

CITY COUNCIL AGENDA

A Special Meeting of the City Council of the City of Pearsall, Texas will be held on Monday, June 22, 2020, at 7:00 PM at the Pearsall City Hall, 215 S. Ash Street, Pearsall, Texas.

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/88986425398>

Or iPhone one-tap :

US: +13462487799,,88986425398# or +12532158782,,88986425398#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 253 215 8782 or +1 669 900 9128 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 889 8642 5398

International numbers available: <https://us02web.zoom.us/j/88986425398>

COUNCIL MEMBERS

Mary Moore, Mayor

Julian Hernandez, Mayor Pro Tem

Richard Gandara, Council Member

Sonia Hernandez, Council Member

Brenda Treviño, Council Member

Abel Nieto, Council Member

Roland Segovia, Council Member

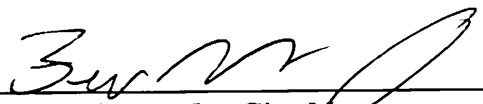
Davina Rodriguez, Council Member

1. Call To Order
2. Roll Call and Announcement of a Quorum
3. Invocation and Pledge of Allegiance
4. New Business
 - A. Discuss and Consider Declaration of Public Health Emergency #6, in accordance with state law. - **Action Item**
5. Executive Session - In Accordance with Texas Government Code Chapter 551, Subchapter D:

The City Council of the City of Pearsall may at any time during the meeting close the meeting and hold an executive session pursuant to the Texas Open Meetings Act codified as Chapter 551, Texas Government Code which permits closed meetings pursuant to Section 551.071 for purpose of consulting with its attorneys; Section 551.072, deliberating about real property; Section 551.073, deliberating about gifts, and donations; Section 551.074, deliberating about personnel matters; Section 551.076, deliberating about security devices; Section 551.084, regarding exclusion of witness from witness in connection with an investigation; Section 551.086 deliberating, voting, and taking action as a power utility on a competitive matter; Section 551.087 deliberating about economic development negotiations; and Section 551.088, deliberating about test items to discuss and/or deliberate any of the posted matters to be considered during the open meeting. If it does go into Executive Session, the City Council may deliberate in executive session, then reconvene in open session, vote on the matter in open session, and announce it for the City Council minutes.
6. Open Session
7. City Council Inquiries For Staff And/Or Items For Future Agendas – NO DISCUSSION OR ACTION ON ANY OF THESE ITEMS AT THIS TIME
8. General Announcements

9. Adjournment

Posted for Public Inspection on this Thursday, June 18, 2020, at 5:00 PM.

By: 
Federico Reyes, Jr., City Manager

I certify that the above notice of meeting was posted on the bulletin board of the Pearsall City Hall, 215 S. Ash Street, Pearsall, Texas, on June 18, 2020, at 5:00 PM.

By: 
Krystal Garcia, City Clerk

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours in advance of the meeting. To make arrangements, call the City Clerk at (830) 334-3676.

CITY OF PEARSALL



EXECUTIVE ORDER OF MAYOR MARY MOORE ISSUED June 22, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Mayor of Pearsall Mary Moore declared a state of local disaster on June 12, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on June 22, 2020, the City of Pearsall City Council approved the continuation of the June 12, 2020 Order Declaration of State of Local Disaster for City of Pearsall until July 14, 2020;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by City Council authorizes the Mayor of Pearsall to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the order;

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbot and the Texas Department of State Health Services (DSHS) and by approval of the Order of Declaration of State of Local Disaster, the City of Pearsall City Council authorized the Mayor of Pearsall to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of City of Pearsall by the issuance of executive orders as necessary (each, an "Executive Order");

WHEREAS, the transmission of COVID-19 is a significant threat to the health and safety of the City of Pearsall Community and rates of infection are increasing at an alarming exponential rate and the number of people ending up in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread;

WHEREAS, the Mayor has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

WHEREAS, a Mayor is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director;

WHEREAS, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott and the current declaration of the Mayor of the City of Pearsall and the Mayor of the City of Dilley (as extended or modified); and

WHEREAS, by the authority vested in me as Mayor of Pearsall to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby rescind my previous Executive Orders and any Supplemental Executive Orders and issue this revised Executive Order in their place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, MAYOR OF PEARSALL MARY MOORE HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

Effective as of 12:01 a.m. on Tuesday, June 23, 2020 (“*Effective Date*”), and continuing through 11:59 p.m. on Sunday, July 12, 2020 unless extended, modified or terminated early by City of Pearsall Mayor Mary Moore or as otherwise indicated below:

- I. **Public Health Emergency**: That this Executive Order shall continue the local disaster declaration and public health emergency for City of Pearsall for the period specified in this Executive Order and shall incorporate and adopt the most recent executive order GA-26 issued by Governor Greg Abbott on June 3, 2020, and any subsequent orders by the Governor relating to the expanded opening of Texas in response to the COVID-19 disaster.
- II. **Health and Safety Policy-Commercial Entities**: From the date of this Executive Order, all commercial entities in City of Pearsall providing goods or services directly to the public must develop and implement a health and safety protocols (“**Health and Safety Protocol**”). The Health and Safety Protocol must require at a minimum, that all employees or visitors to the commercial entity’s business premises or other facilities wear face coverings when in an area or perform an activity which will necessarily involve close contact or proximity to co-workers or the public, where six (6) feet of separation between individuals, family, and/or acquaintance groups is not feasible. If a visiting individual, family, and/or acquaintance group is situated in a business, such as a restaurant, where they are at least six (6) feet away from another visiting individual, family, and/or acquaintance group, masks will not be required of each visiting individual, family, and/or acquaintance group while they are maintaining six (6) feet of social-distancing away from other separate visiting individual, family, and/or acquaintance groups. If however, upon entering the business and before they can be located in a position that is at least six (6) feet away from a separate visiting individual, family, and/or acquaintance group, the commercial entity shall require the wearing of a face covering by each visiting individual. Additionally, if at any time, any visitor leaves the designated area where they are at least six (6) feet away from a separate visiting individual, family, and/or acquaintance group, the individual will be required by the commercial entity to wear a facial covering until the return to the area where the visiting individual, family, and/or acquaintance group is at least six (6) feet away from any separate visiting individual, family, and/or acquaintance group. Sample minimum recommended health protocols developed by the State of Texas can be found at

<https://open.texas.gov/>. The Health and Safety Protocol required to be developed and implemented by this Executive Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Protocol required by this Executive Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Protocol required by this Executive Order within five (5) calendar days following the Effective Date may result in a fine not to exceed \$500 for each violation.

- III. Face Coverings-General Public:** That all people 10 years or older shall wear a face covering over their nose and mouth when in public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. City of Pearsall residents should continue to maintain social distancing of a least six feet while outside their home. City of Pearsall employees are also required to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mental or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- While in a building or activity that requires security surveillance or screening, for example, banks
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose, eyes, or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or

criminal penalty will be imposed on individuals for failure to wear face covering.

- IV. **City of Pearsall Facilities:** That the City of Pearsall facilities shall have limited points of access, subject to modifications deemed necessary by the City Manager, and that all other city-owned or leased buildings have a single controlled point of entrance. Further, all citizens and employees shall be appropriately screened before entering any City of Pearsall owned or leased building. At the control points, citizens and employees shall be asked certain risk-related questions and their temperature taken by least obtrusive means. Any individual with a temperature exceeding 100°F, or who fails the screening process will not be allowed to enter the building. Citizens are encouraged to call the department or office you are attempting to visit prior to visiting a city-owned or leased facility. All social distancing measures must be implemented at the above-described control points and while in any City of Pearsall Facility.
- V. **City of Pearsall Essential Business.** That residents of City of Pearsall conduct essential City of Pearsall business online or via regular mail to avoid visiting any City of Pearsall facilities unless absolute necessary.
- VI. **Severability.** The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court or competent jurisdictions, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.
- VII. **Interpretation and Additional Terms.** To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdiction by law shall be automatically incorporated into and constitute terms of this Executive Order, enforceable as if set forth herein without necessary for the issuance of any further orders.
- VIII. **Enforcement.** Excepting Section III of this Executive Order and in accordance with the limitations contained in the executive orders of Governor Greg Abbott, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975.

ORDERED this 22nd day of June, 2020.

MARY MOORE
CITY OF PEARSALL MAYOR



CITY OF PEARSALL

ADDENDUM TO 6TH DECLARATION OF PUBLIC HEALTH EMERGENCY REGARDING COVID-19

WHEREAS, on June 12, 2020 the 6th Declaration of Local Disaster and Public Health Emergency was issued by Mayor Mary Moore; and

WHEREAS, that Declaration essentially adopts and acknowledges Governor Greg Abbott's Executive Orders and the protocols established by the Strike Force to Open Texas; and

WHEREAS, the City Council indefinitely extended the 6th Declaration on June 22, 2020; and

WHEREAS, recently, the Progress Indicators identified by the COVID-19 Community Response Coalition demonstrate a notable rise in the number of daily cases, an increased need for case investigators and contact tracers, a significant increase over the past weeks in the number of patients hospitalized, in ICU, or on ventilators due to COVID-19 related complications where that number has doubled in one week, the Total Case Double Time has dropped from 29 days to 20 day, which is very close to the warning threshold of 18 days, the COVID-19 weekly positivity rate (i.e., the percentage of lab tests that are positive for COVID-19) has doubled since last week, and the STRAC Health System Score is now operating at medium stress level; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the County Judge has the authority to issue Executive Orders that apply to the entirety of Frio County, including the City of Pearsall; and

WHEREAS, Mayor Mary Moore issued Executive Order # 6 on June 12, 2020; NOW THEREFORE:

1. Through this Addendum the City of Pearsall acknowledges and adopts Frio County's Executive Order, and its applicability, consistent with State law, to the City Pearsall, and consequently Executive Order supplements Pearsall's 6th Declaration of Public Health Emergency Regarding COVID-19.

2. The City of Pearsall supports the Health and Safety Policy - Commercial Entities provision from Executive Order NW-10 and continues to urge all Pearsall businesses to adopt and implement the health and safety protocols recommended by the Economic Transition Team. Pearsall businesses are strongly encouraged to do the following:

- a. Use face coverings
- b. Practice physical distancing
- c. Conduct temperature checks
- d. Provide Hand sanitizer
- e. Follow CDC protocols
- f. Implement contactless payment when possible
- g. General COVID-19 awareness training for employees

3. **Face Coverings - General Public.** That all people 10 years or older shall wear a cloth face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other

people such as visiting a grocery store/pharmacy, or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Pearsall residents should continue to maintain social distancing of at least six feet while outside their home. City of Pearsall employees are also required to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mortal or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- While in a building or activity that requires security surveillance or screening, for example, banks
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- Washing hands before you leave home and when you return,
- Staying at least six feet away from others,
- Avoiding touching nose or face,
- Not using disposable masks more than three times, and
- Washing reusable cloth masks regularly to prevent the spread of the virus.
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Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

Mary Moore, Mayor



CITY OF PEARSALL

EXECUTIVE ORDER #6 OF MAYOR MARY MOORE

ISSUED JUNE 22, 2020

WHEREAS, pursuant to Texas Government code Section 418.108, Mayor Mary Moore declared a state of local disaster on March 19, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on April 27, 2020, the City of Pearsall City Council approved an Order Continuing Declaration of State of Local Disaster for City of Pearsall and on June 22, 2020, the City of Pearsall City Council again approved an additional Order Continuing Declaration of State of Local Disaster for City of Pearsall (hereafter, the *“Second Order of Continuation of Declaration”*);

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by City Council authorizes the City of Pearsall Mayor to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the order;

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS) and by approval of the Second Order of Continuation of Declaration, the City of Pearsall City Council authorized the City of Pearsall Mayor to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of City of Pearsall by the issuance of executive orders as necessary (each, an *“Executive Order”*)

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the City of Pearsall Community and rates of infection are increasing at an alarming exponential rate and the number of people ending up in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread;

WHEREAS, the Mayor has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

WHEREAS, a Mayor is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director;

WHEREAS, it is in the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Abbott and the current declaration of the Mayor of the City of Pearsall (as extended or modified) ; and

WHEREAS, by the authority vested in me as Mayor of the City of Pearsall and as the Emergency Management Director for the City of Pearsall to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby rescind my previous Executive Orders and any Supplemental Executive Orders and

issue this revised Executive Order in their place.

PURSUANT TO THE DISASTER ACT OF 1975, MAYOR MARY MOORE HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

Effective as of 12:01 a.m. on Tuesday, June 23, 2020 (“**Effective Date**”), and continuing through 11:59 p.m on Sunday, July 13, 2020 unless extended, modified or terminated early by City of Pearsall Mayor Mary Moore or as otherwise indicated below:

- I. **Public Health Emergency.** That this Executive Order shall continue the local disaster declaration and public health emergency for City of Pearsall for the period specified in this Executive Order and shall incorporate and adopt the most recent executive order GA-26 issued by Governor Greg Abbott on June 3, 2020, and any subsequent orders by the Governor relating to the expanded opening of Texas in response to the COVID-19 disaster.
- II. **Health and Safety Policy - Commercial Entities.** From the date of this Executive Order, all commercial entities in City of Pearsall providing goods or services directly to the public must develop and implement a health and safety policy (“*Health and Safety Policy*”). The Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity’s business premises or other facilities wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible. The Health and Safety Policy required to be developed and implemented by this Executive Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this Executive Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Executive Order within five (5) calendar days following the Effective Date may result in a fine not to exceed \$1,000 for each violation.
- III. **Face Coverings – General Public.** That all people 10 years or older shall wear a face covering over their nose and mouth when in a public space where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. City of Pearsall residents should continue to maintain social distancing of at least six feet while outside their home. City of Pearsall employees are also required to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.

Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mental or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- While in a building or activity that requires security surveillance or screening, for example,

banks

- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

IV. City of Pearsall Justice Center Complex and Facilities. That the City of Pearsall Justice Center Complex shall have limited points of access, subject to modification as deemed necessary by the County Mayor: i) the Paul Elizondo Tower Nueva Street entrance; ii) one at the Cadena-Reeves Justice Center Dolorosa Street entrance; iii) the City of Pearsall Courthouse Bexar Heritage Center entrance; and iv) the County Courthouse South entrance at the Nueva Street entrance, and that all other county-owned or leased buildings have a single controlled point of entrance. Further, all citizens and employees shall be appropriately screened before entering any City of Pearsall owned or leased building. At the control points, citizens and employees shall be asked certain risk-related questions and their temperature taken by least obtrusive means. Any individual with a temperature exceeding 100 °F or who fails the screening process will be not be allowed to enter the building. Citizens are encouraged to call the department or office you are attempting to visit prior to visiting a county-owned or leased facility. All social distancing measures must be implemented at the above-described control points and while in any City of Pearsall facility.

V. City of Pearsall Essential Business. That residents of Pearsall conduct essential Pearsall business online or via regular mail to avoid visiting any Pearsall facilities unless authority necessary.

VI. Severability. The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provisions, and to this end, the provisions of this Executive Order are severable.

VII. Interpretation and Additional Terms. To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive order of the Texas jurisdictions by law shall be automatically incorporated into and constitute terms of this Executive Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

VIII. Enforcement. Excepting Section III of this Executive Order and in accordance with the limitations contained in the executive orders of Governor Abbott, that any peace officer or other

person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975.

ORDERED this 22nd day of June, 2020

Mary Moore, Mayor