

MAY 31, 2020 AMENDED EMERGENCY ORDER FOR THE CITY OF LAKEWAY
ISSUED PURSUANT TO DISASTER DECLARATION

WHEREAS, by proclamation issued March 16th, 2020, I, Sandra L. Cox, Mayor of Lakeway declared a local state of disaster for the City of Lakeway resulting from:

Risk of imminent threat to public health from the novel coronavirus, COVID-19; and

WHEREAS, the state of disaster requires that certain emergency measures be taken pursuant to the Executive Order of the Governor Relating to Emergency Management and the State of Disaster issued by Governor Abbott on March 13, 2020; and

WHEREAS, The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community.

WHEREAS, the local state of disaster was extended by the City Council on March 16, 2020 to remain in place until such time as the Mayor determines the state of local disaster may be rescinded; and

WHEREAS, Guidance from the Centers for Disease Control continued to evolve, and recommended standards to support public health and safety became increasingly stringent; and

WHEREAS, on March 16, 2020 Mayor Cox issued Regulations pursuant to her authority as Mayor under Tex. Gov't Code Chapter 418 and Article 1.05 of the City Code to protect the safety and welfare of the public by slowing the spread of the virus; and

WHEREAS, on March 17, 2020 Mayor Cox revised those Regulations in light of the City Council's Ordinance 03-16-2020-05; and

WHEREAS, on March 16, 2020, President Trump released new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people; and

WHEREAS, the on-going evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant the March 17, 2020 Regulations of Mayor Cox be amended;

WHEREAS, on March 19, 2020 Governor Abbot issued Executive Order GA 08 relating to COVID-19 Preparedness and Mitigation stating all people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and

WHEREAS Travis County issued a Stay-at-Home Order on March 24, 2020, which superseded all prior Orders issued by the County and prior Regulations issued by Mayor Cox; and

WHEREAS, Mayor Cox issued Amended and Restated Orders on March 25, 2020, aligning with the Order entered by the County; and

WHEREAS, the Governor issued Executive Order GA-14 on March 31, which expanded the social-distancing restrictions and other obligations for Texans that were aimed at slowing the spread of COVID- 19, including by limiting social gatherings and in-person contact with people (other than those in the same household) to providing or obtaining “essential services,” and by expressly adopting federal guidance that provides a list of critical-infrastructure sectors, workers, and functions that should continue as “essential services” during the COVID-19 response; and

WHEREAS, on April 17, 2020, the Governor issued Executive Order GA-16 continuing through April 30, 2020 the same social-distancing restrictions and other obligations according to federal guidelines. It also permitted retail pick-up and delivery services; and

WHEREAS, on April 27, 2020 Governor Abbot issued Executive Order GA-18, setting forth a process to re-open the state’s economic activity and loosening restrictions on various activities previously the subject of executive and local orders to limit the spread of COVID-19 and issued his Report to Open Texas; and

WHEREAS, on May 5, 2020 the Governor issued GA-21 re-opening more business activities and services effective May 8, 2020 and additional businesses and services on May 18, 2020; and

WHEREAS, Executive Orders GA-18 and GA-21 limit the ability of local officials to impose greater restrictions on citizens than are provided in the Governor’s Order; and

WHEREAS, on May 8, County Judge Sarah Eckhardt issued a new order for Travis County extending to June 15, 2020 and Mayor Cox issued a new order for the City of Lakeway; and

WHEREAS, on May 18, 2020 the Governor issued Executive Order GA-23 expanding the categories of reopened services, combining them with what were previously referred to as Essential Services and retiling them all as “Covered Services”, and on May 26, 2020 issued a Proclamation, supplementing GA-23 that modified and added further to the list of Covered Services; and

WHEREAS, the previous Orders issued by the Governor, County, and Mayor prohibit or limit dining in restaurants; and

WHEREAS, many restaurants are remaining open (as permitted by those Orders) to help provide food to the residents of Lakeway by offering to-go, curbside pickup, and home delivery of their offerings; and

WHEREAS, many of those restaurants offering such to-go, curbside pickup, and home delivery services are installing temporary portable signs or banners to direct residents to their establishments and to advertise these new services implemented to aid the community in this emergency condition; and

WHEREAS, pursuant to the governor's Order GA-18 some restaurants may begin providing dine-in service within the limitations set by the Governor; and

WHEREAS, those restaurants choosing to open to limited dine-in service may need to post temporary signage announcing that, or explaining to the public how to comply with limits on dine-in service; and

WHEREAS, Lakeway City ordinances, including but not limited to 26.04.002 and 26.04.004 prohibit such temporary portable signs and banners; and

WHEREAS, The Orders issued by the Governor, County, and Mayor identify certain Essential Services that must be kept functioning during the time period that the shelter in place; and

WHEREAS, the persons who are employed to maintain and operate the Covered Services are most at risk for contracting COVID-19 due to their employment; and

WHEREAS, many such essential personnel are choosing to self-quarantine to keep their families and acquaintances safe from any exposure to the novel coronavirus the essential personnel might incur as a result of their employment and job duties; and

WHEREAS, some of the essential personnel are choosing to self-quarantine by residing in recreational vehicles or travel trailers parked at their residences; and

WHEREAS, Lakeway City ordinances, including but not limited to 30.04.001 prohibit or limit the parking of recreational vehicles and travel trailers in residential zoning districts; and

WHEREAS, Due to the various shut-down Orders in place numerous residents are currently unable to pay their solid waste service bills in a timely fashion and are therefore subject to late fees and possible suspension of their service under Article 20.02 of the Code of Ordinances; and

WHEREAS, the City Building Commission has generally reviewed and investigated view-blocking determinations in the City's View Protection Conditional Overlay under Section 30.03.023 of the Code of Ordinances by traveling as a group to the impacted residences and the site of the proposed construction; and

WHEREAS, that CBC procedure is currently not permitted due to the requirement to practice social distancing; and

WHEREAS, Mayor Cox has determined certain circumstances prohibited by ordinance within the City of Lakeway should be permitted during the shelter in place Orders in effect.

NOW THEREFORE, pursuant to the authority vested in the Office of Mayor by Texas Government Code Chapter 418 and Article 1.05 of the Code of Ordinances of the City of Lakeway the prior Order issued by Mayor Cox is hereby REPLACED with this Order as follows to take effect at midnight May 1, 2020 and shall remain in effect until the state of local emergency is rescinded:

1. In accordance with guidance from the CDC and DSHS Commissioner Dr. Hellerstedt, and to achieve the goal of reducing the spread of COVID-19, every person in Lakeway shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household.
2. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.
3. "Covered services" shall consist of everything identified by the Governor in his Executive Orders, and any Proclamations issued by the Governor expanding and modifying the covered services.
4. In providing or obtaining covered services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at:

www.dshs.texas.gov/coronavirus

- and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate face coverings but are not required to do so.
5. Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor, which is attached hereto as Exhibit "A".
 6. This Order does not prohibit people from accessing covered services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other covered services, visiting parks, hunting or fishing, or engaging in physical activity like jogging, bicycling, or other outdoor sports, 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. For purposes of this provision, persons may operate boats, provided that all persons in the boat are in the same household unit.
 7. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.
 8. All City boards, committees, and commissions shall not meet until further notice except for Zoning and Planning Commission, City Building Commission, Charter Review Committee,

Economic Development Committee, and the Parks and Recreation Committee which shall meet as required by conducting meetings by videoconference.

9. Any necessary site visits by members of the City Building Commission to conduct a view-blocking analysis under the View Protection Conditional Overlay shall be conducted by each commissioner separately, from the right-of-way, and prior to the scheduled meeting. Site visits will not be conducted during the CBC meeting. For the purpose of considering views from any neighboring property, the CBC shall rely upon video and photographs from major living spaces submitted by affected neighbors prior to the scheduled CBC meeting.
10. Restaurants within Lakeway are permitted to post temporary, portable signs or banners advertising that they offer food to-go, curbside pickup services, and home delivery services. Additionally, temporary, portable signs or banners are permitted to identify where restaurant or retail customers may park or wait for food to be delivered by the restaurant.
11. Restaurants may also post temporary signs to advertise dine-in service, and to explain aspects of how the dine-in service will take place, such as restrictions on capacity and areas to safely wait outside until the space opens up inside given the restrictions on capacity.
12. Retail establishments within Lakeway are permitted to post temporary, portable signs or banners advertising that they offer online shopping, curbside pickup services, and home delivery services. Additionally, temporary, portable signs or banners are permitted to identify where retail customers may park to wait for goods be delivered by the retail establishment.
13. Retail establishments may also post temporary signs advertising that they are again open for retail shopping, and to explain aspects of how retail shopping services take place, such as restrictions on capacity and areas to safely wait outside until space opens up inside given the restrictions on capacity.
14. Residents may park recreational vehicles or travel trailers in their driveways without a limit on the number of days it may so remain.
15. Solid Waste Service late fees will not accrue, and individual accounts will not be suspended for non-payment.
16. All nonessential City buildings and facilities shall be closed, except as determined by the City Manager for community benefit. For clarity, this includes the Heritage Center. As described below, the Activity Center and Swim Center are permitted to open on a restricted basis, consistent with the Governor's Orders and Proclamation(s).
17. Pursuant to the Governor Orders, the lap pool at the Swim Center reopened on May 18, 2020, and will continue to remain open with appropriate limitations to comply with the terms of his Order and subsequent Proclamation(s). Additionally, the remainder of the Swim Center will reopen to the public on June 8, 2020 and shall operate in accordance with the Governor's capacity and operational requirements.

18. City parks shall remain open, but playgrounds and other equipment therein are closed and shall be off-limits.
19. Consistent with the Governor's Orders and Proclamation, the Activity Center shall reopen on Monday, June 1, 2020, at a reduced capacity of 25% using the 6-ft. physical distancing guideline and complying with all CDC recommended procedures for cleaning and operations. This will allow limited summer camps and classes beginning June 1, as well as use of space by community groups on a limited basis. Use by community groups must be scheduled in advance to provide adequate opportunity for City staff to maintain safe distancing for participants and cleaning procedures between uses. The City Manager and Parks Director shall evaluate operations at the Activity Center and may determine when to open the Center to additional programs, classes, and use by community groups while still complying with the Governor's Orders, Proclamation(s), and guidelines to ensure public safety.
20. The Municipal Court shall continue operations at the discretion of the Judge and Mayor, following the Orders entered by the Texas Supreme Court and Court of Criminal appeals, and the guidelines provided by the Office of Court Administration.
21. Pursuant to the Governor's Orders and Proclamation(s), the Lake Travis Community Library may reopen, with appropriate limitations to comply with the terms of his Order.
22. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for products, requiring more deliveries from manufacturers and distribution centers to serve their customers. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Lakeway.
23. Pursuant to Section 1.05.035 of the Lakeway Code of Ordinances, this May 31, 2020 Amended and Order supersedes and overrides all existing City ordinances, orders, rules, and regulations insofar as the latter may be inconsistent with the terms of this Order.
24. This Order shall be effective until it is either rescinded, superseded, or amended.
25. Penalties
 - a. This Order shall have the effect of an ordinance when duly filed with the City Secretary.
 - b. A person who violates any provision of this Order, upon conviction, is punishable by a fine of not more than one thousand dollars (\$1,000.00).

26. Emergency

This Order shall take effect at 12:01 a.m., June 1, 2020.

So Ordered, this 31 day of May, 2020.

A handwritten signature in black ink, appearing to read "Sandra L. Cox", written over a horizontal line.

Sandra L. Cox
Mayor

