

**MINUTES OF REGULAR MEETING OF THE GOVERNING BODY  
OF THE CITY OF LAMPASAS, TEXAS  
CITY COUNCIL CHAMBERS  
405 SOUTH MAIN STREET  
MONDAY APRIL 8, 2019**

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

Council Members present:

Chuck Williamson  
Michael White  
Cathy Kuehne  
Robert McCauley  
Delana Toups

Council Members absent:

T.J. Monroe, Mayor Pro Tem

City Staff Present:

Finley deGraffenried, City Manager  
Gary Cox, Assistant City Manager  
Christina Marez, City Secretary  
Becky Sims, Assistant City Secretary  
Yvonne Moreno, Finance Director  
Sammy Bailey, Police Chief  
Tony Barrio, Code Enforcement Officer  
Kelli Sanguinet, Police Communications Officer  
Rickie Roy, Public Works Director  
Chris Eicher, Parks & Recreation Director  
Shanda Subia, Library Director  
Monica Wright, Information Systems Director  
Ronnie Withers, Fire Marshal  
Frank Ellett, Building Official

**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 Code Enforcement Efforts

Sammy Bailey, Police Chief, explained that the Council work plan identified code compliance as an area of focus to address health and safety as well as quality of life concerns within the community. She and Tony Barrio, Code Enforcement Officer, would like to discuss the status of code enforcement efforts and seek direction from Council regarding the issues of importance and the future expectations of the code enforcement process.

Code Enforcement Officer Barrio reviewed the process of how he handles code enforcement issues. He used an overhead PowerPoint presentation that outlined steps he takes in remedying/addressing code enforcement issues. From receiving a complaint, researching the property owners' information, sending certified notification, allowing for voluntary compliance within a reasonable amount of time, or if necessary, the City will have the property cleaned up and a lien is assessed on the property. On occasion, some code enforcement issues may reach the Municipal Court level with fines cited.

Questions posed from Council were: "Are we achieving what we want to see done? Do we have the resources to get it done?"

Both Bailey and Barrio said that there has been improvement in many areas in town. Property owners work to be compliant and with the opening of the Citizens Collection Station, those owners are able to take items there to be disposed of. Barrio said that he gives those property owners a free pass to the station so they do not incur any costs because of their voluntary compliance.

Council thanked both Police Chief Bailey and Code Enforcement Officer Barrio for their presentation and their work dealing with code enforcement issues.

### 3. Discussion regarding Food Truck Ordinance, Music Venues, Sense of Place

Becky Sims, Assistant City Secretary, explained that this item is one of the tasks identified on the 2019 Council Work Plan.

Sims report outlined the following:

- In 2015, Staff identified the need and adopted a Food Truck Ordinance.
- To date the City has issued less than 5 permits.
- In reviewing other city requirements, the two outlining factors are permit prices and locations.
- For community events we allow the committee to oversee the food truck permitting process which includes the vendor fees and location. The Fire Marshal and Building Official inspect the food trucks to ensure they are code compliant and meet fire code, but the City does not issue a permit.
- The intent of the Food Truck Ordinance is to allow the diversity and community engagement without affecting the brick and mortar locations that have the overhead expense.
- Staff feels that while the health, safety and code compliance of each food truck will still be a factor, there is room to amend the Ordinance to allow more flexibility in location and permit fees.
- Outdoor music venues are another area of community engagement that Staff wants to explore.
- The City wants to encompass the diversity and fun of food trucks with the beauty of our parks to engage the community with live music to promote social gatherings.
- Staff continues to research outdoor music opportunities with considerations to safety of citizens, upkeep of parks, noise ordinance, liability, appropriate locations, kid-friendly, community partnerships, local talent and possibly committees to promote and plan the events.

Sims reviewed an overview of the Food Truck Ordinance:

- Duration
  - 14 days = \$100.00
  - 180 days = \$300.00/renewal \$150.00
  - Annual = \$500.00/renewal \$250.00
- Zoning

- All Non-Residential Zoning Districts and/or City Parks
- Must be a minimum of 50 feet from Residential use
- Cannot be parked on a vacant lot
- Hours of Operation
  - 7:00 a.m. to Midnight
  - No seating, generator or music is allowed between 10:00 p.m. to Midnight with 100 feet from Residential uses.
  - Must have written authorization from Property Owner
  - Bathroom must be available within 300 feet for employees and patrons
  - Seating for up to four people may be provided
  - Mobile Food Vendor Unit (MFVU) must be self-contained, cannot hook up to City utilities
  - No alcoholic beverages
  - Must have self-closing trash containers
  - No more than 3 MFVU at one location unless City sponsored event
- Other Requirements
  - Valid Motor Vehicle Operator's License
  - Valid Vehicle Registration
  - Proof of Vehicle Liability Insurance
  - Valid DBA or LLC Certificate
  - Texas Sales Tax Permit
  - Valid and Current State Health Permit
  - Current Food Handler's Certificate
  - Fire Marshal Code Compliant Inspection

Council discussion included:

- Don't want the City to make it so difficult that food trucks can't come in to our town.
- Why is there a fee for food trucks when they don't use any City electric or water? City Staff responded that the fee was created because of brick and mortar reasons and also to ensure Code and State compliance.
- Food trucks should be able to use a vacant lot and the current Ordinance requirement doesn't allow for it.
- There should be an opportunity for a one-day fee.
- If a property owner allows for the food truck to use their electricity, it should be allowed.
- Since some applicants that apply for a temporary permit may only want to set up for one day a week or one weekend day at a time, Council suggested changing the time period of 14 consecutive days to just 14 days by removing the word "consecutive".

City Staff will review and consider all that was discussed and review again with Council at a future date.

#### 4. Discussion regarding Scope of Work for City of Lampasas Comprehensive Plan

Gary Cox, Assistant City Manager, explained that at the March 25, 2019 Council meeting, HALFF Associates, Inc. was selected as the firm to provide services related to the development of a comprehensive plan. Prior to engaging HALFF and negotiating the terms of a professional services agreement, a scope of work for the plan is needed. Traditionally a comprehensive plan includes key components such as existing conditions, goals and objectives, implementation strategies and future land use. However, the comprehensive plan is not limited to these components and can include other analysis of the community. Other items to be considered in the scope of work include housing, transportation, infrastructure, public services, recreation, economic development, community design, preferred areas of development, renewal

or redevelopment areas, financing, tourism and historic preservation. While not exhaustive, these components represent a common core, which comprise a majority of comprehensive plans. Staff seeks Council's input in defining the scope to ensure Council's goals and objectives are met as we initiate the comprehensive planning process

Council discussion included:

- Land use
- Infrastructure
- Look closer at Downtown area
- Impact fees
- This comprehensive plan is a community driven document

After discussions, Council expressed that Land use and Infrastructure be the scope of work to plan on.

5. Discussion regarding any item on the regular agenda

There was no discussion.

6. Adjourn Workshop Session

Council member Williamson moved to adjourn the workshop session at 6:53 p.m. The motion was seconded by Council member White and with a unanimous vote, the motion carried. (Monroe absent)

A brief break was taken before going into regular session.

<b>REGULAR SESSION</b> <b>7:00 P.M.</b>
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**ANNOUNCEMENTS**

- A. Call to Order

Mayor Talbert called the regular session to order at 7:05 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

- National Public Safety Telecommunications Week

Mayor Talbert read out loud the proclamation and proclaimed April 14-20, 2019 as National Public Safety Telecommunications Week.

- D. Community Champion

Mayor Talbert presented Jeff Lowe the Community Champion award for going above and beyond to cover and capture photos of happenings and school events in our community for the Lampasas Dispatch Record. Talbert said that his efforts, hard work and dedication for capturing the accomplishment of kids of Lampasas make him a Community Champion.

	<b>PUBLIC HEARINGS/CITIZEN COMMENTS</b>
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	Public Hearing to receive citizens comments regarding an Ordinance amending Chapter 50 (Offenses) in the City of Lampasas Code of Ordinances to provide a new article III; Sex Offenders; making it unlawful for certain sexual offenders to reside within 1000 feet of places where children gather; providing exceptions to the Ordinance ; prohibiting property owners from renting real property or establishing a residence to certain sexual offenders; prohibiting certain sexual offenders from entering or loitering within 300 feet of a City Park; providing for affirmative defenses; providing for a severability clause and providing penalties for violations for the Ordinance.
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Sammy Bailey, Police Chief, explained that as discussed at the March 11, 2019 City Council Meeting, the Lampasas Police Department has recently taken over responsibility for the oversight of offenders residing in our community, who are required to register under Chapter 62 of the Code of Criminal Procedure for sex related crimes. This public hearing allows for citizen comments regarding the proposed Ordinance amending Chapter 50 (Offenders) in the City of Lampasas Code of Ordinances.

Bailey said that this amendment will making it unlawful for certain sexual offenders to reside within 1,000 feet of places where children gather; providing exceptions to the Ordinance; prohibiting property owners from renting real property or establishing a residence to certain sexual offenders; and prohibiting certain sexual offenders from entering or loitering within 300 feet of a City Park. The purpose of this Ordinance is to serve the City’s compelling interest to promote, protect, and improve the health, safety and welfare of all citizens, including the children and families who reside in the City.

Mayor Talbert opened the public hearing for any citizen comments.

There were no citizen comments.

Council member Kuehne moved to close the public hearing. The motion was seconded by Council member Williamson and with a unanimous vote, the motion carried. (Monroe absent)

2.0	<b>MINUTES</b>
2.1	Discussion and possible action concerning approval of minutes of the regular meeting on March 25, 2019

Council member Williamson moved to approve the minutes as presented. The motion was seconded by Council member Toups and with a unanimous vote, the motion carried. (Monroe absent)

3.0	CONSENT AGENDA
3.1	Discussion and possible action regarding purchases and charges in excess of \$4,000 from March 1, 2019- March 31, 2019.

Council member Williamson moved to approve the consent agenda. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried. (Monroe absent)

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:

- Fire Chief - Applications for the position of Fire Chief closed on March 29, 2019. At that time, the City received 26 applications, of which 15 were culled for the next phase of review. The City has been aided in the process by outside agencies including the Chief of the Marble Falls Fire Department, and the Chief of Travis County ESD 1. The next phase of selection will include additional background review, phone interviews and possibly a request for writing samples. The City's target dates for onsite interviews is the week of April 22. The City will utilize a familiar interview format including introduction of Department personnel, elected official meeting, and formal interview Board.
- Board Training - Staff has confirmed May 6, 2019 at 6:00 p.m. for elected and appointed Board training. Staff has asked Jo Christy Brown, City Attorney, to develop an agenda to include governance; open meetings; conducting public hearings; and public interaction. Additionally, Staff has discussed a follow-up training for Boards that have zoning or land use responsibility related to specific statutory authority and case law.
- Siren Testing - Fire Marshal Withers reports no incidents or complaints regarding the City's siren testing the last couple of Fridays. All sirens operated as designed and were audible from outside locations in all areas of town. The warnings are an indication to shelter in place and may not be heard inside homes or businesses. The time of testing was changed to 4:30 p.m. due to previous complaints from late night shift workers. Withers reports that in the event of a tornado sighting, the sirens will remain audible until the threat passes. The City will continue to provide education on severe weather and what to do in the event sirens are activated.
- Nix Tank – Included in Council's packet is the latest progress report on the Nix Tank. As indicated, the exterior is approximately 95% blasted and primed, and the interior bowl is 70% blasted and primed. Additionally, Jason Jones, Engineer with Jones Heroy & Associates, has made site visits to the tank and Spring Street Pump Station, and has specified SCADA modifications to ensure efficient pump operation and to reduce pressure fluctuations.
- LCRA - LCRA team members and their staff will be in Lampasas on April 5, 2019 as part of their "give back" day. Chris Eicher, Parks & Recreation Director, has outlined several park's projects including installation of mulch and playground clean up at WM Brook Park. LCRA has provided this service to the City for the past four years.

- Development Matrix - At the request of the Mayor, City Staff has prepared a draft Development Incentive Matrix to provide Council policy guidance when assessing utility and financial participation in a residential or business expansion. Staff sees a wide range of utility extension policies in other communities, and such considerations such as increased valuation, credit for additional public benefit, and ROI on infrastructure installation will be included. Council felt that a workshop session was necessary to discuss in further detail. A Special Called meeting will be scheduled.
- New Staff – New Staff to the City include Mancho Coronado, Parks Department; and Kyle Harrison, Electric Department. Additionally, the City welcomes back our returning and new Pool staff for the 2019 season.
- Do You See Me? - The Do You See Me motorcycle rally is scheduled to come into Lampasas on April 28 according to Police Chief Bailey. The annual event attracts several hundred motorcyclists from communities to the east and terminates in Lampasas. As in year's past, the Police Department will provide escort services for the group.
- Permit Activity - Frank Ellet, Building Official, reports that permit activity is seeing an up-tick with weather improving. Activity was slightly depressed due to fall rains, however; the City is seeing additional activity in both residential and business development. Work is on the table for a new assisted living facility, new fast food restaurant and new drive through coffee business.
- Electric Charges – He updated Council of an electric connection he authorized.

5.2	MAYOR'S COMMENTS
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Mayor Talbert did not have any 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 amending Chapter 50 (Offenses) in the City of Lampasas Code of Ordinances to provide a new article III; Sex Offenders; making it unlawful for certain sexual offenders to reside within 1000 feet of places where children gather; providing exceptions to the Ordinance ; prohibiting property owners from renting real property or establishing a residence to certain sexual offenders; prohibiting certain sexual offenders from entering or loitering within 300 feet of a City Park; providing for affirmative defenses; providing for a severability clause and providing penalties for violations for the Ordinance.

Sammy Bailey, Police Chief, explained that this item was reviewed in Public Hearing.

Council member White moved to approve the first reading of an Ordinance amending Chapter 50 (Offenses) in the City of Lampasas Code of Ordinances to provide a new article III; Sex Offenders; making it unlawful for certain sexual offenders to reside within 1,000 feet of places where children gather; providing exceptions to the Ordinance ; prohibiting property owners from renting real property or establishing a residence to certain sexual offenders; prohibiting certain sexual offenders from entering or loitering within 300 feet of a City Park; providing for affirmative defenses; providing for a severability

clause and providing penalties for violations for the Ordinance. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried. (Monroe absent)

7.2	Discussion and possible action regarding approval of Hillside Acres Preliminary Plat located in the extraterritorial jurisdiction of the City of Lampasas, Lampasas County.
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Becky Sims, Assistant City Secretary, explained that Eckermann Engineering presented the Hillside Acres Preliminary Plat on behalf of their client, MD Homes.

Sims reviewed the following:

- The Preliminary Plats meets the requirements defined in Chapter 70 Subdivisions, Division 2- Preliminary Plat Sec. 70-126 thru Sec. 70-136.
- The 36.76-acre tract will be developed into 28 one- acre lots.
- The site will be developed in three phases with each phase resulting in the submittal of a final plat for that phase.
- The subdivision complies with the City of Lampasas Subdivision Regulations as defined in the Lampasas Code of Ordinances Chapter 70 Subdivisions.
- Each one-acre lot will meet the required 150 feet of frontage to alleviate the need for curb and gutter as defined in Sec. 70-7 C. Exceptions.
- The homes will have city water and electric.
- Wastewater will be provided by an onsite sewage facility (OSSF) and each home will be equipped with 13D Sprinkler Systems with booster pumps for fire protection.
- The site will have two detention ponds. One is identified as Block 2, Lot 1 and the other will be located behind Block 1, Lots 10-14.
- The proposed development is located within the Extraterritorial Jurisdiction (ETJ) and will be annexed into the City once the build out is complete.
- The Planning and Zoning Commission met on Thursday, April 4, 2019 and recommended approval.

Council member Williamson moved to approval the Hillside Acres Preliminary Plat located in the extraterritorial jurisdiction of the City of Lampasas, Lampasas County as presented. The motion was seconded by Council member White and with a unanimous vote, the motion carried. (Monroe absent)

7.3	Select and announce possible winner of website photo contest entry
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Monica Wright, Information Systems Director, explained that there five photo entries:

- Entry 1, "Spring 2019" by Trish Argumaniz
- Entry 2, "Sulphur Spring" by Amy Barrett
- Entry 3, "1 jump, 2 jump" by Kimberly Brown
- Entry 4, "Butterfly Garden" by Vannetta Chapman
- Entry 5, "Cooper Springs Nature Trail" by Michelle Quarles

Council member White moved to approve Entry 5 "Cooper Springs Nature Trail" by Michelle Quarles as the website photo contest winner. The motion was seconded by Council member Kuehne, and with a unanimous vote, the motion carried. (Monroe absent)

7.4	Discussion and possible action regarding an Ordinance amending Ordinance No. 1581 Section 1
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	to amend the polling location for the General Election to elect the expired terms of the Mayor and Council members Places One, Two, and Six for the City Council of the City of Lampasas Texas, to be held on the 4 <sup>th</sup> of May, 2019.
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Christina Marez, City Secretary, explained that Mark Bishop, Lampasas County Elections Administrator, made her aware of the necessary change to the polling location in Kempner, Texas, due to an unforeseen scheduling issue at the First Baptist Church. The new polling location in Kempner, Texas on Election Day, May 4, 2019, will be at the Kempner Fire Department Training Center located at 315 Pecan Street. This Ordinance amendment is necessary for this change.

Marez reminded Council that early voting by personal appearance begins April 22, 2019 through April 30, 2019 at the Elections Administrator's Office, 407 S. Pecan, Suite 102, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. However, on Tuesday, April 23, 2019, and Tuesday, April 30, 2019, Early voting by personal appearance will run from 7:00 a.m. until 7:00 p.m.

Council member Kuehne moved to approve an Ordinance amending Ordinance No. 1581 Section 1 to amend the polling location for the General Election to elect the expired terms of the Mayor and Council members Places One, Two, and Six for the City Council of the City of Lampasas Texas, to be held on the 4<sup>th</sup> of May, 2019. The motion was seconded by Council member McCauley and with a unanimous vote, the motion carried. (Monroe absent)

7.5	Discussion and possible action regarding an Ordinance amending Ordinance No. 1582, Exhibit "B", to amend the polling location for the Special Local Option Election on May 4, 2019, for the purpose of submitting to the qualified voters of the City of Lampasas the following issue; whether or not to permit the legal sale of all alcoholic beverages including mixed beverages in the City of Lampasas.
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Christina Marez, City Secretary, again explained that this Ordinance amendment is necessary for the polling location change in Kempner, Texas, due to an unforeseen scheduling issue at the First Baptist Church. The new polling location in Kempner, Texas on Election Day, May 4, 2019, will be at the Kempner Fire Department Training Center located at 315 Pecan Street.

Council member White moved to approve an Ordinance amending Ordinance No. 1582, Exhibit "B", to amend the polling location for the Special Local Option Election on May 4, 2019, for the purpose of submitting to the qualified voters of the City of Lampasas the following issue; whether or not to permit the legal sale of all alcoholic beverages including mixed beverages in the City of Lampasas. The motion was seconded by Council member McCauley and with a unanimous vote, the motion carried. (Monroe absent)

7.6	Discussion and possible action regarding the Amendment to the Waste Connections Contract regarding Sludge Haul for the City of Lampasas.
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Gary Cox, Assistant City Manager, explained that on January 28, 2019, he presented proposals for sludge haul services to Council and recommended the acceptance of an alternate proposal from Waste Connections to amend the solid waste contract to include sludge haul services. Upon initial review, he based the recommendation upon the apparent cost savings of \$16,200.00, which could be realized in the sludge haul services. However, upon further evaluation he made an error in the initial calculations of the solid waste rates, which were presented. Instead of a cost reduction the proposed terms for the integration of the sludge haul services actually results in a rate increase of 0.73 cents per month for residential

customers. Based upon this review, Staff recommends the sludge haul proposals and amendments to the solid waste contract with Waste Connections be rejected. Staff will begin the process to re-advertise the proposals for sludge haul services.

Council member McCauley moved to deny the Amendment to the Waste Connections Contract regarding Sludge Haul for the City of Lampasas. The motion was seconded by Council member Williamson and with a unanimous vote, the motion carried. (Monroe absent)

7.7	Discussion and possible action regarding security cameras for the 1931 Roy L Thomas Old City Hall Building.
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Gary Cox, Assistant City Manager, explained that as the renovations of the Municipal Court and City Hall building near completion, Staff is reviewing other features, which should be considered to enhance and preserve the investment, which has been made. In completing the renovation in Municipal Court, cameras previously installed in the court were removed. In evaluating this equipment, Staff recommends replacement due to the age and limitations of the equipment (unable to network) to provide for security within the Municipal Court. Additionally, with the installation of public restrooms on the mezzanine of the City Hall building, the building will be open to the public during court hours, however, will not be staffed or monitored regularly. Because of these concerns, Staff recommends the installation of security cameras at various locations within the building to provide a safeguard in the event an incident should occur.

Cox said that due to the updated technology which has been installed within the buildings, Staff has identified a camera solution which can be integrated with the existing network and accomplish the goal at a minimal cost. Staff has procured one (1) camera and tested it to provide proof of concept and recommends moving forward with the purchase of additional cameras, which will be installed by Staff. The cost of the cameras is estimated to be approximately \$1,500.00.

Council member White moved to authorize the purchase of security cameras for Municipal Court and the 1991 Roy L. Thomas Old City Hall Building in the amount up to \$1,500.00. The motion was seconded by Council member McCauley and with a unanimous vote, the motion carried. (Monroe absent)

Adjourn into Executive Session

Council member Williamson moved to adjourn into executive session at 7:52 p.m. The motion was seconded by Council member White and with a unanimous vote, the motion carried. (Monroe absent)

City Manager deGraffenried asked Council to allow Gary Cox, Assistant City Manager, and Yvonne Moreno, Finance Director, to be in executive session. The Mayor and Council allowed.

<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 551.086 (Relating to the authority of public power utility governing bodies to deliberate regarding competitive matters) – Utilities
8.2	Adjourn Executive Session and reconvene Regular Session

Executive session was adjourned at 8:09 p.m.

<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

There was no action taken.

Adjourn

Council member McCauley moved to adjourn the meeting at 8:10 p.m. The motion was seconded by Council member Williamson and with a unanimous vote, the motion carried. (Monroe absent)

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Misti Talbert, Mayor

ATTEST:

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Christina Marez, City Secretary