



**Special Called
City Council Meeting
March 23, 2020**



111 W. Lyndale, Robinson, TX, 76706-5619
Phone (254) 662-1415 | Fax (254) 662-1035

**SPECIAL CALLED MEETING
PUBLIC NOTICE**

THE ROBINSON CITY COUNCIL WILL MEET ON MONDAY, MARCH 23, 2020 AT 6:00 P.M. IN THE COUNCIL ROOM AT ROBINSON CITY HALL, 111 WEST LYNDAL, ROBINSON, TEXAS TO CONSIDER AND ACT ON THE ITEMS ON THE FOLLOWING AGENDA.

1. Call to order.
2. Roll Call.
3. Consider and possible action approving Ordinance 2019-019 amending and extending the Mayor's Disaster Declaration and Order of March 18, 2020 and declaring a state of disaster and public health emergency for the City of Robinson.
4. Consider and possible action approving Ordinance 2020-020 addressing employee absences resulting from COVID-19 and providing for sick leave for absences resulting from COVID-19 related matter.
5. Adjourn.

**The Governing Body reserves the right to go into Executive Session on any of the above items as provided by Government Code Chapter 551.*

**Public Hearings will be held in accordance with procedures set forth in Resolution R-95-011, adopted by the City Council on June 13, 1995.*

Note: Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services should contact the City Secretary at 254-662-1415 at least twenty-four (24) hours before this meeting so that appropriate arrangements can be made.

**Special Called Meeting Agenda
March 23, 2020
Page 1 of 1**



COUNCIL AGENDA ITEM MEMORANDUM

Regular Agenda Item
Date Submitted: 03/20/2020
Meeting Date: 03/23/2020
Item #1-2

1. CALL TO ORDER:

2. ROLL CALL:

	PRESENT	ABSENT
ROGERS	_____	_____
MASTERGEORGE	_____	_____
FOLLENDER	_____	_____
ECHTERLING	_____	_____
STIVENER	_____	_____
JANICS	_____	_____
EUBANK	_____	_____



COUNCIL AGENDA ITEM MEMORANDUM

Regular Agenda Item
Date Submitted: 03/20/2020
Meeting Date: 03/23/2020
Agenda Item #3

DEPT./DIVISION SUBMISSION & REVIEW:

Craig Lemin, City Manager

ITEM DESCRIPTION: Consider and possible action approving Ordinance 2020-019 amending and extending the Mayor's Disaster Declaration and Order of March 18, 2020 and declaring a state of disaster and public health emergency for the City of Robinson.

STAFF RECOMMENDATION: Recommend Approval

ITEM SUMMARY: On March 18, 2020 Mayor Echterling issued a declaration and order declaring a state of disaster and public health emergency in response to recommendations from the Center for Disease Control and Waco/McLennan County Public Health Authority. Under state law the declaration remains effective for a maximum of seven days unless action is taken by the governing body to extend it. Since the declaration was made, the situation continues to evolve with new recommendations to address the changing environment. The attached declaration incorporates those new recommendations and is consistent with the declaration and order issued by the McLennan County Commissioner's Court.

FISCAL IMPACT:

ATTACHMENTS:

ORDINANCE NO. 2020-019

ORDINANCE AND DECLARATION OF THE CITY COUNCIL OF THE CITY OF ROBINSON, TEXAS EXTENDING THE MAYOR'S DISASTER DECLARATION AND ORDER OF MARCH 18, 2020 AS AMENDED BY THIS CITY COUNCIL HEREIN, AND DECLARING A STATE OF DISASTER AND PUBLIC HEALTH EMERGENCY FOR THE CITY OF ROBINSON, TEXAS

WHEREAS, on March 18, 2020, the Mayor of the City of Robinson, Texas, issued an order declaring a local state of disaster and public health emergency for the City of Robinson, Texas, resulting from COVID-19 (novel coronavirus); and

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist and have continued to develop; and

WHEREAS, this Ordinance recognizes the Governor's Executive Order GA 08 of March 19, 2020 and the Order of the McLennan County Commissioners Court on that same date as additional basis for the amendments herein; and

WHEREAS, Section 418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period of excess of seven days without the consent of the governing body of the political subdivision;

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

1. That the local state of disaster and public health emergency declared for the City of Robinson, Texas by the Mayor is hereby **EXTENDED**, and that the Mayor's Order is **ADOPTED AND RESTATED** except as **AMENDED** herein by this City Council based on new developments. A local state of disaster and public health emergency in the City of Robinson is **DECLARED**.
2. That the state of disaster ordered and declared for the City of Robinson, Texas, by the Mayor on March 18, 2020, is **HEREBY EXTENDED** and shall continue until **April 7, 2020**.
3. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City's emergency management plan.
5. Pursuant to §122.006 of the Texas Health and Safety Code, the City is authorized to take any actions necessary to promote health and suppress disease, including quarantine. The City of Robinson hereby declares that those persons under investigation, persons under management,

and quarantined persons remain within the confines of their homes or in safe, secure facilities during the quarantine period following their exposure to the virus.

6. In keeping with the directives of the CDC, the following facilities will be closed to the public until further notice: City Hall, Community Center, Senior Center, Municipal Court, and Peplow Park.
7. It is FURTHER ORDAINED that the City Manager, or his designee, is authorized to undertake whatever reasonable action and to conduct whatever disaster mitigation measures necessary to protect the general health, safety, and welfare of the citizens of Robinson and the employees of the City of Robinson.
8. It is FURTHER ORDAINED that Public or private Community Gatherings, as defined herein, that exceed 10 persons are prohibited anywhere in the City of Robinson. The uses in subsections (i), and (ii), of this section are not considered Community Gatherings, but are limited or prohibited as provided in subsections (i), and (ii),
 - (i) A restaurant with or without drive-through services and drive-through restaurants; may only provide take out, delivery, or drive-through services as allowed by law—a dine-in option shall not be allowed;
 - (ii) Indoor recreational facilities, including a gym or health studio shall close until further notice.
9. Definitions:
 - a. For purposes of this Order, a “Community Gathering” is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together 10 (ten) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, stadium (indoor or outdoor), tent, arena or event center, music venue, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
 - b. An outdoor “Community Gathering” under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within six feet of one another for extended periods.
 - c. For purposes of clarity, a “Community Gathering” does not include the following, or other similar uses, so long as persons involved are generally not within six feet of one another for extended periods:
 - i. spaces where ten (10) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
 - ii. office space, public and private schools. child-care facilities, residential buildings, or any type of temporary sheltering or housing

- iii. grocery stores, shopping centers, or other retail establishments where large numbers of people are present, but it is unusual for them to be within six feet of one another for extended periods: or
- iv. hospitals and medical facilities.
- v. government operations, including operations of the judiciary, and gatherings required to carry them out are not a “Community Gathering” under this Order.

10. The City of Robinson must promptly provide copies of this Order by posting it on the City of Robinson website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

11. That a violation of this order shall be a Class C misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.

12. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

PASSED this the 23rd day of March, 2020 by the vote of the City Council of the City of Robinson, Texas.

Bert Echterling, Mayor
Robinson, Texas

ATTEST:

Jana Lewellen, City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

Regular Agenda Item
Date Submitted: 03/20/2020
Meeting Date: 03/23/2020
Agenda Item #4

DEPT./DIVISION SUBMISSION & REVIEW:

Craig Lemin, City Manager

ITEM DESCRIPTION: Consider and possible action on Ordinance 2020-020 addressing employee absences resulting from COVID-19 and providing for sick leave for absences resulting from COVID-19 related matter.

STAFF RECOMMENDATION: Recommend Approval

ITEM SUMMARY: The COVID-19 pandemic is unlike anything any of us has experienced before. The situation is changing rapidly and the disease is spreading across the world. Through all this we are asking our employees to be her providing crucial services to our citizens. Our employees are going to be impacted by this just as everyone else will be and it important that they not worry about whether they will have an income should they become sick or have to take care of their families. Additionally, Congress passed and the President signed the Families First Coronavirus Response Act. This act was an expansion of the Family Medical Leave Act granting additional leave, including paid leave, to employees in response to COVID -19. The proposed ordinance exceeds the requirements of the act.

FISCAL IMPACT: Increase in available leave only.

ATTACHMENTS:

Ordinance

ORDINANCE 2020-020

ORDINANCE OF THE CITY COUNCIL OF ROBINSON, TEXAS ADDRESSING EMPLOYEE ABSENCES RESULTING FROM COVID-19 AND PROVIDING FOR SICK LEAVE FOR ABSENCES RESULTING FROM COVID-19-RELATED MATTERS

WHEREAS, President Trump has declared the spread of COVID-19 a national emergency;

WHEREAS, Governor Abbot has declared the spread of COVID-19 an emergency for all Texas Counties;

WHEREAS, Sections 121.003 and 122.006 of the Texas Health and Safety Code provide that the City of Robinson is authorized to adopt rules to protect the health of persons in the City;

WHEREAS, Mayor Echterling, acting in accordance with authority granted to him under the Charter and under Section 418.108(a) of the Texas Government Code, declared a local state of disaster for the City of Robinson due to concerns related to COVID-19;

WHEREAS, the “Families First Corona Virus Response Act” was enacted by President Trump on March 18, 2020;

WHEREAS, the emergent nature of this situation and its effect on employees justifies the City Council taking action to alleviate some of the stress and concern, to limit exposure, and to avoid employees coming to work with symptoms of the virus or after potential exposure because of the need to earn a living;

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

1. The City finds that a public purpose of the City is served by the actions taken herein, being the retention of City employees and preservation of the City workforce.

2. In addition to the City’s Sick Leave Policy, and as mandated by the Families First Corona Virus Response Act, full-time employees shall have an additional 80 hours of paid sick leave and part-time employees shall have the number of hours as typically worked during a two-week period because the employee is:

- subject to a federal, state or local quarantine or isolation order related to COVID-19;
- advised by a health care provider to self-quarantine due to COVID-19 concerns;
- experiencing COVID-19 symptoms and seeking medical diagnosis;
- caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
- caring for the employee’s child if the child’s school or place of care is closed or the child’s care provider is unavailable due to public health emergency; or

- experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

3. The paid sick time provided by the Families First Corona Virus Response Act expires on December 31, 2020 and does not carry over into the next year.

4. The paid sick time provided by the Families First Corona Virus Response Act may be used before any additional sick leave that the employee may have already accrued.

5. In accordance with the Families First Corona Virus Response Act and its expansion of the Emergency Family Medical Leave Act, any employee who has worked for the City for more than 30 days, may take up to twelve weeks of FMLA leave for absences related to COVID-19 as described in Paragraph 2 of this Ordinance. Employees must use any accrued paid leave during that time period.

6. Except for childcare-related leave, Employees shall notify his or her supervisor of the need for leave related to COVID-19 by telephone call. For childcare -related leave the notification must be in person. For purposes of childcare-related leave an essential employee necessary for public services to be provided may be denied leave unless there is no possible alternative for childcare. The City will work with the employee to explore possible alternatives. The City shall reimburse the employee for the cost of obtaining any in-home or other childcare.

7. The employee taking the leave must provide (or have provided) to the City's Human Resources Department proof that the leave is eligible under this policy (i.e. doctor's note, identification of a childcare facility closure, health district note, or other acceptable information). Except for the childcare provision, the employee shall not wait on documentation or any decision of the Human Resources Department as to his or her eligibility for leave before the starting the leave. Proof required by this section may be furnished by email, mail, or other form of delivery. If the employee turns out to be ineligible for the leave, the leave will be offset against existing paid sick leave accruals or will be a debit against such accruals in the future.

Passed this 23rd day of March 2020.

CITY OF ROBINSON, TEXAS

Bert Echterling, Mayor

Attest:

By Jana Lewellen, City Secretary