

§STATE OF TEXAS  
§CALDWELL COUNTY  
§CITY OF LULING

**THE CITY COUNCIL OF THE CITY OF LULING, MET IN REGULAR SESSIONS ON THURSDAY, MARCH 19, 2020 AT 6:00 P.M. IN CITY HALL, 509 EAST CROCKETT STREET.**

The following members were present:

Mike Hendricks	Mayor
Melanie Doyle	Council Member
Jackie Campbell	Council Member
James Nickells	Council Member
C. J. Watts	Council Member

Council Member Wayne Tresner was out sick.

Staff Members present:

Mark Mayo	City Manager
Martha Velasquez	City Secretary
James Rougeou	Finance Director
William Sala	Police Chief
Ryan DeCamp	Code Enforcement Officer

**1. Call Meeting to Order.**

Mayor Hendricks called the meeting to order and welcomed all the visitors.

**2. Invocation and Pledge of Allegiance.**

Pastor Allen led us in our invocation and we said the pledge of allegiance to the United States flag and to the Texas flag.

**3. Consent Agenda-** *All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public view.*

**a. Approval of Minutes of the February 13, 2020 regular City Council meeting, February 4<sup>th</sup> and February 24<sup>th</sup> Special Council Meetings and (2) Budget Workshops on February 4<sup>th</sup> and February 24<sup>th</sup>.**

**b. Consider/Approval of Accounts Payable.**

**c. Consider/action on a resolution reviewing and adopting the City of Luling Investment Policy.**

Council Member Jackie Campbell made a motion seconded by Council Member CJ Watts approving the Consent Agenda as presented. The motion carried with all members present voting unanimously in favor of the motion.

**4. Citizen Comment Period with City Council.**

*Any person with business before the City Council may speak to the Council at this time. No formal action can be taken on these items at this meeting. Comments will be limited to three (3) to five (5) minutes per person.*

There were no citizen comments.

**5. Consider/action a resolution in support of Caldwell County's COVID 19 proclamation.**

City Manager, Mark Mayo stated that the Governor placed an Executive Order that actually trumps what Caldwell County passed but Mark recommends that we go ahead and approve this resolution because of the next agenda item of the Declaration of Public Health Emergency for the City of Luling. The County's resolution brought it down to 50 people but carried it until April 8<sup>th</sup>.

Council Member James Nickells made a motion seconded by Council Member Jackie Campbell to approve the resolution in support of Caldwell County's COVID 19 proclamation. The motion carried with all members present voting unanimously in favor of the motion.

**6. Consider a Declaration of Public Health Emergency for the City of Luling.**

Mark, City Manager stated that on March 13, 2020 Mayor Hendricks declared a local state of disaster pursuant to §418.108(a) of the Texas Government Code because of the immediate threat of COVID 19 and this order of the City of Luling Council extends the Public Health Emergency Declaration until April 8, 2020.

Council Member CJ Watts made a motion seconded by Council Member Melanie Doyle approving the Declaration of Public Health Emergency for the City of Luling. The motion carried with all members present voting unanimously in favor of the motion.

**7. Consider/action an ordinance adopting a budget for the ensuing fiscal year beginning April 1, 2020 and ending March 31, 2021 in accordance with the Charter of the City of Luling, Texas and repealing all ordinances or parts thereof in conflict herewith.**

Sonny Rougeou, Finance Director, stated that they included everything on the General Fund just like the Council had instructed and going through it they found a few minor corrections so actually the projected deficit is slightly less than what was in the budget packet. In the utility fund it is \$57,500 more, after going through it there was a sewer match that had not been included in the utility fund budget. He stated that they had not met with the Department Heads on some of the items that they had requested that would be on the Capital Asset. Sonny stated that with what the legislature put down at last meeting it is impossible for us to guess what the property tax will be this year.

Council Member Jackie Campbell made a motion seconded by Council Member James Nickells to approve the ordinance adopting a budget for the ensuing fiscal year beginning April 1, 2020 and ending March 31, 2021 in accordance with the Charter of the City of Luling, Texas and repealing all ordinances or parts thereof in conflict herewith. The motion carried with all members present voting unanimously in favor of the motion.

**8. Consider/action setting rate of pay for election judge and clerks for the 2020 General Election.**

*This agenda item was skipped until we take action on Agenda Item 18.*

Council Member CJ Watts made a motion seconded by Council Member Jackie Campbell postponing this agenda item until we decide what we are going to do with our Elections. (postpone to November or hold in May) The motion carried with all members present voting unanimously in favor of the motion.

**9. Consider/action a review from the Watermelon Thump organization on upcoming event for 2020.**

City Manager, Mark Mayo, stated that Mr. Damon had met with him and the Mayor earlier today and he stated that with the COVID 19 he realizes that they might not even be able to have the event. The event is in late June

and he stated that if they are able to have the event, nothing will change from last year in the street layout. Mark stated that Bubba would be available if the Council wanted him to appear before the Council.

Council Member Jackie Campbell made a motion seconded by Council Member CJ Watts approving the Watermelon Thump organization on upcoming event for 2020. The motion carried with all members present voting unanimously in favor of the motion.

- 10. Consider/action a recommendation from Planning and Zoning regarding a Subdivision Application by Cain 5 Development LLC., requesting that a subdivision for a total of 16 lots and an extension for Plum St., in a RLD Single-Family and Duplex Dwelling (low density) Zoned District for future development single-family residential homes. Property is located at E. Nolan Street, on a tract of land with the legal description of A018 Morris, Spencer, Acres 4.09 (PID 24073) Luling, Caldwell County, Texas.**

Ryan DeCamp stated that the engineer for the Cain's project had approved the drainage, and they did go before the Board of Adjustments for a variance on Nolan Street for a 10 ft. building set back.

City Manager, Mark Mayo, asked Ryan what the ordinance says on retention ponds and Ryan DeCamp stated that it states in our ordinances that the property owner is responsible to maintain the retention ponds.

Leslie Cain stated that there are other cities that require cities to take over the retention ponds. Leslie is asking that the City of Luling take over the retention pond and mow it so that they can go on with the project and make it a success. Leslie stated that the retention pond is sitting on a half-acre and he doesn't think that the City of Luling will be out a big expense by taking over the retention pond.

Mark Mayo stated that we have an ordinance that states that a retention pond is the property owners /developers responsibility to maintain. Leslie stated that we have set precedent by taking in a previous retention pond. Mark stated that it was before he (Mark) was here as City Manager. Mark stated that there was another property that wants to develop here in Luling. Mark reminded the Council that there is an ordinance in place that states that property owners/developers are responsible for the maintenance of the retention ponds.

Ryan stated that we have another property coming in right now by the Best Western and it is about 13 commercial lots, although they could do residential in that area.

Following discussion, Council Member James Nickells made a motion seconded by Council Member Jackie Campbell approving the recommendation from Planning and Zoning regarding a Subdivision Application by Cain 5 Development LLC., requesting that a subdivision for a total of 16 lots and an extension for Plum St., in a RLD Single-Family and Duplex Dwelling (low density) Zoned District for future development single-family residential homes and that the City take over the retention pond after 50% build out in the development has been achieved.

- 11. Consider/action on a Pay Request No. 11 from Austin Filter Systems on Zedler Mill Bank Reclamation in the amount of \$214,003.50.**

Mark stated that Sonny and Liz have gone over and reviewed this request, so have our engineers. Mark stated that we are approving the pay request however we will not pay this until we receive our money.

Council Member CJ Watts made a motion seconded by Council Member Jackie Campbell approving Pay Request No. 11 from Austin Filter Systems on Zedler Mill Bank Reclamation in the amount of \$214,003.50. The motion carried with all members present voting unanimously in favor of the motion.

**12. Consider/action a contract between Specialized Billing and City of Luling.**

Finance Director, Sonny Rougeou stated that we currently have a contract with Specialized Billing which do all our collection and billing of our EMS services. Sonny explained they are helping us with a program with Medicare to collect some money where we don't get paid.

It is basically the same contract that we currently have with a few changes. Peter Gruning, City attorney, has vetted this contract and made some suggestions in changes. One of the main changes is that her current fee is 11 ½ % of collections and it is going down to 7 ½ %. (we collect about \$35,000 to \$40,00 a year). Sonny stated that he has been in contact with the owner of Specialized Billing and she is fine with the contract and changes that Peter has made.

Council Member Jackie Campbell made a motion seconded by Council Member Melanie Doyle to approve the contract between the City of Luling and Specialized Billings along the amendments from our City Attorney. The motion carried with all members present voting unanimously in favor of the motion.

**13. Consider/action rejecting all bids on radio equipment, and no bids were received on the Infusion Pump and Ventilator, therefore request to close bid process on this items.**

City Manager, Mark Mayo stated that in order for us to work the grant project and move forward for the two ambulances, we need to remove these items so that we can move forward on the grant and close the paper work.

Council Member James Nickells made a motion seconded by Council Member Jackie Campbell rejecting all bids on radio equipment, Infusion Pump and Ventilator and close bid process on these items. The motion carried with all members present voting unanimously in favor of the motion.

**14. Consider/action on a Wine Tasting Event sponsored by Main Street.**

Derek Hall stated that Merchants Association started a first month event and it is working out pretty well, so they thought of a Wine Tasting Event and wanted to know if the Council would approve this type of event.

Derek stated that this would be like a Cocoa and Carol event in that they would go from business to business of course the clientele would be different.

Council Member CJ Watts asked who would be responsible for insurance on an event like this one? Mark stated that the events would be taking place in the businesses and not on the street. Council Member CJ Watts asked if they were going to walking from business to business with a glass of wine in their hands? She stated that there are a lot of unanswered questions.

Derek Hall explained to Council Member Jackie Campbell that an individual would purchase a packet that had some goodies and tickets in the basket. A person would go from business to business and tasting the different wines. He stated that they would drink the wine in one place and drink another in another place, and hope that they would not be walking around the street with a glass of wine.

Council Member James Nickells stated that maybe that could be told to them. (do not walk on the streets with a glass of wine, you must have your taste in the business).

Derek Hall stated that he would be getting agreements with wineries and have our City Attorney look them over. Derek stated that he just wanted to bring this event to the Councils attention and see if they approved. He stated that it isn't happening anytime soon with everything that is going on with the Corona virus and restrictions on Executive Orders.

Following discussion, Council Member James Nickells made a motion seconded by Council Member CJ Watts to approve the Wine Tasting concept sponsored by Main Street.

**15. Consider/action a Consulting Agreement made between Gallagher Benefit Services, Inc. and the City of Luling.**

Sonny Rougeou stated that this is our health insurance consultants, we've had an agreement with them for years, it use to be City County Benefit Services and they were absorbed by Gallagher and Gallagher requires them to get another agreement with us, City of Luling.

Sonny Rougeou stated that our City Attorney, Peter Grunning, had reviewed the agreement and had made some recommendations to change their contract and initial and sent it back to Gallagher.

Council Member Jackie Campbell made a motion seconded by Council Member Melanie Doyle approving the Consulting Agreement made between Gallagher Benefit Services, Inc., and the City of Luling with our attorney's recommendations. The motion carried with all members present voting unanimously in favor of the motion.

**16. Consider/action declaring a 2002 GMC truck from the Fire Department with vin# 1GDS7H1C02J506979 as surplus.**

Fire Chief Tom Harmon stated that the Fire Department no longer uses this truck and that they would like to sell the truck. He stated that the money they get from the sale would be used to fix the truck that they purchased and built it into a brush truck with all the equipment needed on the brush truck.

Council Member Jackie Campbell made a motion seconded by Council Member James Nickells to declare a 2002 GMC truck from the Fire Department with VIN #1GDS7H1C02J506979 as surplus. The motion carried with all members present voting unanimously in favor of the motion.

**17. Police Department Monthly Activity Report.**

There were no questions for the Police Chief.

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**ADDENDA TO THE REGULAR CITY COUNCIL MEETING AGENDA:** The March 19, 2020 City Council Agenda is amended by adding the following emergency addenda due to the imminent threat to the health, safety and welfare of the public and City employees caused by the COVID-19 disaster and by the Proclamation of Texas Governor Greg Abbott regarding the possible impact of the corona virus on elections.

**18. Consider/action to postpone the City of Luling's general election and any special elections from the May 2, 2020 uniform election date to the November 3, 2020 uniform election date pursuant to Texas Governor Greg Abbot's March 18, 2020 Proclamation, and to issue an Order if the general election and any special elections are postponed to November 3, 2020.**

City Manager, Mark Mayo explained to the Council that Governor Abbott had given the cities an option to postpone the election and move to it November. Mark stated that we have a lot of consider here because we hold our election with ISD. Also when we do our elections in May we use the County's voting machines, and we do not pay for the machines. If we moved it to November we would be on the same ballot as the November election. (Federal, state, county and city) Mark stated that we would have to share with the cost of the total election; it would be a difference in cost. Mark mentioned that he has received information from the school that they (school board) would like to keep the election in May. Mark stated that it was up to the Council to decide what they wanted to do. We do not know how long this Coronavirus is going to last it could be 2 weeks or longer. Mark stated that we also have to consider the election workers that are elderly and do not want to work the elections.

Mark Mayo, City Manager, stated that suggests we wait until April 3, 2020 and come back for a special called meeting and decide if we want to postpone until November. Mark stated that if the executive order was extended then the Governor has taken care of the moving the election to November but if he lifts the Executive Order then we can revisit this on April 3<sup>rd</sup> in a Special called meeting.

Following discussion, Council Member James Nickells made a motion seconded by Council Member Jackie Campbell to postpone this agenda item until a Special Called Meeting is called. The motion carried with all members present voting unanimously in favor of the motion.

**19. Consider/action to close all City offices and buildings, including City Hall, to walk-in traffic by the public during the term of the City's Declaration of Local State of Disaster and any continuances or renewals thereof, for the health, safety and welfare of the public and City employees during the COVID-19 (coronavirus) disaster.**

City Manager, Mark Mayo, stated that the offices would be open and we would be conducting business but we would close the offices and buildings to walk-in-traffic by the public during the term of the City's Declaration of Local State of Disaster.

Council Member CJ Watts made a motion seconded by Council Member Jackie Campbell approving the closure of all City offices and buildings, including City Hall, to walk-in traffic by the public during the term of the City's Declaration of Local State of Disaster and any continuances or renewals thereof, for the health, safety and welfare of the public and City employees during the COVID-19 (coronavirus) disaster. The motion carried with all members present voting unanimously in favor of the motion.

**20. Consider/action to temporarily stop disconnecting electricity, water, and wastewater utilities provided by the City for residents who fail to pay their utility bills, due to the economic hardships created by the COVID-19 (coronavirus) disaster, until action is taken by the City Council to reinstate disconnections according to the City's regular policy.**

Mark Mayo stated that this is not saying that customers do not have to pay their bills or having to pay them on time; this is to temporarily stop disconnections for residents who cannot pay their bill due to the hardship brought about by this virus. Mark stated that once this is over the customers will have to pay their bill.

Council Member CJ Watts made a motion seconded by Council Member Jackie Campbell approving the temporarily stop of disconnecting electricity, water and wastewater utilities provided by the City for residents who fail to pay their utility bills, due to the economic hardships created by the COVID-19 (coronavirus) disaster, until action is taken by the City Council to reinstate disconnections according to the City's regular policy. The motion carried with all members present voting unanimously in favor of the motion.

*We went back to agenda item 8, which was skipped until we decided on agenda item 18 regarding the elections.*

**21. Adjourn (moved from No. 18).**

There was no other business and the meeting was adjourned.

Approved: \_\_\_\_\_

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Mike Hendricks, Mayor  
City of Luling

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Martha C. Velasquez  
City Secretary