

MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD BEGINNING AT 6:00 P.M., MARCH 30, 2020, VIA TELEPHONE CONFERENCE.

IN ACCORDANCE WITH THE GOVERNOR'S SUSPENSION OF VARIOUS PROVISIONS OF THE TEXAS OPEN MEETINGS ACT ISSUED PURSUANT TO HIS STATE DISASTER AUTHORITY, AND GUIDANCE ISSUED ON THE SUSPENSION BY THE ATTORNEY GENERAL'S OFFICE:

- 1. A QUORUM OF THE CITY COUNCIL PARTICIPATED IN THE MEETING TELEPHONICALLY. AN ELECTRONIC COPY OF THE AGENDA PACKET WAS POSTED ONLINE WITH THIS AGENDA.**
- 2. THE CITY COUNCIL CHAMBER LOCATED AT 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS WAS NOT OPEN TO THE PUBLIC.**
- 3. MEMBERS OF THE PUBLIC WHO DESIRED TO PARTICIPATE IN THE MEETING DID SO BY DIALING THE FOLLOWING TOLL-FREE DIAL-IN NUMBER: 877-853-5257 or 888-475-4499 ON OR BEFORE 6:00 P.M. CENTRAL STANDARD TIME, ON MARCH 30, 2020. THE PARTICIPATION CODE (MEETING ID) FOR THIS TELEPHONE CONFERENCE WAS: 231 007 978 # #.**
- 4. MEMBERS OF THE PUBLIC PARTICIPATING IN THE MEETING WAS NOT ABLE TO COMMUNICATE WITH OTHERS PARTICIPATING TELEPHONICALLY.**
- 5. THE MEETING WAS RECORDED AND THE RECORDING IS AVAILABLE TO THE PUBLIC.**

Present: Mayor Pro Tem Tandy Boroughs and Councilmembers Robert Miklos, Dan Aleman, Kenny Green, B. W. Smith and Sherry Wisdom, City Manager Cliff Keheley, City Secretary Sonja Land and City Attorney David Paschall.

Absent: Mayor Bruce Archer

CALL TO ORDER

Mayor Pro Tem Boroughs called the meeting to order at 6:00 p.m.

Mayor Pro Tem Boroughs stated that this meeting is being conducted per the directions of Governor Greg Abbott pertaining to the Open Meetings Act. All discussion will occur on the conference call and the public will have an opportunity to make comments. The meeting is being broadcasted through the City's cable channel, on the City's website and recorded for the permanent record.

1. An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; declaring a Local State of Disaster for Public Health Emergency related to COVID-19; continuing the Mayor's Declaration of Local Disaster issued on March 23, 2020; confirming the activation of the City's emergency management plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet City objectives to have City government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) or confinement in jail for a term that does not exceed 180 days for each offense; providing for publication; providing a repealing clause; providing a conflicts resolution clause; providing a severability clause; declaring an effective date; and declaring an expiration date.

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Ms. Wisdom stated that citizens have expressed concerns regarding residents playing basketball and soccer in elementary school parks and hosting large gatherings at private residences.

Mr. Keheley stated that the parks are not technically closed; however, staff is discouraging use by closing the amenities and turning off basketball court lights. He encouraged citizens to dial 911 when they witness large group gatherings in parks or at homes.

Mr. Aleman asked if the lights at the basketball courts at school campuses would be disabled as well.

Mr. Keheley stated that the lights that are not operated by computer software must be manually disabled by City staff and disconnections are currently being completed.

Mr. Green reminded citizens to Stay Home, Stay Safe and to practice social distancing. He encouraged citizens to support local businesses and utilize the various restaurant delivery services.

Mr. Smith asked if the basketball goals could be removed from City parks and if signs can be placed at City parks regarding the six-foot social distancing to help with enforcement.

Mr. Keheley stated that City staff has discussed removing the basketball goals; however, due to the labor required and the amount of maintenance needed this time of the year throughout the City, it is not advisable at this time. Mr. Keheley stated that if groups continue to disregard the Shelter in Place and social distancing orders, then the basketball goals will be removed. Signs have been placed throughout City parks at playgrounds and pavilions regarding amenity closures and social distancing. In the near future, staff will be installing additional signage at strategic entry points to each park.

Mr. Miklos requested that warnings be issued to restaurants and large group gatherings for not adhering to the County and State orders and to escalate enforcement, as needed. Mr. Miklos asked that staff continue to review and examine additional provisions to protect City employees, especially the City's first responders and front-line employees.

Mr. Keheley stated that after one effort of education, a citation will be issued, on a daily basis, for businesses that are not willing to follow County orders. The Police Department has been asked to increase their efforts on dispersing large gatherings that are not following social distancing guidelines. He stated that staff has been working to procure a sufficient supply of protective gear to last for several months. Each police officer and firefighter has received protective gear and been properly trained.

Mr. Green asked if the City can pull a restaurant's Certificate of Occupancy for not adhering to the County and State orders.

Mr. Keheley stated that for restaurants, the City has the ability to disconnect utilities under the health ordinance and revoke health permits. For commercial businesses, the City can pursue the Certificate of Occupancy, which is a longer process to fully revoke it. Staff will visit businesses daily and issue citations, as needed.

Ms. Wisdom stated that a citizen is asking why Calloway's and Lowe's are still open.

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Mr. Keheley stated that Calloway's supplies products to contractors who engage in the landscaping business, which are deemed essential at this time. Lowe's management has actively responded to the social distancing efforts. They have installed signs every 10 feet, provided regular messaging through their PA system and employees are advising customers, when gathering around counters and other sales areas, to maintain social distancing. City staff will continue to educate and encourage essential businesses to enforce social distancing.

Mr. Smith asked if the City Council could be provided with regular updates on enforcement action.

Mr. Keheley stated that staff has developed a spreadsheet for businesses that have been educated on social distancing and those that have received enforcement action. This information will be provided to the City Council.

Mr. Aleman stated that Mr. Keheley has encouraged City employees to volunteer at Sharing Life Community Outreach on the days they are not working.

Councilmembers expressed appreciation to City staff for their efforts during this time.

Deann Brevitti, 826 Sumner Drive, asked how are citizens being monitored to Shelter in Place and can churches conduct live services.

Mr. Keheley stated that the Dallas County Judge's order on Tuesday, March 24, 2020, declared no live church services were to be conducted; however, there was a provision made to allow a few people to gather to produce a church service by video. The City is educating citizens on social distancing and is asking citizens to take responsibility for themselves and their safety by sheltering in place.

Andrea Washington, 713 Tealwood Drive, asked if the Mesquite Independent School District (MISD) will remain closed until the end of April.

Mr. Keheley stated that the City has not received official word from MISD. The MISD staff maintains communication with State commissioners and will make any official announcements regarding school closings.

Elizabeth Garro, 311 Gibson Street, expressed concern regarding citizens parking in the Seventh Day Adventist Church parking lot and utilizing City Lake Park.

Mr. Keheley stated that the City park parking lots were closed to discourage large gatherings in parks. It was anticipated that people would park in neighborhoods adjacent to the parks. The Dallas County Judge encouraged citizens to continue to walk or jog in parks while maintaining social distancing. City staff will address any issues with the church that may arise in regards to large gatherings in the church parking lot.

Monica Black, 6204 Northwest Court, expressed concern regarding the amount of disposable gloves that are being thrown on the ground outside of businesses.

Mr. Keheley stated that he will instruct Environmental Code staff to contact businesses and advise that trash receptacles are to be provided for customer's glove disposal.

Mr. Boroughs expressed appreciation to staff and first responders.

Deann Brevitti, 826 Sumner Drive, asked if the City of Mesquite is under the Shelter

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in Place order until April 30, as stated by President Trump.

Mr. Keheley stated that the comments made by President Trump were federal guidelines that were passed to the States for consideration. At this time, Dallas County has given a date of April 3, 2020, for the Shelter in Place order and it is Staff's expectation that the date will be extended.

Mr. Green moved to approve the ordinance as presented today, Ordinance No. 4773, AN EMERGENCY MEASURE ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZED PURSUANT TO MESQUITE CITY CHARTER, ARTICLE IV, SECTION 18 AND SECTION 19; DECLARING A LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY RELATED TO COVID-19; CONTINUING THE MAYOR'S DECLARATION OF LOCAL DISASTER ISSUED ON MARCH 23, 2020; CONFIRMING THE ACTIVATION OF THE CITY'S EMERGENCY MANAGEMENT PLANS; ADOPTING AND APPROVING CERTAIN RULES AND ORDERS TO PROTECT THE HEALTH AND SAFETY OF PERSONS IN THE CITY AND TO HELP ABATE THE PUBLIC HEALTH EMERGENCY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE CERTAIN DECISIONS AND TO TAKE NECESSARY ACTIONS TO MEET CITY OBJECTIVES TO HAVE CITY GOVERNMENT REMAIN FUNCTIONAL WHILE PROVIDING ESSENTIAL GOVERNMENTAL SERVICES DURING THIS RAPIDLY CHANGING ENVIRONMENT CREATED BY THE PUBLIC HEALTH EMERGENCY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; MAKING IT AN OFFENSE TO FAIL TO COMPLY WITH A STATE, LOCAL, OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN OR ANY RULE, ORDER, OR ORDINANCE ADOPTED UNDER THE PLAN AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EXPIRATION DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4773 recorded in Ordinance Book No. 119.)

Mr. Aleman provided an invocation.

Ms. Wisdom moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 6:51 p.m.

Attest:

Approved:

Sonja Land
City Secretary

Tandy Boroughs
Mayor Pro Tem