



Duncanville City Council Special Meeting Agenda

City Council Briefing Room and City Council Chamber

Duncanville City Hall
203 E. Wheatland Road
Duncanville, TX 75116
(972) 780-5017

Thursday, March 19, 2020

6:00 P.M.

City of Duncanville City Council meetings are available to all persons regardless of disability. The City of Duncanville offers Hearing Assistance Receivers for use during City Council Regular Sessions. If you require special assistance, please contact the City Secretary at (972)780-5017 or write 203 E. Wheatland Road, 75116, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Duncanville reserves the right to reconvene, recess or align the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Page

REGULAR SESSION

1. CALL TO ORDER
2. CITIZENS' INPUT

"Pursuant to Section 551.007 of the Texas Gov't Code, any member of the public has the opportunity to address the City Council concerning any matter of public business or any posted agenda item; however, the Act prohibits the City Council from deliberating any issues not on the public agenda and such non-agenda issues may be referred to City staff for research and any future action; all persons addressing are subject to council adopted rules and limitations permitted by law"

To address the Council, please submit a fully completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

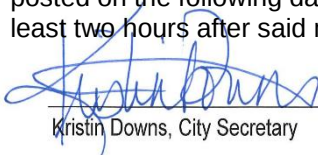
- A. Consider a Resolution extending a Mayoral Declaration of a State of Emergency and order as a result of the COVID-19 Virus; providing for Interim Public Safety Measures; repealing all Resolutions in Conflict; providing a severability clause and providing for an effective date.

2 - 12

[State of Emergency - COVID-19](#)

ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Duncanville City Hall, a place convenient and readily accessible to the general public, as well as to the City's website www.duncanville.com and said Notice was posted on the following date and time: **March 16, 2020 at 6:00 P.M.** and remained posted for at least two hours after said meeting was convened.



Kristin Downs, City Secretary

PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS MEETING ROOM WITH A HANDGUN THAT IS CARRIED OPENLY.

DE CONFORMIDAD CON LA SECCIÓN 30.07 DEL CÓDIGO PENAL (PREVARICACIÓN POR LICENCIATARIO CON UNA ARMA DE MANO LLEVADA ABIERTAMENTE), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411, CÓDIGO DE GOBIERNO (LEY DE LICENCIAS PARA PORTAR ARMAS), NO PUEDEN ENTRAR A LA SALA DE REUNIONES CON UNA ARMA DE MANO QUE SE PRACTICA ABIERTAMENTE.

"PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY HOLDER OF LICENSE TO CARRY A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUB-CHAPTER H, CHAPTER 411, GOVERNMENT CODE (CONCEALED HANDGUN LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN"

"DE ACUERDO CON LA SECCIÓN 30.06 DEL CÓDIGO PENAL (INGRESO SIN AUTORIZACIÓN DE UN PORTADOR DE UNA LICENCIA PARA LLEVAR UN ARMA CORTA OCULTA), UNA PERSONA CON LICENCIA SEGÚN EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DEL GOBIERNO (LEY PARA PORTAR ARMAS CORTAS OCULTAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UN ARMA CORTA OCULTA"



STAFF REPORT

MEETING: Special City Council Meeting - March 19, 2020

TITLE:

Consider a Resolution extending a Mayoral Declaration of a State of Emergency and order as a result of the COVID-19 Virus; providing for Interim Public Safety Measures; repealing all Resolutions in Conflict; providing a severability clause and providing for an effective date.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:

Kristin Downs, City Secretary

Kevin Hugman, City Manager

BACKGROUND/HISTORY:

Beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization. Symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases, the virus has caused death. Reasonable measures must be taken to contain COVID-19 and prevent its spread throughout the City of Duncanville and Dallas County, including the quarantine of individuals, groups of individuals, and property and, additionally, including compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease.

On March 13, 2020 the Mayor of the City of Duncanville issued a Declaration of Local Disaster for Public Health Emergency as Pursuant to section 418.108(a)(b)(d)(g).

1. That a local state of disaster for public health emergency is hereby declared for the city of Duncanville, Texas, pursuant to section 418.108(a) of the Texas Government Code.
2. Pursuant to section 418.108(b) of the Government Code, the state of disaster for public health emergency shall continue through March 20, 2020 unless continued or renewed by the City Council of Duncanville, Texas.
3. Pursuant to section 418.108(c) of the Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Duncanville emergency management plan.
5. Pursuant to section 418.108(g) of the Government Code, the order issued on this date shall govern gatherings in the city as provided in the attached exhibit A.

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. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, the Order issued by Mayor Barry L. Gordon prohibits community gatherings, of 500 persons or more anywhere in the City of Duncanville beginning at 11 a.m. on March 13, 2020, and continuing seven days through 11:00 a.m. on March 20, 2020, as defined by Section 3 herein. For all other gatherings, the City of Duncanville, the Office of the Dallas County Judge, and the Health Authority strongly recommend following the social distancing protocols attached to this Order, including canceling, rescheduling, or not attending events with more than 250 persons. Additionally, the City of Duncanville, the Office of the Dallas County Judge, and the Health Authority strongly urge high-risk individuals, as defined by the Centers for Disease Control and Prevention (CDC), to cancel, reschedule, or not attend events that will have or will likely have 10 or more people.

POLICY EXPLANATION:

State law provides that the Mayoral Declaration expires on the seventh (7th) day after its issuance. The COVID-19 Virus continues to necessitate an extensive and prompt public safety response; and, the regulations set forth in the Mayoral Declaration may need to be extended and/or modified in order to continue to protect the general public.

The Mayoral Declaration and Order dated Friday, March 13, 2020, are set to expire at 11:00 a.m. on March 20, 2020.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Staff recommends approval of a Resolution extending a Mayoral Declaration of a State of Emergency and order as a result of the COVID-19 Virus; providing for Interim Public Safety Measures; repealing all Resolutions in Conflict; providing a severability clause and providing for an effective date.

ATTACHMENTS:

[Attachment 1 - March 13th Declaration of Local Disaster for Public Health Emergency](#)

[Attachment 2 - Resolution No. - 2020-026 - State of Emergency - COVID-19 Virus with Exhibit A](#)



DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through 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. In some cases, the virus has caused death; and

WHEREAS, reasonable measures must be taken to contain COVID-19 and prevent its spread throughout the city of Duncanville and Dallas County, including the quarantine of individuals, groups of individuals, and property and, additionally, including compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

NOW, THEREFORE, I, BARRY L. GORDON, MAYOR OF THE CITY OF DUNCANVILLE, TEXAS, DO HEREBY PROCLAIM at 11:00 a.m., on the 13th day of March 2020, a local state of disaster; and:

1. That a local state of disaster for public health emergency is hereby declared for the city of Duncanville, Texas, pursuant to section 418.108(a) of the Texas Government Code.
2. Pursuant to section 418.108(b) of the Government Code, the state of disaster for public health emergency shall continue through March 20, 2020 unless continued or renewed by the City Council of Duncanville, Texas.
3. Pursuant to section 418.108(c) of the Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Duncanville emergency management plan.
5. Pursuant to section 418.108(g) of the Government Code, the order issued on this date shall govern gatherings in the city as provided in the attached exhibit A.
6. I further direct the City Manager, or his designee, to undertake whatever reasonable action and to conduct whatever disaster mitigation measures necessary to protect the general health, safety and welfare of the citizens of Duncanville.
7. That this proclamation shall take effect immediately from and after its issuance.

DECLARED this 13th day of March 2020.

Robert E. Hager
City Attorney



Barry L. Gordon
Mayor, City of Duncanville

Kristin Downs
City Secretary



ORDER OF MAYOR BARRY GORDON

DATE ORDER ISSUED: March 13, 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. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Order prohibits community gatherings, of 500 persons or more anywhere in the city of Duncanville beginning at 11 a.m. on March 13, 2020, and continuing seven days through 11:00 a.m. on March 20, 2020, as defined by Section 3 herein. For all other gatherings, the City of Duncanville, the Office of the Dallas County Judge, and the Health Authority strongly recommend following the social distancing protocols attached to this Order, including canceling, rescheduling, or not attending events with more than 250 persons. Additionally, the City of Duncanville, the Office of the Dallas County Judge, and the Health Authority strongly urge high-risk individuals, as defined by the Centers for Disease Control and Prevention (CDC), to cancel, reschedule, or not attend events that will have or will likely have 10 or more people.

UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 108, DUNCANVILLE MAYOR BARRY GORDON ORDERS:

1. Effective as of 11:00 a.m. on Friday, March 13, 2020, and continuing until 11:00 a.m. on March 20, 2020, public or private Community Gatherings (as defined in Section 3 below) are prohibited anywhere in the city of Duncanville.
2. In addition, the City of Duncanville, the Office of the Dallas County Judge and the Dallas County Department of Health and Human Services ("Health Authority") strongly recommend canceling, rescheduling, or not attending events with more than 250 persons. The City of Duncanville, the Office of the Dallas County Judge, and the Health Authority strongly urge
3. organizations that serve high-risk populations to cancel gatherings of more than 10 people. These recommendations are based on the social distancing practices attached to this Order as well as the "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission" issued by the United States Centers for Disease Control and Prevention ("CDC"). The City of Duncanville, the Office of the Dallas County Judge, and the Health Authority urge people to not attend non-essential gatherings during the duration of this Order in order to help slow down the spread of the COVID-19 virus.
4. Definitions:
 - a. For purposes of this Order, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together five-hundred (500) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event

center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

- b. An outdoor "Community Gathering" under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within arm's length of one another for extended periods.
 - c. **This Order also does not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as 500 people are not present in any single space at the same time. This Order also does not prohibit the use of enclosed spaces where 500 or more people may be present at different times during the day, so long as 500 or more people are not present in the space at the same time. For any gathering covered by this subsection c., the City of Duncanville, the Office of the Dallas County Judge, and the Health Authority strongly encourage compliance with the attached Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces.**
 - d. For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods:
 - i. (i) spaces where 500 or more persons may be in transit or waiting for transit such as airports, bus stations or terminals; (ii) office space or residential buildings; (iii) grocery stores, shopping malls, or other retail establishments where large numbers of people are present but it is unusual for them to be within arm's length of one another for extended periods; and (iv) hospitals and medical facilities. In all such settings, the City of Duncanville, the Office of the Dallas County Judge and the Health Authority recommend following the attached Social Distancing Recommendations, and personal hygiene measures such as hand sanitizer and tissues should be provided when possible.
5. This Order shall be effective until 11:00 a.m. on March 20, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
 6. The City of Duncanville must promptly provide copies of this Order by posting on the City of Duncanville website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

**IT IS SO ORDERED
BARRY L. GORDON
MAYOR, CITY OF DUNCANVILLE, TEXAS**

DALLAS COUNTY HEALTH AND HUMAN SERVICES Social Distancing Recommendations

1) Vulnerable Populations: Limit Outings

- Vulnerable populations include people who are:
 - 60 years old and older.
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- For vulnerable populations, don't go to gatherings (of 10 people or more) unless it is essential. If you can telecommute, you should. Avoid people who are sick.

2) Workplace and Businesses: Minimize Exposure

- Suspend nonessential employee travel.
- Minimize the number of employees working within arm's length of one another, including minimizing or canceling large in-person meetings and conferences.
- Urge employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- Do not require a doctor's note for employees who are sick.
- Consider use of telecommuting options.
- Some people need to be at work to provide essential services of great benefit to the community. They can take steps in their workplace to minimize risk.

3) Large Gatherings: Cancel Non-essential Events

- Recommend cancelling or postponing large gatherings, such as concerts, sporting events, conventions or large community events.
- Do not attend any events or gatherings if sick.
- For events that aren't cancelled, we recommend:
 - Having hand washing capabilities, hand sanitizers and tissues available.
 - Frequently cleaning high touch surface areas like counter tops and hand rails.
 - Finding ways to create physical space to minimize close contact as much as possible.

4) Schools: Safety First

- Do not have your child attend school if sick.
- If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- Schools should equip all classrooms with hand sanitizers and tissues.
- Recommend rescheduling or cancelling medium to large events that are not essential.
- Explore remote teaching and online options to continue learning.
- Schools should develop a plan for citywide school closures, and families should prepare for potential closures.

5) Transit: Cleaning and Protection

- Increase cleaning of vehicles and high touch surface areas.
- Provide hand washing/hand sanitizers and tissues in stations and on vehicles.

6) Health Care Settings: Avoid as possible, protect the vulnerable

- Long term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.

- Long term care facilities should screen all staff and visitors for illness and turn away those with symptoms.
- The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- Do not visit emergency rooms unless it is essential.
- Visitors should not go to long-term care facilities unless absolutely essential.
- Follow guidance and directions of all facilities.

7) Everyone: Do your part

The best way for all Dallas County residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- Wash hands with soap and water for at least 20 seconds.
- Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- Stay home if you are sick.
- Avoid touching your face.
- Try alternatives to shaking hands, like an elbow bump or wave.
- If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the possible disruption caused by an outbreak. Preparedness actions include:

- Prepare to work from home if that is possible for your job, and your employer.
- Make sure you have a supply of all essential medications for your family.
- Prepare a childcare plan if you or a caregiver are sick.
- Make arrangements about how your family will manage a school closure.
- Plan for how you can care for a sick family member without getting sick yourself.
- Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.

RESOLUTION NO. 2020-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, EXTENDING A MAYORAL DECLARATION OF A STATE OF EMERGENCY AND ORDER AS A RESULT OF THE COVID-19 VIRUS; PROVIDING FOR INTERIM PUBLIC SAFETY MEASURES; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor of Duncanville on Friday, March 13, 2020 signed a Declaration Declaring a State of Emergency in response to the COVID-19 Virus and issued an Order with Restrictions for community gatherings and assemblies; and

WHEREAS, the circumstances surrounding the COVID-19 Virus have increased the need for social distancing and precautionary public safety response; and.

WHEREAS, State law provides that the Mayoral Declaration must expire on the seventh (7th) day after its issuance; and

WHEREAS, the COVID-19 Virus continues to necessitate an extensive and prompt public safety response; and, the regulations set forth in the Mayoral Declaration may need to be extended and/or modified in order to continue to protect the general public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, THAT:

SECTION 1. The Mayoral Declaration and Order dated Friday, March 13, 2020, and set to expire at 11:00 a.m. on March 20, 2020, which is attached hereto as Exhibit A, is hereby continued and renewed for a period of _____ days and shall expire at _____ .m. on _____, 2020

SECTION 2. The City Manager shall take all steps necessary, expressed and implied under said Declaration and Order in accordance with State law and the City of Duncanville Emergency Management Plan to protect the health, safety and welfare of the citizens of the City of Duncanville.

SECTION 3. The Mayoral Declaration and Order is ADOPTED, CONTINUED AND RENEWED except as amended herein as follows:

- a.
- b.
- c.
- d.

SECTION 4. Any prior resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 5. Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 6. This Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provide.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 19th day of March, 2020.

APPROVED:

Barry L. Gordon, Mayor

ATTEST:

Kristin Downs, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney



AMENDED DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through 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. In some cases, the virus has caused death; and

WHEREAS, reasonable measures must be taken to contain COVID-19 and prevent its spread throughout the city of Coppel and Dallas County, including the quarantine of individuals, groups of individuals, and property and, additionally, including compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

WHEREAS, it has been determined that further restrictions are required concerning the operation of bars, lounges, taverns, arcades, and private clubs and restaurants in order to prevent transmission of COVID-19; and

NOW, THEREFORE, I, BARRY L. GORDON, MAYOR OF THE CITY OF DUNCANVILLE, TEXAS, DO HEREBY AMEND MY DECLARATION of the 13th day of March 2020, and hereby AMEND my previous declaration as set forth in an amended ORDER as follows:

1. That a local state of disaster for public health emergency is hereby declared for the city of Duncanville, Texas, pursuant to section 418.108(a) of the Texas Government Code.
2. Pursuant to section 418.108(b) of the Government Code, the state of disaster for public health emergency shall continue through March 20, 2020 unless continued or renewed by the City Council of Duncanville, Texas.
3. Pursuant to section 418.108(c) of the Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Duncanville emergency management plan.
5. Pursuant to section 418.108(g) of the Government Code, the order issued the 13th day of March, 2020 is hereby amended and shall govern gatherings in the city as provided in the attached amended order, exhibit A.
6. I further direct the City Manager, or his designee, to undertake whatever reasonable action and to conduct whatever disaster mitigation measures necessary to protect the general health, safety and welfare of the citizens of Duncanville.
7. That this proclamation shall take effect immediately from and after its issuance.

114477



DECLARED this 19th day of March 2020.

Barry L. Gordon
Mayor, City of Duncanville

Robert E. Hager
City Attorney

Kristin Downs
City Secretary

114477