

**CITY OF SHERMAN
CITY COUNCIL CALLED TELEPHONIC MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, MARCH 30, 2020
12:00 P.M.**

Pursuant to Section 551.127 of the Texas Government Code, and in conjunction with the guidance and provisions provided by the Governor of Texas in the declaration of disaster and subsequent executive orders altering certain Open Meeting Act requirements and ordering that gatherings of more than ten (10) people shall be avoided, the City Council of the City of Sherman, Texas will conduct the meeting scheduled for **12:00 p.m. on Monday, March 30, 2020**, in the Council Chambers located at 220 West Mulberry Street, Sherman, Texas **by telephone conference** in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") and to slow the spread of the "Coronavirus Disease 2019" ("COVID-19"). There will be no in-person public access to the location described above and less than a quorum may be physically present at the location.

The dial-in number to participate in the telephonic meeting is 1-253-215-8782, Access Code 268 779 471.

A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

A. 2. INVOCATION BY MAYOR DAVID PLYLER

Public Hearing

B. 1. INTRODUCTION AND PUBLIC HEARING OF EMERGENCY ORDINANCE NO. 6288
Extending the Local Declaration of Public Health Disaster Indefinitely; Adopting and Approving Certain Rules to Protect the Health of Persons in the City due to the Impact of COVID-19; Making Various Findings and Provisions Related to the Subject; Authorizing the City Manager to Execute all Contracts and Legal Documents Necessary for Conducting Business for the Duration of the Declaration of Disaster; Fixing Penalties for Violation Thereof; Declaring an Emergency

Close Public Hearing and Consider Adoption of Ordinances

B. 2. ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Number: 6288

C. COUNCIL COMMENTS

D. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Called Telephonic Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on March 27, 2020 at 11:30 a.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 27th day of March, 2020.
City of Sherman, Texas

City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agenda items under the headings of "Citizens Requests", "Media Questions", and "Council Concerns" may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Mayor

David Plyler

Deputy Mayor

Willie Steele

Council Members

Willie Steele, Council-At-Large, PL #1
Sandra Melton, Council-At-Large, PL #2
Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2
Pamela L. Howeth, Council – District #3
Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

B. 1.

Meeting Date: 03/30/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF EMERGENCY ORDINANCE NO. 6288

Extending the Local Declaration of Public Health Disaster Indefinitely; Adopting and Approving Certain Rules to Protect the Health of Persons in the City due to the Impact of COVID-19; Making Various Findings and Provisions Related to the Subject; Authorizing the City Manager to Execute all Contracts and Legal Documents Necessary for Conducting Business for the Duration of the Declaration of Disaster; Fixing Penalties for Violation Thereof; Declaring an Emergency

Issue:

The Mayor's Declaration of Public Health Disaster was signed on March 23, 2020 and will expire seven days thereafter unless extended by the Mayor or continued through formal action by the City Council in the form of the proposed Ordinance; making certain findings related thereto; and declaring an emergency.

Background:

In response to the imminent threat to the public health of the people and communities of Sherman resulting from the introduction, transmission, or spread of the "Coronavirus Disease 2019" ("COVID-19"), the Mayor, City Manager and Emergency Management Coordinator recommend the City Council approve an ordinance to authorize the extension and continuation of the Local Declaration of Public Health Disaster indefinitely. This Declaration of Public Health Disaster would remain in effect until discontinued by action of the City Council or as otherwise provided by law.

The proposed Ordinance also accomplishes the following:

- Grants the City Manager to execute all contracts and legal documents, regardless of the dollar amount, necessary for the conduct of business for the duration of the event. The Ordinance requires a weekly report to the Council from the City Manager for any such contracts or purchases made under this Declaration.
- Permits the City Manager to extend the time requirement for the appeal of any decision, including those from the Planning and Zoning (P&Z) Commission, and allows the Mayor to cancel any other Board or Commission meetings, such as P&Z meetings.
- Authorizes the City Manager to take appropriate action to suspend or extend utility bill payments and fees.
- Cancels the upcoming April 6th City Council meeting and permits the Mayor to cancel any other regular or other meetings during the months of April and May 2020, as needed.
- Postpones nonessential Municipal Court proceedings.

Origination:

Mayor David Plyler
City Manager Robby Hefton
Emergency Management Coordinator Moises Duran

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is the staff's recommendation that the City Council adopt the proposed Ordinance.

Alternatives:

No alternatives are recommended.

Attachments

Ordinance No. 6288
Declaration of Public Health Disaster ordered March 23, 2020

ORDINANCE NO. 6288

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE LOCAL DECLARATION OF PUBLIC HEALTH DISASTER INDEFINITELY; ADOPTING AND APPROVING CERTAIN RULES TO PROTECT THE HEALTH OF PERSONS IN THE CITY DUE TO THE IMPACT OF COVID-19; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND LEGAL DOCUMENTS NECESSARY FOR CONDUCTING BUSINESS FOR THE DURATION OF THE DECLARATION OF DISASTER; FIXING PENALTIES FOR VIOLATION THEREOF; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, COVID-19 has spread world-wide and has been declared a global pandemic by the World Health Organization; and

WHEREAS, the known cases of COVID-19 diagnosed in the State of Texas are currently increasing daily and the disease is easily transmitted through person to person contact, especially in group settings, thus, it is essential that the spread of the virus be slowed to protect members of the public, to protect the ability of public and private health care providers to handle the influx of new patients and to safeguard public health and safety; and

WHEREAS, community spread COVID-19 cases have been positively confirmed in neighboring cities and counties; and

WHEREAS, the State of Texas, Grayson County, and the mayors of cities near Sherman have declared or are considering the declaration of a disaster for a public health emergency; and

WHEREAS, the City's emergency management plan has been activated by the Declaration of Public Health Disaster signed by the Mayor of the City of Sherman, Texas on March 23, 2020; and

WHEREAS, because it is imperative that the City take action to slow the spread of COVID-19, the Council has reviewed current City functions, including the use of City facilities, City services and operations and public gatherings and has determined it necessary and appropriate to adopt this ordinance for the preservation of public health, safety and welfare;

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

SECTION 1. That the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. That, pursuant to Sections 121.003 and 122.006 of the Texas Health and Safety Code, Section 418.108 of the Texas Government Code, and such other powers the City may have under the City Charter and other laws, the City Council adopts and approves the following to have the force and effect of law and be enforceable under the terms of this Ordinance; that regulations promulgated by executive orders of the Office of the Governor of the State of Texas, other governmental bodies, agencies, or authorities having jurisdiction may also apply to those subject to this Ordinance; and that all County, State and Federal Orders should be reviewed to determine any necessary compliance.

SECTION 3. That the City Council hereby extends indefinitely the local Declaration of Public Health Disaster declared by the Mayor on March 23, 2020; and that said Declaration shall continue in effect until discontinued by action of the Sherman City Council or as otherwise provided by law.

SECTION 4. That, pursuant to Government Code Section 418.108(d), the City of Sherman Emergency Management Plan shall remain active through the duration of the Disaster Declaration.

SECTION 5. That the City Manager and his designees are hereby authorized to execute any and all contracts, agreements, regardless of the dollar amount, or other legal instruments as they deem necessary to carry out the business of the City for the duration of this Declaration, as it may be continued, amended or renewed; that upon final expiration of the Declaration of Public Health Disaster, the provisions of this section shall automatically be repealed and the City Charter and Code of Ordinances shall take effect once more; that the City Manager shall provide a weekly report to the City Council regarding the contracts and other legal instruments executed pursuant to the authority granted hereunder; and that, additionally, any City ordinance or regulation imposing a time requirement for payment, filing or appealing a decision may be extended by the City Manager during the term of the local disaster.

SECTION 6. That the City of Sherman provides essential services required to maintain the health, safety and welfare of the public generally and of the residents of the City of Sherman; therefore, City facilities necessary for City staff to provide essential services shall remain open to the public; provided, however, that social distance shall be practiced at all times within those City facilities that are open to the public and the following facilities are determined not to be classified as a facility that provides essential services, thus such facilities shall be closed to the public until further action pursuant to this Ordinance:

- i. Kidd-Key Auditorium and Municipal Ballroom;
- ii. Sherman Public Library;
- iii. Senior Citizen Center;
- iv. Glennie O. Ham Center; and
- v. Sherman Parks and Recreation buildings

Notwithstanding the foregoing, the City Manager may recommend that other actions be taken to limit in person interactions at City facilities and to address City staff; and the Mayor is hereby expressly authorized to provide such approval and take such action as necessary to ensure that the purposes of this Ordinance are effected.

SECTION 7. That nonessential Municipal Court proceedings shall be postponed in accordance with orders issued by the Presiding Judge and the recommendation of the City Attorney.

SECTION 8. That the Mayor is authorized to direct the City Manager or his designee to take necessary actions regarding fees associated with utility billing, including without limitation, extending time for payment and suspending utility shutoffs for customers negatively impacted by job loss or reduced income who can provide verifiable documentation that their hardship is a direct result of COVID-19.

SECTION 9. That Article II, Section 9(a) of the City of Sherman Home Rule Charter requires that the City Council hold regular meetings on the first and third Mondays of each month, excluding city staff holidays, at its discretion, unless cancelled by a vote of four (4) or more Council members and, given the current pandemic, the City Council hereby votes to cancel the regular Council meeting of Monday, April 6, 2020; further, the Mayor is hereby authorized to cancel such regular or other meetings during the months of April and/or May 2020 as necessary, or to hold such meetings in a manner allowed by Governor Greg Abbott. On March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions that require government officials and members of the public to be physically present at a specified meeting location. This temporary suspension will leave important open-meeting protections in place:

- Members of the public will be entitled to participate and address the governmental body during any telephonic or videoconference meeting.
- To hold a telephonic or videoconference meeting, a governmental body must post a written notice that gives the public a way to participate remotely, such as a toll-free dial-in number, and that includes an electronic copy of any agenda packet that officials will consider at the meeting.
- A governmental body must provide the public with access to a recording of any telephonic or videoconference meeting.

SECTION 10. That the Mayor is authorized to postpone or cancel any and all meetings of a board or commission of the City of Sherman as he determines appropriate based upon updated orders of the federal, state or local government.

SECTION 11. That, except as changed by this Ordinance, the terms and provisions of the City Charter and Code of Ordinances shall remain in full force and effect; and that, in the event of any conflict or inconsistency between this Ordinance and the City Charter and Code of Ordinances, this Ordinance shall govern.

SECTION 12. That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1.01.009 of the Code of Ordinances of the City of Sherman, Texas; and that the penalty provided for in this Ordinance is in addition to any other remedies that the City may have under City ordinances and state law.

SECTION 13. That all of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with enforcement of the

Ordinance, acting for the City of Sherman in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

SECTION 14. That any violation of this Ordinance can be enjoined by a suit in the name of the City of Sherman in a court of competent jurisdiction; and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of Ordinances of the City of Sherman, Texas.

SECTION 15. That, pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Sherman is authorized to adopt rules to protect the health of persons in the City of Sherman, including quarantine rules to protect its residents against communicable disease and provide for the establishing of quarantine stations, emergency hospitals, and other hospitals.

SECTION 16. That, with the exception of extending the term of the State of Disaster, the City's Emergency Management Director shall have the authority, without further action by the City of Sherman City Council and pursuant to Section 1.09.002 of the Code of Ordinances and Government Code Chapter 418, to issue, modify, or terminate any lawful order necessary to protect the public health so long as the order does not conflict with this Ordinance. When determining what orders are appropriate, the Emergency Management Director shall take into consideration the recommendations and orders of the Health Authority and Centers for Disease Control.

SECTION 17. That this Ordinance shall be and become effective immediately upon and after its passage and approval.

SECTION 18. That this Ordinance shall expire upon the earlier to occur of the termination of the state of emergency declared by the President or by the affirmative vote of the City Council.

SECTION 19. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 20. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 21. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



DECLARATION OF PUBLIC HEALTH DISASTER

WHEREAS, the novel coronavirus now designated SARS-CoV-2, 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, President Donald Trump has proclaimed the COVID-19 outbreak a national emergency in the United States; and Governor Greg Abbott has declared a state of disaster for all counties in Texas; and Grayson County Commissioners Court has declared a state of disaster for Grayson County; and

WHEREAS, Governor Greg Abbott has issued Executive Order No. GA 08 dated March 19, 2020 ordering that people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors, which has created a financial hardship for these businesses and their employees; and

WHEREAS, costs incurred to prepare for and respond to COVID-19 are beginning to mount at the county and municipal levels; and

WHEREAS, the City of Sherman has already taken significant measures to prepare for and prevent the spread of COVID-19; and

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

WHEREAS, declaring a state of disaster in the City of Sherman will facilitate and expedite the procurement, use, and deployment of resources to enhance preparedness and response; and

WHEREAS, the imminent conditions necessitating the declaration of disaster for a public health emergency exist;

NOW THEREFORE, BE IT ORDERED by the City Council of the City of Sherman, Texas:

1. That a local state of disaster is hereby declared for the City of Sherman, Texas, pursuant to §418.108(a) of the Texas Government Code. That due to this disaster, an emergency situation exists.
2. That, pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration unless continued or renewed by the City Council of the City of Sherman, Texas.
3. That, pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Clerk.
4. That, pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City emergency management plan.
5. That the City Manager, or his designee, is additionally authorized to make administrative and personnel policy adjustments and decisions pursuant to responding to the disaster and to close any City buildings or venue to the public in his discretion to prevent the spread of the virus, with the approval of the Mayor.
6. That this order shall take effect immediately from and after its issuance.

ORDERED the 23rd day of March, 2020.



David Pyle
Mayor
City of Sherman, Texas



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

B. 2.

Meeting Date: 03/30/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Number: 6288

Issue:

C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6288

Extending the Local Declaration of Public Health Disaster Indefinitely; Adopting and Approving Certain Rules to Protect the Health of Persons in the City due to the Impact of COVID-19; Making Various Findings and Provisions Related to the Subject; Authorizing the City Manager to Execute all Contracts and Legal Documents Necessary for Conducting Business for the Duration of the Declaration of Disaster; Fixing Penalties for Violation Thereof; Declaring an Emergency



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Meeting Date: 03/30/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2020 Council Calendar

2020

JANUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

MARCH						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

JULY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

1/20/2020	Martin Luther King, Jr. Day/ Called City Council Meeting on 1/21/2020
2/12/2020	Called Council Meeting - Training Session for Council Members
3/30/2020	Called Council Meeting - Intro and PH of Ordinance No. 6288, Extending Declaration of Public Health Disaster Indefinitely and Other Matters related to COVID-19
4/24/2020	Called Budget Planning Meeting in Council Chambers
6/11/2020	Called Budget Workshop in the Council Chambers
6/12/2020	Called Budget Workshop in the Council Chambers
9/7/2020	Labor Day/ Called City Council Meeting on 9/8/2020

[illegible]