

**MINUTES OF THE REGULAR MEETING OF THE GOVERNING BODY  
OF THE CITY OF LAMPASAS, TEXAS  
CITY COUNCIL CHAMBERS  
405 SOUTH MAIN STREET  
MONDAY MARCH 11, 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:

T.J. Monroe, Mayor Pro Tem  
Robert McCauley  
Delana Toups  
Chuck Williamson  
Michael White arrived at 6:55 p.m.

Council Members absent:

Cathy Kuehne

City Staff Present:

Finley deGraffenried, City Manager  
Gary Cox, Assistant City Manager  
Becky Sims, Assistant City Secretary  
Yvonne Moreno, Finance Director  
Rickie Roy, Public Works Director  
Van Sims, Water/Wastewater Operations Manager  
Stephen Sewell, Plant Operations Supervisor  
Sammy Bailey, Police Chief  
Chuck Montgomery, Police Lieutenant  
Andrew McCatherine, Field Training Officer  
John Bowman, Police Officer  
Robert Gradel, Municipal Judge

**SPECIAL SESSION**

**5:30p.m.**

1. Call to Order Special Session

Mayor Talbert called the special session to order at 5:33 p.m.

2. Adjourn into Executive Session

Council member Williamson moved to adjourn into executive session at 5:33 p.m. The motion was seconded by Mayor Pro-Tem Monroe and with a unanimous vote, the motion carried. (Kuehne and White 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:

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; Cause No 13-17-00047 CV Kempner Water Supply Corporation v. City of Lampasas and/or other matters posted on the regular agenda.

Executive session was adjourned at 5:43 p.m.

### **SPECIAL SESSION**

#### 3. Discussion and possible action concerning items posted and discussed by Council in Executive Session

Mayor Pro-Tem Monroe motioned to approve the terms of the settlement agreement, and related exhibits, with Kempner Water Supply Corporation related to Cause No. 19005 in the 27<sup>th</sup> District Court, Lampasas County; Cause No. 13-17-00047-CV in the Texas Thirteenth Court of Appeals; PUC Docket No. 45711; and SOAH Docket No. 473-16-3113. WS; and further that the Mayor be authorized to make minor changes, in consultation with legal counsel, and execute related agreements, documents and exhibits as discussed in Executive Session. Council member Williamson seconded the motion and with a unanimous vote the motion carried. (Kuehne and White Absent)

Mayor Talbert stated she was pleased to announce that, pending Kempner Water Supply Corporation Board approval, both the City and Kempner have agreed to terms of a settlement. With the execution of an agreement, Kempner and the City can consider the issues raised in the litigation resolved. Although both parties felt strongly about their position in this contract dispute, Kempner and the City have always worked professionally and cooperatively regarding the delivery of water to our customers. The City looks forward to a long and positive relationship with Kempner

#### 4. Adjourn Special Session

Council member Williamson moved to adjourn the special session at 5:50 p.m. The motion was seconded by Mayor Pro-Tem Monroe and with a unanimous vote, the motion carried. (White and Kuehne absent)

### **WORKSHOP SESSION**

#### 1. Call to order Workshop Session

Mayor Talbert called the workshop session to order at 5:51 p.m.

Mayor Talbert asked for a 5 minute recess, workshop reconvened at 5:55 p.m.

#### 2. Discussion regarding Draft Sex Offenders Residency Ordinance

Police Chief, Sammy Bailey provided Council with a draft Sex Offender Residency Ordinance, a list of sex offenders registered in the City of Lampasas and a buffer zone map to review.

Chief Bailey cited various cases that resulted in laws enacted due to sexual assault of minors by repeat offenders. The Chief reviewed each section of the proposed Ordinance which restricts where the offenders can reside from schools, parks etc. She explained the "Child Safety Zone" and the importance of the buffer zone map. She provided Council with Child Safety Zone locations, Child Sexual Abuse Statistics and Legal Questions and Answers provided by Texas Municipal League.

Mayor Pro-Tem Monroe questioned what would compel the offenders to register? Chief Bailey advised that the Criminal Justice System does the initial registry, and it is a felony not to register as required.

Mayor Talbert inquired if offenders could reside beyond 1500 feet as opposed to 1000 feet? Assistant City Manager Cox stated Council would have to justify the need for the additional buffer. Chief Bailey stated currently there are 8 offenders that reside within the 1000 foot buffer zone.

3. Update on Fire Chief search

City Manager deGraffenried advised that to date we have received 8 or 9 applications. The job posting/qualifications was brief to ensure that anyone with an interest and met the minimum qualifications would be encouraged to apply. Mr. deGraffenried stated the Fire Marshal and Captains are handling the day to day operations. The applicants will have the opportunity to interact with staff, Council, Acadian etc. during the interview process. Staff will have the opportunity to meet the candidates.

4. Discussion regarding Workshop format; scheduling and opportunities to improve.

City Manager deGraffenried advised that based on conversations with Council members it is important to revisit the purpose of workshop, to make sure value is added to the topics, and that there is a comfort level among Council to thoroughly discuss issues and agenda items.

Mayor Talbert and Mayor Pro Tem Monroe both like the idea of round table format to foster engagement

Council member McCauley wants it to be a more relaxed conversation where the presenters feel free to discuss topics, issues and challenges.

5. Discussion regarding 2019 City Council Work Plan

City Manager deGraffenried discussed the Council Work Plan memo with target dates and initial projects. He emphasized on-going communication, social media presence and reporting. He solicited feedback from Council regarding initial steps and target dates. Council was pleased with the outline and agrees with initial projects.

6. Discussion regarding any item on the regular agenda

There were no items that Council wanted to discuss during this time.

7. Adjourn Workshop Session

Council member McCauley motioned to adjourn Workshop at 6:45 p.m., Mayor Pro-Tem Monroe seconded the motion and with a unanimous vote the motion carried. (Kuehne and White absent)

<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 7:00 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

- Swearing in of Officer John Bowman-

Municipal Court Judge Robert Gradel swore in Officer Bowman. His father, a longtime law enforcement officer, proudly pinned the Lampasas Police Department Badge on him.

- Presentation of Life Saving Award

Field Training Officer Andrew McCatherine was the recipient of Life Saving Award for recognizing a roof on fire and assisted getting an elderly couple out of their home safely. His actions saved the couple and their residence.

	<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.

Ms. Garner wanted to be heard with regards to the painting of the Nix Water Tower. She had no idea Council was considering changing the name Lampasas to the Rocking L logo.

Council could not deliberate however they did get her contact information to have her concerns addressed by Staff at a later time.

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

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

2.1	Discussion and possible action concerning approval of minutes of the special meeting on March 7 25, 2019
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Mayor Pro-Tem Monroe motioned to approve the minutes as presented. Council member Williamson seconded the motion, the motion carried. (McCauley and Toups abstained, Kuehne absent)

3.0	<b>CONSENT AGENDA</b>
3.1	Discussion and possible action regarding purchases and charges in excess of \$4,000 from February 1, 2019-February 28, 2019.

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

4.0	<b>BOARDS/DEPARTMENT REPORTS</b>
4.1	

5.0	<b>ROUTINE MATTERS</b>
5.1	City Manager’s Operational Report <ul style="list-style-type: none"> <li>• COG Addressing</li> <li>• Budget</li> <li>• Old City Hall</li> <li>• Donnell Rathman</li> <li>• Pipes</li> <li>• LEDC</li> </ul>

City Manager deGraffenried reviewed his report:

- COG Addressing** As previously reported, Central Texas Council of Governments will be conducting a windshield survey of addressing in the City over the next few days. Due to recent growth, as well as some replatting, some of the 911 addressing may be out of sequence. As the official 911 addressing entity for the City, the COG is offering staff resources to review and update addresses where necessary. Their staff will coordinate with the City in the event an address needs to be changed.
- Budget** Staff had an initial and very brief discussion regarding the upcoming budget process. In addition to discussing the timing and format of future budget discussions, Directors reviewed the benefits of staff/council interaction regarding needs, challenges and opportunities for efficiency. Additionally, staff felt a process to identify Council priorities would be helpful in the preparation of staff budget targets. Based on Council input, staff offers to place a discussion item on the next workshop to gain direction on starting points for the 2019-2020 Budget.
- Old City Hall** Staff conducted a preliminary walk through with the contractor on March 6<sup>th</sup> to review punch list items. Due to cold weather, the HVAC contractor was not able to start up heating and cooling systems, however; systems should be activated by the end of the week. Once the space is climate controlled, remaining flooring and fixtures will be installed, and a final walk through will be conducted. The elevator is scheduled for delivery mid-March and installation should take several weeks. Additionally, flat work will be scheduled not to interfere with the elevator contractor. Lighting manufacturers will be on site to correct issues with two fixtures.
- Donnell Rathman** You may have heard Donnell Rathman, aka Duck, is recuperating well from surgery to install a pacemaker. By all reports, Donell is doing fine and will likely make the next LVFD meeting. He has only been attending Fire Department meetings for 70 years-since he was 16.
- Pipes** Staff takes the opportunity in this report to discuss recent water main breaks. While fluctuations in temperature and weather make main breaks more likely and more frequent, in all systems, the City has experienced more frequent breaks, on large lines, than should be expected. Our crews have responded quickly, restoring pressure and repairing lines generally within hours. Many of the ruptures we expose indicate poor installation without bedding, however; the cost of replacing miles of transmission lines is prohibitive. Staff recommends continuing to look at opportunities to valve for isolation and quick response to avoid complete loss of pressure. We understand the inconvenience and aggravation it causes our businesses and institutions, and will continue to look for ways to avoid breaks, isolate areas around breaks, and respond quickly and safely when breaks occur.
- LEDC** As reported in the last Council meeting, staff reminds members of a joint meeting with the LEDC on March 20<sup>th</sup> to review the final report from Foresite regarding the conceptual deployment of a fiber network in the City of Lampasas. Additionally, at the previous LEDC meeting the Board approved engagement of Eckermann Engineering for water, wastewater and road design and construction documents for the north one third of the Business Park. Although construction may not commence immediately after design, plans will be available when a prospect or funding pushes the project forward.

5.2	<b>MAYOR'S COMMENTS</b>
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Mayor Talbert addressed the Council and Citizens by stating since September 2013 there has been 11 different Council members who have been a part of the KWSC Lawsuit guided by City Manager Finley deGraffenried. With

the lawsuit being settled this evening she wanted to give Mr. deGraffenried thanks for his hard work, dedication and for being the most influential person during this time. It was very stressful and on behalf of herself and Council she wanted to thank him for a job well done.

6.0	UNFINISHED BUSINESS
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There was no unfinished business.

7.0	NEW BUSINESS
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7.1	A Resolution expressing support for the Annual Spring Ho Festival, establishing a time schedule and authorizing City participation.
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Spring Ho Chairperson Randy Hoyer thanked the City for their support and work prior to and during Spring Ho. It is much appreciated.

Council member Williamson motioned to approve the resolution, Council member White seconded the motion and with a unanimous vote the motion carried. (Kuehne absent)

7.2	Discussion and possible action regarding amending Chapter 66 Streets, Sidewalks, and other Public Places, Article V- Abandonment of Streets, Alleys or Right-of-Ways
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Mayor Pro Tem Monroe motioned to approve the amendment to Chapter 66 allowing the abandonment of streets, alleys or ROW's to be reviewed by the Planning and Zoning Commission prior to review by City Council, Council member Toups seconded the motion and with a unanimous vote the motion carried. (Kuehne absent)

7.3	Discussion and selection of possible winner of website photo contest entry
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Council member White motioned to approve entry 3, Council member Williamson seconded the motion and with a unanimous vote, the motion carried. (Kuehne absent)

7.4	Discussion and ratification of repair cost to Engine One in an amount not to exceed \$5,000.00.
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Fire Marshal Withers advised Council that at the January 14, 2019 meeting Council had approved the estimated repair cost in the amount of \$17,000.00 to repair Engine One. The total cost to repair Engine One is \$21,800.94; which is an increase of \$4,800.94. Staff is asking for the additional funding to repair Engine One.

Mayor ProTem Monroe motioned to approve the ratification of the repair cost to Engine One in an amount not to exceed \$5,000.00, Council member White seconded the motion and with a unanimous vote the motion carried. (Kuehne absent)

7.5	Discussion and possible action regarding the purchase of a John Deere 504E Utility Tractor with Bucket Loader for Hancock Park Golf Course in the amount of \$28,318.95
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Golf Course Manager, Van Berry advised Council this is a budgeted item. Council member McCauley motioned to approve the request to purchase a John Deere 504E Utility Tractor with Bucket Loaded in the amount of \$28,318.95, Council member Toups seconded the motion and with a unanimous vote the motion carried. (Kuehne absent)

7.6	Discussion and possible action concerning the emergency purchase of a Variable Frequency Drive Unit for the Spring Street Pump Station in the amount of \$12,650.00.
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Plant Operations Supervisor, Stephen Sewell advised Council that the Variable Frequency Drive Unit went out at the Spring Street Pump Station. This part is critical for the pump to operate as designed; luckily there were 2 at the Treatment Plant. They moved one temporarily to the Spring Street Pump Station until it can be replaced. Council member McCauley motioned to approve the purchase of the Variable Frequency Drive Unit, Council member Toups seconded the motion and with a unanimous vote, the motion carried. (Kuehne absent)

Adjourn

Council member Toups motioned to adjourn at 7:40 p.m., Mayor Pro Tem Monroe seconded the motion and with a unanimous vote the motion carried. (Kuehne absent)

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

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Misti Talbert, Mayor

ATTEST:

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Becky Sims, Assistant City Secretary