

## **Regular Council Meeting May 19, 2020**

Mayor Dusty Cornelius called the meeting to order at 7:08 p.m. with the following council members present: Brad Thornhill, Alva Rodriguez, Doyle Parrish, Heidi Hays, Abel Reyna, and Jim Justus. Also present were City Administrator Margot Hardin, City Secretary Amy Wallace, Public Works Director Chase Longo, Ivan Morales, and Jonathon Farley.

**Presentation of Certificate of Election and Oath of Office for the Newly Elected Mayor and Council Members in Ward One, Ward Two, and Ward Three for Unopposed Candidates In General Election that was to be held on May 2, 2020.**

**Approve April 21, 2020 Minutes:** Abel Reyna made a motion to approve the April 21, 2020 minutes. Doyle Parrish seconded the motion. Motion carried.

**Approve April Accounts Payable:** Brad Thornhill made a motion to approve the April Accounts Payable, excluding D & H Spraying and Landscape Accounts Payable. Heidi Hays seconded the motion. Motion carried.

**Approve April D & H Spraying and Landscape Accounts Payable:** Heidi Hays made a motion to approve the April D & H Spraying and Landscape Accounts Payable. Abel Reyna seconded the motion. Motion carried.

**Public Forum:** Ivan Morales came forward indicating that he would like the regulations regarding installing a carport at his residence.

**Police Report:** Mayor Dusty Cornelius presented the monthly police report.

**Public Works Report:** Public Works Director Chase Longo presented the monthly public works report.

**Resolution 05-20 Amending and Extending Mayor's Second Declaration of Local Disaster-GA-21:** Brad Thornhill made a motion to approve Resolution 05-20 Amending and Extending

Mayor's Second Declaration of Local Disaster-GA-21. Abel Reyna seconded the motion. Motion carried.

**RESOLUTION NO. 05-2020**

**AMENDING AND EXTENDING MAYOR'S SECOND  
DECLARATION OF LOCAL DISASTER – GA-21**

**WHEREAS**, a novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

**WHEREAS**, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout City of Crosbyton and beyond; and

**WHEREAS**, pursuant to Texas Government Code §418.108(a), the Mayor issued a Declaration of Local Disaster on March 17<sup>th</sup> due to the COVID-19 pandemic that was renewed and extended on March 17<sup>th</sup> by the City Council of the City of Crosbyton until April 21, 2020; and

**WHEREAS**, the Mayor issued the Mayor's Second Declaration of Disaster on April 4, 2020 in order to provide additional guidance and clarification to the March 17<sup>th</sup> Declaration due to the increased number of confirmed cases of COVID-19; and

**WHEREAS**, the Mayor's Second Declaration of Disaster was extended on April 9<sup>th</sup> by Resolution of the City Council of the City of Crosbyton until April 21, 2020; and

**WHEREAS**, by Resolution of the City Council of the City of Crosbyton, paragraph 19, Specific Provisions, of the Mayor's Second Declaration of Disaster issued on April 4, 2020, was amended to read "Curfew for Minors from 10:00 p.m. on any day until 5:00 a.m. of the following day, unless for work;" and

**WHEREAS**, the Mayor's Second Declaration of Disaster was extended again on April 21<sup>st</sup> by Resolution of the City Council of the City of Crosbyton to be effective until 11:59 p.m. on May 19, 2020, subject to being extended, modified, amended, rescinded or superseded under applicable laws; and

**WHEREAS**, on April 12, 2020, the Governor of the State of Texas renewed his state-wide disaster proclamation for an additional thirty (30) days, certifying that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas; and

**WHEREAS**, on April 27, 2020, the Governor of the State of Texas issued Executive Order GA-18, effective until 11:59 p.m. on May 15<sup>th</sup>, superseding Executive Order GA-16, expanding the reopening of services as part of the Governor's safe, strategic plan to Open Texas in response to the COVID-19 disaster allowing for the re-opening of businesses throughout Texas under certain terms and conditions while still

emphasizing certain precautionary measures like social distancing, limiting social gatherings and strongly encouraging people over the age of 65 to stay at home as much as possible; and

**WHEREAS**, the United States President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) have issued guidelines for *Opening Up America Again* providing guidance on safely opening up American business and society that continues to emphasize minimizing travel, maximizing social distancing and avoiding socializing in groups of more than ten (10) people; and

**WHEREAS**, on May 5, 2020, the Governor of the State of Texas issued Executive Order GA-21, effective until 11:59 p.m. on May 19th, superseding Executive Order GA-18, incorporating the terms of Executive Order GA-18, expanding the reopening of certain businesses and services and clarifying terms used and conditions used in portions of Executive Order GA-18;

**WHEREAS**, that due to the issuance of Executive Order GA-21 and pursuant to Texas Government Code §418.108, the City Council believes it to be in the best interest of the City and its citizens, in order to protect and preserve the public health, safety and welfare, that additional measures must to taken to further contain COVID-19 and prevent its spread throughout the City of Crosbyton, continue the extension of the Declaration of Local Disaster, and adopt the measures outlined herein;

**NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CROSBYTON, TEXAS, THAT:**

**SECTION 1.** The recitals outlined above are found to be true and correct and are incorporated as if fully set forth herein.

**SECTION 2.** The Mayor's Second Declaration of Local Disaster is hereby renewed and extended.

**SECTION 3.** To the extent of a conflict between any term or provision of this resolution and the Mayor's Second Declaration of Local Disaster, the terms and conditions of this resolution control.

**SECTION 4.** Pursuant to the authority granted to the Mayor under Texas Government Code Chapter 418 and by the general authority granted to a Type-A general law municipality in Texas Health & Safety Code 122.005, the following is hereby ordered:

**a. ADOPTION OF EXECUTIVE ORDER GA-21 – OPENING CROSBYTON**

The Governor's Executive Order GA-21 is hereby adopted by reference and is incorporated herein as though set forth fully herein. Additionally, the guidelines and recommendations outlined in the Governor's Report to Open Texas, entitled *Texans Helping Texans*, dated April 27, 2020, is also

adopted, to the extent it does not conflict with this Resolution, and all businesses, religious institutions and citizens are encouraged to review and follow said guidelines.

**b. SOCIAL CONTACT AND GATHERINGS**

i. All persons residing in the City of Crosbyton 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. To the extent individuals are using shared or outdoor spaces, individuals must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence;

ii. All public and private gatherings of more than ten (10) people occurring outside of a single household are prohibited, except as otherwise provided in this Resolution. Nothing in this Resolution prohibits gatherings of members of a single household or living unit (an apartment for use by one family); and

iii. Travel away from a person's regular place of residence should be limited only for the purpose of obtaining essential goods and services, goods and services of a re-opened business or to the person's place of employment otherwise provided for in this Resolution. Further, when obtaining goods or services, **only those individuals absolutely necessary to obtain such goods or services should travel away from the place of residence.**

**c. SICK INDIVIDUALS**

i. Any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is hereby ordered to STAY AT HOME until such time that:

A. He or she has had no fever for at least 72 hours without the use of fever reducing medicine, such as Tylenol; and

B. His or her other symptoms have improved; and

C. At least 14 days have passed since the symptoms first appeared.

ii. If any person in a household has tested positive for COVID-19, all persons in the household are hereby ordered to STAY AT HOME and self-quarantine for a period of at least 14 days. Members of the household may not travel to work, school, or anywhere else until cleared by a medical professional.

iii. This Resolution does not prohibit any person from leaving his or her residence to seek necessary medical or emergency care.

**d. CITIZENS OVER 65 YEARS OF AGE**

All persons residing in the City of Crosbyton over the age of 65 are strongly encouraged to STAY AT HOME or at their current place of residence as much as possible and to maintain appropriate distance from any member of the household who has been out of the residence in the previous fourteen (14) days. For purposes of this Resolution, "residence" includes hotels, motels, shared rentals, and similar facilities. If it is necessary to leave the residence, all persons should practice social distancing, good hygiene, environmental cleanliness and sanitation.

**e. SPECIFIC CLOSURES**

In accordance with the Guidelines from the Governor, the President and the CDC, the following commercial businesses, for which social distancing guidelines are impractical or impossible, remain closed:

- i. Bars, massage establishments, tattoo studios, piercing studios, sexually oriented businesses, or commercial amusement and entertainment venues such as bowling alleys, video arcades, amusement parks, water parks, and splash pads.

**f. ESSENTIAL SERVICES**

The following businesses are hereby deemed essential and may continue to operate, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained:

- i. Grocery Stores, Convenience Stores, Drug Stores, Pharmacies, and Package Stores;
- ii. Pet Supply Stores, Veterinary Clinics, and Boarding Kennels (but not groomers);
- iii. Healthcare Providers and Healthcare Facilities, including doctor and dental offices, physical therapists, hospitals, and clinics;
- iv. Vehicle Fueling, Maintenance, and Repair Facilities;
- v. Banks and Financial Institutions
- vi. Agricultural services including plant and food cultivation, farming, fishing and raising livestock;
- vii. Oil and gas services and production;
- viii. Professional Services, including attorneys, accountants, engineers, title companies, insurance agents, and other licensed professionals;
- ix. Office Buildings, where people work in individual enclosed spaces in groups of 10 or less;
- x. Day Care Facilities;
- xi. Homeless Shelters providing services for people experiencing homelessness;
- xii. Non-profit Providers of Essential Services;
- xiii. Essential Government Services and Facilities;
- xiv. Residential Buildings, including hotels and motels (except Group Meeting and Event Spaces);
- xv. Transit Facilities, where people may be in transit or waiting for transit, such as airports, bus stops, or bus stations;
- xvi. Manufacturing, Distribution, and Logistics Facilities;
- xvii. Laundromats and Dry Cleaners;
- xviii. Call Centers;
- xix. Critical Infrastructure Businesses which support critical infrastructure or supply chain needs, as described by the Cyber & Infrastructure Security Agency (CISA) or as listed by the U.S.

Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0.

**g. RELIGIOUS SERVICES**

i. Religious services conducted in churches, congregations and houses of worship are considered essential. Religious institutions, churches and places of worship are encouraged to conduct as many of their activities including their services from home or through remote audio or video services. All religious services conducted at the religious institution, church or place of worship must be conducted consistent with the Guidelines from the President and the CDC, by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19. Additionally, all religious services conducted at the religious institution, church or place of worship are strongly encouraged to implement and follow the guidelines outlined in the Governor's Report to Open Texas, entitled *Texans Helping Texans*, dated April 27, 2020. All staff and employees are required to adhere to federal and CDC guidelines, including affirmative steps to ensure that social distancing of 6 feet is maintained. The provisions outlined in this section apply to funeral services, weddings, burials, and memorials that are held inside a church or other place of worship.

ii. Wedding receptions and receptions for funerals or memorials not held in a church or other place of worship may be conducted so long as federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained and according to the following guidelines:

- a. The total number of people attending such reception is limited to 25 percent of the total listed occupancy of the building/venue;
- b. Hand sanitizing stations should be made available; and
- c. No tables of more than 6 people are allowed.

**h. RETAIL ESTABLISHMENTS – OTHER BUSINESSES**

Unless otherwise specified below or prohibited by this Resolution, retail Establishments and other businesses not specifically described above as “Essential” are allowed to re-open in accordance with the provisions and conditions outlined in the Governor's Executive Order GA-21 and this Resolution. All businesses, employees, customers and patrons must adhere to the Guidelines from the President and the CDC, by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing of 6 feet and are strongly encouraged to implement and follow the guidelines outlined in the Governor's Report to Open Texas, entitled *Texans Helping Texans*, dated April 27, 2020. Additionally, the use of drive through pickup, delivery, and curbside delivery for merchandise, if possible, is highly encouraged. For clarification purposes, the following businesses and services are reopened:

- i. In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment;
- ii. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant (excluding bars);
- iii. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening;

- iv. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food court dining areas, play areas, and interactive displays and settings must remain closed;
- v. Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed;
- vi. Services provided by an individual working alone in an office; and
- vii. Effective 12:01 a.m., Friday, May 8, 2020:
  - a. Cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; provided, however, that the following conditions are met and followed:
    - 1. all such salons, shops, and establishments must ensure at least six feet of social distancing between operating workstations; and
    - 2. face masks, while not required, are strongly encouraged to be worn by both customers and employees.
  - b. Tanning salons; provided, however, that all such salons must ensure at least six feet of social distancing between operating workstations and the tanning beds are cleaned/disinfected after each use by any individual, patron or customer;
  - c. Swimming pools, provided that:
    - 1. indoor swimming pools may operate at up to 25 percent of the total listed occupancy of the pool facility; and
    - 2. outdoor swimming pools may operate at up to 25 percent of normal operating limits as determined by the pool operator.
- viii. Effective 12:01 a.m. on Monday, May 18, 2020:
  - a. Services provided by office workers in offices that operate at up to the greater of (i) five individuals, or (ii) 25 percent of the total office workforce provided, however, that the individuals maintain appropriate social distancing;
  - b. Manufacturing services, for facilities that operate at up to 25 percent of the total listed occupancy of the facility; and
  - c. Gyms and exercise facilities and classes that operate at up to 25 percent of the total listed occupancy of the gym or exercise facility, provided, however, that the following conditions are met and followed:
    - 1. locker rooms and shower facilities must remain closed, but restrooms may open;
    - 2. equipment must be clean/disinfected after each use by a customer; and
    - 3. gloves covering the entire hand, while not required, are highly encouraged.
- ix. Outdoor patios at restaurants or other venues that are re-opened pursuant to this Resolution are not subject to the occupancy limitations established herein but must comply all other applicable provisions of this Directive including ensuring parties maintain at least 6 feet distance apart from other parties at all times, maintaining social distancing for all customers waiting to be seated in the outdoor patio or venue and allowing no more than six (6) people seated at any single table.

**i. PUBLIC PARKS**

Outdoor sporting activities are permitted so long as there are no more than four (4) participants in the sporting activity. Subject to the social gathering limitations outlined in this Resolution, the remaining areas of public parks including walking trails, bike paths, playgrounds, and other open areas are open to the public and may be used by the public so long as patrons follow federal and CDC guidelines including ensuring that social distancing of 6 feet is maintained. Public swimming pools remain closed.

**j. NURSING HOMES – REMAIN CLOSED TO OUTSIDE VISITORS**

In accordance with the Guidelines from the President and the CDC and Executive Order GA-21, 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 shall follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.

**k. ADDITIONAL REQUIREMENTS**

- i. The Mayor may require additional sanitation, signage, and social distancing practices for any business which remains open.
- ii. For any workplace that remains open, management of the business should facilitate and encourage practicing social distancing and good hygiene and, where feasible, require employees to work from home in order to achieve optimum isolation from COVID-19; and
- iii. The Mayor may update the restrictions set out in this Resolution as necessary to respond to the evolving circumstances of this outbreak during the duration of the Mayor's Second Declaration of Local Disaster issued on April 4, 2020 and extended by the City Council of the City of Crosbyton.

**SECTION 5.** Pursuant to §418.108(c) of the Texas Government Code, this Resolution shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Crosbyton.

**SECTION 6.** In accordance with Texas Government Code §418.173, this resolution is being issued in City of Crosbyton's Emergency Management Plan and any person who knowingly or intentionally violates this resolution commits an offense, punishable by a fine up to \$1,000.00.

**SECTION 7.** This Resolution shall go into effect immediately upon passage and continue until 11:59 p.m., Tuesday, June 16, 2020, unless renewed, extended, amended or cancelled by the Mayor or City Council of the City of Crosbyton.

**SECTION 8.** That this Resolution authorizes the Mayor, pursuant to applicable provisions of Texas Government Code Chapter 418 and Texas Health and Safety Code, on behalf of the City of Crosbyton, to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, enforcing applicable orders issued by the Crosby County Judge, the Governor of the State of Texas or the Texas Department of State Health Services related to suppressing the COVID-19 virus, and insuring compliance for those who do not comply with the City's rules and directives.



**SECTION 9.** That to the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement which would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.

**SECTION 10.** That to the extent this Resolution conflicts with the Governor's Executive Order GA-21 regarding the regulation of essential business and services, Executive Order GA-21 controls and the Mayor may comport and amend this Resolution and any subsequent resolution or order to be consistent with Executive Order GA-21.

**SECTION 11.** That the Mayor is authorized to use all available resources of the City of Crosbyton reasonably necessary to comply with this resolution.

**READ, APPROVED AND ADOPTED** by the City Council this the 19<sup>th</sup> day of May, 2020.

**CITY OF CROSBYTON**

By: \_\_\_\_\_

Dusty Cornelius, Mayor

**ATTEST:**

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Amy Wallace, City Secretary

**Extending Delinquent Utility Bills and Disconnect Fees Due to COVID-19 Pandemic:** Brad Thornhill made a motion to extend delinquent utility bills for 30 more days and then proceed with disconnection of services, as well as a letter sent out to each customer that has a delinquent account. Jim Justus seconded the motion. Motion carried.

**Coronavirus Emergency Supplemental Funding FY 2020:** Alva Rodriguez made a motion to apply for up to \$20,000 in Coronavirus Emergency Supplemental Funding for FY 2020. Doyle Parrish seconded the motion. Motion carried.

**Equip Large Brush Fire Truck:** Brad Thornhill made a motion to accept bids for equipping a large brush fire truck. Doyle Parrish seconded the motion. Brad Thornhill, Doyle Parrish, Alva Rodriguez, Heidi Hays, and Abel Reyna voted for the motion. Jim Justus abstained. Motion carried (5-0).

**Purchase/Warranty Water Meter Reading Equipment:** No action.

**Swimming Pool:** No action.

**Ordinance 05-2020 Prohibiting the Occupancy of Dwelling or Building, Which is Not Connected to Water and Sewer:** No action.

**Resuming Normal Business Operations at City Hall:** No action.

**Administrative Report:** City Administrator Margot Hardin updated the council on the status of city projects. Mrs. Hardin presented to the council her intent to retire effective August 31, 2020, and indicated that she would be willing to work part time to help through the time of transition.

With no further business before the council, the meeting was adjourned at 9:13 p.m.

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Dusty Cornelius, Mayor

ATTEST:

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Amy Wallace, City Secretary