

DRAFT

**OFFICIAL ACTIONS OF THE
ADDISON CITY COUNCIL
SPECIAL EMERGENCY MEETING**

March 20, 2020

Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254

5:00 p.m.

Present: Mayor Joe Chow; Mayor Pro Tempore Tom Braun; Deputy Mayor Pro Tempore Lori Ward; Council Member Ivan Hughes; Council Member Guillermo Quintanilla; Council Member Paul Walden; Council Member Marlin Willesen.

1. **Call Meeting to Order:** Mayor Chow called the meeting to order.

Pledge of Allegiance

Following the Pledge of Allegiance Mayor Chow announced that City Manager Wes Pierson is attending the meeting via videoconference. Mr. Pierson said that the Town's latest edition of the newsletter that normally comes out today is being postponed to include informational items that may come from today's emergency meeting. He stated that the March 24th agenda will be posted following this meeting in the event something needs to be added. He also asked for the public's patience as new technology was being used for this meeting. It was stated that this meeting is being held in an alternative meeting room of Town Hall rather than the Council Chambers in order to provide additional distance between Council Members and attendees.

Public Comment: *The City Council invites citizens to address the City Council on any matter, including items on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing starts. Citizen comments are limited to **three (3) minutes**, unless otherwise required by law. To address the Council, please fill out a **City Council Appearance Card** and submit it to a staff member prior to the Public Comment item on the agenda. The Council is not permitted to take any action or discuss any item not listed on the agenda. The Council may choose to place the item on a future agenda.*

Two individuals teleconferenced in to participate in the meeting:

- 1) Carlie Hamilton representing three local hotels advised she had no comments but called to listen to the discussion. Mayor Chow advised her that rather than staying on the telephone line she could tune in on Addison's website to watch the meeting being live-streamed or watch on television Channel 16.
- 2) Jimmy Neimann, an Addison resident, advised that he is aware that some other cities have had Emergency Manager briefings on-line every day or two to get most recent information out to the public. He suggested that Addison might do the same. Mayor Chow advised that would be taken under consideration. Mr. Neimann added that he also called to try out the teleconference option and thanked the Council for all they do.

2. **Present, Discuss, and Consider Action to Extend the Local Disaster Declaration Issued by Mayoral Proclamation on March 13, 2020 in Response to the COVID-19 Public Health Emergency.**

Council Member Willeesen suggested that City Manager Pierson review some of his discussion points from Agenda Item 4.

City Manager Pierson reviewed that Agenda Item 2 is related to Disaster Declaration; Agenda Item 3 is related to a Mayoral Order; and Agenda Item 4 includes examples of general discussion items though the list is not all-inclusive.

Mr. Pierson advised that the Texas Government Code specifically allows for emergency declarations. Issuing one allows for: activation of emergency management plans, special provisions to be enacted or associated with purchasing rules and for the Town to eventually access sources of assistance. Agenda Item 3 allows for extension of the Mayoral Proclamation regarding a Public Health Emergency. Mr. Pierson explained that several options for expiration of these declarations are possible depending on what Council decides and depending on what the law requires. Mr. Pierson reviewed orders previously issued by Mayor Chow, which can be amended; Dallas County Judge Clay Jenkins; and, Governor Greg Abbott. City Attorney Brenda McDonald advised that a Disaster Declaration is a prerequisite for issuing orders and for future access to Federal Emergency Management Agency (FEMA) benefits for the local community. It was also noted that there could be enhanced legal liabilities for violating orders.

Mayor Pro Tempore Braun inquired if Council would need to meet again each seven days to extend the Disaster Declaration if needed. He suggested it be worded to allow for a longer time period. Council Member Willeesen suggested that some language be included that would eliminate that necessity. Ms. McDonald proposed some revised language.

MOTION: Mayor Pro Tempore Tom Braun moved to approve the resolution with Section 2. amended as follows:

SECTION 2. The declaration of the Public Health Emergency, which was signed and executed by the Mayor on Friday, March 13, 2020, shall be extended and shall continue ~~through Tuesday, April 14, 2020 the Town's next regularly scheduled meeting date~~ **until terminated by law or by action of the City Council** in accordance with section 418.108 of the Texas Government Code.

Deputy Mayor Pro Tempore Ward seconded the motion. Motion carried unanimously.

Resolution No. R20- 026 Extending Disaster Declaration Proclamation Issued March 13, 2020

3. **Present, Discuss, and Consider Action to Extend the Amended Order Related to Community Gatherings Issued by Mayoral Proclamation on March 18, 2020 in Response to the COVID-19 Public Health Emergency.**

City Manager Pierson presented this item. He advised this item is to extend the previously issued Mayoral Order beyond the seven-day period. He reminded Council that on March 13, 2020 Mayor Chow issued an Order limiting community gatherings which was amended on March 18, 2020. Mr. Pierson also advised that on March 19, 2020 the Texas Governor issued an Executive Order temporarily closing public schools, prohibiting dining in at public restaurants and bars, and limiting social gatherings to a maximum of ten people. Mr. Pierson noted that restaurant service can still be provided by take-out or delivery. It was noted that Dallas County Judge Clay Jenkins extended his Order in this regard to April 3, 2020, the same as the Governor's Order. Mr. Pierson advised that the Council needs to determine how long to extend the March 18, 2020 Amended Order for Addison. Mr. Pierson stated that the draft resolution includes an expiration date of April 14, 2020 since that would be the next regular Council meeting. Council discussion included that Addison can be more restrictive. City Attorney Brenda McDonald suggested language that would allow the Mayor to take action if needed and would have no seven-day restriction.

MOTION: Council Member Willesen moved to approve the resolution with Section 2. amended as follows:

SECTION 2. The Amended Order, which was signed and executed by the Mayor on Monday, March 18, 2020, shall be renewed and continued ~~through Tuesday, April 14, 2020 the Town's next regularly scheduled meeting date~~ **until terminated by law or further action by the Mayor or City Council,** in accordance with section 418.108 of the Texas Government Code.

Council Member Quintanilla seconded the motion. Motion carried unanimously.

Resolution No. R20-027: Extending Amended Order on Community Gatherings Issued March 16, 2020

4. **Present, Discuss, and Consider Any Action Necessary Regarding The COVID-19 Pandemic.**

Mayor Chow informed the council that he had a conference call recently with Dallas County Judge Clay Jenkins and the Texas Governor's office regarding Judge Jenkins orders for restaurants and bars to close their dining rooms. He said the effect of that could cause customers to go to another county that has not implemented such restrictions. He noted that two days after Judge Jenkins issued the order, Governor Abbott issued the same order statewide. Mayor Chow asked City Attorney Brenda McDonald what options cities have if they don't agree with a County Judge's order. Ms. McDonald advised that County Judges have authority over occupancy of buildings, and that cities may enact more restrictive regulations but not more lenient ones. Mayor Chow

added that Addison is unique to other cities because there are 190 restaurants and 23 hotels in the Town of Addison and expressed concern over the loss of tax revenue.

Council Member Walden inquired about “virtual” council meetings and whether it would deny the public access to public meetings. He also inquired about notifications of the meetings. He added that he likes the face-to-face dialogue with other Council Members. Ms. McDonald responded by reviewing the changes implemented in state law regarding open meetings. She said that a quorum for meetings is still required though Council Members may videoconference into a meeting and not be physically present. She added that the public must be provided a way to call in toll-free and be allowed to provide comments. She also advised that meeting notice requirements are unchanged except that the notice must include information to inform the public how they can participate. Emergency meetings only need two hours of notice (posting of an agenda), and if an emergency item needs to be added to a regular agenda, only one hour of notice is required.

City Manager Pierson stated the orders that have been issued by the state and county do not apply to government meetings so meetings could be held and have more than ten people. He said that he is participating in this meeting via a videoconferencing software program called “Zoom” and explained how it works. Mayor Pro Tempore Braun stated that since it will be harder for the public to comment on agenda items perhaps the number of items on the agendas should be reduced to only those necessary. Hamid Khaleghipour, Executive Director of Business Performance and Innovation advised the Council that he would like to provide all Council Members the software application required for videoconferencing and conduct a short test with all Council Members on Monday. He also advised that meetings will be recorded and broadcast as usual. Ms. McDonald added that all public comments will be taken at the beginning of the meetings. Mr. Pierson said that the March 24th meeting will be simple, and he would like to use that opportunity for the meeting to be conducted virtually. The Council Members expressed they would prefer physical meetings however were in general agreement with the proposed plan in order to familiarize themselves with conducting a meeting virtually should it become necessary to do so for future meetings. Future meeting agendas will be posted with the videoconferencing option.

Council Member Willesen requested a discussion on postponing the May election to the November election date. Mayor Chow stated voter turnout would be low in May. City Manager Pierson advised that Dallas County Elections has declined to administer cities’ May elections, adding that if Addison wants to have the election in May it will have to be conducted it another way. He stated that Coppell has chosen to keep their election in May and Farmers Branch will postpone until November. City Secretary Irma Parker advised that if Council wants to postpone the May election, which is a special election for Charter amendments only, Council action will be required. Ms. Parker noted that since the Council candidates are unopposed, they will be sworn in during the May election canvas date range. She informed the Council that some concerns with the May date include that many of the vote centers such as churches and schools will not be available due to being closed, and that many election workers are senior citizens who are likely not to participate due to the recent developments. Ms. Parker added that some cities are considering mail ballots only. Council Member Hughes noted that items on the Charter election ballot are not such that would impact residents’ lives if delayed until November. Mr. Pierson noted that November ballots are long and that if the Council wanted to postpone the Charter election until May of 2021 they

can do so. If Council wants the Charter election to be in November a decision will need to be made in August. A discussion on this will be on an upcoming regular agenda.

City Manager Pierson reviewed a list of scheduled public events through the month of April that are cancelled. Options for the April 6th Town Meeting were presented. Following Council discussion, it was agreed to cancel the Town Meeting.

Mayor Chow advised that Taste Addison is not cancelled at this point. He asked City Attorney Brenda McDonald if there are legal consequences of cancelling entertainment contracts. Ms. McDonald advised if cancelled it could cost the Town about \$235,000 unless renegotiated.

Council Member Hughes requested to discuss when the financial impact of COVID-19 on the Town will be discussed by Council. City Manager Pierson advised that he is meeting next week with the Finance team to discuss and determine when there will be enough information to provide to the community. He said the Town is very strong with reserves and should be able to respond well. There may be some adjustments required for this year and for next year. Mayor Chow stated that some spending is necessary, and some may be put off until next year. He recommended discussing this with the department heads. Mr. Pierson stated that they will consider different scenarios.

Council Member Hughes requested that for the March 24th meeting it be shared how often the community will get updates. City Manager Pierson advised the Town is trying to communicate factual information in the newsletter, on the website, with email lists, Twitter, Facebook, and Next Door, as well as having restaurant owner communications. As significant information changes he will let the community know as soon as possible, otherwise the weekly newsletter and Council Meeting announcements will provide updates. He advised to remember not to panic, and to know the risks and precautions. The town is using social media to help support local restaurants. Mayor Chow added that the Governor's Order authorized alcohol take-out along with food purchases and this information has been provided to the community as well as information on whether restaurants are open for take-out, drive-through or delivery.

City Manager Pierson advised that starting Monday, March 23rd, Town Facilities will be closed for public access. This will continue until Monday, April 6th. On-line services are available. Utility payments may be dropped off in the mail slot at the Finance Building. For the next 30 days, no service disconnections and waive all late fees. At the Service Center development plans can be submitted electronically or curbside. Permits can be emailed. Code Enforcement efforts will be limited, and additional restaurant signage is being allowed. Health inspections for restaurants will be on-going. Public Works and Parks crews will continue to work. This information will be communicated via the newsletter and website.

Adjourn Meeting

There being no further business to come before the Council, Mayor Chow adjourned the meeting.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

Irma G. Parker, City Secretary