

**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, December 14, 2020**

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
Cathy Kuehne
Randy Clark
Bob Goodart

Council Members absent:

Delana Toups
Gordon Nelson

City Staff Present:

Finley deGraffenried, City Manager
Rickie Roy, Assistant City Manager
Becky Sims, Zoning Administrator/Asst. City Secretary
Yvonne Moreno, Finance Director
Frank Ellett, Building Official
Monica Wright, Information Systems Director
Jeffry Smith, Fire Chief
Jody Cummings, Assistant Police Chief
Vicki Tower, Parks Secretary
Chuck Montgomery, Patrol Lieutenant
Fidel Morua, Police Sergeant
Dylan Boivin, Patrol Officer
Warren Scott, Patrol Officer
Flint Geagley, Electric Superintendent

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
 - 272,933 active cases
 - 23,911 fatalities
- Local
 - 788 total cases
 - 82 active cases
 - 14 fatalities

3. Discussion regarding December 18, 2020 Council Planning Session

City Manager deGraffenried reviewed a draft agenda. He advised that in the past this exercise has generally lasted most of the day. The agenda this year will be similar. The plan is to meet at the Water Wastewater Shop, eat breakfast and tour the facility and meet with Staff. The program will reconvene at the Calvert Municipal Building, due to space, for a presentation by Jason Jones, Jones-Heroy Consulting Engineer regarding Pre-Treatment Study and Recommendations. The remainder of the session will cover a tour of the IT department, Comprehensive Plan implementation schedule, more broad areas related to goals and priorities and any item Council may want to touch on such as Personnel Policy and the City Council Governance Policy. Mayor Pro-Tem Monroe would like a progress report on the Hostess House and Colored School. Mayor Talbert agreed with discussion and updates relating to the Personnel Policy as well as expectations of Staff and City Council.

4. Discussion regarding demolition cost related to substandard structures.

Becky Sims, Assistant City Secretary/Zoning Administrator, advised that this item was discussed at a previous meeting and at this time wanted to provide Council with an overview of the substandard process from certified letters, issuing citations, board ordered demolition, liens to foreclosures.

Mrs. Sims advised Council that Staff would like more time to research options and alternatives. It has been some time since the City demolished property and would like the opportunity to research costs and recoupment of fees from payment or liens on property. Staff would like to set up payment plans with property owners. Council would like specifics on terms of repayment plans; draft agreements will be provided to Council upon legal review for their consideration.

Mayor Talbert wanted to remind Council that we do not want to get in the habit of financing the demolition of substandard properties when they have been recently purchased as development property. Mayor Talbert would like the date of purchase to be a factor in the review process and Council member Kuehne feels that a three-year term for recovery of demolition costs is too long.

5. Discussion regarding concerns and communication from TxDOT regarding South 281 Traffic Signals.

Lt. Montgomery took this opportunity to address Council and Citizen concerns regarding the intersection of Highway 281 at the High School. This is in response to a recent crash at the intersection that was a result of the driver running the red light. Research has been conducted regarding the timing of the light and no red flags were identified. Mayor Talbert advised that as drivers are leaving town there is no warning regarding traffic light and feel they accelerate to beat the light. There has been discussion of installation of rumble strips and signage and if TxDOT recommends based on study and funding is the issue then Council would be willing to consider paying for the improvements. Mayor Talbert does not feel this is an enforcement issue as there is police presence at that intersection. She would also recommend inviting a TxDOT engineer to a workshop session to discuss more in detail. Mayor Talbert thanked Lt. Montgomery for being present.

6. Discussion regarding any item on the regular agenda

There were no citizen comments

Mayor Pro-Tem Monroe moved to adjourn workshop session at 5:52 p.m. Council member Kuehne seconded the motion and with a unanimous vote the motion carried (Toups and Nelson absent)

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 6:02 p.m.

B. Invocation and Pledge of Allegiance

Jody Cummings, Assistant Police Chief, gave the invocation and the Pledge of Allegiance to the U.S. and Texas flags were recited.

C. Presentations and Proclamations

- Swearing in of Officer Dylan Boivin- Lt. Montgomery introduced Mr. Boivin, he is a 2013 Lampasas High School graduate, a 2019 Central Texas College Police Academy Graduate and is coming to the City of Lampasas from the Lampasas County Sheriffs office. He began his field training in November and will be on his own in January. The Lampasas Police Department is excited to have him, welcome aboard Dylan.

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.

	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.

Mike White reported to Council that over the weekend a driver wrecked into his in-laws house. This is the first time a driver has hit their house; however, it is the fifth time a vehicle entered their property. He is asking Council to consider some type of barriers, arrows to alert traffic from Brown Street as it is too easy for drivers to miss the turn. Assistant City Manager Roy advised Council that they did look at the location and will be placing poles, better signage and adding some additional lighting. They also plan to file on the driver's insurance for damages.

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 for Specific Use Permit (SUP) for property being Lot 2A, Minor Amending Replat of Lots 2 and 3 of the Walmart Addition No 1, Lampasas County, generally located at 1708 Central Texas Expressway Suite 3, Lampasas, Texas,
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to allow for a “Smoke/Tobacco Shop”, specifically a Vapor Store located in an area zoned Retail “R”.
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Becky Sims, Assistant City Secretary/Zoning Administrator discussed the following:

- Asheer Properties (property owner), and Reaching Greatness TX, LLC (applicant) is requesting a Specific Use Permit (SUP) to allow for a “Smoke/Tobacco Shop”, specifically a Vapor Store located in an area zoned Retail “R”.
- The property is currently zoned Retail ‘R’ and the area surrounding the property is zoned Retail “R”, and Single Family-10 “SF-10”. Staff mailed six (6) notices and to date have not received any written testimony.
- This request was heard before the Planning & Zoning Commission on December 3, 2020 and they recommend approval.
- Timothy, representative from Vapor Maven is in attendance should Council have any questions.

Mayor Talbert inquired about distance from tobacco advertisement to a church. Mrs. Sims advised was not familiar with the law but will research and report back to Council.

Mayor Pro-Tem Monroe moved to close the public hearing with no further discussion, Council member Clark seconded the motion and with a unanimous vote the motion carried. (Nelson & Toups absent)

1.4	Public Hearing to receive citizen comments regarding a request for a Specific Use Permit (SUP) for property being Lot 8 Block 2, 0.497 acres of the East Lampasas Addition; generally located at 1002 E Fourth Street, Lampasas, Texas to allow for a portable storage building in an area zoned Commercial “C”.
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Becky Sims, Assistant City Secretary/Zoning Administrator discussed the following:

- Jack Harrell (property owner) is requesting a Specific Use Permit (SUP) to allow for a portable storage building at property described as Lot 8 Block 2, 0.497 acres of the East Lampasas Addition; generally located at 1002 E Fourth Street, Lampasas, Texas
- The property is currently zoned Commercial “C” and the area surrounding the property is zoned Commercial “C” and Single Family-6 “SF-6”. Staff mailed thirteen (13) notices and to date has received four (4) notices in return, three (3) in favor of the request, and one (1) opposing the request.
- This item was heard before the Planning & Zoning Commission on December 3, 2020. The Commission is in favor of the request with the following conditions:
 - The approval is for the existing building onsite as of the date of the public hearing on December 3, 2020 and,
 - That the building does not take away from the number of parking spaces required for the business.

Mayor Talbert asked how the building was placed prior to obtaining a Specific Use Permit. Mrs. Sims advised that it appears to have been an oversight. Once Mr. Harrell was notified he complied and submitted the application and paid the application fees.

Council member Clark asked that it be stipulated that the use be for storage only that it cannot be used as an accessory retail business.

Council member Kuehne has concerns that the building was placed on the lot prior to obtaining Specific Use Permit. Mr. Harrell is a realtor and should know the regulations.

Mayor Talbert asked if Mr. Harrell was invited to the meeting; Mrs Sims advised yes.

With no further questions or comments Mayor Pro Tem moved to close the public hearing, Council member Kuehne seconded the motion and with a unanimous vote, the motion carried. (Nelson & Toups absent)

2.0	MINUTES
2.1	Discussion and possible action concerning approval of minutes of the Regular Meeting on November 23, 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. (Toups and Nelson absent)

3.0	CONSENT AGENDA
3.1	Discussion and possible action regarding purchases and charges in excess of \$4,000 from November 1, 2020 through November 30, 2020.
3.2	THE SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF LAMPASAS, TEXAS AMENDING CHAPTER 38 "FIRE PREVENTION AND PROTECTION," ARTICLE IV, "FIRE CODE"; ADDING NEW SECTION 38-108 TO BE ENTITLED 'UNDERGROUND FIRE LINE REQUIREMENTS' FOR FIRE SUPPRESSION SYSTEMS; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Council member Kuehne 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. (Toups and Nelson absent)

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:

Sales Tax City received another positive Sales Tax Report from the Comptrollers Office this month. October receipts were \$203,221.00 compared to \$163,225.00 for the same period last year. A \$39,996.00 (24.5%) improvement. Recent news reports have indicated sales tax trends in smaller communities may be impacted by internet sales and more folks staying closer to home and shopping locally.

Traffic Counts TxDOT has released their 2019 traffic counts. The attachment includes the 2018 and 2019 counts as noted on the blue dots/numerals, as well as the Urban count (red dots/numerals) conducted in 2017. The numbers indicate what staff and Council has long assumed, that our traffic is increasing. Key Avenue, generally between 4th and North, has the highest Annual Average Daily Traffic Count of 20,192 up from last year's count of 19,063, or about a 6% increase. The 2019

counts are available on the City's Interactive mapping page and on the TxDOT website at <https://vwww.txdot.gov/inside-txdot/division/transportation-planning/maps.html>

Comprehensive Plan City staff have received the draft of the final two chapters of the Comprehensive Plan from our consultants. Chapter 5, Plan Recommendations, was reviewed somewhat extensively in outline form, is now published with additional, supporting narrative. Chapter 6, Implementation, includes tasks, involved parties and prioritization. Staff is prepared to include discussion on remaining tasks, and timeline for adoption, at the Council Planning Retreat December 18th.

Bandwidth Monica reports that the City's bandwidth upgrade has been completed. Fiber and circuitry were installed this week and testing and turn-up resulted in minimal downtime. The City has experienced a few, relatively short, periods of downtime since the install and turn-up, which should be resolved. The bandwidth upgrade will support the City's growing need for public safety and business technology requirements.

Demolition Debris As a follow-up to questions regarding demolition disposal, staff has contacted the contractor assigned for the East 5th Street abatement, and has received and has received confirmation that the contractor is licensed and approved to dispose of waste at various land-fills in central Texas, and will provide tipping tickets to the City upon completion.

LCRA Step Forward The City application for the annual LCRA Step Forward program has been submitted by the Park Department. For the past several years, LCRA has conducted outreach through the donation of manpower and materials for community projects. If approved, LCRA personnel will be in Lampasas April 9th to install playground mulch and sod around the Brook Park restrooms.

CARES Funding The CARES Act funding application and supporting documentation will be submitted to the Texas Department of Emergency Management no later than Tuesday December 15th. A huge thank you goes out to Yvonne and Chief Smith who were assisted in a big way by Bessie White, Pam Torrez, Chasity Shifflet and Mary Garcia by gathering and scanning documentation.

Employee Tenure- Staff is pleased to recognize December employment anniversaries of Yvonne Moreno, Finance Director, 23 years; and Shanda Subia, Library Director, 14 years.

5.2	MAYOR'S COMMENTS
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Mayor Pro-Tem Monroe wanted to take the opportunity to thank City Staff, especially Parks and Public Works on behalf of Vision Lampasas for their assistance and participation in the Lighted Christmas Parade Event.

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 an Ordinance amending the Adopted Budget for the Municipal Government of the City of Lampasas for the Fiscal Year of October 1, 2019 to September 30, 2020.
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Yvonne Moreno, Finance Director advised Council that due to the closing of the Fiscal Year 2019-2020, the Finance Department must verify all budgeted line items. Ms. Moreno advised that she is happy to report that the year-end looks really good. All the accelerated purchases were covered under the Operating

Budget, she recommends moving \$400,000.00 to the General Fund Balance from Electric Fund Operating Budget and moving \$4,503.61 to Golf Course Fund to cover shortfall in revenues.

Mayor Pro-Tem Monroe moved to approve the first reading of an Ordinance amending the Adopted Budget for the Municipal Government of the City of Lampasas for the Fiscal Year of October 1, 2019 to September 30, 2020, Council member Kuehne seconded the motion and with a unanimous vote the motion carried (Toups and Nelson absent)

7.2	Discussion and possible action regarding the first reading of an Ordinance for a Specific Use Permit (SUP) for property being Lot 2A, Minor Amending Replat of Lots 2 and 3 of the Walmart Addition No 1, Lampasas County, generally located at 1708 Central Texas Expressway Suite 3, Lampasas, Texas, to allow for a "Smoke/Tobacco Shop", specifically a Vapor Store located in an area zoned Retail "R".
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Council member Kuehne moved to table this item until the distance for advertising was clarified based on the inquiry from Mayor Talbert during the public hearing, Mayor Talbert advised Council outdoor advertising within 1,000 feet of a Church is prohibited. The motion died due to no second.

Mayor Pro Tem Monroe moved to approve the first reading of the Ordinance for a Specific Use Permit (SUP) for property being Lot 2A, Minor Amending Replat of Lots 2 and 3 of the Walmart Addition No 1, Lampasas County, generally located at 1708 Central Texas Expressway Suite 3, Lampasas, Texas, to allow for a "Smoke/Tobacco Shop", specifically a Vapor Store located in an area zoned Retail "R", Council member Clark seconded the motion, Goodart and Mayor Talbert were in favor and Council member Kuehne was opposed, motion carried (Nelson and Toups absent)

As follow up to Mayor Talbert's inquiry the following was found per the Texas Comptroller website:

- *If a retail store is within 1,000 feet of a church or school, are signs on the inside of the window of the store facing outward allowed? Yes. The law defines a sign as an outdoor medium only. The ban on signs within 1,000 feet of a church or school does not apply to signs inside the store.*
- *How is the distance from a sign to a church or school measured? The distance is measured from a point on a street or highway closest to the sign to the property line of the church or school.*
- *Are day care centers included in the ban on advertising for cigarettes, e-cigarettes or tobacco products within 1,000 feet of a church or school? only private or public elementary or secondary schools are within the definition of "school" for the purposes of this law; consequently, a day care center would not be included in the ban. However, if the day care is in a church, then the ban on cigarette, e-cigarettes or tobacco product advertising applies.*

7.3	Discussion and possible action regarding the first reading of an Ordinance for a Specific Use Permit (SUP) for property being Lot 8 Block 2, 0.497 acres of the East Lampasas Addition; generally located at 1002 E Fourth Street, Lampasas, Texas to allow for a portable storage building in an area zoned Commercial "C".
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Council member Clark moved to approve the Ordinance as presented with the additional stipulation that the building not be used as a stand-alone business; Mayor Pro Tem Monroe seconded the motion, Goodart and Mayor Talbert were in favor and Council member Kuehne was opposed, motion carried (Nelson and Toups absent)

7.4	Discussion and possible action regarding the possible selection of the website photo contest winner.
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Council member Kuehne moved to approve entry # 3, Council member Clark seconded the motion and with a unanimous vote the motion carried. (Nelson and Toups absent)

7.5	Discussion and possible action regarding a request to approve the quote for two LifePak15 from Stryker, a sole source provider, in the amount of \$63,509.64.
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Chief Smith advised that the CARES Act allows for the purchase of medical equipment that is necessary for emergency medical response. The Lampasas Fire Department requests to purchase new LifePak15 heart monitors. This equipment will allow first responders to provide a higher level of care by assisting all patients in the assessment of hemodynamic stability. It is capable of 12 Lead EKG interpretation, blood pressure monitoring, cardiac pacing, defibrillation and O2 blood level analysis. The new LifePak15's will replace two existing LifePak12 monitors.

Mayor Pro-Tem Monroe moved to approve the purchase for two LifePak15 from Stryker a sole source provider in the amount of \$63,509.64, the motion was seconded by Council member Kuehne and with a unanimous vote the motion carried. (Toups and Nelson absent)

7.6	Discussion and possible action regarding the RFQ for the Skatepark
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City Manager deGraffenried advised Council that on October 12, 2020 Council directed staff to prepare Request for Proposals for the design and construction of the Campbell Park Skatepark. Request for Qualifications were advertised November 20, 2020 and November 24, 2020 in the Lampasas Dispatch and through the City's website and subscriber list. On December 11th, staff met to review and score the proposals received which included 6 skatepark proposals. The Design-Build method of procurement is being utilized per Texas Government Code. This method does not waive any requirement for payment or performance bonding and will require a third-Party Engineer or Architect to act as the City's representative during this project. Staff is seeking Council approval and direction to negotiate the scope and fee with the highest rated firm/team as defined.

Mayor Pro-Tem Monroe moved to direct Staff to negotiate the scope and fee with SPA Skateparks, Council member Clark seconded the motion and with a unanimous vote the motion carried. (Toups and Nelson absent)

7.7	Discussion and possible action regarding the RFQ for the Campbell Park Pavilion
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City Manager deGraffenried advised Council that on October 12, 2020 Council directed staff to prepare Request for Proposals for the design and construction of the Campbell Park Pavilion. Request for Qualifications were advertised November 20, 2020 and November 24, 2020 in the Lampasas Dispatch and through the City's website and subscriber list. On December 11th, staff met to review and score the proposals received which included 4 pavilion proposals. The Design-Build method of procurement is being utilized per Texas Government Code. This method does not waive any requirement for payment or performance bonding and will require a third-Party Engineer or Architect to act as the City's representative during this project. Staff is seeking Council approval and direction to negotiate the scope and fee with the highest rated firm/team as defined

Council member Kuehne moved to direct Staff to negotiate the scope and fee with LAMCO, Mayor Pro Tem Monroe seconded the motion and with a unanimous vote the motion carried. (Toups and Nelson absent)

7.8	Discussion and possible action concerning reimbursement of funds to Lampasas Economic Development Corporation for expenses related to COVID-19 Pandemic
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Chief Smith advised the CARES Act allows for economic support in connection with the COVID-19 Public Health Emergency. The expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. The Lampasas Economic Development Corporation (LEDC) did administer this qualifying grant program in the Spring of 2020. The funds that were expended came from the LEDC. The City of Lampasas will utilize grant funds from the CARES Act to reimburse these expenses.

Council member Clark moved to approve the reimbursement of funds to Lampasas Economic Development Corporation for expenses related to COVID-19 Pandemic Council member Kuehne seconded the motion and with a unanimous vote, the motion carried. (Nelson and Toups absent)

7.9	Discussion and possible action concerning the approval of bench pads at Campbell Park in an amount not to exceed \$7,500.00.
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The Lampasas Heritage Foundation has generously donated seven sets of concrete benches and tables for placement at Campbell Park. Chris Eicher recommended placement on concrete pads and has solicited quotations for that purpose. Staff did seek out three contractors; however only two responded.

Mayor Pro Tem Monroe moved to approved the installation of bench pads at Campbell Park in an amount not to exceed \$7500.00, Council member Kuehne seconded the motion and with a unanimous vote the motion carried. (Toups and Nelson absent)

Adjourn into Executive Session

Mayor Pro-Tem Monroe moved to adjourn into Executive Session at 6:41 p.m., Council member Kuehne seconded the motion and with a unanimous vote the motion carried. (Nelson and Toups absent)

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 551.071 (1) (A) and 551.071(2), Consultation with Attorney by telephone and/or in person concerning matters upon which the attorney has a duty and/or responsibility to report to the governmental body; and/or other matters posted on the regular agenda.
8.2	Section 551.087 (economic development)- (1) to receive and evaluate financial information received from a business prospect, to discuss same, and/or to deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the city, with which the City is conducting economic development negotiations; and/or (2) to deliberate an offer of any financial or other incentives to any business prospect described above.
8.3	Adjourn executive session and reconvene Regular Session

Mayor Talbert reconvened Regular Session at 7:54 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

Mayor Pro Tem Monroe moved to direct Staff to negotiate and prepare a Public Utility Easement, for benefit of the City and property owners for extension of utilities adjacent to Hillside Acres Subdivision, Council member Kuehne seconded the motion and with a unanimous vote, the motion carried. (Nelson & Toups absent)

Council member Kuehne moved to adjourn the meeting at 7:56 p.m, Mayor Pro Tem Monroe seconded the motion and with a unanimous vote the motion carried. (Nelson & Toups absent)

PASSED AND APPROVED this _____ day of _____, 2021.

Misti Talbert, Mayor

ATTEST:

Becky Sims, City Secretary