

**MINUTES OF REGULAR MEETING OF THE GOVERNING BODY
OF THE CITY OF LAMPASAS, TEXAS
CALVERT MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
302 E THIRD STREET
Monday, November 9, 2020 @ 5:30 p.m.**

The City Council of the City of Lampasas met in Regular Session on the above date and time 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
Becky Sims, Zoning Administrator/Asst. City Secretary
Yvonne Moreno, Finance Director
Monica Wright, Information Systems Director
Jeffrey Smith, Fire Chief
Sammy Bailey, Police Chief
Vicki Tower, Parks Secretary
Van Sims, Water/Wastewater Operations Manager

WORKSHOP SESSION

1. Call to order Workshop Session

Mayor Talbert called the Workshop Session to order at 5:30 p.m.

2. Discussion and updates concerning COVID-19

Jeff Smith, Fire Chief reviewed the following information:

- Statewide
 - 126,412 active cases
 - 18,769 fatalities
- Local
 - 448 total cases
 - 18 active cases
 - 1 hospitalized

3. Discussion regarding Community Garden Agreement for utilization of Campbell Park

Finley deGraffenried, City Manager reports that Staff, Janet Crozier and the Community Garden Board have had several productive meetings. They have been working on a Use and Maintenance Agreement and are very close to finalizing the terms of the agreement. Mr. deGraffenried introduced Mrs. Crozier.

Mrs. Crozier advised Council that she has reviewed the agreement and has not had the opportunity to discuss the latest revisions with the board. She has a meeting with her attorney on Monday and will follow up with a Community Garden Board Meeting. She has been working on completing the non-profit paperwork so that she can apply for, and accept, various grants and donations as a non-profit. She has been selling jewelry at the Farmers Market and part of the proceeds have gone towards the Community Garden.

She advised that there are terms in the agreement that she is not comfortable with or understand and will discuss with her attorney on Monday; such as water usage, insurance requirements and improvements to property that may increase taxes.

Mrs. Crozier also reports that the Community Garden Board has created by-laws, site rules, identified roles and have initiated an agreement among the members. She has also reached out to various groups such as 4-H, Kiwanis, Farm Bureau and Lions Club for community involvement.

Council member Toups inquired about the five (5) year term of the draft agreement. Mrs. Crozier advised that is pretty standard among these types of agreements.

Mayor Talbert advised we will wait and discuss further once Mrs. Crozier has met with her attorney.

4. Discussion regarding use of private motorized vehicles on park and cemetery grounds

Police Chief, Sammy Bailey advised Council regarding dangers on City Parks and Cemeteries due to Motor Vehicles, Off-Road Vehicles, Dirt Bikes and Golf Carts. In reviewing City Ordinances Chapter 54- Parks and Recreation Section 54-166 Operation of Motor Vehicles and Chapter 28 Cemeteries, Staff determined they needed to be updated.

- Motor Vehicle needs to be defined
- Parks Ordinance needs to be updated to remove Golf Carts from being allowed on premise
 - Operation is prohibited-unlawful for any person to operate any vehicle in an any public park within the City, except legally on roadways constructed designated for such motor vehicles
 - Apply for Park Permit- allows City to control how many of these vehicles will be allowed to operate during that time, at special events such as Spring-Ho, Cook-Off, Rodeo etc. and for those with disabilities.
- Golf Carts at the Golf Course is an exception
- Cemeteries- makes it unlawful to operate a motor vehicle in the cemetery within the City except legally on roadways constructed and designed for such motor vehicles
 - Council discussed those whom live in close proximity to the Cemetery and choose to ride their Golf Cart to visit a loved one should be an exception. Council would like this to align with Golf Cart operation to and from Golf Course within 2 miles, daylight hours no more than 35 MPH.

5. Discussion regarding any item on the regular agenda

There was no discussion regarding any item on the regular agenda.

Adjourn Workshop Session

Mayor Pro Tem moved to adjourn workshop, Council member Clark seconded the motion and with a unanimous vote, the motion carried. Mayor Talbert adjourned workshop at 5:58 p.m.

City Council took a brief break 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 6:05 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

City Manager deGraffenried and Mayor Talbert presented and acknowledged Milestone Awards to the following recipients:

- 5 years- Bessie White, Colton Baker, Will Sneed, Warren Scott, Jacob Rivera, Derrick Eicher, Josh Palacio
- 10 years- Marcial Chapa, Danny Donovan, Glenn Adams, Becky Sims, Brandon Kepler, Mike Blair, Tom Zimpel, Van Sims
- 15 years-Monica Wright, Garry Spore
- 25 years- Judge Robert Gradel

Mayor Talbert noted that the telephone number to call in for any questions or comments is 512-556-0332. She also told those in the audience if they could maintain a 6-foot distance, they could remove their masks if they chose to.

	PUBLIC HEARINGS/CITIZEN COMMENTS
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.

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 regarding a request to rezone +/-10.00 acres, described as The Barbee Family Revocable Trust Tract Two Part of Called 98.856 acres out of the Benjamin F Klein Survey, Abstract No 441, Lampasas, Texas Lampasas County from Commercial "C" to
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	Agriculture District “AG” generally located at 100 Sunrise Hills.
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Becky Sims, Zoning Administrator advised that the applicant had rezoned the property back in 2012 from Agriculture and Light Industrial to Commercial as they felt it would be more marketable to sell since the 10 acres fronted Highway 190. Since that time, they have decided not to sell the property but rather develop the property. They are currently building one home and have plans to build another one. By rezoning the 10 acres it will align with the remaining and all 98 acres will be zoned Agriculture.

There were no citizen comments

2.0	MINUTES
2.1	Discussion and possible action concerning approval of minutes of the Regular Meeting on October 26, 2020

Mayor Pro Tem Monroe moved to approve the minutes as presented. The motion was seconded by Council member Clark 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 October 1, 2020-October 31, 2020
3.2	Discussion and possible action regarding the second reading of an Ordinance to modify Chapter 78, Traffic and Vehicles, Article II. Specific Street Regulations, Division 2: Stop Intersections, Section 78-61. Stop Streets-Generally; Division 3: Yield Intersections; Sec. 78-91 Schedule. Division 4: Speed Limits, Section 78-121 Speed Limit, designated to include Stone Valley Estates and Brodie Estates roadways, traffic control signage, and to update speed limits in other areas of the city

Council member Kuehne moved to approve the consent agenda as presented. The motion was seconded by Council member White and with a unanimous vote, the motion carried.

4.0	BOARDS/DEPARTMENT REPORTS
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There were no department reports.

5.0	ROUTINE MATTERS
5.1	City Manager’s Operational Report

City Manager deGraffenried reviewed his report:

Appellee Briefs In the appeal by Central Texas Water Supply (“CTWSC”) v Kempner Water Supply Corporation (“KWSC”) and the City of Lampasas, staff have reviewed and made comments on both draft Appellee Briefs. The briefs, which are in response to the CTWSC filing, will be forwarded to the Texas Eighth District Court of Appeals in mid-November. At this time, and due in part to COVID-19 impacts in El Paso, staff does not have an estimate on the timing of future briefs or oral arguments. If oral arguments are granted, a panel from the Court may travel to Austin, as was the case in the City’s recent litigation with KWSC.

- Community Lunch Please mark your calendars for the annual Police Department/Fire Department Community Lunch and Toy Drive. Festivities will be held on Monday, December 14th at the Fire Department. Thanks to Chief Bailey, Kelley, Chief Smith, and all the other staff and volunteers that provide this great opportunity for fellowship and community service.
- Spring Ho This week staff was contacted by a representative of the Spring Ho Committee who inquired about possible meeting space for the organization. As Council may be aware, their current office has been sold, and will be redeveloped. The Committee will initiate construction on a new facility this winter/spring, and will need meeting space in the interim. Staff have discussed the use of the Calvert Building, Hostess House, and perhaps the most likely solution, the Ladies Golf Club building at Hancock Park Golf Course. Staff will continue the discussion, and seeks Council input if location is preferred.
- Parks Council may have noticed H&H has started installation of lights at W M Brook Park. Additionally, Park staff and Christmas on the Creek volunteers continue to paint and rehab displays for the season. The City has also been a victim of recent vandalism at the 580 Sports Complex, Brook Park and Campbell Park. Restroom fixtures at those locations were damaged and will require replacement.
- Life/Safety Grants Mandy and Frank report the City has received additional inquiry from business and commercial property owners regarding assistance to bring structures up to Code with life/safety requirements. In some cases, the concepts include mixed uses and development of additional retail/hospitality venues. In a related item, staff has been preparing a draft, for Council consideration, of a Policy to participate in the cost of fire line taps for existing buildings where fire suppression is required based on new or changed uses.
- Ave E Change Order This week staff approved a \$2,379.00 change order for the West Ave E project. The change involves adjustment in heights of manholes to accommodate asphalt paving. The change is worthy of note for two reasons; it represents the only change on the project which was contracted at \$677,350.00; and it is well within the contracted contingency. Once the manholes are adjusted, the road will be ready for pavement in the next several weeks.
- Georgia Crump In the past year, the City engaged Lloyd, Gosselink, Rochelle & Townsend to assist the City in development of pole attachment agreements and applications. Georgia Crump was the primary attorney on this matter for the firm, and also assisted Greg Fender in reviewing agreements and applications from Suddenlink and AT&T. The City has been informed that Ms. Crump will be retiring at the end of the year, and staff has congratulated her, and expressed our appreciation for her counsel during the process. Staff has a working relationship with other attorneys in her office, Mr. Cody Faulk in particular, and would recommend retaining the firm on this matter. Staff welcomes comments from Council if another direction is desired.

5.2	MAYOR'S COMMENTS
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Mayor Talbert wanted to address the new Council Members; however, Mr. Gordon Nelson was not in attendance. Mayor Talbert thanked Staff for coordinating and putting together the Employee Appreciation Event that took place November 7, 2020.

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 Community Garden Agreement for utilization of Campbell Park.
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This item was discussed during workshop and there will be no action taken this evening. Council will wait until Mrs. Crozier speaks with her attorney and the Community Garden Board.

7.2	Discussion and possible action regarding the first reading of an Ordinance to approve, deny, or approve with modification(s) the rezone +/-10.00 acres, described as The Barbee Family Revocable Trust Tract Two Part of Called 98.856 acres out of the Benjamin F Klein Survey, Abstract No 441, Lampasas, Texas Lampasas County from Commercial "C" to Agriculture District "AG" generally located at 100 Sunrise Hills.
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Mayor Pro-Tem Monroe moved to approve the first reading of the Ordinance, Council member Toups seconded the motion and with a unanimous vote, the motion carried.

7.3	Discussion and possible action concerning the purchase of a freightliner Camel 1200 Jet Vac Hydro-Excavation Module from Freightliner of Austin in the amount of \$432,788.00.
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Van Sims, Water/Wastewater Operations Manager advised Council that this was approved during the FY 20/21 Budget. The current Vac-Truck will remain in the fleet for back-up and other department use. this will replace the current Camel Truck that they have currently.

Council member Clark advised that this is a buy board purchase

Mayor Pro-Tem Monroe moved to approve the purchase, Council member White seconded the motion; Mrs. Monroe asked how soon they would be able to get the truck, Mr. Sims advised 90 days from approval. Council member White asked if the truck is the same size as the current model, Mr. Sims advised yes, and with a unanimous vote the motion carried.

7.4	Discussion and possible action regarding amending contract with MuniServices to extend retainer for an additional 36 months for Hotel Occupancy Tax audit services
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City Manager deGraffenried advised that the City engaged MuniServices to conduct Hotel Occupancy Tax Audits in 2017 and the retainer for an additional 36 months. Mr. deGraffenried suggested it is good practice to conduct the hotel audits every three to five years and he would recommend extending the retainer an additional 36 months.

Council member Kuehne moved to approve, Mayor Pro-Tem Monroe seconded the motion, Mrs. Monroe inquired about the previous audit and if we were able to collect the taxes that were owed. Mr. deGraffenried advised no; however, it does put the hotels on notice that we are watching. Mayor Talbert inquired about the amounts that were owed, Mr. deGraffenried advised between \$5,000-\$7,000 and the contract fee is \$2,000 per audit, and with a unanimous vote the motion carried.

7.5	Discussion and selection of website photo contest winner for October 2020
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Council member White moved to approve entry number 1, Council member Toups seconded the motion and with a unanimous vote the motion carried.

7.6	Discussion and possible action regarding the first reading of an Ordinance to amend Appendix A- Fee Schedule to add rental and deposit rates for the Hostess House
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Vicki Tower, Parks Secretary advised Council that the proposed fee schedule was brought before Council in March 2020; however, the pricing modifications had not been added to the Code of Ordinances. Mrs. Tower advised that the Special Wedding Prices were omitted from the packet in error however distributed a handout that shows those special rates.

Council member White moved to approve the first reading, Mayor Pro-Tem Monroe seconded the motion; Mrs. Monroe inquired about bookings, Mrs. Tower advised that there are currently 3 weddings, 6 family reunions and one Sweet 15 Birthday party penciled in; however due to COVID and the current pending maintenance schedule no deposits have been accepted. Mayor Talbert would like to make the bookings happen; and requested consultation with Chief Smith to review events, with a unanimous vote, the motion carried.

7.7	Discussion and possible action regarding purchase and installation of public safety mobile hand-held radios and related equipment in the amount of \$409,422.27 from Motorola Solutions.
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Chief Bailey advised Council that the current Conventional Analog Radio System does not provide public safety with adequate signal coverage for all areas of the city and certainly not for the fire department that travels outside the city. More often than not there is static on the radio due to poor signal.

Chief Bailey stated that the Police Department is an Island among ourselves, the Police Department can communicate with ourselves and FD when they are in the City, but we are not able to communicate with FD outside the City. PD is not able to communicate with other Departments/entities without Dispatch having a handheld to operate or patrol having a handheld or another entity's frequency on their mobile radio-that Dispatch cannot hear.

A new Digital Trunking system will allow us to all have a larger coverage area which will increase our signal coverage with better repeaters and access to GTRs. Digital Trunking rely on repeaters and expand our coverage areas. GTR's is similar to a telephone tower where you connect from tower to tower for coverage. Also, this will give us clearer sounds.

The CIP Committee ranked Public Safety Communications upgrades a high priority. We need to be able to effectively and efficiently communicate with as many other entities as we can. The cost is \$409,422.27. This is the basics for the upgrades we need. If we can find any additional savings we will apply them.

Council member Clark moved to approve the purchase, Council member Toups seconded the motion and with a unanimous vote, the motion carried.

7.8	Discussion and possible action to consider professional services proposal from Jones-Heroy and Associates, Inc. relating to the West Third Street Culvert Replacement in an amount not to exceed \$25,000.00
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Council member Clark removed himself from the dais.

Rickie Roy, Assistant City Manager advised of proposal for professional engineering services with Jones-Heroy & Associates in an amount not to exceed \$25,000.00, for plans, specifications and contract documents related to repair and replacement of roadway and drainage system in the 1100 block of West Third Street. Mr. Roy advised that Jason Jones was in attendance should they have any questions.

Council member White moved to approve the professional services agreement, Mayor Pro-Tem Monroe seconded the motion and with a unanimous vote the motion carried. (Clark Abstained)

7.9	Discussion of possible action regarding the first reading of an Ordinance regulating use of private motorized vehicles in and on City of Lampasas Parks.
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This item was discussed during Workshop. Council member Kuehne moved to approve the first reading of the Ordinance, Council member Clark seconded the motion and with a unanimous vote the motion carried.

7.10	Discussion of possible action regarding the first reading of an Ordinance regulating use of private motorized vehicles in and on City of Lampasas Oak Hill Cemetery
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This item was discussed during Workshop. Council member White moved to approve the first reading of the Ordinance with the stipulation to allow Golf Carts to operate within a 2-mile radius of Cemetery during daylight hours no more than 35 MPH, Council member Toups seconded the motion and with a unanimous vote, the motion carried.

Adjourn into Executive Session

Mayor Pro-Tem Monroe moved to adjourn into Executive Session at 6:45 p.m., Council member Toups seconded the motion and with a unanimous vote the motion carried.

EXECUTIVE SESSION

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	EXECUTIVE SESSION ITEMS
8.1	Section 551.074 (personnel matters), to deliberate the appointment, employment, evaluation, reassignment, duties of City Secretary; and other personnel matters as allowed by Texas Government Code, Chapter 551.
8.2	Adjourn executive session and reconvene Regular Session

Mayor Talbert reconvened Regular Session at 7:16 p.m.

REGULAR SESSION

9.0	ACTION ON EXECUTIVE SESSION
9.1	Discussion and possible action concerning items posted and discussed by Council in Executive Session

No action was taken in Executive Session

Adjourn

Mayor Pro-Tem Monroe moved to adjourn the meeting at 7:17 p.m., Council member Kuehne seconded the motion and with a unanimous vote, the motion carried.

PASSED AND APPROVED this _____ day of _____, 2020.

Misti Talbert, Mayor

ATTEST:

Becky Sims, Assistant City Secretary