

**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, May 24, 2021
5:30 p.m. Special 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 Monroe
Delana Toups
Bob Goodart
Randy Clark
Cathy Kuehne
Chuck Williamson
Herb Pearce
Zachary Morris

Council Members absent:

None

City Staff Present:

Finley deGraffenried, City Manager
Rickie Roy, Assistant City Manager
Becky Sims, City Secretary/Zoning Administrator
Monica Wright, IT Director
Sammy Bailey, Police Chief
Jody Cummings, Assistant Police Chief
Joe Schwartz, Animal Control Officer
Jeffrey Smith, Fire Chief
Yvonne Moreno, Finance Director
Mandy Walsh, Economic Development Director (Special Session Only)
Vicki Tower, Parks Secretary/HR Coordinator

**SPECIAL SESSION
5:30 P.M.**

I. Call to Order

Mayor Talbert called the special session to order at 5:31 p.m.

II. Administer Oath of Office to Newly Elected Mayor and Council members.

Judge Gradel administered the oath of office to Council members Randy Clark, Herb Pearce and Zachary Morris, and to Mayor TJ Monroe.

III. Presentation to outgoing Mayor and City Council member.

Outgoing Council member Delana Toups and Mayor Misti Talbert spoke about their time on Council, what it meant to them and thanked City Manager deGraffenried for his support and Staff for the job they do and to the citizens of Lampasas.

City Manager deGraffenried presented each with a gift from the City as a token of appreciation for their service to the City of Lampasas. Mayor TJ Monroe read a proclamation renaming the Community Champion award as the “Misti Talbert Community Champion Award” and presented her with a framed copy.

At this time Council members Herb Pearce and Zachary Morris took their seats at the dais and Mayor TJ Monroe presided over the Council meeting.

IV. Discussion and possible action concerning the reappointment of Municipal Court Judge and Administer Oath of Office.

Council member Kuehne moved to reappoint Judge Robert Gradel as the Municipal Court Judge, the motion was seconded by Council member Clark and with a unanimous vote, the motion carried.

Mayor TJ Monroe administered the oath of office to Judge Robert Gradel.

V. Discussion and possible action concerning the appointment of the Mayor Pro Tem for the 2021-2022 term.

Council member Kuehne moved to appoint Council member Williamson as Mayor Pro-Tem for the 2021-2022 term, the motion was seconded by Council member Clark and with a unanimous vote, the motion carried.

VI. Adjourn Special Session

Council member Kuehne moved to adjourn the Special Session, Council member Clark seconded the motion and with a unanimous vote, the motion carried.

<p style="text-align: center;">WORKSHOP SESSION</p>
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<p style="text-align: center;">5:30 p.m.</p>
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1. Call to order Workshop Session

Mayor Monroe called the Workshop Session to order at 5:50 p.m.

2. Discussion and updates related to COVID-19 Pandemic.

Chief Smith provided the following updates:

- State of Texas Active Cases- 47,305
- Total hospitalized in the State of Texas- 2,037
- Lampasas County Active Cases- 3
- One resident is hospitalized in Lampasas County
- 3,353 are completely vaccinated in Lampasas County

Chief Smith presented Dr. Georgia Hay with a plaque thanking her for her service to the City of Lampasas as the Public Health Official.

3. Discussion regarding draft Livestock and Fowl Ordinance in the City Limits of Lampasas.

Chief Bailey provided an overview of the proposed draft Livestock & Fowl Ordinance.

- Defined Types of Animals
- Grandfathered- Set January 1, 2022 as compliance date
- Defined Nuisance

- Health and Safety
- Police Powers
- Abandoned Animals/Running at Large
- Keeping of Animals (enclosures/placement on property)
- HB 1686 (number of allowed animals/density)
- Amended existing Ordinance (hitching/tying up animals)
- Municipal Court Fines- Repeat Offenders
- Wildlife Regulations vs. Livestock Ordinance
- Permits and Waivers
- Town Hall will be scheduled for Citizen input

Without objection Mayor Monroe moved to Workshop item 8

8. Discussion regarding appointment to Hill Country Transit Advisory Board

County Judge Randy Hoyer advised Council that he sits on the Hill Country Transit Board and they would like a City representative to sit on the advisory board. He introduced Tony Austin, Director of Rural Operations. Mr. Austin advised that they support nine (9) counties. They receive funding from ten (10) different sources from local to federal. The rural transit is available to everyone. They do stipulate that if they are traveling with school children that no adults be allowed during that time. This is typically from 7:00-8:00 am in the morning and 3:00-4:00 pm in the afternoon. Students can only ride the LISD school bus if they live more than 2 miles from school. The transit provides an alternative for those students who may be too young to walk and their parents cannot drop off or pick up due to work schedules. While they try to accommodate all citizens, who need to utilize the HOP for appointments; they do face challenges with scheduling and resources. Dialysis appointments is one example, the bus would be out of commission during the appointment time to ensure they are available when the patient has completed treatment. In town is first come first serve, out of town are planned in advance. Council thanked Mr. Austin for the information.

City Manager deGraffenried advised Council that there is a corresponding action item on the regular agenda to appoint a member and alternate to the Hill Country Transit Advisory Board.

4. Discussion regarding draft City Council Orientation Handbook

City Secretary Sims, provided an overview of the material provided in the City Council Orientation Handbook.

- Page 3- Budget/Funding
- Pages 5-15- Facilities
- Pages 18-19- Forms of Government
- Pages 22-32- Governance Policy
- Pages 33-37- Training Resources

5. Discussion regarding City Council Work Plan

City Manager deGraffenried advised Council that the workplan is facilitated about every 12-18 months. Council Planning was postponed in 2020 at the direction of Council due to the COVID-19 pandemic. Mr. deGraffenried advised that Council discussed the planning process multiple times during the last 15 months, beginning February 2020. During the September 2020 meeting Council deferred a specific planning date until after the November

election and seating of New Council. On November 23, 2020 Council identified a date of December 18 to conduct a planning retreat; unfortunately, one of the presenters was confirmed to have COVID, and the meeting was postponed. On January 11 Council deferred setting a date for a planning meeting, but instead requested briefings related to planning activities included the Comprehensive Plan and Pre-Treatment Study which were done at subsequent meetings. February 8, 2021 Council was provided additional briefing on the Council Work Plan and directed the process be postponed until after the May 2021 Election.

The Council Work Session typically last ½ to ¾ of a day, in the past Council has met at varied locations and has toured city facilities as part of the agenda. The following have been the discussion points to identify areas of focus:

- Planning Needs
- Capacity Building
- Community Engagement
- Communications
- Council/Staff Expectations

City Manager deGraffenried opened the floor to Council for questions, direction and to entertain a date for the planning session. Mayor Monroe advised that most are open; however, there are a couple that have commitments. Council member Kuehne will be traveling during the month of June and would be open to a date in July. Council member Clark would like a list of approved projects and progress of each and any outstanding.

Mayor Monroe and Council member Morris would like to tour the Water Wastewater Office and Lab and the Hostess House with the architect to discuss proposed project schemes. Council member Clark would like an update, since the meeting with Ajinomoto on the WWTP (Wastewater Treatment Plant) Study provided by Jones-Heroy. Council member Pearce would like to tour the WWTP and be provided an overview of how it all works.

Council member Morris advised of the following dates to be considered July 6th-8th, 13th-15th, 22nd & 27th.

Mr. deGraffenried advised a tentative agenda will be provided at the next Council meeting.

6. Discussion regarding draft amendment to Subdivision Regulations regarding Alternative Method of Guarantee for Infrastructure.

City Manager deGraffenried advised that this item was originally brought up by Council member Clark. The following criteria has been determined by Staff and Legal Counsel to accept a Letter of Credit in lieu of Performance Bond for Infrastructure:

1. Is issued by a financial institution acceptable to the City, regulated by and in good standing with the State and/or Federal regulators, and with sufficient financial stability and assets to support the obligations stated in the LOC, for the duration of its term.
2. Is timely approved by the Board of Directors of the issuing bank.
3. Identifies the City of Lampasas as the sole beneficiary of the LOC.
4. Is irrevocable for the term of the LOC.
5. Has an expiration date that extends (or renews in consecutive, uninterrupted terms) up to a date determined by the City, but at a minimum until such a time as the City of Lampasas notifies the issuing bank, in writing, that the subdivider/developer has met all of its obligations set forth in any pertinent development agreement, plat requirement and/or in the City's subdivision regulations related to the subdivision's fiscal guarantees for the subdivision project.

6. Is in an amount set by the City, but is at a minimum an amount equal to an engineer's estimated cost of constructing and installing all improvements required by the City pursuant to its subdivision regulations and the approved subdivision plan for the development, which are unconstructed at the time the LOC is issued.
7. Includes an amount that is equal to an engineer's estimated total for the cost of maintenance of all subdivision infrastructure that is subject to future maintenance by the developer for the period of time set forth in the City's regulations, following completing of its installation by the developer.
8. Provides that the City, as the sole beneficiary of the LOC, has a right to both 'partial' and/or 'total' draws on the LOC funds, as it deems necessary, either to complete any infrastructure installation/construction work not adequately or timely performed by the subdivider/developer, or to perform future maintenance on same.
9. Is evaluated and finally accepted, in writing, by the City, in lieu of the money and/or bond guarantee generally required for fiscal assurance.

Mayor Monroe verified that this will be approved administratively by the City Manager providing the criteria has been met in its entirety; Council member Clark advised that he has read the draft ordinance several times and is satisfied with the criteria. Mr. deGraffenried reminded Council that there is a corresponding item on the regular agenda for Council to take formal action.

7. Discussion regarding Hostess House Improvement

City Manager deGraffenried advised that Council may recall that on February 8, 2021, Staff presented to Council the initial MEP comments on the Hostess House for needed repairs and concerns. At Council's direction Staff solicited a proposal from Reliance Architecture, LLC for Council consideration. The firm could provide overall design and coordination of other structural, MEP, life safety and accessibility disciplines in two phases.

Mr. Naylor provided Staff with the following Concept Designs:

- Exterior and structural scopes to be considered
 - Lighted Canopy-\$59,500.00 (cover west deck to provide protected outside dining during event)
 - Masonry Infill Crawl Space \$17,600.00 (remove wood lattice and replace with CMU block wall staggered to provide airflow to crawl space)
 - Relocate Stairs \$16,100.00 (close off access to pool and provide new exit stairs to east of building)
 - Structural Deficiency \$150,000.00 (correct the live load from 50lbs/SF to 100lbs/SF for public event loads)
- Scheme 1: Storage, Split Restrooms \$771,000.00
- Scheme 2: Lobby \$673,800.00
- Scheme 3: Minimal Cost \$498,600.00

Each scheme is unique and varies in providing additional square footage for storage and/or banquet hall, inside access to elevator and restrooms, additional restrooms, ADA upgrades, new HVAC/duct work, lighting upgrades etc.

- Kitchen Upgrade Options
 - \$23,400.00
 - \$60,372.00
 - \$87,985.00

Each of the options vary depending on kitchen equipment to include cabinets, appliances and prep/work tables.

Mr. deGraffenried advised that there will be additional soft costs associated with this project, including design, construction administration and bonding. Staff recommended that a decision be reviewed at the Council Planning Session. Staff expressed satisfaction with the deliverables provided by Mr. Naylor.

Council member Clark inquired about the water line; to insure locates would be done prior to construction. Mayor Monroe noted that as with any projects of this statue it could be phased based on immediate need and funding availability; City Manager deGraffenried concurred.

9. Discussion regarding any item on the regular agenda.

There were no comments

10. Adjourn Workshop Session

Council member Clark moved to adjourn Workshop Session at 7:08 p.m.; Council member Kuehne seconded the motion and with a unanimous vote, the motion carried.

Mayor Monroe advised Council will take a 10-minute break prior to going into Regular Session.

REGULAR SESSION 6:00 p.m.
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ANNOUNCEMENTS

A. Call to Order

Mayor Monroe called the Regular Session to order at 7:20 p.m.

B. Invocation and Pledge of Allegiance

Sammy Bailey, Police Chief, gave the invocation and the Pledge of Allegiance to the U.S. and Texas flags were recited.

C. Presentations and Proclamations

- Trish Eicher- 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.
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There were no citizen comments

2.0	MINUTES
2.1	Discussion and possible action concerning approval of minutes of the Regular Meeting on May 10, 2021

Mayor Pro-Tem Williamson moved to approve the minutes as presented, the motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

3.0	CONSENT AGENDA
3.1	Discussion and possible action regarding the April 2021 Investment Report

Mayor Pro Tem Williamson moved to approve the consent agenda as presented, the motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

4.0	BOARDS/DEPARTMENT REPORTS
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The Library Annual Report will be presented at the next Council Meeting

5.0	ROUTINE MATTERS
5.1	City Manager's Operational Report

City Manager deGraffenried reviewed his report:

Court of Appeals The Texas 8th Court of Appeals heard oral arguments on Thursday from counsel representing Central Texas Water Supply Corporation (“CTWSC”), Kempner Water Supply Corporation (“KWSC”), and the City of Lampasas, Intervenor, related to the contract dispute between CTWSC and KWSC. The three panel Court did stop CTWSC counsel a number of times to ask clarifying questions related to the CTWSC position, most of which accentuated contradictions in their position and contract language. The KWSC and City attorneys kept a very consistent message: the contract is unambiguous; *all* customers means *all* customers when calculating the share of O&M expenses; and that in order to accept CTWSC position, the contract would require different language that was not supported by precedent. At one point Justice Palafox stated to the CTWSC counsel that *the Court is bound by precedent, what allows the Court to change the words or interpretation of the contract from the plain language?* Our side cited no less than 10 cases, one of which was decided by the 8th Court less than a month ago, and CTWSC provided **no** case precedent supporting their position. Staff was very pleased in our representation and the Court’s reaction to the CTWSC arguments.

Campbell Park Staff received the geo-tech report from Langerman, Foster Engineers on May 18th and forwarded the same to the selected contractors for the pavilion and skate park projects. Contractors were notified to incorporate the findings and recommendations of the geo-tech into their foundation design and costs. Staff has also included stakeholder representatives in the notification and communicated the need to have a combined stakeholder/contractor meeting within the next 2 weeks. Per the Design/Build procurement statutes, contractors will present a final contract to Council for consideration prior to initiation of the projects.

Job Fair Mandy reports the LEDC will be hosting a job fair at the Lampasas County Higher Education Center (“LCHED”) on June 10th. Unfortunately, the fair was not conducted in 2020 due to Covid restrictions, but was an annual event for the prior 5 years. Workforce continues to be an issue with most Texas communities, and the LEDC has taken the proactive step to pair employers with prospects for this event.

Rugged Sweep The incoming Mayor provided a link up to the 36th Engineering Brigade at Fort Hood, for a community service program their unit is rolling out. The program combines physical training with trash collection and will bring approximately 45 soldiers to town on June 3rd.

Teams of two will take up to four different routes to run and collect trash over an approximately 4-mile route. If you would like to come out and support, you'll need to get up early. The run starts at 6:30 a.m.

LEDC On May 19th the Lampasas Economic Development Corporation (“LEDC”) approved the acceptance of the terms of the loan for phase 1 road and infrastructure development at the Business Park. As previously reported, the LEDC has been exploring, and has engineered, installation of infrastructure over the past 18 months, including leveraging prospects and job creation for EDA funding. Initially, the loan would have required some shared cost from the City, however; based on current terms, and LEDC financial performance, the LEDC should be able to support the service and provide funds for any deficiency between proceeds and construction costs.

Storm Impacts Rain and strong winds this past week caused generally minor damage to City facilities. Council will likely notice the removal of the tree on the northwest corner of the Calvert Building that was split perhaps by a combination of wind and lightening. A large oak also fell at WM Brook Park this morning that did some damage to a wall at the amphitheater. The Golf Course experienced the loss of one tree and the general disruption of downed limbs.

Staff Anniversaries Staff is pleased to recognize the following staff who began their City of Lampasas careers in May: Antonio Suarez-Barrio, 19 years; Josh Straley, 14 years; Marcial Chapa, 11 years; Warren Spivey Jr., 9 years; Andrew McCatherine, 7 years; Colton Baker, 6 years; Patricia Eicher, 5 years; Francisco Palacios, 4 years; Ester Ramirez, 3 years; Danicka Keeling, 3 years; Jonathan Guerra, 3 years; Thomas Kepler, 3 years; Marisa Smith, 2 years; and Rodney Kepler, 2 years.

5.2	MAYOR’S COMMENTS
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Mayor Monroe welcomed Council member Pearce and Morris as the newest Council members and congratulated Council member Clark on his re-election.

6.0	UNFINISHED BUSINESS
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There was no unfinished business.

7.0	NEW BUSINESS
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7.1	Discussion and possible action regarding the first reading of an Ordinance amending Lampasas Code of Ordinances Chapter 70 Subdivisions; Section 70-6 Guarantee of Performance.
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Council member Clark moved to approve the first reading of the Ordinance amending Lampasas Code of Ordinances Chapter 70 Subdivisions; Section 70-6 Guarantee of Performance, Mayor Pro Tem Williamson seconded the motion and with an unanimous vote, the motion carried.

7.2	Discussion and consideration of a Resolution granting a petition for voluntary annexation of Hillside Acres.
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Council member Kuehne moved to approve the Resolution granting a petition for voluntary annexation of Hillside Acres, Mayor Pro-Tem Williamson seconded the motion and with a unanimous vote, the motion carried.

7.3	Discussion and consideration for approval for the Lampasas Police Department to purchase a Vista-Com recording solution.
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Council member Clark moved to approve the purchase of a Vista-Com recording solution in an amount not to exceed \$8,865.00, the motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

7.4	Discussion and possible action regarding proposed feasibility assessment from Reliance Architecture, LLC to preserve the New Hope Baptist Church in an amount not to exceed \$9,800.00
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There was no action taken on this item.

7.5	Discussion and possible action regarding appointment to the Hill Country Transit Advisory Board.
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Council member Clark moved to appoint Mayor Monroe as the primary representative and Council member Goodart as the alternate, to serve on the Hill Country Transit Advisory Board, the motion was seconded by Mayor Pro Tem Williamson and with a unanimous vote the motion carried.

Adjourn into Executive Session

Mayor Pro Tem Williamson moved to adjourn into Executive Session at 7:43 p.m., Council member Kuehne seconded the motion and with a unanimous vote, the motion carried.

EXECUTIVE SESSION

The City Council of the City of Lampasas, Texas will meet in closed Executive Session pursuant to the Texas Government Code, Chapter 551, as follows:

8.0	EXECUTIVE SESSION ITEMS
8.1	Section 551.086 (Relating to the authority of public power utility governing bodies to deliberate regarding competitive matters) – Utilities
8.2	Adjourn executive session and reconvene Regular Session

Council reconvened into regular session at 8:07 p.m.

REGULAR SESSION

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

There was no action taken in Executive Session

Adjourn-Council member Kuehne moved to adjourn at 8:08 p.m., Council member Goodart seconded the motion and with a unanimous vote, the motion carried.

PASSED AND APPROVED this _____ day of _____, 2021.

TJ Monroe, Mayor

ATTEST:

Becky Sims, City Secretary