

**MINUTES OF REGULAR MEETING OF THE GOVERNING BODY
OF THE CITY OF LAMPASAS, TEXAS
CITY COUNCIL CHAMBERS
302 E THIRD STREET
Monday, October 12, 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
Mike White
Cathy Kuehne
Randy Clark
Delana Toups

Council Members absent:

None

City Staff Present:

Finley deGraffenried, City Manager
Rickie Roy, Assistant City Manager
Christina Marez, City Secretary
Becky Sims, Zoning Administrator/Asst. City Secretary
Yvonne Moreno, Finance Director
Monica Wright, Information Systems Director
Sammy Bailey, Police Chief
Chris Eicher, Parks & Recreation Director (workshop only)
Jeff Smith, Fire Chief
Mandy Walsh, Economic Development Director
Flint Geagley, Electric Superintendent

**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. She provided the telephone number of 512-556-0332 for the public to call in for any comments. She also announced to those in attendance if they could maintain six feet separation, they could remove their masks if they chose to.

2. Discussion and updates concerning COVID-19.

Jeff Smith, Fire Chief, reviewed the following:

Statewide

- 75,000 active cases
- 16,558 fatalities
- 7.41% positivity rate
- 3,870 hospitalized

Lampasas

- 373 total cases
- 11 fatalities
- 34 active cases as of Friday

Mayor Talbert thanked Fire Chief Smith and announced that those in attendance that could meet the 6-foot distance may remove their masks if they chose to.

3. Discussion and updates regarding improvements and attractions at Campbell Park.

City Manager deGraffenried explained that as directed by Council on September 14, 2020, and reported to Council on September 28, 2020, City Staff provides updates and opportunity for Council discussion and direction related to improvements at Campbell Park. City Staff have reviewed project scopes with potential contractors, and due to timing of those meetings, City Staff recommends consideration of development of a design/build Request for Proposals for the pavilion. Chris Eicher, Parks & Recreation Director, also is present to provide an update on the Skate Park scope.

deGraffenried reviewed an abbreviated chronology of project activity. He noted that there have been different concerns over these projects such as funding and if the timing is right. He encouraged Council's input and consensus of how they wanted City Staff to proceed.

Council member Toups expressed that she was under the assumption that Council was in agreement to proceed with these two projects. She asked what the timing concern was and who had the concern.

deGraffenried said it was not a specific person other than a general comment of whether to do one project over the other, do both projects at the same time, only one at this time and wait for the other or just consider timing based on whatever is already on Staff's plate.

Mayor Talbert said that this is the time for any issues or concerns to be addressed during this meeting. Out of respect for transparency to the public, Council does their job and makes decisions at Council meetings and if Council members are having any discussions on a one on one basis with City Staff outside of these meetings, it should not be taking place outside of the meeting.

Mayor Pro Tem Monroe said that she has been asked by people about these projects and she wanted it noted that Council is not giving away City money to two entities but using funds to improve a City owned Park for citizens to use, as well as providing recreation for the kids of the community.

Council member Clark said that he was not opposed to both projects but had a lot of questions and was concerned with the geotechnical study that had been done previously and before going any further with any bidding process, he wanted to ensure that the construction of these projects would not disrupt the springs.

deGraffenried said that Chris Eicher, Parks & Recreation Director, found a previous geotechnical study that was done and being reviewed. He also noted that on the cover page of the action item in Regular Session it mentioned only Council consideration for request for proposal for design and construction of a pavilion only because the information on the skate park was just recently received, but City Staff would be in favor of request of proposals for both projects.

It was the consensus of Council that both projects should be combined as one when advertising for request for proposals.

Chris Eicher, Parks & Recreation Director, spoke on his meeting with a skate park contractor and this contractor said that the site that has been selected is a great and ideal location. His research with contractors for possible costs for a skate park were significantly more than what City Staff had thought. City Staff is ready to proceed as Council directs for these projects.

deGraffenried said that there was an action item in regular session for Council consideration on how they would like City Staff to proceed.

4. Discussion regarding regulating pedestrian crossing on South Highway 281.

Sammy Bailey, Police Chief, requested an ordinance to address pedestrian safety on South Highway 281 with emphasis placed on growing business development areas. Since vehicle parking is never enough for some businesses and events, this can create a hazard for persons choosing to walk or ride a bicycle. South U.S. Highway 281 is a busy roadway with growing business development and increased passenger and large heavy vehicle access increasing the dangers for pedestrians crossing the highway. The west side of the South U.S. 281 has a sidewalk where the east side has a wide shoulder. Pedestrians should follow pedestrian safety or use offered transportation alternatives.

Bailey reviewed the following:

Pedestrian Safety-Texas Department of Public Safety Share the Road

- Pedestrian-related traffic crashes remain a serious problem in Texas. In 2019, there were 5,954 crashes involving pedestrians in our state, resulting in 668 deaths and 1,312 serious injuries. From 2015-2019, pedestrian fatalities results from traffic crashes increased 17%.
- The top factors contributing to traffic crashes in Texas involving pedestrians are:
 - Pedestrians failing to yield right-of-way to vehicles
 - Drivers failing to yield right-of-way to pedestrians
 - Driver Inattention
 - Speeding
 - All of us share a responsibility to bring the number of pedestrian fatalities to zero.
- What can pedestrians do to stay safe?
 - When there is a sidewalk, use it. If there's no sidewalk, walk on the left side of the roadway facing traffic
 - Always cross at intersections or marked crosswalks. Look left, then right, left and left again before proceeding
 - Obey all traffic signals
 - Make eye contact with drivers before crossing the street. Never assume a driver sees you
 - Be visible. Wear something light or reflective after dark
- What can drivers do to help keep pedestrians safe?
 - Reduce your speed when approaching crosswalks and stop for pedestrians
 - Yield the right of way to pedestrians when turning
 - Be careful when passing buses or stopped vehicles
 - Stay alert and put your phone away—pedestrians may enter your path suddenly
 - Obey the speed limit and drive to conditions

Bailey explained that there is an action item for Council consideration in regular session.

5. Discussion regarding any item on the regular agenda

City Manager deGraffenried explained that there was information provided to Council regarding Items 7.1 and 7.2 for their consideration.

6. Adjourn Workshop Session

Mayor Pro Tem Monroe moved to adjourn the Workshop Session at 5:56 p.m. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

A brief break was taken before going into Regular Session.

REGULAR SESSION 6:00 p.m.
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ANNOUNCEMENTS

A. Call to Order

Mayor Talbert called the Regular Session to order at 6:06 p.m.

B. Invocation and Pledge of Allegiance

Sammy Bailey, Police Chief, gave the invocation and the Pledge of Allegiance to the U.S. and Texas flags were recited.

C. Presentations and Proclamations

There were no presentation or proclamations.

Mayor Talbert provided the telephone number of 512-556-0332 for the public to call in for any comments.

	PUBLIC HEARINGS/CITIZEN COMMENTS
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1.1	Citizen comments – Any citizen who desires to address the City Council on a matter not included on the Agenda may do so at this time. The City Council may not deliberate on items presented under this Agenda Item.
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There were no citizen comments.

1.2	Citizen comments- Any citizen who desires to address the City Council on a matter that is included 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 to consider granting the request to vacate, abandon or close and convey a street, alley and/or a public right-of-way, or a portion thereof, for property being described as 0.085 of an acre portion of an alley located in Block 54 of the A.H Barnes Addition between East 9 th Street and Spring Ho Avenue.
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Becky Sims, Zoning Administrator/Assistant City Secretary, explained that the applicant is requesting to vacate, abandon or close and convey a street, alley and/or a public right-of-way, or a portion thereof, for property being described as 0.085 of an acre portion of an alley located in Block 54 of the A.H Barnes Addition between East 9th Street and Spring Ho Avenue.

Sims reviewed the following:

- All notifications and publications, as required by Ordinance and Statute, were done.
- City Staff mailed seven (7) notices to property owners within 200 feet of the applicant's property, and to date have not received any written testimony or objection.
- Notices were also mailed to utility providers, as required.
- City Staff spoke with an adjacent property owner concerning any potential impact the closing of the alley will have on their business and was assured it would not have a negative impact.
- Staff is working with applicant/developer concerning utility placement, relocation and easement.
- The item was presented to the Planning & Zoning Commission on October 1, 2020 and they recommended approval of the request.
- She noted that Council was provided specific information related to this item when considering any action in Regular Session.

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 Williamson and with a unanimous vote, the motion carried.

1.4	Public hearing to receive citizen comments to consider approval, denial or approval with modifications of the Spring Ho Subdivision Final Plat of 1.11 acres, being lots 1-7 and 0.085 of an acre portion of the alley of Block 54 of the A. H. Barnes Addition of the City of Lampasas; commonly known as 1003 S Key Avenue.
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Becky Sims, Zoning Administrator/Assistant City Secretary, explained that the applicant is requesting to combine Lots 1-7 and .085 of an acre portion of an alley located in Block 54 of the A.H Barnes Addition between East 9th Street and Spring Ho Avenue, commonly known as 1003 S Key Avenue.

Sims reviewed the following:

- All notifications and publications, as required by Ordinance and Statute, were done.
- City Staff mailed seven (7) notices to property owners within 200 feet of the applicant's property, and to date have not received any written testimony or objection.
- This item was presented to the Planning & Zoning Commission on October 1, 2020 and they recommended approval of the Spring Ho Subdivision Final Plat.
- She noted that Council was provided specific information related to this item when considering any action in Regular Session.

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 Clark and with a unanimous vote, the motion carried.

2.0	MINUTES
2.1	Discussion and possible action concerning approval of minutes of the Regular Meeting on September 28, 2020

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

3.0	CONSENT AGENDA
3.1	Discussion and possible action regarding purchases and charges in excess of \$4,000 from September 1, 2020-September 31, 2020
3.2	Discussion and possible action regarding the approval of the second reading of an Ordinance amending Chapter 78, Traffic and Vehicles, Section 78-219 No Parking Zones for South Highway 281.

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

4.0	BOARDS/DEPARTMENT REPORTS
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There were no board or department reports.

5.0	ROUTINE MATTERS
5.1	City Manager's Operational Report

City Manager deGraffenried reviewed his report:

- Bandwith - The FY 20/21 Budget includes costs related to increased bandwidth to meet the growing technology needs of the City. As Monica Wright, Information Systems Director, explained during budget workshops, Public Safety, as well as other City Departments, are more and more reliant on increased bandwidth for video and report files, communications, and management of large files. The City received a quotation for twice the projected bandwidth at an additional \$675.00 per month. City Staff can accommodate the increase within the current budget, and without objection, will proceed.
- CARES Act - City and County representatives met this week to discuss additional Covid-19 funding and the capacity to support other entities' expenses related to the pandemic response. Although the School Districts received some funding, the timing of their expenses may not allow reimbursement, or they may have exceeded their allocation. City Staff will investigate the allowance for reimbursement, which may provide some benefit to the City as we attempt to take advantage of our 25% projects (business support) in line with our 75% projects (controlling the spread). In other words, spending more on controlling the spread, through reimbursement to other entities, may allow the City to expend more for ancillary support.
- Sales Tax - The State has reported another increase, October 2019 compared to October 2020, in Sales Tax receipts. Month to month comparisons indicate a 13.79% improvement from 2019, or a \$22,442.00 increase. Year to date comparisons indicate a 12.88% improvement or a \$203,638.85 increase. Although our numbers have been surprisingly good, City Staff is cautious regarding 2021 receipts.
- Outside Contractors - Council may have noticed, or received inquiry regarding outside contractors doing work in Lampasas. Dakota Contractors are currently working on Key Avenue to install underground infrastructure with work extending to the intersection of East FM 580. CJ&Y has been contracted by TxDOT to engineer South Highway 281 improvements. They have currently been conducting fieldwork and staking in that area. IRBY Electric Contractors have also been working in the area, and are utilizing a lay down yard near the Cemetery. They are improving transmission infrastructure for LCRA. This project work has also kept our crews busy with locates and on site consultation.
- Martin Marietta - The City has received a request from Martin Marietta for approval of a sub-lease on the City's property at the Industrial Park. The site has been used primarily for batching concrete,

and has seen several assignments over the years, however; City Staff believes this is the first request for a sub-lease. City Staff will review the request and contract, and consult with counsel prior to placing the item on a future agenda.

- Drive In Movie – City Staff has discussed the idea of providing a Drive-In movie to the public, possibly in cooperation with a youth group, this fall. Typically, the Parks Department conducts movies throughout the year either at Brook Park or at Hanna Springs Pool. Due to the pandemic, Chris Eicher, Parks & Recreation Director, felt a larger, drive-in movie offered to the public might be an alternative. City Staff is currently researching costs and locations and will report to Council as progress is made.
- CDBG – City Staff participated in the Texas Department of Agriculture Pre-Award conference call related to our 2019 CDBG submission. The conference is a prerequisite prior to formal contracting with the State and requires review of project obligations. The Contract will require execution within 30 days of receipt and will commence on February 1, 2021 with a completion date on or before January 31, 2023. The project calls for replacement of approximately 3,300 linear feet of sewer line from Key Avenue to Porter Street on Avenue C. The City's contribution to the project is estimated at \$58,000.00.

5.2	MAYOR'S COMMENTS
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Mayor Talbert had no comments.

6.0	UNFINISHED BUSINESS
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There was no unfinished business.

7.0	NEW BUSINESS
7.1	Discussion and possible action regarding the first reading of an Ordinance to consider granting the request to vacate, abandon or close and convey a street, alley and/or a public right-of-way, or a portion thereof, for property being described as 0.085 of an acre portion of an alley located in Block 54 of the A.H. Barnes Addition between East 9 th Street and Spring Ho Avenue.

Mayor Talbert explained that this item was discussed in public hearing.

Becky Sims, Zoning Administrator/Assistant City Secretary, reminded Council of the specific information provided when considering any action.

Mayor Pro Tem Monroe made the motion to grant the request of the Applicant to vacate, abandon or close and convey a street, alley and/or public right-of-way, or a portion thereof, for property being described as 0.085 of an acre portion of the public alleyway located in Block 54 of the A.H. Barnes Addition between East 9th Street and Spring Ho Avenue, with such conveyance to be strictly conditioned upon the following:

- (1) The closing of the acquisition of the remaining lots in Block 54 by the developer, and;
- (2) The developer's acquisition and inclusion of the portion of the alleyway being subject to the terms of a written 'real estate contract' and a 'public utility easement agreement', which shall be approved and executed by both the developer and the City, and which shall include performance requirements and related real property reverter clauses, thereby ensuring developer's performance and development of the Project as proposed on the platted property, as partial consideration for the City's conveyance of the alleyway.

The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

7.2	Discussion and possible action to consider approval, denial or approval with modifications of the
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Spring Ho Subdivision Final Plat of 1.11 acres, being lots 1-7 and .085 of an acre portion of the alley of Block 54 of the A. H. Barnes Addition of the City of Lampasas; commonly known as 1003 S Key Avenue.
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Becky Sims, Zoning Administrator/Assistant City Secretary, explained that this item was discussed in public hearing and reminded Council of the specific information provided when considering any action.

Mayor Pro Tem Monroe made the motion to approve the Spring Ho Subdivision Final Plat of 1.11 acres, beings lots 1-7 and 0.085 of an acre portion of the alley, of Block 54 of the A.H. Barnes Addition of the City of Lampasas; commonly known as 1003 South Key Avenue, with the approval of the Final plat being strictly conditioned upon the following:

- (1) The approved Final Plat may only be filed in the Lampasas Real Property Records after the Developer closes on its acquisition of the total platted area/property to CNB Lampasas Investors, LLP, and
- (2) The approved Final Plat may only be filed in the Lampasas Real Property Records after the CNB and the City have finally approved and executed a written 'real estate contract' and a 'public utility easement agreement' both of which shall include performance requirements and related real property reverter clauses, thereby ensuring developer's performance and the development of the Project as proposed, as partial consideration for the City's conveyance of the alleyway.

The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

7.3	Discussion and possible action regarding the award of contract for utility line tree trimming to McCoy Tree Surgery in an amount not to exceed \$151,000.00.
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Flint Geagley, Electric Superintendent, explained that the City of Lampasas has a Cooperative Purchasing Agreement with LCRA, which McCoy Tree Surgery is a participating contractor. The City of Lampasas has been using the LCRA contractors to trim trees out of the power lines since 2005 and have had good success with their work and dealing with the public. This program also increases the reliability of the City's system and reduces outages.

Geagley requested approval for the City of Lampasas to contract the tree trimming with McCoy Tree Surgery for this fiscal year. This program will begin approximately November 23, 2020 and will continue for approximately eleven weeks.

Council member Clark moved to award the contract to McCoy Tree Surgery and LCRA to trim trees out of the power lines in an amount not to exceed \$151,000.00 and to allow the City Manager to execute any required documents. The motion was seconded by Council member White and with a unanimous vote, the motion carried.

7.4	Discussion and possible action regarding the acceptance of renewal proposal for the new Xerox V180B model.
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Becky Sims, Zoning Administrator/Assistant City Secretary, reviewed the following:

- City Staff met with Mike McGaha, regional Sales Manager, regarding the Xerox 9070, which is the current copier model that the City has. Discussion included functionalities of the current Xerox 9070 model compared to the latest V180B model.
- By upgrading to the Xerox V180B, the cost savings each month would be \$120.43.
- The newer model provides everything that the City currently has while providing faster copies per minute and a clearer, crisp image.

Council member Kuehne moved to approve the renewal proposal for the Xerox V180B Model and allow the City Manager to execute any required documents. The motion was seconded by Mayor Pro Tem Monroe and with a unanimous vote, the motion carried.

7.5	Discussion and possible action concerning extending the Hidden Oaks Preliminary Plat approval for an additional six-months.
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Becky Sims, Zoning Administrator/Assistant City Secretary, explained that the Hidden Oaks Preliminary Plat approval will expire in November 2020. City Staff and EEI just completed the second plan review and provided comments to the developer and their engineer of record. She noted that there was a letter from the developer regarding a request for a six-month extension included in Council's packet.

Council member Kuehne moved to approve the six-month extension for the Preliminary Plat approval of Hidden Oaks Subdivision. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

7.6	Discussion and possible action regarding preparation of a design/build Request for Proposal for design and construction of a pavilion at Campbell park.
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City Manager said that this item was discussed in Workshop Session and City Staff seeks Council's direction as how to proceed.

Mayor Pro Tem Monroe moved to direct City Staff to prepare and advertise a Request for Proposal for design and construction of both a pavilion and skate park at Campbell Park. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

7.7	Discussion and possible action regarding the first reading of an Ordinance regulating pedestrian crossing on South Highway 281.
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Sammy Bailey, Police Chief, explained that this item was discussed in Workshop Session.

Council member Kuehne moved to approve the first reading of an Ordinance regulating pedestrian crossing on South Highway 281 by adding Division 7 Pedestrians, to City Ordinance Chapter 78, Traffic and Vehicle, Article II, Specific Street Regulations, to provide for pedestrian safety and to prohibit pedestrians from crossing a roadway in a business district or a designated highway except in a crosswalk as in this ordinance and Section 78-186 Crossing At A Point Other Than Crosswalk (d) (1) Highway South 281 from Ohnmeiss to the city limits of Lampasas. The motion was seconded by Mayor Pro Tem Monroe and with a unanimous vote, the motion carried.

7.8	Discussion and possible action regarding the re-appointment of board members to the Lampasas Economic Development Corporation (LEDC) Board
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Becky Sims, Zoning Administrator/Assistant City Secretary, explained that this item was placed on the agenda to reappoint Neal Leavell, Misti Talbert and T.J. Monroe to the LEDC Board who have agreed to serve another term.

Council member Clark moved to approve the reappointment of Neal Leavell, Misti Talbert and T.J. Monroe to the Lampasas Economic Development Corporation (LEDC) Board. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

7.9	Discussion and possible action regarding re-appointment of board member to the Lampasas Airport Advisory Board
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Becky Sims, Zoning Administrator/Assistant City Secretary, explained that this item was placed on the agenda to reappoint George Elsea who has agreed to serve another term.

Mayor Pro Tem Monroe moved to approve the reappointment of George Elsea to the Lampasas Airport Advisory Board. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried.

7.10	Discussion and possible action regarding re-appointment of board members to the Construction Board of Adjustment and Appeals.
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Becky Sims, Zoning Administrator/Assistant City Secretary, explained that this item was placed on the agenda to reappoint Clifford Butts and Nathan Hooten who have agreed to serve another term on the Construction Board of Adjustment and Appeals.

Council member Kuehne moved to approve the reappointment of Clifford Butts and Nathan Hooten to the Construction Board of Adjustment and Appeals. The motion was seconded by Mayor Pro Tem Monroe and with a unanimous vote, the motion carried.

7.11	Discussion and possible action regarding re-appointment of board members to the Park & Recreation Advisory Board.
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Becky Sims, Zoning Administrator/Assistant City Secretary, explained that this item was placed on the agenda to reappoint Diane Davis, Rick Rebando, Clay Harrington, Shirley Blake and Harvey Stinnett who have agreed to serve another term on the Park and Recreation Advisory Board.

Council member Toups moved to approve the reappointment of Diane Davis, Rick Rebando, Clay Harrington, Shirley Blake and Harvey Stinnett to the Park and Recreation Advisory Board. The motion was seconded by Council member Clark and with a unanimous vote, the motion carried.

Adjourn

Mayor Pro Tem Monroe moved to adjourn the meeting at 6:30 p.m. The motion was seconded by Council member Clark and with a unanimous vote, the motion carried.

PASSED AND APPROVED this _____ day of _____, 2020.

Misti Talbert, Mayor

ATTEST:

Christina Marez, City Secretary