



AGENDA
ELGIN CITY COUNCIL
SPECIAL EMERGENCY MEETING
WEDNESDAY, JULY 1, 2020
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
4:30 PM

This notice of an Emergency Meeting of the City Council of Elgin, Texas is posted pursuant to Government Code §551.045. An emergency or an urgent public necessity exists because immediate action is required by the City Council to combat the spread of COVID-19 in the City, which is a world-wide pandemic.

In accordance with social distancing guidelines, the City Council meeting will not be open to the public. Council Members will attend virtually. The meeting will be streamed live at https://www.youtube.com/channel/UC3OGBV_loV0Nr3AqM1jJTzA.

Members of the public wishing to submit their written comments on a listed agenda item must submit their comments by emailing the city secretary at asanchez@ci.elgin.tx.us or by calling 512-229-3222 by 2:00 pm July 1, 2020.

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM." Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

IV. CITY MANAGERS REPORT

V. NEW BUSINESS

- 1. AN EMERGENCY ORDINANCE PURSUANT TO ARTICLE III, SECTION 13 OF THE ELGIN HOME RULE CHARTER, THIS IS AN EMERGENCY ORDINANCE DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS**

Documents:

[EXSUMMARY - FACE COVERING ORDINANCE.PDF](#)
[ORDFACECOVERINGS7120.PDF](#)

VI. EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

VII. RECONVENE

The City Council will return to open session for possible discussion and action as a result of the Executive Session

VIII. ADJOURNMENT

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512)229-3222. Please provide forty-eight hours notice when feasible.

I, Amelia Sanchez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on the 30th day of June, 2020 at 7:00 p.m., in accordance with Section 551.043 of the Texas Government Code.

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: PURSUANT TO ARTICLE III, SECTION 13 OF THE ELGIN HOME RULE CHARTER, THIS IS AN EMERGENCY ORDINANCE DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

DEPARTMENT: City Manager

PROPOSED ACTION:

Consideration and adoption of an Ordinance requiring the wearing of face coverings in response to safety concerns related to the COVID-19 pandemic.

BACKGROUND:

On March 13, 2020 the Governor of Texas issued a disaster proclamation that COVID-19 coronavirus poses an imminent threat of disaster for all citizens. The Commissioner of the Texas Department of State Health Services has also determined that COVID-19 continues to represent a public health disaster.

More recently, the Governor publicly announced that according to his interpretation of his executive orders, “local governments can require stores and businesses to require masks” and that every city is authorized to impose this “requirement on business operations.”

With the number of confirmed cases and deaths related to the COVID virus on the rise in Elgin and the Bastrop/Travis County areas, the City is desirous of considering a local requirement that face coverings must be worn to generally preserve the health, safety, and welfare of Elgin residents.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included {X} not included in the current-year budget { } N/A

RECOMMENDATION:

Approval of an Ordinance requiring the wearing of face coverings by Elgin residents and businesses in response to safety concerns related to the COVID-19 pandemic as described; and routine direction to staff, if any.

ATTACHMENTS: Proposed Ordinance

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO. _____

PURSUANT TO ARTICLE III, SECTION 13 OF THE ELGIN HOME RULE CHARTER, THIS IS AN EMERGENCY ORDINANCE DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

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

I.

DECLARATION OF PUBLIC HEALTH EMERGENCY

Section 1.01 - Pursuant Article III, Sec. 13 of the Elgin Home Rule Charter and Section 122.006 of the Texas Local Government Code, the City Council hereby declares that a public health emergency exists in the City of Elgin because of the world-wide novel coronavirus (“Covid-19”) pandemic.

Section 1.02 - On March 13, 2020 Greg Abbott, Governor of Texas issued a disaster proclamation that Covid-19 poses an imminent threat of disaster for all counties in the State of Texas.

Section 1.03 - The Commissioner of the Texas Department of State Health Services has determined that Covid-19 continues to represent a public health disaster.

Section 1.04 - On June 17, 2020, Governor Abbott publicly announced that according to his interpretation of his executive orders, “local governments can require stores and businesses to require masks” and further that every city and county is authorized to impose this “requirement on business operations.”

II.

MANDATORY NOTICE FOR COMMERCIAL ENTITIES

Section 2.01 - Effective as of 11:59 p.m. on July 1, 2020, and continuing through 11:59p.m. on August 28, 2020, all commercial entities in the city that provide goods or

services directly to the public shall post a notice to the public that all employees and visitors to the commercial entity's business premises or other facilities, are required to 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.

Section 2.02 - The aforesaid notice shall be posted in a conspicuous location sufficient to provide notice to employees and visitors of the health and safety requirements.

Section 2.03 - A sample Health and Safety Notice containing the minimum requirements is attached as Exhibit A and may be used by a commercial entity. A commercial entity may add its own additional requirements as determined by the entity.

III.

MANDATORY FACE COVERINGS FOR INDIVIDUALS

Section 3.01 - Except as provided below, effective as of 11:59 p.m. on July 1, 2020, and continuing through 11:59 p.m. on August 28, 2020, all persons ten (10) years of age or older shall wear a face covering over their nose and mouth when

- a) inside a commercial entity or other building open to the public, where it is difficult to keep six feet away from other persons or where working in areas that involve close proximity with other people or co-workers; or
- b) outside with a group of people where it is difficult to keep six feet away from other persons in the group.

Section 3.02 - The requirement to wear face coverings does not apply to the following situations:

- a) When exercising or engaging in physical activity;

- b) When in a building that requires security surveillance or screening, such as banks;
- c) While consuming food or drink;
- d) When doing so poses a greater mental or physical health, safety, or security risk;
- e) When outside with a group of only members of a single household; or
- f) When other mitigation strategy, such as plexiglass provides adequate separation.

IV. PENALTIES

Section 4.01 - For the first instance that a person is determined to have violated any provision of this Ordinance, the penalty shall be a verbal or written warning.

Section 4.02 - Any person found guilty of violating this ordinance after previously receiving a warning, shall be punished by a fine not exceeding \$200.00 for each violation.

V. EXPIRATION DATE

Section 5.01 - Pursuant to Art. III, Sec. 13 of the Elgin Home Rule Charter, this Emergency Ordinance shall be automatically repealed on the sixty-first day following the day of its adoption, unless terminated sooner, or re-enacted by the Council.

VI.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Emergency Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times

during which this Emergency Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

By motion duly made, seconded and passed with an affirmative vote by _____ of the Council members present, this Emergency Ordinance was

READ, PASSED, and ADOPTED on first reading this 1st day of July, 2020.

CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:

Amelia Sanchez, City Secretary