

ORDINANCE NO. 20-812

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, SUPERSEDING AND REPLACING THE ORDER OF COUNCIL OF THE CITY OF DENTON ISSUED MARCH 20, 2020 APPROVED BY ORDINANCE 20-740; 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 preempts local ordinances, declarations, and orders in conflict with it; 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 GA-14, supersede and replace the prior orders of Council dated March 17, 2020 and March 20, 2020, confirming the expenditure of funds; 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. The Council hereby adopts the Order of Council, dated April 6, 2020, attached hereto as Exhibit "A."

SECTION 3. 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 and March 20, 2020 through Ordinance 20-740. To the extent those Orders conflict with the Order herein passed, they are repealed.

SECTION 4. The City Council confirms the expenditure authority previously granted to the City Manager and authorizes additional amounts, as further specified in Exhibit "A."

SECTION 5. The City Manager is authorized to (i) execute an Amendment to the United Way of Denton County Inc. Barriers Fund Memorandum of Understanding, evidencing Council's intent to remove the match obligation and agreeing to provide the full amount of the funds previously budgeted to this Fund for the prevention and diversion of homelessness and (ii) carry out all duties

and obligations of the City pursuant to the Memorandum of Understanding as amended, including but not limited to the expenditure of funds.

SECTION 6. The motion to approve this Ordinance was made by Jesse Davis and seconded by John Ryan; 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerard Hudspeth, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Keely G. Briggs, District 2:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jesse Davis, District 3:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ryan, District 4:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deb Armintor, At Large Place 5:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul Meltzer, At Large Place 6:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND APPROVED this the 6th day of April, 2020.

[Signature]
CHRIS WATTS, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: [Signature]



APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: [Signature]



EXHIBIT A

**SECOND ORDER OF THE COUNCIL
OF THE CITY OF DENTON
DATE ISSUED: APRIL 6, 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 Order of the City Council adopted on Friday, March 20, 2020 (Ordinance No. 20-740).

PURSUANT TO THE PRIOR DECLARATION EXTENDED BY COUNCIL ON MARCH 17, 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 6, 2020 and continue through 11:59 p.m. on April 30, 2020.
2. Effective as of 11:59 p.m. on April 6, 2020:
 - a. All individuals currently living within the City of Denton are ordered to 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. All persons may leave their residences only for Essential Activities, travel to businesses outside of the City of Denton, provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 3.
 - b. All businesses operating within the City of Denton, except Essential Businesses as defined below in Section 3, are required to cease all activities at facilities located within the City of Denton. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their residences (i.e. working from home). To the greatest extent possible, all Essential Businesses 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. All golf courses within the City of Denton shall be closed.
 - c. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in

this Order prohibits the gathering of members of a household or living unit (an apartment or house for use by one family).

- d. Restaurants and beverage bars with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
- e. If religious services cannot be conducted from home or through remote services, they should 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.
- f. All elective medical, surgical, and dental procedures are prohibited anywhere in the City of Denton. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities shall postpone all surgeries and procedures that are not immediately medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician.


3. Definitions:

- a. For purposes of this Order, "Essential Business" shall mean businesses offering "Essential Services," as that term is defined in Gubernatorial Executive Order GA-14, issued March 31, 2020, and the National Cybersecurity and Infrastructure Agency (CISA) Memorandum of Essential Critical Infrastructure document version 2.0 dated March 28, 2020 or as either may be further amended, and as further expanded by the Texas Department of Emergency Management or the Department of Homeland Security.
- b. For purposes of this Order, "Essential Activities" is defined as the following:
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members including pets and livestock (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home), and attending funeral services for an immediate family member; and
 - ii. To obtain necessary food, beverage, services, or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products), and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running). Use of public playground equipment is prohibited.

- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
 - v. To care for a family member or pet in another household.
4. If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional.
5. Nursing homes, retirement, and long-term care facilities are instructed to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
6. 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.
7. 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 exception of the Planning and Zoning Commission, which shall meet only to consider applications subject to state law-imposed deadlines;
 - 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 an additional \$50,000.00 to those previously budgeted for a total 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 an additional Seven Hundred Fifty Thousand Dollars (\$750,000.00) from the general fund reserve balance during this period to proceed with the necessary emergency responses and essential functions not already budgeted.
 - l. The City Manager is authorized to expend no more than an additional 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 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. 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.
8. 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. 20-812


Mayor Chris Watts
City of Denton