

CLEVELAND CITY COUNCIL SPECIAL EMERGENCY MEETING AGENDA

Notice is hereby given of a Special Emergency City Council Meeting to be held on **Wednesday, March 25, 2020, at 10:00 a.m. virtually** due to the need to consider matters that are of urgent public necessity, specifically to consider matters directly related to the COVID-19 epidemic and to consider action concerning the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization of Title 5, Chapter 551 of the Texas Government Code.

Due to the COVID 19 Disaster and CDC's recommendation regarding social distancing measures. The public will not be allowed to be physically present at this meeting, but the meeting will be available to members of the public and allow for two-way communications for those desiring to participate. *To attend the meeting via video conference*, please use the following website www.zoom.com, click on "Join a meeting" on the top right hand corner, and input the following **Meeting ID: 965 580 180**. *To attend the meeting via telephone*, please use the following phone number: **1-346-248-7799, Meeting ID: 965 580 180**.

Any person interested in speaking on any item on the agenda must submit his/her request via email to the City Secretary at asmith@clevelandtexas.com. The request must include the speaker's name, address, and phone number that will be used if teleconferencing as well as the agenda item number. The request must be received prior to the posted time of the meeting.

The agenda packet is accessible to the public as a PDF format at the following link <https://www.clevelandtexas.com/agendacenter> under *City Council - March 25, 2020*. The meeting will also be shown as a Facebook Live on the City's Facebook account at [facebook.com/cityofclevelandtx](https://www.facebook.com/cityofclevelandtx).

For more information or questions concerning the teleconference, please contact the City Secretary's office at 281-592-2667.

1. CALL TO ORDER

2. INVOCATION, PLEDGE, AND ROLL CALL

- | | |
|---|--|
| <input type="checkbox"/> Carolyn McWaters, Position 1/Mayor Pro-Tem | |
| <input type="checkbox"/> Marilyn Clay, Position 2 | <input type="checkbox"/> City Manager |
| <input type="checkbox"/> Fred Terrell, Position 3 | <input type="checkbox"/> Assistant City Manager/Finance Director |
| <input type="checkbox"/> Jennifer Bergman, Position 4 | <input type="checkbox"/> City Secretary |
| <input type="checkbox"/> Danny Lee, Position 5 | <input type="checkbox"/> City Attorney |

3. PUBLIC COMMENTS

Any person with City related business may speak to Council. In compliance with the Texas Open Meetings Act, the City Council may not discuss, or vote on any matter raised in public comments unless it is specifically on the agenda. To speak during a council meeting, you must be recognized by the Presiding Officer and give your name and address. **PUBLIC COMMENT WILL BE LIMITED TO THREE MINUTES.**

4. DISCUSSION/POSSIBLE ACTION

1. Consider council support on the Executive Order of Liberty County Judge Stay Safe Emergency Measures dated March 24, 2020, and authorize the Mayor Pro-Tem to sign document in support of said order.

5. ADJOURN

CERTIFICATION

I certify that a copy of March 25, 2020 agenda of items to be considered by the City Council was posted at City Hall, 907 E. Houston and online at <https://www.clevelandtexas.com/agendacenter> under *City Council - March 25, 2020* , on March 24, 2020, at 6:00 p.m., at least one hour before the meeting will be convened, and that special notice was provided to the news media of this emergency meeting in accordance with Section 551.047 of the Texas Government Code.



Angela Smith, TRMC
City Secretary/HR Manager

**LIBERTY COUNTY
EXECUTIVE ORDER
March 24, 2020**

**EXECUTIVE ORDER OF LIBERTY COUNTY JUDGE
STAY SAFE EMERGENCY MEASURES**

WHEREAS, on March 13, 2020, Liberty County Judge, Jay Knight signed a Declaration of Disaster for the County of Liberty County, Texas related to COVID-19 pursuant to § 418.108(a) of the Texas Government Code; and

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, Governor Greg Abbott issued an Executive Order on Thursday, March 19, 2020 Issuing orders for Texas to adhere to certain control measures and mitigation strategies; and

WHEREAS, on March 20, 2020, the Commissioners Court of Liberty County voted unanimously to continue the Declaration of a Local Disaster related to COVID-19 until April 19, 2020, and further extensions are possible; and

WHEREAS, Texas Government Code § 418.018(c) states the governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;

WHEREAS, Texas Government Code § 418.1015 states:

- (a) The presiding officer of the governing body of an incorporated city or a county or the chief administrative officer of a joint board is designated as the emergency management director for the officer's political subdivision.
- (b) An emergency management director serves as the governor's designated agent in the administration and supervision of duties under this chapter. An emergency management director may exercise the powers granted to the governor under this chapter on an appropriate local scale.

WHEREAS, to protect the public health and safety of Liberty County residents, local health authorities have recommended that an imposition of an order that Liberty County residents stay at home unless traveling within the community is essential;

BE IT THEREFORE ORDERED BY THE COUNTY JUDGE OF LIBERTY COUNTY:

1. Effective as of 11:59 p.m. of March 24, 2020, and continuing until 11:59 p.m. on April 3, 2020;

- a. All individuals currently living within Liberty County are ordered to remain at their 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 of their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 2.
- b. All businesses operating within Liberty County, except Essential Businesses as defined in below Section 2, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residence (i.e. working from home.) To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six-foot social distancing for both employees and the general public.
- 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.
- d. Restaurants with or without drive-in or drive-through services may only provide take out, delivery or drive-through services as allowed by law.
- e. Religious and worship services may only be provided off-site by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing food for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including six-foot social distancing.

2. Definitions.

- a. For the purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities."
 - 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 (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).

- ii. To obtain necessary 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 and products necessary to maintain 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).
 - iv. To perform work providing essential products and services supporting 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.
- b. For the purposes of this Order, "Essential Businesses" shall include and is limited to the following:
- i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also include veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations does not include fitness and exercise at gyms and similar facilities.
 - ii. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.

- iii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil, refining, roads and highways, public transportation, solid waste collection and removal, Internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.
- iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farm and ranch supply stores and any other establishment for obtaining food, medicine or any other equipment used to maintain livestock, hardware stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences and/or Essential Businesses. Restaurants and other facilities that prepare and serve foods, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up, take away, and/or delivery basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry-cleaners, and laundry service providers. Gas stations, auto-supply, auto and bicycle repair, farm and ranch supply stores, hardware stores, and related facilities. Business that supply products needed to work from home.
- v. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide

food, shelter, and social services, and other necessities of life economically disadvantaged or otherwise needy individuals.


- vi. **Essential Services Necessary to Maintain Essential Operations of Residences or other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security; warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.
- vii. **News Media.** Newspapers, television, radio, and other media services.
- viii. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted. Childcare Services should

- 3. Any manufacturer who retools so that a substantial part of their business is or will be producing medical supplies in response to COVID-19 shall be considered an "Essential Business" under this Order.
- 4. Grocery Stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Liberty County for the next 60 days.
- 5. If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home for 14 days or until or unless otherwise directed by the Local Health Authority.

6. Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
7. County offices are operating with restricted access. Only personnel pre-authorized by the County Judge, in consultation with the Liberty County Office of Emergency Management and the Liberty County Attorney's Office, are allowed in the County Courthouse, Emergency Operations Center, or other county buildings and facilities.
8. Maximum Occupancy of Essential Retail. Any Essential Retail buildings, excluding Childcare Services, which the public has access to is hereby restricted from being occupied by more than 40% of the Maximum Occupancy requirements as set forth by the International Building Code (IBC). Maximum Occupancy signs shall be prominently displayed to show this reduced number in these places. Persons must adhere to social distancing by keeping a minimum of 6 feet separation from each other.
9. A person shall not sell any of the following goods or services for more than the price the person charged for the goods or services on March 12, 2020 in any area within Liberty County:
 - groceries, beverages, including water, toilet articles, ice, cleaning supplies and other disinfectants;
 - construction and building materials and supplies, and earthmoving equipment and machinery;
 - electrical and gas generating and transmission equipment, parts and accessories;
 - charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns;
 - hand tools (manual and power), hardware and household supplies, and equipment rental;
 - automotive parts, supplies, and accessories;
 - plumbing and electrical tools and supplies;
 - apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental;
 - gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants;
 - restaurant, cafeteria, and boarding-house meals;
 - services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies;
 - medicine, pharmaceutical, and medical equipment and supplies;
 - blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads, towels, toilet paper and paper towels; and
 - furniture and clothing.

10. Penalties. According to Texas Government Code § 418.173, failure to comply with the County Emergency Operations plan or with a rule, order, or ordinance adopted under the plan is an offense. Punishment for the offense is a fine up to \$1,000 and confinement in jail up to 180 days.
11. This Order shall be effective until 11:59 p.m. on April 3, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law. This Order rescinds and/or supersedes any prior orders issued by the County Judge of Liberty County during the current Declaration of Disaster.
12. The County of Liberty must promptly provide copies of this Order by posting copies for public viewing in the same manner as publicly posted Commissioners Court agendas. 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 circumstances 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.

ORDERED THIS 24th DAY OF March 2020 at 3:45 p.m.

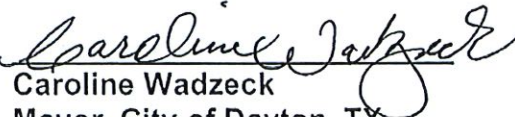


Jay Knight
Liberty County Judge




Attest: Lee Chambers
Liberty County Clerk

Carolyn McWaters
Mayor, City of Cleveland, TX



Caroline Wadzeck
Mayor, City of Dayton, TX



Carl Pickett
Mayor, City of Liberty, TX

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 unless it is essential. Stay home. Avoid people who are sick.

2) Workplace and Businesses: Minimize Exposure

Suspend nonessential employee travel. Ensure employees practice social distancing and do not work within six feet of one another. Urge essential 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. Maximize telecommuting options. Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.

3) Cancel Non-essential Events

Cancel non-essential 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 implement social distancing.

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 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 further 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 restrict all visitation except for certain compassionate care situations, such as end of life situations. 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. Follow guidance and directions of all facilities.