

AMENDMENT
NOTICE OF SPECIAL MEETING OF THE GOVERNING BODY
OF THE CITY OF LAMPASAS, TEXAS
CITY COUNCIL CHAMBERS
302 E THIRD STREET
Monday, April 20, 2020
5:30 p.m. Special Session

Notice is hereby given that a special meeting of the City Council of the City of Lampasas, Texas will be held on Monday, April 20, 2020 in the City Council Chambers 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).

SPECIAL SESSION
5:30 p.m.

1. Call to order Special Session
2. Discussion and possible action regarding the approval of the LEDC Business Emergency Grant Program. *(pgs. 3-6)*
3. Discussion and possible action in regards to the City of Lampasas Utility Assistance Program for businesses affected by COVID-19 related restrictions or closures. *(pgs. 7-8)*
4. Discussion and possible action regarding waiver of third party credit card fees and on-line processing fees. *(pgs. 9-12)*
5. Discussion and possible action regarding Golf Course closure due to COVID-19. *(pgs. 13-16)*
6. Discussion and possible action regarding engagement of Local Government Services for Pole Attachment Negotiation and Agreement Services. *(pgs. 17-18)*
7. Discuss and consider modification to City of Lampasas Disaster Declaration based on Governor Abbott's Executive Order, GA-16
8. Adjourn into Executive Session

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:

9. Section 551.071 (1), Consultation with Attorney by telephone and/or in person concerning Amendment to the Wholesale Water Contract who has a duty and/or responsibility to report to the governmental body

10. Adjourn into Special Session

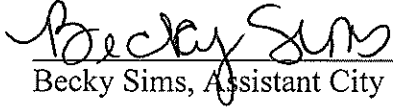
SPECIAL SESSION

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

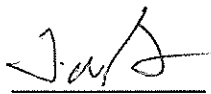
12. Adjourn Special Session

I, Becky Sims, Assistant 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 17 day of April 2020 at

4:48p



Becky Sims, Assistant City Secretary


City Manager

ITEM NO. 2

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

Subject:

Discussion and possible action regarding the approval of the LEDC Emergency Grant Program

Requested By: Mandy Walsh, EDC Director

Submitted By: Mandy Walsh, EDC Director

Date Submitted: April 16, 2020

For the Agenda of: April 20, 2020

Procurement and Funding Statement:

Funding will be covered by the LEDC under Economic Development Programs

Attachments: LEDC Grant Program Application & Guidelines

Summary Statement:

The LEDC met on April 15, 2020 and approved the Business Emergency Grant Program. The Program is intended to assist businesses impacted by the COVID-19 crisis through small grants, up to a maximum of \$3,000.00 per applicant. The purpose of this grant program is to provide working capital for personnel costs, rent, utilities, and other business-related expenditures for existing (brick-and-mortar) small businesses within the city of Lampasas during COVID-19. The specific criteria, review and awards will be determined by a committee of (2) staff members and (3) EDC Board members. The application period for this grant will remain open until September 30, 2020; until funding has been exhausted; or until the LEDC determines that the program goals have been satisfied.

Recommendation:

Recommend approval of the LEDC Emergency Grant Program.



COVID-19 Emergency Grant Program Application

1. Applicant Information

Contact Name(s): _____

Name of Business: _____

Business Address: _____

Contact Phone: _____ Email Address: _____

2. Business Information

Average Monthly Revenue: _____ Average Monthly Expenses: _____ OWN ☐ RENT ☐

Are you the owner-operator of the business submitting this application? YES ☐ NO ☐

Do you sublet or charge booth/vendor space within your business? YES ☐ NO ☐

If YES, are you currently collecting these payments? YES ☐ NO ☐

Do you rent or lease space/booth in a facility or business providing retail or personal services? YES ☐ NO ☐

If YES, are you currently required to submit these payments? YES ☐ NO ☐

How would your business intend to use the LEDC Grant Fund: _____

Number of Years in Business: _____ Number of Years at Current Location: _____

Number of Full-Time Employees: _____ Number of Part-Time or Seasonal Employees: _____

3. Commitment

I agree to adhere to the COVID-19 Emergency Grant Program eligibility guidelines as established by the Lampasas Economic Development Corporation.

Signature of Applicant

Date

Please return this application to the Lampasas Economic Development Corporation. Submissions by email are preferred (mandy@cityoflampasas.com), but hard copies will be accepted via the drive-through window at City Hall, 312 E. Third St. Please note that our lobby is currently closed to the public, but if you wish to set up an appointment, please call (512)-556-6831 or email mandy@cityoflampasas.com.



COVID-19 Emergency Grant Program Application

PURPOSE

The Lampasas Economic Development Corporation (LEDC) is implementing a COVID-19 Emergency Grant Program to provide assistance to local businesses suffering from financial impacts related to the COVID-19 (coronavirus) pandemic pursuant to the authority of the EDC under Sec. 505.103, Texas Local Government Code and the EDC Board's intent to financially assist local businesses during this local disaster.

The purpose of this program is to provide working capital for personnel costs, rent, utilities, business-related expenditures, etc. for existing (brick-and-mortar) small businesses within the city of Lampasas, Texas. The EDC will award grant funding UP TO \$3,000 maximum amount. The application period for this grant will remain open until September 30, 2020; until funding has been exhausted; or until the EDC determines that program goals have been satisfied.

ELIGIBILITY

In order to qualify for funding under this program, the applicant must meet all of the following criteria:

- The business must have a physical location (brick-and-mortar; not solely a home-based business or online sales) located in the corporate city limits of Lampasas. This also includes businesses with sole proprietors that provide retail and/or personal services and rent or lease space within a business location.
- Any funding provided by the LEDC must be used solely for operating expenditures for the business located at the address provided in the application and may not be used for personal or other business needs.
- The need for funds must be a result of the closure or limitation of the business operations due to the COVID-19 pandemic.
- Proof of applicant's ownership of the business, or proof that the owner of such business has approved the application for grant funds, shall be required.
- There is a limit of one grant per applicant.
- The LEDC review committee is the sole and final authority in determining eligibility for funding.

If you have questions, or for assistance with your application, please contact Mandy Walsh at (512)-556-6831 or mandy@cityoflampasas.com.

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City Manager

ITEM NO. 3

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

Subject:

Discussion and possible action in regards to the City of Lampasas Utility Assistance Program for businesses affected by COVID-19 related restrictions or closures.

Requested By: Mike White, Council Member

Submitted By: Finley deGraffenried, City Manager

Date Submitted: April 16, 2020

For the Agenda of: April 20, 2020

Procurement and Funding Statement:

This program has a maximum potential financial impact of \$72,000.00

Attachments:

Summary Statement:

Based on Council input and direction on April 13, 2020, Staff has prepared the attached draft application and internal award criteria. Council may also provide direction and input prior to formal action. The City Attorney reviewed the program concept and implementation and provided her opinion that the City has the authority to extend this type of assistance.

Recommendation:

To consider a motion to approve the Utility Assistance Program and to authorize Staff to make modifications and implement.

Getting Business Going Utility Assistance Program

The Program-The City of Lampasas is awarding utility grants to support businesses affected by closures related to the COVID-19 Crisis. The awards will cover all, or some, of your Utility Expense for the first month after reopening. The Program is intended to support and promote businesses as they restock, rehire and reopen.

Eligibility-Businesses must be located within the corporate limits of the City of Lampasas, and must have been fully or partially closed, or restricted in their ability to operate. This would include, but may not be limited to, restaurants, barbers and haircare salons, nail salons, gyms, spas, and certain retailers.

Requirements-Completed applications must be received by the City before the business reopens, but no later than May 30, 2020. Businesses are required to contact the City when opening, and must remain open for 90 days. Approved businesses will receive a credit on their utility bill for the first full billing cycle after reopening.

Application

Business Name _____

Address _____

Contact Person _____

Phone Number _____

Expected Opening _____

I have read and understand the Requirements and Conditions of this Program,

Signature

date

Please return to City Hall, 312 E. 3rd, through the Utility Window

The City of Lampasas, a Texas home-rule Municipal Corporation, is authorized under Chapter 380 of the Texas Local Government Code to provide services of the municipality to stimulate business and commercial activity.

In accordance with Section 552 of the Texas Government Code (Public Information Act), information and documents related to this application may be subject to disclosure.

Please contact Yvonne Moreno, Finance Director, or Mandy Walsh, Economic Development Director, for more information.

City Use Only

Reviewed by _____

Tier

Date Reviewed _____

% Award

Notification _____

Opening Date


City Manager

ITEM NO. 4

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

Subject:

Discussion and possible action regarding waiver of third party credit card fees and on-line processing fees.

Requested By: Cathy Kuehne, Council Member
Randy Clark, Council Member

Submitted By: Finley deGraffenried, City Manager

Date Submitted: April 16, 2020

For the Agenda of: April 20, 2020

Procurement and Funding Statement:

Based on March estimates, the monthly impact is approximately \$5,600.00.

Attachments: April 3, 2020 Memorandum

Summary Statement:

This item is placed on the agenda at the request of Council Members Kuehne and Clark. The waiver was discussed April 6, 2020. Staff includes the memo of April 3, 2020 as reference.

Recommendation:

Discussion and consideration of a motion.

City of Lampasas

M E M O

To: Mayor and City Council
From: Finley deGraffenried
Re: Staff comments on 4-6-2020 Agenda
Date: 3 April 2020

Staff has prepared this memo to provide additional background and recommendation on three items related to the City's Disaster Declaration.

1. Waiver of Credit Card Fees and InCode Processing Fees

This item has been raised to Council and staff from individuals that desire to not leave their home, or are financially stressed during this time. The Finance Director has investigated the waiver of credit card fees (2% of the total, representing fees the City incurs), and the fee to InCode for processing payments into our General Ledger software (\$1.25 per transaction for on-line payments). The waiver would require an amendment to our contract with InCode, which they are currently doing with other Cities, perhaps in as soon as a week. The Finance Director's notes are attached for your reference.

During the Disaster Declaration, the City will not cut off utilities or charge late penalties, and the drive-through has remained open. Staff will also provide longer-term payment plans for customers in need.

Staff recommends continuing to monitor account activities, and postpone consideration of a contract amendment.

2. Allowing Golf Course Services to Members

This item was brought to the attention of staff through a Council member. The request was to allow Hancock Golf Course members access to the Course, utilizing their own carts for play. Several courses in the area continue to stay open, however; many are also closed. Some of the courses that have remained open are utilizing guidelines to limit possible exposure including, one person per cart, leaving flags in place, and closing restrooms.

Based on the required closure of other recreational/non-essential businesses; and the fact that many of the Hancock Park Golf Course members live and work outside of Lampasas County, staff recommends keeping the Course closed to play.

3. Guidance for Houses of Worship

This item was brought to the attention of staff through area clergy and a Council member. The concern has been raised, that any gathering, whether in cars parked in every other space, in groups of less than 10, or any in-person gatherings, should be allowed. The Fire Chief and Police Chief have also consulted with clergy regarding protocols to limit exposures for *parking lot* services. Staff has also sought advice from the County Public Health Officer, the City Health Advisor, and the City Attorney.

Medical Advisors have raised concern regarding the mindfulness of a congregation to maintain social distancing even in a parking lot. It is a natural reaction to interact with those in our congregations we haven't seen for some time. Dr. Cain said plainly, it is not a good idea, but exposure could be minimized with spacing and strict adherence to other guidelines. Dr. Hay has similar guidance in her letter to Citizens of Lampasas (attached). Staff also understands Dr. Cain will communicate directly with some congregations.

JC Brown has reviewed Governor Abbott's Executive Order, GA-14, as well as the Attorney General's ("AG") *Guidance for Houses of Worship During the COVID-19 Crisis* (attached). JC noted that the Order and Guidance define Houses of Worship as essential services; and the Attorney General further references that special consideration must be given Houses of Worship due to Constitutional and Statutory Rights. If a Church, or member of a congregation, cannot access or conduct a worship service remotely, due to lack of financial or technological capability, an accommodation should be provided as in the described example.

The local jurisdiction must also clearly articulate their directives aimed at mitigating spread of the virus. Chief Smith and Chief Bailey have met multiple times with pastors, who have cooperated fully in complying with outlined directives for spacing, contact and safety.

Staff recommends continued allowance consistent with the Attorney General's guidelines, and the Governor's Executive Order GA-14, providing all conditions and directives of Public Safety Officials are complied with and monitored.

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City ManagerITEM NO. 5

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

Subject:

Discussion and possible action regarding Golf Course closure due to COVID-19.

Requested By: Misti Talbert, Mayor

Submitted By: Finley deGraffenried, City Manager

Date Submitted: April 17, 2020

For the Agenda of: April 20, 2020

Procurement and Funding Statement:

Attachments: Attorney General Guidance Letter

Summary Statement:

This item is placed on the agenda at the Mayor's request in light of the guidance provided by the Attorney General. Council discussed the closure at the April 6, 2020 meeting, and Staff refers to the April 3, 2020 memo for additional background.

Recommendation:

Discussion and consideration of a motion.



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 11, 2020

The Honorable James B. Frank
Chair, Committee on Human Services
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Re: Whether golf courses may remain open during the COVID-19 disaster if local authorities require social distancing protocols and compliance with public health instructions

Dear Chairman Frank:

You ask for guidance on the interpretation of the Governor's Executive Order GA-14 and its impact on certain essential services and activities in Texas. In particular, you ask whether "golf courses, which serve as a forum for essential activity such as exercise, may remain open if local authorities require social distancing protocols and public health instructions be followed."¹

Some elements of golf course businesses may provide "essential services" under GA-14 and the federal CISA Guidance it adopts.² For example, restaurants at golf courses provide an essential service and may continue to provide take-out or delivery options.³ Landscapers and other workers who are necessary to maintain

¹ Letter from Honorable James B. Frank, Chair, House Committee on Human Services, to Honorable Ken Paxton, Tex. Att'y Gen. (Apr. 8, 2020).

² GA-14 adopts as essential services "everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0." Exec. Order No. GA-14 (Mar. 31, 2020) (hereafter "Exec. Order GA-14").

³ See Cybersecurity and Infrastructure Security Agency, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, *available at* <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce> ("CISA Guidance"). CISA Guidance provides that "essential services" include "restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, and carry-out and delivery food employees."

the safety and sanitation of the business are likewise essential.⁴ Such services may continue to operate, and employees performing those services may go to work at the golf course. Yet even when providing an essential service, golf courses “should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible.”⁵

However, other elements of golf course operations that do not involve services identified under GA-14 or the CISA guidance are not essential services. For example, golf course personnel, such as starters, marshals, and pro-shop staff, who do not provide essential services, must follow GA-14’s general rule: “minimize social gatherings and minimize in-person contact with people who are not in the same household.”⁶ These personnel may work remotely from home if possible, performing functions like taking tee times, monitoring the course, or posting instructions or updates on a web site. Thus, ongoing non-essential services of golf courses should be conducted remotely.

With regard to individuals that desire to play golf, GA-14 expressly allows “engaging in physical activity.”⁷ Golf is defined as a sport involving physical activity.⁸ While GA-14 expressly prohibits “visiting gyms,” it permits activities like “jogging and bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.”⁹ Similarly, a person is not prohibited from playing or practicing golf on property that remains open to the person (such as by holding a membership and/or reserving a tee time), but the person should follow the CDC guidelines pursuant to GA-14.

⁴ The CISA Guidance identifies landscapers and other service providers who are “necessary to maintaining the safety, sanitation, and essential operation of residences and businesses.” Such personnel could include groundskeepers and employees who maintain the safety, sanitation, and usability of the outdoor surfaces of the golf course grounds used for practice or play.

⁵ Exec. Order GA-14.

⁶ *Id.*

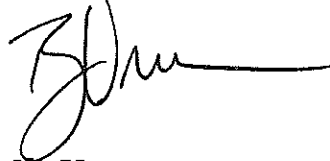
⁷ *Id.*

⁸ *Sport*, *Dictionary.com*, at <https://www.dictionary.com/browse/sport>. Golfing is defined as “the activity of playing golf[.]” *Golfing*, *Collins English Dict.*, available at <https://www.collinsdictionary.com/dictionary/english/golfing>; see also *Golf*, WIKIPEDIA, at <https://en.wikipedia.org/wiki/Golf> (last visited Apr. 10, 2020); *Sport*, WIKIPEDIA, at <https://en.wikipedia.org/wiki/Golf> (last visited Apr. 10, 2020).

⁹ Exec. Order GA-14.

Please note that this response is not an official opinion of the Office of the Attorney General issued under section 402.042 of the Texas Government Code, nor is it an exhaustive memorandum of law; rather, it is an informal letter of legal advice offered for the purpose of general guidance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Vassar', with a long horizontal flourish extending to the right.

Ryan M. Vassar
Deputy Attorney General for Legal Counsel



City Manager

ITEM NO. 6

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

Subject:

Discussion and possible action regarding engagement of Local Government Services for Pole Attachment Negotiation and Agreement Services

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: April 16, 2020

For the Agenda of: April 20, 2020

Procurement and Funding Statement:

81-510-5600 Contingency, Budget Balance \$12,674.00

Attachments:

Summary Statement:

As the City continues to work with Internet Service Providers, the need has arisen for the negotiation, pricing, and development of specific pole attachment agreements. Local Government Services has provided these services to the City, and have successfully negotiated new agreements with AT&T and Suddenlink in conjunction with our legal counsel. Georgia Crump, Lloyd Gosslink, has recommended the same approach regarding potential new attachments. The City is also utilizing Schneider Engineering to assess City assets and review specifications and plans.

Recommendation:

To consider a motion to approve.

**ADDENDUM TO AGREEMENT BETWEEN CITY OF LAMPASAS TEXAS AND
LOCAL GOVERNMENT SERVICES, LLC FOR UTILITY POLE
MANAGEMENT ADVISORY SERVICES**

This is an addendum to the Engagement Agreement dated September 10, 2019 between the City of Lampasas ("City") and Local Government Services, LLC ("LGS") for utility pole management advisory services. The following additional terms and conditions pertaining to utility pole management services are hereby included as a part of the Agreement described above.

OTHER SERVICES

Assist City with negotiating two (2) new pole attachment agreements and negotiating rental rates with two (2) separate Internet Service Providers ("ISPs"). This work will include development of Pole Attachment Rent by performing the rate calculations under the applicable FCC rate calculation formula if necessary.

PAYMENT

The total obligation for the City for the services described above is \$12,000.00, plus out of pocket expenses incurred by LGS, its agents, employees or subcontractors arising out of this Addendum. The City shall pay LGS 50% of the total obligation when this addendum is executed and the remaining total obligation when the service is completed to the satisfaction of the City. The total obligation will be reduced by \$6,000.00 or more if for any reason the City fails to enter into a pole attachment agreement with one of the ISPs or if the work is cancelled or substantially less work is required by LGS in the City's sole discretion.

As expressly modified herein, the Agreement between the City and LGS for Utility Pole Management Advisory Services shall remain in full force and effect.

This Agreement shall be construed under the laws of the State of Texas.

The undersigned agree to the above additional terms and conditions and acknowledge the receipt of a copy hereof.

City Manager _____
Lampasas City, Texas

President _____
Local Government Services, LLC

Date: _____

Date: _____