

Regular Council Meeting June 16, 2020

Mayor Dusty Cornelius called the meeting to order at 7:00 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, Chief of Police John Wilson, and Public Works Director Chase Longo.

Approve May 19, 2020 Minutes: Abel Reyna made a motion to approve the May 19, 2020 minutes. Doyle Parrish seconded the motion. Motion carried.

Approve May Accounts Payable: Brad Thornhill made a motion to approve the May Accounts Payable, excluding the D & H Spraying and Landscape Accounts Payable and Jim’s Service Center Accounts Payable. Abel Reyna seconded the motion. Motion carried.

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

Approve May Jim’s Service Center Accounts Payable: Doyle Parrish made a motion to approve the May Jim’s Service Center Accounts Payable. Heidi Hays seconded the motion. Brad Thornhill, Alva Rodriguez, Doyle Parrish, Heidi Hays, and Abel Reyna voted for the motion. Jim Justus abstained. Motion carried (5-0).

Public Forum: Council members discussed utility account disconnects, golf cart regulations and ordinance, and COVID-19 testing location that will be set up Thursday, June 18, 2020.

Police Report: Chief of Police John Wilson presented the monthly police report.

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

Resolution 06-2020 Amending and Extending Mayor’s Second Declaration of Local Disaster-GA-26: Brad Thornhill made a motion to adopt Resolution 06-2020 Amending and Extending Mayor’s Second Declaration of Local Disaster-GA-26. Doyle Parrish seconded the motion. Motion carried.

RESOLUTION NO. 06-2020

ADOPTING GA-26 AND

EXTENDING DECLARATION OF LOCAL DISASTER

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, on March 17, 2020, the Mayor of the City of Crosbyton, Dusty Cornelius, declared a local state of disaster for public health emergency pursuant to Section 418.108(a) of the Texas Government Code, based upon the need for extraordinary measures to contain COVID-19 and to prevent its spread throughout the City of Crosbyton with such declaration being extended by Resolutions of the City Council of the City of Crosbyton; and

WHEREAS, on May 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, COVID-19 continues to spread and pose an imminent threat of widespread or severe illness, injury, or loss of life requiring emergency action and represents a public health disaster according to the Texas Department of State Health Services; 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 large groups; and

WHEREAS, on May 18, 2020, the Governor of the State of Texas issued Executive Order GA-23, effective until 11:59 p.m. on June 3rd, superseding Executive Order GA-21, expanding the reopening of businesses and services throughout most of Texas; and

WHEREAS, on June 3, 2020, the Governor of the State of Texas issued Executive Order GA-26 superseding Executive Order GA-23, expanding into Phase III the reopening of businesses and services throughout the State of Texas; and

WHEREAS, the Declaration of Local Disaster extended in the latest Resolution of the City Council is set to expire at 11:59 p.m. on June 16, 2020; and

WHEREAS, it is critical for the City of Crosbyton to continue to take steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the citizens of Crosbyton and the surrounding area; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent public health and safety threat throughout City of Crosbyton and beyond and pursuant to Section 418.108(b) of the Texas Government Code, the City Council of the City of Crosbyton believes it to be proper and in the best interest of the public health, safety and welfare to renew and extend the Declaration of Local Disaster for Public Health Emergency and any subsequent issued orders that have not been rescinded as of the date of this resolution:

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

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

SECTION 2. All terms and conditions of the Governor's Executive Order GA-26 is hereby adopted by reference and is incorporated herein as though set forth fully herein. Additionally, the guidelines and recommendations provided by the Governor in conjunction with issuing Executive Order GA-26, are 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. A copy of Executive Order GA-26 is attached hereto and incorporated herein as though set forth fully herein.

SECTION 3. The Declaration of Local Disaster for public health emergency for the City of Crosbyton, which was signed and executed by the Mayor on March 17, 2020, in accordance with section 418.108 of the Texas Government Code, as previously renewed and extended by the Mayor and City Council, shall be renewed and continued through July 21, 2020, unless renewed, extended, amended or cancelled by the Mayor or 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. This resolution, pursuant to applicable provisions of Texas Government Code Chapter 418 and Texas Health and Safety Code § 122.005, authorizes the Mayor to take any actions necessary to promote health and suppress the COVID-19 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, activating the emergency management plan for the City of Crosbyton in conjunction with Crosby County and insuring compliance of such actions.

SECTION 7. 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 8. That to the extent this Resolution or any order issued pursuant to this Resolution, directly conflicts with the Governor's Executive Order GA-26 or any subsequent applicable executive order issued by the Governor applicable to municipalities and the Mayor's authority as emergency management director under Chapter 418 of the Texas Government Code, Executive Order GA-26 other applicable executive order issued by the Governor controls and the Mayor may comport, clarify and amend any such order to be consistent therewith without further action by the City Council.

SECTION 9. Any person who knowingly or intentionally violates this Resolution or any

subsequent order issued pursuant to this Resolution, commits an offense, punishable by a fine up to \$1000.00 for each occurrence.

SECTION 10. This Resolution shall take effect from and after its date of adoption.

READ, APPROVED AND ADOPTED by the City Council this the 16th day of June, 2020.

CITY OF CROSBYTON

By: _____

Dusty Cornelius, Mayor

ATTEST:

Amy Wallace, City Secretary

Ordinance 06-2020 Amending the City of Crosbyton Code of Ordinances, Chapter 13, Utilities: Doyle Parrish made a motion to approve Ordinance 06-2020 Amending the City of Crosbyton Code of Ordinances, Chapter 13, Utilities. Alva Rodriguez seconded the motion. Motion carried.

ORDINANCE 06-2020

AN ORDINANCE AMENDING THE CITY OF CROSBYTON CODE OF ORDINANCES, CHAPTER 13, UTILITIES, ARTICLE 13.01, GENERAL PROVISIONS, ADDING SECTION 13.01.001 TO REQUIRE WATER SERVICE AND SEWER DISPOSAL SYSTEM AT ANY STRUCTURE OCCUPIED OR INHABITED BY HUMANS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council believes that this Ordinance is in the best interest of the citizens of Crosbyton;

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

SECTION I

A. Section 13.01.001 shall be added to read as follows:

Sec. 13.01.001 Water service and sewage disposal system required

(a) Water service required. Any structure occupied or inhabited by humans shall activate and maintain a current water utility account. It shall be unlawful to occupy, inhabit, dwell in, or use as a residence or habitation any structure within the city in which water utility service is available, but not connected, has been disconnected, or has been interrupted for seven consecutive days.

(b) Sanitary sewer disposal system required. It shall be unlawful to establish or provide water service to any premises intended for human habitation without a proper operating sanitary sewer disposal system pursuant to this chapter.

(c) Culpability. It is hereby declared that the culpable mental state required by section 6.02 of the Texas Penal Code is specifically negated and clearly dispensed with, and an offense under this section is declared to be a strict liability offense.

SECTION II

Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

SECTION III

Severability. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in full force and effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

SECTION IV

Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as may be required by governing law.

SECTION V

Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551, Gov't. Code.*

PASSED AND APPROVED this 16th day of June, 2020.

Dusty Cornelius, Mayor

ATTEST:

Amy Wallace, City Secretary

Ordinance 06-2020-01 Continuing, Confirming, Extending, and Replacing the Prior Curfew Ordinance and Establishing Curfew Hours for Minors: Abel Reyna made a motion to approve Ordinance 06-2020-01 Continuing, Confirming, Extending, and Replacing the Prior Curfew Ordinance and Establishing Curfew Hours for Minors. Jim Justus seconded the motion. Motion carried.

ORDINANCE NO. 06-2020-01

AN ORDINANCE CONTINUING, CONFIRMING, EXTENDING, AND REPLACING THE PRIOR CURFEW ORDINANCE AND ESTABLISHING CURFEW HOURS FOR MINORS; DEFINING TERMS; CREATING OFFENSES FOR MINOR; PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING FOR A REVIEW OF THIS ORDINANCE BY THE CITY COUNCIL; PROVIDING A PENALTY NOT TO EXCEED \$500.00; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code §341.905 and/or other Texas statutes permit municipalities to establish curfew hours for minors;

WHEREAS, the City of Crosbyton has previously passed an ordinance establishing curfew hours for minors;

WHEREAS, the City Council last reviewed the Curfew Ordinance on June 20, 2017;

WHEREAS, the City Council of Crosbyton, Texas believes it is in the best interest of the citizens and minors of Crosbyton, Texas to continue, confirm, extend and replace the prior Curfew Ordinance;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSBYTON, TEXAS;

Section 70.30.01 Definitions.

- A. *Curfew Hours.* (a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and (b) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.
- B. *Emergency.* An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- C. *Establishment.* Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
- D. *Guardian.*
- E. a person who, under court order, is the guardian of the person of a minor/juvenile; or a public or private agency with whom a minor/juvenile has been placed by a court.
- F. *Minor/Juvenile.* Any person under 17 years of age.
- G. *Operator.* Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. This term includes the members or partners of an association or partnership and the officers of a corporation.
- H. *Parent.* A person who is:
 - 1. a natural parent, adoptive parent, or step-parent of another person; or
 - 2. at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor/juvenile.
- I. *Public Place.* Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- J. *Remain.* To:
 - 1. linger or stay; or

2. fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- K. *Serious Bodily Injury*. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 70.30.02 Penalties.

- A. A person who violates a provision of this Section is guilty of a separate offense for each day or part of a day during which the violation is committed, continues, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.
- B. When required by Section 51.08 of the Texas Family Code, as amended, the Municipal Court shall waive original jurisdiction over a minor/juvenile who violates and shall refer the minor/juvenile to juvenile court.

Section 70.30.03 Offenses.

- A. A minor/juvenile commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- B. A parent or guardian of a minor/juvenile commits an offense if he knowingly permits, or by insufficient control allows, the minor/juvenile to remain in any public place or on the premises of any establishment within the city during curfew hours.
- C. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor/juvenile to remain upon the premises of the establishment during curfew hours.

Section 70.30.04 Defenses.

- A. It is a defense to prosecution under § 70.30.03 that the minor/juvenile was:
 1. accompanied by the minor/juvenile's parent or guardian;
 2. on an errand at the direction of the minor/juvenile's parent or guardian, without any detour or stop;
 3. in a motor vehicle involved in interstate travel;
 4. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 5. involved in an emergency;
 6. on the sidewalk abutting the minor/juvenile's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor/juvenile's presence;
 7. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that has undertaken responsibility for the minor/juvenile, or going to or returning home from such an activity, without any detour or stop;

8. exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 9. married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- B. It is a defense to prosecution under §70.30.b.(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor/juvenile was present on the premises of the establishment during curfew hours and refused to leave.

Section 70.30.05 Enforcement.

- A. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 70.30.04 is present.

SECTION 2. The provisions of this Section are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Crosbyton hereby declares that it would have passed this ordinance and each section, subsection, sentences, clauses, or phrase hereof irrespective of the fact that any one or more section, subsections, clauses, or phrases be declared unconstitutional or invalid.

SECTION 4. This ordinance shall become effective ten (10) days after the date of publication as required by law.

SECTION 5. This ordinance shall be reviewed by the Council at a public meeting, in accordance with Texas Local Government Code §370.002, before the third anniversary of the date of its adoption, and every third year thereafter. Failure to review the ordinance every three (3) years shall cause the ordinance to expire.

Upon review by the Council, this ordinance may be continued, modified, or abolished. A continuance of the ordinance prior to its expiration shall not require publication.

PASSED AND APPROVED by the City Council of the City of Crosbyton, Texas this the 16th day of June, 2020.

CITY OF CROSBYTON, TEXAS

Dusty Cornelius, Mayor

ATTEST:

Amy Wallace, City Secretary

Tax Deed-Parcel 10421-Lots 16, 17, 18, Blk 28, OT of Crosbyton: Doyle Parrish made a motion to deny the \$300.00 bid by Tress Title Services. Heidi Hays seconded the motion. Motion carried.

Tax Deed-Parcel 10672-Lots 28, 29, 30, Blk 104, East Addition: Jim Justus made a motion to deny the \$300.00 bid by Tress Title Services. Abel Reyna seconded the motion. Motion carried.

Tax Deed-Parcel 10863-Lot 10, Blk 131, Revised East Addition: Abel Reyna made a motion to deny the \$225.00 bid by Nunley Family Investments, LLC. Doyle Parrish seconded the motion. Motion carried.

Tax Deed-Parcel 10919-N 50' of Lot 20, Blk 121, Revised East Addition: Doyle Parrish made a motion to deny the \$300.00 bid by Tress Title Services. Abel Reyna seconded the motion. Motion carried.

Tax Deed-Parcel 10708-Lots 1,2,3,4,5, Blk 65, North Addition: Alva Rodriguez made a motion to deny the \$700.00 bid by Eric and Nicee Stark. Doyle Parrish seconded the motion. Motion carried.

Tax Deed-Parcel 10710-Lots 1,2,3,4,5,6,7, Blk 106, East Addition: Brad Thornhill made a motion to approve the \$1405.00 bid by Rigoberto Munoz. Alva Rodriguez seconded the motion. Motion carried.

Tax Deed-Parcel 10048-Part of Lot 3 & All of Lots 4,5, Blk 38, North Addition: Doyle Parrish made a motion to deny the \$101.00 bid by Lands4pennies, LLC. Abel Reyna seconded the motion. Motion carried.

Tax Deed-Parcel 10864-Lot 11, Blk 131, Revised East Addition: Doyle Parrish made a motion to deny the \$101.00 bid by Lands4pennies, LLC. Brad Thornhill seconded the motion. Motion carried.

City Administrator Position:

Coronavirus Emergency Supplemental Funding FY 2020 Bids: Brad Thornhill made a motion to approve the \$12,500.00 bid by Troy Wallace to renovate the lobby at City Hall, to be completed in 60 days and including rerouting the electrical lines. Doyle Parrish seconded the motion. Motion carried.

City Hall Flooring Excluded From Coronavirus Funding FY 2020: Alva Rodriguez made a motion to approve the \$5994.35 bid by Griggs Carpet, Inc. for city hall flooring excluded from coronavirus funding FY 2020. Doyle Parrish seconded the motion. Motion carried.

Swimming Pool: No action,

Crosbyton 2020 Seal Coat Bid: Jim Justus made a motion to approve the \$55,728.00 bid by G and G Operators, Ltd for the Crosbyton 2020 Seal Coat Project. Alva Rodriguez seconded the motion. Motion carried.

Administrative Report: City Administrator Margot Hardin updated the council on the status of city projects.

Council adjourned into executive session at 9:07 p.m. to discuss the City Administrator position. Council returned into open meeting at 9:18 p.m.

With no further business before the council, the meeting was adjourned at 9:18 p.m.

Dusty Cornelius, Mayor

ATTEST:

Amy Wallace, City Secretary