

**NOTICE OF REGULAR MEETING OF THE GOVERNING BODY
OF THE CITY OF LAMPASAS, TEXAS
CALVERT MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
302 E THIRD STREET
Monday, February 8, 2021
5:30 p.m. Workshop Session
6:00 p.m. Regular Session**

Notice is hereby given that a regular meeting of the City Council of the City of Lampasas, Texas will be held on Monday, February 8, 2021, in the Calvert Municipal Building located at 302 E Third Street, Lampasas, Texas. The City Council of Lampasas, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by the Texas Government Code sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), and Section 551.086 (Relating to the authority of public power utility governing bodies to deliberate regarding competitive matters).

WORKSHOP SESSION

1. Call to order Workshop Session
2. Discussion and updates related to COVID-19 Pandemic *(pgs. 5-6)*
3. Discussion regarding Comprehensive Plan Status, Priorities and Implementation; specifically, Chapters 5 & 6. *(pgs. 7-8)*
4. Discussion regarding a date to tour City Facilities and to identify Planning Categories as it relates to the City Council Work Plan. *(pgs. 9-10)*
5. Discussion and updates regarding Hostess House. *(pgs. 11-62)*
6. Discussion regarding any item on the regular agenda
7. Adjourn Workshop Session

REGULAR SESSION

ANNOUNCEMENTS

- A. Call to Order
- B. Invocation and Pledge of Allegiance
- C. Presentations and Proclamations

| | PUBLIC HEARINGS/CITIZEN COMMENTS | PAGES |
|-----|---|--------------|
| 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. | N/A |
| 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. | N/A |

| | | |
|-----|---|-------|
| 1.3 | Public hearing to receive citizen comments regarding a request for a Specific Use Permit for property described as Lot 19 and .82 A419 OL22 Block B, Lakehills Estates Subdivision commonly known as 8 Chris James, Lampasas, Texas Lampasas County to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF10" | 63-76 |
|-----|---|-------|

| | | |
|-----|--|-------|
| 2.0 | MINUTES | PAGES |
| 2.1 | Discussion and possible action concerning approval of minutes of the Regular Meeting on January 25, 2021 | 77-86 |

| | | |
|-----|---|---------|
| 3.0 | CONSENT AGENDA | PAGES |
| 3.1 | Discussion and possible action regarding the Monthly Investment Report for December 2020. | 87-104 |
| 3.2 | Discussion and possible action regarding purchases and charges in excess of \$4,000 from January 1, 2021 through January 31, 2021. | 105-110 |
| 3.3 | Discussion and possible action concerning the second reading of an Ordinance calling for a General Election to be held May 1, 2021. | 111-114 |

| | | |
|-----|---------------------------|-------|
| 4.0 | BOARDS/DEPARTMENT REPORTS | PAGES |
|-----|---------------------------|-------|

| | | |
|-----|--|---------|
| 5.0 | ROUTINE MATTERS | PAGES |
| 5.1 | City Manager's Operational Report <ul style="list-style-type: none"> • Campbell Park • Cooper Spring • AT&T • Parks • ATMOS • 281 South • Butterfly | 115-116 |
| 5.2 | MAYOR'S COMMENTS | N/A |

| | | |
|-----|---------------------|-----|
| 6.0 | UNFINISHED BUSINESS | N/A |
|-----|---------------------|-----|

| | | |
|-----|--|---------|
| 7.0 | NEW BUSINESS | PAGES |
| 7.1 | Discussion and possible action regarding approval of the first reading of an Ordinance for a Specific Use Permit for property described as Lot 19 and .82 A419 OL22 Block B, Lakehill Estates Subdivision commonly known as 8 Chris James, Lampasas, Texas Lampasas County to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF10" | 117-120 |
| 7.2 | Discuss and consider a Resolution of the City Council to proclaim and support the Spring Ho Festival to be held July 5-July 11, 2021. | 121-122 |
| 7.3 | Discussion and presentation of the Lampasas Police Department Annual Racial Profiling Report. | 123-202 |
| 7.4 | Discussion and possible action regarding the second extension of the Hillside Acres Preliminary Plat that expires on February 21, 2021. | 203-204 |

| | | |
|-----|--|---------|
| 7.5 | Discussion and possible action regarding the selection of a firm to provide administrative services for the 2021/2022 Community Development Block Grant Program to Langford Community Management Services. | 205-206 |
| 7.6 | Discussion and Approval to adopt Civil Rights Resolution, Policies and Procedures for the TxCDBG Contract # 7220241.” | 207-224 |
| 7.7 | Discussion and Approval of a Resolution Designating Authorized Signatures for Contractual and Grant Fund Documents pertaining to the TxCDBG Contract #7220241.” | 225-226 |

Adjourn

I, Becky Sims, City Secretary of the City of Lampasas, Texas, do hereby certify that this Notice of Meeting was posted on the bulletin board/front window of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 5 day of February 2021 at 1:19pm

Becky Sims
 Becky Sims, City Secretary

THIS PAGE INTENTIONALLY LEFT BLANK


City Manager

ITEM NO. WORKSHOP 2

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and updates regarding COVID-19 Pandemic

Requested By: Finley deGraffenried, City Manager

Submitted By: Jeff Smith, Fire Chief

Date Submitted: February 3, 3021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

Attachments:

Summary Statement:

This item is placed on the Workshop Agenda to provide updates and discussion regarding impacts and City response to the COVID-19 pandemic.

Recommendation:

Discussion, updates and direction from Council

THIS PAGE INTENTIONALLY LEFT BLANK


City Manager

ITEM NO. WORKSHOP 3

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion regarding Comprehensive Plan Status, Priorities and Implementation

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: January 20, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

Attachments:

Summary Statement:

Although Staff is still in the process of submitting edits to our consultants, Staff provides Council the opportunity for additional input through this agenda item. Staff is also preparing more specific steps for each Action Objective that will be published under separate cover.

Staff tentatively will conduct small group, CPAC, review of the Chapters in February, and is seeking Council confirmation of a February 22, 2021 joint City Council and Planning Commission Workshop on the subject.

Recommendation:

Discussion Only

THIS PAGE INTENTIONALLY LEFT BLANK


City Manager

ITEM NO. WORKSHOP 4

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion regarding a date to tour City Facilities and to identify Planning Categories as it relates to the City Council Work Plan.

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 3, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

Attachments:

Summary Statement:

This item is placed on the Workshop Agenda to discuss items on the Council Planning Session that was originally scheduled for December 18, 2020. We have taken the opportunity to discuss the Pre-Treatment Study and Recommendations from Jones-Heroy and the Comprehensive Plan during our January 25, 2021 Workshop. The agenda also includes tour and review of the Wastewater Plant and Pre-Treatment Facility, as well as the IT office; which needs to be scheduled based on Council and Staff availability. We are also seeking input and direction on Community Engagement, Needs Assessment, Capacity Building, and future projects.

Recommendation:

Discussion and recommendations from Council

THIS PAGE INTENTIONALLY LEFT BLANK


City Manager

ITEM NO. WORKSHOP 5

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and updates regarding Hostess House

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 3, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

Attachments:

Summary Statement:

This item is placed on the Workshop Agenda to provide updates and discussion regarding repairs to the Hostess House. On February 3, 2021, Staff collectively reviewed the initial MEP comments on the Hostess House needed repairs and concerns. Based on the identified potential scope of the project, Staff seeks Council input on solicitation of a proposal from Reliance Architecture, LLC for future Council consideration. The firm could provide overall design and coordination of other structural, MEP, life safety and accessibility disciplines.

Recommendation:

Discussion, updates and direction from Council

Lampasas Hostess House Review

WORKING REPORT

Mechanical

1. Current Mechanical system is for HVAC is large split systems for primary heating and cooling.
2. Level 1 is served from ductwork and units below grade. Level 2 is served by units in closets and ductwork overhead.
3. Currently Systems appear to be functioning but are nearing end of life cycle. Maintenance access is poor for all units. Ductwork requires cleaning or replacing.
4. No computer controls installed at this time.
5. For final project All Units and Ductwork should be replaced with new to match final loads and space conditions. Building controls should consider being added. New mechanical should meet new IECC Energy Code. Mechanical replacement could be considered phase 2 if needed.

Power

1. Building power is fed from a pad mount transformer with low voltage either 120/208volt or 120/240 volt to be confirmed later.
2. Equipment is in fair condition, some panels may be reused depending on final scope of revitalization project.
3. New receptacles to match future use and HVAC power should be provided as part of remodel.
4. New power for envelope changes to be done in phase 1.
5. Changes to power based on Kitchen remodel.

Lighting

1. All Lighting should be replaced to LED with proper controls to meet the new IECC Energy Code and final use of the building.
2. Interior and Exterior lighting should be replaced.

Plumbing

1. Existing Plumbing and restroom appear to be in working order. ADA restrooms are available.
2. Restroom plumbing can remain but may want to be refreshed as part of the project.
3. Restroom quantities and for occupancy will need to be verified by Architect.
4. Restroom quantities per floor for occupancy will need to be verified by Architect.

Fire Sprinkler

1. Fire Sprinkler is currently not installed at this building. In talks with Fire Marshall due to amount people allowed on the second floor. Fire Sprinkler should be added.
2. Architect to review if fireproofing at floor is required based on occupancy.

Acoustics

1. Is acoustics a concern to owner. Is sound transmission a problem. Need to be verified with the owner.

Envelope (needs further input from Architect)

1. Majority of building is single width stacked stone walls with no insulation. Interior walls should be furred out with insulation to meet current IEEC Energy Codes. Add power receptacles and light switches at that time.
2. Roof appears to have no insulation. Roof insulation should be added to meet current IEEC Energy Codes.
3. Floor that is raised does not appear to have insulation, insulation should be added to all raised floor areas to meet IEEC Energy Codes.
4. Window appear to be very old single pane window. Should be replaced with new energy efficient window to meet current IEEC Energy Codes.

Structural (further input from structural engineer required)

1. Existing Structure appears to be load bearing masonry with some super structure.
2. Roof Structure loading unknown, require further investigation by structural engineer. Maybe be able to remain may need to upgrade.
3. Wood Column super structure should possibly be replace with Steel super structure.
4. 2nd floor structure not totally known, require further investigation by structural engineer to verify capacity and recommend if should be replaced with steel.
5. Number of occupants and loading for second level should be part of weight analysis.

Elevator

1. Existing elevator is residential, will need to upgrade to commercial grade elevator.

Kitchen Facilities

1. Currently Kitchen facilities are primarily residential in nature.
2. There is a 3 compartment sink.
3. Grease trap needs to be added.
4. If desired upgrades to allow more kitchen space could be done. Potential a small addition to the west side of the building to allow space for MEP and kitchen equipment.
5. City has expressed interest that kitchen primarily functions as a warming kitchen with minimal cooking appliances. Potentially cooler/freezer and warming cabinets, microwaves and possibly a stove/oven with hood. TDB

Overall Possible Future Scope for Discussion

1. Gut existing interior.
2. Keep existing Stone Exterior.
3. Prove new steel super structure as required.
4. Roof and Second level structure needs review from Structural Engineer for recommendation.
5. Furr new exterior inside walls with Sprayfoam/new insulation.

6. Add Roof and raised First Floor insulation.
7. New Windows.
8. Remodel HVAC rooms.
9. Remodel Bathrooms.
10. Remodel and or Expand Kitchen serving Area.
11. Replace lights
12. Replace HVAC.
13. Replace Elevator.
14. Upgrade Electrical as needed for other work.
15. New Sound System?
16. New Technology Room?
17. Remodel Office, Bride-Groom Rooms.
18. New Plumbing as required for other work, Scope existing waste line as needed.



Preliminary - HCE Site Visit Summary

Created: 11-08-2020
Creator: Hendrix Consulting Engineers (@HEN)
Status: Priority 1, Priority 2, Priority 3
Dates: 09-23-2020 - 11-08-2020

Recipients

Owner - City of Lampasas - Finley

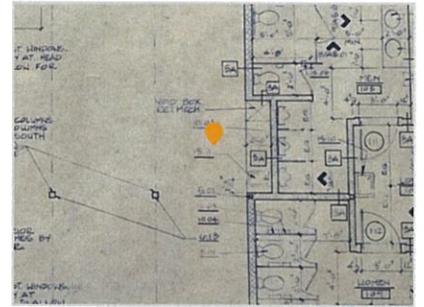
Description

THE FOLLOWING ITEMS WERE NOTED DURING A SITE OBSERVATION AT THE ABOVE REFERENCED PROJECT.

No category

#1 - General Level 1 open area existing Conditions.

Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1

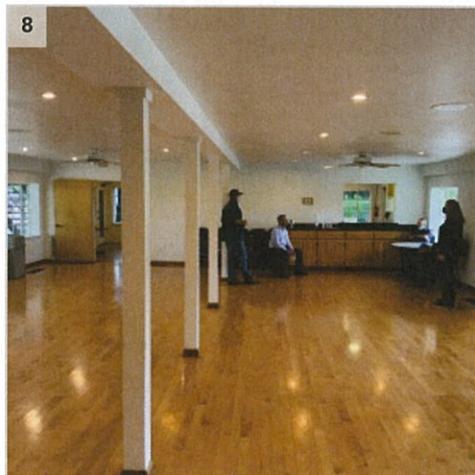


Task messages (time in CST)

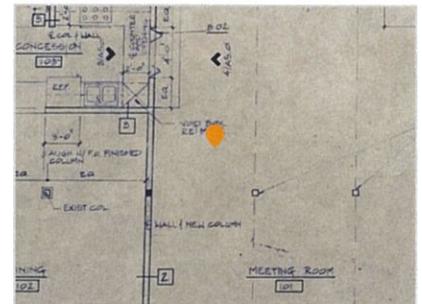
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:36 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:36 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:36 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:36 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 10:36 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 10:36 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 10:36 AM |
| Hendrix Consulting Engineers | Photo 8 | 23 Sep 10:36 AM |

Photos





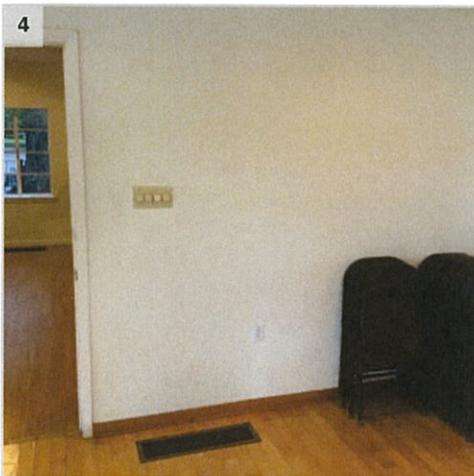
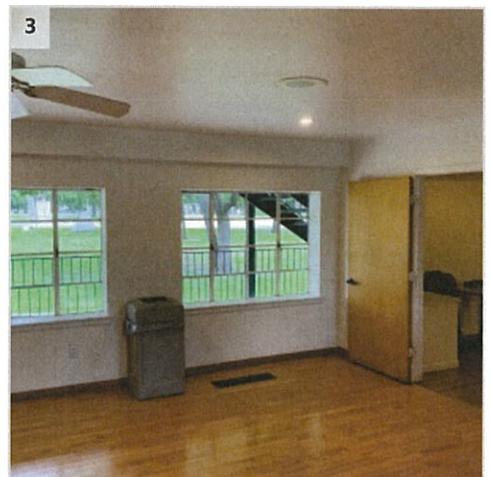
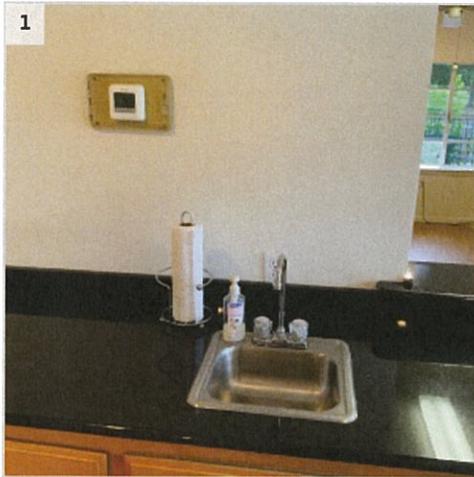
● #2 -
 Priority 2 | Hendrix Consulting Engineers | -
 Plan: Level 1



Task messages (time in CST)

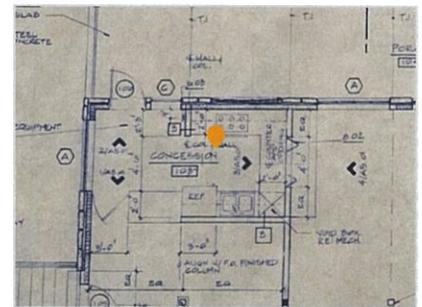
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:37 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:37 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:39 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:40 AM |

Photos



● **#3 - Existing Kitchen Conditions. Potential upgrades discussed.**

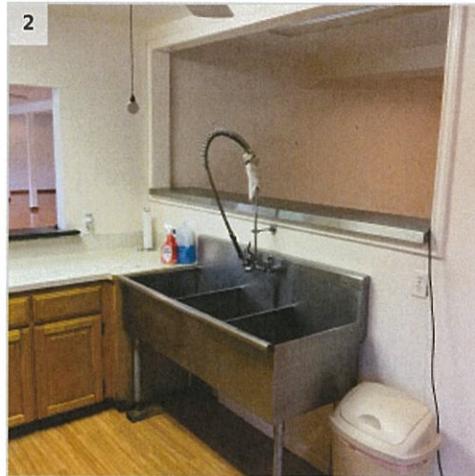
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

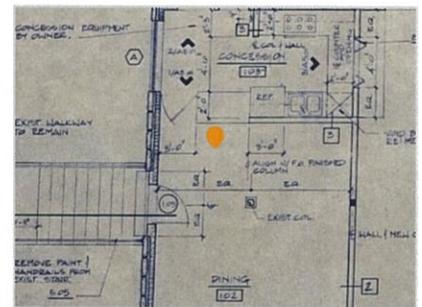
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:40 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:40 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:40 AM |

Photos



#4 - Serving Area Existing Conditions.

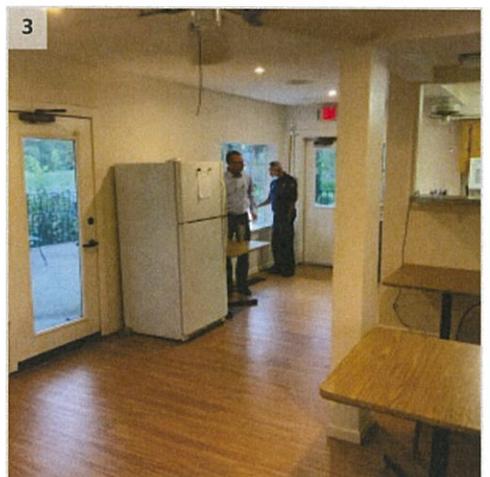
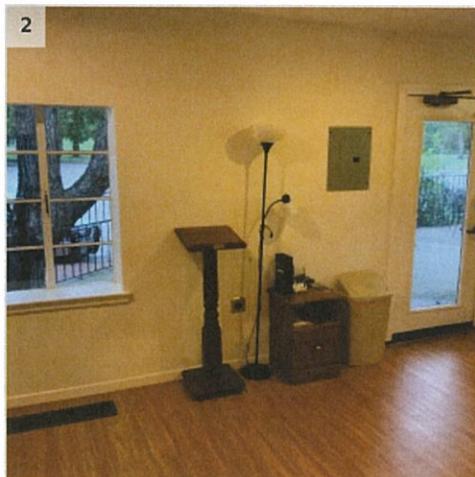
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1

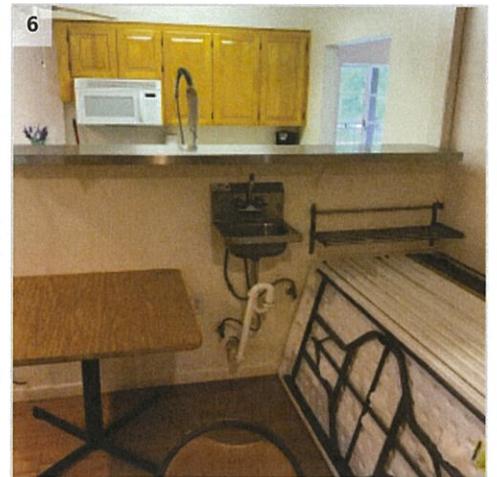
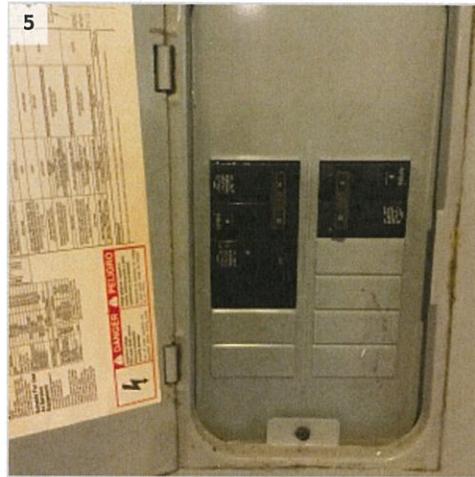
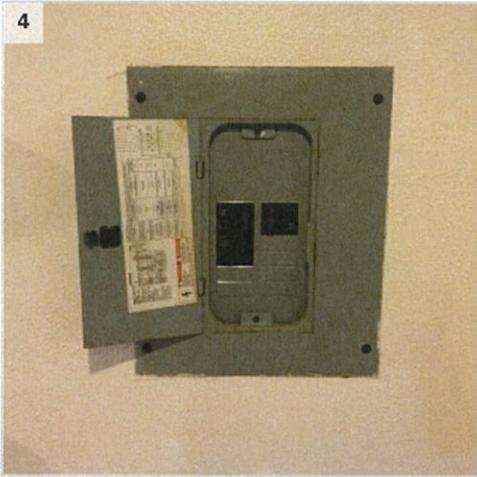


Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:41 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:41 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:41 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:41 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 10:41 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 10:42 AM |

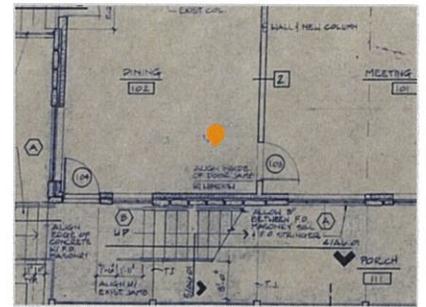
Photos





#5 - Return Air from floor

Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1

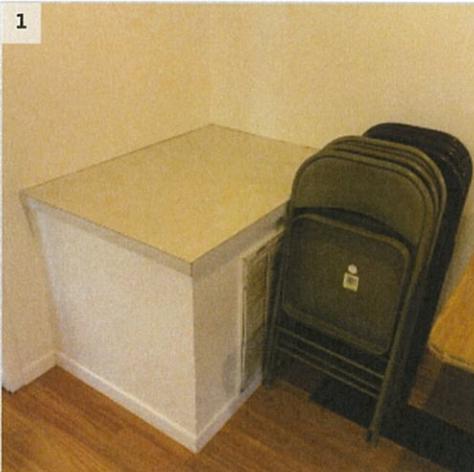


Task messages (time in CST)

Hendrix Consulting Engineers Photo 1

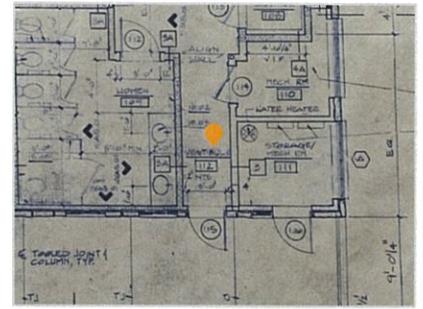
23 Sep 10:42 AM

Photos



● #6 -

Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

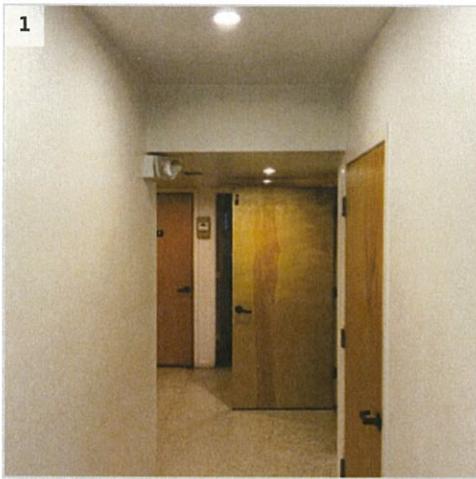
Hendrix Consulting Engineers Photo 1

23 Sep 10:44 AM

Hendrix Consulting Engineers Photo 2

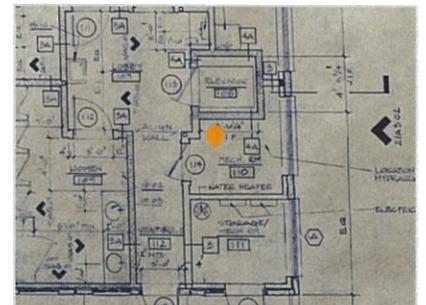
23 Sep 10:44 AM

Photos



● #7 - Existing Janitor room and elevator equipment. Elevator equipment must be in dedicated room or shaft per code. Technology D-mark in building.

Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

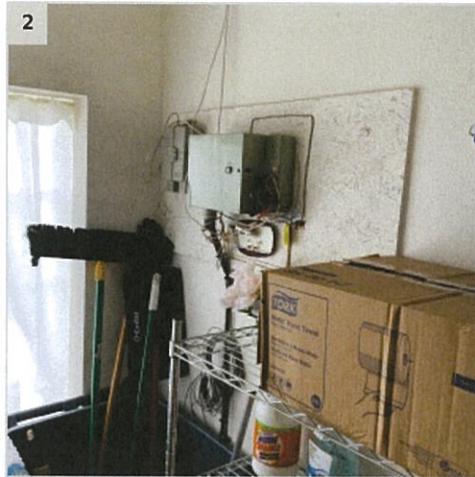
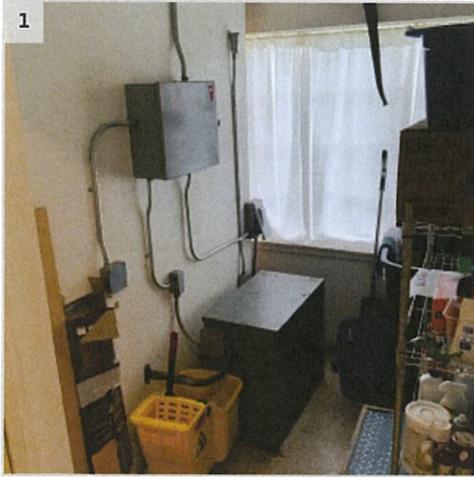
Hendrix Consulting Engineers Photo 1

23 Sep 10:45 AM

Hendrix Consulting Engineers Photo 2

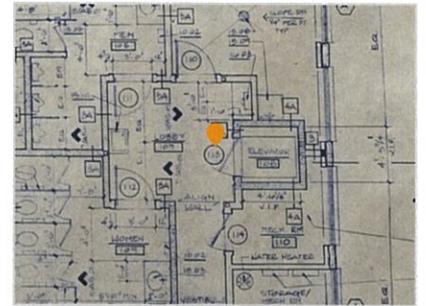
23 Sep 10:45 AM

Photos



● #8 - Existing Residential Elevator to be replaced.

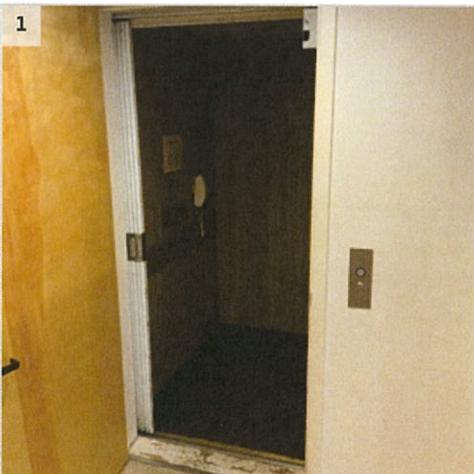
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

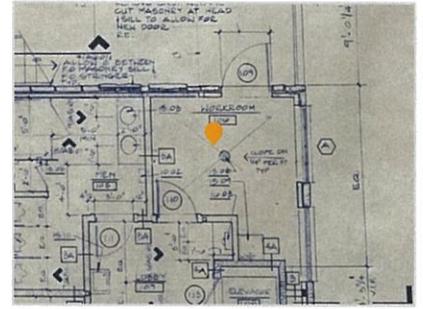
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:45 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:46 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:48 AM |

Photos



● #9 - Existing Brides Room.

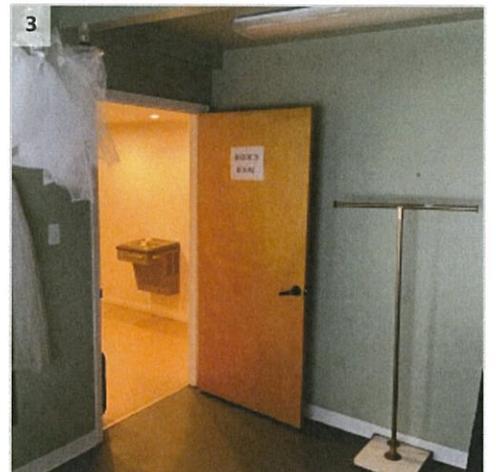
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

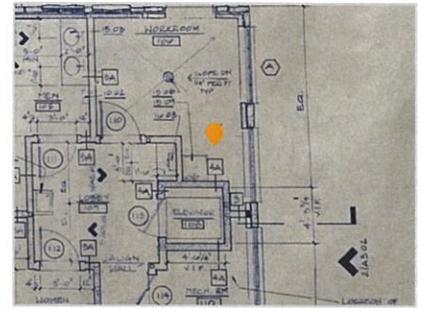
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:46 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:46 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:46 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:46 AM |

Photos



#10 - Existing AHU. Waste Water cleanout.

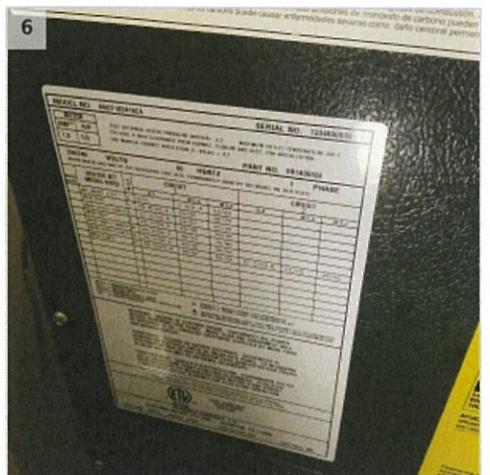
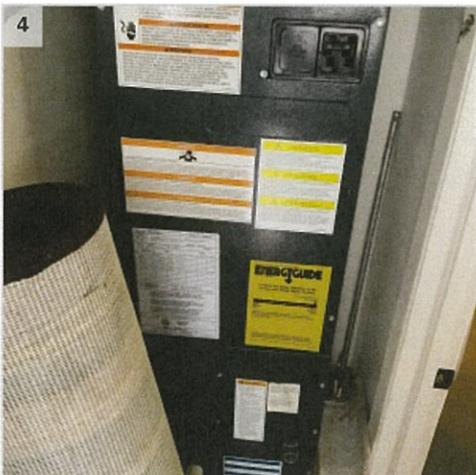
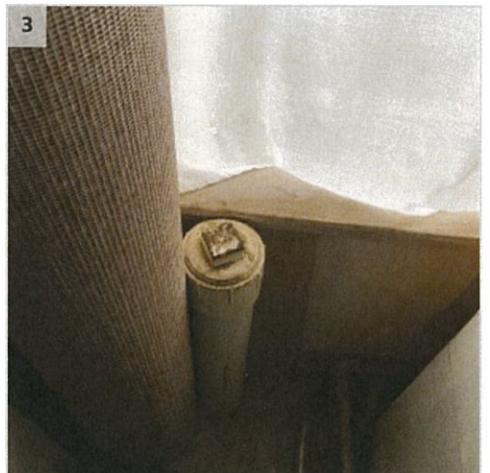
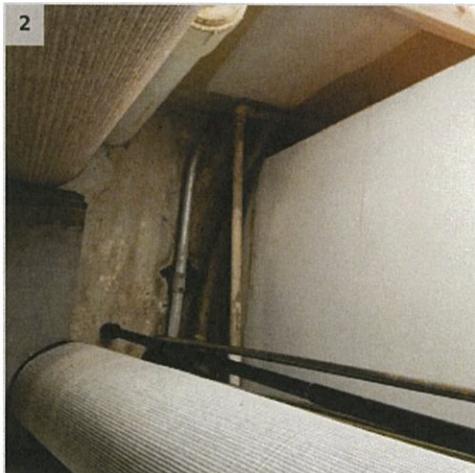
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1

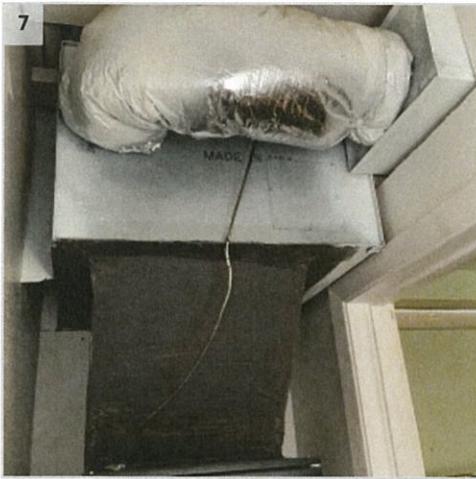


Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:47 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:47 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:47 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:47 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 10:47 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 10:48 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 10:48 AM |

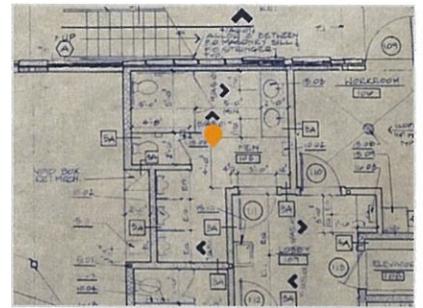
Photos





● **#11 - Men Restrooms.**

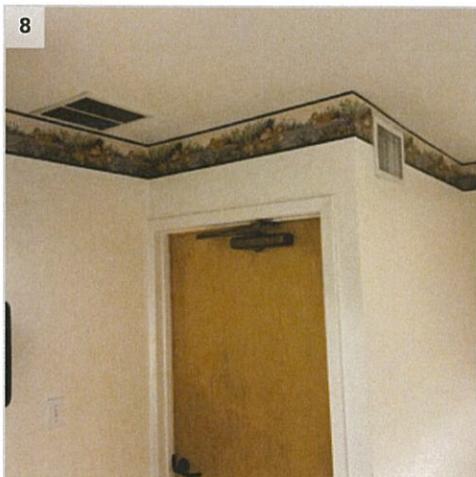
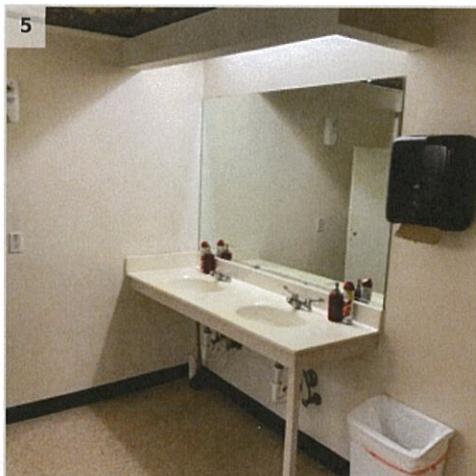
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

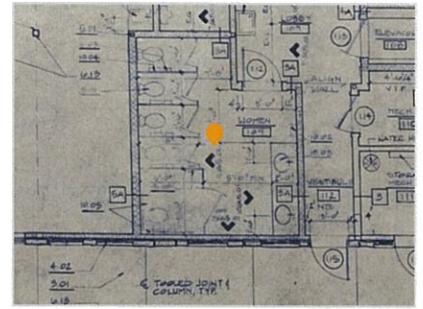
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:49 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:49 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:49 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:49 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 10:49 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 10:49 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 10:49 AM |
| Hendrix Consulting Engineers | Photo 8 | 23 Sep 10:49 AM |

Photos



#12 - Female Restroom.

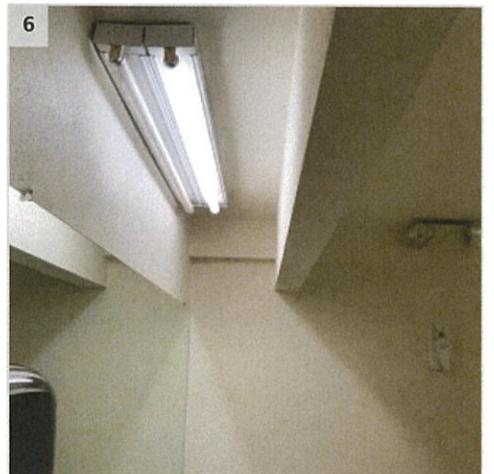
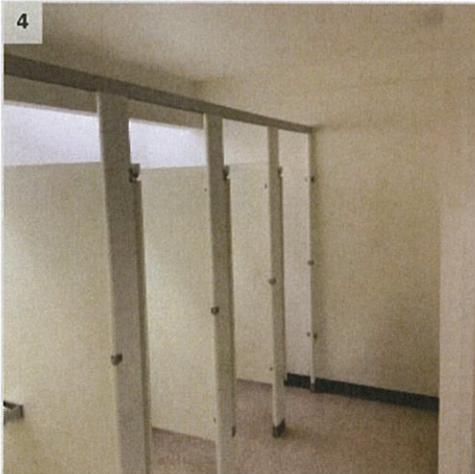
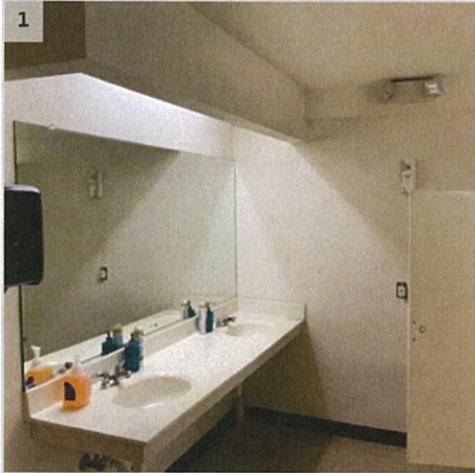
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1

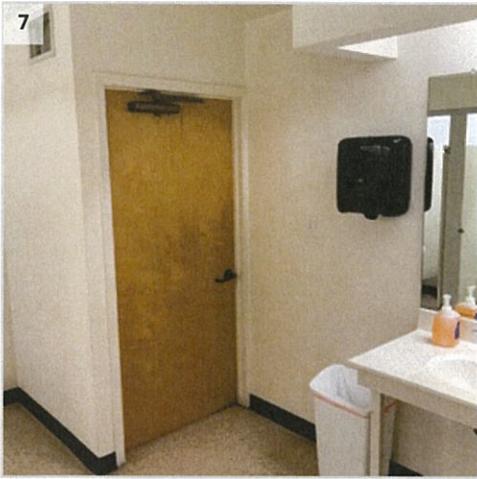


Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:50 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:50 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:50 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:50 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 10:50 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 10:50 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 10:50 AM |

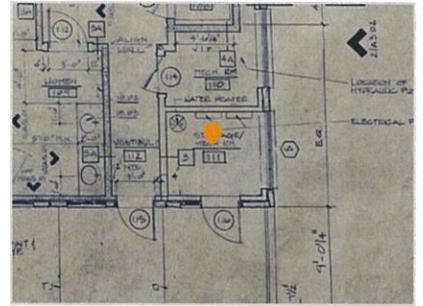
Photos





● **#13 - Existing Electrical room, with water heater. room should be cleaned out to maintain NEC service Clearances, new layout move water heater out of main electric room.**

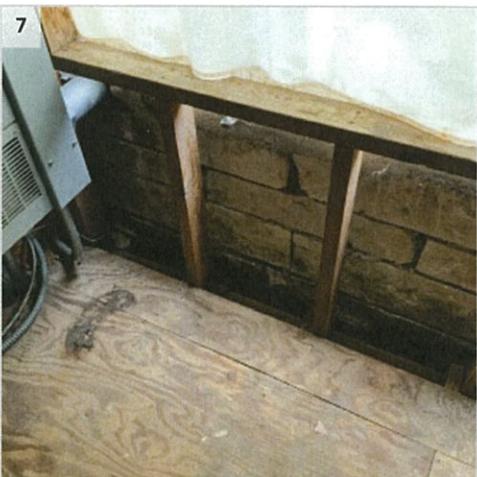
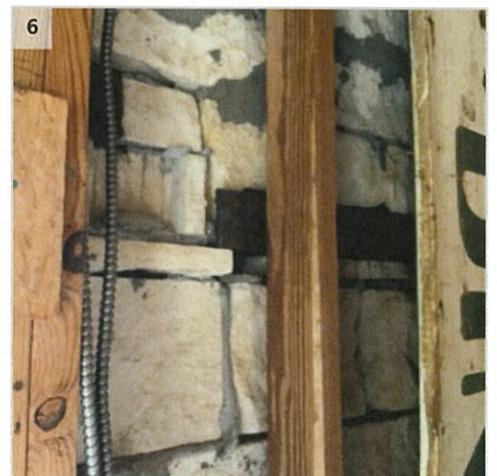
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

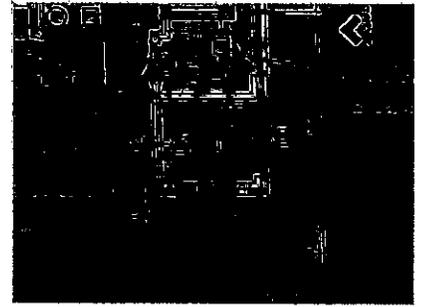
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:51 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:51 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:52 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:52 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 10:52 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 10:52 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 10:52 AM |
| Hendrix Consulting Engineers | Photo 8 | 23 Sep 10:52 AM |

Photos



● **#14 - Existing electrical Room. Depending on project scope some electrical modifications will be required, but generally panels in decent shape if they work for intended use.**

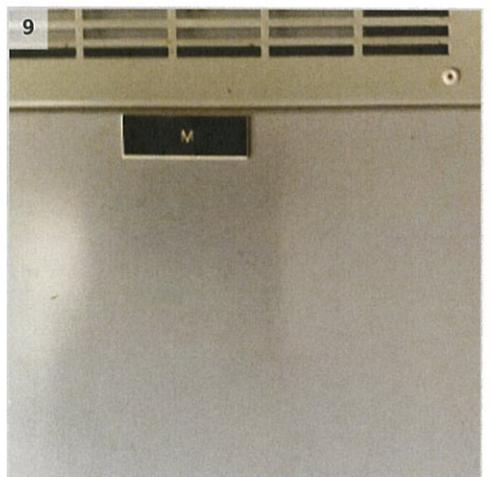
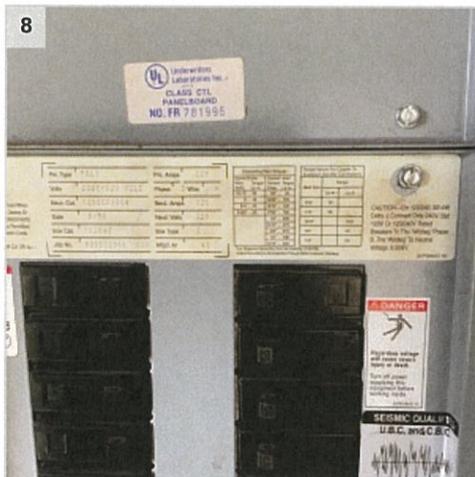
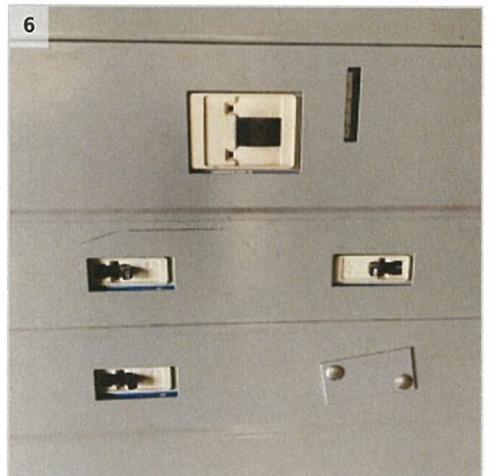
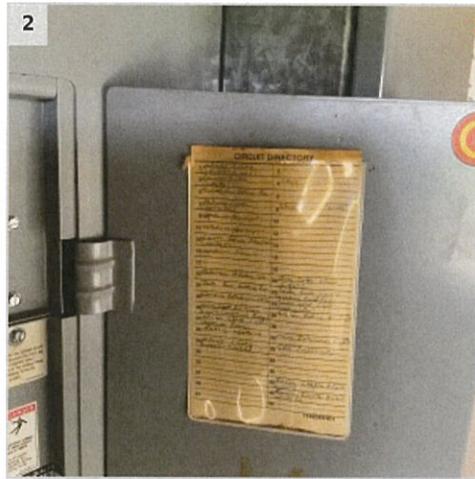
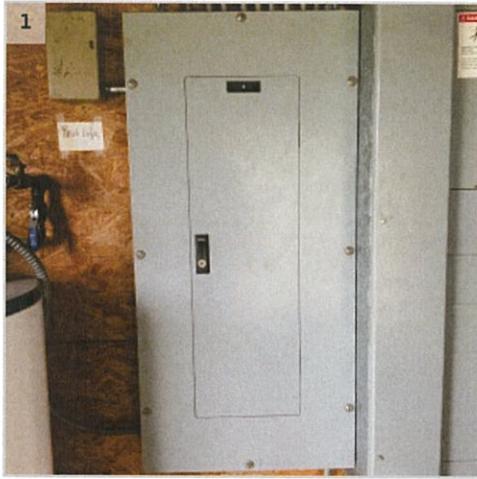
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1

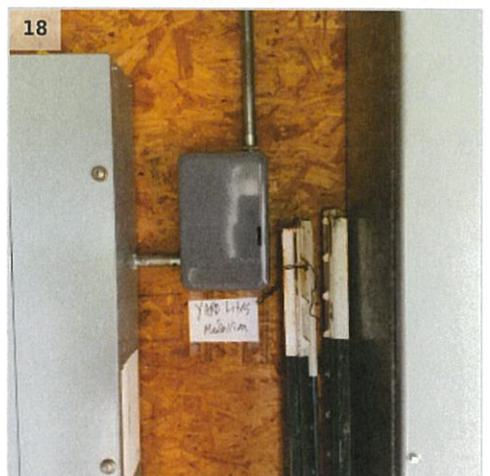
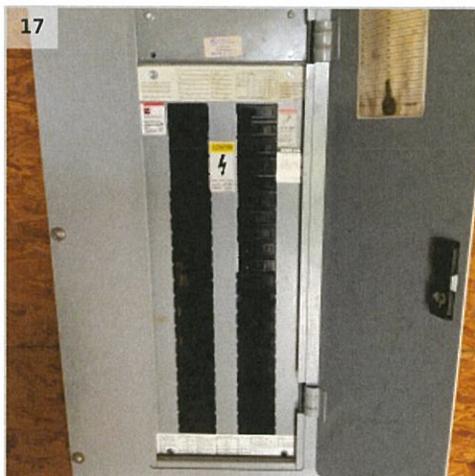
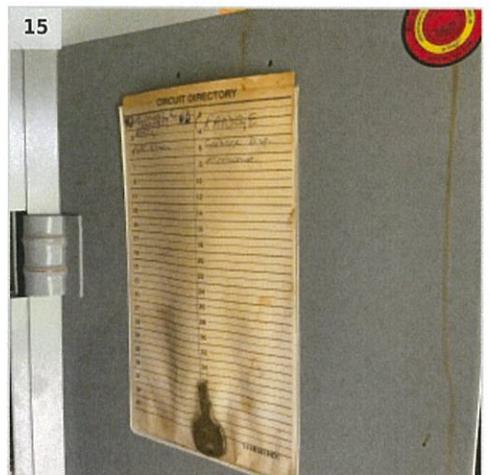
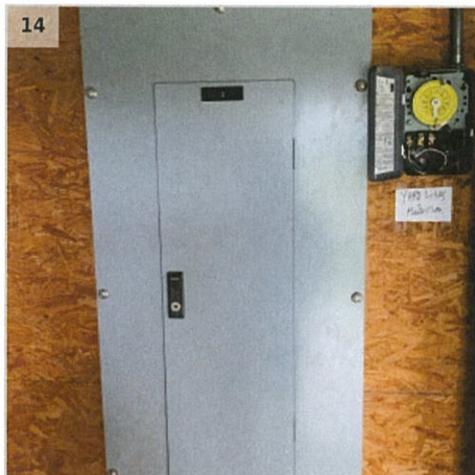
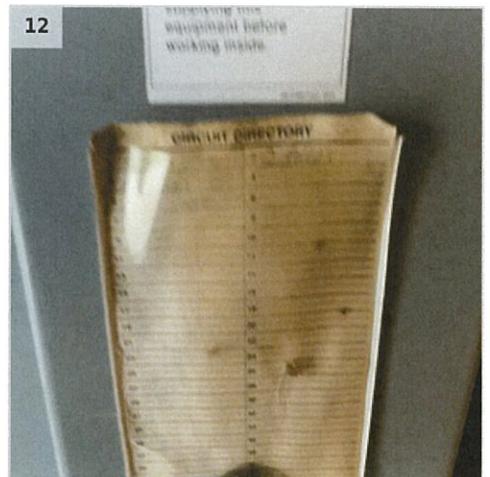
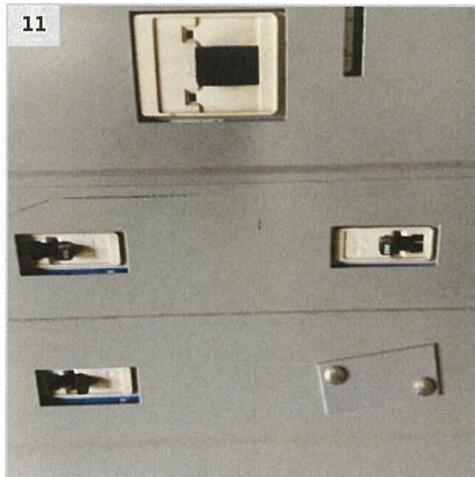


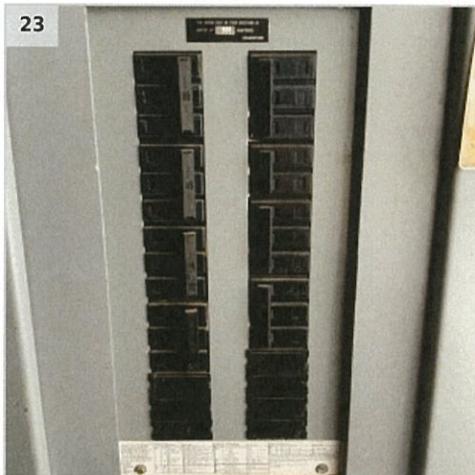
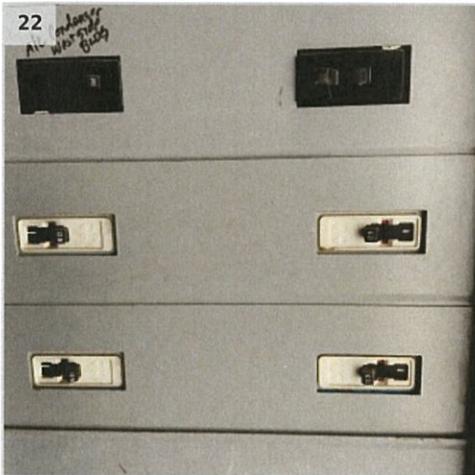
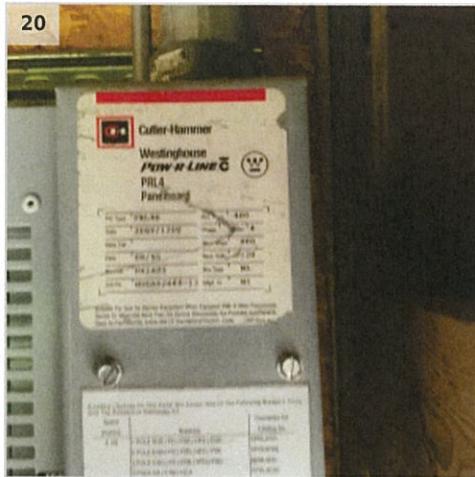
Task messages (time in CST)

| | | |
|------------------------------|----------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 10:53 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 10:53 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 10:53 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 10:53 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 10:53 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 10:53 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 10:54 AM |
| Hendrix Consulting Engineers | Photo 8 | 23 Sep 10:54 AM |
| Hendrix Consulting Engineers | Photo 9 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 10 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 11 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 12 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 13 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 14 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 15 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 16 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 17 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 18 | 23 Sep 10:55 AM |
| Hendrix Consulting Engineers | Photo 19 | 23 Sep 10:56 AM |
| Hendrix Consulting Engineers | Photo 20 | 23 Sep 10:56 AM |
| Hendrix Consulting Engineers | Photo 21 | 23 Sep 10:56 AM |
| Hendrix Consulting Engineers | Photo 22 | 23 Sep 10:56 AM |
| Hendrix Consulting Engineers | Photo 23 | 23 Sep 10:56 AM |

Photos

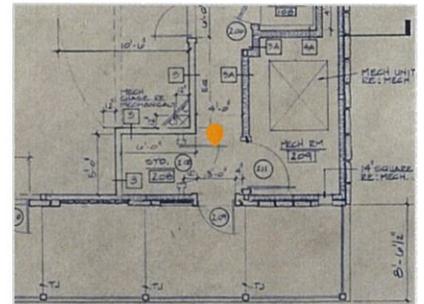






● #15 - Hallway and Return Air Door

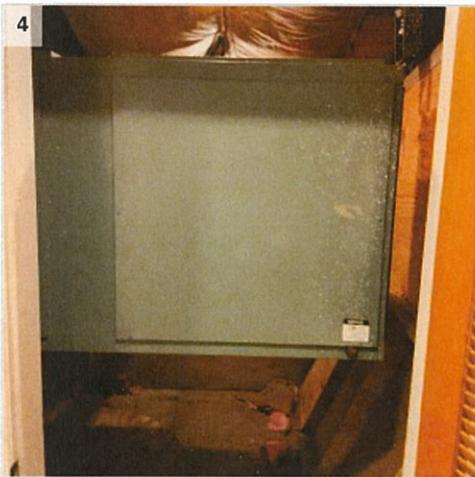
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 2



Task messages (time in CST)

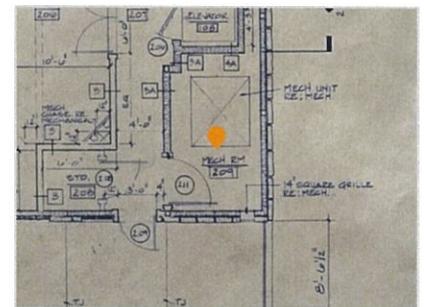
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:03 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:03 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:04 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:04 AM |

Photos



- #16 - Existing Mechanical room. must be modified for maintenance access and unit replacement. Currently return air is through the doors.

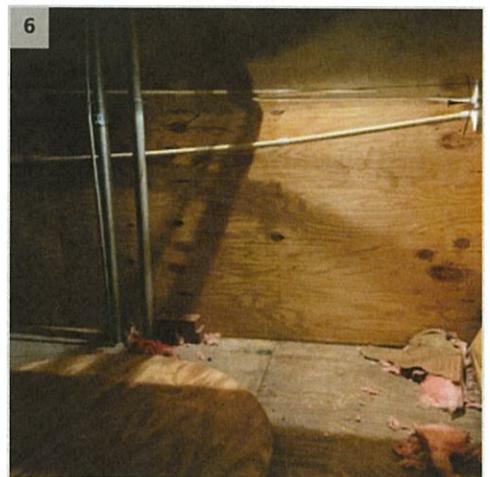
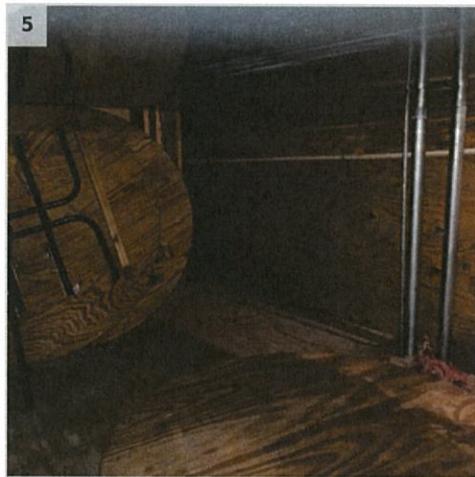
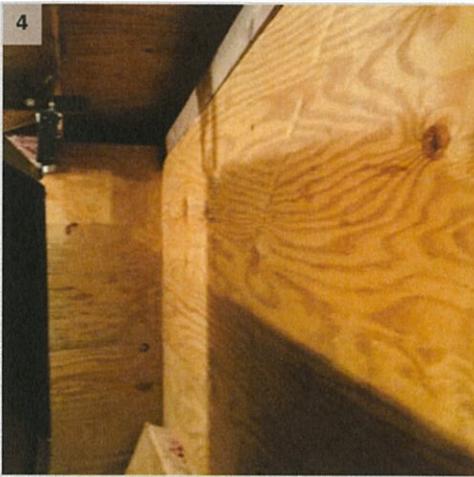
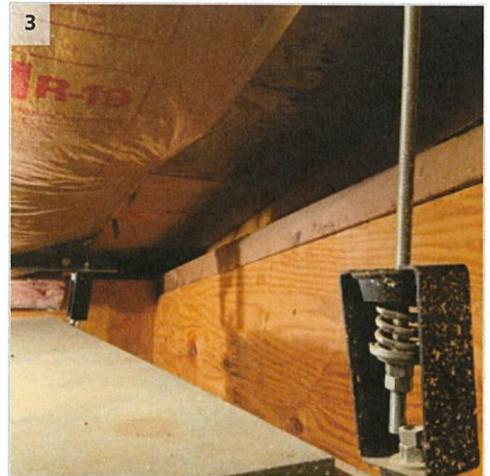
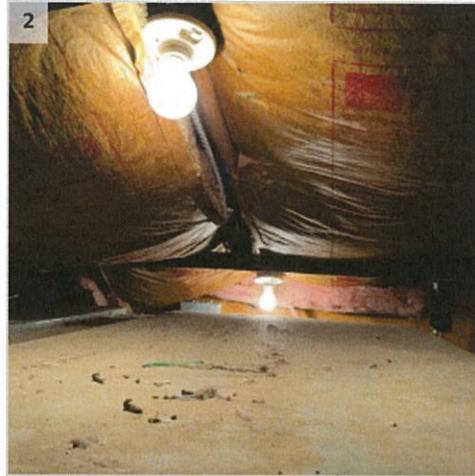
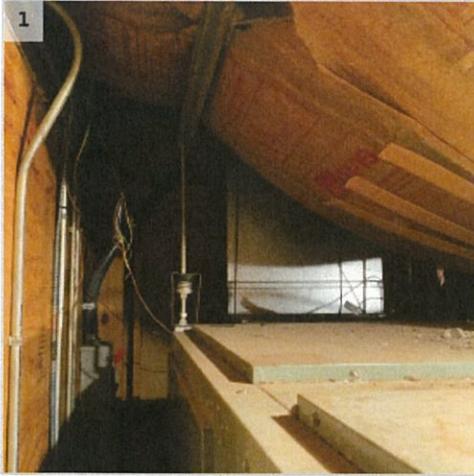
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 2



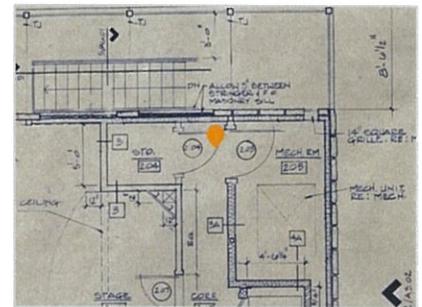
Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:04 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:04 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:04 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:05 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:05 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 11:05 AM |

Photos



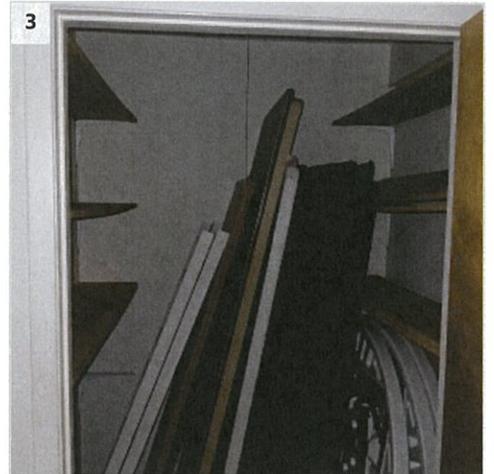
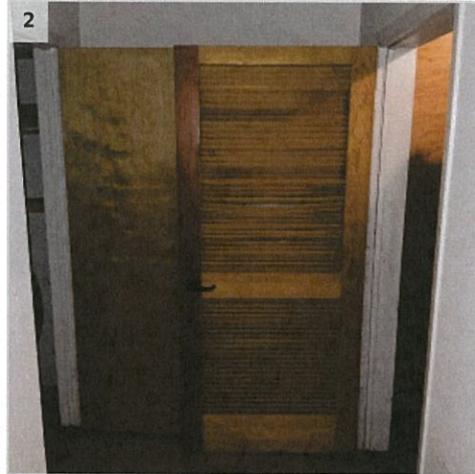
- #17 - Priority 2 | Hendrix Consulting Engineers | - Plan: Level 2



Task messages (time in CST)

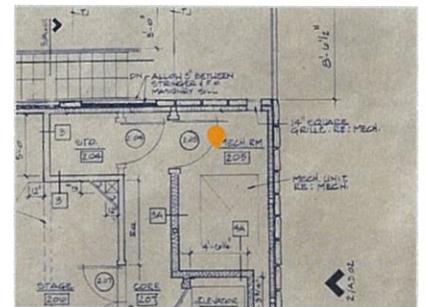
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:08 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:08 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:08 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:08 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:08 AM |

Photos



● #18 - Existing Mechanical room. must be modified for maintenance access and unit replacement. currently return air is through the doors.

Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 2

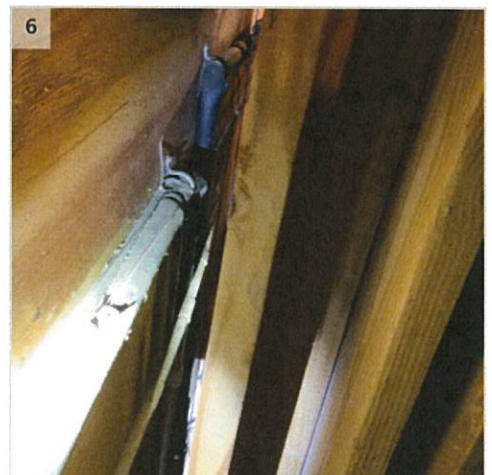
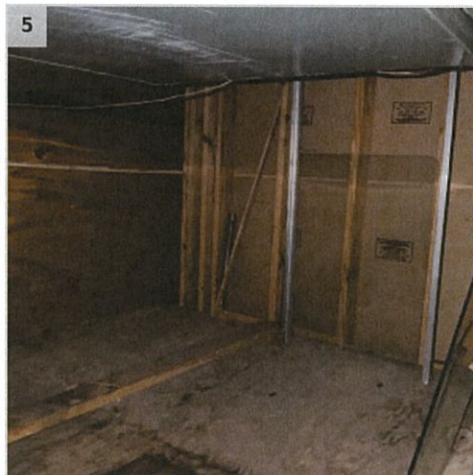
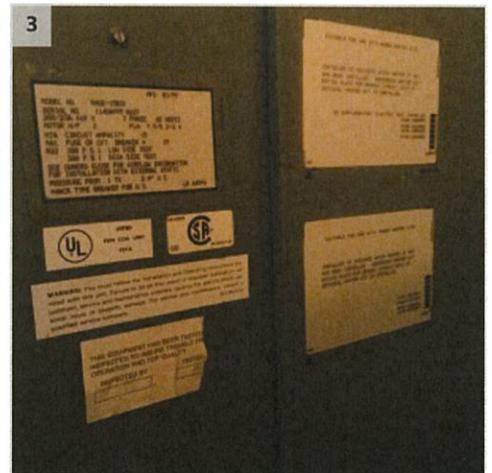
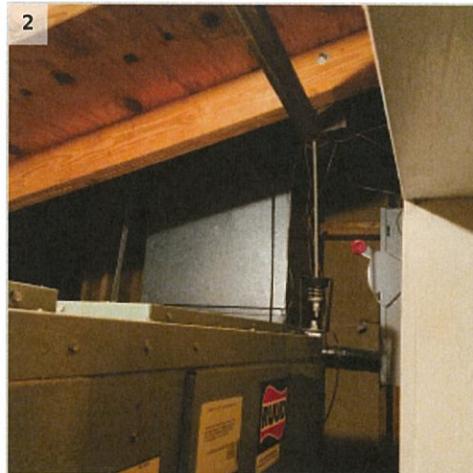
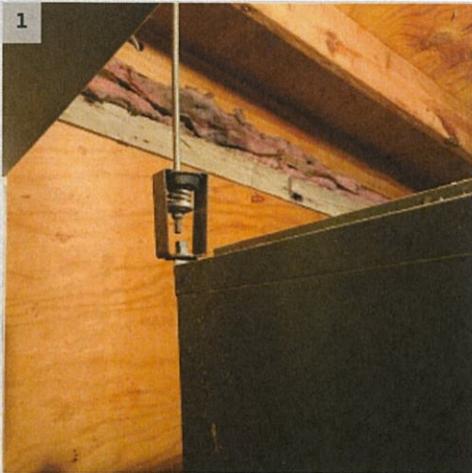


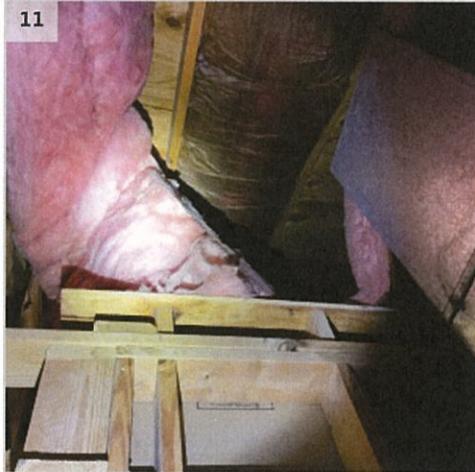
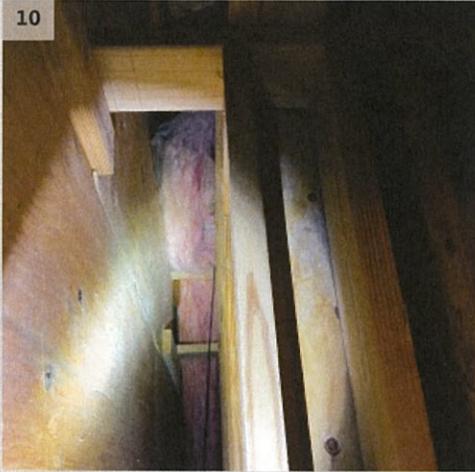
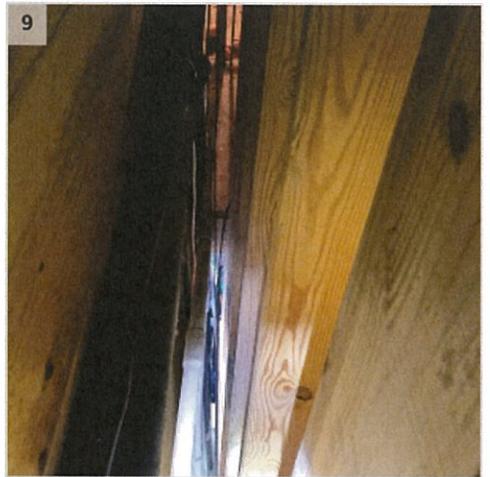
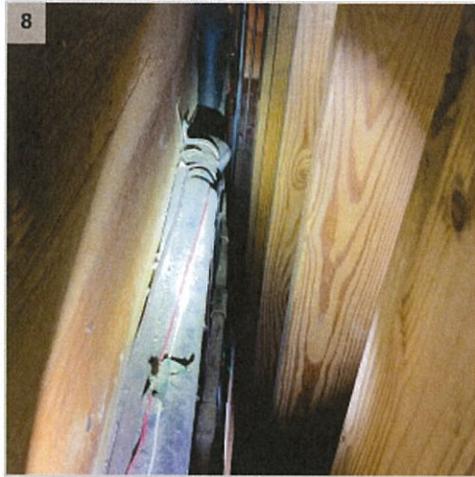
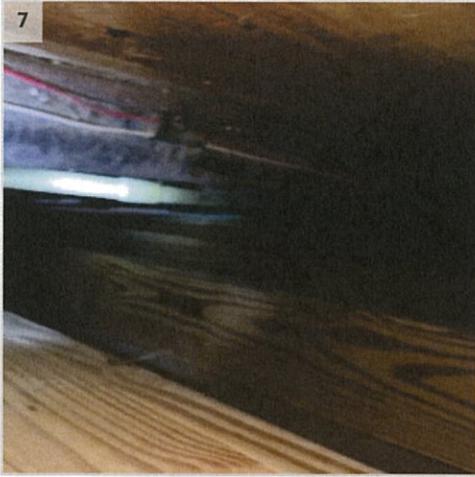
Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:09 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:09 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:09 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:09 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:09 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 11:10 AM |

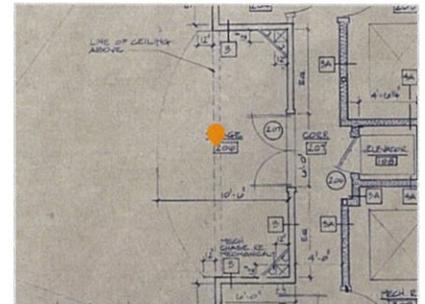
| | | |
|------------------------------|----------|-----------------|
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 11:10 AM |
| Hendrix Consulting Engineers | Photo 8 | 23 Sep 11:10 AM |
| Hendrix Consulting Engineers | Photo 9 | 23 Sep 11:10 AM |
| Hendrix Consulting Engineers | Photo 10 | 23 Sep 11:10 AM |
| Hendrix Consulting Engineers | Photo 11 | 23 Sep 11:10 AM |
| Hendrix Consulting Engineers | Photo 12 | 23 Sep 11:10 AM |

Photos





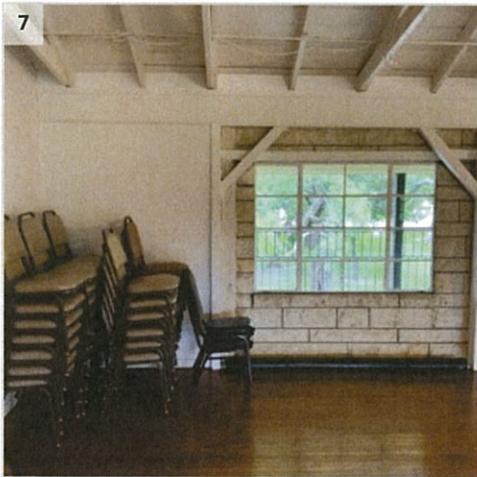
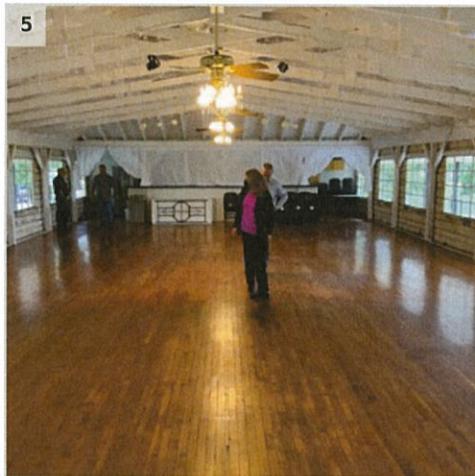
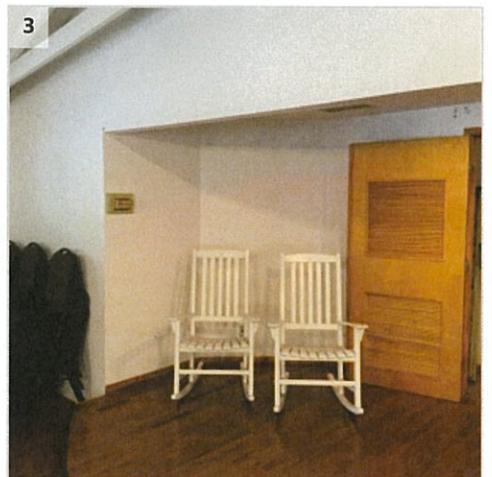
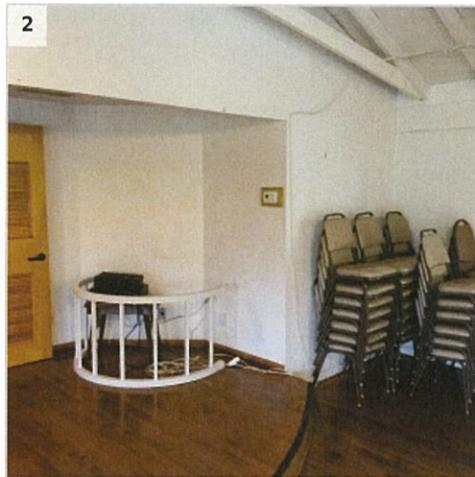
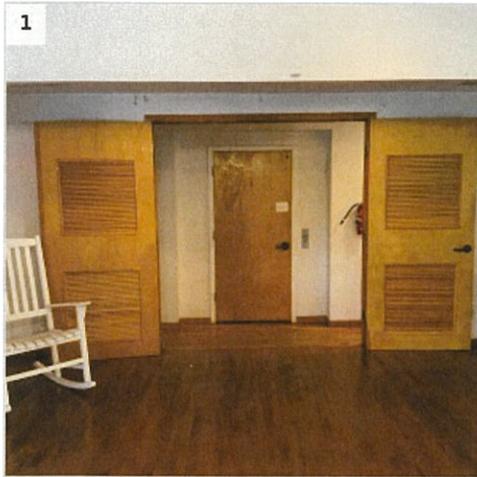
● **#19 - existing stage condition.**
 Priority 2 | Hendrix Consulting Engineers | -
 Plan: Level 2



Task messages (time in CST)

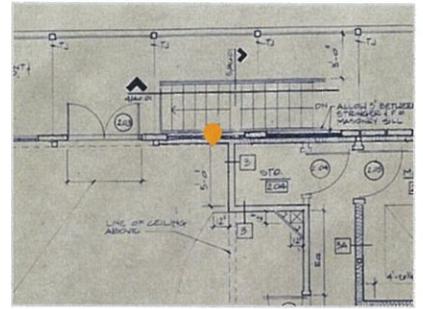
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:11 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:11 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:11 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:11 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:11 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 11:11 AM |

Photos



● #20 -

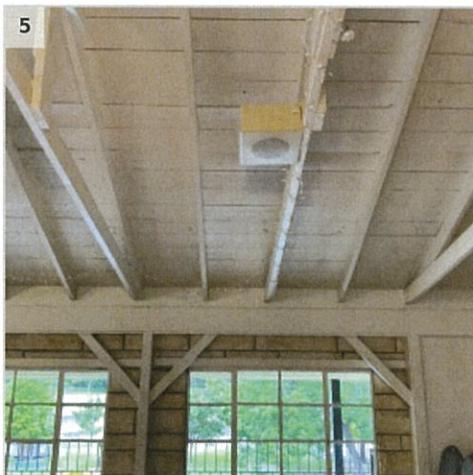
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 2

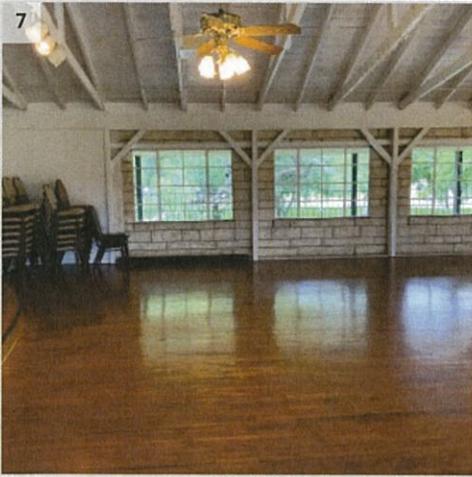


Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:12 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:12 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:12 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:12 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:12 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 11:12 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 11:12 AM |

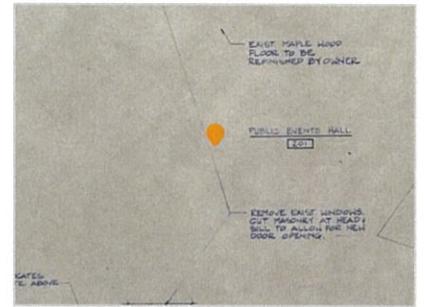
Photos





● #21 - Existing second level open area.

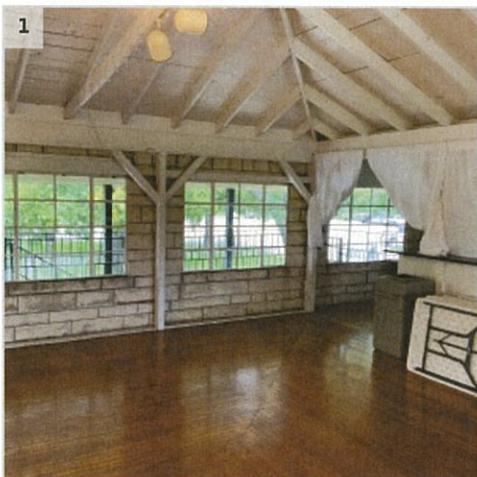
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 2

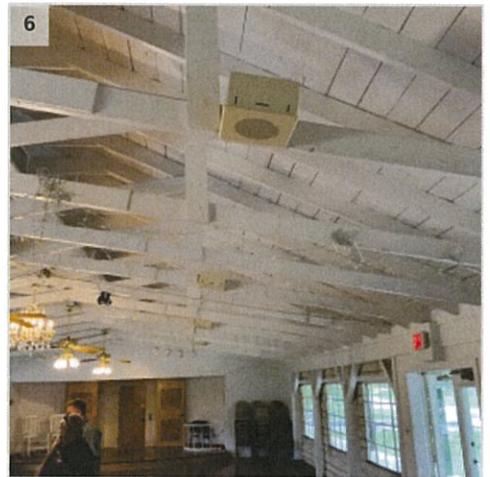


Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:16 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:16 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:16 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:16 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:16 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 11:16 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 11:16 AM |

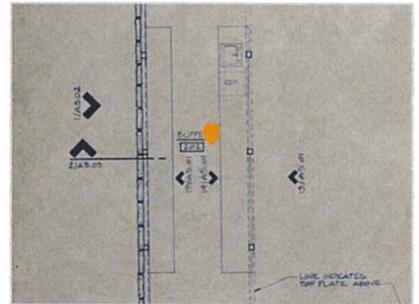
Photos





#22 - Existing second level serving area.

Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 2



Task messages (time in CST)

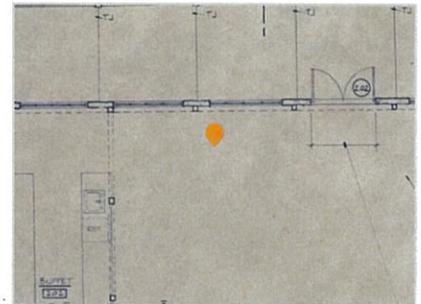
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:16 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:17 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:17 AM |

Photos



- #23 - Existing single width stone wall with no insulation, existing single pane windows. Existing wood super structure to be review and possibly replaced with steel. Existing wood floor.

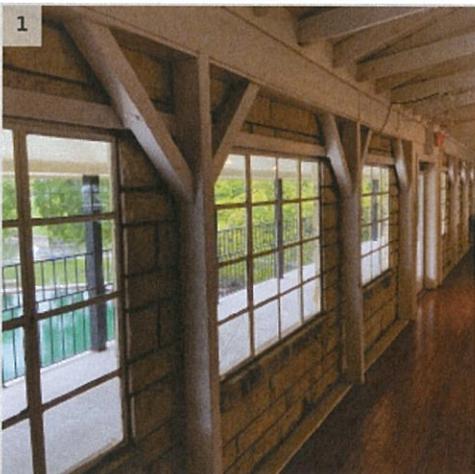
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 2

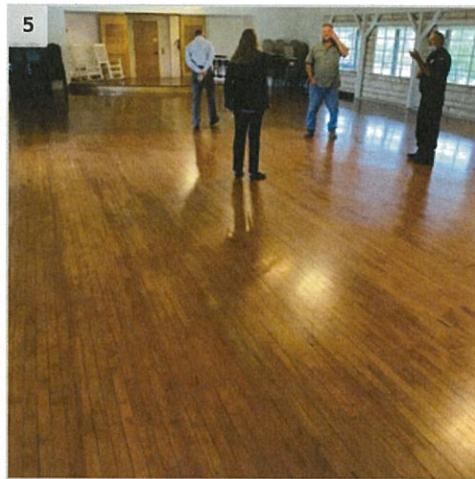
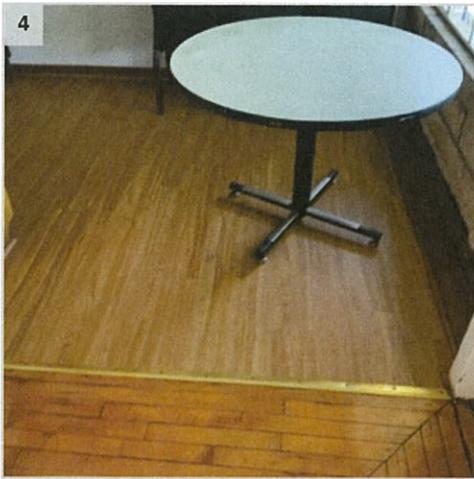


Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:17 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:17 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:17 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:17 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:17 AM |

Photos





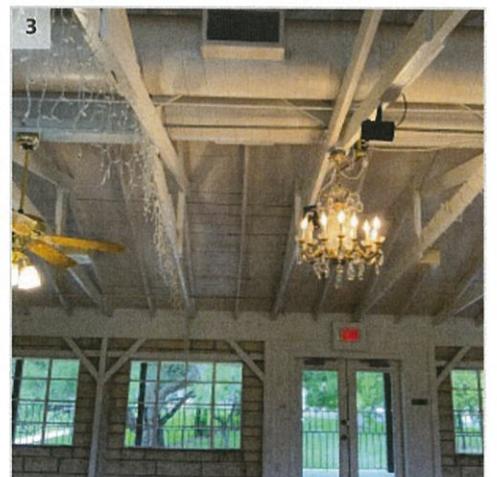
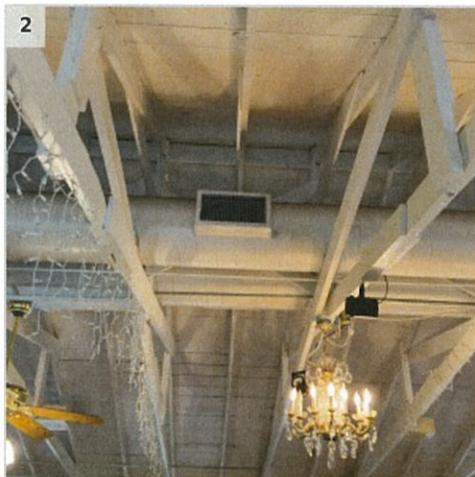
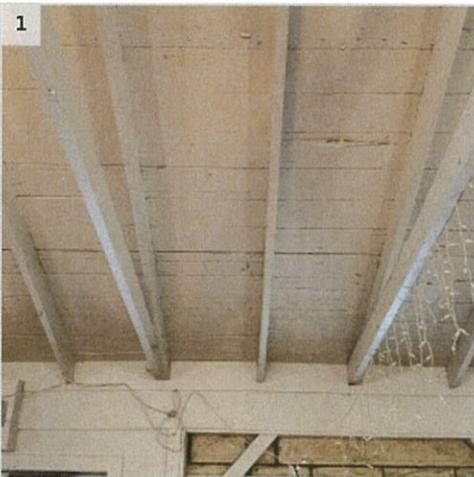
● #24 -
 Priority 2 | Hendrix Consulting Engineers | -
 Plan: Level 2



Task messages (time in CST)

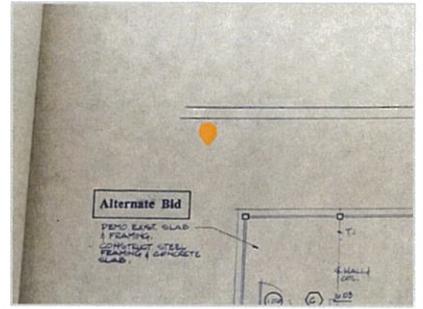
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:24 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:24 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:24 AM |

Photos



● #31 -

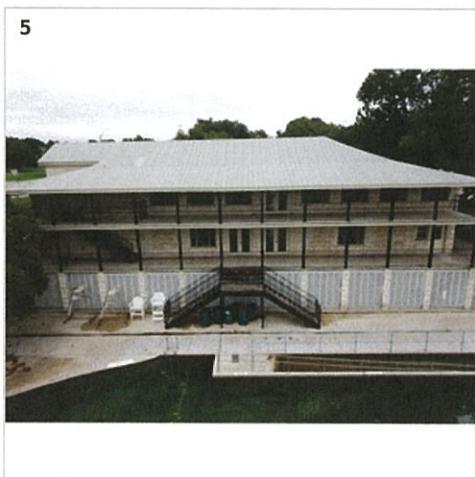
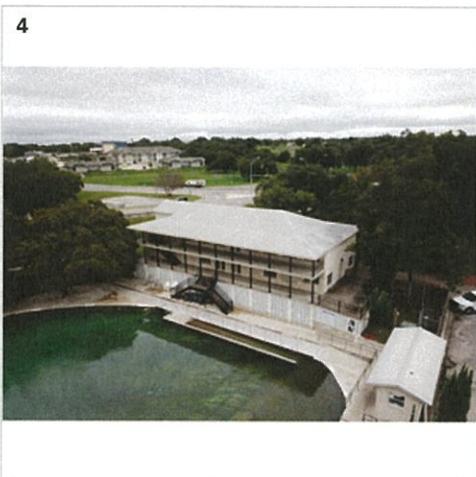
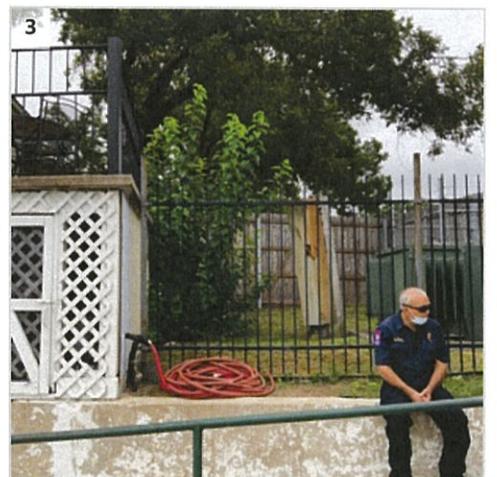
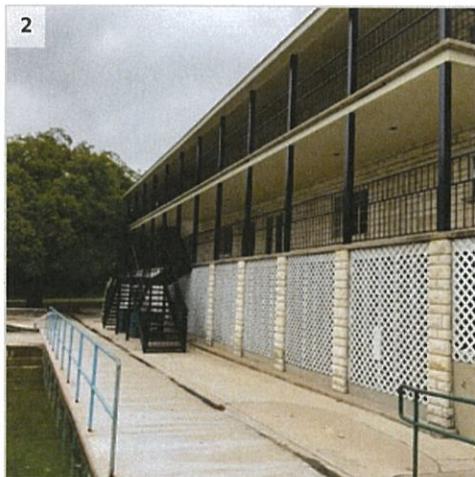
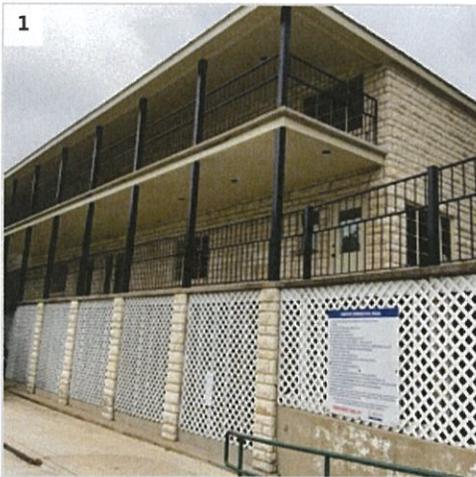
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

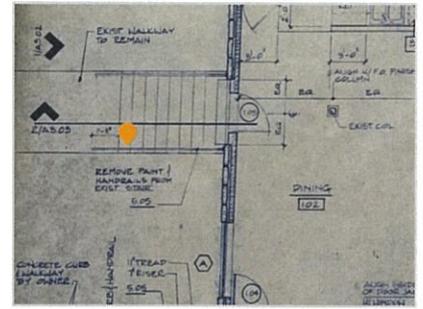
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:41 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:41 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:41 AM |
| Hendrix Consulting Engineers | Photo 4 | 08 Nov 11:32 AM |
| Hendrix Consulting Engineers | Photo 5 | 08 Nov 11:32 AM |

Photos



● **#32 - Service Yard Area. Potential Kitchen addition discussed on this side.**

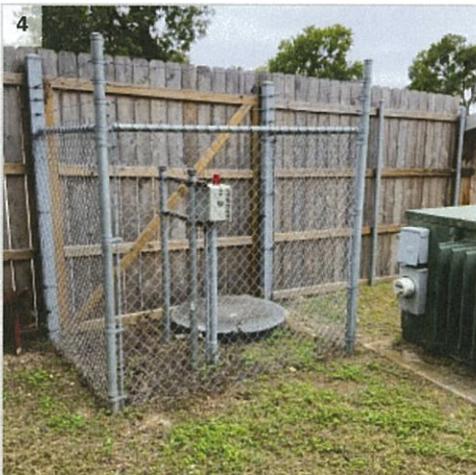
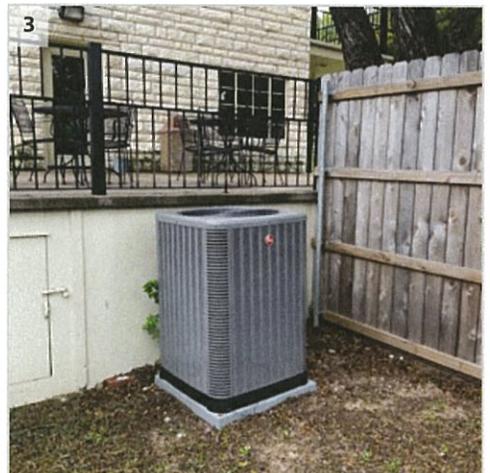
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1

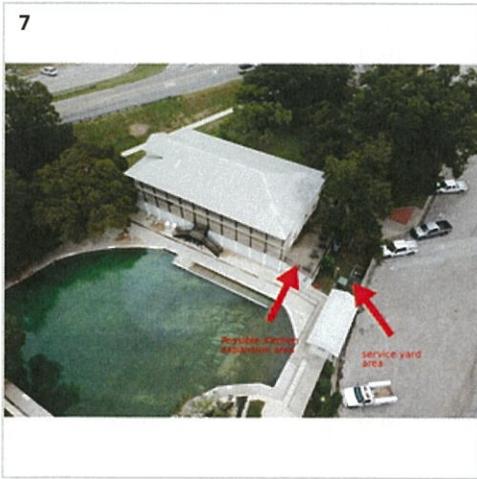


Task messages (time in CST)

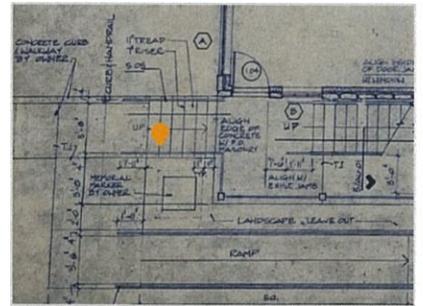
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:43 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:43 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:43 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:43 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:43 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 11:43 AM |
| Hendrix Consulting Engineers | Photo 7 | 08 Nov 11:22 AM |

Photos





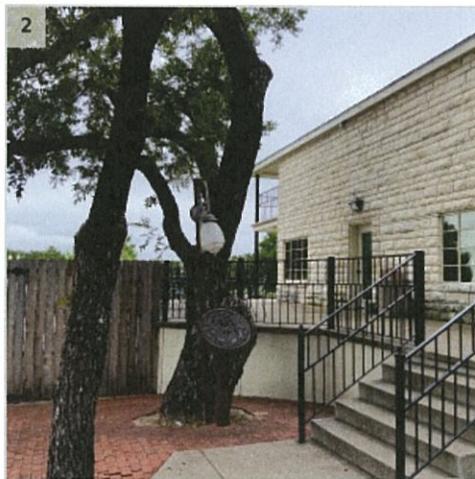
● #33 -
Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1

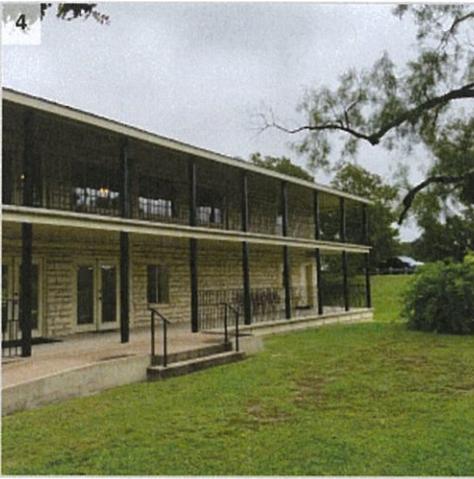


Task messages (time in CST)

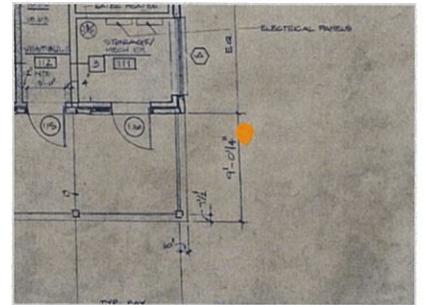
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:44 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:45 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:45 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:45 AM |

Photos





● #34 -
 Priority 2 | Hendrix Consulting Engineers | -
 Plan: Level 1



Task messages (time in CST)

Hendrix Consulting Engineers Photo 1

23 Sep 11:45 AM

Hendrix Consulting Engineers Photo 2

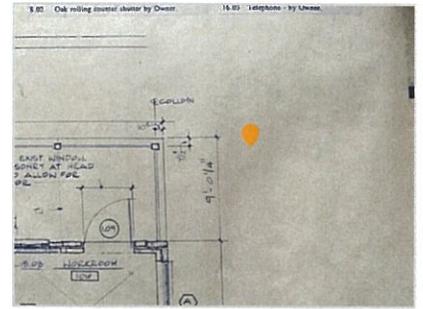
23 Sep 11:45 AM

Photos



#36 -

Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

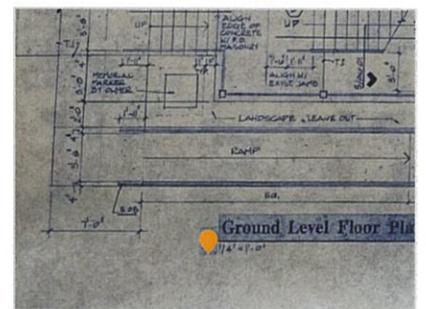
- | | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:46 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:46 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:46 AM |

Photos



#37 -

Priority 2 | Hendrix Consulting Engineers | -
Plan: Level 1



Task messages (time in CST)

- | | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 12:11 PM |
|------------------------------|---------|-----------------|

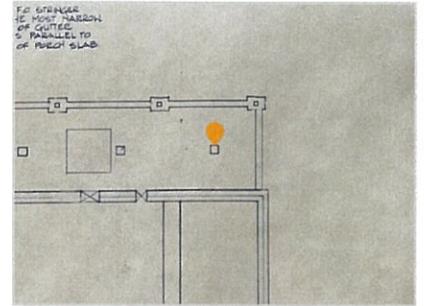
Photos



Existing Conditions

● #25 - Existing underfloor conditions. Some further investigation may be done by architect or structural for integrity .

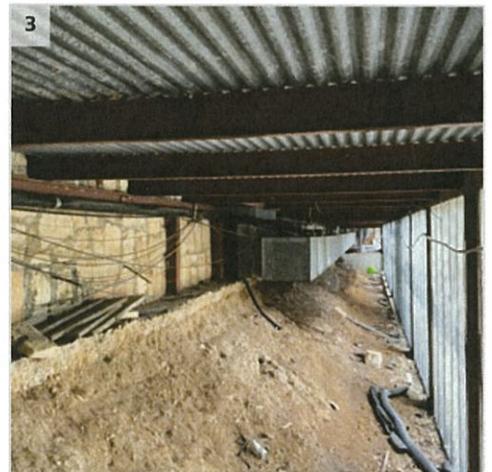
Priority 2 | Hendrix Consulting Engineers | Existing Conditions
Plan: A2.0

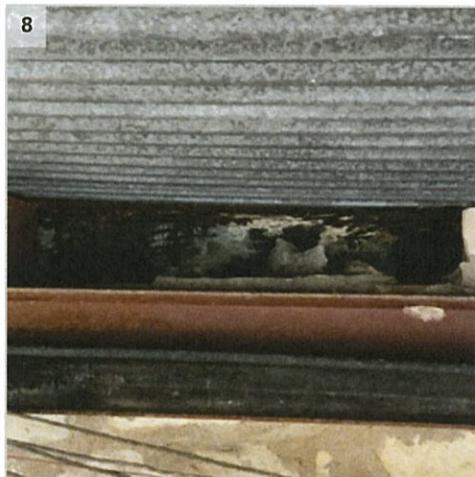


Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:33 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:33 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:33 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:33 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:33 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 11:33 AM |
| Hendrix Consulting Engineers | Photo 7 | 23 Sep 11:33 AM |
| Hendrix Consulting Engineers | Photo 8 | 23 Sep 11:33 AM |

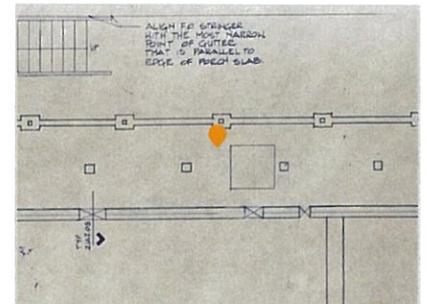
Photos





● **#26 - Existing underfloor ductwork and refrigerant piping.**

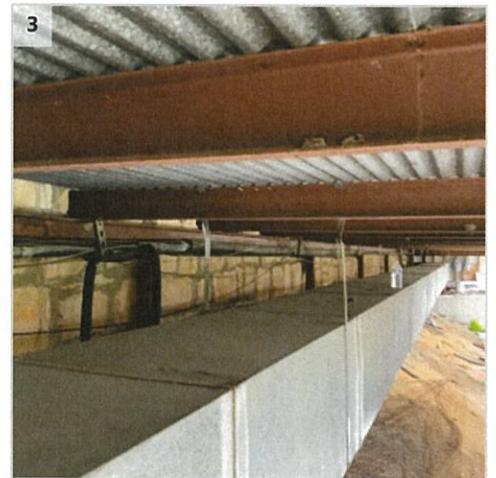
Priority 2 | Hendrix Consulting Engineers | Existing Conditions
Plan: A2.0



Task messages (time in CST)

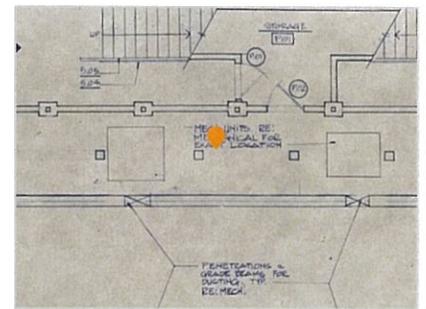
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:34 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:34 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:34 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:34 AM |

Photos



● #27 - Existing underfloor conditions, verify pipe abandoned or still in use.

Priority 2 | Hendrix Consulting Engineers | Existing Conditions
Plan: A2.0



Task messages (time in CST)

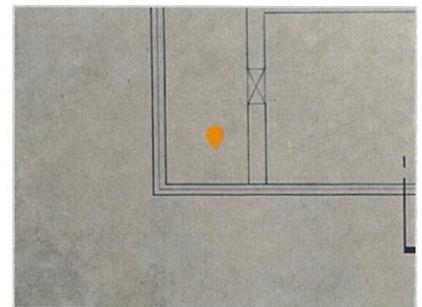
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:34 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:34 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:35 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:35 AM |

Photos



● #28 - Existing underfloor and pan conditions. some surface rust, verification by structural engineer or testing agency suggested.

Priority 2 | Hendrix Consulting Engineers | Existing Conditions
Plan: A2.0



Task messages (time in CST)

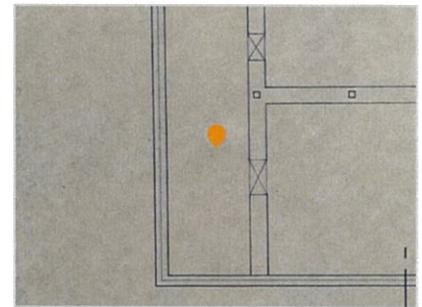
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:37 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:37 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:37 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:37 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:37 AM |
| Hendrix Consulting Engineers | Photo 6 | 23 Sep 11:37 AM |

Photos



● #29 - Existing AHU underfloor conditions. Require some cleanup at minimum.

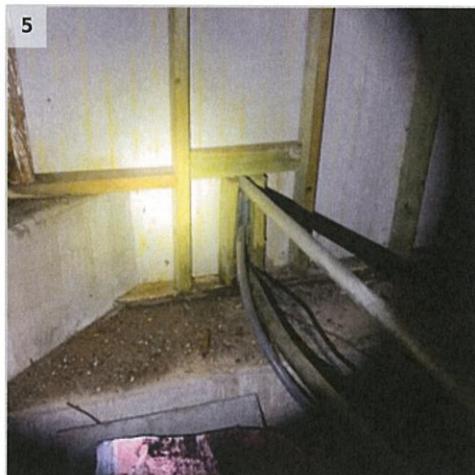
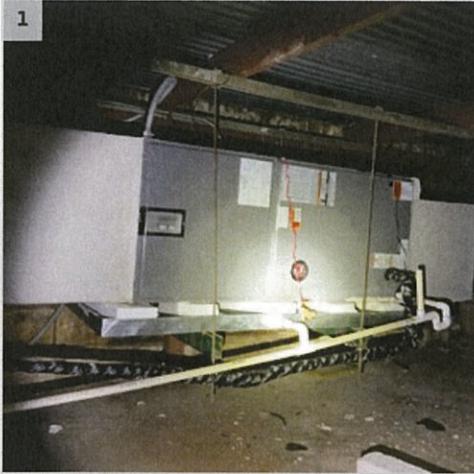
Priority 2 | Hendrix Consulting Engineers | Existing Conditions
Plan: A2.0



Task messages (time in CST)

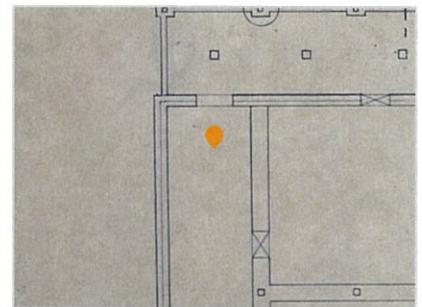
| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:38 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:38 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:38 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:38 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:38 AM |

Photos



● #30 - Existing underfloor conditions.

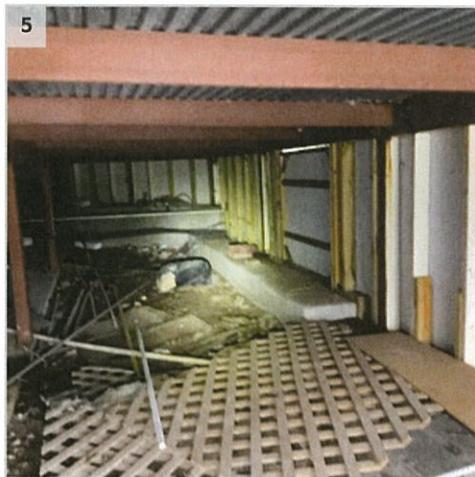
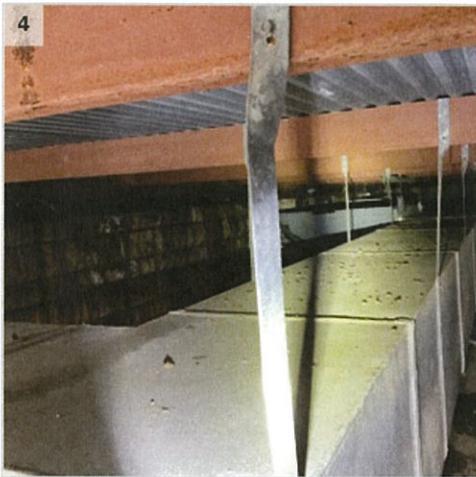
Priority 2 | Hendrix Consulting Engineers | Existing Conditions
Plan: A2.0



Task messages (time in CST)

| | | |
|------------------------------|---------|-----------------|
| Hendrix Consulting Engineers | Photo 1 | 23 Sep 11:39 AM |
| Hendrix Consulting Engineers | Photo 2 | 23 Sep 11:39 AM |
| Hendrix Consulting Engineers | Photo 3 | 23 Sep 11:39 AM |
| Hendrix Consulting Engineers | Photo 4 | 23 Sep 11:39 AM |
| Hendrix Consulting Engineers | Photo 5 | 23 Sep 11:39 AM |

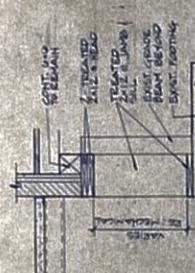
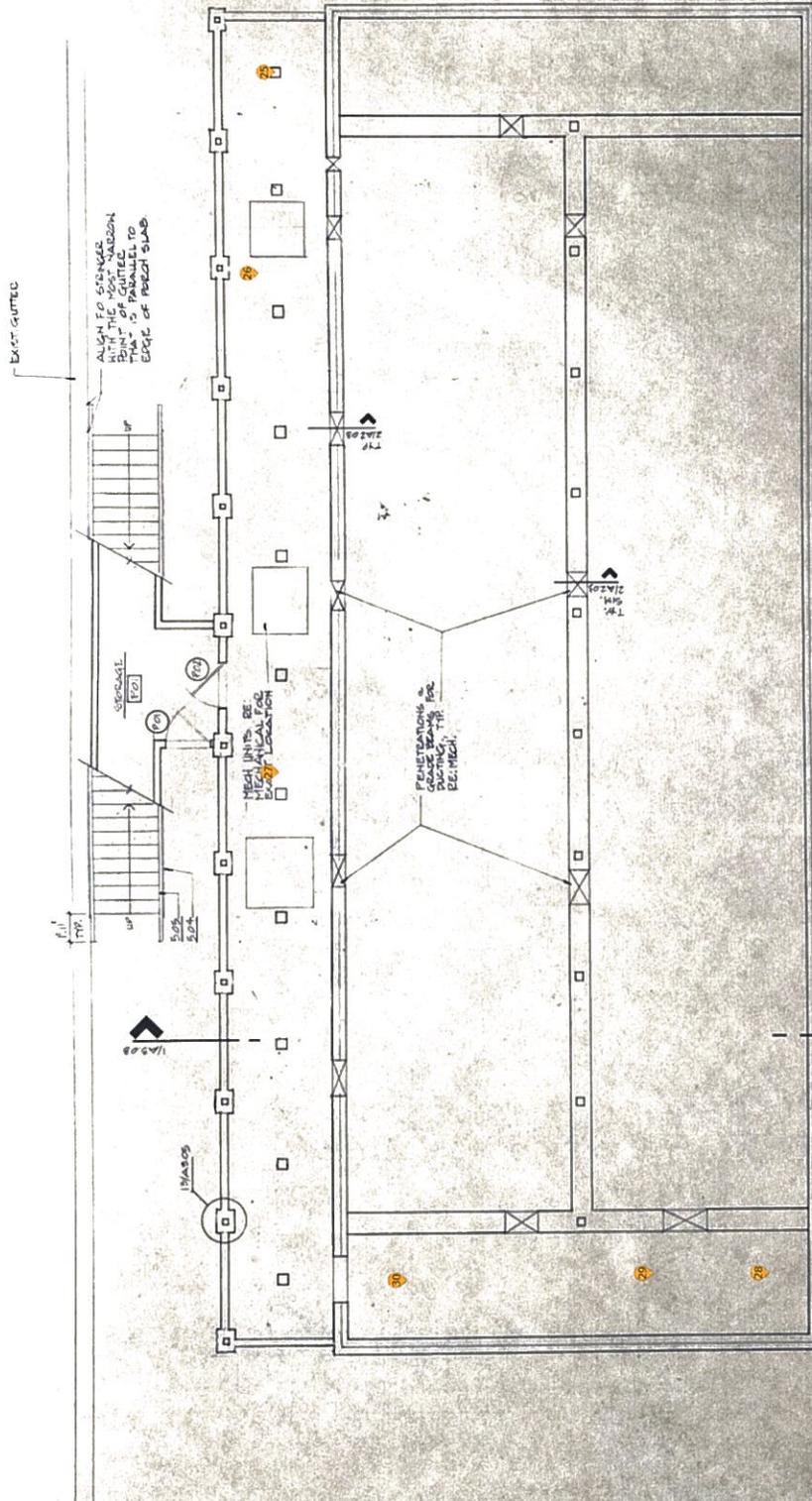
Photos



- #38 -
Priority 2 | Hendrix Consulting Engineers | Existing Conditions
Plan: A2.0

Keynotes

DIVISION 500 - METAL
 5.04 Steel tube - Rr. Structural
 5.05 Hanger/pendant



2 Grade Beam Penetration Dtl.
 3/4" = 1'-0"

1 Pool Level Floor Plan
 1/4" = 1'-0"

Hostess House
 Lampasa, Texas

ARCHITECTURE
 ARCHITECTS
 PLANNING DESIGN CONSTRUCTION
 HOUSTON TEXAS REGION
 (713) 218-4444

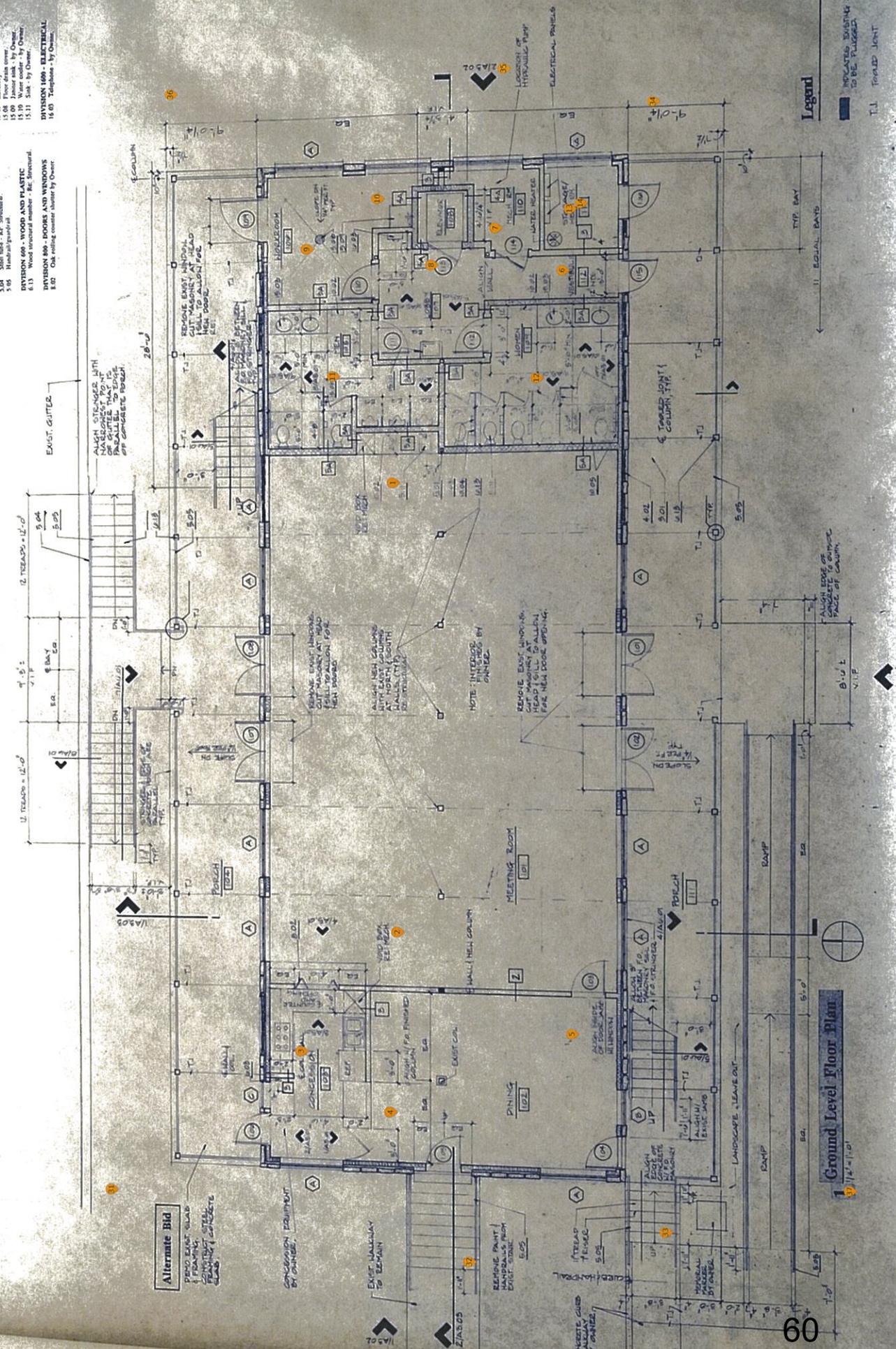


Pool Level Floor Plan

| | | | | |
|----------|--------------|----------|-----------|---------|
| DRAWN BY | RECHECKED BY | DATE | PROJECT # | SHEET # |
| | | April 6, | | A2.1 |

Keynotes

- DIVISION 05 - CONCRETE**
 - 10.01 Formwork - by Owner
 - 10.02 Trench excavation - by Owner
 - 10.03 Trench paper dipper - by Owner
 - 10.04 Cast-in-place concrete - by Owner
 - 10.05 Grap bar - by Owner
- DIVISION 06 - MASONRY**
 - 4.02 Limestone - 2" veneer at plumb
- DIVISION 08 - METAL**
 - 5.01 Structural steel - R/c Structural
 - 5.04 Steel tube - R/c Structural
 - 5.08 Metal equipment
- DIVISION 09 - WOOD AND PLASTIC**
 - 6.11 Wood structural member - R/c Structural
- DIVISION 800 - DOORS AND WINDOWS**
 - 8.02 Oak rising counter door by Owner
- DIVISION 1000 - SPECIALTIES**
 - 10.01 Trench dipper - by Owner
 - 10.02 Trench paper dipper - by Owner
 - 10.03 Grap bar - by Owner
- DIVISION 1200 - MECHANICAL**
 - 15.01 Tank
 - 15.02 Unit
 - 15.03 Floor drain cover
 - 15.04 Floor drain cover
 - 15.05 Junior sink - by Owner
 - 15.06 Sink - by Owner
 - 15.11 Sink - by Owner
 - 15.12 Sink - by Owner
 - 15.13 Sink - by Owner
 - 15.14 Sink - by Owner
- DIVISION 1600 - ELECTRICAL**
 - 16.03 Telephone - by Owner

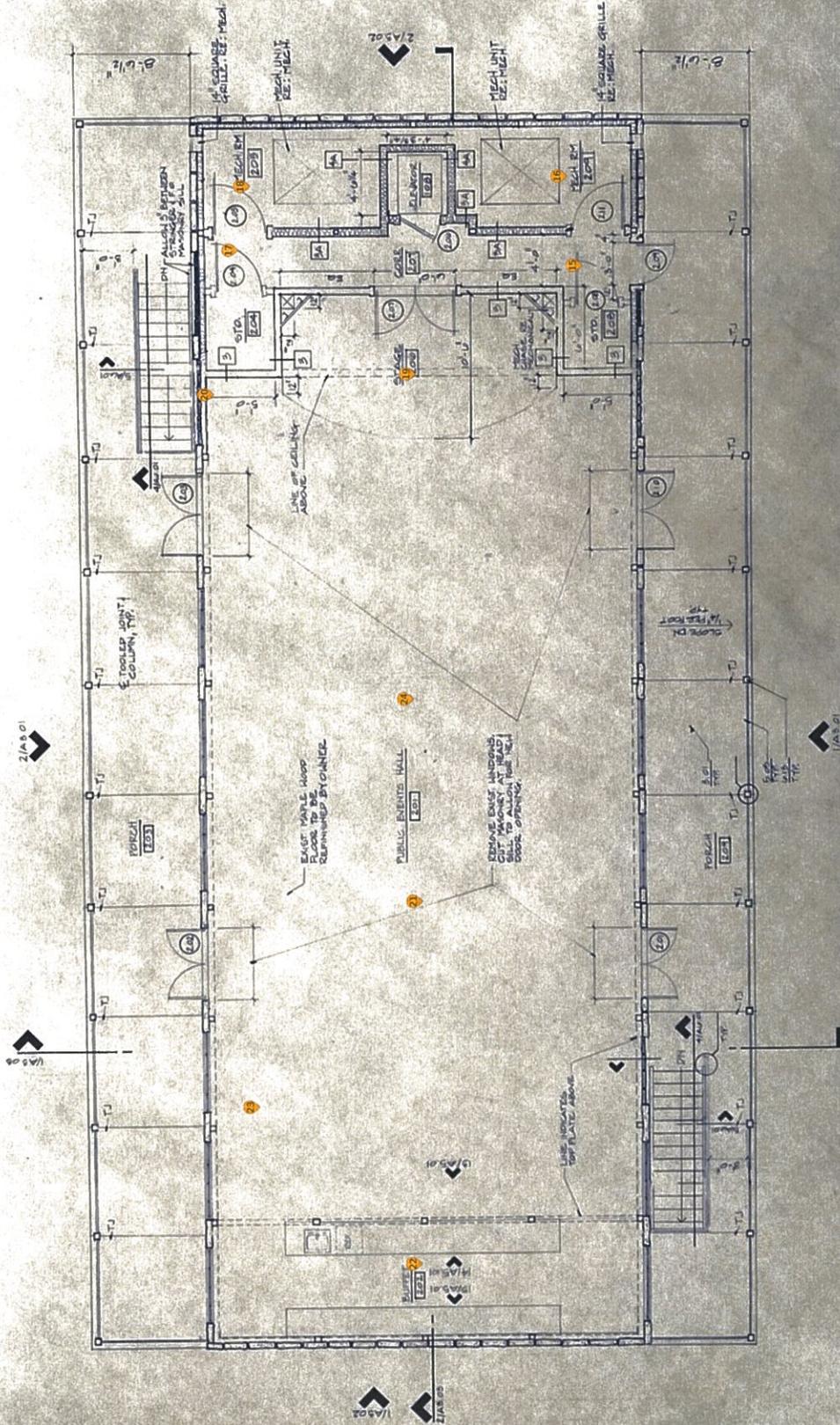


Alternate Bid
 1. BRASS CASE GLASS
 2. FRAMING
 3. CONCRETE

Ground Level Floor Plan
 1/4" = 1'-0"

Keynotes

- DIVISION 300 - CONCRETE
- 3.01 Concrete slab - Rr Structural
- DIVISION 500 - METAL
- 5.05 Handrail/pandrol
- DIVISION 600 - WOOD AND PLASTIC
- 6.13 Wood structural member - Rr Structural



Legend

- INDICATES EXIST. DRAINING TO BE PLUGGED.
- T-J TRIMMED JOINT

1 Upper Level Floor Plan
1/4" = 1'-0"

THIS PAGE INTENTIONALLY LEFT BLANK


City Manager

ITEM NO. 1.3

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Public hearing to receive citizen comments regarding a request for a Specific Use Permit (SUP) to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF-10". The property is described as Lots 19 and .82 A419 OL22 Block B, Lakehills Estates Subdivision; commonly known as 8 Chris James, Lampasas, Texas Lampasas County.

Requested By: Becky Sims, City Secretary/Zoning Administrator

Submitted By: Becky Sims, City Secretary/Zoning Administrator

Date Submitted: February 4, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

N/A

Attachments: P & Z

Summary Statement:

Mr. and Mrs. Kirk are asking the Planning Commission and City Council to consider a request for a Specific Use Permit (SUP) to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF-10"

The area surrounding the property is zoned Single Family Residential-10 "SF-10", Single Family Residential-20 "SF-20", and Single Family Residential-8 "SF-8."

Staff mailed twenty-two (22) notices to property owners within 200 feet of the applicant's property, and to date have received two in protest and two in favor of the request.

This case was heard before the Planning Commission on February 4, 2021. The Commission recommended approval.

Recommendation:

Discussion Only

NOTICE OF PUBLIC HEARINGS

HEARING DATES/TIMES:
PLANNING AND ZONING COMMISSION: February 4, 2021 – 6:00 P.M.

CITY COUNCIL: February 8, 2021 -- 6:00 P.M.

HEARING(S) LOCATION: CALVERT MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
302 EAST THIRD STREET, LAMPASAS, TEXAS

The Planning and Zoning Commission of the City of Lampasas, Texas will hold public hearings on the following items:

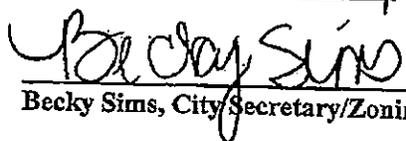
- *Request to consider approval, denial, or approval with modification(s) to rezone 44.61 acres, ABST 0130, WB Covington Survey generally located at West Avenue E and North Ridge Street (CR1045) Lampasas, Texas Lampasas County from Single Family Residential-10 "SF10" to Agriculture "AG" with a Specific Use Permit to allow for a 16-acre RV Park Development.*
- *Request for a Specific Use Permit for property described as Lot 19 and .82 A419 OL22 Block B, Lakehill Estates Subdivision commonly known as 8 Chris James, Lampasas, Texas Lampasas County to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF10"*

The purpose of the public hearings noted herein is to allow members of the public who may be affected by these items to voice their views to the Planning and Zoning Commission. The first public hearing will be held on February 4, 2021 at 6:00 P.M. in the City Council Chambers located at 302 East Third Street, Lampasas, Texas, before a recommendation is made to the City Council on the items listed above.

The City Council will hold public hearings on the above-referenced items on February 8, 2021 at 6:00 P.M. in the City Council Chambers located at 302 East Third Street, Lampasas, Texas 76550.

All persons interested in the above referenced items and potential actions are invited to attend the public hearings and to provide their comments at the times and places referenced above. Comments may also be submitted *in writing* to the City Secretary's office, no later than 12 Noon on the date of either public hearing referenced in this public notice, at the following address: 312 East Third Street, Lampasas, Texas 76550. For additional information, please contact Becky Sims, City Secretary at (512) 556-6831 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

I, Becky Sims, City Secretary/Zoning Administrator of the City of Lampasas, Texas, do hereby certify this Notice of Public Hearings/Meetings was posted on the bulletin board of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 19 day of January 2021 at 4:12pm



Becky Sims, City Secretary/Zoning Administrator



(Handwritten scribble)

CITY OF LAMPASAS
***** REPRINT RECEIPT*****

REC#: 01244927 1/07/2021 1:33 PM
OPER: LC1 TERM: 070
REF#: CCC

ACCT #: XXXX-XXXX-XXXX-2925
AUTH #: 043314
TRAN #: 00000004857
TYPE: PURCHASE

TRAN: 210.0000 PERMITS & LICENSES
DIANE KIRK/SLIP FEBRUARY
PLANNING & ZONING F 250.00CR

TRAN: 245.0000 Court CC Proc Fees
CREDIT CARD PROCESS 5.00CR

TENDERED: 255.00 CREDIT CARD
APPLIED: 255.00-
CHANGE: 0.00

ANTICIPATED MEETING DATES: P&Z: _____ City C
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (r

Application Type:

- Initial Zoning (newly annexed property)
- Rezoning (property currently zoned)
- Planned Development (PD) - see Zoning Ordinance for special requirements and
- Specific Use Permit (SLIP) - see Zoning Ordinance for special requirements and

Name of Subdivision or Project: _____

Physical Location of Property: 8 Chris James Ave
[General Location -- approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate metes and bounds de:
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 1.7 Existing Zoning: SF Proj

Applicant / Owner's Name: Shawn & Dianne Kirk

Contact Person: Dianne Kirk Title: _____

Company Name: _____

Street/Mailing Address: 8 Chris James Ave City: Lampasas State: TX Zip: 76550

Phone: 407-603-1984 Fax: _____ Email Address: dperk526@gmail.com

Engineer / Representative's Name: _____

Contact Person: _____ Title: _____

Company Name: _____

Street/Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email Address: _____

Nature of Request/Proposed Use of the Property: Accessory dwelling

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. (All zoning applications must be advised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklist that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.
All application materials (one copy) must be delivered to the City's Planner. The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the development application for a P&Z agenda. The City will invoice the applicant for all consulting fees (by City's Planner, Engineer, Attorney, etc.) incurred for City review of this project.
Notice of Public Records. The submission of plans/drawings with this application makes such items public record, and the applicant understands that they may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: Dianne Kirk Title: _____ Date: 1-7-2021

Office Use Only: Date Rec'd _____ Fees Paid:\$ _____ Check #: _____ Accepted By: _____

Lampasas Central Appraisal District



General Real Estate Property Information

[New Property Search](#)

[Go To Previous Page](#)

Property ID: 1118

Property Legal Description:
 LOT: 19 AND .82 A419 OL22
 BLK: B
 ADDN: LAKEHILL ESTATES

Property Location:
 8 CHRIS JAMES AVE
 LAMPASAS TX 76550

Owner Information:
 KIRK DIANNE P & SHAWN R
 8 CHRIS JAMES AVE
 LAMPASAS TX 76550

Previous Owner:
 BYRD ELIZABETH ANN

[View Previous Owner Information](#)

Property Detail:

| | |
|------------------------|------------|
| Agent: | None |
| Property Exempt: | |
| Category/SPTB Code: | A1 |
| Total Acres: | 1.678 |
| Total Living Sqft: | See Detail |
| Owner Interest: | 1.000000 |
| Homestead Exemption: | H |
| Homestead Cap Value: | 0 |
| Land Ag/Timber Value: | 0 |
| Land Market Value: | 59,940 |
| Improvement Value: | 184,460 |
| Property Market Value: | 244,400 |

Account / Geo Number:
 10170-002-019-00

Survey / Sub Division Abstract:

Block:

Section / Lot:

[View Building Detail Information](#)

[View Land Detail Information](#)

Deed Information:

| | |
|--------------|----------|
| Volume: | 539 |
| Page: | 243 |
| File Number: | 170799 |
| Deed Date: | 2/5/2018 |

[View GIS Map](#)

The map link above is not affiliated with this website. It is a 3rd party GIS link to provide additional information only.

[Map It With Google](#)

The Google map link above is in no way affiliated with this website. It is a 3rd party link to provide a visual location only.

[Printer Friendly Version](#)

Click the button above for a printable version of this record with all available details.

* [View Property Tax Information](#)

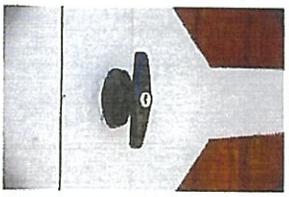
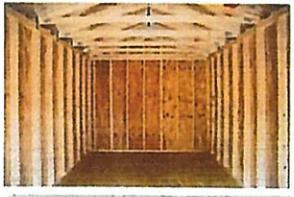
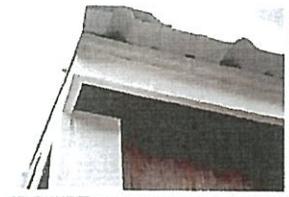
GARDEN SHED



FEATURED BUILDING:
 10' x 16' Garden Shed
 Chestnut Brown Urethane Finish
 White Painted Trim
 Pure White Metal Roof



↑
 Single door instead
 of double doors

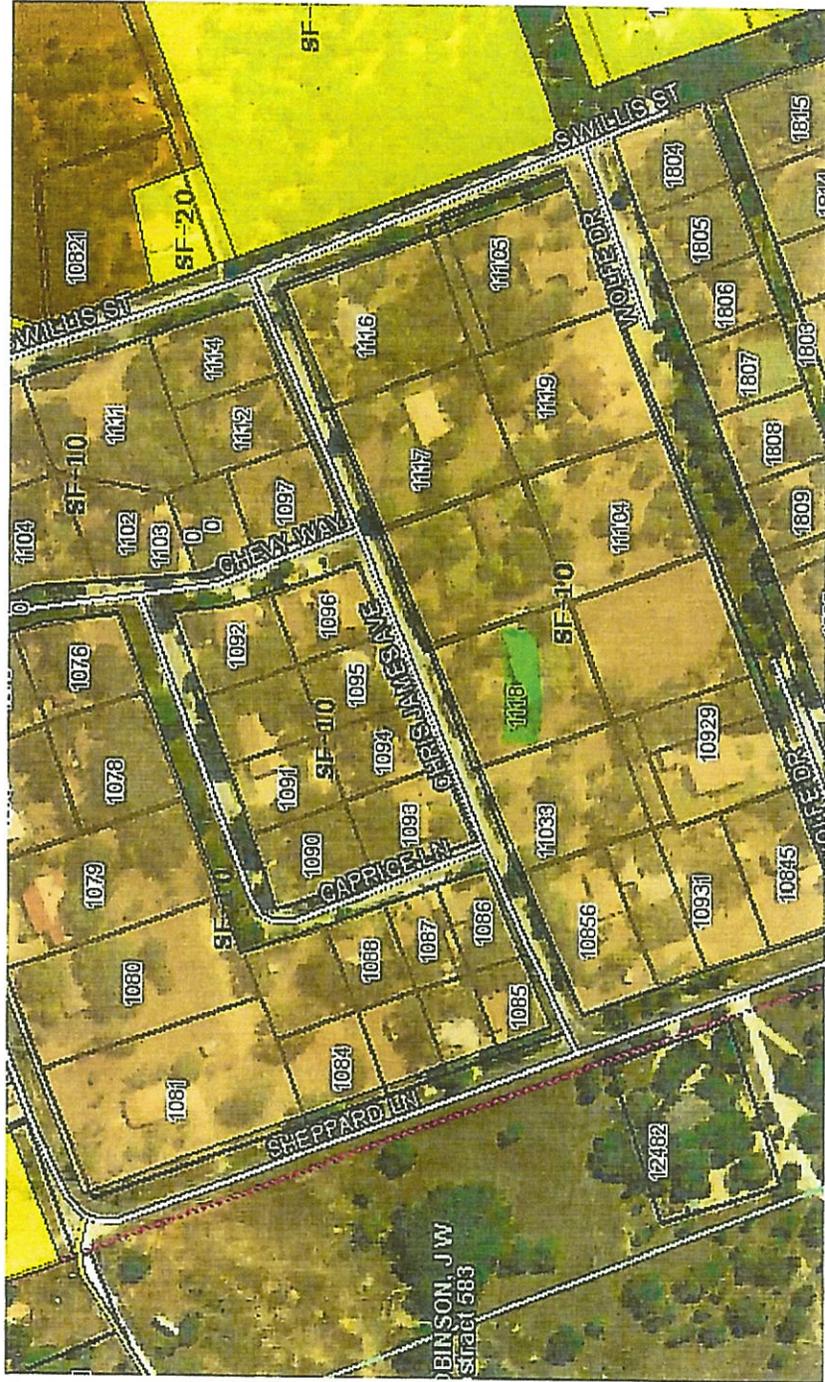


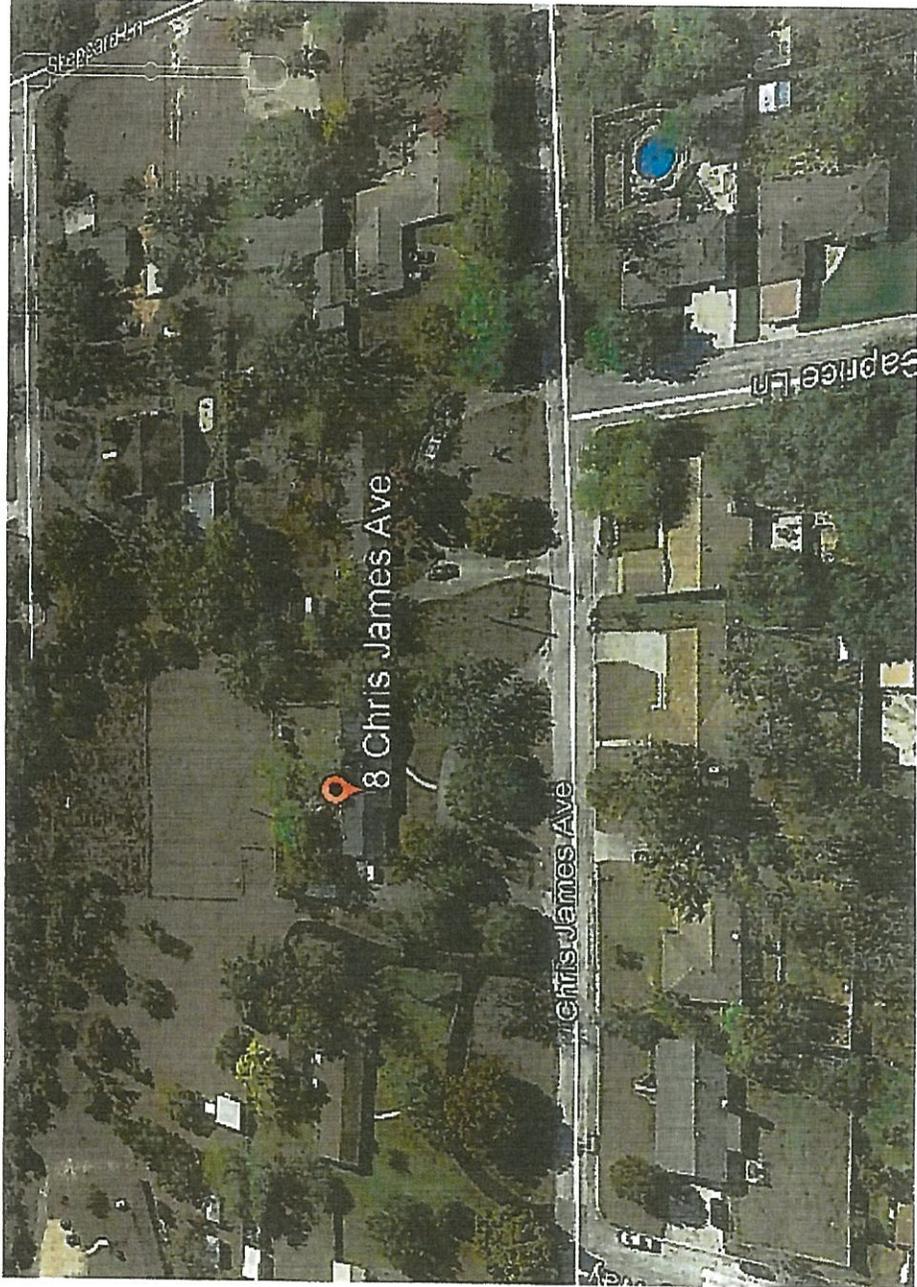
This classic look is perfect for any backyard. The double wooden entry doors make moving in your garden supplies, lawnmowers, or tools an ease!

Sizes

- 8X12
- 8X16
- 8X20
- 10X12
- 10X16
- 10X20
- 10X24
- 12X12
- 12X16
- 12X20
- 12X24
- 12X28
- 12X32
- 12X36
- 12X40
- 14X16
- 14X20
- 14X24
- 14X28
- 14X32
- 14X36
- 14X40
- 16X20
- 16X24
- 16X28
- 16X32
- 16X36
- 16X40

Building measurements are approximate and are measured from eave to eave when 12' wide or greater. Sizes vary by location. Colors shown are only intended as a guide and may vary from actual color on building; check actual building samples before making final selection. Some features shown are upgrades to our standard features. Please speak to your local Graceland Portable Buildings® dealer for more information.





City of Lampasas
Planning and Zoning Board
Kirk (SUP)
Staff Report

| | |
|------------------|--|
| Subject Property | The property is described as Lots 19 and .82 A419 OL22 Block B, Lakehills Estates Subdivision; commonly known as 8 Chris James, Lampasas, Texas Lampasas County. |
| Request | The applicant is requesting a Specific Use Permit (SUP) to allow for an accessory dwelling in an area zoned Single Family Residential-10 "SF-10". |
| Current Zoning | The property is currently zoned Single Family Residential-10 "SF-10" the area surrounding the property is zoned Single Family Residential-10 "SF-10", Single Family Residential-20 "SF-20, and Single Family Residential-8 "SF-8." |
| Notification | All notifications and publications, as required by Ordinance and Statute, have been made. Staff mailed twenty-two (22) notices to property owners within 200 feet of the applicant's property, and to date have received one in protest and none in favor of the request. |
| Consideration | <p>In making a determination for a change of Zoning the Planning and Zoning Board, and the City Council shall consider the factors as outlined in Section 34, City of Lampasas Zoning Regulations. In approving a requested Specific Use Permit, the Planning & Zoning Commission and City Council may consider the following:</p> <ol style="list-style-type: none">1. The use is harmonious and compatible with surrounding existing uses or proposed uses;2. The activities requested by the applicant are normally associated with the permitted uses in the base district;3. The nature of the use is reasonable;4. Any negative impact on the surrounding area has been mitigated;5. That any additional conditions specific ensure that the intent of the district purposes are being upheld. |
| Recommendation | <p>If the Planning and Zoning Board and the City Council find the request in compliance with Section 34 City of Lampasas Zoning Regulations, then a motion to approve the change of zoning may be made.</p> <p>If the Planning and Zoning Board and the City Council find that the request is not in compliance with Section 34 City of Lampasas Zoning Regulations, then a motion to deny the request may be made.</p> |

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(Kirk -SUP)

I own 3 Caprice Lane, [address] in Lampasas, Texas.

At this time, I (do) or X (do not) plan to attend the Public Hearing noted above.

(Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.)

As a property owner who may be affected by the requested change, I want the Board to know that I, X (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

- (1) city would have to provide street/road access to Chis James ^{or} open street behind property & access to Willis St
- (2) our sub-division was planned to be single family homes
- (3) city would have to provide water, sewer, & electricity to new construction

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Francene WenmoHS Date 1-20, 2021

FRANCENE WENMOHS
3 CAPRICE LANE
LAMPASAS, TEXAS 76550

Written Form Received by City Staff on: 1-21-21, 20 by BSP

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(Kirk -SUP)

I own #1 Wolfe Dr., [address] in Lampasas, Texas.

At this time, I ? (do) or ? (do not) plan to attend the Public Hearing noted above.

(Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.)

As a property owner who may be affected by the requested change, I want the Board to know that I, Protest (protest) or NO (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

I Protest

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

- (1) They just put Building There before Hearing
- (2) TOO Big - looks like a house
- (3) Very visible from my house

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Shirley Petty Potts Cumley Date Feb 1, 2021
 SHIRLEY PETTY POTTS
 1 WOLFE DRIVE
 LAMPASAS, TEXAS 76550
Shirley Petty Potts Cumley

2-2-21
Bjuno

Written Form Received by City Staff on: _____, 20____ by _____.



WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(Kirk -SUP)

I own 6 Chris James, [address] in Lampasas, Texas.

At this time, I (do) **or** (do not) plan to attend the Public Hearing noted above.

(Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.)

As a property owner who may be affected by the requested change, I want the Board to know that I, (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

- (1) _____
- (2) _____
- (3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Nada W. Thogmartin Date January 19, 2021

NADA WAGLEY THOGMARTIN
6 CHRIS JAMES AVENUE
LAMPASAS, TEXAS 7655

Written Form Received by City Staff on: 1-25-21, 2021 by BJM

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(Kirk -SUP)

I own 1003 Sheppard Ln, [address] in Lampasas, Texas.

At this time, I do (do) or _____ (do not) plan to attend the Public Hearing noted above.

(Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.)

As a property owner who may be affected by the requested change, I want the Board to know that I, _____ (protest) or approve (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

(1) _____

(2) _____

(3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Jordan & Rachel Felkner Date 1/26/21, 20 ~~20~~ 21

JORDAN & RACHEL FELKNER
1003 SHEPPARD LANE
LAMPASAS, TEXAS 76550

Written Form Received by City Staff on: 2-1-21, 20____ by BAM.

THIS PAGE INTENTIONALLY LEFT BLANK

**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, January 25, 2021
5:30 p.m. Workshop Session
6:00 p.m. Regular Session**

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:

Mayor Pro Tem TJ Monroe
Bob Goodart
Delana Toups

Council Members absent:

Randy Clark
Gordon Nelson
Cathy Kuehne

City Staff Present:

Finley deGraffenried, City Manager
Rickie Roy, Assistant City Manager
Becky Sims, City Secretary/Zoning Administrator
Yvonne Moreno, Finance Director
Sammy Bailey, Police Chief
Jeffry Smith, Fire Chief
Joshua Watson, Police Officer
Glenn Adams, Plant Operator
Van Sims, W/WW Plant Operations Manager
Stephen Sewell, Plant Operations Supervisor

WORKSHOP SESSION

1. Call to order Workshop Session

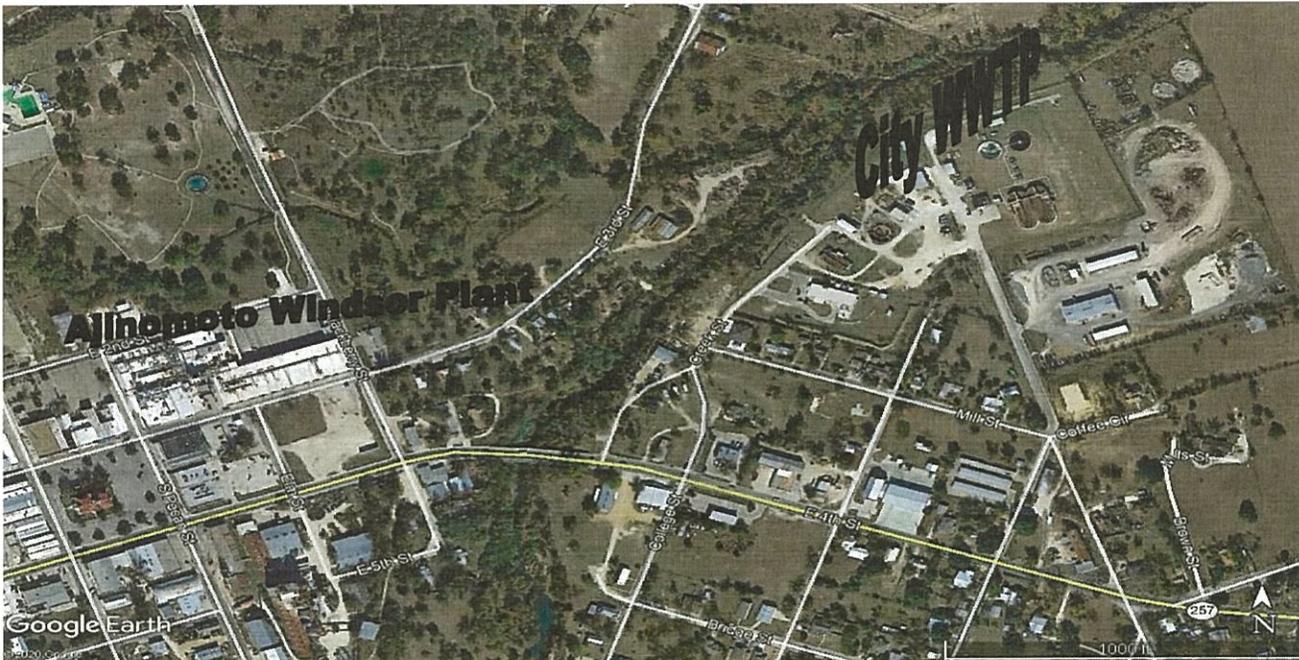
Mayor Talbert called the Workshop Session to order at 5:30 p.m., she noted that the telephone number to call in for any questions or comments is 512-556-0332.

2. Discussion and presentation by Jason Jones, Jones-Heroy Consulting Engineer, regarding Pre-Treatment Study and Recommendations.

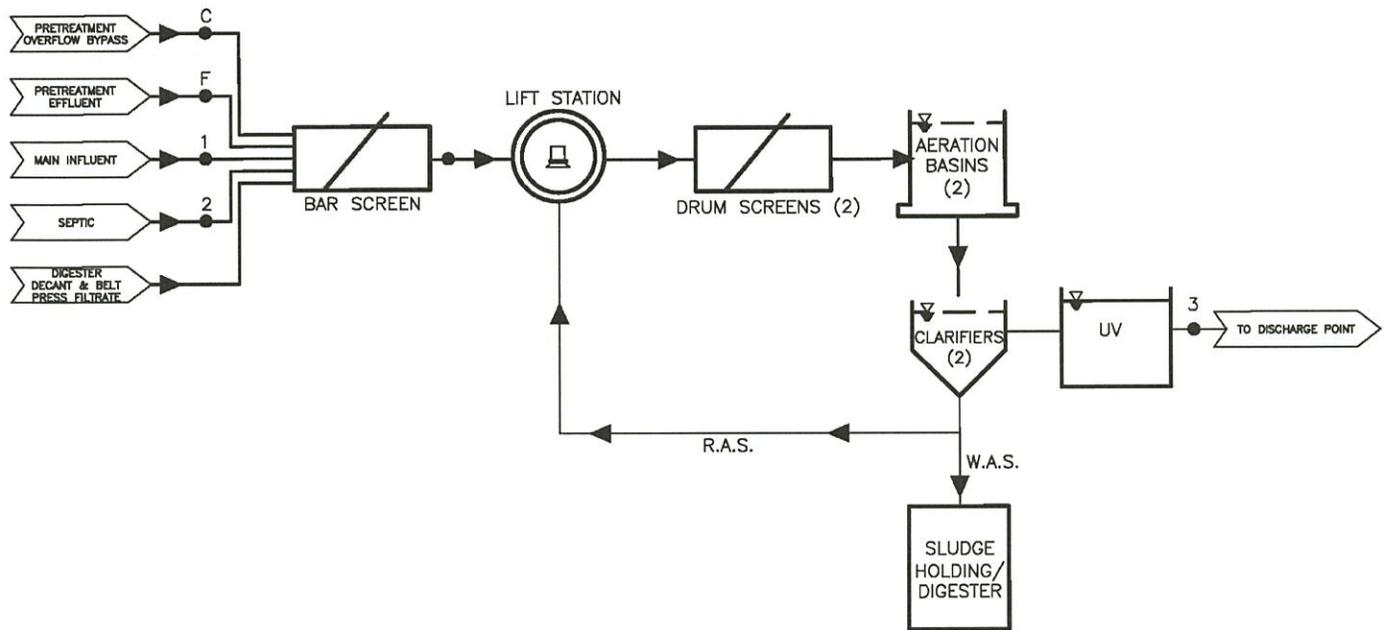
The following are highlights from the presentation Mr. Jones delivered to Council.

- Purpose of Study
- Existing Conditions and Facilities
- Data Sources and Design Parameters
- Proposed Improvements and Construction Cost Estimates
- Short Term Recommendations

AERIAL OVERVIEW



WWTP PROCESS FLOW



WWTP OPERATIONAL CONCERNS

- Intermittent Grease Loading
- Continual Cleaning Efforts from Grease Load
- Onsite Pretreatment Lift Station Capacity
- Offsite Septic Waste Challenges Sludge Belt Press Capacity and Maintenance
- Sludge Belt Press Capacity and Maintenance
- Main WWTP Repair Needs

DATA SOURCES AND DESIGN PARAMETERS

- WWTP Operation Logs (2017 - 2020)
- Pretreatment Bypass Flow Meter (2019)
- Study Directed Water Quality Data (2020)
- Electronic Water Meter Records (2009 - 2020)
- Meetings with WWTP Operations Staff
- Department of Public Works Records (1995 - Current)

PRETREATMENT DESIGN CONDITIONS

Ajinomoto Windsor Influent Flows

| | Existing Contract | Current Condition | Design Value / Ultimate Condition (Current +20%) | Design Value Basis |
|-----------------------|-------------------|-------------------|--|--|
| Average Daily | 100,000 gpd | 145,000 gpd | 175,000 gpd | Average of Monthly Influent Data, March 2019 – February 2020 |
| Peak Day | 150,000 gpd | 220,000 gpd | 265,000 gpd | Capture 95% of Daily Influent Data, April 10, 2019 – July 12, 2019 |
| 2-Hr Peak Flow | N/A | 250 gpm | 300 gpm | Peak Hour from Water Meter Records |

Ajinomoto Windsor Influent Water Quality

| | Existing Contract | | Current Condition | | Design Value | |
|------------------------|-------------------|-------------------|----------------------|--------------------|----------------------|--------------------|
| | Lbs/Day | mg/L ^a | Lbs/Day ^b | mg/L | Lbs/Day ^b | mg/L |
| BOD₅ | 2,500 | 2,998 | 3,197 | 2,644 ^c | 3,868 | 2,650 ^e |
| TSS | 700 | 839 | 2,084 | 1,723 ^c | 2,518 | 1,725 ^e |
| Ammonia | 40 | 48 | 15 | 12 ^c | 22 | 15 ^e |
| FOG | 50 | 60 | 250 | 207 ^c | 88 | 60 ^f |
| pH | N/A | N/A | | 8.7 ^d | | 8.7 ^d |

- a. Concentration at Contractual 100,000 gpd.
- b. Calculated using concentration listed and average daily flow of 175,000 gpd.
- c. Average of Monthly Influent Data, March 2019 – February 2020, plus 1 standard deviation.
- d. Average March 2019 – February 2020.
- e. Average of Monthly Influent Data, March 2019 – February 2020, plus 1 standard deviation.
- f. Contractual limit. Assumes FOG removal improvements made at Ajinomoto Windsor plant.

CAPACITY LIMITS- MAIN WWTP UNDER EXISITNG CONDITIONS

| WWTP Component | Design Capacity | Unit | Current Condition | Percent Utilized |
|--------------------------------|-----------------|---------|-------------------|------------------|
| Average Daily Flow | 1.5 | MGD | 0.55 | 37% |
| Biological Oxygen Demand (BOD) | 2,754 | lbs/day | 3,088 | 112% |
| Sludge Holding Basins | 0.68 | MGD | 0.55 | 81% |
| Sludge Belt Filter Press | 5,400 | lbs/day | 4,879 | 90% |

PROPOSED IMPROVEMENTS

- Phase 1 (0.80 MGD Total Capacity)
 - Grease Interceptors at Ajinomoto Windsor Site
 - Pretreatment Headworks and Septic Receiving Station
 - Pretreatment Clarifier
 - Expand Aeration Basins and Blower Facilities
 - New Belt Press and Building
- Phase 2 (1.15 MGD Total Capacity)
 - New Pretreatment Equalization Basin
 - Convert Existing Equalization Basin to Sludge Holding
 - Expand Aeration Basins and Blower Facilities
- Phase 3- TBD

CONSTRUCTION COST SUMMARY

| Responsible Party | Phase 1 Estimate | Phase 2 Estimate | Total Cost Estimate |
|----------------------------|------------------|------------------|---------------------|
| Ajinomoto Windsor (81.5%): | \$6,976,400 | \$3,048,915 | \$ 10,025,315 |
| City of Lampasas (18.5%): | \$1,583,600 | \$ 692,085 | \$ 2,275,685 |
| Total (100%): | \$8,560,000 | \$3,741,000 | \$ 12,301,000 |

SHORT TERM RECOMMENDATIONS

- More frequent monitoring and cleaning schedule of existing grease traps
- Install Permanent Flow Measuring Device on Main Influent Pipeline to Capture Bypass Flows and Lift Station Flows.
- Install Permanent Composite Sampler Station on Main Influent Pipeline
- Optimize Existing WWTP Process Operations

Mayor Talbert questioned if the current operations would be maintained during construction. Mr. Jones advised that it is set up that way by design. There would be no disruption in daily operations during construction.

Council member Toups asked how much time it would take for Ajinomoto to install Grease Interceptors and would it make a difference? Mr. Jones advised it is more about available land, the interceptors are similar in comparison to a septic tank install.

Mayor Talbert was pleased with presentation and feels it validates the need to proceed.
(The complete presentation is available with the recorded minutes in the City Secretary's office)

3. Discussion regarding Comprehensive Plan Status, Priorities and Implementation.

Finley deGraffenried, City Manager advised that Chapter 5 has been reviewed with the exception of the narrative on the goal statements and feels that Chapter 5 needs further review. Chapter 6 is taking the objectives and identifying a timeline. Staff has had the opportunity to review and provide feedback. We will be reviewing with Planning Commission and Comprehensive Plan Advisory Committee in small groups. We are asking for input from Council at the February 8, 2021 Council meeting and would tentatively like to schedule a joint meeting with the Planning Commission on February 22, 2021.

4 Discussion and updates regarding the City of Lampasas Public Safety Communications System Equipment.

Sammy Bailey, Police Chief advised of the following:

- Current radio repeater and communication is not P25 Compliant
- Radio coverage is not adequate to communicate with federal, state and local entities to include; law enforcement, emergency service responders, fire department, and EMS.
- Obsolete System with No Maintenance Agreement
- Currently Conventional Analog moving our Primary radios to Digital Trunking with a Back Up System to Analog to Digital
- Total Investment: \$663,371.95
 - Less Grant: \$253,949.68
 - City Balance: \$409,422.27
- Estimated delivery equipment date to Bearcom is January 2021
- Implementation Planning- Early February 2021
 - Repeater will be replaced first
 - Replace all First Line Mobiles and Portables
 - Fire Department Bay will be staging area for installation of unit radios
 - Communication has been established with Fire, EMS, and other law enforcement agencies that require agreements for radio frequency to ensure no changes
 - Bearcom will conduct train the trainer classes for the subscriber radio operations.

Chief Bailey thanked Council for understanding the needs of the department and funding the project.

5 Discussion regarding possible amendments to City of Lampasas Employee Personnel Policy.

Mr. deGraffenried advised the Personnel Policy has been on the list of priorities. Staff met to identify a few items to begin this process. The following items were identified as priorities for Council to consider:

- Certification Pay
 - This section needs to be more inclusive to include all employees in all departments.
- Longevity Pay
 - The policy stops at 25 years; however, there are several that have exceeded that time period and feel the range should be adjusted accordingly
- Introductory Period for Transfers
 - This section needs to be amended to define introductory periods as it relates to new hires in comparison to transfers or promotions
- Use of Sick Time to Supplement Worker's Compensation Payments
 - To consider amending to allow sick or vacation time be available to employees whom are on Workers Compensation to ensure they are getting paid their same salary during this time.

Mayor Talbert inquired about Personnel Policy Committee, Council member Toups inquired about how the range will be determined for over 25 years of service, Council member Goodart would like to see the wording be removed regarding termination for transfers or promotions.

These items will be taken into consideration as the Committee meets and formalizes the amendments.

6 Discussion and updates related to COVID-19.

Jeff Smith, Fire Chief provided the following updates:

Lampasas County

Total Cases: 1369

Total Active Cases: 142

Total Fatalities: 16

Hospitalizations: 8

The State of Texas is currently utilizing the Vaccine Hubs to administer vaccinations to those who fit into categories 1A and 1B. The goal of the state is to continue to utilize this type of delivery as it allows them to spread vaccines throughout the state and deliver them in a rapid manner. Chief Smith has been working with Angela Rainwater and the Texas Division of Emergency Management to try and set up something for Lampasas County. We are making every effort to get this done. At this time, Staff does not have confirmation of a date.

7 Discussion regarding any item on the regular agenda

There were no discussions regarding items on the regular agenda

Adjourn into Executive Session

Mayor Pro-Tem Monroe moved to adjourn into Executive session at 6:28 p.m., Council member Toups seconded the motion and with a unanimous vote the motion carried. (Kuehne, Nelson and Clark 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 551.087 (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.

Mayor Talbert adjourned Executive Session and moved into Special Session at 6:44 p.m.

SPECIAL SESSION

- Discussion and possible action concerning items posted and discussed by Council in Executive Session

Mayor Pro Tem Monroe moved and Council member Toups seconded the motion to direct the City Manager to finalize and execute the development agreements for Hillside Acres and Hidden Oaks Subdivision within the parameters discussed in Executive Session. Motion carried unanimously. (Kuehne, Clark and Nelson absent)

Mayor Pro Tem Monroe moved to adjourn the Special Session at 6:45 p.m. Council member Toups seconded the motion and with a unanimous vote, the motion carried. (Kuehne, Clark and Nelson absent)

City Council took a short break before moving into Regular Session

REGULAR SESSION

6:00 p.m.

ANNOUNCEMENTS

A. Call to Order

Mayor Talbert called the Regular Session to order at 6:52 p.m., she noted that the telephone number to call in for any questions or comments is 512-556-0332.

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
 - o Presentation of Longevity Certificates
 - Ricky Haynie-5 years
 - Joshua Watson- 5 years

| | |
|-----|---|
| | 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. |
|-----|---|

There were no citizen comments.

| | |
|-----|--|
| 2.0 | MINUTES |
| 2.1 | Discussion and possible action concerning approval of minutes of the Regular Meeting on January 11, 2021 |

Mayor Pro Tem Monroe moved, seconded by Council member Toups to approve the minutes as presented, motion carried. (Kuehne, Clark and Nelson absent)

| | |
|-----|---|
| 3.0 | CONSENT AGENDA |
| 3.1 | Discussion and possible action regarding the second reading of an Ordinance to approve, deny, or approve with modification(s) a request to rezone property described as Lots 1R and 2R, Block 26 of the Old Town Addition, Lampasas County, generally located at 907 E Third Street Lampasas, Texas, from Light Industrial “LI” to Two-Family Residential District (Duplex) “2F”. |

Council member Toups 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. (Kuehne, Clark and Nelson absent)

| | |
|-----|----------------------------------|
| 4.0 | BOARDS/DEPARTMENT REPORTS |
|-----|----------------------------------|

Yvonne Moreno, Finance Director presented the Utility Billing and Collections Annual Report.

Utility/Finance Reports

Supervise three departments:

Meter Reading, Utilities, and Finance

1. **Meter Reading**, 2 Full-Time Staff - Tom Zimpel — 10 years; Jr. Spivey — 8 years
 - Customer Service — Meeting customers in the field, notify of water leaks, change out meter
 - Distribute door tags

- Disconnect non-pays
- Minor Repairs in the field
- Environmental Elements: Heat/Cold/Rain
- Physical Elements: Animals, bees, snakes
- Barriers: Gates, Meter covered up
- Work orders: Total of 1,411 — Connect 463; Disc. 452; RI/RO 408; SC 88 (Avg. 27 week)
- As of December 2020, billing — Water meters 3552; Electric Meters 4976 (Including Demand and Street Lights)
- On call to handle after hours reconnects, emergency turn offs.

2. **Utilities**, 4 Full-Time Staff; 1 Part-Time Staff— Lupe Charping — 13 years; Felecia Vallejo — 8 years; Mary Garcia — 3 years, and Pam Torrez- 1 year (started the week we closed the lobby due to Covid) Part-Time position is vacant at the moment, currently advertising.

- Lupe Charping — Utility payments, A/R Billing, Bank reconciliations, record LCAD deposits, answer phones, set up new vendors, review purchase orders and distribute to various departments, process work orders, prepare deposits, assist Spanish speaking customers, assist all City departments when needed. Prepare miscellaneous journal entries including Sales of Airport fuel, Merchant Fees, and Interest on various bank accounts. Reviews accounts payables for processing.
- Felecia Vallejo- Processes billing for three utility cycles plus supplementals every month. Moved to her own office to focus on billing. Processes NSF checks on accounts, adjustments, utility payments, payment plans (contracts), and disconnects for nonpayment. Notifies customers regarding abnormal usage, possible water leaks, and any issues with reading meters or getting access to the meters. Figures sewer rates annually. Completes all work orders for connects, disconnects, service changes, and meter swaps. Fills in for utilities when the department is short-handed. Answers all phone lines.
- Mary Garcia — Processes daily deposits, oversees utility payments at the drive thru window, processes door tags and record fees, process night drop and mail payments, logs all journal entries by month, stamps and files accounts payables, and assist Finance with various task, including Fixed Assets. Receives and inputs money from various departments: pools, library, golf, animal shelter, police department, and citizen collection center. Cross-trained on billing to back up to Felecia. Answers all phone lines.
- Pam Torrez- Utility payments, files utility applications, reviews accounts payable files for signatures and stamps, files W9's from vendors, and has recently started doing the alcohol permits. Answers all phone lines.

3. **Finance**, 2 Full-Time Staff- Bessie White- 5 years; Yvonne Moreno- 23 years

- Bessie White- Supervises the Utility Department. Processes utility payments, all Accounts Payables, Payroll, Longevity payments, and monthly reports. Reviews all adjustments and bank reconciliations. Assists with budget, audit, and annual reporting. Fills in for utilities when someone is off and coordinates the Utility Department schedules. Generates leave reports for Directors each pay period. Put in information regarding new hires, rates, deductions, etc. Files all payroll reports and timesheets. Processed 4,421 A/P checks for Fiscal Year 2019-2020. That averages 368 checks a month.
- Yvonne Moreno- Director of Utility Department, Finance, and Meter Reading. Oversees all operations of the departments.

| | |
|-----|-----------------------------------|
| 5.0 | ROUTINE MATTERS |
| 5.1 | City Manager's Operational Report |

City Manager deGraffenried reviewed his report:

- WCID The Lampasas County WCID met on January 19th and continued the discussion regarding the high hazard upgrade to dam 6. As has been previously reported to Council through staff and Paul Wilborn, WCID President, due to downstream development, and potential risk to loss of property, 5 of the 9 WCID dams have been classified as high hazard and will eventually require upgrade. As the attached correspondence indicates, the WCID is contacting local jurisdictions to identify possible sources for matching funds, which could be as much as \$140,000.00. The dam upgrade is an identified project in the City’s CIP plan for FY 2021-2026. Staff recommends reviewing the funding needs through the CIP process and FY 2022 Budget process.

- Campbell Park Staff have met with both the Skate Park contractor and the pavilion contractor to review timing, scope and tentative project schedules. Additionally, staff has communicated with Langerman Foster regarding geotechnical investigation, and Triple C surveying to scale locations based on recent improvements to the Park. When the scaled survey is available, both contractors and Langerman will review and determine the number and location of borings. The borings will determine foundation design, and ultimately total design and construction cost. Staff is also preparing to include stakeholders in the next phase of design.

- Filings As of today, the City has received one filing for the four available places for City Council and the Mayor’s position. Additionally, no other packets have been picked up. Qualified residents may file through February 12th.

- Staff Anniversaries Staff is pleased to report the following January employment anniversaries: Van Berry, 33 years; Ramon Canada, 23 years; Emily Stone, 8 years; Josh Watson, 5 years; Ricky Haynie, 5 years; John Wilks, 3 years; and Frank Ellet, 2 years. Staff would also like to welcome back Colt D’Spain to the Water/Wastewater Department, and Dylan Boivin as Patrol Officer.

- Hostess House Staff has received initial MEP comments from Hendrix Consulting Engineers, regarding the Hostess House. Staff will review and respond to comments, and may also discuss additional envelop items with Reliant Architecture, who designed and administered construction of the Water/Wastewater Shop. Staff is hopeful to deliver the MEP initial assessment to Council in March.

- Auditors Yvonne reports the auditors should be complete with their on-site work next week. Although they have requested a number of sample transactions, there appears to be nothing out of order. After completion of the on-site work, Council can anticipate the completed audit sometime in March.

5.2 MAYOR’S COMMENTS

There were no Mayor’s comments.

6.0 UNFINISHED BUSINESS

There was no unfinished business.

7.0 NEW BUSINESS

7.1 Discussion and possible action regarding a Contract Services Agreement between the Lampasas County and the City of Lampasas

Mayor Pro-Tem Monroe moved to approve the Contract Services Agreement with Lampasas County, Council member Toups seconded the motion and with a unanimous vote, the motion carried. (Kuehne, Clark and Nelson absent)

| | |
|-----|---|
| 7.2 | Discuss and consider a request of the use of Joint Use Facilities Fund for Central Texas Water Corporation Plant upgrade. |
|-----|---|

Mayor Pro-Tem Monroe moved to approve the use of the KWSC and City of Lampasas Joint Use Facilities Fund, Council member Toups seconded the motion and with a unanimous vote, the motion carried. (Kuehne, Clark and Nelson absent)

| | |
|-----|--|
| 7.3 | Discuss and consider a Resolution by the City Council nominating candidate for election to the Board of Directors of Central Texas Water Supply Corporation. |
|-----|--|

Council member Toups moved to appoint Finley deGraffenried to serve on the Board of Directors for the CTWSC as a City representative, Mayor Pro-Tem Monroe seconded the motion and with a unanimous vote, the motion carried. (Kuehne, Clark and Nelson absent)

| | |
|-----|--|
| 7.4 | Discussion and possible action regarding the ratification of expenditure for bathrooms for the Street and Electric Department Building in the total amount of \$35,750.00. |
|-----|--|

Council member Toups moved to approve the ratification of expenditure for the rehabilitation of the Street and Electric Department bathrooms, Mayor Pro-Tem Monroe seconded the motion and with a unanimous vote, the motion carried. (Kuehne, Clark and Nelson absent)

| | |
|-----|--|
| 7.5 | Discuss and consider acceptance of the 2019-2020 Year-End Financial Report |
|-----|--|

Mayor Pro-Tem Monroe moved to approve the acceptance of the 2019-2020 unaudited Finance Report, Council member Toups seconded the motion and with a unanimous vote, the motion carried. (Kuehne, Clark and Nelson absent)

| | |
|-----|--|
| 7.6 | Discussion and possible action concerning the first reading of an Ordinance calling for a General Election to be held May 1, 2021. |
|-----|--|

Council member Toups moved to approve the first reading of an Ordinance calling for a General election to be held May 1, 2021, Mayor Pro-Tem Monroe seconded the motion and with a unanimous vote, the motion carried. (Kuehne, Clark and Nelson absent)

Council member Goodart moved to adjourn the meeting at 7:12 p.m., Mayor Pro-Tem Monroe seconded the motion and with a unanimous vote, the motion carried. (Kuehne, Clark and Nelson absent)

PASSED AND APPROVED this _____ day of _____, 2021.

Misti Talbert, Mayor

ATTEST:

Becky Sims, City Secretary


City Manager

ITEM NO. 3.1

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject: Discussion and Possible Action on the Receipt of the Monthly Investment Report for December 2020.

Requested By: Yvonne Moreno, Finance Director
Submitted By: Yvonne Moreno, Finance Director

Date Submitted: February 4, 2021 For the Agenda of: February 8, 2021

Procurement and Funding Statement: N/A

Attachments: Investment Report prepared by Patterson & Associates

Summary Statement:

The weighted average maturity of City investments is 1 days.

The City's yield to maturity is 0.199

| <u>Place of Investment</u> | <u>Investment Amount</u> | <u>% of Portfolio</u> |
|----------------------------|--------------------------|-----------------------|
| TexPool / TexPool Prime | \$2,361,704.78 | 13.91% |
| TexStar | \$1,627,845.65 | 9.59% |
| Bancorp South | \$9,096,791.35 | 53.59% |
| Money Market | \$3,881,209.40 | 22.86% |
| Frost Bank | \$ 8,149.64 | 0.05% |

commendation: Motion to approve by consent.



**Monthly Investment Report
December 31, 2020**

PATTERSON & ASSOCIATES



INVESTMENT PROFESSIONALS

It's Over But... It Left a Bumpy Road Ahead

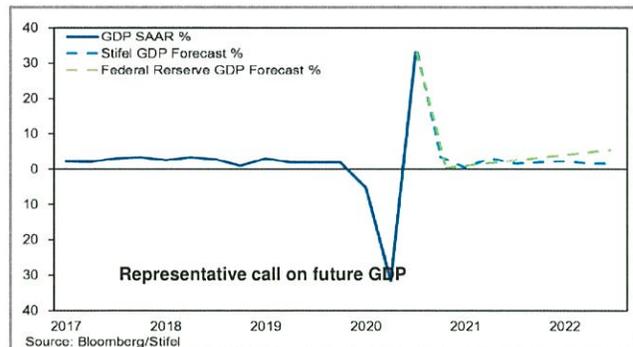
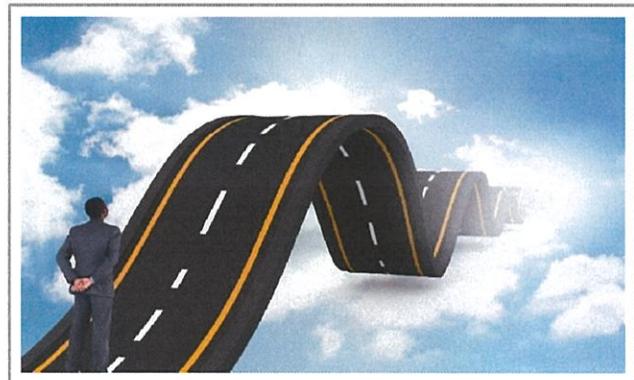
Whew...2020 is finally over!

By any measure, the impact of the pandemic has been devastating for the US and the entire globe, wreaking havoc on every aspect of our traditional life – how we work, learn, shop, even interact with each other – and has forced the US economy into recession after more than ten years of expansion, the longest in history. After the initial lockdown and a record decline in every part of the economy, a partial reopening of the economy ushered in a welcomed revival of activity, highlighting both the importance and resiliency of the private sector. But that improvement appears to be short-lived. Re-opening brought resurgence – and even more public frustration which has affected our very core.

This is a health crisis after all, meaning there is no policy solution as consumers will face lingering hesitancy to reenter the market (local or investment!) or interact as before with others or crowds. So businesses will take time to reconnect with employees or supply chains. Outstanding issues like trade will also resurface.

The road to sustainable positive growth could be more difficult and more complex to attain than previously anticipated, with the reduced level of control that policy makers have to spur the economy back to prosperity. In all likelihood, the road ahead will be long, bumpy and uncertain with the virus itself determining the path to recovery. Beyond an initial snap-back recovery of some sectors like housing, a sizable segment of the economy may take much longer to return. The Democratic sweep brings the prospect of sizable and controversial legislation increases, including further stimulus as well as sizable support to states is increasingly possible. Anticipated stimulus checks again drive investors into risk assets.

Tax hikes are also more likely, slowing growth, but not a sure thing as some Democratic senators with at-risk seats are likely to push against policies that stray too far from the center. Low interest rates will continue to stir whatever little hope there is.



Doubt and Dichotomy

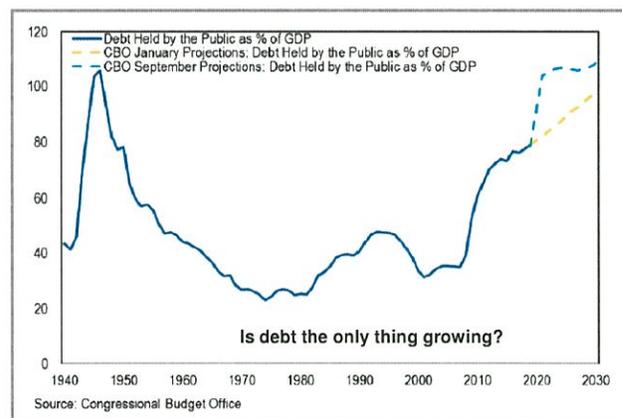
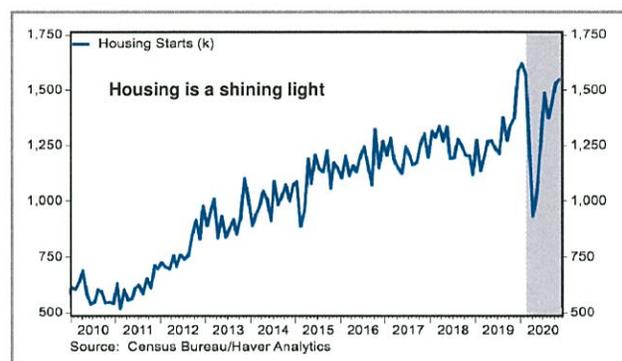
There is a dichotomy in the economy which has been operating throughout the year. A rise in jobless claims and lower payrolls illustrate fragility, but the housing boom brought on largely by low rates and a migration away from city cores, has shown continuing strength. Inventories have increased, but prices paid declined and shipments and new orders are down, however the LEI (leading indicators) is up. All of this points to a slower spending rate among consumers and also a lower savings rate. The stimulus debacle slowed check distribution but a now promised \$2,000 should fill a void for many families and businesses – and governments.

Such a situation anticipates little inflation and inflation fears will expectedly accelerate and rise with more robust fiscal policy action in 2021. Clearly with the injection of trillions of dollars into the economy by the federal government and the expectation of trillions more, inflation risks should follow. However, inflationary implications also depend on the consumer's ability or willingness to spend those available funds.

In fact, an ongoing lower level of consumption globally, resulting from a tepid recovery along with persistently elevated joblessness well into 2021, will more likely lead to a stagnant deterioration in price pressures over the near to medium term. Presumed weakness in the velocity of money will expectedly trump the increase in money supply for the time being.

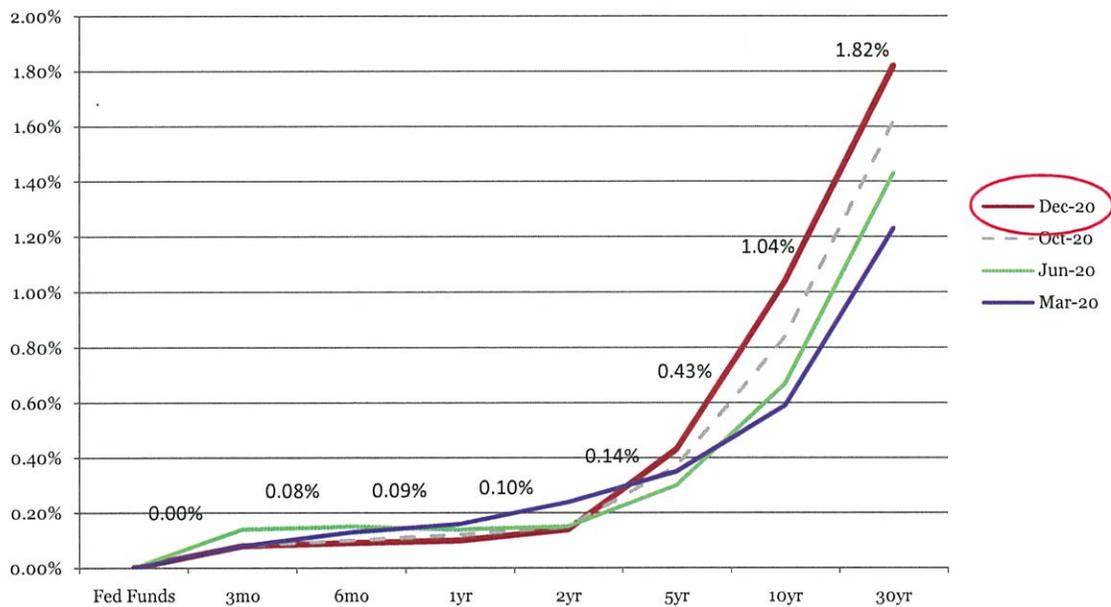
The Fed and the new Treasury secretary – Janet Yellen – will continue to support the economy and the markets through asset purchases, lending and liquidity programs and low rates. The Fed has already grown its balance sheet by \$7+ trillion and says it is willing to keep going.

Yellen has been known for a weak dollar position, but she will face pressure to move to a stronger dollar. That fuels the fears of our trading partners because of the US advantage it engenders. We can expect continuing trade tensions as Yellen has already named 2 countries as manipulators and has a list of 10 more using *artificial interference*. 2021 will clearly be another interesting year.



A Breakout of Sorts ?

- The curve continues to fight the virus and though the long end has moved up slightly in yield on potential recovery fears, the short end remains almost stationary.
- The various covid vaccines have been a major boost to confidence, but until it is disseminated and recovery begins, the impact is more of a confidence builder than a reality. That appears to require several more months.
- The Fed has stated its intention to stay at 0.0% Fed Funds through 2023.
- A final governmental *peaceful* transition should more closely identify upcoming changes and give the markets a boost for risk assets.



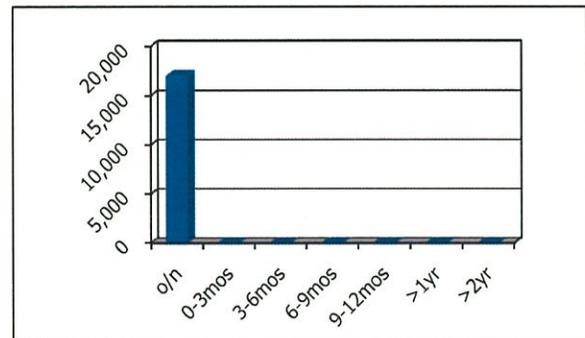
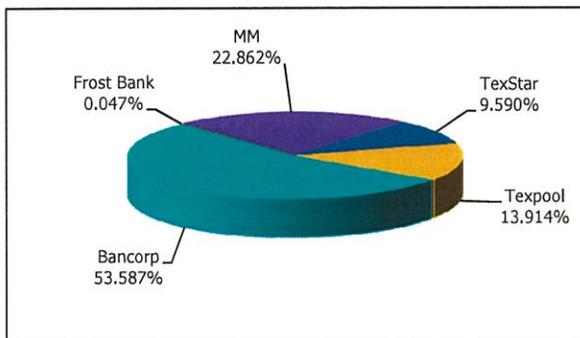
End of Month Rates - Full Yield Curve – Fed Funds to 30yr

Your Portfolio

As of December 31, 2020



- P&A constantly reviews your portfolio for optimal asset allocation and a controlled average maturity because a diversified portfolio can better adjust to volatile market conditions. These are unusual times and where extensions can be made it is important to make them for any value in the markets.
- The graphs below show asset allocations by market sector and by maturity in your portfolio. Liquidity will not be attractive but as the curve flattens it also is sometimes the only sector available as year end expenditures loom. Our expectation is of continuing low rates but we will attempt to find value in all authorized sectors to capture yield available.
- Hopefully Fed actions will return us to some normalcy soon. This is what we are watching for and acting on.





**City of Lampasas, Texas
Portfolio Management
Portfolio Summary
December 31, 2020**

Patterson & Associates
901 S. MoPac
Suite 195
Austin, TX 78746

| Investments | Par Value | Market Value | Book Value | % of Portfolio | Term | Days to Maturity | YTM 365 Equiv. |
|-----------------------|----------------------|----------------------|----------------------|-----------------------|-------------|-------------------------|-----------------------|
| Bancorp South | 9,096,791.35 | 9,096,791.35 | 9,096,791.35 | 53.59 | 1 | 1 | 0.250 |
| Texpool/Texpool Prime | 2,361,704.78 | 2,361,704.78 | 2,361,704.78 | 13.91 | 1 | 1 | 0.104 |
| TexStar | 1,627,845.65 | 1,627,845.65 | 1,627,845.65 | 9.59 | 1 | 1 | 0.066 |
| Frost Bank | 8,149.64 | 8,149.64 | 8,149.64 | 0.05 | 1 | 1 | 0.000 |
| Money Market | 3,881,209.40 | 3,881,209.40 | 3,881,209.40 | 22.86 | 1 | 1 | 0.144 |
| Investments | 16,975,700.82 | 16,975,700.82 | 16,975,700.82 | 100.00% | 1 | 1 | 0.188 |

| Total Earnings | December 31 Month Ending | Fiscal Year To Date |
|-----------------------|---------------------------------|----------------------------|
| Current Year | 2,712.19 | 8,279.41 |

The following reports are submitted in accordance with the Public Funds Investment Act (Texas Gov't Code 2256). The reports also offer supplemental information not required by the Act in order to fully inform the governing body of the City of Lampasas, Texas of the position and activity within the City's portfolio of investment. The reports include a management summary overview, a detailed inventory report for the end of the period a transaction report, as well as graphic representations of the portfolio to provide full disclosure to the governing body.

Yvonne Moreno, Interim Finance Director

Reporting period 12/01/2020-12/31/2020
Data Updated: SET_LAMP: 01/27/2021 15:35
Run Date: 01/27/2021 - 15:36

Portfolio LAMP
AP
PM (PRF_PM1) 7.3.0
Report Ver. 7.3.6.1



**City of Lampasas, Texas
Summary by Type
December 31, 2020
Grouped by Fund**

Patterson & Associates
901 S. MoPac
Suite 195
Austin, TX 78746

| Security Type | Number of Investments | Par Value | Book Value | % of Portfolio | Average YTM 365 | Average Days to Maturity |
|---------------------------------------|-----------------------|----------------------|----------------------|----------------|-----------------|--------------------------|
| Fund: Cash | | | | | | |
| Bancorp South | 3 | 8,068,217.68 | 8,068,217.68 | 47.53 | 0.250 | 1 |
| Money Market | 5 | 3,881,209.40 | 3,881,209.40 | 22.86 | 0.144 | 1 |
| Texpool/Texpool Prime | 1 | 1,778,599.74 | 1,778,599.74 | 10.48 | 0.091 | 1 |
| Subtotal | 9 | 13,728,026.82 | 13,728,026.82 | 80.87 | 0.199 | 1 |
| Fund: Cert. of Obligation 2016 | | | | | | |
| Texpool/Texpool Prime | 1 | 583,105.04 | 583,105.04 | 3.43 | 0.143 | 1 |
| Subtotal | 1 | 583,105.04 | 583,105.04 | 3.43 | 0.143 | 1 |
| Fund: Electric | | | | | | |
| Bancorp South | 1 | 359,221.04 | 359,221.04 | 2.12 | 0.250 | 1 |
| Frost Bank | 1 | 8,149.64 | 8,149.64 | 0.05 | 0.000 | 1 |
| TexStar | 1 | 1,627,845.65 | 1,627,845.65 | 9.59 | 0.066 | 1 |
| Subtotal | 3 | 1,995,216.33 | 1,995,216.33 | 11.76 | 0.099 | 1 |
| Fund: LEDC | | | | | | |
| Bancorp South | 2 | 397,916.25 | 397,916.25 | 2.34 | 0.250 | 1 |
| Subtotal | 2 | 397,916.25 | 397,916.25 | 2.34 | 0.250 | 1 |
| Fund: Seizures | | | | | | |
| Bancorp South | 2 | 14,127.78 | 14,127.78 | 0.08 | 0.215 | 1 |
| Subtotal | 2 | 14,127.78 | 14,127.78 | 0.08 | 0.215 | 1 |
| Fund: Trust | | | | | | |
| Bancorp South | 2 | 72,721.99 | 72,721.99 | 0.43 | 0.250 | 1 |
| Subtotal | 2 | 72,721.99 | 72,721.99 | 0.43 | 0.250 | 1 |
| Fund: Water | | | | | | |
| Bancorp South | 1 | 184,586.61 | 184,586.61 | 1.09 | 0.250 | 1 |
| Subtotal | 1 | 184,586.61 | 184,586.61 | 1.09 | 0.250 | 1 |
| Total and Average | 20 | 16,975,700.82 | 16,975,700.82 | 100.00 | 0.188 | 1 |

Run Date: 01/27/2021 - 15:25

Portfolio LAMP
AP
ST (PRF_ST) 7.2.0
Report Ver. 7.3.6.1



City of Lampasas, Texas
 Fund CASH - Cash
 Investments by Fund
 December 31, 2020

Patterson & Associates
 901 S. MoPac
 Suite 195
 Austin, TX 78746

| CUSIP | Investment # | Issuer | Purchase Date | Book Value | Par Value | Market Value | Current Rate | YTM 360 | YTM 365 | Maturity Days To Date Maturity |
|--------------------------------------|--------------|------------------------------|---------------|----------------------|----------------------|----------------------|--------------|--------------|--------------|--------------------------------|
| Bancorp South | | | | | | | | | | |
| 0474 | 10004 | Bancorp South | 09/01/2014 | 8,037,941.51 | 8,037,941.51 | 8,037,941.51 | 0.250 | 0.246 | 0.250 | 1 |
| 3213 | 10006 | Bancorp South | 09/01/2014 | 508.60 | 508.60 | 508.60 | 0.250 | 0.246 | 0.250 | 1 |
| 4187 | 10007 | Bancorp South | 09/01/2014 | 29,767.57 | 29,767.57 | 29,767.57 | 0.250 | 0.246 | 0.250 | 1 |
| Subtotal and Average | | | | 8,068,217.88 | 8,068,217.88 | 8,068,217.88 | | 0.247 | 0.250 | 1 |
| Texpool/Texpool Prime | | | | | | | | | | |
| 14103 | 10000 | Texpool | 09/01/2014 | 1,778,599.74 | 1,778,599.74 | 1,778,599.74 | 0.091 | 0.089 | 0.090 | 1 |
| Subtotal and Average | | | | 1,778,599.74 | 1,778,599.74 | 1,778,599.74 | | 0.090 | 0.091 | 1 |
| Money Market | | | | | | | | | | |
| 5001632 | 10023 | Austin Capital Bank MM | 01/29/2015 | 248,338.35 | 248,338.35 | 248,338.35 | 0.050 | 0.049 | 0.050 | 1 |
| XXXX579 | 10026 | Business Bank of TX ICS | 04/02/2015 | 3,146,490.56 | 3,146,490.56 | 3,146,490.56 | 0.150 | 0.147 | 0.150 | 1 |
| XXXX561 | 10029 | Business Bank of TX ICS | 06/01/2015 | 486,378.49 | 486,378.49 | 486,378.49 | 0.150 | 0.147 | 0.150 | 1 |
| 4001579 | 10027 | Business Bk Ultimate Bus M/M | 05/01/2015 | 1.00 | 1.00 | 1.00 | | | | 1 |
| 4001561 | 10030 | Business Bk Ultimate Bus M/M | 06/30/2015 | 1.00 | 1.00 | 1.00 | | | | 1 |
| Subtotal and Average | | | | 3,881,209.40 | 3,881,209.40 | 3,881,209.40 | | 0.142 | 0.144 | 1 |
| Total Investments and Average | | | | 13,728,026.82 | 13,728,026.82 | 13,728,026.82 | | 0.197 | 0.199 | 1 |

Fund CERTS16 - Cert. of Obligation 2016
Investments by Fund
December 31, 2020

| CUSIP | Investment # | Issuer | Purchase Date | Book Value | Par Value | Market Value | Current Rate | YTM 360 | YTM 365 | Maturity Days To Date Maturity |
|--------------------------------------|--------------|---------------|---------------|-------------------|-------------------|-------------------|--------------|--------------|--------------|--------------------------------|
| Texpool/Texpool Prime | | | | | | | | | | |
| 14103A | 10041 | Texpool Prime | 11/08/2016 | 583,105.04 | 583,105.04 | 583,105.04 | 0.143 | 0.141 | 0.143 | 1 |
| Subtotal and Average | | | | 583,105.04 | 583,105.04 | 583,105.04 | | 0.141 | 0.143 | 1 |
| Total Investments and Average | | | | 583,105.04 | 583,105.04 | 583,105.04 | | 0.141 | 0.143 | 1 |

Fund ELEC - Electric
Investments by Fund
December 31, 2020

Page 3

| CUSIP | Investment # | Issuer | Purchase Date | Book Value | Par Value | Market Value | Current Rate | YTM 360 | YTM 365 | Maturity Days To Date Maturity |
|--------------------------------------|--------------|----------------------------|---------------|---------------------|---------------------|---------------------|--------------|--------------|--------------|--------------------------------|
| Bancorp South | | | | | | | | | | |
| 0672 | 10005 | Bancorp South | 09/01/2014 | 359,221.04 | 359,221.04 | 359,221.04 | 0.250 | 0.246 | 0.250 | 1 |
| Subtotal and Average | | | | 359,221.04 | 359,221.04 | 359,221.04 | | 0.247 | 0.250 | 1 |
| TexStar | | | | | | | | | | |
| 17390 | 10001 | TexStar | 09/01/2014 | 1,627,845.65 | 1,627,845.65 | 1,627,845.65 | 0.066 | 0.065 | 0.066 | 1 |
| Subtotal and Average | | | | 1,627,845.65 | 1,627,845.65 | 1,627,845.65 | | 0.065 | 0.066 | 1 |
| Frost Bank | | | | | | | | | | |
| 1732110 | 10022 | Frost Bank Public Checking | 01/20/2015 | 8,149.64 | 8,149.64 | 8,149.64 | | | | 1 |
| Subtotal and Average | | | | 8,149.64 | 8,149.64 | 8,149.64 | | 0.000 | 0.000 | 1 |
| Total Investments and Average | | | | 1,995,216.33 | 1,995,216.33 | 1,995,216.33 | | 0.066 | 0.066 | 1 |

Run Date: 01/27/2021 - 15:11

Portfolio LAMP
AP
FI (PRF_FI) 7.1.1
Report Ver. 7.3.6.1

**Fund LEDC - LEDC
Investments by Fund
December 31, 2020**

| CUSIP | Investment # | Issuer | Purchase Date | Book Value | Par Value | Market Value | Current Rate | YTM 360 | YTM 365 | Maturity Days To Date Maturity |
|--------------------------------------|--------------|---------------|---------------|-------------------|-------------------|-------------------|--------------|--------------|---------|--------------------------------|
| Bancorp South | | | | | | | | | | |
| 1092 | 10002 | Bancorp South | 09/01/2014 | 395,323.60 | 395,323.60 | 395,323.60 | 0.250 | 0.246 | 0.250 | 1 |
| 2363 | 10003 | Bancorp South | 09/01/2014 | 2,592.65 | 2,592.65 | 2,592.65 | 0.250 | 0.246 | 0.250 | 1 |
| Subtotal and Average | | | | 397,916.25 | 397,916.25 | 397,916.25 | 0.247 | 0.250 | | 1 |
| Total Investments and Average | | | | 397,916.25 | 397,916.25 | 397,916.25 | 0.247 | 0.250 | | 1 |

**Fund SEIZ - Seizures
Investments by Fund
December 31, 2020**

| CUSIP | Investment # | Issuer | Purchase Date | Book Value | Par Value | Market Value | Current Rate | YTM 360 | YTM 365 | Maturity Days To Date Maturity |
|--------------------------------------|--------------|---------------|---------------|------------------|------------------|------------------|--------------|--------------|---------|--------------------------------|
| Bancorp South | | | | | | | | | | |
| 0763 | 10008 | Bancorp South | 09/01/2014 | 10,854.00 | 10,854.00 | 10,854.00 | 0.250 | 0.246 | 0.250 | 1 |
| 1999 | 10009 | Bancorp South | 09/01/2014 | 3,273.78 | 3,273.78 | 3,273.78 | 0.100 | 0.098 | 0.100 | 1 |
| Subtotal and Average | | | | 14,127.78 | 14,127.78 | 14,127.78 | 0.212 | 0.215 | | 1 |
| Total Investments and Average | | | | 14,127.78 | 14,127.78 | 14,127.78 | 0.212 | 0.215 | | 1 |

Fund TRUST - Trust
Investments by Fund
December 31, 2020

| CUSIP | Investment # | Issuer | Purchase Date | Book Value | Par Value | Market Value | Current Rate | YTM 360 | YTM 365 | Maturity Days To Date Maturity |
|--------------------------------------|--------------|---------------|---------------|------------------|------------------|------------------|--------------|--------------|--------------|--------------------------------|
| Bancorp South | | | | | | | | | | |
| 6349 | 10010 | Bancorp South | 09/01/2014 | 43,096.30 | 43,096.30 | 43,096.30 | 0.250 | 0.246 | 0.250 | 1 |
| 6348 | 10011 | Bancorp South | 09/01/2014 | 29,625.69 | 29,625.69 | 29,625.69 | 0.250 | 0.246 | 0.250 | 1 |
| Subtotal and Average | | | | 72,721.99 | 72,721.99 | 72,721.99 | | 0.247 | 0.250 | 1 |
| Total Investments and Average | | | | 72,721.99 | 72,721.99 | 72,721.99 | | 0.247 | 0.250 | 1 |

**Fund WATER - Water
Investments by Fund
December 31, 2020**

| CUSIP | Investment # | Issuer | Purchase Date | Book Value | Par Value | Market Value | Current Rate | YTM 360 | YTM 365 | Maturity Days To Date Maturity |
|--------------------------------------|--------------|---------------|---------------|-------------------|-------------------|-------------------|--------------|--------------|--------------|--------------------------------|
| Bancorp South | | | | | | | | | | |
| 1639 | 10012 | Bancorp South | 09/01/2014 | 184,586.61 | 184,586.61 | 184,586.61 | 0.250 | 0.246 | 0.250 | 1 |
| Subtotal and Average | | | | 184,586.61 | 184,586.61 | 184,586.61 | | 0.247 | 0.250 | 1 |
| Total Investments and Average | | | | 184,586.61 | 184,586.61 | 184,586.61 | | 0.247 | 0.250 | 1 |



City of Lampasas, Texas
Interest Earnings
Sorted by Fund - Fund
December 1, 2020 - December 31, 2020
Yield on Average Book Value

Patterson & Associates
 901 S. MoPac
 Suite 195
 Austin, TX 78746

| CUSIP | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings | | |
|---------------------------------------|--------------|---------|---------------|----------------------|----------------------|----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
| | | | | | | | | | | Interest Earned | Amortization/ Accretion | Adjusted Interest Earnings |
| Fund: Cash | | | | | | | | | | | | |
| 14103 | 10000 | CASH | RR2 | 1,778,599.74 | 1,778,462.43 | 1,778,466.86 | | 0.091 | 0.091 | 137.31 | 0.00 | 137.31 |
| 5001632 | 10023 | CASH | RR5 | 248,338.35 | 248,327.80 | 248,328.14 | | 0.050 | 0.050 | 10.55 | 0.00 | 10.55 |
| XXXX579 | 10026 | CASH | RR5 | 3,146,490.56 | 3,146,089.75 | 3,146,102.68 | | 0.150 | 0.150 | 400.81 | 0.00 | 400.81 |
| XXXX561 | 10029 | CASH | RR5 | 486,378.49 | 486,316.54 | 486,318.54 | | 0.150 | 0.150 | 61.95 | 0.00 | 61.95 |
| 4001561 | 10030 | CASH | RR5 | 1.00 | 1.00 | 1.00 | | | | 0.00 | 0.00 | 0.00 |
| 4001579 | 10027 | CASH | RR5 | 1.00 | 1.00 | 1.00 | | | | 0.00 | 0.00 | 0.00 |
| 0474 | 10004 | CASH | RRP | 8,037,941.51 | 7,898,261.88 | 7,902,767.67 | | 0.250 | 0.255 | 1,713.75 | 0.00 | 1,713.75 |
| 3213 | 10006 | CASH | RRP | 508.60 | 508.49 | 508.49 | | 0.250 | 0.255 | 0.11 | 0.00 | 0.11 |
| 4187 | 10007 | CASH | RRP | 29,767.57 | 29,356.56 | 29,483.17 | | 0.250 | 0.249 | 6.24 | 0.00 | 6.24 |
| Subtotal | | | | 13,728,026.82 | 13,587,325.45 | 13,591,977.56 | | | 0.202 | 2,330.72 | 0.00 | 2,330.72 |
| Fund: Cert. of Obligation 2016 | | | | | | | | | | | | |
| 14103A | 10041 | CERTS16 | RR2 | 583,105.04 | 583,034.21 | 583,036.49 | | 0.143 | 0.143 | 70.83 | 0.00 | 70.83 |
| Subtotal | | | | 583,105.04 | 583,034.21 | 583,036.49 | | | 0.143 | 70.83 | 0.00 | 70.83 |
| Fund: Electric | | | | | | | | | | | | |
| 17390 | 10001 | ELEC | RR3 | 1,627,845.65 | 1,627,752.18 | 1,627,755.20 | | 0.066 | 0.068 | 93.47 | 0.00 | 93.47 |
| 1732110 | 10022 | ELEC | RR4 | 8,149.64 | 8,153.63 | 8,151.57 | | | | 0.00 | 0.00 | 0.00 |
| 0672 | 10005 | ELEC | RRP | 359,221.04 | 357,145.16 | 358,357.29 | | 0.250 | 0.249 | 75.88 | 0.00 | 75.88 |
| Subtotal | | | | 1,995,216.33 | 1,993,050.97 | 1,994,264.05 | | | 0.100 | 169.35 | 0.00 | 169.35 |
| Fund: LEDC | | | | | | | | | | | | |
| 2363 | 10003 | LEDC | RRP | 2,592.65 | 2,592.10 | 2,592.12 | | 0.250 | 0.250 | 0.55 | 0.00 | 0.55 |
| 1092 | 10002 | LEDC | RRP | 395,323.60 | 398,831.45 | 397,518.87 | | 0.250 | 0.249 | 84.17 | 0.00 | 84.17 |
| Subtotal | | | | 397,916.25 | 401,423.55 | 400,110.99 | | | 0.249 | 84.72 | 0.00 | 84.72 |
| Fund: Seizures | | | | | | | | | | | | |
| 1999 | 10009 | SEIZ | RRP | 3,273.78 | 3,273.51 | 3,273.57 | | 0.100 | 0.097 | 0.27 | 0.00 | 0.27 |
| 0763 | 10008 | SEIZ | RRP | 10,854.00 | 6,348.78 | 9,048.34 | | 0.250 | 0.250 | 1.92 | 0.00 | 1.92 |
| Subtotal | | | | 14,127.78 | 9,622.29 | 12,321.91 | | | 0.209 | 2.19 | 0.00 | 2.19 |

City of Lampasas, Texas
Interest Earnings
December 1, 2020 - December 31, 2020

| CUSIP | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings | | |
|--------------------|--------------|-------|-----------------|----------------------|----------------------|----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
| | | | | | | | | | | Interest Earned | Amortization/ Accretion | Adjusted Interest Earnings |
| Fund: Trust | | | | | | | | | | | | |
| 6348 | 10011 | TRUST | RRP | 29,625.69 | 29,619.42 | 29,619.62 | | 0.250 | 0.249 | 6.27 | 0.00 | 6.27 |
| 6349 | 10010 | TRUST | RRP | 43,096.30 | 43,087.18 | 43,087.47 | | 0.250 | 0.249 | 9.12 | 0.00 | 9.12 |
| | | | Subtotal | 72,721.99 | 72,706.60 | 72,707.10 | | | 0.249 | 15.39 | 0.00 | 15.39 |
| Fund: Water | | | | | | | | | | | | |
| 1639 | 10012 | WATER | RRP | 184,586.61 | 183,497.62 | 184,147.26 | | 0.250 | 0.249 | 38.99 | 0.00 | 38.99 |
| | | | Subtotal | 184,586.61 | 183,497.62 | 184,147.26 | | | 0.249 | 38.99 | 0.00 | 38.99 |
| | | | Total | 16,975,700.82 | 16,830,860.89 | 16,838,565.36 | | | 0.190 | 2,712.19 | 0.00 | 2,712.19 |

THIS PAGE INTENTIONALLY LEFT BLANK



City Manager

ITEM NO. 3.2

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and Possible Action regarding purchases and charges in excess of \$4,000 from January 1, 2021 to January 31, 2021

Requested By: Yvonne Moreno, Finance Director

Submitted By: Yvonne Moreno, Finance Director

Date Submitted: February 4, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

N/A

Attachments: A/P History Check Report

Summary Statement:

The Check History Report presents the detail of individual charges and amounts for all checks over \$4,000 for the period of January 1, 2021 to January 31, 2021.

Recommendation:

Motion to approve by consent.

2/01/2021 1:00 PM
 VENDOR SET: 99 CITY OF LAMPASAS
 BANK: FSB BANCORPSOUTH
 DATE RANGE: 1/01/2021 THRU 1/31/2021

A/P HISTORY CHECK REPORT

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------------|--------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 02856 | AEP ENERGY PARTNERS, INC. | | | | | | | |
| I-17521287967 | DECEMBER AEP BILL | E | 1/19/2021 | 67,306.85 | | 000052 | | 67,306.85 |
| 56260 | LOWER COLORADO RIVER AUTHORITY | | | | | | | |
| I-EW16157 | DECEMBER LCRA BILL | E | 1/19/2021 | 441,582.05 | | 000053 | | 441,582.05 |
| 27050 | IRS-PAYROLL TAXES | | | | | | | |
| I-T1 202101148103 | FEDERAL WITHHOLDING | D | 1/15/2021 | 17,984.80 | | 000089 | | |
| I-T3 202101148103 | FICA TAX | D | 1/15/2021 | 26,289.04 | | 000089 | | |
| I-T4 202101148103 | MEDICARE TAX | D | 1/15/2021 | 6,148.20 | | 000089 | | 50,422.04 |
| 27050 | IRS-PAYROLL TAXES | | | | | | | |
| I-T1 202101288105 | FEDERAL WITHHOLDING | D | 1/29/2021 | 18,079.53 | | 000090 | | |
| I-T3 202101288105 | FICA TAX | D | 1/29/2021 | 26,432.40 | | 000090 | | |
| I-T4 202101288105 | MEDICARE TAX | D | 1/29/2021 | 6,181.76 | | 000090 | | 50,693.69 |
| 17865 | COLONIAL LIFE & ACCIDENT | | | | | | | |
| I-AC1202012178095 | ACCIDENT INSURANCE | R | 1/04/2021 | 186.45 | | 159688 | | |
| I-AC2202012318099 | ACCIDENT INSURANCE | R | 1/04/2021 | 186.46 | | 159688 | | |
| I-AC3202012178095 | ACCIDENT INSURANCE | R | 1/04/2021 | 582.66 | | 159688 | | |
| I-AC3202012318099 | ACCIDENT INSURANCE | R | 1/04/2021 | 582.66 | | 159688 | | |
| I-CN1202012178095 | CANCER INSURANCE | R | 1/04/2021 | 285.68 | | 159688 | | |
| I-CN2202012318099 | CANCER INSURANCE | R | 1/04/2021 | 285.69 | | 159688 | | |
| I-HO3202012178095 | HOSPITAL INCOME - PRETAX | R | 1/04/2021 | 137.70 | | 159688 | | |
| I-HO3202012318099 | HOSPITAL INCOME - PRETAX | R | 1/04/2021 | 137.70 | | 159688 | | |
| I-LF3202012318099 | UNIV/COL LIFE AFTER TAX | R | 1/04/2021 | 374.50 | | 159688 | | |
| I-LF7202012178095 | NON-PRETAX LIFE INSURANCE | R | 1/04/2021 | 374.44 | | 159688 | | |
| I-LF8202012178095 | AFTER TAX COLONIAL PRODUCTS | R | 1/04/2021 | 1,038.50 | | 159688 | | |
| I-LF8202012318099 | AFTER TAX COLONIAL PRODUCTS | R | 1/04/2021 | 1,038.50 | | 159688 | | 5,210.94 |
| 03376 | PRINCIPAL LIFE INSURANCE COMPA | | | | | | | |
| I-202101048100 | PRINCIPAL LIFE INSURANCE COMPA | R | 1/04/2021 | 193.12 | | 159696 | | |
| I-DN1202012178095 | EMPLOYEE SHARE HEALTH INSUR | R | 1/04/2021 | 587.25 | | 159696 | | |
| I-DN2202012318099 | EMPLOYEE SHARE HEALTH INSUR | R | 1/04/2021 | 587.25 | | 159696 | | |
| I-GDC202012318099 | DENTAL INSURANCE PREMIUM | R | 1/04/2021 | 752.64 | | 159696 | | |
| I-GDE202012318099 | DENTAL INSURANCE PREMIUM | R | 1/04/2021 | 928.80 | | 159696 | | |
| I-GDF202012318099 | DENTAL INSURANCE PREMIUM | R | 1/04/2021 | 1,063.48 | | 159696 | | |
| I-GDS202012318099 | DENTAL INSURANCE PREMIUM | R | 1/04/2021 | 556.51 | | 159696 | | |
| I-GVC202012318099 | VISION INSURANCE PREMIUM | R | 1/04/2021 | 150.92 | | 159696 | | |
| I-GVE202012318099 | VISION INSUR PREMIUM | R | 1/04/2021 | 252.00 | | 159696 | | |
| I-GVF202012318099 | VISION INSURANCE PREMIUM | R | 1/04/2021 | 178.22 | | 159696 | | |
| I-GVS202012318099 | VISION INSURANCE PREMIUM | R | 1/04/2021 | 128.63 | | 159696 | | |
| I-VS1202012178095 | EMPLOYEE SHARE HEALTH PLAN | R | 1/04/2021 | 77.18 | | 159696 | | |
| I-VS2202012318099 | EMPLOYEE SHARE HEALTH INSUR | R | 1/04/2021 | 77.18 | | 159696 | | 5,533.18 |

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------------|--------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 74775 | SCOTT & WHITE HEALTH PLAN | | | | | | | |
| I-202101048101 | SCOTT & WHITE HEALTH PLAN | R | 1/04/2021 | 5,081.16 | | 159711 | | |
| I-CCC202012318099 | HEALTH INSURANCE PREMIUM | R | 1/04/2021 | 5,684.64 | | 159711 | | |
| I-CCE202012318099 | HEALTH INSURANCE PREMIUM | R | 1/04/2021 | 10,843.87 | | 159711 | | |
| I-CCF202012318099 | HEALTH INSURANCE PREMIUMS | R | 1/04/2021 | 7,100.24 | | 159711 | | |
| I-CCS202012318099 | HEALTH INSURANCE PREMIUM | R | 1/04/2021 | 5,553.31 | | 159711 | | |
| I-HE1202012318099 | HEALTH INSURANCE PREMIUM | R | 1/04/2021 | 9,429.20 | | 159711 | | |
| I-HEA202012178095 | EMPLOYEE SHARE HEALTH INSURANC | R | 1/04/2021 | 10,203.15 | | 159711 | | |
| I-HEC202012318099 | EMPLOYEE SHARE HEALTH INSURANC | R | 1/04/2021 | 10,203.15 | | 159711 | | |
| I-HI1202012318099 | CITY HEALTH INSURANCE | R | 1/04/2021 | 14,208.26 | | 159711 | | |
| I-HID202012318099 | CITY HEALTH INSURANCE | R | 1/04/2021 | 9,583.56 | | 159711 | | |
| I-HIE202012318099 | EMPLOYEE CITY HEALTH CONTRIB | R | 1/04/2021 | 19,642.50 | | 159711 | | 107,533.04 |
| 84250 | TEXAS MUNICIPAL RETIREMENT SYS | | | | | | | |
| I-TMR202012018091 | RETIREMENT CONTRIBUTIONS | R | 1/04/2021 | 373.16 | | 159712 | | |
| I-TMR202012038092 | RETIREMENT CONTRIBUTIONS | R | 1/04/2021 | 53,000.73 | | 159712 | | |
| I-TMR202012178095 | RETIREMENT CONTRIBUTIONS | R | 1/04/2021 | 50,811.26 | | 159712 | | |
| I-TMR202012318099 | RETIREMENT CONTRIBUTIONS | R | 1/04/2021 | 59,664.85 | | 159712 | | 163,850.00 |
| 45897 | JOHN DEERE FINANCIAL | | | | | | | |
| I-2431744 | MOWER LEASE | R | 1/07/2021 | 1,537.52 | | 159743 | | |
| I-2437418 | MOWER LEASE | R | 1/07/2021 | 2,700.82 | | 159743 | | 4,238.34 |
| 02976 | WASTE CONNECTIONS | | | | | | | |
| I-1645050 | SOLID WASTE COMMERCIAL | R | 1/07/2021 | 51,803.54 | | 159777 | | |
| I-1645051 | RESIDENTIAL SOLID WASTE | R | 1/07/2021 | 44,450.97 | | 159777 | | 96,254.51 |
| 16468 | CATERPILLAR FIN SER CORP | | | | | | | |
| I-30523081 | JAN RENTAL DOZER | R | 1/15/2021 | 1,660.70 | | 159831 | | |
| I-30536397 | FEB RENTAL | R | 1/15/2021 | 2,463.86 | | 159831 | | 4,124.56 |
| 02202 | H & H TREE SERVICE INC | | | | | | | |
| I-01142021 | CHRISTMAS LIGHTS/DECORATI | R | 1/15/2021 | 10,000.00 | | 159844 | | 10,000.00 |
| 00874 | INTERNATIONAL CODE COUNCIL, IN | | | | | | | |
| I-1001256720 | PLAN REVIEW FEES- AUTO/AG | R | 1/15/2021 | 4,400.00 | | 159860 | | 4,400.00 |
| 02209 | JONES-HEROY & ASSOCIATES INC | | | | | | | |
| I-14039 | JONES-HEROY & ASSOCIATES INC | R | 1/15/2021 | 1,050.00 | | 159866 | | |
| I-14040 | WINDSOR PRE-TREATMENT | R | 1/15/2021 | 750.00 | | 159866 | | |
| I-14041 11302020 | WEST THIRD STREET CULVERT | R | 1/15/2021 | 1,455.00 | | 159866 | | |
| I-14041 12062020 | WEST THIRD STREET CULVERT | R | 1/15/2021 | 1,500.00 | | 159866 | | 4,755.00 |

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-----------------|----------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 47585 | KEMPNER WATER SUPPLY CORP | | | | | | | |
| I-12312020 | MONTHLY LOAN PAYMENTS | R | 1/15/2021 | 19,146.97 | | 159868 | | 19,146.97 |
| 47585 | KEMPNER WATER SUPPLY CORP | | | | | | | |
| I-12312020** | PURCHASED WATER DEC | R | 1/15/2021 | 26,634.87 | | 159870 | | 26,634.87 |
| 02754 | MASTERCARD | | | | | | | |
| I-00396G | MUNICIPAL FUNDAMENTALS | R | 1/15/2021 | 100.00 | | 159875 | | |
| I-00429G | TEA-RETIREMENT LUNCHEON | R | 1/15/2021 | 39.00 | | 159875 | | |
| I-01433G* | COUNCIL DINNER | R | 1/15/2021 | 150.00 | | 159875 | | |
| I-100998699 | ICC ANNUAL MEMBERSHIPS | R | 1/15/2021 | 145.00 | | 159875 | | |
| I-12042020 | ROSCOE HOTEL STAY FOR | R | 1/15/2021 | 106.22 | | 159875 | | |
| I-12042020* | ROSCOE HOTEL STAY FOR | R | 1/15/2021 | 424.88 | | 159875 | | |
| I-1372567A | TRAINING/ CONFERENCE | R | 1/15/2021 | 234.48 | | 159875 | | |
| I-1372568A | TRAINING/ CONFERENCE | R | 1/15/2021 | 196.59 | | 159875 | | |
| I-1372569A | TRAINING/ CONFERENCE | R | 1/15/2021 | 158.70 | | 159875 | | |
| I-1376501A | TRAINING/ CONFERENCE | R | 1/15/2021 | 158.70 | | 159875 | | |
| I-1547347959 | TURFGRASS CONFERENCE | R | 1/15/2021 | 40.00 | | 159875 | | |
| I-1559181455 | TRAINING | R | 1/15/2021 | 54.67 | | 159875 | | |
| I-1559195011 | TRAINING | R | 1/15/2021 | 385.00 | | 159875 | | |
| I-1559197411 | TRAINING | R | 1/15/2021 | 385.00 | | 159875 | | |
| I-1876 | PERMIT TECH SCHOOL | R | 1/15/2021 | 695.00 | | 159875 | | |
| I-323882476 | JANUARY NEWSLETTER | R | 1/15/2021 | 50.00 | | 159875 | | |
| I-495006234 | PLMBS INSPECTOR RENEWAL | R | 1/15/2021 | 55.00 | | 159875 | | |
| I-498799 | THIRTY TWO GIFT CARDS | R | 1/15/2021 | 800.00 | | 159875 | | |
| I-SSTK0A212F71E | WEBSITE STOCK IMAGES | R | 1/15/2021 | 29.00 | | 159875 | | 4,207.24 |
| 01050 | MCCOY TREE SURGERY COMPANY | | | | | | | |
| I-9520 | 2020 ANNUAL TREE TRIM | R | 1/15/2021 | 1,757.40 | | 159879 | | |
| I-9521 | 2020 ANNUAL TREE TRIM | R | 1/15/2021 | 3,717.30 | | 159879 | | |
| I-9522 | 2020 ANNUAL TREE TRIM | R | 1/15/2021 | 3,717.30 | | 159879 | | 9,192.00 |
| 00933 | MOMAR INC | | | | | | | |
| I-PSI377200 | GRAPE DEGREASER | R | 1/15/2021 | 3,000.00 | | 159884 | | |
| I-PSI377394 | DEGREASER | R | 1/15/2021 | 2,761.55 | | 159884 | | 5,761.55 |
| 01456 | S & M VACUUM & WASTE, LTD | | | | | | | |
| I-130379 | SLUDGE HAUL 130379 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130380 | SLUDGE HAUL INV#130380 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130381 | SLUDGE HAUL INV#130381 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130382 | SLUDGE HAUL INV#130382 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130383 | SLUDGE HAUL INV#130383 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130384 | SLUDGE HAUL INV#130384 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130385 | SLUDGE HAUL INV#130385 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130386 | SLUDGE HAUL INV#130386 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130387 | SLUDGE HAUL INV#130387 | R | 1/15/2021 | 500.00 | | 159899 | | |
| I-130388 | SLUDGE HAUL INV#130388 | R | 1/15/2021 | 500.00 | | 159899 | | 5,000.00 |

2/01/2021 1:00 PM
 VENDOR SET: 99 CITY OF LAMPASAS
 BANK: FSB BANCORPSOUTH
 DATE RANGE: 1/01/2021 THRU 1/31/2021

A/P HISTORY CHECK REPORT

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|----------------------|-------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 02501 | SHI GOVERNMENT SOLUTIONS | | | | | | | |
| I-GB00396997 | SWITCHES | R | 1/15/2021 | 1,424.00 | | 159902 | | |
| I-GB00396998 | OFFICE 2019 | R | 1/15/2021 | 3,110.00 | | 159902 | | |
| I-GB00397404 | WAP RENEWAL | R | 1/15/2021 | 198.00 | | 159902 | | 4,732.00 |
| 01298 | STUART C IRBY CO | | | | | | | |
| I-S012072474001 | FR JACKET 3XL | R | 1/15/2021 | 1,549.01 | | 159904 | | |
| I-S012072474003 | FR JACKET 3XL | R | 1/15/2021 | 1,205.79 | | 159904 | | |
| I-S012072474005 | FR JACKET 3XL | R | 1/15/2021 | 942.26 | | 159904 | | |
| I-S012072474007 | FR JACKET 3XL | R | 1/15/2021 | 742.73 | | 159904 | | 4,439.79 |
| 82300 | TECHLINE, INC | | | | | | | |
| I-127462300 | STREET LIGHTS | R | 1/15/2021 | 5,079.00 | | 159907 | | |
| I-127462301 | STREET LIGHTS | R | 1/15/2021 | 980.00 | | 159907 | | |
| I-127462302 | STREET LIGHTS | R | 1/15/2021 | 791.00 | | 159907 | | |
| I-127462303 | STREET LIGHTS | R | 1/15/2021 | 103.50 | | 159907 | | |
| I-311263800 | STREET LIGHTS | R | 1/15/2021 | 398.00 | | 159907 | | 7,351.50 |
| 01668 | YAMAHA MOTOR CORP., USA | | | | | | | |
| I-726103 | NOV. 2020 GOLF CARTS | R | 1/15/2021 | 3,215.80 | | 159917 | | |
| I-727027 | DEC 2020 NEW GOLF CARTS | R | 1/15/2021 | 3,215.80 | | 159917 | | 6,431.60 |
| 01201 | BANK OF AMERICA NA | | | | | | | |
| I-0QXEMSQIW3 | 2007 CO INTEREST PAYMENT | R | 1/22/2021 | 60,881.98 | | 159941 | | 60,881.98 |
| 02235 | BOKF, NA | | | | | | | |
| I-LAMP1016CO01212021 | LAMP1016CO TX COMBO TAX | R | 1/22/2021 | 97,225.00 | | 159943 | | 97,225.00 |
| 02235 | BOKF, NA | | | | | | | |
| I-LAMP412GOR01212021 | LAMP412GOR | R | 1/22/2021 | 111,650.00 | | 159944 | | 111,650.00 |
| 03398 | CLASSIC BANK, N.A. | | | | | | | |
| I-00001 01152021 | 2020 REFUNDING BOND | R | 1/22/2021 | 7,426.10 | | 159948 | | 7,426.10 |
| 01874 | LAMPASAS COUNTY WCID NO. 1 | | | | | | | |
| I-01202021 | ANNUAL SUPPORT WCID | R | 1/22/2021 | 10,000.00 | | 159959 | | 10,000.00 |
| 02909 | MAYNARD CONSTRUCTION SERVICES | | | | | | | |
| I-2065 | DEMO 408 E 5TH | R | 1/22/2021 | 9,975.00 | | 159964 | | 9,975.00 |
| 01050 | MCCOY TREE SURGERY COMPANY | | | | | | | |
| I-9523 | 2020 ANNUAL TREE TRIM | R | 1/22/2021 | 2,343.20 | | 159965 | | |
| I-9524 | 2020 ANNUAL TREE TRIM | R | 1/22/2021 | 4,956.40 | | 159965 | | |
| I-9525 | 2020 ANNUAL TREE TRIM | R | 1/22/2021 | 4,956.40 | | 159965 | | 12,256.00 |

2/01/2021 1:00 PM
 VENDOR SET: 99 CITY OF LAMPASAS
 BANK: FSB BANCORPSOUTH
 DATE RANGE: 1/01/2021 THRU 1/31/2021

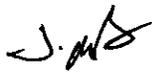
A/P HISTORY CHECK REPORT

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|---------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 82300 | TECHLINE, INC | | | | | | | |
| I-127502600 | WIRE ACSR #2 | R | 1/22/2021 | 2,965.86 | | 159974 | | |
| I-127502601 | WIRE ACSR #2 | R | 1/22/2021 | 2,352.00 | | 159974 | | |
| I-311278900 | WIRE ACSR #2 | R | 1/22/2021 | 370.00 | | 159974 | | 5,687.86 |

| * * T O T A L S * * | NO | INVOICE AMOUNT | DISCOUNTS | CHECK AMOUNT |
|---------------------|---------------|----------------|-----------|--------------|
| REGULAR CHECKS: | 28 | 813,899.03 | 0.00 | 813,899.03 |
| HAND CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| DRAFTS: | 2 | 101,115.73 | 0.00 | 101,115.73 |
| EFT: | 2 | 508,888.90 | 0.00 | 508,888.90 |
| NON CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| VOID CHECKS: | 0 VOID DEBITS | 0.00 | | |
| | VOID CREDITS | 0.00 | 0.00 | 0.00 |

TOTAL ERRORS: 0

| VENDOR SET: 99 | BANK: FSB | TOTALS: | NO | INVOICE AMOUNT | DISCOUNTS | CHECK AMOUNT |
|----------------|-----------|---------|----|----------------|-----------|--------------|
| | | | 32 | 1,423,903.66 | 0.00 | 1,423,903.66 |
| BANK: FSB | TOTALS: | | 32 | 1,423,903.66 | 0.00 | 1,423,903.66 |
| REPORT TOTALS: | | | 32 | 1,423,903.66 | 0.00 | 1,423,903.66 |



City Manager

ITEM NO. 3.3

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding the second reading of an Ordinance calling for a General Election to elect the expired terms of the Mayor, Council Members Places One, Two and Six for the City Council of the City of Lampasas, Texas to be held on the 1st day of May, 2021; Providing for polling times and places; Providing for Early Voting; and Providing for Bilingual Election materials

Requested by: Becky Sims, City Secretary

Submitted by: Becky Sims, City Secretary

Date Submitted: January 20, 2021

For the agenda of: February 8, 2021

Procurement and Funding Statement:

N/A

Attachments: Ordinance

Summary Statement:

This is the second reading of an Ordinance.

Recommendation:

Motion to approve the second reading of an Ordinance calling for a 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 1st day of May, 2021; Providing for polling times and places; Providing for Early Voting; and Providing for Bilingual Election materials

ORDINANCE NO. _____

AN ORDINANCE CALLING FOR A 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 1ST DAY OF MAY, 2021; PROVIDING FOR POLLING TIMES AND PLACES; PROVIDING FOR EARLY VOTING; AND PROVIDING FOR BILINGUAL ELECTION MATERIALS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS:

1. That in accordance with the provisions of the law, the City Council hereby orders an election for the Mayor and Council members Places One (1), Two (2), and Six (6) of the City Council of the City of Lampasas, Texas, be held on Saturday, May 1, 2021, and the following provisions are made thereof:
 - A. Said election shall be held at the Lampasas County Elections Administrator Office, 407 S. Pecan Street, Suite 102, Lampasas, Texas and Kempner Fire Training Center, 315 Pecan Street, Kempner, Texas
 - B. Elke White is hereby appointed Presiding Judge and Tori Dragoo as Alternate Presiding Judge; said Presiding Judge shall appoint the necessary clerks to assist her, which shall not exceed five clerks.
 - C. The election polls shall be open between the hours of 7:00 A.M. and 7:00 P.M.
 - D. All notices, instructions, directions and election ballots shall be printed and distributed in the English and Spanish languages.
 - E. Mark Bishop, Elections Administrator, is hereby appointed clerk for early voting, Susie Miller as deputy clerk and the following persons are hereby appointed clerks for early voting:

Janet Walsh, Clerk
Elke White, Clerk
Wanda Lang, Clerk
Victoria Dragoo, Clerk
Joy Melder, Clerk

Early voting for such election shall be held at the Lampasas County Elections Administrator Office, located at 407 S. Pecan, Suite 102, in Lampasas, Texas, and said place of early voting shall remain open for at least eight hours on each day for early voting which is not a Saturday, Sunday or an official state or City holiday, beginning on April 19, 2021 and ending on April 27, 2021. Said place of voting shall remain open between the hours of 8:00 A.M. and 5:00 P.M. on each of such days for early voting except for the following dates: Tuesday, April 20, 2021, and Tuesday, April 27, 2021. On these said dates the place of voting shall remain open between the hours of 7:00 A.M. and 7:00 P.M.

F. The Early Voting Clerk's official address is 407 S. Pecan, Suite 102, Lampasas, Texas 76550.

G. The Early Ballot Board is hereby appointed as follows:

| | |
|-----------------|---------------|
| Presiding Judge | Mark Bishop |
| Member | Harvey Farish |
| Member | Debra Farish |

H. That said election shall be held in accordance with the Election Code of the State of Texas and only resident, qualified voters of said City shall be eligible to vote at said election. All applicable provisions of the National Voting Rights Act, and amendments thereto, shall be complied with.

I. That the City Secretary shall give Notice of said election by posting notice in each of the election precincts of said City which posting shall be done not less than 21 days prior to date fixed for said election.

J. That the City Secretary shall cause notice to be posted according to the requirements of VATCS, Election Code Sec. 4.003.

K. That immediately after said election is held, the officer holding the same shall make returns of the result thereof to the Mayor of this City as is required by the Election Code of the State of Texas.

2. This Ordinance shall be effective from and after its passage, and the Elections Administrator is hereby directed and authorized to take such steps as are necessary to accomplish said election.

PASSED AND APPROVED this _____ day of _____, 2020.

Date of 1st reading: _____

Date of 2nd reading: _____

Misti Talbert, Mayor

ATTEST:

Becky Sims, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
(Signature of Attorney Provided on Separate Page to be attached)

THIS PAGE INTENTIONALLY LEFT BLANK

City of Lampasas

M E M O

To: Mayor and City Council
From: Finley deGraffenried
Re: Manager's Report
Date: 5 February 2021

- Campbell Park** This week staff received aerials, benchmarks and survey information for Campbell Park. Fortunately, much of the information was available from previous work at the Park, and was only updated to include new facilities. The files have been forwarded to both the Skate Park and pavilion contractor, as well as Langerman Foster, who will conduct the geo-technical investigation. Future Council action will include consideration of a proposal for geo-tech, and beyond that, consideration of construction contracts for both contractors.
- Cooper Spring** The Cooper Spring Board met last week to discuss, among other items, trails and trail funding. As previously discussed by Council, the Board received trail funding, however; determined the conditions of funding would require unanticipated expense and professional services. Currently the Board is assessing a possible combination of in-kind and paid construction, and a future, grant funded, project of smaller scope.
- AT&T** On October 26, 2020, Council approved a resolution providing AT&T the required one-year notice, that the City would no longer allow attachment, by AT&T, to City utility poles. The City's consultant on the matter, Greg Fender of Local Government Services, recently reported their firm had been successful in negotiating similar agreements in Alabama and South Carolina, and plans to notify AT&T representatives in Texas to request a conference call to explain why they can cooperate elsewhere, but not in Lampasas. Don't hold your breath, and it may be likely that they will execute a new agreement only after the required one-year notice is up.
- Parks** Council may have noticed recent advertising for summer staff as well as promotion of Little League. At this time, providing conditions allow, the City is preparing for somewhat regular openings and programs, likely at reduced occupancy, for both pools. Representatives from Little League are also preparing for a somewhat normal game and practice schedule. Staff will continue to update Council closer to initiation of activities.
- ATMOS** Staff learned this week that as a result of an ATMOS request to the Railroad Commission to make a required reduction in city-gate rates, retail rates would be decreased slightly. The overall, \$35.5 million reduction is due to a reduction in overall tax rates for ATMOS Pipeline Texas. The reduction did require consent from all ATMOS Texas Municipalities ("ATM") through our counsel, which was provided by staff.

281 South

Surveyors have been active on Highway 281 between Brook Park and the County line in preparation for road improvements. Activities this past week also included meetings with staff regarding utility inventory and possible conflicts. Rickie and Van report there may be some non-reimbursable relocations, however; not too extensive. Current plans are to initiate construction in 2023.

Butterfly

The City was contacted last week regarding the possible purchase of Monarch on a Grass sculpture located in front of City Hall. The interested couple expressed that the butterfly was a favorite symbol of their late daughter, and inquired as a remembrance to her. Staff seeks Council comment and direction.



City Manager

ITEM NO. 7.1

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding the first reading of an Ordinance for a Specific Use Permit (SUP) to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF-10". The property is described as Lots 19 and .82 A419 OL22 Block B, Lakehills Estates Subdivision; commonly known as 8 Chris James, Lampasas, Texas Lampasas County.

Requested By: Becky Sims, City Secretary/Zoning Administrator

Submitted By: Becky Sims, City Secretary/Zoning Administrator

Date Submitted: February 4, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

N/A

Attachments: P & Z

Summary Statement:

Mr. and Mrs. Kirk are asking the Planning Commission and City Council to consider a request for a Specific Use Permit (SUP) to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF-10"

The area surrounding the property is zoned Single Family Residential-10 "SF-10", Single Family Residential-20 "SF-20", and Single Family Residential-8 "SF-8."

Staff mailed twenty-two (22) notices to property owners within 200 feet of the applicant's property, and to date have received two in protest and two in favor of the request.

This case was heard before the Planning Commission on February 4, 2021. The Commission recommended approval

Recommendation:

To consider a motion to approve the first reading of an Ordinance for a Specific Use Permit (SUP) to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF-10". The property is described as Lots 19 and .82 A419 OL22 Block B, Lakehills Estates Subdivision; commonly known as 8 Chris James, Lampasas, Texas Lampasas County.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A REQUEST FOR A SPECIFIC USE PERMIT TO ALLOW FOR AN ACCESSORY DWELLING IN AN AREA ZONED SINGLE FAMILY RESIDENTIAL-10 "SF-10"; LOT 19 AND .82 A419 OL22 BLOCK B LAKEHILL ESTATES ADDITION, COMMONLY KNOWN AS 8 CHRIS JAMES, LAMPASAS, TEXAS LAMPASAS COUNTY, DETAILING RESTRICTIONS RELATED THERETO; ORDERING A CHANGE TO ORDINANCE NO. 878 AND THE ACCOMPANYING CITY OF LAMPASAS' ZONING MAP REFLECTING SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Shawn and Dianne Kirk (owners), filed a request for a Specific Use Permit to allow for an accessory dwelling in an area zoned Single Family Residential-10 "SF-10." The property is described as Lot 19 and .82 A419 OL22, Block B; Lakehills Estates Addition; commonly known as 8 Chris James, Lampasas, Texas Lampasas County.

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the Specific Use Permit request was given to all property owners located within two hundred feet (200') of the property; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice has been given, and a public hearing was held on February 4, 2021, by the Planning & Zoning Commission regarding the request for a Specific Use Permit by the Applicant; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice has been given, and a public hearing was held on February 8, 2021 by the City Council regarding the request for a Specific Use Permit by the Applicant; and

WHEREAS, the City Council finds that it is in the public interest to approve the requested Specific Use Permit for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF-10."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS:

Part 1: That the Specific Use Permit requested by Shawn and Dianne Kirk (owners) to allow for an Accessory Dwelling in an area zoned Single Family Residential-10 "SF-10" Lampasas County, Lampasas, Texas. shall be approved. The property is described as Lot 19 and .82 A419 OL22, Block B, Lakehills Estates Addition; commonly known as 8 Chris James, Lampasas, Texas Lampasas County.

Part 2: The City's City Manager and staff are hereby authorized and shall take actions necessary to reflect this amendment to the zoning designation of this Property in City documentation, including amendment to the City's Official Zoning Map.

Part 3: If any section or part of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that holding shall not invalidate or impair the validity, force or effect of any other section or part of this Ordinance or Code of Ordinances, City of Lampasas, Texas.

Part 4: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

Passed and approved the First Reading on the 8th day of February 2021.

Passed and Adopted on the Second Reading on the 22nd day of February 2021.

APPROVED:

ATTEST:

Misti Talbert, Mayor

Becky Sims, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
[Signature of Attorney Provided on Separate Page, to be Attached]

THIS PAGE INTENTIONALLY LEFT BLANK


City Manager

ITEM NO. 7.2

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Resolution expressing support for the Annual Spring Ho Festival, establishing a time schedule and authorizing City participation

Requested By: Derrek Eckermann, Spring Ho President

Submitted By: Becky Sims, City Secretary/Zoning Administrator

Date Submitted: February 4, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

N/A

Attachments: Resolution

Summary Statement:

Mr. Eckermann offers the attached resolution along with the Spring Ho Schedule of Events for 2021 for Council consideration. The Resolution is similar to resolutions Council have approved in the past.

Recommendation:

To consider a motion to approve the Resolution expressing support for the Annual Spring Ho Festival, establishing a time schedule and authorizing City participation.



RESOLUTION OF SPRING HO WEEK

WHEREAS, an annual Spring Ho festival is held in the City of Lampasas, Texas, each year, and July 5-11, has been designated as the Spring Ho Festival dates for 2021 by the Spring Ho Committee; and,

WHEREAS, The City Council of the City of Lampasas has determined that activities in connection with Spring Ho serve a public interest and that certain public facilities be made available for use during Spring Ho; and

WHEREAS, The Spring Ho Committee is authorized to use certain public streets within the City of Lampasas for Spring Ho activities, and that the Hancock Park Pavilion, Hostess House lawn area, W.M. Brook Park, Gavin Garrett Soccer Fields and portions of Riverview Drive be set aside for Spring Ho activities; and

WHEREAS, That special parking and use regulations of the street, Courthouse Square, outdoor pavilions, and park lands within W.M. Brook Park and Hancock Park on the dates of July 5–11, 2021, shall be reserved for Spring Ho activities, in the manner designated by the Spring Ho Committee; and

WHEREAS, The Committee is specifically authorized to limit vehicles, groups, clubs, and vendors from City areas utilized for Spring Ho activities as the Committee may see fit to promote the health, safety, and welfare of the participants; and

WHEREAS, The Police Department of the City of Lampasas is authorized to enforce and limit the use of such areas as formally adopted by the Spring Ho Committee in connection with the Spring Ho activities.

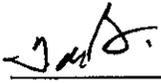
NOW THEREFORE, I, Misti Talbert, Mayor of the City of Lampasas, do proclaim July 5-11, 2021 as Spring Ho Week in Lampasas, Texas, and urge all residents of Lampasas to support this annual citywide event.

IN WITNESS WHEREOF, I have herewith set my hand and caused the Great Seal of the City of Lampasas, Texas to be affixed.

Misti Talbert, Mayor
City of Lampasas

ATTEST:

Becky Sims, City Secretary
City of Lampasas


City Manager

ITEM NO. 7.3

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Presentation of the Lampasas Police Department Annual Racial Profiling Report

Requested By: Sammy Bailey, Police Chief

Submitted By: Sammy Bailey, Police Chief

Date Submitted: February 2, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

N/A

Attachments: 2020 Racial Profiling Report

Summary Statement:

The Lampasas Police Department is required by state law to make a report no later than March 1st each year, to the City Council regarding police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices.

Recommendation:

The Lampasas Police Department complies with both the letter and the spirit of the laws pertaining to Racial Profiling.

The Lampasas Police Department believes it is our legal and moral responsibility to act just in all instances and with all persons. The department has zero tolerance for Racial Profiling and prohibits Racial Profiling. Racial Profiling is an activity that violates the public trust that is vital to our efforts to effective policing.

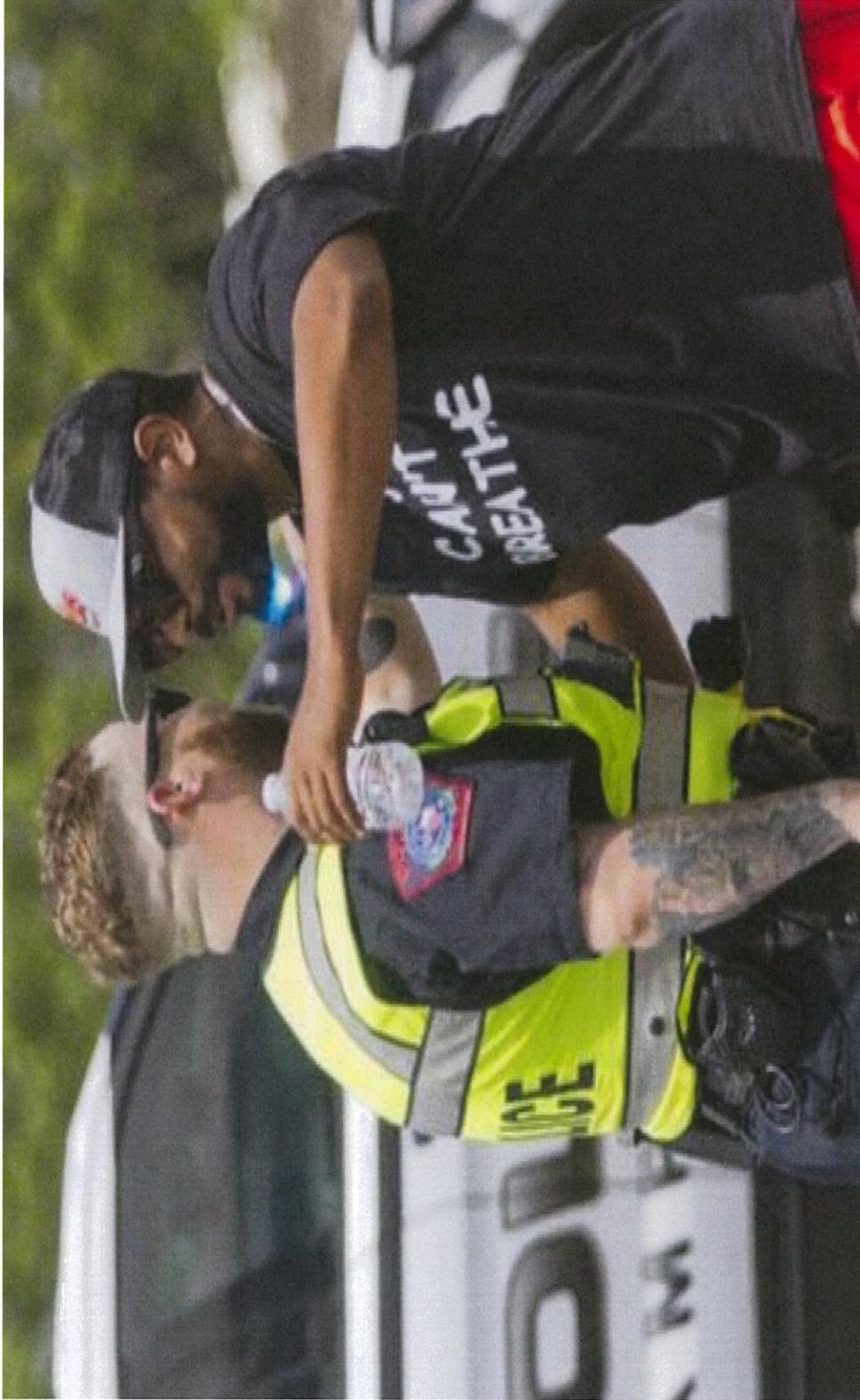


Lampasas Police Department 2020 Annual Racial Profiling Report

Table of Contents

| | |
|---|----|
| • City of Lampasas City Council Agenda Sheet | 3 |
| • Message from Chief of Police Sammy Bailey | |
| • Brief Racial Profiling History | 5 |
| • Texas Racial Profiling Law | 6 |
| • Lampasas Police Department Racial Profiling Policy and Procedures | 14 |
| • Racial Profiling Training Requirements | 21 |
| • Texas Commission on Law Enforcement Training #3256 | 22 |
| • Public Education | 67 |
| • Public Education/Complaint Brochure | 68 |
| • Complaint Investigation | 70 |
| • Corrective Action/No Complaints Filed | 71 |
| • Required Collection of Information | 72 |
| • Racial Profiling Analysis | 76 |
| • Lampasas Demographics Comparison with Racial Profile Analysis | 77 |
| • Analysis | 78 |
| • Conclusion | 82 |
| • TCOLE Submission | 83 |

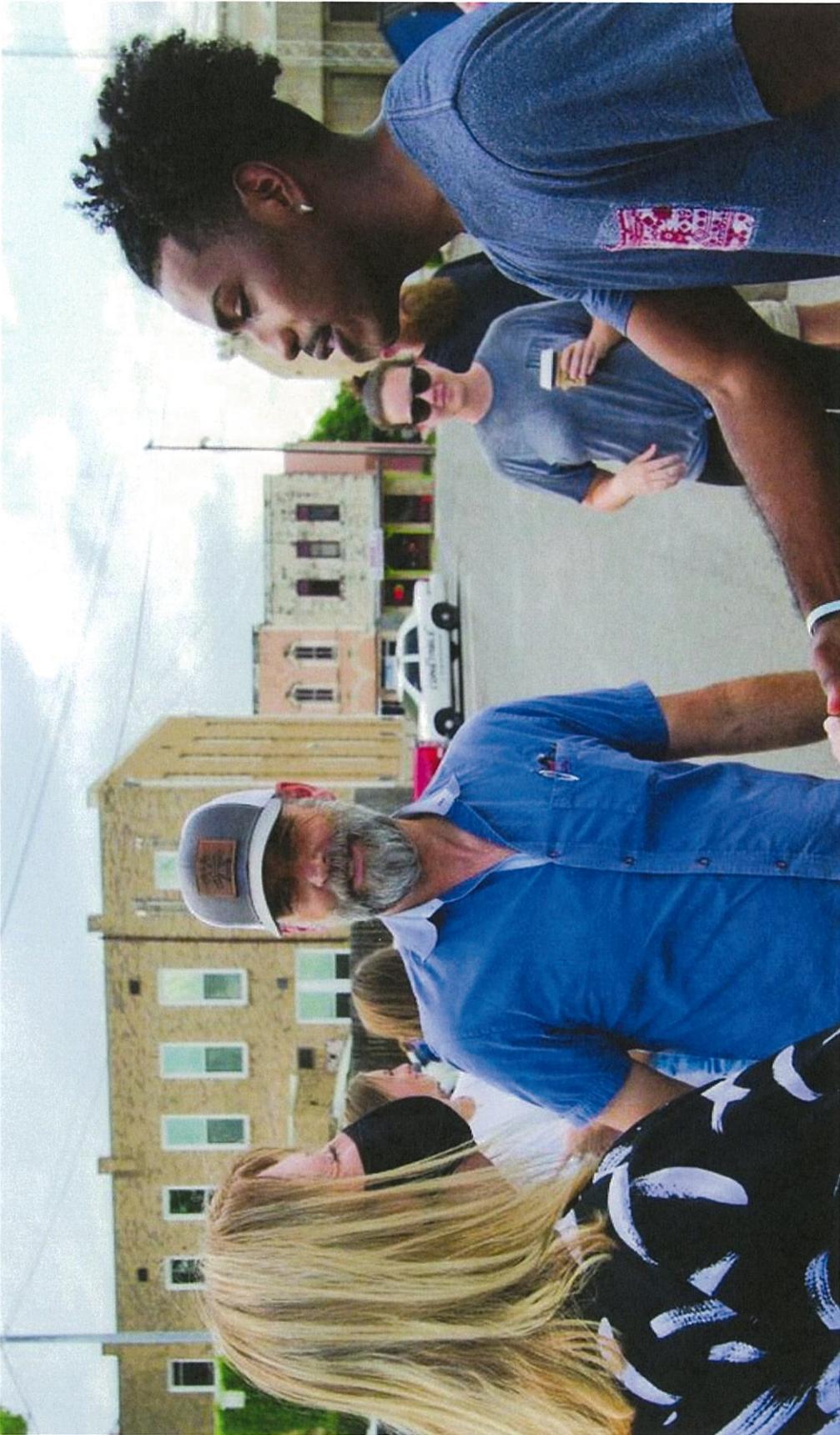
Lampasas Police Department 2020 Annual Racial Profiling Report



Lampasas Police Department 2020 Annual Racial Profiling Report

The Lampasas Police Department is comprised of a diverse team of individuals. We value the differences and rights of all individuals and believe that all should be treated with dignity and respect in a fair and impartial manner. We are committed to our community and fostering continued relationships with accessibility, communication, cooperation, and trust between us and those we serve. We strive for excellence to be better leaders and servants to our community, while we protect and do our part to enhance the quality of life for all residents and visitors to our beautiful Lampasas.

Chief of Police, Sammy Bailey



Brief of Racial Profiling History

- September 1, 2001 – The racial profiling law goes into effect.
- November 6, 2001 – Bond Election: Texans will vote to pass (or not pass) bonds that will pay for video cameras in police vehicles and motorcycles.
- January 1, 2002 – Law enforcement agencies must have a detailed written policy on racial profiling in place.
- January 1, 2002 – Police chief and officer training on racial profiling must be established by LEMIT and TCOLE.
- January 1, 2002 – Law enforcement agencies must begin collecting data as it relates to traffic stops in which a citation is issued.
- Early 2002 – The Department of Public Safety (DPS) will determine how to disperse the money for video cameras and set deadlines for agencies to apply for monies.
- Later 2002 – and by DPS deadlines: law enforcement agencies apply for funding to install video cameras in lieu of traffic and pedestrian stops data collection. Agencies must apply for funds, receive funds, and install video or audio equipment in all vehicles and motorcycles or apply for funds, not receive funds, and therefore become exempt from collecting information on traffic and pedestrian stops or prepare to collect data on traffic and pedestrian stops. Lampasas Police Department applied and did not receive funding, we were exempt but continued to collect all data in the Cardinal/Badge Records Management Program.
- January 1, 2003 – Non-exempt law enforcement agencies begin data collection on traffic and pedestrian stops.
- March 1, 2003 – Information collected on traffic citations issued during calendar year 2002 must be submitted to the local governing board. This may be city council or the county commissioners' court.
- September 1, 2003 – By this date law enforcement administrators and officers must complete racial profiling training.
- March 1, 2004 – Law enforcement agencies will report traffic and pedestrian stops data to local governing board.
- 2009-the racial profile report included a disparity test-analysis of information. Civil Penalties added.
- 2017-the Sandra Bland act was passed and signed into law. The Sandra Bland law requires law enforcement agencies to collect additional data and provide a more detailed analysis. HB 3051-added new racial and ethnic designations.

Texas Racial Profiling Law:

Code of Criminal Procedure Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling. Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Code of Criminal Procedure Art. 3.05. RACIAL PROFILING. In this code, "**racial profiling**" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Code of Criminal Procedure Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

- (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.
- (2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- (3) "Race or ethnicity" means the following categories:
 - (A) Alaska native or American Indian;
 - (B) Asian or Pacific Islander;
 - (C) black;
 - (D) white; and
 - (E) Hispanic or Latino.

- (b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:
- (1) clearly define acts constituting racial profiling;
 - (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
 - (4) provide public education relating to the agency's complaint and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
 - (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
 - (6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - (E) the location of the stop; and
 - (F) the reason for the stop; and
 - (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Texas Commission on Law Enforcement; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.
- (e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).
- (f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.
- (g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.
- (h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Code of Criminal Procedure Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009. Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Code of Criminal Procedure Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009. Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013. Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

Code of Criminal Procedure Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Code of Criminal Procedure Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

Code of Criminal Procedure Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137. Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Code of Criminal Procedure Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.
Amended by: Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

Lampasas Police Department Racial Profiling Policy:

The Lampasas Police Department (LPD) **strictly prohibits the practice of racial profiling** and has established policies that clearly define acts constituting racial profiling. The policy further provides that there be training against racial profiling to the officers of the department, and have a process to monitor traffic stop videos. The culture of our department also ensures that our members do not engage in racial profiling.

All Lampasas Police Department employees shall follow all City of Lampasas Policy and Procedures. Updated: 01/23/2019

I. Racial Profiling Complaint Policy

RACIAL PROFILING POLICY OF THE CITY OF LAMPASAS POLICE DEPARTMENT Updated 01/23/2019

I. PURPOSE

The purpose of the Policy is to reaffirm the City of Lampasas Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of Departmental Policy and the law.

II. POLICY

It is the Policy of this Department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This Policy shall be applicable to all persons and places.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. In this regard, racial profiling is an unacceptable patrol tactic and is prohibited.

Art. 2.131. A peace officer may not engage in racial profiling.

This Policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused.

Nor does this Policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person or incident being investigated.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complaints or other citizen contacts.

III. DEFINITIONS

Law Enforcement Agency – an agency in the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

Motor Vehicle Stop- an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

Race or Ethnicity - Of a particular decent, including, Caucasian, African American, Hispanic, Asian, Native American or Middle Eastern descent.

Racial Profiling - A law enforcement-initiated action based on an individual's race, ethnicity, or national origin, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. (Art. 3.05, Texas Code of Criminal Procedure)

The Department's Policy prohibiting racial profiling does not preclude the use of race, ethnicity or national origin as factors to be considered by officers when making decisions concerning detention. Race, ethnicity or national origin may be legitimate factors in a detention decision when, for example, race, ethnicity or national origin is used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and/or conducting an inquiry into that person's activities because of that individual's race, ethnicity or national origin is racial profiling. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, however, police may use race, ethnicity or national origin in conjunction with other known factors of the suspect. Examples of racial profiling include, but are not limited to, the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.

2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

The Department's Policy prohibits racial profiling; you can derive at two principles from the adoption of this definition of racial profiling:

Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.

A peace officer may not engage in racial profiling. Officers will not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

II. TRAINING

Officers are responsible for adhering to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements, as mandated by law. TCLEOSE has changed its name to the Texas Commission on Law (TCOLE) updated 1/17/2018.

All officers shall complete a TCOLE training and education program on racial profiling not later than: (1) the second anniversary of the date of the officer is licensed under Chapter 1701 of the Texas Occupations Code; or (2) the date the officer applies for an intermediate proficiency certificate, whichever is earlier. A person who, on September 1, 2001, held a TCLEOSE/TCOLE intermediate proficiency certificate or who had held a peace officer license issued by TCLEOSE/TCOLE for at least two years, shall complete a TCLEOSE/TCOLE training and education program on racial profiling not later than September 1, 2003.

The Chief of Police, as a part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling. An individual appointed or elected as a Police Chief before the effective date of this Act shall complete the program on racial profiling established pursuant to Subsection (j), Section 96.641, Texas Education Code.

III. COMPLAINT INVESTIGATION

1. The Department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
2. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and shall forward the complaint through the appropriate channels of the Department. Any employee of the Police Department who is contacted regarding filing a racial profiling complaint shall provide to that person a copy of a complaint form. All employees will report any allegation of racial profiling to their superior prior to the end of the shift during which the allegation was made.
3. Investigation of a complaint of racial profiling shall be conducted by the Department in a thorough and timely manner. All complaints will be acknowledged, in writing, to the initiator. The initiator will also receive a report on the disposition of the complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable findings and/or suggestions for disciplinary action, retraining, or changes in Policy shall be filed with the Chief.
4. If a racial profiling complaint is sustained against an officer(s), all officer(s) involved will be subjected to appropriate corrective and/or disciplinary action, up to and including termination.
5. If there is a Departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this Department into the complaint and **upon written request** of the officer(s) made the subject of the complaint, the Department shall promptly provide a copy of the recording to the officer(s).

PUBLIC EDUCATION

This Department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information regarding this Policy will be made available, as appropriate, in languages other than English.

IV. CITATION DATA COLLECTION AND REPORTING

For purposes of enforcing and upholding Texas Criminal Procedure Art. 2.133 and this Policy, officers of this department are required to collect information relating to stops of a motor vehicle for an alleged violation of a law or ordinance **shall report to the law enforcement agency that employs the officer information relating to the stop the following, all officers shall include the following on each citation issues:**

1. The violator's race or ethnicity;
2. Whether a search was conducted; and if so, whether the search was consensual; and
3. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual.
4. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - a. the location of the stop; and
 - b. the reason for the stop; and

In regards to Art. 2.133. Reports required for Motor Vehicle Stops all peace officers who stop motor vehicles for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

- (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - (A) the person's gender; and
 - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- (2) the initial reason for the stop;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- (5) the reason for the search, including whether:
 - (A) any contraband or other evidence was in plain view;

- (B) any probable cause or reasonable suspicion existed to perform the search; or
- (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- (7) the street address or approximate location of the stop;
- (8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
- (9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07,

Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

By March 1st of each year, the Chief of Police or designee shall submit a report to the Lampasas City Council and to the Texas Commission on Law Enforcement (TCOLE), which will include the following summary of the prior year's Department motor vehicle stops. The report will follow the Texas Commission on Law Education guidelines in accordance with Section 1701.162, Occupations Code and the Bill Blackwood, Leadership Management Institute of Texas for compiling and reporting this information.

The report will include a comparative analysis of the information compiled under Article 2.133 to evaluate and compare the number of motor vehicle stops, within the City of Lampasas jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities and examine the disposition of motor vehicle stops made by officers employed by the department.

The report will include in according Art. 2.134:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Racial Profiling Training

Officers are responsible for adhering to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements, as mandated by law. TCLEOSE has changed its name to the Texas Commission on Law (TCOLE) updated 1/17/2018.

All officers shall complete a TCOLE training and education program on racial profiling not later than: **(1)** the second anniversary of the date of the officer is licensed under Chapter 1701 of the Texas Occupations Code; or **(2)** the date the officer applies for an intermediate proficiency certificate, whichever is earlier. A person who, on September 1, 2001, held a TCLEOSE/TCOLE intermediate proficiency certificate or who had held a peace officer license issued by TCLEOSE/TCOLE for at least two years, shall complete a TCLEOSE/TCOLE training and education program on racial profiling not later than September 1, 2003.

The Chief of Police, as a part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling. An individual appointed or elected as a Police Chief before the effective date of this Act shall complete the program on racial profiling established pursuant to Subsection (j), Section 96.641, and Texas Education Code.

Racial Profiling



Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

- Target Population:** Licensed law enforcement personnel in Texas
- Prerequisites:** Experience as a law enforcement officer
- Length of Course:** A suggested instructional time of 4 hours
- Material Requirements:** Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

| | |
|---|---------------------------|
| Racial profiling | CCP 3.05 |
| Racial profiling prohibited | CCP 2.131 |
| Law enforcement policy on racial profiling | CCP 2.132 |
| Reports required for traffic and pedestrian stops | CCP 2.133 |
| Liability | CCP 2.136 |
| Racial profiling education for police chiefs | Education Code 96.641 |
| Training program | Occupations Code 1701.253 |

Training required for intermediate certificate

Occupations Code 1701.402

Definition of "race or ethnicity" for form

Transportation Code 543.202

- A. Written departmental policies
 - 1. Definition of what constitutes racial profiling
 - 2. Prohibition of racial profiling
 - 3. Complaint process
 - 4. Public education
 - 5. Corrective action
 - 6. Collection of traffic-stop statistics
 - 7. Annual reports
- B. Not prima facie evidence
- C. Feasibility of use of video equipment
- D. Data does not identify officer
- E. Copy of complaint-related video evidence to officer in question
- F. Vehicle stop report
 - 1. Physical description of detainees: gender, race or ethnicity
 - 2. Alleged violation
 - 3. Consent to search
 - 4. Contraband
 - 5. Facts supporting probable cause
 - 6. Arrest
 - 7. Warning or citation issued
- G. Compilation and analysis of data
- H. Exemption from reporting – audio/video equipment
- I. Officer non-liability
- J. Funding

- K. Required training in racial profiling
1. Police chiefs
 2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

- A. *Whren v. United States*, 517 U.S. 806, 116 S.Ct. 1769 (1996)
1. Motor vehicle search exemption
 2. Traffic violation acceptable as pretext for further investigation
 3. Selective enforcement can be challenged
- B. *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868 (1968)
1. Stop & Frisk doctrine
 2. Stopping and briefly detaining a person
 3. Frisk and pat down
- C. Other cases
1. *Pennsylvania v. Mimms*, 434 U.S. 106, 98 S.Ct. 330 (1977)
 2. *Maryland v. Wilson*, 117 S.Ct. 882 (1997)
 3. *Graham v. State*, 119 MdApp 444, 705 A.2d 82 (1998)
 4. *Pryor v. State*, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
 5. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999)
 6. *New York v. Belton*, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

here are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially-motivated traffic stop.

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
 1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
 2. The driver and passengers are questioned about things that do not relate to the traffic violation
 3. The driver and passengers are ordered out of the vehicle
 4. The officers visually check all observable parts of the vehicle

5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

- A. Drug courier profile (adapted from a profile developed by the DEA)
 1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
 2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
 3. Vehicle is rented
 4. Driver is a young male, 20-35
 5. No visible luggage, even though driver is traveling
 6. Driver was over-reckless or over-cautious in driving and responding to signals
 7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
 1. Non-standard repainting (esp. on a new vehicle)
 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
 1. Not consistent with traffic flow
 2. Driver is overly cautious, or driver/passengers repeatedly look at police car

3. Driver begins using a car- or cell-phone when signaled to stop
 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)
- D. Vehicle interior
1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
 2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Maryland Training Unit on Proactive Field Stops

Law Enforcement Training Course

TRAINING UNIT PROACTIVE FIELD STOPS

INSTRUCTOR GUIDE



Developed by the
Maryland Police and Correctional
Training Commissions

NOTICE

Due to the dynamic nature of law enforcement and the impact of court decisions and statutory changes on police and correctional operations, it is important that each department review this information to verify that it is consistent with current federal, state and local law and regulations, and with departmental policy and procedure. This information is not intended to substitute for the advice of legal counsel. You should speak with your legal advisor about the sufficiency of your department's manual, policy, curriculum, and training program. This material should not be used as the sole basis for compliance with any law or regulation, and departments should not rely on this material as a legal defense in any civil or criminal action. The Police & Correctional Training Commissions have compiled and distributed this information as a guide for the individual departments, and are not responsible for the content and delivery of this material by other departments

TRAINING UNIT

Proactive Field Stops

TRAINING OBJECTIVES:

Examine the phenomenon of alleged racial profiling by law enforcement, particularly the tactic of using traffic stops as a pretext to investigate suspected criminal activity.

Review the constitutional issues surrounding the use of police field stops to deter crime and apprehend known criminal offenders, including relevant US Supreme Court and Maryland decisions.

Discuss effective techniques for conducting lawful field stops of suspects operating motor vehicles and suspects on the street.

MPTC OBJECTIVES:

None identified at this time.

REFERENCES/RESOURCES CONSULTED:

- Adcox, Ken, "Doing Bad Things for Good Reasons," *The Police Chief*, January 2000, p.16-27.
- Brooks, Michael E., "Using A Racial Characteristic in a Criminal Investigation," *The Police Chief*, February 2000, p.10.
- Capps, Larry E., "CPR: Career-Saving Advice for Police Officers," *FBI Law Enforcement Bulletin*, July 1988, p.14-18.
- Cohen, John D.; Lennon, Janet; Wasserman, Robert; "Eliminating Racial Profiling: A Third Way Approach," The Progressive Policy Institute & Democratic Leadership Council, Washington, DC; available from <http://www.dlcppi.org>; Internet; accessed 9 May 2000.

- Crawford, Kimberly, "Consent Searches: Guidelines for Officers," *FBI Law Enforcement Bulletin*, August, 1996, pp. 27-32.
- Ghannam, Jeffrey, "Trafficking in Color," *ABA Journal*, May, 2000, p.18-19.
- Goldberg, Jeffrey, "What Cops Talk About When They Talk About Race," *The New York Times Magazine*, 20 June 1999, pp.50-57, 64-65, 85.
- Hall, John C., "Investigative Detention: Constitutional Constraints on Police Use Of Force," *FBI Law Enforcement Bulletin*, May, 1998, p.26-31.
- , "Pretext Traffic Stops: Whren v. United States," *FBI Law Enforcement Bulletin*, November, 1996, pp. 28-32.
- Harris, David, "Stories, The Statistics, and the Law: Why 'Driving While Black' Matters," *Minnesota Law Review*, Minneapolis, MN, Vol. 84, Issue 2, December 1999, p.265-325.
- , "Driving While Black: 'Racial Profiling On Our Nation's Highways,' Arrest the Racism: Racial Profiling in America," ACLU Freedom Network available from: <http://www.aclu.org>, Internet; accessed 26 May 2000.
- International Association of Chiefs of Police, "Ensuring Professional Traffic Stops," Recommendations from the First IACP Forum on Professional Traffic Stops; available from: <http://www.theiacp.org>; Internet; accessed 14 June 2000.
- , "Field Inquiry," *IACP Training Key #37*, 1965.
- , "Field Interviews," *IACP Training Key #337*, 1987.
- , "Investigative Stops Using Drug Courier Profiles," *IACP Training Key #394*.,1988

- , “Motor Vehicle Stops, Part I,” *IACP Training Key #422*, 1993.
- , “Motor Vehicle Stops, Part II.” *IACP Training Key #423*, 1993.
- Kelly, J. C., “The Officer’s Dilemma: Terry ‘Detention’ or Miranda ‘Custody’,” *The Police Chief*, January 1999, 10.
- Maguire, Kathleen and Pastore, Ann L., eds., *Sourcebook of Criminal Justice Statistics 1998*, U.S. Department of Justice, Bureau of Justice Statistics, Washington, DC: USGPO, 1999.
- Margolis, Jeremy; Watts, Darren; and Johnston, Iain, “Proactive Defense Strategies Can Minimize Risk,” *The Police Chief*, July, 2000, pp. 18-20, 22-23.
- Marshall, Kenneth B., “Managing Successful Criminal Patrol Interdiction Programs,” *The Police Chief*, July, 1999, pp. 30, 33.
- Moody, Bobby D., “Professional Traffic Stops vs. Biased Traffic Stops,” *The Police Chief*, July 1998, p.6.
- Russell, Kathryn K., “ ‘Driving While Black’: Corollary Phenomena and Collateral Consequences,” *Boston College Law Review*, Newton Center, MA, Vol. 40, Issue 3, May 1999, p.717-731.
- “Street Survival ’99: Personal Resource Guide,” Calibre Press, Northbrook, IL, 1999.
- Strom, Kevin J. and Durose, Matthew R., “Traffic Stop Data Collection Policies For State Police, 1999,” US Department of Justice, *Office of Justice Programs Bulletin*, February, 2000.
- Sweeney, Earl M., “Combating Crashes and Crime Through Professional Traffic Stops,” *The Police Chief*, July, 1999, pp. 39, 42.

Turner, Lon M., Byers, Keith A. and Finnel, Davene L., "Cool Stops: A Valuable And Effective Investigative Tool," *Law Enforcement Quarterly*, Summer/Fall 1999, p. 5-10.

US Department of Justice, Drug Enforcement Administration, "Operations Pipeline and Convoy;" available from <http://www.usdoj.gov>; Internet; accessed 20 June 2000.

US Department of Transportation, NHTSA, "Conducting Complete Traffic Stops: A Community Crash and Crime Reduction Effort," Instructor Manual (Draft), Washington, DC, Feb. 2000.

———, "Strengthening the Citizen and Police Partnership at the Traffic Stop: Professionalism is a Two-Way Street," (Draft), Washington, DC, August 14, 2000.

Woodhull, Angela V., *Police Communication in Traffic Stops*, Schenkman Books, Rochester, VT, 1993.

ISSUE DATE: May 21, 2001

TABLE OF CONTENTS

| | | |
|------|--|---------|
| I. | RACIAL PROFILING - A BACKGROUND | Page 7 |
| II. | LAW ENFORCEMENT PROFILING - PRO AND CON | Page 11 |
| III. | CONSTITUTIONAL ISSUES | Page 13 |
| IV. | INTERPERSONAL COMMUNICATION: THE KEY INGREDIENT | Page 19 |
| V. | PROACTIVE FIELD STOPS - MOTOR VEHICLES | Page 22 |
| VI. | PROACTIVE FIELD STOPS - STREET INTERVIEWS | Page 25 |
| VII. | CONDUCTING EFFECTIVE VEHICLE STOPS | Page 27 |

Proactive Field Stops

I. Racial Profiling – A Background

“To stop and search an individual simply because of his race, gender, or economic level is unlawful as well as unconstitutional, and should not be tolerated in any police organization.”

Superintendent David Mitchell

Maryland State Police

In its broadest sense, racial profiling by law enforcement officers is the practice of some officers to stop, search, and investigate minorities, both on the street and while traveling in vehicles, based solely on their racial or ethnic background, rather than on their actions.

- A. The perceived police practice of stopping and searching vehicles operated by African Americans, especially those that are suspected of being drug couriers, had been termed “Driving While Black,” or “DWB.”
- B. “DWB” has likewise been expanded to mean “Driving While Brown,” —the ethnic profiling of Hispanic-Americans.
- C. This perception by some African Americans that they are unfairly and unjustly singled out by police as criminal suspects has been widely publicized by the national and local media.
- D. Racial profiling is any police street or traffic stop, based solely on racial or ethnic stereotypes that has the end result of treating minorities significantly differently than non-minority citizens. This volatile issue can effectively polarize police agencies and the communities they serve.

- E. The majority of complaints alleging racial profiling follow vehicle stops by police.
- F. These vehicle stops are usually the result of police drug interdiction efforts and they occur typically along interstate highways that are considered to be major drug transport corridors.
- G. In the Mid-Atlantic area, Interstate-95 has been the source of the majority of complaints about this practice, particularly those sections of I-95 in Maryland.
- H. Typically, the traffic stop is for a traffic violation, which is actually a pretext for the purpose of conducting a search of the vehicle for drugs or other narcotic-related contraband.
- I. Allegations of racial profiling during a vehicle stop may roughly follow this pattern:
 - 1. On the basis of a real or contrived traffic violation, the suspect vehicle is stopped by the police.
 - 2. The driver and occupants are subjected to verbal inquiries that are not necessarily related or pertinent to the purported traffic violation that was the basis for the stop.
 - 3. The driver and other occupants are ordered out of the vehicle.
 - 4. The police will visually check all observable areas of the interior of the vehicle.
 - 5. Based on their questioning of the occupants and their visual observation of the vehicle, the police, acting on their perception of a drug courier profile—which is actually an investigative template—may detain the driver and occupants by the roadside for further investigation.
 - 6. The driver is requested to accede to a consent search of the vehicle.
 - 7. If consent to search the vehicle is denied, the police will usually conduct a peripheral investigative (and delaying) tactic, such as summoning a drug-detection dog to the scene, or conducting time-consuming wanted and criminal record checks on the vehicle and all occupants.

8. The key element in this process is the consent search, since this is the means by which the police will successfully accomplish a drug interdiction effort.
 9. If the driver refuses to consent to a search of the vehicle, intimidation may be applied. The police may threaten to detain the driver (for several hours) until they obtain a search warrant, or otherwise allude to some other delaying or harassing action, even intimating the arrest of occupants and the towing and impounding of the vehicle.
- J. Drug courier profiles originated with the Drug Enforcement Administration (DEA) in the early 1970's, and were originally used at airports, train stations, and bus depots. The characteristics of DEA courier profiles were behavioral-based:
- Unusual nervousness of suspect
 - Payment of ticket in cash
 - Traveling to or from a drug-suspect destination
 - Traveling under an alias
 - Carrying little or no luggage
 - Immediate use of telephone after destination arrival
 - Leaving a false call-back phone number with ticket agent
 - Excessive travel to drug-source or distribution locales
- K. In 1986, the DEA instituted "Operation Pipeline," a highway drug interdiction program, which has since trained state and local police agencies in the use of pretext traffic stops in order to find drugs in vehicles. The techniques suggested by the DEA include the following clues, or indicators of highway drug smuggling:
- Use of car air fresheners to discourage drug-sniffing canines
 - Overt signs of driving long hours without stop, such as food wrappers and beverage cans in the car, days-old facial beards, and disheveled clothing
 - Use of rental vehicles
 - Driver is a young male, usually 20-35 years; the age group which experience has shown to be the most likely drug courier.
 - No visible luggage in the vehicle
 - Driver attempted to avoid or elude the police by operating either recklessly, or even overly-cautiously
 - Unusual driver nervousness and anxiety

- L. The DEA and local police agencies vigorously deny that race or ethnicity is a factor in drug courier profiles. These agencies say they neither teach nor condone racial profiling. If and when it does occur, they infer it is the result of over-zealous or errant officers, the proverbial “bad apples” or “rogue cop” cliché.
- M. Various national civil rights organizations have claimed otherwise. The American Civil Liberties Union (ACLU), has taken the lead in combating alleged racially-biased traffic stops by instituting civil litigation against suspect police agencies, sometimes successfully.
- N. According to the ACLU, pretextual stops are legal deceptions because the alleged traffic violation is not the real reason the officer stopped the car. They note that this becomes obvious when the officer begins to question the occupants and requests consent to search the vehicle. If the stop was really for a traffic violation, they argue, there would be no need for a roadside interrogation or a search.
- O. Pretextual stops that are presumably based solely on the race or ethnicity of the driver and/or passengers, are problematic and are the center of the controversy.
- P. The US Supreme Court, in *Whren v. United States*, 517 U.S. 806, 116 S. Ct. 1769 (1996), has approved the use of pretextual traffic stops when the officer has observed a traffic violation or has probable cause to believe that criminal activity has been, or is, taking place.
- Q. There in an increase in law enforcement agencies being confronted with civil litigation alleging bias traffic stops by their officers, i.e., that their officers are acting primarily in response to a citizen’s race or ethnicity, rather than the citizen’s actions.
- R. While it is appropriate to use race as an identifying characteristic, such as in a description of a wanted suspect, police cannot utilize a criminal profile based solely on race or ethnicity, nor can police use race or ethnicity as the sole basis for a traffic or street stop. To do so is the crux of racial profiling.
- S. Simply put, racial or ethnic bias has no place in progressive law enforcement, regardless of past practices. Traffic stops and street field inquiries must always be performed in a totally impartial, fair-minded, and professional manner. Police cannot effect a pretextual traffic stop solely on the basis of the race of the driver or occupants.

Police cannot ascribe certain behavior traits to a person or a group merely on the basis of their race or ethnic background. If police action is taken, it must be because the person in question has violated a law, not because he or she is of a particular race, ethnicity, or gender. Police can only intervene on the basis of what people do, not on what they look like.

II. Law Enforcement Profiling – Viewpoints

- A. The alleged practice of racial profiling in law enforcement assumes that most drug offenses, particularly distribution and sales, are committed by minorities—predominantly African Americans and Hispanics. It follows, that when police specifically look for drug violations among African Americans and Hispanics, they’ll find them in disproportionate numbers.
- B. On the other hand, civil rights activists challenge the claim that criminal profiling is disproportionately committed by young minority males. They rationalize that because police concentrate aggressive crime suppression tactics primarily in minority communities, they will, as expected, stop, investigate, and arrest a disproportionate number of minority men.
- C. Despite this unintended “targeting” effect of profiling, profiling itself is not necessarily a biased concept. Everyone “profiles,” although some might call it stereotyping. We profile when we make a major purchase, pick our friends, or select a school for our kids. Arguably, profiling can be considered an intrinsic part of the human experience.
- D. A profile is a set of characteristics which we arbitrarily ascribe to human behavior or to a social situation, and by which we judge, evaluate, and categorize people, places, and things. These characteristics are derived from our life experiences, and are applied either consciously or subconsciously.
- E. Profiling, as a criminal investigation tool, is naturally derived from our work experiences as law enforcement officers. We intuitively form insights regarding people we professionally interact with, particularly the criminal element. From these associations, we develop a mental profile of certain characteristics that are habitually associated with specific acts of criminal behavior.

- F. Essentially, MO, or methods of operation, and criminal profiles are closely related concepts. Based on a criminal's MO, an experienced and insightful investigator, particularly a specialist, can usually formulate a reasonably accurate profile of the perpetrator.
- G. The heart of the subject controversy is whether law enforcement agencies can legitimately use race, either exclusively, or as one of several factors in devising criminal profiles for suppression of street crime, and particularly, for drug courier interdiction on highways.
- H. Law enforcement officials, including some African American police chiefs in big cities, defend such tactics as an effective way to target their limited resources on likely lawbreakers. They maintain that profiling is based not on prejudice, but probabilities—the statistical reality that young minority men are disproportionately likely to commit (and be the victim of) crimes.¹
- I. Bernard Parks, Chief, Los Angeles, CA PD, argues that racial profiling is rooted in statistical reality, not racism. Chief Parks, who is African American, vigorously defends the idea that police can legitimately factor-in race when building a profile of a criminal suspect.²
- J. Reuben Greenberg, Chief, Charleston, SC PD, who is also Black, sees the problem as "...white cops who are so dumb that they can't make a distinction between a middle-class Black and an under-class Black, between someone breaking the law and someone just walking down the street. Black cops too."³
- K. The International Association of Chiefs of Police (IACP) maintains that proactive police traffic stops, based on legitimately-observed and articulable violations will:
- Reduce motor vehicle accidents
 - Identify and deter drunk drivers
 - Prevent and abate criminal activity
- L. The IACP notes that studies have shown that more illegal guns are seized through traffic stops than any other enforcement action and that the DEA estimates that 40% of all drug arrests result from traffic stops.

¹ Jeffrey Goldberg, "What Cops Talk About When They Talk About Race," *The New York Time Magazine*, 20 June 1999, p. 50-57, 64-65, 88.

² *Ibid.*

³ *Ibid.*

- M. The problem with racial profiling, is that it is not only capricious, it is also inaccurate. It randomly targets all minority men, the innocent as well as the criminal, including many middle-class professionals, based solely on their race or ethnic origin, who are arbitrarily stopped, detained, questioned, and humiliated by this practice, often repeatedly.
- N. Whatever gains law enforcement derives from profiling are vastly outweighed by the negative social costs incurred, principally the erosion of trust and confidence in the criminal justice system in this country by minorities.

III. Constitutional Issues

- A. Two U.S. Supreme Court decisions impact proactive field stops. *Whren v. United States*, 517 U.S. 806, 116 S.Ct. 1769 (1996) for traffic stops, and *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868 (1968) for street field interviews.
- B. *Whren v. United States*
 - 1. In *Carroll v. United States*, 267 U.S. 132,153 (1925), the Supreme Court established the motor vehicle search exception to the warrant requirement. This decision permitted police to search a vehicle without a warrant when they had probable cause to believe it contained contraband or evidence of a crime. The mobility of a motor vehicle was a factor in this decision.
 - 2. In 1996, the US Supreme Court held unanimously in *Whren v. United States*, that as a general matter, the decision to stop a motor vehicle is reasonable when the police have probable cause to believe that a traffic violation has occurred.
 - 3. The Court noted in *Whren*, that the constitutional reasonableness of the stop does not depend on “ulterior motives,” “actual motivations,” or “subjective intentions” of the officer making the stop.
 - 4. In effect, the United States Supreme Court approved the practice of police using a traffic violation to justify a traffic stop, even when the purpose of the police was to conduct an investigation into suspected criminal activity not necessarily related to the traffic violation.

5. The Court, while declaring that such stops do not violate the Fourth Amendment, did allow that allegations of unlawful selective enforcement (stops based solely on race or ethnicity) could be challenged civilly under the equal protection clause of the 14th Amendment.

C. *Terry v. Ohio*

1. *Terry v. Ohio* was a landmark Supreme Court case that established the Stop & Frisk doctrine, and outlined the Supreme Court’s guidelines for investigative stops.

2. The Court held that police may, in certain circumstances, approach and stop a person for the purpose of investigating possible criminal behavior, even when there is not enough probable cause to make an arrest.

3. Under *Terry*, a police officer may stop and briefly detain a person only if the officer has a reasonable suspicion, supported by articulable facts, that the individual may be involved in criminal activity.

4. The Court also held that under certain circumstances, the person stopped could also be “frisked,” in that the police could conduct a limited search, or “pat down”, of the individual’s outer clothing to discover the presence of any weapons.

D. These decisions permitted a wide latitude of individual police discretion in stopping and investigating citizens operating motor vehicles, standing on a corner, or walking down the street.

E. Obviously, discretion is a critical part of the police task and police work grants front-line officers an enormous amount of autonomy in decision-making. In this sense, police discretion can be defined as making judgmental decisions based on several factors, such as:

- Laws and ordinances
- Agency policies and procedures
- Training
- Job knowledge and experience
- Personal values and beliefs
- Work group norms

- Community mores and customs

- F. Police work, by its very nature, however, can be driven by a single-minded determination to just getting the job done; an ends justify the means attitude. This is personified by the old cop adage: “Do something—take some kind of action—even if it’s the wrong thing.”
- G. When this macho, action-oriented mindset is coupled with wide-ranging autonomous and loosely-supervised discretion, the potential for police abuse of power is considerably magnified.
- H. For some officers, the ends, or objectives, have become so important to them, that they will resort to using borderline means or risky shortcuts to accomplish what *they* think is right and proper, regardless of what the law requires or what their agency policies dictate.
- I. In time, this “ends justify the means” outlook evolves into an “us versus them” approach to law enforcement; a cynical, and self-serving personal assessment of the officer’s relationship to the citizenry he or she is sworn to protect.
- J. Whatever the individual police officer may personally think about crime, criminals, and the law, he or she must perform their duty in a competent and fair-minded manner.
- K. Competence and fairness are the keys to professional police work, especially in confronting citizens in proactive field stops; anything less is ethically and professionally unacceptable.
- L. To validate and justify a traffic stop or a street field interview, you must be capable of reasonably and intelligently articulating, verbally and in writing, the basis for the stop. In order to stop a vehicle, for instance, a police officer must be able to explain that a traffic violation or a criminal act had occurred.
- M. Articulating simply means you must be able to persuasively explain or demonstrate to a court that you had probable cause to stop the vehicle or person in the first place, and that you had reasonable suspicion for any further detaining or investigative actions you conducted following the stop.
- N. Reasonable suspicion is something less than probable cause, but is more than a vague suspicion, an unexplainable hunch, or a “gut feeling.” If you can’t articulate the reason(s) for the stop, you probably don’t have grounds for a legal stop in the first place.

O. Other Significant Cases:

1. *Pennsylvania v. Mimms*, 434 U.S. 106, 98 S.Ct. 330 (1977) A US Supreme Court decision which allows an officer to order the driver out of a vehicle following a lawful traffic stop. The Court decided this case on the basis of officer safety, and cited a study that revealed 30% of police shootings occurred when officers approached suspects in vehicles.
2. *Maryland v. Wilson*, 117 S.Ct. 882 (1997) This US Supreme Court decision permits officers to order passengers out of a vehicle following a lawful traffic stop pending the completion of the stop.
3. *Graham v. State*, 119 MdApp 444, 705 A.2d 82 (1998) Passenger is “seized” for purposes of the 4th Amendment when he is ordered to remain in a car stopped for speeding while officer checks the driver’s license and registration. Continued detention of passenger *after* purpose of stop is accomplished is unreasonable, unless there is reasonable, articulable suspicion to justify continuing the detention. (driver’s license proved invalid, driver was arrested, yet passenger ordered to remain in the car after driver’s arrest to wait 25 minute for a K-9 unit).
4. *Pryor v. State*, 122 Md.App. 671 (1997), *cert. denied* 352 Md. 312, 721 A.2d 990 (1998) (other citations omitted) The 4th Amendment permits the warrantless search of an automobile when there is probable cause to believe that the automobile contains contraband or evidence of criminal activity.. Note: there is no separate “exigency requirement” for the automobile exception to apply; probable cause alone satisfies the automobile exception to the 4th Amendment’s warrant requirement. *Maryland v. Dyson*, 527 U.S. 465, 119 S.Ct. 2013 (1999)(*per curiam*).
5. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999) The officer’s purpose in an ordinary traffic stop is to enforce the laws of the roadway, and ordinarily to investigate the manner of driving with the intent to issue a citation or warning. Once the initial purpose of that stop has been fulfilled, the continued detention of the car and the occupants amounts to a second detention. Once the underlying basis for the initial traffic stop has concluded, a police-driver encounter which implicates the 4th Amendment is constitutionally permissible only if (1) the driver consents to the continuing intrusion; *or* (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999). For example:

Officer stopped driver stopped for suspected violations of motor vehicle laws, and continued to briefly detain him after learning that the license and registration were in order. Court found that officer harbored no more than a “hunch” that

the driver possessed drugs, and that the continued detention was not independently supported by reasonable suspicion of criminal activity. Therefore, drugs subsequently found in the vehicle were suppressed. *Munafò v. State*, 105 Md.App. 662, 660 A.2d 1068 (1995).

Trooper issued driver a traffic citation, returned driver's license and registration documents, and then asked driver if he would mind exiting his vehicle and stepping to the rear to answer a few questions. After several questions, driver admitted to smoking and possessing pot. Pot was suppressed because court found trooper had insufficient reason to justify continuing the encounter after issuing citation. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999).

In meeting the reasonable articulable suspicion standard, it is not enough for officers to articulate reasons why they stopped someone if those reasons are not probative of behavior in which few innocent people would engage. The factors together must serve to eliminate a substantial portion of innocent travelers before the requirement of reasonable suspicion will be satisfied; officers' assertions that a criminal activity is indicated by "garden variety nervousness" must be treated with caution. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999) (other citations omitted).

6. *New York v. Belton*, 453 U.S. 454 (1981) Allowed that police may conduct a full search of a vehicle's passenger compartment incidental to a custodial arrest of an occupant. A full search would not, however, be permitted in those situations where the officer merely issued a citation.

P. Consent Searches:

1. The two prerequisites for a valid consent search of a vehicle (or anything else) are:
 - a. The consent must be given voluntarily, and
 - b. The consent must be given by a person with authority.
2. Because consent is a critical exception to the search by warrant requirement, the State (the police officer) bears the burden of proving both these prerequisites.

3. The consent given be must be free and voluntary. Any appearance of coercion may void the search. A arrestee in custody is seen by the courts to be susceptible to duress and coercion and the courts will closely examine the voluntariness of any consent given by an arrested person.
4. Numerous officers on the scene may be perceived as a coercive situation to the average person.
5. Similarly, the person consenting to the search must have the legal authority to grant the consent. Again, it is the investigating officer's responsibility to determine authority. From a legal perspective, control and access count for more than ownership.
6. The consent search of a vehicle:
 - a. Will usually include all containers in the vehicle unless the consenting person exempted consent for those specific items or areas.
 - b. The search must be restricted in scope to the area where consent was given. In other words, a person may consent to a search of the passenger area, but not the trunk.
 - c. The request for consent must be in the form of a request, not a command.
 - d. The person must clearly understand what he or she is agreeing to when their consent is requested.
 - e. Police are not constitutionally required to inform citizens that they are free to leave before getting consent to search a motor vehicle, but by not doing so, the constitutional validity of any further investigation would be imperiled. *Ferris v. State*, 335 Md 356, 735 A.2d 491 (1999).
 - f. It is recommended, however, that the driver's license and registration be returned, along with any other documents, including a citation, if one was issued, before consent to search is requested, to dispel any impression on the driver's part that he or she is still detained.
 - g. The consent to search may be withdrawn at any time during the search.
7. Consent Form or Waiver:
 - a. Most law enforcement agencies have a pre-printed form with which a person can sign to indicate that they consented to a search of their vehicle, home, or possessions. Some consent forms are printed in multiple languages.
 - b. It would be very beneficial if officers can persuade the responsible individual to read and sign their agency consent form.

- c. Note: It is not unusual for suspects to verbally agree to a consent search, but decline to sign a consent form. If incriminating evidence or contraband is later found, they can then deny that they ever verbally consented to a search.
- d. To preclude this scenario, officers should obtain the verbal consent on tape if an in-vehicle or tape recorder is available. Lacking that, have your back-up officer available to witness the verbal consent agreement.

NOTE: You cannot tape-record in Maryland with the knowledge, and consent, of the other person.

8. When conducting a consent search of a vehicle, always have a back-up officer on the scene for your own safety. You cannot conduct an effective vehicle search and keep an eye on someone at the same time.
9. The question always arises—why would anyone with something to hide, especially of an illegal nature, willingly allow the police to search their vehicle or possessions? Usually for the following reasons:
 - No. 1 Reason – They believe the stuff (drugs, weapons, stolen property, etc.) will be overlooked.
 - No. 2 Reason – They think their consent will be looked on favorably by the courts. They want to appear cooperative (!)
 - If anything incriminating is found, they feel like they can deny any knowledge or personal involvement with it, or otherwise explain it away.
 - They think they've been caught and simply give up.

IV. Interpersonal Communication: The Key Ingredient

- A. Effective communication skills can be a police officer's most important attribute. This is particularly so when engaged in a traffic stop or a field interview on the street. A few particulars...:
 1. Approach the citizen in a open, friendly manner if at all possible. Keep your body language assertive, but non-hostile. If appropriate, introduce yourself.
 2. Remember, the key elements in any stop are civility and caution. Sometimes it's difficult to be courteous, but you should always be civil.

3. Tell the citizen why you stopped him. Unless it's patently obvious, the citizen has a right to know and you are professionally obligated to inform him, without any hostility or posturing on your part.
4. Avoid any excessive small-talk or inappropriate questioning.
5. Be brief and to the point. Don't detain anyone beyond the time needed to effect the necessary enforcement action or otherwise clarify a situation.
6. Keep your physical, or non-verbal indicators friendly and neutral, such as your:
 - Eye contact
 - Stance
 - Position of hands
 - Facial expression
7. According to studies conducted in several states, the number one citizen complaint about police officers is the officer's *verbal conduct*. By comparison, only about one-fourth of the complaints filed against police officers dealt with excessive force issues.
8. Speak civilly and in a moderate tone. Citizens seem more concerned about *how* officers speak to them, than by what the officer actually says. Citizens are particularly aggrieved by what they perceive as an officer's gruff or condescending tone of voice.
9. Listen actively. Communication is a two-part process and listening is the other half. Regardless of the type of person you're dealing with, stay focused and concentrate on what they're saying (... or not saying).
10. Sgt. Larry E. Capps, of the Missouri City, Texas PD, has coined a police-citizen interaction dynamic, appropriate for this discussion, which he calls CPR, for:⁴

⁴ Larry E. Capps, "CPR: Career-Saving Advice for Police Officers," *FBI Law enforcement Bulletin*, July, 1988, Washington, DC, p. 14-18.

- a. Civility – A state of affairs characterized by tolerance, kindness, consideration, and understanding. Civility can be expressed by positive action, or even inaction, as when police officers refrain from over-reacting to verbal outbursts from angry citizens.
 - b. Professionalism – In a broad sense, a concept of excellence or a continual striving for excellence. Its core elements include technical knowledge, moral judgements, a client-oriented practice, considerable discretion given to practitioners, and most importantly, an acknowledgement that policing is a “moral call” profession, in which members are duty bound to respond, whenever and wherever called, regardless of who calls them.
 - c. Restraint – The self-control exercised by officers and their selection of the least intrusive means of accomplishing a legitimate police objective.
11. Some officer best-practices for vehicle stops:
 - a. Always inform the driver of the reason for the stop. Speak slowly and clearly.
 - b. Describe the violation in terms of what the vehicle as doing, not what the driver did. This non-accusatory approach can often enhance officer-driver rapport.
 - c. Ask the driver for the reason for the violation; allow them to vent/offer a stress-reducing explanation.
 - d. Provide instructions. After you obtain their license and registration, tell them that you are going back to your police vehicle to review their documents and advise them to remain in their vehicle.
 - e. Calm any children in the stopped vehicle that may be visibly apprehensive of the presence of a police officer.
 12. Again, it’s worth repeating: Proactive traffic enforcement that is race or ethnic-based is neither legal: consistent with democratic ideals, values, and principles of American policing; nor in any way a legitimate and defensible public protection strategy.⁴
 13. Use the *but/for* test to determine if a stop was based on racial profiling. Say to yourself, *But for this person’s race, ethnic heritage, gender, religious or sexual preference, would this driver have had this encounter with me?* If the

⁴ US Department of Justice, NHTSA, *Strengthening the Citizen and Police Partnership at the Traffic Stop: Professionalism is a Two-Way Street*, (Draft) Washington, DC, Aug.14, 2000, p. 8.

answer is that they would not, then this was a profile stop and most likely a violation of the person's Constitutional rights.⁵

V. Proactive Field Stops – Motor Vehicles

- A. You've heard it before; we'll say it again: "There's no such thing as a routine traffic stop." You, the cop, are at a distinct disadvantage during any traffic stop. The driver knows who you are, but you don't know who he is.
- B. All your survival skills and street instincts should be highly focused during a traffic stop, no matter how innocuous or minor it may seem.
- C. Again, you must be able to articulate that a traffic violation or criminal act has occurred in order to stop a vehicle. You cannot stop a car on a whim, or a hunch, or just because you're bored. Discretionary stops are violations of the Fourth Amendment and/or the Fourteenth Amendment because they are arbitrary, intrusive, and discriminatory.
- D. Unless it's an emergency situation, you should not attempt to stop a vehicle if you're in plainclothes and/or operating an unmarked vehicle. Always request a marked patrol vehicle to make the stop for you.

Note

Does this all sound like basic cop stuff you learned back at the Academy and at those dreary and redundant In-Service training sessions? Does a salty, veteran, street cop like yourself need to sit thru all this sermonizing again? Consider this, FBI stats indicate that vehicle stops, nationally, over a 10-year period, account for about 11 percent of all peace officers feloniously killed or assaulted. Are you fairly comfortable with one-in-ten odds, Officer, ...well, are you?

- E. It is not the purpose of this training unit section to tell you how to make a traffic stop. Traffic stop procedures and techniques constitute a training category all their own. We'll cover a few priority highlights that are particularly pertinent for a patrol officer working solo:
 - 1. Select a stop location that will best allow you to deal safely and effectively with the motorist.

⁵ *Ibid.*

2. Position your police vehicle about 30–40 feet behind the stopped vehicle and aim your spotlight at the interior rear mirror of the stopped vehicle
3. Park your police vehicle at an angle to the stopped vehicle and position your vehicle engine block as cover, ...just in case.
4. Notify your dispatcher of the stop location, vehicle description and license—Always!
5. If doable, get a stolen check on the vehicle before approaching. You can obtain a vehicle registration listing later.
6. If circumstances are less than desirable, or if something seems suspicious or amiss, approach the vehicle from the right-hand, or passenger side, especially when:
 - You're working solo
 - You're in a rural or deserted area
 - During darkness or in a low-light area
 - More than one person is in the stopped vehicle
 - You're on a high-traffic roadway
7. If the driver or occupants exit the stopped vehicle right after the stop, exit your police vehicle also, especially if they start walking toward you. Be the first out of your vehicle. You don't want to be behind your steering wheel and secured in your seat belt if a fire fight erupts.
8. Remember: Your initial approach toward the vehicle and your first contact with the driver is the most dangerous stage of a traffic stop. Make your approach slowly and stop and push down on the trunk lid of the stopped vehicle to ensure it is locked. Ask the driver to turn on the dome light.
9. Ask drivers where they keep their operator's permit and vehicle registration. This will allow you to anticipate the driver's movements and might decrease your reaction time in the event something goes wrong.
10. Note: Push down on the trunk with your bare hand to mark and leave your handprint on the vehicle, in case the vehicle has to be identified at a later time (...and if you're not around to do it).

11. Important: If something doesn't look or feel right, back-off and call for a back-up unit, and then wait for it. Trust your instincts.
12. Never place yourself within arms-reach of the driver or any occupant of the stopped vehicle, and keep your gun hand free. Don't lean into an occupied vehicle for any reason.
13. Don't walk or position yourself in front of or behind the stopped vehicle, or between your police vehicle and the stopped vehicle, and don't cross in front of your headlights when approaching the stopped vehicle.
14. Don't allow any unknown suspect to sit in your patrol vehicle, certainly not without being searched. It's a bad practice; they can hear your radio transmissions and there are weapons within easy reach. Just don't do it!
15. Don't turn your back to any of the occupants of a stopped vehicle, or otherwise allow yourself to be distracted and lose visual contact with a suspect. This is the cardinal rule governing any cop-suspect interaction.
16. If you have to return to your police vehicle for any reason during a traffic stop, it may be preferable to sit in the right-front seat as this position will offer you greater bail-out options in the event something goes badly wrong.
17. Be aware of the possibility that the vehicle you stopped was a "load" vehicle carrying valuable contraband and that there may be an "escort" vehicle following or preceding the vehicle you have stopped. Be very observant of any vehicles that stop on the roadway in front of, or behind the vehicle you have stopped.

VI. Proactive Field Stops – Street Interviews

- A. Maryland has recently ruled that police accosting a citizen is a viable law enforcement tool, as long as the encounter remains voluntary, i.e., that the citizen feels free to walk away. However, a seizure occurs when police indicate that compliance with their requests is required, such that the reasonable person would no longer feel free to walk away. *Reynolds v. State*, 130 Md.App. 304, 746 A.2d 422 (1999), cert. denied __Md.__, __A.2d__ (April 13, 2000) (citizen accosted responded to officer's questions, answers yielded no reasonable articulable suspicion or probable cause; ensuing 5-minute wait - in silence - for results of warrant check was excessive and unreasonable because it was unsupported by reasonable suspicion or probable cause).

- B. The street field interview involves a police officer stopping a person or persons on the street, purposely to question, and sometimes to search them, because the officer has a reasonable suspicion that they may have been engaged in criminal activities.
- C. Like their companion traffic stops, however, street field interviews, particularly in high-crime, disadvantaged neighborhoods, have been the cause of minority-community complaints, alleging that the police are indifferent to, and abusive of the civil rights of minority citizens.
- D. Aggressive field stops and searches, especially by quasi-military, police tactical units in minority communities, have created a highly negative and unfavorable image in the media, as witness the recent NYPD street unit encounters with Amadou Diallo and Patrick Dorismond, which resulted in the shooting deaths of both men, under highly questionable circumstances.
- E. On the plus side, street field interviews are a proven and verifiable anti-crime tactic, in that they:
- Are acceptable to the general public when conducted at moderate levels
 - Deter at-risk individuals from criminal and delinquent behavior
 - Identify and lead to the arrest of known criminal offenders
 - Identify possible witnesses and informants
 - Provide intelligence from both criminal and non-criminal sources
- F. Street field interviews should not be used to harass or intimidate citizens, regardless of their appearance, background, or perceived criminal propensity.
- G. The stop should be reasonably brief to clarify the situation.
- H. The person stopped should be addressed civilly and be advised of the reason for the stop and any subsequent questioning.
- I. The investigating officer may conduct a patting-down (Stop & Frisk) of the suspect's outer garments if the officer has reasonable suspicion to believe that the suspect has a weapon and may pose a physical danger to the officer or to other citizens.

- J. All street field stops should be minimally documented on the officer's note book, run sheet, or daily activity report. A Stop & Frisk should be permanently documented by a field report, accompanied by an agency complaint number.
- K. It is the policy of many departments to issue a receipt to the person being stopped that indicates the purpose and result of the stop.
- L. Appropriate targets for street field stops include, but are not necessarily limited to the following types:
- People who don't fit the surroundings
 - Known criminals and delinquent youths
 - Homeless and "street" people, including suspected addicts
 - Persons acting in a manner indicative of criminal or suspicious behavior
 - Unfamiliar juveniles and minors
 - Loiterers, individually or in groups
- M. Again, caution and civility are the guidelines for a street stop and field interview.
- N. As with traffic stops, the indiscriminate stopping and questioning of citizens is an abuse of police power and is a clear infringement on the personal liberty of citizen to move about freely.
- O. Unlike a traffic stop, probable cause is not required to effect a street stop, merely reasonable suspicion. Reasonable suspicion need not depend solely on the observed actions of the suspect, but the totality of circumstances, which may include the following elements:
- The surrounding neighborhood
 - The time of day
 - Prior knowledge of the individual
 - Information received from another source
- P. Again, the officer must be capable of articulating the elements that led to a valid presumption of reasonable suspicion in the officer's thinking.

Q. A lawful stop does not alone justify a frisk. The investigating officer must have a reasonable belief that the stopped suspect has a weapon and poses a danger to the officer or to others. You must be able to independently justify the frisk.

VII. Conducting Effective Vehicle Stops

Note:

The preponderance of the material contained in this section was taken from the National Highway Traffic Safety Administration's manual titled: *Conducting Complete Traffic Stops*. This excellent law enforcement resource is available from the US Department of Transportation, 400 7th St. SW, Washington, DC, 20590. It is a highly recommended agency training resource.

A. Traffic and Criminal Enforcement Mutuality:

1. An aggressive and proactive traffic enforcement program can be a highly effective means to both deter and detect criminal activities.
2. Law enforcement doctrine, in many jurisdictions, traditionally regards traffic enforcement as separate from, and often of lesser importance than criminal enforcement, particularly in regard to allocation and prioritization of agency resources.
3. Recent experience in several jurisdictions, both large and small, however, indicates otherwise. Using a proactive approach, supported by intensive training and effective supervision, traffic enforcement has been found to provide a solid base upon which agencies may increase and enhance their criminal enforcement effort.
4. Traffic enforcement is every patrol officer's responsibility, even when there is a specialized agency traffic unit. Patrol officers who know how to properly conduct investigative stops may account for more arrests than specialized anti-crime units.
5. Traffic enforcement can have a meaningful impact against roadway-related crimes, such as:
 - Car thefts and car jacking offenses
 - Fugitives and wanted persons

- Drivers under the influence of drugs and alcohol
- Drug transporters
- Transporting stolen property and contraband (untaxed cigarettes and alcoholic beverages, pirated videotapes)

B. Criminal-Activity Indicators:

1. The traffic stop must be based on a traffic violation or clear and articulable probable cause that the occupants of the subject vehicle are engaged in a criminal activity. Any traffic stop is a legal stop if there has been an observed violation of the law.
2. There are certain indicators, both verbal and non-verbal, that law enforcement officers, from experience, have identified as indicative or strongly suggestive of criminal activity by individuals operating vehicles. There are also vehicle appearance clues that suggest that the vehicle in question may be used in connection with unlawful purposes.
3. The mere presence of one or even a few indicators does not necessarily signify that the vehicle or the occupants are engaged in criminal behavior. They do, however, form part of the totality of circumstances on which the investigating officer can use as legal justification to further detain and investigate the vehicle and its occupant(s).

C. Pre-Stop Indicators:

1. Vehicle is conspicuously driven too fast or too slow; not operated consistent with surrounding traffic flow.
2. Driver operates vehicle excessively carefully and guardedly.
3. Driver has repetitious eye contact through mirror with the following police car.
4. Passengers in vehicle continually turn around to glance at the following police car.
5. Driver begins using a car or cell phone when signaled to stop.

6. Suspicious pull-over behavior. When signaled to stop, the driver pretends not to see emergency lights or hear siren. Takes too long to pull-over; exhibits stalling or hesitant behavior, apparently to decide whether to run or not run, hide contraband, or concoct an alibi with passengers. May execute a U-turn or turn into a side street rather than pulling off to the side of the roadway.
7. Immediately after stopping, driver quickly exits vehicle and approaches the police car even before the officer can exit.

C. Vehicle Exterior Indicators:

1. Car repainted in non-standard colors on specific models and signs of repainting, especially with a different color on a new vehicle.
2. Low rear end. May indicate a heavy cargo in trunk.
3. Windows won't roll down all the way. May indicate contraband secreted in door panels.
4. License plate light inoperable or very dark, tinted plastic covering the license plate.
5. Sticker and logo inconsistencies. School ID or business parking decals, etc. on vehicle don't coincide with occupants' appearance, background, and subsequent explanations.
6. License plates don't appear to go with the vehicle, e.g. clean vehicle, dirty plates. Fingerprints or dirt marks around plate, also, dead bugs on rear license plate, indicating the plate was once used on the front of a vehicle.
7. Pulling camper between 10 PM and 7 AM—they're probably not camping. Be aware of campers with kid's bikes but no kids.

8. Heavy duty air shocks, but no trailer hitch on the vehicle.
9. When approaching the vehicle, especially a van, following a stop, slide your hand along the rear fender to check for any vibration or movement indicative of suspects possibly hiding in the trunk or laying on the floor. Do this routinely on night stops, particularly if you noticed any suspicious or furtive movement in the passenger-area prior to the stop.

D. Vehicle Interior Indicators:

1. Look for signs of extended, uninterrupted travel and a lived-in appearance—pillows, blankets, fast food wrappers, and paper cups.
2. Observe if the rear seat is out of position or unsecured.
3. Spare tire on back floorboards or on rear seat. Also, loose tools on the floor or seat, such as pry bars, dent pullers, and car jacks.
4. Cover-up odors—using air fresheners, garlic pods, cedar shavings, mustard, or kitchen and bathroom spray deodorizers.
5. Missing or unmatched screws and fasteners from the dash, door and side panels.
6. Vehicle door and window cranks and knobs missing or laying on the floor or seats.
7. Non-manufacturer's ignition key, especially in a new car. Also, single key in ignition, no trunk key visible. This may indicate a valuable cargo in trunk.

8. Large amount of cash in vehicle which can be observed as driver searches for operator's permit and vehicle registration from wallet, glove box, purse, or luggage. Also, zip-lock money bags in plain view.
9. Maps in plain view in the vehicle that are inconsistent with the ensuing driver's explanation.
10. The Club™ anti-theft device on a rental vehicle.
11. Luggage that is inconsistent with driver and occupants' explanations. Can be too much or too little luggage considering the trip length; even no luggage is questionable on a long trip.
12. Luggage and the spare tire stored in the passenger area; be inquisitive of the trunk's contents

E. Driver and Occupant Indicators:

1. Request a criminal history and wanted check on the operator of a vehicle that appears suspicious or irregular—Always!
2. Always ask the driver to recite the information of the operator's permit and the vehicle registration back to you from memory. Don't just read it to them and ask for their confirmation.
3. If registered owner of the vehicle is not present, ask the driver for information about this individual, including a phone number. Also ask any passengers if they know the names and address of the owner.
4. Ascertain if the passengers' explanations conflict with the driver, or if the explanations sound rehearsed. Be suspicious of questions that are directed at the driver that are answered by a passenger (or vice-versa).
5. Be aware of overly nervous passengers. The usual behavior is indifference, but not undue nervousness. This can be an indicator of illegal activity.

Note: If you ask passengers to identify themselves, they have the right to refuse.

6. Note any lack of movement among passengers, i.e. staying in one body position without change. They may be trying to conceal a weapon or contraband on the seat or floor.
7. Use care when occupants of a stopped vehicle fail to follow directions or appear to make “target glances” looking for escape paths, location of secreted contraband, or ways and means to attack the officer.
8. Look for rental vehicle irregularities i. e., inconsistencies in driver’s explanation and the rental contract.

Note: In any situation with a suspicious person, observe if the suspect conducts concealed weapon movements, such as pulling shirt down or pants up to hide a weapon in his waistband. They will use their hands, forearms and elbows to “check” on a weapon location, usually after exiting from a vehicle or getting up from a sitting position (the same way police do when in plainclothes). Look for protrusions or bulges in clothing that may indicate a weapon.

PUBLIC EDUCATION

This Department informs the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, social media, as well as, governing board meetings. Additionally, information regarding this Policy will be made available, as appropriate, in languages other than English.

CITATION DATA COLLECTION AND REPORTING

For purposes of enforcing and upholding Texas Criminal Procedure Art. 2.133 and this Policy, officers of this department are required to collect information relating to stops of a motor vehicle for an alleged violation of a law or ordinance **shall report to the law enforcement agency that employs the officer information relating to the stop the following, all officers shall include the following on each citation issues:**

5. The violator's race or ethnicity;
6. Whether a search was conducted; and if so, whether the search was consensual; and
7. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual.
8. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - c. the location of the stop; and
 - d. the reason for the stop; and

In regards to Art. 2.133. Reports required for Motor Vehicle Stops all peace officers who stop motor vehicles for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

- (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - (A) the person's gender; and
 - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

- (2) the initial reason for the stop;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- (5) the reason for the search, including whether:
 - (A) any contraband or other evidence was in plain view;
 - (B) any probable cause or reasonable suspicion existed to perform the search; or
 - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- (7) the street address or approximate location of the stop;
- (8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
- (9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

By March 1st of each year, the Chief of Police or designee shall submit a report to the Lampasas City Council and to the Texas Commission on Law Enforcement (TCOLE) , which will include the following summary of the prior year's Department motor vehicle stops. The report will follow the Texas Commission on Law Education guidelines in accordance with Section 1701.162, Occupations Code and the Bill Blackwood, Leadership Management Institute of Texas for compiling and reporting this information.

The report will include a comparative analysis of the information compiled under Article 2.133 to evaluate and compare the number of motor vehicle stops, within the City of Lampasas jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities and examine the disposition of motor vehicle stops made by officers employed by the department.

The report will include the requirements of Art. 2.134:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

USE OF VIDEO AND AUDIO EQUIPMENT

An officer who stops a motor vehicle to make an officer initiated vehicle stop or pedestrian stop that is believed the pedestrian has engaged in criminal behavior, and the department vehicle is equipped with a digital recording camera/video and transmitter-activated equipment, which is regularly used by this Department to make such stops shall record the stop.

A motor vehicle of this department that is not equipped with a digital recording camera/video and transmitter-activated equipment when a traffic stop or pedestrian stop that is believed that the pedestrian has engaged in criminal behavior is stopped may call a vehicle that is equipped with a digital recording camera/video and transmitter-activated equipment to record the stop.

Each motor vehicle and pedestrian that it is believed the pedestrian has engaged in criminal behavior, made by an officer of this Department that is capable of being recorded by digital recording camera and audio, or audio, or body worn camera/video device, as appropriate, will be recorded.

This Department shall retain the digital recording and/or audiotape of each traffic and officer initiated stops for **at least ninety (90) days** after the date of the stop and within the retention requirements as required by the Texas State Library and Archives Commission. If a complaint is filed with the Department alleging racial profiling on or before ninety (90) days after the alleged incident, the Department shall retain the video and/or audiotape of the stop involved until final disposition of the complaint.

It is the responsibility of Department Supervisors to ensure that officers are recording traffic stops and all officer initiated stops. In order to ensure the practices mandated by this Policy are successfully implemented and maintained, a recording of a stop made by each officer of the Department will be reviewed by the officer's Supervisor at least once every ninety (90) days. A review log will be maintained by the Supervisor and submitted to the Patrol Lieutenant every 90 days for review. The Patrol Lieutenant will review the Patrol Sergeant's recordings of stops every 90 days, maintain a review log, and review the logs of the Sergeant reviews. The Asst. Chief of Police will review the Patrol Lieutenants stops and maintain a review log of his reviews.

The Chief of Police will review all logs a minimum of every 6 months to ensure that the review logs are being maintained. Logs are turned in to the Chief of Police on July 1 and December 1 of every year for review.

If the equipment used to record audio and/or video of stops is malfunctioning or is otherwise unavailable or inoperable, the officer making the stop, must properly record and report the information. This must be done in writing on the back of the citation, warning, arrest report, incident report and the Supervisor must be notified in writing to satisfy the Department's requirements for gathering information, pursuant to the Policy, as well as State and federal law.

PUBLIC EDUCATION:

We provide a brochure in our lobby about our racial profiling policy and how to file a complaint. The City of Lampasas also provides a complaint and compliment section for our department on the City website. We post on our social media about how to file a complaint and provide information to our local media sources about the process to file a complaint or compliment. All include the agency name, address, phone number, mailing address, and email address to make a complaint or compliment with respect to each ticket, citation, or warning issued by an Officer of our department.

The Lampasas Police Department is dedicated to providing exceptional service to its employees and citizens. Police employees are carefully selected, held to the highest standards, and provided with the best training available.

We are interested in the welfare of all citizens and in taking immediate action when our employees have proven derelict in their duties, or are guilty of wrongdoing. If it becomes necessary for you to make a complaint, you can be assured that it will be given a fair and thorough investigation.

For Additional Information

Please contact Lampasas Police Department's on-duty supervisor at (512) 556-3645.



"Lampasas is a family, focused community known for valuing historic traditions while planning for the future. It is a safe, livable city with a healthy economy that recognizes the importance of working with citizens and local partners."

Lampasas Police Department

Mission:

The Lampasas Police Department is directed to preserve law and order and enforce our society's laws and ordinances. It is our mission to create a high quality of life and provide a safe, secure and sanitary environment for the citizens of this community. Our goal shall be to make the City of a safer and better city in which to live, work and play.

Core Values

- We will hold the preservation of life as our most sacred duty.
- We will always strive to maintain the highest standard of honesty and integrity and will accept nothing less than the truth.
- We recognize that our mission is to enforce the laws of society. We will do so in a fair and impartial manner always remembering that our role is to resolve problems, not judge or punish.
- We will honor our police powers and be mindful that they are derived from the people we serve. We will not tolerate abuse of our authority.
- We will honor and uphold the public trust and be accountable to those we serve.
- We will respect and protect the constitutional rights of all citizens, treating them with courtesy and respect and using force only when necessary.
- We recognize that our personal conduct, both on and off duty, is inseparable from our professional reputation as individuals of the department.
- We recognize that the origin and responsibility for leadership rests within each member of the department, no matter what our rank or position.
- We will always strive to expand our personal and professional growth through continued education, training and involvement within our community.
- We will always remain accountable to one another, our department and the citizens we serve.

**RACIAL
PROFILING
COMPLAINT
PROCEDURES**

Lampasas Police Department
301 East 4th Street
Lampasas, Texas 76550
(512) 556-3645
www.lampasas.org/police



Filing Complaints

Discrimination in any form, including racial profiling, is strictly prohibited and the department will take immediate and appropriate action to investigate allegations of discrimination. Any person who believes he or she has been stopped, searched, or inappropriately ticketed or arrested based on racial, ethnic or national origin profiling should file a complaint.

Procedures for Handling Personnel Complaints

Procedures For Handling Personnel Complaints

V. Purpose

It is the purpose of this general order to define the responsibilities of all departmental personnel in the response to, and investigation of, personnel complaints. Further, this general order is intended to establish orders to be followed upon receipt of a personnel complaint. Finally, the general order is intended to demonstrate that the department will respond in a positive way to citizen reports of official misconduct.

VI. Documenting Complaints

- A. Any employee of the Lampasas Police Department who receives a report from a citizen of alleged misconduct should ascertain complainant's description of the alleged misconduct, including the complainant's telephone number, address, and the employee(s) involved.
The complainant should then be advised that he or she will be contacted by a supervisor as soon as possible.
- B. Any supervisor investigating a personnel complaint shall, before interviewing the employee, secure from the complainant a written statement setting forth, in detail, the alleged misconduct.
- C. After receipt of the complainant's statement, the officer or non-sworn employee against whom the complaint had been lodged may at the discretion of the Chief or Asst. Chief be required via the assigned Supervisor to respond in writing to the allegations.
- D. After receipt of the employee's statement, the assigned Supervisor will interview all witnesses to the alleged misconduct.
- E. Each complaint will be judged on its own merits and disciplinary action will be assessed accordingly.

COMPLAINT INVESTIGATION FROM LAMPASAS POLICE DEPARTMENT RACIAL PROFILING POLICY AND PROCEDURES

6. The Department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
7. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and shall forward the complaint through the appropriate channels of the Department. Any employee of the Police Department who is contacted regarding filing a racial profiling complaint shall provide to that person a copy of a complaint form. All employees will report any allegation of racial profiling to their superior prior to the end of the shift during which the allegation was made.
8. Investigation of a complaint of racial profiling shall be conducted by the Department in a thorough and timely manner. All complaints will be acknowledged, in writing, to the initiator. The initiator will also receive a report on the disposition of the complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable findings and/or suggestions for disciplinary action, retraining, or changes in Policy shall be filed with the Chief.
9. If a racial profiling complaint is sustained against an officer(s), all officer(s) involved will be subjected to appropriate corrective and/or disciplinary action, up to and including termination.
10. If there is a Departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this Department into the complaint and **upon written request** of the officer(s) made the subject of the complaint, the Department shall promptly provide a copy of the recording to the officer(s).

Corrective Action

It is the policy of the Lampasas Police Department that any officer who, after an internal investigation, has been found guilty of engaging in racial profiling, that one of the following series of disciplinary measures is taken (as per the recommendation of the Chief of Police):

1. Officer is retrained, disciplined and asked to undergo training in racial sensitivity issues,
2. Officer is suspended and as a condition of further involvement with the police department will require that the Officer undergo racial sensitivity training,
3. Officer is terminated

Data on Corrective Action

As per Art. 2.134 (C) (2) (d) The following table will be used to gather and contain data regarding officers that have been the subject of a complaint during the yearly reporting period of from the first of the year until the end of the year reporting period. This report will be included with the yearly Racial Profiling Report based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

X will indicate that the Lampasas Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of First of the year Month/Date/Year to End of year Month/Date/Year.

The Lampasas Police Department received no complaints of Racial Profiling during the 2020 collection period.

Complaints Filed for Possible Violations Code of Criminal Procedure Art. 2.131 Racial Profiling

| Complaint No. | Alleged Violation | | | Disposition of the Case |
|---------------|-------------------|------|------|-------------------------|
| None | None | None | None | None |
| | | | | |
| | | | | |
| | | | | |

Racial Profiling Report Full –Insert 8 page report here.

RACIAL PROFILING ANALYSIS

January 2020 - December 2020

LAMPASAS POLICE DEPARTMENT
 301 EAST 4TH STREET
 LAMPASAS, TX 76550

| Race/Ethnicity | Contacts | | Searches | | Consent Searches | | PC Searches | | Custody Arrest | |
|------------------|-------------|-------|------------|-------|------------------|-------|-------------|-------|----------------|-------|
| | N | % | N | % | N | % | N | % | N | % |
| Caucasian | 2090 | 69.9% | 164 | 59.2% | 54 | 62.8% | 110 | 57.6% | 96 | 62.7% |
| African American | 250 | 8.4% | 39 | 14.1% | 6 | 7.0% | 33 | 17.3% | 19 | 12.4% |
| Hispanic | 603 | 20.2% | 72 | 26.0% | 26 | 30.2% | 46 | 24.1% | 35 | 22.9% |
| Asian | 47 | 1.6% | 2 | .7% | 0 | 0.0% | 2 | 1.0% | 3 | 2.0% |
| Native American | 1 | .0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| Middle Eastern | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| Total | 2991 | | 277 | | 86 | | 191 | | 153 | |

Lampasas Demographics Comparison of Racial Profiling Analysis

| | Lampasas 2010 Census | % of 2010 Census Population | 2020 Contacts | Contacts Percentage of Stops | Stopped Rate compared 2010 Population Census | 07/01/2019 Estimated Census Population % of Race | 2020 Percentage of stops compared to 2019 Estimated Population Percentage |
|------------------|----------------------|-----------------------------|---------------|------------------------------|--|--|---|
| Population | 6,681 | | 2991 | | | 7982 | |
| Caucasian | 5,458 | 81.7% | 2090 | 69.9 % | Stopped less | 65.7% | Stopped less |
| African American | 102 | 1.53% | 250 | 8.4% | Stopped more | 5.03% | Stopped more |
| Hispanic | 1025 | 15.4% | 603 | 20.2% | Stopped more | 23.7% | Stopped less |
| Asian | 49 | 0.70 | 47 | 1.6% | Stopped more | 2.05% | Stopped less |
| Native American | 47 | 0.67 | 1 | 0.0% | Stopped less | 0.63% | Stopped less |
| Middle Eastern | 0 | 0.00% | 0 | 0% | 0 | 0 | |
| Total Percentage | 6,681 | 100% | | 100% | | | |

Analysis

Lampasas Police Department made 2991 stops, a much lower rate of contacts than normal due to the COVID-19 pandemic. During this time, 01/01/2020 to 12/31/2020, there was President and Governor's orders to stay at home, department and community illnesses, department absences due to direct exposure, businesses and school closed for periods of time, laws that were temporarily suspended, restrictions for all Texans to help stop the spread of the virus, which effected our day to day operations and those of the public. There were times when other communities had stricter restrictions due to the number of cases they had and certain commodities and food items were harder to obtain in their community so many people from other communities would come to Lampasas to shop to find what they needed or to avoid at the time their stricter community restrictions. We noticed several of the calls we received were from persons from much larger communities or distances from Lampasas. We even encountered a female with a truck and U-Haul trailer from another state that was traveling U.S. 281 to find food items and toilet paper for her family, that she could not find prior to arriving at the HEB in Lampasas.

- Based on our collection of information regarding our 2020 stops as compared to the 2010 census, it shows that the majority of stops were of Caucasians, of the 2991 stops 2090 were Caucasians, 603 were Hispanics. The majority of the population in Lampasas is Caucasian and Hispanic. We stopped African American, Asian, Native American drivers at a lower rate than Caucasians/Hispanics compared to the total stops made and in relation to our population. Of the 2991 stops 250 were African American, and 47 were Asian and 1 Native American.
- If you compare the 2010 population census data you will find a large disparity between stops and population of African Americans and Asians; however, our population has changed dramatically since the 2010 Census as indicated by the 2019 estimates of the population by the Census Bureau. You only has to drive one of our major highways to know the population and driving public has not only changed but has increased substantially from 2010.
- According to Census estimates, the 2020 population of the city of Lampasas is 8,103. The City of Lampasas is currently growing at a rate of 1.52% annually and its population has increased by 21.28% since the most recent

census, which recorded a population of 6,681 in 2010. Spanning over 7 miles, Lampasas has a population density of 1,108 people per square mile. If you compare the 2019 estimated census percentages with the stop percentages you see less of a disparity and less of a Caucasian population with the increase in the 2020 census population estimate we will see an even larger change in the population of the city of Lampasas.

- Another standard that has been suggest that we use is the Fair Road Standard. This is a somewhat complicated formula that is based on household vehicle availability data gathered during the 2000 or 2010 Census. Instead of measuring the number of drivers by race that reside in the City of Lampasas, this standard measures the number of households by race that have at least one vehicle available for driving. Not considered in this standard are households with more than one vehicle available, nor the number of licensed or unlicensed drivers that operate vehicles upon the roads of the city of Lampasas. According to the 2010 U.S. Census Data our census population of 6,681 only has 2260 vehicles available. (If that was the case then we stopped every vehicle that resides in Lampasas and then some with 2991 stops.) When thinking of the Fair Road Standard and the number of vehicles per household, I can think of many residents in Lampasas that have several vehicles per household as opposed to just one. For instance, a family of two with two children with driver's license are more than likely to have at least three to four vehicles, especially if the adults work outside of Lampasas. All you have to do is go to Lampasas High School and look in the parking lot to see that the Fair Road Standard does not apply to the City or County of Lampasas. There is also an influx of new homes and dwellings, along with many new businesses that have come to Lampasas, which draws many visitors/drivers to those homes/dwellings and businesses from all walks of life. This is just a couple of examples that there is a strong potential for errors if this standard is used.
- I mentioned commuter traffic. Thus far, there is no known standard to account for commuter traffic. In a city like Lampasas-which has U.S. 281, 183, and U.S.190 becoming I-14 less than 22 minutes away and the 183A toll road less than 40 minutes away; there are tens of thousands of commuters using our highways that are not considered that should be when using this standard. TX DOT has a very ambiguous plan for major roadways, especially I35, many of the roads that connect to larger communities. While this road construction is on-going travelers/drivers look for roadways that are not under construction or have less construction which sends many drivers to the roadways that cross through Lampasas.
- There is also no consideration of commercial truck and large vehicle traffic, which we have a considerable volume of traffic that comes through the City of Lampasas and is stopped by our Officers.

Examining stop rates is a starting point, but is misleading. The 2010 Census Data comparison does not show an accurate representation of Lampasas population as compared to the 2019 and or 2020 estimated population. It further does not

show our driving public's races, their driving behavior, those that drive through our area due to the major highways we have in Lampasas, and many other variables.

As briefly mentioned, comparisons with population or residential vehicles do not show you the increase in population of Lampasas County that the City of Lampasas is the county seat of Lampasas. Nor does it show you that Ft. Hood and the Killeen, Harker Heights areas, an area of very diverse people, is just minutes away from Lampasas, it does not show you the races of the work force of Lampasas, or that major highways route to Austin, Dallas, Ft. Worth, San Antonio pass through Lampasas, nor does it show you the demographics of our surrounding counties as persons from other counties often come here to eat, shop, and play. There is a large difference in daytime traffic, nighttime traffic, weekend traffic and holiday traffic that is not calculated in any standard. It further does not mentioned the volume of commuter or vehicle traffic that travels on the roads of Lampasas, a far larger volume of people than even our 2020 population estimated.

Baselines do not include any method for comparing two or more races or other races, yet we have citizens/drivers that are more than one race.

Nor do any of these baselines give you any information about the Officers. I believe to be absolute you'd need to know the bias of every Officer. You would need to know more about the Officer and the department as a whole. Would it make a difference if the Officer of a difference race than the person stopped was raised by the same race as the person stopped? Would it make a difference if the person being stopped is the same race as the person making the stop? Would it make a difference if the Officer of a different race than the person stopped is married with children to the race of the person that was stopped? Would it make a difference if the Officer of a different race adopted and raised children of the race that was stopped? Would it make a difference if the Officer was of two or more races? Would it make a difference if an officer didn't racially profile but has a bias against all older or younger drivers?

Would it make a difference if our baseline was the 70 stops where we knew the race or ethnicity prior to the stop and had the Officer explain more about how and why they knew the race or ethnicity prior to the stop? What if, we followed just these stops all the way through to see if by knowing the race the outcome is justified or not?

After the stop, we find that of the 2991 stops with 2090 drivers were Caucasian and that 164 Caucasians were searched with 110 being probable cause searches. Caucasians were searched at a rate higher than all other races. Hispanics were stopped 603 times and searched 72 times with 46 being probable cause searches, while African American's were stopped 250 times and searched 39 times and 33 of the searches where there was probable cause, Asians were stopped 47 times and search 2 times and both times were with probable cause. There were 277 searches

and of the 277 searches there were 191 probable cause searches and of the 191 probable cause searches there was 153 persons arrested; 96 Caucasians, 19 African Americans, 35 Hispanic, and of the 2 Asian searches with 3 persons arrested.

Of the 86 Consent searches show that of the 164 Caucasians searched 54 were with consent, of the 39 African Americans searched 6 were consent searches, and Hispanic's were searched 72 times with 26 being by consent.

A review of all the searches, show they were appropriate with what the Officer documented as reasons for the search, searches are a result of good or appropriate police work. If we found that Officers were searching more with or without probable cause and not finding contraband; such as, illegal drugs, weapons, stolen property, in their searches, then it might suggest that we were searching on a basis of less evidence or without good reason. We have good oversight by Supervisors and good training for our Officers to know when to search and when not to search. We do not search based on race, but on criminal behavior, by criminal indicators, and/or good probable cause.

Conclusion

This report and analysis of data is not to convince you that there are flaws in the baseline or flaws with trying to report on racial profiling, but to show you the difficulties with no absolute structured baseline. We hope the analysis of the data in this report demonstrates that the Officers and members of the Lampasas Police Department treat all with dignity and respect regardless of race and statistical numbers on a piece of paper. Racial profiling is prohibited by law, policy, and honestly law and policy are not needed because we just do not have the heart or time to treat people unjust or unfair. In our own diversity, we are a mixture of all races, whether you see it by our skin or not, to treat others unjust and unfair, to racially profile would be a disrespect to each and every one of us, our families, those we love, and those we serve.

We hope and pray that this report demonstrates that the Lampasas Police Department follows the laws regarding racial profiling, has a comprehensive racial profiling policy, trains and has culture to not racially profile, collects data and analyzes it, offers the public education/information on how to file a complaint or compliment regarding racial profiling or any involvement with our department regardless of the numbers and percentages shown.

We want you to know that the data you review has been reviewed on a different level than just numbers on a piece of paper that it represents us and who we stop. From the first day we meet and interview a candidate for our department we do our best to ensure they respect all races, all individuals, and that they understand we have a culture of respect, dignity and fairness to all. We have great support from our community. We know that the actions of one member of our department, one officer- can impact the lives of an individual, families, our department, and community for generations.

We do our very best to make sure with the simplest of contacts to the most negative or violent of contacts that we are above reproach and doing what is right for all. Supervisors not only review complaints, we review random stops to ensure that all are treated appropriately and officers are or will be trained, retrained, disciplined or terminated in accordance to our policy should they violate the policy in regards to racial profiling or the poor treatment of anyone. We will continue to follow laws, continue to collect, review and conduct and analysis of all data, not just the Tier 2 data, but all that is available to us to ensure that there is trust among us all. Above all, we will continue to ensure that we do not practice or allow the practice of racial profiling now or ever.

Requirements:

Submitted to the Texas Commission on Law Enforcement on 01/29/2021.

DRS RACIAL PROFILING REPORT LIST

FOR ALL RACIAL PROFILING ISSUES, INCLUDING SUPPORT, CONTACT TCOLE:
 512-935-7774
 RACIALPROFILING@TCOLE.TEXAS.GOV

THE REPORTING PERIOD FOR THE PREVIOUS YEAR BEGINS ON JANUARY 1 OF THE CURRENT YEAR AND ENDS ON MARCH 1 OF THE CURRENT YEAR.

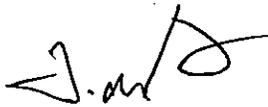
[Edit Current Racial Profiling Report]

View | 10 per page

| YEAR | Form Type | Executed By | Title | Create Date | Modified Date | FULL_PATH_REPORT_NAME |
|------|-------------|--------------|-----------------|-------------|---------------|--|
| 2019 | Full Report | Sammy Bailey | Chief of Police | 01/27/2020 | | hksd4537C0LEQSE-Reports\System_Reports\ rpt_DRS_Racial_Profiling_Form_2019 |
| 2020 | Full Report | Sammy Bailey | Chief of Police | 01/29/2021 | 01/29/2021 | hksd4537C0LEQSE-Reports\System_Reports\ rpt_DRS_Racial_Profiling_Form_2019 |

Current Sort Order:

Agenda Cover sheet for Presentation to the City of Lampasas City Council on 02/08/2021.


City Manager

ITEM NO. 7.4

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding approval, denial or approval with modifications the second extension of the Preliminary Plat of Hillside Acres.

Requested By: Becky Sims, City Secretary/Zoning Administrator

Submitted By: Becky Sims, City Secretary/Zoning Administrator

Date Submitted: February 4, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

Attachments:

Summary Statement:

Per the attached letter, MD Homes, through their consulting engineer has requested a six-month extension of the Preliminary Plat for the Hillside Acres Subdivision. Staff has no objections to the extension.

Recommendation:

To consider a motion to extension of the Preliminary Plat of Hillside Acres.



February 3, 2021

Finley deGraffenried
City Manager
City of Lampasas
312 E. 3rd Street
Lampasas, TX 76550

**Re: *Preliminary Plat Extension Request
Hillside Acres by MD Homes
Lampasas, Texas***

Dear Mr. deGraffenried:

Please accept this letter as a request to extend the Hillside Acres Preliminary Plat approval for an additional six (6) months under Section 70-134 of the City's Subdivision Regulations.

The Preliminary Plat was approved by Planning and Zoning and City Council on February 6, 2020 and February 10, 2020, respectively, and subsequently extended on August 10, 2020 by City Council for 6-months. During this time the Developer has endured the COVID 19 pandemic and endeavored to enter into a Development Agreement (DA) with the City of Lampasas for the subject development. A draft of the DA was received on February 2, 2021, from City Staff, however additional time is needed to fully review and comment on the current DA.

The approved Preliminary Plat still substantially complies with the City of Lampasas Subdivision regulations; however, additional time to complete the development agreement and final plat is requested.

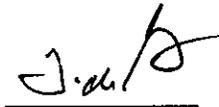
If you should have any questions regarding the Hillside Acres development, please feel free to contact us at 512-556-8160.

Sincerely,

ECKERMANN ENGINEERING, INC.

A handwritten signature in blue ink that reads 'Sam Walker'.

Sam N. Walker, P.E.
Vice President


City Manager

ITEM NO. 7.5

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding the selection of a firm to provide administrative services for the 2021/2022 Community Development Block Grant Program to Langford Community Management Services.

Requested By: Shirley Elders, Public Works Secretary

Submitted By: Rickie Roy, Assistant City Manager

Date Submitted: February 4, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

If grant funding is awarded, services would be funded through the CDBG program/matching funds.

Attachments: N/A

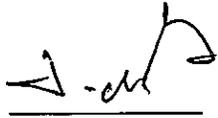
Summary Statement:

In preparation for a yet to be determined 2021-2022 CBDG Submission and, in accordance with the requirements of the CDBG application process, staff requested solicitations for administrative services. Solicitations were sent to three (3) firms listed on the Texas Department of Agricultural website as being prequalified to provide services. The deadline for submission of proposals was Wednesday January 27, 2021 by 2 p.m. and we received one proposal. The proposal was from Langford Community Management Services. Additional fee and formal engagement will follow at a future meeting.

Recommendation:

To consider a motion to approve the recommendation from staff of a firm to provide administrative services for the 2021/2022 Community Development Block Grant Program.

THIS PAGE INTENTIONALLY LEFT BLANK


City ManagerITEM NO. 7.6

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and Approval to adopt Civil Rights Resolution, Policies and Procedures for the TxCDBG Contract # 7220241.”

Requested By: Judy Langford, Langford Community Services, Inc.

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 5, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

Attachments:

Summary Statement:

The attached Resolution affirms the City’s compliance with rules and regulations related to citizens’ participation and civil rights protection. The Resolution is related to the City’s award of CBDG funds.

Recommendation:

Motion to approve Resolution

RESOLUTION No. _____ Regarding Civil Rights**The City of Lampasas, Texas**

Whereas, the City of Lampasas, Texas, (hereinafter referred to as "City") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA");

Whereas, the City of Lampasas, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Lampasas, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Lampasas in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

Whereas, the City of Lampasas, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Lampasas, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, the City of Lampasas, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Lampasas, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing;

Whereas, the City of Lampasas, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE LAMPASAS CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS, that the CITY OF LAMPASAS ADOPTS/REAFFIRMS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form A1002);
3. Excessive Force Policy (Form A1003);
4. Section 504 Policy and Grievance Procedures (Form A1004);
5. Code of Conduct Policy (Sample Form Appendix C);
6. Limited English Proficiency Plan (Form 1010); and
7. Fair Housing Policy (Exhibit 1015).

Passed and approved this 8th day of February, 2021.

Signature of Elected Official

Printed Name of Elected Official

City of Lampasas

Date _____

THE CITY OF LAMPASAS
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have 'meaningful access' to all aspects of the TxCDBG project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents may include Citizen Participation notices (e.g., complaint procedures, hearings notices), civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Lampasas, 312 E Third Street, Lampasas, Tx, 76550, 512.556.6831, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the City Manager, at 312 E. Third St., Lampasas, Tx., or may call 512.556.6831.
2. A copy of the complaint or grievance shall be transmitted by the City Manager to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City Manager shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.

6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for

three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Misti Talbert, Mayor

Date

MUESTRAS

LA CIUDAD / CONDADO DE LAMPASAS _____
PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del Inglés:

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en Inglés. Para obtener más información, consulte LEP.gov.

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad/Condado de _____, _____ (Dirección postal), _____, (teléfono) en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la _____, a _____ (Dirección postal) o puede llamar a _____ (Teléfono).
2. Una copia de la queja o reclamación se transmitirá por el _____ a la entidad que es encargada de la queja o reclamación y al Abogado de la Ciudad/Condado dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El _____ deberá cumplir una investigación de la queja o reclamación, si es posible, y dar una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia sera notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deba completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.

6. Se proporcionara copias de los procedimientos de queja y las respuestas a las quejas, tanto en Inglés y Español, u otro lenguaje apropiado.

ASISTENCIA TÉCNICA

Cuando lo solicite, la Ciudad/Condado proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxCDBG. La Ciudad/Condado, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por la Ciudad/Condado, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés seran una parte de la zona de servicio potencial del proyecto TxCDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan ingles.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y la Ciudad/Condado debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audencia será publica.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxCDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad/Condado deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxCDBG:

1. Como mínimo, la Ciudad/Condado deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.

2. La Ciudad/Condado conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s) , acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado . Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación TxCDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.
4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad/Condado debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que la Ciudad/Condado recibe fondos del programa TxCDBG:

1. La Ciudad/Condado celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto TxCDBG, la Ciudad/Condado celebrará una audiencia pública y revisara el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en Inglés y Español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad/Condado conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de

<< Nombre >>, Alcalde de la ciudad o Juez de

Fecha

Section 3 Policy

In accordance with 12 U.S.C. 1701u the City of Lampasas agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDA to the Grant Recipient.
- G. Submit reports as required by HUD or TDA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Lampasas, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Signature

Title

Date

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Lampasas hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Lampasas to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations.
2. It is also the policy of the City of Lampasas to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of Lampasas will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Lampasas, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Signature

Title

Date

Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), the City of Lampasas hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Lampasas does not discriminate based on handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Lampasas's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Lampasas shall take continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, the City of Lampasas shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the City of Lampasas to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to **Rebecca Sims, City Secretary, 312 E. Third Street, Lampasas, Texas, 76550**, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by **Rebecca Sims, City Secretary**. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Rebecca Sims, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of Lampasas relating to the complaint's files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Lampasas within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Lampasas complies with Section 504 and HUD regulations.

Signature/Title

Date

CODE OF CONDUCT POLICY

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) & (h), and 2 CFR 200.318.

CODE OF CONDUCT

As a Grant Recipient of a TxCDBG contract, City of Lampasas shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Lampasas shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Lampasas shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict-of-interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the City of Lampasas Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions

appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Passed and approved this ____ day of _____, 2021.

Name, Mayor
City of Lampasas _____

Limited English Proficiency Plan

| | |
|--|------------------|
| Name Grantee: | City of Lampasas |
| Community Population: | 7,189 |
| LEP population: | 2.2%, 160 |
| Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or 3) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries. | <5%, Spanish |

| | |
|--|---|
| Program activities to be accessible to LEP persons: | |
| <input checked="" type="checkbox"/> | Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project |
| <input checked="" type="checkbox"/> | Publications regarding TxCDBG application, grievance procedures, <i>complaint procedures, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements |
| <input checked="" type="checkbox"/> | Other program documents: <u>as identified, requested, or needed.</u> Public notices and publications regarding the CDBG program will contain the following statement: Para más información en español contacto _____, |

| | |
|--|---|
| Resources available to Grant Recipient: | |
| <input checked="" type="checkbox"/> | Translation services: <u>not required, but assistance available upon request by contacting City Hall.</u> |
| <input checked="" type="checkbox"/> | Interpreter services: <u>not required, but assistance available upon request by contacting City Hall.</u> |
| <input checked="" type="checkbox"/> | Other resources: <u>internet-based translation services.</u> |

| | |
|---|---|
| Language Assistance to be provided: <u>not required.</u> | |
| <input type="checkbox"/> | Translation (oral and/or written) of advertised notices and vital documents for: _____ |
| <input type="checkbox"/> | Referrals to community liaisons proficient in the language of LEP persons _____ |
| <input type="checkbox"/> | Public meetings conducted in multiple languages: _____ |
| <input type="checkbox"/> | Notices to recipients of the availability of LEP services: _____ |
| <input type="checkbox"/> | Other services: _____ |

Date: _____

Signature - Chief Elected Official or Civil Rights Officer

Fair Housing Policy

In accordance with Fair Housing Act, the City of Lampasas hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. The City of Lampasas agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. The City of Lampasas agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. The City of Lampasas will introduce and pass a resolution adopting this policy.

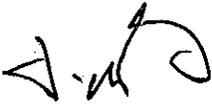
As officers and representatives of The City of Lampasas, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Signature

Title

Date

THIS PAGE INTENTIONALLY LEFT BLANK



City Manager

ITEM NO. 7.7

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and Approval of a Resolution Designating Authorized Signatures for Contractual and Grant Fund Documents pertaining to the TxCDBG Contract #7220241.”

Requested By: Judy Langford, Langford Community Services, Inc.

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 5, 2021

For the Agenda of: February 8, 2021

Procurement and Funding Statement:

Attachments:

Summary Statement:

The attached Resolution identifies authorized signatures on the 2021 CBDG TDA documents. The project calls for replacement of approximately 3350 feet of sewer line.

Recommendation:

Motion to approve Resolution.

RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TxCDBG) CONTRACT NUMBER 7220260.

WHEREAS, the City of Lampasas, Texas has received a 2020 Texas Community Development Block Grant award to provide (water/wastewater/road/other) improvements, and;

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents for requesting funds from the Texas Department of Agriculture, and;

WHEREAS, an original signed copy of the TxCDBG *Depository/Authorized Signatories Designation Form (Form A202)* is to be submitted with a copy of this Resolution, and;

WHEREAS, the City of Lampasas, Texas acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.), the City must provide TxCDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG *Depository/ Authorized Signatories Designation Form (Form A202)*.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS, AS FOLLOWS:

The Mayor and City Manager be authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for the 2020 Texas Community Development Block Grant Program.

The Mayor, Mayor Pro-Tem, City Manager, Assistant City Manager and City Secretary, be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 2020 Texas Community Development Block Grant Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS on February 8, 2021.

Misti Talbert, Mayor

Attest:

Becky Sims, City Secretary



February 2, 2021

City Of Lampasas, TX
312 E 3rd St
Lampasas, TX 76550

To the Honorable Mayor and
Members of the City Council

Re: Atmos Energy Franchise Payment

In accordance with the provisions of the franchise agreement between Atmos Energy and the City Of Lampasas, TX, enclosed is a franchise payment for the rights and privileges from January 01, 2021 through March 31, 2021 in the amount of \$10,432.69.

This payment is based on the period October 01, 2020 through December 31, 2020 and is due on or before February 15, 2021. The attached report contains supporting information for this payment.

Should you have any questions, please feel free to contact me.

Enclosure

Randy Hartford
Atmos Energy

Atmos Energy
Franchise Payment Report

City Of Lampasas, TX

Revenue Period: October 01, 2020 through December 31, 2020

Date Due: 2/15/2021

Date Paid: 2/2/2021 10:18:29 AM

| Category | Gross Revenue | Rate | Payment |
|-------------------------------------|---------------|--------|--------------|
| Residential Sales | 177,213.35 | 3.0000 | 5,316.39 |
| Misc. Service Charges - Residential | 927.20 | 3.0000 | 27.82 |
| Commercial Sales | 82,547.07 | 3.0000 | 2,476.41 |
| Misc. Service Charges - Commercial | -40.00 | 3.0000 | -1.20 |
| Commercial Governmental Sales | 8,981.84 | 3.0000 | 269.46 |
| Industrial Sales | 9,492.75 | 3.0000 | 284.79 |
| Transportation Sales | 19,555.86 | 3.0000 | 586.67 |
| 3rd Party Value of Gas | | | 1,472.35 |
| | \$ 298,678.07 | | \$ 10,432.69 |

The undersigned, acting on behalf of Atmos Energy, does certify and state that this statement of the receipts of the Company is true and correct to the best of his knowledge and belief.

February 2, 2021



Brian Conner

Dir State & Local Tax