

AMENDMENT
MINUTES OF SPECIAL MEETING OF THE GOVERNING BODY
OF THE CITY OF LAMPASAS, TEXAS
CITY COUNCIL CHAMBERS
302 E THIRD STREET
Monday, April 20, 2020

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

Council Members present:

T.J. Monroe, Mayor Pro Tem
Chuck Williamson
Randy Clark
Cathy Kuehne
Delana Toups
Mike White

Council Members absent:

None

City Staff Present:

Finley deGraffenried, City Manager
Christina Marez, City Secretary
Monica Wright, Information Systems Director
Yvonne Moreno, Finance Director
Mandy Walsh, Economic Development Director
Jeffry Smith, Fire Chief
Sammy Bailey, Police Chief
Van Berry, Golf Course Manager

SPECIAL SESSION
5:30 p.m.

1. Call to order Special Session

Mayor Talbert called the special session to order at 5:32 p.m.

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

Mandy Walsh, Economic Development Director, explained that the LEDC Board 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) City Staff members, she and City Manager deGraffenried; and (3) EDC Board members, Board President Charlie Pratus, T.J. Monroe and Misti Talbert. 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. Essentially, this program is to help retain local businesses.

Council member Toups moved to recommend approval of the LEDC Emergency Grant Program. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

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.

City Manager deGraffenried explained that based on Council input and direction on April 13, 2020, City Staff has prepared the attached draft application and internal award criteria. The City Attorney, Jo-Christy Brown, reviewed the program concept and implementation and provided her opinion that the City has the authority to extend this type of assistance.

deGraffenried reviewed the following:

- This program has a maximum potential financial impact of \$72,000.00.
- It is a compelling program and Council could do a budget amendment for fund balance to cover this impact.
- The concept of this program is to assist the nonessential businesses that had to close due to the Declaration Order related to COVID-19.
- This program has been set up for grouping the businesses into two tiers.

Robert McCauley, citizen, called in on the phone line provided to citizens to provide comments. He expressed that the City should find a way to help all citizens, not just businesses. He asked whether the businesses were the only important people in town.

Council's responses to McCauley's questions included:

- The City would love to be able to help everyone but the City does not have the funding.
- No one is less deserving but funding is just not available.
- The City has waived all utility late fees; no door tag fees or disconnects will be done; and utility payment arrangements can be made with the Utility Department.
- The original interest or spirit behind this program by Council member White was for those businesses that were impacted by the City's Order that required them to close their business.
- Technically, this program falls under the 380 program on a state level that allows funding monies for services of the municipalities to support local economic development and stimulate commercial and business activity.
- Consensus of Council was that they wanted businesses to be successful and in hopes to retain them in the community, providing them one month's utility assistance is the least they could do when these businesses were made to close.

Mayor Pro Tem Monroe moved to approve the Utility Assistance Program as presented for a two tier program of 100 percent assistance for tier one and 75 percent assistance for tier two for services including water, wastewater, garbage and electric and to authorize City Staff to make modifications and implement. The motion was seconded by Council member Williamson.

There was discussion on ensuring this program was for a two tier business list and not for three tiers. The business lists were for those that were made to close due to the City's Declaration Order. This list did not include businesses that were not required to close but chose to.

Council member Kuehne expressed that some businesses did stay open and are not on the list but still lost business and revenue because of the Stay at Home Order. She felt that they should not have been excluded.

The outcome was that this program was for the nonessential businesses that were forced to close.

Mayor Talbert called for a vote on the motion made by Mayor Pro Tem Monroe and seconded by Council member Williamson. With a unanimous vote, the motion carried.

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

City Manager deGraffenried explained that this item was placed on the agenda at the request of Council Members Kuehne and Clark. The waiver was discussed at the April 6, 2020 Special meeting. He included the memo dated April 3, 2020 as reference to this item.

Council member Kuehne moved to approve waiving all credit card fees during the duration of the Stay at Home Order. The motion was seconded by Council member Clark.

Council member Toups asked why this item is before Council again when it has already been discussed and voted on.

Council member Kuehne expressed that since the City is helping businesses, the City can afford the \$5,600.00 of waiving the credit card fees to help the residents that don't want to leave their house and want to pay by credit card. It's not a fair shake when Council is only considering helping businesses.

Council member Toups said that the City should not have to lose revenue for someone's choice of paying by credit card when the City has the drive thru available for them to pay their bill by check or cash, they can mail their payment or have the bill drafted from their bank account. It is just a small percentage of customers that pay by credit card. If the City had no other options available to the customer of how to pay their bill, then she would understand waiving the fees. This is not the case and is a choice made by the customer.

Yvonne Moreno, Finance Director, explained the following:

- She reviewed the merchant fee costs to the City
- The percentage of customers that pay with a credit card or online is very low (approximate average is 18% of customers)
- Bottom line, the City would be losing revenue
- The City is already waiving late fees and not doing disconnects
- The drive thru is open, drop box is available, option of having their payment drafted or the payments can be mailed

Mayor Talbert called for a vote on the motion made by Council member Kuehne and seconded by Council member Clark to waive all credit card fees during the duration of the Stay at Home Order. With a vote of three in favor and four opposed (White, Williamson, Toups and Talbert), the motion failed.

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

City Manager deGraffenried explained that this item was placed on the agenda at the Mayor's request in light of the guidance provided by the Attorney General regarding the Golf Course. Council voted the closure of the

City's Golf Course at the April 6, 2020 Special Meeting. He referred discussion over to Van Berry, Golf Course Manager.

Van Berry, Golf Course Manager, explained that he has had several inquiries of the Golf Course after the Attorney General's opinion was released. He said that some golf courses such as San Saba and Burnet are open to members only with restrictions.

Berry explained that he has given it much thought and it can be done with some restrictions. He reviewed the following:

- If approved by Council to open the Golf Course, restrictions will need to be made.
- The course would be open 7:30 a.m. to 7:30 p.m. No one would be allowed before or after those times.
- You must have a tee time scheduled. He will schedule them at least 12 minutes apart, or longer if necessary, to meet social distancing. The last tee time would be at 3:00 p.m.
- No walk-ins will be welcome.
- Golfers cannot remove or handle the flag sticks.
- Rakes will be removed from the bunkers.
- Ball washers will be covered.
- Water fountains will not be available for use.
- All carts will be sanitized after each use.
- All restrooms on the Golf Course will remain locked. Restrooms inside the Pro Shop will be available using the side door and not through the Pro Shop.
- Only two people will be allowed in the Pro Shop at one time

Berry said that the golf course looks really good and would like to give it a go. He would like to open it either Wednesday or Thursday, since he still has a few things still to do, but to members only through Sunday. It would give him an opportunity to see how well it's working and if any additional changes are necessary. The course would be open to the public starting Monday.

Council member Clark moved to approve reopening the Golf Course as per Van Berry, Golf Course Manager, recommendation and restrictions. The motion was seconded by Mayor Pro Tem Monroe and with a unanimous vote, the motion carried.

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

City Manager deGraffenried explained that 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, with Lloyd Gosslink law firm, 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.

Mayor Pro Tem Monroe moved to approve the agreement with Local Government Services for Pole Attachment Negotiation and Agreement Services. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

7. Discuss and consider modification to City of Lampasas Disaster Declaration based on Governor Abbott's Executive Order, GA-16

Mayor Talbert explained the reason she placed this item on the agenda. Because of changing guidelines and business openings by Governor Abbott, the City did not want to be in a position of constantly meeting and de-conflict with the City's local Order compared to State directives. Local businesses must still follow the guidelines and restrictions in Governor Abbott's Executive Orders. Council does maintain the authority to implement and revise future Orders in the event the Governor provides local latitude to loosen restrictions.

Council member Clark moved to rescind the City of Lampasas Stay Home/Stay Safe Disaster Declaration effective midnight and follow Governor Abbott's Executive Orders. The motion was seconded by Mayor Pro Tem Monroe and with a unanimous vote, the motion carried.

8. Adjourn into Executive Session

Mayor Pro Tem Monroe moved to adjourn into executive session at 6:23 p.m. The motion was seconded by Council member Toups 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:

- 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

Executive session was adjourned at 6:36 p.m. and special session was immediately reconvened.

SPECIAL SESSION

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

Mayor Pro Tem Monroe moved to approve amendment to the 2006 Wholesale Water Contract between the City of Lampasas and Kempner Water Supply Corporation and authorize the Mayor to execute the related documents. The motion was seconded by Council member Kuehne and with a unanimous vote, the motion carried.

12. Adjourn Special Session

Mayor Pro Tem Monroe moved to adjourn the meeting at 6:38 p.m. The motion was seconded by Council member White and with a unanimous vote, the motion carried.

PASSED AND APPROVED this _____ day of _____, 2020.

Misti Talbert, Mayor

ATTEST:

Christina Marez, City Secretary