

ORDINANCE NO. 20-873

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, EXTENDING THE EFFECTIVE PERIOD OF THE DECLARED STATE OF LOCAL DISASTER; SUPERSEDING AND REPLACING THE SECOND ORDER OF COUNCIL OF THE CITY OF DENTON ISSUED APRIL 6, 2020 APPROVED BY ORDINANCE 20-812; CONFIRMING AND AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread throughout the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath, and in some cases the virus has caused death; and

WHEREAS, the known cases of COVID-19 diagnosed in the State of Texas is currently increasing daily; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Denton and Denton County, including the limitation of community gatherings and requiring individuals, groups of individuals, or property to be subject to additional measures that prevent or control the spread of disease; and

WHEREAS, the State Office of Court Administration, in consultation with the Supreme Court, Court of Criminal Appeals, and Regional Judges, has provided guidance recommending postponement of all non-essential court proceedings, minimizing staff, and taking all other appropriate measures to prevent the spread of disease; and

WHEREAS, the Mayor of the City of Denton determined that extraordinary measures must be taken by temporarily limiting the number of persons allowed to convene in a single location; temporarily closing City buildings, facilities, and limiting certain uses thereof; temporarily postponing all non-essential municipal court proceedings; providing resources to prevent eviction due to COVID-19 impact; and temporarily suspending all City utility shut-offs to residential customers; and

WHEREAS, on March 13, 2020, the Mayor executed a "Declaration of Local Disaster for Public Health Emergency" and an "Order of the Mayor of the City of Denton" pursuant to the Declaration; and

WHEREAS, finding it in the best interest of the citizens of Denton, on March 17, 2020, the City Council, through Ordinance No. 20-721, extended the Declaration of Emergency through April 30, 2020 and issued an Order of the Council of the City of Denton, attached thereto as Exhibit "C," including the authorization to expend no more than Five Hundred Fifty Thousand Dollars (\$550,000.00) during this period to proceed with the necessary emergency responses and essential functions not already budgeted; and

WHEREAS, City of Denton Code of Ordinances Section 9-54(b) provides for penalties for violation of proclamations of emergency and any rule, regulation, or order issued pursuant to such proclamation and Chapter 9 of the City of Denton Code of Ordinances; and

WHEREAS, information about COVID-19 continues to evolve and measures must be taken to respond to the latest information available; and

WHEREAS, following updated information on the spread of COVID-19, the City Council amended the Order of Council on March 20, 2020; and

WHEREAS, as COVID-19 continued to spread throughout the City and County of Denton, the Mayor issued a Second Declaration of Local Disaster on March 24, 2020, attached hereto as Exhibit "A," and an "Order of the Mayor of the City of Denton" pursuant to the Second Declaration, attached hereto as Exhibit "B," extending measures in an attempt to slow the spread of the disease; and

WHEREAS, Governor Greg Abbott issued Executive Order GA-14 on March 31, 2020, further limiting public gatherings and defining which "essential services" were to continue during the declared state-wide emergency; and

WHEREAS, GA-14 expressly preempted local ordinances, declarations, and orders in conflict with it; and

WHEREAS, in compliance and to be consistent with GA-14, the City Council passed a Second Order of Council on April 6, 2020, superseding and replacing the prior orders of Council; and

WHEREAS, Governor Abbott issued Executive Order GA-16 on April 17, 2020, superseding GA-14, allowing retail stores to reopen under certain conditions and using certain procedures; and

WHEREAS, on April 27, 2020, Governor Abbott issued Executive Order GA-18, further ordering that people minimize social gatherings and in-person contact with people not in the same household except where necessary to obtain essential or reopened services, and still expressly preempting local ordinances, declarations, and orders in conflict with his orders; and

WHEREAS, on April 28, 2020, Denton County issued a new Disaster Declaration and Executive Order of the Denton County Commissioners Court, which extended the emergency declaration through May 15, 2020 and incorporated the provisions of GA-18 and the social distancing guidelines promulgated by the Centers for Disease Control; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Denton to, in compliance and to be consistent with the Governor's Executive Orders and the County Orders, extend the effectiveness of the Declaration of Local Disaster until 11:59 p.m. May 31, 2020 and to extend thereafter as any subsequent proclamation renews the Texas Governor's disaster proclamation, and supersede and replace the Second Order of the Council of the City of Denton dated April 6, 2020, confirming the expenditure of funds as previously authorized; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The facts, circumstances, and recitations contained in the preamble of this Ordinance are found and declared to be true and correct, and are incorporated herein by reference as if fully set out herein.

SECTION 2. Pursuant to Section 218.108, Texas Government Code, and Section 9-27, City of Denton Code of Ordinances, the effective period of Declaration of Local Disaster executed by the Mayor on March 13, 2020 is extended until 11:59 p.m. on May 31, 2020 and shall be further extended to the same date as any proclamation by the Governor of the State of Texas renewing the original March 13, 2020 COVID-19 proclamation in the interest of public health and safety in an attempt to prevent the spread of COVID-19, unless further extended, revised, or terminated by law.

SECTION 3. The Council hereby adopts the Third Order of Council, dated April 30, 2020, attached hereto as Exhibit "A."

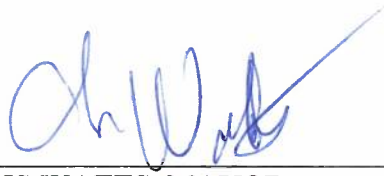
SECTION 4. It is Council's intent that this Ordinance and the Order of Council attached hereto supersede and replace the prior Orders of Council, passed March 17, 2020 through Ordinance 20-420, March 20, 2020 through Ordinance 20-740, and April 6, 2020 through Ordinance 20-812. To the extent those prior Orders conflict with the Order herein passed, they are repealed.

SECTION 5. The City Council confirms the expenditure authority as further specified in Exhibit "A," including the authority previously granted to the City Manager to execute an Amendment with the United Way of Denton County Inc. regarding funds previously budgeted for the Barriers Fund.

SECTION 6. The motion to approve this Ordinance was made by Jesse Davis and seconded by Keely Briggs; the Ordinance was passed and approved by the following vote [6 - 1]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chris Watts, Mayor:	<u>✓</u>	_____	_____	_____
Gerard Hudspeth, District 1:	<u>✓</u>	_____	_____	_____
Keely G. Briggs, District 2:	<u>✓</u>	_____	_____	_____
Jesse Davis, District 3:	<u>✓</u>	_____	_____	_____
John Ryan, District 4:	<u>✓</u>	_____	_____	_____
Deb Armintor, At Large Place 5:	_____	<u>✓</u>	_____	_____
Paul Meltzer, At Large Place 6:	<u>✓</u>	_____	_____	_____

PASSED AND APPROVED this the 30th day of April, 2020.



CHRIS WATTS, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY


BY: 





EXHIBIT A

**THIRD ORDER OF THE COUNCIL
OF THE CITY OF DENTON**
DATE ISSUED: APRIL 30, 2020

Summary: 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. As the number of positive cases of COVID-19 continue to increase in the City of Denton, there is an immediate need to undertake the following measures described in this Order. This Order supersedes and replaces the Second Order of the City Council adopted on Monday, April 6, 2020 (Ordinance No. 20-812).

PURSUANT TO THE PRIOR DECLARATION EXTENDED BY COUNCIL ON APRIL 30, 2020 AND THE AUTHORITY IN SECTION 9-22 OF THE DENTON CODE OF ORDINANCES AND SECTION 418.108 OF THE TEXAS GOVERNMENT CODE, THE COUNCIL OF THE CITY OF DENTON HEREBY ORDERS:

1. This Order pertaining to a Declaration of Local Disaster for Public Health Emergency, originally enacted by the Mayor on March 13, 2020 and extended by Council pursuant to ordinance, supersedes and replaces the prior Orders of the Mayor and of Council. The Order shall take effect at 11:59 p.m. on April 30, 2020 and continue through 11:59 p.m. on May 15, 2020.
2. Effective as of 11:59 p.m. on April 30, 2020:
 - a. It is recommended that all individuals currently living within the City of Denton STAY AT HOME or their current place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they 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.
 - b. All businesses operating within the City of Denton shall abide by the regulations set out in Gubernatorial Executive Order GA-18, signed by Governor Abbott on April 27, 2020, as may be further amended. The restrictions and prohibitions of GA-18 are incorporated herein by reference as if set out fully herein. To the greatest extent possible, all essential businesses and reopened services shall comply with the Social Distancing Guidelines promulgated by the United States Centers for Disease Control and Prevention (CDC), including maintaining six-foot social distancing for both employees and the general public.
 - c. All elective medical, surgical, and dental procedures shall comply with the requirements of Gubernatorial Executive Order GA-19, as may be amended.

3. This Order hereby authorizes the use of all lawfully available enforcement tools found in Denton City Code, Chapter 9 (Emergency Management), state laws and gubernatorial orders, or federal laws.

4. Pursuant to Section 9-22 of the Code of Ordinances, the following measures are also hereby ordered continued as set forth herein:

- a. All City Committee, Commission, and Board meetings are suspended through the term of this order, with the following exceptions:
 - i. The Planning and Zoning Commission shall meet no more than twice per month and only to consider applications subject to state law-imposed deadlines;
 - ii. The Public Utilities Board shall meet no more than twice per month;
 - iii. The Civil Service Commission shall meet as needed; and
 - iv. Other boards and commissions shall meet only as necessary to consider time-sensitive items critical for the continued operation of the City and provision of services to the public.
- b. City Council meetings shall be rescheduled as posted and may be conducted in accordance with alternate measures as permitted by law;
- c. Only electronic purchasing submissions shall be accepted;
- d. No development applications listed in Table 2.2-A in the Denton Development Code shall be accepted for the term of this Order or any extension hereof;
- e. The City Manager or his designee is authorized to make application for local, state, and federal assistance as necessary and/or applicable;
- f. The City Manager or his designee is authorized to accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or government sources;
- g. The City Manager or his designee is authorized to terminate or suspend any event that is or may negatively impact the health, safety, and welfare of persons within the City;
- h. The City Manager is authorized to approve individual purchases and sign contracts up to \$500,000.00 for general expenditures already budgeted or authorized by Section 7(k) of this Order;
- i. All City of Denton utility non-payment shut offs are suspended during the term of this Order and no penalties for non-payment of utilities under Ordinances 19-2140, 19-2136, 19-2137, 19-2138, or 18-1494 shall accrue during the pendency of this order or any extension hereof; and
- j. The City Manager is given authority to expend those previously budgeted funds of up to \$100,000.00 as funding to the United Way of Denton County to assist individuals and

families living in the City of Denton, who have experienced income or job loss directly resulting from COVID-19, in eviction avoidance;

- k. The City Manager is authorized to expend no more than Eight Hundred Fifty Thousand Dollars (\$850,000.00) from the general fund reserve balance during this period to proceed with the necessary emergency responses and essential functions not already budgeted, which includes the previously authorized.
 - l. The City Manager is authorized to expend no more than the previously authorized Fifty Thousand Dollars (\$50,000.00) from the customer service fund reserve balance during this period to increase utility assistance funding for FY 2019-2020 to One Hundred Seventy-Five Thousand Dollars (\$175,000.00).
 - m. All non-essential in-person court proceedings in the Municipal Court No. 1 of the City of Denton are postponed. All such proceedings will be rescheduled following the term of this Order. Court proceedings that may be conducted remotely may be held at their scheduled time, or rescheduled during the term of this order if such proceeding has already been postponed. No fine, penalty, or punishment shall issue against a party because of the postponement ordered herein. Municipal Court No. 1 shall continue to hear all proceedings deemed essential by the state Office of Court Administration, including search and arrest warrant requests, arraignments, criminal magistration proceedings, and requests for temporary restraining orders.
 - n. Due to increased demand for household products and groceries resulting from stock up buying and individuals who purchase for resale, retail suppliers shall use common sense rationing of household products and groceries that are in limited supply.
5. Copies of this Order shall be promptly provided to the City Secretary for filing and posting on the City's website and in other conspicuous places.

IT IS SO ORDERED PURSUANT TO ORDINANCE NO. 20-873



Mayor Chris Watts
City of Denton