with the City Manager, has made some minor staff changes in the Finance Department, and Utility Billing and Collection. Felicia Vallejo has moved from the customer counter to Gary Cox’s former office in order to concentrate more closely on billing, reconciliation, and customer service. She will continue to assist with new accounts, but in a more private office setting. The move will also allow additional disbursement and redundancy of Finance Department duties.
- Chlorine Burn - Residents should begin to notice the positive change in the smell and taste of City water this week. Chloramines began registering at the City metering points on March 20; however, it will take several days to reach the western extent of our distribution system. According to Van Sims, Water/Wastewater Operations Manager, the burn was very effective in maintaining and

cleaning our distribution system. Council and residents will notice additional flushing on the system to purge any remaining chlorine.

- Ave C - It seems like a broken record, but if the weather will cooperate, Avenue C should be completed in the next two weeks. All tie-ins have been done, and concrete and asphalt contractors have prepared the project for hot-mix and curbing.

5.2	MAYOR'S COMMENTS
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Mayor Talbert thanked Council and the City Staff present for attending the Council meeting.

6.0	UNFINISHED BUSINESS
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There was no unfinished business.

7.0	NEW BUSINESS
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7.1	Discussion and possible action regarding 2020 Consumer Price Index (CPI), adjustment to Municipal Telecommunications Right-of-Way access line rates.
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City Manager deGraffenried, explained that this item is considered annually by Council as a pass through rate to telephone customers. For the past seven years, the City has opted not to increase access line rates to consumers and due to the relative small impact, City Staff recommends no increase.

Council member Toups moved to not raise Municipal Telecommunications Right-of-Way access line rates. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

7.2	Discussion and possible action regarding the first reading of an Ordinance to re-adopt Chapter 50, Offenses, Article II Curfew for Minors” of the Code of Ordinances of the City of Lampasas, Texas. As required by State law this Ordinance must be adopted every three years.
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City Manager deGraffenried explained that Section 370.002 of the Local Government Code requires that after a City adopts a juvenile curfew ordinance, the City must review and readopt the ordinance every three years. The statute requires that a City review the Ordinance’s effects on the community and on problems the ordinance was intended to remedy, conduct public hearing on the need to continue the ordinance; and either abolish, continue, or modify the ordinance.

deGraffenried said that a juvenile curfew ordinance expires if the City does not review and readopt it every three years. Without the curfew ordinance, the Lampasas Police Department will have no authority to keep juveniles off the streets at such late hours.

Council member Clark moved to approve the first reading of an Ordinance to re-adopt Chapter 50, Offenses, Article II Curfew for Minors” of the Code of Ordinances of the City of Lampasas, Texas. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

7.3	Discussion and possible action to suspend the effective date proposed by ATMOS Energy Corporation- MIDTEX Division, to increase rates under the gas reliability infrastructure program for 45 days, and authorize the City’s continued participation in a coalition of Cities known as the “ATMOS Texas Municipalities”
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City Manager deGraffenried reviewed both Items 7.3 and 7.4 in his explanation. He said that in light of the Texas Supreme Court’s opinion, the City’s ability to review and effectuate a change in Atmos Energy’s requested increase is limited. Nonetheless, to allow for a limited review of Atmos Energy’s GRIP application, it is recommended that the City suspend Atmos Energy’s proposed effective date of April 28, 2020 for forty-five days as allowed by state law, so that the City may evaluate whether the data and calculations in Atmos Energy’s rate application are correctly done. Therefore, ATM’s Special Counsel, the law firm of Herrera Law & Associates, PLLC, through Alfred R. Herrera, recommends that the City adopt a resolution suspending Atmos Energy’s proposed effective date for 45 days. Assuming a proposed effective date of April 28, 2020, Atmos Energy’s proposed effective date is suspended until June 12, 2020.

Mayor Pro Tem Monroe moved to suspend the effective date proposed by ATMOS Energy Corporation-MIDTEX Division, to increase rates under the gas reliability infrastructure program for 45 days, and authorize the City’s continued participation in a coalition of Cities known as the “ATMOS Texas Municipalities”. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

7.4	Discussion and possible action regarding a Resolution by the City of Lampasas responding to the application of ATMOS Energy Corporation- MIDTEX Division, to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the “ATMOS Texas Municipalities” determining that the meeting at which resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date
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City Manager deGraffenried had already explained this item under Item 7.3.

Mayor Pro Tem Monroe moved to approve a Resolution by the City of Lampasas responding to the application of ATMOS Energy Corporation- MIDTEX Division, to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the “ATMOS Texas Municipalities” determining that the meeting at which resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

7.5	Discussion and possible action to declare two obsolete HACH APA6000 Ammonia/ Monochloramine Analyzers as surplus and to allow disposal as State Law allows.
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City Manager deGraffenried explained that two APA 6000 Ammonia/Monochloramine Analyzers were purchased in 2013 and have since been deemed obsolete and discontinued by the manufacturer and replacement parts are unavailable. The Wastewater Department is requesting authorization to declare these items as surplus and to allow disposal as State Law allows.

Council member Toups moved to declare two obsolete HACH APA6000 Ammonia/ Monochloramine Analyzers as surplus and to allow disposal as State Law allows. The motion was seconded by Council member White and with a unanimous vote, the motion carried.

Mayor Talbert moved to Item 7.7.

7.7	Discussion and possible action regarding the first reading of an Ordinance of the City Council of
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the City of Lampasas, Texas, postponing the General Election formerly ordered to be held on the 2 <sup>nd</sup> day of May, 2020, for the purpose of electing the expired terms of the Council Members Places Three, Four, and Five for the City Council of the City of Lampasas, Texas to the November 3, 2020 Uniform Election Date; Providing a repealing clause; Providing a severability clause; and providing for an effective date.
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Christina Marez, City Secretary, explained that Pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date. In addition, pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, this Order makes the findings that the candidate filings for the General Election for May 2, 2020, for the City of Lampasas, Texas, for the purpose of electing members of the City Council Places Three (3), Four (4) and Five (5) of the City of Lampasas, Texas shall remain valid for the election to be held on November 3, 2020, and that the filing period for candidates will not be re-opened for the election to be held on November 3, 2020.

Marez also said that as City Manager deGraffenried had noted in his report, the County Election Administrator, Mark Bishop, expressed his desire to postpone the City election in May. His concern centered on early voting and the number of elderly that would be exposed to/by election employees. Additionally, concerns were raised regarding the possible spread of the virus from voting machines.

Mayor Pro Tem Monroe moved to approve the first reading of an Ordinance of the City Council of the City of Lampasas, Texas, postponing the General Election formerly ordered to be held on the 2<sup>nd</sup> day of May, 2020, for the purpose of electing the expired terms of the Council Members Places Three, Four, and Five for the City Council of the City of Lampasas, Texas to the November 3, 2020 Uniform Election Date; Providing a repealing clause; Providing a severability clause; and providing for an effective date. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

7.8	Discussion and possible action regarding an Emergency Ordinance of the City Council of the City of Lampasas, Texas, temporarily amending Ordinance 1148 which adopted the 2006 City of Lampasas Personnel Policies Manual Section 8.00 Leave Time, Subsection 8.05 Family and Medical Leave by complying with the Emergency Family and Medical Leave Expansion Act and Subsection 8.15 Sick Leave Pool by temporarily suspending the catastrophic purpose for use of the Sick Leave Pool, as well as the contribution of days and membership term requirements, reflecting the Families First Coronavirus Response Act ("Act") which is a Federal Law passed by Congress on March 18, 2020 in response to COVID-19; Repealing conflicting ordinances and/or City policies; including a severability clause; and establishing an immediate effective date
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Christina Marez, City Secretary, explained the City received information from the State of Texas Governor Abbott that a federal law was passed by Congress on March 18, 2020, in response to COVID-19. The Act creates, among other things, Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act. The law goes into effect on April 2, 2020. This ordinance allows for compliance with the Emergency Family and Medical Leave Expansion Act and would allow a City employee to request sick time through the sick leave pool should they meet the eligibility requirements under the Emergency Paid Leave Act in response to COVID-19, until December 31, 2020.

Mayor Pro Tem Monroe moved to approve the first and final reading of an Emergency Ordinance of the City Council of the City of Lampasas, Texas, temporarily amending Ordinance 1148 which adopted the

2006 City of Lampasas Personnel Policies Manual Section 8.00 Leave Time, Subsection 8.05 Family and Medical Leave by complying with the Emergency Family and Medical Leave Expansion Act and Subsection 8.15 Sick Leave Pool by temporarily suspending the catastrophic purpose for use of the Sick Leave Pool, as well as the contribution of days and membership term requirements, reflecting the Families First Coronavirus Response Act (“Act”) which is a Federal Law passed by Congress on March 18, 2020 in response to COVID-19; Repealing conflicting ordinances and/or City policies; including a severability clause; and establishing an immediate effective date. The motion was seconded by Council member Clark and with a unanimous vote, the motion carried.

Mayor Talbert moved back to Item 7.6.

7.6	Discussion and possible action regarding a Resolution by City Council identifying risks, mitigation, and response to the Coronavirus/Covid-19 Pandemic
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City Manager deGraffenried provided Council with a revised Resolution that was not included in their packet. He explained that the Resolution formalizes the City conditions, impacts and response to the Coronavirus Pandemic, and cites the authority within Chapter 418 of the Government Code to act. The Resolution is consistent with the County’s declaration.

He highlighted some of the contents of the revised Resolution/Declaration:

- The revised Resolution/Declaration models the declaration that was recently passed by the City of Waco.
- This Resolution/Declaration would order a local state of disaster and public health emergency for the City of Lampasas due to evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area. It would reinforce the size of gatherings and social distancing, as well as shelter in place.
- Since the order by Texas Governor Greg Abbott on March 19 prohibiting social gatherings in excess of 10 people as well his press conference on March 22 acknowledging that he would applaud cities for considering more stringent measures to address this public health emergency, this Resolution takes that and more into account.
- The primary difference of this revised Resolution/Declaration to the one in Council’s packet is that it requires for citizens within the City to shelter in place; generally, it takes another step of limiting the public of leaving their residences only to perform essential activities as outlined in the declaration.
- The Declaration outlines all businesses with a facility in the City, except “Essential Businesses” as defined in Section 10, that would be required to cease all activities, except minimum basic operations. Restaurants may only do carry out or delivery; no inside orders or waiting. This Declaration would close the Golf Course.
- Once approved, this state of disaster shall continue through April 3, 2020, unless extended by the City Council.

Action taken by Council included:

1. Mayor Pro Tem Monroe moved to approve the revised Resolution/Declaration that was presented to Council at the meeting that identifies risks, mitigation, and response to the Coronavirus/Covid-19 Pandemic. The motion was seconded by Council member White and with a unanimous vote, the motion carried.

2. Council member Kuehne moved to appoint Dr. James Cain as the City's Health Advisor. The motion was seconded by Council member White and with a unanimous vote, the motion carried.
3. Mayor Pro Tem Monroe moved to grant authority to the City Manager and City Supervisory Staff to adjust scheduling and on-call status for employees to make sure the City does its part to limit the spread of the virus, and limit any impacts to our workforce. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

Mayor Talbert encouraged citizens to stay home for the next 7 to 10 days to help limit the spread of this virus.

Mayor Talbert announced that Council would not be going into executive session and would put off this item for a future meeting.

Adjourn into Executive Session

<b>EXECUTIVE SESSION</b>
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The City Council of the City of Lampasas, Texas will meet in closed Executive Session pursuant to the Texas Government Code, Chapter 551, as follows:

8.0	<b>EXECUTIVE SESSION ITEMS</b>
8.1	Section 551.074 ( <i>personnel matters</i> ), to deliberate the appointment, employment, evaluation, reassignment, duties of City Manager; and other personnel matters as allowed by Texas Government Code, Chapter 551.
8.2	Adjourn Executive Session and reconvene Regular Session

<b>REGULAR SESSION</b>
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9.0	<b>ACTION ON EXECUTIVE SESSION</b>
9.1	Discussion and possible action concerning items posted and discussed by Council in Executive Session

Executive session was not held.

Adjourn

Council member Kuehne moved to adjourn the meeting at 7:16 p.m. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Misti Talbert, Mayor

ATTEST:

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Christina Marez, City Secretary