

# MINUTES

## ROCKWALL CITY COUNCIL EMERGENCY MEETING

THURSDAY, MARCH 19, 2020 – 4:00 P.M.

City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

### I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:01 p.m. (remotely, through joining by cell phone).

Present in person were Mayor Pro Tem Dana Macalik and Council Members Trace Johannesen, Bennie Daniels, Kevin Fowler, John Hohenshelt and Patrick Trowbridge. Also present were Assistant City Manager Mary Smith and (by cell phone) City Attorney Frank Garza and City Secretary Kristy Cole.

### II. OPEN FORUM\*

No one was present in person to speak; however, the City Secretary read comments aloud from the following individuals:

**Ben Weible**  
Trout Rd.  
Rockwall, TX

Mr. Weible submitted a lengthy statement via [publiccomments@rockwall.com](mailto:publiccomments@rockwall.com) in advance of the meeting. Ms. Cole, City Secretary, read his comments aloud. He generally expressed concern about 'government' dictating what actions are and are not appropriate for citizens to take related to the COVID-19 virus. He has concerns about the city's recent disaster declaration that was issued. He generally expressed disagreement with the government shutting down local businesses, as he believes individual businesses should make those decisions on their own, for themselves. He believes the economic impact of what may result may be quite concerning. He encouraged Council to reconsider its stance on 'backyard chickens.'

**Mona Garrison**  
(no address given)

Mrs. Garrison wrote via [publiccomments@rockwall.com](mailto:publiccomments@rockwall.com), generally expressing concern about restaurants, gyms, businesses, etc. being allowed to remain open at this time (while the COVID-19 virus is spreading). She urged the City to take appropriate measures to protect the public from the virus.

**Hal and Karen Hutchins**  
(no address given)

This public comment simply suggested that the city close bars and restaurants.

Ms. Shirley Moon wrote, expressing concerns about the COVID-19 virus. She believes that businesses need to be shut down and safety measures (such as gloves being used in restaurants and other related measures) need to be taken right away. She is concerned about hospitals potentially being overwhelmed. She has concerns about how schools may eventually reopen and how bus drivers will operate (especially since a lot of them are older, retired folks). She generally encouraged the public to band together to inhibit the spread of the virus.

**III. DISCUSS AND CONSIDER EXTENSION AND/OR MODIFICATION OF MAYOR'S DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY, AND TAKE ANY ACTION NECESSARY.**

Mayor Pruitt thanked the city staff and city attorney for all of its assistance in getting to where we are today. Mayor Pruitt explained that he recently issued an emergency disaster declaration, and the Council needs to decide on modifications to that declaration at the meeting this evening. Pruitt went on to suggest that he believes it will be prudent to cancel all board and commission meetings until April 7. He reminded everyone that the Council will meet at its regular meeting on Monday, April 6, and – at that time – Council will be able to make some further decisions regarding this new disaster declaration that is being worked through this evening. It was pointed out that there are no enforcement provisions in the most recent declaration issued by the Governor.

Discussion took place pertaining to enforcement provisions outlined in Section 13 of the proposed, updated declaration. Council also discussed cancelling all boards and commission meetings, including P&Z, until April 7. Online permitting and payments were discussed, with Mrs. Smith indicating that the City has already been doing online permitting for a while now. The declaration would just serve to remind and encourage people to utilize those online services. Discussion took place related to the planning-related “shot clock.” Pruitt indicated that he and the city attorney, Mr. Garza, have evaluated this matter extensively today, and they both believe the City would be able to defend itself if it were to be sued over a “shot clock” related plan submission. Pruitt shared that the Governor waived some of the Open Meetings Act provisions, and that has allowed the Council to meet how it is meeting this evening (with the mayor attending and participating by phone).

Fowler shared that the Governor's declaration references “social gatherings” and the city's references “mass gatherings” of 50. He sought clarification from Council on this particular, proposed limitation. Pruitt suggested that Council considers following the Governor's language. Council decided that its draft declaration will be modified to reflect “social gathering” in place of anywhere where “mass gathering” appears and that it will be limited to 10 people (instead of 50 people).

Discussion ensued pertaining to Section 9 of the draft, local declaration related to places of employment, office spaces, hotels, residential buildings, grocery stores, shopping malls, etc.

Mrs. Smith shared that staff will be testing out video teleconferencing options tomorrow morning. Johannesen agreed that ‘virtual’ or ‘remote’ meetings will be critical so that business does not grind to a halt.

Hohenshelt spoke to Section 11 in the proposed declaration, and Pruitt shared he is in favor of adopting the Governor's language (in general) and then adding fine / enforcement provisions. It was

87 pointed out that the Governor's new declaration provisions will go into effect at midnight tomorrow  
88 night. Council spoke about the language where it talks about "avoid" certain types of places. Fowler  
89 expressed that he interprets that to mean that we would essentially be shutting those types of places  
90 down.

91  
92 City Attorney Frank Garza spoke about the proposed language in Section 10, sharing that it is  
93 consistent with the Governor's declaration in that bars, restaurants, microbreweries, wineries,  
94 distilleries, etc. will be able to remain open as long as they have drive-in or drive-through services that  
95 allow for take out, delivery or drive-thru. Garza shared that the Governor's language may not be clear  
96 in the order document; however, in his press conference, he was clear that he is directing those types  
97 of business to close unless they have the ability to have pick up or drive-thru services.

98  
99 Hohenshelt shared that the language seems to be addressing the citizen – not the establishment.  
100 Garza again stated that the Governor – in his press conference – was very clear that he was ordering  
101 the closure of bars, restaurants, gyms, and any facility where there could be more than 10 people.  
102 However, he was allowing bars or restaurants to stay open as long as they have pick-up or delivery  
103 services. Garza acknowledged that the Governor's order states "shall avoid" and that in his press  
104 conference he indicated that they should outright close, so he knows that it is in fact confusing.

105  
106 Garza went on to brief Council on Section 14 and Section 15, generally stating that if anything is not  
107 included in the local declaration or if anything may be in conflict, then the Governor's proclamation  
108 shall control.

109  
110 Hohenshelt went on to ask Council if it would like to include Section 11 language that makes it very  
111 clear that those sorts of establishments are being ordered to close. He pointed out that the City has  
112 the opportunity to clarify what is otherwise vague in the Governor's order by keeping Section 11  
113 language in the local declaration.

114  
115 Pruitt expressed concern that the language in the Governor's order allows for "drive-thru massage  
116 parlors;" however, he does not believe that was the Governor's intention. General discussion took  
117 place briefly to this end.

118  
119 Hohenshelt suggested that restaurants may want to be separated out in the language from other  
120 places of business such as gyms. Garza pointed out that the draft Section 10 language addresses  
121 restaurants, and they are not addressed at all in Section 11 language.

122  
123 Trowbridge expressed some concern about shopping malls being called out to be closed, but places  
124 like gas stations and grocery stores are "wide open" and will have no restrictions placed on it.

125  
126 Macalik recapped the conversation, thus far, to her understanding. Sections 10 and 11 will be kept  
127 "as is." The phrase "mass gatherings" will be changed to "social gatherings." Sections 6, 7, 8, and 9  
128 will be changed as discussed. The new Sections 14 and 15 will be kept and will remain in force. In  
129 addition, online permitting and fees will be added, and the cancellation of boards & commissions thru  
130 April 7 will be added to the document. Pruitt clarified that the new declaration will be effective thru  
131 April 7. Pruitt shared that these provisions will be effective immediately through April 7 at 11:59 p.m.  
132 Smith clarified that the Governor's provisions become effective tomorrow night at midnight, so she  
133 questions making the new, local declaration effective immediately (i.e. will restaurants close  
134 tonight?). Pruitt pointed out that under the initial, local declaration, the 50% capacity rule is already

in place. Discussion ensued pertaining to when these new regulations would become effective. Hohenshelt pointed out that we probably have 80% compliance with these new provisions anyway, stating that most restaurants already have signs on their windows and have already transitioned to drive-thru, delivery or carry-out.

Hohenshelt then moved to approve the declaration with the changes expressed being incorporated. Councilman Trowbridge seconded the motion, which passed by a vote of 6 ayes in person and 1 aye remotely (Pruitt, by cell phone).

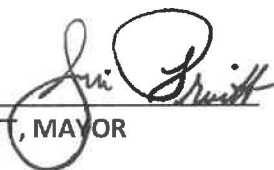
Pruitt provided brief, closing comments, generally acknowledging that the challenges being faced by the city and the public will essentially be fluid and ever-changing / evolving in the coming days and weeks. He stated that these circumstances are very serious, and he wishes everyone the best. Council encouraged citizens to support local restaurants and businesses by ordering take-out.

#### IV. ADJOURNMENT

Pruitt adjourned the meeting at 4:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6<sup>th</sup> DAY OF APRIL, 2020.

ATTEST:

  
JIM PRUITT, MAYOR

  
KRISTY COLE, CITY SECRETARY

